

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

SW/S of Waters Watch Court, 110 ft. SW
centerline of Vailthorn Road

15th Election District

6th Councilmanic District

(438 Waters Watch Court)

Yvonne & Patrick Wilhere

Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-177-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Variance and Petition for Special Hearing for the property located at 438 Waters Watch Court in the Middle River area of Baltimore County. The Petitions were filed by the legal owners of the subject property, Yvonne and Patrick Wilhere. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to the Final Development Plan for "Waters Watch" to allow construction of a private floating pier. In addition, variance relief is requested from Section 417.4 of the B.C.Z.R., to permit a private floating pier with setbacks of 4 ft. and 7 ft. from divisional lines in lieu of the minimum required 10 ft., and to permit a 17 ft. open access strip from an adjoining pier in lieu of the minimum required 20 ft.

The property was posted with Notice of Hearing on November 7, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 9, 2004, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all

MAILED RECEIVED FOR FILING
Date 12/1/04
By Ray

zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of Development Plans Review dated November 4, 2004, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Department of Environmental Protection & Resource Management (DEPRM) dated November 29, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief was Patrick Wilhere, Petitioner. No protestants or citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

12/1/04
By [Signature]

Testimony and Evidence

The subject property is lot 6 of the Waters Watch townhouse community on Middle River. The Petitioner testified that he would like to erect a floating dock attached to his bulkhead on his property to aide in loading his boat with passengers and provisions, and to provide a swimming and fishing platform for his family and guests. There is a community dock approximately ¼ mile away where he rents a boat slip to keep his boat. However, the long haul to the community dock to load the boat has been difficult for him and especially for one of his regular passenger who is physically handicapped. See Petitioner's Exhibit 1. His neighbor to the east has such a pier, which includes a boatlift on the Petitioner's side. The Petitioner submitted letters to show that the homeowner's association approved the pier, as well as letters from both neighbors on either side that would be most effected by the pier.

The variance request arises because the lot is only 19 feet wide. The Petitioner requests to locate the pier 4 feet from the division line with lot 7 and 7 feet from the division line of lot 5. He also requests a variance for the distance his pier would be from his neighbor's boatlift. The required distance is 20 feet, whereas he would have 17 feet. He noted that the proposed pier would not interfere with the boatlift on his neighbor's pier because boats using this lift come in parallel to the neighbor's pier and not perpendicular to it. See Petitioner's Exhibit 5B that shows the neighbors existing pier and boatlift. The structure of the boatlift is underwater in the photograph. Only the PVC guideposts are visible.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the requests. Clearly, the Petitioner can not meet the 10 ft. setback from division line when his lot is only 19 feet wide. There is an existing pier next door. Again,

because the Petitioner's lot is so narrow, a new pier will violate the 20 ft. distance to the next pier. There is no other place to locate the pier that will not trigger a variance.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The community pier is ¼ mile away and not practical for loading and unloading passengers and material. Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The homeowners association and neighbors support the request. There will be no adverse impact on the community.

Having approved the requested variances I will approve the request to modify the final development plan for Waters Watch to reflect the new pier for the reasons given.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' variance and special hearing requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ²⁵1 day of December, 2004, that the Petitioners' request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to the Final Development Plan for "Waters Watch" to allow construction of a private floating pier, be and is hereby GRANTED, subject, however, to the to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

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Date 12/1/04
By Ray

2. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated November 4, 2004, a copy of which is attached hereto and made a part hereof;
3. Compliance with the ZAC comments submitted by DEPRM dated November 29, 2004, a copy of which is attached hereto and made a part hereof; and.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED, that the Variance relief requested from Section 417.4 of the B.C.Z.R., to permit a private floating pier with setbacks of 4 ft. and 7 ft. from divisional lines in lieu of the minimum required 10 ft., and to permit a 17 ft. open access strip from an adjoining pier in lieu of the minimum required 20 ft., be and is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

RECEIVED FOR PLANNING
DATE 12/1/04
BY [Signature]

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 1, 2004

Mr. & Mrs. Patrick Wilhere
438 Waters Watch Court
Middle River, Maryland 21220

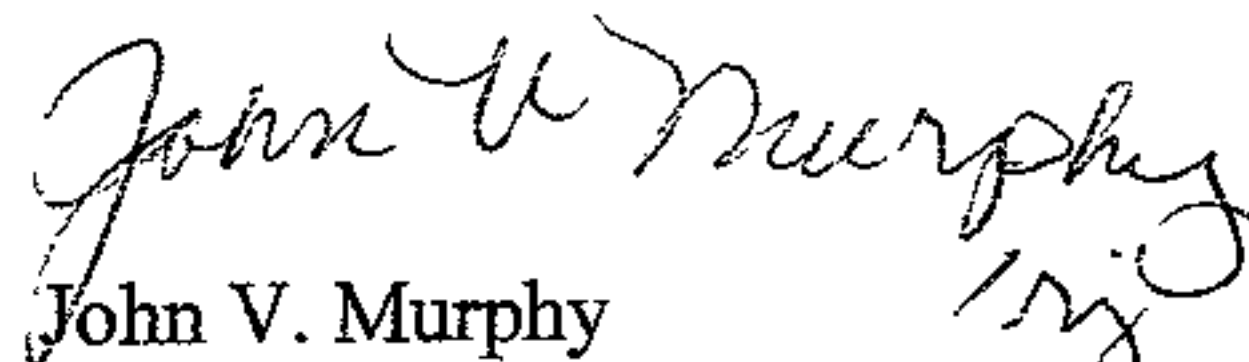
Re: Petitions for Special Hearing & Variance
Case No. 05-177-SPHA
Property: 438 Waters Watch Court

Dear Mr. & Mrs. Wilhere:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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





CBC Flood **Petition for Special Hearing** to the Zoning Commissioner of Baltimore County

for the property located at 438 Waters Watch Ct - 21000
which is presently zoned Residential DR 5.5

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to the final development plan for Waters Watch to allow construction of a private floating pier.

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

I/We do solemnly 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. _____

State _____ Zip Code _____

Legal Owner(s):

Patrick + Yvonne Wilhere
Name - Type or Print _____

Pat Wilhere
Signature _____

Yvonne Wilhere
Name - Type or Print _____

Yvonne Wilhere
Signature _____

438 Waters Watch Ct 410
Address _____ Telephone No. _____

Middle River MD 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 10/1/04

Case No. 05-177-SPHA

9/15/98



CBCA Flood Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 438 Waters Watch Ct
which is presently zoned Residential S.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 Variance from Section(s) 417.4, BCZR, to permit a private floating pier

with setbacks of 4 feet and 7 feet from division lines in lieu of the minimum required 10 feet, and to permit a 7 foot open access strip from an adjoining pier in lieu of the minimum required 20 feet.

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

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.

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):

Patrick Wilhese

Name - Type or Print

Patrick Wilhese

Signature

Yvonne Wilhese

Name - Type or Print

Yvonne Wilhese

Signature

438 Waters Watch Ct 410

Address

Telephone No.

Middle River MD

City

State

21200

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By SNP Date 10/7/04

Case No. 05-177-SPHA

Zoning description for 438 Waters Watch Ct

Beginning at a point on the Southwest side of Waters Watch Court which is 70 feet wide at the distance of 110 feet Southwest of the centerline of the nearest existing improved intersecting street Vailthorn Road which is 50 feet wide. Being lot number 6 in the subdivision of Waters Watch as recorded in the Baltimore County Plat Book #46, Folio#73, containing 3426 sq ft. Also known as 438 Waters Watch Court and located in the 15th Election District, 6th Councilman District.

05-177-SFHA

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: #05-177-SPHA

438 Waters Watch Court
Southwest side of Waters Watch Court, 110 feet
Southwest of Valkhorn Road
15th Election District — 6th Councilmanic District
Legal Owner(s): Patrick and Yvonne Wilhere

Variance: to permit a private floating pier with setbacks of 4 feet and 7 feet from division lines in lieu of the minimum required 10 feet, and to permit a 17 foot open access strip from an adjoining pier in lieu of the minimum required 20 feet.

Special Hearing: to amend the Final Development plan for Waters Watch to allow construction of a private floating pier.

Hearing: Tuesday, November 23, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake 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.

JT 11/05/04 Nov. 9 2004

CERTIFICATE OF PUBLICATION

11/11/2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 11/9/2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 41350

DATE 10/27/04 ACCOUNT R-001-006-6150

AMOUNT \$ 130.00

RECEIVED FROM W. Waters

FOR 438 Waters Watch Court (05-107-1PHA)

W. Waters - Positioner

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME TRK
10/18/2004 10/27/2004 10/18/04 2
RECEIPT # 204378 10/27/2004 10/18/04
5 528 ZONING IDENTIFICATION
CR NO. 041340

Receipt Tot \$130.00
\$130.00 RA
\$10.00 RD
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-177-SPHA

Petitioner/Developer: PATRICK +

YVONNE WILHERE

Date of Hearing/Closing: 11/23/04

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:

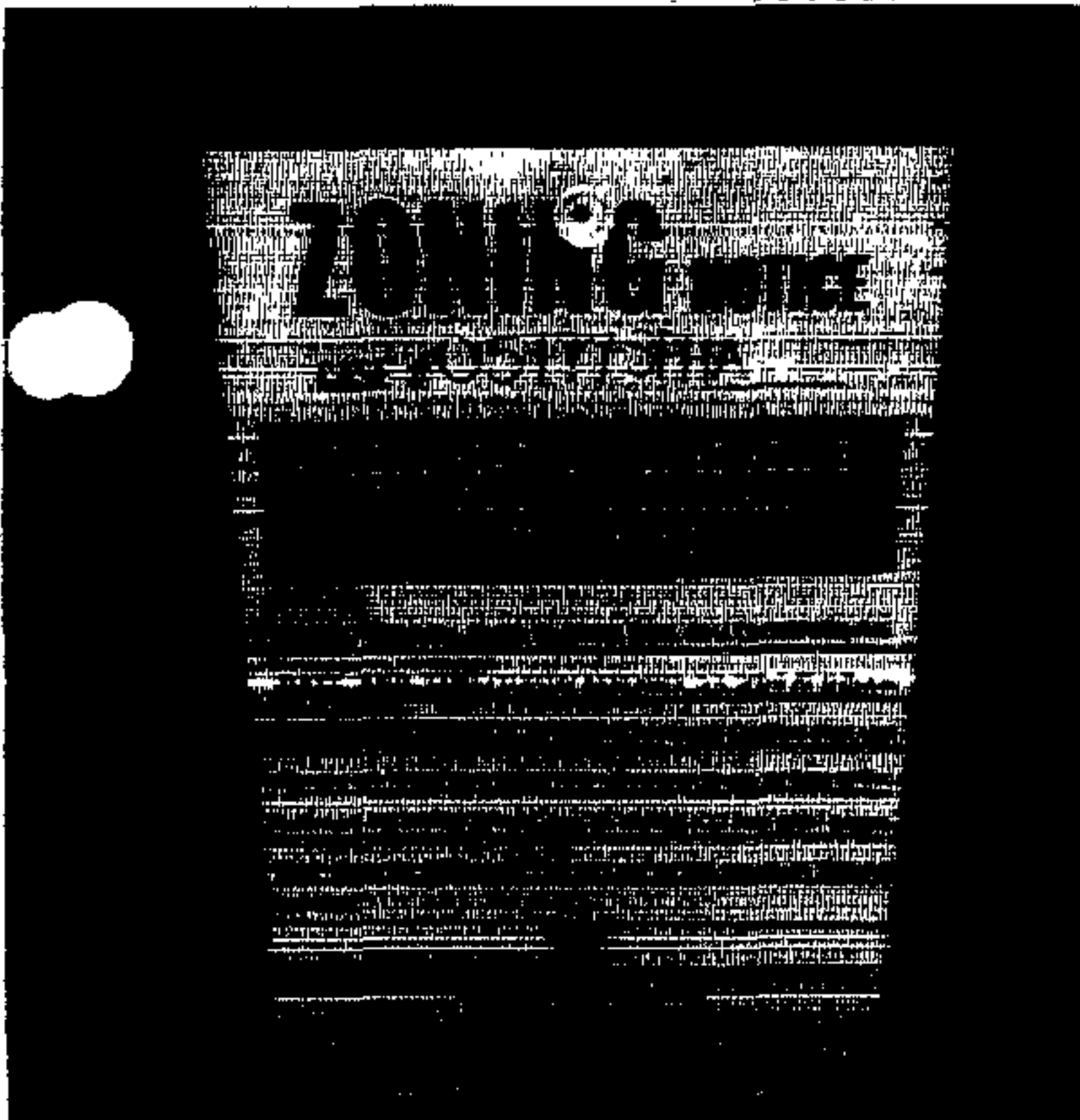
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

438 WATERS WATCH COURT

The sign(s) were posted on _____

11/7/04
(Month, Day, Year)

Sincerely,



Robert Black
(Signature of Sign Poster)

11/8/04
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



October 25, 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: 05-177-SPHA

438 Waters Watch Court

Southwest side of Waters Watch Court, 110 feet southwest of Vailthron Road.

15th Election District—6th Councilmanic District

Legal Owners: Patrick and Yvonne Wilhere

Variance to permit a private floating pier with setbacks of 4 feet and 7 feet from division lines in lieu of the minimum required 10 feet, and to permit a 17 feet open access strip from an adjoining pier in lieu of the minimum required 20 feet.

Special Hearing to amend the Final Development plan for Waters Watch to allow construction of a private floating pier.

Hearing: Tuesday, November 23, 2004 at 11:00 am, in Room 106, Baltimore County Office
Building 111 W. Chesapeake Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK: clb

C: Patrick and Yvonne Wilhere 438 Waters Watch Court Middle River 21220

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY NOVEMBER 8, 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
Tuesday, November 9, 2004 Issue - Jeffersonian

Please forward billing to:

Patrick and Yvonne Wilhere
438 Waters Watch Court
Middle River, Maryland 21220

410-780-7712

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: 05-177-SPHA

438 Waters Watch Court

Southwest side of Waters Watch Court, 110 feet southwest of Vailthron Road.

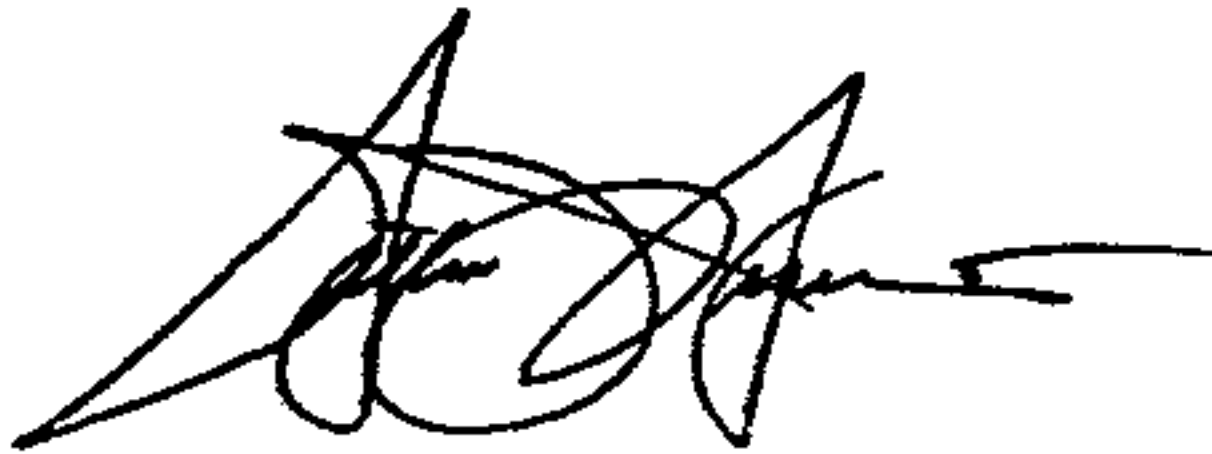
15th Election District—6th Councilmanic District

Legal Owners: Patrick and Yvonne Wilhere

Variance to permit a private floating pier with setbacks of 4 feet and 7 feet from division lines in lieu of the minimum required 10 feet, and to permit a 17 feet open access strip from an adjoining pier in lieu of the minimum required 20 feet.

Special Hearing to amend the Final Development plan for Waters Watch to allow construction of a private floating pier.

Hearing: Tuesday, November 23, 2004 at 11:00 am, in Room 106, Baltimore County Office Building 111 W. Chesapeake Avenue



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

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbors/property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of 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 05-177-SPHA
Petitioner WILHERE
Address or Location: 438 WATERS WATCH COURT

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patrick & Yvonne Wilhere
Address 438 Waters Watch Court
Middle River, MD 21220

Telephone Number: 410-780-7712

**Department of Permits and
Development Management**

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



Baltimore County

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

November 17, 2004

Patrick and Yvonne Wilhere
438 Waters Watch Court
Middle River, Maryland 21220

Dear Mr. and Mrs. Wilhere:

RE: Case Number: 05-177-SPHA, 438 Waters Watch Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 7, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



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 27, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 25, 2004

Item No.: 172, 174, 177, 183-195

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.

6. The Fire Marshal's Office has no comments at this time.

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

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 4, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For November 1, 2004
Item No. 177

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

The pier shall be designed and adequately anchored to prevent flotation, collapse, or lateral damage with materials resistant to flood damage. Flood-resistant construction shall be in accordance with Baltimore County Standard Construction.

RWB:CEN:jrb

cc: File

Jm
11/23

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
--

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. *Jm*
DEPRM

DATE: November 29, 2004

SUBJECT: Zoning Item # 05-177
Address 438 Waters Watch Court (Wilhere Property)

RECEIVED

NOV 30 2004

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of October 25, 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:

DEPRM has no record for any permit allowing construction of the existing deck on 438-440 Waters Watch Court.

9m 11/23
BALTIMORE COUNTY, MARYLAND

NOV 3 2004

INTER-OFFICE CORRESPONDENCE

ZONING COMMISSIONER

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

DATE: October 28, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-156, 5-177, and 5-183**

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

Prepared By:

Mark A. Cunningham

Division Chief:

[Signature]

MAC/LL



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

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

Maryland Department of Transportation

Date: 11.9.04

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

RE: Baltimore County
Item No. 177 JHP

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, Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
438 Waters Watch Court; SW/side Waters * ZONING COMMISSIONER
Watch Court, 110' SW Vailthorn Rd *
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Patrick & Yvonne Wilhere *
Petitioner(s) * BALTIMORE COUNTY
* 05-177-SPHA

* * * * *

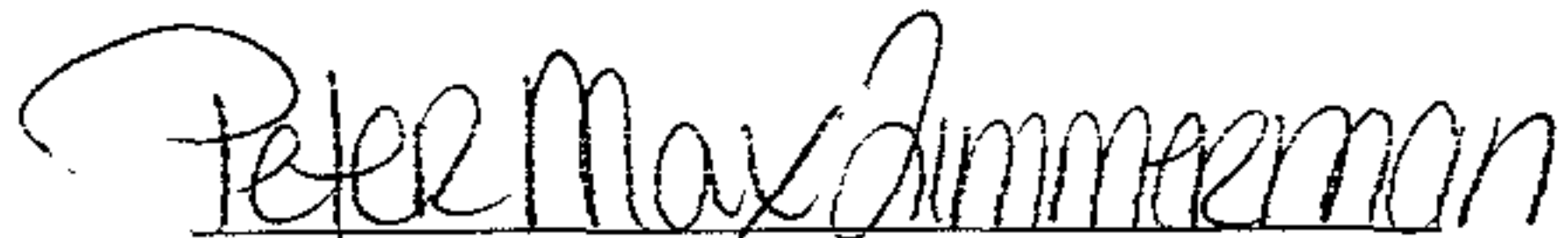
ENTRY OF APPEARANCE

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.

RECEIVED

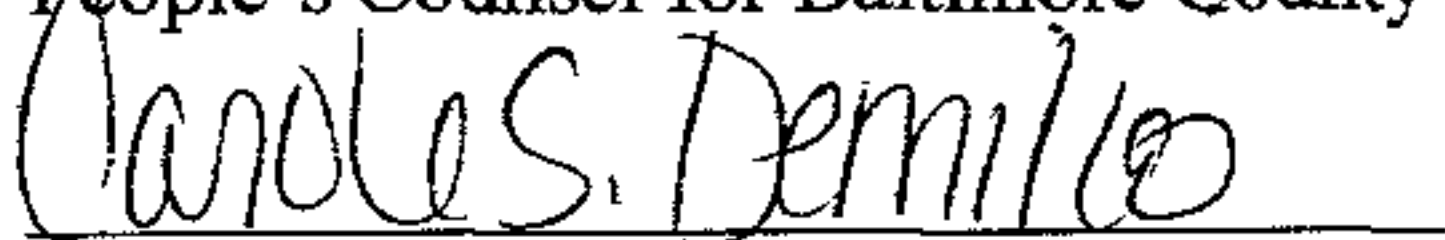
OCT 29 2004

Per.....



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 29th day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to Patrick & Yvonne Wilhere, 438 Waters Watch Court, Baltimore, MD 21220, Petitioner(s).



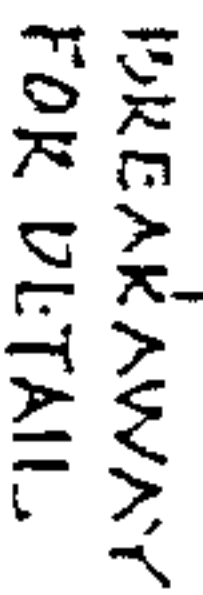
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

DATE 11-23-04

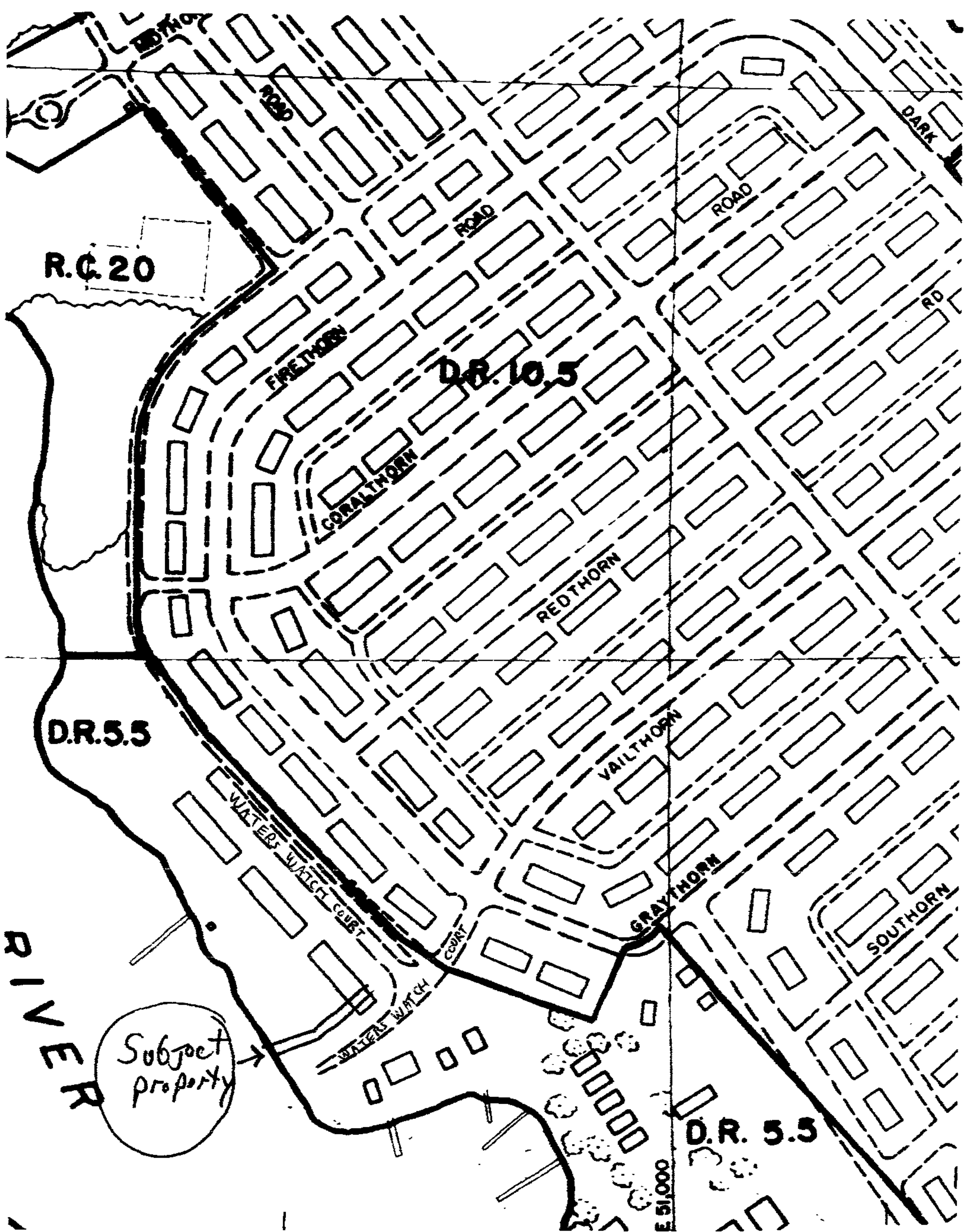
Will there be crops, corn

SCALE: NONE



2-3/4" GALV. BOLT
W/ NUT & WASHER

DESIGN LOADS
LIVE LOAD: 60 PSF
PLATE LOAD: 10 PSF
TOT. 70 PSF



R.C. 20

D.R. 10.5

D.R. 5.5

RIVER

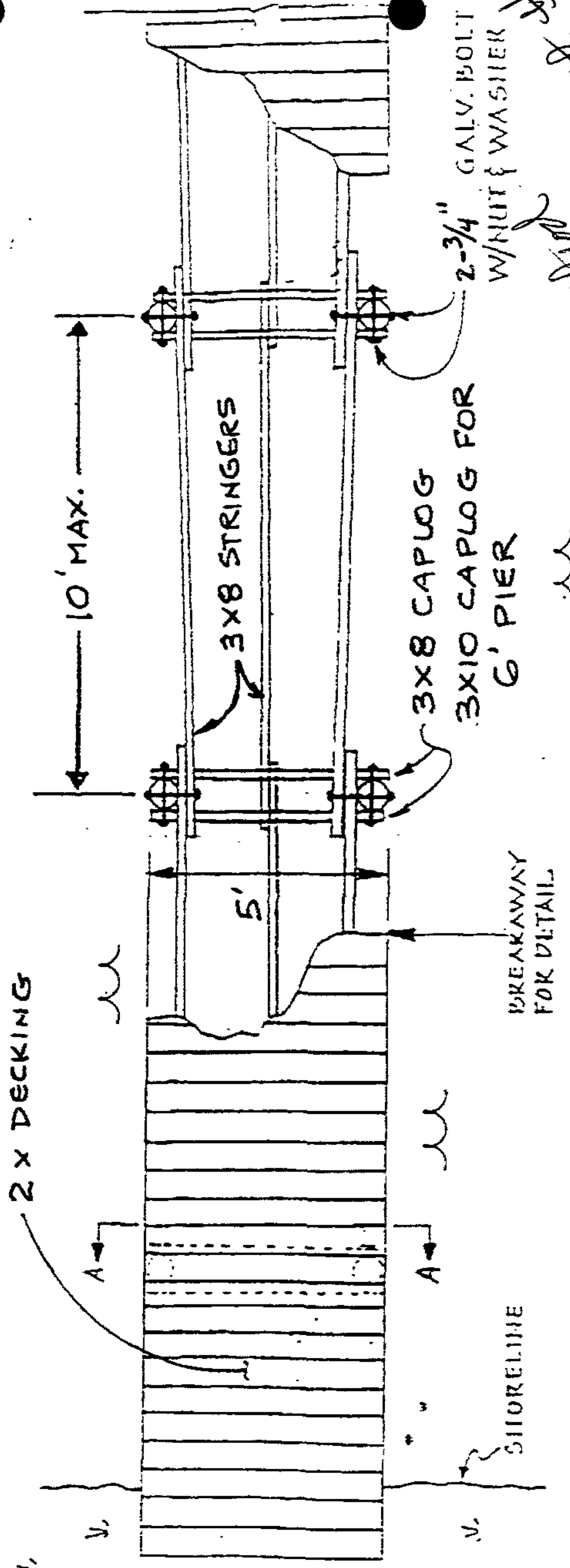
Subject property

D.R. 5.5

E 51000

RESIDENTIAL ONLY
TYPICAL PIER PLAN

SCALE: NONE



DESIGN LOADS	
LIVE LOAD:	60 PSF
DEAD LOAD:	10 PSF
TOT.	70 PSF

DS-127-SP4A

To: Waters Watch Homeowners Assoc Board
From: Patrick Wilhere
438 Waters Watch Ct

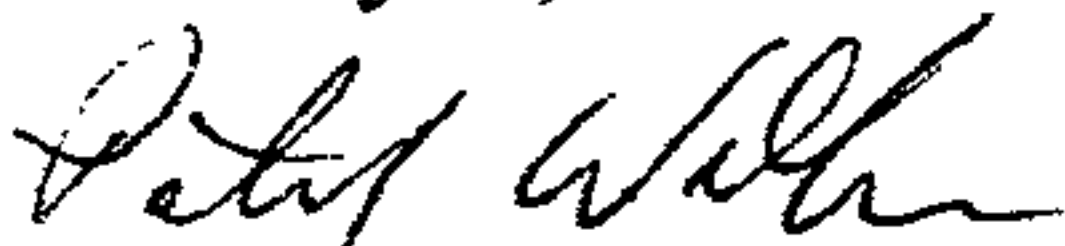
I am requesting consideration from the community association officers for approval to build a floating pier behind my property at 438 Waters Watch Ct.

The pier will be used for the loading and unloading of passengers, gear, and equipment only. No boat will be permanently moored there.

The dock will be 60 feet long by 5 feet wide and will have one piling located at the end of the structure to keep it in place.

Drawings are attached. Please indicate your approval or disapproval by signature below.

Thank you,



Patrick Wilhere

~~APPROVED~~
Tom Palermo PRESIDENT WWA 8/2/04
Approved

Disapproved

Pet # 3

Charles S. Cavolo, III

440 Waters Watch Court
Baltimore, MD 21220-4839
Phone (410) 574-9429
Fax (410) 574-5272
e-mail ccavolo@yahoo.com

September 7, 2004

Pat Wilhere
438 Waters Watch Court
Middle River, MD 21220

Dear Pat,

Thank you for reviewing your plans for a floating dock with me. I have no objection whatever with your plans. Further, I feel your planned addition will enhance the appearance and value of our properties.

Sincerely,

Chuck Cavolo
Chuck Cavolo

Del 4A

To: Whom it may concern
From: Mark and Bonnie Willons
436 Waters Watch Ct

RE: Floating Pier For 438 WWC

We have no reservations about Patrick Withers at 438 WWC installing a floating pier at his residence. We feel it will be an improvement to the neighborhood. Patrick has shown us outline drawings showing it will be within the 10 foot restriction but that is fine with us.

Our home number is 410-686-6089.

Mark & Bonnie Willons

Pet 4B



05-177-SPHA

05-177-SPHA

05-177-SPHA





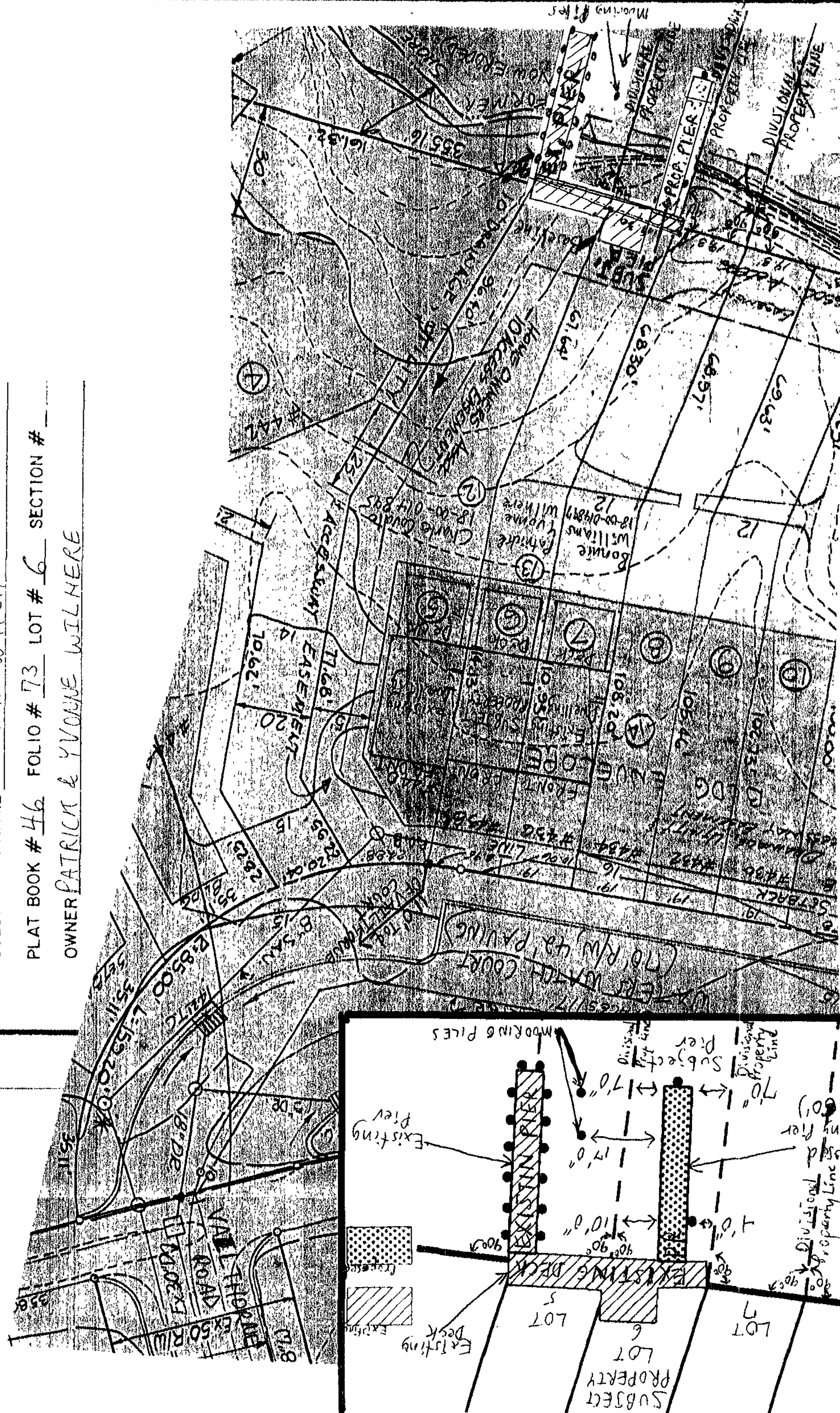
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 438 WATERS WATCH COURT SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME WATERS WATCH

PLAT BOOK # 46 FOLIO # 73 LOT # 6 SECTION # 6

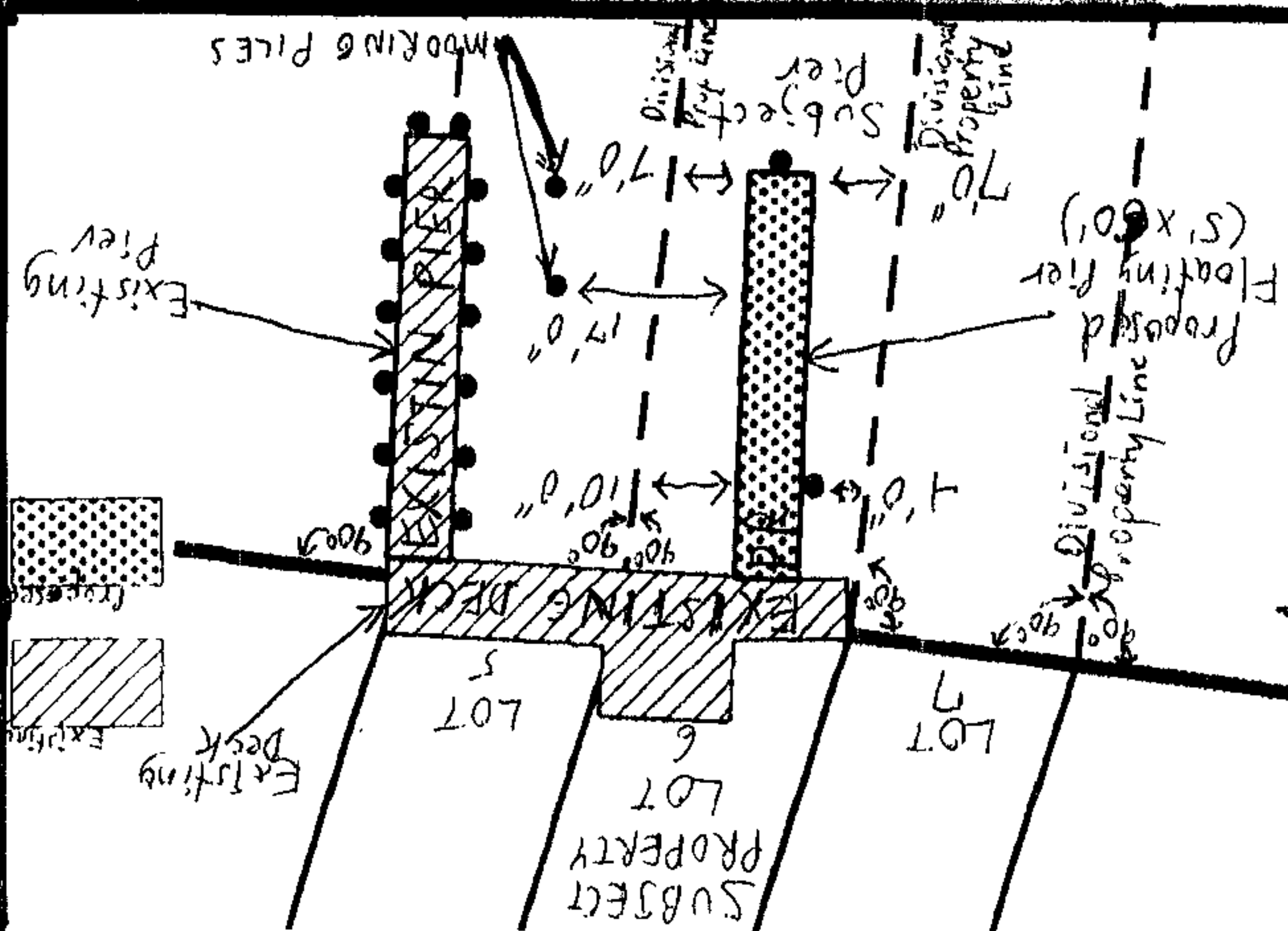
OWNER PATRICK & YVONNE WILHERE



NORTH

SEE DETAIL
TO THE LEFT

9x64 #1



PREPARED BY Patrick Wilhere

SCALE OF DRAWING: 1" = 30'



VICINITY MAP

SCALE: 1" = 3000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # SE 3-I

ZONING DR 5.5

LOT SIZE .078 ACRES

3,426

SQUARE FEET

SEWER

☒ PUBLIC

☐ PRIVATE

WATER

☒ PUBLIC

☐ PRIVATE

YES

☒ NO

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/
BUILDING

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY JWP ITEM # 177 CASE # 05-177-SHA