

PETITION FOR SPECIAL HEARING 85-310-SPH TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto, hereby petition for a Special Hearing under Section 502.1 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve quarters on boats berthed at marinas, boat yards and private piers in keeping with Federal Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing 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.

I/We do 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 Petition.

Contract Purchaser:
 (Type or Print Name)
 Signature
 Address
 City and State
 Attorney for Petitioner:
 (Type or Print Name)
 Signature
 Address
 City and State
 Attorney's Telephone No.: (301) 752-2468

Legal Owner(s):
 (Type or Print Name)
 Signature
 Address
 City and State
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Name
 Address
 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of March, 1985, 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 May, 1985, at 10:30 o'clock.

Call John
 Zoning Commissioner of Baltimore County.

(over)



BALTIMORE COUNTY
 OFFICE OF PLANNING & ZONING
 TOWSON, MARYLAND 21204
 494-3353

ARNOLD JABLON
 ZONING COMMISSIONER

JEAN M. H. JUNG
 DEPUTY ZONING COMMISSIONER

September 17, 1986

George W. Mangans, Esquire
 334 St. Paul Place
 Baltimore, Maryland 21202

RE: Petition for Special Hearing
 Waterfront Locations in
 Baltimore County
 Case No. 85-310-SPH

Dear Mr. Mangans:

Please be advised that your request for a special hearing in the above referenced Petition has been granted, in part, in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Jean M. H. Jung
 Deputy Zoning Commissioner

JMH:jbs

Attachments

cc: People's Counsel

IN RE: PETITION FOR SPECIAL HEARING
 Waterfront Locations in
 Baltimore County
 Joseph D. Boslego
 Petitioner

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 85-310-SPH

The Petitioner herein requests a Special Hearing to determine whether or not the Baltimore County Zoning Regulations (BCZR) permit permanent living quarters on boats berthed at marinas, boat yards and private piers in keeping with Federal Regulations.

Testimony by the Petitioner indicates that he proposes to live on a year-round basis on a boat anchored at a marina, boat yard or private pier. The boat would be equipped to meet Baltimore County Health Department, U.S. Coast Guard, EPA and DNR standards as to sanitation, safety and fire protection. In his opinion, a houseboat would meet the requirements of Section 502.1 of the BCZR so long as the requirements of the agencies noted above are met.

There were no Protestants.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and after due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, to grant permanent living quarters on a boat berthed at a marina, boat yard or private pier as requested in the instant case would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and would not be detrimental to the health, safety and general welfare of the community if, and only if, there is compliance with all restrictions noted below.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 17th day of September, 1986, that the herein request for a Special Hearing is approved and as such, a determination as to whether or not the BCZR

permit permanent living quarters on boats berthed at marinas, boat yards and private piers in keeping with Federal Regulations is GRANTED in the instant case, subject, however, to the following restrictions:

- If the houseboat is located in a marina or boat yard:
 - That marina or boat yard shall be legally established and have a site plan on file with Baltimore County.
 - The zoning shall permit a dwelling on the site.
- If the houseboat is located at a private pier:
 - The zoning shall permit dwellings.
 - The addition of the houseboat shall not cause the site to exceed the density permitted.
- Appropriate access for fire engines shall be provided and a stand pipe shall be installed, if required.
- A site plan indicating the exact location of the houseboat shall be submitted to the Office of Zoning for verification that restrictions 1, 2 and 3 have been met.
- A U.S. Coast Guard approved marine sanitation device must be installed on board. Any off-loading of sewage must be approved by the Maryland Water Resources Administration and the Maryland State Department of Health.
- Safety and fire protection methods shall be approved by the U.S. Coast Guard as required.
- Copies of approvals required by restrictions 5 and 6 shall be submitted for this file.

Jean M. H. Jung
 Deputy Zoning Commissioner
 of Baltimore County

DATE RECEIVED FOR FILING

DATE 9/18/86

BY [Signature]

This is a petition for a special hearing with the zoning commissioner to approve permanent residence aboard a boat at any marina or private pier in the Chesapeake Bay or its tributaries in Baltimore County. I am proposing that a restriction be imposed on a boat for permanent residence that it be equipped with 2 major items in addition to what the Coast Guard requires for a boat to have. They are just a simple system approved by the US Coast Guard and the EPA for on-board discharge of the waste water. The second system is called a Gray Water System. These systems which are actually certified by the US Coast Guard ensure absolute compliance with all federal laws.

The utilization of both of these systems will result in that collecting the gray but help to preserve it for future. This requirement would prohibit not just anyone to take up residence on a boat but rather would ensure that those who really appreciate our natural resources will help to maintain it for our future generations.

OFFICIAL APPROVAL
 [Signature]

I would now like to take this opportunity to address section 502.1 - Special Exceptions [B.C.Z.R., 1955.]

Under this section it lists;
 a) Be detrimental to the health, safety, or general welfare of the locality involved.
 b) I have stated above, by controlling the right to have a permanent residence aboard a boat, we can ensure that we have taken the necessary steps to preserve and improve the bay & its tributaries. It will allow us to appreciate and make use of our natural resources. Not everyone can afford to buy shore front property and build a home or to buy an already existing home. There is only so much waterfront that will not be anymore. This will allow anyone who loves the water and say as much as I do and cannot afford to buy a home on the land waterway to still be able to live and appreciate it if they take the necessary steps so as not to pollute the bay.

c) Tend to create congestion in roads, streets or alleys therein.
 I sincerely believe that there would

be no few willing to move on the waterfront as a permanent residence that would be insignificant since many of us already permitted to have a certain number of boats based upon parking facilities & general traffic within its local community.

Create a potential hazard from fire, police or other dangers.

I do not believe living on the water has any impact on the C.

Limit a excessive land and water use concentration of population.

Since boats are already permitted as a provision, I do not see how this has any impact on the

Interfere with adequate provision for schools, parks, water, sewage, transportation or other public requirements.

Since these boats will be controlled by the permits be issued for those

wanting permanent residence it would require the installation of these 2 systems (1) waste water & sewage.

1. Comply with adequate light and air; do not believe living on the water would have any impact on F.

2. Comply with the purpose of the property's zoning. Development should be in accordance with the spirit and intent of these zoning regulations.

3. Before that zoning classifications were done to control the building or inhabitation of a given locale. Permanent residence on a boat yard, a house aboard a boat would be in keeping with the intention of the zoning regulations e.g. pertaining to the fullest use of the intention of a marina.

4. Was inconsistent with the impervious surface and vegetative retention provisions of these zoning regulations.

5. Do not believe living on the water would have any impact on H.

SEP 24 1987

The Honorable John W. O'Rourke
April 22, 1985
Arnold Jablon
Zoning Commissioner
Case No. 85-310-SPH
Joseph D. Boslego, Petitioner

This matter involves an individual who desires to live on his boat which would be tied up at a marina or private pier. For your perusal, I am attaching a copy of his rationale, some of which is difficult to read (as is our copy). This is all the information we have.

AJ/srl
Attachment

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: April 18, 1985
FROM: Councilman John W. O'Rourke, 7th District
SUBJECT: Case No. 85-310-SPH, Item 249
on Hearing List for May 8th (living quarters on boats)
JOS. D. BOSLEGO

I am most interested in the case listed above and would appreciate more information regarding it.
Thank you.

JWO/ms

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: May 8, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Zoning Petition No. 85-310-SPH
SUBJECT: Chesapeake Critical Area

If this type of use is permitted, the provision of proper sewerage disposal on boats utilized as permanent residences should be required.

Norman E. Gerber, Director
Office of Planning & Zoning

NEG:JGH:slm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: May 1, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 85-310-SPH

In view of the subject of this request, this office offers no comment other than to note that if this type of use is permitted, proper sewerage disposal must be provided for.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 26, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo
Nicholas B. Commodari
Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Joseph D. Boslego
1113 B Country Terrace
Baltimore, Maryland 21221

RE: Item No. 249 - Case No. 85-310-SPH
Petitioner - Joseph D. Boslego
Special Hearing Petition

Dear Mr. Boslego:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari, Chairman
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mr

Enclosures

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3350
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

April 19, 1985

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- RE: Zoning Advisory Meeting of March 12, 1985
Item 249 Joseph D. Boslego
Location: ANY LOCATION IN THE STATE
CRITICAL AREA
- (X) There are no site planning factors requiring comment.
 - () A County Review Group Meeting is required.
 - () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
 - () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
 - () A record plat will be required and must be recorded prior to issuance of a building permit.
 - () The access is not satisfactory.
 - () The circulation on this site is not satisfactory.
 - () The parking arrangement is not satisfactory.
 - () Parking calculations must be shown on the plan.
 - () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
 - () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-99 of the Development Regulations.
 - () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
 - () The amended Development Plan was approved by the Planning Board on []
 - () Landscaping: Must comply with Baltimore County Landscape Manual.
 - () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is []
 - () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 118-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
 - (X) Additional comments:
SINCE SITES ARE LOCATED WITHIN THE CHESAPEAKE CRITICAL AREA, ADDITIONAL COMMENTS MUST BE PROVIDED BY THE COMPREHENSIVE PLANNING DIVISION

Eugene A. Boker
Chief, Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3350
STEPHEN E. COLLINS
DIRECTOR

March 14, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 249, 250, and 256 ZAC- Meeting of March 12, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 249, 250, and 256.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3350
ARNOLD JABLON
ZONING COMMISSIONER

February 14, 1985

Mr. Joseph D. Boslego
1113 B Country Terrace
Baltimore, Maryland 21221

RE: Permanent Residence on Boat
at Boat Yard/Marina

Dear Mr. Boslego:

Reference is made to your letter of January 31, 1985, requesting information concerning the Baltimore County Zoning Regulations (BCZR) and legalities of living on a boat at a boat yard/marina in Middle River on a full-time basis; i.e., permanent residence.

The BCZR define a boat yard as "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." and a marina as "A modern boat basin, restricted to recreational marine craft of all types, with facilities for one or more of the following: berthing, launching, and securing such craft, and permitting incidental minimum provision for refueling and emergency servicing, and also land (out-of-water) storage as provided in subsection 417.7."

Please note that while the above definitions provide for berthing and securing, there is no mention of permanent living quarters on boats berthed at a boat yard/marina. Larger boats, particularly houseboats, do provide living facilities inclusive of galleys, sleeping facilities, etc., and it is customary for a boat owner to spend the night, several nights, or even a total vacation of several weeks living on the boat. However, it is not customary for a boat owner to take up a permanent residence on a boat berthed in a boat yard/marina.

I also call your attention to the note under Section 502 (enclosed) Section 502.2 (enclosed) which requires the Zoning Commissioner to impose such conditions or restrictions as may be deemed necessary.

In consideration of the above BCZR, it is my opinion that anyone applying for a special exception for a boat yard or marina who has

FEB 24 1987

Mr. Joseph D. Boslego
Page 2
February 14, 1985

plans to permit permanent living quarters on any or all boats berthed at the boat yard/marina should so advise the Zoning Commissioner via a special exception petition in order that appropriate safeguards or restrictions can be established. It is also my opinion that the removal of the boat from the slip for short periods of time would not alter the fact that same is being used as a permanent residence. In instances where piers are constructed at residences for personal use, which is permitted as a matter of right, such piers and/or slips are considered accessory to the dwelling and there are no provisions whatsoever in the BCZR that would permit said pier or slip to be utilized to berth a boat for a permanent residence.

I am also enclosing copies of the BCZR pertaining to waterfront construction. Please note that all regulations deal with construction of piers, slips, etc., and in no way allude to residential use of such slips.

If you have any additional questions concerning this matter, please feel free to contact this office.

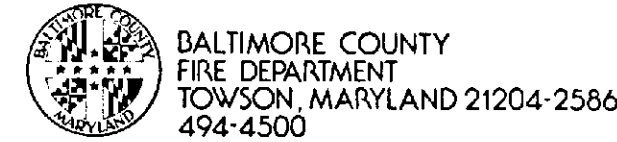
Very truly yours,

JAMES E. DYER
Zoning Supervisor

JED:nr

Enclosures

cc: Mr. Arnold Jablon
Zoning Commissioner



PAUL H. REINCKE
CHIEF

March 11, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Joseph D. Boslego

Location: Any location in the State Critical Area

Item No.: 249

Zoning Agenda: 3/12/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.

- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- * (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Paul H. Reincke Noted and Approved: Kory W. Kemmer
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb * Pier & Marinas shall be in accordance with NFPA 303, 1975 Edition.

Petition for Special Hearing
15th Election District
LOCATION: Waterfront locations in Baltimore County.
DATE & TIME: Wednesday, May 8, 1985 at 10:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Special Hearing under Section 600.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner should approve permanent living quarters on boats berthed at marinas, boat yards and private piers in keeping with Federal Regulations.
Being the property of Joseph D. Boslego, as shown on the plat filed with the Zoning Office.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order Of
Arnold Jablon
Zoning Commissioner
of Baltimore County

The Times

Middle River, Md., April 18 1985

This is to Certify, That the annexed

Petition - Boslego
Reg. 2 71678

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 18th day of April, 1985

Joe D. Boslego Publisher.

Case No. 85-310-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this
19th day of March, 1985.

Petitioner Joseph D. Boslego
Petitioner's Attorney _____

ARNOLD JABLON
Zoning Commissioner

Received by: Nick Commodari
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

PETITION FOR SPECIAL HEARING
15th Election District
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By Order Of
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
April 18, 1985

85-310-SPH
CERTIFICATE OF PUBLICATION

TOWSON, MD., April 18 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 18, 1985

THE JEFFERSONIAN,

W. Venetian
Publisher

Cost of Advertising

22.00