



File
04-046
SPHXA

JAMES T. SMITH, JR.
County Executive

January 29, 2009

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

Robert Poleski
Bills' Boats
9033 Cuckold Point Road
Baltimore, MD 21219

Microf. Lottan
+ plan

RE: Bill's Boats
Zoning Case 04-046-SPHXA
Spirit and Intent Request
15th Election District

Dear Mr. Poleski:

I am in receipt of your Spirit and Intent request letter dated November 18, 2008 and amended site plan for the proposed "50-foot by 60-foot One-Story Metal Building Shop for Marina" located at Bills Boats, 9033 Cuckold Point Road.

You are proposing to relocate this building from the location shown on the plan that accompanied Zoning Case No. 04-046-SPHXA. That order amended prior Zoning Case No. 98-3SPH.

Your letter indicates that you desire to relocate the proposed building approximately 90 feet easterly of where it was shown on the plan that accompanied the previous order. In fact, the amended site plans shows the proposed building to be located approximately 50 feet in a westerly direction.

On that amended site plan, which was submitted with your letter, we have highlighted the proposed location of this building in yellow. This plan will become part of the zoning hearing file as well as the Zoning Review Office's letter file.

This new location of the proposed building as shown on this plan meets the Spirit and Intent of Zoning Case No. 04-046-SPHXA which amended prior Zoning Case No. 98-3-SPH.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Timothy M. Kotroco, Director

2-3-09

CARL,

Tim's letter,

Pat Farr's email OK &
high lighted site plan
for your 15th E.D. Letter
File. CC of same also in
Hearing File # 04-046SPHXA
I cc also to Mike Monler
John Sullivan

From: Patricia Farr
To: David Lykens; Walter Smith
CC: Esslinger, Regina; Michael Kulis
Date: 01/21/09 3:57 PM
Subject: Bill's Boats

I spoke with Rob Poleski today regarding his proposed:

- (1) accessory parking lot across the street from the marina,
- (2) restaurant deck, and
- (3) numbered parking spaces on an existing parking lot near the water.

Based upon our review, these items are all OK as proposed relative to Critical Area requirements.

If you have questions, please let me know.

Walt, I believe Mr. Poleski will be calling you about the DRC issues on the site.

Patricia M. Farr, Manager
Environmental Impact Review Section
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, MD 21204
Phone: 410-887-3980
Fax: 410-887-4804
pfarr@baltimorecountymd.gov

November 19, 2008

Timothy M. Kotroco
Baltimore County
Dept of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Bill's Boats DRC 042307I
Zoning Order Case No. 98-3SPH
Spirit and Intent

Dear MR. Kotroco:

Enclosed you will find the amended site plan for the location 9033 Cuckold Point Road located in Swan Point subdivision lots (506-510) and Swan Point lots (73-75) located at the corner of Fifth Street. We are trying to reconstruct a 50x60 one story metal building to replace what was destroyed by Tropical Storm Isabel in 2003. I would like to request a determination that the location of the building meets the spirit of intent of the Zoning Commissioners order dated October 20th, 2003 case No. 98-3SPH to proceed with our plans.

We are proposing to relocate the building to a more suitable location approximately 90 feet easterly of the location shown on the site plan which accompanies the zoning commissioner's order. The new site plan shows the new location of the building to accommodate the parking, landscaping, and wheel chair accessibility along with the set backs and survey descriptions. We are not asking for any additions we are simply asking to replace what had once existed in a new convenient location. If there are any further questions please call (443) 326-5767.

Sincerely,



Robert Poleski

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE - *
SE/S Cuckold Point Road, 60' S of the c/l * ZONING COMMISSIONER
4th Street *
(9033 Cuckold Point Road) * OF BALTIMORE COUNTY
15th Election District *
7th Council District * Case No. 04-046-SPHXA

Robert P. Poleski and *
Michael J. Poleski, Owners/Petitioners *
* * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

This matter came before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Robert P. Poleski and his brother, Michael J. Poleski, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners requested a special hearing to approve an amendment to the site plan previously approved in Case No. 98-3-SPH and removal of Restriction No. 3 thereof. In addition, special exception and variance relief were requested to permit a Class B out-of-water storage facility on the subject property, in accordance with the site plan submitted at the hearing and marked into evidence as Petitioner's Exhibit 1.

Pursuant to the provisions of law, the Petitions were scheduled for public hearing before the Zoning Commissioner of Baltimore County on September 23, 2003. As required, public notice of the hearing was given by the posting of a sign on the property for a period of at least 15 days prior to the hearing and an advertisement of the hearing appeared in the Jeffersonian Newspaper. At the public hearing, Robert Poleski, co-owner of the subject property appeared in support of the request along with Joseph Larson, the consultant who prepared the site plan, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. Also appearing in support of the request was William P. Jones on behalf of Baltimore County's Department of Economic Development. In addition, a number of neighbors from the surrounding locale appeared in support of the request. No one appeared in opposition.

ORDER RECEIVED FOR FILING

Date

By

11/10/03

Top

Testimony and evidence was presented at the hearing regarding the Petitioners' request. It is also to be noted that the undersigned Zoning Commissioner is familiar with the subject property by way of prior zoning cases for this site. In any event, I granted approval of the requested relief, subject to certain restrictions, by Order dated October 20, 2003.

Subsequent to the issuance of said Order, this office received a letter from Joseph C. Hetmanski on November 4, 2003. His letter is labeled as an "Appeal Before the Zoning Commissioner of Baltimore County." Pursuant to Rule 4-K of the Zoning Commissioner's Rules of Policy and Procedure, any party may ask the Zoning Commissioner to reconsider a decision within thirty (30) days of the date thereof. Given the nature of the correspondence received from Mr. Hetmanski, same shall be considered a Motion for Reconsideration.

Mr. Hetmanski requests that the matter be reopened and a new hearing scheduled in that many residents who object to the proposal were unable to appear at the hearing as a result of the damage caused by Hurricane Isabel. Mr. Hetmanski goes on further to cite various reasons why relief should not be granted. He also references photographs of the property that were to be attached to his correspondence; however, no photographs were attached. Moreover, he objects to the fact that the hearing occurred on September 23, 2003, given the significant damage caused in that area by Hurricane Isabel on September 19, 2003. However, it is to be noted that Baltimore County was open and the Office of the Zoning Commissioner conducted hearings on that date, as did the Courts of this state, including the Circuit Court and District Court for Baltimore County. As noted above, Robert Poleski, co-owner of the subject property appeared, as did a number of individuals (approximately 6 to 8 people) from the locale who supported the request. Under the circumstances, I decline to reschedule this matter for further proceedings or an additional hearing. To do so would be unfair to those individuals who made efforts to attend and participate at the hearing on September 23, 2003.

Mr. Hetmanski also presents other objections to the relief granted. Some of these objections are outside the scope of the Zoning Commissioner's authority. That is, the Zoning Commissioner has no authority to resolve neighborhood disputes or determine liability for damage

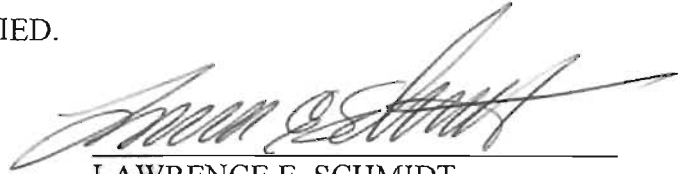
11/16/03

gsp

allegedly sustained by boats that were dislodged by the storm. The other issues raised by Mr. Hetmanski were considered and addressed during the hearing.

Based on the foregoing, the Motion for Reconsideration and request for another hearing shall be denied. This decision incorporates and specifically adopts the Findings of Facts and Conclusions of Law and Order dated October 20, 2003. Pursuant to the aforementioned Rule 4-K, Mr. Hetmanski may file an appeal to the County Board of Appeals. The Protestants are reminded that any appeal of my decision must be filed within thirty (30) days of the date hereof, must be in writing and must be accompanied by a fee as required by the Board of Appeals.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of November 2003 that the Motion for Reconsideration filed in the above-captioned matter be and the same is hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Joseph C. Hetmanski, 2801 5th Street, Baltimore, Md. 21219
Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600, Towson, Md. 21204
Messrs. Robert P. Poleski and Michael J. Poleski
9033 Cuckold Point Road, Baltimore, Md. 21219
People's Counsel; Case File

ORDER RECEIVED FOR FILING

Date

11/10/03

By



IN RE: PETITIONS FOR SPECIAL HEARING,	* BEFORE THE
SPECIAL EXCEPTION & VARIANCE -	
SE/S Cuckold Point Road, 60' S of the c/l	* ZONING COMMISSIONER
4 th Street	
(9033 Cuckold Point Road)	* OF BALTIMORE COUNTY
15 th Election District	
7 th Council District	* Case No. 04-046-SPHXA
Robert P. Poleski and	*
Michael J. Poleski, Owners/Petitioners	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Robert P. Poleski and his brother, Michael J. Poleski, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners request a special hearing to approve an amendment to the site plan previously approved in Case No. 98-3-SPH and removal of Restriction No. 3 thereof. In addition, a special exception is requested to permit a Class B out-of-water storage facility on the subject property. Lastly, a variance is requested from Section 417.7.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow 1.43 acres in area in lieu of the required 5.0 acres for a Class B out-of-water storage facility. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Robert Poleski, co-owner of the subject property, Joseph Larson, the consultant who prepared the site plan, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. Also appearing in support of the request was William P. Jones on behalf of Baltimore County's Department of Economic Development. In addition, a number of neighbors from the surrounding locale appeared in support of the request and their attendance is reflected on the sign-in sheet that was circulated at the hearing. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING
 Date 10/24/13
 By [Signature]

The subject property is familiar to this Zoning Commissioner, having heard prior zoning Case No. 98-3-SPH. In that matter, the Petitioners sought special hearing relief to confirm a pre-existing nonconforming use of the subject property as a boat yard/marina, an amendment to a previously approved site plan dated October 12, 1994, and a modified parking plan, pursuant to Section 409.12 of the B.C.Z.R. By Order dated December 11, 1997, the undersigned granted the relief, subject to three restrictions. Except as expressly modified, the findings and conclusions set out in that order are incorporated herein.

As noted in the prior case, the subject property is an irregularly shaped waterfront parcel located on the southeast side of Cuckold Point Road and the east side of 5th Street in Millers Island. The property contains a gross area of 1.95 acres, more or less, zoned B.M. and is comprised of five lots, identified as Lots 506 through 510 of the subdivision known as Swan Point. The bulk of the site has frontage on Hawks Cove and is improved with several buildings including a one-story metal building used as an office, a one-story shed, and two single-family residences. The lot located across Cuckold Point Road is improved with a one-story metal building that is used as a shop in association with the marina. In this regard, this lot was previously split zoned B.M. and D.R.5.5, however, was reclassified in 2000 to B.M.

The acquisition of the subject property by the Petitioners is more particularly set forth in the prior decision. Essentially, the property has been used as a boat yard/marina since the mid-1950s and was ultimately inherited by these brothers from their parents. The Petitioners now come before me seeking approval to allow a series of proposed improvements.

As more particularly shown on the plan, the marina presently has three fixed piers extending into Hawks Cove which collectively provide 45 water slips. The Petitioners propose the removal of a portion of two of the piers and the reconfiguration and addition of floating docks to the remaining pier so that a total of 54 water slips can be provided. Mr. Poleski testified that this proposal has been discussed through a series of meetings with the Department of Environmental Protection and Resource Management (DEPRM) and after significant negotiation, that agency has approved the proposed reconfiguration. In addition to the proposed improvements to the existing

10/20/03
[Signature]

piers, the Petitioners also propose the construction of two- and three-tiered boat racks on land. When completed, this will allow stacking in a vertical arrangement for up to 85 boats.

The public hearing in this case was held on September 23, 2003, shortly after Hurricane Isabel struck the area (September 19, 2003). A series of photographs were submitted at the hearing showing that the property and surrounding area suffered significant damage from flooding. Indeed, the testimony and evidence presented supported the Petitioners application for the out-of-water storage rack in that the boats that were stored on land escaped damage. Additionally, a number of the Petitioners' neighbors and residents of the locale testified in support of the proposal. They described the marina/boat yard as a first-class operation that provides a substantial benefit to the area. Moreover, endorsement of the proposal was received from William P. Jones on behalf of Baltimore County's Department of Economic Development, who indicated that the proposed improvements would be beneficial to the community.

Based upon the testimony and evidence offered, I am persuaded to grant the requested relief. Insofar as the Petition for Special Exception, it appears appropriate to allow the proposed out-of-water facility on the site. In my view, this will promote a more orderly use of the property as opposed to the random storage of boats throughout the site. Additionally, the proposed facility will promote public safety, particularly given the recent impacts this property has felt as the result of Hurricane Isabel. Special hearing relief will also be granted. In this regard, Restriction No. 3 of the prior Order required that a public hearing be held in the event of a proposed amendment to that site plan. Indeed, a public hearing has been held in this case in compliance with that restriction. Finally, variance relief will also be granted. The unique configuration of this property drives the need for variance relief and the location of the proposed storage does not appear to overwhelm or overburden the site. In sum, I am persuaded that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted.

The Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning recommended certain setback requirements be imposed for the boat racks. In my view, such a restriction is unnecessary in that the proposed racks will be situated on that side of the

property adjacent to a restaurant, known as Dock of the Bay, which is on land zoned B.L. The racks appear to be appropriately located so as not to interfere with the adjacent buildings or dwellings. Moreover, boats have been stored throughout the property for over 50 years without complaint. Thus, I find that the grant of relief will actually be beneficial to the neighbors. In sum, I find that the location of the boat racks is appropriate and will not negatively impact the adjacent properties. The Office of Planning also requested that a landscape plan be submitted for their review and approval prior to the issuance of any permits. In this regard, the Petitioners shall contact Mr. Avery Harden, the Landscape Architect for Baltimore County, to develop a suitable landscape plan for the property. A copy of the approved plan shall be submitted to the Department of Permits and Development Management for inclusion in the case file.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

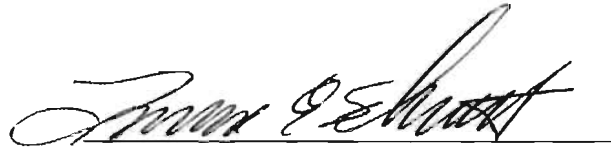
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of October 2003 that the Petition for Special Hearing to approve an amendment to the site plan previously approved in Case No. 98-3-SPH and removal of Restriction No. 3 thereof, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a Class B out-of-water storage facility on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 417.7.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow 1.43 acres in area in lieu of the required 5.0 acres for a Class B out-of-water storage facility, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) The Petitioners shall consult with Avery Harden, the Landscape Architect for Baltimore County to develop a suitable landscape plan for the subject property. A copy of the approved plan shall be submitted to the Department of Permits and Development Management for inclusion in the case file.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 10/28/13

By Bj

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

October 20, 2003

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
SE/S Cuckold Point Road, 60' S of the c/l 4th Street
(9033 Cuckold Point Road)
15th Election District – 7th Council District
Robert P. Poleski & Michael J. Poleski - Petitioners
Case No. 04-046-SPHXA

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have 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", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Messrs. Robert P. Poleski and Michael J. Poleski
9033 Cuckold Point Road, Baltimore, Md. 21219
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Mr. William P. Jones, DED; DEPRM; Office of Planning; People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9033 Cuckold Point Rd. (Lots 506-510)
which is presently zoned B.M.

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 amendment to site plan approved pursuant to Case No. 98-3-SPH to remove restriction no. 3.

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 _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Francis X. Borgerding, Jr. _____

Name - Type or Print _____

Signature _____

Company _____

409 Washington Ave., Ste. 600 410-296-6820

Address _____ Telephone No. _____

Towson MD 21204

City _____ State _____ Zip Code _____

Case No. 04 046 SPHXA

Legal Owner(s):

Robert P. Polaski _____
Name - Type or Print _____

Signature _____

Michael J. Polaski _____
Name - Type or Print _____

Signature _____

9033 Cuckold Pt Rd _____
Address _____ Telephone No. _____

Baltimore MD 21219

City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

UNAVAILABLE FOR HEARING _____

Reviewed By JL Date 7/29/03

ORDER RECEIVED FOR FILING
Date 7/20/03
By [Signature]

Date 7/15/98



Flood CBCA

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9033 Cuckold Point Rd. (Lots 506-
which is presently zoned B.M. 510)

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for an out of water storage facility, Class B

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

I, or we, agree to pay expenses of above Special Exception, 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 _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Francis X. Borgerding, Jr.
Name - Type or Print _____

Signature *F. X. Borgerding, Jr.* _____

Legal Owner(s):

Robert Poleski
Name - Type or Print _____

Signature *Robert Poleski* _____

Michael J. Poleski
Name - Type or Print _____

Signature *Michael J. Poleski* _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

UNAVAILABLE FOR HEARING _____

Reviewed By JL Date 7/29/03

ORDER RECEIVED/FOR FILING

Date

By

Company
409 Washington Ave., Ste. 600 410-296-6820
Address Telephone No.
Towson MD 21204
City State Zip Code

Case No. 04 046 SP4XA

REC 09/15/98



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9033 Cuckold Point Rd. (Lots 506-510)

which is presently zoned B.M.

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 Variance from Section(s) 17.7.B to allow an acreage of 1.43 in lieu of 5 acres for an out of water storage facility, class B

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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

I, or we, agree to pay expenses of above Variance, 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

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Francis X. Borgerding, Jr.

Name - Type or Print

Signature

Company

409 Washington Ave., Ste. 600

410-296-6820

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Robert P. Poleski

Name - Type or Print

Signature

Michael J. Poleski

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 hrs

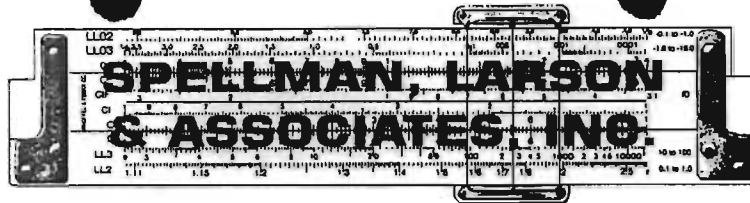
UNAVAILABLE FOR HEARING

Reviewed By SL

Date 7-29-03

Case No. 04 046 SPHXA

REV 9/15/98



046
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 ZONING, CUCKOLD POINT ROAD AND 5th STREET,
FIFTEENTH DISTRICT, BALTIMORE COUNTY, MARYLAND**

BEGINNING for the same at the corner formed by the intersection of the southeast side of Cuckold Point Road, 30 feet wide, and the northeast side of 5th Street, 30 feet wide, and running thence from said intersection and binding on the southeast side of Cuckold Point Road north 44 degrees 22 minutes east 260.00 feet thence leaving the southeast side of Cuckold Point Road and running south 45 degrees 10 minutes east 150 feet more or less, to the westernmost shore line of Hawk Cove and running thence and binding on the westernmost shore line of Hawk Cove southerly and southwesterly 300 feet, more or less, to the northeast side of 5th Street herein referred to and running thence and binding on the northeast side of 5th Street north 45 degrees 10 minutes west 284 feet, more or less to the corner formed by the intersection of the southeast side of Cuckold Point Road, 30 feet wide, and the northeast side of 5th Street, 30 feet wide, and running thence from said intersection and crossing Cuckold Point Road north 45 degrees 10 minutes west 30.00 feet to the northwesternmost corner of Cuckold Point Road and 5th Street herein referred to and crossing 5th Street south 44 degrees 22 minutes west 30.00 feet to the southwest corner formed by the intersection of the northwest side of Cuckold Point Road and the southwest side of 5th Street running thence and binding on the northwest side of Cuckold Point Road south 44 degrees 22 minutes west 150.00 feet thence leaving the northwest side of Cuckold Point Road and running north 45 degrees 38 minutes west 150.00 feet and north 44 degrees 22 minutes east 150.00 feet to the southwest side of 5th Street herein referred to and running thence and binding on the southwest side of 5th Street south 45 degrees 38 minutes east 150.00 feet to the corner formed by the intersection of the northwest side of Cuckold Point Road, 30 feet wide, and the southwest side of 5th Street, 30 feet wide, herein referred to and running thence and crossing 5th Street north 44 degrees 22 minutes east 30.00 feet to the corner formed by the intersection of the northeast side of 5th Street and the northwest side of Cuckold Point Road thence crossing Cuckold Point Road south 45 degrees 10 minutes east 30.00 feet to the place of beginning.

CONTAINING 1.95 acres of land more or less

May 8, 2003

File#D03200301



**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: 04-046-SPHXA
Petitioner: POLESKI
Address or Location: 9033 CUCKOLD PT. RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Bill's Boats, Inc.
Address: 9033 Cuckold Point Rd.
Baltimore, Md 21219
Telephone Number: (410) 947-5137

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: #04-046-SPHXA

9033 Cuckold Point Road

East and West sides of intersection of Cuckold Point Rd., and 5th Street

15th Election District - 7th Councilmanic District

Legal Owner(s): Robert and Michael Poleski

Special Exception: to permit an out of water storage facility, Class B. **Variance:** to allow an acreage of 1.43 in lieu of 5 acres for an out of water storage facility, Class B.

Special Hearing: for amendment to site plan approved to Case No. 98-3-SPH to remove restriction No. 3.

Hearing(s): Tuesday, September 23, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake 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.

9/109 Sep 4

C624192

CERTIFICATE OF PUBLICATION

9/5/, 2003

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 9/4/, 2003.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23807

DATE 7/29/03 ACCOUNT 001 006 6150
AMOUNT \$ 800.00

RECEIVED
FROM: _____

FOR: SPXHA FILING

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME

7/29/2003 7/29/2003 11:29:19

REG NO. 176462 7/29/2003

>>RECEIPT # 176462 7/29/2003

Dep 5 528 ZONING VERIFICATION

CR NO. 025807

Receipt Tot \$800.00

800.00 CR .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

ZONING NOTICE

CASE # 04-046-SPHX A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 106, COUNTY OFFICE BLDG.
111 W. CHESAPEAKE AVENUE
TOWSON, MD. 21204

PLACE:

DATE AND TIME: TUESDAY, SEPTEMBER 23, 2003
AT 2:00 P.M.

REQUEST: SPECIAL EXCEPTION TO PERMIT
AN OUT OF WATER STORAGE FACILITY, CLASS "B"

VARIANCE TO ALLOW AN ACREAGE OF 1.43 IN LIEU
OF 5 ACRES FOR AN OUT OF WATER STORAGE FACILITY, CLASS "B"

SPECIAL HEARING FOR AMENDMENT TO SITE PLAN

APPROVED TO CASE NO 98-3-SPN TO REMOVE RESTRICTION NO 3

ADJUSTMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887 3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



CERTIFICATE OF POSTING

RE: Case No.: 04-046-SPHXA

Petitioner/Developer: ROBERT & MICHAEL POLESKI

Date of Hearing/ Closing: SEPT. 23, 2003

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

Attention: BECKY HART

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 #9633 CUCKOLD POINT ROAD

The sign(s) were posted on

SEPT. 6, 2003
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BAUTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)



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

August 11, 2003

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: 04-046-SPHXA

9033 Cuckold Point Road

East and West sides of intersection of Cuckold Point Rd., and 5th Street

15th Election District – 7th Councilmanic District

Legal Owners: Robert and Michael Poleski

Special Exception to permit an out of water storage facility, Class B. Variance to allow an acreage of 1.43 in lieu of 5 acres for an out of water storage facility, Class B. Special Hearing for amendment to site plan approved to Case No. 98-3-SPH to remove restriction No. 3.

Hearings: Tuesday, September 23, 2003, at 2:00 p.m., Rm. 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco
Director

TK:klm

C: Francis Borgerding, 409 Washington Ave., Ste. 600, Towson 21204
Robert and Michael Poleski, 9033 Cuckold Point Road, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 8, 2003.**
- (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, September 4, 2003 Issue - Jeffersonian

Please forward billing to:
Bills Beats, Inc.
9033 Cuckold Point Road
Baltimore, MD 21219

410-477-5137

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: 04-046-SPHXA

9033 Cuckold Point Road
East and West sides of intersection of Cuckold Point Rd., and 5th Street
15th Election District – 7th Councilmanic District
Legal Owners: Robert and Michael Poleski

Special Exception to permit an out of water storage facility, Class B. Variance to allow an acreage of 1.43 in lieu of 5 acres for an out of water storage facility, Class B. Special Hearing for amendment to site plan approved to Case No. 98-3-SPH to remove restriction No. 3.

Hearings: Tuesday, September 23, 2003, at 2:00 p.m., Rm. 106, County Office Building, 111 W. Chesapeake Avenue



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

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

September 22, 2003

Francis Borgerding, Jr.
409 Washington Avenue, Ste. 900
Towson, MD 21204

Dear Mr. Borgerding:

RE: Case Number: 04-046-SPHXA, 9033 Cuckold Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 29, 2003.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Robert & Michael Poleski, 9033 Cuckold Point Road, Baltimore 21219

Visit the County's Website at www.baltimorecountyonline.info



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on Recycled Paper



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

August 6, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: August 4, 2003

Item No.: 046

Dear Ms. Hart:

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.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code, (2000 edition of NFPA 1 & 101), prior to occupancy or beginning of operation.

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

cc: File





Robert ... Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway
Administration

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8.5.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 046 JLL

Dear Ms. Hart:

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,

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone 410.545.0300 www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 25, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For August 11, 2003
Item Nos. 033, 034, 035, 036, 037,
039, 040, 041, 043, 045, and 046

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

RWB:CEN:jrb

cc: File

To: Arnold L. Jablon

~~Date:~~ 8/20/03

From: Bruce Seeley:

Subject: Zoning Item # 046

9033 Cuckold Pt. Rd. (Bills Boats)

Zoning Advisory Committee Meeting of AUG. 4, 2003

☐ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

☐ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

☒ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

☐ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461 and other Sections of the Baltimore County Code).

Jack
9/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 22, 2003

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

RECEIVED

SEP 22 2003

SUBJECT: 9033 Cuckold Point Road

INFORMATION:

Item Number: 04-046

Petitioner: Robert Poleski

Zoning: BM

Requested Action: Special Hearing/Special Exception

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the setback requirements of the residential zone are met: 30 feet for racks that are 2 boats high and 60 feet for racks that are 3 boats high. The petitioner must also submit a landscape plan that conforms to Section 417.7.D of the Baltimore County Zoning Regulations to this office for review and approval prior to the issuance of any building permits.

Prepared by:

Mark A. Coughlin

Section Chief:

Lynn L. L. L.

AFK/LL:MAC:

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & VARIANCE *
9033 Cuckold Point Rd; E & W side of * ZONING COMMISSIONER
intersection of Cuckold Pt Rd & 5th Street *
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): Robert P & Michael J Poleski *
Petitioner(s) * BALTIMORE COUNTY
*
* 04-046-SPHXA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 8th day of August, 2003, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

AUG 08 2003

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

APPEAL BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

RECEIVED

NOV - 4 2003

IN RE: PETITION FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE
SE/S Cuckold Point Road, 60'S of the c/l 4th street
(9033 Cuckold Point Road)
15th Election District
7th Council District
Owners: Robert P. Poleski & Michael J. Poleski

ZONING COMMISSIONER

CASE NO. 04-046-SPHXA

This matter comes before the Zoning Commissioner for consideration for Special Hearing, Special Exception and Variance filed by Joseph C. Hetmanski Resident of 2801 5th Street Directly West of Business, Who has been a resident since the 1960. The petitioner had requested a hearing for an Amendment to the site plan previously approved in Case No. 98-3-SPH and the Removal of Restriction No. 3 thereof. In Respect of All Residents of the Cuckold point Road Residents a New hearing Date should be rescheduled due to the fact that the Residents were unable to make the hearing due to Hurricane Isabel struck the area (September 23, 2003) . And all residents Cars and Homes were damaged severely damaged due to the (NATIONAL DISASTER). Mr. Robert P. Poleski & Michael J. Poleski had boat owners attend the meeting for support. And the Resident were unable to express there feelings due to the NATIONAL DISASTER. Therefor the meeting should had been cancelled to the the area was in a National Disaster .The resident did call the number on the VARIANCE and was told "they would send someone to speak to him within the week" . No One ever contacted Mr. Joseph C Hetmanski .And Mr .Robert and Michael Poleski had already Installed the boat racks and were using them before time the Variance was approved, of which we have pictures of the racks with boats on them Before the Approval time . Which lead to all Mr. Joseph C Hetmanski Property damage, From the large number of illegally stored Boats at Mr. Robert & Michael Poleski Boat yard . Mr Michael and Robert Poleski who had rented motor boats and Row Boats since 1960. without any storage of large Boats. He had parking for boats that were ramped for no longer than a couple of days and all Boats were never stored on these Premises over night or long period of time .Approxiamently 5yrs ago after mother death they started storing large boats

Due to the Boat Yard lack of security the large Boats floated away from the boat yard and damaged the boats and houses or anything that ~~was~~ in the path of the boats such as Mr. Hetmanski house and fence and garage. Mr Hetmanski was not the only one that was affected by the large boats . The Variance Should not have been approved due to Lack of Security ,Lack of Restraints on Boats and lack of ability to keep the Boats within his property and due to the fact that the boat lifts are to close to houses and main street traffic and are not held down or cemented into any thing :

ORDER RECEIVED FOR FILING

Date

By

11/10/03

10/10/03

And Mr Michael and Robert Polaski are not willing to assume responsibility for damages that were accured by the boats when they were illegally stored onthere property when the (National Disaster ,Hurricane Isabel). And in the case of any high winds or accidents there is nothing holding structure from falling and down into main Road were someone could be killed or seriously hurt. And severe property damage to houses and business near were the lifts are located. And are blocking a county road which they do not pay taxes for ,and the residents do not have proper access to for recreational use of this property due to the lifts and Boats that are stored near the area.

As noted this property was used for renting row boats and row boats with motors and was never presented to the community as a place to store large boats and the buildings which were 2 metal storage shed was added onwith a roof and wall with no Variance for any one to having knowledge of what they were planing to do.

There is not ample space for 54 large boats to be properly stored without blocking residents view of water.The Boat Yard has done most of there work without Variances and before approval time.

With in deep respect of resident this should have never been approved due to the disaster in that area .And should be reconsidered and reschedule and you will have appropriate and accurate information and not 1 sided .And pictures that prove the statement that it was done prior to the approval time.And there were Boats and Property damage for the neglect and from the Boat Yard starting before approval.

Therefore, there should be a Investigation and a hearing should be reschedule so the Community may have there say of why it should not be approved and what should be be done for the safety of boat owners and residents property near and around the area of the boat Yard. Known as Bills Boats.

Pictures enclosed show evidence of that it was done before and that the structure is to close to the main street, and to close to houses and are not properly secure.

Thank You ,

Joseph C. Hetmanski
Joseph C. Hetmanski
2801 5th street
Baltimore, Md. 21219
410-388-1362

11/4/03

cc;Joseph Hetmanski

ORDER RECEIVED FOR FILING

Date

By

November 19, 2008

Timothy M. Kotroco
Baltimore County
Dept of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Bill's Boats DRC 0423071
Zoning Order Case No. 98-3SPH
Spirit and Intent

Dear MR. Kotroco:

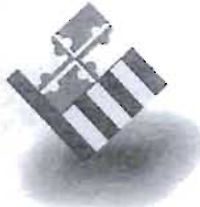
Enclosed you will find the amended site plan for the location 9033 Cuckold Point Road located in Swan Point subdivision lots (506-510) and Swan Point lots (73-75) located at the corner of Fifth Street. We are trying to reconstruct a 50x60 one story metal building to replace what was destroyed by Tropical Storm Isabel in 2003. I would like to request a determination that the location of the building meets the spirit of intent of the Zoning Commissioners order dated October 20th, 2003 case No. 98-3SPH to proceed with our plans.

We are proposing to relocate the building to a more suitable location approximately 90 feet easterly of the location shown on the site plan which accompanies the zoning commissioner's order. The new site plan shows the new location of the building to accommodate the parking, landscaping, and wheel chair accessibility along with the set backs and survey descriptions. We are not asking for any additions we are simply asking to replace what had once existed in a new convenient location. If there are any further questions please call (443) 326-5767.

Sincerely,

Robert Poleski

ON SITE PLAN SUBMITTED
w/ 11/19/02 S-I letter. We
have indicated proposed location
of 50 x 60' shed in yellow on
will show rest of parcel. The
location meets S-I of 04-046-SPH-X1



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 29, 2009

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

Robert Poleski
Bills' Boats
9033 Cuckold Point Road
Baltimore, MD 21219

RE: Bill's Boats
Zoning Case 04-046-SPHXA
Spirit and Intent Request
15th Election District

Dear Mr. Poleski:

I am in receipt of your Spirit and Intent request letter dated November 18, 2008 and amended site plan for the proposed "50-foot by 60-foot One-Story Metal Building Shop for Marina" located at Bills Boats, 9033 Cuckold Point Road.

You are proposing to relocate this building from the location shown on the plan that accompanied Zoning Case No. 04-046-SPHXA. That order amended prior Zoning Case No. 98-3SPH.

Your letter indicates that you desire to relocate the proposed building approximately 90 feet easterly of where it was shown on the plan that accompanied the previous order. In fact, the amended site plans shows the proposed building to be located approximately 50 feet in a westerly direction.

On that amended site plan, which was submitted with your letter, we have highlighted the proposed location of this building in yellow. This plan will become part of the zoning hearing file as well as the Zoning Review Office's letter file.

This new location of the proposed building as shown on this plan meets the Spirit and Intent of Zoning Case No. 04-046-SPHXA which amended prior Zoning Case No. 98-3-SPH.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Timothy M. Kotroco, Director

C: Carl Richards, Zoning Office
files

From: Patricia Farr
To: David Lykens; Walter Smith
CC: Esslinger, Regina; Michael Kulis
Date: 01/21/09 3:57 PM
Subject: Bill's Boats

I spoke with Rob Poleski today regarding his proposed:

- (1) accessory parking lot across the street from the marina,
- (2) restaurant deck, and
- (3) numbered parking spaces on an existing parking lot near the water.

Based upon our review, these items are all OK as proposed relative to Critical Area requirements.

If you have questions, please let me know.

Walt, I believe Mr. Poleski will be calling you about the DRC issues on the site.

Patricia M. Farr, Manager
Environmental Impact Review Section
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, MD 21204
Phone: 410-887-3980
Fax: 410-887-4804
pfarr@baltimorecountymd.gov

Case Number: 04-046-SPHXA

9033 Cuckold Point Road

East and West sides of intersection of Cuckold Point Rd., and 5th Street

Robert and Michael Poleski owners of Bill's Boats Inc.

We are aware of the impending special exception to permit general zoning for an out of water storage facility, class b hearing before the zoning commissioner of Baltimore County. The above mentioned case 04-046-SPHXA is asking for zoning relief. By signing this petition we indite our support for the petitioners request for the zoning relief and request the Zoning commissioner of Baltimore County grant the special exception.

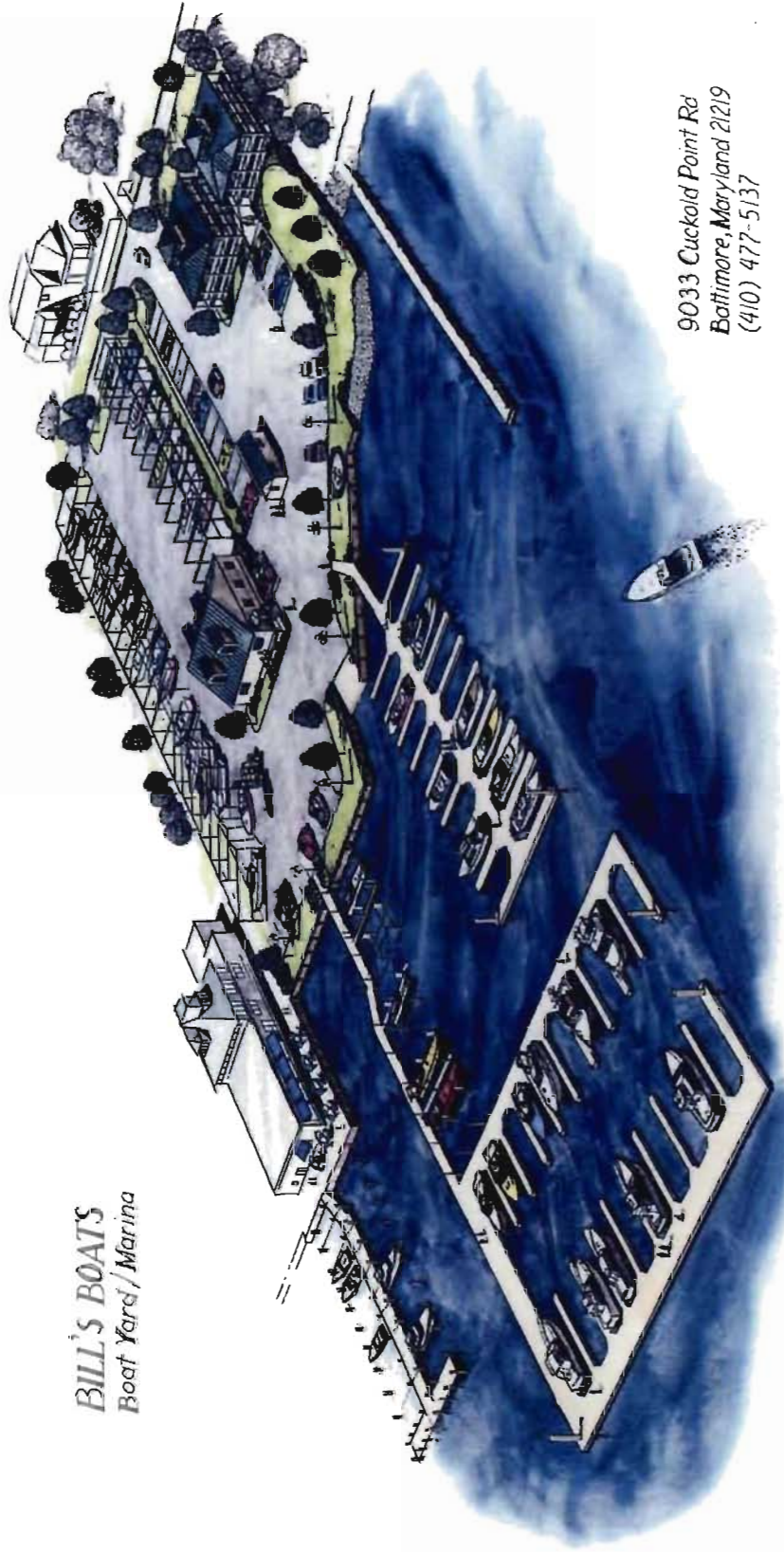
Name	Address	Phone
Emma Sierdoff	4100 WATKINS AVENUE BALTO MD 21214	410-480-3946
John Zafra	4425 Todd Point Lane Balto. Md. 21214	410-477-5159
Pedro Navarro	201 Willow Ave Towson, MD 21286	410-565-1264
Ed Griffin	9318 SEA POINT ROAD BALTO, MD. 21219	
Don Jones	1977 SNYDER AVE BALTO MD 21222	
DORA WICKHIE	530 DUNDALK AVE BALTO MD 21224	
Robert W. Carlson	7614 TACOMA AVE BALTO MD 21224	
David M. McWilliams	2802 2 nd St Balto. MD 21219	
William A. Grimes	3113 RIVER DRIVE RD BALTO. MD 21217	
Robert J. Pinner	412 ARANSTRONG RD BALTIMORE MD 21220	
Michael Spivey	7206 LINDMAN AVE Balto	21217
DAN DIVEN	7200 RIVER DRIVE RD Balto. MD 21217	
Tom McFarland	4309 SHILOH RD Balt. MD 21219	
Shad Quast	3574 LODGE FOREST DR BALTO 21219	410-477-0938
DAVID L. DAVIES	3111 WHITENAY ROAD EDGEWATER 21219	
Robert A. Nicely Sr	6705 RIVERDRIVE RD 21219	
CLARENCE H. HIGGS	2906 WELLS AVE 21219	
John E. Kellum	2527 SALISBURY AVE 21219	
TODD RUPPEL	1825 BETHALAM AVE 21222	
Matt Paul	2301 GROSS AVE 21219	

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

BILL'S BOATS
Boat Yard / Marina



9033 Cuckold Point Rd
Baltimore, Maryland 21219
(410) 477-5137

Ref No 2



Pub No 3



David F. Bibo
Administrator
Placement Area Operations
(410) 631-1102
(800) 638-7519

Maryland Port Administration
2310 Broening Highway - Suite 225
Baltimore, Maryland 21224-6621
E-Mail: dbibo@mdot.state.md.us
Fax: (410) 631-1057

**Baltimore County
Business Awards**

2001



**Marine Trades Association
of Baltimore County**

On the Waterfront Award

**For outstanding contributions
to Baltimore County's
marine trades industry**

Presented October 18, 2001

C.A. Dutch Ruppertsberg

**C.A. Dutch Ruppertsberg
Baltimore County Executive**

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SE/S Cuckold Point Road, 60 ft.
+/- S from c/l 4th Street * ZONING COMMISSIONER
9033 Cuckold Point Road
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District
Robert Poleski & Michael * Case No. 98-3-SPH
Poleski, Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property known as lots 506 thru 510 (also known as 9033, 9035 and 9037 Cuckold Pt. Road) in the Swan Point subdivision in southeastern Baltimore County. The Petition was filed by Robert Poleski and Michael Poleski, property owners. The Petition requests that the Zoning Commissioner grant relief, "to confirm and continue a pre-existing nonconforming use of a boat yard/marina in a B.M./D.R.5.5 zone; to amend the previously approved site plan dated October 12, 1994; and to approve a modified parking plan pursuant to BCZR, Section 409.12". The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

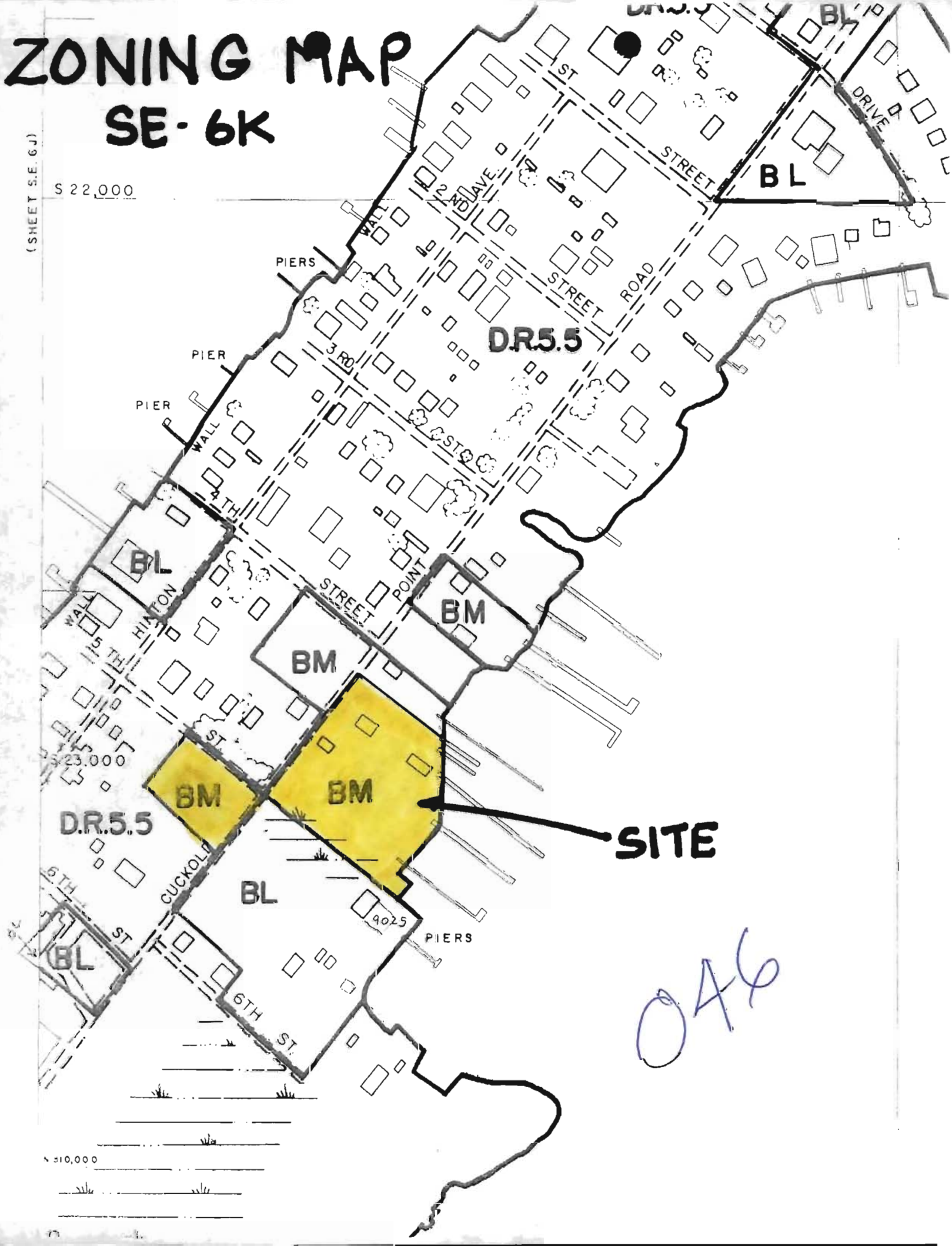
Appearing at the public hearing held for this case were Michael Poleski and Robert Poleski, property owners. Also appearing in support of the request was Joseph Larson, of Spellman, Larson and Associates, Inc., the consultants who prepared the site plan. The Petitioners were represented by John B. Gontrum, Esquire. A number of interested individuals who reside in the area also appeared in support of the Petition. They included Terri Ligard, Kim Poleski, Wayne Miskiewicz, Carl Hobson and Norman Anderson. Also appearing at the hearing were a number of neighbors who are concerned about the Petitioners' plans. Those individuals included Edward Idranicka, Christina K. Minnick, Philip J. Sessa and Adam F. Szczypinski.

ZONING MAP

SE-6K

(SHEET S.E. 6J)

S 22,000



SITE

OAG

S 10,000



The Marine Trades Association of Baltimore County
proudly presents the 2003

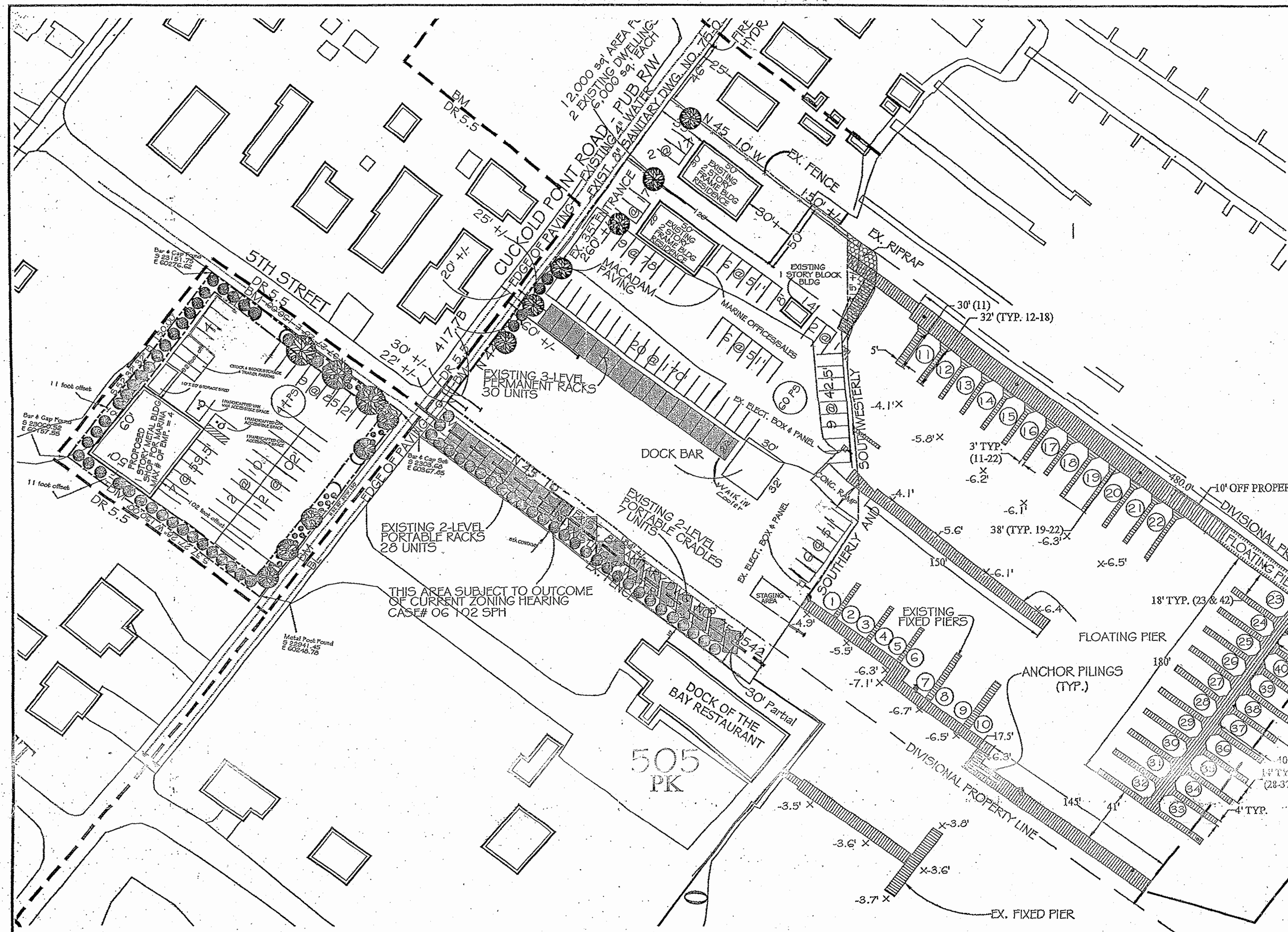
Waterfront GUIDE

Eighth Edition



A Guide to Boating in Baltimore County





PLANT LIST

QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE/ CALIPER
3	TILIA CORDATA	GREENSPICE OR LITTLELEAF LINDEN	2"
11	PRUNUS OKAME	OKAME CHERRY	2"
78	CUPRESSOCYPARIS LEYLANDI	LEYLAND CYPRESS	#7
34	EUONYMUS ALATUS 'COMPACTUS'	BURNING BUSH	#5

Zoning Notes

- December 13, 1994 - Case Number 95-151A. Petition granted for variance seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a lot width of 50 feet in lieu of the minimum required 55 feet and a side yard of 8 feet in lieu of the minimum required 10 feet for proposed dwelling construction.
- September 16, 1997 - Zoning petition special hearing Case Number 98-3-SPH held "to confirm and continue a pre-existing non-conforming use of a boatyard/marina; and to amend previously approved site plan dated 10/12/94; and to approve a modified parking plan."
- December 11, 1997 - Order of Findings of Fact and Conclusions of Law issued for Case Number 98-3-SPH. Lot 509, zoned D.R.5.5, was granted a non-conforming use for a boatyard/marina and Lot 510 was denied a use for commercial purpose. The amendment to the previously approved plan was granted and the modified parking plan was approved.
 - "The Petitioners shall engage in no commercial activity from Lot 510 and the storage of any boats thereon shall be limited to the Petitioner's own boats, not to exceed 25 in number and 16 feet in length."
 - "Any expansion to existing commercial facilities on the subject property shall require a public hearing and an amendment to the Petition for Special Hearing granted herein."
- October 10, 2000 - Lot 510 rezoned to B.M. (Business Major) Zoning pursuant to the 2000 Comprehensive Zoning Process.
- Per a review by Mr. Lewis and Mr. Jablon of P.D.M. on Monday 5.02.2002, no hearing is required for these proposed piers since the site is now all BM zoned.

04-046-SPHXA

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of October 2003 that the Petition for Special Hearing to approve an amendment to the site plan previously approved in Case No. 98-3-SPH and removal of Restriction No. 3 thereof, be and is hereby GRANTED; and,

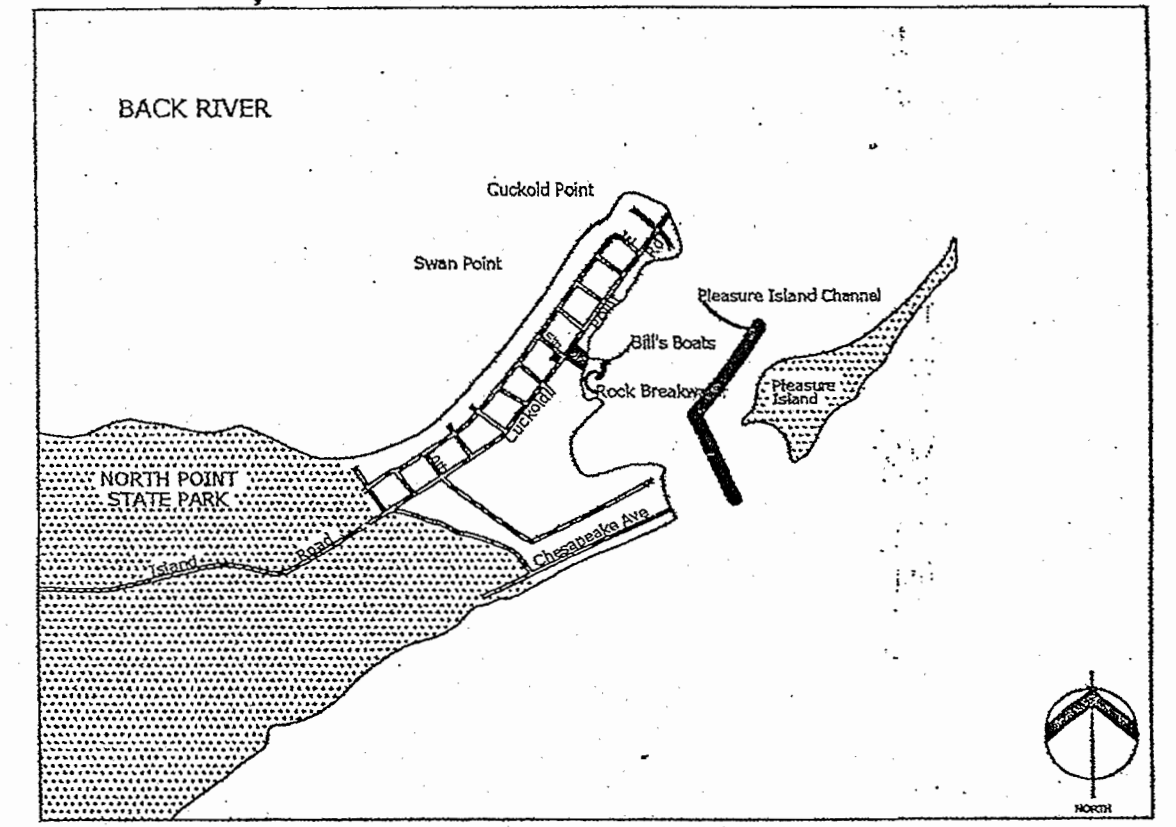
IT IS FURTHER ORDERED that the Petition for Special Exception to permit a Class B out-of-water storage facility on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 417.7.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow 1.43 acres in area in lieu of the required 3.0 acres for a Class B out-of-water storage facility, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- The Petitioners shall consult with Avery Harden, the Landscape Architect for Baltimore County to develop a suitable landscape plan for the subject property. A copy of the approved plan shall be submitted to the Department of Permits and Development Management for inclusion in the case file.
- When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
Zoning Commissioner
Baltimore County

Vicinity Map
Scale: 1"=1,000'



SURVEY CONTROL NOTE

THE COURSES & DISTANCES SHOWN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED BY THE BALTIMORE COUNTY SURVEY CONTROL AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS BELOW:

NO. 15893 NO 15894
S 22778.67 S 23347.57
E 60592.13 E 60158.33

Slip Data

Existing Proposed 60 Slips 42 Slips
Proposed Anchor Pilings 12

Parking Calculations

123 Boat Slips and/or Rack Spaces @ 0.5 Spaces per slip and/or space = 62 Spaces
Single Family Dwelling and 1st Floor Marina Office/Sales 1,500 sq.ft. @ 2 spaces per unit = 8 Spaces
Prop. Shop. (Boat Repair) 4 Employees = 4 spaces reqd. 4 Spaces
30 X 32, 960 sq.ft. @ 20 per 1000 Dock Bar= 20 Spaces
Total Required = 94 Spaces
Parking Provided = 94+ Spaces
Handicapped Parking Provided = 1 Van Accessible Space 1 Car Accessible Space

Site Data

Deed References 7169/357 11492/319
Tax Account Numbers 1516600740 1523001870 1516600741 1523001872 1502650260
Councilmanic District 7th
Site Area 50,110 sq. ft. 1.15 acres +/-
Existing Zoning BM
Existing Use Boatyard/Marina
Floor Area Ratio Total Sq. Ft. of Buildings = 84,610 sq. ft. F.A.R. = 10,952/84,610 = 0.13

Key

- X -6.4' Spot Elevation
- ② Slip Number
- Anchor Piling
- Property Line
- Standpipe Location
- Zoning Line
- Fence

TAX ID# = 1516600742
LOT # = 73,74,75

Notes

- Emergency oil spill equipment and pump-out equipment located in Shed 1.
- Bill's Boats site configuration and minor expansion conditionally approved by DEPRM on January 5, 2000.
- Fire protection standpipes shall be installed in accordance with NFPA 14, and NFPA 303; Installation and specifications shall also conform to F-519.2 and F-520.0 of the Fire Prevention Code of Baltimore County. Separate permit is required for fire prevention equipment/system.
- Location of off-site features are not field located.
- This plat is not intended for construction purposes.

* SITE PLAN SUBMITTED WITH 11-19-08 S&E REQUEST

SITE PLAN

BILL'S BOATS
9033 Cuckold Point Road
Lots 506-510

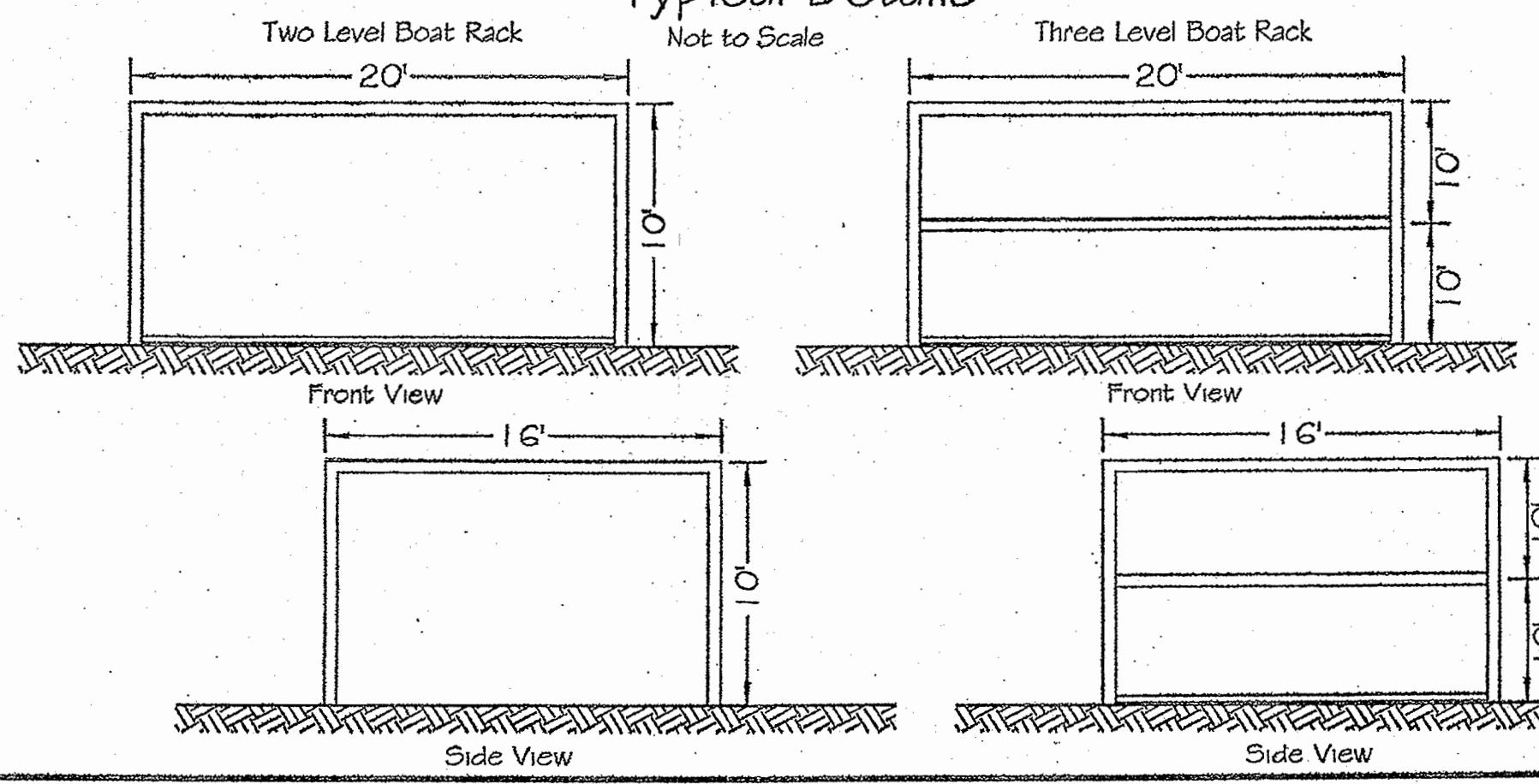
Election District No. 15
Baltimore County, Maryland



AMERICAN LAND CONCEPTS
239 B MAIN STREET
REISTERSTOWN, MARYLAND 21136
PHONE: (410)-526-2688
FAX: (410)-526-2970

SCALE: 1"=50'
DATE: 1.15.07
JOB #: 99-35
DESIGNED: MVS
DRAWN: MTW
CHECKED: GMJ
SHEET: 1 OF 1

Typical Details



Special Exception for out of water storage facility, Class B. Need relief from AC. Limit under 217.7.B, 217.7.F Variances should work since limits of 417.7.G seem to only apply to BMM, BMB.

Paving will not be Durable Dustless Surface but is subject to 409.6.A.3 for marina. The Directors of DEPRM, Fire and Public Works must approve the surface or a variance is required.

