IN RE: **DEVELOPMENT PLAN HEARING AND PETITIONS FOR SPECIAL HEARING AND VARIANCE** E/S Old Eastern Avenue, N of Punte Lane **(Devonport Community)**	*	BEFORE THE ZONING COMMISSIONER OF
15th Election District 6th Council District	*	BALTIMORE COUNTY
Anna T. Mueller, *Legal Owner* Gast Construction Company, *Contract Purchaser/Developer*	*	**Case Nos. XV-877 & 07-541-SPHA**

* * * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before the Hearing Officer/Zoning Commissioner for a public hearing on a proposal submitted in accordance with the development review and approval process, pursuant to Section 32-4-230 of the Baltimore County Code (B.C.C.). The owner, Anna T. Mueller, and contract purchaser Gast Construction Company (Developer), seek approval of a three page redline development plan prepared by Daft-McCune-Walker, Inc., proposing a mixed-use redevelopment of residential, marina and commercial components on 12.51 acres in Middle River. In addition to development plan approval, Developer has requested approval of Petitions for Special Hearing and Variance. This zoning relief is related to the distances between existing structures and roadways, construction in a tidal floodplain and the parking requirements for certain building uses. Specifically, Developer seeks relief as follows:

Petition for Special Hearing Pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.)

1. To confirm that a waiver is not required for grading, building, and existing improvements located in the Tidal Floodplain, pursuant to the B.C.C. Section 32-8-301.

2. In the alternative to the Petition for Variance filed contemporaneously herewith, to approve a modified parking plan pursuant to Section 409.12 of the B.C.Z.R.

3. To permit a shared parking arrangement for Lots 3 & 4, pursuant to Section 406.6B.3 of the B.C.Z.R.

4. If necessary, to permit the replacement of non-conforming waterfront construction (piers and pilings) pursuant to Sections 104.1, 104.5 and 417.3B of the B.C.Z.R.

Petition for Variances

1. To permit 135 shared parking spaces in lieu of the greatest minimum required 220 shared parking spaces for Lots 3 and 4, pursuant to B.C.Z.R. Section(s) 409.6 A and B.

2. To permit parking spaces with direct access to driveways, in lieu of the requirement that there be no direct access for Lot 1, pursuant to B.C.Z.R. Section 409.4.

3. To permit 63 parking spaces in lieu of the required 185 parking spaces for Lot 3 pursuant to B.C.Z.R. Section 409.6.

4. If necessary, from B.C.Z.R. Section 417.A, to allow a zero-foot setback to a division line in lieu of the required ten-foot set back.

5. From Section 504.2 of the B.C.Z.R. and Division II.A of the Comprehensive Manual of Development Policies (CMDP), for Residential Standards (multi-family dwelling building) to permit a building setback to a private roadway of 10-feet in lieu of the required 35-feet.

The subject property, proposed development and requested zoning relief are all more particularly described on the three paged red-lined/green-lined Devonport Community Development Plan submitted and marked into evidence as Developer's Exhibit Nos. 12A – 12C.

DEVELOPMENT PLAN

As to the history of the project, which has been the subject of public comment and undergone County review pursuant to the development review regulations contained in Article 32, Title 4, of the B.C.C., a concept plan was prepared, and a conference was held on April 17, 2006. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during the evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the

CIM was held on May 17, 2006 at the Middlesex Elementary School. Subsequently, the Developer refined its plan based upon the comments received at the CPC and CIM and submitted for further review a Development Plan to Baltimore County. Written comments were offered by reviewing County agencies on the Development Plan at a Development Plan Conference which in this case was held on November 14, 2007. A revised development plan (the redlined development plan) incorporating these comments is submitted at the Hearing Officer's Hearing scheduled before the undersigned and conducted in its entirety on December 7, 2007. The record of the case was kept by Susan Smith, a Court Reporter with CRC Salomon, phone number - 410-821-4888.

Appearing at the Hearing Officer's Hearing were Charles Gast and Mary Jacob on behalf of Gast Construction Company, the contract purchaser/Developer. The Developer was represented by Lawrence E. Schmidt, Esquire of Gildea & Schmidt, LLC. Also present and participating at the hearing were consultants retained by the Developers to prepare the plan and address the issues and offer opinions attendant with the plan's compliance with zoning and development regulations. They included Eric C. Hadaway, Jared Barnhart and Thomas Repsher from Daft, McCune, Walker, Inc., the firm of engineers and environmental consultants that prepared the plan and Mitchell Kellman, land planner and zoning consultant from Century Engineering, Inc. Glenn Cook, a traffic engineer with The Traffic Group, Inc., presented testimony on traffic, parking and access issues relative to the plan, also appeared.

Several residents of the surrounding area and adjacent property owners also attended the hearing, including Roger Zajdec, the proprietor of the Commodore Inn, a tavern and catering establishment located on the subject property, was represented by his attorney, Marc Allyn Klitenic, Esquire. Also present were Bill Snyder and Gary Rissling. These individuals were present as interested persons to learn about the subject proposal in detail and do not oppose the

plan. Appearing in opposition to certain aspects of the proposal, however, was Rick Impallaria who owns an adjacent property.

Numerous representatives of the various County agencies who reviewed the plan also attended the hearing including David Lykens (Department of Environmental Protection and Resource Management - DEPRM); Jan Cook (Department of Recreation and Parks); Gigi Hampshire (Land Acquisition), and Jennifer German (Office of Planning). Also appearing on behalf of the County were Jeffery Perlow (Zoning Review Office); Dennis Kennedy (Development Plans Review) and Walt Smith, (Project Manager). Finally, written comments were received from Lt. Roland Bosley, Jr. of the Baltimore County Fire Marshall's Office and Steven Foster on behalf of the Maryland State Highway Administration. These and other agency remarks are contained within the case file.

Turning first to the requested Development Plan approval, the Developer proposes a redevelopment of the subject site, as shown in detail on the three-paged Development Plan. The cover sheet (Exhibit 12A) features a series of notes and tables addressing the various requirements of Baltimore County insofar as development. Page 2 (Exhibit 12B) is the actual schematic plan, depicting the property and proposed improvements thereto. Page 3 (Exhibit 12C) contains the landscape plan associated with this project.

The property under consideration is a waterfront lot located in the Middle River area of eastern Baltimore County. The site is an irregularly shaped parcel, approximately 12.51 acres in area, split zoned Business Local (B.L.) and Business Marine Boatyard (B.M.B.). Approximately 4.72 acres of the site are zoned B.L., and the remaining 7.79 acres are zoned B.M.B. The property is a waterfront parcel, with frontage on Middle River. On the land side, the property is situated adjacent to the intersection of Old Eastern Avenue and Punte Lane. It is also of note that

the property is but a short distance from the signalized intersection of Old Eastern Avenue (a County road) and Eastern Boulevard (MD State Highway Route 150).

Given its location in an established area of Baltimore County, the property has been developed and utilized for various purposes since the early 1900's[1]. Portions of the site have been used residentially, as well as commercially. Additionally, given the waterfront character of the site, waterfront associated uses have occupied the site. In Case No. 66-13-X, Edward D. Hardesty, then-Deputy Zoning Commissioner of Baltimore County, granted Special Exception approval for use of the property as a boatyard. This approval was granted on August 4, 1965. Later, under Case No. 68-196-X, the boatyard approval was modified to allow additional land storage of boats. This relief was likewise granted by then-Deputy Commissioner Hardesty on February 29, 1968. In addition to the boatyard operation and residential use, the site has been used over the years as an automobile service garage/sales operation and for other commercial and residential purposes. Presently, there are several existing buildings on the site, one of which is a building of approximately 14,000 square feet, located immediately adjacent to Old Eastern Avenue. This building has been used for decades as a tavern/catering hall and is known as the Commodore Inn. This Inn continues in operation at the present time and is anticipated to continue well into the future.

As shown on the Development Plan, the Developer proposes an extensive redevelopment of the site and a subdivision of the property into four lots. Proposed Lot 1 will be approximately 2.94 acres in area and is directly adjacent to Middle River. This site will be redeveloped as a marina. Six piers are proposed, providing for approximately 132 slips to provide berthing for boats in Middle River. These six piers replace seven piers which have existed on the property

[1] Mr. Impallaria provided a copy of memories of "Old Middle River", a book authored by the late Jackie Nickels. A history of Buedel's Park and the Commodore Inn beginning in 1912 is contained within the case file and denotes the evolution of this shorefront park through the 1960's.

for many years. In addition to the piers, Lot 1 will also contain 88 vehicular parking spaces to serve users of the marina. Lot 1 will retain an existing building which also has been on the property for many years. This building has been historically used for a variety of residential and commercial uses. The building will be renovated and remodeled to provide a small office to be used in association with the marina operation, additionally; this building will contain four apartments.

Lot 2 features the residential component of the project. There are 38 attached townhouse condominium-style dwellings proposed. These are clustered within the central portion of Lot 2, which is shown as approximately 6.93 acres in area and will be served by public water and sewer. Each condominium unit will have parking to accommodate up to four vehicles, two within a garage unit and two on a driveway/parking pad.

Lot 3 features the Commodore Inn building. As noted above, this structure has been used for many years and is a landmark in the Middle River area of eastern Baltimore County. Lot 3 is proposed to be 1.21 acres in area. The Commodore Inn contains a tavern area, two apartment units on an upstairs floor, and a catering hall area to accommodate social events. As will be addressed in further detail during the discussion of the zoning component of this case, the Commodore Inn will utilize a shared parking arrangement with Lot 4.

Lot 4 is located immediately adjacent to the intersection of Old Eastern Avenue and Punte Lane and is 1.21 acres in area. In addition to a parking field which will be shared with the Commodore Inn, the Developer proposes a two story 60' x 40' building on this lot. It is anticipated that one-half of the structure will be used for office purposes (2,400 square feet) and the remaining portion (2,400 square feet) will be used for restaurant purposes. It is not anticipated that the restaurant will be a tavern, and in fact, a note placed on the plan requires that,

ORDER RECEIVED FOR FILING
Date 1-31-08
By EE

but for the Class D license held by the Commodore Inn, no additional Class D liquor license facilities will be allowed.

On behalf of the Developer, Mr. Barnhardt presented the plan and testified in detail about the proposed redevelopment. The above description is but a summary of his testimony, which is contained in the record of testimony of this case. He addressed the redline changes that were made to the plan as the result of agency comments offered by Baltimore County. He also opined that the plan met all County agency requirements insofar as are applicable for Development Plan approval at the Hearing Officer stage of the review process. In his judgment, the plan should be approved. He also deferred to Mr. Kellman as to the zoning relief requested and its impact upon the site design and proposed use.

Mr. Barnhart's opinion was endorsed by the representatives of the County agencies that appeared and testified. Mr. Kennedy and Ms. Hampshire testified that the plan met their respective agencies' concerns and comments, they both recommended approval. Mr. Kennedy specifically testified that the Department of Public Works had reviewed the proposed two means of vehicular access to the site as shown on the plan. He testified that those points of access met County requirements. There are no outstanding issues from a Department of Public Works' perspective.

Ms. German testified on behalf of the Office of Planning. She stated that her agency had reviewed the plan for compliance and likewise recommended approval. She detailed the School Impact Analysis that had been submitted and was approved (Developer's Exhibit 2). She also testified that the Pattern Book (Developer's Exhibit 3) had been received, reviewed and approved by her department. This Pattern Book was considered by the Office of Planning in determining whether the proposed Development Plan met the residential Performance Standards as required in Section 260 of the B.C.Z.R. The Pattern Book details proposed building elevations, floor

plans and other details of the project. She also indicated that her office supports the requested zoning relief in this case and recommended approval of the plan.

Jan Cook from the Department of Recreation and Parks also testified. He indicated that the project was a candidate for a waiver of open space requirements, pursuant to the B.C.C. In fact, his agency's recommended grant of the open space waiver was submitted as County Exhibit 2.

Finally, Mr. Perlow and Mr. Lykens testified on behalf of their respective agencies. Mr. Perlow indicated that the Zoning Review Office recommended approval, and that the plan had been refined and that the zoning petitions amended in accordance with his agency comments. He indicated that the plan should be approved upon favorable consideration of the petitions for zoning relief.

Mr. Lykens indicated that the plan met all of the requirements of the Department of Environmental Protection and Resource Management. He particularly noted that the project had undergone review by the Baltimore County Planning Board for a requested Variation of Standards (Developer's Exhibit 1). In that the site is located within the Chesapeake Bay Critical Area, the Developer was required to obtain a Variation of Standards from the Planning Board for proposed impacts to the Critical Area buffer and associated building setbacks. This variation was required for three existing structures (two bathhouses and the proposed office/apartment building, all located on Lot 1). Additionally, Variation of Standards relief was requested for a pervious boardwalk located immediately adjacent to the piers, and improvements to the parking area. As noted above, the Planning Board has approved the Variation of Standards and pursuant to B.C.C. Section 32-4-232, the Board's findings are incorporated herein. In summary, none of the County agency representatives present identified any open or unresolved issues and recommended approval of the Development Plan.

None of the interested residents who appeared opposed the Development Plan, per se. The representatives of the Commodore Inn reviewed the shared parking arrangement between Lots 3 and 4 as shown on the plan and confirmed that it was appropriate and would accommodate the proposed parking needs for both lots. Mr. Kletenic initially questioned a note on the plan regarding the Class D liquor license, but was satisfied with the explanation that this note would not prohibit the Commodore Inn's continued operation, but only barred *additional* Class D liquor license establishments on the property. Mr. Impallaria did raise several questions and concerns; however most were related to the zoning relief.

Nonetheless, one concern expressed by him related to the proposed means of access to the site. As more particularly shown on the plan, there is a northern point of access to Lot 1 from Old Eastern Avenue and a southern point of access from Old Eastern Avenue to Lot 2. He questioned whether access should be provided to the site from Punte Lane. In response thereto, Mr. Gast testified that the subject property does not contain fee-simple frontage along Punte Lane. There is a small strip of land between the subject property and Punte Lane that is owned by the Riley family. With the consent of the undersigned, the Developer submitted correspondence subsequent to the hearing, which has been incorporated into the record of this case. That correspondence is conclusive to the finding that Mr. Gast has made a substantial effort to acquire a right-of-way or fee-simple access through Riley's property to Punte Lane, but the Riley's were unwilling to accommodate that request. In view of this information, as well as Mr. Cook and Mr. Kennedy's testimony that the proposed points of access are safe and meet the relevant traffic safety standards, I am satisfied that the plan is proper in that respect.

Based upon the testimony and evidence offered, I am persuaded to approve the redline Development Plan. The record of this case is compelling to support that finding.

ZONING CASE

The hearing then moved on to the zoning relief requested. The Petitioner has asked for a series of approvals under the Amended Petition for Special Hearing and Amended Petition for Variance. For ease of discussion and analysis, this relief can be addressed as it relates to four distinct aspects of the plan.

First, relief is requested as it relates to the existing building on Lot 1, which will be renovated and utilized for use as an office to serve the marina and four apartment units. Variance relief is requested for this building to permit parking spaces with direct access to a driveway in lieu of the requirement that there be no direct access. Additionally, relief is requested from provisions of the CMDP to permit a building setback to a private roadway of 10 feet in lieu of the required 35 feet.

As noted above, this building is an existing structure which is quite old and has served a variety of purposes on the property over decades. The building will be remodeled for the apartment and office uses. The building is located immediately adjacent to proposed Chrismar Lane, a private road that will provide vehicular access to the marina. This road is shown as entering the property from Old Eastern Avenue and will terminate at the parking lot serving the marina. The plan shows the parking spaces will be constructed on both sides of the building immediately adjacent to Chrismar Lane. As Chrismar Lane is determined to be a driveway providing access to the interior of the site, relief is requested in that these parking spaces directly access that roadway. Additionally, the location of that roadway is within 10 feet of the existing building.

Clearly, relief should be granted and these two variance requests approved. The relief is necessitated by the existing building and the desire to retain the same. Additionally, the location of the roadway is necessitated by the uniqueness of this site as caused by the unusual property

boundary configuration on this portion of the property, as well as the environmental constraints associated with this property. I find that the Petitioner has met the burden set forth in *Cromwell v. Ward*, 102 Md. App. 691 (1995) for these two variances.

The second part of the zoning relief requested also relates to Lot 1. A special hearing is requested to confirm that a waiver is not required for grading, building and existing improvements in a *tidal* floodplain, pursuant to B.C.C. Section 32-8-301. As is well settled, the development plan regulations contained in the B.C.C. require a waiver for disturbance within a *riverine* floodplain. However, as noted in the development plan comment authored by Mr. Kennedy and the Development Plans Review division of the Department of Permits and Development Management (PDM), relief is not required for a *tidal* floodplain. The special hearing requested in this case is for confirmation of that interpretation of the Code. Based upon the precedent in other cases as confirmed by Mr. Kennedy's development plan comment, I am persuaded to grant the Special Hearing relief in this instance.

The third portion of zoning relief requested relates to Lots 3 and 4 and the parking requirements for the buildings/uses thereon. As noted above, Lot 3 is the proposed property on which the Commodore Inn is located. Lot 4 contains a proposed office/restaurant building containing 4,800 square feet. Additionally, there is a large parking field which will serve both of these uses and structures and is bisected by the proposed lot line.

As noted in the Petitions, the Developer/Petitioner seeks special hearing relief to approve a modified parking plan, pursuant to Section 409.12 of the B.C.Z.R. Additionally, special hearing approval is sought to permit a shared parking arrangement for Lots 3 and 4, pursuant to Section 406.6.B.3 of the B.C.Z.R. In the alternative, variance relief is requested pursuant to Section 409.6.A and 409.6.B of the B.C.Z.R. to permit 135 shared parking spaces in lieu of the greatest minimum number required, 220 shared parking spaces. Finally, pursuant to Section

409.6, Variance relief is requested to permit 63 parking spaces in lieu of the required 185 parking spaces for Lot 3.

The relief which is requested for Lots 3 and 4 as outlined above is set forth in detail by the calculations and notes on Page 1 (Developer's Exhibit 12A) of the plan. That information discloses that the parking provided for Lot 1 (marina, apartment, etc.) is more than required, as is the parking for the residential component of the project on Lot 2. However, there is a shortage of parking for the Commodore Inn building on Lot 3, but more than sufficient parking is provided for the proposed restaurant/office building on Lot 4. Given the subdivision of the overall tract and the location of the Commodore Inn and proposed restaurant/office building immediately adjacent to Old Eastern Avenue, the Developer/Petitioner proposes a shared parking arrangement for Lots 3 and 4. The B.C.Z.R. permits shared parking arrangements to take advantage of different peak parking demands for office, restaurant and tavern uses. The shared parking calculations for Lots 3 and 4 as shown on the table on Page 3 of the plan shows that the maximum number of parking spaces required will be 220. Furthermore, the plan shows that there will be 135 shared parking spaces for Lots 3 and 4. Although the numeric extent of the variance appears significant, the testimony and evidence presented shows that the parking proposed will be more than sufficient and adequate to serve all uses proposed. The proprietor of the Commodore Inn, who was present at the hearing, confirmed that this use typically generates a modest number of parking spaces and far less than required by the B.C.Z.R. Indeed, the tavern has limited seating capacity. It is only when a large social event is scheduled in the catering hall portion of the site that more than a minimal number of spaces are needed. These events are rare and occur on weekends when the office building use is non-existent.

In sum, the overwhelming and uncontradicted testimony offered was that the shared parking arrangement as proposed here and as permitted by the Special Hearing and Variance

relief identified, is appropriate for this site and will not cause adverse impacts upon the surrounding community. Moreover, a reduction in the amount of parking surface provided is appropriate from an environmental standpoint. Obviously, the proximity of the site to Middle River requires sound environmental planning to avoid extensive stormwater runoff into a tributary of the Chesapeake Bay. The testimony and evidence offered, including the remarks made by Mr. Gast, Mr. Zajdec and Mr. Cook were all persuasive to a finding that relief should be granted in accordance with the Petitions for Special Hearing and Variance in order to permit a shared parking arrangement and layout as shown on the plan. The factual testimony presented, based upon the actual use of the Commodore Inn over its years of existence, is persuasive to this finding.

The fourth portion of zoning relief requested relates to the marina facility on Lot 1; specifically, the piers. Special Hearing approval was requested to permit the replacement of non-conforming waterfront construction, piers and pilings, pursuant to Sections 104.1, 104.5 and 417.3.B of the B.C.Z.R. If necessary, Variance relief is requested from 417.A of the B.C.Z.R. to allow a 0 foot setback to a division line in lieu of the required 10 feet.

As noted above, the site was originally approved as a boatyard in the 1960's and piers were apparently constructed in association with that use shortly after the approval. Originally there were seven piers, providing access from the property into Middle River. (*See* 1996 GIS Aerial received as Petitioner's Exhibit 8). However, these piers were razed within the past twelve months and six piers are proposed in lieu thereof. There will be 132 slips accommodated by the six piers, slightly less than the approximate 150 which were provided by the seven piers. The Developer/Petitioner submitted the wetlands license for pier constructing issued by MDE (Petitioner's Exhibit 10) and a copy of the Baltimore County permit (B657299) which had been issued for construction of the proposed six piers (Petitioner's Exhibit 11). Additionally, copies

of the previous zoning orders granting the boatyard approval from 1966 and 1968 were offered as Petitioner's Exhibits 6 and 7, respectively.

Subsequent the hearing, Mr. Impallaria engaged the services of C. William Clark, Esquire. Mr. Clark, in accordance with the record of the case being left open for the submission of additional information, documents and exhibits in opposition, submitted a letter on December 14, 2007, which fully outlined his client's position and included a series of exhibits in support thereof. Ultimately, the undersigned was advised by counsel representing the Developer/Petitioner, as well as Mr. Clark, that the parties had reached an agreement as to their differences. In accordance therewith, the Petitioner submitted as Exhibit No. 14, revised pier drawing dated January 4, 2008 which depicts modifications to the site plan. This exhibit shows a realignment and reconfiguration of the piers. Specifically, the Petitioner proposes relocating the pier closest to the Impallaria property a distance of 15 feet further away from the divisional line than was presently shown. This will be achieved by relocating or shifting each of the most southeast five piers which extend into the water a distance of 3 feet further east (3 x 5 = 15). As result of this relocation, the western pier closest to the Impallaria property will be 15 feet further from the divisional line established under Section 417 of the B.C.Z.R. than was shown on the Development Plan. Additionally, the plan as originally submitted showed that this pier ends in a "T" configuration. The cross of that "T" is being shortened, as shown on Exhibit 14. Additionally, two slips and the mooring poles associated therewith are being relocated. As a result of these changes, the Developer/Petitioner's proposed improvements (i.e. piers and mooring poles) will comply with the required 10-foot setback from the divisional line shared with the Impallaria divisional line established by Section 417 of the B.C.Z.R. Thus, Variance relief from that Section is rendered moot. However, I will grant relief pursuant to the Petition for

Special Hearing to permit the construction of piers (as amended) including those piers and pilings located on the northeastern portion of the property adjacent to the Riley property.

In summary, I am persuaded that the Special Hearing and Variance relief as described hereinabove should be granted. I am persuaded that the requirements for variance relief provided under Section 307 of the B.C.Z.R. have been satisfied. The unique configuration of the overall site, the environmental constraints associated therewith, the historic use of existing buildings of the property and other factors are compelling to a finding that this property is unique. Moreover, strict adherence to these regulations would result in the loss of existing buildings and inappropriately prohibit the use of the site for an expressly permitted purpose. I find that the relief can be granted without detrimental impact on adjacent properties and that the grant of such relief is consistent with the sprit and intent of the regulations.

CONCLUSION

This property is an excellent example of appropriate redevelopment that will reflect the nautical theme and architectural details of this historic waterfront destination. I find that the Developer and its team of consultants have taken great care in to design a plan that will be environmentally sensitive and will not overcrowd the lot. In fact, the redevelopment of the site represents an opportunity to regulate a property which was developed and utilized years ago, before the enactment of many zoning and environmental regulations legislated to provide protection to the Chesapeake Bay and its tributaries. The Baltimore County Code (B.C.C.) provides that the "Hearing Officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations". B.C.C. Section 32-4-229. After due consideration of the testimony and evidence presented by Developer concerning the development proposal as well as the input of the various County agencies, and the parties having reached an accord with the only outstanding issue, I find that the Devonport

Community Development Plan accepted into evidence as Developer's Exhibits 12A – 12C is in compliance with all applicable policies, rules and regulations, and I will approve the plan.

Pursuant to the Zoning and Development Regulations of Baltimore County as contained within the Baltimore County Zoning Regulations (B.C.Z.R.) and in Article 32, Title 4, of the Baltimore County Code (B.C.C.), the advertising and posting of the property, and the public hearing held thereon, the redlined Devonport Community Development Plan, shall be approved, and for the reasons set forth above, the Petitions for Special Hearing and Variance shall be granted.

THEREFORE, IT IS ORDERED, by the Hearing Officer/Zoning Commissioner for Baltimore County, this 31st day of January 2008, that the three paged red-lined/green-lined **DEVONPORT COMMUNITY** Development Plan entered into evidence as Developer's Exhibits 12A – 12C, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to **(1)** to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to the Baltimore County Code (B.C.C.) Section 32-8-301; **(2)** as an alternative to the Petition for Variance filed contemporaneously herewith, to approve a modified parking plan pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 409.12; **(3)** to permit a shared parking arrangement for Lots 3 & 4, pursuant to B.C.Z.R. Section 406.6B.3; and **(4)** to permit the replacement of non-conforming waterfront construction (piers and pilings) pursuant to Sections 104.1, 104.5 and 417.3B of the B.C.Z.R., as more particularly shown on Developer's Exhibit(s) 12 B and 14 respectively, be and are hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief as shown on the redlined Development Plan / Plan to Accompany AMENDED Variance Petition entered into evidence as Developer's Exhibits 12A – 12C, from: **(1)** Section(s) 409.6 A and B of the

ORDER RECEIVED FOR FILING
Date 1-31-08
By DEC

B.C.Z.R. to permit 135 shared parking spaces in lieu of the greatest minimum required 220 shared parking spaces for Lots 3 and 4; **(2)** variance from B.C.Z.R. Section 409.4, to permit parking spaces with direct access to driveways, in lieu of the requirement that there be no direct access for Lot 1; **(3)** variance from B.C.Z.R. Section 409.6, to permit 63 parking spaces in lieu of the required 185 parking spaces for Lot 3; and **(4)** a variance from B.C.Z.R. Section 504.2 and CMDP (Division II, Section A) for Residential Standards (multi-family dwelling building) to permit a building setback to a private roadway of 10-feet in lieu of the required 35-feet; be and are hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance, pursuant to B.C.Z.R. Section 417.A, to allow a zero-foot setback to a division line in lieu of the required ten-foot set back, be and is hereby DISMISSED AS MOOT.

Any appeal of this Order shall be taken in accordance with Sections 32-3-401 and 32-4-281 of the Baltimore County Code.

WILLIAM I. WISEMAN, III
Zoning Commissioner/Hearing Officer
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8-12-08
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 31, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

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

RE: **DEVELOPMENT PLAN HEARING AND PETITIONS FOR SPECIAL HEARING AND VARIANCE**
E/S Old Eastern Avenue, N of Punte Lane
(Devonport Community)
15th Election District - 6th Council District
Anna T. Mueller, *Legal Owner;* Gast Construction Company,
Contract Purchaser/Developer
Case Nos. XV-877 & 07-541-SPHA

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Charles Gast, Gast Construction Company, 11100 Pulaski Highway, White Marsh, MD 21162
Anna Mueller, 1316 Stonebridge Court, Baltimore, MD 21286
Mary Jacob, 1967 Esther Court, Forest Hill, MD 21050

Eric C. Hadaway, Jared Barnhardt, Thomas Repsher & Aaron Briggs,
Daft, McCune, Walker, Inc., 200 East Pennsylvania Avenue, Towson, MD 21286
Mitchell Kellman, Century Engineering, Inc., 10710 Gilroy Road,
Hunt Valley, MD 21031
Glenn Cook, The Traffic Group, Inc., 9900 Franklin Square Drive, Suite H,
White Marsh, MD 21162
Marc A. Klitenic, Esquire, 502 Washington Avenue, #610, Towson, MD 21204
Roger Zajdec, 1909 Old Eastern Avenue, Baltimore, MD 21221
Bill Snyder, 227 Haverhill Road, Joppa, MD 21085
Gary Rissling, 16615 JM Pearce Road, Monkton, MD 21111
C. William Clark, Esquire, Nolan, Plumhoff & Williams, 502 Washington Avenue,
Suite 700, Towson, MD 21204
Delegate Richard K. Impallaria, 5 Punte Lane, Baltimore, MD 21221
Walt Smith, DPDM; DEPRM; DPW; DPR; LA; OP; R&P; People's Counsel; Case File

Amended Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: Old Eastern Avenue and Punte Lane

which is presently zoned: BMB and BL

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:

Gast Construction Company
Name - Type or Print

Signature

11100 Pulaski Highway — 410-335-4200
Address — Telephone No.

White Marsh — MD — 21162
City — State — Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt
Name - Type or Print

Signature

Gildea & Schmidt, LLC
Company

600 Washington Avenue, Suite 200 — 410-821-0070
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Legal Owner(s):

T.B. Marschall, et. al.
Name - Type or Print

Signature

Name - Type or Print

Signature

1316 Stonebridge Ct. — 410-335-4200
Address — Telephone No.

Baltimore — MD — 21286
City — State — Zip Code

Representative to be Contacted:

Jared Barnhart, Draft-McCune-Walker, Inc.
Name

200 E. Pennsylvania Avenue — 410-296-3333
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-541-SPHA

Reviewed By JNP Date 11/29/07

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 1-31-08
By DW

AMENDED

Attachment for Amended Petition for Variance

1. Pursuant to Section 409.6 A and B to permit 135 shared parking spaces in lieu of the greatest minimum required 220 shared parking spaces for lots 3 and 4.

2. Pursuant to Section 409.4 (BCZR), to permit parking spaces with direct access to driveways, in lieu of the requirement that there be no direct access for lot 1.

3. Pursuant to Section 409.6 (BCZR), to permit 63 parking spaces in lieu of the required 185 parking spaces for lot 3.

4. If necessary pursuant to Section 417.A (BCZR), to allow a zero-foot setback to a division line in lieu of the required ten-foot set back.

5. Pursuant to Section 504.2 (BCZR) and Division II.A (CMDP), for Residential Standards (multi-family dwelling building) to permit a building setback to a private roadway of 10-feet in lieu of the required 35-feet.

6. Such other and further relief may be required by the Zoning Commissioner.

07-541-SPHA
AMENDED

Amended Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Old Eastern Avenue and Punte Lane

which is presently zoned BMB and BL

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:

Gast Construction Company
Name - Type or Print

Signature

11100 Pulaski Highway — 410-335-4200
Address — Telephone No.

White Marsh — MD — 21162
City — State — Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt
Name - Type or Print

Signature

Gildea & Schmidt, LLC
Company

600 Washington Avenue, Suite 200 — 410-821-0070
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Legal Owner(s):

T.B. Marschall, et. al.
Name - Type or Print

Signature

Name - Type or Print

Signature

1316 Stonebridge Court — 410-335-420
Address — Telephone No.

Baltimore — MD — 21286
City — State — Zip Code

Representative to be Contacted:

Jared Barnhart, Draft-McCune-Walker, Inc.
Name

200 E. Pennsylvannia Avenue — 410-296-3333
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 11/29/02

Case No. 02-541-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 1-31-08
By DW

AMENDED

Attachment for Amended Petition for Special Hearing

1. Pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to the Baltimore County Code Section 32-8-301.

2. Pursuant to Section 500.7 of the BCZR, in the alternative to the Petition for Variance filed contemporaneously herewith, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

3. Pursuant to Section 500.7 of the BCZR, to permit a shared parking arrangement for lots 3 & 4, pursuant to Section 406.6B.3 of the BCZR.

4. If necessary, Special Hearing pursuant to Section 500.7 of the BCZR, to permit the replacement of non-conforming waterfront construction (piers and pilings) pursuant to Sections 104.1, 104.5 and 417.3B of the BCZR.

5. For such often and further relief as may be required by the Zoning Commissioner.

07-541-SPHA
AMENDED

THE PETITIONS BELOW FOR

07-541-SPHA

HAVE BEEN REVISED

- - - - - -

FOR REVISED PETITIONS,

SEE PETITIONS

DATED 11/29/07

CBCA Flood

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Old Eastern Avenue and Punte Lane

which is presently zoned BMB and BL

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

1. Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to Baltimore County Code Section 32-8-301.

2. Special Hearing pursuant to Section 500.7 of the BCZR, in the alternative to the Petition for Variance filed contemporaneously herewith, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

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:

Gast Construction Company
Name - Type or Print

Signature

11100 Pulaski Highway
Address — Telephone No.

White Marsh — MD — 21162
City — State — Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt
Name - Type or Print

Signature

Gildea & Schmidt, LLC
Company

600 Washington Avenue, Suite 200 — (410) 821-0070
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Legal Owner(s):

Anna T. Mueller
Name - Type or Print

Anna T. Mueller
Signature

Name - Type or Print

Signature

1316 Stonebridge Court — 410-335-4200
Address — Telephone No.

Baltimore — MD — 21286
City — State — Zip Code

Representative to be Contacted:

Sean McDonough, Daft-McCune-Walker, Inc.
Name

200 E. Pennsylvania Avenue — (410) 296-3333
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP/A. Tsui Date 05/30/07
(DROP OFF)

Case No. 07-541 SPHA

REV 9/15/98

CBCA Flood

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: Old Eastern Avenue and Punte Lane

which is presently zoned: BMB and BL

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):

409.6 A and B to permit 137 shared parking spaces in lieu of the greatest minimum required 275 shared parking spaces.

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:

Gast Construction Company
Name - Type or Print

Signature

11100 Pulaski Highway
Address — Telephone No.

White Marsh — MD — 21162
City — State — Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt
Name - Type or Print

Signature

Gildea & Schmidt, LLC
Company

600 Washington Avenue, Suite 200 — (410) 821-0070
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Legal Owner(s):

Anna T. Mueller
Name - Type or Print

Anna T Mueller
Signature

Name - Type or Print

Signature

1316 Stonebridge Ct. — 410-335-4200
Address — Telephone No.

Baltimore — MD — 21286
City — State — Zip Code

Representative to be Contacted:

Sean McDonough, Daft-McCune-Walker, Inc.
Name

200 E. Pennsylvania Avenue — (410) 296-3333
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-541 SPHA

Reviewed By JNP/A. Tsui Date 05/30/07

(DROP OFF)

REV 9/15/98

DMW

DAFT McCUNE WALKER INC

Description to Accompany

Petition for Zoning Variance

12.521 Acre Parcel

Southeast Side of Old Eastern Avenue

North of Punte Lane

Beginning for the same at the end of the following course and distance measured from the intersection of the centerline of Punte Lane with the centerline of Old Eastern Avenue, (1) Northeasterly along the centerline of Old Eastern Avenue, 68 feet, more or less, thence leaving said Old Eastern Avenue and running the thirty-two following courses and distances, viz: (2) North 22 degrees 53 minutes 40 seconds East 352.96 feet, thence (3) Northeasterly by a line curving to the right, having a radius of 700.00 feet, for a distance of 157.95 feet (the arc of said curve being subtended by a chord bearing North 29 degrees 21 minutes 31 seconds East 157.62 feet), thence (4) North 35 degrees 49 minutes 22 seconds East 156.38 feet, thence (5) South 68 degrees 21 minutes 15 seconds East 329.25 feet, thence (6) North 37 degrees 56 minutes 45 seconds East 230.40 feet, thence (7) South 53 degrees 03 minutes 03 seconds East 154.46 feet, thence (8) South 36 degrees 26 minutes 46 seconds West 2.87 feet, thence (9) South 52 degrees 13 minutes 04 seconds East 21.30 feet, thence (10) South 55 degrees 18 minutes 55 seconds East 16.56 feet, thence (11) South 65 degrees 00 minutes 22 seconds East 11.33 feet, thence (12) South 51 degrees 47 minutes 44 seconds East 11.36 feet, thence (13) South 45 degrees 26 minutes 56 seconds East 11.72 feet, thence (14) South 51 degrees 38 minutes 14 seconds

07-541 SPHA
(DROP OFF)

TOWSON: 200 EAST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21286 P: 410 296 3333 F: 410 296 4705
FREDERICK: 8 EAST SECOND STREET, SUITE 201, FREDERICK, MARYLAND 21701 P: 301 696 9040 F: 301 696 9041

East 34.03 feet, thence (15) South 52 degrees 39 minutes 55 seconds East 29.39 feet, thence (16) South 56 degrees 35 minutes 49 seconds East 10.45 feet, thence (17) South 51 degrees 46 minutes 29 seconds East 15.28 feet, thence (18) South 55 degrees 29 minutes 30 seconds East 10.27 feet, thence (19) South 61 degrees 59 minutes 42 seconds East 11.06 feet, thence (20) South 57 degrees 15 minutes 04 seconds East 11.44 feet, thence (21) South 51 degrees 14 minutes 48 seconds East 21.63 feet, thence (22) South 63 degrees 01 minute 39 seconds East 6.42 feet, thence (23) North 41 degrees 19 minutes 20 seconds East 1.90 feet, thence (24) South 53 degrees 11 minutes 53 seconds East 114.89 feet, thence (25) South 36 degrees 19 minutes 11 seconds West 2.65 feet, thence (26) South 53 degrees 19 minutes 01 second East 99.04 feet, thence (27) South 51 degrees 39 minutes 07 seconds East 34.22 feet, thence (28) North 43 degrees 57 minutes 09 seconds East 3.56 feet, thence (29) South 55 degrees 36 minutes 12 seconds East 87.18 feet, thence (30) South 52 degrees 20 minutes 57 seconds East 39.35 feet, thence (31) South 73 degrees 17 minutes 04 seconds West 560.59 feet, thence (32) South 76 degrees 25 minutes 13 seconds West 401.27 feet, and thence (33) North 83 degrees 07 minutes 34 seconds West 434.44 feet to the point of beginning; containing 12.521 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 26, 2007

Project No. 05005 (L05005a)

4/26/07

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 27950

DATE 05/30/2007 ACCOUNT 001-006150

AMOUNT $ 650 —

RECEIVED FROM: Gilda + Schmidt, LLC

FOR: Old Eastern Ave & Pointe Lane

07-541-SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
5/30/2007 13:40:27
REG WS05 WALKIN KEMP KIM
RECEIPT # 42014 5/30/2007
Dept 5 520 ZONING VERIFICATION
ITEM 007SPH
Recpt Tot $650.00
$650.00 CK $.00
Baltimore County, Maryland

CASHIER'S VALIDATION

Department of Permits and Development Management

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

Baltimore County

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

November 27, 2007

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-541-SPHA
Old Eastern Avenue and Punte Lane
S/east side of Old Eastern Avenue, n/east corner of Old Eastern Avenue and Punte Lane
15th Election District – 6th Councilmanic District
Legal Owners: Anna T. Mueller
Contract Purchaser: Gast Construction Company

Special Hearing to confirm that a waiver is not required for grading, building and existing improvements in the Tidal Floodplain, in the alternative to the petition for Variance filed contemporaneously, herewith, to approve a modified parking plan. To permit a shared parking arrangement for lots 3 & 4, if necessary, to permit the replacement of non-conforming waterfront construction (piers and pilings) and for such often and further relief as may be required by the Zoning Commissioner. Variance to permit 135 shared parking spaces in lieu of the greatest minimum required 220 shared parking spaces for lots 3 & 4, to permit parking spaces with direct access to driveways in lieu of the requirement that there be no direct access for lot 1; to permit 63 parking spaces in lieu of the required 185 parking spaces for lot 3, if necessary, to allow a zero-foot setback to a division line in lieu of the required 10 foot setback and for Residential Standards (multi-family dwelling building) to permit a building setback to a private roadway of 10 feet in lieu of the required 35 feet and such other further relief may be required by the Zoning Commissioner.

Hearing: Friday, December 7, 2007 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Gast Construction Co., 11100 Pulaski Highway, White Marsh 21162
Anna Mueller, 1316 Stonebridge Court, Baltimore 21286
Sean McDonough, DMW, 200 E. Pennsylvania Avenue, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY November 27, 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.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 16, 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: 07-541-SPHA
Old Eastern Avenue and Punte Lane
S/east side of Old Eastern Avenue, n/east corner of Old Eastern Avenue and Punte Lane
15th Election District – 6th Councilmanic District
Legal Owners: Anna T. Mueller
Contract Purchaser: Gast Construction Company

Special Hearing (Pursuant to Section 500.7 of the BCZR) to confirm that a waiver is not required for grading, building and existing improvements in the Tidal Floodplain, pursuant to Balto. Co. Code Section 32-8-301 and pursuant to Section 500.7 pf the BCZR, in the alternative to the petition for Variance filed contemporaneously, herewith, to approve a modified parking plan pursuant to Section 409.12 of the BCZR. Variance to permit from Section 409.6 A and B, 137 shared parking spaces in lieu of the greatest minimum required 275 shared parking spaces.

Hearing: Friday, December 7, 2007 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Gast Construction Co., 11100 Pulaski Highway, White Marsh 21162
Anna Mueller, 1316 Stonebridge Court, Baltimore 21286
Sean McDonough, DMW, 200 E. Pennsylvania Avenue, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 22, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 20, 2007 Issue - Jeffersonian

Please forward billing to:
Lawrence Schmidt
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: 07-541-SPHA
Old Eastern Avenue and Punte Lane
S/east side of Old Eastern Avenue, n/east corner of Old Eastern Avenue and Punte Lane
15th Election District – 6th Councilmanic District
Legal Owners: Anna T. Mueller
Contract Purchaser: Gast Construction Company

Special Hearing (Pursuant to Section 500.7 of the BCZR) to confirm that a waiver is not required for grading, building and existing improvements in the Tidal Floodplain, pursuant to Balto. Co. Code Section 32-8-301 and pursuant to Section 500.7 pf the BCZR, in the alternative to the petition for Variance filed contemporaneously, herewith, to approve a modified parking plan pursuant to Section 409.12 of the BCZR. Variance to permit from Section 409.6 A and B, 137 shared parking spaces in lieu of the greatest minimum required 275 shared parking spaces.

Hearing: Friday, December 7, 2007 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 07-541 SPHA (DROP OFF)

Petitioner: EAST CONSTRUCTION CO + ANNA T. MUELLER

Address or Location: OLD EASTERN AVE + PUNTE LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: LAWRENCE E SCHMIDT

Address: 600 WASHINGTON AVE, SUITE 200
TOWSON, MD 21204

Telephone Number: 410-821-0070

THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
C. WILLIAM CLARK
CATHERINE A. POTTHAST*
E. BRUCE JONES**
CORNELIA M. KOETTER*

* ALSO ADMITTED IN D.C.
** ALSO ADMITTED IN NEW JERSEY

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
EMAIL: NPW@NOLANPLUMHOFF.COM
WEB SITE: WWW.NOLANPLUMHOFF.COM

J. EARLE PLUMHOFF
(1940-1988)

NEWTON A. WILLIAMS
(RETIRED 2000)

RALPH E. DEITZ
(1918-1990)

December 14, 2007

VIA HAND DELIVERY AND FIRST CLASS MAIL

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

Re: Case No. 07-541-SPHA and
Hearing Officer's Hearing PDM No. 15-877 Devonport Community

Dear Larry:

Enclosed please find a copy of my letter and accompanying exhibits which were submitted to Zoning Commissioner Wiseman today. Although, my client has taken positions in opposition to your client's requested zoning relief and the Development Plan, I believe that there is a reasonable solution to this situation which, if our client's can agree upon it, would allow me to contact Mr. Wiseman and tell him that our issues are settled and that he can withdraw consideration of the matters I have submitted to him. It would take just a few minutes to show you, what I believe the solution is, but it would be better using the exhibits, or copies of the them, that you have submitted on behalf of your client. Please contact me upon your review of this letter, so we can arrange a time in the next few days to explore this possibility. Thank you for your anticipated cooperation.

Very truly yours,

C. William Clark

CWC/jkc

Enclosures

cc: Gary Rissling
Rick Impallaria

3. If, after a period of operation, the collection trailer proves to be detrimental to the shopping center function or the surrounding community by creating traffic problems, or if it is not maintained in a clean and orderly condition, the Zoning Commissioner may:

   a. Require that the trailer be relocated on the site;

   b. Require that the trailer be removed from the site upon 30 days' notice;

   c. Revoke the permit; or

   d. Impose additional conditions upon the continuance of the use permit.

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

416.1 through 416.5 (Reserved)[6]

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

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

417.1 All waterfront construction, such as piers, wharves, docks, bulkheads or other work extended into navigable waters beyond mean low tide as prescribed in Baltimore County Design Manual, shall be governed by these regulations as well as by § 33-2-801 of the Baltimore County Code, except that nothing in these regulations shall apply to the M.H. Zone and to the extension of industrial waterfront facilities to the limit of Corps of Engineers' established pierhead or bulkhead lines. **[Bill No. 137-2004]**

417.2 All applications for waterfront construction, when filed with the Building Engineer, shall be accompanied by a plot diagram suitable for filing permanently with the permit record, showing the outlines of the property in question and of adjoining properties, and showing any existing construction beyond mean low tide, as well as details of the proposed construction; whenever required by the Building Engineer, in his discretion, the application must be accompanied by a plan prepared by a professional engineer or land surveyor, showing to scale the outlines of the property in question, as well as the outlines of the adjoining properties, including any existing construction beyond mean low tide, and a plan and details of the proposed construction.

417.3 For the purpose of defining boundaries within which waterfront construction may take place, divisional lines shall be established in accordance with the following rules:[7]

---

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

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

3. If, after a period of operation, the collection trailer proves to be detrimental to the shopping center function or the surrounding community by creating traffic problems, or if it is not maintained in a clean and orderly condition, the Zoning Commissioner may:

   a. Require that the trailer be relocated on the site;

   b. Require that the trailer be removed from the site upon 30 days' notice;

   c. Revoke the permit; or

   d. Impose additional conditions upon the continuance of the use permit.

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

416.1 through 416.5 (Reserved)[6]

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

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

417.1 All waterfront construction, such as piers, wharves, docks, bulkheads or other work extended into navigable waters beyond mean low tide as prescribed in Baltimore County Design Manual, shall be governed by these regulations as well as by § 33-2-801 of the Baltimore County Code, except that nothing in these regulations shall apply to the M.H. Zone and to the extension of industrial waterfront facilities to the limit of Corps of Engineers' established pierhead or bulkhead lines. **[Bill No. 137-2004]**

417.2 All applications for waterfront construction, when filed with the Building Engineer, shall be accompanied by a plot diagram suitable for filing permanently with the permit record, showing the outlines of the property in question and of adjoining properties, and showing any existing construction beyond mean low tide, as well as details of the proposed construction; whenever required by the Building Engineer, in his discretion, the application must be accompanied by a plan prepared by a professional engineer or land surveyor, showing to scale the outlines of the property in question, as well as the outlines of the adjoining properties, including any existing construction beyond mean low tide, and a plan and details of the proposed construction.

417.3 For the purpose of defining boundaries within which waterfront construction may take place, divisional lines shall be established in accordance with the following rules:[7]

---

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

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

3. If, after a period of operation, the collection trailer proves to be detrimental to the shopping center function or the surrounding community by creating traffic problems, or if it is not maintained in a clean and orderly condition, the Zoning Commissioner may:

   a. Require that the trailer be relocated on the site;

   b. Require that the trailer be removed from the site upon 30 days' notice;

   c. Revoke the permit; or

   d. Impose additional conditions upon the continuance of the use permit.

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

416.1 through 416.5 (Reserved)[6]

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

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

417.1 All waterfront construction, such as piers, wharves, docks, bulkheads or other work extended into navigable waters beyond mean low tide as prescribed in Baltimore County Design Manual, shall be governed by these regulations as well as by § 33-2-801 of the Baltimore County Code, except that nothing in these regulations shall apply to the M.H. Zone and to the extension of industrial waterfront facilities to the limit of Corps of Engineers' established pierhead or bulkhead lines. **[Bill No. 137-2004]**

417.2 All applications for waterfront construction, when filed with the Building Engineer, shall be accompanied by a plot diagram suitable for filing permanently with the permit record, showing the outlines of the property in question and of adjoining properties, and showing any existing construction beyond mean low tide, as well as details of the proposed construction; whenever required by the Building Engineer, in his discretion, the application must be accompanied by a plan prepared by a professional engineer or land surveyor, showing to scale the outlines of the property in question, as well as the outlines of the adjoining properties, including any existing construction beyond mean low tide, and a plan and details of the proposed construction.

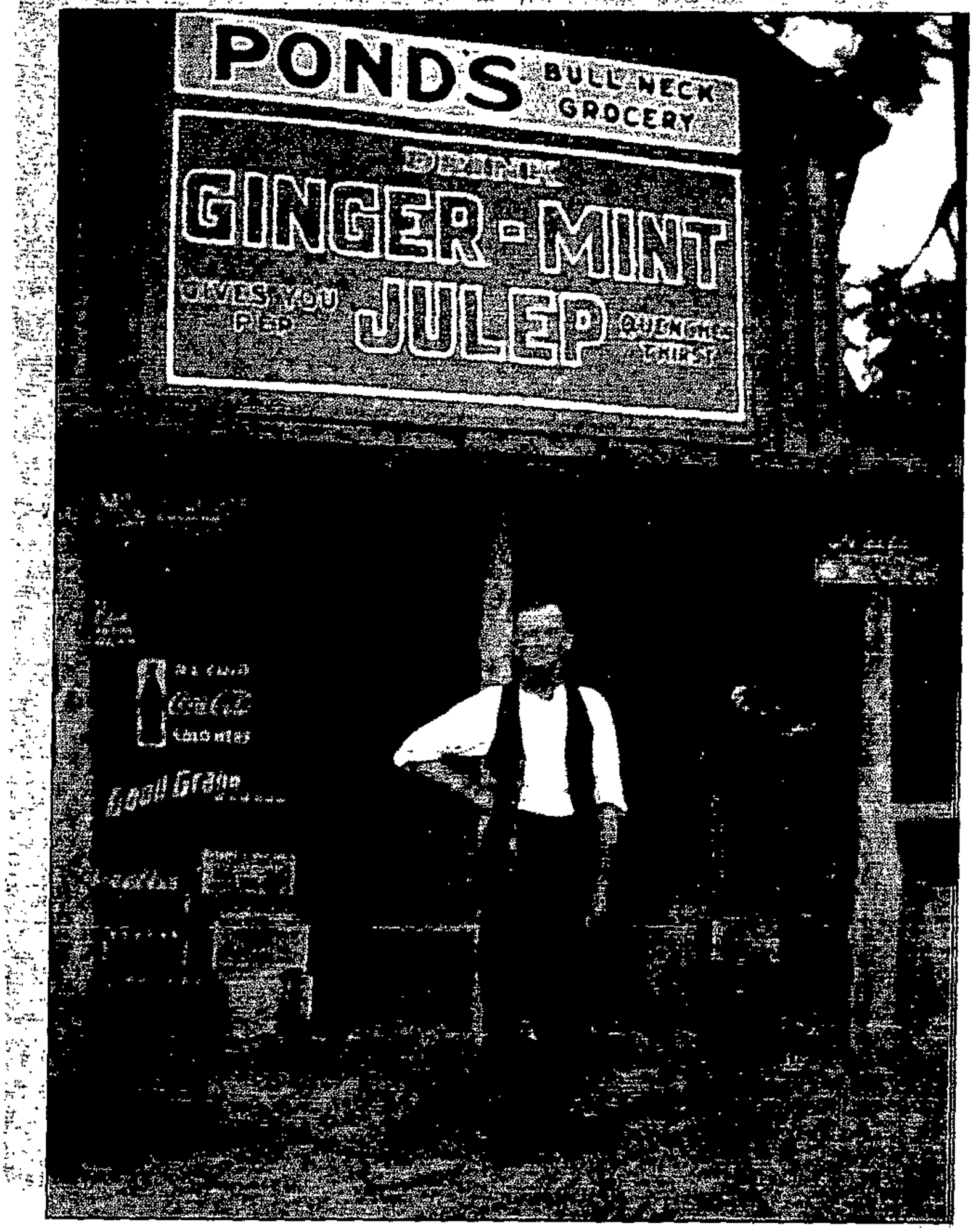
417.3 For the purpose of defining boundaries within which waterfront construction may take place, divisional lines shall be established in accordance with the following rules:[7]

---

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

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

Memories of 'OLD' MIDDLE RIVER



A loving look back at the town and its people

By Jackie Nickel

'OLD' MIDDLE RIVER

A Loving Look Back

By Jackie Nickel

Photos courtesy
Roger Zajdel
At the Commodore in the 1930s, Leo Blondell, Lucky Zajdel and Ed Jachelski with the 23 1/2 in. claw to claw blue crab caught that morning off Millers Island.There had been a 22" crab pictured in The Sun Magazine shortly before. "We were going to send in a picture of ours, but we steamed and ate it instead," recalls Lucky Zajdel.

The Commodore Inn in the 1950s

Buedel's Park, Commodore Inn

Buedel: Pronounced "Beedel" — not Bewdel or Bewdelle. But no matter how you say it, the name carries with it a huge chunk of early Middle River history.

"Actually, most people can't even pronounce it the real German way," says Anna Marschall Mueller, whose mother was a Buedel. Anna still runs Buedel's Marina and Boatyard near Middle River Bridge — the heartland of Baltimore County's ambitious waterfront revitalization project.

Her mother, Theresa Buedel Marschall, now 97, moved with her parents and two brothers, Alphonse and Joseph, to the Middle River waterfront at age eight. Young Theresa's parents, Franz (Frank) and Theresa Buedel, seeing the potential of a recreational park beyond the new development of Essex, purchased 16 acres adjacent to the Middle River Bridge in 1912.

A chunk of the land faced Eastern Avenue where the Commodore Inn now is located. This was the final stop on the streetcar line, where fishermen and picnickers disembarked for a day or weekend of fun.

The Taylor Land Company had begun selling building lots in the town they named Essex — "the Rising Suburb of the East" — just the year before Buedel's Park opened. Oyster shell roads had been replaced by rustic paving that led to Middle River and the few homes beyond. The Buedel's large two-story frame house was one of those.

Also on the property, along Louella Ave., there were a dozen shore homes, providing income as rental properties. Louella Ave. is now the unmarked lane leading down to Buedel's Marina, Boatyard and Prop Shop, the official address of which is 1907 Old Eastern Ave.

Following its establishment, Buedel's shorefront park catered to church picnics and other social outings. A kitchen and dining room, overseen by Anna's grandmother, hosted wonderful chicken dinners while an outdoor pavilion was perfect for moonlight dances. As the popularity of the park increased, so did the number of its visitors.

Sometime after a fire destroyed the family home in 1926, Anna and her parents, grandmother and Uncle Joe moved to Essex near Eastern Ave. and Stuart St. But on the shores of Middle River, the family continued to operate the park and add to its attractions.

Anna says there was a two-lane hardwood bowling alley (which was to the right of the present gate), as well as a shooting gallery and swings. For awhile, the Buedels leased the park to a Mr. Walters who even brought in rides including a ferris wheel.

"If you remember Gwynn Oak Park, that's what it was like, only more rustic," she explains.

After Prohibition ended in 1933, the Buedels added a tavern facing Eastern Ave. which was run by Anna's grandfather. Later, leased to an officer of the Baltimore Yacht Club, it became known as The Commodore Inn. The building has been expanded many times, but the original portion still remains.

During World War II, Buedel's Park ceased to operate, relates Anna. The dining room was

divided to provide housing for Glenn L. Martin Co. aircraft workers. The bar, however, was doing well, providing a needed respite for weary workers.

In the early 40s, the construction of Eastern Blvd. and housing for wartime workers was underway and the local population surged.

Shortly following the war, the park's old dining room and kitchen, located near the river, was reopened as the Cozy Inn, which was run by lessees including Phil Powell. It had a somewhat rowdy reputation. The building burned down in the early 60s.

Buedel's Tavern, meanwhile, was doing such a good business that a hall was added to the rear of the building to provide space for other recreation. Bands, including a group led by a Buddy Schmidt, played there.

Later, in the late 40s, the hall was transformed into a movie theater named "The Midway." A lobby and ticket booth were added and even the hardwood dance floor was altered to accommodate an unobstructed view of the screen. A projection booth was built above and to the rear of the seating, which as Essex engine shop owner Brad Wallace recalls, was simply "folding chairs placed in rows."

Many locals still remember the films they saw on weekends. Annabelle Vleck was especially impressed by the local premiere of "Gone with the Wind."

Talent and variety shows were another special attraction, adds Wallace, who went to The Midway with now-Senator Diane DeCarlo in the 50s. He recalls paying less than a quarter admission for two full features, several cartoons and a serial on movie days.

In 1954, the Zajdel family began operating The Commodore and have leased it ever since. When they took over, the movie house was being used by Essex Moving & Storage for warehouse space and the walls were hung with tapestries.

Frieda and Mon Zajdel and Buck and Rose (Zajdel) Mahle, working as partners, soon turned it back into a catering hall. Helen and Lucky Zajdel helped out with hall rental and operations. Their son Roger, along with his wife Patti, now run the bar and hall, which is still owned by members of the Buedel family.

Photo courtesy Zajdel family
Left, Mon Zajdel juggles triple drafts at the bar of The Commodore in the 1950s.

Another happy group at The Commodore

Buedel's Park, however, did not become a marina until the 1960s. It was Joe Buedel's dream, which he began to build early in the decade. Unfortunately, he never lived to see it completed. Joe Buedel died in 1966, two months after the first pier was built.

"Mom and I finished it," says Anna, who is married to J. Carroll Mueller, a Baltimore County government retiree.

The two women had hoped to lease out the marina but wound up running the business themselves. Anna continues to oversee day to day operations, while also overseeing the care of her elderly mother, now in nursing care.

It's a legacy of hard work and perseverance that has kept Buedel's going through good times and bad. And no matter what changes waterfront revitalization brings, it will be just history repeating itself. Buedel's was a hub of activity and entertainment long before county economic development chiefs came up with plans for a waterfront destination site.

Left, Zajdel's Commodore Inn and Catering Hall today. The building is still owned by the Buedel family.

To: JNP
See me 4a
5/19/08

DMW

DAFT McCUNE WALKER INC

May 15, 2008

Baltimore County
Department of Permits and Development Management
Mr. Timothy M. Kotroco, Director
County Office Building
111 West Chesapeake Avenue, Suite 105
Towson, MD 21204

Re: Devonport Community, Development Plan, Revised Site Layout
Spirit and Intent Letter
Project No. 05005.C

Dear Mr. Kotroco:

DMW, Inc., on behalf of our client, Gast Construction Company, is submitting this letter of spirit and intent regarding a proposed expansion of the approved Development Plan, PDM No. 15-877 dated 2-20-08, and Zoning Case No. 07-541-SPH dated 1-31-08. This proposed development is located in the 1900 block of Old Eastern Avenue, with water frontage on Middle River.

The existing approved Development Plan is currently comprised of 4 individual lots, comprising of 12.51 +/- acres, and the zoning is BL and BMB. Lots 3 and 4 front Old Eastern Avenue and will remain unchanged for commercial and office use. Lot 1 will also remain as is, with a 4 unit apartment building facing Chrismar Lane, and associated parking for the Marina. This spirit and intent letter is concerned with Lot 2 and the 38 approved 30 foot wide townhouses.

It is important to note that the Zoning Commissioner granted the following Petition for Special Hearing: (1) to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain pursuant to the Baltimore County Code, (2) to approve a modified parking plan pursuant to Baltimore County Zoning Regulations, (3) to permit a shared parking arrangement for Lots 3 and 4 pursuant to Baltimore County Zoning Regulations, and (4) to permit the replacement of non-conforming waterfront construction (piers and pilings) pursuant to Baltimore County zoning Regulations. Also, the Zoning Commissioner granted the Petition for Variance to permit 135 shared parking spaces in lieu of the greatest minimum required 220 shared parking spaces for Lots 3 and 4 , (2) to permit parking spaces with direct access to driveways, in lieu of the requirement that there be no direct access for Lot 1, (3) to permit 63 parking spaces in lieu of the required 185 parking spaces for Lot 3, and (4) for Residential Standards (multi family dwelling building) to permit a building setback to a private roadway of 10 feet in lieu of the required 35 feet. The Zoning Commissioner also ordered that the Petition for Variance to allow a zero foot setback to a division line in lieu of the required 10 foot set back be and is hereby Dismissed As Moot (see enclosed Zoning Orders).

There have been discussions with the Baltimore County Office of Planning concerning Lot 2 and the layout design of the townhouses. There are 6 townhouses that have rear access to River Vista Drive, and the front of the townhouses overlook the parking lot for the commercial use on Lot 3 (see the Approved Plan sheet 2). The proposed First Amended Development Plan indicates a change with the orientation of the 6 townhouses. This row of townhouses has been changed from 6 to 7 and the fronts are now facing Open Space, and the rear will have direct street access (see the Approved Plan with the redline changes). It has always been the intention that the townhouses will have open space and/or water views.

Also, the Approved Development Plan shows all of the townhouses will be 30 feet wide, and the proposed First Amended Development Plan townhouses will be 26 feet wide. The approved Development Plan indicates 38 townhouses, and the First Amended Plan will have 47 townhouses. Baltimore County Zoning Regulations allow for 49 townhouses. With the decrease in size and increased number of townhomes, the proposed impervious area on the site drops from 6.51 Ac. to 6.30 Ac. All 49 townhomes will have their own parking and Lot 2 will meet the requirements for parking as set forth in the BCZR.

It important to note, that a large portion of the Devonport Community Development Plan is not proposed for refinement. The following areas are intended to remain as shown on the 2-20-08 development Plan: Lots 1, 3 and 4 (please see enclosed plan). Also, there will be no changes to the previously referenced Special Hearing and the Petition for Variance that was granted by the Zoning Commissioner.

The above refinements are within the spirit and intent of the Approved Development Plan and the above referenced Zoning Cases. It is our intent to process these refinements through the Development Review Committee (DRC).

Should you or you staff have questions or need additional information, please feel free to contact me at 410-296-3333.

Sincerely,

Jared L. Barnhart
Project Manager

JLB/DF/bah

Enclosure

cc: Mr. Mark Buda
Mr. Charles Gast

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLANS AND ORDERS IN ZONING CASE NO. 07-541-SPH.

Jeffrey Perlow
SIGNED BY

5/22/08
DATE

Case No. 07-541-SPHA

All exhibits were admitted into evidence and are filed in the development plan file

Case No. XV-977 – Devonport Community

Case No.: XV-877 - Devonport Community & 07-541 SPHA

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	VARIATION OF STANDARDS 11/15/07	Entry of Appearance - 12/14/07 and Exhibits from Wm. C. Clark - Atty for Richard Impellaria
No. 2	Revised School Impact Analysis - OP Comments attached	
No. 3	Pattern Book	
No. 4	DMW - Mailing Certificate	
No. 5	RESUME Mr. Bernhardt.	
No. 6	ZONING ORDER 66-13X Boatyard use	
No. 7	ZONING ORDER 68-196X additional Storage	
No. 8	AERIAL GIS 1996 Photo	
No. 9	AERIAL GIS 2005 Photo.	
No. 10	WETLANDS LICENSE FOR PIER CONSTRUCTION	
No. 11	BALTIMORE COUNTY BUILDING PERMIT B657299 - 6 PIERS	
No. 12	12A - COVER SHEET 12B - DEVELOPMENT PLAN 12C - LANDSCAPE PLAN	

Case No.: XV-877 ; 07-541 SPHA - Davenport Community

Exhibit Sheet - Continued

	Petitioner/Developer	Protestant
No. 13	13A Correspondence from IMPALLARIA 13B " " " 13C " KNEW OF ISSUES	
No. 14		
No. 15		
No. 16		
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

November 28, 2007

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

Dear Mr. Schmidt:

RE: Case Number: 07-541-SPHA, Old Eastern Avenue and Punte Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 30, 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
Gast Construction Company 11100 Pulaski Highway White Marsh 21162
Anna T. Mueller 1316 Stonebridge Court Baltimore 21286
Sean McDonough, Daft-McCune-Walker, Inc. 200 E. Pennsylvania Avenue Towson 21204

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 7, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For June 11, 2007
Item No. 07-541

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We do not believe that a waiver is necessary; however, if the hearing office disagrees, we would recommend granting the waiver.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-541-06072007.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 7, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For June 11, 2007
Item No. 07-541

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We do not believe that a waiver is necessary; however, if the hearing office disagrees, we would recommend granting the waiver.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-541-06072007.doc

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

June 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 04, 2007

Item Number: 526 Through 541

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

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

State Highway Administration
Maryland Department of Transportation

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

Date: JUNE 6, 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. 7-541-SPHA
OLD EASTERN AVENUE
AND PUNTE LANE
MUELLER PROPERTY
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. 7-541-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

5/14 AT
To AT/JNP
5/11 OT
See JNP

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
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

May 11, 2007

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

Re: Drop-off Petitions for Special Hearing and Variance
Devenport Community, Old Eastern Avenue and Punte Lane

Dear Carl:

Please find enclosed the required zoning packet for the attached Petitions for Special Hearing and Variance. Specifically, I have enclosed three signed originals of the Petitions for Special Hearing and Variance, twelve site plans, three zoning descriptions, one 200-scale zoning map, one advertising form, and my check to cover the requisite filing fee.

Please note that this matter should be scheduled for a public hearing in conjunction with a Hearing Officer's Hearing pursuant to Section 32-4-230 of the Baltimore County Code. A Development Plan for that matter (PDM No. XV-877) has been filed within the last week. The Variance and Special Hearing relief requested is required for the proposed development as more particularly shown on the Development Plan. I have spoken with Walt Smith and advised him that the enclosed Zoning Petitions are being filed. I have also advised him that the Petitioner/Developer is requesting a combined hearing for the development plan and Zoning Petitions.

Please process this drop-off Petition in the usual course and advise the undersigned when this matter is scheduled for a public hearing. Thank you for your anticipated cooperation.

Very truly yours,

Lawrence E. Schmidt

LES/cjp
cc: Charlie Gast, Gast Construction Company
Eric Hadaway, Daft McCune Walker, Inc.
Jared Barnhart, Daft McCune Walker, Inc.
David K. Gildea, Esq.
Joseph R. Woolman, III, Esquire

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

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

GILDEA & SCHMIDT, LLC

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

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

November 29, 2007

Via Hand Delivery
Mr. Jeffery Purlow
Planner II, Zoning Review
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Gast Construction/Devonport Community
PDM#: XV-877
Zoning Case: 07-541-SPHA

Dear Mr. Purlow:

Pursuant to our meeting, please find enclosed the following: 1) Three amended Petitions for Variance and Three amended Petitions for Special Hearing; 2) Twelve Site Plans reflecting the amendments; 3) A check in the amount of $200 to cover the requisite fee.

The amended petitions and site plan contain the changes that we discussed. Additionally, we have reposted the property with advertising signs containing the "new" language. Theses signs will be on the property for the required fifteen day period prior to the hearing. Kristen Matthews of your office has arranged for the re-advertisement of the amended petitions. Finally, I have reviewed the amended petitions with Jennifer German in the Office of Planning and she is agreeable to the changes.

Please call me if you have any questions regarding the above.

Very truly yours,

Lawrence E. Schmidt

LES:jk
Enclosures
CC: Charles Gast, Gast Construction

07-541-SPHA
AMENDED

Jared L. Barnhart, DMW
Charles B. Marek, Esquire
David K. Gildea, Esquire

07-541-SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 00721

Date: 11/30/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				200.00

Total: 200.00

Rec From: Gildea v. Schmidt

For: Revision 07-541-SPHA
Old Eastern Ave v. Point View Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME
11/30/2007 11/30/2007 09:49:39
CASHIER WILKIN REGISTER
RECEIPT # 402225 11/30/2007
5 320 ZONING VERIFICATION
00721
Recpt Tot $200.00
$200.00 CK $0.00
Baltimore County, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 03721

Date: 11/29/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				200.00

Total: 200.00

Rec From: Gilden & Schmidt

For: REVISION 07-541-SPHA
Old Eastern Ave & Point Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS ACTUAL TIME SEQ
11/30/2007 11/29/2007 08:40:39 4
006 WALKIN WALK IN
RECEIPT # 408535 11/29/07
3 328 ZONING VERIFICATION
03721
Rcpt Tot $200.00
$200.00 CK $0.00 CA
Baltimore County, Maryland

BW 12/7

THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
C. WILLIAM CLARK
CATHERINE A. POTTHAST*
E. BRUCE JONES**
CORNELIA M. KOETTER*

* ALSO ADMITTED IN D.C.
** ALSO ADMITTED IN NEW JERSEY

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
EMAIL: NPW@NOLANPLUMHOFF.COM
WEB SITE: WWW.NOLANPLUMHOFF.COM

J. EARLE PLUMHOFF
(1940-1988)

NEWTON A. WILLIAMS
(RETIRED 2000)

RALPH E. DEITZ
(1918-1990)

December 14, 2007

VIA HAND DELIVERY AND FIRST CLASS MAIL
The Honorable William J. Wiseman, III
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Case No. 07-541-SPHA and
Hearing Officer's Hearing PDM No. 15-877 Devonport Community

Dear Mr. Wiseman:

Please enter my appearance as counsel for Richard K. Impallaria, who is the owner of the property at 1923 Old Eastern Avenue, Baltimore, MD 21220, which is adjacent to the property which is the subject of the above captioned cases. As you will recall, Mr. Impallaria appeared without counsel during the course of the hearing which was conducted on December 7, 2007. As I understand it, following the conclusion of your receiving testimony and evidence and hearing from the parties, you left the record open for Mr. Impallaria to submit whatever additional information, documents and exhibits, he deemed appropriate to further demonstrate support for his opposition to the Petitions and the request for relief sought by the Petitioner and Developer in the above captioned matter. Please consider this letter and the attachments accompanying this letter to supplement the testimony, objections and documentary evidence submitted by Mr. Impallaria at the hearing previously held. This letter will focus on the relief requested with respect to the piers and mooring poles which are shown on the development plan and which are the subject of the Petitions for Variances and/or Special Hearing relief, but should not be taken as a waiver or abandonment of the other objections Mr. Impallaria made with respect to the development proposal as a whole and all of the relief requested.

While I have had the benefit of my client's imput concerning what transpired at the hearing, and I have had the opportunity to review the exhibits contained in your file, I must apologize in advance if this letter contains errors that might be clarified if I had the opportunity to listen to the tape recording, which given the length of time for which the record remains open, and my schedule, did not permit. Having said that, this submission focuses mainly on the pier that is closest to Mr. Impallaria's property. It is my understanding that the Petitioner/Developer seeks a Special Hearing

relief to determine that all of the piers, including the one mentioned above, constitute a non-conforming use or a lawful continuation of a non-conforming use. It appears, even from the Petitioners/Developers evidence that a portion of the pier closest to Mr. Impallaria's property violates section 417 of the Baltimore County Zoning Regulations and the illustrative drawings in determining divisional property lines on water front construction contained in the Baltimore County Zoning Commissioner's Policy Manual. In the event that the you should determine that the pier did not meet the non-conforming use test, as I understand it, the Petitioner/Developer seeks a variance to allow the piers for which a permit has been issued to be constructed as depicted by allowing a reduction in the set back requirements from the line of division and/or a variation in the line of division in order to take them out of violation of the regulations.

From what I ascertained from the information relayed to me and my review of the file, it appears as though the Petitioner/Developer maintains that by virtue of two previous cases involving prior owners of the property that a Special Exception was granted for a boat yard which purportedly included permission from Baltimore County and the other requisite governmental agencies permission to erect piers out from the subject property into Middle River. So far as I can determine, the Petitioner/Developer has not offered any evidence the issuance of a license for piers and pilings as well as mooring poles that were constructed prior to the permits that were issued as Developer's Exhibit 10 authorizing the construction of the floating piers that now are proposed.

Mr. Impallaria has discovered in a copy of memories of "Old Middle River" a book authored by Jackie Nickel, copyrighted and published in the year 2002, a history of Buedel's Park and the Commadore Inn, an excerpt of which is attached and enclosed with this letter. That account records that Buedel's Park did not become a mariana until the 1960's and unfortunately Joe Buedel never lived to see it completed having died in 1966 two months after the first pier was built. Enclosed is a copy of an aerial photograph obtained from the Baltimore County Department of Permits and Development Management, bearing a handwritten date of April 14, 1961 of the subject property showing that no piers existed on the site at that time. Also enclosed is an aerial photograph bearing a date of April 18, 1972 , likewise obtained from the Baltimore County Department of Permits and Development Management showing the subject property with seven piers and a travel lift. Mr. Impallaria believes that this evidence demonstrates that the piers were constructed in 1966. From the 1971 photograph, it appears that the pier closest to Mr. Impallaria's property is in the same shape as is shown in Developer's Exhibit No. 8, which is based upon a 1996 GIS photograph obtained by the Petitioners/Developers engineering firm, over which it superimposed other information. One can see that this pier as shown in Petitioners/Developers Exhibit No. 8 as shown in the 1996 photograph and consistent with the 1971 photograph, violates the application of the lines of division and the required setbacks dictated by Baltimore County Zoning Regulations Section 417.

Section 417 of the Baltimore County Zoning Regulations was enacted by the County Council in 1963, pursuant to Bill No. 64-1963. Attached hereto and incorporated herein by reference is page 4-79 of the Baltimore County Zoning Regulations which in the first section of 417 recites the bill number and year. Thus, it appears that the piers when constructed in 1966 violated Section 417 and thus were not a lawful non-conforming use. Therefore, the Petitioner/Developer is not entitled to

an Order granting it Special Hearing relief since under Section 104.1 and Section 500.7 of the Baltimore County Zoning Regulations, the Zoning Commissioner may only permit the continuance of the non-conforming use which meets the definition contained in Section 101 of the Baltimore County Zoning Regulations, which is as follows,"Non-conforming use- a legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such use. A specifically named use described by the adjective 'Non-conforming' is a non-conforming use." Since the piers in question did not comply with Section 417, at the time of their construction, they can not qualify as a legal use .

Even if you were persuaded that the erection of the piers and the manner in which it was done in 1966 constituted a "legal" use, Mr. Impallaria believes that "lawful" non-conforming use has been abandoned and terminated. Whether a non-conforming use can be changed, extended, enlarged, altered, repaired, restored, or recommenced after abandonment ordinarily is governed by the provisions of the applicable local ordinances and regulations which must be strictly construed in order to effectuate the purpose of eliminating non-conforming uses. *Trip v. Baltimore*, 392 MD. 563,578 (2006)(citations omitted). An intensification of a non-conforming use is permissible so long as the nature and character of that use is unchanged and is substantially the same. *Trip* at p. 579.

The evidence demonstrates that pursuant to Petitioner/Developer's Exhibit No. 10, the property owners sought and obtained a permit to remove the piers constructed (apparently in 1966), which were piers attached to pilings sunk into the water and to replace them with floating piers which are not attached to pilings and which do not extend across the water, at a distance of several feet about the water, but would extend one to two feet into the water below the top of the water and thus "Float" upon the water. I believe Mr. Impallaria has explained to you his objection to the floating piers based upon his belief that it will cause silt to be deposited upon his property and will make the portion of the river in front of this property less navigable. However the legal objection to be made on his behalf stems from the fact the original piers purportedly the "legal" and non-conforming use, were completely removed and thus those facilities were abandoned or terminated. What will replace them is not of the same nature or character or use, since the floating piers affect the flow of the water and silt in a different manner from the previous piers and are physically not the same "facility". They are not exactly in the same location as the previous piers.

A very instructive case which applies to this situation is *Jahnigen v. Staley*, 245 Md. 130,225 A.2d 277, which was cited with approval in the case of *Trip v. Baltimore* cited above. In that case a water front property had been used by its previous owners as a boat rental property from before the enaction of a comprehensive zoning ordinance which placed the property in an agricultural classification thus, making the boat rental property and its pier a non-conforming use. Following the new zoning designation on the property the property owners constructed a new pier and other facilities other than the 90 foot wharf and T through in existence prior to the effective date of the zoning ordinance. The Court determined that they were invalid extensions of the non-conforming use. The Court of Appeals in *Trip* cited with approval the *Jahnigen* case and reaffirmed the principle that an intensification of non conforming use is permissible so long as the nature and the character of the use is unchanged and substantially the **same facilities** are used. *Trip* at p. 582 (emphasis added) The Court noted that physical expansions, like constructing a new pier and use of the land for services other than what was already present prior to the effective date of the ordinance were held

to be invalid extensions of the non-conforming use. The court did decide that any increase in the number of row boats rented would be an intensification of the non-conforming use and would not be extension. Since the same facilities are not being used by Petitioner/Developer as those in existence in 1966(when the original piers were constructed), the purported lawful non-conforming use was terminated. The Special Hearing relief should be denied.

One additional reason for the denial results from the fact that in addition to not using the same facilities, the evidence demonstrates that a physical expansion has been proposed to the pier closest to Mr. Impallaria's property. As seen in the 1972 photograph and in the 1996 photograph that pier did not contain a T at the end of the pier but rather was L shaped. It is clear that the mooring area at the end of that pier has doubled in size or increased by 100 percent. Under Section 104.1, a non-conforming use may not be expanded beyond 25 % of its original footprint, since it is that portion of the pier most clearly violates Section 417, both now and historically, no expansion should be permitted to allow the end of that pier to increase from the L Shape that historically existed to be increased to the T shape now proposed. Such expansion does not just prohibit the expanded use, it also under Section 104.1 and the cases interpreting non-conforming uses causes the loss of the entire non-conforming use.

The alternative relief sought by the Petitioner/Developer consists of a Request for Variance. While I am at a disadvantage in not knowing what opinion testimony and what facts supporting that opinion the Petitioner/Developer offered to demonstrate the "uniqueness" of the property , it strains credulity when looking at the aerial photographs for one to believe that the application Section 417 to the Petitioners/Developer's property causes a disproportionate impact upon that site when compared to similarly situated properties. The shore line being as irregular as it is, is not different from nor more greatly varied than the shore line irregularities located on the surrounding properties in those pictures let alone the remaining shore lines along the Middle River. Under *Cromwell v. Ward* 102 Md App. 691 and it's progeny, the Petition for Variance must fail under the two part test, since the Petitioner's case can not meet the requirement of the property being unique and unusual in a manner different from the nature of the surrounding property such that the uniqueness or peculiarity of the property causes a zoning provision to impact disproportionally upon the property. If that finding can not be made , the process stops and the variance must be denied. *Cromwell v. Ward*, supra.

Finally even if you are persuaded that the Petitioner's evidence meets the two part test under the *Cromwell* case and it's progeny, and all the other requirements of Section 307.1 necessary to approve a variance, the variance must be denied since the hardship, (assuming that this is the basis on which Petitioner justifies the Variance) is self created or self inflicted. If the property reasonably can not be adapted to use in conformity with zoning ordinance restrictions due to unique circumstances, any hardship may be relieved through the variance procedure. However, if the unusual circumstances which hinder reasonable use of the property in accord with the zoning ordinance restrictions have been caused or created by the property owner or by his predecessor in title, hardship can not be demonstrated since it is essentially self created and not due solely to the manner of the operations of the ordinance on the subject property. *Wilson v. Mayer and Commissioners of the Town of Elkton*, 35 Md App. 417,371 A.2d 443(1977). The construction of the previous piers is a self created hardship as would be the proposed piers if constructed in a way that violates section 417 of the BCZR.

Thus, the Petitions for Variance and for Special Hearing relief must be denied.

Please contact me with any questions or concerns which you may have.

Very truly yours,

C. William Clark

CWC/jkc

Enclosures

cc: Gary Rissling
Rick Impallaria
Lawrence E. Schmidt, Esquire

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	Old Eastern Avenue & Punte Lane; SE/S Old Eastern , NE corner Punte Lane & Old Eastern	*	ZONING COMMISSIONER
	15th Election & 6th Councilmanic Districts	*	FOR
	Legal Owner(s): Anna Mueller		
	Contract Purchaser(s): Gast Construction Co. Petitioner(s)	*	BALTIMORE COUNTY
		*	07-541-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
JUN 07 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 7th day of June, 2007, a copy of the foregoing Entry of Appearance was mailed Sean McConough, Daft-McCune-Walker, Inc, 200 E. Pennsylvania Avenue, Towson, MD 21204 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

INTEROFFICE CORRESPONDENCE

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

DATE: December 12, 2007

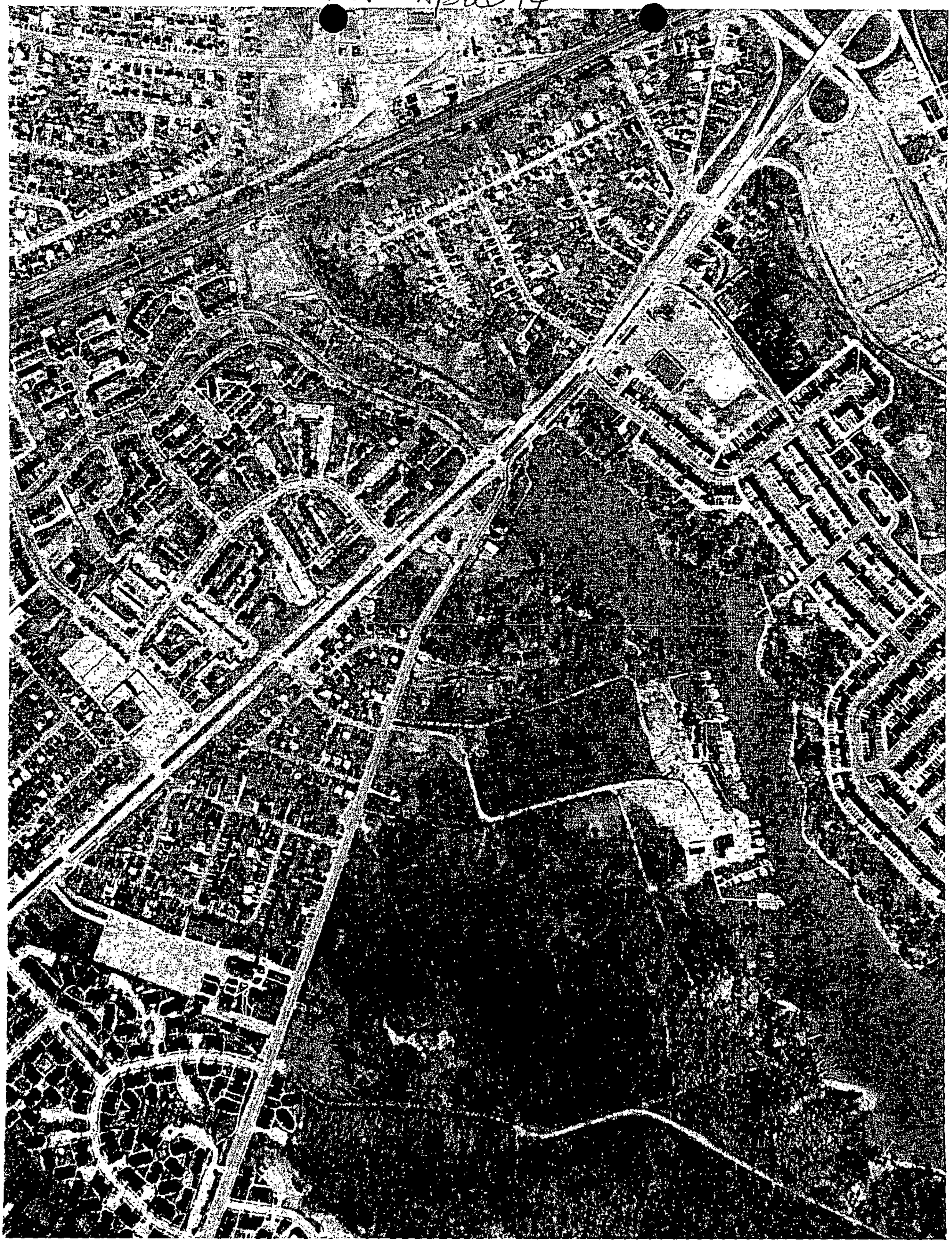
FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2007
Item Nos. 08-235, 236, 237, 238, 239, 241, 243, 244, 245, 246, 247 and 07-541

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-121207.doc

1961 April 14.



April 18 1972

07-541 - SPHA & 15-877

Case No.: XV-877 & 07-541 SPHA Denonport Community

County Exhibits

No. 1	Posting + Notice Certifications
No. 2	OPEN SPACE WAIVER
No. 3	
No. 4	
No. 5	
No. 6	
No. 7	
No. 8	
No. 9	
No. 10	
No. 11	
No. 12	

PLEASE PRINT CLEARLY

CASE NAME Devonport Community
CASE NUMBER 1S-877
DATE 12-2-07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Mary Jacob	9167 Esther Ct.	Forest Hill, MD 21050	gjcstconstruction@verizon.net
Charlie Gaast	11100 Pinehill Highway	White Marsh MD 21162	" " "
Glenn Cook	9900 Franklin Sq Dr Ste H	White Marsh MD 21236	gcook@trafficgroup.com
Anton Briggs	200 E Pennsylvania, Towson	Towson MD 21204	abriggs@dmw.com
JARED BARNHART	200 E. PENNSYLVANIA AVE, TOWSON	TOWSON, MD 21231	jbarnhart@dmw.com
ERIC C. HOODWOOD			chadaway@dmw.com
LAWRENCE E SCHMIDT	600 WASHINGTON AVE STE 200	TOWSON, MD 21204	lschmidt@gilkeallc
Mitch Kellman	10710 Gilroy Rd	Hunt Valley MD	mkellman@centurycos.com

PLEASE PRINT CLEARLY

CASE NAME Devonport Community
CASE NUMBER 15-877
DATE 12-7-07

HO H

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Walt Smith	PDM		3321
Dave Lykens ✓	DEPRM		3980
Jeffrey Perlow	PDM-Zoning		3391
Jan Cook ✓	Rec & Parks		2505
Dennis Kennedy	Dev. Plan Review		3751
Jenifer Germain	Planning		3480
Gee Gee Hampshire	Land Acquisition		

PLEASE PRINT CLEARLY

CASE NAME Devonport Community
CASE NUMBER 15-877
DATE 12-7-07

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Rick Impallaria	5 Punte Ln 21221	Balt md 21221	Rick Impallaria @ House. state. md. us
Roger ZAJDEL	1909 Old Eastern Av	21221	
Bill Snyder	227 Haverhill Rd	Joppa, Md. 21085	WB3JOPPA @ Comcast Net
Gary [illegible]	16615 [illegible] Rd	[illegible]	
Marc Kl[illegible]tenic	502 Washington Av #610	Towson, MD 21204	mklitenic@k3blaw.com

Esquire Represents Mr. ZAJDEL

ZAJDEL

GENERAL NOTES:

1. Owner: Anna T. Mueller, 1316 Stonebridge Ct, Baltimore, Md 21286, (410) 335-4200
   Developer: Gast Construction Company, 11100 Pulaski Highway, White Marsh, Md 21162, (410) 335-4200
2. Preparer of Plan: DMW, Inc., 200 East Pennsylvania Avenue, Towson, Maryland 21286, (410) 296-3333
3. General Information:
   a. Councilmanic District — 6th
   b. Election District — 15th
   c. Census Tract — 450800
   d. Tax Map References — TM 90 Grid 17 Parcel 999
   i. Tax Account Number — 15-1513203811 / 15-1513203810
   j. Deed References — 19071/524
   k. ADC Map Reference — Map 37 Grid G7
   l. Watershed — 19 - Middle River
   m. Zoning Map (1"=200') — 090C3
   n. Topo Map — Balto.Co.GIS Tile # 090 C3
   o. Regional Panning District
   p. School District — Baltimore County
      Elementary School — Mars Estates
      Middle School — Stemmers Run
      High School — Kenwood
   q. Net Property Area — 12.51
   r. Subsewershed — Middle River
4. Zone Lines:
   The zone lines shown hereon have been digitally located from electronic files provided by the Baltimore County Office of Planning, dated 2004.
5. All proposed community signs shall conform to Baltimore County signage regulations (Section 450 BCZR). Review and approval of signs shall occur prior to the issuance of building permit.
6. Open Space:
   Local Open Space Requirements: 42 DU x 1000sf/DU = 42,000 sf LOS
   a. Local Open Space Required: 27,300 sf Active and 14,700 sf Passive (or a combination thereof as specified in Section III.D.1.2, and 3).
   b. Local Open Space Provided: 0 sf, Waiver Requested and Fee-In-Lieu to be paid.
   c. Amenity Open Space: None Required
7. Soils:
   Soils shown hereon are in accordance with the Soil Survey, Baltimore County, Maryland (dated March, 1976).
8. There are no wells, septic systems, or underground storage tanks on or within 100' of this site.
9. Soil Evaluation Tests:
   This site is to be served by public water and sewer. Perc tests are not required.
10. Existing Buildings and Roads:
    All known existing buildings and roads within 200 feet of the proposed site have been shown. The existing buildings are to be remodeled or razed as noted on the plan.
11. The Maryland Historic Trust has confirmed that there are no designated historic structures/sites or archaeological sites on this property.
12. The Maryland Department of Natural Resources Wildlife Heritage Division has determined that there are no rare, threatened, or endangered species within the project boundry.
13. Significant Views/Significant Features:
    There are no significant views or features that may affect the development proposal.
14. Existing Land Uses:
    Existing and proposed land uses on or within 200 feet of the proposed site are shown on this plan.
15. Road Right-of-Ways/Easements:
    All known existing and proposed rights-of-ways and easements are as shown on this plan.
16. Recreation and Parks Plans:
    This development site is not subject to any Baltimore County Recreation and Parks Plans.
17. There are no impending failures of the basic services maps within the vicinity of this site.
18. The Final Landscape Plan shall be approved prior to building permit application.
19. This Development Plan is subject to Stormwater Management requirements adopted by Baltimore County on July 1, 2001.
20. The developer shall be responsible for snow removal, salting, and landscape maintenance within this site.
21. The Sanitation Service to the site is to be provided by a private contractor.
22. All illumination in parking areas shall comply with BCZR 409.8.A.3.
23. Critical Area Easement Notes:
    a. Standard Nondisturbance Notice:
       There shall be no clearing, grading, construction, or disturbance of vegetation within the Critical Area Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
    b. 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.
24. Boundary Information shown hereon is based upon a boundary survey performed by DMW on July 19, 2005. coordinates and bearings shown on this plan are based on the Maryland Coordinate System - NAD 83.
    a. The location of any underground utility shown hereon is approximate and must be verified prior to the commencement of any construction activity.
    b. Topography Information shown hereon is based upon a topography survey performed by DMW on July 19, 2005.
    c. Pier Information hereon is based upon Gast Construction Company asbuilt, dated august 6, 2005.
    d. The 100-year Tidal Flood plain is from F.E.M.A. Flood Insurance Rate Map Community Parcel #240010 0430 B dated March 2, 1981. BCMD Datum (elev. 10) converted to NAVD 88 (elev. 8.3).
25. Section 220 of the BCZR states the following performance standards for the B.M.B zone:
    A. All lighting on the site, including illuminated signs shall be directed away from residential properties and shielded or designed so as not to interfere unreasonably with neighboring homes or with boats and vessels in the water.
    B. Outside storage areas for materials or equipment needed for the normal conduct of business, which are adjacent to residentially zoned or residentially used properties, shall be screened according to the Class A screening requirements contained in the Landscape Manual. An opaque fence of a minimum height of five feet may be substituted for the planted screening.
    C. Notwithstanding the provisions of 409.8A.2 and 409.8A.3., parking facilities need not be paved or striped in the Critical Area, provided that the surface is considered acceptable by the Directors of the Departments of Environmental Protection and Resource Management and Public Works, who must find that the facility will be appropriate for the amount and type of traffic to be generated and that there will be an adequate method of dust control.
    D. The site shall be designed to have minimal detrimental impact on adjacent residential reas with respect to structure location and hieght, access, views of the water, location or piers and noise. New buildings shall be designed so that the facade harmonizes with homes in the adjacent residential areas.
26. The F.A.R for lots 3&4 are as follows:
    Lot 3: $\frac{22,000}{46,609}$ = 0.47<0.3 max
    Lot 4: $\frac{4800}{52708}$ = 0.09<0.3 max
27. Stormwater Management Water Quality will be provided through and underground water quality device with direct discharge to Tidal Waters.
28. Proposed Average Daily Trips:
    38 Single Family Attached Units (Townhomes)
    x 8.5 ADT/DY
    323 ADT's
    4 Apartments
    x 68.5 ADT/Unit
    26 ADT's
    3,050 SF Office Space
    x 25 ADT/1,000 SF
    77 ADT's
    24,400 Sf Restaurant (Quality)
    x 97 ADT/1,000 Sf
    2,367 ADT's
    Total = 2,988 ADT's
29. The preliminary development schedule is:
    a. Marina lot - Lot 1
    b. Residential lot - Lot 2
    c. Commercial lot - Lots 3 and 4
30. The applicant will be requesting a parking variance for the amount of spaces.
31. This property has been held intact since April 16, 1902 per deed reference 261/01. The developer's surveyor has confirmed that no part of the gross area of this property as shown on this plan has ever been utilized, recorded, or represented as density or area to support any off site dwellings.
32. The residential lot (lot 2) will be in condominium.
33. A final development plan will not be required.
34. The performance standard pursuant to Section 224 of the BCZR will comply with Section 220 of the BCZR
35. As known to the applicant, there are no hazardous materials on site as defined by section 7-101 of the environmental article of the annotated code of Maryland.
36. All onsite roads shall remain private
37. Based on USDA SCS Prime Farmland Survey June 1992, both soil types on this property are productive
38. CRITICAL AREA FOREST/CALCULATIONS
    Forest Area:
    Existing Forest (Net Site Area) = ±73,616 sf (±1.69 Ac.)
    Total Existing Forest to be cleared = ±67,082 sf (±1.54 Ac.)
    Required Reforestation (1:1) = ±67,082 sf (±1.54 Ac.)
    Reforestation will be satisfied through the Reforestation of approximately 0.35 Ac on-site and the remainder will be satisfied by fee-in-lieu payment.
39. SANITARY SEWER
    a. The following units will require ejection pumps for basements: 2-16, 24-38
    b. The following units will require a private force main system: 6-10, 34-38, The Apartments, The Bathhouses
40. The applicant is requesting:
    1. A Variance from section 409.6A and B to permit 137 shared parking spaces in lieu of the greatest minimum required 275 shared parking spaces.
    2. A Special Hearing pursuant to Section 500.7 of the Baltimore Counyt Zoning Regulations ("BCZR") to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to Baltimore County Code Section 32-8-301.
    3. A Special Hearing pursuant to Section 500.7 of the BCZR, in the alternative to the Petition for Variance filed contemporaneously here with, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- PROPOSED ROAD CURB LINE
- EXISTING MACADAM DRIVE
- EXISTING ROAD CURB LINE
- 100yr FLOOD PLAIN
- CRITICAL AREA EASEMENT
- CALCULATED CRITICAL AREA BUFFER
- 35' PRINCIPAL STRUCTURE SETBACK
- DUMPSTER
- RETAINING WALL
- EXISTING BUILDING
- ZONING LINE (BMB / DR 16)
- PROPOSED ORNAMENTAL FENCE
- WETLAND BUFFER
- SOIL LINE
- EX. STREAM
- PROP. CRITICAL AREA / FOREST BUFFER
- MAIL BOX & TRASH ENCLOSURE
- FRONT OF BUILDING
- EX. TREES TO REMAIN

SITE DATA (GROSS ACERAGE)

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.05	5.76	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.08	5.94	N/A	0
	BMB	5.85	32.18	N/A	38
COMMERCIAL					
3	BL	1.21	6.66	N/A	0
4		1.38	7.59	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	GROSS AREA	12.51 AC			

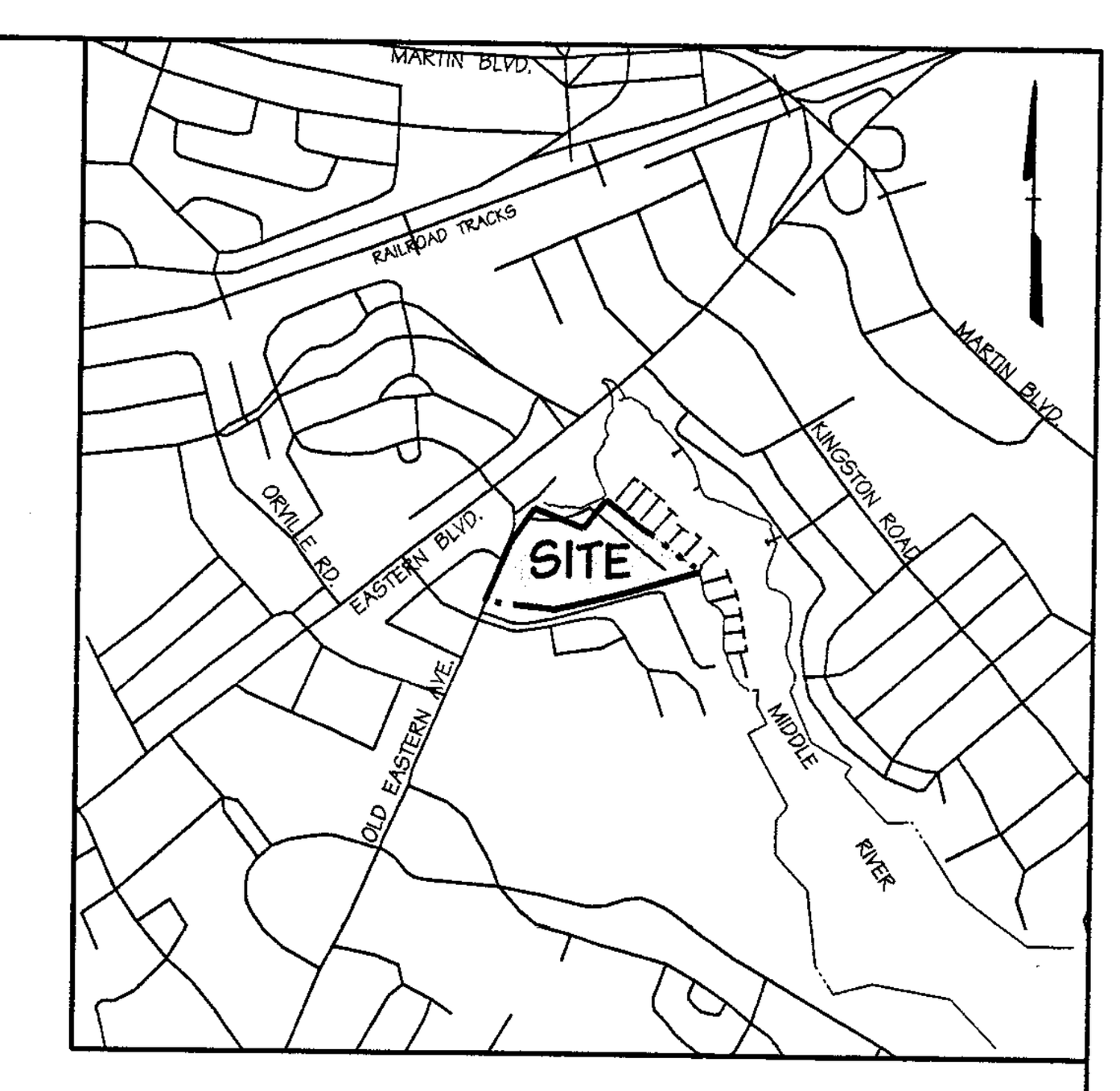
SITE DATA (NET ACERAGE)

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.00	5.50	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.00	5.50	N/A	0
	BMB	5.85	32.18	N/A	38
COMMERCIAL					
3	BL	1.07	5.85	N/A	0
4		1.21	6.66	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	NET AREA	12.07 AC			

SITE DEVELOPMENT PROPOSAL

	USE	PROPOSED UNITS	PARKING REQUIRED	PARKING PROVIDED	OPEN SPACE PROPOSED (ACRES)	AVERAGE DAILY TRIPS
MARINA LOT 1	APARTMENT	4	4x2.3=8	8	N/A	26
	OFFICE (650 Sf. TOTAL)	N/A	3.3x1000=3	3	N/A	17
	MARINA	132 SLIPS	132/2=66	68	N/A	323
RESIDENTIAL LOT 2	SINGLE FAMILY ATTACHED	38	38/2.15=82	152 **	N/A	380
COMMERCIAL LOT 3	TAVERN (22,000 Sf. TOTAL)	N/A	*	135	N/A	2134
COMMERCIAL LOT 4	OFFICE (2,400 Sf. TOTAL)	N/A	*	SHARED	N/A	60
	RESTAURANT (2,400 Sf. TOTAL)	N/A	*	SPACES	N/A	233

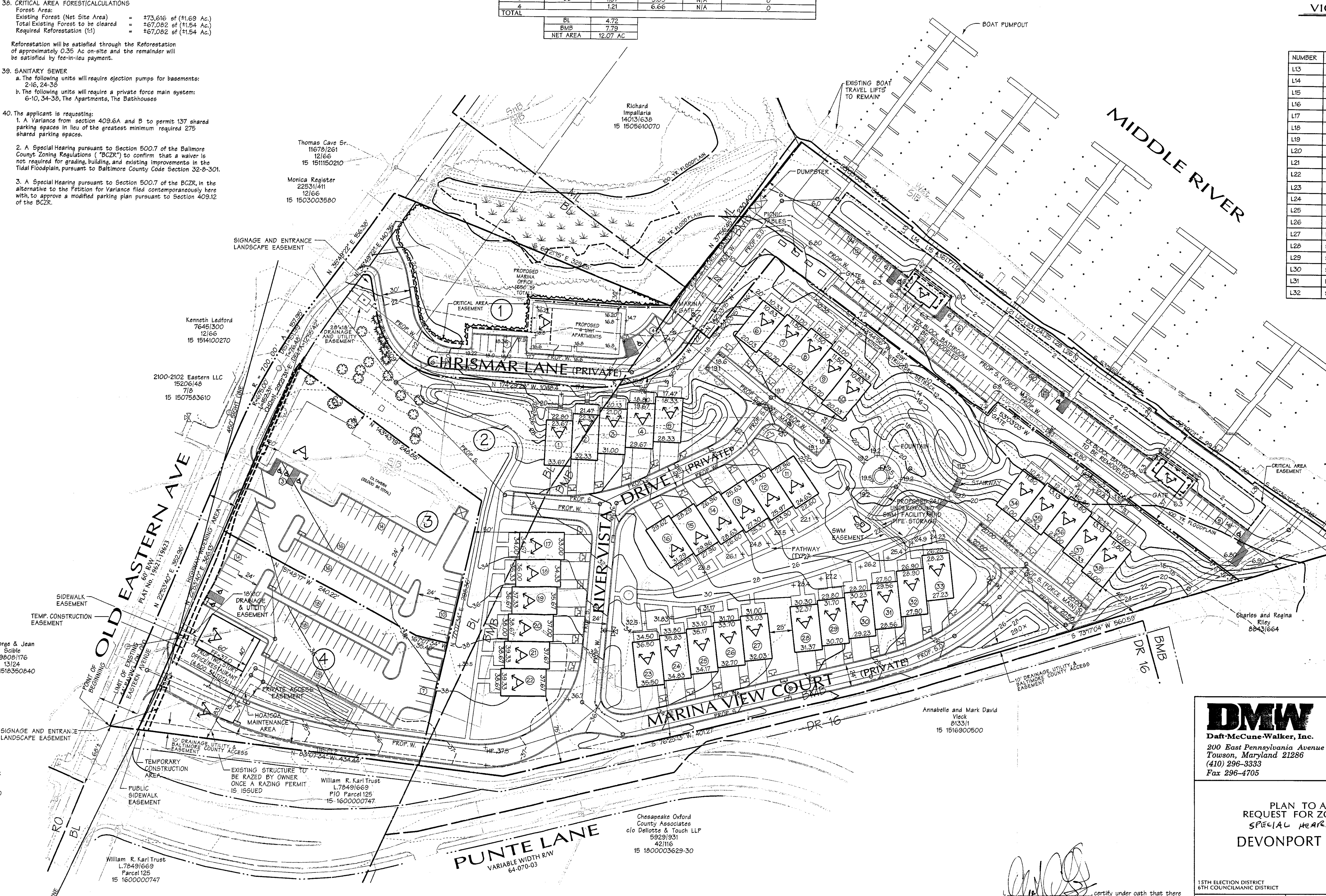
* SEE THE PARKING CALULATIONS FOR COMMERCIAL BELOW
** SINGLE FAMILY ATTACHED RESIDENTIAL UNITS HAVE 4 PARKING SPACES EACH; TWO IN THE GARAGE, AND TWO IN THE DRIVEWAY



VICINITY MAP

SCALE: 1"=1000'

NUMBER	BEARING	DISTANCE
L13	S 36°26'46" W	2.87'
L14	S 52°13'04" E	21.30'
L15	S 55°18'55" E	16.56'
L16	S 65°00'22" E	11.33'
L17	S 51°47'44" E	11.36'
L18	S 45°26'56" E	11.72'
L19	S 51°38'14" E	34.03'
L20	S 52°39'55" E	29.39'
L21	S 56°35'49" E	10.45'
L22	S 51°46'29" E	15.28'
L23	S 55°29'30" E	10.27'
L24	S 61°59'42" E	11.06'
L25	S 57°15'04" E	11.44'
L26	S 63°01'39" E	6.42'
L27	N 41°19'20" E	1.90'
L28	S 51°14'48" E	21.63'
L29	S 36°19'11" W	2.65'
L30	S 51°39'07" E	34.22'
L31	N 43°57'09" E	3.56'
L32	S 52°20'57" E	39.35'



PARKING CALCULATIONS FOR COMMERCIAL

	WEEKDAY		WEEKEND		
	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	NIGHTTIME (MIDNIGHT TO 6:00 am)
OFFICE	100% (14x1)=14	10% (14x0.1)=2	10% (14x0.1)=2	5% (14x0.05)=1	5% (14x0.05)=1
RESTAURANT	50% (53x0.5)=27	100% (53x1)=53	100% (53x1)=53	100% (53x1)=53	10% (53x0.1)=6
TAVERN	40% (220x0.4)=88	100% (220x1)=220	80% (220x0.8)=176	100% (220x1)=220	10% (220x0.1)=22
TOTAL	129	275	231	274	29

I, [signature] 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

07-541 SPHA
(DROP OFF)

PDM #15-877

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

PLAN TO ACCOMPANY
REQUEST FOR ZONING VARIANCE/
SPECIAL HEARING JES
DEVONPORT COMMUNITY

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND — THOMAS H. REPSHER — REGISTERED LANDSCAPE ARCHITECT — NO. 268

DATE	BY	REVISIONS

ISSUE DATES
REVIEW: 3MAY07
BID:
PERMIT:
CONSTRUCTION:
BASE: CTR
DRAWN: CTR/KAW
DESIGNED: JLB
CHECKED BY:
DATE CHECKED:
SCALE: 1"=50'
PROJECT NO.: 05005.A0
DRAWING: 1 of 1

/2/2007 3:38:43 PM jbarnhart c:\hpm\050g05.prf P:\05005\ENGR\Development Plan\07-05-03 1st\05005.V1 05005.V1

NGR\Development Plan\07-05-03 1st\05005.V1 May 02 15:38:20 2007

GENERAL NOTES:

1. Owner:
Anna T. Mueller
1316 Stonebridge Ct
Baltimore, Md 21286
(410) 336-4200

Developer:
East Construction Company
11100 Pulaski Highway
White Marsh, Md 21162
(410) 336-4200

2. Preparer of Plan:
DMW, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333

3. General Information:
a. Councilmanic District — 6th
b. Election District — 15th
c. Census Tract — 4608.00
d. Tax Map References — TM 90 Grid 17
i. Tax Account Number — Parcel 999 — 15-1513203811 / 15-1513203810
j. Deed References — 19071/324
k. ADC Map Reference — Map 37 Grid G7
l. Watershed — 19 - Middle River
m. Zoning Map (1"=200') — 090C3
n. Topo Map — Balto. Co. GIS Tile # 090 C3
o. Regional Panning Districts — Baltimore County
p. School Districts — Mars Estates
Elementary School — Stemmres Run
Middle School — Kenwood
High School — Chesapeake
q. Net Property Area — 12.51
r. Subsewershed — Middle River

4. Zone Lines:
The zone lines shown hereon have been digitally located from electronic files provided by the Baltimore County Office of Planning, dated 2004.

5. All proposed community signs shall conform to Baltimore County signage regulations (Section 450 BCZR). Review and approval of signs shall occur prior to the issuance of building permit.

6. Open Space:
Local Open Space Requirements: 42 DU x 1000sf/DU = 42,000 sf LOS
a. Local Open Space Required: 27,300 sf Active and 14,700 sf Passive (or a combination thereof as specified in Section III.D.1.2, and 3).
b. Local Open Space Provided: 0 sf, Waiver Requested and Fee-in-Lieu to be paid.
c. Amenity Open Space: None Required

7. Soils:
Soils shown hereon are in accordance with the Soil Survey, Baltimore County, Maryland (dated March, 1976).

8. There are no wells, septic systems, or underground storage tanks on or within 100' of this site.

9. Soil Evaluation Tests:
This site is to be served by public water and sewer. Perc tests are not required.

10. Existing Buildings and Roads:
All known existing buildings and roads within 200 feet of the proposed site have been shown. The existing buildings are to be remodeled or razed as noted on the plan.

11. The Maryland Historic Trust has confirmed that there are no designated historic structures/sites or archaeological sites on this property.

12. The Maryland Department of Natural Resources Wildlife Heritage Division has determined that there are no rare, threatened, or endangered species within the project boundry.

13. Significant Views/Significant Features:
There are no significant views or features that may affect the development proposal.

14. Existing Land Uses:
Existing and proposed land uses on or within 350 feet of the proposed site are shown on this plan.

15. Road Right-of-Ways/Easements:
All known existing and proposed rights-of-ways and easements are as shown on this plan.

16. Recreation and Parks Plans:
This development site is not subject to any Baltimore County Recreation and Parks Plans.

17. There are no impending failures of the basic services maps within the vicinity of this site.

18. The Final Landscape Plan shall be approved prior to building permit application.

19. This Development Plan is subject to Stormwater Management requirements adopted by Baltimore County on July 1, 2001.

20. The developer shall be responsible for snow removal, salting, and landscape maintenance within this site.

21. The Sanitation Service to the site is to be provided by a private contractor.

22. All illumination in parking areas shall comply with BCZR 409.8.A.3.

23. Critical Area Easement Notes:

a. Standard Nondisturbance Notice:
There shall be no clearing, grading, construction, or disturbance of vegetation within the Critical Area Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

b. 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.

24. Boundary information shown hereon is based upon a boundary survey performed by DMW on July 19, 2005. coordinates and bearings shown on this plan are based on the Maryland Coordinate System - NAD 83.

a. The location of any underground utility shown hereon is approximate and must be verified prior to the commencement of any construction activity.

b. Topography information shown hereon is based upon a topography survey performed by DMW on July 19, 2005.

c. Pier information hereon is based upon East Construction Company asbuilt, dated august 6, 2005.

d. The 100-year Tidal Flood plain is from F.E.M.A. Flood Insurance Rate Map Community Parcel #240010 0430 B dated March 2, 1981. BCMD Datum (elev. 10') converted to NAVD 88 (elev. 8.3).

25. Section 220 of the BCZR states the following performance standards for the B.M.B zone:

A. All lighting on the site, including illuminated signs shall be directed away from residential properties and shielded or designed so as not to interfere unreasonably with neighboring homes or with boats and vessels in the water.

B. Outside storage areas for materials or equipment needed for the normal conduct of business, which are adjacent to residentially zoned or residentially used properties, shall be screened according to the Class A screening requirements contained in the Landscape Manual. An opaque fence of a minimum height of five feet may be substituted for the planted screening.

C. Notwithstanding the provisions of 409.8A.2 and 409.8A.3., parking facilities need not be paved or striped in the Critical Area, provided that the surface is considered acceptable by the Directors of the Departments of Environmental Protection and Resource Management and Public Works, who must find that the facility will be appropriate for the amount and type of traffic to be generated and that there will be an adequate method of dust control.

D. The site shall be designed to have minimal detrimental impact on adjacent residential reas with respect to structure location and height, access, views of the water, location or piers and noise. New buildings shall be designed so that the facade harmonizes with homes in the adjacent residential areas.

26. The F.A.R for lots 334 are as follows:

Lot 3: 22,000 / 46,609 = 0.47<0.3 max

Lot 4: 4800 / 52705 = 0.09<0.3 max

27. Stormwater Management Water Quality will be provided through and underground water quality device with direct discharge to Tidal Waters.

28. Proposed Average Daily Trips:

38 Single Family Attached Units (Townhomes)
x 8.5 ADT/DV
323 ADT's

4 Apartments
x 68.5 ADT/Unit
26 ADT's

3,050 SF Office Space
x 25 ADT/1,000 Sf
77 ADT's

24,400 Sf Restaurant (Quality)
x 97 ADT/1,000 Sf
2,367 ADT's

Total = 2,988 ADT's

29. The preliminary development schedule is:
a. Marina lot - Lot 1
b. Residential lot - Lot 2
c. Commercial lot - Lots 3 and 4

30. The applicant will be requesting a parking variance for the amount of spaces.

31. This property has been held intact since April 16, 1902 per deed reference 261/01. The developer's surveyor has confirmed that no part of the gross area of this property as shown on this plan has ever been utilized, recorded,or represented as density or area to support any off site dwellings.

32. The residential lot (lot 2) will be in condominium.

33. A final development plan will not be required.

34. The performance standard pursuant to Section 224 of the BCZR will comply with Section 220 of the BCZR.

35. As known to the applicant, there are no hazardous materials on site as defined by section 7-101 of the environmental article of the annotated code of Maryland.

36. All onsite roads shall remain private

37. Based on USDA SCS Prime Farmland Survey June 1992, both soil types on this property are productive

38. CRITICAL AREA FOREST/CALCULATIONS
Forest Area:
Existing Forest (Net Site Area) = ±73,616 sf (±1.69 Ac.)
Total Existing Forest to be cleared = ±67,082 sf (±1.54 Ac.)
Required Reforestation (1:1) = ±67,082 sf (±1.54 Ac.)

Reforestation will be satisfied through the Reforestation of approximately 0.35 Ac on-site and the remainder will be satisfied by fee-in-lieu payment.

39. SANITARY SEWER
a. The following units will require ejection pumps for basements: 2-16, 24-38
b. The following units will require a private force main system: 6-10, 34-38, The Apartments, The Bathhouses

40. The applicant is requesting:
1. A Variance from section 409.6A and B to permit 137 shared parking spaces in lieu of the greatest minimum required 275 shared parking spaces.

2. A Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to Baltimore County Code Section 32-8-301.

3. A Special Hearing pursuant to Section 500.7 of the BCZR, in the alternative to the Petition for Variance filed contemporaneously here with, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- PROPOSED ROAD CURB LINE
- EXISTING MACADAM DRIVE
- EXISTING ROAD CURB LINE
- 100yr FLOOD PLAIN
- CRITICAL AREA EASEMENT
- CALCULATED CRITICAL AREA BUFFER
- 35' PRINCIPAL STRUCTURE SETBACK
- DUMPSTER
- RETAINING WALL
- EXISTING BUILIDING
- BMB / DR 16 — ZONING LINE
- PROPOSED ORNAMENTAL FENCE
- WETLAND BUFFER
- SOIL LINE
- EX. STREAM
- PROP. CRITICAL AREA / FOREST BUFFER
- MAIL BOX & TRASH ENCLOSURE
- FRONT OF BUILDING
- EX. TREES TO REMAIN

SITE DATA (GROSS ACERAGE)

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.05	5.76	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.08	5.94	N/A	0
	BMB	5.85	32.18	N/A	38
COMMERCIAL					
3	BL	1.21	6.66	N/A	0
4		1.38	7.59	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	GROSS AREA	12.51 AC			

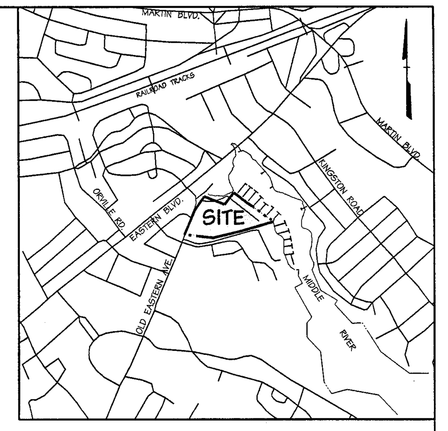
SITE DATA (NET ACERAGE)

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.00	5.50	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.00	5.50	N/A	0
	BMB	5.85	32.18	N/A	38
COMMERCIAL					
3	BL	1.07	5.85	N/A	0
4		1.21	6.66	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	NET AREA	12.07 AC			

SITE DEVELOPMENT PROPOSAL

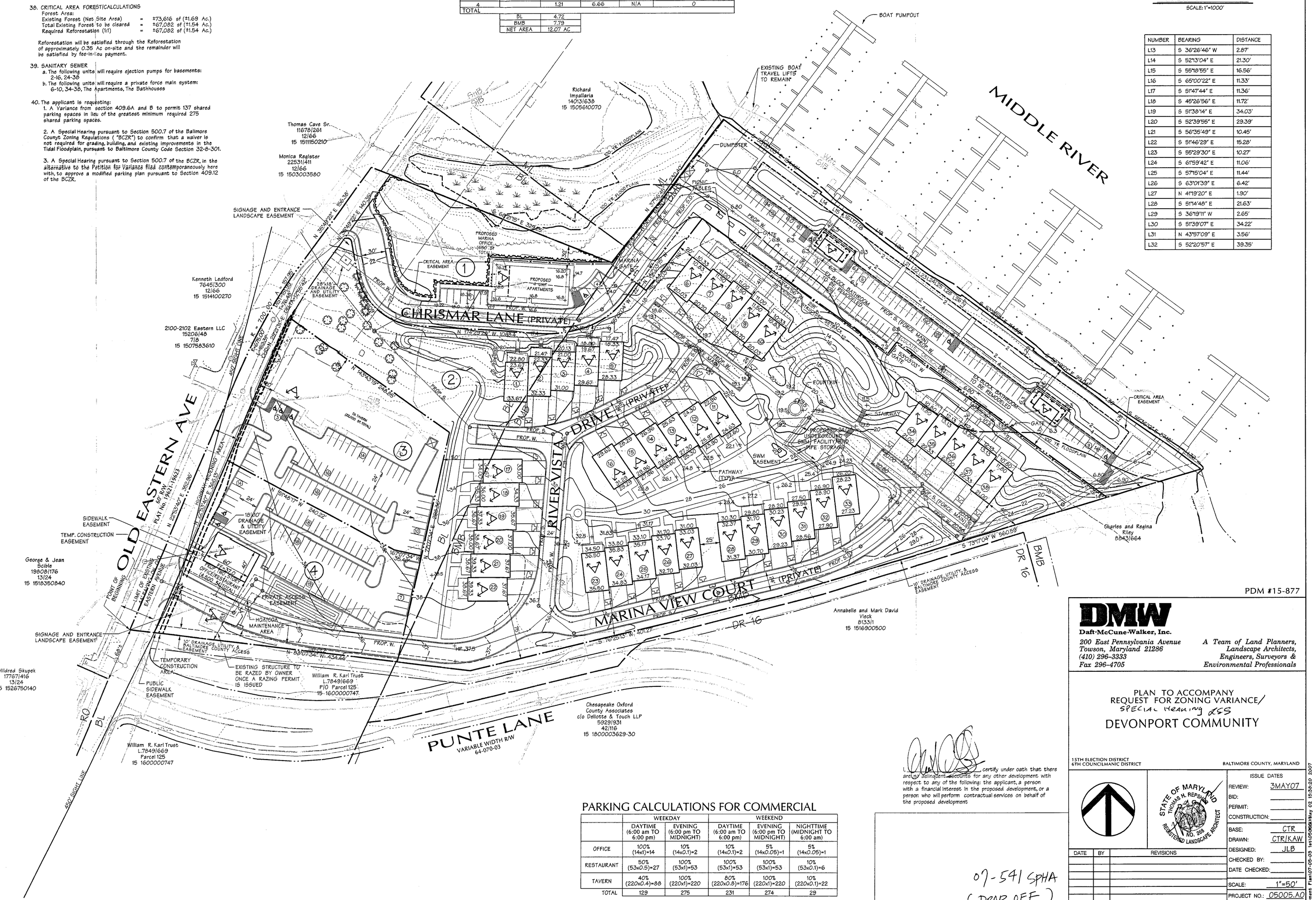
	USE	PROPOSED UNITS	PARKING REQUIRED	PARKING PROVIDED	OPEN SPACE PROPOSED (ACRES)	AVERAGE DAILY TRIPS
MARINA LOT 1	APARTMENT	4	4x2.3=8	8	N/A	26
	OFFICE (650 SF. TOTAL)	N/A	3.3x1000=3	3	N/A	17
	MARINA	132 SLIPS	132/2=66	68	N/A	323
RESIDENTIAL LOT 2	SINGLE FAMILY ATTACHED	38	38/2.15=82	152**	N/A	380
COMMERCIAL LOT 3	TAVERN (22,000 SF. TOTAL)	N/A	*	135	N/A	2134
COMMERCIAL LOT 4	OFFICE (2,400 SF. TOTAL)	N/A	*	SHARED	N/A	60
	RESTAURANT (2,400 SF. TOTAL)	N/A	*	SPACES	N/A	233

* SEE THE PARKING CALULATIONS FOR COMMERCIAL BELOW
** SINGLE FAMILY ATTACHED RESIDENTIAL UNITS HAVE 4 PARKING SPACES EACH; TWO IN THE GARAGE, AND TWO IN THE DRIVEWAY



VICINITY MAP

SCALE: 1"=1000'



NUMBER	BEARING	DISTANCE
L13	S 36°26'46" W	2.87'
L14	S 52°13'04" E	21.30'
L15	S 55°18'55" E	16.56'
L16	S 65°00'22" E	11.33'
L17	S 51°47'44" E	11.36'
L18	S 45°26'56" E	11.72'
L19	S 51°38'14" E	34.03'
L20	S 52°39'55" E	29.39'
L21	S 56°35'49" E	10.45'
L22	S 51°46'29" E	15.28'
L23	S 55°29'30" E	10.27'
L24	S 61°59'42" E	11.06'
L25	S 57°15'04" E	11.44'
L26	S 63°01'39" E	6.42'
L27	N 41°19'20" E	1.90'
L28	S 51°14'48" E	21.63'
L29	S 36°19'11" W	2.65'
L30	S 51°39'07" E	34.22'
L31	N 43°57'09" E	3.56'
L32	S 52°20'57" E	39.35'

PARKING CALCULATIONS FOR COMMERCIAL

	WEEKDAY		WEEKEND		
	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	NIGHTTIME (MIDNIGHT TO 6:00 am)
OFFICE	100% (14x1)=14	10% (14x0.1)=2	10% (14x0.1)=2	5% (14x0.05)=1	5% (14x0.05)=1
RESTAURANT	50% (53x0.5)=27	100% (53x1)=53	100% (53x1)=53	100% (53x1)=53	10% (53x0.1)=6
TAVERN	40% (220x0.4)=88	100% (220x1)=220	80% (220x0.8)=176	100% (220x1)=220	10% (220x0.1)=22
TOTAL	129	275	231	274	29

I, [signature], certify under oath that there are [illegible] 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.

07-541 SPHA
(DROP OFF)

PDM #15-877

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

PLAN TO ACCOMPANY
REQUEST FOR ZONING VARIANCE/
SPECIAL HEARING &CS

DEVONPORT COMMUNITY

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND
THOMAS H. REPHANN
No. 269
REGISTERED LANDSCAPE ARCHITECT

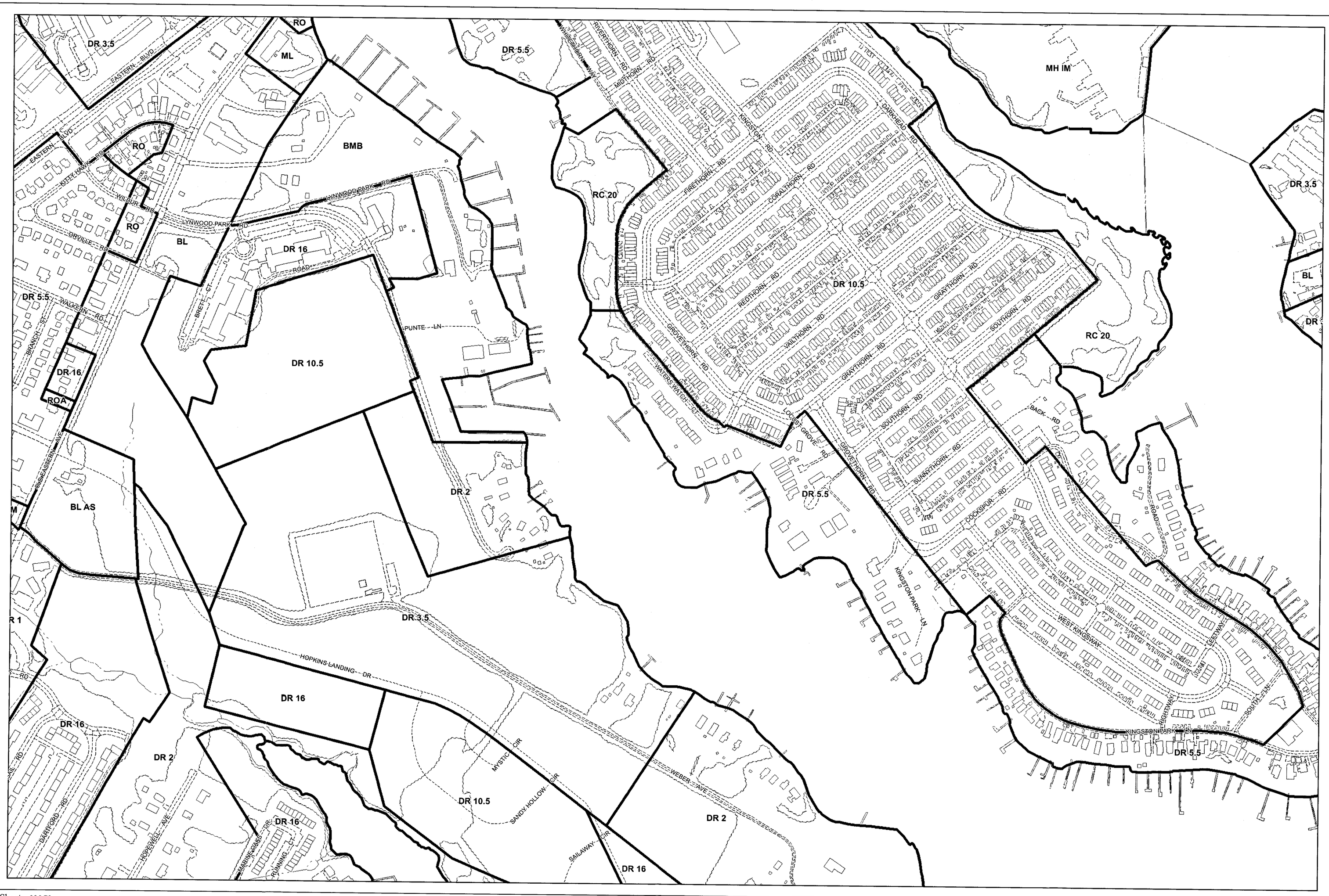
ISSUE DATES
REVIEW: 3MAY07
BID:
PERMIT:
CONSTRUCTION:

BASE: CTR
DRAWN: CTR/KAW
DESIGNED: JLB
CHECKED BY:
DATE CHECKED:

SCALE: 1"=50'
PROJECT NO.: 05005.A0
DRAWING: 1 of 1

DATE	BY	REVISIONS

12/12/07 3:38:43 PM J:\projects\05xx\05005\ENGR\Development Plan\07-05-03 1st\05005V1.dgn
NGR:\Development Plan\07-05-03 1st\05005A1May 02 15:38:20 2007



Plan Sheet: *090C3*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

090A2	090B2	090C2	091A2	091B2
090A3	090B3	090C3	091A3	091B3
097A1	097B1	097C1	098A1	098B1

Scale
1" = 200'
0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

07-541 SPHA
(DROP OFF)

MIDDLE RIVER

DIVISIONAL PROPERTY LINE

10' SETBACK

BOAT PUMPOUT

MOORING (TYP)

FINGER PIER (TYP)

PIER (TYP)

DUMPSTER

PICNIC TABLES

SIGNAGE AND ENTRANCE LANDSCAPE EASEMENT

Richard Impallaria
14013/638
15 1505610070
#1923 Old Eastern Avenue.
COMMERCIAL

100 YR FLOODPLAIN

PROPOSED 8" DIA. WATER METER TO SERVE LOTS 1 & 2 MARINA ASSESSMENT

PROPOSED MARINA OFFICE (650 SF TOTAL)

PROPOSED CURB (TYP.)

CRITICAL AREA EASEMENT

EXISTING STUCTURE TO REMAIN AND BE REMODELED TO (4) TALL UNIT APARTMENTS

28'x18' DRAINAGE AND UTILITY EASEMENT

PROP. 8" W.

PROP. 6" W.

CHRISMAR LANE (PRIVATE)

MARINA GATE

PROP. 8" SEWER

PROP. 6" FORCE MAIN

EXISTING 30' BUILDING RESTRICTION LINE

EXISTING 20' BUILDING RESTRICTION LINE

25' BLDG. RESTRICTION LINE

EXISTING BATHROOM TO BE REMOVED

PROPOSED WHEEL STOP (TYP.)

GATE

FOUNTAIN

STAIRWAY

PROPOSED WATER UNDERGROUND STORM FACILITY AND PIPE STORAGE

SWM EASEMENT

PATHWAY

RIVER VISTA DRIVE (PRIVATE)

MARINA VIEW COURT (PRIVATE)

DR 16

BMB

Theresa F. Kramer
25761/196
13/24
15 1523001190
#1910 Old Eastern Avenue
RESIDENTIAL

Alfred and Theresa Kramer
11719/63
13/24
15 1523001191
#1908 Old Eastern Avenue
RESIDENTIAL

OLD EASTERN AVE

60' R/W
PLAT No. 9821-1463

SIDEWALK EASEMENT

TEMP. CONSTRUCTION EASEMENT

George & Jean Sable
19808/176
13/24
15 1518350840
#1906 Old Eastern Avenue
RESIDENTIAL

POINT OF BEGINNING

LIMIT OF CONSTRUCTION EASTERN AVENUE

SIGNAGE AND ENTRANCE LANDSCAPE EASEMENT

Mildred Skupek
17767/416
13/24
15 1526750140

#2 Wilbur Road
8911/145
13/24
15 1523500660
RESIDENTIAL

RO

BL

Oak Grove Associates
17303/278
42/115
15 1600000746
Old Eastern Avenue
APARTMENTS

PROPOSED DUMPSTER AND ENCLOSURE

15'x20' DRAINAGE & UTILITY EASEMENT

LOADING AREA

PRIVATE ACCESS EASEMENT

HOA/COA MAINTENANCE AREA

10' DRAINAGE UTILITY & BALTIMORE COUNTY ACCESS EASEMENT

TEMPORARY CONSTRUCTION AREA

EXISTING STRUCTURE TO BE RAZED BY OWNER ONCE A RAZING PERMIT IS ISSUED

PUBLIC SIDEWALK EASEMENT

William R. Karl Trust
L.7849/669
F/O Parcel 125
15 1600007747

PUNTE LANE
VARIABLE WIDTH R/W
64-070-03

LIMIT OF EXISTING PAVEMENT WITH PARKING ON PUNTE LANE

Chesapeake Oxford County Associates
c/o Deliotte & Touch LLP
5929/931
42/116
15 1800003629-30

Annabelle and Mark David Vlack
9133/1
15 1516900500
#101 Punte Lane
RESIDENTIAL

10' DRAINAGE UTILITY & BALTIMORE COUNTY ACCESS EASEMENT

Charles and Regina Riley
8843/664
15 1518350231
#1901 Old Eastern Avenue.
COMMERCIAL

N 1468907
E 604835

N 1468993
W 603751

N 1470211
W 602391

S 78°30'00" W 124.60'

N 35°30'42" E 140.00'

S 60°11'15" E 209.45'

N 22°53'40" E 352.56'

N 22°53'40" E 352.56'

S 60°11'15" E 209.45'

N 35°30'42" E 140.00'

N 83°07'54" W 434.44'

N 83°07'54" W 434.44'

R = 1200.00'
L = 41.75'
CHORD BEARING N 22°53'40" E
CHORD DISTANCE 41.75'

R = 1200.00'
L = 225.08'
CHORD BEARING N 17°29'31" E
CHORD DISTANCE 224.76'

ADC SHEET LINE

ADC SHEET LINE

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE

DEVONPORT COMMUNITY

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND
THOMAS H. REISSER
NO. 268
REGISTERED LANDSCAPE ARCHITECT

DATE	BY	REVISIONS
27NOV07	DMW	PER DEVELOPMENT PLAN COMMENTS

ISSUE DATES

REVIEW:	3MAY07
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	CTR
DRAWN:	JDW
DESIGNED:	JLB
CHECKED BY:	
DATE CHECKED:	
SCALE:	1"=50'
PROJECT NO.:	05005.A0
DRAWING:	2 of 2

11/29/2007 12:14:22 PM \\ATTENDS\MSTATION\DMW\Projects\Jbarnhart\ctayne\05dev01.dgn

I:\Development Plan\07-11-21 1st Redline\05DEVN03.dgn 12:13:35 2007

GENERAL NOTES:

1. Owner:
Anna T. Mueller
1316 Stonebridge Ct
Baltimore, Md 21286
(410) 335-4200

Developer:
Gast Construction Company
11100 Pulaski Highway
White Marsh, Md 21162
(410) 335-4200

2. Preparer of Plan:
DMW, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333

3. General Information:

a. Councilmanic District		6th
b. Election Districts		15th
c. Census Tract		450800
d. Tax Map References	TM 90 Grid 17 Parcel 999	
i. Tax Account Number		15-1513203811 / 15-1513203810
j. Deed References		19071524
k. ADC Map Reference		Map 37 Grid G7
l. Watershed		19 - Middle River
m. Zoning Map (1"=200')		09C3
n. Topo Map	Balto. Co. GIS Tile #	090 C3
o. Regional Planning District		Middle River
p. School District		Baltimore County
Elementary School		Mars Estates
Middle School		Stemmers Run
High School		Kenwood
q. Net Property Area		12.51
r. Subsewershed		Middle River

4. Zone Lines:
The zone lines shown hereon have been digitally located from electronic files provided by the Baltimore County Office of Planning, dated 2004.

5. All proposed community signs shall conform to Baltimore County signage regulations (Section 450 BCZR). Review and approval of signs shall occur prior to the issuance of building permits.

6. Open Space:
Local Open Space Requirements: 42 DU x 1000sf/DU = 42,000 sf LOS
a. Local Open Space Required: 27,300 sf Active and 14,700 sf Passive (or a combination thereof as specified in Section 1LD.1.2. and 3).
b. Local Open Space Provided: 0 sf, Waiver Requested and Fee-in-Lieu to be paid.
c. Amenity Open Space: None Required

7. Soils:
Soils shown hereon are in accordance with the Soil Survey, Baltimore County, Maryland (dated March, 1976).

8. There are no wells, septic systems, or underground storage tanks on or within 100' of this site.

9. Soil Evaluation Tests:
This site is to be served by public water and sewer. Perc tests are not required.

10. Existing Buildings and Roads:
All known existing buildings and roads within 200 feet of the proposed site have been shown. The existing buildings are to be remodeled or razed as noted on the plan.

11. The Maryland Historic Trust has confirmed that there are no designated historic structures/sites or archaeological sites on this property.

12. The Marylans Department of Natural Resources Wildlife Heritage Division has determined that there are no rare, threatened, or endangered species within the project boundry.

13. Significant Views/Significant Features:
There are no significant views or features that may affect the development proposal.

14. Existing Land Uses:
Existing and proposed land uses on or within 200 feet of the proposed site are shown on this plan.

15. Road Right-of-Ways/Easements:
All known existing and proposed rights-of-ways and easements are as shown on this plan.

16. Recreation and Parks Plans:
This development site is not subject to any Baltimore County Recreation and Parks Plans.

17. There are no impending failures of the basic services maps within the vicinity of this site.

18. The Final Landscape Plan shall be approved prior to building permit application.

19. This Development Plan is subject to Stormwater Management requirements adopted by Baltimore County on July 1, 2001.

20. The developer shall be responsible for snow removal, salting, and landscape maintenance within this site.

21. The Sanitation Service to the site is to be provided by a private contractor.

22. All illumination in parking areas shall comply with BCZR 409.8.A.3.

23. Critical Area Easement Notes:

a. Standard Nondisturbance Notice:
There shall be no clearing, grading, construction, or disturbance of vegetation within the Critical Area Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

b. Protective Covenants Notice:
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.

24. Boundary information shown hereon is based upon a boundary survey performed by DMW on july 13, 2005. coordinates and bearings shown on this plan are based on the Maryland Coordinate System - NAD 83.
a. The location of any underground utility shown hereon is approximate and must be verified prior to the commencement of any construction activity.
b. Topography information shown hereon is based upon a topography survey performed by DMW on july 13, 2005.
c. Pier information hereon is based upon Gast Construction Company asbuilt, dated august 6, 2005.
d. The 100-year Tidal Flood plain is from F.E.M.A. Flood Insurance Rate Map Community Parcel #240010 0430 B dated March 2, 1981. BCMD Datum (elev. 10) converted to NAVD 88 (elev. 8.3).

25. Section 220 of the BCZR states the following performance standards for the B.M.B zone:

A. All lighting on the site, including illuminated signs shall be directed away from residential properties and shielded or designed so as not to interfere unreasonably with neighboring homes or with boats and vessels in the water.

B. Outside storage areas for materials or equipment needed for the normal conduct of business, which are adjacent to residentially zoned or residentially used properties, shall be screened according to the Class A screening requirements contained in the Landscape Manual. An opaque fence of a minimum height of five feet may be substituted for the planted screening.

C. Notwithstanding the provisions of 409.8.A.2 and 409.8.A.3., parking facilities need not be paved or striped in the Critical Area, provided that the surface is considered acceptable by the Directors of the Departments of Environmental Protection and Resource Management and Public Works, who must find that the facility will be appropriate for the amount and type of traffic to be generated and that there will be an adequate method of dust control.

D. The site shall be designed to have minimal detrimental impact on adjacent residential reas with respect to structure location and height, access, views of the water, location of piers and noise. New buildings shall be designed so that the facade harmonizes with homes in the adjacent residential areas.

26. The F.A.R for lots 3&4 are as follows:

Lot 3: $\frac{22,000}{46,609} = 0.47 < 3.0$ max

Lot 4: $\frac{4800}{52708} = 0.09 < 3.0$ max

Lot 1 (BMB): $\frac{1,685}{84,506} = 0.02 < 0.33$ max

Lot 1 (BL): $\frac{3,630}{43,560} = 0.08 < 3.0$ max

27. Stormwater Management Water Quality will be provided through and underground water quality device with direct discharge to Tidal Waters.

28. Proposed Average Daily Trips:

38 Single Family Attached Units (Townhouse Condominiums)
x 8.5 ADT/DV
323 ADT's

4 Apartments
x 68.5 ADT/Unit
26 ADT's

3,050 SF Office Space
x 25 ADT/1,000 Sf
77 ADT's

24,400 Sf Restaurant (Quality)
x 97 ADT/1,000 Sf
2,367 ADT's

Total = 2,988 ADT's

29. The preliminary development schedule is:
a. Marina lot - Lot 1
b. Single family attached units (Townhouse Condominiums) - Lot 2
c. Commercial lot - Lots 3 and 4

30. The applicant will be requesting a parking variance for the amount of spaces.

31. This property has been held intact since April 16, 1902 per deed reference 261/01. The developer's surveyor has confirmed that no part of the gross area of this property as shown on this plan has ever been utilized, recorded, or represented as density or area to support any off site dwellings.

32. Lot 2 - Single family attached units (Townhouse Condominiums) will be in Condominium. However, the Zoning Review Office highly recommends that the final "signed" copy off the Development Plan be submitted to Zoning Review as "Density and Use" plan that will be used for permit review and approval at the Zoning Review counter.

33. A final development plan will not be required.

34. The performance standard pursuant to Section 224 of the BCZR will comply with Section 220 of the BCZR

35. As known to the applicant, there are no hazardous materials on site as defined by section 7-101 of the environmental article of the annotated code of Maryland.

36. All onsite roads shall remain private

37. Based on USDA SCS Prime Farmland Survey June 1992, both soil types on this property are productive

38. CRITICAL AREA FOREST/CALCULATIONS
Forest Area:
Existing Forest (Net Site Area) = ±73,616 sf (±1.69 Ac.)
Total Existing Forest to be cleared = ±67,082 sf (±1.54 Ac.)
Required Reforestation (1:1) = ±67,082 sf (±1.54 Ac.)

Reforestation will be satisfied through the Reforestation of approximately 0.35 Ac on-site and the remainder will be satisfied by fee-in-lieu payment.

39. SANITARY SEWER.
a. The following units will require ejection pumps for basements: 2-16, 24-38
b. The following units will require a private force main system: 6-10, 34-38, The Apartments, The Bathhouses

40. The applicant is requesting:
1. A Variance from section 409.6A and B to permit 137 shared parking spaces in lieu of the greatest minimum required 275 shared parking spaces.

2. A Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to Baltimore County Code Section 32-8-301.

3. A Special Hearing pursuant to Section 500.7 of the BCZR, in the alternative to the Petition for Variance filed contemporaneously here with, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

4. A variance from Section 409.6 A and B to permit 135 shared parking spaces in lieu of the greatest minimum required 220 shared parking spaces for lots 3 and 4.

5. A variance from Section 409.4 (BCZR), to permit parking spaces with direct access to driveways, in lieu of the requirement that there be no direct access for lot 1.

6. A variance from Section 409.6 (BCZR), to permit 63 parking spaces in lieu of the required 109 parking spaces for lot 3.

7. If necessary a variance from pursuant to Section 417.A (BCZR) to allow a zero-foot -etback to a division line in lieu of the required ten- foot set back.

8. A variance from Section 504.2 (BCZR) and Division II.A (CMDP), for Residental Standards (multi-family dwelling building) to permit a buiding setback to a private roadway of 10-feet in lieu of the required 35-feet.

9. A special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to the Baltimore County Code Section 32-8-301.

10. A special hearing pursuant to Section 500.7 of the BCZR, in the alternative to the petition for variance filed contemporaneously herewith, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

11. A special hearing pursuant to Section 500.7 of the BCZR, to permit a shared parking arrangement for lots 3 and 4, pursuant to Section 409.6B.3 of the BCZR.

12. If necessary, a Special Hearing pursuant to Section 500.7 of the BCZR, to permit the replacement of non-conforming waterfront construction (piers and pilings) pursuant to Sections 104.1, 104.5 and 417.3B of the BCZR.

13. Such other and further relief may be required by the Zoning Commissioner.

41. The maximum height for the Single Family Attached Units (Townhouse Condominiums) is 50 feet.

42. With the exception of the existing tavern on proposed Lot 3, any future restaurant use will not have a Class D liquor licence, nor will the restaurant operate as a tavern or a nightclub as defined in Section 101 of the BCZR.

43. 'No Parking' signs shall be posted prohibiting parallel parking on 24' wide streets and within the turnaround area.

44. All dumpster enclosures shall be of masonry construction.

45. Envelopes, typical layout details or dwellings locations as shown dictate a specific location and orientation which is intended to allow compliance with Baltimore County zoning regulations and policies. Should the location or orientation change or create conflicts with the regulations or policies, the location or orientation may be adjusted to alleviate the conflict.

46. ZONING HISTORY
a. Case #42-8, 6/6/1959, Rezoning of the property from R-6 to R-G granted by the Circuit Court for Baltimore County.

b. Case #66-13-X, 8/4/1965, Special Exemption for a Boatyard granted to Petitioner, Joseph Buedel, with conditions.

c. Case #68-196-X, 2/29/1968, Special Exemption for a Boatyard granted to Petitioner, Anna Mueller.

d. Case #97-336-SPHA, 4/21/1998, Petition for Special Hearing to approve non-conforming use (used Auto Lot) granted by County Board of Appeals.

e. Boatyard and Used Auto Lot abandoned.

f. All uses as shown permitted by right in BL or BMB zone.

47. The following commercial permits have been issued for the subject property.
B657296 to replace existing piers
B658820 to construct a boardwalk
B667834 to raze a garage building
B670311 alterations to existing cabana house
B670319 alterations to existing cabana house
B670213 to erect a fence

48. All entrances off of Old Eastern Avenue and Old Eastern Avenue extended will be per Baltimore County Standard Detail R-32.

49. Lots 3 & 4 will have cross easement parking agreements which will be recorded in the Land Records of Baltimore County.

SITE DEVELOPMENT PROPOSAL

	USE	PROPOSED UNITS	OPEN SPACE PROPOSED (ACRES)	AVERAGE DAILY TRIPS
MARINA LOT 1	APARTMENT	4	N/A	26
	OFFICE (650 SF TOTAL)	N/A	N/A	17
	MARINA	132 SLIPS	N/A	323
RESIDENTIAL LOT 2	SINGLE FAMILY ATTACHED (TOWNHOUSE CONDOMINIUMS)	38	N/A	380
COMMERCIAL LOT 3	TAVERN (22,000 SF TOTAL)	N/A	N/A	2134
COMMERCIAL LOT 4	OFFICE (2,400 SF TOTAL)	N/A	N/A	60
	RESTAURANT (2,400 SF TOTAL)	N/A	N/A	233

SITE DATA (GROSS ACERAGE)

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.05	5.76	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.08	17.28	N/A	1
	BMB	5.85	32.18	N/A	37
COMMERCIAL					
3	BL	1.21	6.66	N/A	0
4		1.38	7.59	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	GROSS AREA	12.51 AC = 544,936.6± SF			

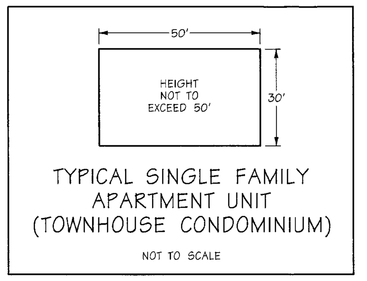
SITE DATA (NET ACERAGE)

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.00	5.50	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.00	16	N/A	1
	BMB	5.85	32.18	N/A	37
COMMERCIAL					
3	BL	1.07	5.85	N/A	0
4		1.21	6.66	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	NET AREA	12.07 AC = 525,769.2± SF			

SHARED PARKING CALCULATIONS FOR LOTS 3 & 4

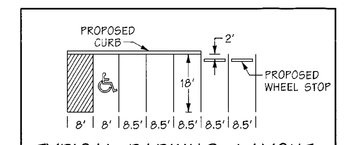
	WEEKDAY		WEEKEND		
	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	NIGHTTIME (MIDNIGHT TO 6:00 am)
OFFICE	100% (8x1)=8	10% (8x0.1)=1	10% (8x0.1)=1	5% (8x0.05)=1	5% (8x0.05)=1
RESTAURANT	50% (39x0.5)=20	100% (39x1)=39	100% (39x1)=39	100% (39x1)=39	10% (39x0.1)=4
TAVERN	40% (180x0.4)=180	100% (180x1)=180	80% (180x0.8)=144	100% (180x1)=180	10% (180x0.1)=18
APARTMENT	4	4	4	4	4
TOTAL	104	220	184	220	23

* SEE NOTE 49



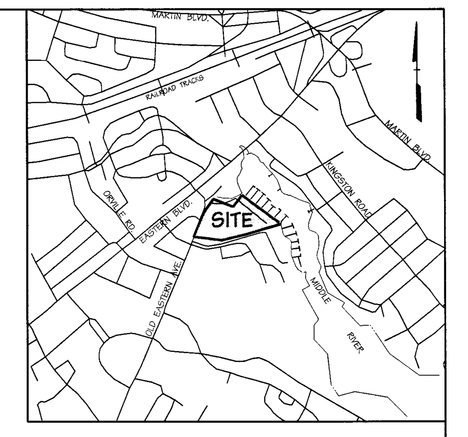
TYPICAL SINGLE FAMILY APARTMENT UNIT (TOWNHOUSE CONDOMINIUM)

NOT TO SCALE



TYPICAL PARKING LAYOUT

NOT TO SCALE



VICINITY MAP

SCALE: 1"=1000'

PARKING REQUIREMENTS

LOT 1		
USE	PARKING REQUIRED	PARKING PROVIDED
MARINA	66 SPACES (1 PER 2 SLIPS)	77 SPACES
4 APARTMENT UNITS (2 BEDROOM)	1.5 SPACES PER UNIT x 4 UNITS =6 SPACES PLUS 15% (VISITOR) =1 SPACE TOTAL REQUIRED =7 SPACES	7 SPACES
OFFICE	650 SF x 3.3 SPACES PER 1000 SF =3 SPACES	4 SPACES
TOTAL FOR LOT 1	76 SPACES	88 SPACES

LOT 2		
USE	PARKING REQUIRED	PARKING PROVIDED
38 SINGLE FAMILY ATTACHED UNITS (TOWNHOUSE CONDOMINIUMS)	2 PER UNIT (PER BCZR SEC.409) =76 SPACES PLUS 15% VISITOR (PER CMDP) =12 SPACES TOTAL REQUIRED =88 SPACES	4 SPACES
TOTAL FOR LOT 2	88 SPACES	152 SPACES

LOT 3		
USE	PARKING REQUIRED	PARKING PROVIDED
TAVERN/HALL	20 SPACES PER 1000 SF 2978 SF =180 SF	59 SPACES
2 APARTMENT UNITS (2 BEDROOM)	1.5 SPACES PER UNIT x 2 UNITS =3 SPACES PLUS 15% (VISITOR) =1 SPACE TOTAL REQUIRED=4 SPACES	4 SPACES
TOTAL FOR LOT 3	184 SPACES	63 SPACES

* SEE NOTE 49

LOT 4		
USE	PARKING REQUIRED	PARKING PROVIDED
OFFICE	2400 SF x 3.3 SPACES PER 1000 SF=8 SPACES	8 SPACES
RESTAURANT	2400 SF x 16 SPACES PER 1000 SF=39 SPACES	64 SPACES
TOTAL FOR LOT 4	47 SPACES	72 SPACES

* SEE NOTE 49

TOTAL FOR PROPERTY	
PARKING REQUIRED	PARKING PROVIDED
395 SPACES	375 SPACES

UNIT NUMBERS	ADDRESS
1-5	1914-1922 RIVER VISTA DRIVE
6-10	1926-1934 RIVER VISTA DRIVE
11-16	1925-1915 RIVER VISTA DRIVE
17-22	1910-1900 RIVER VISTA DRIVE
23-33	134-114 MARINA VIEW COURT
34-38	108-100 MARINA VIEW COURT

I, _____, 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.

PDM #15-877

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE

DEVONPORT COMMUNITY

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND THOMAS H. REISSER NO. 298 REGISTERED LANDSCAPE ARCHITECT

DATE	BY	REVISIONS
27NOV07	DMW	PER DEVELOPMENT PLAN COMMENTS

ISSUE DATES
REVIEW: 3MAY07
BID:
PERMIT:
CONSTRUCTION:

BASE:
DRAWN: JDW
DESIGNED: JLB
CHECKED BY:
DATE CHECKED:

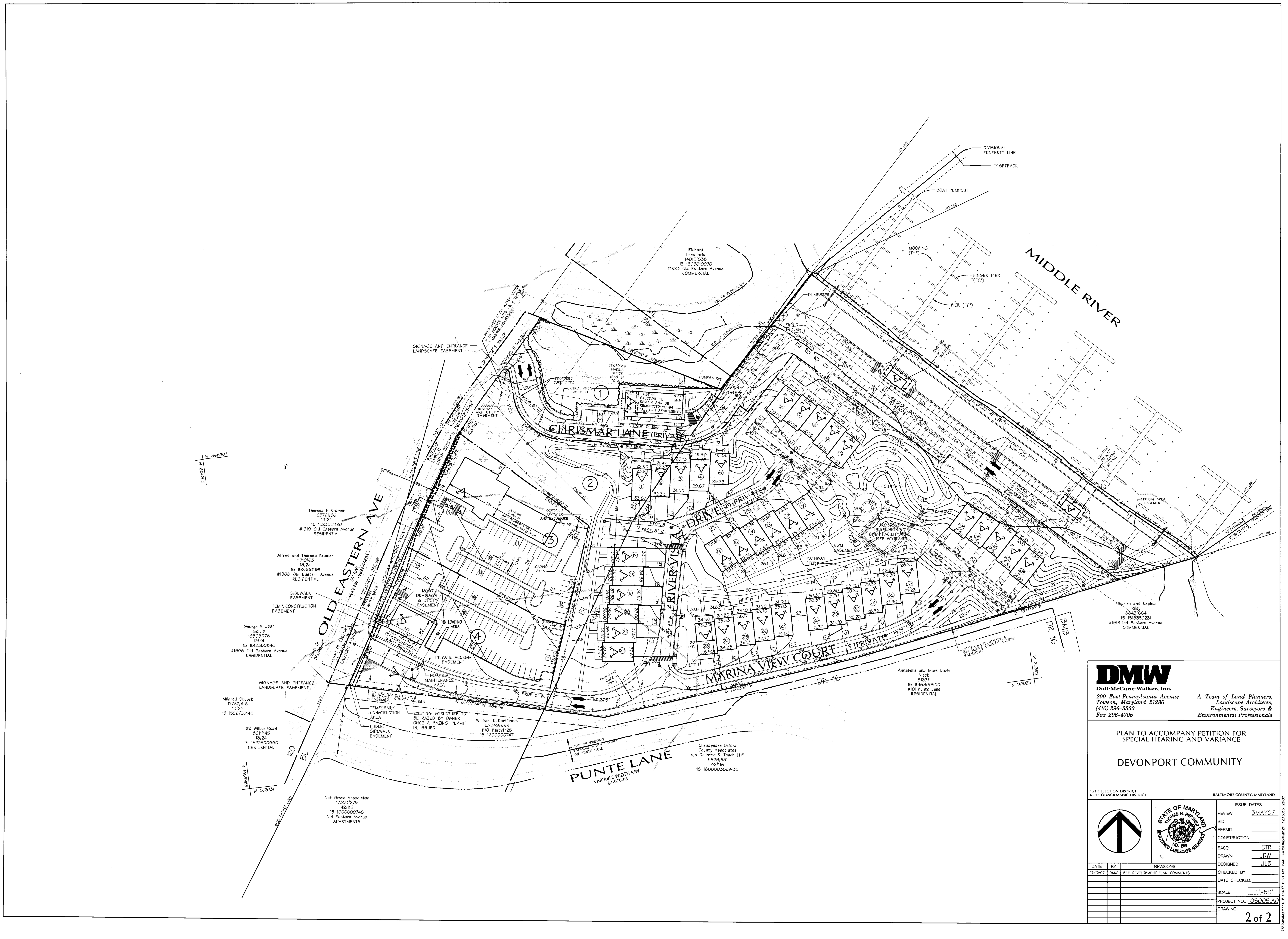
SCALE: NO SCALE
PROJECT NO.: 05005.A0
DRAWING:

1 of 2

07-541-SPHA (AMENDED)

11/29/2007 12:16:50 PM \\ATHENS\RS1A1\DRN\CADNET\PROJECT\Devport_phase4&5 etc\pam\05005dp2.prf

K:\Development Plan\07-11-27 1st Variance\05005dp2.dgn 12:16:58 2007



GENERAL NOTES:

1. Owner:
Anna T. Mueller
1316 Stonebridge Ct
Baltimore, Md 21286
(410) 335-4200

Developer:
Gast Construction Company
11100 Pulaski Highway
White Marsh, Md 21162
(410) 335-4200

2. Preparer of Plan:
DMW, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333

3. General information:

a. Councilmanic District		6th
b. Election District		15th
c. Census Tract		460600
d. Tax Map References	TM 90 Grid 17	Parcel 999
i. Tax Account Number		15-1513203811 / 15-1513203810
j. Deed References		19071/524
k. ADC Map Reference		Map 37 Grid G7
l. Watershed		19 - Middle River
m. Zoning Map (1"=200')		09003
n. Topo Map	Baltco. Co. GIS Tile #	090 C3
o. Regional Planning District		Middle River
p. School District		Baltimore County
Elementary School		Mars Estates
Middle School		Stemmres Run
High School		Kenwood
q. Not Property Area		12.51
r. Subwatershed		Middle River

4. Zone Lines:
The zone lines shown hereon have been digitally located from electronic files provided by the Baltimore County Office of Planning, dated 2004.

5. All proposed community signs shall conform to Baltimore County signage regulations (Section 450 BCZR). Review and approval of signs shall occur prior to the issuance of building permit.

6. Open Space:
Local Open Space Requirements: 42 DU x 1000sf/DU = 42,000 sf LOS
a. Local Open Space Required: 27,300 sf Active and 14,700 sf Passive (or a combination thereof as specified in Section iii.D.1.2, and 3).
b. Local Open Space Provided: 0 sf, Waiver Requested and Fee-in-Lieu to be paid.
c. Amenity Open Space: None Required

7. Soils:
Soils shown hereon are in accordance with the Soil Survey, Baltimore County, Maryland (dated March, 1976).

8. There are no wells, septic systems, or underground storage tanks on or within 100' of this site.

9. Soil Evaluation Tests:
This site is to be served by public water and sewer. Perc tests are not required.

10. Existing Buildings and Roads:
All known existing buildings and roads within 200 feet of the proposed site have been shown. The existing buildings are to be remodeled or razed as noted on the plan.

11. The Maryland Historic Trust has confirmed that there are no designated historic structures/sites or archaeological sites on this property.

12. The Maryland Department of Natural Resources Wildlife Heritage Division has determined that there are no rare, threatened, or endangered species within the project boundry.

13. Significant Views/Significant Features:
There are no significant views or features that may affect the development proposal.

14. Existing Land Uses:
Existing and proposed land uses on or within 200 feet of the proposed site are shown on this plan.

15. Road Right-of-Ways/Easements:
All known existing and proposed rights-of-ways and easements are as shown on this plan.

16. Recreation and Parks Plans:
This development site is not subject to any Baltimore County Recreation and Parks Plans.

17. There are no impending failures of the basic services maps within the vicinity of this site.

18. The Final Landscape Plan shall be approved prior to building permit application.

19. This Development Plan is subject to Stormwater Management requirements adopted by Baltimore County on July 1, 2001.

20. The developer shall be responsible for snow removal, salting, and landscape maintenance within this site.

21. The Sanitation Service to the site is to be provided by a private contractor.

22. All illumination in parking areas shall comply with BCZR 409.8.A.3.

23. Critical Area Easement Notes:

a. Standard Nondisturbance Notice:
There shall be no clearing, grading, construction, or disturbance of vegetation within the Critical Area Buffer Easements except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

b. 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.

24. Boundary information shown hereon is based upon a boundary survey performed by DMW on July 19, 2005. coordinates and bearings shown on this plan are based on the Maryland Coordinate System - NAD 83.

a. The location of any underground utility shown hereon is approximate and must be verified prior to the commencement of any construction activity.

b. Topography information shown hereon is based upon a topography survey performed by DMW on July 19, 2005.

c. Pier information hereon is based upon Gast Construction Company asbuilt, dated august 6, 2005.

d. The 100-year Tidal Flood plain is from F.E.M.A. Flood Insurance Rate Map Community Parcel #240010 0430 B dated March 2, 1981. BCMD Datum (elev. 10) converted to NAVD 88 (elev. 8.3).

25. Section 220 of the BCZR states the following performance standards for the B.M.B zone:

A. All lighting on the site, including illuminated signs shall be directed away from residential properties and shielded or designed so as not to interfere unreasonably with neighboring homes or with boats and vessels in the water.

B. Outside storage areas for materials or equipment needed for the normal conduct of business, which are adjacent to residentially zoned or residentially used properties, shall be screened according to the Class A screening requirements contained in the Landscape Manual. An opaque fence of a minimum height of five feet may be substituted for the planted screening.

C. Notwithstanding the provisions of 409.8A.2 and 409.8A.3., parking facilities need not be paved or striped in the Critical Area, provided that the surface is considered acceptable by the Directors of the Departments of Environmental Protection and Resource Management and Public Works, who must find that the facility will be appropriate for the amount and type of traffic to be generated and that there will be an adequate method of dust control.

D. The site shall be designed to have minimal detrimental impact on adjacent residential areas with respect to structure location and height, access, views of the water, location or piers and noise. New buildings shall be designed so that the facade harmonizes with homes in the adjacent residential areas.

26. The F.A.R for lots 3&4 are as follows:

Lot 3: $\frac{22,000}{46,609} = 0.47 < 3.0$ max Lot 1 (BMB): $\frac{1,685}{84,506} = 0.02 < 0.33$ max

Lot 4: $\frac{4800}{52708} = 0.09 < 3.0$ max Lot 1 (BL): $\frac{3,630}{43,560} = 0.08 < 3.0$ max

27. Stormwater Management Water Quality will be provided through and underground water quality device with direct discharge to Tidal Waters.

28. Proposed Average Daily Trips:

38 Single Family Attached Units (Townhouse Condominiums)
x 8.5 ADT/DV
323 ADT's

4 Apartments
x 6.5.5 ADT/Unit
26 ADT's

3,050 SF Office Space
x 25 ADT/1,000 Sf
77 ADT's

24,400 Sf Restaurant (Quality)
x 97 ADT/1,000 Sf
2,367 ADT's

Total = 2,988 ADT's

29. The preliminary development schedule is:
a. Marina lot - Lot 1
b. Single family attached units (Townhouse Condominiums) - Lot 2
c. Commercial lot - Lots 3 and 4

30. The applicant will be requesting a parking variance for the amount of spaces.

31. This property has been held intact since April 16, 1902 per deed reference 261/01. The developer's surveyor has confirmed that no part of the gross area of this property as shown on this plan has ever been utilized, recorded,or represented as density or area to support any off site dwellings.

32. Lot 2 - Single family attached units (Townhouse Condominiums) will be in Condominium. However, The Zoning Review Office highly recommends that the final "signed" copy off the Development Plan be submitted to Zoning Review as "Density and Use" plan that will be used for permit review and approval at the Zoning Review counter.

33. A final development plan will not be required.

34. The performance standard pursuant to Section 224 of the BCZR will comply with Section 220 of the BCZR

35. As known to the applicant, there are no hazardous materials on site as defined by section 7-101 of the environmental article of the annotated code of Maryland.

36. All onsite roads shall remain private

37. Based on USDA SCS Prime Farmland Survey June 1992, both soil types on this property are productive

38. CRITICAL AREA FORESTICALCULATIONS
Forest Area:
Existing Forest (Net Site Area) = 173,616 sf (11.69 Ac.)
Total Existing Forest to be cleared = 167,082 sf (11.54 Ac.)
Required Reforestation (1:1) = 167,082 sf (11.54 Ac.)

Reforestation will be satisfied through the Reforestation of approximately 0.35 Ac on-site and the remainder will be satisfied by fee-in-lieu payment.

39. SANITARY SEWER
a. The following units will require ejection pumps for basements: 2-16, 24-38
b. The following units will require a private force main system: 6-10, 34-38, The Apartments, The Bathhouses

40. The applicant is requesting:
1. A Variance from section 409.6A and B to permit 137 shared parking spaces in lieu of the greatest minimum required 275 shared parking spaces.

2. A Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to Baltimore County Code Section 32-8-301.

3. A Special Hearing pursuant to Section 500.7 of the BCZR, in the alternative to the Petition for Variance filed contemporaneously here with, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

4. A variance from Section 409.6 A and B to permit 135 shared parking spaces in lieu of the greatest minimum required 220 shared parking spaces for lots 3 and 4.

5. A variance from Section 409.4 (BCZR), to permit parking spaces with direct access to driveways, in lieu of the requirement that there be no direct access for lot 1.

6. A variance from Section 409.6 (BCZR), to permit 63 parking spaces in lieu of the required 155 parking spaces for lot 3.

7. If necessary a variance from pursuant to Section 417.A (BCZR) to allow a zero-foot setback to a division line in lieu of the required ten- foot set back.

8. A variance from Section 504.2 (BCZR) and Division II.A (CMDP), for Residental Standards (multi-family dwelling building) to permit a building setback to a private roadway of 10-feet in lieu of the required 35-feet.

9. A special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to the Baltimore County Code Section 32-8-301.

10. A special hearing pursuant to Section 500.7 of the BCZR, in the alternative to the petition for variance filed contemporaneously herewith, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

11. A special hearing pursuant to Section 500.7 of the BCZR, to permit a shared parking arrangement for lots 3 and 4, pursuant to Section 409.6.B.3 of the BCZR.

12. If necessary, a Special Hearing pursuant to Section 500.7 of the BCZR, to permit the replacement of non-conforming waterfront construction (piers and pilings) pursuant to Sections 104.1, 104.5 and 417.3B of the BCZR.

13. Such other and further relief may be required by the Zoning Commissioner.

41. The maximum height for the Single Family Attached Units (Townhouse Condominiums) is 50 feet.

42. With the exception of the existing tavern on proposed Lot 3, any future restaurant use will not have a Class D liquor license, nor will the restaurant operate as a tavern or a nightclub as defined in Section 101 of the BCZR.

43. "No Parking" signs shall be posted prohibiting parallel parking on 24' wide streets and within the turnaround area.

44. All dumpster enclosures shall be of masonry construction.

45. Envelopes, typical layout details or dwellings locations as shown dictate a specific location and orientation which is intended to allow compliance with Baltimore County zoning regulations and policies. Should the location or orientation change or create conflicts with the regulations or policies, the location or orientation may be adjusted to alleviate the conflict.

46. ZONING HISTORY
a. Case #4419, 6/6/1959, Rezoning of the property from R-6 to R-G granted by the Circuit Court for Baltimore County.

b. Case #66-13-X, 8/4/1965, Special Exemption for a Boaryard granted to Petitioner, Joseph Budel, with conditions.

c. Case #68-196-X, 2/29/1968, Special Exemption for a Boatyard granted to Petitioner, Anna Mueller.

d. Case #97-336-SPHA, 4/21/1998, Petition for Special Hearing to approve non-conforming use (used Auto Lot) granted by County Board of Appeals.

e. Boatyard and Used Auto Lot abandoned.

f. All uses as shown permitted by right in BL or BMB zone.

47. The following commercial permits have been issued for the subject property.
B657298 to replace existing piers
B658820 to construct a boardwalk
B667834 to raze a garage building
B670311 alterations to existing cabana house
B670319 alterations to existing cabana house
B670213 to erect a fence

48. All entrances off of Old Eastern Avenue and Old Eastern Avenue extended will be per Baltimore County Standard Detail R-32.

49. Lots 3 & 4 will have cross easement parking agreements which will be recorded in the Land Records of Baltimore County.

SITE DEVELOPMENT PROPOSAL

	USE	PROPOSED UNITS	OPEN SPACE PROPOSED (ACRES)	AVERAGE DAILY TRIPS
MARINA LOT 1	APARTMENT	4	N/A	26
	OFFICE (650 SF TOTAL)	N/A	N/A	17
	MARINA	132 SLIPS	N/A	323
RESIDENTIAL LOT 2	SINGLE FAMILY ATTACHED (TOWNHOUSE CONDOMINIUMS)	38	N/A	380
COMMERCIAL LOT 3	TAVERN (22,000 SF TOTAL)	N/A	N/A	2134
COMMERCIAL LOT 4	OFFICE (2,400 SF TOTAL)	N/A	N/A	60
	RESTAURANT (2,400 SF TOTAL)	N/A	N/A	233

SITE DATA (GROSS ACERAGE)

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.05	5.76	N/A	4
	BMB	1.34	10.67	N/A	0
RESIDENTIAL					
2	BL	1.08	17.28	N/A	1
	BMB	5.85	32.18	N/A	37
COMMERCIAL					
3	BL	1.21	6.66	N/A	0
4		1.38	7.59	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	GROSS AREA	12.51 AC ± 544,935.6± SF			

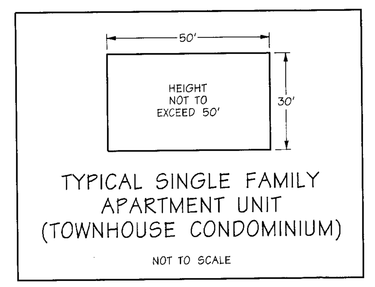
SITE DATA (NET ACERAGE)

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.00	5.50	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.00	16	N/A	1
	BMB	5.85	32.18	N/A	37
COMMERCIAL					
3	BL	1.07	5.85	N/A	0
4		1.21	6.66	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	NET AREA	12.07 AC ± 525,769.2± SF			

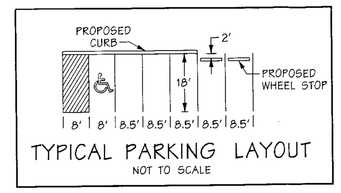
SHARED PARKING CALCULATIONS FOR LOTS 3 & 4

	WEEKDAY		WEEKEND		
	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	NIGHTTIME (MIDNIGHT TO 6:00 am)
OFFICE	100% (8x1)=8	10% (8x0.1)=1	10% (8x0.1)=1	5% (8x0.05)=1	5% (8x0.05)=1
RESTAURANT	50% (39x0.5)=20	100% (39x1)=39	100% (39x1)=39	100% (39x1)=39	10% (39x0.1)=4
TAVERN	40% (180x0.4)=180	100% (180x1)=180	80% (180x0.8)=144	100% (180x1)=180	10% (180x0.1)=18
APARTMENT	4	4	4	4	4
TOTAL	104	220	184	220	23

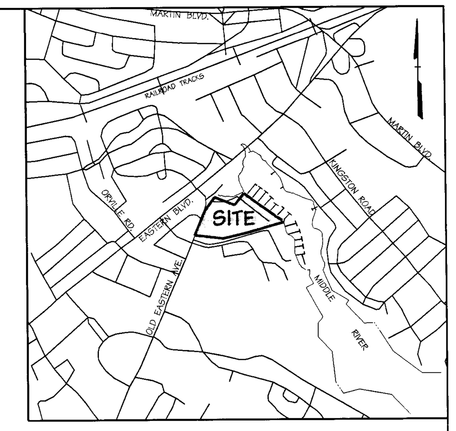
* SEE NOTE 49



TYPICAL SINGLE FAMILY APARTMENT UNIT (TOWNHOUSE CONDOMINIUM)
NOT TO SCALE



TYPICAL PARKING LAYOUT
NOT TO SCALE



VICINITY MAP
SCALE: 1"=1000'

PARKING REQUIREMENTS

LOT 1		
USE	PARKING REQUIRED	PARKING PROVIDED
MARINA	66 SPACES (1 PER 2 SLIPS)	77 SPACES
4 APARTMENT UNITS (2 BEDROOM)	1.5 SPACES PER UNIT x 4 UNITS =6 SPACES PLUS 15% (VISITOR) =1 SPACE TOTAL REQUIRED =7 SPACES	7 SPACES
OFFICE	650 SF x 3.3 SPACES PER 1000 SF =3 SPACES	4 SPACES
TOTAL FOR LOT 1	76 SPACES	88 SPACES

LOT 2		
USE	PARKING REQUIRED	PARKING PROVIDED
38 SINGLE FAMILY ATTACHED UNITS (TOWNHOUSE CONDOMINIUMS)	2 PER UNIT (PER BCZR SEC. 409) =76 SPACES PLUS 15% VISITOR (PER CMDP) =12 SPACES TOTAL REQUIRED =88 SPACES	4 SPACES
TOTAL FOR LOT 2	88 SPACES	152 SPACES

LOT 3		
USE	PARKING REQUIRED	PARKING PROVIDED
TAVERN/HALL	20 SPACES PER 1000 SF 8978 SF =180 SF	59 SPACES
2 APARTMENT UNITS (2 BEDROOM)	1.5 SPACES PER UNIT x 2 UNITS =3 SPACES PLUS 15% (VISITOR) =1 SPACE TOTAL REQUIRED=4 SPACES	4 SPACES
TOTAL FOR LOT 3	184 SPACES	63 SPACES

* SEE NOTE 49

LOT 4		
USE	PARKING REQUIRED	PARKING PROVIDED
OFFICE	2400 SF x 3.3 SPACES PER 1000 SF=8 SPACES	8 SPACES
RESTAURANT	2400 SF x 16 SPACES PER 1000 SF=39 SPACES	64 SPACES
TOTAL FOR LOT 4	47 SPACES	72 SPACES

* SEE NOTE 49

TOTAL FOR PROPERTY	
PARKING REQUIRED	PARKING PROVIDED
395 SPACES	375 SPACES

UNIT NUMBERS	ADDRESS
1-5	1914-1922 RIVER VISTA DRIVE
6-10	1926-1934 RIVER VISTA DRIVE
11-16	1925-1915 RIVER VISTA DRIVE
17-22	1910-1900 RIVER VISTA DRIVE
23-33	134-114 MARINA VIEW COURT
34-38	108-100 MARINA VIEW COURT

I, _____, 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.

PDM #15-877

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE

DEVONPORT COMMUNITY

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND
THOMAS H. REDMILES
NO. 298
REGISTERED LANDSCAPE ARCHITECT

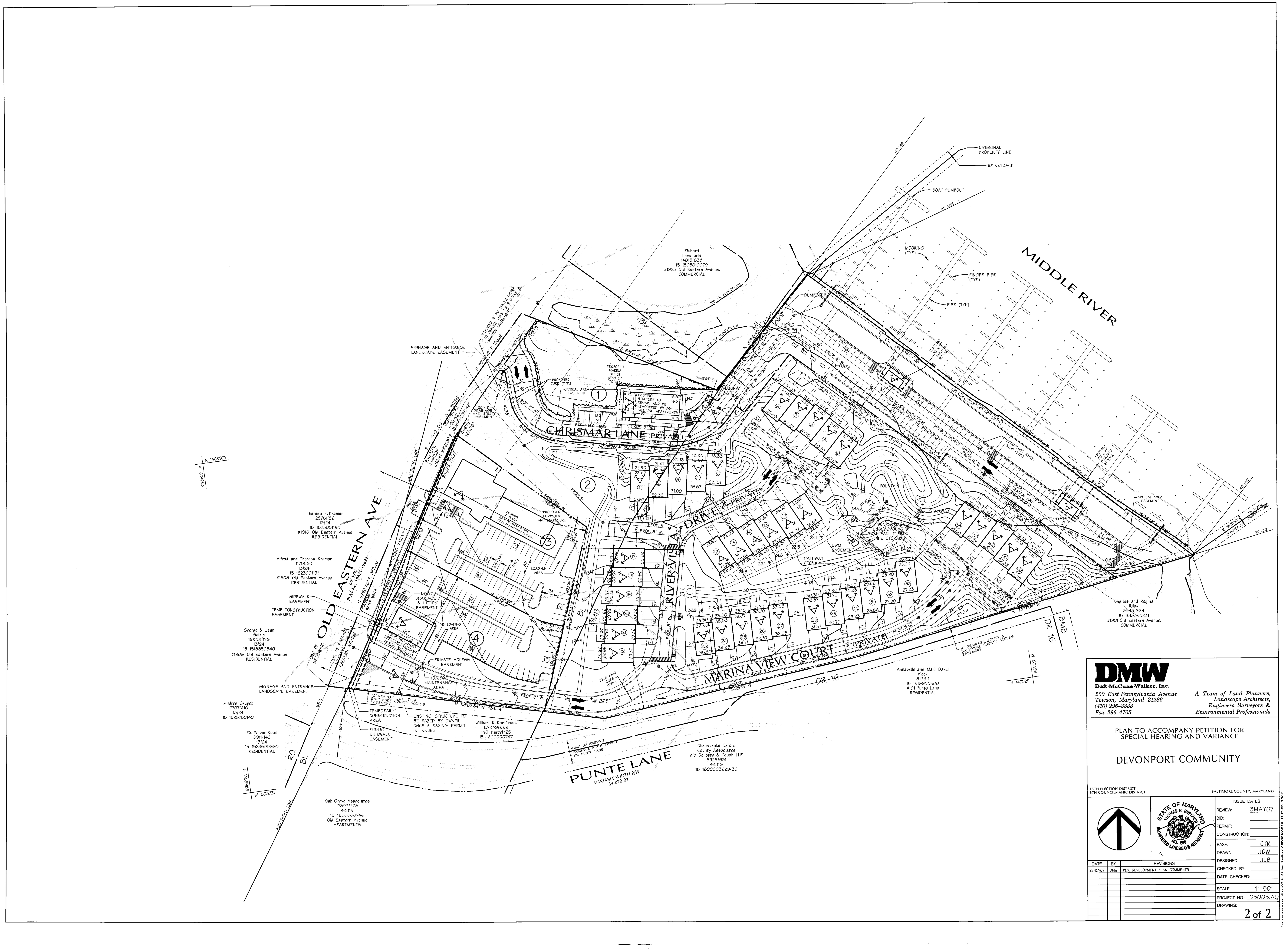
ISSUE DATES
REVIEW: 3MAY07
BID:
PERMIT:
CONSTRUCTION:

BASE:
DRAWN: JDW
DESIGNED: JLB
CHECKED BY:
DATE CHECKED:

SCALE: NO SCALE
PROJECT NO.: 05005.A0
DRAWING: 1 of 2

DATE	BY	REVISIONS
27NOV07	DMW	PER DEVELOPMENT PLAN COMMENTS

07-541-SPHA(AMENDED)


DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE
DEVONPORT COMMUNITY
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
STATE OF MARYLAND
THOMAS H. REPSHER
NO. 268
REGISTERED LANDSCAPE ARCHITECT
ISSUE DATES
REVIEW: 3MAY07
BID:
PERMIT:
CONSTRUCTION:
BASE: CTR
DRAWN: JDW
DESIGNED: JLB
CHECKED BY:
DATE CHECKED:
SCALE: 1"=50'
PROJECT NO.: 05005.A0
DRAWING: 2 of 2
DATE
BY
REVISIONS
27NOV07
DMW
PER DEVELOPMENT PLAN COMMENTS
MIDDLE RIVER
OLD EASTERN AVE
PUNTE LANE
VARIABLE WIDTH R/W
64-070-03
MARINA VIEW COURT (PRIVATE)
RIVER VISTA DRIVE (PRIVATE)
CHRISMAR LANE (PRIVATE)
DIVISIONAL PROPERTY LINE
10' SETBACK
BOAT PUMPOUT
MOORING (TYP)
FINGER PIER (TYP)
PIER (TYP)
EX. BLOCK BATHROOM TO REMAIN AND BE REMODELED
PROPOSED WHEEL STOP (TYP.)
FOUNTAIN
PROPOSED UNDERGROUND SWM FACILITY AND PIPE STORAGE
SWM EASEMENT
PATHWAY (TYP.)
CRITICAL AREA EASEMENT
100 YR FLOODPLAIN
DUMPSTER
PICNIC TABLES
MARINA GATE
EXISTING STUCTURE TO REMAIN AND BE REMODELED TO 34' TALL UNIT APARTMENTS
PROPOSED MARINA OFFICE (650 sf TOTAL)
PROPOSED CURB (TYP.)
PROPOSED DUMPSTER AND ENCLOSURE
LOADING AREA
EX TAVERN TO REMAIN
PROP. TWO STORY OFFICE/RESTAURANT (4,800 sf TOTAL)
PRIVATE ACCESS EASEMENT
HOA/COA MAINTENANCE AREA
EXISTING STRUCTURE TO BE RAZED BY OWNER ONCE A RAZING PERMIT IS ISSUED
10' DRAINAGE, UTILITY & BALTIMORE COUNTY ACCESS EASEMENT
TEMPORARY CONSTRUCTION AREA
PUBLIC SIDEWALK EASEMENT
HIGHWAY WIDENING AREA
LIMIT OF EXISTING PAVING ON PUNTE LANE
LIMIT OF EXISTING 44' PAVING ON OLD EASTERN AVENUE
POINT OF BEGINNING
SIGNAGE AND ENTRANCE LANDSCAPE EASEMENT
SIDEWALK EASEMENT
TEMP. CONSTRUCTION EASEMENT
450' SIGHT LINE
PLAT No. 19621-19623
60' R/W
Charles and Regina Riley
8843/664
15 1518350231
#1901 Old Eastern Avenue.
COMMERCIAL
Annabelle and Mark David Vleck
8133/1
15 1516900500
#101 Punte Lane
RESIDENTIAL
Chesapeake Oxford County Associates
c/o Dellotte & Touch LLP
5929/931
42/116
15 1800003629-30
William R. Karl Trust
L7849/669
P/O Parcel 125
15 1600000747
Richard Impallaria
14013/638
15 1505610070
#1923 Old Eastern Avenue.
COMMERCIAL
Oak Grove Associates
17303/278
42/115
15 1600000746
Old Eastern Avenue
APARTMENTS
Theresa F. Kramer
25761/56
13/24
15 1523001190
#1910 Old Eastern Avenue
RESIDENTIAL
Alfred and Theresa Kramer
11719/63
13/24
15 1523001191
#1908 Old Eastern Avenue
RESIDENTIAL
George & Jean Scible
19808/176
13/24
15 1518350840
#1906 Old Eastern Avenue
RESIDENTIAL
Mildred Skupek
17767/416
13/24
15 1526750140
#2 Wilbur Road
8911/145
13/24
15 1523500660
RESIDENTIAL
N 1468907
W 604253
N 1468983
W 603731
N 1470211
W 603911
BMB
DR 16
BL
RO
11/29/2007 12:14:22 PM \\ATHENS\WSTATION\CADNETIN\OCF\day-gef jbernhart c:\hpm\05005.prf

GENERAL NOTES:

1. Owner:
Anna T. Mueller
1316 Stonebridge Ct
Baltimore, Md 21286
(410) 335-4200

Developer:
Gast Construction Company
11100 Fulaski Highway
White Marsh, Md 21162
(410) 335-4200

2. Preparer of Plan:
DMW, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333

3. General Information:

a. Councilmanic District		6th
b. Election District		15th
c. Census Tract		450800
d. Tax Map References	TM 90 Grid 17	Parcel 999
i. Tax Account Number		15-1513203811 / 15-1513203810
j. Deed References		19071/324
k. ADC Map Reference		Map 37 Grid G7
l. Watershed		19 - Middle River
m. Zoning Map (1"=200')		09003
n. Topo Map	Baltco. Co. GIS Tile #	090 C3
o. Regional Panning District		Middle River
p. School District:		Baltimore County
Elementary School		Mars Estates
Middle School		Stemmeos Run
High School		Kenwood
q. Net Property Area		12.51
r. Subswershed		Middle River

4. Zone Lines:
The zone lines shown hereon have been digitally located from electronic files provided by the Baltimore County Office of Planning, dated 2004.

5. All proposed community signs shall conform to Baltimore County signage regulations (Section 450 BCZR). Review and approval of signs shall occur prior to the issuance of building permit.

6. Open Space:
Local Open Space Requirements: 42 DU x 1000sf/DU = 42,000 sf LOS
a. Local Open Space Required: 27,300 sf Active and 14,700 sf Passive (or a combination thereof as specified in Section 1B.0.1.2. and 3).
b. Local Open Space Provided: 0 sf, Waiver Requested and Fee-in-Lieu to be paid.
c. Amenity Open Space: None Required

7. Soils:
Soils shown hereon are in accordance with the Soil Survey, Baltimore County, Maryland (dated March, 1976).

8. There are no wells, septic systems, or underground storage tanks on or within 100' of this site.

9. Soil Evaluation Tests:
This site is to be served by public water and sewer. Perc tests are not required.

10. Existing Buildings and Roads:
All known existing buildings and roads within 200 feet of the proposed site have been shown. The existing buildings are to be remodeled or razed as noted on the plan.

11. The Maryland Historic Trust has confirmed that there are no designated historic structures/sites or archaeological sites on this property.

12. The Maryland Department of Natural Resources Wildlife Heritage Division has determined that there are no rare, threatened, or endangered species within the project boundry.

13. Significant Views/Significant Features:
There are no significant views or features that may affect the development proposal.

14. Existing Land Uses:
Existing and proposed land uses on or within 200 feet of the proposed site are shown on this plan.

15. Road Right-of-Ways/Easements:
All known existing and proposed rights-of-ways and easements are as shown on this plan.

16. Recreation and Parks Plans:
This development site is not subject to any Baltimore County Recreation and Parks Plans.

17. There are no impending failures of the basic services maps within the vicinity of this site.

18. The Final Landscape Plan shall be approved prior to building permit application.

19. This Development Plan is subject to Stormwater Management requirements adopted by Baltimore County on July 1, 2001.

20. The developer shall be responsible for snow removal, salting, and landscape maintenance within this site.

21. The Sanitation Service to the site is to be provided by a private contractor.

22. All illumination in parking areas shall comply with BCZR 409.8.A.3.

23. Critical Area Easement Notes:

a. Standard Nondisturbance Notice:
There shall be no clearing, grading, construction, or disturbance of vegetation within the Critical Area Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

b. Protective Covenants Note:
Any Critical Area Easements 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.

24. Boundary information shown hereon is based upon a boundary survey performed by DMW on july 19, 2005. coordinates and bearings shown on this plan are based on the Maryland Coordinate System - NAD 83.

a. The location of any underground utility shown hereon is approximate and must be verified prior to the commencement of any construction activity.

b. Topography information shown hereon is based upon a topography survey performed by DMW on july 19, 2005.

c. Pier information hereon is based upon Gast Construction Company asbuilt, dated auguet 6, 2005.

d. The 100-year Tidal Flood plain is from F.E.M.A. Flood Insurance Rate Map Community Parcel #240010 0430 B dated March 2, 1981. BCMD Datum (elev. 10) converted to NAVD 88 (elev. 8.3).

25. Section 220 of the BCZR states the following performance standards for the B.M.B zone:

A. All lighting on the site, including illuminated signs shall be directed away from residential properties and shielded or designed so as not to interfere unreasonably with neighboring homes or with boats and vessels in the water.

B. Outside storage areas for materials or equipment needed for the normal conduct of business, which are adjacent to residentially zoned or residentially used properties, shall be screened according to the Class A screening requirements contained in the Landscape Manual. An opaque fence of a minimum height of five feet may be substituted for the planted screening.

C. Notwithstanding the provisions of 409.8A.2 and 409.8A.3., parking facilities need not be paved or striped in the Critical Area, provided that the surface is considered acceptable by the Directors of the Departments of Environmental Protection and Resource Management and Public Works, who must find that the facility will be appropriate for the amount and type of traffic to be generated and that there will be an adequate method of dust control.

D. The site shall be designed to have minimal detrimental impact on adjacent residential reas with respect to structure location and height, access, views of the water, location or piers and noise. New buildings shall be designed so that the facade harmonizes with homes in the adjacent residential areas.

26. The F.A.R for lots 3&4 are as follows:

Lot 3: $\frac{22,000}{46,609} = 0.47 < 3.0$ max Lot 1 (BMB): $\frac{1,685}{84,506} = 0.02 < 0.33$ max

Lot 4: $\frac{4800}{52708} = 0.09 < 3.0$ max Lot 1 (BL): $\frac{3,630}{43,560} = 0.08 < 3.0$ max

27. Stormwater Management Water Quality will be provided through and underground water quality device with direct discharge to Tidal Waters.

28. Proposed Average Daily Trips:

38 Single Family Attached Units (Townhouse Condominiums)
x 8.5 ADT/DV
323 ADT's

4 Apartments
x 6.6.5 ADT/Unit
26 ADT's

3,050 SF Office Space
x 25 ADT/1,000 SF
77 ADT's

24,400 SF Restaurant (Quality)
x 97 ADT/1,000 SF
2,367 ADT's

Total = 2,988 ADT's

29. The preliminary development schedule is:
a. Marina lot - Lot 1
b. Single family attached units (Townhouse Condominiums) - Lot 2
c. Commercial lot - Lots 3 and 4

30. The applicant will be requesting a parking variance for the amount of spaces.

31. This property has been held intact since April 16, 1902 per deed reference 261/01. The developer's surveyor has confirmed that no part of the gross area of this property as shown on this plan has ever been utilized, recorded,or represented as density or area to support any off site dwellings.

32. Lot 2 - Single family attached units (Townhouse Condominiums) will be in Condominium. However, The Zoning Review Office nighly recommends that the final "signed" copy off the Development Plan be submitted to Zoning Review as "Density and Use" plan that will be used for permit review and approval at the Zoning Review counter.

33. A final development plan will not be required.

34. The performance standard pursuant to Section 224 of the BCZR will comply with Section 220 of the BCZR

35. As known to the applicant, there are no hazardous materials on site as defined by section 7-101 of the environmental article of the annotated code of Maryland.

36. All onsite roads shall remain private

37. Based on USDA SCS Prime Farmland Survey June 1992, both soil types on this property are productive

38. CRITICAL AREA FOREST/CALCULATIONS
Forest Area:
Existing Forest (Net Site Area) = 173,616 sf (11.69 Ac.)
Total Existing Forest to be cleared = 167,082 sf (11.54 Ac.)
Required Reforestation (1:1) = 167,082 sf (11.54 Ac.)

Reforestation will be satisfied through the Reforestation of approximately 0.35 Ac on-site and the remainder will be satisfied by fee-in-lieu payment.

39. SANITARY SEWER
a. The following units will require ejection pumps for basements: 2-16, 24-38
b. The following units will require a private force main system: 6-10, 34-38, The Apartments, The Bathhouses

40. The applicant is requesting:
1. A Variance from section 409.6A and B to permit 137 shared parking spaces in lieu of the greatest minimum required 275 shared parking spaces.

2. A Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to Baltimore County Code Section 32-8-301.

3. A Special Hearing pursuant to Section 500.7 of the BCZR, in the alternative to the Petition for Variance filed contemporaneously here with, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

4. A variance from Section 409.6 A and B to permit 135 shared parking spaces in lieu of the greatest minimum required 220 shared parking spaces for lots 3 and 4.

5. A variance from Section 409.4 (BCZR), to permit parking spaces with direct access to driveways, in lieu of the requirement that there be no direct access for lot 1.

6. A variance from Section 409.6 (BCZR), to permit 63 parking spaces in lieu of the required 198 parking spaces for lot 3.

7. If necessary a variance from pursuant to Section 417.A (BCZR) to allow a zero-foot setback to a division line in lieu of the required ten- foot set back.

8. A variance from Section 504.2 (BCZR) and Division II.A (CMDP), for Residental Standards (multi-family dwelling building) to permit a bulding setback to a private roadway of 10-feet in lieu of the required 35-feet.

9. A special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to the Baltimore County Code Section 32-8-301.

10. A special hearing pursuant to Section 500.7 of the BCZR, in the alternative to the petition for Variance filed contemporaneously herewith, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

11. A special hearing pursuant to Section 500.7 of the BCZR, to permit a shared parking arrangement for lots 3 and 4, pursuant to Section 406.6B.3 of the BCZR.

12. If necessary, a Special Hearing pursuant to Section 500.7 of the BCZR, to permit the replacement of non-conforming waterfront construction (piers and pilings) pursuant to Sections 104.1, 104.5 and 417.3B of the BCZR.

13. Such other and further relief may be required by the Zoning Commissioner.

41. The maximum height for the Single Family Attached Units (Townhouse Condominiums) is 50 feet.

42. With the exception of the existing tavern on proposed Lot 3, any future restaurant use will not have a Class D liquor licence, nor will the restaurant operate as a tavern or a nightclub as defined in Section 101 of the BCZR.

43. "No Parking" signs shall be posted prohibiting parallel parking on 24' wide streets and within the turnaround area.

44. All dumpster enclosures shall be of masonry construction.

45. Envelopes, typical layout details or dwellings locations as shown dictate a specific location and orientation which is intended to allow compliance with Baltimore County zoning regulations and policies. Should the location or orientation change or create conflicts with the regulations or policies, the location or orientation may be adjusted to alleviate the conflict.

46. ZONING HISTORY
a. Case #4218, 6/6/1959, Rezoning of the property from R-6 to R-G granted by the Circuit Court for Baltimore County.

b. Case #66-13-X, 8/4/1965, Special Exemption for a Boatyard granted to Petitioner, Joseph Busdel, with conditions.

c. Case #68-196-X, 2/29/1968, Special Exemption for a Boatyard granted to Petitioner, Anna Mueller.

d. Case #97-336-SPHA, 4/21/1998, Petition for Special Hearing to approve non-conforming use (used Auto Lot) granted by County Board of Appeals.

e. Boatyard and Used Auto Lot abandoned.

f. All uses as shown permitted by right in BL or BMB zone.

47. The following commercial permits have been issued for the subject property.
B657295 to replace existing piers
B658820 to construct a boardwalk
B667834 to raze a garage building
B670311 alterations to existing cabana house
B670313 alterations to existing cabana house
B670213 to erect a fence

48. All entrances off of Old Eastern Avenue and Old Eastern Avenue extended will be per Baltimore County Standard Detail R-32.

49. Lots 3 & 4 will have cross easement parking agreements which will be recorded in the Land Records of Baltimore County.

SITE DEVELOPMENT PROPOSAL

	USE	PROPOSED UNITS	OPEN SPACE PROPOSED (ACRES)	AVERAGE DAILY TRIPS
MARINA LOT 1	APARTMENT	4	N/A	26
	OFFICE (650 SF TOTAL)	N/A	N/A	17
	MARINA	132 SLIPS	N/A	323
RESIDENTIAL LOT 2	SINGLE FAMILY ATTACHED (TOWNHOUSE CONDOMINIUMS)	38	N/A	380
COMMERCIAL LOT 3	TAVERN (22,000 SF TOTAL)	N/A	N/A	2134
COMMERCIAL LOT 4	OFFICE (2,400 SF TOTAL)	N/A	N/A	60
	RESTAURANT (2,400 SF TOTAL)	N/A	N/A	233

SITE DATA (GROSS ACERAGE)

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.05	5.76	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.08	17.28	N/A	1
	BMB	5.85	32.18	N/A	37
COMMERCIAL					
3	BL	1.21	6.66	N/A	0
4		1.38	7.59	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	GROSS AREA	12.51 AC ± 544,935.6± SF			

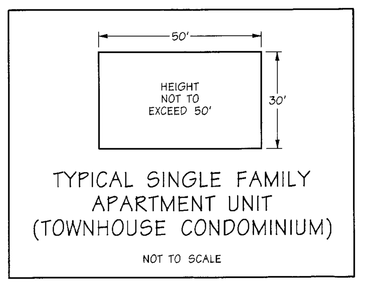
SITE DATA (NET ACERAGE)

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.00	5.50	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.00	16	N/A	1
	BMB	5.85	32.18	N/A	37
COMMERCIAL					
3	BL	1.07	5.85	N/A	0
4		1.21	6.66	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	NET AREA	12.07 AC ± 525,769.2± SF			

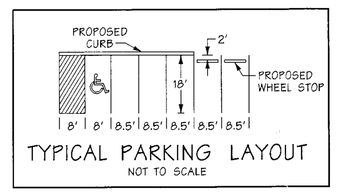
SHARED PARKING CALCULATIONS FOR LOTS 3 & 4

	WEEKDAY		WEEKEND		
	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	NIGHTTIME (MIDNIGHT TO 6:00 am)
OFFICE	100% (8x1)=8	10% (8x0.1)=1	10% (8x0.1)=1	5% (8x0.05)=1	5% (8x0.05)=1
RESTAURANT	50% (39x0.5)=20	100% (39x1)=39	100% (39x1)=39	100% (39x1)=39	10% (39x0.1)=4
TAVERN	40% (180x0.4)=180	100% (180x1)=180	80% (180x0.8)=144	100% (180x1)=180	10% (180x0.1)=18
APARTMENT	4	4	4	4	4
TOTAL	104	220	184	220	23

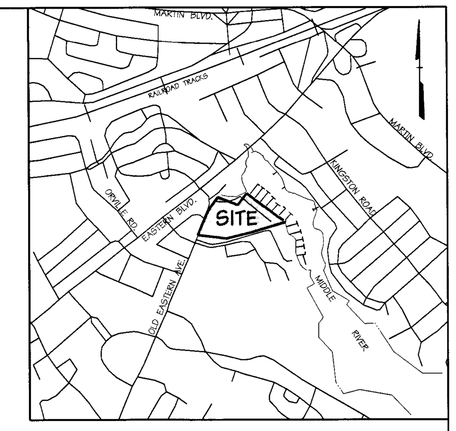
* SEE NOTE 49



TYPICAL SINGLE FAMILY APARTMENT UNIT (TOWNHOUSE CONDOMINIUM)
NOT TO SCALE



TYPICAL PARKING LAYOUT
NOT TO SCALE



VICINITY MAP
SCALE: 1"=1000'

PARKING REQUIREMENTS

LOT 1		
USE	PARKING REQUIRED	PARKING PROVIDED
MARINA	66 SPACES (1 PER 2 SLIPS)	77 SPACES
4 APARTMENT UNITS (2 BEDROOM)	1.5 SPACES PER UNIT x 4 UNITS =6 SPACES PLUS 15% (VISITOR) =1 SPACE TOTAL REQUIRED =7 SPACES	7 SPACES
OFFICE	650 SF x 3.3 SPACES PER 1000 SF =3 SPACES	4 SPACES
TOTAL FOR LOT 1	76 SPACES	88 SPACES

LOT 2		
USE	PARKING REQUIRED	PARKING PROVIDED
38 SINGLE FAMILY ATTACHED UNITS (TOWNHOUSE CONDOMINIUMS)	2 PER UNIT (PER BCZR SEC.409) =76 SPACES PLUS 15% VISITOR (PER CMDP) =12 SPACES TOTAL REQUIRED =88 SPACES	4 SPACES
TOTAL FOR LOT 2	88 SPACES	152 SPACES

LOT 3		
USE	PARKING REQUIRED	PARKING PROVIDED
TAVERN/HALL	20 SPACES PER 1000 SF 8978 SF =180 SF	59 SPACES
2 APARTMENT UNITS (2 BEDROOM)	1.5 SPACES PER UNIT x 2 UNITS =3 SPACES PLUS 15% (VISITOR) =1 SPACE TOTAL REQUIRED=4 SPACES	4 SPACES
TOTAL FOR LOT 3	184 SPACES	63 SPACES

* SEE NOTE 49

LOT 4		
USE	PARKING REQUIRED	PARKING PROVIDED
OFFICE	2400 SF x 3.3 SPACES PER 1000 SF=8 SPACES	8 SPACES
RESTAURANT	2400 SF x 16 SPACES PER 1000 SF=39 SPACES	64 SPACES
TOTAL FOR LOT 4	47 SPACES	72 SPACES

* SEE NOTE 49

TOTAL FOR PROPERTY	
PARKING REQUIRED	PARKING PROVIDED
395 SPACES	375 SPACES

UNIT NUMBERS	ADDRESS
1-5	1914-1922 RIVER VISTA DRIVE
6-10	1926-1934 RIVER VISTA DRIVE
11-16	1925-1915 RIVER VISTA DRIVE
17-22	1910-1900 RIVER VISTA DRIVE
23-33	134-114 MARINA VIEW COURT
34-38	108-100 MARINA VIEW COURT

I, _____, 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 prooosed development

PDM #15-877

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE

DEVONPORT COMMUNITY

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND THOMAS H. REPPERT NO. 288 REGISTERED LANDSCAPE ARCHITECT

ISSUE DATES
REVIEW: 3MAY07
BID:
PERMIT:
CONSTRUCTION:
BASE:
DRAWN: JDW
DESIGNED: JLB
CHECKED BY:
DATE CHECKED:
SCALE: NO SCALE
PROJECT NO.: 05005.A0
DRAWING: 1 of 2

DATE	BY	REVISIONS
27NOV07	DMW	PER DEVELOPMENT PLAN COMMENTS

07-541-SPHA (AMENDED)

GENERAL NOTES:

1. Owner:
Anna T. Mueller
1316 Stonebridge Ct
Baltimore, Md 21236
(410) 335-4200

Developer:
Gast Construction Company
11100 Pulaski Highway
White Marsh, Md 21162
(410) 335-4200

2. Preparer of Plan:
DMW, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333

3. General Information:

a. Councilmanic District		6th
b. Election Districts		15th
c. Census Tract		450800
d. Tax Map References	TM 90 Grid 17	Parcel 999
i. Tax Account Number		15-1513203811 / 15-1513203810
j. Deed References		19071/524
k. ADC Map Reference		Map 27 Grid G7
l. Watershed		19 - Middle River
m. Zoning Map (1"=200')		09003
n. Topo Map	Baltco. Co. GIS Tile #	090 C3
o. Regional Panning District		Middle River
p. School District		Baltimore County
Elementary School		Mare Estates
Middle School		Stemmrees Run
High School		Kenwood
q. Net Property Area		12.51
r. Subsewershed		Middle River

4. Zone Lines:
The zone lines shown hereon have been digitally located from electronic files provided by the Baltimore County Office of Planning, dated 2004.

5. All proposed community signs shall conform to Baltimore County signage regulations (Section 450 BCZR). Review and approval of signs shall occur prior to the issuance of building permits.

6. Open Spaces: 51 51,000
Local Open Space Requirements: ~~94~~ DU x 1000sf/DU = ~~40,000~~ sf LOS
a. Local Open Space Required: ~~27,300 sf Active and 14,700 sf Passive~~ 33.150 sf Active and 17,850 ~~sf~~ Passive (or a combination thereof as specified in Section 11.D.1.2, and 3).
b. Local Open Space Provided: 0 sf, Waiver Requested and Fee-in-Lieu to be paid.
c. Amenity Open Space: None Required

7. Soils:
Soils shown hereon are in accordance with the Soil Survey, Baltimore County, Maryland (dated March, 1976).

8. There are no wells, septic systems, or underground storage tanks on or within 100' of this site.

9. Soil Evaluation Tests:
This site is to be served by public water and sewer. Perc tests are not required.

10. Existing Buildings and Roads:
All known existing buildings and roads within 200 feet of the proposed site have been shown. The existing buildings are to be remodeled or razed as noted on the plan.

11. The Maryland Historic Trust has confirmed that there are no designated historic structures/sites or archaeological sites on this property.

12. The Maryland Department of Natural Resources Wildlife Heritage Division has determined that there are no rare, threatened, or endangered species within the project boundary.

13. Significant Views/Significant Features:
There are no significant views or features that may affect the development proposal.

14. Existing Land Uses:
Existing and proposed land uses on or within 200 feet of the proposed site are shown on this plan.

15. Road Right-of-Ways/Easements:
All known existing and proposed rights-of-ways and easements are as shown on this plan.

16. Recreation and Parks Plans:
This development site is not subject to any Baltimore County Recreation and Parks Plans.

17. There are no impending failures of the basic services maps within the vicinity of this site.

18. The Final Landscape Plan shall be approved prior to building permit application.

19. This Development Plan is subject to Stormwater Management requirements adopted by Baltimore County on July 1, 2001.

20. The developer shall be responsible for snow removal, salting, and landscape maintenance within this site.

21. The Sanitation Service to the site is to be provided by a private contractor.

22. All illumination in parking areas shall comply with BCZR 409.8.A.3.

23. Critical Area Easement Notes:

a. Standard Non disturbance Notice:
There shall be no clearing, grading, construction, or disturbance of vegetation within the Critical Area Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

b. 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.

24. Boundary information shown hereon is based upon a boundary survey performed by DMW on July 19, 2005. coordinates and bearings shown on this plan are based on the Maryland Coordinate System - NAD 83.

a. The location of any underground utility shown hereon is approximate and must be verified prior to the commencement of any construction activity.

b. Topography information shown hereon is based upon a topography survey performed by DMW on July 19, 2005.

c. Pier information hereon is based upon Gast Construction Company as built, dated august 6, 2005.

d. The 100-year Tidal Flood plain is from F.E.M.A. Flood Insurance Rate Map Community Parcel #240010 0430 B dated March 2, 1981. BCMD Datum (elev. 10) converted to NAVD 88 (elev. 8.3).

25. Section 220 of the BCZR states the following performance standards for the B.M.B zone:

A. All lighting on the site, including illuminated signs shall be directed away from residential properties and shielded or designed so as not to interfere unreasonably with neighboring homes or with boats and vessels in the water.

B. Outside storage areas for materials or equipment needed for the normal conduct of business, which are adjacent to residentially zoned or residentially used properties, shall be screened according to the Class A screening requirements contained in the Landscape Manual. An opaque fence of a minimum height of five feet may be substituted for the planted screening.

C. Notwithstanding the provisions of 409.8A.2 and 409.8A.3., parking facilities need not be paved or striped in the Critical Area, provided that the surface is considered acceptable by the Directors of the Departments of Environmental Protection and Resource Management and Public Works, who must find that the facility will be appropriate for the amount and type of traffic to be generated and that there will be an adequate method of dust control.

D. The site shall be designed to have minimal detrimental impact on adjacent residential areas with respect to structure location and height, access, views of the water, location of piers and noise. New buildings shall be designed so that the facade harmonizes with homes in the adjacent residential areas.

26. The F.A.R for lots 3&4 are as follows:

Lot 3: $\frac{22,000}{46,609} = 0.47 < 3.0$ max Lot 1 (BMB): $\frac{1,685}{84,506} = 0.02 < 0.33$ max

Lot 4: $\frac{4800}{52708} = 0.09 < 3.0$ max Lot 1 (BL): $\frac{3,630}{43,560} = 0.08 < 3.0$ max

27. Stormwater Management Water Quality will be provided through and underground water quality device with direct discharge to Tidal Waters.

28. Proposed Average Daily Trips:

47 ~~36~~ Single Family Attached Units (Townhouse Condominiums)
$\frac{\times\ 8.5\ ADT/DV}{400\ ADT's}$

4 Apartments
$\frac{\times\ 6.5\ ADT/Unit}{26\ ADT's}$

3,050 SF Office Space
$\frac{\times\ 25\ ADT/1,000\ SF}{77\ ADT's}$

24,400 SF Restaurant (Quality)
$\frac{\times\ 97\ ADT/1,000\ SF}{2,367\ ADT's}$

Total = ~~2,889~~ ADT's
2,870

29. The preliminary development schedule is:
a. Marina lot - Lot 1
b. Single family attached units (Townhouse Condominiums) - Lot 2
c. Commercial lot - Lots 3 and 4

30. The applicant will be requesting a parking variance for the amount of spaces.

31. This property has been held intact since April 16, 1902 per deed reference 261/01. The developer's surveyor has confirmed that no part of the gross area of this property as shown on this plan has ever been utilized, recorded,or represented as density or area to support any off site dwellings.

32. Lot 2 - Single family attached units (Townhouse Condominiums) will be in Condominium. However, the Zoning Review Office highly recommends that the final "signed" copy off the Development Plan be submitted to Zoning Review as "Density and Use" plan that will be used for permit review and approval at the Zoning Review counter.

33. A final development plan will not be required.

34. The performance standard pursuant to Section 224 of the BCZR will comply with Section 220 of the BCZR

35. As known to the applicant, there are no hazardous materials on site as defined by section 7-101 of the environmental article of the annotated code of Maryland.

36. All onsite roads shall remain private

37. Based on USDA SCS Prime Farmland Survey June 1992, both soil types on this property are productive

38. CRITICAL AREA FOREST/CALCULATIONS
Forest Area:
Existing Forest (Net Site Area) = ±73,616 sf (±1.69 Ac.)
Total Existing Forest to be cleared = ±67,082 sf (±1.54 Ac.)
Required Reforestation (1:1) = ±67,082 sf (±1.54 Ac.)

Reforestation will be satisfied through the Reforestation of approximately 0.35 Ac on-site and the remainder will be satisfied by fee-in-lieu payment.

39. SANITARY SEWER
a. The following units will require ejection pumps for basements: 2-16, 24-38
b. The following units will require a private force main system: 6-10, 34-38, The Apartments, The Bathhouses

40. The applicant is requesting:
1. A Variance from section 409.6A and B to permit 137 shared parking spaces in lieu of the greatest minimum required 275 shared parking spaces.

2. A Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to Baltimore County Code Section 32-8-301.

3. A Special Hearing pursuant to Section 500.7 of the BCZR, in the alternative to the Petition for Variance filed contemporaneously here with, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

4. A variance from Section 409.6 A and B to permit 135 shared parking spaces in lieu of the greatest minimum required 220 shared parking spaces for lots 3 and 4.

5. A variance from Section 409.4 (BCZR), to permit parking spaces with direct access to driveways, in lieu of the requirement that there be no direct access for lot 1.

6. A variance from Section 409.6 (BCZR), to permit 63 parking spaces in lieu of the required 18 parking spaces for lot 3.

7. If necessary a variance from pursuant to Section 417.A (BCZR) to allow a zero-foot setback to a division line in lieu of the required ten-foot set back.

8. A variance from Section 504.2 (BCZR) and Division II.A (CMDP), for Residential Standards (multi-family dwelling building) to permit a building setback to a private roadway of 10-feet in lieu of the required 35-feet.

9. A special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to the Baltimore County Code Section 32-8-301.

10. A special hearing pursuant to Section 500.7 of the BCZR, in the alternative to the petition for Variance filed contemporaneously herewith, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

11. A special hearing pursuant to Section 500.7 of the BCZR, to permit a shared parking arrangement for lots 3 and 4, pursuant to Section 406.6B.3 of the BCZR.

12. If necessary, a Special Hearing pursuant to Section 500.7 of the BCZR, to permit the replacement of non-conforming waterfront construction (piers and pilings) pursuant to Sections 104.1, 104.5 and 417.3B of the BCZR.

13. Such other and further relief may be required by the Zoning Commissioner.

41. The maximum height for the Single Family Attached Units (Townhouse Condominiums) is 50 feet.

42. With the exception of the existing tavern on proposed Lot 3, any future restaurants use will not have a Class D liquor license, nor will the restaurant operate as a tavern or a nightclub as defined in Section 101 of the BCZR.

43. "No Parking" signs shall be posted prohibiting parallel parking on 24' wide streets and within the turnaround area.

44. All dumpster enclosures shall be of masonry construction.

45. Envelopes, typical layout details or dwellings locations as shown dictate a specific location and orientation which is intended to allow compliance with Baltimore County zoning regulations and policies. Should the location or orientation change or create conflicts with the regulations or policies, the location or orientation may be adjusted to alleviate the conflict.

46. ZONING HISTORY
a. Case #4218, 6/6/1959, Rezoning of the property from R-6 to R-G granted by the Circuit Court for Baltimore County.

b. Case #66-13-X, 8/4/1965, Special Exemption for a Boatyard granted to Petitioner, Joseph Buedel, with conditions.

c. Case #68-196-X, 2/29/1968, Special Exemption for a Boatyard granted to Petitioner, Anna Mueller.

d. Case #97-336-SPHA, 4/21/1998, Petition for Special Hearing to approve nonconforming use (used Auto Lot) granted by County Board of Appeals.

e. Boatyard and Used Auto Lot abandoned.

f. All uses as shown permitted by right in BL or BMB zone.

47. The following commercial permits have been issued for the subject property.
B657296 to replace existing piers
B658820 to construct a boardwalk
B667834 to raze a garage building
B670311 alterations to existing cabana house
B670319 alterations to existing cabana house
B670213 to erect a fence

48. All entrances off of Old Eastern Avenue and Old Eastern Avenue extended will be per Baltimore County Standard Detail R-32.

49. Lots 3 & 4 will have cross easement parking agreements which will be recorded in the Land Records of Baltimore County.

50. There will be a water meter provided for each townhouse condominium unit.

SITE DEVELOPMENT PROPOSAL

	USE	PROPOSED UNITS	OPEN SPACE PROPOSED (ACRES)	AVERAGE DAILY TRIPS
MARINA LOT 1	APARTMENT	4	N/A	26
	OFFICE (650 SF. TOTAL)	N/A	N/A	17
	MARINA	132 SLIPS	N/A	323
RESIDENTIAL LOT 2	SINGLE FAMILY ATTACHED (TOWNHOUSE CONDOMINIUMS)	~~36~~ 47	N/A	~~360~~ 400
COMMERCIAL LOT 3	TAVERN (22,000 SF. TOTAL)	N/A	N/A	2134
COMMERCIAL LOT 4	OFFICE (2,400 SF. TOTAL)	N/A	N/A	60
	RESTAURANT (2,400 SF. TOTAL)	N/A	N/A	233

SITE DATA (GROSS ACREAGE)

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.05	5.76	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.08	17.28	N/A	
	BMB	5.85	32.18	N/A	~~X~~ 46
COMMERCIAL					
3	BL	1.21	6.66	N/A	0
4		1.38	7.59	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	GROSS AREA	12.51 AC = 544,935.6± SF			

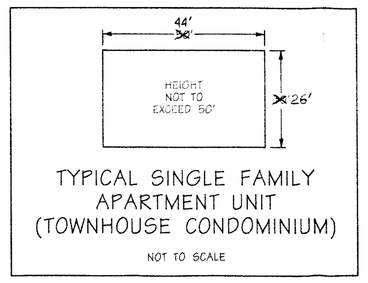
SITE DATA (NET ACREAGE)

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.00	5.50	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.00	16	N/A	1
	BMB	5.85	32.18	N/A	~~X~~ 46
COMMERCIAL					
3	BL	1.07	5.85	N/A	0
4		1.21	6.66	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	NET AREA	12.07 AC = 525,769.2± SF			

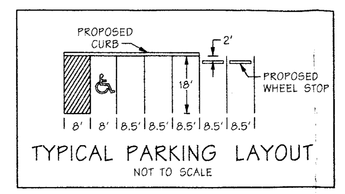
SHARED PARKING CALCULATIONS FOR LOTS 3 & 4

	WEEKDAY		WEEKEND		
	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	NIGHTTIME (MIDNIGHT TO 6:00 am)
OFFICE	100% (8 x1)=8	10% (8 x0.1)=1	10% (8 x0.1)=1	5% (8 x0.05)=1	5% (8 x0.05)=1
RESTAURANT	50% (39 x0.5)=20	100% (39 x1)=39	100% (39 x1)=39	100% (39 x1)=39	10% (39 x0.1)=4
TAVERN	40% (180 x0.4)=180	100% (180 x1)=180	80% (180 x0.8)=144	100% (180 x1)=180	10% (180 x0.1)=18
APARTMENT	4	4	4	4	4
TOTAL	104	220	184	220	23

* SEE NOTE 49



TYPICAL SINGLE FAMILY APARTMENT UNIT (TOWNHOUSE CONDOMINIUM)
NOT TO SCALE



TYPICAL PARKING LAYOUT
NOT TO SCALE

PARKING REQUIREMENTS

LOT 1

USE	PARKING REQUIRED	PARKING PROVIDED
MARINA	66 SPACES (1 PER 2 SLIPS)	77 SPACES
4 APARTMENT UNITS (2 BEDROOM)	1.5 SPACES PER UNIT x 4 UNITS =6 SPACES PLUS 15% (VISITOR) =1 SPACE TOTAL REQUIRED =7 SPACES	7 SPACES
OFFICE	650 SF x 3.3 SPACES PER 1000 SF =3 SPACES	4 SPACES
TOTAL FOR LOT 1	76 SPACES	88 SPACES

LOT 2

USE	PARKING REQUIRED	PARKING PROVIDED
47 ~~36~~ SINGLE FAMILY ATTACHED UNITS (TOWNHOUSE CONDOMINIUMS)	2 PER UNIT (PER BCZR SEC.409) 94 ~~72~~ SPACES PLUS 15% VISITOR (PER CMDP) 15 ~~X~~ SPACES TOTAL REQUIRED 109 ~~X~~ SPACES	4 SPACES
TOTAL FOR LOT 2	109 ~~94~~ SPACES	188 ~~152~~ SPACES

LOT 3

USE	PARKING REQUIRED	PARKING PROVIDED
TAVERN/HALL	20 SPACES PER 1000 SF 8978 SF =180 SF	59 SPACES
2 APARTMENT UNITS (2 BEDROOM)	1.5 SPACES PER UNIT x 2 UNITS =3 SPACES PLUS 15% (VISITOR) =1 SPACE TOTAL REQUIRED=4 SPACES	4 SPACES
TOTAL FOR LOT 3	184 SPACES	63 SPACES

* SEE NOTE 49

LOT 4

USE	PARKING REQUIRED	PARKING PROVIDED
OFFICE	2400 SF x 3.3 SPACES PER 1000 SF=8 SPACES	8 SPACES
RESTAURANT	2400 SF x 16 SPACES PER 1000 SF=39 SPACES	64 SPACES
TOTAL FOR LOT 4	47 SPACES	72 SPACES

* SEE NOTE 49

TOTAL FOR PROPERTY

PARKING REQUIRED	PARKING PROVIDED
416 ~~396~~ SPACES	411 ~~395~~ SPACES

UNIT NUMBERS	ADDRESS
1-5	1914-1922 RIVER VISTA DRIVE
6-10	1926-1934 RIVER VISTA DRIVE
11-16	1925-1915 RIVER VISTA DRIVE
17-22	1910-1900 RIVER VISTA DRIVE
23-33	134-114 MARINA VIEW COURT
34-38	108-100 MARINA VIEW COURT

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLANS AND ORDERS IN ZONING CASE # 07-541-SPH

SIGNED BY Jeffrey Perlow DATE 5/22/08

PDM #15-877

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

DEVELOPMENT PLAN
PLAN TO ACCOMPANY SPIRIT AND INTENT LETTER

DEVONPORT COMMUNITY

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

ISSUE DATES
REVIEW: 3MAY07
BID:
PERMIT:
CONSTRUCTION:

BASE:
DRAWN: JDW
DESIGNED: JLB
CHECKED BY:
DATE CHECKED:
SCALE: NO SCALE
PROJECT NO.: 05005.A0
DRAWING:

DATE	BY	REVISIONS
27NOV07	DMW	PER DEVELOPMENT PLAN COMMENTS
5May08	DMW	UPDATED UNIT COUNT FROM 38 TO 47

GENERAL NOTES:

1. Owner:
Anna T. Mueller
1316 Stonebridge Ct
Baltimore, Md 21286
(410) 335-4200

Developer:
Gast Construction Company
11100 Pulaski Highway
White Marsh, Md 21162
(410) 335-4200

2. Preparer of Plan:
DMW, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333

3. General Information:
a. Councilmanic District — 6th
b. Election District — 15th
c. Census Tract — 450800
d. Tax Map References — TM 90 Grid 17 Parcel 999
i. Tax Account Number — 15-1513203811 / 15-1513203810
j. Deed References — 19071/524
k. ADC Map Reference — Map 37 Grid G7
l. Watershed — 19 - Middle River
m. Zoning Map (1"=200') — 090C3
n. Topo Map — Balto.Co.GIS Tile # 090 C3
o. Regional Panning District — Baltimore County
p. School District
Elementary School — Mars Estates
Middle School — Stemmers Run
High School — Kenwood
q. Net Property Area — 12.51
r. Subsewershed — Middle River

4. Zone Lines:
The zone lines shown hereon have been digitally located from electronic files provided by the Baltimore County Office of Planning, dated 2004.
5. All proposed community signs shall conform to Baltimore County signage regulations (Section 450 BCZR). Review and approval of signs shall occur prior to the issuance of building permit.
6. Open Space:
Local Open Space Requirements: 42 DU x 1000sf/DU = 42,000 sf LOS
a. Local Open Space Required: 27,300 sf Active and 14,700 sf Passive (or a combination thereof as specified in Section III.D.1,2, and 3).
b. Local Open Space Provided: 0 sf, Waiver Requested and Fee-in-Lieu to be paid.
c. Amenity Open Space: None Required
7. Soils:
Soils shown hereon are in accordance with the Soil Survey, Baltimore County, Maryland (dated March, 1976)
8. There are no wells, septic systems, or underground storage tanks on or within 100' of this site.
9. Soil Evaluation Tests:
This site is to be served by public water and sewer. Perc tests are not required.
10. Existing Buildings and Roads:
All known existing buildings and roads within 200 feet of the proposed site have been shown. The existing buildings are to be remodeled or razed as noted on the plan.
11. The Maryland Historic Trust has confirmed that there are no designated historic structures/sites or archaeological sites on this property.
12. The Maryland Department of Natural Resources Wildlife Heritage Division has determined that there are no rare, threatened, or endangered species within the project boundry.
13. Significant Views/Significant Features:
There are no significant views or features that may affect the development proposal.
14. Existing Land Uses:
Existing and proposed land uses on or within 200 feet of the proposed site are shown on this plan.
15. Road Right-of-Ways/Easements:
All known existing and proposed rights-of-ways and easements are as shown on this plan.
16. Recreation and Parks Plans:
This development site is not subject to any Baltimore County Recreation and Parks Plans.
17. There are no impending failures of the basic services maps within the vicinity of this site.
18. The Final Landscape Plan shall be approved prior to building permit application.
19. This Development Plan is subject to Stormwater Management requirements adopted by Baltimore County on July 1, 2001.
20. The developer shall be responsible for snow removal, salting, and landscape maintenance within this site.
21. The Sanitation Service to the site is to be provided by a private contractor.
22. All illumination in parking areas shall comply with BCZR 409.8.A.3.
23. Critical Area Easement Notes:
a. Standard Nondisturbance Notice:
There shall be no clearing, grading, construction, or disturbance of vegetation within the Critical Area Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
b. 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.
24. Boundary information shown hereon is based upon a boundary survey performed by DMW on July 19, 2005. coordinates and bearings shown on this plan are based on the Maryland Coordinate System - NAD 83.
a. The location of any underground utility shown hereon is approximate and must be verified prior to the commencement of any construction activity.
b. Topography information shown hereon is based upon a topography survey performed by DMW on July 19, 2005.
c. Pier information hereon is based upon Gast Construction Company asbuilt, dated august 6, 2005.
d. The 100-year Tidal Flood plain is from F.E.M.A. Flood Insurance Rate Map Community Parcel #240010 0430 B dated March 2, 1981. BCMD Datum (elev.10) converted to NAVD 88 (elev. 8.3).
25. Section 220 of the BCZR states the following performance standards for the B.M.B zone:
A. All lighting on the site, including illuminated signs shall be directed away from residential properties and shielded or designed so as not to interfere unreasonably with neighboring homes or with boats and vessels in the water.
B. Outside storage areas for materials or equipment needed for the normal conduct of business, which are adjacent to residentially zoned or residentially used properties, shall be screened according to the Class A screening requirements contained in the Landscape Manual. An opaque fence of a minimum height of five feet may be substituted for the planted screening.
C. Notwithstanding the provisions of 409.8A.2 and 409.8A.3., parking facilities need not be paved or striped in the Critical Area, provided that the surface is considered acceptable by the Directors of the Departments of Environmental Protection and Resource Management and Public Works, who must find that the facility will be appropriate for the amount and type of traffic to be generated and that there will be an adequate method of dust control.
D. The site shall be designed to have minimal detrimental impact on adjacent residential reas with respect to structure location and height, access, views of the water, location of piers and noise. New buildings shall be designed so that the facade harmonizes with homes in the adjacent residential areas.
26. The F.A.R for lots 3&4 are as follows:
Lot 3: $\frac{22,000}{46,609}$ = 0.47<3.0 max — Lot 1 (BMB): $\frac{1,685}{84,506}$ = 0.02<0.33 max
Lot 4: $\frac{4800}{52708}$ = 0.09<3.0 max — Lot 1 (BL): $\frac{3,630}{43,560}$ = 0.08<3.0 max
27. Stormwater Management Water Quality will be provided through and underground water quality device with direct discharge to Tidal Waters.
28. Proposed Average Daily Trips:
38 Single Family Attached Units (Townhouse Condominiums)
x 8.5 ADT/DY
323 ADT's
4 Apartments
x 68.5 ADT/Unit
26 ADT's
3,050 SF Office Space
x 25 ADT/1,000 Sf
77 ADT's
24,400 Sf Restaurant (Quality)
x 97 ADT/1,000 Sf
2,367 ADT's
Total = 2,988 ADT's
29. The preliminary development schedule is:
a. Marina lot - Lot 1
b. Single family attached units (Townhouse Condominiums) - Lot 2
c. Commercial lot - Lots 3 and 4
30. The applicant will be requesting a parking variance for the amount of spaces.
31. This property has been held intact since April 16, 1902 per deed reference 261/01. The developer's surveyor has confirmed that no part of the gross area of this property as shown on this plan has ever been utilized, recorded, or represented as density or area to support any off site dwellings.
32. Lot 2 - Single family attached units (Townhouse Condominiums) will be in Condominium. However, The Zoning Review Office highly recommends that the final "signed" copy off the Development Plan be submitted to Zoning Review as "Density and Use" plan that will be used for permit review and approval at the Zoning Review counter.
33. A final development plan will not be required.
34. The performance standard pursuant to Section 224 of the BCZR will comply with Section 220 of the BCZR

35. As known to the applicant, there are no hazardous materials on site as defined by section 7-101 of the environmental article of the annotated code of Maryland.
36. All onsite roads shall remain private
37. Based on USDA SCS Prime Farmland Survey June 1992, both soil types on this property are productive
38. CRITICAL AREA FORESTICALCULATIONS
Forest Area:
Existing Forest (Net Site Area) = ±73,616 sf (±1.69 Ac.)
Total Existing Forest to be cleared = ±67,082 sf (±1.54 Ac.)
Required Reforestation (1:1) = ±67,082 sf (±1.54 Ac.)
Reforestation will be satisfied through the Reforestation of approximately 0.35 Ac on-site and the remainder will be satisfied by fee-in-lieu payment.
39. SANITARY SEWER
a. The following units will require ejection pumps for basements: 2-16, 24-38
b. The following units will require a private force main system: 6-10, 34-38, The Apartments, The Bathhouses
40. The applicant is requesting:
1. A Variance from section 409.6A and B to permit 137 shared parking spaces in lieu of the greatest minimum required 275 shared parking spaces.
2. A Special Hearing pursuant to Section 500.7 of the Baltimore Counyt Zoning Regulations ("BCZR") to confirm that a waiver is not required for grading, building, and existing improvements in the Tidal Floodplain, pursuant to Baltimore County Code Section 32-8-301.
3. A Special Hearing pursuant to Section 500.7 of the BCZR, in the alternative to the Petition for Variance filed contemporaneously here with, to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

LEGEND

Symbol	Description	Symbol	Description
	PROPERTY LINE		RETAINING WALL
	ADJACENT PROPERTY LINE		EXISTING BUILDING
	EXISTING MINOR CONTOUR	BMB / DR 16	ZONING LINE
	EXISTING MAJOR CONTOUR		PROPOSED ORNAMENTAL FENCE
	PROPOSED ROAD CURB LINE		WETLAND BUFFER
	EXISTING MACADAM DRIVE		SOIL LINE
	EXISTING ROAD CURB LINE		EX. STREAM
	100yr FLOOD PLAIN		PROP. CRITICAL AREA / FOREST BUFFER
	CRITICAL AREA EASEMENT		MAIL BOX & TRASH ENCLOSURE
	CALCULATED CRITICAL AREA BUFFER		FRONT OF BUILDING
	35' PRINCIPAL STRUCTURE SETBACK		EX. TREES TO REMAIN
	DUMPSTER AND ENCLOSURE		
	CROSSWALK		

SITE DATA (GROSS ACERAGE) ACREAGE

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.05	5.76	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.08	5.94	N/A	0
	BMB	5.85	32.18	N/A	38
COMMERCIAL					
3	BL	1.21	6.66	N/A	0
4		1.38	7.59	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	GROSS AREA	12.51 AC			

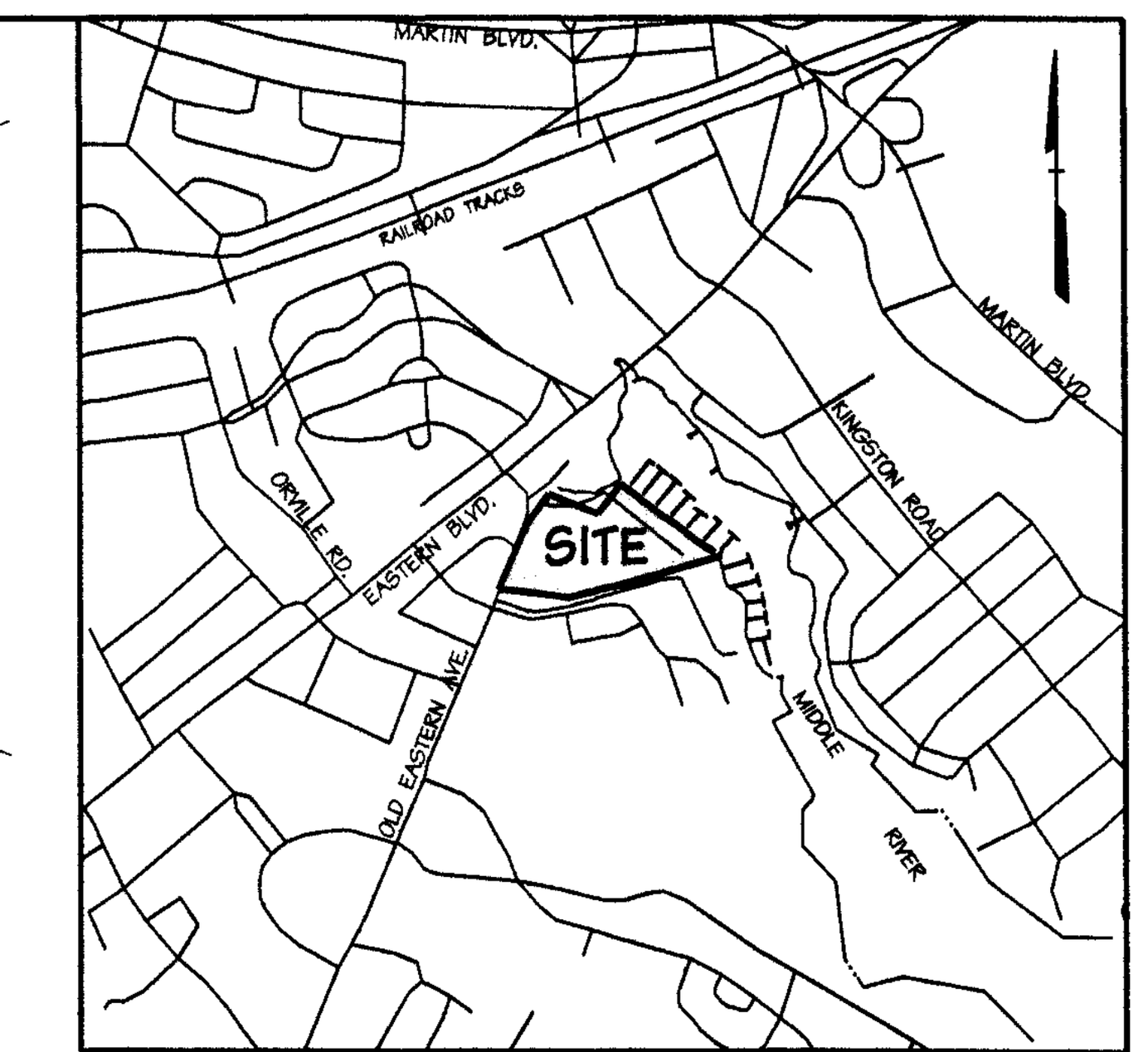
SITE DATA (NET ACERAGE) ACREAGE

LOT	ZONE	ACRES±	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
MARINA					
1	BL	1.00	5.50	N/A	4
	BMB	1.94	10.67	N/A	0
RESIDENTIAL					
2	BL	1.00	5.50	N/A	0
	BMB	5.85	32.18	N/A	38
COMMERCIAL					
3	BL	1.07	5.85	N/A	0
4		1.21	6.66	N/A	0
TOTAL					
	BL	4.72			
	BMB	7.79			
	NET AREA	12.07 AC			

SITE DEVELOPMENT PROPOSAL

	USE	PROPOSED UNITS	PARKING REQUIRED	PARKING PROVIDED	OPEN SPACE PROPOSED (ACRES)	AVERAGE DAILY TRIPS
MARINA LOT 1	APARTMENT	4	4x2.3=8	8	N/A	26
	OFFICE (650 Sf. TOTAL)	N/A	3.3x1000=3	3	N/A	17
	MARINA	132 SLIPS	132/2=66	68	N/A	323
RESIDENTIAL LOT 2	SINGLE FAMILY ATTACHED	38	38/2.15=82	152 **	N/A	380
COMMERCIAL LOT 3	TAVERN (22,000 Sf. TOTAL)	N/A	*	135	N/A	2134
COMMERCIAL LOT 4	OFFICE (2,400 Sf. TOTAL)	N/A	*	SHARED	N/A	60
	RESTAURANT (2,400 Sf. TOTAL)	N/A	*	SPACES	N/A	233

* SEE THE PARKING CALULATIONS FOR COMMERCIAL BELOW
** SINGLE FAMILY ATTACHED RESIDENTIAL UNITS HAVE 4 PARKING SPACES EACH; TWO IN THE GARAGE, AND TWO IN THE DRIVEWAY



VICINITY MAP
SCALE: 1"=1000'

NUMBER	BEARING	DISTANCE
L13	S 36°26'46" W	2.87'
L14	S 52°13'04" E	21.30'
L15	S 55°18'55" E	16.56'
L16	S 65°00'22" E	11.33'
L17	S 51°47'44" E	11.36'
L18	S 45°26'56" E	11.72'
L19	S 51°38'14" E	34.03'
L20	S 52°39'55" E	29.39'
L21	S 56°35'49" E	10.45'
L22	S 51°46'29" E	15.28'
L23	S 55°29'30" E	10.27'
L24	S 61°59'42" E	11.06'
L25	S 57°15'04" E	11.44'
L26	S 63°01'39" E	6.42'
L27	N 41°19'20" E	1.90'
L28	S 51°14'48" E	21.63'
L29	S 36°19'11" W	2.65'
L30	S 51°39'07" E	34.22'
L31	N 43°57'09" E	3.56'
L32	S 52°20'57" E	39.35'

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	DIST.	CHORD BEARING	CHORD DIST.	TANGENT
C1	35°22'11"	100.50'	62.04'	N 52°19'01" E	61.06'	32.04'
C2	23°42'04"	153.47'	63.49'	N 81°45'18" E	63.03'	32.20'
C3	76°11'10"	82.00'	109.04'	S 48°23'54" E	101.18'	64.28'
C4	82°25'34"	5.00'	7.19'	S 51°31'06" E	6.59'	4.38'

NOTES AND CHARTS ON THIS SHEET HAVE BEEN REVISED, SEE SHEET 1 OF 3 FOR UPDATED INFORMATION

PARKING CALCULATIONS FOR COMMERCIAL

	WEEKDAY		WEEKEND		
	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	DAYTIME (6:00 am TO 6:00 pm)	EVENING (6:00 pm TO MIDNIGHT)	NIGHTTIME (MIDNIGHT TO 6:00 am)
OFFICE	100% (14x1)=14	10% (14x0.1)=2	10% (14x0.1)=2	5% (14x0.05)=1	5% (14x0.05)=1
RESTAURANT	50% (53x0.5)=27	100% (53x1)=53	100% (53x1)=53	100% (53x1)=53	10% (53x0.1)=6
TAVERN	40% (220x0.4)=88	100% (220x1)=220	80% (220x0.8)=176	100% (220x1)=220	10% (220x0.1)=22
TOTAL	129	275	231	274	29

I, [signature] 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

PDM #15-877

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

DEVELOPMENT PLAN
PLAN TO ACCOMPANY SPIRIT AND INTENT LETTER

DEVONPORT COMMUNITY

STATE OF MARYLAND — THOMAS H. REPSHER — REGISTERED LANDSCAPE ARCHITECT — NO. 268

DATE	BY	REVISIONS
27NOV07	DMW	PER DEVELOPMENT PLAN COMMENTS
30JAN08	DMW	TO DEPICT REVISED PIER AND LOT LINE LAYOUT
5MAY08	DMW	UPDATED UNIT COUNT FROM 38 TO 47

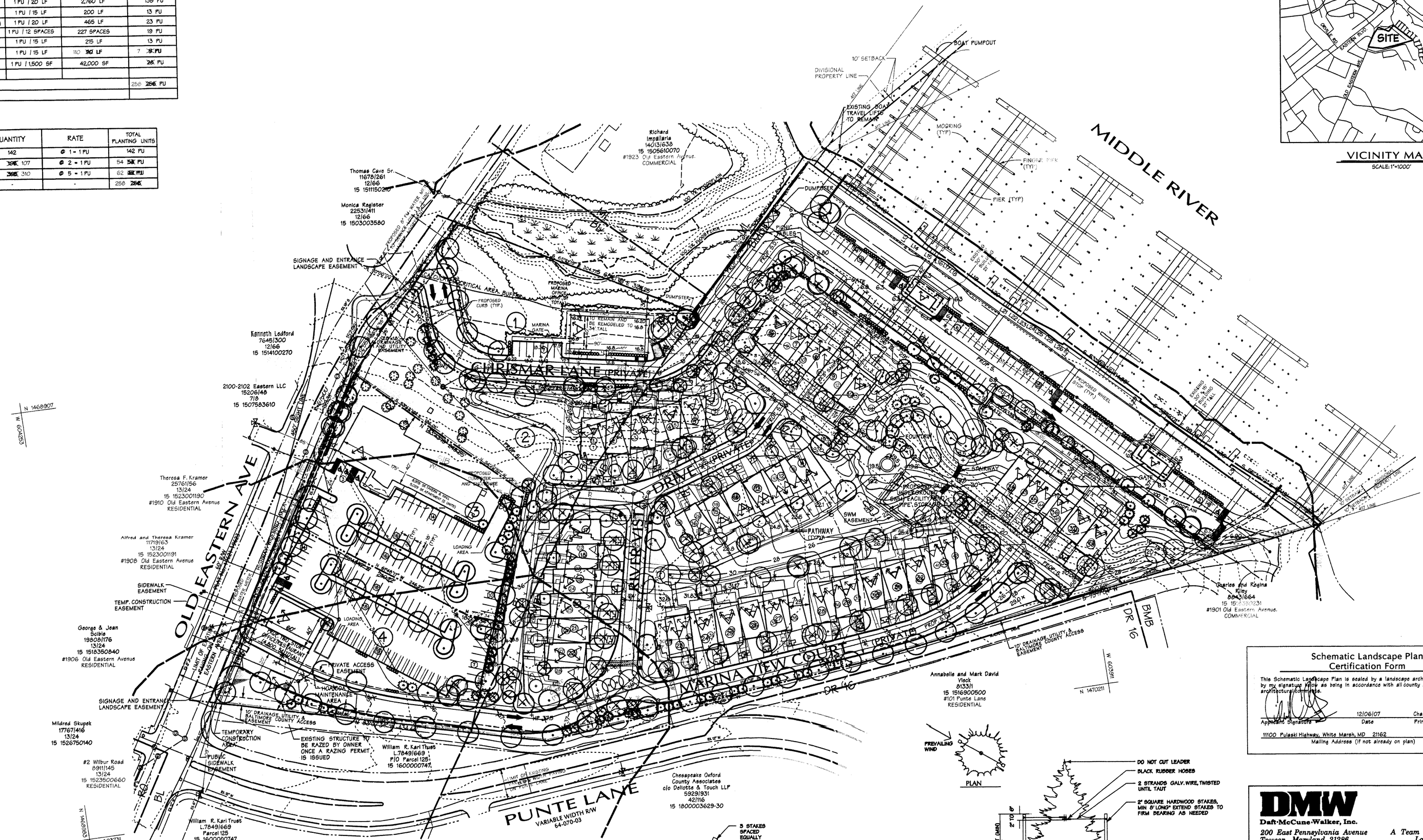
ISSUE DATES
REVIEW: 3MAY07
BID:
PERMIT:
CONSTRUCTION:
BASE: CTR
DRAWN: CTR/KAW
DESIGNED: JLB
CHECKED BY:
DATE CHECKED:
SCALE: 1"=50'
PROJECT NO.: 05005.A0
DRAWING: 2 1 of 23

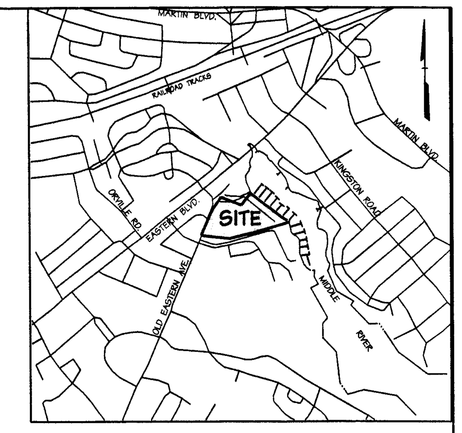
LANDSCAPING REQUIREMENTS

LANDSCAPING CONDITION	RATE	LINEAR FEET	TOTAL PLANTING UNITS
ADJACENT ROADS	1 PU / 40 LF	670 LF	17 PU
INTERIOR ROADS	1 PU / 20 LF	2,760 LF	138 PU
PARKING LOT ADJ. TO PUBLIC ROAD (CLASS B)	1 PU / 15 LF	200 LF	13 PU
PARKING LOT PERIMETER ADJ. TO RESIDENTIAL (CLASS A)	1 PU / 20 LF	465 LF	23 PU
PARKING LOT INTERIOR LANDSCAPING	1 PU / 12 SPACES	227 SPACES	19 PU
NONRESIDENTIAL BUILDINGS	1 PU / 15 LF	215 LF	13 PU
DUMPSTER SCREENING	1 PU / 15 LF	110 ~~110~~ LF	7 ~~8~~ PU
OPEN SPACE	1 PU / 1,500 SF	42,000 SF	28 PU
SUBTOTAL LANDSCAPING REQUIREMENTS			258 ~~256~~ PU

LANDSCAPING PROVIDED

LANDSCAPING SHOWN	QUANTITY	RATE	TOTAL PLANTING UNITS
OVERSTORY TREES	142	@ 1 = 1 PU	142 PU
ORNAMENTAL AND EVERGREEN TREES	~~107~~	@ 2 = 1 PU	54 ~~53~~ PU
SHRUBS	~~310~~	@ 5 = 1 PU	62 ~~60~~ PU
TOTAL LANDSCAPING PROVIDED	-	-	258 ~~256~~

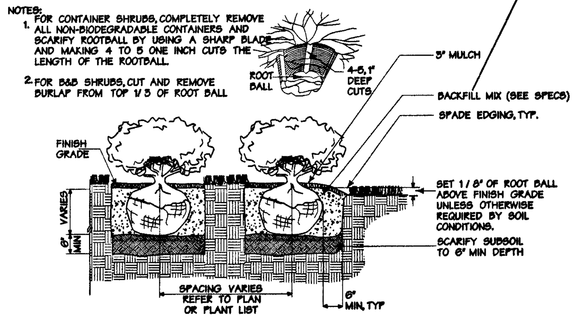




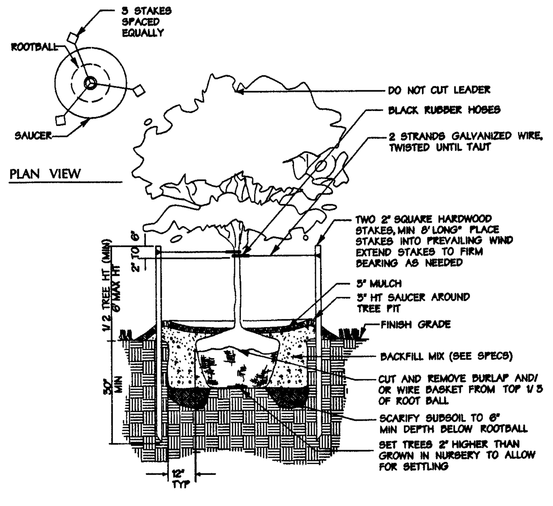
VICINITY MAP
SCALE: 1"=1000'

LEGEND

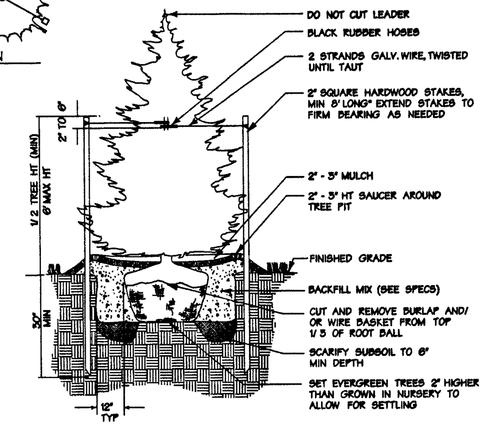
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- PROPOSED ROAD CURB LINE
- EXISTING MACADAM DRIVE
- EXISTING ROAD CURB LINE
- 100yr FLOOD PLAIN
- PROPOSED SHRUBS
- PROPOSED EVERGREEN TREE
- PROPOSED ORNAMENTAL TREE
- PROPOSED MAJOR DECIDUOUS TREE
- PROPOSED VEGETATIVE CANOPY
- RETAINING WALL
- EXISTING BUILIDING
- ZONING LINE (BMB DR 16)
- PROPOSED ORNAMENTAL FENCE
- WETLAND BUFFER
- SOIL LINE
- EX. STREAM
- PROP. CRITICAL AREA / FOREST BUFFER
- MAIL BOX & TRASH ENCLOSURE
- FRONT OF BUILDING
- EX. TREES TO REMAIN
- EX. VEGETATIVE CANOPY



Shrub Bed Planting
Not To Scale



Less Than 3" Cal. Tree Planting
Not To Scale



Evergreen Tree Planting
Not To Scale

Schematic Landscape Plan Certification Form

This Schematic Landscape Plan is sealed by a landscape architect and certified by my signature below as being in accordance with all county agency landscape architectural comments.

Applicant Signature — 12/06/07 (Date) — Charlie Gast (Print Name)

11100 Pulaski Highway, White Marsh, MD 21162
Mailing Address (if not already on plan)

PDM # 15-877

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

DEVELOPMENT PLAN

PLAN TO ACCOMPANY SPIRIT AND INTENT LETTER

DEVONPORT COMMUNITY

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	BY	REVISIONS
27NOV07	DMW	PER DEVELOPMENT PLAN COMMENTS
30JAN08	DMW	TO DEPICT REVISED PIER AND LOT LINE LAYOUT
5MAY08	DMW	UPDATED UNIT COUNT FROM 39 TO 47

ISSUE DATES
REVIEW: 25APR07
BID:
PERMIT:
CONSTRUCTION:
BASE: CTR
DRAWN: LRK/KAW
DESIGNED: JLB/SHH
CHECKED BY:
DATE CHECKED:
SCALE: 1"=50'
PROJECT NO.: 05005
DRAWING: 3 of 3

REVISED

PETITION AND PLAT

07-541-SPHA