

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE**
SW side of East Riverside Ave; 1,311 feet
NW of Bay Avenue
15th Election District
6th Councilmanic District
(1104 and 1106 East Riverside Avenue)

Mark P. Hanley, Jr., Esquire
- *Legal Owner, Peitioner/Appellant*

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 11-257-XA

* * * * *

OPINION

This matter comes before the Board of Appeals for Baltimore County (the "Board") as an Appeal from Administrative Law Judge's April 15, 2011 decision which granted a Petition for Special Exception and granted in part a Petition for Variance for the addresses of 1104 and 1106 East Riverside Drive.

The Petition for Special Exception was requested pursuant to Section 230.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow living quarters in a commercial building. The Petition for Variance was requested as follows:

1106 E. Riverside Avenue:

1. To allow a width of the lot at the front building face of 65 feet in lieu of the 90 feet as required in Section 402.1B of the B.C.Z.R.
2. To allow a side yard setback of 10 feet in lieu of the 15 feet as required in Section 232.2B of the B.C.Z.R.

1104 and 1106 E. Riverside Avenue:

1. To allow 25 parking spaces in lieu of the required 42 spaces for tavern and apartments uses required in Section 409.6A.2 of the B.C.Z.R.
2. To be exempted from the requirement to provide screening and landscaping for

the existing parking area as required in Sections 409.8.A.1 of the B.C.Z.R.

3. To be exempted from the requirement to provide a durable and dustless surface for the existing gravel parking area as required in Sections 409.8.A.2 of the B.C.Z.R.

4. To allow the existing parking spaces to be 0 feet from the right-of-way line of a public street in lieu of the 10 feet as required in Section 409.8.A.4 of the B.C.Z.R.

BACKGROUND

The subject property consists of two adjacent lots located in the eastern part of Baltimore County and adjoins the Back Neck River. The subject property is located next to a boat yard and contains a pier from the property on to the Back Neck River.

This matter came before the Administrative Judge as the result of a complaint filed by the County Code Enforcement and Permits, Approval and Inspections Department which issued a Code Correction Notice to the Petitioner on October 21, 2010, alleging that building alterations and additions were performed on the subject property without the required permits. The Administrative Law Judge held a hearing, took testimony and received comments from the relevant County agencies concerning this matter.

The Administrative Law Judge granted the Request for Special Exception to allow living quarters in a commercial building. The Petition for Variance for 1106 E. Riverside Avenue was granted to allow a width of the front face of the building of 65 feet in lieu of the required 90 feet and to allow a side yard setback of 10 feet in lieu of the required 15 feet. The Petition for Variance for 1104 and 1106 E. Riverside Avenue was denied as to the request to allow 25 parking spaces in lieu of the required 42 spaces and likewise denied as to the request not to be

required to provide screening and landscaping for the existing parking area. The request not to be required to provide a durable and dustless surface for the existing gravel parking area was also denied. The Administrative Law Judge granted the request to allow the existing parking spaces to be 0 feet from the right-of-way line of a public street in lieu of the required 10 feet.

As to the requested Variances the Administrative Law Judge based his decisions upon his determination that the subject property was “unique” and that to comply with the present zoning regulations would present a “practical difficulty” to the landowner.

Thereafter, a Motion for Reconsideration was filed by the Petitioner and same was denied by the Administrative Law Judge.

THE HEARING

The Board conducted a *de novo* hearing at which the Petitioner/Appellant Mark Hanley, Esquire appeared in proper person. The Office of People’s Counsel was represented by Peter Max Zimmerman, Esquire.

Testimony was received from Petitioner/Appellant's expert Bruce E. Doak, of Gerhold, Cross & Etzel, LTD, Registered Professional Land Surveyors, who was accepted as such by the Board. Testimony was also received from Ms. Regina Esslinger of the Baltimore County Department of Environmental Protection and Sustainability, as well as from Mr. Joseph Taylor, who owns a parcel of land adjacent to the subject property located at 1100 E. Riverside Avenue.

Mr. Doak testified that he prepared the plans submitted to the County on behalf of the Petitioner/Appellant. According to Mr. Doak, the Petitioner/Appellant’s proposal for this site is to raze the building located at 1104 E. Riverside Avenue and to replace it with a three story residence, using the existing foot print of the building.

The Special Exception request is for the 1106 E. Riverside Avenue address and requests

authority to create two apartment units in the commercial building, which contains a tavern that is an on-going business. The Petitioner/Appellant initially requested leave to have 25 parking spaces in lieu of the 42 spaces required under the existing regulation. At the hearing, Mr. Doak presented the Board with a revised plan which proposed 30 parking spaces in lieu of the 42 parking spaces as required. Mr. Doak went on to testify that the buildings located on the subject property were in their present configuration prior to the enactment of the Baltimore County Zoning Regulations.

Ms. Regina Esslinger testified on behalf of the Baltimore County Department of Environmental Protection and Sustainability. She stated that the subject property is located within the Chesapeake Bay Critical Area and that while new construction in this area would require an impervious surface for the existing parking lot, it was her conclusion that the present surface of the parking lot was "grandfather in" pursuant to Section 103.5 of the zoning regulations.

Mr. Joseph Taylor of 1100 E. Riverside Avenue testified that he owns the Marina adjacent to the subject property. Mr. Taylor expressed his concerns relative to the traffic and overflow of parked cars in the area as the result of the tavern business located at 1106 E. Riverside Avenue.

DISCUSSION

The threshold issue in this matter is whether the Petitioner/Appellant must demonstrate that he has met the test for entitlement to a Variance as established in the Cromwell v. Ward, [102 Md.App. 691, 651 A.2d 424 (1995)]. The Board, after a review of the evidence and testimony presented to it, determined that this property is not subject to the requirements established in the Cromwell case, to the extent that the uses of the property predate the March 30, 1955 enactment

of the Baltimore County Zoning Regulations. (B.C.Z.R.). The evidence indicated that the buildings at 1106 E. Riverside Avenue and 1104 E. Riverside Avenue have been in use in their present configurations since prior to 1955. Accordingly the Board concludes that the property uses have been "grandfathered in" and therefore the proposed reconstruction of 1104 E. Riverside Avenue and renovation of 1106 E. Riverside Avenue by the addition of two apartments within the building do not require compliance with the standard variance requirements as established in the Cromwell case.

The Variances will be granted for the subject property subject to the approval of the Building and Permits Department of the County with the provisions contained in the order herein.

The Board likewise finds that a Special Exception is not required based upon the same concept of this property use having been "grandfathered in".

The Board has determined that it will grant the requested set-back of for the front and side yards of the property. The Board will approve a Variance to allow 30 parking spaces in lieu of the 42 parking spaces as presented to the Board at the hearing herein. The Petitioner's request that he not be required to install a durable and dustless surface for the existing gravel parking lot will be denied. Instead the Board will require that the Petitioner install a striped macadam surface with curb stops for each parking space.

The Petitioner also sought to be exempt from the requirement that landscaping and screening be provided for the parking area. The Board will reject this request with direction that the Petitioner/Appellant shall meet with the County Architect to determine the appropriate type of screening and landscaping required pursuant to the revised plan submitted by the Petitioner/Appellant at the hearing.

ORDER

THEREFORE, IT IS THIS 3rd day of May, 2012, by the Board of Appeals of Baltimore County,

ORDERED that Petitioner/Appellant's request for Special Exception from Section 230.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow for the renovation of the commercial property to contain two (2) apartment living quarters in a commercial building be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner/Appellant's Variance requests for 1106 East Riverside Avenue as follows:

- 1) From Section 402.1.B of the B.C.Z.R. to allow a width of the lot at the front building face of 65 feet in lieu of the required 90 feet; and
- 2) From Section 232.2.B of the B.C.Z.R. to allow a side yard setback of 10 feet in lieu of the required 15 feet

be and hereby are **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner/Appellant's Variance requests for 1104 and 1106 East Riverside Avenue as follows:

- 1) From Section 409.6.A.2 of the B.C.Z.R. to allow 30 parking spaces in lieu of the required 42 spaces for tavern and apartment uses be and hereby is **GRANTED**; provide a striped macadam surface with curb stops for each parking space; and
- 2) From Section 409.8.A.1 of the B.C.Z.R. not to be required to provide screening and landscaping for the existing parking area be

and hereby is **ORDERED** that the Petitioner shall meet with the County Architect and seek recommendations and approval of the landscaping and fencing requirement for this property; and

3) From Section 409.8.A.4 of the B.C.Z.R. to allow the existing parking spaces to be 0 feet from the right-of-way line of a public street in lieu of the required 10 feet, be and is hereby **GRANTED**;

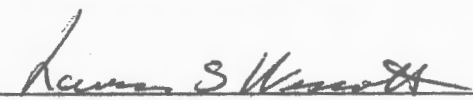
and it is further

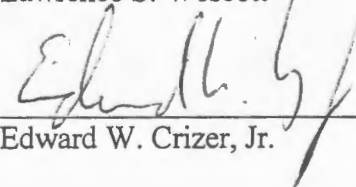
ORDERED that, for the address of 1104 E. Riverside Avenue that a Variance shall be **GRANTED** to allow the reconstruction of the building not to exceed the present building foot-print and subject to all other applicable County regulations.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Wendell H. Grier, Chairman


Lawrence S. Wescott


Edward W. Crizer, Jr.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 3, 2012

Mark Hanley, Esquire
117 Lake Front Drive
Cockeysville, MD 21030

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Mark Hanley – Legal Owner*
Case No.: 11-257-XA

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Bruce E. Doak/Gerhold, Cross & Etzel, Ltd
Joe and Lisa Taylor/Marina Holding, LLC
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Claude Profili, Code Enforcement Inspector
Lionel VanDommelen, Chief of Code Enforcement
Nancy C. West, Assistant County Attorney
Michael E. Field, County Attorney

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE**

SW side of East Riverside Ave; 1,311 feet
NW of Bay Avenue
15th Election District
6th Councilmanic District
(1104 and 1106 East Riverside Avenue)

Mark P. Hanley, Jr., Esquire
Legal Owner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

* Case No. 2011-0257-XA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Petitioner in the above-captioned matter has filed a Motion for Reconsideration concerning the variance sought for the durable and dustless surface on the parking lot at the above location.

Petitioner's Motion for Reconsideration is defective in the following respects:

1. There is no indication that the Petitioner has served a copy of the Motion for Reconsideration upon People's Counsel or neighboring owners Joe and Lisa Taylor, both of whom attended the hearing and expressed concerns regarding the project; and
2. In the April 15, 2011, Opinion and Order issued in the above-captioned matter, Petitioner was invited to file a Motion for Reconsideration if he could "present evidence from either State or County environmental authorities that the macadam parking lot would have a deleterious effect on the Chesapeake Bay beyond that caused by the existing parking lot conditions." At the very least, such "evidence" would consist of a letter or other correspondence on governmental letterhead expressing such an opinion, and Petitioner has not done so.

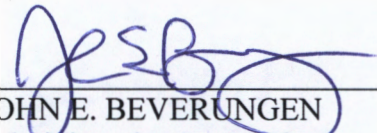
ORDER RECEIVED FOR FILING

Date 5-13-11

By PJ

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County
this 13 day of May, 2011 that Petitioner's Motion for Reconsideration be and is hereby
DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

ORDER RECEIVED FOR FILING

Date 5-13-11

By 

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE**
1104 AND 1106 East Riverside Avenue

Mark P. Hanley, Jr., Esquire
Legal Owner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE
HEARINGS
*
FOR BALTIMORE
COUNTY
*
Case No. 2011-0257-XA

* * * * *

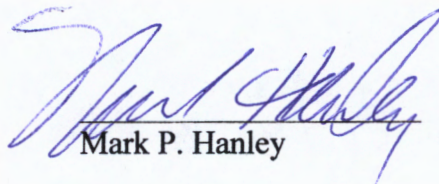
MOTION FOR RECONSIDERATION

Petitioner requests reconsideration of the above Opinion and Order
and for reasons states:

Subsequent to the hearing in this matter, Petitioner and Mr. Doak visited
DEPRUM office and was advised that they would not allow durable
and dustless surface (B.C.Z.R. section 409.8A2) on this project.

Petitioner respectfully requests reconsideration of the Opinion and Order
so that it reflects the above DEPRUM decision.

Respectfully Submitted,


Mark P. Hanley

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MAY 12 2011

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 15, 2011

MARK P. HANLEY, JR., ESQUIRE
117 LAKE FRONT DRIVE
COCKEYSVILLE MD 21030

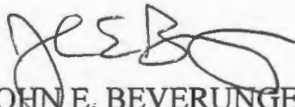
Re: Petition for Special Exception and Variance
Case No. 2011-0257-A
Property: 1104 and 1106 East Riverside Avenue

Dear Mr. Hanley:

Enclosed please find the decision rendered in the above-captioned case.

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

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County...

JEB:pz

Enclosure



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 13, 2011

MARK P. HANLEY, JR., ESQUIRE
117 LAKE FRONT DRIVE
COCKEYSVILLE MD 21030

Re: Petition for Special Exception and Variance
Order on Motion for Reconsideration
Case No. 2011-0257-A
Property: 1104 and 1106 East Riverside Avenue

Dear Mr. Hanley:

Enclosed please find the decision rendered in the above-captioned case.

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: Joe and Lisa Taylor, Marina Holding LLC, 1100 East Riverside Avenue, Essex MD 21221

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE**

SW side of East Riverside Ave; 1,311 feet
NW of Bay Avenue
15th Election District
6th Councilmanic District
(1104 and 1106 East Riverside Avenue)

Mark P. Hanley, Jr., Esquire
Legal Owner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

* **Case No. 2011-0257-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Exception and Variance filed by Mark P. Hanley, Jr., Esquire, the legal owner of the subject property. The Special Exception request is from Section 230.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow living quarters in a commercial building. The Variance requests are as follows:

1106 East Riverside Avenue as follows:

- From Section 402.1.B of the B.C.Z.R. to allow a width of the lot at the front building face of 65 feet in lieu of the required 90 feet; and
- From Section 232.2.B of the B.C.Z.R. to allow a side yard setback of 10 feet in lieu of the required 15 feet.

1104 and 1106 East Rivside Avenue as follows:

- From Section 409.6.A.2 of the B.C.Z.R. to allow 25 parking spaces in lieu of the required 42 spaces for tavern and apartment uses; and
- From Section 409.8.A.1 of the B.C.Z.R. not to be required to provide screening and landscaping for the existing parking area; and
- From Section 409.8.A.2 of the B.C.Z.R. not to be required to provide durable and dustless

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surface for the existing gravel parking area; and

- From Section 409.8.A.4 of the B.C.Z.R. to allow the existing parking spaces to be 0 feet from the right-of-way line of a public street in lieu of the required 10 feet.

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

It should be noted that this matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits, Approvals and Inspections¹. A Code Inspections and Enforcement Correction Notice was issued to Petitioner on October 21, 2010, alleging building additions and alterations without the required permits. Hence, Petitioner filed for special exception and variance relief to "legitimize" the proposed construction activities at the site.

Appearing at the public hearing in support of the Special Exception and Variance requests were Petitioner Mark P. Hanley, Jr., Esquire, and Bruce Doak, the surveyor who prepared the site plan. Also in attendance were neighboring owners Joe and Lisa Taylor, who had significant concerns regarding the project.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Bureau of Development Plans Review dated March 22, 2011, which indicate that the property line for Lot 79 does not close. On 2010 Google Earth photographs, the parking lot is rutted with potholes and a dumpster lies within the residential use area. That Bureau advised the lot should be paved with a durable and dustless material with the dumpster located on it. Mr. Kennedy also offered the following comments: along the East Riverside Avenue frontage, a future 5 feet wide highway widening should be shown with parking spaces removed from it and be set back 10 feet from the future right-of-way line. This will reduce

¹ Case No: CO-0086016

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By [Signature]

the amount of parking spaces by 4, but will allow for landscape screening between the parking lot and the street. The parking lot entrance and parking spaces should be defined with striping. Parking space number 1 does not have an adequate area for backing out and should be removed. In total, the parking variance requested should be reduced to 20. Since there is space between the parking area and the adjacent property to the south, that Office sees no reason why screening should not be required.

Testimony and evidence revealed that the property is an irregular rectangle shape and consists of 1104 (Lot 79) and 1106 (Lot 78) East Riverside Avenue. 1104 East Riverside Avenue is improved with an existing one story wood frame and masonry building used as a tavern and an existing two story wood frame building which is partially razed and which Petitioner seeks to remodel to contain two apartments. 1106 East Riverside Avenue is improved with an existing one story stucco building containing two apartments. There is a gravel parking lot containing 25 parking spaces that spans both lots. The subject property adjoins the Back River and is in the Chesapeake Bay Critical Area (CBCA). The properties are zoned BL and BMR.

The evidence revealed that tenants lived for many years in the apartment which was partially razed, but that the building has been vacant for at least a year. Under Maryland law, special exception uses are presumptively valid, provided that they do not cause negative effects to the surrounding area and the health and welfare of the neighborhood in which they are situated. In this case, there was no evidence presented that the creation of two living quarters, with perhaps four or so residents, would have a deleterious effect on neighborhood conditions or would cause overcrowding or congestion on the roads or land in the area. As such, I will grant Petitioner's special exception request to allow living quarters in a commercial building, and of course the

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By [Signature]

Petitioner will need to satisfy all Baltimore County building code and other requirements prior to being issued permits for the construction.

With respect to the variances requested for 1106 East Riverside Avenue, I find that the property in question is unique, and that the Petitioner would face practical difficulties if forced to comply with the strict letter of the Zoning Code. Petitioner seeks variance relief to allow a lot width of 65 feet in lieu of the required 90 feet, and a side yard setback of 10 feet in lieu of the required 15 feet. As the Petitioner explained at the hearing, the structure at 1106 East Riverside Avenue has existed for many years and these are conditions that have existed "on the ground," and the variance relief will legitimize or validate the existing site conditions. As with many parcels in the Back River Neck area, 1106 East Riverside Avenue is of an irregular shape, and if zoning relief were not granted, the Petitioner would be forced to expend considerable sums of money to bring his property into compliance with the B.C.Z.R.

The next set of variance requests pertain to both 1104 and 1106 East Riverside Avenue, and concern the parking spaces provided on the northeast portion of the site. Initially, Petitioner sought under B.C.Z.R. §409.8.A.1 to be excused from the requirement of providing landscaping and screening for the existing parking area. As discussed at the hearing, neighboring owners are very much in favor of and desire landscaping and screening for this area, and Petitioner indicated that it was amenable to that request. As such, I will deny the variance under B.C.Z.R. 409.8.A.1, and Petitioner will be responsible for providing landscaping and screening satisfactory to Baltimore County and its landscape architect, Avery Harden.

The next variance sought by Petitioner is under B.C.Z.R. §409.6.A.2, to allow 25 parking spaces in lieu of the required 42 spaces for the tavern and apartment uses. At the hearing, neighboring owners Joe and Lisa Taylor, who operate a marina immediately adjacent to the

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By [Signature]

Petitioner, testified that the parking at this site is extremely problematic, and on busy evenings and weekends, cars are strewn about East Riverside Avenue, and on occasion block the entrance to their marina. In addition, Mrs. Taylor testified that they frequently find beer bottles and other debris thrown onto their property from the adjoining tavern. In these circumstances, I do not believe the grant of variance would be in the public interest, given that the Petitioner seeks an approximate 40% reduction in the number of required spaces, and it would certainly seem as if this would exacerbate an already bad parking situation on site. By the same token, I am inclined to grant the variance relief sought under B.C.Z.R. §409.8.A.4, to allow a zero feet setback from the public road for the parking spaces in lieu of the required 10 feet. As noted above, parking in this area is already at a premium, and to enforce the 10 foot setback requirement will eliminate 2 or more additional spaces, which will only serve to aggravate the problem. As mentioned earlier, this parcel is irregularly shaped and constrained by existing site conditions, and Petitioner would experience a practical difficulty if the variance relief were not granted for the parking setbacks, given that it would simply frustrate its ability to comply with the parking requirements under the B.C.Z.R.

That leaves only the request for variance relief under B.C.Z.R. §409.8.A.2, to be excused from providing a durable and dustless parking surface, allowing the existing gravel parking area to remain. On this point, Mr. and Mrs. Taylor submitted photographs which are part of the case file, which clearly demonstrate that the parking lot is rutted and filled with potholes, and also the apron where the lot adjoins East Riverside Avenue is heavily eroded and crisscrossed with vehicle tracks. While it is true that the site is in the Chesapeake Bay Critical Area, it is also true that the existing lot is deemed impervious, and no evidence was presented to suggest that a macadam surface with properly painted parking stalls would increase water runoff from the site, or in any way harm the Chesapeake Bay beyond the current impacts caused by the existing parking lot surface. As such, I

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By

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do not find that the Petitioner has satisfied the test for variance relief pertaining to the parking lot surface and will therefore deny that request. I will, however, invite the Petitioner to file a Motion for Reconsideration (under Rule 4K), and if he can present evidence from either State or County environmental authorities that the macadam parking lot would have a deleterious effect on the Chesapeake Bay beyond that caused by the existing parking lot conditions, then I will reconsider the request.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 15 day of April, 2011, that Petitioner's request for Special Exception from Section 230.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow living quarters in a commercial building be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Variance requests as follows:

1106 East Riverside Avenue as follows:

- From Section 402.1.B of the B.C.Z.R. to allow a width of the lot at the front building face of 65 feet in lieu of the required 90 feet; and
- From Section 232.2.B of the B.C.Z.R. to allow a side yard setback of 10 feet in lieu of the required 15 feet

be and hereby are GRANTED;

1104 and 1106 East Rivside Avenue as follows:

- From Section 409.6.A.2 of the B.C.Z.R. to allow 25 parking spaces in lieu of the required 42 spaces for tavern and apartment uses be and hereby is DENIED; and
- From Section 409.8.A.1 of the B.C.Z.R. not to be required to provide screening and landscaping for the existing parking area be and hereby is DENIED; and
- From Section 409.8.A.2 of the B.C.Z.R. not to be required to provide durable and dustless

ORDER RECEIVED FOR FILING

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By [Signature]

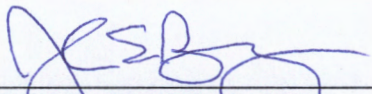
surface for the existing gravel parking area be and is hereby DENIED, subject to the filing of a Motion for Reconsideration as discussed herein; and

- From Section 409.8.A.4 of the B.C.Z.R. to allow the existing parking spaces to be 0 feet from the right-of-way line of a public street in lieu of the required 10 feet, be and is hereby GRANTED.

The granting of the above relief shall be subject, however, to the following condition:

1. Petitioner may apply for any permits required and be granted same upon receipt this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

ORDER RECEIVED FOR FILING

Date 4-15-11

By 



CBCA Flood

Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 1104 & 1106 EAST RIVERSIDE AVENUE

which is presently zoned BL & BMB

Deed Reference: 7886-1174 Tax Account # 15-09-650320

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED PAGE

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

MARK HANLEY (ALSO LEGAL OWNER)
Name - Type or Print

Signature

Company

117 LAKE FRONT DRIVE 410-409-2174
Address Telephone No.

COCKEYSVILLE MO 21030
City State Zip Code

Legal Owner(s):

Mark Hanley
Name - Type or Print

Signature

Name - Type or Print

Signature

117 LAKE FRONT DRIVE 410-409-2174
Address Telephone No.

COCKEYSVILLE MO 21030
City State Zip Code

Representative to be Contacted:

BRUCE E. DOAK
GERHOLD CROSS & ETZEL, LTD.
Name

320 E TOWSONTOWN BLVD. 410-823-4470
Address Telephone No.

TOWSON MO 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JCM Date 2-28-11

Case No. 2011-0257-XA

ORDER RECEIVED FOR FILING

REV 07/27/2007

Date 4-15-11

By J



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 1104 & 1106 EAST RIVERSIDE AVENUE

which is presently zoned BL & BMB

Deed Reference: 7886-1-174 Tax Account # 15-09-650320

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED PAGE

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

SEE ATTACHED PAGE

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

MARK HANLEY (ALSO LEGAL OWNER)
Signature

Company

117 LAKE FRONT DRIVE 410-909-2174
Address Telephone No.

COCKEYSVILLE MO 21030
City State Zip Code

Legal Owner(s):

MARK HANLEY
Name - Type or Print

Signature

Name - Type or Print

Signature

117 LAKE FRONT DRIVE 410-909-2174
Address Telephone No.

COCKEYSVILLE MO 21030
City State Zip Code

Representative to be Contacted:

BRUCE E. DANK
GERHOLD CROSS & ETEFL, LTD.
Name

320 E. TOWSONTOWN BLVD. 410-823-4470
Address Telephone No.

TOWSON MO 21286
City State Zip Code

Case No. 2011-0257-XA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by [Signature] Date 2-28-11

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 4-15-11

By [Signature]

Zoning Petition for #1104 & #1106 East Riverside Avenue

Variances Requested

#1106 East Riverside Avenue

- 1) Section 402.1.B, BCZR.: to allow a width of the lot at the front building face of 65 feet in lieu of the required 90 feet
- 2) Section 232.2B, B.C.Z.R.: to allow a side yard setback of 10 feet in lieu of the required 15 feet for the existing dwelling

#1104 & 1106 East Riverside Avenue

- 1) Section 409.6A2, B.C.Z.R.: to allow 25 parking spaces in lieu of the required 42 spaces for tavern and apartment uses
- 2) Section 409.8A1 B.C.Z.R.: not to be required to provide screening and landscaping for the existing parking area
- 3) Section 409.8A2, B.C.Z.R.: not to be required to provide durable and dustless surface for the existing gravel parking area
- 4) Section 409.8A4, B.C.Z.R.: to allow the existing parking spaces to be 0 feet from the right of way line of a public street in lieu of the requested 10 feet

Hardship and Practical Difficulty:

The two lots, the two buildings and the parking area have been existing prior to the current zoning regulations. The uses in the two buildings have been in place for decades. Our petition for variances is to bring the two properties and the improvements into compliance with the current Baltimore County zoning regulations.

If these variances are not granted, the current uses will need to be discontinued and the properties will lose substantial value as spared use properties.

Special Exception Requested

#1104 East Riverside Avenue

- 1) Section 230.2, BCZR.: to allow living quarters in a commercial building



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

February 23, 2011

ZONING DESCRIPTION Hanley Property

Beginning for the same on the southwest side of East Riverside Avenue, 1,311' +/- northwesterly of Bay Avenue, binding on the west side of East Riverside Avenue 1) North 12 degrees 20 minutes 00 seconds West 43.83 feet, and 2) North 15 degrees 54 minutes 00 seconds West 62.20 feet, thence leaving said road and running 3) North 69 degrees 20 minutes 00 seconds West 260.00 feet to Back River, thence binding on Back River 4) Southeasterly 141 feet +/-, thence leaving Back River and running 5) South 88 degrees 00 minutes 00 seconds East 31.00 feet, 6) South 78 degrees 35 minutes 00 seconds East 150.30 feet and 7) South 74 degrees 50 minutes 00 seconds East 68.00 feet to the place of beginning.

Being part of lots 77 & 78 and all of lot 79 in the subdivision of "Back River Neck Park", as recorded in Baltimore County Plat Book W.P.C. No. 7 folio 4.

Containing 14,423 square feet of land, more or less.

Also known as #1104 & #1106 East Riverside Avenue and located in the 15th Election District, 6th Councilmanic District.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 647

Date: 2-29-11

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	502	000		0150						835.-

Total: 835.-

Rec From: ADAM HANLEY

For: 2-11-02371A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2011-0257-XA

1104 & 1106 East Riverside Avenue

SW/side of East Riverside Avenue, 1,311 feet n/w of Bay Avenue

15th Election District — 6th Councilmanic District

Legal Owner(s): Mark Henley

Special Exception: to allow living quarters in a commercial building. **Variance:** to allow a width of the lot at the front building face of 65 feet in lieu of the required 90 feet; to allow a side yard setback of 10 feet in lieu of the required 15 feet, for the existing dwelling 1104 Riberside Avenue; to allow 25 parking spaces in lieu of the require 42 spaces for Tavern and apartment uses; not to be required to provide screening and landscaping for the existing parking area; not to be required to provide durable and dustless surface for the existing gravel parking area; and for all the existing parking spaces to be 0 feet from the right of way line of a public street in lieu of the required 10 feet.

Hearing: Thursday, April 7, 2011 at 10 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings at (410) 887-3868.

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

03/25/2011 March 24

270588

CERTIFICATE OF PUBLICATION

3/24, 2011

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 3/24, 2011.

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

J. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

4/7/11

CERTIFICATE OF POSTING

RE: Case #2011-0257-XA

PETITIONER: Mark Hanley

DATE OF HEARING: April 7, 2011

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: 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

(see page 2 for full size photo)

POSTED ON: 3/22/11

LOCATION:

1104 & 1106 East Riverside Avenue

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ZONING NOTICE

CASE #:2011-0257-XA

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

PLACE: Room 205 Jefferson Building
TIME & 105 West Chesapeake Avenue, Towson, MD
DATE : 10:00 am April 7, 2011

Special Exception to allow living quarters in a commercial building. Variance to allow a width of the lot at the front building face of 65 feet in lieu of the required 90 feet; to allow a side yard setback of 10 feet in lieu of the required 15 feet for the existing dwelling 1104 Riverside Avenue; to allow 25 parking spaces in lieu of the required 42 spaces for tavern and apartment uses; not to be required to provide durable and dustless surfaces for the existing gravel parking area; and for all of the existing parking spaces to be 0 feet from the right of way line of the public street in lieu of the required 10 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE

DO NOT REMOVE THIS SIGN AND POST UPON DAY OF HEARING. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

January 11, 2012

NOTICE OF DELIBERATION

CASE #: 11-257-XA

IN THE MATTER OF: Mark Hanley - Legal Owner/Petitioner
1104 and 1106 East Riverside Avenue / 15th E; 6th C District

Re: Petition for Special Exception on property located at 1104 E. Riverside Avenue to allow living quarters in a commercial building;
Petition for Variance / 1106 E. Riverside Avenue

- a) to allow a width of the lot at the front building face of 65 ft ilo req'd 90 ft;
- b) to allow a side yard setback of 10 ft ilo req'd 15 ft for existing dwelling;

/ 1104 & 1106 E. Riverside Avenue

- c) to allow 25 parking spaces ilo req'd 42 spaces for tavern and apartment use;
- d) not to be req'd to provide screening and landscaping for the existing parking area;
- e) not to be req'd to provide durable and dustless surface for the existing gravel parking area;
- f) to allow the existing parking spaces to be 0 ft from the right of way line of a public street ilo req'd 10 ft.

4/15/11 Opinion and Order of the Administrative Hearing Judge GRANTING the Petition for Special Exception; GRANTING the Petitions for Variance to allow a width of the lot at the front building face of 65 ft ilo req'd 90 ft and to allow a side yard setback of 10 ft ilo req'd 15 ft for existing dwelling; DENYING Petitions for Variance to allow 25 parking spaces ilo req'd 42 spaces for tavern and apartment use, not to be req'd to provide screening and landscaping for the existing parking area, and not to be req'd to provide durable and dustless surface for the existing gravel parking area; and GRANTING Petition for Variance to allow the existing parking spaces to be 0 ft from the right of way line of a public street ilo req'd 10 ft.

Having concluded this matter on 1/11/12 a public deliberation has been scheduled for the following:

DATE AND TIME: TUESDAY, JANUARY 24, 2012 @ 10:30 a.m.

LOCATION : Jefferson Building - Second Floor - Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

c: Petitioner/Legal Owner/Appellant

: Mark Hanley, Esquire

Bruce E. Doak, Gerhold, Cross & Etzel, Ltd
Office of People's Counsel
Andrea Van Arsdale, Director/Department of Planning
Claude Profili, Code Enforcement Inspector
Nancy C. West, Assistant County Attorney

Joe and Lisa Taylor, Marina Holding, LLC
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Lionel VanDommelen, Chief of Code Enforcement
Michael E. Field, County Attorney



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

November 1, 2011

NOTICE OF ASSIGNMENT

CASE #: 11-257-XA

IN THE MATTER OF: Mark Hanley - Legal Owner/Petitioner
1104 and 1106 East Riverside Avenue / 15th E; 6th C District

Re: Petition for Special Exception on property located at 1104 E. Riverside Avenue to allow living quarters in a commercial building;
Petition for Variance / 1106 E. Riverside Avenue

- a) to allow a width of the lot at the front building face of 65 ft ilo req'd 90 ft;
- b) to allow a side yard setback of 10 ft ilo req'd 15 ft for existing dwelling;

/ 1104 & 1106 E. Riverside Avenue

- c) to allow 25 parking spaces ilo req'd 42 spaces for tavern and apartment use;
- d) not to be req'd to provide screening and landscaping for the existing parking area;
- e) not to be req'd to provide durable and dustless surface for the existing gravel parking area;
- f) to allow the existing parking spaces to be 0 ft from the right of way line of a public street ilo req'd 10 ft.

4/15/11 Opinion and Order of the Administrative Hearing Judge GRANTING the Petition for Special Exception; GRANTING the Petitions for Variance to allow a width of the lot at the front building face of 65 ft ilo req'd 90 ft and to allow a side yard setback of 10 ft ilo req'd 15 ft for existing dwelling; DENYING Petitions for Variance to allow 25 parking spaces ilo req'd 42 spaces for tavern and apartment use, not to be req'd to provide screening and landscaping for the existing parking area, and not to be req'd to provide durable and dustless surface for the existing gravel parking area; and GRANTING Petition for Variance to allow the existing parking spaces to be 0 ft from the right of way line of a public street ilo req'd 10 ft.

ASSIGNED FOR: WEDNESDAY, JANUARY 11, 2012, AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Petitioner/Legal Owner/Appellant

: Mark Hanley, Esquire

Bruce E. Doak, Gerhold, Cross & Etzel, Ltd
Office of People's Counsel
Andrea Van Arsdale, Director/Department of Planning
Claude Profili, Code Enforcement Inspector
Nancy C. West, Assistant County Attorney

Joe and Lisa Taylor, Marina Holding, LLC
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Lionel VanDommelen, Chief of Code Enforcement
Michael E. Field, County Attorney



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 18, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0257-XA

1104 & 1106 East Riverside Avenue
SW/side of East Riverside Avenue, 1,311 feet n/w of Bay Avenue
15th Election District – 6th Councilmanic District
Legal Owner: Mark Hanley

Special Exception to allow living quarters in a commercial building. Variance to allow a width of the lot at the front building face of 65 feet in lieu of the required 90 feet; to allow a side yard setback of 10 feet in lieu of the required 15 feet, for the existing dwelling 1104 Riverside Avenue; to allow 25 parking spaces in lieu of the required 42 spaces for Tavern and apartment uses; not to be required to provide screening and landscaping for the existing parking area; not to be required to provide durable and dustless surface for the existing gravel parking area; and for all the existing parking spaces to be 0 feet from the right of way line of a public street in lieu of the required 10 feet.

Hearing: Thursday, April 7, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mark Hanley, 117 Lake Front Drive, Cockeysville 21030
Bruce Doak, GC&E, 320 E. Towsontown Blvd., Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 23, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391

Zoning Review Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 24, 2011 Issue - Jeffersonian

Please forward billing to:
Mark Hanley
117 Lake Front Drive
Cockeysville, MD 21030

410-409-2174

NOTICE OF ZONING HEARING

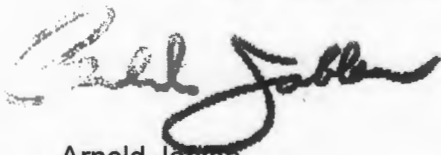
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0257-XA

1104 & 1106 East Riverside Avenue
SW/side of East Riverside Avenue, 1,311 feet n/w of Bay Avenue
15th Election District – 6th Councilmanic District
Legal Owner: Mark Hanley

Special Exception to allow living quarters in a commercial building. Variance to allow a width of the lot at the front building face of 65 feet in lieu of the required 90 feet; to allow a side yard setback of 10 feet in lieu of the required 15 feet, for the existing dwelling 1104 Riverside Avenue; to allow 25 parking spaces in lieu of the required 42 spaces for Tavern and apartment uses; not to be required to provide screening and landscaping for the existing parking area; not to be required to provide durable and dustless surface for the existing gravel parking area; and for all the existing parking spaces to be 0 feet from the right of way line of a public street in lieu of the required 10 feet.

Hearing: Thursday, April 7, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jabron
Director of Permits, Approvals and Inspections for Baltimore County

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

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
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: 2011-0257

Petitioner: MARK HANLEY

Address or Location: 1104 & 1106 EAST RIVERSIDE AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARK HANLEY

Address: 117 LAKE FRONT DRIVE
COCKEYSVILLE, MD 21030

Telephone Number: 410-409-2174



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

March 30, 2011

Mr. Mark Hanley
117 Lake Forest Drive
Cockeysville, MD 21030

RE: Case Number 2011-0257-XA, 1104 & 1106 East Riverside Avenue

Dear Mr. Hanley,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 28, 2011. This letter is not an approval, but only a **NOTIFICATION**.

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:mcn

Enclosures

c: People's Counsel



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

Beverley K. Swain-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MARCH 14, 2011

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

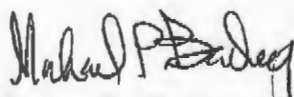
RE: Baltimore County
Item No 2011-0257-XA
1104-1106 E. RIVERSIDE AVE.
MARZETTANLEY
SPECIAL EXCEPT -
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0257-XA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


For Steven D. Foster, Chief
Access Management Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy ^{DM}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2011
Item No. 2011-257

DATE: March 22, 2011

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The property line for Lot 79 does not close.

On 2010 Google Earth photographs, the parking lot is rutted with potholes and a dumpster lies within the residential use area. This parking lot should be paved with a durable and dustless material with the dumpster located on it.

Along the East Riverside Avenue frontage, a future 5-foot-wide highway widening should be shown with parking spaces removed from it and be set back 10 feet from the future right-of-way line. This will reduce the amount of parking spaces by four but will allow for landscape screening between the parking lot and the street.

The parking lot entrance and parking spaces should be defined with striping.

Parking space number 1 does not have an adequate area for backing out and should be removed.

In total the parking variance requested should be reduced to 20.

Since there is space between the parking area and the adjacent property to the south, we see no reason why screening should not be required.

DAK:CEN:cab
cc: File
ZAC-ITEM NO 11-257-03212011.doc

JB 4/7 10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: April 4, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 1104 & 1106 East Riverside Avenue

INFORMATION:

Item Number: 11-257

Petitioner: Mark Hanley

Zoning: BL and BMB

Requested Action: Special Exception

RECEIVED

APR 06 2011

OFFICE OF ADMINISTRATIVE HEARINGS

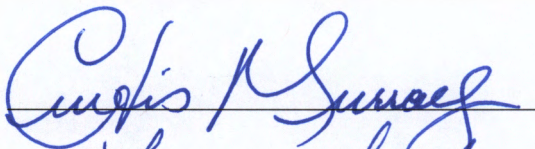
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning does not oppose the request provided the following conditions are met:

The entire site is in need of refurbishing prior to the issuance of any building permits. This clean up/refurbishing should include: repair and painting of exterior finishes of all structures, repair of all windows, resurfacing of the parking area with new grading and gravel, landscaping, repair of fencing and removal of any untagged vehicles and trailers and building material currently on the site.

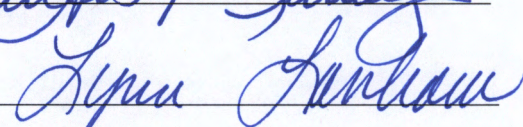
For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by:



Division Chief:

JM/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

APR 07 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability (DEPS) -
Development Coordination

DATE: April 7, 2011

SUBJECT: DEPS Comment for Zoning Item: # 11-257-XA
Address: 1104-06 East Riverside Avenue
(Hanley Property)

Zoning Advisory Committee Meeting of March 14, 2011.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This waterfront property is located in a Limited Development Area and a Buffer Management Area within the Chesapeake Bay Critical Area and must comply with all requirements of Baltimore County Code Article 33, Title 2 Chesapeake Bay Critical Areas Protection. Based on the Code, the lot coverage area on this property is limited to 15%, or a maximum of 5,445 square feet if approved and with mitigation for the amount over 15%. The lot coverage allowed on this property may be greater if that amount existed prior to the Critical Area requirements. In addition, a 15% forest cover (a minimum of 9 trees) must exist on the property at all times. Mitigation requirements can increase the number of trees required on the site. A 100-foot tidal buffer measured off mean high water covers approximately half the area of the site. BMA requirements restrict the location and area of structures allowed within this buffer. Based on this, DEPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include removal of lot coverage and the planting of native trees and shrubs.
2. The subject development can meet the requirement to conserve fish, wildlife, and plant habitat by complying with all Critical Area requirements including mitigation.
3. The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited. Compliance with the Critical Area requirements, including mitigation, can allow the subject development to be consistent with established land use policy for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

- Paul Dennis; Environmental Impact Review

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
AND VARIANCE		
1104 & 1106 E. Riverside Ave; SW/side	*	ZONING COMMISSIONER
Of E. Riverside Ave, 1,311' NW Bay Ave	*	
15 th Election & 6 th Councilmanic Districts	*	FOR
Legal Owner(s): Mark Hanley	*	BALTIMORE COUNTY
Petitioner(s)	*	2011-0257-XA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

RECEIVED

MAR 11 2011

[Signature]

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2011, a copy of the foregoing Entry of Appearance was mailed to Mark Hanley, Esquire, 117 Lake Front Drive, Cockeysville, Maryland 21030, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

LAW OFFICES
MARK P. HANLEY, JR.
206 WASHINGTON AVENUE
P. O. BOX 5506
TOWSON, MARYLAND 21204

TELEPHONE
(301) 823-1174

Arnold E. Jablon
Director of Planning
111 W. Chesapeake Avenue
Room 105
Towson, MD 21204

May 9, 2011

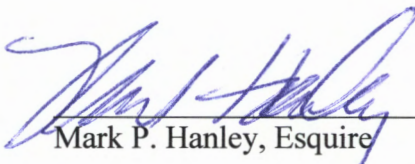
RE: *Petition for Special Exception and Variance*
Case No.: 2011-0257-A
Property: 1104 and 1106 East Riverside Avenue

Dear Mr. Jablon.

Please note an Appeal to the Opinion and Order of Adm. Law Judge, John E. Beverungen, dated April 15, 2011 in the above matter on behalf of the Petitioner.



Very Truly Yours,


Mark P. Hanley, Esquire



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

July 25, 2011

Mark Hanley
117 Lake Front Drive
Cockeysville, MD 21030

Dear Mr. Hanley:

RE: Case: 2011-0257-XA, 1104 & 1106 East Riverside Avenue

Please be advised that your appeal of the above-referenced case was received in this office on May 10, 2011. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

Arnold Jablon
Director

AJ:kl

c: Administrative Hearings Office
Arnold Jablon, Director of PAI
People's Counsel
Mr. & Mrs. Taylor, 1100 East Riverside Avenue, Essex 21221

APPEAL

Petition for Special Exception and Variance
1104 & 1106 East Riverside Avenue
S/west side of East Riverside Avenue, 1,311 ft' NW of Bay Avenue
15th Election District - 6th Councilmanic District
Legal Owners: Mark Hanley

Case No.: 2011-0257-~~A~~ X A

✓ ~~Petition for Special Hearing~~ ^{Exception} and Variance (February 28, 2011)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (March 18, 2011)

✓ Certification of Publication (The Jeffersonian - March 24, 2011)

✓ Certificate of Posting (March 22, 2011) by Bruce Doak

✓ Entry of Appearance by People's Counsel (March 11, 2011)

✓ Petitioner(s) Sign-In Sheet - 1 Sheet

Protestant(s) Sign-In Sheet - None

✓ Citizen(s) Sign-In Sheet - 1 Sheet

✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

- ✓ 1. Site Plan
- ✓ 2. Photos (A thru CC)

Protestants' Exhibits:

- ✓ 1. Photos

Miscellaneous (Not Marked as Exhibit)

- ✓ 1. Active Violation Case Documents

✓ Administrative Law Judges Order (April 15, 2011)

✓ Request for Motion for Reconsideration filed May 12, 2011 by Mark Hanley

✓ Order on Motion for Reconsideration Denied on May 13, 2011

✓ Notice of Appeal received on May 10, 2011 by Mark Hanley

RECEIVED
JUL 26 2011

BALTIMORE COUNTY
BOARD OF APPEALS

Address List

Petitioners:

Mark Hanley, Esquire
117 Lake Front Drive
Cockeysville, MD 21030

Bruce E. Doak
Gerhold, Cross & Etzel, Ltd
320 E. Towsontown Blvd
Towson, MD 21286

Interested Persons:

Joe and Lisa Taylor
Marina Holding, LLC
1100 E. Riverside Avenue
Baltimore, MD 21221

Interoffice:

Office of People's Counsel
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Claude Profili, Code Enforcement Inspector
Lionel VanDommelen, Chief of Code Enforcement
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney

APPEAL

Petition for Special Exception and Variance
1104 & 1106 East Riverside Avenue
S/west side of East Riverside Avenue, 1,311 ft' NW of Bay Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Mark Hanley

Case No.: 2011-0257-A

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Notice of Appeal received on May 10, 2011 by Mark Hanley

c: People's Counsel of Baltimore County, MS #2010
Administrative Law Judge
Arnold Jablon, Director of PAI
Mark Hanley, 117 Lake Front Drive, Cockeysville 21030
Mr. & Mrs. Taylor, Marina Holding, LLC, 1100 East Riverside Ave., Essex 21221

date sent July 25, 2011, kll

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Mark Hanley 11-257-XA

DATE: January 24, 2012

BOARD/PANEL: Wendell H. Grier
Lawrence S. Wescott
Edward W. Crizer, Jr.

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Special Exception on property located at 1104 E. Riverside Avenue to allow living quarters in a commercial building;
2. Petition for Variance/1106 E. Riverside Avenue
 - a) to allow a width of the lot at the front building face of 65 ft in lieu of the required 90 ft;
 - b) to allow a side yard setback of 10 ft in lieu of the required 15 ft for existing dwelling;
3. Petition for Variance/1104 & 1106 E. Riverside Avenue
 - c) to allow 25 parking spaces in lieu of the required 42 spaces for tavern and apartment use;
 - d) not to be required to provide screening and landscaping for the existing parking area;
 - e) not to be required to provide durable and dustless surface for the existing gravel parking area;
 - f) to allow the existing parking spaces to be 0 ft from the right of way line of a public street in lieu of the required 10 ft.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board discussed that the subject property is at the end of a dead end street at present. The Petitioner operates a tavern at the subject property and a house with two apartments is also located on the property. The Petitioner's use of the property in these capacities predates the present Zoning Regulations. As such, the Board determined that the uses are non-conforming and due to the length of use, have been grandfathered in. The Board discussed the Petitioner's ability to build on the lot. They determined that the existing structures can be built upon as long as the Petitioner does not change the foot print of the existing structures.

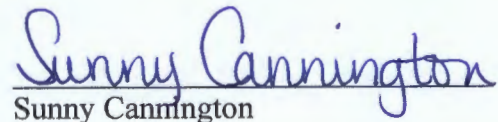
- The Board determined that "uniqueness" would be difficult to prove but by determining that the uses have been grandfathered, they do not need to find "uniqueness" nor is there a need for the Petition for Special Exception.
- The Board discussed the parking situation. The Petitioner originally requested 25 parking spaces but later amended their request to 30. The Board determined that the Petitioner should provide 30 parking spaces. The Petitioner requested that they not be required to provide a durable and dustless surface for the existing gravel parking area. The Board determined that the Petitioner shall provide a striped macadam surface with curb stops for each parking space.
- The Board discussed that the requested setbacks for the front and side yards of the building and the parking area will be allowed.
- The Board discussed the request to not provide landscaping and screening for the parking area. The Board rejected this idea and decided that the Petitioner should meet with the County Architect to determine the appropriate type of screening and height.

DECISION BY BOARD MEMBERS: The uses of the property are to be considered non-conforming and grandfathered. The Petitioner shall meet with the County Architect. The Petitioner is required to provide 30 parking spaces with landscaping and screening. The Petitioner is required to provide a macadam surface on the parking lot and the spaces are to be striped and have curb stops.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the Petition for Special Exception; GRANT the Petition for Variance for 1106 E. Riverside Avenue with regard to the setbacks; DENY the Petition for Variance with regard to the number of parking spaces, landscaping and surface; and GRANT the Petition for Variance allowing the parking to be 0 ft from the right of way line.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

201-0257-A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 10, 2011

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

FROM: Glenn Berry, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2011-0257-A
Legal Owner/Petitioner: Mark Hanley Jr., Resident Agent
Contract Purchaser: N/A
Property Address: 1104-1106 E. Riverside Ave.
Location Description: SW/side of E. Riverside Ave., 1,311' NW/Bay Ave.

VIOLATION INFORMATION: Case No. CO0086016
Defendants: Mark Hanley, Jr.

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

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:

- | | | |
|--------------------------|-----|---|
| X | 1. | Complaint letter/memo/email/fax (if applicable) |
| X | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| X | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| X | 8. | Photographs including dates taken |
| X | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☐ | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/cp
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT

DATE: 10/20/10 INTAKE BY: CJP CASE #: 00086016 INSPEC: P.A.H.

COMPLAINT LOCATION: 1104 E Riverside Ave

ZIP CODE: 21221 DIST: 15

COMPLAINANT NAME: Jim Brundall PHONE #: (H) 13980 (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: Building alterations w/o permits

IS THIS A RENTAL UNIT? YES _____ NO _____
 IF YES, IS THIS SECTION 8? YES _____ NO _____
 OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: Observed addition and alterations started, no permit found. Notice sent. PU 11/05/10 CJP NT

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

BOARD OF LIQUOR LICENSE COMMISSIONERS
FOR BALTIMORE COUNTY

COMPLAINT FORM

RIVERSIDE INN, INC.

t/a Riverside Inn
1104-06 Riverside Avenue - East
Baltimore, MD 21221

DATE: 10/18/10

INSPECTOR: _____

CLASS: D(BWL)

A Special Investigation is requested on the above establishment for the following reason(s):

Caller said that the above establishment is building a 2nd floor addition and have pulled no permits.

SPECIAL INSTRUCTIONS: _____

Please indicate below your finding and recommendations in this matter:

DATE

INSPECTOR

Law Office
Mark P. Hanley
117 Lakefront Drive
Hunt Valley, MD 21030

410-409-2174

August 31, 2010

Baltimore County Government
The Board of Liquor License Commissioners
County Office Building
111 W Chesapeake Avenue
Towson, MD 21204

RE: Riverside Inn, Inc
1104-1106 Riverside Avenue
Baltimore, MD 21221

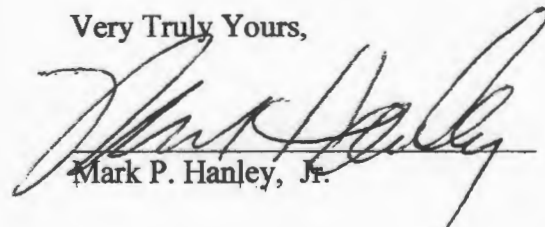
Dear Sir/Madam:

Concerning the present location of the bar, I intend to update and rebuild the structured area in the rear of the building. This will involve interruption on the plumbing and electrical services which will involve a temporary closing of the business.

Based on these changes and with your permission, I would request a short closing of the business, probably 60 to 90 days. If agreeable, I will advise when the construction begins.

8/1/10
Advised Mark (OK)
to proceed.

Very Truly Yours,


Mark P. Hanley, Jr.

AUG 31 2010

UPDATE / MESSAGE FORM

Date: 10-25-10

Inspector: G BERRY

Case #: CO 00 86016

Address: 1104, 1106 E RIVERSIDE AVE

Comments: OWNER OF PROPERTY CAME
IN TO APPLY FOR PERMIT. HE SAID
HE WAS DOING ALTERATIONS I SHOWED
HIM FILE AND TOLD HIM HE WOULD
NEED TO FILE FOR ADD ON EXISTING
FOUNDATION. NO CHANGE IN POP-UP

KN GB

Entered into Envision _____

UPDATE / MESSAGE FORM

Date: 11/5/10

Inspector: Profili

Case #: CO 0086016 FA 0304128

Address: 1104, 1106 E Riverside Ave

Comments: Copy of notice sent to owner was
returned "not deliverable". Copy was posted
and photoed on site also additional copy sent
to owners agent at address obtained from Liquor
Board. P.U. 12/06/10

Entered into Envision

ret



Permits & Development Management Complaint Report

Report Criteria:

Employee(s): EE0000000 to EE9999999
Scheduled Date(s): 12/6/2010 to 12/6/2010
PE Range: BI01 to BI06

Record ID	AS/400 Case	Assigned To	Assigned Date	Scheduled Time	Received By	Received Date	Status	Hearing Date	ADC Grid
CO0086016		Claude Profili	11/05/2010		Karen Hopkins	10/20/2010	Open - Normal		45H2

Complaint Description: BUILDING ALTERATIONS W/O PERMIT

Facility:	Owner :	Complainant:
FA0304128 PDM 1504650320 1104 E RIVERSIDE AVE ESSEX, MD, 21221	RIVERSIDE INN INC 117 LAKE FRONT DRIVE COCKEYSVILLE MD 21030	JIM BRENDDEL WORK: 4108873980

Daily Activity Details

al Number	Inspector	Activity Date	Service	Result	Action
DA0083568	Claude Profili	10/21/2010	INITIAL INSPECTION	NOT IN COMPLIANCE	CORRECTION NOTICE ISSUED

Inspector Notes: 10/21/10 OBSERVED ADDITION AND ALTERATIONS STARTED. NO PERMIT FOUND. NOTICE SENT. P/U 11/5/10 C.PROFILI/NS***

Violation Details

Violation Record ID: IV0044341 Comply By: 12/06/2010 Complied On: Status: NOT IN COMPLIANCE
Program Category/Section Source: Building Inspection/IBC Violation Description IBC Violation
Correction Text:
Violation Text:
Violation Comment:

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0084154	Glenn Berry	10/25/2010	IN-OFFICE ADMINISTRATIVE WORK	FACT FINDING	MONITOR

Inspector Notes: 10/25/10 OWNER OF PROPERTY CAME IN TO APPLY FOR PERMIT. HE SAID HE WAS DOING ALTERATIONS. I SHOWED HIM THE FILE & TOLD HIM HE WOULD NEED TO FILE FOR ADD. ON EXISTING FDN. NO CHAGE IN P/U. G.BERRY/KH.

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
A0085327	Claude Profili	11/05/2010	REINSPECTION	NOT IN COMPLIANCE	CORRECTION NOTICE ISSUED

Inspector Notes: 11/5/10 COPY OF NOTICE SENT TO OWNER WAS RETURNED "NOT DELIVERABLE." COPY WAS POSTED AND PHOTED ON SITE. ALSO, ADDITIONAL COPY SENT TO OWNERS AGENT AT ADDRESS OBTAINED FROM LIQUOR BOARD. P/U 12/6/10 C.PROFILI/NS***

Violation Details - No Data

Comment Details - No Comments

Lien Information - None

Mileage:

*No permit applications found, no further information available.
p.u. 12/27/10*

UPDATE / MESSAGE FORM

Date: 2/10/11

Inspector: Profil

Case #: CO0086016 FA 0304128

Address: 1104 E Riverside Ave

Comments: No apparent charge at site. Building
permit still not approved by Environmental and
Bld. Plans. P.A. 3/10/11 c/p

Entered into Envision W

**Taxpayer Services Division**

301 West Preston Street W Baltimore, MD 21201 (2007 vw1.1)

[Main Menu](#) | [Security Interest Filings \(UCC\)](#) | [Business Entity Information \(Charter/Personal Property\)](#)
[New Search](#) | [Rate Stabilization Notices](#) | [Get Forms](#) | [Certificate of Status](#) | [SDAT Home](#)

Taxpayer Services Division**Entity Name: RIVERSIDE INN, INC.****Dept ID #: D02561710****General Information Amendments Personal Property Certificate of Status**

Principal Office
(Current): 404 ALLEGHENY AVENUE
TOWSON, MD 21204

Resident Agent
(Current): MARK P. HANLEY, JR., ESQUIRE
206 WASHINGTON AVENUE
TOWSON, MD 21204

Status: INCORPORATED

Good Standing: Yes

Business Code: Ordinary Business - Stock

Date of Formation
or Registration: 05/13/1988

State of
Formation: MD

Stock/Nonstock: Stock

Close/Not Close: Close

Link Definition

General Information	General information about this entity
Amendments	Original and subsequent documents filed
Personal Property	Personal Property Return Filing Information and Property Assessments
Certificate of Status	Get a Certificate of Good Standing for this entity



Department of Permits and
Development

County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

OFFICE HOURS: 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Planning Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No.	Property No.	Zoning
CA 0086016	15-05-650320	

Name(s): Riverside Inn Inc. Sec 80
Mark P. Healey Jr. Resident Agent

Address: 206 Washington Ave Towson MD 21204

Violation Location: 1104-1106 E Riverside Ave Bk 4 MD 21221

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Building Code Part 112

Baltimore County Council Bill 47-10

International Building Code 2009 Sec 105

Baltimore County Code 35-2-304

Building addition and alterations without
required permit(s) at location CBCH

Obtain all required permits and inspections

Subject to \$1,000 penalty

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

ON OR BEFORE:	DATE ISSUED:
---------------	--------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE:	DATE ISSUED:
11/05/10	10/21/10

INSPECTOR: Claude J. Profili

Rev. 7/09

Claude J. Profili

AGENCY

1010

Pt. Bk. 7, Folio 4

1100

1518101980

Pt. Bk./Folio # 007004

1104

B633560

1504650320

1106

1504650320

1504650320

1108

1506450171

1110

B617089 B617090

1519074900

1104 1106 E Riverside Ave 10/20/10 csp



1104 1106 E River

11/05/10

CJP



FAO-
0304128

DATE: 03/10/2011

STANDARD ASSESSMENT INQUIRY (1)

TIME: 07:26:35

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 04 650320	15	3-0	30-00	N	NO		11/03/10

RIVERSIDE INN INC

DESC-1.. IMPSLT 79 PT 77-78

DESC-2.. BACK RIVER NECK PARK

117 LAKE FRONT DRIVE

PREMISE. 01106 RIVERSIDE

AVE

BALTIMORE MD

21230-4120

COCKEYSVILLE

MD 21030-2216 FORMER OWNER: TURNER JAMES E, SR

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	302,000	302,000				
IMPV:	144,700	198,800	TOTAL..	500,800	500,800	482,766
TOTL:	446,700	500,800	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0

DATE: 09/05 09/08

---- TAXABLE BASIS ---- FM DATE

ASSESS: 500,800 04/25/09

ASSESS: 482,766

ASSESS: 0

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

DATE: 03/10/2011

STANDARD ASSESSMENT INQUIRY (2)

TIME: 07:26:50

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 04 650320	15	3-0	30-00	N	NO		11/03/10
LOT....	79	BOOK....	0007	MAP.....	0104	LOT WIDTH.....	218.00
BLOCK..		FOLIO...	0004	GRID....	0006	LOT DEPTH.....	.00
SECTION..				PARCEL..	0226	LAND AREA..	30952.000 S
PLAT..						YEAR BUILT.....	36

-----TRANSFER DATA-----

NUMBER..... 095378
 DATE..... 06/13/88
 PURCHASE PRICE..... 247,500
 GROUND RENT..... 0
 DEED REF LIBER..... 07886
 DEED REF FOLIO..... 0174
 CONVEYED IND..... 1
 TOT-PART TRAN IND..... T
 GRANTOR ACCT NO.. 15-04-650320

CRITICAL NEW CONST CARD
 AREAS CODE YEAR NO
 16066

-----EXEMPT DATA-----

STATUS.....
 CLASS CODE..... 000
 STATE EXEMPT CODE..... 000
 COUNTY EXEMPT CODE..... 000
 CURR STATE EX ASMT.... 0
 PRIOR STATE EX ASMT... 0
 CURR COUNTY EX ASMT... 0
 PRIOR COUNTY EX ASMT.. 0

-----STRUCTURE-----

CODE SQ. FEET
 3360

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 03/10/2011

STANDARD ASSESSMENT INQUIRY (3)

TIME: 07:27:00

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 04 650320	15	3-0	30-00	N	NO		11/03/10

-----STATE-----

GEO CODE N/A LAND-USE

REC CREATE DATE.. 10/23/92

82 NO C

DELETE CODE..... M

DATE DELETED.....

LAST FM DATE..... 04/25/09

LAST FM TYPE..... R

PREV FM DATE.....

PREV FM TYPE.....

----- COUNTY -----

LAST LOAD DATE... 11/03/10

PRIOR LOAD DATE.. 06/10/10

STATE TAXABLE ASSESS

ASSESS: 500,800

ASSESS: 482,766

ASSESS: 0

ENTER-INQUIRY1 PA1-PRINT PF2-INQUIRY2 PF4-MENU PF5-QUIT PF7-CROSS REF



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 27, 2011

Mark Hanley, Esquire
117 Lake Front Drive
Cockeysville, MD 21030

Re: In the Matter of: MARK HANLEY – LEGAL OWNER
1104 AND 1106 EAST RIVERSIDE AVENUE
Case No.: 11-257-XA

Dear Mr. Hanley:

On August 8, 2011 I wrote to you and provided the following dates in January 2012 for the scheduling of the above captioned matter:

Tuesday, January 10, 2012 at 10:00.
Wednesday, January 11, 2012 at 10:00; and
Thursday, January 12, 2012 at 10:00.

At that time I requested that you contact the Board of Appeals to confirm availability for the January 2012 dates. Please contact this office upon receipt of this letter to verify availability.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in dark ink, reading "Theresa R. Shelton".

Theresa R. Shelton
Administrator

cc: Bruce E. Doak
Joe and Lisa Taylor
People's Counsel for Baltimore County



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 8, 2011

Mark Hanley, Esquire
117 Lake Front Drive
Cockeysville, MD 21030

Re: In the Matter of: MARK HANLEY – LEGAL OWNER
1104 AND 1106 EAST RIVERSIDE AVENUE
Case No.: 11-257-XA

Dear Mr. Hanley:

As discussed in our recent telephone conversation, I am providing the following dates in January 2012 for the scheduling of the above captioned matter:

Tuesday, January 10, 2012 at 10:00.
Wednesday, January 11, 2012 at 10:00; and
Thursday, January 12, 2012 at 10:00.

This office requests that the parties in the above referenced matter, contact the Board of Appeals upon receipt of this letter to confirm availability for the January 2012 dates. Once a date has been established, an Assignment Notice will be issued.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script, reading "Theresa R. Shelton".

Theresa R. Shelton
Administrator

cc: Bruce E. Doak
Joe and Lisa Taylor
People's Counsel for Baltimore County



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 27, 2011

Mark Hanley, Esquire
117 Lake Front Drive
Cockeysville, MD 21030

Re: In the Matter of: MARK HANLEY – LEGAL OWNER
1104 AND 1106 EAST RIVERSIDE AVENUE
Case No.: 11-257-XA

Dear Mr. Hanley:

In order to schedule a hearing on the above referenced matter without conflict; I am providing dates available on the Board's docket. The Board sits on Tuesday, Wednesday and Thursday of each week. The following dates are open on the Board's docket for assignment:

Wednesday, September 28, 2011 at 10:00;
Thursday, September 29, 2011 at 10:00; and
Tuesday, October 4, 2011, 2011 at 10:00.

This office requests that the parties in the above referenced matter, contact the Board of Appeals upon receipt of this letter to confirm availability

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Theresa R. Shelton". The signature is fluid and cursive, with the first name "Theresa" and last name "Shelton" clearly distinguishable.

Theresa R. Shelton
Administrator

cc: Bruce E. Doak
Joe and Lisa Taylor
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE: August 8, 2012

TO: David Duvall
Zoning Review Office
Permits, Approvals & Inspections

FROM: Sunny Cannington, Legal Secretary
Board of Appeals

SUBJECT: CLOSED APPEAL CASE FILES/CASES DISMISSED

The following cases have been closed as of the above date and are being returned to your office for storage.

Case No:	Case Name:	Note:
11-051-SPH	Andrew & Stephanie Mattes	
11-257-XA	Mark Hanley	

c: Arnold Jablon, Director/PAI
Michael Field, County Attorney
Nancy West, Assistant County Attorney

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME Hancox Property
CASE NUMBER 2011-0257-XA
DATE 4/07/11

[illegible]

Case No.: 2011-0257-XA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Photos - 3 -
No. 2	Site Plan showing Photos - Photos A-C	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		











Case No.: 2011-0257-XA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Photos - 3 -
No. 2	Site Plan showing Photos - Photos A-C	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Case No: 11-257-XA Case Name: MARK HALEY

Exhibit List PETITIONER

Party: MARK HALEY Date: 1/11/12

Exhibit No:	Description:
✓ 1	- Plat - DATED 2/24/11
✓ 2	PLAT - " 1/4/12.
✓ 3A	Photographs ^{IMPROVE PARKING AREA} New airport parking area AND Storage fence.
✓ B	- Parking & projects & sculpture.
✓ C	- Parking & existing 1 story residence in lot 19
✓ D	- " " " " " " "
✓ E	- Parking & other limits of parking area # 78
✓ F	- Parking & Taylor marina
✓ G	- Dumpsters
✓ H	- Taylor's marina
✓ I	- " "
✓ J	- PAU building facing across E. River
✓ 4.	- Same plot as Plat # 2 showing Taylor's photographs
VERIFIED BY <u>tw</u> DATE: <u>1/11/12</u>	

Case No: 11-257-X4 Case Name: MARK HALEY

Exhibit List

Party: Mark Hanley / Pet Date: 1/11/12

[illegible]



PortEx #3 A-J 3

A



2



2





Bing.com
Aerial - east

Port. Ex #5A



Bing.com
Aerial - south

Per Ex # 5B

January 9th 2012

To Whom It May Concern,

I have lived here for 20 years, I've only seen the Parking Lot Crowded when there is a party or special occasion going on. Maybe 3 or 4 times. Nobody's drive ways were Blocked on the right away to The Boat Yard. The only problem I see is, that people come flying out of the Boat Yard. If you don't look when you back, out of your drive way your bound to get hit by these speeders. They make alot of, noise at night you can't, hear your T.V. from their, equipment digging & banging, & beeping sounds. I feel that, you should not blame the Bar for blocking the Boat, Yard Driveway. This is an, untrue statement.

Mary Ann Umberger

(Neighbor of Riverside Ave.)

To Whom It May Concern -

As Manager of Riverside Inn and Marina for 13 years, during this time, there has never been a problem with the patrons who support this business.

The patronage overflowed into Riverside Avenue possibly a half dozen times but never to the point where it blocked off Riverside Avenue or the neighborhood driveways.

OTIS COOPER
Manager

Pt Ex #9

In R. Mark Hanley

Peoples Council.

Peoples Council

1/11/12.

[illegible]

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

2011-0257-A

P.C.#1

JB 47
10/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: April 4, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 1104 & 1106 East Riverside Avenue

INFORMATION:

Item Number: 11-257

Petitioner: Mark Hanley

Zoning: BL and BMB

Requested Action: Special Exception

RECEIVED

APR 06 2011

OFFICE OF ADMINISTRATIVE HEARINGS

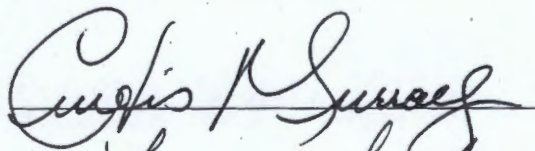
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning does not oppose the request provided the following conditions are met:

The entire site is in need of refurbishing prior to the issuance of any building permits. This clean up/refurbishing should include: repair and painting of exterior finishes of all structures, repair of all windows, resurfacing of the parking area with new grading and gravel, landscaping, repair of fencing and removal of any untagged vehicles and trailers and building material currently on the site.

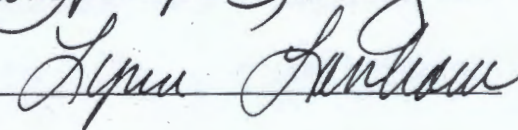
For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by:



Division Chief:

JM/LL: CM



PC#2

FOCUS™ Terms

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Md. NATURAL RESOURCES Code Ann. § 8-1802 (Copy w/ Cite)

Pages: 6

Md. NATURAL RESOURCES Code Ann. § 8-1802

Annotated Code of Maryland

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*** Current through all chapters of the 2011 Special Session of the General Assembly ***

NATURAL RESOURCES

TITLE 8. WATERS

SUBTITLE 18. CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA PROTECTION
PROGRAM

Md. NATURAL RESOURCES Code Ann. § 8-1802 (2011)

§ 8-1802. Definitions; parties subject to obligation imposed by subtitle

(a) In general. --

(1) In this subtitle the following words have the meanings indicated.

(2) "Atlantic Coastal Bays" means the Assawoman, Isle of Wight, Sinepuxent, Newport, and Chincoteague Bays.

(3) "Atlantic Coastal Bays Critical Area" means the initial planning area identified under § 8-1807 of this subtitle.

(4) "Buffer" means an existing, naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from manmade disturbances.

(5) "Chesapeake Bay Critical Area" means the initial planning area identified under § 8-1807 of this subtitle.

(6) "Commission" means the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays established in this subtitle.

(7) "Critical Area" means the Chesapeake Bay Critical Area and the Atlantic Coastal Bays Critical Area.

(8) "Developer" means:

(i) A person who undertakes development as defined in this section; or

(ii) A person who undertakes development activities as defined in the criteria of the Commission.

(9) "Development" means any activity that materially affects the condition or use of dry land, land under water, or any structure.

PC#3

FOCUS™ Terms

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Book Browse

Md. NATURAL RESOURCES Code Ann. § 8-1808 (Copy w/ Cite)

Pages: 10

Md. NATURAL RESOURCES Code Ann. § 8-1808

Annotated Code of Maryland

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*** Current through all chapters of the 2011 Special Session of the General Assembly ***

NATURAL RESOURCES

TITLE 8. WATERS

SUBTITLE 18. CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA PROTECTION
PROGRAM

Md. NATURAL RESOURCES Code Ann. § 8-1808 (2011)

§ 8-1808. Program development

(a) Local jurisdictions to implement; grants. --

(1) It is the intent of this subtitle that each local jurisdiction shall have primary responsibility for developing and implementing a program, subject to review and approval by the Commission.

(2) (i) The Governor shall include in the budget a sum of money to be used for grants to reimburse local jurisdictions for the reasonable costs of developing a program under this section.

(ii) Each local jurisdiction shall submit to the Governor a detailed request for funds that are equivalent to the additional costs incurred in developing the program under this section.

(iii) The Governor shall include in the fiscal year 2003 budget a sum of money to be used for grants to reimburse local jurisdictions in the Atlantic Coastal Bays Critical Area for the reasonable costs of developing a program under this section.

(3) The Governor shall include in the budget annually a sum of money to be used for grants to assist local jurisdictions with the reasonable costs of implementing a program under this section. Each local jurisdiction shall submit to the Governor by May 1 of each year a detailed request for funds to assist in the implementation of a program under this section.

(b) Goals of program. -- A program shall consist of those elements which are necessary or appropriate:

(1) To minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

(2) To conserve fish, wildlife, and plant habitat; and

(3) To establish land use policies for development in the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can

PC#4

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27.01.02.04

.04 Limited Development Areas.

A. Limited development areas are those areas which are currently developed in low or moderate intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. These areas shall have at least one of the following features:

- (1) Housing density ranging from one dwelling unit per 5 acres up to four dwelling units per acre;
- (2) Areas not dominated by agriculture, wetland, forest, barren land, surface water, or open space;
- (3) Areas meeting the conditions of Regulation .03A, but not .03B, of this regulation;
- (4) Areas having public sewer or public water, or both.

B. In developing their Critical Area programs, local jurisdictions shall follow these policies when addressing limited development areas:

(1) Maintain or, if possible, improve the quality of runoff and ground water entering the Chesapeake Bay and its tributaries;

(2) Maintain, to the extent practicable, existing areas of natural habitat; and

(3) Accommodate additional low or moderate intensity development if:

(a) This development conforms to the water quality and habitat protection criteria in ☐ C, below; and

(b) The overall intensity of development within the limited development area is not increased beyond the level established in a particular area so as to change its prevailing character as identified by density and land use currently established in the area.

C. In developing their Critical Area programs, local jurisdictions shall use all of the following criteria for limited development areas:

(1) For all development activities in the limited development areas, the jurisdiction shall require that the developer identify any of the following environmental or natural features and meet all of the following standards of environmental protection:

(a) Criteria as provided for the habitat protection areas in COMAR 27.01.09, and those for the water-dependent facilities in COMAR 27.01.03.

(b) Prohibition on the location of a road, bridge, or utility in any portion of the Critical Area designated as a habitat protection area under COMAR 27.01.09, unless there is no feasible alternative.

(c) If the location of a road, bridge, or utility in a habitat protection area is authorized under §C(1)(b) of this regulation, design, construction, and maintenance of the road, bridge, or utility so as to:

- (i) Provide maximum erosion protection;
- (ii) Minimize negative impact on wildlife, aquatic life, and their habitats; and
- (iii) Maintain hydrologic processes and water quality.

PC#5

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

APR 07 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability (DEPS) -
Development Coordination

DATE: April 7, 2011

SUBJECT: DEPS Comment for Zoning Item: # 11-257-XA
Address: 1104-06 East Riverside Avenue
(Hanley Property)

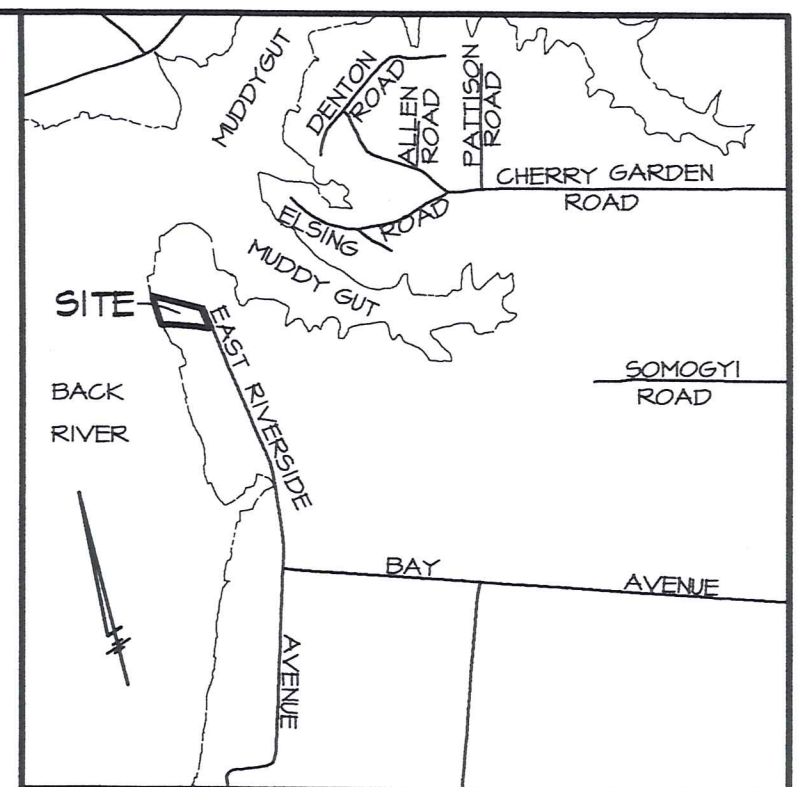
Zoning Advisory Committee Meeting of March 14, 2011.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This waterfront property is located in a Limited Development Area and a Buffer Management Area within the Chesapeake Bay Critical Area and must comply with all requirements of Baltimore County Code Article 33, Title 2 Chesapeake Bay Critical Areas Protection. Based on the Code, the lot coverage area on this property is limited to 15%, or a maximum of 5,445 square feet if approved and with mitigation for the amount over 15%. The lot coverage allowed on this property may be greater if that amount existed prior to the Critical Area requirements. In addition, a 15% forest cover (a minimum of 9 trees) must exist on the property at all times. Mitigation requirements can increase the number of trees required on the site. A 100-foot tidal buffer measured off mean high water covers approximately half the area of the site. BMA requirements restrict the location and area of structures allowed within this buffer. Based on this, DEPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include removal of lot coverage and the planting of native trees and shrubs.
2. The subject development can meet the requirement to conserve fish, wildlife, and plant habitat by complying with all Critical Area requirements including mitigation.
3. The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited. Compliance with the Critical Area requirements, including mitigation, can allow the subject development to be consistent with established land use policy for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

- Paul Dennis; Environmental Impact Review

P.C.# 6



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM DEEDS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 104C1.
3. CENSUS TRACT 451000 REGIONAL PLANNING DISTRICT 320 WATERSHED BACK RIVER SUBWATERSHED 34 N SCHOOL DISTRICT: ELEMENTARY - MIDDLEBOROUGH ES; MIDDLE - DEEP CREEK MS; HIGH - CHESAPEAKE HS.
4. A.D.C. MAP & GRID 45 H2
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
8. THE SUBJECT PROPERTY IS WITHIN A 100 YEAR FLOOD PLAIN.
9. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.

OWNER/DEVELOPER
RIVERSIDE INN INC.
c/o MARK P. HANLEY JR.
117 LAKE FRONT DRIVE
COCKEYSVILLE, MD 21030-2216
410-409-2174

PLAT TO ACCOMPANY A ZONING PETITION RIVERSIDE INN INC. PROPERTY

#1104 & #1106 EAST RIVERSIDE AVENUE
Deed Ref: S.M. No. 7886 folio 174
PART OF LOTS 77 & 78 AND ALL OF LOT 79
"BACK RIVER NECK PARK"
W.P.C. No. 7 folio 4
Tax Account No.: 15-04-650320
Zoned BL & BMB; GIS Tile 104C1
Tax Map 104; Grid 6; Parcel 226
15th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=20'

Date: FEBRUARY 24, 2011

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



VARIANCE REQUESTS

- #1106 EAST RIVERSIDE AVENUE
1) SECTION 402.1B, B.C.Z.R.: TO ALLOW A WIDTH OF THE LOT AT THE FRONT BUILDING FACE OF 60' IN LIEU OF THE REQUIRED 90'
- 2) SECTION 232.2B, B.C.Z.R.: TO ALLOW A SIDE YARD SETBACK OF 10' IN LIEU OF THE REQUIRED 15' FOR THE EXISTING DWELLING
- #1104 & #1106 EAST RIVERSIDE AVENUE
1) SECTION 401.6A2, B.C.Z.R.: TO ALLOW 25 PARKING SPACES IN LIEU OF THE REQUIRED 42 SPACES FOR TAVERN & APARTMENT USES
- 2) SECTION 401.6A1, B.C.Z.R.: NOT TO BE REQUIRED TO PROVIDE SCREENING AND LANDSCAPING FOR THE EXISTING PARKING AREA
- 3) SECTION 401.6A2, B.C.Z.R.: NOT TO BE REQUIRED TO PROVIDE DURABLE AND DUSTLESS SURFACE FOR THE EXISTING GRAVEL PARKING AREA
- 4) SECTION 401.6A4, B.C.Z.R.: TO ALLOW THE EXISTING PARKING SPACES TO BE 0' FROM THE RIGHT OF WAY LINE OF A PUBLIC STREET IN LIEU OF THE REQUIRED 10'

SPECIAL EXCEPTION REQUEST

#1104 EAST RIVERSIDE AVENUE
SECTION 230.2 B.C.Z.R.: TO ALLOW LIVING QUARTERS IN A COMMERCIAL BUILDING

PARKING CALCULATIONS

TAVERN (1820 Sq. Ft.)
MINIMUM NUMBER OF PARKING SPACES
REQUIRED 20 per 1000 SQ. FT. = 36

APARTMENTS (4 RESIDENCES)
MINIMUM NUMBER OF PARKING SPACES
REQUIRED 1.5 per APARTMENT = 6

TOTAL PARKING SPACES REQUIRED = 42
PARKING SPACES PROVIDED = 25

B.L. COMMERCIAL BUILDING SETBACKS

MINIMUM FRONT YARD DEPTH (feet)	10
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	0
MINIMUM REAR YARD DEPTH (feet)	20 (ABUTTING RESIDENTIAL ZONE)

B.L. RESIDENTIAL BUILDING SETBACKS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	10,000
MINIMUM LOT WIDTH (feet)	70
MINIMUM FRONT YARD DEPTH (feet)	30
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	10
MINIMUM SUM OF SIDE YARD WIDTHS (feet)	25
MINIMUM REAR YARD DEPTH (feet)	30
MINIMUM SIDE YARD SETBACK	15' (ABUTTING A D.R. 3.5 ZONE)

FLOOR AREA RATIO

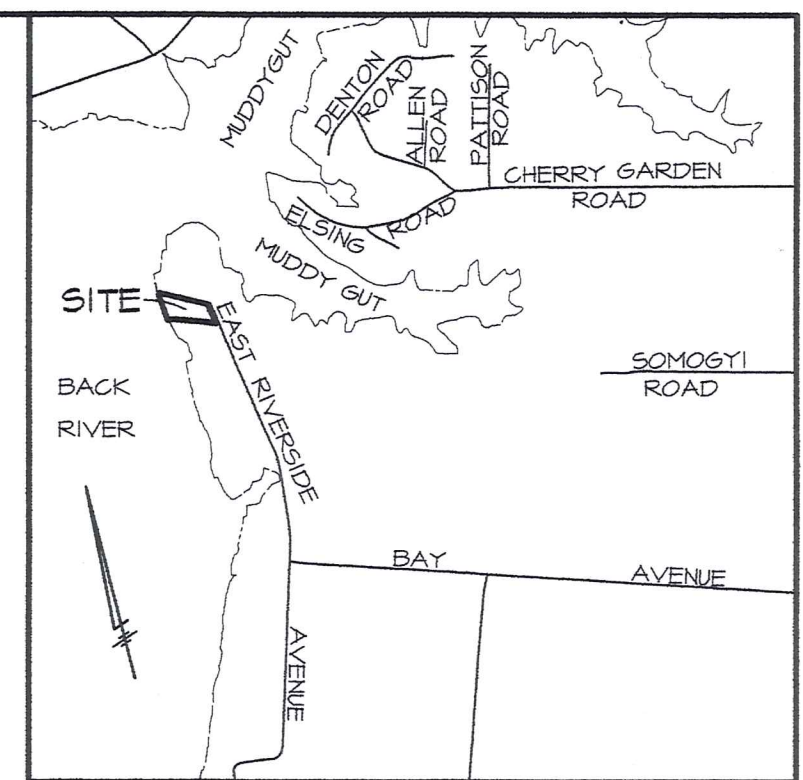
FLOOR AREA 4446 Sq. Ft. / GROSS AREA 12380 Sq. Ft. = 0.364
FLOOR AREA RATIO MUST BE LESS THAN 0.30 IN B.L.

LEGEND

EXISTING BUILDING	
HOODS LINE	
EXISTING PAVING	
ZONING LINE	
PROPERTY LINE	
CONTOURS	

REVISION	DATE

COMPUTED: _____ DRAWN: _____ CHECKED: _____ FILE: X:\VHANLEY - RIVERSIDE\zoning-plan_2-15-2011



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM DEEDS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND.
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4. WATERSHED BACK RIVER SUBWATERSHED 394 N
5. SCHOOL DISTRICT: ELEMENTARY - MIDDLEBOROUGH ES; MIDDLE - DEEP CREEK MS; HIGH - CHESAPEAKE HS.
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7. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
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OWNER/DEVELOPER

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c/o MARK P. HANLEY JR.
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410-409-2174

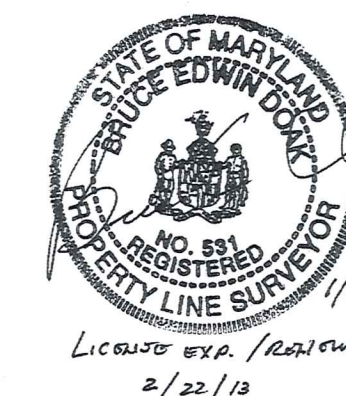
AMENDED

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#1104 & #1106 EAST RIVERSIDE AVENUE
Deed Ref: S.M. No. 7886 folio 174
PART OF LOTS 77 & 78 AND ALL OF LOT 79
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W.P.C. No. 7 folio 4
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Tax Map 104; Grid 6; Parcel 226
15th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=20'

Date: JANUARY 4, 2012



GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

VARIANCE REQUESTS

- 1) SECTION 402.1B, B.C.Z.R.: TO ALLOW A WIDTH OF THE LOT AT THE FRONT BUILDING FACE OF 65' IN LIEU OF THE REQUIRED 90'.
- 2) SECTION 232.2B, B.C.Z.R.: TO ALLOW A SIDE YARD SETBACK OF 10' IN LIEU OF THE REQUIRED 15' FOR THE EXISTING DWELLING.
- 3) SECTION 409.8A1, B.C.Z.R.: NOT TO BE REQUIRED TO PROVIDE SCREENING AND LANDSCAPING FOR THE EXISTING PARKING AREA.
- 4) SECTION 409.8A2, B.C.Z.R.: NOT TO BE REQUIRED TO PROVIDE DURABLE AND DUSTLESS SURFACE FOR THE EXISTING GRAVEL PARKING AREA.
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REQUIRED 1.5 per APARTMENT = 6

TOTAL PARKING SPACES REQUIRED = 42
PARKING SPACES PROVIDED = 30

B.L. COMMERCIAL BUILDING SETBACKS

MINIMUM FRONT YARD DEPTH (feet)	10
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	0
MINIMUM REAR YARD DEPTH (feet)	20 (ABUTTING RESIDENTIAL ZONE)

B.L. RESIDENTIAL BUILDING SETBACKS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	10,000
MINIMUM LOT WIDTH (feet)	70
MINIMUM FRONT YARD DEPTH (feet)	30
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	10
MINIMUM SUM OF SIDE YARD WIDTHS (feet)	25
MINIMUM REAR YARD DEPTH (feet)	30
MINIMUM SIDE YARD SETBACK	15' (ABUTTING A D.R. 3.5 ZONE)

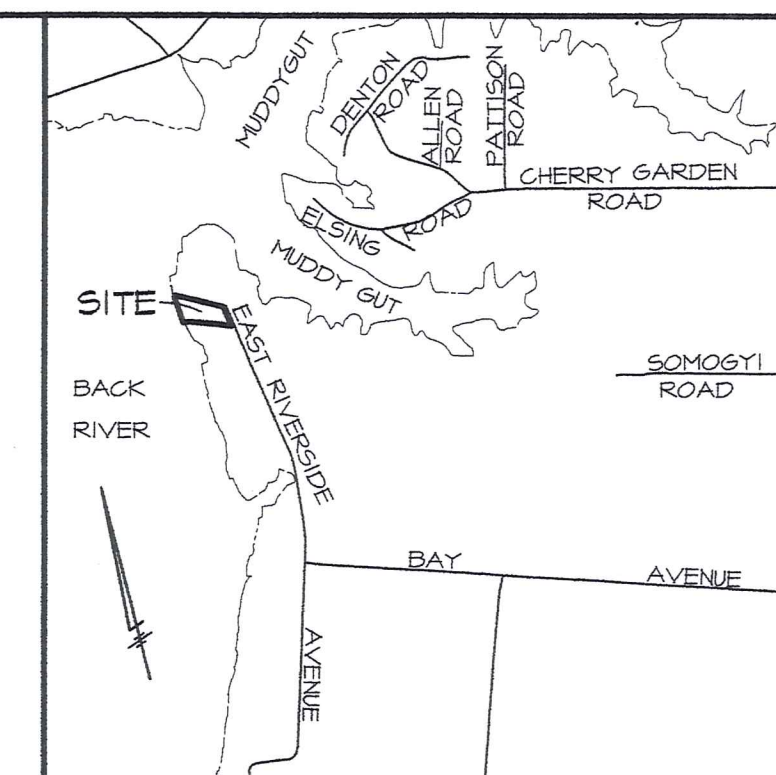
FLOOR AREA RATIO

FLOOR AREA 4446 Sq. Ft. / GROSS AREA 12350 Sq. Ft. = 0.364
FLOOR AREA RATIO MUST BE LESS THAN 0.3 IN B.L.

LEGEND

EXISTING BUILDING	
WOODS LINE	
EXISTING PAVING	
ZONING LINE	
PROPERTY LINE	
CONTOURS	

EXISTING BUILDING
WOODS LINE
EXISTING PAVING
ZONING LINE
PROPERTY LINE
CONTOURS



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM DEEDS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 104C1.
3. CENSUS TRACT 481000 REGIONAL PLANNING DISTRICT 320
WATERSHED BACK RIVER SUBWATERSHED 34 N
SCHOOL DISTRICT, ELEMENTARY - MIDDLEBOROUGH ES; MIDDLE - DEEP CREEK M.S.;
HIGH - CHESAPEAKE H.S.
A.D.C. MAP # GRID 45 H2
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
8. THE SUBJECT PROPERTY IS WITHIN A 100 YEAR FLOOD PLAIN.
9. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.

ZONING POINT OF BEGINNING AT A POINT ON THE
SOUTHWEST SIDE OF EAST RIVERSIDE AVENUE
1311'± NORTHWESTERLY FROM BAY AVENUE

OWNER/DEVELOPER

RIVERSIDE INN INC.
c/o MARK P. HANLEY JR.
117 LAKE FRONT DRIVE
COCKEYSVILLE, MD 21030-2216
410-409-2174

Plan to Accompany Additional Photographs

AMENDED PLAT TO ACCOMPANY A ZONING PETITION RIVERSIDE INN INC. PROPERTY

#1104 & #1106 EAST RIVERSIDE AVENUE
Deed Ref: S.M. No. 7886 folio 174
PART OF LOTS 77 & 78 and ALL OF LOT 79
"BACK RIVER NECK PARK"
W.P.C. No. 7 folio 4
Tax Account No.: 15-04-650320
Zoned BL & BMB; GIS Tile 104C1
Tax Map 104; Grid 6; Parcel 226
15th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=20'

Date: JANUARY 4, 2012



GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

VARIANCE REQUESTS

- #1106 EAST RIVERSIDE AVENUE
1) SECTION 402.1B, B.C.Z.R.: TO ALLOW A WIDTH OF THE LOT AT THE FRONT BUILDING FACE OF 65' IN LIEU OF THE REQUIRED 40'
- 2) SECTION 232.2B, B.C.Z.R.: TO ALLOW A SIDE YARD SETBACK OF 10' IN LIEU OF THE REQUIRED 15' FOR THE EXISTING DWELLING
- #1104 & #1106 EAST RIVERSIDE AVENUE
1) SECTION 409.8A2, B.C.Z.R.: TO ALLOW 30 PARKING SPACES IN LIEU OF THE REQUIRED 42 SPACES FOR TAVERN & APARTMENT USES
- 2) SECTION 409.8A1, B.C.Z.R.: NOT TO BE REQUIRED TO PROVIDE SCREENING AND LANDSCAPING FOR THE EXISTING PARKING AREA
- 3) SECTION 409.8A2, B.C.Z.R.: NOT TO BE REQUIRED TO PROVIDE DURABLE AND DUSTLESS SURFACE FOR THE EXISTING GRAVEL PARKING AREA
- 4) SECTION 409.8A4, B.C.Z.R.: TO ALLOW THE EXISTING PARKING SPACES TO BE 0' FROM THE RIGHT OF WAY LINE OF A PUBLIC STREET IN LIEU OF THE REQUIRED 10'

SPECIAL EXCEPTION REQUEST

#1104 EAST RIVERSIDE AVENUE
SECTION 230.2 B.C.Z.R.: TO ALLOW LIVING QUARTERS IN A COMMERCIAL BUILDING

PARKING CALCULATIONS

TAVERN (1820 Sq. Ft.)
MINIMUM NUMBER OF PARKING SPACES
REQUIRED 20 per 1000 Sq. Ft. = 36

APARTMENTS (4 RESIDENCES)
MINIMUM NUMBER OF PARKING SPACES
REQUIRED 1.5 per APARTMENT = 6

TOTAL PARKING SPACES REQUIRED = 42
PARKING SPACES PROVIDED = 30

B.L. COMMERCIAL BUILDING SETBACKS

MINIMUM FRONT YARD DEPTH (feet)	10
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	0
MINIMUM REAR YARD DEPTH (feet)	20 (ABUTTING RESIDENTIAL ZONE)

B.L. RESIDENTIAL BUILDING SETBACKS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	10,000
MINIMUM LOT WIDTH (feet)	70
MINIMUM FRONT YARD DEPTH (feet)	30
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FLOOR AREA RATIO

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LEGEND

EXISTING BUILDING	
WOODS LINE	
EXISTING PAVING	
ZONING LINE	
PROPERTY LINE	
CONTOURS	

2009 IECC CODE COMPLIANCE

- 301.1 Climate zone 4 A
- 401.2 Compliance Method
Mandatory and Prescriptive Provisions
- 402.1.1 Exterior Frame Wall Construction
2x6 studs @ 16" o.c.
R-13 Kraft faced batt insulation
7/16" O.S.B. (Continuous)
Housewrap
- 402.1.1 Attic Insulation
R-38
- 402.1.1 Window U-Value/SHGC
.34 (U-Value)
.31 (SHGC)
- 402.1.1 Slab on grade floors less than 12' below grade
R-10 Rigid Foam Board insulation under slab extending
either 2'-0" horizontally or 2'-0" vertically
- 402.23 Attic access scuttle will be weatherstripped and insulated R-38
- 402.4.1 Building Thermal Envelope (air leakage)
Exterior walls and penetrations will be sealed per this section of the
2009 IECC with caulk, gaskets, weatherstripping or an air barrier
or suitable material.
- 403.1.1 Thermostat
All dwelling units will have at least (1) programmable thermostat for
each separate heating and cooling system per 2009 IECC Section 403.1

Where a heat pump system having supplementary electric resistance heat
is used the thermostat shall prevent the supplementary heat from coming
on when heat pump can meet heating load.

403.2.1 Mechanical Duct Insulation
Supply ducts in Attic R-8 minimum; Under slab R-6.

403.2.2 Duct Sealing
A duct tightness test ("Duct Blaster" duct total leakage test) will be
performed on all homes and shall be verified by either a post construction
test or a rough-in test. Duct tightness test is not required if the air handler and
all ducts are located within the conditioned space.

403.5 Mechanical Ventilation
Outdoor (make-up air) will be brought into the home thru a duct with an
automatic or gravity damper

403.6 Equipment Sizing
Furnaces will be 80% efficient furnaces

404.1 Lighting Equipment
A minimum of 50% of all lamps (lights) must be high-efficacy lamps

Water heater
Minimum efficiency established by NAECA

Mechanical testing to be performed by

Contractor to be responsible for generating Certificate of Compliance and affixing to electrical
panel.

DAVID H. GLEASON ASSOCIATES, INC.
ARCHITECTS

520 A NORTH EUTAW STREET, BALTIMORE, MD 21201 410.728.1810

Residential Development
1106 Riverside Ave. East
Baltimore County, Md.

Title

© David H. Gleason Associates, Inc.

DATE NOV 3, 2010

Revisions

Project #

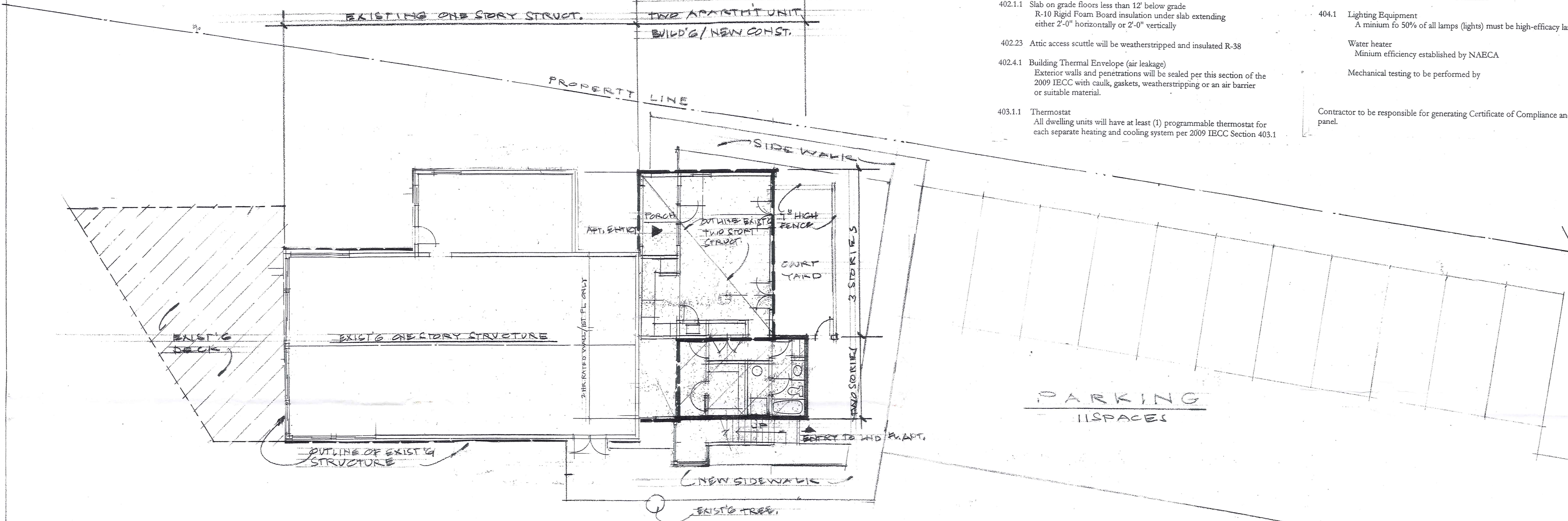
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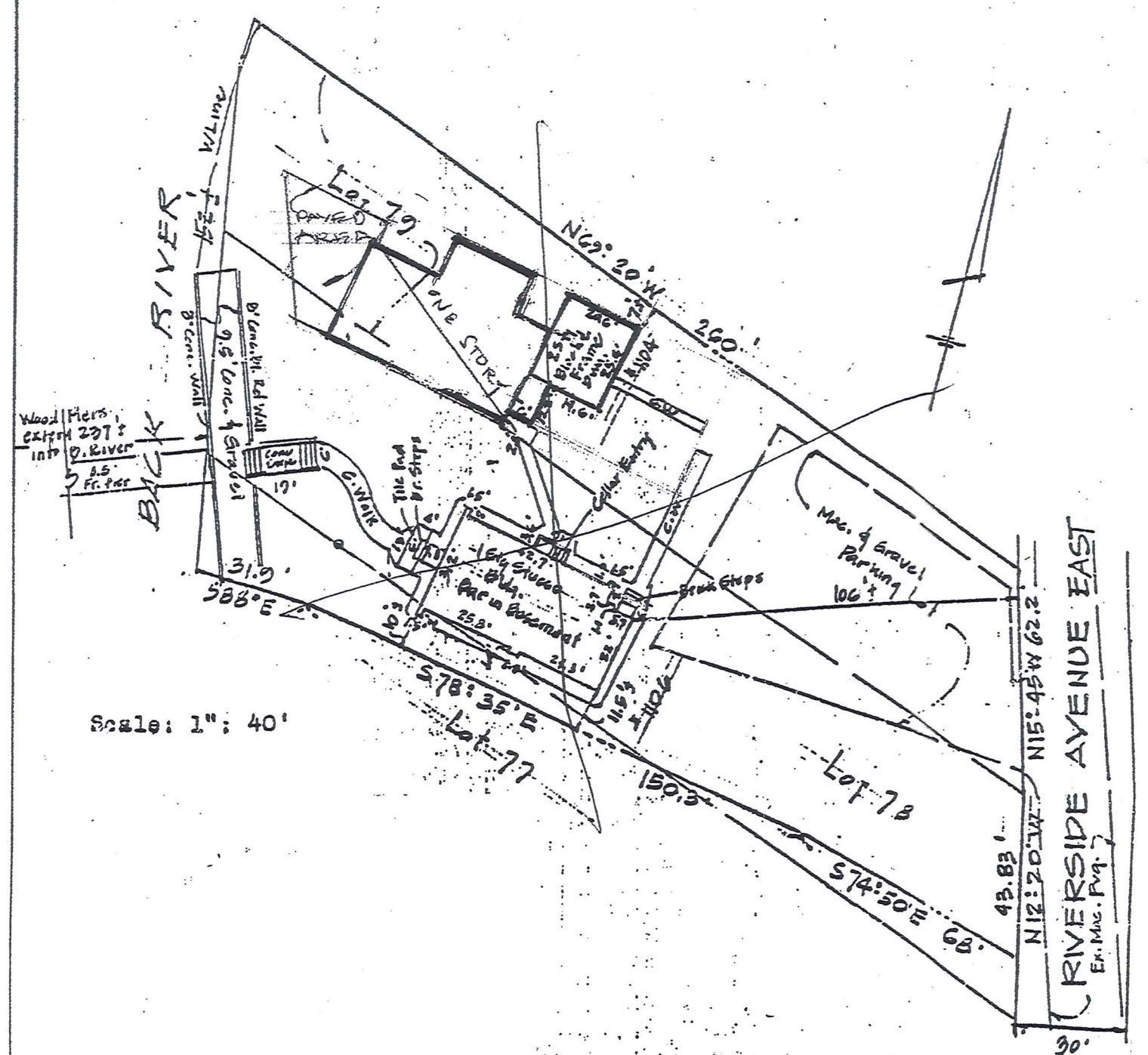
AI

1 OF 4

Per E. #7



Plot showing property shown as No. 1106 Riverside Avenue East, also known as
Lot 79 and part of Lots 77 and 78 as recorded among the Land Records of
Baltimore County in Plat Book No. 7, folio 4, as described in Liber 7035,
folio 316



PARTIAL SITE PLAN
1/8" = 1'-0"

EXISTING ONE STORY STRUCTURE

PARKING
11 SPACES

Per E. #7

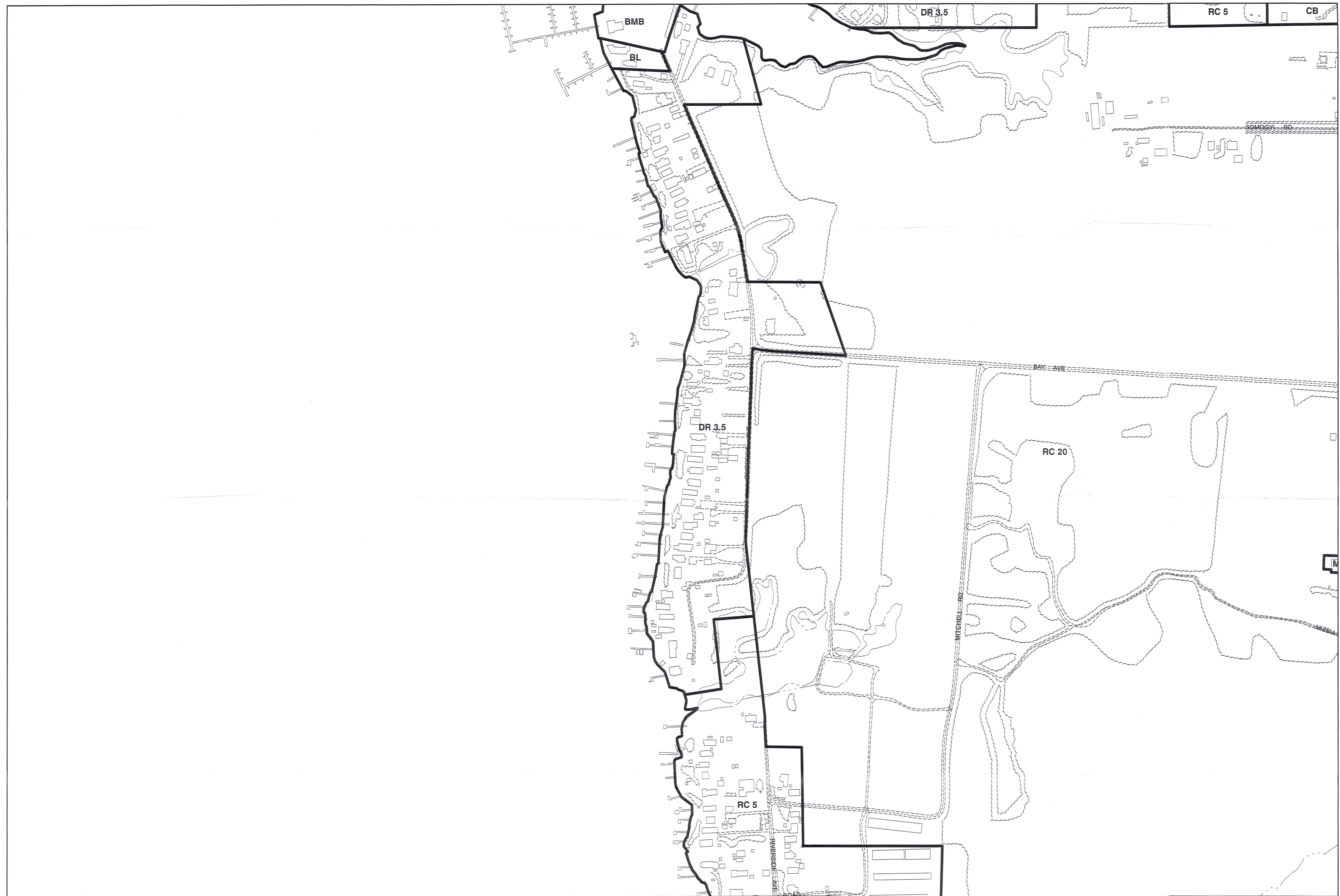


Prepared by Baltimore County GIS Services Unit
 Date: November 3, 2011
 Date of Imagery: 2008
 The Cadastre information on this Map was compiled from existing deed, plat, or
 tax map information. This information is not to be considered authoritative. The
 property information was not field checked and certified by a licensed land surveyor.



Per. Ex. #6

2011-257-XA



Plan Sheet: 104C1

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- | | | | | | |
|--|-----------|--|---------|--|------------|
| | Buildings | | Streams | | Vegetation |
| | Zoning | | Roads | | Rail Lines |

Baltimore County Office of Planning and Zoning Official Zoning Map

097A3	097B3	097C3	098A3	098B3
104A1	104B1	104C1	105A1	105B1
104A2	104B2	104C2	105A2	105B2

Scale

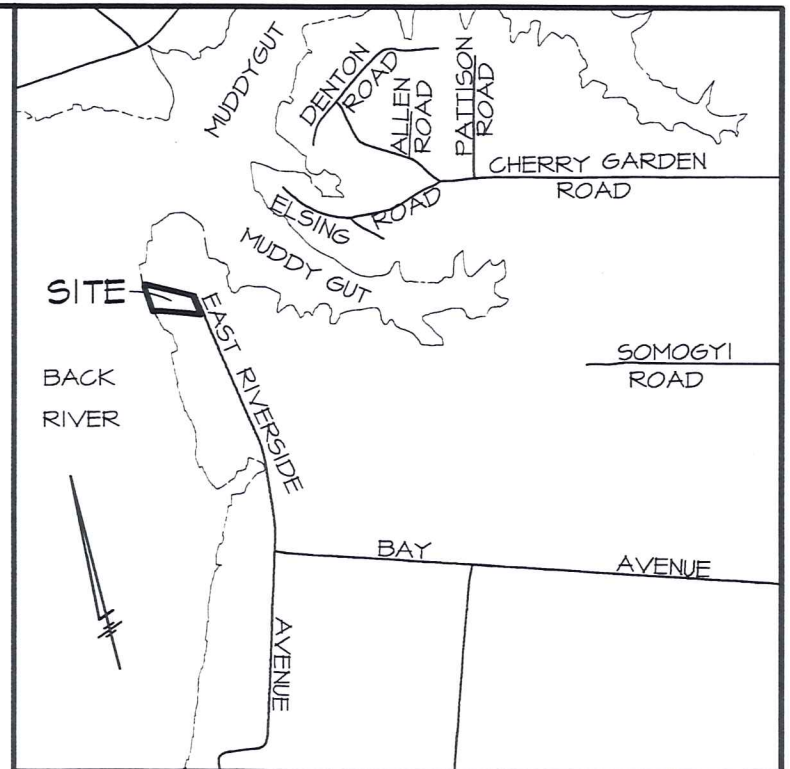
1" = 200'

0 100 200 400
Feet



Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

PC#7



VICINITY MAP
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GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED	DRAWN	CHECKED	FILE: X:\V\HANLEY - RIVERSIDE\zoning\plan_2_15_2011.d

SPECIAL EXCEPTION REQUEST

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