



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 4, 1999

Mr. John Bahel
2308 Poplar Road
Baltimore, MD 21221

Dear Mr. Bahel:

RE: Proposed addition, 2308 Poplar Road, Building Permit #B 379023,
Zoning Case #91-86-SPHXA Zoning Verification, 15th Election District

Your letter to Arnold Jablon, Director of Permits and Development Management, was referred to me for reply on July 29, 1999. I am also in receipt of a copy of the Order in zoning hearing case #91-86-SPHXA and a site plan with the proposed addition highlighted. Your request is for a 28'x30' plan with the proposed addition highlighted. Your request is for a 20 year old residential addition on the side of the existing single family dwelling to be used as a bedroom-sitting room to assist in the care of a 20 year old handicapped male, who resides at the dwelling. As such, since this proposed addition is for residential use only, and not in anyway commercially used in the operation of the marina/office, it will be approved. I have also noticed that Mr. Bruno Rudatis of this office gave Public Service approval of this permit on June 29, 1999 after having received your completed (flood zone) Certificate of Acknowledgement.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John J. Sullivan, Jr.
John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:ggg

c: Zoning case #91-86-SPHXA

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT		No. 069261	DATE RECEIVED 7/29/99		ACCOUNT 001-6150
AMOUNT \$ 40.00 (JJS)		RECEIVED BY John & Elizabeth Bahel			
FOR #99-1982		2308 Poplar Road			
DISTRIBUTION WHITE - CASHIER		PINK - AGENCY		YELLOW - CUSTOMER	
CASHIER'S VALIDATION		DATE RECEIVED 8/02/1999 TIME 16:38:12 RECEIVED BY CASHIER JILL DR. WALKER DEPT 5 ZONING VERIFICATION RECEIPT # 111678 CR NO. 069261 19990003601011700001000 40.00 CR BALTIMORE COUNTY, MARYLAND			

Mr. Arnold Jablon,
Director of PDM
Room 111
111 W. Chesapeake Ave.
Towson, MD 2120

July 26, 1999

2308 Poplar Rd.
Baltimore, MD 21221
410-391-0608

Permit # B379023

Dear Mr. Jablon,

I have enclosed a \$40.00 check to Baltimore County with this letter of spirit and intent as I was advised to do by Mr. Carl Richards, zoning supervisor. I hope this information is sufficient enough for you to approve my permit request without having a variance hearing, which will further delay my permit.

RECEIVED JUL 29 1999

I have applied for a building permit to add a bedroom-sitting room to my existing house. All departments in the permit process have approved this addition except for zoning.

This residence is part of a commercial 33 slip Marina. This dwelling has one bedroom on the 1st floor and an open attic upstairs. We have a 20-year-old handicapped boy who is wheelchair dependent. This bedroom-sitting room is needed to better care for him.

The zoning department has hesitated approving this request because of a Petition for Zoning Variance in 1991. I explained to the zoning examiner and Mr. Carl Richards, that the intent of this Petition was to be sure I did not expand the marina operation. I have no intent to expand this operation. I have been operating the same since I purchased this property in 1980. I only rent slips. There are no boats stored on the property at any time. I am not in any way changing what this case specifies. I have enclosed a copy of case no. 91-86-SPHXA where I was granted this zoning variance and a plat showing the addition. The 28' X 30' addition does not intrude on the setbacks that the Petition granted. I hope I have explained myself well enough for you to approve my request for the addition.

Thank you for your consideration of this request.

Sincerely,

John Bahel
John Bahel

IN RE: PETITION FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTED AND ZONING * ZONING COMMISSIONER
VARIANCE - 2308 Poplar Road, 2308 * OF BALTIMORE COUNTY
E of the C/A of Silver Lane
(2308 Poplar Road) * CASE NO. 91-86-SPHXA
15th Election District
5th Councilmanic District

John H. Bahel
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a marina; a special exception to use the property as a 33-slip marina; and variances from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 40 feet in lieu of the required 50 feet from an existing dwelling, a rear yard setback of 20 feet in lieu of the required 50 feet from the existing garage and storage area, a building to building setback of 95 feet in lieu of the required 100 feet between the existing dwelling and garage, and a centerline setback of 55 feet in lieu of the required 75 feet for the existing garage. Further, a variance from Section 409.8.A.2 of the B.C.Z.R. is requested to permit the existing gravel parking surface to remain in lieu of the required durable and dustless surface. All of the relief requested is more particularly described on Petitioner's Exhibit 1.

The Petitioner, John H. Bahel, appeared, testified and was represented by J. Carroll Holzer, Esquire. Also appearing and testifying on behalf of the Petitioner were David Flowers of the Department of Environmental Protection and Resource Management (DERPM), and Steven K. Broyles, Professional Engineer and Surveyor, who prepared Petitioner's Exhibit 1, the plat which accompanied the various Petitions filed. Numerous residents

Come visit the County's Website at www.co.ba.md.us

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND ZONING * ZONING COMMISSIONER
VARIANCE - E/S Poplar Road, 250' * OF BALTIMORE COUNTY
E of the c/l of Silver Lane
(2308 Poplar Road)
15th Election District * Case No. 91-86-SPEXA
5th Councilmanic District *
John H. Bahel
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a marina; a special exception to use the property as a 33-slip marina; and variances from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 40 feet in lieu of the required 50 feet from an existing dwelling, a rear yard setback of 20 feet in lieu of the required 50 feet from the existing garage and storage area, a building to building setback of 95 feet in lieu of the required 100 feet between the existing dwelling and garage, and a centerline setback of 55 feet in lieu of the required 75 feet for the existing garage. Further, a variance from Section 409.B.A.2 of the B.C.Z.R. is requested to permit the existing gravel parking surface to remain in lieu of the required durable and dustless surface. All of the relief requested is more particularly described on Petitioner's Exhibit 1.

The Petitioner, John H. Bahel, appeared, testified and was represented by J. Carroll Holzer, Esquire. Also appearing and testifying on behalf of the Petitioner were David Flowers of the Department of Environmental Protection and Resource Management (DEPRM), and Steven K. Broyles, Professional Engineer and Surveyor, who prepared Petitioner's Exhibit 1, the plat which accompanied the various Petitions filed. Numerous residents

and community associations took an active part in the proceedings, either in favor of, or opposed to the relief requested. Their cumulative testimony, as well as the comments submitted by the various County agencies, were carefully weighed and considered. The Office of People's Counsel also participated in the hearing in opposition to the subject Petitions.

In essence, Mr. Bahel comes before the Zoning Commissioner seeking a legitimization of conditions as they presently exist on the subject property. That is, he does not propose any expansion of what already exists thereon.

Testimony established that the subject property consists of 42,260 sq.ft. zoned R.C. 5, and is improved with a one and one-half story dwelling with office space and detached garage. Said property is located within the Chesapeake Bay Critical Areas on Sue Creek. Mr. Bahel testified that he purchased the subject property in 1980 and that at that time it was used as a marina, featuring 33 slips. The Petitioner testified that at the time of purchase, he performed a cursory check with the County and determined that the property was taxed as a marina. Believing that he was lawfully operating, he has continued that use through the present time.

The nature and extent of the marina use is unquestionably significant in considering the case before me. There is no commercial activity on site; that is, there is no repair, maintenance, lodging facilities, or sale of commercial products to marina customers. The only use of the property is to supply slips to boat owners, thereby permitting them a place where their recreational craft can be stored. As indicated above, there are 33 slips available. Mr. Bahel testified that 70% of his clients maintain sailboats while the remaining 30% keep power boats on site. He described the improvements he has made to the property since his period of

- 2 -

ORDER RECEIVED FOR FILING
Date 4/9/82
By JCG

ownership. These have been made to improve the appearance and utility of the property but not to expand the use of the marina. Mr. Bahel also introduced evidence indicating that he had entered into an arrangement with a neighboring marina, Sun Marine, Inc., which allows his customers to use the sewage pump-out station at Sun Marina. Lastly, Mr. Bahel produced credible evidence that his operation is run efficiently, in that there have been no complaints by the Baltimore County Marine Traffic Unit, nor the Department of Environmental Protection and Resource Management (DEPRM).

Also testifying in support of the Petitions was David Flowers of DEPRM. Mr. Flowers' testimony was significant. Although he concedes that all waterways in this portion of Baltimore County are stressed, he supports the continued use of the property in its present fashion. Mr. Flowers noted that residential development, industry, storm water management, and road construction are all contributing factors to the deterioration of the quality of the County's waterways and he does not view the subject property as significantly contributing to the problems with Sue Creek and other tributaries in this locale.

Steven K. Broyles, the Professional Engineer and Surveyor who prepared Petitioner's Exhibit 1, also testified in support of the relief requested. His testimony largely centered upon the requested variances. Mr. Broyles particularly noted that all of the structures for which variances have been requested are existing and have been in place for many years. He testified that the Petitioner would suffer practical difficulty and unreasonable hardship if the variances were not granted. He also supported the Petition for Special Exception and opined that the bulk of pollution in Sue Creek comes from failing septic systems and not from the subject use.

- 3 -

ORDER RECEIVED FOR FILING
Date 4/9/82
By JCG

Lester Jackson and Robert Palmer also testified in favor of the Petitions. Mr. Jackson is a long-time customer of the marina and he testified as to the efficient operation of same. Mr. Palmer, President of the marina's Mariner's Trade Association, indicated that the current use was one of the less obtrusive marinas in the area in that only slips are rented and no repair or maintenance of boats is done on site. He further testified that he is aware of no complaints, concerns or problems associated with this particular facility.

As previously stated, numerous individuals appeared as interested parties or as Protestants. These included Robert Christopher of the Back River Neck Peninsula Community Association. Mr. Christopher personally believes that Sue Creek is severely stressed and opposes any use which contributes to its deterioration. Additionally, I have received a letter from the Back River Neck Peninsula Community Association indicating that, as a group, they do not oppose the Petitioner's request for a special exception. Melvin Topa, President of the Holly Neck Improvement Association, voiced a similar view to that expressed by Mr. Christopher. He personally opposes the marina, however, his association has taken no firm position on the issues raised. Other witnesses testified as to the deteriorating condition of Sue Creek.

Turning to the issues before me, I must first address the Petition for Special Hearing seeking a nonconforming use of the subject property as a marina. Zoning initially came to Baltimore County in 1945 and subsequently, in 1955, comprehensive regulations were adopted. There is no evidence before me indicating that the marina use of this property existed prior to 1957. In fact, People's Counsel submitted records showing that a Petition for Special Exception for the subject site was initially

- 4 -

ORDER RECEIVED FOR FILING
Date 4/9/82
By JCG

filed and denied in 1957. Clearly, it was at approximately that time that the marina use of the subject property began. In view of this evidence and the lack of any testimony from the Petitioner or his witnesses that the marina existed prior to 1957, I must conclude that the Petition for Special Hearing seeking a nonconforming use must be denied. Quite simply, there is no evidence supporting the claim that this use predates the regulations and is thereby a legal nonconforming use.

In evaluating the Petition for Zoning Variance, I am persuaded that the requested relief should be granted. All of the variances requested seek to legitimize existing conditions. The evidence was that the subject buildings have existed in their present locations for many years. To require the razing and relocation of the subject buildings would cause obvious practical difficulty for the Petitioner. As to the variance requested for the gravel parking surface to remain in lieu of the required durable and dustless, I am also persuaded that same should be granted. It should be particularly noted that the existing gravel surface will reduce storm water runoff into Sue Creek. Clearly, runoff control should be encouraged. Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should 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.

This property is located within the Chesapeake Bay Critical Areas and, pursuant to Section 500.14 of the B.C.Z.R., is subject to compliance

- 5 -

ORDER RECEIVED FOR FILING
Date 4/9/82
By JCG

with the recommendations of the Department of Environmental Protection and Resource Management as set forth in their comments dated November 4, 1991, attached hereto and made a part hereof. These recommendations describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

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

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

The Petition for Special Exception presents the most difficult issue. As indicated above, People's Counsel offered evidence of a request for special exception made for this property in 1957. That request was denied by then Zoning Commissioner Adams on April 3, 1957. Apparently, notwithstanding the denial, the property owner at that time, Ward B. Rice, commenced his operation. Thus, People's Counsel argues that Mr. Rice's successor in title should not be rewarded for this illegal use. Further, People's Counsel argued that this matter has already been litigated under the 1957 case and that there can be no justification, particularly in view

- 6 -

ORDER RECEIVED FOR FILING
Date 4/9/82
By JCG

of the deterioration of Sue Creek since that time, for Zoning Commissioner Adams' decision to be reversed.

In support of the Petition, Counsel for Mr. Bahel stressed the limited nature of the marina. Specifically, it was argued that the Petitioner has entered into certain restrictive covenants which will greatly reduce any impact this marina may have on the surrounding locale. Further, there is no intention to commercialize or expand the existing marina. As indicated above, no boat repair or maintenance takes place on the premises. There are no facilities for overnight accommodations for the renters and no commercial products are sold. Further, when compared with other marinas, the use is as non-obtrusive as can be imagined.

In considering the Petition for Special Exception, I must be persuaded that the proposed use could be conducted without real detriment to the neighborhood and would not adversely affect the public interest. Specifically, the Petitioner must produce evidence and testimony to satisfy the requirements delineated in Section 502.1 of the B.C.Z.R. In my view, the Petitioner has met his burden. I find that the existing use, as voluntarily restricted by the Petitioner, 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 way be inconsistent with the spirit and intent of the B.C.Z.R. The facts and circumstances shown convince me that the particular use at this location would not have any adverse impact above and beyond what is inherently associated with such a special exception use, irrespective of its location within the zone. See *Schultz v. Pritts*, 291 Md. 432 A2d 1391 (1981). I make my decision by placing great reliance upon the expert testimony of

- 7 -

Mr. Flowers and mindful that the use will be significantly restricted so as to prevent any expansion of same and to require the Petitioner to comply with the restrictions to which he has agreed.

In so concluding I feel compelled to particularly respond to several of the issues raised by People's Counsel. As to the prior denial of the Special Exception by Zoning Commissioner Adams in 1957, I am appreciative that the waterways in this location have deteriorated since that time. One need only read Commissioner Adams' Order for that point to be demonstrated. Within his Order, he indicates that the special exception should not be granted, in part, due to its adverse impact upon bathers at this location. As was testified to by all the witnesses, there is little swimming at this location at the present time due to the polluted condition of Sue Creek. Clearly, the nature of the locale in 1957 is greatly different than what exists today. I must make my decision based upon conditions and circumstances as they exist at present.

Secondly, although I am troubled by the operation of this illegal use for many years, I do not believe that the present property owner, Mr. Bahel, should be punished for the acts of his predecessor. It is indeed unfortunate that Mr. Rice, the original property owner, chose to disregard the decision of Zoning Commissioner Adams in 1957. Perhaps Baltimore County shares the blame for failing to enforce the covenants of that decision over the years. However, I am convinced that Mr. Bahel acted in good faith when he purchased the marina in 1980 and has acted fairly and appropriately since that time. Specifically, he has not enlarged or commercialized the existing use since his purchase. Having addressed those issues and after reviewing all of the testimony and evidence presented herein, it is my opinion that the special exception relief

- 8 -

ORDER RECEIVED FOR FILING
Date 4/9/82
By JCG

requested herein should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons stated above, the Petition for Special Hearing shall be denied, and the Petitions for Special Exception and Zoning Variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of January, 1992 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a marina, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception for a 33-slip marina, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variances from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 40 feet in lieu of the required 50 feet from an existing dwelling, a rear yard setback of 20 feet in lieu of the required 50 feet from the existing garage and storage area, a building to building setback of 95 feet in lieu of the required 100 feet between the existing dwelling and garage, and a centerline setback of 55 feet in lieu of the required 75 feet for the existing garage, and a variance from Section 409.8.A.2 of the B.C.Z.R. to permit the existing gravel parking surface to remain in lieu of the required durable and dustless surface, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The relief granted herein is limited to the operation of a 33-slip marina. In no event shall the number of slips be increased.

3) There shall be no marine storage or lift equipment operated on the premises and there shall be no rack or boatel storage at the site.

4) Petitioner shall not sell marine supplies or other related equipment on the premises and there shall be no repair or maintenance of boats performed on site.

5) Within thirty (30) days of the date of this Order Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to the Zoning Commissioner's office for review and inclusion in the case file.

6) Compliance with all Zoning Plans Advisory Committee comments submitted hereto, including the recommendations submitted by Robert C. Merrey of the Air Quality Division of DEPRM regarding the treatment of the gravel parking surface in accordance with Environmental Article 26.11.06B(2) in order to prevent particulate matter from being airborne. Treatment and maintenance of the surface is the property owner's responsibility and will be on a continuing basis as necessary to control airborne particulate matter.

7) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 4, 1991, attached hereto and made a part hereof.

LES:bjs

- 10 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 2, 1992

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND ZONING VARIANCE
E/S Poplar Road, 250' E of the c/l of Silver Lane
(2308 Poplar Road)
15th Election District - 5th Councilmanic District
John H. Bahel - Petitioner
Case No. 91-86-SPHXA

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied and the Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Robert Christopher, President, Back River Neck Peninsula Community Association, 2116 Holly Neck Road, Baltimore, Md. 21221

Mr. Melvin Topa, President, Holly Neck Improvement Assoc., 2310 Silver Lane, Baltimore, Md. 21221

Mr. F. H. Kreamer
2222 Silver Lane, Baltimore, Md. 21221

People's Counsel; FLE; DEPRM

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

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **91-86-SPHXA CRITICAL AREA**

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 1A04.3.B.3. To allow a 40' side yard setback, a 20' rear yard setback, a 95' building to building setback, and a 55' setback from the centerline in lieu of the required 50' setback from any lot line, 100' between buildings, and a 75' from the centerline of the street.

409.8.A.2. To allow a gravel parking surface in lieu of the required durable and dustless surface.

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

There is a Practical Difficulty in the fact that all structures are existing on this site and there is no proposed development, expansion or alteration.

There is also an undue hardship if the petitioner is forced to conform and/or if the petition is not granted.

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

Attorney for Petitioner:

William F. C. Marlow, Jr.

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

John H. Bahel

(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

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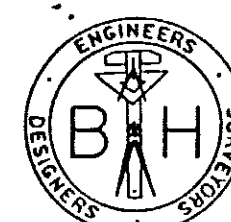
ORDER RECEIVED FOR FILING

Date

By

(over)

Phone: (301)-574-2227



CRITICAL AREA

#46

BROYLES, HAYES AND ASSOCIATES

Engineers • Designers • Surveyors

1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD. 21221

JULY 31, 1990

91-86-SPHXA

Request for Variances From Zoning Regulations
2308 Poplar Road
Property of John H. Bahel

We hereby request Variances from The Zoning Regulations of Baltimore County Sections:

1A04.3.B.3.

Building setbacks. Any principal building hereafter constructed in an R. C. 5 zone shall be situated at least 75 feet from the centerline of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5, below. [Bill No. 98, 1985.]

The first variance is to allow a 40 feet side yard setback in lieu of the required 50 feet setback for the existing house.

The second variance is to allow a 20 feet rear yard setback in lieu of the required 50 feet setback for the existing garage and storage.

The third variance is to allow a 95 feet building to building setback in lieu of the required 100 feet setback for the existing house to existing garage.

The fourth variance is to allow a 55 feet setback from the centerline of a street in lieu of the required 75 feet setback for the existing garage to the centerline of a street.

409.8.A.2

Surface - a durable and dustless surface shall be provided and shall be properly drained so as not to create any undesirable conditions.

The fifth is to allow the existing gravel parking surface in lieu of the required durable and dustless surface. The existing wooden parking bumpers shall have numbers.

If the existing parking area was to be paved, the total impervious area would be 32.43% which would exceed the maximum 15% allowable impervious surface by the Chesapeake Bay Critical Area in a Limited Development Areas Zone.

ORDER RECEIVED FOR FILING

Date

By

(over)

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **91-86-SPHXA CRITICAL AREA**

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 -----

Non Conforming use for a marina.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

John H. Bahel

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

William F. C. Marlow, Jr.

(Type or Print Name)

Signature

Address

City and State

2308 Poplar Road 391-5966

Address

Phone No.

Baltimore, Maryland 21221

City and State

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

Steven K. Broyles P.E.

Name

1922 Middleborough Rd 574-2227

Address

Phone No.

Baltimore, Maryland 21221

Attorney's Telephone No.:

821-1013

Address

Phone No.

Baltimore, Maryland 21221

Ordered By The Zoning Commissioner of Baltimore County, this ----- day

of -----, 19-----, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out 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 ----- day of -----, 19-----, at ----- o'clock

-----M.

ORDER RECEIVED FOR FILING

Date

By

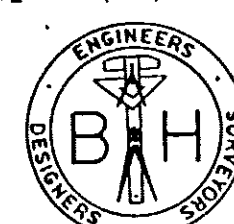
Signature

(over)

J. Robert Hayes

Zoning Commissioner of Baltimore County.

Phone: (301)-574-2227



CRITICAL AREA

BROYLES, HAYES AND ASSOCIATES

Engineers • Designers • Surveyors

1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD. 21221

June 26, 1990

91-86-SPHXA

Request for Special Hearing
To Establish Non Conforming Use
2308 Poplar Road
Property of John H. Bahel

This request for a special hearing to establish non conforming use is being made for an existing 33 slip marina at the above referenced address. The Current owner Mr. John H. Bahel purchased the property on April 1, 1980 in its existing condition as shown on our site plan.

Since the purchase in 1980 Mr. Bahel has made no substantial improvements there has been no expansion, development or redevelopment of the property. At the time of purchase in 1980 Mr. Bahel was under the impression that all required zoning was in place subsequent investigation last year revealed that all required zoning had not been obtained. The marina as it exists today has been in continuous use for well over twenty years. Furthermore the previous owner Ward B. Rice has continuously used this property as a marina since purchasing it.

Please find enclosed aerial photographs from Baltimore County dating 1986, 1982, and 1972. The marina, 33 slip pier and existing improvements as they are today are reflected on all three of these aerial photographs. This special hearing request proposes no expansion, improvements, or alterations. The existing 33 slip pier will remain in tact as shown. Furthermore there will be no increase in traffic, slip tenants, or use of public facilities. This special hearing request by the current owner is being done solely to legitimize an existing use which has been in continuous existence.

Granting of this special hearing would be within the spirit and intent of the zoning regulations and would not detrimentally effect the public health, safety and general welfare of the surrounding community.

Thank you for your consideration in this matter.
If you have any questions please call me at 574 2227.

Very truly yours,

Steven K. Broyles
Steven K. Broyles, P.E.

SKB/stk
disk:Current Jobs
file:Bahlzonl.cor

July 31, 1990
2308 Poplar Road
Zoning Variance Request
Page Three

#46
CRITICAL AREA
91-86-SPHXA

These requested variances from zoning regulations propose no expansion, improvements, or alterations. The existing 33 slip pier and all structures will remain in tact as shown. Furthermore there will be no increase in traffic, slip tenants, or use of public facilities. This variance request by the current owner is being done solely to legitimize an existing use which has been in existence for well over twenty years.

Granting these variances would be within the spirit and intent of the zoning regulations and would not compromise their raison d'entre. At the same time, the variances are the minimum necessary, given the specific circumstances of the requests. Furthermore the variances are necessary to alleviate circumstances special to the subject property (structures and use existing prior to enactment of current regulations) and would not detrimentally effect the public health, safety and general welfare of the surrounding community.

Thank you for your consideration in this matter.

If you have any questions please call me at 574-2227.

Very truly yours,

Steven K. Broyles, P.E.
Steven K. Broyles, P.E.

SKB/amb

disk:Current Jobs
file:Bahlson1.cor

CRITICAL AREA PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-86-SPHXA

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

herein described property for
33 Slip Marina

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: Legal Owner(s):
John H. Bahel

(Type or Print Name) Signature

Address

City and State

Attorney for Petitioner: 2308 Poplar Road 391-5966
Address Phone No.

Baltimore, Maryland 21221
City and State

Signature: 404 Allegheny Avenue
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address: Steven K. Broyles P.E.
City and State: Towson, Maryland 21204

Address: 1922 Middleborough Rd 574-2227
City and State: Baltimore, Maryland 21221

Attorney's Telephone No.:
Address: Baltimore, Maryland 21221

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of August, 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 24th day of September, 1990, at 9:30 o'clock

A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date: 10/2/90
By: [Signature]

Account: R0016150
Number: 3101

Date: 8/02/90
H9100046

PUBLIC HEARING FEES QTY PRICE

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: BAHAL

04A040068MCHRC \$450.00
BA C003:51PM08-02-90
Please make checks payable to: Baltimore County NEXT BUSINESS DAY

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting: 10/6/90

Posted for: Special Hearing, Special Exception & Variances

Petitioner: John H. Bahel

Location of property: 2308 Poplar Rd., 2308 E/Silver Lane

Location of signs: 2308 Poplar Rd., approx 10' E on roadway

Remarks: on property of Baltimore

Number of Signs: 3

Date of return: 10/12/90

Number of Signs: 3

Number of Signs: 3

Number of Signs: 3

Number of Signs: 3

Number of Signs: 3

Number of Signs: 3

Number of Signs: 3

Phone: (301)-574-2227

CRITICAL AREA
#46

CRITICAL AREA BROYLES, HAYES AND ASSOCIATES

Engineers • Designers • Surveyors

1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD 21221

June 26, 1990

Request For Special Exception 91-86-SPHXA
2308 Poplar Road
Property of John H. Bahel

This request for special exception is being made for an existing 33 slip marina at the above referenced address. The Current owner Mr. John H. Bahel purchased the property on April 1, 1980 in its existing condition as shown on our site plan.

Since the purchase in 1980 Mr. Bahel has made no substantial improvements there has been no expansion, development or redevelopment of the property. At the time of purchase in 1980 Mr. Bahel was under the impression that all required zoning was in place subsequent investigation last year revealed that all required zoning had not been obtained. The marina as it exists today has been in continuous use for well over twenty years.

Please find enclosed aerial photographs from Baltimore County dating 1986, 1982, and 1972. The marina, 33 slip pier and existing improvements as they are today are reflected on all three of these aerial photographs. This special exception request proposes no expansion, improvements, or alterations. The existing 33 slip pier will remain in tact as shown. Furthermore there will be no increase in traffic, slip tenants, or use of public facilities. This special exception request by the current owner is being done solely to legitimize an existing use which has been in existence for well over twenty years.

Granting of this special exception would be within the spirit and intent of the zoning regulations and would not detrimentally effect the public health, safety and general welfare of the surrounding community.

Thank you for your consideration in this matter.

If you have any questions please call me at 574-2227.

Very truly yours,

Steven K. Broyles, P.E.
Steven K. Broyles, P.E.

SKB/stk
disk:Current Jobs
file:Bahlson1.cor

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

proposed Special Exception, Special Exception and Zoning Variance

CASE NUMBER: 91-86-SPHXA
2308 Poplar Road, 250' E of Silver Lane

15th Election District - 5th Councilmanic
Petitioner(s): John H. Bahel

WEDNESDAY, OCTOBER 24, 1990
AT 9:30 A.M.
Special Hearing Non-Conforming use for a marina.

Special Exception: 33 Slip Marina

Variance: To allow a 40 ft. side yard setback, a 30 ft. rear yard setback, a 30 ft. building to building setback, and a 65 ft. setback from the centerline in lieu of the required 50 ft. setback from any lot line, 100 ft. between buildings, and 10 ft. from the centerline of the street; and to allow a gravel parking surface in lieu of the required durable and dustless surface.

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

10/23/90

Public Hearing Fees

080 -POSTING SIGNS / ADVERTISING 1 X \$162.01

TOTAL: \$162.01

LAST NAME OF OWNER: BAHAL

04A040020MCHRC \$162.01
BA C002:52PM10-25-90
Please make checks payable to: Baltimore County NEXT BUSINESS DAY

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting: 10/23/90

Posted for: 080 -POSTING SIGNS / ADVERTISING

Petitioner: J. Robert Haines

Location of property: 2308 Poplar Rd., 2308 E/Silver Lane

Location of signs: 2308 Poplar Rd., approx 10' E on roadway

Remarks: on property of Baltimore

Number of Signs: 3

Date of return: 10/27/90

Number of Signs: 3

Number of Signs: 3

Number of Signs: 3

Number of Signs: 3

The Times

Middle River, Md., Sept 28, 1990

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed

and published in Baltimore County, once in each

of weeks before the 7th day of

September, 1990

229/222 Publisher.

10/23/90

Public Hearing Fees

080 -POSTING SIGNS / ADVERTISING 1 X \$162.01

TOTAL: \$162.01

LAST NAME OF OWNER: BAHAL

04A040020MCHRC \$162.01
BA C002:52PM10-25-90
Please make checks payable to: Baltimore County NEXT BUSINESS DAY

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting: 10/23/90

Posted for: 080 -POSTING SIGNS / ADVERTISING

Petitioner: J. Robert Haines

Location of property: 2308 Poplar Rd., 2308 E/Silver Lane

Location of signs: 2308 Poplar Rd., approx 10' E on roadway

Remarks: on property of Baltimore

Number of Signs: 3

Date of return: 10/27/90

Number of Signs: 3

Number of Signs: 3

Number of Signs: 3

Number of Signs: 3

Number of Signs: 3

January 26, 1990

91-86-SPHXA

Description of 2308 Poplar Road for Zoning Special Exception.

BEGINNING for the same at the Westernmost corner of lot 103 as shown on the plat of Cedar Beach & recorded among the land records of Baltimore County in plat book WPC 7 folio 186. Thence running and binding along the division line of lots 102 and 103

1. North 66° 03' East 233± feet to a wooden bulkhead at the Northeasternmost portions of lots 103 and 104, thence running and binding along said bulkhead and the waters of Sue Creek

2. Southeastly 140± feet to the corner thereof. Said corner being 40± feet southerly from the Southeasternmost corner of lot 104, thence running and binding along another bulkhead and the waters of Sue Creek

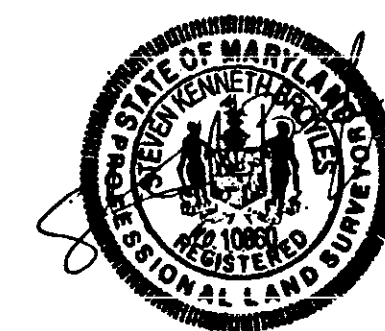
3. Southerly 183± feet to the corner thereof, thence running and binding along another bulkhead

4. Southwesterly 95± feet to the corner of the bulkhead of lot 105, said corner being Southeastly of and in line with the place of beginning, thence leaving the waters of Sue Creek and reversing said line, running and binding in part along the Northeasternmost side of Poplar Road 30' wide,

5. North 25° 57' West 155± feet to the place of beginning. Containing 0.97 acres more or less.

Being lots 103, 104 and a portion of land of irregular dimensions to the southeast of lot 104, which this owner has riparian rights to thereof.

This is not a boundary survey and should not be used as such.



CRITICAL AREA

#46

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

J. Robert Haines
Zoning Commissioner

Date: OCT 19 1990

John H. Bahel
2308 Poplar Road
Baltimore, Maryland 21221

Re: Petitions for Special Hearing, Special Exception and Zoning Variances

CASE NUMBER: 91-86-SPHXA
E/S Poplar Road, 250' E of Silver Lane
2308 Poplar Road
15th Election District - 5th Councilmanic
Petitioner(s): John H. Bahel
HEARING: WEDNESDAY, OCTOBER 24, 1990 at 9:30 a.m.

Dear Sir:

Please be advised that \$162.01 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 (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: William F. C. Marlow, Jr., Esq.

RE: PETITION FOR SPECIAL HEARING, : BEFORE THE ZONING COMMISSIONER
SPECIAL EXCEPTION & VARIANCE : OF BALTIMORE COUNTY
E/S Poplar Rd., 250' E C/L of
Silver Lane (2308 Poplar Road) :
15th Election District :
5th Councilmanic District :
JOHN H. BAHREL, Petitioner : Case No. 91-86-SPHXA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 4th day of October, 1990, a copy of the foregoing Entry of Appearance was mailed to William F. C. Marlow, Jr., Esquire, 404 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

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

September 8, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

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 Variances
CASE NUMBER: 91-86-SPHXA
Special Exceptions: 33 Slip Marina
E/S Poplar Road, 250' E C/L of Silver Lane
2308 Poplar Road
15th Election District - 5th Councilmanic
Petitioner(s): John H. Bahrel
HEARING: WEDNESDAY, OCTOBER 24, 1990 at 9:30 a.m.

Special Hearings: Non Conforming use for a marina.
Special Exceptions: 33 Slip Marina
Variances: To allow a 40 ft. side yard setback, a 20 ft. rear yard setback, a 95 ft. building to building setback, and a 55 ft. setback from the centerline in lieu of the required 50 ft. setback from any lot line, 100 ft. between buildings, and 75 ft. from the centerline of the street; and to allow a gravel parking surface in lieu of the required durable and dustless surface.

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
J. Robert Haines
Zoning Commissioner of
Baltimore County
cc: John H. Bahrel
William F. C. Marlow, Jr., Esq.
Steven K. Broyles, P.E.

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

October 15, 1990

William F. C. Marlow, Jr.
404 Allegheny Avenue
Towson, MD 21204

Dennis F. Rasmussen
County Executive

RE: Item No. 46, Case No. 91-86-SPHXA
Petitioner: John H. Bahrel
Petition for Special Hearing, Special Exception and Zoning Variance

Dear Mr. Marlow:

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

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

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

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. John H. Bahrel
2308 Poplar Road
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 22nd day of August, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: John H. Bahrel

Petitioner's Attorney: William F. C. Marlow

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: September 28, 1990
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: John H. Bahrel, Item No. 46

The Petitioner requests Variances for numerous setback deficiencies, and to allow a gravel parking surface in lieu of the required durable and dustless surface; a Special Exception to approve a 33-slip marina; and a Special Hearing to determine a non-conforming use. Based upon an inspection of the property and the analysis conducted, staff believes that the subject site is in violation of current zoning regulations.

In our review of this project, staff was unable to find credible evidence to indicate that the Petitioner's site is non-conforming. Without any knowledge of the evidence to be presented regarding the condition of the property at the time of purchase, it is difficult for this office to form an opinion as to whether or not the special exception is justified. Typically, this office would recommend denial of such a petition in a case where the use preexists the actual request for zoning approval.

Regarding the Petitioner's request for a Special Hearing to determine a non-conforming use, staff recommends denial. No comment is offered regarding the requested variances, since this aspect of the request is the subject of existing conditions.

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

PK/JL/cmm
ITEM46/ZAC1

RECEIVED
10/4/90

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

August 10, 1990

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 40, 41, 43, 46, 47, and 49.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

BALTIMORE COUNTY, MARYLAND
Inter-office Correspondence

TO: J. Robert Haines
FROM: Robert C. Merrey, Jr.
DATE: August 17, 1990
SUBJECT: Zoning Advisory Committee Meeting Item #46

Comments on Zoning Advisory Committee Item 46 are as follows:

Property Owner: John H. Bahrel
Location: 2308 Poplar Road
Existing Zoning: R.C.-5
Area: .97 acre
District: 15th Election District
5th Councilmanic District

This office recommends approval of gravel in lieu of the required durable and dustless surface for the parking area. All gravel surfaces are to be treated in accordance with Environmental 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

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

Paul H. Reincke
Chief

AUGUST 9, 1990

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

RE: Property Owner: JOHN H. BAHREL
Location: 2308 POPULAR ROAD
Item No.: 46 Zoning Agenda: AUGUST 21, 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.

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Class II standpipes shall be installed on all piers in excess of 200 feet in length extending from the shoreline in accordance with NFPA 303-1986 sec. 4-5.3

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

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURHAM, PLANS REVIEW CHIEF, DEPARTMENT OF
PERMITS & LICENSES
SUBJECT: ZONING ITEM #: 46
PROPERTY OWNER:
LOCATION:
ELECTION DISTRICT:
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS. SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- X OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 9, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for August 21, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 43, 48 and 49.

For Items 40 and 41, a County Review Group Meeting is required.

For Item 44, the previous County Review Group comments still apply.

For Item 47, the sewer service to the basement of the house at this location does not appear to be feasible.

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

RWB:c

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

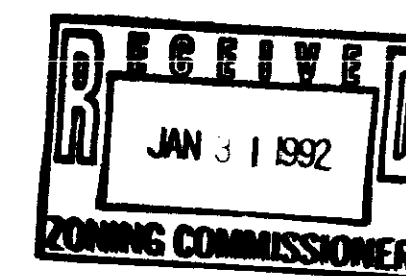
TO: Lawrence E. Schmidt DATE: January 28, 1992
Zoning Commissioner
Office of Planning and Zoning
FROM: E. Avery Harden, Jr., Landscape Planner A.A.
Current Planning and Development
SUBJECT: BAHEL PROPERTY - Zoning Case No. 91-86

In the condition No. 5 of Zoning Case No. 91-86, which you signed, a Landscape Plan is required to be approved by this office. Upon review of the existing conditions of this site, i.e., numerous mature trees and shrubs, this office feels that no additional landscaping is needed.

Please advise as to how the landscape plan condition may be handled.

ggl
BAHEL/TXTGGL

I have discussed this with my view of his conclusion, additional landscaping is not needed and compliance with condition #5 is deemed completed.
File this as case file cc: Avery Harden



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2189

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

November 21, 1991

The Honorable
Lawrence E. Schmidt
Zoning Commissioner
Room 113, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: John H. Bahel, Petitioner
Case No. 91-86-SPHXA

Dear Commissioner Schmidt:

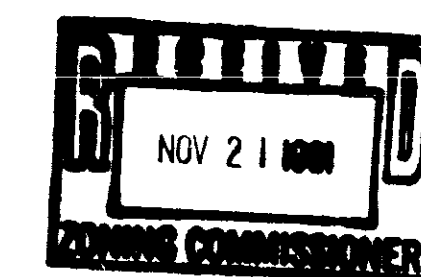
With regard to the case of Entzian v. Prince George's Co., 32 Md. App. 256 (1976), supplied by Mr. Holzer, while I certainly do not disagree with the proposition that "zoning is not a plebiscite," I strongly object to the characterization of Protestants' testimony as "amounting to unsupported dislike and fear."

Sincerely yours,

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

cc: J. Carroll Holzer, Esquire

PCF:sh



Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

COPY

OCTOBER 7, 1991

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 91-86-SPHXA
PETITIONER: John H. Bahel
LOCATION: 2308 Poplar Road

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

WEDNESDAY, NOVEMBER 6, 1991 at 11:00 a.m.

IN THE BALTIMORE COUNTY COURTHOUSE, 400 WASHINGTON AVENUE, ROOM 118, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt
Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY

cc: John Bahel
People's Counsel
William C. Marlow, Jr., Esq.
David Flowers
Craig McGraw
Steven K. Broyles
Robert J. Palmer
Regina Beasman/Back River Neck Peninsula Community Association
Mel Topa/Holly Neck Improvement Association
George Neukam
Leonard V. Buber

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Gwen Stephens DATE: September 26, 1991
Docket Clerk
FROM: Arnold Jablon
Director
RE: Case No. 91-86 SPHXA
E/S Poplar Road, 250' E.
C/L of Silver Lane
15th Election District

Please place the above subject special hearing/variance petition in for a public hearing at the next available date.

This matter had been originally scheduled for a public hearing on October 24, 1990, at 9:30 A.M., but was continued at the request of the petitioner.

Most importantly, please notify:

- A. Phyllis Friedman, Esquire - People's Counsel
- B. William F. C. Marlow, Jr., Esquire
- C. David Flowers, DEPRM
- D. Inspector Craig McGraw
- E. Steven K. Broyles
- F. Robert J. Palmer
- G. Regina Beasman
- H. Mel Topa
- I. George Neukam
- J. Leonard V. Buber

AJ/cmm

c: Back River Neck Peninsula Community Association
Holly Neck Improvement Association

*Also - Repest Property
*
Roll case No. 4089-X*

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Gwendolyn Stephens DATE: October 24, 1990
Docket Clerk
FROM: Ann M. Nastarowicz
Deputy Zoning Commissioner
SUBJECT: Petitions for Special Hearing, Special Exception and Variances
E/S Poplar Road, 250' E of the c/l of Silver Lane
(2308 Poplar Road)
15th Election District - 5th Councilmanic District
John H. Bahel - Petitioner
Case No. 91-86-SPHXA

The above-referenced matter, which was scheduled for public hearing today, has been continued at the request of Petitioner to have additional studies done per DEPRM comments dated October 21, 1990 in the event the nonconforming use of the property cannot be established. Please diary for sixty (60) days and contact Petitioner's attorney at that time to see if matter can be reset.

Please notify William Marlow, Esquire, attorney for Petitioner, Phyllis Friedman, Esquire, People's Counsel, and all parties who appeared at today's hearing, per sign-in sheets, of the scheduled date and time. The property must also be reposted. For your information, the continued hearing can be set in before either Bob or me as today's hearing did not commence.

Further, please pull or have copies made of previous Case No. 4089-X, Ward B. Rice, Jr., et al, Petitioners, Order issued April 15, 1987, prior to the scheduled continued hearing date and incorporate same into the instant case file.

Thank you for your attention in this matter.

AMN:bjs

cc: File

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

TO: Ms. Gwen Stephens DATE: October 21, 1990
Zoning Office
FROM: Mr. David C. Flowers
SUBJECT: Zoning Petitions
Mr. John Bahel's property

This applicant has requested a Special Hearing to approve a non-conforming use for a marina. If this property is determined to not meet the qualifications of a non-conforming use for a marina, then all development within the 100 foot shoreline buffer must conform with the Baltimore County Water Dependent Facilities Manual. Baltimore County Code Section 22-218(b) states:

"Buffer - All siting, development, redevelopment, and expansion of water dependent facilities within the buffer must strictly conform to the criteria set forth in the Baltimore County Water Dependent Facilities Manual".

A Findings Plan and a Water Dependent Facilities Plan must then be submitted to this Department for review and approval.

If there are any questions, please contact me at 887-2904.

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

DCF:ns
cc: Mrs. Janice Outen
Mr. John Bahel
Mr. Steve Broyles

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: David C. Flowers, Coordinator DATE: September 10, 1991
Chesapeake Bay Critical Area Program

FROM: Craig McGraw
Zoning Enforcement

RE: 2308 Poplar Road
Mr. John H. Bahel's Property
Case No. 91-86-SPHXA

Please be advised that the above property has not, as yet, been
reset before the Zoning Commissioner for a special hearing to determine
the non-conforming use of a marina. The owner has stated that he was
working with your office to comply with your regulations.

Please update this office as soon as possible as to the status of
the case in your department.

Should you have any questions, I can be reached at 887-8091.

CM/comm

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

Mr. McGraw,
I was here today 9:30-9:45
informed about my zoning problem and was
unable to find any information. Mr. Winkler
looked for my wife but could not find her.
Please call me at 391-5906
John Bahel
2308 Poplar Rd
Call 2/22/91

RONALD L. MAHER
J. CARROLL HOLZER
CAROL S. DEMILIO
THOMAS J. LEE

LAW OFFICES
HOLZER, MAHER, DEMILIO & LEE
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-4960
FAX (301) 823-4964
DIRECT DIAL

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDENSBURG, MARYLAND 21764
(301) 795-8356
FAX (301) 795-8355

SUITE 700
1723 D SALES STREET, N.W.
WASHINGTON, D.C. 20036

FILE NO:

November 7, 1991
#6584

The Honorable Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County
First Floor
County Office Building
Towson, Maryland 21204

RE: Case No.: 91-86-SPHXA
John H. Bahel
2308 Poplar Road
Towson, Maryland 21204

Dear Commissioner Schmidt:

Enclosed please find a copy of the Entzian et al. v. Prince
George's County, Maryland et al. that I had referred to in my
argument yesterday. I would specifically direct your attention
to page 262, the paragraph at the bottom which indicates:

"Zoning is not a plebiscite and therefore testimony
in opposition restricted solely to lay witnesses,
petitions of objection to the proposal by
residents, and testimony amounting to unsupported
dislike and fear of a project, ...amounted to no
evidence at all." 32 Md. App. 256.

Very truly yours,

Carroll Holzer

JCH:mlg

Enclosure

cc: Phyllis Cole Friedman

RECEIVED
NOV 12 1991
ZONING OFFICE

RONALD L. MAHER
J. CARROLL HOLZER
CAROL S. DEMILIO
THOMAS J. LEE

LAW OFFICES
HOLZER, MAHER, DEMILIO & LEE
305 W. CHESAPEAKE AVENUE
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ELDENSBURG, MARYLAND 21764
(301) 795-8356
FAX (301) 795-8355

SUITE 700
1723 D SALES STREET, N.W.
WASHINGTON, D.C. 20036

FILE NO:

October 16, 1991
#6591

RECEIVED
OCT 18 1991
ZONING OFFICE

Ms. Regina Beasman
Vice President
Back River Neck Peninsula
Community Association
P.O. Box 16754
Baltimore, Maryland 21221

RE: John Bahel - Marina

Dear Ms. Beasman:

Please be advised that I represent John Bahel in regard to
his request for a special exception in order to operate a marina
which has been located at 2308 Poplar Road, Cedar Beach, Maryland
since the early 1950's.

It is my understanding that your Community Association and
perhaps other individual neighbors are concerned about the
expansion of this particular marina and desire to limit its
potential growth.

I have authority from Mr. Bahel to indicate to you that he
would be willing to enter into a Restrictive Covenant Agreement
with your Association which would preclude further enlargement
and development of this site. It is Mr. Bahel's desire to simply
legalize the operation that has been in existence for many years.
I can assure you that a Restrictive Covenant Agreement running
with the land would bind, not only Mr. Bahel, but any future
purchasers of the site unless the Community Association agree to
terminate said restrictions. It appears to me that a Restrictive
Covenant Agreement might be the way to resolve the issue on
behalf of your Association.

RONALD L. MAHER
J. CARROLL HOLZER
CAROL S. DEMILIO
THOMAS J. LEE

LAW OFFICES
HOLZER, MAHER, DEMILIO & LEE
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-4960
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CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDENSBURG, MARYLAND 21764
(301) 795-8356
FAX (301) 795-8355

SUITE 700
1723 D SALES STREET, N.W.
WASHINGTON, D.C. 20036

FILE NO:

October 16, 1991
#6591

Mr. Mel Topa
President
Holly Neck Improvement
Association
2310 Silver Lane
Baltimore, Maryland 21221

RE: John Bahel - Marina

Dear Mr. Topa:

Please be advised that I represent John Bahel in regard to
his request for a special exception in order to operate a marina
which has been located at 2308 Poplar Road, Cedar Beach, Maryland
since the early 1950's.

It is my understanding that your Community Association and
perhaps other individual neighbors are concerned about the
expansion of this particular marina and desire to limit its
potential growth.

I have authority from Mr. Bahel to indicate to you that he
would be willing to enter into a Restrictive Covenant Agreement
with your Association which would preclude further enlargement
and development of this site. It is Mr. Bahel's desire to simply
legalize the operation that has been in existence for many years.
I can assure you that a Restrictive Covenant Agreement running
with the land would bind, not only Mr. Bahel, but any future
purchasers of the site unless the Community Association agree to
terminate said restrictions. It appears to me that a Restrictive
Covenant Agreement might be the way to resolve the issue on
behalf of your Association.

November 24, 1991

Back River Neck Peninsula
Community Association
P.O. Box 16754
Baltimore, Maryland 21221

Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

R.E. John Bahel Marina
Poplar Rd. Essex, Md.

Dear Zoning Commissioner

On November 4, 1991 The Back River Neck Peninsula Community
Association was asked to become party to a covenant concerning the
John Bahel Marina located on Poplar Rd. in Essex. The
recommendation of the Board of Governors, and the consensus of the
general body of the community association was not to enter into this
agreement. It was agreed that signing such an instrument would
set a dangerous precedent for the association. The BRNPCA cannot
become a bargaining agent for the community or its residents. The
BRNPCA has taken the position that a waterfront facility that has
operated continuously since 1978; with no change to its size or
scope of operation, would not likely be contested. Although unable
to sign this agreement it was again the consensus of the general
body not to oppose Mr. Bahel in his application for Special
Exception Zoning. Thank you for the delay and your cooperation in
this matter.

Sincerely,

Bruce Laing
President
BRNPCA

RECEIVED
DEC 4 1991
ZONING OFFICE

BACK RIVER NECK PENINSULA COMMUNITY ASSOCIATION

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

August 13, 1991

Mr. David Flowers
Baltimore County Critical Areas
Baltimore County, Maryland

Dear Sir,

The intent of this letter is to inform your offices that the
Back River Neck Peninsula Community Association has taken a
stand against all marinas operating without the proper
zoning in the lower portion of the Back River Neck area.

The two residential marinas we are now concerned with are as
follows:

John Bahel
2308 Poplar Road
Cedar Beach, Maryland 21221

T. Wilson
2120 Poplar Road
Cedar Beach, Maryland 21221

These marinas have been allowed to continue commercial
activity in our neighborhood and we find this unacceptable.
Allowing these marinas to continue making money at the cost
of our zoning laws has extreme effects in the area. We are
seeing more and more violations occurring under the premise
that "If he can get away with it, I can too."

The increase in traffic, pollution, erosion and litter to
our neighborhoods and creeks should be reason alone to close
down their operation. We realize you have a very difficult
job in this area, one that will take years but there must be
deterrents. Close them down, fine them. You have the power
to do this.

Respectfully submitted,

Regina Beasman
Regina Beasman
Vice President

RB:pan

HOLLY NECK IMPROVEMENT ASSOC.

Aug. 12, 1991

To Whom It may Concern:

The members of the HOLLY NECK IMPROV. ASSOC. VOTED ON
June 17, 1991 not to support any re-building of existing
marinas as as not to support of any residential
property to be used as a public marina. This would include
then extension of piers, new piers, new slips etc. This does
not forgo the repairing of piers, or bulk-heads.
It has been noted that there are two (2) homes now that have
illegal marinas. They are as follows:

2120 Poplar Rd.

2308 Poplar Rd.

The area that the ASSOC. would like to protect would be
CEDAR CREEK, SUE CREEK and any extending creeks. This would
also include the surrounding areas of MIDDLE RIVER.

Such approval of such actions would only cause
pollution to the environment to the residents as well
the noise and the boat traffic.

Any contact needed can be made to:

MEL TOPA
687-0771
PRESIDENT OF THE HOLLY NECK IMPROV. ASSOC

Regina Beasman
Secretary
Liz Neukam

File
 4-6-90
 421 OAK LANE
 BALTO. MD 21204
 ph. 321-8625

RECEIVED
 JAN 11 1991
ZONING OFFICE

Planning Commissioner
 111 W. Chesapeake Ave
 Room 111
 Towson, Maryland 21204

RE. 91-86-SPHXA

Dear Sir:

This letter is to ask for a continuance of my case # 91-86-SPHXA. I will notify you by a second letter, one following this, at a later date to advise you of my intention as to scheduling or withdrawing this case.

Thank you for your attention to this matter.

Sincerely,
 John Bahel

LAW OFFICES OF
 WILLIAM F. C. MARLOW, JR.
 801 ALLEGHENY AVENUE
 BALTIMORE, MARYLAND 21204
 (410) 431-5015
 TELEFAX 431-5412

WASHINGTON, D.C. ADDRESS
 AIR RIGHTS BUILDING
 SUITE 901
 715 WILKINSON AVENUE
 WASHINGTON, D.C. 20014

August 28, 1990

91-86-SPHXA
RECEIVED
 AUG 29 1990
ZONING OFFICE

WILLIAM F. C. MARLOW, JR.
 MICHAEL T. WYATT
 *ADMITTED IN MARYLAND AND THE DISTRICT OF COLUMBIA

Mr. J. Robert Haines
 Zoning Commissioner
 Office of Planning and Zoning
 111 W. Chesapeake Avenue
 Towson, Maryland 21204
 Mail Stop 1108

RE: Property of John H. Bahel
 2308 Poplar Road
 Item No. 46

Dear Commissioner Haines:

I would appreciate your holding the above-referenced case in abeyance and not scheduling same for hearing until such time as all comments are received from the required departments.

We will notify your office when all comments are, in fact, generated.

Thank you for your continued courtesy.

Very truly yours,
 William F. C. Marlow, Jr.

rjh

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Steven K. Grayles	1922 Middlebrook Rd.
Robert J. Palmer	412 Armstrong Rd. Bk. MD 21220
John Bahel	2308 Poplar Rd. 21221

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Beth Bell	421 Oaklane Blvd. MD 21204
R.A. Galkows	417 Parkway Rd. Towson 21204
Richard L. Jackson	1006 Gwynn Rd. Towson 21204
Lawrence F. Galt	11215 Baker Creek Rd. Bk. MD 21257
Robert J. Palmer	412 Armstrong Rd. Bk. MD 21220
DEHHIS S. PETERSON	850 BARD YACHT CLUB RD. 21221
Ligian Kharvov	302 Poplar Rd. 21221
Steven K. Grayles	1922 Middlebrook Rd. 21221

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Met. Toca	2310 Silver Lane
Rev. Holly and Jeff A...	BALTIMORE MD 21221
GEORGE NEUKAM	2208 Poplar Rd. 21221
Z.H. Newman	2322 Silver Ln.
Robert Christopher	2116 Holly Hill Rd. (BACK RIVER) C.E.

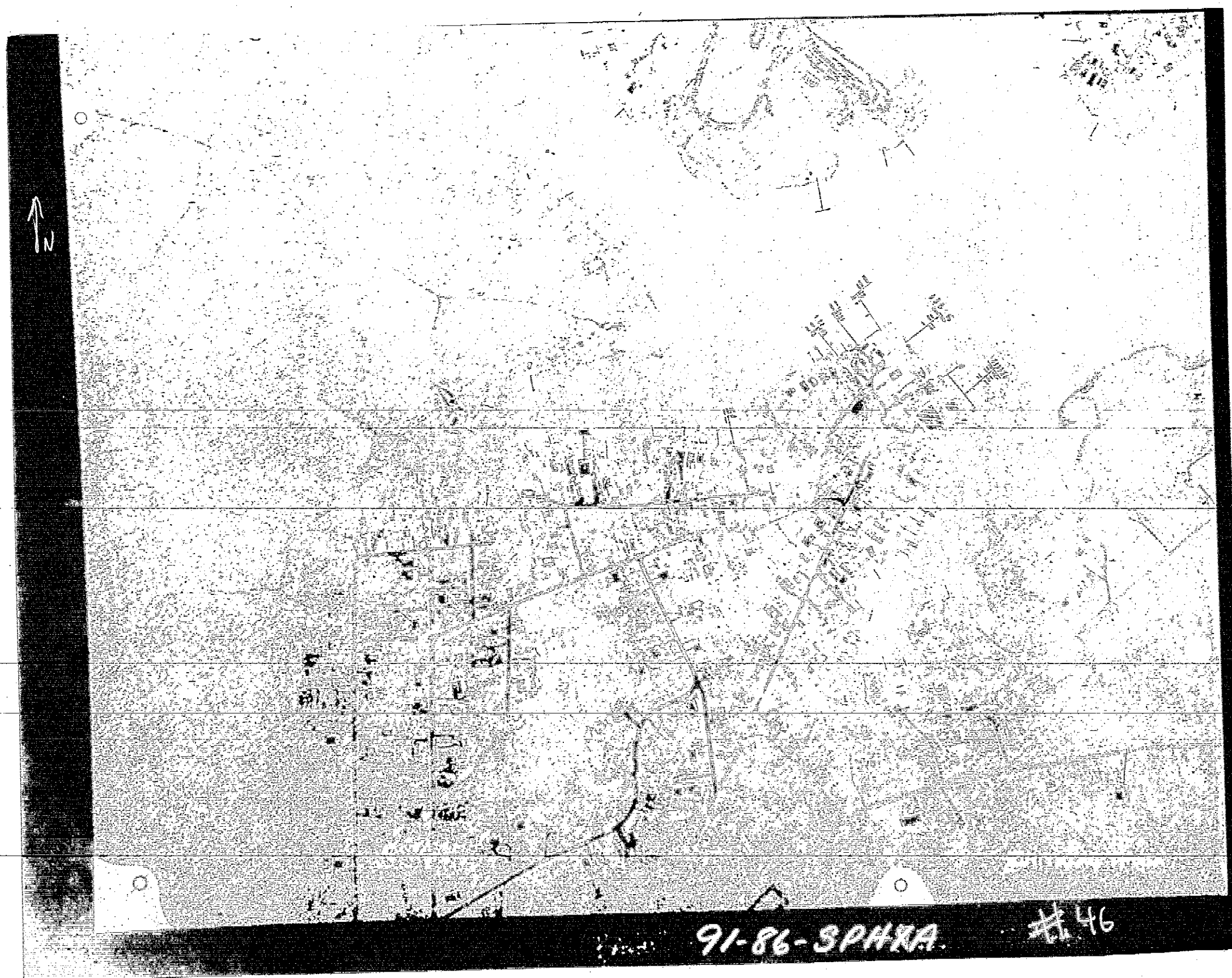
91-86 SPHXA
 10/24/90

NOTICES TO BE SENT TO FOLLOWING:

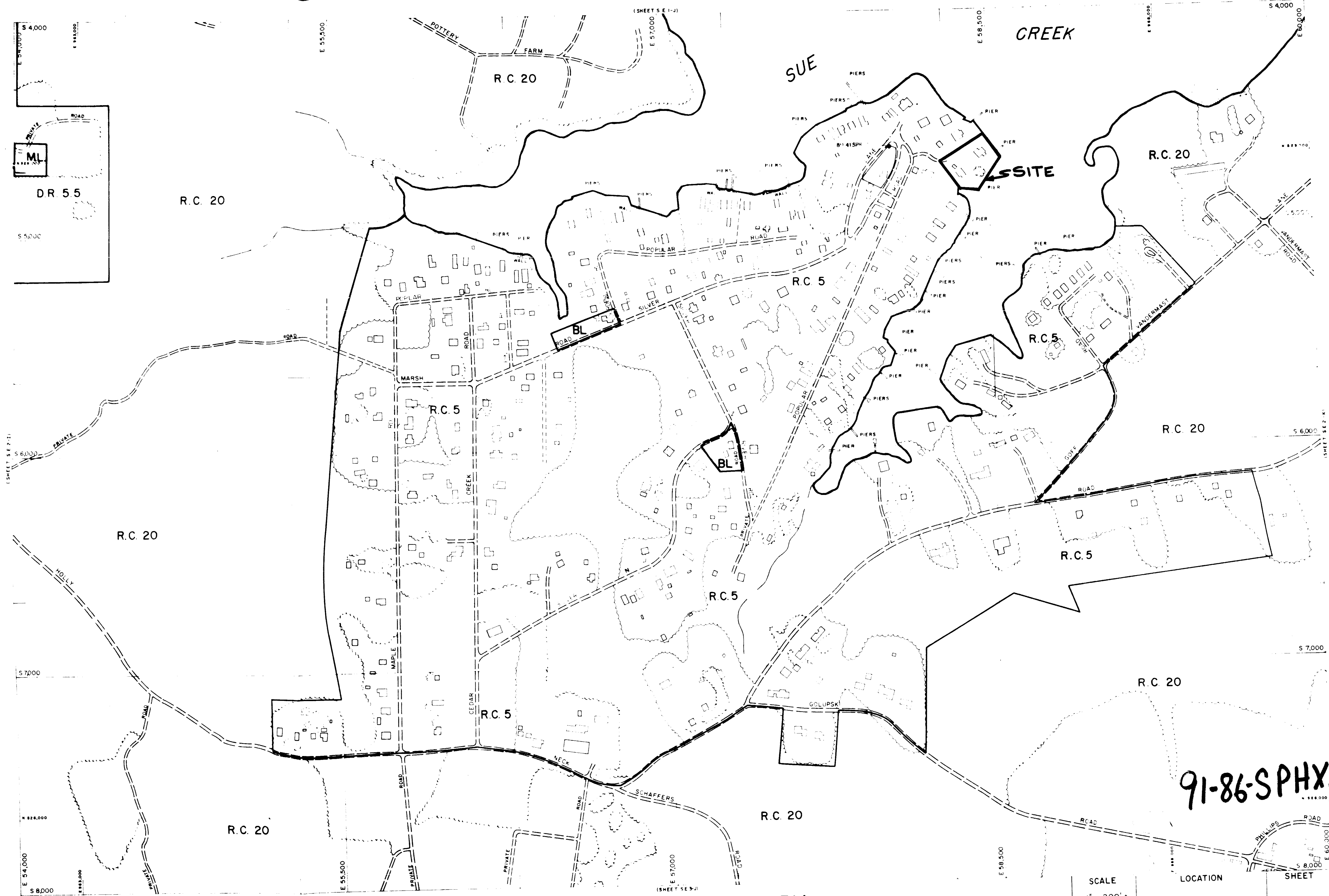
PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
GEORGE NEUKAM	2208 Poplar Rd. 21221
Ronald V. Barker	2304 Poplar Rd. 21221
In Church Party	
Robert Palmer	412 Armstrong Rd. 21220



People's Council
 No. 1



91-86-SPHXA

E-NE ZZ-NW

1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 13, 1988
 Bill Nos. 144 HB 145 HB 146 HB 147 HB 148 HB 149 HB 150 HB
[Signature]
 Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SCALE 1" = 200'	LOCATION HOLLY NECK	SHEET SE 2-J
DATE OF PHOTOGRAPHY JANUARY 1986		

46
 CRITICAL AREA

2. Regulation: "Grandfathering - after program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of program approval, unless the use has been abandoned for more than one year or is otherwise restricted by existing local ordinances. If any existing use does not conform with the provisions of a local program, its intensification or expansion may be permitted only in accordance with the variance procedures outlined in COMAR 14.15.11" <COMAR 14.15.02.07.A>.

FINDING: The applicant is proposing to legitimize an existing marina facility. The applicant is not proposing intensification, expansion, or substantial alteration on this property. This marina use was in existence on the date of Baltimore County's Chesapeake Bay Critical Area Program, February 1988, nor has the facility been abandoned for more than one (1) year. Therefore, the Chesapeake Bay Critical Area Program shall permit the continuation of this marina use. However, any future development activities shall comply with all regulations pertaining to the Chesapeake Bay Critical Area Program. No new development is proposed in conjunction with this Special Exception Request. Therefore, no disturbance of this property shall take place and all structures, if not restricted by other local ordinance, are grandfathered and shall be allowed to remain.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above and be implemented for the 1992 boating season.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

J. James Dieter
J. James Dieter, Director

JJD:DCF:ju
Attachment

BAHEL/TXTN55

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 24, 1991

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

SUBJECT: Bahel Property, Item No. 46

In response to the applicant's requested Special Exceptions (no comments were offered pertaining to this aspect of the petition in our comments of September 28, 1990), staff offers the following comments:

This office's primary concern regarding the subject site involves the possibility of future expansion and intensification of the current use. Since the marina exists and in all probability will continue to operate, the office of Planning and Zoning recommends that the Special Exception be granted for the purposes of establishing documentation as to the scope of the present land use.

Should the applicant's request be granted, staff recommends the following conditions: A landscape plan should be filed with the deputy director of the Office of Planning and Zoning for approval. A copy of the approval plan shall be submitted to the Zoning office to be maintained in the official file.

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

PK/JL/rdn

ITEM46/TXTROZ

**PETITIONER'S
EXHIBIT**

ORDER RECEIVED WITH FILING
Date *11/6/91*
By *[Signature]*

November 5, 1991

Back River Neck Peninsula
Community Association
P.O. Box 16754
Baltimore, Maryland 21221

Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Zoning Commissioner

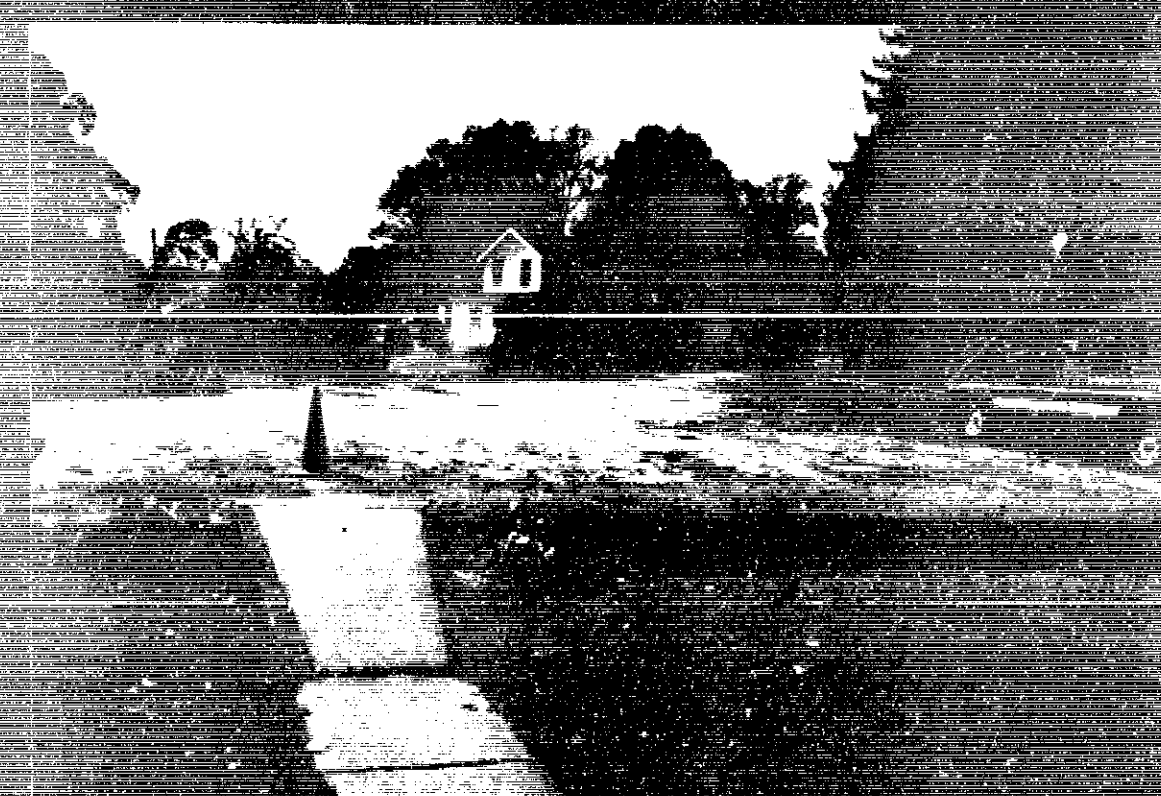
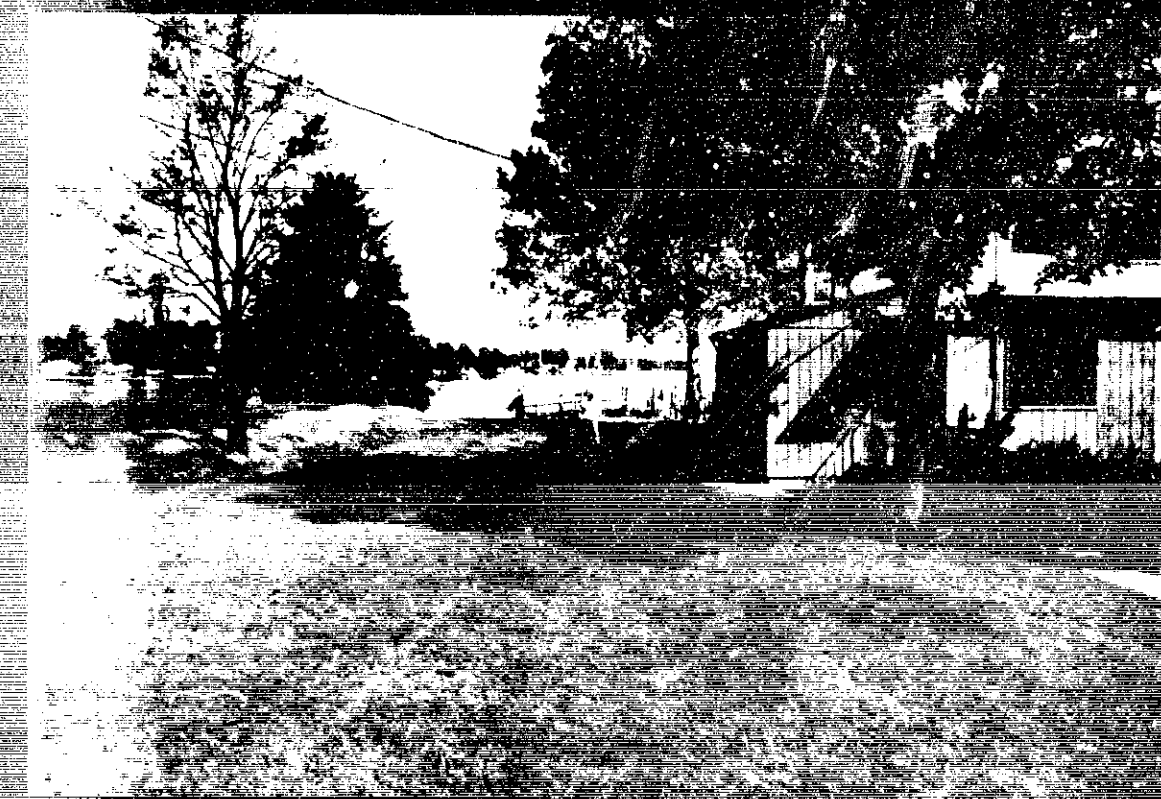
On Monday November 4, 1991 the Back River Neck Peninsula Community Association was ask by Attorneys for John Bahel to become party to a covenant concerning the John Bahel Marina located on Poplar Rd. in Essex. The hearing date for Special Exception zoning has been set for Wednesday November 6, 1991. The Board of Governors and Officers have had insufficient time to submit this agreement to consult for review. As you know the Board of Governors and Officers can only act on the mandate of the people of the community. We ask that you postpone your decision for 30 days to avoid costly appeals and delays in the future. The next General Meeting will be November 19, 1991 at which time the Community will here the recommendation of the Attorneys and vote accordingly. Thanks for your consideration and cooperation.

Sincerely

Bruce A. Laing
President BRNPCA

PETITIONER'S
EXHIBIT

Petitioner's
Exhibits
3A - 3N
(photographs)
91-86-571XA



RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT ("Agreement") is entered into this ____ day of November, 1991, by and between John H. Bahel, property owner (hereinafter "Bahel") and the Back River Neck Peninsula Community Association, Inc., a non-profit Maryland Corporation and Regina and Arthur Beasman and Leonard and Patricia Buber, individuals (all collectively referred to hereinafter as the "Community").

RECITALS

1. Bahel owns, in fee simple, Cedar Beach Lots No. 103 and 104, as recorded in the Land Records of Baltimore County in Liber 6151, folio 0433, known as 2308 Poplar Road (hereinafter "Property").
2. That the Property has been operated by the fee simple owners, including Bahel, since 1958 as a 33 slip marina.
3. That the Property is currently zoned R.C. 5 and consists of .97 acres more or less. That the said use of the Property consists of a 33 slip marina, 24 parking spaces, and a residence, garage and utility shed currently utilized by Bahel.
4. Bahel desires to obtain a Special Exception for a 33 slip marina as it presently exists; and has requested certain variances, all as more specifically set forth on Plat to Accompany Special Exception, Revised November 4, 1991, and attached hereto and incorporated in this Agreement as Exhibit #1.

PETITIONER'S
EXHIBIT

Baltimore County Government
Department of Environmental Protection
and Resource Management



401 Bosley Avenue
Towson, MD 21204

Bureau of Community Services 897-5733
7701 Wise Avenue
Baltimore, Maryland 21222
(301) 897-7128

November 6, 1991

Mr. John Bahel
T/A Bahel's Marina
2308 Poplar Road
Baltimore, Maryland 21223

Re: 2308 Poplar Road
T/A Bahel's Marina

Dear Mr. Bahel:

In reference to your recent request, I have reviewed the marina files in the Department of Environmental Protection and Resource Management. The files indicate that there have been no complaints registered against the facility, T/A Bahel's Marina. Additionally, there is no enforcement action being taken by this Department against the marina at this time.

Very truly yours,

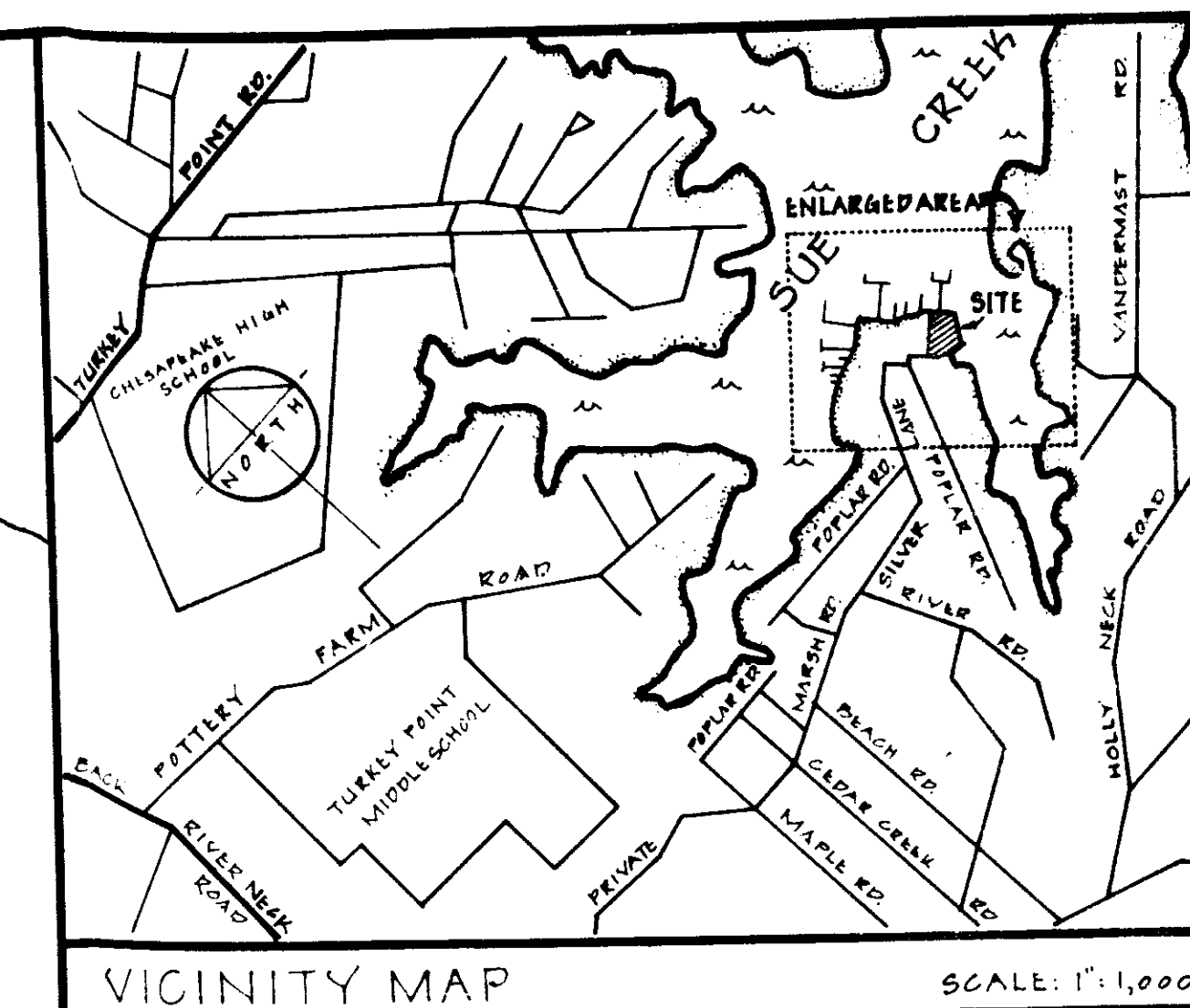
Gerard A. Zitzik, Jr., Director
Eastern Community Services

GAZ/als

PETITIONER'S
EXHIBIT

1. Net Site Area: 42,260 sf. = 0.97 acre more or less
2. Current Zoning: RC 5
3. Election District: 15th
4. Existing Use: 33 Slip Marina
5. Proposed Use: 33 Slip Marina
6. Existing Impervious Surface: 4,703 sf. = 11.13%
7. Proposed Impervious Surface: 4,703 sf. = 11.13%
8. Public Water and Private Sanitary Septic Is Existing
9. Existing Paving: Well graded wash gravel
10. Proposed Paving: None

1.	Marina Parking: 33 Slips x 0.5 Spaces/Slip	= 17 spaces
2.	Dwelling Parking: 2 Spaces Per Dwelling x 1	= 2 spaces
3.	Total Parking Required	= 19 spaces
4.	Total Parking Provided	= 24 spaces
5.	Parking In Excess of Required	= 5 spaces
6.	Handicapped Spaces Required	= 1 space
7.	Handicapped Spaces Provided	= 1 space
8.	Dimension of Standard Parking Space = 8'-1/2' wide x 18' long	
9.	Dimension of Handicapped Parking Space = 12' wide x 18' long	



	The first variance is to allow a 40 feet side yard setback in lieu of the required 50 feet setback for the existing house.
	The second variance is to allow a 20 feet rear yard setback in lieu of the required 50 feet setback for the existing garage and storage.
	The third variance is to allow a 95 feet building to building setback in lieu of the required 100 feet setback for the existing house to existing garage.
	The fourth variance is to allow a 55 feet setback from the centerline of a street in lieu of the required 75 feet setback for the existing garage to the centerline of a street.
	The fifth is to allow the existing gravel parking surface in lieu of the required durable and dustless surface. The existing wooden parking bumpers shall have numbers.

THIS DOES NOT CONSTITUTE A BOUNDARY

SHEET
1
OF ONE

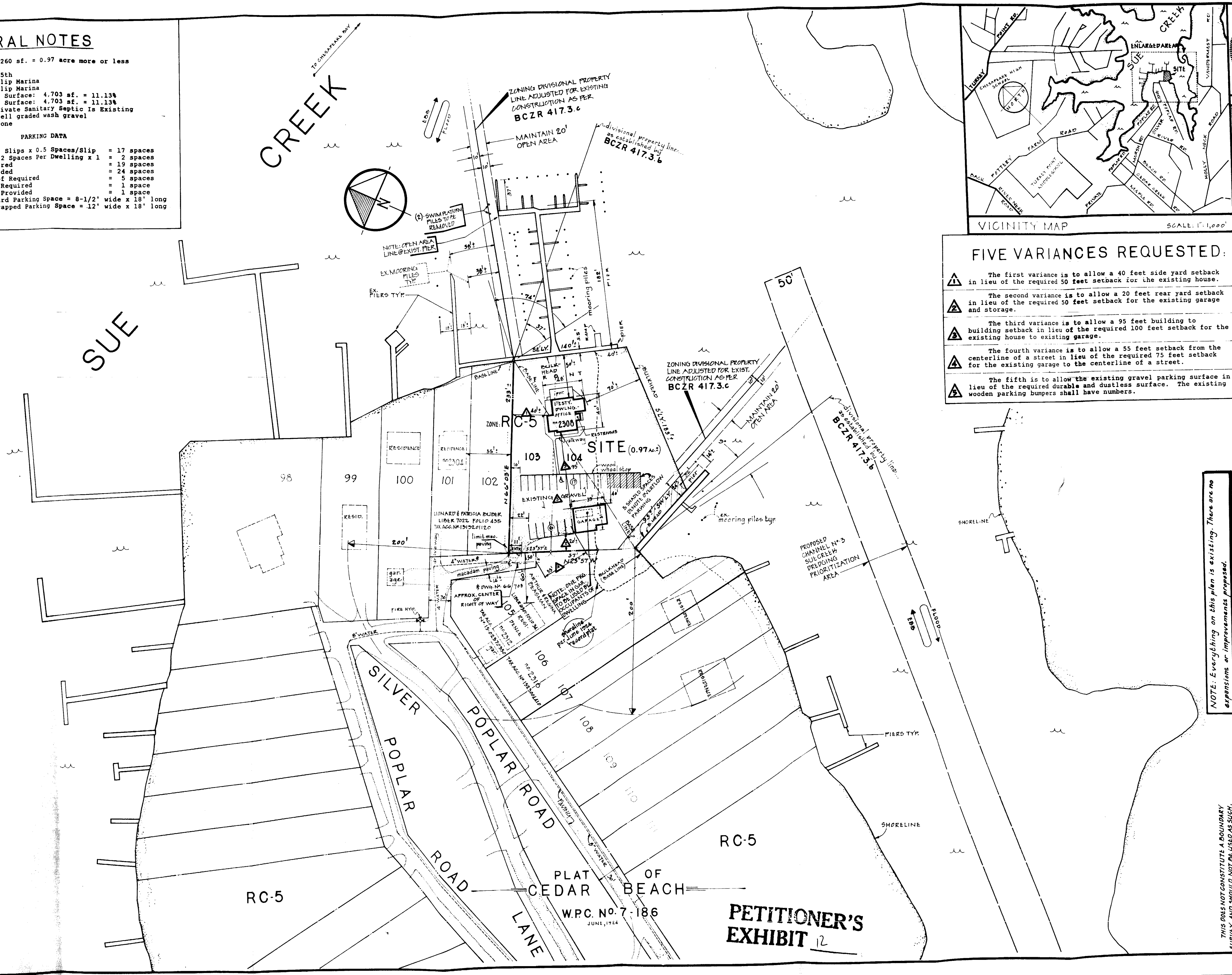
PROPERTY OF JOHN BAEHL - No. 2308 POPULAR ROAD
BEING KNOWN AS LOTS 103 & 104 - PLAT OF SECTION 1
"CEDAR BEACH" BALTIMORE COUNTY, MARYLAND 21221
PLAT BOOK WFC No. 7 FOLIO 166
ELECTION DISTRICT No. 15 - COUNCILMANIC DIST. 5
LIBER 0151 FOLIO 155 - TAX MAP No. 141035102-5

PLAN TO ACCOMPANY: SPECIAL EXCEPTION, VARIANCE, SPECIAL HEARING
DATE : JAN. 26, 1990
SCALE : 1" = 50'
DWG. BY: CAMPBELL

DATE: JAN 06 1990 SCALE: 1" = 50' DWG BY: CAMPBELL

1. Net Site Area: 42,260 sf. = 0.97 acre more or less
2. Current zoning RC 5
3. Election District 15th
4. Existing Use: 33 Slip Marina
5. Proposed Use: 33 Slip Marina
6. Existing Impervious Surface: 4,703 sf. = 11.13%
7. Proposed Impervious Surface: 4,703 sf. = 11.13%
8. Public Water and Private Sanitary Sewer s Existing
9. Existing Paving: Well graded wash gravel
10. Proposed Paving: None

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6.	Handicapped Spaces Required	= 1 space
7.	Handicapped Spaces Provided	= 1 space
8.	Dimension of Standard Parking Space = 8'-0" / 2'	wide x 18' long
9.	Dimension of Handicapped Parking Space = 12'	wide x 18' long



A The first variance is to allow a 40 feet side yard setback in lieu of the required 50 feet setback for the existing house.

A The second variance is to allow a 20 feet rear yard setback in lieu of the required 50 feet setback for the existing garage and storage.

A The third variance is to allow a 95 feet building to building setback in lieu of the required 100 feet setback for the existing house to existing garage.

A The fourth variance is to allow a 55 feet setback from the centerline of a street in lieu of the required 75 feet setback for the existing garage to the centerline of a street.

A The fifth is to allow the existing gravel parking surface in lieu of the required durable and dustless surface. The existing wooden parking bumpers shall have numbers.

NOTE: Everything on this plan is existing. There are no expansions or improvements proposed.

THIS DOES NOT CONSTITUTE A BOUNDARY
SURVEY AND SHOULD NOT BE USED AS SUCH.

REVISIONS ① JUNE 24, 1990 ② JULY 30, 1990 ③ JULY 31, 1990 ④ OCT. 25, 1991 ⑤ OCT. 31, 1991 ⑥ ⑦	
SHEET 1 OF ONE	

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

DATE: JAN. 26, 1970 SCALE: 1" = 50' DWG. BY: campbell

GENERAL NOTES

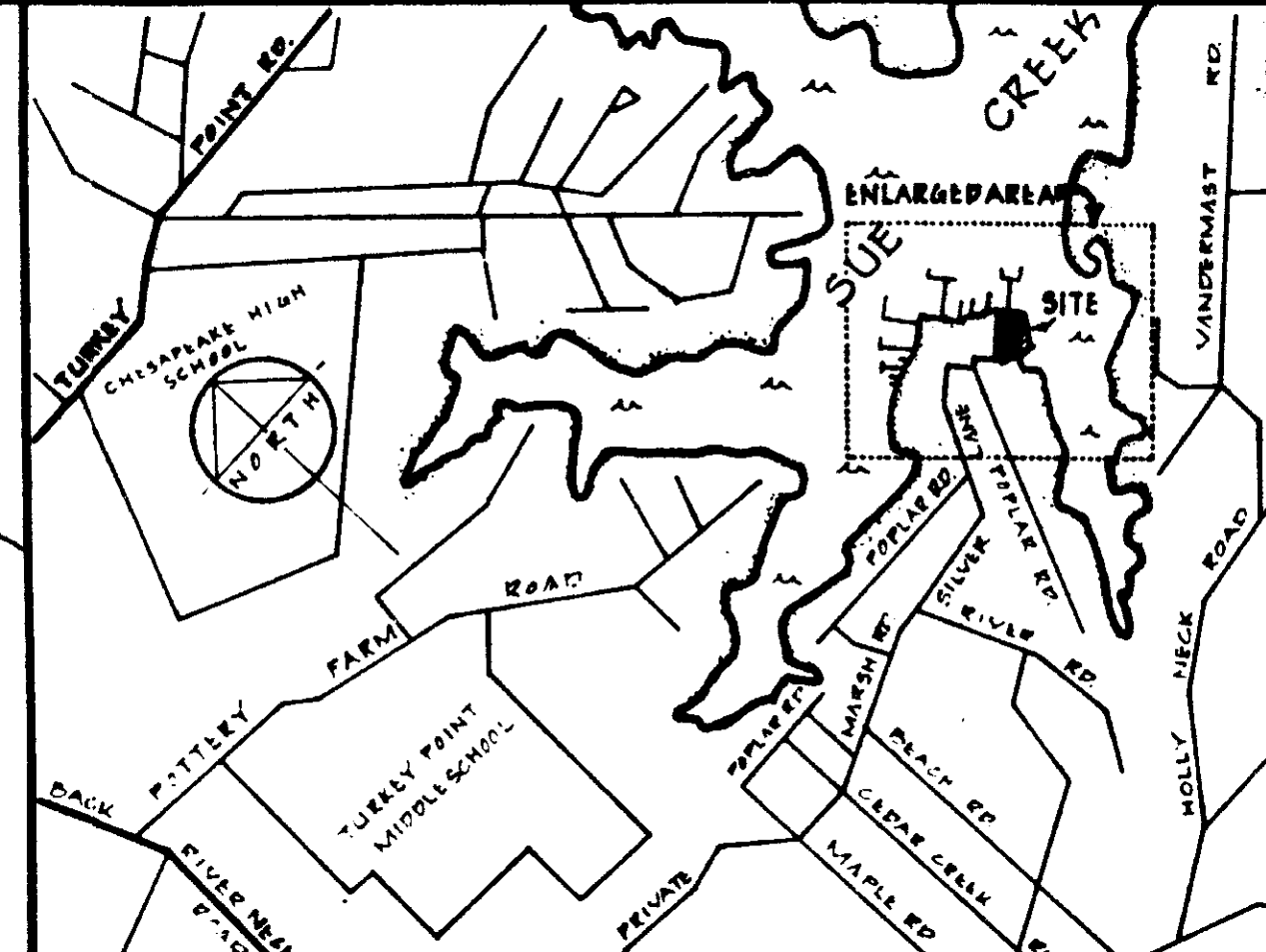
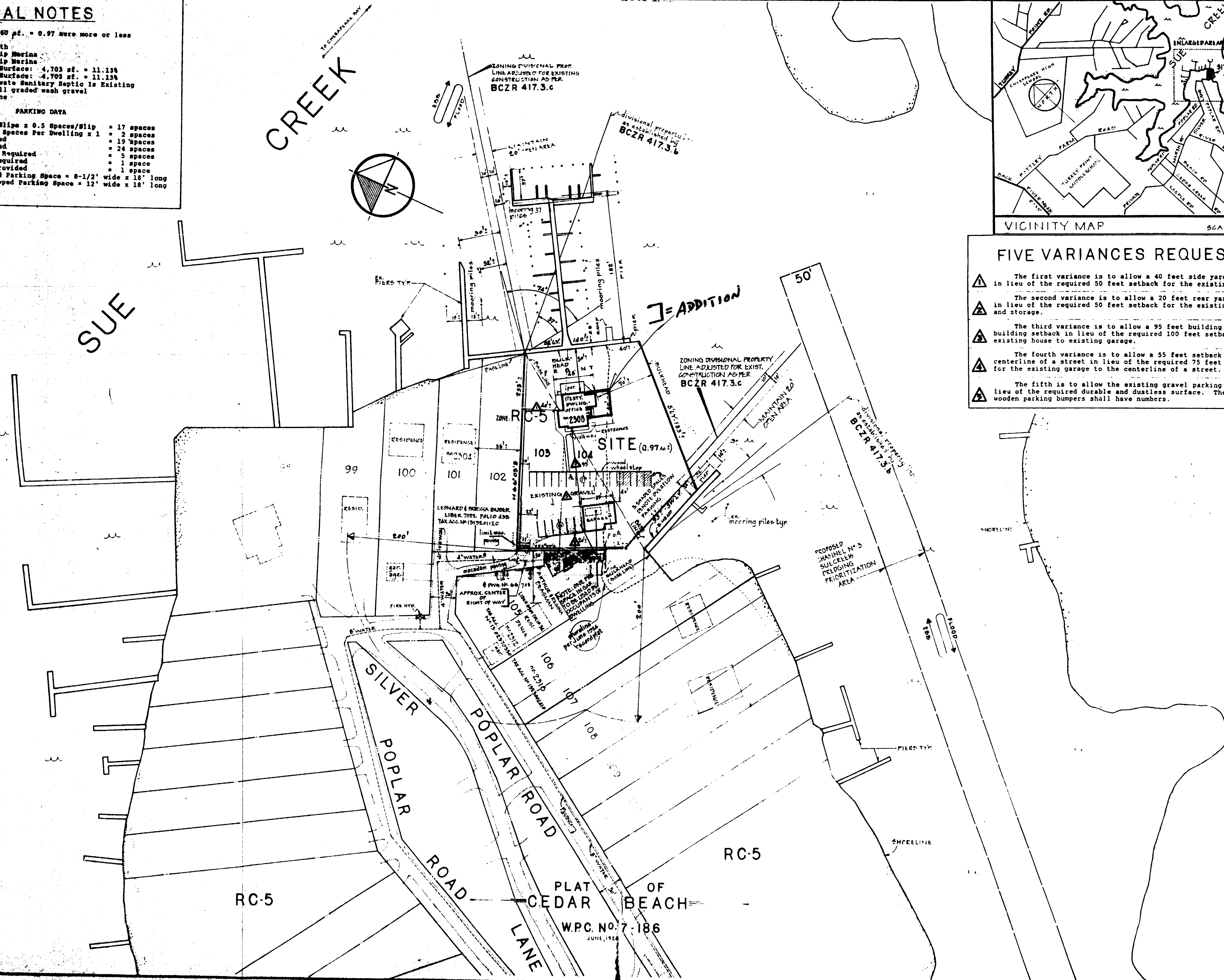
1. Net Site Area: 42,260 sq. ft. = 0.97 acre more or less
2. Current Zoning: RC-5
3. Election District: 15th
4. Bridge No.: 23 Slip Marina
5. Proposed Use: 23 Slip Marina
6. Existing Impervious Surface: 4,703 sq. ft. = 11.13%
7. Proposed Impervious Surface: 4,703 sq. ft. = 11.13%
8. Public Water and Private Sanitary Septic is Existing
9. Existing Paving: Well graded wash gravel
10. Proposed Paving: None

PARKING DATA

1. Marine Parking: 33 Slips x 0.5 Spaces/Slip = 17 spaces
2. Dwelling Parking: 2 Spaces Per Dwelling x 1 = 2 spaces
3. Total Parking Required = 19 spaces
4. Total Parking Provided = 24 spaces
5. Parking In Excess of Required = 5 spaces
6. Handicapped Spaces Required = 1 space
7. Handicapped Spaces Provided = 1 space
8. Dimension of Standard Parking Space = 8-1/2' wide x 18' long
9. Dimension of Handicapped Parking Space = 12' wide x 18' long

SUE

CREEK



FIVE VARIANCES REQUESTED:

1. The first variance is to allow a 40 feet side yard setback in lieu of the required 50 feet setback for the existing house.
2. The second variance is to allow a 20 feet rear yard setback in lieu of the required 50 feet setback for the existing garage and storage.
3. The third variance is to allow a 95 feet building to building setback in lieu of the required 100 feet setback for the existing house to existing garage.
4. The fourth variance is to allow a 55 feet setback from the centerline of a street in lieu of the required 75 feet setback for the existing garage to the centerline of a street.
5. The fifth is to allow the existing gravel parking surface in lieu of the required durable and dustless surface. The existing wooden parking bumpers shall have numbers.

NOTE: Everything on this plan is existing. There are no expansions or improvements proposed.

PROPERTY OF JOHN DAHL - N° 2308 POPLAR RD.
 BEING KNOWN AS LOTS 103 & 104 - PLAT OF SECTION 1
 CEDAR BEACH, BALTIMORE COUNTY, MARYLAND SITE
 ELECTION DISTRICT NO. 15 - COUNCILMANIC DIST. 5
 LINE 1031 FOLIO 435 - TAX AG. 151030300

PLAN TO ACCOMPANY: SPECIAL EXCEPTION, VARIANCES, SPECIAL PERMITS
 DATE: JAN 26, 1990 SCALE: 1" = 50' DWG. BY: Campbell

REVISIONS
1 JUNE 24, 1990
2 JULY 30, 1990
3 JULY 31, 1990
4 OCT 22, 1991

SHEET

1

OF ONE

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH



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