IN THE MATTER OF THE APPLICATION OF DENNIS S. PETERSON FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE WEST SIDE BALTIMORE YACHT CLUB RD. 600' NORTH OF CENTERLINE OF HOLLY NECK ROAD (850 BALTIMORE YACHT CLUB ROAD) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO. 90-251-SPH

* * * * * * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board on appeal from a decision of the Zoning Commissioner which granted the subject Petition with restrictions.

WHEREAS, the Board is in receipt of a letter of dismissal filed by Robert Christopher, on behalf of himself, Alfred Clasing, and the Back River Peninsula Community Association, Protestants/Appellants, on July 31, 1991 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Protestants/Appellants request that the appeal filed by them in this matter be dismissed and withdrawn as of July 23, 1991;

IT IS HEREBY ORDERED this 2nd day of August, 1991 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Lynn B. Moreland

Harry E. Buchheister, Jr.

BACK RIVER NECK PENINSULA COMMUNITY ASSOCIATION
P. O. Box 16754, Baltimore, MD. 21221

JULY 24, 1991

CHAIRMAN WILLIAM T. HACKETT
BALTIMORE COUNTY BOARD OF APPEALS
TOWSON, MARYLAND 21204

DEAR CHAIRMAN HACKETT:

PLEASE BE ADVISED THAT THE APPEAL OF CASE #90251SPH BY BACK RIVER NECK PENINSULA COMMUNITY ASSOC. INC. (ALFRED CLASING, ROBERT CHRISTOPHER ET AL.) IS BEING DISCONTINUED BY SAME. MR. PETERSON HAS MET WITH THE COMMUNITY AND MR. JOHNSON AND WE HAVE COME TO AN UNDERSTANDING. NO FURTHER APPEAL IS IMPENDING!

SINCERELY,

ROBERT CHRISTOPHER-CHMN.
BOARD OF DIRECTORS

RC/bw

RECEIVED
COUNTY BOARD OF APPEALS
91 JUL 31 AM 9:40

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

August 2, 1991

Mr. Robert H. Christopher, Chairman
Board of Directors
Back River Neck Peninsula
Community Association, Inc.
2116 Holly Neck Road
Baltimore, MD 21221

RE: Case No. 90-215-SPH
Dennis S. Peterson

Dear Mr. Christopher:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Mr. Alfred E. Clasing
Norman R. Stone, Jr., Esquire
Mr. Dennis S. Peterson
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
of Zoning Administration

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. May 6, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-251-SPH

DENNIS S. PETERSON
W/s Baltimore Yacht Club Road,
600' N of the c/l of Holly Neck Rd.
(850 Baltimore Yacht Club Road)
15th Election District
5th Councilmanic District

SPH-Amendment to 5191-X to permit expansion of existing marina & boatyard.

10/23/90 -Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: FRIDAY, AUGUST 16, 1991 AT 10:00 a.m.

cc: Mr. Dennis S. Peterson — Petitioner
Norman R. Stone, Jr. — Counsel for Petitioner
Robert H. Christopher, Pres. Back River Neck Peninsula Community Assoc., Inc. — Appellant
Mr. Alfred E. Clasing
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

LindaLee M. Kuszmaul
Legal Secretary

1/29/91 -Letter from David Fischer, Student Attorney, requesting hearing date prior to May 4, 1991 (graduating in May of 1991; involved with this case and would like to present before Board).

2/13/91 -Letter from WTH to Mr. Fischer--Board unable to schedule as requested due to docket; will permit him to participate in proceedings assuming compliance with law permitting same.

5/6/91 - Following parties notified of hearing set for August 16, 1991 at 10:00 a.m.:

Mr. Dennis S. Peterson
Norman R. Stone, Jr.
Robert H. Christopher
Mr. Alfred E. Clasing
People's Counsel
P. David Fields, Pat Keller
J. Robert Haines, Ann M. Nastarowicz
James E. Dyer, W. Carl Richards, Jr.
Docket Clerk - Zoning, Arnold Jablon

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

February 13, 1991

Mr. David Fischer
Student Attorney
Clinical Law Office
U of M School of Law
510 West Baltimore Street
Baltimore, MD 21201-1786

Re: Case No. 90-251-SPH
Dennis S. Peterson

Dear Mr. Fischer:

Thank you for your letter of January 28, 1991. Unfortunately, because of our docket, we are unable to set this matter in for hearing before May 4, 1991 as you have requested. The earliest possible date would be the latter part of July 1991.

If you wish to participate in the proceedings, this Board has no objection, assuming that the law permits you to do so. We would ask that you meet any requirements that are imposed upon you in order for you to participate in the proceedings.

Very truly yours,

William T. Hackett, Chairman
County Board of Appeals

cc: Mr. Dennis S. Peterson

CLINICAL • LAW • OFFICE

ATTORNEYS
Clinton Bamberger
Barbara L. Bezdek
Richard C. Boldt
Scott Burns
Ellen A. Callegary
Karen Czapanskiy
Marc Feldman
Theresa Glennon
Stanley S. Herr
Homer C. LaRue
Susan P. Leviton
Michael A. Millemann
Richard L. North
Robert V. Percival
Dean H. Rivkin
Deborah J. Weimer
Roger C. Wolf

University of Maryland School of Law
510 West Baltimore Street
Baltimore, Maryland 21201-1786

Entrance: 20 N. Paca Street

STAFF
Shirley M. Appell
Administrator
Gail W. Batts
Karen J. Calhon
Tina Hill
Laura Mrozek
Shirley L. Myers
Eunice Richardson
Flo Smith
Zipporah Williams

TTY Only--328-9036

January 28, 1991

Dennis S. Peterson

Board of Appeals
111 West Chesapeake Ave
Room 315
Towson, MD 21204

To Whom It May Concern:

I am presently a third year student at the University of Maryland School of Law and am currently involved with Case No. 90-251-SPH, which will probably be heard by the Board of Appeals in late Spring or early Summer. Since I will be graduating in May of 1991, I would very much like to present this case before the Board no later than May 4, 1991. Therefore, I would greatly appreciate anything your office can do to accommodate my request. If you need to contact me please feel free to do so at (301) 328-8157.

Thank you for your kind attention to this matter.

Sincerely yours,

David Fischer
Student Attorney

RECEIVED
COUNTY BOARD OF APPEALS
91 JAN 29 PM 12:22

Letter of Intent to Memorialize — 7/21/1990

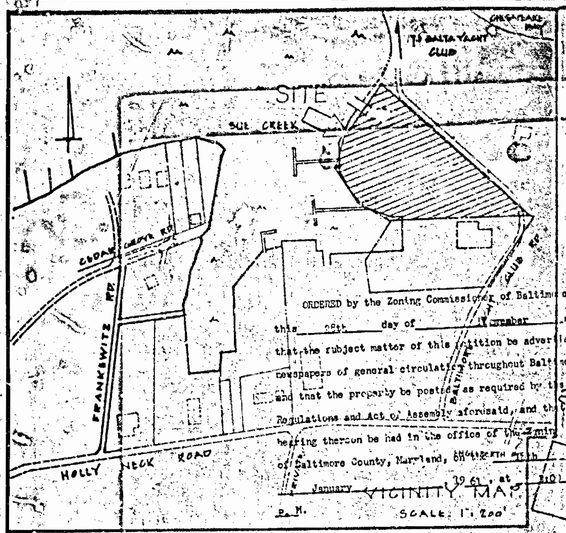
The Back River Neck Peninsula Community Association, Inc., On Behalf of the attached, we the undersigned, Representing the impartial jurors do hereby appeal Case # 90-251 SPH (Dennis S. Peterson) 850 Balto. Yacht Club Rd.

Please find attached our original letter, into this Memorialization on behalf of the impartial jurors.

Robert H. Christopher, Pres. Back River Neck Peninsula Community Assoc., Inc.
2116 Holly Neck Rd.
Balto. Md. 21221
686-1095

CLASING
Alfred E. Clasing Jr. — Mrs. Evangelos
9220 Holly Neck Rd.
Balto. Md. 21221
686-1095

Cc: Peterson
Dennis
Office



ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of November, 1960 that the subject matter of this petition be advertised in two newspapers of general circulation throughout Baltimore County, and that the property be posted as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be held in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 10th day of January 1961 at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County

Upon hearing on the above petition for a special exception to use the property described therein for a Boat Yard and Marina, and it appearing that by reason of location, the safety, health and the general welfare of the locality not being detrimentally affected, the special exception should be granted, therefore:

It is this 24th day of January, 1961, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid special exception should be and the same is hereby granted, subject, however, to approval of plans for the development of said property by the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

SITE DATA

1. TOTAL AREA OF SITE = 2.63± ac = 114,562± sf
2. ZONING: RCS, SPECIAL EXCEPTION # 5191X - FOR MARINA & BOAT YARD
3. PROPERTY REFERENCE: 8149/734
4. EXISTING USE = MARINA AND BOAT YARD
5. PROPOSED USE = MARINA AND BOAT YARD
6. EXISTING FLOOR AREA = 0± sf
7. EXISTING FLOOR AREA RATIO = 0.00%
8. PROPOSED FLOOR AREA = 5,096± sf
9. PROPOSED FLOOR AREA RATIO = 4.45%
10. EXISTING IMPERVIOUS SURFACES = 0± sf 0.00 ac 0.00%
11. PROPOSED IMPERVIOUS SURFACES = 5,916± sf 0.136 ac 5.17%
12. EXISTING FORESTED AREA = 1,060± sf 0.02 ac 0.93%
13. PROPOSED FORESTED AREA = 17,080± sf 0.39 ac 15.01%

GENERAL NOTES

1. ZONING: RCS SPECIAL EXCEPTION # 5191X
2. OWNER: DENNIS N. PETERSON
3. PROPERTY REFERENCE: 8149/734
4. 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT, CENSUS TRACT 4510
5. SUBSEWERSHED 11, WATERSHED 18
6. SOIL TYPES - MkC2 MATAPEAKE SILT LOAM, Ma MADE LAND AND Bt BARCLAY. THESE SOILS POSE NO LIMITATIONS FOR THE DEVELOPMENT PLANNED AT THIS SITE.
7. 100 YEAR FLOOD PLAIN AS SHOWN ON SITE PLAN.
8. THERE ARE NO KNOWN NON TIDAL WETLANDS, ARCHAEOLOGICAL SITES, HISTORIC STRUCTURES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS SITES ON THIS PROPERTY.
9. THERE ARE NO EXISTING WELLS ON OR WITHIN 100' OF THIS SITE.
10. THERE ARE NO SLOPES IN EXCESS OF 15%.
11. THIS ENTIRE SITE LIES WITHIN THE CRITICAL AREA LDA ZONE (LIMITED DEVELOPMENT AREA)

PARKING DATA

REQUIRED PARKING:

MARINA: 50 SLIPS X 0.5 SPACES/BOAT SLIP = 25 SPACES

TOTAL REQUIRED SPACES (including handicapped) = 25 SPACES

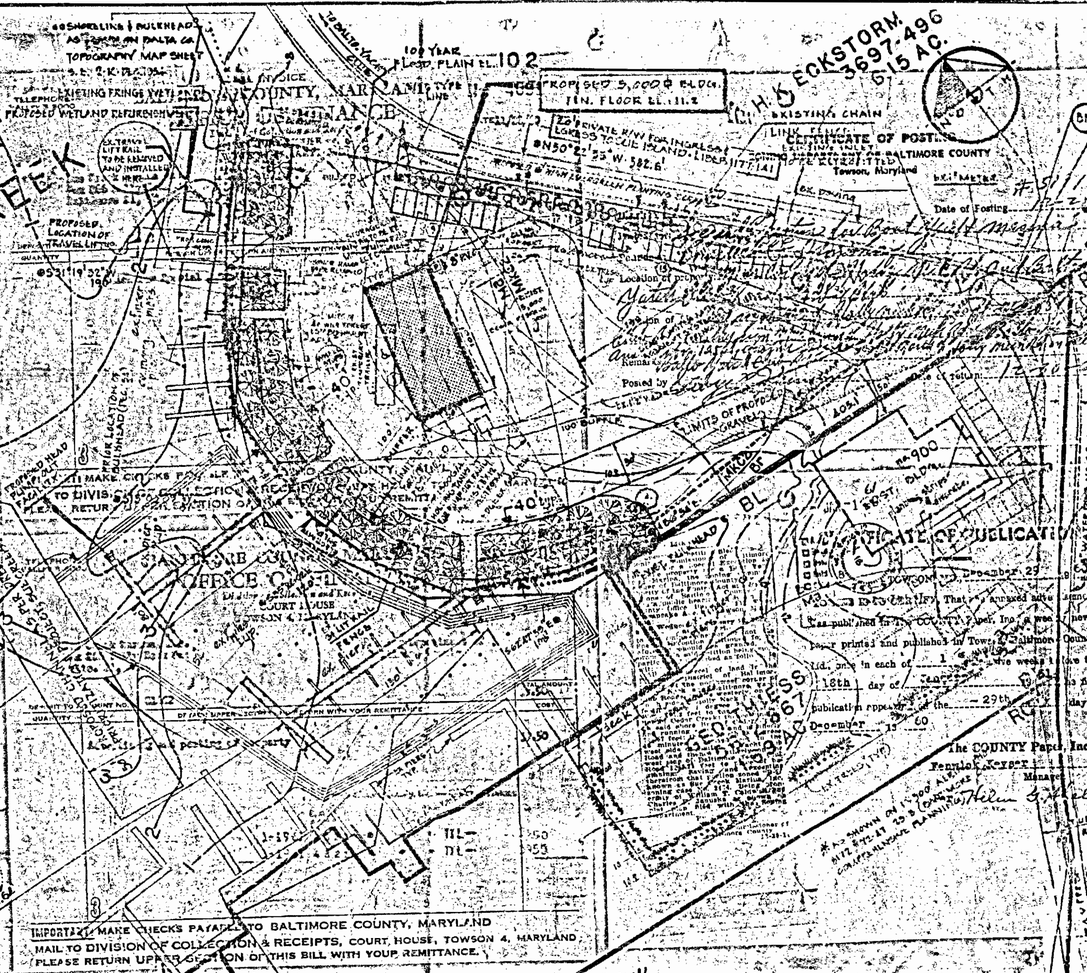
TOTAL PROPOSED SPACES (including handicapped) = 25 SPACES

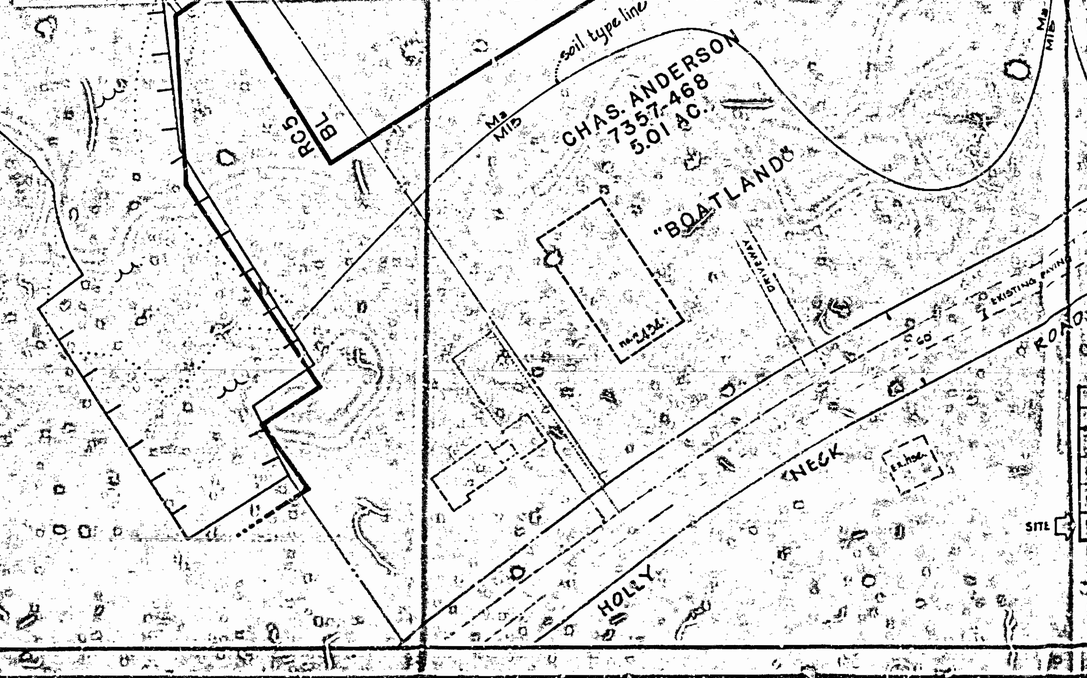
STANDARD PARKING SPACE SIZE = 8.5' WIDE X 18' LONG

REQUIRED HANDICAPPED SPACES = 1 SPACES

PROPOSED HANDICAPPED SPACES = 1 SPACES

HANDICAPPED PARKING SPACE SIZE = 12' WIDE X 18' LONG





LEGEND

PROPERTY LINE
100' BUFFER LINE
BATHYMETRIC SOUNDINGS (ft)
EXISTING GRADE
EXISTING FENCE
EXISTING FIRE HYDRANT
PROPOSED GRAVEL
EXISTING STRUCTURE
EXISTING BULKHEAD
EXISTING TREES
PROPOSED DUMPSTER
PROPOSED GRADE
EXISTING SHRUB
PROPOSED PARKING SPACES SHOWN IN
EVERGREEN PLANTING SCREEN
BORING TEST PIT
PROPOSED HANDICAP PKG. SPACE

PROPOSED FOREST ESTABLISHMENT

BENCHMARK

DESCRIPTION

BALTO. YACHT CLUB

TYPE OF FILTRATION TECHNIQUE DETAIL

ADJ. OWNERS CHART

OWNER	ADDRESS	DEED REFER.
C. ANDERSON	2424 HOLLY NECK	7357/468
D. PETERSON	850 BALTO. YACHT CLUB RD.	8149/734
M. ECKSTORM	838 BALTO. YACHT CLUB RD.	3697/496
C. THEISS	300 BALTO. YACHT CLUB RD.	3012/867

(BEARINGS AND DISTANCES ARE ACCOMPANIED WITH: ●)

THIS DOES NOT CONSTITUTE A BOUNDARY LINE SURVEY

WETLAND REQUIREMENT DETAIL

GRANULAR FILL

PETITIONER'S EXHIBIT #2

10-251SPH

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Petition for a Special Exception for a Boat Yard and Marina

Legal Owner: Dennis N. Peterson

Contract Purchaser:

Petition for a Special Exception, under the Zoning Regulations and Restrictions of Baltimore County

Section 1 Chapter 07 of the Acts of the General Assembly of Maryland passed at January Session 1961 and the Regulations

A Special Exception to use the land and improvements now or hereafter erected thereon for a Boat Yard and Marina

All that parcel of land in the 15th District of Baltimore County and the North west corner of Holly Neck Road and Baltimore Yacht Club Road, thence Easterly, along the north side of Holly Neck Road 1200 feet, thence Northerly 70 feet, thence Westerly 1012 feet to the eastern side of Cedar Grove Road, thence binding on said eastern line of Cedar Grove Road Northerly 711.57 feet, thence Northeasterly 38 degrees 15 minutes East 190 feet to the west side of Baltimore Yacht Club Road and thence southerly on the west side Baltimore Yacht Club Road 1223.23 feet to the place of beginning. Saving and excepting thereout that portion owned by Charles F. James, Jr. Being property of William T. Caldwell, et ux, Charles F. James, Jr., zoning Case No. 57-57A, as shown on plat plan filed with the Zoning Department.

Witness our hands and seals.

Witness: William T. Caldwell

Witness: Charles F. James, Jr.

Legal Owner

Address

Witness: Dennis N. Peterson

Contract Purchaser

Address

SUMMARY

BOUNDARY SURVEY OF PROPERTY OF DENNIS N. PETERSON

850 BALTIMORE YACHT CLUB RD. - ROSEDALE

WATER DEPENDENT FACILITY

SCALE: 1" = 100' DATE: JUNE 21, 1961

REVISIONS

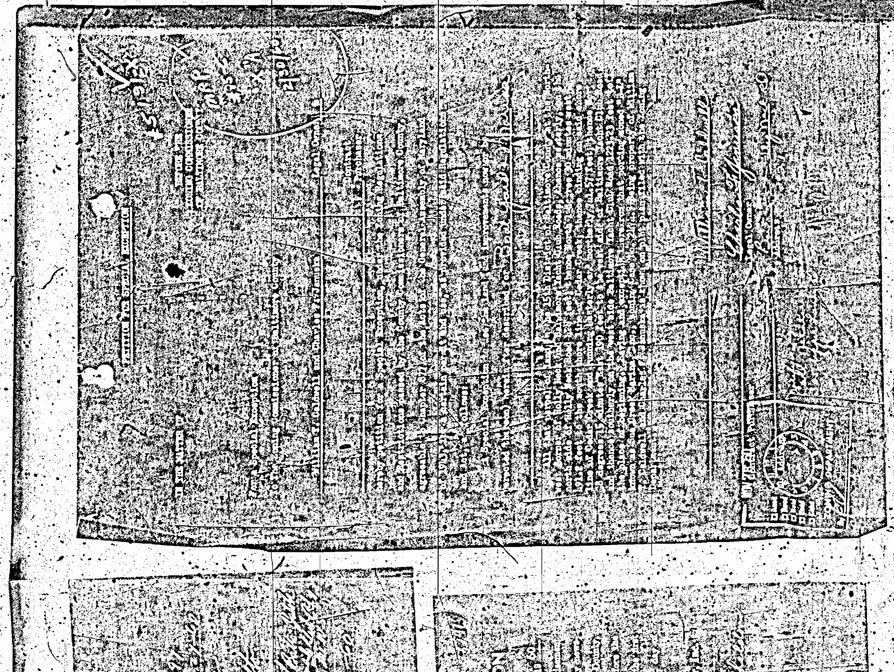
DRAWING

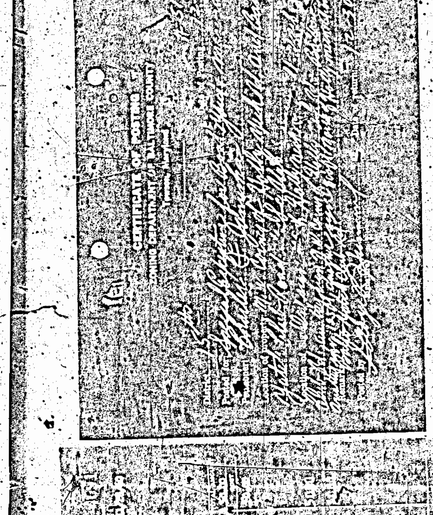
SHEET

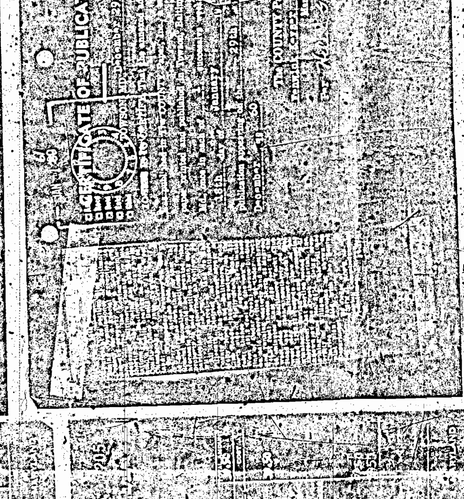
OLESEN, HAYES & ASSOC.

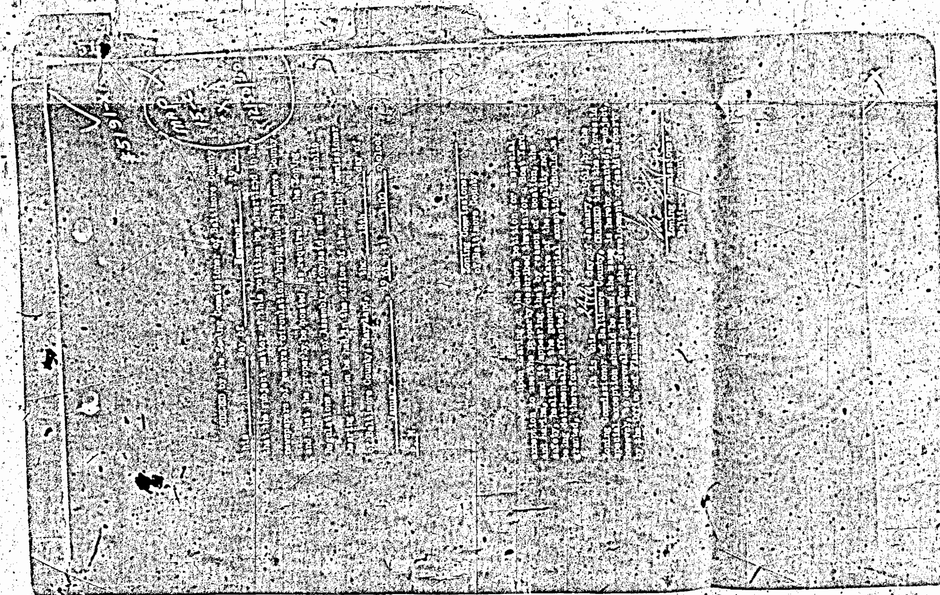
ENGINEERS - SURVEYORS

TOWSON, MARYLAND









9:30 a.m.

Case Number 90-251-SP

We the undersigned are opposed to granting a amendment to site plan from Speail Exception #5191 X

Name	Address
Kenneth R Johnson	2445 Hollyneck Road 2122
Mary S. Johnson	2445 Hollyneck Rd 2122
Arlene S Arciaga	2501 Hollyneck Rd 21221
M. E. Nusbum	2439 Holly Neck Rd 21221
Carolyn J. Meeker	2433 Hollyneck Rd. 21221
Rose Jarrell	2432 Hollyneck Rd. 21221
Antonia M. Arciaga	2501 Hollyneck Rd 21221
Eric J. Arciaga	2501 Holly Neck Rd. 21221

COMMUNITY ASSOCIATION

P. O. Box 16754, Baltimore, MD. 21221.

AUGUST 20, 1990

MR. J. ROBERT HAINES
BALTIMORE COUNTY ZONING COMMISSIONER
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204

DEAR MR. HAINES:

WE ARE VEHEMENTLY OPPOSED TO THE VARIANCES BEING SOUGHT IN CASES #88-107 SPHA AND #5191-X.

MIDDLE RIVER IS OVER PROLIFERATED WITH BOAT TRAFFIC AT PRESENT AND THE DEGRADATION OF THE RIVER COINCIDES WITH THIS GROWTH.

MOREOVER IT IS OUR FEELING THAT STORAGE RACKS AND PARKING VARIANCES ARE ONLY WAYS TO SUBVERT ZONING AND ALLOW "PHONY" CAPACITY TO AN ALREADY ABUSED RIVER.

HOW CAN WE ALLOW THESE VARIANCES TO OCCUR IN ORDER TO SUBVERT PROPER GUIDELINES AND PLANNING AND YET DUMP MILLIONS INTO THE EFFORT TO CLEAN UP OUR RIVERS AND THE CHESAPEAKE BAY AND EXPECT ANYTHING POSITIVE TO HAPPEN?

BOAT TRAFFIC ON THE RIVER IS AT GRIDLOCK, THE ROADS IN THIS VERY SENSITIVE AREA ARE NOT ADEQUATE, NOR ARE OTHER NECESSARY AMENITIES IN PLACE.

COUNTY EXECUTIVE RASMUSSEN HAS PLEDGED TO LEAD IN THE FIGHT TO SAVE OUR BAY AND THE ENVIRONMENT! YOU MUST CHOOSE BY CONTINUING THIS LEADERSHIP OR BY SUBVERTING IT WHETHER, IN FACT, THIS COMMITMENT TO THE PEOPLE OF OUR COUNTY IS REAL OR WHETHER WE WILL REVERT BACK TO THE IRRESPONSIBILITY OF THE PAST.

THE HERITAGE OF FUTURE GENERATIONS IS AT STAKE!

DENY THE VARIANCES! THEY ARE NOT IN THE BEST INTEREST OF THE PEOPLE, OUR COUNTY, OR THE CHESAPEAKE BAY.

SINCERELY,

ROBERT CHRISTOPHER
PRESIDENT

RC/bw

IN RE: PETITION FOR SPECIAL HEARING
W/S Baltimore Yacht Club Road, 600'N of the c/l Holly Neck Road (850 Baltimore Yacht Club Road)
15th Election District
5th Councilmanic District
Dennis S. Peterson
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-251-SPH

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the site plan previously approved in Case No. 5191-X to permit an expansion of the existing marina and boatyard in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Norman R. Stone, Jr., Esquire. Also appearing on behalf of the Petition were Steven K. Broyles, Robert J. Palmer, and Ralph W. Simmers, Jr. Appearing as Protestants in the matter were Eric J. and Antonia M. Arciaga, and Kenneth R. Johnson. Phyllis Friedman appeared on behalf of the People's Counsel for Baltimore County.

Testimony indicated that the subject property known as 850 Baltimore Yacht Club Road, consists of 2.63 acres more or less zoned R.C. 5 and is improved with a marina and boatyard facilities. Said property is located within the Chesapeake Bay Critical Areas on Sue Creek. Petitioner testified that the subject property was originally part of a larger tract of land which was the subject matter of previous Case No. 5191-X wherein a special exception for the existing boatyard and marina was granted on January 18, 1961 (see Petitioner's Exhibit 7). Subsequent to the granting of the special exception, the property was divided into three parcels, now owned by Dennis Peterson, Charles Anderson, and George Thiess, respective-

ORDER RECEIVED FOR FILING
Date 10/23/90
By [illegible]

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. The testimony and evidence have clearly established that Petitioner has met the spirit and intent of Sections 502.1, 417.3 and 417.4 of the B.C.Z.R. Further, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the B.C.Z.R. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, Petitioner has received a favorable comment from Robert W. Sheesley, Director of the Department of Environmental Protection and Resource Management concerning this Petition (see Petitioner's Exhibit 4). It is clear the relief requested will not be detrimental to the public health, safety or general welfare.

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

ORDER RECEIVED FOR FILING
Date 10/23/90
By [illegible]

- 3-

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 as 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 in the special hearing should be granted.

ORDER RECEIVED FOR FILING
Date 10/23/90
By [illegible]

- 4-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of October, 1990 that the Petition for Special Hearing to approve an amendment to the site plan previously approved in Case No. 5191-X to permit an expansion of the existing marina and boatyard, 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 Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall submit to the Zoning Commissioner's office no later than February 15, 1991 a new site plan prepared by a registered professional engineer and/or land surveyor which clearly identifies all buildings, their size and area dimensions, and their exact location on the subject property. Said plan shall clearly indicate the access area which is the subject of the use agreement entered into between Dennis Peterson, Charles Anderson and George Theiss, as set forth on Petitioner's Exhibit 5, and shall conspicuously recite the substance of said agreement.

3) The revised site plan shall also clearly indicate the removal of the "T" at the end of Dennis Peterson's pier adjacent to the Theiss property and subject accessway. Said "T" pier shall be removed on or before May 1, 1991 and shall be replaced with a 2' x 12' catwalk which shall also be clearly indicted on the revised plan.

4) There shall be no construction or anchorage within the accessway as set forth in the use agreement referenced in Petitioner's Exhibit 5.

5) The crusher run paving surface shall be treated twice a year, one in May and again in August of each year, in accordance with DEPRM Article 10.18, 03.D to prevent particular matter from becoming airborne. Petitioner shall maintain permanent records which establish that the required treatments have taken

ORDER RECEIVED FOR FILING
Date 10/23/90
By [illegible]

- 5-

place in each of the required years from the date of this Order until the subject use ceases on the subject property. Such records shall be made available on demand for inspection by the Zoning Enforcement Division of the Office of Zoning.

6) The trailer and storage containers shall be removed from the subject site on or before July 1, 1991.

7) All lighting for the subject property shall be erected in such a manner as to deflect away from any adjoining residential properties.

8) Plans for the proposed project must be submitted for CBG approval prior to the issuance of any building permits.

9) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

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 10, 1990, attached hereto and made a part hereof.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 10/23/90
By [illegible]

- 6-

#112

CRITICAL AREA

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-251-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

To amend site plan from Special Exception # 5191-X

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.

MAP SE 2K
5B
B.B. 15
DATE 11-6-89
100 Feet
1000
BY G.E.C.

Contract Purchaser:	Legal Owner(s):
N/A	Dennis S. Peterson
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City and State	Signature

Attorney for Petitioner:
Norman R. Stone Jr. — 850 Baltimore Yacht Club Road — 574-7915
(Type or Print Name) — Address — Phone No.
Signature — Baltimore, Maryland 21221
6900 Dunmanway — City and State
Address — Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Baltimore, Maryland 21222 — Steven K. Broyles P.E.
City and State — Name
Attorney's Telephone No.: 288-5270 — 1922 Middleborough Road — 574-2227
Address — Phone No.
Baltimore, Maryland 21221

ORDERED By The Zoning Commissioner of Baltimore County, this 11 day of Oct, 19 89, 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 20 day of Dec, 19 89, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
Date 10/23/90
By [illegible]

ly (see Petitioner's Exhibit 1). Mr. Peterson is currently operating "Sun Marine" on the subject 2.63 acre parcel and Mr. Anderson is operating "Boatland" on the adjoining 5.01 parcel as indicated on Petitioner's Exhibit 1. Petitioner testified he purchased the subject property from George Theiss in March 1989 for the purpose of operating the subject marina which currently maintains 51 boat slips. Petitioner is now desirous of constructing a two-story building on the site which will be used for office space, storage, and a shop. Testimony indicated the relief requested will have no detrimental impact on the surrounding community and would not adversely affect the public interest.

Testimony indicated that Messrs. Peterson, Anderson, and Theiss have jointly entered a use agreement which provides boat access to all three properties (see Petitioner's Exhibit 5). Testimony indicated that the agreement establishing the access channel was created in view of the contour of the subject properties which created divisional lines that effectively cut off Mr. Theiss' access to the channel. Pursuant to the agreement, all three property owners will have access to the shaded area depicted on Petitioner's Exhibit 5. Additionally, the agreement prohibits any construction or permanent dockage in the subject shaded area. Further, as indicated on Petitioner's Exhibit 5, Mr. Peterson has agreed to move the "T" from his pier immediately adjacent to Mr. Theiss' property in the subject shaded accessway.

The Protestants testified they were primarily concerned with the subject marina exacerbating the traffic congestion in this community. Protestants also indicated that they would like appropriate safeguards taken to contain any dust that may eminate from the subject property.

ORDER RECEIVED FOR FILING
Date 10/23/89
By

Phone: (301)-574-2227

#112
CRITICAL AREA
90-251-SPH

BROYLES, HAYES AND ASSOCIATES
Engineers • Designers • Surveyors
1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD. 21221

AUGUST 8, 1989

SUN MARINE

DESCRIPTION OF 850 BALTIMORE YACHT CLUB ROAD

FOR ZONING SPECIAL HEARING TO AMEND SITE PLAN

BEGINNING for the same at a capped rebar, said point being 43.30' N 86° E of a pipe set at the end of the 2nd line in a deed dated March 24, 1966 and recorded among the Land Records of Baltimore County in Liber 5612 Folio 867, said point also being on the east side of Baltimore Yacht Club Road 600'± northerly of the center of Holly Neck Road, thence running and referring the courses of this description to the Baltimore County Grid Meridian,

1. N 50° 22' 35" W passing over a capped rebar now set at the distance of 572.6 feet and continuing for 582.6 feet in all,

thence running the 5 following courses:

2. S 31° 19' 32" W 190 feet;
3. S 15° 03' 39" W 87 feet;
4. S 35° 26' 02" E 120 feet;
5. S 62° 47' 59" E 108 feet; and
6. N 86° 54' 00" E 405.1 feet to the place of beginning containing

2.63 acres of land, more or less.

STATE OF MARYLAND — KENNETH H. BROYLES — No. 14460 — REGISTERED PROFESSIONAL ENGINEER

Phone: (301)-574-2227

CRITICAL AREA #112
90-251-SPH

BROYLES, HAYES AND ASSOCIATES
Engineers • Designers • Surveyors
1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD. 21221

AUGUST 8, 1989

SUN MARINE

850 BALTIMORE YACHT CLUB ROAD

DESCRIPTION OF REQUEST FOR SPECIAL HEARING

We hereby request a Special Hearing to amend the site plan for Special Exception # 5191-X. The proposed site plan expands a 65 slip marina and boat yard by adding a travel lift, boat ramp, seven finger piers, restroom, 50' X 100' two story building and relocating the existing parking.

Very truly yours,

Steven K. Broyles P.E.

On the Site Plan the CHESAPEAKE FACILITY will not have live in quarters.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

December 12, 1989

Norman R. Stone, Jr., Esquire
6905 Dunmanway
Baltimore, MD 21222

RE: Item No. 112, Case No. 90-251-SPH
Petitioner: Dennis S. Peterson
Petition for Special Hearing

Dear Mr. Stone:

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. 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.

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

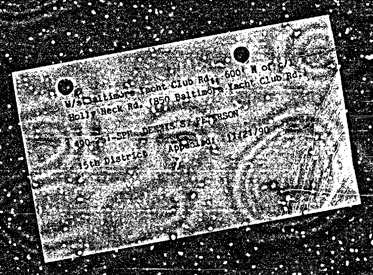
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

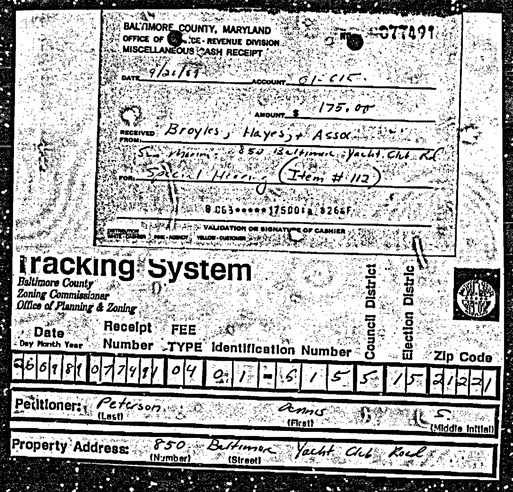
MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

JED:jw

Enclosures

cc: Mr. Dennis S. Peterson
Mr. Steven K. Broyles







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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 11th day of October, 1989.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Dennis S. Peterson

Petitioner's Attorney: Norman R. Stone, Jr.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 12, 1989

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

SUBJECT: Dennis S. Peterson, Item 112
Zoning Petition No. 90-251

The Petitioner requests a special hearing to amend the site plan in Special Exception Case No. 5191X.

In reference to this request, staff provides the following information:

- The Petitioner proposes to construct a 5,000 sq. ft. high, two story office, carpenter and repair facility on the subject site.
- An existing temporary construction trailer will be removed upon completion of the proposed structure.
- The site will be improved with additional paving and parking spaces.
- A C.R.G. meeting or waiver will be required for this proposed project. The approved zoning plan should conform to the approved C.R.G. plan and the final landscape plan.

Should the Petitioner's request be granted, staff recommends the following conditions:

- A landscape plan must be submitted for approval prior to the issuance of any building permits.
- Landscaping along the west side of the Baltimore Yacht Club Road should be provided to supplement existing planting.
- The existing construction trailer shall be removed within two weeks of the occupancy of the proposed structure.
- Unless actively used during construction, the existing storage containers should be removed immediately.

DEC 12 1989

J. Robert Haines
Re: Dennis S. Peterson, Item 112
Page 2
December 12, 1989

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.

PK/JL/cmm

Nov. 7 90-156-SPHA

Baltimore County
Department of Environmental Protection
& Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3733

Robert W. Sheesley
Director

Bureau of Air Quality Management
300 East Towsontown Boulevard
Towson, MD 21204

(301) 887-3775

Dennis F. Rasmussen
County Executive

Octo. 31, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

Comments on Zoning Advisory Committee meeting Item ~~#~~ 112 are as follows:

Property Owner: Dennis S. Peterson

Location: Sun Marine, 850 Baltimore Yacht Club Road

Existing Zoning: RC5 with Special Exception #5191-X for Marina and Boat Yard

Proposed Zoning: Special Hearing for the Approval of amended site plan from Special Exception #5191-X and to permit gravel paving in lieu of the required durable and dustless surface for the parking area.

Area: 2.63 acres more or less

District: 15th

This office recommends approval for non-conforming use of lot to be used for parking and storage and to permit a dustless and durable surface of stone in lieu of macadam paving providing: all stone surfaces are to be treated in accordance with Environmental Article 26.11.06.03 D (2) in order to prevent particulate matter from becoming airborne. Treatment and maintenance of this surface will be on a continuing basis as necessary to control airborne particulate.

Very truly yours,

Robert C. Merrey, Jr., Director
Division of Support Services
Bureau of Air Quality Management

tk

cc: Mr. Jerry Zitnik

RECEIVED
NOV 2 1989
ZONING OFFICE

11/2/89 called Barb white for PH pw

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

10/19/89
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 112, Zoning Advisory Committee Meeting of October 10, 1989

Property Owner: Dennis S. Peterson

Location: W/S of Baltimore Yacht Club Road District: 15

Water Supply: metro Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.

( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

( ) Prior to any new construction or substancial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: November 11, 1989

FROM: David C. Flowers

SUBJECT: Zoning Hearing - Item 112
850 Baltimore Yacht Club Road

The Chesapeake Bay Critical Area Program requests an extension for the review of the Special Hearing request for Mr. Dennis Peterson. Additional information is necessary to complete a Critical Area Findings for this property. For further information contact Ms. Karen McGarry at 887-3980.

David C. Flowers, Coordinator
Chesapeake Bay Critical Area Program

DCF:NSS:ju

CC: Janice Outen
Gwen Stephens

RECEIVED
OCT 16 1989
ZONING OFFICE

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

OCTOBER 9, 1989

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

Dennis F. Rasmussen
County Executive

RE: Property Owner: DENNIS S. PETERSON
Location: W/S OF BALTIMORE YACHT CLUB ROAD
Item No.: 112 Zoning Agenda: OCTOBER 10, 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.

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", 1988 edition prior to occupancy.

REVIEWER: Capt. Joseph Kelly 10/10/89 Noted and Approved: Capt Jn. Buck J.
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

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

J. Robert Haines
Zoning Commissioner

October 23, 1990

Dennis F. Rasmussen
County Executive

Norman R. Stone, Jr., Esquire
6905 Dunmanway
Baltimore, Maryland 21222

RE: PETITION FOR SPECIAL HEARING
W/S Baltimore Yacht Club Road, 600' N of the c/l of Holly Neck Road
(805 Baltimore Yacht Club Road)
15th Election District - 5th Councilmanic District
Dennis S. Peterson - Petitioner
Case No. 90-251-SPH

Dear Mr. Stone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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: Mr. & Mrs. Eric J. Arciogs
2501 Holly Neck Road, Baltimore, Md. 21221

Mr. Kenneth R. Johnson
2445 Holly Neck Road, Baltimore, Md. 21221

People's Counsel

File

90-251
~~90-156~~-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 9/15/90

Posted for: Special Hearing

Petitioner: Dennis S. Peterson

Location of property: W/S Balt. Yacht Club Rd., 600' N Holly Neck Rd.
850 Balt. Yacht Club Rd

Location of Signs: Facing Balt. Yacht Club Rd., approx. 6' from road way on property of Petitioner

Remarks:

Posted by [signature] Date of return: 9/16/90
Signature

Number of Signs: 1

BACK RIVER NECK PENINSULA
COMMUNITY ASSOCIATION
P. O. Box 16754, Baltimore, MD. 21221

JANUARY 25, 1991

MR. J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY
TOWSON, MARYLAND 21204

DEAR MR. HAINES:

PLEASE PROVIDE TRANSCRIPT FOR SPECIAL REQUEST HEARING FOR CASE #90-251-SP ORIGINALLY SCHEDULED 8/21/90 AND POSTPONED TO BE HEARD ON SEPTEMBER 13, 1990.

PETITIONER: DENNIS S. PETERSON

Sincerely,
ROBERT CHRISTOPHER
687-4011

RECEIVED
JAN 28 1991
ZONING OFFICE

Type of Hrg 3rd 1st 2nd

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number:

Date

90-251-SPH

(FEB/0)

COPIES: C91006711

780 AUDIO TAPE QTY 02 PRICE $15.00

TOTAL: $30.00

Cashier Validation

Please Make Checks Payable To: Baltimore County

04ACM#0026MICHRC
04:05PM01-28-91 $30.00
NEXT BUSINESS DAY

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date: 1/14/91

C9100651

COPIES	QTY	PRICE		
780 - AUDIO TAPE	04	$15.00	84/2	30.00
	TOTAL:	$60.00		30.00

04A04#0056MICHRC
BA CO10:09:02AM01-14-91 $60.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

№ 3887

90-251-SPH

Date: Nov. 21, 1990

APPEAL - SPECIAL HEARING
850 Back River Neck Rd., Baltimore, Md. 21221
Case #90-251-SPH

$125.00 + $25.00 Sign

Total: $150.00

04A04#0058MICHRC
BA CO10:14AM11-21-90 $150.00

Please make checks payable to: Baltimore County

574-2127

BROYLES, HAYES AND ASSOCIATES
Engineers • Designers • Surveyors
1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD. 21221

January 2, 1991

RECEIVED
JAN 7 1991
ZONING OFFICE

Mr. Robert J. Haines
Zoning Commissioner
Office of Planning And Zoning
Courts Building
401 Bosley Avenue
Towson, Maryland 21204
M.S. 1108

RE: Petitioners: Dennis S. Peterson
Sun Marine
Case Number 90-251-SPHA 9-13-90 373 & 374

AND

Charles N. Anderson, Jr.
Anderson Brothers Boat Sales
Case Number 88-107-SPHA 9/13/90 371 & 372

Dear Mr. Haines:

I would like to request that audio tapes of the above referenced cases be sent to my office at your earliest convenience. Please find enclosed check number 1231 in the amount of $30.00 to cover the cost of these tapes. Thank you for your time concerning this request.

Very truly yours,

Steven K. Broyles, P.E.

SKB:amb

current jobs/tapes-zon.sun

FILE

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 4, 1990

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
W/S Baltimore Yacht Club Road, 600 N of the c/l Holly Neck Rd
(850 Baltimore Yacht Club Road))
15th Election District, 5th Councilmanic District
DENNIS S. PETERSON - Petitioner
Case No. 90-251-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on November 21, 1990, by Robert Christopher and Alfred Clasing - representing Back River Neck Peninsula Community Association, Inc. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

cc: Dennis S. Peterson, 850 Baltimore Yacht Club Rd, Balto., MD 21221

Norman R. Stone, Jr. - Esquire
6905 Dunmanway, Baltimore, MD 21222

Robert H. Christopher - President
Back River Neck Peninsula Community Association, Inc.
2116 Holly Neck Road, Baltimore, MD 21221

Alfred E. Clasing, 2025 Holly Neck Road, Balto., MD 21221

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Appeal Checklist - Case No. 90-251SPH
December 7, 1990
Page 2

Robert H. Christopher - President
Back River Neck Peninsula Community Association, Inc.
2116 Holly Neck Road, Baltimore, MD 21221

Alfred E. Clasing, 2025 Holly Neck Road, Balto., MD 21221

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann N. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

APPEAL

Petition for Special Hearing
W/S Baltimore Yacht Club Road, 600' N of the c/l Holly Neck Road
(850 Baltimore Yacht Club Road)
15th Election District - 5th Councilmanic District
DENNIS S. PETERSON - Petitioner
Case No. 90-251-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. & 2. - Plats to accompany Petition
2A & 2B - Microfilm copies of Case No. 5191XA
2B - Plan showing existing and proposed buffers and structures
3. - Photographs of pier
4. - DEPRM Comments
5. - Plan showing piers in Sun Marine
6. - Plan red-lined and highlighted
7. - Letter of support
7. - Highlighted copy of Plat (Case 5191XA)

Protestant's Exhibits: 1. - Photographs from outside of Marina
2. - Copy of Plat (5191XA)

Zoning Commissioner's Order dated October 23, 1990 (Granted with restrictions)

Notice of Appeal received November 21, 1990 from Robert Christopher and Alfred Clasing - representing Back River Peninsula Community Association, Inc.

cc: Dennis S. Peterson, 850 Baltimore Yacht Club Rd, Balto., MD 21221

Norman R. Stone, Jr. - Esquire
6905 Dunmanway, Baltimore, MD 21222

Nov. 21, 1990
10 am

Notice of Appeal to Appeal

The Back River Neck Peninsula Community Assn Inc.
On behalf of the attached, we the undersigned,
Representing the impacted parties do hereby appeal
Case # 90-251. SPH ~~Variance~~ (Dennis S. Peterson)
850 Balto. yacht club Rd.
Please find attached our original entry
into this Case via CBCC Comments on behalf
of the impacted parties.

Robert H. Christopher pres. BRNPCA Inc
2116 Holly Neck Rd
Balto. 21221
687-4080
CLOSING

Alfred E. Clasing Jr. - Zoning Examiner
2025 Holly Neck Rd.
Balto. Md. 21221
686-1095

Rec: 11/21/90
J. Haines
Office of Planning & Zoning

Nov. 21, 1990
9:30 a.m.

Case Number 90-251-SP

We the undersigned are opposed to granting a amendment to site plan from Special Exception #5191X

Name	Address
Kenneth L. Johnson	2445 Hollyneck Road 21221
Mary L. Johnson	2445 Hollyneck Rd 21221
Colleen S. Arciaga	2501 Hollyneck Rd 21221
M. E. Hankins	2439 Hollyneck Rd 21221
Carolyn J. Neukam	2433 Hollyneck Rd. 21221
Rose Hamel	2432 Hollyneck Rd. 21221
Anton M. Arciaga	2501 Holly Neck Rd 21221
Eva J. Arciaga	2501 Holly Neck Rd 21221

BACK RIVER NECK PENINSULA
COMMUNITY ASSOCIATION
P. O. Box 16754, Baltimore, MD. 21221

AUGUST 20, 1990

MR. J. ROBERT HAINES
BALTIMORE COUNTY ZONING COMMISSIONER
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204

DEAR MR. HAINES:

WE ARE VEHEMENTLY OPPOSED TO THE VARIANCES BEING SOUGHT IN CASES #88-107 SPHA AND #5191-X.

MIDDLE RIVER IS OVER PROLIFERATED WITH BOAT TRAFFIC AT PRESENT AND THE DEGRADATION OF THE RIVER COINCIDES WITH THIS GROWTH.

MOREOVER IT IS OUR FEELING THAT STREAM BACKS AND PARKING VARIANCES ARE ONLY WAYS TO SUBVERT ZONING AND ALLOW "PORKY" CAPACITY TO AN ALREADY ABUSED RIVER.

HOW CAN WE ALLOW THESE VARIANCES TO OCCUR IN ORDER TO SUBVERT PROPER GUIDELINES AND PLANNING AND YET DUMP MILLIONS INTO THE EFFORT TO CLEAN UP OUR RIVERS AND THE CHESAPEAKE BAY AND EXPECT ANYTHING POSITIVE TO HAPPEN?

BOAT TRAFFIC ON THE RIVER IS AT GRIDLOCK, THE ROADS IN THIS VERY SENSITIVE AREA ARE NOT ADEQUATE, NOR ARE OTHER NECESSARY AMENITIES IN PLACE.

COUNTY EXECUTIVE RASMUSSEN HAS PLEDGED TO LEAD IN THE FIGHT TO SAVE OUR BAY AND THE ENVIRONMENT! YOU MUST CHOOSE BY CONTINUING THIS LEADERSHIP OR BY SUBVERTING IT WHETHER, IN FACT, THIS COMMITMENT TO THE PEOPLE OF OUR COUNTY IS REAL OR WHETHER WE WILL REVERT BACK TO THE IRRESPONSIBILITY OF THE PAST.

THE HERITAGE OF FUTURE GENERATIONS IS AT STAKE!

DENY THE VARIANCES! THEY ARE NOT IN THE BEST INTEREST OF THE PEOPLE, OUR COUNTY, OR THE CHESAPEAKE BAY.

SINCERELY,

ROBERT CHRISTOPHER
PRESIDENT

RC/bw

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 30, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 30, 1989.

THE JEFFERSONIAN,

S. Zeke Orlinsky

Publisher

Cost of Advertisement $ 63.25

Petition for Special Hearing
S/S Bolly Neck Road, 600' N of Holly Yacht Club Road
850 Baltimore Yacht Club Road
5th Election District
5th Councilmanic
Petitioner(s):
Dennis S. Peterson
Hearing Date: Tuesday, Jan. 30, 1990 at 10:30 a.m.

Special Hearing: To amend a plan from Special Exception #5191-X.

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 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

11/30 Nov. 30

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

90-251-SPH

District 15th

Date of Posting 12/15/89

Posted for: Special Hearing

Petitioner: Dennis S. Peterson

Location of property: W/S Balto. Yacht Club Rd., 600' N/Holly Neck Rd. 850 Balto Yacht Club Rd.

Location of Signs: Facing Balto. Yacht Club Rd., approx. 10 Ft. Nearby, on property of Petitioner.

Remarks:

Posted by [illegible] Signature

Date of return: 12/18/89

Number of Signs: 1

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

July 16, 1990

Norman A. Stone, Jr., Esquire
6905 Dunmanway
Baltimore, Maryland 21222

RE: Petition for Special Hearing
Dennis S. Peterson, Petitioner
Case No. 90-251-SPHA

Dear Mr. Stone:

Recently, I was reviewing case file No. 90-251-SPHA with members of my staff and David Flowers from Department of Environmental Protection and Resource Management (DEPRM). It appears that your client has or will purchase the 1.68 acres adjoining property, known as the Theiss property. This purchase will create new issues to be resolved by both Zoning and DEPRM.

I believe it would be advantageous for the parties to meet with both Zoning and DEPRM before the hearing to determine if there are any conflicts or potentially troublesome issues. Please do not misunderstand my intentions in writing you. The Zoning Office is not opposed to the Peterson purchase and incorporation of the Theiss property into the Peterson Marina. However, the additional land will change the relief.

I have tentatively scheduled a meeting in my office for July 31, 1990 at 9:30 A.M. If you have a conflict with this date, please call my secretary, Marlene Novak, to arrange another date and time.

Thank you for your assistance and cooperation in this matter.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmn
cc: Mr. Dennis S. Peterson
cc: Mr. Steven K. Broyles, P.E.
cc: Mr. David Flowers, DEPRM
cc: Mr. Carl Richards, Zoning Coordinator

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

July 10, 1990

CONFIRMING NOTICE OF REASSIGNMENT

Case #(s): 90-251-SPHA

Petitioner(s): Dennis Peterson

Location: 850 Baltimore Yacht Club Road

THE ABOVE MATTER IS BEEN REASSIGNED.

THE HEARING WILL NOW TAKE PLACE AS FOLLOWS:

THURSDAY, SEPTEMBER 13, 1990 at 10:30 a.m.

in the BALTIMORE COUNTY OFFICE BUILDING,, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204

J. Robert Haines

J.ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs
Copies:
Dennis S. Peterson
Norman S. Stone, Jr., Esq.

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Date: June 22, 1990

Dennis S. Peterson
850 Baltimore Yacht Club Road
Baltimore, Maryland 21221

Dear Mr. Peterson:

Re: Case numbers: 90-251-SPH
Petitioner(s): Dennis S. Peterson

Dear Petitioner(s):

Please be advised that $ 25.00 is due for reposting of the above-referenced property.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Your anticapted cooperation is appreciated.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES,
ZONING COMMISSIONER of
Baltimore County
887-3391

cc: Norman A. Stone, Jr., Esq.

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

June 22, 1990

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 106 of the County Office Building at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 90-251-SPH (Item 251)
W/S Baltimore Yacht Club Road, 600' N c/l of Holly Neck Road
850 Baltimore Yacht Club Road
5th Election District - 5th Councilmanic
Petitioner(s): Dennis S. Peterson
HEARING SCHEDULED: THURSDAY, JULY 12, 1990 at 10:30 a.m.

Special Hearing: To amend site plan from Special Exception #5191-X.

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 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

Inter-Office Correspondence

TO: Gwendolyn Stephens
Docket Clerk

DATE: March 7, 1990

FROM: Ann M. Nastarowicz
Deputy Zoning Commissioner

SUBJECT: Petition for Special Hearing
W/S Baltimore Yacht Club Road
600' N of the c/l of Holly Neck Road
(850 Baltimore Yacht Club Road)
15th Election District - 5th Councilmanic District
Dennis S. Peterhoff, et ux - Petitioners
Case No. 90-251-SPH

Please be advised that the subject matter, which was scheduled to be heard on December 20, 1989, was continued in light of Petitioners' need to resolve some concerns of the Department of Environmental Protection and Resource Management (DEPRM) prior to the hearing. No testimony was presented. The case should be rescheduled before Bob and if possible, at the same time as the hearing in matter Case No. 88-107-SPH, James H. Eurice, Petitioner. Prior to scheduling the hearing, please contact Senator Norman R. Stone to obtain a mutually convenient hearing date. The property does not need to be readvertised, but should be reposted. No Protestants appeared at the hearing.

Thank you for your assistance in this matter and if you should have any questions, please do not hesitate to contact me.

ANM:bjs

cc: Case File

Aug 21, 1990
9:30 a.m.

Case Number: 90-251-SPH

We the undersigned are opposed to granting a amendment to site plan from Special Exception #5191X

Name	Address
Kenneth L. Johnson	2445 Hollyneck Road 21221
Mary L. Johnson	2445 Hollyneck Rd 21221
Celius S. Arciaga	2501 Hollyneck Rd 21221
[illegible]	2439 Holly Neck Rd 21221
Carolyn J. Newton	2433 Holly neck Rd 21221
Ron Jones	2432 Holly neck Rd. 21221
Adam M. Arciaga	2501 Holly Neck Rd 21221
Eric J. Arciaga	2501 Holly Neck Rd. 21221

BACK RIVER NECK PENINSULA COMMUNITY ASSOCIATION

P. O. Box 16754, Baltimore, MD. 21221

AUGUST 20, 1990

RECEIVED
AUG 21 1990
ZONING OFFICE

MR. J. ROBERT HAINES
BALTIMORE COUNTY ZONING COMMISSIONER
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204

DEAR MR. HAINES:

WE ARE VEHEMENTLY OPPOSED TO THE VARIANCES BEING SOUGHT IN CASES #88-107 SPHA AND #5191-X. and 90-251-SPH

MIDDLE RIVER IS OVER PROLIFERATED WITH BOAT TRAFFIC AT PRESENT AND THE DEGRADATION OF THE RIVER COINCIDES WITH THIS GROWTH.

MOREOVER IT IS OUR FEELING THAT STORAGE RACKS AND PARKING VARIANCES ARE ONLY WAYS TO SUBVERT ZONING AND ALLOW "PHONY" CAPACITY TO AN ALREADY ABUSED RIVER.

HOW CAN WE ALLOW THESE VARIANCES TO OCCUR IN ORDER TO SUBVERT PROPER GUIDELINES AND PLANNING AND YET DUMP MILLIONS INTO THE EFFORT TO CLEAN UP OUR CREEKS AND THE CHESAPEAKE BAY AND EXPECT ANYTHING POSITIVE TO HAPPEN.

BOAT TRAFFIC ON THE RIVER IS AT GRIDLOCK, THE ROADS IN THIS VERY SENSITIVE AREA ARE NOT ADEQUATE, NOR ARE OTHER NECESSARY AMENITIES IN PLACE.

COUNTY EXECUTIVE CANDIDATES HAVE PLEDGED TO LEAD IN THE FIGHT TO SAVE OUR BAY AND THE ENVIRONMENT. YOU MUST CHOOSE BY CONTINUING THIS LEADERSHIP OR BY SUBVERTING IT WHETHER, IN FACT, THIS COMMITMENT TO THE PEOPLE OF OUR COUNTY IS REAL OR WHETHER WE WILL REVERT BACK TO THE IRRESPONSIBILITY OF THE PAST.

THE HERITAGE OF FUTURE GENERATIONS IS AT STAKE!

DENY THE VARIANCES! THEY ARE NOT IN THE BEST INTEREST OF THE PEOPLE, OUR COUNTY, OR THE CHESAPEAKE BAY.

SINCERELY,

ROBERT CHRISTOPHER
PRESIDENT

RC/bw

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account R-001-6150 № 746

Number 90-251-SPH

Date 12/20/89

12/19/89

PUBLIC HEARING FEES 080 - POSTING SIGNS / ADVERTISING 1 X 108.67

TOTAL: $108.67

LAST NAME OF OWNER: PETERSEN

Post not returned Friend picked up for return later

B 01200MICRO 10:58Fri 12/08

Please make checks payable to: Baltimore County

Cashier Validation

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

DEC 12 1989

Dennis S. Peterson
850 Baltimore Yacht Club Road
Baltimore, Maryland 21221

Re:

Petition for Special Hearing
CASE NUMBER: 90-251-SPHA
W/S of Baltimore Yacht Club Road, 600' N c/l of Holly Neck Road
850 Baltimore Yacht Club Road
15th Election District - 5th Councilmanic
Petitioner(s): Dennis S. Peterson
HEARING: WEDNESDAY, DECEMBER 20, 1989 at 9:30 a.m.

Dear Mr. Peterson:

Please be advised that $ 108.67 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 OF THE ORDER SHALL NOT ISSUE. 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.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

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

J. Robert Haines
Zoning Commissioner

11.24.89

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 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 90-251-SPHA
W/S of Baltimore Yacht Club Road, 600' N c/l of Holly Neck Road
850 Baltimore Yacht Club Road
15th Election District - 5th Councilmanic
Petitioner(s): Dennis S. Peterson
HEARING: WEDNESDAY, DECEMBER 20, 1989 at 9:30 a.m.

Special Hearing: To amend site plan from Special Exception #191-X

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 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 of
Baltimore County

JRH:gs

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE 90-251-SPH

TO: J. Robert Haines
Zoning Commissioner

DATE: November 11, 1989

FROM: David C. Flowers

SUBJECT: Zoning Hearing - Item 112
850 Baltimore Yacht Club Road

The Chesapeake Bay Critical Area Program requests an extension for the review of the Special Hearing request for Mr. Dennis Peterson. Additional information is necessary to complete a Critical Area Findings for this property. For further information contact Ms. Karen McGarry at 887-3980.

David C. Flowers
David C. Flowers, Coordinator
Chesapeake Bay Critical Area Program

DCF:NSS:ju

CC: Janice Outen
Gwen Stephens

RECEIVED
OCT 17 1989
ZONING OFFICE

Phone: (301)-574-2227

#112

90-251-SPH CRITICAL AREA

BROYLES, HAYES AND ASSOCIATES

Engineers • Designers • Surveyors

1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD. 21221

September 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204
Mail Stop 1105

RE: Sun Marine 850 Baltimore Yacht Club Road Special Hearing

Dear Mr. Haines:

We hereby request an early hearing, if possible, for the above referenced project.

Any consideration that can be given to this project would be greatly appreciated. We will make every effort to supply all required information in a timely manner.

Very truly yours,

Steven K. Broyles P.E.

SKB/sb

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Bob—
Norm Stone
a good — delays property
Peterson — to be
set — just let you
know.
I have advised on
We did not start
hearing — just
continued —
Please put #112
when
done —

January 31, 1990

John B. Gontrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Case No. 88-107-SPHA
Petitions for Special Hearing & Zoning Variance
2434 Holly Neck Road
Jeaes Eurice - Petitioner

Dear John:

After our recent conversation regarding the above captioned case, I had a chance to review the new plan that was filed by Mr. William Bafitis on behalf of the new owners, Anderson Bros. Boat Sales. The new plan is much more legible and easy to understand. However, there appears to be a fundamental problem with this marina and its neighbors, namely, the Thiess and Peterson properties.

The plan does not indicate appropriate divisional lines for the water-front facilities as required by Section 417 of the Baltimore County Zoning Regulations (B.C.Z.R.). There is no divisional line and appropriate maneu-vering areas have not been provided for the Thiess Marina, Peterson Marina and the Anderson Bros. Marina. The issue involving these divisional lines, as required under Section 417, must be resolved since the original special exception marina has been subdivided into three parts and is cur-rently under three separate ownerships. This issue must be resolved as part of this hearing. It is inappropriate to repeat this matter when it is obvious that the piers cannot meet the requirements of Section 417.

John B. Gontrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221
page 2.....

I am anticipating setting this case for hearing in May of 1990. Hope-fully, this will provide you with sufficient time to file any additional necessary paperwork in a timely manner.

Please feel free to contact me to discuss this matter at your conve-nience.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Mr. William Bafitis
Bafitis and Associates,Inc.
1249 Engleberth Road
Baltimore, Maryland 21221

cc: Ann Nastarowicz, Deputy Zoning Commissioner
W. Carl Richards, Zoning Coordiantor
Gwendolyn Stephens, Docket Clerk

90-251-SPH

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

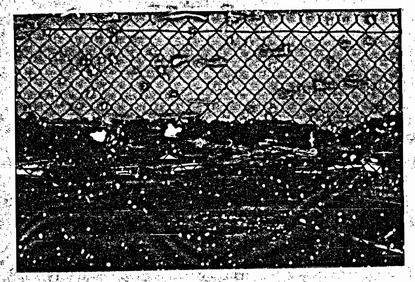
NAME	ADDRESS
Steven K. Broyles	1922 Middleborough Rd 21221
Norman Stone, Jr.	6905 Dunkirk Way
DENNIS S. PETERSEN	519 HOLLINGER RD. BALTO CO MD 21220
Robert J. Palma	412 ARMSTRONG RD. BALT. MD 21220
Ralph W. SUMMERS Jr	127 COUNTRY LANE - TIMONIUM, 21093

CERTIFICATE OF POSTING 90-251-SPH
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th
Date of Posting 12/14/89
Posted for: Appeal
Petitioner: Darrell E. Peterson
Location of property: W/s Balto Yacht Club Rd., 450' N/of Holly Neck Rd. - 850 Balto Yacht Club Rd.
Location of Signs: Facing Balto Yacht Club Rd., approx. 5' from edge of pavement, 200' either/and Rd. of Holly Neck Road, surrounding property
Remarks:
Posted by [signature] Date of return: 12/21/89
Number of Signs: 1

90-251SPH

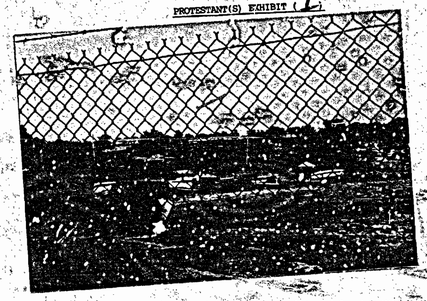
PROTESTANT(S) EXHIBIT (1)

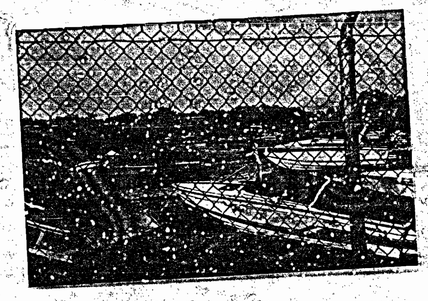




90-251SPH

PROTESTANT(S) EXHIBIT (1)





12/19/89 15:36 T 781 368 6688 FLORIDA BOAT SLS

PETITIONER'S EXHIBIT 7A 90-251SPH

Sun Marine, Inc.
850 Baltimore Yacht Club Road
Balthmore, MD 21221
(301) 335-7948
(301) 574-7915

December 18, 9189

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, MD 21204
Att: Mr. J. Robert Haines

Dear Sir,

I have no objection to the proposed activity of Sun Marine, 850 Baltimore Yacht Club Road, Essex, to amend site plan from the special exception 5191X to include;

1) 50' x 100' Building
2) Grading and gravel surface
3) Installation of travellift
4)All existing piers and catwalks, installed as of this date.

ADJOINING PROPERTY OWNERS NAME	ADDRESS	SIGNATURE
Daniel Hanbury	5 acres 901 BALTIMORE YATCH CLUB RD	Daniel Hanbury
GEORGE THILES	2 acres 900 BALTO. YT. CLUB RD.	
David K Wood	1½ acres, 833 Canvas Canvas Rd	David K Wood
Henry K. Echsterown	835 BALTO YACHT CLUB RD	Henry K. Echsterown
Ralph Hall, Pres	Baltimore Yacht Club & M.C.	Ralph Hall, Pres

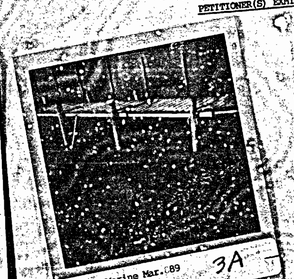
90-251SPH

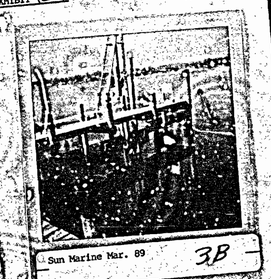
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Eric J Arciaga	2501 Holly Neck Rd 21221
Kenneth C Johnson	2445 Hollyneck Rd 21221
Antonia M. Arciaga (OWNER)	2501 Holly Neck Rd 21221

90-251SPH

PETITIONER(S) EXHIBIT (3)







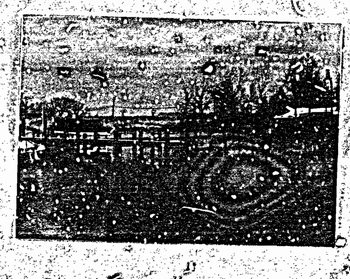


90-251SPH

PETITIONER(S) EXHIBIT (3)







Hollyneck

90-251SPH

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Kenneth C Johnson	2445 Hollyneck Rd 21221
Antonia M Arciaga	2501 Hollyneck Rd. 21221

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Balto., MD. 21221

November 30, 1989

THIS IS TO CERTIFY, that the annexed advertisement of

Dennis S. Peterson in the matter of
Petition for Special Hearing of the
Baltimore Yacht Club. Case #90-251-SPH
Req.#M38059, P.O.#0100286
80.5 lines @.55 or $44.27

was inserted in **The Avenue News** a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive weeks(s) before the 1 day of Dec 1989;

It is to say, the same was inserted in the issues of Nov. 30 1989.

The Avenue Inc.
per publisher

By Diane B Coldwell

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 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
Case Number: 90-251-SPH
W/S of Baltimore-Yacht Club Road 600' N. of Hall Yacht Road
850 Baltimore-Yacht Club Road
15th Election District
5th Councilmanic
Petitioner(s): Dennis S. Peterson

HEARING DATE: WEDNESDAY, DECEMBER 20, 1989 at 9:30 a.m.

Special Hearings to amend site plan from Special Exception #5191X.

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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

ROBERT HAINES
Zoning Commissioner of Baltimore County

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

PETITIONER'S EXHIBIT 4

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: September 10, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Special Hearing to amend Special Exception #5191X
Sun Marina, property of Dennis Peterson
Chesapeake Bay Critical Area Findings

SITE LOCATION

Sun Marina is located at 850 Baltimore Yacht Club Road, along Sue Creek. The entire 2.63 acre site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA) and qualifies as a Water Dependent Facility.

APPLICANT'S NAME Mr. Dennis Peterson

APPLICANT PROPOSAL

This property currently enjoys the use of a Special Exception for a Boat Yard and Marina with two piers 100 and 150 feet long, 29 slips, and associated driveways and parking areas. Through a Special Hearing to amend the existing Special Exception, the applicant requests approval to:

1. Extend the 100 foot pier to 131 feet and add an 80 foot T-head, eight 15 foot finger piers, and three mooring piles.
2. Add an 83 foot T-head to the 150 foot pier and ten 15 foot finger piers.
3. Add three 15 foot finger piers, one 40 foot catwalk, two 45 foot catwalks, and five mooring piles to the existing bulkhead.
4. Add a boat travel lift.
5. Add a 5000 square foot building.
6. Add 21 boat slips for a total of 50 boat slips.

Memo to J. Robert Haines
September 10, 1990
Page 2

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 14.15.10.01.0>

THE WATER DEPENDENT FACILITIES PLAN

The Water Dependent Facilities Plan of the Baltimore County Chesapeake Bay Critical Area Program has two basic goals:

1. To minimize the intrusion of man-made land use within the Critical Area buffer, and
2. To establish standards so that development will have a minimal impact on water quality, fish, plant, and wildlife habitat.

In the Chesapeake Bay Critical Area, an undisturbed, vegetated buffer is required in which new development activities are prohibited. This buffer must be established and maintained a minimum of 100' landward from the Mean High Water Line of tidal waters, tidal wetlands, and tributary streams <COMAR 14.15.09.01>. However, water dependent facilities such as Sun Marina are directly dependent on physical access to the water. Therefore, the law allows these types of land uses to have reasonable access within the buffer, despite their adverse effects on water quality in the Chesapeake Bay.

The Water Dependent Facilities review process is structured to facilitate evaluation of the proposed development in two major phases:

A. A preliminary site screening evaluation, and

B. A detailed environmental assessment,

as presented by the applicant in a Water Dependent Facilities Plan.

Memo to J. Robert Haines
September 10, 1990
Page 3

REGULATIONS AND FINDINGS

1. Regulation: "All siting, development, redevelopment and expansion of water-dependent facilities within the buffer must strictly conform to the criteria set forth in the Baltimore County Water Dependent Facilities Manual" <Baltimore County Code Sec. 22-218(b)>.

Finding:

A. Preliminary site screening results for Sun Marina:

1. There is mapped submerged aquatic vegetation adjacent to this site. No submerged aquatic vegetation was observed within the limits of construction. However, potential habitat for submerged aquatic vegetation is present, therefore, the Water Dependent Facilities Manual indicates a significant impact.

2. Fringe tidal wetlands are present at the northern end of the site. A portion of this wetland area has been disturbed by the construction of a travel lift which was built without proper federal, state, or county permits. The applicant shall move the travel lift out of the wetland area and restore the disturbed wetland area. The Water Dependent Facilities Manual indicates a moderate level of impact for disturbance of a fringe tidal wetland.

3. Sue Creek is classified as Class II Shellfish Harvesting Waters although there are no viable shellfish beds within Sue Creek.

4. There are no rare, threatened or endangered species on or around this site.

5. Sue Creek is not a designated spawning or nursery area for anadromous fish.

6. The applicant proposes to dredge approximataly 5300 cubic yards by mechanical dredging in the marina basin. Approximately 95% of the area to be dredged is shallow water habitat of 3 feet deep or less, therefore, the Water Dependent Facilities Manual indicates a significant impact.

7. The Water Dependent Facilities Manual indicates a moderate impact for the proposed dredging of approximately 5300 cubic yards.

8. No filling of open water, shallow water, or wetlands is proposed.

Memo to J. Robert Haines
September 10, 1990
Page 4

9. The applicant proposes to dredge approximately 5300 cubic yards. The proposed disposal site for this material is on-site, including within the 100 foot buffer, and offsite. The Water Dependent Facilities Manual indicates a significant level of impact for this proposal, and will require a detailed, environmental assessment.

10. No infringement on a federal, state, or Maryland Port Authority channel is proposed.

11. Flushing Characteristics: In accordance with the Baltimore County Water Dependent Facilities Manual, flushing characteristics are an important factor in determining overall project suitability from an environmental perspective. A site is considered to have a minimal impact and adequate flushing characteristics if the flushing time is determined to be less than three days.

The Water Dependent Facilities Report for the Sun Marina estimated flushing time using the Flushing Model as given in Appendix D of the Water Dependent Facilities Manual. The results of this Model indicate flushing time for this property of less than three days, both before and after dredging. Therefore, the Water Dependent Facilities Manual indicates a minimal impact rating.

The applicant proposes to dredge to approximately five feet below mean sea level in the marina basin. Baltimore County has proposed to dredge an access channel in Sue Creek. To insure continued adequate flushing of this basin, the basin should not be dredged to a greater depth than the proposed channel. Therefore, the applicant shall not dredge to a depth that is greater than the depth of the proposed channel or five feet, whichever is the lesser of the two.

12. Existing Water Quality: The existing water quality at the site of a water dependent facility is a key factor in determining the overall environmental suitability of the project. Since water dependent facilities are expected to have some impact upon the quality of the receiving waters, new or expanding water dependent facilities are required to determine the existing water quality of the site. In addition, Sun Marina is required to estimate the expected impacts the project would have on water quality and the methods by which such impacts would be minimized.

Existing water quality for this site was determined through original data. Five samples were taken on-site between June 26th and November 3rd. The results of these samples were averaged and compared to Maryland receiving water standards for Class II waters and to the Nielson Classification scheme. All Maryland receiving water quality standards were met except for

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Memo to J. Robert Haines
September 10, 1990
Page 5

fecal coliform counts. Average total phosphorous and total nitrogen fell below 6 on the Nielson Classification scheme. Therefore, the Water Dependent Facilities Manual indicates Fair water quality at this site.

The Water Dependent Facilities Manual indicates that fair water quality requires the applicant to show a net reduction in overall pollutant loadings from the project, and indicates a moderate impact rating for the project.

Expected pollutant loadings from the site in its pre-development and post-development stage were estimated using the methodology as given in the Chesapeake Bay Critical Area Commission Guidance Paper No. 5 "A Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area". Expected steady state concentrations that would result from these loadings in marina waters for the post-development condition were also estimated.

This analysis shows that pollutant loadings from the site will be reduced through the implementation of Best Management Practices for stormwater management including a minimal use of impervious surfaces, a shoreline forested filter strip, and an infiltration treach to manage rooftop runoff from the proposed building.

Sun Marina shall also minimize water quality impacts by adopting and implementing Best Management Practices as specified in the Water Dependent Facilities Manual for the control of stormwater runoff, site location, boat maintenance, dredging, dredge spoil placement, control of petroleum product pollution, fueling and operation, basin design, construction in water, boat control of trash, control of sewage discharges, and protection of shoreline. The Best Management Practices shall include providing a pump-out facility for boat owners' holding tanks and portable toilets.

B. Environmental Assessment

The Water Dependent Facilities Manual requires the use of a detailed environmental assessment rating system. This is a scoring system which assigns weighted factors to cumulative impacts that would cause water quality and habitat degradation. Scores ranging from 50 to 70 indicate that the project must reduce pre-development pollutant loadings by 20%. Scores of 75 or greater are considered unacceptable, and the projects cannot be approved.

Memo to J. Robert Haines
September 10, 1990
Page 6

The results of the rating system for Sun Marina is a score of 60, which requires the applicant to reduce pre-development pollutant loadings by 20%. Through the implementation of Best Management Practices, the applicant shall meet this 20% reduction in pre-development pollutant loadings.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development [illegible] non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 22-211>.

Finding: There are no non-tidal wetlands on the property. Fringe tidal wetlands are present at the northern end of the site. A portion of this wetland area has been disturbed by the construction of a travel lift, which was built without proper federal, state, or county permits. The applicant shall move the travel lift out of the wetland area and restore the disturbed wetland area.

3. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04 C.(5)>.

Finding: This site currently contains less than 1% tree cover. The applicant shall afforest approximately 0.39 acres or 15% of the site in accordance with an approved Forest Establishment Plan. This afforestation shall take place along the shoreline of this property, to provide a 40 foot wide forested shoreline buffer.

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: This site does not currently contain any man-made impervious surface. The applicant proposes to cover approximately 5.2% of this property with impervious surfaces, therefore, the sum of all man-made impervious areas shall not exceed 15% of the lot.

5. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

Memo to J. Robert Haines
September 10, 1990
Page 7

(2) Infiltration of water is maximized throughout the site, rather than diracting flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Findings: The applicant is proposing to create a minimal amount of impervious surface on this property. A major portion of the impervious surface will be due to the proposed 5000 square foot building. The applicant shall manage stormwater runoff from the proposed 5000 square foot building by the use of an infiltration trench. The infiltration trench shall be designed to treat all runoff up to the 2 year design storm. The applicant shall install a 40 foot forested filter strip along the shoreline which will also provide water quality enhancement. In addition, the applicant shall retrofit an existing storm drain inlet located at the property entrance to restrict sediment from entering marina waters through this system.

CONCLUSION

Upon implementation of the above Regulations and Findings, this project will be in compliance with the Baltimore County Development Regulations in the Chesapeake Bay Critical Area.

If you require additional information, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley

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

RWS:SO:ju
cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen
Mr. David C. Flowers
Mr. Michael Nortrup
Mr. Dennis Peterson
Mr. Steven K. Broyles
Mr. Norman R. Stone, Jr.

PETITIONER'S EXHIBIT 2A
90-251SPH

CRITICAL AREA STUDY
PRELIMINARY EVALUATION
FOR A WATER DEPENDENT FACILITY

SUN MARINE, INC.
850 BALTIMORE YACHT CLUB ROAD
BALTIMORE, MARYLAND 21221

August 17, 1990

STEVEN K. BROYLES P.E.

STATE OF MARYLAND
STEVEN K. BROYLES
7442
REGISTERED
PROFESSIONAL ENGINEER

MARYLAND STATE REGISTRATION NO. 14429

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 23, 1992

Kenneth F. Krach, Esquire
Gebhardt & Smith
Ninth Floor
The World Trade Center
Baltimore, MD 21202-3064

RE: Verification of Zoning Compliance
Sun Marine, Inc.
850 Baltimore Yacht Club Road
Zoning Cases #5191-X & 90-~~215~~-251-SPH
15th Election District

Dear Mr. Krach:

This letter is in response to your correspondence requesting zoning verification for the above referenced site. Based on the information provided and a review of the two referenced zoning cases, this office has determined the following:

1. A letter from Arnold Jablon (then Zoning Commissioner) to Donald J. Conner, Esquire dated 2/14/84 states the site was not in compliance with the approved plan in Zoning Case #5191-X. A zoning special hearing was suggested by Mr. Jablon in this letter and this was requested in zoning special hearing (not special exception as referenced in your letter) case #90-215-SPH; however, the site is not in compliance with this approved plan. (Please see below for an explanation.)

2. A careful review of the zoning special hearing files in case #90-215-SPH indicates that the required revised plan referenced in the zoning order restriction #2 (also as it references restrictions #3 and #4), has not been received by this office for inclusion in the case file. The deadline as specified in the order for receipt of this plan was 2/15/91. Apparently the mandatory restriction was not complied with; therefore, in the absence of a corraborating plan, the amended special exception is not in place.

Printed on Recycled Paper

3. The original special exception (#5191-X) as granted and approved (if utilized within two years of the date of the zoning order) will continue in effect with the transfer of the property to other owners.

4. In the absence of the above referenced documentation, a new zoning special hearing would be required to amend the original case to bring the property into compliance with the Baltimore County Zoning Regulations.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact John Lewis at 887-3391 (FAX - 887-5708).

Very truly yours,

WCR

W. Carl Richards, Jr.
Zoning Coordinator

By: John L. Lewis
Planner II

JLL:scj

cc: Zoning File #90-251-SPH
Zoning File #5191-X

HOLLY NECK RD.

CEDAR GROVE RD.

CEDAR GROVE

12 / 22

lyr existing finger piers

ex. bulkhead typ.

EX. BLDG.

S04°54'43 W

481.60'

RETAIL BUILDING

ZONING LINE

JAMES EURICE

BOATLAND

liber 7357 - folio 468

5.01 Acres ±

ex. bulkhead typ.

existing floating piers

209.8'

N77°39'10 E

100.78'

BOAT RAMP

ex. piers

80'

85'

30'

ex. bulkhead

S35°25'54"W

89.22'

6± piles

45'±

150'

ex. finger piers typ.

ex. mooring piles

131'

126'

S35°26'02"E

S13°39'39"W 47.1'

N05°53'23 E-212.86'

98.80'

N39°0'W

124.27'

finger piers

SCREENHOUSE

S80°54'W

N32°25'E

S64°47'30"E

EX. BULKHEAD

154'

RC5 BL

GEO. THIESS

& WIFE liber 3612 - folio 867

1.69 Ac.±

no. 900 BUILDING MACHINE SHOP

EX. RESTROOMS 8'x12'

EX. TEMPORARY CONSTRUCTION TRAILER TO BE REMOVED (12'x36') UPON FINISH OF CONSTRUCTION

LOG LINE TYP.

PROPOSED 2 STY. (25' HT.) OFFICE, CRABPICKING & RESTAURANT FACILITY

1000

3,000 SQ. FT. SEPTIC FIELD

PROPOSED TRAVEL LIFT

20'

40'

end of head

S12°54'W. 94.1'

S 41°54'W

121.60'

S 49°30'E 100'±

S 37°30'W

100'±

DENNIS PETERSON

SUN MARINE

liber 8149 - folio 734

2.63 Ac.±

EX. GARAGE

EX. SHED

EX. GAZEBO

EX. GAZEBO

EX. SHED

EX. GARAGE

EX. SHED

EX. SHED

EX. SHED

NOTE: ANY PROPOSED OR FUTURE WORK SHALL CONFORM TO BALTIMORE COUNTY, STATE OF MARYLAND AND FEDERAL REGULATIONS.

HOLLY NECK RD.

CEDAR GROVE RD.

typ existing finger piers

ex. bulkhead typ

S 04°54'43" W 481.69'

RETAIL BUILDING

EX TRAVEL LIFT TO BE REMOVED

FUTURE FLOATING PIER

EX. BOAT RAMP TO BE REMOVED

DIVISIONAL PROP. LINE

ex. bulkhead typ

existing floating piers

Maintain 20' Open Area No Construction

209.8'

The shaded area denotes a use agreement affecting riparian rights for use in common by George Thiess, Dennis Peterson and Charles Anderson, their heirs and assigns. No construction or permanent dockage shall take place in this area.

50'

Proposed Channel As Per Dredging Prioritization Project Sue Creek Area

DIVISIONAL PROPERTY LINE

EBB FLOOD

low water line

shoreline

Maintain 20' Open Area No Construction

No. 2434 HOLLY NECK RD.

OWNER: CHARLES ANDERSON

liber 7357 - folio 168

5.01 Acres±

DASH DENOTES: TO BE REMOVED

2-FUTURE FLOATING PIERS

DASH DENOTES: TO BE REMOVED

ex. bulkhead

EXIST. PILES

8'x42'

83'

32.5'

90'

DIVISIONAL PROPERTY LINE

ex. fingerpiers typ

ex. mooring piles

S 35°26'02" E

S 18°28'30" W

ex. piers

NEW LOCATION OF RAIL TO BE RELOCATED

BOLD LINE DENOTES: EXISTING BULKHEAD (TYPICAL)

EXISTING TRAVEL LIFT

EXISTING BOAT RAMP TO BE REMOVED AND REPLACED WITH CONCRETE SLAB

RAIL TO REMAIN

N 05°53'23" E 212.86'

N 37°06'W 98.86'

S 86°54'W 124.81'

N 32°05'E 50.00'

SCREENHOUSE

ex. fingerpiers typ

DASH DENOTES: TO BE REMOVED

BASELINE

RESTROOM

No. 852 TRAILER

EX. BULKHEAD

No. 900 BALTO. YACHT CLUB RD.

OWNER: GEORGE THIESS

liber 5612 - folio 867

1.69 Ac.±

No. 900 BUILDING MACHINE SHOP

TO HOLLY NECK RD.

S 23° 23' E 323.73'

N 86°54'E 100.00'

S 15°00' 25" W 247.13'

PROPERTY LINE (TYP.)

S 86°54'E 248.00'

L 112.33'

No. 850 BALTO. YACHT CLUB RD.

OWNER: DENNIS PETERSON

liber 8119 - folio 734

2.63 Ac.±

storage containers

TRAVEL LIFT RAIL TO BE RELOCATED

S 12°54'W 94'

582.6'

S 4°15'W

12.60'

S 40°30'E 100'

N 86°54'E 582.6'

BALTIMORE YACHT CLUB RD.

OWNER: H.K. ECKSTORM

liber 3691 - folio 494

0.615 Acres±

SUE CREEK

MIDDLE RIVER

WOODED

shoreline

N

PETITIONER'S EXHIBIT 5

90-251-SPH

OWNER: BALTO. YACHT CLUB HOLDING CORP.

liber 1107 - folio 118

10.9 Acres±

LEGEND

EXISTING PIER

EXISTING PIER TO BE REMOVED

FUTURE PIER

The shaded area denotes a use agreement affecting riparian rights for use in common by George Thiess, Dennis Peterson and Charles Anderson, their heirs and assigns. No construction or permanent dockage shall take place in this area.

THIS DOES NOT CONSTITUTE A BOUNDARY LINE SURVEY.

NOTICE: This plan has been prepared in accordance with section 417.3 Baltimore County zoning regulations stated below:

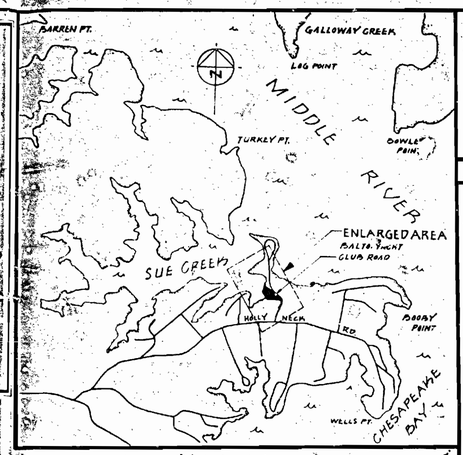
417.3: Where proposed construction will conflict with existing facilities, it will be the duty of the office of planning and zoning to specify the limits of construction to conform as closely as possible to the rules as set forth herein so as to cause the least interference with existing and/or possible future constructions. Notice of the proposed construction shall be given by the department of permits and licenses to adjoining property owners affected. (bill no. 6A, 1963.)

The Undersigned have Reviewed this Plan and are in agreement on the Contents.

Owner: Dennis Peterson No. 850 Baltimore Yacht Club Road — Date 8/5/90

Owner: George Thiess No. 900 Baltimore Yacht Club Road — Date 8-5-90

Owner: Charles Anderson No. 2438 Holly Neck Road — Date 8.5.90



VICINITY MAP SCALE: 1" = 2,000'

STATE OF MARYLAND — STEVEN P. BROYLES — No. 11449 — REGISTERED PROFESSIONAL ENGINEER

BROYLES, HAYES & ASSOC.
ENGINEERS • DESIGNERS • SURVEYORS
1922 MIDDLEBOROUGH RD.
BALTO., MD. 21221
(301)-574-2227

SUN MARINE
350 BALTIMORE YACHT CLUB ROAD ~ BALTO. CO., MARYLAND

PROJECT: 417 PLAN. DIVISIONAL PROPERTY LINES | SCALE: 1" = 50' | DWG. BY: CAMPBELL

DATE: AUGUST 7, 1990

REVISIONS								
1	3/16/90	9						
2	8/2/90	10						
3		11						
4		12						
5		13						
6		14						
7		15						
8		16						

SHEET 1 OF 1

— SUE CREEK —

H. ECKSTORM

① BALTIMORE COUNTY, MARYLAND

② TO BE DEDICATED TO BALTIMORE COUNTY, MARYLAND

CHARLES JANUSKA

ZONING R-E

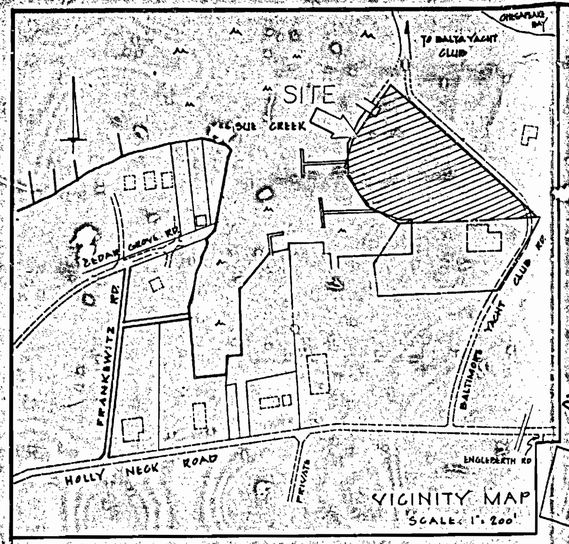
PROPOSED BOAT YARD

PROPOSED PIERS & FLOATS

PROPOSED BOAT SLIPS

PROPOSED BOAT SLIPS

PROPOSED BOAT SLIP



VICINITY MAP
SCALE: 1" = 200'

SITE DATA

1. TOTAL AREA OF SITE = 2.63± ac = 114,562± sf
2. ZONING: RC5 SPECIAL EXCEPTION # 5191X - FOR MARINA & BOAT YARD
3. PROPERTY REFERENCE: 8149/734
4. EXISTING USE = MARINA AND BOAT YARD
5. PROPOSED USE = MARINA AND BOAT YARD
6. EXISTING FLOOR AREA = 0± sf
7. EXISTING FLOOR AREA RATIO = 0.00%
8. PROPOSED FLOOR AREA = 5,096± sf
9. PROPOSED FLOOR AREA RATIO = 0.45%
10. EXISTING IMPERVIOUS SURFACES = 0± sf 0.00 ac 0.00%
11. PROPOSED IMPERVIOUS SURFACES = 5,916± sf 0.136 ac 5.17%
12. EXISYING FORESTED AREA = 1,060± sf 0.02 ac 0.93%
13. PROPOSED FORESTED AREA = 17,080± sf 0.39 ac 15.01%

GENERAL NOTES

1. ZONING: RC5 SPECIAL EXCEPTION # 5191X
2. OWNER: DENNIS S. PETERSON
4. PROPERTY REFERENCE: 8149/734
5. 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT, CENSUS TRACT 4510
6. SUBSEWERSHED 8 - WATERSHED 18
7. SOILS TYPES - RkC2 MATAPEAKE/SILT LOAM, Ma MADE LAND AND Br BARCLAY. THESE SOILS POSE NO LIMITATIONS FOR THE DEVELOPMENT PLANNED AT THIS SITE.
8. 100 YEAR FLOOD PLAIN AS SHOWN ON SITE PLAN
9. THERE ARE NO KNOWN NON TIDAL WETLANDS, ARCHAEOLOGICAL SITES, HISTORIC STRUCTURES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS SITES ON THIS PROPERTY.
10. THERE ARE NO EXISTING WELLS ON OR WITHIN 100' OF THIS SITE.
11. THERE ARE NO SLOPES IN EXCESS OF 15 %
12. THIS ENTIRE SITE LIES WITHIN THE CRITICAL AREA LDA ZONE (LIMITED DEVELOPMENT AREA)

PARKING DATA

REQUIRED PARKING:

MARINA: 50 SLIPS X 0.5 SPACES/BOAT SLIP = 25 SPACES

TOTAL REQUIRED SPACES (including handicapped) = 25 SPACES

TOTAL PROPOSED SPACES (including handicapped) = 25 SPACES

STANDARD PARKING SPACE SIZE = 8.5' WIDE X 18' LONG

REQUIRED HANDICAPPED SPACES = 1 SPACES

PROPOSED HANDICAPPED SPACES = 1 SPACES

HANDICAPPED PARKING SPACE SIZE = 12' WIDE X 18' LONG

SUE CREEK

●SHORELINE & BULKHEAD AS SHOWN ON BALTA. CO. TOPOGRAPHY MAP SHEET S.E. 2-K DEC. 1984

EXISTING FRINGE WETLAND

PROPOSED WETLAND REFURBISHMENT AREA

FIELD RUN BATHYMETRIC CONTOUR, SOUNDINGS TAKEN MAY 11, 1990 ADJUSTED TO MEAN LOW WATER ELEV: 0.0

EX. TRAVEL LIFT RAIL TO BE REMOVED AND INSTALL. HERE

PROPOSED LOCATION OF TRAVEL LIFT

●S21°19'32"W 190'

PRIOR LOCATION OF BULKHEAD (DEC. 84)

●S15°03'39"W 87'±

TRAILERED BOAT PUMP-OUT FACILITY

PROPOSED BATHYMETRIC CONTOURS, TYPICAL AS SHOWN, BUT SHALL NOT BE LOWER THAN DEPTH OF CHANNEL BY BALTO. CO.

209.8'

FIELD VERIFIED

276.64'

100 YEAR FLOOD PLAIN EL. 10.2

SOIL TYPE LINE

PROPOSED 5,000 ± BLDG. FIN. FLOOR EL. 11.2

H.K. ECKSTORM 3697-496 6.15 AC.

EXISTING CHAIN LINK FENCE

EXISTING INLET TO BE RETROFITTED

20' PRIVATE R/W FOR INGRESS & EGRESS TO SUE ISLAND - LIBER 1177/141

●N50°22'55"W 382.6'

PROPOSED 6' HIGH EVERGREEN PLANTING SCREEN

EX. PARKING

EX. 1" METER

EX. FIRE HYDRANT

EXIST. PAVING

●BENCH MARK DIA. 19.74

RC5

RC20

EX. 8" WATER SERVICE

EX. 12" WATER SERVICE

STUB WATER MAIN & HYDRANT ASSEMBLY (TYP.)

PROPOSED PKG. SPACES

EX. TELCO SVC.

EX. GAS SVC.

EX. 2" WATER SERVICE

EX. 1" WATER SERVICE

PROPOSED GRAVEL

EX. GRAVEL

LIMITS OF PROPOSED GRAVEL

100' BUFFER

LIMITS OF 100' BUFFER

LIMITS OF FOREST CLEARING AREA

EX. STORM SHED TO BE REMOVED

EX. STORM CAN & PIPE TO BE REMOVED

EX. STORM DRAIN TO BE REMOVED

EX. STORM DRAIN TO BE REMOVED (UPON INSTALL. OF NEW)

EX. 12" STORM DRAIN

EX. 15" STORM DRAIN

EX. 18" STORM DRAIN

EX. 24" STORM DRAIN

EX. 30" STORM DRAIN

EX. 36" STORM DRAIN

EX. 42" STORM DRAIN

EX. 48" STORM DRAIN

EX. 54" STORM DRAIN

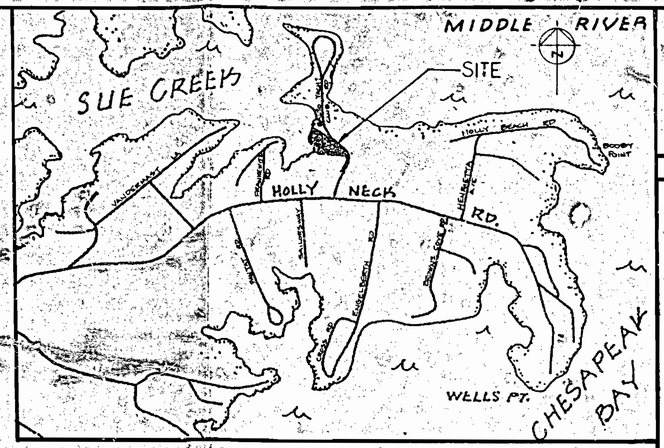
EX. 60" STORM DRAIN

EX. 66" STORM DRAIN

EX. 72" STORM DRAIN

EX.

SUE CREEK



VICINITY MAP SCALE: 1" = 1,000'

CEDAR GROVE RD.

CEDAR GROVE

field located only

C. Gifford

ex. bulkhead typ.

type existing finger piers

S04°54'43"W 481.69'

RETAIL BUILDING

ex. bulkhead typ.

existing floating piers

209.8'

JAMES EURICE
BOATLAND
liber 7357 - folio 168
5.01 Acres±

BOAT LIFT

BOAT RAMP

ex. piers

80'

85'

30'

ex. bulkhead

ex. fingerpiers typ.

ex. mooring piles

N05°55'23"E 218.80'
N39°06'W 98.80'

S80°54'W 580.00'

SCREENHOUSE

RC5

BL

EX. BULKHEAD

GEO. THIESS
4 wire liber 5012 - folio 867
1.69 Ac.±

N39°06'W 185.00'

N50°54'E 325.72'

S39°06'E 115.00'

N39°06'W 551.19'

BULKHEAD

L=112.35'

HOLLY NECK
LTD. PARTNERSHIP
liber 5013 - folio 337
(NO STRUCTURES)

RC 20 / RC5

S30°22'33"W 1241.12'

ex. bulkhead

S45°22'54"E 240.00'

S35°26'02"E 120'

S29°28'W 191'

ex. piers

BOLD LINE DENOTES EXISTING BULKHEAD (TYPICAL)

PROPOSED TRAVEL LIFT

ex. bulkhead

S12°54'W 94'

S 4°15'W 121.60'

S40°30'E 100'

N50°51'E 75'

S67°44'E 105'

N39°06'W 100'

shoreline

ex. TEMPORARY CONSTRUCTION TRAILER TO BE REMOVED (CE-9-0) UPON PROJECT COMPLETION

RESTROOM 0'x12'

PROPOSED 2 STY (32'x40') OFFICE, LAUNDRY & REPAIR FACILITY

100 PUBLIC PARKING SPACES

EX. TEMPORARY CONSTRUCTION TRAILER TO BE REMOVED UPON PROJECT COMPLETION

3,000 Sq. ft. SEPTIC FIELD

N50°54'E 182'

SUN MARINE
DENNIS PETERSON
liber 5149 - folio 734
2.63 Ac.±

6' HIGH EVERGREEN SCREEN

EX. BULKHEAD

BALTIMORE YACHT CLUB RD.

EX. BULKHEAD

H. K. ECKSTORM
liber 3697 - folio 490
6.15 Acres±

RC 5

low water line

shoreline

BALTIMORE YACHT CLUB

WOODED

N

GENERAL NOTES

1. Net Site Area = 114,562 sf. = 2.63 acre more or less
2. Current Zoning RC 5 with Special Exception # 5191-X for Marina and Boat Yard.
3. Election District 15th
4. Existing Use: 46 Slip Marina and Boat Yard
5. Proposed Use: 46 Slip Marina and Boat Yard
6. Public water and Private sanitary septic system
7. Existing Paving: Gravel
8. Proposed Paving: Gravel

PARKING DATA

1. Parking Required: 46 Slips + 500 Sq. ft. Office = 24 spaces
2. Parking Provided including handicapped spaces = 24 spaces
3. Handicapped spaces required = 1 space
4. Handicapped spaces provided = 1 space
5. Dimension of standard parking space = 8-1/2' wide X 18' long
6. Dimension of handicapped parking space = 12' wide X 18' long
7. Paving : gravel to be sprayed with a solution of calcium chloride to control dust as required.
8. Screening: 6' high evergreen trees 16' on center.
9. Lighting : 4 pole mounted 300 watt sodium vapor lamps directed away from Baltimore Yacht Club Road as shown on plan.

90-357-SPH
#112 CRITICAL AREA

PETITIONER'S EXHIBIT 1

MIDDLE RIVER

BROYLES, HAYES & ASSOC.
ENGINEERS • DESIGNERS • SURVEYORS
1922 MIDDLEBOROUGH RD.
BALTO., MD. 21221
(301)-574-2227

STEVEN P. BROYLES
MD. P.E. No. 14469

SUN MARINE

850 BALTIMORE YACHT CLUB ROAD ~ BALTO. CO., MARYLAND

PROJECT: SITE PLAN TO AMEND SPECIAL EXCEPTION No. 5191-XA

DATE: Aug. 7, 1989 | SCALE: 1" = 50' | DWG. BY: CAMPBELL/HS

REVISIONS

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16				

SHEET 1

Case File

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

ARNOLD JABLON
ZONING COMMISSIONER

February 14, 1984

J. Donald Connor, Esquire
Suite 105
660 Kenilworth Drive
Towson, Maryland 21204

RE: Rick Storage of Boats
Existing Special Exception
(Case No. 5191-XA)
NW/Corner of Holly Neck Road
and Baltimore Yacht Club Road
15th Election District

Dear Mr. Connor:

Your letter of January 18, 1984 seeks information as to whether or not the establishment of out of water storage facilities for boats in racks, both outdoors and enclosed in a building to be constructed, would be a satisfactory use under the present Special Exception.

Please be advised that a Special Exception, Case No. 5191-XA, was granted for a boatyard and marina at the subject location on January 18, 1961. Plans originally submitted with the Special Exception included a much larger area than that presently being utilized by your boatyard. That part of the original site which is not included in your present operation contained buildings, parking, boat slips, etc., while that part of the site within which you presently operate a boatyard was set aside for boat storage with a private driveway entrance from Holly Neck Road. As a result of a recent telephone conversation, you have indicated that buildings have been constructed in this boat storage area and you simply plan to increase your boat storage capacity by utilizing racks to store boats both inside and outside.

Based upon the above, it is my opinion that the original Special Exception should be amended via a Special Hearing, so as to properly indicate both the existing and proposed uses which differ from that originally set forth on the site plan submitted with the original case.

J. DONALD CONNOR
ATTORNEY AT LAW

SUITE 105
660 KENILWORTH DRIVE
TOWSON, MD. 21204

January 18, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

I am arranging to lease the property on the Northwest corner of Holly Neck Road and Baltimore Yacht Club Road, Essex. Said property contains approximately 2 1/2 acres of land and is presently owned by James W. Brown.

The property has a special exception for use as a boatyard and marina as set forth in Order No. 5191A.

I intend to establish out of the water storage facilities for boats in racks both outdoors and enclosed in a building to be constructed.

I would appreciate your advice as to whether this use is satisfactory under the present special exception.

Your prompt consideration of this request is appreciated and I shall await your reply.

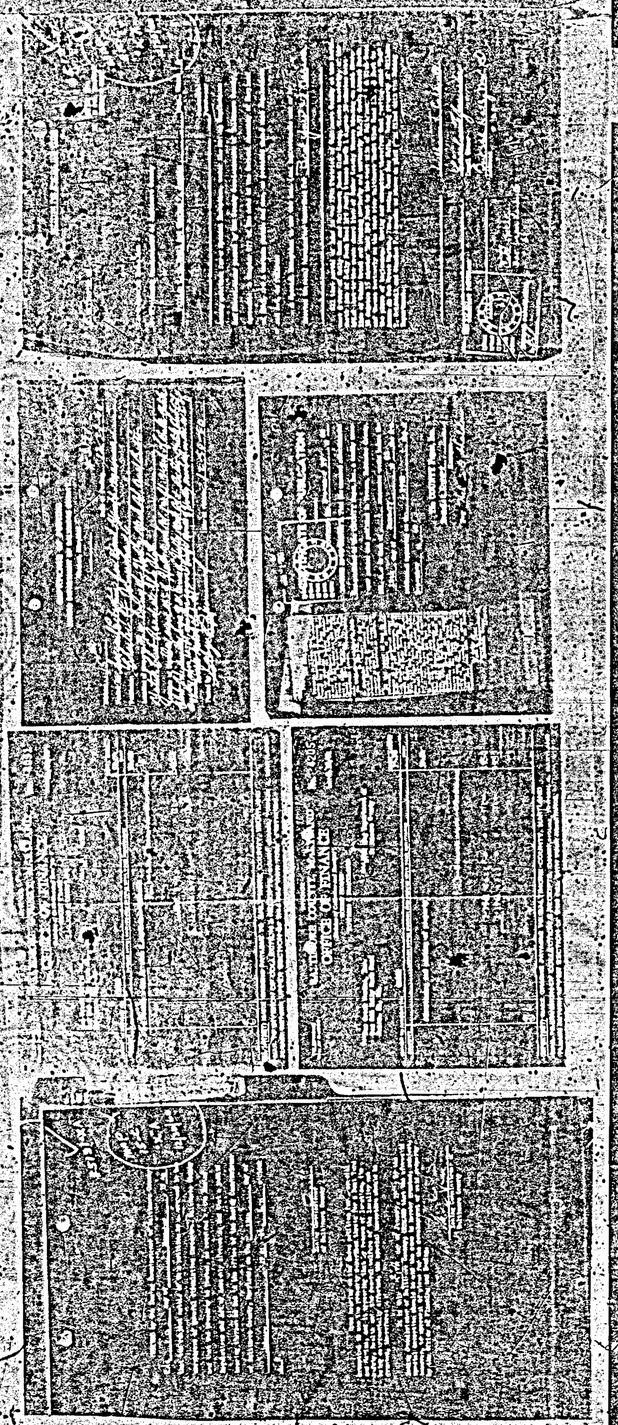
Very truly yours,

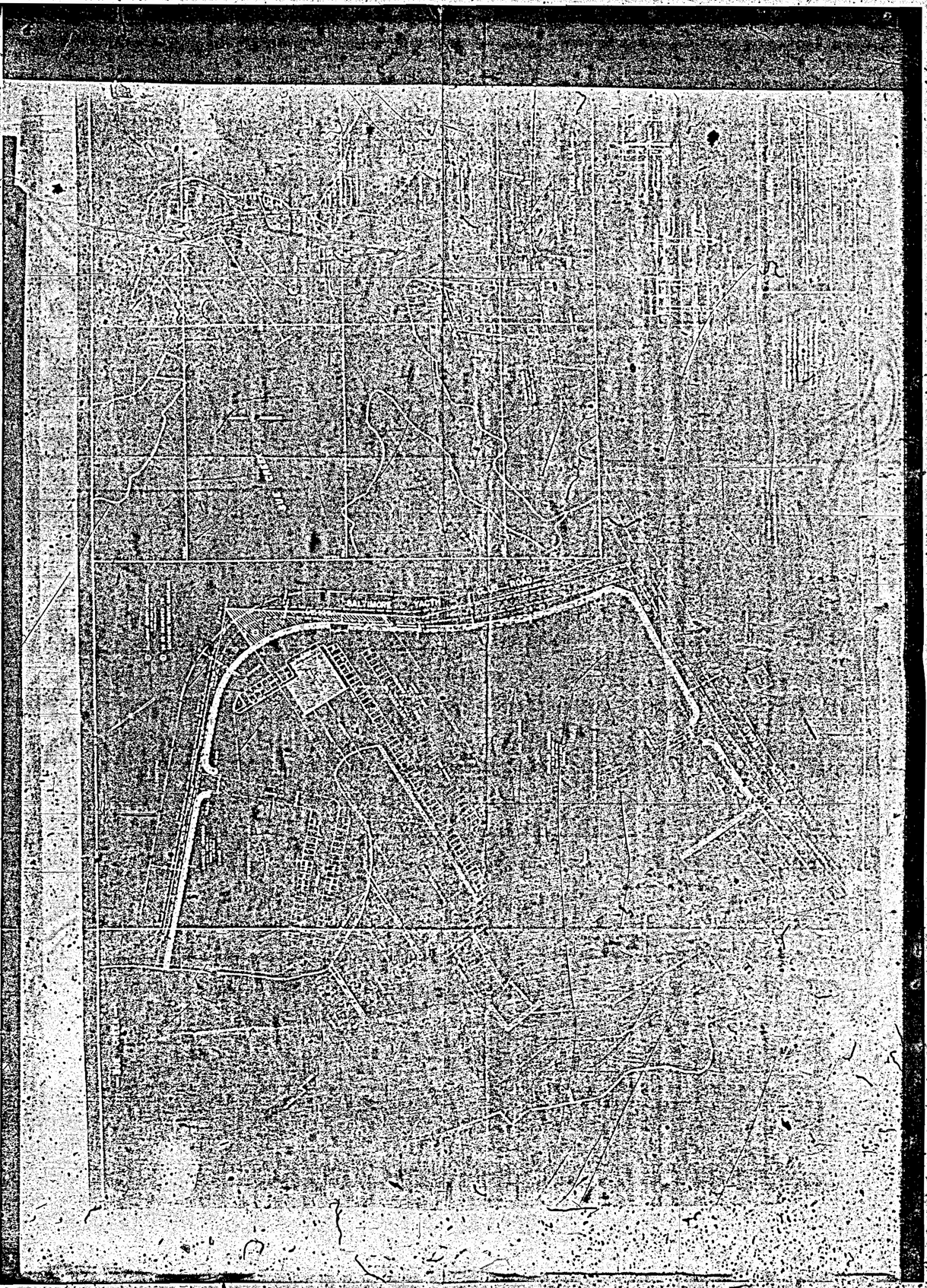
J. DONALD CONNOR

JDC:grd

cc: Mrs. Barbara J. Kerman
Economic Development Commission

PETITIONER'S
EXHIBIT 2





HOLLY NECK RD.

CEDAR GROVE RD.

CEDAR GROVE

5 ex. existing finger piers

ex. bulkhead typ.

S04°54'43"W

181.60'

RETAIL BUILDING

CHARLES ANDERSON
liber 7557-folio 468
5.01 Acres±

ex. bulkhead typ.

existing floating piers

209.8'

bulkhead

50'

Proposed Channel As Per Dredging Prioritization Project Sue Creek Area

EBB

FLOOD

low water line

shoreline

SUE CREEK

POST LIGHT

POST RAMP

N27°56'06"W 106.46'

36'±

89'

30'±

ex. piers

80'

PROPOSED HEAD PUMP-OUT FACILITY

ex. fingers piers typ.

ex. mooring piles

S15°23'54"W 80.22'

ex. bulkhead

EX. TEMPORARY CANVAS TRAILER (12'x 52') TO BE REMOVED UPON PROJECT COMPLETION

PROPOSED 60' SLOPE FOREST ESTABLISHMENT AREA TYP. AS SHOWN

EX. PIERS

S19°19'52"W 147.1'

S33°19'52"W 190'

EX. CONC. RAMP TO BE REMOVED

PROPOSED CONC. SLAB

EX. TRAVEL LIFT RAIL TO BE REMOVED & RELOCATED

PROPOSED WORK AREA

EX. BULKHEAD (TYP.)

EX. FRINGE WETLANDS

S16°54'43"W 914'

S 4°19'17" E 181.60'

S41°30'E 100'

S57°52'W

S6°44'W

150'±

N30°W

shoreline

N

BALTIMORE YACHT CLUB

WOODED

SCREENHOUSE

EX. BULKHEAD

N62°54'43"E 181.60'

S27°53'23"E 323.73'

GEO. THIESS
(Mrs.) liber 5012 folio 867
1.69 Ac.±

No. 700 BUILDING MACHINE SHOP

DENNIS PETERSON
SUN MARINE
liber 5149-folio 734
2.63 Ac.±

PROPOSED 2 STY. (25' HT.) OFFICE/STORAGE & REPAIR FACILITY (5,000 S.F.)

BALTIMORE YACHT CLUB (PUBLICLY MAINTAINED) RD.

EX. STORAGE CONTAINERS TO BE REMOVED UPON PROJECT COMPLETION

PROPOSED 6' HIGH EVERGREEN LANDSCAPE SCREEN @ 6' O.C.

RC 5

RC 20

RC 5

HOLLY NECK LTD. PARTNERSHIP
liber 5413-folio 357
(NO STRUCTURES)

EX. FH.

EX. WATER METER

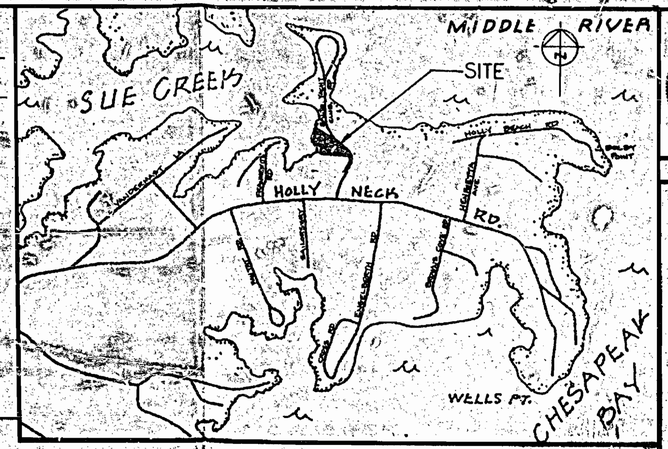
H. K. ECKSTORM
liber 3697-folio 436
6.15 Acres±

MIDDLE RIVER

MICROFILMED

LEGEND

PROPERTY LINE
100' BUFFER LINE
EXISTING FENCE
EXISTING FIRE HYDRANT
PROPOSED GRAVEL
EXISTING STRUCTURE
EXISTING BULKHEAD
EXISTING PILES
PROPOSED PARKING SPACES SHOWN IN
EVERGREEN PLANTING SCREEN
PROPOSED HANDICAP PKG. SPACE &
PROPOSED FOREST ESTABLISHMENTAREA



VICINITY MAP SCALE: 1" = 1,000'

GENERAL NOTES

1. Net Site Area = 114,562 sf. = 2.63 acre more or less
2. Current Zoning RC 5 with Special Exception # 5191-X for Marina and Boat Yard.
3. Election District 15th
4. Existing Use: 46 Slip Marina and Boat Yard
5. Proposed Use: 46 Slip Marina and Boat Yard
6. Public water and Private sanitary septic ~~&~~ existing
7. Existing Paving: Gravel
8. Proposed Paving: Gravel

PARKING DATA

1. Parking Required: 46 Slips x 0.5 spaces = 23 spaces
2. Parking Provided including handicapped spaces = 25 spaces
3. Handicapped spaces required = 1 space
4. Handicapped spaces provided = 1 space
5. Dimension of standard parking space = 8-1/2' wide x 18' long
6. Dimension of handicapped parking space = 12' wide x 18' long
7. Paving: gravel to be sprayed with a solution of calcium chloride to control dust as required
8. Screening: 6' high evergreen trees set 6' on center.
9. Lighting: 4 pole mounted 300 watt sodium vapor lamps directed away from Baltimore Yacht Club Road as shown on plan.

PETITIONER'S EXHIBIT 1
90-251-SPH

STEVEN M. PROFILIO
M.D. REG. NO. 11489

BROYLES, HAYES & ASSOC.
ENGINEERS • DESIGNERS • SURVEYORS
1922 MIDDLEBOROUGH RD.
BALTO., MD. 21221
(301) 574-2227

SUN MARINE

850 BALTIMORE YACHT CLUB ROAD in BALTO. CO., MARYLAND

PROJECT: SITE PLAN TO AMEND SPECIAL EXCEPTION № 5191-X | DWG BY: CAMPBELL/HES
DATE: AUG. 7, 1990 | SCALE: 1" = 50'

REVISIONS								
1	2/16/90	9				17		
2	6/6/90	10				18		
3		11				19		
4		12				20		
5		13				21		
6		14				22		
7		15				23		
8		16				24		

SHEET 01

SUE CREEK

SUE CREEK

BALTIMORE YACHT CLUB

SUE ISLAND

CEDAR CREEK

BALTIMORE YACHT CLUB ROAD

HOLLY NECK ROAD

HOLLY NECK ROAD

PROPOSED BOAT YARD

PROPOSED BOAT YARD

BOAT STORAGE

BOAT STORAGE

CHARLES JANUSKA

CHARLES JANUSKA

HERBERT JOHNSON

CYRIL L. HENSLEY

EXISTING HENSLEY MARINA

BULKHEAD

BALTIMORE COUNTY, MARYLAND

TO BE DEDICATED TO BALTIMORE COUNTY, MARYLAND

—LOCATION PLAN—

PROTESTANTS EXHIBIT 2

SECTION A-A

SIDE VIEW

WHARF

NOTE: THIS PLAT PLOTTED FROM DEED AS RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING & ZONING APPROVED AS TO STIPULATIONS IN The Zoning Commissioner's Order NO. 84-11 DATED 11-7-83

Petition Governing Use of Your Land/Home As Specified By The Baltimore County Zoning Code.

Dir. Planning

—SUE CREEK MARINA, INC.—

HOLLY NECK ROAD — BALTIMORE CO., MARYLAND

SUE CREEK

BALTIMORE COUNTY, MARYLAND — ELECTION DISTRICT NO. 15 — PHONE 687-7200

CHARLES JANUSKA — WILLIAM CALDWELL

BALTIMORE YACHT CLUB ROAD — BALTIMORE CO., MARYLAND

PHONE NO. 574-2...

JOHN A. OLIVER

MICROFILMED