IN RE: **PETITION FOR SPECIAL HEARING** NE/S Bay Drive, 335' NW of the c/l Cuckold Point Road **(Lot 558 of Swan Point)** 15th Election District 7th Council District Anthony C. (Colt) Connelly, et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-327-SPH 327

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed for the property known as Lot 558 of Swan Point. The Petition was originally filed by Anthony C. (Colt) Connelly, and his wife, Karen Connelly, through their attorney, Arnold Jablon, Esquire; however, subsequent to filing the Petition, they sold the property to Linda K. Kropp. As filed, the Petition for Special Hearing seeks a determination that the proposed access to Lot 558 is not in conflict with Section 102.4 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 Linda Kropp, property owner, and her attorney Arnold Jablon, Esquire. Also appearing were Willi Bickford, Realtor, and David Flowers, the Land Planner and Zoning Consultant, who prepared the site plan for this property. Eric Rockel, with the Bureau of Land Acquisition, and W. Carl Richards, Jr., Supervisor of the Zoning Review Division of the Department of Permits and Development Management, appeared and testified on behalf of the Petitioner. Mr. & Mrs. Frederick H. Kotrla, who reside immediately across from the subject property, appeared as interested citizens. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING
Date 2/14/06
By

Testimony and evidence offered disclosed that the subject property is an irregular shaped, waterfront parcel located at the end of Bay Drive at the terminus of the peninsula known as Swan Point in Millers Island. The property is known as Lot 558 of Swan Point and has frontage on Back River to the west and Hawk Cove to the east. The property contains a gross area of 8,863 sq.ft. (or 0.204 acres), more or less, zoned D.R.5.5 and is presently unimproved; however, has the availability of public water and sewer. The dimension and shape of the property are more particularly shown on the site plan.

As noted above, the Petitioner recently purchased the property and is desirous of developing the lot with a single-family dwelling. As shown on the site plan, the proposed house will be 30' wide by 40' deep, and will meet all setback requirements imposed by the B.C.Z.R. as well as Chesapeake Bay Critical Areas regulations. At issue is the proposed driveway access. While Bay Drive is shown on the plat as running to the water's edge past the subject property, the paved portion of the right-of-way, which is publicly maintained, stops in front of the adjacent lot (Lot 559). Thus, access to the property is proposed by way of a 15-foot stone driveway that would extend from the end of Bay Drive, past Lot 559 and into the south (front) side of the subject lot. Landscaping will be provided to the west and south of the driveway to restrain the general public's use of the unimproved right-of-way area. In this regard, Mr. & Mrs. Kotrla testified that they have maintained this area along with their own property for some 30 years. They expressed concern that this area might be used by others to dump trash and for other undesirable purposes and requested that landscaping be shown on the site plan.

Relief is requested as set forth above to determine that the proposed access is not in conflict with Section 102.4 of the B.C.Z.R. and Section 32-4-409(c) of the Baltimore County Code (B.C.C.). Section 102.4 provides that "No dwelling shall be built on a lot containing less than 20,000 sq.ft., which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel, except as provided for panhandle lots" (see Section 32-4-409 of the Baltimore County Code).

ORDER RECEIVED FOR FILING
Date 2/4/06
By

As noted above, Eric Rockel and Carl Richards appeared and testified on behalf of the Petitioner. They testified regarding the right-of-way for Bay Drive, which is more particularly shown on the record plat of Swan Point (Petitioner's Exhibit 2), and the requirements of Section 102.4. They opined that since the right-of-way had been previously established in 1925, access approval could and should be permitted, both in accordance with Section 32-4-409(c) of the B.C.C. and Section 102.4 of the B.C.Z.R. Mr. Rockel pointed out that this situation is common in the neighborhood and exists at the road ends of 1st Street through 12th Street in this subdivision. Mr. Richards indicated that his office is not concerned about the 30-foot right-of-way width set out in Section 102.4 of the B.C.Z.R. as the width of Bay Drive has been shown on the plat as 25 feet since the 1920s.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the relief requested is appropriate in this instance and that the requirements of Section 102.4 of the B.C.Z.R. will be met. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and no one appeared in opposition to the request. As noted above, the proposed dwelling will meet all setback requirements, including those imposed by Chesapeake Bay Critical Areas regulations. Moreover, the proposed development is consistent with others in the neighborhood where access to the homes is provided in a similar fashion and will not adversely impact adjacent properties or the surrounding locale. Thus, I am persuaded that the relief requested is appropriate in this instance and should therefore be granted.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of February 2006 that the proposed access to Lot 558, as shown on Petitioner's Exhibit 1, is not in conflict with Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and as such, the relief requested in the Petition for Special Hearing be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING
Date 2/14/06
By

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. See attached comments from the Department of Environmental Protection and Resource Management and Development Plans Review division of DPDM.

3) Landscaping shall be provided around the proposed driveway in accordance with that shown on the site plan.

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

WJW:bjs

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 2/14/16
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 14, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Arnold Jablon, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: **PETITION FOR SPECIAL HEARING**
NE/S Bay Drive, 335' NW of the c/l Cuckold Point Road
(Lot 558 of Swan Point)
15th Election District – 7th Council District
Anthony C. (Colt) Connelly, et ux and Linda K. Kropp - Petitioners
Case No. 06-327-SPH

Dear Mr. Jablon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Anthony Connelly
2814 12th Street, Sparrows Point, Maryland 21219
Ms. Linda Kropp, 727 Weilmandel Way, Cockeysville, Md. 21030
Mr. & Mrs. Frederick Kotrla, 2822 Bay Drive, Baltimore, Md. 21219
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; People's Counsel; Case File

CBCA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at SE corner of Bay Drive and Bac River

which is presently zoned 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

to determine that the proposed access to Lot 558 is not in conflict with section 102.4, BCZR

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

Legal Owner(s):

Anthony (Colt) C. Connelly
Karen Connelly
Name - Type or Print

Signature

Name - Type or Print

Signature

2814 12th St
Address — Telephone No.
Sparrows Point, Maryland 21219
City — State — Zip Code

Attorney For Petitioner:

Arnold Jablon
Name - Type or Print

Signature

Jablon, LLP
Company

210 Allegheny Ave — 410 494 6298
Address — Telephone No.

Towson, Maryland 21204
City — State — Zip Code

Representative to be Contacted:

Arnold Jablon
Name

210 Allegheny Ave — 410 494 6298
Address — Telephone No

Towson, Maryland 21204
City — State — Zip Code

UNDER HEARING FOR FILING
Date 2/14/06
By

06-327-SPH

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By DT Date 1/4/06

Description of Lot # 558
Amended Plat of Section No. 7
Swan Point
Bay Drive
15th Election District
Baltimore County, Maryland

Beginning for the same Northeast side of Bay Drive, 25 feet wide at a pipe set on the line of Division between Lot # 558 and Lot # 559 as shown on the Amended Plat of Section No. 7 of "Swan Point" recorded among the Land Records of Baltimore County in Plat Book 8, Folio 6, Thence binding on Bay Drive, as now surveyed:

1) North 52 Degrees 33' 38" West 66 feet to the waters edge of the bulkhead, and stone rip rap, Thence binding on the stone rip rap along the waters edge of Back River to the waters of Hawk Cove,
2) North 36 Degrees 57' 10" East 58.67 feet,
3) North 54 Degrees 28' 12" East 25.66 feet,
4) North 63 Degrees 14' 55" East 105.43 feet,
5) South 63 Degrees 49' 17" East 13.34 feet, to a point, Thence leaving the stone rip rap and binding on the division line between Lot# 558 and Lot# 559:
6) South 37 Degrees 26' 23" West to the place of beginning.

Containing 8,863 square feet or 0.204 acres of land more or less.

This property is subject to any and all agreements, easements, rights of way, and or covenants of record and law.

December 20, 2005

06-307-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2829

DATE 1/4/06 ACCOUNT 001001d6150

AMOUNT $ 65.00

RECEIVED FROM: ARNOLD JABLON

FOR: ITEM # 327 06-327-SPH

SE/COR OF BAY DR + BACK RIVER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

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: # 06-327-SPH
SE corner of Bay Drive and Back River
N/E side of Bay Drive, 335 feet northwest of Cuckold Point Road
15th Election District 7th Councilmanic District
Legal Owner(s): Anthony C. Connelly & Karen Connelly

Special Hearing: to determine that the proposed access to Lot 558 is not in conflict with Section 102.4 of the B.C.Z.R.

Hearing: Tuesday, February 7, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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.

1/273 Jan. 19 81408

CERTIFICATE OF PUBLICATION

1/19/, 2006

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 1/19/, 2006.

- [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.: 06-327-SPH

Petitioner/Developer: ANTHONY C. CONNELLY & KAREN CONNELLY

Date of Hearing/Closing: FEB 7, 2006

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

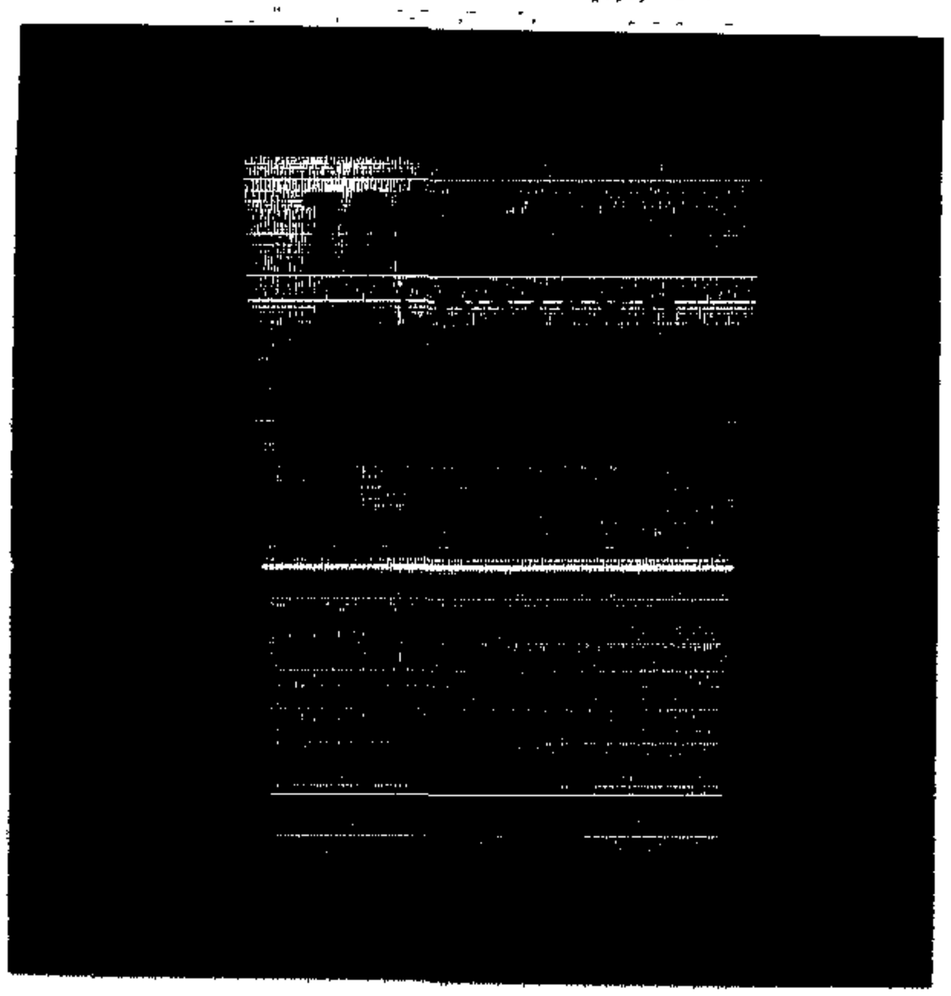
ATTN: Kristen Matthews {(410) 887-3394}

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: SE CORNER OF BAY DRIVE + BACK RIVER

The sign(s) were posted on 1/23/06
(Month, Day, Year)

Sincerely,



Robert Black 1/25/06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

Department of Permits and Development Management

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

Baltimore County

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

January 9, 2005

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: 06-327-SPH
SE corner of Bay Drive and Back River
N/E side of Bay Drive, 335 feet northwest of Cuckold Point Road
15th Election District – 7th Councilmanic District
Legal Owners: Anthony C. Connelly & Karen Connelly

Special Hearing to determine that the proposed access to Lot 558 is not in conflict with Section 102.4 of the B.C.Z.R.

Hearing: Tuesday, February 7, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:raj

C: Karen & Anthony C. Connelly, 2814 12th Street, Sparrows Point, MD 21219
Arnold Jablon, Venable, LLP, 210 Allegheny Ave., Towson, MD 21204

NOTES: (1) **THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 23, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 19, 2006 Issue - Jeffersonian

Please forward billing to:
Arnold Jablon, Esquire (410-494-6298)
Venable, LLP
210 Allegheny Ave.
Towson, MD 21204

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: 06-327-SPH
SE corner of Bay Drive and Back River
N/E side of Bay Drive, 335 feet northwest of Cuckold Point Road
15th Election District – 7th Councilmanic District
Legal Owners: Anthony C. Connelly & Karen Connelly

Special Hearing to determine that the proposed access to Lot 558 is not in conflict with Section 102.4 of the B.C.Z.R.

Hearing: Tuesday, February 7, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN, III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(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/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: 06-327-SPH

Petitioner: CONNELLY

Address or Location: SE/COR OF BAY DR. + BACK RIVER

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARNOLD JABLON, ESQUIRE

Address: VENABLE, LLP
210 ALLEGHENY AVE
TOWSON, MD 21204

Telephone Number: 410-494-6298

Revised 2/20/98 - SCJ

RE: PETITION FOR SPECIAL HEARING SE corner of Bay Drive & Back River; N/S Bay Drive, 335' NW Cuckold Point Road 15th Election & 7th Councilmanic Districts Legal Owner(s): Anthony (Colt) C. Connelly & Karen Connelly Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-327-SPH

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

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of Janaury, 2006, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
JAN 11 2006
Per

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN RE: PETITION FOR SPECIAL HEARING Se corner of Bay Drive & Back River, N/S Bay Drive, 33' NW Cuckold Point Rd 15th ED, 7th CD	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-327SPH.

* * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Zoning Commissioner of Baltimore county at the hearing for the matter captioned above on Tuesday, February 7th, 2006, at 9:00 a.m. in Room 407, County Courts Bldg, located at 401 Bosley Ave., Towson, Maryland 21204. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Zoning Commissioner.

WITNESS: Eric G. Rockel
Baltimore County Department of Permits and Development Management, Bureau of Land Acquisition

ADDRESS: County Office Building
111 West Chesapeake Ave.
Towson, Maryland 21204

General Purpose: for the witness to testify and bring all files and information regarding the property known as SE Corner of Bay Drive and Back River, N/E side of Bay Drive, 335' northwest of Cuckold Point Rd and owned by Anthony and Karen Connelly in the possession of the Bureau of Land Acquisition.

Requested By: Arnold Jablon, Esq.
Venable, LLP
210 Allegheny Ave
Towson, Maryland 21204
410-494-6298

The witness named above is hereby ordered to so appear before the Zoning Commissioner of Baltimore County.

Zoning Commissioner of Baltimore County

Date: January 25, 2006

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: January 5, 2005

TO: Zoning Commissioner & File

FROM: Donna Thompson, Planner II
Zoning Review

SUBJECT: Petition for Special Hearing, Case No. 06-327-A
SE/Cor of Bay Drive and Back River
15th Election District

The plan presented for the above referenced case shows a proposed dwelling for Lot 558 in the subdivision known as "Swan Point". The attorney for the petitioner, Arnold Jablon has been made aware of the fact the as shown this proposed dwelling will need a variance for setback deficiencies. Mr. Jablon has informed me that his current interest is only in the hearing before you at this time.

DT

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at SE corner of Bay Drive and Back River, property we own.

Anthony Colt Connelly 12-23-05 (Date)
Anthony (Colt) Connelly

Karen Connelly
Karen Connelly
(Owners)

2814 12th St., Sparrows Point, Maryland 21219
address

06-327-SPH

Case No.: 06-327-SPH

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site PLAN	
No. 2	Record Plat	
No. 3	Plats - Plot Plan	
No. 4	Plats - Plot Plan	
No. 5	SEWER PLAN	
No. 6	Water & ~~Sewer~~ PLAN	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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

February 6, 2006

Arnold Jablon
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

RE: Case Number: 06-327-SPH

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 4, 2006.

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
Anthony and Karen Connelly 2814 12th Street Sparrows Point 21219

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

January 10,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: January 9,2006

Item No.: 321, 322, 323, 324, 325, 327.

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.

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 17, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 16, 2006
Item No. 327

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 9.4 Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 327-01172006 doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: R. Bruce Seeley, DEPRM

DATE: January 23, 2006

SUBJECT: Zoning Item # 06-327-SPH
Address 2821 Bay Drive
(Connelly Property)

Zoning Advisory Committee Meeting of January 9, 2006

_____ 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 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Glenn Shaffer Date: January 17, 2006

S:\Devcoord\ZAC06-327.doc

BW 2/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 26, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-327- Special Hearing**

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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

CM/LL

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

SHA
Driven to Excel
State Highway Administration
Maryland Department of Transportation

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

Date: 1.9.06

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

RE: Baltimore County
Item No. 327 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).

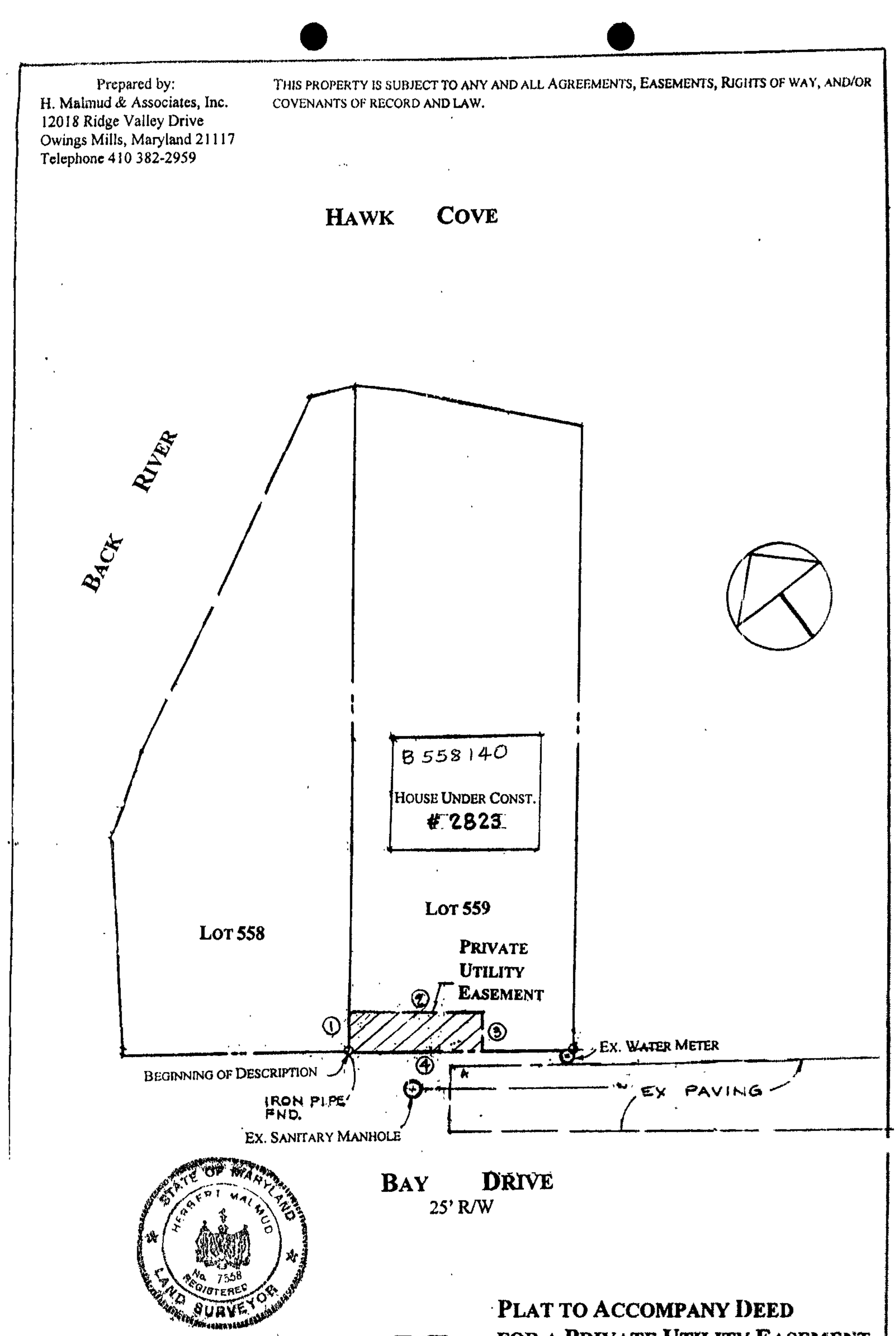
Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

Prepared by:
H. Malmud & Associates, Inc.
12018 Ridge Valley Drive
Owings Mills, Maryland 21117
Telephone 410 382-2959

THIS PROPERTY IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY, AND/OR COVENANTS OF RECORD AND LAW.



OUTLINE OF PRIVATE UTILITY EASEMENT

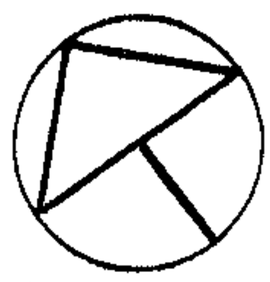
1. NORTH 37 DEGREES 26' 23" EAST 10.00 FEET
2. SOUTH 52 DEGREES 33' 37" EAST 35.00 FEET
3. SOUTH 37 DEGREES 26' 23" WEST 10.00 FEET
4. NORTH 52 DEGREES 33' 37" WEST 35.00 FEET

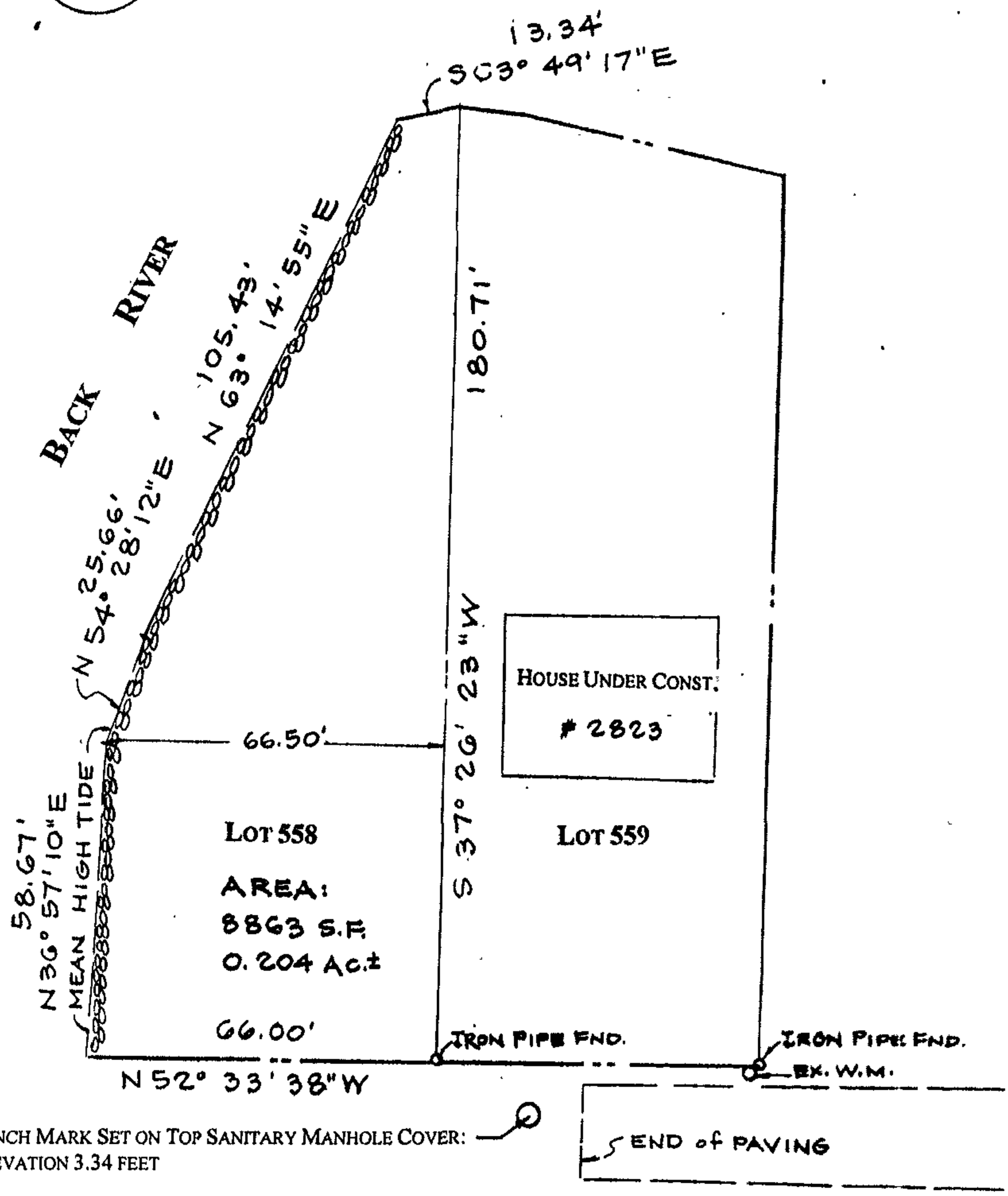
CONTAINING 350 SQUARE FEET OR 0.008 OF AN ACRE OF LAND.*

PLAT TO ACCOMPANY DEED FOR A PRIVATE UTILITY EASEMENT ACROSS A PORTION OF LOT 559 TO SERVE LOT 558

AMENDED PLAT OF SECTION NO. 7
"SWAN POINT" PLAT BOOK 8, FOLIO 6
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
Scale: 1"=30' August 3, 2005

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/0R CONVENANTS OF RECORD AND LAW.





BENCH MARK SET ON TOP SANITARY MANHOLE COVER:
ELEVATION 3.34 FEET

Prepared by:
H. Malmud & Associates, Inc.
12018 Ridge Valley Drive
Owings Mills, Maryland 21117
Telephone 410 308-0442

PLAT SHOWING EXISTING CONDITIONS
AS OF JULY 28, 2005
BAY DRIVE
LOT 558 AND 559 SWAN POINT
PLAT BOOK 8, FOLIO 6
ELECTION DISTRICT 15
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 30'

August 17, 2005

Click here for a plain text ADA compliant screen.

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1513205240

Owner Information

Owner Name:	KROPP LINDA K	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	727 WEIL MANDEL WAY COCKEYSVILLE MD 21030-1324	**Deed Reference:**	1) /23065/ 421 2)

Location & Structure Information

Premises Address
2823 BAY DR

Legal Description
LT 558-559 .529 AC
2823 BAY DR
SWAN POINT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
112	15	4			7		558	3	Plat Ref: 8/ 6

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2005	2,424 SF	23,046.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	138,510	530,460		
Improvements:	256,250	344,730		
Total:	394,760	875,190	394,760	554,903
Preferential Land:	0	0	0	0

Transfer Information

Seller:	CONNELLY ANTHONY C	**Date:**	12/14/2005	**Price:**	$1,175,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/23065/ 421	**Deed2:**	
Seller:	SAUTER CHARLES H	**Date:**	08/11/2003	**Price:**	$500,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/18632/ 618	**Deed2:**	
Seller:	CURRY KENNETH E	**Date:**	04/05/1974	**Price:**	$33,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 5436/ 391	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 06-327-A
DATE 2/7/06

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Linda Kotrla	2822 Bay Drive	Baltimore, Md. 21219	charlieandbuddy@comcast.net

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

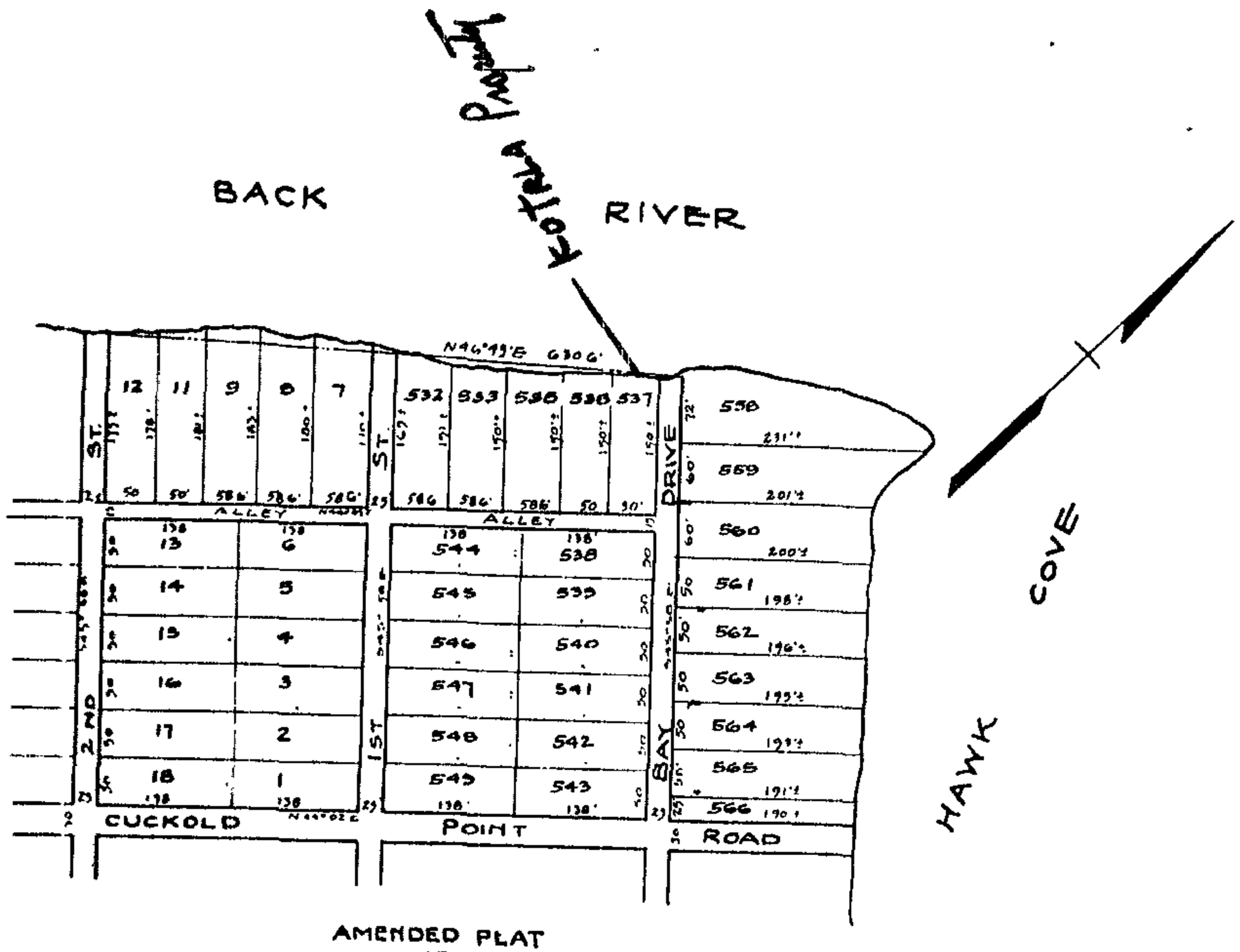
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Eric Rockel	Bur. of Land Acquisition 111 W. Chesapeake Ave	Towson, MD 21204	
Carl Richards	" "	" " "	

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Linda Kropp	737 LVEICMANDEL WAY	COCKEYSVILLE MD 21030	LKRUPP@AVCARD
Will Bickford	14221 DOVE CREEK WAY	SPARKS, MD 21152	rockwilli@
Daniel Flowers	1527 YORK Rd.	BALT. MD. 21093	



AMENDED PLAT
OF
SECTION - No 7
SWAN POINT
A DEVELOPMENT OF
THE HART & MILLER ISLAND CO.
SCALE 1"=100'
AUGUST 14, '25.

Received for Record
August 26, 1925 - 12 Noon

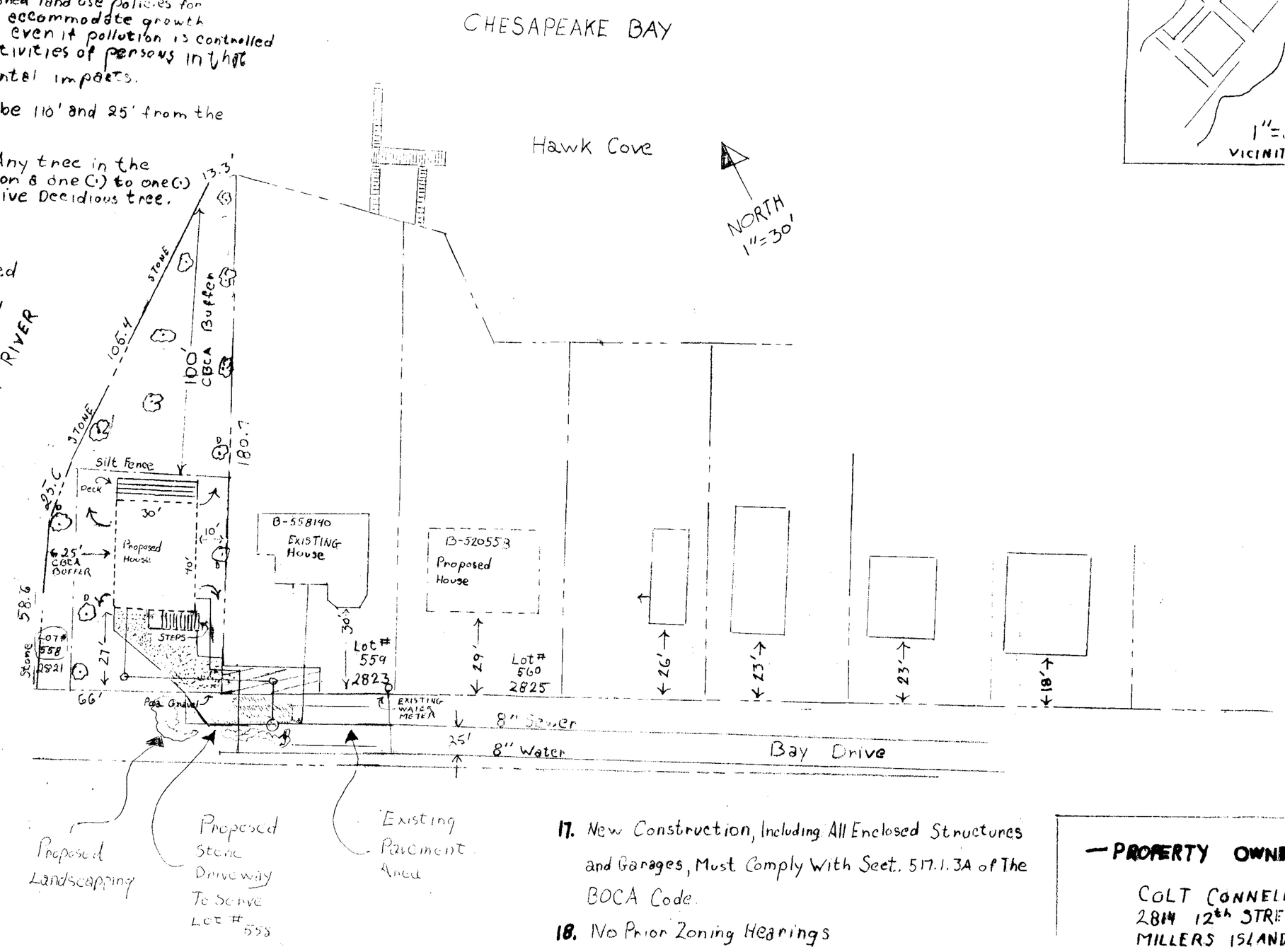
THIS PHOTO TAKEN FROM THE RECORDS OF THE CIRCUIT COURT FOR BALTIMORE COUNTY IS FOR OFFICIAL USE ONLY AND NOT TO BE DUPLICATED FOR SALE OR GIFT.

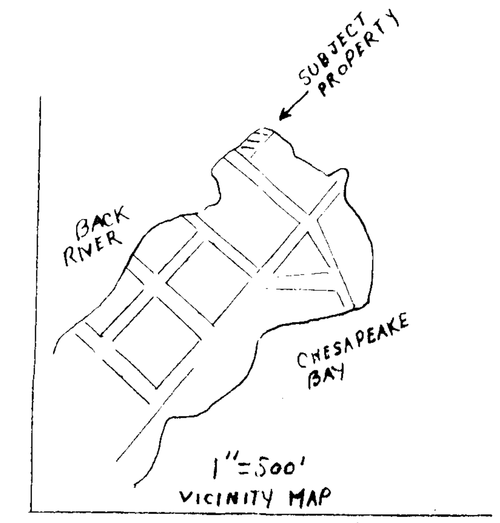
HDS-227-90

Chesapeake Bay Critical Area Requirements

1. This site is within the Limited Development Area (LDA).
2. Man made impervious areas are limited to 25% of the site. 8863 # X .25 = 2,215.75 #

   Proposed impervious area is 2,132 Sq. ft.
3. Will minimize adverse impacts on water quality that results from pollutions that are discharged from structures or conveyances or that have run off from surrounding lands
4. Will conserve fish, wildlife, and plant habitat
5. Will be consistent with established land use policies for development in the CBCA which accommodate growth and also address the fact that even if pollution is controlled the number movement, and activities of persons in that area create adverse environmental impacts.
6. The proposed structure will be 110' and 25' from the waters edge.
7. No trees are to be removed. Any tree in the 100' Buffer will be replaced on a one (1) to one (1) ratio with a 5' to 6' tall native Deciduous tree.
   - 57 trees are required
   - 12 trees will be planted
   - Plus a payment in lieu
   - 5 Dogwoods
     7 Willow Oaks
   - The trees will be planted when house is complete, before the U+O is approved
   - The payment in lieu will be paid before Building Permit is approved by DEPRM
8. The sit is within a Buffer Management Area (BMA)





GENERAL NOTES

1. Election District - 15
2. Councilmanic District - 7
3. 1" = 200' Scale Map - SE-GK / 112 B2
4. Existing Zoning - DR 5.5
5. Lot Size 8863 # — 0.204 Ac. ±
6. Public Sewer - Yes
7. Public Water - Yes
8. Chesapeake Bay Critical Area - Yes / LDA
9. 25% Impervious Requirement
10. Impervious Area Proposed — House 1,200 #
11. Property is 4/5' ± Above Sea Level
12. Property is Within 100 Year Tidal Flood Plain
13. Property is Below 9.5' (BCMD) / Within FEMA Flood Zone A
14. Proposed Construction on lot #558 Will Comply With County Flood Plain Regulations
15. Will Submit Elevation Certificate Prior to final Occupancy of House
16. Certificate of acknowledgement will be required prior to Issuance of Building Permit
17. New Construction, Including All Enclosed Structures and Garages, Must Comply With Sect. 517.1.3A of The BOCA Code
18. No Prior Zoning Hearings
19. Required Front Yard Setback (Street Side)
    25' + 30' + 29' + 23' = 107' ÷ 4 = 26.75'
20. Proposed Front Yard Setback (Street Side) - 27'
21. → Direction of Drainage Flow For Water Runoff From Proposed House
22. — · — · — Silt Fence
23. ▨ Private Utility Easement
24. Present Land Use — Vacant
25. Proposed pea gravel drive-way

2-6-06

— PROPERTY OWNER —

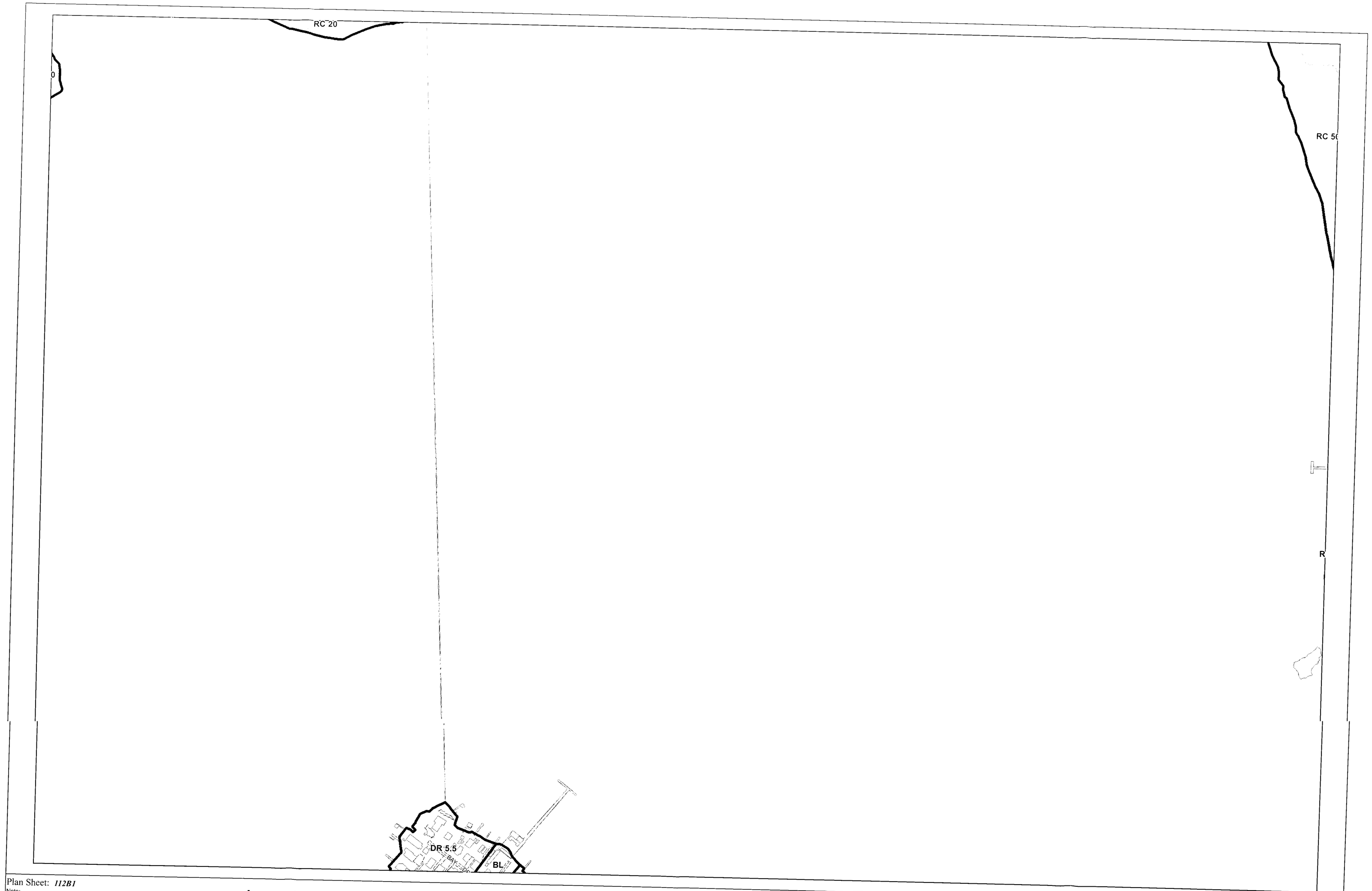
COLT CONNELLY
2814 12th STREET
MILLERS ISLAND, MD. 21219

LOT NO'S 558+559
SWAN POINT
P.B. 8 - FOLIO 5
AMENDED PLAT OF SECT. 7

GGP + Associates
1527 York Rd.
Lutherville, Md. 21093

D.F.

Oct. - 2005



Plan Sheet: *112B1*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning
Buildings
Streams
Roads
Vegetation
Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

104C3	105A3	105B3	105C3	106A3
111C1	112A1	112B1	112C1	118A1
111C2	112A2	112B2		

Scale

1" = 200'

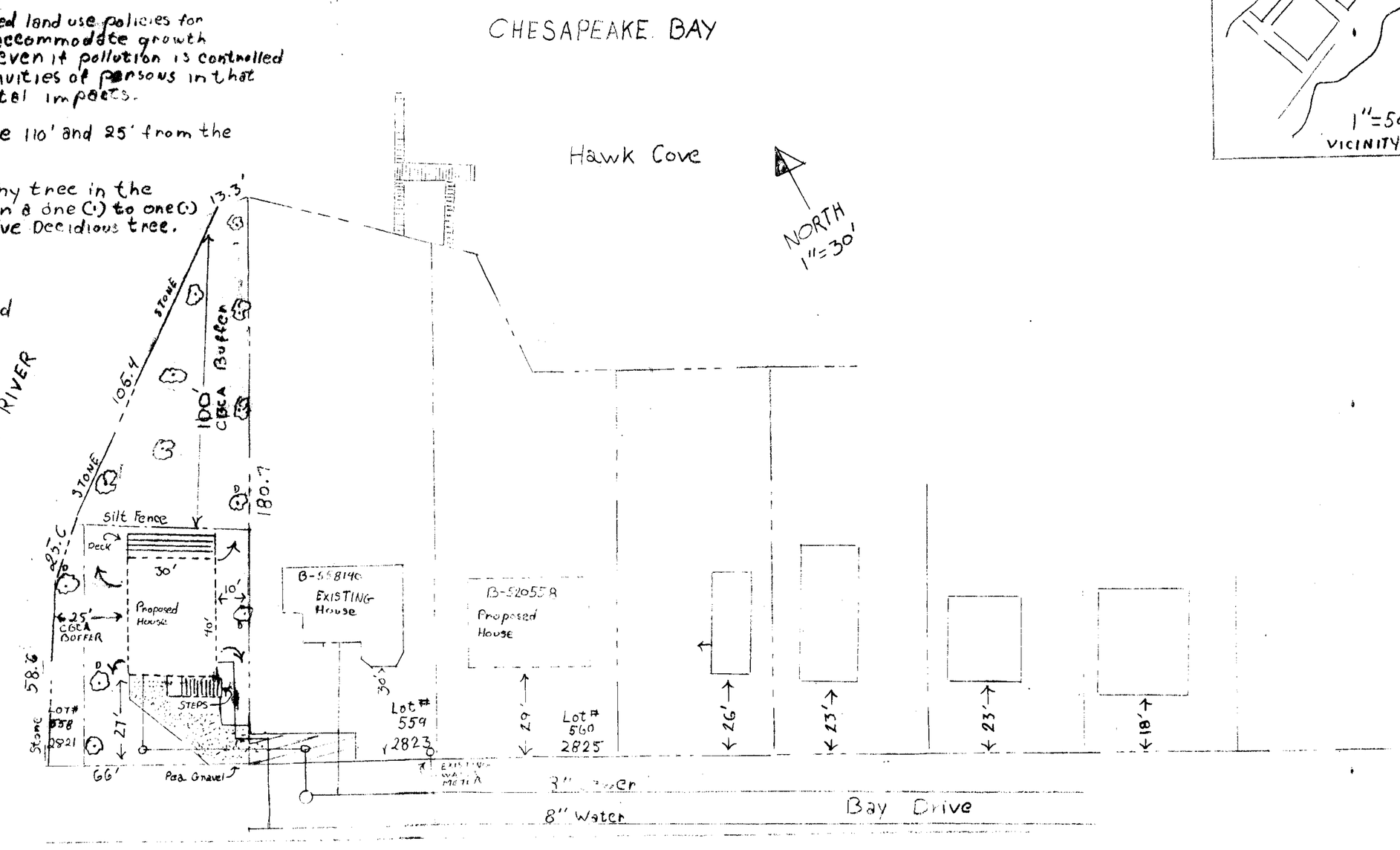
0 100 200 400 Feet

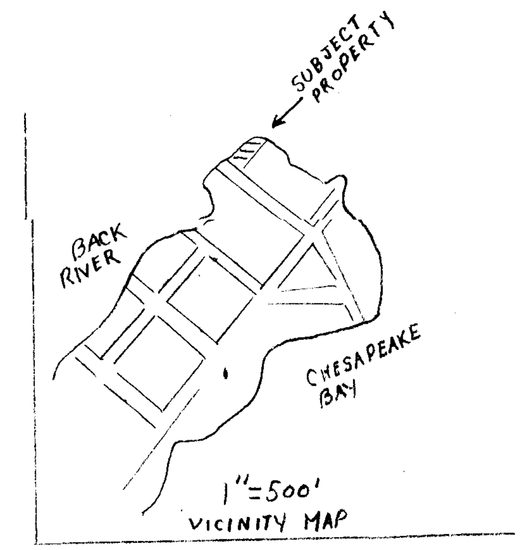
1

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

Chesapeake Bay Critical Area Requirements

1. This site is within the Limited Development Area (LDA)
2. Man made impervious areas are limited to 25% of the site. 8863 ft x .25 = 2215.75 ft
   Proposed impervious area is 2,132 Sq. ft.
3. Will minimize adverse impacts on water quality that results from pollutions that are discharged from structures or conveyances or that have run off from surrounding lands
4. Will conserve fish, wildlife, and plant habitat
5. Will be consistent with established land use policies for development in the CBCA which accommodate growth and also address the fact that even if pollution is controlled the number movement, and activities of persons in that area create adverse environmental impacts.
6. The proposed structure will be 110' and 25' from the waters edge.
7. No trees are to be removed. Any tree in the 100' Buffer will be replaced on a one (1) to one (1) ratio with a 5' to 6' tall native Deciduous tree.
   - 57 trees are required
   - 12 trees will be planted
   - Plus a payment in lieu
   - 5 Dogwoods
     7 Willow Oaks
   - The trees will be planted when house is complete, before the U+O is approved
   - The payment in lieu will be paid before Building Permit is approved by DEPRM
8. The sit is within a Buffer Management Area (BMA)





GENERAL NOTES

1. Election District - 15
2. Councilmanic District - 7
3. 1"=200' Scale Map - SE-6K / 112 B2
4. Existing Zoning - DR 5.5
5. Lot Size 8863 ft — 0.204 Ac.±
6. Public Sewer - Yes
7. Public Water - Yes
8. Chesapeake Bay Critical Area - Yes / LDA
9. 25% Impervious Requirement
10. Impervious Area Proposed — House 1,200 ft
11. Property is 4/5'± Above Sea Level
12. Property is Within 100 Year Tidal Flood Plain
13. Property is Below 9.5' (BCMD) / Within FEMA Flood Zone A
14. Proposed Construction on lot #558 Will [illegible] with County Flood Plain Regulations
15. Will Submit Elevation Certificate Prior to final Occupancy of the [illegible]
16. [illegible] of acknowledgement will be required prior to Issuance of [illegible] Permit
17. New Construction, Including All Enclosed Structures and Garages, Must Comply With Sect. 517.1.3A of The BOCA Code
18. No Prior Zoning Hearings
19. Required Front Yard Setback (Street Side)
    25' + 30' + 29' + 23' = 107' ÷ 4 = 26.75'
20. Proposed Front Yard Setback (Street Side) - 27'
21. → Direction of Drainage Flow For Water Runoff From Proposed House
22. —— Silt Fence
23. ▭ Private Utility Easement
24. Present Land Use - Vacant
25. Proposed pea gravel driveway

— PROPERTY OWNER —

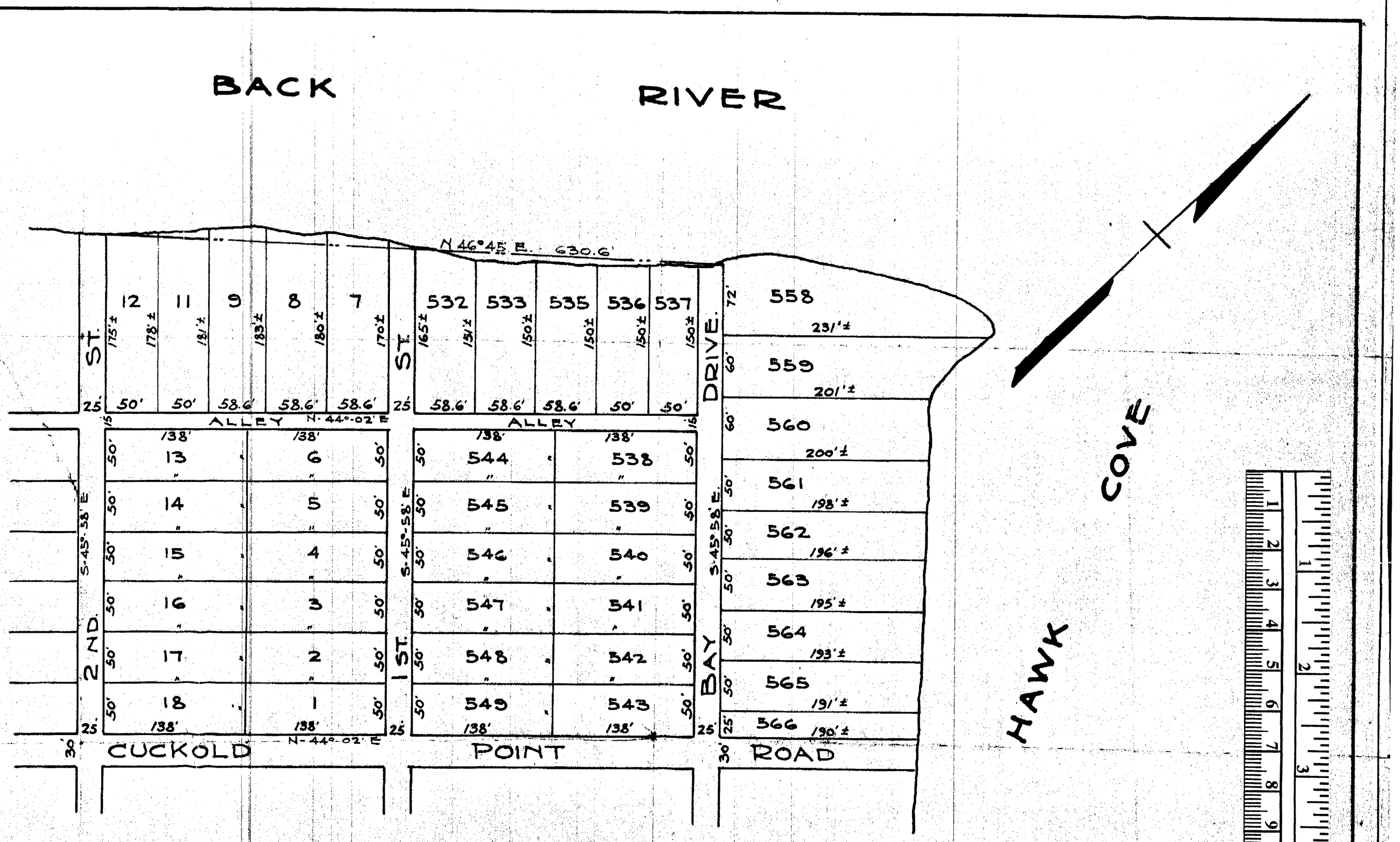
COLT CONNELLY
2814 12th STREET
MILLERS ISLAND, MD. 212[illegible]

LOT NO'S 558+559
SWAN POINT
P.B 8 - FOLIO 6
AMENDED PLAT of SEC. 7

GGP + Associates
1527 York Rd.
Lutherville, Md. 2093

D.B.

Oct. - 2005



AMENDED PLAT
OF
SECTION - No 7.

SWAN POINT

A DEVELOPMENT OF

THE HART & MILLER ISLAND CO.

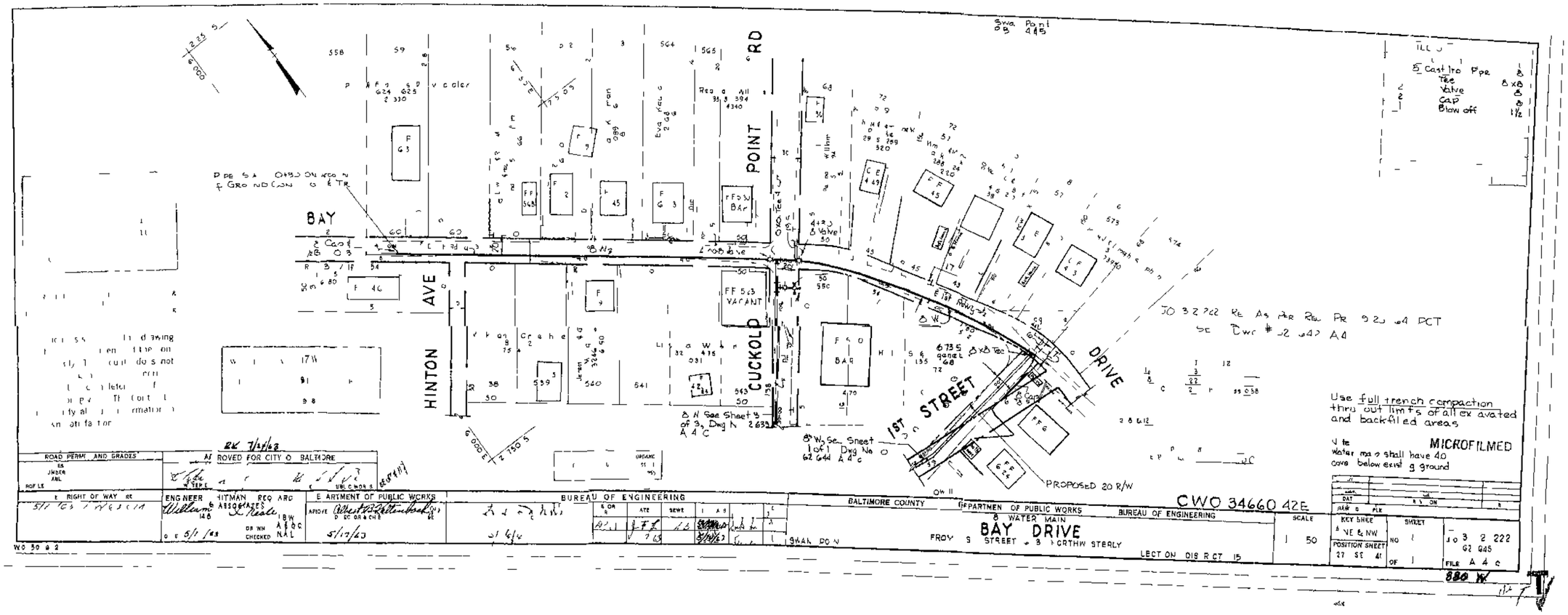
SCALE 1" = 100'.

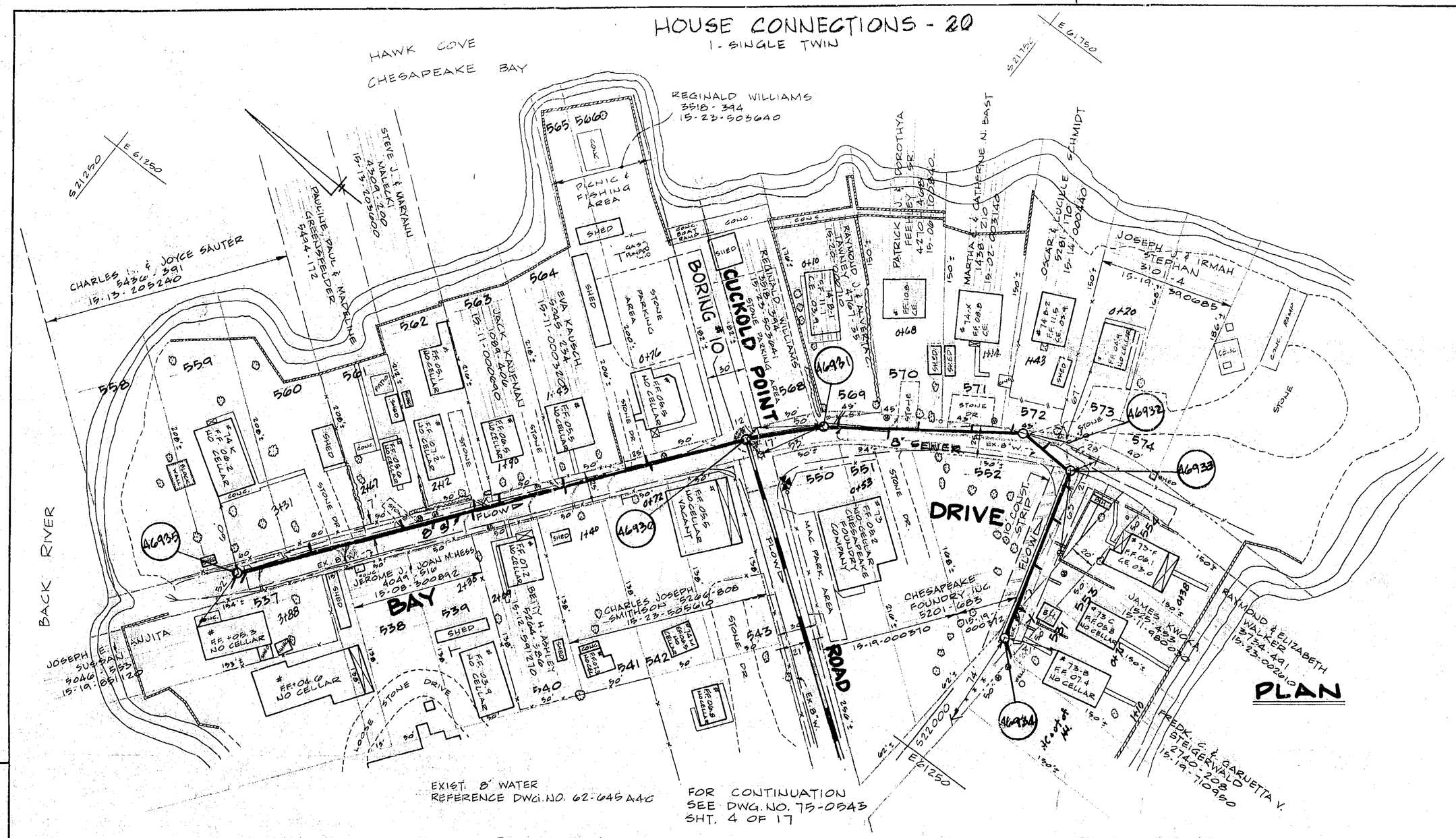
AUGUST 14, '25.

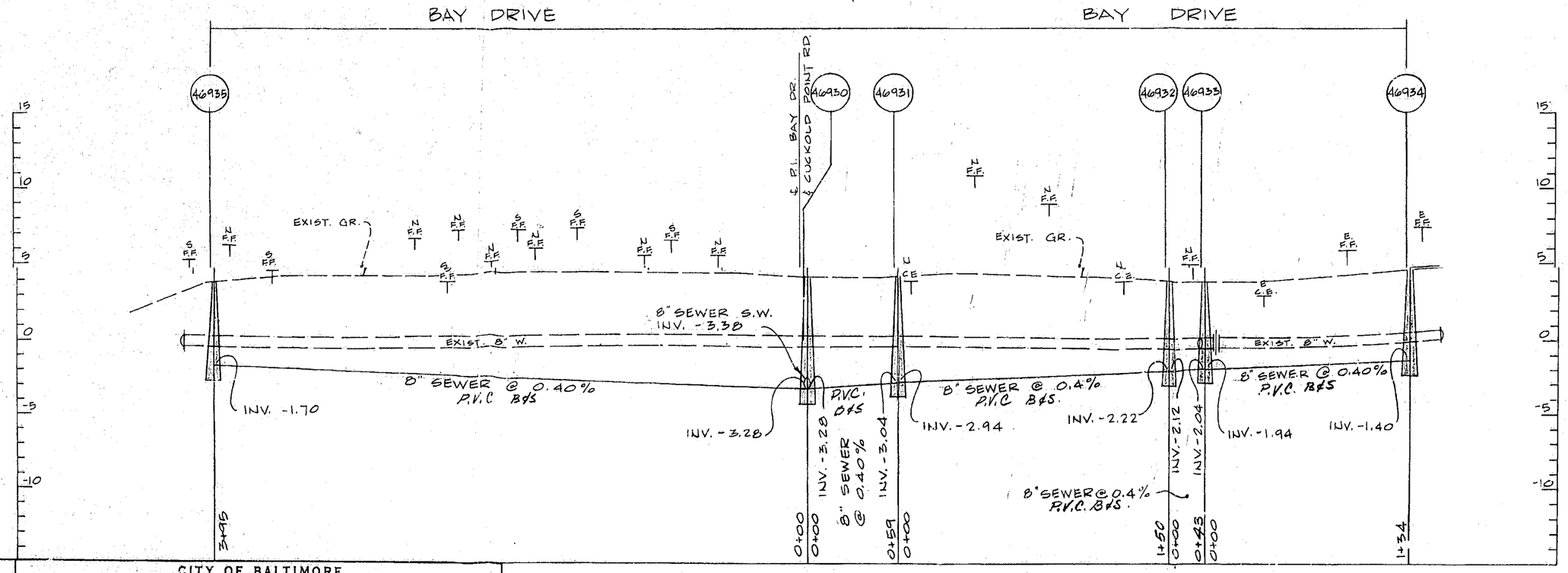
4-12
4-14
4-18

RECORD PLAT

MSA CSU D136-3401


BAY
HINTON AVE
CUCKOLD POINT RD
1ST STREET
BAY DRIVE
FF 563 VACANT
PROPOSED 20 R/W
Use full trench compaction thru out limits of all excavated and backfilled areas
MICROFILMED
ROAD PERMIT AND GRADES
APPROVED FOR CITY OF BALTIMORE
RIGHT OF WAY
ENGINEER HITMAN REGARD & ASSOCIATES
DEPARTMENT OF PUBLIC WORKS
BUREAU OF ENGINEERING
BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
BUREAU OF ENGINEERING
CWO 34660 42E
WATER MAIN
BAY DRIVE
FROM 1ST STREET TO NORTHWESTERLY
SCALE 1" = 50'
KEY SHEET NE & NW
POSITION SHEET 27 SE 4E
SHEET 1 OF 1
FILE A 4 C
MICROFILMED





SEWER

CITY OF BALTIMORE

DIRECTOR DEPT. OF PUBLIC WORKS	DATE	CHIEF, WATER DIV. BUREAU OF ENGINEERING	DATE

STATE OF MARYLAND — REGISTERED PROFESSIONAL ENGINEER — No. 9719 — SEAL

DATE	RIGHT OF WAY	REF.
7/26/78	RW 77-152	

ROAD PERMIT AND GRADES
PERMIT REQUESTED
PERMIT NUMBER
GRADE ESTABLISHED
PROFILE NUMBER 75-0572

P. W. & DIR. NO. 4654

CONTRACT NO.

REVISED AS PER RECORD PRINT

J.O.	DRAFTSMAN	DATE
1-2-600	B.J. Hummerich	10-5-81

ALL WORK ON THIS PROJECT SHALL BE DONE IN ACCORDANCE WITH BALTIMORE COUNTY SOIL CONSERVATION DISTRICT PERMIT NO. 100-002-80

77242SXO

DESIGNED G.J.D.		BUREAU OF ENGINEERING	HIGHWAYS	STRUCTURES	STORM DRAINS	WATER	SEWER	FIELD ENGINEER	BUREAU OF ENGINEERING	DEPARTMENT OF PUBLIC WORKS	LEVEL BK.	KEY SHEET	4/7/80 ADD 2 INGLE H.C. AT M 10+34	G.J.D.	SCALE	BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING	JOB ORDER NO.
DRAWN G.J.D.	ENGINEER Samuel R. Ballentine	REVIEWED	JJT		DLK	JFL	JAB	B.M.B.	APPROVED Paul W. Fisher CHIEF	APPROVED Thomas J. Murray DIRECTOR		AA-NW			PLAN: 1" = 50'	8" SANITARY SEWER	1-2-600
CHECKED	DATE 7/14/77 LIC. NO. 27774	DATE	7-18-77		7-19-77	7-15-77	7-15-77	7-18-77	DATE 7/21/77	DATE 7/21/77	DETAIL BK.	POSITION SHEET 22,23 SE 41 22,23 SE 42			PROFILE: HOR. 1" = 50 VERT. 1" = 5'	BAY DRIVE N.W. & S.E. OF CUCKHOLD POINT ROAD	SHEET 5 OF 17
													DATE	REVISION	BY	SUBDIVISION MILLERS ISLAND EL. DISTRICT NO. 15-C-7	DWG. NO. 75-0544
																	FILE: 1