IN RE: PETITION FOR SPECIAL HEARING W/S Back River Neck Road, 745 ft. S of Bay Avenue 15th Election District 6th Councilmanic District (1220 Back River Neck Road)

> Middle River Realty Co., LLC, Legal Owner and Norman J. Demond/George L. Braml, Lessees Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-176-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Middle River Realty Co., LLC, Legal Owner and Norman J. Demond and George L. Braml, Lessees. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for the continued nonconforming use of the subject property to operate as a machine shop/sheet metal shop. The property was zoned M.L.R. until 1988.

The property was posted with Notice of Hearing on November 20, 2003 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 18, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

ORDER RECEIVED

Non Conforming Use (Definitions)

NONCONFORMING USE -- A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use. [Bill No. 18-1976]

Section 104.1

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. [Bill Nos. 18-1976; 124-1991]

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: Revised comments from the Office of Planning dated December 3, 2003 and comments from DEPRM dated December 2, 2003 which are made part of the record of this case. These comments did not address the issue of the non-conforming status of a machine shop but rather addressed site plan issues.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were David Billingsley, Buck Jones, and George Bram. Ralph K. Rothwell, Jr., Esquire represented the Petitioner. Norman Demond, Elmer Buxenstein, Patrick Benhoff, Carl Denny and Carl Vest testified as witnesses to the non-conforming status of the shop. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence.

Testimony and evidence proffered by Mr. Rothwell was that this site was zoned MLR for many years prior to 1988 when the Council imposed RC 20 on the property. A letter from Baltimore County to a prior owner indicated that the zoning change was made on many

properties in this area of the County in order to implement the Chesapeake Bay Critical Area Legislation. See letter from County Executive Hayden dated June 17, 1991, Petitioner's Exhibit No. 1. At the time the rezoning took place, the owner operated a machine shop on the property which was a legal use allowed under MLR regulations which refer to MR Regulations, Section 241.1.

Messrs. Norman Demond, Elmer Buxenstein, Patrick Benhoff, Carl Denny and Carl Vest testified that the primary use in the 1980's was as a machine shop making precision metal parts. Eventually the property was sold and in addition to machining parts, the owner produced sheet metal components using the same or similar machines as previously used. The property is now leased to Atlantic Sheet Metal Manufacturing Inc., which is operated by the contract purchasers. All testified that these uses were continuous for the period of time with which they were familiar. Several witnesses were former employees, some were persons with business dealings with the machine chop and some former owners. The contract purchasers testified that they wished to continue the business and that it would be a severe hardship to relocate their business. The nearest neighbor supported that petition saying that he had no objection to the continuous use of the property as a machine shop/sheet metal fabricating facility.

In regard to the Office of Planning comments, the Petitioner agreed to repair damages to buildings, screen-stored vehicles and equipment away from the public view, and to have an environmental inspection of the premises. In regard to the latter, they testified they had to do a similar environmental study for the bank that was financing the purchase and so had this information available. Mr. Rothwell mentioned, however, that several abandoned vehicles were in fact on Baltimore County or adjacent private property.

The only issue remaining was whether the traffic/storage areas should be paved with durable and dustless material as requested by the Office of Planning. Since this property is located in the Chesapeake Bay Critical Area, the question arises as to whether it would be better

to minimize impervious surfaces letting more rain water go into the ground or have it run off into area storm water facilities? Generally, DEPRM encourages recharging ground water whereas the Office of Planning encourages paving areas of traffic and storage. There is no dispute regarding areas of traffic. All agree these should be paved. So the question of paving storage remains to be resolved.

Findings of Fact and Law

Based on the evidence presented, I find that the property has been used continuously as a machine shop/sheet metal manufacturing use prior to 1988, that the use at the time the zoning changed was a legal use, and that the use has continued without interruption since 1988. Consequently, I find that the owners enjoy a non-conforming status for their machine shop/sheet metal manufacturing business.

I further find that this non-conforming use is located in the Chesapeake Bay Critical Area and thus triggers additional requirements not ordinarily imposed on nonconforming properties. Pursuant to Section 104.5 of the B.C.Z.R., I find that this use is subject to provisions of Sections 104.1, 104.2 and 104.3 of the B.C.Z.R. I further find that the provisions of Section 26-207 of the Baltimore County Code, referral to the Planning Board, do not apply to this case. Finally, I find that this property must comply with applicable provisions of Sections 26-445 and 26-453 of the Baltimore County Code.

Pursuant to the advertisement, posting of the property and public hearing held on the petition and for the reasons given above, I believe that the special hearing request should be granted subject to the conditions set forth below.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this _____ day of January, 2004, that the Petitioners' request for a special hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for the

continued non-conforming use of the subject property to operate as a machine shop/sheet metal shop, be and is hereby GRANTED subject to the following conditions:

- 1. The Petitioners must paint the existing building and repair any damaged/broken windows and doors.
- 2. The Petitioners shall provide vehicular traffic and parking areas with a durable and dustless material as required by the Baltimore County Zoning Regulations, but shall not be required to do so for storage areas indicated on Petitioner's Exhibit No. 1;
- 3. The Petitioners must completely screen stored vehicles and equipment from view from public view with a combination of fencing and plant materials;
- 4. The Petitioners shall not allow vehicle storage to overflow onto adjacent property;
- 5. The Petitioners must schedule a site assessment with DEPRM to ensure that there are no environmental hazards present on this site. It has been determined that the subject site had previously dispensed gasoline from underground tanks. Therefore, DEPRM's assessment/inspection shall include assessing that potential hazard as well;
- 6. The Petitioners property is subject to the provisions of Sections 104.1, 104.2 and 104.3 of the Baltimore County Zoning Regulations;
- 7. The Petitioners shall comply with the provisions of Sections 26-445 and 26-453 of the Baltimore County Code.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

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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

January 7, 2004

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

Re: Petition for Special Hearing
Case No. 04-176-SPH
Property: 1220 Back River Neck Road

Dear Mr. Rothwell:

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

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

Very truly yours,

Jøhn V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



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

Copies to:

Patrick Benhoff 14224 Sawmill Court Phoenix, MD 21131

David Billingsley 601 Charwood Court Edgewood, MD 21040

Norman J. Demond 3035 Anderson Road Jarrettsville, MD 21084

Elmer H. Buxenstein 1212 Back River Neck road Baltimore, MD 21221

George Bram 12420 Jerusalem Road Kingsville, MD 21087

Buck Jones 818 Back River Neck Road Baltimore, MD 21221

Carl Denny 10509 Bird River Road Baltimore, MD 21220

Carl Vest 1726 Glen Curtis Road Baltimore, MD 21221

Copies to:

Patrick Benhoff 14224 Sawmill Court Phoenix, MD 21131

David Billingsley 601 Charwood Court Edgewood, MD 21040

Norman J. Demond 3035 Anderson Road Jarrettsville, MD 21084

Elmer H. Buxenstein 1212 Back River Neck road Baltimore, MD 21221

George Bram 12420 Jerusalem Road Kingsville, MD 21087

Buck Jones 818 Back River Neck Road Baltimore, MD 21221

Carl Denny 10509 Bird River Road Baltimore, MD 21220

Carl Vest 1726 Glen Curtis Road Baltimore, MD 21221 PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER *

OF BALTIMORE COUNTY * CASE NO. 04-176-SPH

FOR THE PROPERTY LOCATED AT *

1220 BACK RIVER NECK ROAD

TRIAL MEMORANDUM

Petitioners and Applicants, by Ralph K. Rothwell, Jr. and Maslan, Maslan & Rothwell, P.A. submit this Memorandum to assist the hearing officer in assessing this case.

The Contract Purchasers Demond and Braml (for a corporation or LLC to be formed) herein referred to as "Contract Purchasers" are also the owners and operators of the business which is presently the Lessee at the premises Atlantic Sheet Metal Manufacturing, Inc., a Maryland Corporation. Lessors, Demond and Braml are the sole owners of Atlantic Sheet Metal Manufacturing, Inc. Therefore, they are both the existing Tenant and Contract Purchasers of the property. Middle River LLC is the present owner of the property and joins in this Petition. The present owner purchased the property in 1994. The previous owner, Roscoe Phipps, owned the property from 1975-1994.

For at least 40 or more years the use at the property has been a machine shop and/or sheet metal manufacturing operation or other commercial enterprise such as would be permitted under the M.L.R. zoning (see light manufacturing description in MR Section 241.1). By zoning hearing of Case No. 2700 (1953) the property was granted a reclassification from Residential Zone to E Commercial Zone with special permit for

gasoline station and garage. At some point thereafter, it became an MLR Zone and it remained an MLR Zone until 1988 when it was changed from MLR to RC (see correspondence from Baltimore County Government Executive's Office dated June 17, 1991 attached hereto as Exhibit 1).

The present owner, Middle River Realty LLC purchased the property under the representations that at that time it was still MLR as it contained an operating light manufacturing facility and machine shop above described in existence and operating at the time of the purchase. Middle River Machine operated the premises after the purchase by Middle River LLC. The prior owner, Roscoe Phipps, had been elderly at the time of the rezoning (1988) and at the time that he received the letter of 1991 (Exhibit 1 to this supplement attached) and was not active in the business. His affairs were being handled by family who obviously paid little or no attention to the correspondence of 1991.

The present tenants, Atlantic Sheet Metal Manufacturing, Inc., entered into a Lease for these premises to operate their machine shop and sheet metal manufacturing facility (which would have been permitted under the MLR) under the representations of the Landlord that the zoning was appropriate. The Lease started January 1, 1999 and continues for five years with two renewal periods of five years each (total fifteen years). Atlantic succeeded Overlea Sheet Metal Inc. which was a tenant from 1996 until Atlantic was formed. It has since come to their attention in their efforts to purchase the property and through their investigation that the subject property is RC 20.

All Petitioners ask to be permitted to continue to use the property legally as it has

been used prior to and subsequent to the change to R.C. Zone in 1988.

Respectfully submitted,

Ralph K Rothwell, Jr.

Maslan, Maslan & Rothwell, P.A.

7508 Eastern Avenue Baltimore, MD 21224

410-282-2700



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property	located at 1220 Back River Neck Road
	which is presently zoned RC 20
This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Special Hearing un County, to determine whether or not the Zoning Commissioner states.	is described in the description and plat attached hereto and der Section 500.7 of the Zoning Regulations of Baltimore should approve
The continued non-conforming use of the subject shop/sheet metal shop. The property was M.L.R.	property to operate as a machine until 1988.
	•
Property is to be posted and advertised as prescribed by the zor I, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted pursus	uposting, etc. and further agree to and are to be bounded by the
, 1	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:	Legal Owner(s):
Norman J. Demond/George L. Braml Name - Type or Print	Middle River Realty Co LLC Name Type or Print

Signature Signature 220 Back River Neck Road Patrick Benhoff, Member Address Telephone No. Name - Type or Print Baltimore, MD 21221 City State Zip Code Signature **Attorney For Petitioner:** 220 Back River Neck Rd Telephone No. Address Ralph K. Rothwell, Jr. Md. Name - Type or Print City Zip Code State Representative to be Contacted: Sinatu Maslan & Rothwell P Ralph K. Rothwell, Jr Name 7508/Eastern Avenue 410-282-2700 7508 Eastern Avenue 410-282-2700 Telephone No. Telephone No. Address Ballanore Baltimore, MD 21224 City MD 21224 Zip Code State Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

Reviewed By

UNAVAILABLE FOR HEARING

04-176 SPH

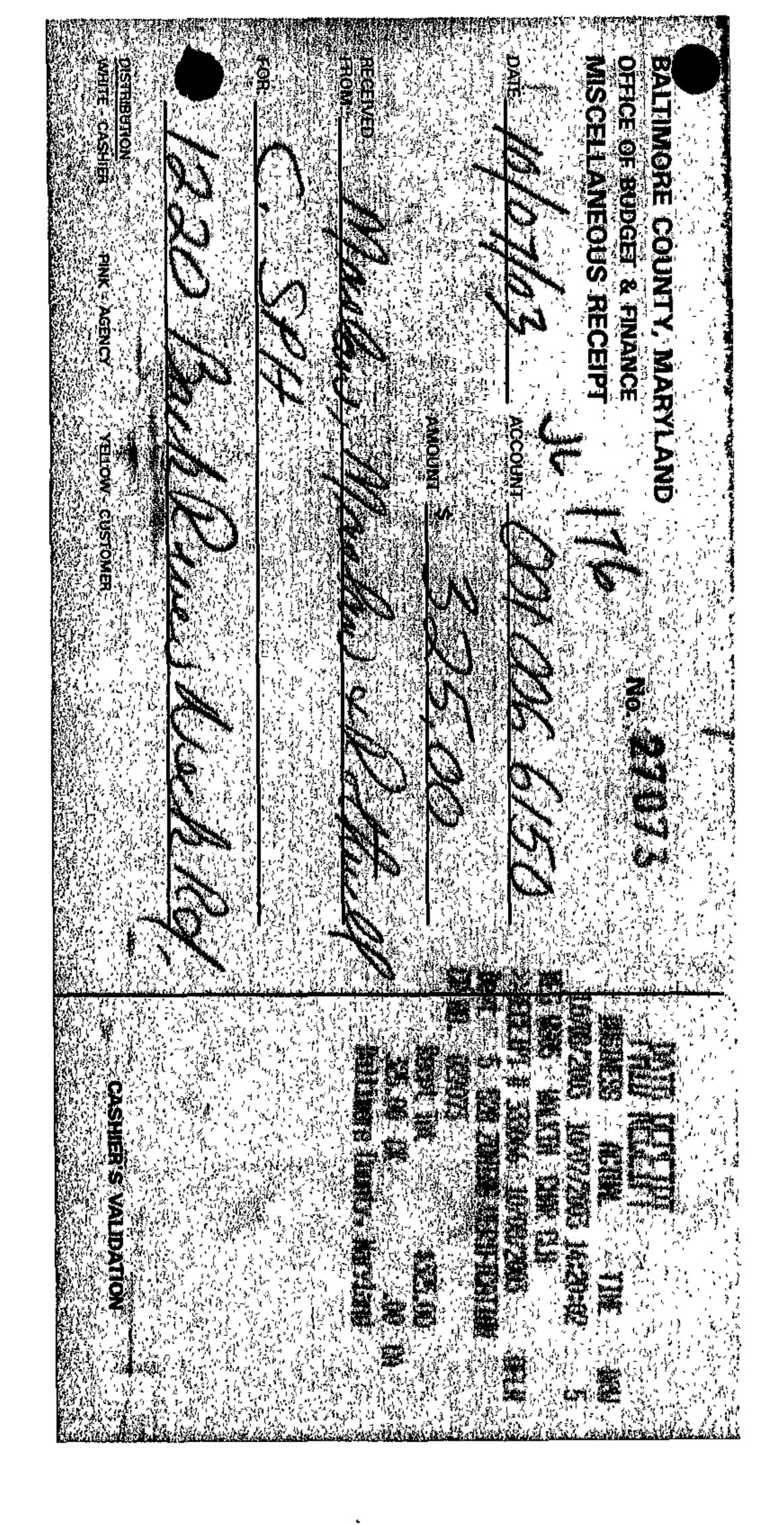
DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING

1220 BACK RIVER NECK ROAD

Beginning for the same at a point in the center of Back River Neck Road, said point being distant southeasterly 745 feet measured along the centerline of said Back River Neck Road from it's intersection with the centerline of Bay Avenue, thence along the center of said Back River Neck Road (1) S 04°00° E 85 feet, more or less, thence (2) N 86°30° W 248 feet, more or less, thence (3) N 03°30° E 84.25 feet, thence (4) S 86°30° E 238 feet, more or less to the place of beginning. Containing 0.470 acre of land, more or less.

Being located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Maryland





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: #04-178-SPH
1220 Back River Neck Road
W/side of Back River Neck Road, 745 feet south of Bay Avenue
15th Election District — 6th Councilmanic District
Legal Owner(s): Middle Rive Realty, Co.,
Patrick Benhoff, Member
Contract Purchaser: Norman Demond and George Brami
Special Hearing: to permit the continued non-conforming
use of the subject property to operate as a machine shop/sheet metal shop. The property was M.L.R. until

Hearing: Wednesday, December 3, 2003 at 11:00 a.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.

JT 11/742 November 18

C637560

CERTIFICATE OF PUBLICATION

NOV. 20, 2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
once in each of $\frac{1}{20}$ successive weeks, the first publication appearing on $\frac{1}{100}$, $\frac{1}{20}$, $\frac{1}{20}$
The Jeffersonian
The Jeffersonian
🖵 Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
Q/JUlusa_

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-176-5 Petitioner/Developer: 102 max DEMOND & GEORGE BRAML Date of Hearing/Closing: DEC 3, 2003 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Becky Hart {(410) 887-3394} 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: 1220 BACK RNER NECK RD The sign(s) were posted on ____ (Month, Day, Year) ncerely, (Signature of Sign Poster) SSG Robert Black PHELLO III ARIBO WILL DE HELD OF (Print Name) THE THREE CHARLESTEE III HOWSHIE, IN 1508 Leslie Road A SHEET AND THE PROPERTY AND ASSESSED. (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

PETITION FOR SPECIAL HEARING RE:

1220 Back River Neck Rd; W/side Back River

Neck Rd, 745' S Bay Avenue

15th Election & 6th Councilmanic Districts

Legal Owner(s): Middle River Realty Co,

LLC; Patrick Benhoff, Member

Contract Purchaser(s): Norman J Demond/ *

George L Braml

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-176-SPH

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 and documentation filed in the case.

RECEIVED OCT 2 4 2003

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 **M** day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to Ralph Rothwell, Esquire, Maslan, Maslan, & Rothwell, P.A., 7508 Eastern Avenue, Baltimore, MD 21224, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 18, 2003 Issue - Jeffersonian

Please forward billing to:

Ralph 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: 04-176-SPH

1220 Back River Neck Road

W/side of Back River Neck Road, 745 feet south of Bay Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Middle Rive Realty, Co., Patrick Benhoff, Member

Contract Purchaser: Norman Demond and George Braml

Special Hearing to permit the continued non-conforming use of the subject property to operate as a machine shop/sheet metal shop. The property was M.L.R. until 1988.

Hearings:

Wednesday, December 3, 2003, at 11:00 a.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 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.

Department of Permits and. Development Management

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



Baltimore County

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

October 27, 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: 04-176-SPH

1220 Back River Neck Road

W/side of Back River Neck Road, 745 feet south of Bay Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Middle Rive Realty, Co., Patrick Benhoff, Member

Contract Purchaser: Norman Demond and George Braml

Special Hearing to permit the continued non-conforming use of the subject property to operate as a machine shop/sheet metal shop. The property was M.L.R. until 1988.

Hearings:

Wednesday, December 3, 2003, at 11:00 a.m. in Room 106, County

Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: Ralph Rothwell, Maslan, Maslan & Rothwell, 7508 Eastern Ave., Baltimore 21224 Middle River Realty, Co., Mr. Benhoff, 1220 Back River Neck Rd., Baltimore 21221 Norman Demond, George Braml, 1220 Back River Neck Rd., Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 19, 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.



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

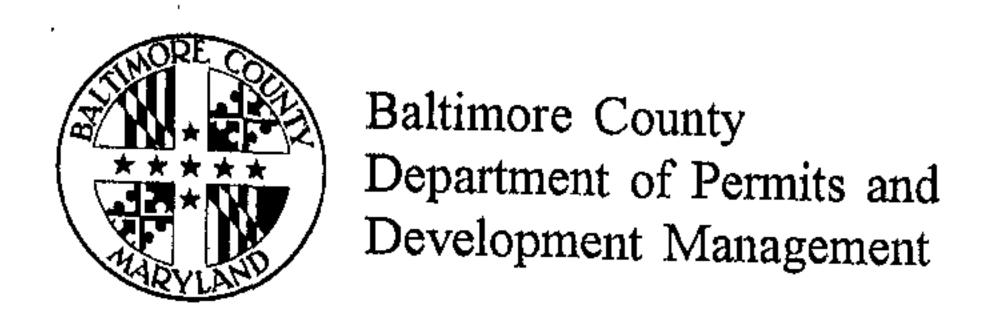
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 04-176-SPH
Petitioner: Middle River Realty UC
Address or Location: 1220 Back River Nock Rd.
Balto., Md. 21221
PLEASE FORWARD ADVERTISING BILL TO:
Name: Raph RoThwell
Address: 7508 Eastenn Ave
Balto, Md. 21224
Telephone Number: 410 282 2700



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

November 26, 2003

Ralph Rothwell, Jr.
Maslan, Maslan & Rothwell, P.A.
7508 Eastern Avenue
Baltimore, MD 21224

Dear Mr. Rothwell:

RE: Case Number: 04-176-SPH, 1220 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 October 7, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

U. Callibal D

WCR:klm

Enclosures

c: People's Counsel Middle River Realty, Patrick Benhoff, 1220 Back River Neck Rd., Baltimore 21221 Norman Demond, George Braml, 1220 Back River Neck Rd., Baltimore 21221



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 October 22, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 20, 2003

Item No.:

176

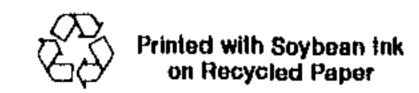
Dear Ms. Hart:

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





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 October 22, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 20, 2003

Item No.:

170-175, 177-181

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

DATE:December 2, 2003

TO:

Kevin Koepenick

Groundwater Management

FROM:

Bruce Seeley (1/15)

Development Coordination

SUBJECT:

1220 Back River Neck Road

Zoning Item # 04-176 SPH

Dave Pinning of the Planning Office advised me there might be existing underground storage tanks and that there are some junk cars and other debris on this property.

Please inspect the property for UST's and advise me if the property is in compliance with Groundwater Management requirements. Please return the paperwork to me.

If there are any questions, please contact me on extension 274.

Attachments

C: Dave Pinning

July 3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** November 14, 2003

RECEIVED

NOV 1 7 2003

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-176

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

Prepared By:

Section Chief

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 3, 2003

RECEIVED
DEC 3 2003

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1220 Back River Neck Road

INFORMATION:

Item Number:

ZONING COMMISSIONER 04-176 - REVISED COMMENTS

Petitioner:

Norman Demond/ George Braml

Zoning:

RC 20

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to continue the non-conforming use of the property as a machine shop/sheet metal shop provided the petitioner:

- 1. Paint the existing building, and repair any damaged/broken windows and doors.
- 2. Pave vehicular traffic areas/storage areas with a durable and dustless material as required by the BCZR...
- 3. Completely screen stored vehicles and equipment from view from public view with a combination of fencing and plant material.
- It appears that vehicle storage is overflowing onto adjacent property, this shall not be permitted.
- Schedule a site assessment with the Department of Environmental Protection and Resource Management to ensure that there are no environmental hazards present on the site. This office has determined that the subject site previously dispensed gasoline from underground tanks. Therefore, the inspection should include assessing that potential hazard as well.

OR FILING ORDER RECEIVED

W:\DEVREV\ZAC\04-176.doc

6. There is community concern that unlicensed, untagged vehicles are being stored for excessive amounts of time.

Prepared by:

Section Chief:

AFK/LL:MAC:

W:\DEVREV\ZAC\04-176.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.21.03

Baltimore County

Item No. 176

RE:

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

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,

1

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



MASLAN, MASLAN AND ROTHWELL, P.A.

7508 EASTERN AVENUE

BALTIMORE, MARYLAND 21224

GARY R. MASLAN
RALPH K. ROTHWELL, JR.

(410) 282-2700 FAX: (410) 282-3336

M. MICHAEL MASLAN (1911 - 1996)

December 15, 2003

John Murphy
Hearing Officer
Assistant Zoning Commissioner
4th Floor
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: 1220 Back River Neck Road

Case Number: 04-176-SPH

Dear Mr. Murphy:

At the hearing on December 3, 2003 we requested and you granted the request that the record be left open for ten days. The record then would officially close today since the tenth day occurred over the weekend.

We have no additional submission for the record. I can convey to you that it is my understanding that the Department of Environmental Protection and Resource Management has indicated that they consider any area where gravel has been placed to be an impervious service. On behalf of my clients, I would request that the paving requirement to be limited to that area shown on the site plan designated for parking. I thank you for your consideration.

Very truly yours,

Ralph K. Rothwell, Jr.

RKR,JR: fmr

Cc: Norman Demond

RECEIVED

DEC 1 5 2003

ZONING COMMISSIONER

PAGE 01 PAGE 01

Baltimore County Government County Executive's Office



Roger B. Hayden County Executive

400 Washington Avenue Towson, Maryland 21204 887-2450

June 17, 1991

Mr. Roscoe Phipps 1728 Hilltop Avenue Baltimore, MD 21221

Re: Middle River Machine Service

Dear Mr. Phipps:

Thank you for expressing your concerns as to the use of your property.

As a result of the Chesapeake Bay Critical Area Program, your property, at 1220 Back River Neck Road was reclassified in 1988 from M.L.R. to R.C. 20, as part of a major effort to conserve the sensitive ecosystem of the Chesapeake Bay.

In order to provide some relief for property owners affected by zoning reclassification, the Growth Allocation Competition was initiated in which property owners can apply for a change in the classification of their properties. This competition is intended to foster quality development, in the Critical Area, that enhances the environmental as well as the community character of the land adjacent to the Bay.

Your request for Growth Allocation will be heard on July 11, 1991 by the Baltimore County Planning Board. At that time, you may present your case to the Board as to why your property should be reclassified to a Limited Development Area and rezoned to Manufacturing Light, Residential (M.L.R.). The Planning Board will then give advisory comments to the County Council, which will ultimately make the final decision.

If this request fails to be awarded, you may submit another request for Growth Allocation in the second competition to be held in late 1991.

If you are operating as a nonconforming use, you will be restricted to expanding to no more than 25% of the ground floor area of the buildings and may continue operating as a nonconforming use only if the use does not change to any other use, or any abandonment or discontinuance of use does not occur for one year or more.



PAGE 02

Mr. Roscoe Phipps June 17, 1991 Page Two

There are, however, amendments presently being proposed to the Baltimore County Zoning Regulations which would "allow the replacement or repair of a nonconforming use which is destroyed by fire or other casualty."

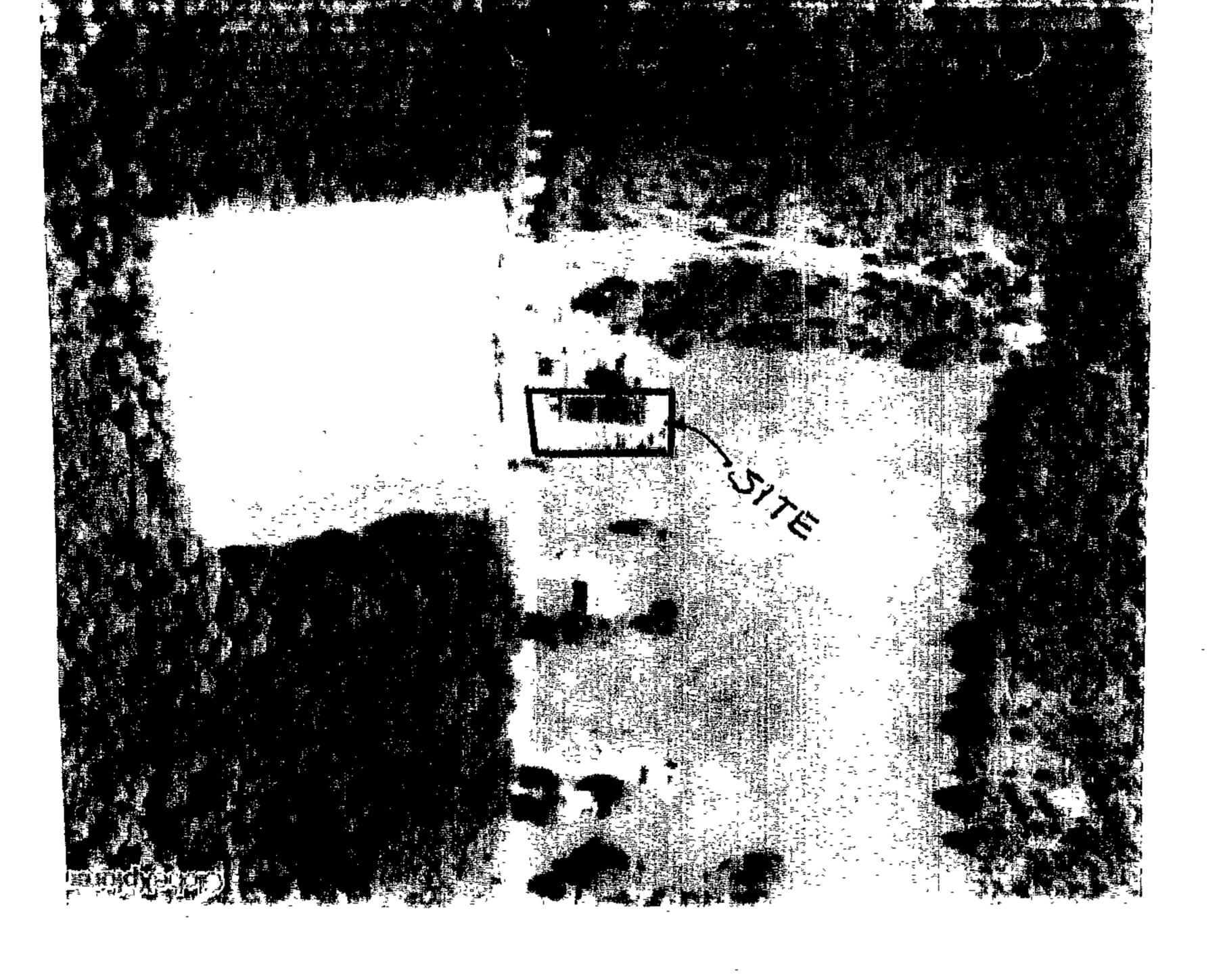
I hope that one of these avenues will provide an acceptable solution to your problem. If you have any questions on the Growth Allocation Process, please contact Dave Flowers at 887-3980 and if you have any questions concerning nonconforming uses, please contact the Zoning Office at 887-3351.

Respectfully yours,

Roger B. Hayden County Executive

RBH/lf

cc: Dave Flowers, Environmental Protection



AETIAL PHOTO 1270 PACK FIVER NECK MOAFS NO SCALE

Pet the

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map **New Search**

Account Identifier:

District - 15 Account Number - 1518350620

Owner Information

Owner Name:

MIDDLE RIVER REALTY LLC

Use:

RESIDENTIAL

1220 BACK RIVER NECK RD

Principal Residence:

NO

Mailing Address:

BALTIMORE MD 21221-6328

Deed Reference:

1) /10374/ 743

2)

Location & Structure Information

Premises Address 1220 BACK RIVER NECK RD

Zoning

Legal Description

.26 AC

800 SW BAY AV

Grid Мар Parcel 105 106

Primary Structure Built

1924

Land:

Total:

Sub District

Subdivision

Section

Block Lot

Group Plat No: 82

Plat Ref:

Special Tax Areas

Town **Ad Valorem**

Tax Class

Enclosed Area 944 SF

Property Land Area 11,250.00 SF

County Use

Stories

Basement YES

Type STANDARD UNIT

Exterior

STUCCO

Value Information

Base Value Value As Of 01/01/2003

73,200

Class

000

000

000

Phase-in Assessments As Of 07/01/2003

As Of 07/01/2004

32,810 32,810 40,390 42,030

74,840

73,746

74,292

Transfer Information

PHIPPS ROSCOE Seller: Type:

Improvements:

Preferential Land:

NOT ARMS-LENGTH RITTER JOHN W

NOT ARMS-LENGTH

Date: Deed1: /10374/ 743 Date:

03/01/1994

Deed2: \$0 Price:

Price: \$1

Date: Deed1:

Deed1: / 5529/ 377

05/15/1975

Deed2: Price:

Deed2:

Exemption Information

Partial Exempt Assessments County State

07/01/2003

07/01/2004

Tax Exempt: **Exempt Class:**

Municipal

Seller:

Type:

Type:

Seller:

NO

Special Tax Recapture:

* NONE *

OEX ALV

PLEASE PRINT CLEARLY

CASE NUMBER 04-176 SPH

PETITIONER'S SIGN-IN SHEET

E- MAIL	dwb o 2009 e yahoo. com			R ROTH DDL @ 12		spenhoff an com		1557 108 8 201 Com						
CITY, STATE, ZIP	EDGENOOD, MO. ZI D 40	SALT MIN 21.221	75	15	BAUT. MD. 21221	PROFINIX 11121	Bx110 mg 21220	Ratto 1112 21						
ADDRESS	GOI CHARMOOD GOURT	V	12420 SERSALM PO	8 Easte pin	818 BRUK RIVER NECH	14224 SAWMINGER 274	10569 Bird R. Wee, Rd.	1726 Glew Corris RV						
NAME	DAVIO BICCINGSLEY	DECMER 1 BULE NOTEN	BRIM	Balle and	BUCK JONES	1 DATACO BENEVAR	CARI DEMMY	CARL VEST						

