

IN RE: PETITION FOR VARIANCE
N/S of Marmas Road, 1050 feet SE of
C/I of Henrietta Avenue
15th Election District
6th Councilmanic District
(2750 Marmas Road)

Marmas Cove, LLC and MJN One, LLC
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-682-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on August 28, 2006 as a Petition for Variance filed by the legal owners of the subject property, Marmas Cove, LLC and MJN One, LLC. The Petitioners are requesting variance relief for property located at 2750 Marmas Road. Variance relief is requested from Sections 1A05.4.D and 301.1A and 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling with a rear and side yard setback of 15 feet and 10 feet respectively in lieu of the required 35 feet, an open deck with a setback of 5 feet in lieu of the required 26.25 feet and to permit a dwelling to be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel.

The property was posted with Notice of Hearing on August 12, 2006 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 10, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

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Applicable Law

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

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

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Bureau of Development Plans Review dated July 13, 2006 which contains restrictions. A ZAC comment letter was received from the Department of Environmental Protection and Resource Management, dated August 22, 2006 which contains restrictions. Copies of which are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Mike Novak and Ted D'Anna for the corporate Petitioners. Also appearing at the hearing was David Billingsley who prepared the site plan. There were no protestants or citizens at the

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hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 17,200 square feet, split zoned RC 5 and RC 20, and improved by a flood damaged home. As shown on exhibit 1, the Petitioner would like to replace the damaged home with a three story home whose first floor is elevated above the flood level. The new house would be 10 feet from the southern property line whereas the existing home is approximately 8 feet from the lot line.

Mr. Billingsley indicated that he would have much preferred to center the new home on the lot to lessen the side yard variance request. However there are critical area wetlands to the north which require the new house be built on essentially the old foundation. He noted that even if the home could be centered the lot width, 35 feet of side yard setback would permit only a 20 foot wide house which would be incompatible with the neighborhood.

He also pointed out that the rear lot line zig zags in following an old road and so a house on the old foundation will quickly violate the rear yard setback regulations. The proposed house would be 15 feet from the zig whereas the rear of the house is almost 100 feet from the actual rear property line as shown. Similarly a deck on the rear of the house will be 5 feet from the zig. The regulations require 26.25 feet. There are no homes planned in the Holly Neck development behind the new home and so no one would object to the rear variances.

Finally he noted that the property lies adjacent to the Preserve at Holly Neck development which will eventually provide an access road which will hold utilities such

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as public water and sewer. See exhibit 5, part of the Holly Neck development plan. He noted that public water and sewer will be available as the Holly Neck development proceeds and indicated that his clients were willing to wait for the public sewer and water to be operational before obtaining a building permit for this property. The road access will be via private easement granted by the Holly Neck development at least at the present time. As such the property will not have in fee access to a public road and the property contains 17,000 square feet. Consequently the Petitioner requests a variance to Section 102.4 of the BCZR. Mr. Billingsley indicated that the new home would be compatible with the new homes being built in Holly Neck.

Findings of Fact and Conclusions of Law

The location of the setback of the critical area easement on the north boundary forces the location of the new home away from the center of the lot and onto essentially the original foundation. This is the kind of peculiar circumstance which indicates the lot is unique from a zoning perspective. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Clearly the Petitioner could not build a new modern house compatible with the adjacent Holly Neck development.

There will be no increase in residential density beyond that otherwise allowable by the Zoning Regulations as a result of granting this variance as this is a replacement house.

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Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The new home will be compatible with those being built in the Holly Neck development.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted

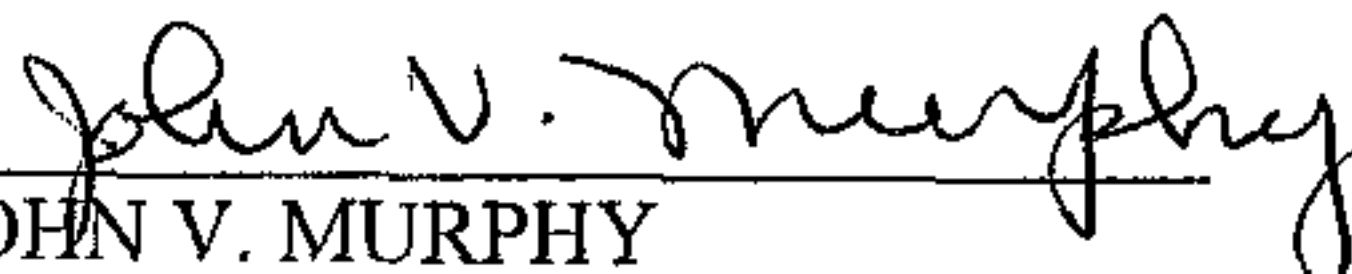
THEREFORE, IT IS ORDERED, this 29th day of August, 2006, by this Deputy Zoning Commissioner, that the Petitioner's variance request from Sections 1A05.4.D and 301.1A and 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling with a rear and side yard setback of 15 feet and 10 feet respectively in lieu of the required 35 feet, an open deck with a setback of 5 feet in lieu of the required 26.25 feet and to permit a dwelling to be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel is hereby GRANTED, subject to the following conditions:

1. 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.
2. 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.
3. The building engineer shall require a permit for this project.
4. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
5. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.
6. 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).

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7. This property is within a Resource Conservation Area of the CBCA. Impervious surface area is limited to 25% of the lot size. 15% tree cover must be maintained and a 100 foot buffer to tidal waters is established. Any disturbance to the 100 foot buffer will require mitigation and possible variance approval.
8. Public sewer and water shall be available to this property before a building permit may be issued for the home on this property.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

ORDER RECEIVED FOR FILING

8-29-06

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

August 29, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

THEODORE V. D'ANNA, MEMBER
MARMAS COVER LLC
2700 HOLLY BEACH ROAD
ESSEX, MD 21221

MICHAEL J. NOVAK, MEMBER
MJN ONE LLC
2361 VANDERMAST LANE
ESSEX MD 21221

Re: Petition for Variance
Case No. 06-682-A
Property: 2750 Marmas Road

Dear Messrs D'Anna and Novak:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

Handwritten signature of John V. Murphy in cursive.

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040

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Petition for Variance

to the Zoning Commissioner of Baltimore County

CBCA Steve

for the property located at 2750 MARMAS ROAD

which is presently zoned R.C. 70

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:

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):

MARMAS COVE LLC
THEODORE V. O'ANNA, MEMBER

Name - Type or Print

Theodore V. O'Anna

Signature

MIN ONE LLC
MICHAEL J. NOYAK, MEMBER

Name - Type or Print

Michael J. Noyak

Signature

2361 VANDERMAST LANE (410) 458-1189

Address

Telephone No.

BALTO

City

MD.

State

21221

Zip Code

Representative to be Contacted:

DAVID W. BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARYWOOD CT. (410) 679-8719

Address

Telephone No.

BALTO.

City

MD.

State

21040

Zip Code

OFFICE USE ONLY

Case No. 06-682-A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

REV 9/15/98

Reviewed By 8-26-06

Date 6/30/06

SECTIONS 1A05.4.D, 301.1.A AND 102.4 (BCZR) TO PERMIT A DWELLING WITH REAR YARD AND SIDE YARD SETBACKS OF 15 FEET AND 10 FEET RESPECTIVELY IN LIEU OF THE REQUIRED 35 FEET, AN OPEN DECK WITH A SETBACK OF 5 FEET IN LIEU OF THE REQUIRED 26.25 FEET AND TO PERMIT A DWELLING TO BE BUILT ON A LOT CONTAINING LESS THAN 20,000 SQUARE FEET WHICH DOES NOT ABUT ON A RIGHT-OF-WAY AT LEAST 30 FEET WIDE OVER WHICH THE PUBLIC HAS AN EASEMENT OF TRAVEL

PRACTICAL DIFFICULTY OR HARDSHIP

2750 MARMAS ROAD

THE OWNER WISHES TO RAZE THE EXISTING FLOOD DAMAGED DWELLING AND CONSTRUCT A NEW SINGLE FAMILY DWELLING. DUE TO THE WIDTH OF THE PROPERTY, IT IS NOT POSSIBLE TO CONSTRUCT A NEW DWELLING WITHOUT THE REQUESTED REDUCTION TO THE REQUIRED SIDE YARD.

DUE TO ENVIRONMENTAL RESTRAINTS, IT IS IMPOSSIBLE TO CONSTRUCT A NEW DWELLING WITHOUT THE REQUESTED REDUCTION TO THE REQUIRED REAR YARD.

THE EXISTING DWELLING HAS UTILIZED MARMAS ROAD FOR INGRESS AND EGRESS SINCE IT'S CONSTRUCTION IN 1934, THEREFOR THE NEW DWELLING SHOULD BE PERMITTED TO UTILIZE THE SAME.

ZONING DESCRIPTION

2750 MARMAS ROAD

Beginning at a point on the north side of Marmas Road (a private road of variable width) said point being distant southeasterly 1050 feet from it's intersection with the center of Henrietta Avenue (30 feet wide), thence (1) N 21 32 E 50 feet, thence (2) S 77 55 E 150 feet more or less, thence (3) S 29 00 E 57 feet more or less, thence (4) S 86 15 E 60 feet more or less, thence (5) S 01 00 E 63 feet more or less, thence (6) N 75 17 W 185 feet more or less, thence (7) N 20 41 W 30 feet more or less, thence (8) N 68 28 W 75.4 feet to the place of beginning. Containing 17,200 square feet or 0.395 acre, more or less.

Being located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Maryland.

Item # 682

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No. 8859

DATE

12/1/06

ACCOUNT

FOR DOG 6150

AMOUNT

\$ 65.00

RECEIVED

FROM

FOR

Zining bearing cas. # 06-682-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION

TIME

FROM

6/30/2006 6/30/2006 07:23:23

REB NO. 001 WALTON JUD REX

> RECEIPT # 251319 6/30/2006

OTLH

Dept. 5 532 JUDGING VERIFICATION

CR NO. 000000

Receipt Tot

665.00

\$65.00 CR

\$1.00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #05-682-A

2750 Marmas Road
North side of Marmas Road, 1050 feet southeast of
centerline of Henrietta Avenue

15th Election District, 6th Councilmanic District
Legal Owner(s): Marmas Cove, LLC, MAM One, LLC

Variance: to permit a dwelling with a rear and side yard setback of 15 feet and 10 feet respectively in lieu of the required 35 feet; an open deck with a setback of 5 feet in lieu of the required 28-25 feet and to permit a dwelling to be built on a lot containing less than 20,000 sq. feet, which does not abut on a right-of-way at least 30 feet wide over which the public has an easement.

Hearing: Monday, August 28, 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) 887-3868.

(2) For information concerning the file and/or hearing, Contact the Zoning Review Office at (410) 887-3391 8/09/06 Aug. 10 105065

CERTIFICATE OF PUBLICATION

_____ 8/10/2006

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 8/10/2006.

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

J. Wilkinson
LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 06-682-A

Petitioner/Developer: MARMAS
COVE, LLC, MTN ONE, LLC

Date Of Hearing/Closing: 8/28/06

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 2752 MARMAS ROAD

This sign(s) were posted on August 12, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 8/12/06
(Signature of sign Poster and Date)

Martin Ogle

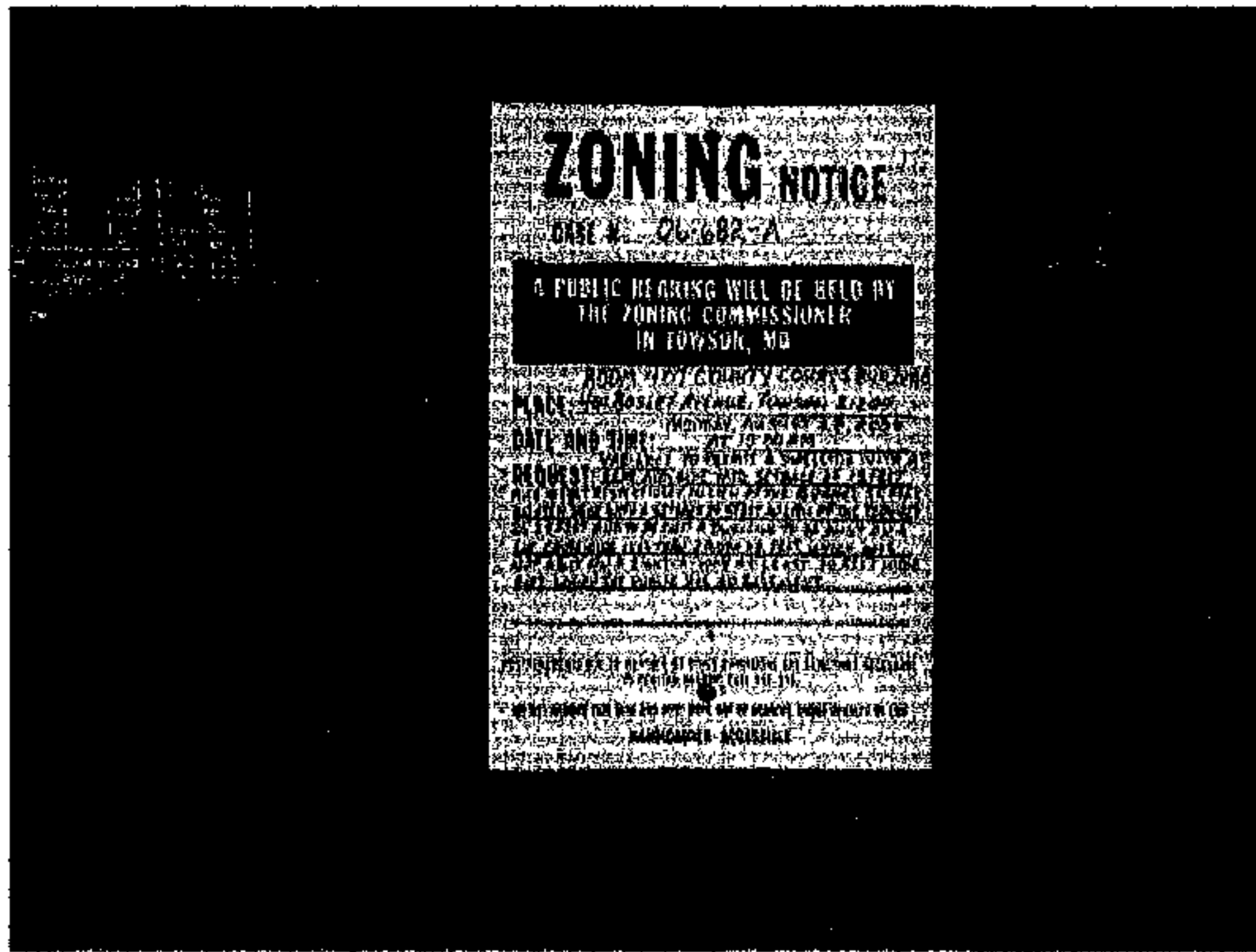
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



W. J. [unclear] 8/12/06



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*

July 13, 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: 06-682-A

2750 Marmas Road

North side of Marmas Road, 1050 feet southeast of centerline of Henrietta Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Marmas Cove, LLC, MJN One, LLC

Variance to permit a dwelling with a rear and side yard setback of 15 feet and 10 feet respectively in lieu of the required 35 feet, an open deck with a setback of 5 feet in lieu of the required 26.25 feet and to permit a dwelling to be built on a lot containing less than 20,000 sq. feet, which does not abut on a right-a-way at least 30 feet wide over which the public has an easement.

Hearing: Monday, August 28, 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: Theodore Danna, Michael Novak, 2361 Vandermast Lane, Baltimore 21221
David Billingsley, 601 Charwood Court, Baltimore 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 12, 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
Thursday, August 10, 2006 Issue - Jeffersonian

Please forward billing to:
MJN One LLC
2361 Vandermast Lane
Baltimore, MD 21221

410-458-1189

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: 06-682-A

2750 Marmas Road

North side of Marmas Road, 1050 feet southeast of centerline of Henrietta Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Marmas Cove, LLC, MJN One, LLC

Variance to permit a dwelling with a rear and side yard setback of 15 feet and 10 feet respectively in lieu of the required 35 feet, an open deck with a setback of 5 feet in lieu of the required 26.25 feet and to permit a dwelling to be built on a lot containing less than 20,000 sq. feet, which does not abut on a right-a-way at least 30 feet wide over which the public has an easement.

Hearing: Monday, August 28, 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.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbors/property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 06-682-A
Petitioner: MJN ONE LLC
Address or Location: 2750 MARMAS RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MJN ONE LLC
Address: 2361 VANDERMAST LANE
BALTO MD 21221
Telephone Number: (410) 458-1189



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
August 23, 2006

Theodore V. D'Anna
Michael J. Novak
2361 Vandermast Lane
Baltimore, MD 21221

Dear Mr. D'Anna and Mr. Novak:

RE: Case Number: 06-682-A, 2750 Marmas Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 30, 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
David W. Billingsley Central Drafting & Design, Inc. 601 Charwood Ct. Baltimore 21040

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

July 13, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: July 10, 2006

Item No.: 638, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686,
687 and 688.

Pursuant to your request, the referenced plan(s) have been reviewed by the Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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



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



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

Maryland Department of Transportation

Date: 7.11.06

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

RE: Baltimore County
Item No. 682 DD

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

jm 8/28

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 17, 2006

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-682- 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:

Curtis Murray

Division Chief:

Alma Lombardi

CM/LL

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JUL 26 2006

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 13, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For July 17, 2006
Item No. 682

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:CEN:clw

cc: File

ZAC-ITEM NO 682-07132006.doc

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8-26-06
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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



AUG 25 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination *JWL*

DATE: August 22, 2006

SUBJECT: Zoning Item # 06-682-A
Address 2750 Marmas Road
Baltimore, MD 21221

Zoning Advisory Committee Meeting of July 10, 2006

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 is within a Resource Conservation Area of the CBCA. Impervious surface area is limited to 25% of the lot size, 15% tree cover must be maintained, and a 100-foot buffer to tidal waters is established. Any disturbance to the 100-foot buffer will require mitigation, and possible variance approval.

— K. Brittingham; Environmental Impact Review

The site must be developed using public sewer.

— S. Farentti; Ground Water Management

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2006\ZAC 06-682-A.doc

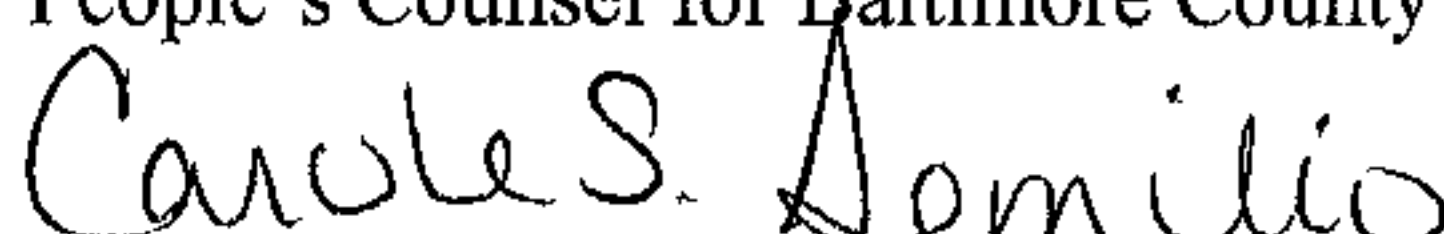
8-26-06
90908
RECEIVED FOR FILE

RE: PETITION FOR VARIANCE * BEFORE THE
2750 Marmas Road; N/S Marmas Road, *
1050' SE Henrietta Avenue * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Marmas Cove, LLC by * FOR
Theodore D'Anna and MJN One LLC *
by Michael Novak * BALTIMORE COUNTY
Petitioner(s) *
06-682-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
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of July, 2006, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

RECEIVED

JUL 17 2006

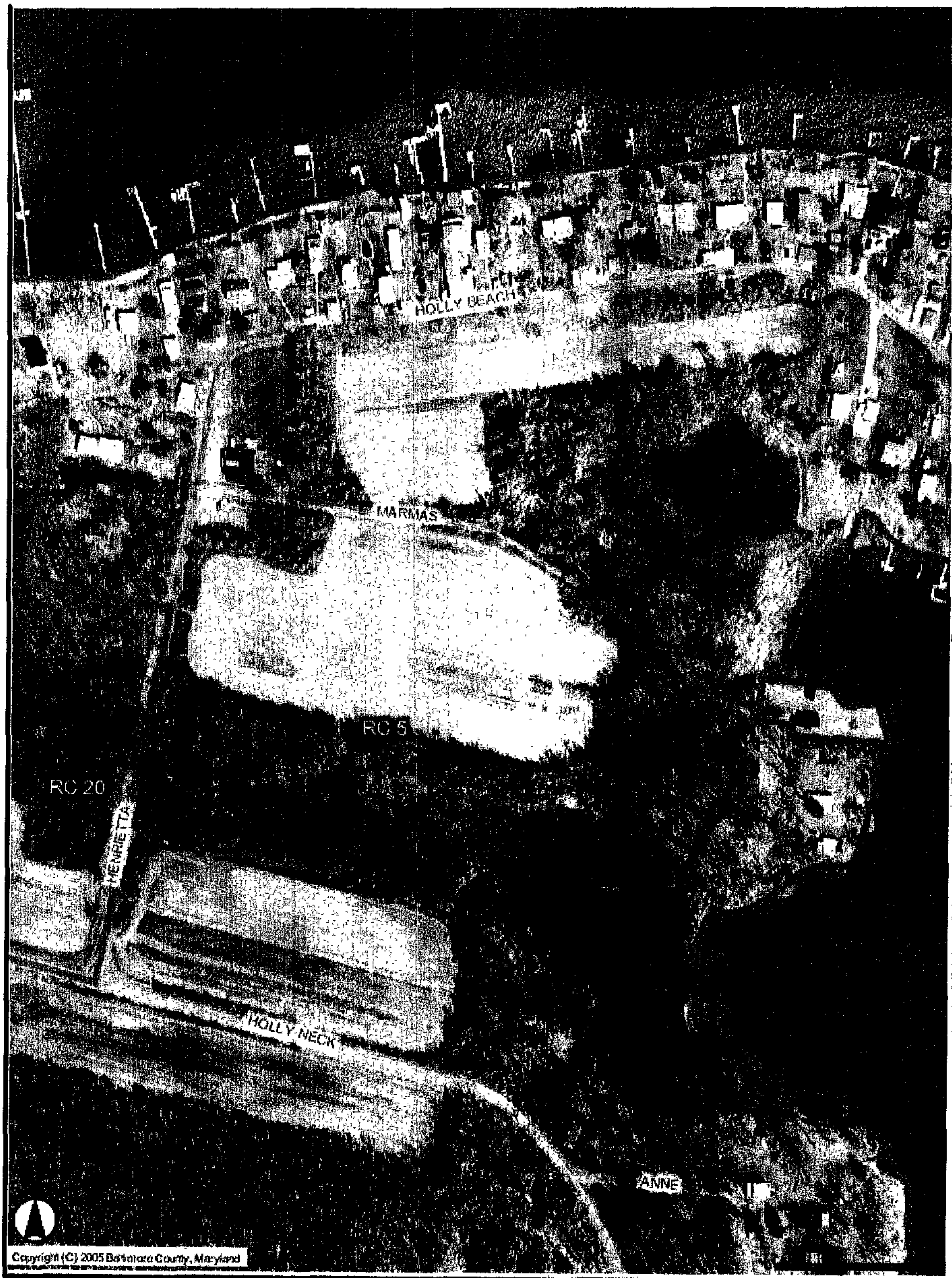
Per.....


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

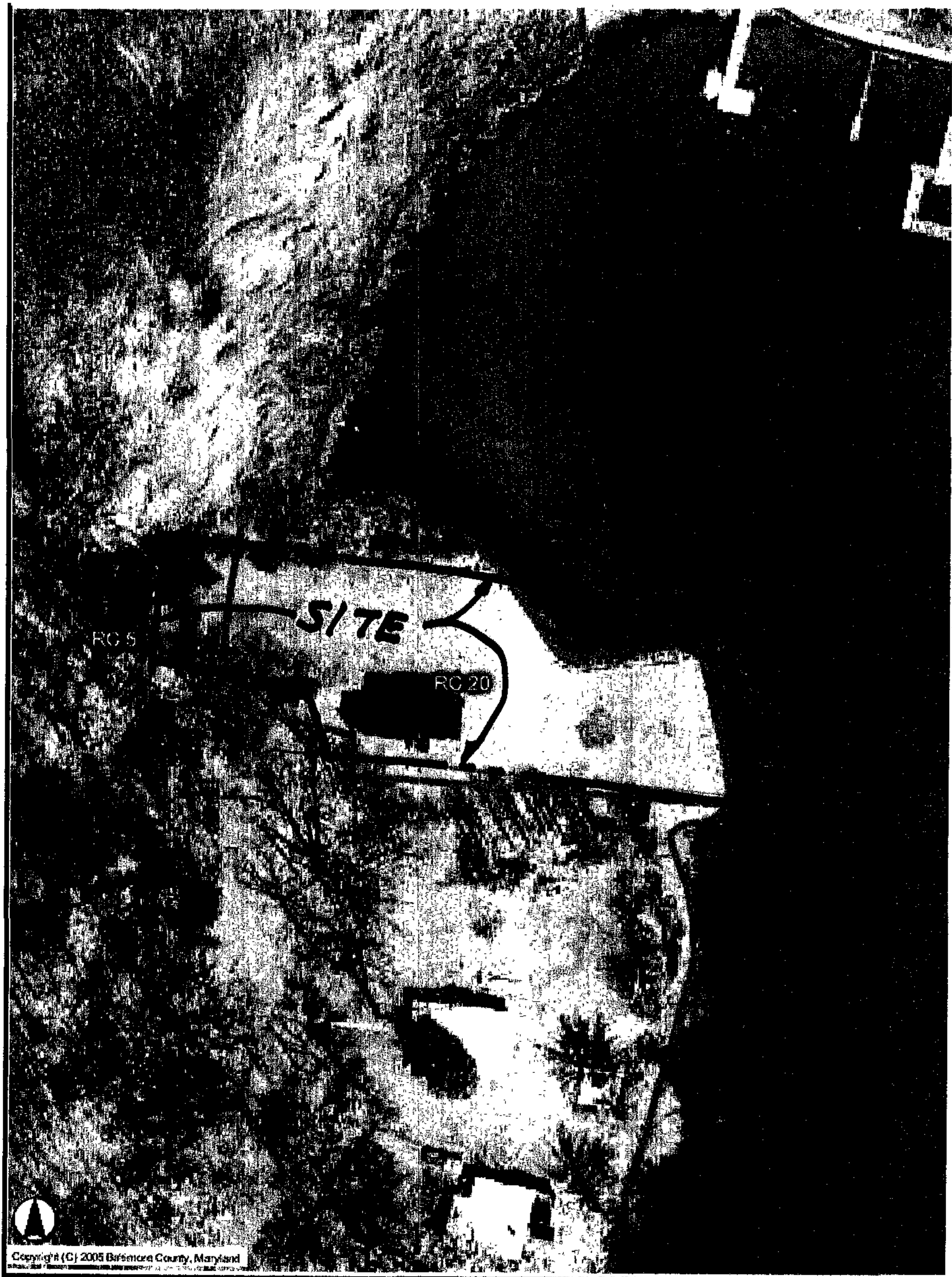
CASE NAME 2750 MAGNUS RD
CASE NUMBER 06-682A
DATE 8/28/06

PETITIONER'S SIGN-IN SHEET

[illegible]



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Item #682

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 - 1518351770

Owner Information

Owner Name: MARMAS COVE,LLC
MJN ONE,LLC
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 3401 E FEDERAL ST
BALTIMORE MD 21213-4011
Deed Reference: 1) /24134/ 368
2)

Location & Structure Information

Premises Address
258 HENRIETTA AVE

Legal Description
0.20 AC
ES HENRIETTA AVE
E HOLLY BEACH RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
98	22	225						3	

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1934	850 SF	9,000.00 SF	04
Stories 1	Basement NO	Type STANDARD UNIT	Exterior ASBESTOS SHINGLE

Value Information

	Base Value	Value As Of 01/01/2006	Phase-In Assessments As Of 07/01/2006	As Of 07/01/2007
Land:	97,000	161,000		
Improvements:	24,140	35,240		
Total:	121,140	196,240	146,173	171,206
Preferential Land:	0	0	0	0

Transfer Information

Seller: RICHTER JULIUS B,JR Type: MULT ACCTS ARMS-LENGTH	Date: 07/07/2006 Deed1: /24134/ 368	Price: \$350,000 Deed2:
Seller: RICHTER HANS E Type: NOT ARMS-LENGTH	Date: 08/14/2001 Deed1: /14214/ 135	Price: \$0 Deed2:
Seller: RICHTER JULIUS B,JR Type: NOT ARMS-LENGTH	Date: 12/20/1999 Deed1: /14214/ 135	Price: \$0 Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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 - 1518350450

Owner Information

Owner Name: MARMAS COVE,LLC
MJN ONE,LLC
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 3401 E FEDERAL ST
BALTIMORE MD 21213-4011
Deed Reference: 1) /24134/ 368
2)

Location & Structure Information

Premises Address
HOLLY BEACH AVE

Legal Description
.207 AC
WS HOLLY BEACH AVE
1100FT E HENRIETTA AVE

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
98	22	442						3	

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built
0000

Enclosed Area

Property Land Area
7,950.00 SF

County Use
34

Stories

Basement

Type

Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007
Land:	59,620	67,570		
Improvements:	5,380	6,550		
Total:	65,000	74,120	68,040	71,080
Preferential Land:	0	0	0	0

Transfer Information

Seller: RICHTER JULIUS B,JR	Date: 07/07/2006	Price: \$350,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /24134/ 368	Deed2:
Seller: RICHTER HANS E	Date: 08/14/2001	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14214/ 135	Deed2:
Seller: RICHTER JULIUS B,JR	Date: 12/20/1999	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14214/ 135	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

THIS DEED, Made this 23rd day of June, in the year two thousand six, by and between **Anna Mae Bertin and Rosemary Chavis Richter, and Edna P. Garber**, residents of the State of Maryland and **Betty Jean Serra**, resident of the State of Pennsylvania parties of the first part, Grantors, and **Marmas Cove, LLC and MJN ONE, L.L.C.**, Maryland Limited Liability Companies, parties of the second part, Grantees.

WITNESSETH, That in consideration of the sum of **\$350,000.00** and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant, convey, and assign unto the said Grantees, and each Grantees successors and assigns, in fee simple, all that lot of ground situate in Baltimore County, in the State of Maryland, and described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEING a one half interest in the property which by Deed dated August 31, 1989, and recorded among the Land Records of Baltimore County in Liber S.M. No. 8264, folio 787, was conveyed by Julius B. Richter, Jr. to Julius B. Richter, Jr. for life with full powers of disposition and with remainder upon his death to Anna Mae Bertin (incorrectly stated in prior Deed as Anna Mac Burton), Rosemary Chavis, now known as Rosemary Chavis Richter, and Betty Jean Serra. The said Julius B. Richter, Jr. has since departed this life on October 31, 2002, without having exercised the powers therein contained, thereby vesting title to said undivided one half interest vested in Anna Mae Bertin,, Rosemary Chavis Richter and Betty Jean Serra.

ALSO BEING a one half interest in the property which by Deed dated December 17, 1999, and recorded among the Land Records of Baltimore County in Liber S.M. No. 14214, folio 135, was conveyed by Hans E. Richter to Hans E. Richter for life with full powers of disposition and with remainder upon his death to Edna P. Garber for life with full powers of disposition. The said Hans E. Richter has since departed this life on November 9, 2000, without having exercised the powers therein contained, thereby leaving title to said remaining undivided one half interest vested in Edna P. Garber for life with full powers of disposition. It is the intention of this Deed to fully exercise the powers therein contained so as to vest the entire fee simple estate(both life estate and remainder estate) in said one half interest in the Grantors herein.

TOGETHER with the buildings and improvements thereupon erected, made or being, and all and every the rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises unto and to the use of the said Grantees, each Grantees successors and assigns, in fee simple.

AND the said Grantors hereby covenant that the Grantors have not done or suffered to be done any act, matter or thing whatever to encumber the property hereby conveyed; and to warrant specially the property hereby granted and to execute such further assurances of the same as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

REVIEWED SDAT	
<i>D. Halling</i>	6-27-06
BY	DATE

P. 204134

Exhibit "A"

BEGINNING FOR THE FIRST thereof at a point at the distance of 2.70 feet north 17 degrees 49 minutes west from a marked hickory tree; said place of beginning being at the distance of 472 feet south 25 degrees 14 minutes west from a stone on the north side of a creek, a branch of the Chesapeake Bay, said stone being in the division line between the land now or formerly owned by Pinas Marnas and Charles Broring and running thence from said place of beginning south 86 degrees 15 minutes east 170 feet to the waters of Chesapeake Bay, thence bounding on the waters of said bay, south 20 degrees 41 minutes east 70 feet, thence north 75 degrees 17 minutes west 190 feet to intersect a line drawn south 20 degrees 41 minutes east 30 feet from the place of beginning and thence reversing said line so drawn and bounding thereon north 20 degrees 41 minutes west 30 feet to the place of beginning; and

BEGINNING FOR THE SECOND thereof at an iron pipe set for the beginning of that parcel of land described in a deed from Charles A. Wise and wife to Leo C. Lengsfeld and wife, dated August 27, 1936, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr., No. 980, folio 160, running thence bounding on that deed, south 86 degrees 15 minutes east 93.3 feet to a pipe and to the waters edge of the Chesapeake Bay, thence by a line of division and running along the waters edge of said Chesapeake Bay, north 3 degrees 4 minutes east 50 feet to a pipe set in a marsh, thence by another line of division and running through said marsh, north 77 degrees 55 minutes west 150.1 feet to a pipe, thence by another line of division south 21 degrees 32 minutes west 50 feet to a pipe set on the north side of a road running from the shore properties to Holly Beach Avenue, thence along the north side of said road, south 68 degrees 28 minutes east 75.4 feet to the place of beginning. Also the right to the use in common with others the road or outlet above mentioned running from the above described parcel of land to Holly Beach Avenue. Containing 207/100 of an acre of land more or less.

WITNESS the hands and seals of said Grantors:

WITNESS:

[Signature]
[Signature]
[Signature]
[Signature]

Anna Mae Bertin (SEAL)
 Anna Mae Bertin

Rosemary Chavis Richter (SEAL)
 Rosemary Chavis Richter

Betty Jean Serra (SEAL)
 Betty Jean Serra

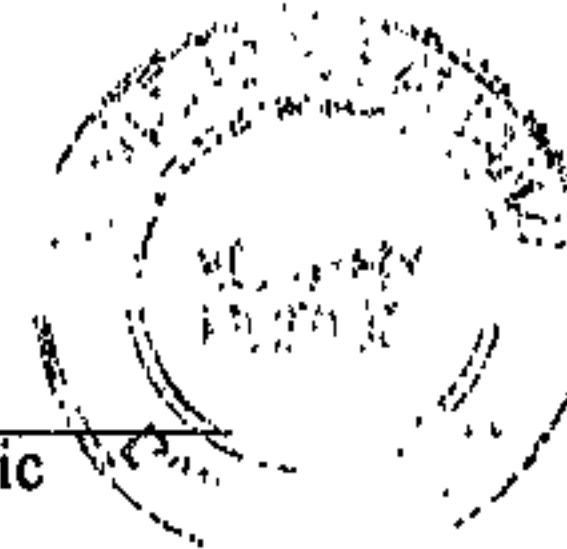
Edna P. Garber (SEAL)
 Edna P. Garber

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

I HEREBY CERTIFY, that on this 23rd day of June in the year two thousand six, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Anna Mae Bertin and Rosemary Chavis Richter and Betty Jean Serra and Edna P. Garber known (or satisfactorily proven) to me to be the persons whose names are subscribed to the within Deed and acknowledged the foregoing Deed to be their act and in my presence signed and sealed the same, and further acknowledged that the consideration as stated above is true and correct.

AS WITNESS my hand and Notarial Seal.

[Signature]
 Richard E. Lattanzi Notary Public



My Commission Expires: 08/01/09

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland attorney.

[Signature]
 Richard E. Lattanzi, Attorney

RECORD AND RETURN TO:
 Marmas Cove, LLC and MJN ONE, L.L.C.
 3401 E. Federal Street
 Baltimore, Maryland 21213
 File # 06-0507

FILE # 06-0507

0024134 571

State of Maryland Instrument Intake Sheet

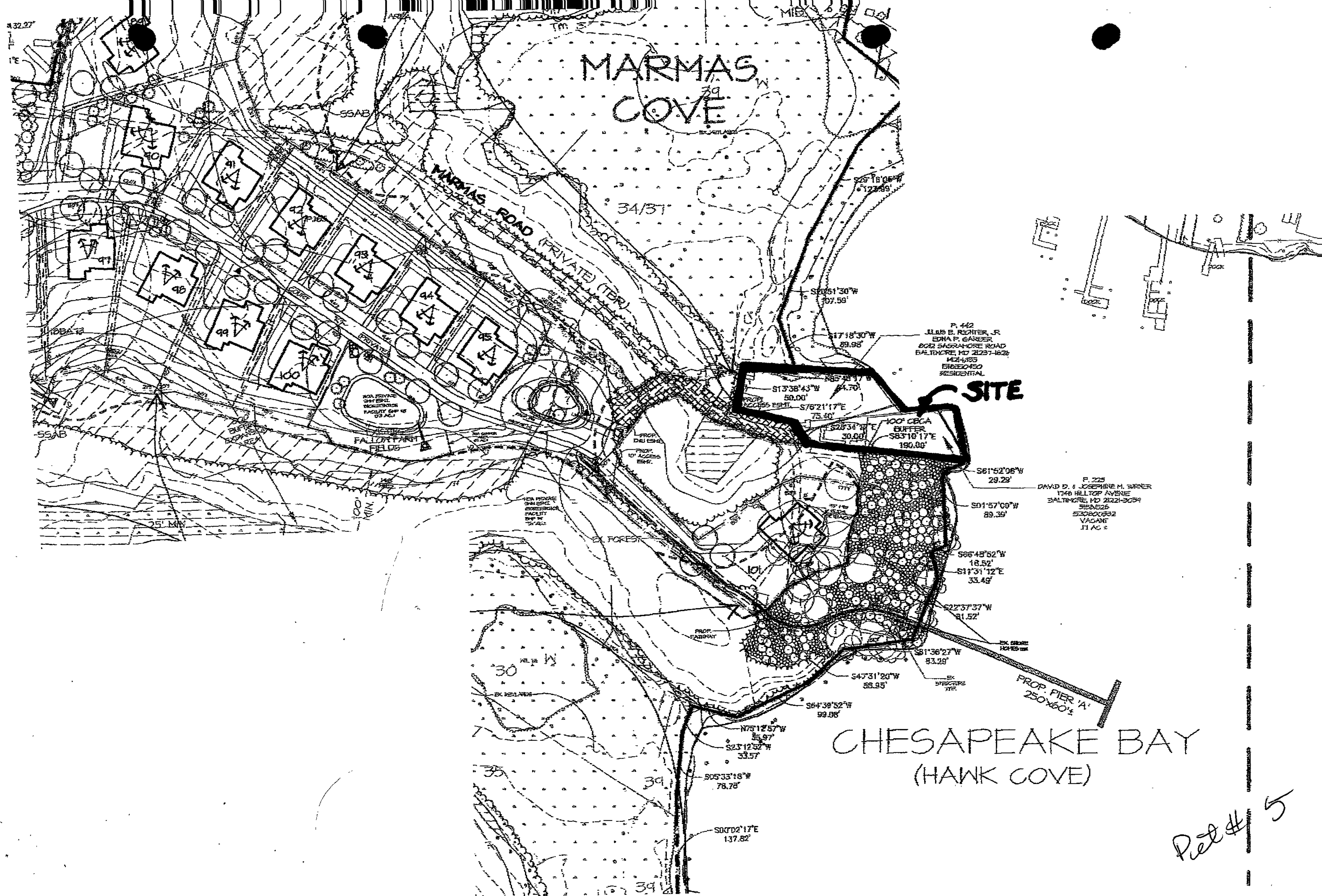
☐ Baltimore City ☒ County: Baltimore County

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only — All Copies Must Be Legible)

1	Type(s) of Instruments	☐ Check Box If Addendum Intake Form is Attached.				IMP FD SURE \$ 20.00 RECORDING FEE 20.00 TR TAX STATE 1,750.00 NON-RESIDENT 3,278.86 TOTAL 5,868.86 Reg# B482 Rcp# 34589 SM CR Blk # 978 Jul 07, 2006 12:08 PM		
2	Conveyance Type Check Box	☐ Deed ☐ Deed of Trust ☐ Improved Sale ☐ Arms-Length [1]	☐ Mortgage ☐ Lease ☐ Unimproved Sale ☐ Arms-Length [2]	☐ Other ☐ MultipleAccounts ☐ Arms-Length [3]	☐ Other ☐ Not an Arms-Length Sale [9]			
3	Tax Exemptions (if Applicable) Cite or Explain Authority	☐ Recordation ☐ State Transfer ☐ County Transfer						
4	Consideration and Tax Calculations <i>Reviewed by SDAT</i> Fees	Consideration Amount			Finance Office Use Only			
Purchase Price/Consideration		\$350,000.00			Transfer and Recordation Tax Consideration			
Any New Mortgage					Transfer Tax Consideration \$			
Balance of Existing Mortgage		\$			X () % = \$			
Other:		\$			Less Exemption Amount = \$			
Other:		\$			Total Transfer Tax = \$ 5250.00			
Full Cash Value		\$			Recordation Tax Consideration \$			
					X () per \$500 = \$ 1750.00			
					TOTAL DUE \$			
					Agent: <i>11</i>			
5	Amount of Fees	Doc. 1		Doc. 2		Tax Bill:		
Recording Charge	\$20.00			\$ 20		C.B. Credit:		
Surcharge	\$20.00			\$ 20		Ag. Tax/Other		
State Recordation Tax	\$1,750.00			\$ 1750				
State Transfer Tax	\$1,750.00							
County Transfer Tax	\$5,250.00							
Other	\$							
Other	\$							
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG (5)	
15		15-18-350450 & 15-18-351770	14214/135					
Subdivision Name		Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)		
Location/Address of Property Being Conveyed (2)								
258 Henrietta Avenue & WS Holly Beach Avenue, Baltimore, Maryland 21221								
Other Property Identifiers (if applicable)								
Water Meter Account No.								
Residential ☒ or Non-Residential ☐ Fee Simple ☒ or Ground Rent ☐ Amount:								
Partial Conveyance? ☐ Yes ☒ No Description/Amt. of SqFt/Acreage Transferred:								
If Partial Conveyance, List Improvements Conveyed:								
7	Transferred From	Doc. 1 - Grantor(s) Name(s)			Doc. 2 - Grantor(s) Name(s)			
		Anna Mae Burton						
		Rosemary Chavis Richter						
		Betty Jean Serra						
8	Transferred To	Doc. 1 - Owner(s) of Record, if Different from Grantor(s)			Doc. 2 - Owner(s) of Record, if Different from Grantor(s)			
		Marmas Cove, LLC						
		MJN ONE, L.L.C.						
		New Owner's (Grantee) Mailing Address						
3401 E. Federal Street, Baltimore, Maryland 21213								
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)			Doc. 2 - Additional Names to be Indexed (Optional)			
10	Contact/Mail Information	Instrument Submitted By or Contact Person					☐ Return to Contact Person	
		Name: Ruth Mitchell					☐ Hold for Pickup	
		Firm: Moore, Carney, Ryan & Lattanzi, L.L.C.					☒ Return Address Provided	
		Address: 4111 E. Joppa Road, Suite 201 Baltimore, MD 21236-2288 Phone: 410-529-4600						
11	Assessment Information	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER						
		☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?						
		☐ Yes ☒ No Does transfer include personal property? If yes, identify: _____						
		☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).						
		Assessment Use Only - Do Not Write Below This Line						
Transfer Number		Date Received		Deed Reference		Assigned Property No.		
20		20						
Geo		Map		Sub		Block		
Zoning		Grid		Plat		Lot		
Use		Parcel		Section		Occ. Cd.		
Town Cd.		Ex. St.		Ex. Cd.				

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-23989] Book SM 24134, p. 0371



MARMAS
COVE

MARMAS ROAD (PRIVATE) (TER)

SITE

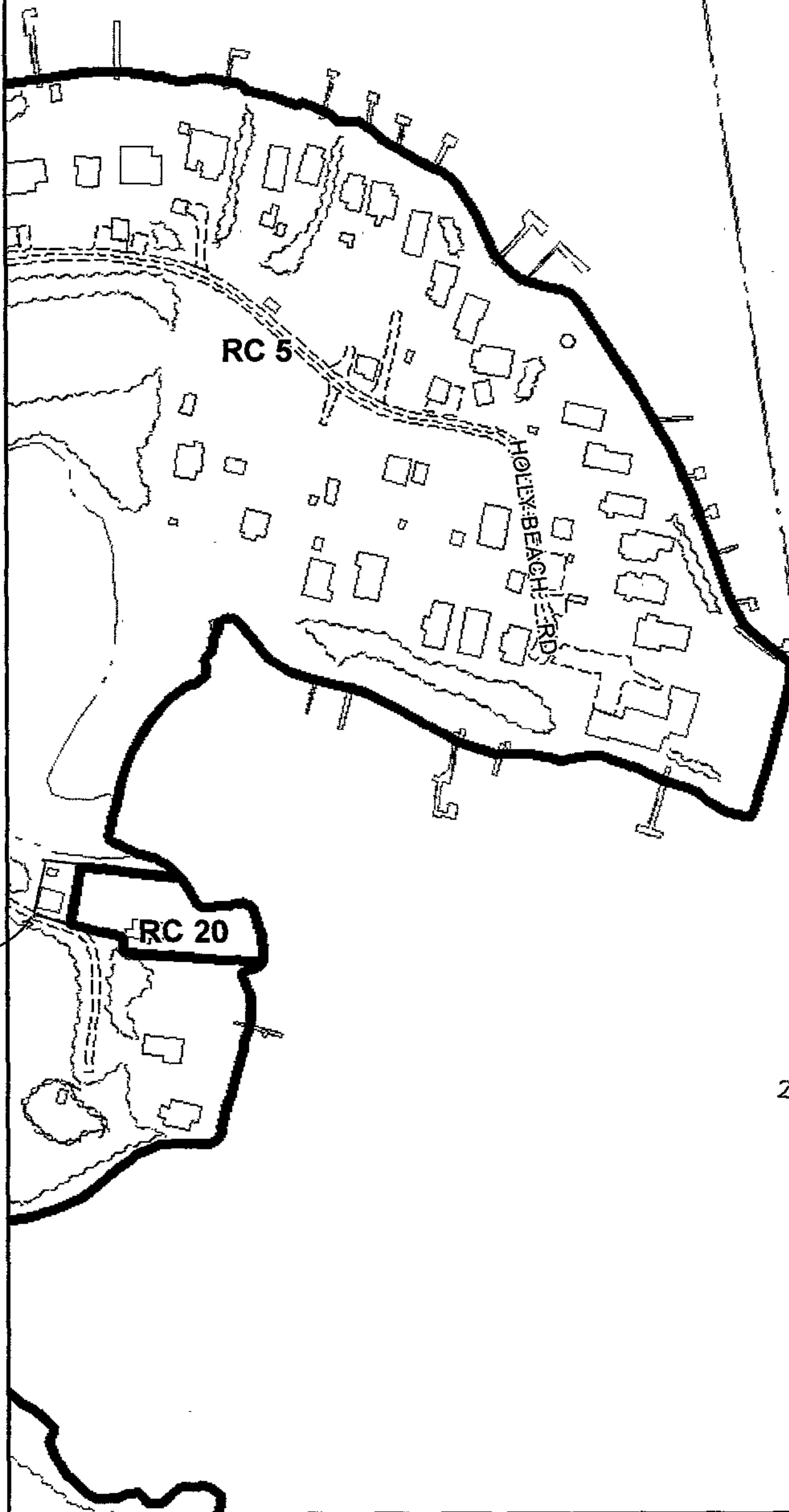
CHESAPEAKE BAY
(HAWK COVE)

P. 442
JULIUS E. RICHTER, JR.
EDNA P. GARDER
8012 SAGAMORE ROAD
BALTIMORE, MD 21237-1628
M28-4185
ENHANCED
RESIDENTIAL

P. 225
DAVID D. & JOSEPHINE M. BURNER
1746 HILLTOP AVENUE
BALTIMORE, MD 21221-3034
S180526
530200032
VACANT
11 AC ±

Plot # 5

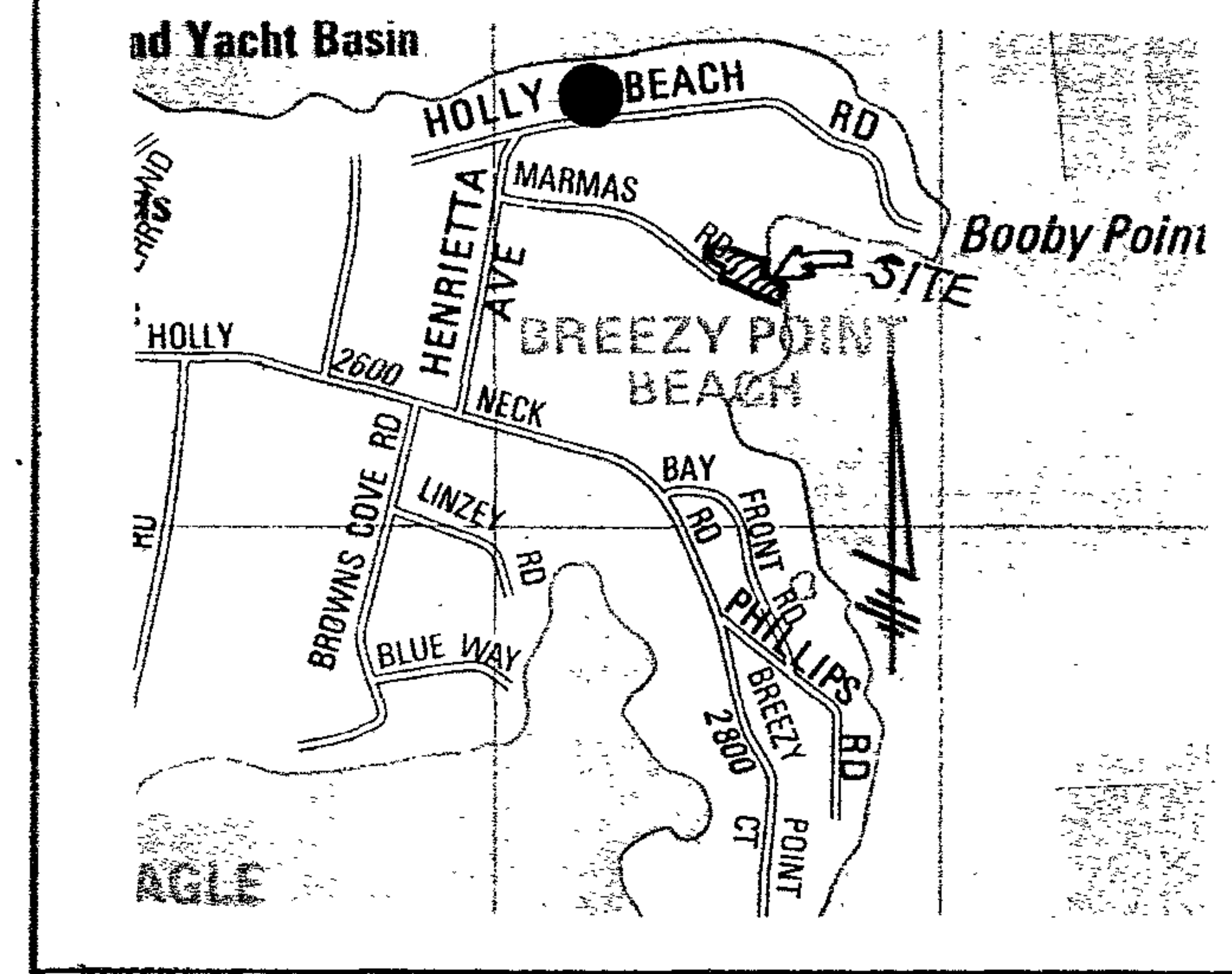
POB



2750 MARMAS ROAD
098C3
15th DIST

Item #682

OWNER
MARMAS COVE LLC
MJN ONE LLC
2361 VANDERMAST LANE
BALTIMORE, MD 21221
PROPERTY NO 1518350450 & 1518351770



NOTES

1. ZONING.....R.C. 20 (MAP 098C3)
2. AREA... 17,200 S.F. = 0.395 AC. ±
3. SITE IS LOCATED IN CBCA AND FLOOD ZONE A
4. NO PREVIOUS ZONING HISTORY
5. NO HISTORIC STRUCTURES EXIST
6. PUBLIC WATER AND SEWER ARE PROPOSED

CHESAPEAKE
BAY

06-682-A

PLAT TO ACCOMPANY
ZONING PETITION
2750 MARMAS ROAD
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET JUNE 22, 2006