

IN RE: **PETITION FOR SPECIAL HEARING** * BEFORE THE
 SE/S of Rockaway Beach Avenue, 350'
 NE Turkey Point Road * ZONING COMMISSIONER
(643 Rockaway Beach Avenue)
 15th Election District * OF BALTIMORE COUNTY
 6th Council District * Case No. 06-385-SPH

Brett Steall, et ux
 Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Brett J. Steall and his wife, Melissa R. Steall. The Petitioners request a special hearing to approve a non-conforming extension of a pier according to maintaining consistency with existing neighborhood construction. 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 and testifying on behalf of the Petitioner was Paul O. Murphy with Murphy Marine Construction, Inc., a contractor who specializes in piers, and Brett Steall, the owner of the property. There were no Protestants or other interested parties present; however, letters of support were received from the neighbors on either side of the Petitioners property, Mr. Edward A. and Diane G. Schatz, 645 Rockaway Beach Avenue and Ms. Kimberly Wayne, 641 Rockaway Beach Avenue, which were accepted into evidence and marked as Petitioner's Exhibits 2 and 3 respectively.

Testimony and evidence presented disclosed that the subject property is a rectangular shaped waterfront lot located with frontage on Middle River and the southeast side of Rockaway Beach Avenue known as Lot 50 in the Turkey Point Farm subdivision of Essex. The property contains 10,000 square feet (50' wide by 200' deep), zoned D.R.3.5 and is improved with a 2-story framed dwelling. At issue, in the instant case is the Petitioner's desire to extend the

CHADEN RECEIVED FOR FILING
 Date 4-19-06
 By [Signature]

existing pier 200' further out into the middle river to enable them to pull their boat to the pier due to the existing low water level (1½' to 2') at the end of the pier. Mr. Murphy, on behalf of the Petitioner's, submitted an application for a permit to the Department of Permits and Development Management and was advised to file the instant petition as the proposed pier extension looked like it would impair the neighbor's (Shatz's) use of their pier.

The Petitioner, Mr. Steall, indicated that he had purchased the property two years ago and has made substantial improvements but is unable to use the existing pier. He presented photographic evidence (Exhibits 4A through 4C) which clearly demonstrate the neighboring piers, constructed by others, creating existing conditions which prevents the Petitioner the proposed construction without zoning approval. There is an existing 225-foot pier located next to the subject property which extends and crosses the Petitioner's divisional line. I find from the evidence presented that special circumstances or conditions exist that are peculiar to the Petitioner's land and structure which is the subject of this request. Clearly the Petitioner's, due to the existing pier next door cannot construct a pier without crossing their neighbor's divisional line. I also find that strict compliance with the zoning regulations for Baltimore County would result in a practical difficulty or unreasonable hardship. Approval of this request will maintain consistency with neighboring construction without injury to the public safety and general welfare. The adjacent neighbors most affected support the request. There will be no adverse impact to the community. Moreover, Section 417.3(c) of the Baltimore County Zoning Regulations (BCZR) addresses conflicts encountered with existing construction and provides in pertinent part:

"Where proposed construction will conflict with existing facilities, it will be the duty of the Office of Planning and Zoning to specify the limits of construction to conform as closely as possible to the rules as set forth herein so as to cause the least interference with existing and/or possible future construction. Notice of the proposed construction shall be given by the Department of Permits and Development Management to adjoining property owners affected."

The requested notice has been complied with. There were no adverse Zoning Advisory Committee (ZAC) comments received from any of the reviewing agencies. As required with property located in the Chesapeake Bay Critical Area (BCZR Section 500.11), a ZAC comment was received from the Department of Environmental Protection and Resource Management dated April 3, 2006, following the hearing of this case, a copy of which will be attached and made a part hereof. Thus, I am easily persuaded to grant the non-conforming extension as an adjustment to BCZR Section 417 requirements due to existing conditions.

Pursuant to the advertisement, posting of the property and public hearing on this petition held, and for the reasons set forth herein, the relief requested should be granted.

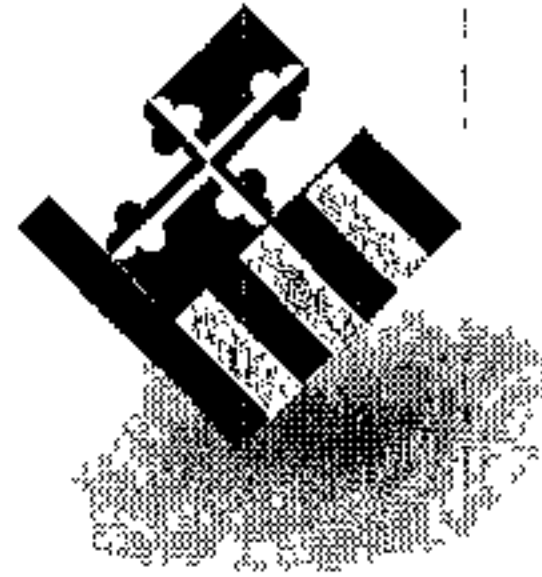
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 19th day of April 2006, that the Petition for Special Hearing to approve a non-conforming extension of a pier according to maintaining consistency with existing neighborhood construction in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comment submitted by DEPRM dated April 3, 2006 relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. A copy of this comment is attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING

Date 4-19-06

By Debra J. [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 19, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Brett Steall
1 Hart Run Court
Towson, Maryland 21286

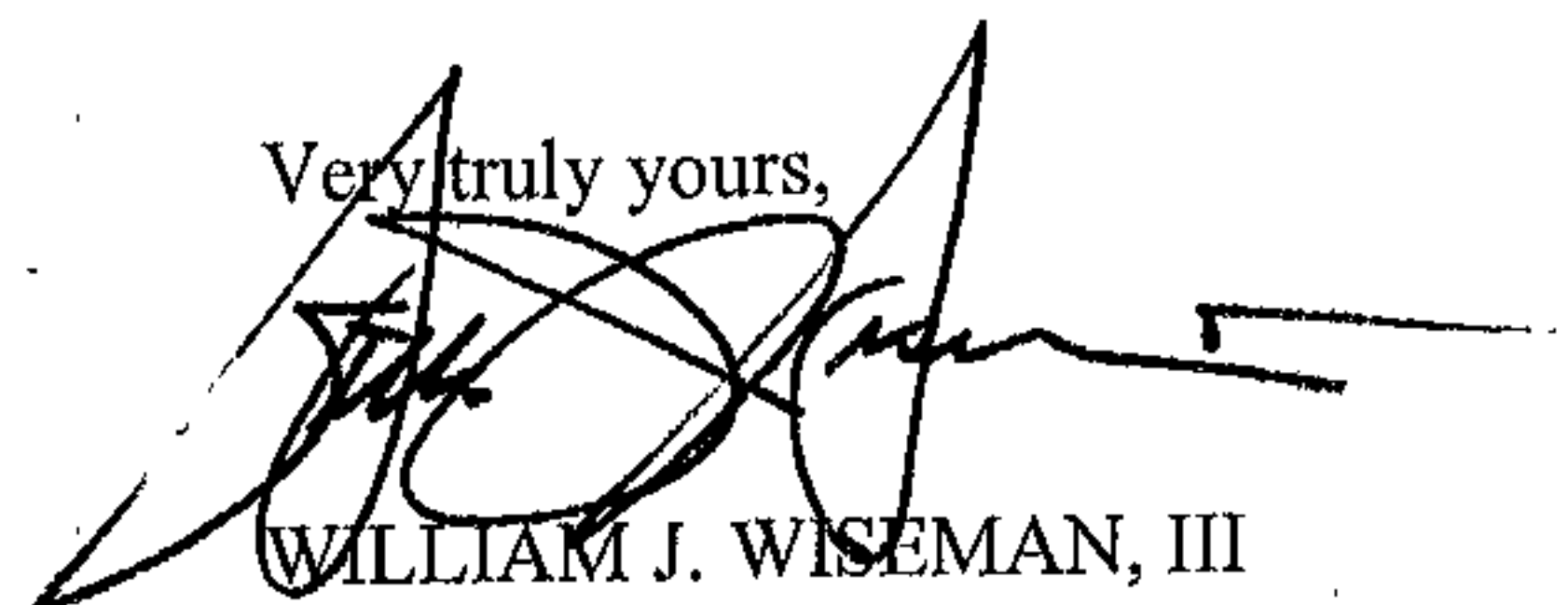
RE: **PETITION FOR SPECIAL HEARING**
SE/S of Rockaway Beach Avenue, 350' NE Turkey Point Road
(643 Rockaway Beach Avenue)
15th Election District – 6th Council District
Brett Steall, et ux, Petitioner
Case No. 06-385-SPH

Dear Mr. and Mrs. Steall:

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

c: Paul O. Murphy, Murphy Marine Construction, Inc.,
1519 Norman Avenue, Lutherville, Md. 21093
Chesapeake Bay Critical Area Commission, 1804 West Street,
Suite 100, Annapolis, Md. 21401
People's Counsel; Dennis Kennedy, PDM; Case File

CCAA

Flood



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 643 ROCKAWAY BEACH AVE
which is presently zoned DR-3.5

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

A NON-CONFORMING
EXTENSION OF A PIER ACCORDING TO PLANNING
CONSISTENCY WITH EXISTING NEIGHBORHOOD
CONSTRUCTION.

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.

City State Zip Code

Legal Owner(s):

Brett Steall
Name - Type or Print

Brett Steall
Signature

Melissa Steall
Name - Type or Print

Melissa Steall
Signature

1 Harrets Run CT 410-296-6098
Address Telephone No.

Johnson MD 21286
City State Zip Code

Representative to be Contacted:

PAUL MURPHY
Name

1519 NORMAN AVE 410-560-0010
Address Telephone No.

WHERVILLE MD 21093
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By 5777 Date 07.08.06

ORDER RECEIVED FOR FILING
Date 9/15/98
By [Signature]

Case No. 06-385-SP4

ZONING DESCRIPTION FOR 643 ROCKAWAY BEACH AVE
(address)

Beginning at a point on the SE side of
(north, south, east or west)
ROCKAWAY BEACH AVE which is 100 FT
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 350 FT N(E) of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street TURKEY PT RD
(name of street)

which is 50 FT wide. *Being Lot # 50
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of TURKEY POINT TOWN
(name of subdivision)

as recorded in Baltimore County Plat Book # 4, Folio # 171.

containing 10000. Also known as 643 ROCKAWAY BEACH RD
(square feet or acres) (property address)

and located in the 15th Election District, 6th Councilmanic District.

*If not recorded by Plat Book and Folio Number

Robyn, please change
address for this case
it should be

1 HART RUN CT.
TOWSON MD 21286

06 385-SPU

**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: #00-385-SPHA

643 Rockaway Beach Avenue
Southeast side of
Rockaway Beach Road, 350
feet northeast of Turkey
Point Road

15th Election District

6th Councilmanic District

Legal Owner(s): Melissa &
Brett Steall

Special Hearing: to permit
a non-conforming exten-
sion of a pier according to
maintain consistency with
existing neighborhood
construction.

Hearing: Friday, March
17, 2006 at 2:00 p.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-3868.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

3/034 Mar. 2 88027

CERTIFICATE OF PUBLICATION

3/2/, 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 3/2/, 2006.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1032

DATE 02-08-06 ACCOUNT RECORDING

AMOUNT \$ 600.00

RECEIVED FROM: BR 475 New York State

643 Recording Bureau of NY

FOR: Rec. Sp. Inv. Bureau

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-385-SPHA

Petitioner/Developer: MELISSA AND

BRETT STEALL

Date of Hearing/Closing: 3-17-06

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:

643 ROCKAWAY BEACH AVE

The sign(s) were posted on 3-2-06
(Month, Day, Year)

Sincerely,

Robert Black 3-7-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

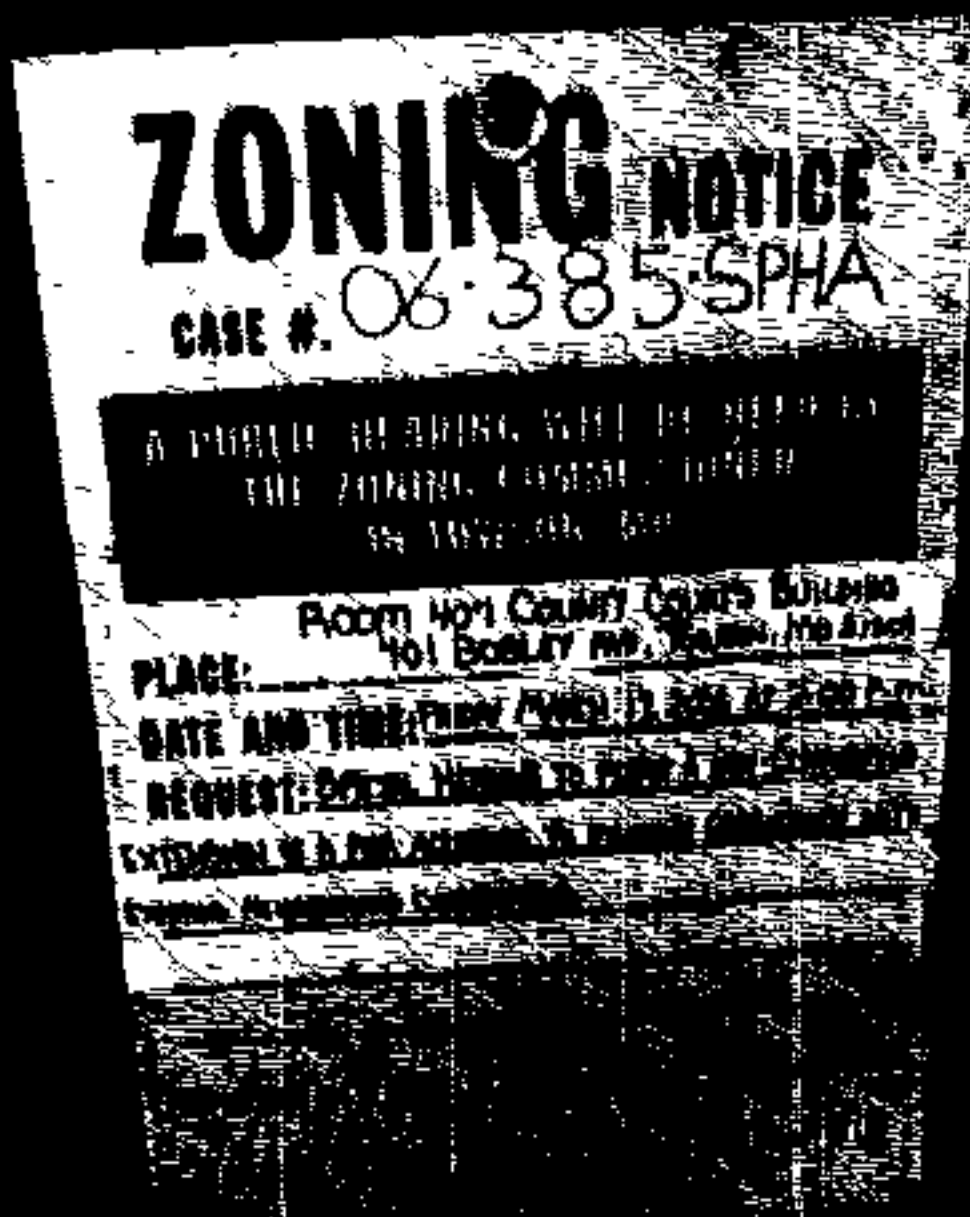
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



643 ROCKAWAY BEACH AVE

**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: 06-385-SP4
Petitioner: Brett & Melissa Seal
Address or Location: 643 LOCKAWAY BEACH RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Paul Murphy
Address: 1519 NORMAN AVE
LAUREL MD 21093
Telephone Number: 410-560-0010

**Department of Permits and
Development Management**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

February 21, 2006

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: 06-385-SPHA

643 Rockaway Beach Avenue

Southeast side of Rockaway Beach Road, 350 feet northeast of Turkey Point Road

15th Election District, 6th Councilmanic District

Legal Owners: Melissa & Brett Steall

Special Hearing to permit a non-conforming extension of a pier according to maintain consistency with existing neighborhood construction.

Hearing: Friday, March 17, 2006 @ 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:raj

c: Melissa & Brett Steall, 1 ^{HARTS} Harris Run Ct., Towson, MD 21286
Paul Murphy, 1519 Norman Ave., Lutherville, MD 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 2, 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.**

410-933-6677
Brett

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

**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

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Timothy Kotroco
Director

TK:raj

c: Melissa & Brett Steall, 1 Harts Run Ct., Towson, MD 21286
Paul Murphy, 1519 Norman Ave., Lutherville, MD 21093

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 2, 2006 Issue - Jeffersonian

Please forward billing to:

Paul Murphy (410-560-0010)
1519 Norman Ave.
Lutherville, MD 21093

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WILLIAM J. WISEMAN, III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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**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

March 6, 2006

Brett Steall
Melissa Steall
1 Harts Run Court
Towson, MD 21286

Dear Mr. and Mrs. Steall:

RE: Case Number: 06-385-SPH, 643 Rockaway Beach Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 8, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Paul Murphy 1519 Norman Avenue Lutherville 21093

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 27, 2006

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for February 27, 2006
Item Nos. 375, 376, 377, 378, 379, 380,
381, 382, 384, 385, and 386

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-02272006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

3/3

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

DATE: March 3, 2006

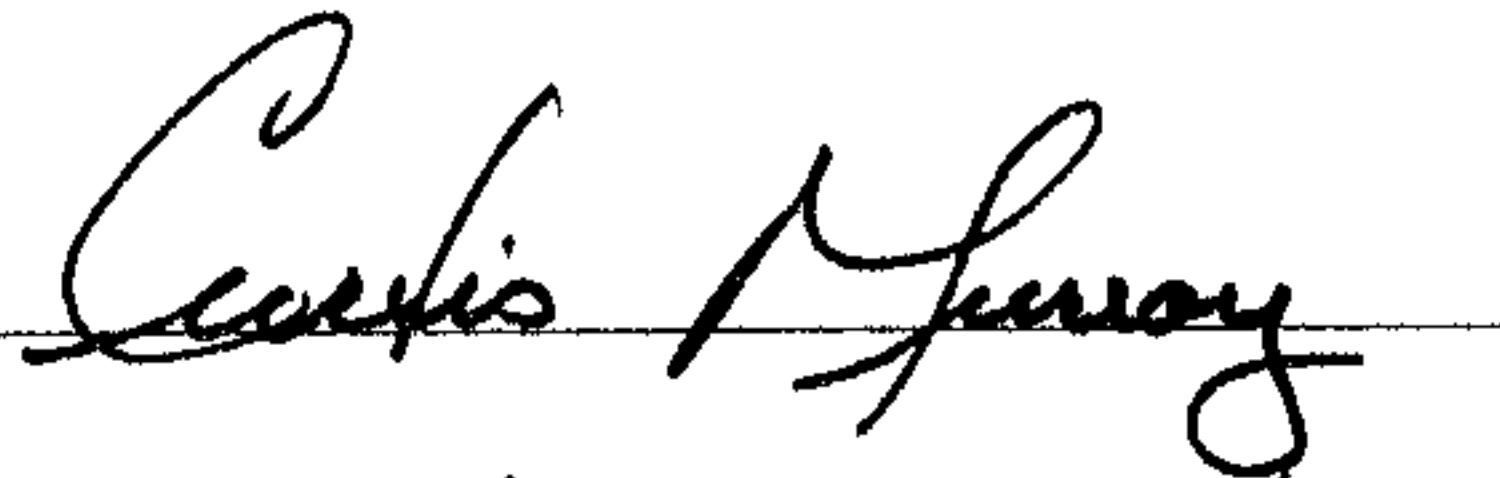
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-385- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 03 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination

DATE: April 3, 2006

SUBJECT: Zoning Item # 06-385-SPH
Address 643 Rockaway Beach Avenue
(Steall Property)

Zoning Advisory Committee Meeting of February 20, 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:

Construction of the pier must comply with Section 33-2-605.

Reviewer: Glenn Shaffer

Date: March 24, 2006

Unaden RECEIVED FOR FILE
4-19-06
Date
By

BW
3/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 3, 2006

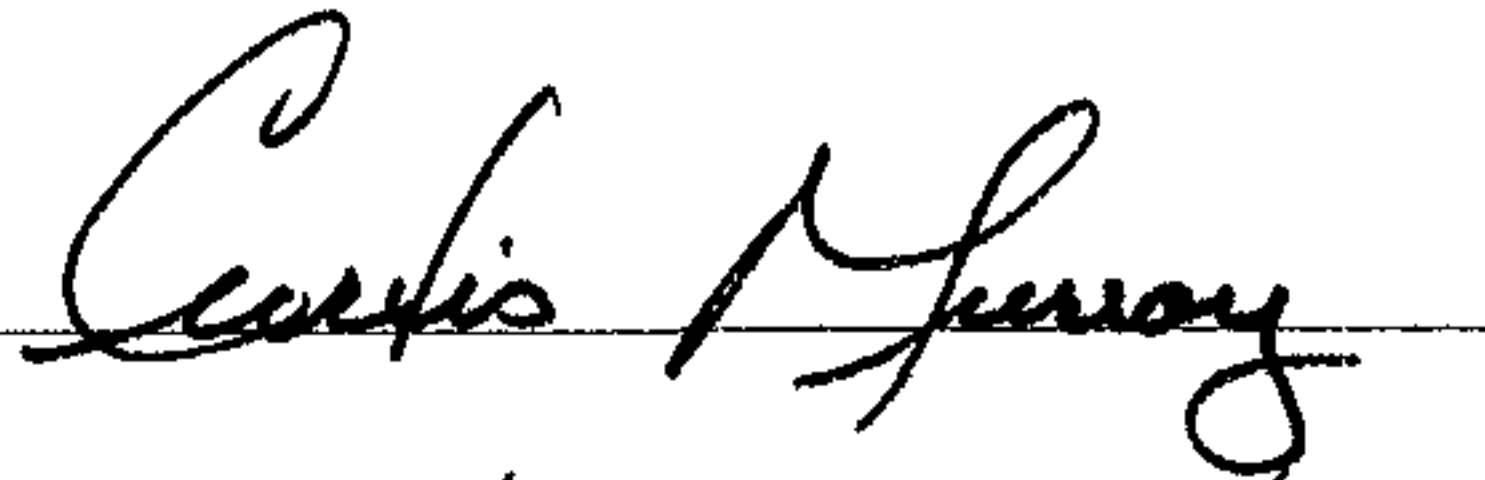
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-385- Special Hearing**

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For further questions or additional information concerning the matters stated herein, please contact Laurie Hay 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*



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

Maryland Department of Transportation

Date: 2.17.04

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

RE: Baltimore County
Item No. 385 JZA

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

February 24, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 20, 2006

Item No.: Item Numbers 375 through 386

(385)

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.

LT. Roland P. Bosley Jr.
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
643 Rockaway Beach Avenue; SE/S Rockaway *
Beach Avenue, 350' NE Turkey Point Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Brett & Melissa Steall * FOR
Petitioner(s) * BALTIMORE COUNTY
* 06-385-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 27th day of February, 2006, a copy of the foregoing Entry of Appearance was mailed to Paul Murphy, 1519 Norman Avenue, Lutherville, MD 21093, Representative for Petitioner(s).

RECEIVED

FEB 27 2006

Per. *[Signature]*

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

3. If, after a period of operation, the collection trailer proves to be detrimental to the shopping center function or the surrounding community by creating traffic problems, or if it is not maintained in a clean and orderly condition, the Zoning Commissioner may:
 - a. Require that the trailer be relocated on the site;
 - b. Require that the trailer be removed from the site upon 30 days' notice;
 - c. Revoke the permit; or
 - d. Impose additional conditions upon the continuance of the use permit.

Section 416
Dry Cleaning (Store-Plant) Retail
[Bill No. 133-1958]

416.1 through 416.5 (Reserved)⁶

416.6 All goods processed on the premises shall be delivered at retail on the premises.

Section 417
Waterfront Construction
[Bill No. 64-1963]

- 417.1 All waterfront construction, such as piers, wharves, docks, bulkheads or other work extended into navigable waters beyond mean low tide as prescribed in Baltimore County Design Manual, shall be governed by these regulations as well as by § 33-2-801 of the Baltimore County Code, except that nothing in these regulations shall apply to the M.H. Zone and to the extension of industrial waterfront facilities to the limit of Corps of Engineers' established pierhead or bulkhead lines. **[Bill No. 137-2004]**
- 417.2 All applications for waterfront construction, when filed with the Building Engineer, shall be accompanied by a plot diagram suitable for filing permanently with the permit record, showing the outlines of the property in question and of adjoining properties, and showing any existing construction beyond mean low tide, as well as details of the proposed construction; whenever required by the Building Engineer, in his discretion, the application must be accompanied by a plan prepared by a professional engineer or land surveyor, showing to scale the outlines of the property in question, as well as the outlines of the adjoining properties, including any existing construction beyond mean low tide, and a plan and details of the proposed construction.
- 417.3 For the purpose of defining boundaries within which waterfront construction may take place, divisional lines shall be established in accordance with the following rules:⁷

⁶ Editor's Note: Former Sections 416.1 through 416.5 were repealed by Bill No. 142-1962.

⁷ Editor's Note: See Appendix J for diagrams to be used as a guide in determining property divisional lines.

- A. With straight shore lines. If the shoreline is straight, the divisional lines are to be extended from the intersection of the property line and the shoreline into the water perpendicular to the shoreline, or where the property lines are parallel and it is practical to do so, the property boundary line shall be extended in a straight line into the water.
 - B. With irregular shorelines. Where the shoreline is not straight, draw a baseline between the two corners of each lot at mean low water line. Then draw a line from the corner of each proprietor's property into the water at right angles with the base line. If by reason of the curvature of the shore, the lines, when projected into the water, diverge from each other, the area excluded by both lines shall be equally divided between the two adjoining proprietors. If by reason of the curvature of the shore, the lines, when projected into the water, converge with each other, the area included by both lines shall be equally divided between the two adjoining proprietors.
 - C. Conflict with existing construction. Where proposed construction will conflict with existing facilities, it will be the duty of the Office of Planning and Zoning to specify the limits of construction to conform as closely as possible to the rules as set forth herein so as to cause the least interference with existing and/or possible future construction. Notice of the proposed construction shall be given by the Department of Permits and Development Management to adjoining property owners affected.
- 417.4 No construction, beyond mean low tide, including mooring piles, will be permitted within ten feet of divisional lines as established. The effect of this requirement will be to maintain a twenty-foot open access strip between the facilities of adjoining property owners.
- 417.5 Any structure built beyond mean low tide must be contained within construction offsets as prescribed. In addition to meeting these requirements, the structure must not extend beyond any of the following limits:
- A. Three hundred feet beyond mean low tide.
 - B. In the absence of a definable channel, not more than $\frac{1}{3}$ the width of waterway.
 - C. Not beyond the near boundary of a definable channel.
- 417.6 No new waterfront facilities, such as boatyards or marinas, or any service building or structure used in connection therewith, shall be established without the approval of and subject to the regulations and requirements of the Baltimore County Department of Health. Written approval shall be a required condition prior to issuance of a permit.
- 417.7 Out-of-water storage facilities. [Bill No. 149-1992]
- A. An out-of-water storage facility, Class A, shall be permitted at a marina or boatyard. Such a facility shall be placed so that boats do not overhang property lines.
 - B. An out-of-water storage facility, Class B, is permitted at a boatyard or marina by special exception according to the following requirements:

- A. With straight shore lines. If the shoreline is straight, the divisional lines are to be extended from the intersection of the property line and the shoreline into the water perpendicular to the shoreline, or where the property lines are parallel and it is practical to do so, the property boundary line shall be extended in a straight line into the water.
 - B. With irregular shorelines. Where the shoreline is not straight, draw a baseline between the two corners of each lot at mean low water line. Then draw a line from the corner of each proprietor's property into the water at right angles with the base line. If by reason of the curvature of the shore, the lines, when projected into the water, diverge from each other, the area excluded by both lines shall be equally divided between the two adjoining proprietors. If by reason of the curvature of the shore, the lines, when projected into the water, converge with each other, the area included by both lines shall be equally divided between the two adjoining proprietors.
 - C. Conflict with existing construction. Where proposed construction will conflict with existing facilities, it will be the duty of the Office of Planning and Zoning to specify the limits of construction to conform as closely as possible to the rules as set forth herein so as to cause the least interference with existing and/or possible future construction. Notice of the proposed construction shall be given by the Department of Permits and Development Management to adjoining property owners affected.
- 417.4 No construction, beyond mean low tide, including mooring piles, will be permitted within ten feet of divisional lines as established. The effect of this requirement will be to maintain a twenty-foot open access strip between the facilities of adjoining property owners.
- 417.5 Any structure built beyond mean low tide must be contained within construction offsets as prescribed. In addition to meeting these requirements, the structure must not extend beyond any of the following limits:
- A. Three hundred feet beyond mean low tide.
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- 417.6 No new waterfront facilities, such as boatyards or marinas, or any service building or structure used in connection therewith, shall be established without the approval of and subject to the regulations and requirements of the Baltimore County Department of Health. Written approval shall be a required condition prior to issuance of a permit.
- 417.7 Out-of-water storage facilities. [Bill No. 149-1992]
- A. An out-of-water storage facility, Class A, shall be permitted at a marina or boatyard. Such a facility shall be placed so that boats do not overhang property lines.
 - B. An out-of-water storage facility, Class B, is permitted at a boatyard or marina by special exception according to the following requirements:

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 - 1520950070

Owner Information

Owner Name:	STEALL BRETT J STEALL MELISSA R	Use:	RESIDENTIAL
Mailing Address:	1 HARTS RUN CT BALTIMORE MD 21286-1661	Principal Residence:	NO
		Deed Reference:	1) /22257/ 177 2)

Location & Structure Information

Premises Address

643 ROCKAWAY BEACH AVE

Legal Description

643 ROCKAWAY BEACH AVE
TURKEY POINT FARM

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
98	15	211		WATERFRONT			50	3	Plat Ref: 4/ 171

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1986	1,512 SF	10,000.00 SF	34
Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	Phase-in Assessments As Of 07/01/2006
Land:	98,000	240,000		
Improvements:	91,680	212,160		
Total:	189,680	452,160	189,680	277,173
Preferential Land:	0	0	0	0

Transfer Information

Seller: RUSH WILLIAM R	Date: 07/27/2005	Price: \$582,000
Type: IMPROVED ARMS-LENGTH	Deed1: /22257/ 177	Deed2:
Seller: TYREE DOROTHY M	Date: 03/29/2005	Price: \$405,000
Type: NOT ARMS-LENGTH	Deed1: /21631/ 686	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *

DATE:

OEA:
HISTORIC DISTRICT/BLDG.

PERMIT #: _____
RECEIPT #: _____
CONTROL #: _____
XREF #: _____

PROPERTY ADDRESS 643 Rockaway Beach Ave ☐ YES ☐ NO
SUITE/SPACE/FLOOR _____
SUBDIV: _____ ☐ DO NOT KNOW
TAX ACCOUNT #: 1520950070 DISTRICT/PRECINCT 15
OWNER'S INFORMATION (LAST, FIRST)
NAME: Brett Small
ADDR: 1 Hart Run Ct Ballinow MD 21286

FEE: _____
PAID: _____
PAID BY: _____
INSPECTOR: _____

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION

NAME: Paul Murphy YES ☐ NO ☐

COMPANY: Murphy Marine

STREET: 1519 Norman Ave

CITY, ST, ZIP: Cathernville MD 21093

PHONE #: 610-560-6210 MHIC # 123675 MHBR #

APPLICANT
SIGNATURE: B. J. Moran DRC# _____
PLANS: CONST _____ PLOT _____ PLAT _____ DATA _____ EL _____ PL _____
TENANT _____
CONTR: MURPHY MORRIS
ENCNR: _____
SELLR: _____

TYPE OF IMPROVEMENT

1. _____ NEW BLDG CONST
2. _____ ADDITION
3. _____ ALTERATION
4. _____ REPAIR
5. _____ WRECKING
6. _____ MOVING
7. _____ OTHER

DESCRIBE PROPOSED WORK:

Extend Existing Pier 200' to Be able to pull Boat into Pier Due to low water levels at existing pier

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH _____ HEIGHT _____)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE _____ MERCANTILE _____ RESTAURANT
SPECIFY TYPE _____
20. SWIMMING POOL _____
SPECIFY TYPE _____
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS _____)
23. OTHER

TYPE FOUNDATION

- | | |
|---------------|--------------|
| 1. - SLAB | 1. - FULL |
| 2. - BLOCK | 2. - PARTIAL |
| 3. - CONCRETE | 3. - NONE |

BASEMENT

1. ☐ FULL
2. ☐ PARTIAL
3. ☐ NONE

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS 3. ELECTRICITY
2. OIL 4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER _____ EXISTS _____ PROPOSED
2. PRIVATE SYSTEM _____ EXISTS _____ PROPOSED
_____ SEPTIC _____ EXISTS _____ PROPOSED
_____ PRIVY _____ EXISTS _____ PROPOSED

CENTRAL AIR: 1. 2. _____
ESTIMATED COST: \$ 12,000 _____
OF MATERIALS AND LABOR

PROPOSED USE:
EXISTING USE:

OWNERSHIP

- OWNERSHIP
1. PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6. HIRISE

1 FAMILY BEDROOMS _____
GARBAGE DISPOSAL 1. Y 2. N BATHROOMS _____
POWDER ROOMS _____ KITCHENS _____
LIBER _____ FOLIO _____

APPROVAL SIGNATURES

DATE _____

BUILDING SIZE	LOT SIZE AND SETBACKS
FLOOR _____	SIZE _____
WIDTH _____	FRONT STREET _____
DEPTH _____	SIDE STREET _____
HEIGHT _____	FRONT SETBK _____
STORIES _____	SIDE SETBK _____
LOT #'S _____	SIDE STR SETBK _____
CORNER LOT	REAR SETBK _____
1. YES 2. NO	ZONING

BLD INSP :	:	:
BLD PLAN :	:	:
FIRE :	:	:
SEDI CTL :	:	:
ZONING :	:	:
PUB SERV :	:	:
ENVRMNT :	:	:
PLANNING :	:	:
PERMITS :	:	:

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

098-B-2



098-B-3

06-385-SPA

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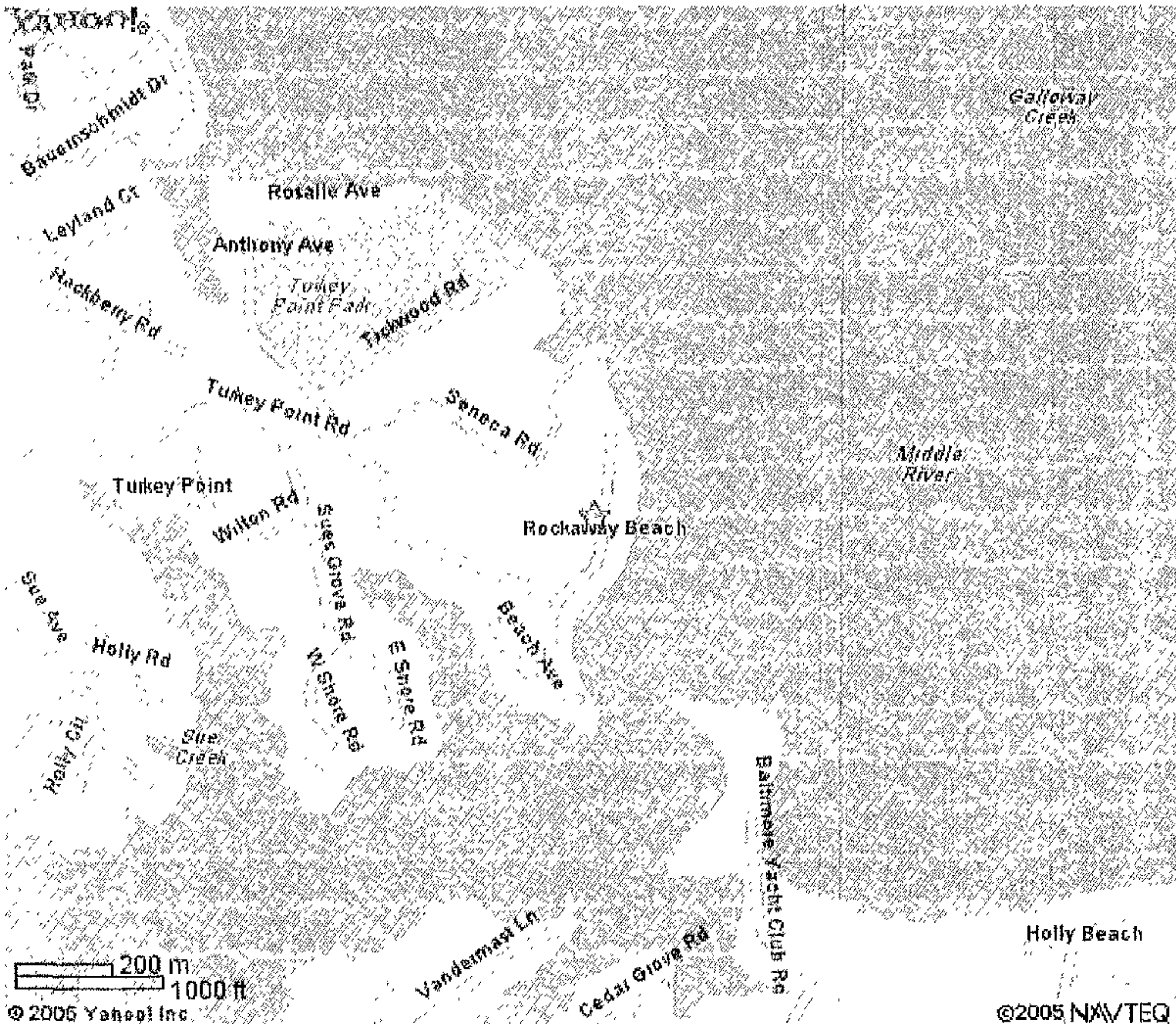
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 Maps

[Maps Home](#) - [N](#)

Yahoo! Maps - Essex, MD 21221-1811

[Back to Map](#)

★ 643 Rockaway Beach Ave Essex, MD 21221-1811



When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

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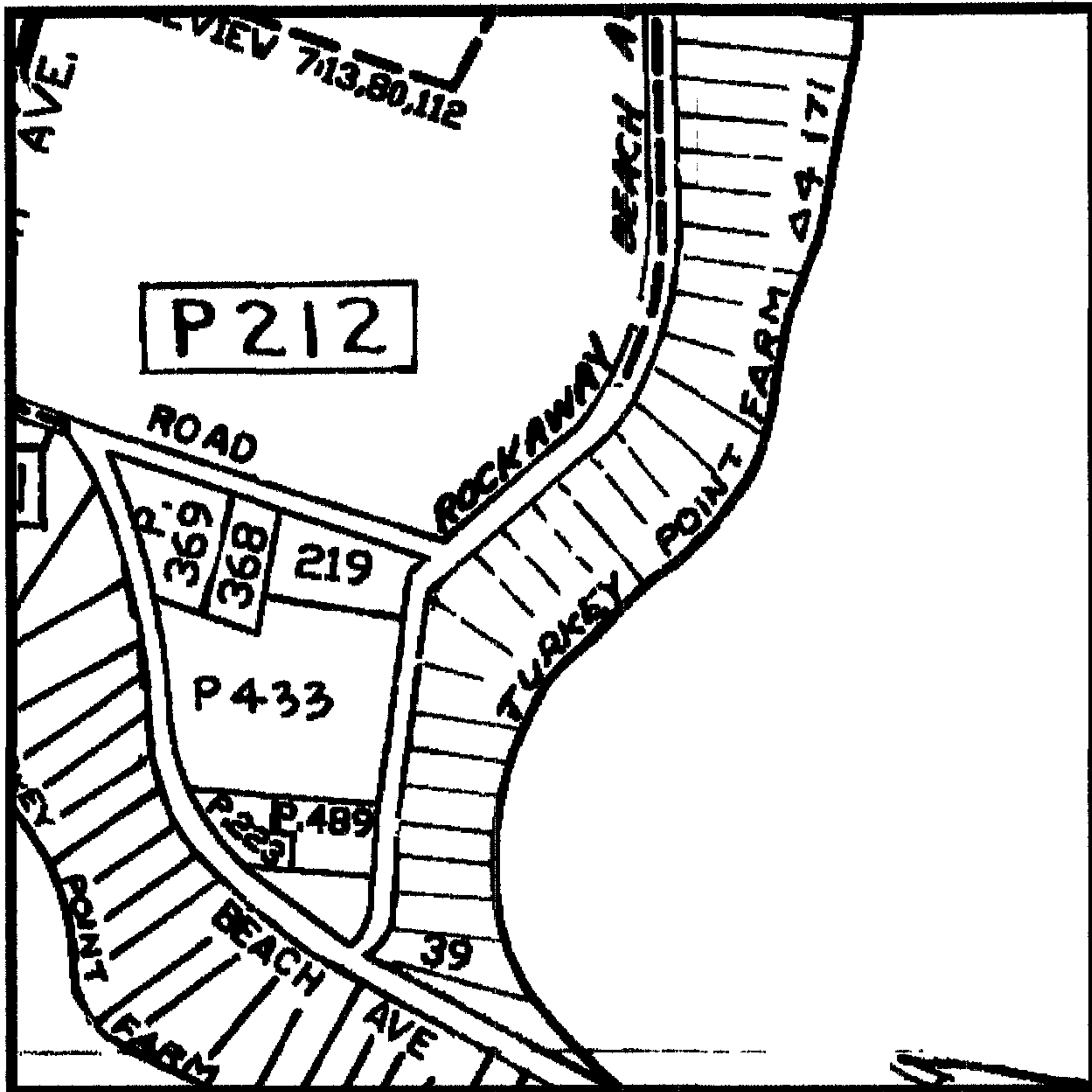
26-385-SP11



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

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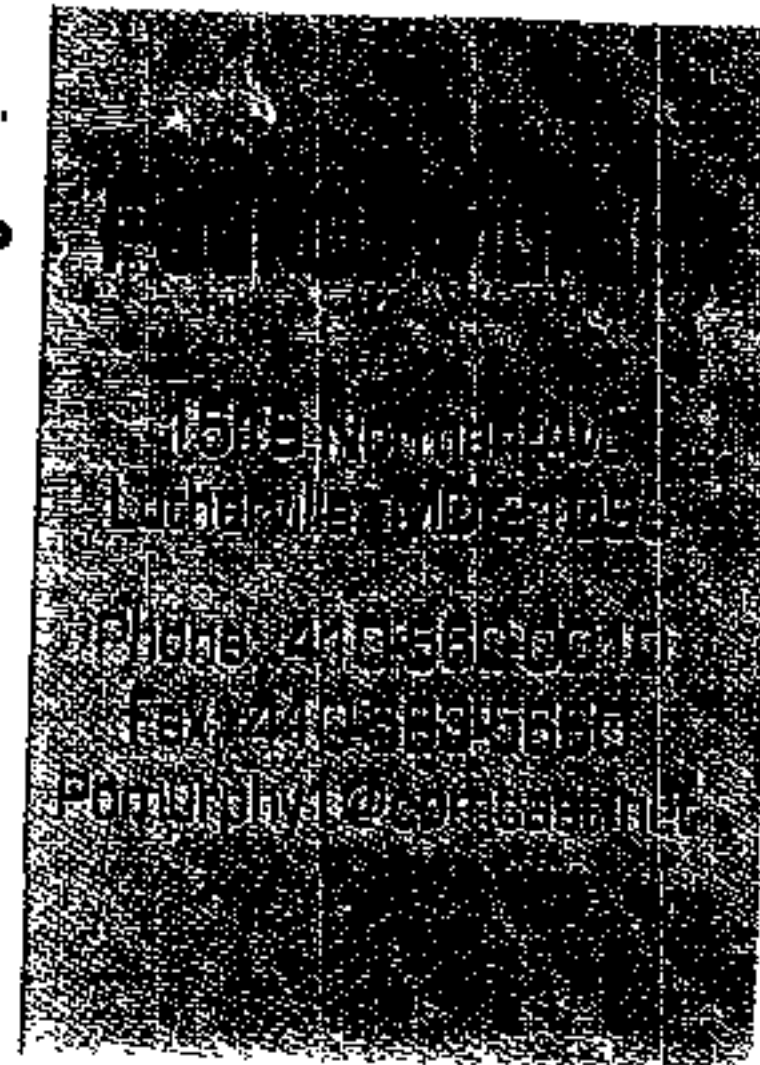
District - 15 Account Number - 1520950070



Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/webcom/index.html

**Murphy Marine
Construction, Inc.**

Piers Boat Lifts Repairs
C-Loc Vinyl Bulkheads



Quick, courteous counter service



BRETT STEALL
Vice President

113 Back River Neck Road
Essex, MD 21221
T 410-687-7733 • F: 410-687-0641
C: 410-733-6677
email: bjsteall@aol.com
CLOSED MONDAYS

www.pizzajohns.com

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.:

06-385 SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	LETTER OF SUPPORT 645- adjacent Neighbor	
No. 3	Letter of Support 641 adjacent Neighbor	
No. 4	PHOTOS 4A, B & C	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

WDS585 90

40' ROAD
ROCKAWAY BEACH AVENUE

20' PAV

50'

MAG
PARADE

Zone C

Zone B

Zone A

2 STORY
ALUM

PROPANE
TANKS

15'±3'

24'

49

50

51

ROCK
WALL

CONC

CONC
BLKHD

50'

WOOD
PIER

MIDDLE
RIVER

Zone Note:
Flood zones shown are approximate
as scaled from F.E.M.A. Flood Insurance
Rate Map.

The plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.

THE LOT SHOWN HEREON IS IN FLOOD ZONE A-B-C PER F.E.M.A. FLOOD INSURANCE RATE MAP PANEL # 240010-0445C.

* 643 ROCKAWAY BEACH AVENUE

LOT 50, TURKEY POINT FARM
PLAT BOOK 4-171
BALTIMORE CO., MARYLAND

Flood Zone Note:
Flood zones shown are approximate
as scaled from F.E.M.A. Flood Insurance
Rate Map.

SCALE

1" = 40'

LOCATION CERTIFICATION

DATE

7-7-05

WITZ & ASSOCIATES
GENERAL SURVEYING CO.

JOB No.

05-1456

1009 Frederick Road
Baltimore, MD 21228
Phone 410-869-3536
Fax 410-869-3538



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

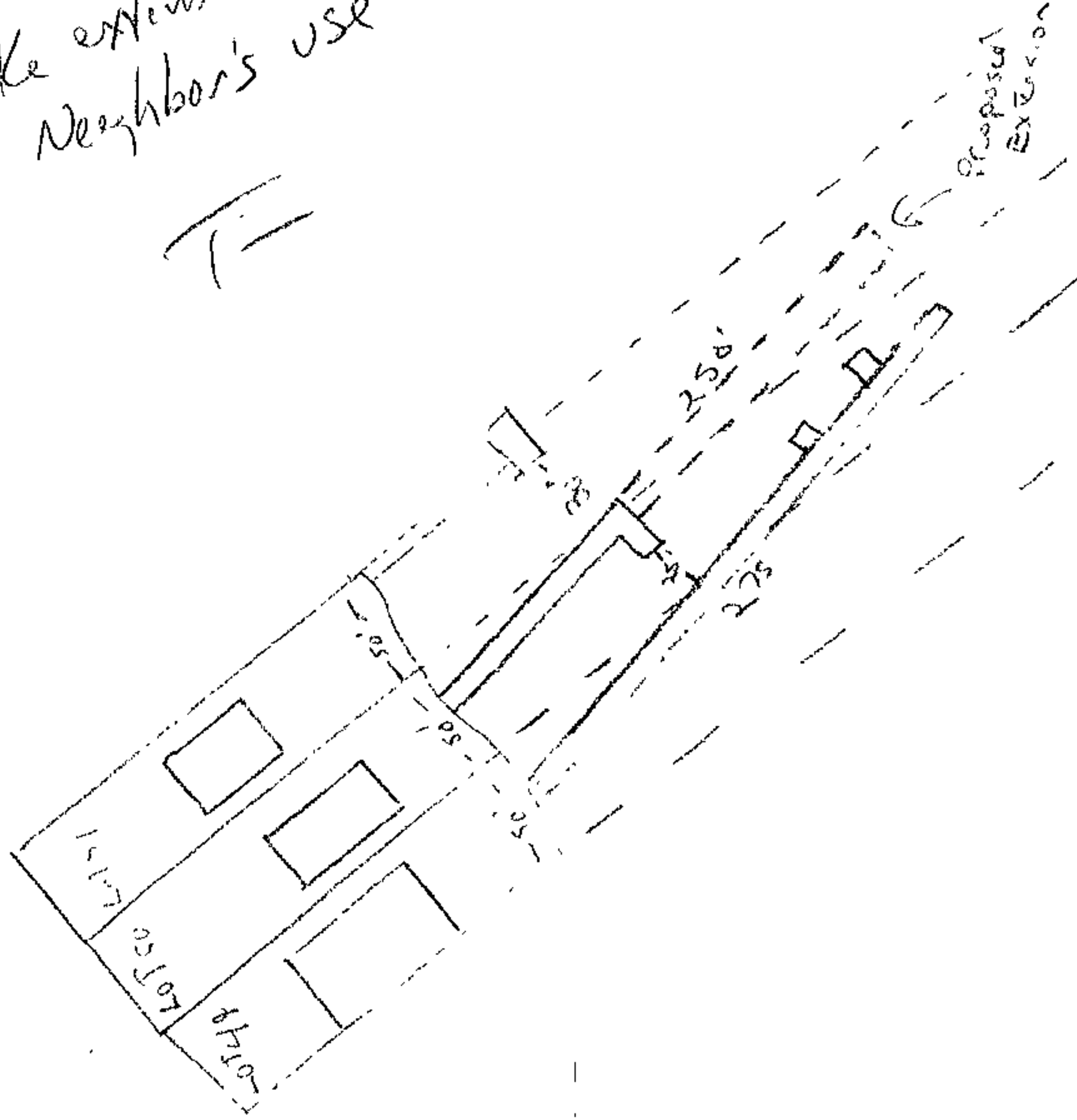
PROPERTY ADDRESS 643 Rocky Point Road, Afton

SUBDIVISION NAME Tuckey Point Farm

PLAT BOOK # 4-171 FOLIO # 50 LOT # 50 SECTION # 1

OWNER Bert Steal

*Has to go to Z.C. (zone commercial)
looks like extension will
cut off Neighbor's use*

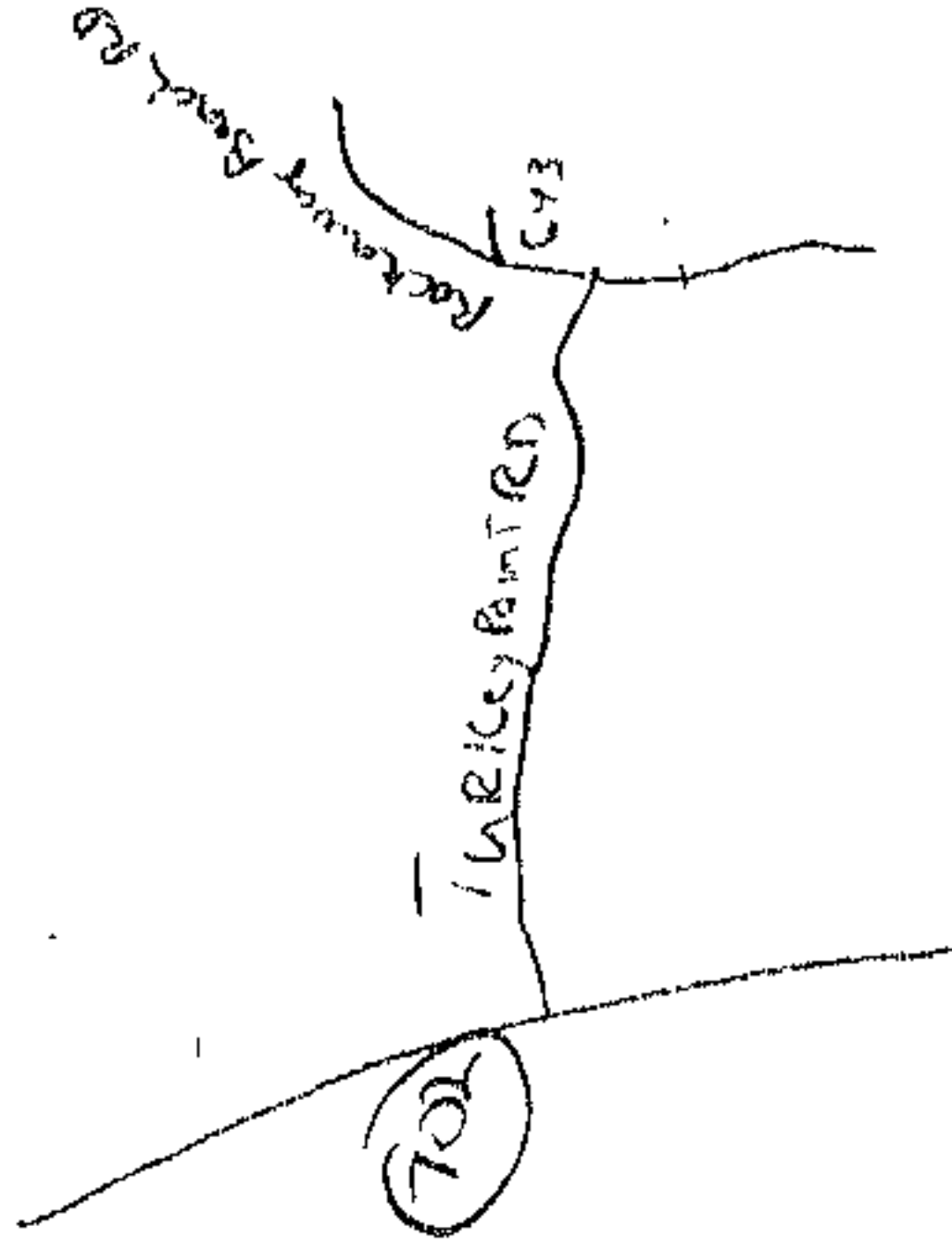


NORTH

PREPARED BY Paul Murphy

SCALE OF DRAWING: 1" = 100'

06-385-SP11



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP #

ZONING DR-3.5

LOT SIZE 1.000 S.F. 150 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE

WATER ☒ PUBLIC ☒ PRIVATE

CHESAPEAKE BAY CRITICAL AREA YES ☒ NO ☐

100 YEAR FLOOD PLAIN YES ☐ NO ☐

HISTORIC PROPERTY / BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

06-385-SP11

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

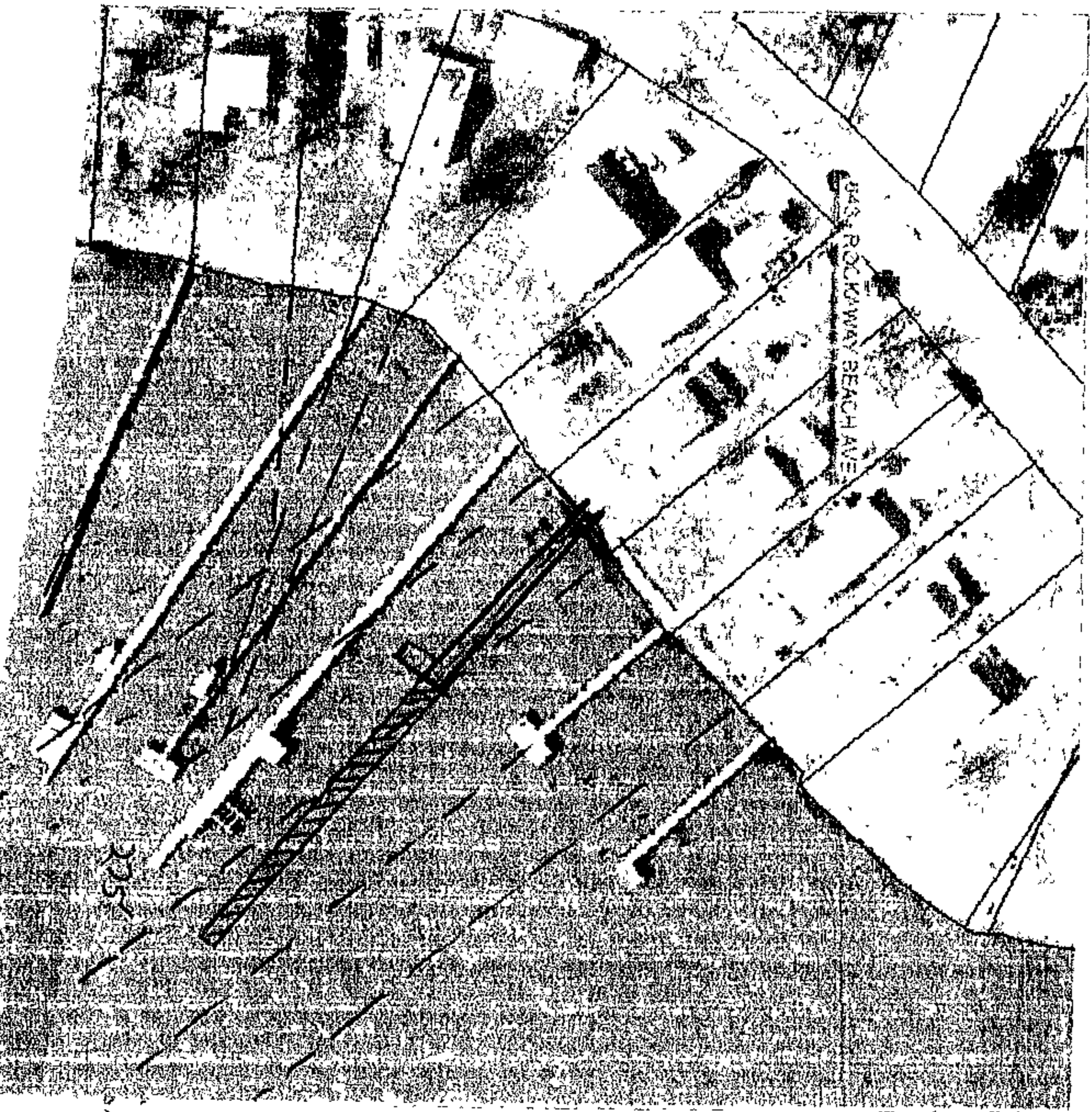
PROPERTY ADDRESS CY3 Backaway Beach Ave

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Tuley Point Farm

PLAT BOOK # 4-171 FOLIO # LOT # 50 SECTION #

OWNER Brett Seal



PETITIONER'S

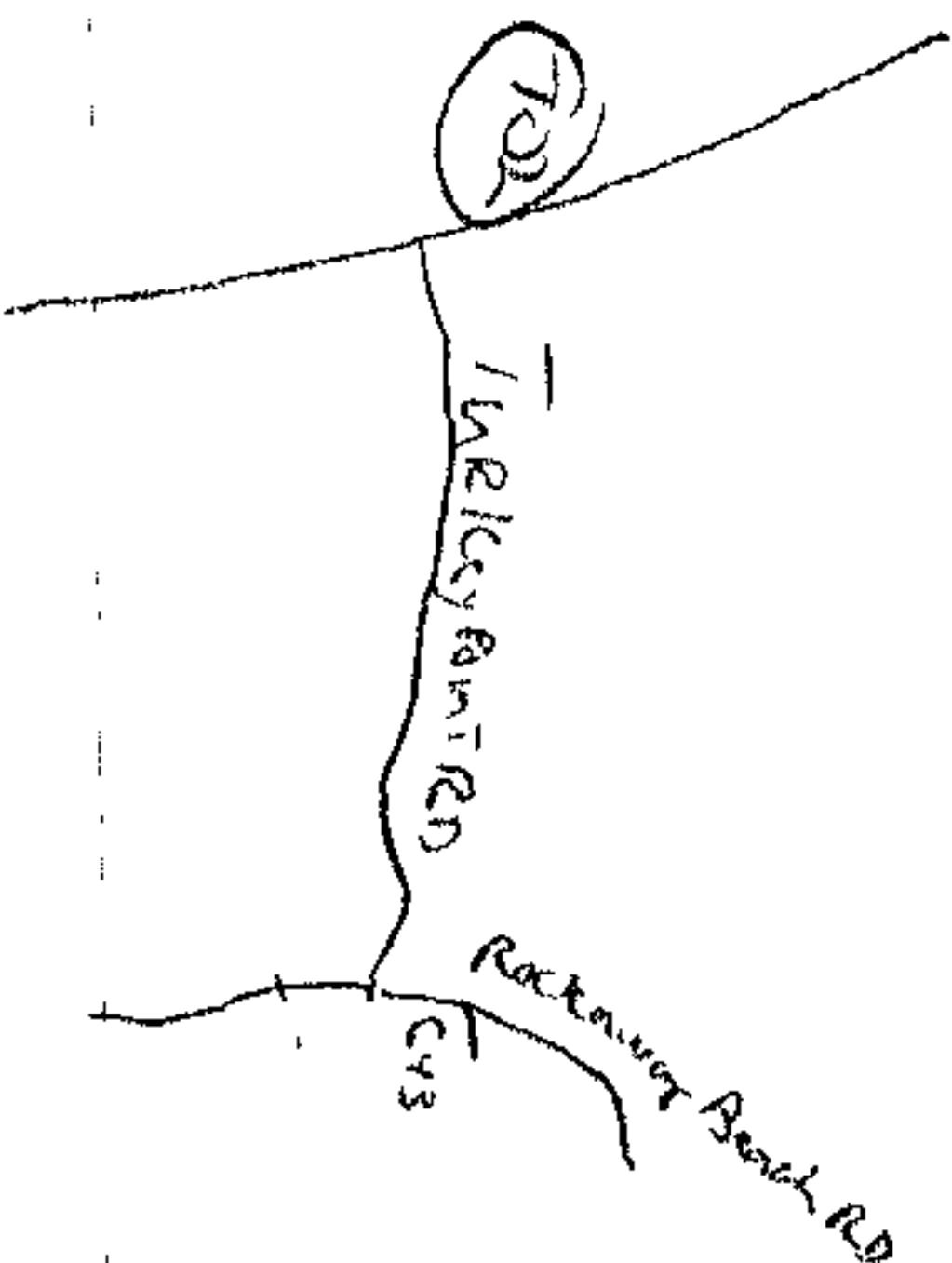
EXHIBIT NO. 1

CW Tuley
Bnq.



VICINITY MAP

SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 098 B 75 B.3

ZONING DD-3.5

LOT SIZE 10,000 S.F. 1512 SQUARE FEET

ACREAGE 2.3

PUBLIC PRIVATE

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY / BUILDING ☐ ☒

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

8331

06-385-SF#

NORTH



PREPARED BY Paul Murphy

SCALE OF DRAWING: 1" = 100'

February 3, 2006

Mr. & Mrs. Brett Steall
643 Rockaway Beach Rd.
Baltimore, MD 21221
410-733-6677

Dear Mr. Schatz,

We have enclosed a copy of our proposed pier extension for your review. In order for us to move forward, the county has asked us to inform our neighbors of the plans and acquire signatures of approval.

Please take a moment to review the plans and sign below if you approve.

Thanks for your cooperation.

Sincerely,

*Letters from
neighbors
on
each side*

Brett & Melissa Steall

Edward A. Schatz 2/3/06
SCHATZ
left of Petition

PETITIONER'S

EXHIBIT NO. 2

February 3, 2006

Mr. & Mrs. Brett Steall
643 Rockaway Beach Rd.
Baltimore, MD 21221
410-733-6677

Dear Scott & Kim,

We have enclosed a copy of our proposed pier extension for your review. In order for us to move forward, the county has asked us to inform our neighbors of the plans and acquire signatures of approval.

Please take a moment to review the plans and sign below if you approve.

Thanks for your cooperation.

Sincerely,

Brett & Melissa Steall

PETITIONER' S

EXHIBIT NO. _____

3

Kim Wayne
(right side)

06-385-SPH

PETITIONER'S

EXHIBIT NO.

4A

06-385-SPH