

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND SPECIAL EXCEPTION		
(149 Back River Neck Road)	*	OFFICE OF
15 th Election District		
7 th Council District	*	ADMINISTRATIVE HEARINGS
Bob Cat Properties, LLC		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2023-0134-SPHX

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Bob Cat Properties, LLC, legal owner, (“Petitioner”) for the property known as 149 Back River Neck Road. A Petition for Special Exception was filed under the Baltimore County Zoning Regulations (“BCZR”) § 230.3 to allow a service garage on a property zoned BL-AS. A Special Hearing under the Baltimore County Zoning Regulations (“BCZR”) § 409.12.B to permit/approve a modified parking plan.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petitions were properly advertised and posted.

Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), and Development Plans Review (“DPR”). They did not oppose the requested relief. There were no neighbors or interested persons in attendance at the hearing.

Timothy Kotroco, Esquire and Matthew Kotroco, Esquire represented the Petitioner. Also in attendance was surveyor J. Scott Dallas. The site plan and redlined site plan he prepared were admitted as Petitioner’s Exhibits 1A and 1B, respectively. Mr. Kotroco explained that the property is .607 acres and is zoned BL-AS. Until recently it was used as a boat yard and marine services business. In the past it has been used for a variety of uses, including a fuel and service station. A

prior Order in Case No. 06-345-SPHXA imposed a modified parking plan as well as landscaping and lighting conditions which Petitioner asks to simply carry forward for this proposed use. As Mr. Kotroco explained, the existing structure on site has three service bays that the new tenant “Edge Auto Repair” will be using and no physical alterations are proposed for either the building or lot except for a change in the identification sign. The access point for the business will be on Williams Avenue so that traffic flow and safety on Back River Neck Road will not be impacted. Mr. Kotroco explained that he has been in consultation with Kevin McDonough, the President of the Rockaway Beach Community Association (“RBCA”), and that the redlined site plan (Petitioner’s Exh. 1B) reflects the minor modifications that Mr. McDonough requested. Based on these modifications and clarifications RBCA supports the requested relief.

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, 11 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized 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.

The record evidence demonstrates that this proposed auto repair business will have no greater impacts here than those that are inherent to the use. In fact, this appears to be an ideal location for such a business as it has an AS overlay. I further find that the special hearing request to allow the continuation of the modified parking plan and landscape and lighting plans prescribed in Case No.

06- 345-SPHXA is also within the spirit and intent of the zoning regulations and will not harm the public health, safety or welfare.

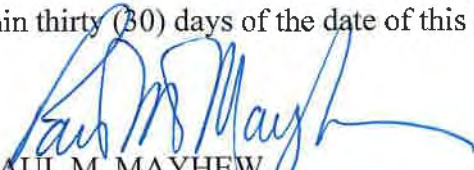
THEREFORE, IT IS ORDERED this **24th** day of **August, 2023**, by this Administrative Law Judge, that the Petition for Special Exception per the BCZR §230.3 to allow a service garage of a property zoned BL-AS, is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Special Hearing pursuant to BCZR § 409.12.B to permit/approve a modified parking plan/ is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
- Petitioner must continue to comply with the Landscape and Lighting plans set forth in Case No. 06-345-SPHXA.

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


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

August 24, 2023

Timothy Kotroco, Esquire – tkotroco@gmail.com
Matthew T. Kotroco, Esquire – mattkotroco@gmail.com
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: Petitions for Special Hearing & Special Exception
Case No. 2023-0134-SPHX
Property: 149 Back River Neck Road

Dear Counsel:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Paul M. Mayhew". The signature is written in a cursive style.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dln
Enclosure

c: Bob Cat Properties, LLC – bobby.babcock00@gmail.com
J. Scott Dallas – jsdinc@aol.com

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2023-0134-SPHX

Property Address: 149 Back River Neck Road

Property Description: Corner of East Side of Back River Neck
Road and Southeast Side of Williams Avenue

Legal Owners (Petitioners): Bob Cat Properties, LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Kotroco

Company/Firm (if applicable): Kotroco & Associates, LLC

Address: 305 Washington Ave Suite 502
TOWSON, MD 21204

Telephone Number: 410 299 2943

Kevin McDonough , President
443.768.0221
Kristin Paccione, Vice President



628 Rockaway Beach Avenue
Baltimore, Maryland 21221

Rebecca Machin, Secretary
Karl Dudek, Treasurer
Sharon Kehnemui, Sergeant at Arms

Baltimore County Office of Administrative Hearings
Attn: Judge Paul Mayhew – Managing Administrative Law Judge
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: 149 Back River Neck Road | Essex, Maryland 21221 - Case # 2023-0134-SPHX

August 7, 2023

Dear Judge Mayhew,

The Rockaway Beach Improvement Association Inc. wishes to weigh in and provide community testimony concerning the aforementioned zoning case involving 149 Back River Neck Road and the petitioner’s request for special hearing to permit / approve a modified parking plan and special exception to allow a service garage in a BL-AS zone. The Back River Neck Road Commercial Corridor serves as the gateway to our community and we have frequently weighed in on development and zoning issues as they directly impact our community.

As a bit of background, the subject property was for many years a service garage and gas station. Subsequently, the property was vacant and served as a source of blight for the community for an extensive period of time, until the previous owner of the property purchased it and opened Portside Marine, which was a marine store that sold boats and various marine related supplies. The property has a lengthy zoning history in which various variances and special exceptions were granted to permit the different businesses which occupied the property.

The property owner’s attorneys Tim and Matt Kotroco, Esq. had discussed the petitioner’s desire of seeking such relief preliminarily before submission to the zoning office. The community is appreciative of their open dialogue with us and sense of transparency throughout this process. As has been articulated to the Department of Planning by petitioner’s counsel, the community is generally supportive of the requested relief. We had shared our preliminary comments with petitioner’s counsel prior to our submission of this letter and did not receive any response back with any objections. As there was not a response back, we wish to share those comments with the Office of Administrative Hearings and ask for your Honor’s consideration of those suggested conditions as we believe them to be in the best interest of the community.

The community wishes to articulate its support of the petitioner’s requested relief to permit a modified parking plan and for a special exception to permit a service garage, subject to the following conditions:

- *Forfeiture of existing variance which was granted in case # 06-345-SPHXA which permits the sale and display of boats in front of the building in lieu of the maximum allowed 5 ft area.*
- *Abandonment of the Special Exception granted in case # 06-345-SPHXA to use the subject property as a boat yard, including sales, display and cleaning.*
- *Continuation of the existing landscaping requirement that was in the previous 2006 zoning order.*

- Continuation of the existing requirement that the lighting on the site be directed away from residences on Williams Avenue.
- Maintain the existing vegetative transition buffer between the residences on Williams Avenue and the business.
- File a red-line site plan which depicts the entrances to the garage bays of the service garage and more clearly depicts which entrances to the site will be used for egress and ingress, as current site plan does not show that and shows both being blocked by fencing.
- Restriction on storage of inoperable / wrecked vehicles along Back River Neck Road, and/ or a time limit on which they are permitted to remain in one place. (A similar restriction was issued as part of a zoning case involving 105 /109 Back River Neck Road to address community concerns about the property becoming a storage lot for derelict vehicles.)
- Prohibition on the display of vehicles for sale on the property to address community concerns of the property from becoming inundated with vehicles for sale.

The community's desire for the aforementioned conditions is rooted in an effort to maintain several of the existing protections previously afforded to the residents of Williams Avenue with regards to lighting and to the vegetative buffer that preserve the peaceful enjoyment of their properties. Additionally, the community's other asks are in an effort to create a detailed site plan and zoning order which protects the existing integrity of the commercial corridor and adds safeguards that would ensure the property is kept neat, tidy and cohesive in appearance and use with the surrounding area. It is our belief that the requests for landscaping and for limitations on inoperable and wrecked vehicles along with limitations on the sale of vehicles would ensure compliance with the Essex Commercial Revitalization District Design Guidelines and further assist with the revitalization efforts of the community.

We would respectfully request that petitioner's request for relief be granted subject to the conditions proffered by the community.

Sincerely,



Kevin McDonough
President
Rockaway Beach Improvement Association Inc.

CC: Baltimore County Office of Peoples Counsel – Peter Max Zimmerman, Esq.
RBIA File

Certificate of Service:

I hereby certify that a copy of the foregoing was e-mailed to the following on 8/7/2023:

Timothy Kotroco Esq. & Matthew Kotroco, Esq – Attorneys for the Petitioner
Baltimore County Office of Peoples Counsel



Kevin McDonough , President
443.768.0221
Kristin Paccione, Vice President



Rebecca Machin, Secretary
Karl Dudek, Treasurer
Sharon Kehnemui, Sergeant at Arms

628 Rockaway Beach Avenue
Baltimore, Maryland 21221

**Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue – Suite 103
Towson, Maryland 21204
SENT VIA E-MAIL**

Re: CASE# 2023-0134-SPHX - ENTRY OF APPEARANCE

August 7, 2023

To Whom It May Concern,

Please enter the pro-se appearance of our community association in Zoning Case # 2023-0134-SPHX (149 Back River Neck Road).

Kindly forward any and all hearing notices, motions, orders, etc. to the below listed address and/or e-mail:

**Rockaway Beach Improvement Association Inc.
C/o: Mr. Kevin McDonough, President
628 Rockaway Beach Avenue
Essex, Maryland 21221**

info@turkeypoint.org
443.768.0221

Sincerely,



**Kevin McDonough
President
Rockaway Beach Improvement Association Inc.**

Certificate of Service:

I hereby certify that a copy of this document was sent via e-mail to petitioner's attorneys, Timothy Kotroco, Esq. and Matthew Kotroco, Esq. and also to Baltimore County Office of Peoples Counsel.

CC:
RBIA FILE

Baltimore County Office of People's Counsel – Peter Max Zimmerman, Esq. & Carole Demilio, Esq.



CERTIFICATE OF POSTING

CASE NO. 2023-0134-SPHX

PETITIONER/DEVELOPER

Matthew

Kotroco Esq.

DATE OF HEARING/CLOSING

August 23, 2023

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

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

149 Back River Neck Road

Sign 1

THE SIGN(S) POSTED ON August 1, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE



MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411



CERTIFICATE OF POSTING

CASE NO. 2023-0134-SPHX

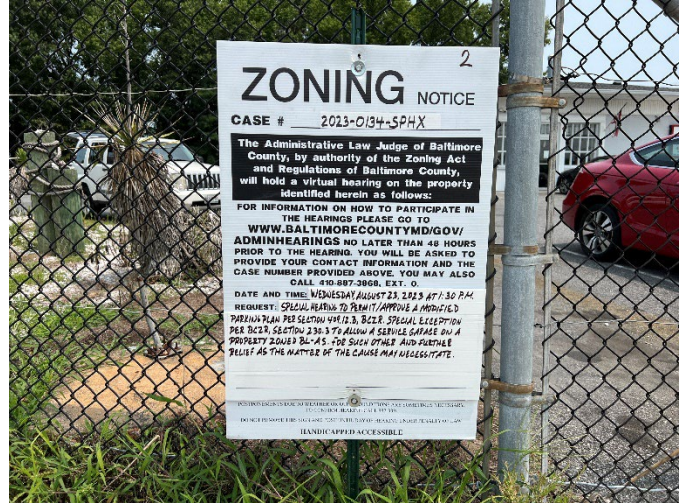
PETITIONER/DEVELOPER

Matthew

Kotroco Esq.

DATE OF HEARING/CLOSING

August 23, 2023



BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

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THE PROPERTY LOCATED AT

149 Back River Neck Road

Sign 2

THE SIGN(S) POSTED ON August 1, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 7/31/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0134-SPHX

INFORMATION:

Property Address: 149 Back River Neck Road
Petitioner: Bob Cat Properties, LLC
Zoning: BL AS
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for the following:

Special Hearing -

1. To permit/approve a modified parking plan per Section 409.12.B of the Baltimore County Zoning Regulations (BCZR);

Special Exception -

2. Per Section 230.3 of the BCZR to allow a service garage on a property zoned BL AS; and
3. For such further relief as the matter of the cause may necessitate.

The subject site is a 26,451 square foot parcel in the Essex area located at the corner of Back River Neck Road and Williams Avenue. It is currently improved with a one-story garage building, two wooden sheds, a chain link fence, a freestanding sign, and a parking lot. Surrounding uses on Back River Neck Road are primarily commercial, including restaurants and drive-thru fast food establishments, a 7-11 convenience store, a Walgreens, an auto repair store, and more. Behind the subject site is primarily residential single-family attached (townhomes) and detached dwellings.

Per Google Streetview imagery and previous Zoning Cases (2006-345), the site was previously used for the sale of and display of boats and was called Portside Marine. Google Streetview from July 2022 shows a “Grand Opening” banner, an “Auto Repair” banner, and new building signage that reads “Edge Auto Repair”. The State Department of Assessment and Taxation shows that the property was sold by Port Side Holding Co. Inc. to Bob Cat Properties LLC on February 12th, 2020.

Baltimore County’s Citizen Access database shows the property has one past Code Complaint, Case Number CC2215139. The complaint, was for pennant flags and banners outside without permits. The Code Enforcement Correction Notice, issued December 9th, 2022, directed the property owner to remove all junk, trash, and debris from the property, and to obtain permits for the banners or remove them by January 3rd, 2023. Citizen Access shows that the property was in compliance as of the re-inspection and that the Case was closed on January 10th, 2023.

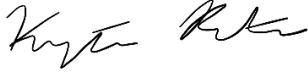
The Department of Planning contacted the representative for the petition via email on July 13th, 2023 to confirm if any new development was proposed. In a July 17th, 2023 reply, the representative explained the following:

- Historically, the subject site has been used as a gas station, a boat storage yard, and a car service garage. The Special Exception is because the property is transferring owners and the bank has asked the Petitioner to formalize the current use.
- The Special Hearing is to confirm the existing parking layout. There are no changes proposed at this time.
- The Petitioner has been in contact with Kevin McDonough of the Rockaway Beach Community Association. The Association has no objections to the requested Special Hearing or Special Exception, as the site has been used in this way for a considerable amount of time.

The Department of Planning has no objections to the requested relief, as the parking and use are already in existence and have been for some time. The approval of the Special Hearing will confirm the existing parking layout, and the approval of the Special Exception will confirm the way the site has been used since at least 2020. The use of the site as a service garage is consistent with this stretch of Back River Neck Road as being commercial in nature, and is consistent with previous uses of the site, such as being a gas station and a boat storage yard.

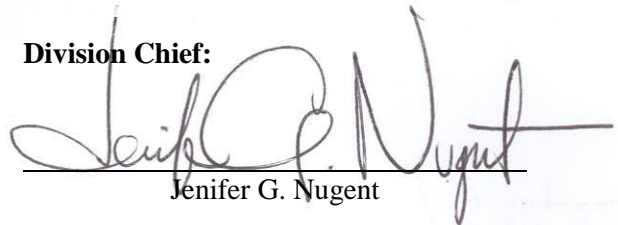
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Matthew Kotroco
David Birkenthal, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: July 21, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0134-SPHX
Address: 149 BACK RIVER NECK RD
Legal Owner: Bob Cat Properties, LLC

Zoning Advisory Committee Meeting of July 17, 2023.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

Real Property Data Search ()
 Search Result for BALTIMORE COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1600005211

Owner Information

Owner Name: BOB CAT PROPERTIES LLC Use: COMMERCIAL
 Principal Residence: NO
 Mailing Address: 149 BACK RIVER NECK RD Deed Reference: /42462/ 00025
 BALTIMORE MD 21221-

Location & Structure Information

Premises Address: 149 BACK RIVER NECK RD Legal Description: PT LT 1-2-3-4-5-6
 BALTIMORE 21221- SE COR WILLIAMS AVE
 FRENCHS PARK

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0097 0005 0367 31501.04 0000 D 1 2021 Plat Ref: 0006/ 0138

Town: None

Primary Structure	Built Above Grade	Living Area	Finished Basement Area	Property Land Area	County Use
	1,848 SF			26,451 SF	20

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
	SERVICE GARAGE/				C4

Value Information

	Base Value	Value		
		As of 01/01/2021	As of 07/01/2022	As of 07/01/2023
Land:	179,400	317,400		
Improvements	87,600	179,600		
Total:	267,000	497,000	420,333	497,000
Preferential Land:	0	0		

Transfer Information

Seller: PORT SIDE HOLDING CO INC	Date: 02/12/2020	Price: \$550,000
Type: ARMS LENGTH IMPROVED	Deed1: /42462/ 00025	Deed2:
Seller: MOTIVA ENTERPRISES LLC	Date: 12/19/2005	Price: \$255,000
Type: ARMS LENGTH IMPROVED	Deed1: /23093/ 00379	Deed2:
Seller: STAR ENTERPRISE	Date: 12/19/2005	Price: \$230,200
Type: ARMS LENGTH IMPROVED	Deed1: /23093/ 00375	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0134-~~1~~
 SPHX

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

No. **221275**

Date: **5/13/2023**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 500. ⁰⁰

Total: \$ 500.⁰⁰

Rec From: Timothy M. Kotroco

For: Special Exception Filing
149 Back River Neck Road
 zoning Case 2023-0134-X

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

**CASHIER'S
 VALIDATION**

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

No. **221285**

Date: **6/27/2023**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					500

Total: \$ 500.

Rec From: Timothy Kotroco

For: Add Special Hearing to Case
2023-01340-SPH
149 Bank River Walk Road
MIA

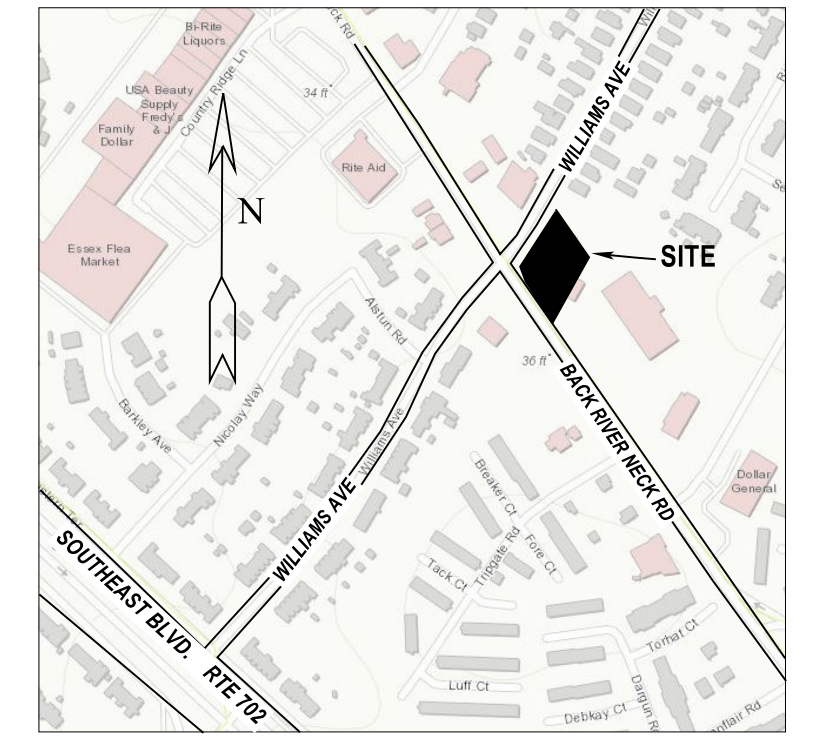
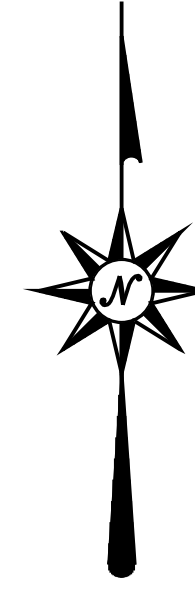
DISTRIBUTION

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

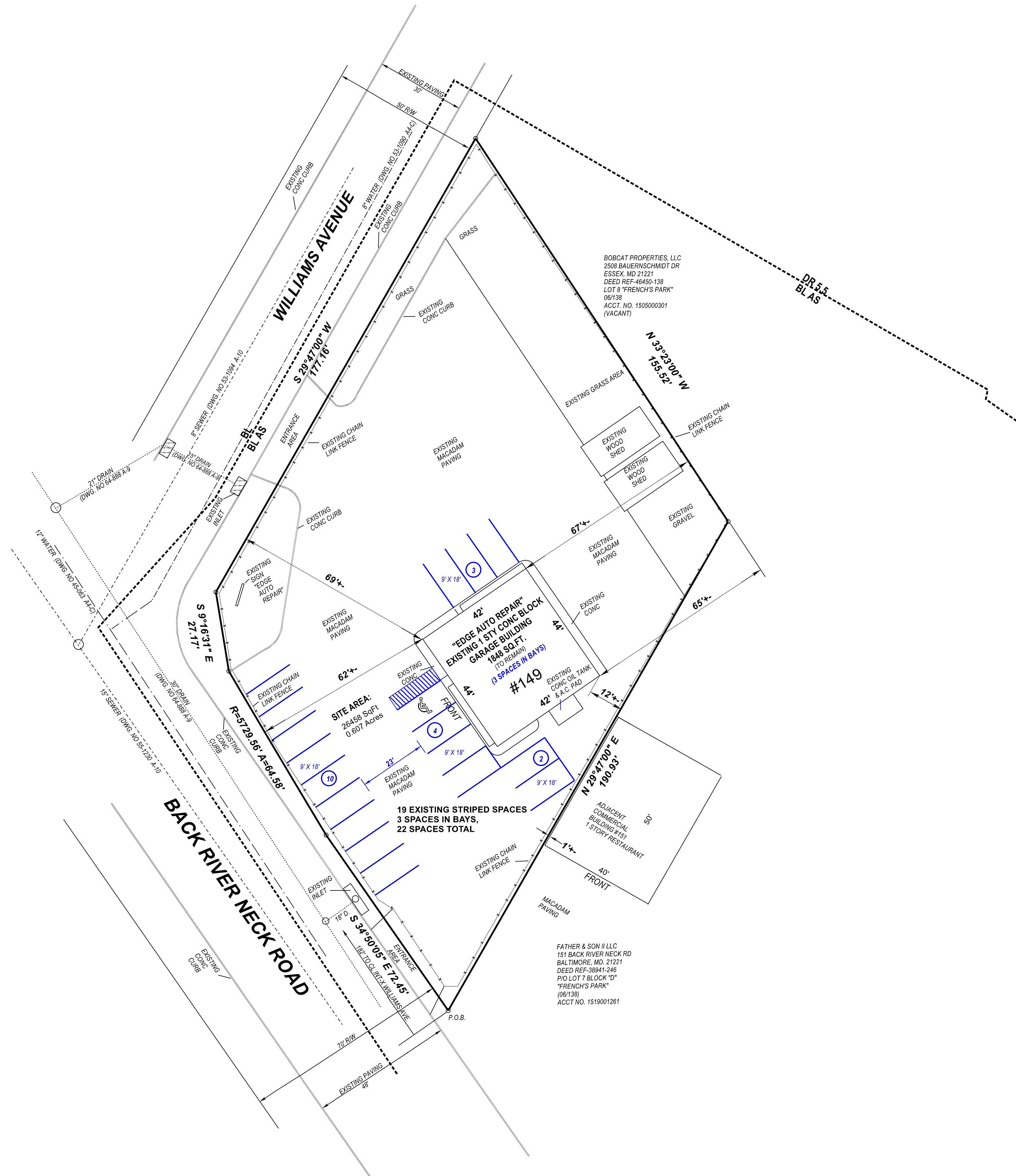
**CASHIER'S
 VALIDATION**

GENERAL NOTES:

1. OWNER:
BOB CAT PROPERTIES, LLC
149 BACK RIVER NECK RD
BALTIMORE, MD.
21221
CONTACT AGENT: BOB BABCOCK PHONE: 443-604-5004
2. SITE AREA: 26,458 SQ. FT. 0.607 AC+-
3. EXISTING BUILDING AREA: 1848 SQ. FT. (1848/26458 = 7% COVERAGE)
4. UTILITIES:
PUBLIC WATER
PUBLIC SEWER
PUBLIC STORM DRAIN
5. THE SITE LIES WITHIN ZONE "X" AS SHOWN
ON F.I.R.M. 2400100440G DATED MAY 04, 2014.
6. EXISTING BUILDING TO REMAIN
7. BL AS SETBACKS: ZERO TO ALL PROPERTY LINES
8. EX. STRUCTURE = 15' HIGH
9. DEED REF.: JLE 42462-25
10. TAX ACCOUNT: #1600005211
11. COUNCILMANIC DISTRICT: 7TH, ELECTION DISTRICT 15TH
12. CENSUS TRACT: 4508
13. WATERSHED: BACK RIVER
14. ZONING: BL AS
(PER BALT. COUNTY "MY NEIGHBORHOOD" WEBSITE)
15. TAX MAP: 0097 PARCEL 0367
16. PREVIOUS ZONING CASES (ATTACHED SEPARATELY WITH THIS FILING)
R-1954-2955-X
1985-0160-X
1991-0348-SPHA
1993-0317-SPHA
2006-0345-SPHXA
SEE SHEET 2 OF 2
17. NO KNOWN PERMITS ON FILE.
18. EXISTING BUILDING TO REMAIN
19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY
CRITICAL AREA.
20. THERE ARE NO HISTORIC FEATURES ON THE SITE NOR
IS THE SITE ITSELF HISTORIC.
21. NO KNOWN PREVIOUS DRC MEETINGS
22. EXISTING USE: AUTOMOBILE SERVICE GARAGE
23. SITE IS NOT IN A FLOODPLAIN
24. PARKING REQUIRED: 1848 X 3.3/1000 = 7 SPACES
PARKING PROVIDED: = 22 SPACES (INCLUDING 3 IN BAYS)



VICINITY MAP
1"=500'



**SITE PLAN TO ACCOMPANY
APPLICATION FOR ZONING HEARING
#149 BACK RIVER NECK RD.
15th ELECTION DIST BALTIMORE CO, MD**

SHEET 1 OF 2

DEED REFERENCE- SM 23093-379
PART OF LOTS 1 THRU 6
BLOCK "D" "FRENCH'S PARK"
(06:138)
SCALE: 1"=20' DATE: 06-16-2023



J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD.
(410)-817-4600

J.S. Dallas

06-16-2023
DATE

FILE NAME	18-1731.TRV	
SCALE	DATE	DRAWN BY
20 FTLin	05-17-2023	R.N.G.
JOB	REVISION	SHEET
BACK RIVER	1/1	1/2

This map drawn with TRAVERSE PC Software

R-1954-2955-X

Upon hearing on petition (1) for reclassification of the parcel of land described therein from an "A" Residence Zone to an "S" Commercial Zone and (2) for Special Permit to use said property for a gasoline service station and its appurtenances, that by reason of location, being adjacent to existing commercial areas, the said petition should be granted, therefore:

It is this 15th day of April, 1954, ORDERED by the Zoning Commissioner of Baltimore County that the aforesaid petition be and the same is hereby granted; the first, for reclassification as aforesaid and, second, to use the property for a gasoline service station, provided, however, that the setback for any buildings or structures to be erected and the island for the gasoline pumps shall be subject to the approval of the Zoning Department.

William J. Wiseman, III
Zoning Commissioner
of Baltimore County

1985-0160-X

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of December, 1984, that the Petition for Special Exception for a food store with less than 5,000 square feet of retail sales area in combination with a service station be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- 1. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZPAC), which are adopted in their entirety and made a part of this Order.
2. Compliance with the requirements of the Baltimore County Landscape Manual.
3. Sales shall be limited to soda, cigarettes, candy, snacks, auto service products, pet food, and wild bird seed.

William J. Wiseman, III
Zoning Commissioner
of Baltimore County

1993-0317-SPHA

Pursuant to the advertisement, posting of the property, and public hearing held on this Petition, and for the reasons stated above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of May, 1993 that the Petition for Special Hearing to extend the time period in which to utilize the special exception zoning approvals granted in Case No. 91-348-SPHA until June 5, 1996 be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2) The Petitioner shall comply with the restrictions set forth in the Zoning Commissioner's Order dated June 5, 1991 in Case No. 91-348-SPHA.

Timothy Kotroco
Deputy Zoning Commissioner

2006-0345-SPHXA

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of February 2006, that the Petition for Special Exception to use the subject property for a boat yard, including sales, display and cleaning, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve amendments to the previously approved site plans (Case Nos. 2955-RS, 85-160-X, 91-348-SPHA and 93-317-SPH); to confirm that the proposed boatyard is not an out-of-water storage facility and not subject to the parking requirements of Section 409.6.A.4; and, that the eight (8) parking spaces proposed are sufficient for the proposed use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS ORDERED that the Petition for Variance seeking relief from Section 230.12.D of the B.C.Z.R. to permit sales/display of boats 52 feet in front of the required front building line in lieu of the permitted 5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2) There shall be no major repairs or servicing activities performed on the premises.
3) Landscaping shall be provided around the base of the sign as well as the fence, where space permits, to soften the appearance of the fence and signage.
4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that any appeal of this decision must be filed within thirty (30) days from the date of this Order.

William J. Wiseman, III
Zoning Commissioner
for Baltimore County

WJW:bjs

1991-0348-SPHA

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 5th day of June, 1991, that the Petition for Special Hearing for approval of an amendment to the site plans in case No. 2955-RS and No. 85-160-X and restriction No. 3 in the latter case to allow the existing food store as a use in combination with a gasoline station to sell all types of food and convenience items in lieu of the permitted sale of soda, cigarettes, candy, snacks, auto service products, pet food and wild bird seed, is hereby GRANTED; and,

IT IS FURTHER ORDERED that Restriction No. 3 of case No. 85-160-X is hereby stricken and rendered null and void; and,

IT IS FURTHER ORDERED that all prior zoning cases 2955-RS and 85-160-X shall remain in full force and effect as if set forth in their entirety herein, except where said cases are inconsistent with the holding of the instant Order; and,

IT IS FURTHER ORDERED that, pursuant to a Petition for Zoning Variance, variances from Section 405.4.A.2.a to permit minimum setbacks of 4 ft. and 12 ft. from the street right of way in lieu of the required 10 ft. and 15 ft. for a proposed canopy and existing pump islands, respectively, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.A.3.a. to permit existing curb tangent lengths of 10 ft. between the existing access driveway on Back River Neck Road and the corner, and 7 ft. between the existing access driveway along said road and the southerly property line

in lieu of the required 20 ft. and 10 ft. respectively, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.A.3.b to allow the existing southerly driveway along Back River Neck Road to vary more than 5 degrees from a right angle with the street, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance Section 405.4.B.4 (Section 413) to allow existing double faced signs of 150 sq. ft. and 39.2 sq. ft. respectively with a total area of 189.2 sq. ft., as indicated on Petitioner's Exhibit No. 2 is hereby GRANTED; and,

IT IS FURTHER ORDERED that the variance request from Section 405.4.B.4 (Section 413) to allow two proposed double-faced spreader bar signs with a total area of 192 sq. ft. in lieu of the permitted total free standing signage of 100 sq. ft. is hereby DENIED; and,

IT IS FURTHER ORDERED that the variance request from Section 405.4.B.4 (Section 413) to allow a total of 4 free-standing signs in lieu of the permitted maximum number of 3 free-standing signs is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.A.2.a to permit an existing sign located 1 ft. from the right of way in lieu of the required 6 ft. is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.B.5 to permit proposed free-standing luminaries of 16 ft. in height to be located a minimum distance of 10 ft. from a residential zone in lieu of the required distance of 128 ft. from said zone, in accordance with Petitioner's Exhibit No. 2, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the foregoing relief:

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

2. Prior to the issuance of any permits, the Petitioner shall submit to the Zoning Commissioner's office a certified site plan prepared by a Registered Professional Engineer which clearly identifies all buildings, their size and area dimensions, their exact location on the subject property, their distances from all property lines, and any other information as may be required by a certified site plan.

3. All light standards located in the grassy area on the northeast side of the subject site shall be located no further into said grassy area than 4 ft. from the bituminous curb indicated on Petitioner's Exhibit No. 2. Further, said lighting shall be erected in such a manner as to avoid the unnecessary diffusion of light onto adjoining residential properties.

4. The Petitioner shall comply with all requirements and conditions set forth in the Baltimore County Fire Department's comment of January 28, 1991.

5. Pursuant to the comment of the Deputy Director of the Office of Planning and Zoning dated March 13, 1991, the Petitioner shall submit a landscape plan to the Deputy Director of the Office of Planning and Zoning prior to the issuance of any building permits for prior approval.

6. Petitioner shall not display any temporary signs or seasonal banners on the subject property.

J. Robert Haines
Zoning Commissioner for
Baltimore County

SITE PLAN TO ACCOMPANY
APPLICATION FOR ZONING HEARING
#149 BACK RIVER NECK RD.
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

DATE: 05-17-2023
SHEET 2 OF 2

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
(410) 817-4600



06-16-2023
DATE

Table with 3 columns: FILE NAME, SCALE, DATE, DRAWN BY, JOB, REVISION, SHEET. Row 1: 19-1731 TRV, 20 Ftn, 06-16-2023, name, BACK RIVER, 1/1, 2/2