



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

June 28, 2024

Christopher DeCarlo, Esquire – cdecarlo@wtplaw.com
Whiteford, Taylor and Preston
1 W. Pennsylvania Avenue, Suite 300
Towson, MD 21204

RE: Petition for Special Hearing
Case No. 2024-0101-SPH
Property: 2420 Holly Neck Road

Dear Mr. DeCarlo:

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 "Maureen E. Murphy". The signature is written in a cursive style with a large, prominent "M" and "E".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dml
Enclosure
c: *See Next Page*

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Stanley Love- stanlove8@outlook.com

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(2420 Holly Neck Road)		
15 th Election District	*	OFFICE OF
7 th Council District		
William Faber	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No: 2024-0101-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Special Hearing filed by William Faber (“Petitioner”) for the property located at 2420 Holly Neck Road, Essex (the Property”). The Petition for Special Hearing was filed under Baltimore County Zoning Regulations (“BCZR”), §500.7, to approve the existence of a lawful nonconforming use for a Boarding House under BCZR, §104.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on June 5, 2024 at 1:30 p.m. The Petition was properly advertised and posted. Petitioner appeared in support of the Petition, along with Patrick Richardson, P.E. of Richardson Engineering, LLC who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 2). Christopher DeCarlo, Esquire and Whiteford, Taylor and Preston, LLP represented the Petitioner. The following neighboring property owners and community associations (“Protestants”) testified in opposition: Craig Dranbauer, 2426 Holly Neck Rd.; Dan and Amy O’Toole, 813 Cedar Grove Rd.; Eileen Adams 811 Cedar Grove Rd.; Claude Profili, President and Kathy Filar, Vice President of Holly Neck Conservation Association (“HNCA”); Phil Schwalije 819 Cedar Grove Rd.; and Vernon and Mary Wallace, 833 Cedar Grove Rd. People’s Counsel for Baltimore County submitted 2 letters containing his position. (See File).

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”), and Department of Environmental Protection and Sustainability (“DEPS”) which agencies did not oppose the requested relief.

Petitioner’s Case

The Property is 0.56 acres +/- (24,438 sf +/-) located on the corner of Holly Neck Rd. and Frankewitz Rd. It is improved with a 2-story, 6,762 sf building constructed in 1949 (SDAT). It is split-zoned Resource Conservation, Rural Residential (RC 5) and Business-Maritime-Boatyard (BMB), with most of the Property zoned RC5, and only a small part on the northern end zoned BMB. As shown on an aerial photo, the adjoining property to the north and east is Holly Neck Marina addressed as 2426 Holly Neck Rd. (the “Holly Neck Marina”). (Pet. Ex. 3).

The current RC5/BMB zoning was changed from Business, Local (BL) as part of the 2008 Comprehensive Manual of Development Policies (“CZMP”). (Pet. Ex. 4). The current use of the Property is as an 18-unit boarding house which is not permitted in the RC5 zone. The prior BL zoning, which did permit a boarding house by right, had been in place from 1960 – 2007. (Pet. Ex. 5). There has been an extensive Code Enforcement history for the Property. (Pet. Ex. 7).

William W. Faber, the legal owner, who currently resides in the Philippines, explained that the Property was purchased by his father, William J. Faber, in 1948. In Case No.: R-1949-1466, William J. Faber was granted a zoning reclassification from ‘A’ Residence to ‘E’ commercial, to use the Property for a store. (See File). In 1961, the neighboring property located at 266 ½ Holly Neck Rd., owned by Otto J. Hensel, was granted a Special Exception to use that property as a boatyard (“Hensel’s Marina”) as shown on the site plan (the “1961 Hensel Site Plan”) (Case No.: 1961-5190-X). (See File). In the vicinity map shown on the 1961 Hensel Site Plan, a building is

depicted within the Property boundaries and is owned by William J. Faber. (See File).

In 1994, in response to Code Enforcement Case No.: 94-46, William J. Faber filed a Petition for Special Hearing along with a site plan (the "1994 Site Plan") in Case No.: 1994-426-SPH, to approve 2 storage trailers located on the Property as non-conforming uses. The 1994 Site Plan identifies the building on the Property as a 'tavern.' In 1994, the Property was split-zoned with the southern portion which contained the building as zoned BL, and the northern portion (where the trailers were located) shown as a gravel parking lot, along with a 1-story dwelling, zoned RC5. The 1994 Order states that the tavern was known as 'Faber's Yacht Club.' In 1999, William W. Faber became the legal owner.

Testifying for the Petitioner in this Case was Stanley Love, who has been the Property manager since 2003. Mr. Love testified that, between 2014-2019, he lived at the Property. Mr. Love confirmed that the tavern was not operating in 2003. Mr. Love testified that in 2003, there were 10 rental units and 2 apartments, and that currently, there are 17 rooms for rent, not 18.

William W. Faber's testimony was that between 1948-2000, while the tavern was operating, there were nine (9) rooms for rent on the upstairs floor. However, he conceded that no documents exist in regard to those alleged rentals. He stated that the tavern closed in 2003-2004 along with two (2) catering halls located in the rear of the building. After the tavern closed in 2004, the tavern, bar area, kitchen and catering halls were slowly converted, into additional rooms for rent, on an annual basis. None of the rooms have kitchens and there is no common area kitchen. Each tenant supplies their own microwave, refrigerator, and/or toaster. Many of the tenants are on month-to-month written leases; other tenants typically stay 6 months to 1 year.

Mr. Faber indicated that each year, he has obtained a Rental Housing License. However, the County will only issue a License if the instant Case is resolved in his favor. Mr. Faber also

commented that when he initially applied for a Rental Housing License, he informed the County that there were '4 units' for rent. He explained that he mistakenly believed 'units' corresponded to the 4 sections of the building, not the number of rooms.

Rick Richardson, PE was admitted as an expert in civil engineering, in BCZR, and Baltimore County Code ("BCC"). (Pet. Ex. 1). Mr. Richardson confirmed that the Site Plan reflects that, while only 18 parking spaces are required for an 18 unit boarding house, 28 parking spaces will be provided. (Pet. Ex. 2). Mr. Richardson confirmed that while the Property was zoned BL, the boarding house use was permitted by right until it became non-conforming in 2008, when the Property was rezoned RC5. Mr. Richardson acknowledged that he has no personal or independent knowledge of the historical use for the Property, other than what Mr. Faber told him, or from documents which he reviewed.

Toward that end, Mr. Richardson reviewed Case No.: 2004-304-SPHXA wherein, Mr. Faber - as the former owner of the Holly Neck Marina - filed a Petition for Special Hearing, Special Exception and Variance (the "2004 Opinion and Order") along with a site plan (the "2004 Site Plan") for the Holly Neck Marina, requesting non-conforming use status, and if necessary, to allow an expansion of 18.7%. (Pet. Ex. 6). The 2004 Opinion and Order reads that 2420 Holly Neck Rd. had a 2-story building which was being used as a 'boarding house.' Additionally, the 2004 Site Plan reads that a boarding house had 9 units.

Based on his review of the historic aerial photos, Mr. Richardson also verified that the building footprint did not change between 2005-2020. (Pet. Exs. 10A-10E). Mr. Richardson testified that he has not personally been inside the building. He did review a property insurance 'proposal' which provided a quote on insurance premiums for 10 rooms at the Property. (Pet. Ex. 8). He also confirmed that no development, no improvements, no grading, and no signage are

being proposed at this time. It was his opinion that a boarding house has been continuously used at the Property from 2004 to present.

Protestants Case

Craig Dranbauer is one of the owner/operators of the Holly Neck Marina. Mr. Dranbauer testified that the Holly Neck Marina (which is owned by Holly Neck Marina I, LLC) is comprised of 48 boat slips at which they sell/service 150 boats. Since purchasing the Holly Neck Marina, they have spent over \$500,000.00 in improvements. He emphasized that the boarding house is an eye-sore and a major deterrent to the Holly Neck Marina business. The Property typically has untagged vehicles. Moreover, tenants of the boarding house have threatened and propositioned his employees. Mr. Dranbauer is opposed to the Petition filed here.

Dan O'Toole and Amy O' Toole, 813 Cedar Grove Rd., testified that they have resided in their home since 2020. The O'Tooles echoed the testimony of Mr. Dranbauer in regard to ongoing Code Violations included untagged vehicles, trash, mattresses, and commercial vehicles illegally parked at the Property. They highlighted that a former tenant who was living in a 5-wheel trailer across from the Property, hooked up an electrical connection to the boarding house. The O'Tooles have witnessed public urination and indecent exposure by tenants of the boarding house. Mr. Faber responded that most tenants remain at the Property for 5-6 years and the longest tenant remained for 15-20 years. Mr. Faber also responded that when he was informed about the former tenant connecting to the power supply in the building from the trailer across the street, he had it disconnected.

Eileen Adams, 811 Cedar Grove Rd. testified that she has worked in senior care for 20 years, and, based on her experience, she finds the boarding house conditions deplorable, particularly given the lack of kitchens in the units. She was adamant that the tenants have been

registered child sex offenders and that the Petitioner does not conduct background checks. She repeated that the Property is in a continuous state of Code Enforcement violations which are not addressed. Ms. Adams added that a tenant propositioned a female whom she knows. While the rent charged to the tenants is affordable, Mr. Faber responded that the boarding house is not government sanctioned affordable housing. Yet, the sign on the building reads that senior citizens are preferred as tenants.

Kathy Filar, Vice President of HNCA and Claude Profili, President of HNCA testified on behalf of the HNCA as well as individually. Ms. Filar has lived in the community for 28 years, 24 of which have been with HNCA in various positions. Ms. Filar agreed with the testimony expressed by the Protestants about the poor condition of the Property and lack of exterior maintenance. On cross examination, Ms. Filar did concede that the use of the building since 2007 has been as a boarding house. Mr. Profili, a 20-year resident of the community, added that he believes building permits were needed to construct the interior renovations of the building, particularly the removal of walls. He further contends that some Code Enforcement cases were the result of tenants complaining about living conditions and that, such cases would be closed after the tenant leaves the Property. He highlighted that the SDAT information for the Property identifies the building as a “principal residence”, yet, Mr. Faber testified that he resides in the Philippines. Mr. Profili described the building as “in a state of partial demolition by neglect.” On cross examination, Mr. Profili also agreed that since 2007, the use has been a boarding house.

Phil Schwalije, 819 Cedar Grove Rd., took issue with the expansion of a 9-room boarding house to an 18-room boarding house. He also disagreed about the amount of parking allegedly provided on the Site Plan as they were only striped parking spaces which had faded. He also questioned the expansion of the building footprint.

Vernon and Mary Wallace, 833 Cedar Grove Rd., have lived there since 2003. They testified that their grandchildren live with them and that their bus stop is on Middleborough Rd. While waiting with their grandchildren at the bus stop, they were approached by one of the tenants of the boarding house for money. Mrs. Wallace agrees that building permits should have been issued for 18 bathrooms. Mr. Wallace confirmed that, as a general contractor, all work required for bathrooms and kitchens require a permit. He added that the lack of permits could cause sewage back-ups and fire or other hazards from unpermitted electrical work. Both Mr. and Mrs. Wallace confirmed that the boarding house has been in use since 2007.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term, 2016).

Bill 124-93 was the initial special legislation for boarding and rooming houses which defined the same in BCZR, §101.1 as follows:

BOARDING- OR ROOMING HOUSE

A. A building:

1. Which is the domicile of the owner and in which rooms with or without meals are provided, for compensation, to three or more individuals who are 18 years old or older and not related by blood, marriage or adoption to the owner; or
2. Which is not the owner's domicile and which is occupied in its entirety, for compensation, by three or more individuals who are 18 years old or older and not related to each other by blood, marriage or adoption.

B. The term does not include a hotel, motel, apartment building or a facility for foster care (as defined in the Family Law Article, Section 5-501(g) of the Annotated Code of Maryland and COMAR 07.06.16). The term does include a care home (as defined in the Health General Article, Section 19-307(b) of the Annotated Code of Maryland.)

In regard to nonconforming uses, a valid and lawful nonconforming use is established if the owner can demonstrate that *before and at the time* of the adoption of a new zoning classification/ordinance, the property was being used in a lawful manner that, by later legislation, became non-permitted. *Trip Assoc., Inc. v. Mayor and City Council of Baltimore*, 392 Md. 563, 569 (2006). Under Maryland law, “nonconforming uses are not favored.” *County Council of Prince George’s County v. Zimmer Development Co.*, 444 Md. 490, 514 n. 16 (2015). As such, regulations governing nonconforming uses “must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses.” *County Council of Prince George’s County v. E.L. Gardner, Inc.*, 293 Md. 259, 269 (1982). “Such nonconforming uses pose a formidable threat to the success of zoning. They limit the effectiveness of land use controls, contribute to urban blight, imperil the success of the community plan, and injure property values. (*Id.* at 267).

In Baltimore County, the law regarding nonconforming uses is set forth in BCZR, §104.1, and provides:

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate.

The definition of non-conforming use in BCZR, §101.1 is:

NONCONFORMING USE — A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use.

BCZR, §104.3 prohibits the extension of a nonconforming building or use:

§104.3 Limit on extension of nonconforming buildings and uses; exception.

No nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25 percent of the ground floor area of the building so used. This provision does not apply to structures or uses restored pursuant to Section 104.2, except as authorized by the Zoning Commissioner pursuant to Section 307.

BCZR, § 104.8. controls the termination of a nonconforming use after a determination in a Code Enforcement hearing:

§104.8 Termination of nonconforming use.

After notice and hearing, the Zoning Commissioner may terminate a nonconforming use and require the use to revert to a use allowed under the existing zoning classification if the hearing officer has previously determined, after a code enforcement hearing under Article 3, Title 6 of the Code:

A. That the owner, tenant or entity having control of the land or use is in violation of the County Code, as defined in Article 3, and that the violation is continuing; or

B. That the owner, tenant or entity having control of the land or use is in violation of the County Code for the same offense on multiple occasions.

In regard to the issue of whether a nonconforming use has been extended or intensified, the Supreme Court of Maryland in *Phillips v. Zoning Com'r of Howard County*, 169 A.2d 410, 225 Md. 102, 109-110 (Md. 1961), cited 1 Yokley, *Zoning Law and Practice*, § 153; 2 Rathkopf, *Law of Zoning and Planning*, § 59-1; and *Colati v. Jirout*, 1946, 186 Md. 652, 47 A.2d 613 for the principle that the spirit of the underlying zoning regulations is to restrict, rather than increase nonconforming uses. The Supreme Court of Maryland relied on 101 C.J.S. Zoning §189 in holding that the question as to what is an extension or enlargement of a nonconforming use is ordinarily one of fact, and in determining it, the question in each case must stand on its own facts. (*Id.* at 109).

The Court in *Phillips* wrote that the courts generally disapprove--as a substantial departure from a vested nonconforming use--a change from one use to another. The rule in Maryland, which began with *Chayt v. Zoning Appeals Board*, 177 Md. 426, 9 A.2d 747 (1939), and has continued through a series of cases ending with *Boulevard Scrap Co. v. City of Baltimore*, 213 Md. 6, 7, 130 A.2d 743 (1957), holds that a change from one nonconforming use, to a new and different one, constitutes an impermissible extension of the use.

Citing *Phillips, supra*, the Supreme Court of Maryland in *Feldstein v. LaVale Zoning Bd.*, 246 Md. 204, 210-211, 227 A.2d 731 (Md. 1967), explained, the question of whether there is an extension or an intensification of a vested nonconforming use, is typically governed by the provisions of the local ordinances and regulations, and, while an intensification is permissible, an

extension is not. The Court in *Feldstein*, citing *Green v. Garrett*, 192 Md. 52, 63 A.2d 326 (1949) and *Nyburg v. Solmson*, 205 Md. 150, 106 A.2d 483, 46 A.L.R.2d 1051 (1954), held that while a nonconforming use should not be extended or perpetuated longer than necessary, the more frequent and present use of property, for the same or a similar use than that for which it had been used less frequently, was held to be an intensification, and not an extension. (Cf. *Jahnigen v. Staley*, Md., 225 A.2d 277 (1967)). As applied in the case of *County Comm'rs of Carroll County v. Zent*, 86 Md. App. 745, 587 A.2d 1205 (1991), the Appellate Court of Maryland held that the increase in the number of non-working trucks stored for repair parts on a property used by a milk trucking company constituted a permissible 'intensification' and not an impermissible 'extension.'

The Appellate Court of Maryland in *McKemy v. Baltimore County*, 39 Md. App. 257, 269-270, 385 A.2d 96 (Md. App. 1978), identified 4 factors (commonly referred to as 'The *McKemy* Doctrine') to be considered in deciding whether the current activity is an extension or intensification:

- (1) to what extent does the current use of these property reflect the nature and purpose of the original non-conforming use;
- (2) is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;
- (3) does the current use have a substantially different effect upon the neighborhood;
- (4) is the current use a "drastic enlargement or extension" of the original non-conforming use.

In this Case the two initial questions to be resolved are: (1) whether or not the use of the Property as a boarding house legally existed prior to the inception of a zoning regulation prohibiting that use; and (2) If so, whether that use continued uninterruptedly and not abandoned or discontinued for a period of one year or more. Applying the above case law to the facts here, there is no dispute that the Property was zoned BL between 1960-2007 which zoning permitted a

boarding house by-right. There is no dispute that as set forth in Case No.: 04-304-SPHXA, a finding of fact was made by the ALJ and as confirmed by the 2004 Site Plan, that the use of the Property was as a 9-unit boarding house. (Pet. Ex. 6). In 2008, when the Property was rezoned RC5 as part of the CZMP, that use became illegal. Notably, as conceded by several of the Protestants here, the continuous use of the Property since 2007 has been as a boarding house.

Similarly, the evidence presented by the Petitioner also supports the conclusion that the use since 2007 has been a boarding house, and that there has not been any abandonment or discontinuance of that use for a period of one year or more. The aerial photographs reveal that there has been no expansion of the building footprint since 2005. (Pet. Exs. 10(a)-10(e)). Additionally, there was no evidence provided that the use of the building has been extended more than 25 percent of the ground floor area of the building so used as required by BCZR, §104.3.

The narrowly tailored issue here is intensification verses extension. The facts here are that in Case No.: 2004-304-SPHXA, when the 9-unit boarding house was shown on the 2004 Site Plan, it was permitted by right. Between 2004-2008 while the use was still permitted by right, there would have been a total of 13 rooms based on Mr. Faber's uncontroverted testimony that one (1) room was added each year after the tavern closed in 2004. Between 2008-2013, at the rate of one (1) room per year, five (5) more rooms were added during the time period when the zoning was RC5 and the use was illegal. Given these facts, the above narrow issue can be reframed as to whether those 5 units were a permissible intensification, or an impermissible extension.

Accordingly, an analysis of the facts under the *McKemy* Doctrine is appropriate:

- (1) The evidence supports the conclusion that the current use of the Property as an 18-unit boarding house reflects the nature and purpose of the original 9-unit boarding house established in 2004;
- (2) The evidence supports the conclusion that the current use as an 18-unit boarding house is merely a different manner of utilizing the

original 9-unit non-conforming use and does not constitute a use different in character, nature, and kind;

(3) The evidence supports the conclusion that the same boarding house use whether 9 units, or 18 units, does not have a substantially different effect upon the neighborhood as there was no evidence that the number of units has caused Code Enforcement Citations to be issued. Rather, Code Enforcement Complaints were filed due to the conduct of certain tenants, were filed by the tenants themselves due to conditions of the Property, and/or as a result of the Petitioner's general neglect of the Property. On the issue of Code Enforcement Citations, given the approval of this nonconforming use herein, the Property and the Petitioner will now be subject to BCZR, §104.8 for all future Code Enforcement violations.

(4) The evidence supports the conclusion that the current 18-unit boarding house use – only 5 of which were added during the time period when the zoning did not permit the use - is not a "drastic enlargement or extension" of the legally permitted and already existing 13-unit boarding house in 2008. Rather, the additional 5 units are an intensification of the nonconforming use. (*Zent, supra*).

The Protestants have lived with, and raised valid concerns about the Property condition and about the tenants who have resided in and/or been associated with, the boarding house. As a result of these violations, Code Enforcement actions have previously been filed against the Property. (Pet. Exs. 7). However, each of the Code Enforcement cases has been resolved, terminated and/or found to be in compliance; there are no active Code Enforcement cases against the Property. (Pet. Ex. 7). If the Petitioner was required to obtain a building, electrical and/or plumbing permit and failed to do so, a Code Enforcement Case should have been filed at that time. To address the Protestants' concerns, because the boarding house use will herein be approved as nonconforming, to the extent that there may a Code Enforcement case filed against the Property in the future, and to the extent that there is an adjudication that a violation exists, BCZR, §104.8 set forth above permits the ALJ to terminate the nonconforming use. At this time, that issue is not ripe. Toward that end, a condition will be added to this Order that the Property must at all times be in compliance with all

federal, state and county laws, rules, regulations and policies.

For the reasons set forth herein, the Petition for Special Hearing to approve the nonconforming use as a boarding house will be approved.

IT IS THEREFORE ORDERED this 28th day of **June, 2024** by this Administrative Law Judge, that the Petition for Special Hearing from the BCZR, §104.3 to approve the existence of a lawful nonconforming use for a Boarding House be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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.
2. The Site Plan (Pet. Ex. 2), a copy of which is attached hereto, is incorporated herein.
3. Petitioner and all subsequent owners shall comply with the DOP ZAC comment, a copy of which is attached hereto and incorporated herein.
4. Petitioner and all subsequent owners shall, during their ownership of the Property, ensure at all times, that the Property complies with all applicable federal, state and local laws, statutes, requirements, rules, regulations, and/or policies, or be subject to BCZR, §104.8.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 2420 Holly Neck Road, Essex, Maryland 21221 Currently Zoned RC-5
Deed Reference 28233 / 126 10 Digit Tax Account # 1506000460
Owner(s) Printed Name(s) William W. Faber

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

The existence of a lawful nonconforming use for a Boarding House pursuant to Section 104 of the Baltimore County Zoning Regulations.

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

3. a **Variance** from Section(s)

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)**

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

I / we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

William W. Faber /
Name #1 - Type or Print _____ Name #2 - Type or Print _____
William W. Faber /
Signature #1 _____ Signature #2 _____
2420 Holly Neck Road _____ Essex _____ Maryland
Mailing Address _____ City _____ State _____
21221 / (443) 897-5200 / williamfaber@comcast.net
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Attorney for Petitioner:

Christopher M. DeCarlo, Whiteford, Taylor & Preston, L.L.P.
Name - Type or Print _____
[Signature]
Signature _____
1 W. Pennsylvania Avenue, Suite 300, Towson, Maryland
Mailing Address _____ City _____ State _____
21204 / (410) 347-9459 / cdecarlo@whitefordlaw.com
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Name - Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Case Number 2024-0101-SPH Filing Date 4 / 17 / 24 Do Not Schedule Dates _____ Reviewer [Signature]

**ZONING PROPERTY DESCRIPTION FOR
2420 HOLLY NECK ROAD
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

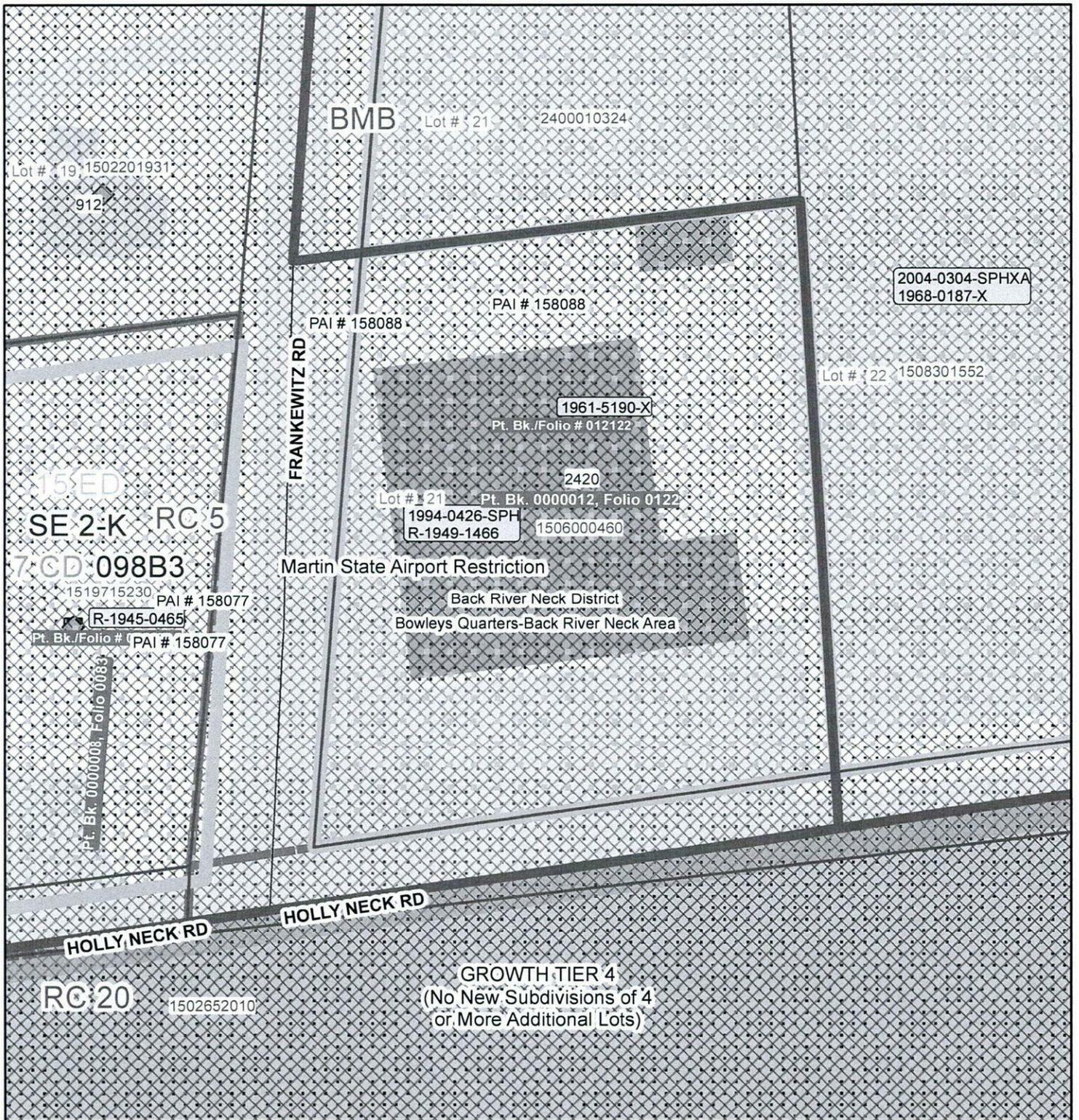
BEGINNING FOR THE SAME at a point of the intersection of Holly Neck Road and Frankewitz Road thence binding on the East side of Frankewitz Road the following bearings and distances: (1) North 04 degrees 52 minutes 08 seconds East 183.35 feet, leaving Frankewitz Road through the middle of Tract 21, (2) North 83 degrees 07 minutes 28 seconds East 125.11 feet, thence binding on the east property line of Tract 21, (3) South 03 degrees 05 minutes 52 seconds East 175.82 feet, to intersect the North side of Holly Neck Road (4) South 81 degrees 30 minutes 08 seconds West 150.79 feet, to the point of beginning.

Containing a net area of 24,438 square feet or 0.56 acres +/-.



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: 08-15-2025

2420 HOLLY NECK RD



Publication Date: 4/17/2024



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



0 10 20 40 60 80 Feet

1 inch = 39.800176 feet

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 - 1506000460

Owner Information

Owner Name: FABER WILLIAM W Use: COMMERCIAL
 Principal Residence: YES
 Mailing Address: # 12C Deed Reference: /28233/ 00126
 2420 HOLLY NECK RD
 ESSEX MD 21221-2004

Location & Structure Information

Premises Address: 2420 HOLLY NECK RD Legal Description: .5567AC PT TRACT 21
 ESSEX 21221- 2420 HOLLY NECK RD
 CEDAR GROVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0098 0021 0001 31504.04 0000 21 2024 Plat Ref: 0012/ 0122

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1949 6,762 SF 22,450 SF 06

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
 TAVERN / C1

Value Information

	Base Value	Value As of 01/01/2024	Phase-in Assessments	
			As of 07/01/2023	As of 07/01/2024
Land:	132,400	132,400		
Improvements	113,800	127,800		
Total:	246,200	260,200	246,200	250,867
Preferential Land:	0	0		

Transfer Information

Seller: FABER LAUREN A Date: 05/21/2009 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /28233/ 00126 Deed2:
 Seller: FABER WILLIAM J Date: 12/01/2005 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /22988/ 00220 Deed2:
 Seller: FABER WILLIAM J Date: 12/29/1998 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /13406/ 00205 Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2023 07/01/2024
 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:

**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/ 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 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: 2024-0101-SPH

Property Address: 2420 Holly Neck Rd

Legal Owners (Petitioners): Willam Faber

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Willam Faber

Address: 2420 Holly Neck Rd Essex, MD 21221

Telephone Number: 443-897-5200

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

BALTIMORE COUNTY DEPARTMENTS OF PERMITS APPROVALS & INSPECTIONS

APPROVED SIGN POSTERS

John Altmeyer
Cell: 410-382-6580
jaltmeyer@aol.com

J. Lawrence Pilson, R.S.
Cell: 443-834-8162
lpilson@hotmail.com

Richard Hoffman
Cell: 443-243-7360
dick_e@comcast.net

Linda O'Keefe
Work: 410-666-5366
Cell: 443-604-6431
lucky linda1954@yahoo.com

Bruce E. Doak
Work: 443-900-5535
Cell: 410-419-4906
bdoak@bruceedoakconsulting.com

Eric Hadaway
Work: 410-296-3333
ehadaway@dmw.com

David Billingsley
Work: 410-679-8719
dwb0209@yahoo.com

Martin Ogle
Cell: 443-629-3411
mert1114@aol.com

Sgt. Robert A. Black
Cell: 410-499-7940
1opie@comcast.net

The petitioner must use one of the sign posters on this approval list. Any reposting must also be done by one of these approved posters. If you wish to select a poster not listed on the list above, prior approval by the Department of Permits, Approvals and Inspections/Zoning is required.

This department is not associated with any of the above posters, nor do we recommend any specific one. We do suggest that you contact a number of them to compare prices, since their charges may vary.

Rev 9/22/2022

Whiteford Taylor Preston LLP

Baltimore Operating
Seven Saint Paul Street
Baltimore, MD 21202-1636

M&T Bank
Manufacturers and Traders Trust Company
Commercial Banking

7-11/520

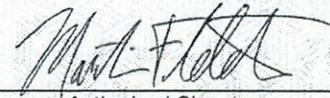
CHECK NO. 201477	DATE 03/25/2024
---------------------	--------------------

VOID AFTER 90 DAYS

Amount
\$500.00

PAY Five Hundred and 00/100 Dollar(s) ONLY

TO THE ORDER OF BALTIMORE COUNTY, MD



Authorized Signature

⑈ 201477⑈ ⑆052000113⑆ 9888052678⑈

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

No. 229834

Date: 3/26/24

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		650					500.00

Total: 500.00

Rec From: Whiteford Taylor Preston LLP

For: SPH 2420 Holly Neck rd

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 2420 Holly Neck Road, Essex, Maryland 21221 Currently Zoned RC-5
Deed Reference 28233 / 126 10 Digit Tax Account # 1506000460
Owner(s) Printed Name(s) William W. Faber

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

The existence of a lawful nonconforming use for a Boarding House pursuant to Section 104 of the Baltimore County Zoning Regulations.

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

3. **a Variance** from Section(s)

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)**

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

I / we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

William W. Faber /
Name #1 - Type or Print _____ Name #2 - Type or Print _____
William W. Faber /
Signature #1 _____ Signature #2 _____
2420 Holly Neck Road _____ Essex _____ Maryland
Mailing Address _____ City _____ State _____
21221 / (443) 897-5200 / williamfaber@comcast.net
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Attorney for Petitioner:

Christopher M. DeCarlo, Whiteford, Taylor & Preston, L.L.P.

Name - Type or Print _____
Signature _____
1 W. Pennsylvania Avenue, Suite 300, Towson, Maryland
Mailing Address _____ City _____ State _____
21204 / (410) 347-9459 / cdecarlo@whitefordlaw.com
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2024-0101-SPH Filing Date 4 / 17 / 24 Do Not Schedule Dates _____ Reviewer [Signature]

**ZONING PROPERTY DESCRIPTION FOR
2420 HOLLY NECK ROAD
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point of the intersection of Holly Neck Road and Frankewitz Road thence binding on the East side of Frankewitz Road the following bearings and distances: (1) North 04 degrees 52 minutes 08 seconds East 183.35 feet, leaving Frankewitz Road through the middle of Tract 21, (2) North 83 degrees 07 minutes 28 seconds East 125.11 feet, thence binding on the east property line of Tract 21, (3) South 03 degrees 05 minutes 52 seconds East 175.82 feet, to intersect the North side of Holly Neck Road (4) South 81 degrees 30 minutes 08 seconds West 150.79 feet, to the point of beginning.

Containing a net area of 24,438 square feet or 0.56 acres +/-.



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: 08-15-2025

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: April 26, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0101-SPH
Address: 2420 HOLLY NECK RD
Legal Owner: William Faber

Zoning Advisory Committee Meeting of April 26, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 22, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0101-SPH

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

DPR: No comment

DPW-T: No Exception taken.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/26/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0101-SPH

INFORMATION:

Property Address: 2420 Holly Neck Road

Petitioner: William W. Faber

Zoning: RC 5

Requested Action: Special Hearing

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

Special Hearing – To determine whether or not the Zoning Commissioner should approve the existence of a lawful nonconforming use for a Boarding House pursuant to Section 104 of the Baltimore County Zoning Regulation.

The subject property is located at the intersection of Holly Neck Road and Frankewitz Road in the Middle River area of Baltimore County. The property consists of an approximately 22,450 SF parcel zoned RC-5 and currently has a building that looks like a hotel/apartment/boarding house. The proposed property is surrounded by the Chesapeake Bay, detached residential dwellings, forest conservation, marina and boat dealership as well as a restaurant.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

There have been multiple code enforcement violations on the property spanning over different years which provides evidence that this is a nuisance property in the neighborhood. Complaints included the use of the property as a tavern, as well as illegally rented units. At least three units are available for weekly rental, as listed in the Accella database. The property was also noted to be in disarray with multiple abandoned vehicles, junk and trash. Residents have also raised safety concerns, reporting that the smoke alarms have been disconnected by the owner due to frequent triggering, and there is a lack of proper egress from the apartments (info gathered from Code Complaints).

It must be noted that the lawful nonconforming use granted for this property was under Special Hearing Case 94-426-SPH. This case did not request a nonconforming use for a boarding house; rather, it was

granted for the use of two existing trailers on the property since 1955. The zoning had changed from BL to RC5 after the construction and use of the existing boarding house, as discussed with the property owner.

The Department of Planning requests that the Administrative Law Judge provide legal interpretations and decisions regarding this Special Hearing Request. If the request is to be granted the Department would like to see the following conditions implemented:

1. All code enforcement complaints are to be addressed/closed.
2. The applicant must clarify the specific use of the property. Strict enforcement of zoning regulations is essential to ensure that the property is used according to its designated purpose.
3. The applicant should be required to outline a strategy for waste management. This strategy should include the use of an enclosed dumpster located in a secure area. Details about the dumpster enclosures must comply with Condition H of the Baltimore County Landscape Manual.
4. Parking areas and loading spaces must conform to Section 409 of the Baltimore County Zoning Regulations (BCZR). The applicant should provide detailed parking plans that designate areas for employees, customers, and ADA-compliant parking. These areas must be arranged in a way that does not obstruct visibility on traffic routes. Additionally, the applicant must demonstrate effective traffic safety measures, particularly concerning property access and egress.
5. Any signage proposed for the use must meet County Zoning Regulations.

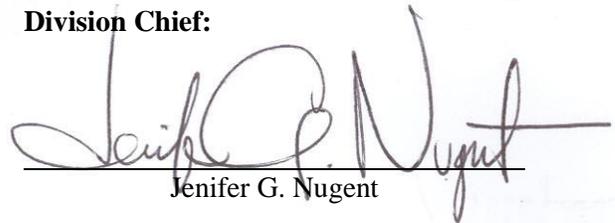
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:

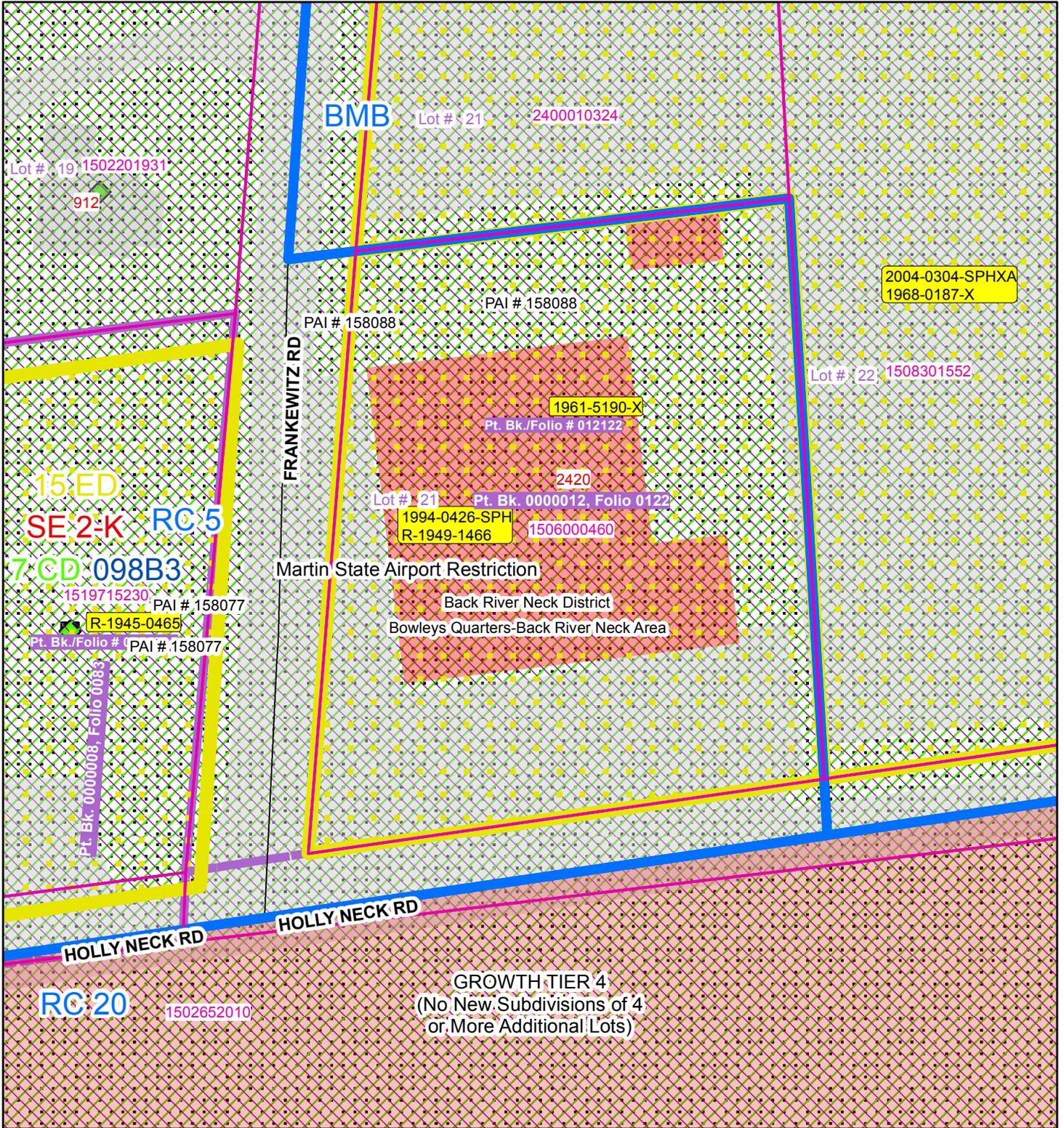


Jenifer G. Nugent

SL/JGN/KP

c: Christopher M. DeCarlo – Whiteford, Taylor & Preston, LLP
Maria Mougridis, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

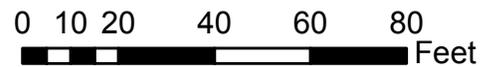
2420 HOLLY NECK RD



Publication Date: 4/17/2024



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



1 inch = 39.800176 feet

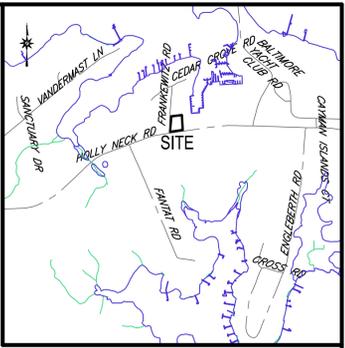
EXHIBIT 2



909 FRANKWITZ RD
 HOLLY NECK MARINA 1 LLC
 TAX ACCOUNT #2400010324
 MAP #98, GRID #21, PARCEL #1
 DEED REF: 44608/443
 PLAT REF: 12/122 LOTS #21
 ZONING: BMB
 COMMERCIAL/RESIDENTIAL

2426 HOLLY NECK RD
 HOLLY NECK MARINA 1 LLC
 TAX ACCOUNT #1508/01552
 MAP #98, GRID #21, PARCEL #1
 DEED REF: 44608/443
 PLAT REF: 12/122 LOTS #22
 ZONING: BMB
 COMMERCIAL

EX BOARDING HOUSE BUILDING
 2 STORY - 18 UNITS



VICINITY MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: WILLIAM W FABER # 12C 2420 HOLLY NECK RD ESSEX MD 21221-2004
- SITE AREA: NET 24,438 SF OR 0.56 AC± GROSS 29,453 SF OR 0.68 AC±
- USES: EXISTING: BOARDING HOUSE PROPOSED: BOARDING HOUSE
- UTILITIES: PUBLIC WATER & SEWER
- DEED REFERENCE: 28233/126
- TAX ACCOUNT #1506000460
- COUNCILMANIC DISTRICT: 7TH
- ELECTION DISTRICT: 15TH
- CENSUS TRACT: 451000
- ZONING: RC 5 (PER 200 SCALE GIS TILE 098B3)
- TAX MAP #98, GRID #21, PARCEL #1
- PLAT: 12/122 CEDAR GROVE, PART TRACT 21
- WATERSHED: MIDDLE RIVER
- PRIOR PERMITS ON FILE: NONE ON FILE.
- PRIOR ZONING CASES ON FILE: 1994-0426-SPH TO APPROVE THE NONCONFORMING USE OF TWO EXISTING TRAILERS ON THE SUBJECT PROPERTY. GRANTED JUNE 28, 1994.
- 1961-5190-X SPECIAL EXCEPTION TO USE THE LAND AS BOAT YARD AND MARINA. GRANTED JANUARY 23, 1961.
- R-1949-1466 RECLASSIFICATION FROM ZONING "A" RESIDENTIAL TO ZONING "E" COMMERCIAL. GRANTED AUGUST 1, 1949.
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC
- THE SITE DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE DOES NOT LIE WITHIN A FLOOD ZONE ACCORDING TO FEMA MAP #240100445G MAY 5, 2014.
- THE SITE DOES NOT LIE WITHIN A TRAFFIC DEFICIENT AREA.
- BASIC SERVICE MAPS:

TYPE	DEFICIENT (Y/N)	NOTE
SEWER	N	
WATER	N	
TRANSPORTATION	N	
- SETBACKS FOR RC 5:

TYPE	REQUIRED	PROVIDED
FRONT	75' FROM CL OF RD	53'±
SIDE	50'	25'±
REAR	50'	42'±
- PARKING: BOARDING HOUSE 18 UNITS @ 1 SPACE PER UNIT = 18 SPACES
- PROVIDED: 28 SPACES



7 Deneison Street
 Timonium, Maryland 21093
 Phone: 410-560-1502, info@richardsonengineering.net
 rick@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION
 FOR
**FABERS YACHT
 CLUB INN**
 2420 HOLLY NECK ROAD

BALTIMORE COUNTY MARYLAND
 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	LNR	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	03-08-24	24049	1 OF 1

PROFESSIONAL CERTIFICATION:
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 16597, EXPIRATION DATE: 08-15-2025



3/19/24



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

BALTIMORE COUNTY
OFFICE OF ADMINISTRATIVE HEARINGS
YOU ARE IN THE
VIRTUAL HEARING ROOM
FOR:

Case Number: 2024-0101-SPH

Property Address: 2420 HOLLY NECK RD

Location: Northside of Holly Neck Road, corner of Eastside of Frankewitz Road

Election District: 15 Council District: 7

Legal Owner: William Faber

Contract Purchaser: No Contract Purchaser was set.

SPECIAL HEARING: To approve the existence of a lawful nonconforming use for a Boarding House pursuant to From Baltimore County Zoning Regulations (“BCZR”), Section 104.

Webex Hearing: Wednesday- 06/05/2024 – 1:30 PM



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

BALTIMORE COUNTY
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YOU ARE IN THE
VIRTUAL HEARING ROOM
FOR:

Case Number: 2024-0101-SPH

Property Address: 2420 HOLLY NECK RD

Location: Northside of Holly Neck Road, corner of Eastside of Frankewitz Road

Election District: 15 Council District: 7

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SPECIAL HEARING: To approve the existence of a lawful nonconforming use for a Boarding House pursuant to From Baltimore County Zoning Regulations (“BCZR”), Section 104.

Webex Hearing: Wednesday- 06/05/2024 – 1:30 PM

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: Judges Murphy, Belt & Baumgartner

105 W. Chesapeake Avenue

Towson, Maryland 21204

VIA -E-MAIL SUBMISSION

RE: Case # 2024-101-SPH | 2420 Holly Neck Road (Faber Property)

May 31, 2024

Dear Judge Murphy, Judge Belt and Judge Baumgartner,

The Rockaway Beach Improvement Association represents the collective interests of the Turkey Point and Cape May Peninsulas in the Essex area of Eastern Baltimore County.

Our organization was asked by the Holly Neck Conservation Association if we would consider submitting a letter in opposition to the requested zoning relief, namely the conference of a nonconforming use status to 2420 Holly Neck Road, aka "The Faber Property." While the subject property is located outside of the boundaries of our community, it is located a short distance across Sue Creek from many of our waterfront residents. After conducting thorough research of the property, its history and of the zoning regulations for the county – we felt it appropriate to weigh in on this matter to stand in solidarity with our neighbors in Holly Neck and oppose the requested relief.

We would offer the following comments, background and analysis for your Honor's consideration:

[Historical Background & Prior Zoning Cases Establishes Use as a Restaurant:](#)

When considering a Petition for Nonconforming Use Status on a property, its historical use is central to the case. It is essential to not only understand how the property is presently used, but to develop a thorough understanding, supported by facts and evidence, of the property's use over the years and if that use was continual or if it changed as time elapsed. Nonconforming use status exists to "grandfather" uses which have existed continually and uninterrupted since before the creation of Baltimore County's Zoning Laws in 1945. In this case, the petitioner is asserting that the property has continually been used as a boarding and rooming house and that it meets those requirements.

Our community disagrees and we would contend that assertion is categorically false and is not possible based on the record. While the property has been used as illegal rooming facility / boarding house for the last several years, it has not always been used in that manner. In fact, up until the early 2000's, the structure was only a one story building used as a restaurant. That fact is substantiated by testimony of the property's owner at the time (and a relative of its current owner) William J. Faber during a 1991 zoning hearing and is also substantiated by a Baltimore Sun article published in November of 2000.

The property's zoning history reveals that William J. Faber filed a petition for Zoning Reclassification – case number: R-1949-1466. In that petition, Mr. Faber sought reclassification from a residential use to a commercial use to permit a seafood restaurant and associated retail store. An order was passed on August 2, 1949 which reclassified the property. The case makes no mention of a rooming facility, boarding house or any residential aspect to the property whatsoever. In reviewing the tax records for the property, the building presently on the site was constructed in 1949. This coincides with the zoning reclassification, and establishes that in 1949, after his petition for reclassification was granted, William J. Faber constructed the building on the site solely for the purpose of a restaurant and retail store.

Mr. Faber also was the petitioner in a 1991 zoning case, in which he sought a special hearing to determine nonconforming use of two trailers at the property for storage purposes. Case number 94-426-SPH includes a site plan which depicts the property's use as a tavern. In the order issued by Deputy Zoning Commissioner, Timothy Kotroco, on June 28, 1994 the following excerpt is relevant in this current matter:

“ Testimony and evidence offered by the petitioner revealed that the subject property consists of 1.0 acres split zoned BL and RC 5 and is located within the Chesapeake Bay Critical Areas near Middle River. The property is improved with a tavern, known as ‘Faber’s Yacht Club’.”

A review of newspaper articles in the decades that followed the building's construction reveals that the use of the Faber property remained consistently and solely a restaurant from its construction in 1949 until the early 2000's following a fire.

In the May 25, 1980 edition of The Baltimore Sun, under the “Weddings” section of the newspaper a notice for the wedding of “Evans-Troutman” which announced the marriage of Marie Troutman and Joseph Evans, both residents of Essex, shares that the couple held their wedding reception at Faber's Yacht Club, which is the name of the restaurant which operated at the property for many years.

A Baltimore Sun newspaper article published on November 20, 2000 reveals that the Faber property, then operating as “Lighthouse Restaurant” suffered damage from a one-alarm fire. The article states that the restaurant which was owned by William J. Faber, was a one story building and at that time, had been vacant for a year. Damages were estimated to be between \$40,000 to \$50,000 (adjusted for inflation, that is equivalent to approximately between \$71,000 to \$91,000 in 2024).

Petitioner asserts that the property has consistently been operating as a rooming facility and boarding house. The public record does not support that assertion.

Standard for Nonconforming Use Not Met:

As The Baltimore County Office of Peoples Counsel articulated in their letter, the benchmark for establishing a nonconforming use is 1945 – the year when Baltimore County Enacted its first zoning laws. In this case, the building at issue was not constructed until 1949. It sought a zoning change / reclassification in 1949 and operated continuously and uninterrupted as a restaurant and tavern until the early 2000's. Based on this information alone, we would contend that petitioners are disqualified from seeking nonconforming use status and their request should thus be DENIED as the benchmark thresholds are unable to be met.

BL Zone Did Not Permit A Boarding or Rooming House:

Petitioner in this matter contends that the prior zoning of the property, BL allowed for the operation of a

Boarding or rooming facility and the time of the zoning change, the early 2000's should be the benchmark, or threshold, for establishing nonconforming use in this matter, instead of the traditional requirement of the use existing prior to 1945. That argument is inappropriate and incorrect in this case. As pointed out in the supplemental letter submitted by The Baltimore County Office of Peoples Counsel, BCZR §230.1.A.1 permits "uses permitted and as limited in the residential zone immediately adjoining." The zoning of the residential zones immediately adjoining the Faber property, as discussed by Peoples Counsel and as evidenced by the historical zoning submits submitted as exhibits with their letters, never allowed for the operation of a boarding or rooming house as a matter of right. For the sake of brevity, we will not cite all of the historical zoning context of the adjoining residential zoned properties and the applicable BCZR provisions, as those were already outlined by Peoples Counsel in their letter. We will simply, state for the record our intention to echo their arguments and join in on their assertions and interpretation.

Request Still Ought to be Disqualified Despite Zoning Changes During CZMP:-

Petitioner makes argument regarding use of the property as a rooming facility prior to the property's rezoning to RC 5. This argument is flawed for a few reasons.

1. Even if, arguendo, the property were operating as such, which the community disagrees was the case, at the time of the zoning change- the nearby zoning case they refer to which depicts the property at issue here on its site plan shows that the number of "rooms" was 9. Following this theory, since that time the property has illegally expanded its operations to nearly double in size despite not having the proper zoning. An expansion would not be something protected by a nonconforming use – the nonconforming use would not expand to cover the additional growth of the illegal operation.
2. Petitioner is no stranger to the Zoning Process, they could have opposed the zoning change, sought a nonconforming use previously - such as what was done previously by Mr. Faber's relative decades ago. Additionally, there have been several Comprehensive Zoning Map Processes in the years since the change during which the Faber family could have sought a zoning change to revert back to previous zoning – they did not do any of those things.

Current Conditions at Property Abhorrent:

The current conditions at the Faber property are abhorrent. It has racked up several livability complaints from occupants and has drawn the ire of the community because of its derelict exterior appearance and flagrant violation of the Baltimore County Code and Baltimore County Zoning Regulations. The property is a major eyesore which poses an immediate and continuing hazard to the health, welfare and safety to the community both surrounding it and at large given its deplorable condition both inside and out. The conditions at the Faber Property are nothing new, in fact, there are a laundry list of Code Enforcement cases, as well as Circuit Court cases initiated by Baltimore County for code and zoning violations at the property. The community believes that based upon a preponderance of the evidence available in the public record, that the operation of a rooming and boarding facility at this property is not in the best interest of the community, and is outrageously detrimental to the health and welfare of the community at large.

Our community expresses our strong solidarity with our neighbors in Holly Neck in stating our opposition to the zoning relief requested by Mr. Faber for 2420 Holly Neck Road. Based on our review of the record, the evidence and the facts in this case, it is clear that the Faber property, while operating as an illegal

boarding and rooming facility for the last few years, does not meet the legal standard to obtain a nonconforming use status.

We would respectfully request that the request be DENIED.

Sincerely,



Kevin McDonough
President
Rockaway Beach Improvement Association Inc.

Certificate of Service:

I hereby Certify that a copy of this letter was sent via e-mail to the following parties in this matter:

Christopher DeCarlo, Counsel for Petitioner cdecarlo@whitefordlaw.com
John Gontrum, Esquire jgontrum@wtplaw.com
Baltimore County Office of Peoples Counsel peoplescounsel@baltimorecountymd.gov
Holly Neck Conservation Association (Kathy Filar, VP) kfilar@verizon.net
Maurice Blanding, Code Enforcement Inspector mblanding@baltimorecountymd.gov
Adam Whitlock, Chief of Code Enforcement awhitlock@baltimorecountymd.gov



X

Kevin McDonough, President RBIA

HOLLY NECK CONSERVATION ASSOCIATION, INC.

P.O. Box 16666 • Essex, MD 21221-0666

April 29, 2024

Via e-mail - paizoning@baltimorecountymd.gov
Department of Permits, Approvals & Inspections
Office Of Administrative Hearings
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: 2420 Holly Neck Road, Case #2024-0101-SPH

Dear Director:

This letter is to advise that Holly Neck Conservation Association, Inc. is in opposition to the zoning request by the Special Hearing in connection with the above-referenced property.

It is our understanding that the owner is attempting to achieve non-conforming use status of an 18 unit boarding house. Based on the experience the community has had with the current conditions & operation on this property, we are asking that the special exception for this property not be granted.

Our community was advised of a code enforcement hearing that was scheduled for Wednesday, March 27th. The case was postponed, and therefore, did not allow our community input at the hearing with regard to the various ongoing issues.

Members of our community have expressed concerns for the ongoing code violations at 2420 Holly Neck Road, including, but not limited to, the buildings' numerous exterior violations: & ongoing issues with exterior maintenance.

- Disrepair and missing exterior siding, soffit panels, and roof shingles.
- Exposed and unprotected wood and openings allowing infestation and rain or moisture to enter the structure.
- The premises are continually littered with junk, trash, and debris, especially on or around the overflowing trash cans with plastic bags, papers, and boxes blowing across the street into the wooded areas of the neighborhood.
- The parking area always has vehicles and/or trailers that are inoperable and/or unlicensed.
- The property appears dilapidated due to neglect and lack of routine maintenance, and poses a threat to the health and safety of the tenants.

We have attached petitions signed by business owners & members of the community surrounding 2420 Holly Neck Road. The petitions express their concerns and were submitted to Code Enforcement in connection with the pending code violation hearing.

Page Two
April 29, 2024

We respectfully request the active involvement of your office to assure that the community's concerns are addressed.

Very truly yours,
Holly Neck Conservation Association, Inc.

Claude Profili
Claude Profili,
President

Enclosures (*signed community petitions*)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/26/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0101-SPH

INFORMATION:

Property Address: 2420 Holly Neck Road

Petitioner: William W. Faber

Zoning: RC 5

Requested Action: Special Hearing

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

Special Hearing – To determine whether or not the Zoning Commissioner should approve the existence of a lawful nonconforming use for a Boarding House pursuant to Section 104 of the Baltimore County Zoning Regulation.

The subject property is located at the intersection of Holly Neck Road and Frankewitz Road in the Middle River area of Baltimore County. The property consists of an approximately 22,450 SF parcel zoned RC-5 and currently has a building that looks like a hotel/apartment/boarding house. The proposed property is surrounded by the Chesapeake Bay, detached residential dwellings, forest conservation, marina and boat dealership as well as a restaurant.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

There have been multiple code enforcement violations on the property spanning over different years which provides evidence that this is a nuisance property in the neighborhood. Complaints included the use of the property as a tavern, as well as illegally rented units. At least three units are available for weekly rental, as listed in the Accella database. The property was also noted to be in disarray with multiple abandoned vehicles, junk and trash. Residents have also raised safety concerns, reporting that the smoke alarms have been disconnected by the owner due to frequent triggering, and there is a lack of proper egress from the apartments (info gathered from Code Complaints).

It must be noted that the lawful nonconforming use granted for this property was under Special Hearing Case 94-426-SPH. This case did not request a nonconforming use for a boarding house; rather, it was

granted for the use of two existing trailers on the property since 1955. The zoning had changed from BL to RC5 after the construction and use of the existing boarding house, as discussed with the property owner.

The Department of Planning requests that the Administrative Law Judge provide legal interpretations and decisions regarding this Special Hearing Request. If the request is to be granted the Department would like to see the following conditions implemented:

1. All code enforcement complaints are to be addressed/closed.
2. The applicant must clarify the specific use of the property. Strict enforcement of zoning regulations is essential to ensure that the property is used according to its designated purpose.
3. The applicant should be required to outline a strategy for waste management. This strategy should include the use of an enclosed dumpster located in a secure area. Details about the dumpster enclosures must comply with Condition H of the Baltimore County Landscape Manual.
4. Parking areas and loading spaces must conform to Section 409 of the Baltimore County Zoning Regulations (BCZR). The applicant should provide detailed parking plans that designate areas for employees, customers, and ADA-compliant parking. These areas must be arranged in a way that does not obstruct visibility on traffic routes. Additionally, the applicant must demonstrate effective traffic safety measures, particularly concerning property access and egress.
5. Any signage proposed for the use must meet County Zoning Regulations.

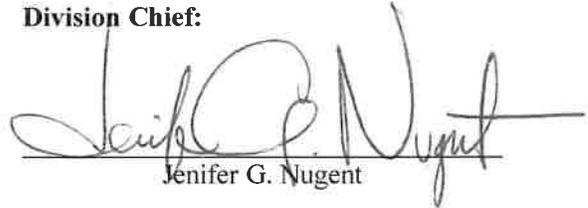
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

SL/JGN/KP

c: Christopher M. DeCarlo – Whiteford, Taylor & Preston, LLP
Maria Mougridis, Community Planner
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. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: April 26, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0101-SPH
Address: 2420 HOLLY NECK RD
Legal Owner: William Faber

Zoning Advisory Committee Meeting of April 26, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 22, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0101-SPH

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

DPR: No comment

DPW-T: No Exception taken.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.



X approximate location of 2420 Holly Neck Road

Petitions with signatures for Holly Beach Road (43 residents signed petition)

Petitions with signatures for Engberth Road (30 residents signed petition)

Petitions with signatures for Cedar Grove Road (9 residents signed petition)

Petitions with signatures for Holly Neck Road (the property owner next to Faber property signed)

Petition signed by businesses (1) McFaul's Oyster and Reel, (2) Baltimore Yacht Club & (3) Holly Neck Marina

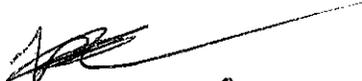
Petitions with signatures for Fantat Road (8 residents signed petition)

Petitions with signatures for Baltimore Yacht Club Road (2 residents and one business signed petition)

Petitions with signatures for Frankewitz Road (1 resident living next to Faber property signed)

Re: Code Enforcement Hearing Scheduled for Wednesday, March 27, 2024 for property at 2420 Holly Neck Road, Essex, MD 21221.

By signing this petition, you are expressing your concern for the violations at 2420 Holly Neck Road, including, but not limited to, the building's numerous exterior violations & ongoing issues with exterior maintenance. You are also expressing dissatisfaction with the property conditions, including trash, junk & abandoned or untagged vehicles. The condition of this building appears to be unsafe due to code violations.

Signature	Name of Resident	Address	Date
	McFaul's Oyster and Reel	400 Baltimore Yacht club	3/21/2024
	Holly Neck Marina	2420 Holly Neck Rd	3-22-24

Business/commercial

Re: Code Enforcement Hearing Scheduled for Wednesday, March 27, 2024 for property at 2420 Holly Neck Road, Essex, MD 21221.

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Signature	Name of Resident	Address	Date
 Scott Lockwood, General Manager	Baltimore Yacht Club	800 Baltimore Yacht Club Road	3/22/2024

Business/Commercial

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<u>Signature</u>	<u>Name of Resident</u>	<u>Address</u>	<u>Date</u>
<u>Claude J Profili</u>	<u>Claude J Profili</u>	<u>1147 Engleberth Rd</u>	<u>03/20/2024</u>
<u>Lois Profiri</u>	<u>Lois PROFILI</u>	<u>1147 Engleberth Rd</u>	<u>3/20/24</u>
<u>Beverly Brazzol</u>	<u>Beverly Brazzerol</u>	<u>1145 Engleberth Rd.</u>	<u>3/20/24</u>
<u>Victoria Doby</u>	<u>VICTORIA DOBY</u>	<u>1209 ENGLEBERTH RD</u>	<u>3/20/24</u>
<u>John O. Doby</u>	<u>JOHN O. DOBY</u>	<u>1209 ENGLEBERTH RD</u>	<u>3/20/2024</u>
<u>Robert Miles</u>	<u>ROBERT MILES</u>	<u>1215 ENGLEBERTH</u>	<u>3-20-2024</u>
<u>Catherine M. E. Holden</u>	<u>Catherine M.E. Holden</u>	<u>1225 Engleberth Rd.</u>	<u>3-2024</u>
<u>Michael A. Botte</u>	<u>Michael A. Botte</u>	<u>1231 Engleberth Rd</u>	<u>3-2024</u>

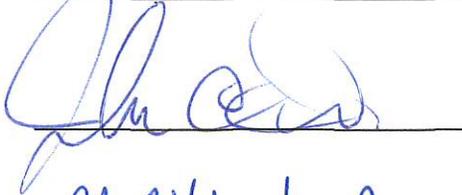
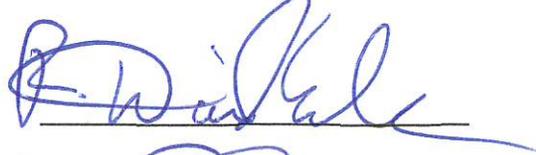
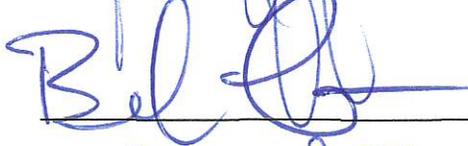
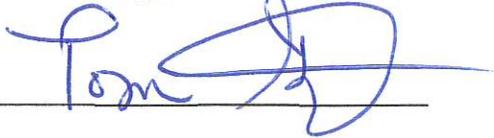
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<u>Signature</u>	<u>Name of Resident</u>	<u>Address</u>	<u>Date</u>
<u>Patti Cuery</u>	<u>Patti Cuery</u>	<u>1235 Engleberth Rd</u>	<u>3/20/24</u>
<u>Jane Beach</u>	<u>JANE BEACH</u>	<u>1230 Engleberth Rd</u>	<u>3/20/24</u>
<u>R. J. Przywara</u>	<u>R. J. PRZYWARA</u>	<u>1136 " "</u>	<u>" "</u>
<u>Pamela Przywara</u>	<u>PAMELA PRZYWARA</u>	<u>1136 Engleberth Rd</u>	<u>3/20/24</u>
<u>Dan S</u>	<u>DANIEL SHILES</u>	<u>1201 Engleberth Rd</u>	<u>3/20/24</u>
<u>Karen Sweeney</u>	<u>KAREN SWEENEY</u>	<u>1201 ENGELBERTH</u>	<u>3/20/24</u>
<u>Michael Mann</u>	<u>MICHAEL MANN</u>	<u>1203 ENGLBERTH</u>	<u>3/20/24</u>
<u>Debra Franklin</u>	<u>Debra Franklin</u>	<u>1117 Engleberth Rd</u>	<u>3/20/24</u>

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<u>Signature</u>	<u>Name of Resident</u>	<u>Address</u>	<u>Date</u>
	John C Day	1207 Engleberth	3/20/24
	Rob Scott Jr	1211 Engleberth	3/20/24
	Ward Holden	1225 Engleberth	3/20/24
	R. David Edwards	1227 Engleberth	3/20/24
	Rita M. Kurek	1231 Engleberth Rd 21221	3/20/24
	Jody Rosoff	1205 Engleberth Rd	3/20/24
	Burke Cueny	1235 Engleberth Rd	3/20/24
	Tom Casey	1245 Engleberth Rd	3/20/24

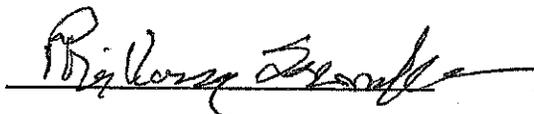
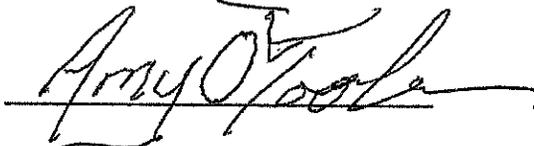
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<u>Signature</u>	<u>Name of Resident</u>	<u>Address</u>	<u>Date</u>
<u>Mary Wallace</u>	<u>Mary Wallace</u>	<u>833 Cedar Grove Rd</u>	<u>3/20/24</u>
<u>J Wanga</u>	<u>Lauren Wanga</u>	<u>903 Frankowitz Rd.</u>	<u>3/20/24</u>
<u>Laraine Long</u>	<u>LARRAINE LONG</u>	<u>829 CEDAR GROVE RD</u>	<u>3/20/24</u>
<u>James T. Long</u>	<u>JAMES LONG</u>	<u>829 CEDAR GROVE RD</u>	<u>3/20/24</u>
<u>James Wallace</u>	<u>James Wallace</u>	<u>833 Cedar Grove Rd</u>	<u>3/20/24</u>
<u>Vernell Wallace</u>	<u>VERNON A WALLACE JR</u>	<u>833 CEDAR GROVE RD</u>	<u>3/20/24</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

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<u>Signature</u>	<u>Name of Resident</u>	<u>Address</u>	<u>Date</u>
<u></u>	<u>Eileen Adams</u>	<u>811 Cedar Grove Rd</u>	<u>3-20-24</u>
<u></u>	<u>Phil Schwabje</u>	<u>819 Cedar Grove Rd</u>	<u>3-20-24</u>
<u></u>	<u>Amy O'Toole</u>	<u>813 Cedar Grove Rd</u>	<u>3-20-24</u>
<u></u>	<u>Mick & Tricia Norman</u>	<u>809 Cedar Grove Rd</u>	<u>3-20-24</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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Signature	Name of Resident	Address	Date
<u>Regina J. Dausen</u>	<u>Regina J. Dausen</u>	<u>2512 Holly Beach Rd.</u>	<u>3/20/24</u>
<u>William Dausen</u>	<u>Bill DAUSEN</u>	<u>2512 Holly Beach Rd</u>	<u>3-20-24</u>
<u>Allison Jurgensen</u>	<u>Allison Jurgensen</u>	<u>1139 Fantat rd</u>	<u>3-20-24</u>
<u>Maria Handrow</u>	<u>Maria Handrow</u>	<u>1140 Fantat Rd</u>	<u>3-20-24</u>
<u>Irma Rybczynski</u>	<u>Irma Rybczynski</u>	<u>1138 Fantat Rd</u>	<u>3/20/24</u>
<u>John Rybczynski</u>	<u>John Rybczynski</u>	<u>1138 Fantat Rd</u>	<u>3/20/24</u>
<u>Erin Niedoba</u>	<u>Erin Niedoba</u>	<u>1122 Fantat Rd</u>	<u>3/20/24</u>
<u>LEONARDO NIEDOBA</u>	<u>LEONARDO NIEDOBA</u>	<u>1122 FANTAT RD</u>	<u>3/20/24</u>

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<u>Signature</u>	<u>Name of Resident</u>	<u>Address</u>	<u>Date</u>
<u>Margaret Scott</u>	<u>Margaret Scott</u>	<u>2636A Holly Beach Rd, 21221</u>	<u>3/18/24</u>
<u>Kathleen Schmidt</u>	<u>Kathleen Schmidt</u>	<u>2502 Holly Beach Rd 21221</u>	<u>3/19/24</u>
<u>Marsha A Dalton</u>	<u>Marsha A Dalton</u>	<u>2723 Holly Beach Rd 21221</u>	<u>3/19/24</u>
<u>Catherine Belbot</u>	<u>Catherine Belbot</u>	<u>2624 Holly Beach Rd. 21221</u>	<u>3/19/24</u>
<u>Anthony Scarr</u>	<u>ANTHONY SCARR</u>	<u>2636A Holly Beach Rd 21221</u>	<u>3/19/24</u>
<u>William Schmidt</u>	<u>William Schmidt</u>	<u>2502 Holly Beach Rd 21221</u>	<u>3-19-24</u>
<u>Ronald Belbot</u>	<u>RONARD Belbot</u>	<u>2624 Holly Beach Rd ²¹²²¹</u>	<u>3.19.24</u>
<u>Samuel J. Henck</u>	<u>Samuel J. Henck</u>	<u>2700 Holly Beach Rd ²¹²²¹</u>	<u>3-20-24</u>

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<u>Signature</u>	<u>Name of Resident</u>	<u>Address</u>	<u>Date</u>
<u>Michael McQuade</u>	<u>Michael McQuade</u>	<u>2710 Holly Beach Rd</u>	<u>3/20/24</u>
<u>Barbara McQuade</u>	<u>BARBARA McQUADE</u>	<u>2710 HOLLY BEACH RD</u>	<u>3-20-24</u>
<u>A. Renee Whelehan</u>	<u>A. Renee Whelehan</u>	<u>2712 Holly Beach Rd</u>	<u>3-20-24</u>
<u>Terry J. Henderson</u>	<u>TERRY J. HENDERSON</u>	<u>2714 HOLLY BEACH RD</u>	<u>20 MAR 2024</u>
<u>Joseph T. Byrnes</u>	<u>Joseph T. Byrnes</u>	<u>2731 Holly Beach Rd</u>	<u>3-20-24</u>
<u>Barbara J. Byrnes</u>	<u>Barbara J. Byrnes</u>	<u>2731 Holly Beach Rd</u>	<u>3-20-24</u>
<u>Sherri S. Shetz</u>	<u>Sherri S. Shetz</u>	<u>2727 Holly Beach Rd</u>	<u>3-20-24</u>
<u>Linda Henning</u>	<u>LINDA HENNING</u>	<u>2630 Holly Beach Rd</u>	<u>3-20-24</u>

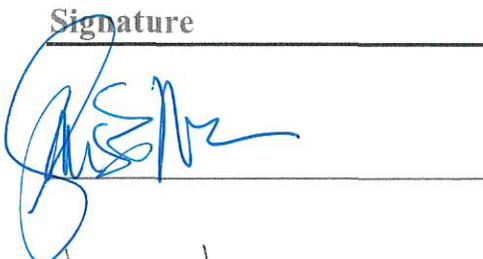
Re: Code Enforcement Hearing Scheduled for Wednesday, March 27, 2024 for property at 2420 Holly Neck Road, Essex, MD 21221.

By signing this petition, you are expressing your concern for the violations at 2420 Holly Neck Road, including, but not limited to, the building's numerous exterior violations & ongoing issues with exterior maintenance. You are also expressing dissatisfaction with the property conditions, including trash, junk & abandoned or untagged vehicles. The condition of this building appears to be unsafe due to code violations.

<u>Signature</u>	<u>Name of Resident</u>	<u>Address</u>	<u>Date</u>
<u>Jean Sachs</u>	<u>Beryl + Jean Sachs</u>	<u>2622 Holly Beach Rd</u>	<u>3/20/24</u>
<u>By [Signature]</u>	<u>Beryl + Jean Sachs</u>	<u>2622 Holly Beach Rd</u>	<u>3/20/24</u>
<u>[Signature]</u>	<u>RAY / KAREN EVANS</u>	<u>2612 Holly Beach Rd</u>	<u>3/20/24</u>
<u>[Signature]</u>	<u>Chuck/Michelle Chilton</u>	<u>2614 Holly-Beach Rd</u>	<u>3/20/24</u>
<u>Karen Addams</u>	<u>ROSEMARIE / KAREN ADDAMS</u>	<u>2610 HOLLY BEACH RD</u>	<u>3/20/24</u>
<u>[Signature]</u>	<u>MARTIN Dent</u>	<u>2604 Holly Beach</u>	<u>3/20/24</u>
<u>Philip J. Sullivan</u>	<u>LINDA + PHILIP</u>	<u>2600 HOLLY BEACH</u>	<u>20 MAR 24</u>
<u>[Signature]</u>	<u>Kim & Dave Collignon</u>	<u>2504 Holly Beach</u>	<u>3/20/24</u>

Re: Code Enforcement Hearing Scheduled for Wednesday, March 27, 2024 for property at 2420 Holly Neck Road, Essex, MD 21221.

By signing this petition, you are expressing your concern for the violations at 2420 Holly Neck Road, including, but not limited to, the building's numerous exterior violations & ongoing issues with exterior maintenance. You are also expressing dissatisfaction with the property conditions, including trash, junk & abandoned or untagged vehicles. The condition of this building appears to be unsafe due to code violations.

Signature	Name of Resident	Address	Date
	JAMES E McALITZ	2638 Holly Beach Rd	4/21/24
Lori Larson	Lori Larson	2638 Holly Beach Rd	4/21/24
	Albert Keene	2728 Holly Beach Rd	4/21/24
Kathleen Filari	Kathleen Filari	2626 Holly Beach Rd	3/21/2024
John Filari	John Filari	2626 Holly Beach Rd	3/21/2024

Re: Code Enforcement Hearing Scheduled for Wednesday, March 27, 2024 for property at 2420 Holly Neck Road, Essex, MD 21221.

By signing this petition, you are expressing your concern for the violations at 2420 Holly Neck Road, including, but not limited to, the building's numerous exterior violations & ongoing issues with exterior maintenance. You are also expressing dissatisfaction with the property conditions, including trash, junk & abandoned or untagged vehicles. The condition of this building appears to be unsafe due to code violations.

Signature	Name of Resident	Address	Date
<u>Alison Huppert</u>	<u>ALISON HUPPERT</u>	<u>2508 HOLLY BEACH RD</u>	<u>3/20/24</u>
<u>[Signature]</u>	<u>Kurt Huppert</u>	<u>2508 Holly Beach Rd</u>	<u>3/20/24</u>
<u>Clare Huppert</u>	<u>Clare Huppert</u>	<u>2508 Holly Beach Rd</u>	<u>3/20/24</u>
<u>Max Huppert</u>	<u>Max Huppert</u>	<u>"</u>	<u>"</u>

Real Property Data Search ()
 Search Result for BALTIMORE COUNTY

Name	Account	Street	Own Occ	Map	Parcel
COLLIGNON DAVID K	15 1503470981	HOLLY BEACH RD	N	0098	0205
HOLLY NECK LIMITED	15 2500004601	HOLLY BEACH RD	N	0098	0515
SCHMIDT WILLIAM D	15 1519072680	2502 HOLLY BEACH RD	H	0098	0205
COLLIGNON DAVID K	15 1503470980	2504 HOLLY BEACH RD	H	0098	0205
FOX PHILIP D	15 2400005089	2507 HOLLY BEACH RD	H	0098	0202
HUPPERT KURT	15 1512201920	2508 HOLLY BEACH RD	N	0098	0205
MCKEW MICHAEL D	15 1513108060	2510 HOLLY BEACH RD	H	0098	0205
DAUSES WILLIAM B	15 1515000020	2512 HOLLY BEACH RD	H	0098	0205
HOLLY NECK LIMITED	15 2500004600	2600 HOLLY BEACH RD	N	0098	0515
SULLIVAN PHILIP P	15 1519851070	2600 HOLLY BEACH RD	H	0098	0205
HOFFMAN MARTIN J	15 1502470860	2602 HOLLY BEACH RD	H	0098	0205
DENT MARK R	15 1506570220	2604 HOLLY BEACH RD	N	0098	0205
JACOBS DAVID A	15 1502573800	2606 HOLLY BEACH RD	H	0098	0205
ADDAMS KAREN R	15 1502573801	2610 HOLLY BEACH RD	H	0098	0205
EVANS RAYMOND D	15 1507001360	2612 HOLLY BEACH RD	H	0098	0205
CHILTON CHARLES J	15 1507582540	2614 HOLLY BEACH RD	H	0098	0205
COLE DAVID	15 1523002020	2616 HOLLY BEACH RD	H	0098	0205
CLASH CHRISTIANE M	15 15226400670	2618 HOLLY BEACH RD	H	0098	0205
GATELY SCOTT T	15 1507000280	2620 HOLLY BEACH RD	H	0098	0205
SACHS BERYL	15 1523156450	2622 HOLLY BEACH RD	H	0098	0205
BELBOT RONALD P	15 1504002710	2624 HOLLY BEACH RD	H	0098	0205
FILAR JOHN A	15 1504751340	2626 HOLLY BEACH RD	H	0098	0205
HENNING LINDA A	15 1515640070	2630 HOLLY BEACH RD	D	0098	0205
SALVO DORIS	15 1519001970	2634 HOLLY BEACH RD	H	0098	0205
ROPPELT BRENDEN M	15 2300003908	2636 HOLLY BEACH RD	H	0098	0205
SCARR ANTHONY B	15 2300003909	2636A HOLLY BEACH RD	H	0098	0205
MCNAIR JAMES E	15 1502655430	2638 HOLLY BEACH RD	N	0098	0205
HENCK SAMUEL J	15 1507151070	2700 HOLLY BEACH RD	H	0098	0205
2702 HBR LLC	15 15023155350	2702 HOLLY BEACH RD	N	0098	0205
WILSON ROBERT JOHN	15 1523505130	2704 HOLLY BEACH RD	N	0098	0502
FAIR-PINEDA GLORIA	15 1512590760	2706 HOLLY BEACH RD	H	0098	0216
FIEDEN EILEEN	15 1508650090	2708 HOLLY BEACH RD	H	0098	0216
MCQUADE MICHAEL J	15 1513208420	2710 HOLLY BEACH RD	H	0098	0216
WHELEHAN JOHN F	15 1513865450	2712 HOLLY BEACH RD	H	0098	0216
SOBUS MICHAEL A	15 1505150010	2716 HOLLY BEACH RD	N	0098	0216
HOLLY BEACH ROAD L	15 1800007063	2719 HOLLY BEACH RD	N	0098	0216
2721 HOLLY BEACH R	15 1519072480	2721 HOLLY BEACH RD	N	0098	0216
PLUM STANLEY RICHA	15 1516550120	2722 HOLLY BEACH RD	N	0098	0216
DALTON MARSHA A	15 1519320320	2723 HOLLY BEACH RD	H	0098	0216
BURROUGHS RONALD J	15 15055610160	2724 HOLLY BEACH RD	N	0098	0216
KIELIAN JOHN A	15 1502852540	2725 HOLLY BEACH RD	N	0098	0216
BECKER ALBERT F JR	15 1502200030	2726 HOLLY BEACH RD	H	0098	0216
ECK RICKI S	15 1504201700	2727 HOLLY BEACH RD	H	0098	0216
KEENE ALBERT J JR	15 1506572100	2728 HOLLY BEACH RD	H	0098	0216
STEFANOWICZ CHESTE	15 1510001590	2729 HOLLY BEACH RD	H	0098	0216
QUICK ROBERT J JR	15 1510250070	2730 HOLLY BEACH RD	H	0098	0216
BYRNES JOSEPH T TR	15 1518350160	2731 HOLLY BEACH RD	H	0098	0216
ROHDE BONNIE	15 1502470441	2732 HOLLY BEACH RD	H	0098	0216
DYPSKI MICHAEL C	15 1511000390	2733 HOLLY BEACH RD	H	0098	0216
DANNA KATHERINE D	15 1504001670	2734 HOLLY BEACH RD	H	0098	0216

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

Name	Account	Street	Own Occ	Map	Parcel
HOLLY NECK MARINA	15 15068301551	FRANKEWITZ RD	N	0098	0001
WARGA JORDAN	15 1504202030	903 FRANKEWITZ RD	H	0098	0001
GAYDOS VALERIE S	15 1513552750	904 FRANKEWITZ RD	N	0098	0001
HOLLY NECK MARINA	15 2400010324	909 FRANKEWITZ RD	N	0098	0001
PAGE JARVIES MILES	15 1502201931	912 FRANKEWITZ RD	H	0098	0001

<u>Name</u>	<u>Account</u>	<u>Street</u>
MASTERVICH BRIAN A	15 1506572190	807 CEDAR GROVE RD
NORMAN MICKEY J	15 1513205721	809 CEDAR GROVE RD
ADAMS EILEEN	15 1502204240	811 CEDAR GROVE RD
OTOOLE DANIEL J II	15 1523750160	813 CEDAR GROVE RD
JOHNSON BRUCE E	15 1504351141	817 CEDAR GROVE RD
BAUER SCOTT W	15 1504750520	819 CEDAR GROVE RD
STOCK GEORGE E	15 1519071810	821 CEDAR GROVE RD
SCHONFELF LORRI	15 1502654930	823 CEDAR GROVE RD
LONG JAMES T TRUST	15 1512591850	825 CEDAR GROVE RD
LONG JAMES T TRUST	15 1512591851	829 CEDAR GROVE RD
WEISS WALTER J	15 1503200320	831 CEDAR GROVE RD
WALLACE VERNON A J	15 2500005096	833 CEDAR GROVE RD

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

Name	Account	Street	Own Occ	Map	Parcel
MAP INVESTMENTS LL	15 1506202180	BALTO YACHT CLUB	N	0098	0370
BALTIMORE YACHT CL	15 1502004891	800 BALTO YACHT CLUB RD	N	0098	0451
KEGS RESTAURANT GR	15 1519512380	900 BALTO YACHT CLUB RD	N	0098	0147
INGARI JOHN V	15 2200013091	903 BALTO YACHT CLUB RD	H	0098	0479

Real Property Data Search ()
 Search Result for BALTIMORE COUNTY

Name	Account	Street	Own Occ	Map	Parcel
JURGENSEN BRYAN J	15 1510950111	FANTAT RD	N	0105	0234
RYBCZYNSKI JOHN F	15 2400001258	FANTAT RD	N	0105	0327
CROUSE MARY	15 1519510484	1117 FANTAT RD	H	0105	0107
SCHREIBER ALBERT C	15 1519510483	1120 FANTAT RD	D	0105	0108
NIEDOBA LEONARD TR	15 1519510482	1122 FANTAT RD	H	0105	0107
STILLER DAVID B	15 1519510481	1130 FANTAT RD	H	0105	0031
KREIT JEFFREY A	15 1510950160	1131 FANTAT RD	H	0105	0109
RYBCZYNSKI JOHN F	15 1503231990	1138 FANTAT RD	H	0105	0338
JURGENSEN BRIAN J	15 1510950110	1139 FANTAT RD	H	0105	0234
LAMBROW MARIA M	15 1523154020	1140 FANTAT RD	H	0105	0032

<u>Name</u>	<u>Account</u>	<u>Street</u>
SHANK GARY R	15 2500000556	1100 ENGLEBERTH RD
BYERS G BRENTY	15 1700003275	1104 ENGLEBERTH RD
DOHERTY KEVIN	15 1519070089	1114 ENGLEBERTH RD
BURBRIDGE WILLIAM	15 1519070091	1115 ENGLEBERTH RD
FRANKLIN MICHAEL L	15 1519070080	1117 ENGLEBERTH RD
NEEPER MICHAEL P	15 1513200130	1119 ENGLEBERTH RD
NEEPER MICHAEL P	15 1519712530	1121 ENGLEBERTH RD
NEUBAUER LINDA	15 1508801001	1123 ENGLEBERTH RD
LONSCAK PAVEL	15 1519070081	1125 ENGLEBERTH RD
TELLIS MARIE Z	15 1525450420	1126 ENGLEBERTH RD
MARANI ANDREW R	15 1526400260	1127 ENGLEBERTH RD
LIPSKY MICHAEL M J	15 1506451470	1129 ENGLEBERTH RD
SCHWANKE BISSETT M	15 1526400080	1131 ENGLEBERTH RD
PRZYWARA RONALD J	15 2100006094	1136 ENGLEBERTH RD
PRZYWARA RONALD R	15 2100002913	1136 ENGLEBERTH RD
PRZYWARA RONALD R	15 1505610334	1136 ENGLEBERTH RD
BRUZDZINSKI RICHAR	15 1519070082	1137 ENGLEBERTH RD
CALDWELL GERALD T	15 1503002444	1141 ENGLEBERTH RD
CALDWELL GERALD T	15 1503002443	1141 ENGLEBERTH RD
BRAZEROL BEVERLY D	15 1513200134	1144 ENGLEBERTH RD
WOHLLEBEN CATHERIN	15 1523750493	1145 ENGLEBERTH RD
PROFILI LOIS J	15 1519070083	1147 ENGLEBERTH RD
SWEENEY KAREN L	15 1519002410	1201 ENGLEBERTH RD
MANN MICHAEL B	15 1504203220	1203 ENGLEBERTH RD
ROSOFF JODY	15 1508801000	1205 ENGLEBERTH RD
DAY JOHN C	15 1502651921	1207 ENGLEBERTH RD
DOBY JOHN O SR DOB	15 1520660751	1209 ENGLEBERTH RD
SCOTT ROBERT H JR	15 1512203110	1211 ENGLEBERTH RD
NEUKAM FREDERICK J	15 1514100950	1213 ENGLEBERTH RD
MIT F S RORERT	15 1513200131	1215 ENGLEBERTH RD

MATTHEWS DAVID L	15 1520660750	1224 ENGLEBERTH RD
HOLDEN WILLIS WARD	15 1519070085	1225 ENGLEBERTH RD
HOFFMAN MARK	15 1508801002	1227 ENGLEBERTH RD
MILLER JOHN A	15 1513200133	1230 ENGLEBERTH RD
KUREK RITA M	15 2200014041	1231 ENGLEBERTH RD
CUENY BURKE W	15 1600009754	1235 ENGLEBERTH RD
MORGAN JAMES A	15 1513201490	1239 ENGLEBERTH RD
MITCHELL JAMES LAW	15 1523920110	1241 ENGLEBERTH RD
GRAY THOMAS WILLIA	15 1507582390	1245 ENGLEBERTH RD
BAFITIS WILLIAM N	15 1513200135	1249C ENGLEBERTH RD

**2420 HOLLY NECK ROAD
BALTIMORE COUNTY ADMINISTRATIVE LAW JUDGE
ZONING CASE NO. 2024-0101-SPH
OUR FILE: 105712-1**

EXHIBIT LIST

1. Rick Richardson C.V.
2. Site Plan
3. GIS Aerial
4. 2024 GIS Zoning Map
5. Historical Zoning Maps-2420 Holly Neck
6. Decision and Plat 04-304-SPHXA
7. Code Enforcement History
8. 2007 Insurance Doc.
9. 2008 CZMP Issue Table
- 10.(a) 2005 GIS Photo
- 10.(b) 2007 GIS Photo
- 10.(c) 2011 GIS Photo
- 10.(d) 2017 GIS Photo
- 10.(e) 2020 GIS Photo
11. 5-9-2024 Photos of Property
12. 2007 BL Regs.
13. 2003 BL Regs
14. 2002 Regs Boarding House Definition
15. 1994 BL Regs
16. 1963 Regs – Boarding House
17. Site Plan-3430 Sweet Air Road
18. Ashland & York Road GIS
19. Walmart Carroll Island Road
20. 600 Back River Neck Road
21. 2101 Middleborough Road

7 Deneison Street
Timonium, Maryland 21093

tel. 410-560-1502
richardsonengineering.net

Patrick C. Richardson, Jr., PE

EDUCATION

BSCE University of Delaware, 1982

Professional Engineer in Maryland 1988, Virginia 1993, Washington DC 1997, Delaware 1997

WORK EXPERIENCE

October 1999 to Present, Richardson Engineering, LLC

Owner of engineering firm specializing in Commercial and Residential Land Development. Work includes preparation of zoning plats, site development plans and project management for site development projects. Projects including: Cockeysville Elementary School PAL Center, Soukup Arena Recreation Center in Honeygo, Club House for Roland Run Club, Pizza Hut Stores in Baltimore and Anne Arundel Counties, Giant Food Stores in Baltimore City and County, Krispy Kreme Stores in Maryland, Verizon switch station expansions in Maryland, Parkway 100 and Techwood Center in Anne Arundel County, and Columbia Technology Campus in Howard County, Elkridge Crossing mixed use development in Howard County.

July 1999 to September 1999, Purdum and Jeschke, LLC

Chief engineer responsible for preparation of layout and construction documents for commercial land developments. Work included preparation of zoning plats, site development plans and project management for sites in Maryland. Projects including: Loyola College play fields, Baltimore City, Md.; St Paul's Lutheran Church, Baltimore Co.; Red Star Yeast, Baltimore City; Giant Food Stores in Baltimore City.

February 1997 to June 1999, William Monk, Inc.

Chief engineer responsible for preparation of layout and construction documents for commercial land developments. Work included preparation of zoning plats, site development plans and project management for sites in Maryland and Washington DC.

Major projects including: Edmondson Square Shopping Center, Baltimore City, Md. Amoco Oil Company, sites in Baltimore, Anne Arundel, Prince George's, Howard and Baltimore City. Chick-fil-A Restaurant, Baltimore, Anne Arundel and Frederick Co., Md. International Trade Center Office Warehouse, Anne Arundel Co. Md. KFC Restaurants in Maryland and Washington DC.

April 1986 to Jan. 1997, STV Incorporated

Project Manager in the Site Development Department. Responsible for supervision of the preparation of design documents for the department, including review and sealing all documents submitted to reviewing agencies.

Major projects including: The New International Terminal at BWI Airport: Responsible for management of the civil aspects of the site construction including airfield taxiway and hardstand construction, reconstruction of the existing roadways and extension of the upper level roadway bridge to service the building addition. FILA Warehouse - 650,000 SF warehouse in Brandon Woods Industrial Park, Anne Arundel County, Md. Work included coordination with ongoing infrastructure grading, utilities, construction and sediment control for the adjacent activities. FILA Warehouse - 500,000 SF warehouse in Holabird Industrial Park, Baltimore City, Md. Work included getting permission to construct across Municipal Utilities, and Chesapeake Bay Critical Area mitigation. Amoco Oil Company Convenience Mart on Route 140 and Sandymount Road, Carroll County, Md. Blockbuster Video - New store in Jacksonville, Baltimore County, Md. EXXON Company USA - Demolish and Rebuild' Belvedere and

York Roads, Baltimore City, Md. Parkway Crossing Shopping Center - Work included reconstruction for several stores, and a new culvert and access from Perring Parkway including a State Highway Access Permit and WRA approval. Old Dominion Freight Lines - 25,000 SF Addition to existing warehouse, Howard County, Md. Ashton Meadows 300 unit apartment complex in Howard County, Md. Sunrise House of Towson 56 unit three story assisted living facility, Baltimore County, Md. SCM Chemicals Hawkins Point Plant Numerous projects including (2) million gallon tanks and secondary containment, chlorinator replacement, railroad track improvements, technical center building addition and secondary containment for existing tanks. Work included a stormwater management master plan for the facility, Chesapeake Bay Critical Area mitigation and railroad track design. National Gypsum - Canton Plant expansion including dock improvements, storm water management for the Chesapeake Bay Critical Area, grading, utilities, and sediment control. Bayview Medical Campus - Design of infrastructure for the first phase of development of the campus including 0.6 mile road and utilities, and a 19 acre park with a pond.

February 1985 to March 1986, Spellman, Larson and Associates
Engineer/Designer/Draftsman for land development projects in Baltimore County

May 1982 to January 1985, CBI Industries
Engineer for construction of steel plate structures. Field engineer responsible for layout of materials, and coordination with field personnel. Worked on the Peach Bottom No. 2 Recirculation and Reheat Piping Replacement preparing procedures and policies for the construction and field supervision of the work.

EXHIBIT 3

Baltimore County - My Neighborhood 2023 Aerial



Legend

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- House Numbers
- ▨ Zoning History Cases
- ▭ Zoning
- ▭ Property
- ▭ County Boundary

1:1,128

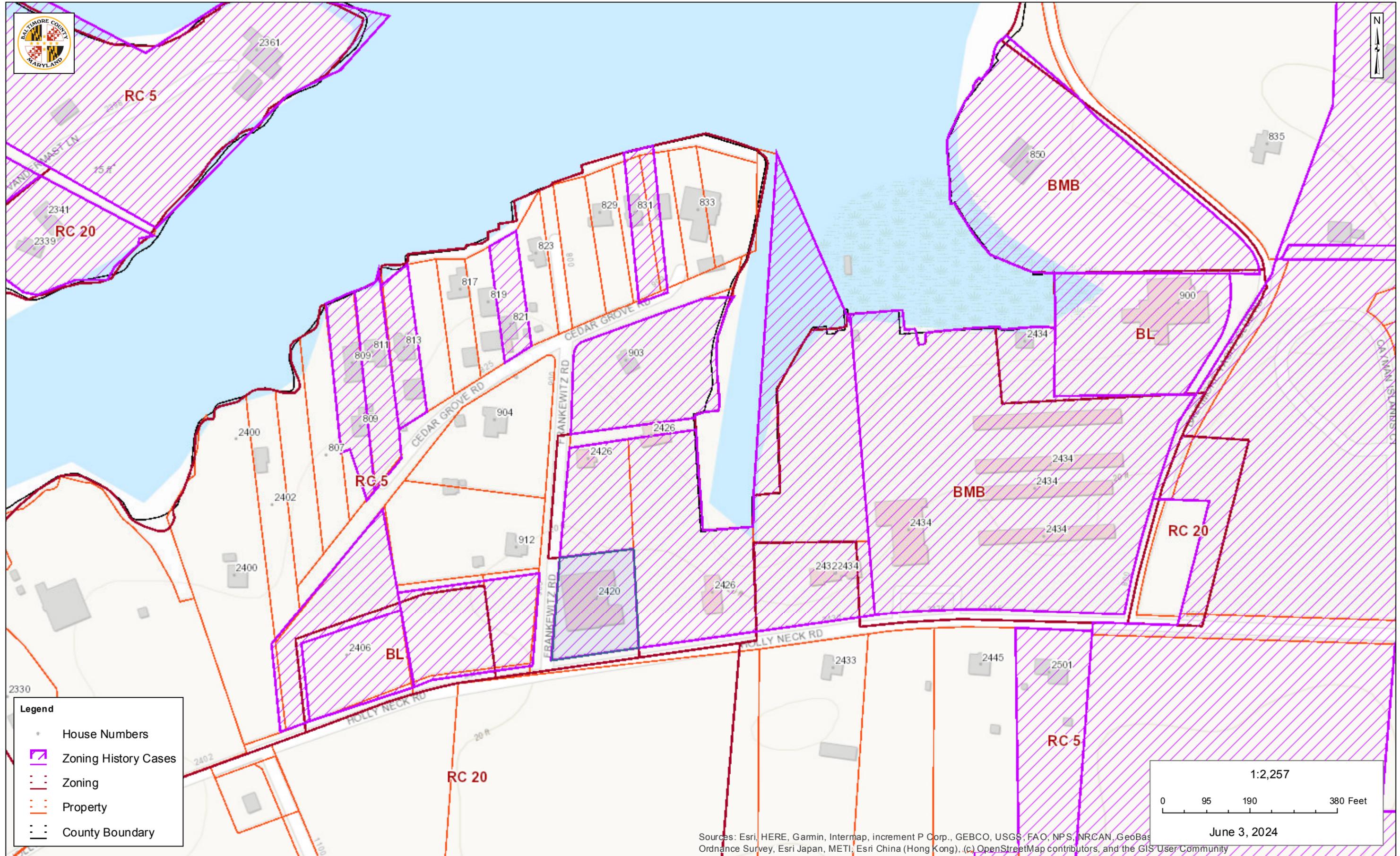
0 45 90 180 Feet

May 30, 2024

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBasis, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

EXHIBIT 4

Baltimore County - My Neighborhood

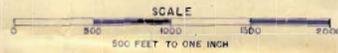


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBas, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

EXHIBIT 5

TAKE

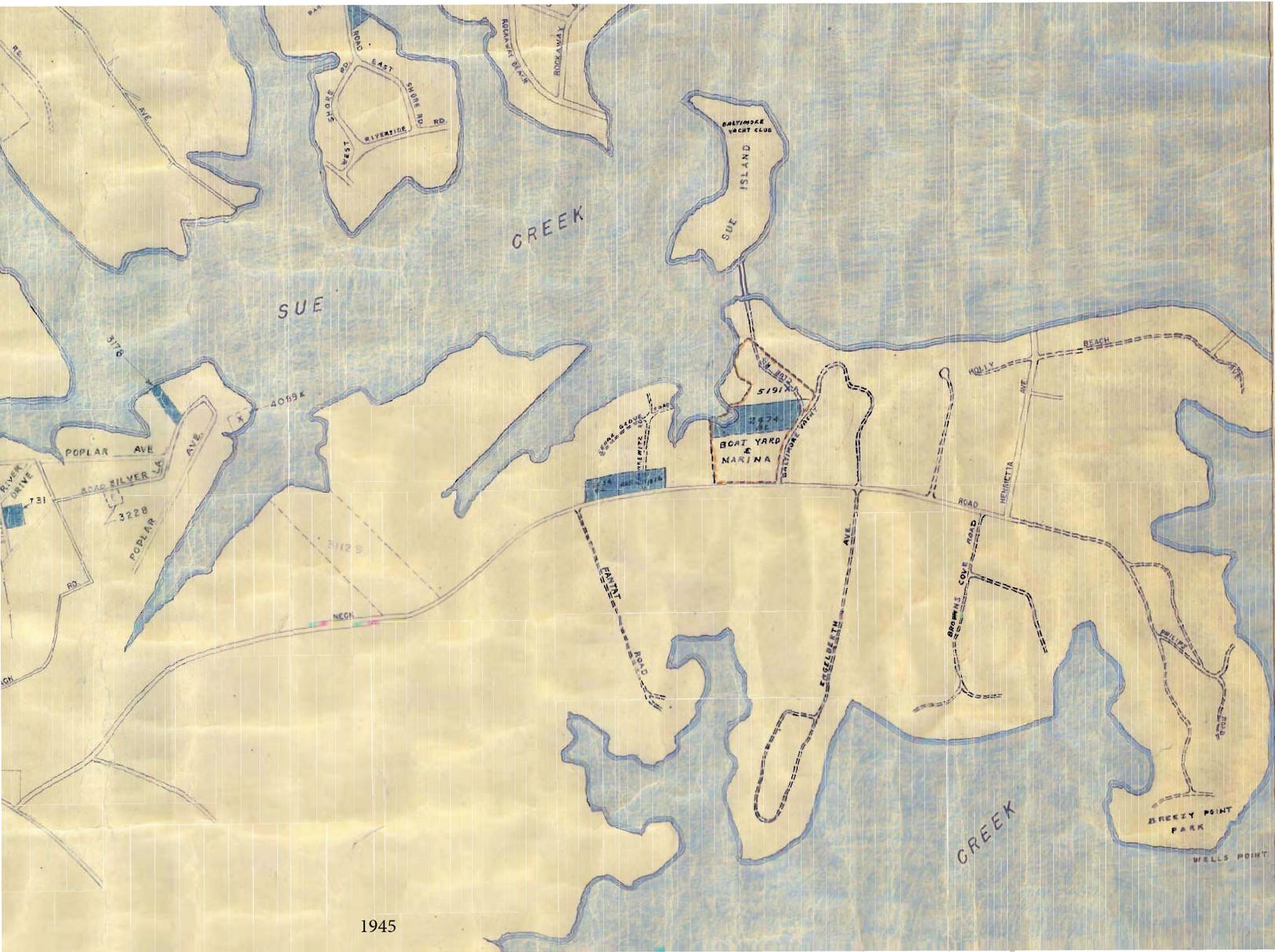
PART OF ZONING DISTRICT NO. 15
ZONING DEPARTMENT + BALTIMORE COUNTY
USE DISTRICT MAP
FIFTEENTH ELECTION DISTRICT OF BALTIMORE COUNTY
SECTION "C"



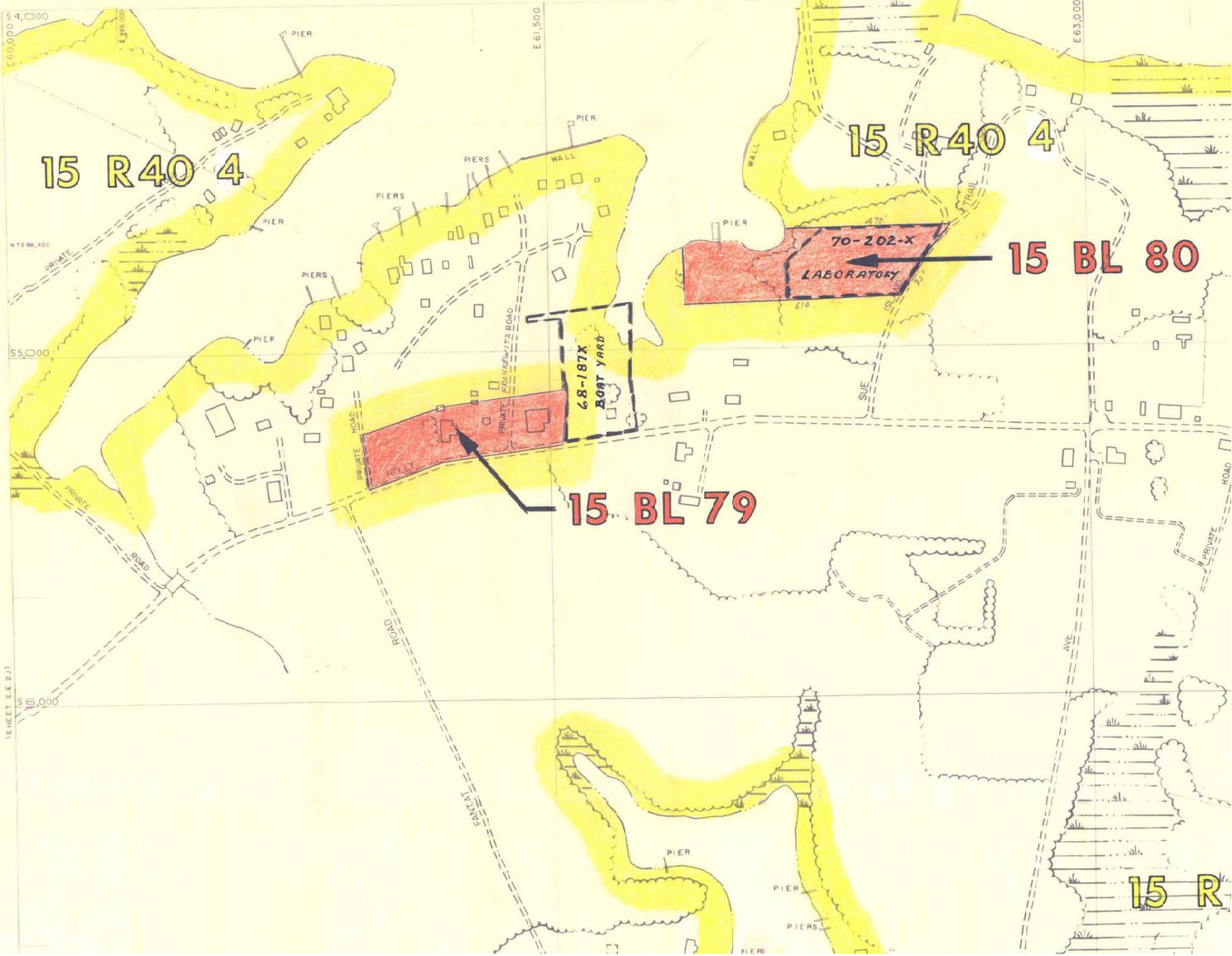
LEGEND

-  - "A" RESIDENCE ZONE - R-G
-  - "B" RESIDENCE ZONE - R-G
-  - "C" RESIDENCE ZONE - R-A
-  - "D" RESIDENCE ZONE - R-G
-  - "E" COMMERCIAL ZONE - B-L
-  - "F" INDUSTRIAL ZONE - M-L
-  - G INDUSTRIAL ZONE
-  - X - SPECIALS

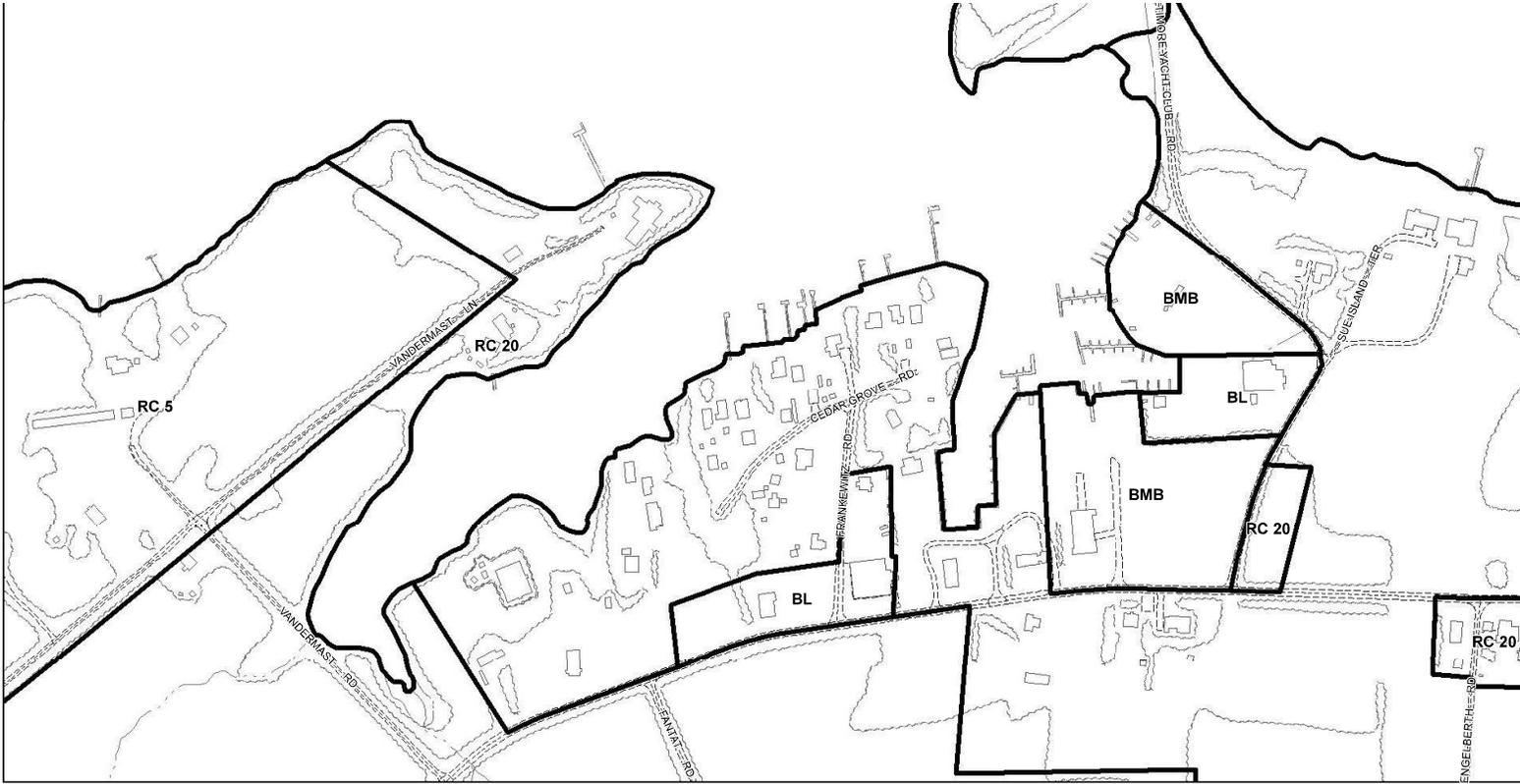
MAP PREPARED & PLOTTED
BY STANLEY J. KROLL
SENIOR DRAFTSMAN



1945



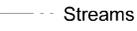
15 R



Plan Sheet: 098B3

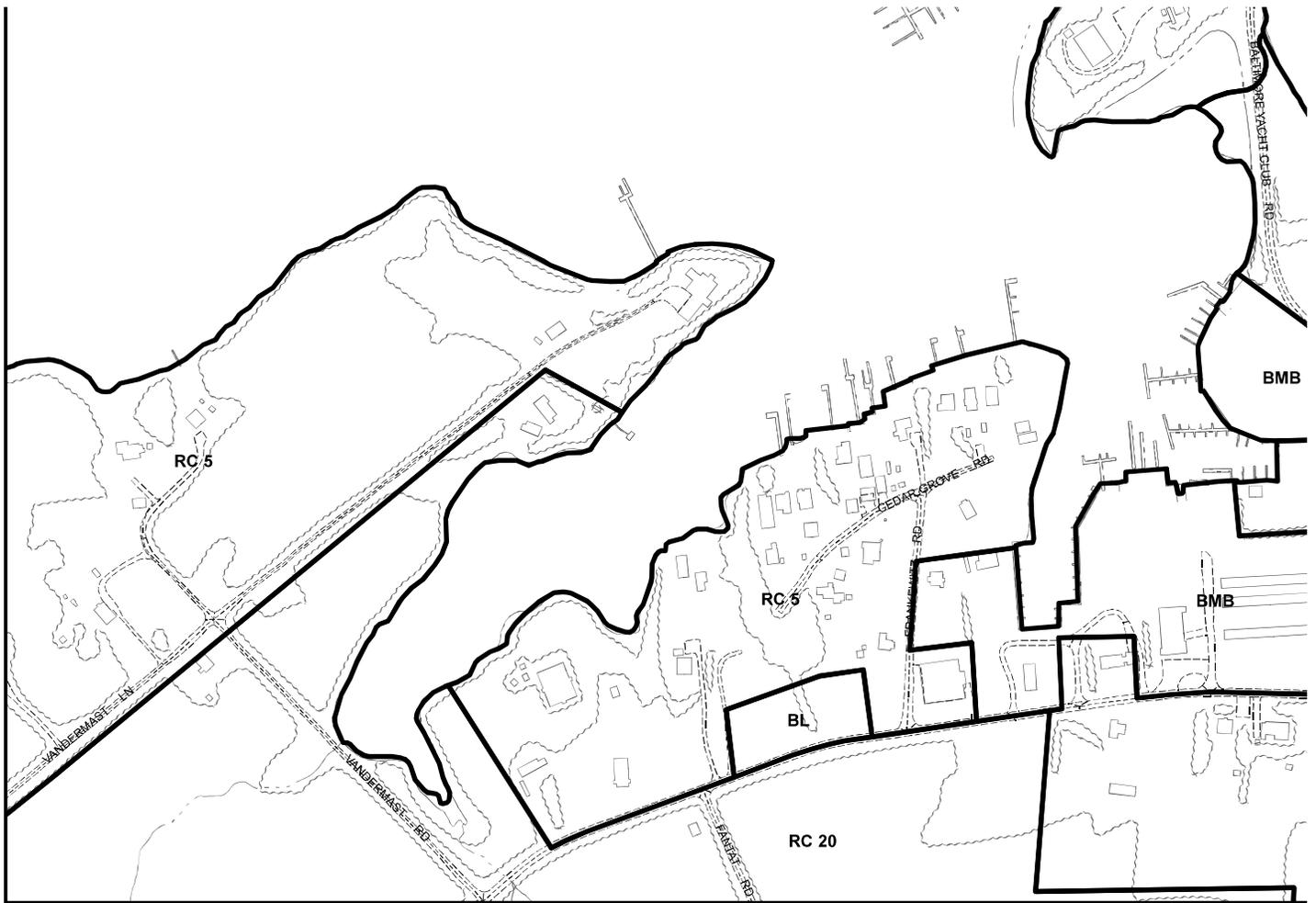
Note:
 The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

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

**Baltimore County
 Office of Planning and Zoning
 Official Zoning Map**

2004



Plan Sheet: 098B3

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

Legend

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

Baltimore
Office of Planni
Official Zo

EXHIBIT 6

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
 SPECIAL EXCEPTION & VARIANCE - * ZONING COMMISSIONER
 N/S Holly Neck Road, 150' E of the c/l *
 Frankewitz Road *
 (2426 Holly Neck Road) * OF BALTIMORE COUNTY
 15th Election District *
 6th Council District * Case No. 04-304-SPHXA

Holly Neck Marina, LLC *
 and William Faber – Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by William Faber and the Holly Neck Marina, LLC, through their attorney, Alfred L. Brennan, Jr., Esquire. The Petitioners request a special hearing to approve or confirm the use of the subject property as a marina, as nonconforming, and, if necessary, to allow an expansion of the marina use by 18.7%, and to permit the required parking for same to be located in an R.C.5 zone. Alternative special exception relief is requested to allow a marina or boatyard with a Class A out-of-water storage facility in a B.L. zone. Finally, variance relief is requested from Sections 232.1 and 232.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a street centerline setback of 38 feet in lieu of the required 40 feet and a side yard setback of 40 feet in lieu of the required 50 feet for an existing building. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were William Faber, property owner; Michael Weaver and Joseph Byrnes on behalf of the Holly Neck Marina, LLC, Lessees; David Billingsley, zoning consultant; and Alfred L. Brennan, Jr., Esquire, attorney for the Petitioners. Also appearing in support of the request were numerous residents from the surrounding community, all of who signed the citizens' sign-in sheet that was circulated at the hearing. There were no Protestants or other interested persons present.

ORDER RECEIVED

Date 3/15/14
 By [Signature]

Testimony and evidence offered revealed that the relief requested relates to two separate, but adjacent parcels used in conjunction with the operation of the Holly Neck Marina. The first is an irregular shaped waterfront parcel containing approximately 3.96 acres in area, of which 2.52 acres is dry land, zoned R.C.5. The remainder of that parcel is located in the bed of Sue Creek. This parcel features numerous boat slips and piers along the water's edge and is also improved with a two-story dwelling (known as 2426 Holly Neck Road), which is located immediately adjacent to that road. To the rear of that parcel is a boat repair shop and small office attached thereto. This parcel has been operated as the Holly Neck Marina for many years and was acquired by Michael Weaver approximately 3½ years ago.

The second parcel under consideration relates to an adjacent 0.47-acre tract, which is actually part of a larger parcel owned by William Faber. The Faber property is located at the intersection of Holly Neck Road and Frankewitz Road and is zoned B.L. The front portion of the site is improved with a two-story building, which is used as a boarding house and bears the address 2420 Holly Neck Road. The rear portion of the site is improved with a dwelling, identified on the site plan as 909 Frankewitz Road. Mr. Faber proposes to subdivide his property and convey the rear portion of the site containing approximately 0.47 acres and the dwelling known as 909 Frankewitz Road to the Holly Neck Marina. It was indicated that the Marina approached Mr. Faber about this conveyance to obtain additional land and allow for expansion of the marina operation. The Marina intends to convert the dwelling for use as a storage building.

As noted above, Mr. Weaver has owned and operated the marina for the past 3½ years. In fact, he resides to the rear of the subject property at 903 Grove Road. Mr. Weaver indicated that he has made numerous improvements and upgrades to the property since his acquisition of same in order to improve its appearance. Indeed, the citizens who appeared from the neighborhood indicated that the property is well maintained. In this regard, there are numerous piers and boat slips along the waterfront. Mr. Weaver indicated that the Faber property will be utilized for additional out-of-water storage and that the existing building will be refurbished and used for storage. Testimony indicated that they currently have 49 boat slips and can store a maximum of 60

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By [Signature]

boats on land in the winter. It is anticipated that another 15 boats will be stored within the expansion area. No boat racks are proposed and there will be no stacking of boats.

Turning first to the Petition for Special Exception, relief is requested specifically for the 0.47-acre parcel, which is zoned B.L. Section 230.13 of the B.C.Z.R. allows boat yards as uses permitted by special exception in the B.L. zone. Boat yards are defined in Section 101 of the B.C.Z.R. as "A commercial or non-profit boat basin with facilities for one or more of the following: sale, construction or repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types." It is clear that the proposed use of the 0.47-acre parcel falls within this definition as boats will be both stored and repaired on that property. Testimony and evidence was offered from a number of witnesses that there are numerous boatyards and marinas in the vicinity and thus, the proposed use is consistent with the locale.

I am easily persuaded that the Petition for Special Exception should be granted. I find that the relief requested meets the criteria for special exception relief and that there will be no detrimental impact to the health, safety and general welfare of the surrounding locale.

Turning to the Petition for Special Hearing, it is to be noted that the R.C.5 zone does not permit a boatyard or a marina as either a use permitted by right or by special exception. Thus, relief is requested to approve the use of the subject property as nonconforming. Nonconforming uses are defined in Section 101 of the B.C.Z.R. and regulated in Section 104. A nonconforming use is defined as "a legal use that does not conform to a use regulation for the zone in which it is located, or to a special regulation applicable to such use." The nonconforming use designation is frequently utilized to grandfather an otherwise illegal use. That is, if the Petitioner can demonstrate that the use existed prior to the effective date of the regulation which prohibited such use, then the use may continue as nonconforming. Nonconforming uses can be forfeited if abandoned or discontinued for a period of one year or more.

The testimony and evidence presented in this case was clear that the subject property has been used as a marina/boat yard since at least 1951, well prior to the effective date of the zoning regulations which prohibited such use in 1955. Testimony from a number of neighbors

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By [Signature]

indicated that there has been no discontinuance or abandonment of such use. Thus, I easily find that the use is nonconforming. In the alternative to the special exception relief, the Petitioners also requested approval to allow the proposed expansion of the marina use into the 0.47-acre parcel zoned B.L., as nonconforming. As I've granted the special exception to allow the operation of a boat yard/marina in the B.L. zone, this request is moot. Moreover, an expansion of the nonconforming use would be inappropriate under these circumstances, given that the request relates to an adjacent property. That is, the marina property as it presently exists is nonconforming; the 0.47-acre parcel is not. However, once the Petitioners acquire the 0.47-acre parcel, it will be incorporated into the Marina property and the internal property line will cease to exist. The entire tract would then be used in a uniform and consistent manner.

Turning to the Petition for Variance, all of the requests relate to the 0.47-acre parcel to be acquired from Mr. Faber. Due to the location of the existing building, relief is necessary to legitimize existing setbacks and there is no new building proposed. Thus, relief will be granted; however, certain restrictions will be imposed to protect the locale. First, I will limit storage on the overall tract to no more than 75 boats. Second, there can be no boat racks or stacking of boats on the property. Third, the Petitioner shall submit a landscape and lighting plan to Avery Harden for review and approval prior to the issuance of any permits. Landscaping should be designed to buffer the subject property from adjacent residential uses, and emphasis should be particularly placed on landscaping along Frankewitz Avenue. Lighting should be designed in such a manner so as to not reflect onto adjacent properties. Lastly, there will be no vehicular access to the subject property from Frankewitz Avenue. The sole means of access will remain from Holly Neck Road.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore county this 15th day of March, 2004 that the Petition for Special Hearing seeking approval or confirmation that the use of the subject property as a marina is nonconforming, and to allow the

ORDER RECEIVED FOR FILING
Date 3/15/04
By [Signature]

required parking for same to be located in an R.C.5 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

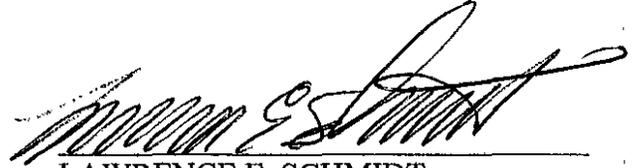
IT IS FURTHER ORDERED that the Petition for Special Exception to allow a marina or boatyard with a Class A out-of-water storage facility in a B.L. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 232.1 and 232.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a street centerline setback of 38 feet in lieu of the required 40 feet and a side yard setback of 40 feet in lieu of the required 50 feet for an existing building, 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 more than 75 boats stored on the subject property and each boat must be stored at ground level. That is, there can be no stacking of boats or boat racks on the subject property.
- 3) Prior to the issuance of any permits, the Petitioner shall submit a landscape and lighting plan to Avery Harden, Baltimore County's Landscape Architect, for review and approval. Proposed landscaping should be designed to buffer the use from adjacent residential properties. Emphasis should be particularly placed on landscaping the property along Frankewitz Avenue. In addition, the lighting should be designed so as not to reflect onto adjacent properties.
- 4) There will be no vehicular access to the subject property from Frankewitz Avenue. The sole means of access will remain from Holly Neck Road.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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Date 3/15/14
By [Signature]

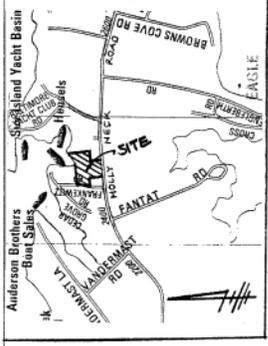
IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of an expansion of the nonconforming marina use by 18.7%, be and is hereby DISMISSED AS MOOT.



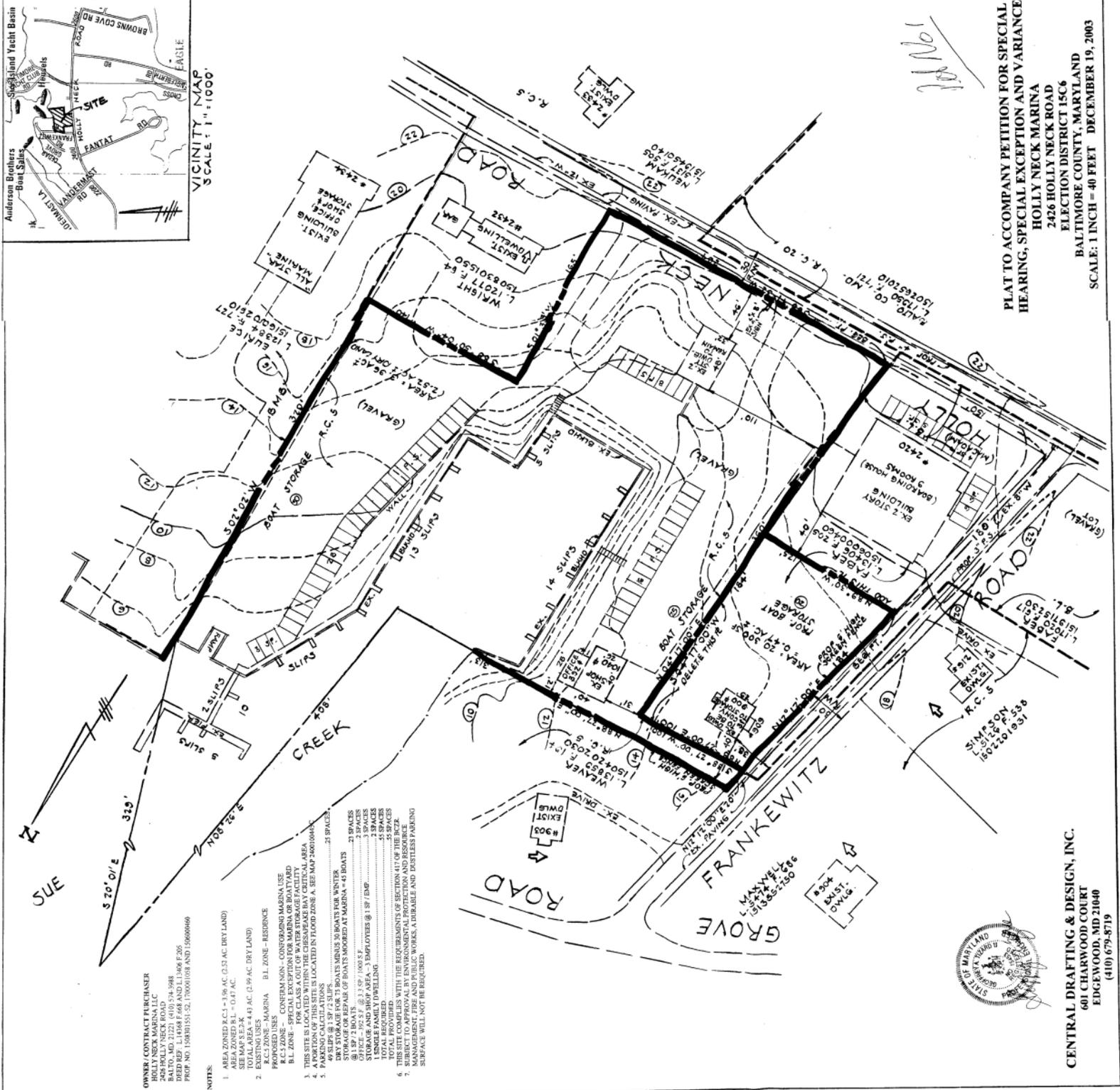
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/15/19
By [Signature]



VICINITY MAP
SCALE: 1" = 1000'



OWNER / CONTRACT PURCHASER
HOLLY NECK MARINA LLC
2426 HOLLY NECK ROAD
BALTIMORE, MD 21040
DEED REF. L14048 F108 AND L11406 F205
PROP. NO. 1508301551-52, 170001058 AND 150600466

NOTES:

1. AREA ZONED R.C.1 = 1.96 AC. (2.53 AC. DRYLAND)
AREA ZONED R.L. = 0.47 AC.
SEE MAP SE-2-K
2. EXISTING USES
R.C.1 ZONE - MARINA B.L. ZONE - RESURFICE
PROPOSED USES
CONFIRMATION - CONSTRUCTION MARINA USE
B.L. ZONE - SPECIAL EXCEPTION FOR MARINA OR BOATYARD
FOR CLASS A OUT OF WATER STORAGE FACILITY
B.L. ZONE - SPECIAL EXCEPTION FOR MARINA OR BOATYARD
4. A PORTION OF THIS SITE IS LOCATED IN FLOOD ZONE A. SEE MAP 240010466
5. PARKING CALCULATIONS
TOTAL SPACES FOR 73 BOATS AND 10 BOATS FOR WINTER STORAGE OR REPAIR OF BOATS MOORED AT MARINA = 45 BOATS
@ 137.2 BOATS @ 1.3 SP / 1000 SF = 23 SPACES
STORAGE AND SHOP AREA - 3 EMPLOYEES @ 187 / DME = 3 SPACES
SINGLE FAMILY DWELLING = 2 SPACES
TOTAL PROVIDED = 28 SPACES
TOTAL REQUIRED = 45 SPACES
6. THIS SITE COMPLIES WITH REQUIREMENTS OF SECTION 1417 OF THE BALTIMORE CITY ZONING AND SUBDIVISION ORDINANCE AND RESURFICE MANAGEMENT, FIRE AND PUBLIC WORKS, A DIRTABLE AND DUSTLESS PARKING SURFACE WILL NOT BE REQUIRED.



CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
HOLLY NECK MARINA
2426 HOLLY NECK ROAD
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET DECEMBER 19, 2003

EXHIBIT 7

5/16/24, 12:55 PM

Acela Citizen Access



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GOVERNMENT

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For assistance, contact Community Code Enforcement at paiaenforce@baltimorecountymd.gov

General Search

Street No.: Street Name: Street Type: ZIP Code:

Case Number:

Start Date:

End Date:

20 Record results matching your search results

Click any of the results below to view more details.

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<input type="checkbox"/>	Date	Case Number	Case Type	Description	Address	Status	Action	Short Notes
<input type="checkbox"/>	02/08/2024	CC2401251	Constituent Complaint	Description: Call taken by 311. There is trash, junk and several abandoned vehicles on the property. There	2420 HOLLY NECK RD, ESSEX MD 21221	In Compliance		200151

Acela Citizen Access

<input type="checkbox"/>	07/07/2023	CC2308722	Constituent Complaint	may be people living out of the trailer and the car that are without tags on this property. OneView Id: 200151 Device Type: Unknown Device Model:	2420 HOLLY NECK RD, ESSEX MD 21221	Citation Mailed	
<input type="checkbox"/>	03/15/2023	CC2302203	Constituent Complaint	UVS	2420 HOLLY NECK RD, ESSEX MD 21221	Monitor	149448
<input type="checkbox"/>	11/13/2022	CC2214837	Constituent Complaint	Description: Large television on lot near road has been there for two months CitySourced Id: 149448 Device Type: Unknown Device Model:	2420 HOLLY NECK RD, ESSEX MD 21221	In Compliance	149448
<input type="checkbox"/>	08/11/2022	CC2210592	Constituent Complaint	THIS PROPERTY IS BEING USED AS A RENTAL/DORM OF SOME SORT, THE ROOMS/DORMS ARE BEING RENTED OUT BY THE WEEK (THERE ARE AT LEAST 3 UNITS LISTED WHEN ENTERING THIS CASE INTO ACCELLA). THERE IS SO MUCH LOOSE TRASH, CWOL IN THE FRONT, AND MANY UTVS.	2420 HOLLY NECK RD, ESSEX MD 21221	In Compliance	
<input type="checkbox"/>	02/20/2022	CB2200095	Building Complaint	This property STILL has abandon mini van , trash all over the ground, no lids on trash cans so animals get in them. How is this ok? Please address for what I pay in taxes in am disappointed in enforcement of standards There	2420 E Holly Neck RD, BLDG, Essex MD 21221 United States	Duplicate Reviewed	

Acela Citizen Access

<input type="checkbox"/>	06/21/2021	CC2109761	Constituent Complaint	TGW, TRASH	is also a large box truck parked at the corner of Frankewitz that blocks the view of oncoming traffic when exiting Frankewitz	2420 HOLLY NECK RD, ESSEX MD 21221	In Compliance	96402
<input type="checkbox"/>	06/21/2021	CC2109762	Constituent Complaint		Description: Sofa near fence with trash, mattress and box spring in parking lot, various junk on property Multiple trash cans without lids	2420 HOLLY NECK RD, ESSEX MD 21221	Duplicate Reviewed	96403
<input type="checkbox"/>	05/04/2021	CC2104988	Constituent Complaint		Description: This is a building that looks to be in terrible condition, The parking lot is filled with abandoned cars with flat tires, Mattresses, and general trash. There is also a commercial dump truck that parks there everyday and blocks your vision when you are turning onto and off of Frankiwicz from and too Holly neck.	2420 HOLLY NECK RD, ESSEX MD 21221	Duplicate Reviewed	92269
<input type="checkbox"/>	05/04/2021	CC2104980	Constituent Complaint		Description: Boarding house at corner of Holly Neck and Frankewitz has old appliances, mattresses, furniture, abandoned mini van and various junk on the lot. The owner must be held accountable to clean it up.	2420 HOLLY NECK RD, ESSEX MD 21221	In Compliance	92258

Showing 11-20 of 20 | [Download results](#)

<input type="checkbox"/>	Date	Case Number	Case Type	Description	Address	Status	Action	Short Notes
<input type="checkbox"/>	05/04/2021	CC2104981	Constituent Complaint	Description: There's an unkept boarding house at this address. There's an abandoned mini van on the parking lot, junk furniture, appliances, mattresses and trash in front and along side the building. There's also a very large truck that is always parked right at the corner of Holly Neck and Frankiewicz that obstructs your view of oncoming cars when you're trying to turn off of Frankiewicz onto Holly Neck Road.	2420 HOLLY NECK RD, ESSEX MD 21221	Duplicate Reviewed		92259
<input type="checkbox"/>	07/10/2019	CRH1901876	Rental Registration Compliance	Description: Property is registered as commercial (type: tavern) and there are multiple rooms being rented out as apartments. It is not a residential property.	2420 Holly Neck Rd, Essex MD 21221	No Violation		49250
<input type="checkbox"/>	07/10/2019	CB1900403	Building Complaint	Description: Property is registered for commercial as a tavern. It is currently inhabited by multiple people who have illegally rented rooms as apartments. Construction on the exterior has been ongoing for months and they do not have a permit to do so.	2420 HOLLY NECK RD, ESSEX MD 21221	No Violation		49253
<input type="checkbox"/>	11/02/2015	CC1513134	Constituent Complaint	REGISTERED RENTAL. NO SMOKES, NO CO, TENANT FEELS HE DOES NOT HAVE PROPER EGRESS FROM APARTMENT. ACCORDING TO TENANT OWNER IDSCONNECTED SMOKES ALARMS BECAUSE THEY KEPT GOING OFF.	2420 HOLLY NECK RD, APT 2, ESSEX MD 21221	In Compliance		
<input type="checkbox"/>	08/27/2012	CC99CO0116784	Enforcement/Code Compliance/Community/Constituent Complaint	UV	2420 HOLLY NECK RD, ESSEX MD 21221	Closed		CC99

5/16/24, 12:57 PM

Acela Citizen Access

<input type="checkbox"/>	10/28/2010	CB99CO0086453	Enforcement/Code Compliance/Construction/Building	ILLEGAL OPEN DUMP, STORING TANKS, CONTAINERS, ETC.	2420 HOLLY NECK RD, ESSEX MD 21221	Closed	CB99
<input type="checkbox"/>	10/25/2007	CC99CO0039673	Enforcement/Code Compliance/Community/Constituent Complaint	ROOMING HOUSE USED TO STORE CHEMICALS, STRUCTURAL VIOLATIONSTO THE BLDG, LIVABILITY CONCERNS ETC	2420 HOLLY NECK RD, ESSEX MD 21221	Closed	CC99
<input type="checkbox"/>	05/23/2007	CC99CO0033604	Enforcement/Code Compliance/Community/Constituent Complaint	GREEN SLIME ONWALL BEHIND TOILET, ODOR INSIDE THE WALL, BEES IN ROOF,(FAVORYACHT CLUB INN)	2420 HOLLY NECK RD, ESSEX MD 21221	Closed	CC99
<input type="checkbox"/>	07/19/2005	CC99CO0015850	Enforcement/Code Compliance/Community/Constituent Complaint	3 UNTAG VEHS PARKED ON SIDE OF BLDG W/EXP TAGSMAP 46A2	2420 HOLLY NECK RD, ESSEX MD 21221	Closed	CC99
<input type="checkbox"/>	08/17/2004	CC99CO0006997	Enforcement/Code Compliance/Community/Constituent Complaint	UTVS, ALSO USING CLOSED CALOON AS A BOARDING HOUSE/ROOMINGHOUSE; 2ND COMPL - CLUB TURNED INTO APTS, COMPL - OFFICER SCHMIDT, ESSEX COMM OUTREACH, X0232	2420 HOLLY NECK RD, ESSEX MD 21221	Closed	CC99

< Prev 1 2 Next >

EXHIBIT 8

Interstate Insurance Mgmt, Inc.

Prepared By: IRIS FRIEDMAN



Local: 410-628-1744

Toll-Free: 800-759-7779
111 WARREN ROAD, COCKEYSVILLE, MD 21030

Fax: 410-628-6914

PROPOSAL

AGENCY: HAMMER INSURANCE AGENCY
TTN: LISA STILES
E: Legal: WILLIAM W FABER
Other:

DATE: 02/21/2007

Insured's Mailing City: BALTIMORE, MD 21221
Location of Risk: BALTIMORE, MD 21221

GENERAL LIABILITY

Renewal Of: CS00321049 EXP: 03/13/2007

Proposed Cov Period: Eff: 03/13/2007 Exp: 03/13/2008

Company: CAPITOL SPECIALTY (CSI) A.M. Best Rating A
Deductibles: BI PD BI & PD
Applies Per: CLAIM OCCURENCE
General Aggregate: 500,000
Prod/CO Aggregate: INCLUDED
Personal & Inv Inj: 500,000
Per Occurrence: 500,000
Fire Damage: 100,000
Medical Payments: 5,000
Coverage Form: OCCURENCE CLAIMS MADE (RETRO DATE:)
Minimum Earned: 25% \$

Commission: 10%

Location #1: 1313 OLD EASTERN AVE, BALTIMORE, MD, 21221

Location	Building	Territory	Code	Description	Prem Base	Exposure
1	1	003	60010	APARTMENT BUILDINGS - OTHER THAN GREATER NEW YORK	U - UNITS	4

Location #2: 2917 EASTERN AVE, BALTIMORE, MD, 21221

Location	Building	Territory	Code	Description	Prem Base	Exposure
2	1	003	61000	BOARDING OR ROOMING HOUSES - OTHER THAN GREATER NEW YORK	U - UNITS	25
2	2	003	61212	BUILDINGS OR PREMISES - BANK OR OFFICE - MERCANTILE OR MANUF	A - AREA	500

Location #3: 2420 HOLLY NECK ROAD, BALTIMORE, MD, 21221

Location	Building	Territory	Code	Description	Prem Base	Exposure
3	1	003	61000	BOARDING OR ROOMING HOUSES - OTHER THAN GREATER NEW YORK	U - UNITS	10
3	2	003	61217	BUILDINGS OR PREMISES - BANK OR OFFICE - MERCANTILE OR MANUF	A - AREA	3,000

BJP190 - COMMERCIAL LINES POLICY JACKET
CG0001 - CGL COVERAGE FORM
CG0067 - EXCL VIOLATION OF STATS THAT GOVERN EMAIL FAX
CG0201 - MARYLAND CHANGES
CG2144 - DESIGNATED PREMISES LIMITATION

CGE145 - NOTICE TO POLICYHOLDERS POTENTIAL RESTRICTIONS-TERRORISM
CGE147 - NOTICE TO POLICYHOLDERS POTENTIAL RESTRICTIONS TERRORISM
CGL 286 - EXCLUSION - INDEPENDENT CONTRACTORS
CGL 288 - AMENDMENT - CONTRACTUAL LIABILITY

CGL 292 - EXCLUSION - WAR LIABILITY
CGL 292 - LIMITATION - PERSONAL & ADVERTISING INJURY
CGL 292 - LIMITATION - WHEN 2 OR MORE POLICIES EXIST
CGL 322 - LIMITATION - CLASSIFICATION
CGL279 - EXCLUSION - CANCER
CIGG 174 - COMMON POLICY DECLARATIONS

CG2150 - AMENDMENT OF LIQUOR
LIABILITY EXCLUSION
CG2160 - Y2K EXCLUSION
CG2175 - EXCL CERTIFIED ACTS OF
TERRORISM
CG2187 - CONDITIONAL EXCLUSION OF
TERRORISM
CG2196 - SILICA OR SILICA-RELATED DUST
EXCL
CGE 064 - NOTICE - OFFER OF TERRORISM
COVERAGE
CGE 071 - SERVICE OF SUIT
CGE 112 - IMPORTANT NOTICE
CGE 126 - AMENDMENT MINIMUM EARNED
PREMIUM
CGE 215 - IMPORTANT NOTICE-
NONPAYMENT OF PREMIUM
CGE 263 - POLICYHOLDER AUDIT
INFORMATION
CGE085 - POLICYHOLDER DISCLOSURE
NOTICE OF TERRORISM INSURANCE

CGL 292 - AMENDMENT - AMENDMENT OF INS
AGREEMENT- KNOWN INJURY OR DAMAGE
CGL 292 - AMENDMENT - DEFINITIONS-LOADING
& UNLOADING
CGL 292 - AMENDMENT - DEPOSIT PREMIUM &
MINIMUM PREMIUM
CGL 292 - AMENDMENT - NONRENEWAL
CGL 292 - EXCLUSION - AIRCRAFT, AUTO,
WATERCRAFT
CGL 292 - EXCLUSION - ASBESTOS, SILICA DUST
CGL 292 - EXCLUSION - DISCRIMINATION
CGL 292 - EXCLUSION - EMPLOYMENT RELATED
PRACTICES
CGL 292 - EXCLUSION - LEAD
CGL 292 - EXCLUSION - NEW ENTITIES
CGL 292 - EXCLUSION - ORGANIC PATHOGEN
CGL 292 - EXCLUSION - POLLUTION
CGL 292 - EXCLUSION - PUNITIVE DAMAGES

CICG 176 - LOCATION SCHEDULE
CICG 179 - COMMON POLICY FORMS
SCHEDULE
CICL 042 - GENERAL LIABILITY COVERAGE
PART DEC
CICL 043 - GENERAL LIABILITY COVERAGE
PART SCHEDULE
CICL 044 - GENERAL LIABILITY FORMS
SCHEDULE
CICL 137 - EXCLUSION-DOG BITES
CICL043 - GENERAL LIABILITY COVERAGE
PART SCHEDULE
IL0017 - COMMON POLICY CONDITIONS
IL0021 - NUCLEAR ENERGY LIABILITY
EXCLUSION
IL0999 - DISC OF PREMIUM & EST PREMIUM
FOR CERTIFIED ACTS OF TERRORISM

orms:

omments:

PROPERTY

Renewal Of: SI844 EXP: 03/13/2007

SIRIUS INTERNATIONAL 00IID292 (292) A.M. Best Rating A- Proposed Cov Period: Eff: 03/13/2007 Exp: 03/13/2008

25% \$

Commission: 10%

Location #1: 1313 OLD EASTERN AVE, BALTIMORE, MD, 21221

Location	Building	Territory	Code	Description	Co Ins	Ded	Wind Ded
1	1		0311	APARTMENT BLDGS	80%	1,000	

Building
Cov: BASIC
Limit: 180000
Valuation: ACV

Location #2: 2917 EASTERN AVE, BALTIMORE, MD, 21221

Location	Building	Territory	Code	Description	Co Ins	Ded	Wind Ded
2	1		0075	BOARDING/ROOMING HOUSES	80%	1,000	

Building
Cov: BROAD
Limit: 450000
Valuation: ACV

Location #3: 2420 HOLLY NECK ROAD, BALTIMORE, MD, 21221

Location	Building	Territory	Code	Description	Co Ins	Ded	Wind Ded
3	1		0702	BLDGS/PREM-BANK/OFFICE-MERC/MFG	80%	1,000	

Building
Cov: BASIC
Limit: 275000
Valuation: ACV

<p>CP0010 - BUILDING & PERSONAL PROPERTY COVERAGE FORM CP0090 - COMMERCIAL PROPERTY CONDITIONS CP0121 - STANDARD FIRE POLICY CP1010 - BASIC CAUSES OF LOSS FORM CP1020 - BROAD CAUSES OF LOSS FORM IL0017 - COMMON POLICY CONDITIONS IL0021 - NUCLEAR ENERGY LIABILITY EXCLUSION IL0207 - MARYLAND CHANGES</p>	<p>IL0415 - PROTECTIVE SAFEGUARDS ENDORSEMENT LMA5053 - TERRORISM EXCLUSION SELECTED LSW1001 - SEVERAL LIABILITY NOTICE LSW1135B - PRIVACY NOTICE NMA1191 - RADIOACTIVE CONTAMINATE EXCL NMA1998 - SERVICE OF SUIT CLAUSE NMA2340 - SEEPAGE/POLLUTION/DEBRIS REMOVAL EXCL NMA2802 - ELECTRONIC DATE RECOGNITION EXCL</p>	<p>NMA2915 - ELECTRONIC DATA ENDORSEMENT NMA2918 - TERRORISM EXCLUSION NMA2920 - TERRORISM EXCLUSION CLAUSE NMA2962 - BIOLOGICAL & CHEMICAL MATERIALS EXCL NMA362 - 80% CO-INSURANCE NMA464 - WAR & CIVIL WAR EXCLUSION SI2002 - MOLD, FUNGI & SIMILAR EXCLUSION CLAUSE</p>
--	--	---

IL0415 P-9 FUNCTIONING SMOKE DETECTORS/ALARMS

PREMIUM SUMMARY W/O TERRORISM

LOB	GENERALLIAB	PROPERTY	TOTAL PREMIUM
rem	2,197.00	5,930.00	8,127.00
L Tax	65.91	177.90	243.81
tmp Fee	0.00	0.00	0.00
ol Fee	125.00	125.00	250.00
isp Fee	0.00	0.00	0.00
tate Tax	0.00	0.00	0.00
otal	2,387.91	6,232.90	8,620.81

PREMIUM SUMMARY W/ TERRORISM

LOB	GENERALLIAB	PROPERTY	TOTAL PREMIUM
rem	2,197.00	5,930.00	8,127.00
error	66.00	178.00	244.00
L Tax	67.89	183.24	251.13
tmp Fee	0.00	0.00	0.00
ol Fee	125.00	125.00	250.00
isp Fee	0.00	0.00	0.00
tate Tax	0.00	0.00	0.00
otal	2,455.89	6,416.24	8,872.13

BILLING / PAYMENT OPTIONS W/O TERRORISM

Terrorism Included

Billing / Payment Options	GENERALLIAB	PROPERTY
Full at inception:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

IF FINANCING IS DESIRED, PLEASE ADVISE UNDERWRITER

P&C TERMS / CONDITIONS:

- Acceptable Experience Acceptable Inspection Written Binding Instructions Required No App Req. If Binding As Quoted
- Signed Statement of Diligent Effort

Financing is subject to adjustment based on changes in loss history .

Renewals are NOT automatic. Please be advised if written binding order is not received prior to policy expiration date there will be a lapse in coverage.

P&C Remarks:

EASE NOTE WE HAVE CHANGED OUR PROCEDURES FOR THE DILIGENT EFFORT. WE NOW REQUIRE THAT YOU ADVISE US OF THE THREE DECLINING CARRIERS WHEN YOU BIND COVERAGE. PLEASE COMPLETE THE ATTACHED DILIGENT EFFORT STATEMENT AND RETURN IT WITH YOUR BIND INSTRUCTIONS. THIS WILL ALLOW YOU TO GET ALL YOUR PAPERWORK DONE AT THE TIME. I HOPE THAT YOU FIND THIS PROCEDURE MORE EFFICIENT FOR YOU

IN ORDER TO BIND COVERAGE, PLEASE FORWARD TO MY ATTENTION THE COMPLETED, SIGNED AND DATED DILIGENT EFFORT STATEMENT, TRIA AND DISCLOSURE FORM ALONG WITH THE COMPLETED REQUEST TO BIND COVERAGE FORM.

MY E-MAIL ADDRESS IS IRIS@INTERSTATE-INSURANCE.COM.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME.

THANK YOU FOR DOING BUSINESS WITH US.

Surplus Lines: GENERALLIAB, PROPERTY,
 Exportable

Minimum Premium is Minimum & Deposit for the following lines: GENERALLIAB, PROPERTY.

DISCLAIMER:

This quotation is being offered on the basis shown above. It does not necessarily provide the terms and/or conditions requested in your submission.

P&C UNDERWRITER(S): IRIS FRIEDMAN (GENERALLIAB,PROPERTY)



August 26, 2008

Issue Number	Owner, Petitioner	Location	Existing Zoning and Acres	Requested Zoning and Acres	Final Staff Recommendation	Planning Board Recommendations	Final County Council Decision	Comments
6-063	Office of Planning	North side of Putty Hill Ave, east of Hoerner Ave	BL AS 0.2 DR 16 3.8 4.0	DR 5.5 4.0	DR 3.5 4.0	DR 3.5 4.0	DR 5.5 3.8 RO 0.2 4.0	Carney Cub Hill Parkville Community Plan
6-064	William Gohlinghorst	South side of Ridge Ave, 525 ft west of Longridge Rd	DR 3.5 0.9 0.9	ML 0.9 0.9	DR 3.5 0.9 0.9	ML 0.9 0.9	ML 0.9 0.9	
6-065	Michael Novak	End of Vandermast Ln	RC 20 4.2 4.2	RC 5 4.2 4.2	RC 20 4.2 4.2	RC 5 4.2 4.2	RC 5 4.2 4.2	
6-066	Back 50 LLC	West side of Back River Neck Rd, 900 ft south of Turkey Point Rd	RC 20 43.0 43.0	RC 5 43.0 43.0	RC 20 43.0 43.0	DR 1 7.0 RC 20 36.1 43.1	DR 1 7.0 RC 20 36.0 43.0	
6-067	Back River LLC	West side of Back River Neck Rd, 250 ft south of Pottery Farm Rd	DR 3.5 0.0 RC 20 1.8 1.8	ML 1.9 1.9	ML 1.8 1.8	ML 1.9 1.9	ML 1.9 1.9	
6-068	Mr. Ron Przywara	North side of Holly Neck Rd at Frankewitz Rd	BL 0.9 0.9	RC 5 0.9 0.9	RC 5 0.9 0.9	RC 5 0.9 0.9	RC 5 0.9 0.9	See Issues 6-058, 6-080

(Total acreages may not equal due to rounding.)

EXHIBIT 10.(a)

Baltimore County - My Neighborhood 2005 Aerial



- Legend**
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3
 - House Numbers
 - ▣ Zoning History Cases
 - ⋯ Zoning
 - ⋯ Property
 - ⋯ County Boundary

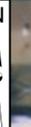
1:1,128
0 45 90 180 Feet
May 30, 2024

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBas, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

EXHIBIT 10.(b)

Baltimore County - My Neighborhood

2007 Aerial



Legend

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- House Numbers
- ▨ Zoning History Cases
- ▭ Zoning
- ▭ Property
- ▭ County Boundary

1:1,128

0 45 90 180 Feet

May 30, 2024

Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBasis, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

EXHIBIT 10.(c)

Baltimore County - My Neighborhood 2011 Aerial



Legend

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- House Numbers
- Zoning History Cases
- Zoning
- Property
- County Boundary



1:1,128

0 45 90 180 Feet

May 31, 2024

Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBasis, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

EXHIBIT 10.(d)

Baltimore County - My Neighborhood 2017 Aerial



Legend

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- House Numbers
- Zoning History Cases
- Zoning
- Property
- County Boundary

1:1,128

0 45 90 180 Feet

May 31, 2024

Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBas, IGN, Swire, NGA, Swire, Esri, DeLorme, NAVTEQ, United States Geological Survey, and the GIS User Community

EXHIBIT 10.(e)

Baltimore County - My Neighborhood 2020 Aerial



Legend

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- House Numbers
- ▭ Zoning History Cases
- ⋯ Zoning
- ⋯ Property
- ⋯ County Boundary

1:1,128

0 45 90 180 Feet

May 31, 2024

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBas, IGN, Swire, Esri, DeLorme, NAVTEQ, United States Geological Survey, and the GIS User Community

EXHIBIT 11





EXHIBIT 12

ZONE AND DISTRICT REGULATIONS

§ 230

§ 230

Section 230 Business, Local (B.L.) Zone Use Regulations [BCZR 1955]

The following uses only are permitted (see Section 230.12):

- 230.1 Uses permitted and as limited in the residential zone immediately adjoining, except that animal boarding place, Class A, is permitted only as a special exception and kennel is prohibited. [Bill No. 85-1967]
- 230.2 Convalescent home.
- 230.3 Tourist home, boarding or rooming houses.
- 230.4 Fast-food, drive-through-only restaurant, carry-out restaurant, fast-food restaurant, and standard restaurant, tearoom, convenience store and dairy barn, except that a special exception is required for a fast-food, drive-through-only restaurant or a fast-food restaurant that is located on property that is zoned BM-CT and is adjacent to the property line of any residentially used property in the Towson Commercial Revitalization District. [Bill Nos. 40-1967; 110-1993; 86-1994; 27-2003]
- 230.5 Bank, building and loan association.
- 230.6 Offices and office buildings.
- 230.7 Private colleges, dancing schools, conservatory for music and the arts, dormitories and fraternity and sorority houses. [Resolution, November 21, 1956; Bill No. 47-1985]
- 230.8 Business and trade schools.
- 230.9 Alcoholic beverage package store
Amusement devices, subject to the provisions of Section 422 [Bill No. 29-1982]
Animal grooming facility [Bill No. 93-2006]
Antique shop
Arcade, subject to the provisions of Section 423.A [Bill No. 29-1982]
Automobile accessory shop
Automobile parking lot
Bakery, but goods baked on the premises must be sold only at retail on the premises
Barbershops and beauty shops [Bill No. 9-1999]
Billiard and pool rooms [Bill Nos. 61-1967; 85-1967]
Bowling alley [Resolution, November 21, 1956; Bill Nos. 58-1957; 85-1967]
Camera, photo-supply or film-processing shops or pickup stations (including "drive-by" facilities) [Bill No. 43-1970]
Candy store, but goods made on the premises must be sold only at retail on the premises
Clothing and accessory stores
Commercial film production, subject to Section 435 [Bill No. 57-1990]
Dairy products store

MANUFACTURING ZONES

AND LOADING

DISTRICTS

CERTAIN USES

EXCEPTIONS TO HEIGHT
AND AREA REGULATIONS

SPECIAL REGULATIONS

EXHIBIT 13

§ 230

ZONE AND DISTRICT REGULATIONS

§ 230

Section 230 Business, Local (B.L.) Zone Use Regulations [BCZR 1955]

The following uses only are permitted (see Section 230.12):

- 230.1 Uses permitted and as limited in the residential zone immediately adjoining, except that animal boarding place, Class A, is permitted only as a special exception and kennel is prohibited. [Bill No. 85-1967]
- 230.2 Convalescent home.
- 230.3 Tourist home, boarding or rooming houses.
- 230.4 Fast-food, drive-through-only restaurant, carry-out restaurant, fast-food restaurant, and standard restaurant, tearoom, convenience store and dairy barn, except that a special exception is required for a fast-food, drive-through-only restaurant or a fast-food restaurant that is located on property that is zoned BM-CT and is adjacent to the property line of any residentially used property in the Towson Commercial Revitalization District. [Bill Nos. 40-1967; 110-1993; 86-1994; 27-2003]
- 230.5 Bank, building and loan association.
- 230.6 Offices and office buildings.
- 230.7 Private colleges, dancing schools, conservatory for music and the arts, dormitories and fraternity and sorority houses. [Resolution, November 21, 1956; Bill No. 47-1985]
- 230.8 Business and trade schools.
- 230.9¹
 - Alcoholic beverage package store
 - Amusement devices, subject to the provisions of Section 422 [Bill No. 29-1982]
 - Antique shop
 - Arcade, subject to the provisions of Section 423.A [Bill No. 29-1982]
 - Automobile accessory shop
 - Automobile parking lot
 - Bakery, but goods baked on the premises must be sold only at retail on the premises
 - Barbershops and beauty shops [Bill No. 9-1999]
 - Billiard and pool rooms [Bill Nos. 61-1967; 85-1967]
 - Bowling alley [Resolution, November 21, 1956; Bill Nos. 58-1957; 85-1967]
 - Camera, photo-supply or film-processing shops or pickup stations (including "drive-by" facilities) [Bill No. 43-1970]
 - Candy store, but goods made on the premises must be sold only at retail on the premises
 - Clothing and accessory stores
 - Commercial film production, subject to Section 435 [Bill No. 57-1990]
 - Dairy products store

¹ Editor's Note: Of the entries which follow, the ones without bracketed historical information were reenacted without substantive amendment by Bill No. 58-1957, and again by Bill No. 9-1999.

EXHIBIT 14

BALTIMORE COUNTY ZONING REGULATIONS

§ 101

§ 101

For the purposes of these regulations, this definition does not include: (1) a room or dwelling unit containing a complete kitchen, including a stove, intended for the daily preparation of meals for the resident; or (2) the provision of personal, housekeeping and congregate meal services in housing for the elderly, in a multifamily building or in other dwellings designed with complete kitchens in individual units. Density for such facilities shall be calculated at 0.25 for each bed. [Bill No. 188-1993]

Any such facility which is not covered by another chapter of the National Fire Protection Association Life Safety Code, 1991 Edition, shall comply with Chapter 22 of said code, entitled "Residential Board and Care Occupancies." However, a facility with less than four persons who are capable of self-preservation and prompt evacuation is exempt. [Bill Nos. 36-1988; 188-1993]

BANK — The term "bank" includes bank station, building and loan association, savings and loan association, credit union and similar chartered financial institutions. The term also includes automatic teller machines or banking devices and drive-through banking facilities, except as limited by the use listing in any zone where a bank is permitted. [Bill Nos. 13-1980; 191-1990]

BASEMENT — That portion of a building below the first floor, the floor of which is less than one-half of the height of the room below the average grade of the adjoining ground (see definitions of "cellar" and "story").

BED-AND-BREAKFAST HOME — A home occupation that provides one to three rooms (limited to two persons or one family per unit/room) for occasional paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on premises at no additional cost. A bed-and-breakfast home is allowable only in a building originally constructed as a one-family dwelling pursuant to the provisions and procedures prescribed in Section 402D of these regulations. [Bill No. 113-1988]

BED-AND-BREAKFAST INN — A tourist home that provides four to 12 rooms (limited to a maximum of 16 persons) for paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on premises at no additional cost. A bed-and-breakfast inn is allowable only in a building originally constructed as a one-family dwelling pursuant to the provisions and procedures prescribed in Section 402D of these regulations. [Bill No. 113-1988]

BEDROOM — The term "bedroom" includes a bedroom, any other room used principally for sleeping purposes, an "all-purpose room," a study or a den, provided that no room having less than 100 square feet of floor area shall be considered a bedroom. [Bill No. 100-1970]

BILLIARD OR POOL ROOM — A business establishment where the principal use is the playing of pool or billiards and at least 75% of the net floor area of the establishment's interior space is devoted exclusively to this use. The net floor area does not include space that is not available for use by the public. [Bill No. 30-1983]

BOARDING- OR ROOMING HOUSE [Bill Nos. 44-1982; 124-1993; 86-2001; 102-2001]:

A. A building:

1. Which is the domicile of the owner and in which rooms with or without meals are provided, for compensation, to three or more adult persons not related by blood, marriage or adoption to the owner; or
 2. Which is not the owner's domicile and which is occupied in its entirety, for compensation, by three or more adult persons not related to each other by blood, marriage or adoption.
- B. The term does not include a hotel, motel, apartment building or a facility for foster care (as defined in the Family Law Article, Section 5-501(f) of the Annotated Code of Maryland and COMAR 07.02.17). The term does include a care home (as defined in the Health General Article, Section 19-307(b) of the Annotated Code of Maryland.)
- C. For purposes of this definition only, "owner" means a person who:
1. Has more than a 25% legal or equitable interest in the property; and
 2. Shares in more than 25% of the profits or losses derived from the compensation paid under Paragraph A. of this definition.

BOATYARD — A commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types. [Bill No. 64-1963]

BREWERY — An establishment with a valid alcoholic beverage manufacturer's license Class 5, 6 or 7 issued in accordance with the Annotated Code of Maryland, Article 2B, Section 2-206, 2-207 or 2-208. [Bill No. 185-1995]

BREWERY, CLASS 5A — A brewery with a state Class 5 license which produces 100,000 or more barrels of malt beverage per year. [Bill No. 185-1995]

BREWERY, CLASS 5B — A brewery with a state Class 5 license which produces less than 100,000 barrels of malt beverage per year. [Bill No. 185-1995]

BREWERY, CLASS 6 — A brewery with a state Class 6 (pub-brewery) license. A Class 6 brewery is accessory to a standard restaurant and produces no more than 2,000 barrels of malt beverage per year. [Bill No. 185-1995]

BREWERY, CLASS 7 — A brewery with a state Class 7 (micro-brewery) license. A Class 7 brewery is established in conjunction with a standard restaurant and produces no more than 10,000 barrels of malt beverage per year. For the purposes of these regulations, a standard restaurant with a state Class 7 license shall be defined as a Class 7 brewery. [Bill No. 185-1995]

BUILDING — A structure enclosed within exterior walls or fire walls for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING HEIGHT — The height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projection of the closest point at exterior grade. In instances where it is obvious that the exterior grade has been artificially built up above natural or surrounding finished grade, the vertical distance will be measured by projecting the natural or surrounding finished exterior grade to the closest point (foundation wall). [Bill No. 151-1988]

EXHIBIT 15

B.L. Zone--Business, Local [B.C.Z.R., 1955.]

Section 230^{1,2}--USE REGULATIONS

The following uses only are permitted (See Section 230.12):

230.1--Uses permitted and as limited in the residential zone immediately adjoining except that animal boarding place, Class A is permitted only as a special exception and kennel is prohibited. [B.C.Z.R., 1955; Bill No. 85, 1967.]

230.2--Convalescent home.

230.3--Tourist home, boarding or rooming houses.

230.4--Fast food, drive-through only restaurant, carry-out restaurant, fast food restaurant, and standard restaurant, tea room, convenience store, and dairy bar, except drive-in restaurant. [B.C.Z.R., 1955; Bills No. 40, 1967; No. 110, 1993; No. 86, 1994.]

230.5--Bank, building and loan association.

230.6--Offices and office buildings.

230.7--Private colleges, dancing schools, conservatory for music and the arts, dormitories, and fraternity and sorority houses. [B.C.Z.R., 1955; Resolution, November 21, 1956; Bill No. 47, 1985.]

230.8--Business and trade schools.

230.9³--Alcoholic beverage package store.
Amusement devices, subject to the provisions of Section 422. [Bill No. 29, 1982.]
Antique shop.
Arcade, subject to the provisions of Section 423.A. [Bill No. 29, 1982.]
Automobile accessory shop.
Automobile parking lot.
Bakery, but goods baked on the premises must be sold only at retail on the premises.
Barber and beauty shops, establishments for chiropody and massage.
Billiard and pool rooms. [Bills No. 61, 1967; No. 85, 1967.]
Bowling alley. [Resolution, November 21, 1956; Bills No. 58, 1957; No. 85, 1967.]
Camera, photo-supply, or film-processing shops or pick-up stations (including "drive-by" facilities). [Bill No. 43, 1970.]

EXHIBIT 16

BALTIMORE COUNTY
ZONING REGULATIONS
1963

BOOK **Nº** 281

This is the property of:

Name

Address _____

Phone _____

Provisions

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B. L. Zone—Business, Local

Section 230—USE REGULATIONS

The following uses only are permitted (See Section 230.12):

230.1—Uses permitted and as limited in the residential zone immediately adjoining except that Animal boarding place, Class A is permitted only as a Special Exception and Kennel is prohibited.

230.2—Convalescent home;

230.3—Tourist home, boarding or rooming houses;

230.4—Restaurant, tea room, and dairy bar, except drive-in restaurant.

230.5—Bank, building and loan association;

230.6—Offices and office buildings;

230.7—Private colleges, nursery and dancing schools, conservatory for music and the arts, dormitories and fraternity and sorority houses;

230.8—Business and trade schools;

230.9—Alcoholic beverage package store;

Antique Shop;

Automobile accessory shop;

Automobile parking lot;

Bakery, but goods baked on the premises must be sold only at retail on the premises;

Barber and beauty shops, establishments for chiropody and massage;

Billiard and pool rooms;

Bowling Alley;

Candy store, but goods made on the premises must be sold only at retail on the premises;

Clothing and accessory stores;

Antenna, rigid-structure: Any exterior wireless antenna other than a long-wire antenna.

Antenna, long-wire: A single, flexible wire not thicker than a No. 12 gauge, stretched between two stationary insulators and used as an antenna for the transmission and/or reception of broadcast radio waves.

Apartment House: A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.

Area, net: Land area not including area of land in public use or other fee-simple public rights of way.

Arterial Street: A motorway or portion thereof which is intended, for travel to or from major employment centers, town centers; has or is intended to have, four or more lanes for one-way traffic; is, or is intended to be, designed for traffic speed of at least 40 miles per hour; has or is intended to have, a right of way at least 66 feet wide; is not a freeway or an expressway; and is designated as an arterial street (or as a boulevard or thoroughfare) by the Planning Board.

Automotive service station: A structure and/or site thereof used primarily for the retail sale to the public of automotive fuels and other automotive energy or power sources.

Basement: That portion of a building below the first floor, the floor of which is less than one-half of the height of the room below the average grade of the adjoining ground. (See definitions of Cellar and Story).

Boarding House: A building other than a hotel in which meals or rooms and meals are provided for compensation for four or more persons, including a "care home", as defined by the Maryland State Health Department.

Boat Yard: A commercial or non-profit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling, and general servicing of marine craft of all types.

Building: A structure enclosed within exterior walls or firewalls for the shelter, support, or enclosure of persons, animals, or property of any kind.

Building Height: The vertical distance measured from the average grade to the average elevation of the roof of the highest story.

ing from such processes, or resulting from the construction or elimination of facilities for such processes.

Open Space Tract, Local: Land provided in residential subdivisions and necessary and desirable for the local recreational needs of residents of such subdivisions for such recreation types of spaces as play lots, local play areas, small parks, stream valley parks, natural woods, areas of unusual natural scenic beauty, recreational walkways and pathways, and special street center islands, but the term "local open space tract" shall not include the larger open space park and playfield areas of the type which serve larger than local need and which are incorporated in the master plan.

Pet Shop: A store for the sale of dogs, cats, birds, or fish, and/or other domesticated pets, and related supplies and equipment.

Residential Art Salon: A portion of a dwelling unit used for the exhibition and sale of original works of art. For the purpose of these Regulations, an "original work of art" shall include a limited reproduction from a series of no more than 50, which reproduction is individually signed by the artist.

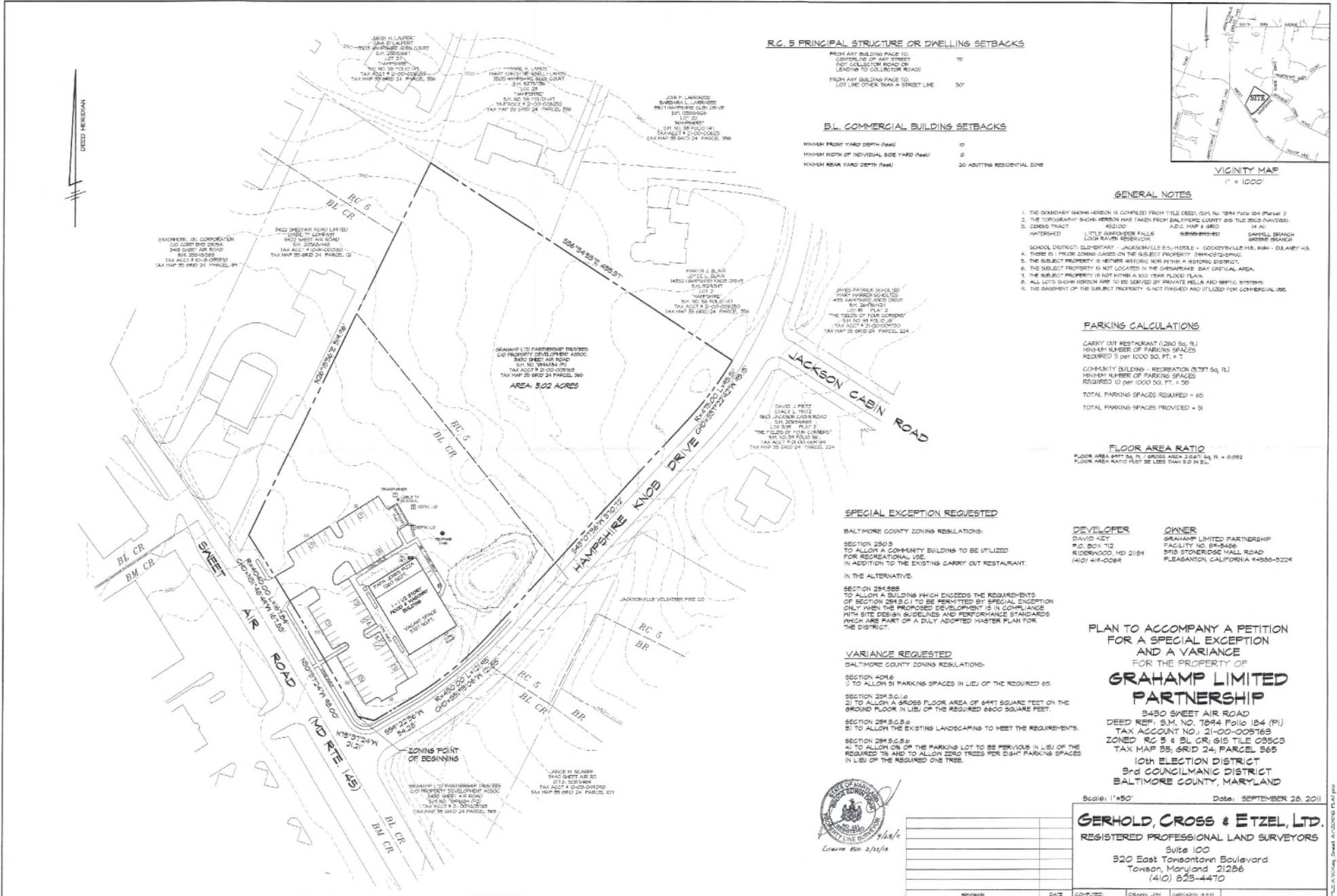
Research Institute: A building or group of buildings used primarily for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning, and where all parts of the operation involving the development research process, e.g., product testing, are incidental to the above.

Riding Stable: A building where riding horses are boarded or kept for hire.

Rooming House: A building, other than a hotel or motel, where more than two rooms are rented.

Sanitary Landfill: A planned and systematic method of disposal for garbage and other wastes whereby such waste material is placed so that it is thoroughly compacted and covered at the end of each day's operation with such depth and consisting of such types of materials as are acceptable to the Baltimore County Departments of Health and Public Works, and the Maryland State Department of Health.

EXHIBIT 17

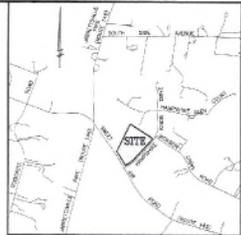


RC 5 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO CENTERLINE OF ANY STREET (NOT COLLECTION ROAD OR LEADING TO COLLECTION ROAD) 15'
 FROM ANY BUILDING FACE TO LOT LINE OTHER THAN A STREET LINE 30'

BL COMMERCIAL BUILDING SETBACKS

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



VICINITY MAP
1" = 1000'

GENERAL NOTES

- THE BOUNDARY BETWEEN SECTION 5 (SHOWN FROM TITLE DEED) (S.M. NO. 1894 POLLO 184 (PARTIAL))
- THE TOPOGRAPHY (BENCH MEASUREMENT TAKEN FROM BALTIMORE COUNTY GRID TIE BENCH (NATION))
- GENEAL TRACT 432120 A.D.C. MAP # 6812 14 (A)
- WATERSHED LITTLE GARWOODER FALLS LOGAN RAVIN RESERVOIR SANNELL BRANCH GREENE BRANCH
- SCHOOL DISTRICT: ELEMENTARY - JACKSONVILLE ED.; MIDDLE - COCKEYVILLE HS. HIGH - DELAWARE HS.
- TIMES TO PROBE ZONING CASES ON THE SUBJECT PROPERTY: 1994-03-24-1994
- THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
- THE SUBJECT PROPERTY IS NOT LOCATED IN THE PRESUMED BAY CRITICAL AREA.
- THE SUBJECT PROPERTY IS NOT WITHIN A 100' YEAR FLOOD PLAIN.
- ALL LOTS IN-GIVEN HORIZON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
- THE SUBJECT OF THE SUBJECT PROPERTY IS NOT FINISHED AND UTILIZED FOR COMMERCIAL USE.

PARKING CALCULATIONS

CARRY OUT RESTAURANT (1200 SQ. FT.)
 MINIMUM NUMBER OF PARKING SPACES REQUIRED 5 per 1000 SQ. FT. = 6
 COMMUNITY BUILDING - RECREATION (6757 SQ. FT.)
 MINIMUM NUMBER OF PARKING SPACES REQUIRED 12 per 1000 SQ. FT. = 20
 TOTAL PARKING SPACES REQUIRED = 66
 TOTAL PARKING SPACES PROVIDED = 51

FLOOR AREA RATIO

FLOOR AREA 8977 SQ. FT. / GROSS AREA 2847 SQ. FT. = 0.99
 FLOOR AREA RATIO MUST BE LESS THAN 2.0 IN BL

SPECIAL EXCEPTION REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:
 SECTION 250.5
 TO ALLOW A COMMUNITY BUILDING TO BE UTILIZED FOR RECREATIONAL USE IN ADDITION TO THE EXISTING CARRY OUT RESTAURANT.

IN THE ALTERNATIVE:
 SECTION 254.889
 TO ALLOW A BUILDING WHICH EXCEEDS THE REQUIREMENTS OF SECTION 254.810 TO BE PERMITTED BY SPECIAL EXCEPTION ONLY WHEN THE PROPOSED DEVELOPMENT IS IN COMPLIANCE WITH SITE DESIGN GUIDELINES AND PERFORMANCE STANDARDS WHICH ARE PART OF A DULY ADOPTED MASTER PLAN FOR THE DISTRICT.

VARIANCE REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:
 SECTION 409.6
 1) TO ALLOW 51 PARKING SPACES IN LIEU OF THE REQUIRED 66.
 SECTION 254.810
 2) TO ALLOW A GROSS FLOOR AREA OF 6497 SQUARE FEET ON THE GROUND FLOOR IN LIEU OF THE REQUIRED 6600 SQUARE FEET.
 SECTION 254.820
 3) TO ALLOW THE EXISTING LANDSCAPING TO MEET THE REQUIREMENTS.
 SECTION 254.820
 4) TO ALLOW 0% OF THE PARKING LOT TO BE PERVIOUS IN LIEU OF THE REQUIRED 7% AND TO ALLOW ZERO TREES PER EIGHT PARKING SPACES IN LIEU OF THE REQUIRED ONE TREE.

DEVELOPER
 DAVID KEY
 P.O. BOX 112
 RIDERWOOD, MD 21141
 (410) 414-0048

OWNER
 GRAHAM LIMITED PARTNERSHIP
 FACILITY NO. 89-8456
 9918 STONERIDGE MALL ROAD
 PLEASANTON, CALIFORNIA 94588-5224

PLAN TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION AND A VARIANCE FOR THE PROPERTY OF

GRAHAM LIMITED PARTNERSHIP

3430 SWEET AIR ROAD
 DEED REF: S.M. NO. 1894 POLLO 184 (PI)
 TAX ACCOUNT NO. 21-00-005169
 ZONED RC 5 & BL CR 6/15 TILE CODES
 TAX MAP 35, GRID 24, PARCEL 865
 10th ELECTION DISTRICT
 3rd COUNCILMANIC DISTRICT
 BALTIMORE COUNTY, MARYLAND

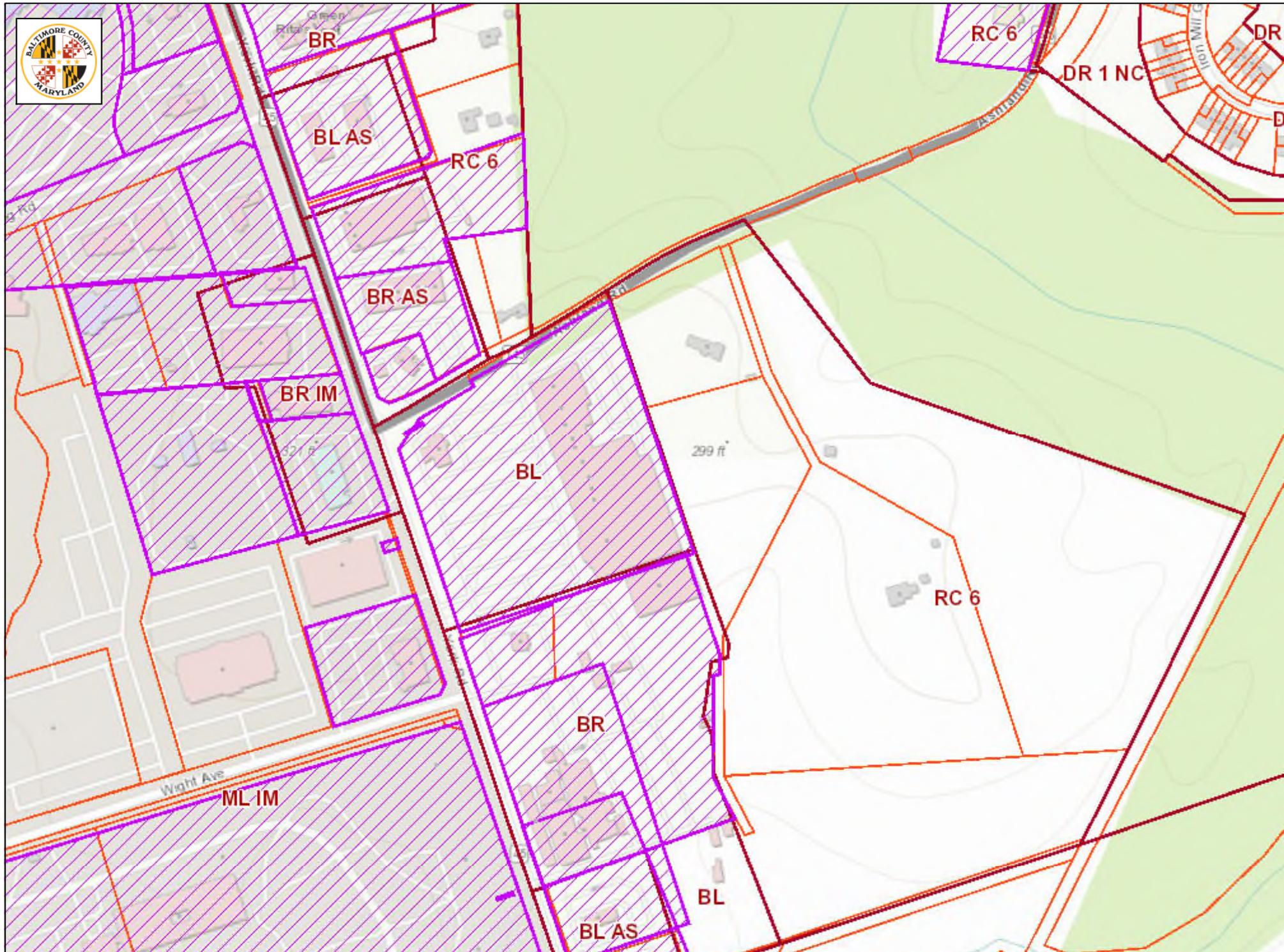
Scale: 1"=50' Date: SEPTEMBER 26, 2011

GERHOLD, CROSS & ETZEL, LTD.
 REGISTERED PROFESSIONAL LAND SURVEYORS
 Suite 100
 520 East Tombs/Dawn Boulevard
 Towson, Maryland 21286
 (410) 828-4470



REVISION	DATE	COMPLETED	DRAWN BY	CHECKED BY

EXHIBIT 18



Google Maps PA Dutch Market Cockeysville



Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 100 ft

EXHIBIT 19

Baltimore County - My Neighborhood

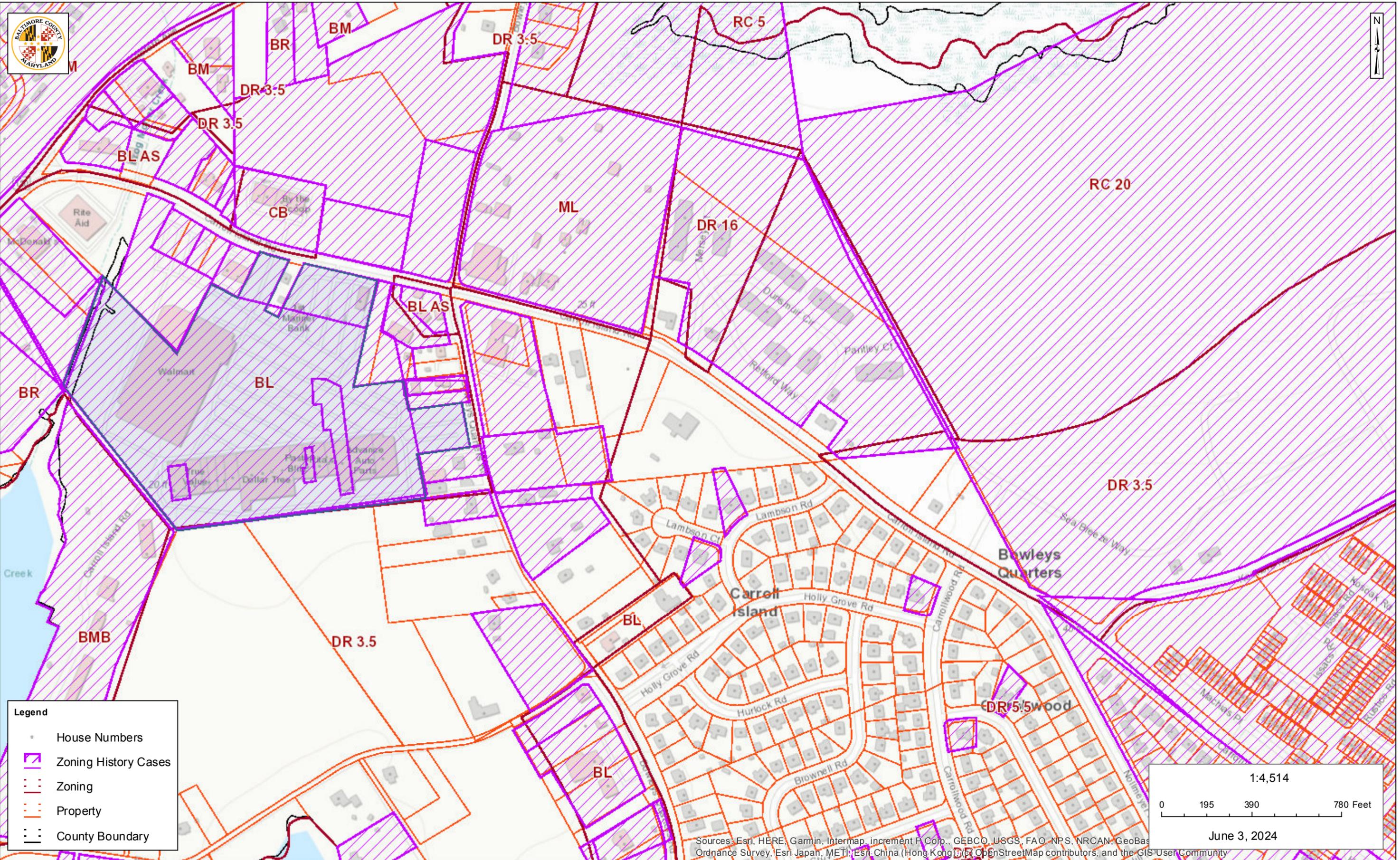
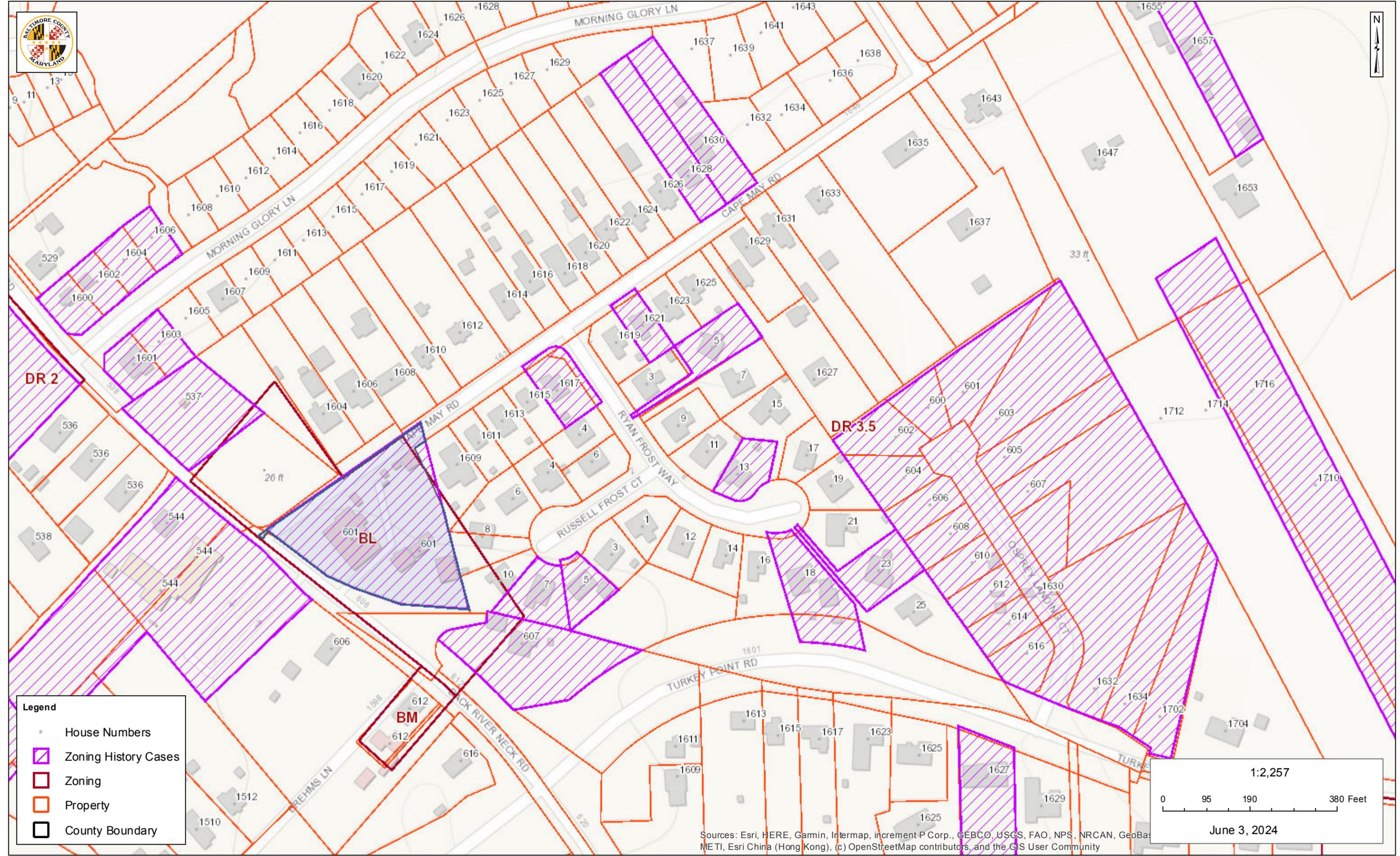


EXHIBIT 20

Baltimore County - My Neighborhood



Legend

- House Numbers
- ▨ Zoning History Cases
- ▭ Zoning
- ▭ Property
- ▭ County Boundary

1:2,257

0 95 190 380 Feet

June 3, 2024

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBasis, GEBCO, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Google Maps 600 Back River Neck Rd



Essex, Maryland
Google Street View
May 2023 See more dates

Image capture: May 2023 © 2024 Google

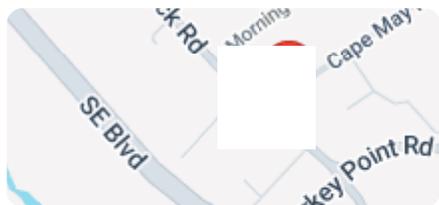
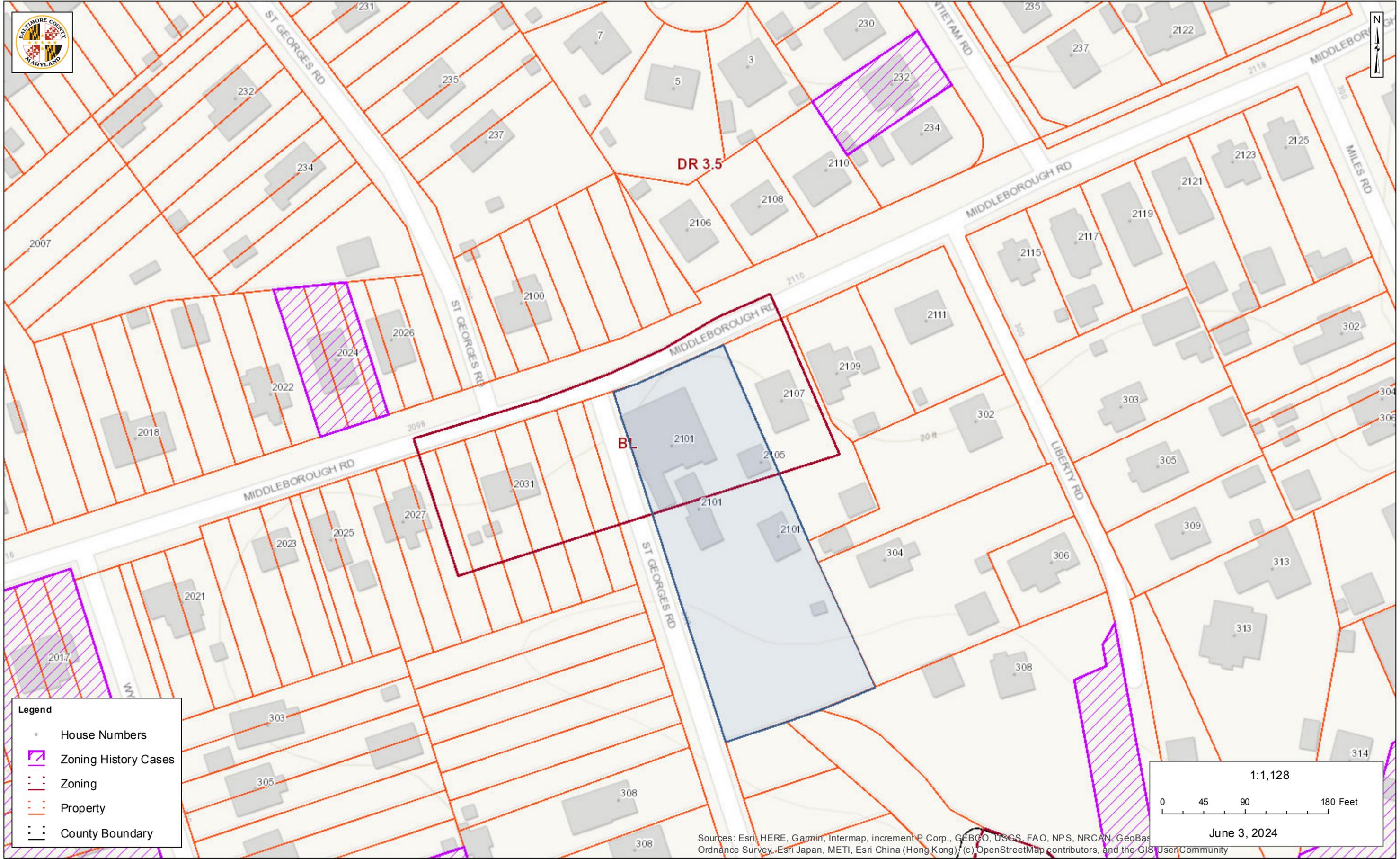


EXHIBIT 21

Baltimore County - My Neighborhood



Legend

- House Numbers
- ▨ Zoning History Cases
- Zoning
- Property
- County Boundary

1:1,128

0 45 90 180 Feet

June 3, 2024

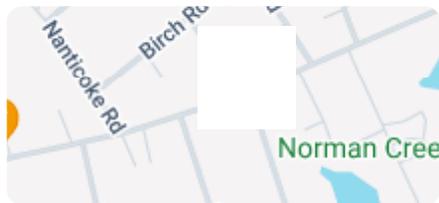
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBas, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Google Maps 2099 Middleborough Rd

Essex, Maryland
Google Street View
May 2023 See more dates



Image capture: May 2023 © 2024 Google



Petition for Zoning Re-Classification

1466
1466
MAP
#15-C

To The Zoning Commissioner of Baltimore County -
 Legal owner: William J. Faber of the property situate
 at the northeast corner of Holly Neck and Frankewitz Roads, in the 15th
 District of Baltimore County, running easterly and binding on the north side
 of Holly Neck Road 150' with a rectangular depth northerly of 150' and
 binding on the east side of Frankewitz Road, being part of tract No.
 21 on plat of Cedar Grove filed with the Zoning Department,

hereby petition that the zoning status of the above described property be re-classified pursuant to the
 Zoning Law of Baltimore County, from an A-1 Res zone to an C-1 Commercial zone.
 Reasons for Re-Classification: APPROVED COMM. USE
(STORE) NUMBER

Size and height of building: front _____ feet, depth _____ feet, height _____ feet.
 Front and side set backs of building from street lines: front _____ feet, side _____ feet.
 Property to be posted as prescribed by Zoning Regulations.

I, W. J. Faber agree to pay expenses of above re-classification, advertising, posting, etc., upon filing
 of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of
 Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

William J. Faber
 Legal Owner
 Address 922 N. Belmont Ave. (S)
Baltimore, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of
June 1949, that the subject matter of this petition be advertised, as required
 by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore
 County, that property be posted, and that the public hearing herein be had in the office of the Zoning
 Commissioner of Baltimore County, in the Record Bldg. in Towson, Baltimore County, on the _____
23rd day of June 1949, at _____ o'clock A. M.

Charles H. Deing
 Zoning Commissioner of Baltimore County

6/23/49
9:30 A.M.

WILLIAM J. FABER, Petitioner
 922 N. BELMONT AVE., BALTIMORE, MD.
 1466
 1466
 MAP
 #15-C

Pursuant to the advertisement, posting of property, and public hearing on the above petition
 and it appearing that by reason of location being adjacent to an existing commercial zone
 and there being a community need for a drive-in and snack restaurant at this location,
 this reclassification is granted upon the expressed condition that off-street parking
 be provided of at least 25 square feet of area for each one square foot of area to be
 covered by commercial building on buildings, and also upon the condition that any
 building to be erected upon said lot shall be set back at least 50' from Holly Neck
 Road and 40' from Frankewitz Road, as agreed by the Petitioner.

It is Ordered by the Zoning Commissioner of Baltimore County this _____ day of
August 1949, that the above described property or area should be and the same is
 hereby reclassified, from and after the date of this Order, from an "A-1 Residence" zone
 to an "C-1 Commercial" zone.

Pursuant to the advertisement, posting of property and public hearing on the above petition and
 it appearing that by reason of _____

It is Ordered by the Zoning Commissioner of Baltimore County, this _____ day of
 _____ 19____, that the above petition be and the same is hereby denied and that the
 above described property or area be and the same is hereby continued as and to remain a _____
 zone.

Approved _____
Sept 6/49
 County Commissioners of Baltimore County
John H. Baur
 President

PETITION FOR ZONING RECLASSIFICATION
 #1466
 Location - N.E. corner of Holly Neck and Frankewitz Rds., 15th Dist.
 Present Zoning - "A" Residence Proposed Zoning - "C" Commercial
 Date Received - June 6, 1949 Date of Reply - August 1, 1949

This petition involves a proposal to remove for commercial use a tract about 270 feet
 square at the corner of Holly Neck and Frankewitz Roads. The former is the main feeder
 route for the small peninsula north of Sun Creek. The site is 1 1/2 miles from the
 route for the main peninsula north of Sun Creek. The site is 1 1/2 miles from the end of the
 nearest commercial zone at Bank River 1800 Road and is 1/2 mile from the end of the
 Holly Neck Road peninsula, on which are some 200 cottages or dwellings, eastward from
 this site and reached from Holly Neck Road. Nearly the same number lie within a
 mile of this site in other directions.

The owner notes his desire and intention to build immediately a store and snack
 restaurant to be set back 50 feet from Holly Neck Road, 40 feet from Frankewitz Road,
 60 feet from the east property line, and 40 feet from the requested commercial zone
 line on the north. Extensive off-street parking space is to be provided. The petitioner
 states that although there are several non-conforming taverns in their vicinity
 (including one on property directly west across Frankewitz Road), there is no place
 (including one on property directly west across Frankewitz Road), there is no place
 which serves meals and that there is considerable local demand for his proposed facility.

It is true that there is nothing about this particular location on Holly Neck Road
 to make it especially suitable for a retail store location, but there is also nothing
 to make it any more distinctly unsuitable than other sites in the vicinity. Both the
 roads to which it is adjacent have narrow pavements and right-of-way. Intended
 setbacks, however, will be adequate to permit local widening, which can and should be
 taken care of in connection with issuance of a building permit if the petition be
 granted.

In summary, there appears to be evidence of need for the proposed commercial use in
 this vicinity, and while the circumstances do not appear to call for a positive
 reclassification from this office, they equally do not seem to justify adverse comment.

Malcolm H. Hill, Director
 Baltimore County Planning Commission

cc Charles H. Deing
 W. W. Harvill

May 31, 1949
 \$18.00
 RECEIVED the sum of Eighteen (\$18.00) Dollars from
 William J. Faber, being cost of petition for reclassification,
 advertising and posting of property on 800 Holly Neck &
 Frankewitz Rds., 15th District of Baltimore County.
 Zoning Commissioner
 Hearing
 Thursday, June 23, 1949
 at 9:30 A.M.

PAID
 MAY 3 1949
 COUNTY COMMISSIONERS
 OF BALTIMORE COUNTY
 W. W. Harvill

RECD JUN 14 10 00
OFFICE OF THE BALTIMORE COUNTYAN
 THE COMMUNITY NEWS THE HERALD-ARGUS THE COMMUNITY PRESS
 Baltimore, Md. Baltimore, Md. Towson, Md.
 No. 1 Newburg Avenue CATONSVILLE, MD.

June 23, 1949

THIS IS TO CERTIFY, that the annexed advertisement of
Charles H. Deing, Zoning Commissioner
of Baltimore County
 was inserted in THE BALTIMORE COUNTYAN, a group of
 three weekly newspapers published in Baltimore County, Mary-
 land, once a week for successive weeks before
 the 23rd day of June, 1949, that is to say
 the same was inserted in the issues of
 June 3 and 10, 1949
THE BALTIMORE COUNTYAN
R. J. Morgan
 Editor and Manager.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY 1466
 Towson, Maryland

District 15 Date of Posting June 10/49
 Posted for Commercial
 Petitioner: Wm J. Faber
 Location of property: N.E. corner of Holly Neck & Frankewitz Roads
 Location of Signs: N.E. corner of Holly Neck & Frankewitz Roads
 Remarks: _____
 Posted by Henry G. Hartland Date of return June 10/49
 Signature

MICROFILMED
**NO PLAT
 IN
 THIS FOLDER**

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 NE/Corner Holly Neck Road and * DEPUTY ZONING COMMISSIONER
 Frankewitz Road * OF BALTIMORE COUNTY
 (2420 Holly Neck Road) * Case No. 94-426-SPH
 15th Election District *
 5th Councilmanic District *
 William J. Faber *
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 2420 Holly Neck Road, located in the Cedar Grove area near Middle River in southeastern Baltimore County. The Petition was filed by the owner of the property, William J. Faber. The Petitioner seeks a special hearing to approve the nonconforming use of two existing trailers on the subject property. The property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were William J. Faber, properly owner, and Michael Flynn. There were no Protestants present.

Testimony and evidence offered by the Petitioner revealed that the subject property consists of 1.0 acres, split zoned B.L. and R.C. 5, and is located within the Chesapeake Bay Critical Areas near Middle River. The property is improved with a tavern, known as Faber's Yacht Club on the B.L. zoned portion of the site, and an accessory parking lot, the two trailers which are the subject of this special hearing request, and a one-story frame dwelling on the R.C. 5 zoned portion of the site. Mr. Faber testified that he purchased the subject property approximately 46 years ago at which time he placed the trailers thereon for storage purposes. He testified that the trailers have always been used for storage and have never

ORDER RECEIVED FOR FILING

Date 1/18/94

By [Signature]

been used for residential purposes. Mr. Faber stated that the two trailers have existed on the site in the locations shown on Petitioner's Exhibit 1 since he placed them on the property and that there have never been any complaints as to their existence thereon.

As noted above, this property is located within the Chesapeake Bay Critical Areas and as such, is subject to any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) as to its compliance with Critical Areas legislation. By comments dated May 23, 1994, DEPRM advised this office that the Petitioner must submit a findings plan to that agency for review and approval prior to any development. It is to be noted that there is no development proposed for this site, merely approval of the nonconforming use of two trailers which have existed on the property since approximately 1948 and have been used solely for storage. However, as a condition of this approval, a restriction shall be attached to this Order limiting the use of the two trailers for storage purposes, only, and their use for residential purposes shall be strictly prohibited.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the origi-

ORDER RECEIVED FOR FILING

Date

By

6/28/94
[Signature]

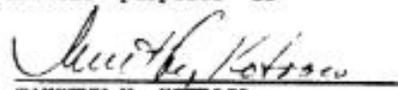
nal use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

After due consideration of the testimony and evidence presented, it is clear that the two trailers have existed on the property in the location shown on Petitioner's Exhibit 1 since prior to 1955, the year in which the storage of said trailers became illegal. These trailers have existed on the site each and every year thereafter, up to the present time, and are therefore permitted as a nonconforming use.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of June, 1994 that the Petition for Special Hearing to approve the nonconforming use of two existing trailers on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The use of the two trailers shall be for storage, only, and any use thereof for residential purposes is strictly prohibited.

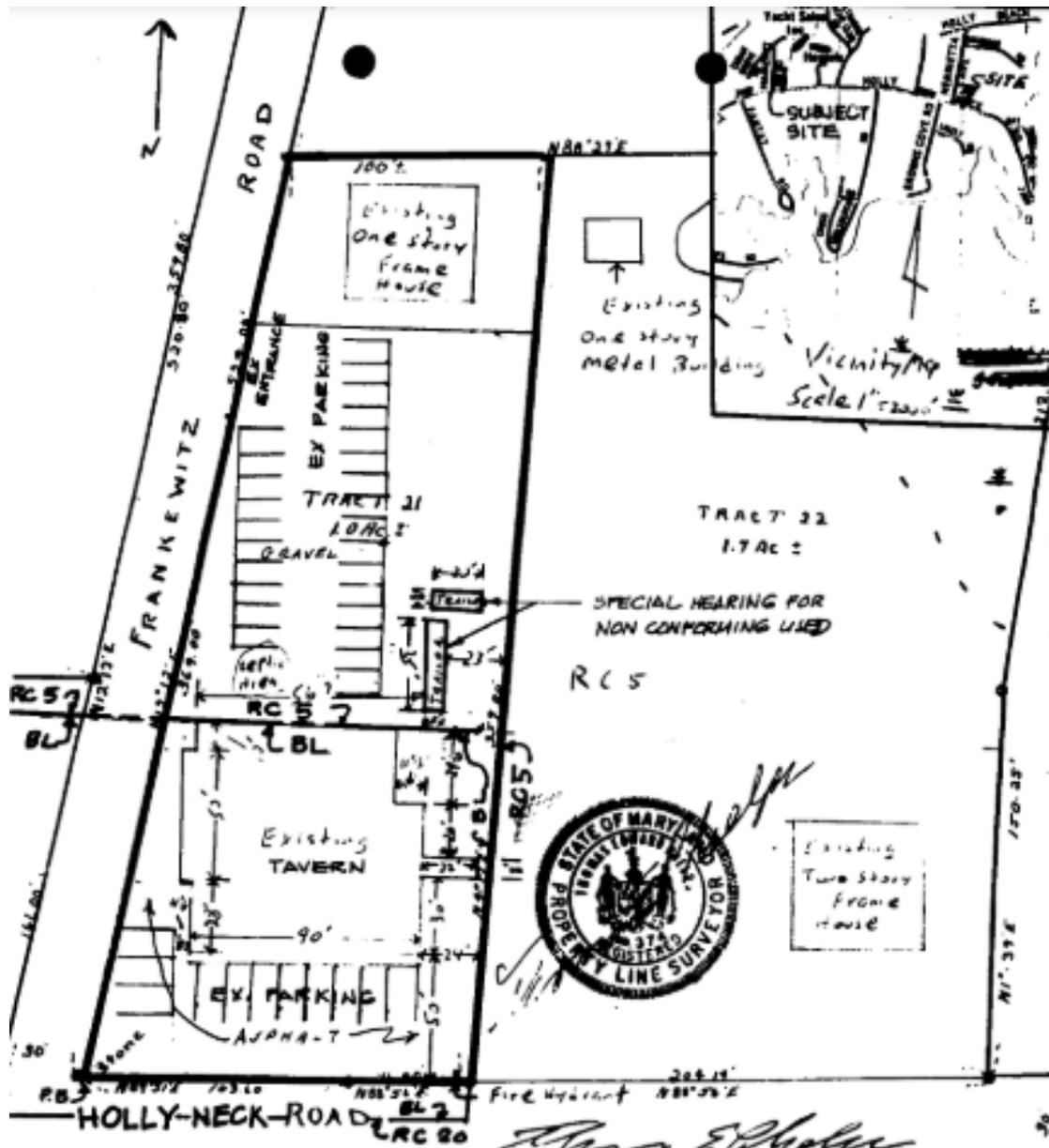

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDERED FOR FILING

Date

By



Plans to Accompany: Special Hearing
 2420 Holly Neck Rd.
 15th Election District
 5th County Council District
 William J. Febar
 1315 Old Western Ave 21221
 MGP No. 12-122
 Scale: 1" = 50'

PROPERTY LINE SURVEYOR #374

Plan To Accompany
 special
 2420 Holly Neck
 15th Election D
 5th County Council
 William J. Febar
 1315 Old Western

Plat of Cedar Grove
 Filed for Record Sept 4, 1941
 Test Christian H. Kahl

Pet Ex #1

ITEM #413
 99-426-SPH

ln



Excerpt from The Baltimore Sun on May 25, 1980. (Pictured Left to Right – **Photo 1** – Screenshot of full page where article appears. **Photo 2** - Zoom in of Article. **Photo 3** – Zoom in of masthead on same page to show date and publication name.)



NEWS

In Baltimore County Vacant restaurant is damaged in...

By

PUBLISHED: November 20, 2000 at 12:00 a.m. | UPDATED: October 1, 2021 at 7:53 a.m.



Loading your audio article

In Baltimore County

Vacant restaurant is damaged in one-alarm blaze

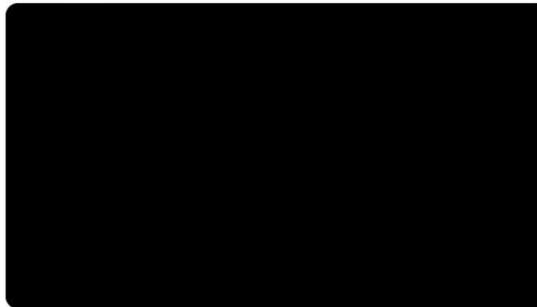
ESSEX – A one-alarm fire tore through the roof of the Lighthouse Restaurant, a one-story frame building in the 2400 block of Holly Neck



vacant restaurant is damaged in one-alarm blaze

ESSEX – A one-alarm fire tore through the roof of the Lighthouse Restaurant, a one-story frame building in the 2400 block of Holly Neck Road near Breezy Point Beach, early yesterday, Baltimore County fire officials said.

Firefighters from seven area stations responded to the fire, which broke out about 1:45 a.m., the officials said. Firefighters had controlled the blaze by 4:21 a.m. No injuries were reported. The cause of the fire is being investigated.



The restaurant, which has been closed for



The restaurant, which has been closed for about a year, is owned by William J. Faber of the 1300 block of Old Eastern Ave. His son, Bill Faber, said the business is to be sold at auction. He estimated damage at between \$40,000 and \$50,000.

11th District delegation to hold series of meetings

Read More ▾

