

IN RE: PETITION FOR ZONING VARIANCE
NW/8 Tall Oak Road, 40' NE of
the 47' of Shore Road
(8639 Tall Oak Road)
15th Election District
5th Councilmanic District
Thomas R. Tompsett, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-133-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit two division line setbacks of 5.5 feet each in lieu of the minimum required setback of 10 feet for a 4-foot wide pier, in accordance with Petitioner's Exhibit 1. The Petitioners appeared and testified. Also appearing on behalf of the Petition was Robert Spellman, Engineer with Spellman, Larson and Associates. There were no Pro Lants.

Testimony indicated that the subject property, known as 8639 Tall Oak Road, consists of 9,620 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling. Said property is located within the Chesapeake Bay Critical Areas on North Point Creek, via a panhandle drive. Petitioners are desirous of constructing a 4-foot wide pier at the end of said panhandle drive as depicted in Petitioner's Exhibit 1. Testimony indicated that Baltimore County's Department of Environmental Protection (DEPRM), with the approval of the Army Corps of Engineers, will be dredging the channel of North Point Creek and cutting spurs to individual piers for boat navigation. Mr. Tompsett testified that the panhandle access strip on the subject property to North Point Creek is only 15 feet wide and as such, the proposed pier cannot be constructed without the requested variance. He indicated that the proposed pier will be constructed in such a manner as to not interfere with his neighbor's pier to the west, nor would

he block access to lots or piers to the east of the subject site. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and meets the conditions set forth in the Critical Areas legislation.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property.

the relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of April, 1990 that the Petition for Zoning Variance to permit two division line setbacks of 5.5 feet each in

lieu of the minimum required setback of 10 feet for a 4-foot wide pier, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

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

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated September 29, 1989, attached hereto and made a part hereof.

J. Robert Haines
JOHN R. HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 4/30/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/30/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/30/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/30/90
By [Signature]

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 417.4 to permit two division line setbacks of 5.5' + 5.5' in lieu of the minimum 10' for a 4' wide pier

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Frontage along North Point Creek is 16.48 feet as outlined on Record Plat of Elstann Village. Therefore hardship exists to conform to requirements under Section 417.4

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

I, or we, agree to pay expenses of above Variance 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.

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.:
Address
Phone No.

Legal Owner(s):
Thomas R. Tompsett
(Type or Print Name)
Signature
Sharon Ann Tompsett
(Type or Print Name)
Signature
8639 Tall Oak Rd
Address
Edgewater, Maryland 21214
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

MAP SE 72
4A
S.D. 154
DATE 4/19/90
200
1000
UP 6A

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 417.4 to permit two division line setbacks of 5.5' + 5.5' in lieu of the minimum 10' for a 4' wide pier

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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.:
Address
Phone No.

Legal Owner(s):
Thomas R. Tompsett
(Type or Print Name)
Signature
Sharon Ann Tompsett
(Type or Print Name)
Signature
8639 Tall Oak Rd
Address
Edgewater, Maryland 21214
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

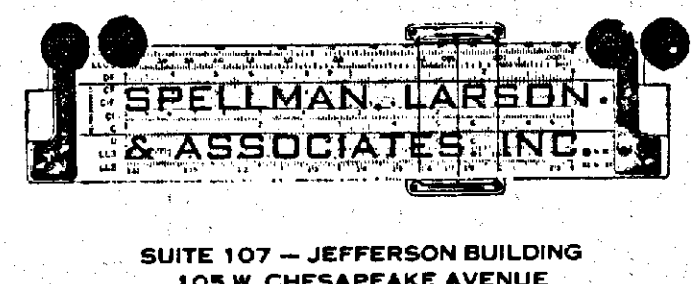
ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of May, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of May, 1990, at 9:30 o'clock P.M.

J. Robert Haines
JOHN R. HAINES
Zoning Commissioner of Baltimore County

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of May, 1990, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of May, 1990, at 9:30 o'clock P.M.

J. Robert Haines
JOHN R. HAINES
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING 1/2HR.
AVAILABLE FOR HEARING
MAY / JUNE / JULY - NEXT TWO MONTHS
REVIEWED BY: PMK DATE 6/16/90



SUITE 107 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
HENRY M. APPEL
ALFRED F. JUNGERS, P.L.S.

DESCRIPTION FOR A VARIANCE TO ZONING, 8639 TALL OAKS ROAD, 15TH DISTRICT, BALTIMORE COUNTY, MD

Page 1
Beginning for the same at a point on the northwest side of Tall Oaks Road, 50 feet wide, said point being measured northeasterly along the northwest side of Tall Oaks Road at a point 40 feet, more or less, northeasterly along the centerline of Tall Oaks Road from its intersection with the centerline of Shore Road and running thence North 62 Degrees 37 Minutes 31 Seconds West 85.00 feet South 64 Degrees 20 Minutes 35 Seconds West 65.00 feet and North 25 Degrees 39 Minutes 25 Seconds West 128.19 feet to the original shoreline of North Point Creek and running thence and binding on the original shoreline of North Point Creek South 84 Degrees 46 Minutes 41 Seconds West 16.48 feet thence leaving the original shoreline of North Point Creek and running South 25 Degrees 39 Minutes 25 Seconds East 135.00 feet South 64 Degrees 20 Minutes 35 Seconds West 12.00 feet and South 62 Degrees 29 Minutes 21 Seconds East 103.68 feet to the northwest side of Shore Road and running thence and binding on the northwest side of Shore Road and on the northwest side

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION



SUITE 107 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

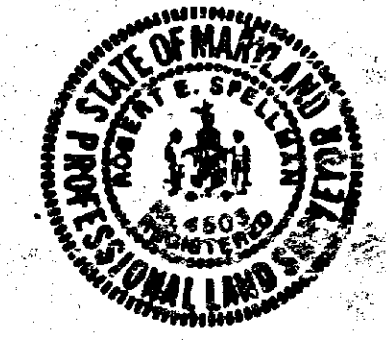
ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
HENRY M. APPEL
ALFRED F. JUNGERS, P.L.S.

DESCRIPTION FOR A VARIANCE TO ZONING, 8639 TALL OAKS ROAD, 15TH DISTRICT, BALTIMORE COUNTY, MD

Page 2
of Tall Oaks Road herein referred to northeasterly by a curve to the right with a radius of 312.08 feet the distance of 46.33 feet northeasterly by a curve to the left with a radius of 40.00 feet the length of 28.09 feet and North 27 Degrees 22 Minutes 29 Seconds East 10.45 feet to the place of beginning.

Containing 0.22 acres of land, more or less.

6/26/89



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 30, 1989



Dennis F. Rasmussen
County Executive

William C. Fleishell
1909 Monroe Road
Baltimore, MD 21222

RE: Pier Extension
15th Election District

Dear Mr. Fleishell:

As indicated in the Army Corps of Engineers letter of September 1, your pier is in violation of the permit issued as it extends past the point allowed by the permit. After a lengthy review by this Office, it has been determined that you have crossed the divisional lines as established by Section 417 of the Baltimore County Zoning Regulations and, as such, the pier should be brought back 15 feet toward the shore.

Should you disagree with this decision, you may file for a Special Hearing with the Zoning Commissioner for an interpretation of Section 417.3.b (Baltimore County Zoning Regulations).

If you have not followed through with either removing 15 feet of the pier or filing for a Special Hearing by December 15, 1989, this information will be forwarded to Zoning Enforcement.

Very truly yours,

James E. Dyer
Zoning Supervisor

Catherine A. Milton
Planning & Zoning Associate II

CAN:scj

cc: James Thompson, Zoning Enforcement
Joseph Nolan, Permits & Licenses
Army Corps of Engineers

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 17, 1989



Dennis F. Rasmussen
County Executive

Mr. Robert Spellman
Spellman, Larson and Associates, Inc.
Suite 107, Jefferson Building
Towson, Maryland 21204

RE: Case No. 90-133-A
Thomas R. Tompsett, et ux, Petitioners

Dear Mr. Spellman:

Upon reviewing the exhibits introduced in the above captioned case, it has come to my attention that Mr. Tompsett will need to file a new plan at a scale of 1" = 200 feet reflecting a field run survey for lots 7 thru 14, specifically showing existing piers and/or mooring piles and divisional property lines.

I will hold this case under advisement until the new plan is received.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mm
cc: Mr. and Mrs. Thomas R. Tompsett
8639 Tall Oak Road
Edgemere, Maryland 21219

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 16, 1989



Dennis F. Rasmussen
County Executive

William C. Fleishell
1090 Monroe Road
Baltimore, MD 21222

RE: Pier Extension
15th Election District

Dear Mr. Fleishell:

As indicated in the Army Corps of Engineers letter of September 1, your pier is in violation of the permit issued as it extends past the point allowed by the permit. After a lengthy review by this Office, it has been determined that you have crossed divisional lines and, as such, the pier should be brought back 15 feet toward the shore.

Should you disagree with this decision, you may file for a Special Hearing with the Zoning Commissioner for an interpretation of Section 417.3.b (Baltimore County Zoning Regulations).

If you have not followed through with either removing 15 feet of the pier or filing for a Special Hearing by November 30, 1989, this information will be forwarded to Zoning Enforcement.

Very truly yours,

James E. Dyer
Zoning Supervisor

Catherine A. Milton
Planning & Zoning Associate II

CAN:scj

cc: James Thompson, Zoning Enforcement
Joseph Nolan, Permits & Licenses
Army Corps of Engineers

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-133-A

District: 15th Date of Posting: 9/27/89
Posted for: Variance
Petitioner: Thomas R. Tompsett, et ux
Location of property: 8639 Tall Oak Rd., 40' W of Shore Rd.
Location of Sign: Facing Tall Oak Rd., approx 15' E of Shore Rd., on property of petitioner.
Remarks: None
Posted by: J. Robert Haines Date of return: 9/29/89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD, Sept 7, 1989

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 Sept 7, 1989.

THE JEFFERSONIAN,

Publisher

PO 16302
cy 13191
co 90-133A
price \$ 39.40

Notice of Hearing
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
CASE NUMBER: 90-133-A
N/2 of Tall Oak Road, 40' NE of c/l of Shore Road
8639 Tall Oak Road
15th Election District - 5th Councilmanic
Petitioner(s): Thomas R. Tompsett, et ux
HEARING SCHEDULED: WEDNESDAY, OCTOBER 11, 1989 at 9:30 a.m.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 10/13/89



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Thomas R. Tompsett
8639 Tall Oak Road
Edgemere, Maryland 21219

RE: Petition for Zoning Variance
CASE NUMBER: 90-133-A
N/2 of Tall Oak Road, 40' NE of c/l of Shore Road
8639 Tall Oak Road
15th Election District - 5th Councilmanic
Petitioner(s): Thomas R. Tompsett, et ux
HEARING SCHEDULED: WEDNESDAY, OCTOBER 11, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Tompsett:

Please be advised that \$ 18.68 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
ZONING COMMISSIONER

JRH:gs
cc: Mr. & Mrs. Tompsett
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 23, 1989



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-133-A
N/2 of Tall Oak Road, 40' NE of c/l of Shore Road
8639 Tall Oak Road
15th Election District - 5th Councilmanic
Petitioner(s): Thomas R. Tompsett, et ux
HEARING SCHEDULED: WEDNESDAY, OCTOBER 11, 1989 at 9:30 a.m.

Variances: To permit two division line setbacks of 5 1/2 feet and 5 1/2 feet in lieu of the minimum 10 feet for a 4 foot wide pier.

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, maintain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Mr. & Mrs. Tompsett
File

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

September 7, 1989

12 Eastern Blvd
Bldg. Mt. 21221

IS TO CERTIFY, that the annexed advertisement of

Thomas R. Tompsett in the matter of petition for zoning variance, Case #90-133-A, P.O. #16302-1, was published in the issue of September 7, 1989, of THE AVENUE NEWS, a weekly newspaper published in Baltimore County, Maryland once a week for consecutive weeks before the 8th day of September, 1989.

It is to say, the same was inserted in the issue of Sept. 7, 1989.

The Avenue Inc.
per publisher

By: Dennis McNeill

TO WHOM IT MAY CONCERN

This memo is to attest to the fact that I, Robert D. Grammer, residing at 7956 Shore Road, Baltimore, MD 21219, do not object to the variance requested by my next door neighbor, Tom Tompsett, residing at 8629 Tall Oaks Road, Baltimore, MD 21219 in regard to his request to build a pier.

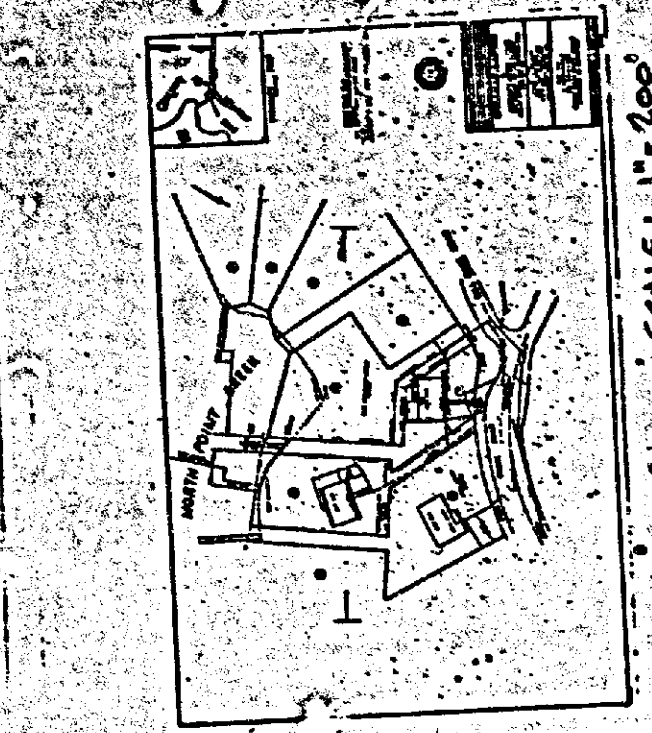
There appears to be no infringement upon my pier or rights of waterway. It should also be noted that each property owner in Elstan Village with water frontage was to have a bulkhead installed within two years of settlement.

Robert D. Grammer
Robert D. Grammer

Subscribed and sworn to before me, in my presence, this 10th day of October, 1989, a Notary Public in and for the State of Maryland.

My commission expires July 1, 1990

**PETITIONER'S
EXHIBIT 3**



BRELLMAN, LARSON & ASSOCIATES, INC.
RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN
LAND SURVEYING, TECHNICAL CONSULTING
1000 W. BELT ROAD, SUITE 100
BALTIMORE, MARYLAND 21204
HENRY MANN APPEL
DIRECTOR OF CONSULTING SERVICES

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

William C. Fleishell
1909 Monroe Road
Baltimore, MD 21222

October 30, 1989



Dennis F. Rasmussen
County Executive

RE: Pier Extension
15th Election District

Dear Mr. Fleishell:

As indicated in the Army Corps of Engineers letter of September 1, your pier is in violation of the permit issued as it extends past the point allowed by the permit. After a lengthy review by this Office, it has been determined that you have crossed divisional lines as established by Section 417 of the Baltimore County Zoning Regulations and, as such, the pier should be brought back 15 feet toward the shore.

Should you disagree with this decision, you may file for a Special Hearing with the Zoning Commissioner for an interpretation of Section 417.3.b (Baltimore County Zoning Regulations).

If you have not followed through with either removing 15 feet of the pier or filing for a Special Hearing by December 15, 1989, this information will be forwarded to Zoning Enforcement.

Very truly yours,

James E. Dyer
James E. Dyer
Zoning Supervisor

Catherine A. Milton
By: Catherine A. Milton
Planning & Zoning Associate II

CAM:scj

cc: James Thompson, Zoning Enforcement
Joseph Nolan, Permits & Licenses
Army Corps of Engineers



State of Maryland
Board of Public Works
Wetlands Administration
Post Office Box 1510
Annapolis, Maryland 21404
301-974-2664

William Donald Schaefer
Governor
Louis L. Goldstein
Comptroller
Lucille Maurer
Treasurer
James J. McGinty, Jr.
Secretary

February 14, 1990

Thomas E. Tompsett
8629 Tall Oaks Road
Baltimore, Maryland 21219

Dear Mr. Tompsett:

Enclosed please find the original and one (1) copy of Wetlands License No. 89-1317 dated FEBRUARY 14, 1990, which is being issued to you pursuant to your application of March 17, 1989.

After you have read all the conditions of the license, please ensure that the license is signed by the named licensee and return the original to this office immediately. No work may begin until the signed original license has been mailed to this office. This license is valid for a period of three (3) years as indicated at the top of page four.

Your attention is also directed to the fact that you must notify the Water Resources Administration, Enforcement Division, by calling (301) 974-2641 ten (10) days prior to commencing work. Please retain the copy of the license for your records. For your convenience we are enclosing an envelope for you to return the signed original license to our office.

If you have any questions concerning any of the terms and conditions of the attached license, please contact the Board of Public Works' Wetlands Administrator at the address and telephone number shown above.

Very truly yours,

Harold M. Cassell
Harold M. Cassell
Wetlands Administrator

BMC:jmb
Enclosure
cc: Tidal Wetlands Division/WRA

RECEIVED
FEB 21 1990
ZONING OFFICE

State of Maryland
Board of Public Works
Wetlands Administration
Post Office Box 1510
Annapolis, Maryland 21404
301-974-2664

William Donald Schaefer
Governor
Louis L. Goldstein
Comptroller
Lucille Maurer
Treasurer
James J. McGinty, Jr.
Secretary

WETLANDS LICENSE NO. 89-1317

THOMAS E. TOMPSETT

This is in reference to an application for "Wetlands License," dated the 17th day of MARCH, 1989. Upon the recommendation of the Wetlands Administrator/Hearing Examiner of the Board of Public Works, and pursuant to the provisions of Title 9, Natural Resources Article, Annotated Code of Maryland (1983 Repl. Vol.), entitled "Wetlands and Riparian Rights," enacted to provide a State policy for the preservation of wetlands in the State, and to regulate the filling and dredging of wetlands, and for other purposes, you are hereby authorized by the Board of Public Works, for the State of Maryland to:

"hydraulically dredge a 40 feet long by 25 feet wide spur channel to 4 feet depth below mean low water; and to deposit approximately 74 cubic yards of dredged material at an approved disposal site - North Point Creek off Tid Road Bay near Lodge Forest, Baltimore County."

This license is subject to the following special conditions:

- All work shall be performed in accordance with the Certification of Water Quality.
- No marsh vegetation shall be filled, dredged, or otherwise altered or destroyed.
- That if any dredged material will be transported to a disposal site other than the Hart-Miller Island disposal facility, the applicant shall submit detailed disposal plans for the alternative site and receive approval for same from the Water Resources Administration prior to the commencement of dredging.

The authorized work is to be accomplished in accordance with the plans and drawings attached hereto, dated January 26, 1990.

This license is subject to the following general conditions and is revocable or subject to modification prior to the completion of the project as described above when such action is deemed to be in the State's interest.

A judgment as to whether or not a suspension, modification or revocation is in the best interests of the State involves a consideration of the impact that any such action or the absence of any such action may have on factors affecting the public interest. Such factors include, but are not limited to: ecological, developmental, water quality, economic, aesthetic, and recreational values.

General Conditions:

- That this instrument does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining assent from Federal, other State or local agencies required by law for the structure or work authorized.
- That the structure or work authorized herein shall be in accordance with the plans and drawings attached hereto and construction shall be subject to the supervision and approval of the Water Resources Administration of the Department of Natural Resources.
- The licensee shall comply promptly with any lawful regulations, conditions, or instructions affecting the structure or work authorized herein if and when issued by the State Water Resources Administration, which has jurisdiction to enforce this license. Such regulations, conditions, or instructions in effect or hereafter prescribed by the State Water Resources Administration are hereby made a condition of this license.
- That a copy of this license and the plans and drawings attached hereto shall be available at the construction site.
- The licensee will maintain the work authorized herein in good condition in accordance with the approved plans.

f. That this license may at any time be modified by the authority of the Board of Public Works, acting on its own or upon the recommendation of the Department of Natural Resources, if it is determined that, under existing circumstances, modification is in the best interest of the State. The licensee, upon the receipt of a notice of modification, shall comply therewith as directed by the Board of Public Works or by its authorized representative.

g. That this license may be suspended or revoked by the authority of the Board of Public Works if the licensee fails to comply with any of its provisions or if the Board of Public Works, upon the recommendation of the Department of Natural Resources, determines that, under existing circumstances, such action is required in the best interest of the State.

h. That any modification, suspension or revocation of this license shall not be the basis for a claim for damages against the State of Maryland, or any arm or agency of the State.

i. That the State of Maryland shall in no way be liable for any damage to any structure or work authorized herein which may be caused by or result from future operations undertaken by the State in furthering the interests of its citizens.

j. That no attempt shall be made by the licensee to forbid the full and free use by the public of all navigable waters at or adjacent to the structure or works authorized by this license.

k. That the licensee shall submit written notification to the Enforcement Division of the Water Resources Administration at least ten (10) days in advance of the time the construction or work will be commenced, and shall furnish written notification of the date of its completion.

1. That if the structure or work herein authorized is not completed on or before the 14th day of FEBRUARY, 1992, this license, if not previously revoked or specifically reinstated or extended, shall cease and be null and void.

m. That the legal requirements of all State, Federal and County agencies be met.

n. That all provisions of this license shall be binding on any assignee or successor in interest of the licensee.

o. That the licensee agrees to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

By the authority of the Board of Public Works:

Issued for and in behalf of the Members of the Board

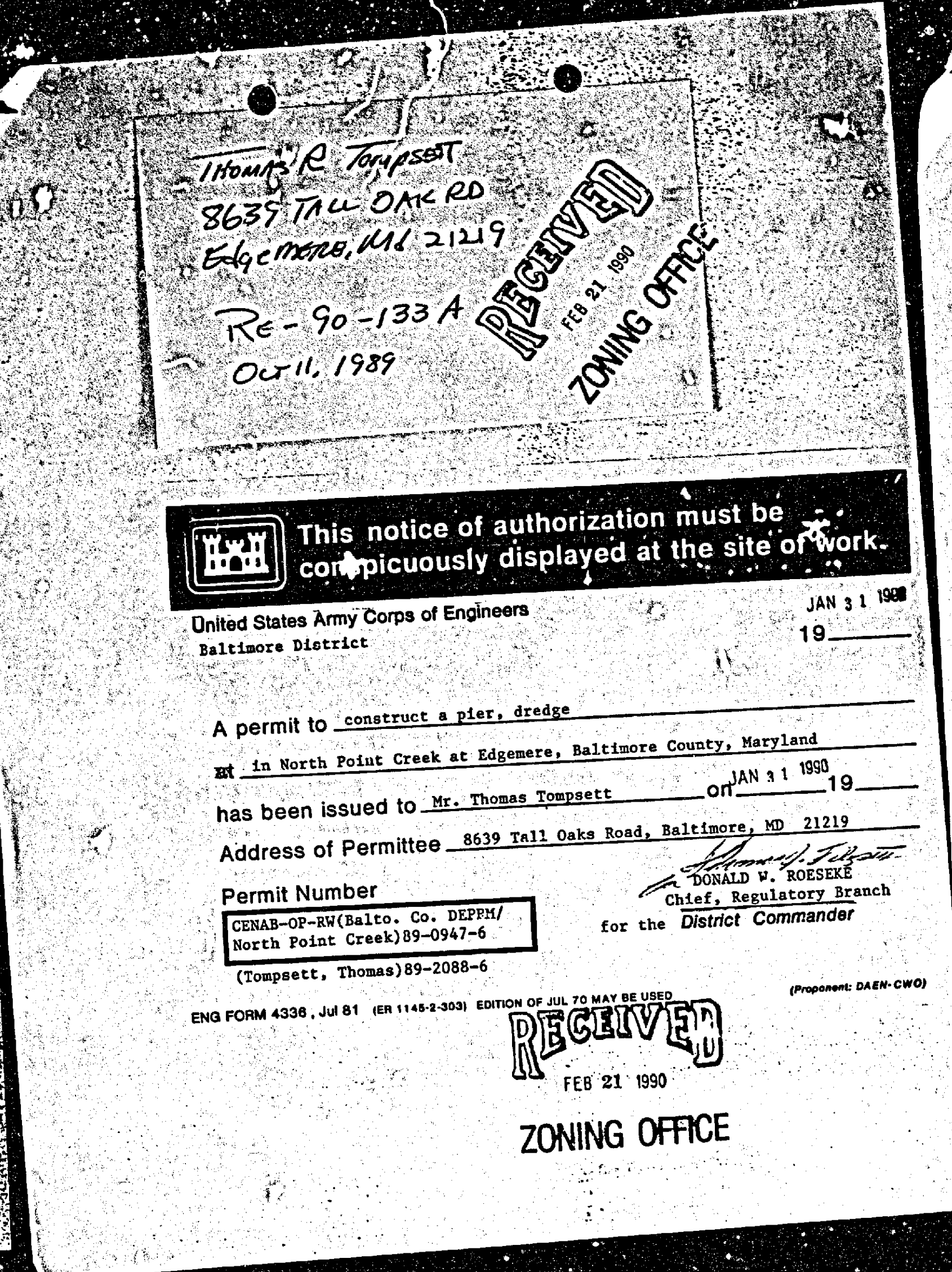
James J. McGinty, Jr.
James J. McGinty, Jr.
Secretary, Board of Public Works

The terms and conditions of this license are hereby accepted.

Date: 19 February '90

Thomas E. Tompsett
Thomas E. Tompsett
Licensee

Effective Date: February 14, 1990



DEPARTMENT OF THE ARMY PERMIT

Application Name and Permit Number: CEMAB-OP-Ru(Balto., Co. DEPON/North Point Creek)MP-0947-6
(Towpsett, Thomas) b-2028-6

Issuing Office:

U.S. Army Engineer District, Baltimore
Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: to construct a 40 foot pier to extend 40 feet (max) channelward of the mean high water shoreline; to mechanically or hydraulically dredge an area measuring approximately 25 feet by 40 feet adjacent to the proposed pier to a depth of -4 feet below mean low water connecting into the main channel and to either transport the resulting approximately 76 cubic yards of dredged material by barge and pump into the Hart Miller disposal site or transport by a large dump scow, remis and pump into the facility. All work is to be completed in accordance with the enclosed plan(s).

Project Location: In North Point Creek at Edgemare, Baltimore County, Maryland.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 1993. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

NAB-FC-1000 (7-87) 1

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Thomas Richard Tompkins 3 February 90
(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Issued for and in behalf of
Colonel Bernard E. Stalman
District Engineer

Donald W. Ruesle 1/30/90
DONALD W. RUESLE DATE
Chief, Regulatory Branch

16a-FR-1000 (7-87) 3

Lot #1
GRAHNER

Lot #9
TOMPKETT

Lot #10
MCM DRAINAGE

Lot #12

Lot #13

Lot #11

Lot #14

DREDGE PILE

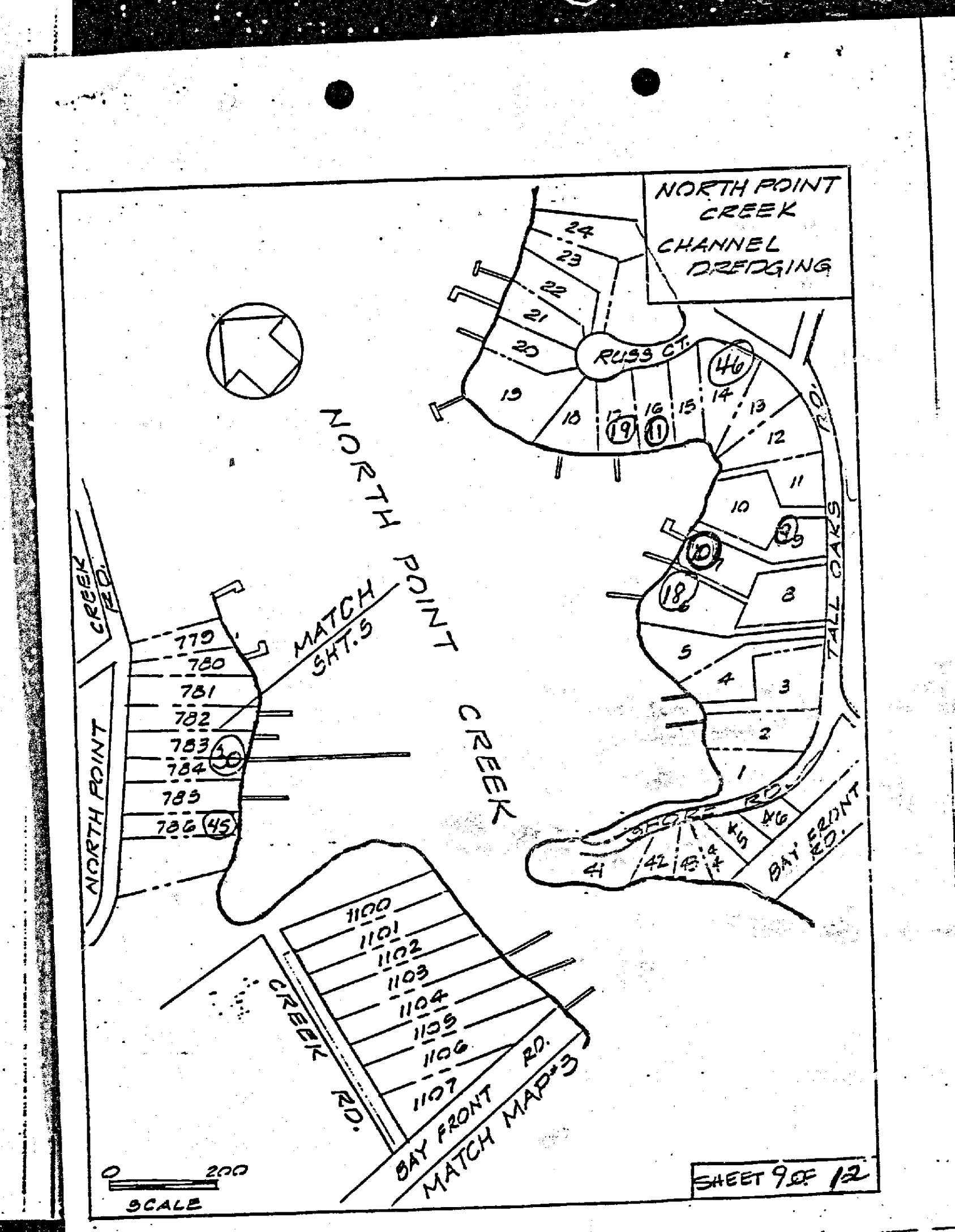
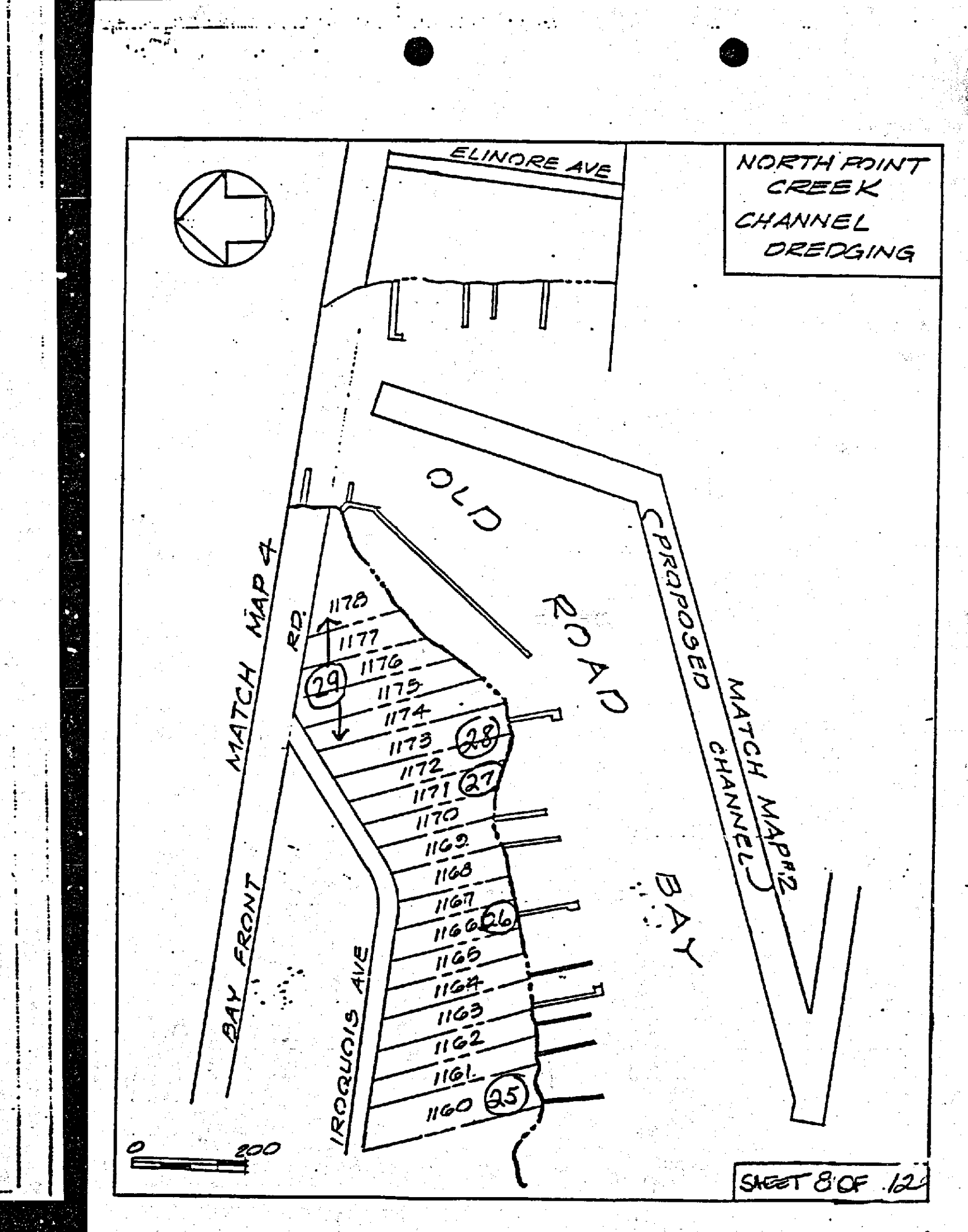
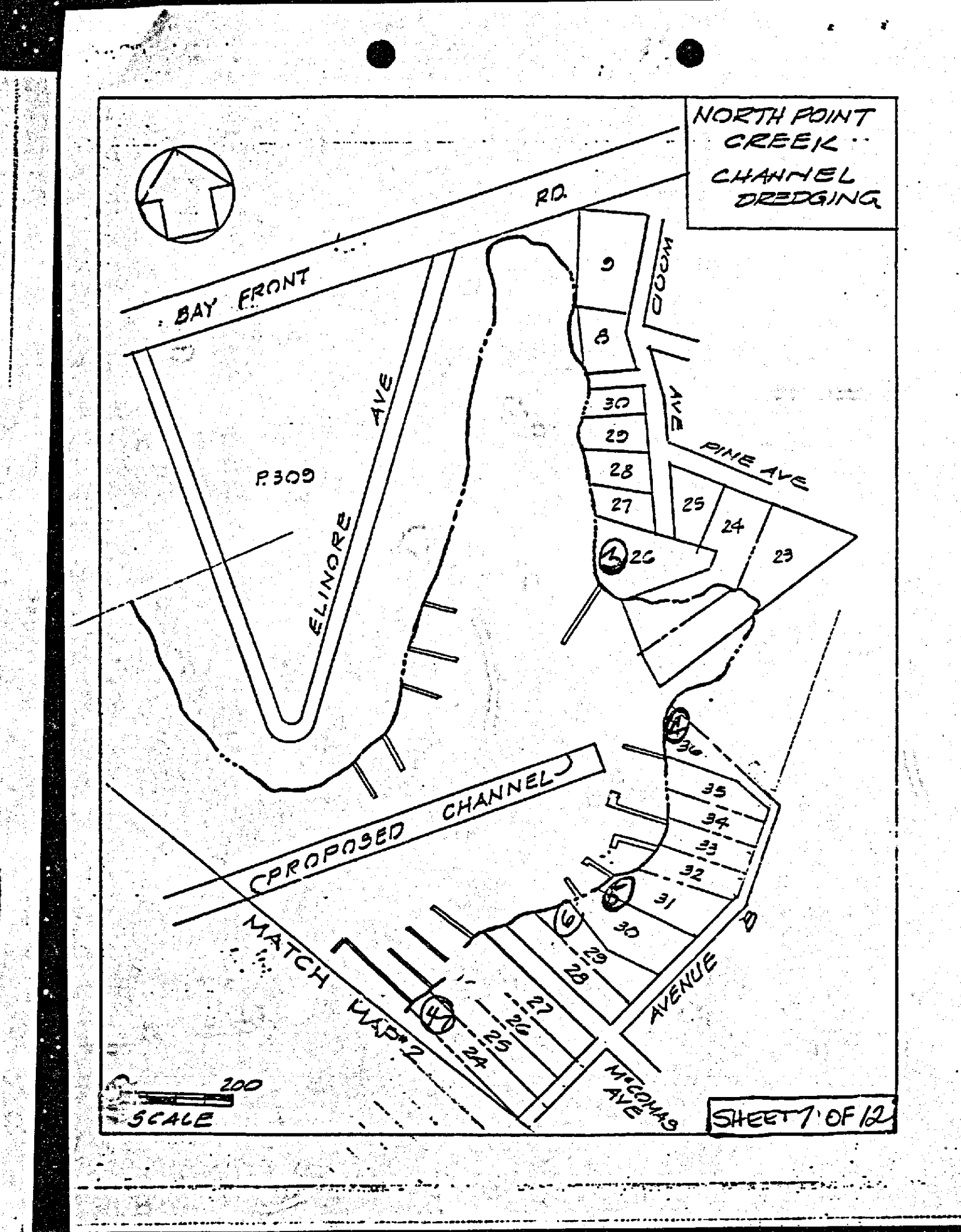
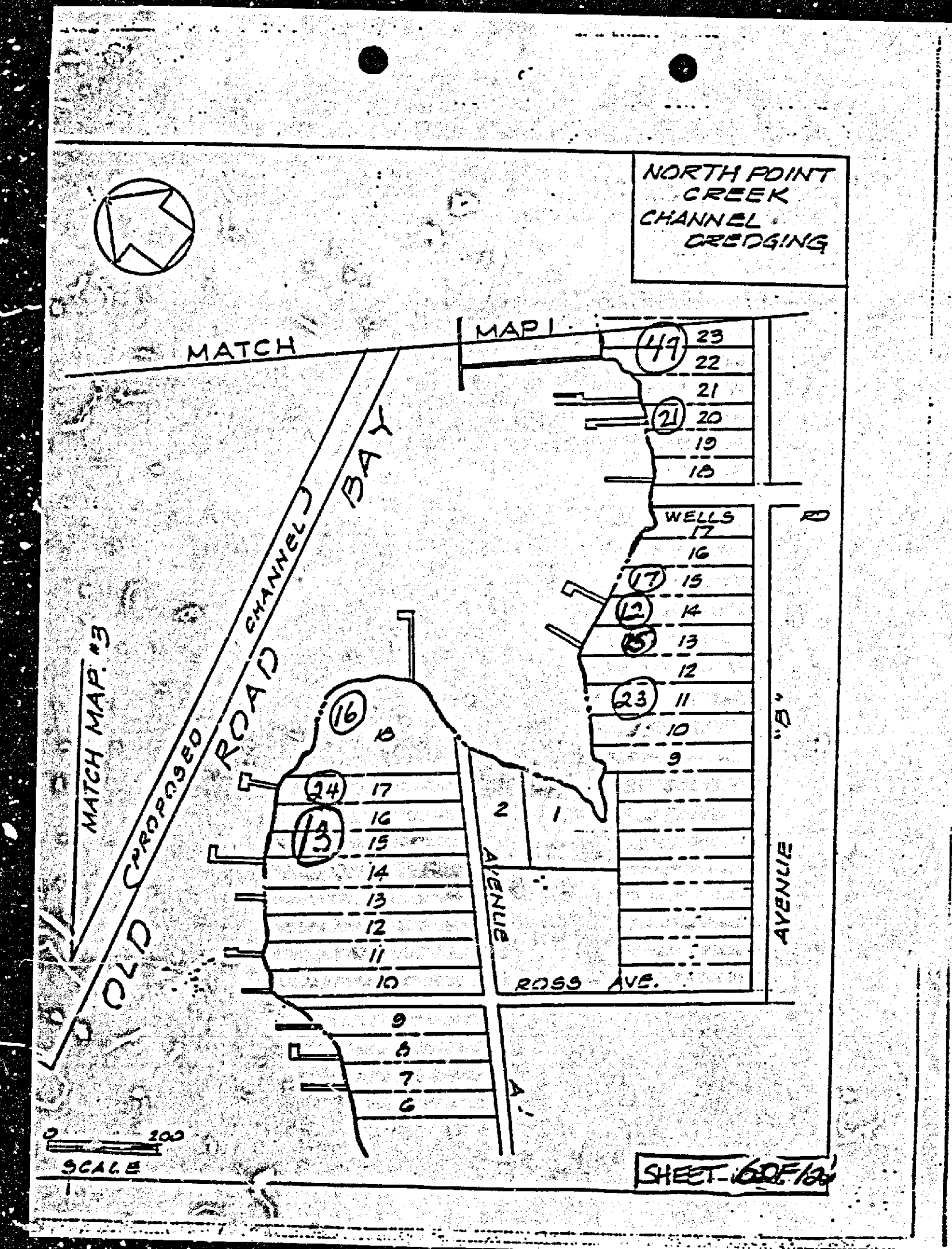
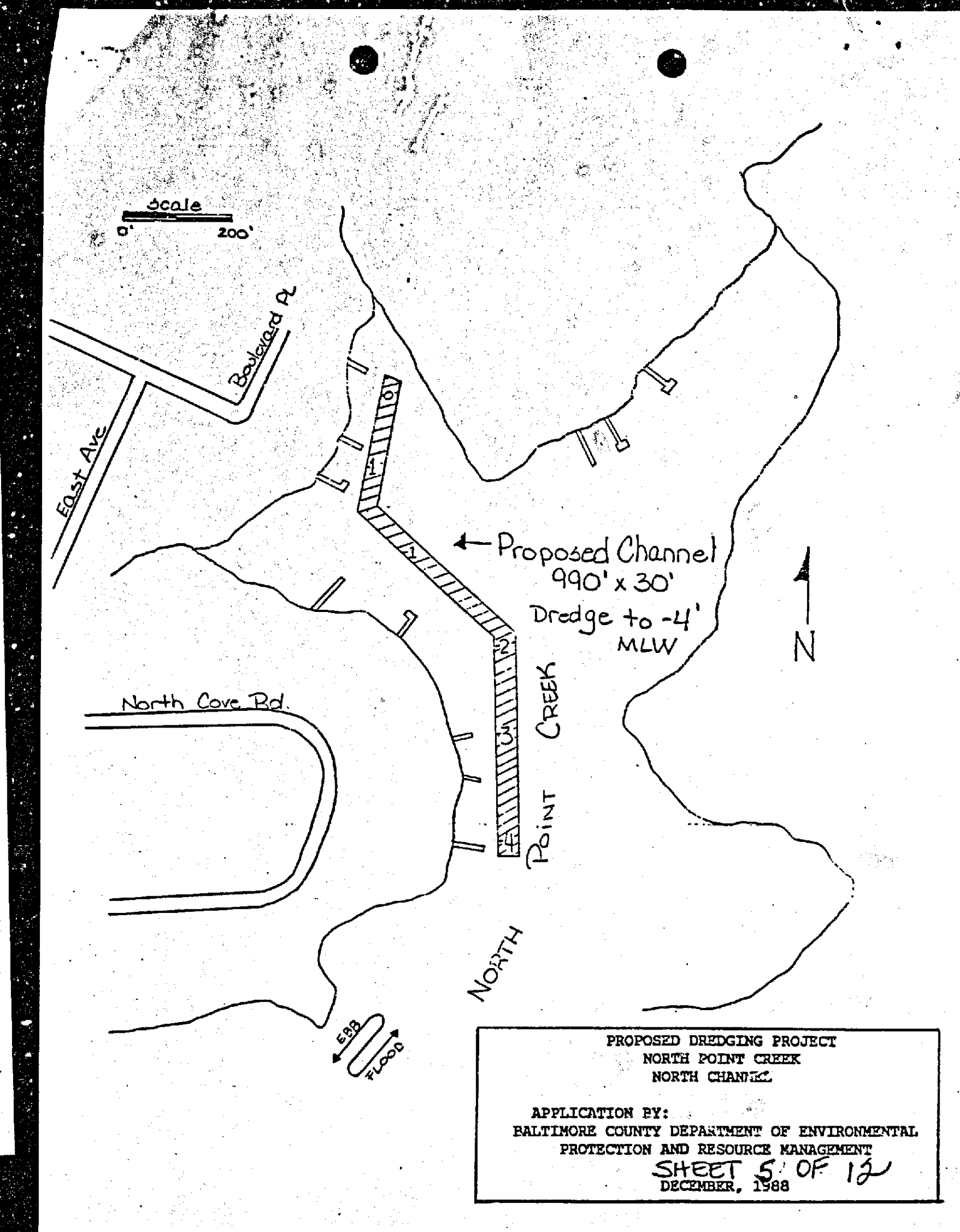
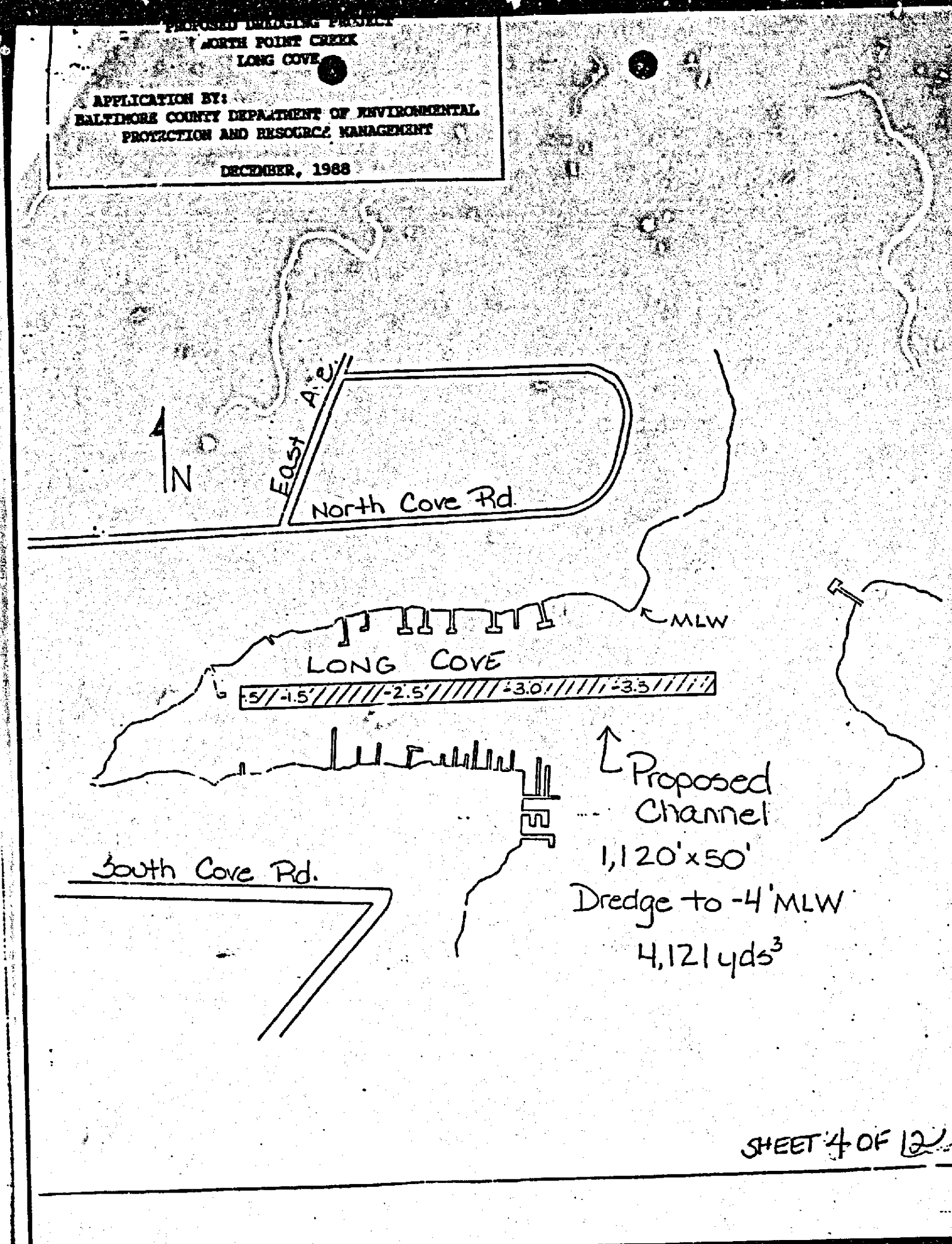
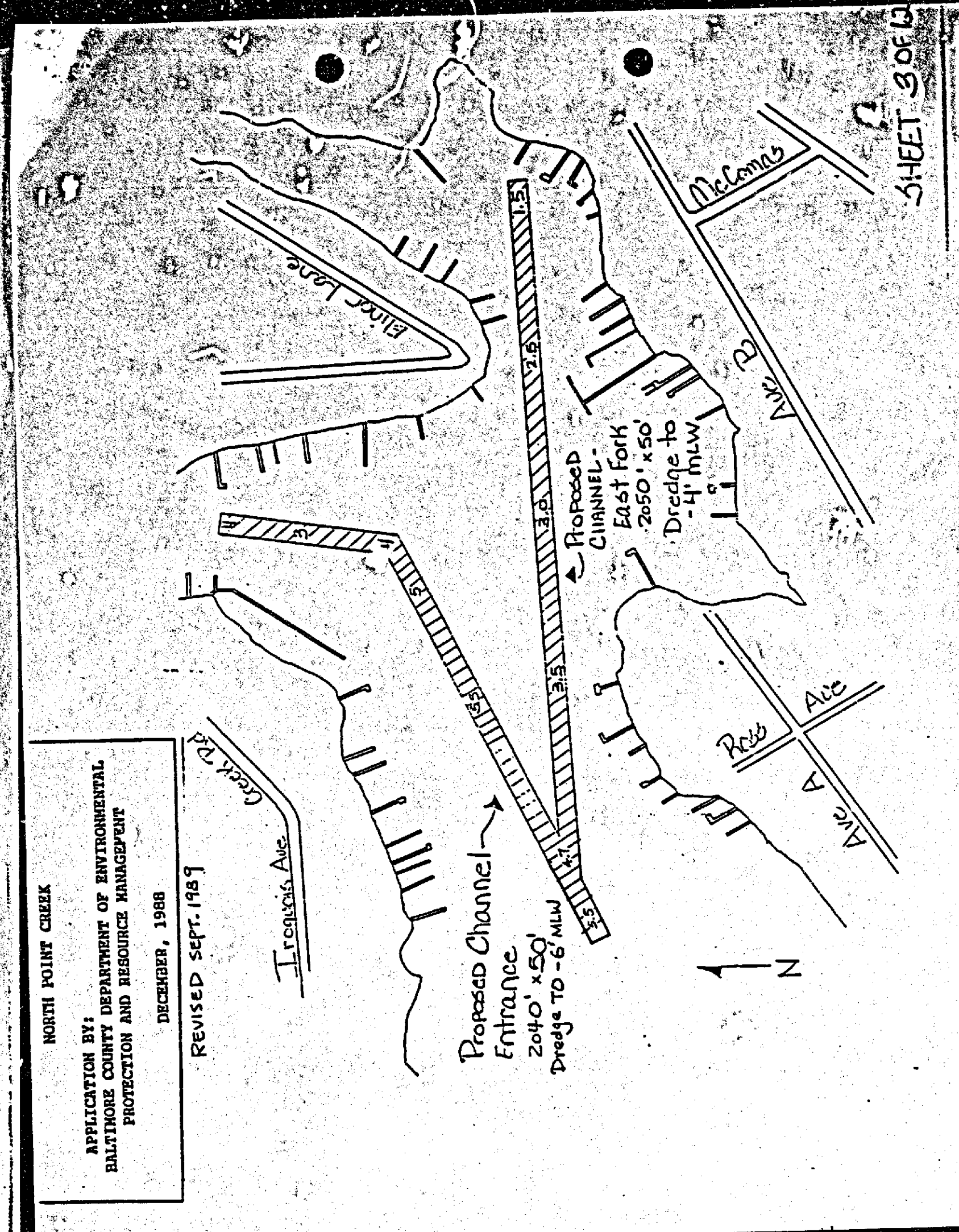
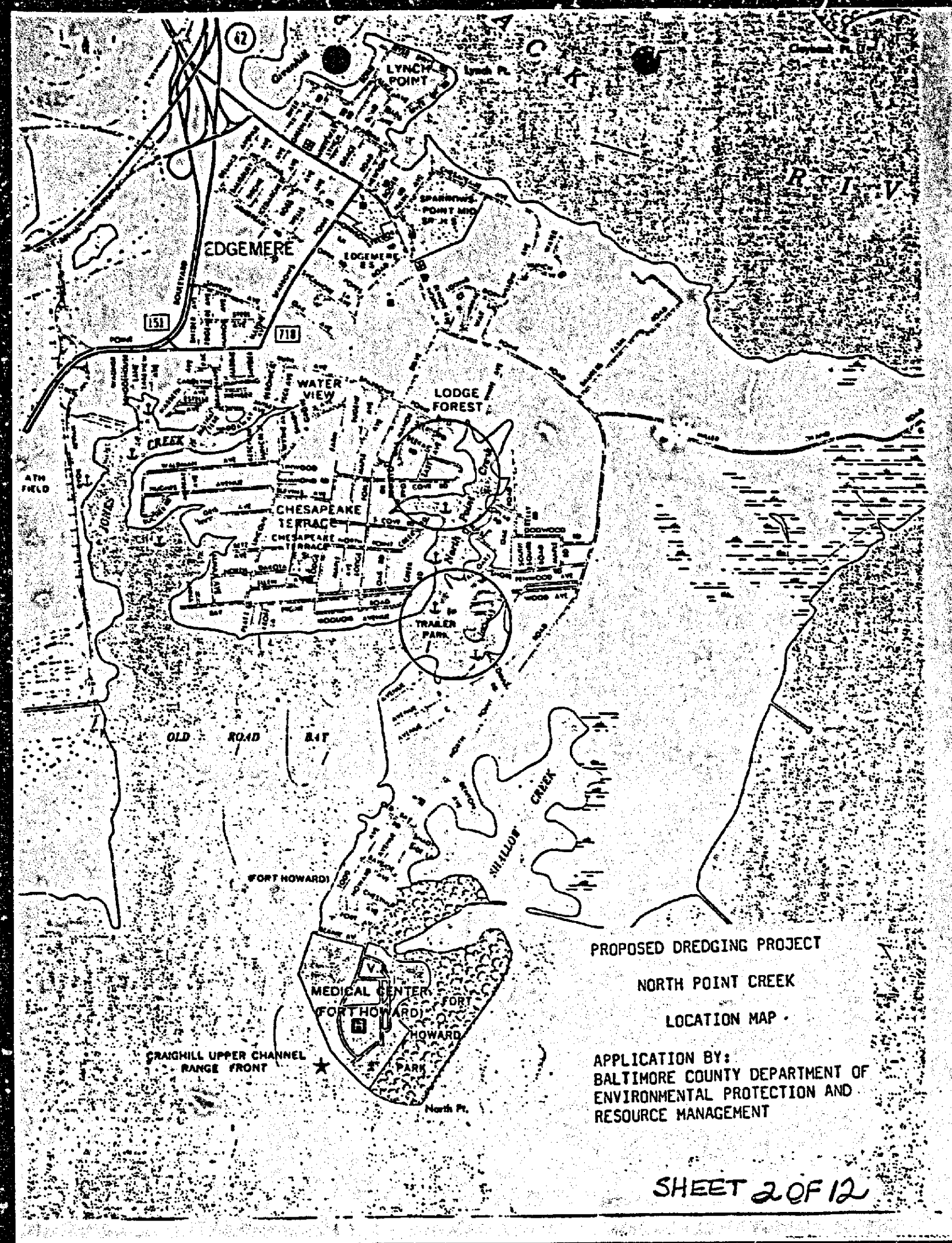
SPUR AREA

MCM DRAINAGE ROAD

Dredge to -4' MSL

Approx 74 cubic yards

SHEET 1 OF 1



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 27, 1989

Mr. & Mrs. Tompsett
8639 Tall Oak Road
Edgemere, MD 21229

RE: Item No. 585, Case No. 90-133-A
Petitioner: Thomas R. Tompsett
Petition for Zoning Variance

Dear Mr. & Mrs. Tompsett:

The Zoning Plans Advisory Committee 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. Director of Planning may file a written report with the Zoning Commission 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 11, 1989

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Thomas R. Tompsett, et ux, Item 585
Zoning Petition No. 90-133

DATE: October 5, 1989

The petitioner requests a variance to permit two division line setbacks of 5-1/2' and 5-1/2' in lieu of the minimum 10' for a 4' wide pier.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

/s/ JK/JL/pat

Your petition has been received and accepted for filing this 12th day of July, 1989.

J. Robert Haines
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Thomas R. Tompsett, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Thomas R. Tompsett, et ux, Item 585
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If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

/s/ JK/JL/pat

REC. LATE - MAIL ROOM

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(301) 887-4500

Paul H. Roberts
Chief

JULY 20, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: THOMAS R. TOMPSETT
Location: NW/S OF TALL OAKS SROAD
Item No.: 585
Zoning Agenda: JULY 11, 1989

Gentlemen:

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

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 585
Tompsett Property
Chesapeake Bay Critical Area Findings

DATE: September 29, 1989

OCT 9 1989

ZONING OFFICE

SITE LOCATION

The subject property is located at 8639 Tall Oak Road, with a panhandle onto North Point Creek. The site is within the Chesapeake Bay Critical Area and is classified as a limited development area (LDA).

APPLICANT'S NAME Mr. and Mrs. Thomas R. Tompsett

APPLICANT PROPOSAL

The applicant has requested a variance from section 417.4 of the Baltimore County Zoning Regulations to permit two division line setbacks of 5.5 feet in lieu of the minimum 10 feet for a 4 foot wide pier.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

COMAR 14.15.10.01.02

Memo to Mr. J. Robert Haines
September 29, 1989
Page 3

Findings: In order to comply with the above regulation rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater.

4. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The proposed development does not increase the sum of impervious surfaces.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project shall be approved. If there are any questions, please contact Mr. David Flowers at 887-3980.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:MS:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Launstein
The Honorable Dale T. Volz

Diagram showing site layout and zoning boundaries. The diagram includes a north arrow, a scale bar, and a detailed site plan with various setbacks and dimensions. The site is located on a peninsula with a creek to the north and a road to the south. The plan shows the location of the proposed building, parking area, and other structures. The zoning boundaries are clearly marked, and the site is shown to be in compliance with the Chesapeake Bay Critical Area Regulations.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 3, 1990

Mr. & Mrs. Thomas R. Tompsett
8639 Tall Oak Road
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
NW/S of Tall Oak Road, 40' NE of the c/l of Shore Road
(8639 Tall Oak Road)
15th Election District - 5th Councilmanic District
Thomas R. Tompsett, et ux - Petitioners
Case No. 90-133-A

Dear Mr. & Mrs. Tompsett:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Chesapeake Bay Critical Area Commission
Taxes State Office Building, D-4, Annapolis, MD. 21404

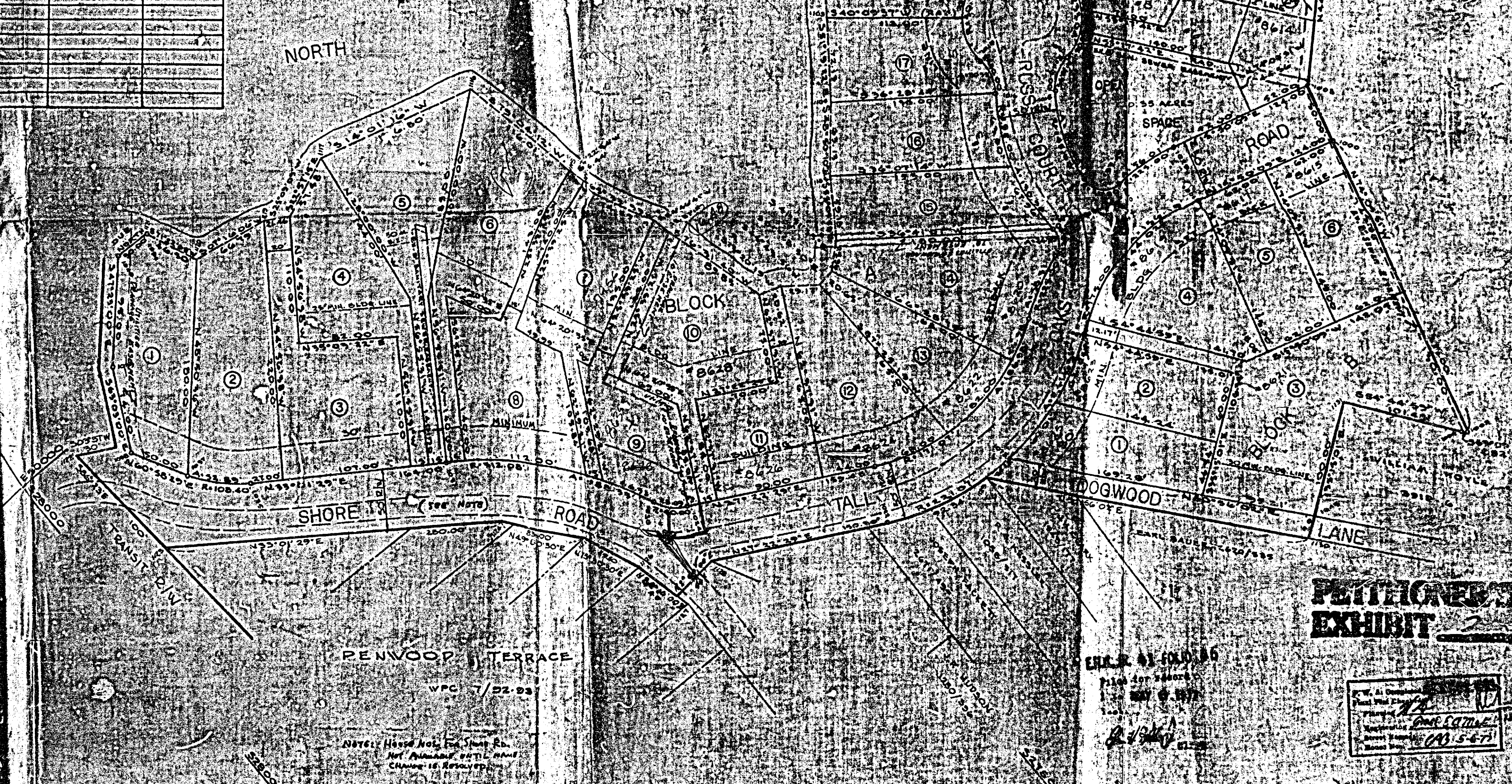
DEPRM

People's Counsel
file

[illegible]

PAVING, PAVEMENT LOTS, REFUSE COLLECTION,
REMOVAL AND ROAD MAINTENANCE ARE THE
PROVIDED FUNCTION OF THE PAVEMENT LOT
OWNER ONLY AND NOT ONTO DRIVEWAYS

DENSITY DATA	TOTAL	SECTION II
EXISTING PAVED AREA	21.2 ACRES	(2.2 ACRES)
EXISTING PARKS	18.1 ACRES	1005 ACRES
EXISTING BUILDING	PR 5.3	PR 5.4
TOTAL UNITS	62 (25 EXISTING)	60 (12 EXISTING)
GROWABLE UNITS	55.4 (21.2' - 110.6')	61.1
UNITS BEYOND FENCING	12.64 (1120.2)	60
UNITS BEYOND FENCING	12.6	60
OPEN SPACE REQUIRED	648 (2) = 1.27 ACRES	0.74 ACRES
OPEN SPACE PROPOSED	1.70 ACRES	0.35 ACRES



PETITIONER'S
 EXHIBIT 2

FILED IN 65-15861-106
JAN 11 1967
FBI - NEW YORK

F. W. Al...
 Plant...
 Phone...
 Registered...
 Street...
 Home...

APPROVED
Wm. Donald
MEMORIAL STATE & COUNTY SERVICE OFFICES
APPROVE OF STATE CO-PLANNING BOARD
James E. Stokes
SUPERVISOR

NOTES:

STREETS and/or ROADS shown hereon and mentioned thereof in deeds are for purposes of description only; and the same are not intended to be dedicated to public use; the fee simple title to the lands thereon is expressly reserved in the grantors of the deed to which this plat is a portion, the land and design.

NOTE: COORDINATES and BEARINGS shown on this map are referred to the points of connection as indicated in The Baltimore County Map System Project and are based on the following known points:

10152	510152
521156.62	511632.50
E52215.98	E52026.62

OWNERS CERTIFICATE
The representatives of Samuel D. B. Arthur
of the Assessors' Office of Maryland do hereby
certify that the above is a true and correct
copy of the original as the same is in the
possession of the said Samuel D. B. Arthur
and has been compared with the original
and found to be a true and correct copy.
Witness my hand and seal this 12th day of
June 1927.
Samuel D. B. Arthur
Assessor

SURVEYORS CONTINUE

71 **FILED** **WILLIAM C. WATSON**, Professional Land Surveyor of the State of Maryland, to hereby certify that the above shown parcel has been laid out and that the three foregoing accounts, with the proper survey of the same, are the correct and true survey of the same, to wit: Parcel No. 1015, of the 15th April 1944 and the same is hereby certified.

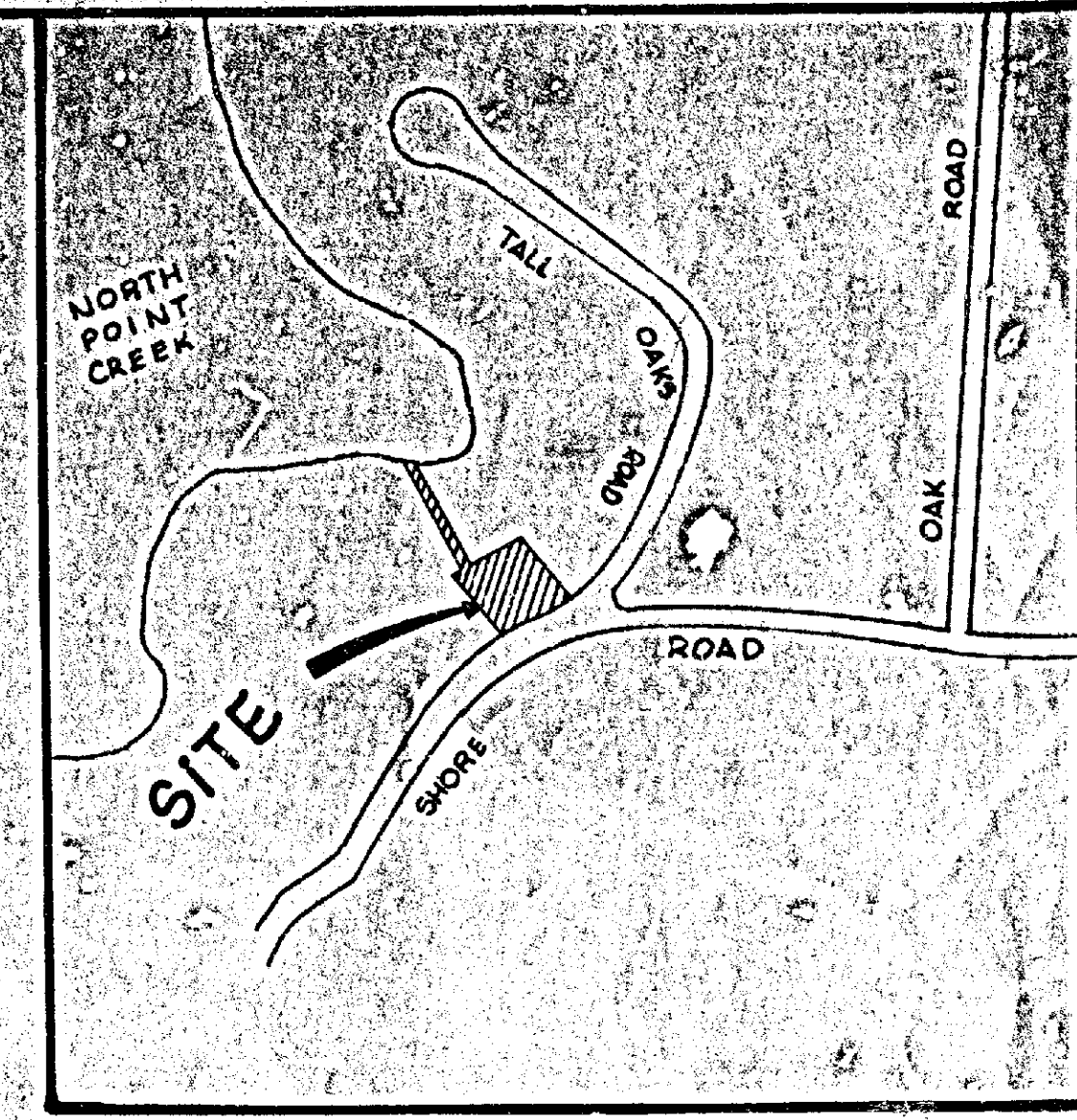
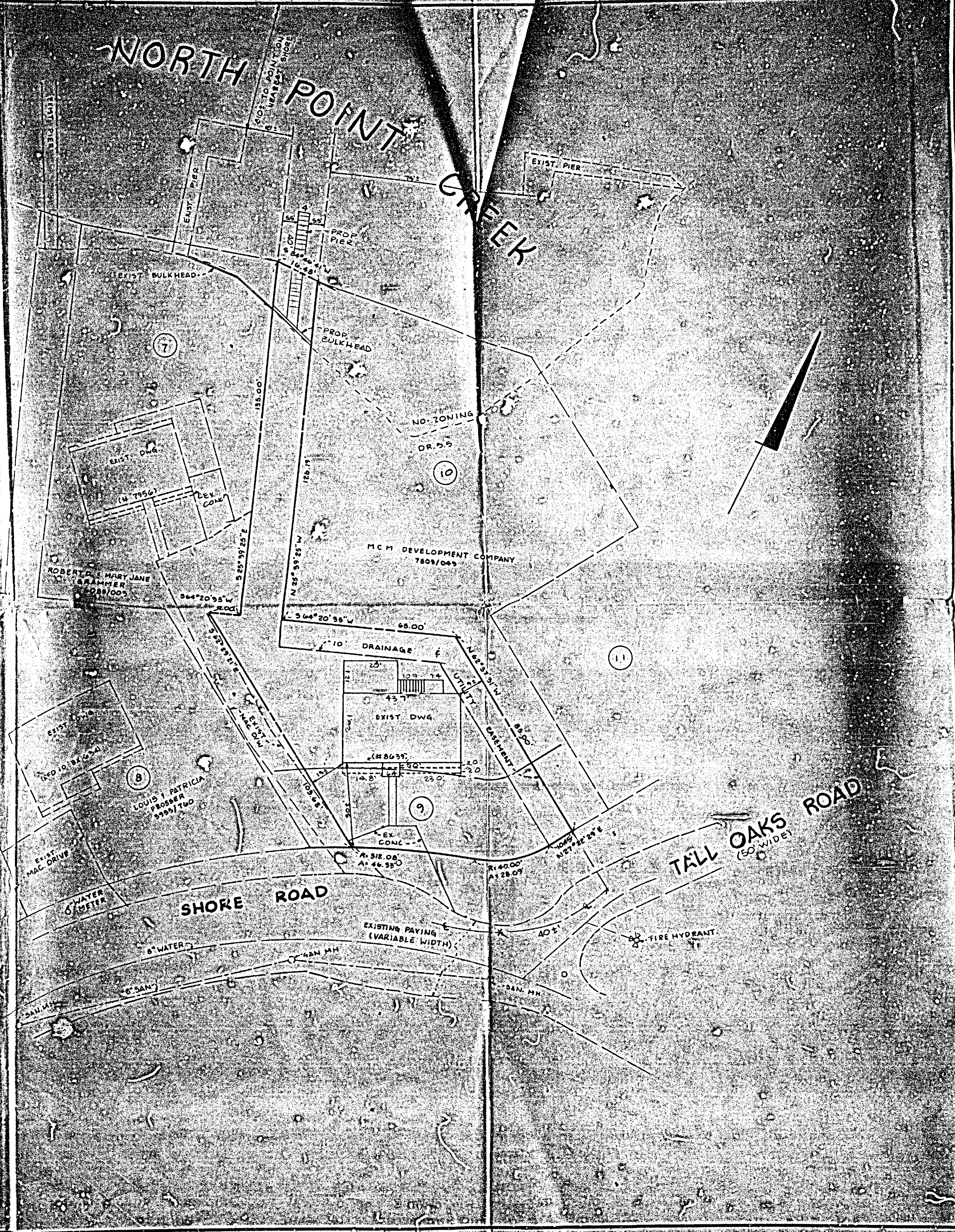
William C. Watson
Professional Land Surveyor

SOUTHERN LAND SURVEYORS' ASSOCIATION

ELSTANN VILLAGE
PART OF BLOCKS A & B
SECTION ONE
ELEC DIST 15 BALTIMORE CO



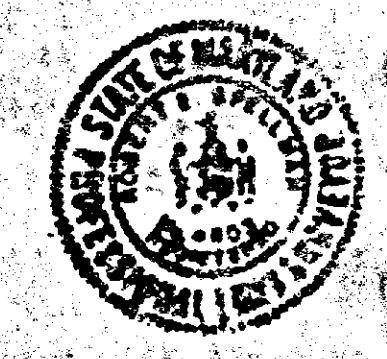
RUSSELL M. HARRIS
 SUPERVISOR
 1209 N. 5TH ST.
 BALTIMORE, MD. 21205



VICINITY MAP
SCALE: 1" = 200'

CURRENT ZONING: DR. 55
PROPOSED ZONING: DR. 55 WITH A VARIANCE
TO ALLOW CONSTRUCTION OF A PIER AND
BULKHEAD
AREA OF TRACT: 9420 SQFT 0.22 AC

**PETITIONER'S
EXHIBIT 1**



REVISIONS		DESCRIPTION
NO.	DATE	
1	6-29-89	ADDITIONAL DIMENSIONS

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE 823-3535

OWNER
THOMAS R. TOMPSETT
8639 TALL OAKS ROAD
LOT 9, PART OF BLOCK 11
ENK 32.41/44, SECTION ONE
ELSTANN VILLAGE
15TH ELEC. DIST. BALTO. CO. MD.

585 MICROFILMED PLAT FOR A VARIANCE TO ZONING
#8639 TALL OAKS ROAD
BALTIMORE CO. MARYLAND

SCALE: 1" = 20' DES. BY: DRN. BY: JFW SHT. 1 OF 1
DATE: JUN 27, 1989

