

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE
(105 & 109 Back River Neck Road) *
15th Election District
6th Council District
Frederick W. & Helen L. Schmitt, *et. al.*
Legal Owners
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2015-0106-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Frederick W. and Helen L. Schmitt, and Lorie Durkee, legal owners. As originally filed, the zoning petition pertained only to 109 Back River Neck Road, which as discussed below is a small unimproved parcel. After discussions with the community and the Office of People's Counsel, the Petition was amended to include 105 Back River Neck Road, on which the Petitioners have operated a service garage since 1946. An amended site plan was submitted at the hearing (Ex. No. 2) which includes both properties and the zoning relief requested for each.

The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit business parking in a residential zone. A Petition for Special Exception was filed pursuant to B.C.Z.R. §230.13 to allow business parking for a service garage in the BL-AS portion of the property. Finally, a Petition for Variance was filed pursuant to B.C.Z.R. as follows: (1) to allow a parking area with an RTA buffer and setback of 0 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, respectively, pursuant to §1B01.1.B.1.e (2) & (5); (2) to allow the existing 6 ft. high screen fence to remain in lieu of the required 8 ft. high screen fence pursuant to §405A.1; (3) to allow gravel parking and drive aisles in lieu of the required

ORDER RECEIVED FOR FILING

Date 7/28/15

By SEN

durable and dustless surface on the rear portion of the parking lot; (4) to allow a front yard setback of 4 feet in lieu of the required 25 feet; and (5) to allow a rear yard setback of 9 feet in lieu of the required 30 feet for a service garage building that has existed on the property since 1946.

Appearing at the public hearing in support of the requests was Frederick and Helen Schmitt and Donald E. Hicks, P.E., from Hicks Engineering Associates, Inc, the firm that prepared the site plan. Timothy Kotroco, Esq., represented the Petitioners. Peter Zimmerman, People's Counsel and Kevin McDonough also attended the hearing. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were submitted by the Bureau of Development Plans Review (DPR), which noted that a landscape plan is required for the site.

The unimproved parcel (109 Back River Neck Road) is approximately 0.311± acres in size and is zoned BR-AS, BL-AS, BL and D.R. 5.5. The service garage property (105 Back River Neck Road) is 0.187+/- acres and is zoned BR-AS. Petitioners recently acquired the unimproved lot, which they propose to use for parking in connection with the adjacent service garage business.

SPECIAL HEARING

Business parking in a residential zone is permitted under B.C.Z.R. §409.8, provided the conditions therein are observed. Mr. Hicks testified Petitioners satisfied the requirements in the regulations and that the use (which would involve employee parking for approximately 10 vehicles) would not be detrimental to the community. I concur, and the site plan enumerates several conditions designed to reduce or eliminate any negative impacts upon surrounding properties.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest

ORDER RECEIVED FOR FILING

Date 7/28/15

By Sen

of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The court in Schultz described the applicable test in this fashion:

We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

Id. at 22-23.

No evidence was presented which would rebut this presumption, and the petition will be granted. The "special exception area" encompassing only the BL-AS zoned portion of the property is in fact extremely small; i.e., only 1 or 2 vehicles can be parked in the area. As such, there would be little or no discernable impact upon the community from this *de minimis* special exception use.

VARIANCES

Based upon the testimony and evidence presented, I will grant the request for variance relief.

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 property is narrow and deep, and also contains four different zoning classifications. As such it is unique. If the B.C.Z.R. were strictly interpreted, Petitioners would experience a practical difficulty, given they would be unable to use the proposed property for parking in connection with the service garage. In addition, the front and rear yard setback variances pertain to the service garage building at 105 Back River Neck Road, which has existed on the site for nearly 70 years. Finally, I find that the variances 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,

ORDER RECEIVED FOR FILING

Date 7/28/15

By Sen

safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this 28th day of July, 2015 by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit business parking in a residential zone, be and is hereby GRANTED;

IT IS FURTHER ORDERED that the Petition for Special Exception pursuant to B.C.Z.R. §230.13 to allow business parking for a service garage in the BL-AS portion of the property, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance as follows: (1) to allow a parking area with an RTA buffer and setback of 0 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, respectively, pursuant to §1B01.1.B.1.e (2) & (5); (2) to allow the existing 6 ft. high screen fence to remain in lieu of the required 8 ft. high screen fence pursuant to §405A.1; (3) to allow gravel parking and drive aisles in lieu of the required durable and dustless surface on the rear portion of the parking lot; (4) to allow a front yard setback of 4 feet in lieu of the required 25 feet; and (5) to allow a rear yard setback of 9 feet in lieu of the required 30 feet for a service garage building that has existed on the property since 1946, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must submit for approval by Baltimore County a landscape plan for the site.

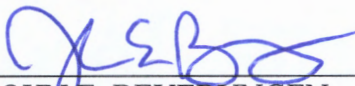
ORDER RECEIVED FOR FILING

4

Date 7/28/15
By Den

3. The dumpster on the service garage property must be placed within an enclosure to screen it from view of the roadway.
4. Damaged or disabled motor vehicles may not be stored anywhere on the property for a period in excess of 30 days.

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:sln

ORDER RECEIVED FOR FILING

Date 7/28/15

By sen



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

July 28, 2015

Timothy M. Kotroco, Esq.
Whiteford, Taylor & Preston, LLP
One W. Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

RE: Petition for Special Hearing, Special Exception and Variance
Property: 105 & 109 Back River Neck Road
Case No. 2015-0106-SPHXA

Dear Mr. Kotroco:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Kevin McDonough, 628 Rockaway Beach Avenue, Essex, Maryland 21221
Peter Max Zimmerman, Esq., People's Counsel



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 109 BACK RIVER NECK RD which is presently zoned BR-AS,BL-AS,BL,
Deed References: 35197/229 10 Digit Tax Account # 1516900160 DR-5.5
Property Owner(s) Printed Name(s) FREDERICK W. & HELEN L. SCHMITT

(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
SEE ATTACHED

2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
SEE ATTACHED

3. X a **Variance** from Section(s)
SEE ATTACHED

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)

TO BE PRESENTED AT HEARING

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 bound 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:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

LORIE L. DURKEE

Legal Owners (Petitioners):

FREDERICK W. SCHMITT HELEN L. SCHMITT

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3547 GREEN SPRING RD, HAVRE DE GRACE, MD

Mailing Address

City

State

21078

410-914-5183

Zip Code

Telephone #

Email Address

Representative to be contacted:

DONALD E. HICKS, P.E.

Name - Type or Print

Signature

HICKS ENGINEERING ASSOCIATES, INC.

200 E. JOPPA RD, TOWSON, MD

Mailing Address

City

State

21286

410-494-0001

DHICKS@HICKSENG.COM

Zip Code

Telephone #

Email Address

CASE NUMBER 2015-0106-SPHXA Filing Date 11/6/14

Do Not Schedule Dates: _____

Reviewer [Signature]

REV. 10/4/11

ATTACHMENT

PROPOSED PARKING LOT
NO. 109 BACK RIVER NECK ROAD
BALTIMORE, MD 21221

6TH COUNCILMANIC DISTRICT
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

ZONING RELIEF REQUESTED:

1. SECTION 409.B.B.1. - SPECIAL HEARING TO PERMIT BUSINESS PARKING IN A RESIDENTIAL ZONE
2. SECTION 409.B.B.1. - SPECIAL HEARING TO CONFIRM THAT BUSINESS PARKING FOR A SERVICE GARAGE IS ALLOWED IN THE BL-AS PORTION OF THE PROPERTY.
3. OR IN THE ALTERNATIVE, SECTION 230.13 - A SPECIAL EXCEPTION TO ALLOW BUSINESS PARKING FOR A SERVICE GARAGE IN THE BL-AS PORTION OF THE PROPERTY.
4. SECTION 1B01.1.B.1.e. (2) & (5) - VARIANCE TO ALLOW A PARKING AREA WITH AN RTA BUFFER AND SETBACK OF ZERO FEET IN LIEU OF THE REQUIRED 50 FOOT BUFFER AND 75 FOOT SETBACK, RESPECTIVELY.
5. SECTION 405A.1 - VARIANCE TO ALLOW THE EXISTING 6' HIGH SCREEN FENCE TO REMAIN IN LIEU OF THE REQUIRED 8' HIGH SCREEN FENCE.

NOVEMBER 14, 2014

Item #0106

Amended Zoning Relief Requested:

1. Section 409.8.B.1. - Special hearing to permit business parking in a residential zone.
- ~~2. Section 409.8.B.1. - Special hearing to confirm that business parking for a service garage is allowed in the BL-AS portion of the property.~~
3. Or in the alternative, Section 230.13 - a special exception to allow business parking for a service garage in the BL-AS portion of the property.
4. Section 1B01.1.B.1.e. (2) & (5) - Variance to allow a parking area with an RTA buffer and setback of zero feet in lieu of the required 50 foot buffer and 15 foot setback, respectively. 75 028
5. Section 405A.1 - Variance to allow the existing 6' high screen fence to remain in lieu of the required 8' high screen fence.
6. Section 409.8.A.2. - Variance to allow gravel parking and drive aisles in lieu of the required durable and dustless surface on the rear portion of the parking lot, as shown on this revised site plan.
7. Section 238.1. - Variance to allow a front yard setback of 4 feet in lieu of the required 25 feet.
8. Section 238.2. - Variance to allow a rear yard setback of 9 feet in lieu of the required 30 feet for a service garage building that has existed on the property since 1946.

NOTE TO FILE:

Concerns were raised regarding the use of a service garage in that portion of the property zoned BL-AS without a Special Exception hearing. The representatives decided to pursue this matter as a Special Hearing. Also, it is the opinion of this office that because of the complexity of the requested relief, the services of an attorney is strongly advised.

R. David Duval

Item #0106

**ZONING DESCRIPTION
FOR
NO. 105 BACK RIVER NECK ROAD &
NO. 109 BACK RIVER NECK ROAD
6TH COUNCILMANIC DISTRICT
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD**

BEGINNING AT A POINT on the northeast side of Back River Neck Road, 60-feet wide right of way, at the distance of 138 feet, more or less, southeasterly from the centerline of Hopewell Avenue, 40-feet wide right of way, thence leaving said point and binding on the northeast right of way line of Back River Neck Road, as widened, said widening being shown on Baltimore County Plan HRW 63-163-8.

1. Southeasterly 60 feet, more or less, to a point, thence leaving said right of way line and running the following five courses and distances and referring to the deed datum;

2. Northeasterly 256.80 feet, thence

3. Northwesterly 55.37 feet, thence

4. Southwesterly 125.13 feet to a point on the line of a division between

Lot 17B and Lot 17A, as shown on the plat of subdivision entitled "Middle River Park" and recorded among the Land Records of Baltimore County in Plat Book 4 at Folio 12;

HICKS ENGINEERING ASSOCIATES, INC.
200 E. JOPPA ROAD - SUITE LL105
TOWSON, MD 21286
(410) 494-0001

February 24, 2008

Page 1 of 2



**ZONING DESCRIPTION
FOR
NO. 105 BACK RIVER NECK ROAD &
NO. 109 BACK RIVER NECK ROAD
6TH COUNCILMANIC DISTRICT
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD
(Cont.)**

thence leaving said point and running in, through, over and across Lot 17A and Lot 17 to the easternmost right of way widening line of Hopewell Avenue, as shown the above described plan HRW-63-163-8,

5. Northwesterly 107 feet, more or less, to a point on the said widening line, thence leaving said point and running with and along the road widening line, the following three courses and distances;

1. South 30°23'05" E 52.90 feet, thence
2. South 01°56'51" E 40.24 feet, thence
3. Southeasterly 94 feet, more or less to the point of beginning.

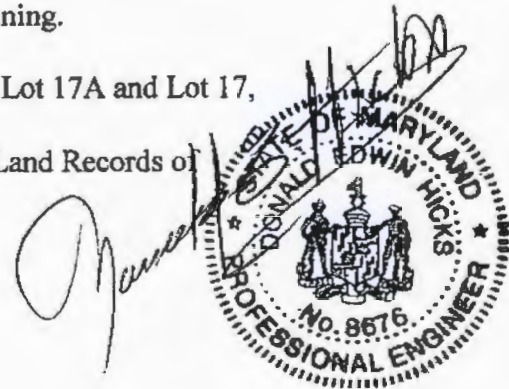
SAID PROPERTY being the remainder of Lot 17B, part of Lot 17A and Lot 17, as shown on the "Plat of Middle River Park", recorded among the Land Records of Baltimore County, in Plat Book 4 at Folio 12.

CONTAINING 21,700 square feet, more or less, of land.

HICKS ENGINEERING ASSOCIATES, INC.
200 E. JOPPA ROAD - SUITE LL105
TOWSON, MD 21286
(410) 494-0001

February 24, 2015

Page 2 of 2



ZONING DESCRIPTION
FOR
NO. 109 BACK RIVER NECK ROAD
BALTIMORE, MD 21221
6TH COUNCILMANIC DISTRICT
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

BEGINNING AT A POINT on the northeast side of Back River Neck Road which is a 60-foot wide right of way, at the distance of 138 feet, more or less, southeasterly from the centerline of Hopewell Avenue, which is a 40-foot wide right of way, thence leaving said point and binding on the northeast right of way line of Back River Neck Road, as widened;

1. Southeasterly 60 feet, more or less, to a point, thence leaving said right of way line and running the following three courses and distances and referring to the deed datum;
2. Northeasterly 256.88 feet, thence
3. Northwesterly 55.37 feet, thence
4. Southwesterly 232.71 feet to the point of beginning.

SAID PROPERTY being the remainder of Lot 17B, as shown on the "Plat of Middle River Park", recorded among the Land Records of Baltimore County, in Plat Book 4 at Folio 12.

CONTAINING 13,554 square feet, more or less, of land

HICKS ENGINEERING ASSOCIATES, INC.
200 E. JOPPA ROAD - SUITE LL105
TOWSON, MD 21286
(410) 494-0001



Page 1 of 1

October 29, 2014

Item #0106

PLEASE PRESS HARD!!!!

PAID RECEIPT

11/11/11

BUSINESS	ACTUAL	TIME	DATE
11/17/2014	11/14/2014	14:11:01	8

REC MCDM MILKIN SHIL SAN
RECEIPT # 648721 11/14/2014 DRN

Part 5 52B ZONING VERIFICATION
CR NO. 119615

Receipt Tot \$200.00
\$200.00 CR \$.00 CA
Baltimore County, Maryland

[illegible]

Total: \$200

Rec
From:

For: Zoning Hearing - case # 2015-0106-SPHXA

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

CASE NO: 2015-0106-SPHXA

PETITIONER/DEVELOPER

HELEN SCHMITT
BILL SCHMITT, LORIE MARKEE

DATE OF HEARING/CLOSING:

12/29/14

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE**

ATTENTION:

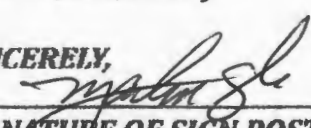
LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT**

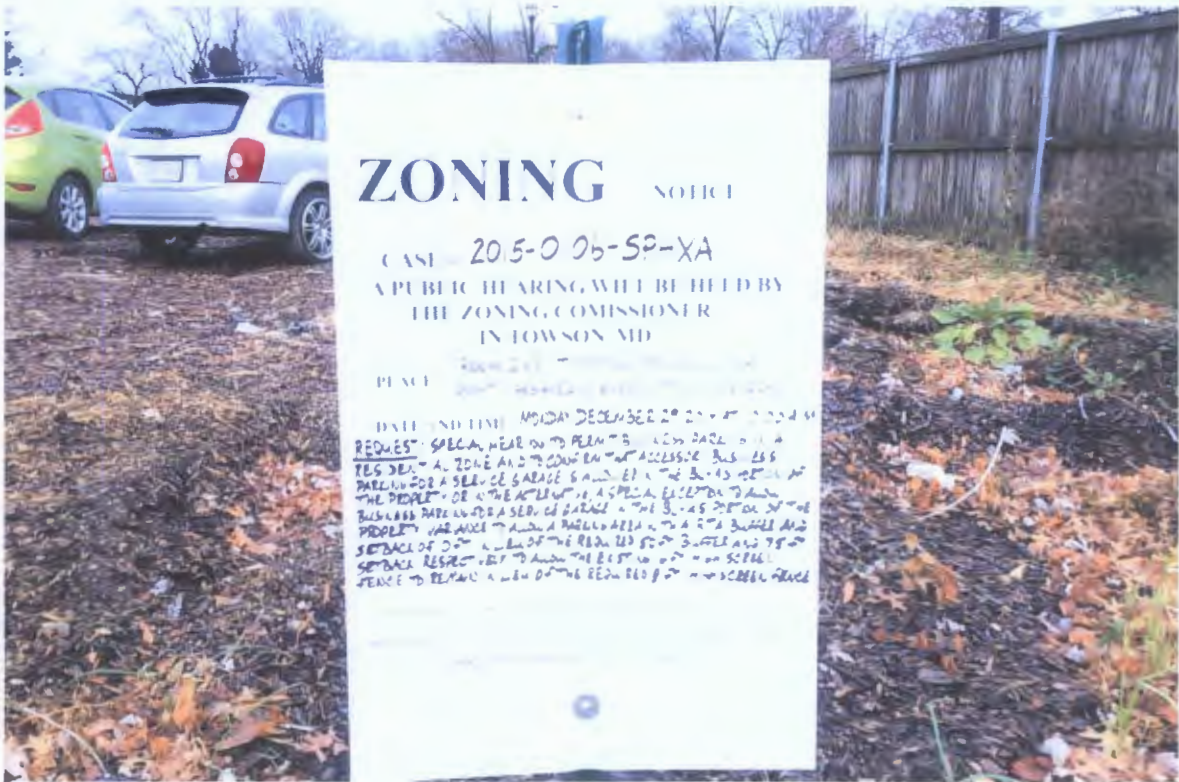
109 BACK RIVER NECK ROAD

THIS SIGN(S) WERE POSTED ON December 9, 2014
(MONTH, DAY, YEAR)

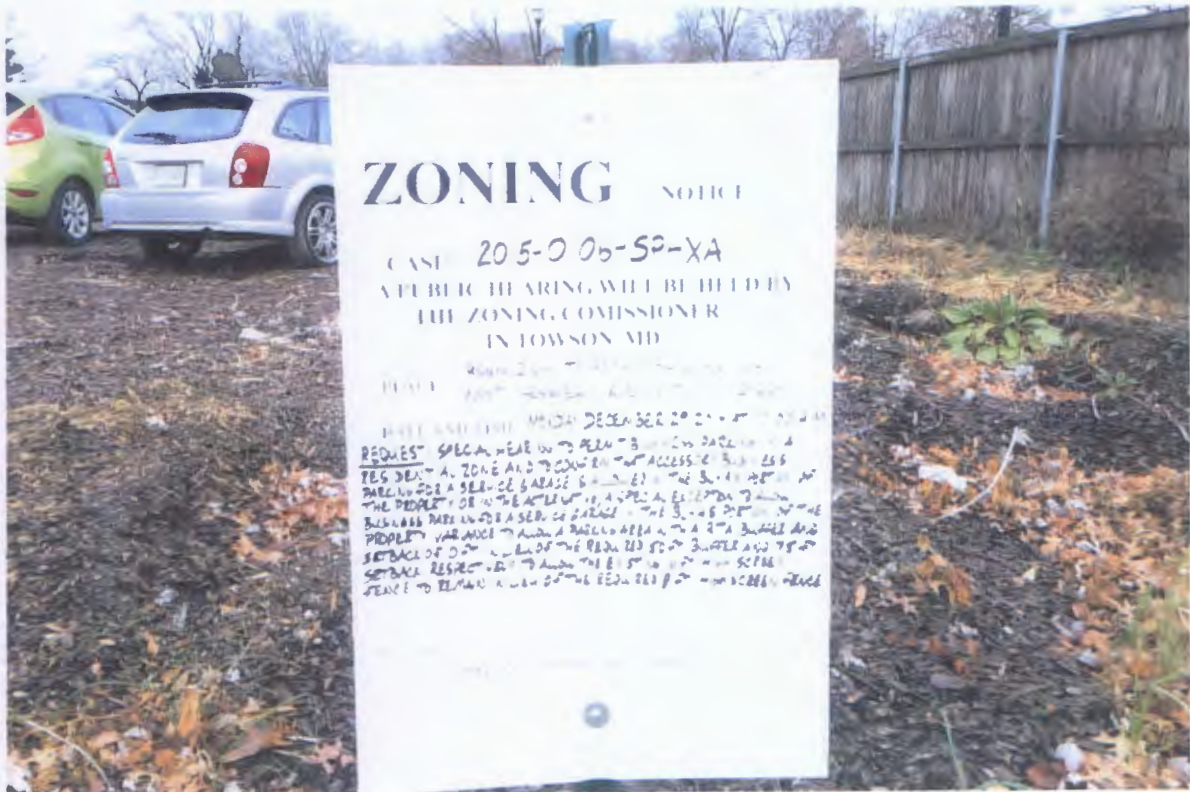
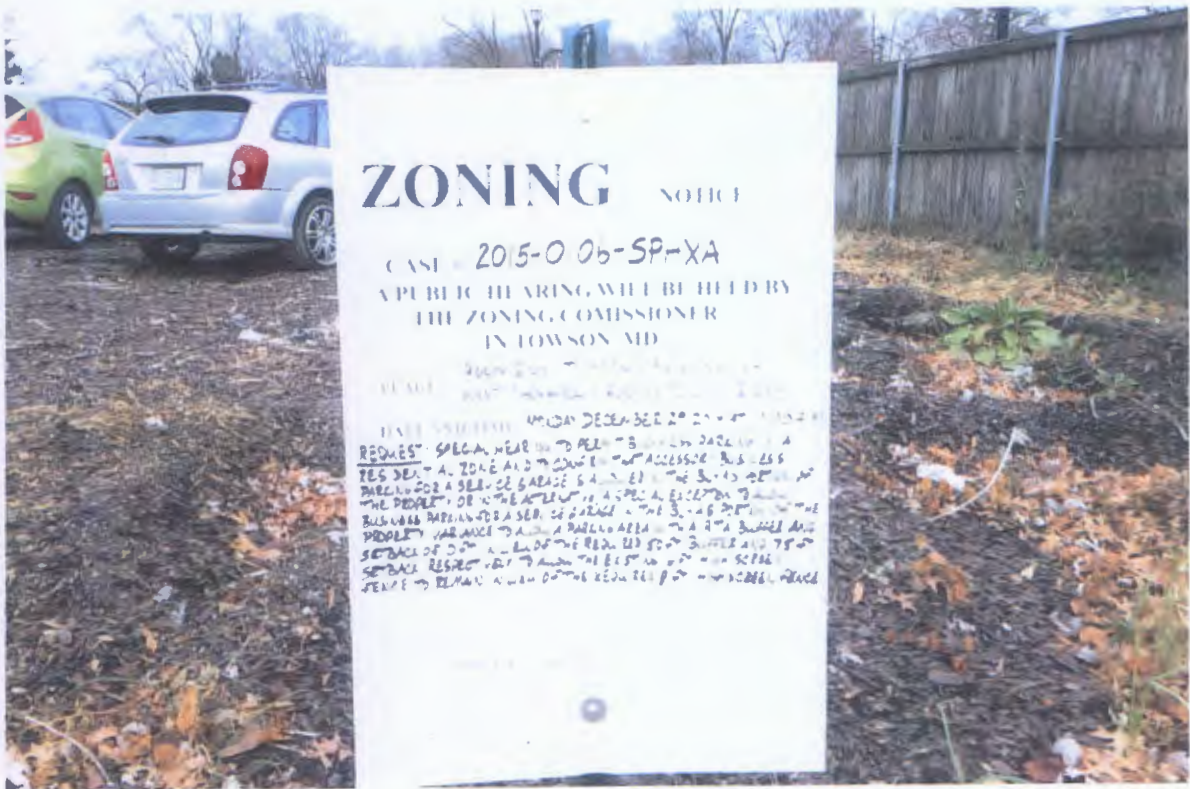
SINCERELY,

 12/9/14
SIGNATURE OF SIGN POSTER AND DATE:

**MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411**



Machine 12/6/14



myah for 12/16/14



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 2879933

Sold To:

Frederick Schmitt - CU00399644
3547 Green Spring Rd
Havre De Grace, MD 21078

Bill To:

Frederick Schmitt - CU00399644
3547 Green Spring Rd
Havre De Grace, MD 21078

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Dec 09, 2014

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

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: # 2015-0106-SPHXA
109 Back River Neck Road
N/e side of Back River Neck Rd., 138 ft. s/w centerline of Hopewell Avenue
15th Election District - 6th Councilmanic District
Legal Owner(s) Frederick & Helen Schmitt, Lorie Durkee

Special Hearing: to permit business parking in a residential zone and to confirm that accessory business parking for a service garage is allowed in the BL-AS portion of the property. Or in the alternative, a Special Exception to allow business parking for a service garage in the BL-AS portion of the property. Variance: to allow a parking area with a RTA buffer and setback of 0 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, respectively. To allow the existing 6 ft. high screen fence to remain in lieu of the required 8 ft. high screen fence.

Hearing: Monday, December 29, 2014 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 12/682 Dec. 9 2879933

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: 2015-0106-SPHA

Petitioner: FREDERICK W. SCHITT, JR.

Address or Location: NO. 109 BACK RIVER NECK ROAD
BALTIMORE, MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. FREDERICK W. SCHITT, JR.

Address: 3547 GREEN SPRING ROAD
HAVRE DE GRACE, MD 21078-1110

Telephone Number: 410-914-5183 (H)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 9, 2014 Issue - Jeffersonian

Please forward billing to:
Frederick Schmitt
3547 Green Spring
Havre De Grace, MD 21078

410-914-5183

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: 2015-0106-SPHXA

109 Back River Neck Road

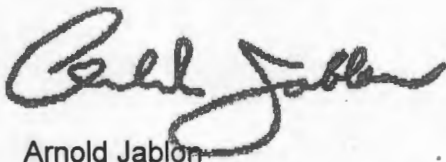
N/e side of Back River Neck Rd., 138 ft. s/w centerline of Hopewell Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Frederick & Helen Schmitt, Lorie Durkee

Special Hearing to permit business parking in a residential zone and to confirm that accessory business parking for a service garage is allowed in the BL-AS portion of the property. Or in the alternative, a **Special Exception** to allow business parking for a service garage in the BL-AS portion of the property. **Variance** to allow a parking area with a RTA buffer and setback of 0 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, respectively. To allow the existing 6 ft. high screen fence to remain in lieu of the required 8 ft. high screen fence.

Hearing: Monday, December 29, 2014 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
November 19, 2014
County Executive

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

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: 2015-0106-SPHXA

109 Back River Neck Road

N/e side of Back River Neck Rd., 138 ft. s/w centerline of Hopewell Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Frederick & Helen Schmitt, Lorie Durkee

Special Hearing to permit business parking in a residential zone and to confirm that accessory business parking for a service garage is allowed in the BL-AS portion of the property. Or in the alternative, a **Special Exception** to allow business parking for a service garage in the BL-AS portion of the property. **Variance** to allow a parking area with a RTA buffer and setback of 0 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, respectively. To allow the existing 6 ft. high screen fence to remain in lieu of the required 8 ft. high screen fence.

Hearing: Monday, December 29, 2014 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".

Arnold Jablon
Director

AJ:kl

C: Schmitt, Durkee, 3547 Green Spring Road, Havre De Grace 21078
Donald Hicks, P.E., 200 E. Joppa Road, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 9, 2014.**
- (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.**



KEVIN KAMENETZ
County Executive

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

December 19, 2014

Frederick W & Helen L Schmitt
3547 Green Spring Road
Havre De Grace MD 21078

RE: Case Number: 2015-0106 SPHXA, Address: 109 Back River Neck Road

Dear Mr. & Ms. Schmitt:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 6, 2014. 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Donald E Hicks P E, Hicks Engineering Associates Inc, 200 E Joppa Road, Towson MD 21286

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: December 22, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 109 Back River Neck Road

DEC 23 2014

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 15-106

Petitioner: Frederick W. Schmitt, Helen L. Schmitt

Zoning: BR-AS, BL-AS, AS, BL

Requested Action: Special Hearing, Special Exception, Variance

SUMMARY OF RECOMMENDATIONS:

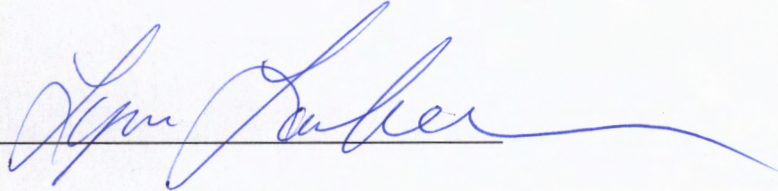
The Department of Planning has reviewed the petitioner's request for special hearing and variance requests for parking in a residential zone, RTA buffers, etc. and accompanying site plan.

Subject to the following conditions, the Department of Planning would not object to the petition and finds that the requested relief will not adversely impact the community:

1. Relocate the dumpster away from Back River Neck Road.
2. All dumpsters and trash areas should be located in enclosures approved by the Baltimore County landscape architect.
3. The site plan shows several parking spaces for disabled vehicle storage. It isn't clear whether this means short-term or long-term storage. To help eliminate or minimize the parking of vehicles on Hopewell Avenue, no outdoor storage of any unlicensed, abandoned, wrecked, or inoperable motor vehicle should be permitted beyond a reasonable time period (e.g., a period exceeding 120 hours).
4. For the existing automotive repair building located at the corner of Back River Neck Road and Hopewell Avenue:
 - The front portion of the site is located within the Back River Neck Commercial Revitalization District. Upgrading the frontage will help create a safe, attractive and walkable environment, a goal the revitalization districts and of *Master Plan 2020* (page 140)
 - Determine whether any setback variances or other variances are required.
 - Remove all unnecessary paving along the front of the building facing Back River Neck Road and the side of the building facing Hopewell Avenue, and add landscaping. Unnecessary paving consists of the paved areas not needed for work bay entrances or pedestrian entrances.
5. A landscape plan and a lighting plan should be submitted to the Baltimore County landscape architect for review and approval.

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

Division Chief:
AVA/LL

A handwritten signature in blue ink, appearing to read "Dennis Wertz", is written over a horizontal line.

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



MARYLAND DEPARTMENT OF TRANSPORTATION

James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 11/17/14

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

RE: Baltimore County

Item No 2015-0106-SPHA
Special Heavy Variance
Special Exception
Frederick L. & Helene L. Schmitt
109 Back River Neck Road.

Dear Ms. Lewis:

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. 2015-0106-SPHA.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Steven D. Foster", is written over a horizontal line.

Steven D. Foster, Chief
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 24, 2014
Item No. 2015-0106

DATE: November 21, 2014

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

Remove the first parking space because it is too close to Back River Road.

A Landscape Plan is required. No objection to the 6' fence remaining if it is in excellent condition. Planting along fence will be required.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0106-11242014.doc

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 December 1, 2014
Item No. 2015-0106

DATE: December 5, 2014

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

Landscape and Lighting Plans are required.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0106-12012014.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE *
109 Back River Neck Road; NE/S Back River * OF ADMINISTRATIVE
Neck Road, 138' SW of c/line Hopewell Avenue *
15th Election & 6th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Frederick & Helen Schmitt *
Petitioner(s) * BALTIMORE COUNTY
* 2015-106-SPHXA

* * * * *

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

NOV 25 2014

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of November, 2014, a copy of the foregoing Entry of Appearance was mailed to Donald Hicks, P.E., Hicks Engineering Associates, Inc, 200 E. Joppa Road, Towson, Maryland 21204, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: September 8, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0106-SPHXA - Appeal Period Expired

The appeal period for the above-referenced case expired on August 27, 2014. 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

MEMORANDUM

TO: Kristen Lewis
Office of Zoning Review

FROM: Debbie Wiley 
Office of Administrative Hearings

DATE: February 26, 2015

SUBJECT: Case No. 2015-0106-SPHXA – 109 Back River Neck Rd.
Hearing: February 26, 2015 @ 1:30 PM

As you are aware, the above-referenced case was scheduled to come before Judge Beverungen today, Thursday, February 26, 2015 at 1:30 PM, in Room 205 of the Jefferson Building. For a number of reasons, Messrs. Kotroco and Zimmerman requested a postponement which was granted.

This matter is now being returned to you for rescheduling and processing. Thanks.

c: File



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 10, 2014

RECEIVED

DEC 10 2014

OFFICE OF ADMINISTRATIVE HEARINGS

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Frederick & Helen Schmitt
109 Back River Neck Road
Case No.: 2015-106-SPHXA
Hearing Date: December 29, 2014 at 10 a.m.

Dear Judge Beverungen,

This petition involves the expansion of an existing service garage use to add a parking area for 25 vehicles. The Essex property is at the southeast corner of Back River Neck Road and Hopewell Avenue. Google earth photos, SDAT data, the 1911 subdivision plat of Middle River Park, and the My Neighborhood Zoning Map are enclosed.

The property is split-zoned Business-Roadside/Automotive Service, B.R.-A.S for most of the Back River Neck Road frontage; Business Local, B.L.-A.S for the southern edge of the frontage; and Density-Residential, D.R. 5.5 in the rear, away from Back River Neck Road.

Based on the SDAT data, it appears petitioners have owned the service garage property since 2002. This occupies most of Lots 17 and 17A on the plat. They acquired the property to be converted into a parking lot by deed dated July 25, 2014. This is adjacent lot 17B.

Upon review of the petition, site plan, relevant information, and applicable law, we have identified several concerns sufficiently serious to warrant evaluation.

1. Zoning for service garages; permitted uses, business parking in residential zones.

A service garage (listed as "garage, service") is permitted by right in the B.R. Zone because this zone incorporates the permitted use by right listed in the Business-Major (B.M.) Zone. BCZR

Sec. 236.1.A, 233.1.B. A service garage is permitted by special exception in the B.L. Zone. BCZR Sec. 230.3. It is not permitted in the D.R. Zone. There is, however, the familiar provision for business parking in residential zones by use permit. BCZR Secs. 409.8.B.

2. Expansion of the existing service garage; setbacks; possible variance issues. The site plan encompasses the existing service garage and the parking expansion to Lot 17B. The existing garage fronts westward to Back River Neck Road. Its north side faces Hopewell Avenue. Google photos confirm this situation. The garage building is very close to these streets.

The site plan does not appear to state the setbacks. However, with the 1"=20' scale, a ruler measures less than an inch from the building to these streets. So, the corner building is less than 20 feet from both Back River Neck Road and Hopewell Avenue. This does not meet the B.R. Zone minimum setbacks.

For B.R. Zones, the 1955 zoning regulations established the setbacks found in BCZR Sec. 238. The applicable front yard setback for a commercial building is 50 feet from the property line if on a dual highway; otherwise, 25 feet from the property line and 50 feet from the center line of any other street. BCZR Sec. 238.1. Whether or not Back River Neck is a dual highway, the service garage appears to conflict with the front yard setbacks. The applicable side yard setback is 30 feet. BCZR Sec. 238.2. The garage does not meet this setback either. The applicable rear yard setback is 30 feet. BCZR Sec. 238.3. It looks like the building is much closer than this to the rear boundary with the Corruzzi Realty property.

The proposal is thus effectively for an expansion of an existing service garage which does not meet current setback law. There is no zoning history listed on the site plan. The SDAT data does not show a date for construction of the service garage. It is important to ascertain whether the building predates the 1955 setback legislation. If not, then area variances are plainly required. If so, the garage location nevertheless may be considered, especially as to landscaping.

3. Service garage parking use in the B.L. Zone. The petition asks for a special hearing "to confirm that business parking is allowed in the B.L.-A.S. portion of the property." But the parking area is part of the service garage use. While the B.L.-A.S. section is not large here, it is still subject to special exception review. There is no exemption for partial or split B.L. zones. The petition does request, in the alternative, a special exception relating to the business parking in the B.L. Zone. This is the appropriate way to address this part of the split-zoned property.

4. Description of the proposed parking area. The proposed parking area spans all three zones and extends into the rear D.R. Zone section. There are allocated 11 spaces for employee parking, 7 spaces for disabled vehicle storage, and 7 other spaces. The employee parking is proposed essentially in the rear residential zone, the disabled vehicle storage in the B.R.-A.S. Zone, and the other parking divided between the B.R.-A.S. and B.L.-A.S. Zones.

5. Petition for use permit for business parking in a residential zone. The petition here necessarily includes a request for a use permit for the portion of the parking lot in the D.R. 5.5.

Zone (special exception and other criteria). BCZR Sec. 409.8.B. Among other things, there may be no loading, service or any other use there.

6. Petition for RTA buffer and setback variances; adjacent properties. Whenever there is a split-zoned business/residential property, a proposal to place business parking in the residential zone often impinges on a single-family dwelling nearby. Such proposals typically bring into play Residential Transition Area (RTA) variances or exceptions. Understandably, the petition here includes a request for RTA buffer and setback variances. The proposal is for the maximum variances: zero feet instead of the required 50 and 75 feet, respectively.

Nevertheless, the site plan fails to show the nearby residences. Upon further review, we find the Google photos show residences in the D.R. 5.5 Zone to the north along Hopewell Avenue. The enclosed SDAT data for the adjacent properties at 1609 and 1611 Hopewell Avenue show single-family residential uses. Neither these residences nor the owners of the residential properties are shown on the site plan. Nor does the site plan show the distances between the proposed parking lot's rear property line and these residences.

The SDAT data identifies Claude Torres as owner of the residence at 1609 Hopewell Avenue. It is identified as Lot 18B on the subdivision plat. Further review of the subdivision plat shows Lot 18B is just 50 feet from the boundary of Lots 17, 17A, and 17B. Even allowing for the diagonal direction and distance between the corner of the proposed parking lot near the boundary of Lots 17A-17B and the side setback for the dwelling on Lot 18B, it appears that the distance to the dwelling is substantially less than 150 feet. In this setting, the RTA does come into play. BCZR Secs. 1B01.1.B.1.b.1, 1B01.1.B.1.d.(3). The site plan should be supplemented to show the adjacent residences and their respective distances from the entire property (garage and parking lot boundaries). This will provide perspective for RTA review.

Petitioners have the burden of proof to meet the legal standards for variances. BCZR Sec. 307.1; Trinity Assembly of God v. People's Counsel 407 Md. 53, 79-85 (2008).

In view of recent debate on the subject, it should be underlined that the RTA does apply explicitly to business parking in a residential zone. BCZR Sec. 1B01.1.B.1.d(3). The County Board of Appeals has recently confirmed, analogously, in a case involving conversion of a dwelling to church use, that the RTA applies generally to uses permitted in the residential zone (notwithstanding the allusion in the preamble to "dissimilar housing types"). In the Matter of Lucy Ware, Case No. 2013-147-SPHA (2013); affirmed Circuit Court, Case No. 03-C-13-12865, Bailey, J.; scheduled for oral argument in the Court of Special Appeals in May, 2014.

7. Disabled vehicle storage. The BCZR Sec. 101.1 definition of "Garage, service" does not have an allowance for disabled vehicle storage. Rather, the applicable definition for such storage is that for "Junkyard." While there may be parking for vehicles in the process of short-term repair overnight or for a few days, it is impermissible to incorporate what amounts to an explicit junkyard use, even in part, in the B.R. Zone. A junkyard is permitted only in the Manufacturing-Heavy, M.H. Zone and by special exception. BCZR Sec. 256.2.

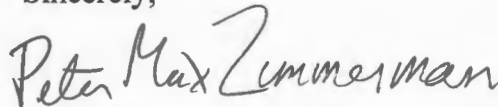
8. Landscaping; screening. The site plan does not show any landscaping per BCZR Sec. 409.A.1 (design, screening and landscaping). The matter of landscaping deserves consideration for the entire site. The Baltimore County Landscape Manual should be consulted and applied.

The site plan does show an existing 6' high wood screen fence at the rear of the garage and at the parking lot boundary with the Coruzzi Realty property. There is proposed a new 6' high wood screen fence at the internal residential zone boundary, which appears to cross the Coruzzi Realty property. There is proposed a fence with a gate separating the front parking lot from the disabled vehicle storage.

* * *

If Petitioners or their consultant, Donald Hicks, wish to discuss these matters with our office, we will be available. I attempted to telephone Mr. Hicks but so far have been unable to make contact. With the hearing upcoming, it appears best to send this letter to alert him and provide him the opportunity to consider these matters and/or respond. We also hope this letter provides helpful background for your office.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Donald Hicks, P.E., Petitioner's consultant and representative
Dennis Wertz, Department of Planning



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 12/4/2014



Google earth





Google earth





© 2014 Google

Google earth

© 2014 Google

Google earth

feet
meters





Google earth

feet
meters





© 2014 Google
© 2014 Google

Google earth

Google earth

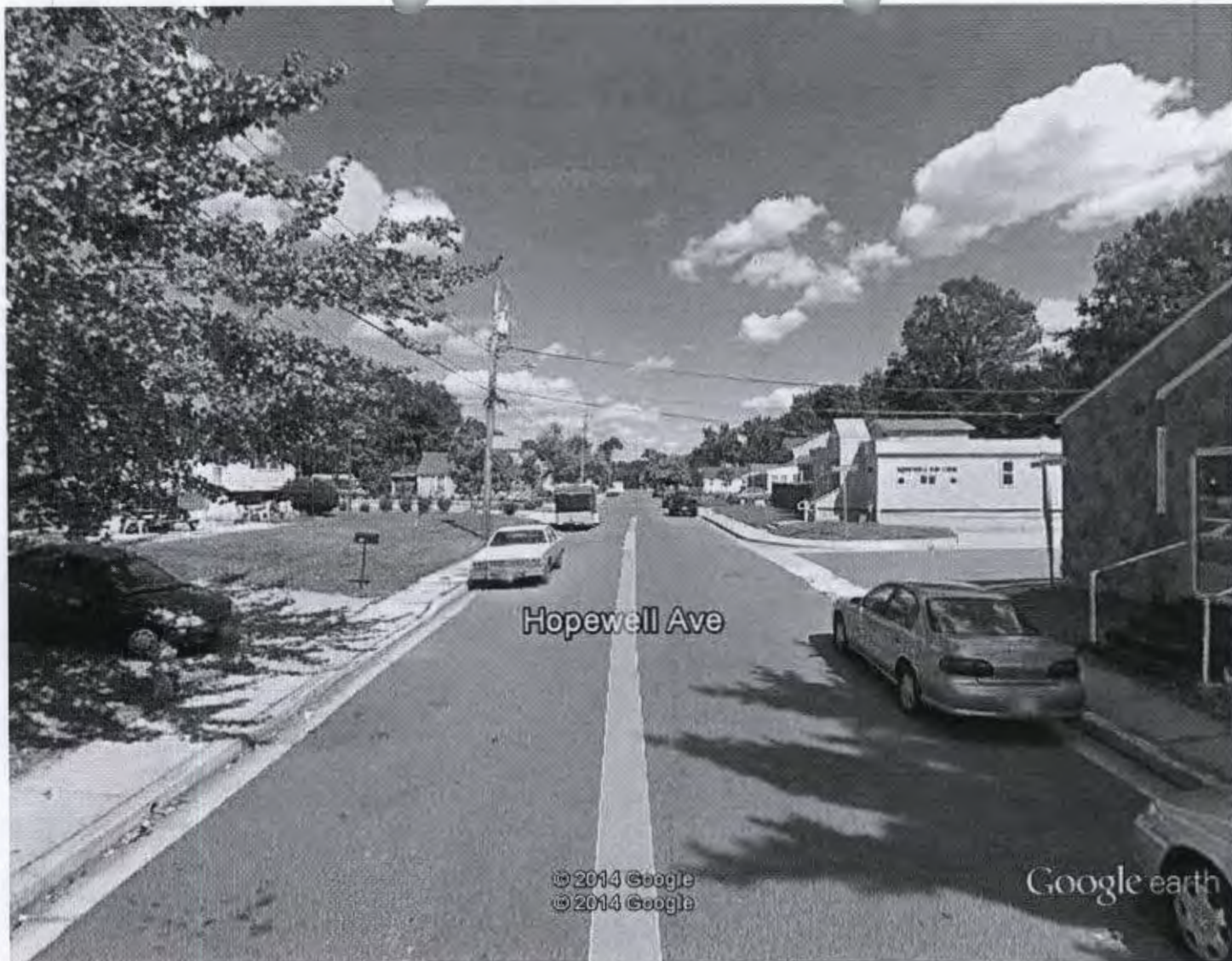
feet 7
meters 2





Google earth





Google earth

feet
meters



Get to Google faster. Update your default search engine. [Sure](#) [No thanks](#)

Google

109 Back River Neck Rd, Essex, MD 21221



Sign in

Get directions

My places



109 Back River Neck Rd
Essex, MD 21221



Directions Search nearby more

Maps Labs - Help

Google Maps - ©2014 Google - Terms of Use - Privacy



Report a problem



Done

Internet | Protected Mode: Off

100%





Google earth

feet
meters



Get to Google faster. Update your default search engine.

Sure No thanks

Google

109 Back River Neck Rd, Essex, MD 21221



Sign in

Get directions

My places



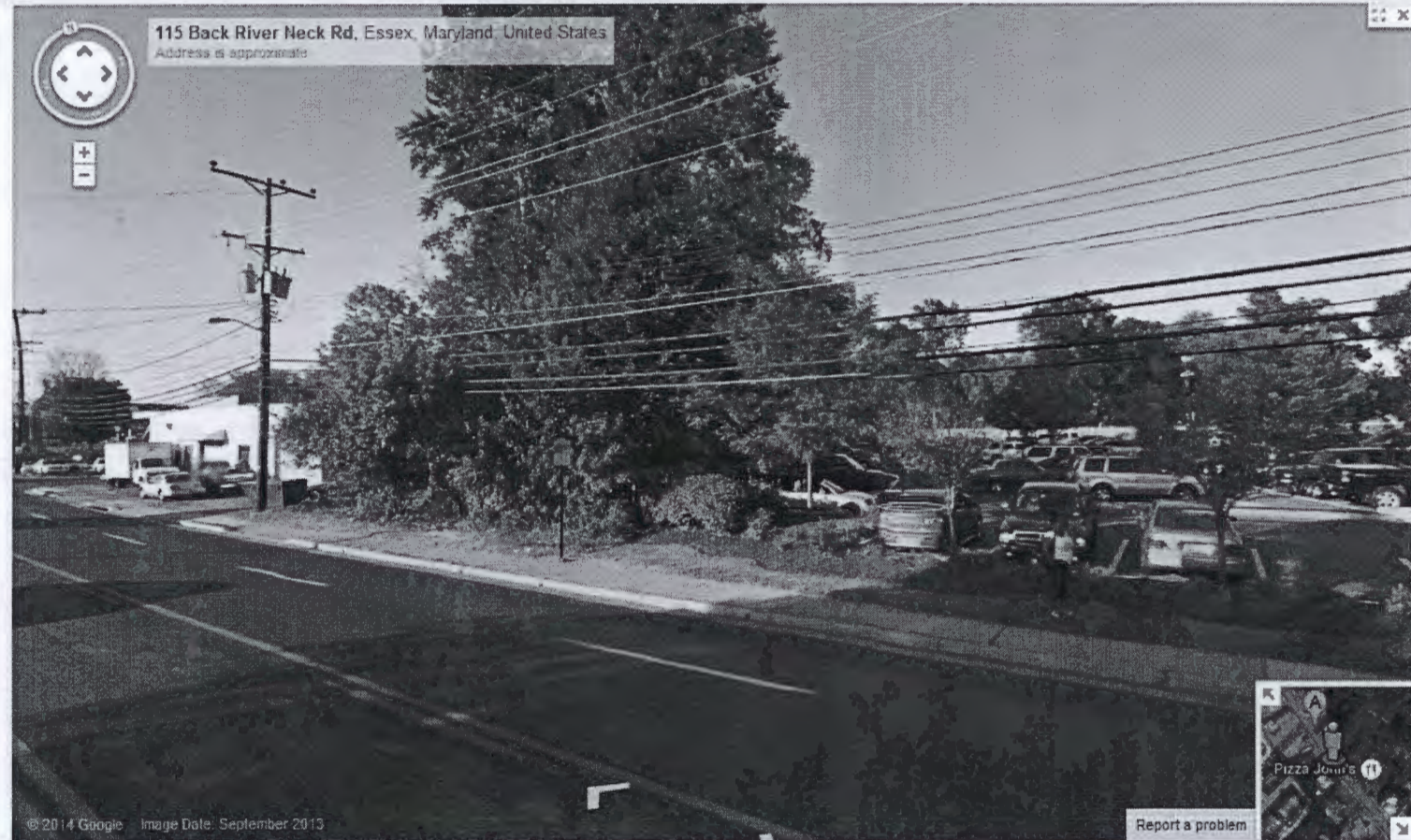
109 Back River Neck Rd
Essex, MD 21221



Directions Search nearby more

Maps Labs - Help

Google Maps - ©2014 Google - Terms of Use - Privacy



© 2014 Google Image Date: September 2013

Report a problem

Done

Internet | Protected Mode: Off

100%

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1516900160			
Owner Information					
Owner Name:	SCHMITT FREDERICK W JR SCHMITT HELEN L ETAL		Use:	RESIDENTIAL	
Mailing Address:	3547 GREEN SPRING RD HAVRE DE GRACE MD 21078-		Principal Residence:	NO	
			Deed Reference:	/35197/ 00229	
Location & Structure Information					
Premises Address:		BACK RIVER NECK RD 0-0000		Legal Description:	PT LT 17B MID-RIVER PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0004/0012
0090	0023	0589		0000	17B 2015
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			14,089 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value		Value		Phase-in Assessments
			As of 01/01/2012		As of 07/01/2014 As of 07/01/2015
Land:	39,500		39,500		
Improvements	0		0		
Total:	39,500		39,500		39,500
Preferential Land:	0				
Transfer Information					
Seller: PULLUM GRACE J		Date: 07/25/2014		Price: \$68,000	
Type: ARMS LENGTH VACANT		Deed1: /35197/ 00229		Deed2:	
Seller: SALVA SALVATORE		Date: 09/27/1946		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /05067/ 00390		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1511150971		
Owner Information		
Owner Name:	SCHMITT FREDERICK W JR SCHMITT HELEN L	Use: Principal Residence: COMMERCIAL NO
Mailing Address:	3547 GREEN SPRING RD HAVRE DE GRACE MD 21078-1110	Deed Reference: /32763/ 00374
Location & Structure Information		
Premises Address:	105 BACK RIVER NECK RD 0-0000	Legal Description: PT LT 17,17A 105 BACK RIVER NECK RD MIDDLE RIVER PARK
Map:	Grid:	Parcel:
0090	0023	0589
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
	17	2015
Plat No:	Plat Ref:	0004/0012
Special Tax Areas:	Town:	NONE
Ad Valorem:	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
	4806	
Property Land Area	County Use	
9,990 SF	06	
Stories	Basement	Type
		SERVICE GARAGE
Exterior	Full/Half Bath	Garage
Last Major Renovation		
Value Information		
Base Value	Value As of 01/01/2012	Phase-In Assessments As of 07/01/2014
		As of 07/01/2015
Land:	119,800	119,800
Improvements	74,800	74,800
Total:	194,600	194,600
Preferential Land:	0	
Transfer Information		
Seller: KERNAN NORMAN S/GRACE R	Date: 10/29/2002	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /32763/ 00374	Deed2:
Seller: SCHMITT FREDERIC K W,JR	Date: 07/15/1981	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06268/ 00501	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2014
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1504650340			
Owner Information					
Owner Name:	CORUZZI REALTY		Use:	COMMERCIAL	
Mailing Address:	113 BACK RIVER NECK RD BALTIMORE MD 21221-3921		Principal Residence:	NO	
			Deed Reference:	/07545/ 00271	
Location & Structure Information					
Premises Address:		1603 HOPEWELL AVE BALTIMORE MD 21221-2842		Legal Description:	LT 17A PT 17 MIDRIVER PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0090	0023	0589		0000	17A 2015 0004/0012
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			11,600 SF	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value		Value		Phase-In Assessments
			As of		As of
Land:	81,600		01/01/2012		07/01/2014
Improvements	0		81,600		As of 07/01/2015
Total:	81,600		81,600		
Preferential Land:	0				
Transfer Information					
Seller: DRIVER RAYMOND N		Date: 05/25/1987		Price: \$65,000	
Type: ARMS LENGTH IMPROVED		Deed1: /07545/ 00271		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 2200027635			
Owner Information					
Owner Name:	TORRES CLAUDE		Use:	RESIDENTIAL	
Mailing Address:	1609 HOPEWELL AVE BALTIMORE MD 21221-2842		Principal Residence:	YES	
			Deed Reference:	/21003/ 00199	
Location & Structure Information					
Premises Address:		1609 HOPEWELL AVE 0-0000		Legal Description:	PT LTS 18B,18C 1609 HOPEWELL AVE MIDRIVER PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0090	0023	0589		0000	18B 2015 0004/0012
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1998	1,152 SF		8,306 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	SIDING	2 full	1 Attached
Last Major Renovation					
Value Information					
	Base Value	Value As of 01/01/2012	Phase-in Assessments As of 07/01/2014 As of 07/01/2015		
Land:	50,000	50,000			
Improvements	91,500	91,500			
Total:	141,500	141,500	141,500		
Preferential Land:	0				
Transfer Information					
Seller: HOLLAND LISA N		Date: 11/18/2004		Price: \$144,000	
Type: ARMS LENGTH IMPROVED		Deed1: /21003/ 00199		Deed2:	
Seller: KITTRELL JOHNNY R		Date: 02/13/2001		Price: \$105,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /14978/ 00250		Deed2:	
Seller: CORUZZI REALITY LLP		Date: 12/12/1997		Price: \$40,000	
Type: ARMS LENGTH VACANT		Deed1: /12548/ 00124		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

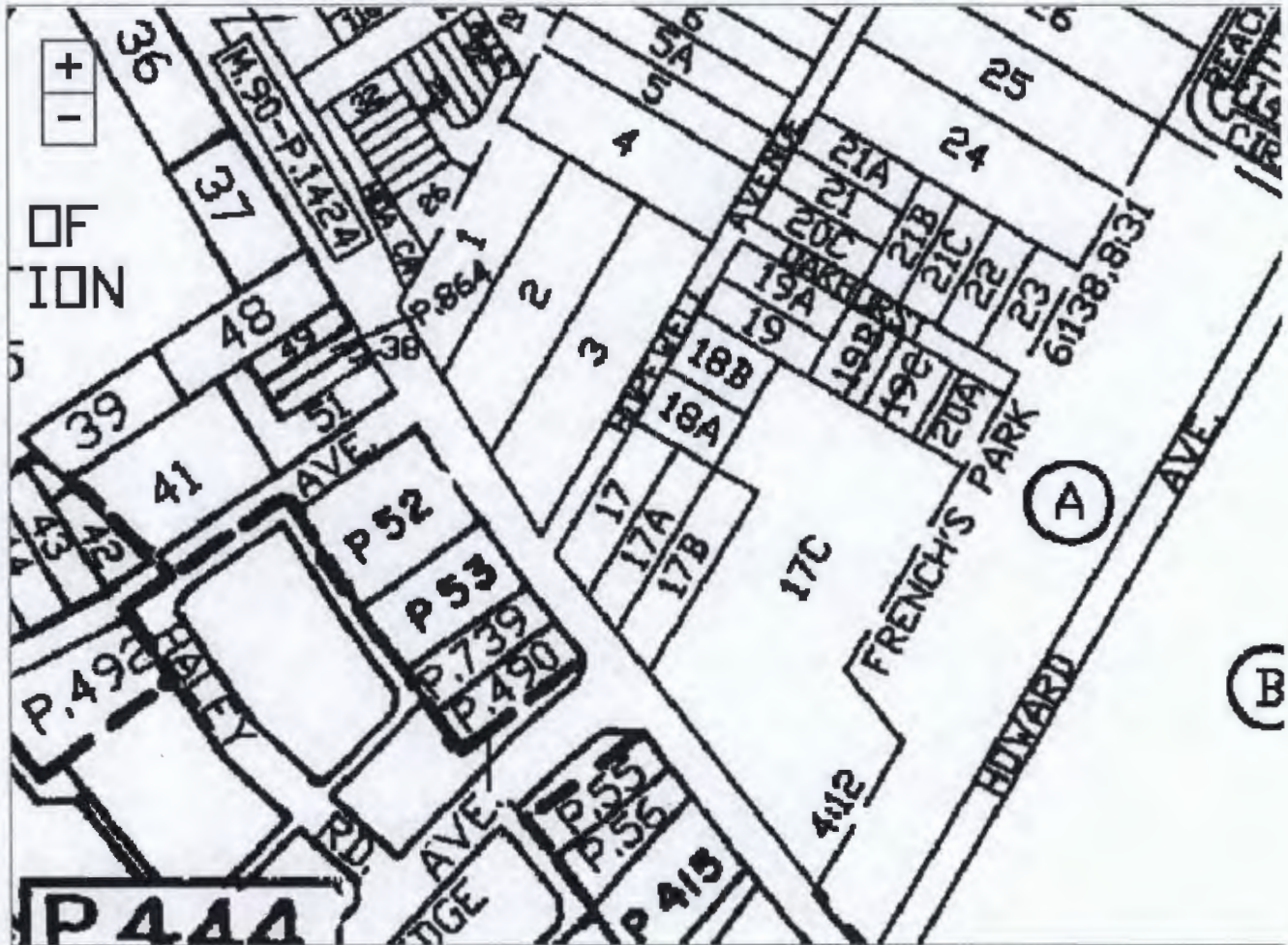
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1502654320		
Owner Information		
Owner Name:	SCURRY TERRY T SCURRY ANNETTE	Use: Principal Residence: RESIDENTIAL YES
Mailing Address:	1611 HOPEWELL AVE BALTIMORE MD 21221-2842	Deed Reference: /17084/ 00315
Location & Structure Information		
Premises Address:	1611 HOPEWELL AVE 0-0000	Legal Description: PT LT 19 1611 HOPEWELL AVE MIDRIVER PARK
Map:	Grid:	Parcel:
0090	0023	0589
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
	19	2015
Plat No:	Plat Ref:	0004/0012
Special Tax Areas:		
Town: NONE		
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1929	1,806 SF	
Property Land Area	County Use	
7,000 SF	04	
Stories	Basement	Type
1 1/2	NO	STANDARD UNIT
Exterior	Full/Half Bath	Garage
STUCCO	2 full	1 Detached
Last Major Renovation		
Value Information		
Base Value	Value As of 01/01/2012	Phase-In Assessments As of 07/01/2014
Land: 49,000	49,000	
Improvements: 82,400	82,400	
Total: 131,400	131,400	131,400
Preferential Land: 0		
Transfer Information		
Seller: BROWN JOHN E,JR	Date: 11/13/2002	Price: \$124,000
Type: ARMS LENGTH IMPROVED	Deed1: /17084/ 00315	Deed2:
Seller: HARRISON WALTER & MARGARET	Date: 08/13/1965	Price: \$2,000
Type: ARMS LENGTH IMPROVED	Deed1: /04496/ 00163	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2014
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

[New Search \(http://sdats.resiusa.org/RealProperty\)](http://sdats.resiusa.org/RealProperty)District: **15** Account Number: **1516900160**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

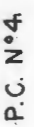
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please Wait. Loading... Please Wait.

→



REDING & HOWARD
CIVIL ENGINEERS
BALTIMORE, MD.
MAY 1911
SCALE 1"=100 FT.

Portally reserved by Reading & Howard
Distances from plot by Thomas H. Disney

John G. Booth
Foreclosure Mortg. Co
Rose Ketch

ROSE KJURICH
Mar. 1902 - N.E.J. was a Judicial - Court 1902 A. 2

42B13

COMPLETED PAGE 182A-09-11P

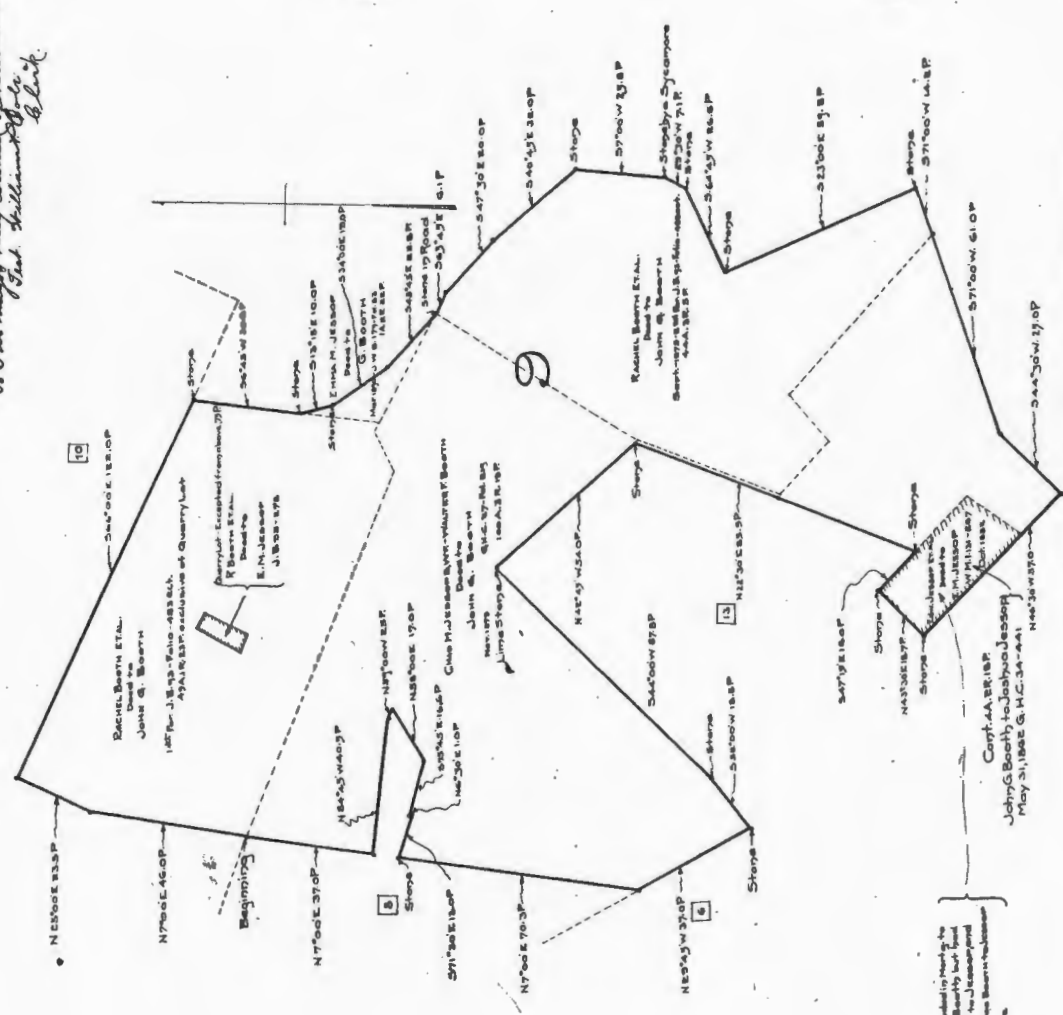
PROPERTY PLAT

PROPOSED UPPER LOCH RAVEN

5

Oct. 8th 1912.

Plat fled October 17, 1910 12:30 am
accompanying dead from Fog Creek winter
to The mast city Council of Ballmoor
Past William W. C. Clark.



CORRECTED AGE		US BIRTH	
Rachel B. [unclear]	1901-02-19	19-02-19	1901-02-19
Steph [unclear]	1901-02-19	19-02-19	1901-02-19
Chas. [unclear]	1901-02-19	19-02-19	1901-02-19
Mar. [unclear]	1901-02-19	19-02-19	1901-02-19
Enos [unclear]	1901-02-19	19-02-19	1901-02-19
Mar. [unclear]	1901-02-19	19-02-19	1901-02-19
John [unclear]	1901-02-19	19-02-19	1901-02-19
May [unclear]	1901-02-19	19-02-19	1901-02-19



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

12-29-14

Kim Goodwin-Maigetter, President 410.598.3666
Bob Schweitzer, Vice President



c/o 2023 Newhaven Drive
Baltimore, Maryland 21221

Chip Miller, Sergeant at Arms
Janice Miley, Treasurer
Kevin McDonough, Secretary 443.768.0221

December 15, 2014

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

DEC 16 2014

Re: Frederick & Helen Schmitt**109 Back River Neck Road****Case No.:2015-0106-SPXHA****Hearing Date December 29, 2014 at 10:00am**

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Judge Beverungen,

Our organization would like to weigh in as an interested party with regard to the upcoming zoning case #2015-0106-SPXHA regarding 109 Back River Neck Road. The Rockaway Beach Improvement Association Inc. / Turkey Point Improvement Association represents the collective interests of a large community, which is just a short distance away from this property. The Back River Neck Road Corridor serves as a major gateway to our community, and we feel it is pertinent for our residents to have a voice on issues that will have an impact on the gateway to their community.

We have been made aware that the Office of People's Counsel for Baltimore County has corresponded with you in a December 10th, 2014 letter and articulated several concerns with this particular case. Similarly, we too share some major concerns regarding the petitioner's requests and the impacts that they could have on the surrounding area. It is our hope that you will take these concerns into consideration when hearing this case or that the petitioner may even consider revising his site plan and subsequent application/request to address these concerns before the hearing takes place.

First and foremost, our major concern is the storage of disabled vehicles on this property, which is depicted on the proposed site plan. In his letter, Mr. Zimmerman references Baltimore County Zoning Regulation Sec. 101.1, which states that storage of disabled vehicles would not and should not be permitted under the definition of a "service garage". Instead, it falls more so under the definition of a "junkyard" which would only be permitted within the Heavy Manufacturing Zone by special exception. The community is staunchly opposed to the designation of a place for disabled vehicles, as it poses not only a safety hazard, but also a major nuisance and visual eyesore that will detract from the overall aesthetics of this commercial corridor, which lies in the Essex Commercial Revitalization District and serves as the gateway to our

community. Allowing for the storage of disabled vehicles at the location depicted on the site plan, which is within such close proximity to the roadway, potentially hinders the revitalization of this already struggling commercial corridor and would place unnecessary and undesired blight in our community.

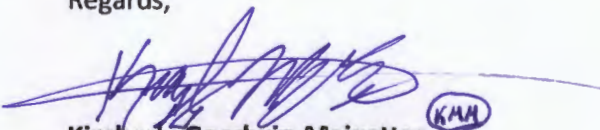
We are also concerned about the lack of appropriate landscaping depicted on the site plan. Pursuant to Baltimore County Zoning Regulation 409.8.A.1, an appropriate depiction of the landscaping on the site should be shown, following the guidelines set forth in the Baltimore County Landscape Manual. At present, the site lacks any landscaping whatsoever. We firmly believe that the spirit and intent of the Baltimore County Zoning Regulations should be interpreted so that any improvements to the property would require that appropriate landscaping improvements be made, with special attention given to the property's Back River Neck Road frontage. Since the subject property is within a Commercial Revitalization District, landscaping elements are imperative to the vitality, vibrancy, and overall success of the area's revitalization.

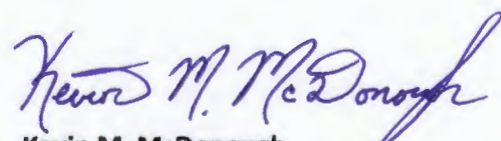
An issue also raised in the correspondence from the Office of People's Counsel was a lack of appropriate measurements and building setbacks being depicted on the submitted site plan- particularly, the setbacks for the existing structure and setbacks from the proposed improvements to the property lines. Without the proper delineation of the site and its setbacks, it is difficult to fully grasp the proposed layout, scope and size of the requested relief to undertake improvements. Lack of those figures also makes future enforcement of the site plan difficult. In the interest of having all of the facts presented on the table, we believe that that is an important piece of the puzzle that is missing, and an issue that deserves to be addressed.

While we can understand and are sympathetic to the petitioner's desire to expand their business and improve their property, we must consider the ramifications that allowing such deviations from the Zoning Regulations would have on the surrounding area of this property. Our community expresses grave concern for the effects that approving this request as submitted could have on our property values, neighborhood integrity, and the area's revitalization- particularly that of the Essex Commercial Revitalization District. We implore that significant consideration is given to the concerns raised by both our organization and by the Office of People's Counsel for Baltimore County regarding this request. We are not opposed to a business owner being afforded the opportunity to expand their business and parking area, but are opposed to allowing for something that could pose a hardship and practical difficulty for the surrounding area that would be affected by such a request being granted.

Should you or the petitioners wish to discuss this issue further with us or would like clarification of our concerns, please do not hesitate to contact us directly. Correspondence should be directed to Kevin McDonough, the secretary for the association.

Regards,


Kimberly Goodwin-Maigetter
President


Kevin M. McDonough
Secretary

Cc: *Office of People's Counsel- Attn: Peter Max Zimmerman*
Essex-Middle River Civic Council – Attn: Bob Bendler, President
Dennis Wertz, Department of Planning
Donald Hicks, P.E., Petitioner's consultant and representative
RBIA File

Kim Goodwin-Maigetter, President
410.598.3666
Kevin McDonough, Vice President
443.768.0221



Anita Goodwin, Treasurer
Janice Misy, Secretary
Robert Schweitzer, Sergeant at Arms

628 Rockaway Beach Avenue
Baltimore, Maryland 21221

July 14, 2015

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: Frederick & Helen Schmitt
109 Back River Neck Road
Case No.: 2015-0106-SPXHA

Dear Judge Beverungen,

In December of 2014, our Association wrote to you as an interested party with regard to zoning case #2015-0106-SPXHA regarding 109 Back River Neck Road. As stated in our earlier correspondence, The Back River Neck Road Corridor serves as a major gateway to our community, and we feel it is pertinent for our residents to have a voice on issues that will have an impact on the gateway to their community.

Following the submission of our December correspondence on this matter, the Petitioner and his attorney, Mr. Timothy Kotroco, reached out to our organization and engaged in discussions spanning the last several months with the hopes of addressing our concerns and the concerns of the Baltimore County People's Counsel, Mr. Peter Max Zimmerman, regarding this request.

On June 23, 2015 Mr. Kotroco sent to us via e-mail, several photos and a copy of the proposed site plan. That evening, we thoroughly reviewed the plan and were pleased to find that the concerns we articulated were satisfactorily addressed in the plan and the notes which were listed on the plan. Those concerns which were addressed, included, but were not limited to the following:

- Screening the dumpster area
- Making note that a separate landscaping and lighting plan will be submitted by the petitioner and be subject to approval by the Baltimore County Landscape Architect.
- Including a stipulation on the site plan that vehicles awaiting repair will not be allowed to stay on the property for more than 30 days.
- Macadam paving will occupy the front portion of the parking lot, up to the front gate, so as to improve aesthetics.

#SaveOurPeninsula

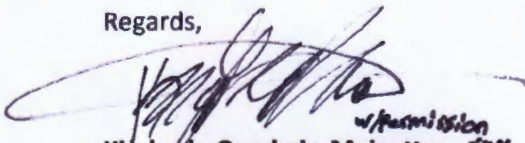
- Inclusion of a note on the plan that the property will not be used as a junkyard.

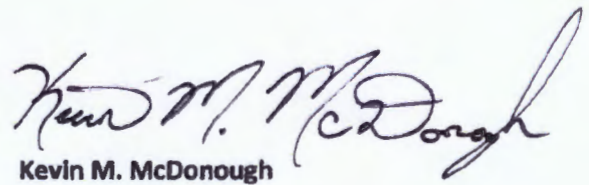
We sincerely appreciated the willingness of the petitioner to address the concerns of the community and to engage in dialogue with us to sort out our differences before proceeding with a hearing before you. At the conclusion of our discussions, we feel that the petitioner understood and shared our desire to improve our community and boost the aesthetics of a struggling commercial corridor, which falls within a commercial revitalization area.

The Rockaway Beach Improvement Association hereby does extend our support and approval of the site plan, which was presented to us via e-mail on June 23, 2015 - a copy of which is attached. We do however; wish to request that you consider imposing a condition in your order that approval of this matter is contingent upon the submission and approval of a Landscape Plan to the County's Landscape Architect, to ensure that important aspect of this issue does not fall through the cracks.

Should you or the petitioners wish to discuss this issue further with us or would like clarification on any part of this letter, please do not hesitate to contact us directly. Correspondence should be directed to Kevin McDonough, our Vice President.

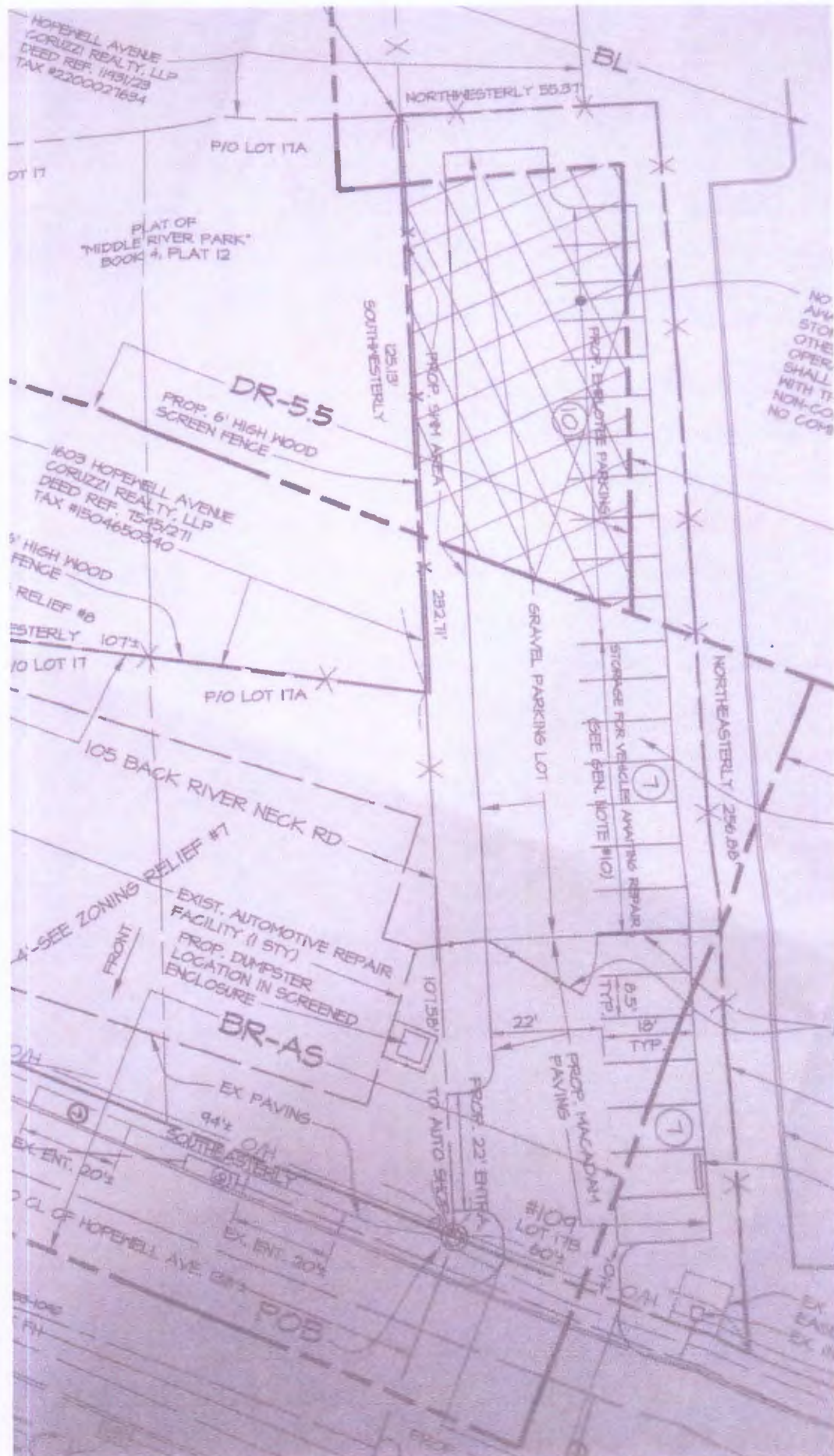
Regards,


Kimberly Goodwin-Maigetter *w/permission KAM*
President


Kevin M. McDonough
Vice President

Cc: Office of People's Counsel- Attn: Peter Max Zimmerman
Essex-Middle River Civic Council – Attn: Bob Bendler, President
Back River Neck Peninsula Community Assoc.- Attn: Carl Maynard, President
Timothy Kotroco, Esq. – Whiteford, Taylor & Preston LLP
RBIA File

Excerpt from Proposed Plan



Excerpt #2 from Proposed plan -

GENERAL NOTES:

1. PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM DEEDS AND PLATS.
7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS AND SUPPLEMENTED WITH FIELD SURVEYS.
8. A DURABLE AND DUSTLESS SURFACE SHALL BE PROVIDED AND SHALL BE PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS.
9. ALL PARKING SPACES MUST BE STRIPED. STRIPING SHALL BE MAINTAINED SO AS TO REMAIN VISIBLE.
10. THE PROPERTY SHALL NOT BECOME A JUNKYARD FOR THE PERMANENT STORAGE OF JUNK AND DISABLED VEHICLES. VEHICLES AWAITING REPAIR SHALL REMAIN FOR NO LONGER THAT 30 DAYS.
11. Landscaping and lighting shall be approved by Jean Tansey by separate Plan.

REVISIONS:

REVISED 2/27/15 4/22/15 5/28/15

JB 7-23-15
2pm
Rm. 205

Debra Wiley

From: Kotroco, Timothy <TKotroco@wtplaw.com>
Sent: Thursday, July 09, 2015 5:03 PM
To: Peter Max Zimmerman; kevinmcdonough@comcast.net; Debra Wiley
Cc: John E. Beverungen
Subject: 105 Back River Neck Road, Case No. 2015-0106SPHXA

To all interested Parties:

I have spoken to Judge Beverungen's office and was advised that this matter may be set back in for a final hearing on Thursday, July 23rd, 2015 at 2pm. You may recall that this matter was originally scheduled to be heard on December 29, 2014. On that date, the matter was continued. It is my understanding that all of the issues relating to this matter have been resolved and the case can now be set in for final disposition.

I am writing to each of you to advise you of this new date and time for this hearing. Please let me know if there is any reason why the matter cannot proceed on July 23rd at 2pm. I thank you for working with us and look forward to concluding this matter.

Regards,

Tim Kotroco

Timothy M. Kotroco
Partner



Whiteford Taylor & Preston LLP

Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204

t: 410-832-2004 | f: 410 339-4050

tkotroco@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

Debra Wiley

From: Kristen L Lewis
Sent: Wednesday, July 15, 2015 10:26 AM
To: Debra Wiley
Subject: RE: 105 Back River Neck Road, Case No. 2015-0106SPHXA

Your welcome.

Kristen Lewis
PAL - Zoning Review
410-887-3391

From: Debra Wiley
Sent: Wednesday, July 15, 2015 9:27 AM
To: Kristen L Lewis
Subject: RE: 105 Back River Neck Road, Case No. 2015-0106SPHXA

That's what I was afraid of. Thanks for putting it on the calendar.

From: Kristen L Lewis
Sent: Wednesday, July 15, 2015 8:42 AM
To: Debra Wiley
Subject: RE: 105 Back River Neck Road, Case No. 2015-0106SPHXA

Hi Debbie,

No one contacted me about the rescheduling of this case, Tim may have talked to John himself, but the room is available during that time and I can put it on the calendar.

Kristen Lewis
PAL - Zoning Review
410-887-3391

From: Debra Wiley
Sent: Wednesday, July 15, 2015 8:02 AM
To: Kristen L Lewis
Subject: FW: 105 Back River Neck Road, Case No. 2015-0106SPHXA

Hi Kristen,

Wanted to make sure that SOMEONE cleared this matter thru you and that Rm. 205 is available.

Thanks.

From: Kotroco, Timothy [<mailto:TKotroco@wtplaw.com>]
Sent: Thursday, July 09, 2015 5:03 PM
To: Peter Max Zimmerman; kevinmcdonough@comcast.net; Debra Wiley

Cc: John E. Beverungen

Subject: 105 Back River Neck Road, Case No. 2015-0106SPHXA

To all interested Parties:

I have spoken to Judge Beverungen's office and was advised that this matter may be set back in for a final hearing on Thursday, July 23rd, 2015 at 2pm. You may recall that this matter was originally scheduled to be heard on December 29, 2014. On that date, the matter was continued. It is my understanding that all of the issues relating to this matter have been resolved and the case can now be set in for final disposition.

I am writing to each of you to advise you of this new date and time for this hearing. Please let me know if there is any reason why the matter cannot proceed on July 23rd at 2pm. I thank you for working with us and look forward to concluding this matter.

Regards,

Tim Kotroco

Timothy M. Kotroco
Partner

Whiteford
Taylor & Preston LLP

Whiteford Taylor & Preston LLP

Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204

t: 410-832-2004 | f: 410 339-4050

tkotroco@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

Debra Wiley

From: Kevin McDonough <kevinmcdonough@comcast.net>
Sent: Friday, July 10, 2015 10:03 AM
To: 'Kotroco, Timothy'; Peter Max Zimmerman; Debra Wiley
Cc: John E. Beverungen; kim goodwin
Subject: RE: 105 Back River Neck Road, Case No. 2015-0106SPHXA
Attachments: SCN_0010.pdf

Good Morning Mr. Kotroco, Judge Beverungen & Mr. Zimmerman,

We sincerely appreciate the Petitioner's reaching out to us to share the date of the upcoming hearing on this matter. We have no objections to allowing this matter to move forward to a hearing on the date referenced in the below e-mail.

Attached, please find a letter / testimony submitted on behalf of the Rockaway Beach / Turkey Point Improvement Association articulating our current stance on the matter that we would like added into the record for this case.

Thank You!

All the Best,

Kevin M. McDonough

*Vice President & Director of Communications
Rockaway Beach Improvement Association Inc.
Turkey Point Improvement Association*

www.turkeypoint.org

cc: Kim Goodwin Maigetter, President

From: Kotroco, Timothy [mailto:TKotroco@wtplaw.com]
Sent: Thursday, July 09, 2015 5:03 PM
To: pzimmerman@baltimorecountymd.gov; kevinmcdonough@comcast.net; Debra Wiley
Cc: John Beverungen (jbeverungen@baltimorecountymd.gov)
Subject: 105 Back River Neck Road, Case No. 2015-0106SPHXA

To all interested Parties:

I have spoken to Judge Beverungen's office and was advised that this matter may be set back in for a final hearing on Thursday, July 23rd, 2015 at 2pm. You may recall that this matter was originally scheduled to be heard on December 29, 2014. On that date, the matter was continued. It is my understanding that all of the issues relating to this matter have been resolved and the case can now be set in for final disposition.

I am writing to each of you to advise you of this new date and time for this hearing. Please let me know if there is any reason why the matter cannot proceed on July 23rd at 2pm. I thank you for working with us and look forward to concluding this matter.

• Regards,

Tim Kotroco

Timothy M. Kotroco
Partner



Whiteford Taylor & Preston LLP

Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204

t: 410-832-2004 | f: 410 339-4050

tkotroco@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

2015-0106-SPIKA
7-8 (PP)
1:30 PM

Debra Wiley

From: Tim Kotroco <tkotroco@gmail.com>
Sent: Friday, July 03, 2015 8:46 AM
To: Debra Wiley
Subject: Re: July 8th

Deb. Yes. We will have to cancel until Pete returns. Thanks. Tim

Timothy M. Kotroco
Cell: 410-299-2943

On Jul 2, 2015 12:51 PM, "Debra Wiley" <dwiley@baltimorecountymd.gov> wrote:

Hi Tim,

Just to let you know Pete is on vacation thru July 15th or 16th.

Does that mean the case set for 7/8 is now cancelled?

Debra Wiley

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868

CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, www.baltimorecountymd.gov

Debra Wiley

From: Debra Wiley
Sent: Monday, July 06, 2015 7:21 AM
To: John E. Beverungen; Lawrence Stahl; Sherry Nuffer
Cc: Kristen L Lewis
Subject: Change to July Calendar

Case No. 2015-0106-SPHXA scheduled for 7/8 @ 1:30 PM has been postponed.

Please mark your calendars accordingly. Thanks.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: Tim Kotroco <tkotroco@gmail.com>
Sent: Friday, July 03, 2015 8:46 AM
To: Debra Wiley
Subject: Re: July 8th

Deb. Yes. We will have to cancel until Pete returns. Thanks. Tim

Timothy M. Kotroco
Cell: 410-299-2943

On Jul 2, 2015 12:51 PM, "Debra Wiley" <dwiley@baltimorecountymd.gov> wrote:

Hi Tim,

Just to let you know Pete is on vacation thru July 15th or 16th.

Does that mean the case set for 7/8 is now cancelled?

Debra Wiley

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868

CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, www.baltimorecountymd.gov

Debra Wiley

From: Debra Wiley
Sent: Thursday, July 02, 2015 12:51 PM
To: Timothy M. Kotroco Esq. (tkotroco@gmail.com); 'Kotroco, Timothy'
Subject: July 8th

Hi Tim,

Just to let you know Pete is on vacation thru July 15th or 16th.

Does that mean the case set for 7/8 is now cancelled?

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: Tim Kotroco <tkotroco@gmail.com>
Sent: Thursday, June 25, 2015 3:44 PM
To: Debra Wiley
Subject: Re: Back River

Yes. That is the file. Thanks. Tim

Timothy M. Kotroco
Cell: 410-299-2943

On Jun 25, 2015 3:10 PM, "Debra Wiley" <dwiley@baltimorecountymd.gov> wrote:

Tim,

Is the case below the one you called about ? Just want to make sure before I request the file.

Thanks.

CASE NUMBER: 2015-0106-SPHXA

109 BACK RIVER NECK RD.

Location: NE/S Back River Neck Road, 138 ft. SW of the c/line Hopewell Avenue

15th Election District, 6th Council District

Legal owners: Frederick W & Helen L Schmitt

SPECIAL HEARING (1) To permit business parking in a residential zone, and (2) To confirm that business parking for a service garage is allowed in the BL-AS portion of the property.

VARIANCE (1) To allow a parking area with an RTA buffer and setback of 0 ft. in lieu of the required 50 ft. buffer and 75 ft. setback, respectively, and (2) To allow the existing 6 ft. high screen fence to remain in lieu of the required 8 ft. high screen fence.

SPECIAL EXCEPTION In the alternative, to allow business parking for a service garage in the BL-AS portion of the property

*Deb spoke to Tim
6-30 11:38 AM
Tim still
trying to
confirm w/
Pete.*

Hearing: Thursday, 2/26/2015, 1:30 PM, Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204

Debra Wiley

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868

CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, www.baltimorecountymd.gov

MEMORANDUM

TO: Kristen Lewis
Office of Zoning Review

FROM: Debbie Wiley *DW*
Office of Administrative Hearings

DATE: February 26, 2015

SUBJECT: Case No. 2015-0106-SPHXA – 109 Back River Neck Rd.
Hearing: February 26, 2015 @ 1:30 PM

As you are aware, the above-referenced case was scheduled to come before Judge Beverungen today, Thursday, February 26, 2015 at 1:30 PM, in Room 205 of the Jefferson Building. For a number of reasons, Messrs. Kotroco and Zimmerman requested a postponement which was granted.

This matter is now being returned to you for rescheduling and processing. Thanks.

✓ c: File

K. C. H. on setting up Rebecca

Debra Wiley

From: John E. Beverungen
Sent: Thursday, February 26, 2015 10:15 AM
To: Kotroco, Timothy; Peter Max Zimmerman
Cc: Kevin McDonough; shoreperfect@comcast.net; Debra Wiley; Sherry Nuffer
Subject: RE: 2015-0106-SPHXA

Counsel,

The postponement request is granted, and today's 1:30 hearing will be removed from the OAH calendar. Please keep this Office updated with the date and time of the rescheduled hearing in the above matter.

John Beverungen
ALJ

From: Kotroco, Timothy [mailto:TKotroco@wtplaw.com]
Sent: Thursday, February 26, 2015 10:03 AM
To: Peter Max Zimmerman; John E. Beverungen
Cc: Kevin McDonough; shoreperfect@comcast.net; Debra Wiley; Sherry Nuffer
Subject: RE: 2015-0106-SPHXA

Dear Judge Beverungen:

You already have my email requesting that the hearing scheduled for this afternoon be postponed. I will work with Mr. Jablon's office to find a new date that is suitable for all persons involved in this matter. I hope that you will agree to postpone today's case and I apologize for any inconvenience that this request may have caused your office.

Regards,

Tim Kotroco

Timothy M. Kotroco
Partner

Whiteford
Taylor|Preston

Whiteford Taylor & Preston LLP
Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204
t: 410-832-2004 | f: 410 339-4050
tkotroco@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

From: Peter Max Zimmerman [mailto:pzimmerman@baltimorecountymd.gov]
Sent: Thursday, February 26, 2015 9:44 AM
To: John E. Beverungen
Cc: Kotroco, Timothy; Kevin McDonough; shoreperfect@comcast.net; Debra Wiley; Sherry Nuffer
Subject: FW: 2015-0106-SPHXA

Dear Judge Beverungen,

I arrived at the office this morning to learn for the first time that Zoning Case 2015-106-SPH, Frederick and Helen Schmitt, Petitioners, 109 Back River Neck Road was rescheduled for this afternoon, February 26, 2015.

Petitioner's attorney, Timothy Kotroco, entered the case either at or shortly before the original December 29, 2014 hearing. At that time, he appeared before you and made a motion for continuance. The motion was granted. This courtesy is reflected in your December 29, 2014 e-mail, which I forward for convenience.

As reflected by your e-mail of that date, while the additional courtesy was extended that the property need not be re-posted, Mr. Kotroco was to notify me and Kevin McDonough of the Rockaway Beach Improvement Association of the new date and time, and implicitly in a timely way.

I have not received such notice.

At Mr. Kotroco's request, I met with him in my office on February 9, 2015 to discuss our office's concerns. As a result of that meeting, he was to have his engineer prepare a revised site plan for our office to review prior to the next hearing. I have not received any revised site plan.

I spoke with Kevin McDonough a few minutes ago. He told me that he very recently saw placed online a notice of today's hearing, but that is not an official or adequate notice, and definitely not the contemplated notice to our office. Mr. McDonough, as I understand from him, asked Mr. Kotroco for a copy of any revised plan, but apparently it was not ready.

I am not available for this afternoon's hearing, and anyway I would need time to review any revised site plan and prepare for it. I was planning to attend a properly rescheduled hearing. Our office has been cooperative in an effort constructively to see if our concerns, and those of the community, may be addressed and resolved. However, we need to proceed in the right way.

I spoke with Mr. Kotroco a few minutes ago. The revised site plan is still not available. After our initial conversation, he reviewed your e-mail and acknowledged that the re-scheduling was to be done with notice to and cooperation of the parties. My impression now is that he will agree to a rescheduling of today's hearing. But I will leave it to him to state his position.

Therefore, I request that there be another continuance or re-scheduling, and that any new date be scheduled cooperatively with all the parties, your office, and the county zoning office which handles the scheduling.

Sincerely, Peter Max Zimmerman, People's Counsel 410 887-2188

From: John E. Beverungen
Sent: Monday, December 29, 2014 2:41 PM
To: Kotroco, Timothy; Peter Max Zimmerman
Cc: Debra Wiley; Sherry Nuffer
Subject: 2015-0106-SPHXA

I am writing to provide a status update on the above case. This morning, a public hearing was convened, at which time Mr. Kotroco sought a continuance, to allow him to address the concerns identified in Mr. Zimmerman's December 10, 2014 correspondence. The continuance was granted, and the Petitioner does not need to again post the property and/or advertise the hearing when a new date is selected. I did remind Mr. Kotroco that the sign posting affidavit was missing from our file, and he indicated that he would provide one, and he also had several photos that showed the sign posted on the subject property. The continued hearing date must be obtained from the Department of PAI, and I would ask Mr. Kotroco to provide the new date/time to Mr. Zimmerman and the Rockaway Beach Improvement Ass'n.

John Beverungen

ALJ.

CONNECT WITH BALTIMORE COUNTY

--	--	--	--	--

☐

When you think Baltimore County, think, www.baltimorecountymd.gov

This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

Debra Wiley

From: Kotroco, Timothy <TKotroco@wtplaw.com>
Sent: Thursday, February 26, 2015 10:03 AM
To: Peter Max Zimmerman; John E. Beverungen
Cc: Kevin McDonough; shoreperfect@comcast.net; Debra Wiley; Sherry Nuffer
Subject: RE: 2015-0106-SPHXA

Dear Judge Beverungen:

You already have my email requesting that the hearing scheduled for this afternoon be postponed. I will work with Mr. Jablon's office to find a new date that is suitable for all persons involved in this matter. I hope that you will agree to postpone today's case and I apologize for any inconvenience that this request may have caused your office.

Regards,

Tim Kotroco

Timothy M. Kotroco
Partner

Whiteford
Taylor|Preston

Whiteford Taylor & Preston LLP

Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204

t: 410-832-2004 | f: 410 339-4050

tkotroco@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

From: Peter Max Zimmerman [mailto:pzimmerman@baltimorecountymd.gov]
Sent: Thursday, February 26, 2015 9:44 AM
To: John E. Beverungen
Cc: Kotroco, Timothy; Kevin McDonough; shoreperfect@comcast.net; Debra Wiley; Sherry Nuffer
Subject: FW: 2015-0106-SPHXA

Dear Judge Beverungen,

I arrived at the office this morning to learn for the first time that Zoning Case 2015-106-SPH, Frederick and Helen Schmitt, Petitioners, 109 Back River Neck Road was rescheduled for this afternoon, February 26, 2015.

Petitioner's attorney, Timothy Kotroco, entered the case either at or shortly before the original December 29, 2014 hearing. At that time, he appeared before you and made a motion for continuance. The motion was granted. This courtesy is reflected in your December 29, 2014 e-mail, which I forward for convenience.

As reflected by your e-mail of that date, while the additional courtesy was extended that the property need not be re-posted, Mr. Kotroco was to notify me and Kevin McDonough of the Rockaway Beach Improvement Association of the new date and time, and implicitly in a timely way.

I have not received such notice.

At Mr. Kotroco's request, I met with him in my office on February 9, 2015 to discuss our office's concerns. As a result of that meeting, he was to have his engineer prepare a revised site plan for our office to review prior to the next hearing. I have not received any revised site plan.

I spoke with Kevin McDonough a few minutes ago. He told me that he very recently saw placed online a notice of today's hearing, but that is not an official or adequate notice, and definitely not the contemplated notice to our office. Mr. McDonough, as I understand from him, asked Mr. Kotroco for a copy of any revised plan, but apparently it was not ready.

I am not available for this afternoon's hearing, and anyway I would need time to review any revised site plan and prepare for it. I was planning to attend a properly rescheduled hearing. Our office has been cooperative in an effort constructively to see if our concerns, and those of the community, may be addressed and resolved. However, we need to proceed in the right way.

I spoke with Mr. Kotroco a few minutes ago. The revised site plan is still not available. After our initial conversation, he reviewed your e-mail and acknowledged that the re-scheduling was to be done with notice to and cooperation of the parties. My impression now is that he will agree to a rescheduling of today's hearing. But I will leave it to him to state his position.

Therefore, I request that there be another continuance or re-scheduling, and that any new date be scheduled cooperatively with all the parties, your office, and the county zoning office which handles the scheduling.

Sincerely, Peter Max Zimmerman, People's Counsel 410 887-2188

From: John E. Beverungen
Sent: Monday, December 29, 2014 2:41 PM
To: Kotroco, Timothy; Peter Max Zimmerman
Cc: Debra Wiley; Sherry Nuffer
Subject: 2015-0106-SPHXA

I am writing to provide a status update on the above case. This morning, a public hearing was convened, at which time Mr. Kotroco sought a continuance, to allow him to address the concerns identified in Mr. Zimmerman's December 10, 2014 correspondence. The continuance was granted, and the Petitioner does not need to again post the property and/or advertise the hearing when a new date is selected. I did remind Mr. Kotroco that the sign posting affidavit was missing from our file, and he indicated that he would provide one, and he also had several photos that showed the sign posted on the subject property. The continued hearing date must be obtained from the Department of PAI, and I would ask Mr. Kotroco to provide the new date/time to Mr. Zimmerman and the Rockaway Beach Improvement Ass'n.

John Beverungen
ALJ

CONNECT WITH BALTIMORE COUNTY

--	--	--	--	--



When you think Baltimore County, think, www.baltimorecountymd.gov

Debra Wiley

From: Kotroco, Timothy <TKotroco@wtplaw.com>
Sent: Thursday, February 26, 2015 9:45 AM
To: Debra Wiley
Subject: FW: Postponement for Today's hearing

Timothy M. Kotroco
Partner

Whiteford
Taylor|Preston

Whiteford Taylor & Preston LLP

Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204

t: 410-832-2004 | f: 410 339-4050

tkotroco@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

From: Kotroco, Timothy
Sent: Thursday, February 26, 2015 9:37 AM
To: 'pzimmerman@baltimorecountymd.gov'
Cc: John Beverungen (jbeverungen@baltimorecountymd.gov); 'dhicks@hickseng.com'; 'tom@thomasjhoff.com'; billslots@yahoo.com; 'kevinmcdonough@comcast.net'
Subject: Postponement for Today's hearing

Mr. Zimmerman.

As a result of our conversation on the phone this morning, I find it best to postpone the hearing scheduled for this afternoon at 1:30pm. I have already spoken to my client. I will copy Judge Beverungen with this email to let him know of my request. I will endeavor to schedule a new hearing date with Mr. Jablon's office and will certainly let you and the community know of the new date. I will also get a copy of the new plan to you as soon as I get a copy from my engineer. Thanks.

Tim K.

Timothy M. Kotroco
Partner

Whiteford
Taylor|Preston

Whiteford Taylor & Preston LLP

Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204

t: 410-832-2004 | f: 410 339-4050

tkotroco@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

Debra Wiley

From: Peter Max Zimmerman
Sent: Thursday, February 26, 2015 9:44 AM
To: John E. Beverungen
Cc: Kotroco, Timothy; Kevin McDonough; shoreperfect@comcast.net; Debra Wiley; Sherry Nuffer
Subject: FW: 2015-0106-SPHXA

Dear Judge Beverungen,

I arrived at the office this morning to learn for the first time that Zoning Case 2015-106-SPH, Frederick and Helen Schmitt, Petitioners, 109 Back River Neck Road was rescheduled for this afternoon, February 26, 2015.

Petitioner's attorney, Timothy Kotroco, entered the case either at or shortly before the original December 29, 2014 hearing. At that time, he appeared before you and made a motion for continuance. The motion was granted. This courtesy is reflected in your December 29, 2014 e-mail, which I forward for convenience.

As reflected by your e-mail of that date, while the additional courtesy was extended that the property need not be re-posted, Mr. Kotroco was to notify me and Kevin McDonough of the Rockaway Beach Improvement Association of the new date and time, and implicitly in a timely way.

I have not received such notice.

At Mr. Kotroco's request, I met with him in my office on February 9, 2015 to discuss our office's concerns. As a result of that meeting, he was to have his engineer prepare a revised site plan for our office to review prior to the next hearing. I have not received any revised site plan.

I spoke with Kevin McDonough a few minutes ago. He told me that he very recently saw placed online a notice of today's hearing, but that is not an official or adequate notice, and definitely not the contemplated notice to our office. Mr. McDonough, as I understand from him, asked Mr. Kotroco for a copy of any revised plan, but apparently it was not ready.

I am not available for this afternoon's hearing, and anyway I would need time to review any revised site plan and prepare for it. I was planning to attend a properly rescheduled hearing. Our office has been cooperative in an effort constructively to see if our concerns, and those of the community, may be addressed and resolved. However, we need to proceed in the right way.

I spoke with Mr. Kotroco a few minutes ago. The revised site plan is still not available. After our initial conversation, he reviewed your e-mail and acknowledged that the re-scheduling was to be done with notice to and cooperation of the parties. My impression now is that he will agree to a rescheduling of today's hearing. But I will leave it to him to state his position.

Therefore, I request that there be another continuance or re-scheduling, and that any new date be scheduled cooperatively with all the parties, your office, and the county zoning office which handles the scheduling.

Sincerely, Peter Max Zimmerman, People's Counsel 410 887-2188

From: John E. Beverungen
Sent: Monday, December 29, 2014 2:41 PM

To: Kotroco, Timothy; Peter Max Zimmerman

Cc: Debra Wiley; Sherry Nuffer

Subject: 2015-0106-SPHXA

I am writing to provide a status update on the above case. This morning, a public hearing was convened, at which time Mr. Kotroco sought a continuance, to allow him to address the concerns identified in Mr. Zimmerman's December 10, 2014 correspondence. The continuance was granted, and the Petitioner does not need to again post the property and/or advertise the hearing when a new date is selected. I did remind Mr. Kotroco that the sign posting affidavit was missing from our file, and he indicated that he would provide one, and he also had several photos that showed the sign posted on the subject property. The continued hearing date must be obtained from the Department of PAI, and I would ask Mr. Kotroco to provide the new date/time to Mr. Zimmerman and the Rockaway Beach Improvement Ass'n.

John Beverungen

AU

Debra Wiley

From: RBIA TPIA <rbiatpia@gmail.com>
Sent: Tuesday, December 30, 2014 11:10 AM
To: Administrative Hearings
Cc: kim goodwin; Kevin McDonough
Subject: Re: Zoning Case # 2015-0106-SPXHA - 109 Back River Neck Road

Thank you very much!

Please pass along our thanks to Jude Beverungen for asking that the petitioner share with us their hearing date once scheduled.

Have a great rest of the week, and a very Happy New Year!

On Tue, Dec 30, 2014 at 10:41 AM, Administrative Hearings
<administrativehearings@baltimorecountymd.gov> wrote:

Good Morning,

Our office is in receipt of your email, however, please see below email that was forwarded to Timothy Kotroco and Peter Max Zimmerman from Judge John E. Beverungen yesterday.

Thank you.

I am writing to provide a status update on the above case. This morning, a public hearing was convened, at which time Mr. Kotroco sought a continuance, to allow him to address the concerns identified in Mr. Zimmerman's December 10, 2014 correspondence. The continuance was granted, and the Petitioner does not need to again post the property and/or advertise the hearing when a new date is selected. I did remind Mr. Kotroco that the sign posting affidavit was missing from our file, and he indicated that he would provide one, and he also had several photos that showed the sign posted on the subject property. The continued hearing date must be obtained from the Department of PAI, and I would ask Mr. Kotroco to provide the new date/time to Mr. Zimmerman and the Rockaway Beach Improvement Ass'n.

John Beverungen

ALJ

From: RBIA TPIA [mailto:rbiatpia@gmail.com]
Sent: Tuesday, December 30, 2014 10:03 AM
To: Administrative Hearings
Cc: Kevin McDonough; kim goodwin
Subject: Zoning Case # 2015-0106-SPXHA - 109 Back River Neck Road

Good Morning,

The Rockaway Beach Improvement Association submitted written testimony / comments regarding an administrative hearing for 109 Back River Neck Road that was held Yesterday.

We wanted to follow-up as an interested party and ask if a copy of the final decision on this case by Judge Beverungen could be e-mailed over to us?

Thank you very much for your assistance!

--

Rockaway Beach / Turkey Point
Improvement Association

CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, www.baltimorecountymd.gov

--

Rockaway Beach / Turkey Point
Improvement Association

Debra Wiley

From: Administrative Hearings
Sent: Tuesday, December 30, 2014 10:41 AM
To: RBIA TPIA
Subject: RE: Zoning Case # 2015-0106-SPXHA - 109 Back River Neck Road

Good Morning,

Our office is in receipt of your email, however, please see below email that was forwarded to Timothy Kotroco and Peter Max Zimmerman from Judge John E. Beverungen yesterday.

Thank you.

I am writing to provide a status update on the above case. This morning, a public hearing was convened, at which time Mr. Kotroco sought a continuance, to allow him to address the concerns identified in Mr. Zimmerman's December 10, 2014 correspondence. The continuance was granted, and the Petitioner does not need to again post the property and/or advertise the hearing when a new date is selected. I did remind Mr. Kotroco that the sign posting affidavit was missing from our file, and he indicated that he would provide one, and he also had several photos that showed the sign posted on the subject property. The continued hearing date must be obtained from the Department of PAI, and I would ask Mr. Kotroco to provide the new date/time to Mr. Zimmerman and the Rockaway Beach Improvement Ass'n.

John Beverungen
ALJ

From: RBIA TPIA [mailto:rbiatpia@gmail.com]
Sent: Tuesday, December 30, 2014 10:03 AM
To: Administrative Hearings
Cc: Kevin McDonough; kim goodwin
Subject: Zoning Case # 2015-0106-SPXHA - 109 Back River Neck Road

Good Morning,

The Rockaway Beach Improvement Association submitted written testimony / comments regarding an administrative hearing for 109 Back River Neck Road that was held Yesterday.

We wanted to follow-up as an interested party and ask if a copy of the final decision on this case by Judge Beverungen could be e-mailed over to us?

Thank you very much for your assistance!

--
Rockaway Beach / Turkey Point
Improvement Association

Debra Wiley

From: Debra Wiley
Sent: Monday, December 29, 2014 2:52 PM
To: Kristen L Lewis
Cc: Nuffer, Sherry
Subject: FW: 2015-0106-SPHXA - 12/29 @ 10 AM

Hi Kristen,

Please see below. File has been placed in the pick-up box for rescheduling.

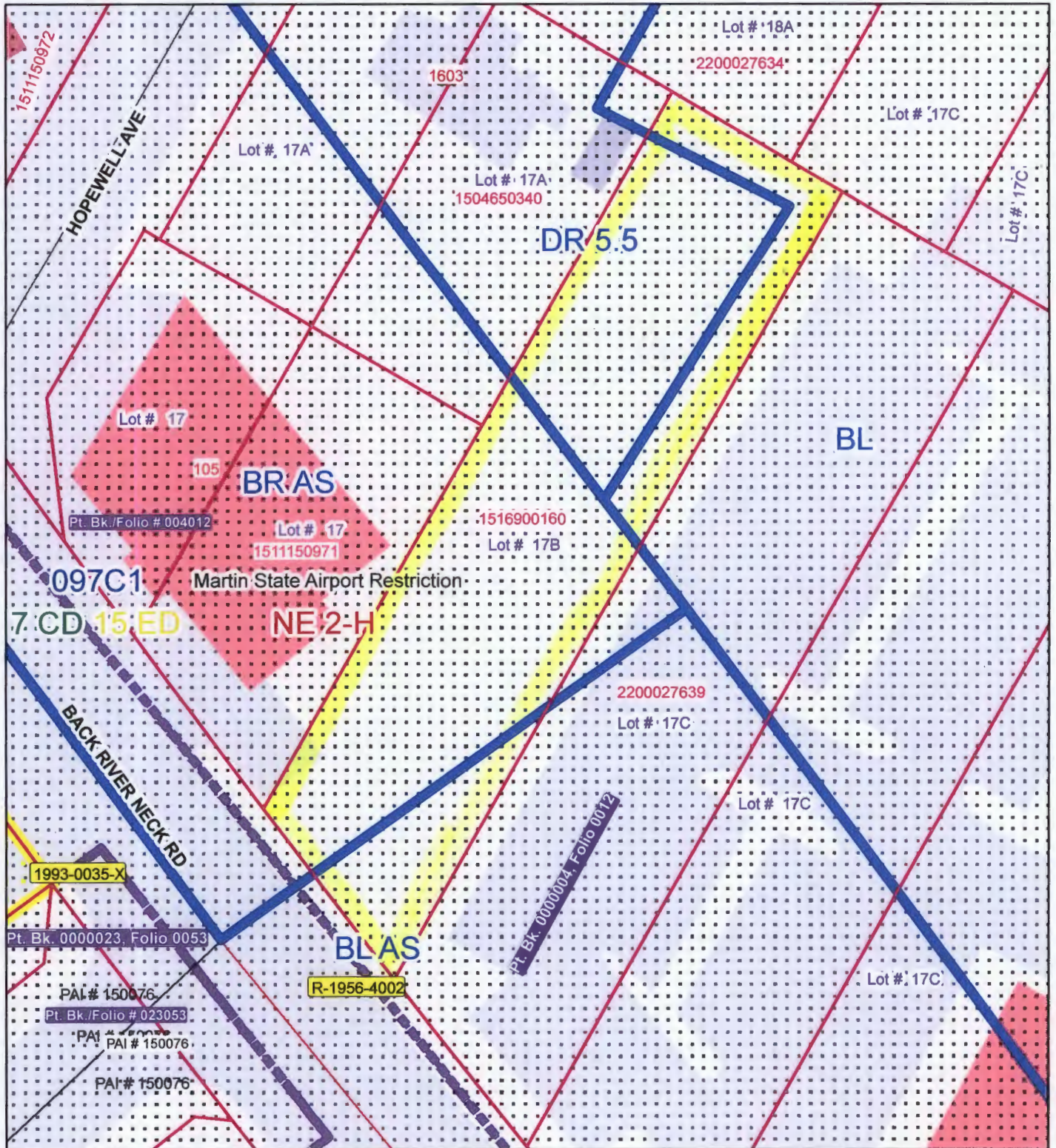
Thanks.

From: John E. Beverungen
Sent: Monday, December 29, 2014 2:41 PM
To: Kotroco, Timothy; Peter Max Zimmerman
Cc: Debra Wiley; Sherry Nuffer
Subject: 2015-0106-SPHXA

I am writing to provide a status update on the above case. This morning, a public hearing was convened, at which time Mr. Kotroco sought a continuance, to allow him to address the concerns identified in Mr. Zimmerman's December 10, 2014 correspondence. The continuance was granted, and the Petitioner does not need to again post the property and/or advertise the hearing when a new date is selected. I did remind Mr. Kotroco that the sign posting affidavit was missing from our file, and he indicated that he would provide one, and he also had several photos that showed the sign posted on the subject property. The continued hearing date must be obtained from the Department of PAI, and I would ask Mr. Kotroco to provide the new date/time to Mr. Zimmerman and the Rockaway Beach Improvement Ass'n.

John Beverungen
ALJ

109 Back River Neck Road



Publication Date: 11/7/2014



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

Item # 0106

CASE NAME _____
CASE NUMBER 2015-0106-SPHXA
DATE July 23, 2015

[illegible]

105 Back River Neck Road
Fredericks Helen Schmitt
CASE NAME
CASE NUMBER 2015-0106-SPX/HA
DATE ~~May~~ July 23, 2015

NAME _____

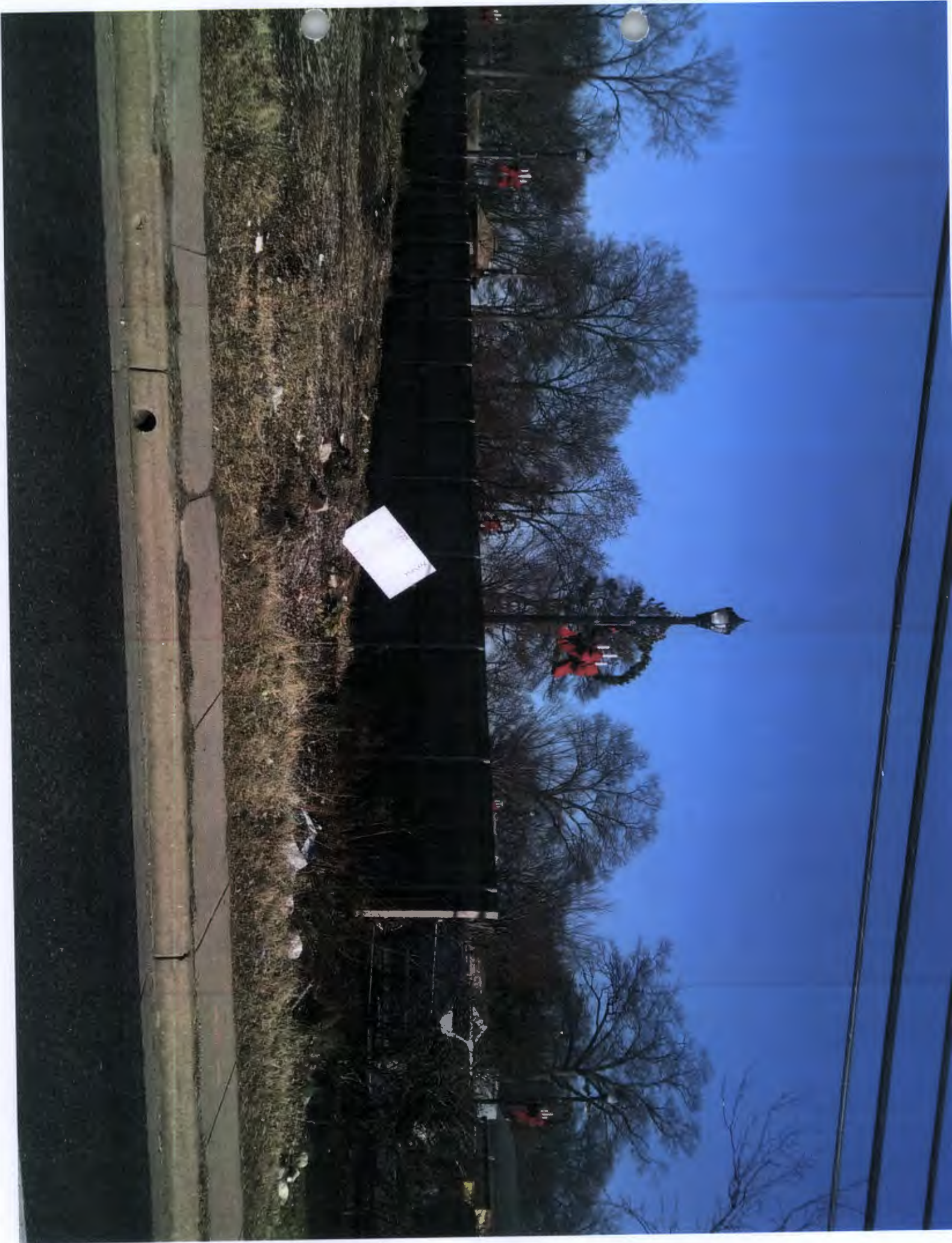
CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME 109 Back River Neck Rd.
CASE NUMBER 2015-0106-SP HxA
DATE 12-29-14

[illegible]



Case No.:

2015-0106-SPHXA

Exhibit Sheet

7/28/15
slw

Petitioner/Developer

10-8-15

Protestants

No. 1	Plan	
No. 2	Plan-revised	
No. 3	Aerial photo	
No. 4	Zoning map	
No. 5	zoning map	
No. 6	color photos of site	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of this data, including but not limited to, any data, information, or implied, of merchantability or fitness for a particular purpose. Baltimore County, Maryland disclaims any liability for damages, attorneys' and expenses of, arising from or in connection with the use of this data.

tabbles

EXHIBIT

3



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors. Baltimore County, Maryland does not warrant the accuracy or completeness of this data, nor does it make any warranties, express or implied, of merchantability, fitness for a particular purpose, or non-infringement. Baltimore County, Maryland is not liable for damages, including but not limited to consequential damages, arising from or in connection with the use of or reliance upon this data.

EXHIBIT

4

PETITIONER'S

EXHIBIT NO.

5





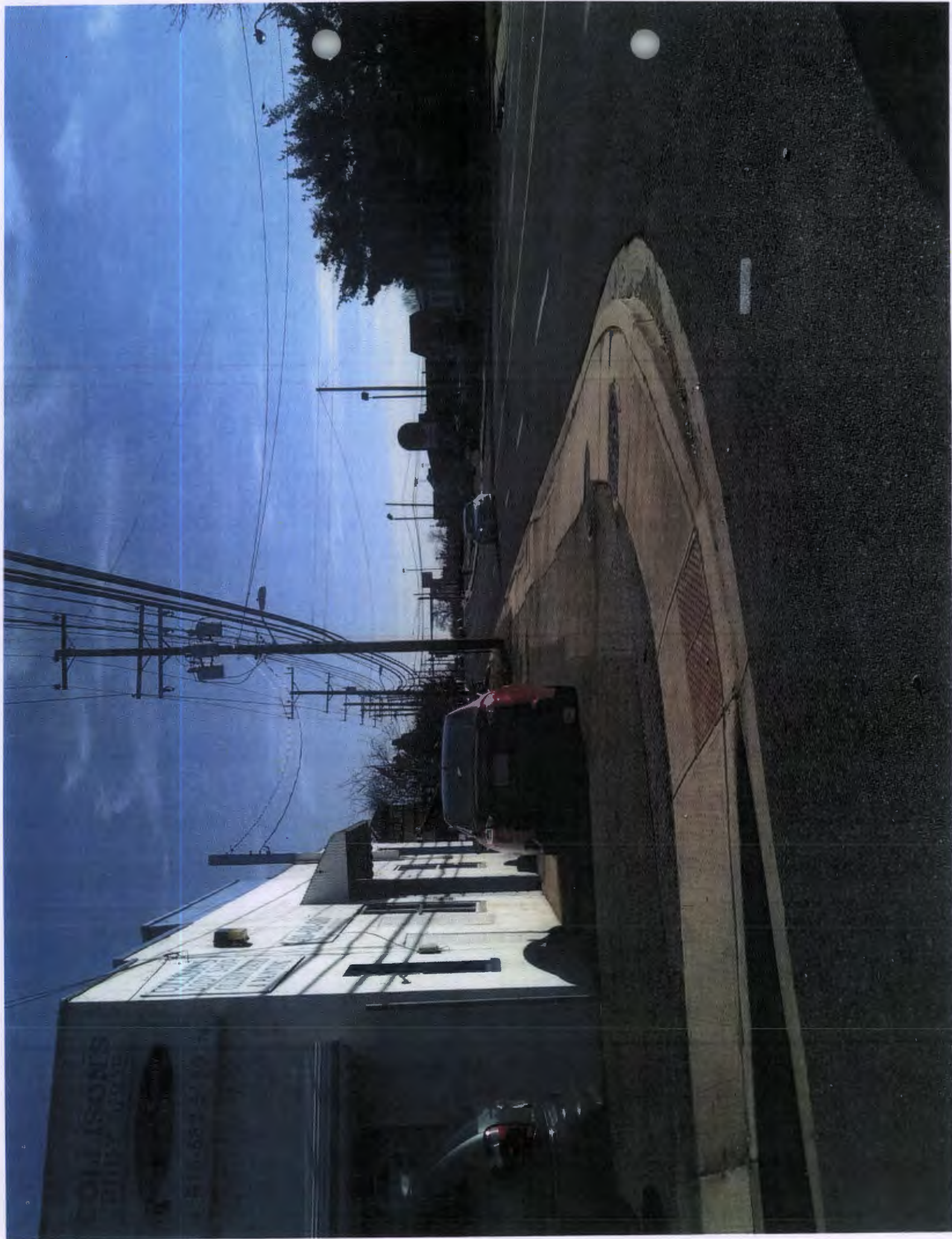
PETITIONER'S

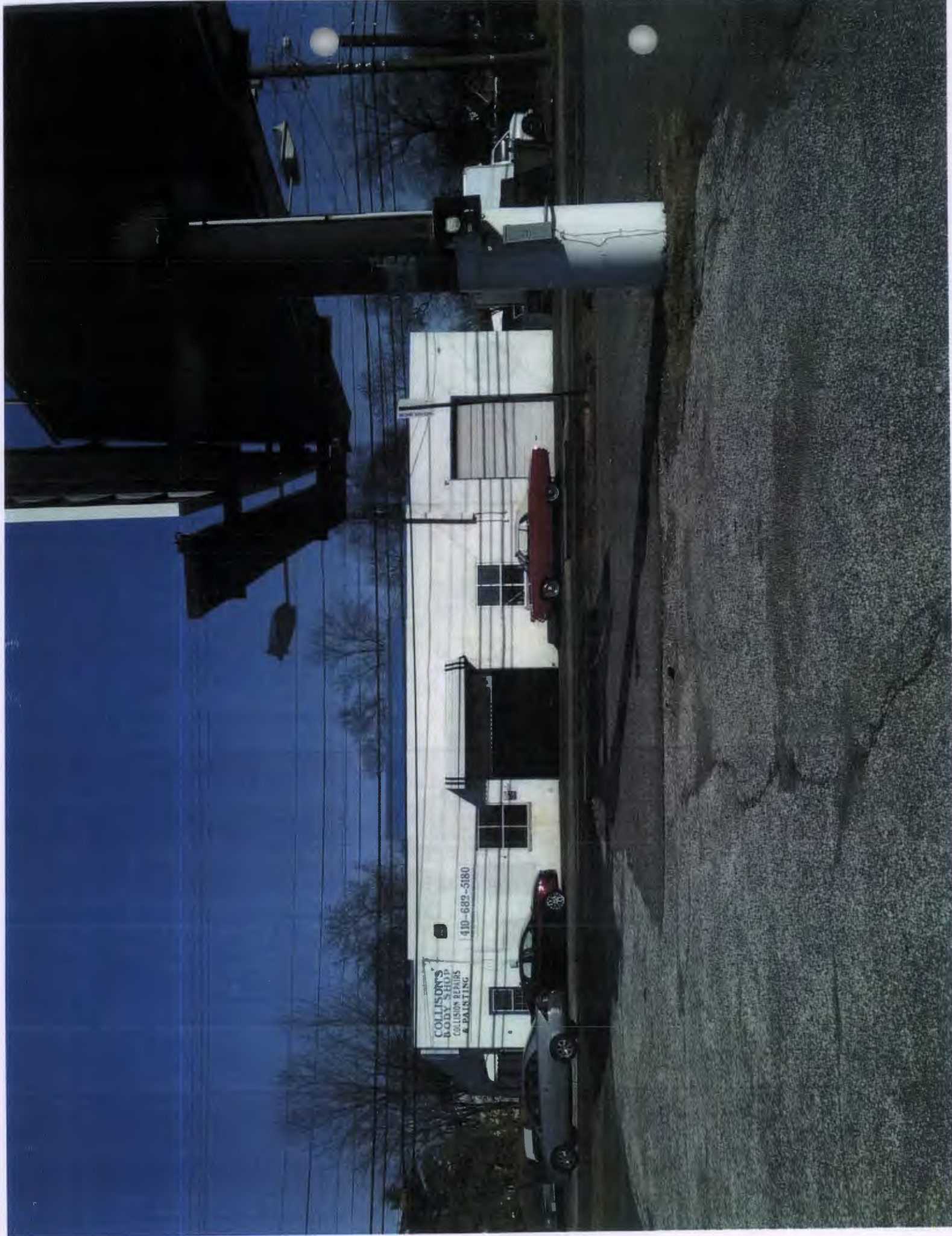
EXHIBIT NO.

6

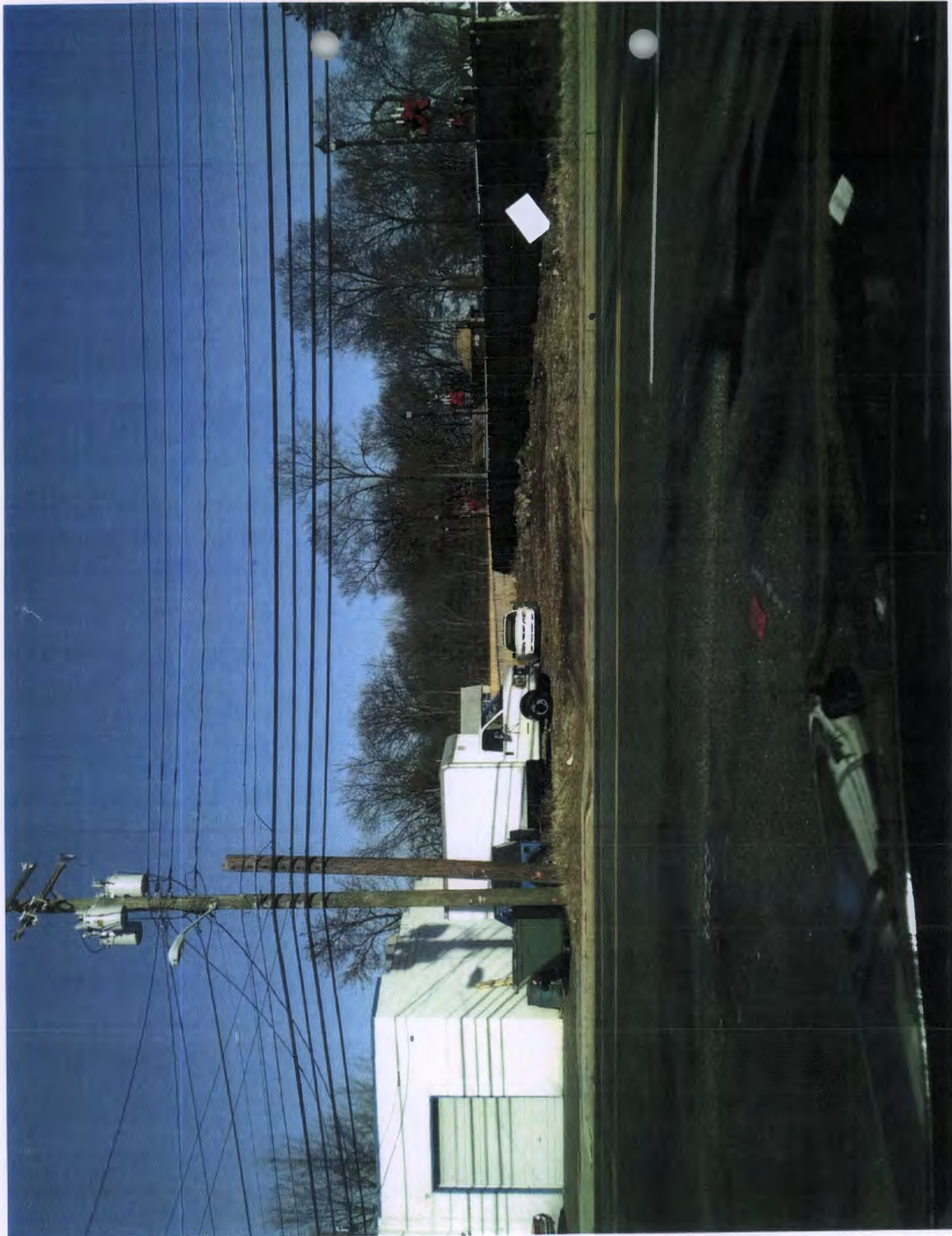




















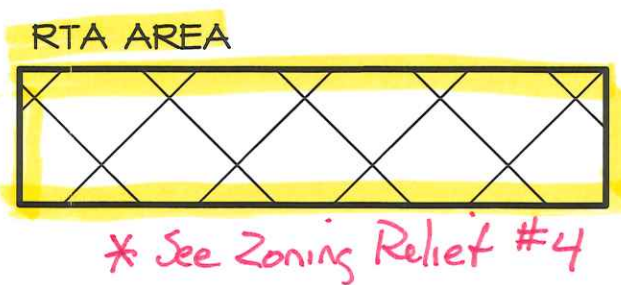
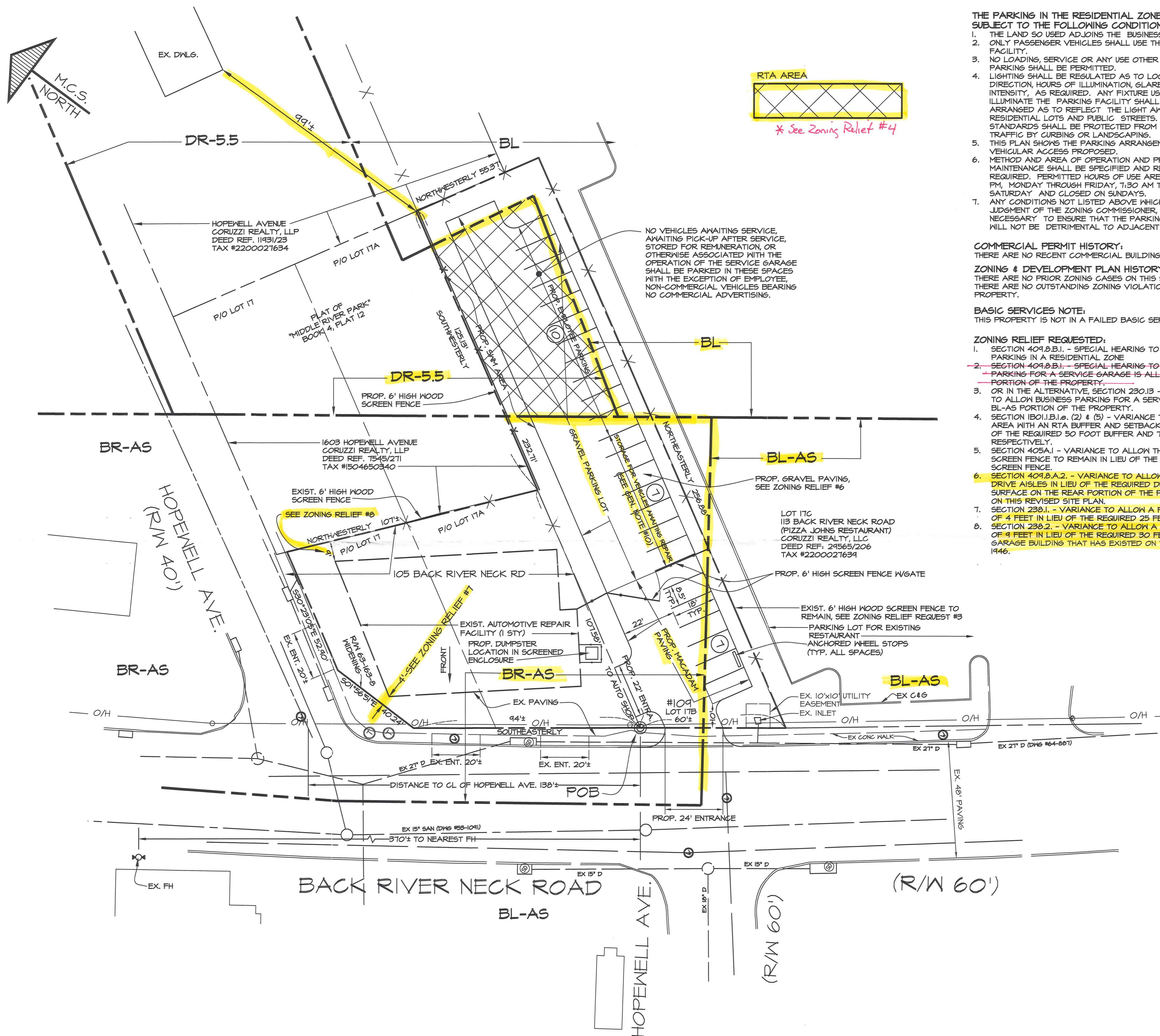
My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 12/28/2014



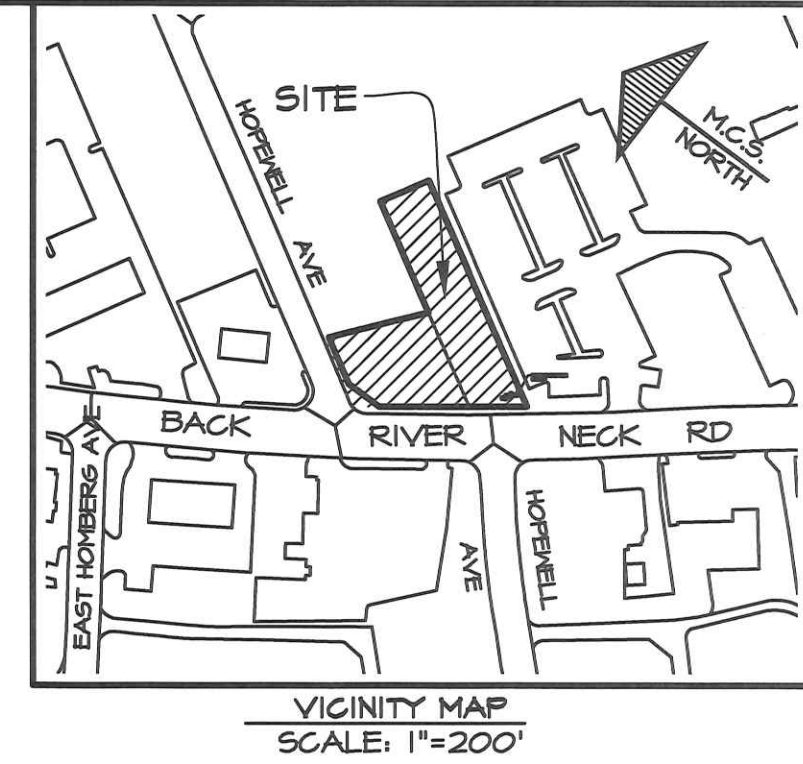
- THE PARKING IN THE RESIDENTIAL ZONE SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:
1. THE LAND SO USED ADJOINS THE BUSINESS INVOLVED.
 2. ONLY PASSENGER VEHICLES SHALL USE THE PARKING FACILITY.
 3. NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.
 4. LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY, AS REQUIRED. ANY FIXTURE USED TO ILLUMINATE THE PARKING FACILITY SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT STANDARDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBING OR LANDSCAPING.
 5. THIS PLAN SHOWS THE PARKING ARRANGEMENT AND VEHICULAR ACCESS PROPOSED.
 6. METHOD AND AREA OF OPERATION AND PROVISION FOR MAINTENANCE SHALL BE SPECIFIED AND REGULATED AS REQUIRED. PERMITTED HOURS OF USE ARE 7 AM TO 6 PM, MONDAY THROUGH FRIDAY, 7:30 AM TO 6 PM, SATURDAY AND CLOSED ON SUNDAYS.
 7. ANY CONDITIONS NOT LISTED ABOVE WHICH, IN THE JUDGMENT OF THE ZONING COMMISSIONER, ARE NECESSARY TO ENSURE THAT THE PARKING FACILITY WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTIES.

COMMERCIAL PERMIT HISTORY:
THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ON THIS SITE.

ZONING & DEVELOPMENT PLAN HISTORY:
THERE ARE NO PRIOR ZONING CASES ON THIS SITE. THERE ARE NO OUTSTANDING ZONING VIOLATIONS ON THIS PROPERTY.

BASIC SERVICES NOTE:
THIS PROPERTY IS NOT IN A FAILED BASIC SERVICES AREA.

- ZONING RELIEF REQUESTED:**
1. SECTION 409.B.1. - SPECIAL HEARING TO PERMIT BUSINESS PARKING IN A RESIDENTIAL ZONE
 2. SECTION 409.B.1. - SPECIAL HEARING TO CONFIRM THAT BUSINESS PARKING FOR A SERVICE GARAGE IS ALLOWED IN THE BL-AS PORTION OF THE PROPERTY.
 3. OR IN THE ALTERNATIVE, SECTION 230.13 - A SPECIAL EXCEPTION TO ALLOW BUSINESS PARKING FOR A SERVICE GARAGE IN THE BL-AS PORTION OF THE PROPERTY.
 4. SECTION 1801.1.B.1.e. (2) & (5) - VARIANCE TO ALLOW A PARKING AREA WITH AN RTA BUFFER AND SETBACK OF ZERO FEET IN LIEU OF THE REQUIRED 50 FOOT BUFFER AND 75 FOOT SETBACK, RESPECTIVELY.
 5. SECTION 405A.1 - VARIANCE TO ALLOW THE EXISTING 6' HIGH SCREEN FENCE TO REMAIN IN LIEU OF THE REQUIRED 8' HIGH SCREEN FENCE.
 6. SECTION 409.B.A.2. - VARIANCE TO ALLOW GRAVEL PARKING AND DRIVE AISLES IN LIEU OF THE REQUIRED DURABLE AND DUSTLESS SURFACE ON THE REAR PORTION OF THE PARKING LOT, AS SHOWN ON THIS REVISED SITE PLAN.
 7. SECTION 238.1. - VARIANCE TO ALLOW A FRONT YARD SETBACK OF 4 FEET IN LIEU OF THE REQUIRED 25 FEET.
 8. SECTION 238.2. - VARIANCE TO ALLOW A REAR YARD SETBACK OF 4 FEET IN LIEU OF THE REQUIRED 30 FEET FOR A SERVICE GARAGE BUILDING THAT HAS EXISTED ON THE PROPERTY SINCE 1946.



SITE DATA:
SITE AREA:
104 BACK RIVER NECK RD = 13,554 SF, 0.311 AC.±
EXISTING ZONING = BR-AS, BL-AS, BL, DR-5.5
ZONING MAP: 97C1
WATERSHED: BACK RIVER
EXISTING USE: VACANT (UNIMPROVED)
PROPOSED USE: PARKING LOT

105 BACK RIVER NECK RD = 8,146 SF, 0.187 AC.±
EXISTING ZONING = BR-AS
ZONING MAP: 97C1
WATERSHED: BACK RIVER
EXISTING USE: AUTO SERVICE
PROPOSED USE: SAME

105 BACK RIVER NECK RD
DEED REF. 32763/374
TAX #151150471

104 BACK RIVER NECK RD
DEED REF. 35191/229
TAX #1516400160

- GENERAL NOTES:**
1. PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
 2. THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
 3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
 4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
 5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM DEEDS AND PLATS.
 7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS AND SUPPLEMENTED WITH FIELD SURVEYS.
 8. A DURABLE AND DUSTLESS SURFACE SHALL BE PROVIDED AND SHALL BE PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS.
 9. ALL PARKING SPACES MUST BE STRIPED. STRIPING SHALL BE MAINTAINED SO AS TO REMAIN VISIBLE.
 10. THE PROPERTY SHALL NOT BECOME A JUNKYARD FOR THE PERMANENT STORAGE OF JUNK AND DISABLED VEHICLES. VEHICLES AWAITING REPAIR SHALL REMAIN FOR NO LONGER THAN 30 DAYS.
 11. Landscaping and lighting shall be approved by Jean Jersey by Separate Plan

REVISIONS:
REVISED 2/21/15, 4/22/15, 5/28/15

OWNER/APPLICANT:
FREDERICK W. SCHMITT, JR.
HELEN L. SCHMITT, ETAL
3547 GREEN SPRING ROAD
HAYRE DE GRACE, MD 21078-1110
410-914-5183 (H)

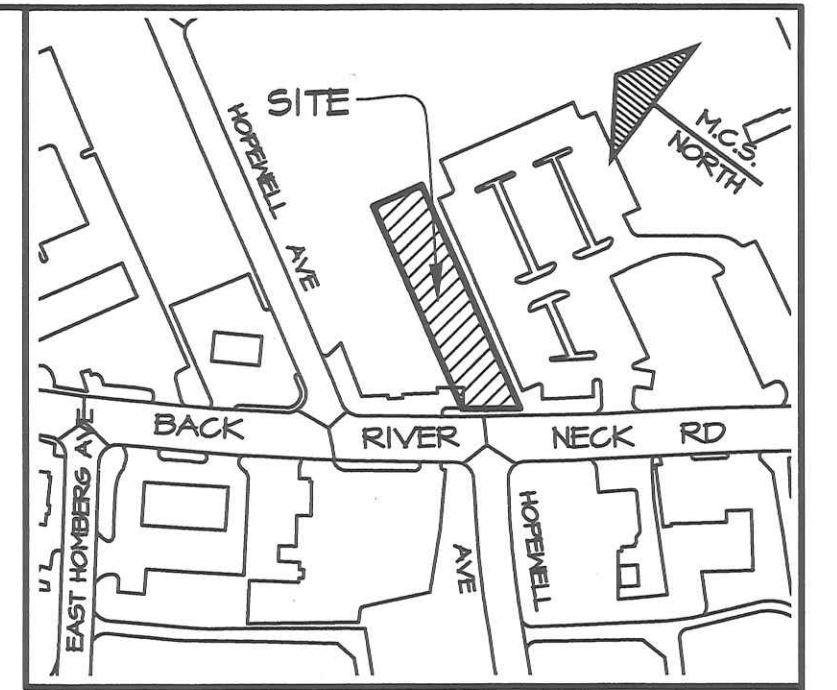
Hicks Engineering Associates, Inc.
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD - SUITE LL105
TOWSON, MARYLAND 21286-3160
(410) 494-0001 FAX: (410) 821-8890

PROJECT TITLE:
PROPOSED PARKING LOT
105 & 104 BACK RIVER NECK ROAD
BALTIMORE, MD 21221
15th ELECTION DISTRICT, 6th COUNCILMANIC DISTRICT

DRAWING TITLE:
REVISED PLAN TO
ACCOMPANY ZONING PETITION

JOB NO.:	23040	Z-1
DRAWN BY:	TJH	
CHECKED BY:	DEH	
DATE:	11/10/14	
SCALE:	1"=20'	
SHEETS PER SET:		1 OF 1





VICINITY MAP
SCALE: 1"=200'

SITE DATA:

SITE AREA = 13,554 SF, 0.311 AC.
EXISTING ZONING = BR-AS, BL-AS, BL, DR-5.5
ZONING MAP: 47C1
WATERSHED: BACK RIVER
EXISTING USE: VACANT (UNIMPROVED)
PROPOSED USE: PARKING LOT

GENERAL NOTES:

1. PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM DEEDS AND PLATS.
7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS AND SUPPLEMENTED WITH FIELD SURVEYS.
8. A DURABLE AND DUSTLESS SURFACE SHALL BE PROVIDED AND SHALL BE PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS.
9. ALL PARKING SPACES MUST BE STRIPED. STRIPING SHALL BE MAINTAINED SO AS TO REMAIN VISIBLE.

ZONING RELIEF REQUESTED:

1. SECTION 404.B.1. - SPECIAL HEARING TO PERMIT BUSINESS PARKING IN A RESIDENTIAL ZONE
2. SECTION 404.B.1. - SPECIAL HEARING TO CONFIRM THAT BUSINESS PARKING FOR A SERVICE GARAGE IS ALLOWED IN THE BL-AS PORTION OF THE PROPERTY.
3. OR IN THE ALTERNATIVE, SECTION 230.13 - A SPECIAL EXCEPTION TO ALLOW BUSINESS PARKING FOR A SERVICE GARAGE IN THE BL-AS PORTION OF THE PROPERTY.
4. SECTION 1501.B.1. (2) & (5) - VARIANCE TO ALLOW A PARKING AREA WITH AN RTA BUFFER AND SETBACK OF ZERO FEET IN LIEU OF THE REQUIRED 50 FOOT BUFFER AND 15 FOOT SETBACK, RESPECTIVELY.
5. SECTION 405A.1 - VARIANCE TO ALLOW THE EXISTING 6' HIGH SCREEN FENCE TO REMAIN IN LIEU OF THE REQUIRED 8' HIGH SCREEN FENCE.

THE PARKING IN THE RESIDENTIAL ZONE SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE LAND SO USED ADJOINS THE BUSINESS INVOLVED.
2. ONLY PASSENGER VEHICLES SHALL USE THE PARKING FACILITY.
3. NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.
4. LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY, AS REQUIRED. ANY FIXTURE USED TO ILLUMINATE THE PARKING FACILITY SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT STANDARDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBING OR LANDSCAPING.
5. THIS PLAN SHOWS THE PARKING ARRANGEMENT AND VEHICULAR ACCESS PROPOSED.
6. METHOD AND AREA OF OPERATION AND PROVISION FOR MAINTENANCE SHALL BE SPECIFIED AND REGULATED AS REQUIRED. PERMITTED HOURS OF USE ARE 7 AM TO 6 PM, MONDAY THROUGH FRIDAY, 7:30 AM TO 6 PM, SATURDAY AND CLOSED ON SUNDAYS.
7. ANY CONDITIONS NOT LISTED ABOVE WHICH, IN THE JUDGMENT OF THE ZONING COMMISSIONER, ARE NECESSARY TO ENSURE THAT THE PARKING FACILITY WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTIES.

COMMERCIAL PERMIT HISTORY:

THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ON THIS SITE.

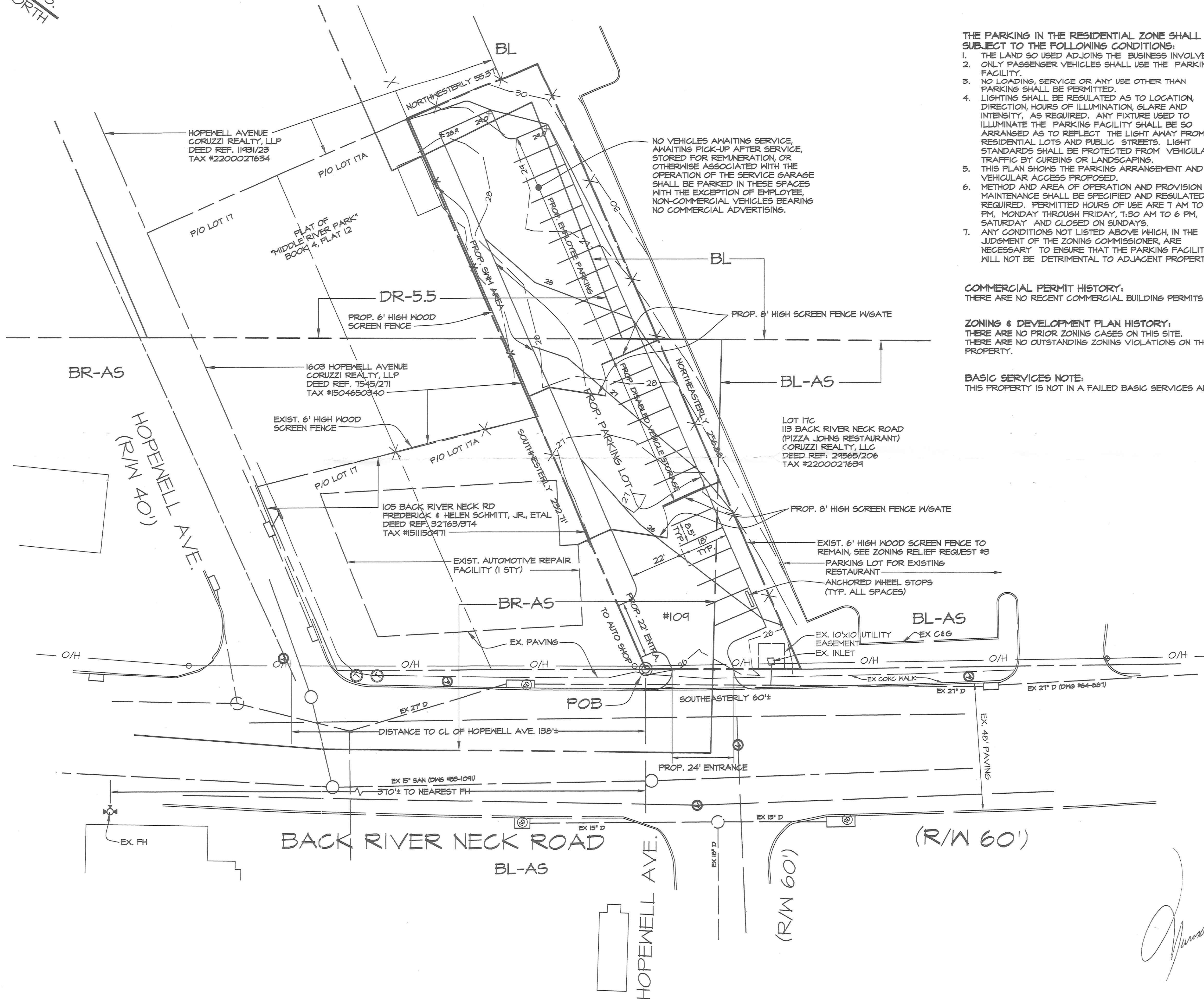
ZONING & DEVELOPMENT PLAN HISTORY:

THERE ARE NO PRIOR ZONING CASES ON THIS SITE.
THERE ARE NO OUTSTANDING ZONING VIOLATIONS ON THIS PROPERTY.

BASIC SERVICES NOTE:

THIS PROPERTY IS NOT IN A FAILED BASIC SERVICES AREA.

NO VEHICLES AWAITING SERVICE, AWAITING PICK-UP AFTER SERVICE, STORED FOR REMUNERATION, OR OTHERWISE ASSOCIATED WITH THE OPERATION OF THE SERVICE GARAGE SHALL BE PARKED IN THESE SPACES WITH THE EXCEPTION OF EMPLOYEE, NON-COMMERCIAL VEHICLES BEARING NO COMMERCIAL ADVERTISING.



REVISIONS:

OWNER/APPLICANT:

FREDERICK W. SCHMITT, JR.
HELEN L. SCHMITT, ETAL
3547 GREEN SPRING ROAD
HAVRE DE GRACE, MD 21078-1110
410-914-5183 (H)

EXHIBIT

1

Hicks Engineering Associates, Inc.
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOFFA ROAD - SUITE LL105
TOWSON, MARYLAND 21286-3160
(410) 444-0001 FAX: (410) 821-8890

PROJECT TITLE:

PROPOSED PARKING LOT
104 BACK RIVER NECK ROAD
BALTIMORE, MD 21221

LIBER 35197, FOLIO 229 - TAX #1516900160
15th ELECTION DISTRICT, 6th COUNCILMANIC DISTRICT

DRAWING TITLE:

PLAN TO ACCOMPANY
ZONING PETITION

JOB NO.: 23040

DRAWN BY: TJH

CHECKED BY: DEH

DATE: 11/10/14

SCALE: 1"=20'

SHEETS PER SET:
1 OF 1