

IN RE: PETITION FOR ADMINISTRATIVE	* BEFORE THE
ZONING VARIANCE	
W/S South River Drive, 181 ft.	* ZONING COMMISSIONER
S of the c/l of University Drive	
6713 South River Drive	* OF BALTIMORE COUNTY
15th Election District	
5th Councilmanic District	* Case No. 98-418-A
Jamie Molinelli, et al	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Jamie Molinelli and Christopher Bradley, for that property known as 6713 South River Drive in the Harewood Park subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (gazebo) to be located in the front yard in lieu of the required rear yard, in a D.R.5.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

ORDER RECEIVED FOR FILING
 Date 6/14/98
 By M. M. M. M.

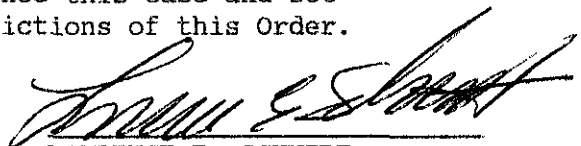
B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR). The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of June, 1998 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (gazebo) to be located in the front yard, in lieu of the required rear yard, in a D.R.5.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/4/98
By M. Hovak



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

June 3, 1998

Mr. Jamie Molinelli
Mr. Christopher Bradley
6713 South River Drive
Baltimore, Maryland 21220

RE: Petition for Administrative Variance
Case No. 98-418-A
Property: 6713 South River Drive

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6713 South River Drive
which is presently zoned D.R. 5.5

This Petition shall be filed with the Dept. of Permits & 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)

Section 400.1 to allow an accessory structure to be located in the front yard in lieu of the required rear yard.

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

There was a previously existing 50-year-old cottage on the waterline directly in front of our proposed new gazebo. The cottage was historically used as a summertime home/gathering place. From multiple years of use and inclement weather, the cottage had become structurally and environmentally hazardous. We elected to replace it with an environmentally friendly, esthetically pleasing new gazebo.

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/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

Jamie Molinelli

(Type or Print Name)

Jamie Molinelli

Signature

Christopher Bradley

(Type or Print Name)

C. Bradley

Signature

W-410-252-8387

(410)

6713 South River Dr

3354091

Address

Phone No

(410) 252-8387

Baltimore MD

21220 wk.

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: PR DATE: 5/5/98

ESTIMATED POSTING DATE: 5/17/98

98-418-A

ITEM #: 418

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 6713 South River Drive
address
Baltimore MD 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The cottage was an integral part of our quality of life on the waterfront and existing property value. We should have the right to retain the waterfront view afforded by the cottage and the utility of that building. Our new proposed gazebo would meet all MD environmental regulations. The site for the gazebo has been reviewed and approved by the DEPRM and meets all critical area criteria. We have worked diligently with the DEPRM agent to site the gazebo where there is minimal impact on the environment ie removal of trees and waterline disturbance. We can provide testimonials from our neighbors to support our petition for the gazebo. They agree that replacing the

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Jamie Molinelli
(signature)
Jamie Molinelli
(type or print name)



C. Bradley
(signature)
C. BRADLEY
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

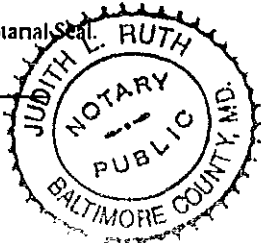
I HEREBY CERTIFY, this 5th day of May, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jamie Molinelli & Christopher Bradley

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal:

5-5-98
date



Judith L. Ruth
NOTARY PUBLIC
My Commission Expires: 5-01-01

→ old damaged cottage with the new gazebo would have a positive impact on the neighborhood environment and property values. We feel we should not be penalized for our conscientious decision.

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

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Jamie Moline
(signature)
Jamie Moline
(type or print name)



C. Bradley
(signature)
C. BRADLEY
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

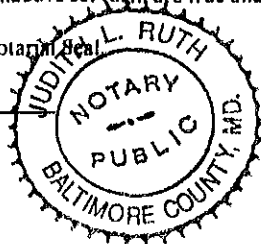
I HEREBY CERTIFY, this 5th day of May, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jamie Moline & Christopher Bradley

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notary Seal

5-5-98
date



[Signature]
NOTARY PUBLIC

My Commission Expires: 5-01-01

→ old damaged cottage with the new gazebo would have a positive impact on the neighborhood environment and property values. We feel we should not be penalized for our conscientious decision.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6713 South River Drive
which is presently zoned D.R.55

This Petition shall be filed with the Dept. of Permits & 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)

Section 400.1 to allow an accessory structure to be located in the front yard in lieu of the required rear yard.

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

There was a previously existing 50-year-old cottage on the water line directly in front of our proposed new gazebo. The cottage was historically used as a summertime home/gathering place. From multiple years of use and inclement weather, the cottage had become structurally and environmentally hazardous. We elected to replace it with an environmentally friendly, esthetically pleasing new gazebo.

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/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s).

JAMIE Molinelli
(Type or Print Name)

Jamie Molinelli
Signature

Christopher Bradley
(Type or Print Name)

C. Bradley
Signature

W-410-252-8387

(410)

6713 South River Dr

3354091

Address

Phone No (410) 252-8387

Baltimore MD

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: BR DATE: 5/5/98

ESTIMATED POSTING DATE: 5/17/98

Printed with Soybean Ink
on Recycled Paper
98-418-A

ITEM #: 418

ZONING DESCRIPTION

FOR: 6713 SOUTH RIVER DRIVE BALTIMORE MD 21220

BEGINNING AT A POINT ON THE WEST SIDE OF SOUTH RIVER DRIVE, WHICH IS 20 FEET WIDE AT THE DISTANCE OF 181 FEET ~~NORTH~~^{SOUTH} OF THE CENTRELINE OF THE NEAREST IMPROVED INTERSECTING STREET UNIVERSITY DRIVE WHICH IS 20 FEET WIDE.

BEING LOT NOS 147, 148, 149, 150, 151.

BLOCK

SECTION

IN THE SUBDIVISION OF HAREWOOD PARK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NUMBER 7, FOLIO NUMBER 131 CONTAINING 19,932 SQ FEET

ALSO KNOWN AS 6713 SOUTH RIVER DRIVE, BALTIMORE MD 21220 AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT.

98.418-A

418

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

153723

DATE 5/5/98 ACCOUNT R001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Chris Bradley

FOR: 010 Zoning Variance

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

1 per # 418

PAID RECEIPT

PROCESS ACTUAL TIME
5/05/1998 5/05/1998 14:09:44
REC 1501 CASHIER CLIN CML DRAMER 1
5 MISCELLANEOUS CASH RECEIPT
Receipt # 048726
CR MD. 063723

50.00 CASH
Baltimore County, Maryland

98-418-A

CASHER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 98-418-A
Petitioner/Developer:
(Chris. Bradley)
Date of Hearing/Closing:
(June 1, 1998)

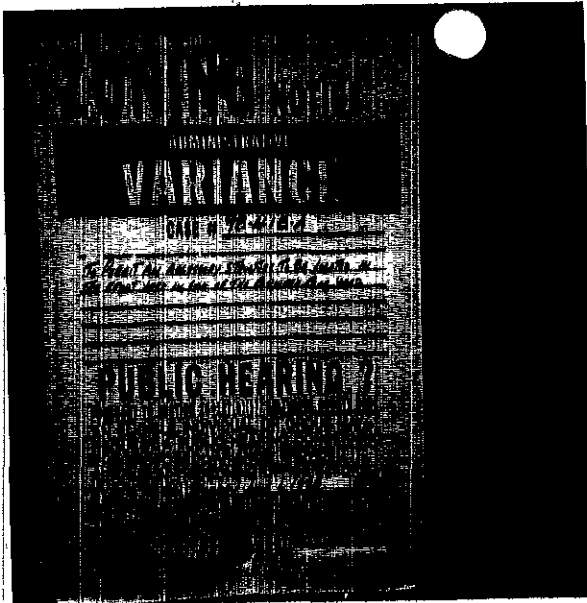
**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____
6713 South River Drive Baltimore, Maryland 21220 _____**

**The sign(s) were posted on _____ May 15, 1998 _____
(Month, Day, Year)**



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

**_____ (410)-687-8465 _____
(Telephone Number)**



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 4/8

Petitioner: Jamie Molinelli / Christopher Bradley

Location: 6713 South River Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Christopher Bradley

ADDRESS: 6713 South River Drive

Baltimore, MD 21220

PHONE NUMBER: (410) 335-4091 h.m.

(410) 252-8387 wk.

AJ:ggs

(Revised 09/24/96)

98-418-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 418 -A Address 6713 South River Drive
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 5/5/98 Posting Date: 5/17/98 Closing Date: 6/1/98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 98- 418 -A Address 6713 South River Drive
Posting Date: 5/17/98 Closing Date: 6/1/98
Wording for Sign: To Permit an accessory structure to be located in the front yard in lieu of the required rear yard.



Baltimore County
Department of Permits and
Development Management

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

May 27, 1998

Ms. Jamie Molinelli & Mr. Christopher Bradley
6713 South River Drive
Baltimore, MD 21220

RE: Item Number: 418
Case Number: 98-418-A
Petitioner: Jamie Molinelli, et al

Dear Ms. Molinelli & Mr. Bradley:

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 May 5, 1998.

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 Gwen Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive script.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:rye

Enclosures





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 5-15-94
Item No. 418 TBR

Dear Ms. Stephens:

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 Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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 CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: May 18, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

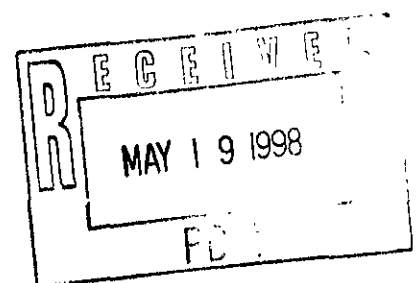
The Planning Office has no comments on the following petitions (s):

Item No. 413, 418, 419, 420, 421, 422, 424, and 426

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey W. Long
Division Chief: Gayle L. Kerns

AFK/JL



file

Due Date: May 29, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *RSJ*

SUBJECT: Zoning Item #418

Molinelli Property, 6713 South River Drive

Zoning Advisory Committee Meeting of May 18, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
 - X The subject structure has already been constructed, and a variance to the Chesapeake Bay Critical Area regulations for the structure has been denied, due to the proximity of the structure to mean high tide. (See attached letter). The location of the structure shown on the zoning petition plan is approvable, subject to Buffer Management Plan and other critical area criteria.

Attachment

97-33



**Baltimore County
Department of Environmental Protection
and Resource Management**

**Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
410-887-3733
Fax: 410-887-4804**

March 2, 1998

Ms. Jamie Molinelli
6713 S. River Dr.
Baltimore, Md. 21220

Re: Permit Application B312807
6713 S. River Dr.
Critical Area Administrative Variance

Dear Ms. Molinelli:

The Department of Environmental Protection and Resource Management (DEPRM) has received your variance request to construct a 14 foot by 31 foot gazebo within 6 feet of mean high water in a mapped Buffer Management Area (see attached Buffer Management Plan). The Director of DEPRM may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. The structure in question is a recreational structure rather than a primary structure such as a dwelling, and is not a water-dependent facility. Without the gazebo in the present location, you have reasonable use of your property. Alternate locations for the structure exist that still provide a water view. Existence of previous structures in that area do not warrant approval of replacement structures. Therefore, the hardship in this case is unwarranted.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. Gazebos are not permitted as a matter of right within the 100 foot tidal buffer given that such structures are not water-dependent facilities. Other proposals to place gazebos in similar locations relative to mean high tide in a Buffer Management Area would be denied to other property owners throughout the Critical Area. For this reason, you are not being deprived of rights commonly enjoyed by other waterfront lot residents.



Ms. Jamie Molinelli

March 2, 1998

Page 2

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. Granting you this variance would confer upon you the privilege of having a gazebo within 6 feet of mean high tide within a mapped Buffer Management Area. This same privilege would be denied to other waterfront property owners proposing gazebos in the buffer under similar circumstances.

The fourth criterion requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. The gazebo was constructed prior to seeking County approvals. Therefore, this after the fact variance request is the result of actions taken by you, the applicant.

The fifth criterion requires that granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area regulations. Placement of a non-water-dependent structure such as the gazebo within 6 feet of mean high tide, in a manner inconsistent with Buffer Management Plan provisions, is inconsistent with the spirit and intent of the Chesapeake Bay Critical Area Regulations. Therefore, this criterion has not been met.

Based upon our review, it is this Department's findings that all of the above criteria have not been met, and the requested variance is hereby denied in accordance with Section 26-445(c) of the Baltimore County Code.

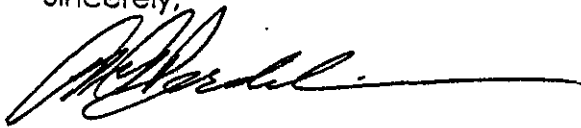
If you do not concur with the above decision, you may file an appeal with the Baltimore County Board of Appeals within thirty (30) calendar days of the date of this letter. The appeal must be in writing and state concisely why you believe the decision was improper. Address the appeal to the Baltimore County Board of Appeals and send it to the address listed on the next page, accompanied by a \$75.00 check payable to Baltimore County Government to cover the appeal fee.

Ms. Jamie Molinelli
March 2, 1998
Page 3

Environmental Impact Review
Baltimore County Department of
Environmental Protection and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
Attention: Ms. Patricia M. Farr

If you have questions regarding this project, please contact Mr. Paul A. Dennis of this office at 410-887-3980.

Sincerely,



George G. Perdikakis
Director

GGP:pad

c: Ms. Susan McConville, CBCA Commission
Ms. Patricia M. Farr

pd3/molinel2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: May 22, 1998

TO: Larry Schmidt
Zoning Commissioner

FROM: John M. Altmeyer -- R.L.
Code Enforcement Supervisor

SUBJECT; ITEM NO.: 418

PETITIONER; Jamie Molinelli and Christopher Bradley

VIOLATION CASE NO.: 103687

DEFENDANTS; Jamie Molinelli and Christopher Bradley

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s).

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JMA/RL/klh



Baltimore County
Department of Environmental Protection
and Resource Management

BUREAU OF RESOURCE MANAGEMENT
AND ENGINEERING SERVICES
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
410-887-3980
Fax: 410-887-4804

April 3, 1998

Ms. Jamie Molinelli
6713 S. River Drive
Baltimore, Md. 21220

Re: Permit Application B312807
6713 S. River Drive

Dear Ms. Molinelli:

Environmental Impact Review (EIR) has completed a review of the above-referenced permit application for a gazebo and continues to hold the application because the proposed work is within the 100 foot buffer to tidal waters. Moreover, the lot is within a Buffer Management Area (BMA) in the Chesapeake Bay Critical Area (CBCA). The BMA program, which applies to heavily developed shoreline areas of the Critical Area, was developed to eliminate the need for variances for many buffer disturbances and to provide more expeditious review of building permits. While certain structures are permitted within the 100 foot buffer, BMA regulations specify that adequate mitigation must be provided to offset the proposed impacts to the buffer. If mitigation cannot be reasonably accomplished onsite, a fee may be paid in lieu of providing part or all of the required mitigation. However, every attempt must be made to provide this mitigation onsite in accordance with the goals and objectives of the BMA Program.

As indicated in the August 8, 1997 correspondence and in the field meeting of March 23, 1998, the gazebo will be moved back at least 25 feet from the mean high tide (the location of the 6"x6" support post as was discussed). Required mitigation includes the removal of the 292 square feet of impervious surface that was associated with the cottage. You must mitigate for the new 142 square feet of impervious surface within the 100 foot tidal buffer by planting four 5 to 6 foot in height native deciduous trees within the 100 foot tidal buffer. A list of native trees is attached for your information. This mitigation, including the moving of the gazebo, must be performed by June 30, 1998.

Impervious surfaces are limited to 25% or 4,983 square feet of your property. Impervious surfaces on your site total 1821 square feet at this time, including the gazebo. Please be advised that any proposed impervious surface increases on site require review by this office. Also, any proposals within the 100 foot tidal buffer may require a variance.

The bMA Program was approved by the State's CBCA Commission on a two year trial basis. Success of this program and our ability to continue to provide expeditious permit review depends upon compliance with policy provisions and proper implementation of mitigation requirements. Please be advised that EIR staff and/or State CBCA officials will likely visit your property to determine compliance with this policy.

Post-It* Fax Note 7671		Date <u>4/3/98</u>	# of pages <u>3</u>
To <u>Rodney</u>	From <u>Paul Dennis</u>		
Co./Dept. <u>Building Inspection</u>	Co. <u>DEPRM</u>		
Phone #	Phone # <u>X3980</u>		
Fax # <u>808</u>	Fax #		

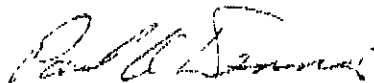
Ms. Jamie Molinelli
April 3, 1998
Page 2

In order for the subject permit application to be approved by EIR, please sign and return a copy of this letter to indicate your agreement to perform the required mitigation. Also, submit the attached revised plan to the Department of Permits and Licenses, room 100, 111 West Chesapeake Ave., Towson, Md. 21204. Once your signed copy or fee-in-lieu is received, and the attached revised plan submitted, EIR will release its hold on the permit application.

While the individual impact of the proposed gazebo is minimal, the cumulative impact of all of the structures in the buffer throughout Baltimore County's waterfront is very significant. It is for this reason that mitigation, such as that indicated above, is required by CBCA regulations. Each resident of the Chesapeake Bay's watershed must do their part toward protecting and enhancing the Bay so that it may continue to provide its vast array of economical and recreational benefits.

If you have any questions regarding these requirements or if we can be of assistance, please contact me at 410-887-3980.

Sincerely yours,



Paul A. Dennis
Natural Resource Specialist
Environmental Impact Review

I/We have read and do hereby agree to implement the above requirements to bring my/our property into compliance with Chesapeake Bay Critical Area regulations.

Signature

Date

Signature

Date



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 887-3351
Building Inspection: 887-3953

Plumbing Inspection: 887-3620
Electrical Inspection: 887-3960

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.

103687

Name(s) _____
Address 6713 S River Drive
Location of Violation (if different than address) _____
Election District 15 Permit No. 312807 Case No. _____
Vehicle License No.: _____ Vehicle ID: _____

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code:

§§ _____
§§ _____
§§ _____

Building Code (BOCA):

§§ 107.1
§§ Permit required
§§ _____

Investment Property Act (§7-66):

§§ _____
§§ _____

Plumbing Code (NSPC):

§§ _____
§§ _____

Zoning Regulations:

§§ _____
§§ _____
§§ _____

Livability Code (§18-66):

§§ _____
§§ _____
§§ _____

Electrical Code (NEC):

§§ _____
§§ _____

Dwelling (CABO):

§§ _____
§§ _____

Other: §§ _____

COMMENTS OR OTHER VIOLATIONS:

Secure valid permit for pavilion
Application B-312807 is held by envrmt.
Structure is approx 6' from water. Appears
to be Zone A. Structure is unclear roof

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE
_____. FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON
THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: _____ INSPECTOR: _____

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS,
YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER
PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE
INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: 8/15/97
DATE ISSUED: 8/17/97 INSPECTOR: Rodney Luerick

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE.
PLEASE READ CAREFULLY.

AGENCY

provided to offset the proposed impacts to the buffer. If mitigation cannot be reasonably accomplished onsite, a fee may be paid in lieu of providing part or all of the required mitigation. However, every attempt must be made to provide this mitigation onsite in accordance with the goals and objectives of the BMA Program.

As indicated in the August 8, 1997 correspondence, and in the field meeting of March 23, 1998, the gazebo will be moved back at least 25 feet from the mean high tide (the location of the 6"x6" support post as was discussed). Required mitigation includes the removal of the 292 square feet of impervious surface that was associated with the gazebo. You must mitigate for the new 142 square feet of impervious surface within the 100 foot tidal buffer by planting four 5 to 6 foot in height native deciduous trees within the 100 foot tidal buffer. A list of native trees is attached for your information. This mitigation, including the moving of the gazebo, must be performed by June 30, 1998.

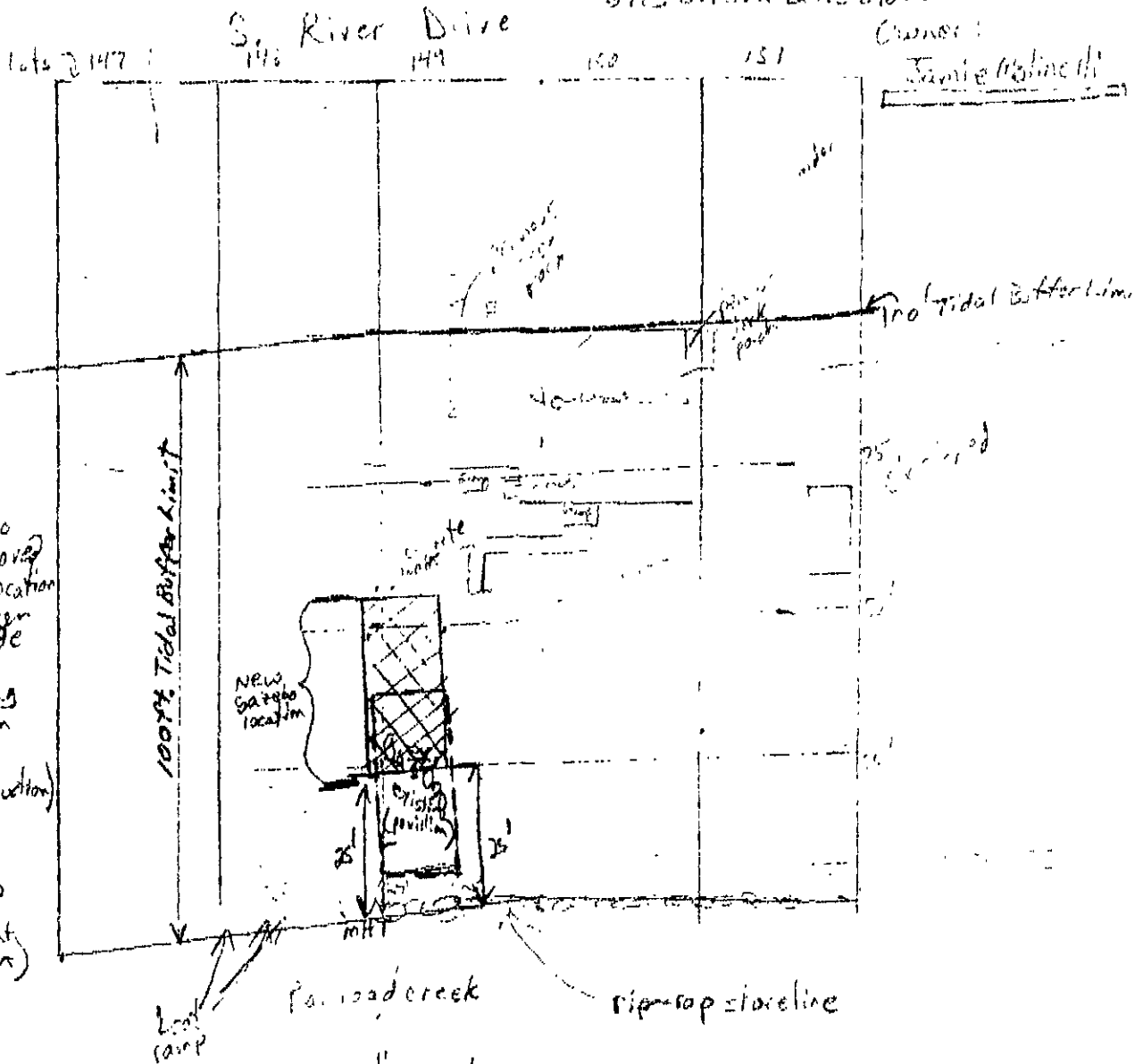
Impervious surfaces are limited to 25% or 4,983 square feet of your property. Impervious surfaces on your site total 1821 square feet at this time. Please be advised that any

Permit B312807

6713 S. River Drive 21020

Owner:

Jamie Molinari



CHESAPEAKE BAY CRITICAL AREA - LIMITED DEVELOPMENT AREA

Existing Impervious Surfaces Total Lot Area = 19,932 ft² Less than 15%

House = 1153 ft²

concrete
walkway = 114 ft²
cottage = 292 ft²
shed = 126 ft²

1679 ft² or 84%

proposed pavilion = 434 ft² (majority has been constructed)

- cottage 292 ft²

Total proposed impervious surfaces = 1821 ft² or 9%

25% x 19932.4 = 4983 ft² allowed impervious

Existing = 1887 ft² or 7%

Forest Cover

> 30 mature deciduous trees exist scattered throughout property. A 15% Forest cover must be maintained.

*NOTE: 292 ft² cottage and concrete pad have been removed from the Tidal Buffer.

Mitigation for new impervious in buffer: 4 5-6 foot in height native deciduous trees are to be planted within the Buffer prior to June 30, 1998.

REWOOD

PARK

98.418-A

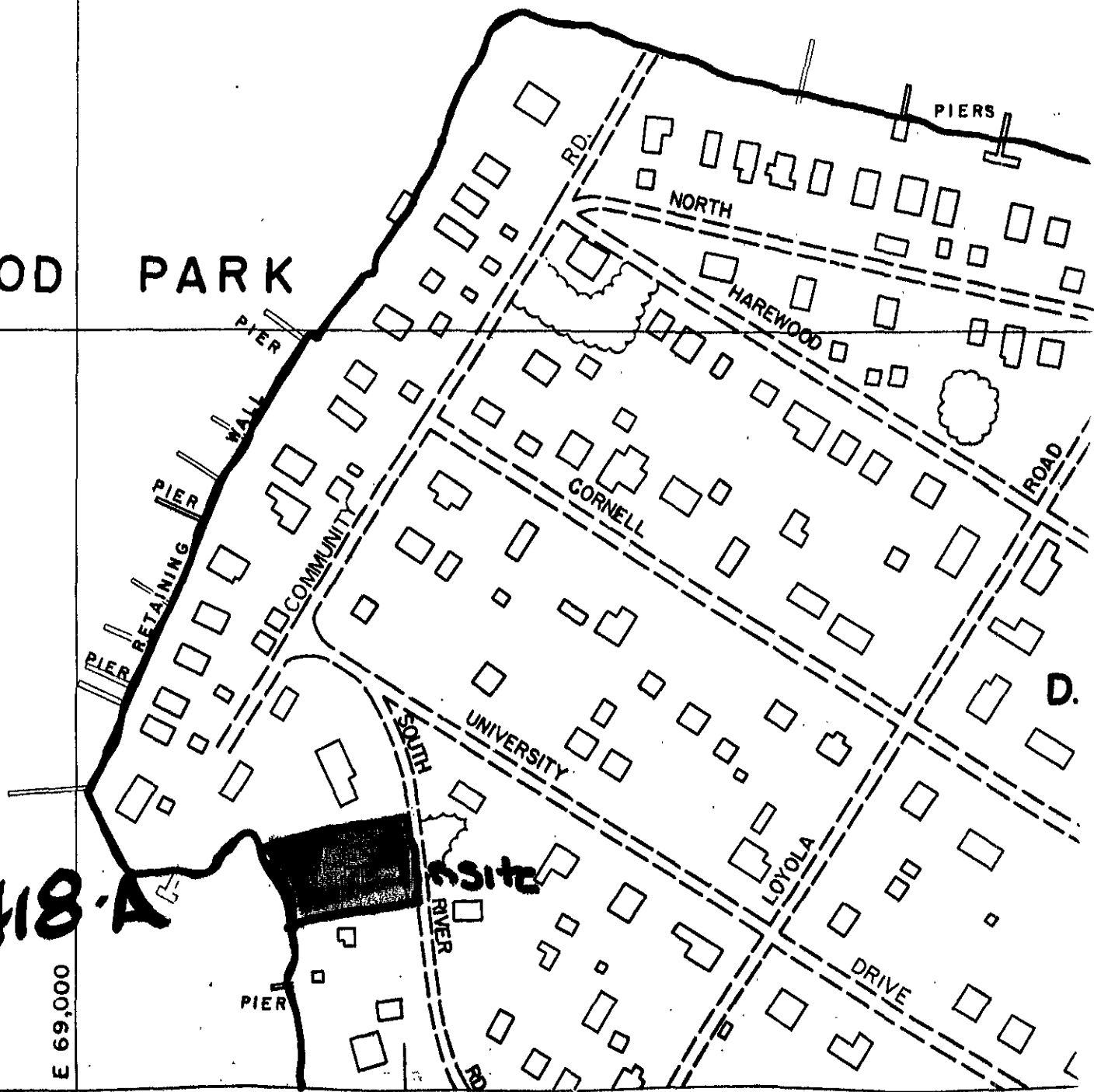
E 69,000

(SHEET N.E. 7-L)

TIMORE COUNTY

#418

N.E. 8L



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 6713 South River Drive

Subdivision name: HARBWOOD PARK

plat book # 1, folio # 13, lot # 140, section # 1

OWNER: Jamie Molinell

See pages 5 & 6 of the CHECKLIST for additional required information

[Handwritten signature]

181' to corner of University Drive South River Drive

Mrs. Jane Adams
Tax No 15-19-641440
Lot No S 139, 140

Ms. Jamie Molinell
Tax No 15-03-300260
Lots 147, 148, 149, 150, 151

Mr. Richard Baker
Tax No 15-07-009570
Lot Nos 152-155

Existing Dwelling No 6705

Existing Dwelling No 6713

Existing Dwelling No 6717

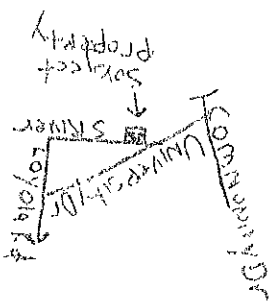
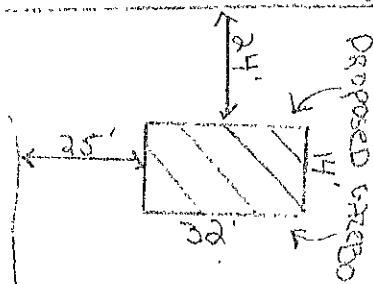


North
date: 5-5-98

Prepared by: J. Molinell

Scale of Drawing: 1" = 40'

Bird River
(Railroad Creek)



Vicinity Map
Scale 1" = 1000'

LOCATION INFORMATION

Election District: 15
Councilmanic District: 5

1" = 200' scale map: N.E. 81
Zoning: DR, S15

Lot size: 19932 acreage square feet

Public Utilities

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☒ ☐

Prior Zoning Hearings: ☒ ☐

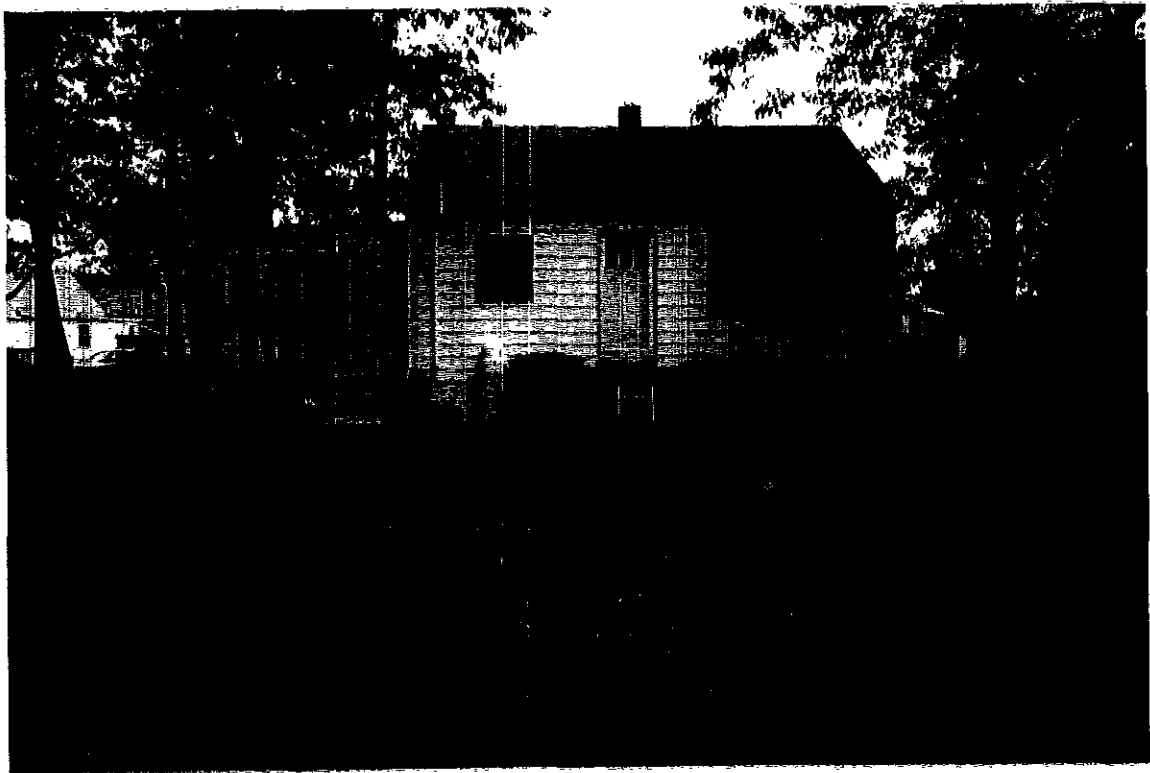
NONE

Zoning Office USE ONLY!

reviewed by: ITEM # CASE #:

DR 418 98-418-A

98-418-A



98-418-A



98-418-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

48

SCALE		LOCATION	SHEET
1" = 200' ±			
DATE OF PHOTOGRAPHY		HAREWOOD PARK	N.E. 8-L
JANUARY 1986			