BEFORE THE PETITIONS FOR SPECIAL HEARING RE: SPECIAL EXCEPTION & VARIANCE -ZONING COMMISSIONER NE/S Bay Drive, 68' SE of Cuckold Point Road FOR (2801 Bay Drive) 15th Election District 7th Councilmanic District **BALTIMORE COUNTY** Case No. 05-104-SPHXA Patrick Shawn Craig Petitioner *******************

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception, Special Hearing and Variance filed by Patrick Shawn Craig, property owner for the property located at 2801 Bay Drive, in the Millers Island community of eastern Baltimore County. Special exception relief is requested to allow living quarters in a commercial building, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (hereinafter "BCZR"). Special Hearing relief is requested, pursuant to Section 409.8.B.2 of the BCZR, to approve business parking in a residential zone. Lastly, variance relief is requested from Section 409.8.A.4 of the BCZR to permit parking spaces to be as close as 0 feet from a public right-of-way line, in lieu of the required 10 feet. The subject property and requested relief are more particularly shown on the site plan submitted with the Petitions for Special Exception, Special Hearing and Variance, marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held for this case were Patrick S. Craig, Property Owner/Petitioner, Robert Poleski and Brian Kuemmer, adjacent property owners, and Lawrence E. Schmidt, Esquire and Joseph R. Woolman, III, Esquire of Gildea & Schmidt, LLC, attorneys for the Petitioner. Also appearing was William Monk, a land planner from Morris &

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Ritchie Associates, Inc., the consultant who prepared the site plan. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a waterfront parcel located on both the north and south sides of Bay Drive between Hinton Avenue and Cuckold Point Road in Millers Island. In fact, Bay Drive actually bisects the property into two parcels. Parcel 1 is located on the northeast side of Bay Drive and immediately abuts the Chesapeake Bay. In fact, there is an existing wooden pier that extends into the Bay from Parcel 1. Parcel 1 contains a gross area of 0.78 acres split zoned BL and DR-5.5. The predominant zoning of Parcel 1 is BL, but for a small strip along the eastern side property line that is zoned DR-5.5. Parcel 2 is located across from Parcel 1 on the southwest side of Bay Drive and abuts Cuckold Point Road to the south. It is a rectangular shaped parcel, which contains approximately 0.28 acres in area, entirely zoned DR-5.5.

The property has a longstanding history of use as a tavern/restaurant, known as Rum Runners. Apparently, that use has existed on the site since the 1960s. Previously, Parcel 1 was improved with a two-story block and frame building, which housed the restaurant/tavern use, and an outdoor seasonal dining area. In addition, there was a small dwelling of 1,160 sq.ft. and several accessory block buildings on the site. The balance of the site was surfaced with a combination of gravel and concrete macadam and served as a parking area for the restaurant/tavern and dwelling. The area of the tavern/restaurant buildings totaled approximately 11,945 sq.ft. in area. The Petitioner acquired the site in 2003 with the intention of upgrading and refurbishing the existing buildings and use. However, those plans were altered when Hurricane Isabel significantly damaged the property in September 2003. Due to extreme damage, the buildings have been razed and the Petitioner proposes constructing a new building in essentially the same footprint. It is intended that the new building will house a restaurant/tavern operation

similar in character to the prior use and include living quarters on the second floor. As shown on the site plan, the new building and seasonal outdoor dining area will total 15,470 sq.ft. in area; 12,600 sq.ft. will be dedicated for the tavern/restaurant use and outdoor seasonal dining area, and 2,870 sq.ft. will be designated for use as living quarters. In that the new construction represents an enlargement over the previous restaurant/tavern use and seasonal outdoor dining area by 1,815 sq.ft., additional parking must be provided. In this regard, the Petitioner acquired Parcel 2 to provide an additional parking area; however, Parcel 2 is zoned D.R.5.5. In order to proceed with the proposed improvements, the requested relief is necessary.

Turning first to the Petition for Special Exception, Section 230.13 of the BCZR requires special exception approval to permit living quarters in a commercial building. Based upon the testimony and evidence offered, I am easily persuaded that the proposal meets the requirements of Section 502.1 of the BCZR and should be approved. The testimony and evidence presented was persuasive to a finding that living quarters have apparently existed on the property for many years. Moreover, I find that the proposed living quarters will generate little impact to the surrounding uses and will not be detrimental to the health, safety and general welfare of the locale. To the contrary, the presence of a caretaker's quarters on the property will provide a measure of security for both the property and the surrounding residential neighborhood. That is, there will be an individual present to monitor the premises. For these reasons, the Petition for Special Exception shall be approved.

As to the Petition for Special Hearing, relief is requested pursuant to Section 409.8.B.2 of the BCZR to approve business parking in a residential zone. As noted above, the Petitioner acquired Parcel 2 to provide additional parking for the proposed restaurant/tavern use. The acquisition and use of Parcel 2 as proposed will ease potential traffic and parking congestion in the neighborhood. Moreover, the plan shows that the proposed parking lot will be laid out and

landscaped so as to provide a buffer to the adjacent residential property. In my judgment, the proposed use of Parcel 2 for parking will not be detrimental to the health, safety and general welfare of the locale and meets the standards in Sections 409.8.B.1.e, 409.8.B.2 and 502.1 of the BCZR. For these reasons, the Petition for Special Hearing shall also be granted.

Finally, the Petitioner seeks variance relief as set forth above from Section 409.8.A.4 of the BCZR to permit parking spaces to be as close as 0 feet from a public right-of-way in lieu of the required 10 feet. This variance is needed due to the fact that the property is divided by Bay Drive. As shown on Petitioner's Exhibit 4, several of the proposed parking spaces will immediately abut the right-of-way for Bay Drive to the north. I find that the relief requested is appropriate and should be granted. To require these spaces be located further from the new building and right-of-way serves no practical purpose. Based on the testimony and evidence presented, I find that the granting of this variance will not result in any detriment to the health, safety and general welfare of the surrounding locale.

It is also to be noted that the Petitioner amended his variance request in open hearing. Specifically, the Petitioner also seeks relief as to the number of spaces required, pursuant to Section 409.6.A of the B.C.Z.R. In that the amendment does not change the site plan in any manner and is incidental to the overall relief sought, the requested amendment was accepted in open hearing and is more fully described below.

Section 409 of the B.C.Z.R. sets out the off-street parking and loading requirements for all uses. Section 409.1.A establishes the applicability of the parking regulations contained therein. That Section reads, in part, "All structures built <u>and</u> all uses established hereafter shall provide accessory off-street parking and loading in accordance with the following regulations." (Emphasis added). Thus, the parking regulations established in Section 409 of the B.C.Z.R. are applicable to all structures built and uses established after the date those regulations were

enacted (1988). The testimony and evidence offered in this case is that the use at this site has existed since the 1960s, well prior to the enactment of the parking regulations. Although the Petitioner's proposal calls for a new building, under new operation and ownership, the use of the property remains identical as it has existed for many years. A total of 35 parking spaces have adequately served the site for many years and the use operated lawfully by permit, and apparently without complaint. Since the total restaurant/tavern use and outdoor seasonal dining area under the prior operation comprised 11,945 sq.ft. and the residential building contained 1,160 sq.ft., it can be concluded that under the old regulations 33 spaces were required for the restaurant/tavern building and outdoor seasonal seating area and 2 spaces were necessary to serve the living quarters.¹

Pursuant to Section 409.6 of the BCZR, a tavern is required to provide parking at the ratio of 20 spaces per 1,000 sq.ft. Given the total area of the new building and use, an additional 37 parking spaces are required. Thus, pursuant to these calculations and the requirements of law, a total of 72 parking spaces are now required. As more particularly shown on the site plan, 69 parking spaces are proposed and, thus, variance relief is necessary.

Based upon the testimony and evidence presented, I am persuaded that the Petitioner has met the requirements of Section 307 of the BCZR for relief to be granted. I find the uniqueness of the property is its unusual configuration and the fact that the overall site is divided by Bay Drive. Moreover, the environmental regulations relative to this property require minimal impervious surface and thus, limit the potential parking areas. Finally, the variance request is minimal (3 spaces). I am persuaded that 69 parking spaces as proposed will reasonably accommodate the proposal and that this variance should be granted.

¹ It is also to be emphasized that the outdoor seating area can be utilized only during those months with favorable weather. Further, many customers arrive via boat and will utilize the adjacent wooden pier.

As noted above, there were no Protestants present. Moreover, a number of neighbors signed a petition of support for the Petitioner's proposal. However, Zoning Advisory Committee (ZAC) comments of note were received from the Office of Planning and the Department of Environmental Protection and Resource Management (DEPRM). In this regard, the Office of Planning supports the Petitioner's request; however, requested certain conditions be imposed upon the grant of the relief relative to landscaping and lighting. DEPRM's comment, dated September 30, 2004, is somewhat advisory in nature and notes that the proposal is subject to Chesapeake Bay Critical Area Regulations (CBCA)(Sections 33-2-102, et.seq. of the Baltimore County Code). Obviously, given its waterfront location, the Petitioner will be required to comply with all applicable regulations for the protection of the environment. The Petitioner advised at the hearing that its representatives had met with DEPRM regarding the application of the CBCA regulations, the necessity of a CBCA Growth Allocation approval and other issues relating to the proposed use and improvements on the property. These issues need and will be resolved prior to the issuance of any building permits. Thus, pursuant to the authority conferred upon the Zoning Commissioner in the BCZR, I shall condition approval to require that the Petitioner meet all environmental requirements and regulations as directed by DEPRM.

It is to be noted that the site plan shows that the parking area will be paved with a durable and dustless surface, as required by the BCZR. If required by DEPRM to reduce impervious surface and run-off, this requirement may hereinafter be modified.

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

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THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this ________ day of October 2004, that the Petition for Special Exception to allow living quarters in

a commercial building pursuant to Section 230.13 of the BCZR, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief, pursuant to Section 409.8.B.2 of the BCZR to approve business parking in a residential zone in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief, as amended, from Section 409.8.B.4 of the BCZR to permit parking spaces to be as close as 0 feet from a public right-of-way line in lieu of the required 10 feet, and, from Section 409.6.A of the BCZR to allow 69 spaces in lieu of the required 72 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions.

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its 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) Prior to the issuance of any permits, the Petitioner shall comply with all environmental regulations (i.e., CBCA) as required by DEPRM, pursuant to their ZAC comment dated September 30, 2004, a copy of which is attached hereto and made a part hereof.
- 3) In compliance with the recommendations made by the Office of Planning, the Petitioner shall submit building elevation drawings of the proposed structures and any proposed signs for their review. The Petitioner shall also submit a landscaping and lighting plan for review and approval by the County's Landscape Architect, Mr. Avery Harden. Landscaping should be provided to the extent possible sufficient to screen the proposed uses, parking lot, and dumpsters from the adjacent residential uses.

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

WJW:bjs

Zoning Commissioner for

Baltimore County

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

October 20, 2004

Lawrence E. Schmidt, Esquire Joseph R. Woolman, III, Esquire Gildea & Schmidt, LLC 300 E. Lombard Street, Suite 1440 Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE NE/S Bay Drive, 68' SE of the c/l Cuckold Point Road

(2801 Bay Drive)

15th Election District — 7th Council District
Patrick Shawn Craig - Petitioner
Case No. 05-104-SPHXA

Dear Messrs. Schmidt & Woolman:

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,

WILLIAM J. WISEMAN, III Zoning Commissioner

for Baltimore County

WJW:bjs

cc: Mr. Patrick Shawn Craig

2801 Bay Drive, Millers Island, Md. 21219

Messrs. David Taylor and William Monk, Morris & Ritchie Associates, Inc.

1220-C East Joppa Road, Towson, Md. 21286

Chesapeake Bay Critical Areas Commission

1804 West Street, Suite 100, Annapolis, Md. 21401

DEPRM; Development Mans Review, DPDM; Office of Planning

People's Counsel; Case File



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

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the prop	perty located at 2801 Bay Drive
	which is presently zoned DR-5.5
This Petition shall be filed with the Department of Peowner(s) of the property situate in Baltimore County and made a part hereof, hereby petition for a Special Hear County, to determine whether or not the Zoning Commiss	ermits and Development Management. The undersigned, le which is described in the description and plat attached hereto a ring under Section 500.7 of the Zoning Regulations of Baltimesioner should approve
Business parking in a residenti	al zone, pursuant to BCZR Section
409.8.B.1.	
	•
Property is to be posted and advertised as prescribed by	the zoning regulations
I, or we, agree to pay expenses of above Special Hearing, ad-	/ the zoning regulations. Vertising, posting, etc. and further agree to and are to be bounded by ed pursuant to the zoning law for Baltimore County
zoning regulations and restrictions of Baltimore County adopte	ad 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 whiles the subject of this Petition.
Contract Purchaser/Lessee:	·
Synthetic rui chasen Lessee;	Legal Owner(s):
	7801 7 110
Name - Type or Print	Name Type or Print
Signature	
	Signature
Address Telephone No	Name - Type or Print Shawn C Taig
City State Zip Code	
Attorney For Petitioner:	
ETHOLITY I VI I OUTOUGI.	Address Drive 443-253-3
Joseph R. Woolman, III	releprior
Name - Type or Print	City State Zip
Signaturė	Representative to be Contacted:
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Gildea, LLC Company	<u>Joseph R. Woolman, III</u> Name
300 E. Lombard St., Suite 1440	300 E. Lombard St., Suite 1440
Address Telephone No	A deluce to
Baltimore, MD 21202 (410)234-007	
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Petition for Special Exception

to the Zoning Commissioner of Baltimore County

DROP OFF PETITION - NO ZOWING-REVIEW

for the property located at Z801 B	bay Dr. m	villers Isla	nc
s Petition shall be filed with the Department of Decision which is preser	ntly zoned	DR-5.5 / F	37_

owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and herein described property for

Living quarters in a commercial building, pursuant to BCZR Section 203.13.

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.

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Attorney For Petition Seph Wooln Jame - Type or Print	ner:	•
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Seph Wooln lame-Type or Print Ignature Gildea, LLC company 300 E. Lomba Iddress Baltimore, MD	rd St., Suit	e 1440
Seph Wooln lame - Type or Print Signature Gildea, LLC company 300 E. Lomba	rd St., Suit	e 1440

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)	•
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Name - Type or	Print Drive	
Patrick	shawn	Craig
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Name Stype or	Print	
Signature		······································

KO. Box 237		
Address		Telephone No.
Kingsville	MD	21087
City ~1	State	Zip Code

Representative to be Contacted:

City		····		State	Zip Code
	ore,	MD	21202	(410)2	Telephone No. 234-0070
Name 300 E.					
Joseph	R.	Wool	man,	III	

OFFICE USE ONLY

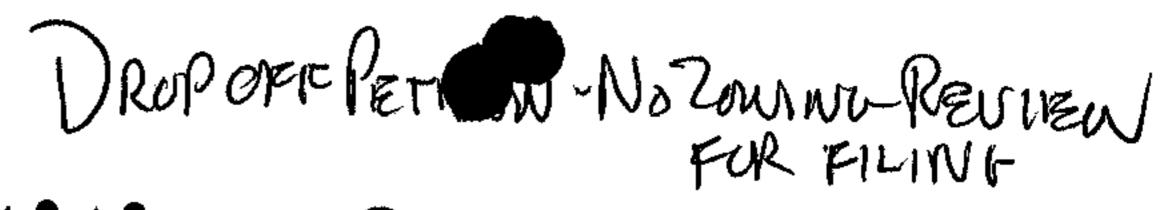
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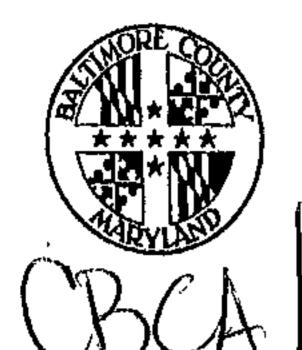
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REV 09/15/98







Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2801 Bay Drive
which is presently zoned DR-5.5

This Petition shall be filed with the Department of Permits and Development Management. The owner(s) of the property situate in Baltimore County and which is described in the description and pand made a part hereof, hereby petition for a Variance from Section(s)	e undersigned, legal plat attached hereto
	/ 1 A

Please see attachment.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the jollowing reasons:

To be 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.

Legal Owner(s):

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

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:

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Date

Case No.

REV 9/15/98

Name - Type or Print Name -	- Type or Fring Bang Daive CC
Signature	Signatere
Address Telephone No.	Name - Type or Print Shown (Tai)
City State Zip Code	Signature
Joseph R. Woolman, III Vame Type or Print City	Z801 Bay Drive 443-253-2585 Address Millers Island MD 21219 State Zip Code
Gildea, LLC Company	Representative to be Contacted: Joseph R. Woolman, III
BOO E. Lombard St., Suite 1440 ddress	300 E. Lombard St., Suite 1440
Baltimore, MD 21202 (410)234-0070 State Zip Code	Baltimore, MD 21202 (410)234-0070
~\ T / \ / \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	State Zip Code OFFICE USE ONLY

Reviewed By _



Variance from Section 409.8.A.4 to permit parking spaces to be as close as 0' from a public right of way in lieu of the required 10'.

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MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the northeasterly side of Bay Drive, which has a width of 32.5 feet at the distance of 68 feet southeasterly of the centerline of the nearest intersection street, Cuckold Point Road which has a width of 35 feet. Thence the following courses and distances, viz:

North 44 degrees 15 minutes 39 seconds West, 48.75 feet; North 53 degrees 16 minutes 56 seconds West, 33.93 feet; South 36 degrees 50 minutes 34 seconds West, 168.23 feet; North 53 degrees 09 minutes 26 seconds West, 95.00 feet; North 36 degrees 50 minutes 34 seconds East, 130.50 feet; South 53 degrees 09 minutes 26 seconds East, 24.44 feet; North 37 degrees 20 minutes 01 seconds East, 192.68 feet; North 37 degrees 49 minutes 09 seconds East, 116.99 feet; South 48 degrees 29 minutes 44 seconds East, 73.66 feet; South 38 degrees 52 minutes 21 seconds West, 83.97 feet; South 50 degrees 38 minutes 39 seconds East, 79.25 feet; South 37 degrees 01 minutes 46 seconds West, 186.00 feet to the point and place of beginning, being known and designated as #2801 Bay Drive and #9210 - #9212 Cuckold Point Road.

Containing 49,058 square feet or 1.1262 acres of land, more or less, and being located in the Fifteenth Election 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: #05-104-SPHXA
2801 Bay Drive
Northeast side Bay Drive, 68 feet southeast of Cuckold

Point Road

15th Election District — 7th Councilmanic District
Legal Owner(s): Patrick Shawn Craig
Special Hearing: to allow business parking in a residential zone Special Exception: to allow living quarters in a commercial building Variance: to permit parking spaces to be as close as 0 feet from a public right-of-way in ileu of the required 10 feet.
Hearing: Friday, October 15, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handlcapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (4)0) 887-4386.

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

9/432 Sept.-30

23573 9/432 Sept. 30

CERTIFICATE OF PUBLICATION

930,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 930,2004.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

Wilkinger

CERTIFICATE OF POSTING

RE: Case No.: 05-104-5 Petitioner/Developer: PATRICK Date of Hearing/Closing: Oct 15, 2 **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: 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: The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) **SSG Robert Black** (Print Name) PHREIC HEARING WILL BE HELD BY THE JONING COMMESSIONER 1508 Leslie Road IN TOWSON, MD PLACE HOW HOT, COUNTY COURS BUT, "HI CHEET AND (Address) DATE AND THE PERSON OF US 7000 AT 15 TON REQUEST: SPECIAL HEAVING TO ALLOW GUILLESS. Popular of A Ministerior, South, Spiner, Emprison to Althou Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

Department of Permits Development Management

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





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

September 2, 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: 05-104-SPHXA

2801 Bay Drive

Northeast side Bay Drive, 68 feet southeast of Cuckold Point Road 15th Election District—7th Councilmanic District

Legal Owners: Patrick Shawn Craig

Special Hearing to allow business parking in a residential zone

Special Exception to allow living quarters in a commercial building.

Variance to permit parking spaces to be as close as 0 feet from a public right-of-way in lieu of the required 10 feet.

Hearing: Friday, October 15, 2004 at 11:00 am in Room 407, County Courts Building

401 Bosley Avenue

Timothy Kotroco

Director

TK: clb

C: Joseph Woolman Gildea, LLC. 300 E. Lombard Street, Ste. 1440 Baltimore 21202 Patrick Shawn Craig P.O. Box 237 Kingsville 21087

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 30, 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.



TO: PATUXENT PUBLISHING COMPANY

Thursday, September 30, 2004 Issue - Jeffersonian

Please forward billing to:

Joseph Woolman

Gildea, LLC.

300 E.Lombard Street, Ste. 1440

Baltimore, Maryland 21202

410-234-0070

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: 05-104-SPHXA

2801 Bay Drive

Northeast side Bay Drive, 68 feet southeast of Cuckold Point Road

15th Election District—7th Councilmanic District

Legal Owners: Patrick Shawn Craig

Special Hearing to allow business parking in a residential zone

Special Exception to allow living quarters in a commercial building.

Variance to permit parking spaces to be as close as 0 feet from a public right-of-way in lieu of the required 10 feet.

Hearing: Friday, October 15, 2004 at 11:00 am in Room 407, County Courts Building

401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

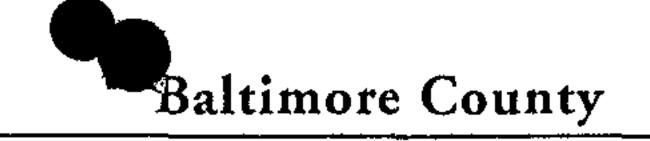
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

Department of Permits and Development Management

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





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

October 4, 2004

Joseph Woolman David Gildea 300 E. Lombard Street, Ste. 1440 Baltimore, Maryland 21202

Dear Mr. Woolman and Mr. Gildea:

RE: Case Number:05-104-SPHXA, 2801 Bay Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 25, 2004.

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 Richall

D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:

Patrick Craig P.O. Box 237 Kingsville 21087



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

Fire Department



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





James T. Smith, Jr., County Executive John J. Hohman, Chief

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

September 7, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: September 7, 2004

Item No.:

104

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. 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 410-887-4881 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

DATE: September 14, 2004

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 13, 2004 Item Nos. 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, and

115

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Timothy M. Kotroco							
FROM:	R. Bruce Seeley Philippo							
DATE:	September 30, 2004							
SUBJECT:	Zoning Item # 104 Address 2801 Bay Drive (Rum Runners Tavern) Zoning Advisory Committee Meeting of September 7, 2004							
	epartment of Environmental Protection and Resource Management has no nents on the above-referenced zoning item.							
exten	epartment of Environmental Protection and Resource Management requests an sion for the review of the above-referenced zoning item to determine the extent to environmental regulations apply to the site.							
	epartment of Environmental Protection and Resource Management offers the ving comments on the above-referenced zoning item:							
<u> </u>	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 Regulations for Forest Conservation (Section 14-401 through 14-422 of the Baltimore County Code).							
<u>X</u>	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).							
<u>X</u>	_ Additional Comments:							
1. The subje	ct property is located within a Limited Development Area of the Chesapeake Bay							

1. The subject property is located within a Limited Development Area of the Chesapeake Bay Critical Area (CBCA). As such, impervious surfaces are limited to 15%. The plan does not clearly show impervious surfaces and all existing lot or parcel lines; thus, application of this requirement to proposed parcel 1 is unclear at this point in time. However, it is clear that proposed parcel 2/existing lot 543 will substantially exceed the allowable impervious surface limits. Therefore, the proposed parking lot on this parcel/lot will require conversion of the CBCA land use category to Intensely Developed Area via CBCA Growth Allocation approval.

Timothy M. Kotroco Zoning Item 104 2801 Bay Drive (Rum Runners Tavern) Page 2

- Several of the proposed uses on proposed parcel 1 are located within the 100 foot buffer to Chesapeake Bay. As such, these structures will require approval of a CBCA variance by either DEPRM or the Baltimore County Planning Board.
- 3. It is unclear whether the area where the proposed open air seasonal dining area, screened enclosed seasonal dining area, and proposed dockmaster office and storage area are located over land or a pier/wharf. The applicant has provided no information for DEPRM review relative to this issue. If the subject area is determined by DEPRM to be a pier/wharf, the proposed uses are prohibited per State CBCA law.
- 4. We request that the Zoning Commissioner condition any zoning approval of the parking lot use on parcel 2 to be contingent upon approval of Growth Allocation by both the County and the State Critical Area Commission. We further request that the zoning approval require compliance with all other CBCA requirements.

If you have any questions, please contact Ms. Patricia M. Farr at 410-887-3980.

Reviewer: Patricia M. Farr

Date: September 30, 2004

Rum Runners Zoning Comments.dot

BW/5

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

DATE: October 4, 2004

RECEIVED

OCT - 6 2004

ZONING COMMISSIONER

SUBJECT:

2801 Bay Drive

INFORMATION:

Item Number:

5-104

Petitioner:

Patrick Shawn Craig

Zoning:

DR 5.5/BL

Requested Action:

Special Exception/Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request provided the following conditions are met:

- 1. Indicate the location of any proposed sign and provide sign elevations to this office for review and approval.
- 2. Provide a landscape plan to this office that illustrates how the adjacent residential uses will be buffered from the subject development, and how the parking lot will be screened from the public road.
- 3. Submit building elevations (all sides) of all structures to this office for review and approval prior to the issuance of any building permits.
- 4. Show the location of all dumpsters and indicate how they will be screened. No dumpster shall be located adjacent to any residential use or the public road.
- 5. Provide a lighting plan that conforms to IESNA standards in conjunction with the Final Landscape Plan to Avery Harden, Baltimore County Landscape Architect for review and

approval. All lighting shall be low intensive and shall not adversely affect any residential lots or roadway traffic.

Prepared by:

Division Chief:

AFK/LL:MAC:





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date:

9.7.04

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

RE:

Baltimore County

Item No. 1274

Dear. Ms. Matthews:

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,

Steven D. Foster, Acting Chief Engineering Access Permits Division

1. 1. South

RE: PETITION FOR SPECIAL HEARING

SPECIAL EXCEPTION & VARIANCE 2801 Bay Drive; NE/side Bay Drive, 68' SE *

of Cuckold Point Road

15th Election & 7th Councilmanic Districts Legal Owner(s): 2801 Bay Drive, LLC,

by Patrick Shawn Craig

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-104-SPHXA

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

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 13th day of September, 2004, a copy of the foregoing Entry of Appearance was mailed to Joseph R. Woolman, III, Esquire, Gildea, LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

SEP 1 3 2004

Per.....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

DAVID K. GILDEA DAVIDGILDEA@GILDEALLC.COM

SEBASTIAN A. CROSS SCROSS@GHADEALLCCOM

JOSEPH R. WOOLMAN, III JWOOLMAN@GILDEALLCCOM

D. DUSKY HOLMAN DHOLMAN@GHAEALA.C.COM

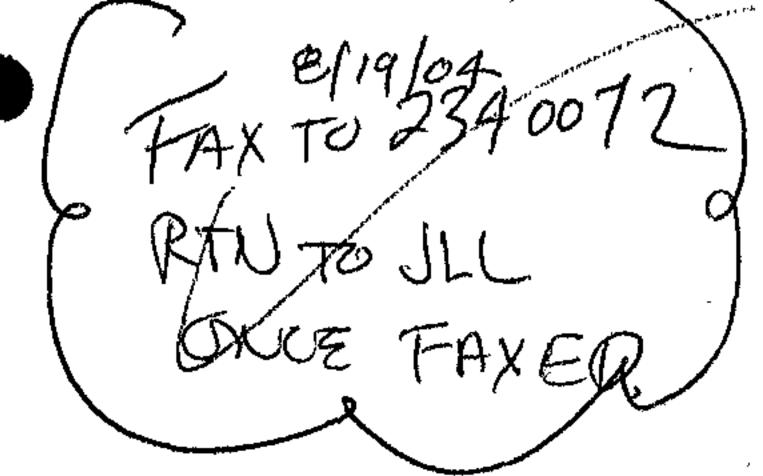
STUART W. COX SCOX@GILDEALLCCOM

GILDEA, LLC

300 EAST LOMBARD STREET SUITE 1440

BALTIMORE, MÄRYLAND 21202

TELEPHONE 410-234-0070 FACSIMILE 410-234-0072 www.gildeulle.com



August 17, 2004

Sent Via Hand Delivery

Mr. Timothy Kotroco Department of Permits and Development Management 111 W. Chesapeake Avenue, Room 111 Towson, MD 21204

Re: 2801 Bay Drive, LLC/2801 Bay Drive

Dear Mr. Kotroco:

Enclosed please find the filing materials regarding the above referenced matter. Please be advised that on July 15, 2004, John Lewis of the Office of Zoning conducted a preliminary review of the enclosed plans and found no current zoning violations, other than those for which relief is being requested.

Should you have any questions regarding this matter, please contact me. With kind regards, I am

Joseph R. Woolman, III

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4. other?

Re! 288 Bay Drive.

The will ammend the petition

filed to reflect the "Columbia"

address for the property corner

at the hearing officer.

Joseph R. Woolmen III. Attorner for Petitioner.

ASE OF 104 SPHXA
also
Bill Attry for Advertising

PLEASE PRINT CLEARLY

CASE NAME CAMPION SON

PETITIONER'S SIGN-IN SHEET

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ADDRESS	1005 100	Fo. Bax 237 Kussuille	SOS E CONDERD &	1220-C ENST LAPPA ROXD	ł	9035 cuckell Pt Rd	8821 millers Island 128							
NAME	6 Aukouce E Schu	Fatrick Craik	JOSECH R WOODSIMEN	DWO TIGAS	DIL MONK		BRIAN KUEMMER							

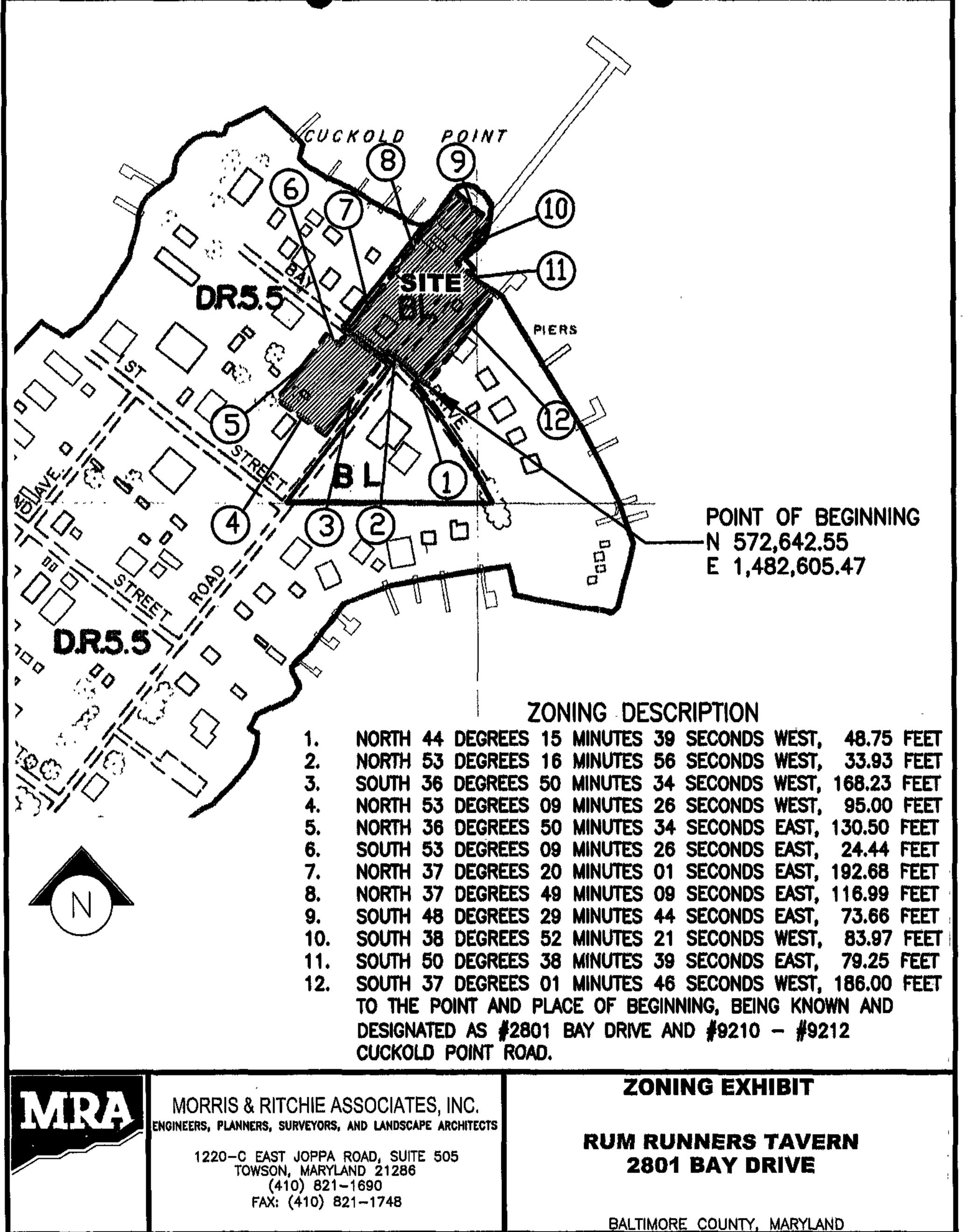
Case No.:	05-	104	SPHX	A
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Exhibit Sheet

Petitioner/Developer

Protestant

r	<u></u>	
No. 1	Development Plan with Red line Corrections and ampled.	
No. 2	and amoded. Ohoto	
No. 3	Existing Conditions	
No. 4	Proposed Conditions.	3,000
No. 5	PHOTOSTASTING. 5A 5B 5C	* /
No. 63		
No. 7	6A-6B-Petitions-3	
No. 8	Sonne Map-	
No. 9		
No. 10	• • • • • • • • • • • • • • • • • • •	
No. 11		
No. 12		



SCALE: 1"= 200'

DATE: 08/04/04

ZONING MAP SHEET: SE 6-K

LOCATION: CUCKOLD POINT JOB NO

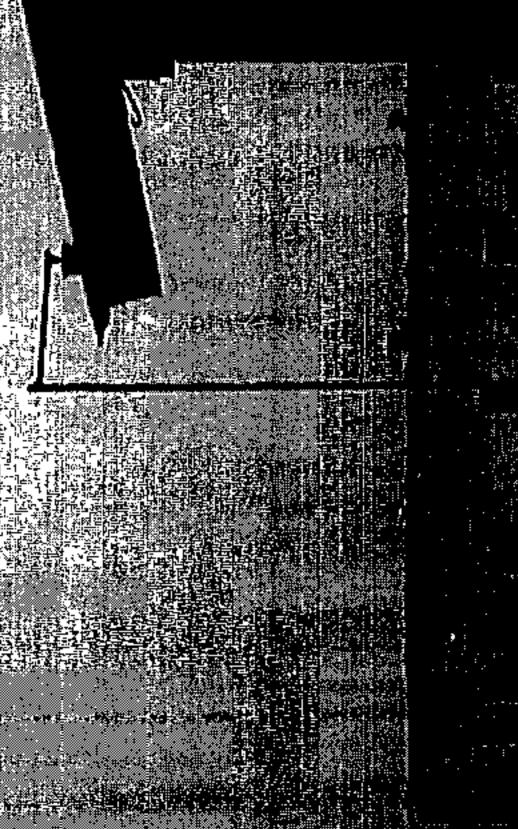
CUCKOLD POINT JOB NO. : 13364
NEW BAY SHORE PARK

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Pet. 5H

Zording Commissioner of Baltimore County 401 Bosley Avenue, 4th Floor Towson, MD 21204

> Re: 2801 Bay Drive, LLC/2801 Bay Drive Case No.: 05-104-SPHXA

Dear Commissioner:

We the undersigned have been made aware of the proposed uses and improvements for the property located at 2801 Bay Drive. By our signatures below we support the proposed use of the property as a tavern with seasonal outdoor dining and requisite parking. We further support the use of a portion of the property for a caretaker's living quarters, and support the relief requested by the Petitioner in Case No. 05-104-SPHA, including:

1. The Special Exception to allow living quarters in a commercial building.

2. The Special Hearing to allow business parking in a residential zone.

The Variance request to permit parking spaces to be as close as 0 feet from a public right-of-way in lieu of the required 10 feet.

4. The Variance request to permit 69 parking spaces in lieu of the required

Respectfully submitted,

| All | All | 1033 Cucked | Cl. Strumbly 9203 Cucked D. R.D.
| Name | Address | Nam

October 7, 2004

Zoning Commissioner of Baltimore County 401 Bosley Avenue, 4th Floor Towson, MD 21204

Re: 2801 Bay Drive, LLC/2801 Bay Drive
Case No.: 05-104-SPHXA


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- 1. The Special Exception to allow living quarters in a commercial building.
- 2. The Special Hearing to allow business parking in a residential zone.
- 3. The Variance request to permit parking spaces to be as close as 0 feet from a public right-of-way in lieu of the required 10 feet.
- The Variance request to permit 69 parking spaces in lieu of the required 72.


Respectfully submitted,

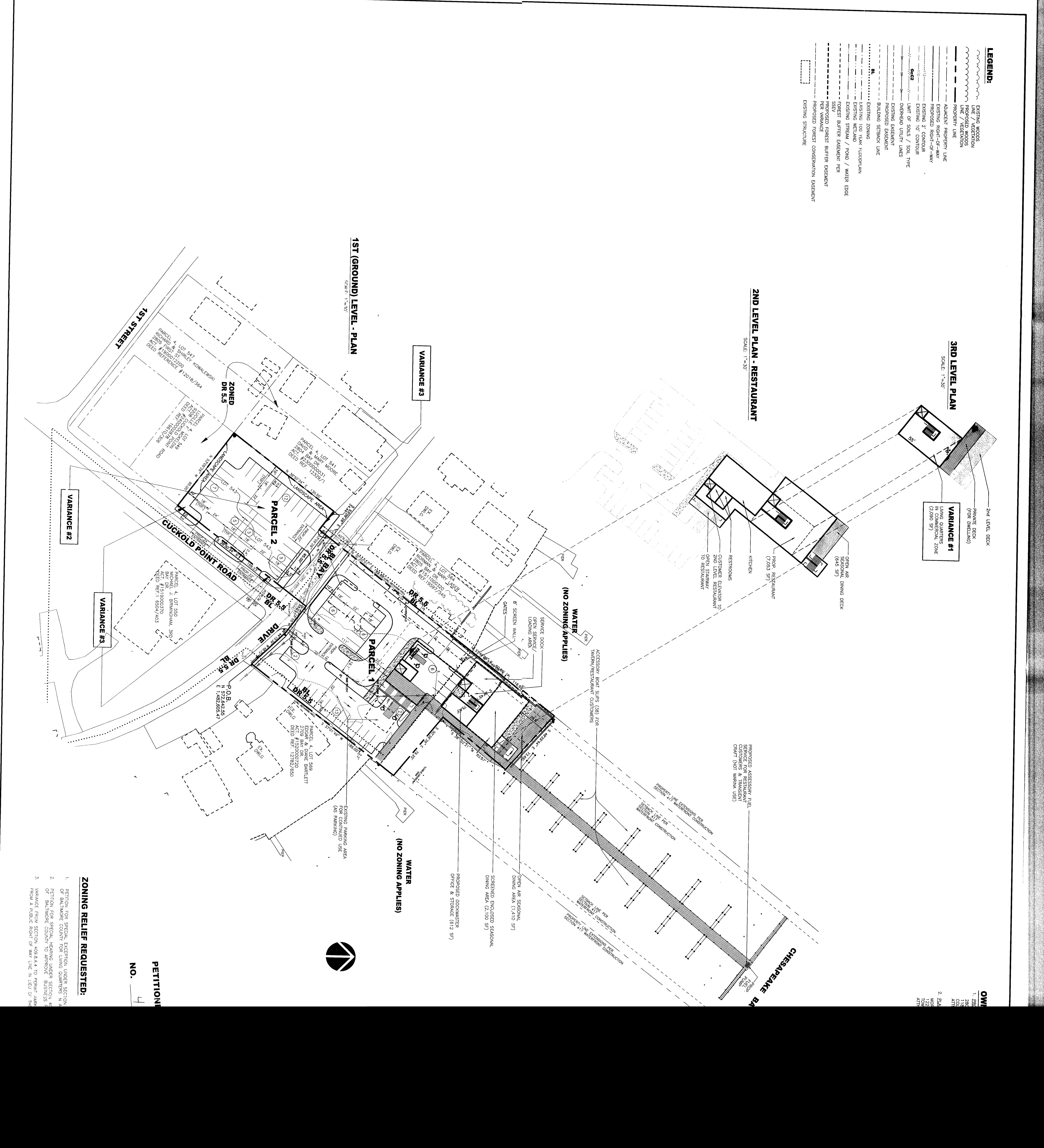
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