

DEC 22 1971

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
NW/4 of Seneca Avenue, 602' NE : ZONING COMMISSIONER
3 of Greyhound Road - 15th District : OF
Rita Goeller - Petitioner :
No. 70-140-X (Item No. 112) :
BALTIMORE COUNTY

ORDER

For the reasons stated in the Petition By Consent attached hereto, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27 day of October, 1971, that the Zoning Commissioner's Order of May 4, 1970 pertaining to Petition For Special Exception and further referred to as Case No. 70-140-X (Item No. 112), be amended as follows:

That a Special Exception for a boat club marina should be and the same is GRANTED, from and after the date of this Order, subject to the following conditions:

1. Storage of boats on dry land is prohibited.
2. The construction and operation of gas pumps and boat lifts is prohibited.
3. Major boating repairs are prohibited.
4. Playing of music over loud speakers is prohibited with the exception that music would be permitted over loud speakers on the two annual occasions of the yacht club, namely, their Flag Raising Ceremony Day and the annual luau.
5. The site plan is subject to approval by the Bureau of Public Services and the Office of Planning and Zoning.
6. A ban on the use of air or bull horns by the Club members and operation of boats without mufflers from 11:00 p.m. to 8:00 a.m. In addition, ship to shore radios would only be operated when necessary and with the volume turned down as low as possible. Spotlights not to be directed towards the Sinclair and O'Connor properties.
7. Septic system as designed and approved by the Health Department and according to plans already submitted.

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DATE 10/27/71
BY J. J. HARRIS

8. Dredging shall be banned during the period from May 30 to September 7.
9. All dredged bottom material to be disposed of in conformity with the ruling of the State Board of Water Resources and the Corps of Engineers.
10. Bulkheads and/or jetties shall be constructed by the Eastern Yacht Club in conformance with the requirements of the Board of Water Resources and the Corps of Engineers for adequate channel and shoreline protection.
11. The channel to be dredged by the Eastern Yacht Club shall be located within fifteen (15) feet of the boundary line between the Lawrence A. Sinclair, Sr. property and the present Goeller property under lease to the Eastern Yacht Club.

[Signature]
S. ERIC DINIEN
ZONING COMMISSIONER

ROBERT J. KOWALKA
ATTORNEY AT LAW
ESTABLISHED 1948

RE: PETITION FOR SPECIAL EXCEP- : BEFORE THE
TION : ZONING COMMISSIONER
NW/4 of Seneca Avenue, 602' NE of : OF
Greyhound Road - 15th District :
Rita Goeller - Petitioner :
NO. 70-140-X (Item No. 112) :
BALTIMORE COUNTY

The Petitioner seeks a Special Exception to use his property for a boat club marina. The overall tract consist of 20.4 acres and is currently zoned R-6 and BL. The commercial portion comprises the eastern one-third of the subject property bordering on Middle River.

Over the years, this property has had a history of being used for social outings, picnics, public bathing, a social club, and as a marina. There have been times when as many as one thousand people would congregate for a particular event. The Petitioner has owned this tract for eleven years during which time it was used either as a beach club or private social club.

The existing boundaries are most irregular. Main access is by a street known as Patapsco Avenue which is now a twenty foot paved artery which shall be improved in the future as a thirty foot closed section with flexible paving on a fifty foot right-of-way. Presently on the tract are a hall, two pavilions, two docks, and two block storage houses as well as four piers, which are admittedly dilapidated. There are forty-three available slips.

To the north and northwest of the subject tract is marsh land. The western portion is heavily wooded, which is bordered by Patapsco Avenue. Just across Patapsco Avenue are some residences. To the south and southeast are additional homes and the Rockaway Beach Improvement Association meeting place. As stated before, the property is bordered on the east by Middle River.

The contract purchaser is the Eastern Yacht Club, Incorporated. This club currently has ninety-eight members and the usual weekly attendance is between fifty to seventy-five. The most people expected to attend any one

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function would be four hundred, and this is usually restricted to the opening day or Flag Raising Day. Over half the members have boats and about one-third of the present membership lives in the Essex-Middle River section of Baltimore County.

The yacht club has already begun to renovate the existing hall and has installed a septic system. If the Special Exception is granted, the yacht club would improve the septic system and have already submitted septic tank plans which have been approved by the Baltimore County Department of Health. The proposed private sewer system could, if necessary, accommodate up to one thousand people. Additional piers would be constructed in order to provide an overall total of one hundred and five slips. The club house would be enlarged and an outdoor swimming pool would be constructed. The yacht club would hope that when all improvements are completed the property would be a real show place. Mr. Richard Carter, a member and Past Commodore, testified that no boats would be stored on dry land and that there would be no gas pumps or lifts on the property and no sales of marine supplies. He further stated the yacht club rules prohibit the operation of any toilet facilities on any boat while in dockage. There would be no playing of music over loud speakers.

It should be pointed out that this particular yacht club has been in existence since 1957 and is a non-profit organization.

As frequently happens, this Petition has met with mixed reaction from the neighborhood. Some of the neighbors who live on Patapsco Avenue directly across the street from the subject property testified on behalf of the Petitioner. They said that the present site is used as a lovers lane and as a dumping ground for trash, debris, etc. They could foresee no traffic congestion on Patapsco Avenue.

The Rockaway Beach Improvement Association adopted a standing of neutrality on this Petition although the President personally felt that this Petition should be granted because it would clean up a mosquito breeding

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marsh and would provide the neighborhood with new owners who will take better care of the property than has been done in recent years.

The gentleman who lives to the north of the subject tract just across from the existing piers bases his opposition on fears of water pollution, noise, and traffic congestion. Other neighbors testified along the same line. Another reason for protesting the granting of this Petition was fear of possible property depreciation but it was brought out in cross-examination that property values in this area have generally appreciated, notwithstanding other marinas in the general area.

Without further reviewing the evidence, the Zoning Commissioner feels that the Petitioner has met the burden of proof in complying with the requirements of Section 502.1 of the Baltimore County Zoning Regulations concerning the granting of Special Exceptions. It would appear that Patapsco Avenue at this time is capable of serving this proposed use, which will draw fewer people than some of the previous uses attracted over the years. A personal inspection of the subject property (made at the request of all parties) revealed that it is generally run down and that if the improvements proposed are made, the net result would be beneficial to the overall community.

For the foregoing reasons, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 4 day of May, 1970, that a Special Exception for a boat club marina should be and the same is GRANTED, from and after the date of this Order, subject to the following conditions:

1. Storage of boats on dry land is prohibited.
2. The construction and operation of gas pumps and boat lifts is prohibited.
3. Major boating repairs are prohibited.
4. Playing of music over loud speakers is prohibited.
5. The site plan is subject to approval by the Bureau of Public Services and the Office of Planning and Zoning.

[Signature]
Zoning Commissioner of
Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
NW/4 of Seneca Avenue, 602' NE : ZONING COMMISSIONER
3 of Greyhound Road - 15th District :
Rita Goeller - Petitioner :
No. 70-140-X (Item No. 112) :
BALTIMORE COUNTY

PETITION BY CONSENT AND ORDER

The undersigned, being attorneys representing the Petitioner and Protestants pertaining to the above captioned case, have mutually agreed to a settlement of differences that existed between their respective clients concerning said Special Exception and in having reached said agreement, have requested the Zoning Commissioner of Baltimore County to amend his Order of May 4, 1970 which said Order granted said Special Exception for a boat club marina. It is requested by the parties hereto that said Zoning Order be amended as follows:

That Restriction No. 4 as set forth in the Zoning Commissioner's Order be amended to read as follows:
"Playing of music over loud speakers is prohibited with the exception that music would be permitted over loud speakers on the two annual occasions of the yacht club, namely, their Flag Raising Ceremony Day and the annual luau."

It is further agreed that the following restrictions be added to the Zoning Commissioner's Order:

- A. A ban on the use of air or bull horns by Club members and operation of boats without mufflers from 11:00 p.m. to 8:00 a.m. In addition, ship to shore radios would only be operated when necessary and with the volume turned down as low as possible. Spotlights not to be directed towards the Sinclair and O'Connor properties.
- B. Septic system as designed and approved by the Health Department and according to plans already submitted.
- C. Dredging shall be banned during the period from May 30 to September 7.

ROBERT J. KOWALKA
ATTORNEY AT LAW
ESTABLISHED 1948

D. All dredged bottom material to be disposed of in conformity with the ruling of the State Board of Water Resources and the Corps of Engineers.

E. Bulkheads and/or jetties shall be constructed by the Eastern Yacht Club in conformance with the requirements of the Board of Water Resources and the Corps of Engineers for adequate channel and shoreline protection.

F. The channel to be dredged by the Eastern Yacht Club shall be located within fifteen (15) feet of the boundary line between the Lawrence A. Sinclair, Sr. property and the present Goeller property under lease to the Eastern Yacht Club.

WHEREFORE, it is respectfully requested that the Zoning Commissioner pass an Order amending his Order of May 4, 1970 pertaining to the captioned case and to incorporate in said Amended Order the hereinbefore stated restrictions.

[Signature]
Robert J. Kowalka
809 Eastern Boulevard
Baltimore, Maryland 21204
686-8274
ATTORNEY FOR PETITIONER

[Signature]
Francis M. Iqbal
105 W. Pennsylvania Avenue
Towson, Maryland 21204
825-0711
ATTORNEY FOR PROTESTANTS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hendley, Deputy Zoning Commissioner
FROM: Mr. George E. Gervolin, Director of Planning
SUBJECT: Petition 70-140-X, Special Exception for Boat Club Marina
Northwest side of Seneca Avenue 602' feet northeast of Greyhound Road. Rita Goeller, Petitioner.

15th District
HEARING: Thursday, January 29, 1970 (2:00 P.M.)

The Office of Planning and Zoning has reviewed the subject petition for Special Exception for a Boat Club Marina. It raises questions and doubts relative to the capability of the road system in the immediate area to accommodate traffic generated by the proposed activity. Cautions the applicant to offer proof as set forth in Section 502.1 of the Zoning Regulations relative to the granting of Special Exceptions.

GEG:bms

DEC 22 1971

112. Property Owner: Rita Goeller
(1969-1970)
Location: S.E. cor. of Seneca & Patapsco Avenues
District: 15th
Present Zoning: R-6, D.L.
Proposed Zoning: S.S. for a boat club marina
No. Acres: 20.7

Highways:

Patapsco Avenue and Seneca Road are existing roads which shall be improved in the future as 30-foot closed sections with flexible paving on 50-foot rights-of-way.

Beach Avenue is a recorded road which shall be improved in the future as a 30-foot closed section with flexible paving on a 50-foot right-of-way.

Highway improvements and highway right-of-way widening shall be required in conjunction with any subsequent grading or building permit applications.

Sediment Control:

Development of this property through stripping, grading, and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Storm Drainage:

No provisions for accommodating storm water or drainage have been indicated on the submitted plan; however, a storm drainage study and drainage facilities will be required in connection with any subsequent grading or building permit applications.

The Applicant must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or other drainage facilities, would be the full responsibility of the Applicant.

The property to be developed is located adjacent to the water front. The Applicant is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels of residential and commercial development and other special construction features are required.

112. Property Owner: Rita Goeller
(1969-1970)
Page 2

Water:

Public water supply is available to serve this property.

Sanitary Sewer:

Public sanitary sewerage is not available to serve this property; therefore, a private sewage disposal system must be provided in accordance with Department of Health regulations and requirements.

Furrow:

S-E and Z-N Key Sheets
1 and 2 SE ul Position Sheets
CP 1 J and 1 K, NE 1 J and 1 K Topo
Tax 98

FROM THE OFFICE OF
ENGINEERS, J.A. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 9 6828, TOWSON, MD. 21204

Description to accompany Zoning Petition
Special Exception for Boat Club Marina.

December 10, 1969

Beginning for the same at a point on the northwest side of Seneca Avenue at the distance of 602 feet more or less measured in a northeasterly direction along the northwest side of Seneca Avenue from the northeast side of Greyhound Road; said point of beginning also being at the intersection of the northwest side of Seneca Avenue and the northeast side of Patapsco Avenue, running thence North 65° 05' East 1,244.70 feet to Middle River, thence along the waters of the west side of Middle River the four following courses and distances, viz: South 54° 43' East 311.55 feet, South 5° 30' East 120.0 feet, South 27° 30' East 190.0 feet and South 7° 40' East 180.0 feet, thence leaving Middle River and running the four following courses and distances, viz: South 75° 30' West 235.0 feet, South 31° 30' West 350.0 feet, South 36° 30' West 233.0 feet and North 60° West 531.50 feet to the southeast side of Beach Avenue, thence binding on the southeast side of Beach Avenue North 30° East 173.0 feet to the northeast side of Patapsco Avenue, thence binding on the northeast side of Patapsco Avenue North 49° West 597.45 feet to the place of beginning.

Containing 20.7 Acres more or less.



INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
DATE: 12/10/69
No. 69260

To: Rita Goeller, Esq.,
Box 9828
Towson, Md. 21204

REPORT TO ACCOUNT NO.	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
01-622	64" x 64" ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	\$80.00
770-140-X	Advertising and posting of property for Rita Goeller	60.00
		20.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO: DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
DATE: 12/16/69
No. 71252

To: Ronald L. Maher, Esq.,
Maher, Conklin, Alexander & Decker,
1800 Maryland Trust Building
Baltimore, Md. 21202

REPORT TO ACCOUNT NO.	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
01-622	64" x 64" ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	\$80.00
770-140-X	Cost of appeal -- Property of Rita Goeller	70.00
	2 signs	10.00
		80.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO: DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 8, 1970

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 200 times, approximately, weeks before the 27th day of January, 1970, the first publication appearing on the 1st day of January, 1970.

THE JEFFERSONIAN,
L. E. Morgan, Manager.

Cost of Advertisement: \$

ORIGINAL
OFFICE OF
THE ESSEX TIMES
ESSEX, MD. 21221 January 12, 1970
THIS IS TO CERTIFY, that the annexed advertisement was inserted in THE ESSEX TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 12th day of Jan. 1970 that is to say, the same was inserted in the issue of January 8, 1970.

STROMBERG PUBLICATIONS, Inc.

By: L. E. Morgan

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15
Posted for: Hearing the app. Jan. 29, 1970 @ 2:00 P.M.
Petitioner: Rita Goeller
Location of property: NW 1/4 of Seneca & Beach, 6.22' NE of Greyhound Rd.
Location of Sign: 1. South East of Beach & Seneca Road at Street
Remarks: See also 1. South East of Beach & Seneca Road at Street
Posted by: David H. Maher
Date of return: Jan. 15, 1970

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
DATE: Jan. 6, 1970
No. 67117

To: Robert J. Maher, Esq.,
Maher, Conklin, Alexander & Decker,
Baltimore, Md. 21202

REPORT TO ACCOUNT NO.	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
01-622	64" x 64" ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	\$80.00
770-140-X	Petition for Special Exception for Rita Goeller	60.00
		20.00

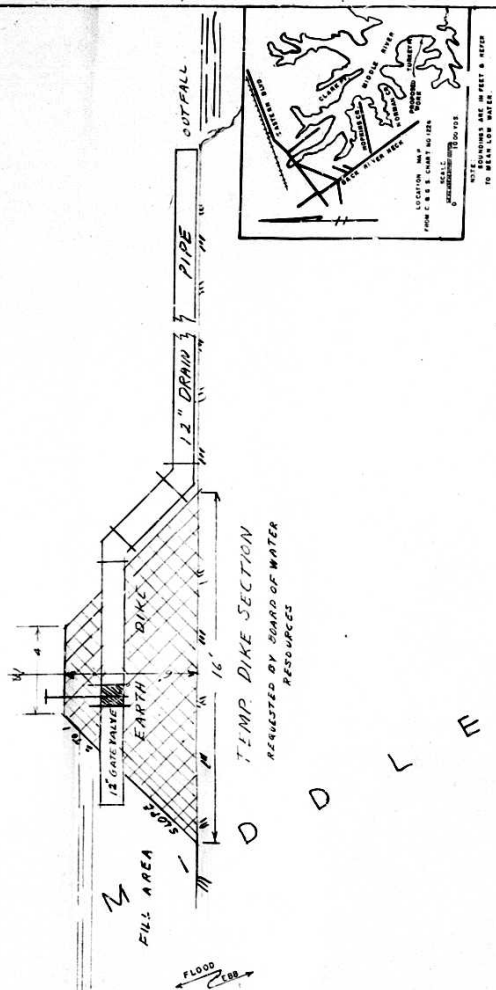
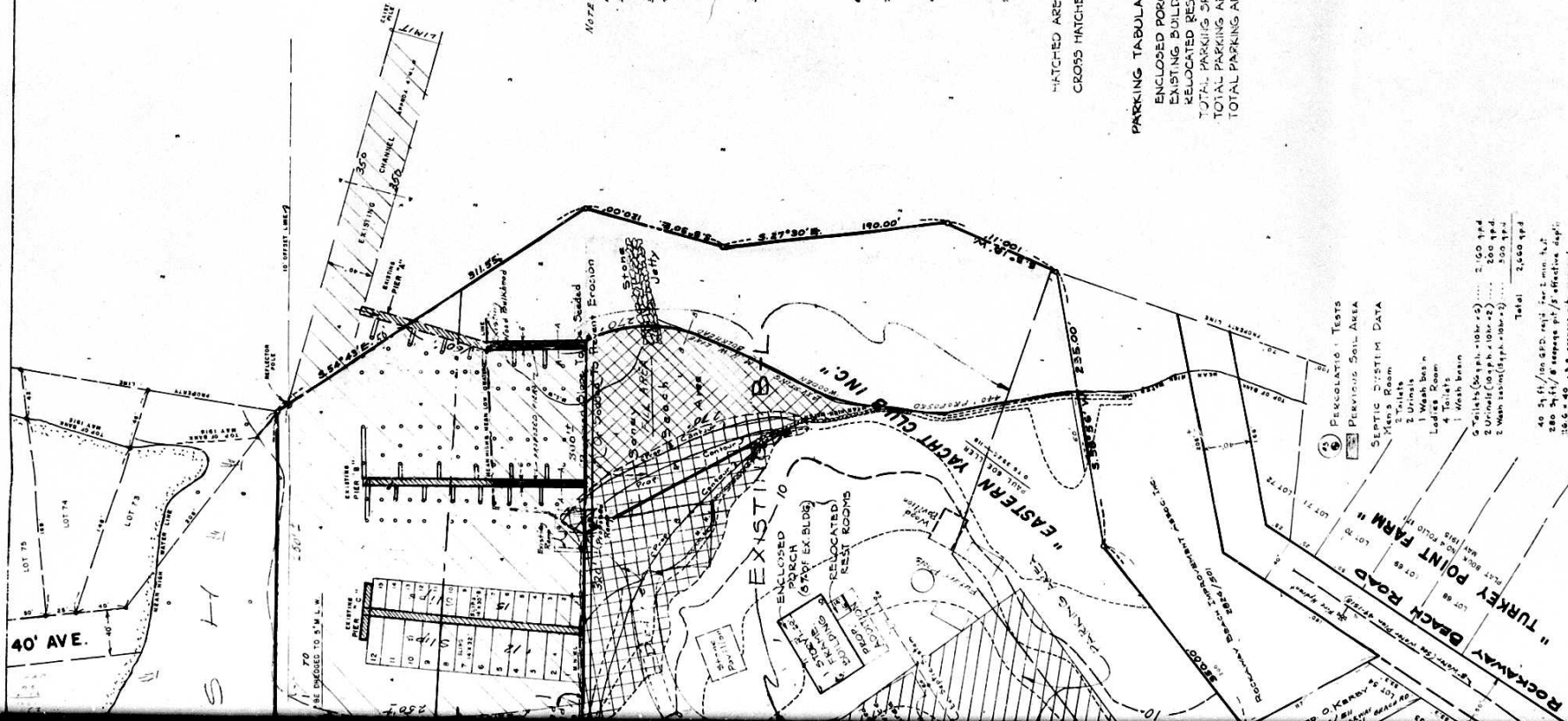
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO: DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this

Petitioner: Rita Goeller
Petitioner's Attorney: Robert J. Maher
Reviewed by: John C. Rose, Zoning Commissioner



NOTE: 1. STORAGE OF BOATS IN THE LAKE IS PROHIBITED.
2. THE CONSTRUCTION AND OPERATION OF THE DAMS AND THE LAKE IS PROHIBITED.
3. MAJOR BOATING RESOURCES ARE PROHIBITED.
4. PLAYING OF MUSIC OVER LOUD SPEAKERS IS PROHIBITED WITH THE EXCEPTION THAT MUSIC WOULD BE PERMITTED OVER LOUD SPEAKERS ON THE TWO ANNUAL OCCASIONS AT THE YACHT CLUB, ANNIVERSARY, THEIR FLAG RAISING CEREMONY DAY AND THE ANNUAL LEAD.
5. A BAN ON THE USE OF AIR OR GUN FIRE BY THE CLUB MEMBERS AND PERSONS ON BOATS WITHOUT NOTICE FROM 11:00 P.M. TO 1:00 A.M. IN WASHINGTON, D.C. SHALL BE ENFORCED. IF VIOLATED, THE CLUB SHALL BE RESPONSIBLE FOR THE COSTS OF THE VIOLATION.
6. THE YACHT CLUB SHALL BE RESPONSIBLE FOR THE COSTS OF THE VIOLATION.
7. ALL BOATS SHALL BE REMOVED FROM THE LAKE BY THE CLUB MEMBERS AND PERSONS ON BOATS WITHOUT NOTICE FROM 11:00 P.M. TO 1:00 A.M. IN WASHINGTON, D.C. SHALL BE ENFORCED. IF VIOLATED, THE CLUB SHALL BE RESPONSIBLE FOR THE COSTS OF THE VIOLATION.
8. THE YACHT CLUB SHALL BE RESPONSIBLE FOR THE COSTS OF THE VIOLATION.
9. THE YACHT CLUB SHALL BE RESPONSIBLE FOR THE COSTS OF THE VIOLATION.
10. THE YACHT CLUB SHALL BE RESPONSIBLE FOR THE COSTS OF THE VIOLATION.

HATCHED AREA INDICATES PARKING AREA

TURKEY POINT FARM

PLAT BOOK NO 4 FOLD 171
MAY 1915

LAURENCE SINC AIR, 36442-41,
BETHLEHEM, PA 2221
3570/222
3055/497

POND
MAY 1915

SENECA AVENUE

Side of Germantown Road

CARROLL BARBER
2244/241

PATAPSCO
ELMER L. WITMAN, SR.
1807/938
3986/545
3706/447

NOTE:
THIS IS TO ADVISE THAT
THE BUILDING (SHED AND MILLER) SHOWN
ON PLANS SUBMITTED TO OUR OFFICE
FOR PHASED CONSTRUCTION, BUREAU AND
OVER CONSTRUCTION ARE TEMPORARY BUILT
USED FOR STORAGE OF FUELS AND
MATERIALS. OUR INTENTION IS TO
REMOVE THESE 0 WHEN CLUB
CONSTRUCTION IS COMPLETED.

JAMES E. HUNTER
4254/174

JOSEPH M. HAZARD
3772/282

JOHN HARRISON II
2447/094

AVENUE

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NOTE: The outlines and topography shown herein
are taken from a plat prepared by
Evans, Hygen and Associates dated
July 14, 1917.

NOTE: The original plat was recorded at
George W. Stevens, Jr. Office, 1915

MICROFILMED

FEB 1