IN RE: PETITION FOR SPECIAL EXCEPTION NW/S Engleberth Road, 1,435' N of the c/l Cross Road **(1245 Engleberth Road)** 15th Election District 6th Council District Mark T. Gray and Thomas W. Gray Petitioners	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 05-167-X

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Mark T. Gray and Thomas W. Gray. The Petitioners request a special exception for a fishing and shell fishing facility, shoreline, Class 1, on the subject property, pursuant to Section 1A04.2.B.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). 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 Mark T. Gray, co-owner of the subject property, and Brendon Daley, a friend and consultant who has knowledge of wetland issues and is employed with Engineering Consultant Services, LTD. Numerous residents from the surrounding community appeared in opposition to the request, including James and Catherine Mitchell, adjacent property owners, and several representatives from the Holly Neck Conservation Association, Inc., and the Back River Neck Peninsula Community Association, Inc. In addition, this Zoning Commissioner received letters from many of the residents bordering Browns Cove expressing strong opposition to the special exception request, all of which were collectively marked as Protestants' Exhibit 1.

Testimony and evidence offered revealed that the subject property is a rectangular shaped, waterfront parcel, located on the west end of Engleberth Road, just north of Cross Road in Essex. The property contains a gross area of 0.452 acres, more or less, zoned R.C.5, and is

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Date 12/2/04
By

improved with a one-story frame dwelling and accessory shed. Other improvements on the property include a bulkhead, and a 62' x 6' wooden pier that extends from the rear of the property into Brown Creek. Testimony indicated that the property has been in the Gray family name for 60 years, and that the Petitioner and his brother acquired the property in 2001. At the present time, their mother, Joyce Gray, is the only person residing in the home.

Mark Gray testified that he has fished and crabbed at this location for 30 years. He possesses a Commercial Tidal Fishing License (No 1725) and wishes to operate what he described as a minimal fishing/crabbing operation from the subject site. He testified that he owns and maintains a 24' Carolina Skiff (Exhibits 2A & 2B), which he described as "environmentally friendly" and stores it on a boatlift at the end of his pier. Mr. Gray testified that he wants to store 100 crab pots next to the shed (Exhibits 3A and 3B) when not in use. Apparently, he recently installed a slough box for soft crabs and a high intensity light on the pier. The slough box (Exhibits 4A and 4B) operates continuously during the months of May and June and incorporates the use of a circulating water pump. The high-intensity light is needed for security. Subsequently, the Petitioner was cited with a violation notice (Case No. 04-5350) by the Code Enforcement Division of the Department of Permits and Development Management as to the operation of a crabbing business on the subject property.

Mr. Gray testified that he would like to supplement his income by running the crabbing operation three days a week from sun up to sundown. He testified that he is employed full-time as a carpet installer and would not turn the operation into a five-day a week business. Furthermore, under Maryland law, he is prohibited from crabbing more than six days a week. He further testified that he sells his catch, primarily crabs, on a wholesale basis and that no sales are conducted on the property. The crabs are transported from the boat to Gray's vehicle and then distributed to his vendors, currently five area restaurants.

Mr. Daley testified concerning wetland and environmental issues. He currently holds no engineering licenses, but has 10 years experience as a senior project manager with Engineering Consultant Services, LTD and is familiar with Chesapeake Bay Critical Area regulations. He

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testified that he reviewed the Zoning Advisory Committee (ZAC) comments and that the proposed fishing/shellfishing facility, including the slough box operation, was not a water-dependent facility and that Baltimore County Code, Section 33-2-604 should have no application. He further testified that the business is located 200 feet from the nearest wetland impacted area and that the boat trip traffic and power-washing of crab pots would have little to no effect on the secluded cove environment.

A fishing and shell fishing facility, shoreline, is defined in Section 101 as "A principle use that consists of the buildings, equipment or other facilities necessary to accommodate the onshore activities of the fishing and shell fishing business, and that is situated on a lot on the shoreline of tidal waters." A Class 1 facility is "A shoreline fishing and shell fishing facility that can accommodate a fishing business no longer than that entailing the use of not more than two commercial fishing boats, and that is situated on a lot also occupied by the primary residence of its operator who is the person required to have a license by any of the provisions of Title 4 of the Natural Resources Article of the Annotated Code of Maryland." ***The regulations further state that the operator of such a facility must reside on the property from which the facility operates.***

As noted above, several residents from the surrounding locale appeared and testified in opposition to the request. Most of their testimony centered upon the use of the property for a business operation and the environmental impact the proposed use would have on this quiet cove. However, of particular importance was the issue as to whether or not the Petitioners reside on the subject property. This is significant in that it is a requirement for the granting of the special exception relief. Upon further questioning by this Zoning Commissioner and Mr. Rybczynski, Mr. Gray stated that he, his wife, and two children reside in White Marsh and his brother, Thomas, resides in Eastdale. However, he argued that he often stays at the subject property during the summer months. Several Protestants, namely Mr. & Mrs. Willis Holden, Christina Morgan, Mr. & Mrs. Rybczynski, Susan Johnson and Catherine Mitchell, refuted this contention.

After due consideration of the testimony and evidence on this issue, I am persuaded that the Petitioner has not met the special exception requirements for a fishing/shell fishing

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By

facility. The fact that the Petitioners do not actually reside on the property is a significant factor. As noted above, ***the operator of such a facility must reside on the property from which the facility operates.*** Thus, I am compelled to deny the special exception request.

Regardless of whether the Petitioner resides on the subject property, the more difficult issue deserving brief comment is whether a fishing and shell-fishing facility at the subject location would have an adverse effect upon adjacent properties and the surrounding locale in a manner unique and different from the impact that would otherwise result in a similar zone elsewhere. (See Schultz v. Pritts, 291 Md. 1 (1981). The question in this case is not whether a (special exception) has adverse effects. It inherently has them. The question is also not whether the special exception use at issue here will have adverse effects at this location. Certainly, it will and those adverse effects are contemplated by the zoning regulations. The proper question is whether those adverse effects are above and beyond (i.e., greater here) than they would generally be elsewhere within the areas of the County where fishing/shell-fishing facilities may be established.

In considering the question presented in that light, the character of Browns Cove is particularly relevant. The undisputed testimony, chiefly presented by James Mitchell and corroborated by many others, was that Brown Creek is a peaceful, secluded cove, with a delicate ecosystem. It is narrow (225' in width) and shallow (depths of between 2 ½ - 3 feet), with a lack of natural flushing action trapping sediment. At low tide it is difficult, if not impossible, to navigate out of the cove and sediment and mud is churned up creating murky conditions. Tidal flows are insufficient to recycle this condition properly. Based on the sensitive nature of this area, 300 hundred acres of waterfront shoreline surrounding this cove have recently been placed in Rural Conservation. The neighbors testified regarding the excessive and prolonged noise from power washing the pots, the runoff into the water from cleaning the pots and the unsightliness of stored pots. They also objected to the continuous droning of the slough box water pump and the high-intensity light invading into their homes, and testified to the perils of driving on Engleberth Road during crabbing season. All of the Protestants testified that a grant of the requested special

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By

exception, even with strongly worded conditions, would be detrimental to the health, safety and general welfare of this residential community and surrounding environment.

After due consideration of all of the testimony and evidence presented in this case, I am persuaded that the Petition for Special Exception must be denied. Although the small fishing/shell-fishing facility proposed in this case will indeed have minimal impact, the impact will be particularly egregious here, due to the delicate character of Browns Cove and the quiet, upscale community of shoreline homes bordering it. This may be one location where a commercial facility, of any size, should not be permitted.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of December 2004, that the Petition for Special Exception for a fishing and shell fishing facility, shoreline, Class 1, on the subject property, pursuant to Section 1A04.2.B.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that any appeal of this decision must be entered within thirty (30) days of the date hereof.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 12/7/04
By 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
William J. Wiseman III , Zoning Commissioner

December 8, 2004

Mr. Mark T. Gray
5509 Madge Court
White Marsh, Maryland 21162

RE: PETITION FOR SPECIAL EXCEPTION
NW/S Engleberth Road, 1,435' N of the c/l Cross Road
(1245 Engleberth Road)
15th Election District – 6th Council District
Mark T. Gray and Thomas W. Gray - Petitioners
Case No. 05-167-X

Dear Mr. Gray:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been denied, 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. Thomas W. Gray
7117 East Baltimore Street, Baltimore, Md. 21224
Mr. & Mrs. James Mitchell, 1241 Engleberth Road, Baltimore, Md. 21221
Mr. Edward B. Rybczynski, 1532 Denton Road, Baltimore, Md. 21221
Mr. & Mrs. John Rybczynski, 1138 Fontat Road, Baltimore, Md. 21221
Mr. & Mrs. Herbert Johnson, Jr., 903 Baltimore Yacht Club Road, Baltimore, Md. 21221
Alison & Judith Jurgensen, 1139 Fantat Road, Baltimore, Md. 21221
Mr. Herman Jurgensen, 1131 Fantat Road, Baltimore, Md. 21221
Mr. & Mrs. Jim Morgan, 1239 Engleberth Road, Baltimore, Md. 21221
Ms. Linda Neubauer, 1123 Engleberth Road, Baltimore, Md. 21221
Ms. Maria Lambrow, 1140 Fantat Road, Baltimore, Md. 21221
Mr. David Stiller, 1130 Fantat Road, Baltimore, Md. 21221
Mr. Mike Butler, 1231 Engleberth Road, Baltimore, Md. 21221
Mr. John C. Day, 1207 Engleberth Road, Baltimore, Md. 21221
Mr. Douglas Celmer, 1721 Beachwood Road, Baltimore, Md. 21221
Mr. Mark Hoffman, 1227 Engleberth Road, Baltimore, Md. 21221
Holly Neck Conservation Association, P.O. Box 666, Baltimore, Md. 21221
People's Counsel; Case File

Printed on Recycled Paper

CBCA

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1245 ENGLEBERTH RD.

which is presently zoned R.C.5

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 ~~1A01.C.9.~~ (BCZR) 1A04.2.B.7

FISHING AND SHELLFISHING FACILITY, SHORELINE, CLASS I.

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/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Mark T. Gray
Name - Type or Print

Mark T. Gray
Signature

Thomas W. Gray
Name - Type or Print

Thomas W. Gray
Signature

1245 Engleberth Rd. Telephone No.
Address

Balt. Md. 21221
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

ORDER RECEIVED FOR FILING
Date 12/23/04
By REV 09/15/98

Case No. 05-167-X

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D. THOMPSON Date 9/30/04

1A04.2.B.7

3391

ZONING DESCRIPTION

All that property situate, lying and being in the Fifteenth Election District, Sixth Councilmanic District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the west side of Engleberth Road, 20 feet wide, as extended northeasterly from Cross Road and at a point distant South 21 degrees 30 minutes West, 1,435 feet from the intersection of Engleberth Road and Holly Neck Road. Thence running and binding on the outlines of the property of the petitioners herein, North 75 degrees West 298 feet to the waters of Brown Creek, thence binding on said creek, South 28 degrees 26 minutes East 103.3 feet, thence leaving said creek, South 75 degrees East 227 feet to the west side of Engleberth Road, thence binding on said road, North 15 degrees East 75 feet to the place of beginning.

Containing 0.452 of an Acre (19688 square feet) of land, more or less.

Being known as 1245 Engleberth Road.

05-167-X

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 40309

DATE 9/30/04 ACCOUNT 001006150

AMOUNT $ 380.00

RECEIVED FROM: MARK GRAY

FOR: ITEM # 167 05-167-X

1245 ENGLEDERTH RD. D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRN
9/30/2004	9/30/2004	10:07:10	1

REG MSDI MALKTH DRIC JMR
>>RECEIPT # 207641 9/30/2004 OFLN
Dept 5 520 ZONING VERIFICATION
CR NO. 040307
Dept Tot $380.00
$380.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #05-167-X
1245 Engleberth Road
W/side of Engleberth Rd., n/east 11435 feet from the intersection of Engleberth & Hollyneck Roads
15th Election District
6th Councilmanic District
Legal Owner(s): Mark T. and Thomas W. Gray
Special Exception: to allow a fishing and shellfishing facility, shoreline, Class 1.
Hearing: Friday, November 19, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

WILLIAM WISEMAN
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.
11/011 Nov 4 28374

CERTIFICATE OF PUBLICATION

11/4/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/4/,2004.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-167-X

Petitioner/Developer: MARK T AND THOMAS W. GRAY

Date of Hearing/Closing: 11/19/04

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}

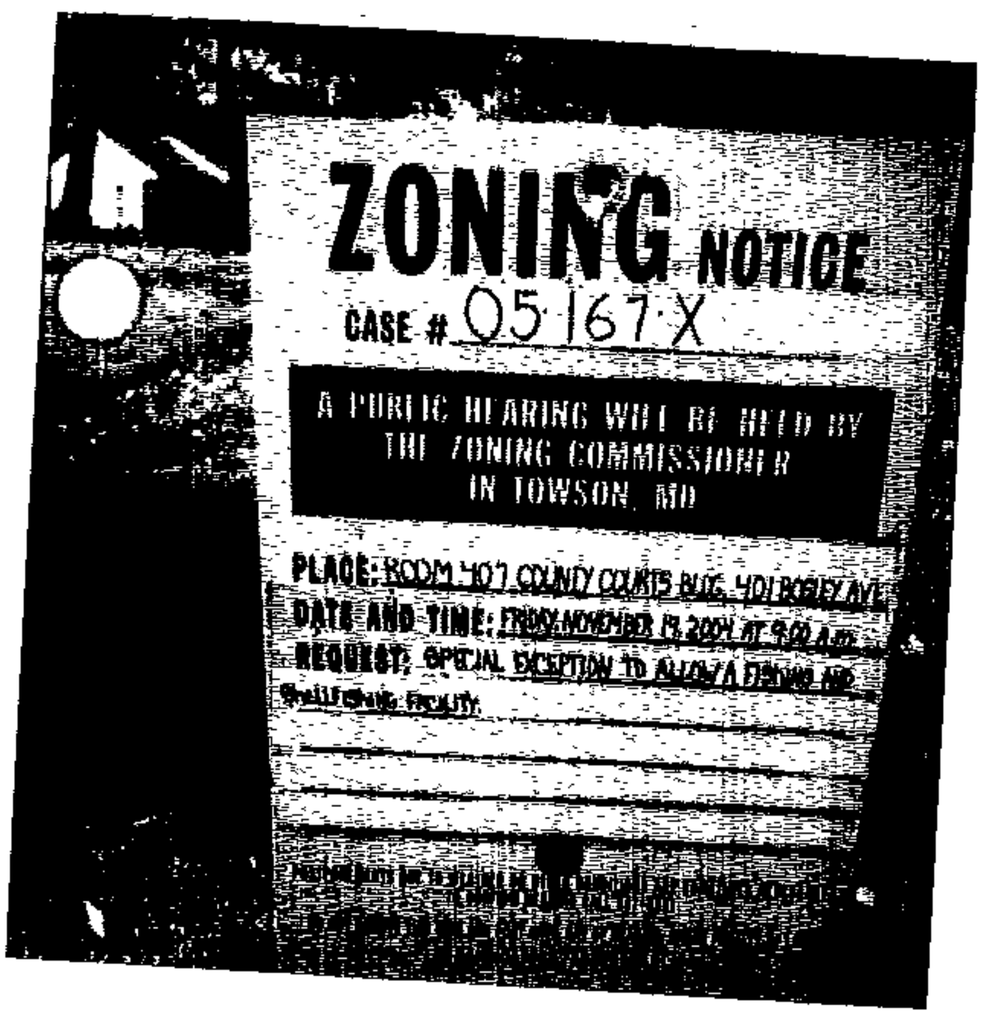
Ladies and Gentlemen:

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:

1245 ENGLEBERTH RD

The sign(s) were posted on 10/31/04
(Month, Day, Year)

ncerely,



Robert Black 11/1/04
(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)

RECEIVED
NOV - 3 2003
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 4, 2004 Issue - Jeffersonian

Please forward billing to:
Mark T. Gray
1245 Engleberth Road
Baltimore, MD 21221

443-695-3300

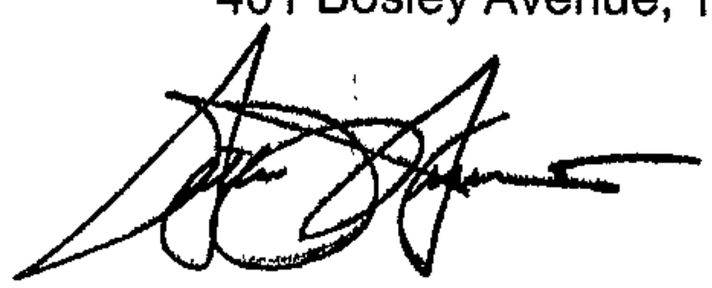
NOTICE OF ZONING HEARING

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: 05-167-X
1245 Engleberth Road
W/side of Engleberth Rd., n/east 11435 feet from the intersection of Engleberth & Hollyneck Roads
15th Election District – 6th Councilmanic District
Legal Owners: Mark T. and Thomas W. Gray

Special Exception to allow a fishing and shellfishing facility, shoreline, Class I.

Hearing: Friday, November 19, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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

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

Baltimore County

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

October 18, 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: 05-167-X
1245 Engleberth Road
W/side of Engleberth Rd., n/east 11435 feet from the intersection of Engleberth & Hollyneck Roads
15th Election District – 6th Councilmanic District
Legal Owners: Mark T. and Thomas W. Gray

Special Exception to allow a fishing and shellfishing facility, shoreline, Class I.

Hearing: Friday, November 19, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mark T. and Thomas W. Gray, 1245 Engleberth Rd., Baltimore 21221

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 4, 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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.

For Newspaper Advertising:

Item Number or Case Number: 05-167-X

Petitioner: GRAY

Address or Location: 1245 ENGLEBERTH RD., 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARK T. GRAY

Address: 1245 ENGLEBERTH RD.
BALTO. MD 21221

Telephone Number: 443-695-3300

Revised 2/20/98 - SCJ

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

Baltimore County

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

November 10, 2004

Mark T. Gray
Thomas W. Gray
1245 Engleberth Road
Baltimore, Maryland 21221

Dear Mr. and Mrs. Gray:

RE: Case Number:05-167-X, 1245 Engleberth Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 30, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: November 3, 2004

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For October 18, 2004
Item No. 167

The Bureau of Development Plans Review has reviewed the subject-zoning item.

A 40-foot minimum right-of-way for Engleberth Road shall be shown.

RWB:CEN:jrb

cc: File

ZAC-10-18-2004-ITEM NO 167-11032004

Fire Department

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

Baltimore County

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

October 11, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 11, 2004

Item No.: 167

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 887-4881
MS-1102F

cc: File

BW
11/19

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

OCT 27 2004

ZONING COMMISSIONER

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: October 26, 2004

SUBJECT: Zoning Item # 05-167
Address 1245 Engleberth Road (Gray Property)

Zoning Advisory Committee Meeting of October 11, 2004.

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

__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).

Additional Comments:

The proposed development must comply with the Limited Development Area regulations of 15% minimum tree cover, 25% maximum impervious surface limit, and Buffer Management Area regulations.

Reviewer: Martha Mickey, Sue Farinetti Date: October 26, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: November 15, 2004

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

SUBJECT: 1245 Engleberth Road

INFORMATION:

Item Number: 5-167

Petitioner: Mark Gray

Zoning: RC 5

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recognizes that certain water related, and existing non-conforming community uses are congruent with Baltimore County's historical waterfronts, and the County at large. However, this office is concerned with the establishment of additional, similar uses given the context of current planning and lifestyle trends, as well as local community impact.

After carefully and diligently reviewing the petitioner's request to permit a Fishing and Shell-fishing Facility, Shoreline, Class I at the subject site, this office has determined that the subject property is located at the end of a shallow, environmentally sensitive cove, in a low-density (RC 5) residential neighborhood. This office is of the opinion that the proposed use could create a level of operation that would be objectionable in this location from a traffic, frequency, noise and odor standpoint. While the petitioner explained they would be operating at a level below that allowed by the special exception, the burden of continually policing the operation for infractions would be on the community.

The dwelling that is located on the subject lot is not the primary residence of the operator of the proposed shell fishing facility. This is required by the definition of Fishing and Shell-fishing facility, Shoreline, Class I as shown in the General Provision section of the BCZR.

Considering the aforementioned in its totality, this office recommends that the petitioner's request be DENIED.

Prepared by: Mark A Cunningham

Division Chief: Jeff Mayhew

AFK/LL:MAC:

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\5-167.doc

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

State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 10.13.04

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

RE: Baltimore County
Item No. 127 DT

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

PDM Zoning - Web - constituent inquiry

From: <webform@co.ba.md.us>
To: <pdmzoning@co.ba.md.us>
Date: 11/22/2004 7:57 AM
Subject: Web - constituent inquiry

douglascelmer@comcast.net

E-mail: douglascelmer@comcast.net

Name: Douglas Celmer

Address: 1721 Beachwood Ave.

City: Essex

State: Maryland

Zip Code: 21221

Telephone Number: 410.436.7753W

Telephone Extension:

Message: To William Wiseman Case # 05 167X Mr Wiseman, I am Douglas Celmer V.P. of BRNPCA I testified at the hearing Friday 11-19-04. Members requested our support and as V.P. I supported the membership. Personally I was ashamed to be associated with my membership's actions at the hearing. We are all members of a free democracy tolerance of others is the basis of democracy. The general membership of BRNPCA did not discuss or vote on this issue. This letter is from Douglas Celmer Private citizen and resident of Back River Neck. The compromise offerred by Mark Gray is fair and reasonable. He tried to address the neighbors concerns in every manner possible. Only 1 adjacent neighbor entered into the complaint. I spoke to the other adjacent neighbor who does not have a problem with the small crabbing operation proposed by Mr. Gray. Crabbing has been a part of Eastern Baltimore County for hundreds of years. Nearly all commercial crabbers are small time operators such as Mr. Gray. At the scale that Mark intends to operate he will not even cover his costs. If a business does not show a profit within 5 years the IRS labels it as a Hobby not a business. I would hope that your decision will allow him to continue to operate his crabbing business/hobby. <P> Thank You Douglas Celmer douglas.celmer@us.army.mil is my work e-mail

Generated by Site Executive

RECEIVED
NOV 18 2004
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

To: Timothy M. Kotroco Date: November 18, 2004

From: Patricia M. Farr PMF

Subject: Zoning Item #05-167
Address: 1245 Engleberth Road (Gray Property)
Zoning Commission Hearing on Friday November 19, 2004

This is an addendum to our comments of October 26, 2004.

1. The applicant must comply with the water-dependent facility requirements in the Baltimore County Code, Section 33-2-604 and the Baltimore County Water-dependent Facilities Manual.

2. We have not received any information from the applicant regarding a proposed water-dependent use. We recommend to the Zoning Commissioner that any approval be conditioned to require compliance with the above critical area requirements. Copies of pertinent water-dependent facility provisions are attached.

3. Applicant needs to revise his building permit to include all water-dependent uses. The proposed in-water uses are already in place based on a recent site visit.

Given that the Zoning Commission Hearing is on Friday, November 19, 2004, our office will hand deliver these additional comments to the Zoning Commissioner today.

RE:	PETITION FOR SPECIAL EXCEPTION 1245 Engleberth Rd; W/side Engleberth Rd, NE 1,435' of Engleberth & Holly Neck Rds 15th Election & 6th Councilmanic Districts Legal Owner(s): Mark T & Thomas W Gray Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-167-X

* * * * * * * * * * * * *

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 and documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
OCT 19 2004
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of October, 2004, a copy of the foregoing Entry of Appearance was mailed Mark & Thomas Gray, 1245 Engleberth Road, Baltimore, MD 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

4. Disturbance to natural vegetation is minimized;

5. Areas for passive recreation such as nature study, and hunting and trapping and for education, may be permitted in the Buffer within Resource Conservation areas, if service facilities for these uses are located outside of the Buffer.

E. <u>All applications for water-dependent facilities must show:</u>

1. That they are water-dependent.

2. That the project meets a recognized private right or public need;

3. That, insofar as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the Buffer;

4. That adverse effects on water quality, and fish, plant, and wildlife habitat are minimized. This finding will be based on the following factors:

   a. That the activities will not significantly alter existing water circulation patterns or salinity regimes;

   b. That the water body upon which these activities are proposed has adequate flushing characteristics in the area;

   c. That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized;

   d. Mitigation of pollutant loadings from: upland surface runoff; sewage discharge from landslide or boating activity; bottom-wash and maintenance operations;

   e. Activities proposed not adversely impact shellfish beds;

   f. The timing and method of dredging cause the least disturbance to water quality and natural habitat;

   g. The activities proposed minimize interference with prevailing pattern of littoral drift;

   h. The activities proposed will not generate a volume of dredged spoils that cannot be handled in an environmentally sound manner. Of special concern here is

whether the location of the proposed facility will require extensive maintenance dredging over the life of the facility and, if so, the applicant should include a long-term plan for the disposal of periodic maintenance dredge spoil. Dredge spoil should not be placed within habitat protection areas or within the minimum 100 foot buffer except under the following conditions: when backfill has been permitted as a shoreline erosion control measure; when dredged spoil is used in an approved vegetative shore erosion project; when placed in an existing or previously approved spoil disposal area.

The determination as to whether each application meets policy objectives described above will be made both at first level review and in some circumstances at second level review when more detailed information is needed.

For Preliminary Site Screening Evaluation - See Section VII

For Detailed Environmental Assessment - See Section VIII

VI. Additional upland requirements determined by Critical Areas designation (RCA, LDA, IDA).

Site plan review of a water dependent facility must, in addition to evaluating the requirements above, address the upland aspects of the Critical Area requirements which vary according to the sites' designation as Intensely Developed (COMAR 14.15.02.03), Limited Development (.04) and Resource Conservation Areas (0.5). For some water-dependent facility applications such as a community pier, these concerns will most likely be addressed as part of the Critical Areas review for the associated residential development and, hence, can be omitted from this review. However, in the example of a commercial marina application, Critical Area Criteria applicable to landside impacts may play an important role in the approval process. This is particularly true for the area of the site outside the Buffer. The following policies and requirements for evaluating landside impacts are not meant to be comprehensive but do address the major concerns that may arise during site plan review of landside activity related to a water-dependent facility applications.

A. Intensely Developed Areas.

1. Conserve, to the extent possible, plant and wildlife habitat. Development or redevelopment is subject to habitat protection area criteria (COMAR 14.15.09).

Soundex / Street	Name / City	Hgt	Wgt	Race	Sex	DoB / County	State	Zip	Priv.
G600792887007	THOMAS WILLIAM GRAY	5-10	155	2	M	010266			
5719 MAYFAIR MANOR DRIVE	ROCKVILLE					M	MD	20852	PRIV
G600792887323	THOMAS WILLIAM GRAY	6-00	210	2	M	042761			
7117 E BALTIMORE STREET	BALTIMORE					BA	MD	21224	PRIV
G600792887645	THOMAS WILLIAM GRAY	5-07	140	1	M	081821			
RFD 1 BOX 127	OWINGS					CAL	MD	20836	PRIV

****

>>> INTERROGATION COMPLETE; THOMAS WILLIAM GRAY <<<

PAGING MODE: PAGE 1 OF 1||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

Soundex	Name		Hgt	Wgt	Race	Sex	DoB
Street		City		County	State	Zip	Priv.
G600585792442	MARK THOMAS GRAY		6-02	190	2	M	061352
1641 SHADYSIDE DRIVE		EDGEWATER		AA	MD	21037	PRIV
G600585792985	MARK THOMAS GRAY		5-11	180	2	M	122762
5509 MADGE CT		BALTIMORE		BA	MD	21162	PRIV

****

>>> INTERROGATION COMPLETE; MARK THOMAS GRAY <<<

PAGING MODE: PAGE 1 OF 1||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

Case Entry/Update
Format . . . . : CASREC

Mode . . . . . : CHANGE
File . . . . . : PDLV0001

Dt Rec: 6152004 Intake: PC Act: Case #: 04-5350
Insp: Insp Grp: ENF Insp Area: 15 Tax Acct: 1507582390
Address: 1245 ENGLEBERTH RD Apt #: Zip: 21221
Owner: THOMAS W GRAY, MARK T GRAY, 1245 ENGLEBERTH ROAD, BALTIMORE, MD 21221-2010
Problem Descript.: OPERATION OF CRAB BUSINESS

Complainant Name (Last): MITCHELL (First): CATHRINE
Complainant Addr: 1241 ENGLEBERTH RD
Complainant City: State: Zip: 21221
Complainant Phone (H): 4108820055 (W):
Date of Reinspection: 11142004 Date Closed: Delete Code (P):

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change

Bill Wiseman 10:15 Code Enf.
from Latoshia 10
x8092

↑ Complaint

Case Entry/Update
Format . . . . : CASREC

Mode . . . . . : CHANGE
File . . . . . : PDLV0001

Notes: ****6/16/04, WATERFRONT HOME, NO STOREFRONT ACTIVITIES, NO COOLERS, FREEZERS OR REFRIGERATORS, NO LARGE COMMERCIAL BOATS, I SPOKE WITH THE SON OF THE PROP OWNER-MR MARK GRAY 443-695-3300 CELL OF 410-529-1440 HOME, HE STATED THAT HE DOES CRAB AS HIS FAMILY HAS DONE FOR DECADES, HE TAKES HIS CATCH AND SELLS IT TO RESTAURANTS, THERE IS NO EVIDENCE OF ANY OTHER TYPE OF ACTIVITY REGARDING A BUSINESS, THERE ARE NO EMPLOYEES, THIS PROP IS ZONED RC-5 AND THE BCC 101 FISHING AND SHELLFISHING FACILITY SHORELINE CLASS 1 DOES APPLY, MR GRAY WILL HAVE TO APPLY FOR A SPEIAL HEARING AND SPECIAL EXCEPTION, I WILL WRITE A NOTICE TO THAT EFFECT, I HAVE NOTIFIED MR GRAY OF THIS, I HAVE NOT BEEN ABLE TO NOTIFY THE COMPL, THE TELEPHONE NUMBER LISTED IS DISCONNECTED, A NOTICE WILL BE WRITTEN, POSTED, AND SENT ON 6/17/04, P/U 7/16/04 HF/WD/CP****
****7/15/04, MR GRAY MADE AN APPT W/JEFF PERLOW FOR A PLAN REVIEW ON 8/6/04, HE INSTRUCTED MR GRAY TO HAVE A SET OF SEALED ENGINEERED DRAWINGS, IF DRAWINGS ARE NOT YET DONE THEY WILL HAVE THE MEETING TO DO AN INITIAL PLAN REVIEW TO GO OVER WHAT HAS BEEN DONE, P/U 8/5/04, HF/CP****

*****NEXT PAGE*****

F3=Exit
F5=Refresh
F6=Select format
F9=Insert
F10=Entry
F11=Change

Case Entry/Update
Format . . . . : CASREC

Mode . . . . . : CHANGE
File . . . . . : PDLV0001

Notes 2: **8/10/04, MR GRAY SPOKE WITH PER LOW AND THEY DECIDED TO RESCHEDULE THE PLANNING MEETING TO 8/31/04 SO THE REQUIRED TASKS WILL BE MORE COMPLETE, COMPL UPDATED, P/U 8/31/04 HF/WRKD/CP**
9/8/04, SPOKE W/JEFF PERLOW, STATED STILL WORKING OUT PLANS REVIEW, EXTENSION GRANTED FOR 30 DAYS, COMPL UPDATED, P/U 10/8/04, CR/CP
10/14/04 OWNER APPLIED FOR SPEC EXCEP CASE #05-167-X. P/U 11/14/04. HF/LRS

F3=Exit
F5=Refresh
F6=Select format
F9=Insert
F10=Entry
F11=Change

Baltimore County
Department of Permits and
Development Management

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

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.: 04-3350

Property No.: 15 075 82370

Zoning: DR

Name(s): Thomas William Gray
MARK Thomas Gray

Address: 1245 Engleberth Rd, BAL MD 21221

Violation Location: SAME.

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Operation of Crabbing business in RC-5 ZONE without Special Exception, BCC 101 Defination. Fishing and Shellfishing Facility, Shoreline, Class 1 Requires a Special Hearing and Special Exception. Filing For Appointment with Zoning must Be made by date Shown Below.

Notice Posted + Sent

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 07-16-04

Date Issued: 06-16-04

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Harry Fahl 8:00-8:30Am / 3:00-4:00 Pm

INSPECTOR: Harry Fahl

STOP WORK NOTICE

PURSUANT TO INSPECTION 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.

Not Later Than:

Date Issued:

INSPECTOR: _____

AGENCY

Department of Permits a Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

Baltimore County

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

September 27, 2004

Mr. Thomas William Gray
Mr. Mark Thomas Gray
1245 Engleberth Road
Baltimore, MD 21221

Re: Case No. 04-5350
1245 Engleberth Road

Dear Gentlemen:

A review of the appointment schedule within Zoning Review (410-887-3391) does indicate on September 30, 2004 at 10 a.m., you are to file a Special Exception Petition regarding your crabbing business.

Hopefully, you have completed all necessary requirements in the petition review process and Zoning Review will accept your petition at that time.

However, steps must be taken to locate items used in this business (i.e. crabbing pots) to a legally permitted site other than 1245 Engleberth Road until a ruling is made by Baltimore County, relative to your Special Exception request. Failure to take this step will result in Code Enforcement issuing a citation, since the legal right to operate this business from this site has yet to be granted.

Sincerely,

James H. Thompson, Supervisor
Bureau of Code Enforcement

jht/lrs

c: James Mitchell, 1241 Engleberth Road, Baltimore, MD 21221

Printed on Recycled Paper

DE ENFORCEMENT REPO 03-2771

DATE: 6/15/04 INTAKE BY: PC CASE #: 4-5350 INSPEC: JS

COMPLAINT LOCATION: 1245 LINCOLN BIRTH RD.

ZIP CODE: 21221 DIST:

COMPLAINANT NAME: CATHERINE MCFADDEN PHONE #: (H) 882-0053 410 (W)

ADDRESS: 1241 LINCOLN RD. ZIP CODE:

PROBLEM: OCCUPATION OF A CHILD BUSINESS

IS THIS A RENTAL UNIT? YES ____ NO ____
IF YES, IS THIS SECTION 8? YES ____ NO ____
OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 15 07 5 8239 0 ZONING:

INSPECTION: 06-16-04 - See Computer notes JS

REINSPECTION:

REINSPECTION:

REINSPECTION:

RA1001B

DATE: 06/15/2004 STANDARD ASSESSMENT INQUIRY
TIME: 09:45:20

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 07 582390	15	3-2	34-00	H	NO		02/13/04

GRAY THOMAS WILLIAM
GRAY MARK THOMAS
1245 ENGLEBERTH RD

DESC-1.. IMPS
DESC-2.. EAGLES NEST POINT
PREMISE. 01245 ENGLEBERTH RD
00000-0000

BALTIMORE MD 21221-2010 FORMER OWNER: GRAY THOMAS V

FCV	PRIOR	PROPOSED
LAND:	72,130	100,930
IMPV:	40,470	54,040
TOTL:	112,600	154,970
PREF:	0	0
CURT:	112,600	154,970
DATE:	10/99	07/02

PHASED IN	CURR FCV	CURR ASSESS	PRIOR ASSESS
TOTAL..	140,846	140,846	126,723
PREF...	0	0	0
CURT...	140,846	140,846	126,723
EXEMPT.		0	0

TAXABLE BASIS		FM DATE
04/05 ASSESS:	140,846	08/21/03
03/04 ASSESS:	126,723	06/04/03
02/03 ASSESS:	112,600	05/30/02

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

12. Life care or continuing care facilities, subject to the provisions of Section 1A04.4. **[Bill No. 6-1984]**

13. Commercial film production, subject to Section 435. **[Bill No. 57-1990]**

14. Transit facilities. **[Bill No. 91-1990]**

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C.5 Zones:

1. Antique shops, subject to the provisions of Section 402B.[1]

2. Camps, including day camps.

3. Cemeteries.

4. Community buildings, swimming pools or other uses of a civic, social, recreational or educational nature, including tennis facilities, provided that no tennis facility shall comprise more than four courts (Section 406A). **[Bill No. 62-1978]**

5. Community care centers, provided that no residential community care center (i.e., a center which serves as the residence of the persons for whom care is provided) shall provide care for more than 15 persons per site, and no day community care center shall provide care for more than 15 persons per acre nor more than 75 persons per site. **[Bill Nos. 142-1979; 157-1986]**

6. Excavations, controlled.

7. Fishing and shellfishing facilities, shoreline, Class I or II. **[Bill No. 30-1978]**

8. Golf courses, country clubs or other similar outdoor recreation clubs.

9. Home occupations of disabled persons, where the use is established in a structure originally constructed as a dwelling or as accessory to a dwelling or where the use is established in a structure that is situated on the same lot as a dwelling and which the Zoning Commissioner finds to be compatible with its surrounding neighborhood, provided that:

(1) Five years after the issuance of the permit;

(2) Death of the disabled person;

(3) Termination of the disability; or

(4) The failure of the disabled person to permanently reside at the premises.

A new special exception for the use may be granted when the previous special exception expires but only upon the completion of the entire application and hearing process in the same manner as if it were the initial

RC-5

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1 **Editor's Note: Former Item 2, "Boat yards (Sections 417 and 101)," which followed this item, was repealed by Bill No. 179-1995.**

regulations: limited-acreage wholesale flower farms, riding stables, landscape service, firewood operations and horticultural nursery businesses. **[Bill Nos. 85-1967;[5] 51-1993[6]]**

FARM (LIMITED-ACREAGE WHOLESALE FLOWER FARM) — A "limited-acreage wholesale flower farm" is less than three acres of land, and any improvements thereon, and is primarily used for the growing of flowers and small plants and their wholesale distribution. **[Bill Nos. 85-1967; 41-1992]**

FARMER'S ROADSIDE STAND — An accessory structure owned and operated by an agricultural producer, used for the sale of indigenous farm products, the majority of which have been grown on the premises, on adjacent land or on properties farmed by the same agricultural producer. **[Bill No. 41-1992[7]]**

FARM MARKET — An accessory or principal building or structure other than a dwelling which is used by one or more farmers for the sale of produce grown primarily on their own farms or for the sale of other locally grown produce. A farm market may sell a limited amount of locally produced nonagricultural goods such as handcrafted items, homemade baked goods, homemade preserves, jams and processed dairy products. **[Bill No. 41-1992]**

FIREWOOD OPERATION — The business of processing wood so that it can be marketed and burned as fuel. Such operations include, but are not limited to, harvesting, transporting, yarding, seasoning, marketing, shipping and receiving of logs and firewood. A farm which limits the processing and marketing of firewood to owner-produced forestry resources shall not be considered a firewood operation. **[Bill No. 151-1992]**

FISHING AND SHELLFISHING FACILITY, SHORELINE — A principal use that consists of the buildings, equipment or other facilities necessary to accommodate the onshore activities of a fishing and shellfishing business (including retailing or wholesaling of the catches) and that is situated on a lot on the shoreline of tidal waters. **[Bill No. 30-1978]**

FISHING AND SHELLFISHING FACILITY, SHORELINE, CLASS I — A shoreline

The Planning & Zoning Resource Corporation

100 NE 5th Oklahoma City, Oklahoma 73104
Telephone (405) 840 -4344 Fax (405) 840 -2608
Toll-Free 1-(800)-344-2944 Toll-Free Fax (888) 523-9008

Company: Baltimore County

Attention: John Riesinger

FAX: (410)887-2824 **Date:** 11/12, **2002**

Number of Pages 6 *(Including Cover Page)*

Subject: Certificate of Occupancy & Bldg. Vio. Info.

Message: **Please let me know if there are any questions or concerns with my request. Please let me know if any additional information will be required to fill my request.**

From the desk of:

Brandi Trogdon
800-344-2944 ext. 3339
brandig@pzr.com

The Planning & Zoning Resource Corporation

100 NE 5th Street • Oklahoma City, Oklahoma 73104
Telephone (405) 840-4344 • Fax (405) 840-2608
Toll Free 1-800-344-2944

To: **John Riesinger**

Date: **November 11, 2004**

Subject: **Certificate of Occupancy copies for:**
Commerce Center
1777 Reisterstown Road
Pikesville, MD
Rent Roll Attached
*** I have ordered a zoning letter.***

We have been engaged to prepare a zoning report with regard to the above-mentioned site.

It is my understanding that there will not be fees associated with this request. Please advise me immediately if this is incorrect. Any costs must be approved in writing prior to their incurrence.

Please see attached form letter. Please copy onto your letterhead and indicate which of the three options applies to this site. Please sign and return by fax to me at the number listed above. If you wish to write you own statement on your form letter that best fits this situation, please feel free to do so.

If you have any questions or concerns, please do not hesitate to telephone at the toll free number above, extension 3339. We appreciate your letting us know, as quickly as possible if this request cannot be filled. Your time and consideration in this matter will be greatly appreciated.

Sincerely: **Brandi Trogdon**
Document Specialist

43,560 sq ft Acre

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Account Identifier: **District -** 15 **Account Number -** 1507582390

Owner Information

Owner Name:	GRAY THOMAS WILLIAM GRAY MARK THOMAS	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	1245 ENGLEBERTH RD BALTIMORE MD 21221-2010	**Deed Reference:**	1) /15039/ 217 2)

Location & Structure Information

Premises Address
1245 ENGLEBERTH RD

Legal Description
295 FR CROSS RD
EAGLES NEST POINT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
105	4	212						82	Plat Ref: 8/ 70

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1968	840 SF	21,736.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-In Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	72,130	100,930		
Improvements:	40,470	54,040		
Total:	112,600	154,970	140,846	154,970
Preferential Land:	0	0	0	0

Transfer Information

Seller:	GRAY THOMAS V	**Date:**	03/14/2001	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/15039/ 217	**Deed2:**	
Seller:	GRAY THOMAS I	**Date:**	04/17/1990	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 8455/ 471	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

0.498

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

9828	● Myers Valerie	OO		03
9829	● Stokes Shirley	OO		03
9830	Francis Ramona	443-394-0907		02
	● Ramona Francis	OO	+	04
9831	● Wright Vaughn	OO		03
9833	● Foremanye Devera	410-383-4757		02

0- BUS 41- RES 3- NEW

ENDSLEIGH AVE (Baltimore) 21220

WEALTH CODE 1

217- 381 CT451400

X DORNTON AVE

217	● Goins Alice	OO		03
218	● Smith Robert	410-238-7649		01
	● Smith Sheila	410-238-7649		01
219	Fell Georgann L	410-687-5889	+	04
	● Nguyen Luan	OO		03
220	● Metz Donald Richard	410-574-0559		83
221	● Mills Jeffery	410-686-9203		90
222	● Maye Kenneth	OO		
223	● Sizemore Patricia	410-686-0318		03
224	XXXX	OO		
225	● Sigal Ernest F	410-686-1247		
226	● Buttman Doris M	410-686-8670		01
227	XXXX	OO		
228	● Baker Virginia	OO		03
229	● Porter Dottie	OO		03
230	● Lee Norma G	410-687-1324		00
231	● Steckler Gary	OO		03
232	● Schuman Marie	OO		03
233	● Tasker Beth	410-687-4745		93
	● Tasker Dale	410-687-4745		93
234	● Cook Karen	OO		
235	● Nelson Deborah	OO		03
	Tibbs D	410-391-2243	+	04
236	● Gillespie B S	410-686-6159		
237	● Hartzell Julia R	410-687-2339	+	04
239	● Porter Steven	OO	+	04
241	● Buttman Samantha	OO		
243	XXXX	OO		

X CHILWORTH AVE

301	● Shook Kevin	OO		
302	● Honeycutt David	OO		03
303	● Whitlock Gary W	410-391-1650	+	04
304	● Burgess Billie	OO		
	Salamony Kathy	410-682-6093		86
	Salamony Wallace	410-682-6093		86
305	● Brotzman Timothy D	410-391-2744		79
306	● Moran Nancy M	410-391-0174		96
307	● Trout W C	410-574-3375		86
308	● Salinas Norma	410-391-0782		96
309	● Koerber George	OO		
310	● Shiflet Richard	OO		03
311	● Atwell Robert Jr	410-574-5228		90
312	● Hoerl Scott	OO		
313	● Hardon Stephen J	410-687-1465		
314	● Plummer Melvin	OO		
315	● Myers Donell	OO		
316	● Tharpe Albert L Jr	410-687-5159		92
	● Tharpe Sharlene	410-687-5159		92
317	● Reames John	OO		
318	● Dear John Charles	410-574-6627		96
319	● Roland Kenneth	OO		03
320	● Nance Sandra	410-391-5464		00
	● Nance Sandra	443-772-1703	+	04
321	● Biscoe H	410-391-4574	+	04
323	● Valentine C	410-686-1029		00
325	● Mimna Robert	OO		

X BECKLOW AVE

327	● Whitlock Brent	OO		
329	● Boum Robert C Jr	410-780-3354	+	04
330	● Malone Peter	410-574-0561		90
331	● Magee Michael	OO		
332	● Anderson Eulice	OO		
333	● Curry Dean	OO	+	04
334	● Paugh Lewis	OO		
335	● Bates Robert	OO		03
	Huber Dolores	410-686-6663		98
	● Robinson Vanchelle	410-780-9857		99
336	● Keller Roland	OO		
337	● Wilson Timothy	OO		
338	● Umstot Vernon	OO		03
339	● Hodges Dean	OO		
340	● Hopkins Sandra	410-238-3663		00
341	● Brooks Raymond	OO		
342	XXXX	OO		
343	● Stafford Harold	OO		03
344	● Strasberger David	OO		03
345	● Kraus Dawn	OO		
346	● Hall John	OO		03
347	● Rampley Brenda	OO		
348	● Thompson Melanie	OO		
349	● Timmins Elizabeth	OO		
350				

X ALDENEY AVE

351	● Smith Edward	OO		03
352	● Nelson Tyler	OO		
353	Julia Wilson	410-686-2453		01
	● Wilson Julia	OO		03

ENGLEBERTH RD (Baltimore) 21221

WEALTH CODE 3

1100- 1249 CT451000

1100	# Gary Shank	410-574-9286		00
	● Shank Gary	OO	+	04
1104	● Byers G Brent	410-686-7294		92
1114	Doherty Kevin	410-682-8633		98
	Doherty Louise	410-682-8633		98
1115	● Burbridge William	OO	+	04
1117	● Pappagallo Joseph	OO	+	04
1119	Hofmann Kathryn J	410-391-6150		03
	● Neeper Michael	OO	+	04
1121	● Munck Bella	OO	+	04
1123	● Neubauer L M	410-686-1149		01
1125	● Lonscak Pavel	OO	+	04
1126	● Tellis Jas R	410-687-4022		66
1127	● Maranl Andrew	OO	+	04
1129	● Chagatas Tecla	OO	+	04
	Foehrkolb Andrew J Jr	410-687-6785		79
1131	Arkuszeski Jay	410-391-5570		87
	● Zink Charles W	410-391-5570		79
1136	● Przywara Ronald	410-686-1656		03
1137	● Bruzdzinski Richard	OO	+	04
1141	● Caldwell Gerald T	410-574-2237		83
1144	● Cougle Matthew	OO	+	04
1145	● Wohlleben C L	410-687-5588		82
1147	● Profili Lola	OO	+	04
1201	● Sweeney Karen	OO	+	04
1203	● Mann Michael	OO	+	04
1205	● Rosoff Jody	OO	+	04
1207	● Day John C	410-780-3689		03
	● Day John C	410-687-4845		93
1209	● Raspe Joseph	OO	+	04
1211	● Scott Robert	OO	+	04
1213	● Neukam Frederick	OO	+	04
1215	● Miles Robert E	410-686-3415		79
1225	● Holden W Ward	410-687-8616		87
1227	Edwards R David	410-238-2695		00
N	● Hoffman Mark E	410-238-2614		00
1230	● Beach Jane	OO	+	04
1231	● Kurek Rita	OO	+	04
	# Kurek Rita M	410-574-5330	+	04
1239	● Morgan James	410-391-3545		92
1241	● Mitchell James	OO	+	04
1245	● Gray Thomas V	410-687-0833		92
1249	# Bafitis & Assocs Inc	410-391-3222		92
	● Bafitis William	410-391-2448		87
	● Bafitis William	410-391-2336		87

3- BUS 42- RES 21- NEW

ENGLEFIELD SQ (Owings Mills) 21117

WEALTH CODE 7

1- 40 CT403701

X COUNTESS DR

1	● Bloom Melanie	OO	+	04
2	● Chazen K	410-363-1409		96
	Smith D M	410-363-1409		96
3	● Lawrence Denise	OO	+	04
4	● Goodman May	OO	+	04
5	● Gregg Marcus	410-581-9377		02
6	● Rumev Kenneth	OO	+	04
7	● Shapiro M	410-654-0035		96
	● Shapiro M	410-654-1656	+	04
8	● Packman Harold	OO	+	04
9	● Goldschelder Alan	410-581-0254		81
10	● Dubin Brian	410-356-5637		02
12	● Schrum Barbara	410-363-4332		81
	● Schrum Norman	410-363-4332		81
14	● Van Meter Francine	410-581-1328		92
16	● Miller Allan	410-356-7751		97
20	● Nkwanyuo Beverly	OO	+	04
22	Shirazi Heideh	410-363-0650		93
	● Taghavi Shirazi	OO	+	04
24	● Caruth Karl	410-581-0813	+	04
26	● Cushner R I	410-581-9022		92
28	● Davis Herb	410-363-3189		81
30	● Wright Jack S	410-356-3570		01
32	● Brucker Martin	OO	+	04
34	● Benner Marilyn	OO	+	04
36	● Tu Hanh	OO	+	04
38	● Hiken Sanford T	410-363-6439		81
40	● Diggs Tanya	443-394-7317		03

X WIMBLEDON SQ

0- BUS 28- RES 12- NEW

ENGLEMEADE RD (Baltimore) 21208

WEALTH CODE 9

3402- 3523 CT403602

3402	● Weiss Deborah C	410-486-0670		86
	● Weiss Stephen G	410-486-0670		86
	# Weiss Stephen G Associates Inc	410-486-7266		86
3403	● Baylin Michael	OO		
3404	● Berg Bryan	410-486-6836		00
		410-484-8867		79

	● Polotsky Vsevolod Y	410-653-7473		02
3418	● Needleman Stanley	OO		03

X STEVENSON RD

3500	● Feldman Haskell	OO		
3501	● Baylus Herman	OO		03
3502	● Waghelstein Julius M	410-484-3012		82
3505	# Levin Norman Dr	410-484-1106		90
	● Zamanian Farhad	410-415-5547	+	04
	● Zamanian M	410-415-7117	+	04
3508	● Colson Charles	OO		
3510	● Segall A	410-653-4195	+	04
	● Segall K	410-653-4195	+	04
3511	● Kaiser Theodore	OO		
	# Kaiser Theodore H Dr	410-484-7162		78
3515	● Kogan Stanley	OO		03
	# Kogan Stanley Dds	410-484-8836		88
3519	● Catzen Ladonna	OO		
3522	● Sachs Leonard R Res	410-486-3093		78
3523	● Garten Herbert S	410-486-1581		78

4- BUS 37- RES 5- NEW

ENGLEWOOD AVE (Baltimore) 21207

WEALTH CODE 3

1902- 2039 CT402405

X DOGWOOD RD

1902	● Witte Edgar A	410-944-3072		
1903	● Roper Darlene	410-944-7982		01
1904 A	Martin M L	410-298-5055		96
	Narbut A R	410-594-9137		00
	● Zappacosta Joseph	OO		03
1905	● Bell S	410-594-9736		03
1906	● Lucas Louis	OO		

X LEHNERT ST

1907	● Sanders A	410-298-7868		03
1909	● Hertsch Vernon	OO		03
1910	● Palecek Edward	OO		
1911	● Sipes Earl F	410-944-6476		
1912	● Wallace Benj R	410-944-1661		
1913	● Elam Lacey Jr	OO		
1914	● Howard C	410-944-6734		97
1915	● Shepherd Marshall	OO		03
1916	● Parrish Basila	OO		
1917	● Bradshaw Mildred	OO		
1918	● Brown Ingrid	OO	+	04

X GILMORE ST

1919	Fleet Irma	410-944-0168		03
	● Harrison Irma	OO		
1920	● Grindell Joan Marie	410-265-8051		87
1922	● Whitelock M L	410-944-0989		82
1923	Pinkney B	410-277-9507		99
1924	● Love Linda	OO		
1925	● Guy Shirley C	410-944-7079		80
1926	● Drummond Annie	410-265-5450		03
1927	● Snader Carroll L	410-944-2818		82
1928	● Pham Cuong M	410-944-8942	+	04
1929	● Keys Kenneth	OO		
1930	● Fox Stephen	OO		
1931	● Greene Fred	OO		

X KRIEL AVE

2000	Johnson J B	410-281-1066		03
	● Roberts Augustus	410-944-0175		03
	● Roberts Augustus	410-944-4982		03
2002	● Roundtree Gary	OO		
2003	● Poncio Azucena	OO		
2004	● Gladden Ingrid	OO		
2005	● Hilton Allen	OO		
2006	● Armstrong Elizabeth	OO		
2007	Kemp C L	410-298-1075		00
	● Warren Charles	OO		03
2008	XXXX	OO		
2009	● Green R Thomas Jr	410-944-2196		83
	● Green Roland T	410-944-6267		
2010	● Dodson Zan	OO		
2011	● Huynh Sang	OO		
2012	Morrison Tessa N	410-298-3464		02
	● Watkins Ernest A Jr	410-298-2990		02
2013	● Ahern C A	410-944-3870		88
2014	● Gray Dolores	OO		

X MAPLE AVE

2015	Dempsey William F	410-944-1345		
	● Wade David	410-944-1347		03
2016	● Williams Jerry	OO		
2017	● Boykin William	OO	+	04
2018	Hull P	410-944-1377	+	04
	● Rainey Frank	OO		03
2021	Schoen Eugenia	410-281-2075		03
2023	● Herisch Vernon	OO		
2025	Davis Daniel	410-944-4575		02
	● Rodgers Chevonne	OO		
2027	Johnson Olga Caban	410-597-9461		03
2029	● Schwarz William	OO		03
2031	● Chestnut Anita	OO		
2039	XXXX	OO		
	● Bard Clarence	410-944-0085		03
	# China Wok Chinese			

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Mark Gray	5509 Madge Ct.	Baltimore Md 21162	
Brendon Daley (ECS Ltd)	1340-P Charwood Road	Hanover, MD 21076	bdaley@ecslimited.com

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Jim Mitchell	1241 Engleberth Rd	Balto. MD. 21221	
Edward B. Rybczynski	1532 Denton Rd	21221 Essex	
Catherine M Mitchell	1241 Engleberth Rd	Balto MD 21221	
Ilona Rybczynski	1138 Fantat Road	Balto MD 21221	
Herbert Johnson Jr	903 Baltoyachtclub Rd	Balto MD 21221	
Susan Johnson	903 Balto. Yacht Cl. Rd	Balto MD 21221	
Judith Jurgensen	1139 Fantat Rd	Balto, MD 21221	
Allison Jurgensen	11 11	Balto MD 21221	
Herman Jurgensen	1131 Fantat Rd	Balto MD 21221	
Maria Lambrou	1140 Fantat Rd	Balto. MD 21221	
Chris Morgan	1239 Engleberth Rd	Balt MD 21221	
Jim Morgan	" " "	Balto MD 21221	
LINDA NEUBAUER	1123 Engleberth Road	Balto MD 21221	
David Stiller	1130 FANTAT ROAD	BALTO. MD 21221	
Catherine Travis for Ronald Bolbat, President Holly Neck Conservation Assoc.		P.O. Box 666 Balto, Md 21221	
Mike Butler	1231 Engleberth Rd	Balto Md 21221	
John F. Rybczynski	1138 Fantat Rd.	Balto. Md. 21221	
John C Day	1207 Engleberth Rd	Balto, Md, 21221	
Doug Colmar	1721 Beachwood Ave	ESSEX MD 21221-6504	
Mark Hoffman	1227 Engleberth Rd	Baltimore, Md 21221	

Case No.: _____

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site Plan	Letters from Community
No. 2	2A + 2B Photo's of Boat.	100 years Erosion Plat
No. 3	3A + 3B Photo's of Storage Shed.	Min High Tide - 3'
No. 4	4A + 4B Slip Box	225' total Width of Cove
No. 5		Depth Study - Dept. of Environment
No. 6		Propane tank -
No. 7		7A Back River Neck Community Association Letter 7B Holly Neck Conservation Assoc. Inc.
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

R.(

AVE.

Intersection of Englebert & Hawk Neck Roads

S 60,580'

E 62,470'

NOTE: PUBLIC SEWER & WATER SERVE SITE.

SITE

PIER

PIER

PIER

PIER

PIER

PIERS

PIERS

PIERS

PIER

PIER

WALL

WALL

ENGLEBERTH

Englebert Cross Roads

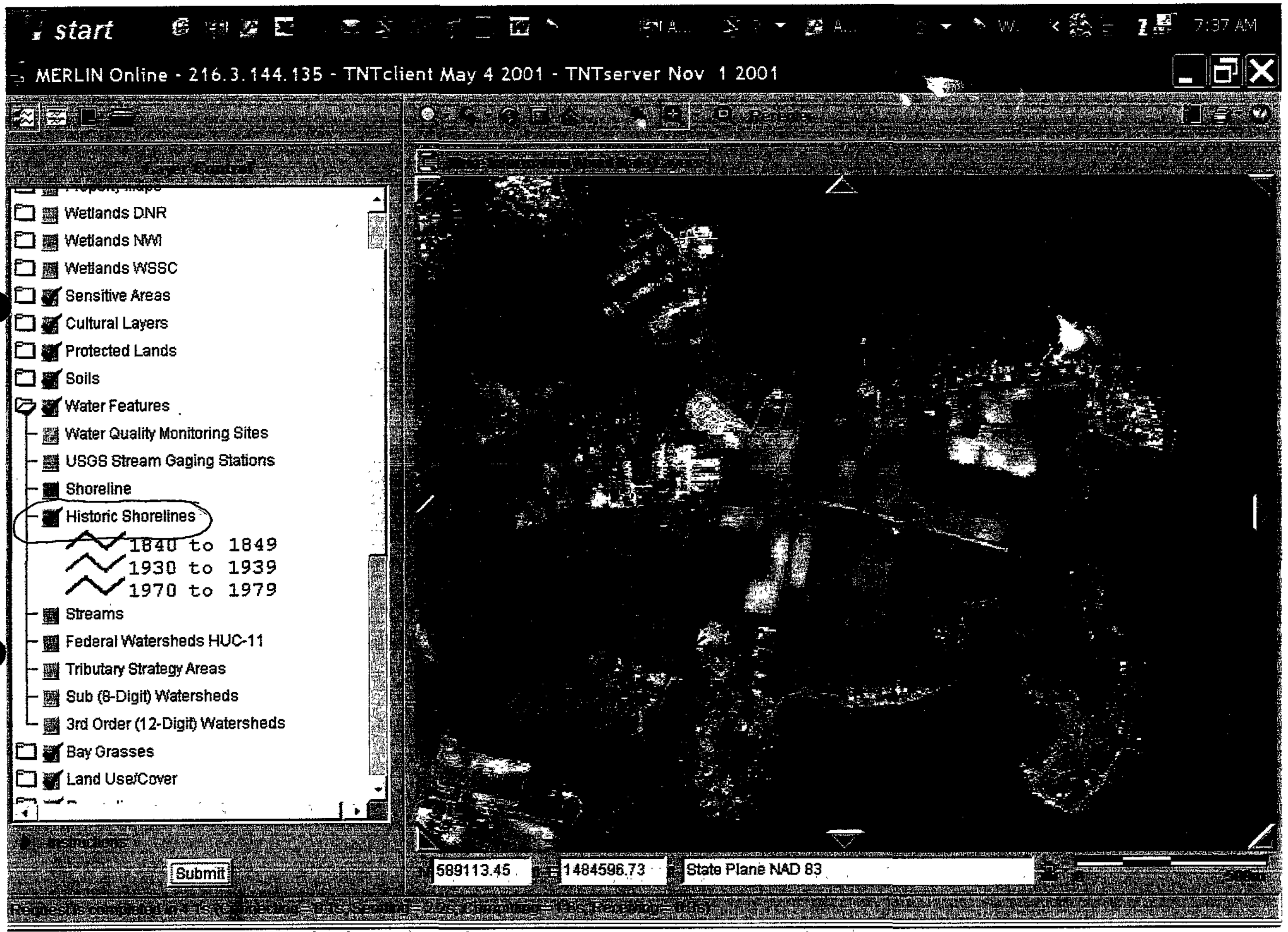
R.C.

S 7000

E 63,000

SE
2K
1"=200'

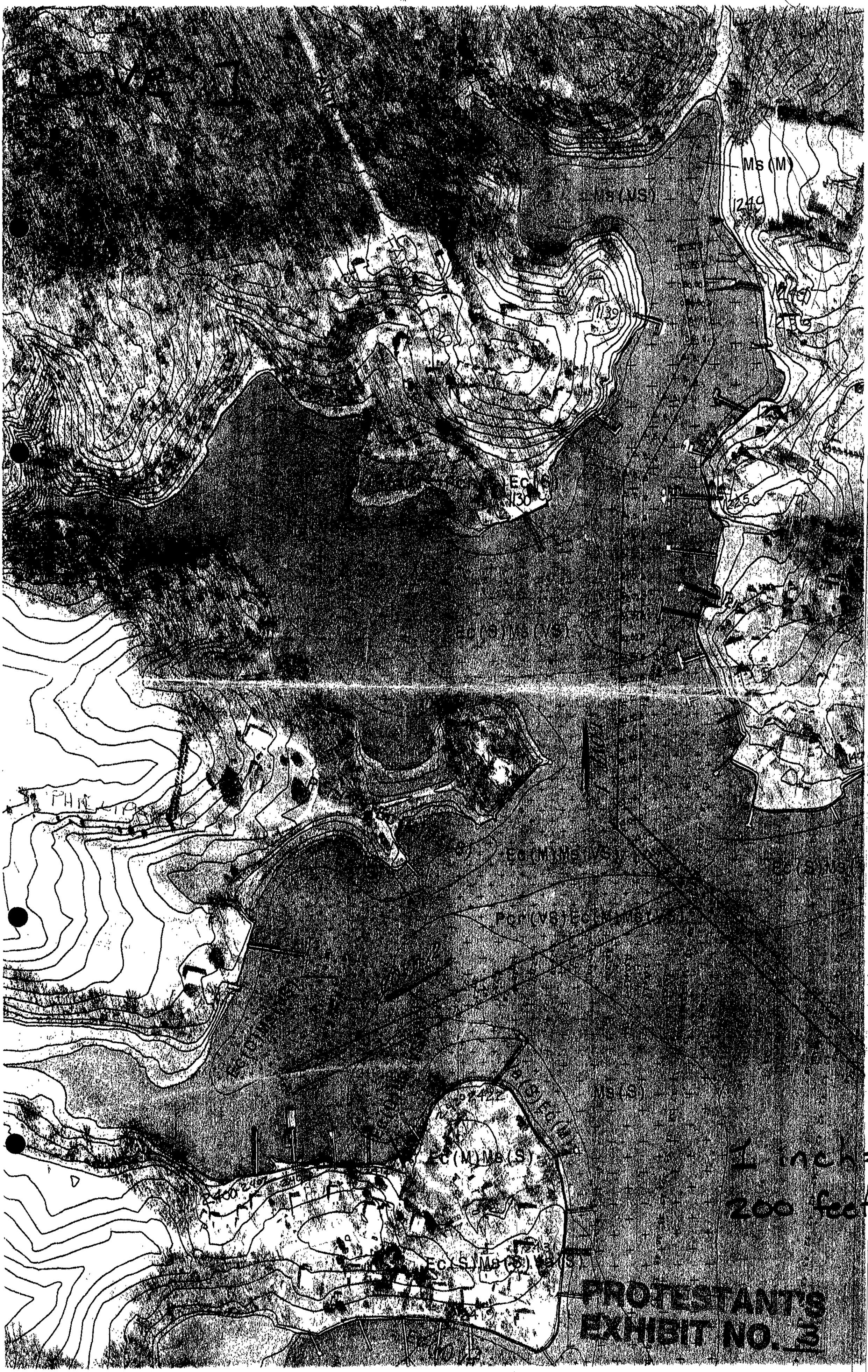
05-167-X



Java Applet Window

PROTESTANT #2

PROTESTANT'S
EXHIBIT NO. 2


Ms (M)
Ms (VS)
124
139
Ec (S)
138
125
Ec (S) Ms (VS)
142
PHILLIPS
Ec (M) Ms (VS)
Pcr (VS) Ec (M) Ms (VS)
Ec (S) Ms (VS)
Ms (S)
Ec (M) Ms (S)
Ec (S) Ms (S)
1 inch =
200 feet
PROTESTANT'S
EXHIBIT NO. 3

PERMIT #
B513653

PROTESTANT'S
EXHIBIT NO. 4

NOT TO BE USED

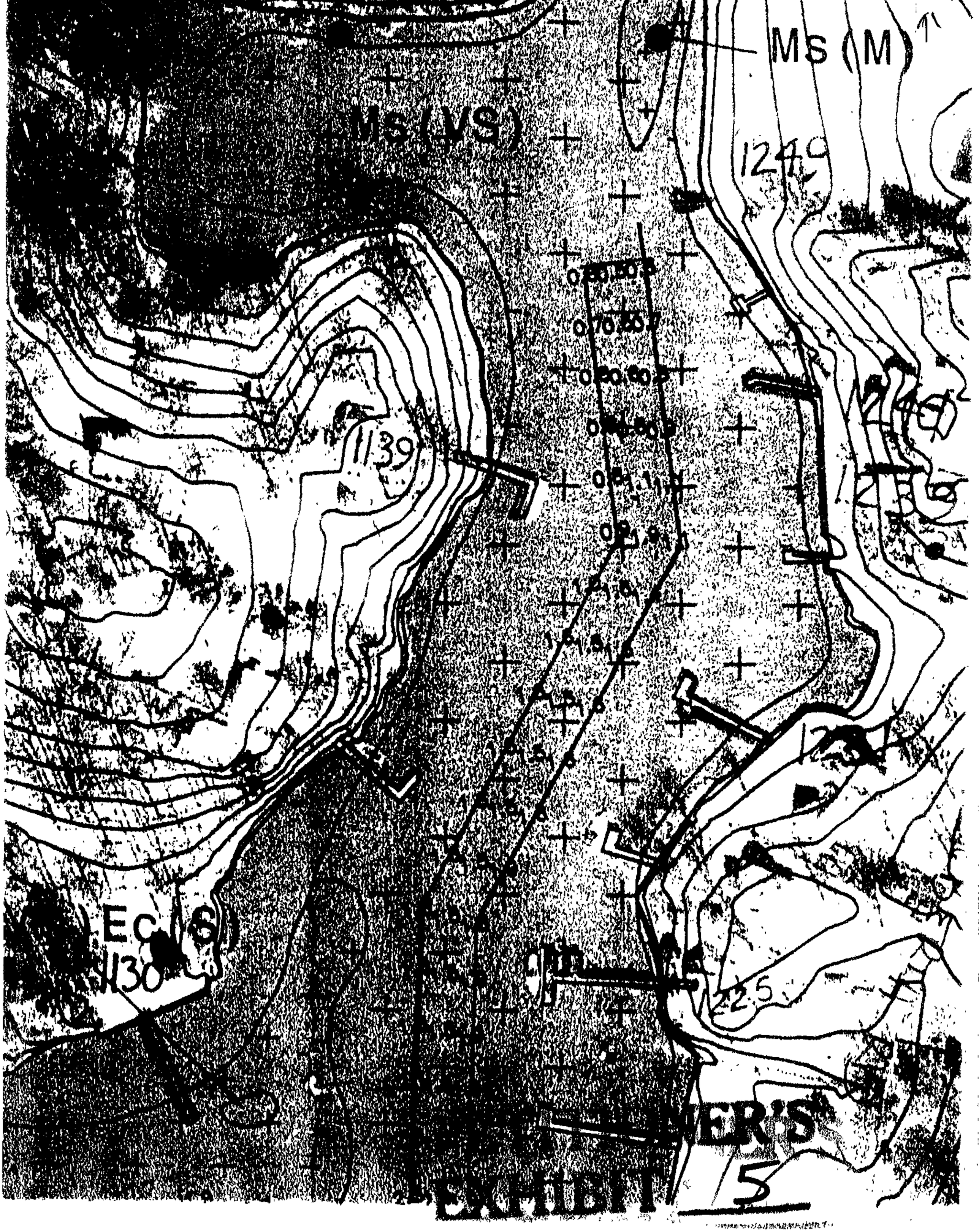
ving and
Engineering Co., Inc.

PART OF PLAT
EAGLE NEST I
15TH ELECTION DIS
BALTIMORE COUNTY

SCALE 40 ft. - 1 inch

File No. 1745

Signed T


Ms (Ms)
Ms (M)
1249
1139
EC
1130
25
ER'S
5
EXHIBIT

PROTESTANT'S
EXHIBIT NO. 3

HOLLY NECK CONSERVATION ASSOCIATION, INC.

P.O. Box 16666 • Essex, MD 21221-0666

Via Facsimile 410-887-3468 and
First Class Mail

Commissioner William Wiseman or Office of Zoning
401 Bosely Ave
Towson, MD 21204
Re: Case 05-167-X

November 16, 2004

Dear Commissioner Wiseman,

This letter is to inform you that the Holly Neck Conservation Association is against granting the special exception for a Fishing and Shellfish facility at 1245 Engleberth Rd. This notification is made after meeting with Mr. Mark Gray, the requestor of the exception at our November 15th General Membership Meeting. The meeting was attended by approximately 60 of our 178 members. There were 8 families represented from the area of Brown's Cove near this property.

Mr. Gray explained why he was seeking the exception and described how the operation would be run. Although the definition of a "Fishing and Shellfish Facility" has a broader definition, he told us that his request would be more limited. He expects to run a crabbing operation, by himself, utilizing crab traps, from a single boat. His operation includes continuously operated sloughing boxes on the property and he will utilize a high pressure water washer as necessary to clean the pots. He expects to store up to 100 crab traps on the property. Mr. Gray also explained that he does not live on the property. It is currently occupied by his mother.

Our organization opposes the exception for the following reasons:

- This section of Browns Cove is a very small body of water and the location of the property all of the way at the end of the cove has limited access with only 1' – 3' of water (Mr. Gray's words). Running a commercial operation in such a restricted area is not practical. SAV's will be damaged by a commercial boat running through this area.
- Waterfront lots are relatively small. Commercial operation would cause additional noise and odor from washing crab traps. Security lighting and expected commencement of operations very early (pre-dawn) would be disruptive to quiet residential neighborhood.
- Applicant does not live on the property. Commercial properties without residence are not kept and maintained the same as a primary residence.
- Granting a very limited exception could be difficult to maintain over a long period of time. It will require policing by the neighbors to assure that changes through the years are not in violation of the original exception.

Protestants 7A

Back River Neck Peninsula Community Association, Inc.

P.O. Box 16754

Essex, Maryland 21221

Meeting Place- Back River Neck Community Center
Open Meetings: Every 3rd Tuesday of the Month

OFFICERS:
Edward B. Rybczynski,
President

Douglas Celmer,
Vice President

Ms. Marion MacCrehan,
Recording Secretary

Ms. Theresa Guckert,
Treasurer

ELECTED BOARD:
Carl Canatella
Chuck Eckes
Philip H. Hanes
James L. Ludwig
Ms. Jackie Nickel
Ms. Cathy Travis

Re: 1245 Engleberth Road
Case no. 05-167-X

Mr. Commissioner,

Subject application was discussed and voted on November 2, 2004 to oppose.

We are opposed to opening a commercial enterprise in a residential community.

In this case we are opposed for these specific reasons:

Air pollution; noise pollution; visual pollution; water pollution and general nuisance in a residential community.

We ask that you deny this application for a permit to do business.

Very truly yours,

Edward B. Rybczynski
President

PROTESTANT'S
EXHIBIT NO. 7B

Concerns: Environment; Preservation; Water Quality; Service

EX. DWLG.
1249

INTERSECTION OF ENGLEBERTH & HOLLY NECK ROADS

1435'

S21°30'W

WILLIAM N. & LINDA K. BAFITIS
REF: Liber No. 7 Folio 793

298'

+ PROPANE TANK
+ PROPANE TANK

21'

20'

0.452 Ac.±
(19,688 ☐')

EXISTING SEPTIC

BIT. PAVED DRIVEWAY

126'

ACCT. #1507582390

227'

JAMES, LAW & CATHERINE M. MITCHELL
REF: Liber No. 6580-793

EX. DWLG. #1241

Lot 54

Lot 55

"EAGLE NEST POINT"
PLAT BOOK W.P.C. No. 8/70

115'SE 75'

NEW PUBLIC SEWER & CONNECTION - (TO BE CONNECTED FROM #1245)

20'

ENGLEBERTH ROAD

Lot 53

HYDRANT

8" WATER

3½'

Lot 52

CROSS ROAD

ENGLEBERTH ROAD

HOLLY NECK ROAD

BROOMS COVE ROAD

1435'

SITE

CROSS ROAD

ENGLEBERTH RD

VICINITY MAP
1" = 1,000'

CHESAPEAKE BAY

ZONING PLAT

PLAN TO ACCOMPANY SPECIAL EXCEPTION FOR
CLASS I LICENSE
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
#1245 ENGLEBERTH ROAD 21221

OWNERS/PETITIONERS: MARK THOMAS GRAY
THOMAS WILLIAM GRAY
1245 ENGLEBERTH RD.
BALTIMORE, MD 21221
443-695-3300

DEED REF: LIBER #15039-217

AUGUST 10, 2004 / REVISED: 9-01-04

PREPARED BY:

David Ransone
Land Surveyor
P.O. Box 10007
Baltimore, MD 21285-0007

PHONE: 410-828-5354

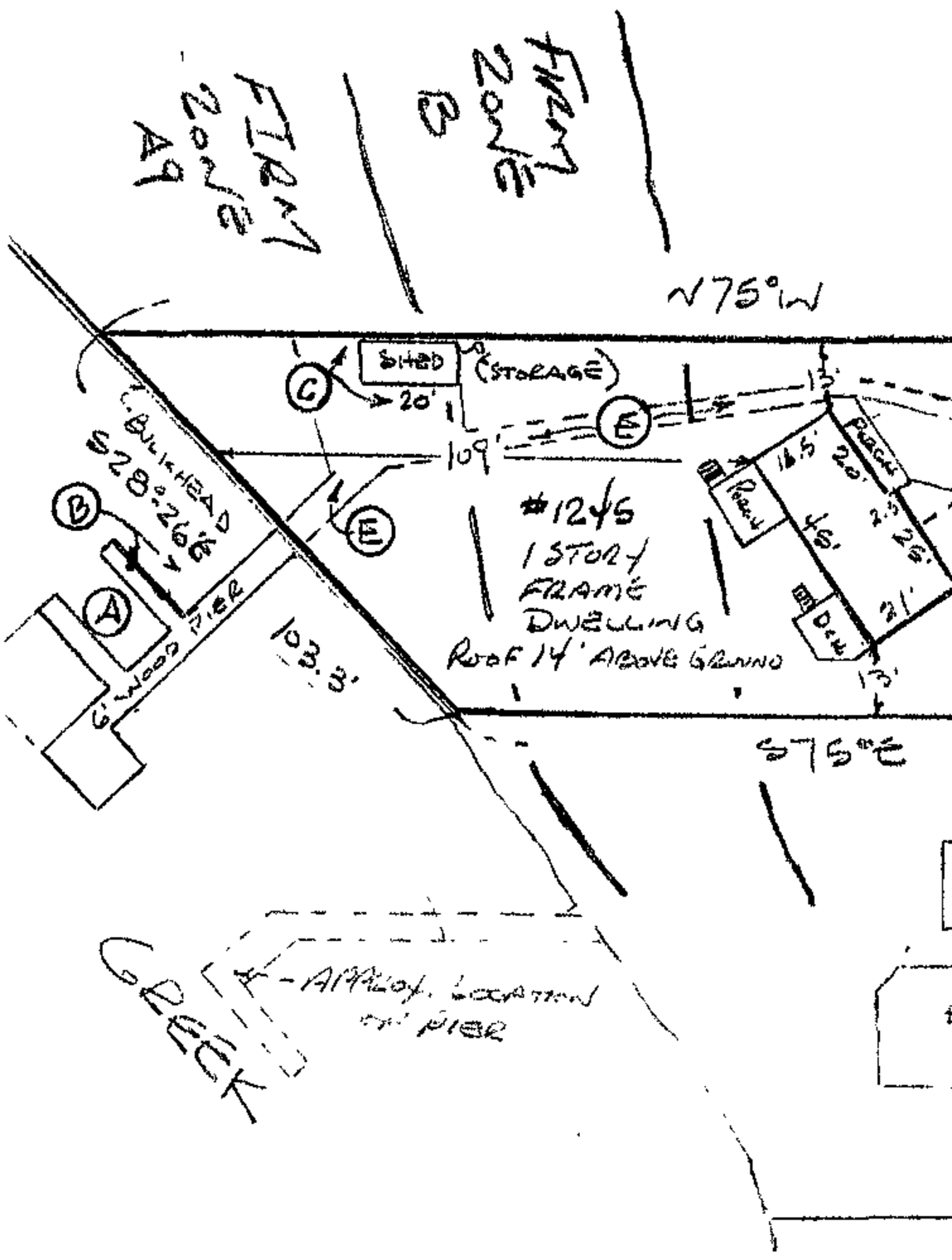
STATE OF MARYLAND · DAVID EDWARD RANSONE · 10007 · LAND SURVEYOR

PETITIONER'S EXHIBIT 1

05-161-X

LOT AREA USES TO SUPPORT
COMMERCIAL FISHING & CRABBING OPERATION

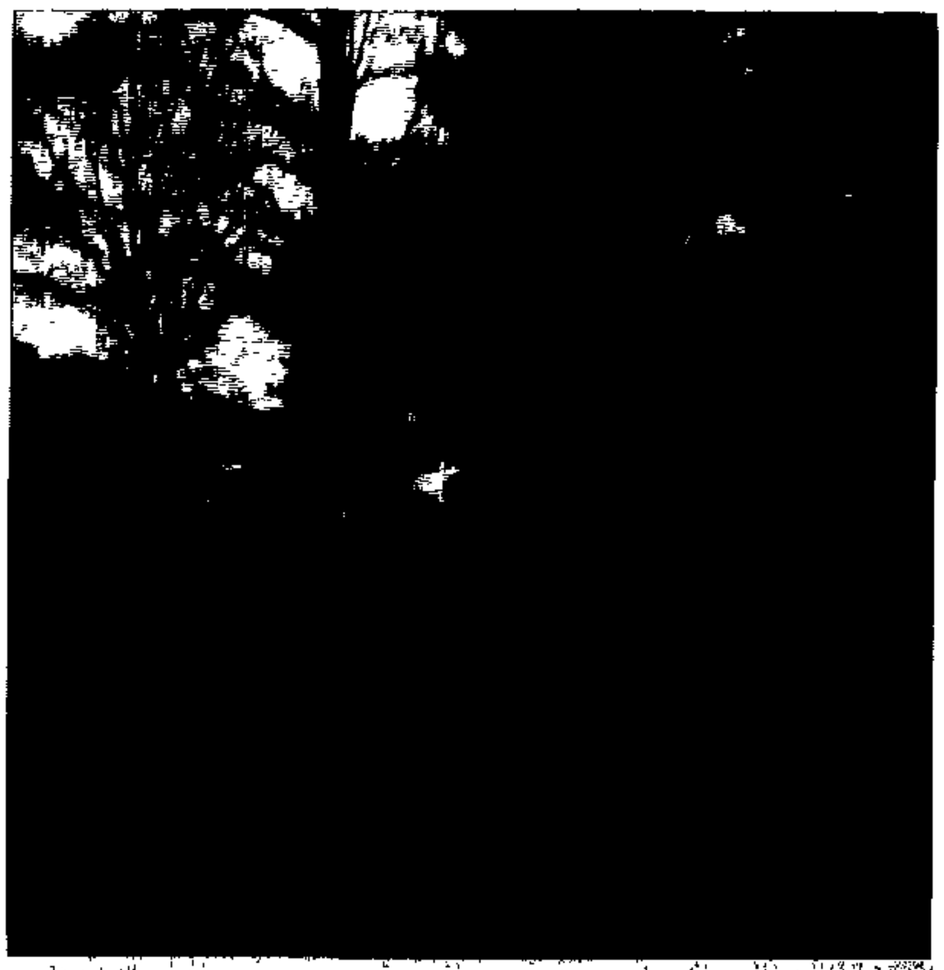
(A) BOAT SLIP & STORAGE
(B) WASHING AREA & SNUFF BOX
(C) CRAB POT STORAGE & WORK AREA
(D) PARKING
(E) ACCESS PATHWAY



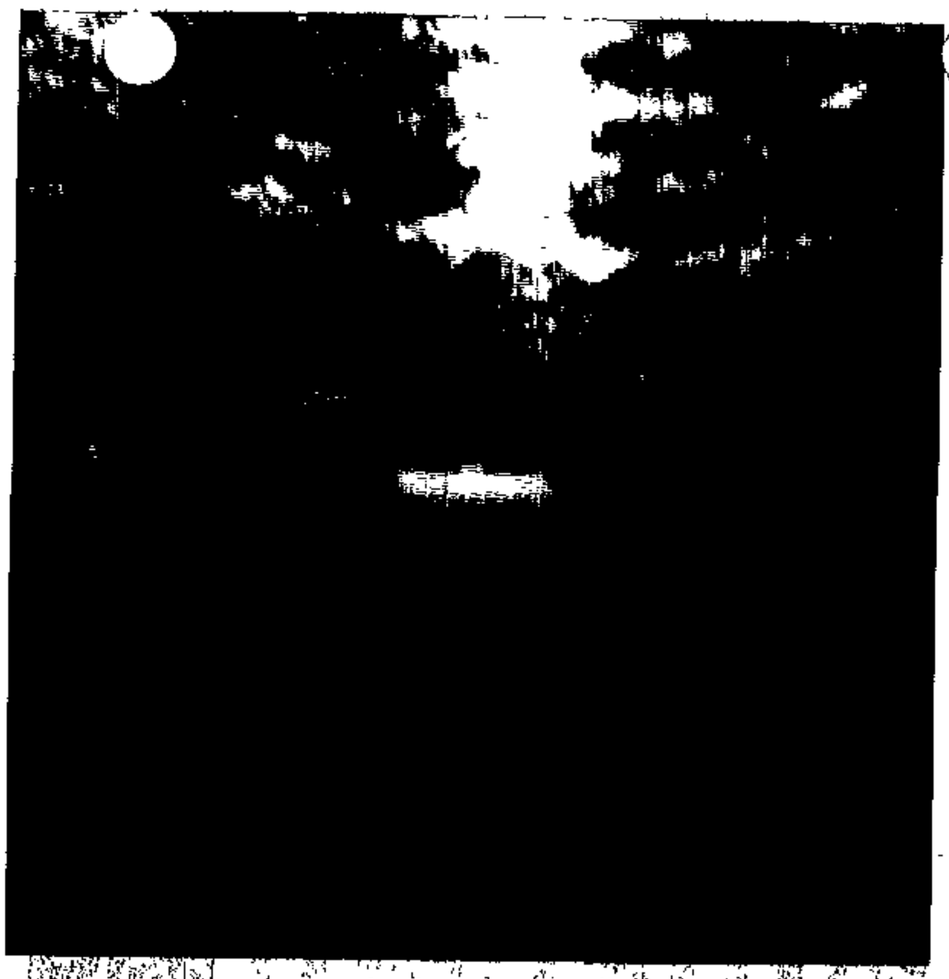
NOTES:

1. EXISTING ZONING - RC-5
2. ZONING MAP - SE 2K
3. EXISTING USE - RESIDENTIAL
4. NO SIGNS PROPOSED OR EXISTING
5. F.A.R. CALCULATIONS - 895/19763 = 0.045
6. EXISTING SEPTIC PRIVATE SEWER TO BE ABANDONED & HOUSE TO BE SERVED BY NEW PUBLIC SEWER LINE.
7. HOURS OF OPERATION: SUNUP to SUNDOWN
8. NO SALES TO TAKE PLACE RANDOMLY FROM VARIOUS LOCATIONS ON THE PROPERTY IE: PIER, BOAT, LIVE BOX, etc. NO BUILDING OR OTHER RETAIL OR WHOLESALE FLOOR AREA IS ESTABLISHED OR INTENDED TO BE ESTABLISHED FOR THIS PURPOSE EITHER NOW OR AT A FUTURE DATE.

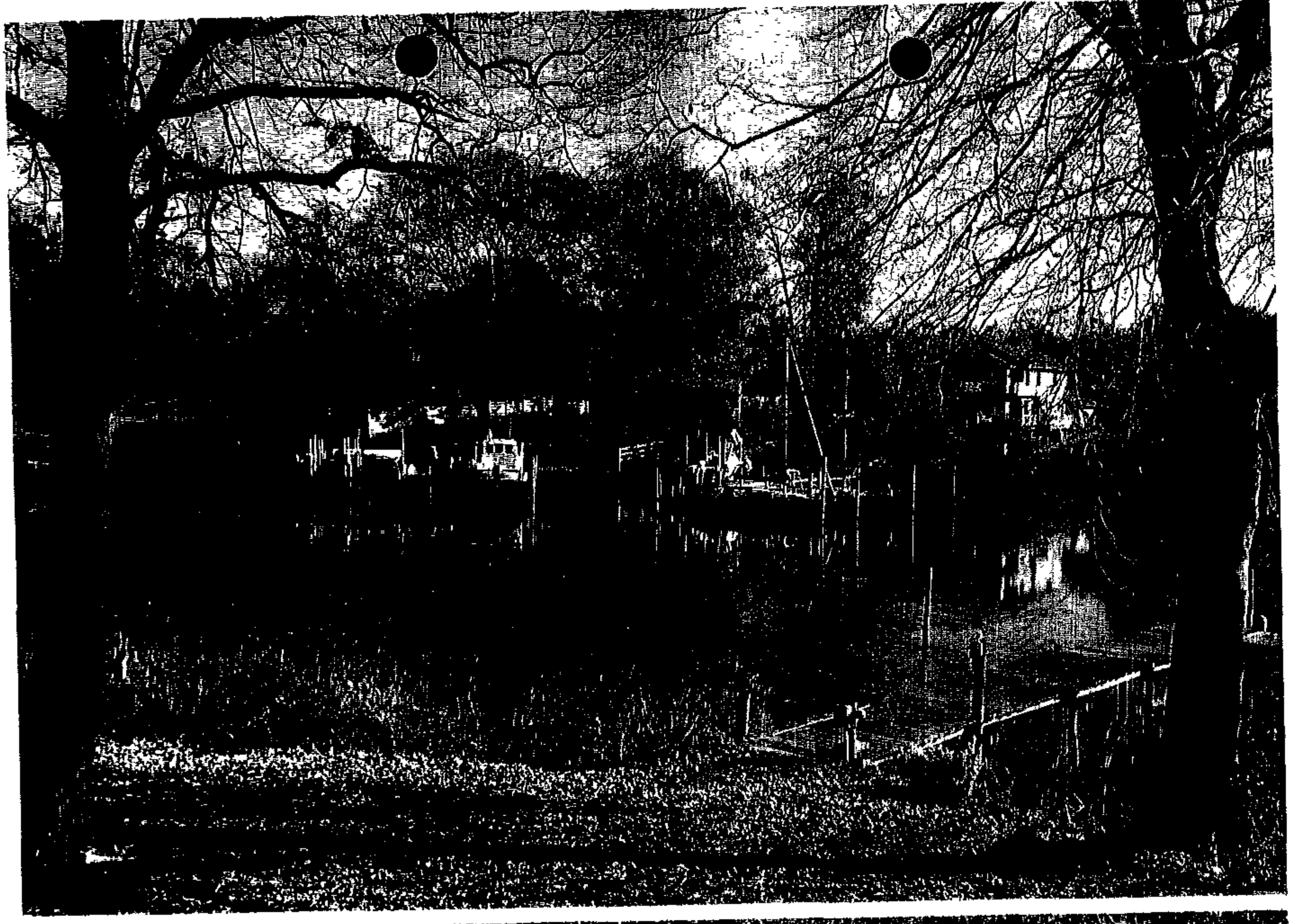
SITE PLAN
1" = 50'

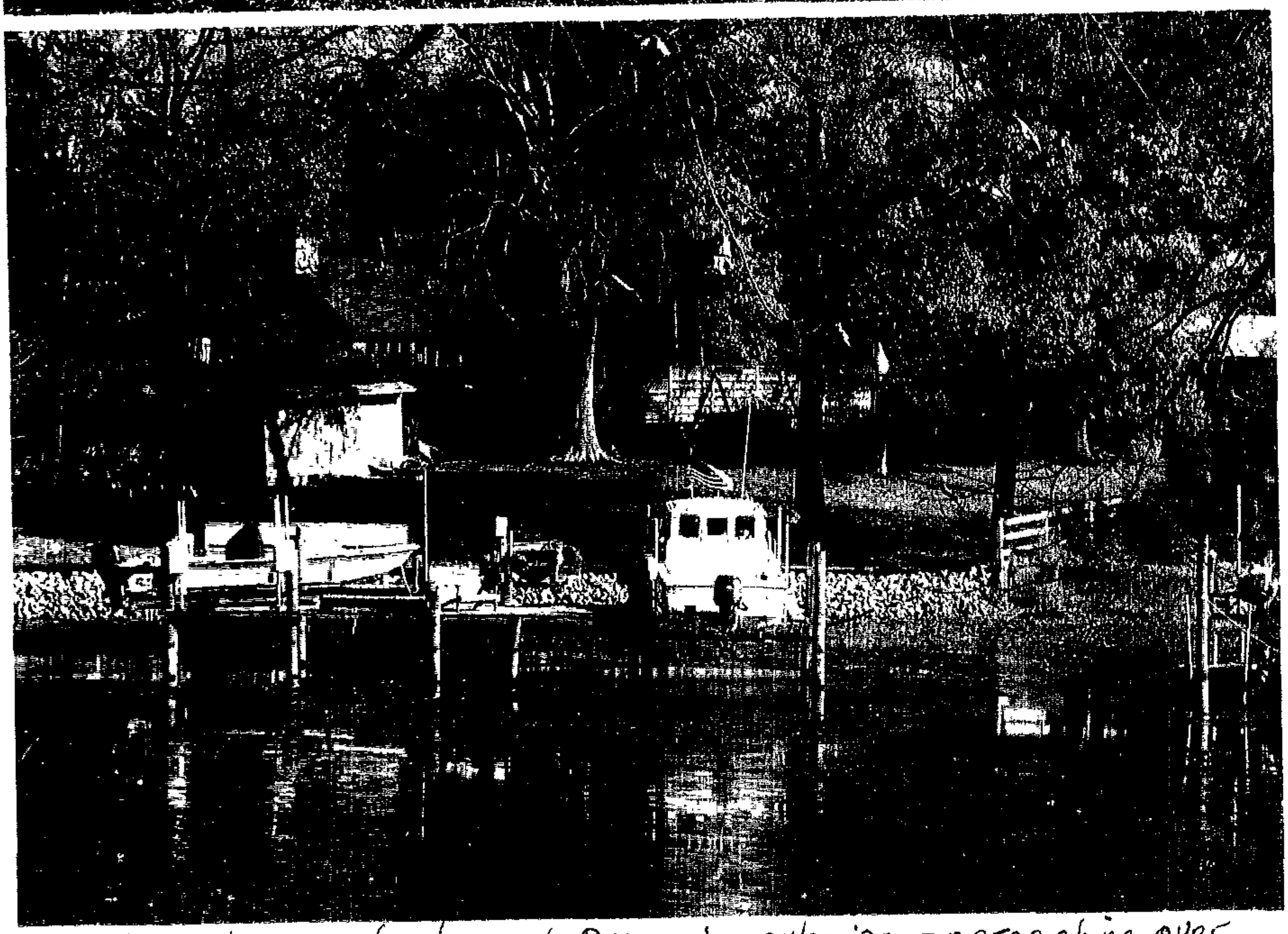


PLAINTIFF'S
EXHIBIT NO. 6A



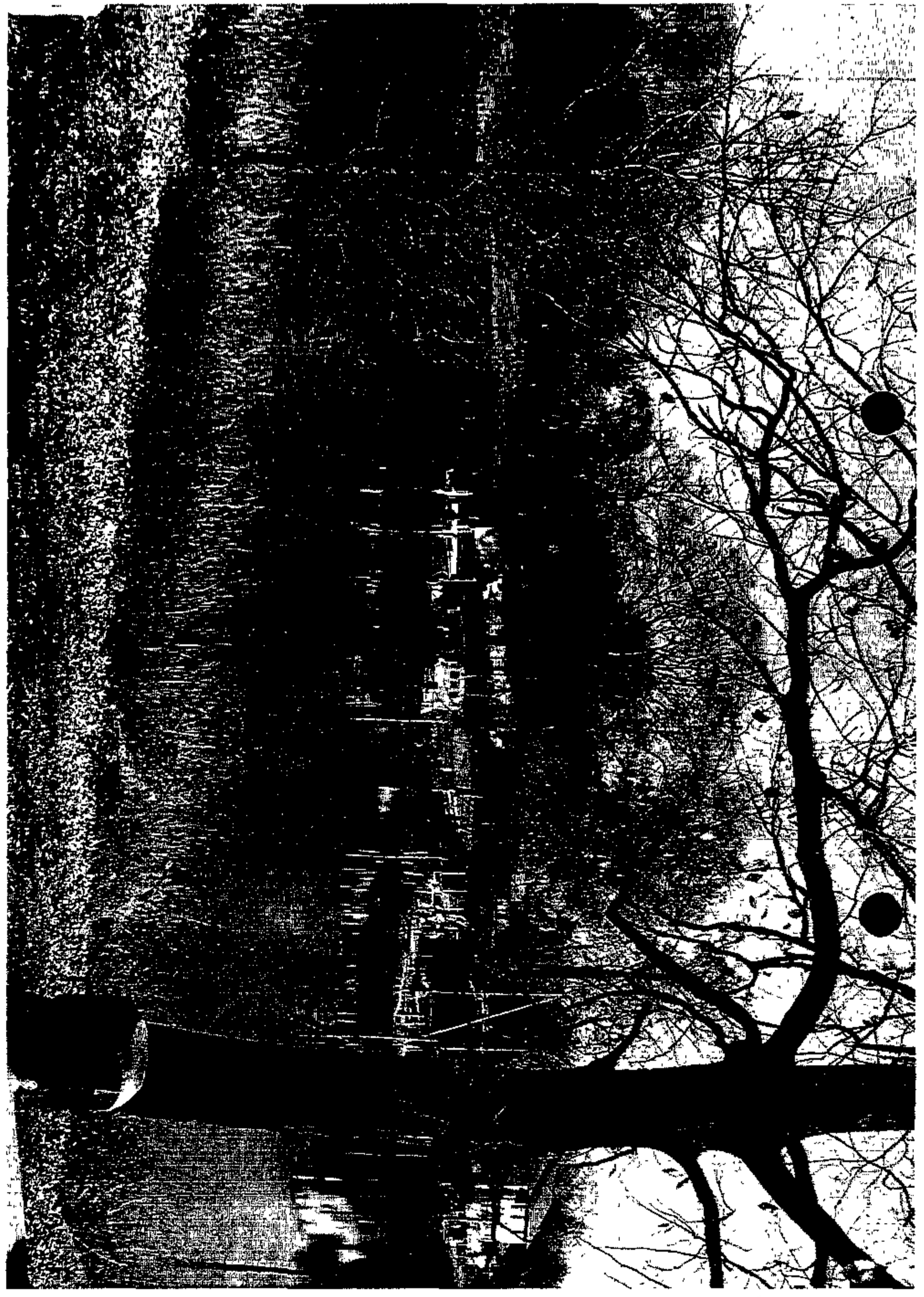
PLAINTIFF'S
EXHIBIT NO. 6B





Neighbor dispute already exists from pier extension encroaching over Property line Very Narrow lot for pots storage - Small (original) unimproved home (shanty type)

extremly shallow water even with tide in



end of wave

light from his pier intrudes inside bedroom + living room

THIS IS THE END OF COVE & waterfowl habitat
POOR FLUSH ACTION

end of cove

end

Kappleans 16+2

RECEIVED
NOV 16 2004
ZONING COMMISSIONER

November 15,2004

Commissioner William Wiseman or Office of Zoning
401 Bosley Avenue
Towson, MD 21204

Reference: Special Exception Zoning
Case No. 05-167-X (to allow operation of fishing and shellfish facility in the Head-waters of Brown's Cove at 1245 Engleberth Rd.)

Attention: Commissioner William Wiseman or Office of Zoning:

My husband and I have become aware of the above referenced hearing that is to take place on Friday, November 19, 2004. We have lived directly across the cove from the applicant's property at 1139 Fantat Road for the past 13 years. (47 years for my husband.) As you are well aware, the area is residential with many of the existing homes that have been greatly up scaled and carry a high market value. This is the one home on this cove that still represents the original "shore shanty" and allowing this exception will only further diminish the appearance of the property when the large quantity of crab pots begin to be stacked up on this small narrow parcel of property. I understand that this license can be allowed up to 300 crab pots. (See attached photos)

Not only are we concerned with the referenced property, but also with the impact this activity will have on the delicate ecosystem of the Chesapeake Bay, the surrounding neighbors, wildlife habitat, and general peacefulness of this secluded cove.

1. First and most importantly is the concern of destruction of the submerged aquatic vegetation, (SAV's).In the last two years our cove has begun to show increased amounts of SAV's. The water in the cove is very very shallow. (Years of sediment fill in) and at low tide less than 1 foot. (Mud flats when the wind blows correctly). So when a boat is even able to get out of the creek, much mud is stirred up. On a daily (business operation) basis, there would be major turbidity of the water greatly impacting the SAV's, and also the great variety of waterfowl enjoyed here. Ospreys, Great Blue Herons, and Bald Eagles would have difficulty in catching their food. Mallards, swans, and geese would see a decline in their food source. There were also four new migrating duck species this past spring (never seen before) feeding on the SAV's. The cloudiness would not dissipate quickly due to the nature of the poor tidal flow/flush action in the cove.

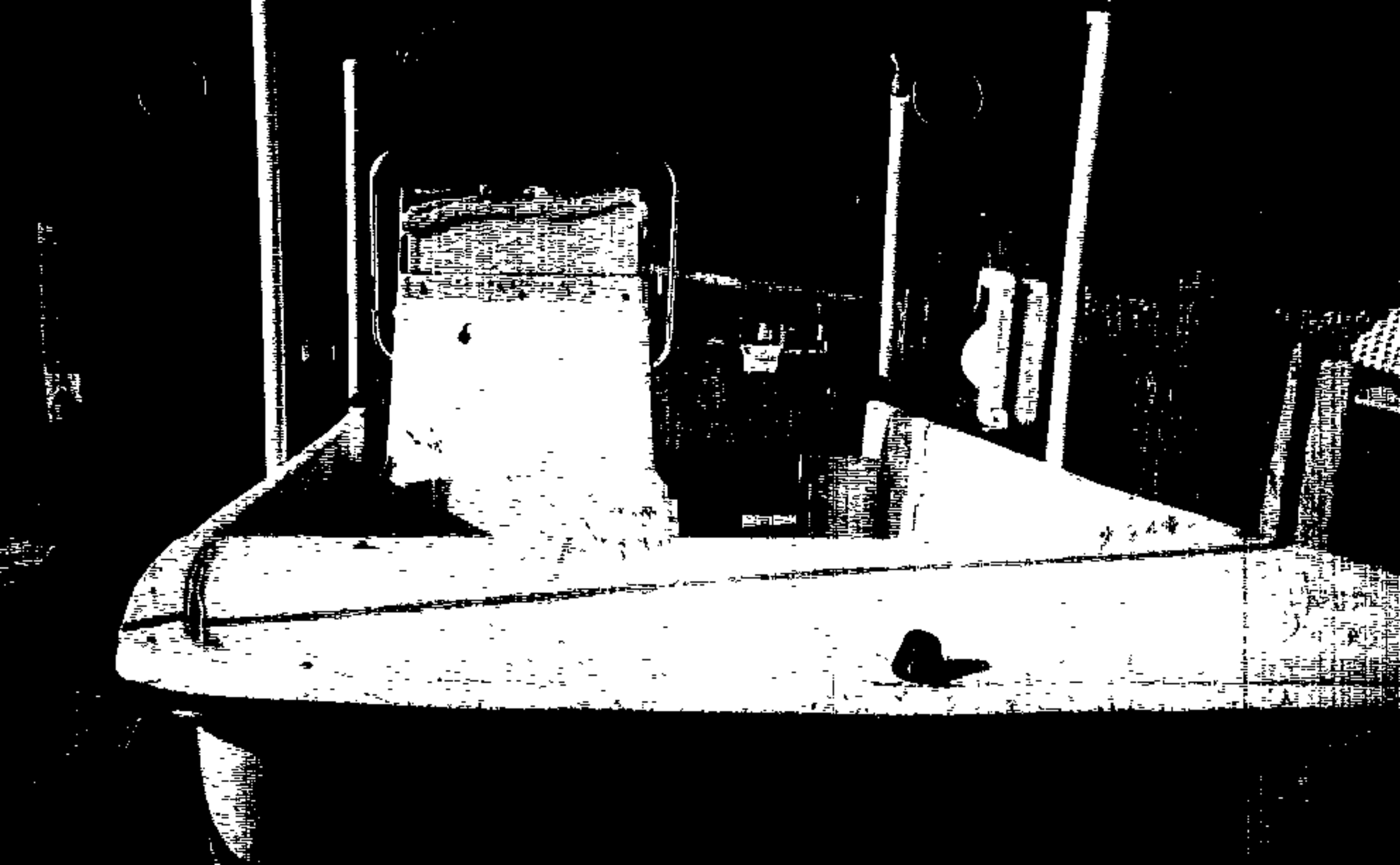
2. As you can see in the photos, the terrain slopes downhill towards the water. When it is time for the business owner to power wash his crab pots, all of the debris and non-native micro-organisms (scud) from the bay will run off of the

Protestants
Collective Exhibit
#1 (21 letters)

MD 5109 89

PETITIONER'S

EXHIBIT 2A



PETITIONER'S

EXHIBIT 23

PETITIONER'S EXHIBIT 3A

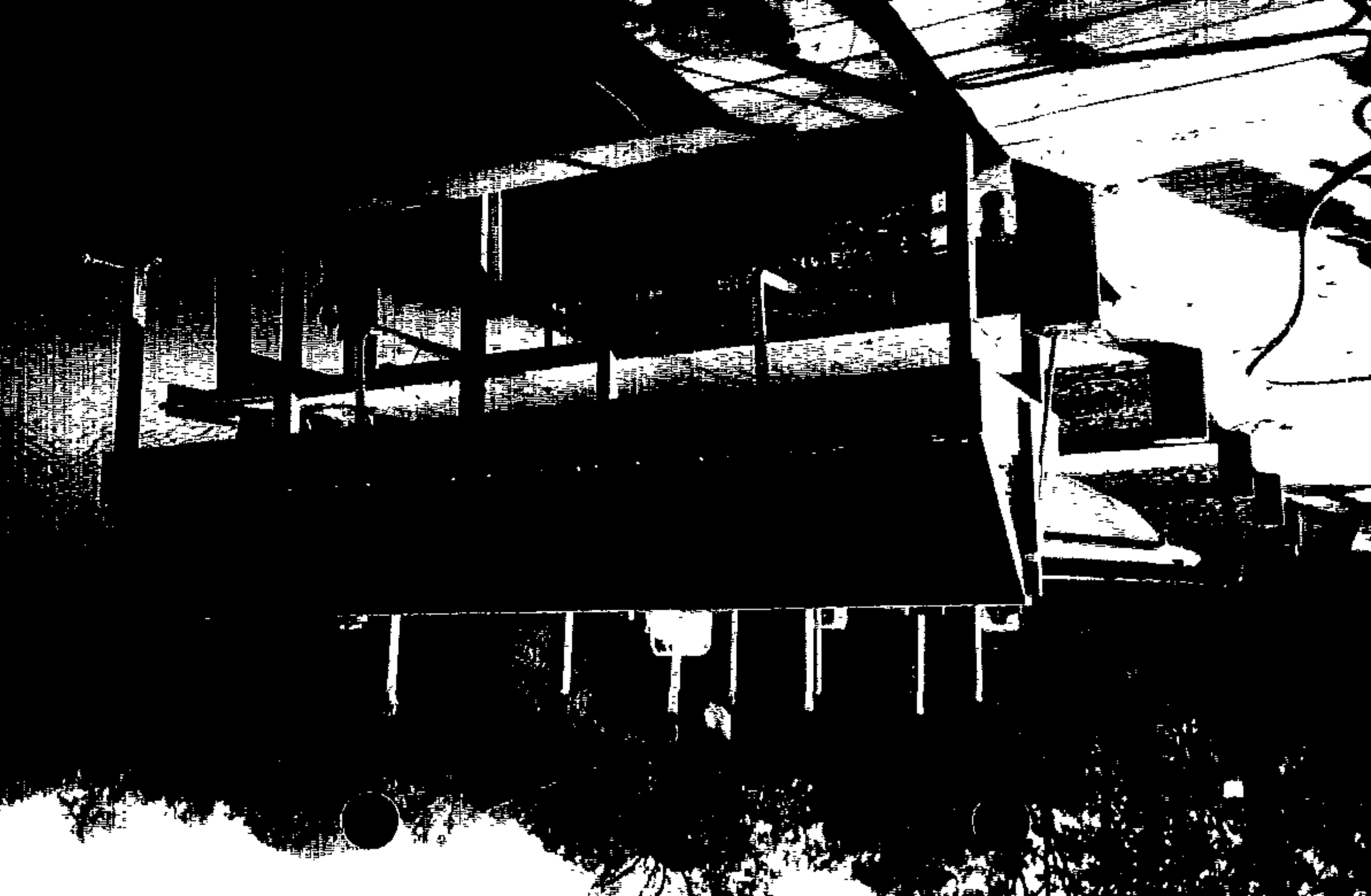
MD 5109 85

PETITIONER'S
EXHIBIT 3B

PETITIONER'S

EXHIBIT 4A

FRONT SIDE



PETITIONERS

EXHIBIT

4B

BACK SIDE