

MEMORANDUM OPINION
AND ORDER OF COURT

The Petitioners and Intervening Appellees in this zoning case are Aldo Dorff and Helen B. Dorff, his wife, who are the legal owners of the property which is the subject of this proceeding. The property contains approximately six and three-quarter acres of land and is situated on a peninsula formed by Norman Creek on the north and Hoppen Creek on the south where two bodies of water enter Middle River. Access to the property is provided by Cape May Road which also bisects the parcel of ground. It borders in part along a semi-private roadway known as Wilcox Road. It is situated approximately one mile northeast of Rock River Neck Road, and there is no other means of ingress and egress to and from the property other than Cape May Road. The last named road is of bituminous construction and varies from sixteen to eighteen feet in width at various points. It has ditches on either side without any curbing or sidewalks. This roadway has two or three bad curves and is intersected by several hidden entrances which serve residential homes situated on each side thereof. Water is now provided on the property by a private well and sewerage is taken care of by septic tanks. Public water facilities are at least one-half mile distant from the property and public sewer is about a mile away.

The property was purchased by the present owners in the year 1961. It has been operated as a public bathing beach and picnic area since the year 1911, and the present owners purchased it with the intention of continuing the same operation. They also had plans for making certain innovations which they thought

for special exception:

"Q (By Mr. Parker) Mr. Graf, from a planning standpoint, is there anything fundamentally in the nature of a marina which would be detrimental to the health, safety, and general welfare of the locality, I mean as a basic attribute of marinas? I am not talking about any specific one, any marina, in general, which would make them detrimental?"

"A I think the primary concern would be for the health problem, and secondly to assure reasonable capacity in the roads to be able to handle the traffic, and thirdly, to be able to adopt the proposed use to the specific site, in such a way that it didn't have an impact on the adjoining properties, particularly if they are of a different kind, more specifically residential, than those."

"Q Your answer would indicate, then, that basically it depends on the particular marina in this particular location, as to whether or not it could be such a hazard or detriment, is that right?"

"A Yes, sir."

The Applicant owners produced no experts expressing an opinion as to the satisfaction of the requirements of Subsections a and b of Section 502.1. In other words, through Mr. Graf, they presented the problem before the Board for decision but did not adduce any testimony other than their own statements to aid the Board in reaching a decision. At the conclusion of the evidence presented by the Applicants, the following colloquy took place between counsel for the Protestants and Mr. Baldwin, Chairman of the Board (Tr. p. 48):

"MR. BOTTOMI: I move, Mr. Commissioner, that the petition be dismissed on the grounds there is not legally sufficient evidence introduced to meet the burden he is required to meet for the granting of a special exception."

"MR. BALDWIN: Of course, as you know, Mr. Bottom, the Circuit Court has ruled we have to listen whether we want to or not. There is no such thing as a directed verdict. If you want to hear your case without putting any testimony on, we could possibly rule in your favor, but not by way of motion."

This statement on the part of the Chairman of the Board at the conclusion of the Applicants' case would certainly indicate that, at least as far as he personally was concerned, it was his opinion that the owners had not met the burden resting upon them. It is difficult for the Court to see how the case was made any stronger on behalf of the owners after the evidence of the Protestants

would attract children and their parents. They evidently have not been successful in obtaining an income compatible with the money which they expended on improvements. The number of patrons for the bathing beach has gradually decreased, and they are not now receiving the return on their investment which they originally anticipated.

The property is situated in the Fifteenth Election District of Baltimore County and is classified in a R-6 Zone (residence, one and two family) and is shown on the Use District Map adopted by the County Commissioners of Baltimore County in January of 1945. The owners filed a petition with the Zoning Commissioner of Baltimore County requesting a special exception for the use of the property as a marina, which special exception is provided for under the Baltimore County Zoning Regulations in a R-6 Zone. The Deputy Zoning Commissioner of Baltimore County by an Order passed under date of August 4, 1964, denied the petition for special exception, concluding that it would not be in the public interest or welfare to permit the construction of a marina at this location. The decision was based primarily on a consideration of traffic hazard along Cape May Road and the danger of pollution of bathing facilities in the vicinity. A report was taken from the decision of the Deputy Zoning Commissioner, and under date of October 7, 1965, the County Board of Appeals of Baltimore County passed an Order granting the special exception requested. From this Order of the Board, the Protestants, who comprise numerous property owners in the immediate vicinity of the subject property appealed to this Court.

The Baltimore County Zoning Enabling Act, known as Bill No. 30, and which became effective July 25, 1960, is now codified as Title 23 of the 1965 Cumulative Supplement to the Baltimore County Code, Section 23-23 of this Act deals with the authority of the Zoning Commissioner to provide for special exceptions and variances and reads as follows:

"Subject to the appropriate principles, standards, rules, conditions and safeguards as set forth in the zoning regulations, the zoning commissioner may grant variances from area and height regulations and may make special exceptions to the zoning

and their expert was heard.

The Appellants produced several property owners in the immediate vicinity, all of whom expressed their opinion of the traffic hazard involved in the increased use of Cape May Road and the danger of pollution and detrimental health conditions. The Protestants also produced the only expert who testified in the case, namely Mr. Jerome B. Wolff. Mr. Wolff's qualifications are set forth in the transcript on pages 48-50. At the time of his testimony, he was a consulting engineer in general civil engineering practice and had been so engaged since June of 1962. He had been associated with Baltimore County in various positions, including that of Chief Engineer of the Metropolitan District. Mr. Wolff expressed his opinion as to the traffic hazards in the use of Cape May Road as follows (Tr. pp. 54-55):

"The difficulty, as I see it, is a serious question of safety involved in the road. If an ordinary marina activity is pursued, and it is obvious that they are sending toward small boats rather than large ones, and that seems to me to indicate that there would be a good bit of it carried on a trailer."

"Then, of course, the question would be as to what proportion of it would produce boat traffic. Well, I am of the inclination to believe that it is probably only a minor part of the traffic. I would judge that it probably wouldn't be more than 10% carried in. Most of it would be docked. I think you would still have docking with most of it. People as a rule don't care to take boats in and out of the water, when you have a marina facility. That is why you run slips, to keep your boat in there."

"So I think the minor part of the traffic will be comprised of comparatively small boats. Of course, there are no sidewalks here, and I think that the introduction of this kind of traffic on a continuing basis would be hazardous, and I don't believe that anyone could argue that it would be conducive to the safety of the area."

"I think the very point that has been raised, people are prepared for the influx of sharp loadings for picnic grounds, put it into an entirely different condition here, where you have continuous use of the road, with poor geosurfaces, it is for this reason that I feel my opinion is based, that I believe that it would be detrimental to the safety to utilize the road even though it won't congest it per se."

He also expressed his views on the sewerage and pollution problem at Tr. pp. 57-58:

"Of course, it is that aspect of it that gives me the

regulations in harmony with their general purpose and intent; provided that the issuance of all such special exceptions and variances shall be subject to appropriate principles, standards, rules, conditions and safeguards set forth in the zoning regulations, and that all decisions of the zoning commissioner with respect to such matters shall be subject to appeal to the Board of appeals as provided in this article. (Bill No. 80, 1960)."

Section 502 of the Baltimore County Zoning Regulations is a statement of legislative policy with respect to special exceptions and provides as follows:

"NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the M, R, Zone, to which they are restricted. Others, like a cannery, do not fit into any of the zone categories, that is, residential, business, and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper consideration of each proposal. Because under certain conditions welfare of the public, the uses listed as special exceptions are permitted only if granted by the Zoning Commission, and subject to an appeal to the County Board of Appeals."

In passing upon any special exception, the Zoning Commissioner and the County Board of Appeals, upon appeal, are governed by certain principles and conditions which comprise the standards contained in Section 502.1 of the Regulations as follows:

"502.1--Before any Special Exception shall be granted, it must appear that the use for which the special exception is requested will not:

- Be detrimental to the health, safety, or general welfare of the locality involved;
- Tend to create congestion in roads, streets or alleyways;
- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd land and cause undue concentration of population;
- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air."

It is conceded by both the Appellants and the Appellees that only Subsections a and b of Section 502.1 are to be considered by the Court in this

greatest concern. It seems incredible in today's day and age someone is actually seriously contemplating putting a daily loading post from 200 to 400 people on a septic tank facility. It will go up almost immediately.

"Of course I recognize it is up to the Health Department to make this determination, but I can say that these plans are ineffective because they don't have facilities for that number of people, who will continuously use the facilities over 100 days of the year."

"Of course, that moves me to the question of what effect the marina will have on the surrounding watershed. The question of intensive use of an area of this sort that has only modest tidal influences, would definitely be detrimental. If there is swimming in the immediate area, such swimming will have to cease that the biochemical oxygen demands of the water, it will contaminate the water and will pollute it."

"Again, it is not a single boat that will pollute it; it is a combination of all the boats. You are continuously adding pollution to the water, and in time it will create a condition, whether it is deep or shallow, which the tides themselves cannot disperse, and, of course, it is a serious matter, and has been, in all marina construction today."

No provisions are shown on here for removal of the waste, by means of a vacuum process, or probably to remove the waste in some way, and then disposal of them, would answer the problem, because the on-shore facility is utterly inadequate."

The Board, in its opinion, concluded that the use of the property as a marina would not create congestion in Cape May Road based on the testimony of Mr. Wolff. The Board did not, however, concern itself with the possibility of traffic hazard on this roadway as presented by the evidence. The pollution and health problems were disposed of by the Board in stating that, in their opinion, the Baltimore County Department of Health would not grant a permit for a marina facility if there was any possibility of pollution or detriment to the health of the residents of the neighborhood. The Board relied upon Section 417.6 of the Zoning Regulations which reads as follows:

"417.6--No new waterfront facilities, such as boat yards or marinas, or any service building or structure used in connection therewith shall be established without the approval of and subject to the regulations and requirements of the Baltimore County Department of Health. Written approval shall be a required condition prior to issuance of a permit."

In other words, the Board, in essence, stated it was not its function to determine whether or not the requirements of Subsection a of Section

appeal. The Appellants contended that the Appellees did not produce substantial evidence before the Board making it appear that the requested use of the property as a marina would satisfy the requirements of Subsection a and b referred to. On the contrary, the Appellees contended that they met this burden, and there was evidence of a substantial nature to justify the Board's finding in granting the special exception requested.

The Appellees produced before the Board their own testimony as owners of the property and the testimony of Leslie H. Graf, Deputy Director of Planning for Baltimore County. The owners, in their testimony, stated that they felt there was a need for a marina in this vicinity and that, in their opinion, the use of the property for such purpose would not be detrimental to the health, safety and general welfare of the locality involved and would not tend to create congestion in the only roadway servicing the property. They further stated that they proposed to personally operate the marina if such use were permitted although the record does not disclose that they are knowledgeable of the problems of such an operation. Mr. Graf was produced by the Applicants primarily to show a need for the use of the subject property as a marina facility. Through him, there was produced in evidence the comments of the Office of Planning and Zoning of Baltimore County as follows (Tr. pp. 11-12):

"The staff of the Office of Planning and Zoning has reviewed the subject petition for a Special Exception for a marina, and has the following advisory comments to make with respect to pertinent planning factors:

"1. Land use data indicate that there are no other commercial type marina or boat-yard activities in the immediate vicinity. The Planning staff is not well versed in the impact of water-front and marina activities on adjacent residential land uses. Will the proposed marina have an adverse effect on health, safety, or general welfare of the locality? Will the marina cause traffic congestion or hazard? Will the marina cause overcrowding of land or undue concentration of population? Can adequate provision be made for sanitation facilities? The petitioner should show conclusively that the proposed marina will comply with the provisions of Section 502.1 of the Regulations."

Further on in Mr. Graf's testimony at page 19 of the transcript, he concisely stated the problem posed in reaching a decision on this application

502.1 had been satisfied prior to granting the special exception but would leave this determination to the County health authorities. The Court does not believe that this is a proper legal application of the Zoning Regulations. Section 502.1 states: "Before any special exception shall be granted, it must appear that the use for which the special exception is requested will not: a) Be detrimental to the health, safety or general welfare of the locality involved;" (Underlining supplied.) The Board took the position that it is proper for them to grant a special exception and to leave to some other department the decision as to whether or not the proposed use would be detrimental to the health, safety and general welfare of the locality involved. Such a position is not provided for and is not sustainable under the express wording of the Zoning Regulations.

The case of *Amberley Lake v. Board*, 219 Md. 261 is pertinent to the Board's position above stated. At page 267, the Court said:

"A major ground of attack is the alleged inadequacy of sewage disposal facilities and the danger of pollution of the nearby creek. As to this, the Board of Appeals did not act until after it had received the preliminary approval of the applicant's plans by the Department of Health. We can find nothing arbitrary in the Board's reliance upon the opinion of the Health Department with regard to that question, which is a matter peculiarly within the competence of that Department. The Board was not obliged to accept the contrary views of one or more neighbors who were laymen in that field."

In the instant case, there was no preliminary approval of the Applicants' plans by the Baltimore County Health Department nor did any representative of that Department or any other expert testify that the proposed use of the subject property would not be detrimental to the health, safety or general welfare of the locality involved. Had such preliminary approval or testimony been produced, the case would possibly be before this Court in a different light and posture.

The Court is aware that in a zoning appeal case such as the one at bar, in its limited function of judicial review, it may not substitute its judgment for that of the Board; and if the evidence supporting the decision of the Board is substantial and renders the question of its action fairly debatable, the



Board must be affirmed. This rule is usually applicable to the decision of the Board in granting a special exception as well as a zoning reclassification. In the instant case of James V. Hall, 241 Md. 224, at page 241, the Court said:

"The trial court, however, was in error in reversing the Board's order granting the special exception to erect the elevator apartments. The factors to be considered by the Board are set forth in Section 502.1 of the Baltimore County Zoning Ordinance. These factors are substantially the same as those set forth in Charles v. Board of Zoning Appeals, 204 Md. 397, 401, 164 A.2d 569, 580 (1960).

"In considering the special exception, the Board acts as a body of zoning experts and the area of judicial review is quite limited. As Judge Delaplaine, for the Court, aptly stated in Charles v. Board:

"The function of a zoning board is to exercise the discretion of experts, and the court on appeal will not disturb the board's finding where it has complied with the legal requirements of notice and hearing and the record shows substantial evidence to sustain the finding." (Page 405 of 204 Md., page 572 of 164 A.2d.) (Underscoring supplied.)

See also Robin v. County Board of Appeals, at page 267 of 234 Md., page 220 of 190 A.2d.

The above language does not minimize, but rather emphasizes that there must be evidence of a substantial nature from which the Board could reach its decision. From the entire record in this case, the Court is unable to find any substantial evidence to support the Board's finding, but the evidence is contrary to the Board's determination. The Court is, therefore, of the opinion that the action of the Board in this case was clearly erroneous and was arbitrary, capricious and illegal and must be reversed.

For the reasons stated and in conformity with the foregoing opinion, it is this 5th day of December, 1965, by the Circuit Court for Baltimore County ORDERED that the Order of the County Board of Appeals of Baltimore County dated October 7, 1965, be and the same is hereby reversed, and the Order of the Deputy Zoning Commissioner of Baltimore County dated August 4, 1964, denying the special exception as to the use of the subject property be and the same is hereby reinstated.

Walter M. Fisher, JUDGE

Duff - No. 64-162-X

ORDER

For the reasons set forth in the foregoing Opinion, it is this 5th day of October, 1965 by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby GRANTED, subject to the aforementioned restrictions.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

R. Bruce Alderman

LAW OFFICE
Leonard A. Vadala
ATTORNEY
1765 EASTERN BLVD.
BALTIMORE, MD. 21204



1765 EASTERN BOULEVARD
BALTIMORE, MD. 21204

Baltimore County Office of Planning and Zoning
County Office Building
111 West Chesapeake Avenue
Towson 4, Maryland

Re: Petition for Special Exception
for a Marina
NW corner Cape May & Wilcox Roads
15th District
Arlis Duff - Petitioner
No. 64-162-X

Gentlemen:

Please take notice that the Petitioner in the above matter, Arlis Duff, desires to enter an Appeal to the Order of Edward D. Hardesty, Deputy Zoning Commissioner of Baltimore County, dated August 4, 1964.

Enclosed, herewith, please find check in the amount of \$70.00 covering the fee for the above Appeal.

Arlis Duff
Arlis Duff, Petitioner

Very truly yours,

Leonard A. Vadala
Leonard A. Vadala

LAWYER
enclosure

RE: PETITION FOR SPECIAL EXCEPTION :
for a Marina
NW corner Cape May Road and
Wilcox Road,
15th District
Arlis and Helen Duff,
Petitioners
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 64-162-X

OPINION

The petitioner in this case seeks a special exception in an R-6 zone to permit the use of the property as a Marina which is a permitted use as a special exception in a residential zone. The property consists of six and three-quarters acres situated at the northwest corner of Cape May and Wilcox Roads in the Fifteenth Election District of Baltimore County. It is roughly rectangular in shape and spans the point of land between Norman Creek and Hagen Creek having frontage on both of the aforementioned creeks. The property is bisected by Cape May Beach Road which runs through the subject property and then turns into Wilcox Road which runs northerly along the edge of the property.

The petitioner produced testimony that the property has been used continuously as a commercial bathing beach since 1911 but that in recent years business has declined and now the beach is open only on weekends. There was testimony that the average crowd using the beach on a good day was approximately two hundred people, and that they had as many as eight hundred people using the beach on club outing days. The petitioners also testified that, in their opinion, there was a great need for a Marina in this area and that they had been approached on several occasions by yacht clubs interested in purchasing their property for use as a Marina.

The Deputy Director of Planning, Mr. Leslie Graef, testified that the June, 1965 Master Plan Appendix indicated a need for two to five additional Marinas, and ten to twenty launching ramps along the waterfront property. Based on a study made in 1958 the existing commercial waterfront facilities are not adequate to provide for the present boat owners in the Baltimore County - City area. There was testimony from several witnesses that the existing Marinas in the Middle River area were all operating at capacity or near capacity, and that very few slips for private boats are available.

The petitioners contended that the granting of this special exception would create traffic congestion on Cape May Road and that the construction of a Marina would pollute the water in the area. There was also testimony by one of the petitioners, Mr. Philip Tinley, that he would object to seeing boats in dry storage but would not object if the dry storage boats were screened from his view. Jerome Wolff, an expert witness appearing on behalf of the petitioners, testified that he did not feel the construction of a

Duff - No. 64-162-X

Marina would create congestion in the streets. He stated that the capacity of Cape May Road is 350 vehicles per hour which would not be exceeded if the subject property were developed as proposed. He felt the real traffic impact would be the transportation of boats over Cape May Road. Mr. Wolff testified at length as to possible problems arising from the use of septic tanks on the property to dispose of sewage and the problems of water pollution caused by the boats tied up at the Marina, but admitted that he had made no actual study of the subject property as to the feasibility of public sewage or use of septic tanks. Section 417.6 of the Zoning Regulations (which pertains to waterfront construction) requires that no new Marina or buildings used in connection therewith shall be established without the approval of, and subject to the regulations of the Baltimore County Department of Health, and that written approval from the department shall be a required condition prior to the issuance of a permit. Therefore, it seems clear to the Board that no permit would be issued by the County health authorities unless they were satisfied with the proposed sanitary facilities for the property. It was also admitted that a nearby Marina did operate with septic tanks and to the witness' knowledge they had had no difficulties with sewage disposal. There was testimony that sewage from boats stored at Marinas always present a problem, however, the Baltimore Yacht Club nearby which apparently has approximately four hundred slips has not polluted the water and, in fact, there is a small bathing beach used by the Club's members within several hundred feet of the docks.

From all of the evidence presented the Board finds it very difficult to see how the proposed Marina use would violate any of the sections of 502.1 of the regulations. Therefore, the special exception sought for a Marina will be granted, subject to the following restrictions:

1. That there shall be off-street parking facilities provided in the amount of at least one parking space for each boat slip
2. That such parking facilities shall be paved with a durable dustless surface. And shall be screened with compact evergreen screening in accordance with Section 405.2 (1) of the Zoning Regulation
3. That any area used for out-of-water storage facilities for boats shall be screened by compact evergreen screening at least four feet in height on all sides except the side which is adjacent to the waterfront

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, we, Arlis & Helen B. Duff, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone, to the following zone:

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for... a Marina

Property is to be posted and advertised as prescribed by Zoning Regulations. I, we, agree to pay expenses of above re-classification and/or Special Exception 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 of Baltimore County.

Contract purchaser
Address
Arlis Duff
Helen B. Duff
Cape May Road
TIA Gay 90's Park
Baltimore 21, Maryland
Petitioner's Attorney
Leonard A. Vadala
1765 Eastern Blvd.
Baltimore 21, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of August, 1964, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of June, 1964, at 2:00 o'clock P. M.



(over)

WILLIAM M. LEE
REGISTERED CIVIL ENGINEER
ARMA MARFIELD AVENUE
BALTIMORE 14, MARYLAND

Arlo Dorff property
N.W.C. Cape May Road and Wilcox Road
15th District Baltimore County, Maryland

January 17, 1964

Beginning for the same at the northwest corner of Cape May Road and Wilcox Road said point of beginning being the southeast corner of lot 14 as shown on the plat of Cape May Road said plat recorded among the land records of Balto. Co. in Plat Book 4 folio 125 and thence running and binding on the west side of Wilcox Road and on the eastern outline of lots 14 and 5 as shown on said plat North 16 degrees 21 minutes West 684.30 feet to the waters of Normans Creek thence running and binding on the waters of Normans Creek as follows: southeasterly 74.10 feet and South 49 degrees 21 minutes West 379.59 feet to the western outline of lot 1 thence leaving Normans Creek binding on the western outline of lots 1 and 12 on plat of Cape May Point South 30 degrees 11 minutes East and continuing the same direction in all 396 feet to the south side of Cape May Road thence running and binding on the south side of Cape May Road South 67 degrees 39 minutes West 89 feet thence running for a line of division South 16 degrees 11 minutes East 248 feet to the waters of Hog Pen Creek thence binding on the waters of Hog Pen Creek the seven following courses and distances: South 88 degrees 00 minutes East 70 feet, North 20 degrees 13 minutes East 28 feet, South 22 degrees 00 minutes East 35 feet, South 82 degrees 15 minutes East 55 feet, South 65 degrees 00 minutes East 150 feet, North 82 degrees 00 minutes East 244 feet and North 53 degrees 00 minutes East 52 feet thence running for a line of division North 21 degrees 30 minutes West 377.20 feet to the center of Cape May Road and thence crossing Cape May Road North 16 degrees 21 minutes West 15 feet to the place of beginning.

Containing 6 acres of land more or less.



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Ryan, Chairman
Zoning Advisory Committee

FROM: Mr. Paul W. Wilcox, Jr.
Fire Marshal

SUBJECT: Arlo Dorff
Petition for Special Exception for a Marina
District 15 - 5/8/64

Date: May 18, 1964

The granting of a special exception for a marina will be subject to requirements of the Fire Prevention Code under Section 14-65 A, B, C, and D, and Section 14-66. Contact Dept. Paul W. Wilcox at Valley 5-7310 for information.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. John C. Morris, Planning Commissioner

FROM: Mr. Leonard A. Yelala, Esq.
1560 Eastern Blvd.
Baltimore 21, Md.

SUBJECT: Petition for Special Exception for a Marina for Arlo Dorff
64-162-X

DATE: May 1, 1964

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

OFFICE OF PLANNING & ZONING: Marinas are permitted the following uses, berthing, launching, mooring and permitting incidental minimum revisions for rebuilding and emergency servicing. Use of water storage is permitted for marinas of 5 acres of water storage is proposed on this site, it must be indicated on the petitioner's plans.

WRITTEN approval from the Health Department is a required condition prior to establishing or issuing a permit for water front facilities.

THURGOOD: Details of the paved area of parking lot adjacent to Cape May Road must be indicated on the plans.

HEALTH DEPARTMENT: All proposed and existing toilet facilities must be indicated on the plans.

FIRE DEPARTMENT: See Attached Comments.

No comments from the following Departments: R & R Commission, Bureau of Engineering, State Roads Commission, Buildings Department, Board of Education, Industrial Commission.

cc: Albert Outsky-Office of Planning & Zoning
Albert Helms-Traffic
Thomas Davis-Health Department

Yours very truly,
James E. Ryan
Chairman of Permit and Petition Processing

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. John C. Morris, Planning Commissioner

FROM: Mr. Leonard A. Yelala, Esq.
1560 Eastern Blvd.
Baltimore 21, Md.

SUBJECT: Petition for Special Exception for a Marina. Northeast corner of Cape May and Wilcox Roads. Being property of Arlo Dorff.

15th District

HEARING: Monday, June 8, 1964 (2:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for a Special Exception for a marina, and has the following advisory comments to note with respect to pertinent planning factors:

- Land use data indicate that there are no other commercial type marina or boating activities in the immediate vicinity. The planning staff is not well versed in the impact of waterfront and marina activities on adjacent residential land use. Will the proposed marina have an adverse effect on health, safety or general welfare of the locality? Will the marina create traffic congestion or hazard? Will the marina cause overcrowding of land or undue congestion of population? Can adequate provision be made for sanitation facilities? The petitioner should show conclusively that the proposed marina will comply with the provisions of Section 5-1 of the Ordinance.

APPEAL

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 15th Date of Posting: 9-10-64

Posted for: Arlo Dorff
Petitioner: N.W.C. Cape May Wilcox Rd.

Location of property: N.W.C. Cape May Wilcox Rd.

Location of Sign: Inside wooden fence along N.W.C. Cape May Wilcox Rd. near intersection of Wilcox Rd. and N.W.C. Cape May Wilcox Rd.

Posted by: William M. Lee

Date of return: 9-10-64

CERTIFICATE OF PUBLICATION

OFFICE OF
The Community Press

DUNDALK, MD. May 22 1964

THIS IS TO CERTIFY, that the annexed advertisement of Arlo Dorff was inserted in THE COMMUNITY PRESS, a weekly newspaper published in Baltimore County, Maryland, once a week for 19 days of May 1964 that is to say, the same was inserted in the issues of 5-20-64

Stromberg Publications, Inc.
Publisher.

By Betty Pauer

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 22 1964

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. on or about May 21, 1964, before the 19th day of June 1964, the first publication appearing on the 22nd day of May 1964.

THE JEFFERSONIAN
Publisher

Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
TOWSON 4, MARYLAND

INVOICE No. 25299 DATE 9/10/64

To: Leonard A. Yelala, Esq.
1560 Eastern Blvd.
Baltimore 21, Md.

Office of Planning & Zoning
219 County Office Bldg.
Towson 4, Md.

REPORT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST	TOTAL AMOUNT
		Cost of appeal in matter of property of Arlo Dorff	\$76.00	
		PAID - Baltimore County, Md. - Office of Finance		
		9-264 6243 • 25299 TIP-	70.00	

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 15th Date of Posting: 5/1/64

Posted for: William M. Lee
Petitioner: Arlo Dorff

Location of property: N.W.C. Cape May Wilcox Rd.

Location of Sign: Inside wooden fence along N.W.C. Cape May Wilcox Rd. near intersection of Wilcox Rd. and N.W.C. Cape May Wilcox Rd.

Posted by: William M. Lee

Date of return: 5/1/64

CERTIFICATE OF PUBLICATION

OFFICE OF
The Community Press

DUNDALK, MD. May 22 1964

THIS IS TO CERTIFY, that the annexed advertisement of Arlo Dorff was inserted in THE COMMUNITY PRESS, a weekly newspaper published in Baltimore County, Maryland, once a week for 19 days of May 1964 that is to say, the same was inserted in the issues of 5-20-64

Stromberg Publications, Inc.
Publisher.

By Betty Pauer

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 22 1964

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. on or about May 21, 1964, before the 19th day of June 1964, the first publication appearing on the 22nd day of May 1964.

THE JEFFERSONIAN
Publisher

Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
TOWSON 4, MARYLAND

INVOICE No. 34531 DATE 11/14/64

To: William M. Lee, Esq.
1560 Eastern Blvd.
Baltimore 21, Md.

County Board of Appeals
(Checked)

REPORT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST	TOTAL AMOUNT
		Cost of Certified Documents - File No. 64-162-X Arlo & Helen Dorff NW corner Cape May and Wilcox Ave. 15th District - Baltimore County, Md. - Office of Finance	\$8.00	
		11-150 4694 • 34531 TIP-	8.00	

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE
823-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 23015

DATE 4/8/64

Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Leonard A. Vadala, Esq.
1760 Eastern Blvd.
Baltimore 21, Md.

BILLED BY: Zoning Department of
Baltimore County

01622

DEPOSIT TO ACCOUNT NO.

TOTAL AMOUNT
\$50.10

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
—	Advertising and posting of property for Arlo Dorff #64-162-X PAID—Baltimore County, Md. — Court House 6--864 5164 * 23015 TYP--	50.10 50.10
3		

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE
823-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 23354

DATE 4/27/64

Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Leonard A. Vadala, Esq.
1760 Eastern Boulevard
Baltimore 21, Md.

BILLED BY: Zoning Department of
Baltimore County

01622

DEPOSIT TO ACCOUNT NO.

TOTAL AMOUNT
\$50.00

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
—	Petition for Special Exception for Arlo Dorff PAID—Baltimore County, Md. — Office of Finance 4-2764 2925 * 23354 TYP--	50.00 50.00
3		

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE
823-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 25304

DATE 9/4/64

Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Leonard A. Vadala, Esq.,
1760 Eastern Boulevard,
Baltimore 21, Md.

BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson 4, Md.

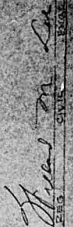
01-622

DEPOSIT TO ACCOUNT NO.

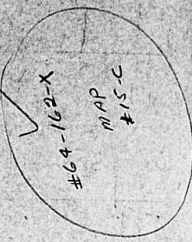
TOTAL AMOUNT

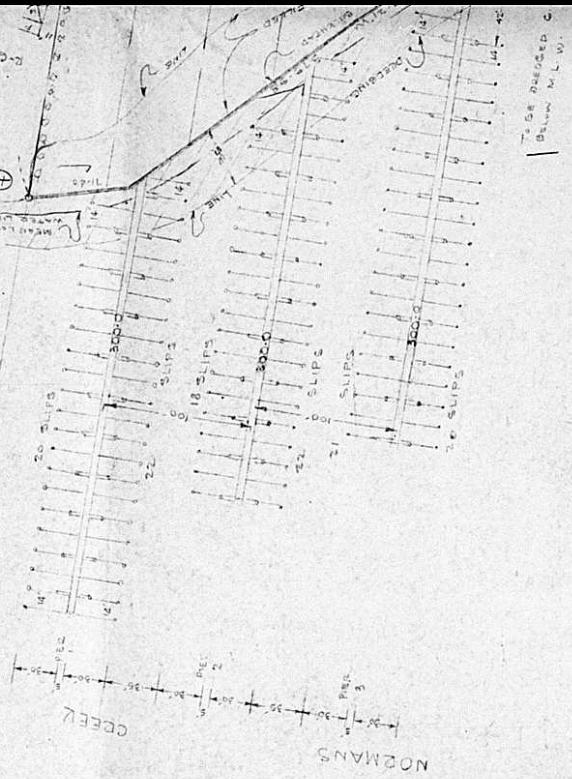
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
—	Cost of posting property of Arlo Dorff for appeal hearing No. 64-162-X PAID—Baltimore County, Md. — Office of Finance 9-464 6288 * 25304 TYP--	5.00 5.00
3		

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.



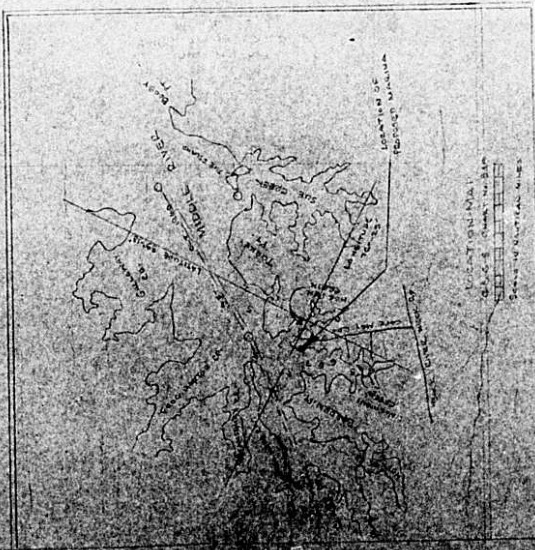
1-17-64 4-17-64





EXISTING PIER LINE

TO BE DELETED
Below M.L.W.



PRESENT USE - BATHING BEACH
 PROPOSED USE - BOAT MARINA
 PRESENT ZONING - D-2
 PROPOSED ZONING - SPECIAL EXCEPTION
 AREA OF PROPERTY - 2.5 AC.
 NO. OF BOAT SLIPS - 100
 NO. OF PARKING SPACES - 100