

MEMORANDUM

DATE: April 14, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0120-XA – Appeal Period Expired

The appeal period for the above-referenced case expired on April 13, 2015. 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

IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(601 Back River Neck Road)
15th Election District
7th Council District
Barry K. Treas, *Legal Owner*
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2015-0120-XA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Office of Administrative Hearings for Baltimore County as a Motion for Reconsideration filed by the Rockaway Beach Improvement Association Inc. (RBIA).

By Opinion and Order dated February 4, 2015, the undersigned granted the Special Exception and Variance requests, with conditions, in accordance with the site plan and documentation within the case file.

On March 4, 2015, the RBIA, filed a timely Motion for Reconsideration of my Order dated February 4, 2015. In the Motion, RBIA contends the community has learned of "new facts" regarding the subject property.

On March 11, 2015, the RBIA withdrew its Motion for Reconsideration.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 13th day March, 2015, that the Motion for Reconsideration, be and is hereby WITHDRAWN.

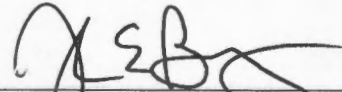
IT IS FURTHER ORDERED that all other terms and conditions of the Order granted on February 4, 2015 shall remain in full force and effect.

ORDER RECEIVED FOR FILING

Date 3/13/15

By Sen

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 3/13/15

By sln



KEVIN KAMENETZ
County Executive

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

March 13, 2015

Alfred L. Brennan, Jr., Esq.
825 Eastern Blvd.
Baltimore, Maryland 21221

MOTION FOR RECONSIDERATION

RE: Petitions for Special Exception and Variance
Property: 601 Back River Neck Road
Case No.: 2015-0120-XA

Dear Counsel:

Enclosed please find a copy of the decision rendered in the Motion for Reconsideration.

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", with a long horizontal flourish extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Kevin McDonough, Secretary, Rockaway Beach Improvement Assoc. Inc,
2023 Newhaven Drive, Essex, Maryland 21221
Peter Max Zimmerman, Esq., People's Counsel for Baltimore County

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(601 Back River Neck Road)
15th Election District
7th Council District
Barry K. Treas, *Legal Owner*
Petitioner**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2015-0120-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 601 Back River Neck Road. The Petitions were filed on behalf of Barry K. Treas, the legal owner of the subject property. The Petitioner seeks special exception relief per Baltimore County Zoning Regulations (B.C.Z.R.) §230.3 to operate a service garage on the property. The petition for variance seeks relief under B.C.Z.R. §409.6.A.2 to permit 19 parking spaces for the retail use in lieu of the required 27 spaces; and §232.2 for a side yard setback of 3 ft. in lieu of the required 10 ft. for an existing garage to a new lot line. The subject property and requested relief are more fully described on the site plan which was marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the Petitions was Barry K. Treas and Rick Richardson, a licensed professional engineer whose firm prepared the site plan. Alfred L. Brennan, Jr., Esq. represented the Petitioner. There were no Protestants or interested citizens in attendance, although People's Counsel, Peter Zimmerman, attended the hearing to express certain concerns, and the Rockaway Beach Improvement Association submitted a letter citing the need for a landscape plan. The Petition was advertised and posted as required by the B.C.Z.R. Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans

ORDER RECEIVED FOR FILING

Date 2/4/15

By Den

Review (DPR) and the Department of Planning (DOP). These comments will be discussed in greater detail below.

The subject property is approximately 1.45 acres and is zoned BL. The Petitioner acquired the property in 1988, and a service garage and hardware store are operated on the site. Mr. Richardson discovered in the course of obtaining a lot line adjustment for the property that the service garage use requires a special exception in the BL zone, which was never obtained. In addition, there are less than the required number of parking spaces on site for the retail (hardware store) use. The zoning petition was filed to "legitimize" these site deficiencies.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. No such evidence was presented in this case. In fact, the service garage has been in operation for over 25 years, and there is no indication that it has caused a detrimental impact to the community.

VARIANCE

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).

ORDER RECEIVED FOR FILING

Date 2/4/15

By Sen

Petitioner has met this test. The site is irregular shaped, and the Petitioner must contend with long-existing site conditions. As such the property is unique. If the B.C.Z.R. were strictly interpreted Petitioner would suffer a practical difficulty, in that he would be unable to continue operating the hardware store and service garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

ZAC COMMENTS

The DOP did not oppose the requests, but its ZAC comment set forth several proposed conditions, which have been included in the Order which follows. The Bureau of DPR also did not oppose the requests, and its ZAC comment contained several "deficiencies" that agency believed should be corrected or waived by the ALJ. Two of the deficiencies (i.e., landscaping and storage of vehicles on County property) are addressed in the Order below. Mr. Richardson explained that the drive aisle and back up area for the service garage use are sufficient, and have not presented any difficulties. As such, I will not include those items as conditions upon the relief. With regard to the "durable and dustless" issue, Mr. Richardson testified that all off-street parking spaces are paved, and thus I believe that requirement (found in B.C.Z.R. §409.8.A.2) is satisfied.

STORMWATER MANAGEMENT

The final issue, raised by Mr. Zimmerman, concerns the lack of stormwater management (SWM) on the site. As noted above, the hardware store (1974) and service garage (1990) have been in use for many years. SWM was not required in 1974; as noted by Mr. Zimmerman, the first such SWM legislation was approved by the County in 1984. Thus, it is only the service garage that would potentially be impacted by the SWM regulations. It is true, as Mr. Zimmerman notes, that Petitioner failed to obtain in 1990 a special exception for the service garage, and it is possible the

ORDER RECEIVED FOR FILING

Date 2/4/15

By Den

County may have imposed SWM requirements had such a petition been filed. Petitioner testified he obtained a building permit for the service garage, although a copy was not submitted at the hearing, and the County apparently does not retain such records.

Given that it did not submit a ZAC comment, DEPS was contacted following the hearing to inquire about this scenario. That agency indicated that in these circumstances it would not retroactively apply the then-applicable SWM regulations to the 1990 service garage construction. If the service garage was constructed without necessary permits—a matter that would be adjudicated by the ALJ in a code enforcement proceeding—then it would seem appropriate to require SWM for the site. In the absence of such a finding, I will not impose any obligation in this regard, given that, as Mr. Richardson testified, the Petitioner is not “disturb[ing] more than 5,000 square feet of land area.” BCC §33-4-104(b)(3).

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 4th day of February, 2015, that the Petition for Special Exception under B.C.Z.R. §230.3 for a service garage, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance from B.C.Z.R. as follows: §409.6.A.2 to permit 19 parking spaces for the retail use (hardware store) in lieu of the required 27 spaces; and §232.2 for a side yard setback of 3 ft. in lieu of the required 10 ft. for an existing garage to a new lot line, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner must provide landscaping for the site, as determined in the sole discretion of the County's landscape architect. Such landscaping must be installed within 90 days of the date a plan for same is approved by the County's landscape architect.
2. Petitioner must within 15 days of the date hereof submit a revised, redline site plan containing a heading for “zoning relief requested,” wherein the particulars of both the special exception and variance petitions must be described. The revised

ORDER RECEIVED FOR FILING

4
Date

2/4/15

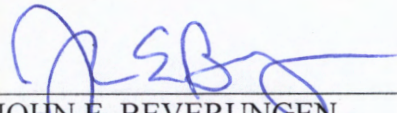
By

Sen

site plan must also contain a conspicuous depiction of the 13,624 sq. ft. special exception area for the service garage.

3. No vehicles shall be stored or kept on the adjacent property owned by Baltimore County at the southern portion of the site along Back River Neck Road.
4. All parking spaces for the retail use (hardware store) must be striped in accordance with the site plan.

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 2/4/15

By sen



KEVIN KAMENETZ
County Executive

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

February 4, 2015

Alfred L. Brennan, Jr., Esq.
825 Eastern Blvd.
Baltimore, Maryland 21221

RE: Petitions for Special Exception and Variance
Property: 601 Back River Neck Road
Case No.: 2015-0120-XA

Dear Counsel:

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 dark ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Kevin McDonough, Secretary, Rockaway Beach Improvement Assoc. Inc,
2023 Newhaven Drive, Essex, Maryland 21221
Peter Max Zimmerman, Esq., People's Counsel for Baltimore County

PETITION FOR ZONING HEARING(S)

REVISED 10/17/11

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 601 Back River Neck Road which is presently zoned BL
Deed References: 8023/ 700 10 Digit Tax Account # 1505100029
Property Owner(s) Printed Name(s) Barry K. Treas

(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. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for Use as a Service Garage per Section 230.3

3. X a **Variance** from Section(s) 409.6.A.2 TO PERMIT 19 PARKING SPACES FOR THE RETAIL USE IN LIEU OF THE REQUIRED 27 SPACES, SECTION 232.2 FOR A SIDE YARD SETBACK OF 3' IN LIEU OF THE REQUIRED 10' FOR AN EXISTING GARAGE TO A NEW LOT LINE.

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 the 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 bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

By Telephone #

Email Address

Attorney for Petitioner:

Alfred L. Brennan, Jr.

Name- Type or Print

Signature

825 Eastern Blvd., Baltimore,
Mailing Address

City

Maryland

State

21221 / 410-687-3434 / alb@brennanlawyers.com
Zip Code Telephone # Email Address

CASE NUMBER 2015-0120-XA Filing Date 12/1/14

Legal Owners (Petitioners):

Barry K. Treas

Name #1 - Type or Print

Signature #1

Signature #2

601 Back River Neck Road

Baltimore

MD

Mailing Address

City

State

21221

/ 410-686-5845

/ barry@btcollectibles.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Richardson Engineering, LLC

Name - Type or Print

Signature

30 E. Padonia Road, Suite 500

Timonium

MD

Mailing Address

City

State

21093

/ 410-560-1502

/ Rick@RichardsonEngineering.net

Zip Code

Telephone #

Email Address

Do Not Schedule Dates: _____ Reviewer GA

**DESCRIPTION FOR
SPECIAL EXCEPTION AREA
601 BACK RIVER NECK ROAD
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the north side right-of-way of Back River Neck Road thence the following courses and distances; (1) North 50 degrees 43 minutes 39 seconds East 109.77 feet, (2) South 38 degrees 09 minutes 51 seconds East 28.46 feet, (3) North 52 degrees 56 minutes 09 seconds East 73.57 feet, (4) South 15 degrees 07 minutes 45 seconds East 162.12 feet, (5) North 86 degrees 08 minutes 40 seconds West 115.20 feet, (6) North 71 degrees 08 minutes 06 seconds West 83.17 feet, (7) North 66 degrees 03 minutes 29 seconds West 1.51 feet to the point of beginning.

Containing a net area of 13,624 square feet, or 0.31 acres of land, more or less.



2015-020-XA

**ZONING DESCRIPTION FOR
601 BACK RIVER NECK ROAD
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point in the centerline of Cape May Road (ROW varies) where it intersects the centerline of Back River Neck Road (row varies) thence binding on the centerline of Cape May Road the following course and distance; (1) North 55 degrees 14 minutes 41 seconds East 333.00 feet, thence leaving the centerline of Cape May Road for the following courses and distances; (2) South 14 degrees 59 minutes 29 seconds West 171.01 feet, (3) South 15 degrees 07 minutes 45 seconds East 162.12 feet, (4) North 86 degrees 08 minutes 40 seconds West 115.20 feet, (5) North 71 degrees 08 minutes 06 seconds West 83.17 feet, (6) North 66 degrees 03 minutes 29 seconds West 50.99 feet to a point on the north side right-of-way of Back River Neck Road, thence with the said right-of-way the following course and distance (7) North 53 degrees 01 minutes 43 seconds West 125.00 feet, thence (8) South 36 degrees 58 minutes 17 seconds West 16.07 feet, to a point in the center of Back River Neck Road, thence binding on the centerline of Back River Neck Road (9) North 51 degrees 04 minutes 03 seconds West 8.23 feet to the point of beginning.

Containing a net area of 56,997 square feet, or 1.31 acres of land, more or less.



11/24/14

2015-0120-XA

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: 2015-0124-XA
Petitioner: Barry K. Treas
Address or Location: 601 Back River Neck Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barry K. Treas
Address: 601 Back River Neck Road
Baltimore, MD 21221
Telephone Number: 410-686-5845

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 601 Back River Neck Road which is presently zoned BL
Deed References: 8023/ 700 10 Digit Tax Account # 1505100029
Property Owner(s) Printed Name(s) Barry K. Treas

(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. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for Use as a Service Garage per Section 230.3

3. X a **Variance** from Section(s) 409.6.A.2 TO PERMIT 19 PARKING SPACES FOR THE RETAIL USE IN LIEU OF THE REQUIRED 27 SPACES

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)
To be presented at the 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 bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Alfred L. Brennan, Jr.

Name- Type or Print

Signature

825 Eastern Blvd., Baltimore, Maryland
Mailing Address City State

21221/ 410-687-3434 / alb@brennanlawyers.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Barry K. Treas

Name #1 - Type or Print

Signature #1

Signature #2

601 Back River Neck Road Baltimore MD
Mailing Address City State

21221 / 410-686-5845 / barry@btcollectibles.com
Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC

Name - Type or Print

Signature

30 E. Padonia Road, Suite 500 Timonium MD
Mailing Address City State

21093 / 410-560-1502 / Rick@RichardsonEngineering.net
Zip Code Telephone # Email Address

CASE NUMBER 2015-0120-XA Filing Date 12/1/14

Do Not Schedule Dates: Reviewer 6/10

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

No. **119680**

Date: **11/25/14**

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	800	0000		6150				1000.00

Total: **1000.00**

Rec From: **Barry Treas Properties**

For: **2015-0100-XA**

601 Back River Neck Rd

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME
 11/28/2014 11/26/2014 14:19:02
 REG 6505 WALKIN RD05 LTB
 >>RECEIPT # 773663 11/26/2014
 Dept 5 528 ZONING VERIFICATION
 CR NO. 119680
 Recpt Tot \$1,000.00
 \$1,000.00 CK \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

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

No. 119737

Date: 12/17/14

VOID COUNTER
 VOID RECEIPT

RECEIVED: ACHAL TIM
 12/17/2014 1:02:04 PM
 12/17/2014 1:02:04 PM
 BALTIMORE COUNTY, MARYLAND

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				250.00

Total: 250.00

Rec From: Richardson Engineering
 For: 6011 Park Ridge, Noyac NJ
Revision Cost
2015-0120-XA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



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 2945552

Sold To:

Barry Treas - CU00404358
601 Back River Neck Rd
Essex, MD 21221

Bill To:

Barry Treas - CU00404358
601 Back River Neck Rd
Essex, MD 21221

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

Jan 08, 2015

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: # 2015-0120-XA	
601 Back River Neck Road	
Corner of NW/s Back River Neck Road and S/east of Cape May Road	
15th Election District - 7th Councilmanic District	
Legal Owner(s) Barry Treas	
Special Exception: to use the herein described property for use as a Service Garage.	
Variance: to permit 19 parking spaces for the retail use in lieu of the required 27 spaces, section 232.2 for a side yard setback of 3 ft. in lieu of the required 10 ft. for an existing garage to a new lot line.	
Hearing: Wednesday, January 28, 2015 at 1:30 p.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.	
1/115 Jan. 8	2945552

CERTIFICATE OF POSTING

2015-0120-XA

RE: Case No.: _____

Petitioner/Developer: _____

Barry Treas

January 28, 2015

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

601 Back River Neck Rd

January 8, 2015

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

Sincerely,



January 8, 2015

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

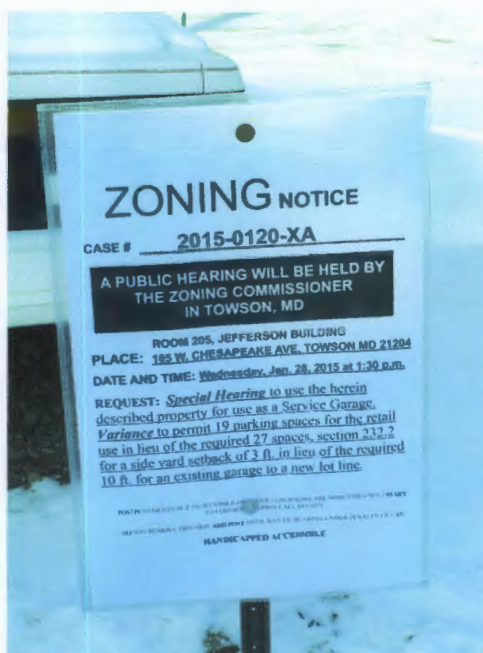
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Thursday, January 8, 2015 Issue - Jeffersonian

Please forward billing to:

Barry Treas
601 Back River Neck Road
Baltimore, MD 21221

410-686-5845

NOTICE OF ZONING HEARING

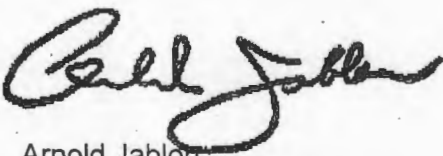
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0120-XA

601 Back River Neck Road
Corner of NW/s Back River Neck Road and S/east of Cape May Road
15th Election District – 7th Councilmanic District
Legal Owners: Barry Treas

Special Exception to use the herein described property for use as a Service Garage.
Variance to permit 19 parking spaces for the retail use in lieu of the required 27 spaces, section 232.2 for a side yard setback of 3 ft. in lieu of the required 10 ft. for an existing garage to a new lot line.

Hearing: Wednesday, January 28, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive
December 24, 2014

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: 2015-0120-XA

601 Back River Neck Road

Corner of NW/s Back River Neck Road and S/east of Cape May Road

15th Election District – 7th Councilmanic District

Legal Owners: Barry Treas

Special Exception to use the herein described property for use as a Service Garage. **Variance** to permit 19 parking spaces for the retail use in lieu of the required 27 spaces, section 232.2 for a side yard setback of 3 ft. in lieu of the required 10 ft. for an existing garage to a new lot line.

Hearing: Wednesday, January 28, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Alfred Brennan, 825 Eastern Blvd., Baltimore 21221
Barry Treas, 601 Back River Neck Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 8, 2015.**
- (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

January 22, 2015

Barry K. Treas
601 Back River Neck Road
Baltimore MD 21221

RE: Case Number: 2015-0120 XA, Address: 601 Back River neck Road

Dear Mr. Treas:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 1, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Alfred L Brennan Jr., Esquire, 825 Eastern Boulevard, Baltimore MD 21221
Richardson Engineering, LLC, Patrick Richardson, 30 E. Padonia Road, Suite 500, Timonium MD 21093

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 12/8/14

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

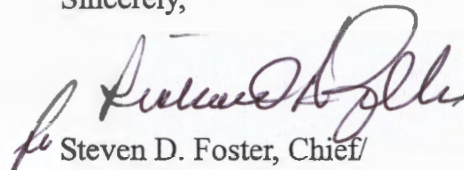
RE: Baltimore County
Item No 2015-0120-XA
Special Exception Variance
Barry K. Treas
601 Back River Neck Road

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. 2015-0120-XA.

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,


Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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

SHA
State Highway
Administration
MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 12/22/14

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

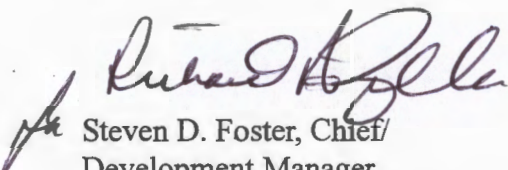
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Special Exception Variance
Berry K. Treas
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Sincerely,


Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 27, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 601 Back River Neck Road

RECEIVED

INFORMATION:

JAN 27 2015

Item Number: 15-120

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Barry K. Treas

Zoning: BL

Requested Action: Special Exception, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is requesting a variance from BCZR Section 409.6.A.2 to permit 19 parking spaces for a retail use in lieu of the required 27 parking spaces, a side yard setback of 3' in lieu of the required 10' for an existing garage per BCZR Section 232.2 to a new lot line and a special exception for a service garage use per BCZR Section 230.3. A lot line adjustment was granted by the DRC (12162014) on December 16, 2014.

The property at 601 Back River Neck Road is approximately 1.45 acres and is primarily zoned BL. There is currently a hardware store on the site as well as an auto service garage. The subject site is located adjacent to a DR 3.5 zone (to the rear of the property) developed as single family residential. 601 Back River Neck Road is a significant corner property as the area transitions from commercial to residential. The edges of the site along Cape May Road and Back River Neck Road are all paved. Vehicular entrances are not clearly defined and there is no landscaping. Parking is not clearly defined and from site visit observations spills over into property owned by Baltimore County and within the road right-of way.

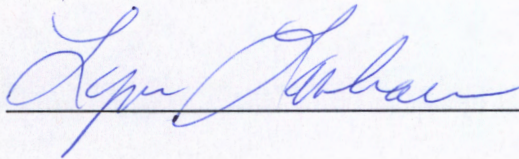
This department does not oppose the requests. However, in order to ensure the health, safety and welfare of the surrounding community, approval should be conditioned upon the following:

- 1) The area of special exception is unclear. Plan notes indicate an area of 0.31 acres but leaders are unclear. The site plan must be revised so that the area of special exception is clearly defined.
- 2) This is a significant corner property that is very visible to the surrounding community. Define vehicular entrances by removing paving and adding landscaping and possibly curbing if drainage allows. Landscaping treatment should also be added at the corner of Back River Neck Road and Cape May Road as well as along Back River Neck Road in front of the existing fence.
- 3) No vehicle storage on the adjacent property owned by Baltimore County (at the southern portion of the property along Back River Neck Road) shall be permitted.

- 4) No vehicle parking shall be permitted along Cape May Road or elsewhere on site outside of the delineated parking spaces. All parking spaces shall be striped in accordance with the site plan.
- 5) The site must be kept well-maintained with no damaged or disabled vehicles parked beyond the area of the special exception.

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

Division Chief:
AVA/LL

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

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 29, 2014
Item No. 2015-0120

DATE: December 30, 2014

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

Comments dated December 15, 2014 were prepared and submitted for this site.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0120-12292014.doc

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 December 15, 2014
Item No. 2015-0120

DATE: December 15, 2014

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

Deficiencies of the site that should be corrected or waived by the Hearing Officer:

- Change of lease requires compliance with the Landscape Manual. Much of the site does not.
- The drive aisle on the southern side of the service garage is too narrow.
- On the north side of the service garage, there is no back up area for one of the parking spaces.
- Baltimore County property is being used for vehicle parking and access, apparently without permission.
- Parts of the site are not paved with durable and dustless surfaces.

* * * * *

DAK:CEN
cc:file

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
AND VARIANCE *
601 Back River Neck Road; Corner of NW/S * OF ADMINISTRATIVE
Back River Neck Road and SE of Cape May Rd *
15th Election & 7th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Barry K. Treas *
Petitioner(s) * BALTIMORE COUNTY
*
* 2015-120-XA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

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

DEC 1

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 2014, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering LLC, 30 E. Padonia Avenue, Suite 500, Timonium, Maryland 21093 and Alfred L. Brennan, Jr., 825 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

John E. Beverungen

From: John E. Beverungen
Sent: Thursday, January 29, 2015 12:37 PM
To: 'alb@brennanlawyers.com'; Peter Max Zimmerman
Cc: Sherry Nuffer (snuffer@baltimorecountymd.gov); Deborah Wiley (dwiley@baltimorecountymd.gov)
Subject: 2015-0120-XA

Gentlemen,

The hearing in this case has concluded, although as I indicated yesterday I will leave the record of the proceeding open to see if an amicable resolution of some disputed issues can be reached.

At the outset, I believe a revised site plan should be submitted to this Office, within 15 days, reflecting among the general notes that the special exception request is for a "service garage per BCZR § 230.3." The plan should also contain a more conspicuous reference to the special exception area that Mr. Richardson outlined in blue on the plan marked as Petitioner's Ex. No. 1.

As far as stormwater management, it has certainly been the case that I do not address such issues in the context of a zoning (as opposed to development) hearing. I am not saying that I do not have the power to do so, and I am mindful of Mr. Zimmerman's citation of the Mangione case. Even so, Mr. Richardson testified that the owner would not be disturbing 5,000 sq. ft. of ground, and I believe that is the threshold for application of the SWM regulations.

The remaining issue is landscaping, and I believe that the Petitioner (in seeking a special exception, and per the Landscape Manual) is obligated to provide landscaping for the site. This issue was noted in the ZAC comments and by the community association and Mr. Zimmerman. I believe that I could include a condition in the Order that Petitioner shall be obligated to provide landscaping within a stated time period, to be determined in the sole discretion of the Department of Planning and/or the County's landscape architect.

Please let me know your thoughts on these issues.

John Beverungen
ALJ

BRENNAN & BRENNAN

ATTORNEYS AT LAW, P.A.

ALFRED L. BRENNAN, JR.
825 EASTERN BOULEVARD
ESSEX, MARYLAND 21221

OFFICE: 410-687-3434
FAX: 410-391-4963
HOME: 410-321-5628
EMAIL: alb@brennanlawyers.com

John E. Beverungen

From: David V. Lykens
Sent: Monday, February 02, 2015 11:11 AM
To: John E. Beverungen
Cc: James A. Markle
Subject: RE: SWM question

John,

We would only require SWM to be addressed if an applicant is disturbing 5,000 square feet or more today (based on the scope of the SWM regulations). We would not go back and apply it to the 1990 construction unless we had a document that indicated they were required to do something (in 1990) that they did not do. SWM was not required in 1974, and if there is truly no record, we have no way of knowing how it was viewed in 1990.

Dave

From: John E. Beverungen
Sent: Monday, February 02, 2015 11:00 AM
To: David V. Lykens
Subject: SWM question

Dave,

I had a zoning case last week wherein Mr. Zimmerman raised a SWM issue. That is: the owner constructed a hardware store (in the Rockaway Beach area) in 1974 and a service garage in 1990. Owner said he got permits for both but that County no longer has records. There is no SWM on site. As a general matter, must the owner now provide SWM? Rick Richardson says that owner is not disturbing 5,000 s.f. such that SWM laws do not apply. Mr. Zimmerman says that SWM should have been required in 1990 (if not in 1974) and that the owner must now do so. What is your opinion?

Thanks, John.

John E. Beverungen

From: Kevin McDonough <kevinmcdonough@comcast.net>
Sent: Friday, January 30, 2015 7:53 PM
To: Peter Max Zimmerman; John E. Beverungen; alb@brennanlawyers.com
Cc: Sherry Nuffer; Debra Wiley
Subject: RE: 2015-0120-XA,

Dear Judge Beverungen,

Per our interest in this case, Mr. Zimmerman copied us on his most recent e-mail correspondence to you regarding the case for 601 Back River Neck Road. With that said, we wanted to take this opportunity just to briefly share our perspective on his comments.

The community has a strong desire to see the law and the applicable zoning regulations upheld in this case, within reason. We concur with Mr. Zimmerman on all of the points outlined in his e-mail correspondence from earlier today, and also share his sentiment that some common ground can be found which satisfies the concerns of the community and the People's Counsel, *(for conditions regarding landscaping at both the hardware store and service garage, for a revised and more easily understandable site plan, and for some form of storm water management on the property due to its proximity to the Chesapeake Bay)* but yet is not unduly burdensome on the petitioner.

We agree that the petitioner's requests should be granted, along with whatever conditions you deem appropriate and necessary to satisfy the concerns raised by our association and by the Office of People's Counsel.

Thank you for your time and willingness to listen!

All the Best,

Kevin M. McDonough

*Secretary – Fundraising Coordinator – Web Administrator
Rockaway Beach Improvement Association Inc.
Turkey Point Improvement Association*

www.turkeypoint.org

cc: Kimberly Goodwin-Maigetter, President – Rockaway Beach Improvement Association Inc.

From: Peter Max Zimmerman [mailto:pzimmerman@baltimorecountymd.gov]
Sent: Friday, January 30, 2015 1:22 PM
To: John E. Beverungen; alb@brennanlawyers.com
Cc: Sherry Nuffer; Debra Wiley; Kevin McDonough
Subject: RE: 2015-0120-XA,

Dear Judge Beverungen,

I appreciate that your correspondence addresses the main legal/practical concerns which drew our office's attention: the site plan, landscaping, and stormwater management (SWM). I agree with your requirements for site plan clarity and landscaping, with additional suggestions as to details. I still believe, however, that some level of SWM should be considered, subject to the reasonable exercise of discretion by DEPS.

At this juncture, I shall express my views and reasoning. Having just received Mr. Alfred Brennan's e-mail, I can see that the main issues in dispute involve the need for landscaping in the hardware store area, which spans the great majority of the property, and which I believe is required; and the need for reasonable DEPS SWM review, which I believe is also appropriate.

It is not our office's intention to micro-manage site plan quality, landscaping, and stormwater management in zoning cases generally. This case presented, however, an unusual cumulative mix of issues. I ask for patience as I describe the context for my thoughts. This elaborates on my opening statement.

1. The pertinent uses were in operation for many years without necessary zoning approvals. The site plan states there is no zoning history or permits. (The Petitioner, Mr Treas offered at the hearing that the hardware store was there 41 years ago (1974) and the service garage 25 years ago (1990). Mr. Treas said that a building permit was issued years ago, but there is no documentation available.)
2. The site plan is unclear as to the subject-matter of the requests, being for a "zoning hearing," and unclear as to the special exception boundary area.
3. The site plan provides no landscaping, despite BCZR Sec. 409.8.A.1 and the Landscape Manual itself.
4. The site plan gives no indication of any stormwater management.
5. As the case evolved, both the Planning Department and the Rockaway Beach Improvement Association identified the property location as a significant corner at the intersection of Back River Neck Road and Cape May Road, a kind of gateway to the peninsula.
6. I was in touch with the Planning Department to get their take. However, their comment came in the day before the January 28 hearing, so there was no time, as a practical matter, to prepare a letter.
7. There are no DEPS comments so far as I can tell.
8. Under these circumstances, I telephoned Alfred Brennan on the Friday before the hearing, January 23, to give him a preview of my concerns and that I would attend the hearing.
9. At the hearing, upon questioning, Rick Richardson, Petitioner's engineer, resisted any changes to the site plan and any provision for landscaping and SWM.
10. Mr. Richardson found it unnecessary for the site plan to specify the subject of the zoning petition or the precise boundary of the special exception area. He referred to a boundary description in the petition, which turned out to be a metes and bounds description. I do not recall if this was a description of the entire property or the special exception area. He was not inclined to clarify or supplement the site plan.
11. Mr. Richardson found it unnecessary to address landscaping in a zoning hearing and did not seem inclined to provide any.
12. When asked about the neighborhood and the DOP/citizen description of the significant corner, he said essentially that he was not familiar with it.
13. On the subject of SWM, he stated that there was none on the site. He found it unnecessary because at the time of the present zoning petition, there would be no further disturbance of land and there is no requirement for SWM if the area involved is less than 5000 square feet. He admitted, as he had to, that the entire property is 1.45 acres. This calculates to over 63,162 square feet. He identified the special exception area alone as 13,624 square feet.
14. As I read the BCZR, the B.L. Zone service garage special exception has been on the books since 1955. There have been parking standards also since at least that time, albeit amended at various times. I checked the 1975 volume of the zoning regulations and found BCZR Sec. 409.2.b(6) (1955) required 1 space per 200 square feet of retail, the same as now.
15. As I understand the history of SWM, while the first comprehensive county SWM law was enacted in 1984 (Bill 105-84), there were types of SWM requirements before that, but identified under the rubric of storm drainage regulation. The 1968 County Code provided for storm drainage review in connection with building

permits in Title 5, Buildings, Sec. 5-13, "Adequate disposal of sewage, drainage, etc. --- Required before issuance of building permit," citing legislative enactments going back to 1916. The same provision is in the 1978 Code. There were also provisions for storm drainage regulation in subdivision review. Secs. 22-84, 22-93. Subsequent to the County's 1984 SWM legislation, there were major amendments in 2001 and 2010, following changes in Maryland law. The current law is codified in Article 33, Title 4 of the County Code.

This brings me to the specific points in your correspondence:

A REVISED SITE PLAN: I agree, of course, with the requirement for a revised plan with time limits, but suggest that it delineate clearly and prominently not only that the request is for a special exception for the service garage, with a clearly defined boundary, but also that the request is for a parking variance for the retail hardware store use, 19 spaces instead of 27. The revised plan should also make reference to the landscaping plan to be reviewed and approved under BCZR 409.8.A.1 and the Landscape Manual; and that the lighting, surface, and other requirements will meet BCZR Sec. 409.8 as well.

LANDSCAPING: I agree, of course, that there should be a landscaping condition. Given that the condition will be after the fact, I request that consideration be given to time limits for the filing, review and approval of the landscape plan, and for the planting, providing such reasonable time limits as you see fit. While the usual landscaping condition does not involve deadlines, it seems reasonable to consider here given the history and situation. I agree that petitioner should adhere to whatever is reasonably required at the discretion of the DOP and County Landscape Architect.

As I write this e-mail, having just received Mr. Brennan's reply to your correspondence, I must underline that reasonable landscaping is required for the entire site, not just the special exception area. In particular, BCZR Sec. 409.8.A refers specifically to the offstreet parking, which relates to the hardware store. I also note that the hardware store area occupies the bulk of the site and includes the corner gateway. Meanwhile, it seems to be agreed that the landscaping is appropriate for the service garage area in the context of the special exception and the landscape manual generally.

I trust that some acceptable landscaping can be worked out which is not unduly burdensome.

STORMWATER MANAGEMENT: As noted, while I do not wish to micro-manage SWM, it seems that some reasonable attention to SWM should be considered, subject to DEPS discretionary review and determination. I would like to explain my reasons.

First of all, the lack of immediate new disturbance of the site at this point in time (2015) appears to result from the absence of prior review when the entire site uses came on the scene around 1974 and 1990, respectively. There should have been some storm drainage and/or SWM review at that time, but apparently it did not happen. While there is no intent here to penalize petitioner for the delay in obtaining zoning approval, the petitioner has apparently operated without SWM for many years. In effect, if no SWM is required now, then this may be viewed as an advantage and perhaps a reward resulting from the delay in the zoning approval and/or other review. In other words, I do not believe the lack of disturbance in the immediate time frame should be segregated and isolated from the entire previous development of the site. Absent such segregation, some attention to SWM is appropriate and reasonable. This is especially true in the context of a petition for special exception and variance which combine to span the entire site, to which I now turn.

Secondly, I appreciate that SWM comes up in most detail in development cases, and that there is always a DEPS representative to comment on it. On the other hand, SWM is generically a public safety, health and welfare issue which spans zoning and development. See, e.g. People's Counsel v. Surina 400 Md. 662 (2007) as to SWM in the context of complementary zoning and subdivision review. Zoning, of course, is an exercise of the police power. Village of Euclid v. Ambler Realty Co. 272 U.S. 365 (1926). Environmental issues generally have been held to be within the exercise of the police power. Potomac Sand & Gravel v. Governor 266 Md. 358, 373 (1970); Mayor & Aldermen of Annapolis v. Annapolis Waterfront Co. 284 Md. 383 (1979).

For special exceptions and variances, BCZR Sec. 502.1.A and 307.1 both have public safety, health, and welfare criteria. There is also the BCZR Sec. 502.2 provision which gives broad discretion to impose conditions for special exceptions.

Given the major SWM concerns in Baltimore County, it seems to me that a special exception and variance should not be approved without some attention to SWM. This property is on the Back River Neck peninsula, not far from the tributaries of the Chesapeake Bay. In general, where a complicated situation arises, as this one is, the pendulum should swing to some level of attention to SWM rather than an exemption or exclusion. It seems reasonable to infer that sites around the county which either lack SWM or have inadequate SWM are contributing to the runoff problems.

Absent some SWM, it is reasonable to conclude that the runoff from this site is causing particular adverse impacts not found on many sites which have SWM. Indeed, there was no evidence presented that the stormwater runoff from the site is draining in an environmentally acceptable manner. While there is a presumption in favor of special exceptions, the applicant still has the burden of production of evidence under the Schultz case and its sequels.

Given the complicated history, I believe that DEPS and the Petitioner could consider and/or work out some reasonable measures which would not be oppressive. I have no reason to think that DEPS would impose any unreasonable burden.

CONCLUSION: Having expressed my views and attempted to give fair consideration to Petitioner's views, I am content that this petition should be granted, with such reasonable conditions as you decide.

Sincerely, Peter Max Zimmerman, People's Counsel for Baltimore County

From: John E. Beverungen
Sent: Thursday, January 29, 2015 12:37 PM
To: alb@brennanlawyers.com; Peter Max Zimmerman
Cc: Sherry Nuffer; Debra Wiley
Subject: 2015-0120-XA

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Please let me know your thoughts on these issues.

John Beverungen

Debra Wiley

From: Kevin McDonough <kevinmcdonough@comcast.net>
Sent: Monday, January 26, 2015 9:53 AM
To: Administrative Hearings
Cc: Peter Max Zimmerman; shoreperfect@comcast.net; kim goodwin
Subject: 601 Back River Neck Rod - Zoning Case:2015-0120-XA
Attachments: IMG.pdf

Good Morning,

Can you please add the attached letter / testimony to the file concerning the zoning case at 601 Back River Neck Road (Case # 2015-0120-XA). The comments are submitted behalf of the Rockaway Beach / Turkey Point Improvement Association, which is the record community association for the area where the property lies.

Please confirm receipt of this message, the attached document, and that it has been added to the file.

Thank You!

All the Best,

Kevin M. McDonough

*Secretary – Fundraising Coordinator – Web Administrator
Rockaway Beach Improvement Association Inc.
Turkey Point Improvement Association*

www.turkeypoint.org

RECEIVED

JAN 27 2015

OFFICE OF ADMINISTRATIVE HEARINGS

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



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

c/o 2023 Newhaven Drive
Baltimore, Maryland 21221

January 26, 2015

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

*Re: Barry Treas
601 Back River Neck Road
Case No.:2015-0120-XA
Hearing Date January 28, 2015 at 1:30pm*

Dear Judge Beverungen,

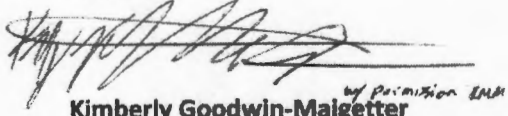
Our organization would like to weigh in as an interested party with regard to the upcoming zoning case #2015-0120-XA regarding 601 Back River Neck Road. The Rockaway Beach Improvement Association Inc. / Turkey Point Improvement Association represent the collective interests of a large community, which 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.

With regard to this request for a variance and a special exception, our association only wishes to raise concern with the lack of a proper landscaping plan at this location. Given this business's proximity to residences and its position near a Scenic Gateway (2020 Baltimore County Master Plan) it is imperative to require adequate landscaping and screening, pursuant to the Baltimore County Landscape Manual.

We kindly ask that consideration be given to the need for improved visual aesthetics at this location and the positive impact that requiring such will have on the surrounding community and residences. We do not have any opposition the requested deviations from the zoning regulations, but ask that, the requirement of a landscaping plan be included in the final order for this issue and be shown on the final recorded site plan.

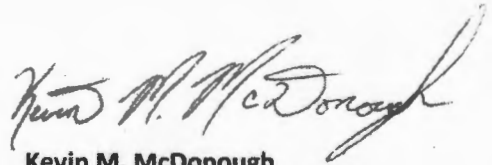
Should you or the petitioners wish to discuss this issue further with us or would like clarification of our concerns, please do not hesitate to contact us directly. Correspondence should be directed to Kevin McDonough, the secretary for the association.

Regards,



by permission ENH

Kimberly Goodwin-Malgetter
President



Kevin M. McDonough
Secretary

Cc: *Office of People's Counsel- Attn: Peter Max Zimmerman (via e-mail)*

Essex-Middle River Civic Council – Attn: Bob Bendler, President (via e-mail)

RBIA File

Debra Wiley

Order Request
when completed

1/28

From: Kevin McDonough <kevinmcdonough@comcast.net>
Sent: Thursday, January 29, 2015 3:09 PM
To: Administrative Hearings
Subject: Re: 2015-0120-XA

Thanks!

Our mailing address is:

Rockaway Beach Improvement Assoc Inc.
Attn: Kevin McDonough, Secretary
2023 Newhaven Drive
Essex, MD 21221

All the Best,

Kevin M. McDonough

Sent from my iPhone

On Jan 29, 2015, at 3:00 PM, Administrative Hearings <administrativehearings@baltimorecountymd.gov> wrote:

Certainly. Will place this in the file as a request for Order once completed. Could you please provide your mailing address? Thanks.

From: Kevin McDonough [<mailto:kevinmcdonough@comcast.net>]
Sent: Thursday, January 29, 2015 1:54 PM
To: Administrative Hearings
Subject: Re: 2015-0120-XA

Thank you very much!

Once the case is closed and a final order is recorded, is there any way we could be sent a copy?

All the Best,

Kevin M. McDonough

Sent from my iPhone

On Jan 29, 2015, at 1:41 PM, Administrative Hearings
<administrativehearings@baltimorecountymd.gov> wrote:

Mr. McDonough,



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

c/o 2023 Newhaven Drive
Baltimore, Maryland 21221

March 11, 2015

RECEIVED

MAR 11 2015

OFFICE OF ADMINISTRATIVE HEARINGS

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

Re: Barry Treas
601 Back River Neck Road
Case No.: 2015-0120-XA

Dear Judge Beverungen,

After great consideration, The Rockaway Beach Improvement Association Inc. would like to formally WITHDRAW its motion for re-consideration that was filed with the Office of Administrative Hearings on March 4, 2015 for Case Number #2015-0120-XA (601 Back River Neck Road).

Last evening, we had a meeting with the petitioner, his attorney, and the potential buyer for the property. All concerns we had regarding this property were addressed at that meeting and we have established a positive dialogue with the prospective purchasers. After our meeting, we believe that the future for this property is bright and that it will hopefully serve as an asset to the gateway of our community.

Along with withdrawing our previous motion for reconsideration in the above referenced matter, we also hereby waive our right to appeal the decision rendered on this zoning request.

Sincerely,

Kimberly Goodwin-Maigetter
President
410.598.3666

Kevin M. McDonough
Vice President
443.768.0221

Cc: *Office of People's Counsel- Attn: Peter Max Zimmerman (E-mail)*

Al Brennan- Attorney for Petitioner (Via E-mail)

Bob & Janet Hutson (via e-mail)

Essex-Middle River Civic Council – Attn: Bob Bendler, President (via e-mail)

Carl Maynard, Back River Neck Peninsula Community Assoc. (via e-mail)

RBIA File

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



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

c/o 2023 Newhaven Drive
Baltimore, Maryland 21221

March 4, 2015

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

RECEIVED

MAR 04 2015

Re: Barry Treas
601 Back River Neck Road
Case No.:2015-0120-XA

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Judge Beverungen,

We have recently become aware of new facts regarding the Treas Property at 601 Back River Neck Road (Case #2015-0120-XA) that lead us to believe the community may have been deprived of pertinent facts regarding the petitioner's requests for zoning relief and the intended future use of the property. It is our understanding that the property is currently under contract to be purchased, and there is question as to whether the future use of the property will still be such in which the requested relief is reasonable and in keeping with the spirit and intent of the BCZR. This letter should be considered notice that The Rockaway Beach Improvement Association Inc. would like to formally request a MOTION FOR RECONSIDERATION in the above referenced case, pursuant to BCZR- Appendix G- Rule 4- Section K. In accordance with that request, the community would like to request a new hearing on this issue, to explore the issue of the property's intended future use and the effects that that future use and the requested relief will have on the surrounding area.

The community is gravely concerned that because of misleading information relayed to us by the petitioner's accountant, Mr. Rob Black, at the request of the Petitioner, we were deprived as a community of due process to express concerns about the property and question its future use and the impact such would have on the health, welfare and integrity of the surrounding community. Prior to the hearing, the Rockaway Beach Improvement Association sent e-mail correspondence to Mr. Treas, and his attorney, Mr. Brennan asking for the reasoning behind his request and for a copy of the site plan. Our request was responded to by Mr. Rob Black, who identified himself as the petitioner's accountant and an authorized representative of Mr. Treas. Mr. Black told us that the property was not being sold, and that Mr. Treas would remain the owner of the property, and that the zoning relief requested was the result of attempting to correct a lot line issue in the

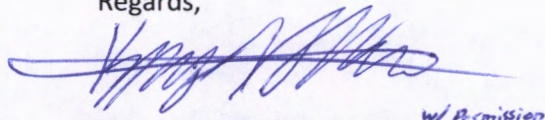
rear of the property that abutted another parcel also owned by Mr. Treas and is used as his residence. It was through that supposed survey for a Lot Line Adjustment that zoning issues were discovered on the property.

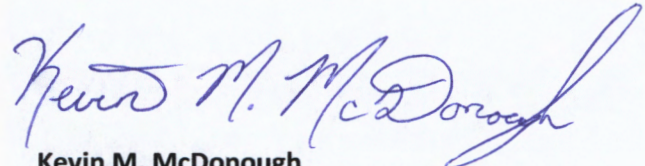
Given recent excavation work at the property to remove underground tanks, along with an inquiry that has been made by an individual claiming to be a contract purchaser of this property to the area's heritage society for historical photographs of 601 Back River Neck Road to be used in post remodel interior decorating of the building, and several accounts from community members who report that a sale is pending on this property, we have serious doubts as to the petitioner's honesty about the reasoning behind his requested relief.

Our original support was offered because of the belief that all things would remain the same at the property, and that it was not being sold to be used in an alternative manner. Based on these facts, this letter should be considered notice that **The Rockaway Beach Improvement Association Inc. would like to formally request a MOTION FOR RECONSIDERATION in the above referenced case,** pursuant to BCZR- Apendix G- Rule 4- Section K.

Please forward any and all relevant documents to this case to us for review at the address listed above on our letterhead.

Regards,


Kimberly Goodwin-Maigetter ^{w/ Permission KMA}
President
410.598.3666


Kevin M. McDonough
Vice President
443.768.0221

Cc: Office of People's Counsel- Attn: Peter Max Zimmerman (Hand delivered)
Al Brennan- Attorney for Petitioner (Via E-mail)
Essex-Middle River Civic Council – Attn: Bob Bendler, President (via e-mail)
Carl Maynard, Back River Neck Peninsula Community Assoc. (via e-mail)
RBIA File

Kevin McDonough

From: barry <barry@btcollectibles.com>
Sent: Sunday, December 21, 2014 8:04 AM
To: Kevin McDonough
Subject: Re: 601 Back River Neck Road - Zoning Case # 2015-0120-XA

KEVIN, I called yesterday and left a message to respond to your questions regarding B & T Hardware. I work with Barry and I am familiar with the details of the zoning change request with Baltimore County. Please call me at 410-627-8202 so I can explain what we are doing. Thanks for your interest. Ron Black

On December 19, 2014 at 12:38 PM Kevin McDonough <kevinmcdonough@comcast.net> wrote:

Good Afternoon Mr. Treas / Mr. Richardson / Mr. Brennan,

I hope this e-mail finds you well!

My name is Kevin McDonough, and I am on the board with the Rockaway Beach/ Turkey Point Improvement Association. We were made aware of your recent zoning request for a variance and special exception for your property at 601 Back River Neck Road, and wanted to reach out to you all in hopes of learning a bit more about the specifics of what you are asking, and what your proposed future use of the property is.

Our community, which abutts the current B& T Hardware and auto shop always likes to stay abreast of zoning and development requests that are within a close enough proximity to potentially have an effect on our neighborhood, just to that we are informed and able to answer any questions our residents may have in the future about projects being undertaken in the area.

With that said, we were hoping you could answer a few questions about your project, or give me a call at your concenience to discuss them-

- Can a copy of the proposed site plan be e-mailed over to us?
- What is the proposed future use of the property? (Ie: will the hardware store still be in business, or will it be replaced with something else?, will the service garage be expanding?, etc.?)
- What has prompted you to undertake this project and maake this request?

We look forward to hearing from you and working with you on your project!

--

All the Best,

Kevin M. McDonough,

Secretary
Rockaway Beach Improvement Association Inc. /
Turkey Point Improvement Association
443.768.0221

kevinmcdonough@comcast.net

Cc: Kim Goodwin , RBIA / TPIA President

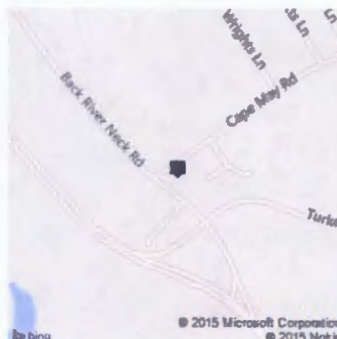
Metropolitan Regional Information Systems, Inc.

BC8039488 - BALTIMORE

601 BACK RIVER NECK RD, BALTIMORE, MD 21221

Full Listing
Commercial

1 / 12

**Status: Expired**

Inc City/Town:
Adv Sub: **Cedar Beach**
Legal Sub:
Project Name:
Tax ID: 04151505100029
Levels:
Total Taxes: \$6,045
Tax Year: **2012**
Lot AC/SF: **1.260 / 54,886**

Listing Type: **Excl. Right**
Auction: **No**
CAM:

List Price: \$650,000
Transaction Type: **Standard**
Zip: **21221 - 1916**

ADC Map Coord:
Area:

Age: **69**Year Built: **1946**

Comm Industrial Type: **Automotive, Flex Space, Office, Outside Storage, Retail, Shopping Center, Storage, Warehouse, Warehouse/Retail**
Location:

INTERIOROccupied: **Yes**Net SqFt: **8068**Gross SqFt: **8068**

Amenities:
Appliances:
Dining/Kitchen:
Extra Unit Description:
Foundation:
Handicap:
Level Location:
Main Entrance:
Rooms:
Security:
Walls/Ceilings:

Directions:**REMARKS**

Internet/Public:

100% occupied Investment opportunity with tremendous upside. 30+ tenants. Multi Tenant Retail strip, Automotive, and Storage Facility. Gated lot. BL Zoning. See Documents for additional property description. Investment package available with confidentiality agreement.

EXTERIOR

Year Converted:
Clear Span Ceiling Height:
Door Height Drive In:
Exterior Construction:
Flooring:
Roofing:
Lot Acres: **1.260**

Year Renovated:

Original Builder:

Lot Size Sq Ft: **54,886**Lot Dimension: **x x****PARKING: Free, Surface**

Assgn Sp:
Roads:
Road Frontage:
Transportation:

Parking Ratio:

Community Management:
Development Status:
Present Use:
Property Condition:
Soil Type:
Special Permits:

UTILITIES

Heating:
Cooling:
Water: **Public**
Sewer Septic: **Public Sewer**
Metering:
TV/Cable/Comm:

Heat Fuel:
Cool Fuel:
Hot Water:
Electric:

FINANCIAL INFORMATIONPrice/SQ FT: **\$80.57**

Rental Special:

Total Taxes: \$6,045

City/Town Tax:

Tap Fee:

Yr Assessed: **2013**Land Assessment: **\$264,800**

Total Units:

Tenancy: **Lease terms Mixed**Annual Gross Operating Income: **\$72,720**

Annual Net Operating Income:

Annual Operating Expenses (Except Taxes): **\$11,000**

Annual Rent Income:

Gross Mo Rent (All Units Combined): **\$6,060**Net Operating Income: **\$61,720**

Owner Expenses:

Seller Desires:

Source of Information:

Additional Income Sources:

Tax Year: **2012**

Refuse Fee:

Special Tax Assess: **\$1,098**

Water/Sewer Hook-up:

Improvements: **\$143,800**

Vacancy Rate: 0

County Tax: **\$4,947**

Front Foot Fee:

Pass Through: **408600**Total Tax Assessment: **\$408,600**

Condo/Coop Fee:

Other Fees:

Association Fee:

Frequency:

Frequency:

Earnest Money:

LEGAL INFORMATION

Unit Number:

Block/Square:

Parcel Number: **131**Zoning Code: **BL**

Historic Designation ID:

Lot #:

Section:

Liber:

Master Plan Zoning:

Phase:

Folio:

Present Licenses:

Tenant Rights:

Disclosures:

Documents:

Possession: **Settlement**Listing Company: **RE/MAX Components****LISTING INFORMATION**List Date: **27-Mar-2013**VRP: **No**Low Price: **\$650,000**Status Change Date: **11-Mar-2014**Photo Option: **Lister will Submit All**Orig List Price: **\$650,000**

Prior List Price:

DOM-MLS: **349**Off Mkt Date: **11-Mar-2014**Total Photos: **12**DOM-Prop: **664**

Advertising:

SOLD INFORMATIONClose Date: **11-Mar-2014**Parking Inc in SP: **No**

Close Price:

Seller Subsidy: **\$0**

Coldwell Banker Residential Brokerage

SHARON R. MILLER, ARB, GRI, Realtor

Turning Dreams to Reality

"Since 1978"

Office (410) 515-8259

(410)391-2251 Resident Office * Cell (410)-913-3450

millertimex@earthlink.net

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Information is believed to be accurate, but should not be relied upon without verification.

Accuracy of square footage, lot size, schools and other information is not guaranteed.

[Terms of Use](#)

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 1505100029							
Owner Information									
Owner Name:		TREAS BARRY K				Use:		COMMERCIAL	
Mailing Address:		601 BACK RIVER NECK RD BALTIMORE MD 21221-1916				Principal Residence:		NO	
						Deed Reference:		/08023/ 00700	
Location & Structure Information									
Premises Address:		601 BACK RIVER NECK RD BALTIMORE 21221-1916				Legal Description:		1.26 AC ES BACK RIVER NECK RD SE COR CAPE MAY RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0097	0018	0131		0000				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	
		6273				54,886 SF		06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
		RETAIL STORE							
Value Information									
		Base Value		Value As of 01/01/2015		Phase-in Assessments As of 07/01/2014		As of 07/01/2015	
Land:		264,800		264,800					
Improvements		143,800		146,000					
Total:		408,600		410,800		408,600		409,333	
Preferential Land:		0						0	
Transfer Information									
Seller: EBERSBERGER MARG ARET M				Date: 11/14/1988		Price: \$302,500			
Type: ARMS LENGTH IMPROVED				Deed1: /08023/ 00700		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		0.00 0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					
Homestead Application Information									
Homestead Application Status: No Application									

CASE NAME BET HARDWARE
CASE NUMBER 2015-120
DATE 1/28/15

[illegible]

CASE NAME 2015-120-XA
CASE NUMBER Det. Turner, Barry K. Traas
DATE JANUARY 28, 2015

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093

Phone: 410-560-1502 Fax: 443-901-1208

Letter of Transmittal

TO: Baltimore County
Administrative Law Office
105 West Chesapeake Ave
Towson, Maryland 21204

DATE <i>February 11, 2015</i>	JOB No. <i>14088</i>
ATTENTION: <i>John Beverungen</i>	
RE: <i>2015-0120-XA</i> <i>601 Back River Neck Road</i>	

Attached Via: _____ Hand Delivered ☒ Mail _____ Overnight _____ Fax _____

COPIES	DATE	NO.	DESCRIPTION
1			Zoning Plan redlined per order

THESE ITEMS ARE TRANSMITTED AS CHECKED BELOW:

☒	For Your Use		For Approval		Revise and Resubmit
☒	As Requested		NO EXCEPTIONS TAKEN		NOT ACCEPTABLE
	For Review And Comment		Comments Noted		Submittal Not Required/ No Action Taken

REMARKS: _____

Copy: _____

RECEIVED

FEB 10 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Signed: _____

RECEIVED

FEB 11 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Rick Richardson
Rick Richardson



KEVIN KAMENETZ
County Executive

December 16, 2014

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

Patrick E. Richardson, Jr.
Richardson Engineering, LLC
30 E. Padonia Rd., Ste. 500
Timonium, MD 21030

Re: 1609 Cape May Rd., & 601 Back River Neck Rd., 21221, Dist. 15c7, DRC Number: 121614-LLA2

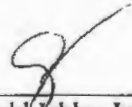
Dear Sir/Madam:

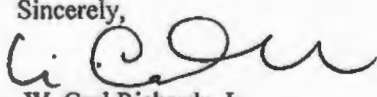
Pursuant to Section 32-4-106(a)(1) of the Baltimore County Code (BCC), this letter constitutes an administrative order and decision on the request you filed with this department.

Your request has been submitted for careful review and consideration to the Director and Zoning Office. It has been determined that your proposal:

- ☒ Provisionally meets the requirements of a limited exemption under Section 32-4-106(a)(1)(viii), BCC (Ex. Building in BLzone requires 10' setback of variance granted)
- ☐ meets the requirements of a limited exemption under Section 32-4-106(a)(1)(ii) or (a)(1)(v), BCC. (All future uses will require Zoning and Development approval)
- ☐ Does not meet the requirements of a limited exemption at this time. Contact the underlined groups to resolve several outstanding issues.
- ☐ needs additional materials/information for review. Contact Carl Richards or Joseph Merrey at 410-887-3391. (As per Zoning meeting additional parking & site plan information is required)
- ☐ does not reach the scope or extent that would require Baltimore County development approval.
- ☐ all or a portion of the property is located within the Chesapeake Bay Critical Area, therefore prior to recording deeds or submitting a record plat you are required to apply for and receive approval of Lot Consolidation and Reconfiguration through the Dept. of Environmental Protection and Sustainability (Comar 27.01.02.08)

When recording deeds in the land records, please attach this letter and the survey plat as exhibits. Also, if the property(s) are improved or any Baltimore County permits are applied for or anticipated in the future, an existing record plat may be required to be amended and the following approval agencies should be contacted to resolve any possible development issues: Development Plans Review -- 410-887-3751, Planning 410-887-3480, Environmental Protection & Sustainability -- 410-887-5859


Arnold Jablon Initial

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

Case No.: 2015-0120-XA

JB

1-28-15

1:30 PM

Exhibit Sheet

Petitioner/Developer

DW
A-4-15

Protestants

slu
2-4-15

No. 1	Revised site plan	
No. 2	Google Earth photos	
No. 3	Aerial zoning map	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



KEVIN KAMENETZ
County Executive

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

January 22, 2015

Barry K. Treas
601 Back River Neck Road
Baltimore MD 21221

RE: Case Number: 2015-0120 XA, Address: 601 Back River neck Road

Dear Mr. Treas:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 1, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Alfred L Brennan Jr., Esquire, 825 Eastern Boulevard, Baltimore MD 21221
Richardson Engineering, LLC, Patrick Richardson, 30 E. Padonia Road, Suite 500, Timonium MD 21093

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

SHA
State Highway
Administration
MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 12/22/14

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

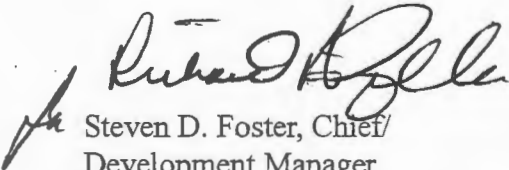
RE: Baltimore County
Item No. 2015-0120-XA
Special Exception Variance
Borrry K. Treas
601 Back River Neck Road

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. 2015-0120-XA.

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,


Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 12/8/14

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

RE: Baltimore County
Item No 2015-0120-XA
Special Exception Variance
Barry K. Treas
601 Back River Neck Road

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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".

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

SUBJECT: Zoning Advisory Committee Meeting
For December 29, 2014
Item No. 2015-0120

DATE: December 30, 2014

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

Comments dated December 15, 2014 were prepared and submitted for this site.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0120-12292014.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For December 15, 2014
Item No. 2015-0120

DATE: December 15, 2014

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

Deficiencies of the site that should be corrected or waived by the Hearing Officer:

- Change of lease requires compliance with the Landscape Manual. Much of the site does not.
- The drive aisle on the southern side of the service garage is too narrow.
- On the north side of the service garage, there is no back up area for one of the parking spaces.
- Baltimore County property is being used for vehicle parking and access, apparently without permission.
- Parts of the site are not paved with durable and dustless surfaces.

* * * * *

DAK:CEN
cc:file



Google earth

feet
meters

10

PETITIONER'S

EXHIBIT NO. 2



© 2014 Google

© 2014 Google

Google earth

Google earth

feet
meters





Google earth

feet
meters

10

4





PETITIONER'S

EXHIBIT NO. _____

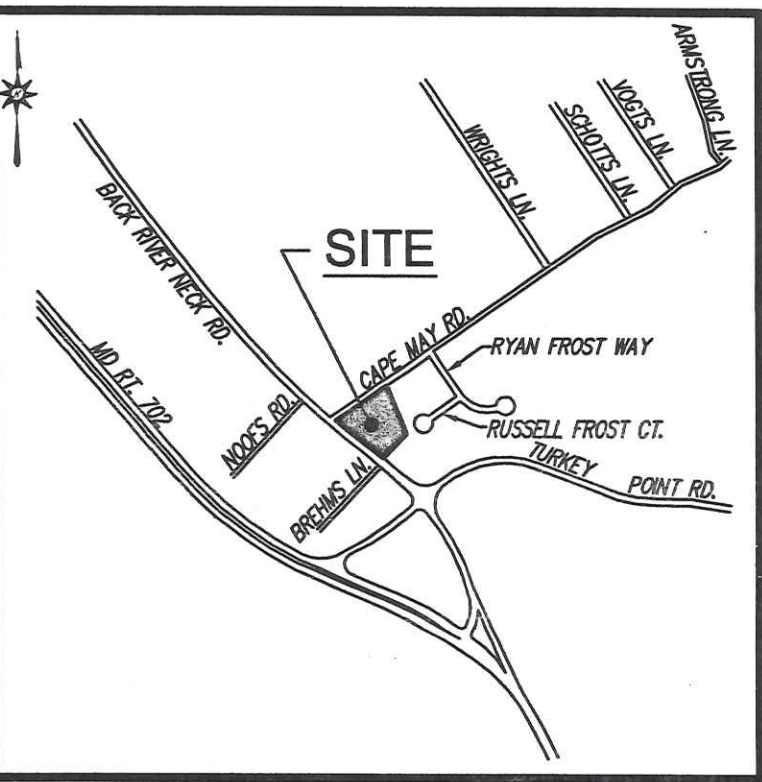
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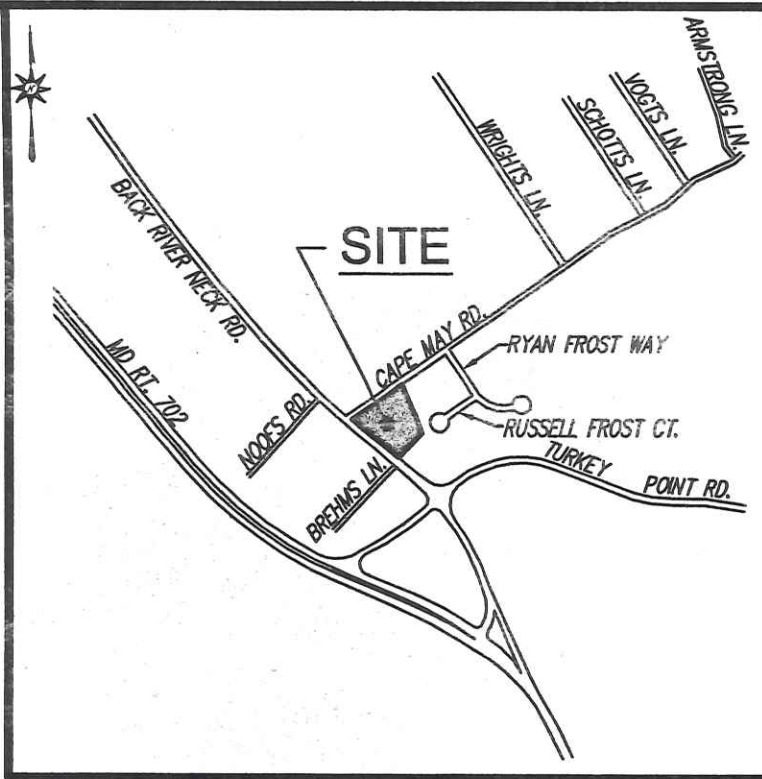


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PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A
DULY LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER
16597, EXPIRATION DATE: 08-15-2015



VICINITY MAP

SCALE: 1" = 1000'

1. OWNER:
BARRY K TREAS
601 BACK RIVER NECK RD.
BALTIMORE MD 21221-1918
2. SITE ADDRESS: 601 BACK RIVER NECK RD.
3. SITE AREA:
GROSS: 63,109 SF or 1.45 Ac±
NET: 56,997 SF or 1.31 Ac±
4. DEED REF: 8023/700
5. PLAT REF: NONE
6. TAX MAP REF: GRID #18, PARCEL #131
7. PRESENT ZONING: DR-3.5, BL (PER 1"=200' ZONING MAP 097C2)
8. USE: COMMERCIAL
9. UTILITIES: PUBLIC WATER & PUBLIC SEWER
10. TAX ACCOUNT: 1505100029
11. COUNCILMANIC DISTRICT: 7TH
12. SITE DOES NOT LIE WITHIN ANY FLOOD ZONES (FIRM PANEL 2400100445E)
13. NO KNOWN PREVIOUS ZONING CASES EXIST ON FILE.
14. NO KNOWN PREVIOUS PERMITS EXIST ON FILE
15. SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
16. THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
17. WATERSHED: BACK RIVER
18. SETBACKS:

TYPE	REQUIRED	PROVIDED
FRONT	10' FROM P.L.	26±
	40' FROM C.L.	59±
SIDE	NONE	N/A
CORNER LOT		
SIDE	10'	32±
REAR	20'	6±
19. PARKING CALCULATIONS
REQUIRED:

SERVICE GARAGE:	1,250 SF * 3.3 SPACES/1000 SF	= 4.1 SPACE
OFFICE	980 SF * 3.3 SPACES/1000 SF	= 3.2 SPACES
RETAIL STORE:	5,375 SF * 5.0 SPACES/1000 SF	= 26.9 SPACES
TOTAL REQUIRED:		= 35 SPACES
EXISTING PARKING:	35 SPACES INCLUDING 2 HANDICAP SPACES	
EXISTING BUILDINGS:	9784 SF	
TOTAL AREA:	<u>9784 SF</u>	
20. FLOOR AREA RATIO CALCULATIONS:

EXISTING BUILDINGS:	9784 SF
TOTAL AREA:	<u>9784 SF</u>
21. F.A.R.:

9,784 / 63,109	= 0.155
MAXIMUM PERMITTED 0.50	
22. BASIC SERVICE MAPS: NO DEFICIENCIES
23. ALL PARKING AND DRIVE AISLES SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE MATERIAL.
24. THE USE OF DAMAGED AND DISABLED VEHICLES ARE PERMITTED OUTSIDE OF THE BUILDING EXCEPT IN ACCORDANCE WITH SECTION 405A OF BC22. NO OUTSIDE STORAGE OF DAMAGED OR DISABLED VEHICLES ARE PROPOSED ON THIS SITE.

PETITIONER'S
EXHIBIT NO. 1

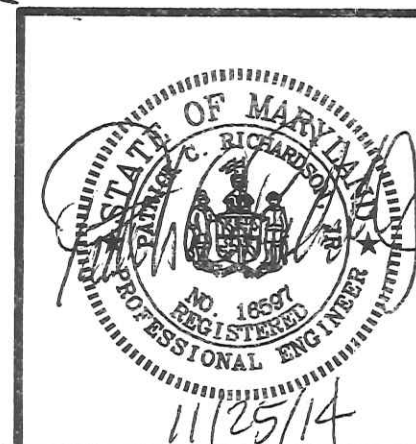
30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

B & T HARDWARE INC.
601 BACK RIVER NECK RD.
ESSEX, MD 21221

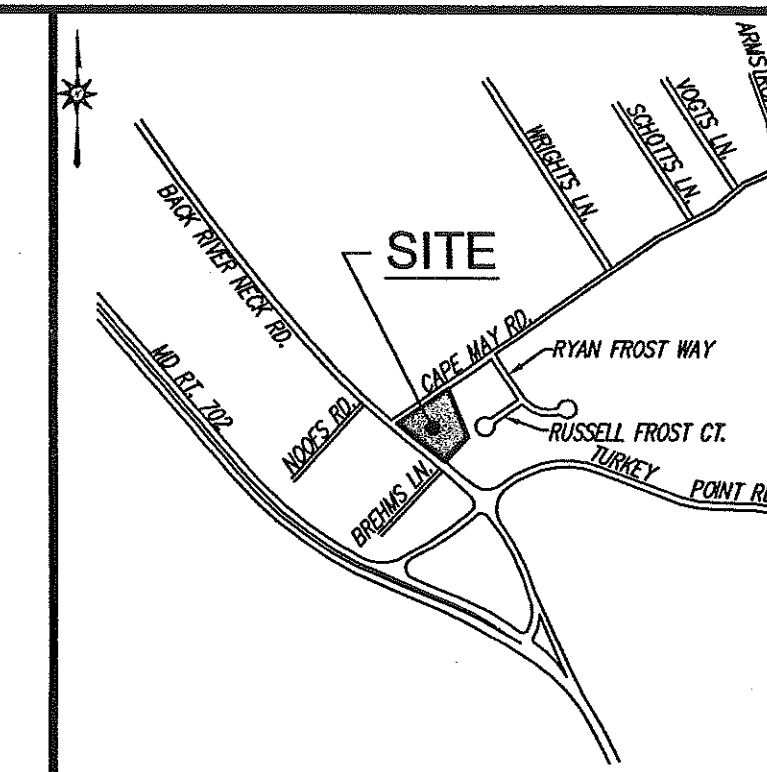
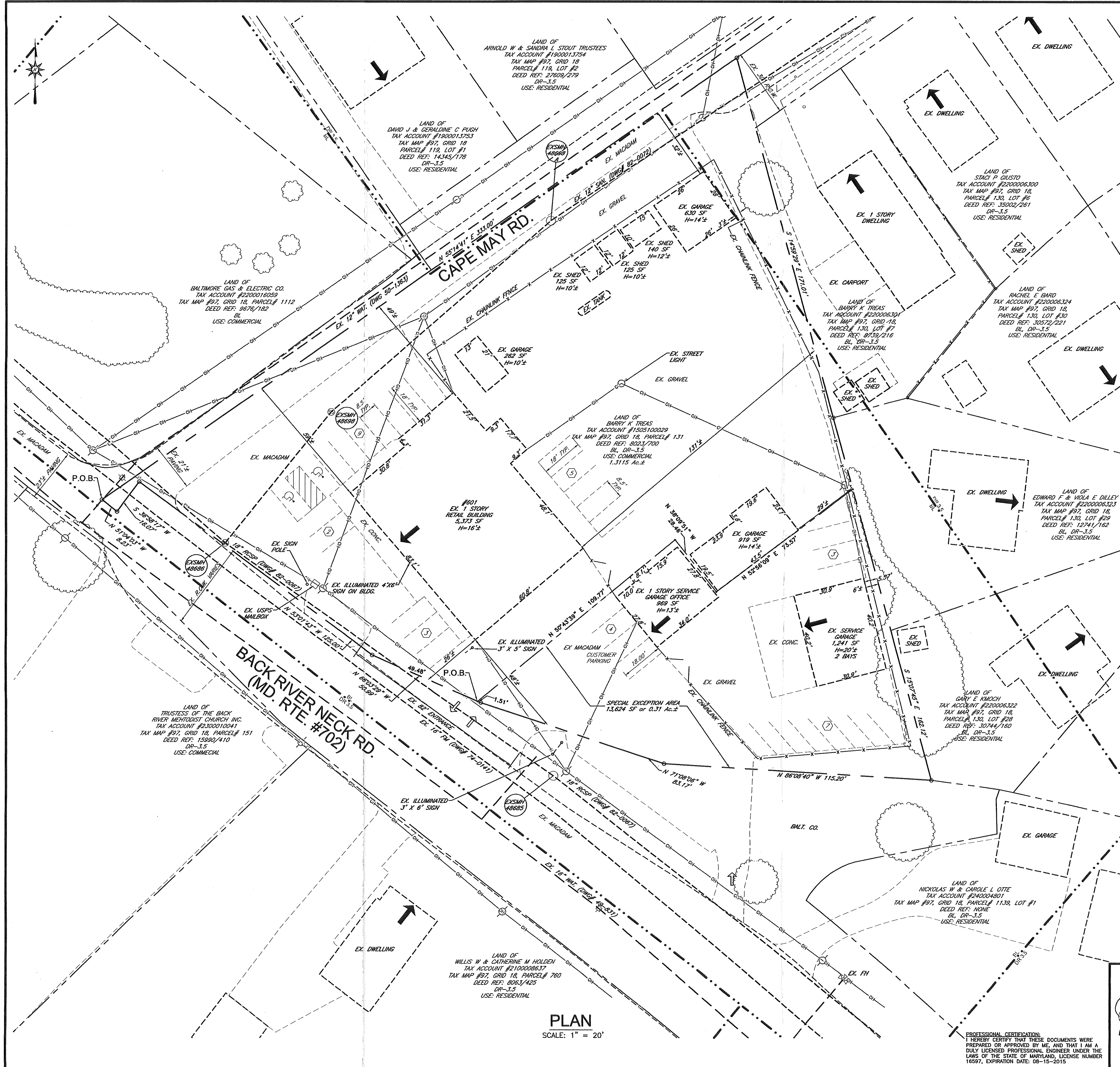
DEED REF: 8023/700
TAX ACCOUNT NO. 1505100029
TAX MAP #97, GRID #18, PARCEL #131
PLAT REF: NONE

15th TAX ASSESSMENT DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS REVISED PER LOT LINE ADJUSTMENT GRANTED 12/16/14 FOR VARIANCE TO EXIST. GARAGE FROM NEW LOT LINE	DRAWN BY:	DESIGNED BY:	SCALE:
	CLB	CLB	AS SHOWN
	DATE:	JOB NO.:	SHEET NO.:
	11-24-14	14088	1 OF 1



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LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER
16597, EXPIRATION DATE: 08-15-2015



SITE DATA

- OWNER: BARRY K TREAS
601 BACK RIVER NECK RD.
BALTIMORE, MD 21221-1916
- SITE ADDRESS: 601 BACK RIVER NECK RD.
- SITE AREA:
GROSS: 63,109 SF or 1.45 Ac.±
NET: 55,997 SF or 1.31 Ac.±
- DEED REF: 8023/700
- PLAT REF: NONE
- TAX MAP #97, GRID #18, PARCEL #131
- PRESENT ZONING: DR-3.5, BL (PER 1"=200' ZONING MAP 097C2)
- USE: COMMERCIAL
- UTILITIES: PUBLIC WATER & PUBLIC SEWER
- TAX ACCOUNT: 1505100029
- COUNCILMANIC DISTRICT: 7TH
- SITE DOES NOT LIE WITHIN ANY FLOOD ZONES (FIRM PANEL 24001004456)
- NO KNOWN PREVIOUS ZONING CASES EXIST ON FILE.
- NO KNOWN PREVIOUS PERMITS EXIST ON FILE.
- SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- WATERSHED: BACK RIVER
- SETBACKS:

TYPE	REQUIRED	PROVIDED
FRONT	10' FROM P.L.	26'±
SIDE	40' FROM C.L.	55'±
CORNER LOT	NONE	N/A
REAR	10'	32'±
REAR	20'	6'±
- PARKING CALCULATIONS:
REQUIRED:

SERVICE GARAGE:	1,250 SF * 3.3 SPACES/1000 SF	= 4.1 SPACE
OFFICE	980 SF * 3.3 SPACES/1000 SF	= 3.2 SPACES
RETAIL STORE:	5,375 SF * 5.0 SPACES/1000 SF	= 26.9 SPACES
TOTAL REQUIRED:		= 34.2 SPACES
EXISTING PARKING:	35 SPACES INCLUDING 2 HANDICAP SPACES	
- FLOOR AREA RATIO CALCULATIONS:
EXISTING BUILDINGS: 8784 SF
TOTAL AREA: 8784 SF
- F.A.R.: $8784 / 63,109 = 0.155$
MAXIMUM PERMITTED 0.50
- BASIC SERVICE MAPS: NO DEFICIENCIES
- ALL PARKING AND DRIVE AISLES SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE MATERIAL.
- NO STORAGE OF DAMAGED AND DISABLED VEHICLES ARE PERMITTED OUTSIDE OF THE BUILDING EXCEPT IN ACCORDANCE WITH SECTION 405A OF BCZR. NO OUTSIDE STORAGE OF DAMAGED OR DISABLED VEHICLES ARE PROPOSED ON THIS SITE.

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

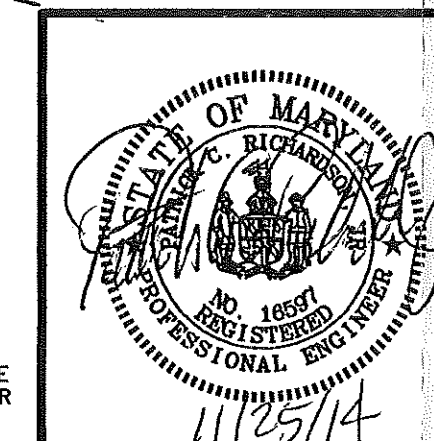
PLAN TO ACCOMPANY ZONING HEARING

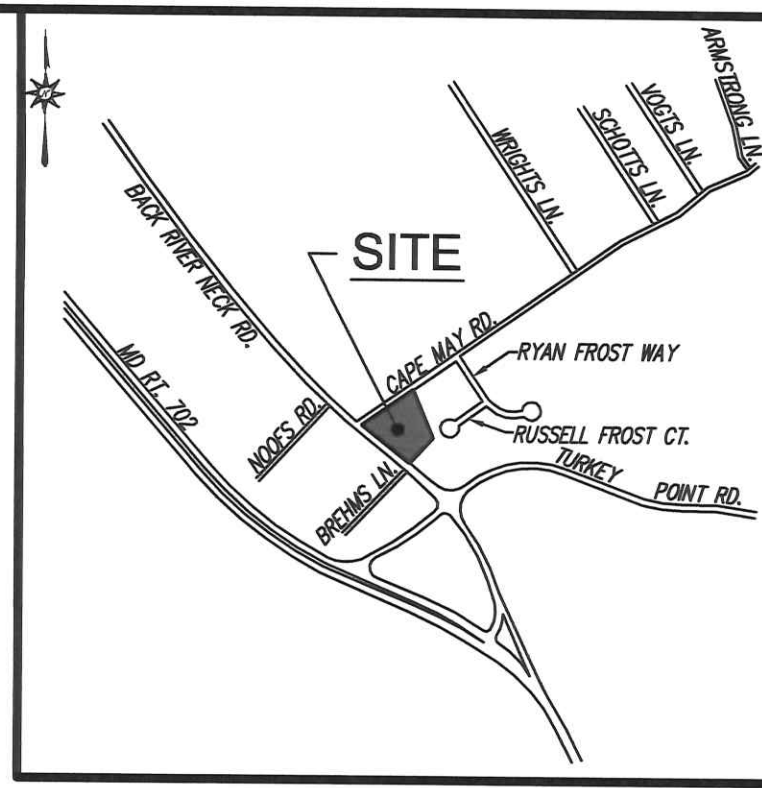
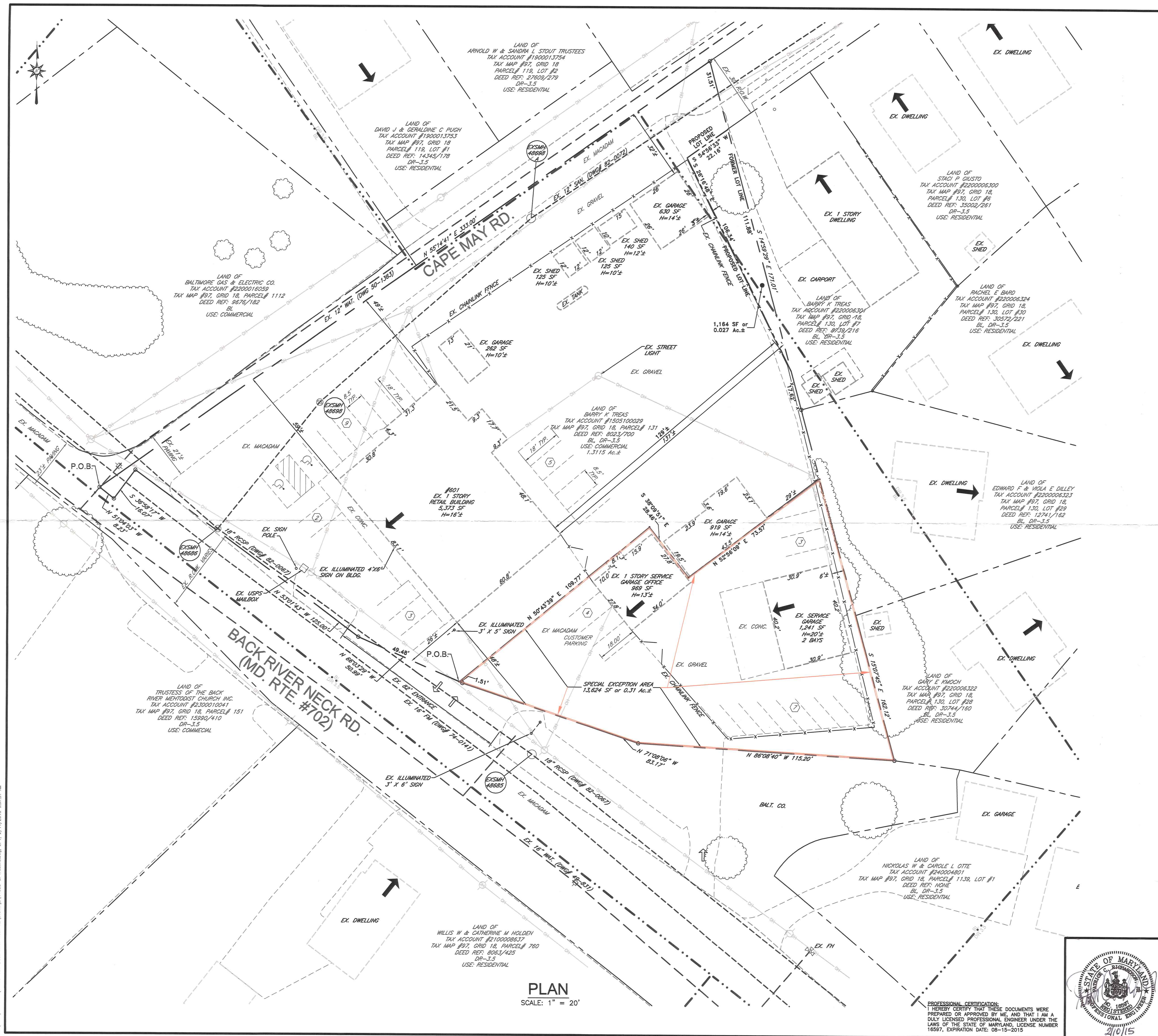
B & T HARDWARE INC.
601 BACK RIVER NECK RD.
ESSEX, MD 21221

DEED REF: 8023/700
TAX ACCOUNT NO. 1505100029
TAX MAP #97, GRID #18, PARCEL #131
PLAT REF: NONE

15th TAX ASSESSMENT DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	CLB	CLB	AS SHOWN
	DATE:	JOB NO.:	SHEET NO.:
	11-24-14	14088	1 OF 1





SITE DATA

- OWNER:
BARRY K TREAS
601 BACK RIVER NECK RD.
BALTIMORE MD 21221-1916
- SITE ADDRESS: 601 BACK RIVER NECK RD.
- SITE AREA:
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- PLAT REF: NONE
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- COUNCILMANIC DISTRICT: 7TH
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- NO KNOWN PREVIOUS ZONING CASES EXIST ON FILE.
- NO KNOWN PREVIOUS PERMITS EXIST ON FILE.
- SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- WATERSHED: BACK RIVER
- SETBACKS:

TYPE	REQUIRED	PROVIDED
FRONT	10' FROM P.L.	26'±
	40' FROM C.L.	55'±
SIDE	NONE	N/A
CORNER LOT	NONE	N/A
SIDE	10'	32'±
REAR	20'	6'±
- PARKING CALCULATIONS:

REQUIRED:		
SERVICE GARAGE:	1,250 SF * 3.3 SPACES/1000 SF	= 4.1 SPACE
OFFICE:	980 SF * 3.3 SPACES/1000 SF	= 3.2 SPACES
RETAIL STORE:	5,375 SF * 5.0 SPACES/1000 SF	= 26.9 SPACES
TOTAL REQUIRED:		= 35 SPACES
EXISTING PARKING:	35 SPACES INCLUDING 2 HANDICAP SPACES	
- FLOOR AREA RATIO CALCULATIONS:

EXISTING BUILDINGS:	TOTAL AREA:
9784 SF	9784 SF
- F.A.R.: 0.155
MAXIMUM PERMITTED: 0.50
- BASIC SERVICE MAPS: NO DEFICIENCIES
- ALL PARKING AND DRIVE AISLES SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE MATERIAL.
- NO STORAGE OF DAMAGED AND DISABLED VEHICLES ARE PERMITTED OUTSIDE OF THE BUILDING EXCEPT IN ACCORDANCE WITH SECTION 405A OF BCZR. NO OUTSIDE STORAGE OF DAMAGED OR DISABLED VEHICLES ARE PROPOSED ON THIS SITE.
- ZONING RELIEF REQUESTED:
SPECIAL EXCEPTION PER SECTION 230.3 FOR A SERVICE GARAGE.
VARIANCE FOR 19 PARKING SPACES IN LIEU OF THE REQUIRED 27 SPACES FOR THE RETAIL USE.
VARIANCE FOR A SIDE YARD SETBACK OF 3' IN LIEU OF THE REQUIRED 10' FOR AN EXISTING GARAGE TO A NEW LOT LINE.

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

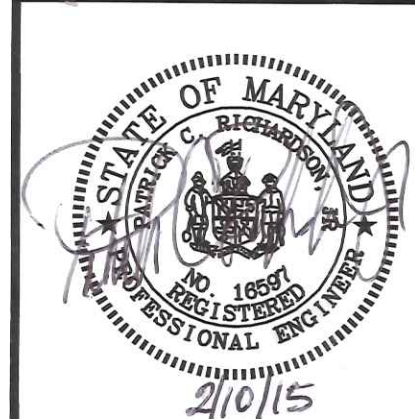
**PLAN TO ACCOMPANY
ZONING HEARING**

B & T HARDWARE INC.
601 BACK RIVER NECK RD.
ESSEX, MD 21221

DEED REF: 8023/700
TAX ACCOUNT NO. 1505100029
TAX MAP #97, GRID #18, PARCEL #131
PLAT REF: NONE

15th TAX ASSESSMENT DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS 2/10/15 REDLINED PER ZONING ORDER	DRAWN BY: CLB	DESIGNED BY: CLB	SCALE: AS SHOWN
DATE: 11-24-14	JOB NO.: 14088	SHEET NO.: 1 OF 1	



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DULY LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER
16897, EXPIRATION DATE: 08-15-2015

PLAN
SCALE: 1" = 20'