IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - S/S of Riverside Drive, 37' E of the c/l of Margaret Avenue (534, 600, & 602 Riverside Dr.) 15th Election District 5th Councilmanic District

Robert G. Baumgartner, et ux Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-566-SPHXA
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan and special exception in Case No. 67-19-SPH, a special exception to permit a boat yard in a B.L./D.R. 5.5 zone and a determination that the subject use is an exception to R.T.A. requirements as to D.R. 5.5 zones, pursuant to Section 1B01.1.B.1.C.9 and 10 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variances to permit 172 parking spaces in lieu of the required 286, a pervious surface in lieu of the required durable and dustless surface, a distance between buildings of 24 feet in lieu of the minimum required 30 feet, a variance from CMDP, V.B. 2 of 8 feet in lieu of the required 20 feet, a waiver of the required striped parking spaces, property line setbacks of 10 feet in lieu of the required 60 feet, and a street right-of-way setback of 3 feet in lieu of the required 10 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Robert G. Baumgartner, appeared, testified and were represented by John O. Hennegan, Esquire. Also appearing on behalf of the Petitions were David Baumgartner, Petitioners' son, William F. Bafitis and Clyde F. Hinkle, Bafitis and Associates, Inc. Appearing as Protestants in the matter were: Eugene M. Price, Barbara L. Perdue, Patricia M. Ellinger, Eunice A. Braithwaite, Nancy L. Lee, Pat Leilich, Robert

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and Doris Dugent, Norman Lang, Benjamin Stachowski, and Daniel H. Mitchell, Jr. Subsequent to the hearing, Phyllis Freidman, Esquire entered the appearance of People's Counsel as an interested party.

Testimony indicated that the subject property, known as 534, 600 and 602 Riverside Drive, consists of 2.77 acres more or less, split zoned B.L. and D.R. 5.5. Said property is located within the Chesapeake Bay Critical Areas on Back River. The property known as 600 Riverside Drive is the site of the Riverside Marina, which was granted a special exception for a boat marina in Case No. 5342-X on September 7, 1961. Thereafter, Petitioners were granted a modification of the previously approved site plan in Case No. 67-19-SPH on August 19, 1966. On September 26, 1983, in Case No. 84-32-SPHA, Petitioners were granted an amendment to the site plans previously approved in Case Nos. 5342-X and 67-19-SPH to permit the construction of an accessory building for boat storage and sales, subject to restrictions. Petitioners are now desirous of amending the previously approved site plan and special exception granted to permit the expansion of the existing marina, to include the property to the east known as 602 Riverside Drive and the property to the west known as 534 Riverside Drive, as set forth in Petitioner's Exhibit 1. The property at 602 Riverside Drive is improved with a single family dwelling, while 534 Riverside Drive is the site of the existing restaurant and pier containing 20 boat slips.

David Baumgartner, Vice President and General Manager of Riverside Marina, testified that a marina has existed on the property since 1956. He testified that his family purchased 600 Riverside Drive in 1976 at which time the then existing two piers needed repair. He indicated there were over 45 abandoned boats in the yard. Testimony indicated Petitioners began renovating the property in the late 1970s, with new bulkheading, new

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lighting, and an overall clean-up of the boat yard. Mr. Baumgartner testified that they added the showroom facility as a result of the special hearing case in 1983. He testified that in 1984, they purchased the adjoining property known as 602 Riverside Drive. The house was renovated by Petitioner and has been leased for residential uses. Mr. Baumgartner testified in 1987 Petitioners purchased 534 Riverside Drive, which is improved with a full service restaurant and a dwelling. Petitioner also owns 604 Riverside Drive, which is improved with a dwelling and is his permanent residence. Petitioners are desirous of incorporating 534 and 602 Riverside Drive into the marina operation. Mr. Baumgartner testified that as a result of the growth in the industry, Petitioners have been forced into updating and renovating their property to remain competitive in the market. Testimony indicated the plans call for removal of the existing one story dwelling at 534 Riverside Drive to provide additional parking, expanding the existing building at 600 Riverside Drive to provide a larger showroom, office space and parts department, and a new service center. Petitioners also plan to install a new surface flow diversion system within the existing maintenance shop and to upgrade the subject property as required by Department of Environmental Protection and Resource Management (DEPRM).

Mr. Baumgartner testified the requested variances are needed as a result of the proposed expansion to the subject property. The site plan indicated that the proposed improvements will require 286 parking spaces on the site; however, only 172 spaces are provided. The calculations need to be revised as the proposed showroom, if built as proposed, would require 27 parking spaces and not 16 as shown on the plan. Mr. Baumgartner testified that presently there is no parking problem. He concluded that

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the proposed improvements will not result in a significant increase in the number of employees or customers at the site and parking demands. He indicated that due to the nature of the business and use of the piers at varying times, he does not believe there would be a shortage of parking at any given time. Testimony regarding the proposed boat racks indicated Petitioners have had 54 racks on the property for many years, starting with 45 in 1979. Petitioner is desirous of storing an additional 122 boats on the property in storage racks. Mr. Baumgartner estimated that approximately 25% of the racks will be used for boats not in use, new boats, and boats waiting or under repair. Mr. Baumgartner testified that in his opinion, the relief requested meets the requirements of Section 502.1 of the B.C.Z.R.

David Flowers appeared and testified on behalf of the Baltimore County Department of Environmental Protection and Resource Management. Mr. Flowers testified as to Chesapeake Bay Critical Areas requirements and the impact the proposed development might have on the Bay and its environment. He testified Petitioners have met with representatives of DEPRM and are in the process of developing a Chesapeake Bay Critical Areas Findings Plan for approval. Testimony indicated that upon completion of their findings and submittal of an approved plan, the proposed development should proceed as in his opinion, the improvements will be a benefit to Back River. The reasons and basis for said conclusion are set forth in greater detail in the comments submitted by DEPRM dated May 16, 1991.

Dan Mitchell appeared and testified in opposition to the relief requested. Mr. Mitchell testified he resides across from the subject property on Margaret Avenue. He testified that Riverside Drive, which dead-ends at the water, is the only access route to his property from

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Eastern Avenue and that he feels the proposed improvements will only increase traffic congestion in the area.

Norman Lang testified in opposition to the proposed improvements, citing an increase in boats and traffic if the relief requested is granted.

In addition, the Protestants raised concern as to the height and location of the boat racks, the height and design of the proposed showroom, and the time of deliveries.

Petitioner argued the subject use is an exception to the R.T.A. requirements and relied on the Board of Appeals' decision, In Re: Joseph F. Evering, Jr., Zoning Case No. 85-65-XSPHA. Each case must be examined based upon the facts and testimony presented.

It is the opinion of the Deputy Zoning Commissioner that the proposed development on the D.R. 5.5 zoned property known as 602 Riverside Drive to provide parking to support the restaurant, showroom, maintenance shops, as well as boat racks, is not exempt from RTA requirements. No testimony has been provided to evidence how the use falls within the exceptions provided, pursuant to Section 1B01.B.1.C.9 and/or 10 of the B.C.Z.R. See In Re: Golden Ring Yacht Basin, Inc., Case No. 86-292-XSPHA. In said opinion, the Zoning Commissioner eloquently noted the following:

> While it is true that a boat yard and/or marina may contain buildings or structures devoted to civic, social, recreational fraternal, or educational activity, and thereby possibly be exempt from strict compliance with RTA requirements, it would be contradictory to find that the boat yard/marina in its entirety is such a building or structure. If the Baltimore County Council had so intended, there would be no separate and distinct special exception uses as presently delineated in the D.R. zones. While a pier may be exempt as a structure devoted to recreational use or a clubhouse on the site of a marina, it cannot be held that the entire general use qualifies as such. If a more specific, generic use were to be isolated and determined to qualify, the more general use, which cannot,

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would still be required to comply with the RTA requirements.

> A boat yard, including a marina, also cannot be categorized as a "community building, or other structure devoted to civic, social, recreational..activity..." A boat yard or marina is more than a "building" or "structure." It consists of various facilities aimed at more than just providing recreational "activities" and provides support services beyond that which a recreational boater may require. supra, at Page 4.

The proposed uses herein include a restaurant, showroom, maintenance shop, and service center. In the opinion of the Deputy Zoning Commissioner, the proposed uses are clearly beyond that intended in Sections 1B01.B.1.C.9 and/or 10 of the B.C.Z.R. The proposed uses as depicted on Petitioner's Exhibit 1 on the property known as 600 Riverside Drive were previously granted in Case No. 84-32-SPHA on September 26, 1983. The proposed expansion to the buildings does not infringe on the RTA buffer any greater than that previously granted and as such, will be permitted, except as hereinafter modified.

Petitioner has also requested a parking variance of 114 spaces. After reviewing the testimony presented by the Protestants, the Zoning Plans Advisory Committee comments submitted by the Department of Traffic Engineering dated June 27, 1990, and the determination that parking should not be permitted in the area east of the special exception area approved in Case No. 84-32-SPHA, in the opinion of the Deputy Zoning Commissioner, the parking variance should not be granted as requested but reduced to a variance of a maximum of 50 parking spaces. Further, there shall be storage of no greater than 99 boats on boat racks in lieu of the originally requested 172 boats. Said storage shall not exceed 3 boats in height and in no instance may the boats be stacked 4-high as originally proposed. Prior to the issuance of any permits, Petitioner shall submit a revised

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site plan incorporating the restrictions imposed herein and modifying the plan reducing the proposed additions, if necessary, so that a variance of no greater than 50 parking spaces is required.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. and D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use, as modified, would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the subject location, as hereinafter modified, would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use, as modified, will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, as modified, with certain restrictions as more fully described below.

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

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. 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

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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 these Petitions held, and for the reasons given above, the special hearing, special exception, and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of May, 1991 that the Petition for Special Hearing to approve an amendment to the previously approved site plan and special exception in Case No. 67-19-SPH to permit an expansion of the existing boat yard facilities, except as hereinafter modified, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a boat yard in a B.L./D.R. 5.5 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

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IT IS FURTHER ORDERED that the Petition for Special Exception to approve such use is exempt from R.T.A. requirements as to the property known as 600 Riverside Drive, pursuant to Section 1B01.1.B.1.C.9 and 10 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to approve such use is exempt from R.T.A. requirements as to the property known as 602 Riverside Drive, pursuant to Section 1B01.1.B.1.C.9 and 10 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance of 50 parking spaces, and variances to permit a pervious surface in lieu of the required durable and dustless surface, a distance between buildings of 24 feet in lieu of the minimum required 30 feet, a variance from CMDP, V.B. 2 of 8 feet in lieu of the required 20 feet, a waiver of the required striped parking spaces, property line setbacks of 10 feet in lieu of the required 60 feet, and a street right-of-way setback of 3 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions which are conditions to the relief granted:

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

2) Prior to the issuance of any permits, a revised site plan shall be submitted depicting the rear of the property known as 602 Riverside Drive as a residential

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buffer area with landscaping as required by the Office of Planning.

3) Compliance with all Zoning Plans Advisory Committee comments, including, but not limited to, the comments submitted by DEPRM dated May 16, 1991.

4) There shall be no greater than a total of 99 boats stored on storage racks. Said storage on racks may not exceed 3 boats in height.

5) The boat racks must be placed to the rear of the buildings and/or in the original special exception area in a site approved by the Director and/or Deputy Director of Planning and Director of DEPRM. Said location must be determined and noted on the site plan prior to the issuance of any permits. In no event shall the boat racks be placed closer than 150 feet to Riverside Drive.

6) No seasonal banners or temporary signs shall be permitted on the site. Prior to the issuance of any permits, all banners and temporary signs, if any, shall be removed from the premises.

7) Prior to the issuance of any permits, Petitioner shall submit a landscape plan which has been approved by the Director and/or Deputy Director of Planning. Said plan shall provide extensive landscaping along Riverside Drive, including, but not limited to, trees and planting areas. The approved landscaping must be completed prior to the issuance of any occupancy permits for the new showroom and service center.

8) Prior to the issuance of any permits, CRG approval is required.

9) Compliance with the comments submitted by Robert C. Merrey, Jr., Air Quality Management Division of DEPRM, dated June 26, 1990.

10) Compliance with the comments submitted by S. Farinetti, Bureau of Water Quality Division of DEPRM, dated June 7, 1990.

11) The height of the proposed showroom and service center shall not exceed 20 feet.

12) 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.

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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 May 16, 1991, attached hereto and made a part hereof.

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit 172 parking spaces in lieu of the required 286, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

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Date 5/29/91
By [illegible]

IN THE MATTER OF THE APPLICATION OF ROBERT G. BAUMGARTNER, ET UX FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE SOUTH SIDE RIVERSIDE DRIVE, 37' EAST OF CENTERLINE OF MARGARET AVENUE (534, 600 & 602 RIVERSIDE DRIVE) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-566-SPHXA

O P I N I O N

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner dated May 29, 1991. The case was heard this day in its entirety.

At the onset of the hearing in opening statement, Counsel for Petitioner specified that this appeal was limited to only two issues: (1) the denial of an exemption from the Residential Transition Area (RTA) requirements; and (2) the restriction that limits the use of the rack storage for boats to the rear of the building 150 feet from the road. He noted that the building itself was 32 feet from the road and that the proposed racks would be 80 feet from the road. The Board received testimony that the plan in compliance with the Deputy Zoning Commissioner's Order had been before the County Review Group (CRG) and received tentative approval from them. In this case, however, they were amending the plat to show the changes proposed if the RTA requirement was waived. The original CRG approval was entered as Petitioner's Exhibit No. 2 and the amendment sought was entered as Petitioner's Exhibit No. 1.

William Bafitis, the engineer on the project, testified that

he had attended the Deputy Zoning Commissioner's hearing and the CRG hearing, and that at the CRG the concept was approved. He also testified that the RTA only applied to 602 Riverside Drive and that the lot adjacent to 602, known as 604, was in residential use and was owned and used by the marina owner. As evidenced by Petitioner's Exhibit No. 2, the residential transition area was denied by the Deputy Zoning Commissioner. He further testified that the proposed boat racks would be only three boats high and noted that the boat storage was required to be 60 feet from the property line.

Daniel H. Mitchell testified in opposition to the proposal, stating that if the amendment is granted it would excessively create congestion on the site and asked that the Board affirm the limit of 99 boats on a three high storage basis. Petitioner's attorney noted that the requested variance for the 10-foot setback for boats stored on trailers had been granted. This concluded testimony in this case.

From the testimony and evidence received, the Board will find as a fact that the exemption from the RTA requirements must be denied. While the property at 604 Riverside Drive is in the ownership of the boatyard and used for residential use at the present time, it was not included as a part of the marina site. There is nothing to prevent this from being sold and therefore separated from the marina site, which would allow the boat racks to almost abut the property line. The Board is of the opinion that the plat approved by the CRG is a reasonable use of the site and

does not create overwhelming problems for the area, and will limit the use of rack storage of boats as evidenced on Petitioner's Exhibit No. 2.

O R D E R

IT IS THEREFORE this 28th day of February, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the exemption from the RTA requirements be and the same is DENIED; and it is further

ORDERED that the rack storage of boats be limited to that portrayed on Petitioner's Exhibit No. 2.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Michael B. Sauer

John G. Disney

PRIOR TO STAR
SOUTHWORTH CO
25% COTTON FIBER

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - S/S OF RIVERSIDE DRIVE, 37' E OF THE c\l OF MARGARET AVENUE (534, 600 & 602 RIVERSIDE DR.) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
ROBERT G. BAUMGARTNER, ET UX PETITIONERS	*	CASE NO: 90-566-SPHXA

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NOTICE OF APPEAL

Please note an appeal from the denial of an exemption from R.T.A. requirements as to the property known as 602 Riverside Drive, and from restriction number 5 requiring boat racks to be placed in rear of buildings and no closer than one hundred fifty (150) feet to Riverside Drive.

John O. Hennegan
ROMADKA, GONTRUM & HENNEGAN
814 Eastern Boulevard
Baltimore, Maryland 21221
(301) 686-8274
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 27th day of June, 1991, a copy of the foregoing Notice of Appeal was mailed, postage prepaid to People's Counsel, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

John O. Hennegan

LAW FIRM
ROMADKA, GONTRUM & HENNEGAN, P.A.
ESSEX, MARYLAND

RECEIVED
6-27-91
ZONING OFFICE

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 29, 1991

John O. Hennegan, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
S/S Riverside Drive, 60' E of the c/l of Margaret Avenue
(600 Riverside Drive)
15th Election District - 5th Councilmanic District
Robert G. Baumgartner, et ux - Petitioners
Case No. 90-566-SPHA

Dear Mr. Hennegan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in part and denied in part 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,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: All Protestants (Addressee List Attached)

Chesapeake Bay Critical Areas Commission
Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPRM; People's Counsel; File

90-566-SPHA

Variance from CMDP V.B.2 to allow 8' in lieu of 20'; to waive request for striping of parking spaces.

417.7 - 10' in lieu of required 60' for all property lines.

409.8 to allow 3' in lieu of the required 10'

CRITICAL AREA 422

Baltis & Associates, Inc.

90-566-SPHA

ZONING DESCRIPTION
RIVERSIDE MARINA

Lying and being in the 15th Election District of Baltimore County, Maryland and known as #534, #600 and #602 Riverside Drive, Essex, Maryland.

Beginning for the same on the South side of Riverside Drive, 60 feet wide, at a point 37± feet Easterly from the centerline of Margaret Avenue extended to the South side of Riverside Drive, thence binding on the South side of Riverside Drive, 60' wide, the following three courses and distances;
(1) S.32°50'52"E 90.0 feet+,
(2) along an arc curving to the right 216.58 feet, with a radius of 518.02 feet+,(Deed 686.15')
(3) S.58°53'37"E, 169.5 feet+,
thence leaving said Riverside Drive and running a line of division between Lot 2 and Lot 3, Block F, "Essex", recorded among the plat records of Baltimore County in L.McL.M. 9 folio 74 & 75, Southwesterly 312 feet + to the waters of Back River, thence binding on the Northern shore of Back River, Northwesterly to the line of division between lot 8 and lot 9, Block "O", "Essex", thence Northeasterly 298 feet + to the place of beginning.

Containing 2.77 acres of land more or less.

STATE OF MARYLAND
WILLIAM N. BALTIS
REGISTERED
PROFESSIONAL ENGINEER

(Seal)
William N. Baltis, P.E.
MD Reg. No. 11641

Civil Engineers / Land Planners / Surveyors — 1249 Engleberth Road / Baltimore, Maryland 21221 / 301-391-2330

CRITICAL AREA 422

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-566-SPHA

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the in BL Zone
herein described property for a Boat Yard/and to determine if the use is an
exception to the RTA requirements pursuant to 1B01.1 (B)(1)(c)(9)(10)
in DR5.5

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Robert G. Baumgartner
(Type or Print Name)

Signature

Lavinia Baumgartner
(Type or Print Name)

Signature

Attorney for Petitioner:

John O. Hennegan
(Type or Print Name)

Signature

809 Eastern Boulevard
Address

Essex, Maryland 21221
City and State

600 Riverside Drive (686-1500)
Address Phone No.

Baltimore, Maryland 21221
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

Attorney's Telephone No.: 686-8274

ORDERED By The Zoning Commissioner of Baltimore County, this 20 day of June, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of August, 1990, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
Date 7/30/90
By
R.C.O.—No. 1

CRITICAL AREA 422

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-566-SPHA

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
an amendment to the site plan and the special exception previously
granted in case #67-19 SPH

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 under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Robert G. Baumgartner
(Type or Print Name)

Signature

Lavinia Baumgartner
(Type or Print Name)

Signature

Attorney for Petitioner:

John O. Hennegan
(Type or Print Name)

Signature

809 Eastern Boulevard
Address

Essex, Maryland 21221
City and State

600 Riverside Drive (686-1500)
Address Phone No.

Baltimore, Maryland 21221
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

Attorney's Telephone No.: 686-8274

ORDERED By The Zoning Commissioner of Baltimore County, this 20 day of June, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of August, 1990, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
Date 7/30/90
By
R.C.O.—No. 1

CRITICAL AREA 422

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-566-SPHA

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
Variance from Section 409.6 to allow 172 parking spaces in lieu of
the required 286; 409.8(A)(2) to allow as pervious surface in
lieu of the required durable and dustless surface; 102.2, 1B01.2
(c)(1), CMDP V.B.2/to allow 24' in lieu of 30'; SEE ATTACHED
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Robert G. Baumgartner
(Type or Print Name)

Signature

Lavinia Baumgartner
(Type or Print Name)

Signature

Attorney for Petitioner:

John O. Hennegan
(Type or Print Name)

Signature

809 Eastern Boulevard
Address

Essex, Maryland 21221
City and State

600 Riverside Drive (686-1500)
Address Phone No.

Baltimore, Maryland 21221
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

Attorney's Telephone No.: 686-8274

ORDERED By The Zoning Commissioner of Baltimore County, this 20 day of June, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of August, 1990, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
Date 7/30/90
By

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

Account: R-001-6150
Number

receipt
№ 2611

Date

5/25/90

H900422 Item #

	QTY	PRICE
PUBLIC HEARING FEES		
020 -ZONING VARIANCE (OTHER)	1	
040 -SPECIAL HEARING (OTHER)	1	
050 -SPECIAL EXCEPTION	1	
070 -SUM OF ABOVE FEES (MAXIMUM)		$450.00
	TOTAL:	$450.00

LAST NAME OF OWNER: BAUMGARTNER

Check #15615 from Romadka, Gontrum & Hennegan, P.A.

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-566-SPHA

District 15th Date of Posting 5/31/90
Posted for: Special Hearing - Special Exception - Variance
Petitioner: Robert G. Baumgartner, et ux
Location of property: S/S Riverside Drive, 37' W/ of Margaret Ave
534, 600 & 602 Riverside Drive
Location of Signs: Facing Riverside Drive, approx. 70' Fr. Yoe Hwy. Ave
Property of Petitioner
Remarks:
Posted by [signature] Date of return: 6/7/90
Number of Signs: 3

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, Special Exception, and Zoning Variance
Case number: 90-566-SPHA
S/S Riverside Drive, 37' W of the c/l Margaret Avenue
534, 600, and 602 Riverside Drive
15th Election District
5th Councilmanic District
Petitioner(s): Robert G. Baumgartner, et ux
Hearing Date: Thursday, Aug. 30, 1990 at 9:30 a.m.

Special Hearings: An amendment to the site plan and the Special Exception previously granted in case #67-19-SPH; Special Exception: A Boat Yard in BL Zone and to determine if the use is an exception to the RTA requirements in DR5.5; Variances: To allow 172 parking spaces in lieu of the required 286; and to allow as pervious surface in lieu of the required durable and dustless surface; and to allow 24 ft. in lieu of 30 ft.; and to allow 8 ft. in lieu of 20 ft.; and to waive request for striping of parking spaces; and to allow 3 ft. in lieu of the required 10 ft.; for all property lines; and to allow 2 ft. in lieu of the required 10 ft.

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

7/19 July 20.

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 30, 1990

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 July 26, 1990

THE JEFFERSONIAN,

Publisher

PO 106191

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Balto., Md. 21221

July 26, 1990

THIS IS TO CERTIFY, that the annexed advertisement of

Robert G. Baumgartner in the matter of Petition for Special Hearing, Special Exception and Zoning Variance of 534, 600 and 602 Riverside Drive (Riverside Marina). Case # 90-566-SPHXA. P.O.#0106190 Req #M44275. 199 lines @.55 or $65.45

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 27 day of July 1990, that is to say, the same was inserted in the issues of July 26, 1990

The Avenue Inc.
per publisher

By Diane B. Caldwell

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: Petitions for Special Hearing, Special Exception and Zoning Variance
Case Number: 90-566-SPHXA
S/S Riverside Drive, 37' W of Margaret Avenue
534, 600, 602 Riverside Drive (Riverside Marina)
15th Election District - 5th Councilmanic
Petitioner(s): Robert G. Baumgartner, et ux
Hearing Date: THURSDAY, AUGUST 30, 1990 at 9:30 a.m.

Special Hearings: An amendment to the site plan and the Special Exception previously granted in case #67-19-SPH; Special Exception: A Boat Yard in BL Zone and to determine if the use is an exception to the RTA requirements in DR5.5; Variances: To allow 172 parking spaces in lieu of the required 286; and to allow as pervious surface in lieu of the required durable and dustless surface; and to allow 24 ft. in lieu of 30 ft.; and to allow 8 ft. in lieu of 20 ft.; and to waive request for striping of parking spaces; and to allow 3 ft. in lieu of the required 10 ft.; for all property lines; and to allow 2 ft. in lieu of the required 10 ft.

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
Maryland

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

receipt

Account: R-001-6150
Number

90-566-SPHXA

Date

7/01/91

69200003

	QTY		PRICE
APPEAL FEES			
120 -OF A SPECIAL EXC. ORDER	1	X	$175.00
140 -OF ALL OTHER ORDERS	1	X	$125.00
150 -POSTING SIGNS / ADVERTISING	1	X	$25.00
TOTAL:			$325.00

LAST NAME OF OWNER: BAUMGARTNER

04A04#0033MICHRC $325.00
BA C003:17PM07-01-91

Please Make Checks Payable To: Baltimore

Cashier Validation

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

receipt

Account: R-001-6150
Number

№ 3316

Date

90-566

8/20/90

M9100168

	QTY		PRICE
PUBLIC HEARING FEES			
080 -POSTING SIGNS / ADVERTISING	1	X	$175.23
TOTAL:			$175.23

LAST NAME OF OWNER: BAUMGARTNER

04A04#0067MICHRC $175.23
BA C008:52AM08-30-90

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

DATE 8/13/90

Robert G. Baumgartner
600 Riverside Drive
Baltimore, Maryland 21221

Re: Petitions for Special Hearing, Special Exception and Zoning Variance
CASE NUMBER: 90-566-SPHXA
S/S Riverside Drive, 37' W c/l Margaret Avenue
534, 600, and 602 Riverside Drive
(Riverside Marina)
15th Election District - 5th Councilmanic
Petitioner(s): Robert G. Baumgartner, et ux
HEARING: THURSDAY, AUGUST 30, 1990 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that $175.23 is due for advertising and posting of the above captioned property.

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

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

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: John O. Hennegan, Esq.

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 31, 1991

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

RE: Petition for Special Exception, Special Hearing, and Zoning Variance
N/S of Chester Road, 590' W of Severn Road
(800 Chester Road)
15 Election District, 5th Councilmanic District
ROBERT G. BAUMGARTNER, ET UX - Petitioner
Case No. 90-566-SPHXA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 27, 1991 by John O. Hennegan, Attorney on behalf of the Petitioner. 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

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Robert G. Baumgartner - 960 N. Marlyn Avenue, Baltimore, MD 21221

John O. Hennegan - Romadka, Gontrum & Hennegan
814 Eastern Boulevard, Baltimore, MD 21221

Clyde Hinkle - Bafitis & Associates
1249 Engleberth Road, Baltimore, MD 21221

Eugene M. Price - 519 Riverside Drive, Baltimore, MD 21221

Barbara L. Perdue - 520 Riverside Drive, Baltimore, MD 21221

Cover Letter - Case No. 90-566-SPHA
ROBERT G. BAUMGARTNER, ET UX - Petitioner
July 31, 1991
Page 2

Patricia M. Ellinger, 521 Riverside Drive, Baltimore, MD 21221

Eunice A. Braithwaite - 523 Riverside Drive, Baltimore, MD 21221

Nancy L. Lee - 531 Riverside Drive, Baltimore, MD 21221

Pat Leilich - 447 Margaret Avenue, Baltimore, MD 21221

Robert & Doris Dugent - 442 Margaret Avenue, Baltimore, MD 21221

Norman Lang - 625 George Avenue, Baltimore, MD 21221

Benjamin Stachowski - 603 Riverside Drive, Baltimore, MD 21221

Daniel H. Mitchell, Jr. - 445 Margaret Avenue, Baltimore, MD 21221

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

File

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 7, 1991

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

RE: Petition for Special Exception, Special Hearing, and *Zoning Variance (*Variance portion appealed only - Restriction #5)
S/S OF RIVERSIDE DRIVE, 37' E OF THE C/L of MARGARET AVENUE)
(534, 600 & 602 RIVERSIDE DRIVE)
15 Election District, 5th Councilmanic District
ROBERT G. BAUMGARTNER, ET UX - Petitioner
Case No. 90-566-SPHXA

Dear Board:

This letter will serve as an addendum to our previous correspondence dated July 31, 1991 concerning the above appeal.

Please note the corrections of the address and location which are underlined and typed in capital letters.

If you have any further questions, please do not hesitate to call Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Robert G. Baumgartner - 960 N. Marlyn Avenue, Baltimore, MD 21221

John O. Hennegan - Romadka, Gontrum & Hennegan
814 Eastern Boulevard, Baltimore, MD 21221

Clyde Hinkle - Bafitis & Associates
1249 Engleberth Road, Baltimore, MD 21221

Eugene M. Price - 519 Riverside Drive, Baltimore, MD 21221

Cover Letter - Case No. 90-566-SPHA
ROBERT G. BAUMGARTNER, ET UX - Petitioner
August 7, 1991
Page 2

Barbara L. Perdue - 520 Riverside Drive, Baltimore, MD 21221

Patricia M. Ellinger, 521 Riverside Drive, Baltimore, MD 21221

Eunice A. Braithwaite - 523 Riverside Drive, Baltimore, MD 21221

Nancy L. Lee - 531 Riverside Drive, Baltimore, MD 21221

Pat Leilich - 447 Margaret Avenue, Baltimore, MD 21221

Robert & Doris Dugent - 442 Margaret Avenue, Baltimore, MD 21221

Norman Lang - 625 George Avenue, Baltimore, MD 21221

Benjamin Stachowski - 603 Riverside Drive, Baltimore, MD 21221

Daniel H. Mitchell, Jr. - 445 Margaret Avenue, Baltimore, MD 21221

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

File

APPEAL

Petition for Special Exception, Special Hearing and Variance
S/S of Riverside Drive, 37' E of the c/l of Margaret Avenue
(534, 600, & 602 Riverside Drive)
15th Election District - 5th Councilmanic District
ROBERT G. BAUMGARTNER, ET UX - Petitioner
Case No. 90-566-SPHXA

Petition for Special Exception, Special Hearing and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits:
1. Plat to accompany petition for amendment to site plan (3 sheets)
2. Findings Plan, CRG Plan, Site Plan & Plat

Protestant's Exhibits:
1. Four photographs of fire damage to boats
2. Photogrammetric Map
3. Six photographs of boatyard

Zoning Commissioner's Order dated May 29, 1991 (Granted with restrictions)

Zoning Commissioner's Order (85-65-XSPHA)

Board of Appeals Opinion (85-65-XSPHA)

Notice of Appeal received June 27, 1991 from John O. Hennegan, Attorney on behalf of the Petitioners.

cc: Robert G. Baumgartner - 960 N. Marlyn Avenue, Baltimore, MD 21221

John O. Hennegan - Romadka, Gontrum & Hennegan
814 Eastern Boulevard, Baltimore, MD 21221

Clyde Hinkle - Bafitis & Associates
1249 Engleberth Road, Baltimore, MD 21221

Eugene M. Price - 519 Riverside Drive, Baltimore, MD 21221

Barbara L. Perdue - 520 Riverside Drive, Baltimore, MD 21221

Patricia M. Ellinger, 521 Riverside Drive, Baltimore, MD 21221

Eunice A. Braithwaite - 523 Riverside Drive, Baltimore, MD 21221

Nancy L. Lee - 531 Riverside Drive, Baltimore, MD 21221

Appeal Checklist - Case No. 90-566-SPHXA
ROBERT G. BAUMGARTNER, ET UX - Petitioner
July 31, 1991
Page 2

Pat Leilich - 447 Margaret Avenue, Baltimore, MD 21221

Robert & Doris Dugent - 442 Margaret Avenue, Baltimore, MD 21221

Norman Lang - 625 George Avenue, Baltimore, MD 21221

Benjamin Stachowski - 603 Riverside Drive, Baltimore, MD 21221

Daniel H. Mitchell, Jr. - 445 Margaret Avenue, Baltimore, 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 M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Chief Deputy County Attorney
Public Services

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 29, 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 located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing, Special Exception and Zoning Variance
CASE NUMBER: 90-566-SPHXA
S/S Riverside Drive, 37' W c/l Margaret Avenue
534, 600, and 602 Riverside Drive
(Riverside Marina)
15th Election District - 5th Councilmanic
Petitioner(s): Robert G. Baumgartner, et ux
HEARING: THURSDAY, AUGUST 30, 1990 at 9:30 a.m.

Special Hearing: An amendment to the site plan and the Special Exception previously granted in case #67-19-SPH.
Special Exception: A Boat Yard in BL Zone and to determine if the use is an exception to the RTA requirements in DRS.5.
Variance to allow 172 parking spaces in lieu of the required 286; and to allow as pervious surface in lieu of the required durable and dustless surface; and to allow 24 ft. in lieu of 30 ft.; and to allow 8 ft. in lieu of 20 ft.; and to waive request for striping of parking spaces; and 10 ft. in lieu of required 60 ft. for all property lines; and to allow 3 ft. in lieu of the required 10 ft.

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 permi 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

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Robert G. Baumgartner, et ux
John O. Hennegan

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

August 21, 1990

Jack O. Hennegan, Esquire
809 Eastern Blvd
Essex, MD 21221

RE: Item No. 422, Case No. 90-566-SPHXA
Petitioner: Robert G. Baumgartner
Petition for Special Hearing, Special Exception
Zoning Variance

Dear Mr. Hennegan:

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
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Robert G. Baumgartner
600 Riverside Drive
Baltimore, MD 21221

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

20th day of June, 1990.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer

Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert G. Baumgartner et ux

Petitioner's Attorney: John O. Hennegan

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 6, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 19, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 422, 423, 425 and 426.

For Item 405, the previous County Review Group comments still apply.

For Item 415, a 10-foot widening strip should have been acquired by Baltimore County from Plat 29/75. A County Review Group Meeting will be required for this resubdivision.

Robert W. Bowling

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

Dennis F. Rasmussen
County Executive

June 27, 1990

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

Item No. 422
Property Owner:
Location:

Existing Zoning:
Proposed Zoning:

Z.A.C. June 19, 1990
Robert G. Baumgartner, et ux
S/S Riverside Drive, 37 ft. W. of
Margaret Avenue.

D.R. - 5.5 - B.L.
Amendment to site plan and case No. 67-19-S.P.H., Special Exception for boat yard. Variance to allow 172 parking spaces in lieu of 286 spaces.

Dear Mr. Haines:

The proposed variance to parking can be expected to have a major adverse impact on the residential area around the site.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
JUL 3 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
Inter-office Correspondence

TO: J. Robert Haines

FROM: Robert C. Merrey, Jr. RCM

DATE: June 26, 1990

SUBJECT: Comments on Zoning Advisory Committee Meeting Item 422

Property Owner: Robert G. Baumgartner and Lavinia Baumgartner

Location: S/S Riverside Drive, 37' W. Centerline Margaret Avenue (#534, #600 and #602 Riverside Drive)

Existing Zoning: D.R. S.S/B.L.

Area: 2.77 acres

District: 15th Election District, 5th Councilmanic District

This office recommends approval of crusher-run "crushed stone" in lieu of the required durable and dustless surface for the parking area. All crusher-run surfaces are to be treated in accordance with Environment Article 26.11.06 D (2) in order to prevent particulate matter from becoming airborne. Treatment and maintenance of this surface is an owner responsibility and will be on a continuing basis as necessary to control airborne particulate.

tk

cc: Field Services
Eastern Regional

RECEIVED
JUL 2 1990
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

JUNE 6, 1990

Dennis F. Rasmussen
County Executive

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

RE: Property Owner: ROBERT G. BAUMGARTNER

Location: #534, #600 AND #602 RIVERSIDE DRIVE

Item No.: 422 Zoning Agenda: JUNE 19, 1990

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.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Additional hydrant shall be required at Entrance Drive Riverside Drive.

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 6/6/90 Noted and Approved Capt. W. F. Brady Jr. KEK
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

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

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: May 16, 1991

FROM: Mr. J. James Dieter

SUBJECT: Chesapeake Bay Critical Area Findings
Special Hearing to Amend Special Exception
for Riverside Marina

RECEIVED
MAY 20 1991
ZONING OFFICE

SITE LOCATION

Riverside Marina is located at 534 - 602 Riverside Drive, along Back River. The entire 2.95 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

Mr. and Mrs. Robert G. Baumgartner

APPLICANT PROPOSAL

A portion of this property currently enjoys the use of a Special Exception for a Boat Yard and Marina with four piers 20, 35, 375, and 380 feet long, 108 slips, portable boat racks for 54 boats, a boat ramp, travel lift, gas dock, and associated driveways, parking areas, and buildings, including a boat maintenance facility.

Through a Special Hearing to amend the existing Special Exception, the applicant requests approval to expand the marina to include adjacent properties to the east and west of the existing marina. The property to the east currently contains a residence and will be used to expand the area available for parking. The property to the west currently contains a restaurant with associated parking and has a pier 195 feet long with 20 transient boat slips for restaurant customers. Marina expansion into this property will increase the area available for parking and convert the 20 transient slips to permanent rental slips for a total of 128 slips. In addition, the applicant proposes to expand a building on the existing marina site for showroom, office, and service uses and to add boat rack storage for 68 boats for a total of 122 boat rack storage spaces.

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 7, 1991

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

RE: Petition for Special Exception, Special Hearing, and *Zoning Variance (*Variance portion appealed only - Restriction #5)
S/S OF RIVERSIDE DRIVE, 37' E OF THE C/L of MARGARET AVENUE)
(534, 600 & 602 RIVERSIDE DRIVE)
15 Election District, 5th Councilmanic District
ROBERT G. BAUMGARTNER, ET UX - Petitioner
Case No. 90-566-SPHXA

91 AUG -8 PM 1:41
COUNTY BOARD OF APPEALS

Dear Board:

This letter will serve as an addendum to our previous correspondence dated July 31, 1991 concerning the above appeal.

Please note the corrections of the address and location which are underlined and typed in capital letters.

If you have any further questions, please do not hesitate to call Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Robert G. Baumgartner - 960 N. Marlyn Avenue, Baltimore, MD 21221

John O. Hennegan - Romadka, Gontrum & Hennegan
814 Eastern Boulevard, Baltimore, MD 21221

Clyde Hinkle - Bafitis & Associates
1249 Engleberth Road, Baltimore, MD 21221

Eugene M. Price - 519 Riverside Drive, Baltimore, MD 21221

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 31, 1991

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

Request appeal be withdrawn - per file

RE: Petition for Special Exception, Special Hearing, and Zoning Variance *
~~N~~/S of Chester Road, 590' W of Severn Road
~~(800 Chester Road)~~
15 Election District, 5th Councilmanic District
ROBERT G. BAUMGARTNER, ET UX - Petitioner
Case No. 90-566-SPHXA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 27, 1991 by John O. Hennegan, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith. (* Variance portion - Restriction No. 5) only.

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

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Robert G. Baumgartner - 960 N. Marlyn Avenue, Baltimore, MD 21221

John O. Hennegan - Romadka, Gontrum & Hennegan
814 Eastern Boulevard, Baltimore, MD 21221

Clyde Hinkle - Bafitis & Associates
1249 Engleberth Road, Baltimore, MD 21221

Eugene M. Price - 519 Riverside Drive, Baltimore, MD 21221

Barbara L. Perdue - 520 Riverside Drive, Baltimore, MD 21221

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. September 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. 90-566-SPHXA — ROBERT G. BAUMGARTNER, ET UX
S/s Riverside Dr., 37' E of c/l
Margaret Ave. (534, 600 & 602
Riverside Dr.)
15th Election District
5th Councilmanic District
SPH-Amendment to 67-19-SPH;
SE-Boatyard in B.L./D.R.5.5 zone
VAR-Parking, pervious surface, distance, setbacks, etc.
5/29/91 - D.Z.C.'s Order GRANTING Petitions with restrictions.

ASSIGNED FOR: TUESDAY, JANUARY 28, 1992 at 10:00 a.m.

cc: John O. Hennegan, Esquire - Counsel for Petitioners/Appellants
Mr. Robert G. Baumgartner - " "
Mr. Clyde Hinkle
Mr. Eugene M. Price
Ms. Barbara L. Perdue
Ms. Patricia M. Ellinger
Ms. Eunice A. Braithwaite
Ms. Nancy L. Lee
Pat Leilich
Mr. and Mrs. Robert Dugent
Mr. Norman Lang
Mr. Benjamin Stachowski
Mr. Daniel H. Mitchell, Jr.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
~~Public Services~~ out per Paula 9/10/91
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon-Director of Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

s/b/r please make a copy for me

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

OLD COURTHOUSE
ROOM 49
400 WASHINGTON AVE.

February 28, 1992

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. 90-566-SPHXA
Robert G. Baumgartner, et ux

Dear Mr. Gontrum:

Enclosed please find a copy of the final Opinion and Order 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. Robert G. Baumgartner
Mr. Clyde Hinkle
Bafitis & Associates
Mr. Eugene M. Price
Ms. Barbara L. Perdue
Ms. Patricia M. Ellinger
Ms. Eunice A. Braithwaite
Ms. Nancy L. Lee
Ms. Pat Leilich
Mr. & Mrs. Robert Dugent
Mr. Norman Lang
Mr. Benjamin Stachowski
Mr. Daniel H. Mitchell, Jr.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

RECEIVED
MAR 2 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines — DATE: July 31, 1990
Zoning Commissioner

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

SUBJECT: Robert G. Baumgartner, Item No. 422

The Petitioner requests a Variance to allow 172 parking spaces in lieu of the required 286; 409-8(A)(2) to allow as pervious surface in lieu of the required durable and dustless surface; 102.2, 1B01.2(C)(1), CMDP VB.2/policy BM-11 to allow 24 ft. in lieu of 30 ft.; to allow 8' in lieu of 20'; to waive request for striping of parking spaces and other variances not specified.

In reference to the Petitioner's request, staff offers the following comments:

- A waiver for CRG plan and process and a public works standard (road, improvements to Riverside Drive) was denied.
- A CRG meeting will be required for the proposed project.

Based upon a site visit of the subject property, staff recommends the following conditions should the Petitioner's request be granted:

- No seasonal banners or temporary signs shall be permitted on the site because of its proximity to single-family, detached residences along Riverside Drive. All existing banners should be removed.
- The Petitioner shall file a landscape plan with the Baltimore County landscape planner. Said plan shall include the planting of street trees along Riverside Drive.
- The boat racks, proposed to be located along the eastern boundary of the property, should be limited to two (2) stories.
- Existing racks and proposed racks shall be maintained in good condition.

AUG 0 2 1990

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

OLD COURTHOUSE
ROOM 49
400 WASHINGTON AVE.

February 28, 1992

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. 90-566-SPHXA
Robert G. Baumgartner, et ux

Dear Mr. Gontrum:

Enclosed please find a copy of the final Opinion and Order 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. Robert G. Baumgartner
Mr. Clyde Hinkle
Bafitis & Associates
Mr. Eugene M. Price
Ms. Barbara L. Perdue
Ms. Patricia M. Ellinger
Ms. Eunice A. Braithwaite
Ms. Nancy L. Lee
Ms. Pat Leilich
Mr. & Mrs. Robert Dugent
Mr. Norman Lang
Mr. Benjamin Stachowski
Mr. Daniel H. Mitchell, Jr.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines — DATE: August 30, 1990
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Special Hearing, Special Exception, and Zoning Variance - Item 422
Riverside Marina
Chesapeake Bay Critical Area Findings

The subject property does not have a currently approved Chesapeake Bay Critical Area Findings Plan. However, the Chesapeake Bay Critical Area Program has met with the applicant's engineer and legal representative to discuss required changes to the plan and additional information required for the continued review of this plan. Once the required information and changes have been submitted, this office does not foresee a problem in providing a positive Chesapeake Bay Critical Area Findings for the proposed development.

If you have any questions, please contact David C. Flowers at 887-2904.

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

RWS:SO:ju
Attachment

cc: Mrs. Janice B. Outen
Mr. David C. Flowers
Mr. William M. Bafitis
Mr. John O. Hennegan
Mr. Robert G. Baumgartner

Baltimore County, Maryland
PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

September 14, 1990

John O. Hennegan, Esquire
809 Eastern Boulevard
Essex, Maryland 21221

RE: Robert G. Baumgartner, et ux,
Petitioners - No. 90-566-SPHXA

Dear Mr. Hennegan:

I realize I did not appear at the hearing of this matter but it has come to my attention that there is a great deal of community concern and the attached Entry of Appearance is to advise all parties of this office's interest in this matter.

If there is any possibility of a compromise, I would be happy to meet with all parties in my office to discuss the options.

Sincerely yours,

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Enclosure

cc: Ann McLaughlin-Nastarowicz,
Deputy Zoning Commissioner

Dan Mitchell
445 Margaret Avenue
Essex, Maryland 21221

PCF:sh

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

Robert W. Sheesley
Director

August 28, 1990

Dennis F. Rasmussen
County Executive

Mr. William N. Bafitis
Bafitis & Associates, Inc.
1249 Engleberth Road
Baltimore, Maryland 21221

Dear Mr. Bafitis:

As discussed in our meeting on August 24, 1990, the Chesapeake Bay Critical Area Program has reviewed the Findings Plan for Riverside Marina, and has the following comments:

1. The total acreage of the property is approximately 2.95 acres.

2. The areas of afforestation as shown do not meet the 15% afforestation requirement. To the maximum extent possible, these areas of afforestation should be located in the 100 foot buffer, and accessory uses such as parking should be located outside the 100 foot buffer. Therefore, it was agreed that a minimum 20 foot vegetated buffer would be provided on the existing marina site, and parking would be reduced in the buffer and a greater vegetated shoraline buffer would be provided on the restaurant lot. In addition, afforestation area "C" will be partially relocated so as not to block access to the existing boat ramp. All areas of afforestation will be given protection from damage from vehicular traffic, such as wheel stops.

3. On the existing and proposed conditions plan:
   - the driveway by residence #602 consists of crusher-run material and will be considered as impervious,
   - the existing boat ramp is concrete,
   - the freezer unit and concrete pad adjacent to the restaurant must be shown,
   - the existing restaurant driveway is asphalt,
   - the proposed conditions plan shows an existing inlet on the concrete pad by the existing maintenance shop, but the inlet is not shown on the existing conditions plan,
   - the gas dock and pier must be shown on both plans.

4. All applicable Best Management Practices from the Water-Dependent Facilities Manual will be required on site, including a pump-out facility and retrofit of the travel lift area to correct an existing erosion problem.

4425-92

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Office of the Zoning Director DATE: March 31, 1992

FROM: LindaLee M. Kuszmaul
County Board of Appeals

Closed File
SUBJECT: Case No. 90-566-SPHXA (Robert G. Baumgartner, et ux)

As no further appeals have been taken regarding the subject case, we have closed the file and are returning same to you herewith.

Linda

Attachment

RECEIVED
APR 31 1992
ZONING OFFICE

IN RE: PETITIONS SPECIAL EXCEPTION, SPECIAL HEARING, AND ZONING VARIANCES N/S of Chester Road, 590' W of Severn Road (800 Chester Road) - 15th Election District
Joseph F. Evering, Jr., et ux, Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 85-65-XSPHA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a boat yard, variances to permit the existing compacted-stone parking surface instead of the required durable and dustless surface, 318 parking spaces instead of the required 384 spaces if the special exception is denied or 363 parking spaces instead of the required 384 spaces if it is granted, and structures (piers) to extend 419 feet beyond the mean-low tide instead of the allowed 300 feet; and to amend the site plans filed in Case No. 3535-X in order to construct an addition to their existing piers, in Case No. 64-57-SPH to remove Restrictions 1 and 3 in order to permit marine craft to be stored within 20 feet of the easternmost property line and the variance for the parking surface requested herein, and in Case No. 64-160-X to remove Restrictions 1 and 6 in order to allow major repair of boats on the premises and in the water and to change the times and days of the weeks and year that repairs will be permitted and, additionally, to determine that the boat yard, piers, and related parking areas are other "structures" devoted to civic, commercial, and recreational activities and, therefore, exempt from the Residential Transition Area (RTA) requirements set forth in Section 1B01.1.B.1.c.9 and 10, Baltimore County Zoning Regulations (BCZR).

The Petitioner, Joseph F. Evering, Jr., appeared and testified and was represented by Counsel. Testifying on behalf of the Petitioners were Paul

IN THE MATTER OF THE APPLICATION OF JOSEPH F. EVERING, JR., ET UX FOR SPECIAL EXCEPTION FOR A BOAT YARD, SPECIAL HEARING TO AMEND SITE PLAN AND VARIANCES N/s OF CHESTER ROAD, 590' WEST OF SEVERN ROAD (800 CHESTER ROAD) 15th ELECTION DISTRICT

: BEFORE
: COUNTY BOARD OF APPEALS
: OF
: BALTIMORE COUNTY
: CASE NO. 85-65-XSPHA

: :

O P I N I O N

This matter comes before the Board as an appeal from the decision of the Zoning Commissioner dated April 25, 1985, wherein the Commissioner granted a special exception and variances with restriction, all petitioned for by the property owner, Joseph F. Evering.

STATEMENT OF THE CASE

Prior to a discussion of the merits of the case, a statement of the procedural history of the case is in order. On August 6, 1984, the Petitioner, Joseph F. Evering, et al, filed the following three petitions:

1. A Petition for Special Exception: This request was made to allow two lots on the north and south sides of Chester Road to be used as part of a boatyard. The lots, as is the entire property, are zoned D.R. 5.5 and, under Section 1B01.1.C.2 of the Baltimore County Zoning Regulations (hereinafter B.C.Z.R.), may only be used as a boatyard upon granting of a special exception. As will be discussed later, the two parcels for which the special exception is sought are properties acquired by Mr. Evering in the relative recent past, and the petitioner seeks permission to consolidate the uses on these parcels with adjacent properties owned by him and operated as a boatyard, pursuant to special exceptions granted to him a number of years ago.

2. A Petition for Zoning Variance: Within this petition, the petitioner seeks relief by way of variance from three sections of the Baltimore

#90-566-SPHXA

Baltimore County Government
Department of Environmental Protection
and Resource Management

RECEIVED MAR - 1 1991

887-3733

401 Bosley Avenue
Towson, MD 21204

February 25, 1991

RECEIVED
FEB 28 1991
ZONING OFFICE

Mr. William N. Bafitis
Bafitis & Associates, Inc.
1249 Engleberth Road
Baltimore, Maryland 21221

Dear Mr. Bafitis:

The Baltimore County Chesapeake Bay Critical Area Program has reviewed the revised Findings Plan and Water Dependent Facility Report for Riverside Marina, as received January 29, 1991. The plan and report were to be revised in accordance with previous comments as stated in our meeting on August 24, 1990 and in the follow-up letter dated August 28, 1990. The following comments have not been adequately addressed:

1. General notes on Sheet 3 have not been changed to reflect a total acreage of the property of approximately 2.95 acres.

2. The areas of afforestation as shown do not meet the 15% afforestation requirement. An additional area of afforestation of approximately 2,200 square feet is needed to meet the 15% requirement. Where is area "J" as listed in the afforested area tabulation located on-site? The full 20 foot forested buffer must be designated in the southeastern area of the site in afforestation area "A". All areas of afforestation will be required to have adequate protection from vehicular traffic, such as wheel stops.

3. The flushing model used an average depth of 3.81 feet for the marina basin, yet the bottom of water elevations as given in the report show the majority of the marina basin to be less than three feet in depth at mean low water. The flushing model should be revised to reflect the field collected data for bottom of water elevations since a shallower marina basin will have a better flushing rate which will not indicate the need for a possible dye study to more accurately determine the existing flushing rate.

4. The Rating System Checklist should indicate 10 points for Off-site Aquatic Resources since Back River is a designated anadromous fish spawning ground area. No points should be given for impacts on water circulation since no new in-water structures or dredging is proposed. The maximum total score will then be 40.

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

6/7/90
Date

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

Zoning Item # 472, Zoning Advisory Committee Meeting of June 19, 1990
Property Owner: Robert G. Baumgartner, et ux
Location: 615 Riverside Dr, 37' W centerline Margaret Ave. District: 15
Water Supply: metro Sewage Disposal: metro
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 substantial alteration of public swimming pool, wading pool, bathhouse, saunas, 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.

(✓) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

( ) Soil percolation tests, have been ___, must be ___, conducted.
( ) The results are valid until ___
( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
( ) shall be valid until ___
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

(✓) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.

( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

( ) Others ___

A. Manatta 6/8/90
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

File

05 September 1990

TO: Ms. Ann Nastarowicz
Deputy Zoning Commissioner
Baltimore County

FROM: Mr. Daniel H. Mitchell Jr.

SUBJECT: Zoning Petition (Riverside Marina)
90-566SPHXA

Dear Ms. Nastarowicz,

Pursuant to your order at the zoning hearing which you presided over on 30 August 1990, neither myself, nor other interested residents have been contacted by the petitioner or his attorney in reference to a compromise.

It should also be brought to your attention that there is feverish activity on the subject property, i.e. moving numerous boats off the site, moving boats around so there appears to be more room, and cleaning up the site, in anticipation of your impending personal site visit.

Very Truly Yours,
Daniel H. Mitchell Jr.

Daniel H. Mitchell Jr.
445 Margaret Avenue
Baltimore, Maryland
21221

RECEIVED
SEP 6 1990
ZONING OFFICE

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
EUGENE M. PRICE	519 RIVERSIDE DR 21221
BARBARA L. PERDUE	520 RIVERSIDE DR 21221
PATRICIA M. ELLINGER	521 RIVERSIDE DR 21221
EUNICE A. BRAITHWAITE	523 RIVERSIDE 21221
NANCY L. LEE	531 RIVERSIDE DR 21221
PAT LOILICH	447 MARGARET AVE 21221
DORIS DUGENT	442 MARGARET AVE 21221
ROBERT DUGENT	442 MARGARET AVE 21221
NORMAN LANG	625 GOODGE AVE 21221
Benjamin Prachowski	603 Riverside Drive 21221
Daniel H. Mitchell JR	445 MARGARET AVE. 21221

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

NAME	ADDRESS
Clyde E. Hinkle - Bafitis & Assoc. Inc.	1249 Engleberth Rd. Balto. 21221
Robert G. Baumgartner, Jr.	960 N. Marlyn Ave Balto 21221
William Bafitis, PE.	1249 Engleberth Rd 21221

People's Counsel #1

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: May 16, 1991

FROM: Mr. J. James Dieter

SUBJECT: Chesapeake Bay Critical Area Findings
Special Hearing to Amend Special Exception
for Riverside Marina

RECEIVED
MAY 20 1991
ZONING OFFICE

SITE LOCATION

Riverside Marina is located at 534 - 602 Riverside Drive, along Back River. The entire 2.95 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.

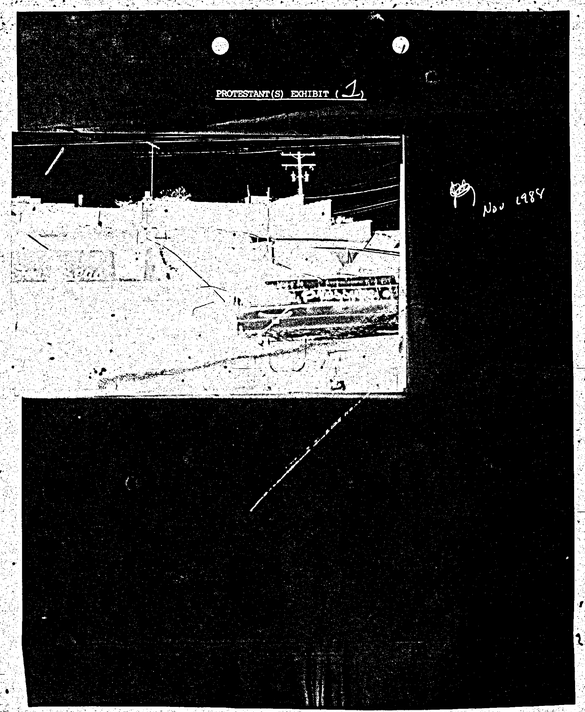
APPLICANT

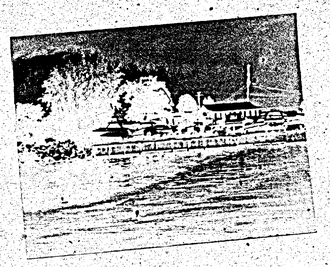
Mr. and Mrs. Robert G. Baumgartner

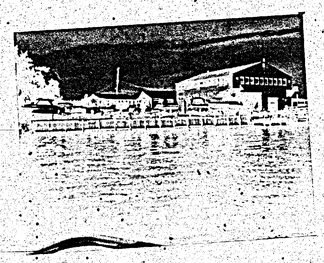
APPLICANT PROPOSAL

A portion of this property currently enjoys the use of a Special Exception for a Boat Yard and Marina with four piers 20, 35, 375, and 380 feet long, 108 slips, portable boat racks for 54 boats, a boat ramp, travel lift, gas dock, and associated driveways, parking areas, and buildings, including a boat maintenance facility.

Through a Special Hearing to amend the existing Special Exception, the applicant requests approval to expand the marina to include adjacent properties to the east and west of the existing marina. The property to the east currently contains a residence and will be used to expand the area available for parking. The property to the west currently contains a restaurant with associated parking and has a pier 195 feet long with 20 transient boat slips for restaurant customers. Marina expansion into this property will increase the area available for parking and convert the 20 transient slips to permanent rental slips for a total of 128 slips. In addition, the applicant proposes to expand a building on the existing marina site for showroom, office, and service uses and to add boat rack storage for 68 boats for a total of 122 boat rack storage spaces.

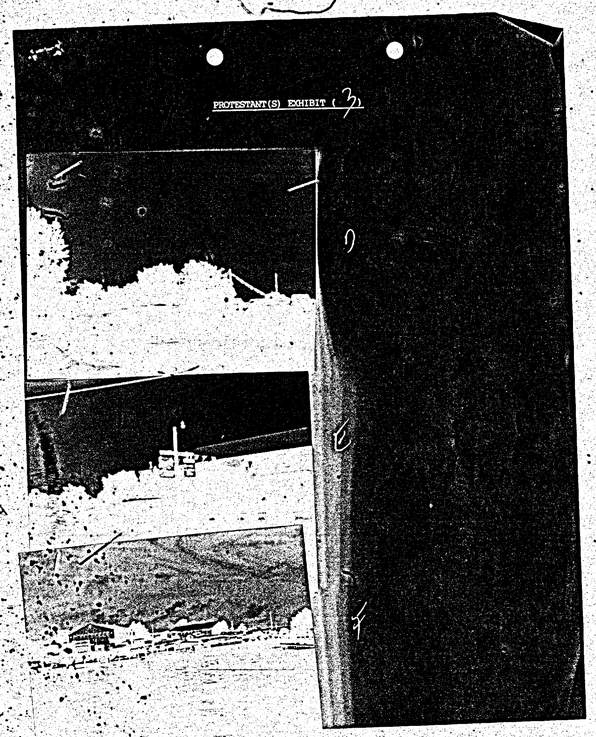


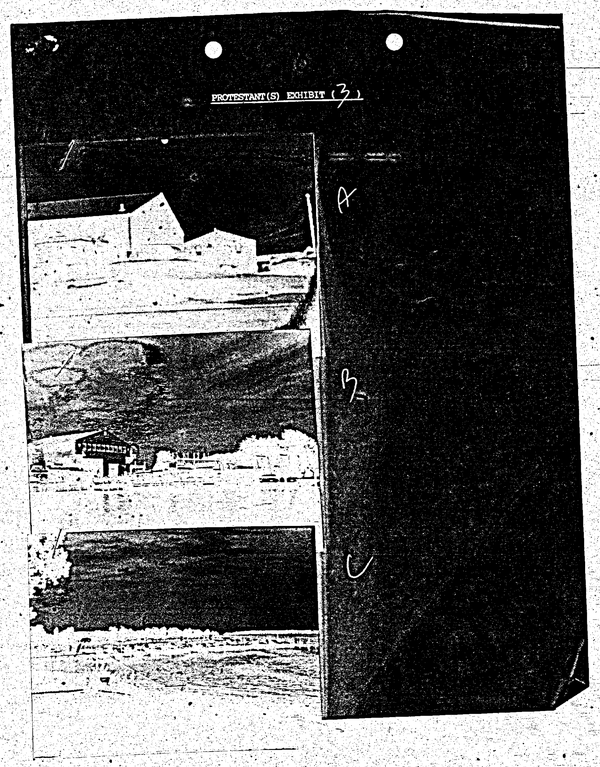


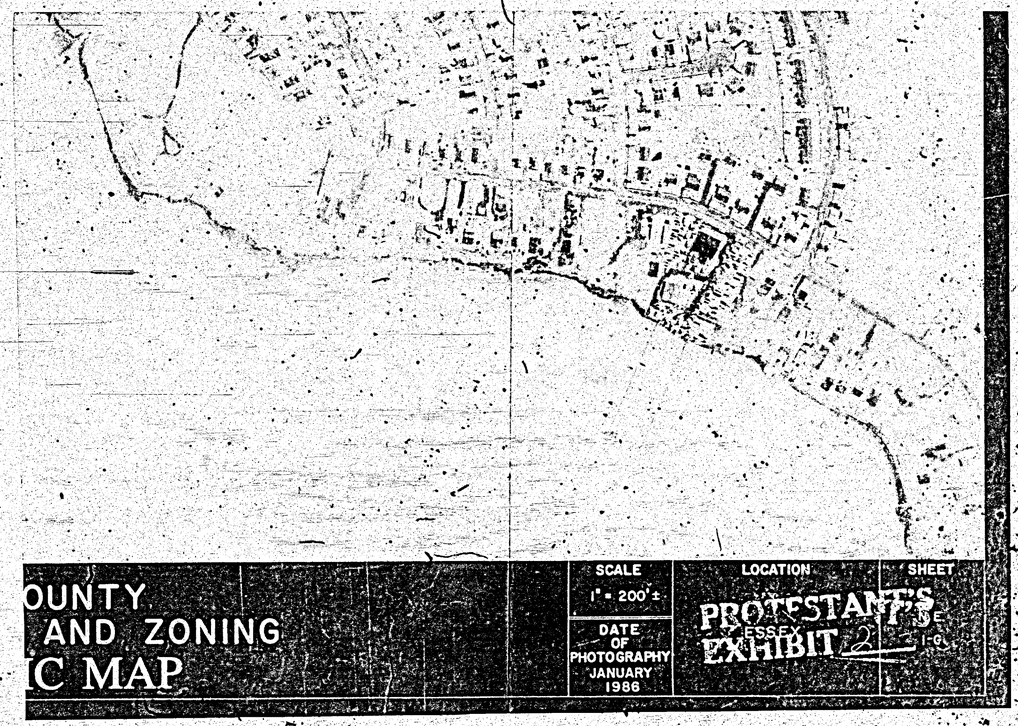


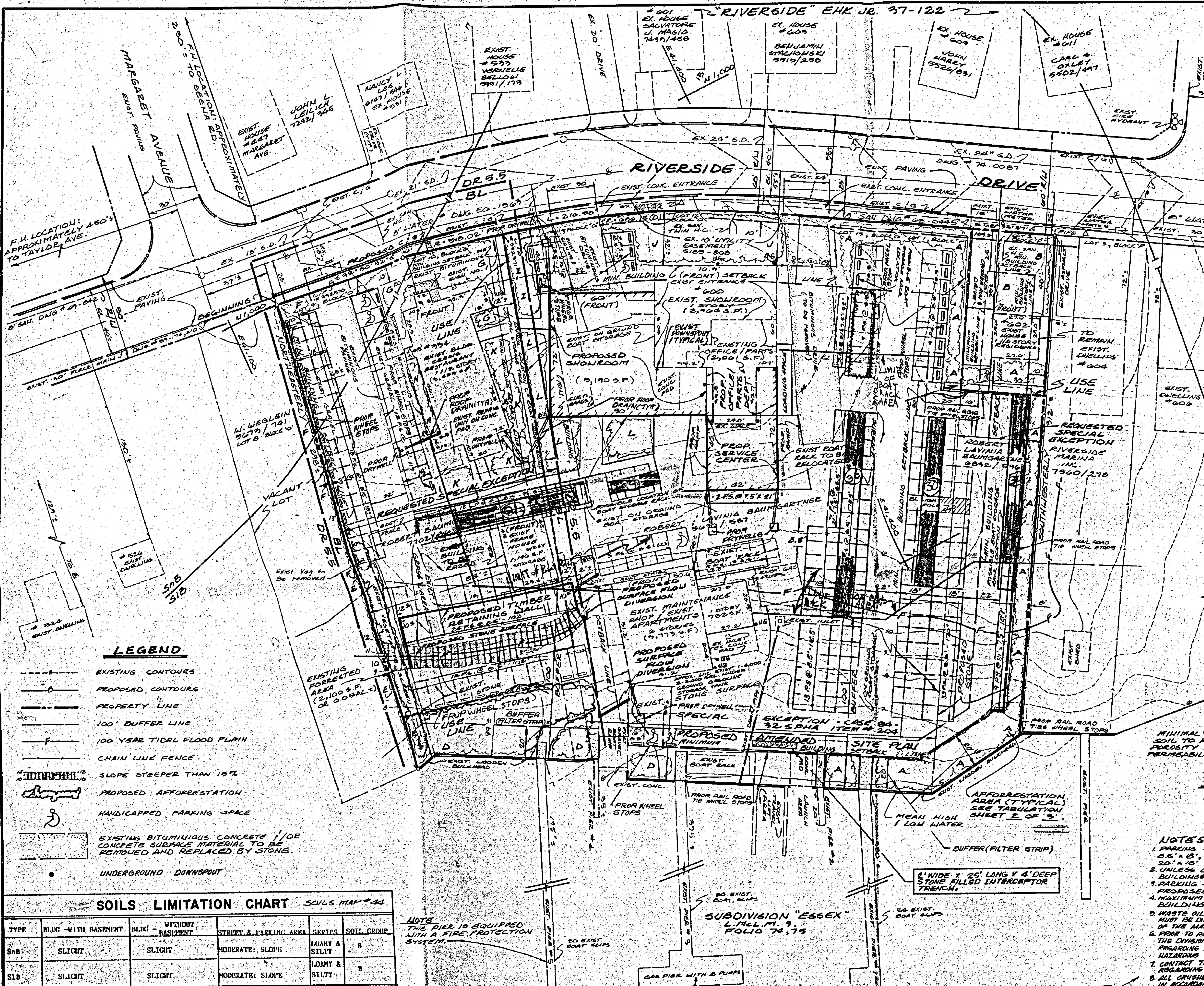
Protestant's Exhibit 1 (Zoning)
Photographs in Case 90-566-SPHA

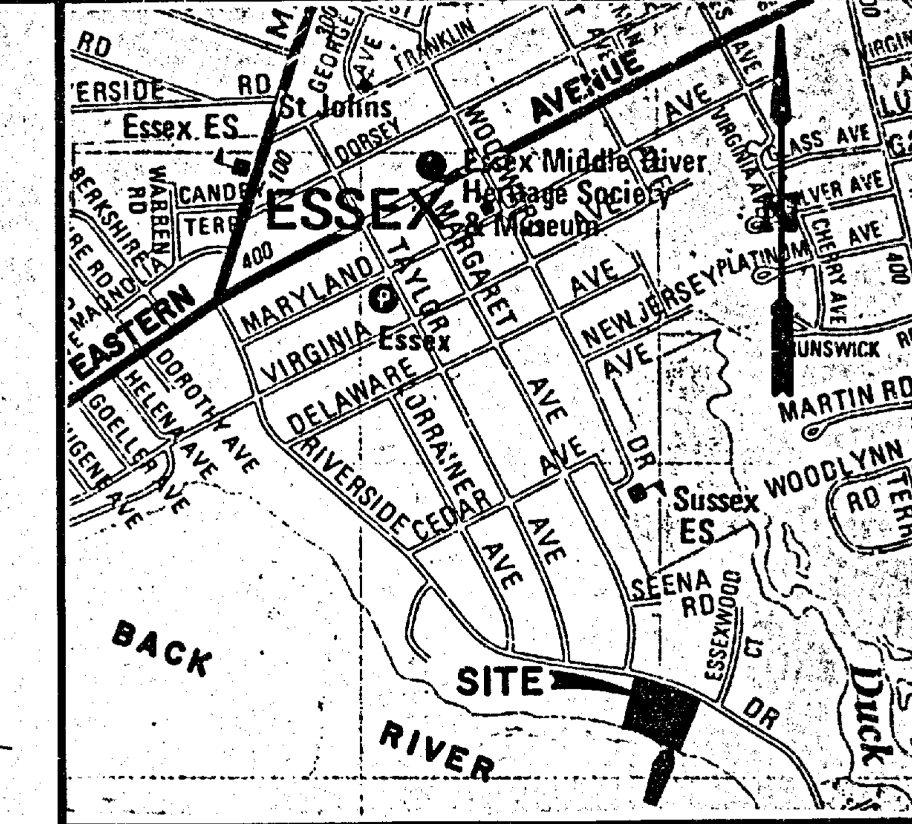
Prot's Exh 1-4 (CBA)











LOCATION MAP
SCALE : 1" = 1,000'

NOTE:
SEE SHEET 2 OF 3 FOR NOTES.

BENCH MARK NO. X-4707 EL. 8.51
R.R. SPIKE IN MACADAM EAST SIDE OF RIVERSIDE DRIVE AT NEW PUMPING STA.

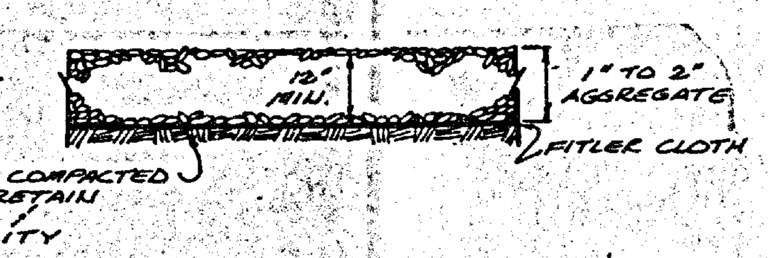
LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- PROPERTY LINE
- 100' BUFFER LINE
- 100 YEAR TIDAL FLOOD PLAIN
- CHAIN LINK FENCE
- SLOPE STEEPER THAN 15%
- PROPOSED AFFORRESTATION
- HANDICAPPED PARKING SPACE
- EXISTING BITUMINIOUS CONCRETE &/OR CONCRETE SURFACE MATERIAL TO BE REMOVED AND REPLACED BY STONE.
- UNDERGROUND DOWNSPOUT

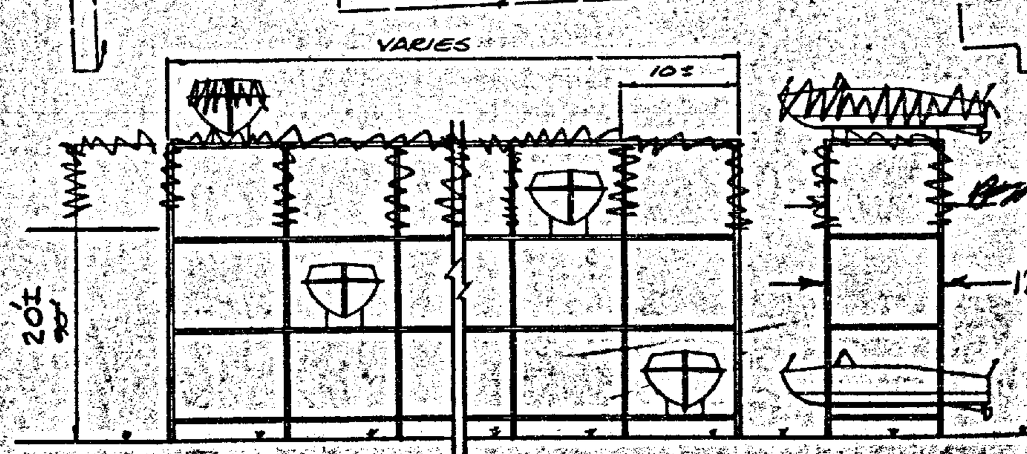
SOILS LIMITATION CHART SOILS MAP #44

TYPE	BLDG - WITH BASEMENT	BLDG - WITHOUT BASEMENT	STREET & PARKING AREA	SERIES	SOIL GROUP
SnB	SLIGHT	SLIGHT	MODERATE: SLOPE	LOAMY & SILTY	B
S1B	SLIGHT	SLIGHT	MODERATE: SLOPE	LOAMY & SILTY	B

NC	REVISIONS	DATE
	AFFORESTATION AREAS A, I & J REVISED	3/19/91



TYPICAL POROUS PAVING SECTION
N.T.S.



PORTABLE 4-TIER BOAT STORAGE RACK DETAIL
N.T.S.

Notes: WITHIN THE LIMITS SHOWN ON THE PLAN

1. Portable boat storage racks are now utilized and are proposed for use at this marina facility. The racks will be positioned as determined by the owner and/or operator of the facility as required to operating characteristics of this marina and as user demand dictates.
2. Portable racks for boat storage will be three [redacted] MAXIMUM tiers high.
3. Boats are now and are proposed to be stored on the ground in areas designated on this plan.
4. Boats stored in slips along existing piers during boating season and on land during winter months.
5. Proposed portable boat storage racks for 72± boats will occupy approximately [redacted] automobile parking spaces.
6. Existing portable boat storage racks for 54 boats occupy approximately 15 parking spaces.

NOTES:

1. PARKING SPACES SHOWN HEREON ARE 8.5' x 18', AND HANDICAPPED 12' x 18' SINGLE, 20' x 18' DOUBLE.
2. UNLESS OTHERWISE NOTED ALL EXISTING BUILDINGS TO REMAIN.
3. PARKING SHOWN HEREON REPRESENT PROPOSED CONDITIONS.
4. MAXIMUM BUILDING HEIGHT FOR PROPOSED BUILDING = 30'
5. WASTE OIL FROM LUBRICATION WORK AND OIL CHANGES MUST BE DIPOSED OF IN ACCORDANCE WITH THE REGULATIONS OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.
6. PRIOR TO RAZING OF ANY EXISTING STRUCTURES CONTACT THE DIVISION OF WASTE MANAGEMENT AT 887-3745, REGARDING REMOVAL AND OR DISPOSAL OF POTENTIALLY HAZARDOUS MATERIALS AND SOLID WASTES.
7. CONTACT THE BUREAU OF AIR QUALITY MANAGEMENT REGARDING REMOVAL OF ASBESTOS, 887-3775.
8. ALL CRUSHER-RUN SURFACES ARE TO BE TREATED IN ACCORDANCE WITH ENVIRONMENT ARTICLE 26.11.06D(3) IN ORDER TO PREVENT PARTICULATE MATTER FROM BECOMING AIRBORNE. TREATMENT AND MAINTENANCE IS TO BE ON A CONTINUING BASIS, AS NECESSARY.

PROPOSED RACK STORAGE AREA
PROPOSED RACK LOCATION

PLAN SHOWN TO NEIGHBORHOOD

WATER DEPENDENT FACILITIES PLAN

William N. Bafitis, P.E.
301-391-2336
Bafitis & Associates, Inc.
Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd., Baltimore, Md. 21221

Petitioner Ex. #1

FINDINGS PLAN, CRG PLAN, SITE PLAN & PLAT TO ACCOMPANY PETITION FOR AMENDMENT TO SITE PLAN, SPECIAL HEARING, AND VARIANCES, AND SPECIAL EXCEPTION FOR RIVERSIDE MARINA
534 - 602 RIVERSIDE DRIVE
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND – WILLIAM N. BAFITIS – PROFESSIONAL ENGINEER
WILLIAM N. BAFITIS P.E.

Pet. Exh. #1

SHEET 1 OF 3

SCALE 1" = 30'
JOB ORDER NO. 38057
DATE MAY 3, 1991

LANDSCAPING

Required:

Riverside Drive:
1 Tree/40 L.F. = 476 ÷ 11.9 = 12 Trees
40
50% major deciduous

Interior Roads:
1 Tree/20 L.F. = No interior roads = 0 Trees
50% major deciduous

Parking:
1 Major Deciduous Per 17.1 P.S. =
406 ÷ 17.1 = 24 Trees

Required Pervious Area =
60 S.F./Tree * 60 X 24 = 1,440 S.F.

NOTE: SEE "FINDINGS" NOTES FOR TABULATION OF AFFORESTATION AREAS.

ZONING

1) Previous Permits
B029815 (Pier) (Crew Quarters)
WP/1659-89
B036126 (Pier Standpipe)
FD-765-89

2) CRG Waiver #W-89-46
(Crews Quarters)

3) Zoning History
A) Item No. 204, Case 84-32 SPHA setbacks, bldg to bldg, stone paving.
B) 67-19-SPH - special exception for a boat marina, construction of a building for storage & sales of boats.
C) Petition 5342 Boat Yard and/or Marine Railway & Relinquish Special Exception for Seaplane Base

4) Paving: Existing Bituminous paving onsite shall be removed and replaced with gravel.

5) Illumination for off-street parking areas shall be arranged as to reflect the light away from adjacent residential sites, and public streets.

Existing Signs

Free Standing
#1 at Riverside Drive
4" X 8" double faced, wood, metal and plastic

#2 at Riverside Drive
18" X 30", singleface, wood

Signs Attached to Building (Crews Quarters restaurant)

Front of #534 Riverside Drive
48" X 144" wood and metal
48" X 48" wood and metal

WestSide of #534 Riverside Drive
48" X 72" wood and metal
48" X 48" wood and metal

PROPOSED SIGNS

Any proposed signs for this site will conform to current Baltimore County Zoning Regulations and Policy Manual.

1) Previous Permits
B029815 (Pier) (Crew Quarters)
WP/1659-89
B036126 (Pier Standpipe)
FD-765-89

2) CRG Waiver #W-89-46
(Crews Quarters)

3) Zoning History
A) Item No. 204, Case 84-32 SPHA setbacks, bldg to bldg, stone paving.
B) 67-19-SPH - special exception for a boat marina, construction of a building for storage & sales of boats.
C) Petition 5342X Boat Yard and/or Marine Railway & Relinquish Special Exception for Seaplane Base

D) Item #1414 - Lots 9 & 10 - Residential to Commercial (1949)

4) Paving: Existing Bituminous paving onsite shall be removed and replaced with stone.

5) Illumination for off-street parking areas shall be arranged as to reflect the light away from adjacent residential sites, and public streets.

FINDINGS

SURFACE CONDITIONS	EXISTING	PROPOSED
VEGETATIVE AREA	N/A	25,425 S.F.
% OF SITE	N/A	18.40%
IMPERVIOUS AREA	26,047 S.F.	22,401 S.F.
% OF SITE	20.97 %	17.47 %
PERVIOUS AREA	N/A	82,571 S.F.
% OF SITE	N/A	64.18 %

Net Site Area 2.95 Ac. ± (128,650)

SITE DATA

1) Tax Map No.: 97

2) Block: 2

3) Parcel: 371

4) Disturbed site area: *
Proposed = 22,977 S.F.± = 0.53 Ac. ±
* Includes Proposed Building Addition, Ex.Bit. Paving to be replaced by stone, and existing building to be removed; current unpaved parking areas to be surfaced with stone.

5) Linear feet of water frontage: 370' ±

NOTES

1) No Tidal or Non Tidal Wetlands have been identified on this site.

2) No buildings situated on this site are included on the Maryland Historical Trust Inventory, the Baltimore County Landmarks Commission Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is in a Baltimore County Historical District.

3) No significant plant and/or animal habitat has been identified on this site.

4) No clearing, grading, or construction in the 100' buffer area adjacent to tidal waters except as allowed by Baltimore County Department of Environmental Protection and Resource Management.

5) This site is located within the Chesapeake Bay Critical Areas, and is classified as Limited Development Area (L.D.A).

6) There are no known dug or drilled wells located on this site.

7) There are no known septic systems located on this site.

8) This site contains no forest and/or developed woodland.

9) Existing Bituminous paving onsite shall be removed and replaced with stone.

AFFORESTATION AREA TABULATION

PROPOSED

AREA*	SQUARE FEET
A	5,522
B	1,584
C	—
D	4,121
E	1,314
F	284
G	2,514
H	342
I	648
J	2,996
K	1,980
L	2,158
Proposed Afforestation Area	23,678 Square Feet

Required Afforestation Area =
15% X Site Area:
.15 X (2.95 Acres) = .15 X 128,650 Square Feet =
19,298 Square Feet

* Indicated on Plan

Existing: Forested Area = 2.100 S.F. ± = 0.05 Ac. ±

IMPERVIOUS AREA COMPUTATION

PERMITTED = 15% SITE AREA = .15 X 2.95 = 19,298 S.F.

EXISTING = 26047 S.F. ÷ 128,650 SITE AREA = 20.25 %

PROPOSED = 22401 S.F. ÷ 128,650 SITE AREA = 17.41 %

C.R.G.

See Site Data Notes
See Landscaping Notes
See General Notes
See Zoning Notes
See Findings Notes

No existing wooded areas are located on this site.

Proposed vegetation to be removed 14,870 S.F. ± including lawn areas

Public Services #89-295 (Crews Quarters)

FINDINGS (Cont.)

BEST MANAGEMENT PRACTICES

- There will be no painting with antifouling paints of pirs and other in-water structures.
- The use of antifouling paints for boat hulls will be restricted to the types of paints currently approved by State and Federal Agencies.
- There will be no direct discharge of solvents, fuels, and other toxic materials directly into the receiving waters or onto ground surfaces.
- Discharge of vessel sanitary waste into the receiving waters will be prohibited.
- A sanitary waste pump out facility will be provided for vessels.
- Encourage use of upland (rack & ground) storage for vessels.
- Creation of vegetative buffers on-site.
- Conservative use of fertilizers on-site.
- Use of non-phosphorous detergents for washing boats.
- Painting of boats in-water will be prohibited.
- All previously opened containers of miscellaneous chemicals, boat paints, and paint vehicles should be stored in designated facilities.
- Waste chemicals should be disposed offsite by contract with a private waste handling firm.
- No explosive chemicals should be stored onsite.
- Waste motor parts and old batteries should be disposed to closed containers before removal offsite.

SITE DATA

1) Owner: Robert G. & Lavinia Baumgartner
600 Riverside Drive
Baltimore, Maryland 21230
Telephone No. (301) 391-1422

2) Developer: (OWNER)

3) Deed References: 6832/596,5690/587,7702/365

4) Tax Account Nos.: 15-11-150572,15-23-351270,15-18-100270

5) Site Area:

	Acres	Net S.F.	Gross Acres S.F.
Lots 9 & 10	0.84±	36,460	0.84± 40,747
Lots 11,12,13,&1	1.79±	76,540±	1.95± 84,880
Lot 2	0.38±	15,650±	0.49± 17,434
Total Area	2.95±	128,650±	3.28± 143,077±

6) Existing Zoning: BL, DR 5.5 & DR 5.5 with special exception for marina

7) Existing Use: Lounge/Restaurant, Marina offices, Residences, Boat Sales, Parts, Repair & Service, Boat Storage, and boat building

8) Proposed Zoning: BL & DR 5.5 with special exception for a marina

9) Proposed Use: Same as existing uses

10) Census Tract: 4504

11) Election District: 15th

12) Councilmanic District: 5th

13) Watershed: 21

14) Subwatershed: 38

15) Floor Area Ratio (FAR):
FAR Allowed in BL Zone = 3.0
FAR in BL Zone (Existing) = 3,483+1.146
0.93+43560 = 0.11
FAR in BL Zone (Proposed) = 3,483
0.93+43.560 = 0.09

16) Parking
Required:
Restaurant 3,483 S.F. @ 20 P.S./1,000 S.F. = 70 Spaces
Existing Apartments (2) @ 2P.S./Dwelling Unit = 4 Spaces
Existing Maintenance Shop 3,773 S.F. @ 3 P.S./ 1,000 S.F. = 12 Spaces
Existing Showroom 2,964 S.F. @ 5 P.S/ 1,000 S.F. = 15 Spaces
Existing Parts Department & Offices 2,051 S.F. @ 3.3 P.S/ 1,000 S.F. = 7 Spaces
Proposed Showroom 5,292 S.F. @ 3 P.S./1,000 S.F. = 16 Spaces
Proposed Offices, Parts Dept. 408 S.F. @ 3.3 P.S./ 1,000 S.F. = 2 Spaces
Proposed Service Center 1,890 S.F. @ 3 P.S./ 1,000 S.F. = 6 Spaces
Less Existing Service Center to be removed 120 S.F. @ 3 P.S./1,000 S.F. = 0 Spaces
Existing Dwelling #602 2/PS/Dwelling Unit = 2 Spaces
Existing Boat Slips 128 0.5 P.S/Slip = 64 Spaces
Existing Boat Rack Storage 54 Boats @ 0.5 P.S./ storage space = 27 Spaces
Proposed Boat Rack Storage 122 Boats @ 0.5 P.S./ storage space = 61 Spaces
Total Parking Spaces Required = 286 Spaces

Proposed:
Total Parking Shown without boat racks = 210 (including handicapped)
Total Parking Shown with boat racks = 172
Handicapped Parking Spaces:
Required = 7 Spaces
Proposed = 7 Spaces

17) Average Daily Traffic (ADT)
Restaurant: 3,483
1,000 X 56.3 Trips = 196.1 Trips
2 Apartments: 2 X 6.1 Trips = 12.2 Trips
Existing Dwelling 1 X 10.4 Trips = 10.4 Trips
Maintenance Shop 3,773
1,000 X 3.9 Trips = 14.7 Trips
Ex. Showroom, Office, Parts Dept. 5,025
1,000 X 51.3 = 257.8 Trips
128 Boat Slips (1/3 in use) X 2 Trips = 85.3 Trips
54 Boats in Racks (1/3 in use) X 2 Trips = 36 Trips
Ex House (Storage) 1,000 X 5 Trips = 5.7 Trips
EXISTING AVERAGE DAILY TRAFFIC = 618.2
Prop. Showroom, offices, Parts Dept., Service 7,590
1,000 X 51.3 Trips = 389.4 Trips
Prop. Racks for boat storage (122 Boats (1/3 in use) X 2 Trips = 82.0 Trips
Less Ex. House to be raised = 5.7 Trips
PROPOSED ADT = 1,083.9 Trips

GENERAL NOTES

1. There are no known historical sites, archeological sites, endangered species habitats, wetlands, or hazardous materials within this site.
2. This site is located within the Chesapeake Bay Critical Area L.D.A.
3. Existing topography shown hereon is field run.
4. No known wells, septic systems, or underground tanks exist on this site.
5. Public Sanitary Sewer and Public Domestic Water are available for use of this site.
6. Boundary shown hereon was compiled from Deeds and Record Plats and does not represent a boundary survey.
7. No work is proposed within the Tidal Waters.
8. Storm Water Management and Water Quality Management Facilities are not required for this site as total impervious area and resultant stormwater runoff are reduced by the proposed plan of development to below pre-development rates. A waiver of surfaces are proposed to be removed and replaced with stone surfacing which will enhance onsite pollutant removal and negate the need for additional water quality facilities. A waiver of [illegible]

NO.	REVISIONS	DATE

WATER DEPENDENT FACILITIES PLAN

William N. Baftis, P.E.
301-391-2336
Baftis & Associates, Inc.
Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd. · Baltimore, Md. 21221

FINDINGS PLAN, CRG PLAN, SITE PLAN & PLAT TO ACCOMPANY PETITION FOR AMENDMENT TO SITE PLAN, SPECIAL HEARING, AND VARIANCES AND SPECIAL EXCEPTION FOR RIVERSIDE MARINA

534 - 602 RIVERSIDE DRIVE

BALTIMORE COUNTY, MARYLAND

WILLIAM N. BAFTIS P.E.

SCALE N/A

JOB ORDER NO. 88067

DATE MAY 3, 1991

SHEET 2 OF 3

NO.	REVISIONS	DATE

NO.	REVISIONS	DATE

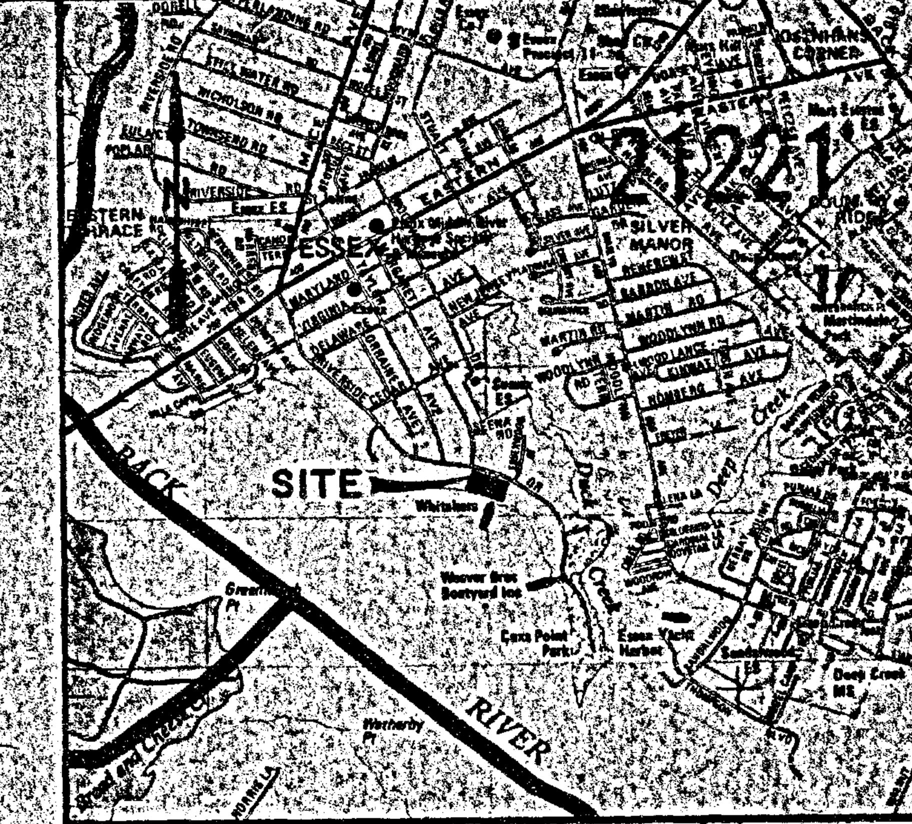
NO.	REVISIONS	DATE
	AFFORESTATION TABULATION	3/19/91

NO.	REVISIONS	DATE

NO.	REVISIONS	DATE

RIVERSIDE MARINA		
Area: Gross Area:	2.55 ±	
Net Area:	2.12 ±	
Zoning: B.L. - Special Exception		
Use: Marina, Parking, Service, Parts, Boat Sales, Boat Storage		
Parking: (From Petitioners Exhibit #1, 84-32, Item #204)		
108 Boat Slips	=	108 Spaces
4,200 S.F. Building	=	21 Spaces
Residence	=	2 Spaces
Retail Area in 1 1/2 Story Bldg. 1,000 S.F.	=	5 Spaces
Building 567 sq ft.	=	2 Spaces
		138 Spaces
Boat Slips:		108

CREWS QUARTERS	
Area:	Gross Area = 0.83 Ac. ±
	Net Area: = 0.81 Ac. ±
Zoning:	B.L. with parking variance
Use:	Lounge/Restaurant/Parking
A.D.T.:	56.3/1.000 X 3.483 = 196 A.D.T.
Parking:	Required = 3.483 S.F. @ 20 spaces/1,000 S.F. = 70 Spaces
	Provided = 23 Spaces
	Handicapped Included = 2 Spaces
Floor Area Ratio:	Existing: 0.11
	Allowed: 3.0
Boat Slips:	20 Slips



LOCATION MAP
SCALE 1" = 2,000'

NO	REVISIONS	DATE
	GROSS & NET SITE AREAS	5/9/91

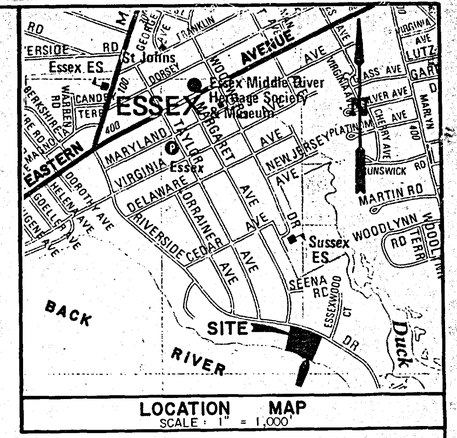
WATER DEPENDENT FACILITIES PLAN

William N. Bafitis, P.E.
301-391-2336
Bafitis & Associates, Inc.
Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd. • Baltimore, Md. 21221

EXISTING CONDITIONS
FINDINGS PLAN, CRG PLAN, SITE PLAN & PLAT TO ACCOMPANY PETITION
FOR
AMENDMENT TO SITE PLAN
SPECIAL HEARING AND VARIANCES
AND SPECIAL EXCEPTION FOR
RIVERSIDE MARINA
534 - 602 RIVERSIDE DRIVE
BALTIMORE COUNTY, MARYLAND

SCALE 1" = 50'
JOB ORDER NO. 18057
DATE MAY 3, 1991
SHEET 3 OF 3
WILLIAM N. BAFITIS P.E.

"RIVERSIDE" EHK JR. 37-122



LOCATION MAP
SCALE : 1" = 1,000'

NOTE:
SEE SHEET 2 OF 3 FOR NOTES.

BENCH MARK NO. X-4707 EL. 8.51
R.R. SPIKE IN MACADAM EAST SIDE OF RIVERSIDE DRIVE AT NEW PUMPING STA.

LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- PROPERTY LINE
- 100' BUFFER LINE
- 100 YEAR TIDAL FLOOD PLAIN
- CHAIN LINK FENCE
- SLOPE STEEPER THAN 15%
- PROPOSED AFFORESTATION
- HANDICAPPED PARKING SPACE
- EXISTING BITUMINIOUS CONCRETE OR CONCRETE SURFACE MATERIAL TO BE REMOVED AND REPLACED BY STONE.

SOILS LIMITATION CHART

SOILS MAP #44

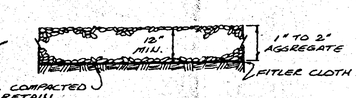
TYPE	BLDG. - WITH BASEMENT	BLDG. - WITHOUT BASEMENT	STREET & PARKING AREA	SEPTICS	SOIL GROUP
SnB	SLIGHT	SLIGHT	MODERATE: SLOPE	LOAMY & SILTY	B
SIB	SLIGHT	SLIGHT	MODERATE: SLOPE	LOAMY & SILTY	B

NO	REVISIONS	DATE

NOTE
THIS PIER IS EQUIPPED WITH A FIRE PROTECTION SYSTEM.

PORTABLE 4-TIER BOAT STORAGE RACK DETAIL
N.T.S.

Notes:
1. Portable boat storage racks are now utilized and are proposed for use at this marina facility. The racks will be positioned as determined by the owner and/or operator of the facility as required to operating characteristics of this marina and as user demand dictates.
2. Portable racks for boat storage will be three and/or four tiers high.
3. Boats are now and are proposed to be stored on the ground in areas designated on this plan.
4. Boats stored in slips along existing piers during boating season and on land during winter months.
5. Proposed portable boat storage racks for 122 boats will occupy approximately 29 automobile parking spaces.
6. Existing portable boat storage racks for 59 boats occupy approximately 15 parking spaces.



TYPICAL POROUS PAING SECTION
N.T.S.

NOTES:
1. PARKING SPACES SHOWN HEREON ARE 8.5' x 18', AND HANDICAPPED 12' x 18' SPACE, 22' x 18' DOUBLE.
2. UNLESS OTHERWISE NOTED ALL EXISTING BUILDINGS TO REMAIN.
3. PARKING SHOWN HEREON REPRESENT PROPOSED CONDITIONS.
4. MAXIMUM BUILDING HEIGHT FOR PROPOSED BUILDING = 30'

90-566-SPHXA

PETITIONER'S EXHIBIT 2

WATER DEPENDENT FACILITIES PLAN

William N. Bafitis, P.E.
301-391-2336
Bafitis & Associates, Inc.
Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd. Baltimore, Md. 21221

FINDINGS PLAN, CRG PLAN, SITE PLAN & PLAT TO ACCOMPANY PETITION FOR AMENDMENT TO SITE PLAN, SPECIAL HEARING, AND VARIANCES, AND SPECIAL EXCEPTION FOR RIVERSIDE MARINA

534 - 602 RIVERSIDE DRIVE

ELECTION DISTRICT 15 COUNCILMANIC DISTRICT 5

STATE OF MARYLAND — WILLIAM N. BAFITIS — No. 11761 — REGISTERED PROFESSIONAL ENGINEER

WILLIAM N. BAFITIS P.E.

SCALE 1" = 30'

JOB ORDER NO. 88057

DATE MAY 3, 1990

SHEET 1 OF 3

CRITICAL AREA 422

"RIVERSIDE" EHK JR. 97-122

RIVERSIDE DRIVE

MARGARET AVENUE

BACK RIVER

SUBDIVISION "ESSEX" L.LIBER.M. 9 FOLIO 74,75

NOTE: BALTIMORE COUNTY MAINTAINS RIVERSIDE DRIVE FOR 1.14 MILES, FROM MD 150 EASTERN BOULEVARD TO 29 MILE SOUTHEAST OF EBSENWOOD COURT.

LOCATION MAP
SCALE: 1" = 1,000'

Essex Middle River Heritage Society & Museum

Essex E.S.

Sussex E.S.

BACK RIVER

Duck

NOTE:
SEE SHEET 2 OF 2 FOR NOTES.

BENCH MARK NO. X-4707 EL. 8.51
R.R. SPIKE IN MACADAM EAST SIDE OF RIVERSIDE DRIVE AT NEW PUMPING STA.

SHOWROOM NOT PART OF THIS C.R.G. APPROVAL.

ZONING USE / PARKING NOTE

ALL USE AREAS INCLUDING INTENSITY AS SHOWN ON THIS PLAN CANNOT BE INCREASED, DECREASED, OR CHANGED WITHOUT FURTHER ZONING APPROVALS, AND ANY CHANGES IN USE, EVEN THOUGH PERMITTED BY THE B.C.Z.R. MUST BE APPROVED BY THE ZONING OFFICE. ANY FUTURE USES ESTABLISHED ON THIS PLAN WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS, THE ZONING POLICY MANUAL AND ZONING CASE #90-566-SPHXA. ALL FIRST TIME OCCUPANCY PERMITS AND ANY FUTURE USE CHANGES MUST BE APPROVED ON A REVISED OVERALL SITE DEVELOPMENT PLAN AND REVISED OVERALL PARKING CALCULATIONS.

CRG #91051, CURRENT PLANNING CRG #XV-515

LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- PROPERTY LINE
- 100' BUFFER LINE
- 100 YEAR TIDAL FLOOD PLAIN
- CHAIN LINK FENCE
- SLOPE STEEPER THAN 15%
- PROPOSED AFFORESTATION
- HANDICAPPED PARKING SPACE
- EXISTING BITUMINOUS CONCRETE // OR CONCRETE SURFACE MATERIAL TO BE REMOVED AND REPLACED BY STONE.
- UNDERGROUND DOWNSPOUT
- EXIST. STREET LIGHT

SOILS LIMITATION CHART
SOILS MAP #44

TYPE	BLDG -WITH BASEMENT	BLDG - WITHOUT BASEMENT	STREET & PARKING AREA	SERIES	SOIL GROUP
SnB	SLIGHT	SLIGHT	MODERATE: SLOPE	LOAMY & SILTY	B
SlB	SLIGHT	SLIGHT	MODERATE: SLOPE	LOAMY & SILTY	B

NO	REVISIONS	DATE
1	Add current Planning No., House connections shown, Added	11/15/91
2	Note to relocate ex pole & inlet at prop. entrance, Added 5'	
3	Sidewalk along riverside drive, Revised to 3-Tier rack,	
4	Dimension ex curb to right of Way, Added storage Note 6.	
5	Reduced size of boat storage rack, Added 10' Dimension for	12/2/91
	building setback line, Added 3 parking spaces to exist maint.	
	& Apt. building, Added wheel stops to parking spaces, Added	
	Exist. boat storage racks to be relocated, Removed 9 parking spaces	
	to 11, Revised to parking spaces to 22, Added Note to plan,	
6	Revised notes #1 & 5.	
7	Revised Note #1, Relocate exist. boat rack, Add Note about	12/11/91
	showroom, Added Zoning Use / Parking Note, Added	
	Boat Rack Nos. 1-4 & Storage rack chart.	

PORTABLE 3-TIER BOAT STORAGE RACK DETAIL
N.T.S.

Notes

1. Future boat rack locations as permitted by Baltimore County.
2. Portable racks for boat storage will be three tiers high.
3. Boats are now and are proposed to be stored on the ground in areas designated on this plan.
4. Boats stored in slips along existing piers during boating season and on land during winter months.
5. Proposed portable boat storage racks for 10 boats will occupy approximately 7 automobile parking spaces.
6. Existing portable boat storage racks for 54 boats occupy approximately 19 parking spaces.

RIVERSIDE Existing Storage Racks

Rack Number	Length (Ft.)	Width (Ft.)	Boat Storage Capacity 3 High
1	46.41	14.5	15
2	37.5	13.1	12
3	47.8	12.1	15
4	(Ex. 28.8) 36.0	10.6	(Ex. 9) 12

Total Capacity = 54

* Additional boat storage bays not currently created.

TYPICAL POROUS PAVING SECTION
N.T.S.

NOTES:
1. PARKING SPACES SHOWN HEREON ARE 8.5' x 18', AND HANDICAPPED 12' x 18' SINGLE, 20' x 18' DOUBLE.
2. UNLESS OTHERWISE NOTED ALL EXISTING BUILDINGS TO REMAIN.
3. PARKING SHOWN HEREON REPRESENT PROPOSED CONDITIONS.
4. MAXIMUM BUILDING HEIGHT FOR PROPOSED BUILDINGS = 20'.
5. WASTE OIL FROM LUBRICATION WORK AND OIL CHANGES MUST BE DISPOSED OF IN ACCORDANCE WITH THE REGULATIONS OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.
6. PRIOR TO RAZING OF ANY EXISTING STRUCTURES CONTACT THE DIVISION OF WASTE MANAGEMENT AT 887-3745, REGARDING REMOVAL AND OR DISPOSAL OF POTENTIALLY HAZARDOUS MATERIALS AND SOLID WASTES.
7. CONTACT THE BUREAU OF AIR QUALITY MANAGEMENT REGARDING REMOVAL OF ASBESTOS, 887-3775.
8. ALL CRUSHER-RUN SURFACES ARE TO BE TREATED IN ACCORDANCE WITH ENVIRONMENT ARTICLE §6-11.06(8) IN ORDER TO PREVENT PARTICULATE MATTER FROM BECOMING AIRBORNE. TREATMENT AND MAINTENANCE IS TO BE ON A CONTINUING BASIS, AS NECESSARY.

RESTRICTIONS UNDER ZONING CASE No. 90-566-SPHA

William N. Bafitis, P.E.
301-391-2336

Bafitis & Associates, Inc.

Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd. Baltimore, Md. 21221

C.R.G. PLAN

FOR

RIVERSIDE MARINA
534 - 602 RIVERSIDE DRIVE
BALTIMORE COUNTY, MARYLAND

WILLIAM N. BAFITIS P.E.

SCALE 1" = 30'

JOB ORDER NO. 88057

DATE SEPT. 18, 1991

SHEET 1 OF 2

LANDSCAPING

Required:

Riverside Drive:
1 Tree/40 L.F. = 476 / 40 = 11.9 = 12 Trees
50% major deciduous

Interior Roads:
1 Tree/20 L.F. = No interior roads = 0 Trees
50% major deciduous

Parking:
1 Major Deciduous Per 17.1 P.S. =
~~410~~ 408 / 17.1 = 23.8 = 24 Trees

Required Pervious Area =
60 S.F./Tree ÷ 60 X 24 = 1,440 S.F.

NOTE: SEE "FINDINGS" NOTES FOR TABULATION OF AFFORESTATION AREAS.

ZONING

1) Previous Permits
B029815 (Pier) (Crew Quarters)
WP/1659-89
B036126 (Pier Standpipe)
FD-765-89

2) CRG Waiver #W-89-46
(Crews Quarters)

3) Zoning History
A) Item No. 204, Case 84-32 SPHA setbacks, bldg to bldg, stone paving.
B) 67-19-SPH - special exception for a boat marina, construction of a building for storage & sales of boats.
C) Petition 5342 Boat Yard and/or Marine Railway & Relinquish Special Exception for Seaplane Base

4) Paving: Existing Bituminous paving onsite shall be removed and replaced with gravel.

5) Illumination for off-street parking areas shall be arranged as to reflect the light away from adjacent residential sites, and public streets.

Existing Signs

Free Standing
⚠ #1 at Riverside Drive
4' X 8' double faced, wood, metal and plastic

⚠ #2 at Riverside Drive
4' X 7', singlefaced, wood

Signs Attached to Building (Crews Quarters restaurant)

Front of #534 Riverside Drive
48" X 144" wood and metal
48" X 48" wood and metal

WestSide of #534 Riverside Drive
48" X 72" wood and metal
48" X 48" wood and metal

PROPOSED SIGNS

Any proposed signs for this site will conform to current Baltimore County Zoning Regulations and Policy Manual.

1) Previous Permits
B029815 (Pier) (Crew Quarters)
WP/1659-89
B036126 (Pier Standpipe)
FD-765-89

2) CRG Waiver #W-89-46
(Crews Quarters)

3) Zoning History
A) Item No. 204, Case 84-32 SPHA setbacks, building to building, stone paving.
B) 67-19-SPH - special exception for a boat marina, construction of a building for storage & sales of boats.
C) Petition 5342X Boat Yard and/or Marine Railway & Relinquish Special Exception for Seaplane Base
D) Item #1414 - Lots 9 & 10 - Residential to Commercial (1949)
E) Case #90-566-SPHXA
1. Amendment to previously approved Site Plan and Special Exception, Case No. 67-19 SPH to permit expansion of the existing boat yard facilities. (Granted)
2. Petition for Special Exception to permit a boat yard in a BL/DR 5.5 zone, (Granted)
3. Petition for Special Exception to approved use is exempted from RTA requirements for property known as 600 Riverside Drive (Granted)
4. Petition for Special Exception to approve use is exempted from RTA requirements for property known as 602 Riverside Drive (Denied)
5. Variances Granted
a. Variance of 50 parking spaces
b. Pervious surface in lieu of durable dustless surface
c. Distance between buildings of 20' in lieu of 30'
d. Distance between buildings of 8' in lieu of 20'
e. Waiver of required striped parking spaces
f. Property line setback of 10' in lieu of 60'
g. Street right-of-way (property line) setback of 8' in lieu of 10'

ZONING (Cont.)

Restrictions

A. 150' setback for boat racks from Riverside Drive
B. No seasonal banners or temporary signs shall be permitted on the site. Prior to the issuance at any permits, all banners and temporary signs, if any, shall be removed from the premises.
C. Subject to comments by:
a. Zoning Plans Advisory Committee
b. Air Quality Management Division of DEPRM
c. Bureau of Water Quality Division of DEPRM
D. 20' maximum building height

4) Paving: Existing Bituminous paving onsite shall be removed and replaced with stone.

5) Illumination for off-street parking areas shall be arranged as to reflect the light away from adjacent residential sites, and public streets.

NO.	REVISIONS	DATE
⚠	Revised Exist. signs note: free standing #1 & #2	12/12/91

FINDINGS

SURFACE CONDITIONS	EXISTING	PROPOSED
VEGETATIVE AREA	N/A	23,678 S.F.
% OF SITE	N/A	18.40%
IMPERVIOUS AREA	26,097 S.F	22,401 S.F.
% OF SITE	20.3%	17.41 %
PERVIOUS AREA	N/A	82,571 S.F.
% OF SITE	N/A	64.18 %

Net Site Area 2.95 Ac. ± (128,650)

SITE DATA

1) Tax Map No.: 97

2) Block: 2

3) Parcel: 371

4) Disturbed site area: *
Proposed = 22,977 S.F.± = 0.53 Ac. ±
* Includes Proposed Building Addition, Ex.Bit. Paving to be replaced by stone, and existing building to be removed, current unpaved parking areas to be surfaced with stone.

5) Linear feet of water frontage: 370' ±

NOTES

1) No Tidal or Non Tidal Wetlands have been identified on this site.

2) No buildings situated on this site are included on the Maryland Historical Trust Inventory, the Baltimore County Landmarks Commission Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is in a Baltimore County Historical District.

3) No significant plant and/or animal habitat has been identified on this site.

4) No clearing, grading, or construction in the 100' buffer area adjacent to tidal waters except as allowed by Baltimore County Department of Environmental Protection and Resource Management.

5) This site is located within the Chesapeake Bay Critical Areas, and is classified as Limited Development Area (L.D.A).

6) There are no known dug or drilled wells located on this site.

⚠ 7) _____

8) This site contains no forest and/or developed woodland.

9) Existing Bituminous paving onsite shall be removed and replaced with stone.

AFFORESTATION AREA TABULATION

PROPOSED

AREA*	SQUARE FEET
A	5,522
B	1,584
C	—
D	4,121
E	1,914
F	284
G	2,514
H	342
I	343
J	2,996
K	1,980
L	2158
Proposed Afforestation Area	23,678 Square Feet

Required Afforestation Area =
15% X Site Area:
.15 X (2.95 Acres) = .15 X 128,650 Square Feet = 19,298 Square Feet

* Indicated on Plan

Existing: Forested Area = 2,100 S.F. ± = 0.05 Ac. ±

IMPERVIOUS AREA COMPUTATIONS

PERMITTED = 15% SITE AREA = .15 X 2.95 = 19,298 S.F.

EXISTING = 26097 S.F. - 2.95 SITE AREA = 20.3%

⚠ PROPOSED = 24,251 S.F. - 2.95 SITE AREA = 18.87% ⚠

NO.	REVISIONS	DATE
⚠	Delete #7 in Notes section	11/14/91
⚠	Revised Impervious Area Comps. Proposed & Site Area	11/19/91

C.R.G.

See Site Data Notes
See Landscaping Notes
See General Notes
See Zoning Notes
See Findings Notes

No existing wooded areas are located on this site.

Proposed vegetation to be removed 14,870 S.F. ± including lawn areas

Public Services #89-295 (Crews Quarters)
CRG #91051

NO	REVISIONS	DATE

FINDINGS (Cont.)

BEST MANAGEMENT PRACTICES

* There will be no painting with antifouling paints of piers and other in-water structures.
* The use of antifouling paints for boat hulls will be restricted to the types of paints currently approved by State and Federal Agencies.
* There will be no direct discharge of solvents, fuels, and other toxic materials directly into the receiving waters or onto ground surfaces.
* Discharge of vessel sanitary waste into the receiving waters will be prohibited.
* A sanitary waste pump out facility will be provided for vessels.
* Encourage use of upland (rack & ground) storage for vessels.
* Creation of vegetative buffers on-site.
* Conservative use of fertilizers on-site.
* Use of non-phosphorous detergents for washing boats.
* Painting of boats in-water will be prohibited.
* All previously opened containers of miscellaneous chemicals, boat paints, and paint vehicles should be stored in designated facilities.
* Waste chemicals should be disposed offsite by contract with a private waste handling firm.
* No explosive chemicals should be stored onsite.
* Waste motor parts and old batteries should be disposed to closed containers before removal offsite.

NO.	REVISIONS	DATE

SITE DATA

1) Owner: Robert G. & Lavinia Baumgartner
600 Riverside Drive
Baltimore, Maryland 21220
Telephone No. (301) 391-1422

2) Developer: (OWNER)

3) Deed References: 6832/596,5690/587,7702/365

4) Tax Account Nos.: 15-11-150572,15-23-351270,15-18-100270

5) Site Area:

	Acres	Net S.F.	Gross Acres S.F.
Lots 9 & 10	0.84±	36,460	0.94± 40,947
Lots 11,12,13,&1	1.75±	76,540±	1.95± 84,880
Lot 2	0.36±	15,650±	0.40± 17,424
Total Area	2.95±	128,650 ±	3.28 ± 142,677 ±

6) Existing Zoning: BL, DR 5.5 & DR 5.5 with special exception for marina

7) Existing Use: Lounge/Restaurant, Marina offices, Residences, Boat Sales, Parts, Repair & Service, Boat Storage, and boat building

8) Proposed Zoning: BL & DR 5.5 with special exception for a marina

9) Proposed Use: Same as existing uses

10) Census Tract: 4504

11) Election District: 15th

12) Councilmanic District: 5th

13) Watershed: 21

14) Subsewershed: 38

15) Floor Area Ratio (FAR):
FAR Allowed in BL Zone = 3.0
FAR in BL Zone (Existing) = 3,483+1.146
0.93+43560 = 0.11
FAR in BL Zone (Proposed) = 3,483
0.93+43.560 = 0.09

16) Parking
Required:
Restaurant 3,483 S.F. @ 20 P.S./1,000 S.F. = 70 Spaces
Existing Apartments (2) @ 2P.S./Dwelling Unit = 4 Spaces
Existing Maintenance Shop 3,773 S.F. @ 3 P.S./1,000 S.F. = 12 Spaces
Existing Showroom 2,964 S.F.
@ 5 P.S/ 1,000 S.F. = 15 Spaces
Existing Parts Department & Offices 2,061 S.F.
@ 3.3 P.S/ 1,000 S.F. = 7 Spaces
Proposed Offices, Parts Dept. 408 S.F. @ 3.3 P.S./ 1,000 S.F. = 2 Spaces
Proposed Service Center 1,890 S.F. @ 3 P.S./ 1,000 S.F. = 6 Spaces
Less Existing Service Center to be removed 120 S.F. @ 3 P.S./1,000 S.F. = 0 Spaces
Existing Dwelling #602 2/PS/Dwelling Unit = 2 Spaces
Existing Boat Slips 128 0.5 P.S/Slip = 64 Spaces
Existing Boat Rack Storage 54 Boats @ 0.5 P.S./ storage space = 27 Spaces
⚠ Proposed Boat Rack Storage 18 Boats @ 0.5 P.S./ storage space = 9 Spaces
⚠ Total Parking Spaces Required = 218 Spaces*
Zoning Variance (Case #90-566-SPHXA) = 50 Spaces
⚠ TOTAL SPACES REQUIRED = 168 Spaces

⚠ Proposed:
⚠ Total Parking Shown without boat racks = 191 Spaces (including handicapped)
⚠ ⚠ Total Parking Shown with boat racks = 169 Spaces
Handicapped Parking Spaces:
Required = 7 Spaces
Proposed = 7 Spaces

17) Average Daily Traffic (ADT)
⚠ Restaurant: 3,483
1,000 X 96 Trips = 334.4 Trips
2 Apartments: 2 X 6.1 Trips = 12.2 Trips
Existing Dwelling 1 X 10.4 Trips = 10.4 Trips
Maintenance Shop 3,773
1,000 X 3.9 Trips = 14.7 Trips
Ex. Showroom, Office, Parts Dept. 5,025
1,000 X 51.3 = 257.8 Trips
⚠ 128 Boat Slips X 3 Trips = 384.0 Trips
⚠ 54 Boats In Racks X 3 Trips ⚠ = 162.0 Trips

⚠ EXISTING AVERAGE DAILY TRAFFIC = 1175.5 Trips ⚠ ⚠
Proposed Offices, Parts Department, Service
2,298
1,000 X 51.3 Trips = 117.9 Trips
⚠ Future Showroom 5292 X 51.3 = 271.5 Trips
1000
⚠ Prop. Racks for boat storage (18 boats) ⚠
X 3 Trips = 54.0 Trips ⚠
⚠ PROPOSED ADT = 1618.9 Trips ⚠
* Future showroom (5,292 S.F.) not included as part of CRG request. ⚠

NO.	REVISIONS	DATE
⚠	Revised Note #17	11/14/91
⚠	Revised Notes # 16 & # 17, Removed the asterisks & note pertaining to them & Added note for showroom S.F.	12/02/91
⚠	Revised Notes & 16 pre. parking, #17 ADT Average Daily Trips. Removed notes.	12/11/91

GENERAL NOTES

1. There are no known historical sites, archeological sites, endangered species habitats, wetlands, or hazardous materials within this site.
2. This site is located within the Chesapeake Bay Critical Area L.D.A.
3. Existing topography shown hereon is field run
⚠ 4. No known wells or septic systems exist on this site.
5. Public Sanitary Sewer and Public Domestic Water are available for use of this site.
6. Boundary shown hereon was compiled from Deeds and Record Plats and does not represent a boundary survey.
7. No work is proposed within the Tidal Waters.
8. Storm Water Management and Water Quality Management Facilities are not required for this site as total impervious area and resultant stormwater runoff are reduced by the proposed plan of development to below pre-development rates. A waiver of surfaces are proposed to be removed and replaced with stone surfacing which will enhance onsite pollutant removal and negate the need for additional water quality facilities.

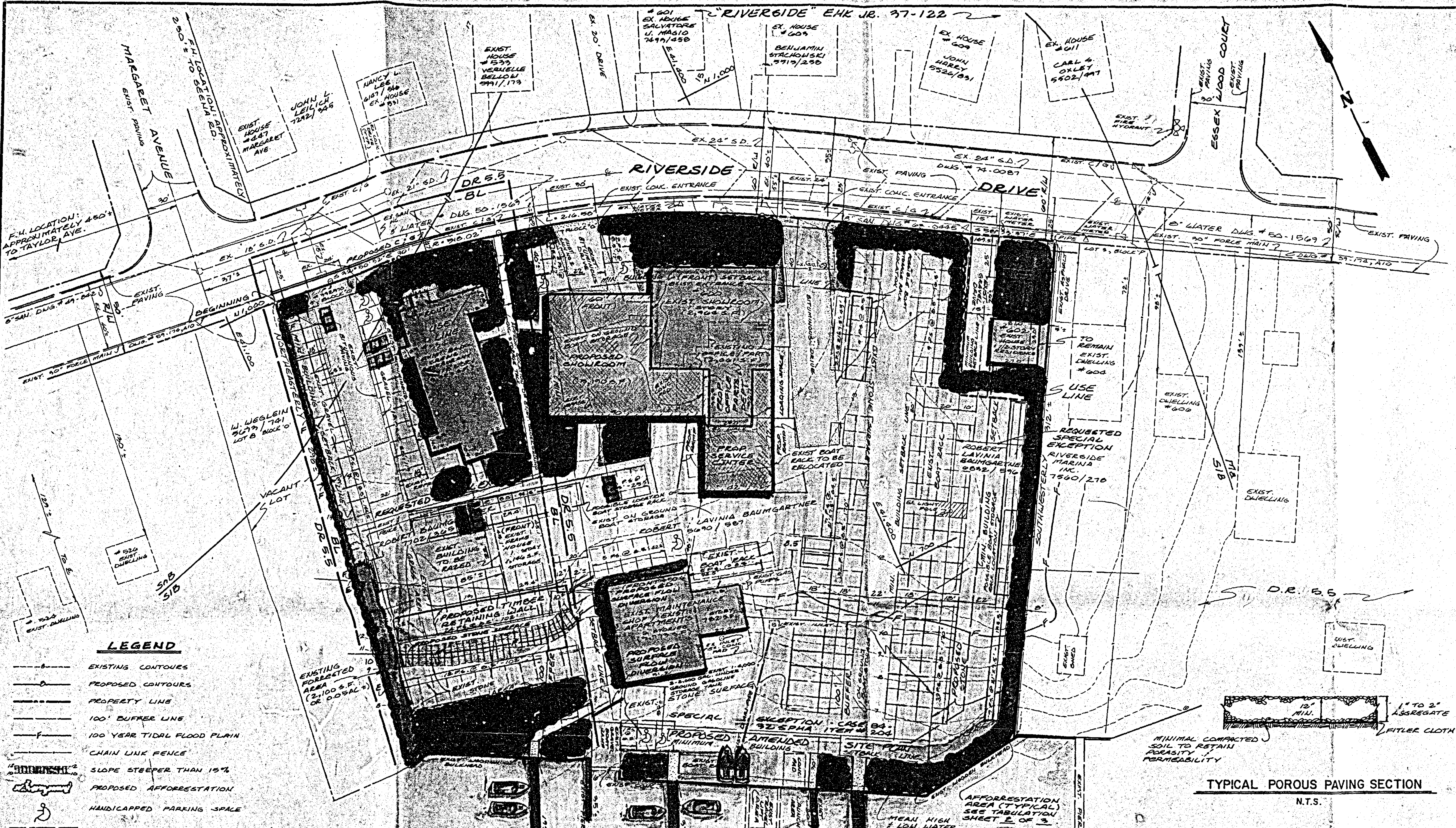
NO.	REVISIONS	DATE
⚠	Revised Note # 4	11/14/91

William N. Baftis, P.E.
301-391-2336
Baftis & Associates, Inc.
Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd. Baltimore, Md. 21221

C.R.G. PLAN
FOR
RIVERSIDE MARINA
534 - 602 RIVERSIDE DRIVE
BALTIMORE COUNTY, MARYLAND

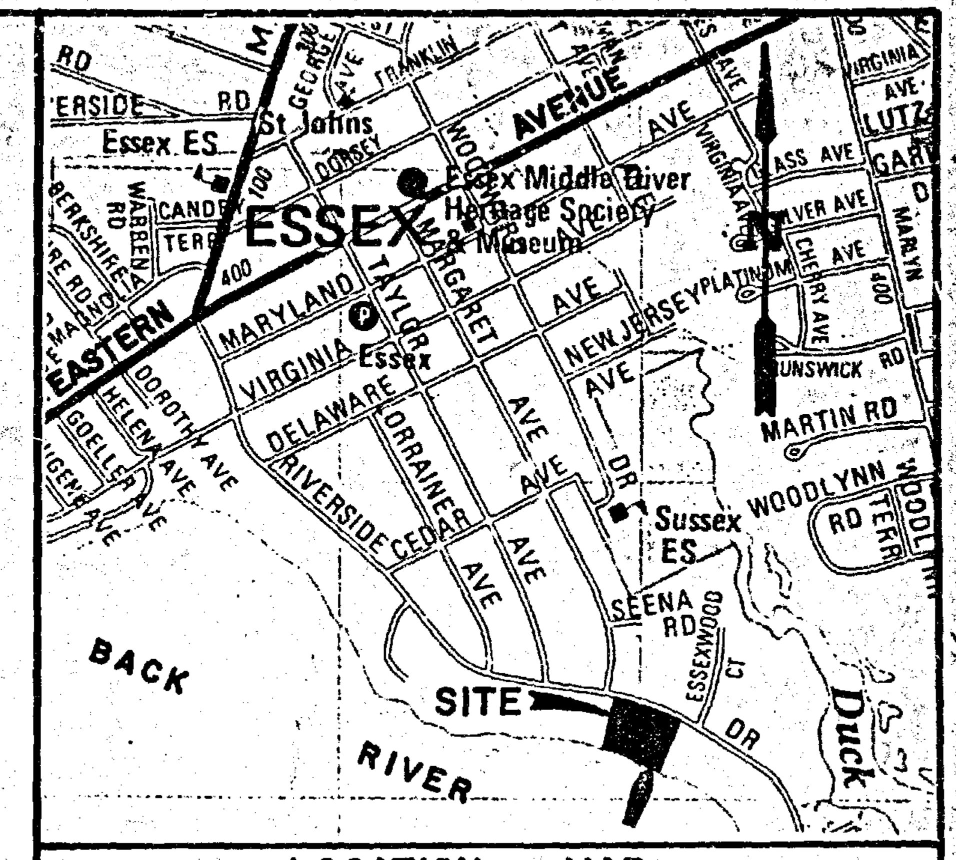
WILLIAM N. BAFTIS P.E.

SCALE N/A
JOB ORDER NO. 8809
DATE SEPT. 18, 1991
SHEET 2 OF 2



TYPICAL POROUS PAVING SECTION

N.T.S.



LOCATION MAP
SCALE : 1" = 1,000'

NOTE:
SEE SHEET 2 OF 3 FOR NOTES.

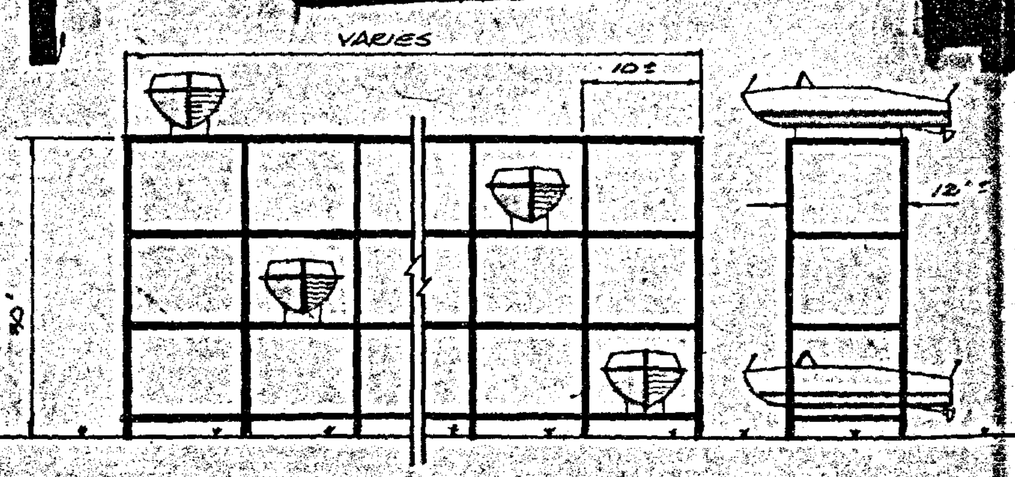
BENCH MARK NO. X-4707 EL. 8.51
R.R. SPIKE IN MACADAM EAST SIDE OF RIVERSIDE DRIVE AT NEW PUMPING STA.

NOTES:
1. PARKING SPACES SHOWN HEREON ARE 8.5' x 18', AND HANDICAPPED 12' x 18' SINGLE, 20' x 18' DOUBLE.
2. UNLESS OTHERWISE NOTED ALL EXISTING BUILDINGS TO REMAIN.
3. PARKING SHOWN HEREON REPRESENT PROPOSED CONDITIONS.
4. MAXIMUM BUILDING HEIGHT FOR PROPOSED BUILDING : 30'

SOILS LIMITATION CHART SOILS MAP #44

TYPE	BLDG - WITH BASEMENT	BLDG - WITHOUT BASEMENT	STREET & PARKING AREA	SERIES	SOIL GROUP
SnB	SLIGHT	SLIGHT	MODERATE: SLOPE	LOAMY & SILTY	B
SlB	SLIGHT	SLIGHT	MODERATE: SLOPE	LOAMY & SILTY	B

NO	REVISIONS	DATE



PORTABLE 4-TIER BOAT STORAGE RACK DETAIL

N.T.S.

Notes:

1. Portable boat storage racks are now utilized and are proposed for use at this marina facility. The racks will be positioned as determined by the owner and/or operator of the facility as required to operating characteristics of this marina and as user demand dictates.
2. Portable racks for boat storage will be three and/or four tiers high.
3. Boats are now and are proposed to be stored on the ground in areas designated on this plan.
4. Boats stored in slips along existing piers during boating season and on land during winter months.
5. Proposed portable boat storage racks for 122 boats will occupy approximately 29 automobile parking spaces.
6. Existing portable boat storage racks for 54 boats occupy approximately 15 parking spaces.

PETITIONER'S EXHIBIT 1 1 of 3

WATER DEPENDENT FACILITIES PLAN

Bafitis & Associates, Inc.

William N. Bafitis, P.E.
301-391-2336

Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd. Baltimore, Md. 21221

FINDINGS PLAN, CRG PLAN, SITE PLAN & PLAT TO ACCOMPANY PETITION FOR AMENDMENT TO SITE PLAN, SPECIAL HEARING, AND VARIANCES, AND SPECIAL EXCEPTION FOR RIVERSIDE MARINA
534 - 602 RIVERSIDE DRIVE

ELECTION DISTRICT #15 CONCILMANIC DISTRIST #5

STATE OF MARYLAND WILLIAM N. BAFITIS NO. 11641 REGISTERED PROFESSIONAL ENGINEER

WILLIAM N. BAFITIS P.E.

SHEET 1 OF 3

SCALE 1" = 30'

JOB ORDER NO. 88057

DATE MAY 3, 1990

LANDSCAPING

Required:

Riverside Drive:
1 Tree/40 L.F. = 475 / 40 = 11.9 = 12 Trees
50% major deciduous

Interior Roads:
1 Tree/20 L.F. = No interior roads = 0 Trees
50% major deciduous

Parking:
1 Major Deciduous Per 17.1 P.S. =
410 / 17 = 23.8 = 24 Trees

Required Pervious Area =
60 S.F./Tree = 60 X 24 = 1440 S.F.

NOTE: SEE "FINDINGS" NOTES FOR TABULATION OF AFFORESTATION AREAS.

ZONING

1) Previous Permits
BO29815 (Pier) (Crew Quarters)
WP/1659-89
BO36126 (Pier Standpipe)
PD-765-89

2) CRG Waiver #W-89-46
(Crews Quarters)

3) Zoning History
A) Item No. 204, Case 84-32 SPHA setbacks, bldg to bldg, stone paving.
B) 67-19-SPH - special exception for a boat marina, construction of a building for storage & sales of boats.
C) Petition 5342 Boat Yard and/or Marine Railway & Relinquish Special Exception for Seaplane Base

4) Paving: Existing Bituminous paving onsite shall be removed and replaced with gravel.

5) Illumination for off-street parking areas shall be arranged as to reflect the light away from adjacent residential sites, and public streets.

Existing Signs

Free Standing
#1 at Riverside Drive
4" X 8" double faced, wood, metal and plastic

#2 at Riverside Drive
18" X 30", singlefaced, wood

Signs Attached to Building (Crews Quarters restaurant)

Front of #534 Riverside Drive
48" X 144" wood and metal
48" X 48" wood and metal

WestSide of #534 Riverside Drive
48" X 72" wood and metal
48" X 48" wood and metal

PROPOSED SIGNS

Any proposed signage for this site will conform to current Baltimore County Zoning Regulations and Policy Manual.

1) Previous Permits
BO29815 (Pier) (Crew Quarters)
WP/1659-89
BO36126 (Pier Standpipe)
PD-765-89

2) CRG Waiver #W-89-46
(Crews Quarters)

3) Zoning History
A) Item No. 204, Case 84-32 SPHA setbacks, bldg to bldg, stone paving.
B) 67-19-SPH - special exception for a boat marina, construction of a building for storage & sales of boats.
C) Petition 5342 Boat Yard and/or Marine Railway & Relinquish Special Exception for Seaplane Base
D) Item #1414 - Lots 9 & 10 - Residential to Commercial (1949)

4) Paving: Existing Bituminous paving onsite shall be removed and replaced with stone.

5) Illumination for off-street parking areas shall be arranged as to reflect the light away from adjacent residential sites, and public streets.

FINDINGS

SURFACE CONDITIONS		
	EXISTING	PROPOSED
VEGETATIVE AREA	N/A	20,887 S.F.
% OF SITE	N/A	16.31 %
IMPERVIOUS AREA	24,675 S.F	19,912 S.F.
% OF SITE	20.45 %	16.50 %
PREVIOUS AREA	N/A	87,267 S.F.
% OF SITE	N/A	72.3 %

Net Site Area 2.77 Ac. ± (120,661.2)

SITE DATA

1) Tax Map No.: 97

2) Block: 2

3) Parcel: 371

4) Disturbed site area: *
Proposed = 22,977 S.F.± = 0.53 Ac. ±
* Includes Proposed Building Addition, Ex.Bit. Paving to be replaced by stone, and existing building to be removed, current unpaved parking areas to be surfaced with stone.

5) Linear feet of water frontage: 370' ±

NOTES

1) No Tidal or Non Tidal Wetlands have been identified on this site.

2) No buildings situated on this site are included on the Maryland Historical Trust Inventory, the Baltimore County Landmarks Commission Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is in a Baltimore County Historical District.

3) No significant plant and/or animal habitat has been identified on this site.

4) No clearing, grading, or construction in the 100' butter area adjacent to tidal waters except as allowed by Baltimore County Department of Environmental Protection and Resource Management.

5) This site is located within the Chesapeake Bay Critical Areas, and is classified as Limited Development Area (L.D.A).

6) There are no known dug or drilled wells located on this site.

7) There are no known septic systems located on this site.

8) This site contains no forest and/or developed woodland.

9) Existing Bituminous paving onsite shall be removed and replaced with stone.

AFFORESTATION AREA TABULATION

PROPOSED

AREA*	SQUARE FEET
A	5,865
B	1,976
C	575
D	1,162
E	1,225
F	610
G	1,915
H	288
I	1,011
J	2,298
K	1,666
L	2,296

Proposed Afforestation Area = 20,887 Square Feet

Required Afforestation Area =
15% X Site Area:
.15 X (2.77 Acres) = .15 X 120,661.2 Square Feet = 18,099.18 Square Feet

* Indicated on Plan

Existing: Forested Area = 2,100 S.F. ± = 0.05 Ac. ±

IMPERVIOUS AREA COMPUTATIONS

PERMITTED = 15% SITE AREA = .15 X 2.77 = 18,099.18 S.F.

EXISTING = 24,675 S.F. ÷ 2.77 SITE AREA = 20.45 %

PROPOSED = 19,912 S.F. ÷ 2.77 SITE AREA = 16.50 %

C.R.G.

See Site Data Notes
See Landscaping Notes
See General Notes
See Zoning Notes
See Findings Notes

No existing wooded areas are located on this site.

Proposed vegetation to be removed 14,870 S.F. ± including lawn areas

Public Services #89-295 (Crews Quarters)

PETITIONER'S EXHIBIT 1 2 of 3

SITE DATA

1) Owner: Robert G. & Lavinia Baumgartner
600 Riverside Drive
Baltimore, Maryland 21220
Telephone No. (301)391-1422

2) Developer: (OWNER)

3) Deed References: 6832/596,5690/587,7102/365

4) Tax Account Nos.: 15-11-150572,15-21-351270,15-18-100270

5) Site Area:

	Acres	Net S.F.	Gross Acres	S.F.
Lots 9 & 10	0.83+	36,155	0.93±	40,511
Lots 11,12,13,61	1.76+	76,540+	1.95±	84,880
Lot 2	0.18+	8,016±	0.22±	9,516
Total Area	2.77+	120,711+	3.10±	134,907+

6) Existing Zoning: BL, DR 5.5 & DR 5.5 with special exception for marina

7) Existing Use: Lounge/Restaurant, Marina offices, Residences, Boat Sales, Parts, Repair & Service, Boat Storage, and boat building

8) Proposed Zoning: BL & DR 5.5 with special exception for a marina

9) Proposed Use: Same as existing uses

10) Census Tract: 4504

11) Election District: 15th

12) Councilmanic District: 5th

13) Watershed: 21

14) Subsewershed: 38

15) Floor Area Ratio (FAR):
FAR Allowed in BL Zone = 3.0
FAR in BL Zone (Existing) = 3,483+1,146
0.93+43560 = 0.11
FAR in BL Zone (Proposed) = 3,483
0.93+43.560 = 0.09

16) Parking
Required:
Restaurant 3,483 S.F. @ 20 P.S./1,000 S.F. = 70 Spaces
Existing Apartments (2) @ 2P.S./Dwelling Unit = 4 Spaces
Existing Maintenance Shop 3,773 S.F. @ 3 P.S./1,000 S.F. = 12 Spaces
Existing Showroom 2,964 S.F.
@ 5 P.S/ 1,000 S.F. = 15 Spaces
Existing Parts Department & Offices 2,061 S.F.
@ 3.3 P.S/ 1,000 S.F. = 7 Spaces
Proposed Showroom 5,292 S.F. @ 3 P.S./1,000 S.F. = 16 Spaces
Proposed Offices, Parts Dept. 408 S.F. @ 3.3 P.S./ 1,000 S.F. = 2 Spaces
Proposed Service Center 1,890 S.F. @ 3 P.S./ 1,000 S.F. = 6 Spaces
Less Existing Service Center to be removed 120 S.F. @ 3 P.S./1,000 S.F. = 0 Spaces
Existing Dwelling #602 2/PS/Dwelling Unit = 2 Spaces
Existing Boat Slips 128 0.5 P.S/Slip = 64 Spaces
Existing Boat Rack Storage 54 Boats @ 0.5 P.S./ storage space = 27 Spaces
Proposed Boat Rack Storage 122 Boats @ 0.5 P.S./ storage space = 61 Spaces
Total Parking Spaces Required = 286 Spaces

Proposed:
Total Parking Shown without boat racks = 210 (including handicapped)
Total Parking Shown with boat racks = 172
Handicapped Parking Spaces:
Required = 7 Spaces
Proposed = 7 Spaces

17) Average Daily Traffic (ADT)
Restaurant: 3,483 / 1,000 X 56.3 Trips = 196.1 Trips
2 Apartments: 2 X 6.1 Trips = 12.2 Trips
Existing Dwelling 1 X 10.4 Trips = 10.4 Trips
Maintenance Shop 3,773 / 1,000 X 3.9 Trips = 14.7 Trips
Ex. Snowroom, Office, Parts Dept. 5,025 / 1,000 X 51.3= 257.8 Trips
124 Boat Slips (1/3 in use) X 2 Trips = 85.3 Trips
54 Boats in Racks (1/3 in use) X 2 Trips = 36 Trips
Ex House (Storage) 1,000 X 5 Trips = 5.7 Trips
EXISTING AVERAGE DAILY TRAFFIC = 618.2
Prop. Snowroom, offices, Parts Dept., Service 7,590 / 1,000 X 51.3 Trips = 389.4 Trips
Prop. Racks for boat storage (122 boats) (1/3 in use) X 2 Trips = 82.0 Trips
Less Ex. House to be razed = - 5.7 Trips
PROPOSED ADT = 1,083.9 Trips

GENERAL NOTES

1. There are no known historical sites, archeological sites, endangered species habitats, wetlands, or hazardous materials within this site.
2. This site is located within the Chesapeake Bay Critical Area L.D.A.
3. Existing topography shown hereon is field run
4. No known wells, septic systems, or underground tanks exist on this site.
5. Public Sanitary Sewer and Public Domestic Water are available for use of this site.
6. Boundary shown hereon was compiled from Deeds and Record Plats and does not represent a boundary survey.
7. No work is proposed within the Tidal Waters.
8. Storm Water Management and Water Quality Management Facilities are not required for this site as total impervious area and resultant stormwater runoff are reduced by the proposed plan of development to below pre-development rates. A waiver of surfaces are proposed to be removed and replaced with stone surfacing which will enhance onsite pollutant removal and negate the need for additional water quality facilities.

90-566-SPHXA

NO.	REVISIONS	DATE
11		
10		
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8		
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5		
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3		
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1		

WATER DEPENDENT FACILITIES PLAN

William N. Bafitis, P.E.
301-391-2336
Bafitis & Associates, Inc.
Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd, Baltimore, Md. 21221

FINDINGS PLAN, CRG PLAN, SITE PLAN & PLAT TO ACCOMPANY PETITION
FOR
AMENDMENT TO SITE PLAN, SPECIAL HEARING, AND VARIANCES, AND SPECIAL EXCEPTION FOR
RIVERSIDE MARINA
534 - 602 RIVERSIDE DRIVE

ELECTION DISTRICT 15 CONCILMANIC DISTRICT 5

STATE OF MARYLAND WILLIAM N. BAFITIS 21706 REGISTERED PROFESSIONAL ENGINEER

WILLIAM N. BAFITIS P.E.

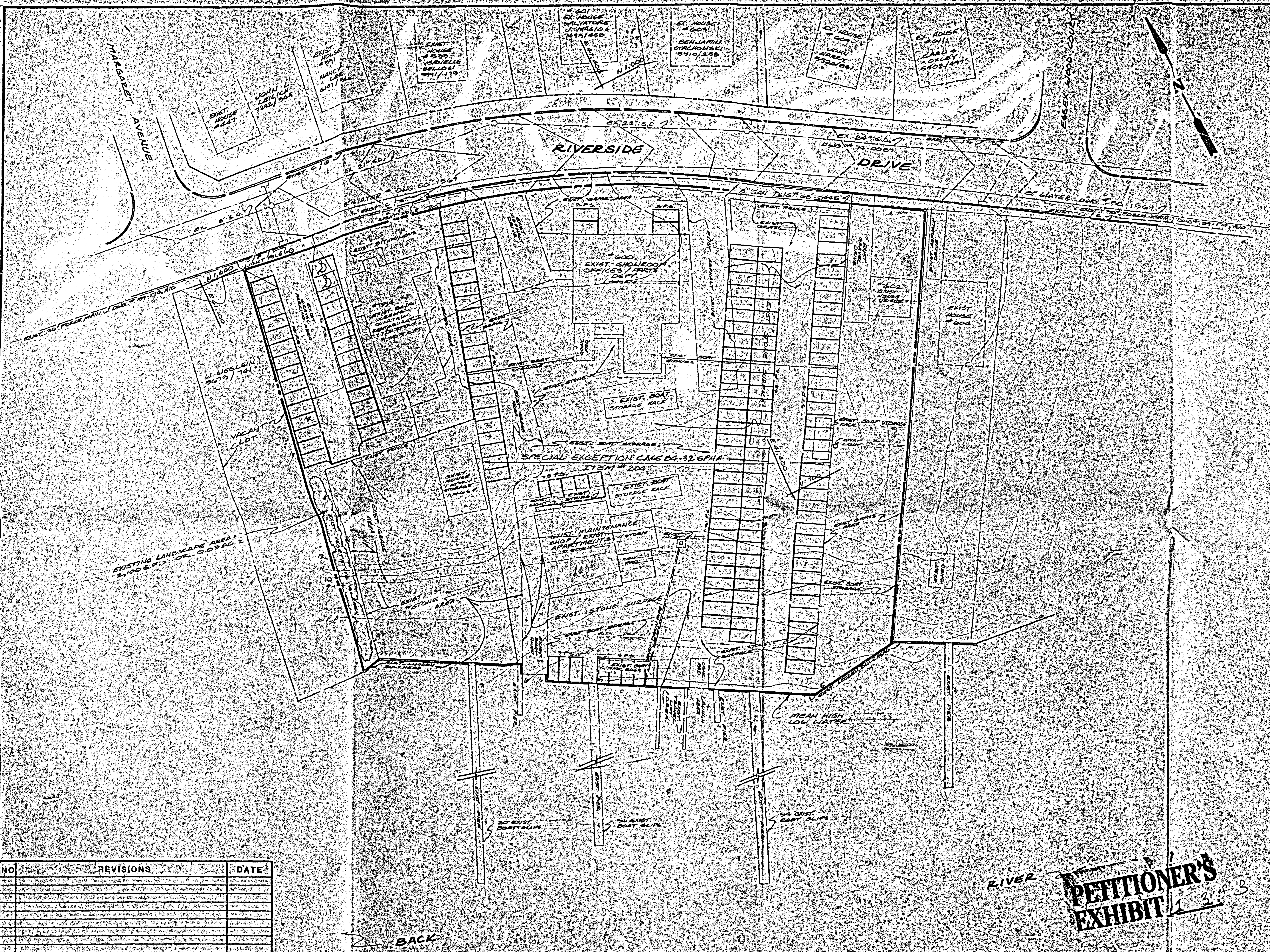
2

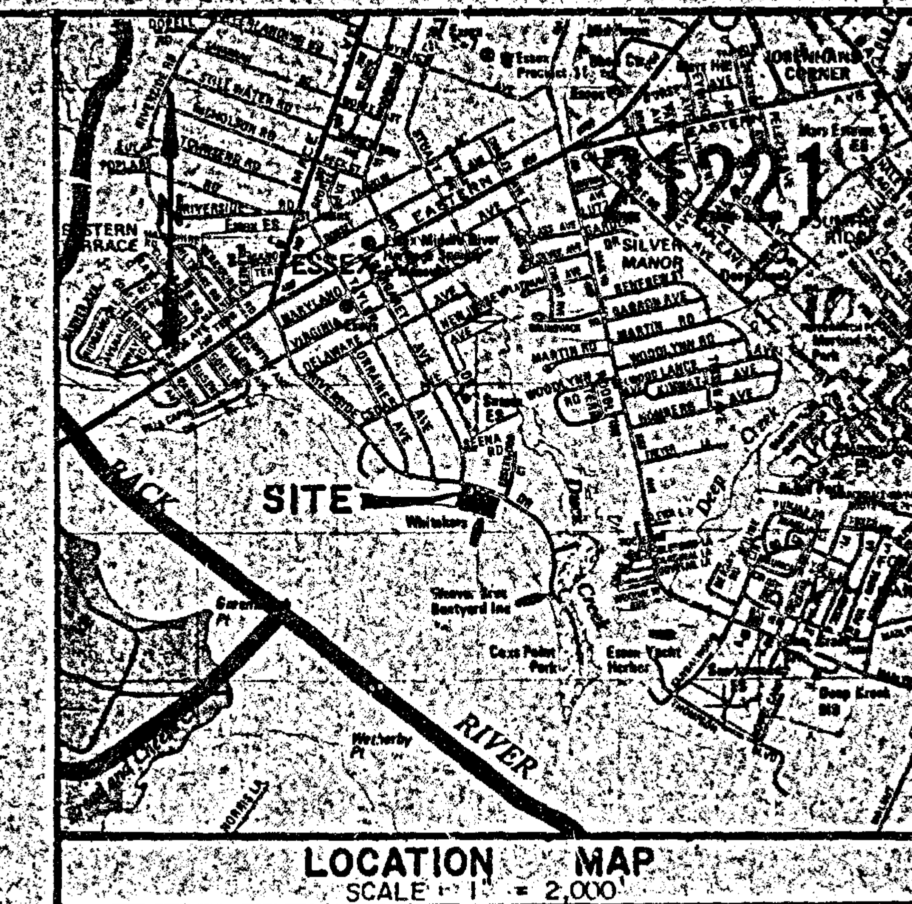
SHEET 2 OF 3

SCALE N/A

JOB ORDER NO. 88C57

DATE MAY 3, 1990





LOCATION MAP
SCALE 1" = 2,000'

RIVERSIDE MARINA

Area: Gross Area: 3.10±
Net Area: 2.77±

Zoning: B.L. - Special Exception

Use: Marina, Parking, Service, Parts, Boat Sales, Boat Storage

Parking: (From Petitioners Exhibit #1; 84-32, Item #204)

108 Boat Slips	=	108 Spaces
4,200 S.F. Building	=	21 Spaces
Residence	=	2 Spaces
Retail Area in 1 1/2 Story Bldg, 1,000 S.F.	=	5 Spaces
Building 567 sq ft.	=	2 Spaces
		138 Spaces

Boat Slips: 108

CREWS QUARTERS

Area: Gross Area = 0.93 Ac. ±
Net Area = 0.83 Ac. ±

Zoning: B.L. with parking variance

Use: Lounge/Restaurant/Parking

A.D.T.: 56.3/1,000 X 3,483 = 196 A.D.T.

Parking:
Required = 3,483 S.F. @ 20 spaces/1,000 S.F. = 70 Spaces
Provided = 29 Spaces
Handicapped Included 2 Spaces

Floor Area Ratio: Existing: 3,483/1.146 / 0.93X43,560 = 0.11
Allowed: = 3.0

Boat Slips: 28 Slips

90-566-SPHXA

NO	REVISIONS	DATE

WATER DEPENDENT FACILITIES PLAN

William N. Baftis, P.E.
301-391-2336
Baftis & Associates, Inc.
Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd., Baltimore, Md. 21221

EXISTING CONDITIONS
FINDINGS PLAN, CRG PLAN, SITE PLAN & PLAT TO ACCOMPANY PETITION
FOR
AMENDMENT TO SITE PLAN
SPECIAL HEARING AND VARIANCES
AND SPECIAL EXCEPTION FOR
RIVERSIDE MARINA
534 - 602 RIVERSIDE DRIVE

ELECTION DISTRICT 15 COUNCILMANIC DISTRICT 5

STATE OF MARYLAND WILLIAM N. BAFTIS REGISTERED PROFESSIONAL ENGINEER

WILLIAM N. BAFTIS P.E.

3

SHEET 3 OF 3

SCALE 1" = 30'

JOB ORDER NO. 88057

DATE MAY 3, 1990

PETITIONER'S EXHIBIT 1, 2 & 3