IN RE: **PETITION FOR SPECIAL HEARING**	*	BEFORE THE
N/S Wise Avenue, 148' SE of Waterview Avenue	*	ZONING COMMISSIONER
(702 Wise Avenue)		
15th Election District	*	OF BALTIMORE COUNTY
7th Council District		
	*	**Case No. 06-278-SPH**
The Estate of Charles G. Greason		
Petitioner	*	

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by Patricia Samuels and Jessie Delaney-Greason, as co-personal representatives of Charles Gailan Greason, deceased, through their attorney, C. William Clark, Esquire, of Nolan, Plumhoff and Williams. The Petitioner requests a special hearing seeking approval of nonconforming use(s) for a boatyard, office and five (5) apartments with parking at the property known as 702 Wise Avenue, as 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 Patricia Samuels, daughter, and Jessie Delaney-Greason, wife, personal representatives of Charles G. Greason, deceased, and Stephen J. Holmes, Esquire, attorney for the estate, and C. William Clark, Esquire, attorney for the Petitioner. Also appearing in support of the petition were David Tant, Paul Renfrow, Edward J. Gill. CPA. Michael Burke, and Patrick C. Richardson, P.E., of Richardson Engineering, LLC, the consultant who prepared the site plan for this property. Appearing in opposition to the petition were Lionel van Dommelen. a managing member of Oakleigh Beach Management, LLC. the adjacent property owner/operator of a tavern known as the Seahorse Inn, and Steven Goff, a nearby resident of the area.

Numerous exhibits were offered, including the site plan, photographs pertaining to the

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property, application and permit to construct an 80' pier, prior Zoning Commissioner's Order (May 28, 1962 – Case No. 5555-X-SPH) and various versions of the zoning regulations.

The facts surrounding the case are clear and are, for the most part, not in dispute. Charles G. Greason, and his father before him, as far back as the early 1950's owned many of the waterfront properties along Wise Avenue, including the subject property at 702 Wise Avenue and the adjoining property at 710 Wise Avenue where the Seahorse Inn is located. The properties are located in the Oakleigh Beach subdivision of Dundalk, zoned BL, bordered by Wise Avenue to the south and Schoolhouse Cove, also known as Bear Creek, to the north. The subject property at 702 Wise Avenue (Lot 8) is 7,533 sq. ft. in area, improved with a 2,040 sq. ft., two-story building, bulkhead and 80' long pier. The adjacent property, 710 Wise Avenue, (consisting of Lots 9 thru 12) is larger in area, consisting of 18,730 sq. ft., improved with a 3,274 sq. ft. commercial building used as a restaurant. In July of 2000, the family ownership connection came to an end with 710 Wise Avenue being conveyed to the Oakleigh Beach Management, LLC.

Uncontradicted testimony offered was that the primary structure at 702 Wise Avenue was a one-story structure built in 1903 and principally used as a used car lot until the early to mid 1950's when Mr. Charles Gailan Greason converted its use to a tackle shop selling bait, ice, fishing licenses, etc., with a living unit at the rear of the building. He later applied for and received permits to extend the shoreline by filling and constructing a bulkhead (50' x 30' in area) and a floating pier (5' wide by 80' long) in the early 1960's (Petitioner's Exhibits 4, 5 and 6). These basic improvements then remained unchanged until the late 1960's or early 1970's when a second floor addition with additional living units was built over top of the tackle shop. As the history of the case and exhibits show, the structure changed after Mr. Greason filed a petition with the then Zoning Commissioner, John G. Rose, requesting a special exception to allow for "living quarters in a commercial building".

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It is this basic configuration of the structure that has remained unchanged since its construction following the adoption of the zoning regulations in Baltimore County. This building was then, in fact, used since 1970 as a tackle shop/office with two (2) apartment units on the first floor with three (3) apartment units over top on the second floor. Since then, the office and all of the apartments, upstairs and downstairs, have been in constant use.

The standard to legitimize a non-conforming use is set forth within Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, Section 104.1 provides:

> "A nonconforming use (as defined in Section 101[1]) 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."

It is clear that the nonconforming use(s) presented in this case are at best problematic. The pier or boatyard with its 26 boat slips, which will be discussed below, pre-dated the County Council's parking regulations contained in Bill 149-92 requiring one parking space for every two (2) slips. The lawful use of living quarters in a commercial building was approved in 1962 – but to what extent? The site plan (Petitioner's Exhibit 8) clearly indicates on the plat that the first floor would contain 1,400 sq. ft. of retail store and one (1) apartment and a 1,365 sq. ft. music studio and offices with two (2) apartments on the second floor. As stated above, the Petitioner claims five (5) apartments. It is also rather obvious that the site plan for 702 Wise Avenue filed with the petition in Case No. 5555-X-SPH treated Lots 8 thru 14 as shared and used in concert with one another. See "Drive in Common" driveway isle running between the improvements on Lot 8 (702 Wise Avenue) and Lot 9 (710 Wise Avenue) as well as the required parking beginning as space

[1] The definitional section 101 of the B.C.Z.R. defines a 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.

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no.(s): 1 thru 6 on Lot 8, then continuing with parking spaces 7 thru 13 being on Lot 9, spaces 14 thru 19 on Lot 10 and spaces 20 thru 25 on Lot 11 and so on until reaching the 48th parking space on Lot 14. The plat accompanying the petition filed in 1962 required 13 parking spaces at 702 Wise Avenue. Given the history this far, it is again worthy to point out that this case comes before me not as a property with its office, pier and (5) apartments and parking in place in the mid 1900's, but as one involving the improvements and basic configuration of the building being changed or converted following the adoption of the zoning regulations in 1945 or their comprehensive re-adoption in 1955.

Whether a nonconforming use can be changed, expanded or altered, must bear scrutiny. If additional living quarters have been added, are they a type of illegal expansion or change of a nonconforming use under B.C.Z.R. 104.1? Expansions are limited and restricted in B.C.Z.R. 104.3. The policy of the law is to eliminate nonconforming uses over time. *Prince George's County v. E.L. Gardner* 293 Md. 259, 267-68 (1982) contains an excellent discussion of nonconforming use law in which, Judge Davidson wrote:

> "This Court has repeatedly recognized that one of the fundamental problems of zoning is the inability to eliminate incompatible nonconforming land uses. In *Grant v. Mayor and City Council of Baltimore*, 212 Md. 301, 307, 129 A.2d 363, 365 (1957), this Court said:
>
> Nonconforming uses have been a problem since the inception of zoning. Originally they were not regarded as serious handicaps to its effective operation; it was felt they would be few and likely to be eliminated by the passage of time and restrictions on their expansion. For these reasons and because it was thought that to require immediate cessation would be harsh and unreasonable, a deprivation of rights in property out of proportion to the public benefits to be obtained and, so, unconstitutional, and finally a red flag to property owners at a time when strong opposition might have jeopardized the chance of any zoning, most, if not all, zoning ordinances provided that lawful uses existing on the effective date of the law could continue although such uses could not thereafter be begun. Nevertheless, the earnest aim and ultimate purpose of zoning was and is to reduce nonconformance to conformance as speedily as possible with due regard to the legitimate interests of all concerned, and the ordinances forbid or limit expansion of nonconforming uses and forfeit the right to them upon abandonment of the use or the destruction of the improvements housing the use.

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Thus, this Court has recognized that the problem inherent in accommodating existing vested rights in incompatible land uses with the future planned development of a community is ordinarily resolved, under local ordinances, by permitting existing uses to continue as nonconforming uses subject to various limitations upon the right to change, expand, alter, repair, restore, or recommence after abandonment. Moreover, this Court has further recognized that the purpose of such restrictions is to achieve the ultimate elimination of nonconforming uses through economic attrition and physical obsolescence. *The Arundel Corp. v. Board of Zoning Appeals of Howard County*, 255 Md. 78, 83-4, 257 A.2d 142, 146 (1969); *Stieff v. Collins*, 237 Md. 601, 604, 207 A.2d 489, 491 (1965); *Colati v. Jirout*, 186 Md. 652, 655, 657, A2.d 613, 614-15 (1946); *Beyer v. Mayor of Baltimore*, 182 Md. 444, 446, 34 A.2d 765, 766 (1943); See *Kastendike v. Baltimore Ass'n for Retarded Children, Inc.*, 267 Md. 389, 397, 297 A.2d 745, 749-50 (1972).

Whether a nonconforming use can be changed, extended, enlarged, altered, repaired, restored, or recommended after abandonment ordinarily is governed by the provisions of the applicable local ordinances and regulations. *Feldstein v. La Vale Zoning Board*, 246 Md. 204, 211, 227 A.2d 731, 734 (1967); *Phillips v. Zoning Comm'r of Howard County*, 225 Md. 102, 109, 169 A.2d 410, 413 (1961); *Board of Zoning Appeals of Baltimore County v. Gue*, 217 Md. 16, 21-22, 141 A.2d 510, 513 (1958). These local ordinances and regulations must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses. *Mayor of Baltimore vs. Byrd*, 191 Md. 632, 638, 62 A.2d 588, 591 (1948); *Colati*, 186 Md. at 658-59, 47 A.2d at 616; *Knox v. Mayor of Baltimore*, 180 Md. 88, 96, 23 A.2d 15, 18 (1941); *see City of Hagerstown v. Wood*, 257 Md. 558, 563, 263 A.2d 532, 534 (1970); *Hewitt v. County Comm'rs of Baltimore County*, 220 Md. 48, 59, 151 A.2d 144, 150 (1959)."

Both sides presented their positions. As much of the Petitioners five (5) witnesses called to testify were duplicitous, their testimony will be summarized as follows. Patricia Samuels grew up in the rear of her father's tackle shop. She provided a detailed family history starting in 1959 as to how her father and grandfather (Charles Greason) used the property at 702 and 710 Wise Avenue, the latter property (710 Wise Avenue) passing through many family members until her father conveyed his interest in 1977. Her father continued the operations at 702 Wise Avenue until his death in August, 2004. She was able to produce photographs (Exhibit No. 2) showing the tackle shop as it existed in the early 1960's, the requisite permits for the construction of the pier at the

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rear of the property (Exhibit Nos. 4, 5 and 6), the Petition for Special Exception, Order and site plan previously mentioned which authorized the living quarters in a commercial building, thereby legitimizing her father's living quarters as well as allowing her father and grandfather to add the second floor addition which was done in the late 1960's or early 1970's and depicted on the photographs taken by her (Exhibit No. 3). In essence, Ms. Samuels, traced the various property uses over the years noting the office changes from tackle shop to music studio and now a photography studio located in the front of the building with five (5) apartments (two on the ground level, three on the second floor) which share the six (6) parking spaces in the front of the building. The 80 ft. pier with its 26 boat slips, she explained, was used mostly by family members, friends and apartment renters with some occasional slip rentals to area boaters. Moreover, she testified that there were never any boat sales, gasoline fueling, boat launching, boat repairs or out of water storage conducted on the property. Eight (8) parking spaces were provided at the bulkhead for people using the pier.

Addressing the pending zoning violation case (No. 05-3346) brought against her father's estate for operating an illegal marina, the family believes the genesis of this complaint to be unfounded and resulting largely from the family's decision not to sell the property to the current owners of 710 Wise Avenue. She noted that the office, apartments and pier remain in the exact configuration as when they were constructed in the 1960's pursuant to permitted approvals.

The second, third and fourth witnesses were Messrs. Paul Renfrow, Edward Gill, and Michael Burke. Each testified that the property in question, the five (5) apartments, office building and accessory boatyard had been used continuously as indicated by Ms. Samuels. Mr. Renfrow, who is now 76 years of age, lived on Wise Avenue from 1950 through 1964. He was a close friend of Mr. Greason's, belonging to the same hunting club and often visited the subject property. He distinctly remembers three (3) individuals who rented boat slips from Mr. Greason and recalls

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seeing a houseboat moored at the end of the pier for some 20 years. Mr. Gill, born in 1953, grew up at 802 Wise Avenue, and began working in Mr. Greason's tackle shop at age 13 (1967) mopping floors, taking care of his dog, the bait, and the ice machines, etc. He continued this employment through the next nine (9) years until he graduated from college in 1975. After becoming a certified public accountant, Mr. Gill prepared Mr. Greason's tax returns each year. He testified that Mr. Greason rented slips at the pier for those desiring to berth their boats in the area and each year he (Mr. Gill) would prepare a Schedule E depreciating the improvements and declaring the apartments and pier rentals. When questioned by Mr. van Dommelen concerning authentication by way of producing receipts or other documentary proof, Mr. Gill responded that he had none but that he had archived Mr. Greason's tax returns and believed he could produce copies beginning as far back as 1987. Michael Burke resided at 710 Wise Avenue from 1954 to 1980 with the exception of eight (8) years of military service (1964-1972). He is Mr. Greason's nephew and was called to testify since he began living in one of the apartments over the tackle shop in 1980. While he kept a boat at the pier, he paid no slip rental to Mr. Greason due to his family relationship.

Patrick C. Richardson, Jr., a professional engineer, who supervised the preparation of the site plan, was accepted as a zoning expert and testified that the current parking requirements for 26 boat slips, office space and five (5) apartments amounts to 21 spaces with 14 spaces provided as shown on Exhibit No. 1. His review of the 1955 and 1969 zoning regulations and, in particular, Section 409 of those regulations contained no provision or requirement for off-street parking for boatyards. It was his opinion that the subject pier was a boatyard by definition as opposed to a marina, as no services were offered or provided by Mr. Greason. He further opined that the pier was a lawful use as it was built pursuant to a permit (No. 11435 issued 2/17/60) prior to Council Bill 64 (1963) which first defined a boatyard and then permitted its use in the BL zone by special

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exception well before the required parking regulations mandated by Council 149-92, which in his opinion, rendered the boatyard a lawful non-conforming use. In this regard, he further asserted that the office use was permitted by right and that the apartment use was, likewise, a lawfully existing use by virtue of the special exception relief granted in 1962.

As to the Protestants, they argue over the nature of the use and parking concerns. As noted above, Lionel van Dommelen has been in business at this location (710 Wise Avenue) for some five (5) years. He testified that he never had any problems with Mr. Charles Gailand Greason and did not take any issue with the manner by which Mr. Greason operated his business from the subject site. He described that business as fairly subdued. He characterized the pier as being "an underused pier" and utilized by Mr. Greason and his family members and "perhaps a few people would come and go". It was not operated as a boatyard, nor were there any parking problems. There were never any signs posted on the property advertising the pier or slip rentals and he never saw a rental receipt. Following Mr. Greason's death, things changed. The crux of the problem is available parking. The site plan shows 14; van Dommelen claims they need 30. He points out that eight (8) parking spaces located in front of the pier are not depicted as being on the Petitioner's property as shown on the site plan. He points out that if the lots east and west boundary lines were extended straight out towards the water, they would transcend or cut through the parking spaces as shown. He stated that following Mr. Greason's death, a pier slip was rented to a charter boat fisherman increasing the volume of customer parking about the property in a scattered and haphazard fashion which blocked Mr. van Dommelen's delivery trucks from accessing the restaurant. He filed a complaint with the Zoning Enforcement Division. As Mr. van Dommelen feared that an expansion of the family pier to that of a boatyard use would create a burden on adjoining property owners as well as an overcrowding of his property.

Based upon the totality of testimony and evidence offered, I find that the office use and

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three (3) residential dwelling units on the subject property (one on the first floor – two on the second floor) have lawfully existed for some 35 years and are permitted uses. The fourth and fifth dwelling units, although they have also existed on the site for many years, were not included within Commissioner Rose's determination in 1962 and for reasons set forth in this Order, exist on the property, in violation of the zoning regulations of Baltimore County. The evidence presented did not disclose any explanation for the expansion of these two (2) additional apartments.

The not-so simple answer involves Petitioner's request to have me declare the pier as a boatyard. I agree with the Petitioner's expert, Mr. Richardson, that the pier built in conjunction with Mr. Greason's tackle and bait business is a permitted and lawful use. Accordingly, it shall continue to operate as it has since 1962. The larger question is whether it may be now allowed to operate as a non-conforming boatyard. The term "boatyard" first appeared in the definitional section of the B.C.Z.R. in 1963 and remains valid today.

> **BOATYARD:** A commercial or non-profit boat basin with facilities for one or more of the following: sail, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types.

As is required in any case where a regulation needs to be interpreted, the first task is to carefully examine the words used by the County Council. In this instance, it must be noted that the Council used the words "commercial or non-profit" boat basin ... . The words commercial, according to Webster's Third New International Dictionary, means: From the point of view of profit: having profit as the primary aim.

Applying these definitions and evidence received to the instant case, I must conclude that Mr. Greason was not engaged in the operation of a boatyard over the past 40 years but wanted to construct a pier primarily as an accessory use to his bait business and secondarily, to be used by family and friends.

Furthermore, the Court of Special Appeals, in the case of *McKemy v. Baltimore County*, 39

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Md. App. 257, 385 A.2d 96 (1978), established four (4) factors which are to be considered in determining whether a particular activity is within the scope of a non-conforming use:

1. To what extent does the current use of the property reflect the nature and purpose of the original non-conforming use;

2. Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

3. Does the current use have a substantially different effect upon the neighborhood;

4. Is the current use a "drastic enlargement or extension" of the original non-conforming use. 39 Md. App. at 269-70, 385 A.2d at 104.

In my judgement, the proposed use of the property by the heirs of Mr. Greason's estate does not reflect the nature and purpose of the original business use of the property by Mr. Greason. The pier has been an accessory use of the tackle and bait business as well as the residential elements that share the lot and pier. I see no telling evidence that there was a commercial (boatyard) use firmly established on the property. The incidental and/or occasional slip rental does not constitute evidence that a boatyard operated on this site. A commercial boatyard would be an impermissible extension of the private pier use historically proven at the hearing. Under these circumstances, it must follow that the Petitioner's have not met their burden and the petition, with respect to the non-conforming uses, must, therefore, be DENIED.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, I find that the use of the subject property by the Estate of Charles Greason is beyond the scope of non-conforming use(s) permitted by law.

I perceive that the use(s) of the subject property to be inherited through the Estate of Charles Greason to be that of a lawful existing pier, office and three (3) apartments with parking and, therefore, allowed to continue to operate from the site. Accordingly, it is not appropriate for

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the estate to continue to operate the two (2) additional apartments or use the pier as a boatyard which are not to be considered intensifications of the permitted uses and, therefore, must cease.

THEREFORE, it is ORDERED, by the Zoning Commissioner for Baltimore County this 26th day of May, 2006 that the Petitioners request for Special Hearing, to approve the use of the subject property as a non-conforming boatyard, office and five (5) apartments with parking, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the lawful and previously permitted uses of a pier, office and three (3) apartments with parking, which have been owned and operated by Charles G. Greason since the 1960's until his death in August, 2004, shall be permitted to continue to operate from the site as they have over the past 44 years. Therefore, the denial of the Special Hearing request as it pertains to the non-conforming uses shall not affect the ability of the Personal Representatives of the Greason Estate to continue to operate the business from this property as the decedent had done in the past; and

IT IS FURTHER ORDERED that the third and fourth residential apartment use must be terminated within one hundred and twenty (120) days of the date hereof, and the Petitioner shall make available, upon reasonable notice the interior of the property for inspection by a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) to ensure compliance with this Order; and

IT IS FURTHER ORDERED that the subject property does not enjoy a valid, non-conforming use as a boatyard.

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

William J. Wiseman, III
Zoning Commissioner for
Baltimore County

WJW:dlw

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By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 26, 2006

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: **PETITION FOR SPECIAL HEARING**
N/S Wise Avenue, 148' SE of Waterview Avenue
(702 Wise Avenue)
15th Election District – 7th Council District
The Estate of Charles G. Greason - Petitioners
Case No. 06-278-SPH

Dear Mr. Clark:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied, 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Ms. Patricia Samuels, 37 Bladen Road, Baltimore, Md. 21221
Ms. Jessie Delaney-Greason, 419 Brownell Road, Baltimore, Md. 21220
Stephen J. Holmes, Esq. & David Tant, 5905 Harford Road, Baltimore, Md. 21214
Mr. Paul Renfrow, 712 N. Woodward, Baltimore, Md. 21221
Mr. Edward J. Gill, CPA, 441 Community Road, Severna Park, Md. 21146
Mr. Michael Burke, 1403 Stengel Avenue, Baltimore, Md. 21222
Mr. Rick Richardson, 110 Old Padonia Road, Suite LC, Cockeysville, Md. 21030
Mr. Lionel van Dommelen, 710 Wise Avenue, Dundalk Md. 21222
Mr. Steven Goff, 694 Wise Avenue, Dundalk, Md. 21222
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, Md. 21401
Code Enforcement Division; Development Plans Review; People's Counsel; Case File

Flood CBCA

15th Election District 7th Councilmanic District

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 702 Wise Avenue

which is presently zoned BL

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 as a nonconforming use(s):a boatyard, office and 5 apartments with parking.

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

Legal Owner(s):

The Estate of Charles Greason

Name - Type or Print

By: Patricia Samuels, PR

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

C. William Clark

Name - Type or Print

Signature

Nolan, Plumhoff & Williams, Chtd.

Company

502 Washington Ave., Ste. 700 410 823-7800

Address Telephone No

Towson, MD 21204

City State Zip Code

Representative to be Contacted:

Richardson Engineering, LLC

Name

110 Old Padonia Road, Ste. LC 410 560-1502

Address Telephone No

Cockeysville, MD 21030

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By SDN Date 11-25-08

Case No. 09-278-SPH

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Date

By

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

SPECIAL HEARING
ZONING DESCRIPTION
702 WISE AVENUE
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the North side of Wise Avenue at the distance of 148'± south east from the intersection of Waterview Road and Wise Avenue, running thence binding on the North side of Wise Avenue, 45' right-of-way (1) South 62 degrees 29 minutes East 62.5 feet, (2) running thence North 27 degrees 31 minutes East 121.27 feet, (3) running thence North 68 degrees 07 minutes West 35.80 feet, (4) running thence North 45 degrees 29 minutes West 28.10 feet, (5) running thence South 27 degrees 31 minutes West 125.97 feet, to the point of beginning.

Containing a net area of 7,533 square feet or 0.173 acres of land, more or less.

STATE OF MARYLAND
PATRICK C. RICHARDSON, JR.
No. 19597
REGISTERED
PROFESSIONAL ENGINEER

9/27/05

06-278-SPH

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: #06-278-SPH
702 Wise Avenue
North side of Wise Avenue, 148 feet south east of Waterview Avenue
15th Election District 7th Councilmanic District
Legal Owner(s): Patricia Samuels, PR, Estate of Charles Greason

Special Hearing: to permit nonconforming use(s) a boatyard, office and 5 apartments with parking.

Hearing: Wednesday, March 22, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 3/611 Mar. 7 86720

CERTIFICATE OF PUBLICATION

3/9/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/7/, 2006.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

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: #06-278-SPH
702 Wise Avenue
North side of Wise Avenue, 148 feet south east of Waterview Avenue
15th Election District
7th Councilmanic District
Legal Owner(s):
Patricia Samuels, PR,
Estate of Charles Greason
Special Hearing: to permit nonconforming use(s) a beatyard, office and 5 apartments with parking.
Hearing: Wednesday, January 11, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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/12/735 Dec. 27 79203

CERTIFICATE OF PUBLICATION

12/29, 2005

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 12/27, 2005.

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

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1381

DATE [illegible] ACCOUNT [illegible]

AMOUNT $ 325.00

RECEIVED FROM: Nolan Plumhoff & Williams

FOR: Filing Fee for Zoning Petition
Property at 707 Wise Ave.
06 278SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

5001

CASHIER'S VALIDATION

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED
DATE : Nov 17, 2005 C/A ACCOUNT
CHE # : 17810
AMOUNT: $325.00
ACCOUNT: GENERAL - 2
PAID TO: Baltimore County, Maryland

17810

Filing Fee for Zoning Petition

CLIENT: 9178 - The Estate of Charles Greason
MATTER: 9178-1

CERTIFICATE OF POSTING

06 278-SPH

RE: Case No.: 06-~~[illegible]~~-SPH

Petitioner/Developer: PATRICIA SAMUELS, PR ESTATE OF CHARLES GREASON

Date of Hearing/Closing: JAN 11, 2006

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

ATTN: KRISTEN MATTHEWS

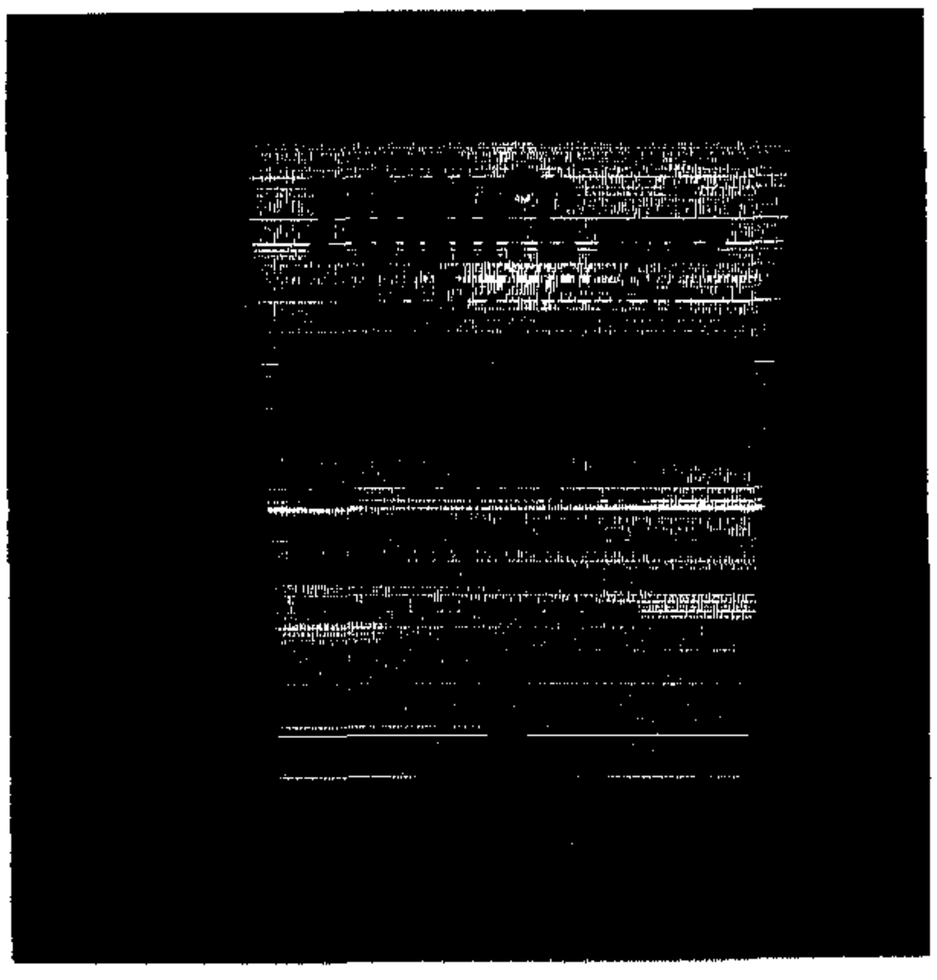
Ladies and Gentlemen:

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:

702 WISE AVE

The sign(s) were posted on 12-27-05
(Month, Day, Year)

Sincerely,



Robert Black 12-28-05
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

702 - WISE AVE

CERTIFICATE OF POSTING

RE: Case No.: 06-278-SPH

Petitioner/Developer: PATRICIA SAMUELS, ESTATE OF CHARLES GREASON

Date of Hearing/Closing: MAY 2, 2006

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

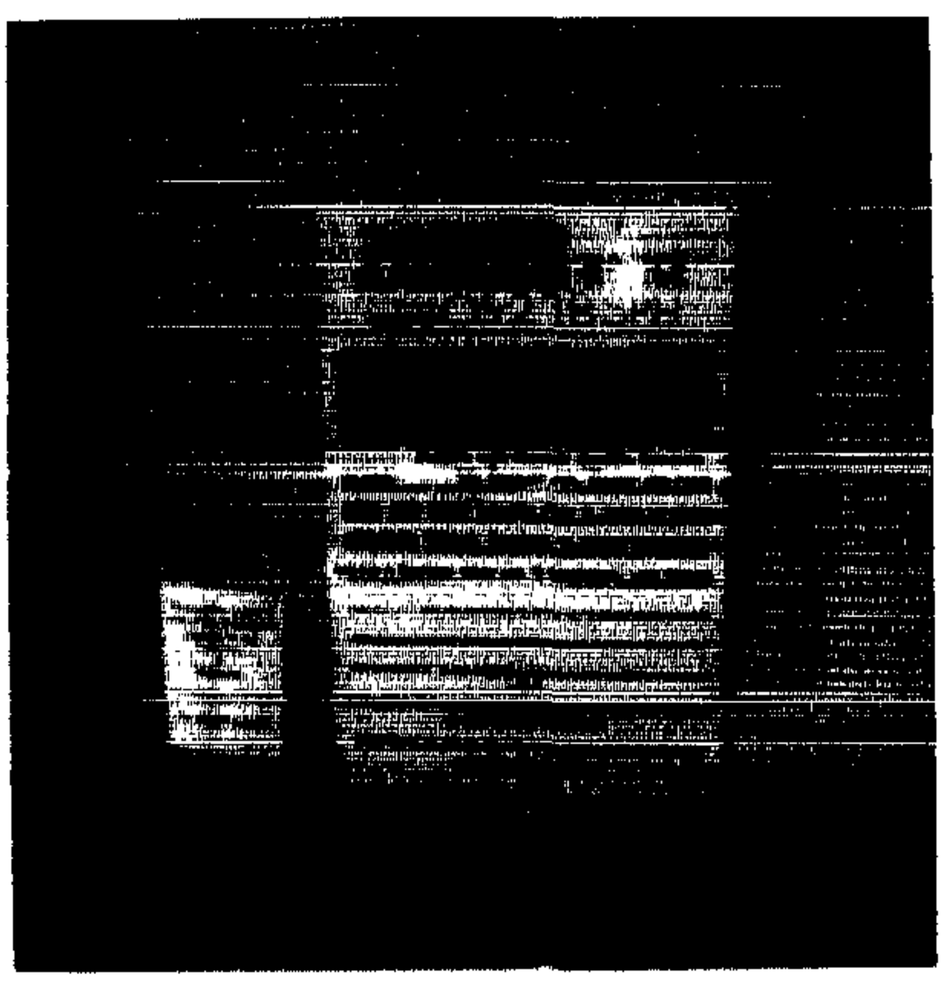
ATTN: Kristen Matthews {(410) 887-3394}

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: 702 WISE AVE

The sign(s) were posted on 4-17-06
(Month, Day, Year)

Sincerely,



Robert Black 4-18-06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

RE: PETITION FOR SPECIAL HEARING 702 Wise Avenue; N/S Wise Avenue, 148' SE of Waterview Avenue 15th Election & 7th Councilmanic Districts Legal Owner(s): The Estate of Charles Greason* by Patrecea Samuels, President Petitioner(s)*	* * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-278-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 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 6th day of December, 2005, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 110 Old Padonia Road, Ste. LC, Cockeysville, MD 21030 and C. William Clark, Esquire, Nolan, Plumhoff & Williams, Chtd., 502 Washington Avenue, Suite 700, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
DEC 06 2005
Per...

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 27, 2005 Issue - Jeffersonian

Please forward billing to:
C. William Clark, Esq. 410-823-7800
502 Washington Avenue, Ste. LC
Towson, MD 21204

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: 06-278-SPH
702 Wise Avenue
North side of Wise Avenue, 148 feet south east of Waterview Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Patricia Samuels, PR, Estate of Charles Greason

Special Hearing to permit nonconforming use(s) a boatyard, office and 5 apartments with parking.

Hearing: Wednesday, January 11, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN, III
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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 7, 2006 Issue - Jeffersonian

Please forward billing to:
C. William Clark, Esq. 410-823-7800
502 Washington Avenue, Ste. 700
Towson, MD 21204

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: 06-278-SPH
702 Wise Avenue
North side of Wise Avenue, 148 feet south east of Waterview Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Patricia Samuels, PR, Estate of Charles Greason

Special Hearing to permit nonconforming use(s): a boatyard, office and 5 apartments with parking.

Hearing: Wednesday, March 22, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(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

February 21, 2006

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: 06-278-SPH
702 Wise Avenue
North side of Wise Avenue, 148 feet south east of Waterview Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Patricia Samuels, PR, Estate of Charles Greason

Special Hearing to permit nonconforming use(s): a boatyard, office and 5 apartments with parking.

Hearing: Wednesday, March 22, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:raj

c: C. William Clark, Esq., 502 Washington Avenue, Ste. 700, Towson, MD 21204
Patricia Samuels, 702 Wise Avenue, Baltimore, MD 21222
Richardson Engineering, LLC, 110 Old Padonia Rd., Ste. LC, Cockeysville, MD 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 7, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed on Recycled Paper

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

December 5, 2005

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: 06-278-SPH
702 Wise Avenue
North side of Wise Avenue, 148 feet south east of Waterview Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Patricia Samuels, PR, Estate of Charles Greason

Special Hearing to permit nonconforming use(s) a boatyard, office and 5 apartments with parking.

Hearing: Wednesday, January 11, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: C. William Clark, 502 Washington Avenue, Ste. 700, Towson 21204
Patricia Samuels, 702 Wise Avenue, Baltimore 21222
Richardson Engineering, LLC, 110 Old Padonia Rd., Ste. LC, Cockeysville 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 27, 2005.**
(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.

Printed on Recycled Paper

Department of Permits and Development Management

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

Baltimore County

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

January 5, 2006

CORRECTED 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: 06-278-SPH
702 Wise Avenue
North side of Wise Avenue, 148 feet south east of Waterview Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Patricia Samuels, PR, Estate of Charles Greason

Special Hearing to permit nonconforming use(s) a boatyard, office and 5 apartments with parking.

Hearing: Tuesday, January 31, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:raj

C: C. William Clark, 502 Washington Avenue, Ste. 700, Towson, MD 21204
Patricia Samuels, 702 Wise Avenue, Baltimore, MD 21222
Richardson Engineering, LLC, 110 Old Padonia Rd., Ste. LC, Cockeysville, MD 21030
Lionel B. van Dommelen & Edward W. Crizer, Oakleigh Beach Management, LLC, 710 B Wise Avenue, Dundalk, MD 21222

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 16, 2006.**
(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 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: 06-278-SPH

Petitioner: The Estate of Charles Greason, By: Patricia Samuels, PR

Address or Location: 702 Wise Avenue, Baltimore, MD 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: C. William Clark, Esquire

Address: 502 Washington Avenue, Suite 700, Towson, MD 21204

Telephone Number: (410) 823-7800

Revised 2/20/98 - SCJ

06-278-SPH

Department of Permits and Development Management

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

Baltimore County

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

January 30, 2006

C. William Clark
Nolan, Plumhoff & Williams, Chtd.
502 Washington Avenue, Ste. 700
Towson, Maryland 21204

Dear Mr. Clark:

RE: Case Number: 06-278-SPH, 702 Wise Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 25, 2005.

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

WCR: clb

Enclosures

c: People's Counsel
The Estate of Charles Greason 702 Wise Avenue, Baltimore 21222
Richardson Engineering, LLC. 110 Old Padonia Road, Ste. LC Cockeysville 21093

Printed on Recycled Paper

Department of Permits and Development Management

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

Baltimore County

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

March 13, 2006

C. William Clark
Nolan, Plumhoff & Williams, Chtd.
502 Washington Avenue, Ste. 700
Towson, Maryland 21204

Dear Mr. Clark:

RE: Case Number: 06-278-SPH, 702 Wise Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 25, 2005.

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

WCR: clb

Enclosures

c: People's Counsel
The Estate of Charles Greason 702 Wise Avenue, Baltimore 21222
Richardson Engineering, LLC. 110 Old Padonia Road, Ste. LC Cockeysville 21093

Fire Department

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

Baltimore County

James T. Smith, Jr, County Executive
John J. Hohman, Chief

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

December 7, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 28, 2005

Item No.: 251, 278

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 20, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 5, 2005
Item Nos. 251,267, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-12202005.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: R. Bruce Seeley

DATE: December 23, 2005

SUBJECT: Zoning Item # 06-278-SPH
Address 702 Wise Avenue
(Charles Greason Estate)

Zoning Advisory Committee Meeting of November 28, 2005

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

_X_ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Any change in use or re-development activity will require full compliance with applicable sections of the Critical Area Regulations.

Reviewer: K. Brittingham Date: December 23, 2005

S:\Devcoord\ZAC\06-278.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 9, 2005

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-278- Special Hearing**

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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

CM/LL

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 12.2.05

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

RE: Baltimore County
Item No. 278 JRA

Dear. Ms. Matthews:

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

Department of Permits and Development Management

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

Baltimore County

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

January 5, 2006

C. William Clark, Esquire
Nolan, Plumhoff & Williams, Chtd.
502 Washington Avenue, Ste. 700
Towson, MD 21204

Dear Mr. Williams:

RE: Case Number: 06-278-SPH

The above matter, previously scheduled for Wednesday, January 11, 2006 has been postponed by Lionel B. van Dommelen and Edward W. Crizer of Oakleigh Beach Management, LLC. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Timothy Kotroco
Director

TK:raj

C: Patricia Samuels, 702 Wise Avenue, Baltimore, MD 21222
Richardson Engineering, LLC, 110 Old Padonia Rd., Ste. LC, Cockeysville, MD 21030
Lionel B. van Dommelen & Edward W. Crizer, Oakleigh Beach Management, LLC, 710 B Wise Avenue, Dundalk, MD 21222

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: December 5, 2005

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 278
Legal Owner/Petitioner: The Estate of Charles Greason, By: Patrecea Samuels, President
Contract Purchaser:
Property Address: 702 Wise Avenue
Location Description: N/side of Wise Avenue, 148 feet southeast of Waterview Avenue

VIOLATION INFORMATION: **Case No.: 05-3346**
Defendants: Charles Greason

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint letter
Complaint Intake Form
State Tax Assessment printout
Correction Notice/Code Violation Notice
Citation/Proof of Service
Other: letter

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/
c: Ed Creed

CODE ENFORCEMENT REPORT

DATE: 4/25/5 INTAKE BY: EC CASE #: INSPEC: 3

COMPLAINT LOCATION: 702 WISE AVE

ZIP CODE: 21222 DIST:

COMPLAINANT NAME: ED BARREN ANON PHONE #: (H) (W)

ADDRESS: ZIP CODE: 21222

PROBLEM: ILLEGAL MARINA IN A B.L. ZONE

IS THIS A RENTAL UNIT? YES NO

IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 15-07-582-160 ZONING:

INSPECTION: 4/27/5 NEED TO DO SOME RESEARCH
4/28/5 SPOKE TO ZONING NEED A SPECIAL EXCEPTION FOR MARINA
4/29/5 WROTE A NOTICE FOR ILLEGAL MARINA

REINSPECTION: NEED TO HAVE A SPECIAL EXCEPTION ON RE ZONE

5/9/5 SPOKE TO STEVE HOLMES LAWYER

REINSPECTION: FOR 702. ADVISE HIM TO CALL ZONING
P/05/30/5

REINSPECTION:

RA1001B

DATE: 04/25/2005 TANDARD ASSESSMENT INQUIRY (1)
TIME: 14:56:21

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 07 582160	15	3-0	31-00	N	NO		02/15/05

GREASON CHARLES
GREASON CHARLES GAILAN
419 BROWNELL RD

DESC-1.. IMPS
DESC-2.. OAKLEIGH BEACH
PREMISE. 00702 WISE AVE
00000-0000

BALTIMORE MD 21220-3011 FORMER OWNER:

---------- FCV ----------			---------- PHASED IN ----------		
	PRIOR	PROPOSED		CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	42,600	54,800				
IMPV:	92,300	95,200	TOTAL..	150,000	150,000	144,966
TOTL:	134,900	150,000	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	10/99	09/02				

---- TAXABLE BASIS ----		FM DATE
ASSESS:	150,000	02/09/05
ASSESS:	144,966	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

4/10
321
2875

'more County
artment of Permits and
Development Management

Code Inspections a
County Offi
111 West Ches...ea
Towson, MD 2120

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspecti
Electrical Inspectio

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRE

Citation/Case No.	Property No.	Zoni
05-3346	15-07-582-160	

Name(s): CHARLES/CHARLES GAILA
G R

Address: 419 BROWNELL Rd Balto. 21

Violation Location: 706 Wise Ave Balto. 21

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE CO
SECTION 216 SEC 500.9 500.6

CEASE THE OPERATION OF
ILLEGAL MARINA & B.
WITHOUT THE BENEFIT OF A S
EXCEPTION OR A NEW CONF
USE.
NO PERSON SHALL OCCUPY A
FOR HIS OR HER OBOE,
CAMP

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE

On or Before:	Date Issued:
5/30/5	4/29/5

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A
EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1
VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: ED CREED Jr

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL C
UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAI
RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND
THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN

Not Later Than:	Date Issued:

INSPECTOR:

Baltim[illegible] County
Depar[illegible]t of Permits and
Development Management

Code Inspections and E
County Office B[illegible]g
111 West Chesapeake A
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection:
Electrical Inspection:

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT (

SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLIC

Citation/Case No. 05-3346

Property No. 15-07-582-160

Zoning: B

Name(s): CHARLES CHARLES G GRAE
c/o C. William Clark Esq

Address: 502 Washington Ave Suite 700 Balto

Violation Location: 702 Wise Ave Balto 21222

Violation Dates: 4/24/5 - 7/7/5

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PER
UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR RE

SEC 216 SEC 500.9 500.6, 502-2
FAILURE TO CEASE THE OPERATION O
ILLEGAL MARINA IN A B.L. Z
WITHOUT THE BENEFIT OF
SPECIAL EXCEPTION SEC.

Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated: $ N/A

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for: Date: E

Time:

Citation must be served by: Date: 7/

I do solemnly declare and affirm, under the penalty of perjury, that the contents st
and correct to the best of my knowledge, information, and belief.

Print Name: Ed Creed Sr

Date 7/12/5 Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORM

NOTICE OF INTENTION TO DEFEND

Print Name: Citation 05

Address:

Date Defendant's Signature

VI

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

County Office Building, Room 119
111 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs. CHARLES G GREASON C/O WILLIAM CLARK ESQ, Defendant

Case # 05 3346 Violation Address 702 WISE AVE Zip 21222

Hearing Date 8/30/5 Issued Date 7/13/5 Expiration Date 7/25/5

Author of Citation Ed Creed Su

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process.

PROOF OF SERVICE

I hereby CERTIFY that:

✓ A Citation and all other papers filed with it were served by restricted delivery mail, return card attached.

___ A Citation and all other papers filed with it were served by personal delivery to _____,
Individual or agent served

_____ Zip _____, on ___/___/___ _____a.m /p.m.
At this address Date Time

Description of Person Served: Race _____ Sex: M F Height: _____ft. _____in. Wt. _____ lbs.

Age: _____ yrs. Other: _____

Telephone verification of citation acknowledgment from _____ on ___/___/___

I was unable to serve:

1st Attempt ___/___/___ _____ a.m./p.m. because _____ _____ Initials

2nd Attempt ___/___/___ _____ a.m./p.m. because _____ _____ Initials

3rd Attempt ___/___/___ _____ a.m./p.m. because _____ _____ Initials

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief, and do further affirm that I am a competent person over 18 years of age and not a party to the case.

111 W. Chesapeake Ave Towson, MD 21204
Server's Address

410-887-3351
Telephone

Ed Creed Su
Server's Name (Print)

7/13/5
Date

Server's Signature

Thomas J. Renner
William P. Englehart, Jr.
Robert L. Hanley, Jr.
Robert S. Glushakow
Douglas L. Burgess
C. William Clark
Catherine A. Potthast
E. Bruce Jones**
Cornelia M. Koetter*

* Also admitted in D.C.
**Also admitted in New Jersey

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

J. EARLE PLUMHOFF
(1940-1988)

NEWTON A. WILLIAMS
(Retired 2000)

RALPH E. DEITZ
(1918-1990)

August 18, 2005

VIA HAND DELIVERY
The Honorable Raymond S. Wisnom, Jr.
Code Enforcement Hearing Officer
111 W. Chesapeake Ave.
Towson, MD 21204

RE: 702 Wise Avenue, Citation No. 05-3346

Dear Mr. Wisnom:

Please be advised that this firm has been retained by the Estate of Charles G. Greason with respect to the above captioned citation. The citation alleges the operation of a illegal marina in a BL zone without the benefit of a Special Exception. Mr. Greason owned and operating the property from some time in the sixties up until the time of his death in August of 2004. It appears as though this property may be a non-conforming use and we are in the process of searching the history of it. Although I anticipated earlier in the summer having petitions filed and having scheduled a previous filing appointment for doing so, we did not receive the approval from the beneficiaries of the estate until ths month in order to proceed with this matter.

We have engaged the services of Richardson Engineering to perform work on this project. Mr. Richardson is away on vacation and will not return until August 29. Presently, there is a hearing scheduled for August 30 on the above captioned citation. Because of the additional work needed to be done in order to prepare Mr. Richardson's testimony and/or seek approvals of the Special Exception or a Petition for Special Hearing to approve a non-conforming use, we ask that this matter be postponed. I have rescheduled a filing appointment for September 28 at 3:00, at which time I expect to present whatever petitions are necessary to confirm the lawfulness of this use. This is the first scheduled hearing date on this citation.

If you have any questions, please contact me. Until then, I remain.

Very truly yours,

C. William Clark

CWC/jkc
cc: Stephen Holmes, Esq., for the Estate of Charles Greason
Ed Creed, Sr.
Rick Richardson, Richardson Engineering, LLC

Thomas J. Renner
William P. Englehart, Jr.
Robert L. Hanley, Jr.
Robert S. Glushakow
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RALPH E. DEITZ
(1918-1990)

August 24, 2005

Steve Holmes, Esquire
The Law Offices of Peter Angelos
5905 Harford Road
Baltimore, MD 21214

RE: 702 Wise Avenue

Dear Mr. Holmes:

Enclosed herein please find a copy of a letter from Raymond Wisnom, Jr. in response to the letter which we sent to him last week.

The Hearing scheduled for August 30 has been postponed.

If you have any questions or comments please contact me.

Very truly yours,

C. William Clark

CWC/jkc

Enclosure

cc: Ed Creed, Sr.
Rick Richardson

Y:\JENNIFERDATA\WPDOCS\BUD\CWC\ZONING-CLIENTS\Holmes\Holmesltr2.wpd

Department of Permits
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co ba md.us
pdminspect@co.ba.md us

Baltimore County

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

August 22, 2005

C. William Clark, Esquire
Suite 700
Nottingham Centre
502 Washington Avenue
Towson, MD 21204-4528

Re: Case #05-3346

Dear Mr. Clark:

Per your request, a postponement of the Code Enforcement Hearing for Case #05-3346 is hereby granted. The Code Enforcement hearing shall be reset if the petitioner fails to actively pursue the Special Hearing before the Zoning Commissioner for an official determination as to the validity of marina use at 702 Wise Avenue.

Sincerely,

Raymond S. Wisnom, Jr.
Baltimore County Hearing Officer

RSW/jaf

Thomas J. Renner
William P. Englehart, Jr.
Robert L. Hanley, Jr.
Robert S. Glushakow
Douglas L. Burgess
C. William Clark
Catherine A. Potthast
E. Bruce Jones**
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August 18, 2005

VIA HAND DELIVERY
The Honorable Raymond S. Wisnom, Jr.
Code Enforcement Hearing Officer
111 W. Chesapeake Ave.
Towson, MD 21204

RE: 702 Wise Avenue, Citation No. 05-3346

Dear Mr. Wisnom:

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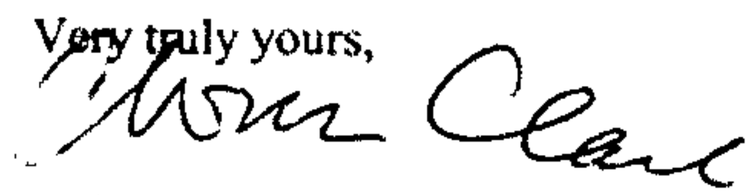
We have engaged the services of Richardson Engineering to perform work on this project. Mr. Richardson is away on vacation and will not return until August 29. Presently, there is a hearing scheduled for August 30 on the above captioned citation. Because of the additional work needed to be done in order to prepare Mr. Richardson's testimony and/or seek approvals of the Special Exception or a Petition for Special Hearing to approve a non-conforming use, we ask that this matter be postponed. I have rescheduled a filing appointment for September 28 at 3:00, at which time I expect to present whatever petitions are necessary to confirm the lawfulness of this use. This is the first scheduled hearing date on this citation.

If you have any questions, please contact me. Until then, I remain.

Very truly yours,



C. William Clark

CWC/jkc
cc: Stephen Holmes, Esq., for the Estate of Charles Greason
Ed Creed, Sr.
Rick Richardson, Richardson Engineering, LLC

THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
C. WILLIAM CLARK
CATHERINE A. POTTHAST*
E. BRUCE JONES**
CORNELIA M. KOETTER*

* ALSO ADMITTED IN D.C.
** ALSO ADMITTED IN NEW JERSEY

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NEWTON A. WILLIAMS
(RETIRED 2000)

RALPH E. DEITZ
(1918-1990)

TELECOPY COVER PAGE

To: Ed Creed, Sr.

Date: May 27, 2005

From: C. William Clark, Esquire

Fax #: (410)887-2824

Subject: 702 Wise Ave.

Pages: 3 including cover sheet

COMMENTS:

If for any reason you need to contact us, please call Jenn at 410-823-7800. Thank You.

CONFIDENTIALITY NOTICE

"WARNING: Unauthorized interception of this telephonic communication could be a violation of Federal and Maryland law."

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

Thomas J. Renner
William P. Englehart, Jr.
Robert L. Hanley, Jr.
Robert S. Glushakow
Douglas L. Burgess
C. William Clark
Catherine A. Potthast
E. Bruce Jones**
Cornelia M. Koetter*

* Also admitted in D.C.
**Also admitted in New Jersey

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(1940-1988)

NEWTON A. WILLIAMS
(Retired 2000)

RALPH E. DEITZ
(1918-1990)

May 27, 2005

VIA FACSIMILE (410- 887-2824) AND FIRST CLASS MAIL
Baltimore County Department of
Permits and Development Management
Code Inspections and Enforcement
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

ATTN: Ed Creed, Sr.

Re: Correction Notice 05-3346

Dear Mr. Creed:

Please be advised that I have received a copy of the original correction notice bearing the above captioned number as well as a revised correction notice dated April 29, 2005. As you may know, Charles Greason passed away on August 21, 2004. The property is now under the control of the Estate of Charles G. Greason. I met with Steven Holmes, Esquire and the personal representatives of the estate of Charles Greason today regarding the correction notice as well as the history of the uses on the property at 702 Wise Avenue, Baltimore, MD 21222. It appears to me that the property qualifies as a non-conforming use but also may qualify for certain special exceptions in the BL zone. The Estate has retained me to review these matters and to seek the appropriate method establishing the lawfulness of the uses on the site. In furtherance of that request, I have scheduled a filing appointment at 11:00 a.m. on July 15, 2005 for the purposes of submitting the necessary petitions and accompanying documents.

In view of the above information, I hope that you will not issue the violation notice and give the Estate time necessary to establish the lawfulness of the uses on the site and obtain whatever other necessary permits or approvals that are required.

Mr. Ed Creed, Sr.
Mary 27, 2005
Page Two:

Upon your review of this letter, please contact me so we may discuss this. Thank you for your anticipated cooperation.

Very truly yours,

C. William Clark

CWC/jkc

cc: Steven Holmes, Esquire (via facsimile (410)426-1269)

Tim

Oakleigh Beach Management, L.L.C.
710 B Wise Avenue
Dundalk, Maryland 21222
410-388-8170

Dear Tim,

Enclosed is a copy of my correspondence to Mr. Wisnom. Please let me know if there is anything else we need to do. We have a tremendous interest in this matter and Ed and I are very much opposed to any S.E. or Non-Conforming approval.

As always,

Best,

Lionel

Oakleigh Beach Management, L.L.C.

710 B, Wise Avenue
Dundalk, Maryland 21222
410-388-8170

Kitty - Please pull this zoning file. we need to advise these folks of when this hearing is. Keep me advised. T - Sept 23, 9 AM '07

September 2, 2005

Honorable Raymond S. Wisnom, Jr.
Baltimore County Hearing Officer
117 West Chesapeake Ave.
Towson, MD 21204

Re: 702 Wise Avenue, Citation # 05-3346

Dear Mr. Wisnom,

As an interested party and complainants in the above referenced citation, we respectfully request that we are kept informed as to the status of this case. We discovered quite by accident that the initial hearing in this case was to be held this past Tuesday, August 30th. As you are aware, that hearing was postponed to a date at some time in the future.

Further, it is our understanding that the representatives of the Greason Estate intend to request approval of either a Special Exception or Non-conforming Use. It is vital, therefore, that we are kept informed so that we can adequately prepare our case in opposition to any such approval.

If you have any questions, please contact us at your pleasure.

Very truly yours,

/S/

Lionel B. van Dommelen
Managing Partner / Complainant
443-992-0821

Edward W. Crizer
Partner / Complainant

cc: Timothy M. Kotroco, Director
Balto. County Dept. of Permits & Developement Management

Thomas J. Renner
William P. Englehart, Jr.
Robert L. Hanley, Jr.
Robert S. Glushakow
Douglas L. Burgess
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(Retired 2000)

RALPH E DEITZ
(1918-1990)

November 17, 2005

VIA HAND DELIVERY

Mr. Carl Richards
Baltimore County
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 702 Wise Ave. Baltimore, MD 21222, The Estate of Charles Greason

Dear Mr. Richards:

Please be advised that I represent the Personal Representatives of the Estate of Charles Greason, the owner of the above property. Enclosed herein please find three (3) original Petitions for Special Hearing, twelve (12) original plans to accompany the Petition for Special Hearing request, zoning description, a 200 scale zoning map, this firm's check in the amount of $325.00, and an advertising form

Please be further advised that this matter has previously been reviewed by John Alexander. Please accept for filing.

If you have any questions or concerns please contact me at the above number.

Very truly yours,

C. William Clark

CWC/jkc

Enclosures

cc: Steven Holmes, Esq.

05-3275

Thomas J. Renner
William P. Englehart, Jr.
Robert L. Hanley, Jr.
Robert S. Glushakow
Douglas L. Burgess
C. William Clark
Catherine A. Potthast
E. Bruce Jones**
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RALPH E. DEITZ
(1918-1990)

January 26, 2006

VIA FACSIMILE (410) 887-3468 AND HAND DELIVERY

William J. Wiseman, III
Zoning Commissioner/Hearing Officer for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: 702 Wise Avenue, Case No. 06-278

Dear Mr. Wiseman:

Please be advised that the above captioned case was previously scheduled for hearing on January 11, 2006. That date was postponed at the request of Lionel B. van Dommelen and Edward W. Crizer, neighboring property owners, due to a scheduling conflict. On December 29, 2005, my secretary received a call from Kristen Matthews indicating that the case had been postponed. This was the only notice that I had that any had request for postponement had been made. She then faxed a letter to my office from Messrs. Dommelen and Crizer requesting the postponement. Ms. Matthews than gave some dates to my secretary to verify my availability in order to obtain an agreed dates with all parties. My secretary called Ms. Matthews the first week of January to advise her which dates I would be available out of the ones proposed, those dates were February 7 and 8, 2006, Ms. Matthews indicated that those dates would be placed on hold and she would contact us with an agreed date. In looking at the newspaper today, I noticed that the case has been scheduled for a hearing on Tuesday, January 31, 2006, however, my office is not in receipt of a Notice of Hearing to indicate that a date had been chosen. Furthermore, with the hearing less than five days away the property has not been posted with the new hearing date.

Please reset the hearing and contact me if you would like to work out an agreed date.

Very truly yours,

C. William Clark

CWC/jkc
cc: Stephen Holmes, Esq., for the Estate of Charles Greason
Patricia Samuels
Jessie Greason
Rick Richardson, Richardson Engineering, LLC
Lionel B. van Dommelen
Edward W. Crizer

Thomas J. Renner
William P. Englehart, Jr.
Robert L. Hanley, Jr.
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(Retired 2000)

RALPH E DEITZ
(1918-1990)

MAR 20 th

March 20, 2006

VIA FACSIMILE (410) 887-3468 AND HAND DELIVERY

William J. Wiseman, III
Zoning Commissioner/Hearing Officer for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: 702 Wise Avenue, Case No. 06-278

Dear Mr. Wiseman:

Please be advised that the above captioned case is currently scheduled for a hearing on Wednesday, March 22, 2006. Unfortunately, the property has not been posted and the hearing can not go forward on Wednesday. Can you please reschedule this matter for another date, the property does not have to be re-advertised, so we will only require enough time to get the property posted.

Please contact me with a new date so I may get that approved by my client. Thank you for your anticipated cooperation.

Very truly yours,

C. William Clark

CWC/jkc

cc: Stephen Holmes, Esq., for the Estate of Charles Greason
Patricia Samuels
Jessie Greason
Rick Richardson, Richardson Engineering, LLC
Lionel B. van Dommelen
Edward W. Crizer

Oakleigh Beach Management, L.L.C.
710 B, Wise Avenue
Dundalk, Maryland 21222
410-388-8170

No attachment

December 28, 2005

The Honorable Timothy M. Kotroco, Director
Baltimore County Department of
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Re: 702 Wise Avenue, Case #06-278 SPH

Dear Mr. Kotroco,

Although we have requested, *(attached is a copy of that request)*, that we are kept informed of the progress of the above referenced case, to date our only notice of a pending hearing on Case #06-278SPH has been the official posting of the property on December 27th. The currently scheduled hearing date of January 11, 2006 presents a scheduling conflict for both Mr. Crizer and myself and we are requesting a postponement.

If you have any questions, please contact us at your pleasure.

Very truly yours,

Lionel B. van Dommelen
443-992-0821

Edward W. Crizer
443-992-0819

JAN 3 2006
06-08

Oakleigh Beach Management, L.L.C.
710 B. Wise Avenue
Dundalk, Maryland 21222
410-388-8170

September 2, 2005

Honorable Raymond S. Wisnom, Jr.
Baltimore County Hearing Officer
117 West Chesapeake Ave.
Towson, MD 21204

Re: 702 Wise Avenue, Citation # 05-3346

Dear Mr. Wisnom,

As an interested party and complainants in the above referenced citation, we respectfully request that we are kept informed as to the status of this case. We discovered quite by accident that the initial hearing in this case was to be held this past Tuesday, August 30th. As you are aware, that hearing was postponed to a date at some time in the future.

Further, it is our understanding that the representatives of the Greason Estate intend to request approval of either a Special Exception or Non-conforming Use. It is vital, therefore, that we are kept informed so that we can adequately prepare our case in opposition to any such approval.

If you have any questions, please contact us at your pleasure.

Very truly yours,

/S/
Lionel B. van Dommelen
Managing Partner / Complainant
443-992-0821

/S/
Edward W. Crizer
Partner / Complainant

cc: Timothy M. Kotroco, Director
Balto. County Dept. of Permits & Developement Management

12.29.05
gave to Rich

Jack, 1/30/06

RE: Postponement for 1/31 Hearing

Messages were left on the recorders of both Mr. Clark and Mr. Richardson. I spoke to Mr. Dommelen, who will advise Mr. Crizer.

Debbie

1/31/06 – No one from public came to hearing

J.V.M

Bill Wiseman

From: Debra Wiley [dwiley@co.ba md.us]
Sent: Monday, May 01, 2006 9:35 AM
To: bill_wiseman@comcast.net
Subject: 06-278-SPH - Notification

Hi Bill,

I checked with Kristen and she doesn't recollect notifying any of these persons. Therefore, I placed calls and advised the following of the hearing date, time and place:

Lionel Doblin 443.992.0821 (I spoke to him directly)

Edward Crizer 443.992.0819 (I got his voice mail and left all the details, including our phone number to call us with any concerns/questions)

Oakleigh Beach Mgmt. LLC (I spoke to Rob who indicated they did see the sign and are well aware)

Deb

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 06-278 SPH

Date Completed/Initials

12/1/06 — PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

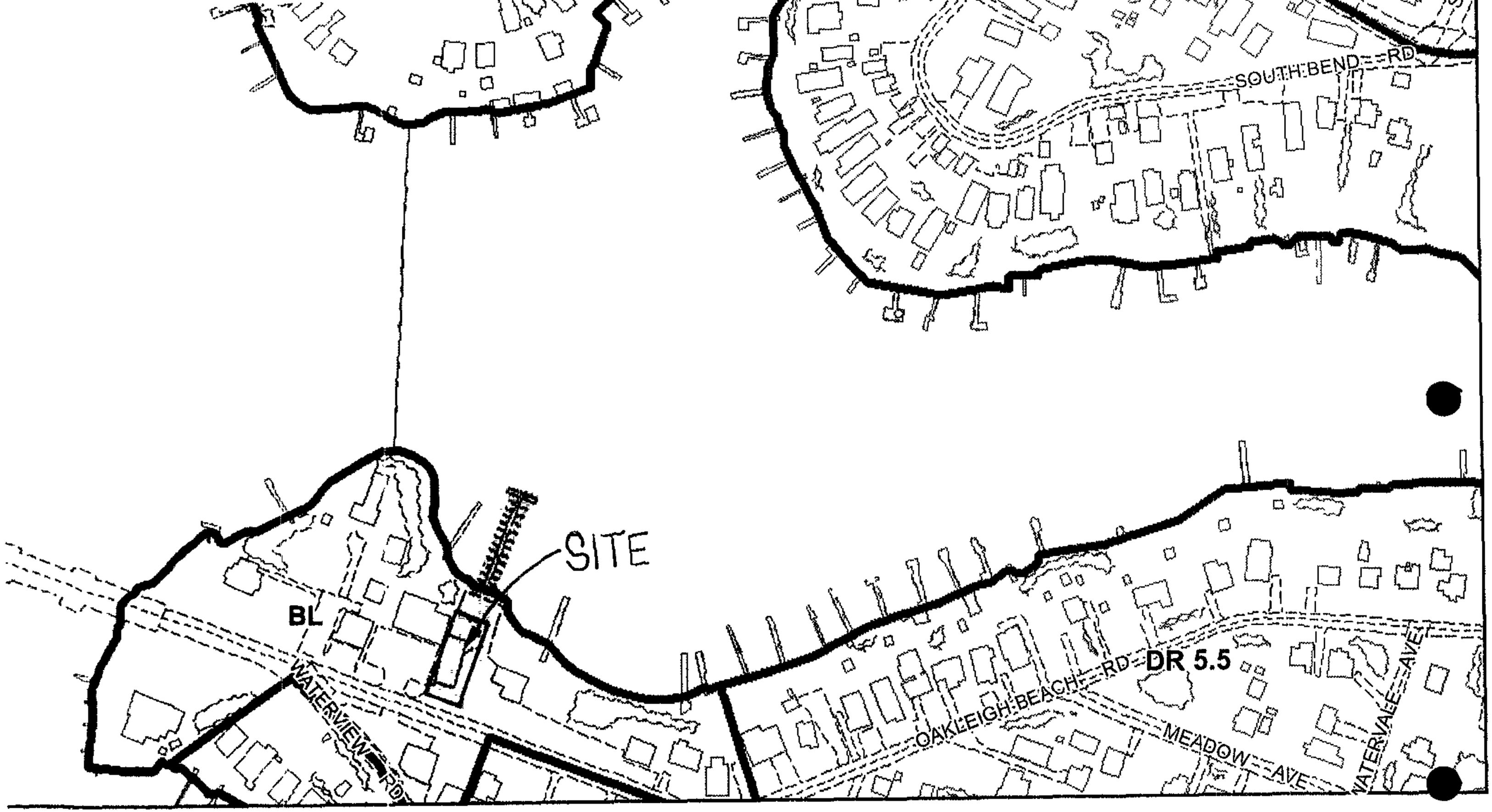
RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet) 12/27/06

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file) 12/27

1/30/06 — COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

2/3/06 — FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)



103C1	104A1	104B1	104C1
103C2	104A2	104B2	104C2
103C3	104A3	104B3	104C3

Scale

1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of
1:2400, 2004

CC 278 STA

PLEASE PRINT CLEARLY

CASE NAME 702 WISE AVE
CASE NUMBER 06-278
DATE 5/2/06

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
PATRICIA STAMULS	37 Bladen Rd	Balto Md 21221	
Jessie Delany-Green	419 Brookfield Rd	Balt Md 21220	
Stephen J. Holmes	5925 Hartford Rd	" " 21214	Sholmes@lawpga.com
DAVID TAROT	5925 HARTFORD RD	" " "	—
Paul Rainford	712 N. Woodward	" " 21221	"
Donald J. Bill, CPA	441 Community Rd	Severna Park Md 21146	"
RICK RICHARDSON	110 OLD PADONIA RD SUITE C	COCKEYSVILLE MD 21030	RICK@RICHARDSONENGINEERING.NET
C William Clark	502 Washington Ave	Towson 21204	cwclark@nolanplumhoff.com
MICHAEL BURKE	1403 Stengel Ave	BALTO. MD 21222	

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Lionel van Dommelen	710 Wise Ave	Dundalk MD 21222	lionelv@comcast.net
Steven Goff	694 Wise Ave	Dundalk MD 21222	Stevergoff@Aol.Com

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

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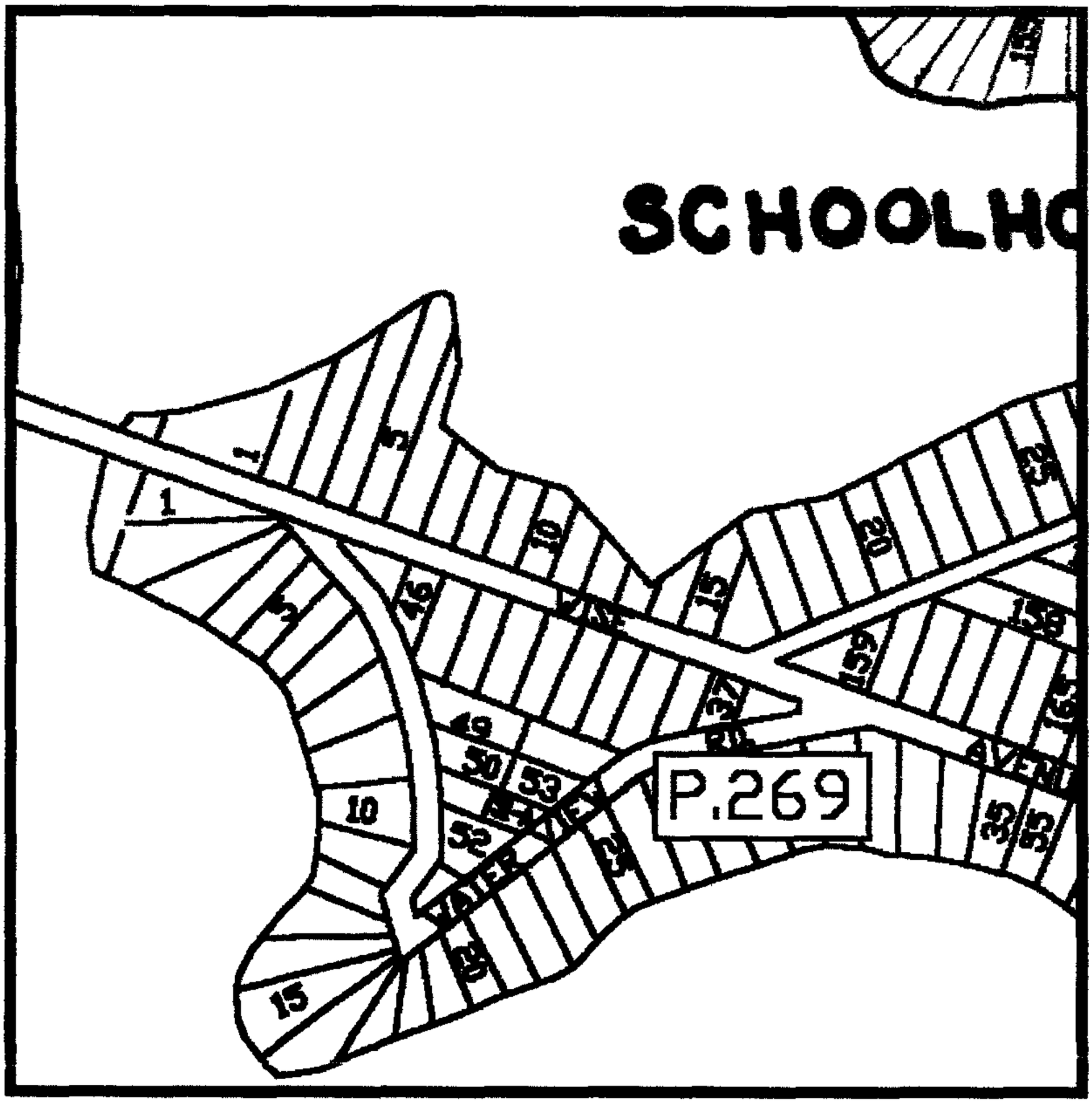
District - 15 **Account Number** - 1507580391



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For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

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

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Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1507580391

Owner Information

Owner Name:	OAKLEIGH BEACH MANAGEMENT LLC	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	710 WISE AVE BALTIMORE MD 21222-5027	**Deed Reference:**	1) /16785/ 737 2)

Location & Structure Information

Premises Address
710 WISE AVE

Legal Description
LT 10,11,12 PT 9
710 WISE AVE
OAKLEIGH BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
104	15	231					10	3	Plat Ref: 12/ 46

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1953	3,274 SF	18,730.00 SF	23

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	137,100	254,700		
Improvements:	97,800	116,700		
Total:	234,900	371,400	234,900	280,400
Preferential Land:	0	0	0	0

Transfer Information

Seller:	VONTRAN JOHN/KELLY	**Date:**	09/05/2002	**Price:**	$255,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/16785/ 737	**Deed2:**	
Seller:	OAKLEIGH TAVERN INC	**Date:**	07/19/2000	**Price:**	$199,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/14587/ 542	**Deed2:**	
Seller:	CHARLTON DARLEEN G	**Date:**	12/10/1980	**Price:**	$135,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 6239/ 430	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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

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New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1507582160

Owner Information

Owner Name:	GREASON CHARLES GREASON CHARLES GAILAN	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	419 BROWNELL RD BALTIMORE MD 21220-3011	**Deed Reference:**	1) / 3415/ 28 2)

Location & Structure Information

Premises Address
702 WISE AVE

Legal Description
407 W OAKLEIGH BEACH RD
OAKLEIGH BEACH

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
104	15	231					8	3	Plat Ref: 12/ 46

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1903	3,376 SF	6,098.00 SF	31

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	54,800	91,400		
Improvements:	95,200	108,600		
Total:	150,000	200,000	150,000	166,666
Preferential Land:	0	0	0	0

Transfer Information

Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Case No.: 06-278 SPH

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site Plan	Photograph of Boat on Parking Area.
No. 2	2A - 1 story 2B 2 story + Pier } 702 WISE AVE	Photo - IN WINDOW NO PARKING allowed in front
No. 3	3A thru 3J Collectively	Photo's of Premises 3A - thru 3C
No. 4	Baltimore County Permit 4 Pages	Aerial Photo depicting
No. 5	Md Port Authority - Pier Permit	
No. 6	US Army Engineer - PIER CONSTRUCTION APPROVAL	
No. 7	Prior Zoning Order 5555 - X - SPH	
No. 8	Site PLAN FOR Zoning Petion 5555-X-SPH	
No. 9	1955 OLD ZONNING Regulations	
No. 10	1969 ZONING Regulation(s)	
No. 11	1975 Zoning Regulations	
No. 12	1987 Edition BCZR	

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ə'nāshəs\ adj
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commémorable,
-abilis -able]

vt -ED/-ING/-S
to remind of,
dful — more at
ech, writing, or
in ecclesiastical
on : CELEBRATE,
3 : to be a
a tablet ~s his

ME commemora-
, commemoratus
; 2 : something
remony); specif
or sacred event
'l, -shəl\ adj
nə,rā, -tiv, -ēv
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: commemorat-
h in his honor);

or a layman to whom it is given in charge often only until a proper incumbent is provided **b** : the enjoyment of the revenues from such a custody or holding **2** : a benefice held in commendam

com·men·da·tion \ˌkäˌmenˈdāshən, -ˌmən-\ *n* -s [ME *commendacioun*, fr. MF *commendation*, fr. L *commendation-*, *commendatio*, fr. *commendatus* + *-ion-*, *-io* -ion] **1 a** : the act of commending : the expression of approval **b** : something that commends ⟨good nature is the most godlike ~ of man —John Dryden⟩; *specif* : an award (as to a military unit) for distinction in operations ⟨a meritorious unit ~⟩ **2** *archaic* : a message of affection or respect : COMPLIMENT, GREETING — usu. used in pl. **3** : an office commending to God the souls of the dead or dying **4** : the act of placing as a vassal under the protection of a lord : VASSALAGE **5 a** : the act of giving a benefice in commendam **b** : the state of a commendam

com·men·da·tor \ˈ=(ˌ)=ˌdād-ə(r)\ *n* -s [ML *commendator* commander, fr. L *commendatus* (past part. of *commendare* to entrust, recommend command) + *-or* — more at COMMEND] **1** : one who holds a benefice in commendam **2** : COMMENDATORE

com·men·da·to·re \kəˌmendəˈtōrē, (ˌ)käˌm-\ *n* -s [It, fr. ML *commendator*] : a member of an Italian honorary order of chivalry who ranks next above an officer and next below a grand officer

[1]**com·men·da·to·ry** \kəˈmendəˌtōrē, -tȯr-, -ri\ *adj* [LL *commendatorius*, fr. L *commendatus* (past part. of *commendare* to recommend) + *-orius* -ory — more at COMMEND] **1** : of, relating to, or serving for commendation **2** [alter. of earlier *commendatary*, adj., fr. ML *commendatarius*, fr. L *commendatus* + *-arius* -ary] : holding or held in commendam

[2]**commendatory** *n* -ES **1** *obs* : COMMENDATION, EULOGY **2** *obs* : a knight commander of an order of chivalry **3** *obs* : COMMENDATOR 1 **4** *obs* : COMMANDERY 2a **5** *archaic* : COMMENDAM 1

commendatory letter *n* : a letter of commendation; *specif* : a letter of introduction testifying to an individual's good standing in a church and given by a bishop to a traveling member of his diocese or to a cleric transferring to another diocese

com·mend·ing·ly *adv* : in a commending manner

[1]**com·men·sal** \ˈkəˈmen(t)səl\ *adj* [ME, fr. ML *commensalis*, fr. L *com-* + LL *mensalis* of the table, fr. L *mensa* table + *-alis* -al — more at MENSA] **1** : of or relating to those who habitually eat together ⟨~ pleasures⟩ **2** *biol* : living in a state of commensalism — **com·men·sal·ly** \-səlē\ *adv*

[2]**commensal** \"\ *n* -s [ME, fr. *commensal*, adj.] **1** : one who eats at the same table with others : MESSMATE **2** *biol* : an organism living in a state of commensalism

com·men·sal·ism \-ˌlizəm\ *n* -s **1** : the relation existing between two kinds of organisms in which one obtains food, protection, or other benefits from the other without damaging or benefiting it — compare PARASITISM, SYMBIOSIS **2** : intimate association in a social group esp. at meals

com·men·sal·ist \-ˌləst\ *n* -s : COMMENSAL 1 — **com·men·sal·is·tic** \kəˌmen(t)sə̄ˈlistik\ *adj*

com·men·sal·i·ty \ˌkäˌmenˈsaləd-ē\ *n* -ES **1 a** : the practice of eating together **b** : a social group that eats together **2** : COMMENSALISM

com·men·su·ra·bil·i·ty \kəˌmen(t)s(ə)rəˈbiləd-ē *also* -mench(ə)-\ *n* -ES [MF *commensurabilité*, fr. *commensurable* + *-ité* -ity] : the quality or state of being commensurable

com·men·su·ra·ble \ˈ=ˈ=(=)rəbəl\ *adj* [MF or LL; MF *commensurable*, fr. LL *commensurabilis*, fr. L *com-* + LL *mensurare* to measure, fr. L *mensura* measure — more at MEASURE] **1** : having a common measure; *specif* : divisible by a common measure or unit an integral number of times ⟨10 and 25 are ~ since they have 5 as a common divisor⟩ **2** : COMMENSURATE 2 : ⟨the two punishments must be perfectly ~ —Jeremy Bentham⟩ — **com·men·su·ra·bly** \-blē\ *adv*

com·men·su·rate \kəˈmen(t)s(ə)rət *also* -mench(ə)-; *usu* -ād-+V\ *adj* [LL *commensuratus* equal, fr. L *com-* + LL *mensuratus*, past part. of *mensurare* to measure] **1** : equal in measure or extent : COEXTENSIVE ⟨the life of Burleigh was ~ with one of the most important periods —T.B.Macaulay⟩ ⟨iron has defects almost ~ with its virtues —Lewis Mumford⟩ **2** : corresponding in size, extent, amount, or degree : PROPORTIONATE ⟨an income ~ with his needs⟩ ⟨the child was started in a grade ~ with his mental ability —F.H.Allen⟩ **3** *archaic* : corresponding in nature : of the same sphere of phenomena : essentially interrelated **4** : COMMENSURABLE 1 — **com·men·su·rate·ly** *adv* — **com·men·su·rate·ness** *n* -ES

com·men·su·ra·tion \kəˌmen(t)sə̄ˈrāshən *also* -mench(ə)-\ *n* -s [MF, fr. LL *commensuration*, *commensuratio*, fr. L *com-* + LL *mensuration-*, *mensuratio* act of measuring — more at MENSURATION] **1** : the measuring of things in comparison with one another **2** : the state of being proportionate ⟨fitness lies in a particular ~ ... of one thing to another —Robert South⟩

on a text **2** *archaic* : the act of commenting : interpretation or expression of opinion

com·men·ta·tive \ˈkämən-ˌtād-iv, käˈmentəd-\ *adj* [[1]*comment* + *-ative*] : of or concerning comment or commentary

com·men·ta·tor \ˈkämən-ˌtād-ə(r), -ātə- *also* -ˌmen-\ *n* -s [LL, fr. L, deviser, contriver, fr. *commentatus* + *-or*] : one who comments or makes a commentary: as **a** : one who writes a commentary (as on a literary text) : ANNOTATOR **b** : one who reports and discusses current events or daily news esp. on radio or television usu. with interpretation and analysis — called also *news analyst* — **com·men·ta·to·ri·al** \ˌkäˌmentəˈtōrēəl, käˌm-\ *adj*

com·men·ti·tious \ˌkämənˈtishəs\ *adj* [L *commenticius*, *commentitius*, fr. *commentus* (past part. of *comminisci* to invent, contrive, devise) + *-icius*, *-itius* -itious — more at COMMENT] *archaic* : fictitious or imaginary : feigned or lying

[1]**com·merce** \ˈkä(ˌ)mərs, -ˌməs, -ˌmās, -ˌmais\ *n* -s [MF, fr. L *commercium*, fr. *com-* + *merc-*, *merx* merchandise — more at MARKET] **1 a** : social intercourse : dealings between individuals or groups in society : interchange of ideas, opinions, or sentiments ⟨their ~ with the ancients appears to me to produce ... a steadying ... effect upon their judgment —Matthew Arnold⟩ **b** : dealings of any kind ⟨their conviction that art has no ~ with morality —C.J.Glicksberg⟩ : interrelationship, connection, or communication ⟨the ~ between our intellectual ... interests and the nature of experience —Herbert Feigl & W.S.Sellars⟩ **2 a** : the exchange or buying and selling of commodities esp. on a large scale and involving transportation from place to place — compare TRADE, TRAFFIC **b commerces** *pl, obs* : commercial transactions **3** : mental or spiritual intercourse or relationship : COMMUNION ⟨so hold I ~ with the dead —Alfred Tennyson⟩ **4** *obs* : an exchange (as of letters) ⟨a ~ of letters between friends⟩ **5** : SEXUAL INTERCOURSE **6** *obs* : means of communication : PASSAGE **7** : an old card game similar to whiskey poker in which each player in succession may exchange one of his three cards for another card until some one refuses, whereupon the best hand wins

[2]**com·merce** \", kəˈmərs, käˈ-, -ˈmās,-ˈmais\ *vi* -ED/-ING/-S [MF *commercer*, fr. *commerce*, n.] : to hold personal intercourse or communication : COMMUNE — used with *with* ⟨less disposed to ~ with my kind —Cornelius Weygandt⟩

com·merce·less *pronunc at* [1]COMMERCE +ləs\ *adj* : lacking commerce

commercia *pl of* COMMERCIUM

com·mer·cia bel·li \kəˈmərsh(ē)əˈbeˌlī, -(ˌ)lē; kəˈmerkēəˈbeˌlē\ *n pl* [NL, fr. L, pl. of *commercium belli* stipulation, treaty, lit., intercourse of war] : agreements between enemy states (as truces, capitulations, safe-conducts, and cartels)

[1]**com·mer·cial** \kəˈmərshəl, -māsh-,-maish-\ *adj* [[1]*commerce* + *-ial*] **1** : of, in, or relating to commerce: as **a** : occupied with or engaged in commerce ⟨a ~ establishment⟩ ⟨the ~ world⟩ **b** : related to or dealing with commerce ⟨~ treaty⟩ **c** : used in or characteristic of commerce ⟨~ weights⟩ ⟨~ language⟩ ⟨~ ethics⟩ **d** : suitable to or adequate for commerce ⟨found oil in ~ quantities⟩ **e** (1) : of the kind or quality used in commerce (2) : of an average or inferior quality ⟨~ oxalic acid⟩ ⟨~ grade of beef⟩ — compare TECHNICAL **f** : produced or producible in large quantities for commerce ⟨relying on a balanced diet rather than ~ vitamin concentrates⟩ **2 a** : from the point of view of profit : having profit as the primary aim ⟨~ success⟩ ⟨~ failure⟩ ⟨~ aspect⟩ **b** : sacrificing artistic principles for qualities that bring financial success ⟨~ drama⟩ ⟨~ music⟩ **3** *of a school, a course, or a curriculum* : emphasizing skills and subjects considered useful in business occupations — compare BUSINESS EDUCATION, GENERAL **4** : paid for by an advertiser — used esp. of a radio or television program

[2]**commercial** \"\ *n* -s **1** *Brit* : TRAVELING SALESMAN **2 a** : an advertisement broadcast during a sponsored radio or television program or between programs **b** : a radio or television program sponsored by an advertiser

commercial agency *n* : MERCANTILE AGENCY 2

commercial arbitration *n* : arbitration by which disputes arising out of business contracts or transactions may be settled out of court by a special tribunal

commercial art *n* : art applied to commercial purposes

commercial attaché *n* : an officer in the foreign commerce service of a country who is attached to an embassy or legation in those countries considered important for trade or business

commercial bank *n* : a bank including in its functions the acceptance of demand deposits subject to withdrawal by check

commercial blanket bond *n* : a fidelity bond or form of insurance issued to business firms that covers all losses due to theft by employees

commercial club *n* : CHAMBER OF COMMERCE

commercial code *n* : a code designed to achieve brevity or economy of words esp. in order to save telegraph tolls

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Gardner

ties or unnecessary hardships' should not be made except where the burden of the general rule upon the individual property would not, because of its unique situation and the singular circumstances, serve the essential legislative policy, and so would constitute an entirely unnecessary and unwarranted invasion of the basic right of private property."

Easter v. Mayor & City Council of Baltimore, 195 Md. 395, 400, 73 A.2d 491, 492 (1950)

"... The mere fact that the variance would make the property more profitable is not a sufficient ground to justify the relaxation of setback requirements."

See also, to the same effect, where the detriment to the applicant was weighed against the benefit to the community in maintaining the general plan: *Burns v. Mayor & City Council of Baltimore,* 251 Md. 554, 558, 248 A.2d 103, 105 (1968); *Mayor & City Council of Baltimore v. Polakoff,* 233 Md. 1, 194 A.2d 819 (1963).

(2) (other than use and or occasional use does not for the evidence that a Boatyard on the

§ 11.4. Nonconforming Uses.

Board of Zoning Appeals of Howard County v. Meyer, 207 Md. 389, 114 A.2d 626 (1955)

Where the evidence conclusively establishes that a property owner before and at the time of the adoption of the original zoning ordinance (or last comprehensive zoning) was using in a then lawful manner substantially all of his tract of land for a use which by this legislative action became nonpermitted, the owner had established a lawful nonconforming use.

(1) Actual has been an accessory use to the residential elements that share the lot and pier - See above feeling evidence that there was a commercial Boatyard would be an impermissible extention of the private pier use historically proven

County Comm'rs of Carroll County v. *Zent,* 86 Md. App. 745, 587 A.2d 1205 (1991)

An increase in the number of non-working trucks stored for repair parts on property used by a milk trucking and distribution business constituted a permissible "intensification" of a nonconforming use and was not an impermissible "extension" of such nonconforming use. Such use is a lawful accessory use of the property to the primary lawful nonconforming use.

The Court ruled that the County's attempt to eliminate the accessory use inherently attached to the nonconforming use by administratively redefining the use as a junkyard was arbitrary. The County had not reduced the nonconforming use status by statute or under the zoning ordinance. Since the use was not considered a "junkyard" under the zoning ordinance, the Court could not condone changing the standard now and considering the area as a junkyard.

This decision reviews at length the standard of review and elements to consider as to whether an unlawful extension or a permissible intensification has occurred under the *McKemy* case doctrine, 39 Md. App. at 269-270 and 385 A.2d 96, 103-04 and in the context of the following cases:

Kastendike v. Baltimore Ass'n for Retarded Children, 267 Md. 389, 297 A.2d 745 (1972) — Change in use of facility from treating alcoholics and the elderly to treating the retarded was not an unlawful extension.

Parr v. Bradyhouse, 177 Md. 245, 9 A.2d 751 (1939) — Change in use from a dairy business to a riding academy was not an unlawful extension.

Helfrich v. Mongelli, 248 Md. 498, 237 A.2d 454 (1968) — Enclosing a porch on an inn was a permissible intensification.

Feldstein v. LaVale Zoning Board, 246 Md. 204, 227 A.2d 731 (1967) — More frequent use of a junkyard and increased height of junk piles was a permissible intensification of a nonconforming use.

Jahnigen v. Staley, 245 Md. 130, 225 A.2d 277 (1967) — While the construction of additional extensive dockage facilities was an impermissible extension, the increase in the number of rental rowboats was a permissible intensification.

Nyburg v. Solmson, 205 Md. 150, 106 A.2d 483 (1954) — The storage of new cars prior to distribution at a nonconforming garage was not an extension but a mere intensification.

McKemy v. Baltimore County, 39 Md. App. 257, 385 A.2d 96 (1978) [Nonconforming use]

The Maryland Court of Special Appeals indicated that it was erroneous for a zoning board of appeals, in its determination of the scope of a nonconforming use (*i.e.,* off-street parking), to relate and reference that use to activities occurring on another parcel across the street. Consequently, the court found that off-street parking in connection with one type of use does not necessarily permit under the ambit of a nonconforming use, off-street parking in connection with another type of use. In deciding whether a current activity is within the scope of a nonconforming use, the Court indicated that the following factors should have been considered:

"(1) to what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

"(2) is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

"(3) does the current use have a substantially different effect upon the neighborhood;

"(4) is the current use a 'drastic enlargement or extension' of the original non-conforming use." 39 Md. App. at 269-70, 385 A.2d at 104.

County Comm'rs of Carroll County v. Uhler, 78 Md. App. 140, 552 A.2d 942 (1989)

The burden of proving a nonconforming use is upon the party asserting a claim. A certification of a nonconforming use can only be made after hearing and determination of facts by the board acting in a quasi-judicial capacity.

A lawful nonconforming use is a vested right, but it is the aim of zoning to reduce as speedily as possible nonconformance to conformance, with due regard to the legitimate interests of all parties.

An "equipment storage yard" is a place where usable equipment is stored. When the equipment is not usable, it becomes junk, and the property upon which it is kept becomes a "junkyard."

County Council of Prince George's County v. E.L. Gardner, Inc., 293 Md. 259, 443 A.2d 114 (1982)

"Such nonconforming uses pose a formidable threat to the success of zoning. They limit the effectiveness of land use controls, contribute to urban blight, imperil the success of the community plan, and injure property values." (Citation omitted.) 293 Md. at 267, 443 A.2d at 118.

"Thus, this Court has recognized that the problem inherent in accommodating existing vested rights in incompatible land uses with the future planned development of a community is ordinarily resolved, under local ordinances, by permitting existing uses to continue as nonconforming uses subject to various limitations upon the right to

change, expand, alter, repair, restore, or recommence after abandonment. Moreover, this Court has further recognized that the purpose of such restrictions is to achieve the ultimate elimination of nonconforming uses through economic attrition and physical obsolescence. (Citations omitted.)

"Whether a nonconforming use can be changed, extended, enlarged, altered, repaired, restored or recommenced after abandonment ordinarily is governed by the provisions of the applicable local ordinances and regulations. (citations omitted). These ordinances and regulations must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses." (Citations omitted.) 293 Md. at 268, 443 A.2d at 119.

Under the Prince George's zoning ordinance, the county council had no authority to grant a special exception for a sand and gravel processing facility as an adjunct to a lawful nonconforming sand and gravel mining operation. The court held that the processing facility constituted a change in the existing nonconforming use, prohibited by the zoning ordinance, in that each use was different [illegible] differing standards, regulations and requirements.

National Insts. of Health Fed. Credit Union v. Hawk, 47 Md. App. 189, 422 A.2d 55 (1980)

"Maryland case law permits continuing a non-conforming use, but does not permit the transmogrification of an approved non-conforming use into a new and different use. The latter constitutes an unlawful extension, even if there is no outward change in the appearance of the facility being used." (Citation omitted.) 47 Md. App. at 200, 422 A.2d at 61.

In the instant case, the transformation of a scientific society headquarters into a credit union was an unlawful extension of the prior nonconforming use.

Calhoun v. County Bd. of Appeals of Baltimore County, 262 Md. 265, 277 A.2d 589 (1971)

The burden of proving a nonconforming use is on the claimant of the use. This burden necessarily includes the burden of establishing the existence of a nonconforming use at the time of the passage of the prohibiting zoning ordinance. One important way of meeting this burden is to show that the existence of the use was known to the neighbors at the critical time.

See also *Richmond Corp. v. Board of County Comm'rs for Prince George's County,* 254 Md. 244, 256, 255 A.2d 398, 404 (1969); *Feldstein v. Lavale Zoning Bd.,* 246 Md. 204, 210, 227 A.2d 731, 733-34 (1967); *Vogl v. Mayor & City Council of Baltimore,* 228 Md. 283, 179 A.2d 693 (1962).

Wilson v. Mayor & Comm'rs of Town of Elkton, 35 Md. App. 417, 371 A.2d 443 (1977)

The Court restated the [illegible] nonconforming uses, which relates t[illegible]e basic premise un[illegible]ning zoning regulations i[illegible] restrict rather than expand [illegible]nconforming uses. [illegible] intensification of a nonconforming [illegible] is permissible [illegible] long as the nature and character of the [illegible] is unchang[illegible] and substantially the same facilities are utilized. Th[illegible] right is, however, limited in that the property owner d[illegible]s not have the right to subsequently change or add to t[illegible]e use a new and different use amounting to a drastic e[illegible]largement or extension of the prior existing use. The que[illegible]ion of what is an extension or enlargement of a nonconfor[illegible]ing use is ordinarily one of fact.

The unla[illegible]ul extension of a nonconforming multi-family structure from [illegible]o units to three units cannot be excused on the basis that i[illegible]not the act of the present owner but of a p[illegible]decessor in title.

McLay v. Maryland Assemblies, Inc., 269 Md. 465, 306 A.2d 524 (1973)

The involuntary cessation of a nonconforming use (manufacturing company) due to lack of orders where the plant was kept open for business and the equipment was kept in working condition did not constitute either a discontinuance or abandonment of the use.

Gough v. Board of Zoning Appeals for Calvert County, 21 Md. App. 697, 321 A.2d 315 (1974)

A zoning ordinance provision phasing out nonconforming uses by an amortization method compelling termination after a reasonable and appropriate specified time is constitutional. The constitutionality depends on overall reasonableness and on the importance of the public gain in relation to private rights. An ordinance is not arbitrary and unconstitutional on its face if it reveals a reasonable relationship between the nature of the nonconforming uses to which it applies and the period of amortization. In the instant case, the phasing out of nonconforming junkyards over a two-year period was not unconstitutional on its face as confiscatory or as an arbitrary and unreasonable use of the police power.

Harris v. Mayor & City Council of Baltimore, 35 Md. App. 572, 371 A.2d 706 (1977)

While it is generally held that it is unreasonable and unconstitutional for a zoning law to require immediate cessation of otherwise unlawful nonconforming uses, the elimination of these existing uses within a reasonable time and with the use of a reasonable amortization scheme provided an equitable means of reconciliation of due process requirements. Amortization of these nonconforming uses must be

reasonable in terms of both period of time and economic formula.

A Baltimore City ordinance providing a time limit or tolerance period during which nonconforming uses were to be extinguished or rolled back was held a reasonable and valid exercise of the city power to prevent blight, slums, and overcrowding and did not constitute a taking of appellant's property without just compensation. The Court held that the "investment" to be amortized is not the entire cost of the structure (since all but the nonconforming uses will continue to have a useful life), but that the cost to be amortized is the original cost of converting the excess nonconforming residential units. In addition, the amortization period is not intended to provide an owner with an opportunity to depreciate fully the value of his property.

Canada's Tavern, Inc. v. Town of Glen Echo, 260 Md. 206, 271 A.2d 664 (1970)

Zoning ordinance provisions may provide for the abandonment and extinction of nonconforming uses.

When a zoning ordinance defined abandonment of nonconforming use as the "cessation" of the use for a period of six months or more, the mere nonuse (*i.e.,* failure to act) is sufficient to show abandonment without the necessity of also showing intention to abandon.

See, however, for a different result where a zoning ordinance did not provide specifically for mere cessation of use, *Landay v. Board of Zoning Appeals, infra.*

Landay v. Board of Zoning Appeals, 173 Md. 460, 469, 196 A. 293, 297 (1938)

"The reasoning as well as the conclusions in these cases is consistent with the principle that, unless so stated in the statute, cessation or discontinuance of a nonconforming

use without the substitution of another use, or without evidence of an intent to abandon the nonconforming use, will not prevent its resumption."

Union Square Ass'n, Inc. v. *Marc Lounge, Inc.*, 75 Md. App. 465, 541 A.2d 1321 (1988)

The refusal to issue occupancy permits for a reconstructed nonconforming use (tavern) was upheld where the tavern's nonconforming use status had been discontinued for twelve consecutive months due to a fire, and such use was thereby eliminated by the Baltimore City Code. Discontinuance of use for a statutory period mandates elimination of the use where repairs or reconstruction had not been commenced under the authority of a valid building permit. Neither a board of appeals nor a court may breathe new life into the terminated use.

The terms of the Baltimore City Code dealing with nonconforming uses and their termination do not require or depend upon an intent to abandon the nonconforming use.

Harford County v. *McDonough*, 74 Md. App. 119, 536 A.2d 724 (1988)

A public boat ramp operated by Harford County was held to be abandoned when the facility was closed for in excess of one year, while efforts were made to obtain funding for reconstruction due to its dangerous condition.

The Court held that the Harford County zoning ordinance mandated that the cessation of a nonconforming use for a specified time is the equivalent of an abandonment, and that the factor of an intent to abandon could not be read into the zoning ordinance language.

Arundel Corp. v. Board of Zoning Appeals of Howard County, 255 Md. 78, 257 A.2d 142 (1969)

The use of the subject [illegible] could not be regarded as a valid nonconforming use, although existing at the time of the adoption of a new comprehensive zoning where such use prior to the adoption of the comprehensive zoning regulations was neither a permitted use nor a valid nonconforming use.

Boyce v. Sembly, 25 Md. App. 43, 334 A.2d 137 (1975)

Nonconforming uses are by definition inherently incompatible with permitted uses in a zone.

Minor v. Shifflett, 252 Md. 158, 167, 249 A.2d 159, 165 (1969)

"The presence of a nonconforming use in an area would not and could not be evidence of error in original zoning requiring a change of classification. To so hold would defeat the very purposes of zoning. Ordinarily, planners expect that nonconforming uses will wither on the vine, so to speak, and ultimately disappear. The usual zoning ordinance provides, as does the Baltimore County ordinance, that a discontinuance of a nonconforming use for a specified period of time shall be deemed an abandonment."

See also later cases on point: *Heller v. Prince George's County,* 264 Md. 410, 286 A.2d 772 (1972); *Bartnik v. Calvert County Hosp.,* 262 Md. 434, 440-41, 277 A.2d 596, 599 (1971); *Helfrich v. Mongelli,* 248 Md. 498, 505, 237 A.2d 454, 458-59 (1968).

Feldstein v. Lavale Zoning Bd., 246 Md. 204, 227 A.2d 731 (1967)

One of the tests for determining the existence of a nonconforming use is whether such use was known in the

neighborhood. Temporary disuse of a nonconforming use does not amount to a surrender of the use and a property owner will not lose his right to such use until relinquishment thereof has clearly been indicated by evidence of intention, action or inaction for a reasonable period of time.

Whether or not a nonconforming use can be enlarged or extended is ordinarily governed by local ordinance or regulation. The zoning ordinance in this case provided that a nonconforming use shall not be extended but this did not mean it could not be lawfully intensified. Consequently, the increase in quantity and height of stored scrap metal in a nonconforming junkyard constituted an intensification and not an extension of the use.

The general rule apparently is that where there is a change from one nonconforming use to a new and different one, this constitutes an extension of the use; whereas, the more frequent present use of the property for the same or similar use is a lawful intensification and not an extension.

See also *Phillips v. Zoning Comm'r of Howard County,* 225 Md. 102, 169 A.2d 410 (1961) (extension of use); *Boulevard Scrap Co. v. Mayor & City Council of Baltimore,* 213 Md. 6, 130 A.2d 743 (1957) (extension of use); *Shannahan v. Ringgold,* 212 Md. 481, 129 A.2d 797 (1957) (extension of use); *Jahnigen v. Staley,* 245 Md. 130, 225 A.2d 277 (1967) (intensification of use); *Nyburg v. Solmson,* 205 Md. 150, 106 A.2d 483 (1954) (intensification of use); *Green v. Garrett,* 192 Md. 52, 66 A.2d 412 (1949) (intensification of use).

Kastendike v. Baltimore Ass'n for Retarded Children, 267 Md. 389, 297 A.2d 745 (1974)

The mere change of ownership does not destroy a nonconforming use. Consequently, a use transferred to a successor in interest will continue to be legal so long as the nature and character of that use is unchanged and substantially the same facilities are used.

Green v. Garrett, 192 Md. 52, 66 A.2d 412 (1949)

A nonconforming use should not be perpetuated any longer than necessary.

Boehm v. Anne Arundel County, 54 Md. App. 497, 459 A.2d 590 (1983)

On an appeal of a decision relating to a nonconforming use, the standard of review is the same as other administrative decisions. The general rule is that the action of the zoning board will not be reversed on appeal if there is substantial evidence of record to support the board's findings. If such evidence exists in the record, the matter is considered fairly debatable and the courts will not substitute their judgment for that of the board. It is only where there is no room for reasonable debate or the record is devoid of supporting facts that a court is justified in declaring the action of the board arbitrary or discriminatory.

In the instant case, the board, in its findings, carefully summarized the essential testimony of each witness, evidencing that they considered the entire record and their decision was thus supported by the evidence of record.

Donak v. Montgomery County, 216 Md. 105, 139 A.2d 709 (1958)

The casual cutting and selling of firewood as part of a general farm operation did not constitute a nonconforming commercial use to justify or permit an extensive commercial operation for the cutting and selling of wood, especially where the farm operation had long since been discontinued.

§ 11.4 Nonconforming Uses.

PAGE 11-67.

[Add before *Wilson v. Mayor & Commissioners of Town of Elkton*]

Trip Associates, Inc. v. Mayor and City Council of Baltimore, 151 Md. App. 167, 824 A.2d 977 (2003).

Whether a non-conforming use can be extended or enlarged is traditionally governed by local zoning ordinance provisions. Under the Baltimore City Ordinance, a board of zoning appeals could properly limit a lawful non-conforming nightclub to use of its premises for adult entertainment to two nights a week. Temporal limits on the hours of operation may be imposed consistent with evidence of prior use, and any increase in hours would be an unlawful expansion, and not an intensification, of the use. The general policy against expansion of non-conforming uses applies to temporal expansions as well.

§ 11.5 Subdivision Control and Dedication.

PAGE 11-73.

[Add before *City of Annapolis v. Maureen Waterman*]

David H. Remes v. Montgomery County, et al., _____ Md. _____, _____ a.2d _____ (2005).

Zoning differs from planning, the latter concept, embodying the requirements of subdivision. Zoning dictates what one can build on, or how one may use his property, while subdivision or planning determines how the land is divided.

The application of a ***Zoning Merger*** is not a resubdivision. When a zoning merger occurs, the lots remain divided. Zoning merger is an adjustment of zoning requirements and has no effect on subdivision. One must comply with both zoning and subdivision requirements.

In the subject case the owner of abutting lots 11 & 12 constructed a swimming pool (on Lot 11) and an addition to an existing house on Lot 12 within the setback areas of the common property line

C

Court of Special Appeals of Maryland.
Leon McKEMY et al.
v.
BALTIMORE COUNTY, Maryland.
No. 948.

April 14, 1978.

Appeal was taken from judgment of the Circuit Court for Baltimore County, Walter R. Haile, J., in action concerning validity and extent of nonconforming use of lots in residential district. The Court of Special Appeals, Wilner, J., held that: (1) where the basis of nonconforming use in residential district declared by board of appeals in 1969 was the parking of trucks and vehicles generally, not just fuel trucks, there would have been no justification for restricting nonconforming use to the parking of fuel trucks, and thus attempt by substantially reconstituted board seven years later to superimpose such a limitation through the guise of explaining what it presumed the earlier board to have intended was clearly erroneous, but (2) all parking lots are not the same and one type of parking use does not necessarily beget or permit another, so that the board of appeals, in deciding whether current activity was within the scope of nonconforming use, should have considered: to what extent the current use reflected the nature and purpose of the original nonconforming use; whether the current use was different in character, nature, and kind; whether current use had a substantially different effect on the neighborhood, and whether the current use was a drastic enlargement or extension of the original nonconforming use.

Affirmed in part, reversed in part, and remanded.

West Headnotes

[1] Zoning and Planning 414 ⚷323

414 Zoning and Planning
414VI Nonconforming Uses
414k323 k. Existence of Use in General. Most Cited Cases
Evidence supported conclusions that valid nonconforming use did not exist with respect to three lots in residential district and that parking or storing of trucks or other motor vehicles on those lots was not permitted, and that, with respect to certain other lots, whatever nonconforming use existed did not include the dismantling of motor vehicles, the storage of disabled vehicles, junk or debris, or any operations accessory to a garage.

[2] Zoning and Planning 414 ⚷328

414 Zoning and Planning
414VI Nonconforming Uses
414k328 k. Particular Cases as Involving Change of Use. Most Cited Cases
Where, prior to enactment of zoning ordinance in 1945, lots which were then zoned residential had been used for parking of vehicles in connection with restaurant and bar across the street, and after 1951 such lots were used for parking in connection with rooming house, board of appeals could properly have inferred that the latter use did not constitute a " change" from the prior nonconforming use, and in absence of evidence in 1969 to show whether or to what extent use for parking of trucks and other vehicles in conjunction with a fuel oil business was any different from those which preceded it, board's conclusion that there was no existing violation of the zoning regulations was not inappropriate.

[3] Zoning and Planning 414 ⚷323

414 Zoning and Planning
414VI Nonconforming Uses
414k323 k. Existence of Use in General. Most Cited Cases
Where the basis of nonconforming use in residential district declared by board of appeals in 1969 was the parking of trucks and vehicles generally, not just

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fuel trucks, there would have been no justification for restricting nonconforming use to the parking of fuel trucks, and thus attempt by substantially reconstituted board seven years later to superimpose such a limitation through the guise of explaining what it presumed the earlier board to have intended was clearly erroneous.

[4] Zoning and Planning 414 ⚷328

414 Zoning and Planning
414VI Nonconforming Uses
414k328 k. Particular Cases as Involving Change of Use. Most Cited Cases
For zoning purposes, not all parking lots are the same and one type of nonconforming parking use does not necessarily beget or permit another, and fact that prior to zoning certain lots have been used for parking as accessory to activities conducted on another lot does not necessarily mean they may continue to be used for parking as an accessory to the activities conducted on that other lot no matter how the actual use of either parcel has changed since the advent of zoning.

[5] Zoning and Planning 414 ⚷329.1

414 Zoning and Planning
414VI Nonconforming Uses
414k329 Enlargement or Extension of Use
414k329.1 k. In General. Most Cited Cases
(Formerly 414k329)
Where nonconforming use upheld in 1969 in residential district was for parking of trucks and other vehicles in conjunction with fuel oil business and board of appeals concluded in 1976 that owner had expanded his use of the lots to include "storage" of trucks, not only in connection with the fuel oil business but general freight hauling as well, and that the trucking operations had expanded in intensity, volume and area, board, in determining whether nonconforming use continued, should not have assumed that the lowest common denominator was " parking," but should have considered various factors bearing on nature and extent of use.

[6] Zoning and Planning 414 ⚷329.1

414 Zoning and Planning
414VI Nonconforming Uses
414k329 Enlargement or Extension of Use
414k329.1 k. In General. Most Cited Cases
(Formerly 414k329)
In deciding whether current use of parking lot was within scope of prior nonconforming use, or whether entire nonconforming use had been lost by attempt to expand it, board of appeals should have considered: extent to which current use reflected nature and purpose of original use; whether use was different in character, nature, and kind; whether current use had a substantially different effect on the neighborhood, and whether current use was a drastic enlargement or extension of the original use.

****97 *258** Walter I. Seif, Jr., Owings Mills, for appellants.
Peter Max Zimmerman, Asst. County Sol. for Baltimore County, with whom were J. Carroll Holzer, County Sol. and Julius W. Lichter, Asst. County Sol., on the brief, for appellee.

Argued before MORTON, MELVIN and WILNER, JJ.

WILNER, Judge.
Gertrude Stein once said that a rose is a rose is a rose, and no one appealed. Here, the Circuit Court for Baltimore County has held that a parking lot is a parking lot is a parking lot, and both sides have appealed. As a result, we are asked to determine whether Leon McKemy (t/a M & M Fuel Co., Inc.) may continue to use certain lots in the Sparrows Point area of Baltimore County in the way he heretofore has used them. The Zoning Commissioner said that some of the lots could not be used at all for such purposes and set certain conditions and limitations on the continued use of others. The county Board of Appeals affirmed ****98** those determinations, as did the Circuit Court.

The lots in question are identified as Lots 378 through 387 and Lot 442, as shown on the Plat of Sparrows Point Manor. They are located on the south side of Snyder Avenue between Marine Avenue and Sparrows Point Road, and are (and since 1945 have been) zoned for residential use. It

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is undisputed that the operations being conducted on those lots are not permitted under the zoning regulations applicable to residential zones. Thus, if McKemy is to be allowed to continue using the lots for such purposes, it must be by virtue either of a valid pre-existing non-conforming use or because ***259** of a 1976 county ordinance (Bill 18-76) regulating truck terminals. These, then, are the central issues before us:

(1) Are the current uses made of the lots by McKemy within the scope and protective ambit of a valid non-conforming use; and

(2) What, if any, effect does Bill 18-76 have?

Complicating the first issue somewhat is the fact that the Board of Appeals considered that issue once before, in 1969, and made a determination then that was not appealed. In addressing the first issue, therefore, we are asked to consider whether, and to what extent, the principle of res judicata operates with respect to the 1969 Board decision.

I. Non-Conforming Use

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.[FN1] Section II of those regulations created seven zones four being residential, one commercial, and two industrial. The lots in question here were zoned for residential use.

FN1. The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Md., 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas El. Lt. & Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Bd. of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section XI of these original regulations provided for non-conforming uses. It stated:
"A lawful non-conforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such non-conforming use to a conforming use, or any attempt to change from such non-conforming use to a different non-conforming use or any ***260** discontinuance of such non-conforming use for a period of one year . . . the right to continue to resume such non-conforming use shall terminate, provided, however, that any such lawful non-conforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original non-conforming use."

On March 30, 1955, the County Commissioners adopted a new set of comprehensive zoning regulations. Non-conforming uses are dealt with in Section 104, which provides in relevant part:
"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever . . . the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% Of the ground floor area of buildings so used." (Emphasis supplied.)

It was within this legal framework that the activities of Mr. McKemy first came to the attention of the county zoning authorities. In February, 1969, apparently upon a complaint filed by one or more residents in ****99** the area, the Zoning Commissioner conducted a hearing to determine whether the property located at the "northwest

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corner of Sparrows Point Boulevard and Snyder Avenue" and Lots "Nos. 378, 381 and 384" were being used in a manner violative of the existing zoning regulations. The Commissioner concluded that the first of these properties that on the north side of Snyder Avenue enjoyed a non-conforming use as a service garage, and could continue to be used for that purpose. The three lots across the street, however (Nos. 378, 381, and 384), he concluded were not part of that garage business and therefore had no non-conforming use status for the parking of vehicles in conjunction with the garage business. On that ***261** premise, he ordered that all vehicles connected with McKemy's fuel service use of the garage property be removed from those lots.

On appeal, the Board of Appeals reversed the latter determination in an opinion that is hardly a model of clarity. The Board first stated that the case came before it on appeal from a finding by the Zoning Commissioner "that the property situated at the northwest corner of Sparrows Point Boulevard and Snyder Avenue is being used in violation of the Zoning Regulations of Baltimore County in that the respondent . . . is using the property in question for the parking of automobiles." This is manifestly not what the Zoning Commissioner held. As noted, he concluded that the property at the "northwest corner " of those two streets was not in violation of the regulations because it enjoyed a non-conforming use. It was the property across the street (which would have been the southwest corner) where the violation existed, and the violation did not consist of the "parking of automobiles", but rather the parking of fuel oil trucks.

These apparent misperceptions were perhaps cured by stipulation. First, the county and McKemy stipulated that the property at the northwest corner was being used as a garage for the repair of automobiles and trucks, and that it enjoyed a valid non-conforming use for that purpose. In effect, the Zoning Commissioner's determination as to that property was stipulated to be correct. It was further stipulated that Lot No. 442 and "Lots Nos. 378 through 384" were zoned residential and "are being used for the parking of trucks and other vehicles in conjunction with a fuel oil business operated by" McKemy.[FN2]

FN2. In the 1969 proceeding, McKemy was referred to as "Leon McKenney". They appear to be the same person. There is no explanation of the fact that the Zoning Commissioner seemed to be dealing with Lots Nos. "378, 381, and 384" , whereas the Board was dealing with Lots Nos. "378 through 384". The disparity, of course, involves the status of Lots Nos. 379, 380, 382, and 383, which are separately identified on the Plat of Sparrows Point Manor. The Circuit Court, without explanation, stated that the " subject property" in the 1969 decision involved the property at the northwest corner and Lots 442, 378, 379, 380, 381, 382, 383, and 384. Neither party has raised an issue as to this, so neither will we.

***262** The Board summarized the testimony of two witnesses that appeared before it, upon which it evidently relied in making its decision. The first was Michael Narutowitz, who, through a corporation, "owns the property in question." [FN3] Narutowitz stated that he purchased the property in 1936 to be used "as a parking lot in conjunction with a restaurant and bar business" owned by him on the north side of Snyder Avenue.[FN4] He testified that such use continued until 1951, when he closed the restaurant and leased the property to a tenant who rented rooms to truckers, "and the lots in question were used for the parking of cars and trucks belonging to her roomers and others continuously until 1961." Since 1961, according to Narutowitz, "the property has been used continuously as a parking lot for vehicles and trucks used by Mr. McKenny in conjunction with his fuel oil business."

FN3. The Board did not indicate specifically what "the property in question" was. It appears from the ensuing paragraphs of the Board's opinion that it was referring to the lots in question here those on the south side of Snyder Avenue.

FN4. The exact location of this business in relation to the garage or the lots in

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question here was never made clear.

****100** The second witness was J. Fred Welsh, Sr., who testified that "the lots in question have been used continuously as a parking lot for trucks and cars since about 1936." After reciting this summary, and noting that no one appeared before the Board to contradict that testimony, the Board concluded, and ordered that "(f)or the reasons set forth in the aforegoing Opinion [FN5] . . . by virtue of the legal non-conforming use existing on the property no violation of the Zoning Regulations of Baltimore County exists on the subject property . . .." Thus, the order of the Zoning Commissioner was reversed. Nowhere in its opinion or Order did the Board define the non-conforming use, or even suggest what its parameters were.

FN5. No reasons of the Board were stated in the "aforegoing Opinion", which was merely a summary of the stipulations and testimony.

The Zoning Commissioner inquired again into Mr. McKemy's activities in 1974, as the result of a complaint that Lot 442 and Lots 378 through 387 were being used "for a ***263** truck terminal, the storage of miscellaneous junk, debris, and disabled vehicles". The Zoning Commissioner noted that Lots Nos. 378 through 384 "enjoy a legal nonconforming use for the storage of trucks" but stated the issue to be whether the non-conforming use was "for the storage of trucks in general or, more specifically, the storage of trucks in conjunction with the Defendant's fuel oil business."

The Commissioner pointed out, from the evidence before him, that McKemy had "expanded his nonconforming use by storing fuel oil trucks and freight haulers on Lots Nos. 385 through 387" lots that were not included within the non-conforming use determined by the Board in 1969. Residents testified that "the storage of trucks, other than fuel oil trucks, has come about recently and has been expanded continuously, not only in volume, but in area." McKemy testified that he began leasing Lots Nos. 378 through 387 from Mr. Narutowitz in 1960; that in addition to hauling and delivering fuel oil, he operates a freight hauling business; and that he began the freight hauling business in 1965.

The Commissioner construed the 1969 Board opinion as granting a non-conforming use as to Lots 378 through 384 "for the storage of fuel trucks only. " Thus, he concluded that the storage or parking of "all other type trucks" was a violation of the zoning regulations, as was the expansion of the parking of fuel oil trucks or freight haulers onto Lots Nos. 385 through 387. Finally, he found that "these lots" have also been used "for the operation of a service garage in that vehicles have been repaired on said Lots." As to this, he ordered that no disabled vehicles be stored on Lots Nos. 378-384, under any circumstances, that they not be stored on Lot No. 442 unless it was properly screened, and no repairs take place on "that portion of the subject property in front of the service garage, facing Sparrows Point Road and/or Snyder Avenue."

Once again, McKemy appealed to the Board of Appeals which, in October, 1976, affirmed the Zoning Commissioner.[FN6] ***264** The Board concluded that the Zoning Commissioner "fairly and correctly interpreted the 1969 ruling of this Board, and furthermore correctly decided the issues concerning the alleged zoning violations." With respect to the earlier opinion, the Board explained:

FN6. The record does not disclose any explanation for the lapse of more than two years between the order of the Zoning Commissioner and its affirmance by the Board of Appeals.

"This Board now states that its decision of April 30, 1969 is meant to find a nonconforming use for the parking of fuel trucks only on lots 378 through 384, and that the storage and/or parking of all other type trucks is not permitted. The distinction that the Board wishes to explain is that it is our judgment that the nonconforming use for the above described lots, and only said lots, stems from the use of these lots from 1936 through to the present day only in direct connection with the business function admittedly taking place on the lot on the north side of Snyder Avenue.

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****101** "The Board will not distinguish between the parking for the restaurant and bar business, the parking for the rooming house and the parking for the fuel oil business, considering the same to be nonconforming parking in direct relationship to the business function of the above described lot on the north side of Snyder Avenue. However, the Board will distinguish and shall not permit any extension of this existing nonconforming use in area, or in use for functions which involved businesses outside and beyond the direct business use of the lot on the north side of Snyder Avenue."

On appeal by both McKemy and the county, the Circuit Court concluded that, "(w)hat started out as an off-street parking lot prior to 1969, which was legalized as a non-conforming use by the Board's decision of 1969, remains as an off-street parking lot today." Although the "additional uses" as a truck terminal and a junkyard were illegal, the court noted that the Board's order "will result in the termination of the illegal uses, without impairment of the legal non-conforming use of the property, as an off-street ***265** parking lot . . . ". In effect, the court considered the non-conforming use to permit any kind of parking on the lots included within the 1969 decision, but deemed the "truck terminal operations and junkyard purposes" to be something other than parking, and, for that reason, not permitted.

At the same time, the court ruled against the county in its cross-appeal by concluding that there was no legal error in the Board's 1969 determination of a valid non-conforming use.

The only thing that can be said with any appreciable degree of certainty from the record before us is that it is terribly confusing.

[1] At the outset, we may dispose of the questions concerning Lots 385-387. There was sufficient evidence before the Zoning Commissioner, the Board, and the court to justify their respective conclusions (expressed or implied) that a valid non-conforming use did not exist with respect to those lots, that they are therefore subject to the county zoning regulations, that the parking or storing of trucks or other motor vehicles on those lots is not permitted under the applicable zoning regulations, and that such unlawful uses must stop. Thus, paragraph number 6 of the 1974 order of the Zoning Commissioner, affirmed by the Board of Appeals in 1976 and subsequently by the Circuit Court, will be affirmed by us.

With respect to Lots 378-384, we believe that there was sufficient evidence before the Zoning Commissioner, the Board, and the court to justify their respective conclusions that, whatever non-conforming use existed as to those lots, it did not include the dismantling of motor vehicles, the storage of disabled vehicles, junk, or debris, or any operations accessory to a garage. Those uses are therefore subject to control by the county; and, accordingly, paragraphs numbers 3, 4, 5, and 7 of the 1974 order of the Zoning Commissioner, affirmed by the Board of Appeals in 1976, and subsequently by the Circuit Court, will also be affirmed by us.

We turn now to what the parties are really fighting about whether the trucking operations on Lots 378-384 and 442 are protected by a valid existing non-conforming use and direct our attention initially to the 1969 proceeding.

***266** The first principle to have been applied by the Board in 1969 was the introductory clause to Article XI of the 1945 zoning regulations: "A lawful non-conforming use existing on the effective date of the adoption of these regulations may continue. . . ." (Emphasis supplied.) Its first task, therefore, was to determine what lawful non-conforming use existed with respect to these lots on January 2, 1945. As to this, the evidence established that, since 1936, some part of those lots had been used for the temporary parking of cars and trucks by the transient patrons of a restaurant and bar located across the street. There being nothing to suggest that this was an unlawful use, we have no difficulty in accepting the Board's conclusion that a lawful non-conforming use was in existence on January ****102** 2, 1945, with respect to at least some part of those lots.

The second principle to be applied was stated in s

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104.1 of the then-applicable zoning regulations: " provided that upon any change from such nonconforming use to any other use whatsoever . . . the right to continue or resume such nonconforming use shall terminate." Thus, the second task was to determine what uses had been made of the lots since January 2, 1945, and whether any of them constituted a "change . . . to any other use" from that existing prior to such date.

[2] As to the post-1945 uses, the evidence showed that, in 1951, with the closing of the restaurant, some part of the lots began to be used for the parking of vehicles in connection with the rooming house. There was no evidence to suggest that this use was an intensified one, or a different one; and the Board could properly have inferred that it did not constitute a " change" from the 1945 use. It was still transient parking as an accessory to an unrelated small retail business across the street.

With respect to McKemy's operations, the 1969 opinion of the Board shows only that the parties stipulated that the lots "are being used for the parking of trucks and other vehicles in conjunction with a fuel oil business" operated by McKemy. This stipulation was also supported by Mr. Narutowitz and never contradicted. There was no evidence before the Board ***267** at that time to show whether, or to what extent, McKemy's use was any different from those that preceded it.[FN7] Based upon that record, its conclusion that there was no existing violation of the zoning regulations was not inappropriate. We therefore find against the county in its cross-appeal.

FN7. In particular, we note that there was no evidence before the Board in 1969 (or at least none that the record reflects) with respect to any freight hauling activity on those lots, notwithstanding Mr. McKemy's later assertion that such operations commenced in 1965.

[3] The basis of the non-conforming use declared at that time was the parking of trucks and vehicles generally, not just fuel trucks. Indeed, there was nothing in the record to show that fuel trucks, in particular, had ever been parked on those lots prior to 1945. Thus, upon that record, there would have been no justification for the 1969 Board to restrict the non-conforming use to the parking of fuel trucks; and had it imposed such a limitation, its action in doing so would have been unsupported by substantial evidence and therefore arbitrary and capricious. That being so, there is little, if anything, that can be said in defense of the attempt by a substantially reconstituted Board seven years later to superimpose such a limitation through the guise of explaining what it presumed the earlier Board to have intended. That is arbitrariness multiplied by itself; and thus, the decision in 1976 to declare the non-conforming use to be limited to the parking of fuel trucks was clearly erroneous, as a matter of law.

Lest Mr. McKemy become prematurely jubilant, however, we hasten to add that the 1976 Board made an even more fundamental error, requiring that the case be remanded to it for reconsideration.

The heart of the Board's 1976 decision was its statement, previously quoted, that the non-conforming use stems from the use of the lots " only in direct connection with the business function admittedly taking place" across the street; that, with respect to such use, the Board "will not distinguish between the parking for the restaurant and bar business, the parking for the rooming house and the parking for the fuel oil business, considering the same to be nonconforming parking ***268** in direct relationship to the business function" carried on across the street; but that it would not permit any " extension of this existing nonconforming use" either in area or for "functions which involved businesses outside and beyond the direct business use" across the street.

[4] This declaration appears to rest upon an admixture of two dubious concepts. The first is that a parking lot is a parking lot is a parking lot, which is simply not so. ****103** The second, for want of a better description, appears to be a doctrine of " extended accessoryship" i. e., that if, prior to zoning, these lots were used for parking as an accessory to activities conducted on a lot across the street, they may, within the protective ambit of " nonconforming use", continue to be used for

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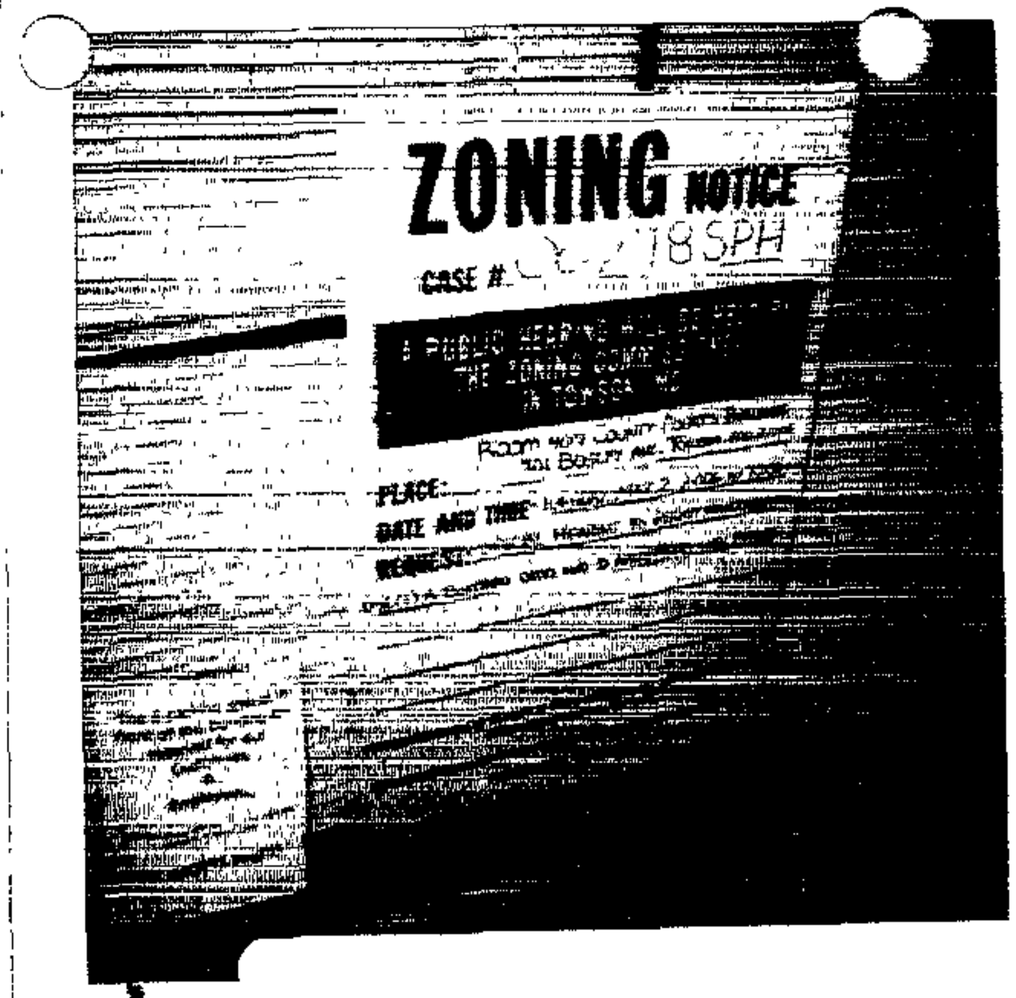
PROTESTANT'S

EXHIBIT NO. 1



PROTESTANT'S

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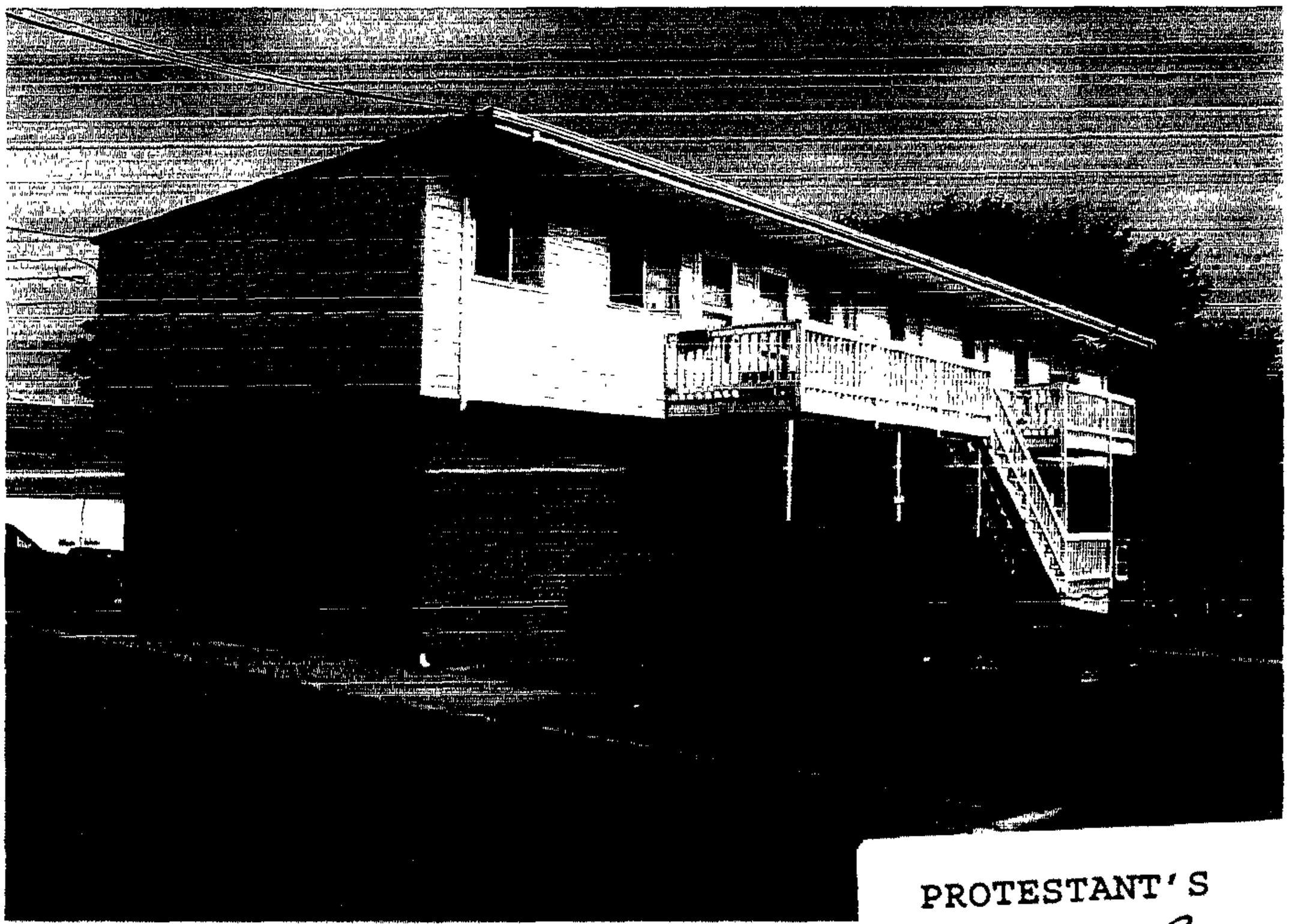
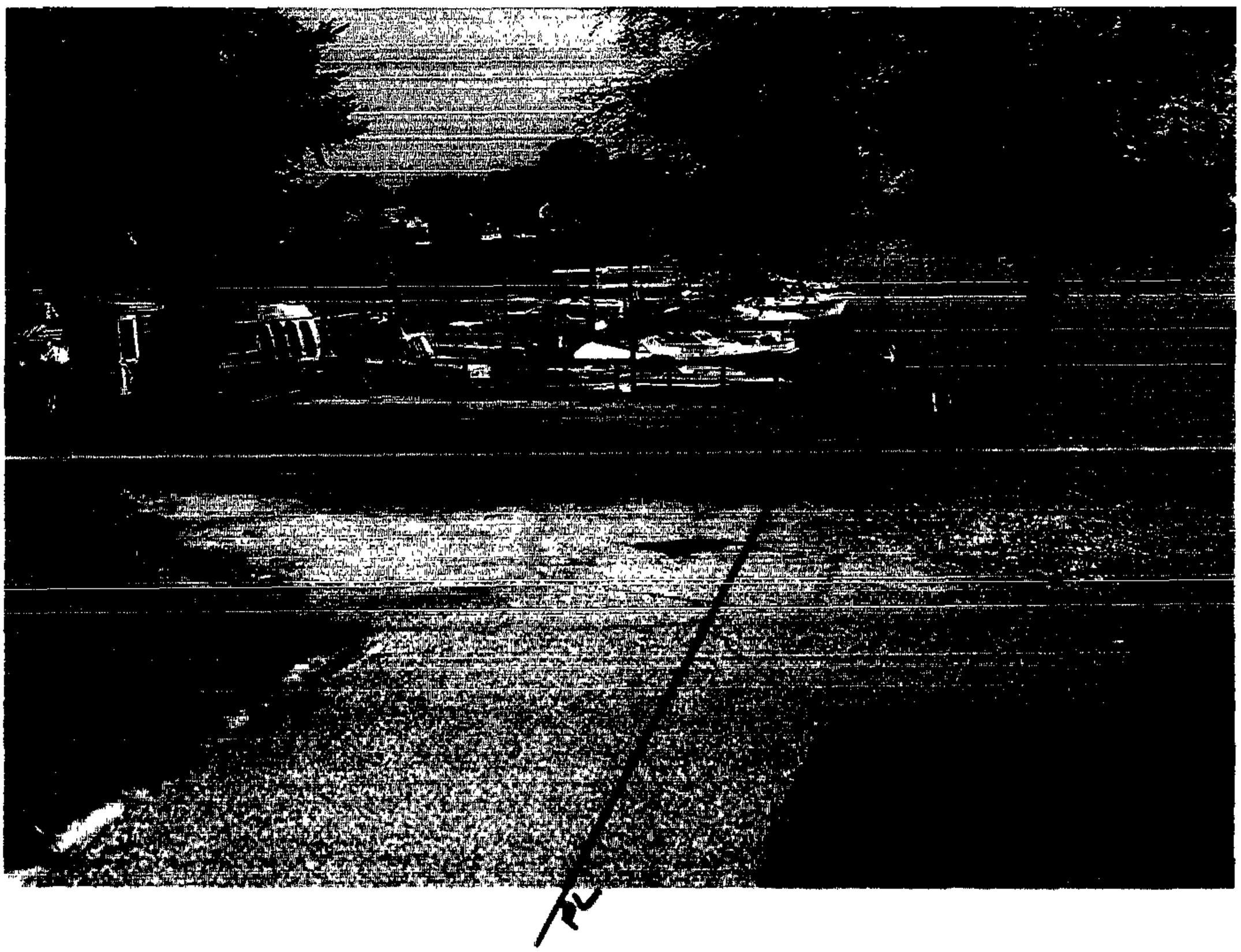
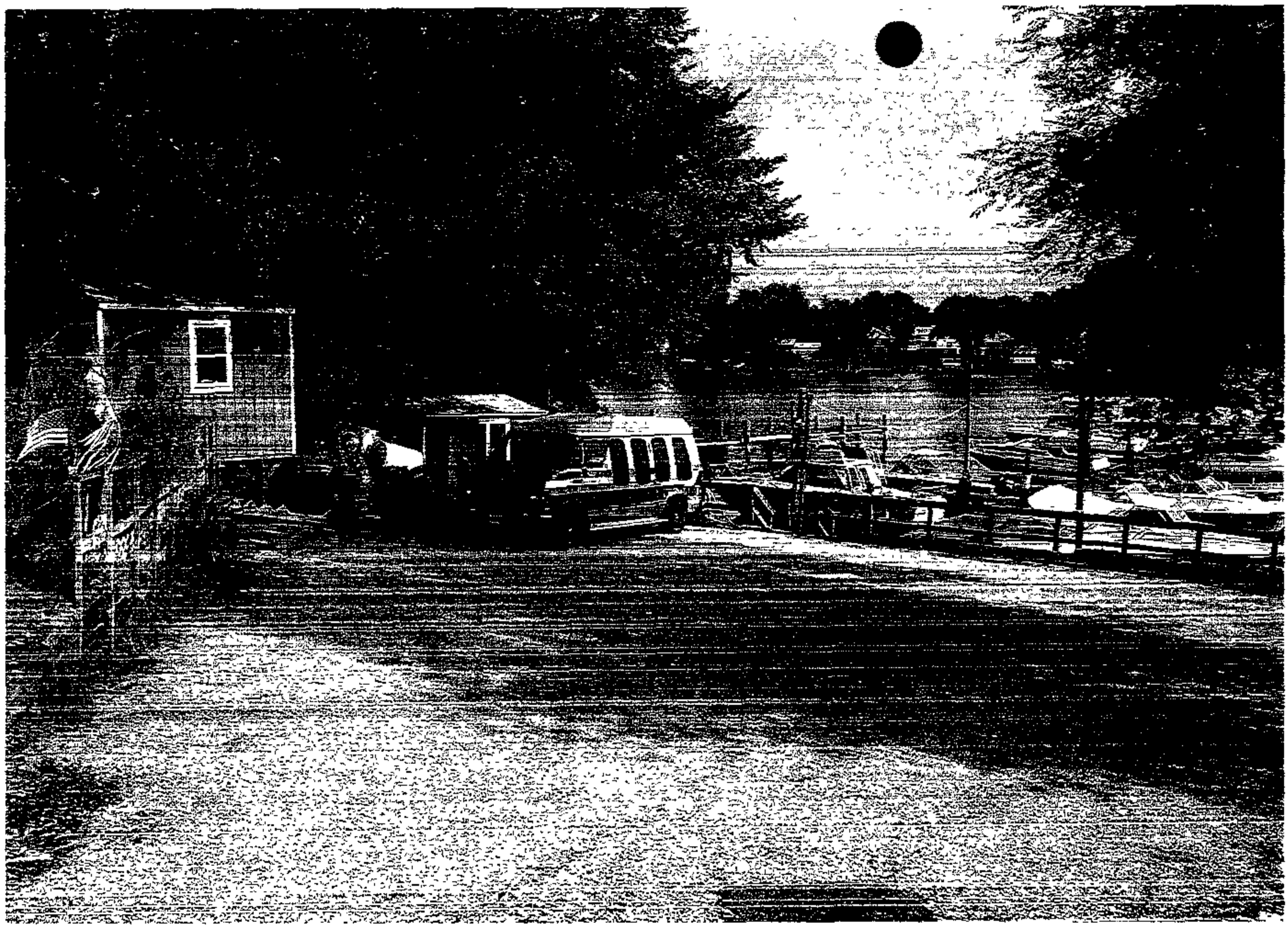


PROTESTANT'S

EXHIBIT NO. 3 A-C



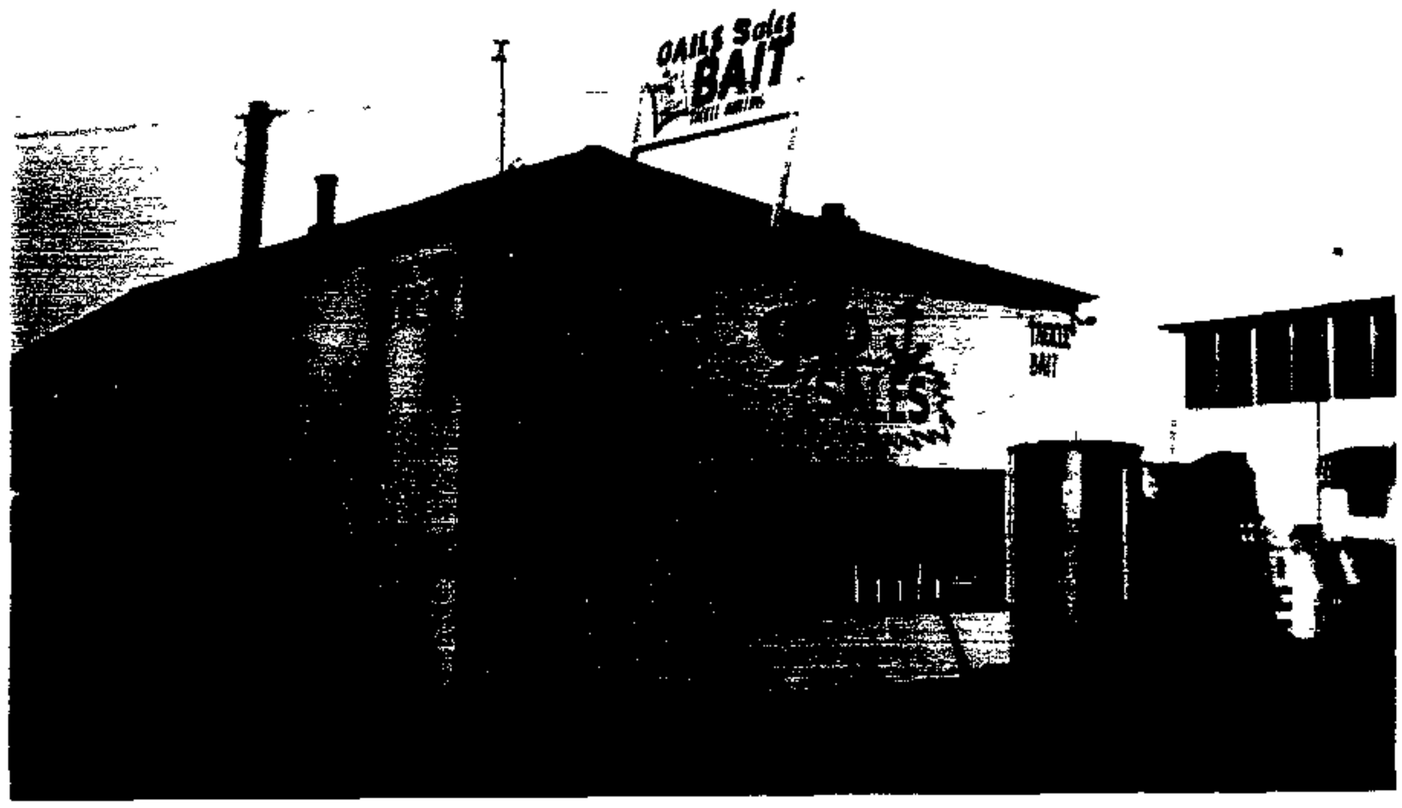


SHOP

PROTESTANT'S

http://bamaps1.co.ba.md.us/arcims_path/bcgims?ServiceName=Z.

EXHIBIT NO. 4



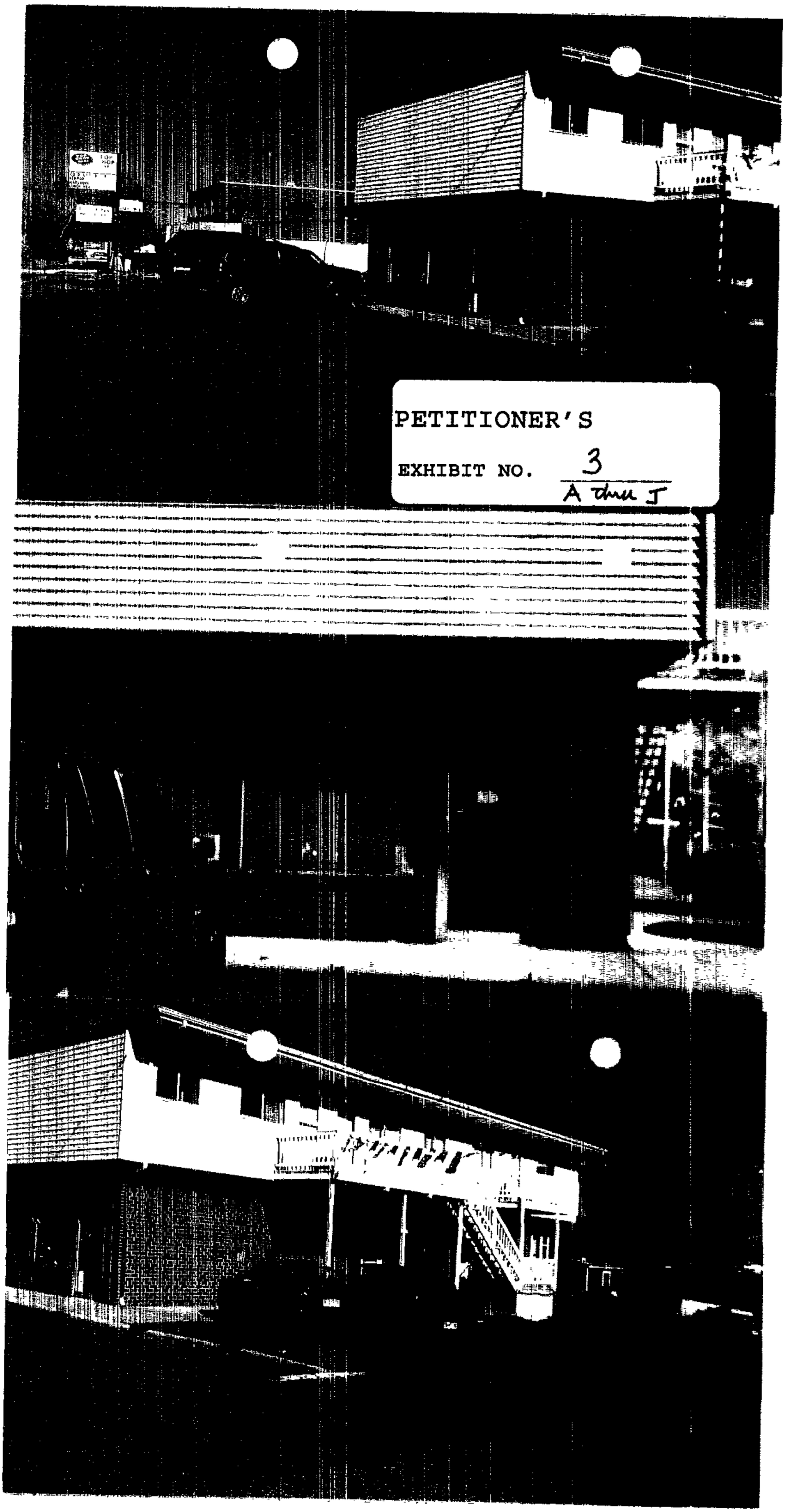
APR 1961

PETITIONER'S

EXHIBIT NO. 2A

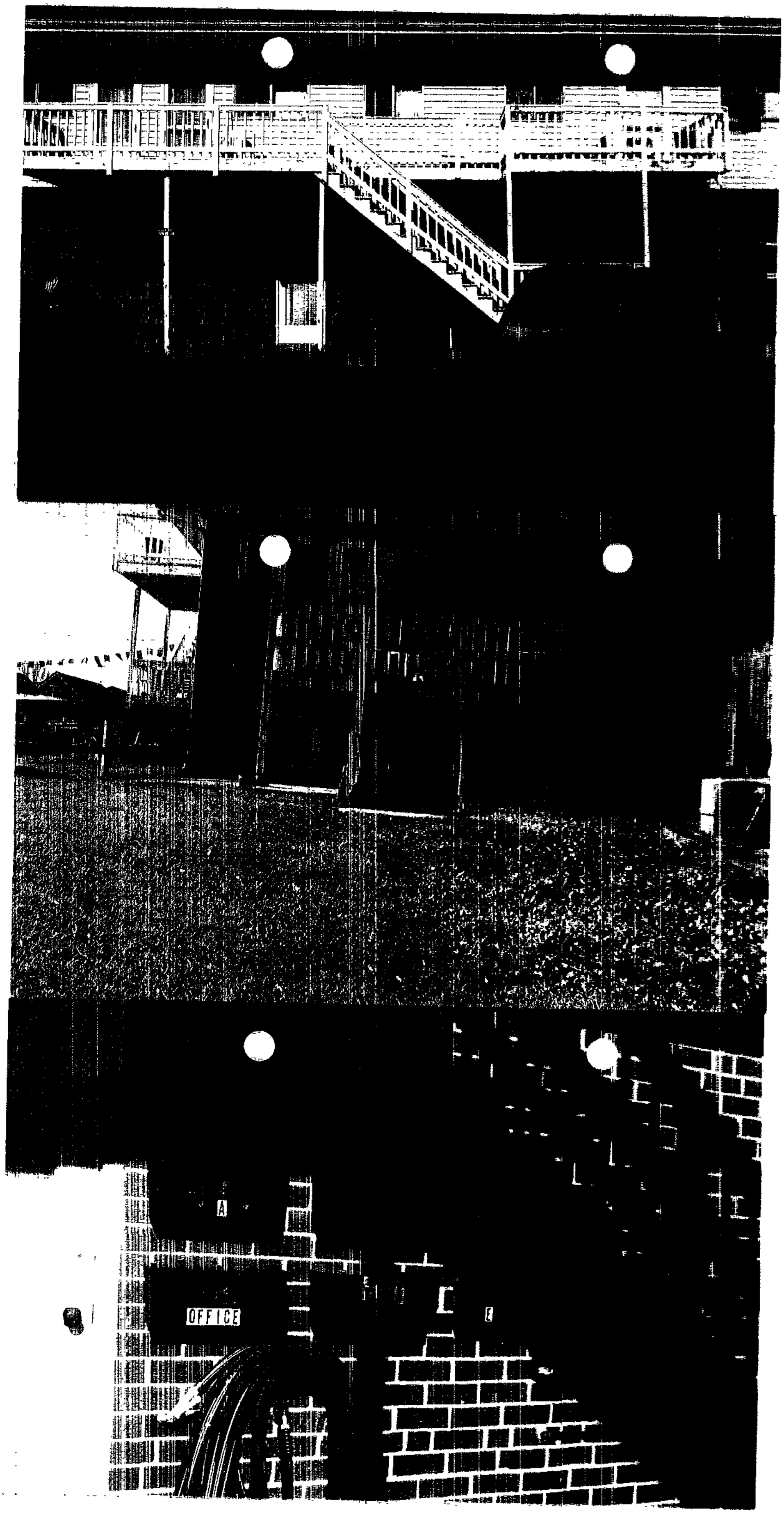
PETITIONER'S

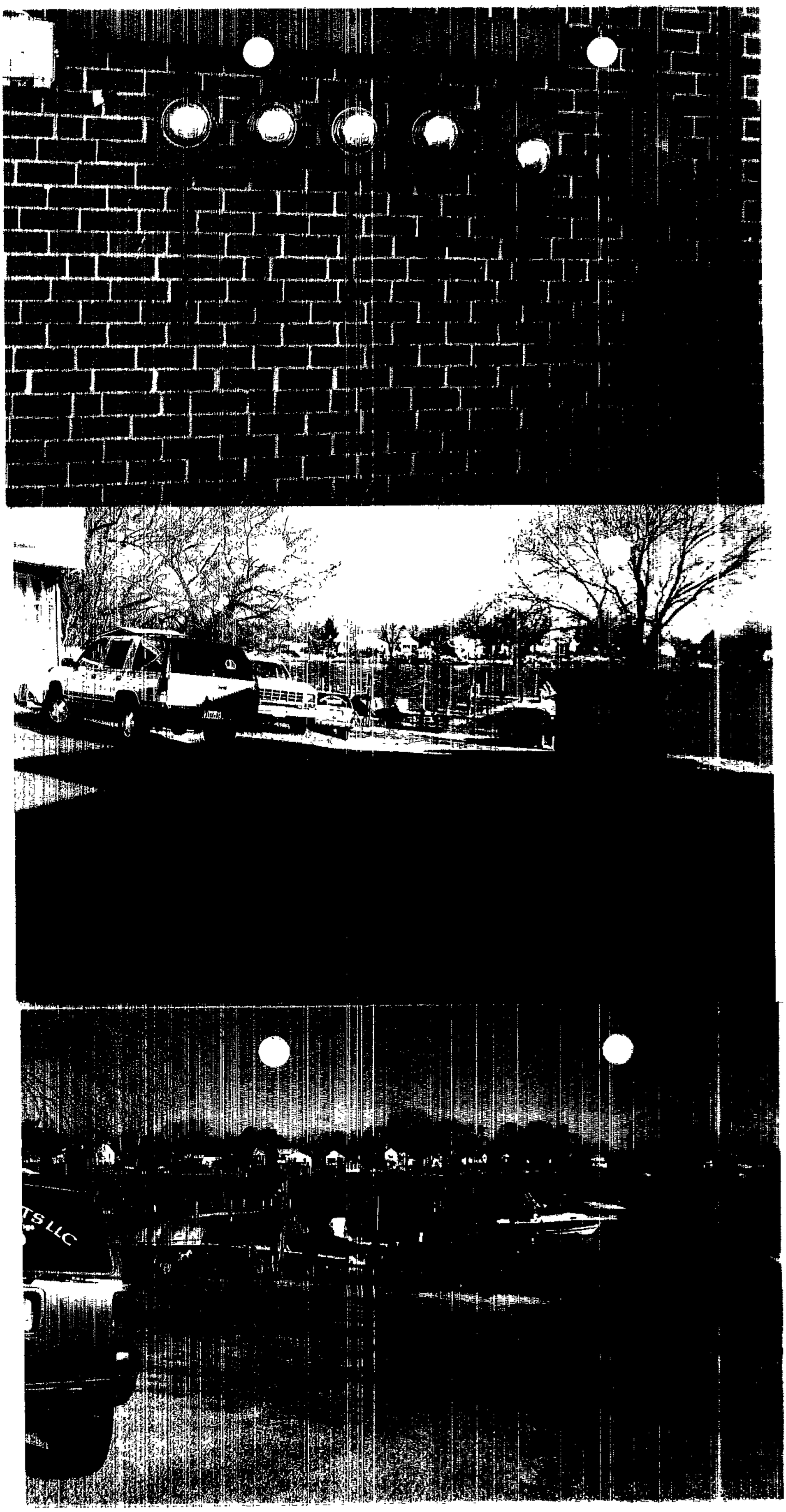
EXHIBIT NO. 2B

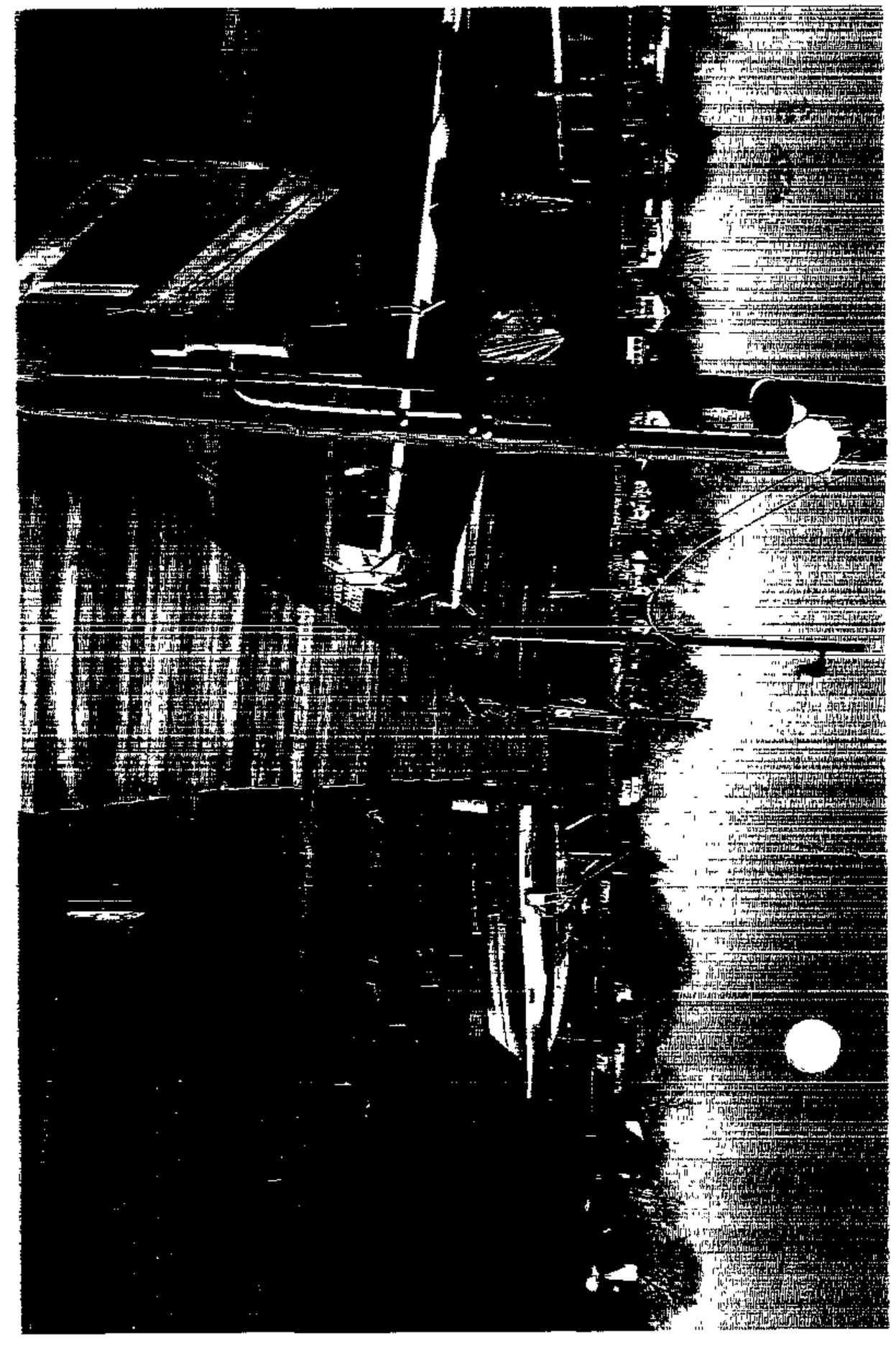


PETITIONER'S

EXHIBIT NO. 3
A thru J


A
OFFICE





February 2, 1960

Baltimore County Department of Public Works
Bureau of Public Services
Office of the Buildings Engineer
County Office Building
Towson 4, Md.

Gentlemen:

I request herewith permission to construct a timber pile bulkhead and pier to be built as shown on the attached plan dated February 1, 1960.

I own the property in Bear Creek in front of which this pier and bulkhead are to be built. The adjacent property owners are James W. Brown, 104 Eastern Ave. Baltimore 21, Md. and Chester Anyszek, 704 Wise Ave. Baltimore 22, Md.

The location is not within the corporate limits of any municipality and harbor lines have not been established.

Very truly yours,

Charles G. Greason

710 Wise Ave.
Baltimore 22, Md.

PETITIONER'S

EXHIBIT NO. 4

Baltimore County, Maryland

DEPARTMENT OF PERMITS AND LICENSES
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

Buildings Division
Roland S. Piel,
Buildings Engineer

CHARLES B. WHEELER, DIRECTOR

February 5, 1960.

Mr. Charles G. Greason
710 Wise Avenue
Baltimore 22, Maryland.

Dear Sir:

This is to acknowledge receipt of your letter of February 2nd and your plot plans covering proposed pier and bulkhead in the waters of Bear Creek.

It will be necessary that you file with the Department of Permits and Licenses for an application for a permit to perform this construction work.

Accordingly we are returning your plot plans and requesting that you arrange to visit the Department of Permits and Licenses in the County Office Building at your convenience in order to file for this permit.

Very truly yours,

Roland S. Piel

Roland S. Piel,
Buildings Engineer

RSP:er

DPL 58

Misc
11435

BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND LICENSES
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

No. A - 9073

RECEIPT

DATE 2/8/60

APPLICANT: Charles L. Gleason

APPLICANT'S ADDRESS: 710 Mac Ave. #22

CHECK ITEM	ITEMS	CODE #	FEE
	Sewer House Connection Application	32.603	
	Plumbing Permit Application	31.603	
	Sub-soil Drain Permit Application	31.603	
	Storm Drain Application	31.203	
	Septic Tank Permit	31.202	7.50
	Gas Permit Application	31.201	
	Sewer Service Charge Pro-rated	30.601	
	Sewer Area Connection Charge	32.607	
	Water Area Connection Charge	32.608	
	Storm Drain Surplus Account	10.710	
	Water Application	30.9950	
	Sale of Plumbing Code Books	31.711	
✓	Building Permit Application	01.231	7.50
	Dog License	06.201	
	Amusement Devices	01.201	
	Trailer Camps	01.631	
	Control of Day Nurseries	01.632	
	Electrical Administration Board Licenses	04.601	
	Electrical Adm. Board Examination Fees	04.602	
	Electrical Adm. Board Tuition - Code School	04.603	
	Plumbing Board Licenses	05.601	
	Taxicabs		
	Towing Vehicle License		
	Certificate of Occupancy		
	TOTAL (Make check payable to Baltimore County, Md.)		7.50

RECEIPT ONLY
THIS IS NOT A PERMIT
AND DOES NOT AUTHORIZE
ANY KIND OF CONSTRUCTION

Description

CHARLES B. WHEELER, DIRECTOR

BY: [signature]
(See Reverse Side)

APPLICANT'S COPY

IMPORTANT NOTICE TO
WATER SERVICE APPLICANTS

The application for the installation of water supply service which you have made will be processed and forwarded to the Bureau of Operations. This service will be installed in approximately thirty days after it is received by the Bureau of Operations.

Before any water service can be installed, it shall be the responsibility of the property owner to designate the location of the meter vault with respect to the dwelling. This must be done by placing a stake marked "WATER METER" which is large enough to be visible from the street. The water meter will then be installed within the street right-of-way in line with the stake and the street. Also, an approximate grade should be given showing where the top of the meter vault is to be placed with respect to existing ground.

After the initial setting is completed, no adjustments or replacement of any damaged or missing parts will be made until work authorization order has been signed. The property owner will be billed on a time and material basis.

It will be the responsibility of the property owner to have the water line installed and connected to the meter outlet by a master registered plumber. The cost of this permit is one dollar ($1.00) as indicated in the Baltimore County Plumbing Code.

CHARLES B. WHEELER, Director
Department of Permits & Licenses

Plaza 2-2118

MARYLAND PORT AUTHORITY

Pier 2 Pratt Street
Baltimore 2, Md.

Date February 8 19 6

M.P.A. Invoice No. No. 455

To: Charles G. Greason
710 Wise Avenue
Baltimore 22 Maryland

Permit No. 93		10	00
to construct a pile and timber pier 80 feet long and 5 feet wide; and a pile and timber bulkhead in front of applicant's property in Bear Creek, Baltimore County, Maryland.			

RECEIVED PAYMENT
MARYLAND PORT AUTHORITY
BY M H Burkus
DATE Febr 8, 1960

Make checks payable to the
Maryland Port Authority

MPA-1 (Rev. 1-11-59)

PETITIONER'S

EXHIBIT NO. 5

MPA—7 (REV. 8-20-58)

(APPLICANT'S COPY)

PERMIT

MARYLAND PORT AUTHORITY

DEPARTMENT OF ENGINEERING

Pier No. 2, Pratt Street,
Baltimore 2 Maryland

Serial No. 93

APPLICATION FOR PERMIT

Baltimore, Md. FEBRUARY 8 1960

Application is hereby made to the Director of Engineering of the Maryland Port Authority under the terms and conditions set forth herein by Charles G. Greason & Charles Greason

710 Wise Ave., Balto. 22, Md.

to construct a pile and timber pier 80 feet long and 5 feet wide; and a pile and timber bulkhead in front of applicant's property in Bear Creek, Baltimore County, Maryland.

MARYLAND PORT AUTHORITY
DEPARTMENT OF ENGINEERING
APPROVED
18 Feb 1960
BY [signature]

All as shown on accompanying drawings numbered xxxxxxxx

dated Feb. 1, 1960, and subject to said terms and conditions.

The Applicant will bear the whole expense of all work done under this permit, and all of said work will be performed in accordance with the rules and regulations of the Maryland Port Authority and will be commenced on or before the 11th day of February 1960, and completed on or before the 11th day of February 1961, unless the time is extended in writing by the Director of Engineering. The Applicant shall give written notice to the Maryland Port Authority of the dates of commencement and completion of the work.

The Applicant shall give written notice to the Director of Engineering of any change in the work involving increased cost, magnitude or location, so that an adjustment can be made in the inspection charge, or if necessary a new permit issued.

The Applicant shall furnish to the Maryland Port Authority three sets of plans showing location, character and extent of the work, ownership of the property involved, and ownership of all abutting properties. One set of these plans will be approved and returned to the Applicant if and when the Permit is granted.

The Applicant shall prosecute the work hereunder diligently and without undue obstruction of piers, wharves, bulkheads and navigation.

The Applicant shall keep and maintain any and all structures and installations built hereunder in good order and repair, to the satisfaction of the Director of Engineering, and in strict compliance with all applicable laws, ordinances, rules and regulations of the Maryland Port Authority, the Mayor, & City Council of Baltimore, State of Maryland, United States of America or any of their agencies.

The Applicant shall indemnify and save harmless the Maryland Port Authority, its officers, agents and servants against and from all damages, losses, costs, and expenses which they may suffer or to which they may be put by reason of anything done under this permit, or by reason of non-compliance with any or all of the terms and conditions thereof.

The Director of Engineering shall have the right to revoke this permit at any time the public interests may so require.

It is further expressly understood and agreed by the Applicant or Applicants that all of the duties and obligations assumed under this consent and permit shall extend to and be binding upon the heirs, personal representatives, successors and assigns of the Applicant or Applicants, jointly or severally.

The Applicant will pay to the Maryland Port Authority a Construction Inspection Charge for any work, at $1.00 per $1,000.00 of the contract price. If no contract has been awarded at the time of the issuance of the permit, the estimated cost of the work will be the basis of said inspection charge, provided, however, that the minimum Inspection Charge, in any event, shall be $10.00. The Inspection Charge for the original work shall be $ 10.00 and said payment shall be made before issuance of the permit.

The Applicant shall also pay to the Maryland Port Authority, in advance, the annual charge of ..... XXX ..... Dollars, ($ XXX) for the privilege hereby granted.

(Signature of Applicant) Charles G. Gleason
Charles G. Gleason

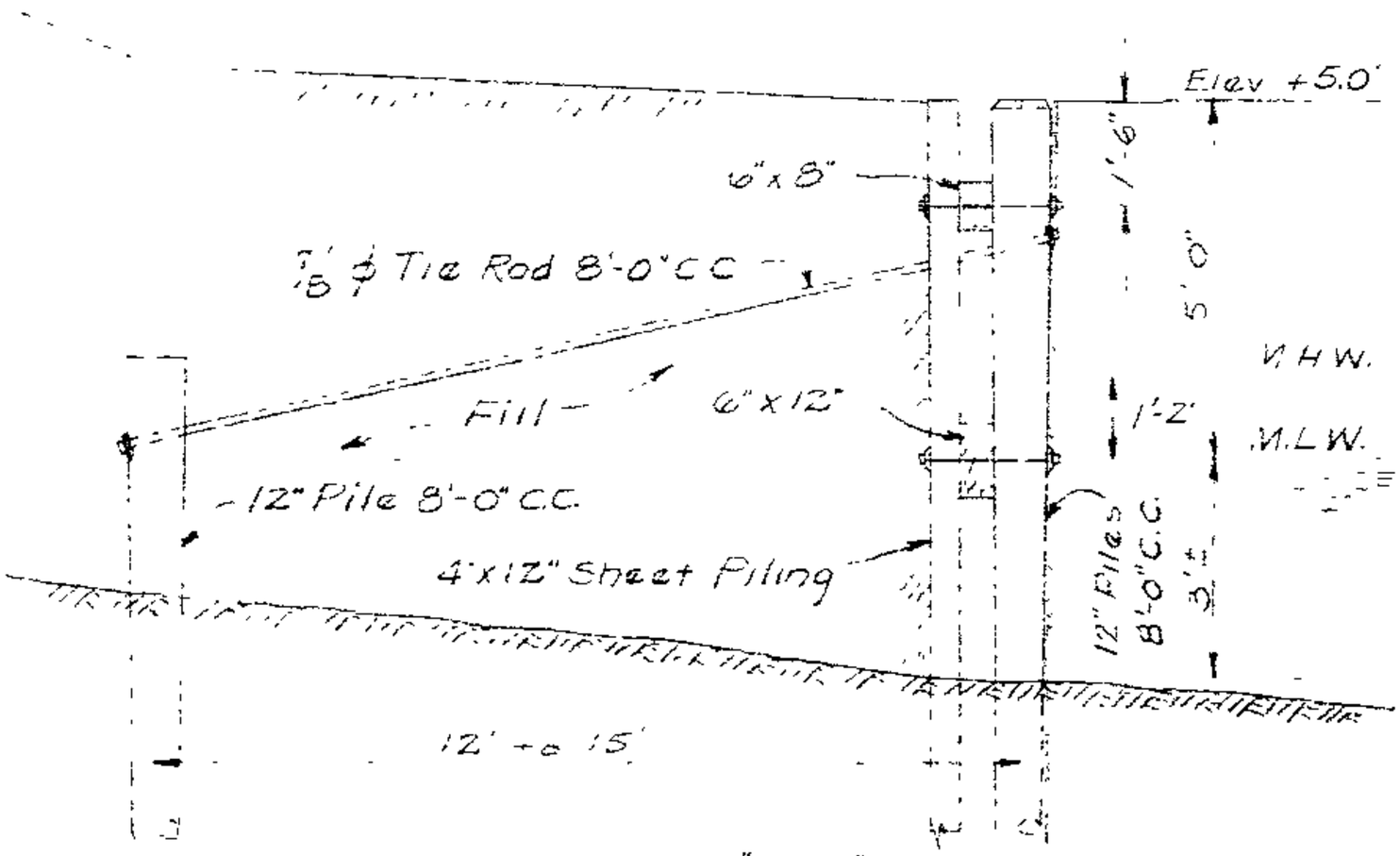
(Business Address of Applicant) 710 West Ave.
#22 - Md.

PERMIT

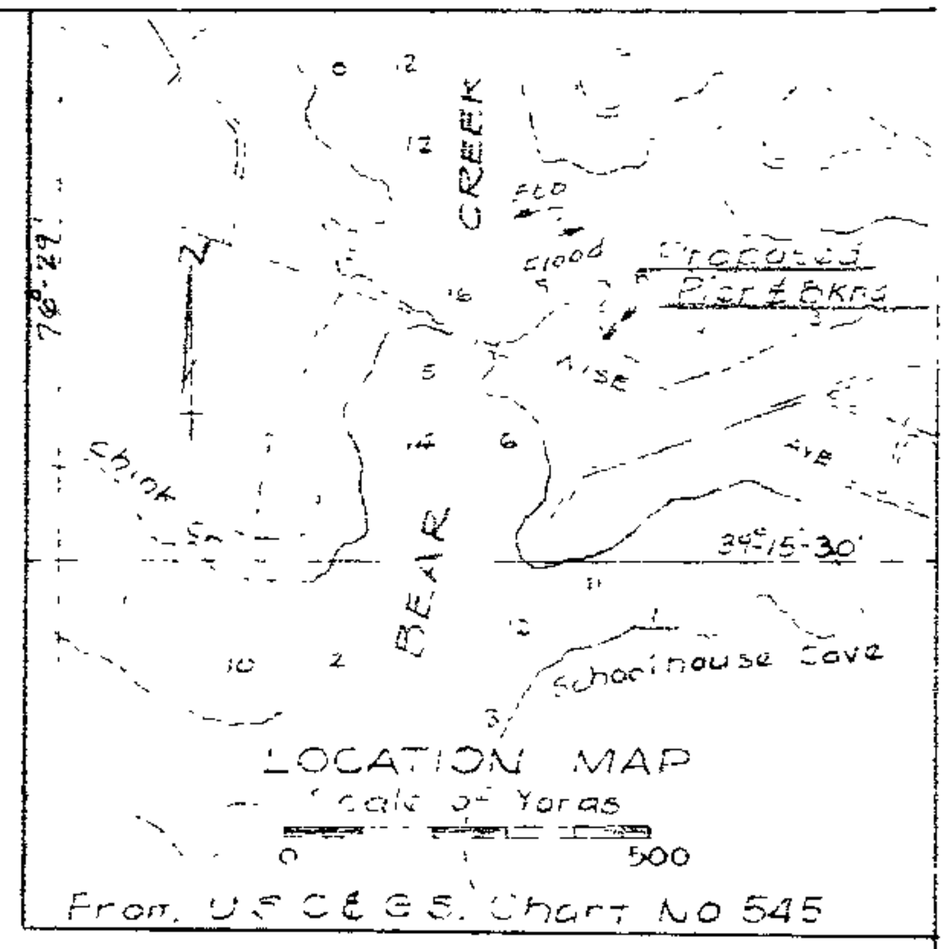
NOW, THEREFORE, pursuant to the authority vested in the Maryland Port Authority by Article 62-B of the Annotated Code of Maryland (1951 Edition), and also the transfer of General Powers under Harbor, Docks and Wharves as detailed in the City Charter of Baltimore City (1949 Edition), to the said Maryland Port Authority by the Mayor and City Council of Baltimore by agreement between the heretofore principals as provided under this Act, I hereby consent to, and permit the aforesaid Applicant to construct or perform the work as described in the foregoing application, under and subject to the terms and conditions set forth therein.

IN WITNESS WHEREOF, I WALTER C. BOYER, Director of Engineering have executed this permit this 18 day of Feb 1960.

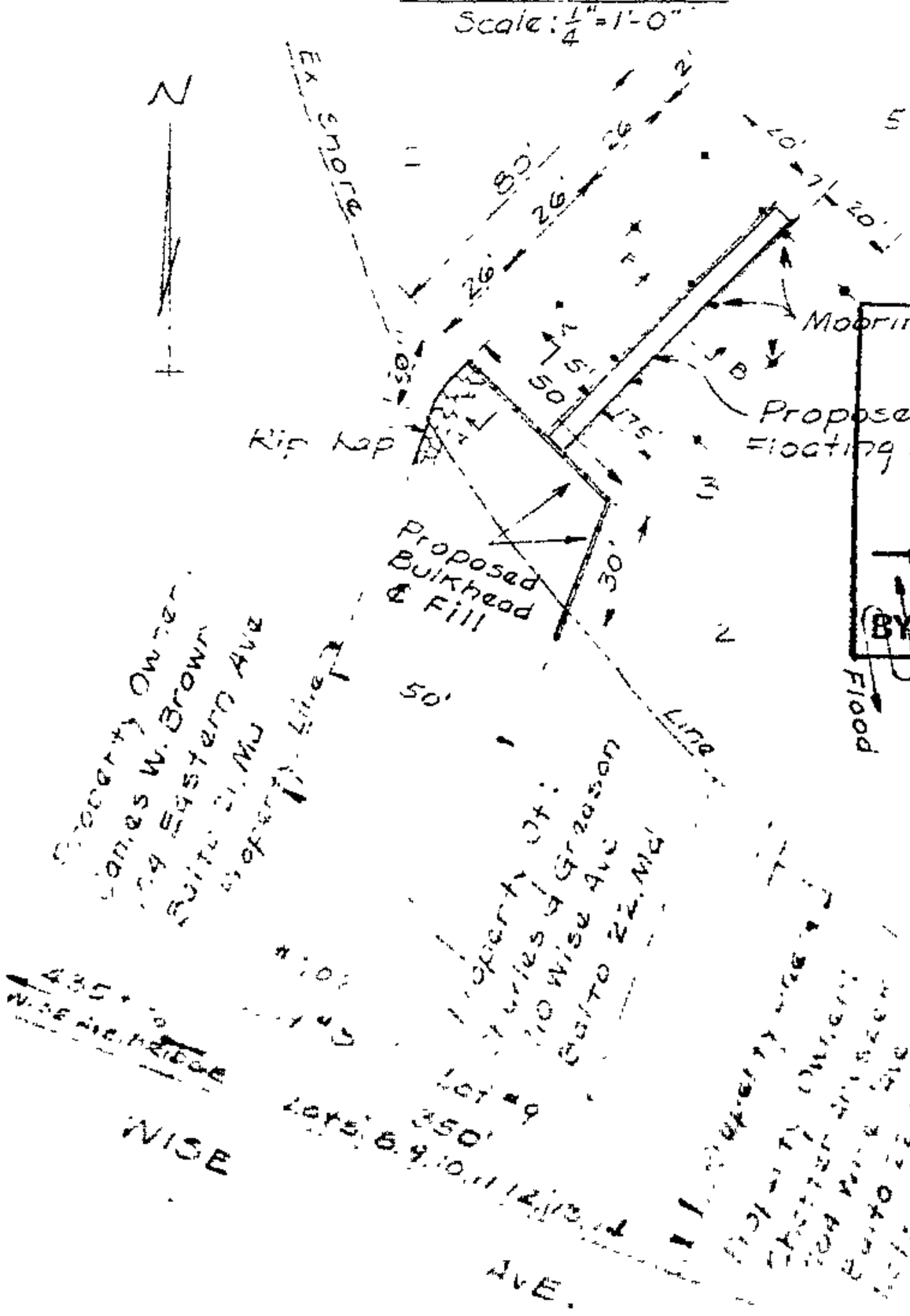
Walter C Boyer
Director of Engineering PWZ



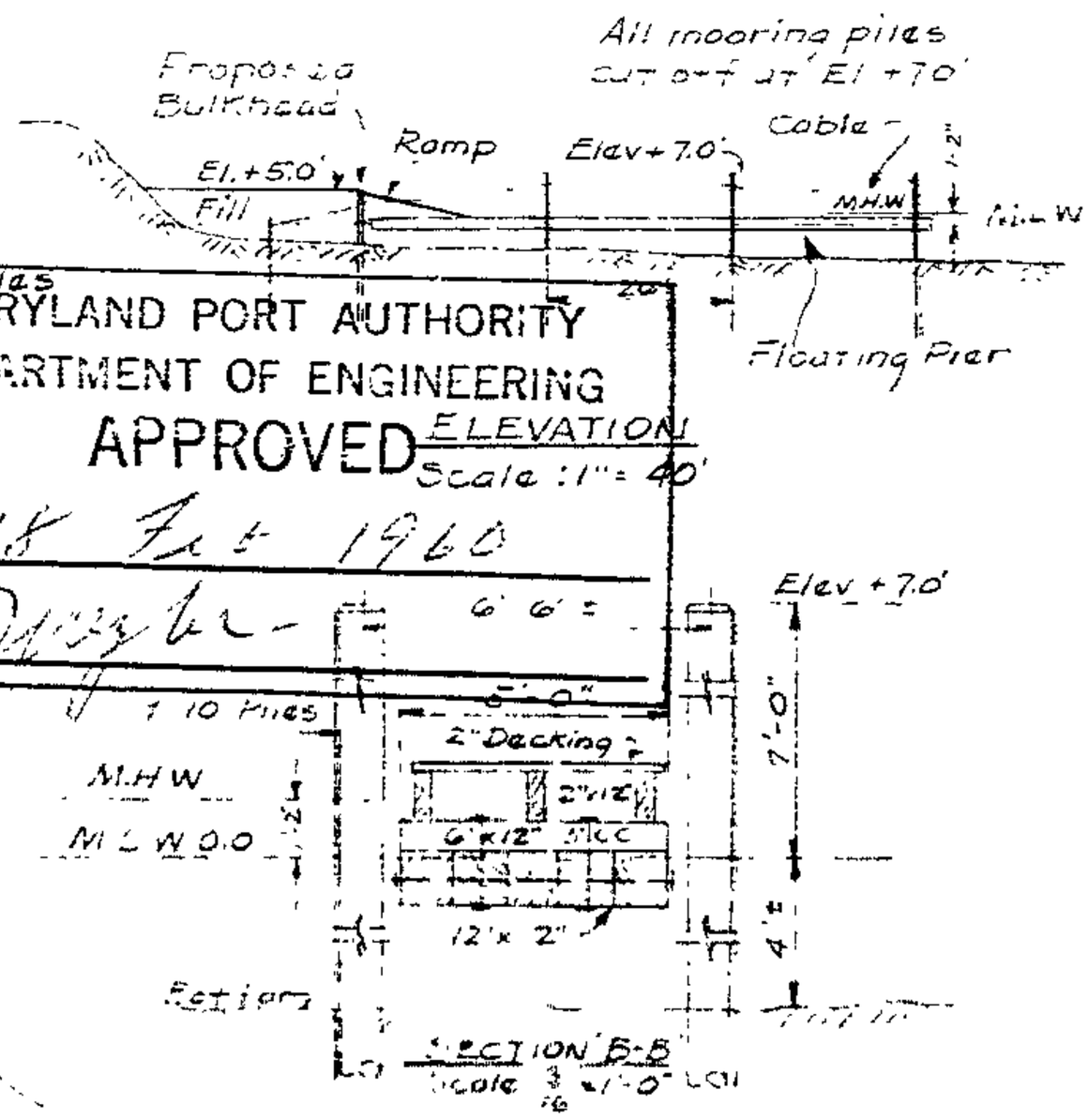
SECTION "A-A"
Scale: 1/4" = 1'-0"



NOTE: Soundings are in feet and refer to Mean Low Water
No Harbor Lines



LOCATION PLAN



MARYLAND PORT AUTHORITY
DEPARTMENT OF ENGINEERING
APPROVED 18 Feb 1960
BY

PROPOSED PIER & BULKHEAD IN BEAR CREEK

BALTO. COUNTY, MD

Application by:
Charles & Grayson
Charles Grayson
110 Wise Ave.
Balto 22, Md

Date: Feb. 1, 1960

February 2, 1960

Corps of Engineers, U.S. Army
Office of the District Engineer
Baltimore District
2Sri Street and Maryland Avenue
Baltimore 3, Md.

Gentlemen:

I request herewith permission to construct a timber pile bulkhead and pier to be built as shown on the attached plan dated February, 1, 1960.

I own the property in Bear Creek in front of which this pier and bulkhead are to be built. The adjacent property owners are James W. Brown, 104 Eastern Ave. Baltimore 21, Md. and Chester Anyszek, 704 Wise Ave. Baltimore 28, Md.

The location is not within the corporate limits of any municipality and harbor lines have not been established.

Very truly yours,

Charles G. Greason

710 Wise Ave.
Baltimore 28, Md.

PETITIONER'S

EXHIBIT NO. 6

ADDRESS REPLY TO
THE DISTRICT ENGINEER

U. S. ARMY ENGINEER DISTRICT, BALTIMORE
CORPS OF ENGINEERS
P. O. Box 1715
Baltimore 3, Maryland

REFER TO FILE NO

NABKN (Greason, Charles G.)1

29 February 1960

Mr. Charles G. Greason
710 Wise Avenue
Baltimore 22, Maryland

Dear Mr. Greason:

Referring to your written request of 2 February 1960 I am pleased to inform you that upon the recommendation of the Chief of Engineers and under the provisions of Section 10 of the Act of Congress approved 3 March 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army to construct a bulkhead and an 80-foot pier, and to install mooring piles, in Schoolhouse Cove at a point on the south shore at Oakleigh Beach, Baltimore County, Maryland, all in accordance with the plans and description submitted with your request.

If the work herein authorized is not completed on or before the 31st day of December 1963, this authorization, if not previously revoked or specifically extended, shall cease and be null and void. Inquiries about the authorization may be made by telephone to Navigation Branch, this office, Ext. 51 or 52.

It is to be understood that this authorization does not give any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations; nor does it obviate the necessity of obtaining State assent to the work authorized. IT MERELY EXPRESSES THE ASSENT OF THE FEDERAL GOVERNMENT SO FAR AS CONCERNS THE PUBLIC RIGHTS OF NAVIGATION. (See Cummings v. Chicago, 188 U.S. 410.)

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Very truly yours,

Stanley T. B. Johnson

STANLEY T. B. JOHNSON
Colonel, Corps of Engineers
District Engineer

#55555 SPH

PETITION FOR ~~ZONING RE-CLASSIFICATION~~ AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, _____ legal owner 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 that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone; or for the following reasons:

See Attached Description

and/or Special Exception under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

_____

_____

Contract purchaser

Legal Owner

Address _____

Address 710 WISE AVE.
BALTIMORE, MD. 21221

Petitioner's Attorney

Protestant's Attorney

Address _____

ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of _____ that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout said County, that property be posted, and that the hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building, located at 111 W. Chesapeake Avenue, Towson, Maryland, on the _____ day of _____ 19_____ at _____ o'clock _____ M.

EXHIBIT NO. 7

PETITIONER'S

[illegible] the above petition and

it appearing that by reason of [illegible]

[illegible]

a Special Exception for [illegible] should be granted

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this [illegible]

day of May, 196[illegible], that the [illegible]

[illegible]

that [illegible]

[illegible] a Special Exception for [illegible] should be and the same is

granted, from and after the date of this order [illegible]

parking on lots Nos. [illegible] subject, however, to

approval of the plan by the Director of

Planning & Zoning of Baltimore County.

[illegible] Commissioner of Baltimore County

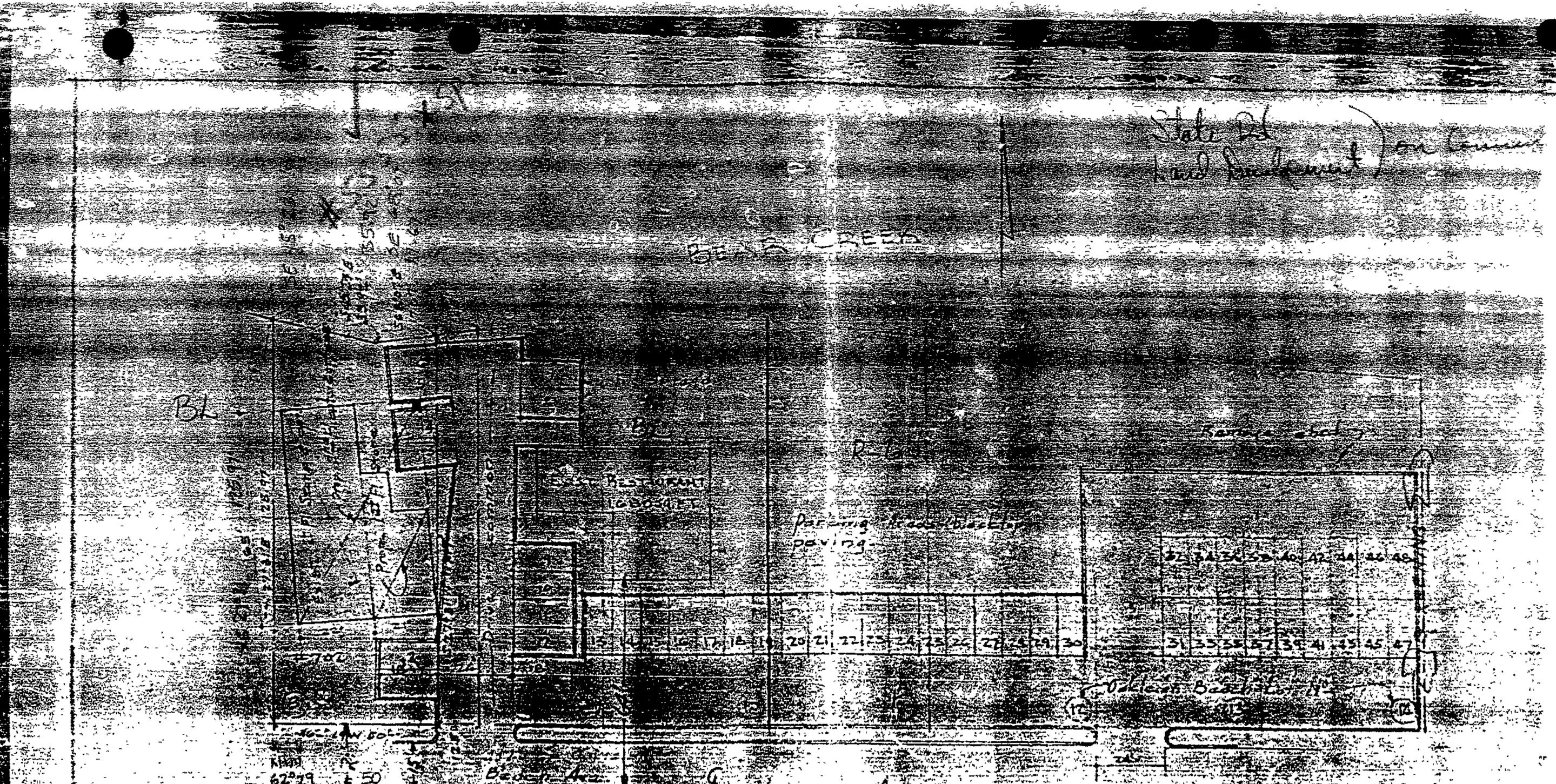
Pursuant to the advertisement, posting of property and public hearing on the above petition

and it appearing that by reason of

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 196___, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby confirmed as and to remain a _____ zone; and/or the Special Exception for _____ be and the same is hereby DENIED

Zoning Commissioner of Baltimore County



PETITIONER'S

EXHIBIT NO. 8

BALTIMORE COUNTY

ZONING REGULATIONS

ADOPTED BY

COUNTY COMMISSIONERS

OF

BALTIMORE COUNTY

March 30, 1955, in accordance with Title 30, Section 532 (c) of the Code of Public Local Laws of Baltimore County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill
Augustine J. Muller
County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wilsie H. Adams
Zoning Commissioner

PETITIONER'S
EXHIBIT NO. 9

DEFINITIONS

Accessory Building: One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building.

Airport: Any area of land or water designed and set aside for landing or taking off of aircraft.

Alley: A right-of-way 20 feet or less in width, designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed, which provides service access for vehicles to the side or rear of abutting property.

Apartment House: A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.

Basement: That portion of a building below the first floor, the floor of which is less than one-half of the height of the room below the average grade of the adjoining ground. (See definitions of Cellar and Story)

Boarding House: A building other than a hotel in which meals or rooms and meals are provided for compensation for four or more persons, including a "care home," as defined by the Maryland State Health Department.

Building: A structure enclosed within exterior walls or firewalls for the shelter, support, or enclosure of persons, animals, or property of any kind.

Building Height: The vertical distance measured from the average grade to the average elevation of the roof of the highest story.

Building Line: The line established by law beyond which a building shall not extend.

Cellar: That portion of a building below the first floor, the floor of which is more than one-half the height of the room below the average grade of the adjoining ground. (See definition of Basement)

nection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes.

Hospital: Any institution, including a sanitorium, which maintains and operates facilities for overnight care and treatment of two or more non-related persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent, or a convalescent home, as previously defined.

Hospital, Class A: A hospital which does not primarily treat communicable diseases, insane or feebleminded patients, epileptics, drug addicts, or alcoholic patients, and is not a penal or correctional institution (see Section 407).

Hospital, Class B: A hospital which does primarily treat the types of cases noted in Class A above, and which may be a penal or correctional institution (see Section 407).

Hotel: A building designed as a temporary abiding place in which lodging is provided for compensation, with or without meals, containing 10 or more guest rooms and having an outside entrance in common.

Junk Yard: Any land used for commercial storage and/or sale of waste paper, rags, scrap metal or other junk, and including storage of motor vehicles not in running condition, and dismantling of such vehicles or of machinery, but excluding scrap for use in manufacturing processes on the premises, or waste materials resulting from such processes.

Lot, Corner: A lot abutting on and at the intersection of two or more streets.

Lot, Interior: A lot other than a corner or through lot.

Lot, Through: A lot having its front and rear yards each abutting on a street.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Motel or Motor Court: Buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent, each of which has a separate outside entrance.

Nonconforming Use: A legal use of a building or of land that antedates the adoption of these regulations and does not conform to the use regulations for the zone in which it is located.

Open Dump: Any land used for disposal of garbage, trash or other refuse without cover. Hog lots where garbage and/or other types of refuse are permitted to accumulate are considered open dumps (see Section 410).

Riding Stable: A building where riding horses are boarded or kept for hire.

Rooming House: A building, other than a hotel or motel, where more than two rooms are rented.

Sanitary Landfill: A planned systematic method of disposal of garbage and other combustible or noncombustible refuse whereby waste material is placed, compacted, and covered with at least 12 inches of compacted natural earth by the end of each day's operation; when the fill is completed a covering of at least 24 inches of compacted natural earth is added.

Setback: The shortest distance between the building line and the street right-of-way line.

Sign: Any structure, part thereof, or device attached thereto or painted or represented thereon, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry, which is located upon any land, on any building, or on the outside of a window. The flag, emblem, insignia, poster, or other display of a nation, political unit, educational, charitable, religious, or similar group, campaign, drive, or event shall not be included in this definition.

Sign, Business: A sign which calls attention to a business, service, industry or other activity conducted on the premises upon which the sign is located.

Section 230—USE REGULATIONS

The following uses only are permitted (see Section 230.12):

230.1 — Uses permitted and as limited in the residential zone immediately adjoining;

230.2—Convalescent home;

230.3—Tourist home, boarding or rooming houses;

230.4—Restaurant, tea room, and dairy bar;

230.5—Bank, building and loan association;

230.6—Offices and office buildings;

230.7 — Private colleges, nursery and dancing schools, conservatory for music and the arts, dormitories and fraternity and sorority houses;

230.8—Business and trade schools;

230.9—Alcoholic beverage package store;
Antique shop;
Automobile accessory shop;
Automobile parking lot;
Bakery, but goods baked on the premises must be sold only at retail on the premises;
Barber and beauty shops, establishments for chiropody and massage;
Bowling alley;
Candy store, but goods made on the premises must be sold only at retail on the premises;
Clothing and accessory stores;
Dairy products store;
Department store;
Dressmaking and millinery establishments;
Drug store;
Dry cleaning pick-up station;
Florist;
Food store;
Funeral establishment;
Furniture and upholstery stores;
Garden shop, with associated outdoor sales area;
Gift shop;
Hand laundry employing not more than 5 persons;
Hardware store;
Hobby shop;
Household appliance store;
Jewelry store;

Laundromat or self-service laundry;
Laundry pick-up station;
Parking lot;
Pet shop;
Photgraphic studio;
Picnic Grove;
Public utility service center;
Radio shop;
Radio studio;
Shoe repair shop;
Social clubs and fraternal organizations;
Sporting goods store;
Stationery store;
Swimming pool;
Tailor shop;
Tavern;
Television shop;
Television studio;
Variety and dry goods store.

230.10—Business signs (see Sections 413.2, 413.4 and 413.5).

230.11—Accessory uses and structures including garages and parking space for the use of owners, employees and customers.

230.12—All the above uses in Section 230 are subject to the following conditions:

a. They shall be contained, except in the case of signs, restaurants, swimming pools, outdoor sales or display areas, or parking lots, within a completely enclosed building;
b. Not more than 5 persons shall be engaged in the repair or fabrication of goods on the premises;
c. Not more than 5 horsepower shall be employed in the operation of any one machine used in repair or fabrication, and not more than 15 horsepower in the operation of all such machines;
d. Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than 5 feet in front of the required front building line;
e. In case any property line of a commercially zoned corner lot abuts a residential zone on a side street, no separate

and distinct commercial use may be made of that portion of the lot which abuts on the side street unless a site plan for the entire corner lot as a commercial unit shall have been approved by the Baltimore County Office of Planning and the Baltimore County Division of Engineering, Department of Public Works. Any division of ownership of such lots shall be a subdivision, and will require approval of the Office of Planning.

f. Where the requirements in Section 230.12 (a, b or c) would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and public hearing thereon.

230.13 — Special Exceptions — The following uses when permitted as Special Exceptions (see Sections 270 and 502):

Excavations, controlled (see Section 403);
Filling station (see Section 405);
Garage, service;
Golf driving range, miniature golf, and baseball batting range;
Hotel;
Laboratory;
Living quarters in a commercial building;
Motel or motor court;
Public utility uses other than those noted in Sections 200.11 and 230.9 (see Section 411);
Signs, outdoor advertising (see Sections 413.3 and 413.5);
Theatre, excluding drive-in;
Volunteer fire company;
Wireless transmitting and receiving structure.

Section 231—HEIGHT REGULATIONS

No building shall exceed a height of 50 feet or 4 stories except as provided in Section 300 (see Section 302). Any applicant for a building permit hereunder, in lieu of the height requirements of the preceding sentence, may at his request be governed by the height requirements in Section 216, including set-back requirements applicable in a R. A. Zone.

Section 409—OFFSTREET PARKING AND LOADING
(see Section 409.5)

409.1—Parking and Loading Spaces—There shall be provided, at the time of application for a building permit for the erection or enlargement of any building for which offstreet parking and/or loading space is hereinafter required, other than a dwelling, a plan showing such parking and loading spaces, including the means of access and interior circulation both from the standpoint of the project itself and in relation to its surroundings.

409.2 — Parking space — Each offstreet parking space shall be not less than 8½ feet wide by 18 feet long, and there shall be not less than 300 square feet per space in the case of lot or garage parking where there is no attendant, and not less than 250 square feet where there is an attendant, such square foot figures to include access aisles. It is the intent of these regulations that adequate offstreet parking spaces be provided for all buildings, and that the requirements hereinafter set forth are and shall be taken as absolute minimums, to be exceeded wherever feasible.

a. Parking space for dwellings, including apartment houses—In all Zones, except as hereinafter modified, there shall be provided at least one garage or accessible and useable offstreet parking space for each dwelling unit. In all zones, in the case of a lodging, rooming or boarding house, fraternity or sorority house or dormitory, there shall be one offstreet parking space for each 5 guests or members residing on the premises, but not less than 2 parking spaces in any case. In the case of a hotel or apartment hotel, there shall be one such parking space for each guest room or suite. In the case of a motel, there shall be at least one parking space for each rental unit. Parking space as required above shall be provided on the same lot with the building which it serves or within 300 feet thereof (see Section 217.6).

b. Parking space for buildings other than dwellings—In all zones, permanently maintained offstreet parking spaces shall be provided as follows:

OFFSTREET PARKING AND LOADING

USE	PARKING SPACE
(1) High school, college, or university auditorium; theatre, church, general auditorium, stadium or similar place of assembly	1 for each 6 seats
(2) Hospital, Class A	1 for each 4 beds
Hospital, Class B and convalescent home	1 for each 10 beds
(3) Dance hall, night club or restaurant	1 for each 50 square feet of total floor area
Bowling alley	3 for individual alley
(4) Medical or dental offices and clinics	1 for each 300 square feet of total floor area
(5) Other institutional, office, and non-retail commercial buildings (excluding garage structures) having a total floor area of more than 5,000 square feet	1 for each 300 square feet of total ground floor area and 1 for each 500 square feet of total area of upper floors
(6) Buildings devoted to retail trade	1 for each 200 square feet of total floor area
(7) Industry, wholesale or warehouse type of commercial use	1 for each 3 employees in the numerically largest shift, except that the Zoning Commissioner may reduce the number of spaces required where employment condtions are such as to make the above requirements clearly excessive

Parking space as required above shall be either on the same lot with the principal use to which it is accessory or within 500 feet of the building it is intended to serve.

c. **Requirements for all parking spaces or parking lots—All offstreet parking facilities**

shall be either contained within buildings or subject to the following requirements:

(1) Screening—Offstreet parking facilities for more than five vehicles shall be screened by a wall, fence, or compact planting when adjoining or facing the side or rear lot line of residential or institutional premises or when they are across the street from such premises. Screening shall be at least 4 feet high. Planting shall not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.

(2) Surface—Any parking or storage space for more than 5 vehicles shall provide a durable and dustless surface, and shall be properly drained.

(3) Lighting—Any fixture used to illuminate any offstreet parking area shall be so arranged as to reflect the light away from residential lots.

(4) No parking space shall be closer than eight feet to a street property line.

409.3—Loading Space—On the same premises with every building or part thereof, hereafter erected, having a total floor area of at least 10,000 square feet, occupied for manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, elevator apartment building, hospital, mortuary, laundry, dry cleaning, or other uses which similarly involve deliveries or shipment of materials or merchandise by truck, there shall be provided and maintained at least one offstreet loading space plus one additional such loading space for each 50,000 square feet of total floor area so used in excess of 10,000 square feet. Each offstreet loading space shall be not less than 10 feet wide, 25 feet long, and 14 feet high. Where buildings are so located on the lot that loading facilities are provided within the premises so that no part of a loading or unloading vehicle projects into or across any publicly-used street, alley, or sidewalk, the Zoning Commissioner may reduce the number of loading spaces required under this paragraph.

409.4—Business or Industrial Parking in Residence Zones—Upon application the Zoning Commissioner may

BALTIMORE COUNTY

ZONING REGULATIONS

1969

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This is the property of:

Name _____

Address _____

_____

Phone _____

PETITIONER'S

EXHIBIT NO. 10

a right of way at least 66 feet wide; is not a freeway or an expressway; and has been designated as an arterial street (or as a boulevard or thorofare) by the Planning Board. [Bill No. 40, 1967]

Automotive service station: A structure and/or site or part thereof used primarily for the retail sale to the public of automotive fuels and other automotive energy or power sources. [Bill No. 40, 1967]

Basement: That portion of a building below the first floor, the floor of which is less than one-half of the height of the room below the average grade of the adjoining ground. (See definitions of Cellar and Story).

Boarding House: A building other than a hotel in which meals or rooms and meals are provided for compensation for four or more persons, including a "care home", as defined by the Maryland State Health Department.

Boat Yard: A commercial or non-profit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling, and general servicing of marine craft of all types. [Bill No. 64, 1963]

Building: A structure enclosed within exterior walls or firewalls for the shelter, support, or enclosure of persons, animals, or property of any kind.

Building Height: The vertical distance measured from the average grade to the average elevation of the roof of the highest story.

Building Line: The line established by law beyond which a building shall not extend.

Car Wash: An area of land and/or a structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. [Bill No. 108, 1964]

Cellar: That portion of a building below the first floor, the floor of which is more than one-half the height of the room below the average grade of the adjoining ground. (See definition of Basement).

Commercial motorway, Class I: A motorway, or portion thereof at least one mile in length, with at least 70% of all frontage thereon (the sum of the lengths of both sides), excluding land publicly owned for highway right-of-way purposes, zoned as B.L., B.M., B.R., and/or M.L., and designated as a Class I commercial motorway under ordinance of the County Council. No portion of a motorway shall be considered as a Class I commercial motorway unless such portion is bounded at its ends by intersections with freeways, expressways, arterial streets, town-center boundaries, political-subdivision boundaries, the urban-rural demarcation line, or major streams or rivers. [Bill No. 40, 1967]

Marina: A modern boat basin, restricted to recreational marine craft of all types, with facilities for one or more of the following: berthing, launching, and securing such craft, and permitting incidental minimum provision for refueling and emergency servicing, and also land (out-of-water) storage as provided in subsection 417.7. [Bill No. 64, 1963]

Motel or Motor Court: Buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent, each of which has a separate outside entrance.

Nonconforming Use: A legal use of a building or of land that antedates the adoption of these regulations and does not conform to the use regulations for the zone in which it is located.

Open Dump: Any land publicly or privately owned, other than a sanitary landfill, on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse, including but not limited to waste materials, waste products, waste paper, garbage, empty cans, broken glass, rags, and all other kinds of organic or inorganic refuse but excluding scrap for use in manufacturing processes on the premises, or waste materials resulting from such processes, or resulting from the construction or elimination of facilities for such processes. [Revised by Bill No. 140, 1962.]

Open Space Tract, Local: Land provided in residential subdivisions and necessary and desirable for the local recreational needs of residents of such subdivisions for such recreation types of spaces as play lots, local play areas, small parks, stream valley parks, natural woods, areas of unusual natural scenic beauty, recreational walkways and pathways, and special street center islands, but the term "local open space tract" shall not include the larger open space park and playfield areas of the type which serve larger than local need and which are incorporated in the master plan. [Bill No. 106, 1963]

Or: The word "or" shall mean" and/or" unless modified by use of the word "either", or unless the context otherwise clearly indicates another meaning. [Bill No. 111, 1968]

Pet Shop: A store for the sale of dogs, cats, birds, tropical fish, and/or other domesticated pets, and related supplies and equipment. [Bill No. 85, 1967]

Research Institute: A building or group of buildings used primarily for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning, and where all parts of the operation involving the development research process, e.g., product testing, are incidental to the above. [Bill No. 76, 1964]

c. Not more than 5 horsepower shall be employed in the operation of any one machine used in repair or fabrication, and not more than 15 horsepower in the operation of all such machines;

d. Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than 5 feet in front of the required front building line;

e. In case any property line of a commercially zoned corner lot abuts a residential zone on a side street, no separate and distinct commercial use may be made of that portion of the lot which abuts on the side street unless a site plan for the entire corner lot as a commercial unit shall have been approved by the Baltimore County Office of Planning and the Baltimore County Division of Engineering, Department of Public Works. Any division of ownership of such lots shall be a subdivision and will require approval of the Office of Planning. [Revised by Resolution, November 21, 1956]

f. Where the requirements in Section 230.12 (a, b, or c) would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and public hearing thereon.

230.13—Special Exceptions—The following uses when permitted as Special Exceptions (see Sections 270 and 502):

Animal boarding place, Class A; [Bill No. 85, 1967]
Automotive-service station: subject to the provisions of Section 405; [Bill No. 40, 1967]
Boat yard; [Bill No. 64, 1963]
Car wash; [Bill No. 108, 1964]
Commercial beach; with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area, and boat rental; [Bill No. 64, 1963]
Community building, swimming pool, or other structural or land use devoted to civic, social, recreational, and educational activities; off-street parking areas shall be provided to such extent and be so located as the Zoning Commissioner or County Board of Appeals, on appeal, shall agree to be needed in relation to their surroundings; [Bill No. 64, 1963]
Drive-in restaurant; [Bill No. 40, 1967]
Dry Cleaning Plant; (see Section 416); [Bill No. 133, 1958; Revised by Bill No. 85, 1967]
Excavations, controlled (see Section 403);
["Filling station" etc. - deleted by Bill No. 40, 1967]
Garage, service;
Golf course, country club, or other outdoor recreation clubs; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building, parking lot, or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line; [Bill No. 64, 1963]
Golf driving range, miniature golf, and baseball batting range;

Heliport, Type II; [Bill No. 85, 1967]
Hotel;
Laboratory;
Living quarters in a commercial building;
Marina;
Motel or motor court;
Public utility uses other than those noted in Sections 200.11 and 230.9 (see Section 411);
Signs, outdoor advertising (see Sections 413.3 and 413.5);
Theatre, excluding drive-in;
Volunteer fire company;
Wireless transmitting and receiving structure. 1/

Section 231— HEIGHT REGULATIONS

231. a. Purpose and Intent—The intent of the following method of height determination is to permit maximum flexibility in proportioning height and bulk in the architectural design and functional planning of buildings in commercial zones, while assuring that a new building will not deprive existing or potential adjacent buildings of adequate light and air circulation. Terms placed in quotation marks are not found as definitions in Section 101 and apply specifically to this Section only. The regulations impose a flexible height "tent" within which the building may rise. Along a street, alley, or other public way, such "tent" extends upward at a 45 degree angle toward the subject property from the opposite side of the street or alley along its front, side, or rear. The height may be averaged—that is, some portions of the building may project above the "tent", provided other portions, equal in total area, stay proportionately below it. From any rear or side lot line which does not adjoin a street, alley, or other public way, a similar "tent" would extend upward more steeply with no averaging of height. These provisions make it practicable to assure adequate light and air to adjacent properties if the building height exceeds 40 feet.

b. Height Determination—The height limitation of a building shall be determined as follows: The "basic height" of the front or rear wall of a building along a street, alley, or other public way is determined by a "base line plane" extending upward at a 45 degree angle from a "base line" at the average elevation on the property line on the opposite side of the right of way, toward a vertical plane (the "measure plane") on the building line, as defined in Section 101. The horizontal line formed by the intersection of these two planes determines the "basic height", which is the vertical distance above the building line. Regardless of the right of way width the "basic height" shall not exceed

1/ It is assumed that the following entry, enacted by Bill No. 61, 67, was inadvertently abridged by Bill No. 85, 1967: Wireless transmitting and receiving structure, except as a minor accessory use or structure (which is permitted without a special exception) provided that, for the purposes of this subsection, no exterior antenna greater than 50 feet above grade level shall be considered as an accessory use or structure.

Section 409—Offstreet Parking and Loading (see Section 409.5)

409.1—Parking and Loading Spaces—There shall be provided, at the time of application for a building permit for the erection or enlargement of any building for which offstreet parking and/or loading space is hereinafter required, other than a dwelling, a plan showing such parking and loading spaces, including the means of access and interior circulation both from the standpoint of the project itself and in relation to its surroundings.

409.2—Parking Space—Each offstreet parking space shall be not less than 8½ feet wide by 18 feet long, and there shall be not less than 300 square feet per space in the case of lot or garage parking where there is no attendant, and not less than 250 square feet where there is an attendant, such square foot figures to include access aisles. It is the intent of these regulations that adequate offstreet parking spaces be provided for all buildings, and that the requirements hereinafter set forth are and shall be taken as absolute minimums, to be exceeded wherever feasible.

a. Parking space for dwellings, including apartment houses—In all Zones, except as hereinafter modified, there shall be provided at least one garage or accessible and useable offstreet parking space for each dwelling unit. In all zones, in the case of a lodging, rooming or boarding house, fraternity or sorority house or dormitory, there shall be one offstreet parking space for each 5 guests or members residing on the premises, but not less than 2 parking spaces in any case. In the case of a hotel or apartment hotel, there shall be one such parking space for each guest room or suite. In the case of a motel, there shall be at least one parking space for each rental unit. Parking space as required above shall be provided on the same lot with the building which it serves or within 300 feet thereof (see Section 217.6).

b. Parking space for buildings other than dwellings—In all zones, permanently maintained offstreet parking spaces shall be provided as follows:

USE	PARKING SPACE
(1) High school, college, or university auditorium, theatre, church, general auditorium, stadium or similar place of assembly.....	1 for each 6 seats
(2) Hospital, Class A.....	1 for each 4 beds
Hospital, Class B and convalescent home.....	1 for each 10 beds
(3) Dance hall, night club, restaurant, or 1/.....	1 for each 50 square feet of total floor area
a. Bowling Alley.....	three per individual alley
(4) Medical or dental offices and clinics.....	1 for each 300 square feet of total floor area
(5) Other institutional, office, and non-retail commercial buildings (excluding garage structures) having a total floor area of more than 5,000 square feet.....	1 for each 300 square feet of total ground floor area and 1 for each 500 square feet of total area of upper floors
(6) Buildings devoted to retail trade.....	1 for each 200 square feet of total floor area
(7) Industry, wholesale or warehouse type of commercial use.....	1 for each 3 employees in the numerically largest shift, except that the Zoning Commissioner may reduce the number of spaces required where employment conditions are such as to to make the above requirements clearly excessive.

Parking space as required above shall be either on the same lot with the *principal use to which it is accessory or within 500 feet of the building* it is intended to serve.

1/ Thus as revised by Resolution, November 21, 1956

c. Requirements for all parking spaces or parking lots—All offstreet parking facilities shall be either contained within buildings or subject to the following requirements:

(1) Screening—Offstreet parking facilities for more than five vehicles shall be screened by a wall fence, or compact planting when adjoining or facing the side or rear lot line of residential or institutional premises or when they are across the street from such premises. Screening shall be at least 4 feet high. Planting shall not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.

(2) Surface—Any parking or storage space for more than 5 vehicles shall provide a durable and dustless surface, and shall be properly drained.

(3) Lighting—Any fixture used to illuminate any offstreet parking area shall be so arranged as to reflect the light away from residential lots.

(4) No parking space shall be closer than eight feet to a street property line.

d. Modification of parking-space requirements in Town Centers—The Planning Board may adopt, and from time to time revise, parking-space standards for Town Centers, which standards differ from the parking-space requirements otherwise applicable under these Zoning Regulations; but the provisions of the Zoning Regulations shall control unless and until the Zoning Commissioner, upon petition and after public hearing, orders that the Planning Board's standards may be applied to the subject property of the petition.

In formulating such parking-space standards, the Planning Board shall consider: any relevant surveys and studies submitted by the Baltimore County Bureau of Traffic Engineering, projections of transit usage, any probability of lessened parking demand as a result of integrally housed business establishments with different (complementary) peak hours, trends with respect to patterns of car ownership or usage within the areas of concern, probability of assisted ("attendant") parking, nearby parking facilities developed by the Baltimore County Revenue Authority, and other pertinent factors. Such standards may provide for conditions and limitations under which recommended decreases in parking requirements may be effected. [Bill No. 111, 1968]

409.3—Loading Space—On the same premises with every building or part thereof, hereafter erected, having a total floor area of at least 10,000 square feet, occupied for manufacturing, storage, warehouse, good display, retail store, wholesale store, market, hotel, elevator apartment building, hospital, mortuary, laundry, dry cleaning, or other

BALTIMORE COUNTY ZONING REGULATIONS

AS AMENDED THROUGH OCTOBER 10, 1974

1975 EDITION

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

TOWSON, MARYLAND

PETITIONER'S

EXHIBIT NO. 11

Bedroom: The term "bedroom" includes a bedroom, any other room used principally for sleeping purposes, an "all-purpose room," a study, or a den, provided that no room having less than 100 square feet of floor area shall be considered a bedroom. [Bill No. 100, 1970.]

Boarding House: A building other than a hotel in which meals or rooms and meals are provided for compensation for four or more persons, including a "care home", as defined by the Maryland State Health Department. [B.C.Z.R., 1955.]

Boat Yard: A commercial or non-profit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling, and general servicing of marine craft of all types. [Bill No. 64, 1963.]

Building: A structure enclosed within exterior walls or firewalls for the shelter, support, or enclosure of persons, animals, or property of any kind. [B.C.Z.R., 1955.]

Building Height: The vertical distance measured from the average grade to the average elevation of the roof of the highest story. [B.C.Z.R., 1955.]

Building Line: The line established by law beyond which a building shall not extend. [B.C.Z.R., 1955.]

Car Wash: An area of land and/or a structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. [Bill No. 108, 1964.]

Cellar: That portion of a building below the first floor, the floor of which is more than one-half the height of the room below the average grade of the adjoining ground. (See definition of Basement) [B.C.Z.R., 1955.]

Commercial motorway, Class I: A motorway, or portion thereof at least one mile in length, with at least 70% of all frontage thereon (the sum of the lengths of both sides), excluding land publicly owned for highway right-of-way purposes, zoned as B.L., B.M., B.R., and/or M.L., and designated as a Class I commercial motorway under ordinance of the County Council. No portion of a motorway shall be considered as a Class I commercial motorway unless such portion is bounded at its ends by intersections with freeways, expressways, arterial streets, town-center boundaries, political-subdivision boundaries, the urban-rural demarcation line, or major streams or rivers. [Bill No. 40, 1967.]

Commercial motorway, Class II: Same as Class I commercial motorway in all respects except that less than 70% of the frontage considered, but at least 20% of such frontage, is zoned B.L., B.M., B.R., and/or M.L., and except that it is designated as Class II[3] commercial motorway under ordinance of the County Council. [Bill No. 40, 1967.]

3. *Thus (without article) in Bill No. 40, 1967.*

Lot of record: A parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof. [Bill No. 100, 1970.]

Marina: A modern boat basin, restricted to recreational marine craft of all types, with facilities for one or more of the following: berthing, launching, and securing such craft, and permitting incidental minimum provision for refueling and emergency servicing, and also land (out-of-water) storage as provided in subsection 417.7. [Bill No. 64, 1963.]

Motel or Motor Court: Buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent, each of which has a separate outside entrance. [B.C.Z.R., 1955.]

Neighborhood: A coherent urban area generally comprising the dwellings for a residential population of approximately 1,000 to 3,000 families and a more-or-less central concentration of the public facilities and business uses serving their everyday or frequent needs, usually including an elementary school (or school-recreation center) and a supermarket or grocery store. [Bill No. 100, 1970.]

Nonconforming Use: A legal use of a building or of land that antedates the adoption of these regulations and does not conform to the use regulations for the zone in which it is located. [B.C.Z.R., 1955.]

Open Dump: Any land publicly or privately owned, other than a sanitary landfill, on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse, including but not limited to waste materials, waste products, waste paper, garbage, empty cans, broken glass, rags, and all other kinds of organic or inorganic refuse but excluding scrap for use in manufacturing processes on the premises, or waste materials resulting from such processes, or resulting from the construction or elimination of facilities for such processes. [B.C.Z.R., 1955; Bill No. 140, 1962.]

Open Space Tract, Local: Land provided in residential subdivisions and necessary and desirable for the local recreational needs of residents of such subdivisions for such recreation types of spaces as play lots, local play areas, small parks, stream valley parks, natural woods, areas of unusual natural scenic beauty, recreational walkways and pathways, and special street center islands, but the term "local open space tract" shall not include the larger open space park and playfield areas of the type which serve larger than local need and which are incorporated in the master plan. [Bill No. 106, 1963.]

Or: The word "or" shall mean "and/or" unless modified by use of the word "either", or unless the context otherwise clearly indicates another meaning. [Bill No. 111, 1968.]

Pet Shop: A store for the sale of dogs, cats, birds, tropical fish, and/or other domesticated pets, and related supplies and equipment. [Bill No. 85, 1967.]

11. Golf driving ranges, miniature-golf ranges, or baseball-batting ranges.
12. Helistops.
13. Marinas.
14. Public-utility uses not permitted as of right.
15. Residential art salons (see Section 402C).
16. Riding stables (commercial or noncommercial).
17. Sanitary landfills (see Section 412).
18. Shooting ranges.
19. Volunteer-fire-company facilities.
20. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line
21. Large-scale unit developments, as provided in Section 430

1A00.3—Height and Area Regulations. [Bill No. 100, 1970.]

A. Height. No structure in an R.D.P. zone shall exceed a height of 35 feet, except as otherwise specifically provided in these Zoning Regulations (see Section 300). [Bill No. 100, 1970.]

B. Area Regulations. [Bill No. 100, 1970.]

1. Lot Area. No lot less than 1 acre in net area shall be hereafter created in an R.D.P. zone, subject to attaining percolation tests satisfactory to the Baltimore County Department of Health and conforming to the applicable health requirements. [Bill No. 100, 1970.]

2. Minimum Linear Dimension. Except as otherwise provided in Subparagraph 3, below, the minimum linear dimension of any lot hereafter created in an R.D.P. zone shall be 150 feet. For the purposes of these regulations, the minimum linear dimension of any lot shall be the diameter of the largest circle in a horizontal plane which may be inscribed within the lot boundaries. [Bill No. 100, 1970.]

3. The minimum distance between any building in an R.D.P. zone and any lot line other than a street line shall be 50 feet; the minimum distance between the building and the center line of any street shall be 75 feet. [Bill No. 100, 1970.]

230.10—Combinations of the above uses. [Bill No. 111, 1968.]

230.11—Accessory uses or structures, including business signs (see sections 413.2, 413.4, and 413.5), garages, and parking spaces for the use of owners, employees, tenants, and invitees. [B.C.Z.R., 1955, Subsections 230.10 and 230.11; Bill No. 111, 1968.]

230.12—All the above uses in Section 230 are subject to the following conditions:

a. They shall be contained, except for signs, restaurants, swimming pools, outdoor sales or display areas, parking lots, helistops, or picnic groves within completely enclosed buildings; [B.C.Z.R., 1955; Bill No. 85, 1967.]

b. Not more than 5 persons shall be engaged in the repair or fabrication of goods on the premises;

c. Not more than 5 horsepower shall be employed in the operation of any one machine used in repair or fabrication, and not more than 15 horsepower in the operation of all such machines;

d. Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than 5 feet in front of the required front building line;

e. In case any property line of a commercially zoned corner lot abuts a residential zone on a side street, no separate and distinct commercial use may be made of that portion of the lot which abuts on the side street unless a site plan for the entire corner lot as a commercial unit shall have been approved by the Baltimore County Office of Planning[6] and the Baltimore County Division of Engineering,[7] Department of Public Works. Any division of ownership of such lots shall be a subdivision and require approval of the Office of Planning.[8] [B.C.Z.R., 1955; Resolution, November 21, 1956.]

f. Where the requirements in Section 230.12 (a, b, or c) would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and public hearing thereon.

230.13[9]—Special Exceptions—The following uses when permitted as Special Exceptions (see Sections 270 and 502):

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6. *Superseded by Office of Planning and Zoning--see note 1, Section 102.*
7. *Assumed to be Bureau of Engineering--see note 2, Section 102.*
8. *Superseded by Office of Planning and Zoning--see note 1, Section 102.*
9. *All of this subsection's provisions that are not followed by bracketed references were re-enacted without substantive amendment by Bill No. 85, 1967.*

Animal boarding place, Class A; [Bill No. 85, 1967.]
Automotive-service station: subject to the provisions of Section 405; [Bills No. 40, 1967; No. 85, 1967.]
Boat yard; [Bills No. 64, 1963; No. 85, 1967.]
Car wash; [Bills No. 108, 1964; No. 85, 1967.]
Commercial beach; with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area, and boat rental; [Bills No. 64, 1963; No. 85, 1967.]
Community building, swimming pool, or other structural or land use devoted to civic, social, recreational, and educational activities; off-street parking areas shall be provided to such extent and be so located as the Zoning Commissioner or County Board of Appeals, on appeal, shall agree to be needed in relation to their surroundings; [Bills No. 64, 1963; No. 85, 1967.]
Drive-in restaurant; [Bills No. 40, 1967; No. 85, 1967.]
Dry Cleaning Plant; (see Section 416) [Bills No. 133, 1958; No. 85, 1967.]
Excavations, controlled (see section 403);
["Filling station..." deleted by Bill No. 40, 1967.[10]]
Funeral establishment, except that any funeral establishment which was a legal use immediately prior to this provision's taking effect[11] and which has since remained continuously in operation is a conforming use, permitted as of right; as such, it may be expanded or otherwise changed in the same manner as any other use permitted as of right;[12]

Such funeral estab shments[13] *shall be a permitted use without the* necessity of obtaining a special exception provided said site was either owned or leased for a term in excess of fifteen (15) years by a funeral director who is duly registered as such in accordance with State law, prior to April 9, 1970 and provided said ownership or lease is either as an individual person or in the name of a corporation, the majority of the common stock of which is owned by said registered funeral director or together with a spouse as joint owners, or joint lessees, or as tenants in common or joint lessees by virtue of a partnership or joint venture with one or more other duly registered funeral directors; and provided further said registered funeral director files with the Zoning Commissioner of *Baltimore County no later than December 31, 1970 satisfactory evidence* of ownership or leasehold interest as outlined above. [Bills No. 43, 1970; No. 105, 1970.]
Garage, service;
Golf course, country club, or other outdoor recreation clubs; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building, parking lot, or out-of-water marine craft storage

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10. *Section 7 of Bill No. 40, 1967 reads, in part, as follows:* "And be it further enacted, *that sub-section 230.13 be and it is hereby amended by deleting the words 'filing [sic] station (see Section 405);: [sic]'...."*
11. *This provision became effective on April 9, 1970.*
12. *Punctuation and subsequent paragraphing as in Bills No. 43, 1970 and No. 105, 1970.*
13. *Thus (plural) in Bill No. 105, 1970.*

thereon shall be located within 60 feet of any residential property line; [Bills No. 64, 1963; No. 85, 1967.]

Golf driving range, miniature golf, and baseball batting range;

Heliport, Type II; [Bill No. 85, 1967.]

Hotel;

Laboratory;

Living quarters in a commercial building;

Marina; [Bills No. 64, 1963; No. 85, 1967.]

Motel or motor court;

Public utility uses other than those noted in Sections 200.11[14] and 230.9 (see Section 411);

Signs, outdoor advertising (see Sections 413.3 and 413.5);

Theatre, excluding drive-in;

Volunteer fire company;

Wireless transmitting and receiving structure.[15] [Bills No. 61, 1967; No. 85, 1967.]

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14. *Subsection 200.11 (B.C.Z.R., 1955) repealed by Bill No. 100, 1970; it read: "Public utility uses as follows: a. Telephone and telegraph lines. b. Electric light and power lines, including transformers and transformer banks, when located on poles, on or contiguous to public highways, alleys, rear lot lines, railroad rights-of-way or if carrying less than 35,000 volts. c. Conduits, cables; gas, sewer, storm drain, and water mains--all located underground. d. Railroad."*

15. *It is assumed that this entry, set forth here as enacted by Bill No. 85, 1967 is an inadvertent abridgement of the following entry, enacted by Bill No. 61, 1967: "Wireless transmitting and receiving structure, except as a minor accessory use or structure (which is permitted without a special exception) provided that, for the purposes of this subsection, no exterior antenna greater than 50 feet above grade level shall be considered as an accessory use or structure."*

Section 409—OFFSTREET PARKING AND LOADING (see Section 409.5) [B.C.Z.R., 1955.]

409.1—Parking and Loading Spaces—There shall be provided, at the time of application for a building permit for the erection or enlargement of any building for which offstreet parking and/or loading space is hereinafter required, other than a dwelling, a plan showing such parking and loading spaces, including the means of access and interior circulation both from the standpoint of the project itself and in relation to its surroundings. [B.C.Z.R., 1955.]

409.2—Parking space—Each offstreet parking space shall be not less than 8½ ft. wide by 18 ft. long, and there shall be not less than 300 sq. ft. per space in the case of lot or garage parking where there is no attendant, and not less than 250 sq. ft. where there is an attendant, such square foot figures to include access aisles. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

a. Parking space for dwellings, including apartment houses—In all Zones, except as hereinafter modified, there shall be provided at least one garage or accessible and useable offstreet parking space for each dwelling unit. In all zones, in the case of a lodging, rooming or boarding house, fraternity or sorority house or dormitory, there shall be one offstreet parking space for each 5 guests or members residing on the premises, but not less than 2 parking spaces in any case. In the case of a hotel or apartment hotel, there shall be one such parking space for each guest room or suite. In the case of a motel, there shall be at least one parking space for each rental unit. Parking space as required above shall be provided on the same lot with the building which it serves or within 300 feet thereof (see Section 217.6[1]). [B.C.Z.R., 1955.]

b. Parking space for buildings other than dwellings—In all zones, permanently maintained offstreet parking spaces shall be provided as follows: [B.C.Z.R., 1955.]

USE	PARKING SPACES
(1) High school, college, or university auditorium; theatre, church, general auditorium, stadium or similar place of assembly	1 for each 6 seats [B.C.Z.R., 1955.]
(2) Hospital, Class A[2]	1 for each 4 beds [B.C.Z.R., 1955.]

1. *Subsection 217.6 (B.C.Z.R., 1955), part of the area regulations of the now-rescinded R.A. zoning classification, repealed by Bill No. 100, 1970; it read: "Offstreet Parking (see Section 409)—Not more than 50% of any yard area may be used for parking."*
2. *See note 1, Section 407.*

Hospital, Class B[3] and convalescent home	1 for each 10 beds [B.C.Z.R., 1955.]
(3) Dance hall, night club, restaurant or[4] . . .	1 for each 50 square feet of total floor area [B.C.Z.R., 1955; Resolution, November 21, 1956.]
(3-a) Bowling Alley	three per individual alley [B.C.Z.R., 1955; Resolution, November 21, 1956.]
(4) Medical or dental offices and clinics	1 for each 300 square feet of total floor area [B.C.Z.R., 1955.]
(5) Other institutional, office, and nonretail commercial buildings (excluding garage structures) having a total floor area of more than 5,000 square feet.	1 for each 300 square feet of total ground floor area and 1 for each 500 square feet of total area of upper floors [B.C.Z.R., 1955.]
(6) Buildings devoted to retail trade	1 for each 200 square feet of total floor area [B.C. Z.R., 1955.]
(7) Industry, wholesale or warehouse type of commercial use	1 for each 3 employees in the numerically largest shift, except that the Zoning Commissioner may reduce the number of spaces required where employment conditions are such as to make the above requirements clearly excessive. [B.C.Z.R., 1955.]

Parking space as required above shall be either on the same lot with the principal use to which it is accessory or within 500 feet of the building it is intended to serve. [B.C.Z.R., 1955.]

3. *See note 1, Section 407.*
4. *Thus as result of amendment by Resolution, November 21, 1956.*

c. Requirements for all parking spaces or parking lots—All offstreet parking facilities shall be either contained within buildings or subject to the following requirements: [B.C.Z.R., 1955.]

(1) Screening—Offstreet parking facilities for more than five vehicles shall be screened by a wall, fence, or compact planting when adjoining or facing the side or rear lot line of residential or institutional premises or when they are across the street from such premises. Screening shall be at least 4 feet high. Planting shall not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility. [B.C.Z.R., 1955.]

(2) Surface—Any parking or storage space for more than 5 vehicles shall provide[5] a durable and dustless surface, and shall be properly drained. [B.C.Z.R., 1955.]

(3) Lighting—Any fixture used to illuminate any offstreet parking area shall be so arranged as to reflect the light away from residential lots. [B.C.Z.R., 1955.]

(4) No parking space shall be closer than eight feet to a street property line. [B.C.Z.R., 1955.]

d. Modification of Parking-Space Requirements in C.C.C. Districts or Town Centers. The Planning Board may adopt, and from time to time revise, parking-space standards for C.C.C. districts or town centers, which standards differ from the parking-space requirements otherwise applicable under these Zoning Regulations; but the provisions of the Zoning Regulations shall control unless and until the Zoning Commissioner, upon petition and after public hearing, orders that the Planning Board's standards may be applied to the subject property of the petition. [Bills No. 111, 1968; No. 100, 1970.]

In formulating such parking-space standards, the Planning Board shall consider: any relevant surveys and studies submitted by the Baltimore County Department of Traffic Engineering; projections of transit usage; any probability of lessened parking demand as a result of integrally housed business establishments with different (complementary) peak hours; trends with respect to patterns of car ownership or usage within the areas of concern; probability of assisted ("attendant") parking,[6] nearby parking facilities developed by the Baltimore County Revenue Authority; and other pertinent factors under which recommended decreases in parking requirements may be effected. [Bills No. 111, 1968; No. 100, 1970.]

5. *Thus in B.C.Z.R., 1955.*
6. *Thus (comma) in Bill No. 100, 1970.*

409.3—Loading Space—On the same premises with every building or part thereof, hereafter erected, having a total floor area of at least 10,000 square feet, occupied for manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, elevator apartment building, hospital, mortuary, laundry, dry cleaning, or other uses which similarly involve deliveries or shipments of materials or merchandise by truck, there shall be provided and maintained at least one offstreet loading space plus one additional such loading space for each 50,000 square feet of total floor area so used in excess of 10,000 square feet. Each offstreet loading space shall be not less than 10 feet wide, 25 feet long, and 14 feet high. Where buildings are so located on the lot that loading facilities are provided within the premises so that no part of a loading or unloading vehicle projects into or across any publicly-used street, alley, or sidewalk, the Zoning Commissioner may reduce the number of loading spaces required under this paragraph. [B.C.Z.R., 1955.]

409.4—Business or Industrial Parking in Residence Zones—Upon application the Zoning Commissioner may issue a sue[7] permit for the use of land in a residential zone for parking areas to meet the requirements of the foregoing schedule, subject to the following conditions. If granted, such use permit shall be conditioned as follows, in lieu of the provisions in Section 409.2 (c): [B.C.Z.R., 1955; Resolution, November 21, 1956.]

A. The land so used must adjoin or be across an alley or street from the business or industry involved. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

b. Only passenger vehicles, excluding busses, may use the parking area. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

c. No loading, service, or any use other than parking shall be permitted. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

d. Lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity, as required. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

e. Screening by a wall, fence, planting and/or otherwise hallf[8] be required as deemed advisable by the Office of Planning.[9] [B.C.Z.R., 1955; Resolution, November 21, 1956.]

f. A paved surface, properly drained, shall be required. [B.C.Z.R., 1955, Paragraph 409.4.e; Resolution, November 21, 1956.]

g. A satisfactory plan showing parking arrangement and vehicular access must be provided. [Resolution, November 21, 1956.]

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7. *Thus in Resolution, November 21, 1956.*
8. *Thus in Resolution, November 21, 1956.*
9. *Superseded by Office of Planning and Zoning--see note 1, Section 102.*

BALTIMORE COUNTY ZONING REGULATIONS

1987 EDITION

PETITIONER'S

EXHIBIT NO. 12

409.5 Number of Small Car Spaces

A. In off-street parking facilities where more than 50 parking spaces are provided, small car spaces shall be permitted as specified below.

1. In facilities serving office or industrial uses: up to 40 percent of the number of spaces required for such uses.

2. In parking structures serving residential or lodging uses: up to 40 percent of the number of spaces required for such uses. In surface parking facilities serving residential or lodging uses: no small car spaces permitted.

B. Notwithstanding the provisions of paragraph 409.5.A., for any non-residential development, all parking spaces provided which exceed the requirements of Section 409.6 may be small car spaces at the discretion of the developer.

409.6 Required Number of Parking Spaces

A. General Requirements - The standards set forth below shall apply in all zones unless otherwise noted. Where the required number of off-street parking spaces is not set forth for a particular type of use, the director of zoning administration and development management shall determine the basis of the number of spaces to be provided. When the number of spaces calculated in accordance with this subsection results in a number containing a fraction, the required number of spaces shall be the next highest whole number. {Bill 124, 1993.}

1. Residential and Lodging Uses

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Boarding or Rooming House	1 per tenant bed plus 2 if owner resides on property {Bill No. 124, 1993.}
Dormitory	1 per 4 beds
Elderly Housing Facilities	For housing for the elderly, Class A, at least 1 usable offstreet parking space shall be provided for each 2 dwell ing units in a town center or for each 1 1/2 dwelling units elsewhere.

3. Industrial Uses

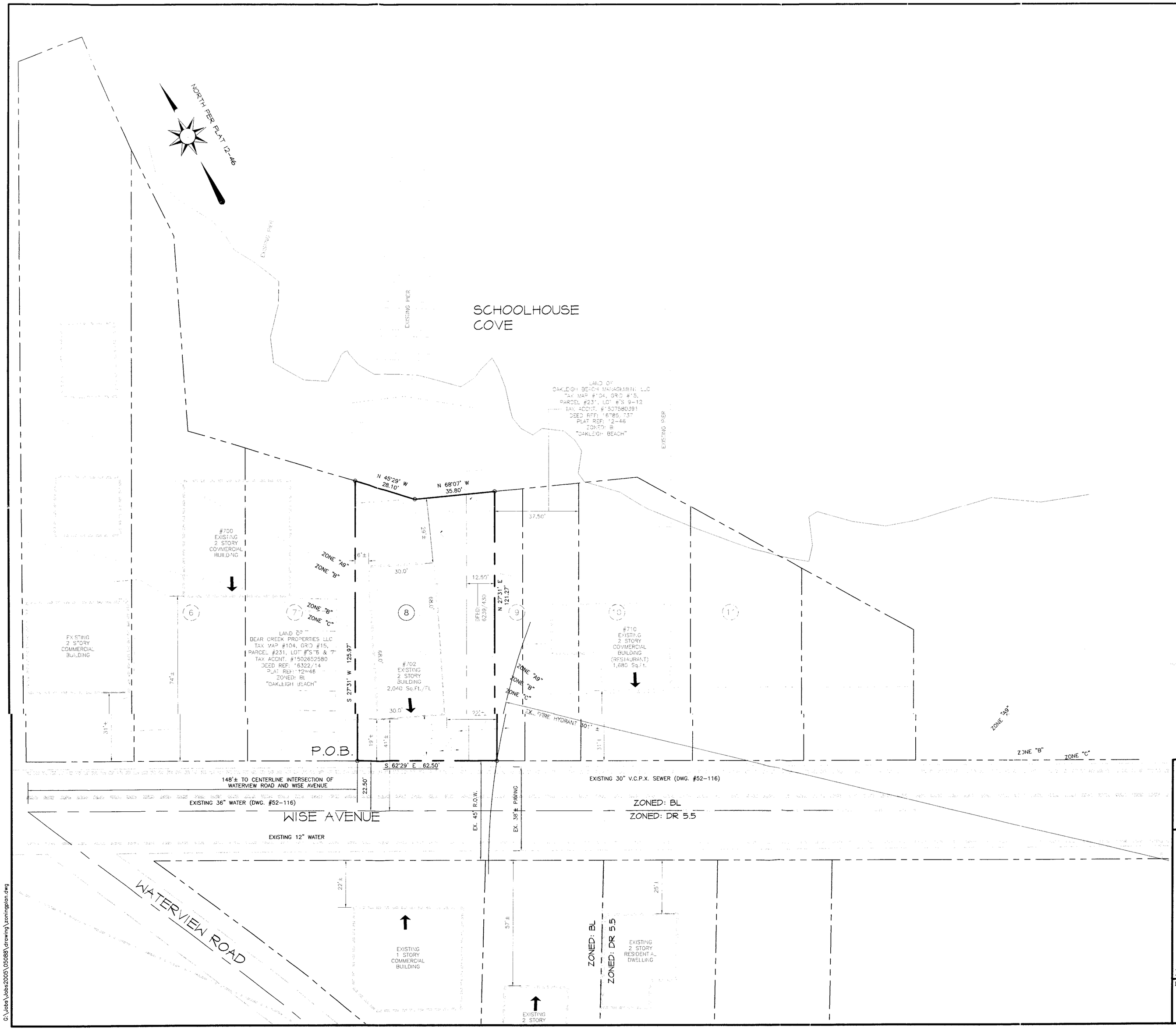
Type of Use	Minimum Number of Required Off-Street Parking Spaces
Manufacturing Wholesale, or Warehouse	1 per employee on the largest shift
Research Institute or Laboratory	2.5 per 1,000 square feet of gross floor area
Trucking Facility, Class I	5, plus 1 per 2 employees in the largest shift
Trucking Facility, Class II	1 per 2 employees in the largest shift, or 1 per 3,000 square feet of total area devoted to parking of truck tractors, truck trailers, or tractor-trailers (not including truck maneuvering area or loading area), but in no case less than 10

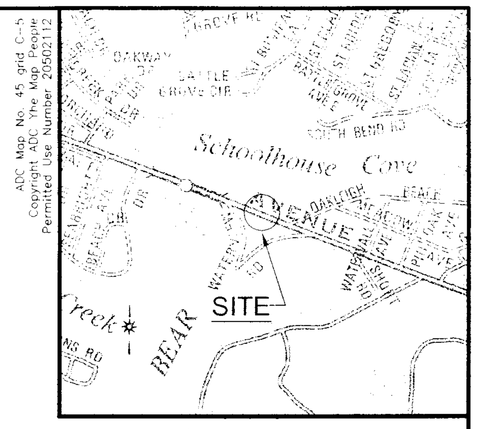
4. Recreational and Institutional Uses

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Athletic Club, Health Spa	10 per 1,000 square feet of gross floor area, excluding any area devoted to tennis/ racquetball courts or other similar courts in which case there shall be 3 per court
Bowling Alley	4 per lane
Church, House of Worship or Religious Assembly	1 per 4 seats in the principal place of worship, except that the zoning commissioner may reduce, by no more than 33 percent, the number of spaces required if the use is located within 500 feet of any parking facility where sufficient spaces are available by permission of the owner(s) without charge during the time of services to make up the additional spaces required

Funeral Home, Mortuary	10 per 1,000 square feet of floor space available for use by the public, plus 1 per 2 employees, plus 1 per each vehicle used in connection with the business
Golf Driving Range, Miniature Golf	1.5 per tee
Golf Course	8 per hole
Group Child Care Center or Nursery School	1 per employee on the largest shift, but in no case less than 2
Hospital	1.5 per bed, except for separate standing hospital-related facilities in which case the minimum requirement shall be the number of spaces otherwise required for such facilities
Marina or boatyard	1 per two slips or boat storage spaces in an out-of-water storage facility unless the owner can certify that the out-of-water storage space is used only for the winter storage or repair of boats moored in the water {Bill No. 149, 1992.}
Nursing Home	1 per 3 beds
Pool Hall, Arcade	4 per 1,000 square feet of gross floor area
Schools:	
Elementary or Middle School	1 per employee, plus visitor spaces as determined by the zoning commissioner
High School	1 per employee, plus visitor spaces and student parking as determined by the zoning commissioner
College, University, Business, Trade or Technical School	1 per employee, plus visitor spaces and student parking as determined by the zoning commissioner

REV 8/93





LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

1. OWNER: CHARLES & CHARLES GAILAN GREASON
   #419 BROWNELL ROAD
   BALTIMORE, MARYLAND 21220-3011
2. SITE AREA:
   GROSS: 8,939 Sq.Ft. or 0.205 Ac.±
   NET: 7,533 Sq.Ft. or 0.173 Ac.±
3. EXISTING BUILDINGS: 2,040 Sq.Ft. / FLOOR
4. PROPOSED BUILDING: NO CHANGE PROPOSED
5. UTILITIES
   WATER: PUBLIC SEWER: PUBLIC
6. SITE LIES WITHIN ZONES A9 & C OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #240010 0440 C.
   ZONE A1-A30 ARE AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED.
   ZONE C IS AREAS OF MINIMAL FLOODING.
7. PARKING REQUIRED:
   0.5 PER BOAT SLIP (26 BOAT SLIPS) = 13 SPACES
   450 Sq.Ft. OFFICE @ 3.3 PER 1000 Sq.Ft. = 2 SPACES
   6 APPARTMENTS = 6 SPACES
   TOTAL REQUIRED: 21 SPACES
8. PARKING PROVIDED: 14 SPACES.
9. SETBACKS:

	REQUIRED	PROVIDED
FRONT	10'	29'
SIDE	NONE	6'
REAR	NONE	19'

10. DEED REF: 3415/28 & 6239/430
11. ELECTION DISTRICT: 15TH
12. TAX ACCOUNT #1507582160 & #1507582170
13. COUNCILMANIC DISTRICT 7th
14. REGIONAL PLANNING DISTRICT 330
15. CENSUS TRACT 4525
16. WATERSHED: BALTIMORE HARBOR
17. ZONING: BL
    (PER 1"=200' ZONING MAP 104A2)
18. TAX MAP #104 PARCEL #231 LOT #8 & PART OF LOT #9
19. FLOOR AREA RATIO:
    MAX PERMITTED: 3.0
    F.A.R. PROVIDED: 4,080 ÷ 8,939 = 0.456
20. PREVIOUS CASE #5555-X-SHP GRANTED ON 5-28-1962
    (FOR LIVING QUARTERS IN A COMMERCIAL BUILDING)
21. PERMIT #11435 FOR BULKHEAD AND PIER & MD PORT AUTHORITY
    PERMIT #93 FOR PIER.
22. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
23. USES:
    EXISTING: BOATYARD, OFFICE & 5 APPARTMENTS
    PROPOSED: BOATYARD, OFFICE & 5 APPARTMENTS (NO CHANGE)

BL
DR 5.5 DENOTES ZONING LINE

DENOTES THE FRONT FACE OF THE STRUCTURE

STATE OF MARYLAND
PAUL C. RICHARDSON
No. 19529
REGISTERED
PROFESSIONAL ENGINEER
9/27/05

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030
Phone: 410-560-1502 Fax: 410-560-0827

PLAT TO ACCOMPANY PETITION FOR ZONING HEARING

GREASON PROPERTY

702 WISE AVENUE
"OAKLEIGH BEACH"

TAX MAP 104. GRID 15, PARCEL 231,
LOT 8 & PART OF LOT 9, PLAT 12-46

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS

PETITIONER'S EXHIBIT NO. 1

DRAWN BY:	DESIGNED BY:	SCALE:
CND	PCR	1" = 20'
DATE:	JOB NO.:	SHEET NO.:
09-27-05	05088	1 OF 1

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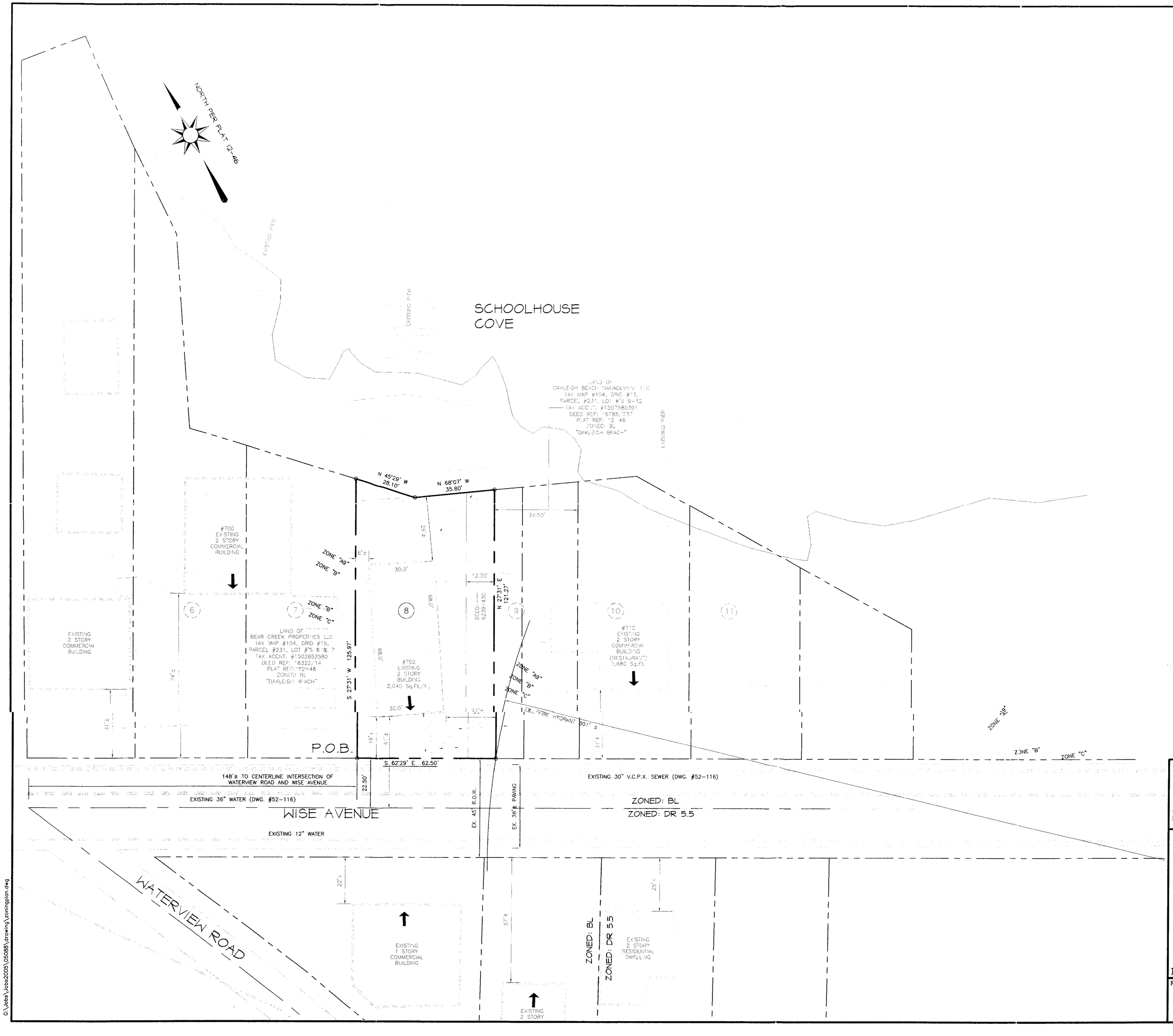

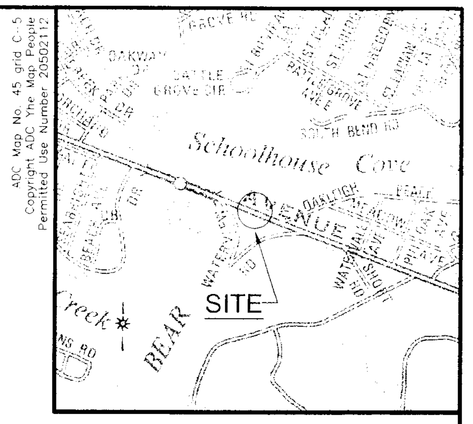

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10. DEED REF: 3415/28 & 6239/430
11. ELECTION DISTRICT: 15TH
12. TAX ACCOUNT #1507582160 & #1507582170
13. COUNCILMANIC DISTRICT 7th
14. REGIONAL PLANNING DISTRICT 330
15. CENSUS TRACT 4525
16. WATERSHED: BALTIMORE HARBOR
17. ZONING: BL
    (PER 1"=200' ZONING MAP 104A2)
18. TAX MAP #104 PARCEL #231 LOT #8 & PART OF LOT #9
19. FLOOR AREA RATIO:
    MAX PERMITTED: 3.0
    F.A.R. PROVIDED: 4,080 ÷ 8,939 = 0.456
20. PREVIOUS CASE #5555-X-SHP GRANTED ON 5-28-1962
    (FOR LIVING QUARTERS IN A COMMERCIAL BUILDING)
21. PERMIT #11435 FOR BULKHEAD AND PIER & MD PORT AUTHORITY
    PERMIT #93 FOR PIER.
22. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
23. USES:
    EXISTING: BOATYARD, OFFICE & 5 APPARTMENTS
    PROPOSED: BOATYARD, OFFICE & 5 APPARTMENTS (NO CHANGE)

BL
DR 5.5 — DENOTES ZONING LINE

← DENOTES THE FRONT FACE OF THE STRUCTURE

STATE OF MARYLAND
PROFESSIONAL ENGINEER
9/27/05

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030
Phone: 410-560-1502 Fax: 410-560-0827

PLAT TO ACCOMPANY PETITION FOR ZONING HEARING

GREASON PROPERTY

702 WISE AVENUE
"OAKLEIGH BEACH"

TAX MAP 104. GRID 15, PARCEL 231,
LOT 8 & PART OF LOT 9, PLAT 12-46

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: CND	DESIGNED BY: PCR	SCALE: 1" = 20'
	DATE: 09-27-05	JOB NO.: 05088	SHEET NO.: 1 OF 1

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