

IN RE: PETITIONS FOR SPECIAL HEARING	* BEFORE THE
AND VARIANCE - SE/S Cove Road,	* DEPUTY ZONING COMMISSIONER
1600' SE of Chesterwood Road	* OF BALTIMORE COUNTY
(8500 Cove Road)	* Case No. 96-82-SPHA
12th Election District	*
7th Councilmanic District	
Arthur Cox	
Petitioner	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 8500 Cove Road, located at the end of Cove Road fronting Lynch Cove and Bear Creek. The Petitions were filed by the owner of the property, Arthur Cox. The Petitioner seeks a special hearing, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), Section 517.1 of the Building Code (B.C.), and Section 26-670, 26-172(a)(3) of the Baltimore County Code (B.C.C.), to construct a 40' x 60' building in a flood plan. In addition, the Petitioner seeks relief from Sections 255.1 and 238 of the B.C.Z.R. to permit a building setback of 5 feet and a street centerline setback of 25 feet in lieu of the required minimum of 30 feet and 50 feet, respectively, for a proposed 40' x 60' building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Arthur Cox, property owner, Mark Cox, James McKinney, Zoning Consultant, and Philip O. Foard, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 1.14 acres, more or less, zoned M.L.-I.M., and is the site of

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

the Anchor Bay East Marina. The Petitioner is desirous of constructing on the subject property a 40' x 60' prefabricated metal building in which to repair and store boats. Due to the unique configuration of the lot and the location of existing improvements thereon, the relief requested is necessary in order to proceed as proposed. Testimony revealed that at the request of the Department of Environmental Protection and Resource Management (DEPRM), the Petitioner located the subject building outside the 100-foot critical area buffer associated with this property. Furthermore, the Petitioner has attempted to locate the proposed building as far out of the floodplain as possible, which has, in effect, necessitated the requested variances.

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

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay

10/19/95
[Signature]

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.

It should also be noted that by comment dated September 5, 1995, the Director of the Department of Environmental Protection and Resource Management (DEPRM) advised this office that the proposed building will be located outside the required 100-foot buffer to Bear Creek, and as such, will be in compliance with Chesapeake Bay Critical Areas regulations.

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

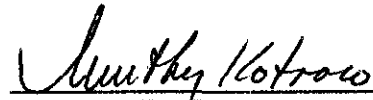
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of October, 1995 that the Petition for Special Hearing seeking approval to construct a 40' x 60' building in a flood plain, in accordance with Petitioner's Exhibit 1, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), Section 517.1 of the Building Code (B.C.), and Section 26-670, 26-172(a)(3) of the Baltimore County Code (B.C.C.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 255.1 and 238 of the B.C.Z.R. to permit a building setback of 5 feet and a street centerline setback of 25 feet in lieu of the required minimum of 30 feet and 50 feet, respectively, for a proposed

ORDER PREPARED FOR FILING
Date 10/19/95
By [Signature]

40' x 60' building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; subject to the following restrictions:

- 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 relief granted herein shall be rescinded.
- 2) Prior to the issuance of any occupancy permits, the Petitioner shall submit a landscape plan for review and approval by Avery Harden, the Landscape Architect for Baltimore county.
- 3) 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.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 10/19/95

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 19, 1995

Philip O. Foard, Esquire
White, Mindel, Clarke & Foard
40 W. Chesapeake Avenue, Suite 300
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/S Cove Road, 1600' SE of Chesterwood Road
(8500 Cove Road)
12th Election District - 7th Councilmanic District
Arthur Cox - Petitioner
Case No. 96-82-SPHA

Dear Mr. Foard:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Arthur Cox, President, Anchor Bay Marine
8500 Cove Road, Baltimore, Md. 21222

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; Case File

MICROFILMED





ART COX

Anchor Bay "East" Marina
"On Bear Creek"

8500 COVE ROAD, DUNDALK, MD 21222

(410) 284-1044

Pager **(410) 237-6947**

Fuel • Service • Repairs
35 Ton Open End Lift

24 HOUR EMERGENCY SERVICE
DISCOUNT MARINE SUPPLIES



Art Cox
President

ANCHOR BAY
YACHT SALES, Inc.

8500 Cove Road

"On Bear Creek"

Dundalk, MD 21222

(410) 284-1044

(410) 237-6947 Pager

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. ^{#30} 21 JLL

004878

DATE

8/18/95

ACCOUNT

R0016150

96-82-SPHA

AMOUNT

\$ 535.00

RECEIVED
FROM:

ANCHOR BAY MARINE 8500 COVE RD
C. SPH 250.00
C. VAR 250.00
SIGN 35.00

FOR:

01A01H0336MICHRC
BA C001:42PM08-18-95

\$535.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 80

Petitioner: ANCHOR BAY MARINE

Location: 8500 COVE RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ANCHOR BAY MARINE

ADDRESS: 8500 COVERD.

BALTO. MD. 21222

PHONE NUMBER: 410 - 284 - 1044

AJ:ggs

(Revised 04/09/93)

TO: PUTUMENT PUBLISHING COMPANY
September 21, 1995 Issue - Jeffersonian

Please forward billing to:

Anchor Bay Marine
8500 Cove Road
Baltimore, MD 21222
284-1044

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-82-SPHA (Item 80)
8500 Cove Road - Anchor Bay Marine
12th Election District - 7th Councilmanic
Legal Owner: Anchor Bay Marine
HEARING: WEDNESDAY, OCTOBER 11, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to construct a 40-foot by 60-foot building in the flood plain.
Variance to permit a setback (for a proposed building) of 5 feet and a street centerline of 25 feet in lieu of the maximum required 30 feet and 50 feet, respectively.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 11, 1995

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-82-SPHA (Item 80)

8500 Cove Road - Anchor Bay Marine

12th Election District - 7th Councilmanic

Legal Onwer: Anchor Bay Marine

HEARING: WEDNESDAY, OCTOBER 11, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to construct a 40-foot by 60-foot building in the flood plain.

Variance to permit a setback (for a proposed building) of 5 feet and a street centerline of 25 feet in lieu of the maximum required 30 feet and 50 feet, respectively.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Anchor Bay East Marine
Philip O. Foard

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



CRITICAL AREA 80



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8500 Cove rd. Baltimore, MD 21222

which is presently zoned ML-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve Special Hearing pursuant to

Section 500.6, BCZR; Section 517.1, Building Code; and Sections 26-670, 26-172(a)(3), BCC to construct a 40' by 60' Building in the Flood Plain.

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

I, or we, agree to pay expenses of 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/Lessee:

Legal Owner(s): Ancor Bay Marine

(Type or Print Name)

Aurthur Cox
(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner:

8500 Cove rd. 284-1044
Address Phone No.

Philip O. Foard

Baltimore, MD. 21222

(Type or Print Name)

City State Zipcode
Name, Address and phone number of representative to be contacted.

Signature

White, Mindel, Clarke & Foard
40 W. Chesapeake Avr., Ste 300

Address

Phone No.

Towson, MD. 21204

City

State

Zipcode

825-1050

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By



CRITICAL
AREA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8500 Cove Rd. Baltimore, MD 21222

which is presently zoned ML-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) 255.1 AND 238 (BCZR.)

TO PERMIT A SETBACK (FOR A PROPOSED BUILDING) OF 5 FT. AND A STREET CENTERLINE SETBACK OF 25 FT. IN LIEU OF THE MAXIMUM REQUIRED 30 FT. AND 50 FT. RESPECTIVELY

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

To presented at hearing.

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Philip O. Foard

(Type or Print Name)

Signature

White, Mindel, Clarke & Foard
40 W. Chesapeake Ave., Ste. 300

Address Phone No.

Towson, Maryland 21204

City

State

Zipcode

825-1050

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.

Legal Owner(s):

ANCHOR BAY EAST MARINE

(Author Cox)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

8500 Cove RD.

Address

Phone No.

Baltimore, MD. 21222

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Printed with Soybean Ink
on Recycled Paper



MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

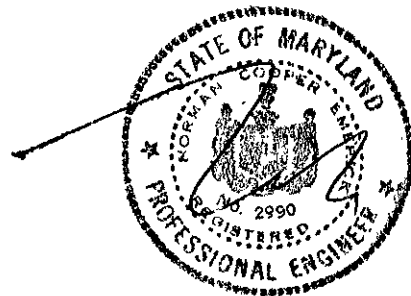
96-82-SRHA

ZONING DESCRIPTION

ANCHOR BAY EAST MARINE
8500 COVE ROAD

Beginning at a point on the Southeast side of Cove Road which is a Forty (40) foot Right of Way at the distance of 1600 feet Southeast of Chesterwood Road which is a Forty (40) foot Right of Way, Being Lot #33, 34, 35, 36 in the Subdivision of " Stansbury Shores " as recorded in Baltimore County Plat Book No. , Folio , containing 1.14 Acres. Also known as 8500 Cove Road and located in the 12th Election District.

GDM/gdm





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 4, 1995

Philip O. Foard
White, Mindel, Clarke & Foard
40 W. Chesapeake Ave., Suite 300
Towson, Maryland 21204

RE: Item No.: 80
Case No.: 96-82-SPHA
Petitioner: Anchor Bay E. Marine

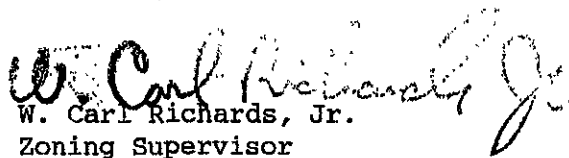
Dear Mr. Foard:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 7, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for September 5, 1995
Item No. 080

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of commercial development.

In accordance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The property is subject to the Landscape Manual as a condition of the building permit.

RWB:sw

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 5, 1995

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #80 - Anchor Bay East Marine & Yacht Sales
8500 Cove Road
Zoning Advisory Committee Meeting of August 28, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

The storage building is located out of the 100 foot buffer to Bear Creek and is in compliance with Chesapeake Bay Critical Area regulations.

✓
JLP:PF:sp

c: Mr. Art Cox

ANCHOR/DEPRM/TXTSBP

ANCHOR/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 14, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 78, 80, 93, 94, 97, 99, 103, 104, 109, 110, 112, and 113

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 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/30/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 28, 1995.

Item No.: SEE BELOW

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 66,67,68,69,70,71,73, //
74,75,77,79 & 80.

Robert P. Sauerwald

RECEIVED

SEP 5 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-30-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 080 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 18, 1995

TO: Hearing Officer

FROM: John L. Lewis
Planner II, PDM

SUBJECT: Item #80
8500 Cove Road

Applicant advised attorney's signature on special hearing forms
required prior to hearing.

JLL:scj

RECEIVED
AUG 21 1995

PETITION PROBLEMS AGENDA FOR 8/28/95

#69 --- JJS

1. No legal owner name, signature, address, or telephone number.

#75 --- CAM

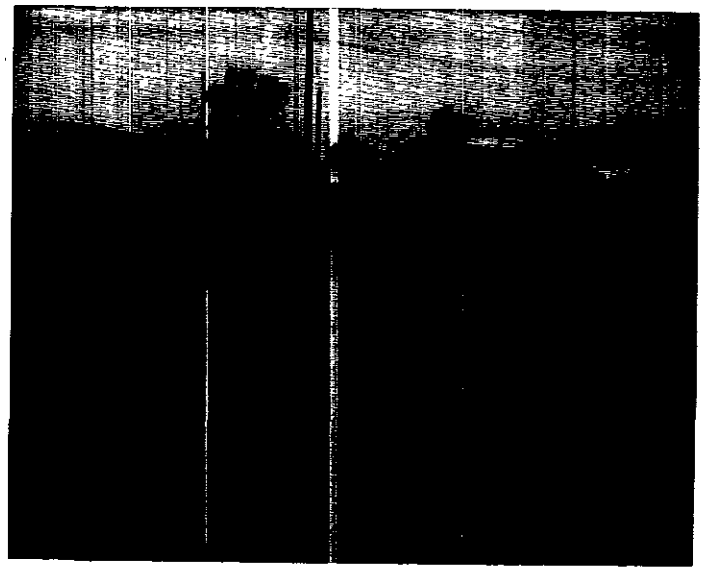
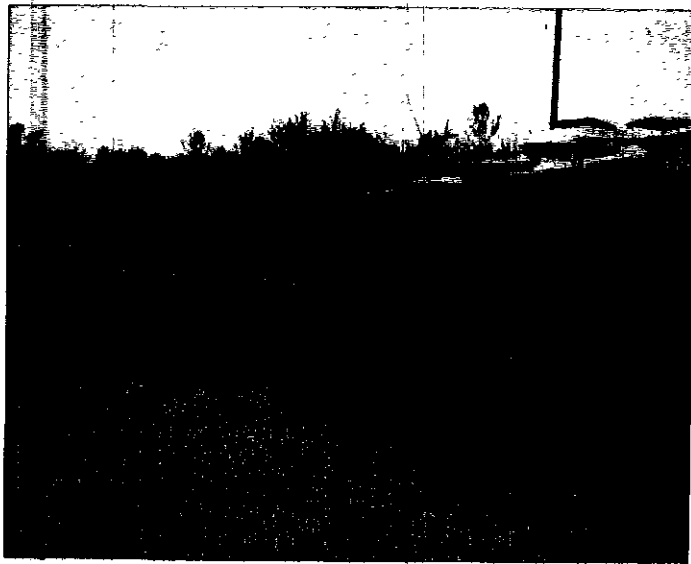
1. No telephone number for legal owner.

#78 --- JJS

1. No review information on bottom of petition form.

#80 --- JLL

1. No review information on bottom of petition form.
2. Need attorney's signature.





photographs
Case 96-82-SPNA

MICROFILMED

ANCHOR BAY EAST MARINE
AND YACHT SALES, Inc.
8500 Cove Road
Baltimore, Maryland 21204
Tel. 887-4386
Fax. 887-4386

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 96-82-SPHA

Arthur Cox
Petitioner

STATEMENTS OF FACT AND CONCLUSIONS OF LAW

Paul Arthur Cox, before the Deputy Zoning Commissioner as Petitioner for Special Hearing and Variance for that property known as 8500 Cove Road, located at the end of Cove Road fronting Lynch Cove and Bear Creek. The Petitions were filed by the owner of the property, Arthur Cox. The Petitioner seeks a special hearing, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), Section 517.1 of the Building Code (B.C.), and Section 26-670, 26-172(a)(3) of the Baltimore County Code (B.C.C.), to construct a 40' x 60' building in a flood plain. In addition, the Petitioner seeks relief from Sections 255.1 and 238 of the B.C.Z.R. to permit a building setback of 5 feet and a street centerline setback of 25 feet in lieu of the required minimum of 30 feet and 50 feet, respectively, for a proposed 40' x 60' building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

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Testimony and evidence offered revealed that the subject property consists of 1.14 acres, more or less, zoned M.L.-I.M., and is the site of

ANCHOR BAY EAST MARINE. The Petitioner is desirous of constructing on the subject property a 40' x 60' prefabricated metal building in which to house the business operations of the Anchor Bay East Marine. Due to the unique configuration of the lot and the proposed existing improvements thereon, the relief requested is necessary in order to proceed as proposed. Testimony revealed that at the request of the Department of Environmental Protection and Resource Management (DEPRM), the Petitioner located the subject building outside the Chesapeake Bay Critical Area Buffer associated with this property. Furthermore, the Petitioner has attempted to locate the proposed building as far out of the floodplain as possible, which has, in effect, necessitated the requested variances.

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

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay

critical areas. The granting of the relief requested will not grant the Petitioner any special privilege that would be inconsistent with area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the intent and spirit of the Critical Areas legislation for Baltimore County, and conforms to the requirements as set forth in Section 500.6 of the B.C.Z.R.

It should be noted that by consent dated September 5, 1995, the Director of the Department of Environmental Protection and Resource Management (DEPRM) advised this office that the proposed building will be located outside the required 100-foot buffer to Bear Creek, and as such, will be in compliance with Chesapeake Bay Critical Areas regulations.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of October, 1995 that the Petition for Special Hearing seeking approval to construct a 40' x 60' building in a flood plain, in accordance with Petitioner's Exhibit 1, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), Section 517.1 of the Building Code (B.C.), and Section 26-670, 26-172(a)(3) of the Baltimore County Code (B.C.C.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 255.1 and 238 of the B.C.Z.R. to permit a building setback of 5 feet and a street centerline setback of 25 feet in lieu of the required minimum of 30 feet and 50 feet, respectively, for a proposed

building, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner may apply for their building permit and the related same upon receipt of this Order; however, Petitioners are hereby made aware that property at this time is at their own risk until such time as the final appellate process from this Order is completed. If, for whatever reason, this Order is rescinded, the relief granted herein shall be rescinded.

2) In the absence of any occupancy permits, the Petitioner shall submit a landscape plan for review and approval by Avery Hardin, the Landscape Architect for Baltimore County.

3) 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.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

RECEIVED FOR FILING
Date 10/19/95
By [Signature]

RECEIVED FOR FILING
Date 10/19/95
By [Signature]

RECEIVED FOR FILING
Date 10/19/95
By [Signature]

RECEIVED FOR FILING
Date 10/19/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 19, 1995

Philip O. Foard, Esquire
White, Mindel, Clarke & Foard
40 W. Chesapeake Avenue, Suite 300
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/S Cove Road, 1600' SE of Chesterwood Road
(8500 Cove Road)
12th Election District - 7th Councilmanic District
Arthur Cox - Petitioner
Case No. 96-82-SPHA

Dear Mr. Foard:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Arthur Cox, President, Anchor Bay Marine
8500 Cove Road, Baltimore, Md. 21222

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM, People's Counsel; Case file

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 8500 Cove Rd. Baltimore, MD 21222
which is presently zoned ML-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve Special Hearing pursuant to Section 500.6, BCZR; Section 517.1, Building Code; and Sections 26-670, 26-172(a)(3), SCC to construct a 40' by 60' Building in the Flood Plain.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of 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.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Anchor Cox
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Address
City State Zipcode

8500 Cove Rd. 284-1044
Baltimore, MD. 21222

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City State Zipcode

Philip O. Foard
(Type or Print Name)
Signature
Address
City State Zipcode

White, Mindel, Clarke & Foard
40 W. Chesapeake Ave., Ste 300
Towson, MD. 21204

ANCHOR BAY YACHT SALES, Inc.
8500 Cove Road
"On Bear Creek"
Dundalk, MD 21222
(410) 284-1044
Fax: (410) 284-1044

RECEIVED FOR FILING
Date 10/19/95
By [Signature]

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 8500 Cove Rd. Baltimore, MD 21222
which is presently zoned ML-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 255.1 AND 238 (BCCR.) TO PERMIT A SETBACK (FOR A PROPOSED BUILDING) OF 5 FT. AND A STREET CENTERLINE SETBACK OF 25 FT. IN LIEU OF THE MAXIMUM REQUIRED 30 FT. AND 50 FT. RESPECTIVELY. 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.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Anchor Bay East Marine
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Address
City State Zipcode

8500 Cove Rd. 284-1044
Baltimore, MD. 21222

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City State Zipcode

Philip O. Foard
(Type or Print Name)
Signature
Address
City State Zipcode

White, Mindel, Clarke & Foard
40 W. Chesapeake Ave., Ste. 300
Towson, Maryland 21204

RECEIVED FOR FILING
Date 10/19/95
By [Signature]

ANCHOR BAY EAST MARINE
8500 COVE ROAD

Beginning at a point on the Southeast side of Cove Road which is a Forty (40) foot Right of Way at the distance of 1600 feet Southeast of Chesterwood Road which is a Forty (40) foot Right of Way. Being Lot #33, 34, 35, 36 in the Subdivision of "Stansbury Shores" as recorded in Baltimore County Plat Book No. Folio , containing 1.14 Acres. Also known as 8500 Cove Road and located in the 12th Election District.

GDM:gm



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10th Date of Posting: 9/19/95
Posted for: Special Hearing
Petitioner: Anchor Bay Marine
Location of property: 8500 Cove Rd
Location of Sign: Along the Side of Property
Remarks: None
Posted by: [Signature] Date of return: 9/24/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1995
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 9/21, 1995.

THE JEFFERSONIAN,
A. Henkel
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 9/19/95 ACCOUNT: R001650
96-82-SP4A AMOUNT: 535.00
RECEIVED FROM: ANCHOR BAY MARINE 8500 COVE RD
C SP4 250.00
C VAR 250.00
C SHW 35.00
FOR: 0140340334412WRC \$535.00
By: 0001422P08-18-95
VALIDATION OR SIGNATURE OF CARRIER
UNIT-CARRIER FNC-AGENCY YELLOW-CUSTOMER

Baltimore County Government
Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 80
Petitioner: ANCHOR BAY MARINE
Location: 8500 COVE RD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: ANCHOR BAY MARINE
ADDRESS: 8500 COVE RD
BALTO. MD. 21222
PHONE NUMBER: 410-284-1044

AJ:ggg

(Revised 04/09/93)

TO: FUTURE PUBLISHING COMPANY
September 21, 1995 Issue - Jeffersonian

Please forward billing to:

Anchor Bay Marine
8500 Cove Road
Baltimore, MD 21222
284-1044

NOTICE OF HEARING

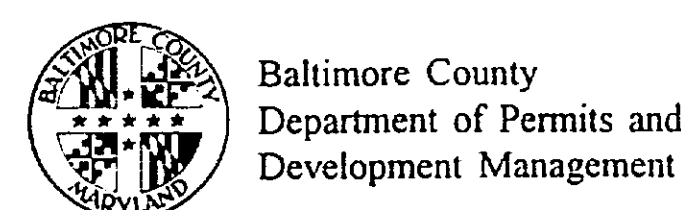
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-82-SP4A (Item 80)
8500 Cove Road - Anchor Bay Marine
12th Election District - 7th Councilmanic
Legal Owner: Anchor Bay Marine
HEARING: WEDNESDAY, OCTOBER 11, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to construct a 40-foot by 60-foot building in the flood plain. Variance to permit a setback (for a proposed building) of 5 feet and a street centerline of 25 feet in lieu of the maximum required 30 feet and 50 feet, respectively.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 11, 1995

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 Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-82-SP4A (Item 80)
8500 Cove Road - Anchor Bay Marine
12th Election District - 7th Councilmanic
Legal Owner: Anchor Bay Marine
HEARING: WEDNESDAY, OCTOBER 11, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to construct a 40-foot by 60-foot building in the flood plain. Variance to permit a setback (for a proposed building) of 5 feet and a street centerline of 25 feet in lieu of the maximum required 30 feet and 50 feet, respectively.

[Signature]
Arnold Jablon
Director

cc: Anchor Bay East Marine
Philip O. Foard

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 4, 1995

Philip O. Foard
White, Mindel, Clarke & Foard
40 W. Chesapeake Ave., Suite 300
Towson, Maryland 21204

RE: Item No.: 80
Case No.: 96-82-SP4A
Petitioner: Anchor Bay E. Marine

Dear Mr. Foard:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

[Signature]
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: Sept. 7, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for September 5, 1995
Item No. 080

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of commercial development.

In accordance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The property is subject to the Landscape Manual as a condition of the building permit.

RWB:sw

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

TO: Mr. Arnold Jablon, Director September 5, 1995
Zoning Administration and Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #80 - Anchor Bay East Marine & Yacht Sales
8500 Cove Road
Zoning Advisory Committee Meeting of August 28, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

The storage building is located out of the 100 foot buffer to Bear Creek and is in compliance with Chesapeake Bay Critical Area regulations.

JLP:PF:sp

cc: Mr. Art Cox

ANCHOR/DEPRM/TXTSBB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 14, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):
Item Nos. 78, 80, 93, 94, 97, 99, 103, 104, 109, 110, 112, and 113

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 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: Carol L. Kenna

PK/JL

ITEM 78/PZONE/TXTJWL

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 08/30/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 28, 1995.

Item No.: SEE BELOW Zoning Agenda:

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.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 66, 67, 68, 69, 70, 71, 73, 74, 75, 77, 79 & 80.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

SEP 5 1995
ZADM

SHA Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-30-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 080 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2293 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS
AGENDA FOR 8/28/95

#69 --- JJS

1. No legal owner name, signature, address, or telephone number.

#75 --- CAM

1. No telephone number for legal owner.

#78 --- JJS

1. No review information on bottom of petition form.

#80 --- JLL

1. No review information on bottom of petition form.
2. Need attorney's signature.

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 18, 1995

TO: Hearing Officer

FROM: John L. Lewis
Planner II, FDM

SUBJECT: Item #80
8500 Cove Road

Applicant advised attorney's signature on special hearing forms required prior to hearing.

JLL:scj

photographs
Case 96-82-5716

