

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

S side of Eastern Avenue; 278 feet E *
of the c/l of Island Point Road *
15th Election District *
7th Council District *
(8247 Eastern Avenue) *

F & E, LLC *
Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0161-SPHA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owner of the property, F&E, LLC by Fillippos Fillippakis. The Petitioner is requesting Special Hearing relief under Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a waiver for working within a tidal floodplain pursuant to Section 500.6 of the B.C.Z.R., Building Code Section 3112, and Article 32-4-107(a)(2). In addition, Petitioner is requesting variance relief from Section 238.2 of the B.C.Z.R. to permit a side setback of 20 feet from 30 feet, and from Section 409 of the B.C.Z.R. for a parking variance from 155 spaces to 111 spaces. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case was Fillippos Fillippakis of F&E, LLC and Evangelos D. Sidou, Esquire attorney for the Petitioner. J. Scott Dallas, who prepared the site plan, was also in attendance. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

ORDER RECEIVED FOR FILING

Date 2-17-12

By DJ

This matter is currently the subject of a violation case (Case No. CO-0094291) before the Office of Administrative Hearings, and a copy of the Code Enforcement file was made a part of the zoning hearing file. It should be noted that the fact that a code violation is issued is generally not considered in a zoning case. Zoning enforcement is conducted by the Department of Permits, Approvals, and Inspections, which has the authority to issue Correction Notices and Citations and to impose fines and other penalties for violation of law. On the other hand, the role of the Administrative Law Judge in this matter is to decide the discreet legal issue of whether the Petitioner is entitled to the requested zoning relief.

With respect to the setback variance, Petitioner seeks relief to allow the open air pavilion to be located 20' from the property line, as opposed to 30' as required by the B.C.Z.R. The Department of Environmental Protection and Sustainability (DEPS) issued a permit for this structure in July, 2011, and Brian Lindley of DEPS verified that the pavilion is now (it was relocated from where the owner originally constructed it) 25' from the water line, as required by environmental regulations.

The parking variance also seems uncontroversial. The regulations require 155 spaces and the Petitioner has provided 111 spaces. The Petitioner testified that he acquired surplus property from the State Highway Administration to increase the number of spaces on site, but that he was unable to provide the requisite 155 spaces. Even so, both Petitioner and its surveyor, Mr. Dallas, testified that there has never been a shortage of parking at the site, even during the busy summer boating season.

Based upon the testimony and evidence presented, I will grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure

ORDER RECEIVED FOR FILING

Date 2-17-12

By GW

which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

The Petitioner has met this test.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of any neighborhood opposition or negative comments from County agencies.

That leaves for consideration the special hearing relief concerning a waiver for working in a tidal floodplain. The Petition cites Section 32-4-107 of the B.C.C., which requires that such a waiver may be processed only upon the "request of a department director." B.C.C. Section 32-4-107(a)(i). There does not appear to be such a request in the case file, and thus I am unable to grant relief under this provision. Even so, it may be that the Petitioner does not even need a tidal floodplain waiver, given that the pavilion has now been relocated to 25' from the water line, which complies with county and state environmental regulations.

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

THEREFORE, IT IS ORDERED, this 17 day of February, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing relief under

ORDER RECEIVED FOR FILING

Date 2-17-12

By DW

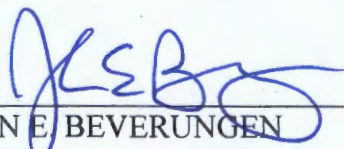
Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a waiver for working within a tidal floodplain pursuant to Section 500.6 of the B.C.Z.R., Building Code Section 3112, and Article 32-4-107(a)(2), be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to Section 238.2 of the B.C.Z.R. to permit a side setback of 20 feet from 30 feet, and from Section 409 of the B.C.Z.R. for a parking variance from 155 spaces to 111 spaces, be and is hereby GRANTED.

The relief granted is subject to the following conditions:

1. Petitioner must comply with the comments provided by DEPS in its February 14, 2012 correspondence, attached.
2. Petitioner may apply for its permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

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:dlw

ORDER RECEIVED FOR FILING

Date 2-17-12

By aw

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: February 14, 2012

SUBJECT: DEPS Comment for Zoning Item # 12-0161-SPHA
Address 8247 Eastern Ave
(F & E, LLC by Fillippos
Fillippakis)

Zoning Advisory Committee Meeting of January 16, 2012

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. 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;

This waterfront property is located within an Intensely Developed Area (IDA) and Buffer Management Area (BMA) in the Chesapeake Bay Critical Area (CBCA). Relief to the side setback requirement for the pavilion located within the tidal buffer can result in minimized adverse impacts to water quality provided that the applicant adheres to all Critical Area requirements that were a condition of EPS approval of the permit for the structure. The reduction of parking spaces can further minimize water quality impacts by allowing the applicant to maintain or reduce impervious surfaces and tidal buffer impacts. However, the plan indicates parking in gravel areas, part of which currently are non-vegetated or poorly vegetated soil. The additional parking areas must be reviewed by EPS for compliance with 10% pollutant reduction and BMA requirements.

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By 122

2. Conserve fish, wildlife, and plant habitat;

The current development of the property limits water quality and habitat functions due to tidal buffer impacts. With reduction of the side setback and reduction of the number of parking spaces required, the applicant can maximize water quality management by adhering to 10% pollutant reduction requirements, and BMA requirements including, but not limited to, mitigation plantings within the buffer. Part of the parking area labeled as gravel area on the plan is soil at this time, and this area must remain as soil and be better stabilized with native vegetation. The additional parking areas must be reviewed by EPS for compliance with 10% pollutant reduction and BMA requirements. Therefore, the subject zoning relief will conserve fish, wildlife, and plant habitat based on the existing conditions and location provided that all Critical Area requirements are met.

3. Be consistent with established land use policies 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.

The relief requested will be consistent with established land-use policies provided that the applicant meets all Critical Area requirements for any development on the property.

- Paul Dennis; Environmental Impact Review

S:\Devcoord ZAC-Zoning Petitions\ZAC 2012\ZAC 12-0161-SPHA EIR 8427 Eastern Avenue

ORDER RECEIVED FOR FILING

Date 2-17-12

By LSW



KEVIN KAMENETZ
County Executive

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

February 17, 2012

Evangelos D. Sidou, Esquire
222 Bosley Avenue
Suite C-7
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Case No.: 2012-0161-SPHA
Property: 8247 Eastern Avenue

Dear Mr. Sidou:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



Additional Tax Acct# 2500003485

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 8247 Eastern Avenue which is presently zoned BR IM
 Deed References: Liber 20823 folio 054 10 Digit Tax Account # 1 5 1 8 7 2 1 3 3 0
 Property Owner(s) Printed Name(s) F & E, LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a Waiver for working within a Tidal Flood Plain, pursuant to §500.6 of the BCZR, Building Code §3112, and Article 32-4-107(a)(2).
2. _____ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a Variance from Section(s) 238.2 Side Setback from 30' to 20'; and also \$409 for a parking variance from 155 spaces to 111 spaces

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition) The Property Owner is unable to utilize the waterfront and waterview east of the building on its property without a variance. The side setback requirements do not allow the use of the outdoor pavilion as it is located within the side setback limitations and is forward of the existing building.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

EVANGELOS D. SIDOU, ESQUIRE

Name- Type or Print

Signature

222 Bosley Avenue Suite C-7 Towson, MD

Mailing Address

City

State

21204

(410) 296-4000

sidoulaw@aol.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

F & E, LLC by Fillippos Fillippakis

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7625 German Hill Road, Baltimore, Maryland

Mailing Address

City

State

21222

(410) 288-1060

/scoozzi@verizon.net

Zip Code

Telephone #

Email Address

Representative to be contacted:

MR. FILLIPPOS FILLIPPAKIS

Name - Type or Print

Signature

7625 German Hill Road, Baltimore, Maryland

Mailing Address

City

State

21222

(443) 791-5224

/scoozzi@verizon.net

Zip Code

Telephone #

Email Address

CASE NUMBER

2012-0161SPHA

Filing Date

1/10/2012

Do Not Schedule Dates:

Reviewer

AT

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

ZONING DESCRIPTION
TAX MAP 97 PARCEL 17
(including claimed Adverse possession area)
PART OF #8247 EASTERN AVENUE

BEGINNING at a point in the center of Old Eastern Avenue at a point distant 235 feet, more or less easterly from the northeast side of Island Point Road, as shown on State Roads Commission plat No. 57456 thence running with an binding on said Old Eastern Avenue **(1)** North 59 degrees 00 minutes east 278.00 feet thence running along or near the shore line of the Back River the four following courses and distances: **(2)** South 44 degrees 11 minutes East 36.50 feet **(3)** South 25 degrees 34 minutes West 48.79 feet **(4)** South 06 degrees 26 minutes east 93.88 feet and **(4)** South 19 degrees 10 minutes West 68.70 feet thence leaving said back River and running **(5)** South 61 degrees 30 minutes West 27.2 feet thence **(6)** South 32 degrees 16 minutes West 37.75 feet thence **(7)** North 75 degrees 47 minutes West 5.5 feet thence **(8)** North 55 degrees 18 minutes West 7.6 feet thence **(9)** South 73 degrees 56 minutes West 60 feet thence **(10)** North 63 degrees 32 minutes West 12 feet and **(11)** North 29 degrees 30 minutes West 185 feet to the place of beginning.

BEING parcel 17, Tax map 97 as described in S.M No. 20823 folio 054 etc

CONTAINING 46,525 square feet of land, more or less or **1.07** acres of land, more or less.

ALSO known as part of # **8247 EASTERN AVENUE** and located in the 15TH Election District 7TH Councilmanic District.

Note: above description is based on existing deeds and is for zoning purposes only.



9.16.11

2012-0161 SPHA

CERTIFICATE OF POSTING

2012-0161-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

F & E, LLC.

February 14, 2012

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

8247 Eastern Ave

January 30, 2012

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

January 30, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**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: # 2012-0161-SPHA
8247 Eastern Avenue
S/S of Eastern Avenue, 278 feet east of the centerline of Island Point Road
15th Election District
7th Councilmanic District
Legal Owner(s): F & E, LLC
Special Hearing to approve a waiver for working within a Tidal Flood Plain.
Variance to permit a side setback from 30 feet to 20 feet; and also for a parking variance from 155 spaces to 111 spaces.

Hearing: Tuesday, February 14, 2012 at 10:00 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 Office at (410) 887-3868.

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

JT 1/703 January 31 295676

CERTIFICATE OF PUBLICATION

2/2/ 2012

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 1/31/ 2012.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

RECEIVED

FEB 24 2012

OFFICE OF ADMINISTRATIVE HEARINGS

S. Wilkinson

LEGAL ADVERTISING

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

No. **78910**
 Date: **1/10/2012**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 1/10/2012 1/10/2012 12:36:58 5
 REC NS03 WALKIN RPOS LRD
 >> RECEIPT # 569993 1/10/2012 OFUL
 Dept S 528 ZONING VERIFICATION
 CR NO. 078710
 Recpt Tot \$770.00
 \$770.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$ 770 -

Total: **\$ 770 -**

Rec
From:

For:

8247 EASTERN AVE
2012-0161-SPHA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 31, 2012 Issue - Jeffersonian

Please forward billing to:
Fillippos Fillippakis
7625 German Hill Road
Baltimore, MD 21222

443-791-5224

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: 2012-0161-SPHA

8247 Eastern Avenue

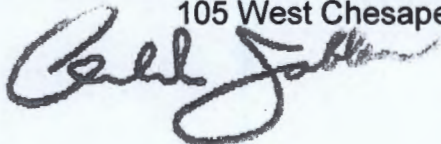
S/S of Eastern Avenue, 278 feet east of the centerline of Island Point Road

15th Election District – 7th Councilmanic District

Legal Owners: F & E, LLC

Special Hearing to approve a waiver for working within a Tidal Flood Plain. Variance to permit a side setback from 30 feet from 20 feet; and also for a parking variance from 155 spaces to 111 spaces.

Hearing: Tuesday, February 14, 2012 at 10:00 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 ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
January 23, 2012

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: 2012-0161-SPHA

8247 Eastern Avenue

S/S of Eastern Avenue, 278 feet east of the centerline of Island Point Road

15th Election District – 7th Councilmanic District

Legal Owners: F & E, LLC

Special Hearing to approve a waiver for working within a Tidal Flood Plain. Variance to permit a side setback from 30 feet from 20 feet; and also for a parking variance from 155 spaces to 111 spaces.

Hearing: Tuesday, February 14, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a faint circular stamp.

Arnold Jablon
Director

AJ:kl

C: Evangelos Sidou, 222 Bosley Avenue, Ste. C-7, Towson 21204
Fillippos Fillipakis, 7625 German Hill Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 30, 2012.**
- (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.**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0161-SPHA
Petitioner: F & E, LLC
Address or Location: 8247 EASTERN AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: FILLIPPOS FILIPPAKIS
Address: 7625 GERMAN HILL ROAD
BALTIMORE, MD 21222
Telephone Number: (443) 791-5224

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

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

February 6, 2012

Fillippos Fillipakis
F & E LLC
7625 German Hill Road
Baltimore, MD 21222

RE: Case Number: 2012-0161-SPHA Address: 8247 Eastern Avenue

Dear Mr. Fillipakis:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 10, 2012. 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Evangelos D. Sidou, Esq., 222 Bosley Avenue, Suite C-7, Towson MD 21204

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-18-12

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

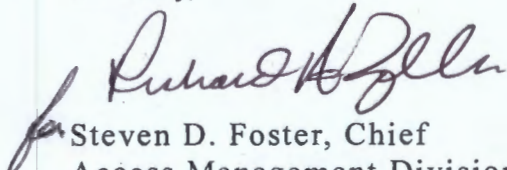
RE: Baltimore County
Item No. 2012-0161-SPHA
Special Hearing Variance
F&E, LLC by Philippos Philippas
8247 Eastern Avenue.

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. 2012-0161-SPHA

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

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.roads.maryland.gov

MEMO

From: Aaron Tsui, Planner II

January 10, 2012

To: Administrative Law Judge/File

Re: Case no. 2012-0161-SPHA
8247 Eastern Avenue, 15th Election District

The plan accompanying the petition did not indicate any violations. The Building Inspection Office has advised that there have been multiple County code and building code violations on the property.

Accessory structures were built within tidal flood plain and without building permits in addition to other housekeeping code violations.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 30, 2012
Item No. 2012-0161

DATE: January 24, 2012

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comments.

We take no exceptions to the requested waiver.

The base flood elevation for this site is 7.7 feet [NAV88].
The flood protection elevation for this site is 8.7 feet.

DAK:CEN
cc:file
ZAC-ITEM NO 12-0161-01242012.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: February 14, 2012

SUBJECT: DEPS Comment for Zoning Item # 12-0161-SPHA
Address 8247 Eastern Ave
(F & E, LLC by Fillippos
Fillippakis)

Zoning Advisory Committee Meeting of January 16, 2012

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. 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;

This waterfront property is located within an Intensely Developed Area (IDA) and Buffer Management Area (BMA) in the Chesapeake Bay Critical Area (CBCA). Relief to the side setback requirement for the pavilion located within the tidal buffer can result in minimized adverse impacts to water quality provided that the applicant adheres to all Critical Area requirements that were a condition of EPS approval of the permit for the structure. The reduction of parking spaces can further minimize water quality impacts by allowing the applicant to maintain or reduce impervious surfaces and tidal buffer impacts. However, the plan indicates parking in gravel areas, part of which currently are non-vegetated or poorly vegetated soil. The additional parking areas must be reviewed by EPS for compliance with 10% pollutant reduction and BMA requirements.

2. Conserve fish, wildlife, and plant habitat;

The current development of the property limits water quality and habitat functions due to tidal buffer impacts. With reduction of the side setback and reduction of the number of parking spaces required, the applicant can maximize water quality management by adhering to 10% pollutant reduction requirements, and BMA requirements including, but not limited to, mitigation plantings within the buffer. Part of the parking area labeled as gravel area on the plan is soil at this time, and this area must remain as soil and be better stabilized with native vegetation. The additional parking areas must be reviewed by EPS for compliance with 10% pollutant reduction and BMA requirements. Therefore, the subject zoning relief will conserve fish, wildlife, and plant habitat based on the existing conditions and location provided that all Critical Area requirements are met.

3. Be consistent with established land use policies 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.

The relief requested will be consistent with established land-use policies provided that the applicant meets all Critical Area requirements for any development on the property.

- Paul Dennis; Environmental Impact Review

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
8247 Eastern Avenue; S/S Eastern Avenue;
278' E of c/line Island Point Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): F & E, LLC

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-161-SPHA

* * * * *

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.

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

RECEIVED

JAN 24 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 2012, a copy of the foregoing Entry of Appearance was mailed to Fillippos Fillippakis, 7625 German Hill Road, Baltimore, MD 21222 and Evangelos Sidou, Esquire, 222 Bosley Avenue, Suite C-7, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Regina Esslinger
To: Beverungen, John
CC: Dennis, Paul; Lindley, Brian
Date: 02/16/12 12:05 PM
Subject: Re: 8247 Eastern Ave.

John,

The parking spaces in the gravel area need to be reviewed by this section for IDA and BMA compliance, and the zoning petition application did not include all the information needed for our review. Generally we like to approve reduction of parking when requested, but in this case we haven't completed a review of this area for any parking.

The tidal flood plain issue falls under the purview of DPW. From a Critical Area standpoint, they have addressed our requirements for the pavilion to be out of the 25-foot BMA buffer.

Hope that's helpful.

Regina

>>> John Beverungen 02/16/12 11:03 AM >>>

Thanks for the response, which causes me to ask 2 questions:

1. Petitioner is proposing to count the parking spaces shown in the area marked "gravel area" on the parcel 527. Do the requirements you mention--25 foot buffer and IDA pollutant reduction--prevent me from counting these spaces in deciding whether to grant a parking variance? Or is this something that DEPS would enforce through its citation process?

2. Petitioner seeks a "waiver" for work in a tidal flood plain, per BCC 32-4-107. Your e-mail mentioned that Brian verified the pavilion is now located the required 25 feet from the water line. Does this mean the owner is therefore not "working" within the tidal flood plain, and does not need such a waiver?

Thanks again.

John.

>>> Regina Esslinger 02/15/12 3:12 PM >>>

John,

Dave tells me he got you our Department comments yesterday afternoon. We have a long history with this site. The pavilion was part of a Critical Area violation which pre-dated the "after-the-fact" requirements, so that is not an issue here. Brian Lindley worked with the owner and has field-verified that the pavilion is now the required 25-foot distance from the water. The plan shows both this distance and the 20-foot setback from the property line as the water line and property line do not match up. We approved a permit last July for the pavilion.

We note, however, that the area labeled as "gravel area" on Parcel 527 was subject to a Sediment Control stop work order a few years ago when there was grading going on to the water's edge, and has not been approved as a formal parking area and is not entirely gravel. Any conversion of this area to parking will need to adhere to the 25-foot BMA buffer and will need to address the IDA 10% pollutant reduction requirements.

Let me know if you have any other questions or need more information.

Thanks,

Regina A. Esslinger, Supervisor
Environmental Impact Review
Dept of Environmental Protection and Sustainability
105 W. Chesapeake Avenue, Suite 400
Towson, MD 21204
(410) 887-3980

>>> John Beverungen 02/14/12 1:36 PM >>>
Thanks.

>>> Regina Esslinger 02/14/12 12:44 PM >>>
John,

I haven't spoken with Mr. Sidou, but our section did review the zoning petition. We've had a number of violations at this site previously, but I thought they all had been satisfactorily resolved. Let me look into this and get back with you tomorrow, if that's okay. I appreciate your contacting us.

Regina A. Esslinger, Supervisor
Environmental Impact Review
Dept of Environmental Protection and Sustainability
105 W. Chesapeake Avenue, Suite 400
Towson, MD 21204
(410) 887-3980

>>> John Beverungen 02/14/12 12:33 PM >>>
Ms. Esslinger,

I had a zoning hearing this morning concerning the Malibu Beach Bar. The petitioner's attorney, Mr. Sidou, said he had spoken with you about this case, although I saw in the file no comment or documents from DEPS. Petitioner is seeking variance relief to have a dining pavilion 20 feet from the water line, instead of 30 feet as required by the BCZR. Petitioner also seeks a waiver to allow construction in a tidal flood plain. Counsel said the CBCA designation was IDA.

Is DEPS supportive of these requests? A few months ago you sent me some information on "after the fact" variances under the CBCA regulations. Are those at issue here, and if so, would they prohibit an after the fact variance for this pavilion, which has already been constructed?

Thanks.

John Beverungen

JB 2/14
10 Am

EVANGELOS D. SIDOU, L.L.C.

222 Bosley Avenue
Suite C-7
Towson, Maryland 21204-4399
(410) 296-4000
(410) 296-8346 (FAX)

TELEFACSIMILE TRANSMISSION

DATE: February 14, 2012 **TIME:** 2:51 p.m.

NUMBER OF PAGES:

(Including Cover Sheet) 3

TO: Baltimore County Zoning Hearings Office

FAX NO.: (410) 887-3468

ATTENTION: Ms. Deb Wiley

RE: Certificate of Publication Variance Hearing

Entity: F & E, LLC

Property: 8247 Eastern Avenue, Baltimore, Maryland 21224

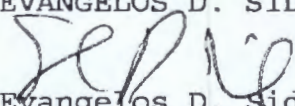
Case No.: 2012-0161-SPHA

Our File No.: EDS-00736-8

REMARKS: Dear Ms. Wiley: Pursuant to the instructions of ALJ John E. Beverungen at the Variance Hearing this morning, enclosed please find a copy of the Certificate of Publication for the publication of the Notice pursuant to the Zoning regulations. It is my understanding that the enclosed completes the file as far as necessary documents. Should my understanding be mistaken, please advise.

In the interim, should you have any problems or questions, please do not hesitate to contact me. Thank you for your kind attention and assistance in this matter.

Sincerely,
EVANGELOS D. SIDOU, L.L.C.


Evangelos D. Sidou

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. WE WILL REIMBURSE ANY COSTS YOU INCUR IN NOTIFYING US AND RETURNING THE FACSIMILE TO US. THANK YOU.

**ANY PROBLEMS WITH THIS TRANSMISSION PLEASE CALL
(410) 296-4000.**

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: # 2012-0141-SPHA
8247 Eastern Avenue
S/S of Eastern Avenue, 222 feet east of the centerline of Island Point Road
15th Election District
7th Councilmanic District
Legal Owners: F & S, LLC
Special Hearing to approve a waiver for working within a Flood Plain
Variances to permit a side setback from 20 feet to 20 feet and also for a parking variance from 155 spaces to 111 spaces
Hearing: Tuesday, February 14, 2012 at 10:00 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 Office at (410) 887-3865

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

JT 1/203 January 31 295676

CERTIFICATE OF PUBLICATION

2/2/ 2012

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 1/31/ 2012.

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

J. Wilkinson

LEGAL ADVERTISING



PO BOX 1377
BALTIMORE, MD 21203-1377

Advertising: 410-332-6132 or 410-332-6157
Billing: 410-332-6337

ACCOUNT NO. 66045
REF # 41945

INVOICE NO. 295676
INVOICE DATE 2/01/12

FILLIPPOS FILLIPPAKIS
7625 GERMAN HILL ROAD
DUNDALK, MD 21222

LEGAL ADVERTISING INVOICE

Columbia Flier
Howard County Times
Laurel Leader
Arbutus Times
Catonsville Times
Owings Mill Times
Towson Times
Northeast Booster/Reporter
Baltimore Messenger
Jeffersonian
North County News
The Aegis
The Record
APG News
The Baltimore Sun

#2012-0161-SPHA 8247 Eastern Ave

START DATE	STOP DATE	DESCRIPTION	TIMES	AGATE LINES	Amount
1/31/2012	2/02/2012	NOTICE OF ZONING HEARING The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will	1	69	80.04

CK 5663
Adv. for Balt Cont Vermon

P.O. NO: JT 01/703

TOTAL AMOUNT DUE

80.04

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

2012-0161-SPHA

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: January 24, 2012

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

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

SUBJECT: Item No.: 2012-0161-SPHA
Legal Owner/Petitioner: F & E, LLC by Fillippos Fillippakis
Contract Purchaser: N/A
Property Address: 8247 Eastern Avenue
Location Description: S/S of Eastern Ave.; 287 feet E. of the centerline Island

VIIOLATION INFORMATION: Case No. CO0094291
Defendants: F & E, LLC by Fillippos Fillippakis

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
Lew Mayer	111 W. Chesapeake Avenue

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:

- | | |
|-------------------------------------|---|
| ☒ | 1. Complaint letter/memo/email/fax (if applicable) |
| ☒ | 2. Complaint Intake Form/Code Enforcement Officer's report and notes |
| ☐ | 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) |
| ☐ | 8. Photographs including dates taken |
| ☐ | 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/rw
C: Code Enforcement Officer

case upstairs

CODE ENFORCEMENT REPORT

DATE: 5/20/11 INTAKE BY: CASE #: C00094291 INSPEC: 510355605

COMPLAINT LOCATION: 8247 EASTERN AVE

ZIP CODE: DIST: 15

COMPLAINANT NAME: LIR Bd. PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: STAGE BUILT NO PERMITS, CONSTRUCTION ON LOIR NO PERMITS B 719358 - PAVILLION, B 719357 - DECK.

IS THIS A RENTAL UNIT? YES NO

IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: ZONING:

INSPECTION: 5/20/11 - Visited Site. Observed A New Roof Built Over A Deck ON The Rear OF Bar/Restaurant. ISSUED A CIVIL CITATION 5/23/11 ~~ISSUED~~ FOR BUILDING AN ADDITION W/O PERMIT AND FAILURE TO OBTAIN INSPECTIONS AND APPROVALS FOR BUILDING PERMITS B 719358

REINSPECTION: AND B 719357.

5/23/11 - POSTED SITE WITH CITATION, NOTIFIED LIQUOR BOARD OF ACTION TAKEN SET HEARING DATE FOR 6/20/11 RLC 6/20/11 Jam
6/20/11 - Visited Site. NO CHANGE. PERMIT FOR NEW PAVILLION APPLIED FOR ON 6/20/11 Jam

REINSPECTION: 9/21/11 - FINAL INSPECTION ON PERMIT B 765101 FOR ROOF OVER EXISTING DECK HAS BEEN APPROVED BY BUILDING INSPECTION, LAWYER IS APPLYING FOR VARIANCE FOR SIDE BAR. RLC 10/3/11 Jam MW

10/6/11 - New Drawings Done. NO NEW APPT. TO FILE FOR VARIANCE RLC 10/26/11 Jam MW

REINSPECTION: 11/17/12 - VARIANCE APPLIED FOR. CASE # 2012-0161-SPH-A. RLC 2/3/13 FOR HEARING DATE. Jam MW

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave.
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620

CODE ENFORCEMENT & INSPECTION CITATION

CASE NUMBER C00094291	FACILITY ID FA0355605
---------------------------------	---------------------------------

PROPERTY TAX ID 1518781330	ZONE
--------------------------------------	------

NAME(S): FILIPPOS FILIPPAKIS - Resident Agent For F + E LLC

MAILING ADDRESS: 7625 GERMAN HILL RD		
CITY BALTIMORE	STATE MD	ZIP CODE 21222

VIOLATION ADDRESS: 8247 EASTERN AVE		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE 21224

VIOLATION DATES: 5/20/11 through 6/21/11
--

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

**BALTIMORE COUNTY CODE 2003, ARTICLE 35, SUBTITLE 3
SECT. 35-2-301, 304. COUNCIL BILL 47-10- PART 115.1
COMAR 05.02.02**

**FAILURE TO OBTAIN BUILDING PERMIT FOR ROOF
OVER DECK IN REAR OF BUILDING
FAILURE TO OBTAIN INSPECTIONS AND APPROVALS
FOR PERMITS B719358 AND B719357
FAILURE TO PROVIDE HANDICAP ACCESSIBILITY TO DECK PER
'05' COMMENT LETTER DATED 5/12/10**

Pursuant to the Baltimore County Code, as a result of the violation(s)
cited herein a civil penalty has been assessed in the amount indicated.

\$ 10,000

A hearing has been pre-scheduled in room 106,
111 W. Chesapeake Ave, Towson, Maryland, 21204.

DATE: **6/21/11**

If unable to appear on the designated date, the violator may request in writing to
the Code Official or the Director within fifteen days from the date of this citation for
a rescheduled hearing. If you require the assistance of an interpreter because you
do not understand or speak the language in which the proceedings are being
conducted you must ask for an interpreter within 72 hours of the court date.

TIME: **9:00 A.M. / P.M.**

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

Inspector Printed Name: LEWIS MAYER
--

INSPECTOR SIGNATURE: **Lewis Mayer** Date: **5/20/11**

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

No. **34294**

Date: **7/15/11**

PAID RECEIPT

BUSINESS ACTUAL TIME
 7/18/2011 7/15/2011 15:17:57 2

REG 4505 WALKIN DDOL DHD
 >>RECEIPT N 583009 7/15/2011 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount	Dept
001	806	0000		3120				\$750.00	

Total: **\$750.00**

Rec From: **Filippas Filippakis, Pres Agent**
 For: **Case # (94291) 8247 Eastern Ave**
FA0355605

Lm (Bldg)

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

5: 550 MISCELLANEOUS - IN
 CR NO. 034294
 Recpt Tot \$750.00
 \$750.00 CK \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 94291

F & E LLC
Filippos Filippakis, Resident Agent
7625 German Hill Road
Baltimore MD 21222

8247 Eastern Avenue

Respondent

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE**

This matter came before the Administrative Law Judge on June 21, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) 2003, Article 35, Subtitle 3 Section 35-2-301, 304, Council Bill 47-10 Part 115.1, COMAR 05.02.02: failure to obtain building permit for roof over deck in the rear of the building, failure to obtain inspection and approvals for permits B719358 and B7193657, failure to provide handicap accessibility to deck per '05' comment letter dated May 12, 2010 for commercial property.

On May 20, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Lewis Mayer issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$10,000.00 (ten thousand dollars).

The following persons appeared for the Hearing and testified: Filippos Filippakis, Respondent represented by Evangelos D. Sidou, Esquire and Lewis Mayer, Baltimore County Building Inspector.

Testimony revealed that, upon inspection dated 5/20/11 generated by a Liquor Board complaint, the alleged violations were in fact present on the property; and a review of records showed that the required inspections had not, in fact taken place. A Citation was issued 5/23/11. The Inspector noted that he met with the owner on 6/20/11 and was informed that the required permit had been applied for

and the inspections were being arranged. The Respondent testified that the deck had existed previously and he had assumed that the contractor had arranged for the inspections. He has a new contractor and expects to have him on board and ready to begin bringing the property into compliance within the next few weeks.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that \$4,250.00 of the \$5,000.00 civil penalty be suspended, with an immediate \$750.00 fine imposed at this time.

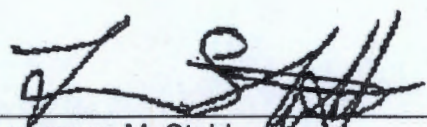
IT IS FURTHER ORDERED that the remaining \$4,250.00 civil penalty will be imposed if the property is not brought into compliance by August 20, 2011..

IT IS FURTHER ORDERED that the remaining \$4,250.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 28th day of June 2011

Signed: 

Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

LMS/jaf



KEVIN KAMENETZ
County Executive

ARNOLD JABLON, *Director*
Department of Permits,
Approvals & Inspections

Notice of Civil Penalty Fee

06/21/2011

F & E LLC
7625 GERMAN HILL RD
BALTIMORE, MD 21222

Tax ID #: 1518721330
Premise: 8247 EASTERN AVE
BALTIMORE, MD 21224
Case #: CO0094291
Facility ID: FA0355605

Complaint Fee ID: XL0006559

Fee Type: Civil Penalty Fee

Ticket/GW #: N/A

Fee Date: 06/21/2011

Fee Amount Due: \$750.00

Administrative Fee:

Total Amount Due: \$750.00

Dear Property Owner:

The above represents a Civil Penalty Fee imposed by the Hearing Officer, against the real property described as Premise above. If payment is not received within 30 days of the Fee Date above (by 07/21/2011), the Civil Penalty as authorized by the Hearing Officer shall be imposed and placed as a lien upon the property. The lien will be collected in the same manner as taxes. If the lien is not paid within 30 days (by 08/20/2011), interest may accrue at the rate of 1% per month.

For questions regarding the above charge, please call Permits, Approvals & Inspections / Code Enforcement at 410 887-3351, weekdays between 8 a.m. and 4 p.m.

For payment questions please call 410 887-2404, weekdays between 8 a.m. and 4:30 p.m. Please use the enclosed bill for payment.

Send payments to:

Baltimore County Office of Budget and Finance
400 Washington Avenue, Rm 150
Towson MD 21204

Sincerely,

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

Arnold Jablon
Director
Department of Permits, Approvals & Inspections

Maryland Department of Assessments and Taxation

Taxpayer Services Division

301 West Preston Street W Baltimore, MD 21201 (2007 vw2.3)

[Main Menu](#) | [Security Interest Filings \(UCC\)](#) | [Business Entity Information \(Charter/Personal Property\)](#)
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Taxpayer Services Division

Entity Name: F & E, LLC

Dept ID #: W10187714

General Information Amendments Personal Property Certificate of Status

Principal Office
(Current): 7625 GERMAN HILL ROAD
BALTIMORE, MD 21222

Resident Agent
(Current): FILIPPOS FILIPPAKIS
7625 GERMAN HILL ROAD
BALTIMORE, MD 21222

Status: ACTIVE

Good Standing: Yes

Business Code: Other

Date of
Formation or
Registration: 08/31/2004

State of
Formation: MD

Stock/Nonstock: N/A

Close/Not Close: Unknown

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

Debra Wiley - ZAC Comments – Distribution Mtg. of 1/16/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 1/17/2012 3:49 PM
Subject: ZAC Comments – Distribution Mtg. of 1/16/12

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0157-A - 13612 Jarrettsville Pike (**Floodplain**)
 (Administrative Variance - Closing Date: 1/30/12)

2012-0158-A - 1513 Ingleside Avenue
 (Administrative Variance - Closing Date: 1/30/12)

2012-0159-A - 701 Stoneleigh Road
 (Administrative Variance - Closing Date: 2/6/12)

2012-0160-SPHA - 12416 Happy Hollow Road
 No hearing date assigned in database as of 1/17/12

2012-0161-SPHA - 8247 Eastern Avenue (**CBCA & Floodplain**)
 No hearing date assigned in database as of 1/17/12

Thanks and have a great day !

Debbie Wiley
 Legal Administrative Secretary
 Office of Administrative Hearings
 105 West Chesapeake Avenue, Suite 103
 Towson, Md. 21204
 410-887-3868
 410-887-3468 (fax)
 dwiley@baltimorecountymd.gov

Patricia Zook - Case 2012-0161-SPHA - hearing is Tuesday, Feb. 14; comment needed

From: Patricia Zook
To: Kennedy, Dennis
Date: 2/10/2012 10:20 AM
Subject: Case 2012-0161-SPHA - hearing is Tuesday, Feb. 14; comment needed

Good morning Dennis -

The below described case is scheduled for a hearing on Tuesday and the file is missing a comment from your office.

CASE NUMBER: 2012-0161-SPHA

8247 Eastern Avenue

Location: S side of Eastern Avenue; 278 feet E of the c/l of Island Point Road.

15th Election District, 7th Council District

Legal owner: F & E, LLC

SPECIAL HEARING to permit a waiver for working within a tidal floodplain pursuant to Section 500.6 of the B.C.Z.R., Building Code Section 3112, and Article 32-4-107(a)(2).

VARIANCE from Section 238.2 of the B.C.Z.R. to permit a side setback of 20 feet from 30 feet, and from Section 409 of the B.C.Z.R. for a parking variance from 155 spaces to 111 spaces.

Hearing: Tuesday, 2/14/2012, 10:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204

Thank you for your help.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



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M E M O R A N D U M

DATE: March 20, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0161-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 19, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

CASE NAME 8247 Eastern Ave.
CASE NUMBER 2012-161-SPHA
DATE 2-14-12

[illegible]

2-14-12

Case No.: 2012-0161-SPHA

Exhibit Sheet

SMA 3-20-12

Petitioner/Developer

Protestants DW 2-17-12

No. 1	Site Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

1. DEED REFERENCE: 2003-04
TAX MAP #7 P 17
NOTE: SUBJECT TO A RIGHT OF WAY TO THE BALTIMORE, MD. RIVER AND SPANISH POINT RAILROAD, A RIGHT TO A WHARF AND A RIGHT OF WAY FOR PEDESTRIANS AND A TWENTY-FOOT ROADWAY AND RAILROAD TRACKS DEED #27-05

AREA: 4688 SQ. FT. OR 1.07 AC.

OWNER: P.H. LLC
3221 GERMAN HILL ROAD
BALTIMORE, MD 21222
410-791-5224

2. DEED REFERENCE: 2009-07
TAX MAP #7 P 327
(SPECIAL DEED FROM THE STATE HIGHWAY ADMINISTRATION)

AREA: 25167 SQ. FT. OR 0.58 AC.

OWNER: P.H. LLC
3221 GERMAN HILL ROAD
BALTIMORE, MD 21222
410-791-5224

3. SITE AND SURROUNDING PROPERTY ZONED B3 M

4. "OPEN AIR PAVILION" PERMIT NO. 0715338

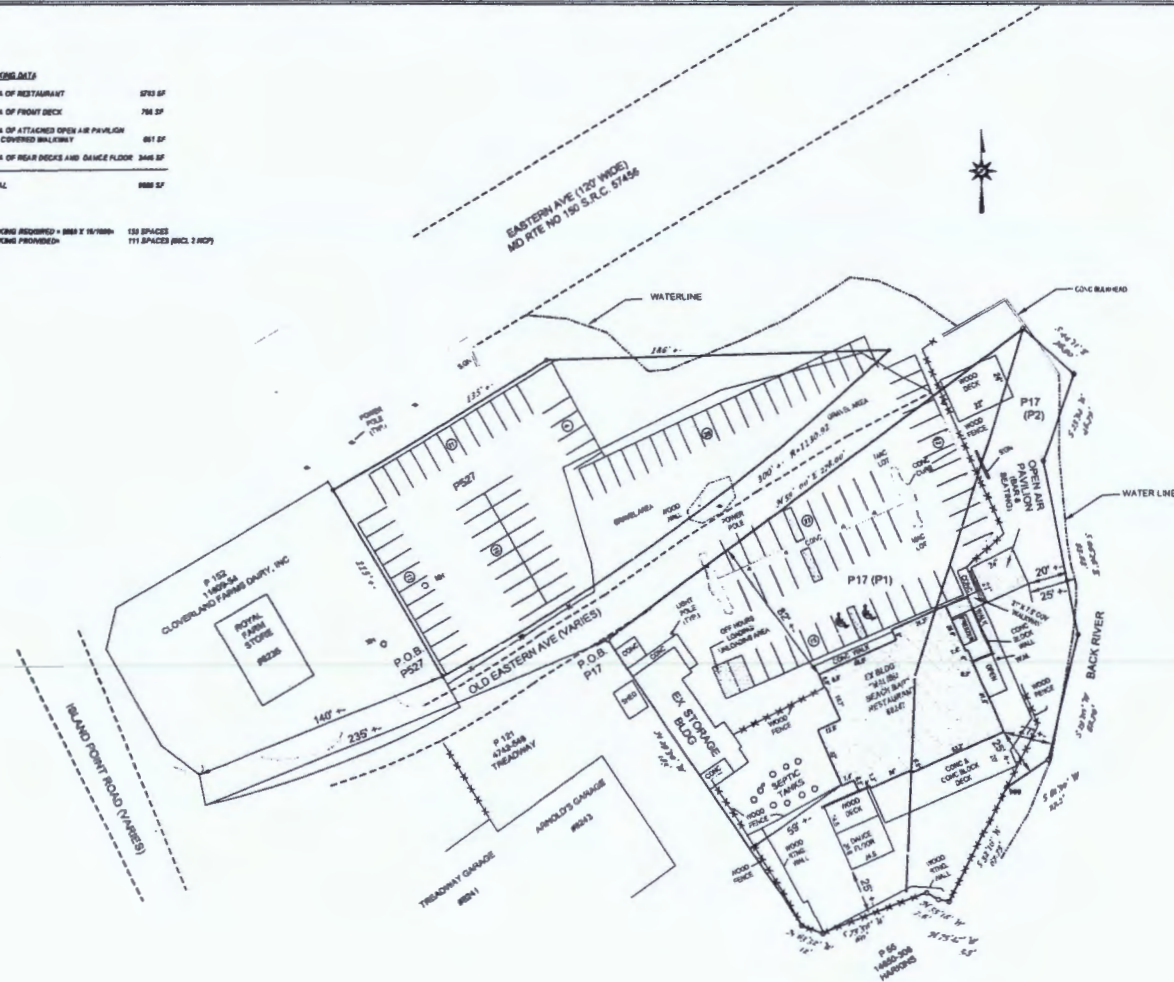
5. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (CBA)

6. SITE LIES WITHIN ZONES AE AND F PER F.L.R.M. 2007000000

PARKING DATA

AREA OF RESTAURANT	5703 SF
AREA OF FRONT DECK	708 SF
AREA OF ATTACHED OPEN AIR PAVILION AND COVERED WALKWAY	681 SF
AREA OF REAR DECK AND DANCE FLOOR	3445 SF
TOTAL	8837 SF

PARKING REQUIRED: 888 F 15/1000
PARKING PROVIDED: 133 SPACES (P17)
111 SPACES (P17)



VICINITY MAP
1"= 1000'

J.S. DALLAS, INC.
P.O. BOX 26
BALDWIN, MD 21013
410-817-4800



2012-0161 SPHA

SITE PLAN TO ACCOMPANY PETITION FOR ZONING PETITION
FOR SPECIAL HEARING AND VARIANCE
#8247 EASTERN AVENUE
15TH EL DIST 7TH COUNC DIST BALTIMORE COUNTY, MD
1"= 30' 9-16-2011

1513400010

EASTERN BLVD
EASTERN BLVD

2500003485

1520301590

EASTERN AVE

1518721330

8247

097A2

096C2

NE 1-F

8241 1700000559

BR IM

151200805
-7-CD
15 ED

1520660034

1900002910

19594861

1513400240

515

ML IM

ISLAND POINT RD

1523920040

533

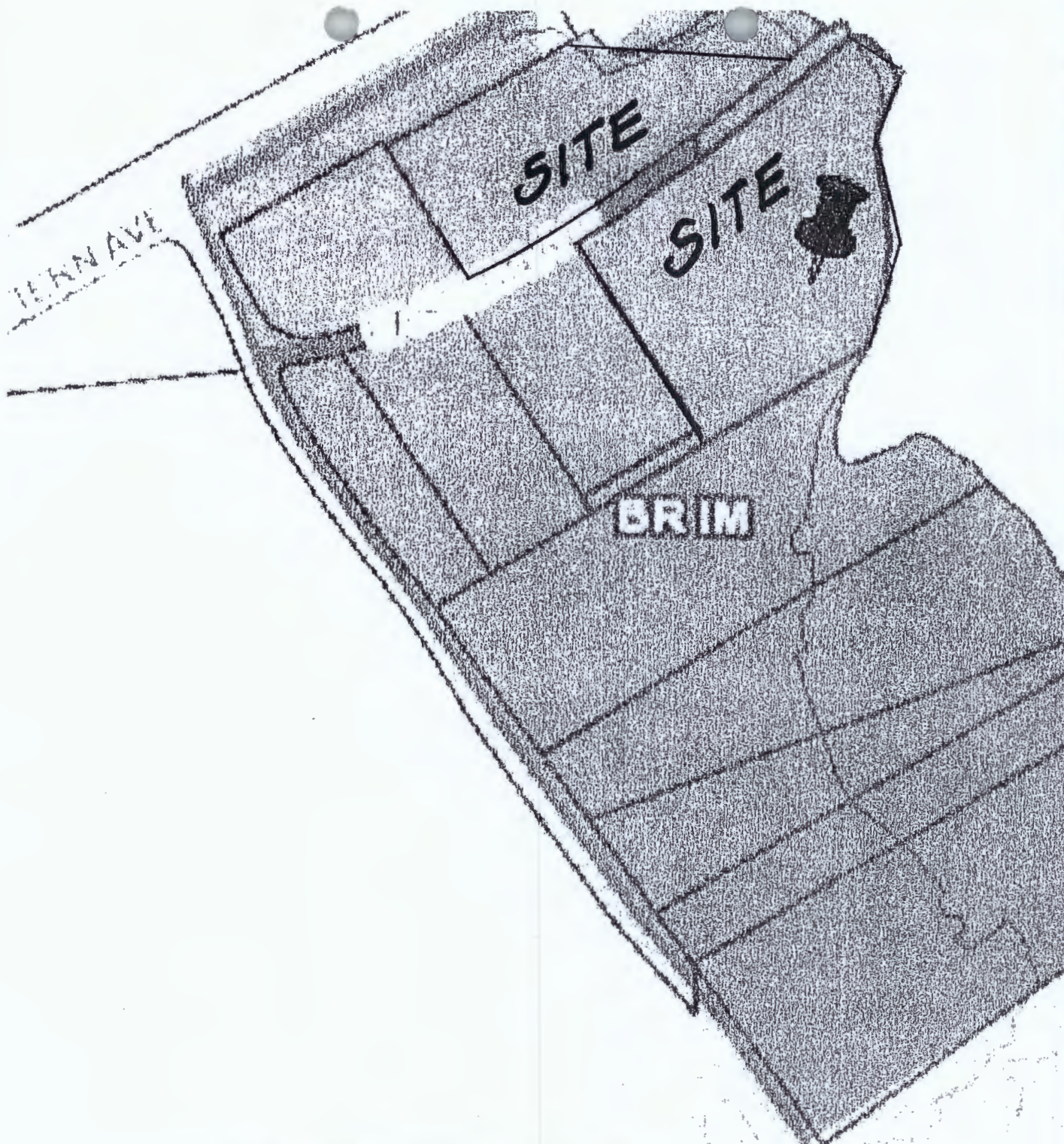
523

1503770020

1513206460

1513201430

2012-0161-SPHA



8247 EASTERN AVENUE
ZONING MAP FROM
BALTIMORE COUNTY WEBSITE

MLIM

2012-0161-SPHA

1. DEED REFERENCE: 20823-54
TAX MAP 97 P 17
NOTE: SUBJECT TO "A RIGHT OF WAY TO THE BALTIMORE, MIDDLE RIVER
AND SPARROWS POINT RAILROAD, A RIGHT TO A WHARF AND A RIGHT OF WAY
FOR PEDESTRIANS AND A TWENTY-FOOT ROADWAY AND RAILROAD TRACKS
(SEE 5627-54).

AREA= 46596 SF+- OR 1.07 AC +-.

OWNER: F&E LLC
7625 GERMAN HILL ROAD
BALTIMORE, MD 21222
443-791-5224

2. DEED REFERENCE: 26561-217
TAX MAP 96 P 527
(SPECIAL DEED FROM THE STATE HIGHWAY ADMINISTRATION)

AREA= 25167 SF+- OR 0.58 AC +-.

OWNER: P H & E LLC
7625 GERMAN HILL ROAD
BALTIMORE, MD 21222
443-791-5224

3. SITE AND SURROUNDING PROPERTY ZONED BR IM

4. "OPEN AIR PAVILION" PERMIT NO. B719358

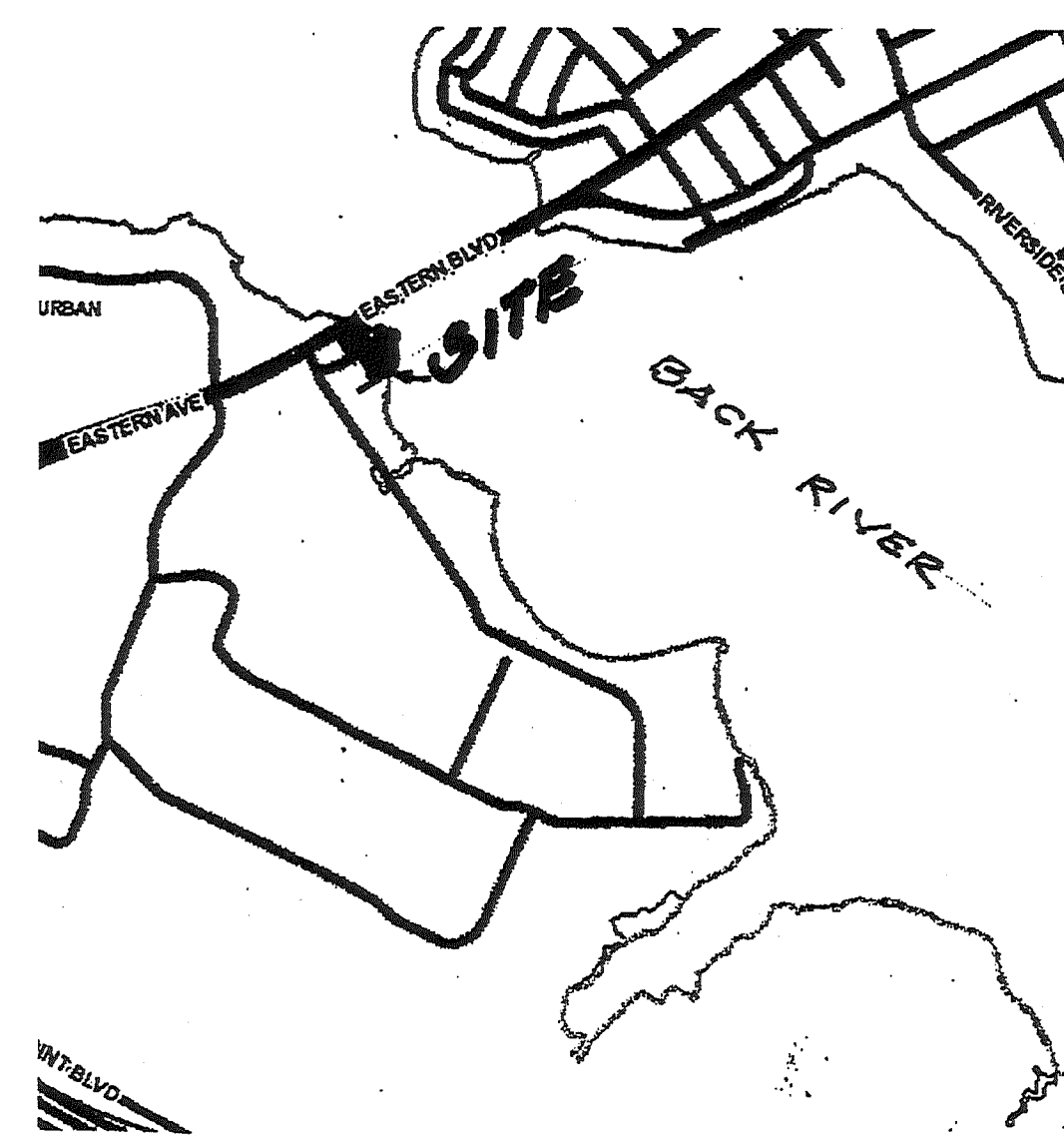
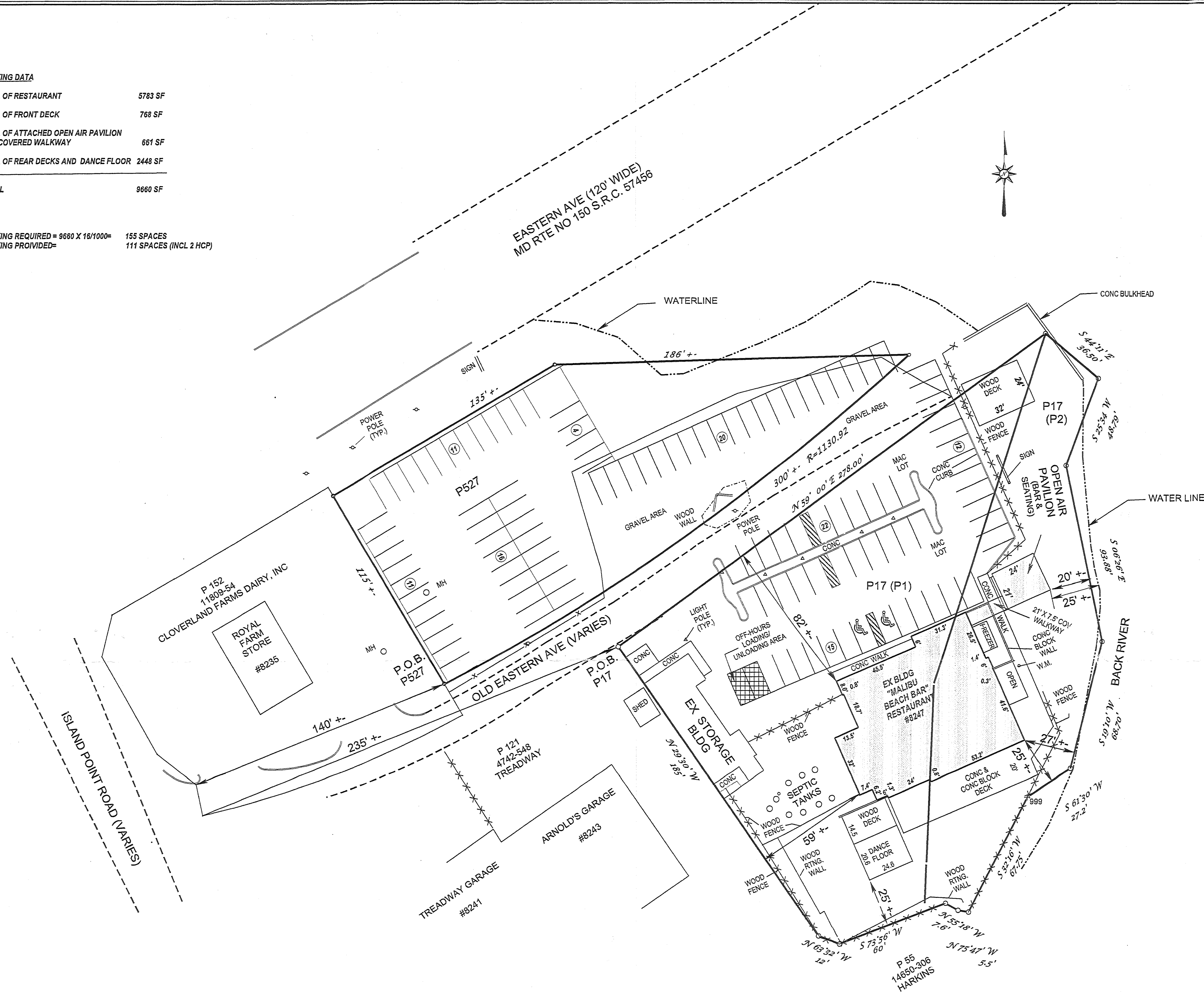
5. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (IDA)

6. SITE LIES WITHIN ZONES AE AND X PER F.I.R.M. 2400100440F

PARKING DATA

AREA OF RESTAURANT	5783 SF
AREA OF FRONT DECK	769 SF
AREA OF ATTACHED OPEN AIR PAVILION AND COVERED WALKWAY	661 SF
AREA OF REAR DECKS AND DANCE FLOOR	2448 SF
TOTAL	9660 SF

PARKING REQUIRED = 9660 X 16/1000 = 155 SPACES
PARKING PROVIDED = 111 SPACES (INCL 2 HCP)



VICINITY MAP
1"= 1000'

J S DALLAS, INC
P.O. BOX 26
BALDWIN, MD 21013
410-817-4600



2012-0161-SPHA
EX 1

SITE PLAN TO ACCOMPANY PETITION FOR ZONING PETITION
FOR SPECIAL HEARING AND VARIANCE
#8247 EASTERN AVENUE
15TH EL DIST 7TH COUNC DIST BALTIMORE COUNTY, MD
1"= 30' 9-16-2011