

Department of Permits and Development Management

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 15, 2003

Frank J. Pollock
274 Montrose Avenue
Baltimore, MD 21221

Dear Mr. Pollock:

RE: Verification-Dog Grooming Facility, Case # 02-323-SPH, Frank J. Pollock 1/4 Bark "N" Bubbles, 810A Back River Neck Road (aka 838 Back River Neck Road), Baltimore, MD 21221, 15th Election District

Your recent letter to Councilman Bartenfelder was forwarded to me for reply. Based on the information provided therein, my review of the available zoning records and after consultation with Zoning Commissioner Lawrence E. Schmidt and Zoning Review Supervisor Carl Richards, the following has been determined:

1. A petition for special hearing under Case # 02-323-SPH requested approval to continue a dog grooming facility use pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR).
2. The subject petition did not reference Section 103.1 (BCZR) nor Section 103.1.B of the Zoning Commissioner's Policy Manual (ZCPM) that set the standards for "Grandfathering in the ML Zone" (see enclosed standards). Therefore, relief was not requested pursuant to those sections. Thus, Section 103.1 (BCZR) and Section 103.1.B (ZCPM) were not considered by the Zoning Commissioner prior to his decision in the above referenced case.
3. Upon further review of the subject property's history, it was discovered that retail uses did occur on the site prior to 1970 (see attached permit plan from 1968), which would permit a dog grooming facility on the subject property pursuant to those sections as referenced above.
4. To document the property for approval under the grandfathering sections of the BCZR and ZCPM, a "Grandfathering in the ML Zone" plan for the subject property must be submitted for approval by this office prior to any use approvals. The grandfathering plan details must show a history of the subject property, including the 1968 permit information that confirms retail uses, a verbatim copy of the order in Case # 02-323-SPH and a verbatim copy of this response letter. Due to the complicated nature of this type of review/approval, it is highly recommended that your engineer or surveyor review the microfilm file of "Grandfathering in the ML" plans that were previously approved by this office. If our review confirms compliance with the grandfathering sections, then the use of the property for a dog grooming facility would be approved as being in compliance with the Baltimore County Zoning Regulations (BCZR).
5. To eliminate any confusion or misconceptions regarding the approval, the "Grandfathering in the ML Zone" plan, if approved, will be made a permanent part of the zoning file in Case # 02-323-SPH and made part of the aforementioned microfilm file that is maintained for all grandfathered properties.
6. This response applies to the zoning regulations (BCZR) and policies (ZCPM) only, and does not apply to regulations enforced by other County and State regulatory agencies.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-687-3381.

Sincerely,

Jeffrey N. Perlow
Jeffrey N. Perlow
Planner II

Enclosures

c: Councilman Joseph Bartenfelder, Sixth District
Zoning Hearing File 02-323-SPH
File-Verification Letters
File-Grandfathering in the ML

BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDINGS ENGINEER
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

2455 15

HAS DEED FOR THIS LOT BEEN RECORDED? YES NO
IF NO APPROVAL BY THE OFFICE OF PLANNING IS NECESSARY BEFORE IT CAN BE RECORDED.

IDENTIFICATION NAME ADDRESS CITY STATE ZIP PRIN. NUMBER LICENSE NO.
OWNER MICHAEL LUCIANO ETAL 300 W. HOLLY NECK RD. 21221

CONTRACTOR OWNER
ENGINEER ON
IF WORK CONTRACTED WITH OWNER
QUALIFIED SUPERVISOR

EXISTING AND PROPOSED STRUCTURE USE (SEE SPECIFIC)
EXISTING: 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 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**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
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Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

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274 Montrose Avenue
Baltimore, MD 21221

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2. The subject petition did not reference Section 103.1 (BCZR) nor Section 103.1.B of the Zoning Commissioner's Policy Manual (ZCPM) that set the standards for "Grandfathering in the ML Zone" (see enclosed standards). Therefore, relief was not requested pursuant to those sections. Thus, Section 103.1 (BCZR) and Section 103.1.B (ZCPM) were not considered by the Zoning Commissioner prior to his decision in the above referenced case.
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Visit the County's Website at www.baltimorecountyonline.info



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Sincerely,



Jeffrey N. Perlow
Planner II
Zoning Review

JNP

Enclosures

c: Councilman Joseph Bartenfelder, Sixth District
Zoning Hearing File 02-323-SPH¹
File-Verification Letters
File-Grandfathering in the ML

Section 103
Application of Zoning Regulations
[BCZR 1955]

103.1 These regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the (then) Baltimore County Planning Commission (now Planning Board) and approved or tentatively approved (including any approval made subject to any condition or conditions) under the then existing official procedure in Baltimore County, prior to the adoption of these regulations.⁵ The Zoning Regulations applicable to any such development, subdivision or parcel of land as aforesaid shall be the Zoning Regulations in effect at the time such plan, as aforesaid, was originally submitted to the Baltimore County Planning Commission.

Provided further, however, that the use and development of land in M.L. Zones shall not be affected by the foregoing provision, but development is permitted in accordance with any preliminary development plan approved by the Office of Planning before the effective date of this further proviso, even though such development may be counter to then-current regulations for M.L. Zones, if, on the fifth anniversary of such effective date, construction either is completed or is substantially commenced and diligently being pursued to completion; otherwise, the regulations generally in effect at the time such use or development is to be established shall control.⁶ [Resolution, November 21, 1956; Bill No. 100-1970]

⁶ Editor's Note: M.L. Grandfather Clause. This provision (second paragraph) was added by Bill No. 100-1970, which provided (Section 20) that "any amendments herein...shall be effective only upon the adoption by the County Council of any new Zoning Maps on or before March 31, 1971." The subsequent Zoning Maps were passed by the County Council on March 24, 1971. However, the bill also states (Section 21) that "this act shall take effect forty-five days after its enactment." The bill was enacted on August 5, 1970, and the forty-fifth day thereafter was September 19, 1970.

103.1.B GRANDFATHERING IN M.L. zone shall be determined in a case by case review.

1. **Background:** When Bill 100 was adopted in 1970, it established a separate category of 'grandfathering' under Section 103.1. It is somewhat akin to the nonconforming use concept in Section 104, but clearly different in both scope and implementation. The two concepts (nonconforming uses and grandfathering) are very different and this policy statement establishes the proper form of review for this unusual concept.
2. **Eligibility:** The specific intent of Section 103.1 was to grandfather the B.L., B.R., & B.M. uses allowed under the then Section 253.1 (1963 edition B.C.Z.R.). The right to use property in the M.L. zones for these commercial uses permitted in the M.L. zone prior to its amendment by Bill 100 is contingent on the applicant providing documentation of either of the following:
 - a. that said use existed prior to September 19, 1970; or
 - b. a preliminary development plan was approved by the Office of Planning and Zoning for commercial use before September 19, 1970; and that construction either was completed or was substantially commenced and diligently being pursued to completion prior to September 19, 1975.
 - c. The determination of eligibility for a grandfathered use may be subject to a special hearing at the discretion of the Zoning Commissioner.
3. **Conditions:** If the eligibility criteria above is met the applicant may as either of the following:
 - a. Expansion of Existing Use - if the same exact use is to remain and is to be intensified, no floor area restrictions as long as the parking requirements in effect at the time of expansion can be met; or
 - b. Conversion to a New Use - if the use is to be changed and/or converted the property is subject to the following:
 - c. Uses Allowed - all the uses allowed as of right in the B.L., B.M., & B.R. zones except, but not necessarily limited to, the following:
 - Amusement Devices
 - Duplicating Service Business
 - Fortune Telling Establishment
 - Temporary or Occasional Sales of Cut Flowers or Live Plants (these were not permitted uses in B.L., B.M., B.R. zones as of the effective date of Bill 100)
 - d. Floor Area Expansion - all new construction of either separate buildings or additions must be incidental to the gross floor area of the building(s) which had County approval as of September 19, 1970. The determination of what is considered incidental may be subject to a special hearing at the discretion of the Zoning Commissioner.
 - e. Parking Requirements - when a change of use is proposed, the entire site must meet the parking requirements of Section 409 as they exist at the time of conversion.
4. **Interpretation:** The Zoning Commissioner retains the right under Section 500.6 B.C.Z.R. to interpret whether the spirit and intent of these regulations are being adhered to on a case by case basis; ie, (if a Drive-In which is a grandfathered M.L. wanted to convert to a shopping center, this may be more than this office could approve).

APPLICATION IS HEREBY MADE TO THE BUILDINGS ENGINEER TO ☒ ERECT ☐ REPAIR ☐ USE ☐ MOVE THE ☐ ALTER ☐ TEMPORARY ☐ EXTEND ☐ PERMANENT STRUCTURE DESCRIBED		BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDINGS ENGINEER COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204	PERMIT NUMBER 2455 CONTROL NUMBER 600-68	DATE ISSUED 15
--	--	---	---	--------------------------

HAS DEFED FOR THIS LOT BEEN RECORDED ☐ YES ☐ NO	IF NO APPROVAL BY THE OFFICE OF PLANNING IS NECESSARY BEFORE IT CAN BE RECORDED.
--	--

IDENTIFICATION	NAME	ADDRESS	CITY	STATE	ZIP	PHONE NUMBER	LICENSE NO.
OWNER	MICHAEL LUCIANO ETAL 300 W. HOLLY NECK RD. 21221						
CONTRACTOR	OWNER						
ENGINEER OR ARCHITECT							
IF UNDER CONTRACT OF SALE GIVE OWNER							
QUALIFIED SUPERVISOR							

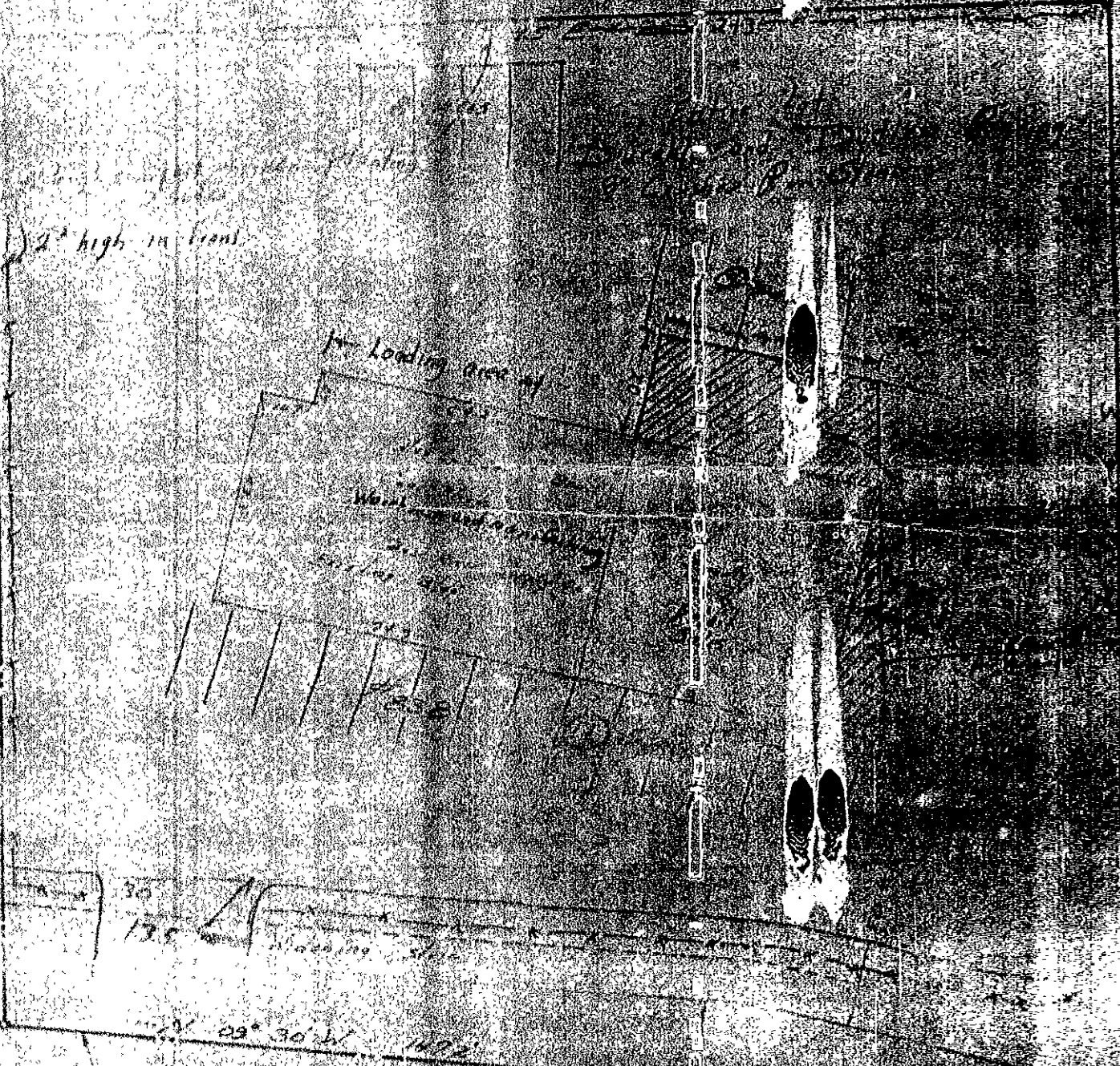
BUILDING ADDRESS	SUBDIVISION
------------------	-------------

EXISTING AND PROPOSED STRUCTURE USE (BE SPECIFIC) EXIST - WAREHOUSE - ADD.	CHARACTER OF CONSTRUCTION NEW BUILDING ☐ ALTERATION ☒ FULL ☐ PARTIAL ☐ NO
DESCRIPTION OF WORK (BE SPECIFIC) CONSTRUCT TWO ADDITIONS ON EXISTING BLDG. CONSTRUCTION PLANS WAIVED S.P.P. NO PLUMBING	FOOTING ☐ FOUNDATION ☐ SIDEWALLS ☐ BATHROOMS ☐ POWDER ROOMS ☐ BEDROOMS ☐ GARAGE DISPOSALS ☐
	UTILITIES ☒ EXISTING ☐ PROPOSED ☐ PUBLIC WATER ☒ PRIVATE WELLS ☐ PUBLIC SEWER ☒ PRIVATE ☐ TYPE OF HEATING OIL

BUILDING SIZE - LARGEST OVERALL DIMENSIONS 70' x 14' x 17570'	ZONING INFORMATION MC-V 15WC 63-132-44 11-15-63
PROPERTY LINE SETBACKS 57'5" 45' SIDE 37' REAR YARD	APPLICANT'S AFFIDAVIT I HAVE CAREFULLY READ THE ABOVE APPLICATION AND KNOW THE SAME IS TRUE A CORRECT AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH. WHETHER HEREIN SPECIFIED OR NOT.
IN LINE WITH EXISTING BUILDING ☐ YES ☐ NO	VERNON G. SMITH SIGNATURE 836 BACK RIVER NECK RD. BALY. MD. 21221 ADDRESS CITY STATE
CENTER LINE 31' BACKS FROM SIDE STREET TO SIDE STREET	MAKE CHECK PAYABLE TO: BALTIMORE COUNTY, MARYLAND

DO NOT WRITE BELOW. THIS AREA USED FOR OFFICE INFORMATION.	
LOCATION DESCRIBED IS THE BACK RIVER NECK RD. OPP. BACK RIVER NECK SCHOOL.	TOTAL VOLUME (CUBIC FEET) 17570 TOTAL COST OF IMPROVEMENTS \$2000 PERMIT FEE \$20.00
7.82 AC. 4565 18550 23115	PAID BY OWNER 2212 9-30-68 AGENCY 21221 APPROVED 21221 DATE
BLK. FACTORY & STORE ICE HOUSE	TOTAL 23115

6000



E BACK RIVER

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY W. D. Smith
DATE 10/2/68

IN RE: PETITION FOR SPECIAL HEARING
W/S Back River Neck Road, 225' S of
Pottery Farm Road
(810-A Back River Neck Road)
15th Election District
5th Council District

Back River, LLC, Owners;
Frank J. Pollock, Lessee

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-323-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Back River, LLC, by Albert Jones, Member, and the Contract Lessee, Frank J. Pollock, through their attorney, Ralph K. Rothwell, Jr., Esquire. The Petitioners request a special hearing to approve the continued use of a portion of the subject site for a dog grooming facility, same having originally been approved by Baltimore County in 2001, and disapproved for a renewed permit in 2002. The subject property and requested relief are more particularly described on the site plan submitted, which was marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Albert (Buck) Jones of Back River, LLC, owners of the subject property; Frank J. Pollock, Proprietor of Bark N' Bubbles; Contract Lessee; Lisa Topper, an employee; and Ralph K. Rothwell, Jr., Esquire, attorney for the Petitioners. Elizabeth A. Bachum, Patrick R. Leland, and another individual, all who apparently conduct similar businesses elsewhere in the County, appeared as interested citizens.

The facts relative to the instant Petition are simple and not in dispute. The subject property is an irregular shaped parcel, approximately 4.31 acres in area, split zoned M.L.-R.C.20 and D.R.3.5. The predominant zoning of the site is M.L. and the majority of the improvements and land uses on this lot are in that zone. A small portion of the rear of the site is zoned R.C.20 and is improved with a wireless telecommunications tower. In addition, a small strip along the side

ORDER RECEIVED FOR FILING
Date 4/9/12
By [Signature]

property line is zoned D.R.3.5. The front portion of the site is improved with a one-story masonry building which houses a beauty shop, an antique store, the subject dog grooming business, and an office with warehouse/storage space to the rear. A macadam-paved parking area is provided in the front. A separate, one-story masonry warehouse building is located along the south side of the property, behind the main building.

Back River, LLC is an entity owned and controlled by Buck Jones, a Builder/Contractor. Mr. Jones uses a portion of the building as his office, and leases the remaining space to the tenants identified above. At issue is the dog grooming business, known as Bark N' Bubbles, which is owned and operated by Mr. Pollock. Testimony indicated that Mr. Pollack has been operating his business at this location for approximately one year. Dogs are brought to the site, usually by appointment, for services such as shampooing, nail clipping, etc. Dogs are not boarded overnight and there is no veterinary care or treatment provided. The business operates from 9:00 AM to 5:00 PM, Tuesday through Saturday, and there are two employees, namely, Mr. Pollack and Ms. Topper. It was indicated that approximately 8 to 10 dogs are groomed each day. Apparently, Baltimore County issued a use permit for the operation on January 26, 2001 (see Petitioner's Exhibit 2). However, when Mr. Pollack approached the County in February 2002 about renewing his permit, he was advised at that time that the use was not permitted in the M.L. zone and the renewal was denied (see Petitioner's Exhibit 3). Thus, the instant Petition was filed.

There was no testimony or evidence offered to indicate that the use is in any manner detrimental to the health, safety or general welfare of the locale. To the contrary, Mr. Jones indicated that Mr. Pollock is a good tenant and that there have been no complaints by other tenants or adjacent property owners. Apparently, the use is such that it has little impact on any of the other tenants or the surrounding community. Although there are residences nearby, the relatively limited hours of operation and services provided result in no adverse impact upon the locale.

The Petitioner requests relief pursuant to Sections 500.6 and 500.7 of the B.C.Z.R. In Section 500.6, it is provided that the Zoning Commissioner may conduct hearings to provide for "the proper interpretation" of the zoning regulations. Section 500.7 of the B.C.Z.R. likewise

ORDER REVIEWED FOR FILING
Date 4/9/02
By [Signature]

provides the Zoning Commissioner with discretion to implement and interpret the regulations. Although I easily find that the use is not detrimental to the health, safety and general welfare of the locale, I cannot grant the relief requested. The relevant regulations are not ambiguous and are not subject to construction or interpretation in this case. Simply stated, the use is not permitted. I explain.

Section 102.1 of the B.C.Z.R. provides that no land shall be used or occupied except in strict conformity with the regulations. Moreover, it has long been held that the regulations are written in the inclusive. That is, only the uses identified as permitted by right or by special exception are allowed. (See Kowalski v. Lamar, 25 Md. App. 493 (1975))

Frequently, the Zoning Commissioner is called upon to identify and categorize a land use that is not set out in the regulations. For example, in United Parcel Service vs. People's Counsel for Baltimore County, 93 Md. App. 59 (1996), the "parcel distribution center" proposed by UPS was a land use unidentified in the regulations. The issue in that case turned on whether the proposed operation fell within one identified land use (trucking facility), or another (warehouse). In that case, a warehouse was permitted and a trucking facility not allowed in the subject zone.

In this case, it is clear that a dog grooming business is encompassed in a land use defined in Section 101 of the B.C.Z.R. Specifically, that Section defines a "Commercial Kennel" as "Any establishment where the commercial breeding of dogs, or the boarding, grooming, sale or training of dogs takes place and for which a fee is charged." (Emphasis added) The use of the word "or" indicates the legislative intent that any of the activities described constitutes a commercial kennel. Thus, the grooming of dogs in Mr. Pollock's business is clearly a commercial kennel. A review of the use regulations for the M.L. zone (Section 253) discloses that a commercial kennel is not a permitted use either by right or by special exception. Although this leads to an arguably improper result in this case, the regulations are clear and unambiguous.

Based upon the testimony and evidence offered, the Petition for Special Hearing must be denied. However, although denying the use, I will permit the Petitioner to remain on the site until February 28, 2003. Providing the Proprietor with a window of opportunity to vacate the site and

ORDER RECEIVED FOR FILING
Date 4/9/02
By [Signature]

find another suitable location is appropriate in view of the fact that the County issued a permit in 2001 approving the use. It was based upon this permit that Mr. Pollock entered into a lease to occupy the premises. That lease was for a term of one year and was recently extended for a second year. Based upon these circumstances, Mr. Pollock should vacate the property upon the termination of his current lease.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of April, 2002 that the Petition for Special Hearing to approve the continued use of a portion of the subject site for a dog grooming facility, same having originally been approved by Baltimore County in 2001, and disapproved for a renewed permit in 2002, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED;

IT IS FURTHER ORDERED that the Petitioner shall vacate the premises by no later than February 28, 2003, the expiration date of his current lease.

Any appeal of this Order must be filed within thirty (30) days of the date hereof.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 4/9/02

By [Signature]



Baltimore County
Zoning Commissioner

April 8, 2002

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

Ralph K. Rothwell, Jr., Esquire
Maslan, Maslan & Rothwell, P.A.
7508 Eastern Avenue
Baltimore, Maryland 21224

RE: PETITION FOR SPECIAL HEARING
W/S Back River Neck Road, 225' S of the c/l Pottery Farm Road
(810-A Back River Neck Road)
15th Election District – 5th Council District
Back River, LLC - Petitioners
Case No. 02-323-SPH

Dear Mr. Rothwell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Buck Jones, 500 Vogts Lane, Baltimore Md. 21221
Mr. Frank J. Pollock, 274 Montrose Avenue, Baltimore, Md. 21221
Ms. Elizabeth A. Bachum, 153 Church Lane, Cockeysville, Md. 21030
Mr. Patrick R. Leland, 46 Gibbons Boulevard, Cockeysville, Md. 21030
Resident, 1518 Cottage Lane, Baltimore, Md. 21286
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





C B C A

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 810A Back River Neck Road
which is presently zoned ML, RC-20, D.R.-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

continued permit for use as a dog grooming facility, same having been approved by Baltimore County in 2001 then disapproved for renewal in 2002.

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:

Frank J. Pollock

Name - Type or Print

Signature

274 Montrose Avenue 410-574-4623

Address Telephone No.

Baltimore, MD 21221

City State Zip Code

Attorney For Petitioner:

Ralph K. Rothwell, Jr.

Name - Type or Print

Signature

Maslan, Maslan & Rothwell, P.A.

Company

7508 Eastern Avenue 410-282-2700

Address Telephone No.

Baltimore, MD 21224

City State Zip Code

Legal Owner(s):

BACK RIVER, LLC

Name - Type or Print

Signature

Albert Jones, Member

Name - Type or Print

Signature

500 Vogts Lane

Address Telephone No.

Baltimore, MD 21221

City State Zip Code

Representative to be Contacted:

Ralph K. Rothwell, Jr.

Name

7508 Eastern Avenue 410-282-2700

Address Telephone No.

Baltimore, MD 21224

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BR Date 1/2/02

ORDER RECEIVED FOR FILING
Date 1/9/02
By [Signature]
R20 9/15/98

Case No. 02-323-SPH

ZONING DESCRIPTION 810 BACK RIVER NECK ROAD

Beginning at a point on the west side of Back River Neck Road (50 feet wide), distant 225 feet south of it's intersection with the center of Pottery Farm Road, thence:

(1) 217.42 feet along an arc to the right having a radius of 775.00 feet, said arc being subtended by a chord bearing of S 05° 08' 34" E 216.71 feet, thence (2) S 74° 15' 00" W 822.00 feet, thence (3) N 15° 45' 00" W 223.00 feet, thence (4) N 74° 15' 00" E 650.00 feet, thence (5) S 15° 45' 00" E 10.00 feet, thence (6) N 74° 15' 00" E 211.90 feet to the place of beginning. Containing 4.31 acres of land, more or less.

Being known as 810 Back River Neck Road and being located in the 15TH Election District of Baltimore County, Maryland



#323

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 08851

DATE 2/1/02 ACCOUNT R001-006-6150

AMOUNT \$ 250.00

RECEIVED FROM: Michael Maslan Rothwell, PA

FOR: Special Hearing

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 323

PAID RECEIPT

PAYMENT ACTUAL TIME
2/04/2002 2/01/2002 14:12:58
REL 0206 CASHIER KATH KAH DEWER : 4
>> RECEIPT # 064976
Debt \$ 520 ZONING VERIFICATION
CR NO. 008851

Recpt Tot 250.00
250.00 OK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

**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: #02-323-SPH
810A Back River Neck Road
W/S Back River Neck Road,
225' S centerline Pottery
Farm Road
15th Election District
5th Councilmanic District
Legal Owner(s): Albert Jones
Contract Purchaser(s):
Frank J. Pollock

Special Hearing: to approve dog grooming facility in an ML zone.

Hearing: Monday, April 1, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

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) 887-4386.

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

3/099 Mar. 14 C525443

CERTIFICATE OF PUBLICATION

3/14/, 2002

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 3/14/, 2002.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-323-SPH

Petitioner/Developer: FRANK J

POLLOCK

Date of Hearing/Closing: 4/1/02

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 810 A BACK RIVER

NECK Rd

The sign(s) were posted on

3/16/02
(Month, Day, Year)

Sincerely,

[Signature] 3/16/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

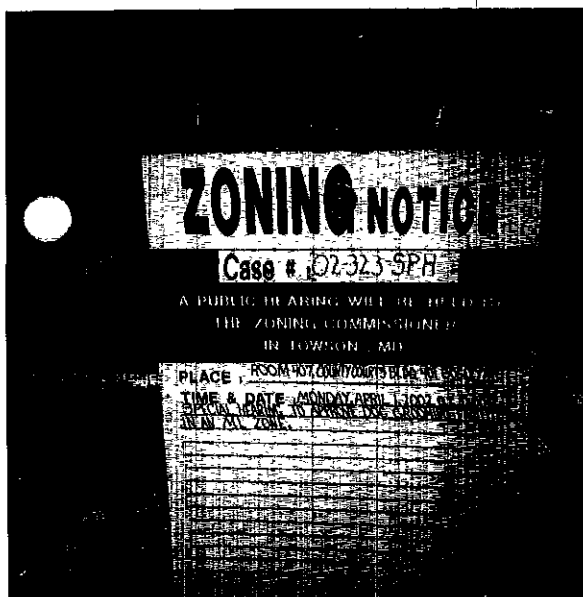
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 02-323-SPH
Petitioner: Frank J. Pollack
Address or Location: 810 A Back River Neck Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ralph Rothwell
Address: 7508 Eastern Ave
Balto, Md. 21224

Telephone Number: 410-282-2700



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

February 26, 2002

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: 02-323-SPH
810A Back River Neck Road
W/S Back River Neck Road, 225' S centerline Pottery Farm Road
15th Election District – 5th Councilmanic District
Legal Owner: Albert Jones
Contract Purchaser: Frank J Pollock

Special Hearing to approve dog grooming facility in an ML zone.

HEARING: Monday, April 1, 2002 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

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

Arnold Jablon GJZ
Director

C: Ralph K Rothwell Jr, Maslan, Maslan & Rothwell, 7508 Eastern Avenue,
Baltimore 21224
Back River LLC, Albert Jones, 500 Vogts Lane, Baltimore 21221
Frank J Pollock, 274 Montrose Avenue, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 16, 2002.**
(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.



TO: PATUXENT PUBLISHING COMPANY
Thursday, March 14, 2002 Issue – Jeffersonian

Please forward billing to:

Ralph K Rothwell Jr
Maslan, Maslan & Rothwell
7508 Eastern Avenue
Baltimore MD 21224

410 282-2700

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: 02-323-SPH

810A Back River Neck Road

W/S Back River Neck Road, 225' S centerline Pottery Farm Road

15th Election District – 5th Councilmanic District

Legal Owner: Albert Jones

Contract Purchaser: Frank J Pollock

Special Hearing to approve dog grooming facility in an ML zone.

HEARING: Monday, April 1, 2002 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
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

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 29, 2002

Mr. Ralph K Rothwell Jr
Maslan, Maslan & Rothwell PA
7508 Eastern Avenue
Baltimore MD 21224

Dear Mr. Rothwell:

RE: Case Number: 02-323-SPH, 810A Back River Neck Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 02, 2002.

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: Mr. Albert Jones, Back River LLC, 500 Vogts Lane, Baltimore 21221
Mr. Frank J. Pollock, 274 Montrose Avenue, Baltimore 21221
People's Counsel

Come visit the County's Website at www.co.ba.md.us



Res
4/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 1, 2002

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

SUBJECT: 810A Back River Neck Road

INFORMATION:

Item Number: 02-323

Petitioner: Albert Jones

Zoning: ML, RC 20 and DR 3.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit the continued use of a dog grooming facility at the subject location.

Prepared by: Mart A Cunningham

Section Chief: Lynne L. Barlow

AFK/LL:MAC:

MAR



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

February 28, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 25, 2002

Item No.:

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time regarding the following items.

314, 315, 316, 319, 321, 323, 325, 326, 328

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 21, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for March 4, 2002
Item Nos. 314, 315, 316, 319, 320,
321, 322, 323, 324, 327, 328 and
329

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:cab

cc: File

ZAC-3-4-2002-NO COMMENT ITEMS-03212002 doc



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.22.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 323 BR

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

K.A. Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *QBS/76T*

DATE: March 25, 2002

Zoning Advisory Committee Meeting of February 25, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

323

285, 314-325, 327-329

RE: PETITION FOR SPECIAL HEARING
810-A Back River Neck Road, W/S Back River Neck Rd,
225' S of c/I Pottery Farm Rd
15th Election District, 5th Councilmanic

Legal Owner: Back River LLC
Contract Purchaser: Frank J. Pollock
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-323-SPH

* * * * *

ENTRY OF APPEARANCE

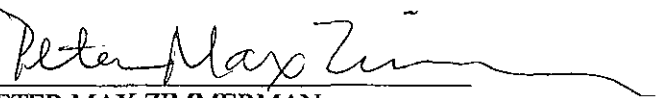
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation 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 25th day of February, 2002 a copy of the foregoing Entry of Appearance was mailed to Ralph K. Rothwell, Jr., Esq., Maslan, Maslan & Rothwell, 7508 Eastern Avenue, Baltimore, MD 21224, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Elizabeth A. Bachman

Patrick R. Leland

Bob & Jennifer

153 Church Lane 21030

46 GIBBONS BLVD 21030

1078 COTTAGE LANE 21286



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Frank J Pollock

BUCK JONES

LISA TOPPER

ADDRESS

274 MONTROSE AVE 21221

810 BACK RIVER 21221

1518 Cottage Ln 21286



R.C. 20

810 BACK RIVER NECK ROAD
ELECTION DISTRICT 15, C-5

SCALE: 1" = 200' MAP SE-1-I
JANUARY 14, 2002

R.C. 2

S 3,000

POTTERY FARM ROAD

BACK RIVER
SCHOOL

D.R.
3.5

BL

Hearing
SITE

ML

N 530,000

R.C. 2

52,500

52,000

54,000

#323



DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 101
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3630

CHECKS PAYABLE TO "BALTIMORE COUNTY, MARYLAND"

COMMERCIAL KENNEL/CATTERY	\$ 250.00	\$ 437.50
FANCIER KENNEL/CATTERY*	\$ 75.00	\$ 131.25
FARM CAT*	\$ 20.00	\$ 35.00
GROOMING PARLOR <i>ONLY</i>	\$ 125.00	\$ 218.75
NON-PROFIT HOLDING FACILITY	\$ 10.00	\$ 17.50
PET SHOP	\$ 250.00	\$ 437.50
RIDING/BOARDING STABLE	\$ 125.00	\$ 218.75

(*Fancier Kennel/Cattery and Farm Cat applications must include a rabies vaccination certificate for each animal maintained at the location described below.)

Facility/Farm Name BARK 'N' BUBBLES Phone No. 410-686-3100

Facility Address 810-A BACK RIVER NECK RD Zip Code 21221

Mailing Name _____ Phone No. _____
(If different from facility address.)

Mailing Address _____ Zip Code _____
(If different from facility address.)

Owner Name FRANK & EILEEN BOLLOCK Phone No. 410-574-4657

Owner Address 274 MONTROSE AVE: ESSEX Zip Code 21221

Type of Facility GROOMING PARLOR Average no. of animals maintained at the facility _____

Type/Breed of Animal: (be specific) _____

Cats _____ Dogs _____

Horses _____ Other _____

Facility Property Tax Account No. _____ Zoning Hearing Case No. _____

Type of Enclosure: Fenced Area _____ Mobile _____ Owner's Dwelling _____ Separate Building _____
(If applicable)

Distance in Feet, from Animal Enclosure to Nearest Property Line _____

Federal Permit No. _____ Exp. Date ____/____/____ State Permit No. _____ Exp. Date ____/____/____
(If applicable) (If applicable)

Signature of Facility Owner _____ Date _____

APPROVAL / DISAPPROVAL [Signature] WBL-ZGC 01-26-01
(Circle) (Reviewer's Signature) (Date Signed)

If disapproved, why? _____

APPROVAL / DISAPPROVAL C. Creason Murrow 2-2-01 [Signature]
(Circle) (Reviewer's Signature) (Date Signed)

If disapproved, why? _____

let ab2



COUNTY OFFICE BUILDING, ROOM 101
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3630

CHECKS PAYABLE TO "BALTIMORE COUNTY, MARYLAND"

Type of Facility	Licensing Fee (May 1 TO July 30)	Penalty Fee (After July 30)
COMMERCIAL KENNEL/CATTERY	\$ 250.00	\$ 437.50
FANCIER KENNEL/CATTERY*	\$ 75.00	\$ 131.25
FARM CAT*	\$ 20.00	\$ 35.00
GROOMING PARLOR	\$ 125.00	\$ 218.75
NON-PROFIT HOLDING FACILITY	\$ 10.00	\$ 17.50
PET SHOP	\$ 250.00	\$ 437.50
RIDING/BOARDING STABLE	\$ 125.00	\$ 218.75

(*Fancier Kennel/Cattery and Farm Cat applications must include a rabies vaccination certificate for each animal maintained at the location described below.)

Facility Information

Facility/Farm Name BARK N BUBBLES Phone No. 410-686-3400
Facility Address 810 A BACK RIVER NECK RD Zip Code 21221
Mailing Name _____ Phone No. _____
(If different from facility address.)
Mailing Address _____ Zip Code _____
(If different from facility address.)
Owner Name FRANK J Pollock Phone No. 410-5744623
Owner Address 274 MONTROSE AVE Zip Code 21221
Type of Facility PET GROOMING (ONLY) Average no. of animals maintained at the facility —
Type/Breed of Animal: (be specific)
Cats _____ Dogs _____
Horses _____ Other _____

Facility Property Tax Account No. 23-06604470 Zoning Hearing Case No. _____
Type of Enclosure: Fenced Area _____ Mobile _____ Owner's Dwelling _____ Separate Building _____
(If applicable)
Distance in Feet, from Animal Enclosure to Nearest Property Line _____

Federal Permit No. _____ Exp. Date 1/1 State Permit No. _____ Exp. Date 1/1
(If applicable) (If applicable)
Signature of Facility Owner Frank Pollock Date _____

Zoning Review (410-887-3391)

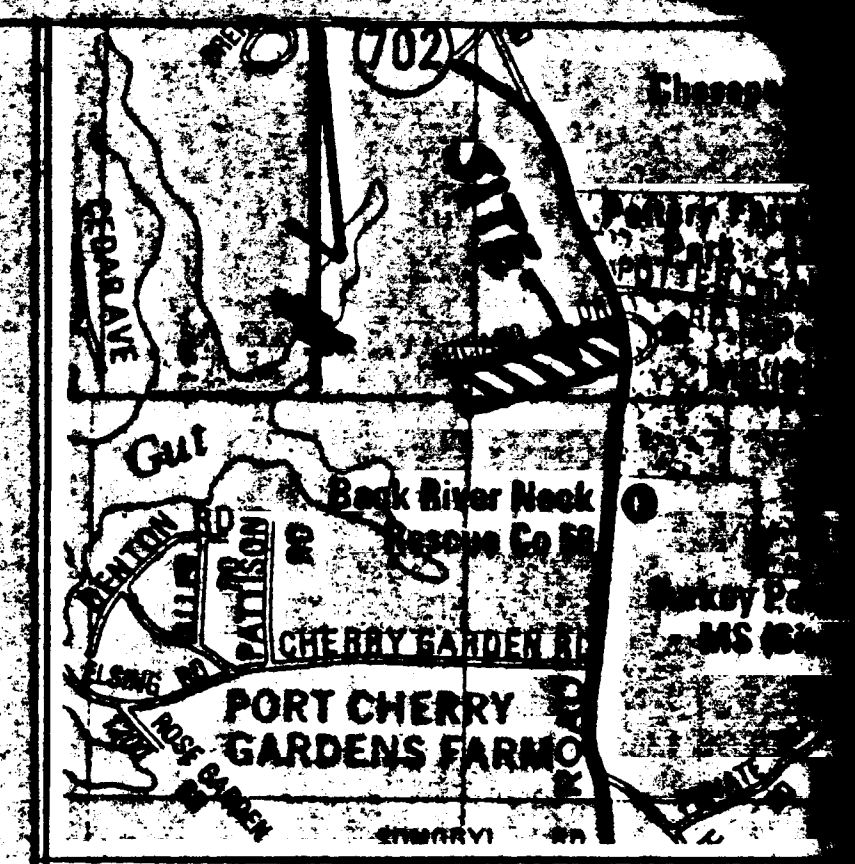
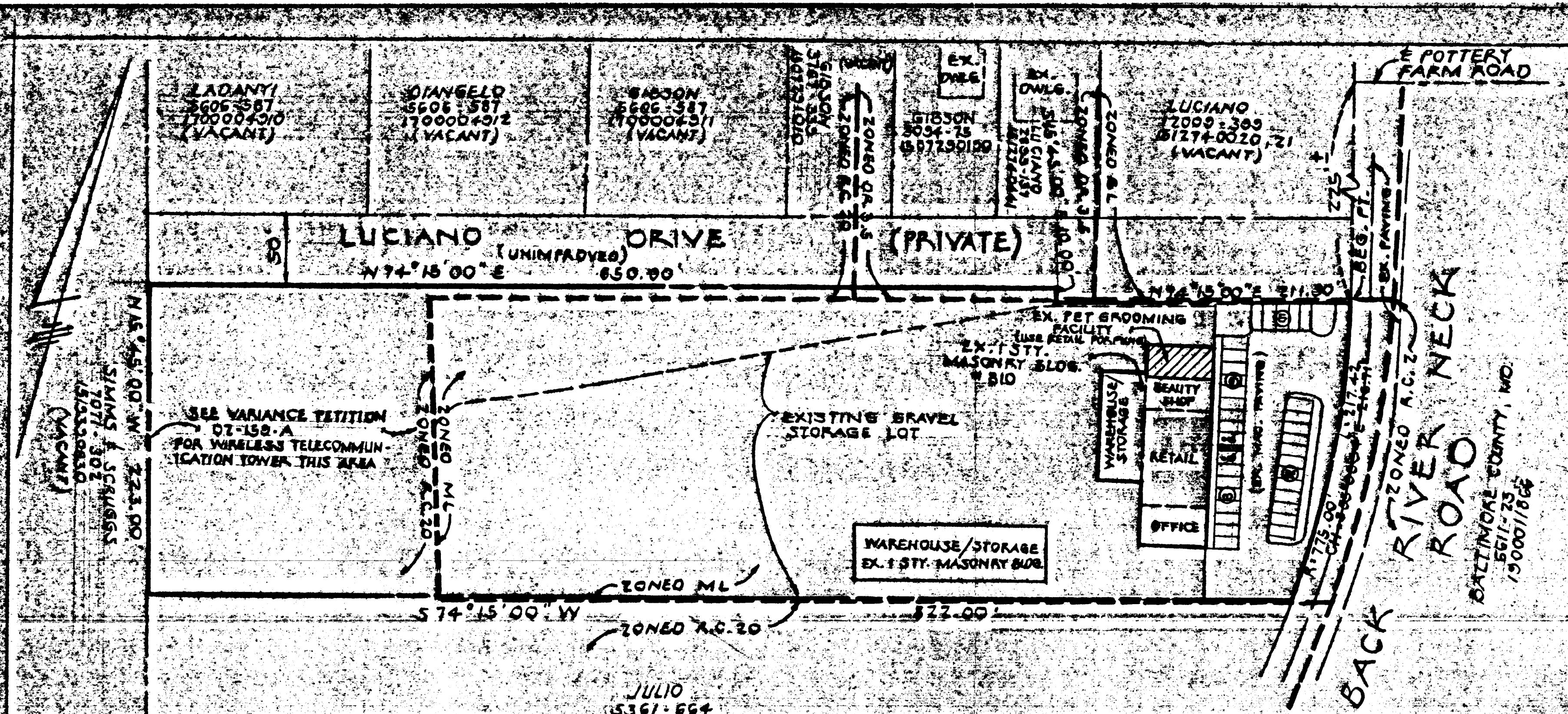
APPROVAL (DISAPPROVAL) Disapproved 11/9/01
(Circle) (Reviewer's Signature) (Date Signed)
If disapproved, why? ZONED M.L. C USE PROHIBITED

Animal Control Review (410-887-5961)

APPROVAL / DISAPPROVAL _____
(Circle) (Reviewer's Signature) (Date Signed)
If disapproved, why? _____

Office Use Only

led No3



SITE DATA

1. EXISTING ZONING: ML, RC-20, DA-3
2. AREA OF SITE: 4.51 AC. ±
3. BLDG. AREA: 15,810 S.F. ±
4. PARKING DATA:
 - OFFICE: 3450 S.F. @ 3.33 S.F./1000 S.F. = 10 SPACES
 - BEAUTY SHOP: 1200 S.F. @ 3.33 S.F./1000 S.F. = 4 SPACES
 - RETAIL: 4500 S.F. @ 3.33 S.F./1000 S.F. = 14 SPACES
 - STORAGE/WAREHOUSE: 8200 S.F. @ 2.00 S.F./1000 S.F. = 41 SPACES
5. TOTAL NO. SPACES REQUIRED: 34 SPACES
6. TOTAL NO. SPACES PROVIDED: 34 SPACES
7. ALL SPACES MIN. 8' x 18'
8. FOR ADDITIONAL INFORMATION SEE:
 - A. TOWER REVIEW COMM. LETTER DATED APRIL 25, 2001
 - B. DRC 0312015
 - C. VARIANCE PETITION 07-158-A

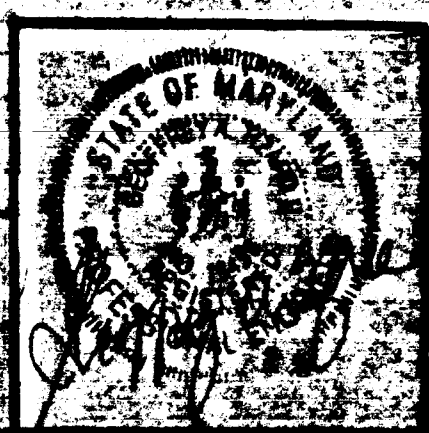
Ad No. 1

REASON FOR HEARING:
 TO ALLOW A PET GROOMING FACILITY TO CONTINUE TO OPERATE IN A ML ZONE.

PLAN TO ACCOMPANY
 SPECIAL HEARING PETITION
 810 BACK RIVER NECK ROAD
 ELECTION DISTRICT 15, C5
 BALTIMORE COUNTY, MD.
 SCALE: 1" = 60'
 JANUARY 14, 2002

REV.: 1/3/02

CENTRAL DRAFTING & DESIGN, INC.
 501 CHARWOOD COURT
 EDGEWOOD, MD 21040
 (410) 679-8719



OWNER
 BACK RIVER LLC
 300 VOGTS LANE
 BALTO., MD. 21221
 DEED REC. 13571-336
 PROP. NO. 2100004470

APPLICANT/LESSEE
 FRANK J. POLLACK
 274 MONTADSE AVE.
 BALTO., MD. 21221

#323