6/27/07

IN RE: PETITIONS FOR SPECIAL HEARING E side of E. Riverside Avenue, 1310 feet +/- N of Bay Avenue 15th Election District 6th Councilmanic District **(1100 E. Riverside Avenue and Tax Map 104, Parcel 79)** Joseph M. and Lisa C. Taylor and Marina Holding, LLC *Legal Owner*	*	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **CASE NO. 07-421-SPHA**

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Joseph M. and Lisa C. Taylor and Marina Holding, LLC. The subject property is identified as 1100 E. Riverside Avenue & Tax Map 104, Parcel 79.

The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- To approve the residential density calculations as shown on the accompanying site plan (for the uses shown thereon) in a split zone tract; and
- To confirm no waiver is required for grading and building in the Tidal Floodplain pursuant to Baltimore County Code Section 32-8-301; and
- To confirm that the use of a portion of the tract for a marina and associated parking does not reduce the overall residential density.

The Variance requests are as follows:

- From Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit setbacks as little as 20 feet from the side building face to side building face in lieu of the required 25 feet; and
- From Section 504.2 B.C.Z.R., Comprehensive Manual of Development Policies, page 27 to permit setbacks between the rear building faces of condominium townhouses as little as 32 feet in lieu of the required 60 feet; and
- From Section 504.2 B.C.Z.R, Comprehensive Manual of Development Policies, page 33 to permit as little as 0 square feet of contiguous private yard area per dwelling in lieu of the required 500 square feet.; and

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6-27-07

- For such other variance relief that the Zoning Commissioner may require.

The property was posted with Notice of Hearing on May 26, 2007, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on May 24, 2007, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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 Comments are made part of the record of this case and contain the following highlights: ZAC comments were received from Department of Environmental Protection and Resource Management dated May 9, 2007 which contains

restrictions. ZAC comments were received from the Bureau of Development Plans Review dated April 2, 1007 which contains restrictions. Copies these comments are incorporated herein and made a part hereof the file.

At the time of the hearing, June 11, 2007, the Planning Office presented a "no comment" comment. However on June 19, 2007 the Planning Office presented a revised comment with extensive commentary on the application of the Zoning Regulations to this case which apparently reflect the Planning Office comments regarding the concept plan. Mr. Schmidt strenuously objects to consideration of the revised comment having occurred after the hearing.

Holding on Revised Planning Office Comment

I certainly agree with Mr. Schmidt, the comments received after the hearing present serious questions of fairness if considered in the decision of the case. The Petitioner has not had an opportunity to study and respond to the comments at the hearing, the comments are not made public at the time of the hearing, and the basic rules of quasi judicial review forbid considering evidence outside the public hearing so that even site visits by Commissioner is forbidden.

On the other hand I have to keep in mind that any appeal to the Board of Appeals will be *de novo* and can clearly include the revised comment. It may also happen that the Board on Appeal would like the issues raised in the comment considered by the Commission and so remand the matter back for further hearing. In either case the issues raised will not go away and there could be extensive delays and additional costs suffered by the Parties if not considered by this Commission. Finally it is unlikely the parties will settle the dispute until there is a review by this Commission or on appeal. My goal is always to solve the problem presented at the Commission level if possible and so I will consider the revised comment.

6-21-07

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief was Richard Matz, with Colbert Matz Rosenfelt, Inc., who prepared the site plan for Marina Holding, LLC, Petitioner. Lawrence Schmidt, Esquire, and Charles Marek, Esquire, represented the Petitioners. Appearing in opposition to the requests were Douglas Celmer, Catherine Travis, Horace Cugle, Gary Hale, Robert Midwig, Leroy Sennett and Carl Maynard. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Petitioner's Case

The site plan indicates the subject property contains 3+ acres zoned BMB and DR 3.5 and is located on the peninsula fronting on Back River and Muddy Gut which terminates Riverside Avenue. See Petitioner's Exhibit 2. The tract is composed of two parcels. The boat yard parcel contains 2.57 acres zoned BMB, and is improved by the West Shore Marina and Boat Yard. The second parcel, parcel 79, contains 0.299 acres (gross) zoned DR 3.5 and is improved by a single family dwelling and sheds. Finally the Riverside Avenue right of way contains 0.771 acres (gross). West Shore Marina has a pier with 85 boat slips in addition to the marina office building. The boat yard portion has boat storage and repair facilities.

Mr. Schmidt explained that the Petitioner would like to replace the boat yard uses on the property with 15 single family townhouse units as shown on Petitioner's Exhibit 1, while keeping the marina and pier intact. The townhouses would be sold and operated as a condominium with individual ownership of the condo dwellings but common ownership of the remaining property including the parking lot, environmental buffers, etc. The townhouses would

be a maximum 40 feet high as allowed by Sections 222 and 217 and would have the first floor for storage only to elevate the living quarters above the tidal flood elevation.

Mr. Schmidt indicated that his client filed a concept plan showing the condominiums and held a community input meeting. However the client chose to resolve the zoning issues associated with the development plan prior to the HOH hearing on the development plan which were raised by the Zoning Office and the Petitioner as listed above.

In regard to the variance requests, Mr. Schmidt indicated that the distance between the sides of each condo group should be 25 feet under the regulations but that because of the peninsula shape of the property, and the need of environmental buffers, the condo groups are squeezed toward the center of the property as close as 20 feet as shown on the site plan. In addition he noted that only the back end of the condos on the northwest side fail to meet the separation distance because the buildings reflect the curvature of the waterfront in this area.

In regard to the setbacks between the rear building faces of condominium townhouses Section 504.2 B.C.Z.R., Comprehensive Manual of Development Policies, page 27 requires 60 feet but because of the shape of the peninsula and need to push the buildings back toward the center, the distance between buildings in the rear is as little as 32 feet.

Finally he noted that each dwelling unit would be a condominium and as such have no front or rear yard which belong to the dwelling. Consequently these condos have 0 feet contiguous private yard area. Section 504.2 B.C.Z.R, Comprehensive Manual of Development Policies, page 33 requires 500 square feet of contiguous private yard area per dwelling. Mr. Schmidt argued that this section of the regulations was never meant to apply to condominiums but rather to classic dwellings in which the land and dwelling are owned together. He pointed out that residents of condominiums have the use of all the common open space for recreation and

the like and that residents of the condos will likely use the parking pads and driveways for some of the uses for which the regulations reserve a minimum back yard.

He opined that the property was unique from a zoning standpoint due to its peculiar shape and waterfront location in the CBCA which requires dwellings be clustered as far away from the water as possible. He noted that both the marina and single family dwellings are allowed by right in the BMB zone. Finally he argued that the variance could be granted within the spirit and intent of the regulations and would not adversely impact the community which is primarily residential. Consequently there will be no change to the pattern of development of the neighborhood.

In regard to the special hearing requests, he opined that there is nothing in the regulations which require a waiver for construction in a tidal flood plain. The only requirements are to raise the level of the living space above the mean flood elevation for the area. In contrast he noted that construction in riverine floodplains does requires a waiver. See Petitioner's Exhibit 3, Section 32-4-414 of the BCC which refers only to riverine floodplains. This interpretation was confirmed by both the Bureau of Development Plans Review comment and the "no action" finding of the DRC as shown in Petitioner's Exhibit 4.

In regard to the issue of density, he recalled that there are two lots of record which have been combined to make up this tract with a total gross density of 3.1 acres. The boat yard parcel contains 2.7 acres gross and parcel 79 contains approximately 0.299 acres. The latter is zoned DR 3.5 and is therefore entitled to one dwelling unit. In contrast the boat yard parcel is zoned BMB which according to Section 221 B allows residential development as specified in DR 5.5. The area and density of 5.5 per acre allows 15 dwelling units for a total tract density of 16 units. The Petitioner proposes 15 units clustered on the boat yard parcel which is allowed under the DR

regulations. Said another way the Petitioner contends it has the right to move the density from parcel 79 to the boat yard parcel.

Finally Mr. Schmidt indicated that the marina use is allowed by right in the BMB zone and has no residential density associated with it. Consequently the area used by the marina should not be subtracted from the area of the boat yard parcel to arrive at the allowed number of dwelling units. He argued that the Court of Special Appeals considered a similar situation in the Hayfields case in which the area used by a golf course did not have to be subtracted from the overall tract to determine the lot density allowed for residential use. While he noted that the boat yard use requires a minimum of 2 acres under the regulations, there is no similar minimum area for the marina and so no area should be assigned to it which would reduce the overall density of the parcel.

Protestant's Case

Mr. Celmer, President of the Back River Neck Peninsula Community Association, presented written testimony as shown in Protestant's Exhibit 1 but highlighted that testimony as follows. He expressed his concern that the plan violated the minimum lot size required by the regulations. Mr. Schmidt indicated that there is no minimum lot size in DR 5.5 zones. Mr. Celmer argued that the intent of the BMB zone is to allow either the marina or residential uses but not both. He indicated that the land supporting the marina should be subtracted from the area which allows residential density. He opined that the public sewer system did not have the capacity to handle this development and still provide opportunity for the owners of the RC 20 zoned property in the area to be developed. To allow the project as now planned would amount to unconstitutional discrimination treating two groups differently. He objected to the increase in impervious surface which is inherent on the residential design with roofs and parking lots

6-27-07

contributing to storm water runoff as compared to the gravel surface and boats of the boat yard. He indicated that housing is a new use and should not be allowed within the 100 foot CBCA buffer and was not a water dependent activity.

Mr. Maynard, chairman of the Back River Neck Peninsula Community Association, presented SDAT data sheet which indicates the boat yard parcel contains only 1.928 Acres and not 2.7 acres as presented by the Petitioner. See Protestant's Exhibit 2 and 3. In addition he pointed out that Riverside Avenue terminates at the water's edge separating parcel 79 from the boat yard parcel. He objected to including the roadbed in the Petitioner's area calculations. Again see Protestant's Exhibit 3 for the location of the roadbed. He also noted that Bill 149-92 only allows residential uses subject to a finding of compatibility and that condos are not compatible with the single family dwellings in the community. In support thereof he presented a letter from Councilman Gardina as shown in Protestant's Exhibit 4. He requested comments from the Planning Office presented in conjunction with the concept development plan be incorporated into the record of this zoning case.

Ms. Travis questioned the accuracy of the Petitioner's calculation of the area of the boat yard parcel. She indicated that the Petitioner should use existing conditions as shown in the aerial photograph, Petitioner's Exhibit 2, and not that shown on the plat to accompany. She also objected to the Petitioner obstructing Riverside Avenue where it goes between parcel 79 and the boat yard parcel. She objected to the requested variance for distance between buildings, and expressed concern that the underground gasoline tank used by the marina is too close to the new residences.

Mr. Sennett expressed concern over the design of the parking lot which he opined has no area of refuge, no curbing and will be dangerous to those backing out of the garages. He

6-97-02

questioned whether emergency equipment could have access to the condos given the parking lot configuration. He wanted to be sure the surface area of decks and steps are included in the impervious surface calculations which must not exceed 15%. He noted that the boat yard has been operating since 1950 and is a safety concern because of asbestos, poisonous bottom paint and the like. He opined that Back River and Muddy Gut are riverine and therefore construction in the floodplain requires a waiver.

Mr. Hale and Mr. Midwig who live across Muddy Gut from the marina, objected to the height of the proposed buildings which would limit or eliminate their view of Back River which they now enjoy as shown in Protestant's Exhibits 5 and 6 in addition to supporting the objections above.

Mr. Cugle, in addition to supporting the objections above, questioned using property that had been washed away to arrive at the allowed density. He noted that there are eagles and turtles in the area which he opined might be harmed by the proposed use. He offered to show a video of the damage caused by Hurricane Isabel.

In rebuttal Mr. Schmidt indicated that many of the objections presented by the Protestants are objections which must be considered in the development plan but not in this zoning case. He pointed out that Protestant's Exhibit 4, the letter from Councilman Gardina, supports the Petitioner's interpretation of the regulations in that it recommends changing the law. In regard to the correct area of property on navigable waters, he indicated that Environment Article 16-201 specifically directs the property owner is entitled to any land acquired by accretion or to reclaim any land lost by erosion which is reflected in the site plan. Finally he noted that Real Property Article 2-114 specifically allows using the area of a roadbed for density calculations, but admitted that the Petitioner must formally request the County to close the road.

6-2707

Findings of Fact and Conclusions of Law

Overview

The Protestants express concern regarding the capacity of the sewer system to handle the new units, the design of the parking lot, impervious surfaces, storm water management, etc., which will be addressed by the County and the Hearing Officer at the development plan hearing. These are really not zoning issues which this case involves. Finally the closing of East Riverside Avenue between parcel 79 and the boat yard parcel must be accomplished in the development plan case and is not required in this zoning matter.

Variances

In regard to the request for variances, I find that there is no need for a variance from Section 504.2 B.C.Z.R, and Comprehensive Manual of Development Policies, page 33 to permit as little as 0 square feet of contiguous private yard area per dwelling in lieu of the required 500 square feet. Clearly the intent of this section is to provide a minimum private back yard for conventional housing developments where the owner owns the land on which the dwelling is located. In a condominium, the owner owns a portion of the building but the land is held in common and managed by an association. There is no back yard as such.

In regard to the request for dimensional variances, I find the property unique in from a zoning standpoint. The peninsula shape of property and environmental constraints of the CBCA result in the zoning regulations impacting this property more severely than other properties in the district. For example Section 504.2 B.C.Z.R., Comprehensive Manual of Development Policies, page 27 requires setbacks between the rear building faces of condominium townhouses to be 60 feet. Most units meet this requirement easily. However the condo units at the tip of the peninsula would have to be pushed out into the environmental buffer to meet the requirement.

6-27-02

So the shape of the property and the environmental constraints are the kinds of peculiar circumstances which impact this property disproportionaly and make this property unique.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. It is impractical to move the condo units further into the environmental buffer as above. This would then require environmental variances which are far less desirable than those dimensional variance requests herein.

Finally, I find these variances 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 community is primarily residential and this request will simply extend the existing pattern of development of the community. Perhaps this can best be seen by looking at the impact of the opposite request. Suppose the peninsula had been primarily developed residentially with a marina. Now the owner would like to raze the residences and install a boat yard. This would change the character of the neighborhood.

The arrangement shown in the site plan creates a group house as defined in the BCZR as each dwelling would be constructed together in a lateral row surrounded by yard space and separated by a party wall. Section 1B01.1A1c requires that in DR 5.5 zones, group houses must be compatible with the community. Section 32-4-402 defines compatibility in terms of a neighborhood which in turn is defined by major natural features etc. I find the "neighborhood" to be the waterfront properties west of Back River Neck Road as shown in vicinity map of Petitioner's Exhibit 1. This is primarily single family dwellings located on individual lots. Considering the compatibility objectives of Section 32-4-402 (d) I find the proposed condo arrangement is compatible with the neighborhood. Condominiums, although a different scheme

for owning property, are individual single family dwellings just like the rest of the waterfront community.

Special Hearing

In regard to the request for Special Hearing, I find that there is no need for a waiver to allow construction in a tidal floodplain. Section 32-8-202 distinguishes between riverine and tidal flood plains. Section 32-8-301 indicates that waivers may be granted under Section 32-4-107 from the provisions of Section 32-4-414. The latter refers exclusively to riverine floodplains in prohibiting construction in riverine floodplains. In addition this Section specifies that encroachments into the floodplain shall not increase the existing base flood elevation. This provision can only refer to a riverine flow where obstructions placed into the flow of water could increase the base flood elevation. Said another way there is no conceivable human construction in a tidal floodplain which will increase the base flood elevation of the oceans. It would take a structure in the order of magnitude of melting the Polar Ice Cap to change tidal elevation. Finally ZAC comments from the Bureau of Development Plans Review dated April 2, 2007 indicated that the Public Works Department believes that no waiver is necessary to grade or build in a tidal floodplain. While Back River and Muddy Gut may also have some riverine flow of fresh water, the flooding issues that arise are tidal and not riverine. Finally the Commission has approved hundreds of requests for building in tidal flood plains and has never required a waiver under Section 32-4-107.

In regard to the Special Hearing to approve the residential density calculations shown on the site plan in a split zone tract, Section 1B01.2 A 2 directs in DR 10.5 and DR 16 zones, the density of the overall tract divided by a zoning boundary is the sum of the densities of each parcel that comprises the tract. This Section also specifies that "whenever a tract is divided by a

zone boundary" the density of the overall tract is the sum of the densities of each parcel that comprises the tract. Thus there is a conflict within the Section as to whether the method applies only to DR 10.5 and DR 16 zones or is generally applicable.

Traditionally the County has used this same method of calculation in any DR zone as shown in the Zoning Commissioner Policy Manual Section 1B01.2.A..2. I find that inclusion of the words "DR 10.5 and DR 16" in Section 1B01.2 A.2 is not meant to be exclusive such that other zones cannot use this method. I further find that the Petitioner may transfer one dwelling unit from the DR 3.5 zoned parcel to the boat yard parcel.

I also agree with the Petitioner that the spur of East Riverside Avenue leading to the water and lying between parcel 79 and the boat yard parcel will have to be closed in the development plan process. I note that the Petitioner owns both sides of the road, owns to the center of the road per Real Property Article 2-114 and therefore owns the whole road bed. Section 1B01.2.A.1 refers to density calculations using gross residential acreage multiplied by the density factor of the zone. In this case the factor is 5.5. Area, net is defined as the land area not including areas of land in public streets or right of ways. From this I conclude that the Petitioner may include the area of the spur of Riverside Road in his density calculations. However the spur must be closed by the County as part of the development process.

The Petitioner has calculated the gross area of the boat yard parcel by taking land that has be added to the west side of the property by accretion as shown in purple on Petitioner's Exhibit 2. The note on the exhibit indicates that the purple area is below mean high tide. By common law this land would have belonged to the State. However, as Mr. Schmidt points out, Section 16-201 of the Environment Article directs that owners of land on navigable waters are entitled to

any natural accretion which presumably the purple area reflects. Therefore I find the Petitioner may use the entire gross area including accretions in the calculation of density.

I regard to the special hearing to confirm that the use of a portion of the tract for a marina and associated parking does not reduce the overall residential density, Mr. Schmidt cites *Hayfields Inc v Valleys Planning Council Inc*, 12 Md. App. 616, 716 A.2d 311 (1998) for the proposition that the area for uses other than residential uses does not have to be subtracted from the area when performing density calculations. Said another way the area devoted to the marina does not have to be subtracted from the area used to calculate the gross acreage of the boat yard parcel.

However I do not read the Hayfields decision as does the Petitioner. The Court of Special Appeals addressed the issue of whether the acreage associated with a special exception for a golf course needed to be subtracted from the overall tract acreage to find the number of lots that could be created in RC 2 zoned property. The Court found that no such subtraction was needed based on the rather unusual and narrow way RC 2 lots are created in the regulations. However in doing so the Court contrasted the RC 2 situation with those in RC 4, RC 5 and DR zones in footnote 13 on page 633 as follows:

"Footnote 13. Other zones, such as RC 4, RC 5 and DR, explicitly differentiate between residential and non residential uses. In a DR zone for example, non residential acreage must be subtracted prior to calculating residential density – residential density is determined on the gross residential acreage only. Under BCZR 1B01.2.A.1the maximum gross residential density permitted in any one DR zone shall control only as applied to the total gross residential acreage within a subdivision tract, and shall not apply to or establish minimum areas of lots created by subdivision within such tract."

The Planning Office indicates the boat yard can be redeveloped residentially. The BMB regulations, Section 221 B specifically allows residential development by right as limited in DR 5.5 zones. Clearly the marina is a non residential use and according to *Hayfields* its acreage must be subtracted from the total boat yard parcel area to find the gross residential area which can then be multiplied by the density factor of 5.5. While there has been no zoning use division line established between the marina and the residences by the Petitioner, it is likely a zoning use division line would enclose a marina of approximately 0.3 acres. If so the Petitioner would be entitled to 14 dwelling units, (2.7 x 5.5) on the boat yard parcel.

The Petitioner is requesting 15 dwelling units by transferring one dwelling unit from parcel. I agree that this can be done and that the total number of dwelling units allowed on the tract is 15. While this is the same as the number requested, the site plan shows 16 dwelling units are allowed. Therefore I will issue the Order accordingly.

These 15 dwelling units have to have the first floor of living space above the tidal flood plain. Practical dwellings will be two stories above the flood elevation and so these units will be likely 35 to 40 feet high depending on roof design. The DR regulations allow dwellings up to 50 feet. However the controlling BMB regulations, Sections 222 and then 217, limit the height to 40 feet. This leaves the rather odd situation that 14 units would be limited to 40 feet and, one could argue, the one dwelling transferred from the DR 3.5 could be 50 feet. However I find that since all dwellings will be on the BMB zoned parcel, the 40 foot limitation applies to all units. That said I recognize that the view of Back River from the opposite shore of Muddy Gut will be somewhat restricted.

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' special hearing and variance requests should be granted by modified Order.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 27th day of June, 2007 that the Petitioners' request for Variances as follows:

- From Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit setbacks as little as 20 feet from the side building face to side building face in lieu of the required 25 feet; and

- From Section 504.2 B.C.Z.R., Comprehensive Manual of Development Policies, page 27 to permit setbacks between the rear building faces of condominium townhouses as little as 32 feet in lieu of the required 60 feet; and

- From Section 504.2 B.C.Z.R, Comprehensive Manual of Development Policies, page 33 to permit as little as 0 square feet of contiguous private yard area per dwelling in lieu of the required 500 square feet are hereby GRANTED; and

IT IS FURTHER ORDERED, the Petitioner's request for Special Hearing request pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows to confirm that the use of a portion of the tract for a marina and associated parking does not reduce the overall residential density is hereby DENIED; and

IT IS FURTHER ORDERED that the Petitioner's request to confirm no waiver is required for grading and building in the Tidal Floodplain pursuant to Baltimore County Code Section 32-8-301 is GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's request to approve the residential density calculations as shown on the accompanying site plan (for the uses shown thereon) in a split zone tract is DENIED; and

IT IS FURTHER ORDERED that the Petitioner shall be entitled to 14 dwelling units on the boat yard parcel and one dwelling unit on parcel 79 for a total of 15 dwelling units on the tract subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. 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).
3. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
4. The flood protection elevation for this site is 11.2 feet.
5. 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.
6. 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.
7. The building engineer shall require a permit for this project.
8. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
9. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

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

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IN THE MATTER OF
THE APPLICATION OF
PATRICIA L. SHANEYBROOK AND
SUSAN H. BASSO -PETITIONERS
FOR SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE W/S BACK RIVER NECK
ROAD, 245' N OF C/L LUCIANO DRIVE
(720 BACK RIVER NECK ROAD)

15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 00-139-X

* * * * * * * *

OPINION

This matter is before the Board on an appeal of the decision of the Zoning Commissioner for Baltimore County dated May 30, 2000 granting the Petitioners' requested special exception for an adult day care center on the subject property pursuant to § 1A05.2G of the *Baltimore County Zoning Regulations* (BCZR) with conditions. The Protestants, the Back River Neck Peninsula Community Association, Carl Maynard, President, and Leroy Sennott, individually, filed a Notice of Appeal from the Zoning Commissioner's Order on June 29, 2000. The Board conducted hearings on April 3, 2001; April 18, 2001; and May 2, 2001. Briefs were filed in the matter and were due May 10, 2001. The Petitioners were represented by Francis X. Borgerding, Jr., Esquire, and the Protestants were represented by John B. Gontrum, Esquire. Public deliberation was held on May 17, 2001.

The property in question consists of approximately 9.861 acres predominantly zoned R.C. 20 with a small portion of the property zoned D.R. 3.5. There are a number of environmental constraints on the property, including a tidal floodplain, stream, wetlands and forest. Although the parcel is predominantly zoned R.C. 20, many of the adjacent and nearby properties are zoned differently. Specifically, there is a nursery for children located immediately north of the subject

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site on D.R. 3.5 zoned land and a small strip center immediately south of the property on land zoned B.L.

Petitioners presented Mr. Ertel, the professional engineer with M.J. Consultants, who indicated that he had prepared the site plan for the project. The Petitioners propose to construct a 5,700 square foot one-story building on the R.C. 20 zoned portion of the site for an adult day care center. The building will be constructed nearly 300 feet from the property line. Testimony indicated that the proposed facility will be open as a day care center from 7 a.m. to 7 p.m., five days a week. It is anticipated there will be approximately 8 employees plus the owners, and up to 65 senior clients will be accommodated. There would be no food service preparation on the property, and it was testified that all meals would be catered, using plastic flatware and plates. There will be no overnight accommodations and no requirement to do laundry, although there will be a washer and dryer on the premises in the event that there is a need for washing of any client's clothes during the day. Individuals will be brought to the site in the morning and transported to and from the site by two minibuses which will be parked off the property. Mr. Ertel testified that he did not think that there would be any detrimental impact to the health, safety or general welfare of the locale.

Petitioners contend that, while an adult day care operation is not specifically set forth in § 1A05 of the BCZR, § 1A05.2G of the BCZR allows "other uses substantially similar in character and impact to those uses ordinarily permitted by right or special exception in the zone." Petitioners contend that the use as an adult day care center is similar to the use of a facility as a child day care center. They cite the testimony of Mr. Carl Richards, Zoning Supervisor of the Department of Permits & Development Management, who testified that that was the position of the department based upon the decision of the Deputy Zoning Commissioner in Case No. 89-405-SPHA, a copy of which was introduced into evidence before the Board.

The property is also located within the Chesapeake Bay Critical Area, which places additional restrictions on the Board and the property owners. Section 500.14 of the BCZR states:

Within the Chesapeake Bay Critical Area.

> No decision may be rendered by the Zoning Commissioner on any petition for special exception, variance or special hearing unless the Zoning Commissioner has received from the Director of the Department of Environmental Protection and Resource Management, or his designated representative, written recommendations describing how the proposed request would:
>
> A. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
>
> B. Conserve fish, wildlife and plant habitat; and
>
> C. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The Protestants also cite COMAR regulations 27.01.02.05, the Critical Area Commission guidelines for evaluation of local programs during comprehensive reviews and a letter from John C. North, Chairman of the Chesapeake Bay Critical Area Commission dated April 2, 1993 regarding the approval of a set of guidelines concerning land uses in the resource conservation area. They also submitted a letter from R. Bruce Seeley of the Department of Environmental Protection and Resource Management (DEPRM) to Arnold Jablon, dated November 15, 1999, concerning the subject property in which, among other things, DEPRM recommended denial of the special exception, and stated "if the applicant wishes to pursue the project further, a critical area growth allocation approval will be necessary."

Without going any further into the matter, the Board finds that the written recommendations required from DEPRM in accordance with § 500.14 of the BCZR are lacking in this matter. Therefore, the Board must deny the Petition for Special Exception.

ORDER

THEREFORE, IT IS this 16th day of July, 2001 by the Baltimore County Board of Appeals

ORDERED that the request for special exception for an adult day care center on the subject property is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Margaret Worrall

C. Lynn Barranger

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 27, 2007

LAWRENCE E. SCHMIDT, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Special Hearing and Variance
Case No. 07-421-SPHA
Property: 1100 E. Riverside Avenue & Tax Map 104, Parcel 79

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case.

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,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz
Enclosure

c: Richard E. Matz, Colbert, Matz & Rosenfelt, 2835 Smith Avenue, Suite G, Baltimore, MD 21209
Douglas Celmer, 1415 Bay Avenue, Essex MD 21221
Catherine Travis, 2019 Silver Ln. Rd., Baltimore MD 21221
Horace Cugle, 1208 Elsinge Road, Essex MD 21221
Gary Hale, 1209 Elsing Road, Essex MD 21221
Robert Midwig, 1207 Elsing Road, Essex MD 21221
Leroy Sennett, 1716 Beachwood Avenue, Essex MD 21221
Carl Maynard, 1546 Denton Road, Essex MD 21221

7/25/08

IN RE: PETITIONS FOR SPECIAL HEARING E side of E. River Avenue, 1310 feet +/- N of Bay Avenue 15th Election District 6th Councilmanic District (1100 E. Riverside Avenue and Tax Map, 104, Parcel 79)	*	BEFORE THE * COUNTY BOARD OF APPEALS * OF * BALTIMORE COUNTY
Joseph M. and Lisa C. Taylor and Marina Holding, LLC *Legal Owner*	*	* Case No.: 07-421-SPHA

* *

OPINION

This matter comes before the Board on a de novo appeal filed by the Office of People's Counsel on Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Joseph M. and Lisa C. Taylor, and Marina Holding, LLC. The subject property is located at 1100 E. Riverside Avenue in the Back River community of eastern Baltimore County and is also known as the West Shore Yacht Center.

The original Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") and requests the following relief:

1. To approve the residential density calculations as shown on the accompanying site plan (for the uses shown thereon) in a split zone tract;
2. To confirm no waiver is required for grading and building in the tidal floodplain pursuant to Baltimore County Code ("BCC") §32-8-301; and
3. To confirm that the use of a portion of the tract for a marina and associated parking does not reduce the overall residential density.

The Petition for Variance seeks the following approvals:

1. A Variance from BCZR §1B01.2.C.1.c to permit setbacks as little as 20 feet from the side building face to side building face in lieu of the required 25 feet;
2. From BCZR §504.2, Comprehensive Manual of Development Policies ("CMDP"), page 27, to permit set backs between the rear building faces of condominium townhouses as little as 32 feet in lieu of the required 60 feet; and
3. From BCZR §504.2, CMDP, page 33, to permit as little as 0 square feet of contiguous private yard area per dwelling in lieu of the required 500 square feet.

This matter initially came before the then Deputy Zoning Commissioner (John V. Murphy) for public hearing. By Findings of Fact and Conclusions of Law issued by Deputy Commissioner Murphy on June 27, 2007, the Petitions were granted, in part, and denied, in part. A timely appeal was taken from Deputy Zoning Commissioner Murphy's decision by People's Counsel of Baltimore County.

The matter came in for public hearing before the Board on March 13, 2008. At that time, Joseph Taylor, property owner/Petitioner, appeared and was represented by Lawrence E. Schmidt, Esquire, of the law firm of Gildea & Schmidt, LLC. Also present on behalf of the Petitioner was Richard E. Matz, of Colbert Matz Rosenfelt, Inc., the engineer who prepared the site plan. Appearing on behalf of the Office of People's Counsel was Carole S. DeMilio, Esquire; also present was Carl Maynard on behalf of the Back River Neck Community Association.

At the initial hearing on March 13, 2008, limited testimony and evidence was offered. Instead, the parties requested a continuance and advised that settlement negotiations were under way which might resolve the matters of dispute between them. The parties further advised that as a result of these negotiations, the plan offered for consideration before Commissioner Murphy would be amended, as would the relief requested under the Petitions for Special Hearings and Variance. In order to provide the parties with an opportunity to resolve their differences, the case was continued.

A subsequent hearing was duly scheduled and conducted on June 3, 2008. Petitioners amended the Petition for Special Hearing and Variance and Richard E. Matz the engineer, testified in support of the relief requested. At that time, an amended plat to accompany to the Petitions for Special Hearing and Variance was submitted as Petitioners Exhibit No. 1. Additionally, a "Pattern Book," containing building elevation drawings of the proposed

dwellings and floor plans therefore was submitted as Petitioners Exhibit No. 2. Finally, written comments from the Department of Environmental Protection and Resource Management ("DEPRM") (Petitioners Exhibit No. 3A), the Office of Planning (Petitioners Exhibit No. 3B) and a letter of referral of the Petitioner's request for a variation of the Chesapeake Bay Critical Area Standards to the Baltimore County Planning Board (Petitioners Exhibit No. 3C) were submitted.

Through a proffer of counsel, the testimony of Mr. Matz and the exhibits described above, the following the facts are found. The subject property under consideration is collectively 3.0037 acres in area, split zoned B.M.B. (Business Marine Boatyard) and D.R. 3.5 (Density Residential). The property is located at the end of a peninsula adjacent to Back River and Muddy Gut at the termination of Riverside Avenue. The property is actually composed of three parcels. The largest parcel, zone B.M.B., contains 2.57 acres and is improved by the West Shore Marina and Boatyard. This property contains a marina building, an 85 slip pier which extends into Back River and associated parking and boat storage areas. In fact, much of the land area of the property is used for the storage of boats and is a largely impervious surface. The second parcel, contains .299 acres, and is zoned D.R. 3.5. It is a separate lot known as parcel 79. It was previously improved with a single family dwelling and out buildings, however they have been razed. The third portion of the property contains a right-of-way for the extension of Riverside Avenue, which is approximately .17 acres in area.

The Petitioner originally proposed to replace the boatyard use on the property with 16 single family townhouse condominium units. The marina use and pier would remain. The townhouses would be sold and operated under a condominium regime with individual ownership of the dwellings units and common ownership of the remaining property, including the parking

lot, environmental buffer areas, etc. This was the plan for which zoning relief was requested under the Petitions before Commissioner Murphy. In addition to the zoning relief, the owners sought review and approval of this proposed subdivision under the County's development regulations.[1]

Pursuant to the Development Review Regulations as contained in Article 32 of the BCC, the property owner submitted a concept plan for the proposed residential redevelopment of the property. Concept Plan Comments as required by the regulations were issued by reviewing County agencies regarding the plan, additionally, a community input meeting was conducted as required. However, prior to moving forward through the development process, the Petitioner elected to file the aforesaid Petitions in order to resolve certain zoning issues which arose during review of the concept plan. As more fully described in the Petitions above, and as amended, these issues generally relate to the density and development potential of the site, the requirement for certain variances for the proposed units and the applicability of the floodplain regulations.

At the continued hearing, counsel for Petitioners advised that the request for approval of a fifteen (15) unit townhouse condominium plan had been withdrawn. With the consent of the Office of People's Counsel and the interested community representatives, a new plan has been submitted for the Board's consideration. This plan shows a modified and reduced residential development. Specifically, in lieu of the previously shown fifteen (15) condominium townhouse development, a proposal for twelve (12) semi-detached units is offered. These are 6 side-by-side structures with a common wall between units. This change to the plan largely addresses the original objections of the Office of People's Counsel and the community. First, the amended plan resolves the density issues. In addition to reducing the number of units, the new plan

---

[1] Baltimore County Code §32-4-230 authorizes a property owner to request a single hearing for both zoning approvals and development plan approval; or, bifurcate the matters into separate proceedings, as was done here.

incorporates a zoning use division line which clearly designates the area of the property dedicated to the marina use from the area of the property associated with the residential development. As more particularly shown under Note No. 3 of the amended plan (Pet. Exh. 1), the marina use occupies .7346 acres of the property. Therefore, the remaining 2.0066 acres of the site zoned B.M.B., as well as .2999 acres zoned D.R. 3.5, is dedicated to the residential use. This acreage yields 12 density units to support the proposed residential portion of the project. Finally, pursuant to BCZR §1B01.2.A.2, the density unit attributable to parcel 79 (zoned D.R. 3.5) may be utilized on the B.M.B. portion of the site as shown on the plan. Pursuant to BCZR §221.B, the B.M.B. acreage can be residentially developed at a ratio of 5.5 units per acre. Based upon these regulations and the property's acreage, the density issues related to the overall property and proposed use thereof have been resolved and the Petition for Special Hearing can be granted, in part, and rendered moot, in part, accordingly.

Second, and equally significant, the community had expressed concerns about the type of units proposed. Specifically, the community objected to the townhouse scheme of the development and People's Counsel contended that BCZR §1B01.1A.1.c required a finding of compatibility for the townhouse development. The semi-detached scheme is acceptable to the community and does not require a finding of compatibility under that section of the BCZR.

Finally, People's Counsel had expressed a concern at the initial hearing regarding the requirements of BCZR §500.14, given the property's location within the Chesapeake Bay Critical Area. In this regard, Petitioner's Exhibit's 3A, 3B and 3C collectively demonstrate that DEPRM and the Office of Planning have reviewed and applied the appropriate Chesapeake Bay Critical Area requirements to this site. As required under the development regulations (see BCC §32-4-231), the developer has requested a Variation of Standards from the Chesapeake Bay

Critical Area buffer requirements. This Variation of Standards is subject to evaluation by the Department of Environmental Protection and Resource Management ("DEPRM") and can only be approved by the Baltimore County Planning Board after public hearing and vote. The Planning Board hearing is tentatively scheduled for September 4, 2008 and the recommendations of the Planning Board will be binding on the Hearing Officer when the development plan is reviewed by him. Based upon the information as contained in Petitioner's Exhibit's 3A, 3B and 3C, the Board finds that the requirements of BCZR §500.14 have been satisfied. The Office of People's Counsel and the Protestants do not dispute.

As a result of the revised plan, the Petitioner's requests under the Petition for Variance are significantly modified. Specifically, the two setback variance requests (i.e. 20 feet from the side building face to side building face in lieu of the required 25 feet and 32 feet between rear building faces in lieu of the required 60 feet) are no longer necessary and are moot. These Variances were required because of the townhouse style development and there setback requirements are not applicable to the semi-detached layout as shown on the revised plan.

However, the applications BCZR §504.2 and the requirements on pg. 33 of the CMDP requiring 500 square feet of contiguous private yard area per dwelling remains at issue. The CMDP imposes this requirement for all housing types. As noted above, the owners will own only their individual unit building and the association will own the balance of the property. As members of the condominium association, individual unit owners will enjoy the large common areas which are associated with this development. As shown on the plan, there is large common area for parking and large buffer areas which are required to be maintained pursuant to the Chesapeake Bay Critical Area requirements. Petitioner requested alternative relief in this matter, that is, Special Hearing relief that the requirement of 500 feet of contiguous private yard area per

dwelling does not apply in this case or in the alternative, a request for variance for 0 square feet in lieu of 500 square feet. People's Counsel contends a variance is required. Mr. Matz testified that the spirit and intent of the 500 square feet yard space requirement has been satisfied with the common areas, that the site is unique given the buffer area requirement under the Chesapeake Bay Critical Area requirements and that the Petitioners will suffer practical difficulty for the residential use of the site if the variance is not granted. The Board agrees that, based on the uncontradicted testimony of Mr. Matz and the evidence, a variance in this instance is warranted.

In addition, Petitioner amended its Petition for Variance for a new Variance based upon the revised plan. Counsel for the Petitioner amended the Petition for Variance in open hearing without objection of the Office of People's Counsel. The new Variance relates to the proposed unit shown as "Lot 12." As noted above, a right-of-way for a paper street extends into the property (the third parcel described hereinabove) and technically generates side and rear yard setbacks. The setbacks shown from the building on Lot 12 (1 foot to the side and 4 feet to the rear) are insufficient and thus Variance relief is required. It is to be observed that this regime will become a "legal fiction" when the Petitioner closes the road as is contemplated under the development plan. However, in that the road exists at the time of the Board's hearing, a Variance is required. Based on the uncontroverted testimony of Mr. Matz on uniqueness and practical difficulty, the Board finds a variance in this instance is warranted.

Turning to the Special Hearing relief, it is also modified as a result of the revised plan. The Board confirms that no waiver is required for grading and building in the tidal floodplain pursuant to BCC §32-8-301. A reading of that section is persuasive that the waivers are required in the event of construction in a riverine floodplain not a tidal floodplain. A written advisory comment from the Department of Public Works confirms this interpretation. Secondly, the

density issue is described above has been resolved. The zoning use division as shown on the amended plan appropriately designates that portion of the site dedicated to the marina use as well as the residential portion of the property. The Board is persuaded in this instance that sufficient density exists and that the mixed use is in compliance with the density and area requirements in the BCZR. Finally, the density available from the three (3) parcels at issue can be used throughout the tract. Thus, that relief will be granted. For the reasons stated above, the modified and amended Petitions for Variance and Petition for Special Hearing shall be granted in accordance with Petitioner's Exhibit No. 1.

ORDER

THEREFORE, IT IS ____ day of _____ 2008, by the County Board of Appeals of Baltimore County,

ORDERED, that the Petition for Special Hearing to confirm that no waiver is required for grading and building in the tidal floodplain pursuant to BCC §32-8-301 be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that the Petition for Special Hearing to confirm that the use of the portion of a property for a marina and associated parking does not reduce the overall residential density, is DISMISSED, as MOOT, and that the zoning use division line, which reflects the area of the overall property as shown dedicated to the marina, the area of the property dedicated to the proposed residential use and the concomitant density calculations for the residential zones and use thereof be and is hereby APPROVED; and,

IT IS FURTHER ORDERED, that the Petition for Special Hearing to permit the utilization of density attributable to specific parcels for use on the overall tract, pursuant to BCZR §1B01.2.A.2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that a Variance from BCZR §1B01.2.C.1.c to permit setbacks as little as 20 feet from the side building face to side building face in lieu of the required 25 feet; from BCZR §504.2, CMDP, pg. 27, to permit set backs between the rear building faces of condominium townhouses as little as 32 feet in lieu of the required 60 feet, are DISMISSED, as MOOT; and,

IT IS FURTHER ORDERED, that a variance from BCZR §504.2, CMDP, pg. 33, to permit as little as 0 square feet of contiguous private yard area per dwelling in lieu of the required 500 square feet, is hereby GRANTED; and;

IT IS FURTHER ORDERED, that the special hearing seeking relief that the 500 square feet contiguous private yard area required for a private dwelling does not apply to a condominium development is DISMISSED AS MOOT; and

IT IS FURTHER ORDERED, that a Variance to allow front and side yard setbacks of 1 foot and 4 feet respectively for the proposed building on Lot 12 be and are hereby GRANTED.

_____

_____

_____

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildeallc.com

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
JASON T. VETTORI

June 23, 2008

Carole S. DeMilio, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson MD 21204

Re: West Shore Yacht Center/11 E. Riverside Avenue
Case No.: 07-421-SPHA

Dear Ms. DeMilio:

As discussed, please find enclosed a draft opinion that I have prepared for the Board of Appeals in the above matter. Please review and advise with any suggested edits, modifications and/or additions.

The enclosed addresses modifications to the original Petitions for Special Hearing and Variance based upon the revised site plan. Much of the relief requested under the original plan is withdrawn and/or moot. The additional one Variance is noted.

Per your letter of June 13, 2008, I defer to the Board on whether a public deliberation is required. Obviously, the enclosed states that the Board will make certain findings of fact and conclusions of law (e.g. whether the 500 square foot yard requirement is relevant, or in the alternative, can be varianced). If such findings can only be issued after a deliberation, then the Board should schedule that proceeding. I trust that this can be done expeditiously. I will forward to the Board the written opinion after you have reviewed/corrected the enclosed. As always, please contact me with any questions.

Very truly yours,

Lawrence E. Schmidt

LES: jk
Enclosure
CC: Kathleen C. Bianco, Board of Appeals (without enclosure)
Richard E. Matz, Colbert Matz Rosenfelt, Inc. (without enclosure)
Joseph Taylor (without enclosure)

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 13, 2008

Kathleen Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Joseph & Lisa Taylor and Marina Holding, LLC
Case No.: 07-421-SPHA

Dear Ms. Bianco:

As you know, our office and Petitioners agreed on the manner in which to proceed in the aforementioned matter and presented it to the Board in a hearing on June 3, 2008. The Board agreed that Mr. Schmidt, the Petitioner's attorney, and I should submit an Order for the Board's consideration.

Mr. Schmidt indicated to me he was preparing the Order and will send the draft to the board subject to my approval. Since I will be away the week of June 16th, I would appreciate the opportunity to review the proposed Order before the Board considers the same.

More importantly, Petitioner's revised Plan requested modified variances and/or special hearing relief on which the Petitioner's engineer, Mr. Matz testified. I believe the Board must consider this evidence in open deliberations. The proposed Order can serve to frame the issues from the attorneys' perspective for the Board's consideration in open deliberation.

Thank you for your attention to these matters.

Sincerely,

Carole S. Demilio
Deputy People's Counsel
for Baltimore County

CSD\rmw
cc: Lawrence E. Schmidt, Esquire

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 26, 2008

Kathleen Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Joseph & Lisa Taylor and Marina Holding, LLC
Case No.: 07-421-SPHA

Dear Ms. Bianco:

Enclosed is the Order, for the Board's consideration, to which Mr. Schmidt and I have agreed regarding the above-mentioned case. I understand that deliberation will be set in as soon as possible.

Thank you for your consideration in this matter.

Sincerely,

Carole S. Demilio
Deputy People's Counsel
for Baltimore County

CSD\rmw

cc: Lawrence E. Schmidt, Esquire

CBCA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1100 E.Riverside Ave. & Tax Map 104, Parcel 79

which is presently zoned B.M.B and D.R.3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Attached

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature Jim Jost

Address Telephone No.

City State Zip Code

Legal Owner(s):

Joseph M. Taylor
Name - Type or Print

Joseph M. Taylor
Signature

Lisa C. Taylor
Name - Type or Print

Lisa Taylor
Signature

6500 Moravia Park Drive (410)325-3300
Address Telephone No.

Baltimore MD 21237
State Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt
Name - Type or Print

Signature

Gildea & Schmidt, LLC
Company

600 Washington Ave. Suite 200 (410) 821-0070
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

Dick Matz
Name

2835 Smith Ave. Suite G (410)635-3838
Address Telephone No.

Baltimore MD 21209
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 3.20.07

Case No. 07-421-SPHA

REV 9/15/98

PETITION RECEIVED FOR FILING

Date 6-27-07

By _____

ATTACHMENT TO ACCOMPANY PETITION FOR SPECIAL HEARING

1. Petition for Special Hearing to approve the residential density calculations as shown on the accompanying site plan (for the uses shown thereon) in a split zone tract pursuant to 1B01.2.A.2 of the BCZR.
2. Special Hearing pursuant to Section 500.7 BCZR to confirm no waiver is required for grading and building in the Tidal Floodplain pursuant to Baltimore County Code Section 32-8-301.
3. Petition for Special Hearing to confirm that the use of a portion of the tract for a marina and associated parking does not reduce the overall residential density pursuant to 102.2 of the BCZR.
4. For such other and further Special Hearing relief as the Zoning Commissioner may require.

ADDITIONAL LEGAL OWNERS:

MARINA HOLDING, LLC

By: Joseph M. Taylor

Address: 1100 E. Riverside Ave.
Baltimore, MD 21221
Phone: (410)325-3300

3-22-07

NOTE TO FILE

07-421-SPH

Carl Richards, Zoning Supervisor, has requested that this advisory be placed in the file indicating the position of this office (relative to density) that is the subject of the Special Hearing. It is the opinion of this Office that the request to include the area utilized to support the marina use for residential density is contrary to the clear intent of Section 102.2 of the Baltimore County Zoning Regulations. Also, any relief granted to allow 2 uses to be supported by the same land area would be tantamount to rezoning.

CBC

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 1100 E.Riverside Ave & Tax Map 104, Parcel 79

which is presently zoned: B.M.B. and D.R.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)

To be presented at hearing.

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:

Lawrence E. Schmidt
Name - Type or Print — City

Signature

Gildea & Schmidt, LLC
Company

600 Washington Ave. Sutie 200 — (410) 821-0070
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Legal Owner(s):

Joseph M. Taylor
Name - Type or Print

Joseph M. Taylor
Signature

Lisa C. Taylor
Name - Type or Print

Lisa Taylor
Signature

6500 Moravia Park Drive — (410)325-3300
Address — Telephone No.

Baltimore — MD — 21237
City — State — Zip Code

Representative to be Contacted:

Dick Matz
Name

2835 Smith Ave. Suite G — (410)635-3838
Address — Telephone No.

Baltimore — MD — 21209
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-421 SPHA

Reviewed By _____ Date 3-20-07

REV 9/15/98

6.27.07

ATTACHMENT TO ACCOMPANY PETITION FOR VARIANCE

1. To permit setbacks as little as 20 feet from the side building face to side building face in lieu of the required 25 feet pursuant to BCZR Section 1B01.2.C.1.c.
2. To permit setbacks between the rear building faces of condominium townhouses as little as 32 feet in lieu of the required 60 feet pursuant BCZR Section 504.2, Comprehensive Manual of Development Policies, page 27.
3. To permit as little as 0 square feet of contiguous private yard area per dwelling in lieu of the required 500 square feet pursuant to BCZR Section 504.2, Comprehensive Manual of Development Policies, page 33.
4. For such other Variance relief that the Zoning Commissioner may require.

ADDITIONAL LEGAL OWNERS:

MARINA HOLDING, LLC

By: Joseph M. Tagliere

Address: 1100 E. Riverside Ave.
Baltimore, MD 21221
Phone: (410)325-3300

Colbert Matz Rosenfelt, Inc.

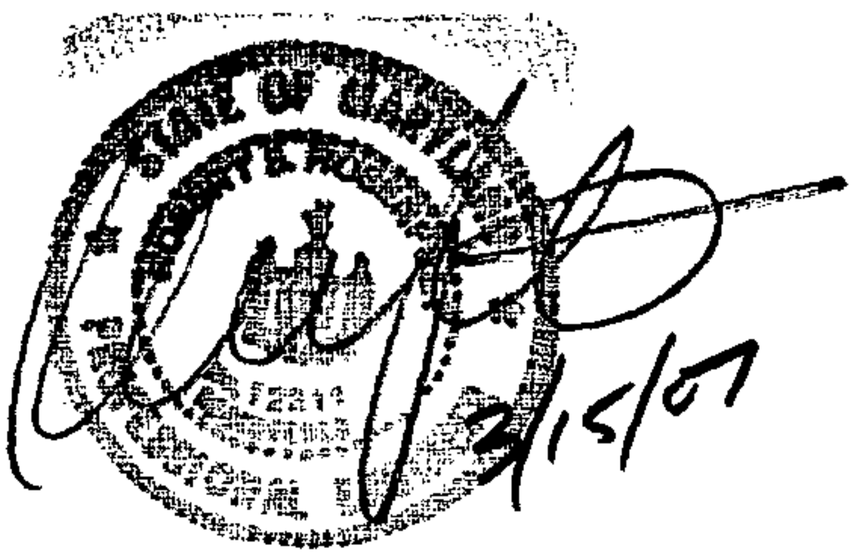
Civil Engineers • Surveyors • Planners

ZONING DESCRIPTION
1100 EAST RIVERSIDE AVENUE

Beginning at a point on the east side of East Riverside Avenue, which is of varying width, at a distance of 1310 feet north of Bay Avenue, which is of varying width, thence the following courses and distances:

N 23°11'27" W, 67.31 ft.;
N 77°02'33" W, 296.02 ft.;
S 88°16'52" W, 12.79 ft.;
N 10°32'44" W, 104.55 ft.;
N 70°23'41" E, 39.09 ft.;
N 05°04'26" E, 103.56 ft.;
N 48°00'32" E, 9.33 ft.;
N 86°02'08" E, 16.92 ft.;
N 07°04'42" W, 46.59 ft.;
N 05°29'10" E, 30.00 ft.;
N 53°29'41" E, 11.29 ft.;
N 61°50'08" E, 142.99 ft.;
S 75°18'47" E, 58.81 ft.;
S 53°03'46" E, 84.29 ft.;
S 27°48'54" E, 36.99 ft.;
S 07°02'25" E, 61.95 ft.;
S 21°50'33" E, 61.35 ft.;
S 36°29'03" E, 15.35 ft.;
S 58°02'59" E, 51.87 ft.; thence
S 18°08'33" W, 262.48 ft. to the Point of Beginning

As recorded in Deed Liber 15217, Folio 659, and Deed Liber 23465, Folio 403, and containing 3.002 acres. Also known as #1100 East Riverside Avenue and located in the 15th Election District, 6th Councilmanic District.



2835 Smith Avenue, Suite G Baltimore, Maryland 21209
***Telephone*: (410) 653-3838 / Facsimile: (410) 653-7953**

ANNOUNCEMENTS

2040

PUBLIC NOTICE

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: 7-421-SPHA
1100 E. Riverside Avenue & Tax Map 104, Parcel 79
E/side of E. Riverside Avenue, 1310 feet +/- north of Bay Avenue,
15th Election District
6th Councilmanic District

LEGAL OWNERS:
Joseph M. & Lisa C. Taylor

Special Hearing to approve the residential density calculations as shown on the accompanying site plan (for the uses shown thereon) in a split zone tract, and to confirm no waiver is required for grading and building in the Tidal Floodplain pursuant to Baltimore County Code Section 32-8-301 and to confirm that the use of a portion of the tract for a marina and associated parking does not reduce the overall residential density. **Variance** to permit setbacks as little as 20 ft. from the side building face to side building face in lieu of the required 25 ft. and to permit setbacks between the rear building faces of condominium townhouses as little as 32 ft. in lieu of the required 60 ft. and to permit as little as 0 square feet of contiguous private yard area per dwelling in lieu of the required 500 sq. ft.

HEARING: Monday, June 11,2007 at 2:00 pm in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

RECEIVED
JUN 18 2007
BY:----------

pickERS FROM GARY HALE

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: 07-421-SPH

700 E. Riverside Avenue & Tax Map 104, Parcel 79
E/side of E. Riverside Avenue, 1310 feet +/- north of Bay Avenue
15th Election District - 6th Councilmanic District
Legal Owner(s): Joseph M. & Lisa C. Taylor

Special Hearing: to approve the residential density calculations as shown on the accompanying site plan (for the uses shown thereon) in a split zone tract, and to confirm no waiver is required for grading and building in the Tidal Floodplain pursuant to Baltimore County Code Section 32-8-301 and to confirm that the use of a portion of the tract for a marina and associated parking does not reduce the overall residential density. **Variance:** to permit setbacks as little as 20 ft. from the side building face to side building face in lieu of the required 25 ft. and to permit setbacks between the rear building faces of condominium townhouses as little as 32 ft. in lieu of the required 60 ft. and to permit as little as 0 square feet of contiguous private yard area per dwelling in lieu of the required 500 sq. ft.

Hearing: Monday, June 11, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special 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.
5/307 May 24 136341

CERTIFICATE OF PUBLICATION

5/24/, 2007

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 5/24/, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-421-SPHA

Petitioner/Developer: JOSEPH M. & LISA C. TAYLOR

Date of Hearing/Closing: JUNE 11, 2007

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

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

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

1100 E. RIVERSIDE AVE & TAX MAP 104 PARCEL: 79

The sign(s) were posted on 5-26-07
(Month, Day, Year)

Sincerely,

Robert Black 5-31-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

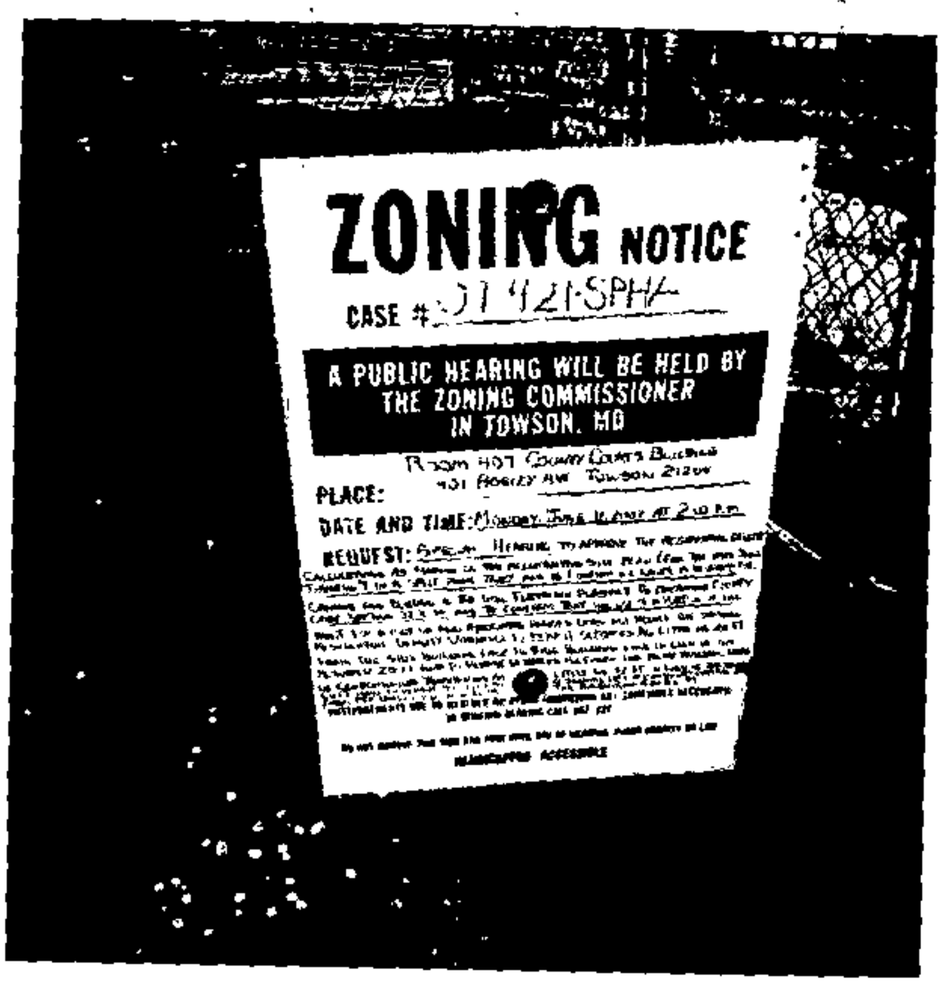
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 24989

DATE 3.21.07 ACCOUNT R001-006-6150

AMOUNT $ 130.00

RECEIVED FROM: J. Taylor 1100 E. Riverside Ave.

FOR: SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS [illegible] TIME [illegible]
21 2007 [illegible]
[illegible]
$130.00
$1.00
Baltimore County Maryland

CASHIER'S VALIDATION

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: 421

Petitioner: Joseph and Lisa Taylor / Marina Holding, LLC

Address or Location: 1100 E. Riverside and Tax Map 104, Parcel 79

PLEASE FORWARD ADVERTISING BILL TO:

Name: Debbie

Address: 600 Washington Ave.
Suite 200
Towson, MD 21204

Telephone Number: 410-821-0070

Revised 7/11/05 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 24, 2007 Issue - Jeffersonian

Please forward billing to:
Debbie
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 07-421-SPHA
1100 E. Riverside Avenue & Tax Map 104, Parcel 79
E/side of E. Riverside Avenue, 1310 feet +/- north of Bay Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Joseph M. & Lisa C. Taylor

Special Hearing to approve the residential density calculations as shown on the accompanying site plan (for the uses shown thereon) in a split zone tract, and to confirm no waiver is required for grading and building in the Tidal Floodplain pursuant to Baltimore County Code Section 32-8-301 and to confirm that the use of a portion of the tract for a marina and associated parking does not reduce the overall residential density. Variance to permit setbacks as little as 20 ft. from the side building face to side building face in lieu of the required 25 ft. and to permit setbacks between the rear building faces of condominium townhouses as little as 32 ft. in lieu of the required 60 ft. and to permit as little as 0 square feet of contiguous private yard area per dwelling in lieu of the required 500 sq. ft.

Hearing: Monday, June 11, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

April 17, 2007

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

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: 07-421-SPHA
1100 E. Riverside Avenue & Tax Map 104, Parcel 79
E/side of E. Riverside Avenue, 1310 feet +/- north of Bay Avenue
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Legal Owners: Joseph M. & Lisa C. Taylor

Special Hearing to approve the residential density calculations as shown on the accompanying site plan (for the uses shown thereon) in a split zone tract, and to confirm no waiver is required for grading and building in the Tidal Floodplain pursuant to Baltimore County Code Section 32-8-301 and to confirm that the use of a portion of the tract for a marina and associated parking does not reduce the overall residential density. Variance to permit setbacks as little as 20 ft. from the side building face to side building face in lieu of the required 25 ft. and to permit setbacks between the rear building faces of condominium townhouses as little as 32 ft. in lieu of the required 60 ft. and to permit as little as 0 square feet of contiguous private yard area per dwelling in lieu of the required 500 sq. ft.

Hearing: Monday, June 11, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

T Kotroco

Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Joseph & Lisa Taylor, 6500 Moravia Park Drive, Baltimore 21237
Dick Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 26, 2007.**
(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.

45 H2

Requested: Nov. 16, 2007

APPEAL SIGN POSTING REQUEST

CASE NO. 07-421-SPHA

1100 E. Riverside Avenue

15TH ELECTION DISTRICT APPEALED: *9/05/2007*

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 07-421-SPHA

LEGAL OWNER: **JOSEPH & LISA TAYLOR & MARINA HOLDINGS, LLC**

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

110 E Riverside Avenue

E/side of E Riverside Ave., 1310' +/- N of Bay Avenue

The sign was posted on _____, 2007.

By: _____
(Signature of Sign Poster)

_____
(Print Name)

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

January 28, 2008

NOTICE OF ASSIGNMENT

CASE #: 07-421-SPHA

IN THE MATTER OF: JOSEPH & LISA TAYLOR AND MARINA HOLDINGS, LLC –Legal Owners /Petitioners
1100 E. Riverside Avenue 15th E; 6th C

6/27/07 – DZC's decision (JM) in which Petition for Variance relief was GRANTED; Special Hearing as to Tidal Floodplain issue GRANTED, with restrictions; zoning request DENIED as to overall residential density issue and density calculation.

ASSIGNED FOR: THURSDAY, MARCH 13, 2008 at 10:00 a.m.

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.
IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco, Administrator

---

c: Appellant : Office of People's Counsel

Counsel for Legal Owners /Petitioners : Lawrence E. Schmidt, Esquire
Charles Marek, Esquire

Legal Owners /Petitioners : Marine Holding, LLC; Joseph & Lisa Taylor
Richard Matz /Colbert Matz Rosensfelt, Inc.

Douglas Celmer
Catherine Travis
Horace Cugle
Gary Hale
Robert Midwig
Leroy Sennett
Carl Maynard

William J. Wiseman III, Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

February 13, 2008

Kathleen Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Joseph & Lisa Taylor and Marina Holding, LLC
Case No.: 07-421-SPHA

Dear Ms. Bianco:

I am writing to request a postponement of the hearing set for March 13, 2008 at 10:00 a.m. I will be out of town for A Celebration of Public Interest Law, a conference held at Harvard Law School, from March 13, 2008 through March 16, 2008. We will kindly work with your office to find a new agreeable date for all parties.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ\rmw

cc: Lawrence E. Schmidt, Esquire
Carl Maynard

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 25, 2008

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

FILE

RE: *In the Matter of: Joseph and Lisa Taylor and Marina Holding, LLC /* Case No. 07-421-SPHA

Dear Mr. Zimmerman:

This office is in receipt of your letter of February 13, 2008 requesting a postponement of the March 13, 2008, hearing in the subject matter. I am also in receipt of Mr. Schmidt's letter opposing same.

Pursuant to our conversation last Thursday, in which you advised me that Ms. Demilio will be available on March 13, 2008, your request for postponement is denied inasmuch as Ms. Demilio will be available to represent the Office of People's Counsel at the hearing in this matter scheduled for Thursday, March 13, 2008, at 10:00 a.m.

Very truly yours,

Kathleen C. Bianco
Administrator

c: Carole S. Demilio, Deputy People's Counsel
Lawrence E. Schmidt, Esquire
Joseph Taylor
Richard Matz
Carl Maynard

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
(next to Suite 203)
Jefferson Building, 105 W. Chesapeake Avenue

May 8, 2008

NOTICE OF ASSIGNMENT

CASE #: 07-421-SPHA

IN THE MATTER OF: JOSEPH & LISA TAYLOR AND MARINA HOLDINGS, LLC –Legal Owners /Petitioners
1100 E. Riverside Avenue 15th E; 6th C.

6/27/07 – DZC's decision (JM) in which Petition for Variance relief was GRANTED; Special Hearing as to Tidal Floodplain issue GRANTED, with restrictions; zoning request DENIED as to overall residential density issue and density calculation.

The above matter has been specially set for the following date /time by request of counsel; and has been

ASSIGNED FOR: TUESDAY, JUNE 3, 2008 at 9:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.
IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco, Administrator

c: Appellant : Office of People's Counsel

Counsel for Legal Owners /Petitioners : Lawrence E. Schmidt, Esquire
Charles Marek, Esquire

Legal Owners /Petitioners : Marine Holding, LLC; Joseph & Lisa Taylor
Richard Matz /Colbert Matz Rosensfelt, Inc.

Douglas Celmer
Catherine Travis
Horace Cugle
Gary Hale
Robert Midwig
Leroy Sennett
Carl Maynard

William J. Wiseman III, Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 1, 2008

NOTICE OF DELIBERATION

IN THE MATTER OF:

JOSPH & LISA TAYLOR & MARINA HOLDINGS, LLC
Case No. 07-421-SPHA

Having convened for hearing in this matter on 6/0308, public deliberation has been scheduled for the following date /time:

DATE AND TIME : **WEDNESDAY, JULY 23, 2008, at 9:30 a.m.**

LOCATION : **Hearing Room ~~48~~, Basement, ~~Old Courthouse~~** #2 Jefferson Bldg.

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Counsel for Legal Owners /Petitioners : Lawrence E. Schmidt, Esquire
Charles Marek, Esquire

Legal Owners /Petitioners : Marine Holding, LLC; Joseph & Lisa Taylor
Richard Matz /Colbert Matz Rosensfelt, Inc.

Douglas Celmer
Catherine Travis
Horace Cugle
Gary Hale
Robert Midwig
Leroy Sennett
Carl Maynard

William J. Wiseman III, Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

FYI: 3-2-4

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 7, 2007

Lawrence E. Schmidt
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Dear Mr. Schmidt:

RE: Case Number: 07-421-SPHA, 1100 E. Riverside Avenue & Tax Map 104, Parcel 79

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 20, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf
Enclosures
c: People's Counsel
Joseph M. Taylor Lisa C. Taylor 6500 Moravia Park Drive Baltimore 21237
Dick Matz 2835 Smith Avenue, Suite G Baltimore 21209

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 13, 2007

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

SUBJECT: 1100 E. Riverside Drive

INFORMATION:

Item Number: 7-421 ***(revised comments)***

Petitioner: Joseph M. Taylor

Zoning: BMB and DR 3.5

Requested Action: **Special Hearing**

SUMMARY OF RECOMMENDATIONS:

The petitioner requests a Special Hearing and Variances from the following:

1. To approve the residential density calculations as shown on the accompanying site plan (for the uses shown thereon) in a split zone tract pursuant to 1B01.2.A.2 of the BCZR.
2. Special Hearing pursuant to Section 500.7 BCZR to confirm no waiver is required for grading and building in the Tidal Floodplain pursuant to Baltimore County Code Section 32-8-301.
3. Petition for Special Hearing to confirm that the use of a portion of the tract for a marina and associated parking does not reduce the overall residential density pursuant to 102.2 of the BCZR.
4. For such other and further Special Hearing relief as the Zoning Commissioner may require.

The Office of Planning has reviewed the above petitioner's requests and accompanying site plan and offers the following comments and recommendations:

This office does not oppose the petitioner's request to develop the condominium townhouse units within the BMB zone using the DR 5.5 density. However, it does not appear that Section 1B01.2.A.2 is the avenue for zoning relief. That section appears to only apply to DR 10.5, DR 16 and any other non-residential zones. The applicant clearly requests to move density from a DR3.5 zone.

Further, this Office does not oppose the request for the proposed grading and building that is to take place within the floodplain.

The Office does point out and has concerns with the area used to accommodate the existing marina and associated parking. This area will have to be addressed with regard to how the density calculations will be executed for the townhouse units.

The Office of Planning is of the opinion that the existing marina and its associated parking should be separate from the proposed residential, establishing a zoning use division line (by using the required setback for the building/marina and parking) can achieve such division. Furthermore, this office is of the opinion that the area of such use division shall be deducted from the overall area used to calculate the residential density. The petitioner cites Section 102.2 and 102.7 as justification such relief. Arguably the intent set forth is the aforementioned sections do not offer justification for such relief.

As an alternative, the applicant can designate that the existing marina will only serve the residents of the proposed condo/town home units (i.e. not for public use).

The recommendation and comments above are offered as opinion of the Office of Planning and has not had legal review or interpretation. Therefore, the Office of Planning yields to the ultimate decision (subject to appeal) rendered by the Baltimore County Zoning Commissioner.

For further information concerning the matters stated here in, please contact Laurie Hay or Curtis Murray

Reviewed by: Curtis R Murray

Division Chief: Lynn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\7-421revised.doc

[redacted] [redacted] JM 6-11-07

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
MAY 09 2007
BY:----------

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: May 9, 2007

SUBJECT: Zoning Item # 07-421-SPHA
Address 1100 E. Riverside Avenue
(West Shore Yacht Club)

Zoning Advisory Committee Meeting of March 26, 2007

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

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

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

Additional Comments:

Reviewer: Paul A. Dennis Date: April 23, 2007

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-421-SPHA.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 2, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For April 2, 2007
Item No. 07-421

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 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 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 Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

As far as Dave Thomas and I know, there is no Hearing Officer waiver required to grade or build in a tidal flood plain.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-421-03282007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 12, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-421- Administrative 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: Lynn Lanham

CM/LL

W:\DEVREVIZAC\7-421.doc

Martin O'Malley, *Governor*
Anthony Brown, *Lt. Governor*

SHA
State Highway Administration
Driven to Excel

John D. Porcari, *Secretary Designate*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: APRIL 2, 2007

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

RE: Baltimore County
Item No. 7-421-SPHA
1100 E. RIVERSIDE AVENUE
TAYLOR & MARINA HOLDING, LLC
SPECIAL HEARING
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-421-SPHA

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

March 28, 2007

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

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 26,2007

421

Item Number: 410 through 426

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

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

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

cc: File

RE: PETITION FOR SPECIAL HEARING AND VARIANCE
1100 E. Riverside Avenue; E/S E. Riverside Avenue, 1310' N of Bay Avenue
15th Election & 6th Councilmanic Districts
Legal Owner(s): Joseph & Lisa Taylor
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 07-421-SPHA

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

ENTRY OF APPEARANCE

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

RECEIVED
APR 04 2007
Per.....

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 4th day of April, 2007, a copy of the foregoing Entry of Appearance was mailed Dick Matz, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, and Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

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

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 19, 2007

RECEIVED
JUL 19 2007
Per

Hand-delivered
Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING & VARIANCE
E/S of E. Riverside Avenue, 1310' N Bay Avenue
(1100 E. Riverside Avenue & Tax Map 104, Parcel 79)
15th Election District; 6th Council District
Joseph & Lisa Taylor and Marina Holding, LLC - Petitioners
Case No.: 07-421-SPHA

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated June 27, 2007 by the Baltimore County Deputy Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204
Carl Maynard, 1546 Denton Road, Essex, MD 21221
Douglas Celmer, 1415 Bay Avenue, Essex, MD 21221

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 4, 2007

Lawrence Schmit
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

Dear Mr. Schmidt:

RE: Case: 07-421-SPHA, 1100 E. Riverside Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on July 19, 2007 by People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Richard Matz
Douglas Celmer
Catherine Travis
Horace Cugle
Gary Hale
Robert Midwig
Leroy Sennett
Carl Maynard

APPEAL

Petition for Special Hearing & Variance
1100 E. Riverside Avenue
E/side of E. Riverside Avenue, 1310 feet +/- N of Bay Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Joseph & Lisa Taylor & Marina Holdings, LLC

Case No.: 07-421-SPHA

Petition for Special Hearing (March 20, 2007)

Zoning Description of Property

Note to File – March 22, 2007

Notice of Zoning Hearing (April 17, 2007)

Certification of Publication (The Jeffersonian – May 24, 2007)

Certificate of Posting (May 26, 2007) by SSG Robert Black

Entry of Appearance by People's Counsel (April 4, 2007)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit
1. Plan to accompany Special Hearing and Variance Petition
2. Existing Conditions Map
3. Baltimore County Code (3 pages)
4. Letter dated April 10, 2007 Richard Matz from Timothy Kotroco

Protestants' Exhibits:
1. Letter from President of Back River Neck Community Association (4/18/07)
2. Real Property Data Search
3. Map
4. Letter from Councilman Gardina
5. Photographs

Miscellaneous (Not Marked as Exhibit)
1. Letter dated June 19, 2007 from Lawrence Schmidt
2. Pages 143, 144, 187 thru 190 of the BCZR

Deputy Zoning Commissioner's Order (Split Decision – June 27, 2007)

Notice of Appeal received on July 19, 2007 by People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Lawrence Schmidt
Richard Matz
Douglas Celmer
Catherine Travis
Horace Cugle
Gary Hale
Robert Midwig
Leroy Sennett
Carl Maynard

date sent September 5, 2007, klm

CASE #: 07-421-SPHA

IN THE MATTER OF: JOSEPH & LISA TAYLOR AND MARINA HOLDINGS, LLC –Legal Owners /Petitioners
1100 E. Riverside Avenue 15th E; 6th C

SPH – To approve density calculations; to confirm no waiver is required and that use of a portion for marina and assoc. parking does not reduce overall residential density; VAR – side building and rear bldg face setbacks; contiguous yard area per dwelling

6/27/07 – DZC's decision (JM) in which Petition for Variance relief was GRANTED; Special Hearing as to Tidal Floodplain issue GRANTED, with restrictions; zoning request DENIED as to overall residential density issue and density calculation.

1/28/08 – Notice of Assignment sent to following persons; hearing assigned for Thursday, March 13, 2008 at 10:00 a.m.:

Office of People's Counsel
Lawrence E. Schmidt, Esquire
Charles Marek, Esquire
Marine Holding, LLC; Joseph & Lisa Taylor
Richard Matz /Colbert Matz Rosensfelt, Inc.

Douglas Celmer	Gary Hale	Carl Maynard
Catherine Travis	Robert Midwig	
Horace Cugle	Leroy Sennett	

William J. Wiseman III, Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

2/13/08 – Letter from P. Zimmerman requesting postponement of case scheduled for 3/13/08; will be attending A Celebration of Public Interest Law at Harvard.

2/15/08 – FAX from Mr. Schmidt in response to above – opposes continuance in this matter – believes Ms. Demilio could represent the Office of People's Counsel at hearing.

2/19/08 – Hard copy of letter of opposition received from Mr. Schmidt.

2/25/08 – Letter to Mr. Zimmerman with copy to Ms. Demilio and Mr. Schmidt – denying postponement request; case will go forward on 3/13/08 as scheduled.

3/13/08 – Board convened for hearing (Wescott, Stahl, Grier); Lawrence E. Schmidt, Esquire, appeared on behalf of Petitioners; Carole S. Demilio, Deputy People's Counsel for Baltimore County, appeared on behalf of that office. Preliminary issues were brought up to the Board; questions re: § 500.14 /DEPRM findings /Chesapeake Bay Critical Area; where comments are required, at this petition or during FDP process. The Board recessed; to be postponed indefinitely until such time as the Board hears from the parties regarding further action in this matter.

5/08/08 – Notice of Assignment sent to listed parties; rescheduled for hearing by joint request of counsel; specially set time and date. FYI notice sent to 3-2-4 (3 only scheduled on 6/03/08 for this special hearing); assigned for Tuesday, June 3, 2008 at 9:00 a.m.

6/03/08 – Board convened for specially assigned hearing (Wescott, Stahl, Grier) as requested by Counsel. Concluded this matter with agreement of parties; proposed order to be submitted by counsel.

6/13/08 – Letter from Carole Demilio – Mr. Schmidt preparing and submitting proposed draft order, subject to her approval; she will be out of town week of 6/16/08; requests opportunity to review prior to Board's consideration; also believes open deliberation will be necessary re revised Plan /Mr. Matz.

6/24/08 – Proposed Order submitted by Ms. Demilio and Mr. Schmidt; deliberation to be scheduled in this matter with Wescott, Stahl, and Grier and notice sent upon confirmation of availability of that panel.

7/01/08 – Notice of Deliberation sent to parties; assigned for Wednesday, July 23, 2008, at 9:30 a.m. FYI copy of proposed order and deliberation notice sent this date to 3-2-4. (Confirmed availability of Mr. Wescott on 7/23; Messrs. Stahl and Grier sitting on 7/23/08.)

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 13, 2008

Kathleen Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Joseph & Lisa Taylor and Marina Holding, LLC
Case No.: 07-421-SPHA

Dear Ms. Bianco:

As you know, our office and Petitioners agreed on the manner in which to proceed in the aforementioned matter and presented it to the Board in a hearing on June 3, 2008. The Board agreed that Mr. Schmidt, the Petitioner's attorney, and I should submit an Order for the Board's consideration.

Mr. Schmidt indicated to me he was preparing the Order and will send the draft to the board subject to my approval. Since I will be away the week of June 16th, I would appreciate the opportunity to review the proposed Order before the Board considers the same.

More importantly, Petitioner's revised Plan requested modified variances and/or special hearing relief on which the Petitioner's engineer, Mr. Matz testified. I believe the Board must consider this evidence in open deliberations. The proposed Order can serve to frame the issues from the attorneys' perspective for the Board's consideration in open deliberation.

Thank you for your attention to these matters.

Sincerely,

Carole S. Demilio
Deputy People's Counsel
for Baltimore County

CSD\rmw
cc: Lawrence E. Schmidt, Esquire

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: JOSEPH & LISA TAYLOR
MARINA HOLDINGS, LLC
07-421-SPHA

DATE: July 23, 2008

BOARD/PANEL: Lawrence Wescott
Lawrence Stahl

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate and review the Proposed Order previously agreed upon and submitted by the parties.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The property in question involves three (3) parcels of land totaling 3.037 +/- acres split zoned B.M.B. (Business Marine Boatyard) and D.R. 3.5 (Density Residential)
- The first parcel is 2.57 acres and zoned B.M.B. and is improved by the West Shore Marina and Boatyard. The property contains a marina building, an 85-slip pier that extends into Back River and associated parking and boat storage areas.
- The second parcel is .299 acres, is zoned D.R. 3.5 and is known as parcel 79. It had been improved with a single-family dwelling and out buildings, which have been razed.
- The third parcel is .17 acres and contains the right-of-way for the extension of Riverside Avenue.
- Petitioners had originally filed a townhouse and condominium plan, which has been withdrawn and modified to include only semi-detached homes instead of town homes and condominiums.
- Changing the plan to twelve (12) semi-detached units resolves the density issues and incorporates a zoning use division line, which clearly designates the area of property designated to the marina use and the property designated for residential development.
- The community had expressed concern about the type of housing proposed and finds the semi-detached homes would be more acceptable.
- People's Counsel had expressed concern about the requirements of the BCZR and of the location of the property in the Chesapeake Bay Critical Area. Petitioner had DEPRM and the Office of Planning review the proposed development plan and both agencies approved. The developer has requested a Variation of Standards from the Chesapeake Bay Critical Area buffer requirements, which will be heard by the Baltimore County Planning Board on September 4, 2008.

- As a result of the revised plan, the Petitioner requests a Variance and Special Hearing relief.
- The Variances requested are a setback of 20 feet from the side building face to side building face in lieu of the required 25 feet and a setback of 32 feet between rear building faces in lieu of the required 60 feet. These setbacks are moot because the setback requirements were for the town homes and are not applicable to the semi-detached home layout in the revised plan.
- The BCZR requires a common yard area of 500 square feet per dwelling. Mr. Matz testified that the 500 sq ft yard has been satisfied. The purchasers of the semi-detached homes will only own the building. The Association will own the remainder of the land therefore satisfying the requirement.
- A new Petition for Variance was proposed with regard to the proposed unit shown as "Lot 12" generating setbacks of 1 foot to the side and 4 feet to the rear. The proposed plan indicates that that Petitioner may close the road and therefore the setbacks would become "legal fiction."

DECISION BY BOARD MEMBERS: The Board agrees with the Proposed Order as submitted. The original Petition for Variance and Special Hearing is Moot due to modification and revision of the proposed use of the property. The revised Variance and Special Hearing relief requests are warranted.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board agreed that the Proposed Opinion was appropriate. The Board will GRANT the requested relief specified in the revised Petition for Special Hearing and Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Sunny Cannington

Sunny Cannington

(vi) Aid in stabilizing property values.
(1988 Code, §§ 26-271, 26-272, 26-273) (Bill No. 79-01, § 2, 7-1-2004)

§ 32-4-412. LANDSCAPING.

Landscaping shall be provided on the site in accordance with standards adopted in the Manual of Landscaping Standards.
(1988 Code, § 26-274) (Bill No. 79-01, § 2, 7-1-2004)

§ 32-4-413. GRADING AND SEDIMENT CONTROL.

A plat may not be approved unless provision is made for grading or for sediment control that will minimize soil erosion, loss of topsoil, sedimentation of streams, and degradation of water quality in the area.
(1988 Code, § 26-275) (Bill No. 79-01, § 2, 7-1-2004)

§ 32-4-414. FLOODPLAIN AND WETLAND PROTECTION.

(a) *Definitions.* In this section, "base flood", "development", "flood insurance rate map", "flooding", "floodway" and "riverine floodplain" have the meanings stated in Title 8 of this article.

(b) *Purpose.* The purpose of this section to:

(1) Reduce loss of life and property from flooding;

(2) Avoid the need for public expenditures for flood protection; and

(3) Protect or enhance the environmental quality of watersheds.

(c) *Development in floodplain prohibited; exceptions.* The county may not permit development in a riverine floodplain except for:

(1) The establishment of property subdivision lines; and

(2) The installation of a pond, culvert, bridge, street, utility, or drainage facility that the county finds is not detrimental to floodplain management programs.

(d) *Base flood elevation.*

(1) Except as provided in paragraph (2) of this subsection, if the floodplain is shown on the flood insurance rate map, the county shall limit any increase in the existing base flood elevation to a maximum of 1 foot.

(2) The county may not allow encroachment in the floodway causing an increase in the existing base flood elevation.

(3) In areas where the base flood elevation has not been established, the county shall determine the riverine floodplain and flood elevation by means of a flood study prepared in accordance with the requirements of the Department of Public Works Design Manual and sealed by a registered professional engineer before the issuance of a permit or the recording of a subdivision plat.

(e) *Wetlands.*

(1) The county may not permit dredging, filling, or construction in any nontidal wetland or tidal wetland.

(2) The county shall require adequate protection of nontidal wetlands or tidal wetlands from contamination.

(1988 Code, § 26-276) (Bill No. 173-93, § 3, 11-17-1993; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

§ 32-4-415. SLOPE PROTECTION AND SOILS.

(a) *Development Plan or plat approval; slope protection required.* The county may not approve a Development Plan or plat unless the county finds that the proposed development:

(1) Includes protective measures adequate to prevent erosion or sloughing of any steep slope or unstable slope; and

(2) Promotes the preservation of the natural topographic features of the steep slope or unstable slope.

(b) *Same; soil limitation.* The county may not approve a Development Plan or plat on soils that present a severe or moderate limitation to development unless the county finds that adequate measures have been taken to mitigate the effects of the limitation.

(c) *Same; prime and productive soils.* On prime and productive soils within the RC-2 zone, the county may not approve a Development Plan or plat unless the county finds that construction, excavations, buildings, structures, pavements, grading, clearing, or other disturbances of the soils will be limited or restricted in accordance with policies established by the Department of Environmental Protection and Resource Management to promote agricultural uses and protect the county's soil resources.

(1988 Code, § 26-277) (Bill No. 18, 1990, § 2; Bill No. 113, 1992, § 5; Bill No. 79-01, § 2, 7-1-2004)

§ 32-4-416. PRESERVATION OF NATURAL OR HISTORIC FEATURES.

(a) *Preservation of features.* Each Development Plan shall preserve:

(2) "Structure" includes a manufactured home, gas and liquid storage tanks, garages, barns, and sheds.

(cc) *Substantial damage.* "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

(dd) *Substantial improvement.*

(1) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, less land value, either:

(i) Before the improvement or repair is started; or

(ii) If the structure has incurred substantial damage and been restored, before the damage occurred.

(2) "Substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences.

(3) "Substantial improvement" does not include the minimum repairs needed to correct previously identified violations of local health, safety, or sanitary codes, and alterations to historic structures which do not preclude their continued designation as historic structures.

(ee) *Temporary structure.* "Temporary structure" means any structure completely removed within 180 days after issuance of the permit.

(ff) *Tidal floodplain.* "Tidal floodplain" means the area subject to inundation by tidewaters as a result of a 100-year frequency flood event as established by the U.S. Army Corps of Engineers or the federal Flood Insurance Study base flood elevation, whichever is the more restrictive.
(1988 Code, § 26-662) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

SUBTITLE 2. FLOODPLAIN MANAGEMENT PROGRAM

§ 32-8-201. ESTABLISHED.

(1) The United States, through the Federal Emergency Management Agency, and the State of Maryland have established the 100-year frequency flood as the event defining the area of peril.

(2) Desiring to secure to its citizens the benefits of the national flood insurance program and desiring to protect the health, safety, welfare, property, and life of its citizens, the county establishes, in accordance with state and federal programs, policies, laws and regulations, this floodplain management program. (1988 Code, § 26-661) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-202. FLOODPLAIN AREA — DEFINED.

(a) *In general.*

(1) The floodplain area shall include at a minimum those areas of Baltimore County that are subject to the 100-year frequency flood, delineated on the most recent revision of the floodway maps and flood insurance rate maps and described in the Flood Insurance Study prepared for the county by the Federal Emergency Management Agency.

(2) The delineation of the floodplain area shall also include the 100-year frequency flood elevations, which shall be not less than those established in the Flood Insurance Study.

(b) *Role of the Director of Public Works.*

(1) The Director of Public Works is responsible for the actual delineation of the floodplain area.

(2) The floodplain area may be more restrictive than the Flood Insurance Study.

(c) *Floodplain zones.*

(1) Baltimore County has the following floodplain zones.

(2) Riverine floodplains:

(i) Consist of floodway and the floodway fringe; and

(ii) May have detailed engineering study data, profiles, and water surface elevations, or may have approximate delineations only.

(3) Tidal floodplains:

(i) Consist of areas subject to coastal or tidal flooding by the 100-year frequency flood; and

(ii) Are flooded due to high tides, hurricanes, tropical storms, and steady on-shore winds. (1988 Code, § 26-663) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-203. SAME — REVISIONS.

(a) *In general.* Subject to review and approval by the Federal Insurance Administration and the State Secretary of the Environment, the Director of Public Works may make revisions, amendments, and modifications to the floodplain area and flood elevations when:

(1) There are changes through natural or other causes; or

(2) Changes are indicated by detailed hydrologic and hydraulic studies.

(b) *Review of proposed changes.* Any proposed change to the Federal Emergency Management Agency map or study information, including a change in boundary, surface water elevation, water course, and other political changes, shall be submitted to the Federal Emergency Management Agency within 6 months after the time it becomes available to Baltimore County.

(c) *Change to a water course.*

(1) If any change to water courses is proposed, all conditions for encroachment into the floodway must be met.

(2) (i) Adjacent communities and property owners, the Federal Emergency Management Agency, and the State Department of the Environment must be notified before any modification to a water course may occur.

(ii) A modification will require a variance from the county.

(iii) In considering this variance, the public good must be shown to outweigh the adverse impacts and the development may not increase surface water elevations, flooding, or erosion.

(d) *Regulations.* The Director of Public Works may adopt regulations governing floodplain management policy.

(1988 Code, § 26-664) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-204. SAME — BOUNDARY DISPUTES.

(a) *Director to resolve.* The Director of Public Works or the Director's designee shall resolve any disputes regarding any established floodplain area boundary or flood elevation in accordance with generally accepted engineering standards.

(b) *Appeal.*

(1) Any party aggrieved by the determination of the Director or the Director's designee may appeal to the Board of Appeals.

(2) The party appealing shall have the burden of proof to establish, by a preponderance of the evidence, error in the determination.
(1988 Code, § 26-665) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-205. INFORMATION TO BE SHOWN ON PLATS.

All plats prepared for recording shall clearly show the extent of any floodplain area on the subject property by metes and bounds and flood elevations relative to a coordinate system approved by the Director of Public Works.
(1988 Code, § 26-666) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-206. FLOOD CONTROL AND WATER RESOURCES MANAGEMENT PROJECTS.

Any flood control or water resources management project proposed for a riverine floodplain or impacting tidal or nontidal wetlands in the floodplain area shall:

(1) Require a permit from the State Department of the Environment in accordance with the Code of Maryland Regulations; and

(2) Be subject to review and approval of the Federal Insurance Administration if the project will materially alter the delineation of the floodplain area.
(1988 Code, § 26-667) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-207. DEVELOPMENT IN THE FLOODPLAIN AREA.

(a) *In general.* This section applies to all development in the floodplain area notwithstanding any provision in the building code that is to the contrary or less restrictive.

(b) *Permit required.*

(1) The Building Engineer shall require a permit for all development, storage of equipment and materials, or placement of manufactured homes in the floodplain area.

(2) The permit shall be granted only after necessary permits from the state and federal agencies have been obtained.

(c) *Register of permits.*

(1) The county shall maintain a register of permits issued for any residential or nonresidential building construction or improvement in the floodplain area, including the elevation of the lowest floor or the elevation to which the structure was floodproofed, and the elevation of the related base flood level.

To: JCM.
Get together with
Jeff - WCR

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

DAMIAN C. O'DOHERTY

JASON T. VETTORI

JOSEPH R. WOOLMAN, III

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

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TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

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BALTIMORE, MD OFFICE

300 EAST LOMBARD STREET

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BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070

ANNAPOLIS, MD OFFICE

95 CATHEDRAL STREET

SUITE 100

ANNAPOLIS, MARYLAND 21401

TELEPHONE 410-295-0070

March 19, 2007

W. Carl Richards, Jr.
Zoning Review Supervisor
Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: 1100 East Riverside Avenue
Property Owners: Marina Holding, LLC

Dear Mr. Richards:

Please find attached hereto a Petition for Special Hearing and Petition for Variance relative to the above-captioned property. Please note that I represent the petitioners/ property owners, Joseph M. Taylor, Lisa C. Taylor, and Marina Holding, LLC. The enclosed Petitions relate to a tract comprised of two lots collectively known as 1100 East Riverside Avenue. The tract is split-zoned B.M.B. and D.R.- 3.5.

The subject property is proposed for development under PDM Case No. XV-895. The concept plan for the proposed development has been filed and a Concept Plan Conference was conducted on February 5, 2007. Concept Plan Comments were issued by both your department and the Office of Planning, requesting that zoning petitions be filed to address the issues identified therein.

The enclosed Petitions are filed pursuant to those comments. Certain questions have arisen regarding the proposed split use of the property. In this regard, the property presently operates as a marina. The marina is to be retained and 15 condominium units are proposed. The Petition for Special Hearing generally relates to the residential density calculations and overall density permitted on this site. Additionally, a Special Hearing request is made to confirm that no waiver is required for grading and building in the flood plain. Variance relief is requested as it relates to certain setback and yard area requirements. The engineer for this project (Richard Matz) and I met with Jeff Perlow, Dave Duval, and Joe Merry in your office

to review these Petitions on March 7, 2007. Certain changes were suggested to the wording of the Petitions by Mssrs. Perlow, Duval, and Merry. The Petitions as attached hereto contain all the revisions requested.

I appreciate that your office may question whether the relief requested herein should be granted by the Office of the Zoning Commissioner. I do not question whether your office might offer a Zoning Advisory Committee comment explaining your position on the issues presented. However, I believe that the Petitions are proper questions to raise for decision by the Zoning Commissioner, particularly given the Concept Plan Comments that have been issued.

Please process these Petitions in the usual procedure and schedule this matter for a timely hearing.

Very truly yours,

Lawrence E. Schmidt

LES/cjp
cc: Joseph Taylor
Richard E. Matz, Engineer

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
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DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI
JOSEPH R. WOOLMAN, III

BALTIMORE, MD OFFICE
300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

June 19, 2007

Sent Via Hand Delivery
Honorable John (Jack) V. Murphy
Deputy Zoning Commissioner
Baltimore County
401 Bosley Ave., 4th Floor
Towson, MD 21204

Re: Taylor Property
Case No.: 07-421-SPHA

Dear Commissioner Murphy:

This is to follow up the public hearing conducted by you on June 11, 2007 regarding the above matter.

This letter is not written on behalf of my cousin in Kansas; as I take the admonition voiced by you in open hearing seriously as it pertains to post hearing submittals. Rather, this letter is written in response to a *revised* Zoning Advisory Committee comment I received well after the hearing from the Office of Planning. As you know, an initial comment was received from that Office prior to the hearing and distributed to all who attended the hearing. That comment indicated that the Office of Planning had "no comment" about the requested relief. The subsequent two paged comment expresses a variety of opinions regarding the Petition for Special Hearing. It is also to be noted that *the comment expresses no opposition* to the variance relief that is requested. In any event, I strenuously object to this post hearing submittal; which I believe is improper and violates the most fundamental principles of due process and fairness.

If you are in agreement with my objection, then, in that event, please disregard the balance of this letter. However, if you are inclined to consider and give any weight to Planning's comment; then I offer the following for your consideration. The Special Hearing issues raised for your consideration are clearly matters of legal interpretation of relevant provisions of the BCZR. With all respect to the Planning Office, they are not members of the Bar and cannot render legal advice. Even if you were inclined to accept agency comments on the legal issues presented in this case, they would be more appropriate coming from the zoning division in PDM and not the Office of Planning.

To repeat and reemphasize my comments made in the hearing, the salient point to be considered in this case is the distinction between the **area** regulations contained in the BCZR, vs. the **density** regulations contained therein. As so clearly stated by the Court of Special Appeals in

Hayfields, regulation of density is distinct and different from the area requirements as set out in the BCZR. Section 102.2 is unequivocally an area requirement! Moreover, Section 102.7 relates to special exception uses. Neither section applies here.

To summarize my presentation made in open hearing, I aver that the evidence presented in support of the Petition for Variance was uncontradicted and meets the requirements of Cromwell v. Ward and Section 307 of the BCZR. Insofar as the Petition for Special Hearing, Section 32-4-414 of the Baltimore County Code clearly states that waivers are needed for *riverine* (not tidal) floodplains only and this position was endorsed by Mr. Kennedy's ZAC comment as well as the inaction taken by the DRC. Incidentally, the Office of Planning supports that request. Insofar as the utilization of the density unit from the D.R. 3.5 lot across the zone line to the marina lot; that situation is expressly permitted by Section 1B01.2.A.2 of the BCZR. The BMB zone is a "non-residential zone" to which the density is being transferred. Finally, insofar as the density calculations necessary to permit both the marina use and proposed condominiums, I believe the definitions in Section 101 (density unit), the case law (Hayfields) and long standing interpretation of the BCZR that commercial uses have no density, support a grant of the Petition. Again, I urge that the relevant regulations to address the Office of Planning's concerns in this instance are the area requirements of the BCZR (e.g. f.a.r., parking requirements, etc.), which have been met in this case.

Thank you for your consideration of this matter.

Very truly yours,

Lawrence E. Schmidt

LES:jls
CC: Curtis Murray, Office of Planning
Richard E. Matz, Colbert Matz Rosenfelt, Inc.
Joseph Taylor
Douglas Celmer
Catherine Travis
Horace Cugle, III.
Gary Hale
Robert Miowig
Leroy Sennett
Carl Maynard

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 19, 2007

RECEIVED
JUL 19 2007
Per

Hand-delivered
Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING & VARIANCE
E/S of E. Riverside Avenue, 1310' N Bay Avenue
(1100 E. Riverside Avenue & Tax Map 104, Parcel 79)
15th Election District; 6th Council District
Joseph & Lisa Taylor and Marina Holding, LLC - Petitioners
Case No.: 07-421-SPHA

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated June 27, 2007 by the Baltimore County Deputy Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204
Carl Maynard, 1546 Denton Road, Essex, MD 21221
Douglas Celmer, 1415 Bay Avenue, Essex, MD 21221

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI

600 WASHINGTON AVENUE
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www.gildeallc.com

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

February 15, 2008

Via Facsimile and Regular Mail
Ms. Kathy Bianco
Board of Appeals
Old Court House, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Joseph and Lisa Taylor and Marina Holding LLC
Case No.: 07-421-SPHA

Dear Ms. Bianco:

I am in receipt of Mr. Zimmerman's letter dated February 13, 2208 requesting a postponement of the hearing date for this case. It is presently scheduled for hearing on March 13, 2008. I certainly appreciate Mr. Zimmerman's desire to attend a conference at his alma mater but I must strenuously object.

This matter was decided by the Deputy Zoning Commissioner on June 2 7, 2007. It has been pending since that time. My client has a plan currently under review through the development review process and the processing of that plan is time sensitive. I have met on at least two occasions with the Office of People's Counsel about this matter and Ms. DeMilio has actively participated in those meetings and discussions. There is no indication that she would not be able to represent the Office of People's Counsel at the hearing on March 13, 2008.

I therefore oppose a continuance as it will be prejudicial to my client and People's Counsel (through Ms. DeMilio) can still participate in this case.

Very truly yours,

Lawrence E. Schmidt

LES: jk
CC: Peter Max Zimmerman, Esquire
Carole DeMilio, Esquire
Joseph Taylor
Richard Matz

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildeallc.com

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
JASON T. VETTORI

June 23, 2008

Kathleen C. Bianco
Board of Appeals
The Jefferson Building
105 W. Chesapeake Avenue, Room 203
Towson, MD 21204

Re: Bill Kidd's Toyota/ 10525 York Road
Case No. 08-208-SPHA

Dear Ms. Bianco:

We are hereby requesting a postponement of the Appeal Hearing for the above referenced case scheduled for August 20, 2008 at 10:00 a.m. This postponement is necessary due to Patrick C. Richardson's being out of town on that date. Mr. Richardson prepared the site plan for this matter and as our expert witness it is necessary for him to testify at the Appeal Hearing. Could this matter therefore be scheduled for the next available date?

As always if you have any questions or comments, please contact me.

Very truly yours,

Lawrence E. Schmidt

LES: jk
CC: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Carole S. DeMilio, Esquire, People's Counsel for Baltimore County
Ann Heaton, Sherwood Hill Improvement Association, Inc.
Patrick C. Richardson, Jr., Richardson Engineering, LLC
Kevin Townsley, Bill Kidd's Toyota
Jason T. Vettori, Esquire

PLEASE PRINT CLEARLY

CASE NAME 1100 E Riverside
CASE NUMBER 2-421-SPHA
DATE 6-11-07

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
*Douglas Celmer	1415 Bay Ave	Essex 21221	douglas.celmer@verizon.net
Catherine Travis 2019 Silver Ln. Rd. Baltimore, MD 21221			
*Howard Cugliotta	1208 Elsing Rd	Essex 21221	
*GARY HALE	1209 ELSING RD.	" "	
*Robert Miowig	1207 Elsing Rd	" "	
*LEROY SENNETT	1716 BEACHWOOD AVE	21221	
*CARL MAYNARD	1546 DENTON RD	ESSEX MD 21221	

PLEASE PRINT CLEARLY

CASE NAME West Shore Hall
CASE NUMBER 07-421-SPHA
DATE 6/11/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
LAWRENCE E SCHMIDT	600 WASHINGTON AVE	TOWSON, MD 21204	
CHARLES B MARCK	600 WASHINGTON	TOWSON, MD 21204	
RICHARD E. MATZ	2835 SMITH AVE, SUITE 1	BALTO., MD 21209	

6/03/2008

07-421-SPHA

Petitioner's #1 Plan to Accompany Petition for Variance and Special Hearing June 2, 2008

" #2 West Shore Yacht Center Pattern Book

3A Development Plan Comments May 28, 2008

" 3B Development Plan Conference May 28, 2008

" 3C Requesting deferral of Development Plan to Planning Board Ltr. dtd 5/7/08 from L. Schmidt to W. Wiseman

3/13/08

CASE No. 07421 SPHA

Preliminary PEOPLES COUNSEL

1. Case - Bd of Appeals Case 00-139 X

2 Case - Circuit Court NO-3-C-01-8460

3. Howard & Balto. Cty. Cb 65 Y-SPHA

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: HOWARD & MELANIE BECKER — 06-651-SPHA
403 BAYSIDE DRIVE
12th E; 7th C

DATE: February 21, 2008

BOARD/PANEL: Lawrence S. Wescott, Panel Chair
Lawrence M. Stahl
Robert W. Witt

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: To deliberate the conformation of a proposed waterfront extension to an existing pier along with a proposed boatlift complies with Section 417.3.C of the BCZR.

Various Topics Reviewed/Discussed:

1) Plat that Mr. Lewis testified to the day of the last hearing,.
2) Reviewed the original plan from the first day of the hearing.
3) Because of the wording of the previous Order, is this a matter of *Res Judicata?*
4) Did the public receive sufficient notification?
5) Could it be fixed by granting a variance?
6) Does 417.3.C pertain in this case?

Sections of Law:

a) Sec. 417.3 of the BCZR
b) Sec. 417.4 of the BCZR
c) Sec. 500.14 of the BCZR
d) Sec. 307.1 of the BCZR

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- Mr. & Mrs. Becker are seeking relief to remove 20' of their existing pier.
- Additionally, the Beckers want to extend their pier along the western divisional line.
- The Beckers would also like to construct a boatlift.
- Previous variance granted under L. Schmidt, who was at the time Zoning Commissioner, and was ultimately appealed to the Board of Appeals. The Board was a split in their decision. They were then asked to withdraw their decision because the parties had agreed to cut back on the pier they wanted to build on Chink Creek.
- Properties at 315 and 317 Bayside Drive have similar problems that the Becker's have.

PC #1

- The Board felt that this was not a matter of *res judicata* due to the wording of the previous Order.
- The chairman expressed that a boatlift is too large and that a 6' passageway would make things impossible .
- The Board found that DEPRM did not meet its obligation under § 500.14.
- Messrs. Wescott and Stahl expressed that 417.3.C applies, however, the owners must meet the requirement under § 307.1.

DECISION BY BOARD MEMBERS

FINAL DECISION: After a thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to *DENY* Petitioners request for Special Hearing and Variance relief.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted

Linda B. Fliegel
County Board of Appeals

CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF PATRICIA L. SHANEYBROOK and SHARON H. BASSO	*	
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY	*	CIVIL CASE
	*	NO. 3-C-01-8460
IN RE: PETITION FOR SPECIAL EXCEPTION W/S Back River Neck Road 245' N of the c/l Luciano Drive (720 Back River Neck Road) 15th Election District 5th Councilmanic District Case No. 00-139-X	*	

****

ORDER

After review of the Memoranda of Petitioners Patricia L. Shaneybrook and Sharon H. Basso and of Respondents Back River Neck Peninsula Community Association, Carl Maynard and Leroy Sennett filed in the above-referenced case pursuant to the Petition for Review, and after presentation of oral argument by the parties on the aforesaid Petition for Review, and after review of the Opinion and Order of the County Board of Appeals for Baltimore County in this case and based on the oral decision rendered on February 5, 2002, and findings as stated therein, including consideration of the clear wording of Baltimore County Zoning Regulations §500.14 it is hereby

ORDERED this 18th day of February, 2002, by the Circuit Court for Baltimore County that the Opinion and Order of the County Board of Appeals of Baltimore County in

FILED FEB 22 2002

PC #2

JJ

Board Case No. 00-139-X, dated July 16, 2001 be and the same is hereby AFFIRMED.

LAWRENCE R. DANIELS, JUDGE

PETITION OF PATRICIA L. SHANEYBROOK and SHARON H. BASSO	*	BEFORE THE
	*	CIRCUIT COURT
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY	*	OF
	*	BALTIMORE COUNTY
	*	
IN RE: PETITION FOR SPECIAL EXCEPTION W/S Back River Neck Road 245' N of the c/l Luciano Drive (720 Back River Neck Road) 15th Election District 5th Councilmanic District	*	Civil Case No. 3-C-01-8460
	*	
	*	

****

ORDER

Upon review of the foregoing Amended Response to Petition for Review filed on behalf of Back River Neck Peninsula Community Association, Inc., Carl Maynard and Leroy Sennett, it is hereby

ORDERED this 5TH day of FEB., 2002 that leave to participate pursuant to Maryland Rule of Procedure 7-204 is and the same is hereby granted.

Lawrence S. Daniels

Judge

FILED FEB 0 5 2002

Back River Neck Community Association
P.O. Box 16754
Essex, Maryland 21221

Re: West Shore Marine Condominium Development CIM
April 18, 2007

Sirs: The Back River Neck Community Association discussed the West Shore Marine project at length at our general meeting on April 17, 2007. Several issues were discussed as major items of concern.

1. The intent of the BMM/BMB zoning laws which allowed marinas to retain the right to build out to the DR5.5 residential. Originally non-conforming use in residential zones. Marinas under the new zone were to retain the right to revert back to residential use the same as if the original non-conforming uses ~~was~~ were allowed to expire.
2. Capacity of the limited sewer system in the area and the impact on other as yet undeveloped property owners. Is there capacity to equally service all property owners?
3. Impervious surface transfer when the dry boat storage is forced to relocate to other areas in the Chesapeake Bay Critical Areas. Do other storage sites have excess impervious storage capacity to accept the displaced boat owners W/O creating new impervious surface?
4. Should the land supporting the marina which is to remain in operation and the adjacent recently purchased DR3.5 property be allowed to be included in the density calculation for the DR5.5 build-out. Our position is no on this point.

The association voted unanimously concerning issue #1. The collective memory of the community members agree on this point. During the discussions and hearings leading up to the adoption of new marina zoning regulations in the early 1990's. The marina owners existed under a series of non-conforming use agreements with the County. Non-conforming use is very difficult to administer for the County, community, and property owners. The marinas existed in residential zones, therefore if the marina stopped operating as a marina the non-conforming use would expire and the land use would revert back to residential use of the underlying zone. The marina owners wanted to retain this option under the new zoning classification. The collective memory of the community agrees that the intent was never to allow greater density of land use by combining both marina use and housing use on the same property. Doing so would effectively calculate the density use of the land twice.

Recently → Mr. Schmidt recently brought up the example of a lawyer that has an office in his home. The lawyer whom has a home office, on the surface has, a dual use of the zone. However the home office is dedicated space within the home for office use. Rarely is that same square footage also used as the bedroom. So the space in separated per use. The marina and housing uses should also be separated when calculating square footage assigned to each. } not Read

Further Discussion has added a more comments

Respectfully signed

Douglas B Celmer

Douglas B. Celmer
President, BRNPCA

New use
New Development MAINTAIN / ESTABLISH

5) 100' Buffer from waters & wetlands
Housing is not an intrinsically water dependant activity. Therefore not allowed To intrude on the buffer

6) Re-development is (new) development. Rules should apply Equally As Required by The 14th Ammendment.

Pro #1

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007b)

Go Back
View Map
New Search
GroundRent

Account Identifier: **District - 15 Account Number - 1518101980**

Owner Information

Owner Name:	MARINA HOLDING LLC	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	1100 E RIVERSIDE AVE BALTIMORE MD 21221-6315	**Deed Reference:**	1) /15217/ 659 2)

Location & Structure Information

Premises Address
1100 E RIVERSIDE AVE

WATERFRONT

Legal Description
1.928 AC
1100 E RIVERSIDE AVE
BACK RIVER NECK PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
104	6	226					80	3	Plat Ref: 7/ 4

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	2,000 SF	83,954.00 SF	29

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	395,800	557,700		
Improvements:	195,900	242,400		
Total:	591,700	800,100	661,166	730,632
Preferential Land:	0	0	0	0

Transfer Information

Seller: MYERS CHARLES E,JR MYERS REGINA M	**Date:** 05/18/2001	**Price:** $475,000
Type: NOT ARMS-LENGTH	**Deed1:** /15217/ 659	**Deed2:**
Seller: REYNOLDS JAMES W	**Date:** 04/09/1987	**Price:** $470,000
Type: IMPROVED ARMS-LENGTH	**Deed1:** / 7480/ 110	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

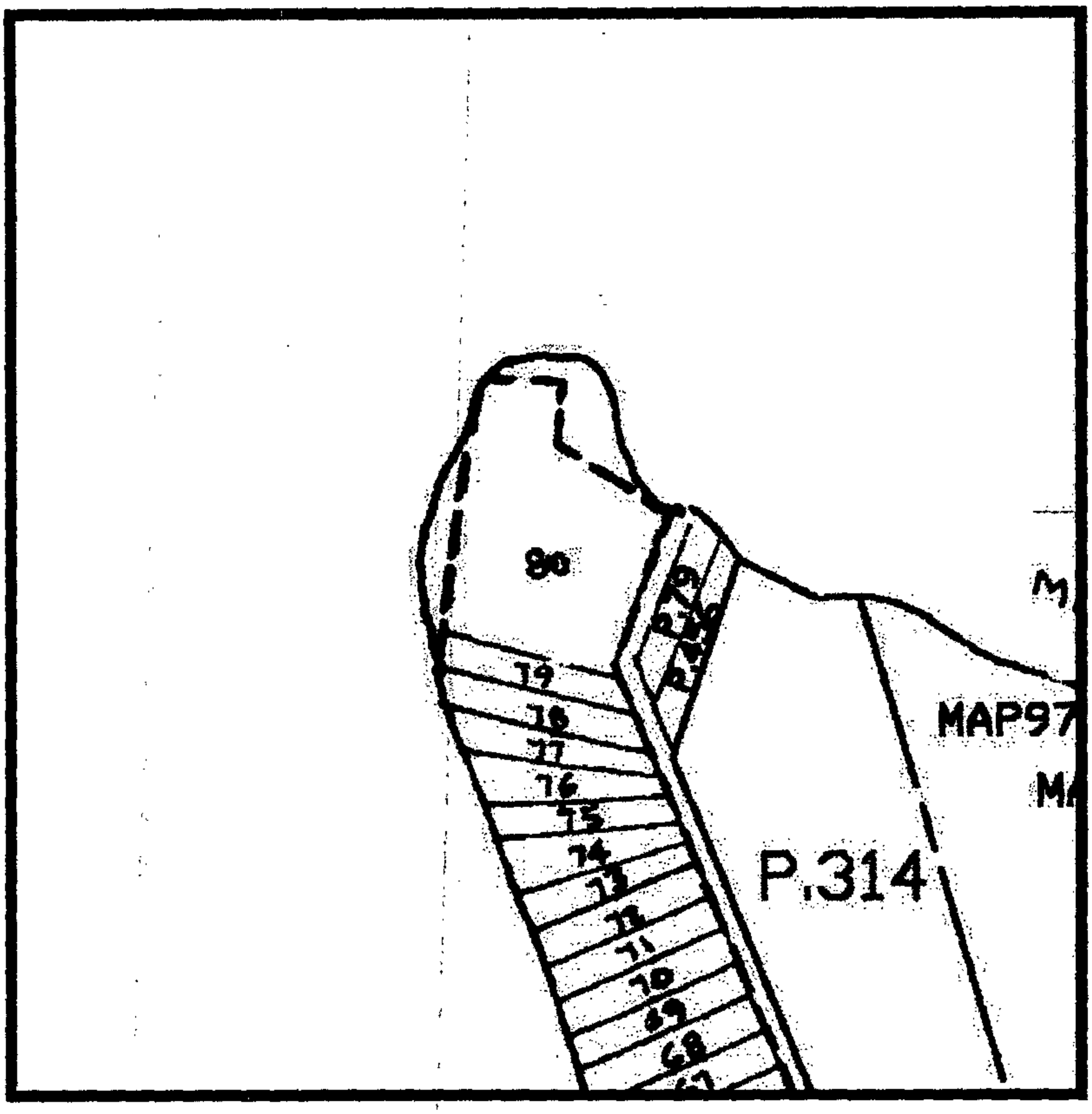
Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

P no #2

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

Go Back
View Map
New Search

District - 15**Account Number** - 1518101980



COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

VINCENT J. GARDINA
COUNCILMAN, FIFTH DISTRICT

COUNCIL OFFICE: 410-887-3384
FACSIMILE: 410-887-5791

Keith Roberts
1910 Marsh Road
Essex, MD 21221

Dear Keith,

I had no intention of allowing residential development and feel that a much lower density should be allowed. The DR5.5 resulted from the prior zoning category that existed at most of the non-conforming uses. I suggest that you lobby Councilmembers Bartenfelder and Olszewski to remove this DR5.5 use and prohibit residential PUDs at these marinas.

Best wishes,

Councilman Vince Gardina

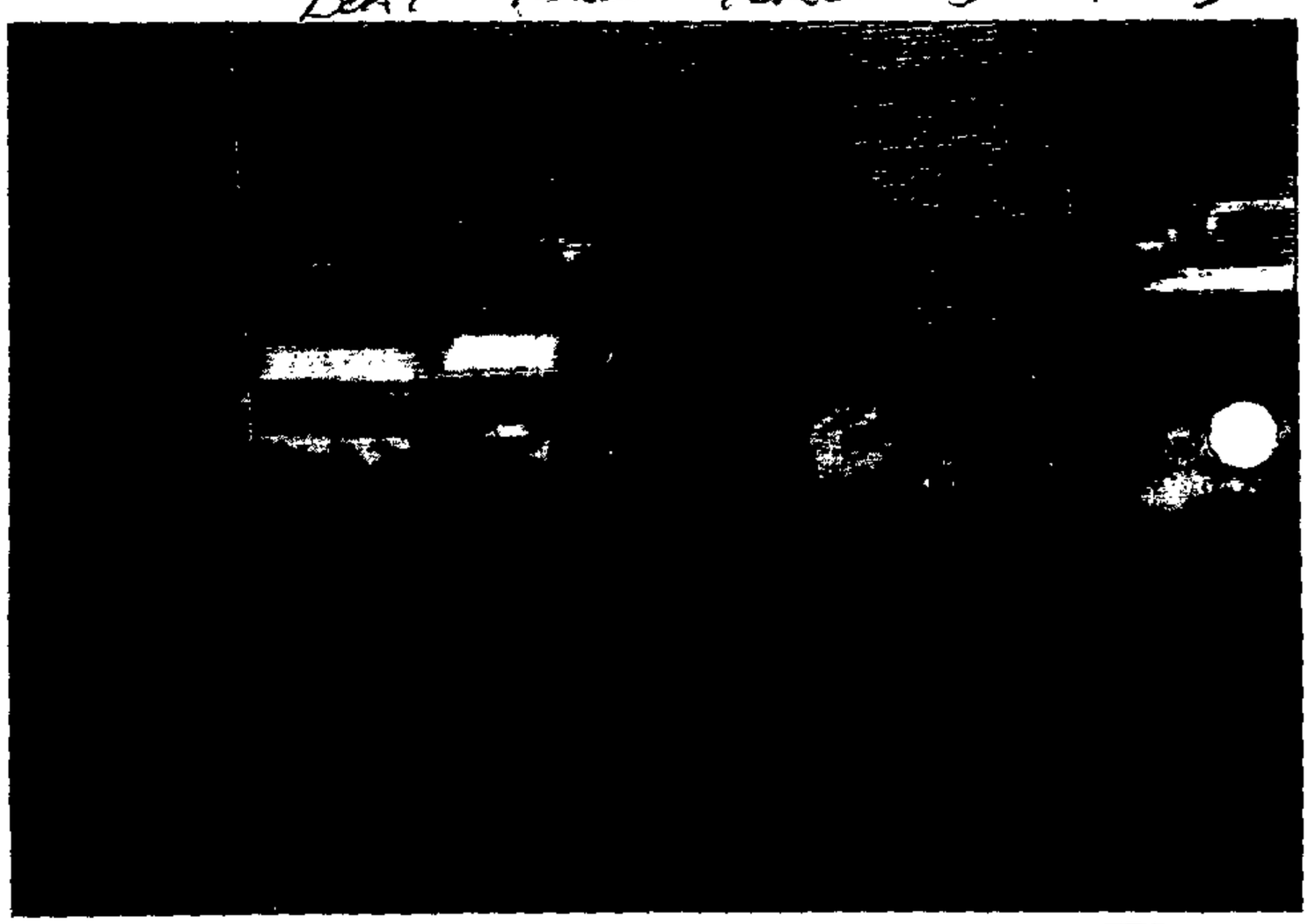
Pro #4

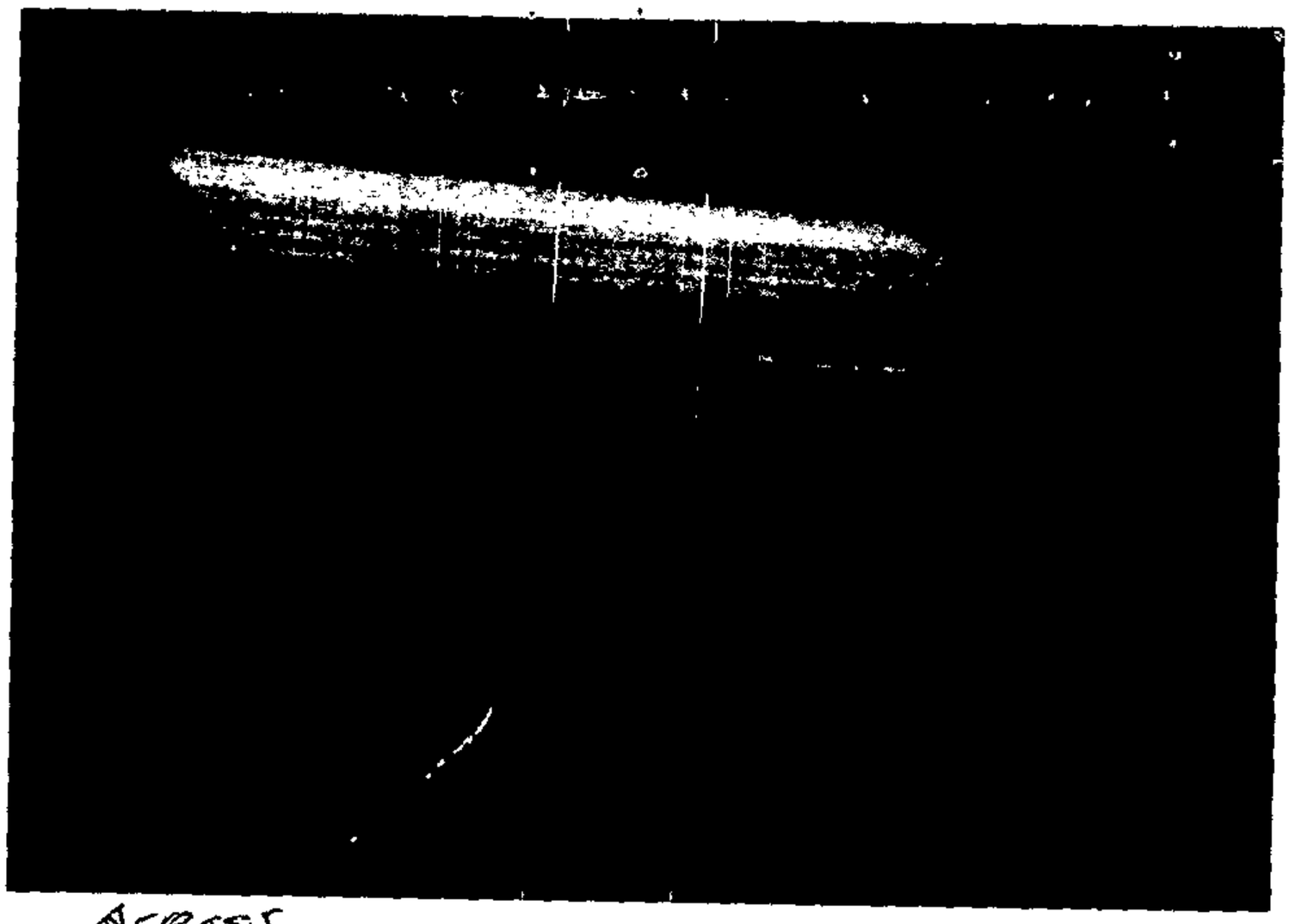
Receive
June 18 2007

PIER UNDERWATER

Pic 5A

BOAT YARD.
BOAT ARE floting Pic 5B





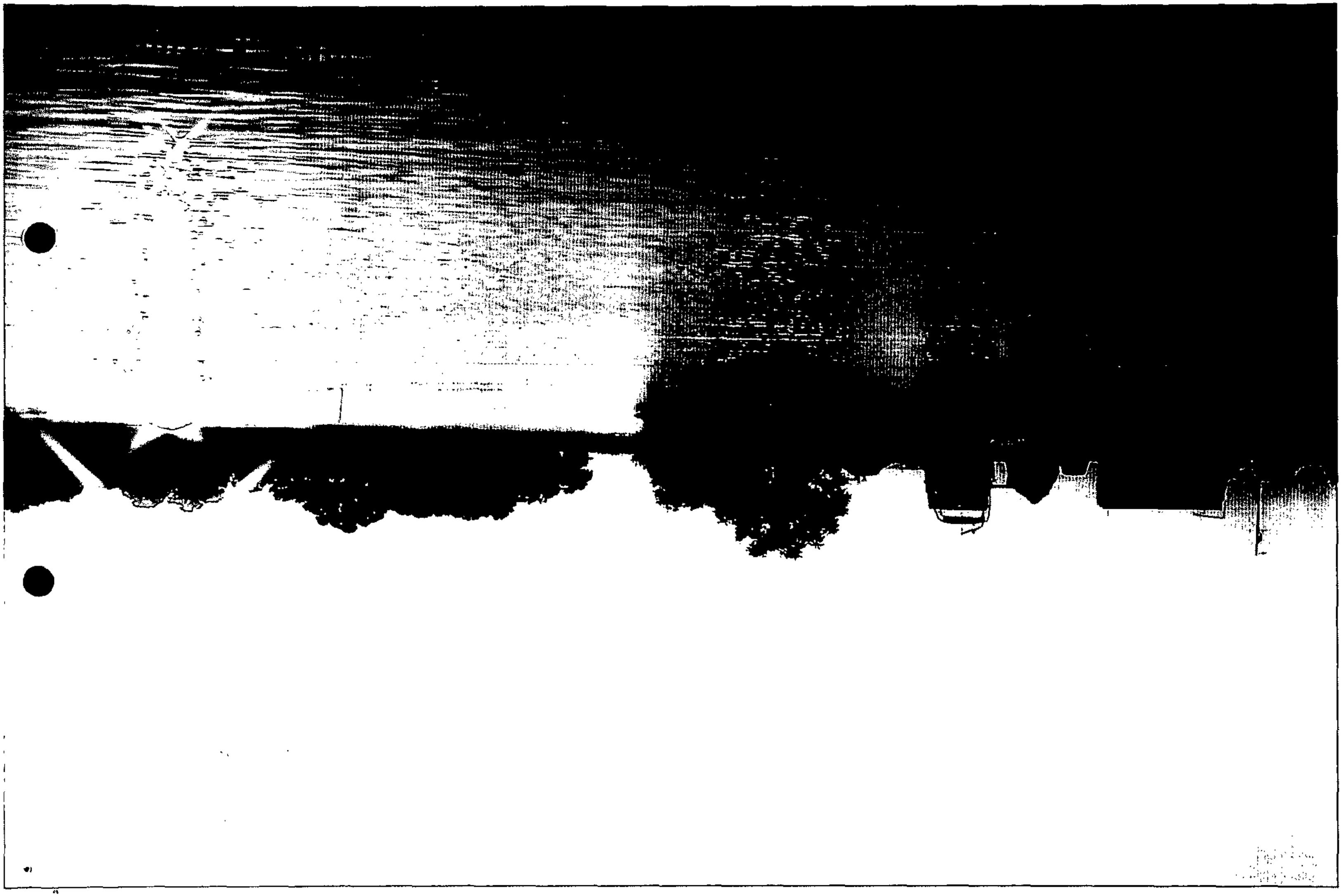
ACROSS FROM BOAT YARD.

PHOTO 5C

PHOTO 5D ACROSS

(1)

(2)



Pet. No 3

ARTICLE 32. PLANNING, ZONING, AND SUBDIVISION CONTROL / TITLE 4. DEVELOPMENT / SUBTITLE 4. GENERAL DESIGN STANDARDS AND REQUIREMENTS / § 32-4-414. FLOODPLAIN AND WETLAND PROTECTION.

§ 32-4-414. FLOODPLAIN AND WETLAND PROTECTION.

(a) *Definitions.* In this section, "base flood", "development", "flood insurance rate map", "flooding", "floodway" and "riverine floodplain" have the meanings stated in Title 8 of this article.

(b) *Purpose.* The purpose of this section to:

(1) Reduce loss of life and property from flooding;

(2) Avoid the need for public expenditures for flood protection; and

(3) Protect or enhance the environmental quality of watersheds.

(c) *Development in floodplain prohibited; exceptions.* The county may not permit development in a riverine floodplain except for:

(1) The establishment of property subdivision lines; and

(2) The installation of a pond, culvert, bridge, street, utility, or drainage facility that the county finds is not detrimental to floodplain management programs.

(d) *Base flood elevation.*

(1) Except as provided in paragraph (2) of this subsection, if the floodplain is shown on the flood insurance rate map, the county shall limit any increase in the existing base flood elevation to a maximum of 1 foot.

(2) The county may not allow encroachment in the floodway causing an increase in the existing base flood elevation.

(3) In areas where the base flood elevation has not been established, the county shall determine the riverine floodplain and flood elevation by means of a flood study prepared in accordance with the requirements of the Department of Public Works Design Manual and sealed by a registered professional engineer before the issuance of a permit or the recording of a subdivision plat.

(e) *Wetlands.*

(1) The county may not permit dredging, filling, or construction in any

nontidal wetland or tidal wetland.

(2) The county shall require adequate protection of nontidal wetlands or tidal wetlands from contamination.

(1988 Code, § 26-276) (Bill No. 173-93, § 3, 11-17-1993; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

ARTICLE 32. PLANNING, ZONING, AND SUBDIVISION CONTROL / TITLE 8. FLOODPLAIN MANAGEMENT / SUBTITLE 3. WAIVERS / § 32-8-301. AUTHORIZED.

§ 32-8-301. AUTHORIZED.

(a) *In general.* As provided in § 32-4-107 of this article, waivers of the provisions of § 32-4-414 of this article or Subtitle 2 of this title and any regulations or codes adopted in accordance with § 32-4-414 of this article or Subtitle 2 of this title may be granted as specified in this subtitle.

(b) *Hearing Officer.* The Hearing Officer, as defined in § 32-4-101 of this article, shall hear and decide requests for waivers under this subtitle.

(c) *General standards.* Waiver actions shall be consistent with sound floodplain management and the number of waiver actions shall be kept to a minimum.

(d) *Specific requirements.* For any waiver issued in a riverine floodplain or tidal floodplain, all applicable conditions of § 32-8-207 of this title and the Building Code shall be met.

(1988 Code, § 26-670) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004; Bill No. 75-03, § 38, 7-1-2004)

Baltimore County Government
Department of Permits and
Development Management

111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

April 10, 2007

Richard E. Matz, P.E.
2835-G Smith Avenue
Baltimore, MD 21209

RE: West Shore Yacht Center
PDM Number XV-895
DRC Number 040207H; Dist. 15C6

Dear Mr. Matz:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has, in fact, met in an open meeting on April 2, 2007, and has decided no DRC action is necessary.

Sincerely,

Timothy Kotroco
Director

TK:DTR:dak
c: file

Ret #4

Petitioner 3A

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

DEVELOPMENT PLAN COMMENTS

Project Name: West Shore Yacht Center

Project Location: 1100 East Riverside Ave.

Date of Meeting: May 28, 2008

Reviewer(s): Paul Dennis

ENVIRONMENTAL IMPACT REVIEW

__X__ The following requirements have not been provided and/or approved, and the Development Plan cannot be approved by EIR until such time as the requirements indicated below have been met.

__X__ In accordance with Section 32-4-231 of the Baltimore County Code, a Critical Area variation of standards is required for the proposed development, reductions to the 100-foot buffer and 300-foot buffer, reduction to primary structure setbacks, and the continued uses desired within the required buffer. (Currently under review).

__X__ In accordance with Article 33, Section 33-2-402(c) and (d) of the Baltimore County Code, an alternatives analysis must be provided for any stormwater management facilities, roads, bridges, trails, and/or utilities proposed in the Critical Area buffers.

__X__ No forest exists on this site. A minimum 15% forest cover is required. All establishment of forest shall be done in accordance with a Forest Protection and Establishment Plan (Critical Area Management Plan) prepared by a qualified professional pursuant to Section 33-2-603 (c) of the Baltimore County Code, and must be approved by EIR. A Critical Area Management Plan is currently under review.

__X__ Removal of impervious surface to meet stormwater management requirements cannot be double counted towards mitigation requirements.

__X__ The Critical Area Easement must be recorded in Baltimore County Land Records with the appropriate protective covenants.

DEVELOPMENT PLAN COMMENTS

Project Name: West Shore Yacht Center

Date of Meeting: May 28, 2008

__X__ Provide documentation from the Maryland Department of Natural Resources regarding the presence or absence of rare, threatened or endangered species.

__X__ Continued use of the marina is indicated. Depending on the future plans for the marina/pier, additional requirements may apply. Water dependent facilities and/or structures must meet the requirements of all applicable codes.

__X__ EIR needs to review the following plans during Phase II:

__X__ Grading and Sediment Control Plans.

__X__ Storm Water Management and Water Quality Plans for:

__X__ Suitable outfall.

__X__ Final Critical Area Management Plan (Forest Protection & Establishment Plan).

__X__ Additional Comments:

__X__ The above comments are subject to review and comments from the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. Staff from that agency may generate additional comments concerning this project, or may ask for additional information in order to complete their review.

__X__ An Environmental Agreement (EA) must be submitted prior to building or grading permits.

__X__ An Environmental Effects Report and a Hydrogeological Study must be submitted.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Jeff Livingston, Development Coordination

FROM: J. Robert Powell, R.S., Ground Water Management

DATE: January 29, 2007

SUBJECT: Project Name: West Shore Yacht Center
Plan Type: Concept Plan
Plan Date: January 12, 2007

Ground Water Management has the following comments on the above referenced plan:

Comments	Date Resolved	Reviewer
1. There are no sewage disposal systems or water wells onsite and the proposed development will be served by public water and sewer.		
2. Prior to approval of a Record Plat, the existing underground fuel storage tanks must be removed by a licensed tank removal contractor.		

Note: Please include a revision date on all revised plans submitted.

DEVELOPMENT PLAN CONFERENCE
Project I.D. #D960328
WEST SHORE YACHT CENTER
1100 East Riversdie Avenue
May 28, 2008 @ 9:00 AM

STORMWATER MANAGEMENT COMMENTS:

1. The Stormwater Management Act:

   A. The Developer is responsible to address the requirements of the Baltimore County Code, Section 33-4.

   B. Provisions for exemptions, waivers and variances for Stormwater Management (SWM) are described in this document. Exemptions, waivers and variances should be applied for and granted (or denied) by the Department before Development Plan approval is given.

   C. Conditions for recording plats and approving grading and building permits, as related to SWM, are also described in this document. The developer is advised to be aware of these conditions and include them in planning the project to avoid unnecessary delays.

2. General Engineering Requirements:

   A. Water quality storage volume (WQ_v), Recharge Storage Volume (Re_v) and Channel Protection Volume (Cp_v) are normally required. If the development is in certain designated inter-jurisdictional watersheds or, if deemed necessary by Baltimore County, Extreme Flood Protection (Qf) or 100 year peak management may also be required.

   B. Please refer to the 2000 Maryland Stormwater Design Manual, Volumes I & II for general design criteria. Hydrology shall be in accordance with the June 1986 version of TR-55.

   C. The developer is responsible for addressing all applicable requirements of agencies, whether within or outside of Baltimore County, having jurisdiction over water quality, streams or wetlands.

   D. SWM Best Management Practices (BMP) are also subject to review and approval by the Baltimore County Soil Conservation District.

   E. SWM BMP which either outfall to a Baltimore County storm drain system or for which a public road will serves as a pond embankment will be reviewed and approved concurrently by the Department of Public Works (DPW) and DEPRM.

F. Site design must maintain, to the extent possible, predevelopment drainage patterns and characteristics. Diversion of drainage is discouraged and DEPRM reserves the right to prohibit drainage diversions it finds detrimental.

G. Refer to Chapter 5.0-Storm Water Credits-for environmentally sensitive designs. Use of these credits shall be documented at the initial (concept) design stage, documented with submission of final grading and verified with As-Built Certification for grading.

3. Maintenance Requirements:

A. Stormwater management facilities may be maintained by Baltimore County if the following conditions are met, subject to approval of DEPRM.

(1) Residential subdivision in which all lots are for sale in fee.

(2) Requirements for public facilities given in the Baltimore County Department of Public Works Design Manual are all met.

(3) SWM BMP is enclosed in a Stormwater Reservation, as shown on the record plat, to allow the facility to be deeded in-fee to Baltimore County.

B. Private maintenance of SWM BMP is acceptable. A Deed of Declaration and Easement must be executed by the developer guaranteeing maintenance of and County access to SWM BMP before SWM permit security may be released. SWM BMP in residential subdivisions to be maintained privately by a Homeowners Association shall be designed according to the requirements for public facilities.

4. Guidelines for Development Plan Approval:

A. Show type, size and location of all Best Management Practices (BMP) on the Development Plan. Preliminary unified stormwater sizing criteria should be provided to verify that the SWM area(s) on the plan are adequate.

B. Show that all outfalls from BMP facilities and bypass areas are " suitable" as defined by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

C. Show that the BMP facilities do not create a hazard. An example of a hazard would be an embankment dam located so that in the event of a breach failure, down stream life or property is endangered.

D. List on development Plan any waiver or variance and give date of approval by Baltimore County.

DEVELOPMENT PLAN CONFERENCE
Project I.D. #D960328
WEST SHORE YACHT CENTER

5. Site - Specific Comments:

In addition to the above, each project will be given a brief review by the DEPRM' s Stormwater Management, and a set of specific comments will be provided. The developer is responsible for addressing the following site-specific comments:

A. All site runoff must be conveyed to a suitable outfall without adversely affecting the receiving wetland, watercourse, waterbody, storm drain or adjacent property.
B. This project is subject to the new stormwater management requirements that Baltimore County adopted on July 1, 2001.
C. Stormwater management will be addressed for this project through the reduction of impervious area on-site.

Edward Schmaus

05/15/08

c: R. Alexander Wirth, PE

concept.swm
west shore swm

DEVELOPMENT PLAN CONFERENCE
Project I.D. #D960328
WEST SHORE YACHT CENTER
1100 East Riversdie Avenue
May 28, 2008 @ 9:00 AM

GRADING, EROSION & SEDIMENT CONTROL COMMENTS:

1. Grading Requirements & Sediment Control Guidelines

A. The developer is responsible to address the grading requirements of Baltimore County Code Section 33-5 and Baltimore County Department of Environmental Protection and Resource Management.

B. A grading permit is required for any site having greater than 5,000 square feet of disturbed area. A security is required for sites having more than 20,000 square feet of disturbed area.

C. An erosion and sediment control plan must be approved by the Soil Conservation District and a separate approved final grading plan is required for any site having greater than 20,000 square feet of disturbed area. These plans must be approved by DEPRM prior to obtaining a grading permit.

D. Sites having less than 20,000 square feet of disturbed area may be exempt from the approved erosion and sediment control plan requirement and may qualify to use standard sediment control plan measures. Contact Inspection and Enforcement at (410) 887-3226 for additional information.

2. General Engineering Requirements

A. Erosion and sediment control plans for sites having greater than 20,000 square feet of disturbed area must be reviewed and approved by the Baltimore County Soil Conservation District (SCD). Upon such approval, plans are then returned to the Department of Environmental Protection and Resource Management for microfilming. Grading plans will not be approved prior to SCD signature on erosion and sediment control plans.

B. Final grading plans for sites having greater than 20,000 square feet of disturbed area must be submitted for approval to Stormwater Management along with the site erosion and sediment control plans. Final grading plans must show all proposed grading, storm drain inlets and their connections to main storm drain system up to outfall, building locations; first floor elevations, septic reserve areas, sidewalks and driveways. Proposed sanitary and water lines and their connections

to existing systems must be shown on final grading plan. Sediment control devices should not be shown on the final grading plan. Mass grading plans are not acceptable unless a waiver to this standard is granted by Stormwater Management. Final grading must reflect the proposed condition of storm water management hydrology. Refer to Baltimore County Code Title 14, Article VI.

C. Erosion and sediment control devices should be perimeter type devices and must be located sufficiently outside of proposed grading, therefore, proposed grading should not be shown to the limits of property lines, wetlands, floodplains or buffers. Erosion and sediment control plans must be designed for all work shown on the final grading plan.

D. Proposed storm water management ponds should be used as temporary sediment basins unless prohibited as such by the Stormwater Management' s project engineer.

E. Grading plan must be in compliance with Development Plan.

F. Erosion and sediment control devices may not outfall concentrated flow onto adjacent properties without the property owner' s written permission or acquisition of Easements.

G. All floodplains, wetlands, and buffers must be shown on final grading plans and should be shown on the sediment control plans. Erosion and sediment control devices may not be located within such areas except as allowed by DEPRM. Sediment traps outfalling into such areas must provide two times the normally required storage.

H. Sediment trapping device must be located outside the septic reserve areas. Show location of septic reserve area on grading plan in absence of sanitary sewer line.

I. Stormwater credits shall be documented with submission of final grading plans and verified with As-Built certification.

3. <u>Outlines for Development Plan Approval:</u>

A. Proposed grading, especially filling, should not be shown up to limits of property lines, floodplains, wetlands, or buffers. There should be adequate room for perimeter sediment and erosion control devices and for movement of construction equipment.

B. Proposed grading must not exceed slope requirements of 2:1 maximum on commercial properties and 3:1 maximum on residential lot areas and 4:1 within 25 feet down slope of septic reserve areas.

C. All swales shall be designed to Department of Public Works Design Standards.

D. Proposed grading must not adversely impact the adjacent properties. Runoff must be discharged at locations of suitable outfalls. Diversion of natural runoff pattern from ultimate outfall for more than 1,000 feet by proposed grading is not acceptable unless approved by Department of Environmental Protection & Resource Management.

4. Site Specific Comments:

A. Refer to the preceding pages for general requirements.

05/15/08

Edward Schmaus

c: R. Alexander Wirth, PE

CONCEPT GRD
West shore grd

Petitioner 3B

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DEVELOPMENT PLAN CONFERENCE

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

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

DATE: May 28, 2008

PROJECT NAME: West Shore Yacht Center

PROJECT NUMBER: XV-895

PROJECT PLANNER: Jenifer German

GENERAL INFORMATION:

Applicant Name: Mr. Joseph Taylor
Marina Holding, LLC
1100 E Riverside Avenue
Baltimore, MD 21221-6315

Location: N End of E Riverside Avenue; N Bay Avenue

Councilmanic District: 6th

Growth Management Area: Community Conservation Area

Zoning: BMB (DR 5.5), DR 3.5

Acres: 2.964± acres

Surrounding Zoning and Land Use:

North:	DR 5.5	Muddy Gut, Single Family Detached
South:	DR 3.5, BL	Tavern, Single Family Detached
East:	N/A	Back River
West:	DR 3.5, RC 20	Single Family Detached Residential

Project Proposal:

The applicant is proposing to develop 15 single-family attached residential condominium townhouse units on 2.6791± acres of land zoned BMB. The DR 5.5 classification is being used to calculate the density for the BMB zone. The site is currently developed as a boat yard.

Project History:

The applicant made a request for Special Hearing (case# 07-421-SPHA) on June 11, 2007 and was appealed on March 13, 2008.

PROJECT NAME: West Shore Yacht Center **PROJECT NUMBER:** XV-895

Other Anticipated Actions and Additional Review Items:

☐ Special Exception	☑ Special Hearing	☐ PUD
☑ Variance - DEPRM	☐ Compatibility	☐ Design Review Panel
☑ Waiver – Rec & Parks	☐ Scenic Route	☑ Ches. Bay Critical Area
☐ RTA Modification	☑ Referral to Planning Board	

MEETINGS:

Concept Plan Conference	02/05/07	Community Input Meeting	04/18/07
Development Plan Conference	05/28/08	Hearing Officer's Hearing	06/20/08
Planning Board			

SCHOOL IMPACT ANALYSIS:

The project is within the boundaries of the following schools:

Middleborough	Elementary School
Deep Creek	Middle School
Chesapeake	High School

The applicant submitted a school impact analysis dated April 21, 2008 in accordance with Section 32-6-103 of the Baltimore County Code. This office has reviewed the applicant's report for compliance with 32-6-103, and assurance that adequate public facilities can be provided. The Office of Planning finds that the mentioned report is consistent with Section 32-6-103 of the Baltimore County Code.

PLANNING BOARD:

Variations of Standards for the critical area will be required to be reviewed and approved by the Planning Board.

RECOMMENDATION:

The Office of Planning has reviewed the Development Plan for conformance with Concept Plan comments of February 5, 2007 and recommends the Development Plan be **APPROVED** subject to the listing below.

1. Label clearly on the development plan where the individual entries for each unit are located. It does not appear from looking at the plan that any of the units are side entry as depicted in the pattern book.

Prepared By: _____

Division Chief: _____

JG:kma

Petitioner 3C

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildeallc.com

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
JASON T. VETTORI

May 7, 2008

Via Hand Delivery Only
Zoning Commissioner William J. Wiseman, III
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson, MD 21204

Re: West Shore Yacht Center/11 E. Riverside Avenue
PDM No.: XV-895

Dear Commissioner Wiseman:

Kindly be advised that I represent Joseph & Lisa Taylor, owner of the above referenced property, known as the West Shore Yacht Center. On behalf of the property owner, Colbert Matz Rosenfelt, Inc. has submitted a request for a Variation of Standards to the Baltimore County Department of Environmental Protection and Resource Management. This is to request the referral of the Development Plan for the above captioned matter to the Baltimore County Planning Board. This request is made pursuant to Baltimore County Code; Section 4-231(a)(4). Specifically, the Development Plan depicts and the applicant has made a written request for a variation of standards of Chesapeake Bay Critical Area requirements, under the authority of COMAR 27.01.1.01A, provided under Article 33, Title 2 of the Code.

By your signature below, kindly refer this matter to the Planning Board for proceedings as required. Please transmit a copy of this letter to Barbara Weaver, in the Office of Planning.

Thank you for your attention to this request. With kind regards, I am

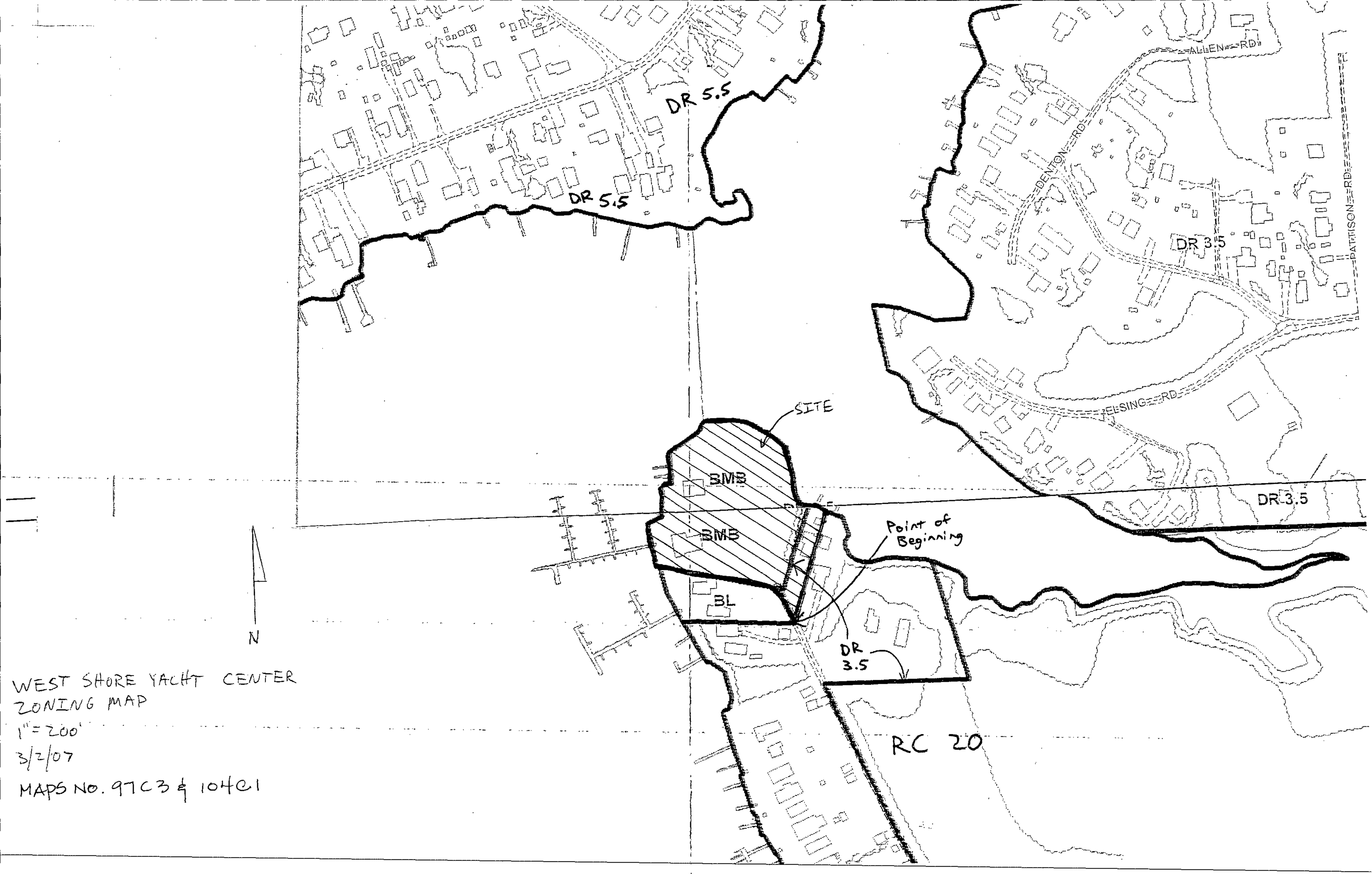
Very truly yours,

Lawrence E. Schmidt

Referral to Planning Board Approved:

Zoning Commissioner William J. Wiseman, III

LES: dls
Cc: Jeffrey Long, Baltimore County Office of Planning
Barbara Weaver, Baltimore County Office of Planning
Patricia M. Farr, DEPRM
Joseph Taylor, West Shore Yacht Center
Richard E. Matz, Colbert Matz Rosefelt, Inc.
D. Dusky Holman, Esquire



WEST SHORE YACHT CENTER
ZONING MAP
1" = 200'
3/2/07
MAPS NO. 97C3 & 104C1

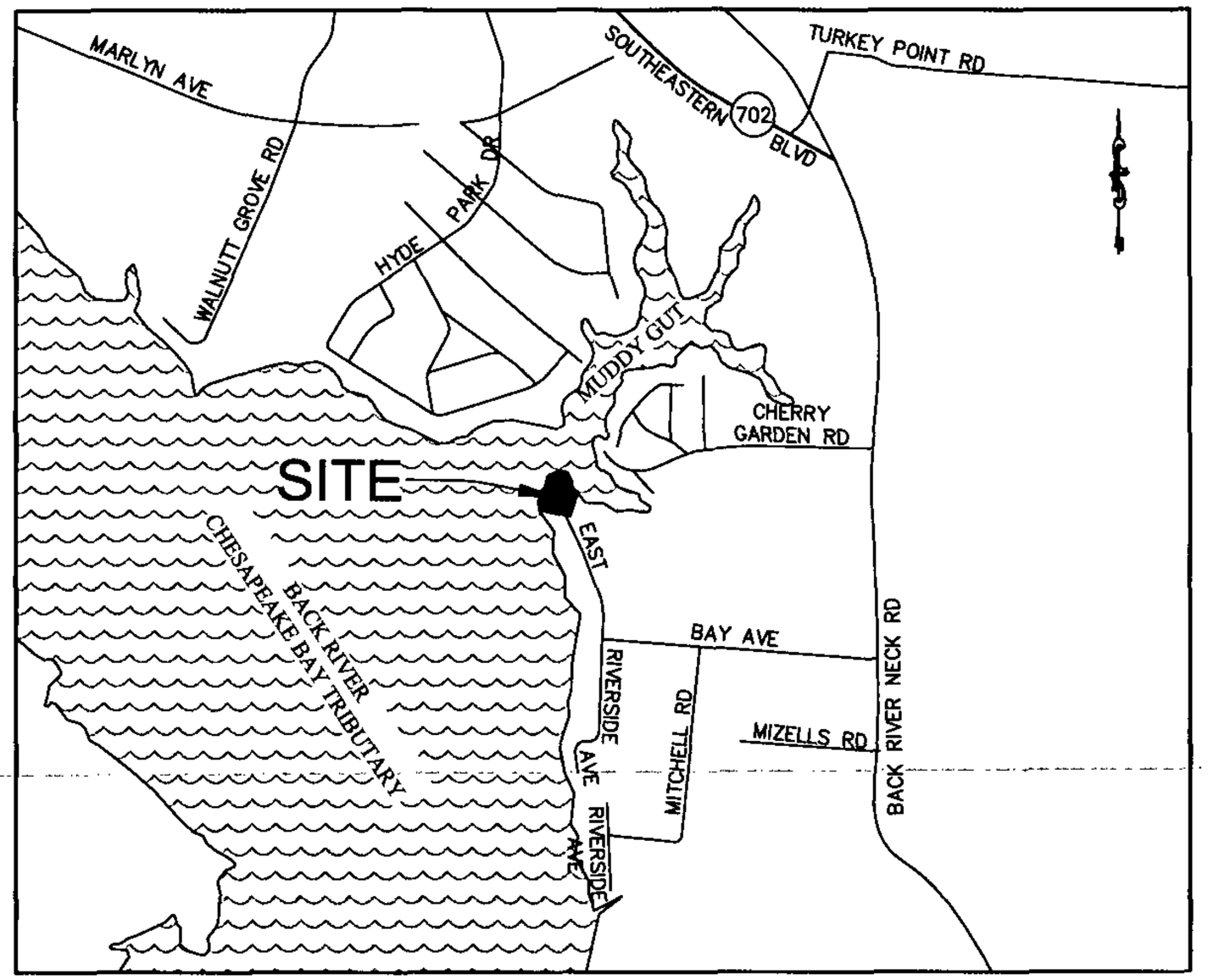
Petitioner's
NO 2

WEST SHORE YACHT CENTER

Pattern Book

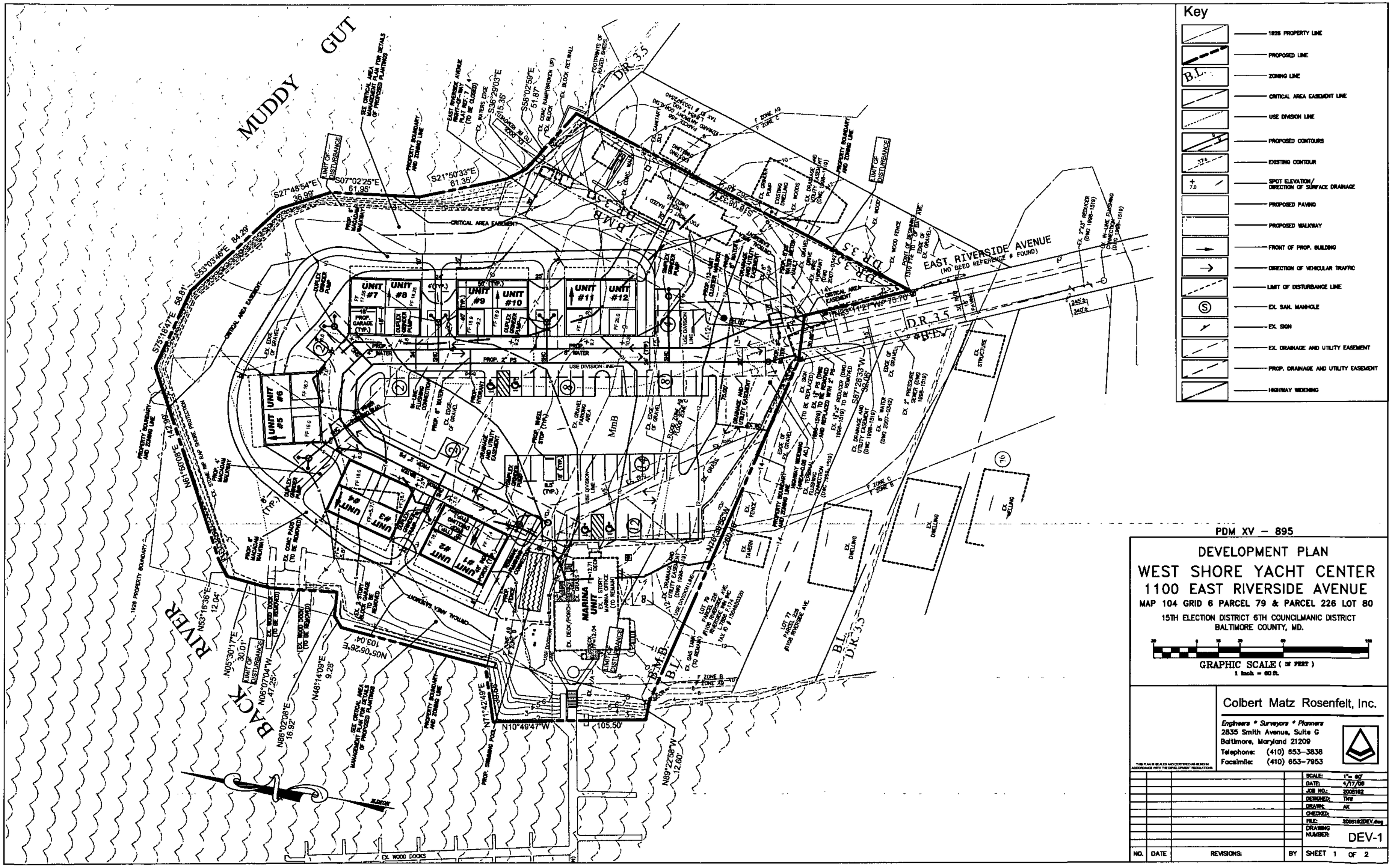
Table of Contents

Vicinity Map	1
Development Plan	2
Schematic Landscape Plan	3
Critical Area Management Plan	4
Unit Elevations	5-9
Floor Plans	10-14
Mail Box, Wood Deck and Screening Elevations and Details	15
Fencing Elevation and Details	16
Signage Elevation and Details	17
Cluster Mailbox Location Map	18



VICINITY MAP

WEST SHORE YACHT CENTER



PDM XV – 895

DEVELOPMENT PLAN
WEST SHORE YACHT CENTER
1100 EAST RIVERSIDE AVENUE

MAP 104 GRID 6 PARCEL 79 & PARCEL 226 LOT 80

15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.

GRAPHIC SCALE (IN FEET)
1 inch = 60 ft.

Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

THIS PLAN IS SEALED AND CERTIFIED AS BEING IN ACCORDANCE WITH THE DEVELOPMENT REGULATIONS

NO.	DATE	REVISIONS:	BY

SCALE:	1"= 60'
DATE:	4/17/08
JOB NO.:	2006162
DESIGNED:	THW
DRAWN:	AK
CHECKED:	
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DRAWING NUMBER:	DEV-1
SHEET	1 OF 2

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PDM XV - 895

SCHEMATIC LANDSCAPE PLAN
WEST SHORE YACHT CENTER
1100 EAST RIVERSIDE AVENUE

MAP 104 GRID 6 PARCEL 79 & PARCEL 226 LOT 80

15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.

GRAPHIC SCALE (IN FEET)
1 inch = 60 ft.

Landscape Key

PROP. MAJOR DECIDUOUS TREE
PROP. EVERGREEN TREE
PROP. LARGE DECIDUOUS SHRUB
PROP. SMALL DECIDUOUS SHRUB
PROP. LARGE EVERGREEN SHRUB
PROP. SMALL EVERGREEN SHRUB
PROP. GRASSES & PERENNIALS
EX. TREES

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Baltimore, Maryland 21209
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NO.	DATE	REVISIONS:	BY

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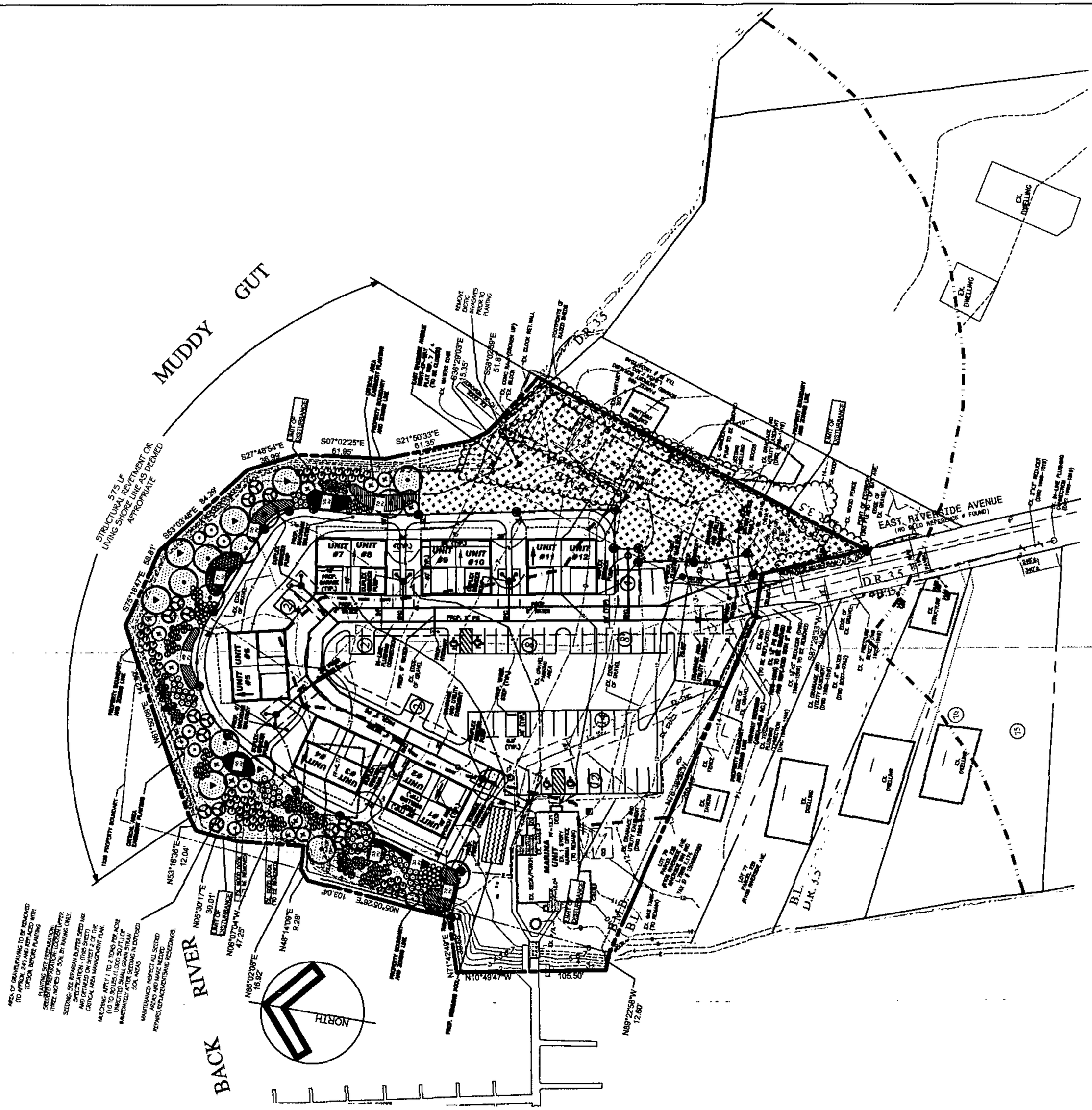

PDM XV – 895

CRITICAL AREA MANAGEMENT PLAN

WEST SHORE YACHT CENTER
1100 EAST RIVERSIDE AVENUE

MAP 104 GRID 6 PARCEL 79 & PARCEL 226 LOT 80

15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.

GRAPHIC SCALE (IN FEET)
1 inch = 80 ft.

plan prepared by:

HUMAN & ROHDE, INC.
Landscape Architects
512 Virginia Ave.
Towson, Maryland 21286
(410) 825-3885 Phone
(410) 825-3887 Fax

Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

THIS PLAN IS SEALED AND CERTIFIED AS BEING IN ACCORDANCE WITH THE DEVELOPMENT REGULATIONS

NO.	DATE	REVISIONS:	BY

SCALE:	1"= 80'
DATE:	5/17/06
JOB NO.:	2006162
DESIGNED:	DML
DRAWN:	REV
CHECKED:	JGR
FILE:	
DRAWING NUMBER:	

WEST SHORE YACHT CENTER

FRONT ELEVATION

Architecture Collaborative, Inc.
8334 Main Street Ellicott City, MD 21043
www.archcol.com
Tel.: (410) 465-7500 Fax: (410) 465-0903

content: WEST SHORE YACHT CENTER
file: JT002524DL.dgn date: 04/14/08
scale:
title: DUPLEX ELEVATION
revisions
SHEET #

WEST SHORE YACHT CENTER

ARCH. GRADE
ROOF SHINGLES

3 X 5 WINDOW
@ 2ND FLOOR W/
6 OVER 1 GRILLS
W/ BOARD AND
BATTEN SHUTTERS

24" CIRCULAR
WINDOW

ARTS & CRAFTS
GABLE @ 12:12 PITCH

HORIZONTAL
BEADED SIDING

METAL CANT
ROOF

CARRIDGE STYLE
GARAGE DOOR

3 X 6 WINDOWS
@ 1ST FLOOR W/
6 OVER 1 GRILLS
W/ BOARD AND
BATTEN SHUTTERS

ALT. FRONT ELEVATION

SIMULATED STONE
@ 1ST FLOOR

ARTS & CRAFT
RECESSED DOOR

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8334 Main Street Ellicott City, MD 21043
www.archcol.com
Tel.: (410) 465-7500 Fax: (410) 465-0903

project WEST SHORE YACHT CENTER
title DUPLEX ELEVATION
file JT002524DU.dwg date 04/14/08
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REAR ELEVATION

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date: 04/14/08
proj. JT002524DL
scale
DUPLEX ELEVATION
title
revisions
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WEST SHORE YACHT CENTER

ARTS & CRAFTS GABLE TRIM

SIMULATED SHINGLES @ GABLE 7:12 PITCH

3 X 5 WINDOW @ 2ND FLOOR W/ 6 OVER 1 GRILLS W/ BOARD AND BATTEN SHUTTERS

REAR DECK W/ 8 X 8 WOOD POST

SEE DECK DETAILS

SIMULATED STONE @ 1ST FLOOR

ROOF @ 7:12 PITCH

METAL CANT ROOF

ARCH. GRADE ROOF SHINGLES

3 X 6 WINDOWS @ 1ST FLOOR W/ 6 OVER 1 GRILLS W/ BOARD AND BATTEN SHUTTERS

REAR

FRONT

SIDE ELEVATION W/ SIDE ENTRY

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8334 Main Street Ellicott City, MD 21043
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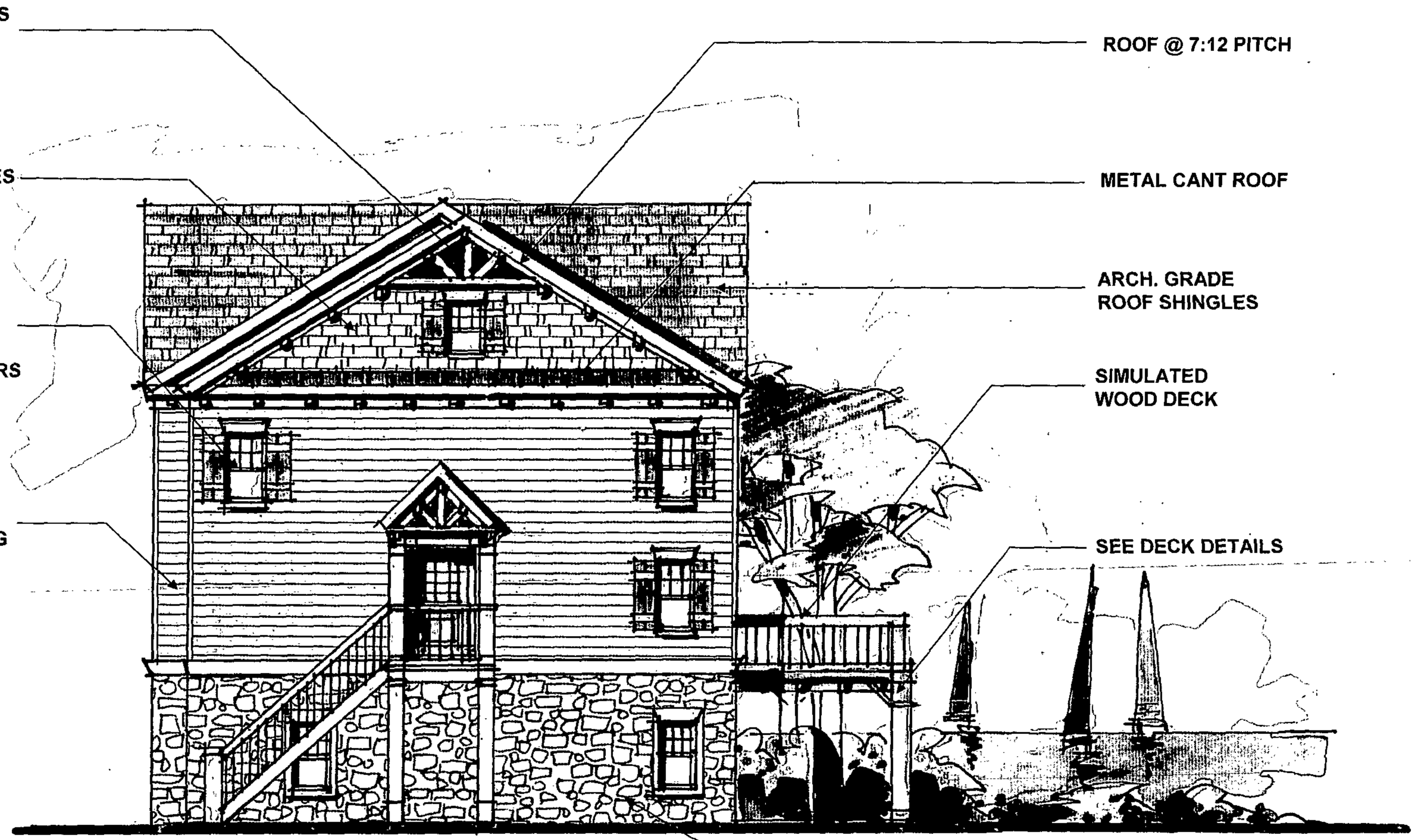

SIDE ELEVATION

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www.archcol.com
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project: WEST SHORE YACHT CENTER
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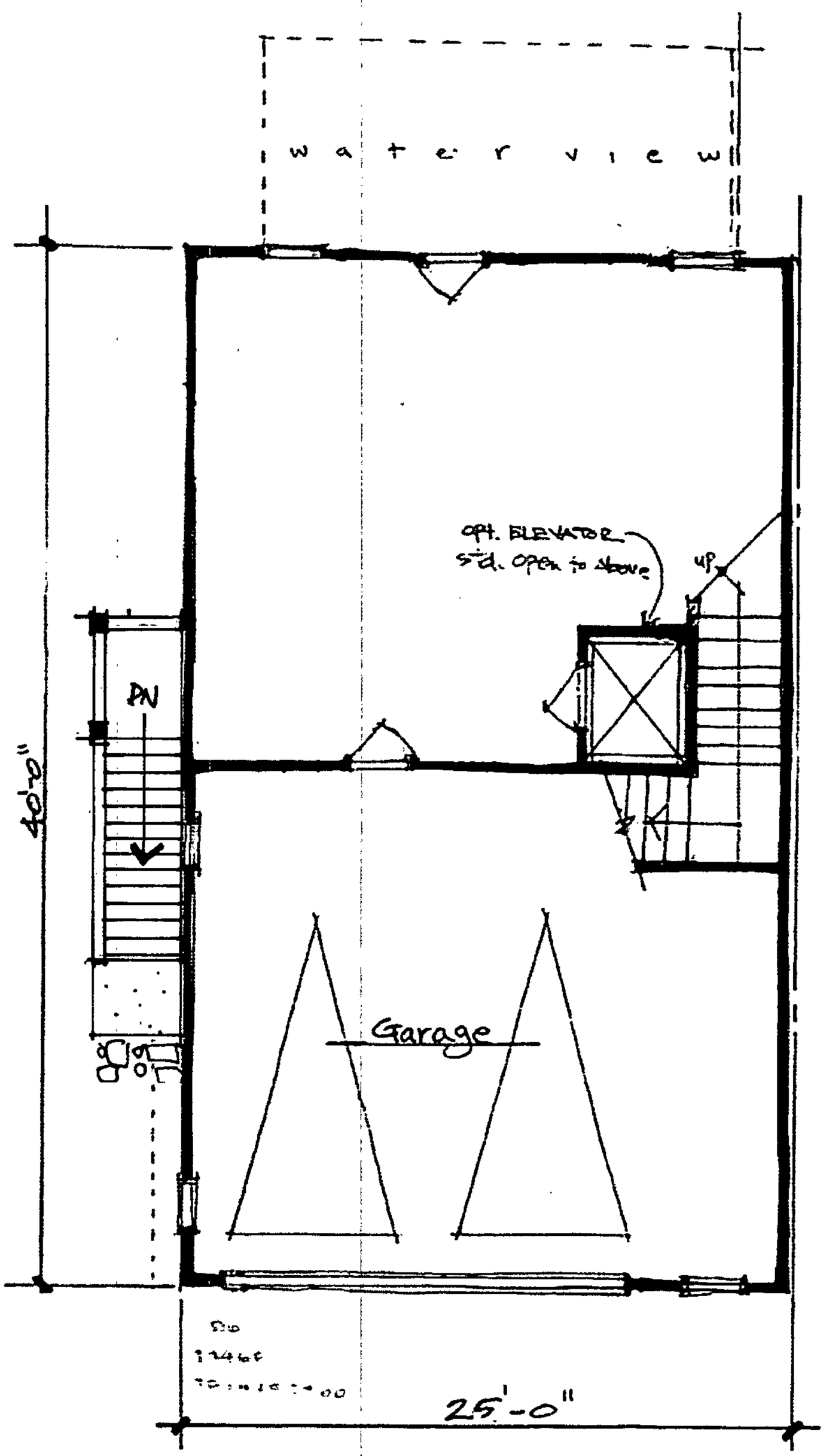

ENTRY LEVEL PLAN

WEST SHORE YACHT CENTER

10

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WEST SHORE YACHT CENTER

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DUPLEX PLAN
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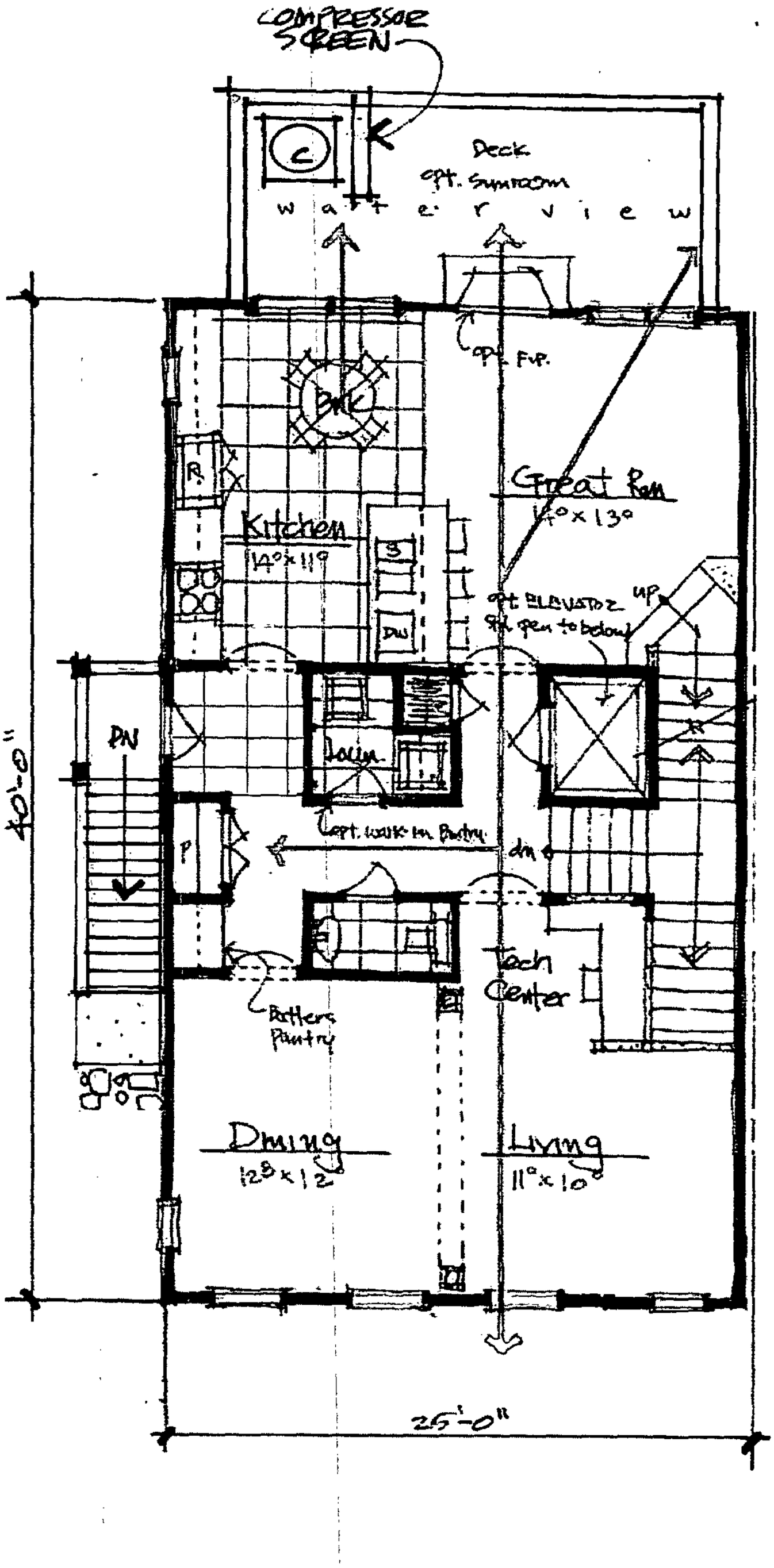

FIRST FLOOR PLAN

WEST SHORE YACHT CENTER

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revisions

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scale | FILE# JT002524DU.dwg | date 04/14/08

title DUPLEX PLAN

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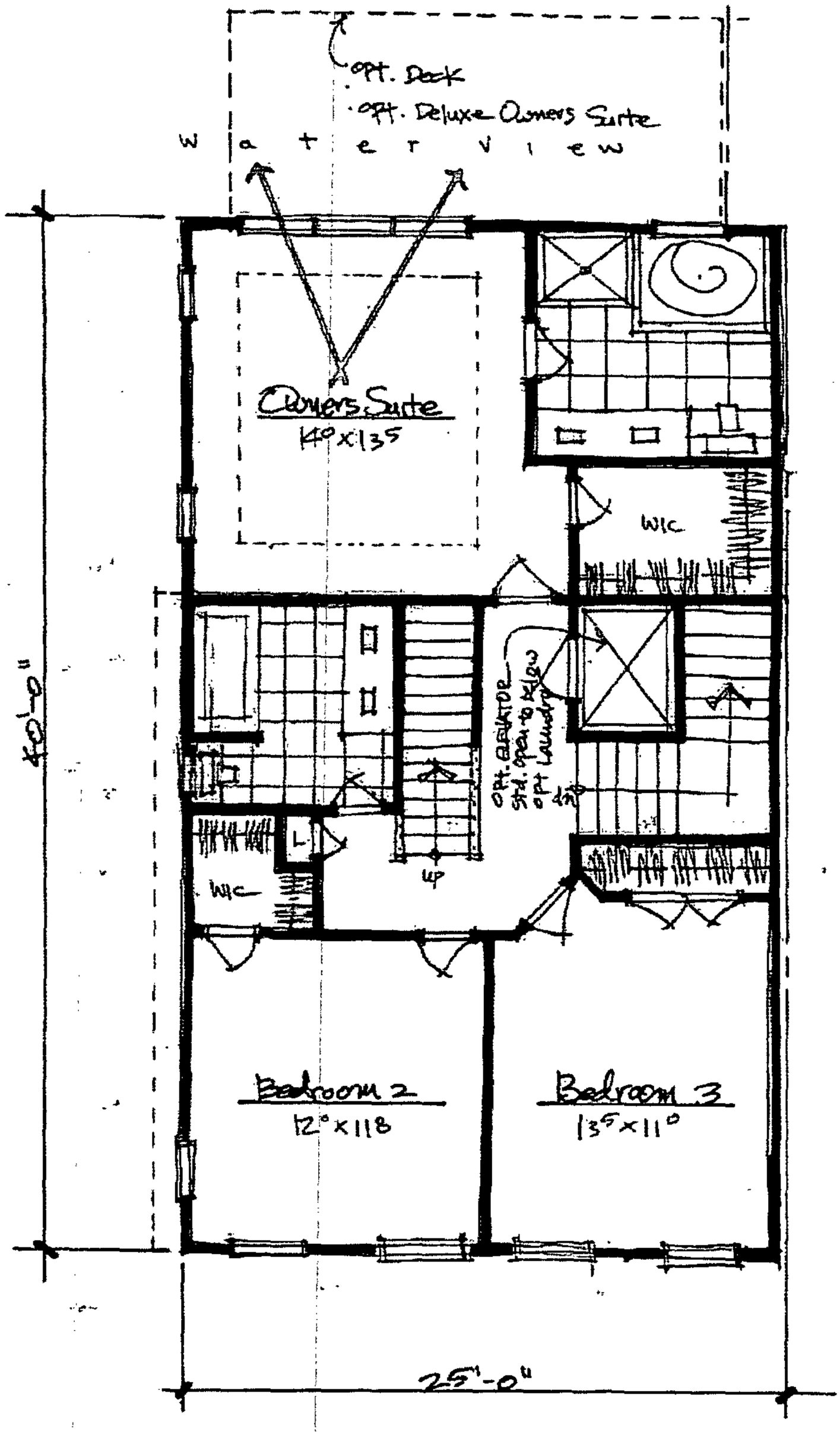


SECOND FLOOR PLAN

WEST SHORE YACHT CENTER

sheet #

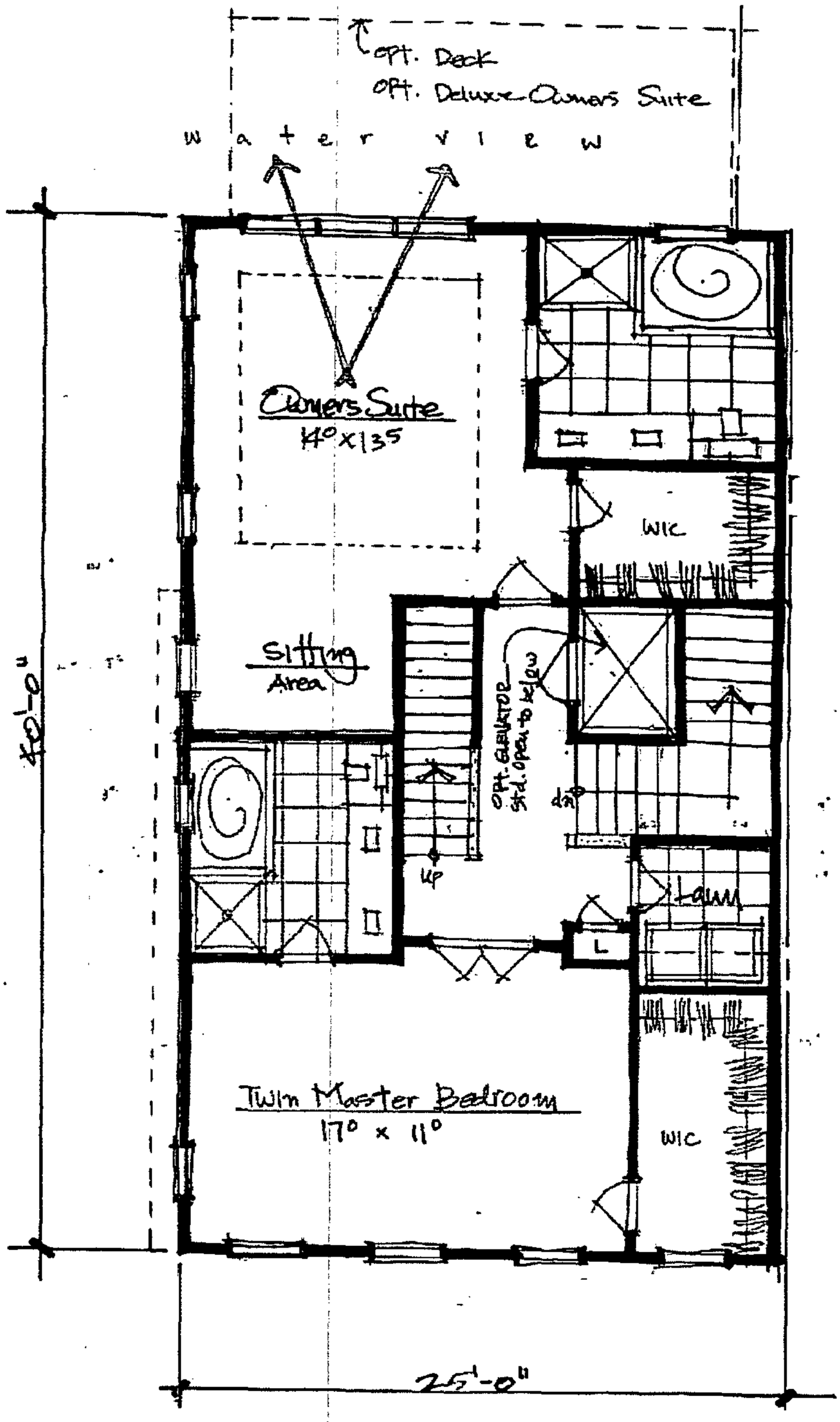
revisions

content: WEST SHORE YACHT CENTER

scale | FILE# JT002524DU.dwg | date 04/14/08

title: DUPLEX PLAN

Architecture Collaborative, Inc.
8334 Main Street Ellicott City, MD 21043
www.archcol.com
Tel.: (410) 465-7500 Fax: (410) 465-0903



OPT. SECOND FLOOR PLAN W/ DUAL MASTER

WEST SHORE YACHT CENTER

13

sheet #	
revisions	
content	WEST SHORE YACHT CENTER
scale	
file#	JT002524DU
dwn.	
date	04/14/08
title	DUPLEX PLAN

Architecture Collaborative, Inc.
8334 Main Street Ellicott City, MD 21043
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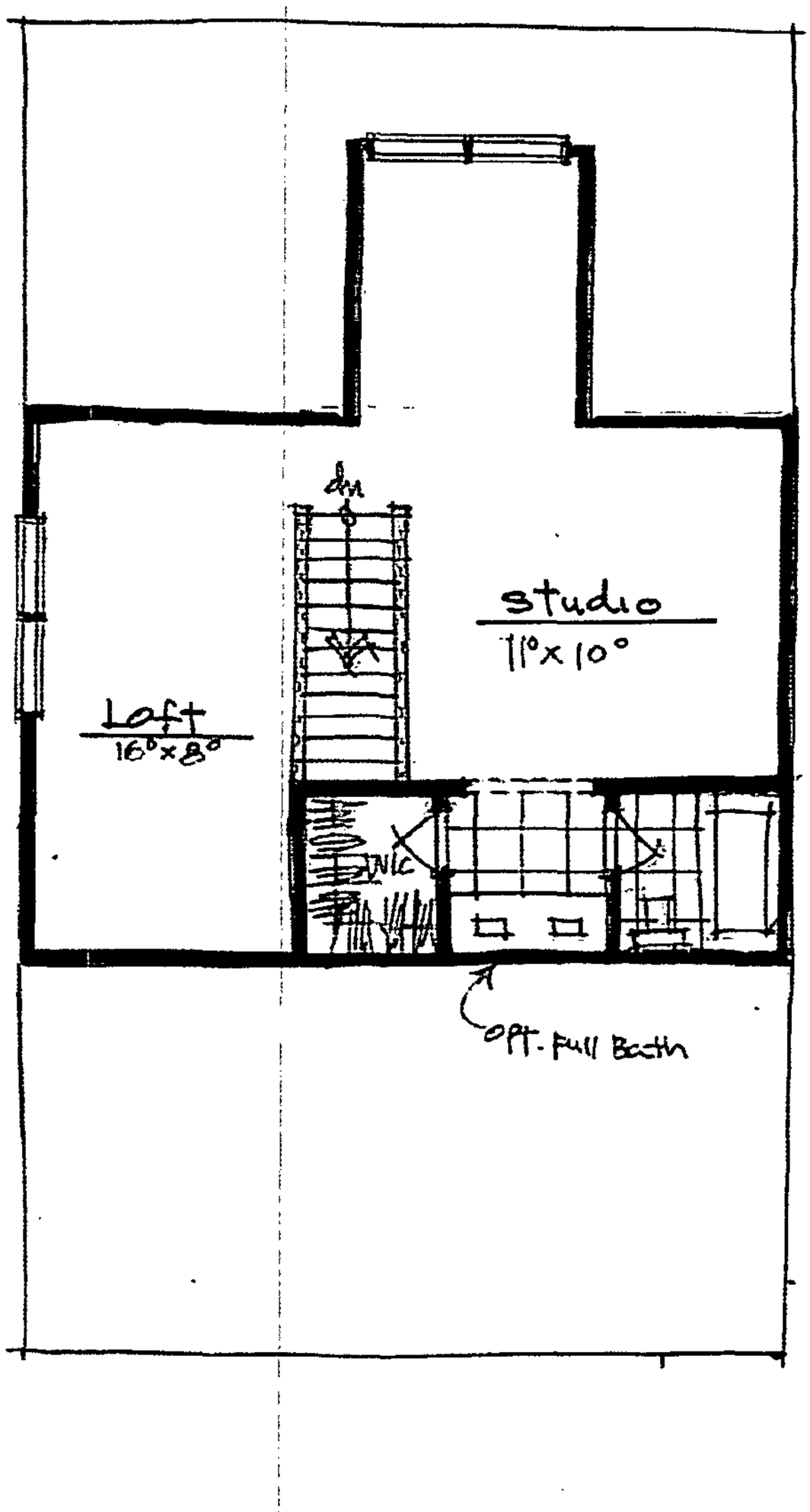
Tel.: (410) 465-7500 Fax: (410) 465-0903



OPT. BAY WATCH (MEZZANINE)

14

WEST SHORE YACHT CENTER

SHEET #

revisions

content
WEST SHORE YACHT CENTER

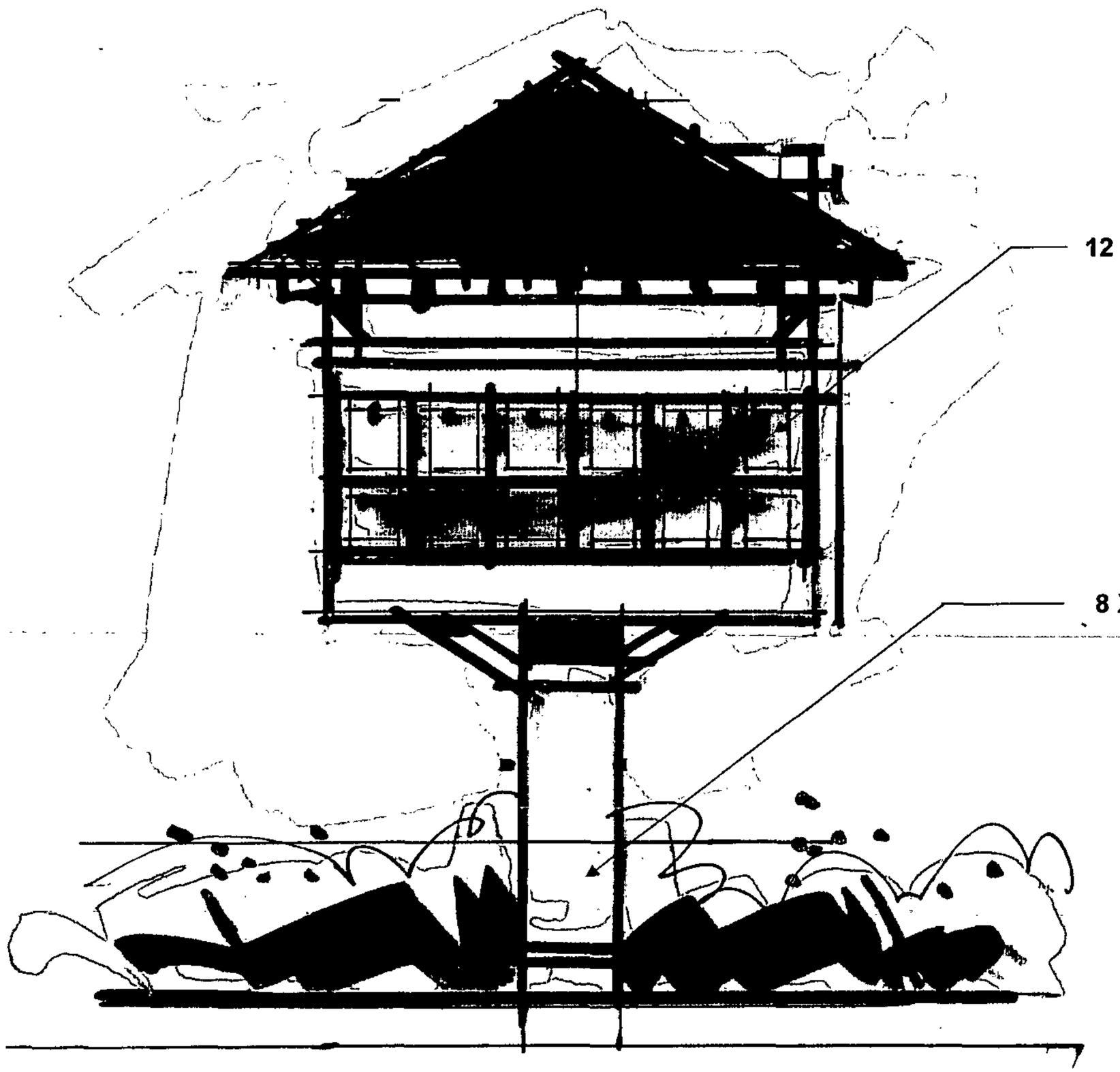
scale | FILE# JT002524DU.dwg | date 04/14/08

DUPLEX PLAN

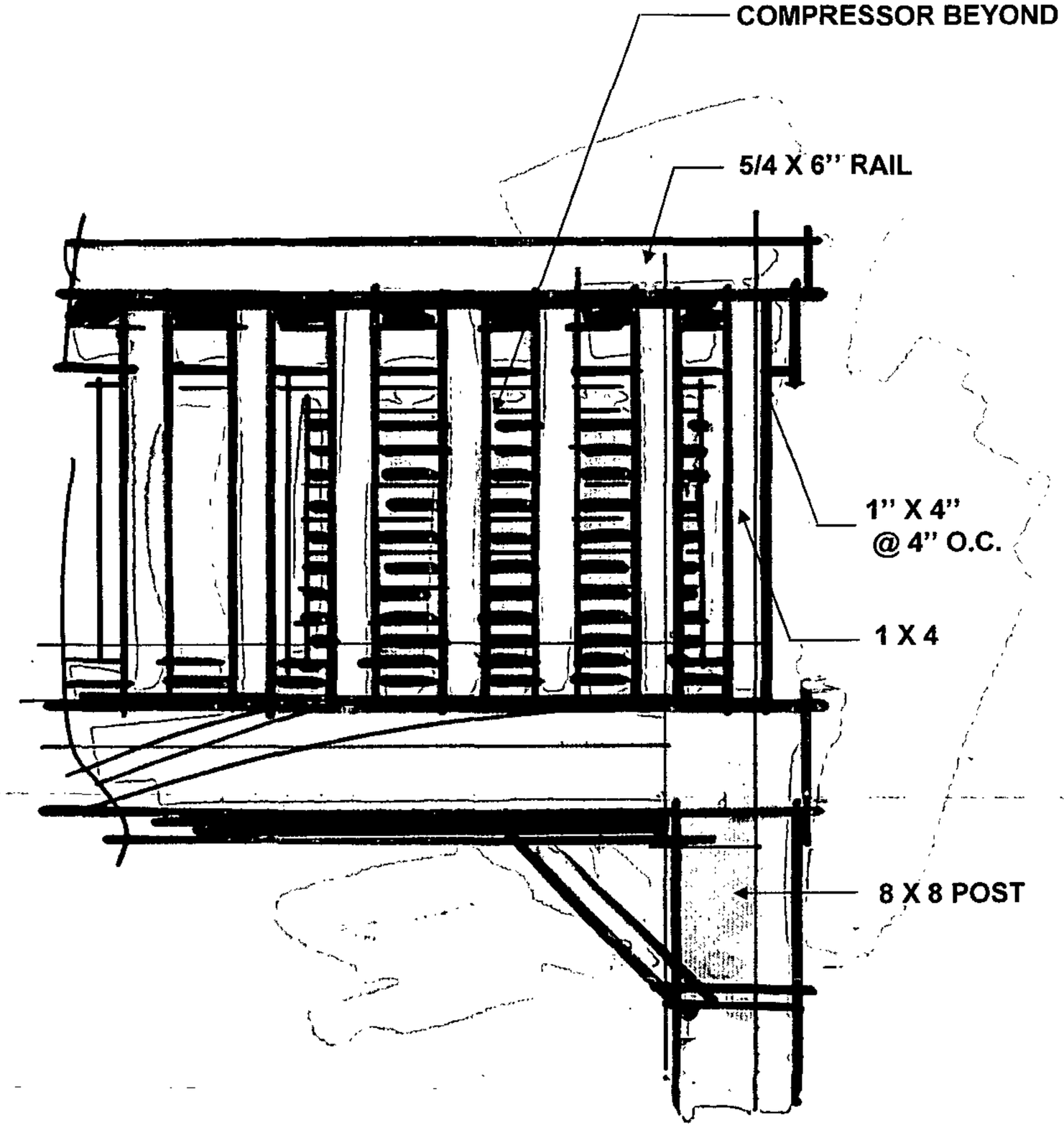
title

Architecture Collaborative, Inc.
8334 Main Street Ellicott City, MD 21043
www.archcol.com
Tel.: (410) 465-7500 Fax: (410) 465-0903

WEST SHORE YACHT CENTER



MAIL BOX PAVILION (12) UNITS

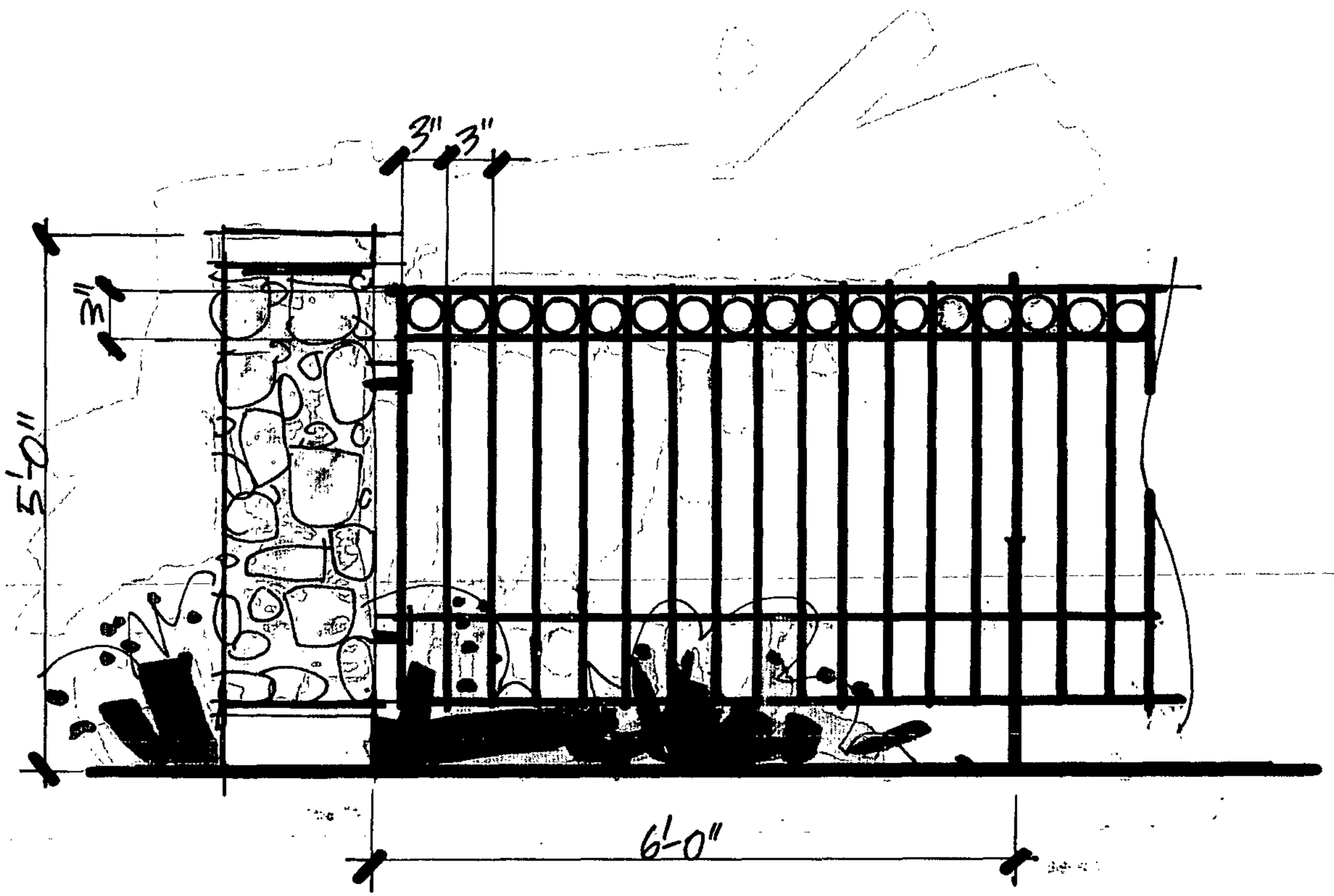


WOOD DECK & SCREEN @ COMPRESSOR

Architecture Collaborative, Inc.
8334 Main Street Ellicott City, MD 21043
www.archcol.com
Tel.: (410) 465-7500 Fax: (410) 465-0903

content: WEST SHORE YACHT CENTER
scale: file# JT002524D dsrn. date 04/14/08
title: DUPLEX PLAN
revisions
SHEET #

WEST SHORE YACHT CENTER

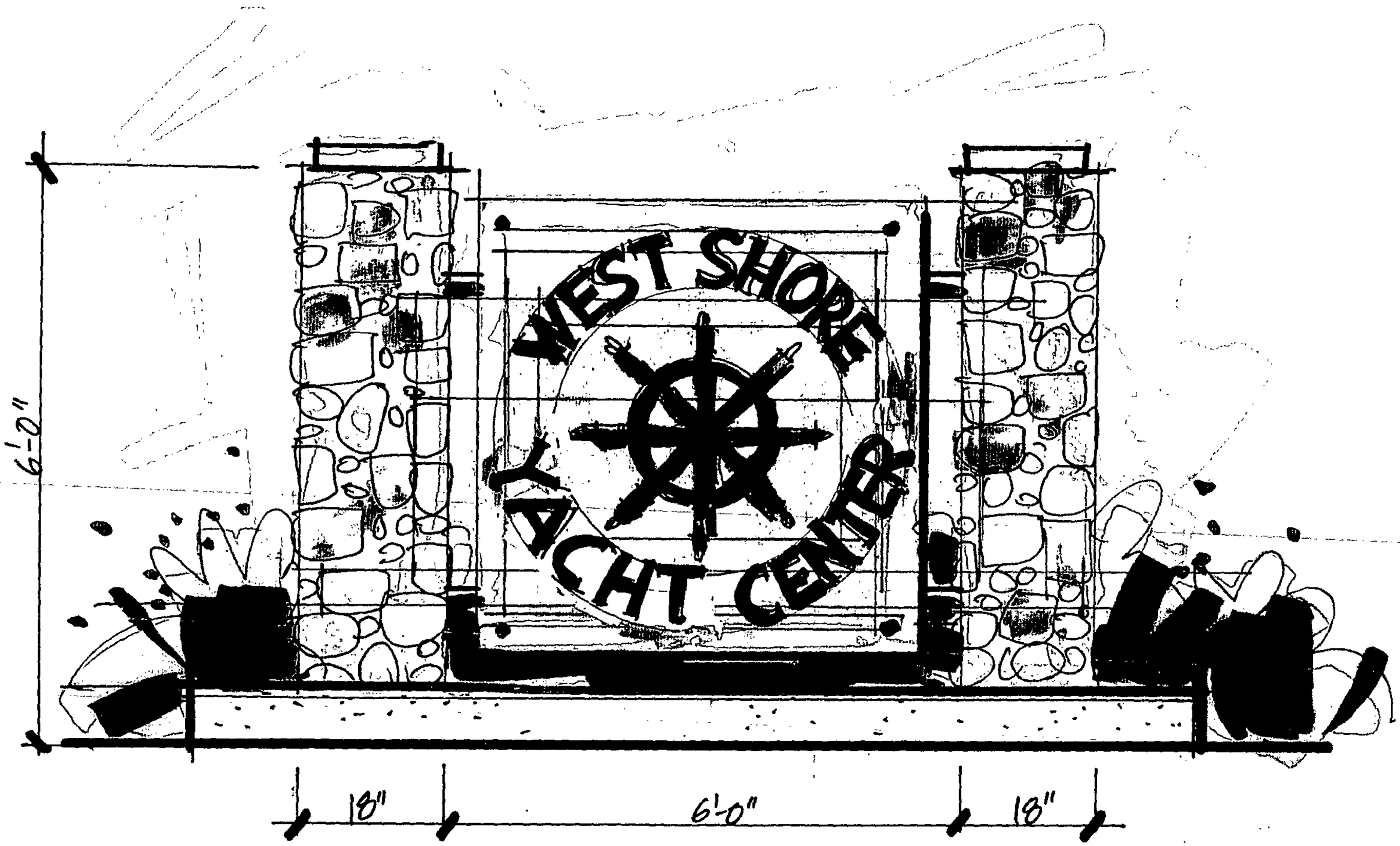


FENCE DETAIL

Architecture Collaborative, Inc.
8334 Main Street Ellicott City, MD 21043
www.archcol.com
Tel.: (410) 465-7500 Fax: (410) 465-0903

project WEST SHORE YACHT CENTER
file JT002524D1.dgn date 04/14/08
scale
title DUPLEX DETAIL
revisions
SHEET #

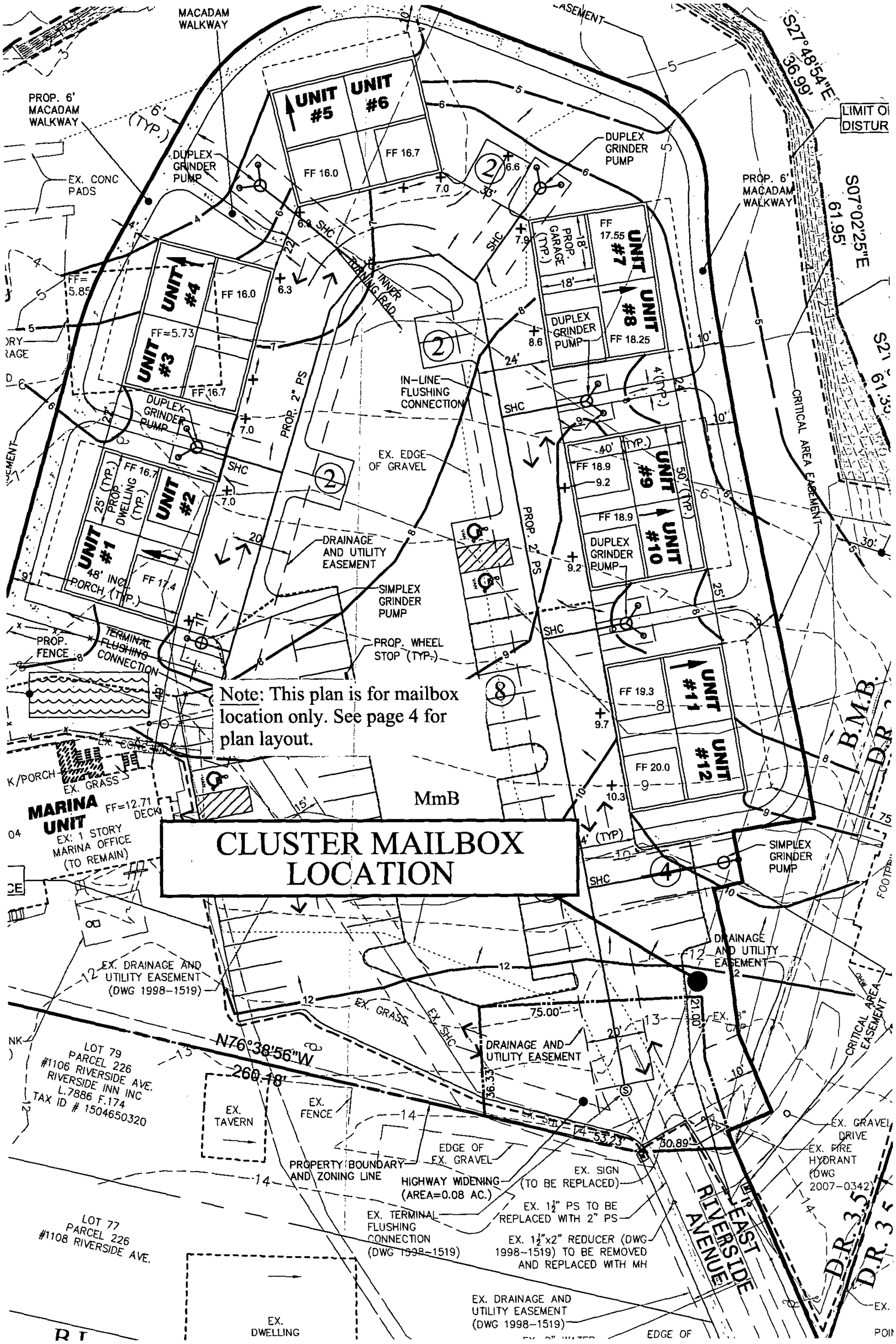
WEST SHORE YACHT CENTER



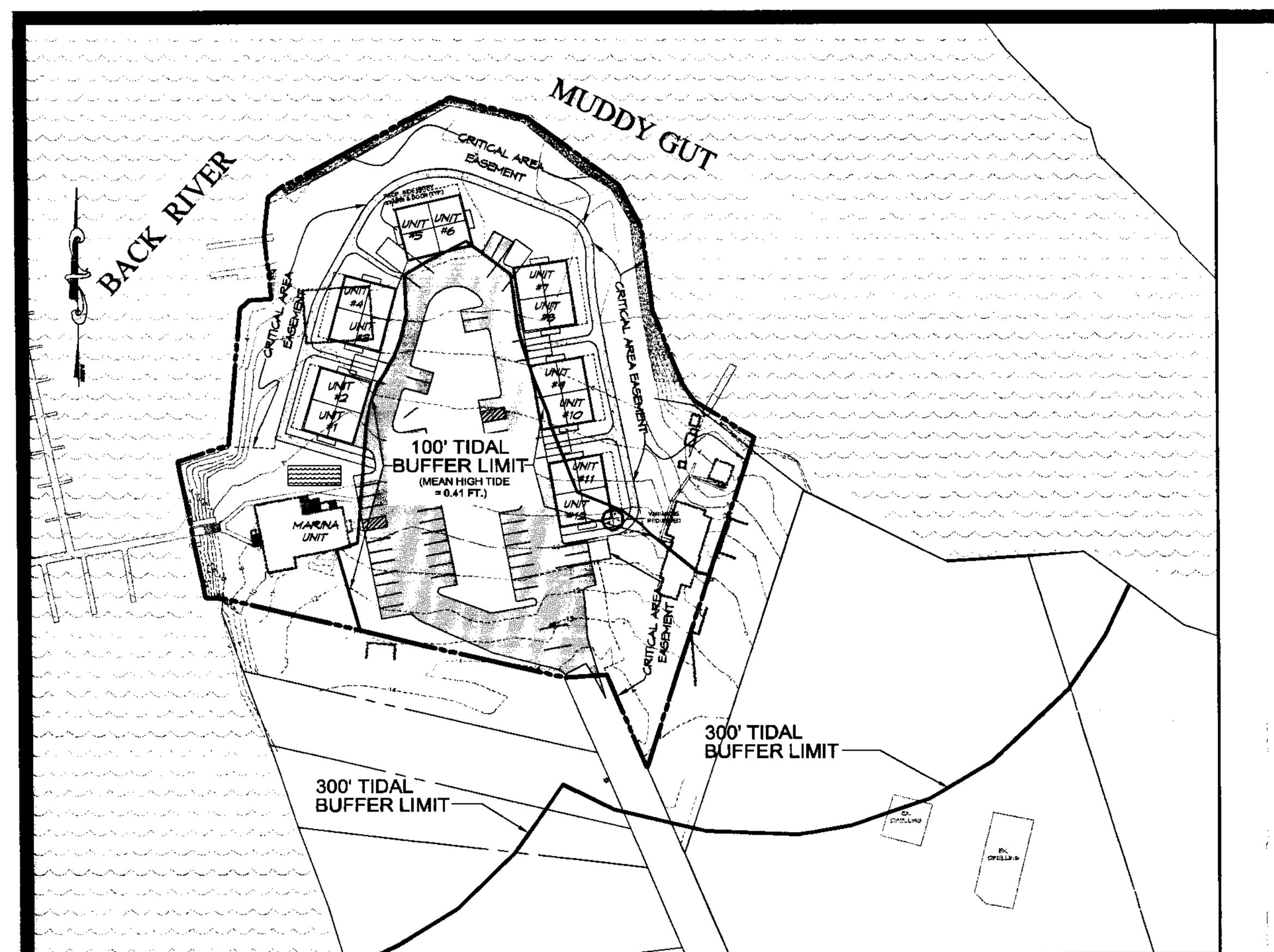
ENTRY SIGNAGE DETAIL

Architecture Collaborative, Inc.
8334 Main Street Ellicott City, MD 21043
www.archcol.com
Tel.: (410) 465-7500 Fax: (410) 465-0903

project WEST SHORE YACHT CENTER
scale FILE JT002524D.dgn date 04/14/08
title DUPLEX DETAIL
revisions
SHEET #



Note: This plan is for mailbox location only. See page 4 for plan layout.



100-FT AND 300-FT TIDAL BUFFER LIMITS MAP
SCALE: 1"=100'

CERTIFICATION AS TO DELINQUENT ACCOUNTS
I HEREBY CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

JOSEPH TAYLOR
MARINA HOLDING LLC

SOILS LIMITATIONS

SYMBOL	TYPE	HSG	HOMESITES W/BASEMENTS	HOMESITES W/O BASEMENTS
MmB	MATTAPEX	C	MODERATE	SLIGHT

BUILDING SETBACK REQUIREMENTS

	D.R.3.5 & 5.5 Zones (feet)
From front building face to: Public street right-of-way or property line	25
arterial or collector	–
From side building face to: Side building face	16<20 high 20>20 high
Public street right-of-way	15
Paving of a private road	25
Tract boundary	15
From rear building face to: Rear property line	30
Public street right-of-way	30
Additional setbacks: Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.	–

This table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).
*See CDMP Section ii, Single-family attached

IMPERVIOUS AREA REDUCTION (AC.)

	ROADS	PARKING LOTS	BUILDINGS	WALKS	MISC. (POOL, CONCRETE PAD)	TOTAL
EXISTING	–	2.01	0.19	0.03	0.01	2.24
PROPOSED	0.09	0.62	0.46	0.15	0.05	1.37
NET REDUCTION (TOTAL)						0.89
% REDUCTION (TOTAL)						40%

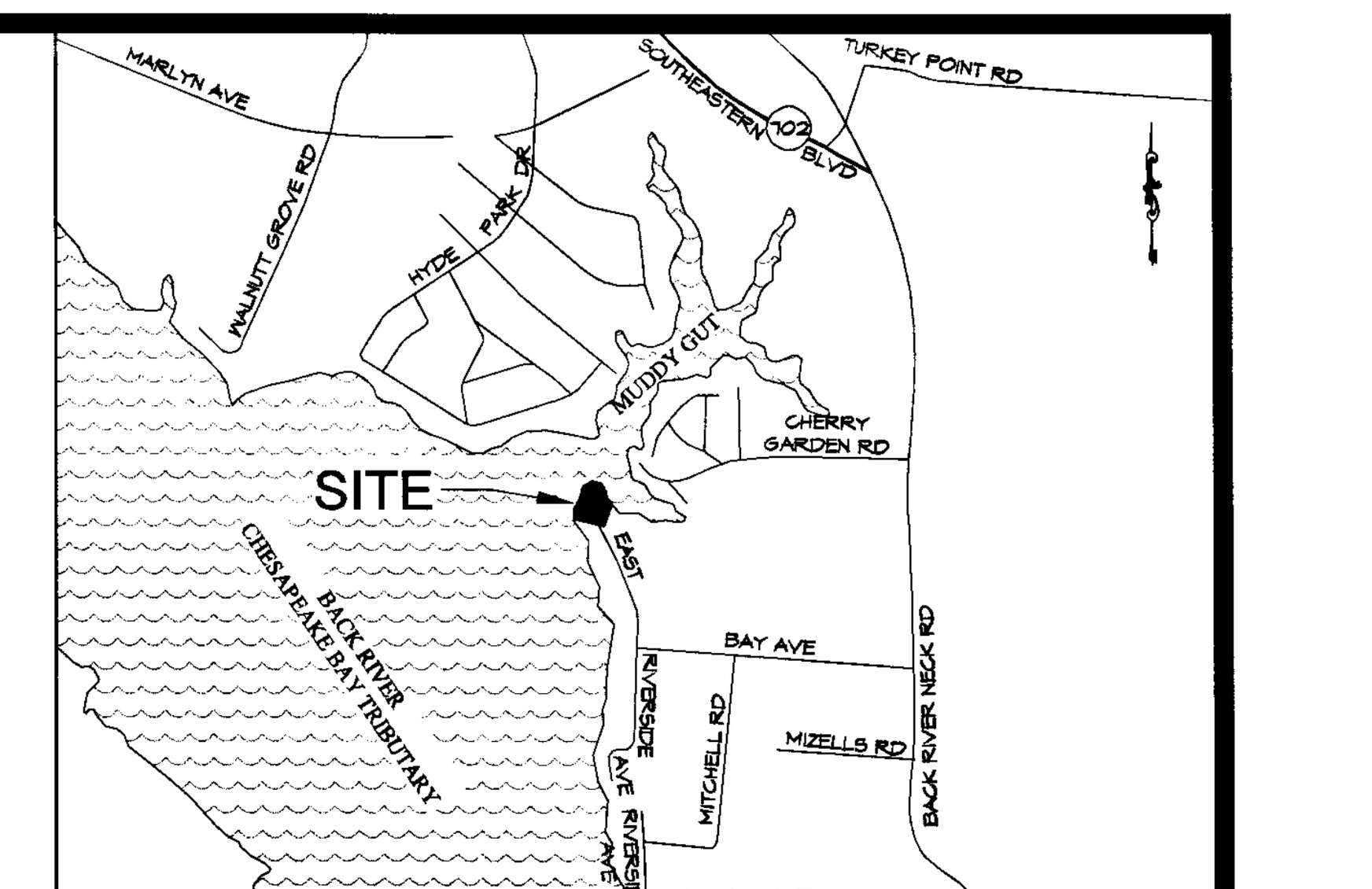
IMPERVIOUS AREA CALCULATION

TOTAL SITE AREA = 130,843 SF. (LESS 1,299 SF. OF AREA BELOW MEAN HIGH TIDE = 129,544 SF . FOR THE 15% IMPERVIOUS CALCULATIONS)

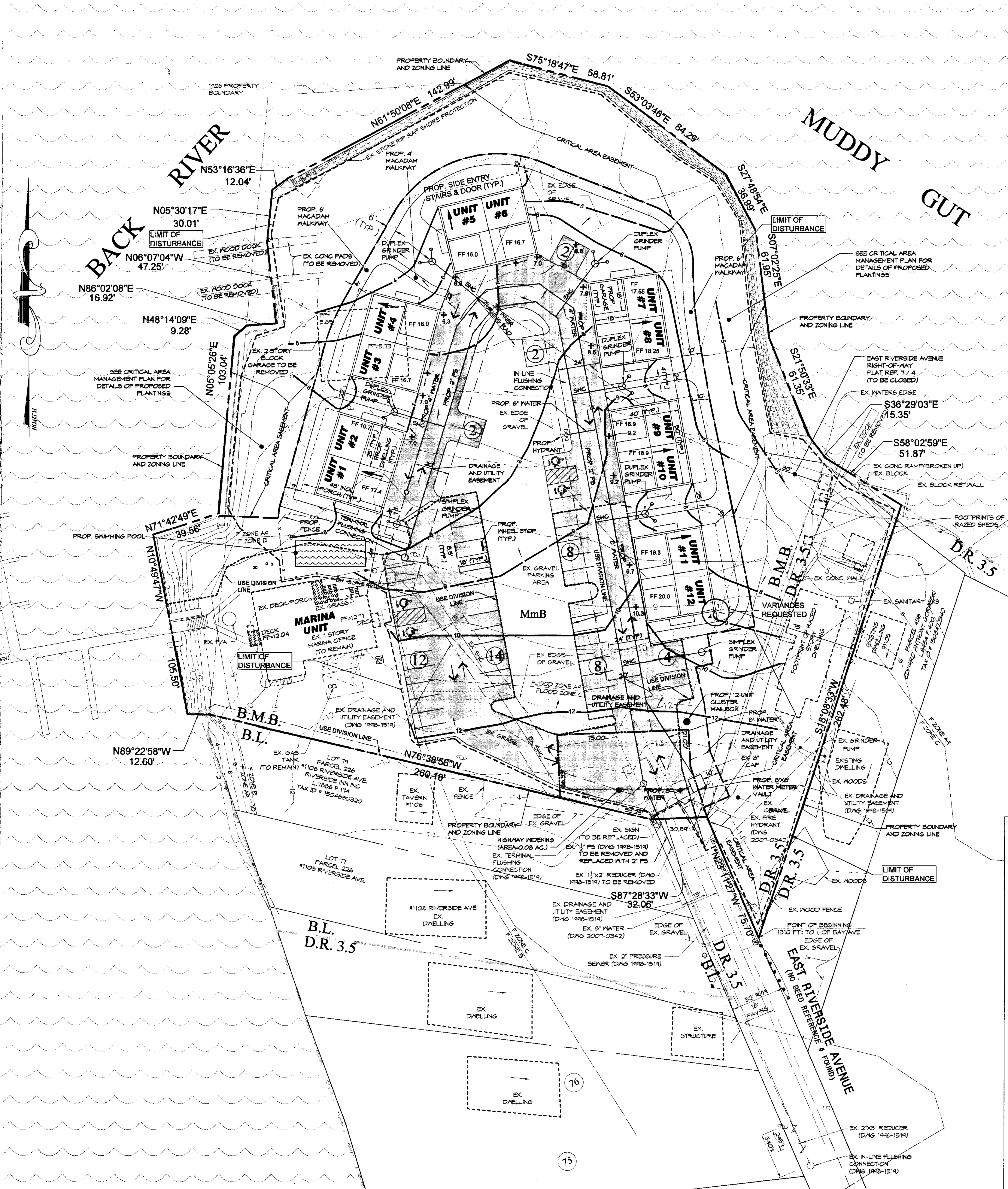
AREA (A.C.)	AREA (S.F.)	15% OF AREA (S.F.)	PARKING LOTS (S.F.)	BUILDINGS (S.F.)	WALKS (S.F.)	ROADS (S.F.)	MISC. (POOL, CONCRETE PAD) (S.F.)	PERCENTAGE LOT IMPERVIOUS
2.97	129,544	19,432	27,007	20,038	6,534	3,920	2,178	46%

COORDINATE AND BEARINGS SHOWN ON THIS PLAT ARE REFFRED TO THE MARYLAND COORDINATE SYSTEM NAD83/91 DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE

STATION	NORTHING	EASTING	ELEVATION
BALT. CO. GIS - 355	587201.59	1471786.81	20.26
BALT. CO. GIS - 356	587137.44	1472697.45	33.19



VICINITY MAP
SCALE: 1"=2000'



NOTES (CONT.)

18. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE FEBRUARY 12, 1921. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THE PROPERTY AS SHOWN ON THIS PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
19. ZONING HISTORY - THE ZONING ORDER IN CASE NO. 07-421-SPHA WAS APPEALED. THE BOARD OF APPEALS HEARING WAS HELD ON MARCH 13, 2008.
20. THE WIDTH OF EAST RIVERSIDE AVENUE AND BAY DRIVE ARE AT LEAST 16 FEET WIDE FROM THE SITE TO BACK RIVER NECK ROAD.

CRITICAL AREA EASEMENTS

STANDARD NON-DISTURBANCE NOTE:
"THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGITATION IN THE CRITICAL AREA EASEMENT ACCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT."

PROTECTIVE COVENANTS NOTE:
"ANY CRITICAL AREA EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS."

SECTION 260.2 - 260.6
RESIDENTIAL PERFORMANCE STANDARDS

260.2 Site Planning
A. A development proposal shall:
1. Retain the existing quality vegetation of the site to the fullest extent possible and protect the root systems of that vegetation during construction.
2. Integrate locally significant features of the site, such as distinctive buildings, vistas, topographic features, specimen trees, tree stands, hedgerows, monuments, landmarks, ruins and gardens, into the site design, and retain the character of the features and their settings.
3. Coordinate building design, site layout, and grading so that grade transitions are gradual and respect the existing topography.
4. Provide a landscaped buffer between the rear yards of dwellings existing on May 25, 2001, and the rear yards of abutting new dwellings.
5. Provide for smooth transitions between neighborhoods by arranging and orienting the proposed buildings and site improvements to complement those in the surrounding neighborhood.
6. Provide transitions with respect to setbacks, street patterns, and building-to-street grade relationships.
B. Reverse-frontage lots are permitted only if the petitioner can demonstrate that adequate setbacks, topography, berming, landscaping or building design will effectively screen private yard space and decks from the public view. Fences may not be located closer than 20 feet to a public right-of-way.
C. Panhandle lots are not permitted as a matter of right. Panhandles must conform to § 32-4-409 of the Baltimore County Code and to the standards in the Comprehensive Manual of Development Policies. Panhandle lots are not permitted in the South Perry Hall-White Marsh area. [Bill No. 137-2004;115-2006(22)]
D. The minimum width for any single-family detached lot located in the South Perry Hall-White Marsh area north of Ridge Road is 75 feet as measured along both the front and rear wall of the dwelling unit.This subscription does not apply to alternative site design dwellings permitted in accordance with Section 1B01.1A.1.b.
E. Single-family detached lots in Middle River - Bird River area. [Bill No. 3-2002(23)]
1. For any single-family detached lot located in the Middle River - Bird River area, as defined in County Council Bill 122-01:
a. The minimum width is 75 feet as measured along both the front wall and rear wall of the dwelling unit;
b. The minimum front yard setback is 20 feet; and
c. The minimum rear yard setback is 40 feet, except for:
(1) Unroofed additions, including patios and decks; and
(2) Roofed additions which do not exceed in width 50% of the dwelling unit, and which do not extend more than 10 feet into the rear yard setback area.
2. This subsection does not apply to alternative site design dwellings permitted in accordance with Section 1B01.1.A.1.b. 260.3 Open space. A development proposal shall:
A. Integrate open space areas into the proposed development by:
1. Creating focal points along streets;
2. Locating landscaped open green spaces in view of the development entrance or adjoining public street;
3. Planning a linked network of natural and landscaped open areas connected by pedestrian/bike trails; and
4. Orienting dwelling units around open areas or squares.
B. Incorporate significant features, such as stands of trees, into open areas.
C. Link the development's open areas to the surrounding neighborhood open areas, including public parks, walks, and bike trails, and create both functional and visual continuity, e.g., by matching the design of a bike trail in the proposed development to the bike trail located in the adjoining property. 260.4 Streets and Parking
A. A development propcsal shall:
1. Provide for at least one street connection to an adjoining neighborhood or an adjoining property, not including the principal access to the subdivision, in order to facilitate good traffic circulation.
2. Design streets to slow traffic by offsetting alignments. Reducing street width, reducing the length of blocks, and employing the use of traffic management devices such as roundabouts, chokers, chicanes, etc., to accomplish traffic calming.
3. Allow on-street parking.
4. Provide pedestrian and bicycle access to commercial areas and community facilities on site within the development and to the surrounding neighborhood.
5. Provide street parking accommodations which complement the surrounding neighborhood.
B. Culs-de-sac may be used if it is demonstrated that a street connection is not feasible due to site conditions such as severe grade transitions or sensitive natural features, or an alternative site layout is not feasible. If culs-de-sac are used, developments should consist of a balance of street patterns (culs-de-sac and connections). Id culs-de-sac are used, design elements such as center landscaping and traffic circles shall be used.
C. Street widths and front yard setbacks may be reduced in accordance with traditional neighborhood design standards. 260.5 Landscape design.
A. A development propr sal shall:
1. Landscape public open spaces to invite users. Particularly emphasizing the intended entrance to the open space.
2. In addition to plant material, use fences, walls or earth forms to provide effective and attractive screens and buffers where necessary.
3. Provide for, or reinforce and maintain, a continuous street tree canopy by preserving healthy street trees or, if they are not present, planting new trees. The canopy shall be comprised of trees of the same species or trees with design characteristics and growth habits that are similar to those of the existing street trees.
4. Include the design for site signage on the schematic landscape plan. If this is not possible, the signage design may be included in the final development plan and shall be approved before issuance of any building permits. 260.6Buildings.
A. A development proposal shall:
1. Provide variety in housing type or design, while maintaining continuity in scale, rhythm, proportion and detail.
2. Orient the front of the dwelling toward the street and incorporate prominent entries and porches or stoops into front building facades.
3. Adhere to a consistent front building setback for all dwellings on the same street or square, so that the fronts of dwellings define a uniform street edge.
4. Design decks, balconies and porches as components of the building following dominant building lines, proportions and style, and in a scale appropriate to the available space on the site. Decks shall be screened to minimize visibility from a public street.
5. Design accessory structures at a scale appropriate to the dwelling and design storage buildings and garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
6. Extend the finish material of the exteriors of buildings to grade, or, if this is not possible, to within 12 inches of grade, on all sides of the building excluding foundation walls which shall use a finished quality material such as decorative concrete block, poured concrete with a brick pattern, or stucco, and provide landscaping along the foundation.
7. Use similar materials and design elements on all building facades and articulate all building facades using coordinated architectural features such as porches, windows, doors, chimneys, gables, and dormers.
8. Garages may not become the dominant street feature. Garage doors shall use items such as windows, decorative patterns, and color to relieve the visual impact of the house from the street.

DISTURBED AREA: 110,054 SF OR 2.53 AC±

NOTES:

1. DEVELOPER:
JOSEPH TAYLOR
MARINA HOLDING LLC
1100 E RIVERSIDE AVE
BALTIMORE MD 21221-6315
2. SITE DATA:
1100 EAST RIVERSIDE AVENUE
2000 CENSUS TRACT: 451000
2000 CENSUS BLOCK GROUP: 240054510002
LAND MANAGEMENT AREA: COMMUNITY CONSERVATION AREA
COUNCILMANIC DISTRICT: 6
ELEMENTARY SCHOOL DISTRICT: MIDDLEBOROUGH ES
MIDDLE SCHOOL DISTRICT: DEEP CREEK MS
HIGH SCHOOL DISTRICT: CHESAPEAKE HS
REGIONAL PLANNING DISTRICT: 328
200-SCALE MAP REFERENCE: 097C3 & 104C1
WATERSHED: BACK RIVER
WATER SERVICE AREA: FIRST ZONE
SEWER SHED: 39 N
TRANSPORTATION ZONE: 0737
ZIP CODE: 21221
TAX MAP 104 GRID 6

PARCEL 226 LOT 80
OWNER: MARINA HOLDING, LLC
TAX ACCT. # 1518101980
DEED: L. 15217 F. 659
PLAT REF.: 7 / 4
NET AND GROSS AREA: 111,960 SQ. FT. = 2.5702 AC.

EAST RIVERSIDE AVENUE RIGHT-OF-WAY
NET AREA: 6,828 SQ. FT. = 0.1567 AC.
GROSS AREA: 7448 SQ. FT. = 0.1710 AC.

PARCEL 79
OWNER: JOSEPH M. TAYLOR AND LISA C. TAYLOR AND MARINA HOLDING, LLC
TAX ACCT. # 1518351450
DEED: L. 23465 F. 403
NET AREA: 12,055 SQ. FT. = 0.2767 AC.
GROSS AREA: 13,065 SQ. FT. = 0.2999 AC.

ALL THREE AREAS COMBINED:
NET AREA: 130,843 SQ. FT. = 3.0037 AC.
GROSS AREA: 132,473 SQ. FT. = 3.0412

EXISTING USE: BOAT YARD
PROPOSED USE: 12 SINGLE-FAMILY SEMI-DETACHED CONDOMINIUM UNITS AND YACHT CLUB CONDOMINIUM UNIT.
3. ZONING/DENSITY:
ZONING MAP NOS. 97C3 AND 104C1
BMB - 2.7412 AC. TOTAL
MARINA - 0.7346 AC.
REMAINING - 2.0066 AC.
2.0066 AC. X 5.5 LOTS/AC. = 11.0363 = 11 LOTS
DR 3.5
0.2999 AC. X 3.5 LOTS/AC. = 1.0497 = 1 LOT
TOTAL DENSITY ALLOWED: 12 LOTS
TOTAL DENSITY PROPOSED: 12 LOTS
4. THIS SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA (LDA). A VARIATION OF STANDARDS WILL BE REQUESTED TO IMPACT THE 300 FOOT CRITICAL AREA BUFFER.
5. UNDERGROUND GAS TANK ADJACENT TO EX. MARINA TO REMAIN. THERE ARE NO HISTORIC BUILDINGS ON SITE. THERE ARE NO AREAS OF CRITICAL STATE CONCERN ON SITE. THERE ARE NO HAZARDOUS MATERIALS ON SITE. THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON SITE.
6. STORM WATER MANAGEMENT TO BE ADDRESSED BY DIRECT OUTFALL TO TIDEWATER. WATER QUALITY MANAGEMENT TO BE ADDRESSED BY A REDUCTION IN IMPERVIOUS AREA OF >20%.
7. NO EXISTING SLOPES STEEPER THAN 25% ON SITE EXCEPT AT WATER'S EDGE.
8. THIS AREA SERVICED BY PUBLIC WATER AND SEWER SYSTEMS.
9. LOCAL OPEN SPACE REQUIRED-4200 S.F. PASSIVE AND 7800 S.F. ACTIVE OR A COMBINATION THEREOF AS SPECIFIED IN SECTION III.D.3; LOCAL OPEN SPACE PROVIDED-0 S.F. WAIVER TO BE REQUESTED AND FEE-IN-LIEU TO BE PAID.
10. MINIMUM FIRST FLOOR ELEVATION: 9.5' (NAVD88)
11. YACHT CLUB (PUBLIC) INCLUDES 85 EXISTING BOAT SLIPS.
12. COMMERCIAL PERMIT ON FILE: B625258
13. REQUIRED PARKING: 12 DWELLING UNITS @ 2 SPACES/UNIT = 24 SPACES
VISITOR PARKING @ 15% X TOTAL SPACES = 4 SPACES
YACHT CLUB PARKING @ 1 SPACE/2 SLIPS (85 SLIPS) = 43 SPACES
TOTAL REQUIRED = 71 SPACES
TOTAL PROPOSED = 76 SPACES INCLUDING 4 HC SPACES
14. ESTIMATED PROPOSED AVERAGE DAILY TRIPS:
12 SINGLE-FAMILY SEMI-DETACHED @ 10 TRIPS/DAY = 120 TRIPS
0.7346 AC. MARINA @ 25 TRIPS/AC. = 19 TRIPS
TOTAL DAILY TRIPS = 139 TRIPS
15. GARAGES CANNOT BE CONVERTED TO NON-GARAGE OR STORAGE USE.
16. THIS SITE IS NOT IN A DEFICIENT AREA ON ANY OF THE BASIC SERVICES MAPS.
17. "BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING" HAS CONFIRMED THAT THE SUBJECT PROPERTY IS NOT WITHIN A TRAFFIC DEFICIENT AREA.

SEE NOTES (CONT.)

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 18203 , EXPIRATION DATE: 11-2-08

Pet. No 1

PDM XV - 895

Key

- 1926 PROPERTY LINE
- PROPOSED LINE
- ZONING LINE
- CRITICAL AREA EASEMENT LINE
- USE DIVISION LINE
- PROPOSED CONTOURS
- EXISTING CONTOUR
- SPOT ELEVATION/ DIRECTION OF SURFACE DRAINAGE
- PROPOSED PAVING
- PROPOSED WALKWAY
- FRONT OF PROP. BUILDING
- DIRECTION OF VEHICULAR TRAFFIC
- LIMIT OF DISTURBANCE LINE
- EX. SAN. MANHOLE
- EX. SIGN
- EX. DRAINAGE AND UTILITY EASEMENT
- PROP. DRAINAGE AND UTILITY EASEMENT

PLAN TO ACCOMPANY PETITION FOR VARIANCE AND SPECIAL HEARING

WEST SHORE YACHT CENTER
1100 EAST RIVERSIDE AVENUE

MAP 104 GRID 6 PARCEL 79 & PARCEL 226 LOT 80

15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.

30 0 15 30 60 120
GRAPHIC SCALE (IN FEET)
1 inch = 30 ft.

STATE OF MARYLAND RICHARD EARL MATZ No. 13203 PROFESSIONAL ENGINEER
June 2, 2008

Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY

SCALE:	1"= 30'
DATE:	5/30/08
JOB NO.:	2005162
DESIGNED:	TNW
DRAWN:	AK/DSL
CHECKED:	
FILE:	2005162ZONING.dwg
DRAWING NUMBER:	ZON-1
SHEET 1 OF 1	

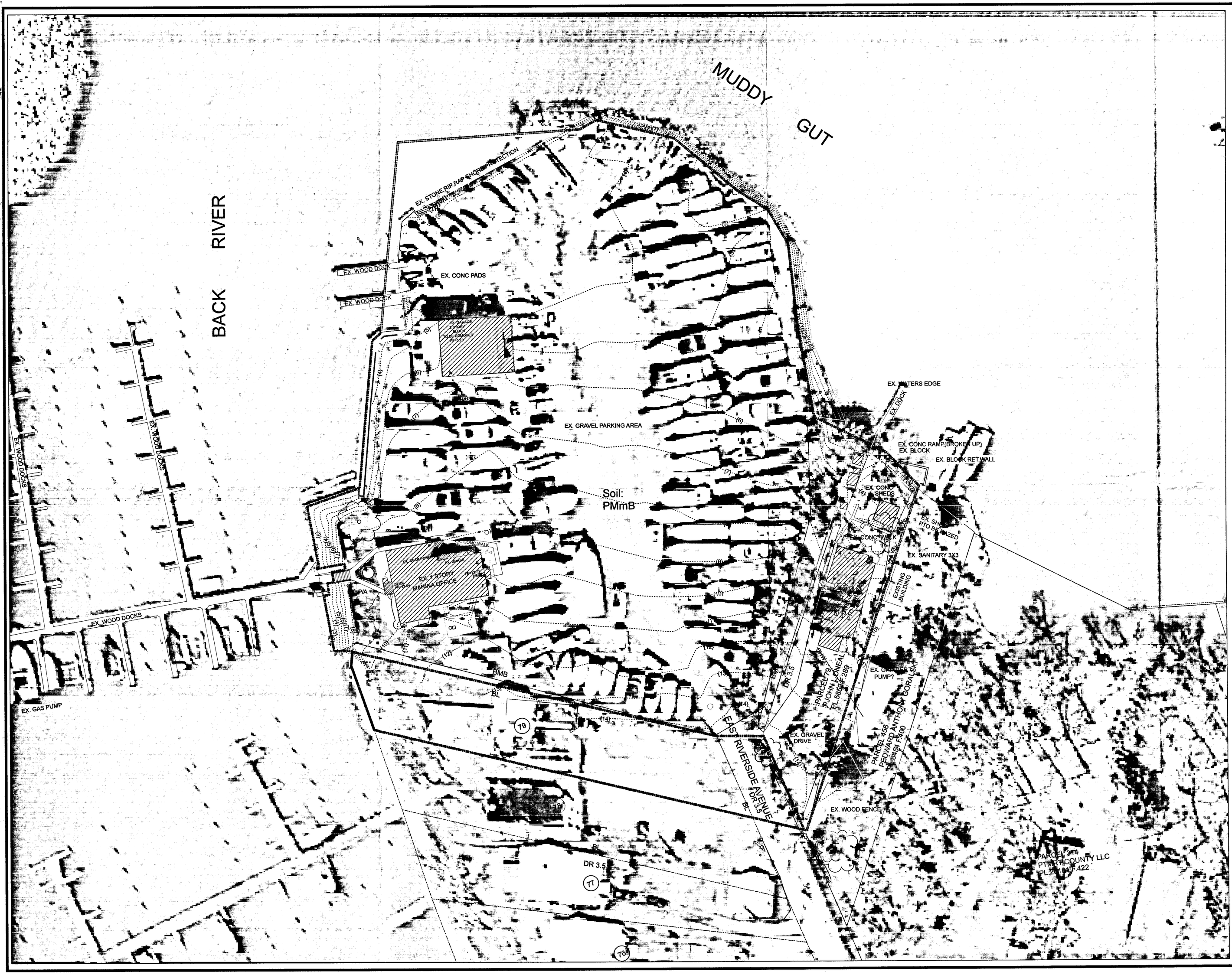
TNW N:\id2\project\2005\2005162\Project Directories\CMR\Dev Plan (CURRENT)\2005162DEV.dwg 2/29/2008 3:20:42 PM EST

1100 E. RIVERSIDE AVENUE

EXISTING CONDITIONS MAP

EXISTING SITE DATA:

1. TOTAL SITE AREA 3.1 Ac.
2. SITE AREA BELOW MEAN HIGH TIDE: 0.1 Ac.
3. ZONING: BMB
4. CRITICAL AREA DESIGNATION: LDA - (B.M.A.)
5. NO FOREST ON SITE



Legend

- IMPERVIOUS BUILDINGS - 5,700 Sf.
- BELOW MHT - 0.1 Ac.

N

Pet No 2

1 inch equals 30 feet

COORDINATE AND BEARINGS SHOWN ON THIS PLAT ARE REFERED TO THE MARYLAND COORDINATE SYSTEM NAD83/91 DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE

STATION	NORTHING	EASTING	ELEVATION
BALT. CO. GIS - 355	587201.59	1471786.81	20.26
BALT. CO. GIS - 356	587137.44	1472697.45	33.19

Key

ZONING LINE — BL / DR 3.5

PROPOSED PROPERTY LINE

EXISTING PROPERTY LINE

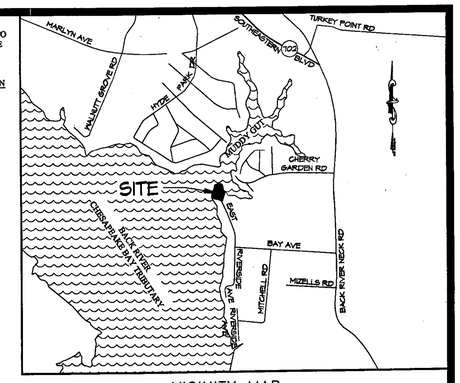
ADJACENT PROPERTY LINE

CRITICAL AREA BUFFER LINE

EX. IMPERVIOUS AREA

Landscape Key

PROP. MAJOR DECIDUOUS TREE
PROP. MINOR DECIDUOUS TREE
PROP. EVERGREEN TREE
PROP. LARGE DECIDUOUS SHRUB
PROP. SMALL DECIDUOUS SHRUB
PROP. LARGE EVERGREEN SHRUB
PROP. SMALL EVERGREEN SHRUB
PROP. GRASSES & PERENNIALS
EX. TREES



VICINITY MAP
SCALE: 1"=2000'

NOTES:

1. OWNER:
MARINA HOLDING LLC
1100 E RIVERSIDE AVE
BALTIMORE MD 21221-6815
2. SITE DATA:
TAX MAP 104 GRID 6
PARCEL 226 LOT 80
TAX ACCT. # 1518101980
DEED: L. 15211 F. 659
PLAT REF.: 7 / 4
NET AND GROSS AREA: 111,960 SQ. FT. = 2.5702 AC.

RIVERSIDE AVENUE RIGHT-OF-WAY
NET AREA: 6,828 SQ. FT. = 0.1567 AC.
GROSS AREA: 7448 SQ. FT. = 0.171 AC.

PARCEL 79
TAX ACCT. # 1518351450
DEED: L. 23465 F. 403
NET AREA: 12,055 SQ. FT. = 0.2767 AC.
GROSS AREA: 13,095 SQ. FT. = 0.2999 AC.

ALL THREE AREAS COMBINED:
NET AREA: 130,843 SQ. FT. = 3.0037 AC.
GROSS AREA: 132,473 SQ. FT. = 3.041

EXISTING USE: BOAT YARD
PROPOSED USE: 15 SINGLE-FAMILY-ATTACHED CONDOMINIUM UNITS AND YACHT CLUB CONDOMINIUM UNIT.
3. ZONING:
ZONING MAP NOS. 9TG3 AND 10AC1
BMB
2.7412 AC. X 5.5 LOTS/AC. = 15.07 = 15 LOTS
DR 3.5
0.2999 AC. X 3.5 LOTS/AC. = 1.05 = 1 LOT
DENSITY PROPOSED: 15 LOTS
4. THIS SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA (LDA). A VARIANCE WILL BE REQUESTED TO IMPACT THE 200 FOOT CRITICAL AREA BUFFER.
5. UNDERGROUND GAS TANK ADJACENT TO EX. DWELLING.
6. STORM WATER MANAGEMENT TO BE ADDRESSED BY DIRECT OUTFALL TO TIDEWATER. WATER QUALITY MANAGEMENT TO BE ADDRESSED BY A REDUCTION IN IMPERVIOUS AREA OF 120%.
7. NO EXISTING SLOPES STEEPER THAN 25% ON SITE.
8. THIS AREA SERVICED BY PUBLIC WATER AND SEWER SYSTEMS.
9. LOCAL OPEN SPACE REQUIRED:
5,250 SQ. FT. PASSIVE
9,750 SQ. FT. ACTIVE
WAIVER TO BE REQUESTED AND FEE-IN-LIEU TO BE PAID.
10. MINIMUM FIRST FLOOR ELEVATION: 9.5' (NAVD88)
11. YACHT CLUB (PUBLIC) INCLUDES 88 EXISTING BOAT SLIPS.
12. COMMERCIAL PERMIT ON FILE: B625258
13. REQUIRED PARKING: 15 DWELLING UNITS @ 2 SPACES/UNIT = 30 SPACES
VISITOR PARKING @ 15% X TOTAL SPACES = 5 SPACES
YACHT CLUB PARKING @ 1 SPACE/2 SLIPS = 45 SPACES
TOTAL REQUIRED = 78 SPACES

TOTAL PROPOSED = 78 SPACES
INCLUDING 4 HC SPACES
14. GARAGES CANNOT BE CONVERTED TO NON-GARAGE OR STORAGE USE.

PDM XV - 895

REQUESTED RELIEF - SPECIAL HEARING PETITION

1. PETITION FOR SPECIAL HEARING TO APPROVE THE RESIDENTIAL DENSITY CALCULATIONS AS SHOWN ON THE ACCOMPANYING SITE PLAN (FOR THE USES SHOWN THEREON) IN A SPLIT ZONE TRACT PURSUANT TO 1B01.2.A.2 OF THE BCZR.

2. SPECIAL HEARING PURSUANT TO SECTION 500.7 BCZR TO CONFIRM NO WAIVER IS REQUIRED FOR GRADING AND BUILDING IN THE TIDAL FLOODPLAIN PURSUANT TO BALTIMORE COUNTY CODE SECTION 32-8-301.

3. PETITION FOR SPECIAL HEARING TO CONFIRM THAT THE USE OF A PORTION OF THE TRACT FOR A MARINA AND ASSOCIATED PARKING DOES NOT REDUCE THE OVERALL RESIDENTIAL DENSITY PURSUANT TO 102.2 OF THE BCZR.

4. FOR SUCH OTHER AND FURTHER SPECIAL HEARING RELIEF AS THE ZONING COMMISSIONER MAY REQUIRE.

REQUESTED RELIEF - VARIANCE PETITION

1. TO PERMIT SETBACKS AS LITTLE AS 20 FEET FROM THE SIDE BUILDING FACE TO SIDE BUILDING FACE IN LIEU OF THE REQUIRED 25 FEET PURSUANT TO BCZR SECTION 1B01.2.C.1.C.

2. TO PERMIT SETBACKS BETWEEN THE REAR BUILDING FACES OF CONDOMINIUM TOWNHOUSES AS LITTLE AS 32 FEET IN LIEU OF THE REQUIRED 60 FEET PURSUANT BCZR SECTION 504.2, COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES, PAGE 27.

3. TO PERMIT AS LITTLE AS 0 SQUARE FEET OF CONTIGUOUS PRIVATE YARD AREA PER DWELLING IN LIEU OF THE REQUIRED 500 SQUARE FEET PURSUANT TO BCZR SECTION 504.2, COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES, PAGE 33.

4. FOR SUCH OTHER VARIANCE RELIEF THAT THE ZONING COMMISSIONER MAY REQUIRE.

PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE PETITION

WEST SHORE YACHT CENTER

1100 EAST RIVERSIDE AVENUE

MAP 104 GRID 6 PARCEL 79 & PARCEL 226 LOT 80

15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.

40 0 20 40 80 160
GRAPHIC SCALE (IN FEET)
1 inch = 40 ft.

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
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Baltimore, Maryland 21209
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Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY

SCALE: 1"= 40'
DATE: 3/15/07
JOB NO.: 2005162
DESIGNED: TNW
DRAWN: GSS
CHECKED: REM
FILE: 2005162 plan to acc..dwg
DRAWING NUMBER: Z-1
SHEET 1 OF 1

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