IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE N/S Holly Neck Road, 150' E of the c/l
Frankewitz Road
(2426 Holly Neck Road)
15th Election District
6th Council District

Holly Neck Marina, LLC and William Faber – Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 04-304-SPHXA

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by William Faber and the Holly Neck Marina, LLC, through their attorney, Alfred L. Brennan, Jr., Esquire. The Petitioners request a special hearing to approve or confirm the use of the subject property as a marina, as nonconforming, and, if necessary, to allow an expansion of the marina use by 18.7%, and to permit the required parking for same to be located in an R.C.5 zone. Alternative special exception relief is requested to allow a marina or boatyard with a Class A out-of-water storage facility in a B.L. zone. Finally, variance relief is requested from Sections 232.1 and 232.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a street centerline setback of 38 feet in lieu of the required 40 feet and a side yard setback of 40 feet in lieu of the required 50 feet for an existing building. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were William Faber, property owner; Michael Weaver and Joseph Byrnes on behalf of the Holly Neck Marina, LLC, Lessees; David Billingsley, zoning consultant; and Alfred L. Brennan, Jr., Esquire, attorney for the Petitioners. Also appearing in support of the request were numerous residents from the surrounding community, all of who signed the citizens' sign-in sheet that was circulated at the hearing. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the relief requested relates to two separate, but adjacent parcels used in conjunction with the operation of the Holly Neck Marina. The first is an irregular shaped waterfront parcel containing approximately 3.96 acres in area, of which 2.52 acres is dry land, zoned R.C.5. The remainder of that parcel is located in the bed of Sue Creek. This parcel features numerous boat slips and piers along the water's edge and is also improved with a two-story dwelling (known as 2426 Holly Neck Road), which is located immediately adjacent to that road. To the rear of that parcel is a boat repair shop and small office attached thereto. This parcel has been operated as the Holly Neck Marina for many years and was acquired by Michael Weaver approximately 3½ years ago.

The second parcel under consideration relates to an adjacent 0.47-acre tract, which is actually part of a larger parcel owned by William Faber. The Faber property is located at the intersection of Holly Neck Road and Frankewitz Road and is zoned B.L. The front portion of the site is improved with a two-story building, which is used as a boarding house and bears the address 2420 Holly Neck Road. The rear portion of the site is improved with a dwelling, identified on the site plan as 909 Frankewitz Road. Mr. Faber proposes to subdivide his property and convey the rear portion of the site containing approximately 0.47 acres and the dwelling known as 909 Frankewitz Road to the Holly Neck Marina. It was indicated that the Marina approached Mr. Faber about this conveyance to obtain additional land and allow for expansion of the marina operation. The Marina intends to convert the dwelling for use as a storage building.

As noted above, Mr. Weaver has owned and operated the marina for the past 3½ years. In fact, he resides to the rear of the subject property at 903 Grove Road. Mr. Weaver indicated that he has made numerous improvements and upgrades to the property since his acquisition of same in order to improve its appearance. Indeed, the citizens who appeared from the neighborhood indicated that the property is well maintained. In this regard, there are numerous piers and boat slips along the waterfront. Mr. Weaver indicated that the Faber property will be utilized for additional out-of-water storage and that the existing building will be refurbished and used for storage. Testimony indicated that they currently have 49 boat slips and can store a maximum of 60

ORDER RECEIVE

boats on land in the winter. It is anticipated that another 15 boats will be stored within the expansion area. No boat racks are proposed and there will be no stacking of boats.

Turning first to the Petition for Special Exception, relief is requested specifically for the 0.47-acre parcel, which is zoned B.L. Section 230.13 of the B.C.Z.R. allows boat yards as uses permitted by special exception in the B.L. zone. Boat yards are defined in Section 101 of the B.C.Z.R. as "A commercial or non-profit boat basin with facilities for one or more of the following: sale, construction or repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types." It is clear that the proposed use of the 0.47-acre parcel falls within this definition as boats will be both stored and repaired on that property. Testimony and evidence was offered from a number of witnesses that there are numerous boatyards and marinas in the vicinity and thus, the proposed use is consistent with the locale.

I am easily persuaded that the Petition for Special Exception should be granted. I find that the relief requested meets the criteria for special exception relief and that there will be no detrimental impact to the health, safety and general welfare of the surrounding locale.

Turning to the Petition for Special Hearing, it is to be noted that the R.C.5 zone does not permit a boatyard or a marina as either a use permitted by right or by special exception. Thus, relief is requested to approve the use of the subject property as nonconforming. Nonconforming uses are defined in Section 101 of the B.C.Z.R. and regulated in Section 104. A nonconforming use is defined as "a legal use that does not conform to a use regulation for the zone in which it is located, or to a special regulation applicable to such use." The nonconforming use designation is frequently utilized to grandfather an otherwise illegal use. That is, if the Petitioner can demonstrate that the use existed prior to the effective date of the regulation which prohibited such use, then the use may continue as nonconforming. Nonconforming uses can be forfeited if abandoned or discontinued for a period of one year or more.

The testimony and evidence presented in this case was clear that the subject property has been used as a marina/boat yard since at least 1951, well prior to the effective date of the zoning regulations which prohibited such use in 1955. Testimony from a number of neighbors

indicated that there has been no discontinuance or abandonment of such use. Thus, I easily find that the use is nonconforming. In the alternative to the special exception relief, the Petitioners also requested approval to allow the proposed expansion of the marina use into the 0.47-acre parcel zoned B.L., as nonconforming. As I've granted the special exception to allow the operation of a boat yard/marina in the B.L. zone, this request is moot. Moreover, an expansion of the nonconforming use would be inappropriate under these circumstances, given that the request relates to an adjacent property. That is, the marina property as it presently exists is nonconforming; the 0.47-acre parcel is not. However, once the Petitioners acquire the 0.47-acre parcel, it will be incorporated into the Marina property and the internal property line will cease to exist. The entire tract would then be used in a uniform and consistent manner.

Turning to the Petition for Variance, all of the requests relate to the 0.47-acre parcel to be acquired from Mr. Faber. Due to the location of the existing building, relief is necessary to legitimize existing setbacks and there is no new building proposed. Thus, relief will be granted; however, certain restrictions will be imposed to protect the locale. First, I will limit storage on the overall tract to no more than 75 boats. Second, there can be no boat racks or stacking of boats on the property. Third, the Petitioner shall submit a landscape and lighting plan to Avery Harden for review and approval prior to the issuance of any permits. Landscaping should be designed to buffer the subject property from adjacent residential uses, and emphasis should be particularly placed on landscaping along Frankewitz Avenue. Lighting should be designed is such a manner so as to not reflect onto adjacent properties. Lastly, there will be no vehicular access to the subject property from Frankewitz Avenue. The sole means of access will remain from Holly Neck Road.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore county this day of March, 2004 that the Petition for Special Hearing seeking approval or confirmation that the use of the subject property as a marina is nonconforming, and to allow the

ORDER RECEIVED FOR FILING Date

By required parking for same to be located in an R.C.5 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to allow a marina or boatyard with a Class A out-of-water storage facility in a B.L. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 232.1 and 232.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a street centerline setback of 38 feet in lieu of the required 40 feet and a side yard setback of 40 feet in lieu of the required 50 feet for an existing 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, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) There shall be no more than 75 boats stored on the subject property and each boat must be stored at ground level. That is, there can be no stacking of boats or boat racks on the subject property.
- 3) Prior to the issuance of any permits, the Petitioner shall submit a landscape and lighting plan to Avery Harden, Baltimore County's Landscape Architect, for review and approval. Proposed landscaping should be designed to buffer the use from adjacent residential properties. Emphasis should be particularly placed on landscaping the property along Frankewitz Avenue. In addition, the lighting should be designed so as not to reflect onto adjacent properties.
- 4) There will be no vehicular access to the subject property from Frankewitz Avenue. The sole means of access will remain from Holly Neck Road.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of an expansion of the nonconforming marina use by 18.7%, be and is hereby DISMISSED AS MOOT.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

March 12, 2004

Alfred L. Brennan, Jr., Esquire Brennan and Brennan 825 Eastern Boulevard Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE N/S Holly Neck Road, 150' E of the c/l Frankewitz Road (2426 Holly Neck Road)

15th Election District – 6th Council District Holly Neck Marina, LLC & William Faber - Petitioners Case No. 04-304-SPHXA

Dear Mr. Brennan:

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

Very truly yours.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

Mr. Michael P. Weaver, Holly Neck Marina, LLC
 2426 Holly Neck Road, Baltimore, Md. 21221
 Mr. William Faber, 1710 Woodhome Drive, Bel Air, Md. 21015
 Chesapeake Bay Critical Areas Commission
 1804 West Street, Suite 100, Annapolis, Md. 21401
 Mr. George E. Stock, 821 Cedar Grove Road, Baltimore, Md. 21221
 DEPRM; Office of Planning; People's Counsel; Case/File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2476 HOLLY NECK ROAD which is presently zoned R.C.5 AND B.L

This Petition shall be filed with the Department of Permits and 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

OR CONFIRM A NON-CONFORMING USE AS A MARINA, AND IF NECESSARY, ALLOW AN EXPANSION OF THE NON-CONFORMING MARINA USE OF 18.7 PERCENT AND TO ALLOW PARKING REQUIRED FOR THE B.L. ZONE USE TO BE LOCATED IN THE R.C.5 ZONE.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			I/We do solemnly declar perjury, that I/we are the is the subject of this Pet	: legal Owner(s) of the	he penalties of e property which
Contract Purchas	ser/Lessee:		Legal Owner(s):		-
Name - Type or Print	<u></u>		MICHAEL P. V Name - Type or Print	VEAYER	······································
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Attorney For Peti			Z4ZG HOLLYN	ECK ROAD	
ALFRED L. B. Name - Type or Print	RENNAN, JR	• • • · · · · · · · · · · · · · · · · ·	Address BALTO.	MD.	Telephone No.
	R /		City	State	Zip Code
Signature CANANA	ANO BRENNA,	• /	Representative to t	e Contacted;	
Company	Y BLYD. (4-10)		Name	 	
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Petition for Special Exception

to the Zoning Commissioner of Baltimore County

E/S FRANKEWITZ ROAD

for the property located at N. OF HOLLY NECK ROAD

which is presently zoned B.L.

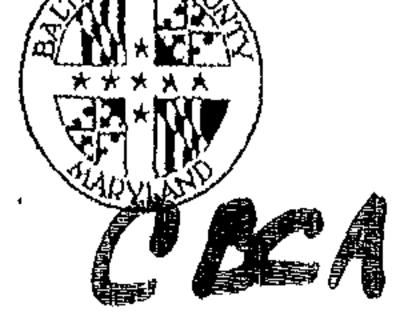
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

MARINA OR BOATYARD WITH A CLASS A OUT OF WATER STORAGE FACILITY.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded 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	<u> //Lessee:</u>		Legal Owner(s)) <i>:</i>						
HOLLY NESK MA	KRINA LLC		<u></u>	<u>.</u>						
MICHAEL P. WE	EAYER		WILLIAM	FABER						
Name - Type or Print			Name Type or Print		<u></u>					
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Petition for Variance

This Petition shall be filed with the Department of Permits and 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) 732.1 TO ALLOW A FRONT MARD OF 38 FEET FROM A STREET CENTER LINE IN LIEU OF THE REQUIRED 40 FEET AND SECTION 237.2 TO ALLOW A SIDE YARD OF 40 FEET IN LIEU OF THE REQUIRED 50 FEET.

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

THE BUILDING IS EXISTING AND AS PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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): HOLLY NECK MARINA LLC MICHAEL P. WEAVER WILLIAM FABER Name - Type or Print Name - Type of Print Signature Signature 2426 HOLLY NECK ROAD (410) 574-3988 Address Telephone No. Name - Type or Print BALTO. MD. 21221 City State Zip Code Signature 1710 WOODHOME DR. (410) 836-7/05 Attorney For Petitioner: Address Telephone No. ALFRED L. BRENMAIY, JR. 21015 BELAIR MO. Name - Type or Print City State Zlp Code Representative to be Contacted: Signatur BRENNAN AND BRENNAN Company Name 875 EASTERN BLVD. (410)687-3434 Address Telephone No. Address Telephone No. BALTO. MD. 2/22/ State Zip Code City State Zip Code OFFICE USE ONLY Tase No. 04-304-SPHKA ESTIMATED LENGTH OF HEARING ____ UNAVAILABLE FOR HEARING

Reviewed By

Date |

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING (NON-CONFORMING MARINA USE)

HOLLY NECK MARINA

Beginning at a point on the north side of Holly Neck Road (30 feet wide) said point being distant N 88 41 32 E 150 feet from the east side of Frankewitz Road (30 feet wide) thence (1) N 04°17' 00" E 360 feet thence (2) S 88°27' 00" W 100 feet thence (3) N 12°12' 00" E 20 feet thence (4) N 88°27' 00" E 313 feet thence (5) N 08°26' E 408 feet thence (6) S 20°01' E 329 feet thence (7) S 02°02' W 320 feet thence (8) S 88°50' 04" W 140 feet thence (9) S 01°33' W 165 feet thence (10) S 88°41' 32" W 264 feet to the place of beginning..

Containing 3.96 acres of land more or less and being located in the 15th Election District, 6th Councilmanic District of Baltimore County, Maryland.



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- NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #04-304-SPHXA
2426 Holly Neck Road
Niside of Holly Neck Road, 150 feet east of Frankewitz Road

15th Election District – 6th Councilmanic District Legal Owner(s): William Faber Contract Purchaser: Holly Neck Marina, LLC,

Michael Weaver

Michael Weaver

Special Hearing: to permit or confirm a non-conforming use as a marina, and if necessary, allow an expansion of the non-conforming marina use of 18.7 percent to allow parking required for the BL zone use to be located in the RC-5 zone. Special Exception: to be fmit marina or boatward with a Class A out of water storage facility. Variance: to allow a front yard of 38 feet from the street centerline in lieu of the required 40 feet and to allow a side yard of 40 feet in lieu of the required 50 feet.

Hearing: Wednesday, March 3, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 2/723 Feb. 17.

C649982

CERTIFICATE OF PUBLICATION

218,20 <u>04</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each of successive weeks, the first publication appearing
$\frac{2}{17}$, $\frac{200}{17}$
The Jeffersonian
Arbutus Times
Catonsville Times
Towson Times
Owings Mills Times NE Booster/Reporter
Ne Booster/Reporter North County News

e) Cs

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-304-5PHXA

Petitioner/Developer: HOLLY NECK

MARZINA, LLC, MICHAEL WEAVER

Date of Hearing/Closing: MARCH 3, 2004

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

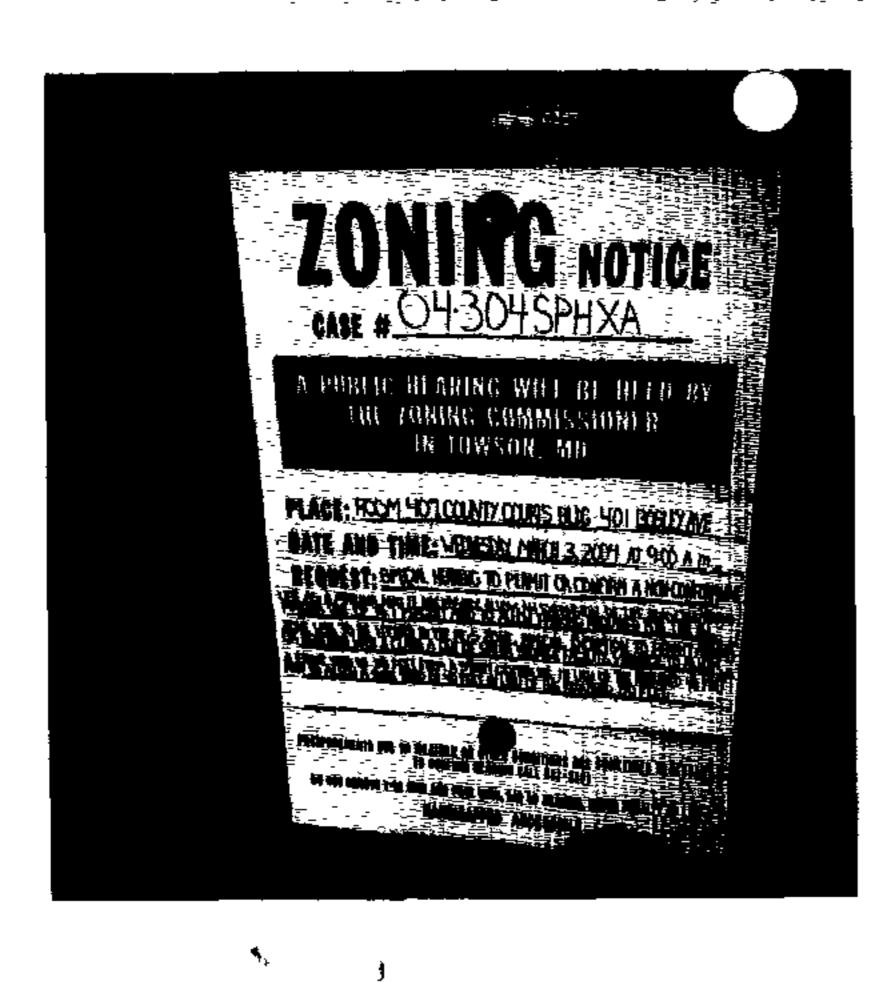
ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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This letter is to certify under the perposted conspicuously on the proper		ecessary sign(s) required by law were
2426	HOLLY NECK	ROAD
The sign(s) were posted on	2/14/04 (Month, Day,	Year)

Sincerely,



Robert Black 414/04
(Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708





James T Smith, Jr, County Executive Timothy M. Kotroco, Director

January 16, 2004

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-304-SPHXA

2426 Holly Neck Road

N/side of Holly Neck Road, 150 feet east of Frankewitz Road

15th Election District – 6th Councilmanic District

Legal Owner: William Faber

Contract Purchaser: Holly Neck Marina, LLC, Michael Weaver

Special Hearing to permit or confirm a non-conforming use as a marina, and if necessary, allow an expansion of the non-conforming marina use of 18.7 percent and to allow parking required for the BL zone use to be located in the RC-5 zone. Special Exception to permit marina or boatyard with a Class A out of water storage facility. Variance to allow a front yard of 38 feet from a street centerline in lieu of the required 40 feet and to allow a side yard of 40 feet in lieu of the required 50 feet.

Hearing: Wednesday, March 3, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Alfred Brennan, Jr., Brennan & Brennan, 825 Eastern Blvd., Baltimore 21221 William Faber, 1710 Woodhome Drive, Belair 21015 Michael Weaver, 2426 Holly Neck Road, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 17, 2004.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Visit the County's Website at www.baltimorecountyonline.info





TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 17, 2004 Issue - Jeffersonian

Please forward billing to:

Holly Neck Marina LLC 2426 Holly Neck Road Baltimore, MD 21221

410-574-3988

NOTICE OF ZONING HEARING

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CASE NUMBER: 04-304-SPHXA

2426 Holly Neck Road

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15th Election District – 6th Councilmanic District

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of

the required 50 feet.

Hearing: Wednesday, March 3, 2004, at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

item Num	per or Case Number: 04-304-5PHXA
Petitioner	HOLLY MECK MARINA, LLC WILLIAM FABER
Address c	r Location: Z4-Z6 HOGLY NESK ROAD
DI WAOE	CONMANDO ADMEDITICINIO DILLITO:
	FORWARD ADVERTISING BILL TO:
	FORWARD ADVERTISING BILL TO: HOLLY NECK MARINA LLC
Name:	
Name:	HOLLY NECK MARINA LLE
Name:	HOLLY NECK MARINA LLE Z4ZG HOLLY NECK ROAD

Revised 2/20/98 - SCJ



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

February 25, 2004

Alfred L. Brennan, Jr. 825 Eastern Bivd. Baltimore, Maryland 21221

Dear Mr. Brennan:

RE: Case Number 04-304-A, E/S Frankewitz N. of Holly Neck Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 24, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,
U. Call Rihall.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:clb

Enclosures

People's Counsel William Faber 1710 Woodhome Drive Belair 21015 Holly Neck Marina, LLC Michael P. Weaver 2426 Holly Neck Road Baltimore 21221



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

January 14, 2004

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: January 12, 2004

Item No.:

304

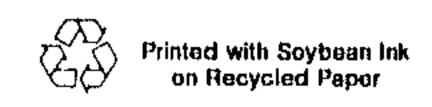
Dear Ms. Hart:

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.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Nell J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1.13.04

Ms. Rebecca Hart Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE:

Baltimore County

Item No. 3

JNP

Dear. Ms. Hart:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. 1. Doch

1

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

13/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 4-304

DATE: February 27, 2004

RECEIVED

FEB 2 7 2004

ZONING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By: Movels Cu

Section Chief:

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 2, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 20, 2004

Item Nos. 302, 303 (304,) 305, 306, 308,

309, and 310

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:jrb

cc: File

RE:	PETITION FOR SPE			BEFORE THE						
	SPECIAL EXCEPTI 2426 Holly Neck Ro	ad; N/side Holly I		ZONING CO	MMISSION	NER				
	Rd, 150' E of Franke 15 th Election & 6 th C		icts *	FOR						
	Legal Owner(s): Will Contract Purchaser(s		rina, *	* BALTIMORE COUNTY						
	LLC; Michael P Wea	aver	*							
		Petitioners(s)		V4-3V4-3F∏.∠	1.					

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

MIN 15 26 WAL

Per.....

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of January, 2004, a copy of the foregoing Entry of Appearance was mailed to Alfred L Brennan, Jr, Esquire, Brennan & Brennan, 825 Eastern Blvd., Baltimore, MD 21221, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Re: Case #4304

March 1, 2004

Zoning Commissioner,

As a resident of the neighborhood affected by the proposed exception to permit Marina boat storage on the Faber property I feel compelled to ask that this variance not be granted. This area already has enough of this type of business here. We have The Baltimore Yacht Club, Sun Marine, All-Star Marine, Marine Repair Unlimited, and Holly Neck Marina, all located on this peninsula. I feel that we have reached a saturation point here.

The constant noise from the travel lifts, the revving of the diesel engines, the constant flow of boat slip renters through the neighborhood, the glare of the mercury security lights illuminating the night sky all year long. The loud radios of the partying boat owners and their guests into the wee hours of the morning during the summer all contribute to the annoyances of this type of business. Most of the tree buffer that once shielded this activity has been for the most part been removed so we are subjected to the din constantly now.

If you decide to grant this exception, I would like to see a few restrictions placed on the permit:

- 1. Limit the hours of operation. Say from 8 am to 5 pm on weekdays and 10 am to 5 pm on weekends.
- 2. Some type of buffer be constructed to prevent the neighborhood from being subjected to the sight of boats (some in derelict condition) parked all over the property in question. Perhaps a 10 to 12 foot solid fence (not chain link) surrounding the operation would help.
- 3. Light deflectors placed on the security lights to keep the glare off of the resident's properties.

Zoning regulations were put in place for a reason and the granting of variances and exceptions only tends to destroy communities by allowing activity to occur that were never intended for the area. When an exception such as this is permitted a few people benefit from it and the rest of the community has to live with it. Not to mention what it does to our property values.

I regret that I am late submitting my protest but as I told you in our phone conversation, their was no zoning change sign on the property that I saw and in conversation with other neighbors, they didn't see one either. Without a posting, information was not available to me. I found out from the community newsletter and had to dig to get the case number. I was told it was posted in the Jeffersonian, a publication I rarely see. I never was able to come up with a site plan or a verbal description of what the proposal was that I could comprehend.

I ask you again, do not grant this zoning change. I will not be able to attend the hearing on March 3, at 9 am as I explained in our phone conversation. Please accept this letter as my testimony. Send a copy of the minutes of the hearing to me at the address below.

Thank you,

George E. Stock

821 Cedar Grove Road

Baltimore, Maryland 21221

RECEIVED

MAR 1 2004

ZONING COMMISSIONER

P. 81 /3/3

·KRISHEN

AS PER OUR CONVERSATION ON 2/11/04

Alo Stock (410) 391-1280

to permit or confirm a non-conforming use as a marina, and if necessary, allow an expansion of the non-conforming marina use of 18.7 percent and to allow parking required for the B.L. zone use to be located in the RC5 zone. Special exception to permit marina or boatyard with a Class A out of water storage facility. Variance to allow a front yard of 38 feet from a street centerline in lieu of the required 40 feet and to allow a side yard of 40 feet in lieu of the required 50 feet. Contact: Kristen Matthews at 410-887-3391.

As of this writing these are the most recent zoning requests on the Holly Neck Peninsula brought to my attention...there may be others, please stay alert. This is the time to insist zoning officials and planners prevent environmentally destructive zoning changes. Our goal is to provide positive input in the redevelopment process. Some changes in zoning, with proper mitigation, are necessary for this to occur.

Unfortunately the zoning process is complaint driven and silence is viewed as acceptance. If we have concerns and can work the involved parties in advance, as we did with BYC, lengthy disputes can be avoided.

Carl, !11/04 George School

(2410) 3911-1000

Hollyneck Manua?

(allalo4) 2:20 Busy 4:20

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. DH- 304- SIHX/

Date Completed/Initials	
1-16-04	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
0/25/04	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

SITIZEN'S SIGN-IN SHEET

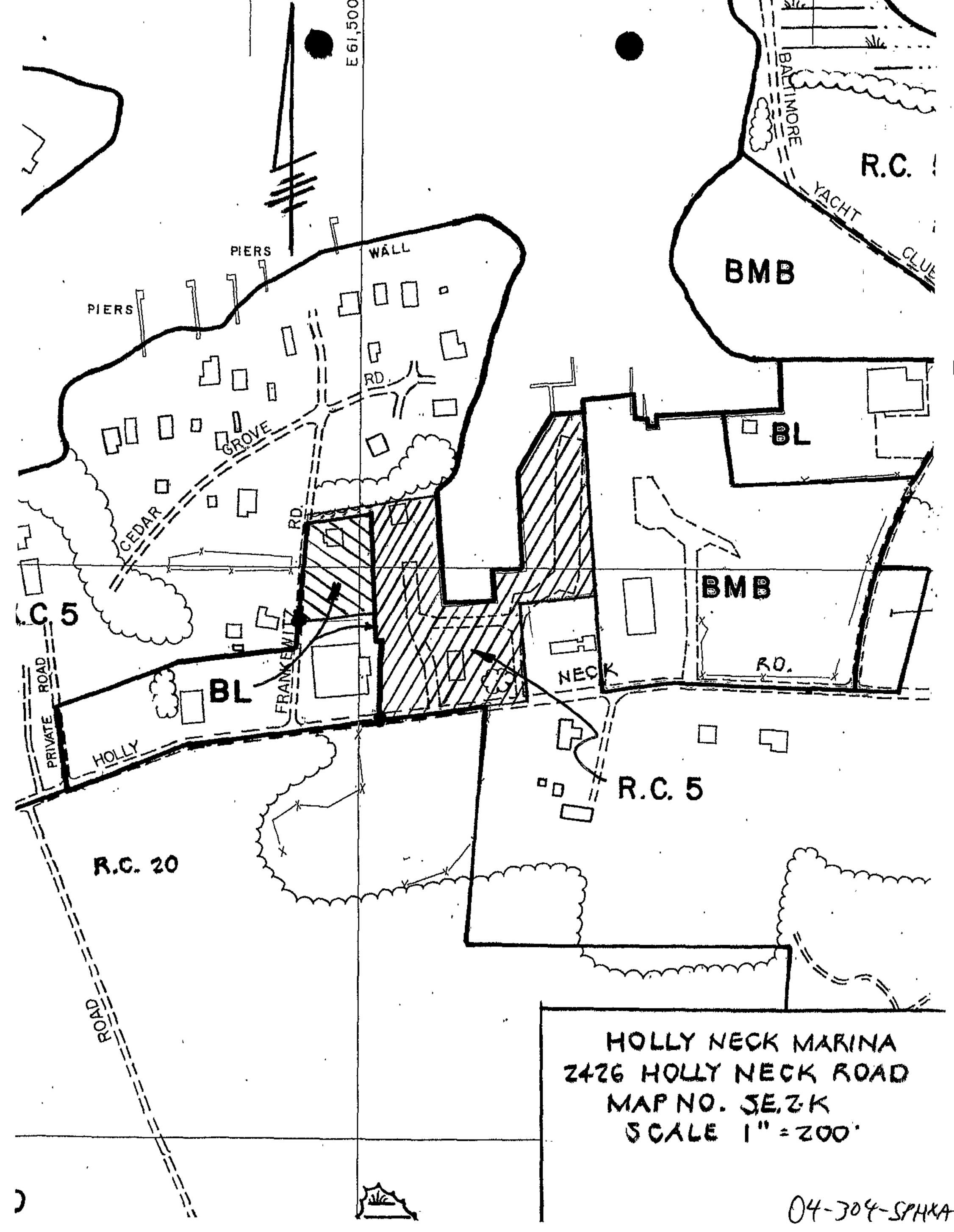
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PLEASE PRINT CLEARLY

CASE NAME HOLLY KECK CASE NUMBER 04-304-X DATE Z-3-04

PETITIONER'S SIGN-IN SHEET

E-MAIL												
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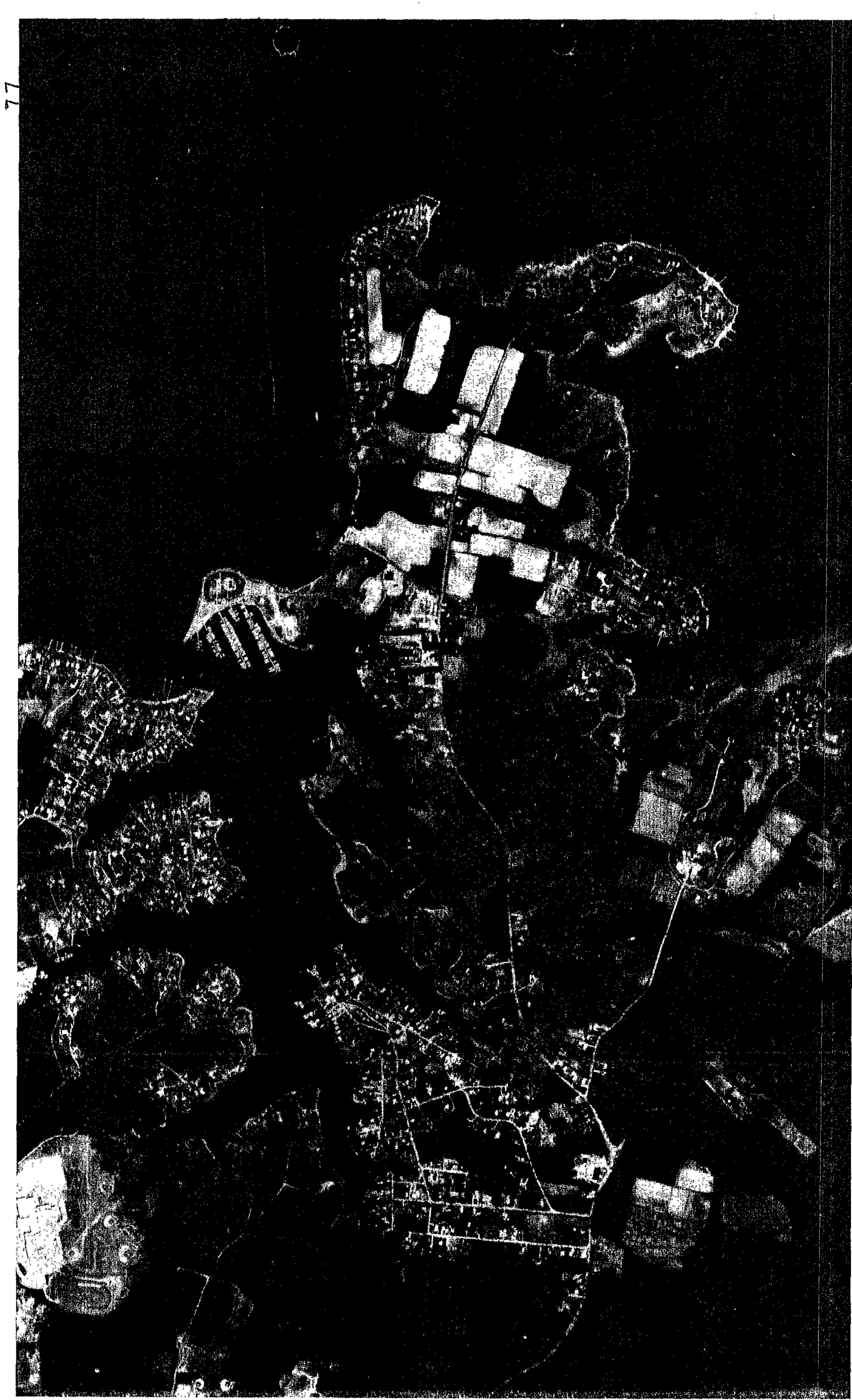


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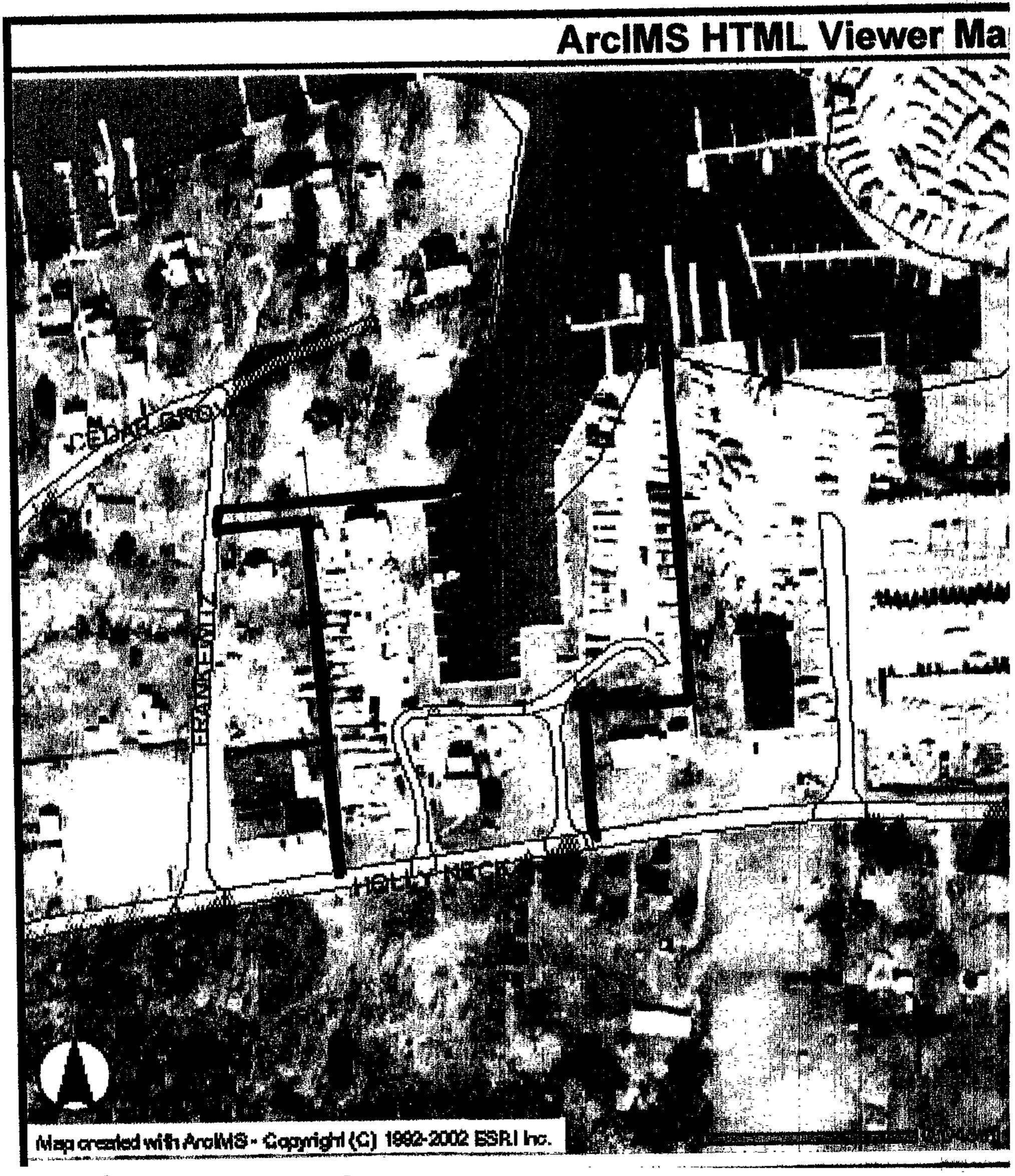




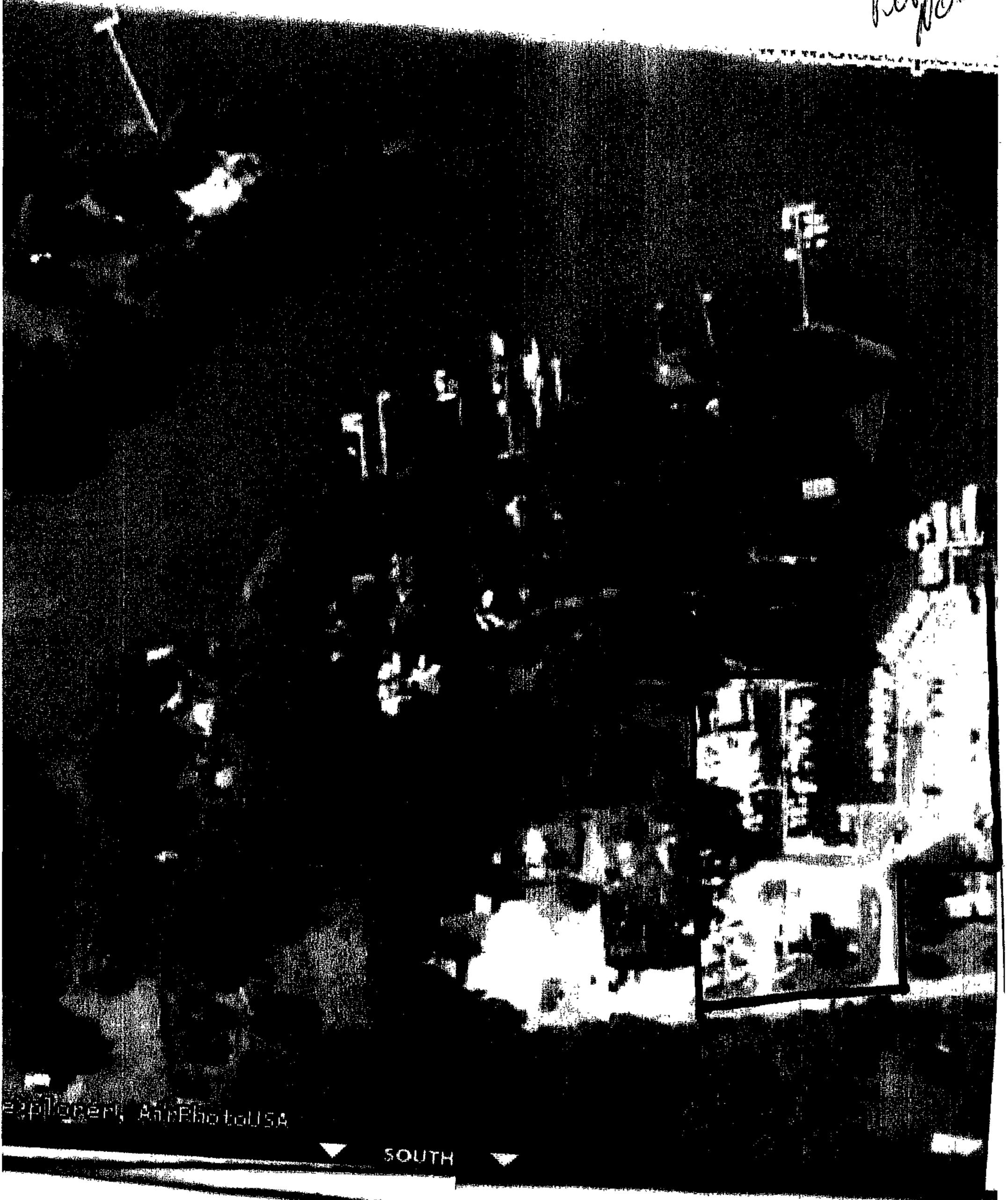
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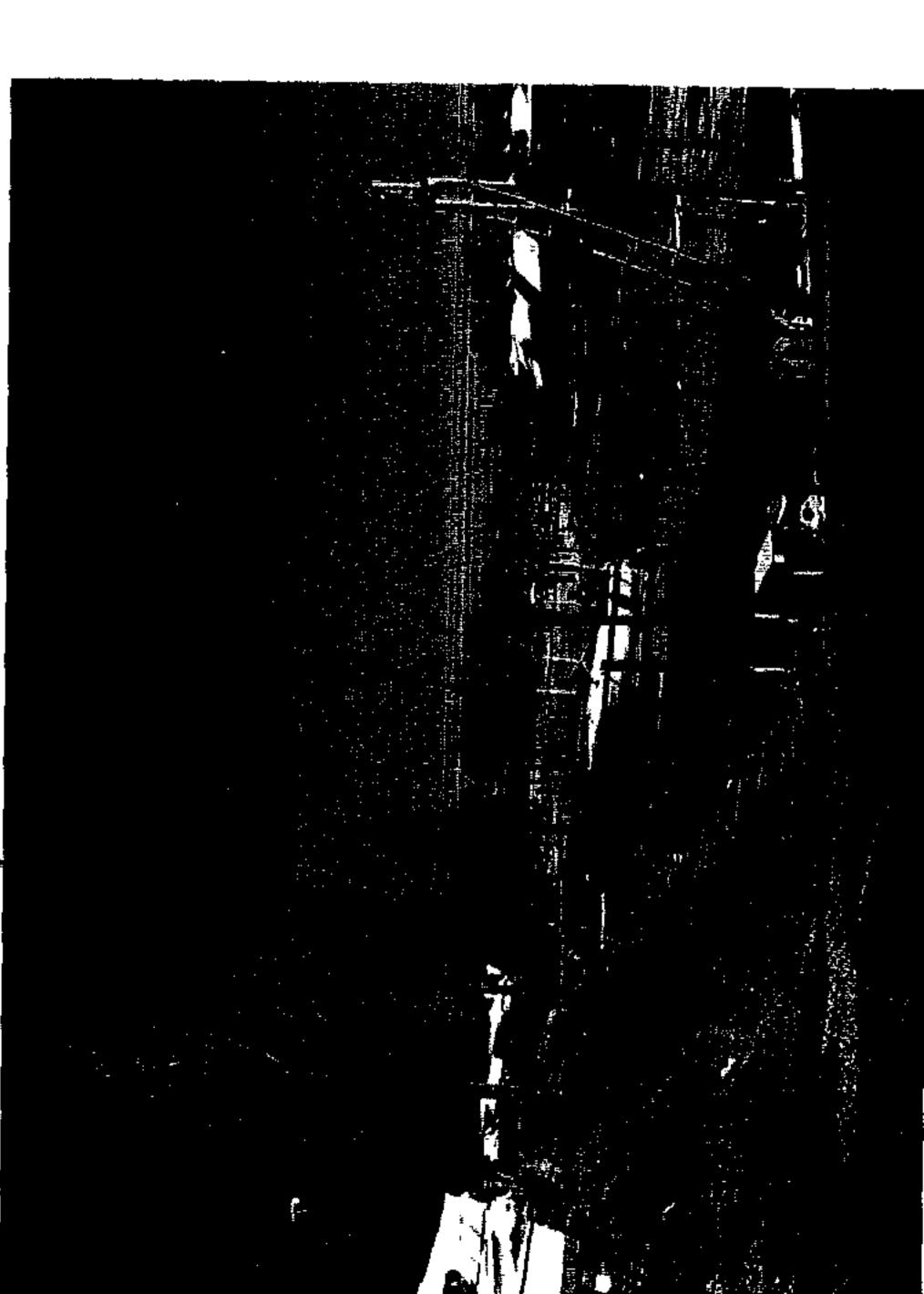


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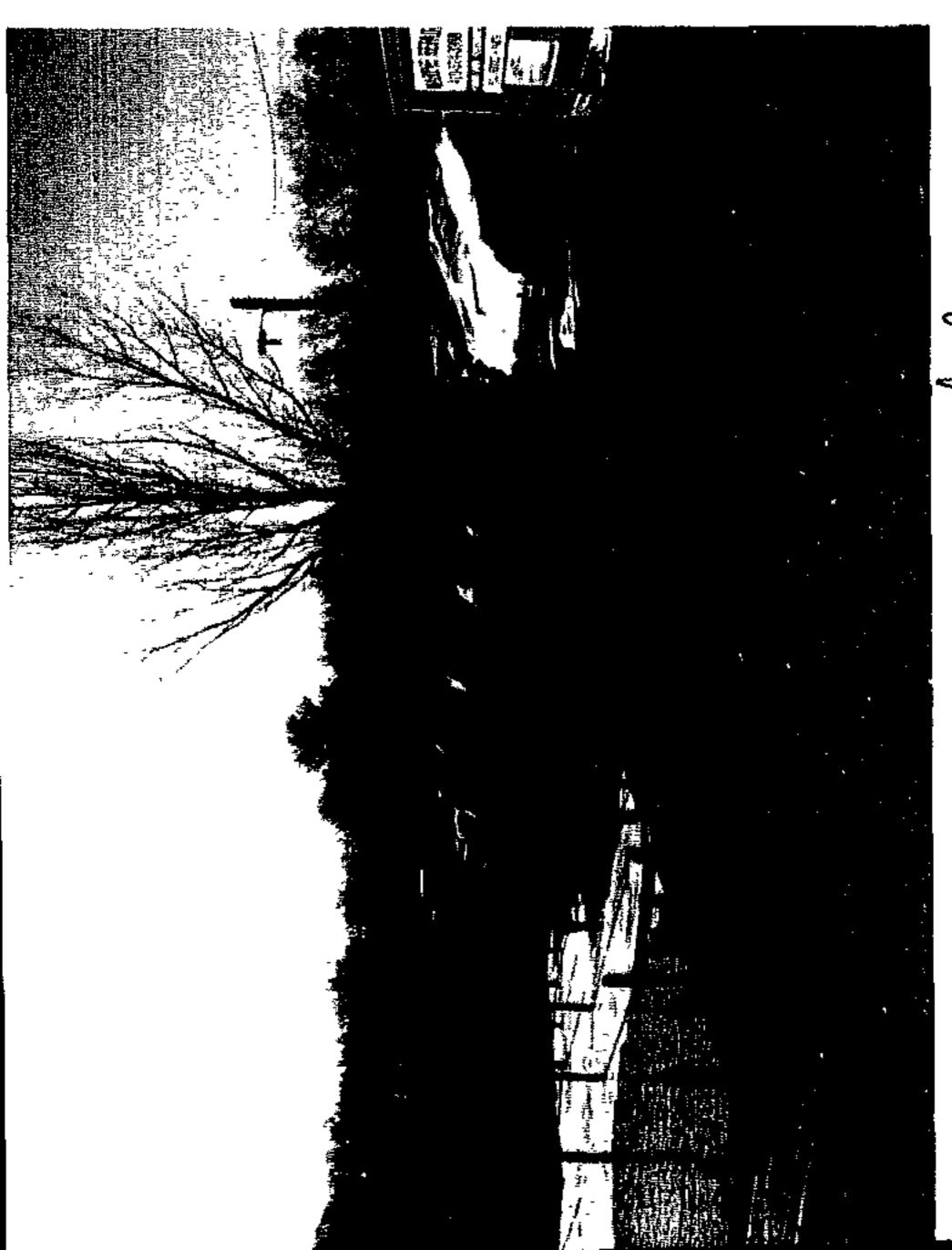


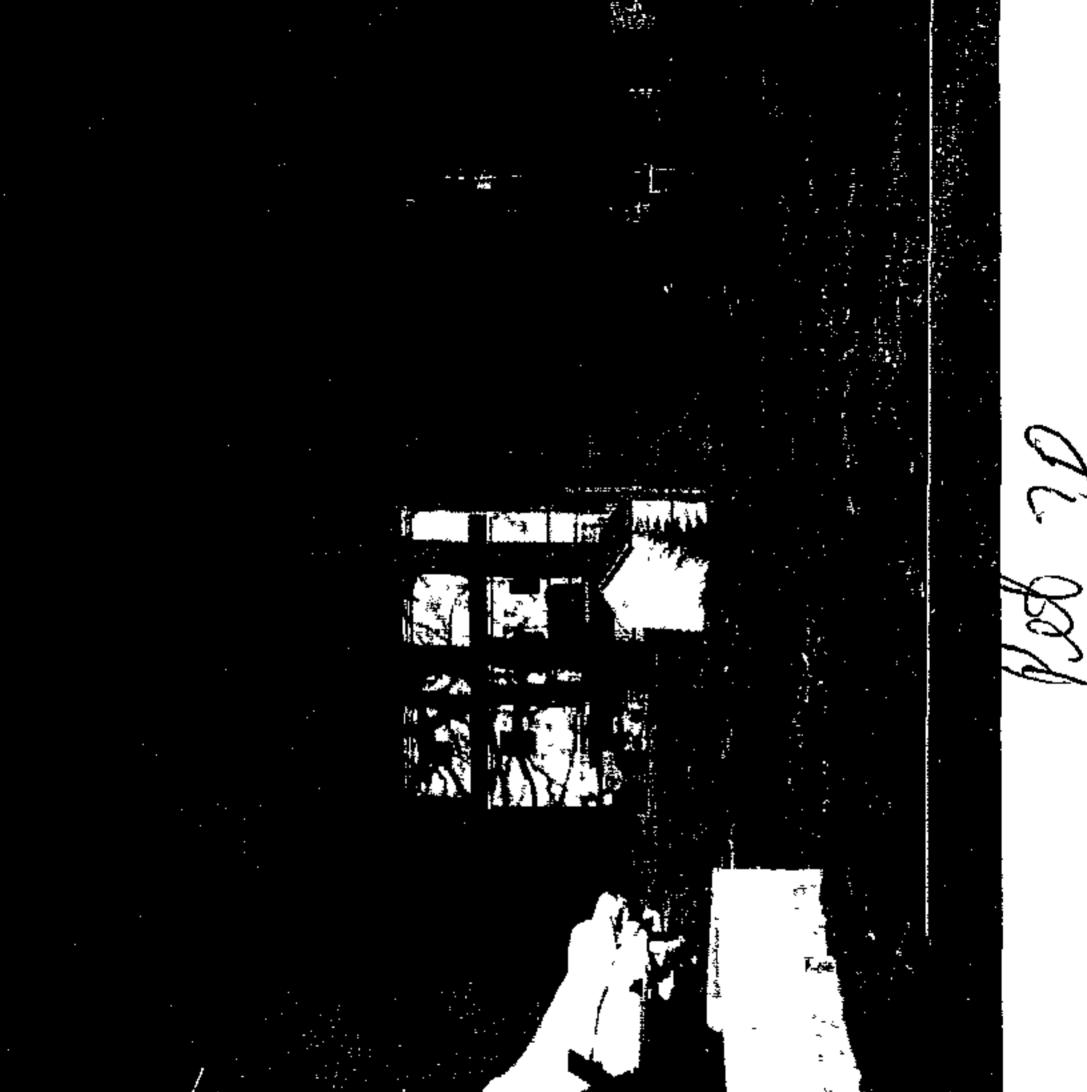
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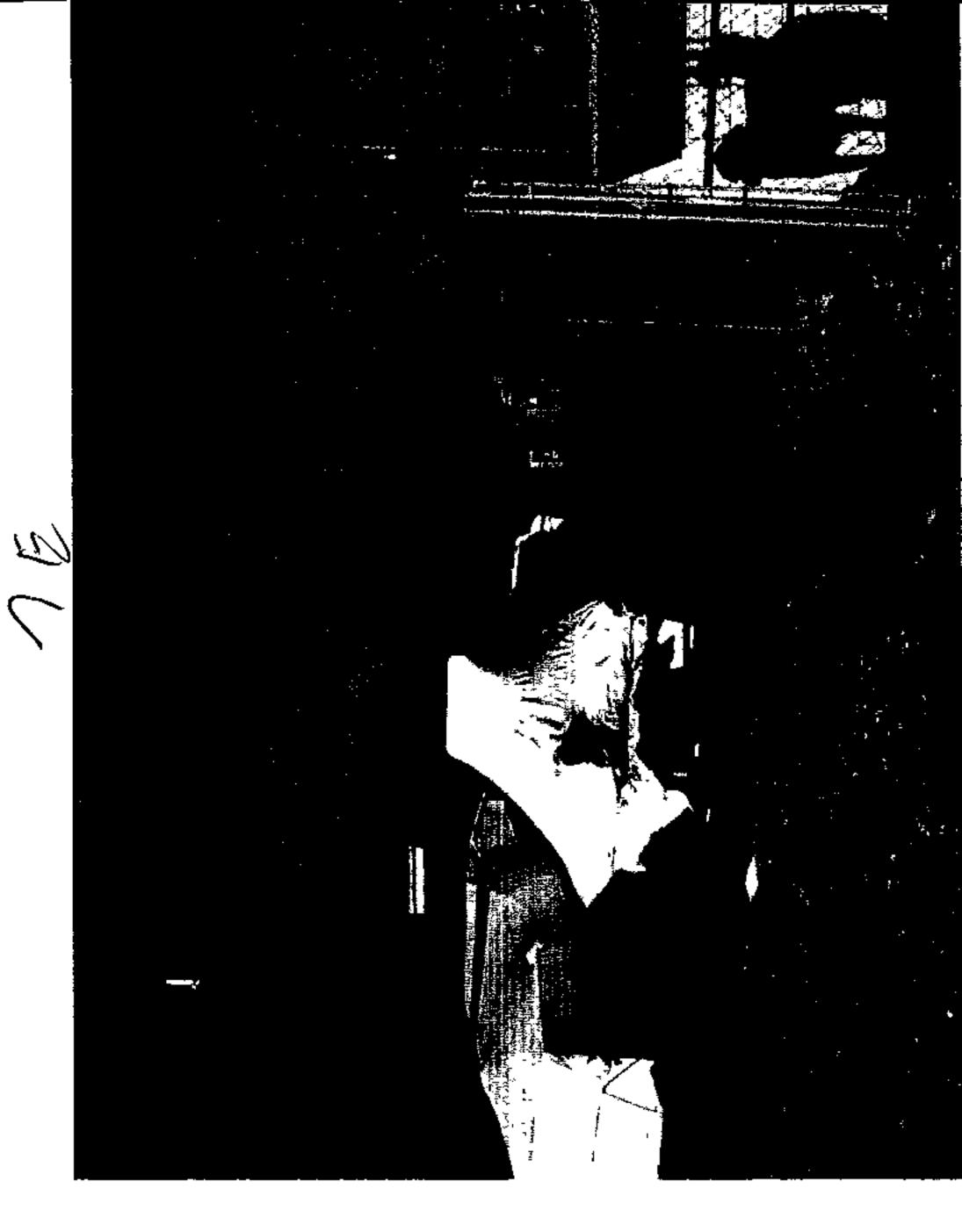
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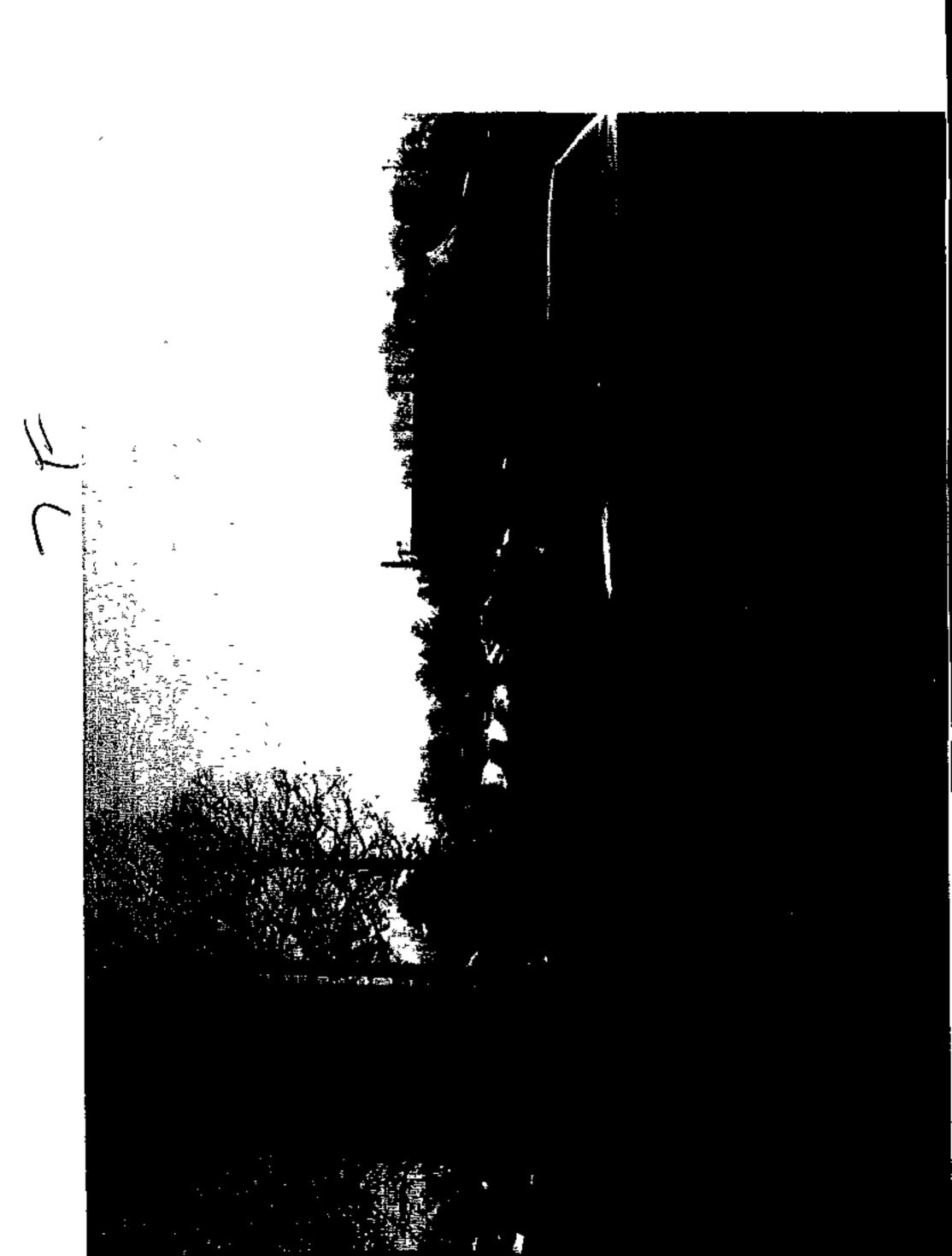


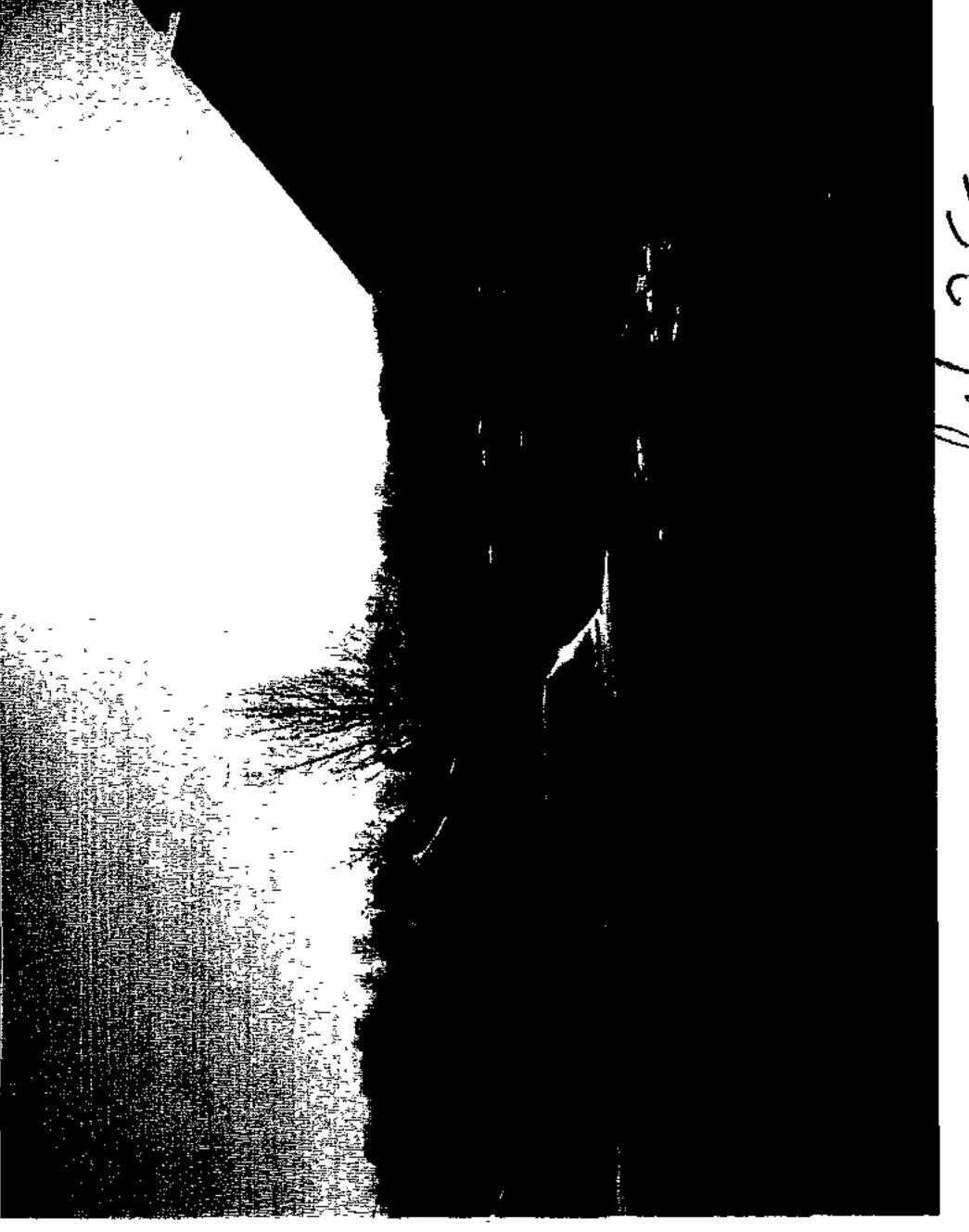
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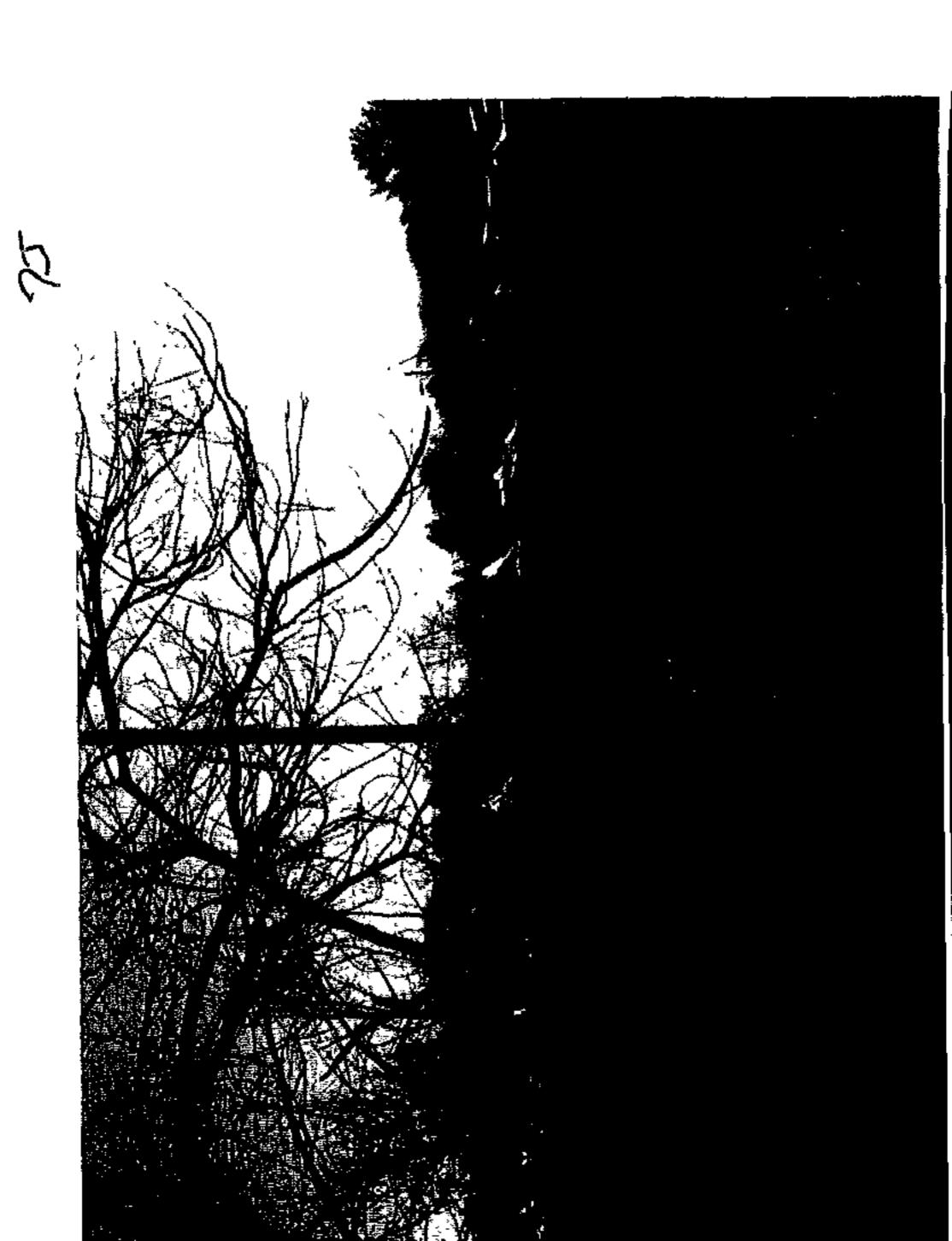


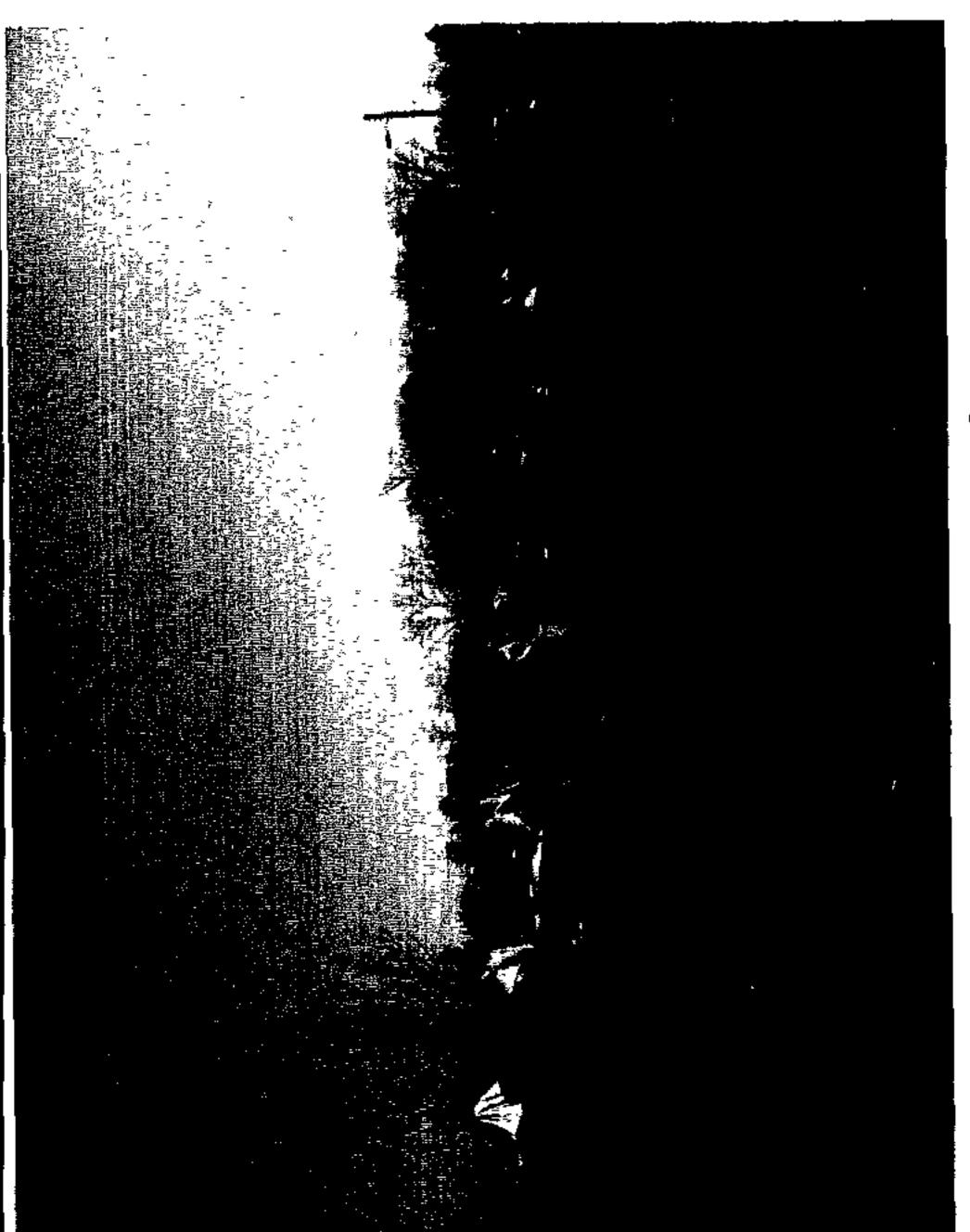


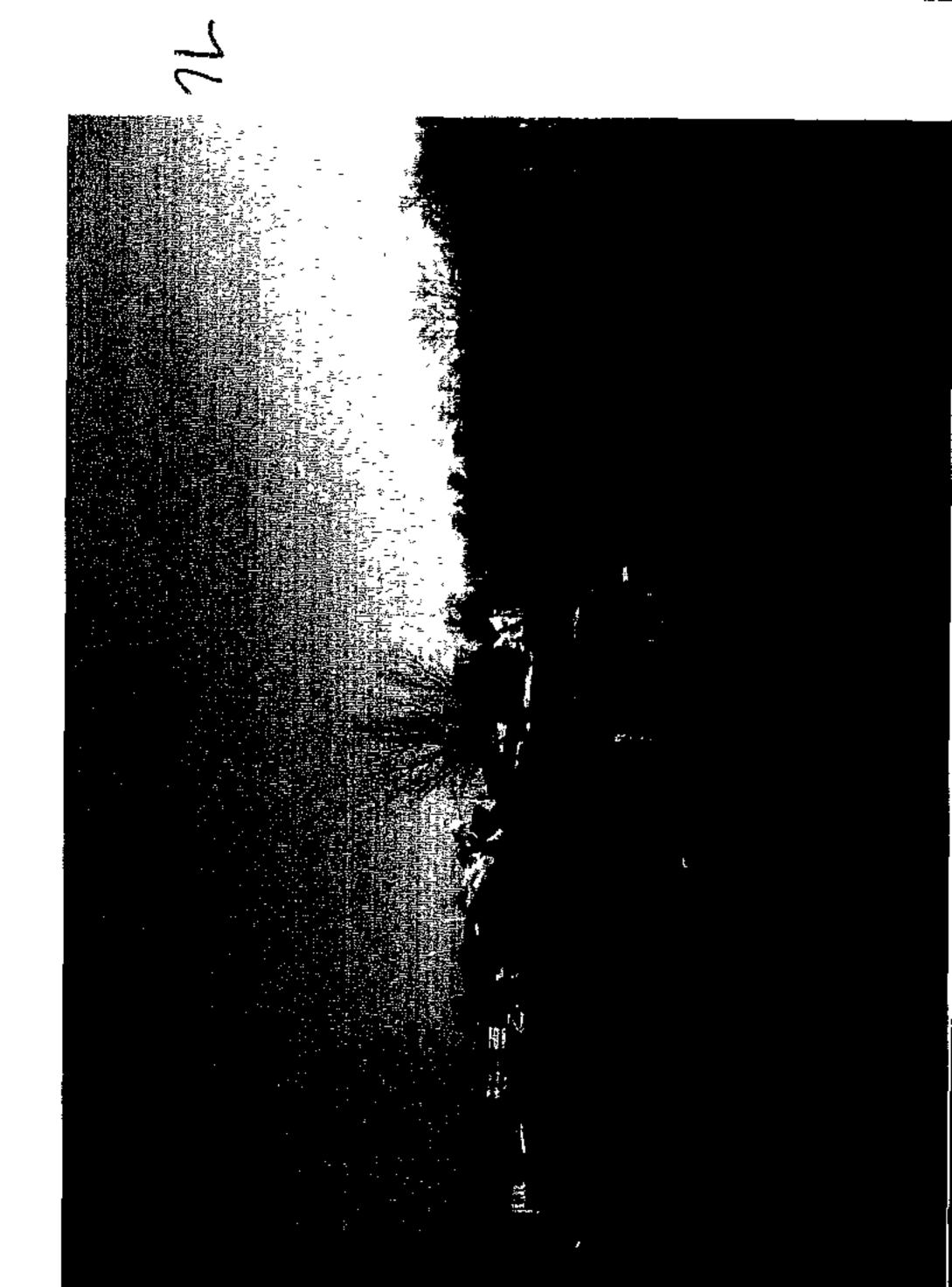
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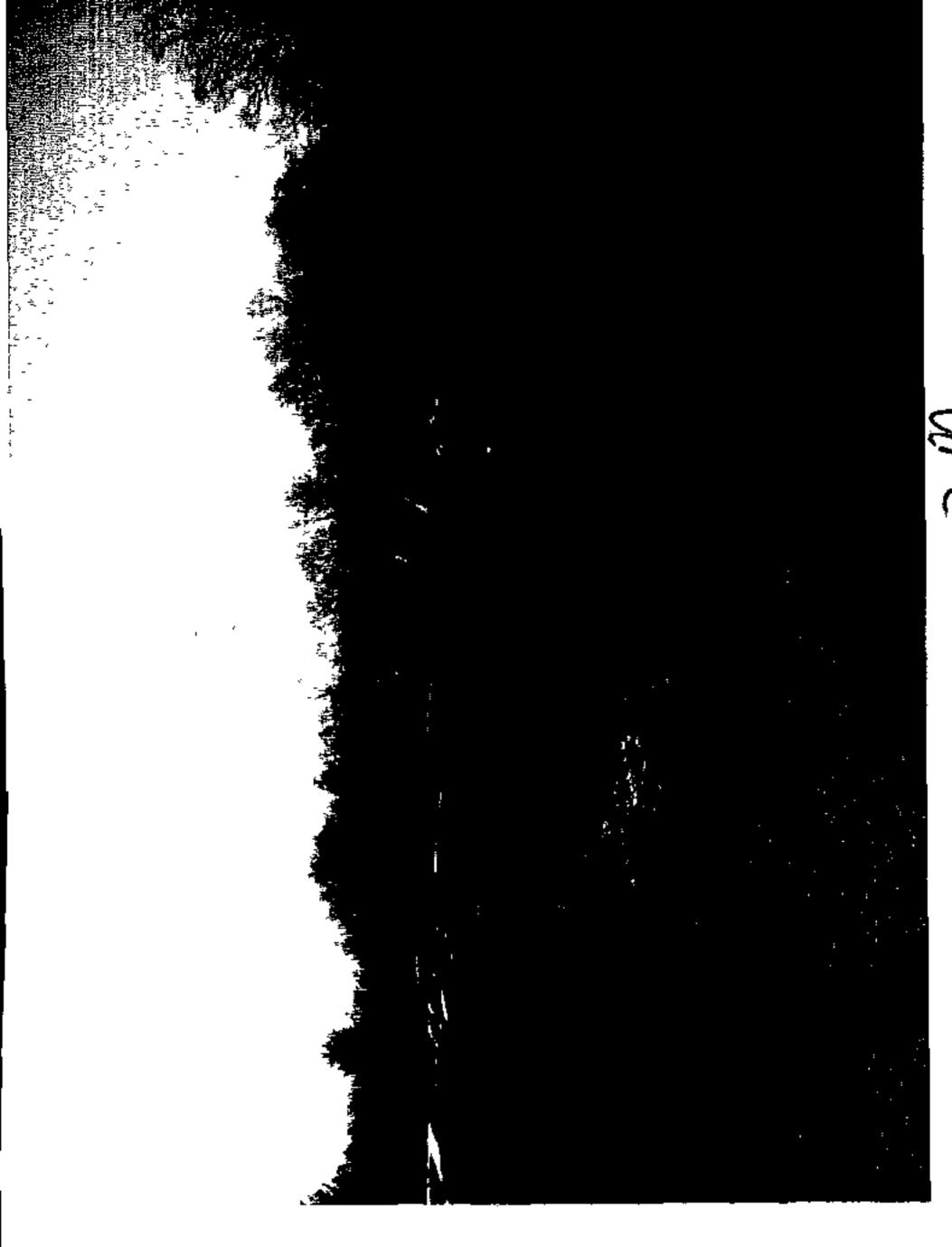












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