

IN RE: PETITION FOR SPECIAL HEARING
E/S Back River Neck Road, 300' N
Southeast Boulevard
15th Election District
5th Councilmanic District
(Back River Neck Road – Lot 4)

Kevin Fitzpatrick
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-458-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Kevin Fitzpatrick. The Petitioner is requesting a special hearing for property known as Lot No. 4, located along Back River Neck Road in the Essex area of Baltimore County. The property is Zoned DR 3.5. This special hearing request is to modify a previously approved site plan and also to allow a non-density transfer of property.

Appearing at the hearing on behalf of the special hearing request were Kevin Fitzpatrick, owner of the property and Joe Larson, appearing on behalf of Spellman & Larson, the engineering firm who prepared the site plan of the property. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, is known as Lot No. 4 as shown on a plat entitled "Fitzpatrick Property". The property is located on the east side of Back River Neck Road in Essex. The property previously was approved for development with four single-family residential lots. The Petitioner acquired some additional land towards the rear of the property which he has combined and incorporated into Lot No. 4. This has allowed the Petitioner to cluster the four homes to be built on the property thereby avoiding greater impacts on wetlands and wetlands buffers as shown on the site

ORDER RECEIVED FOR FILING

Date

6/27/01

By

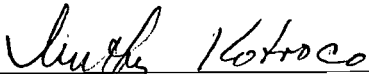
R. P. [Signature]

plan. In order to incorporate the additional land into Lot No. 4, the special hearing request is necessary.

After due consideration of the testimony and evidence presented at the hearing and the lack of opposition to this special hearing request, I find that the special hearing should be granted. It is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R. Therefore, permission for the modification of a previously approved site plan and also to allow a non-density transfer of property, is granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of June, 2001, that the Petitioner's Request for Special Hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to modify a previously approved site plan and also to allow a non-density transfer of property for property known as Lot No. 4, located along Back River Neck Road in the Essex area of Baltimore County, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 27, 2001

Joseph L. Larson, P.E.
Spellman & Larson
105 W. Chesapeake Avenue, Suite 406
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No.: 01-458-SPH
Property: Back River Neck Road – Lot 4

Dear Mr. Larson:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. Kevin Fitzpatrick
7 Apple Valley Court
Parkton, MD 21120-9045





CRITICAL FLOODPLAIN
Petition for Special Hearing
to the Zoning Commissioner of Baltimore County

for the property located at Back River Neck Road (LOT 4)
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the modification of a previously approved Site Plan and also to
allow a non-density transfer of property. (98-483-SPH) JFJ

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address Not Applicable Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address Not Applicable Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Kevin Fitzpatrick

Name - Type or Print Kevin Fitzpatrick

Signature _____

Name - Type or Print _____

Signature _____

7 Apple Valley Ct. 410-329-6911
Address Telephone No.

Parkton, MD 21120-9045
City State Zip Code

Representative to be Contacted:

Joseph L. Larson

Name _____

105 W. Chesapeake Ave., Ste. 406 410-823-3535
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JCM Date 4.27.01

ORDER RECEIVED FOR FILING
Date 6/27/01
By J. Larson
REV 9/15/98

Case No. 01-458SPH



CRITICAL FLOODPLAIN *review and*
Petition for Special Hearing *PM2*
to the Zoning Commissioner of Baltimore County

for the property located at Back River Neck Road (LOT 4)
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the modification of a previously approved Site Plan and also to
allow a non-density transfer of property. (98-483 SPH) *FFJ*

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address Not Applicable Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address Not Applicable Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Kevin Fitzpatrick
Name - Type or Print *Kevin Fitzpatrick*
Signature _____
Name - Type or Print _____
Signature _____
7 Apple Valley Ct. 410-329-6911
Address Telephone No.
Parkton, MD 21120-9045
City State Zip Code

Representative to be Contacted:

Joseph L. Larson
Name _____
105 W. Chesapeake Ave., Ste. 406 410-823-3535
Address Telephone No.
Towson, MD 21204
City State Zip Code

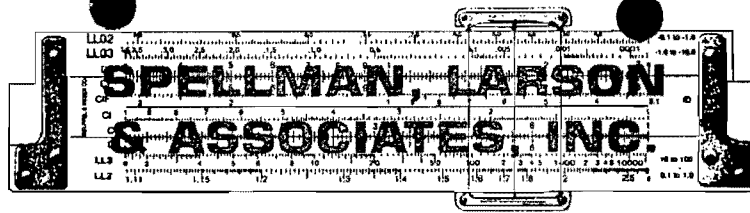
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 01-458 SPH

Reviewed By *Jam* Date 4.27.01



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

Description for a Special Hearing to Zoning
Fitzpatrick Property, Back River Neck Road, Fifteenth District
Baltimore County, Maryland

Beginning for the same at a point in the center of Back River Neck Road at the distance of 1,210 feet, more or less, measured northwesterly along the centerline of Back River Neck Road from Pottery Farm Road running thence and binding on the centerline of Back River Neck Road north 27 degrees 26 minutes 00 seconds west 227.37 feet thence leaving the centerline of Back River Neck Road and running north 88 degrees 25 minutes 34 seconds east 944.85 feet north 01 degrees 19 minutes 40 seconds west 132.36 feet north 88 degrees 40 minutes 20 seconds east 1,019.00 feet south 29 degrees 51 minutes 37 seconds west 300.00 feet and south 85 degrees 51 minutes 32 seconds west 1,710.50 feet to the place of beginning.

Containing 9.818 acres of land more or less.

02/12/2001

458



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

458

92861

No.

DATE 4-27-01

ACCOUNT 001-006-6150

AMOUNT \$ 50.00

RECEIVED
FROM:

K. Fitzpatrick

Back River
Neck Rd.

FOR:

SOH.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Jcm

PAID RECEIPT

PAYMENT ACTUAL TIME
4/27/2001 4/27/2001 09:51:50
REG HS01 CASHIER JRIC JMR DRAWER 1
>> RECEIPT # 043011 OFLN
Dept 5 528 ZONING VERIFICATION
CR ID. 092861

Recpt Tot 50.00
50.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

85747

DATE 10-18-00 ACCOUNT R-006-6150

AMOUNT \$40.00

RECEIVED
FROM:

Fitzpatrick Realty

FOR:

Ebersberger Property

DRC #1030000

DK

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
10/19/2000 10/19/2000 09:18:00

REG 4505 CASHIER MSTE HES DRAWER 5

Dept 5 528 ZONING VERIFICATION

Receipt # 180109 OFLN

CR NO. 085747

Recpt Tot 40.00

40.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 01-458-SPH

Petitioner/Developer: FITZPATRICK, ETAL

C/O JOE LARSON

Date of Hearing/Closing: 6/26/01

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Fax Note 7671		Date	# of pages
To	<u>ROBIN/BETTY</u>	From	<u>O'KEEFE</u>
Co./Dept.	<u>ZONING COMMISSION</u>	Co.	
Phone #	<u>801-4386</u>	Phone #	<u>0-450-4</u>
Fax #	<u>887-3468</u>	Fax #	<u>512-324-4100</u>

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at E/S BACK RIVER NECK RD.
BETWEEN TURKEY POINT RD. AND RTE-702
SOUTHEASTERN BLVD

The sign(s) were posted on

6/10/01

(Month, Day, Year)

SIGN FIXED 6/15/01

Sincerely,

Patrick M. O'Keefe 6/15/01

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

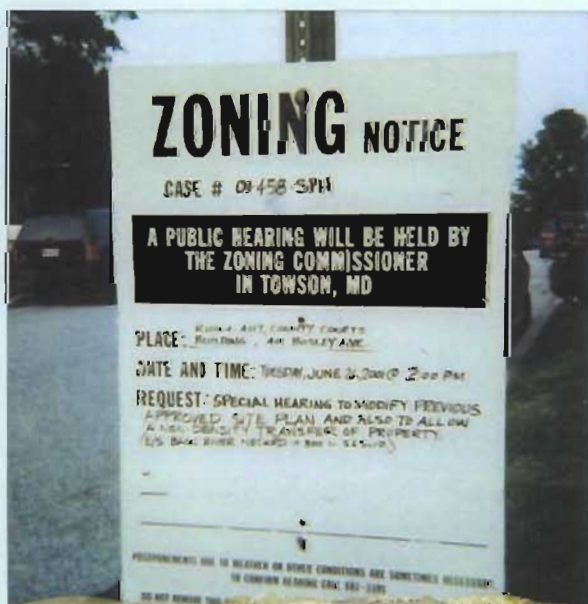
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



01-458-SPH

B.R.N. Rd. NR- SE BLVD (702)

6/26/01

CERTIFICATE OF POSTING

RE: Case No.: 01-458-SPHPetitioner/Developer: FITZPATRICK, ETALDate of Hearing/Closing: 6/26/01

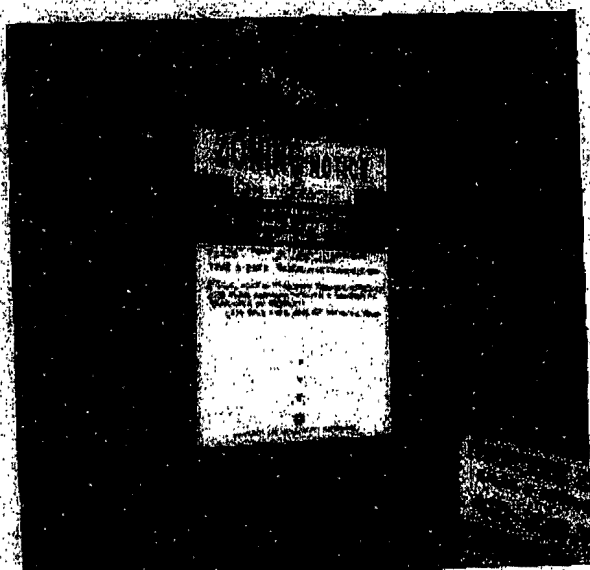
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at BARK RIVER NECK RD.
@ 300th SE BLVD - LOT-4

The sign(s) were posted on 6/11/01 — SIGN REPLACED
FIXED (Month, Day, Year)



Sincerely,



(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)

FIX 01-458-SPH
BARK RIVER NECK RD. @ 300th SE BLVD
@ 782-1-1-1-1-1-1

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #01-458-SPH
Back River Neck Road (Lot 4)
E/S Back River Neck Road,
300' N Southeast Boulevard
15th Election District
4th Councilmanic District
Legal Owner(s): Kevin
Fitzpatrick

Special Hearing: to modify
previous approved Site Plan
and also to allow a non-
density transfer of property.
Hearing: Tuesday, June
26, 2001 at 2:00 p.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4385.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/6/685 June12 C474442

CERTIFICATE OF PUBLICATION

6/14/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 6/12/, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkins

LEGAL ADVERTISING

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 458
Petitioner: Kevin Fitzpatrick
Address or Location: Lot 4 - Back River Neck Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kevin Fitzpatrick
Address: 7 Apple Valley Ct.
Parkton, Md 21120
Telephone Number: 410-329-6911

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 12, 2001 Issue – Jeffersonian

Please forward billing to:
Kevin Fitzpatrick
7 Apple Valley Court
Parkton MD 21120

410 329-6911

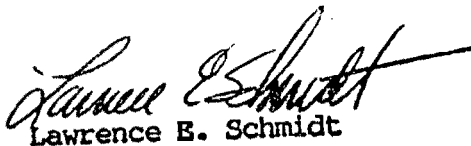
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-458-SPH
Back River Neck Road (Lot 4)
E/S Back River Neck Road, 300' N Southeast Boulevard
15th Election District – 4th Councilmanic District
Legal Owner: Kevin Fitzpatrick

Special Hearing to modify previous approved Site Plan and also to allow a non-density transfer of property.

HEARING: Tuesday, June 26, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

May 23, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-458-SPH
Back River Neck Road (Lot 4)
E/S Back River Neck Road, 300' N Southeast Boulevard
15th Election District – 4th Councilmanic District
Legal Owner: Kevin Fitzpatrick

Special Hearing to modify previous approved Site Plan and also to allow a non-density transfer of property.

HEARING: Tuesday, June 26, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

C: Kevin Fitzpatrick, 7 Apple Valley Court, Parkton 21120
Joseph L Larson, 105 W Chesapeake Ave, Ste 406, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 11, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 22, 2001

Kevin Fitzpatrick
7 Apple Valley Court
Parkton MD 21120

Dear Mr. Fitzpatrick:

RE: Case Number: 01-458-SPH, Back River Neck Road Lot 4

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 27, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Joseph L Larson, 105 W Chesapeake Ave, Ste 406, Towson 21204
People's Counsel



Lsp
6/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: May 29, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-458

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

MAY 30

Section Chief:

Jeffrey W. Long

AFK/JL:MAC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 6, 1999
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

SUBJECT: Closed Files on Remand:

98-423-A /William J. Cochran (ZC Order - 12/18/98)
98-483-SPH /Fitzpatrick Realty, Inc. (DZC Order - 3/5/99)
98-239-XA /Dr. Gulab Shah (ZC Order - 7/14/98)

Since the 30-day appellate period has expired with no further appeals having been taken in the above captioned cases, which were remanded to the Zoning Commissioner in 1998, we are hereby noting our records that these files are closed.

RE: PETITION FOR SPECIAL HEARING
Lot No. 4 Back River Neck Road, E/S Back River Neck
Rd, 300' N of Southeast Blvd
14th Election District, 4th Councilmanic

Legal Owner: Kevin Fitzpatrick
Petitioner(s)

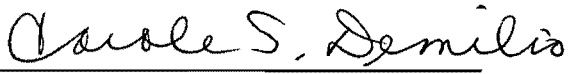
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-458-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to Joseph L. Larson, Spellman, Larson & Assoc., Inc., 105 W. Chesapeake Avenue, Towson, MD 21204, representative for Petitioners.


PETER MAX ZIMMERMAN

DRC Information Form

DRC No. : 1030000

PDM_NO:

PLAN_TYPE: LTD. EXEMPTION

ELEC_DIST: 15

Antenna:

ACTION_DAT: 10/30/2000

COUNC_DIST: 5

PROJECT: EBERSBERGER PROPERTY

LOCATION: 707 BACK RIVER NECK ROAD

ZIP CODE: 21221

ACREAGE: 9.11

PROPOSAL: THE REQUEST IS FOR A LOT LINE ADJUSTMENT.

COMMENTS:

Applicant:

KEVIN FITZPATRICK

Applicant Address:

SEVEN APPLE VALLEY COURT, PARKTON,

Applicant Telephone #:

(410) 329-6911

Engineer:

Engineer Address:

Engine Telephone #:

Old Bus Date:

TAX NUMBER: 1505100028

Find Record

Add Record

Save Record

Print Record



DEVELOPMENT REVIEW COMMITTEE REQUEST FORM

1030000

RECEIVED

OCT 17 2000
(payable to Baltimore County)

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

3 Copies of the Plan as Required/ Folded 8½ x 11
and is non-refundable)

FEE: \$40.00

Tax No(s): 1505100028

Applicant & Engineer Name: Kevin Fitzpatrick Filing Date: 10-18-2000

Address: 7 Apple Valley Court Phone #: (410) 329-6911

Parkton, MD 21120 Acreage: 9.11 Acres

Project Name: Ebersberger Property PDM File #:

Project Address: 707 Back River Neck Road Zip Code 21221 ADC Map #: 37K13

Councilmanic District: 5 Election District: 15 Building Permit #:

Is this an Antenna? ☐ Yes ☐ No If "Yes" check one of the following: ☐ Cellular (CAC) ☐ Water Tower (WTC) ☐ MonoPole (CFC)

Request: R ☐ ement L ☐ d Exemption W ☐ ai

(Attach letter if necessary)

In order to avoid impacting wetlands we would like to combine Lot #4 with the rear of Lot #1 to form lot. This would result in Lot #4 = 6.0 acres and Lot #1 = 3.1 acres.

DO NOT WRITE BELOW THIS LINE! TO BE FILLED OUT BY COUNTY

committee action:

DRC #:

- () Denied
- () Limited Exemption under Section 26-171 () ()
- () Material Amendment to the plan (new CRG or HOH must be scheduled)
- () Plan Refinement (submit enough plans for the agencies checked off below)
- () Waiver recommendation forwarded to Planning Board for determination
- () Waiver of Standards referred to _____
(Department)
- () Requires a zoning () Special Hearing; () Special Exception; () Variance
- () Other _____

Table to DEPRM
Zoning

COMMITTEE COMMENTS:

Agencies to Review and Return Comments to Committee:

() DPR () PO () Zoning () DEPRM () EIR () SWM () Rec & Parks () Fire () SHA

Signature of Coordinator _____ Meeting Date: _____

Baltimore County, Maryland
Department of Public Works, Directors Office

Permit Review Form

Review By: Amyanne Hale Date: 9/3/99

Applicant Name: _____

Address of Property: 703, 705, 707 Back River Neck

Permit Number: _____ Tax Account Number: 15-05-100035 ADC Grid: RO
15-05-100028
15-05-100034

Tax Map: 98 Grid: 13 Parcel: 76 Lot No. _____

Water & Sewer Plan Areal Designation: W- _____ S- _____ Key Sheet: _____

Water Dwg.: _____

Sewer Dwg.: _____

Flood Insurance Rate Map: Panel No. 240010- _____ Zone: _____ Tidal _____ Riverine _____

Reviewer's Notes:

~~Question: Is this a minor subdivision?~~
~~If yes, Bob Bowling does review.~~ *shale*

Recommendation: Approve _____ Approve as Noted _____ Hold _____

Must Comply with Baltimore County Code Section 26-243 (Public Improvements): _____

Must Comply with Council Bill 173-93 (Floodplain) _____

Other: _____

not in F.P.

B329852

B329854

B329856

B329858

**BALTIMORE COUNTY, MD
DEPARTMENT OF PUBLIC WORKS
PERMIT REVIEW FORM**

Date: 1/5/2005 Review By: DLT Phone: 410-887-3117

Applicant Name: Pam Miller T/A:

Property Address: 709 Back River Neck Rd Tax Acct #: 24-00-002018

Permit #: B487151 Tax Map: 0 Grid: 0 Parcel: 0 Lot:

WATER AND SEWER PLAN DESIGNATION

Water: W-1 Sewer: S-1 KeySheet:

Water Drawing: 1949-0832

Sewer Drawing: 1982-0066

FLOOD INSURANCE RATE MAP

Panel #

Zone:

Tidal:

Riverine:

Base Flood Elevation:

REVIEWERS' NOTES

Reviewed for Public Water, Public Sewer, Roads and Storm Drainage/Floodplains Only.

Prelim. Comments 12-3-04:

Need site plan with house conns including water meter and clean out locations. Permit approved without benefit of DPW review.

Comments (1/5/05):

Provide 16' wide driveway in 20' private right-of-way using panhandle driveway standard sections (plate R-P or R-Q as appropriate). Terminate driveway with T-turnaround (plate R-N-2).

The private right of way must be revised to include a maintenance agreement for utilities, specifying cost sharing between lots. (The County is only concerned that the property owners are aware that they must maintain the driveway and on site utilities privately, and that a cost-sharing agreement exists. How the costs of construction and maintenance are divided between the lot owners is a private matter.)

Show the water and sewer connections and lines, the driveway, and plot the private right-of-way on a site plan to support building permits for this and the other three lots. Also show correct addresses and tax account numbers for each lot.

This requirement is due to the failure to return project to the DRC following certain Zoning hearings. No site development plan was ever approved, according to the information available to this office (DPW). Therefore we need to address these issues as infill permit review issues.

DLT 1/5/05

RECOMMENDATION

Approve:

Approve as Noted:

HOLD: X

Must Comply with Baltimore County Code Section 26-243 (*Public Improvements*): **X**

Must Comply with Council Bill 173-93 (*Floodplain Ordinance*):

Other:

BALTIMORE COUNTY DEPARTMENT PERMITS & DEVELOPMENT MANAGEMENT
RESIDENTIAL UTILITY CONNECTION TRACKING FORM

Date: **1/5/2005**

Reviewed By: **DLT**

B487151

Project Name: 709 Back River Neck Rd

Election District: 15C6

Property Account #: 24-00-002018

Vicinity: **Back River**

Customer Name: Pam Miller

T/A:

Mailing Address: 1948 Church Rd

City/State/Zip: Baltimore MD 21222

Phone: 410-333-1560

WATER

SEWER

Service Size: 3/4"

Service Size: 6"

Meter Size: 5/8"

Standard Detail: W-22

Standard Detail: See Note

Drawing #: 1949-0832

Drawing #: 1982-0066

Contract #:

J.O. #:

Copies of drawings are available in Engineering Records; County Office Building Room 206.

NOTES: Preliminary comments: Permit approved without benefit of DPW review. Need site plan with house conns including water meter and clean out locations.

Comments (1/5/05):

Permit number not found on BP01.

No active permit found under the tax account number listed above.

We understand this is lot 1 of the 4-lot group.

Water service to the 4 lots will be by means of two twin meters.

Sewer service will be from private 6" sewer on site. Connect to main with doghouse manhole, Std. Detail S-15 with crown elevation of incoming 6" pipe at same elevation as crown of main. Use Detail S-12A at property line and modify to use 6"x6"x6" wye and 6" riser. On site sewer and individual connections to dwellings as per Plumbing Code.

Show connections on the usual copies of County construction drawings as well as on a site plan.

Easement Recording Ref: Req'd, not complete

(Enter N/A, Req'd or Actual Recording Reference)

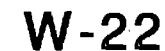
SHA Permit #: N/A

(Enter N/A, Req'd or SHA Permit)

1) Work within a Maryland State Road will require a Utility Construction Permit from the State Highway Administration, (410) 321-2843, and must be attached hereto.

2) All work within the county roadway shall be restricted to the hours of 9:00 A.M. to 3:00 P.M..

- 3) 48 hours prior to beginning work:
 - a) Make all notices required by Specification 105.07
 - b) Contact the construction contracts Administration Division (410) 887-3531 to arrange for inspection.
 - c) Notify Miss Utility at 1-800-257-7777.
- 4) All work, including but not limited to installation, traffic control and repaving, is to be accomplished in accordance with the STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION of the Department of Public Works.
- 5) All work is to be performed by a Utility Contractor who is prequalified by the Baltimore County Department of Public Works.





CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

TEL (410) 823-3535 / FAX (410) 825-5215

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

MAY 10 2001

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

May 8, 2001

Mr. Arnold Jablon, Director
Dept. of Permits & Development Management
Baltimore County

"HAND DELIVERED"

Re: Fitzpatrick Property
Item No. 458
Case No. 01-458-SPH

5/11/01
1042
✓ To George
de
war

Dear Arnold,

I wish to herein respectfully request consideration by your office for an early hearing date for the above-captioned Zoning Petition which was filed last month with your office.

The subject case has been delayed somewhat due to an attempt to reconcile the zoning issue by a Spirit and Intent letter. We felt that this mechanism was appropriate and reviewed same with Deputy Commissioner Kotroco, who agreed with our proposal. Unfortunately, in a subsequent discussion with People's Counsel, Mr. Peter Zimmerman, he felt a Hearing should be held to formalize this matter appropriately.

Hence, we have proceeded through the normal channels and the Petition is filed and we are awaiting a Hearing date at this point.

The owner is under serious time constraints with regard to contractual obligations whereby, any consideration that you could afford us with regard to setting our Hearing in as soon as possible would be appreciated.

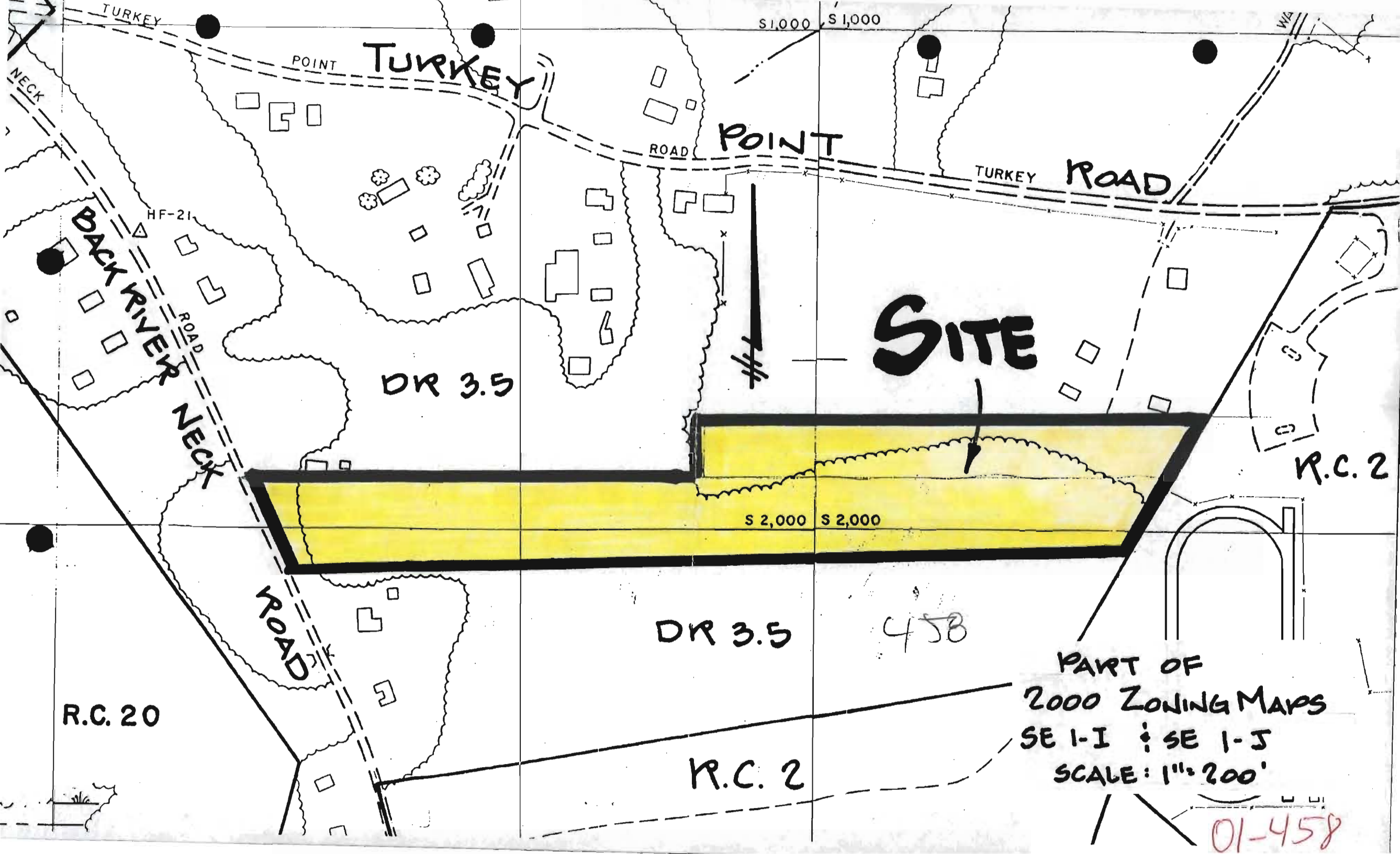
Thanking you in advance.

Respectfully yours,

Joseph L. Larson, President
SPELLMAN, LARSON & ASSOC., INC.

cc: Kevin Fitzpatrick

File No. L05090101



R.C. 20

TURKEY POINT

ROAD

TURKEY ROAD

BACK RIVER NECK ROAD

DR 3.5

SITE

R.C. 2

DR 3.5

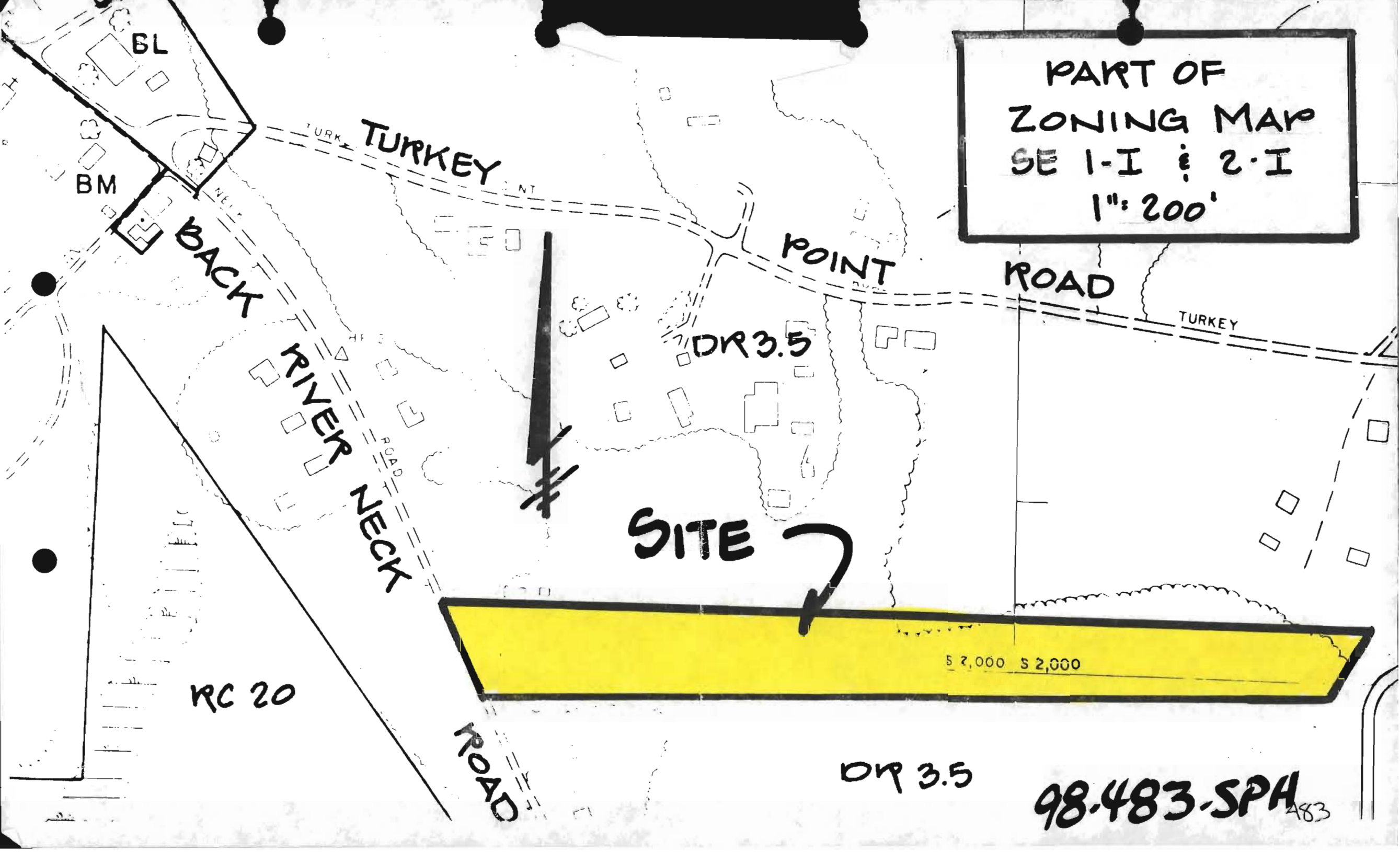
S 2,000 S 2,000

R.C. 2

PART OF
2000 ZONING MAPS
SE 1-I & SE 1-J
SCALE: 1"=200'

01-458

PART OF
ZONING MAP
SE 1-I & 2-I
1" = 200'



SITE

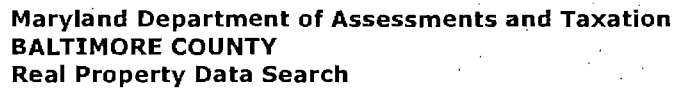
DR 3.5

RC 20

5 2,000 5 2,000

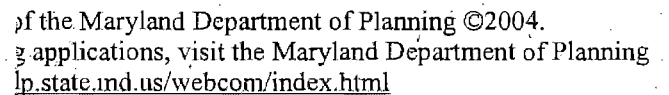
DR 3.5

98.483.SPA 483

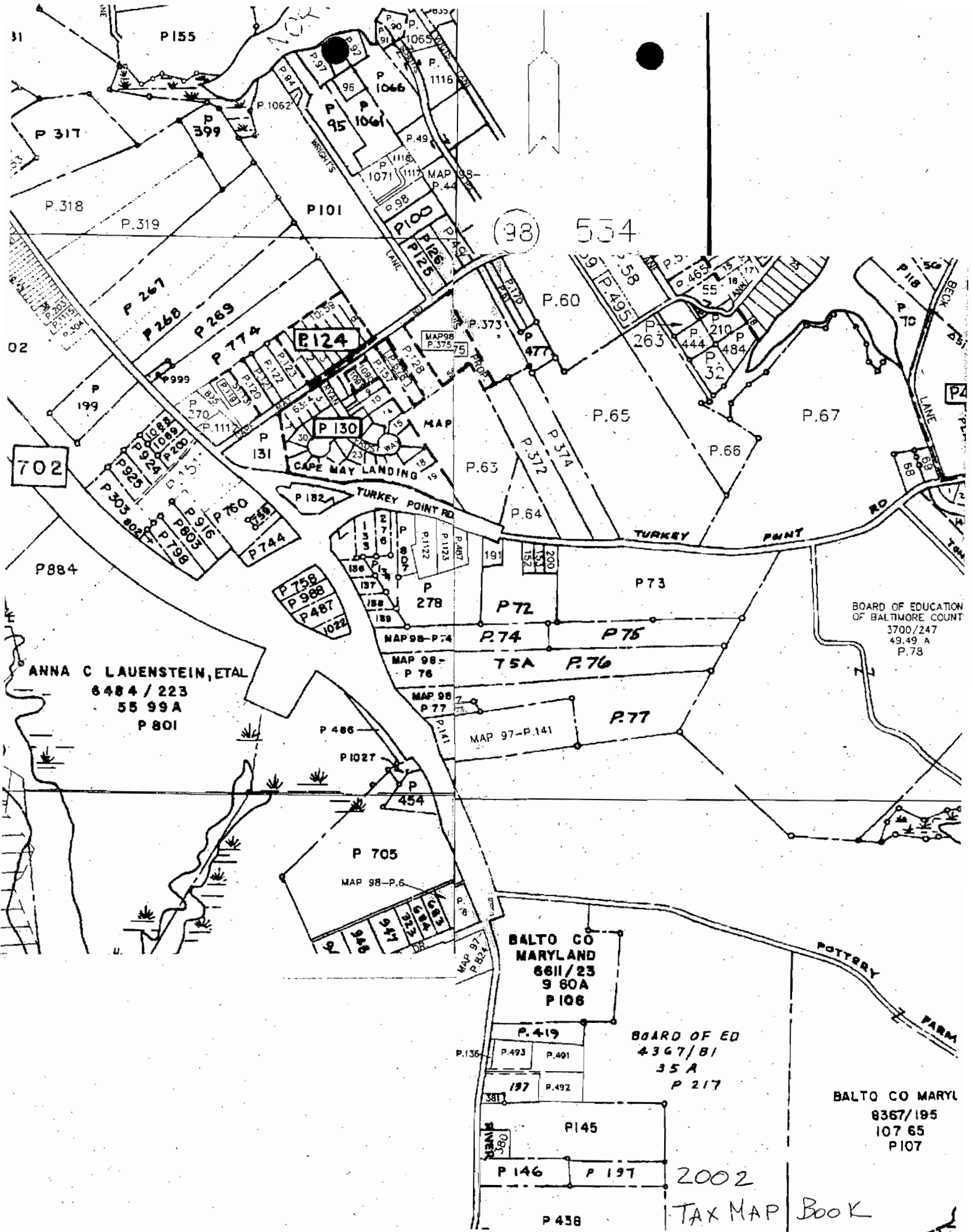


[Go Back](#)
[View Map](#)
[New Search](#)

Assessments and Taxation



showmap.asp?countyid=04&accountid=15+2400. 11/24/04



ANNA C LAUENSTEIN, ETAL
6484 / 223
55 99A
P 801

BALTO CO
MARYLAND
6811 / 23
9 60A
P 106

BOARD OF ED
4367 / 81
35A
P 217

BALTO CO MARYL
8367 / 195
107 65
P 107

2002
TAX MAP BOOK

SITE DATA

LOT No. 1 TAX ACCT. No. 1505100028
 LOT No. 2 TAX ACCT. No. 1505100035
 LOT No. 3 TAX ACCT. No. 1505100034
 LOT No. 4 TAX ACCT. No. 1505100024

NON-DENSITY NOTE

THE NON-DENSITY TRANSFER THAT IS BEING PROPOSED INVOLVES COMBINING THE HATCHED PORTION OF LOT NO. 3 WITH LOT NO. 4.

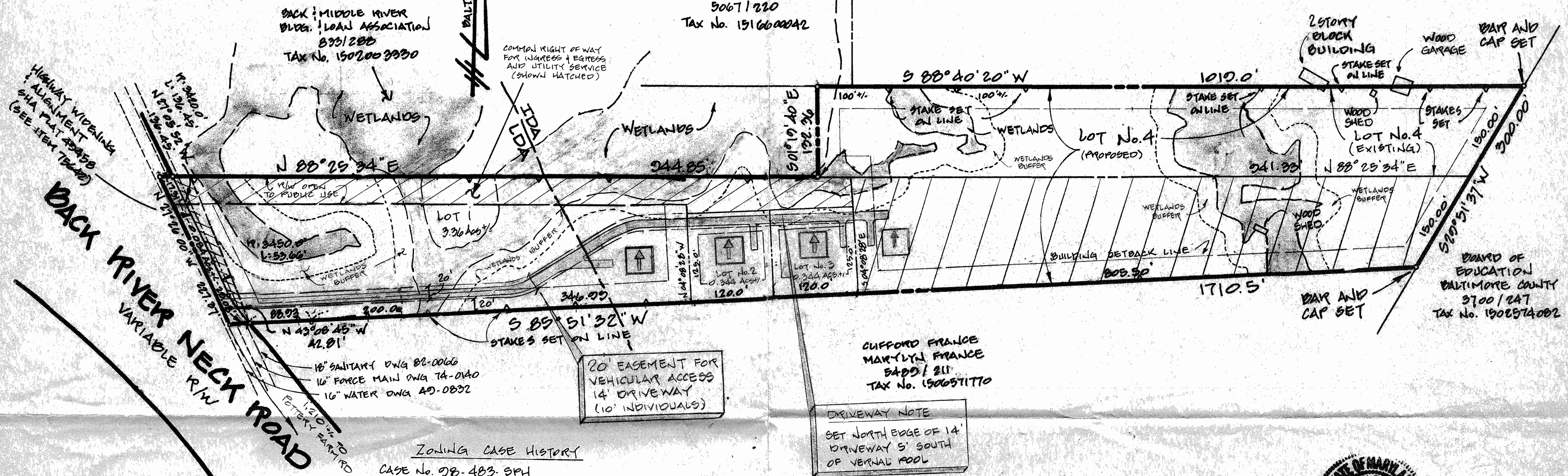
ZONING PETITION FOR SPECIAL HEARING

REQUESTED RELIEF:

A SPECIAL HEARING TO MODIFY A PREVIOUSLY APPROVED SITE PLAN AND ALSO TO ALLOW A NON-DENSITY TRANSFER OF LAND AS SHOWN HEREON.

EUGENE G. COMI
 THOMAS J. COMI
 6069/398
 TAX No. 1502471880

JAMES C. PORTER
 HELEN M. PORTER
 9067/220
 TAX No. 1516600042



ZONING CASE HISTORY

CASE No. DB-483 SPH

- AUGUST 26, 1998 - A PETITION FOR SPECIAL HEARING TO APPROVE THE SUBJECT PROPERTY AS THREE NON-CONFORMING, BUILDABLE LOTS, THE EXEMPTION OF SAID LOTS FROM SECTION 102.4 OF THE BOZR AS A RESULT OF THEIR NONCONFORMING STATUS AND THE MODIFICATION OF SAID LOTS, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 1, WAS GRANTED.
- DECEMBER 15, 1998 - THE PETITION FOR SPECIAL HEARING OF FITZPATRICK REALTY, INC. IN COA CASE No. DB-483 SPH WAS REMANDED FOR HEARING TO THE DEPUTY ZONING COMMISSIONER.
- MARCH 5, 1999 - THE AMENDED PETITION FOR SPECIAL HEARING, CASE No. DB-483 SPH, WAS GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:
1. THAT THE THREE MODIFIED LOTS ARE NOT "NONCONFORMING" BUT RATHER ARE SUBJECT TO ALL APPLICABLE ZONING AND DEVELOPMENT REGULATIONS, OR OTHER PROVISIONS OF LAW.
 2. THAT THE PETITIONER SHALL REVISE THE AMENDED SITE PLAN TO SHOW A MINIMUM RIGHT OF WAY OF 30 FEET IN WIDTH TO COMPLY WITH BOZR § 102.4, INCLUDING ADDITIONAL LANGUAGE TO REFLECT THAT THE PUBLIC HAS A RIGHT OF TRAVEL OVER THE EASEMENT.
 3. THAT THE PETITIONER SHALL SUBMIT THE REVISED PLAN TO THE DEPUTY ZONING COMMISSIONER AND TO THE D.P.M. WITHIN 15 DAYS OF THE DATE OF THIS ORDER. THE REVISED SITE PLAN SHALL INCORPORATE THE CONDITIONS AND RESTRICTIONS SPECIFIED.
 4. THAT WHEN APPLYING FOR ANY PERMITS OR OTHER APPROVALS, THE PETITIONER MUST MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.
 5. THAT A COPY OF THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW AS REMAIND AND THESE DEVELOPMENT MANAGEMENT.

SITE DATA

SITE AREA 0.818 Acs.±
 COUNCILMANIC DIST. 4
 DEED REFERENCE 12600/407
 TAX ACCOUNT No. 1505100028
 1505100034
 1505100035
 1505100024
 EXISTING ZONING DR 3.5

GENERAL NOTES

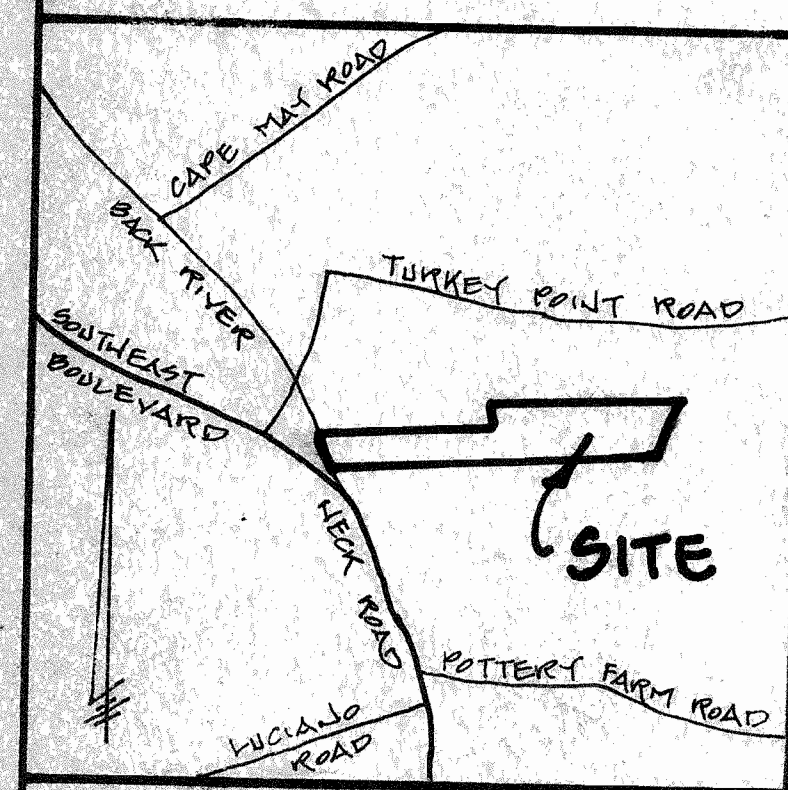
1. THE SUBJECT SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA (LDA § 10A)
2. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
3. THE PROPERTY LIES WITHIN FLOOD ZONE 'C', AREA OF MINIMAL FLOODING, AS SHOWN ON F.I.R.M. No. 240010 0445C DATED 11/17/93.

OWNER

FITZPATRICK REALTY INC.
 7 APPLE VALLEY CT.
 PARKTON, MARYLAND
 21120-0045
 410-320-6911

SPELLMAN, LARSON ASSOCIATES INC.

CIVIL ENGINEERS & LAND SURVEYORS
 SUITE 406, JEFFERSON BLVD., TOWSON, MD 21204
 PHONE: 410-825-3535
 FAX: 410-825-5215



VICINITY MAP
 SCALE: 1" = 1,000'



PLAT TO ACCOMPANY
 PETITION FOR SPECIAL HEARING

FITZPATRICK PROPERTY

BACK RIVER NECK ROAD

ELECTION DIST. No. 15 BALTIMORE CO., MD
 SCALE: 1" = 100' DATE: 2/12/01
 REV. 4-26-01

SITE DATA

LOT No. 1 TAX ACCT. No. 1505100028
 LOT No. 2 TAX ACCT. No. 1505100035
 LOT No. 3 TAX ACCT. No. 1505100034
 LOT No. 4 TAX ACCT. No. 1505100024

NON-DENSITY NOTE

THE NON-DENSITY TRANSFER THAT IS BEING PROPOSED INVOLVES COMBINING THE HATCHED PORTION OF LOT NO. 3 WITH LOT NO. 4.

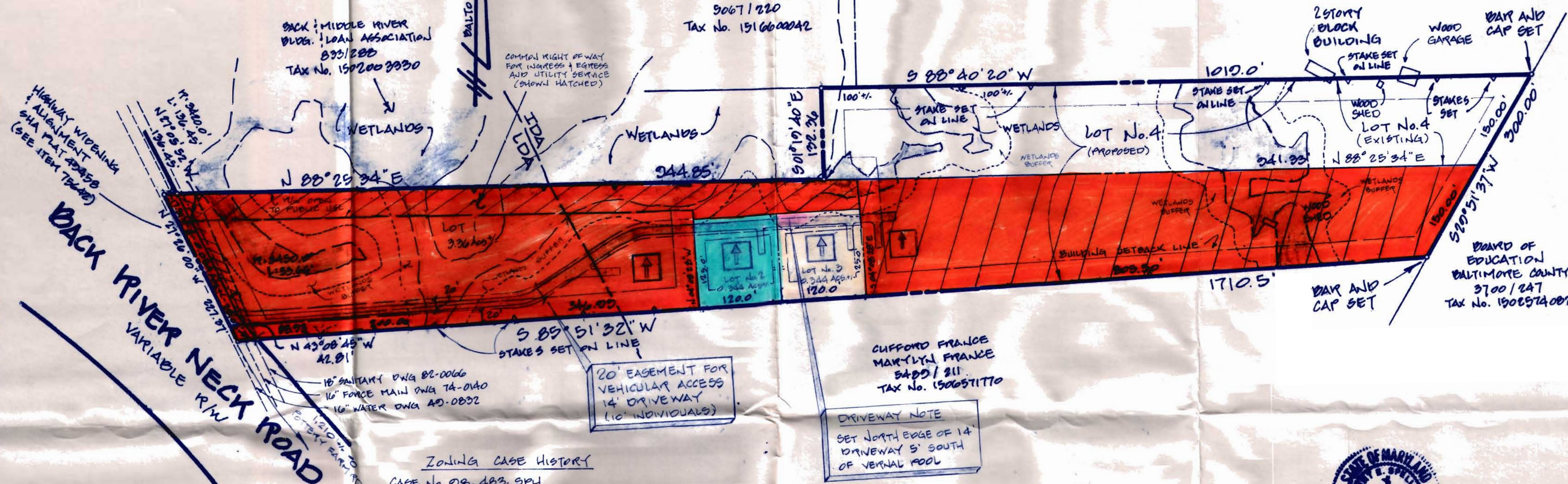
ZONING PETITION FOR SPECIAL HEARING

REQUESTED RELIEF:

A SPECIAL HEARING TO MODIFY A PREVIOUSLY APPROVED SITE PLAN, AND ALSO TO ALLOW A NON-DENSITY TRANSFER OF LAND AS SHOWN HEREON.

EUGENE G. COMI
 THOMAS J. COMI
 6068/398
 TAX No. 1502471880

JAMES C. PORTER
 HELEN M. PORTER
 9067/220
 TAX No. 1516600042



ZONING CASE HISTORY

CASE No. 98-483-SPH

AUGUST 26, 1998 - A PETITION FOR SPECIAL HEARING TO APPROVE THE SUBJECT PROPERTY AS THREE NON-CONFORMING, BUILDABLE LOTS, THE EXEMPTION OF SAID LOTS FROM SECTION 102.4 OF THE BOZYM AS A RESULT OF THEIR NONCONFORMING STATUS, AND THE MODIFICATION OF SAID LOTS, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 1, WAS GRANTED.

DECEMBER 15, 1998 - THE PETITION FOR SPECIAL HEARING OF FITZPATRICK REALTY, INC. IN CBA CASE No. 98-483-SPH WAS REMANDED FOR HEARING TO THE DEPUTY ZONING COMMISSIONER.

MARCH 5, 1999 - THE AMENDED PETITION FOR SPECIAL HEARING, CASE No. 98-483-SPH, WAS GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. THAT THE THREE MODIFIED LOTS ARE NOT "NONCONFORMING" BUT RATHER ARE SUBJECT TO ALL APPLICABLE ZONING AND DEVELOPMENT REGULATIONS, OR OTHER PROVISIONS OF LAW.
2. THAT THE PETITIONER SHALL REVISE THE AMENDED SITE PLAN TO SHOW A MINIMUM RIGHT OF WAY OF 30 FEET IN WIDTH TO COMPLY WITH BOZYM § 102.4, INCLUDING ADDITIONAL LANGUAGE TO REFLECT THAT THE PUBLIC HAS A RIGHT OF TRAVEL OVER THE EASEMENT.
3. THAT THE PETITIONER SHALL SUBMIT THE REVISED PLAN TO THE DEPUTY ZONING COMMISSIONER AND TO THE C.F.D.M. WITHIN 15 DAYS OF THE DATE OF THIS ORDER. THE REVISED SITE PLAN SHALL INCORPORATE THE CONDITIONS AND RESTRICTIONS SPECIFIED.
4. THAT WHEN APPLYING FOR ANY PERMITS OR OTHER APPROVALS, THE PETITIONER MUST MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.
5. THAT A COPY OF THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW AS REMAND AND THESE CONDITIONS SHALL BE MAILED BY THE PETITIONER TO THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT.

SITE DATA

SITE AREA 9.818 ACRES
 COUNCILMANIC DIST. 4
 DEED REFERENCE 12600/407
 TAX ACCOUNT No. 9 1505100028
 1505100034
 1505100035
 1505100024
 EXISTING ZONING DR 3.5

GENERAL NOTES

1. THE SUBJECT SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA (LDA § 10A)
2. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
3. THE PROPERTY LIES WITHIN FLOOD ZONE "C", AREA OF MINIMAL FLOODING, AS SHOWN ON F.I.R.M. No. 240010 0445C DATED 11/7/93.

OWNER

FITZPATRICK REALTY INC.
 7 APPLE VALLEY CT.
 PARKTON, MARYLAND
 21120-0045
 410-320-6911

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

FITZPATRICK PROPERTY

BACK RIVER NECK ROAD

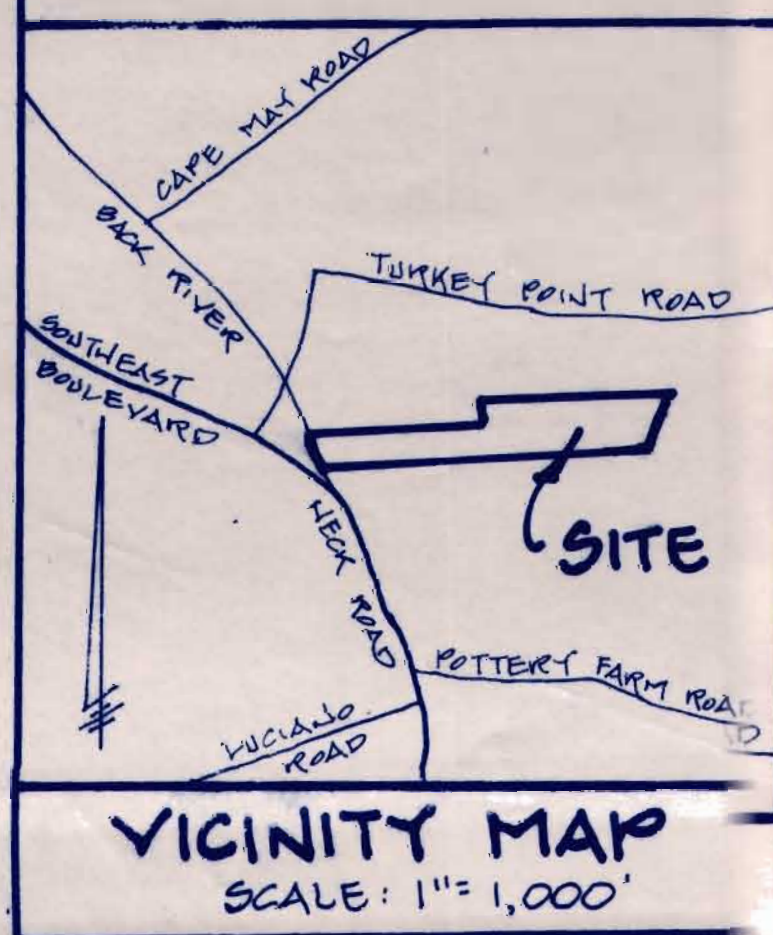
ELECTION DIST. No. 15
 SCALE: 1" = 100'

BALTIMORE CO., MD
 DATE: 2/12/01
 REV. 4-20-01

SPELLMAN, LARSON ASSOCIATES INC.

CIVIL ENGINEERS & LAND SURVEYORS
 SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
 PHONE: 410-825-3535
 FAX: 410-825-5215

97048



VICINITY MAP
 SCALE: 1" = 1,000'

LOT No. 1	TAX ACCT. No.	1505100028
LOT No. 2	TAX ACCT. No.	1505100035
LOT No. 3	TAX ACCT. No.	1505100034
LOT No. 4	TAX ACCT. No.	1505100024

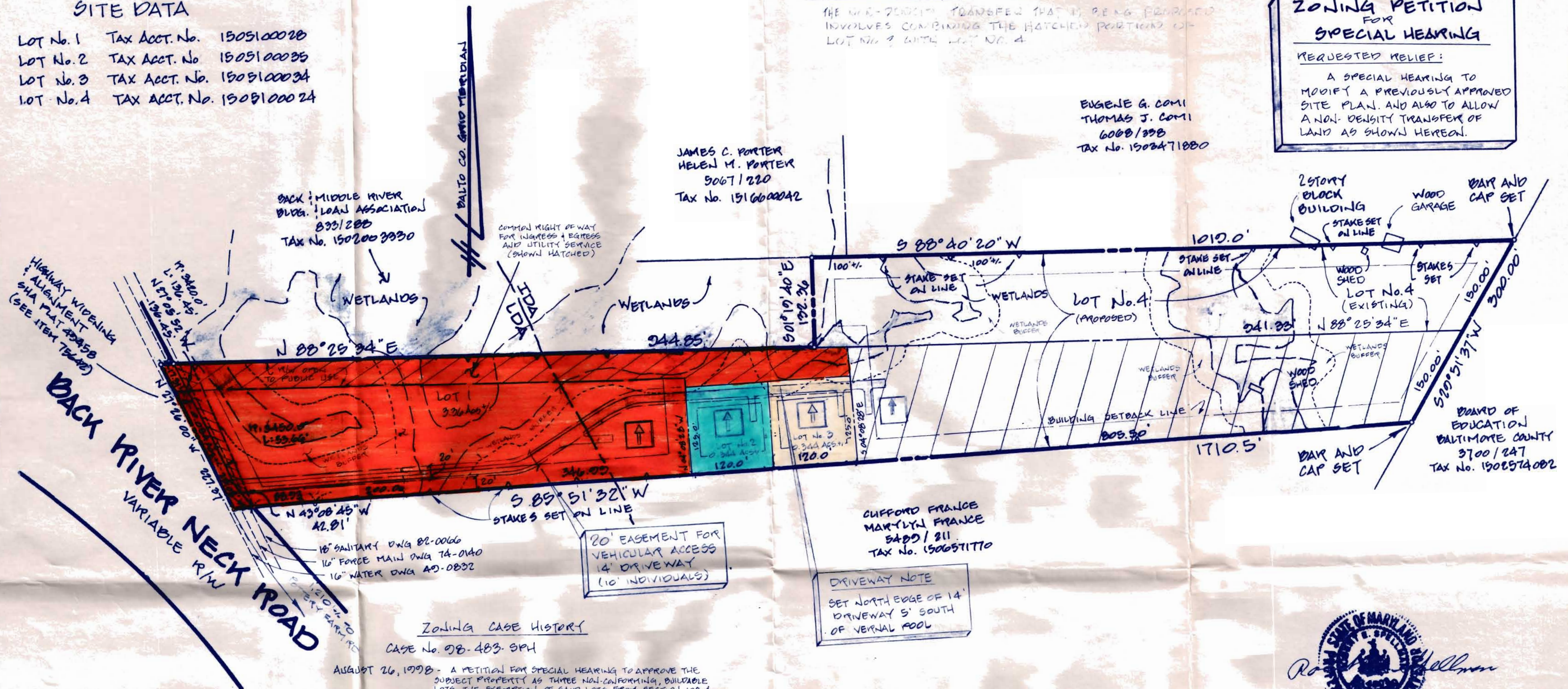
THE NON-ZEROED TRANSFER THAT IS BEING PROPOSED INVOLVES COMBINING THE HATCHED PORTIONS OF LOT NO. 3 WITH LOT NO. 4

REQUESTED RELIEF:

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SITE PLAN, AND ALSO TO ALLOW
A NON-DENSITY TRANSFER OF
LAND AS SHOWN HEREON.

EUGENE G. COMI
THOMAS J. COMI
6068/338
TAX No. 1502471880

JAMES C. PORTER
HELEN M. PORTER
50671220
TAX No. 1516600042



ZONING CASE HISTORY

CASE No. 08-483-SPH

AUGUST 26, 1998 - A PETITION FOR SPECIAL HEARING TO APPROVE THE SUBJECT PROPERTY AS THREE NON-CONFORMING, BUILDABLE LOTS, THE EXEMPTION OF SAID LOTS FROM SECTION 102.4 OF THE BOZR AS A RESULT OF THEIR NONCONFORMING STATUS, AND, THE MODIFICATION OF SAID LOTS, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 1, WAS GRANTED.

DECEMBER 15, 1998. THE PETITION FOR SPECIAL HEARING OF FITZPATRICK REALTY, INC. IN CDA CASE No. 98-483 SPH WAS REMANDED FOR HEARING TO THE DEPUTY ZONING COMMISSIONER.

MARCH 5, 1999 - THE AMENDED PETITION FOR SPECIAL HEARING, CASE No. 98-489 SPH, WAS GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. THAT THE THREE MODIFIED LOTS ARE NOT "NONCONFORMING" BUT RATHER ARE SUBJECT TO ALL APPLICABLE ZONING AND DEVELOPMENT REGULATIONS, OR OTHER PROVISIONS OF LAW.
2. THAT THE PETITIONER SHALL REVISE THE AMENDED SITE PLAN TO SHOW A MINIMUM RIGHT OF WAY OF 30 FEET IN WIDTH TO COMPLY WITH BCCM § 102.4, INCLUDING ADDITIONAL LANGUAGE TO REFLECT THAT THE PUBLIC HAS A RIGHT OF TRAVEL OVER THE EASEMENT.
3. THAT THE PETITIONER SHALL SUBMIT THE REVISED PLAN TO THE DEPUTY ZONING COMMISSIONER AND TO THE PLANNING COMMISSION WITHIN 30 DAYS OF THE DATE OF THIS ORDER; THE REVISED SITE PLAN SHALL INCORPORATE THE CONDITIONS AND RESTRICTIONS LISTED BELOW;
4. THAT WHEN APPLYING FOR ANY PERMITS OR OTHER APPROVALS, THE PETITIONER MUST MAKE REFERENCE TO THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER;
5. THAT A COPY OF THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW ON REMAND AND THESE CONDITIONS SHALL BE MAILED BY THE PETITIONER TO THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT.

SITE AREA 0.818 Acs. +/-
COUNCILMANIC DIST. 4
VEED REFERENCE 12600/407
TAX ACCOUNT No. 9 1505100028
1505100034
1505100035
1505100024
EXISTING ZONING DR 3.5

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3. THE PROPERTY LIES WITHIN FLOOD ZONE 'C'; AREA OF MINIMAL FLOODING, AS SHOWN ON F.H.P.M. No. 240010 0445C DATED 11/7/93.

FITZPATRICK REALTY INC.
7 APPLE VALLEY CT.
PARKTON, MARYLAND
21120-9045
410-320-6011

CIVIL ENGINEERS & LAND SURVEYORS
SUITE 406, JEFFERSON BLVD., TOWSON, MD 21204
PHONE: 410-825-3535
FAX: 410-825-5215

2x3



PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING

FITZPATRICK
PROPERTY

BACK RIVER NECK ROAD

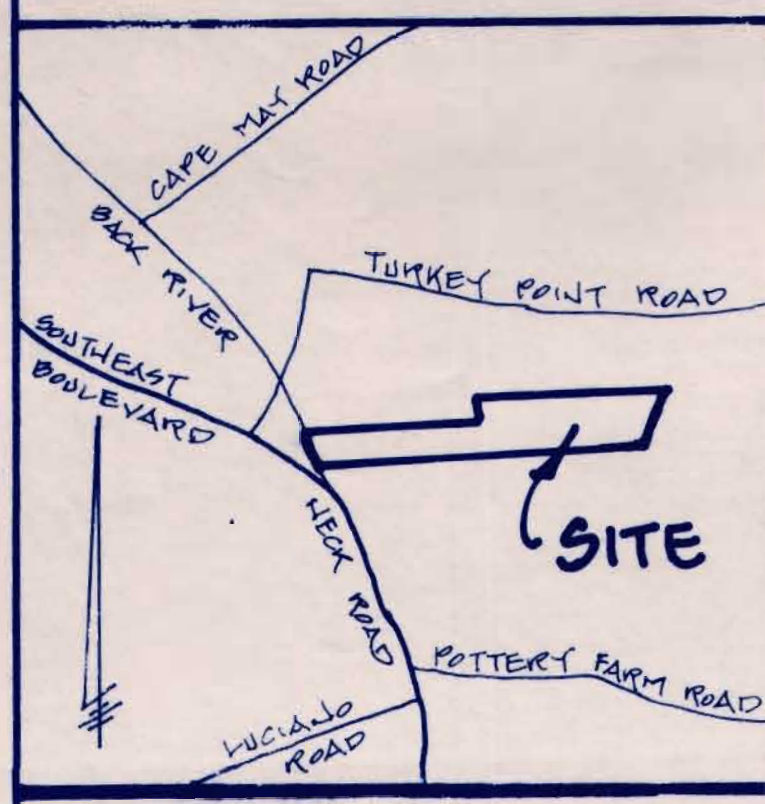
ELECTION DIST. No. 15

BALTIMORE CO., MD

SCALE: 1" = 100'

DATE: 2/12/01

REV 4-26-01



VICINITY MAP

SCALE: 1" = 1,000'

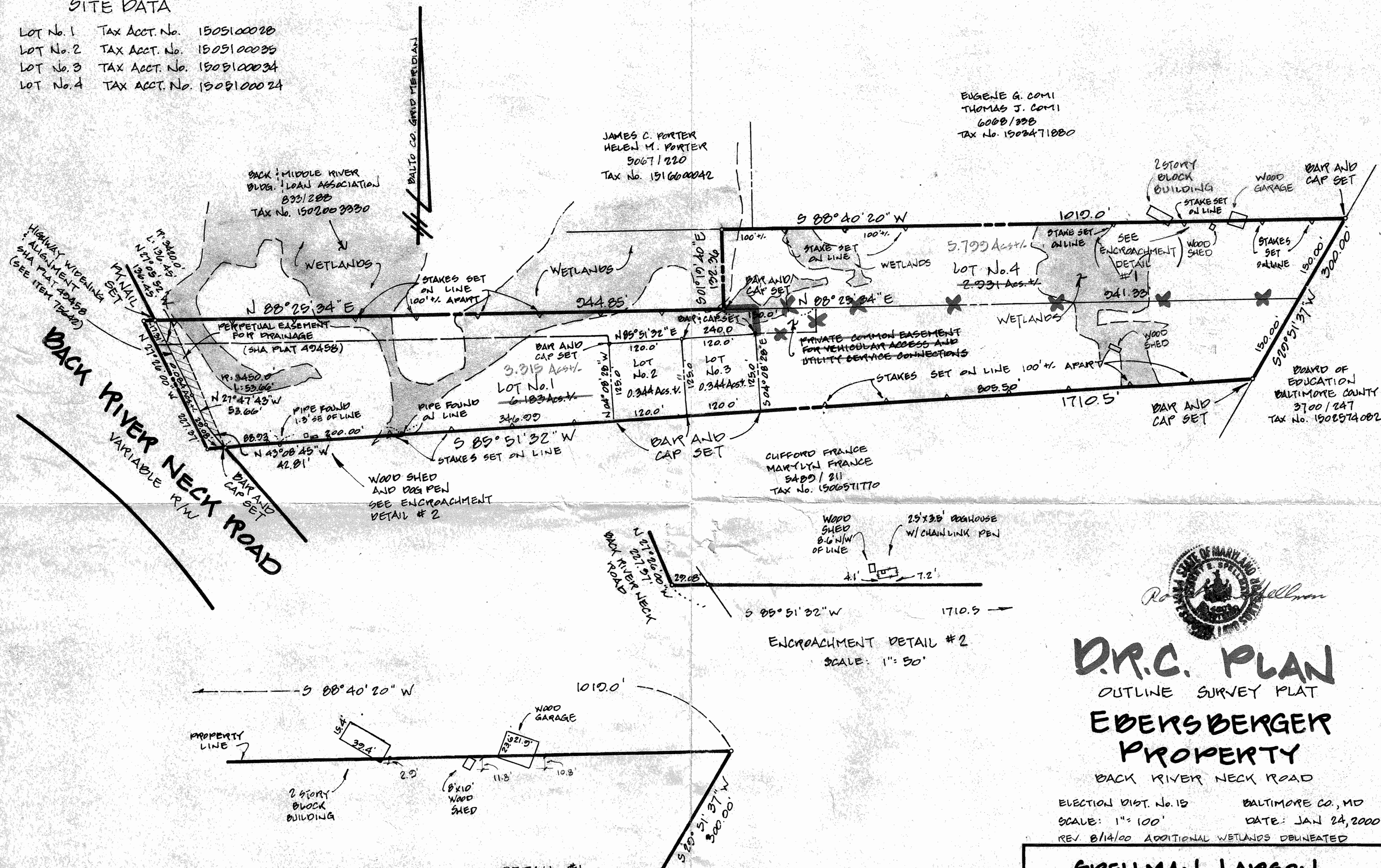
27048

SITE DATA

LOT No. 1	TAX ACCT. No.	1505100028
LOT No. 2	TAX ACCT. No.	1505100035
LOT No. 3	TAX ACCT. No.	1505100034
LOT No. 4	TAX ACCT. No.	1505100024

EUGENE G. COMI
THOMAS J. COMI
6068/338
TAX No. 1503471880

JAMES C. PORTER
HELEN M. PORTER
50671220
TAX No. 1516600042



D.R.C. PLAN
OUTLINE SURVEY PLAT
EBERSBERGER
PROPERTY

BACK RIVER NECK ROAD

ELECTION DIST. No. 15 BALTIMORE CO., MD
SCALE: 1"= 100' DATE: JAN 24, 2000
REV. 8/14/00 ADDITIONAL WETLANDS DELINEATED

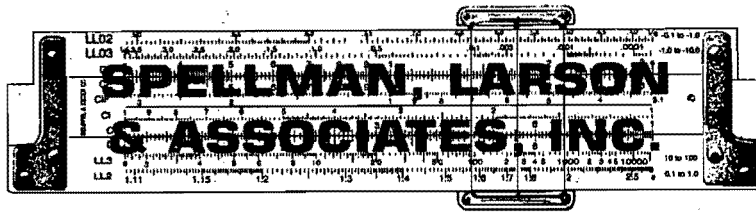
SPELLMAN, LARSON
ASSOCIATES INC.

CIVIL ENGINEERS : LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204

PHONE: 410-823-3535
FAX: 410-825-5215

10/17/00

97048

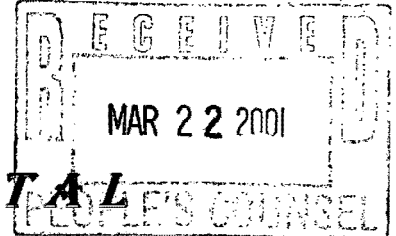


*revised -
from 7-19
put in file*

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215



LETTER OF TRANSMITTAL

TO: Mr. Peter M. Zimmerman
People's Counsel
Baltimore County

DATE: March 21, 2001
JOB NO. 97048
Re: Back River Neck Road
(Fitzpatrick Property)

"HAND DELIVERED"

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover the following items:
☐ Copy of letter ☒ Prints ☐ Documents ☐ Other ☐

<u>No. of Copies</u>	<u>Date</u>	<u>Description</u>
1	02/12/01	Plat to Accompany Petition for Special Hearing

TRANSMITTALS ARE as checked below:

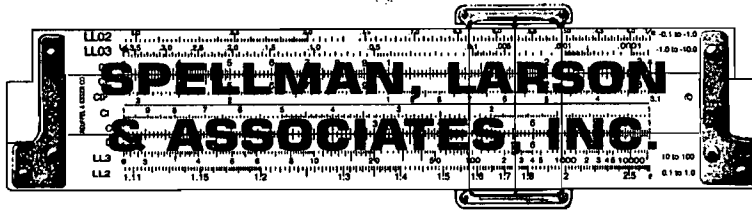
☐ For approval ☒ For your use ☐ As requested ☐ For review & comment
☐ Other ☐

Remarks:

SIGNED: _____

Joseph L. Larson, President

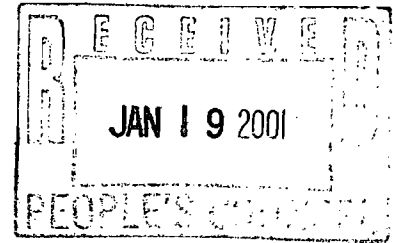
cc: Kevin Fitzpatrick



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215



LETTER OF TRANSMITTAL

TO: Mr. Peter Zimmerman
Peoples Counsel
Baltimore County
County Court House

DATE: January 18, 2001
JOB NO. 97048
Re: Fitzpatrick Property
(Back River Neck Rd.)

"Hand Delivered"

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover the following items:
☐ Copy of letter ☒ Prints ☐ Documents ☒ Other ☐ Documents

No. of Copies Date Description

1	5/6/98	Plat to Accompany Petition for Special Hearing
1	9/20/00	Lot Line Adjustment Plat
1	8/26/98	Deputy Zoning Commissioners Order
1	12/15/98	Board of Appeals Order
1	3/5/99	Deputy Zoning Commissioners Remand Order

TRANSMITTALS ARE as checked below:

☐ For approval ☒ For your use ☒ As requested ☐ For review & comment
☐ Other _____

Remarks: Peter: Upon your review of the attachments please call me to arrange for a meeting to review same. Thank you.

SIGNED: _____
Joseph L. Larson, President
SPELLMAN, LARSON & ASSOC. INC.

CC: Kevin Fitzpatrick
File#01180123

#97048

IN THE MATTER OF THE APPLICATION OF FITZPATRICK REALTY, INC./PETITIONER*
FOR SPECIAL HEARING ON PROPERTY LOCATED ON THE NE/SIDE BACK RIVER *
NECK ROAD, 1210' N OF POTTERY FARM * OF
ROAD (PARCEL 76 OF FORMER * BALTIMORE COUNTY
EBERSBERGER PROPERTY *
15TH ELECTION DISTRICT * CASE NO. 98-483-SPH
5TH COUNCILMANIC DISTRICT

ORDER

Upon consideration of the Joint Motion to Remand filed in this case by Petitioner and Appellant and after hearing on same, it is this 15th day of December, 1998,

ORDERED, that the Petition for Special Hearing of Fitzpatrick Realty, Inc. in CBA Case No. 98-483-SPH, be and hereby is REMANDED for hearing to the Deputy Zoning Commissioner for Baltimore County for further proceedings in accordance with this Order; and it is

FURTHER ORDERED, that the Petitioner shall revise the Plat to Accompany the Petition for Special Hearing to clearly delineate a proposed common right-of-way of at least 30 feet in width from Back River Neck Road to abut each of the lots shown on said Plat and submit said revised Plat to the Deputy Zoning Commissioner; and it is

FURTHER ORDERED, that the Petitioner shall revise the Petition for Special Hearing to: (1) strike all references to the lots as "nonconforming"; (2) strike the request for a determination that the lots are exempt from Section 102.4 of the Baltimore County Zoning Regulations; and (3) request a determination that the lots and the proposed right-of-way to service them comply with the applicable provisions of the Baltimore County Zoning Regulations; and it is

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
FITZPATRICK REALTY, INC./PETITIONER*		COUNTY BOARD OF APPEALS
FOR SPECIAL HEARING ON PROPERTY		
LOCATED ON THE NE/SIDE BACK RIVER	*	OF
NECK ROAD, 1210' N OF POTTERY FARM		
ROAD (PARCEL 76 OF FORMER	*	BALTIMORE COUNTY
EBERSBERGER PROPERTY		
15TH ELECTION DISTRICT	*	CASE NO. 98-483-SPH
5TH COUNCILMANIC DISTRICT		

* * * * *

O R D E R

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IN RE: PETITION FOR SPECIAL HEARING

BEFORE THE

NE/S Back River Neck Road, 1210'

N of Pottery Farm Road

(Parcel 76, fka Ebersberger Property)

15th Election District5th Councilmanic District

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No.: 98-483-SPH

Fitzpatrick Realty, Inc.

Petitioner

FINDINGS OF FACT AND CONCLUSIONS
OF LAW ON REMAND

This matter comes before the Deputy Zoning Commissioner on remand from the County Board of Appeals for Baltimore County (Board) for reconsideration of a Petition for Special Hearing filed by Fitzpatrick Realty, Inc. It involves three lots located on property on Back River Neck Road in eastern Baltimore County, in the Chesapeake Bay Critical Area.

The original petition sought approval for nonconforming, buildable lots, an exemption from Section 102.4 of the Baltimore County Zoning Regulations (BCZR) (which requires a minimum right of way of 30 feet here), and the modification of the lots as proposed. Two of the lots are less than 20,000 square feet in area. This Deputy Zoning Commissioner granted the relief that the Petitioner sought in the original petition.

People's Counsel appealed the case. That office's position is, first of all, that BCZR Sections 101 and 104 provide for "nonconforming uses", but not for "nonconforming lots". People's Counsel argues that the three lots are subject, therefore, to any and all applicable provisions of the zoning and development regulations. Secondly, People's Counsel opposed the exemption from BCZR § 102.4 on the basis that there is no legal justification for such exemption.

After discussions between the parties, there was a joint motion to remand filed before the Board. The Board granted the motion and passed an order of remand. Upon remand, Petitioner is

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/S Back River Neck Road, 1210' *
N of Pottery Farm Road * DEPUTY ZONING COMMISSIONER
(Parcel 76, fka Ebersberger Property) *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Case No. 98-483-SPH
Fitzpatrick Realty, Inc. *
Petitioner *

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Fitzpatrick Realty, Inc., by Kevin Fitzpatrick, President. The Petitioner seeks approval of the subject property as three nonconforming, buildable lots, the exemption of said lots from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) as a result of their nonconforming status, and, the modification of said lots as proposed. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Kevin Fitzpatrick, property owner, and Joseph Larson, Professional Engineer who prepared the site plan for this property. The Petitioner was represented by Robert Porter and Howard L. Alderman, Jr., Attorneys at Law. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel consisting of a gross area of 7.5 acres, more or less, zoned D.R. 3.5. The property is approximately 227 feet wide and 1883' deep and is located on the northeast side of Back River Neck Road not far from its intersection with Pottery Farm Road in Essex. The Peti-

PROPERTY NOTE

SITE AREA = 7.5 ACRES

LOT #1 TAX # 1505100028 : 0.812 Acs.
 LOT #2 TAX # 1505100034 : 0.344 Acs.
 LOT #3 TAX # 1505100035 : 0.344 Acs.
 TOTAL = 7.5 Acs.

ZONING PETITION FOR SPECIAL HEARING

REQUESTED RELIEF:

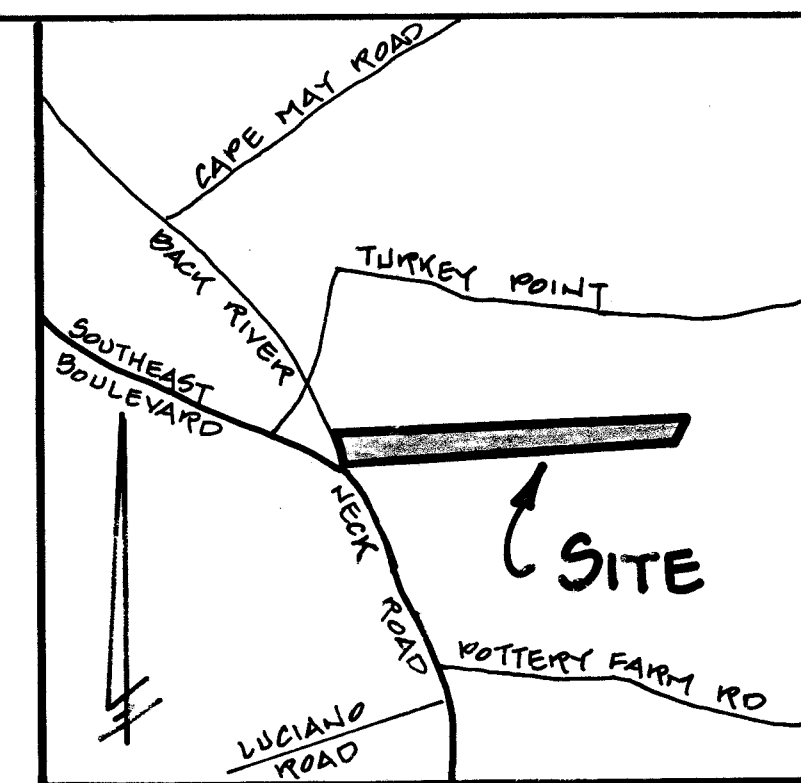
A SPECIAL HEARING TO ESTABLISH:

1. THE EXISTENCE OF THREE BUILDING LOTS AS SHOWN HEREON
2. AND REQUEST A DETERMINATION THAT THE LOTS AND PROPOSED RIGHT OF WAY TO SERVICE THEM COMPLY WITH THE APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS.
3. THE MODIFICATION OF SAID LOTS AS SHOWN ON THE PLAT TO ACCOMPANY THIS PETITION.

GENERAL NOTES

1. THERE ARE NO PREVIOUS ZONING CASES FOR THE SUBJECT PROPERTY
2. THE SUBJECT SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA (LDA; 10A)
3. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
4. THE PROPERTY LIES WITHIN FLOODZONE 'C', AREA OF MINIMAL FLOODING, AS SHOWN ON F.I.R.M. No. 240010 0445C DATED 11/17/93.

BOARD OF EDUCATION
 OF BALTIMORE COUNTY
 3700/247
 1502574002

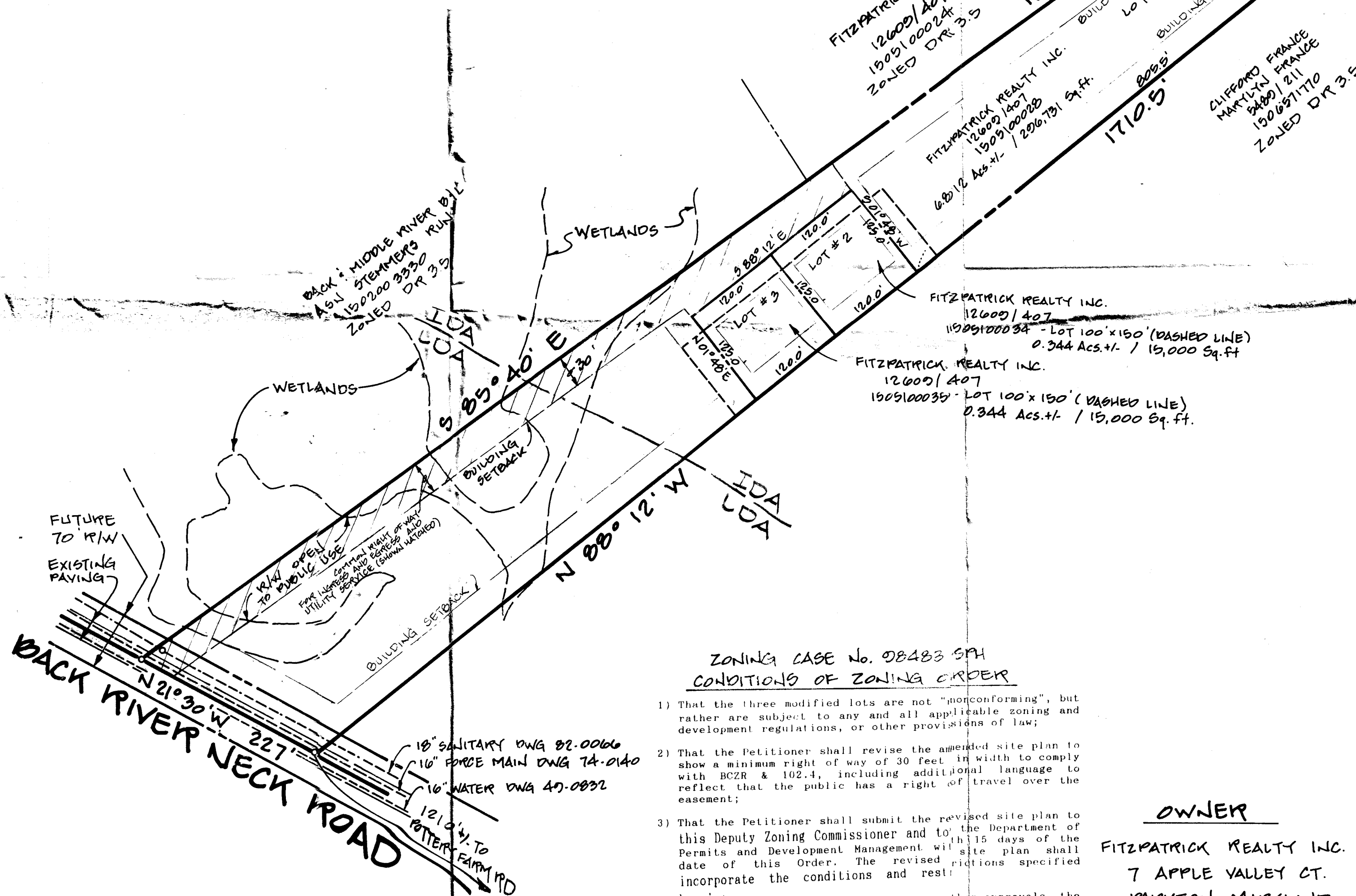


VICINITY MAP

SCALE: 1" = 1000'

SITE DATA

* SITE AREA 7.5 ACRES
 (SEE PROPERTY NOTE)
 COUNCILMANIC DIST. 5
 DEED REFERENCE 12609/407
 TAX ACCOUNT No. 1505100028
 1505100034
 1505100035
 EXISTING ZONING DR 3.5



ZONING CASE No. 08483 SPH CONDITIONS OF ZONING ORDER

- 1) That the three modified lots are not "nonconforming", but rather are subject to any and all applicable zoning and development regulations, or other provisions of law;
- 2) That the Petitioner shall revise the amended site plan to show a minimum right of way of 30 feet in width to comply with BCZR & 102.4, including additional language to reflect that the public has a right of travel over the easement;
- 3) That the Petitioner shall submit the revised site plan to this Deputy Zoning Commissioner and to the Department of Permits and Development Management within 15 days of the date of this Order. The revised conditions specified herein; incorporate the conditions and restrictions set forth and
- 4) That when applying for any permits or other approvals, the Petitioner must reference this case and set forth and address the restrictions of this Order; and Conclusions of all be mailed by the Department of Permits and Development
- 5) That a copy of these Findings and Facts shall be mailed by the Law on Remand and these conditions shall be mailed by the Petitioner to the Department of Permits and Development

OWNER

FITZPATRICK REALTY INC.
 7 APPLE VALLEY CT.
 PARKTON, MARYLAND
 21120-0045
 410-329-6011

SPELLMAN, LARSON & ASSOCIATES, INC.

CIVIL ENGINEERS AND LAND SURVEYORS
 SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
 PHONE: 823-3535

PLAT TO ACCOMPANY
 PETITION FOR
 SPECIAL HEARING
 FITZPATRICK PROPERTY
 BACK RIVER NECK ROAD
 TAX MAP 08 PARCEL 76

ELECTION DISTRICT No. 19 BALTIMORE COUNTY, MD

SCALE: 1" = 150' DES. BY: SHT. 1 OF 1
 DATE: 5/6/99 DRN. BY: P.M.N.

07040

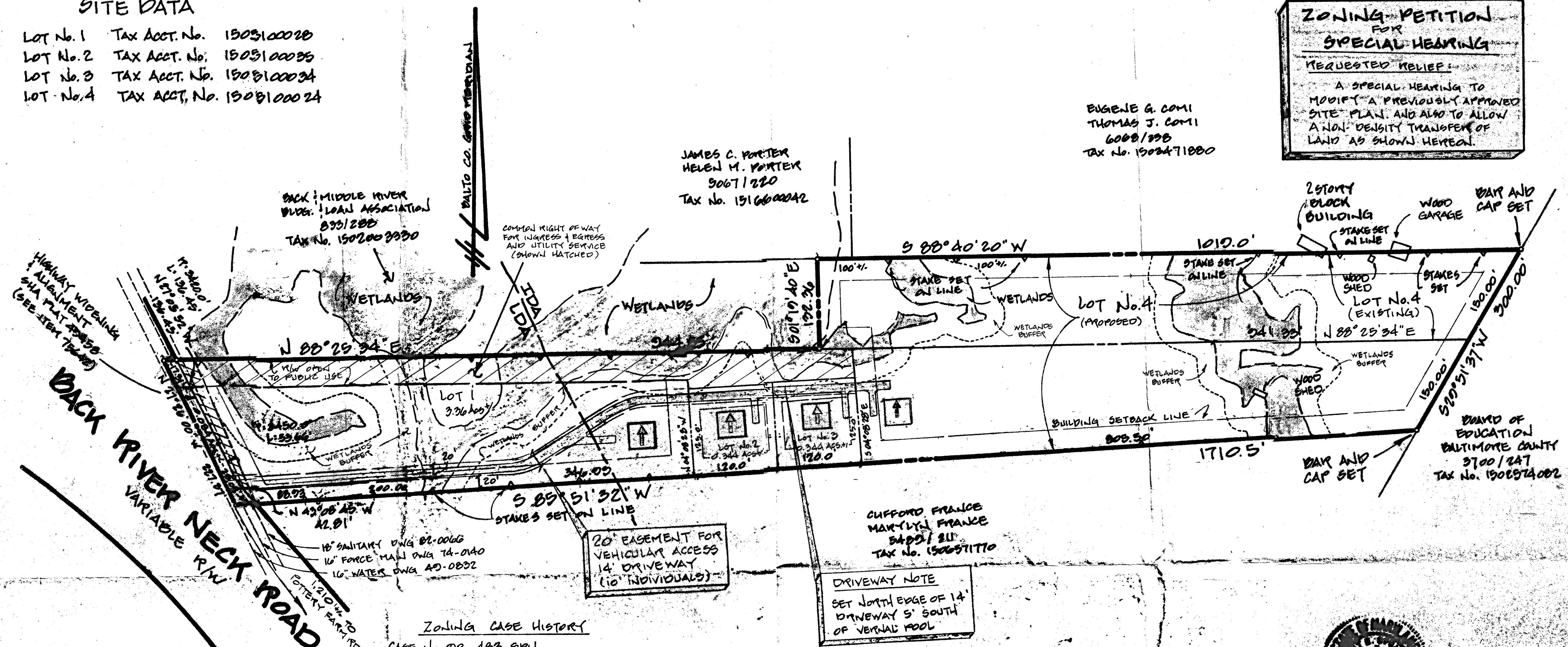
LOT No. 1	TAX ACCT. No.	1503100020
LOT No. 2	TAX ACCT. No.	1503100035
LOT No. 3	TAX ACCT. No.	1503100034
LOT No. 4	TAX ACCT. No.	1503100024

REQUESTED RELIEF:

A SPECIAL HEARING TO
MODIFY A PREVIOUSLY APPROVED
SITE PLAN, AND ALSO TO ALLOW
A NON-DENSITY TRANSFER OF
LAND AS SHOWN HEREON.

EUGENE G. COMI
THOMAS J. COMI
6068/338
TAX No. 1502471880

JAMES C. PORTER
HELEN M. PORTER
90671220
TAX No. 1516600042



CASE No. 98-483-SPH

AUGUST 26, 1978 - A PETITION FOR SPECIAL HEARING TO APPROVE THE SUBJECT PROPERTY AS THREE NON-CONFORMING, BUILDABLE LOTS. THE EXEMPTION OF SAID LOTS FROM SECTION 102.4 OF THE ZONING AS A RESULT OF THEIR NONCONFORMING STATUS, AND THE MODIFICATION OF SAID LOTS IN ACCORDANCE WITH PETITIONER'S EXHIBIT I, WAS GRANTED.

DECEMBER 15, 1978 - THE PETITION FOR SPECIAL HEARING OF FITZPATRICK REALTY, INC. IN CASE No. 78-483 EF WAS REMANDED FOR HEARING TO THE DEPUTY ZONING COMMISSIONER.

MARCH 5, 1979 - THE AMENDED PETITION FOR SPECIAL HEARING, CASE No. 78-483 EF, WAS GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. THAT THE THREE MODIFIED LOTS ARE NOT "NONCONFORMING" BUT RATHER ARE SUBJECT TO ALL APPLICABLE ZONING AND DEVELOPMENT REGULATIONS, OR OTHER PROVISIONS OF LAW.
2. THAT THE PETITIONER SHALL REVISE THE AMENDED SITE PLAN TO SHOW A MINIMUM RIGHT OF WAY OF 30 FEET IN WIDTH TO COMPLY WITH BOZR § 102.4, INCLUDING ADDITIONAL LANGUAGE TO REFLECT THAT THE PUBLIC HAS A RIGHT OF TRAVEL OVER THE EASEMENT.
3. THAT THE PETITIONER SHALL SUBMIT THE REVISED PLAN TO THIS DEPUTY ZONING COMMISSIONER AND TO THE D. P. M. WITHIN 15 DAYS OF THE DATE OF THIS ORDER. THE REVISED SITE PLAN SHALL STATE THE CONDITIONS AND RESTRICTIONS SPECIFIED;
4. THAT WHEN APPLYING FOR ANY PERMITS AT OTHER AGENCIES, THE PETITIONER MUST MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER;
5. THAT A COPY OF THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND REWARD AND THESE CONDITIONS SHALL BE MAILED BY THE PETITIONER TO THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT.

SITE AREA
COUNCILMANIC DIST.
VEED REFERENCE
TAX ACCOUNT No. 9

9.818 Acs. 4.
4
12600/407.
1505100028
1505100034
1505100035
1505100024

EXISTING ZONING

1. THE SUBJECT SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA (LDA #14A)
2. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
3. THE PROPERTY LIES WITHIN FLOOD ZONE 'C'; AREA OF MINIMAL FLOODING, AS SHOWN ON F.I.R.M. No. 24000 OAHSC DATED 11/7/93.

OWNER

FITZPATRICK REALTY INC.
7 APPLE VALLEY CT.
PARKTON, MARYLAND
21120-9045
410-329-6911



PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING

FITZPATRICK
PROPERTY

BACK RIVER NECK ROAD

ELECTION DIST. No. 15

SCALE: 1" = 100'

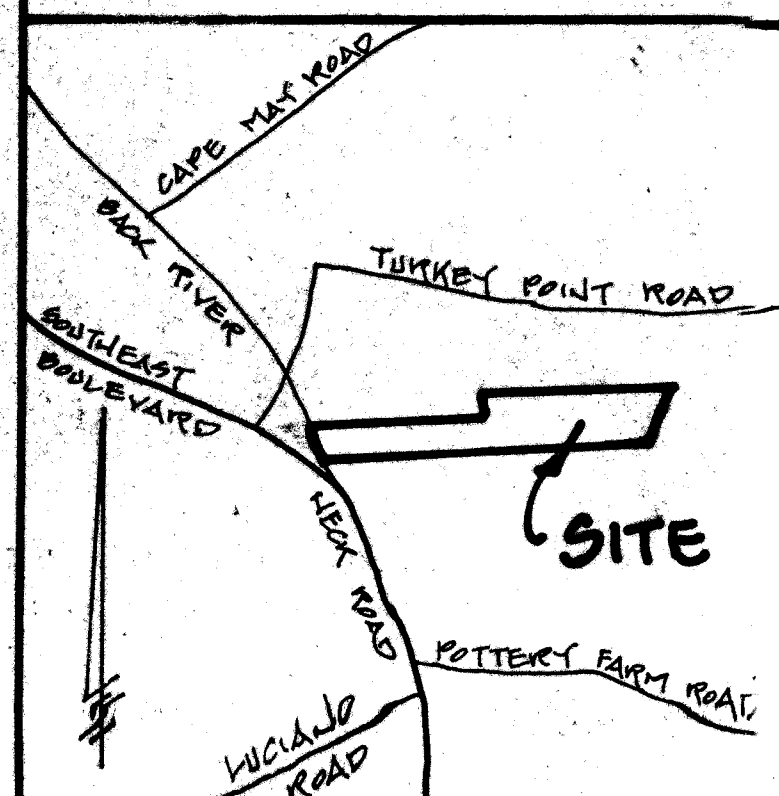
BALTIMORE CO., MD

DATE: 2/12/01

**SPELLMAN, LARSON
ASSOCIATES INC.**

CIVIL ENGINEERS ; LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204

PHONE: 410-825-3535
FAX: 410-825-5215

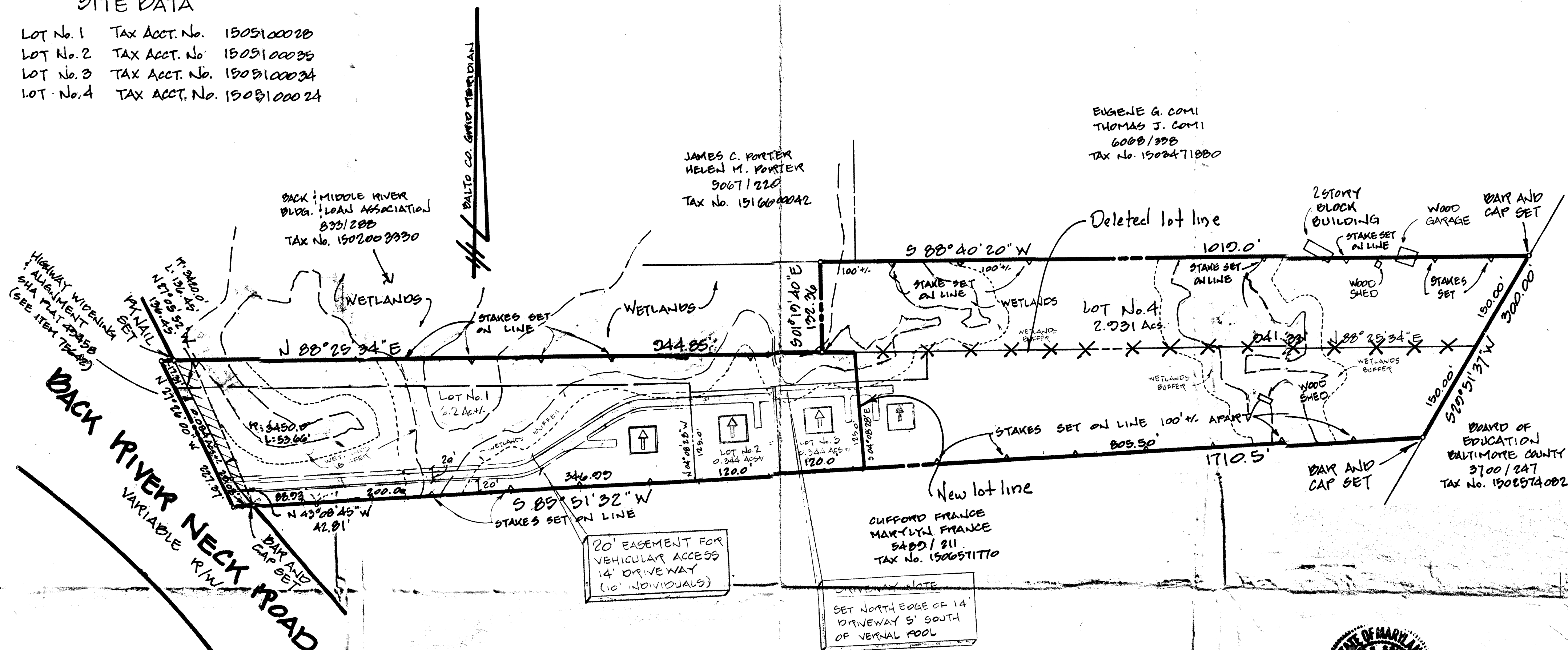


VICINITY MAP
SCALE: 1" = 1,000'

LOT No. 1	TAX ACCT. No.	1505100020
LOT No. 2	TAX ACCT. No.	1505100035
LOT No. 3	TAX ACCT. No.	1505100034
LOT No. 4	TAX ACCT. No.	1505100024

JAMES C. PORTER
HELEN M. PORTER
50671220
TAX No. 1516600042

BACK: MIDDLE RIVER
BLDG. LOAN ASSOCIATION
833/288
TAX No. 1502003330



FITZPATRICK
PROPERTY

REV: 11/17/00

ASSOCIATES INC.

FAX : 410-825-5215

REVISED 11/29/00