

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 717 Rockaway Beach Ave; E/side Rockaway *
 Beach Ave, 110' N Beach Avenue * ZONING COMMISSIONER
 15th Election & 6th Councilmanic Districts *
 Legal Owner(s): William & Maryann Rush * FOR
 Petitioner(s) *
 * BALTIMORE COUNTY
 * 06-501-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 and all 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 21st day of April, 2006, a copy of the foregoing Entry of Appearance was mailed to, William & MaryAnn Rush, 1907 Cranbourne Road, Timonium, MD 21093. Petitioner(s).

RECEIVED

APR 21 2006

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

IN RE: **PETITION FOR SPECIAL HEARING** * BEFORE THE
 E/S Rockaway Beach Avenue, 110' N of *
 the c/l Beach Avenue * ZONING COMMISSIONER
(717 Rockaway Beach Avenue) *
 15th Election District * OF BALTIMORE COUNTY
 6th Council District *
 * Case No. 06-501-SPH
 *
 William Rush, 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, William Rush, and his wife, Maryann Rush. The Petitioners request a special hearing to approve an amendment to the Order and site plan approved in prior Case No. 05-579-A to allow rear setbacks of 20 feet in lieu of the required 30 feet for a dwelling and 20 feet in lieu of the required 22½ feet for an open projection (porch), pursuant to Sections 1B02.3.C.1 and 301.1 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 William (Bob) and Maryann Rush, property owners, and Kenneth J. Wells, the Surveyor who prepared the site plan for this property. Appearing as Protestants were William and Denise Woutila, adjacent property owners, Marcyanna Siegman, Janice Vincent, and Jackie Nickel, President of the Rockaway Beach Improvement Association, Inc., all nearby residents of the area.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped waterfront lot located south of Turkey Point Road on the east side of Rockaway Beach Avenue, with frontage on Middle River. The property is approximately 50 feet wide and 185 feet deep, and contains a gross area of 9,027 sq.ft. (.21 acres) more or less, zoned D.R.3.5. The Petitioners purchased the property approximately two years ago and used the summer home that existed at that time for about one year before they had the house razed. In this regard, the

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 Date 6-22-06
 By [Signature]

property was the subject of prior Case No. 05-579-A in which the Petitioners sought variance relief from Section 1B02.3.C.1 of the B.C.Z.R. to allow a proposed replacement dwelling with reduced setbacks. By his Order dated July 13, 2005, Deputy Zoning Commissioner John V. Murphy granted the requests, subject to compliance with relevant County agency recommendations and Chesapeake Bay Critical Areas requirements. The Petitioners now come before me seeking an amendment as set forth above to reflect a further reduction in the front (street) setback distance provided.

In this regard, testimony and evidence offered indicated that the Petitioners intended to construct a home 35' x 68' in dimension, with side yard setbacks of 4 feet and 11 feet and followed the information received in the packet from the builder to determine measurements and setback distances. The house was to be setback 81 feet from the water and 24 feet from the road; however, after construction of the home commenced, it was discovered that the front property line was 4 feet further inside of the original measurement. Thus, only a 20-foot setback from the road can be provided.

As noted above, several residents from the surrounding community appeared in opposition to the request. They argued that the survey performed by Mr. Wells conflicts with a survey the Protestants had prepared. They also believe that the Petitioners are trying to take advantage of the County's system and that their (the Rush's) attitude about the process is offensive. Ms. Nickels and Ms. Woutila point out that any further request for an amendment to the variance relief received must be denied on the grounds that "it was incumbent upon the Petitioners to obtain an accurate survey of the property before commencing construction" . . . "that any hardship or practical difficulty they now claim was self inflicted." In response to the Protestant's concerns, Mr. Wells testified that his boundary locations are accurate and were taken from monuments found and the location of the original house. Apparently, the original measurements taken by Mr. Rush at the outset were taken from an old concrete parking pad located near the road. In any event, special hearing relief is requested as set forth above to amend the prior relief granted and legitimize existing conditions

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Date 7/27/05
By [Signature]

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. As noted above, construction of the house is nearly completed and to require its demolition and reconstruction to eliminate a 4-foot discrepancy along the road would be an unnecessary hardship and unduly burdensome upon the Petitioners. Moreover, because the new home has been constructed in *essentially* the same location as originally proposed and is only 4 feet closer to the road than previously approved, I find that the amended relief will not adversely impact the adjacent property or surrounding locale. However, as a condition to the relief granted, the Petitioners shall be required to submit to the Office of Planning the requisite building elevation drawings prior to the issuance of any use and occupancy permit. Additionally, Petitioners, by virtue of their indiscretions, shall not find themselves in a position to benefit from these unfortunate circumstances. It was mentioned during the hearing that according to the approval granted in prior Case No. 05-579-A and the resulting Baltimore County Permit No. B605354, Petitioners were permitted to construct the home within 73 feet of the waterside property line. The home, as built, is actually 81 feet back. As a condition of approval, Petitioners shall surrender any further construction rights to build closer to the water. Moreover, but for the amended relief granted herein, all other terms and conditions of the prior Order are adopted herein and made a part hereof, including, but not limited to, compliance with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements, as well as all building and fire code requirements.

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

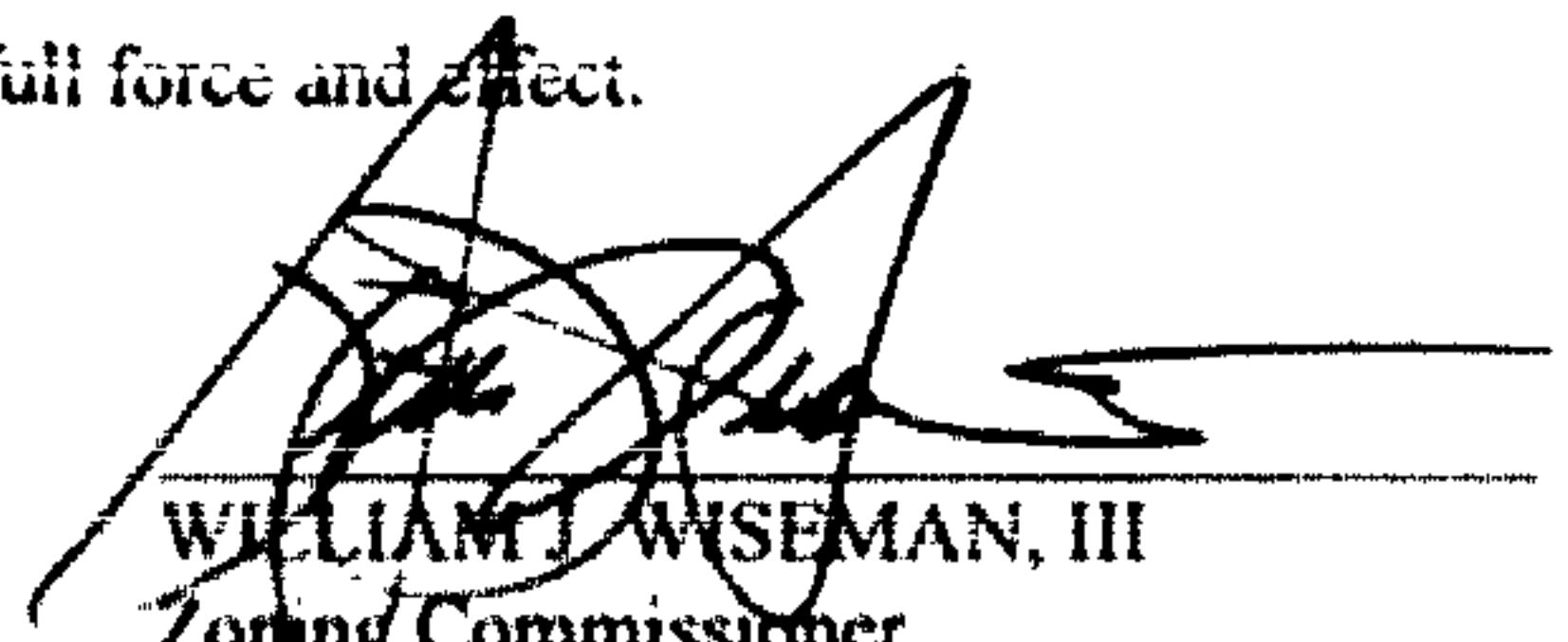
THEFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of June 2006 that the Petition for Special Hearing to approve an amendment to the Order and site plan approved in prior Case No. 05-579-A to allow rear setbacks of 20 feet in lieu of the required 30 feet for a dwelling and 20 feet in lieu of the required 22½ feet for an open projection (porch), pursuant to Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning

ORDER RECEIVED FOR FILING
Date 6-22-06
BY [Signature]

Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to 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. Copies of those comments, dated June 22, 2006 and April 26, 2006, respectively, have been attached hereto and made a part hereof.
- 3) Prior to completion of the dwelling and the issuance of a use and occupancy permit, the Petitioners shall submit building elevation drawings of the structure to the Office of Planning for review and approval.
- 4) Compliance with all Building and Fire Code regulations.
- 5) There will be no further improvements or dwelling construction permitted (closer to the water) which would obstruct adjacent neighboring property owners water view(s).
- 6) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

But for the amended relief set forth above, all other terms and conditions of the Order issued in prior Case No. 05-579-A shall remain in full force and effect.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 6-22-08
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 23, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. William Rush
1907 Cranbourne Road
Timonium, Maryland 21093

RE: PETITION FOR SPECIAL HEARING
E/S Rockaway Beach Avenue, 427' S of the c/l Turkey Point Road
(717 Rockaway Beach Avenue)
15th Election District – 6th Council District
William Rush, et ux - Petitioners
Case No. 06-501-SPH

Dear Mr. & Mrs. Rush:

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.

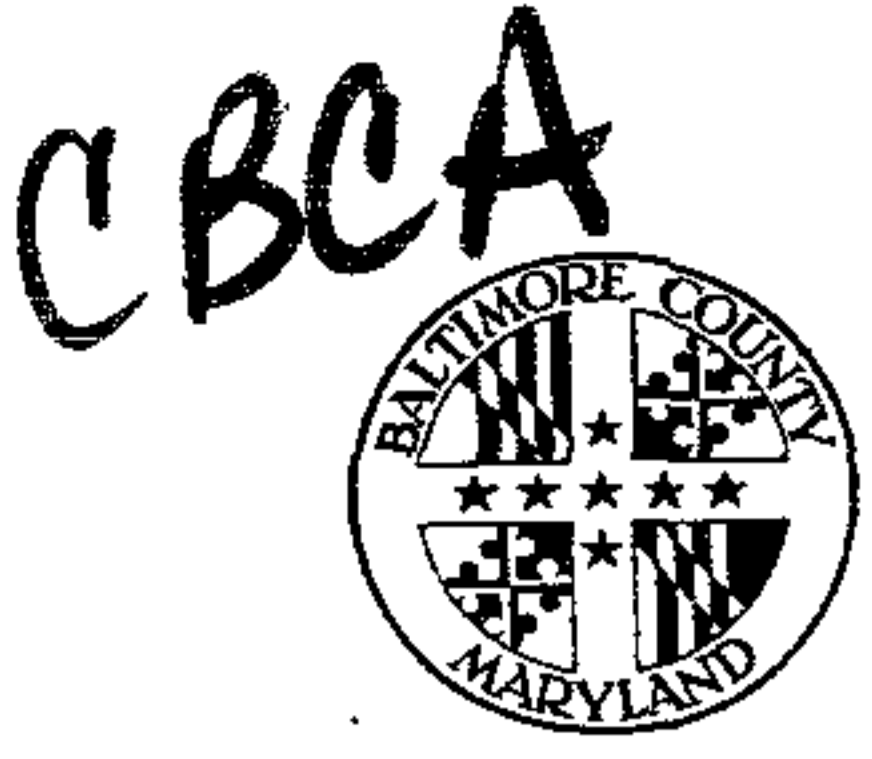
In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Kenneth J. Wells, 7403 New Cut Road, Kingsville, Md. 21087
Mr. & Mrs. William Woutila, 711 Rockaway Beach Avenue, Baltimore, Md. 21221
Ms. Jackie Nickel, 721 Rockaway Beach Avenue, Baltimore, Md. 21221
Ms. Janice Vincent, 104 Kingston Park Lane W, Baltimore, Md. 21220
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Office of Planning; Development Plans Review, DPDM; DEPRM; People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 717 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 AN AMENDMENT TO THE ORDER AND SITE PLAN APPROVED IN ZONING CASE # 05-579-A ~~PER~~ TO ALLOW REAR SETBACKS ~~PER~~ PERSUANT TO SECTIONS 1B02.3.C.1 AND 301.1 ~~OF~~ BCLR, OF 20 FT. IN LIEU OF 30 FT. FOR A DWELLING AND 20 FT. IN LIEU OF 22 1/2 FT. FOR AN OPEN PORCH RESPECTIVELY (THE PREVIOUS VARIANCE WAS GRANTED FOR 24 FT)
MLR

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):

x William Rush
Name - Type or Print _____
Signature _____
x William Rush
Signature _____
x Maryann Rush
Name - Type or Print _____
Signature _____
x 1907 Cranbourne Rd 443-791-0800
Address _____ Telephone No. _____
x Timonium, Md 21093
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS
UNAVAILABLE FOR HEARING _____
Reviewed By JL/MLR Date 4/11/06

ORDER RECEIVED FOR FILING

Case No. 06 501 SPH

06 501 SPH

Zoning Description for 717 Rockaway Beach Avenue, Essex, Maryland 21221

Beginning at a point on the ~~West~~ ^{EAST} side of Rockaway Beach Avenue which is ~~20 feet~~ ⁴⁰ wide

At the distance of ~~427 feet north~~ ^{110 FT NORTH} of the centerline of the nearest improved intersecting

Street BEACH AVE, ~~Turkey Point Road~~ ^{40 FEET} which is ~~20 feet~~ wide. Being Lot #40, Map #98, Grid #15,

Parcel # 211 in the subdivision of Rockaway Beach as recorded in Baltimore County Plat

Book # 4, Folio # 171, containing 9,027 square feet and/or .21 acres. Also known as

717 Rockaway Beach Avenue and located in the 15th Election District, 6th Councilmanic

District.

MLR

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: # 06-501-SPH

717 Rockaway Beach Avenue

East side of Rockaway Beach Avenue, 110 feet north of Beach Avenue

15th Election District — 6th Councilmanic District

Legal Owner(s): William & Maryann Rush

Special Hearing: to allow an amendment to the order and site plan approved in zoning case #05-579-A and to allow rear setbacks of 20 feet in lieu of 30 feet for a dwelling and 20 feet in lieu of 22.5 feet for an open porch respectively. (The previous variance was granted for 24 feet).

Hearing: Thursday, June 1, 2006 at 11:00 a.m. in Room 487, County Courts Building, 401 Bosley Avenue, Towson 21284.

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.

JT 5/677 May 16

95293

CERTIFICATE OF PUBLICATION

_____ 5/18/2006

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 5/16/2006.

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

S. Wilkinson
LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5957

DATE 4/14/06 ACCOUNT 001 006 6150

AMOUNT \$ 65.00

RECEIVED FROM Real

FOR Sea SPH (contribution)

to case 05 579 A 717 Rockaway Beach

ISSUED BY AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE TIME
4/12/2006 4/12/2006 11:52:30
REG. NO. 4411111111111111
> RECEIPT # 2811111111111111
Dept 5 520 (CONTRIBUTION)
CR. NO. 0000000000000000
Receipt. Ttl. \$65.00
\$65.00
Baltimore County Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-501-SPH

Petitioner/Developer: WILLIAM &
MARYANN RUSH

Date Of Hearing/Closing: 4/1/06

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

Attention:

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
at 717 ROCKAWAY BEACH RD

This sign(s) were posted on May 17, 2006

(Month, Day, Year)

Sincerely,

Martin Ogle 5/17/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

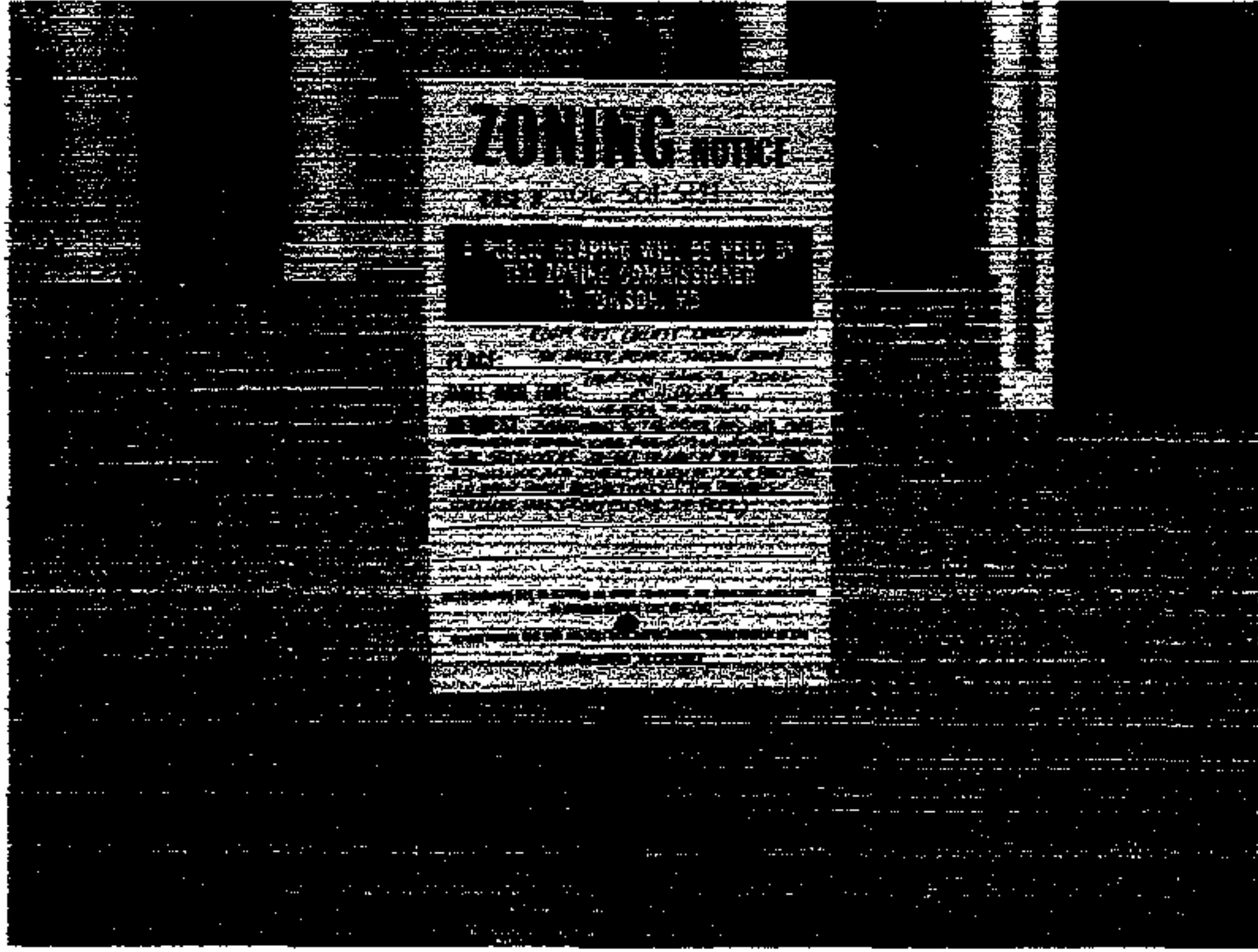
16 Salix Court

Address

Balto, Md 21220

(443-629-3411)

im000680 (1152x864x24b jpeg)



Meeting 5/17/06

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 - 501 - SPH

Petitioner: x Rush

Address or Location: x 717 Rockaway Beach Ave

PLEASE FORWARD ADVERTISING BILL TO

Name Maryann Rush

Address 1907 Cranbourne Road

Timonium, Maryland 21093

Telephone Number 410-561-3186



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

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

April 25, 2006

NEW 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: 06-501-SPH

717 Rockaway Beach Avenue

East side of Rockaway Beach Avenue, 110 feet north of Beach Avenue

15th Election District – 6th Councilmanic District

Legal Owners: William & Maryann Rush

Special Hearing to allow an amendment to the order and site plan approved in zoning case #05-579-A and to allow rear setbacks of 20 feet in lieu of 30 feet for a dwelling and 20 feet in lieu of 22.5 feet for an open porch respectively. (The previous variance was granted for 24 feet)

Hearing: Thursday, June 1, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: William & Maryann Rush, 1907 Cranbourne Road, Timonium 21093

- NOTES:** (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 22, 2006.** *check*
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386. *may 22 2006*
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 16, 2006 Issue - Jeffersonian

Please forward billing to:

Maryann Rush
1907 Cranbourne Road
Timonium, MD 21093

410-561-0186

CORRECTED 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: 06-501-SPH

717 Rockaway Beach Avenue

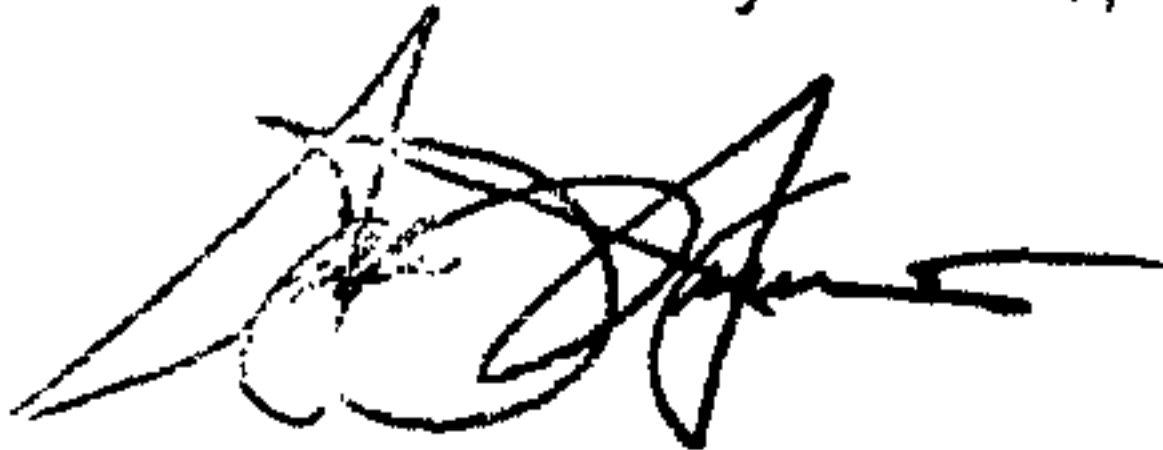
East side of Rockaway Beach Avenue, 110 feet north of Beach Avenue

15th Election District – 6th Councilmanic District

Legal Owners: William & Maryann Rush

Special Hearing to allow an amendment to the order and site plan approved in zoning case #05-579-A and to allow rear setbacks of 20 feet in lieu of 30 feet for a dwelling and 20 feet in lieu of 22.5 feet for an open porch respectively. (The previous variance was granted for 24 feet)

Hearing: Thursday, June 1, 2006 at 11:00 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 410-887-4386
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

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

April 19, 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: 06-501-SPH

717 Rockaway Beach Avenue

East side of Rockaway Beach Avenue, 110 feet north of Beach Avenue

15th Election District – 6th Councilmanic District

Legal Owners: William & Maryann Rush

Special Hearing to allow an amendment to the order and site plan approved in zoning case #05-579-A and to allow rear setbacks of 20 feet in lieu of 30 feet for a dwelling and 20 feet in lieu of 22.5 feet for an open porch respectively. (The previous variance was granted for 24 feet)

Hearing: Thursday, June 6, 2006 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: William & Maryann Rush, 1907 Cranbourne Road, Timonium 21093

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 22, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 22, 2006 Issue - Jeffersonian

Please forward billing to:
Maryann Rush
1907 Cranbourne Road
Timonium, MD 21093

410-561-0186

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: 06-501-SPH

717 Rockaway Beach Avenue

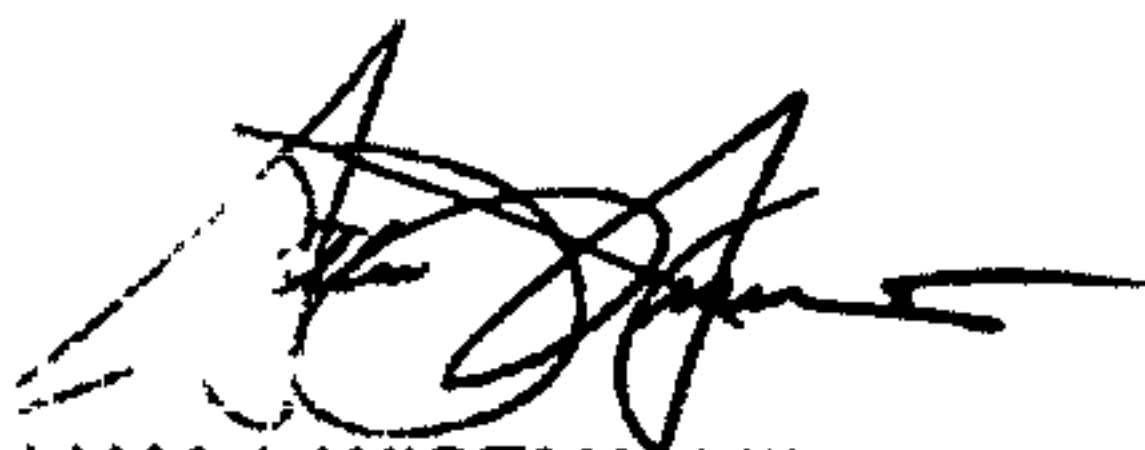
East side of Rockaway Beach Avenue, 110 feet north of Beach Avenue

15th Election District – 6th Councilmanic District

Legal Owners: William & Maryann Rush

Special Hearing to allow an amendment to the order and site plan approved in zoning case #05-579-A and to allow rear setbacks of 20 feet in lieu of 30 feet for a dwelling and 20 feet in lieu of 22.5 feet for an open porch respectively. (The previous variance was granted for 24 feet)

Hearing: Thursday, June 6, 2006 at 2:00 p.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 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-867-3391.

6/23/06 Mary Ann Rush picked up her
original Order @ this office

cell - 443.791.0800

Des Wray
P. L.

**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

May 25, 2006

William Rush
Maryann Rush
1907 Cranbourne Road
Timonium, MD 21093

Dear Mr. and Mrs. Rush:

RE: Case Number: 06-501-SPH, 717 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 April 11, 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 26, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For May 1, 2006
Item No. 501

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 feet 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:EN/clw
cc: File
ZAC-ITEM NO 501-04252006 doc

ORDER RECEIVED FOR FILING
Date 5-27-06
By [Signature]

BW
6-1-06

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 22 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
DATE: June 22, 2006
SUBJECT: Zoning Item # 06-501 SPH
Address 717 Rockaway Beach Avenue
Baltimore, Md 21221

Zoning Advisory Committee Meeting of April 24, 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:

This property must comply with the Limited Development Area and Buffer Management Area Subsets of the CBCA Regulations. Please note that the applicant must satisfy the Impervious Surface Limits, Minimum Tree Cover Limits, and any mitigation requirements associated with the Limited Development Area Regulations.

Reviewer: Kevin Brittingham

Date: June 22, 2006

ORDER RECEIVED FOR FILING
Date 6-22-06
BY [Signature]



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

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

Maryland Department of Transportation

Date: 4.21.06

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

RE: Baltimore County
Item No. 501 JLL

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

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

April 21, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 24, 2006

Item Numbers: 491-515

⁵⁰¹
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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BW
6/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

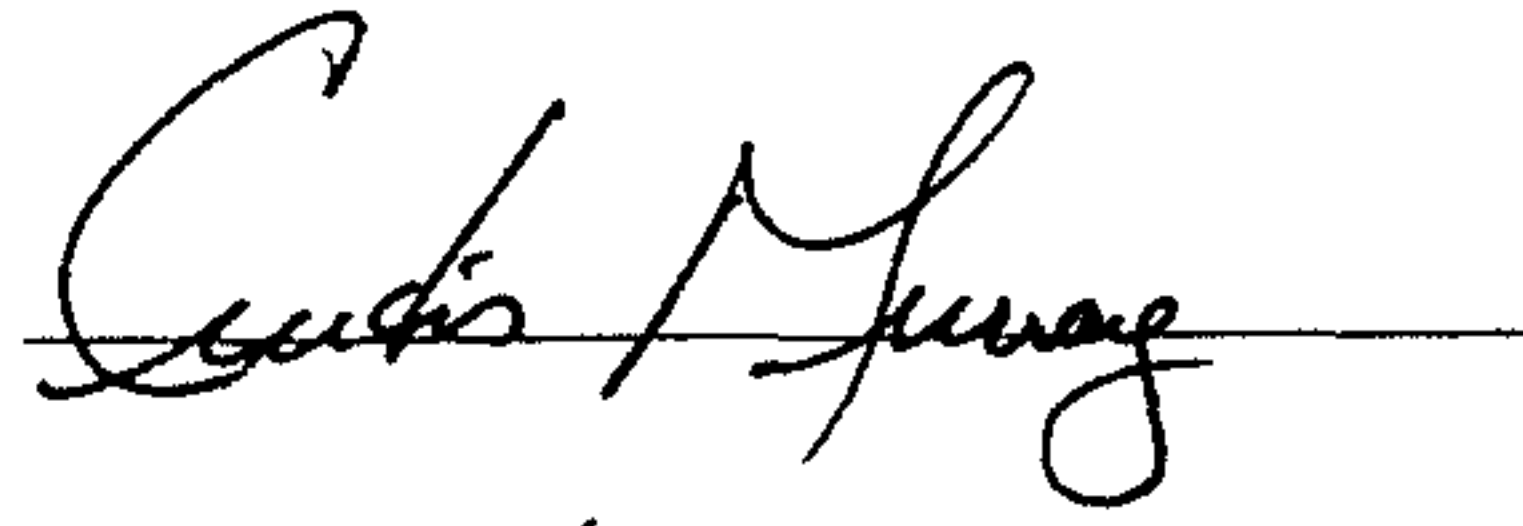
DATE: May 26, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-501- 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

RECEIVED

JUN 07 2006

ZONING DEPARTMENT

From: Debra Wiley
To: jackienickel@comcast.net
Date: 06/13/06 3:52:51 PM
Subject: Re: Fwd: 717 Rockaway Beach

Hi Jackie,

As you know, ex-party communications about a case after testimony has been received and before a decision has been rendered is improper. Bill has the information that you have provided. However, he is unable to determine the exact property boundary line at the route of this dispute. This may have to be done at some subsequent time if this matter continues to be litigated. Since Bill doesn't determine property rights, he does not wish to meet with surveyors in the field.

Perhaps following Bill's Order, he would appreciate receiving a call from you so he can better explain his position

Thank you for your understanding.

>>> Bill Wiseman 06/13/06 1:49 PM >>>

>>> Jackie nickel <jackienickel@comcast.net> 06/13/06 1:00 PM >>>

Hi Mr. Wiseman,

You should have received a fax this morning stating our surveyor's findings that the Rushes should be requesting a 13.5 foot increase in their variance instead of 4 ft. This is such a huge discrepancy, 9.5 feet - we were wondering if you could request that the two surveyors meet on site to discuss the measurements. Marcy Siegman's surveyor would be happy to cooperate. This road right-of-way will set the mark for all future development and we don't want any more houses built too close to the road.

Thanks,

Jackie Nickel

From: Jackie nickel <jackienickel@comcast.net>
To: <wwiseman@co.ba.md.us>
Date: 06/13/06 1:01:08 PM
Subject: 717 Rockaway Beach

Hi Mr. Wiseman,

You should have received a fax this morning stating our surveyor's findings that the Rushes should be requesting a 13.5 foot increase in their variance instead of 4 ft. This is such a huge discrepancy, 9.5 feet - we were wondering if you could request that the two surveyors meet on site to discuss the measurements. Marcy Siegman's surveyor would be happy to cooperate. This road right-of-way will set the mark for all future development and we don't want any more houses built too close to the road.

Thanks,
Jackie Nickel

CC: Marcy Siegman <Msrockaway2@aol.com>, Denise Woutila-wk <dwoutila@bcps.org>

From: Jackie nickel <jackienickel@comcast.net>
To: <wwiseman@co.ba.md.us>
Date: 06/08/06 12:32:19 PM
Subject: comments on 717 Rockaway Beach

Mr. Wiseman,
Denise Woutila, Marcy Siegman and I met last night to list our concerns about Mr. Rush's testimony under oath and will put them together tonight in letter form and email them to you tomorrow. We've all been very busy working and taking care of our homes and families but appreciate the chance to respond. Also, Marcy's surveyor is redoing the drawing to show the road edge and right of way.

Sincerely,
Jackie Nickel

CC: Marcy Siegman <Msrockaway2@aol.com>, Denise Woutila-wk <dwoutila@bcps.org>

From: "Bob Rush" <brush@mcdonogh.org>
To: <wwiseman@co.ba.md.us>
Date: 06/02/06 2:45:20 PM
Subject: 717 Rockaway Beach Ave.

Dear Mr. Wiseman,

Thank you for offering us your card to email you concerning the variance request at 717 Rockaway Beach Ave.

According to Baltimore County Permit # B600049 we have been given permission to construct a retaining wall 80' long and 6' high to be placed at the waterfront of our property. According to the stamped plans we submitted for this permit we would then backfill to make our property level. This would definitely block the view of the neighbors and change the look of the neighborhood at the waters edge.

Also, according to Zoning Variance # 05-579 and Baltimore County Permit # B605354 we are permitted to construct our home within 73' of our waterside property line. Our home "as built" is actually 81' back. It is my understanding that we can construct our home or part of our home 8' closer to the water which would definitely obstruct our neighbor's water view.

In an effort to show good faith and reconcile this matter we will be willing to surrender both opportunities I have listed above.

I attempted to make this offer verbally to Ms. Nickel, Ms. Seigman and Ms. Woutila to no avail.

Sincerely,

Bob Rush

cc
Tim Kotroco
Carl Richards
Vernon Boozer

CC: <tkotroco@co.ba.md.us>, <crichards@co.ba.md.us>, <gab@cablaw.com>, <marush@comcast.net>

Dear Mr. Wiseman,

At your suggestion, we are forwarding our further concerns relative the request for increased rear yard setback at 717 Rockaway Beach Ave. In addition, we will fax to you survey information to show that the property would need even more of an increase than the owners have requested.

The lot in question, at slightly more than 9,000 sq. ft., is one of the smallest on Rockaway Beach Ave. and although Mr. Rush declined on several occasions to state the square footage of the house, records reflect that it is up to 6,800+ square feet, but more likely it is between 5,800 and 6,000. It is our feeling that numbers and calculations were manipulated, with the cooperation of DEPRM, to allow such a huge structure on such a small lot, far exceeding the allowable impermeable surface area. Even county right of way footage was included in these calculations which allow 43% impermeable surface, an extreme amount in disregard of Chesapeake Bay Critical Areas laws.

Under oath, Mr. Rush time and again stated that other homes on our street were similarly situated in size and placement and he presented many unlabeled pictures. In fact, there are no homes on the state Dept. of Assessment and Taxation and website on Rockaway or Beach Ave. that even come close to his home in size. Our neighborhood's larger homes, in the 3,200-3,600 sq. ft. range, are sited on 100 ft. wide or more double lots. One home, at 745 Rockaway, is over 4,300 sq. ft. but this includes an in-law house very close to the road but long grandfathered on the site.

Ms. Nickel's home, which Mr. Rush claims is 85 feet long, consists of a modest 28x44 ft. raised rancher and a 20x36 in-law cottage (less than 2,000 sq. ft. combined), in an L shape, connected by an 8-ft. breezeway, which we can only assume Mr. Rush attempted to manipulate in order to come up with his inaccurate 85 ft. Also, the Nickel property is on over half an acre compared to his 6,000+ sq. ft. house on 9,000 sq. ft. of land.

Mr. Rush claims he presented the same plan from day one. This is not true. He, in fact, told neighbors the house would be 3,800 sq. feet, that there would be a one car, one story garage, and other false information. The only "plan" the neighbors were presented was a hand drawn rectangle and a magazine photo depicting a Victorian style dwelling. When Mrs. Nuth finally agreed to a 4 ft. side yard setback to avoid the one foot side yard variance Mr. Rush was requesting, she had no idea of the height or mass of the new structure. Although the Dept. of Planning recommended against the 4 ft. side yard setback and maintained that ten ft. was suitable, the neighbors gave in to avoid hard feelings. They were shocked and dismayed when numerous bump-outs and roof projections intruded even into this 4 feet.

Other statements made by Mr. Rush under oath that we have considered as misleading:

- He stated twice that his new house was 60 feet long instead of the actual 88 ft., then acted surprised when we drew his attention to the inaccuracy.

- He stated that many homes in the neighborhood are as big as his; this is simply untrue. Not one home is even close.

- He stated that he'd never applied for a variance before and it was an innocent mistake that led to the hearing. This is hard to believe given that he introduced himself to neighbors as "this is what I do" in regard to building houses. He also told neighbors that he directs a summer athletic camp at McDonough in contrast to his statement that he is "a Director" at the McDonough School. (FYI, although you didn't ask, Mrs. Siegman is a Registered Nurse at St. Joseph's Hospital, Mrs. Woutila is a school secretary in Baltimore County Public Schools and Ms. Nickel is a writer for The Avenue News and publisher of local histories.)

- Mr. Rush and his wife used a wheel to measure and remeasure everything hundreds of times over as if they were very confident in their home design and construction skills. Mary Ann Rush indicated that she is an experienced general contractor and would handle the project from start to finish. By all accounts, the Rushes know both the procedures and the system.

- The statement that a huge family consisting of four children and two grandmothers needing a huge house carries no weight. Two of the children are of an age to move out on their own and the grandmothers are established elsewhere. Many of us have raised three children in 2,000 sq. ft. homes and had parents living with us as well. In fact, the Siegmans and the Nickels each experienced extended families under one roof for many years (the Siegmans had a grandmother, two parents, three children, an aunt and a nephew for a total of seven, and the Nickels had a great-grandmother, grandparents, parents, a daughter, an uncle and at times, the uncle's two sons). We could never have gotten permits to expand our homes because of the size of our families. Not even today would family size dictate the size of a home on a small lot within the Chesapeake Bay Critical Areas or elsewhere.

- The number of trees removed prior to demolition has been questioned. There were five trees, two of them very large maples, that were removed from the property last summer. DEPRM inspector Kevin Brittingham noted in his report only one tree on the property, however, and it seems that fee in lieu was paid only for one tree, not five. DEPRM has not responded to our queries about this matter.

- The owners attempted for many weeks to burn all debris and discarded building materials in three steel drums placed on the waterfront side rather than lease a dumpster, these would sometimes burn all night. Finally we called the fire dept. which caused the Rushes to put an end to this practice and get a dumpster.

- Mr. Brittingham of DEPRM made comments to some of us: "I don't know how I could have approved this" and "We'll get to them with fines at occupancy." He neglected to cite obvious violations such as the pile of dirt from excavation remaining uncovered for weeks, lumber and materials, as well as a Spot-a-Pot that remains to this day, stored out in the road. This toilet in the road is smelly and unsightly and has hindered mail and parking for many, many months. You will see it in some of our photos.

- Our road has been blocked by construction activities many times and neighbors have had to visit the Essex Post Office to retrieve their mail. These circumstances have all contributed to the hard feelings you detected at the hearing. Many neighbors have offered to sign and circulate petitions against this type of construction. We decided to hold off on this action for the time being but such incompatibility will be cited as unacceptable in a revised Community Plan for Back River Neck, with the Rushes' house being used as one example of what not to do in a residential neighborhood. Our

situation was also referred to a Sunpaper reporter but neighbors at the time, hoping for a peaceful resolution and fearing consequences, declined to be quoted.

- As we were leaving the hearing last week, Mr. Rush approached Mrs. Siegman and told her that if we dropped the case he would be relinquish his right to extend his house another 15 ft. toward the water and raise the bulkhead 10-15 feet and backfill it with dirt, actions for which he already has permits, he said. This would impact and block the neighbor next door, Mrs. Nuth, to even more of an extent, he stated. It is hard for us to believe he could make the house even bigger but even more disturbing was the tone of the statement which we interpreted to be somewhere between a threat and a bribe. Any agreement with him and his wife in the future would have to be legally binding and in writing.

In conclusion, if this variance is approved, it will set a precedent for other new owners to build homes extending to the county road right of way. It will send the message of lax county inspection, enforcement and decision making. Please consider all these factors in making your decision.

Sincerely,
Jackie Nickel
Marcy Siegman
Denise Woutila

Debra Wiley - Zoning items 06-492 and 06-501

From: Jeffrey Livingston
To: Wiley, Debra
Date: 06/01/06 9:56 AM
Subject: Zoning items 06-492 and 06-501

Debbie,

I do not currently have comments for zoning items 06-492 and 06-501 and have checked with EIR. They will have a comment within the next several days. I will send you the comments as soon as I get them.

Jeff

**Department of Permits and
Development Management**



Baltimore County

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

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

March 30, 2006

06-501-SPH
?

Mr. and Mrs. William R. Rush
1907 Cranbourne Road
Timonium, Maryland 21093

Re: 717 Rockaway Beach Avenue
Variance 05-579-A
Permit NR B605354
District 15 Councilmatic 06

Dear Mr. and Mrs. Rush:

Reference is made to the above stated zoning case and subsequent dwelling under construction. As you are aware, after construction commenced, your neighbors scrutinized the size and property line setbacks of the new construction. Of special interest and scrutiny was the side yard setbacks and bump outs which I believe have been resolved so that there is no conflict with the zoning case and Baltimore County Zoning Regulations.

After receiving a scale, as built, surveyor site plan, as we had requested, this office reviewed the entire plan for strict conformance with the zoning case. This is done so that the revised plan would accurately reflect the new dwelling and relief granted. Unfortunately during our review a 4-foot discrepancy was discovered in the rear setback. A 24-foot rear setback was granted and the garage portion of the house is setback 20 feet from the street right-of-way. It has been determined by this office that the original zoning relief must be amended at a zoning special hearing or the dwelling must be altered to conform to the 24-foot setback granted. Final inspections cannot be given until the conflict is resolved.

If you need further information or a more detailed explanation or if you have any questions, please do not hesitate to contact me at 410-887-3391. We will assist you with the filing, when and if you decide to proceed with the hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR:amf
C: file

Timothy Kotroco, Director of Permits and Development Management

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 -** 1523504960

Owner Information

Owner Name:	RUSH WILLIAM R RUSH MARYANN L	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	1907 CRANBOURNE RD LUTH-TIMONIUM MD 21093-7017	Deed Reference:	1) /20302/ 208 2)

Location & Structure Information

Premises Address 717 ROCKAWAY BEACH AVE	Legal Description 717 ROCKAWAY BEACH AVE ROCKAWAY BEACH									
WATERFRONT										
Map 98	Grid 15	Parcel 211	Sub District	Subdivision	Section	Block	Lot 40	Assessment Area 3	Plat No:	Plat Ref: 4/ 171

Special Tax Areas	Town Ad Valorem Tax Class	Primary Structure Built 0000	Enclosed Area	Property Land Area 9,027.00 SF	County Use 34
Stories	Basement			Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments	
			As Of 07/01/2005	As Of 07/01/2006
Land:	97,020	239,500		
Improvements:	9,460	18,330		
Total:	106,480	257,830	106,480	156,930
Preferential Land:	0	0	0	0

Transfer Information

Seller: BONOMO DONALD J	Date: 06/24/2004	Price: \$450,000
Type: IMPROVED ARMS-LENGTH	Deed1: /20302/ 208	Deed2:
Seller: PRETL STEPHEN A,SR	Date: 04/30/1986	Price: \$80,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 7146/ 132	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

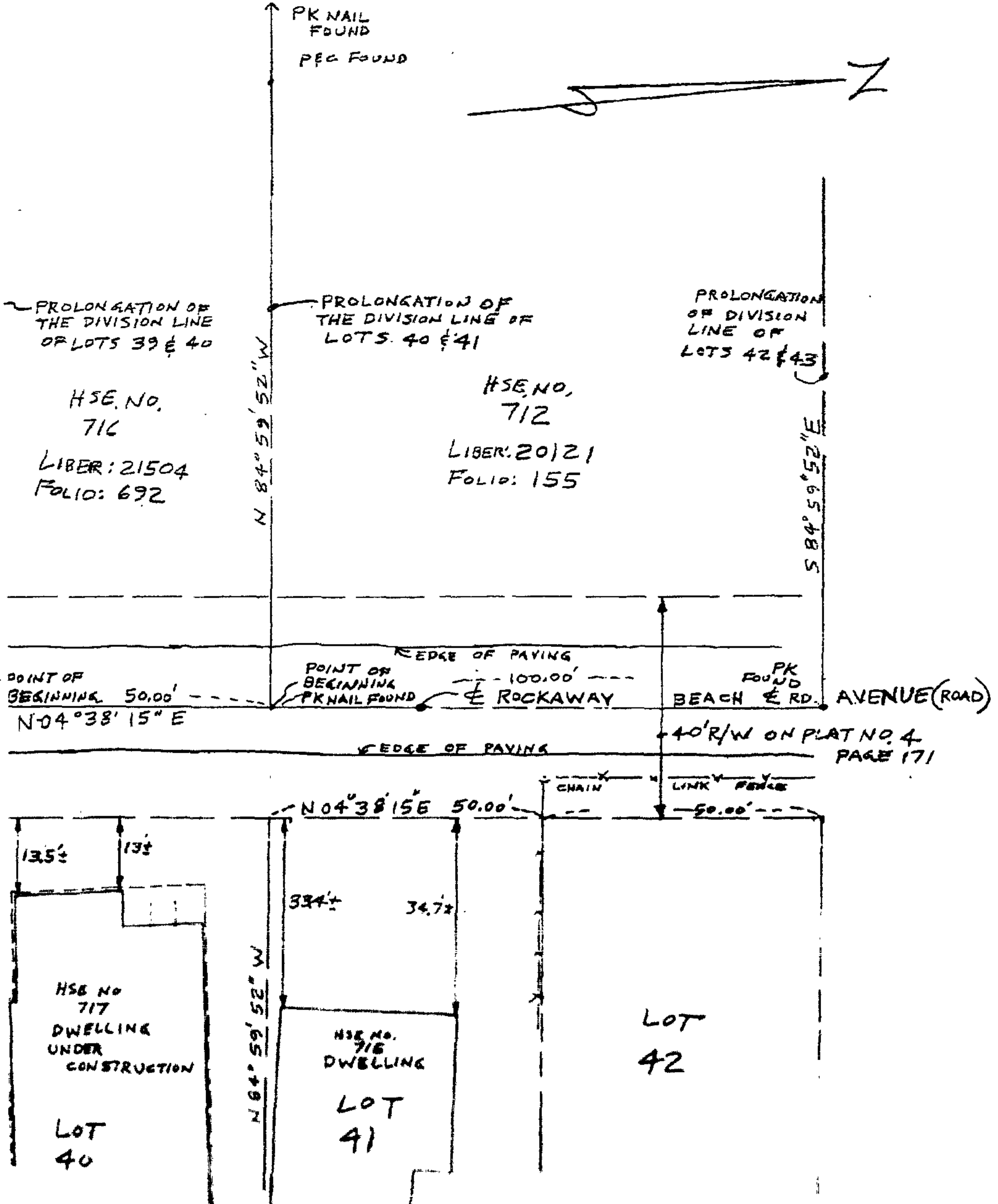
Exemption Information

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 **Special Tax Recapture:**
Exempt Class: * NONE *

William
Rush**Fax Cover Letter**
Fax # 410-887-0183**To:** Zoning Commissioner Weisman**From:** Janice Winitz, Jacke Hinkel, Marej Sersmar**Date:** 6/13/06 **Time:** 9:25**Total number of pages including cover sheet:** 9**Comments:** Case # 06-501-SPH

This is a copy of a more
detailed survey that shows
the construction at 717 Rockaway
Beach is actually 13.5 ft
from the right of way. Enclosed
are deeds which were used for
the survey. A hard copy is in
the mail today. Thank You

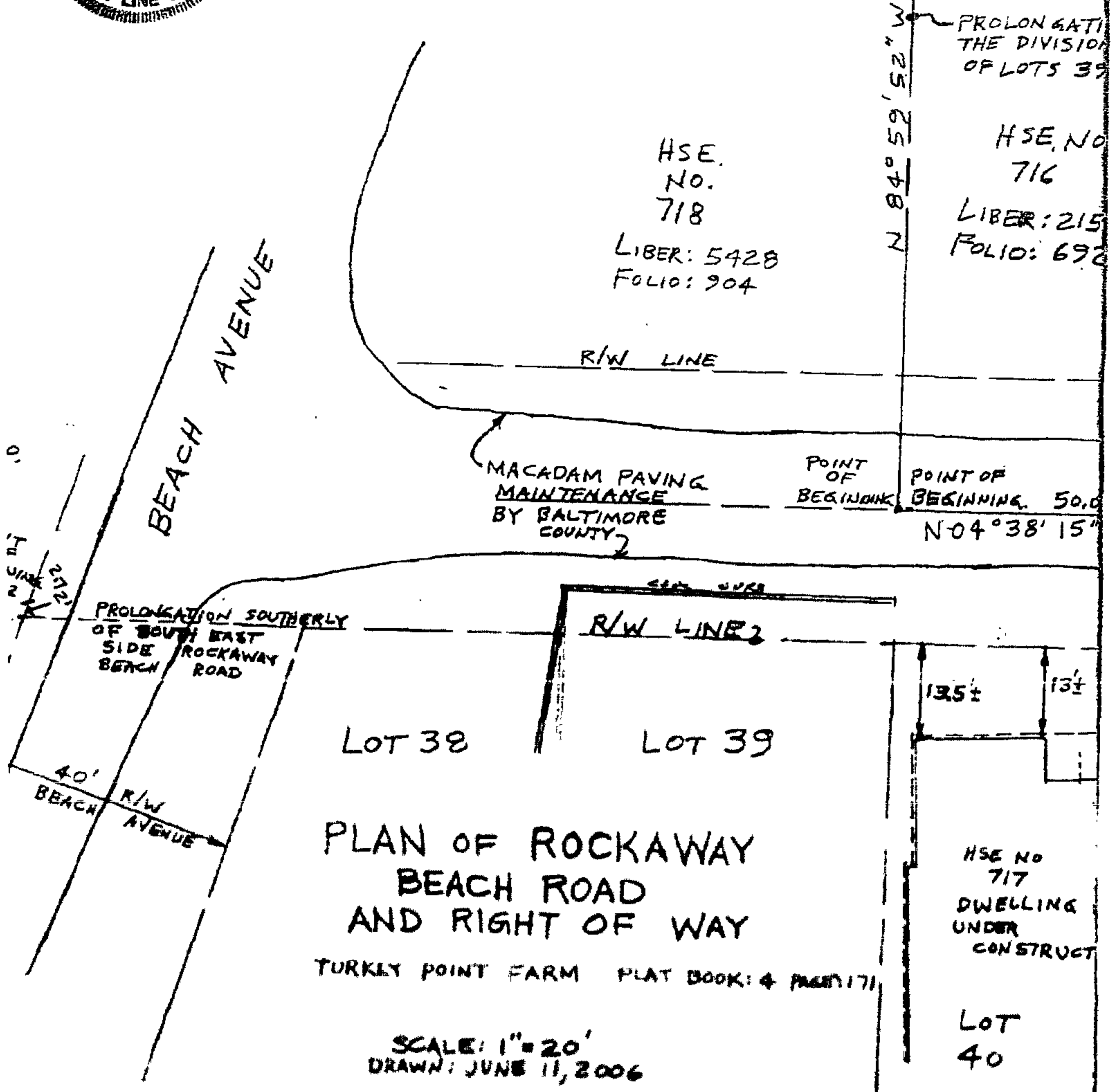


Annis A. Warren
Property Line Surveyor 208

Beddorn Road Middle River, Maryland

410-687-0196

21220-4828



PLAN OF ROCKAWAY
BEACH ROAD
AND RIGHT OF WAY
TURKEY POINT FARM PLAT BOOK: 4 PAGE 171

SCALE: 1" = 20'
DRAWN: JUNE 11, 2006

HSE NO
717
DWELLING
UNDER
CONSTRUCT

LOT
40

HSE.
NO.
718
LIBER: 5428
FOLIO: 904

HSE, NO
716
LIBER: 215
FOLIO: 692

N 84° 59' 52" W

PROLONGATI
THE DIVISION
OF LOTS 39

MACADAM PAVING
MAINTENANCE
BY BALTIMORE
COUNTY

POINT
OF
BEGINNING

POINT OF
BEGINNING 50.0
N 04° 38' 15"

PROLONGATION SOUTHERLY
OF SOUTH EAST
SIDE ROCKAWAY
BEACH ROAD

LOT 38

LOT 39

135±

13±

40'
BEACH

R/W
AVENUE

R/W LINE

SEE SURVEY

Woutila, Denise M.

From: Rose Campbell [RCampbell@co.ba.md.us]
Sent: Tuesday, May 02, 2006 1:16 PM
To: Carl Richards
Subject: Rush 717 Rockaway Beach

April 25, 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: 06-501-SPH

717 Rockaway Beach Avenue

East side of Rockaway Beach Avenue, 110 feet north of Beach Avenue 15th Election District * 6th

Councilmanic District Legal Owners: William & Maryann Rush

Special Hearing to allow an amendment to the order and site plan approved in zoning case #05-579-A and to allow rear setbacks of 20 feet in lieu of 30 feet for a dwelling and 20 feet in lieu of 22.5 feet for an open porch respectively. (The previous variance was granted for 24 feet)

Hearing: Thursday, June 1, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: William & Maryann Rush, 1907 Cranbourne Road, Timonium 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 22, 2006.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 16, 2006 Issue - Jeffersonian

0015332 431

File No: 4287AT

THIS DEED, Made this 12th, day of June, 2001, by and between ELLA VIRIGNIA RUTHERFORD by her Attorney in Fact WILSON R. RUTHERFORD, III, pursuant to a Power of Attorney dated January 12, 1998 recorded or intended to be recorded immediately prior hereto among the Land Records of Baltimore City, party of the first part, unto WILLIAM J. SCHREIBER JR. and DIANE M. LACKO, parties of the second part.

WITNESSETH, That in consideration of the sum of Two Hundred Fifty-Nine Thousand Nine Hundred and 00/100 (\$259,900.00), the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said parties of the second part, WILLIAM J. SCHREIBER JR. and DIANE M. LACKO, as joint tenants and not as tenants in common, the survivor of them and the survivor's personal representatives, heirs and assigns, interest in fee simple, in all that parcel of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at the Southwest side of Beach Avenue 40 feet wide as shown on a Plat of Rockaway Beach recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4 folio 171 at the distance of 2.72 feet Northwesterly from a point where said side of Beach Avenue is intersected by the prolongation Southerly of the South east side of Rockaway Beach Road as shown on said plat thence North 58 degrees 58 minutes West binding on Beach Avenue 50 feet thence South 31 degrees 02 minutes West at right angles to Beach Avenue 189.95 feet to a concrete block bulkhead and to the waters of Sue's Creek thence Southeasterly binding on said bulkhead and the waters of said creek 50 feet more or less to meet a line drawn South 31 degrees 02 minutes West from the place of beginning and thence reversing said line so drawn North 31 degrees 02 minutes East 188.59 feet to the place of beginning. Being lot 31 as shown on the plat above referred to. The improvements thereon are now known as 31 Rockaway Beach. The foregoing description being in accordance with the survey of Edward V. Coonan & Co., surveyors and civil engineers dated August 26, 1959. The improvements are also known as 621-2427 D.H Beach Avenue.

BEING the same lot of ground which by Deed dated July 22, 1975 and recorded among the Land Records of Baltimore County in Liber 5555, folio 530 was granted and conveyed by Ronken, Inc. unto Wilson R. Rutherford, Jr. and Ella Virginia Rutherford, his wife

The said Wilson R. Rutherford, Jr. having since departed this life on or about February 27, 1998 thereby vesting sole title to Ella Virginia Rutherford

The within grantees do hereby certify under the penalties of perjury that the land conveyed herein is residentially improved owner-occupied real property, and that the residence will be occupied by the grantees.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, of in anywise appurtenant

TO HAVE AND TO HOLD the said described lot of ground and premises to the said parties of the second part, WILLIAM J. SCHREIBER JR. and DIANE M. LACKO, as joint tenants and not as tenants in common, the survivor of them and the survivor's personal representatives, heirs and assigns, in fee simple

And the said party of the first part heretofore

0020121 155

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made this 29 day of APRIL, 2004, by and between MARCIA S. GALLOWAY, Personal Representative of the Estate of Gary D. Galloway, Jr., a resident of the State of Maryland (hereinafter referred to as the "Grantor"), and MARCIA S. GALLOWAY, his wife (hereinafter referred to as the "Grantee").

WHEREAS, Gary D. Galloway, Jr., late of Baltimore County, Maryland, died on December 30, 2003, leaving a Last Will and Testament which was admitted to probate by the Register of Wills for Baltimore County Estate Docket No. 128902. The Last Will and Testament devised the rest, residue and remainder of his estate, of which the property described below is a part, to the Grantee; and

WHEREAS, Marcia S. Galloway, the Personal Representative of the Estate of Gary D. Galloway, Jr.; deceased, (Estate Docket No. 128902) is distributing the real property described below to the Grantee pursuant to Item Five (A) of the Last Will and Testament of Gary D. Galloway, Jr. and is executing this Deed of testamentary distribution to evidence the title of the Grantee.

NOW, THEREFORE, WITNESSETH, that in consideration of the sum of Zero Dollars (\$0.00), the Grantor does hereby grant and convey to the Grantee, her heirs, personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same in the center of a 40' Avenue (now known as Rockaway Beach Avenue) as laid out and shown on a plat entitled "Turkey Point Farms", recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. 4 Page 171, at a point where said road would be intersected by a westerly prolongation of the division line between Lots 42 and 43, thence running and binding on the center of said Avenue, with all courses of this description referred to the meridian established in the Baltimore County Metropolitan District,

(1) South 04 degrees 38' 15" West 100.00 feet to intersect the division line between Lots 40 and 41 if projected in a westerly direction, thence leaving the center of Rockaway Beach Avenue and running and binding on said prolongation,

(2) North 84 degrees 59' 52" West 112.33, thence leaving the prolongation of the division line between Lots 40 and 41 and running for new lines of division

0000121100

across the land which by Deed dated July 2, 1996 and recorded among the Land Records aforesaid in Liber S.M. 11698, folio 650 was granted and conveyed by David W. Fisher, Esq., Personal Representative of the Estate of Matthew Francis Gartner to 712 Rockaway, LLC, the three following courses and distances viz:

(3) North 05 degrees 00' 08'' East 50.46 feet

(4) North 84 degrees 59' 52'' West 30.00 feet, and

(5) North 05 degrees 00' 08'' East 49.55 feet to intersect the westerly prolongation of the division line between Lots 42 and 43 aforesaid, thence running and binding reversely on said prolongation,

(6) South 84 degrees 59' 52'' East 141.70 feet to the point of beginning, containing 12,688 square feet, or 0.2913 acres of land, more or less, as surveyed by S.J. Martenet and Co. in May 1996.

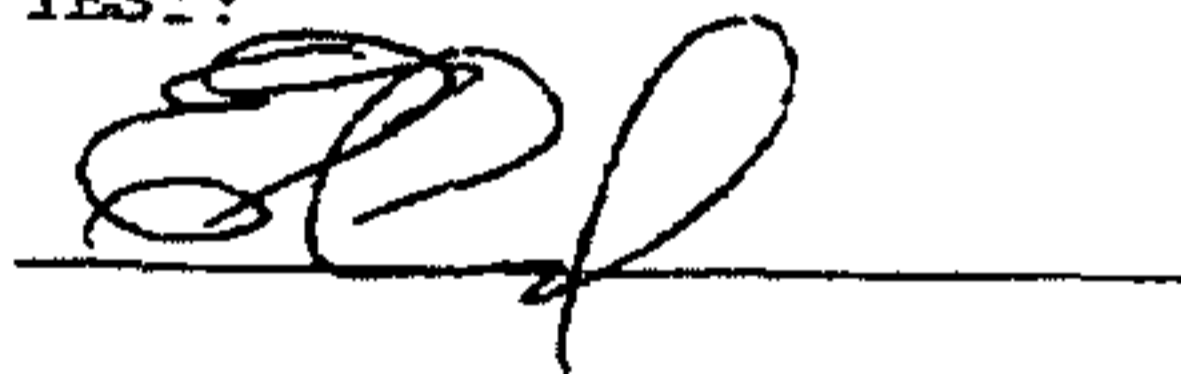
BEING the same property which by Deed dated March 27, 1997, and recorded among the Land Records of Baltimore County, Maryland at Liber 12124, folio 109, was granted and conveyed by 712 Rockaway, LLC to Gary D. Galloway, Jr. Gary D. Galloway, Jr. departed this life on December 30, 2003.


TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the property described herein to the Grantee, her heirs, personal representatives and assigns, in fee simple, forever.

WITNESS the hand and seal of the Grantor.

TEST:



 (SEAL)
MARCIA S. GALLOWAY Personal Representative of the Estate of Gary D. Galloway, Jr., a resident of the State of Maryland

Wit. *John J. Merzbacher*
 Lt. of Books
John J. Merzbacher
Real Estate A

This Deed, Made this 25th day of Feb.

in the year one thousand nine hundred and seventy-four, by and between

✓ JOHN J. MERZBACHER M-1-74 2795502 *****8.00
M-1-74 2795502 *****8.00
 ✓ JOHN J. MERZBACHER AND GLORIA J. MERZBACHER, his wife
 of the second part.

Witnesseth, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged

The said John J. Merzbacher, life tenant with full power. This deed is in exercise of said powers

does hereby grant and convey unto the said John J. Merzbacher and Gloria J. Merzbacher, his wife as tenants by the entireties, their heirs and assigns and to the survivor of them, his or her

heirs and assigns.

in fee simple, all that _____ lot(s) of ground, situate, lying and being in

Baltimore County _____, State of Maryland and described as follows, that is to say:—

Beginning for the same in the center of an Avenue 40 feet wide at a point where, a prolongation of the division line between Lots Numbered 39 and 40, as shown on the plat of Turkey Point Farm, also known as Rockway Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 4, folio 171, would intersect the center of said Avenue and running thence westerly by a line coinciding with the prolongation of said division line 166 feet (erroneously referred to as 116 feet in the description of a deed dated September 29, 1959 from Ross C. Nuth unto John J. Nuth and Ruth W. Nuth.) to the center of another Avenue 40 feet wide said line being the third line and southern boundary of a lot of ground conveyed by Samuel W. House to John Merzbacher and wife and recorded in W.M.N., No. 655, folio 237, of the Land Records of Baltimore County thence southeasterly along the center of said last mentioned Avenue by a curved line 213 feet, more or less, to a point where said Avenue crosses or intersects the first mentioned Avenue and thence northerly along the center of said first mentioned Avenue 104 feet to the place of beginning.

Being the triangular corner of a larger tract of land conveyed by the Rockway Beach Company to Howard M. Ziegler on July 23, 1919, and recorded among the Land Records of Baltimore County in W.P.C. No. 316, folio 71.

BEING the same lot of ground which by deed dated December 14, 1968 and recorded among the Land Records of Baltimore County in Liber O.T.C. 4540, folio 20 was granted and conveyed by John J. Nuth and wife unto the within Grantor, for life with full powers. This deed is made in exercise of the said powers.

0021504 692



Lawyers Trust Title Company
File No. 04-1788MSH
Tax ID # 15 1502571310

This Deed, made this 18th day of February, 2005, by and between George M. Myers and Elaine M. Myers, parties of the first part, Grantors; and Jonathan A. Broda and Patricia G. Broda, parties of the second part, Grantees.

- **Witnesseth** -

That for and in consideration of the sum of One Hundred Fifty Five Thousand And 00/100 Dollars (\$155,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said Jonathan A. Broda and Patricia G. Broda, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEGINNING FOR THE SAME in the center of an Avenue 40 feet wide at a point where a prolongation of the division line between Lots 40 and 41 (as shown on a Plat of Turkey Point Farm also known as Rockaway Beach recorded among the Land Records of Baltimore County in Plat book WPC No. 4, folio 171) would intersect the center of said Avenue and running thence Westerly by a straight line coinciding with the prolongation of said division line 220 feet more or less to the center of another Avenue as shown on the aforesaid Plat thence Southeasterly along the center of said last mentioned Avenue by a curved line of 55 feet more or less thence Easterly by a line parallel with the first line in the description 166 feet more or less to the center of said first mentioned Avenue and thence Northeasterly binding on said center line of said Avenue 50 feet more or less to the place of beginning. The above described lot of ground being and intending to be the lot of ground immediately in front of Lot No. 40 as shown on the Plat hereinabove referred to. The improvements thereon being known as No. 716 Rockaway Beach Avenue.

BEING the same property, which by Deed dated June 19, 1979, and recorded among the Land Records of Baltimore County, Maryland, in Liber No. EHK, Jr. 6038, folio 385, was granted and conveyed by Mary J. Boeren also known as Mary Jane Boren by Helen Gartner, her Attorney-in-Fact unto George M. Myers and Elaine M. Myers.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Jonathan A. Broda and Patricia G. Broda as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple

And the said parties of the first part hereby covenant that they have not done or

MODE = MEMORY TRANSMISSION START=JUN-13 13:56 END=JUN-13 13:58

FILE NO.=237

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	a	94108237530	004/004	00:01:27

-ZONING COMMISSIONER OFF M-

***** - 410 887 3468- *****

From Bill -

WHEN I GET A DEPRM COMMENT ILL RELEASE THE ORDER !

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 E/S Rockaway Beach Avenue, 110' N of * ZONING COMMISSIONER
 the c/I Beach Avenue * OF BALTIMORE COUNTY
 (717 Rockaway Beach Avenue) * Case No. 06-501-SPH
 15th Election District *
 6th Council District *
 William Rush, et ux *
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, William Rush, and his wife, Maryann Rush. The Petitioners request a special hearing to approve an amendment to the Order and site plan approved in prior Case No. 05-579-A to allow rear setbacks of 20 feet in lieu of the required 30 feet for a dwelling and 20 feet in lieu of the required 22½ feet for an open projection (porch), pursuant to Sections 1B02.3.C.1 and 301.1 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 William (Bob) and Maryann Rush, property owners, and Kenneth J. Wells, the Surveyor who prepared the site plan for this property. Appearing as Protestants were William and Denise Woutila, adjacent property owners, Marcyanna Siegman, Janice Vincent, and Jackie Nickel, President of the Rockaway Beach Improvement Association Inc, all nearby residents of the area.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped waterfront lot located south of Turkey Point Road on the east side of Rockaway Beach Avenue, with frontage on Middle River. The property is approximately 50 feet wide and 185 feet deep, and contains a gross area of 9,077 sq.ft (21 acres) more or less, zoned D R.3.5. The Petitioners purchased the property approximately two years ago and used the summer home that existed at that time for about one year before they had the house razed. In this regard, the

IN RE: **PETITION FOR VARIANCE**
E/S Sue Grove Road, 1,771' S of the c/l
Turkey Point Road
(905 Sue Grove Road)
15th Election District
6th Council District

A & M Real Estate, LLC
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-427-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, A & M Real Estate, LLC by its managing members Mark R. Haynes and Atusa Haynes. The Petitioner(s) seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the variance relief granted under prior Case No. 05-157-A to permit a side yard setback of 1.6 feet and a sum of the side yards of 10.6 feet in lieu of the required 15 feet and 25 feet, respectively, for a proposed dwelling. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Mark and Atusa Haynes, property owners, and their attorney, P. Christian Dorsey, Esquire. Appearing as Protestants/interested citizens were William A. Kilgore, Jr., adjacent property owner, and his daughter, Karen H. Diehl.

As noted above, this property was the subject of prior Case No. 05-157-A in which the Petitioner(s) filed for similar variance relief in order to construct a new dwelling. Testimony and evidence presented in that case disclosed that the subject property is an irregular shaped waterfront parcel, 12,052 sq.ft. in area, zoned D.R.3.5. The property is also known as Lot 18 of Sue Grove, an older subdivision that was recorded in the Land Records well prior to the effective date of the current zoning regulations and Chesapeake Bay Critical Area requirements. As is

often the case with lots in older subdivisions, the subject property lacks sufficient width by today's standards. In this regard, the property is trapezoidal in shape, approximately 30 feet wide along Sue Grove Road; however, widens to 63 feet along Sue Creek.

The Petitioner(s) purchased the property in August 2004 with the intention of building a new home in which they will reside. At the time of their purchase, the property was improved with a summer cottage which had deteriorated beyond repair. The Petitioner(s) proposed to raze the existing structure and filed for variance relief to allow for the construction of their new home in essentially the same building footprint. The original structure was located 4.5 feet from the west side property line adjoining Lot 17 (the Kilgour property), and 8.5 feet from the east side property line. However, due to the fact that the lot did not meet current width requirements for development, the requested variance relief was necessary in order to proceed with construction.

By his Order dated December 14, 2004, and letter of correction issued on February 7, 2005, Deputy Zoning Commissioner John V. Murphy granted relief to allow a side yard setback of 4.5 feet and a sum of the side yards of 13 feet. The Petitioner(s) now come before me seeking approval of an additional amendment to the prior relief granted. In this regard, testimony indicated that the Petitioner(s) obtained their requisite building permit to commence construction and the original structure and a fence that ran along the western property line adjacent to the Kilgour property were removed. Apparently, the removal of the fence resulted in a dispute between Mr. Kilgour and the Petitioner(s) as to the actual location of the western property line. Construction of the home continued, and ultimately, Mr. Kilgour filed a complaint alleging that the new construction was not in compliance with the prior zoning relief and had, in fact, encroached upon his property. Apparently the parties believed that the fence was located on the property line and the Petitioner(s) used its location to measure the 4.5-foot setback on that side. However, after various surveys had been completed by the parties, it was determined that the fence was actually located on the Kilgour property and although the new house itself had not crossed the property line, the heat pump and air conditioning units for the new house are located

on the Kilgour property. Thus, the Petitioner(s) intend to relocate those units; however, the requested variance relief is necessary in order for the Petitioner(s) to obtain their use and occupancy permit. As shown on the site plan, a side yard setback of 1.6 feet is now provided at its closest point on the west side and a 9-foot setback is shown to the east.

As noted above, William Kilgour and his daughter, Karen Diehl, appeared as interested citizens/Protestants in the matter. As noted above, they are generally opposed to the location of the home and are currently considering litigation to determine the actual location of the property line. They believe that the new house is actually closer to the property line than the original home. However, as explained at the hearing, I do not have the authority as Zoning Commissioner to resolve property line disputes or determine rights of ownership. Those matters are issues that must be raised and settled through the Circuit Court.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. As noted above, the house has already been constructed and the requested relief is necessary in order for the Petitioner(s) to obtain their use and occupancy permit. Thus, it is clear that strict compliance with the regulations would be unduly burdensome and result in a practical difficulty. Moreover, because the new home has been constructed in *essentially* the same footprint as the original structure, I find that there will be no detrimental impacts to the adjacent property or surrounding locale, over and above that which previously existed when the old shore home existed. However, as a condition to the relief granted, the Petitioner(s) shall be required to relocate the heat pump/air conditioning units within sixty (60) days of the date of this Order. Moreover, but for the amended relief granted herein, all other terms and conditions of the prior Order are adopted herein and made a part hereof, including, but not limited to, compliance with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements, as well as all building and fire code requirements.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of April 2006 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the variance relief granted under prior Case No. 05-157-A to permit a side yard setback of 1.6 feet and a sum of the side yards of 10.6 feet in lieu of the required 15 feet and 25 feet, respectively, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner(s) 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 comments submitted by DEPRM and the Development Plans Review division of DPDM relative to 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. Copies of those comments, dated April 11, 2006 and March 27, 2006, respectively, have been attached hereto and made a part hereof.
- 3) Compliance with all Building and Fire Code regulations.
- 4) Within sixty (60) days of the date of this Order, the Petitioner(s) shall remove any and all structures from the Kilgore property. Specifically, the Petitioner(s) shall relocate the heat pump/air conditioning units to a suitable location on the subject property.
- 5) 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

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

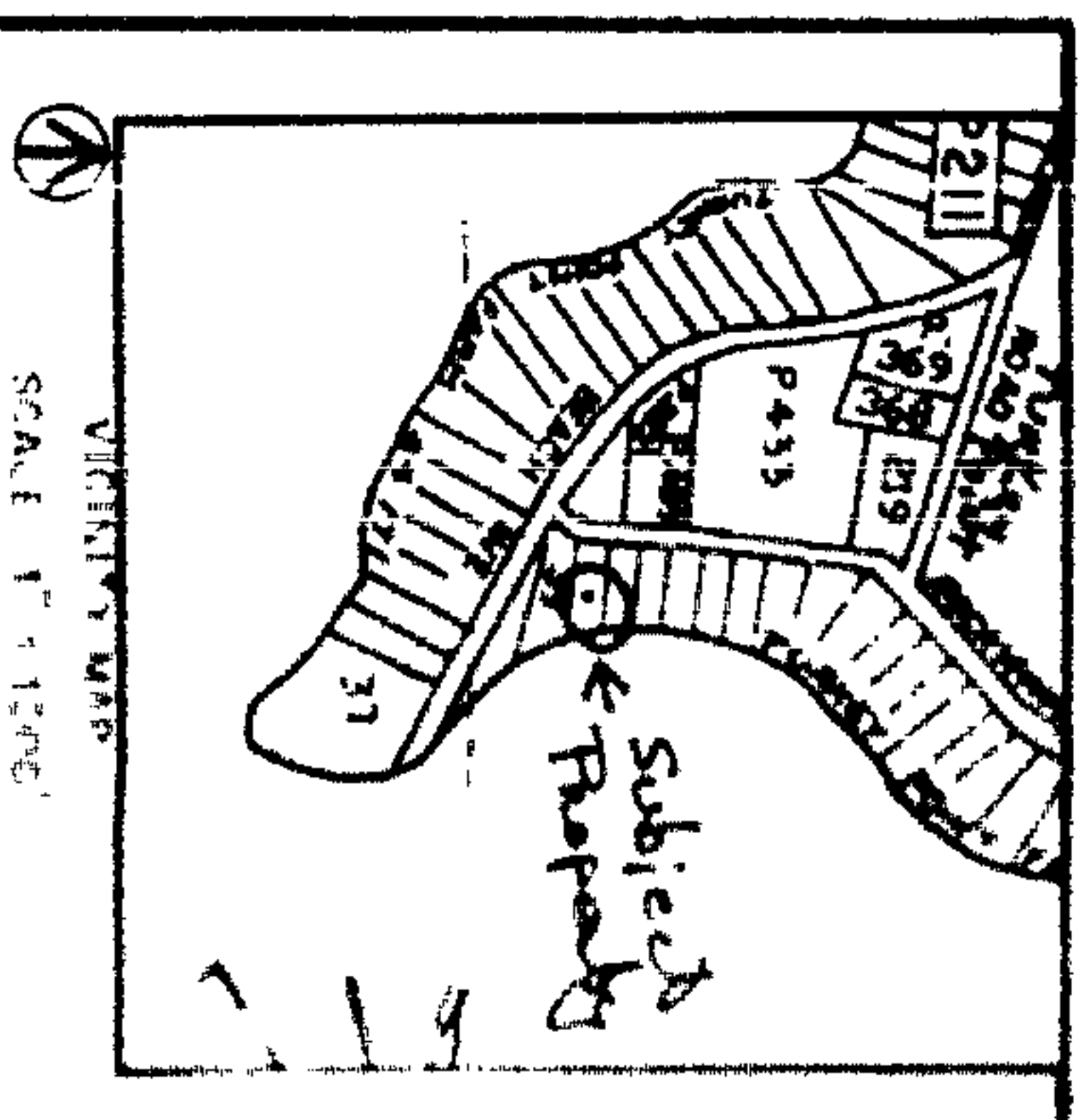
PROPERTY ADDRESS 117 Rockaway Beach Ave PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Rockaway Beach

PLAT BOOK # 4 FOLIO # 171 LOT # 40 SECTION # 11A

OWNER William and Maryann Rush

X See attached Sealed Survey by
KJBells Inc.



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # 50-1-1

ZONING DR 3.5

LOT SIZE 21 110.27

ACREAGE 0.48 52.99

SEWER 12 PRIVATE

WATER 14 11

CHEESAPEAKE BAY CRITICAL AREA 12

100 YEAR FLOOD PLAIN 12

HISTORIC PROPERTY BUILDING 12

PRIOR ZONING HEARINGS 05-579-A

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # 12 DATE 12/1/01

PREPARED BY Bob Rush

SCALE OF DRAWING: 1" = 30'



12/1/01 501

DEED REFERENCE: 20302/208
PLAT REFERENCE: 4/171

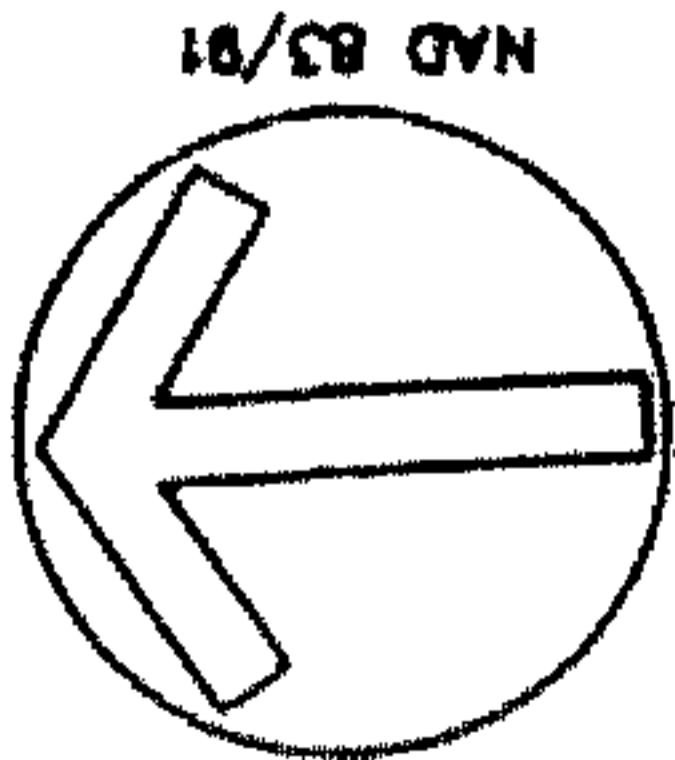
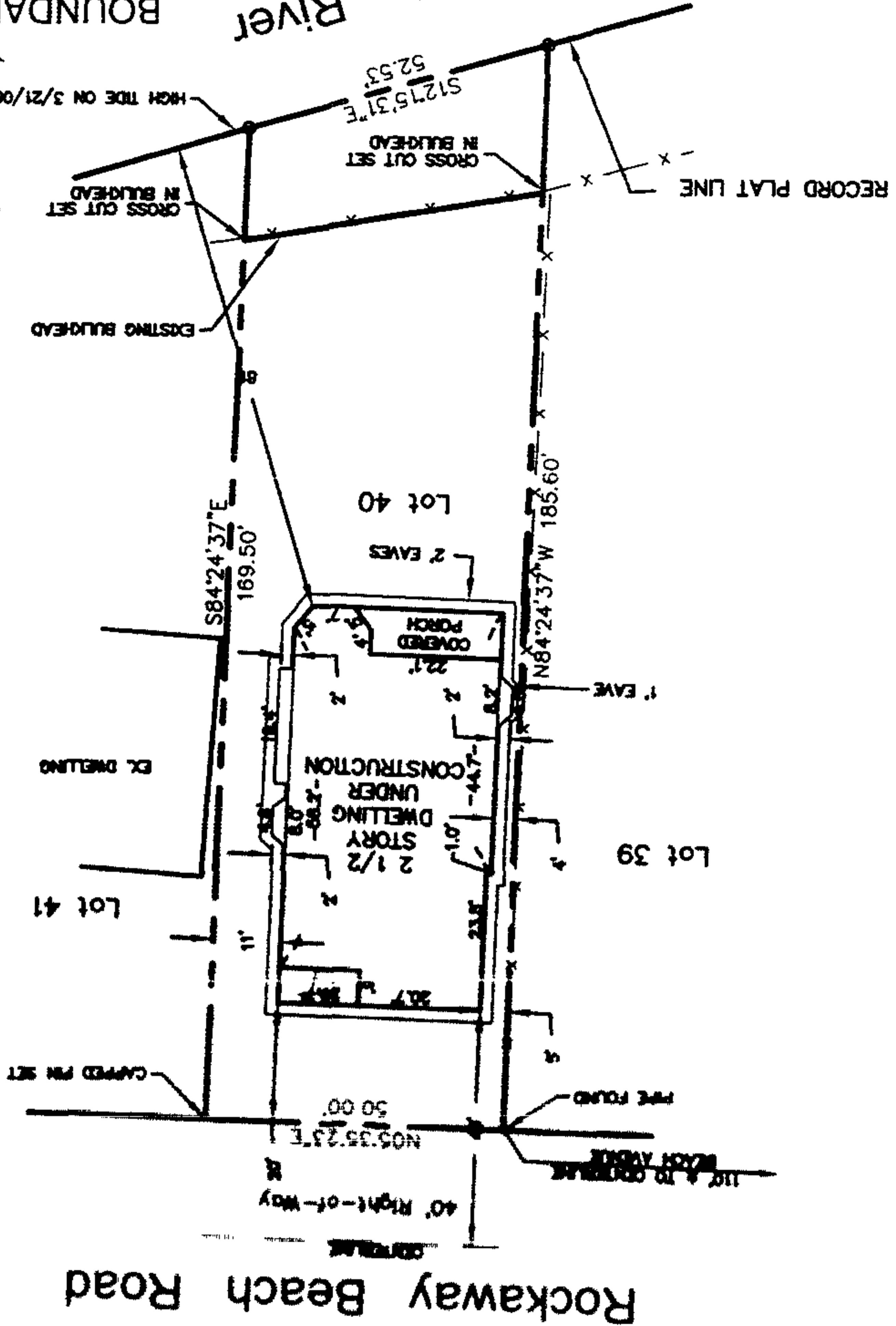
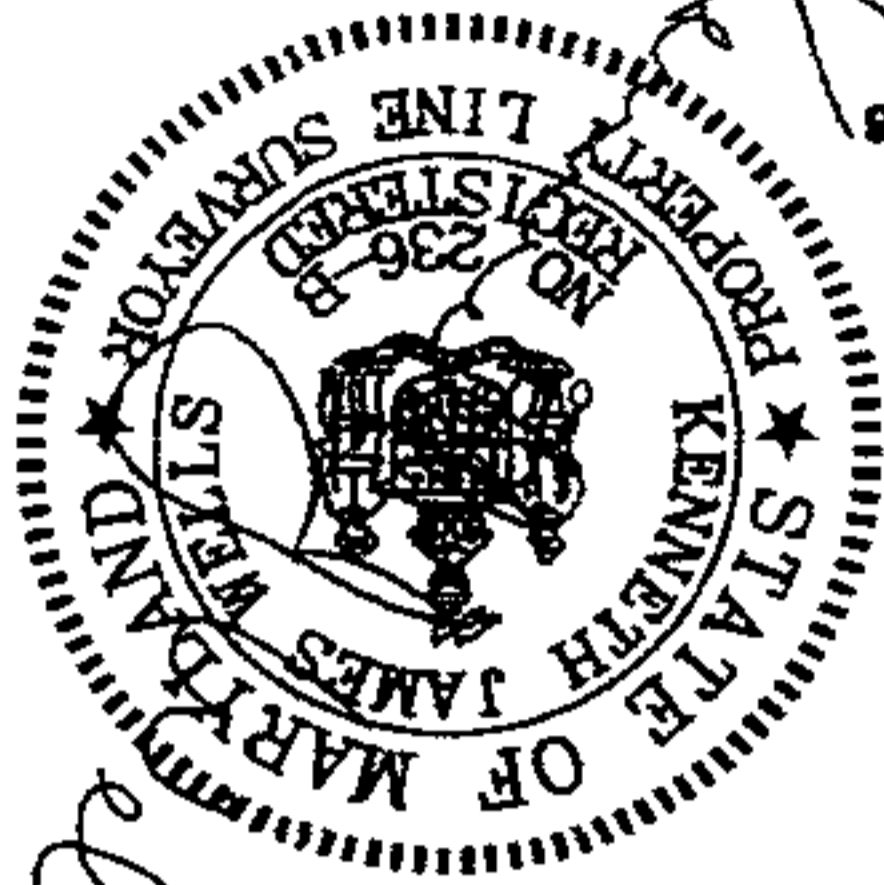
kjwellsinc
Land Surveyors & Site Planners
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

DWELLING PROJECTIONS

LEGEND:

SCALE: 1" = 30'
DATED: 6/13/2005
REVISION DATE: 3/21/2006

BOUNDARY SURVEY PLAT
717 ROCKAWAY BEACH ROAD
LOT 40 "ROCKAWAY BEACH"



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

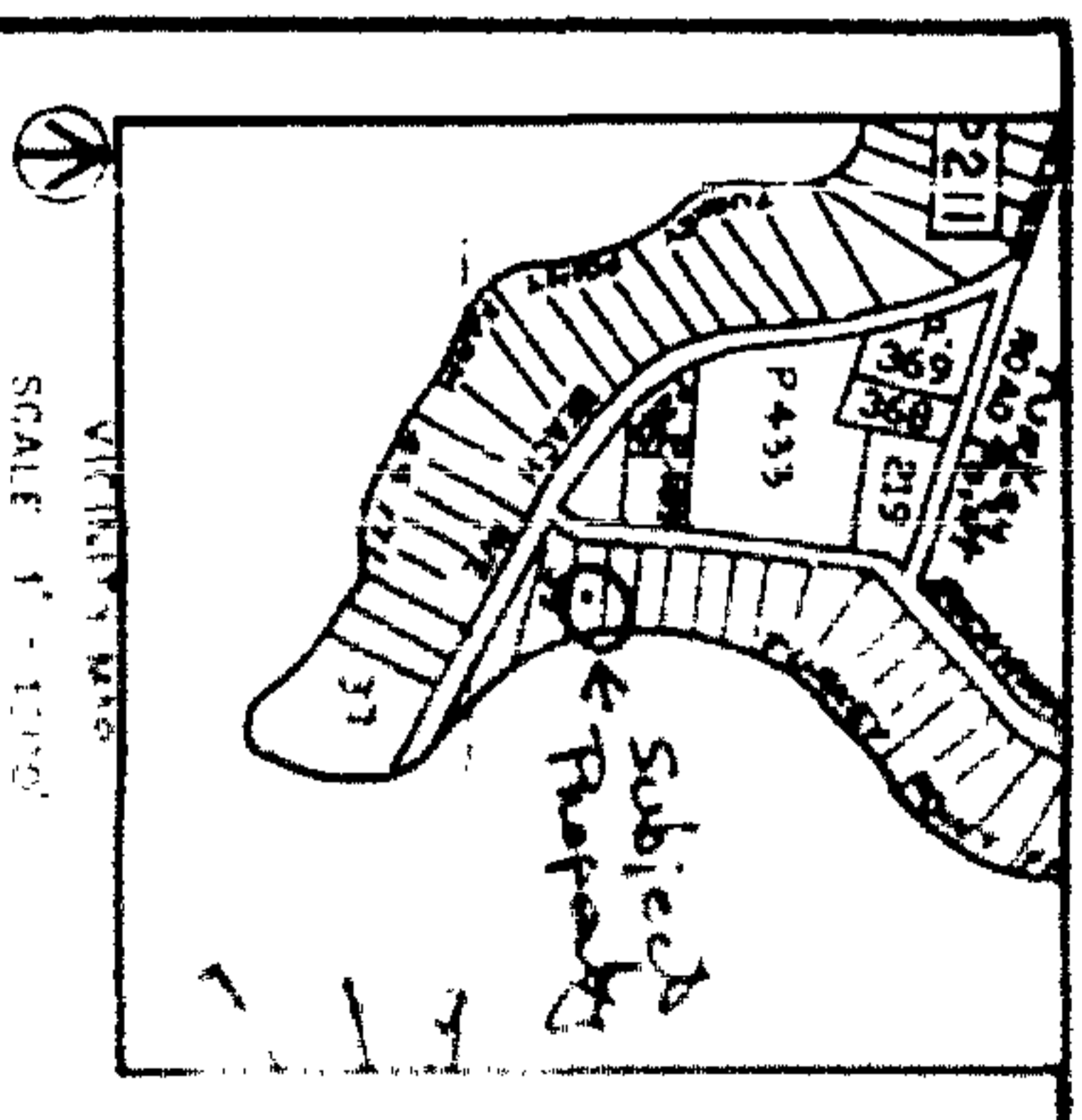
PROPERTY ADDRESS 117 Rockaway Beach Ave SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION.

SUBDIVISION NAME Rockaway Beach

PLAT BOOK # 4 FOLIO # 171 LOT # 42 SECTION # A/A

OWNER William and Maryann Rush

X See attached sealed driveway by
KJBells Inc.



LOCATION INFORMATION

ELECTION DISTRICT

COUNCILMANIC DISTRICT

1"=200' SCALE MAP # 5111

ZONING DR 3.5

LOT SIZE

21 SQ ARE FEET

SEWER

WATER

CHESEAPEAKE BAY
CRITICAL AREA

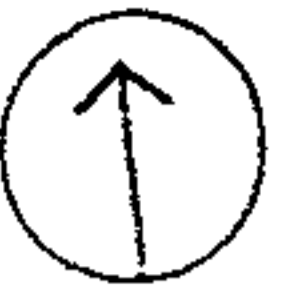
100 YEAR FLOOD PLAIN

HISTORIC PROPERTY
BUILDING

PRIOR ZONING HEARING 05-579-A

ZONING OFFICE USE ONLY
REVIEWED BY ITEM #

JL/wrk | 501



NORTH

PREPARED BY Bob Rush

SCALE OF DRAWING: 1" = 30'

Case No.:

06-501 SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	INITIAL SITE PLAN 05-579 A	SURVEY ON 715 ROCKAWAY
No. 2	AS BUILT Prepared by K.J. WELLS INC	PHOTO'S 1913 PAVED ROADWAY (Measured from Survey Pins)
No. 3	Collectively Beach 11 Photo's of Homes Rockaway Beach	PDM - E-mail
No. 4	PICTORIAL OF NEIGHBORHOOD (ORANGE HOMES ALL WITHIN 20' ZLD. INCLUDING GARAGES)	ROCKAWAY BEACH
No. 5	Collectively 28 PHOTOS DEPICTED BY ORANGE SHADY ON THE	BACK RIVER PENN
No. 6	PHOTO'S at time of Purchase 8/05 Before Home Landed PRIOR EXISTING CONDITIONS	ESSEX - MIDDLE CIVIL COURT
No. 7	PLAN USED 05-579A - NOTHING HAS CHANGED IN REALITY PHOTO EXISTING HOME	Office of Planning E-mail Laural Hays
No. 8	GIS MAP.	
No. 9		
No. 10		
No. 11		
No. 12		

Laurie Hay - Fwd: 717 Rockaway Beach

From: Pat Keller
To: Hay, Laurie
Date: 12/20/05 7:51 AM
Subject: Fwd: 717 Rockaway Beach

B-605354

FYI - Pa

Pat Keller
 Director of Planning
 pkeller@co.ba.md.us
 PH: 410.887.3211
 Fax: 410.887.5862
 County Courts Bldg.
 401 Bosley Ave.
 Towson, MD 21204

t
 >>> Timothy Kotroco 12/15/2005 3:53 PM >>>
 Pat:

I have pulled Zoning Case No. 05-579A regarding the house at 717 Rockaway. Before I respond to Mrs McDonough I wanted to let you know that as a condition of approval of the Variance relief, DZC Murphy required the property owner to submit to your office, for review and approval prior to the issuance of a building permit, a copy of his house plans. Your comment required that the house be compatible in size, building materials, color & detail as the other homes in the community. Doug Swam pulled the permit for this house and it does not appear from our review, that this property owner fulfilled this obligation and submitted his plans to your office for review & approval. Please let me know if he did meet with your staff.

It appears from my review, that this property owner failed to comply with Commissioner Murphy's decision in this regard. It was his obligation to let you all see his house plans prior to construction and this he failed to do. I will place a stop work order on the construction at this time until I hear from you as to how you would like to proceed.

I spoke to Carl Richards about the bay window issue. He advised me that the bay window is not bound by the 4 foot setback so long as it is less than 4 x 10 and does not extend to the ground. (That is, there is an open area beneath it)

Lastly, I note from the file that the following parties were in attendance at the Variance hearing for this house: Ruth Nuth, Jackie Nickel & Trish McDonough. As a result of their negotiations with this property owner, the neighbors agreed to the 4' setback in lieu of the 1' originally requested. Ms. Nuth submitted a letter of support, (Pet Ex. #2) indicating that she supports the request so long as the house being built complies with the house plans that Mr. & Mrs. Rush shared with her prior to the hearing. Apparently, she had seen copies of the house plans prior to the hearing and supported same.

Please let me know how you would like to proceed.

Thanks.

Tim

PROTESTANT'S

EXHIBIT NO.

3

June 1, 2006

Dear Zoning Commissioner Wiseman and Deputy Murphy,

Rockaway Beach Improvement Assn. Inc. is opposed to any alteration or extension of variances already granted at 717 Rockaway Beach Ave.

The membership voted unanimously at the April 19 meeting to support the neighbors/members planning to attend the hearing before the zoning commissioner on June 1.

Future development in our community must be compatible with existing homes, no sideyard variances on 50 ft. lots should be permitted and strict compliance with building code and Critical Areas regulations must be enforced.

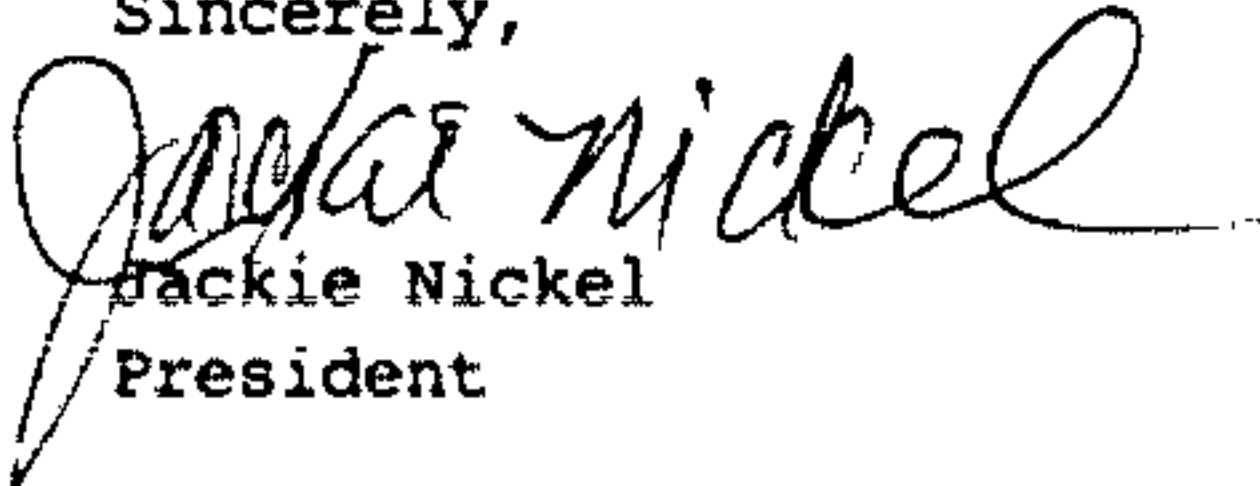
Our organization plans to strictly monitor all construction in our community. No residents should be so squeezed in that they feel like they are living in a rowhouse as is the case with the Rushes' neighbors. Common courtesy demands more.

We also expect more from Baltimore County when it comes to approvals and inspections of new homes on the waterfront. Evidence will show that the county agencies were severely lax in their duties in this regard on this particular property.

Although we are not dealing with DEPRM issues today, there are many questions for that agency which have gone unanswered and we will pursue those issues in the coming weeks and months - years if necessary.

The welfare of the Chesapeake Bay is of paramount importance to our county and the impact of excessive and oversize development cannot be overemphasized.

Sincerely,


Jackie Nickel
President

PROTESTANT'S

EXHIBIT NO.

4

BACK RIVER NECK PENINSULA COMMUNITY ASSN. INC.
PO BOX 5031
ESSEX, MD 21221

To whom it may concern:

The membership of BACK RIVER NECK PENINSULA COMMUNITY ASSN. INC. voted at its May 16 general meeting to support the efforts of Rockaway Beach Improvement Assn. and concerned neighbors in denying further setback variance at 717 Rockaway Beach Ave.

Sincerely,



Douglas Celmer
President

PROTESTANT'S

EXHIBIT NO.

5

May 3, 2006

James Smith, Jr.
400 Washington Ave.
Old Courthouse Mezzanine
Towson, MD. 21204

Dear County Executive Smith,

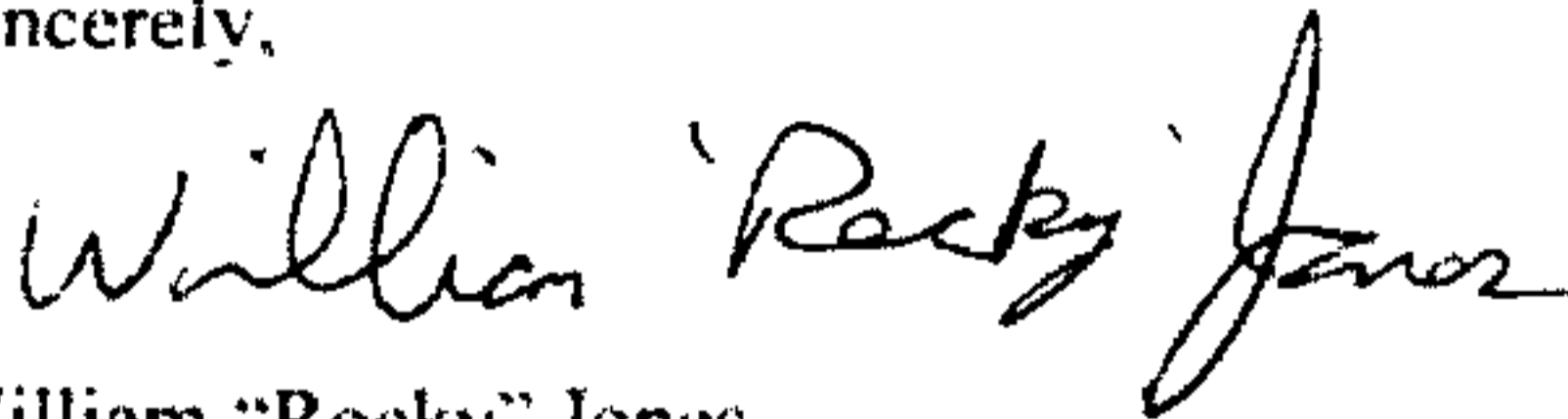
The Essex Middle River Civic Council is very concerned about incompatible development currently happening on our waterfronts. One of the founding principles of zoning is not to allow development that would be incompatible with existing development. It seems this principle has fell by the wayside especially in our waterfront communities.

The height of many of these houses being built is absolutely out of character with the houses that surround it. Houses are being built expanding the footprint of what they are replacing and dwarfing their neighbors.

These buildings are getting unnecessary variances and are going around the zoning process by being developed under the PUD Process. Recent Marina legislation has created opportunities for development that is far too dense.

When a community is made up of one and two story houses, four story town homes are definitely incompatible.

Sincerely,



William "Rocky" Jones
President, Essex-Middle Civic Council

Cc: Councilman Joseph Bartenfelder
Councilman John Olszewski
Councilman Vince Gardina
Director of Planning Pat Keller

PROTESTANT' S

EXHIBIT NO. 6

From: Jackie Nickel <jackienickel@comcast.net>
To: Laurie Hay <lhay@co.ba.md.us>
Date: 12/24/05 10:46:06 AM
Subject: Re: 717 Rockaway Beach Ave.

THIS IS OUR RESPONSE TO THE MONSTER HOUSE BEING BUILT 2 DOORS DOWN FROM ME - YOU GOTTA SEE IT!

> From: "Laurie Hay" <lhay@co.ba.md.us>
> Date: Fri, 23 Dec 2005 14:59:34 -0500
> To: <jackienickel@comcast.net>
> Subject: Re: 717 Rockaway Beach Ave.
>
> Hi Jackie,
>
> I wanted to update you ASAP on the status of the Rush property. Mr. and Mrs.
> Rush and their son were in the office earlier this afternoon, with their stop
> work order inquiring as to why it was issued. We informed them that the
> Zoning Commissioners order dated July 13, 2005 granted side and rear yard
> variances subject to review and approval of building elevations by the
> Planning Office, and that we had no record of that review/approval process.
> The Rush's went back to Permits and Development Management, and were able to
> produce a detailed set of architectural plans and elevations for our review.
>
> While we realize the structure is substantially larger in scale than the
> adjacent structures, the elevations showed quality materials and design
> details. We looked specifically in the zoning code to see if there was any
> section that would address your concern about window alignment, but unless
> specifically negotiated at the hearing, this is not considered by the zoning
> code. In fact, typically windows are viewed favorably, to avoid long blank
> walls. After careful review of the zoning commissioners order, and review of
> the plans (we made a copy), Jeff Mayhew signed the plans and informed PDM that
> the permit could be released.
>
> We understand your concerns, and that this will most likely be a continuing
> issue for you and your neighbors as the market for waterfront property
> continues to be strong. Perhaps after the first of the year, we could site
> down with staff from our development review section and the zoning
> commissioner to discuss how this office and the community can most effectively
> negotiate zoning issues on residential redevelopment on the waterfront.
>
> I will be back in the office on Tuesday. Please feel free to call either
> myself or Jeff Mayhew at 887-3480 if you have additional questions. Thanks
> again for the interesting tour. Sorry our first work effort together had to
> have this outcome
>
> Laune Hay
> 410-887-3480
>
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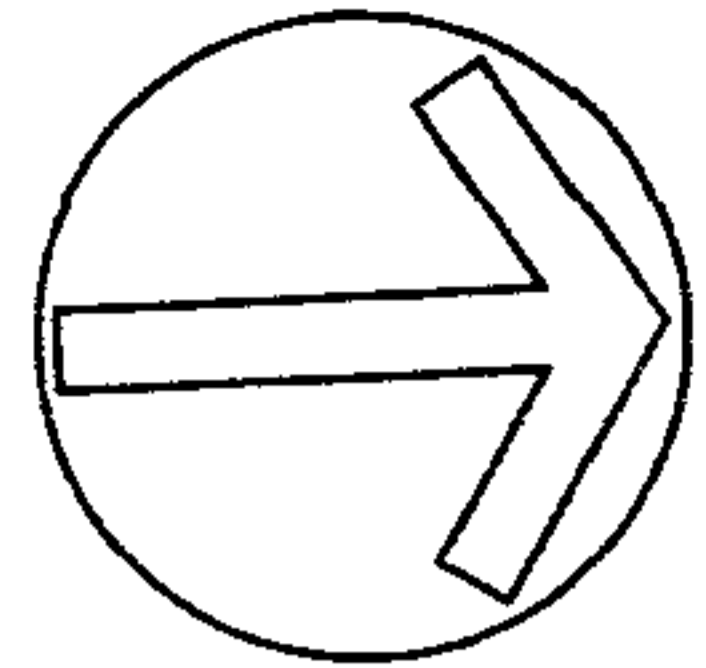


PETITIONER'S

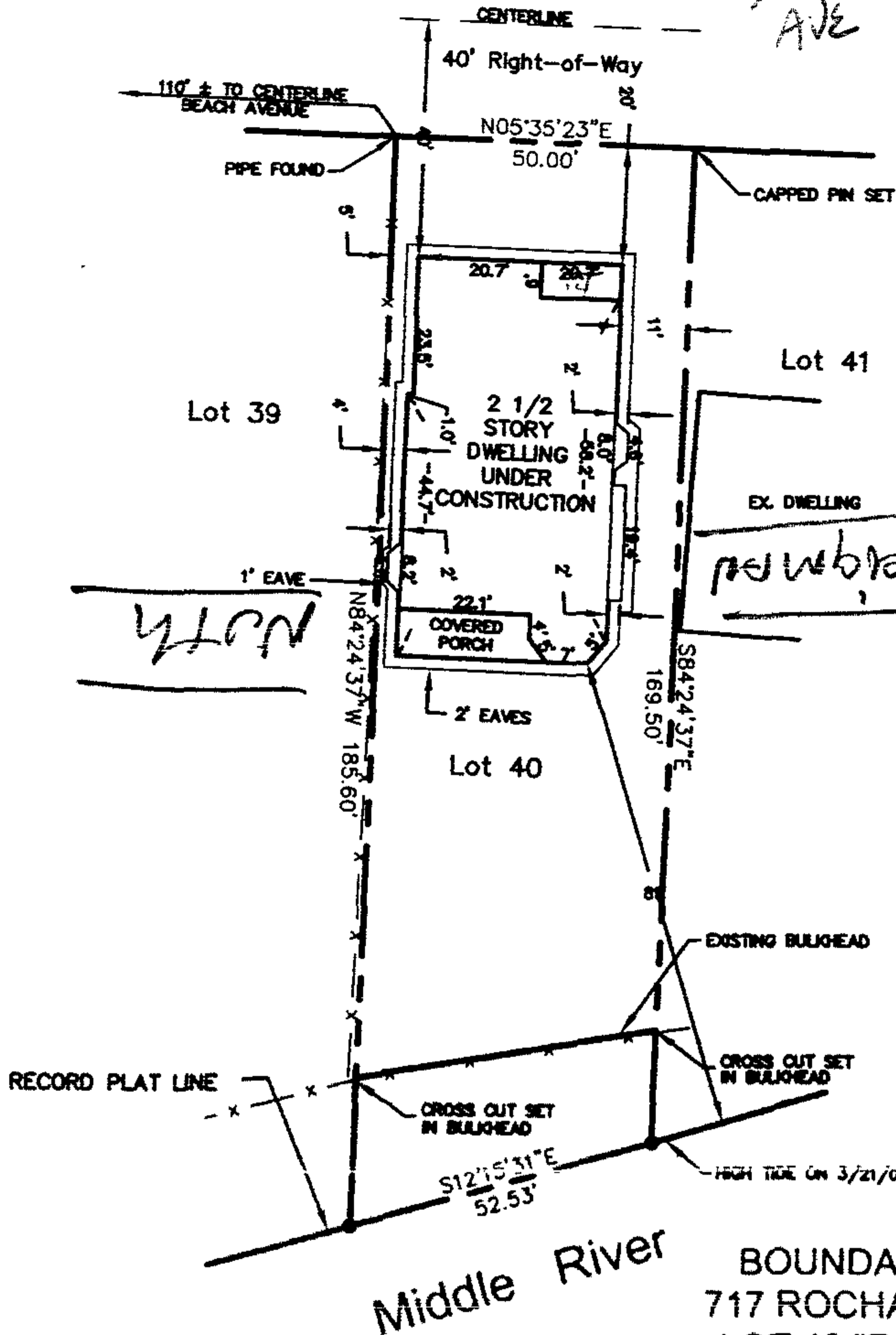
EXHIBIT NO.

8

Rockaway Beach Road



NAD 83/91



BOUNDARY SURVEY PLAT 717 ROCKAWAY BEACH ROAD LOT 40 "ROCKAWAY BEACH"

SCALE: 1" = 30' DATED: 6/13/2005
REVISION DATE: 3/21/2006

kjWellsInc
Land Surveyors & Site Planners
7403 NEW CUT ROAD
TILE, MARYLAND 21087
(410) 592 8800

LEGEND:

DWELLING PROJECTIONS

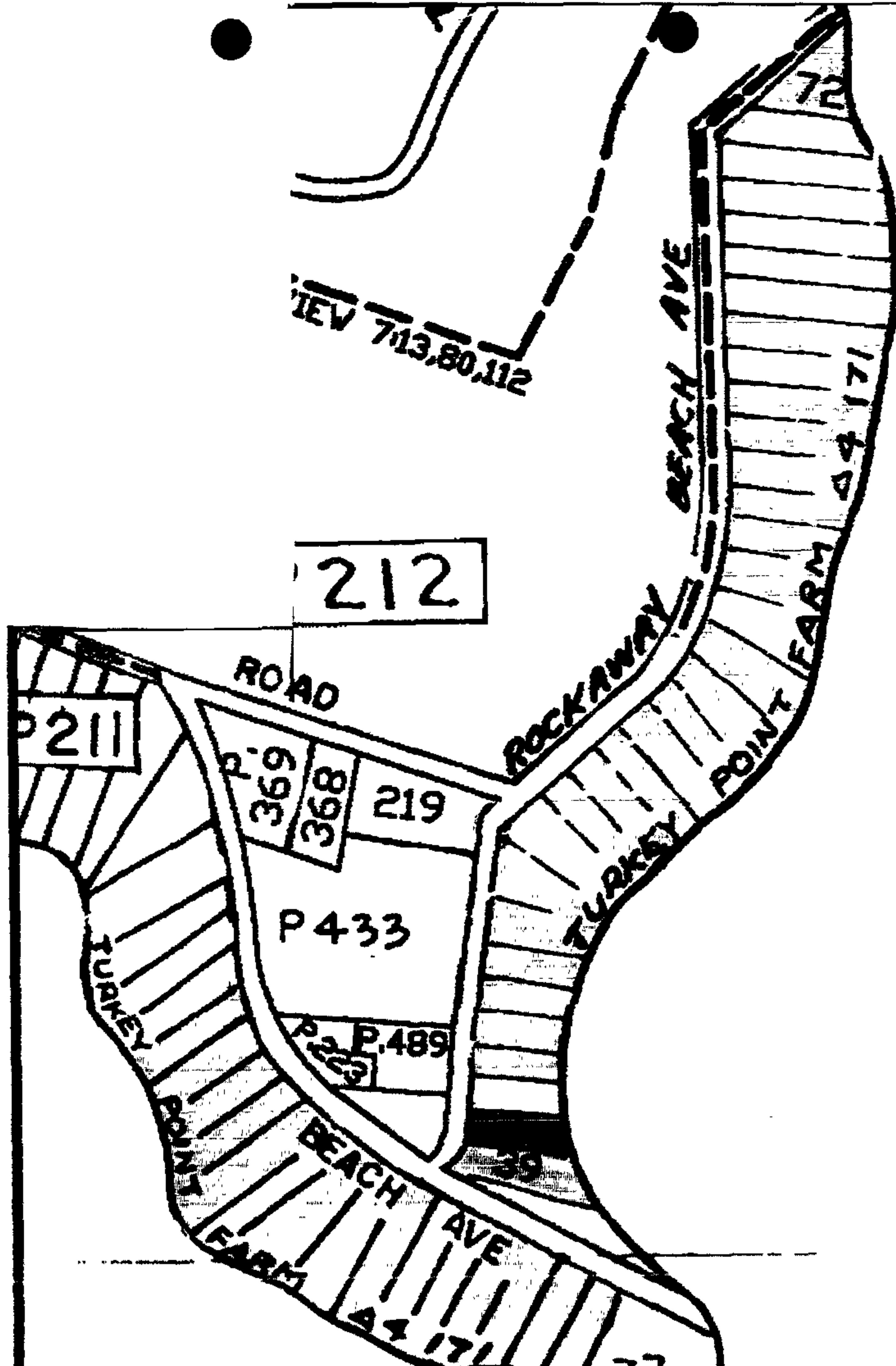
DEED REFERENCE: 20302/208
PLAT REFERENCE: 4/171

PETITIONER'S

EXHIBIT NO.

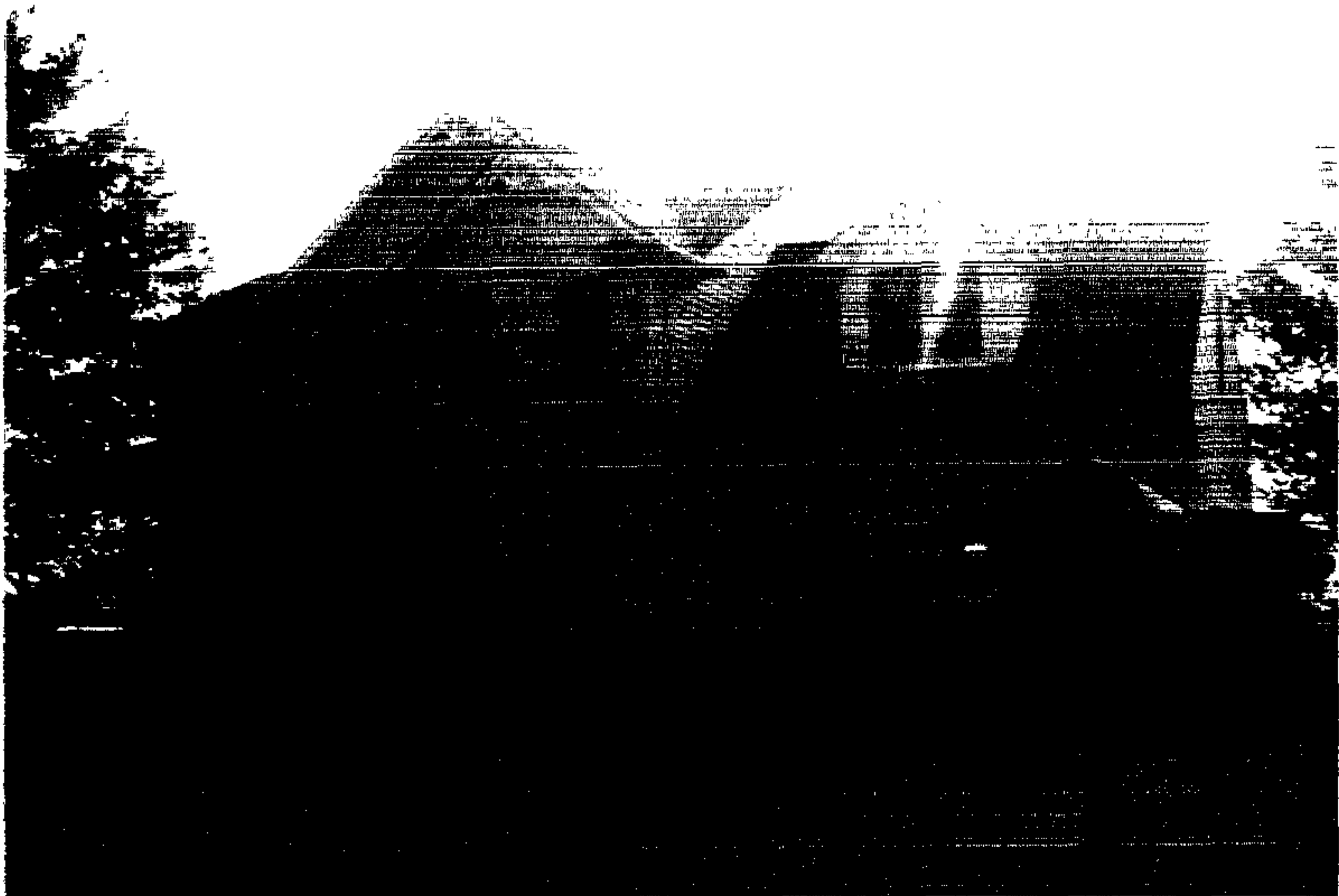
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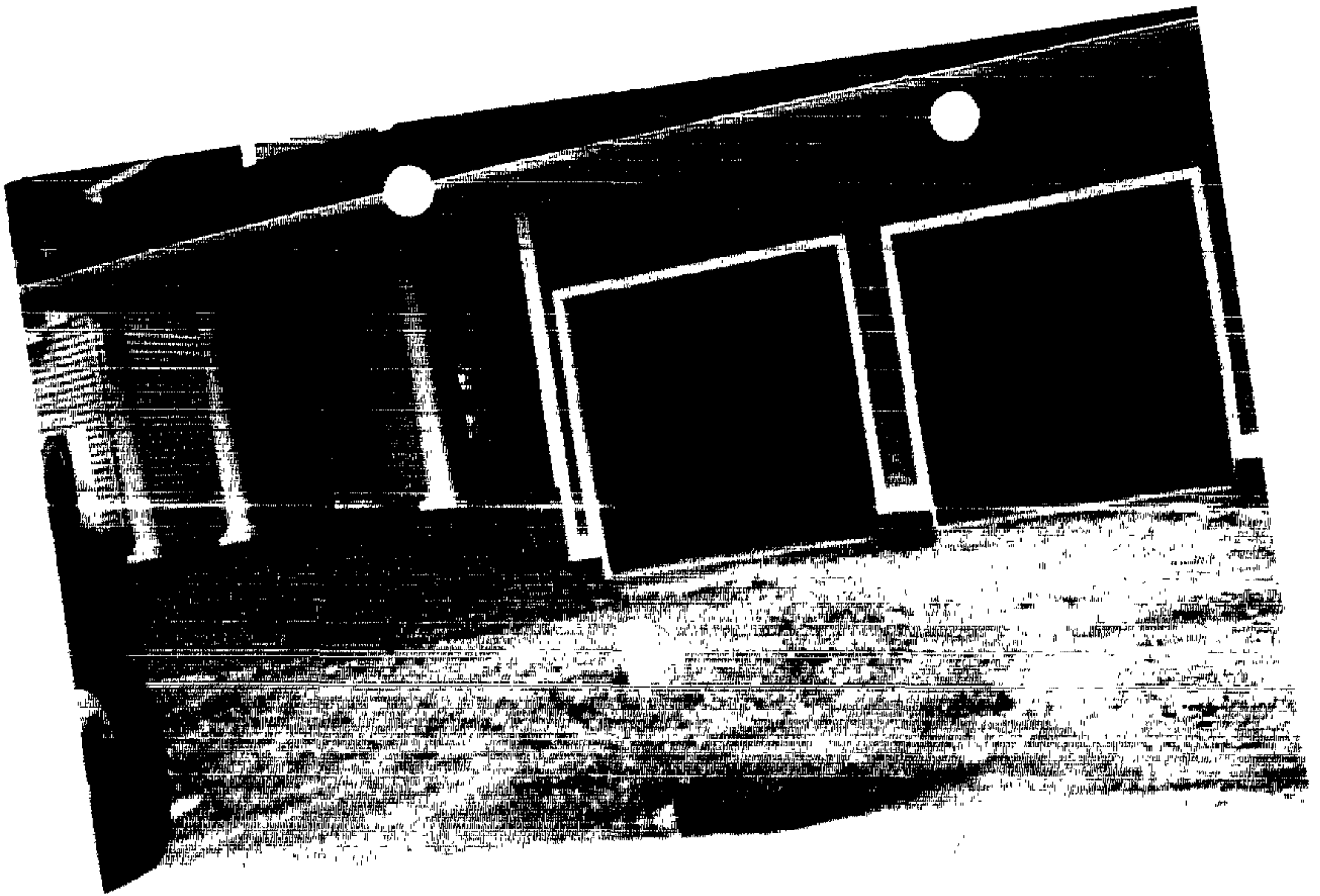
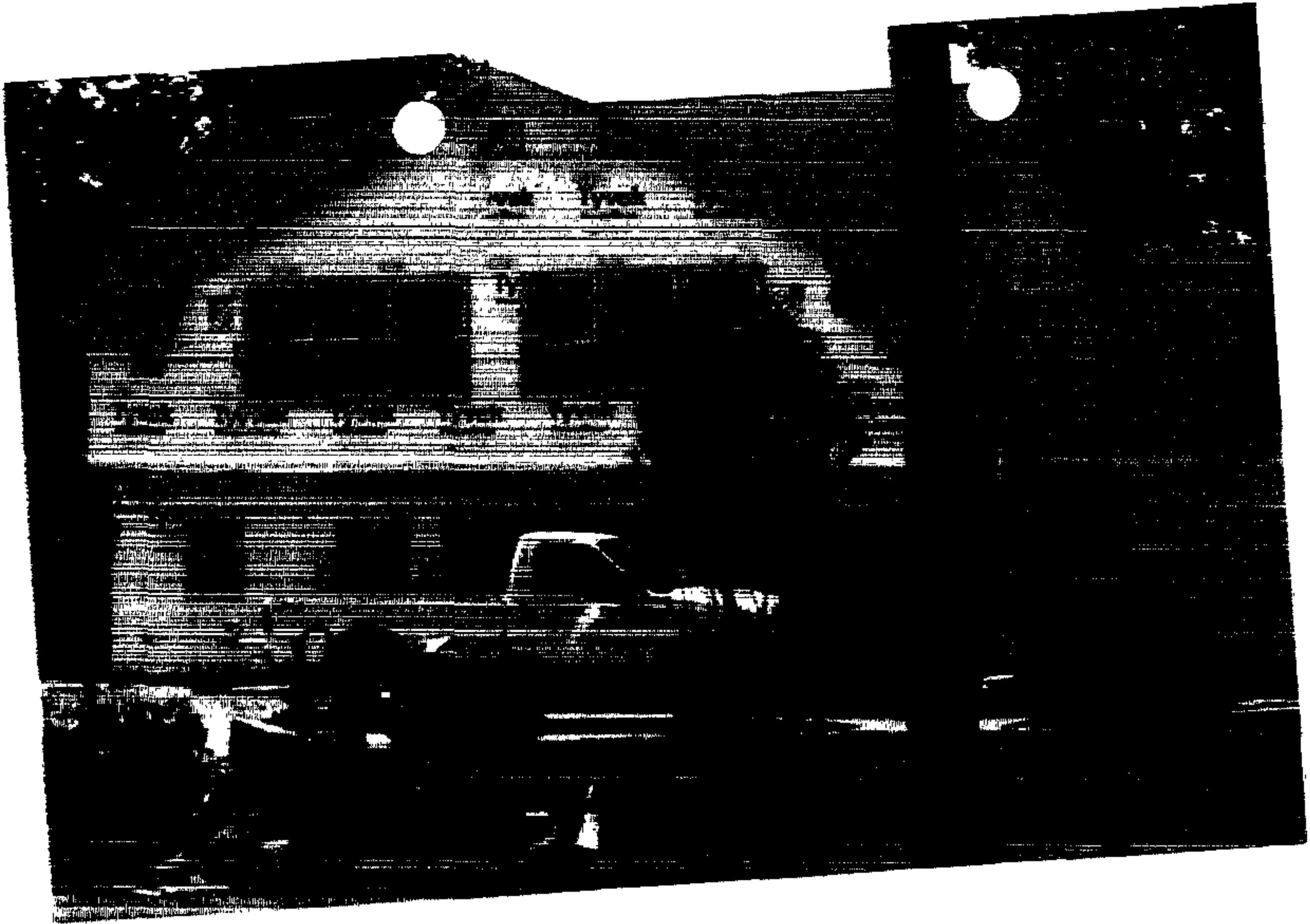
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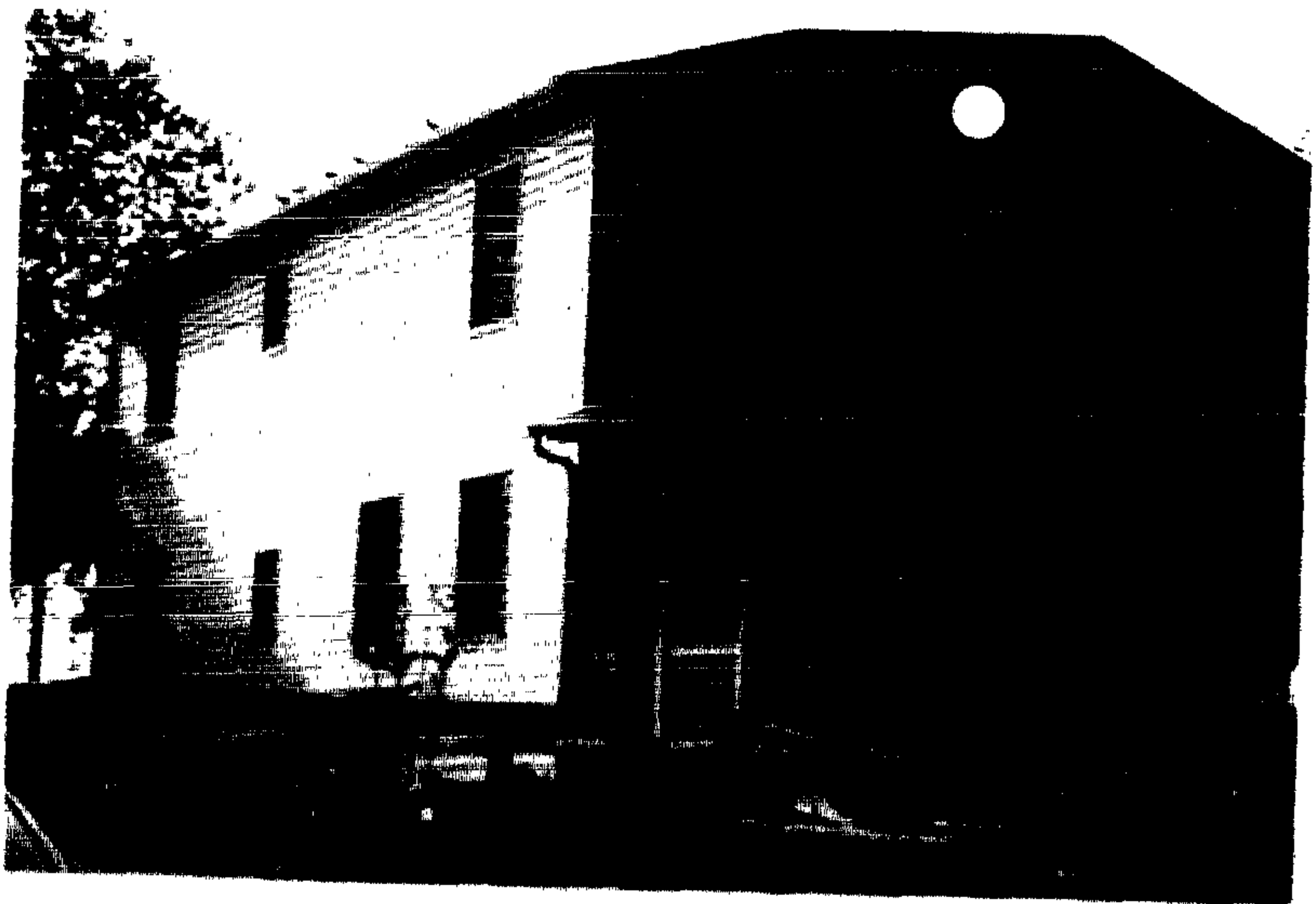


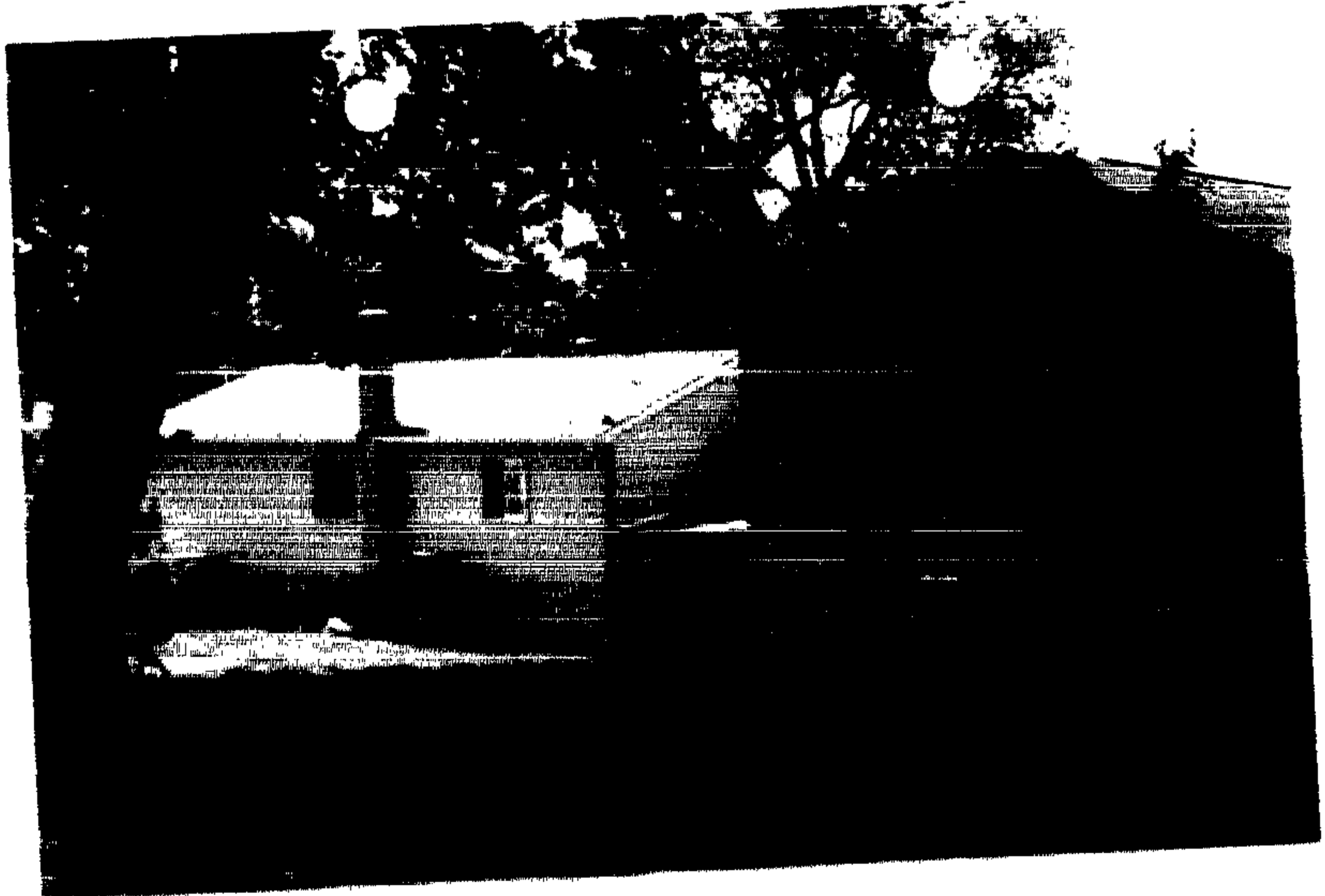
PETITIONER'S

EXHIBIT NO. 4



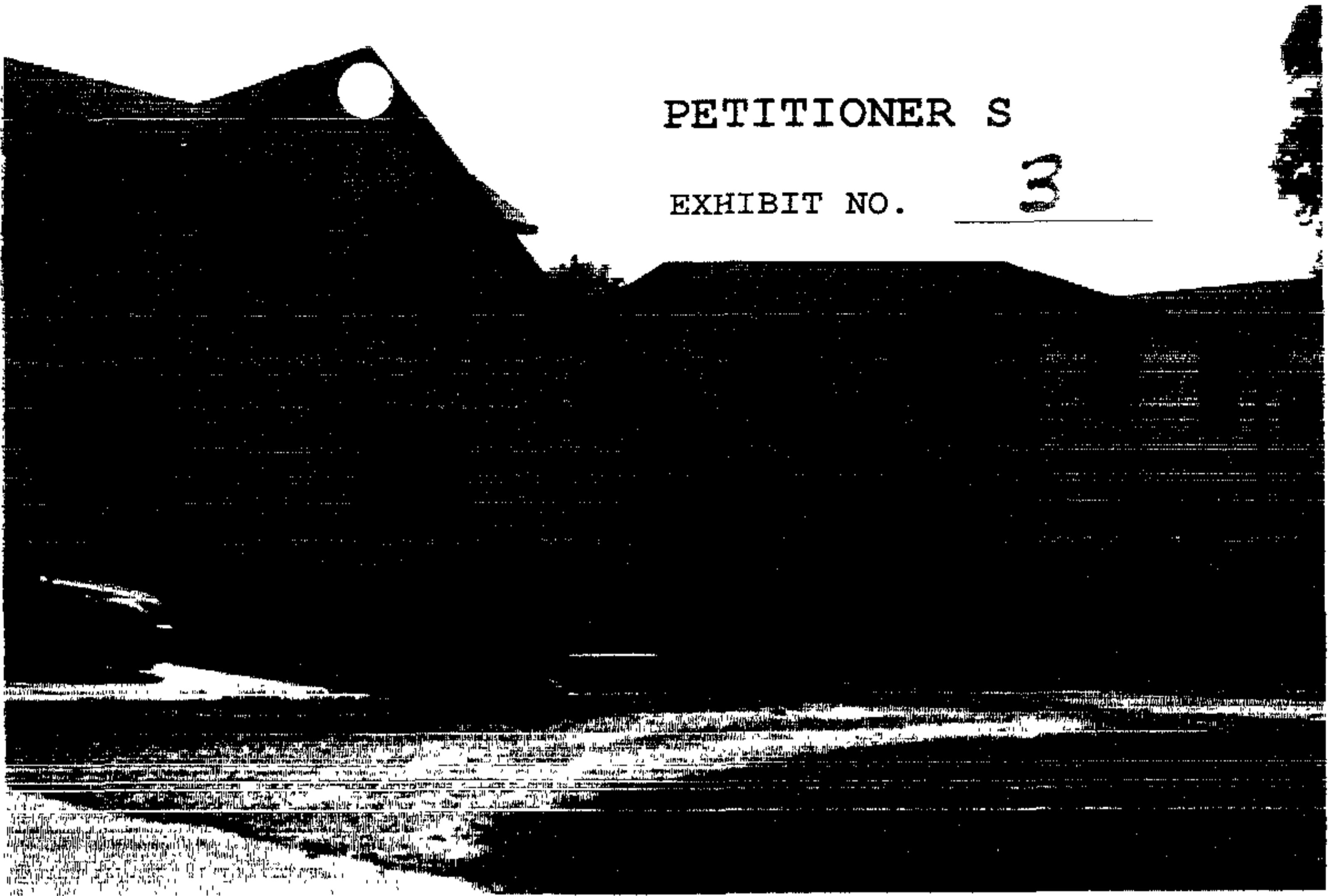


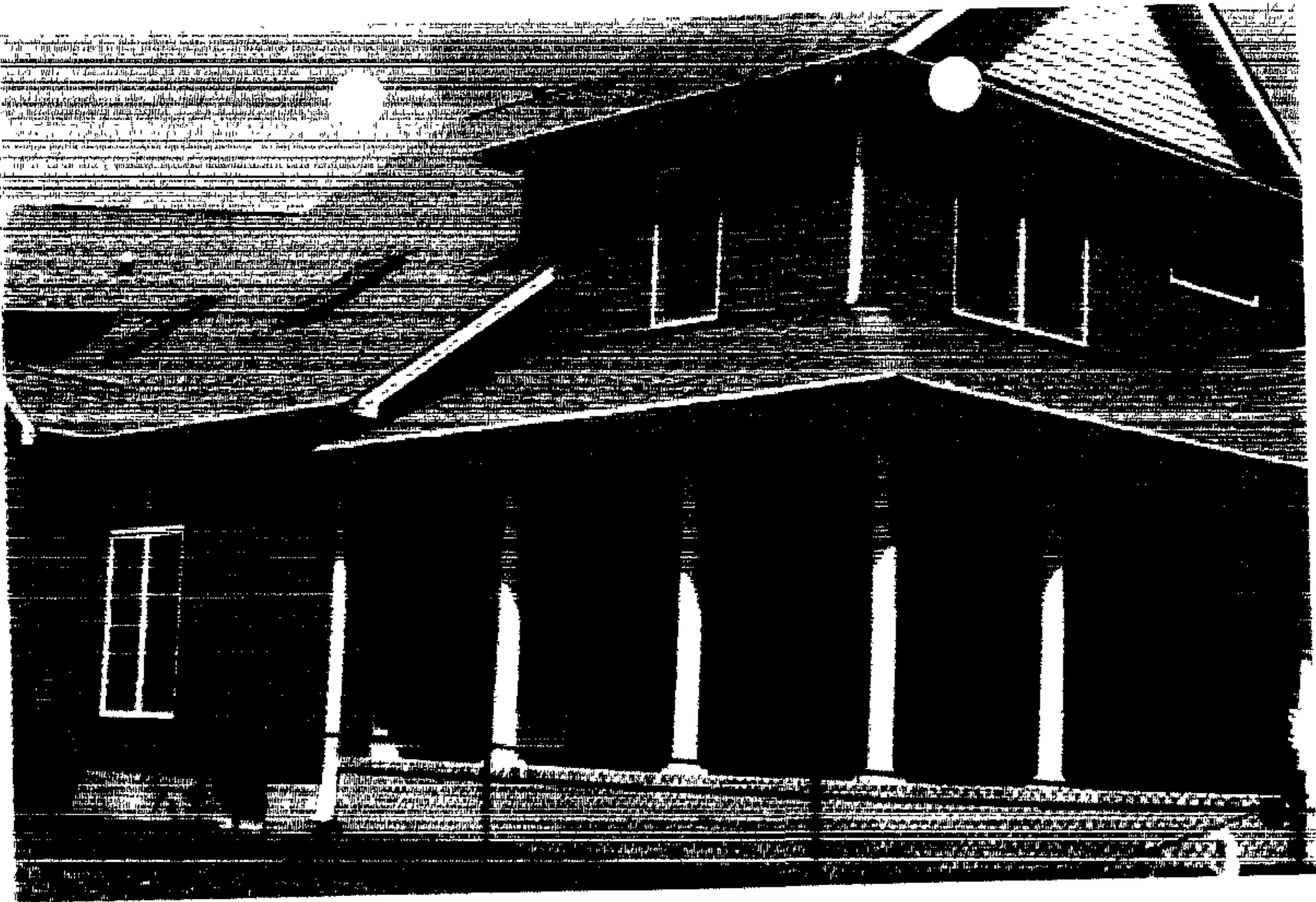


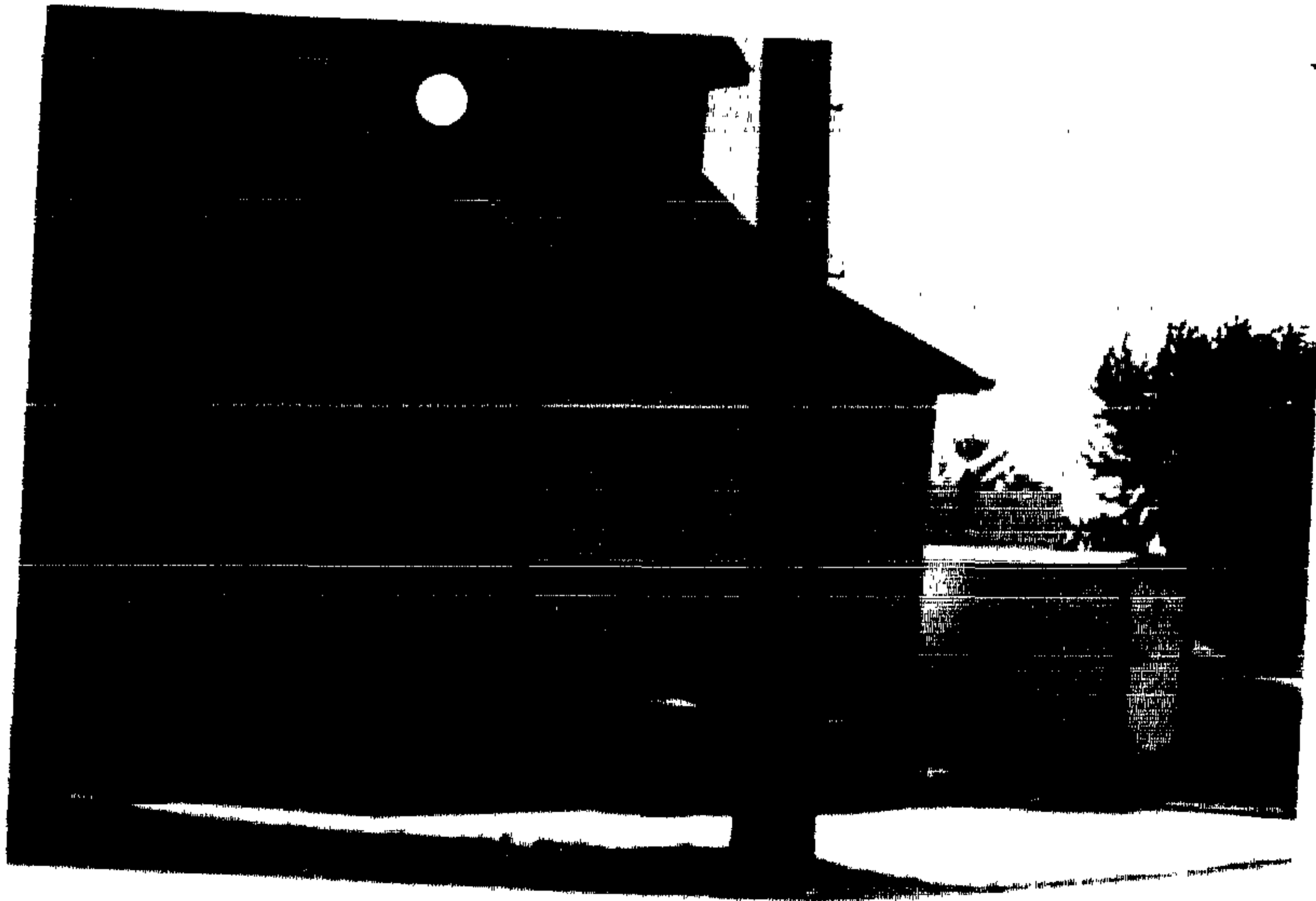
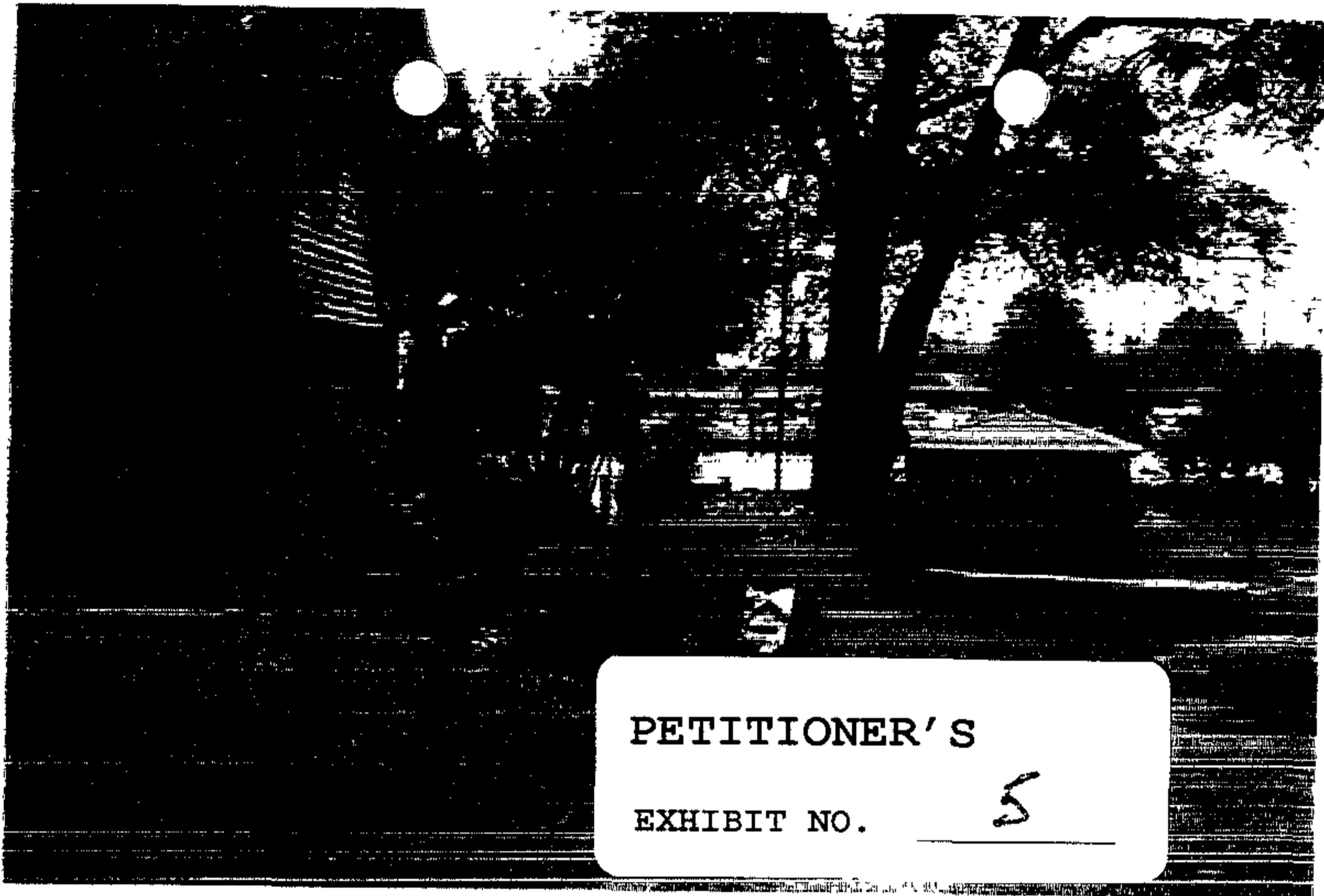


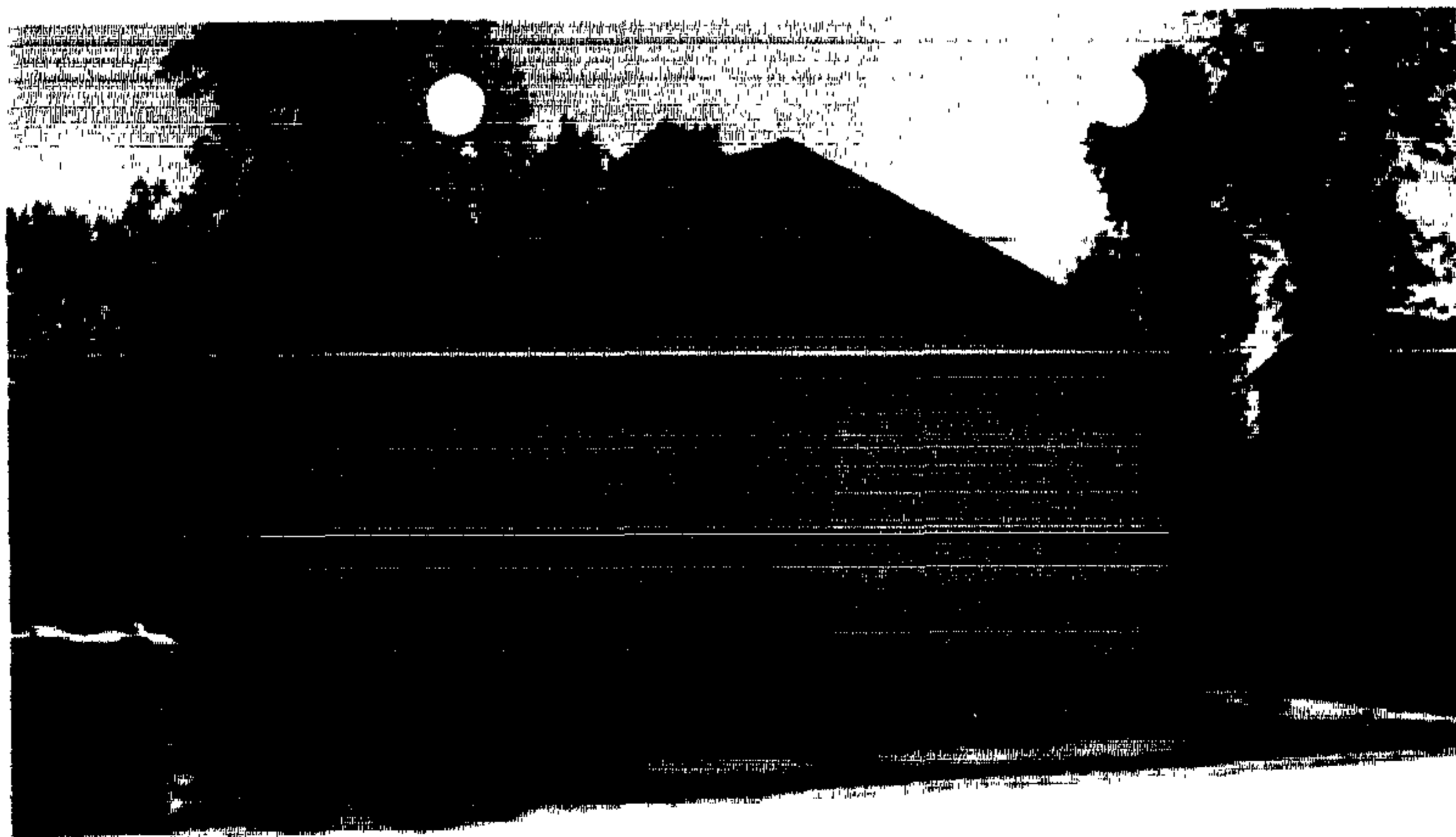
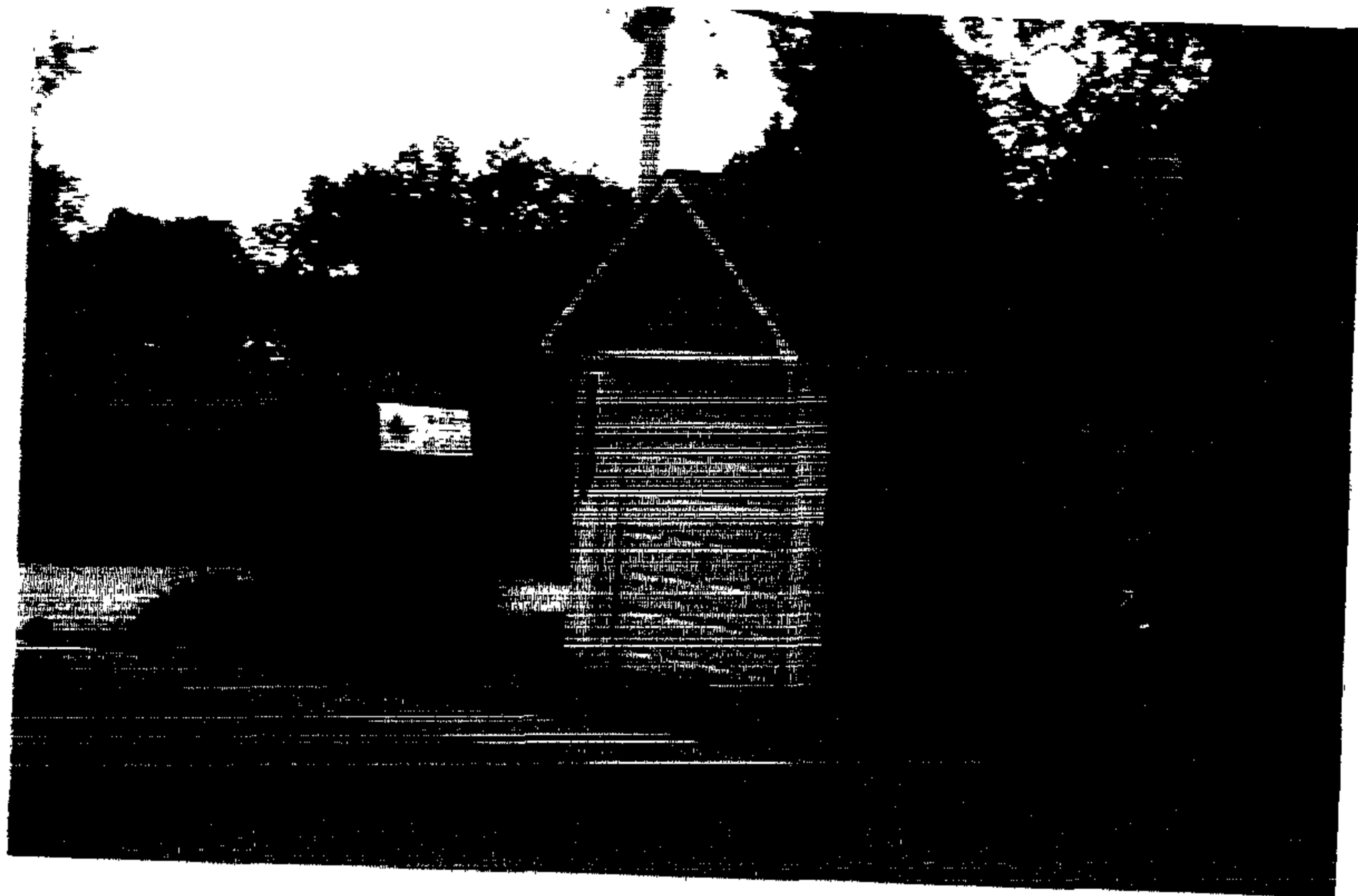
PETITIONER S

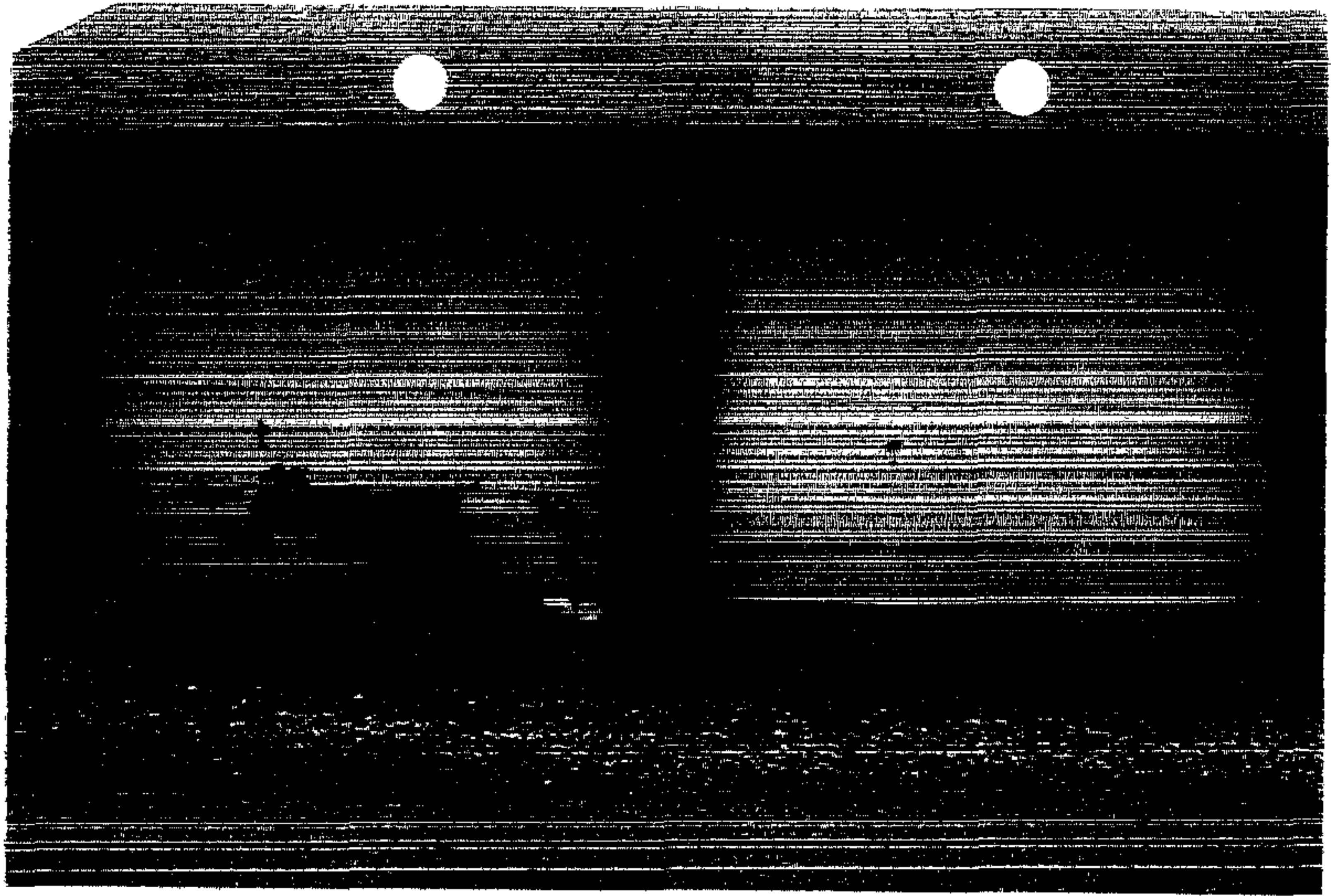
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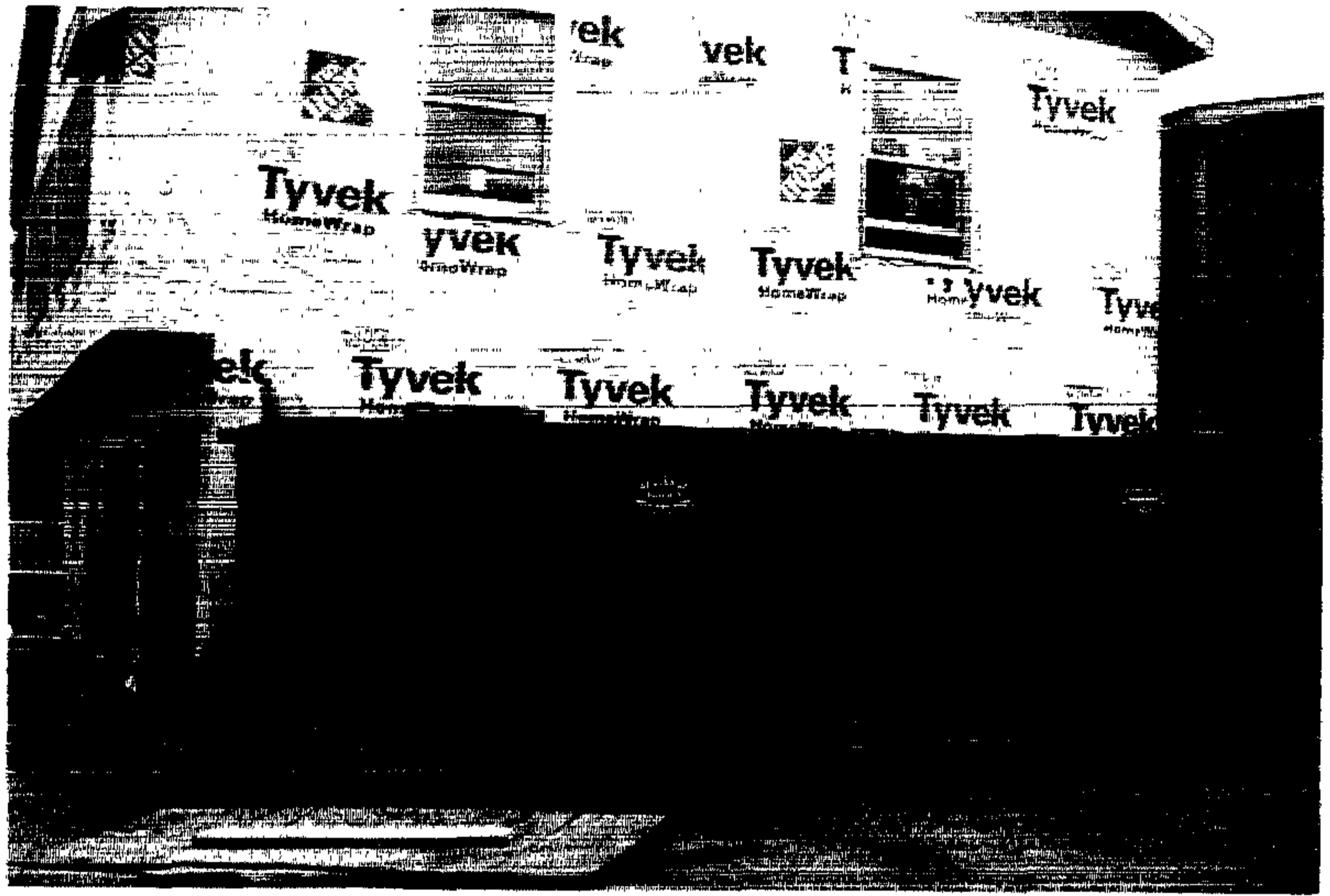


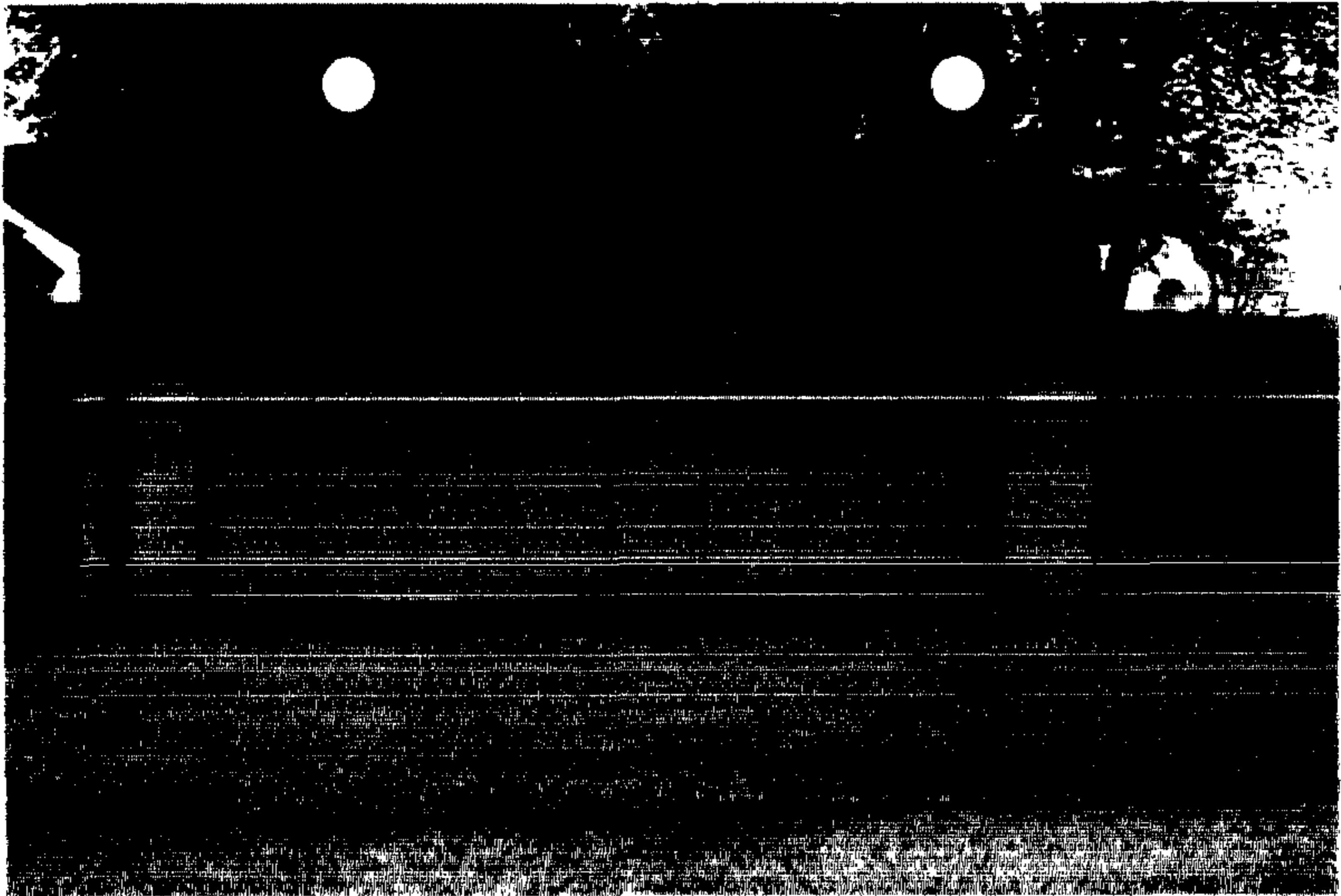




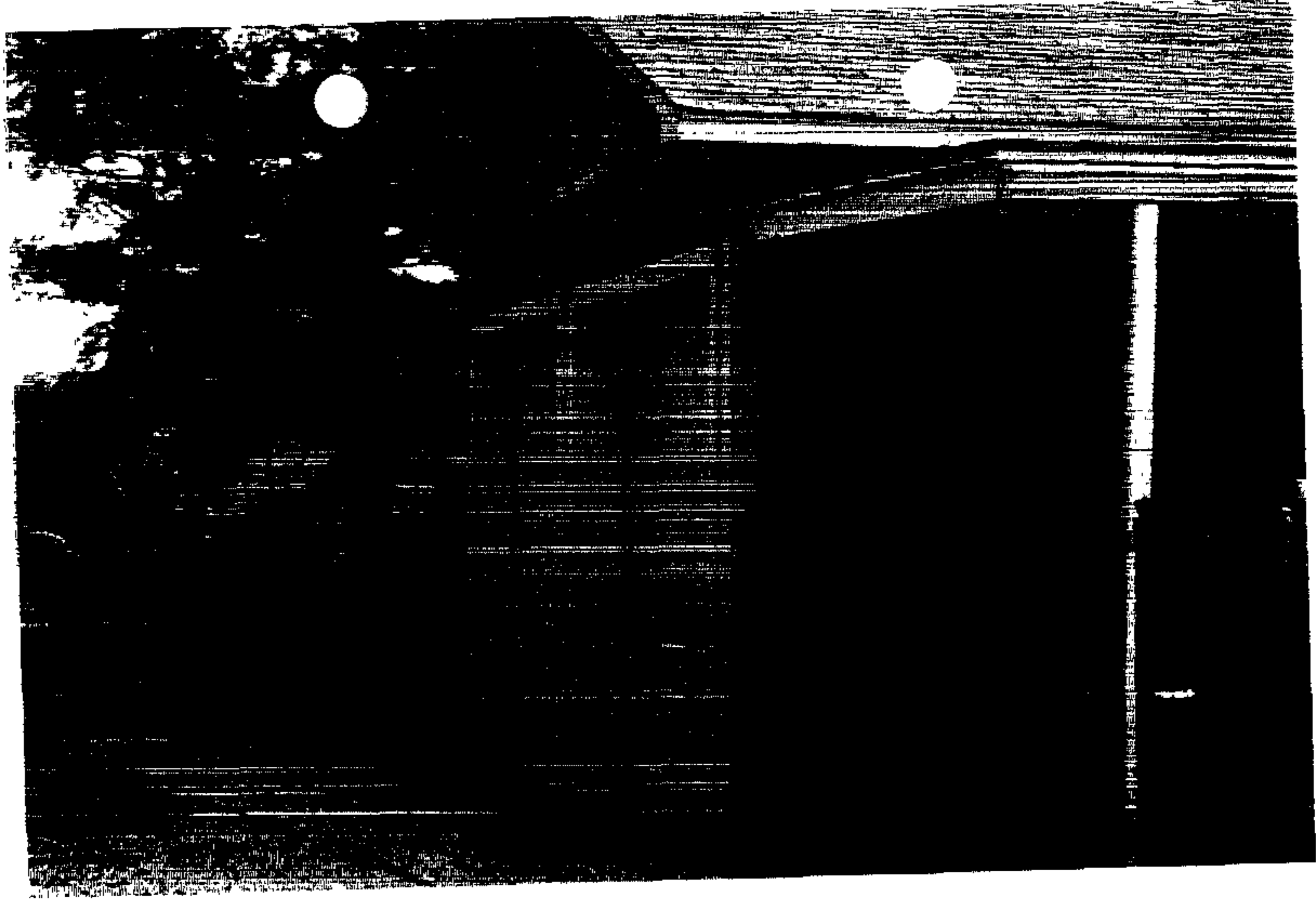




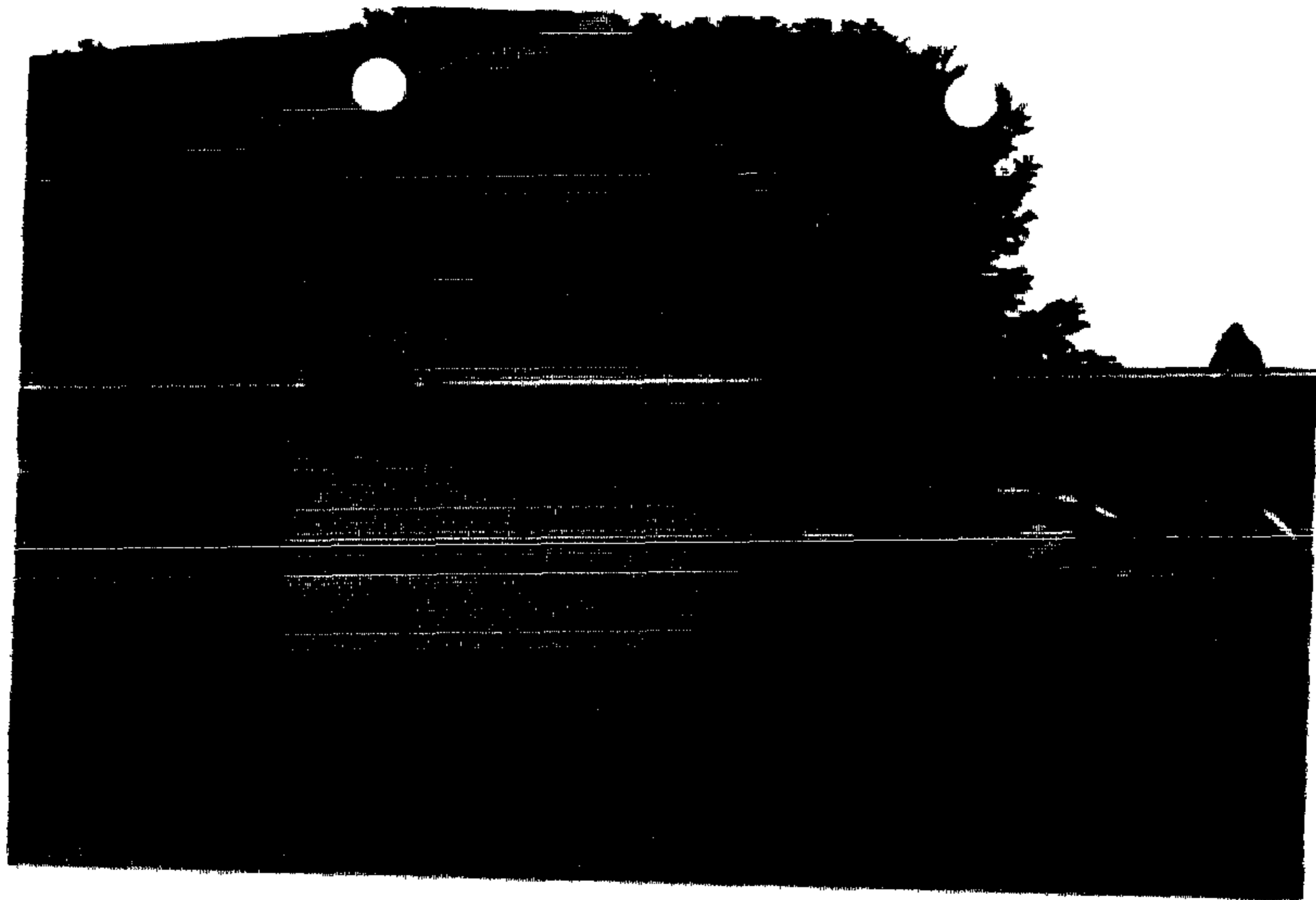
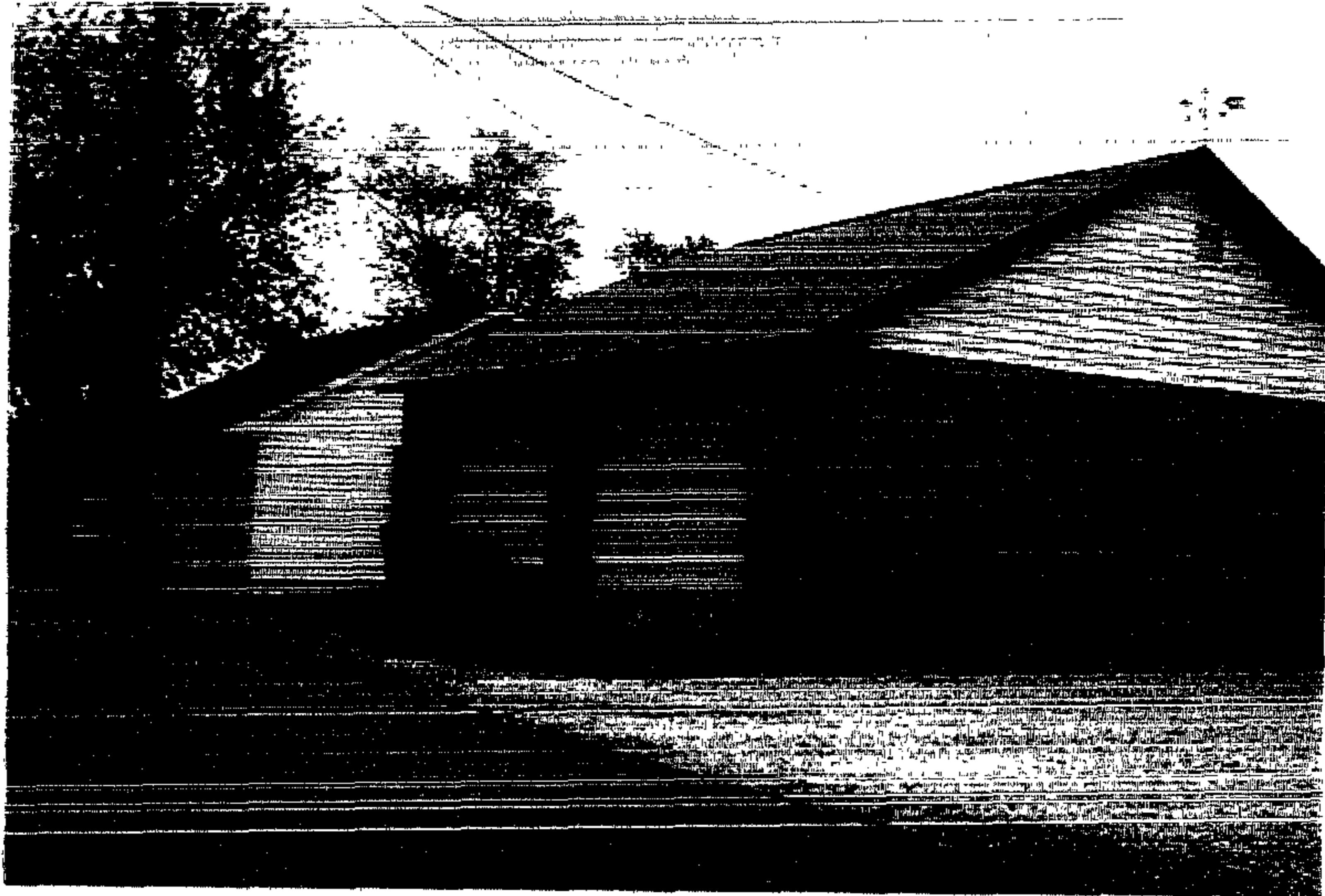


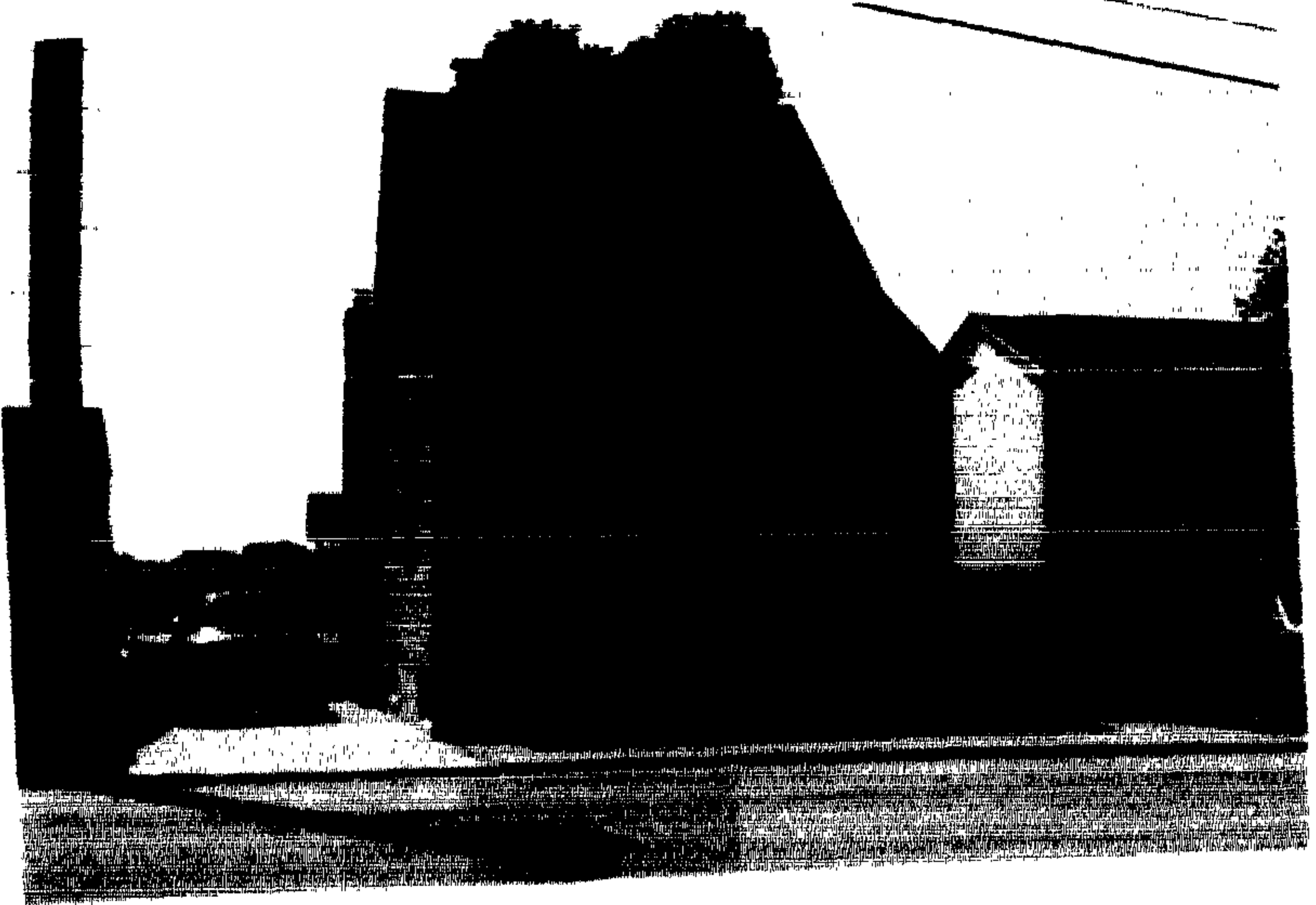
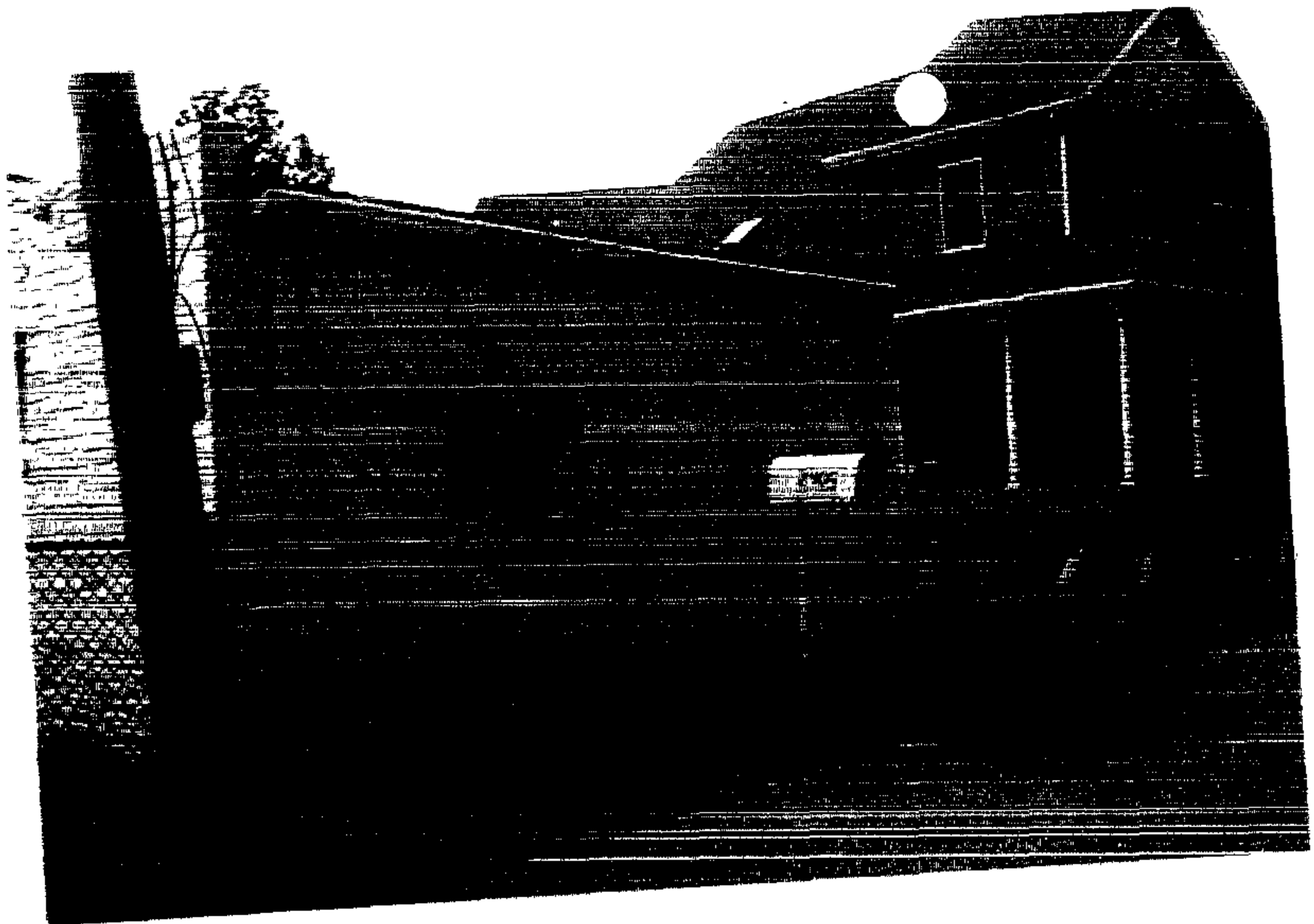




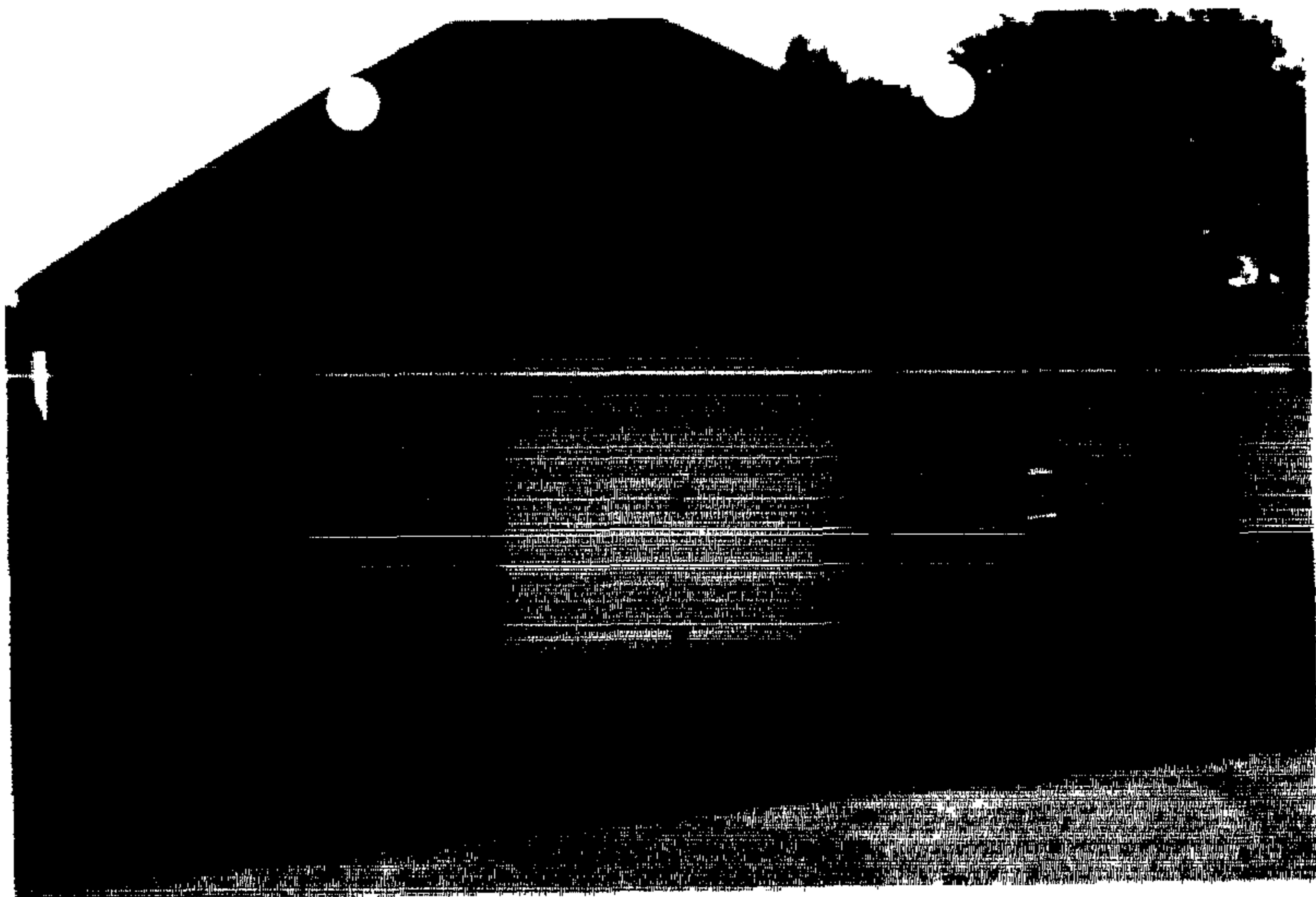


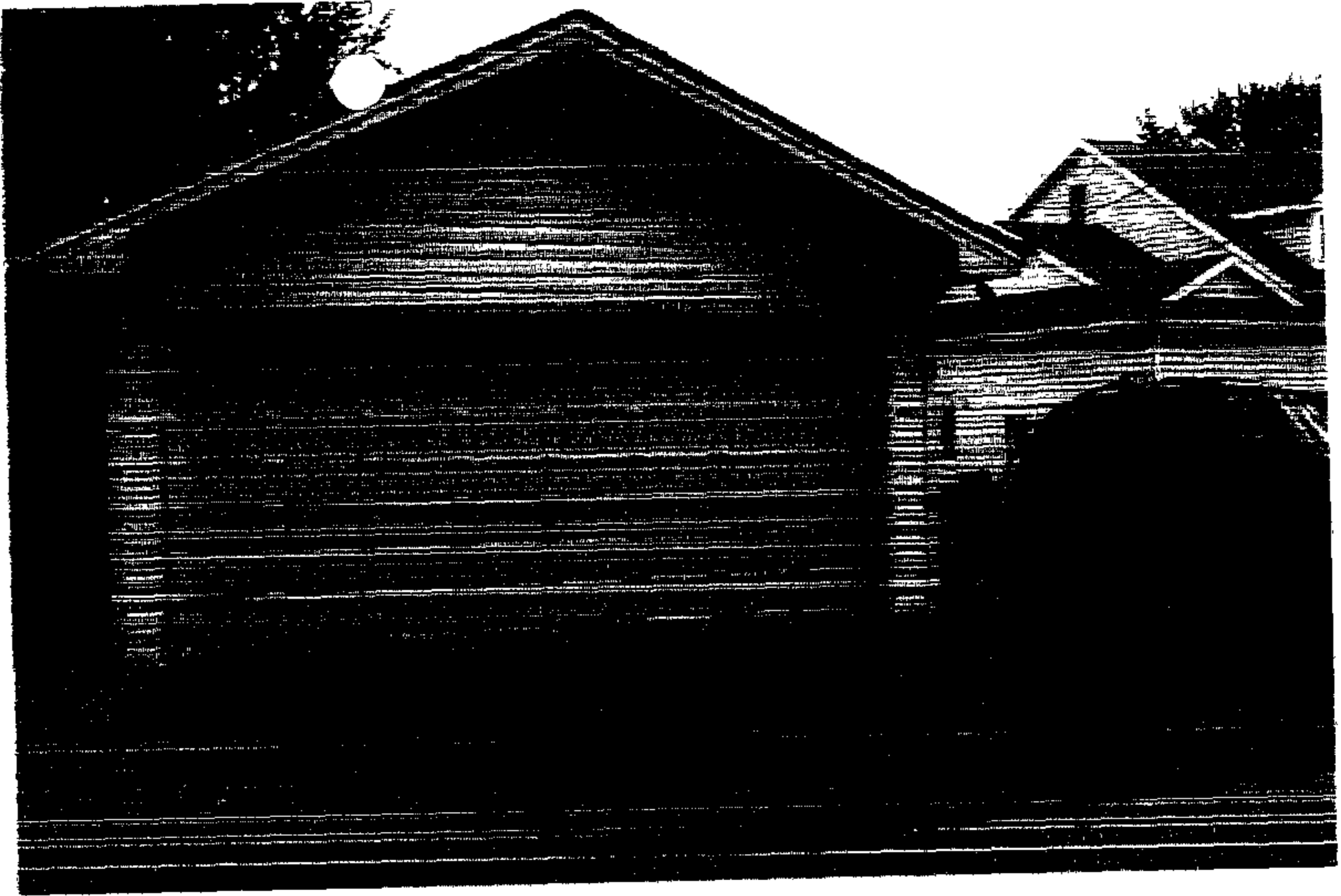


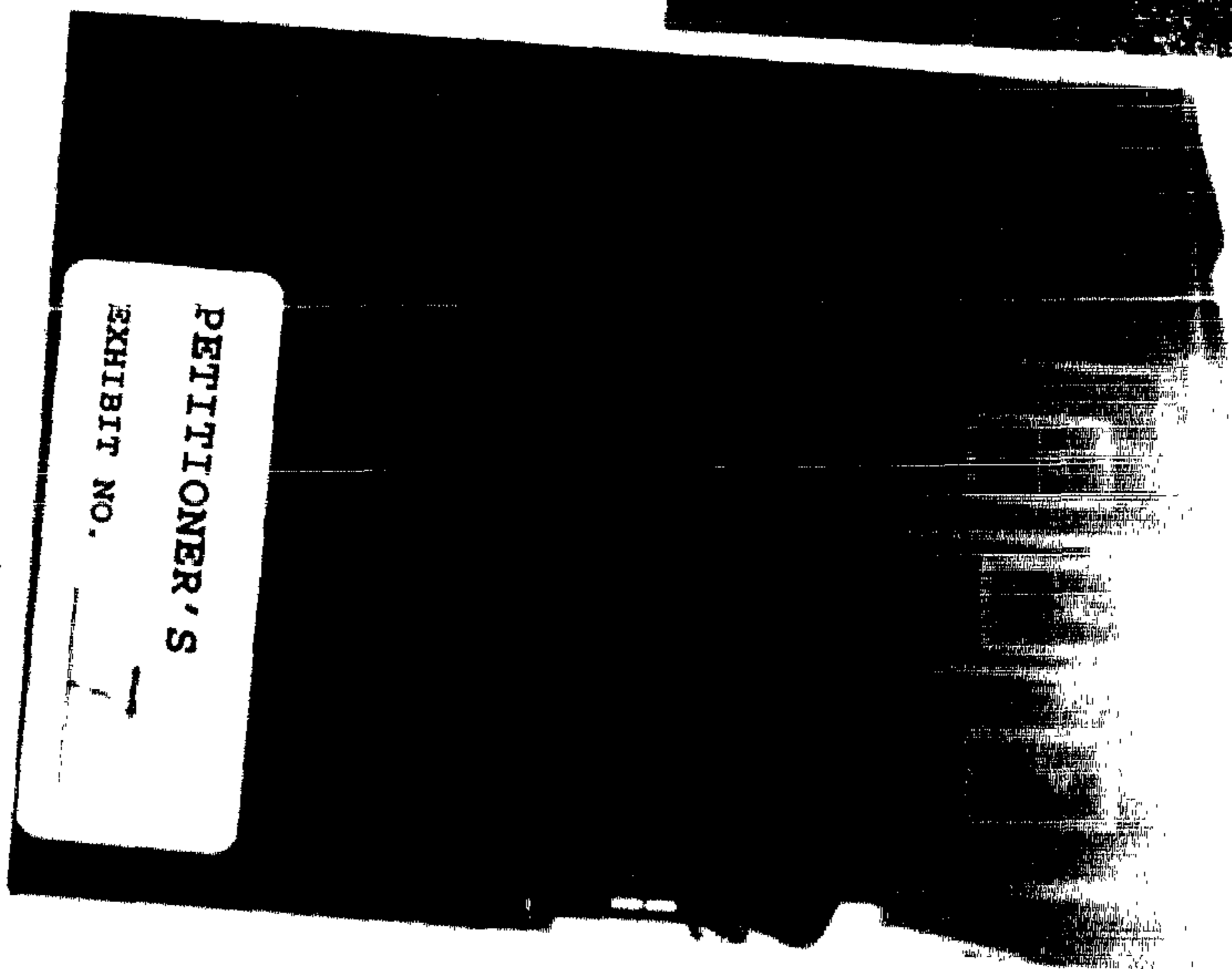
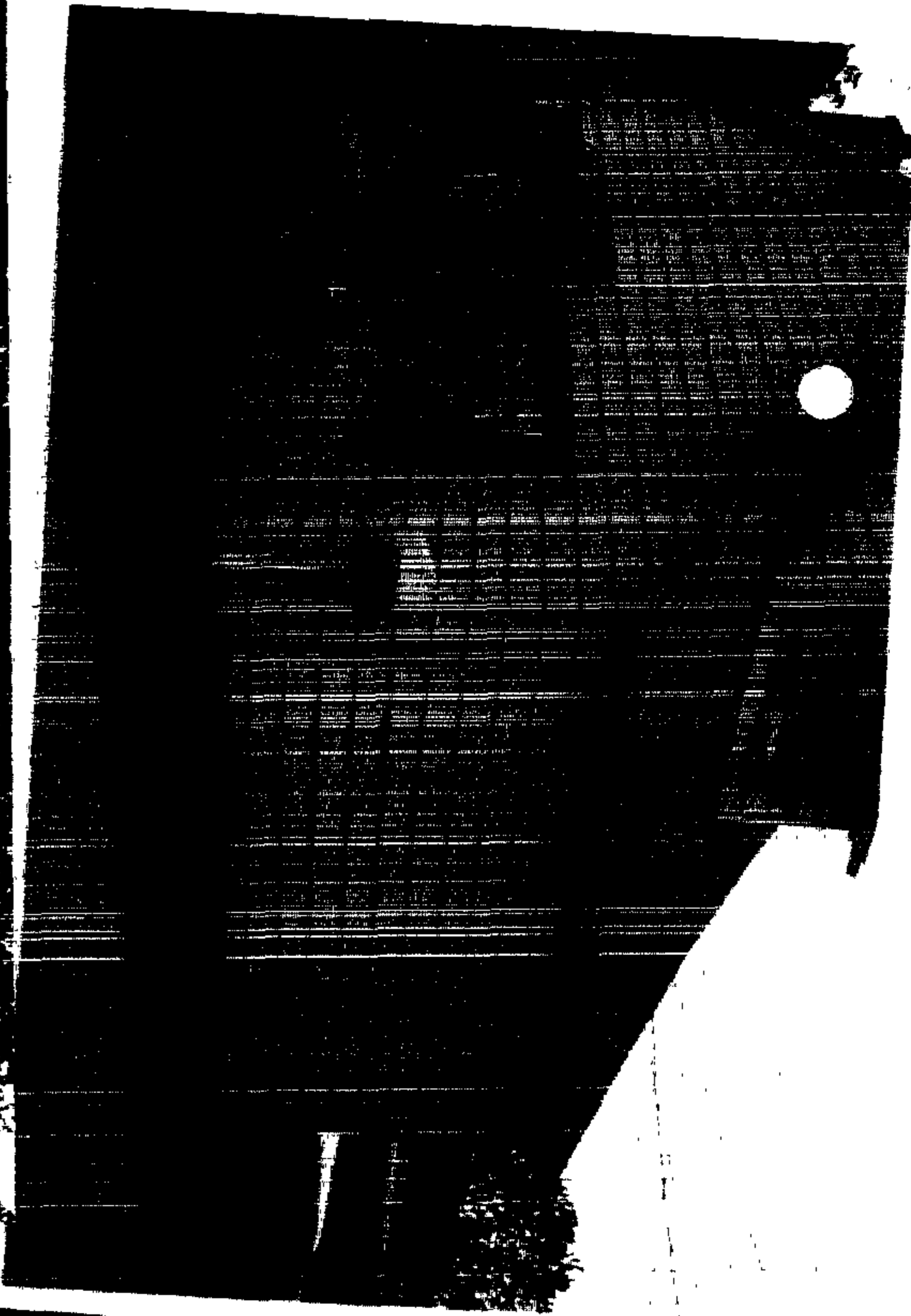
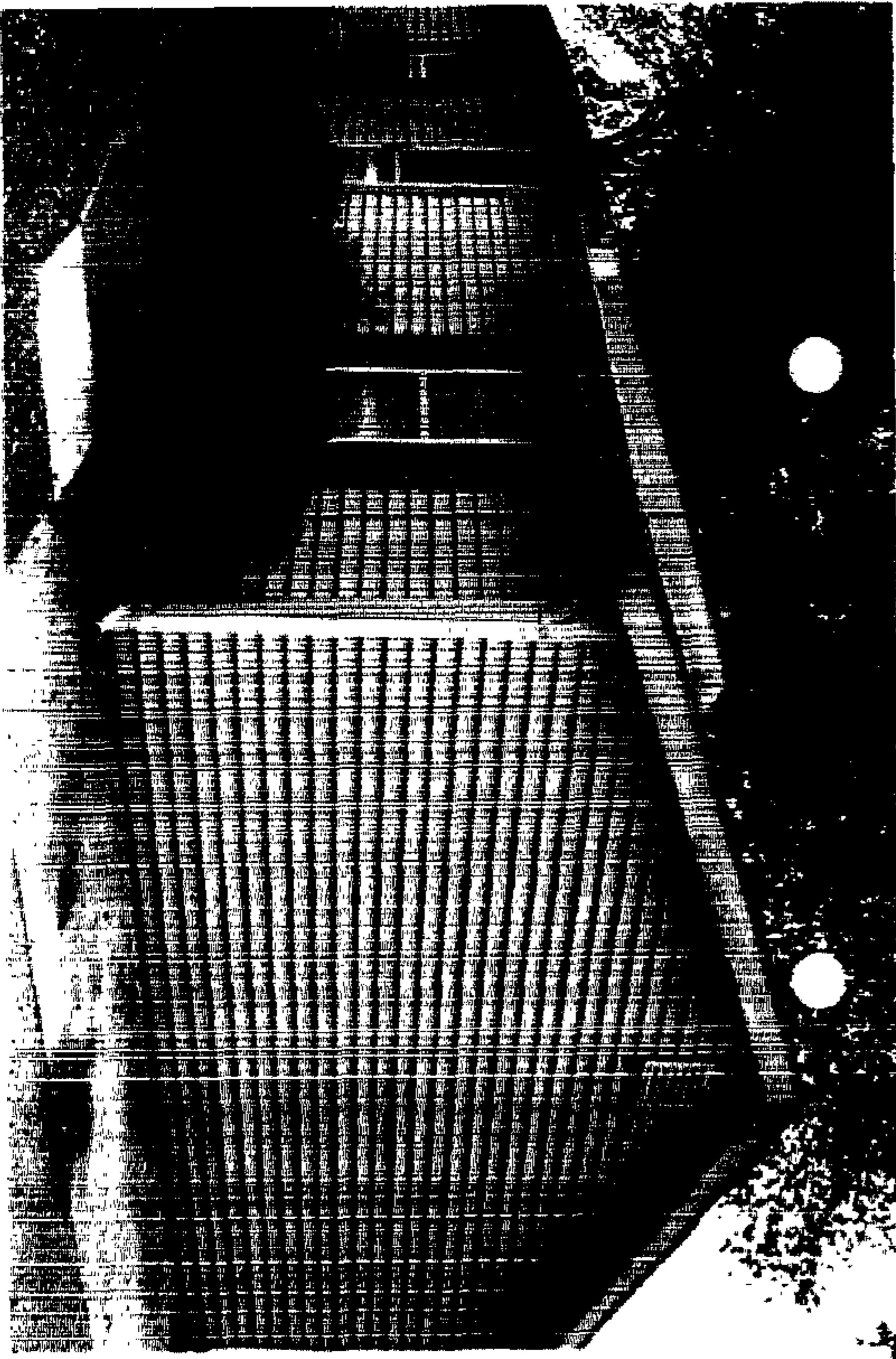




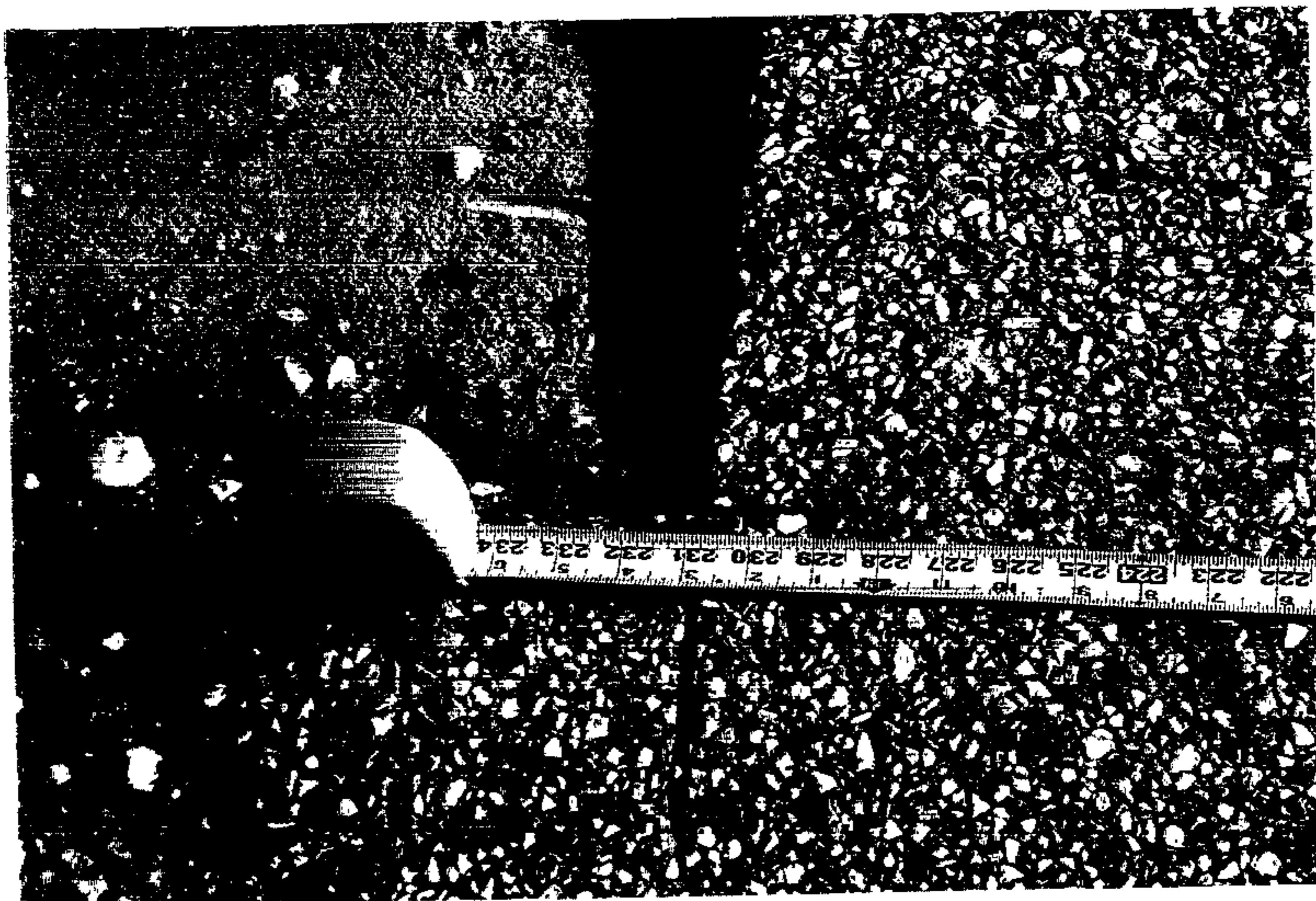






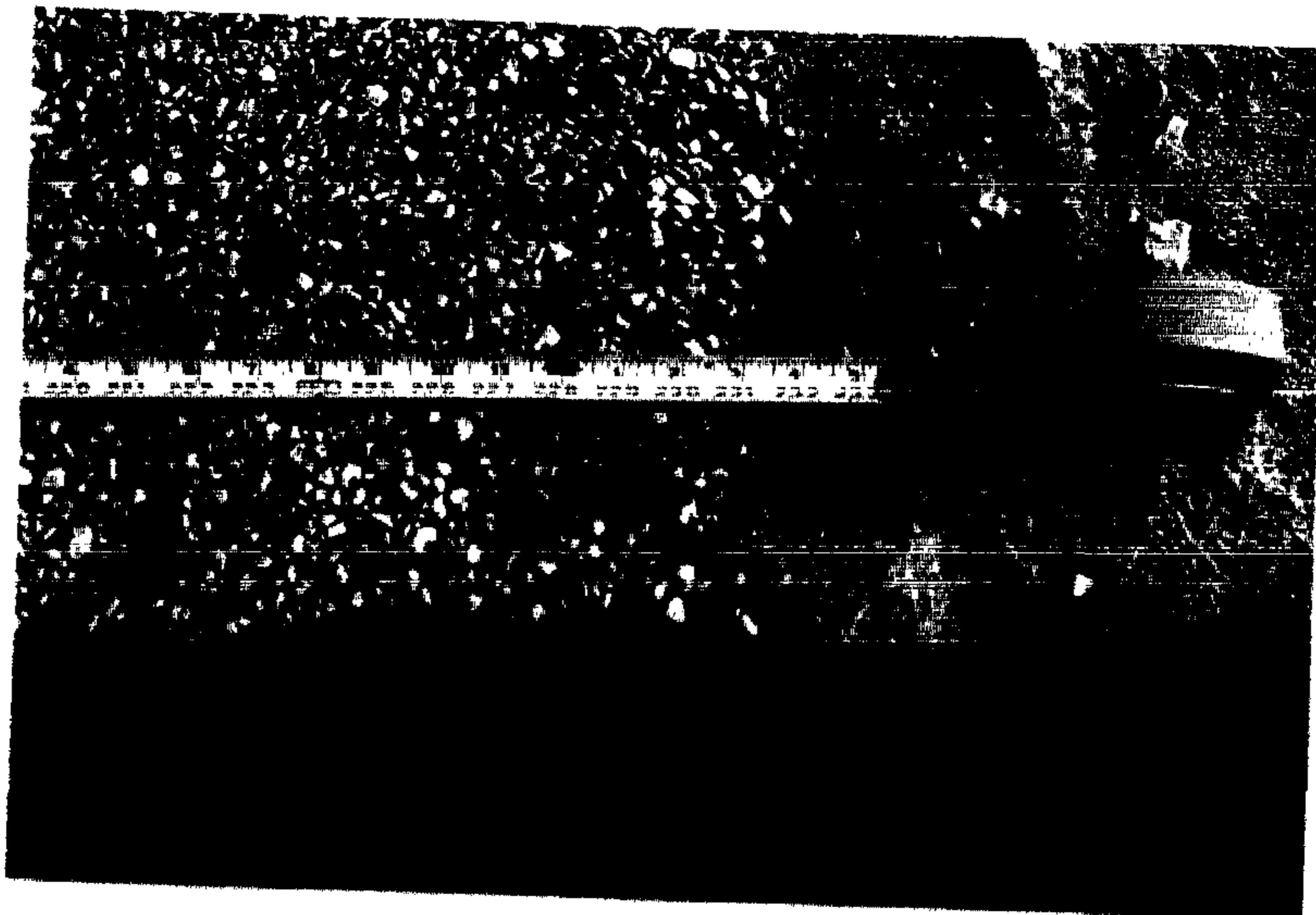


PETITIONER'S
EXHIBIT NO. 7



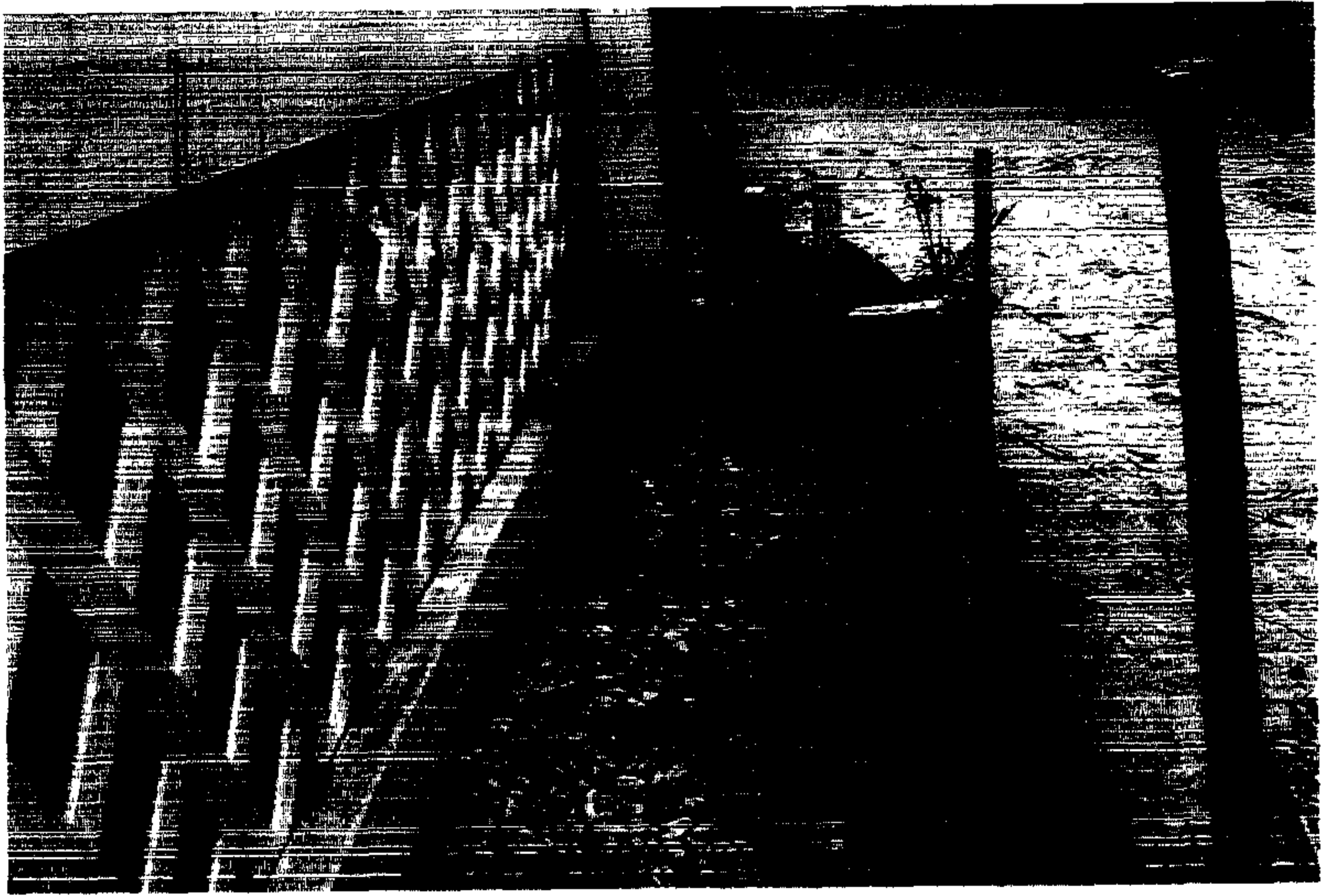
PROTESTANT'S

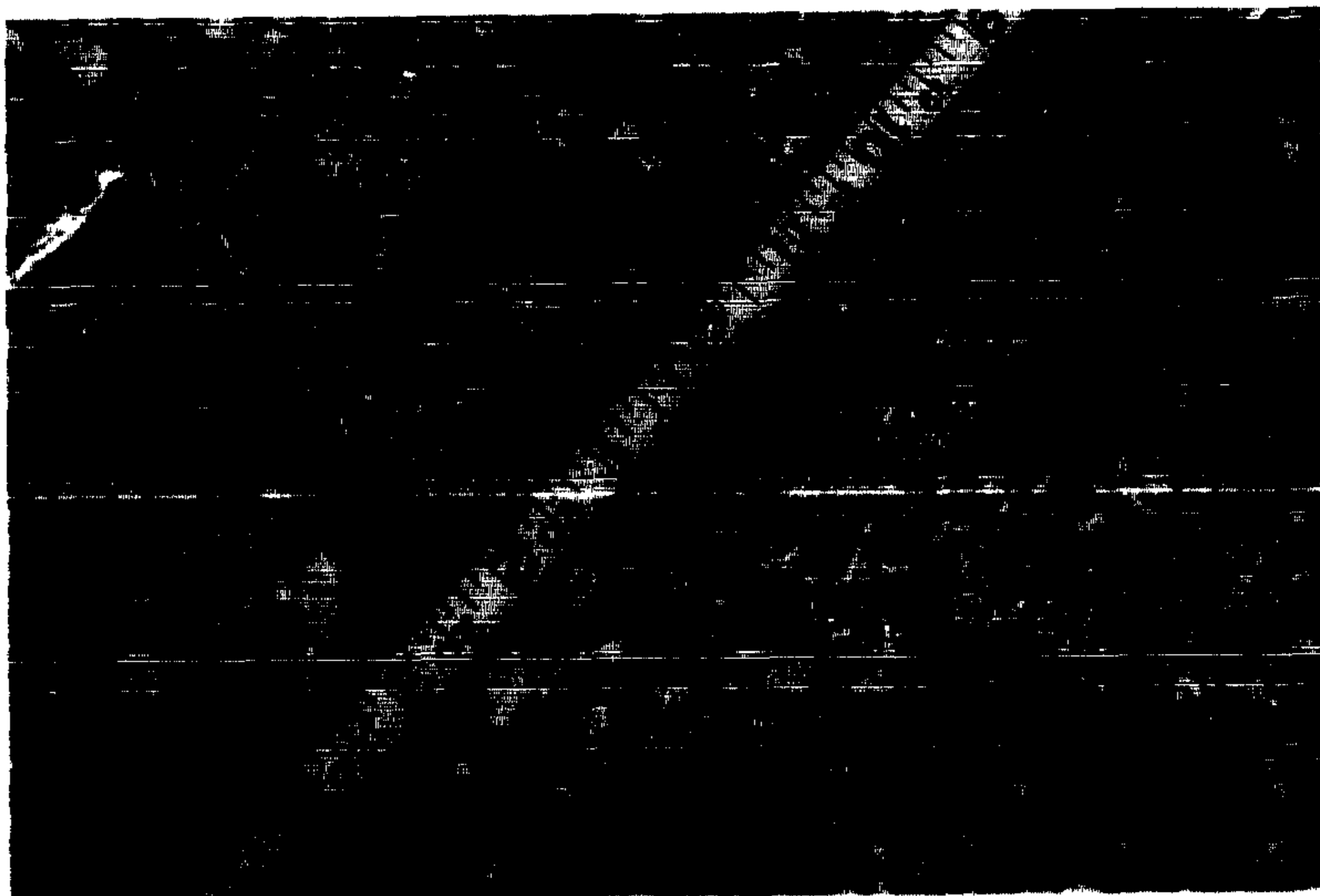
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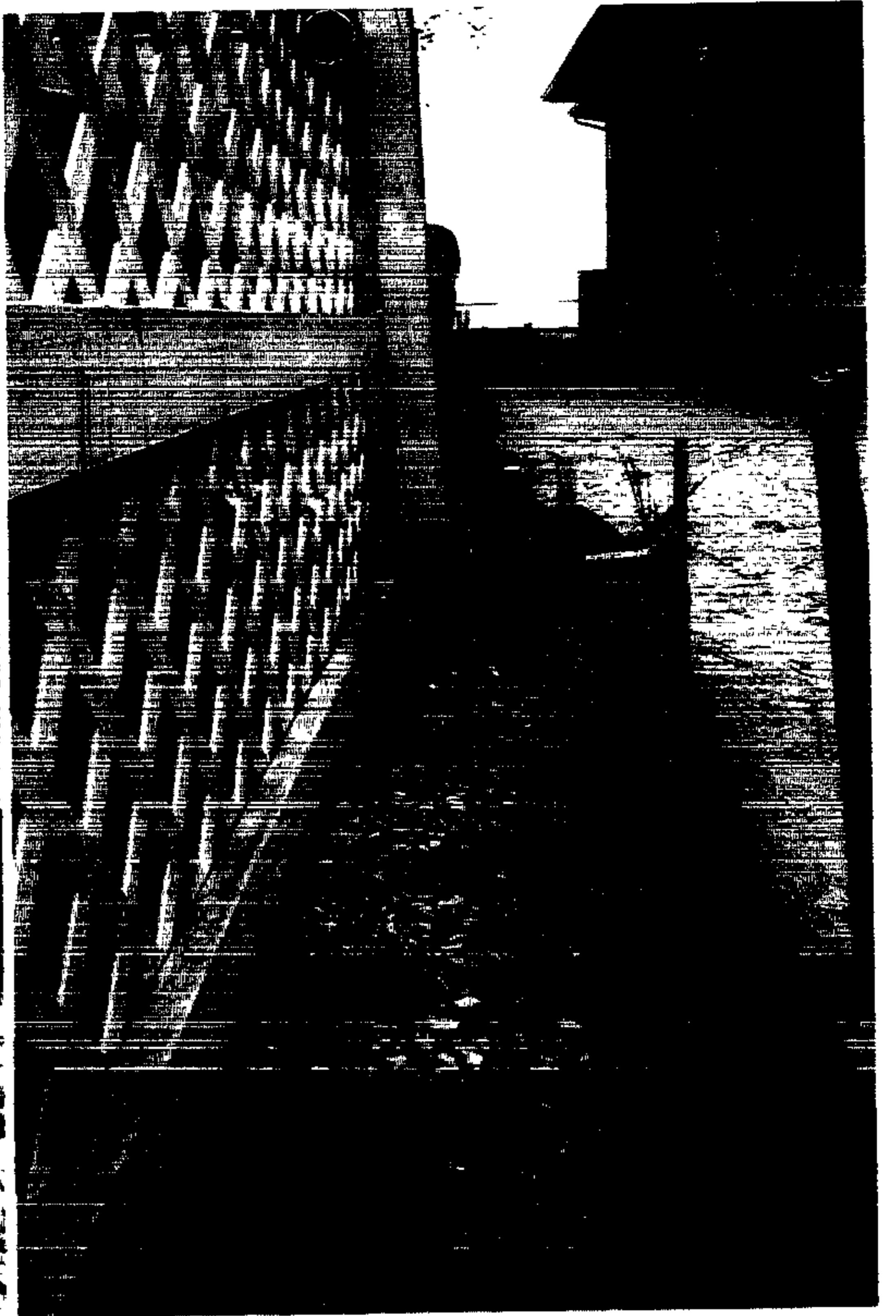
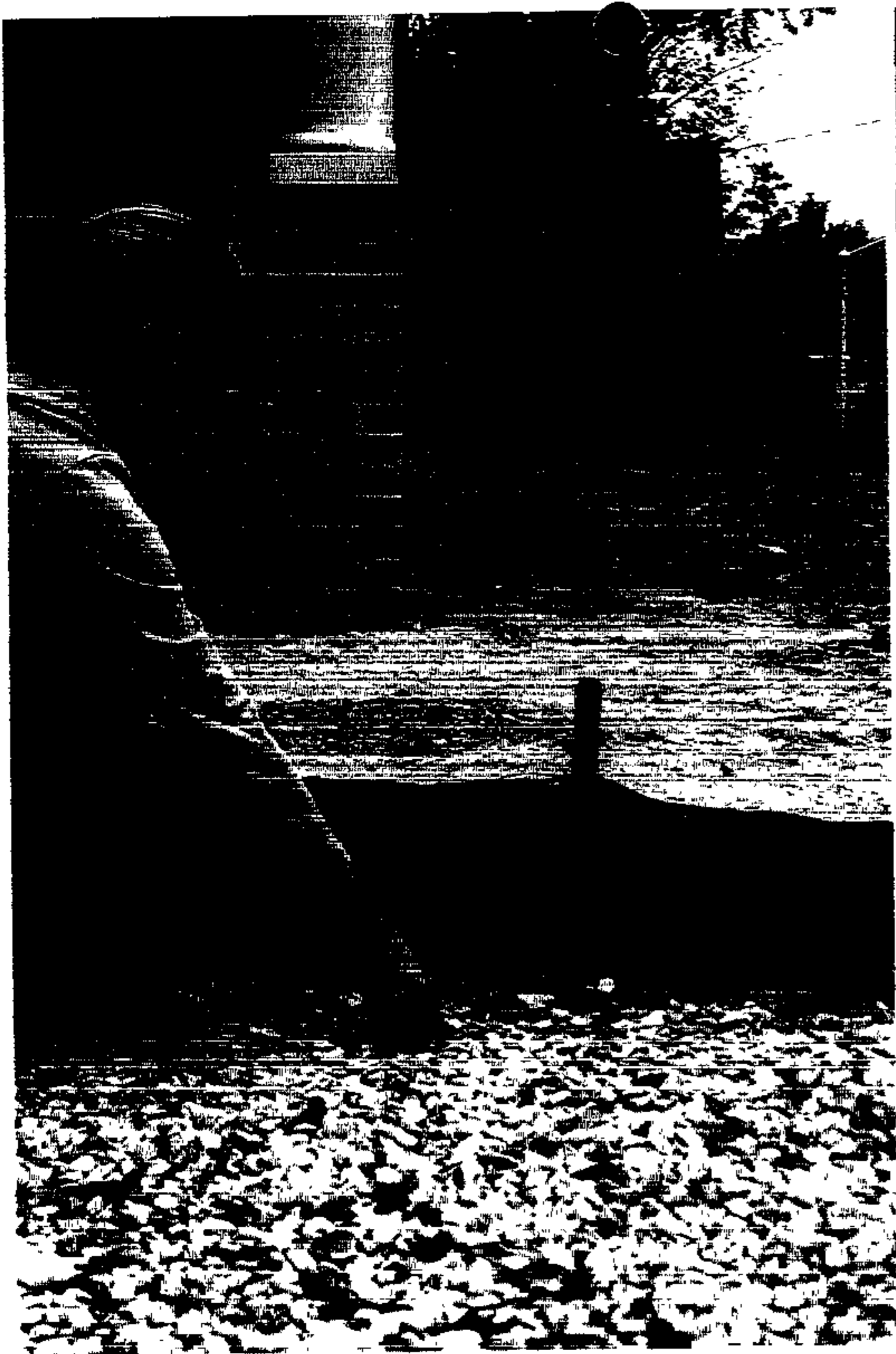


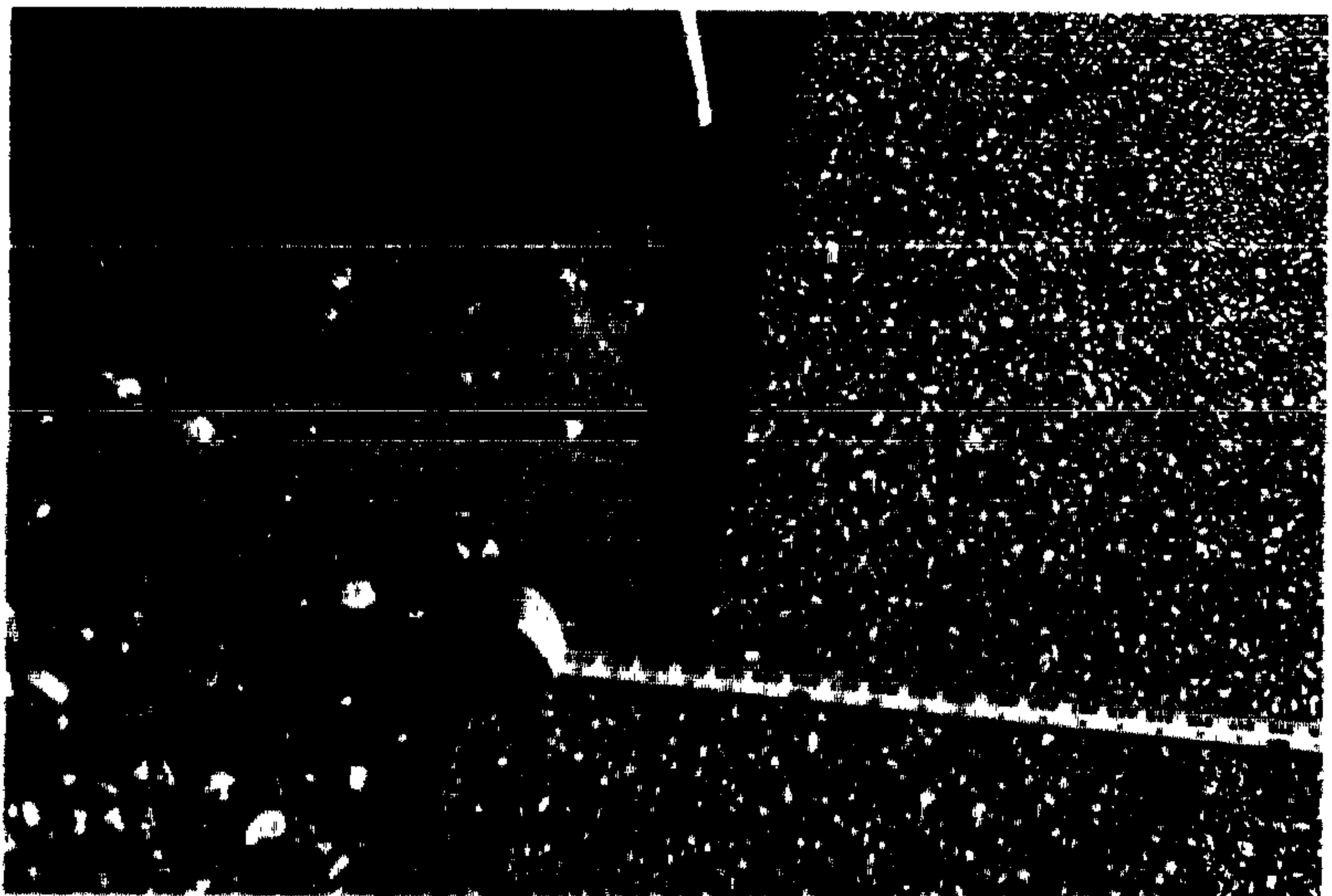
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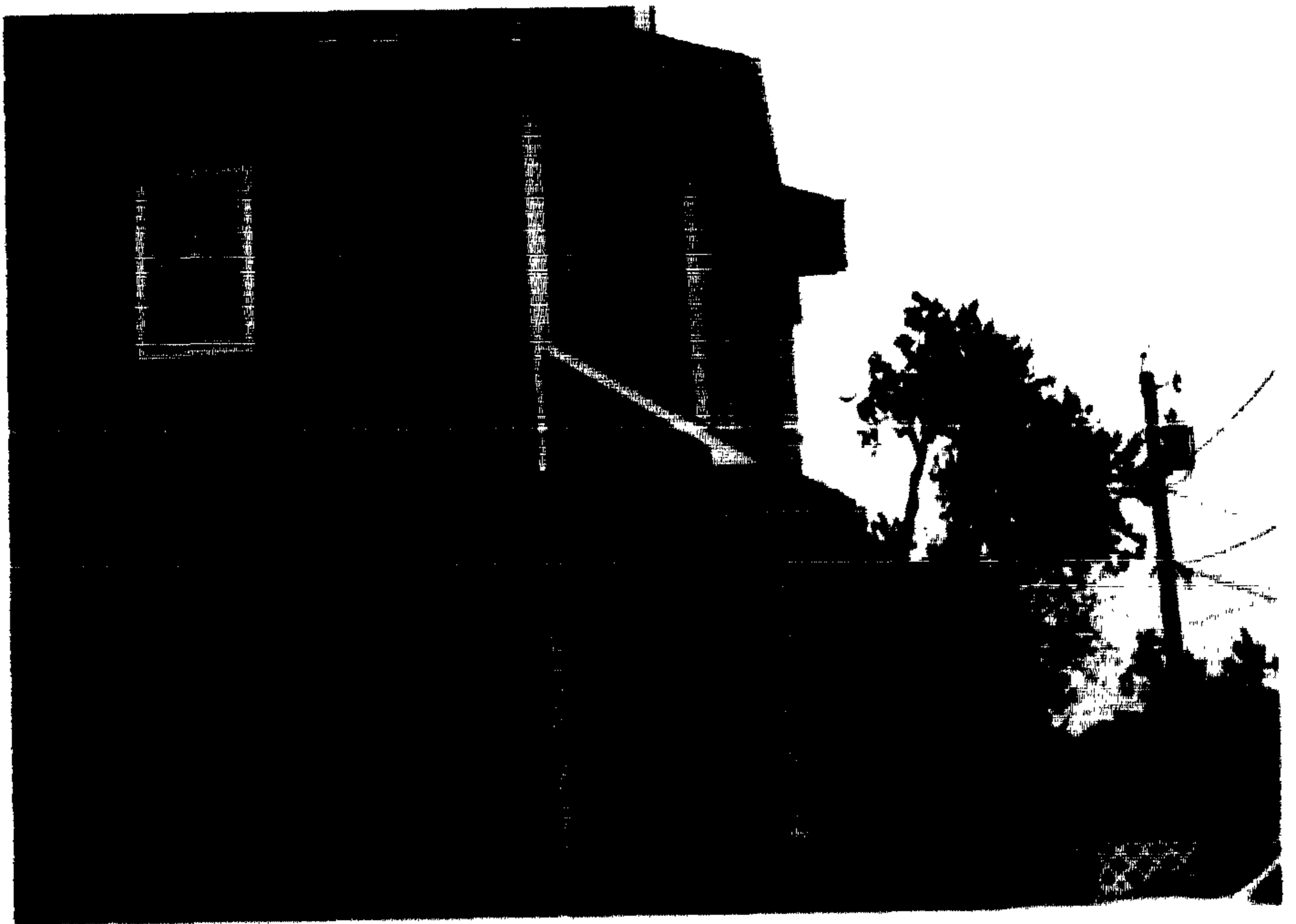






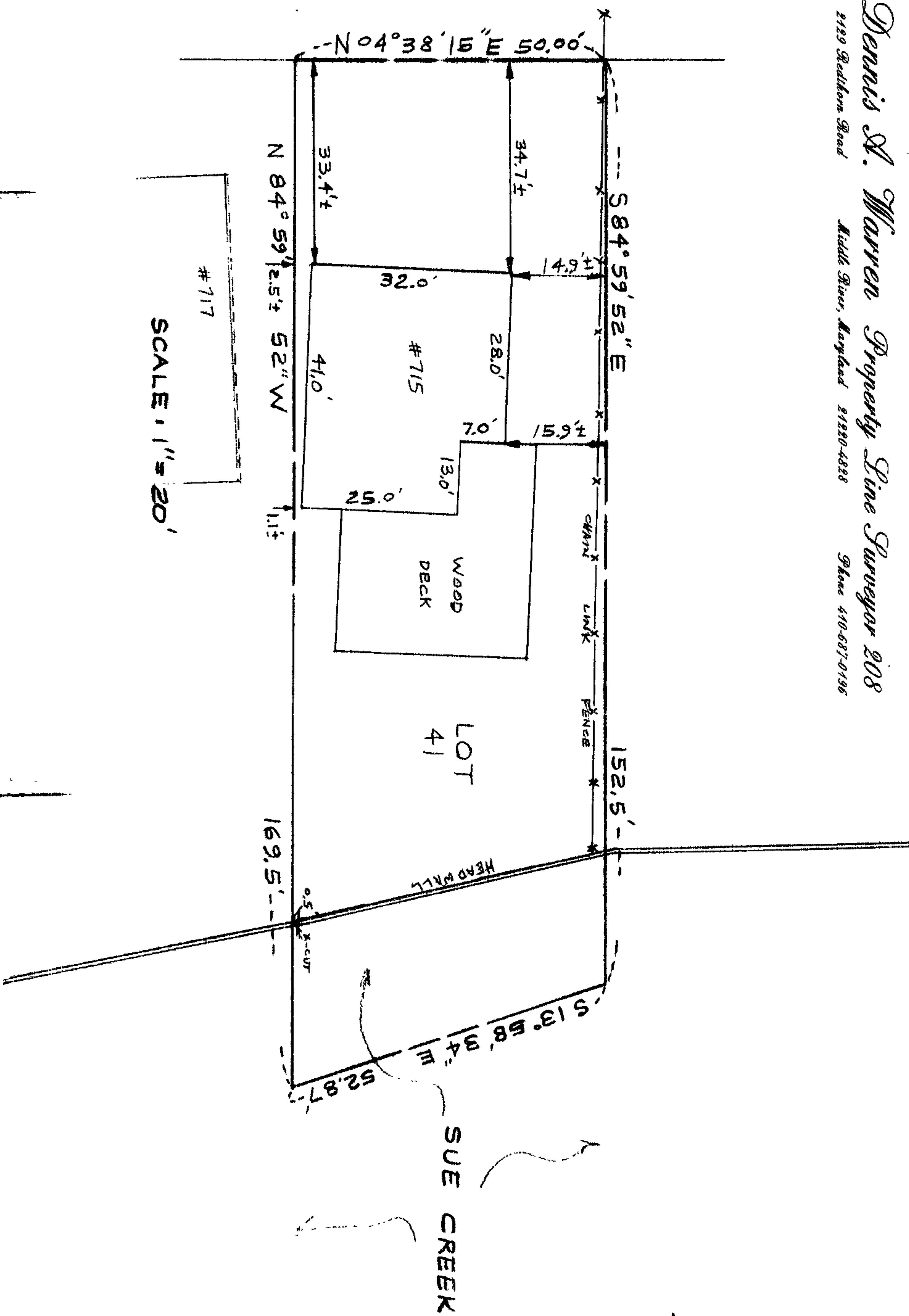






Dennis W. Warren Property Line Surveyor 208
 2129 Redfern Road Middle River, Maryland 21220-4828 Phone 410-687-0196

ROCKAWAY BEACH AVENUE



BOUNDARY SURVEY
 715 ROCKAWAY BEACH AVENUE
 LIBER: 8147 Folio: 196
 LOT 41
 ROCKAWAY BEACH
 TURKEY POINT FARM
 PLAT BOOK: WPC, 4 PAGE: 171
 15TH ELECTION DISTRICT
 BALTIMORE COUNTY, MD

SURVEYOR'S CERTIFICATE

The undersigned, a registered surveyor in the state of Maryland, does hereby certify that he is the surveyor who prepared this plan and said plan has been prepared in compliance with the Code of Maryland Regulations Subtitle 13 Board for Professional Land Surveyors 09.13.06, covering the minimum standards of practice insofar as the same concern the making of the plan and/or setting of the markers.

PROTESTANT'S EXHIBIT NO. 1

EXHIBIT NO.

Page 1 of 1

TO ACCOMPANY PETITION FOR ZONING VARIANCE

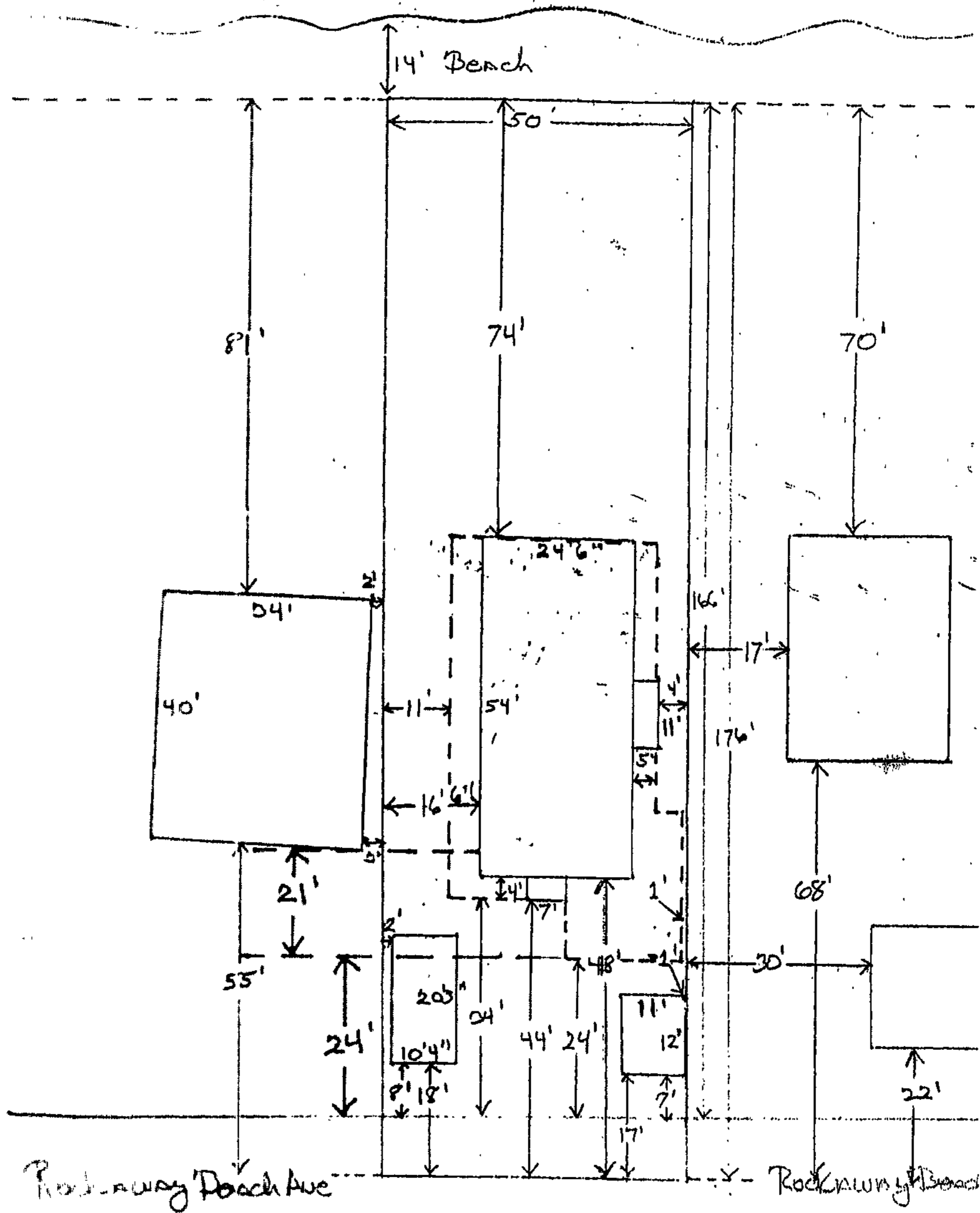
PROPERTY ADDRESS _____

SEE PAGES 5 & 6 OF THE CHECKLIST FOR A

VISION NAME _____

BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

R _____



PETITIONER'S

EXHIBIT NO. 7

BY Bob Rush

SCALE OF DRAWING: 1" = 40'

CI
10
HI
PI

REV

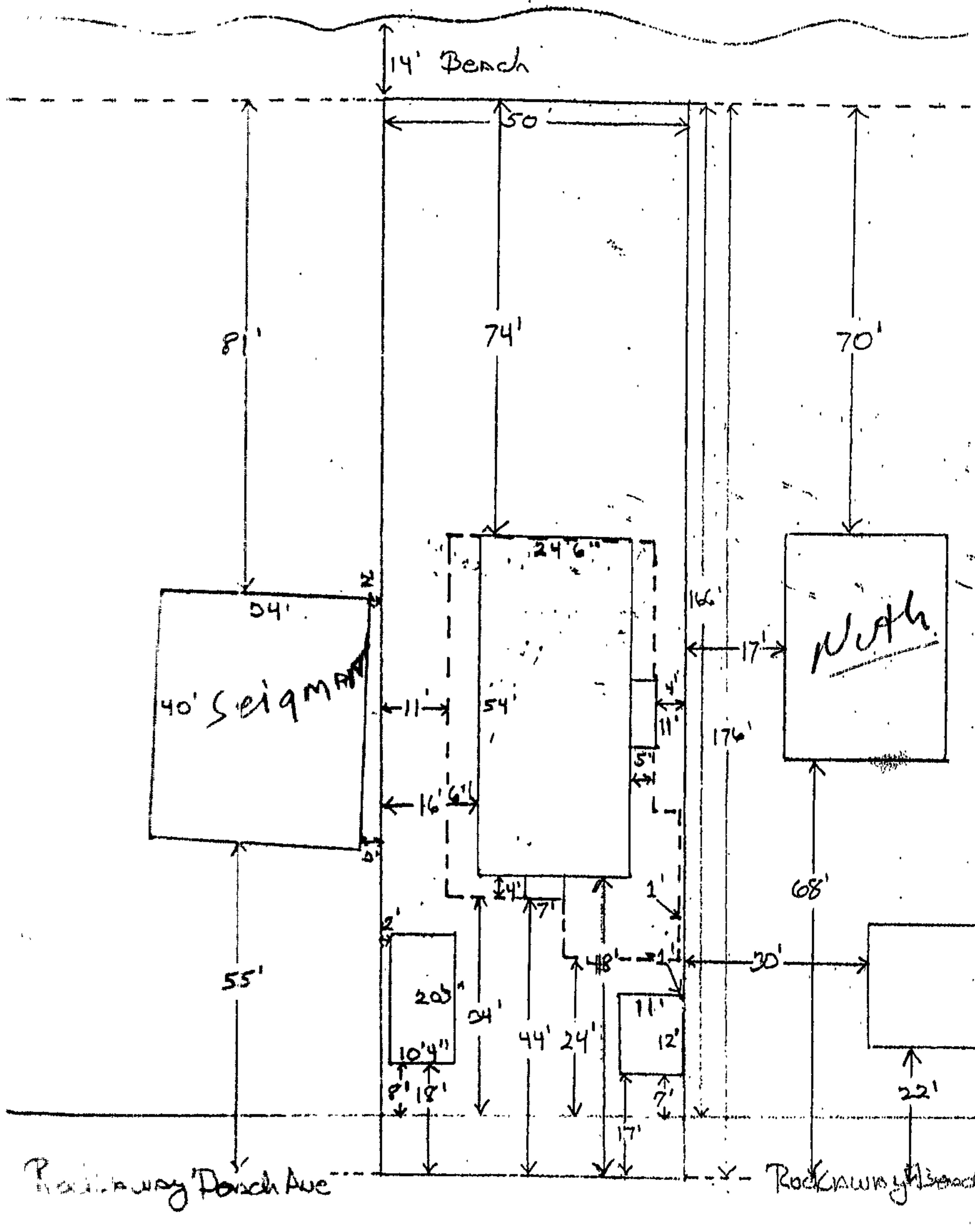
TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS _____

SEE PAGES 5 & 6 OF THE CHECKLIST FOR A

VISION NAME _____

BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____



BY Bob Rush

SCALE OF DRAWING: 1" = ~~40'~~

PETITIONER'S

EXHIBIT NO. 1

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 CLERK
 CITY OF
 PORTLAND
 MAY 10 1968

PETITIONER'S
EXHIBIT NO. 6



PETITIONER'S

EXHIBIT NO. 6