

IN RE: **PETITION FOR VARIANCE**

S/S Woody Road, 341.45' E of the c/l

Sue Creek Road

(11 Woody Road)

15th Election District

6th Council District

Paul K. McMullen, et us

Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-502-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, Paul K. McMullen, and his wife, Mary L. McMullen. The Petitioners request a variance from Section 417.4 of the Baltimore County Zoning Regulations (BCZR) to permit a pier to encroach 11 feet beyond the established divisional property line in lieu of the required 10 feet inside the established divisional property line. 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 Paul and Mary McMullen, property owners, David Billingsley, the consultant who prepared the site plan for this property, and Bob Infussi, who assisted the Petitioners in the filing process. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is an irregular shaped waterfront lot located with frontage on Sue Creek and the south side of Woody Road in the Sue Creek Landing community in Essex. The property contains a gross area of 0.2827 acres, more or less, zoned D.R.3.5 and is improved with a single-family dwelling. The Petitioners have owned and resided on the property since July 2003. At the time of their purchase, an existing floating pier extended approximately 28 feet into Sue Creek. Another 22 feet beyond the end of that pier was a mooring pile. Testimony indicated that the existing pier was severely damaged

RECEIVED FOR FILING
Date 5-23-06
By [Signature]

and that Mr. McMullen commenced construction of a new pier earlier this year. He was not aware that a permit was necessary in that he was replacing the existing pier. However, the Army Corp of Engineers was apparently made aware of the new construction and during a site visit to the property, advised the Petitioners that a permit was required. Moreover, the Petitioners were advised that variance relief might be necessary in that it appeared the new pier extended beyond the divisional property line of the neighbor's property to the north. A stop work order was issued pending Petitioners' application for the requisite permits, which were subsequently issued. However, the requested variance is necessary in order to complete construction.

In support of the request, testimony indicated that due to the unique configuration of the property and the limited water frontage of the subject and adjacent lots, it is not possible to construct a pier that would maintain the required 20-foot open access strip between the facilities of the adjoining lots and provide Petitioners with sufficient access to the water. Moreover, the location of the Petitioners' pier will not interfere with their neighbors' use and enjoyment of their respective piers or impede access thereto. In this regard, the neighbor on the affected side has no objections to the pier extending over his divisional property line, as evidenced by his signed statement of support, which is contained within the case file. As shown on the site plan, his pier is located approximately 29 feet from the Petitioners' pier. The existing pier on the neighbors' property to the south is approximately 12 feet from the Petitioners' pier, which limits the extension of the Petitioners' pier in that direction.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property, its narrow frontage on the water, and the location of existing piers in the vicinity. I find that strict compliance with the regulations would be unduly burdensome and would result in a practical difficulty and unreasonable hardship for the Petitioners. There were no adverse comments submitted by any County reviewing agency and the neighbors on the affected side have no objections. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

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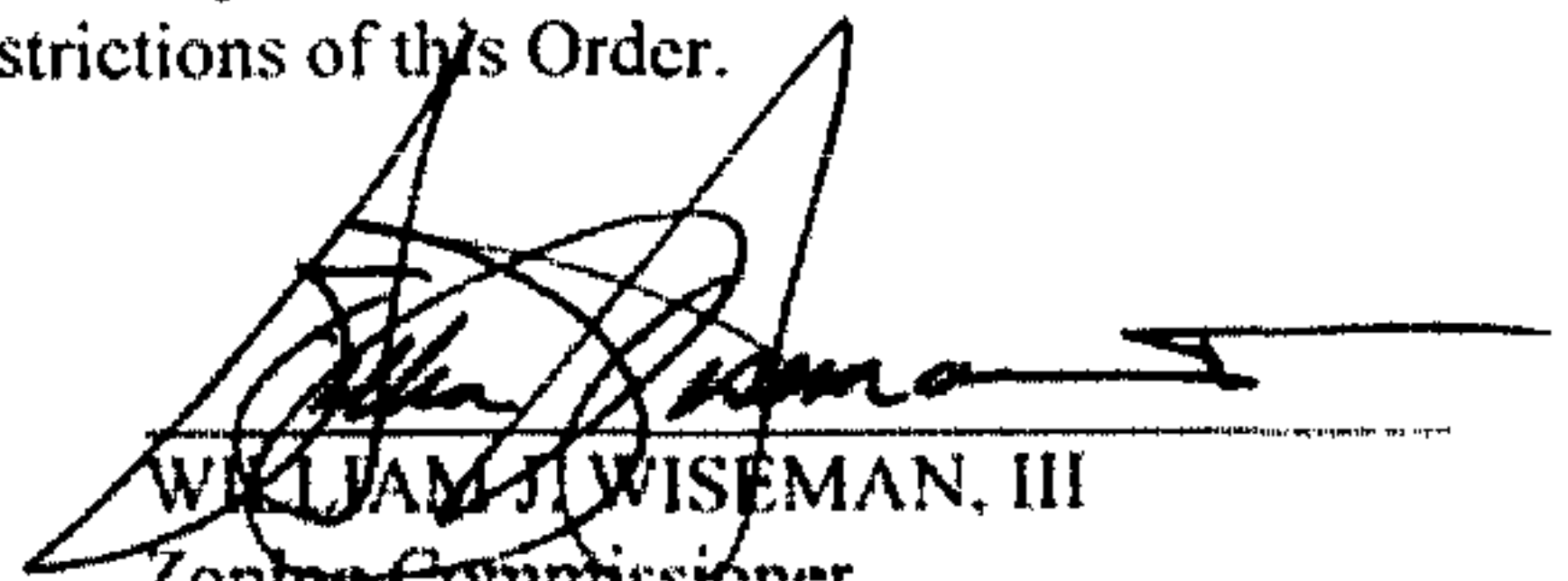
Date 5-23-09

By [Signature]

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.

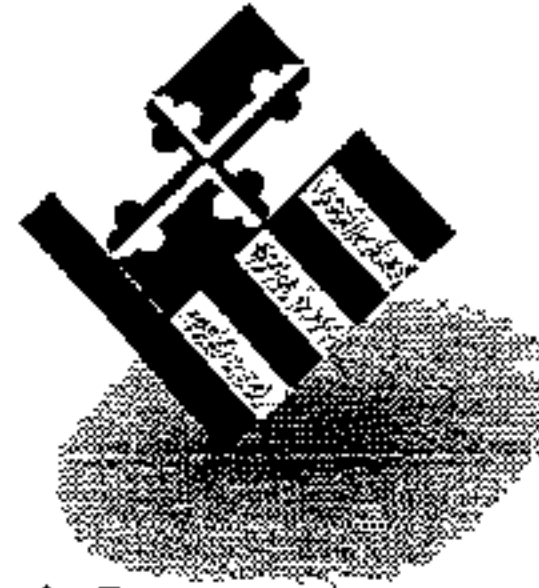
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of May 2006 that the Petition for Variance seeking relief from Section 417.4 of the Baltimore County Zoning Regulations (BCZR) to permit a pier to encroach 11 feet beyond the established divisional property line in lieu of the required 10 feet inside the established divisional property line, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

RECEIVED FOR FILING
Date: 5-23-06
By: [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 22, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Paul K. McMullen
11 Woody Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
S/S Woody Road, 341.45' E of the c/l Sue Creek Road
(11 Woody Road)
15th Election District – 6th Council District
Paul K. McMullen, et ux - Petitioners
Case No. 06-502-A

Dear Mr. & Mrs. McMullen:

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

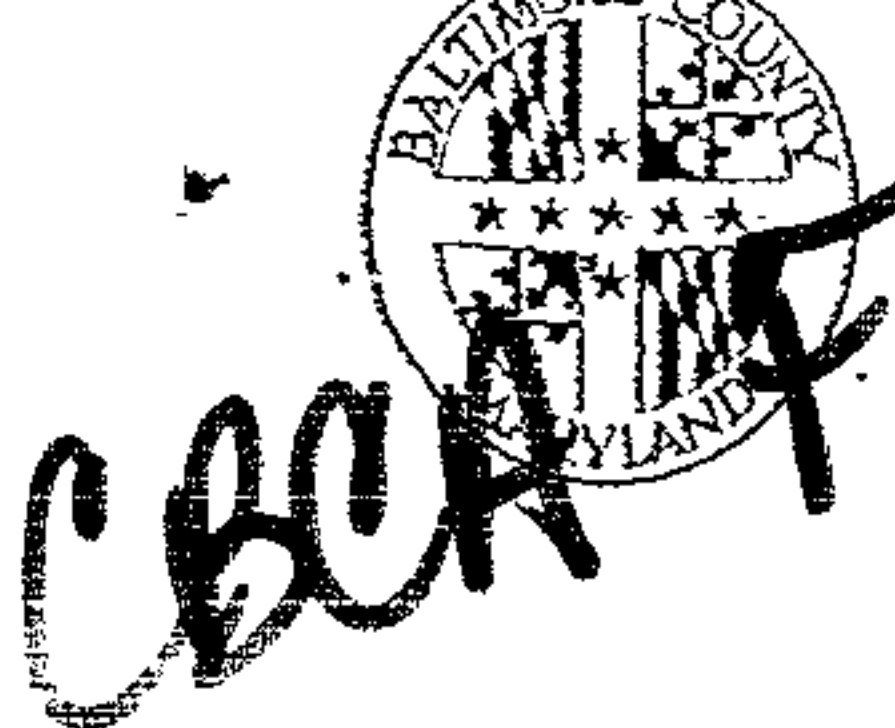
In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a circular stamp.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

cc: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Development Plans Review, DPDM; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11 WOODY ROAD

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 Variance from Section(s)

SEE ATTACHED

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

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

PAUL K. McMULLEN

Name - Type or Print

Name - Type or Print

Signature

x Paul K McMullen

Signature

Address

Telephone No.

MARY L. McMULLEN

Name - Type or Print

City

State

Zip Code

x Mary L McMullen

Signature

Attorney For Petitioner:

Name - Type or Print

City

11 WOODY ROAD (410) 574-3142

Address

Telephone No.

BALTIMORE MD.

21221

State

Zip Code

Representative to be Contacted:

Signature

Company

Address

Telephone No.

ROBERT INFUSS!

Name

P.O. BOX 1043-7043 (410) 812-2236

Address

Telephone No.

BELAIR

MD.

21014

City

State

Zip Code

OFFICIAL USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.

Reviewed By

UNAVAILABLE FOR HEARING

DROP OFF

Date 11/12/06

FILED JL/rk

see jam

RECEIVED FOR FILING
2006 NOV 13 PM 4:00
Date
By

Case No. 06 502 A

SECTION 417.4 TO PERMIT A PEIR TO ENCROACH ELEVEN (11) FEET
BEYOND THE ESTABLISHED DIVISIONAL PROPERTY LINE IN LIEU OF
THE REQUIRED TEN (10) FEET INSIDE THE ESTABLISHED DIVISIONAL
PROPERTY LINE.

REASON FOR VARIANCE REQUEST

DUE TO THE LOCATION OF THE EXISTING PIER CONSTRUCTED AT 2022 SUE CREEK DRIVE AND THE LIMITED WATER FRONTAGE OF THE SUBJECT AND CONTIGUOUS LOTS, IT IS NOT POSSIBLE TO CONSTRUCT THE PIER WHILE MAINTAINING A TWENTY (20) FOOT OPEN ACCESS STRIP BETWEEN THE FACILITIES OF THE ADJOINING PROPERTIES. OUR NEIGHBOR LOCATED AT 15 WOODY ROAD HAS NO OBJECTION TO THE CONSTRUCTION OF THE PIER AS SHOWN ON THE PLAN TO ACCOMPANY THE ZONING PETITION.

**DESCRIPTION TO ACCOMPANY
ZONING PETITION**

11 WOODY ROAD

Beginning at a point on the south side of Woody Road (50 feet wide), said point being distant 341.45 feet easterly from it's intersection with the center of Sue Creek Road (50 feet wide), thence being all of Lot 79, Plat 3, Sue Creek Landing recorded among the Baltimore County plat records in Plat Book 48 Folio 8. Containing 12,314 square feet or 0.2827 acre of land, more or less.

Being known as 11 Woody Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Maryland.

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: #06-502-A

11 Woody Road

South side of Woody Road, 341.45 feet east of Sue Creek Road

15th Election District - 6th Councilmanic District
Legal Owner(s): Paul K. & Mary L. McMullen

Variance: to permit a pier to encroach 11 feet beyond the established divisional property line in lieu of the required 10 feet inside the established divisional property line.

Hearing: Tuesday, May 16, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 5/625 May 2

93838

CERTIFICATE OF PUBLICATION

5/5/, 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 5/2/, 2006.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 4/12/06 ACCOUNT 0010066150

AMOUNT \$ 65.00

RECEIVED FROM: Central Pk

FOR: RV 11 Woody Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

5070088 No. 1139
DROPPED

APPROVED BY: _____
DATE: _____
CASHIER'S SIGNATURE: _____
DATE: _____
CASHIER'S NAME: _____
CASHIER'S TITLE: _____
CASHIER'S DEPARTMENT: _____
CASHIER'S PHONE: _____
CASHIER'S FAX: _____
CASHIER'S E-MAIL: _____
CASHIER'S ADDRESS: _____
CASHIER'S CITY: _____
CASHIER'S STATE: _____
CASHIER'S ZIP: _____

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-502-A

Petitioner/Developer: PAUL K. &
MARY L. McMULLEN

Date Of Hearing/Closing: 5/16/06

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 11 WOODY ROAD

This sign(s) were posted on May 1, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 5/1/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

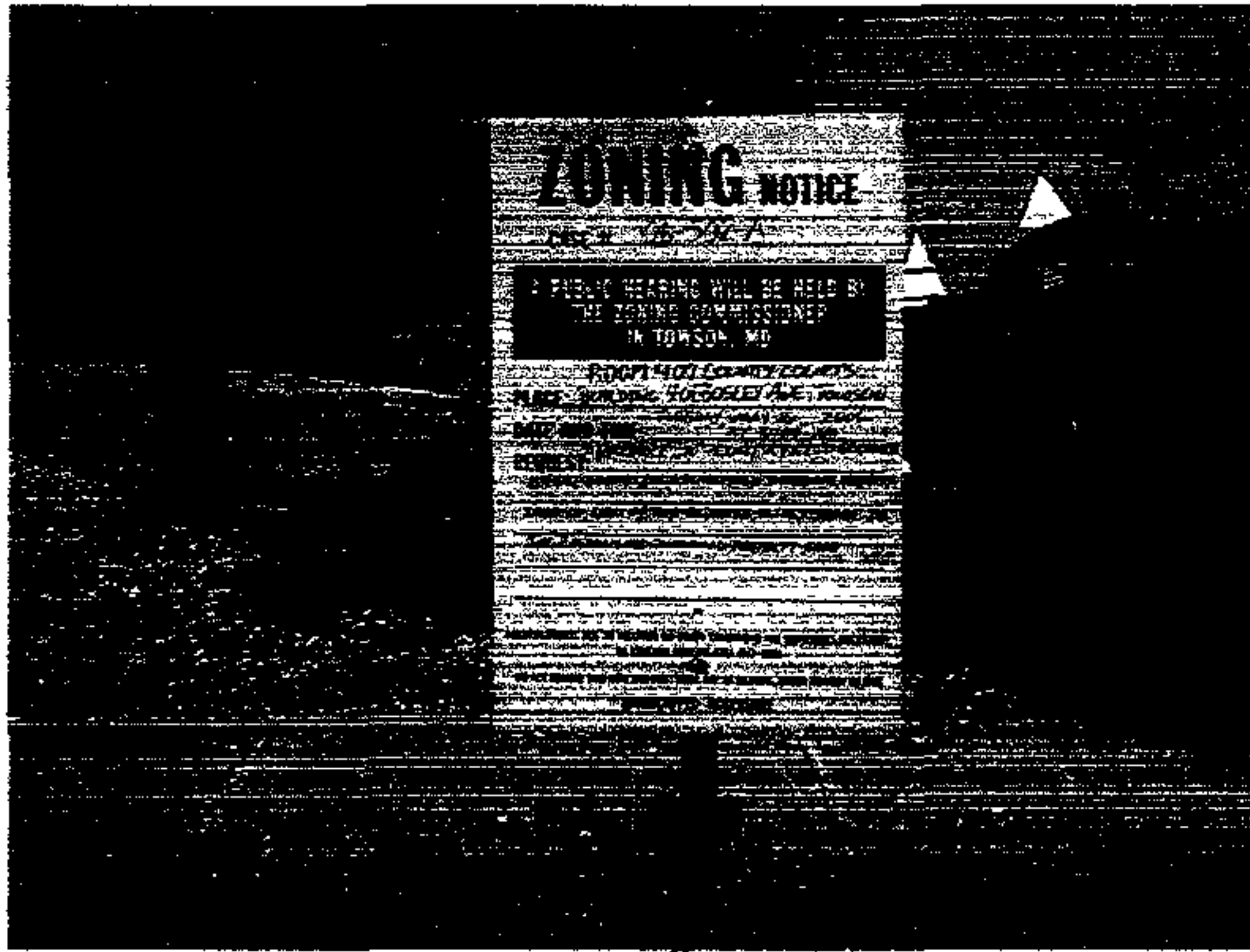
16 Salix Court

Address

Balto, Md 21220

(443-629 3411)

im000646 (1152x864x24b jpeg)



negative 5/1/06

**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: 06 502 A

Petitioner: PAUL AND. MARY McMULLEN

Address or Location: 11 WOODY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: PAUL McMULLEN

Address: 11 WOODY ROAD
BALTO. MD. 21221

Telephone Number: (410) 574 - 3142

RE: PETITION FOR VARIANCE
11 Woody Road; S/S Woody Road,
341.45' E Sue Creek Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Paul & Mary McMullen
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 06-502-A

* * * * *

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, Robert Infussi, P.O. Box 1043-7043, Bel Air, MD 21014, Representative for Petitioner(s).

RECEIVED

APR 21 2006

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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

April 25, 2006

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: 06-502-A

11 Woody Road

South side of Woody Road, 341.45 feet east of Sue Creek Road

15th Election District – 6th Councilmanic District

Legal Owners: Paul K. & Mary L. McMullen

Variance to permit a pier to encroach 11 feet beyond the established divisional property line in lieu of the required 10 feet inside the established divisional property line.

Hearing: Tuesday, May 16, 2006 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. McMullen, 11 Woody Road, Baltimore 21221
Robert Infussi, P.O. Box 1043-7043, Belair 21014

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 1, 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 2, 2006 Issue - Jeffersonian

Please forward billing to:
Paul McMullen
11 Woody Road
Baltimore, MD 21221

410-574-3142

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: 06-502-A

11 Woody Road

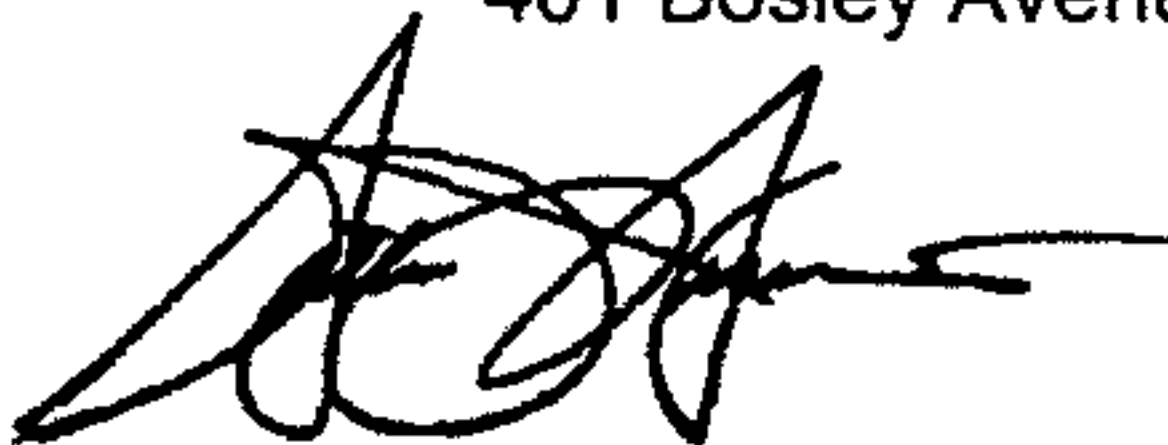
South side of Woody Road, 341.45 feet east of Sue Creek Road

15th Election District – 6th Councilmanic District

Legal Owners: Paul K. & Mary L. McMullen

Variance to permit a pier to encroach 11 feet beyond the established divisional property line in lieu of the required 10 feet inside the established divisional property line.

Hearing: Tuesday, May 16, 2006 at 10:00 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

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: 06-502-A

11 Woody Road
South side of Woody Road, 341.45 feet east of Sue Creek Road
15th Election District – 6th Councilmanic District
Legal Owners: Paul K. & Mary L. McMullen

Variance to permit a pier to encroach 11 feet beyond the established divisional property line in lieu of the required 10 feet inside the established divisional property line.

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

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

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. McMullen, 11 Woody Road, Baltimore 21221
Robert Infussi, P.O. Box 1043-7043, Belair 21014

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 23, 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 23, 2006 Issue - Jeffersonian

Please forward billing to:

Paul McMullen
11 Woody Road
Baltimore, MD 21221

410-574-3142

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: 06-502-A

11 Woody Road

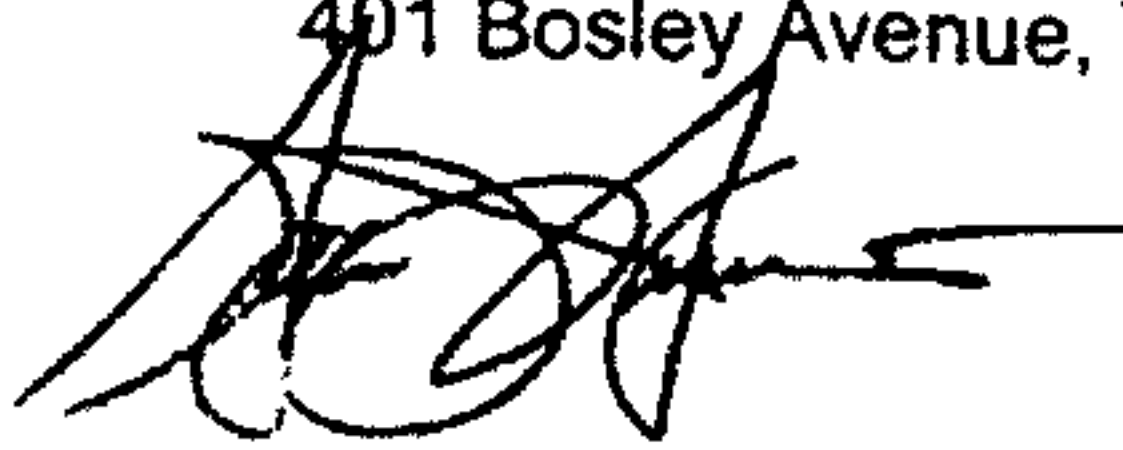
South side of Woody Road, 341.45 feet east of Sue Creek Road

15th Election District – 6th Councilmanic District

Legal Owners: Paul K. & Mary L. McMullen

Variance to permit a pier to encroach 11 feet beyond the established divisional property line in lieu of the required 10 feet inside the established divisional property line.

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



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING. CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**Department of Permits and
Development Management**



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 12, 2006

Paul K. McMullen
Mary L. McMullen
11 Woody Road
Baltimore, MD 21221

Dear Mr. and Mrs. McMullen:

RE: Case Number: 06-502-A, 11 Woody Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 12, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c People's Counsel
Robert Infussi P.O. Box 1043-7043 Belair 21014

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 25 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination JWL

DATE: May 25, 2006

SUBJECT: Zoning Item # 06-502-A
Address 11 Woody Road
(Mc Mullen Property)

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:

1. Pier must comply with Section 33-2-605 of the Critical Area Regulations.
2. State and Federal permits are required for pier construction.

Reviewer: G. Shaffer

Date: May 25, 2006

DATE
BY
FILED FOR FILING

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 8, 2006

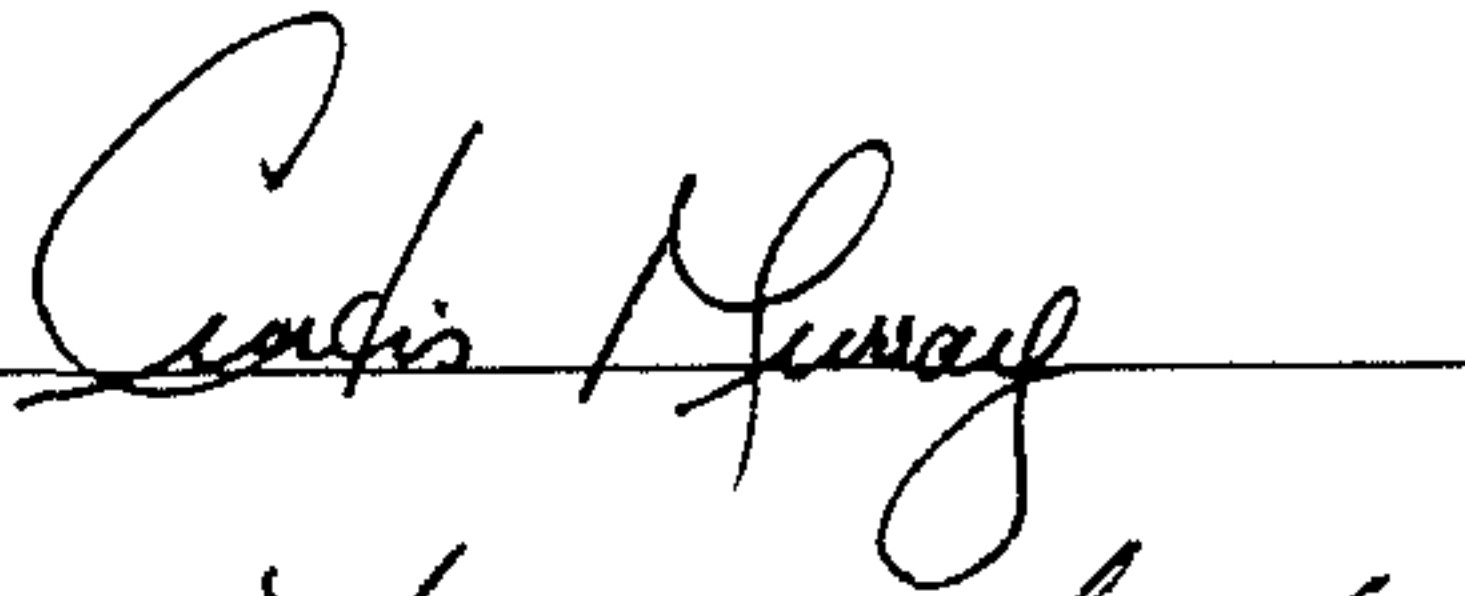
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-502- Variance

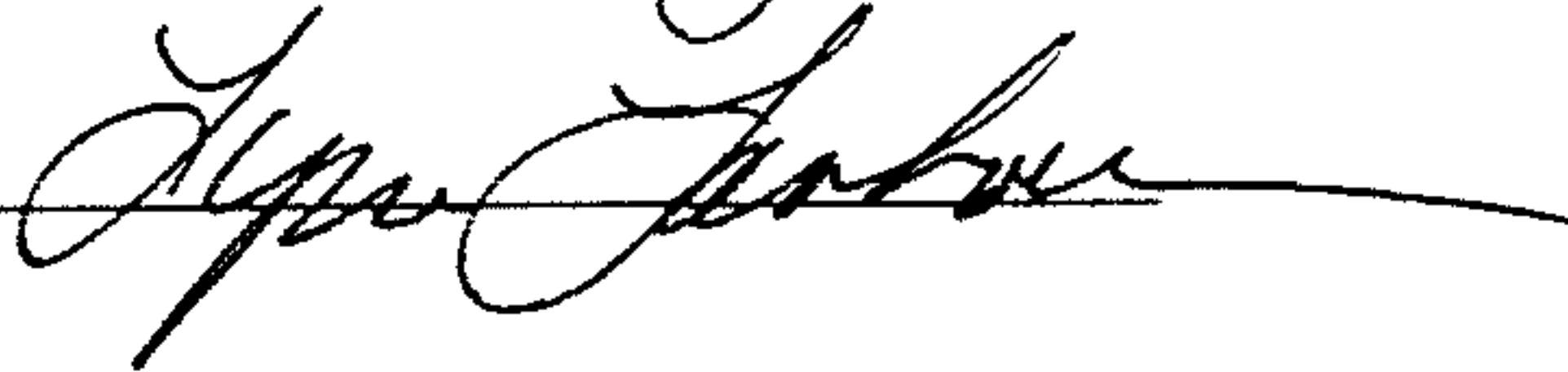
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

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. 502 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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 25, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For May 1, 2006
Item Nos. 491, 492, 493, 494, 495, 498,
499, 500, 502, 504, 505, 507, 508, 509,
511, 513, 514, 515, 516, 517

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

DAK:CLN/clw
cc: File

ZAC-NO COMMENTS-04252006.doc

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

Pursuant to ⁵⁰²your 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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 7, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Paul K. McMullen
11 Woody Road
Baltimore, Maryland 21221

RE: **PETITION FOR VARIANCE**
S/S Woody Road, 341.45' E of the c/l Sue Creek Road
(11 Woody Road)
15th Election District – 6th Council District
Paul K. McMullen, et ux - Petitioners
Case No. 06-502-A

Dear Mr. & Mrs. McMullen:

It has been brought to my attention that there was a typographical error on the Order for the above-captioned case. Therefore, this letter will serve as a CORRECTIVE ORDER regarding the decision rendered in the above captioned case.

Specifically, on Page 2 of the first full paragraph, the 10th line, the distance of 12 feet was erroneously noted; it should have read 21 feet. Please change Page 2 of your copy of the Order accordingly. This correction merely resolves a typographical error, and does not materially alter the effect of the Order.

If you require additional information concerning this matter, please contact the Office of the Zoning Commissioner for Baltimore County at (410) 887-3868.

Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a circular stamp.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Robert Infussi, P.O. Box 1043-7043, Belair, Md. 21014
DEPRM; Development Plans Review, DPDM; People's Counsel; Case File

Harold W. Dorsey, Jr.
15 Woody Road
Baltimore, Maryland 21221

502

March 17, 2006

Office of the Zoning Commissioner
Baltimore County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

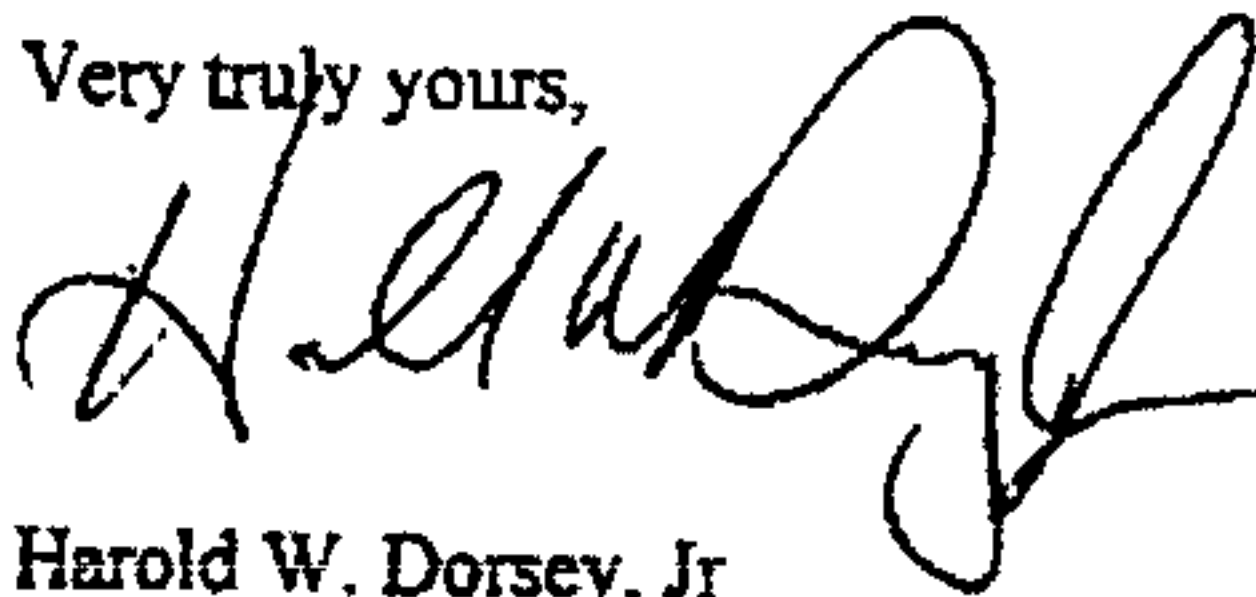
RE: 11 WOODY ROAD
VARIANCE FOR PIER SETBACK

Gentlemen:

I have reviewed the plat to accompany the zoning petition filed by my neighbors, Paul and Mary McMullen, and have no objection to the construction of the pier with an encroachment of 11 feet over our common divisional property line.

Please place this correspondence in the case file. Thank you for your cooperation in this matter.

Very truly yours,



Harold W. Dorsey, Jr



MARK S. WALKER
Notary Public, State of Maryland
County of Baltimore
My Commission Expires November 8, 2008

SHORT 2
SITE PLANS
IN 100 YR F.P.
CALLED D.B
4/11/06
502

SHORT 2
SITE PLANS
IN 100 YR F.P.
CALLED D.B
4/11/06
502

DATE: 4/3/06

ATTENTION: CARL RICHARDS

☒ MESSENGER
☐ U.S. MAIL

DESCRIPTION AND/OR TITLE

TRANSMITTED AS INDICATED:

PER TIM KOTROSCO

 COPY (S) OF SENT TO

SENT BY DAVE BILLINGSLEY

RECEIVED BY _____

FREQUENT FLYER ATTORNEYS
DROP OFF ZONING PETITIONS
POLICY PROCEDURES

06-502-A
KEEP COPY IN
EACH ZONING FILE
INC. Dummies.

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with all technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

*Only 12 instead of 14 plans provided
(engineer called)*

3/22/05
JLL/rjc

Debra Wiley - Re: Question about Error in Order - 06-502-A

From: "Bette Schuhmann" <bschuhmann@msn.com>
To: "Debra Wiley" <dwiley@co.ba.md.us>
Date: 06/05/06 8:39 AM
Subject: Re: Question about Error in Order - 06-502-A

Good Morning, Debbie - Without the site plan, it's hard to verify which distance is correct. I don't know if this is a typo on my part, or if my understanding of what was represented on the site plan was unclear. I remember that I had problems with the distances and measurements in this case. Anyway, I would double-check the site plan just to be sure there is no misunderstanding. The bottom line is if the variance relief granted is the same as that requested, then no amended Order is necessary and a simple letter to correct the error on Page 2 would be sufficient.

----- Original Message -----

From: Debra Wiley
To: bschuhmann@msn.com
Sent: Friday, June 02, 2006 8:34 AM
Subject: Question about Error in Order - 06-502-A

Hi Bette,

How are you doing? Hope all is well today.

Bill received an email from David Billingsley regarding the above-referenced case (McMullen - 11 Woody Road) and after David's review, has indicated that on page 2, the first full paragraph, 10th line, the distance of 12 feet is incorrect. It should be 21 feet. He stated that this does not affect the variance but wasn't sure if it should be corrected in case of an appeal.

Bill believes perhaps a letter rectifying a typo on Page 2 might suffice? What do you recommend? A letter or an Amended Order?

I have attached the Order for your convenience. Thanks.

From: David Billingsley <dwb0209@yahoo.com>
To: Bill Wiseman <wwiseman@co.ba.md.us>
Date: 06/02/06 12:56:08 PM
Subject: Re: 11 WOODY ROAD CASE NO 06-502-A

BILL

SHOULD I WRITE THE LETTER ? NO PROBLEM IF YOU WANT ME
TO

DAVE

— Bill Wiseman <wwiseman@co.ba.md.us> wrote:

> What do you think about a letter noting the typo and
> indicating it should read 21 and not 12.
>
> If you prefer an Amended Order that's ok but I
> believe a letter to all with a copy in our records
> is sufficient.
>
> Bill
>
> >>> David Billingsley <dwb0209@yahoo.com> 06/01/06
> 8:52 AM >>>
>
> BILL
>
> I HAVE REVIEWED THE ORDER. ON PAGE TWO, FIRST FULL
> PARAGRAPH, 10TH LINE THE DISTANCE OF 12 FEET IS
> INCORRECT. IT SHOULD BE 21 FEET. THIS DOES NOT AFFECT
> THE VARIANCE BUT I AM NOT SURE IF IT SHOULD BE
> CORRECTED IN CASE ON AN APPEAL.
>
> DAVE BILLINGSLEY
> (410) 679-8719
>
>

> Do You Yahoo!?
> Tired of spam? Yahoo! Mail has the best spam
> protection around
> <http://mail.yahoo.com>
>
>
>

Do You Yahoo?
Tired of spam? Yahoo! Mail has the best spam protection around
[http //mail yahoo com](http://mail.yahoo.com)

From: David Billingsley <dwb0209@yahoo.com>
To: BILL WISEMAN <wwiseman@co.ba.md.us>
Date: 06/01/06 8:54:02 AM
Subject: 11 WOODY ROAD CASE NO 06-502-A

BILL

I HAVE REVIEWED THE ORDER. ON PAGE TWO, FIRST FULL PARAGRAPH, 10TH LINE THE DISTANCE OF 12 FEET IS INCORRECT. IT SHOULD BE 21 FEET. THIS DOES NOT AFFECT THE VARIANCE BUT I AM NOT SURE IF IT SHOULD BE CORRECTED IN CASE ON AN APPEAL.

DAVE BILLINGSLEY
(410) 679-8719

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

DEBBIE Please see me on
this. The Order in the "BOOK" has
no Page 2 - ??

Perhaps a letter rectifying
a typo on Page 2 - "Should have been 21 feet"
and not 12 feet as indicated in the Order
What is done thank.
Please send letter and we can
look at it later.
Thank's
Bill

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

E-MAIL: wwiseman@co.ba.md.us

FAX TRANSMISSION

TO: BOB INFUSSI
DAVID BILLINGSLEY
FAX: 410-538-4728
410-679-1298
FROM: William J. Wiseman, III
PAGES: /
(including cover)
RE: Mc Mullen 11 Woady Road

CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action based on the contents of this telecopy information is strictly prohibited. If you have received this telecopy in error, please immediately notify the sender to arrange for return of the original documents.

Message/Comments:

The Order is done but I cannot
release it until DEPRM provides to
ZAC Comment as required by BCZR 500.14.
Have you had any conversation with
DEPRM's people?

MODE = MEMORY TRANSMISSION

START=MAY-25 09:53

END=MAY-25 09:54

FILE NO.=170

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
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-ZONING COMMISSIONER OFF M-

- ***** -

410 887 3468- *****

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

E-MAIL: wwiseman@co.ba.md.us

FAX TRANSMISSION

TO: BOB INFUSSI
DAVID BILLINGSLEY
FAX: 410-538-4728
410-679-1298
FROM: William J. Wiseman, III
PAGES: /
(including cover)
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Message/Comments:

The Order is done but I cannot release it until DEPRM provides the ZAC Comment as required by BCZR 500.14. Have you had any conversation with DEPRM's people?

IN RE: **PETITION FOR SPECIAL HEARING**

SE/S of Rockaway Beach Avenue, 350'

NE Turkey Point Road

(643 Rockaway Beach Avenue)

15th Election District

6th Council District

Brett Steall, et ux

Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-385-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Brett J. Steall and his wife, Melissa R. Steall. The Petitioners request a special hearing to approve a non-conforming extension of a pier according to maintaining consistency with existing neighborhood construction. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing and testifying on behalf of the Petitioner was Paul O. Murphy with Murphy Marine Construction, Inc., a contractor who specializes in piers, and Brett Steall, the owner of the property. There were no Protestants or other interested parties present; however, letters of support were received from the neighbors on either side of the Petitioners property, Mr. Edward A. and Diane G. Schatz, 645 Rockaway Beach Avenue and Ms. Kimberly Wayne, 641 Rockaway Beach Avenue, which were accepted into evidence and marked as Petitioner's Exhibits 2 and 3 respectively.

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

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

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

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

I think this is applicable - SEE 417.3(A)

*BUT
the relief
has to be
given for BCZR
307 reasons.
and just mention
the 417 stuff
or back up*

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

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

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

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

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

WJW:dlw

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

From: Debra Wiley
To: Livingston, Jeffrey
Date: 05/25/06 9:10:19 AM
Subject: Fwd: Comment Needed for 5/16 Meeting - Case 06-502-A - CBCA

Hi Jeff,

Bill is ready to forward his Order and I don't recall receiving a DEPRM comment as of yet. Can you tell me if you have one. Thanks. Deb

>>> Debra Wiley 05/12/06 3.40 PM >>>
Hi Jeff,

Bill has the above referenced case scheduled for Tuesday, May 16th at 10:00 a.m. Unfortunately, we do not have a DEPRM comment.

Could you please forward one in time for his hearing.

Thanking you in advance for your cooperation, and have a great weekend! Don't forget to wish your wife a wonderful 1st Mother's Day!

Deb

Case No. 06-502-A
Paul & Mary McMullen
11 Woody Road
Baltimore, MD 21221

*Debbie - Wait till we get
file back from Bette to retrieve
the DEPRM Comment for attachment*

*Did not receive
in file - sent
separately*

*✓ rec'd
5/25*

CASE NAME 11 WOODY ROAD
CASE NUMBER 06 502 A
DATE 5/16/06

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.: 06-502 A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	Harold Downey Letter of Consent	
No. 3	State & CORP Permits	
No. 4	SITE PLAN - DENOTING THE 3 PHOTO'S TAKEN	
No. 5	Aerial Photograph GIS MAP	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Harold W. Dorsey, Jr.
15 Woody Road
Baltimore, Maryland 21221

March 17, 2006

Office of the Zoning Commissioner
Baltimore County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

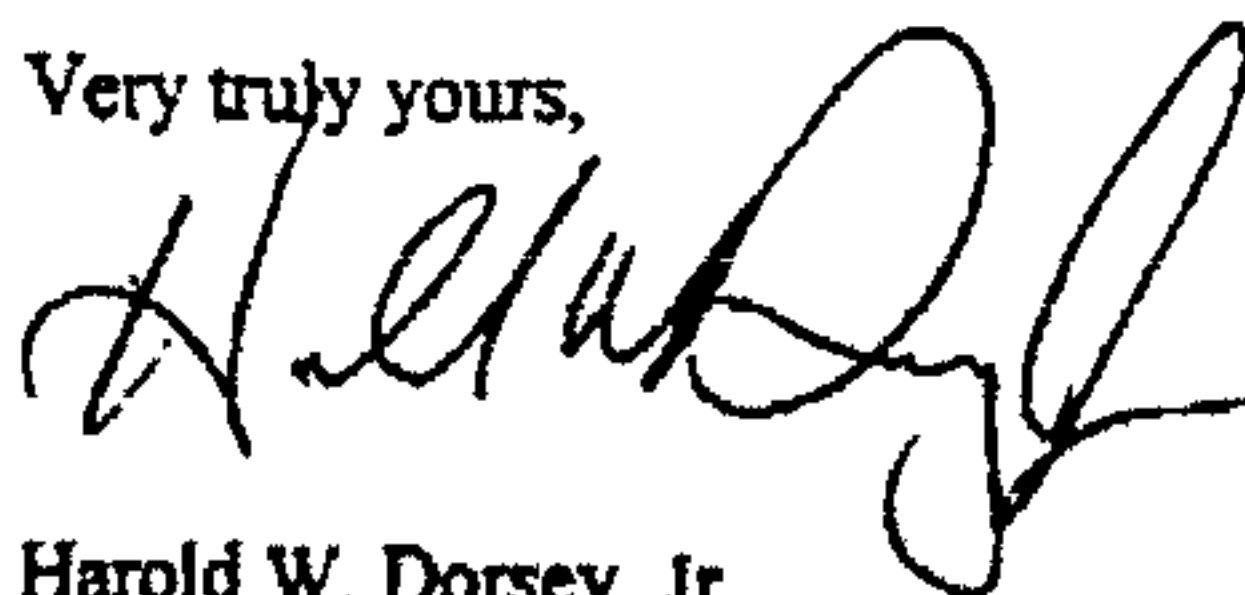
RE: 11 WOODY ROAD
VARIANCE FOR PIER SETBACK

Gentlemen:

I have reviewed the plat to accompany the zoning petition filed by my neighbors, Paul and Mary McMullen, and have no objection to the construction of the pier with an encroachment of 11 feet over our common divisional property line.

Please place this correspondence in the case file. Thank you for your cooperation in this matter.

Very truly yours,



Harold W. Dorsey, Jr



MARK S. WALKER
Notary Public, State of Maryland
County of Baltimore
My Commission Expires November 8, 2008

PETITIONER'S

EXHIBIT NO.

2

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

IMPORTANT INFORMATION ABOUT YOUR PROJECT

Date: April 24, 2006

Corps Permit No.: 200660681

MDSPGP-2 Category and Activity No.: I-F3

Permittee/Project Name: Paul McMullen

Dear Applicant:

The U. S. Army Corps of Engineers, Baltimore District, has determined that the proposed work meets the terms and conditions of the Maryland State Programmatic General Permit (MDSPGP-2), provided the work is completed in compliance with the enclosed plan(s), the standard MDSPGP-2 conditions, the applicable MDSPGP-2 activity-specific conditions, and special conditions (enclosed, if applicable). This MDSPGP-2 verification is provided pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. If any of the information contained in your application and/or plans is later found to be in error, the MDSPGP-2 authorization for your project may be modified, suspended, or revoked.

Your MDSPGP-2 authorization is valid for three years from the date of this letter, or until September 30, 2006, whichever is sooner, unless the MDSPGP-2 is modified, reissued, or revoked. If the MDSPGP-2 is modified, reissued, or revoked, your authorization may be valid for less than three years. You must remain informed of the changes to the MDSPGP-2. When changes to the MDSPGP-2 occur, a public notice announcing the changes will be issued. If you have not completed this work before the date that the MDSPGP-2 is modified or revoked, you will have 12 months from the effective date of the modification or revocation to complete the work under the present terms and conditions of this MDSPGP-2.

In order for this authorization to be valid, you must obtain all required Federal, State, and local permits.

Walter Washington, Jr.
Chief, Maryland Section Southern

Janet M. Vine
Chief, Maryland Section Northern

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.
GovernorKendall P. Philbrick
SecretaryMichael S. Steele
Lt. GovernorJonas A. Jacobson
Deputy Secretary

April 10, 2006

Paul McMullen
11 Woody Road
Baltimore, MD 21221Re: MDE Authorization Number: 06-PR-0755
RAMS Tracking Number: 200660681

Dear Mr. McMullen:

Your application to alter tidal wetlands has been evaluated by the Tidal Wetlands Division. Your State license or permit authorizing work in tidal wetlands is attached. If your project qualifies for federal approval under the Maryland State Programmatic General Permit (MDSPGP), that permit is also attached. If the MDSPGP is not attached, your project does not qualify for federal authorization under this permit and you will hear directly from the Corps of Engineers. You should not begin any work until you have obtained all necessary State, local and federal authorizations.

Please take a moment to read and review your authorizations to insure that you understand the limits of the authorized works and all of the general and special conditions. If you are aggrieved by the Department's decision to authorize this project subject to the conditions set forth in the License, you may petition the circuit court in the county where the land is located within 30 days after receiving this license. Please call me at 410-537-3835 with any questions.

Sincerely,

Richard J. Ayella, Chief
Tidal Wetlands Division

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.
GovernorKendl P. Philbrick
SecretaryMichael S. Steele
Lt. GovernorJonas A. Jacobson
Deputy Secretary**TIDAL WETLANDS LICENSE 06-PR-0755**

Pier and Piling Construction

Paul McMullen
11 Woody Road
Baltimore, MD 21221

Under the authority of the Board of Public Works of the State of Maryland and in accordance with Title 16, Wetlands and Riparian Rights, Environment Article, Annotated Code of Maryland and COMAR 23.02.04 and COMAR 26.24 and the conditions of this license, the licensee is authorized to perform the following activity:

To construct a 47-foot long by 6-foot wide timber pier extending a maximum of 47 feet channelward of the mean high water line as depicted on the plans dated November 28, 2005. Project is located on Sue Creek at 11 Woody Road, Essex in Baltimore County.

By applying for and receiving this Wetland License the licensee shall be considered to have knowledge of and to have accepted the special and general conditions of this license. Licensee agrees that all work shall be performed in compliance with these conditions.

This license is subject to the following conditions:

PETITIONER'S

GENERAL CONDITION

EXHIBIT NO.

3

- A. The licensee shall obtain an approved sediment and erosion control plan from the local soil conservation district when the area disturbed is greater than 5000 square feet.
- B. The licensee certifies real property interest in the contiguous upland,
- C. This license is valid only for use by the licensee of the Maryland Department of the Environment. Permission for transfer of the license shall be obtained from the Water Management Administration. The terms and conditions of this license shall be binding on any assignee or successor in interest of the licensee;
- D. The licensee acknowledges that this license does not transfer any property interest in State tidal wetlands. This license allows the licensee to use State tidal wetlands only for the structure or activity authorized herein and in no way limits the use of waters of the State by the public;

- E. The construction of any structure or the performance of any activity under this license shall be evidence that the licensee has accepted all of the terms and conditions herein;
- F. This license is void if the licensee fails to obtain all required State, county, or local approvals before beginning work on the licensed structure or activity;
- G. The licensee shall allow representatives of the Maryland Department of the Environment to enter the property at reasonable times to inspect the ongoing or completed work under the license;
- H. The licensee shall make every reasonable effort to design and construct the structure or perform the activity authorized in this license in a manner which minimizes adverse impacts on natural resource values, including water quality, plants, wildlife, plant and wildlife habitat, and on historic property values;
- I. The licensee shall notify the Water Management Administration, Inspections and Compliance Division (410) 537-3532 at least 5 days before beginning the structure or activity;
- J. This license expires 3 years after the date of issuance. The licensee shall complete construction of the activity authorized under this license within the allowed 3 years, otherwise a new general license shall be obtained;
- K. The Maryland Department of the Environment may suspend or revoke this license upon written finding for good cause that suspension or revocation is in the State's best interest.
- L. This license provides no justification or assurances for future dredging. All dredging projects will be evaluated on the biological and physical characteristics of the site at the time an application is made.

Sincerely,

Richard J. Ayella, Chief
Tidal Wetlands Division

Date of Issuance: April 10, 2006
RAMS Tracking Number: 200660681

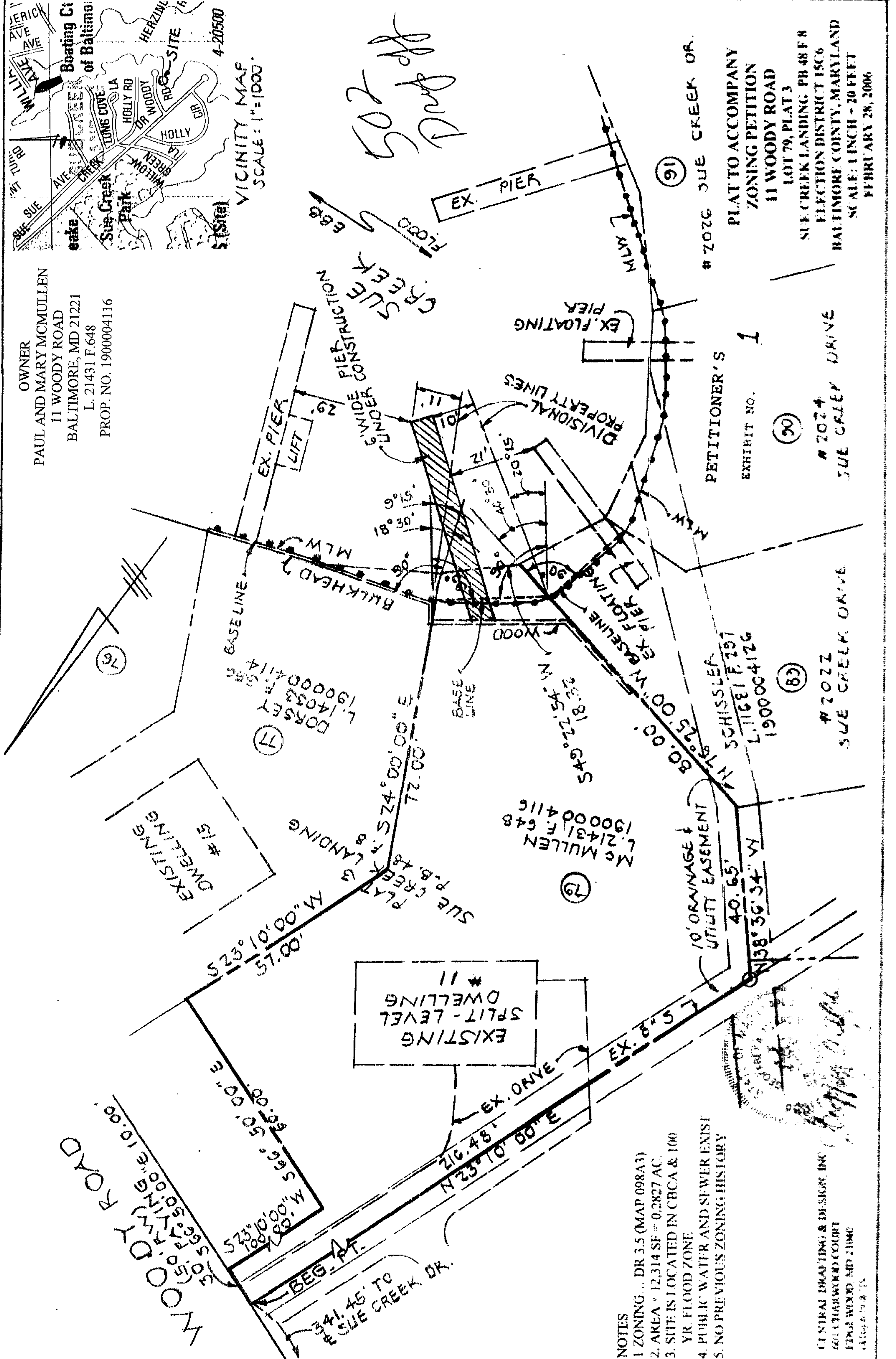


DRAFT 5

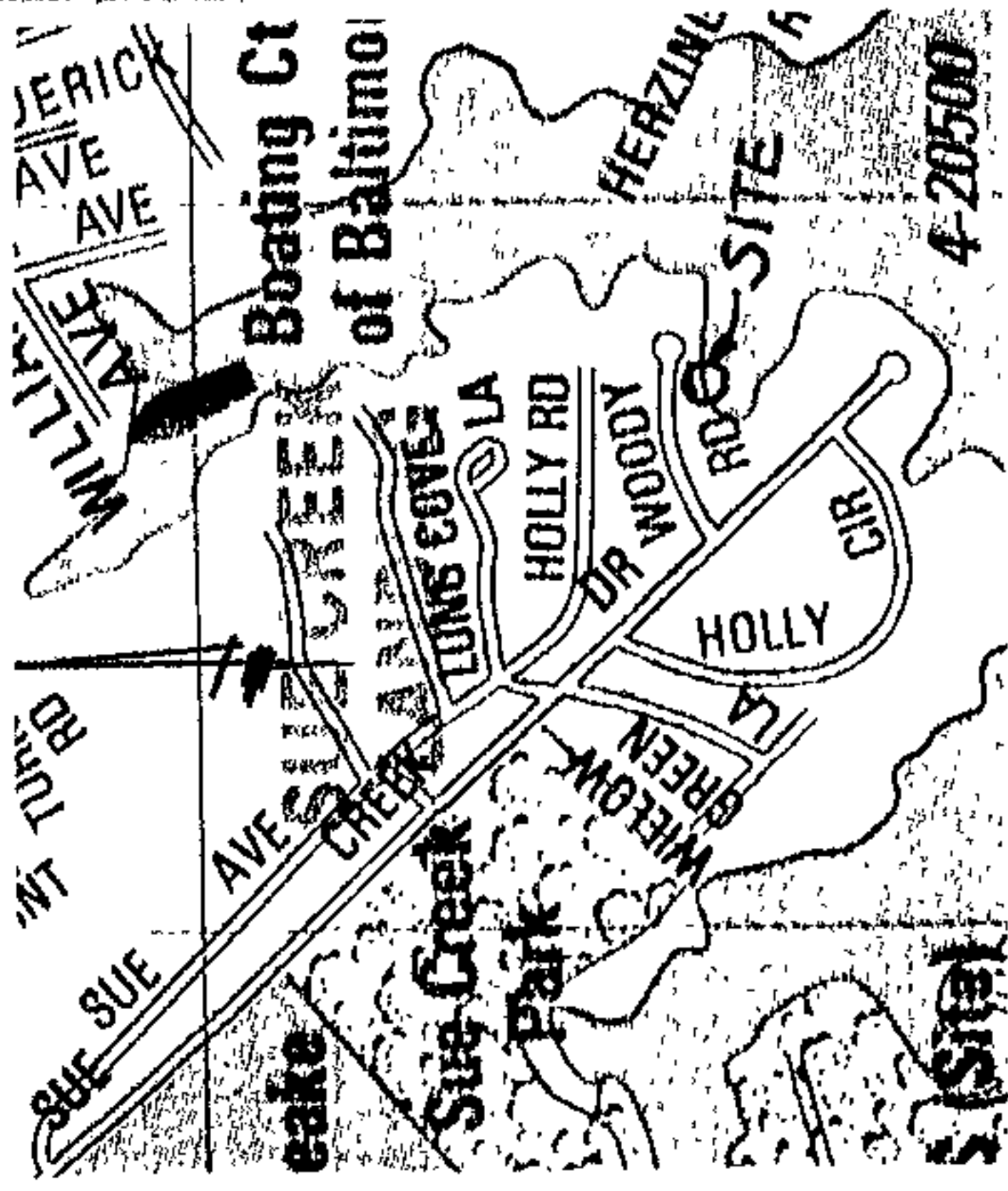
502-222-1111

PETITIONER'S
EXHIBIT NO. 1
(20)
2024
SUE CREEK
DRAIN

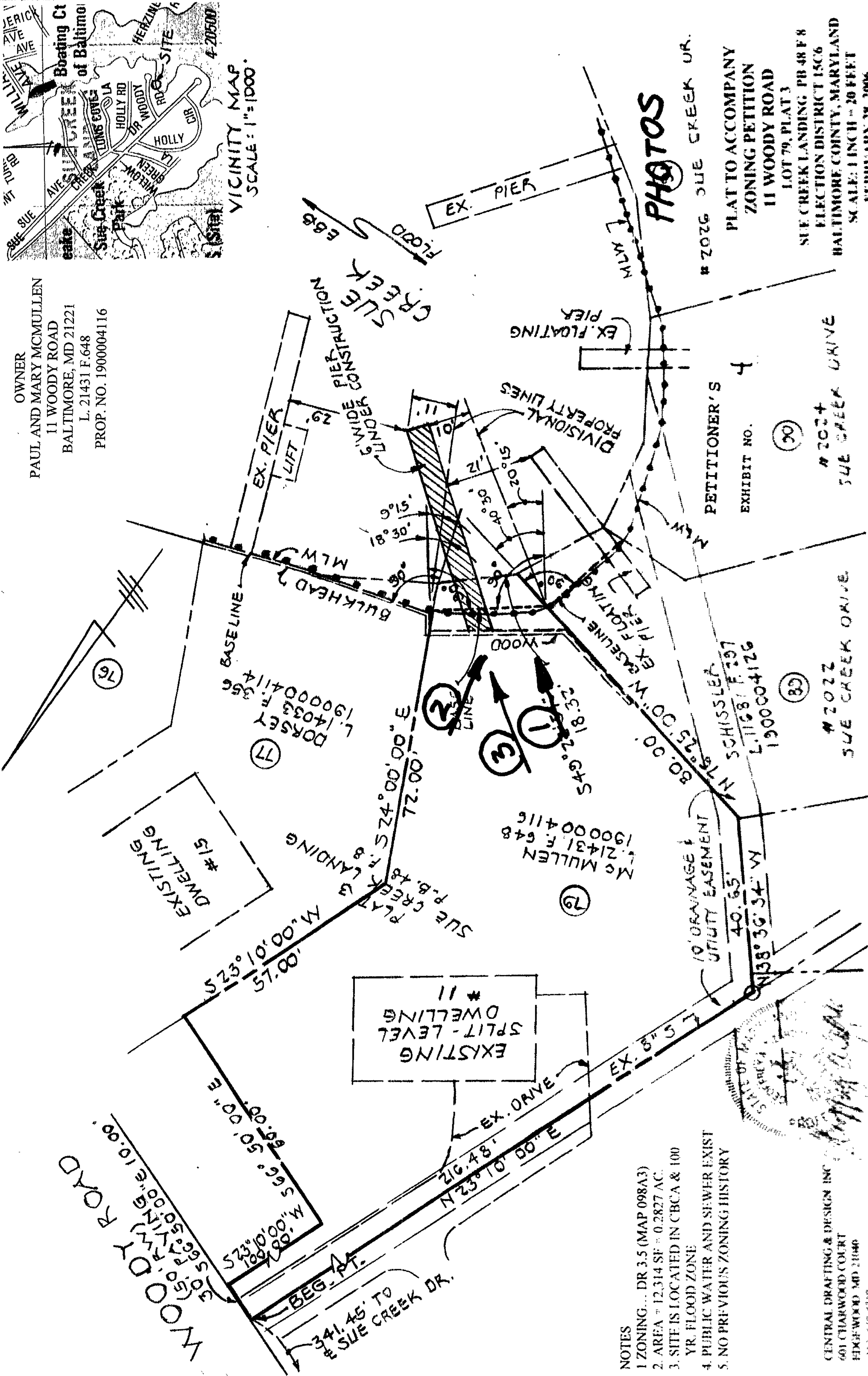
②

[illegible]

OWNER
PAUL AND MARY MCMULLEN
11 WOODY ROAD
BALTIMORE, MD 21221
L. 21431 F. 648
PROP. NO. 1900004116



VICINITY MAP
SCALE: 1"=1000'



- NOTES
1. ZONING... DR 3.5 (MAP 098A3)
 2. AREA = 12,314 SF = 0.2827 AC.
 3. SITE IS LOCATED IN CBCA & 100 YR FLOOD ZONE
 4. PUBLIC WATER AND SEWER EXIST
 5. NO PREVIOUS ZONING HISTORY

CENTRAL DRAFTING & DESIGN INC
601 CHARMWOOD COURT
EDGEWOOD MD 21040
(410) 679-8119

PHOTOS

2026 SUE CREEK UR.

PLAT TO ACCOMPANY
ZONING PETITION
11 WOODY ROAD
LOT 79, PLAT 3

SUE CREEK LANDING PB 48 F 8
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 20 FEET
FEBRUARY 28, 2006

PETITIONER'S

EXHIBIT NO.

(30)

2024 SUE CREEK URIVE

2022 SUE CREEK ORIVE

(39)

N. SCHISLER

L. 1168 F. 297
1900004126

10' DRAINAGE UTILITY EASEMENT

40.65'

N 38° 36' 34" W

EX. 8" S

EX. DRIVE

N 23° 10' 00" E
216.48'

BEG. PT.

341.45' TO
SUE CREEK DR.

EXISTING
SPLIT-LEVEL
DWELLING
11

EXISTING
DWELLING
15

SUE CREEK LANDING
57.00' 523° 10' 00" W

523° 10' 00" W
100.00' 56° 50' 00" W
56.50' 523° 10' 00" W

DORSEY
L. 14033 F. 366
1900004114

Mc MULLEN
L. 21431 F. 648
1900004116

SAGAS
23.81' 23.35'
23.81' 23.35'

EX. PIER
EX. FLOODING

DIVISIONAL LINES

PIER CONSTRUCTION
UNDER

(77)

(76)







DEBBIE - Wait till we get
file back from Bette to retrieve
the DEPRM Comment for attachment

Did not receive
in file - sent
reminders.

✓
rec'd
5/25