

BEFORE THE

IN RE: PETITION FOR SPECIAL HEARING
E side Sollers Point Road, 141.95 feet

E side Sollers Point Road, 141.95 teet SE of Baybriar Road

12th Election District

7th Councilmanic District

(3307-3309 Martini Avenue)

DEPUTY ZONING

COMMISSIONER

FOR BALTIMORE COUNTY

Star Marina LLC; Matthew Hornung Petitioner

Wilfred Foley, Jr.

Contract Purchaser

Case No. 08-097-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

*

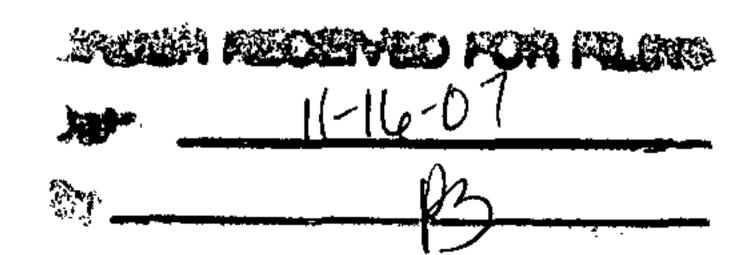
This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Matthew Hornung for Star Marina LLC, the legal property owner, and Wilfred Foley, Jr., the contract purchaser. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), as permitted under Section 502.9 of the B.C.Z.R. for a modification of the site plan approved in prior Case No. 73-136-X to allow a building addition to be used for marine-related purposes. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing was Petitioner Wilfred Foley, Jr., the contract purchaser, his son, Wilfred Foley, III, and Ralph K. Rothwell, Jr., the attorney for Petitioners. Also appearing was David Billingsley with Central Drafting & Design, Inc., the consultant who was involved in the preparation of the site plan, and D. Scott Smith, the real estate broker who represents the contract purchaser. The present owner of the property, Matthew Hornung on behalf of Star Marina LLC, also appeared at the hearing, but did not take part in the presentation of Petitioner's case. There were no Protestants or other interested persons in attendance at the hearing.



Testimony and evidence offered revealed that the subject property is an irregular-shaped parcel consisting of 101,059 square feet or 2.32 acres, more or less, and zoned DR 5.5. The property fronts Bullneck Creek and is located east of Sollers Point Road and between Baybriar Road to the north and Louth Road to the south in the Dundalk area of Baltimore County. An aerial photograph of the site, which was marked and accepted into evidence as Petitioner's Exhibit 2, shows that the property is currently utilized as a boatyard and marina facility. It is improved with essentially three structures. The two-story dwelling situated on the north side of the property is currently leased as a residence. There is also a second 1 ½-story dwelling situated in the center of the property that can also be used as a residence. The third structure is an office/work building where boat repairs and maintenance are performed and is located on the south side of the property. The property is also improved with a wooden pier, with slips for mooring boats, as well as an area nearby for launching and retrieving boats.

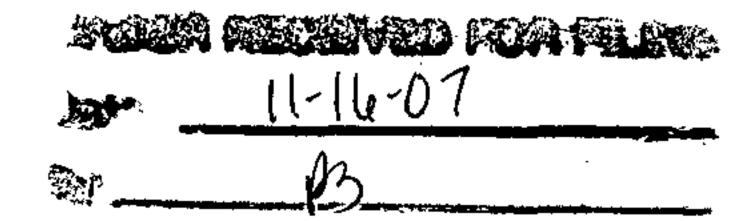
Petitioner owns a business that manufactures and produces small boats and other marine-related products. The company currently leases space at a manufacturing facility on Orems Road in the Essex area of Baltimore County. At this juncture, Petitioner is purchasing the subject property in order to operate the marina and boatyard, as well as to relocate his business there. In order to do so, Petitioner plans to build an addition to the existing office/work building. Petitioner also desires to live in the two-story residence, and for his son and his family to live in the second 1 ½-story residence. The existing office/work building is a one-story building approximately 65 feet wide by 34 feet deep. Petitioner wishes to add a one-story pre-engineered metal building approximately 10,000 square feet in size and 27 feet high at the eaves and 35 feet high at the peak of the roof.





The property was the subject of a prior zoning case. In Case No. 73-136-X, a prior owner filed a Petition for Special Exception in order to use the property as a boatyard. In an Order dated May 17, 1973, the Zoning Commissioner granted the request. A copy of the Petition and Order were marked and accepted into evidence as Petitioner's Exhibit 3. A site plan dated November 19, 1984 showing the existing conditions was marked and accepted into evidence as Petitioner's Exhibit 4. Petitioner does not wish to change the existing use granted in the prior special exception petition. He desires to continue that permitted use, albeit with a larger building on the property for boat repairs, storage, and construction, as well as additional office space. In that vein, Petitioner presented a letter dated July 26, 2007 sent by his consultant, Mr. Billingsley, and his attorney, Mr. Rothwell, to Carl Richards, Supervisor of the County's Zoning Review Office. The letter, which was marked and accepted into evidence as Petitioner's Exhibit 7, requested confirmation that the proposed addition, to be used for services that are permitted, would not require additional zoning approval. However, Petitioner indicated he was advised by the Zoning Review Office, out of caution, to seek approval of the addition by way of special hearing relief.

In support of the special hearing request, Petitioner indicates that his vision for the marina is to upgrade it in just about every way. In viewing the entire property, Petitioner believes the overall appearance and functionality of the operation can be vastly improved. In order to illustrate the current appearance of the property, Petitioner submitted a number of photographs which were marked and accepted into evidence as Petitioner's Exhibits 10A through 10I. The photographs show the pier and slip areas in some disrepair, and also show the boatyard areas with some debris and several abandoned boats there. In addition, there is a non-working crane with a neck approximately 20 to 30 feet high that has become overgrown with weeds and vegetation, and there are boards and pieces of plywood, and several mounds of unused gravel.



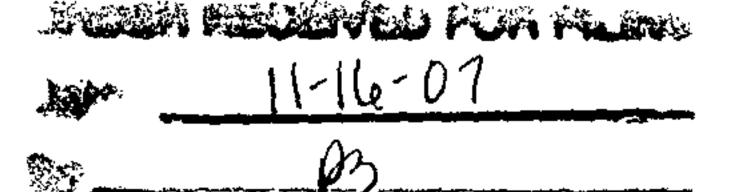




The photographs also show a significant density of vegetation and trees surrounding the property. On the one hand this is helpful to Petitioner because it completely screens and shields the surrounding neighborhoods on Sollers Point Road, Baybriar Road, and Louth Road from visibility of the boatyard and marina. However, it also appears that the vegetation needs to be maintained -- perhaps cut back to some extent and controlled.

Notwithstanding its present condition, Petitioner sees great potential in the property. Upon obtaining ownership, Petitioner proposes to tear out the existing pier and slips and replace them with new piers, including a number of slips with hydraulic lifts, which will enable boats to be moored out of the water. Petitioner also plans to clean up the site, getting rid of debris and disposing of abandoned boats and the crane. Because the property has a large surplus of parking, the proposed new addition will take up a portion of the existing parking area, but will still maintain more parking than is currently required. It is planned that the building will be an earth-tone color such as tan or dark green. It is also planned that the repair and manufacturing operation of commercial and pleasure crafts will take place mostly on weekdays from 9:00 AM to 7:00 PM. Petitioner believes there will be no additional noise or other disruptions as a result of the building addition, nor any increases in traffic or any other negative impacts.

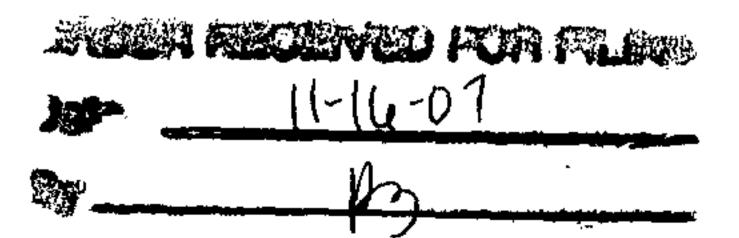
The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comment received from the Office of Planning dated September 17, 2007 indicates that the Office recommends that Petitioner provide elevations of the proposed building, show a landscaped buffer between the proposed building and adjacent residential properties, and clarify whether the boat storage will be for use while a boat is being repaired. The comment also notes that building height and noise from repair operations could affect adjacent residential properties. The ZAC Comment from the Department of Environmental Protection and Resource Management (DEPRM) dated October 31, 2007 indicates that



development of the property must comply with Chesapeake Bay Critical Area Regulations. It also states that the property is within an Intensely Developed Area (IDA) and a Buffer Management Area (BMA), and must meet all IDA and BMA regulations, including the 10% phosphorus reduction requirement.

Based on the testimony and evidence presented, I am persuaded to grant the special hearing relief and approve the addition as proposed. In my judgment, Petitioner's plans are appropriate and will not be detrimental to the health, safety, or general welfare of the surrounding locale. On the contrary, in reviewing the testimony, it appears that Petitioner's goal is to revamp and improve the appearance of the property. Petitioner has indicated that he will reside on the property in the two-story dwelling and that his son will also reside with his family in the other dwelling located on the property. Together, they will run the marina and the boat repair and manufacturing facility to be contained in the new building addition. I believe this will encourage Petitioner to follow through with the improvements, and to provide a clean, livable environment for him and his family, as well as for patrons of the marina and boatyard. I also believe that Petitioner's plans are within the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's request for special hearing should be granted with conditions.







GRANTED subject to the following restrictions which are conditions precedent to the relief granted herein:

- 1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner shall provide elevations of the proposed building and show a landscaped buffer between the proposed building and adjacent residential properties.
- 3. Development of the property must comply with Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections of the Baltimore County Code). The property is also within an Intensely Developed Area (IDA) and a Buffer Management Area (BMA), and must meet all IDA and BMA regulations, including the 10% phosphorus reduction requirement.

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

THOMAS H. BOST WOLK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

IN THE MATTER OF
THE APPLICATION OF
STAR MARINA, LLC ~ LO / WILERED
FOLEY, JR. ~ CP FOR SPECIAL
HEARING ON PROPERTY LOCATED
ON THE E/S OF SOLLERS POINT RD,
141.95' SE OF BAYBRIAR ROAD
(3307-3309 MARTINI AVENUE)
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

* OF

BALTIMORE COUNTY

CASE NO. 08-097-SPH

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Peter Max

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

Counsel, from a decision of the Deputy Zoning Commissioner dated November 16, 2007, in which
the requested variance relief was granted with restrictions.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed January 2, 2008, by the People's Counsel for Baltimore County, Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of January 2, 2008,

of Appeals of Baltimore County that the appeal taken in Case No. 08-097-SPH be and the same is hereby **DISMISSED**.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Edward W. Crizer, Jr., Chairman

Lawrence S. Wescott

Robert W. Witt



County Board of Appeals of Baltimore County

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

January 30, 2008

Peter Max Zimmerman
People's Counsel for
Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of: Star Marina, LLC by Matthews Hornung, Petitioner; and Wilfred Foley, Jr. – Contract Purchaser Case No. 08-097-SPH / Order of Dismissal

Dear Mr. Zimmerman:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the subject matter. The file will be closed and returned to the Office of Permits and Development Management after a period of 30 days.

Very truly yours,

Kathleen C. Bianco Administrator

Enclosure

e Painh K Rothy

c: Ralph K. Rothwell, Jr., Esquire
Matthew Hornung /Star Marina, LLC
Wilfred Foley, Jr.
Will Foley III
David Billingsley /Central Drafting & Design, Inc.
D. Scott Smith
Amy Fogle
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM*

Case No. 08-097-SPH

RE: Star Marina, LLC; Wilfred Foley, Jr. 3307-3309 Martini Avenue 12th E; 7th C

1/03/08 - Letter of Dismissal filed by Peter M. Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel; appeal not in the public interest. Requested limited file from PDM to set and prepare dismissal. Upon receipt of same, Order of Dismissal will be issued.

1/23/08 - File received from PDM. Order of Dismissal to be issued.



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 16, 2007

RALPH K. ROTHWELL JR., ESQUIRE MASLAN MASLAN & ROTHWELL PA 7508 EASTERN AVENUE BALTIMORE MD 21224

Re: Petition for Special Hearing
Case No. 08-097-SPH
Property: 3307-3309 Martini Avenue

Dear Mr. Rothwell:

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

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

C: Matthew Hornung, Managing Member, Star Marina LLC, 2656 Baldwin Mill Road, Fallston MD 21013 David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040 Wilfred Foley, Jr., 510-J Orems Road, Baltimore MD 21221 Will Foley III, 151 Farm Road, Aberdeen MD 21001 D. Scott Smith, 646 Hornbeam Road, Edgewood MD 21040 Amy Fogle, 358 Stratford Avenue, Aberdeen MD 21001

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

. Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

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

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

November 28, 2007

Hand-delivered

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

NOV 2 8 2007

Per Long

Re:

PETITION FOR SPECIAL HEARING

E/S Sollers Point Road, 141.95' SE of Baybriar Road

(3307-3309 Martini Avenue)

12th Election District; 7th Council District

Star Marina, LLC by Matthews Hornung, Petitioner

and Wilfred Foley, Jr - Contract Purchaser

Case No.: 08-097-SPH

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated November 16, 2007 by the Baltimore County Deputy Zoning Commissioner.

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

Very truly yours,

Peter Max Zimmerman

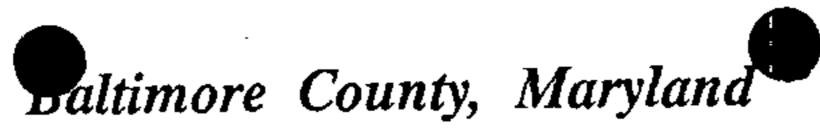
People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: Ralph K. Rothwell, Jr, Esquire





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

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

PETER MAX ZIMMERMAN People's Counsel

January 2, 2008

CAROLE S. DEMILIO
Deputy People's Counsel

Edward W. Crizer, Jr., Chair County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204

JAN 0 2 2008

Hand-delivered

Re:

PETITION FOR SPECIAL HEARING

E/S Sollers Point Road, 141.95' SE of Baybriar Road

(3307-3309 Martini Avenue)

12th Election District; 7th Council District

Star Marina, LLC by Matthews Hornung, Petitioner

and Wilfred Foley, Jr - Contract Purchaser

Case No.: 08-097-SPH

Dear Mr. Crizer:

On or about November 28, 2007, our office filed an appeal of the Deputy Zoning Commissioner's Findings of Facts and Conclusions of Law dated November 16, 2007. Upon further review of the record and careful evaluation, it does not appear that pursuing the appeal is in the public interest. We therefore withdraw our appeal in this matter.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

The Hax market

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc:

Ralph K. Rothwell, Jr, Esquire, 7508 Eastern Avenue, Baltimore, MD 21224



Case No. 08-097-SPH

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3307-3309 MARTINI AVENUE (ED 12C7) which is presently zoned <u>OR5.5 W/5PECIAL EXCEPTION FOR A BOATYARD</u>

(This petition must be filed in person, in the zoning office, in triplicate, with original signatures.)

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.

It 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.

	this Petition.
ontract Purchaser/Lessee:	<u>Legal Owner(s):</u>
WILFRED FOLEY, JR.	STAR MARINA LLC Name - Type or Print
ame - Type or Print	* Watthe a Hower
510-J OREMS ROAD (410)687-74-5	Signature MATTHEYY HORNHAG MANAGING MEMBER
ddress	No. Name - Type of Print
BALTIMORE MO 212	
State Zip C	ode Signature
ttorney For Petitioner:	2656 BALDWIN MILL ROAD Telephone No.
RALPH K. ROTHWELD, JR,	FALLSTON MD. 21013
teme - Type or Hint Collection	City State Zip Code Representative to be Contacted:
MASLAN, MASLAN & ROTHWELL P.	RALPH K. ROTHWELL, JR.
7508 EXSTERN AVE. (410) 282-270	1491112
Address	; 140,
BALTIMORE MO. 2/22	Tin Code
State Zip C	Code City State Zip Code
•	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING

Reviewed By

3307 – 3309 MARTINI AVENUE

AS PERMITTED UNDER SECTION 502.9 (BCZR), A MODIFICATION OF THE SITE PLAN APPROVED IN CASE NO. 73-136-X TO ALLOW A BUILDING ADDITION TO BE USED FOR MARINE RELATED PURPOSES.

ZONING DESCRIPTION

3307 AND 3309 MARTINI AVENUE

Beginning at a point on the east side of Sollers Point Road (60 feet wide) distant southeasterly 141.95 feet from it's intersection with the center of Baybriar Road (50 feet wide), thence (1) S 85 45 E 404.25 feet (2) S 23 35 E 66 feet (3) S 86 E 123 feet, more or less to the west side of Bullneck Creek, thence binding thereon (4) southeasterly 230 feet, more or less, thence leaving Bullneck Creek (5) N 84 19 W 365 feet, more or less (6) N 23 19 W 269.52 feet (7) N 85 W 122.5 feet to the east side of said Sollers Point Road, thence binding thereon (8) N 13 15 W 30 feet to the place of beginning.

Containing 101,059 square feet or 2.32 acres of land, more or less.

Being known as 3307 and 3309 Martini Avenue. Located in the 12TH Election District, 7TH Councilmanic District of Baltimore County, Maryland.



NOTICE OF ZONING HEARING

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

Case: #08-097-SPH
3307-3309 Martini Avenue Exide of Sollers Point Road, 141.95 feet s/east of Baybriar Road
12th Election District
7th Councilmanic District
7th Councilmanic District
12th Election District
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Wilfred Foley, Jr.

Special Hearing: for a modification of the site plan approved in case no. 73-136-X to allow a building addition to be used for marine related purposes.

Hearing: Monday, October 15, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

JT 9/802 Sep 25 150169

CERTIFICATE OF PUBLICATION

92000

The Jeffersonian

- ☐ Arbutus Times
- Catonsville Times
 Towson Times
- 🖵 Owings Mills Times
- UNE Booster/Reporter
 - U North County News

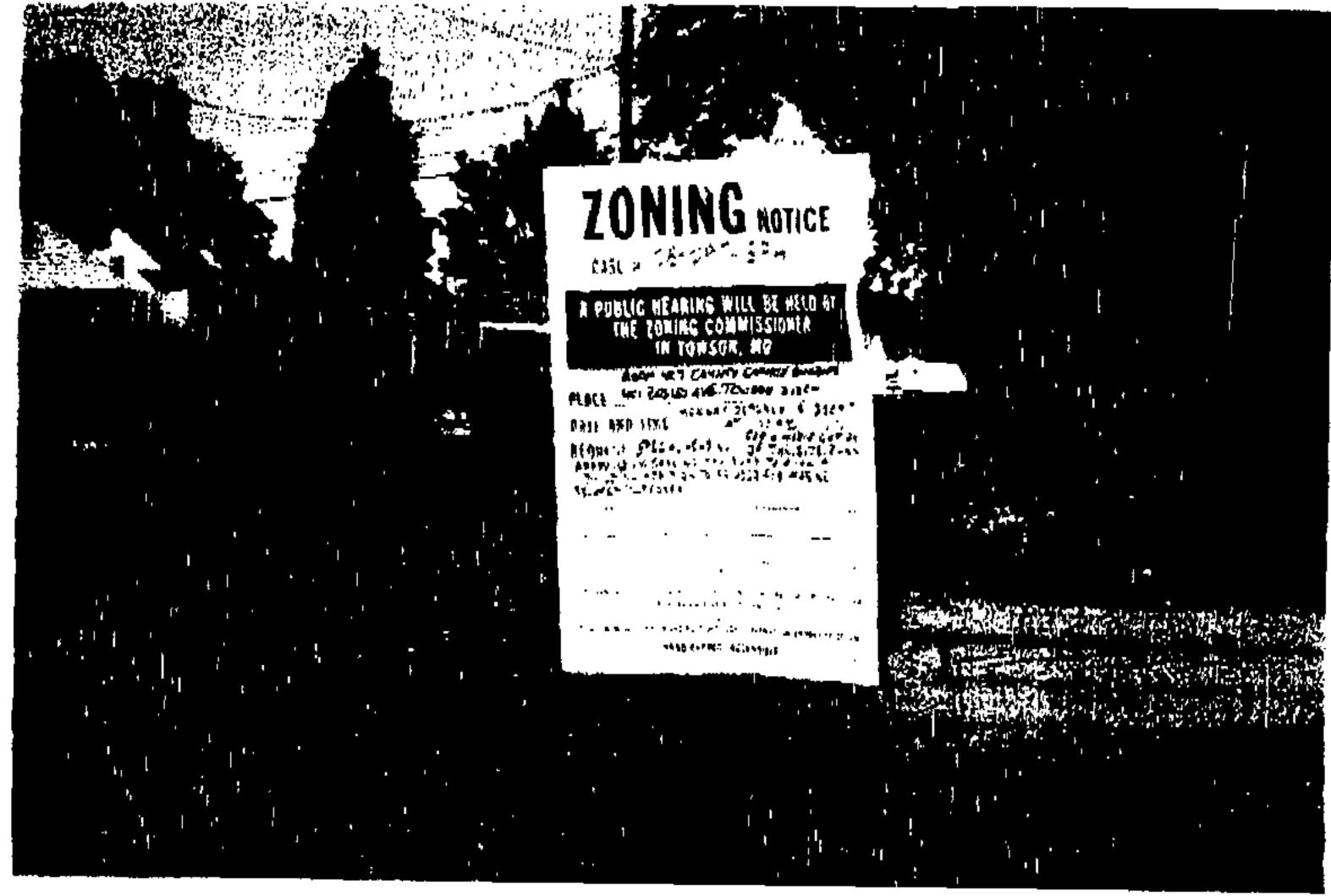
J. Muling

LEGAL ADVERTISING

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	華の日本	20.15	23.25		CUSTOMER
2	Sub Rept BS Rev Catg Acct		Total	SPL	YELLOW CL
Y. MARYLAND AND FINANCE CEIPT	Sub Rev Source R			209 DS N. N. C. C.	PINK AGENCY
BALTIMORE COUNT OFFICE OF BUDGET MISCELLANEOUS RE	Fund Agey Orgn		Rec	OF TEN # (30	MHITE - CASHIER
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CERTIFICATE OF POSTING

	RE: Case No: 08-097-504
	Petitioner/Developer: STAR MARINALL
	Petitioner/Developer: STAR MARINALL
••• •	Date Of Hearing/Closing: 10/15/07
Baltimore County Department of Permits and Development Mana County Office Building, Room 111 West Chesapeake Avenue	agement
Attention:	•
	e penalties of perjury that the necessary
	sted conspicuously on the property
	MACTINI AUE
his sign(s) were posted on	5 stratu 29 2007
	(Month, Day, Year)
•	Sincerely,
	(Signature of sign Poster and Date)
	Martin Ogle
•	Sign Poster
	16 Salix Court
	Address
	Balto. Md 21220
	<u>(443-629 3411)</u>





JAMES T. SMITH, JR. County Executive

TINOPHANNORIOTRO200 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: 08-097-SPH

3307-3309 Martini Avenue

E/side of Sollers Point Road, 141.95 feet s/east of Baybriar Road

12th Election District – 7th Councilmanic District

Legal Owners: Star Marina, LLC

Contract Purchaser: Wilfred Foley, Jr.

Special Hearing for a modification of the site plan approved in case no. 73-136-X to allow a building addition to be used for marine related purposes.

Hearing: Monday, October 15, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Ralph Rothwell, Jr., 7508 Eastern Avenue, Baltimore 21224
Matthew Hornung, Star Marina, LLC, 2656 Baldwin Mill Road, Fallston 21013
Wilfred Foley, Jr., 510-J Orems Road, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPT. 29, 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

Thursday, September 25, 2007 Issue - Jeffersonian

Please forward billing to:

Wilfred Foley, Jr. 510-J Orems Road Baltimore, MD 21221 410-687-7457

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: 08-097-SPH

3307-3309 Martini Avenue

E/side of Sollers Point Road, 141.95 feet s/east of Baybriar Road

12th Election District – 7th Councilmanic District

Legal Owners: Star Marina, LLC

Contract Purchaser: Wilfred Foley, Jr.

Special Hearing for a modification of the site plan approved in case no. 73-136-X to allow a building addition to be used for marine related purposes.

Hearing: Mgnday, October 15, 2007 at 11:00 a.m. in Room 407, County Courts Building,

*101 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or Case Number:	08-097-SPH
Petitioner: WY/LFRED FOL	EY JR.
Address or Location: 3307 - 336	09 MARTINI AYENUE
PLEASE FORWARD ADVERTISING B	BILL TO:
Name: WILFRED FOLEY	JK.
Address: 5/0 - DREMS	COAO
BALTO., MO. 2	······································

State Highway

Administration

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

Maryland Department of Transportation

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

Date: SEPT. 2,2007

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

RE:

Baltimore County

Item No. 8-97-9PH

3307-3309 MARTINI AVE HORNUNG PROPERTY

SPECIAL HEARING

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. 8-97-5PH.

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,

Steven D. Foster, Chief V Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 4, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 3, 2007

Item Nos. 08-087, 089, 091, 092, 093, 094, 095, 096, 097, 098, 100, 101, and 104

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-08302007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

,DA

DATE: September 17, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3307-3309 Martini Avenue

INFORMATION:

Item Number:

8-097

Petitioner:

Star Marina Inc.

Zoning:

DR 5.5

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the above referenced cases and has the following comments to offer:

- 1. Provide elevations of the proposed building.
- 2. Show a landscaped buffer between the proposed building and adjacent residential properties.
- 3. The new building is proposed for the use of a boat repair, storage and construction facility; Clarify as to whether the boat storage will be for use while the boat is being repaired.
- 4. Building height and noise from repair operations could affect adjacent residential properties.

For further information concerning the matters stated here in, please contact Amy Mantay at 410-887-3480.

Reviewed by:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination JWL

DATE:

October 31, 2007

SUBJECT:

Zoning Item

08-97-SPH

Address

3307 - 3309 Martini Avenue

(Star Marina, LLC)

Zoning Advisory Committee Meeting of August 27, 2007

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

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

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

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

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

Additional Comments:

This property is within an Intensely Developed Area (IDA) and a Buffer Management Area (BMA), and must meet all IDA & BMA regulations, including the 10% phosphorus reduction requirement.

Reviewer:

Regina Esslinger

Date: 10/31/07

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-97-SPH.doc





Patricia Zook - 08-097-SPH - hearing Mon Oct 15 - need DEPRM comments for TOM

From:

Patricia Zook

To:

Livingston, Jeffrey

Date:

10/12/2007 11:01 AM

Subject:

08-097-SPH - hearing Mon Oct 15 - need DEPRM comments for TOM

CC:

Bostwick, Thomas

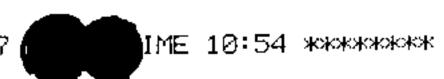
Hi Jeff -

We need DEPRM comments for the following case:

08-097-SPH @ 3307-3309 Martini Avenue - hearing is Monday, October 15

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov



MODE = MEMORY TRANSMISSION

START=OCT-12 10:53

END≃OCT-12 10:54

FILE NO.=409

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contd. STN

ONE-TOUCHZ STATION NAMEZTEL NO.

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-ZONING COMMISSIONER OFF M-

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- xxxxx - 410 887 3468- xxxxxxx



BALTIMORE COUNTY OFFICE OF THE ZONING COMMISSIONER COUTY COURTS BUILDING 401 BOSLEY ROAD, SUITE 405 TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

FAX COVER SHEET

TO:	FROM:
· ·	
HONE.	
PHONE:	
MESSAGE:	
ZAC comments for	Case 08-091-5PH



BALTIMORE COUNTY OFFICE OF THE ZONING COMMISSIONER COUTY COURTS BUILDING 401 BOSLEY ROAD, SUITE 405 TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

FAX COVER SHEET

ΓO:	FROM:
HONE:	
AX NO .: 410-679 - 1298	
ESSAGE: ZAC comments for	1000 NS-197-51041



JAMES T. SMITH, JR. County Executive

January 23. Eoffoco, Director Department of Permits and Development Management

Ralph Rothwell, Jr. Maslan, Maslan & Rothwell, PA 7508 Eastern Avenue Baltimore, MD 21224

Dear Mr. Rothwell:

RE: Case: 08-097-SPH, 3307-3309 Martini Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on November 26, 2007 by the Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Timothy Kotroco

Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Matthew Hornung, 2656 Baldwin Mill Road, Fallston 21013 David Billingsley, 601 Charwood Ct, Edgewood 21040 Wilfred Foley, Jr., 510-J Orems Road, Baltimore 21221 Will Foley, III, 151 Farm Road, Aberdeen 21001 D. Scott Smith, 646 Hornbeam Road, Edgewood 21040 Amy Fogle, 358 Stratford Avenue, Aberdeen 21001

JAN 2 3 2008

BALTIVIORE COUNTY BOARD OF APPEALS

APPEAL

Petition for Special Hearing
3307-3309 Martini Avenue
E/side of Sollers Point Road, 141.95 feet SE of Baybriar Road
12th Election District – 7th Councilmanic District

Legal Owners: Star Marina, LLC Contract Purchaser: Wilfred Foley, Jr.

Case No.: 08-097-SPH

Petition for Special Hearing (August 22, 2007)

Zoning Description of Property

Notice of Zoning Hearing (September 12, 2007)

Certification of Publication (The Jeffersonian - September 25, 2007)

Certificate of Posting (September 29, 2007) by Martin Ogle

Entry of Appearance by People's Counsel (September 13, 2007)

Petitioner(s) Sign-In Sheet - Two Sheets

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - None

Zoning Advisory Committee Comments

Petitioners' Exhibit

- 1. Plat to accompany petition for Special Hearing
- 2. Zoning Map
- Petition for Zoning Reclassification
- 4. Site Plan
- 5. Zoning Regulations Section 502.9 (Administration and Enforcement)
- 6. Zoning Regulations Section 101 (General Provisions)
- 7. Letter dated July 26, 2007 from Central Drafting & Design
- 8. Real Property Search Report
- 9. Deed
- 10. Photos (A thru I)

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibit)

None

Deputy Zoning Commissioner's Order (GRANTED w/rest. - November 16, 2007)

Notice of Appeal received on November 28, 2007 from People's Counsel

C: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Ralph Rothwell
Matthew Hornung
David Billingsley
Wilfred Foley, Jr.
Will Foley, III
D. Scott Smith
Amy Fogle

PLEASE PRINT CLEARLY

CASE NAME 3307-09 MARTINI I CASE NUMBER D8097 SPH DATE 10/18/07

ETITIONER'S SIGN-IN SHEE

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DAND BILLINGSLEY DISCOTTSMITH	in FRON Franch					

PLEASE PR

CASE NAME 3307. CASE NUMBER 0

E-MAIL												
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ADDRESS	358 Stratford Ame Abenduen 21001	}										
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RE: PETITION FOR SPECIAL HEARING

3307-3309 Martini Avenue; E/S Sollers Point

Road, 141.95' See Baybriar Road

12th Election & 7th Councilmanic Districts

Legal Owner(s): Star Marina LLC

Contract Purchaser(s): Wilfred Foley, Jr.

Petitioner(s) *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

08-097-SPH

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2007, a copy of the foregoing Entry of Appearance was mailed to, Ralph K. Rothwell, Jr, Esquire, 7508 Eastern Avenue, Baltimore, MD 21224, Attorney for Petitioner(s).

RECEIVED

SEP 1 3 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

County Board of Appeals of Baltimore County Room 49 OLD COURTHOUSE TOWSON, MARYLAND 21204

Return Service Requested

RALPH K ROTHWELL, JR., ESQUIRE MASLAN MASLAN AND ROTHWELL PA 7508 EASTERN AVENUE BALTIMORE MD 21224

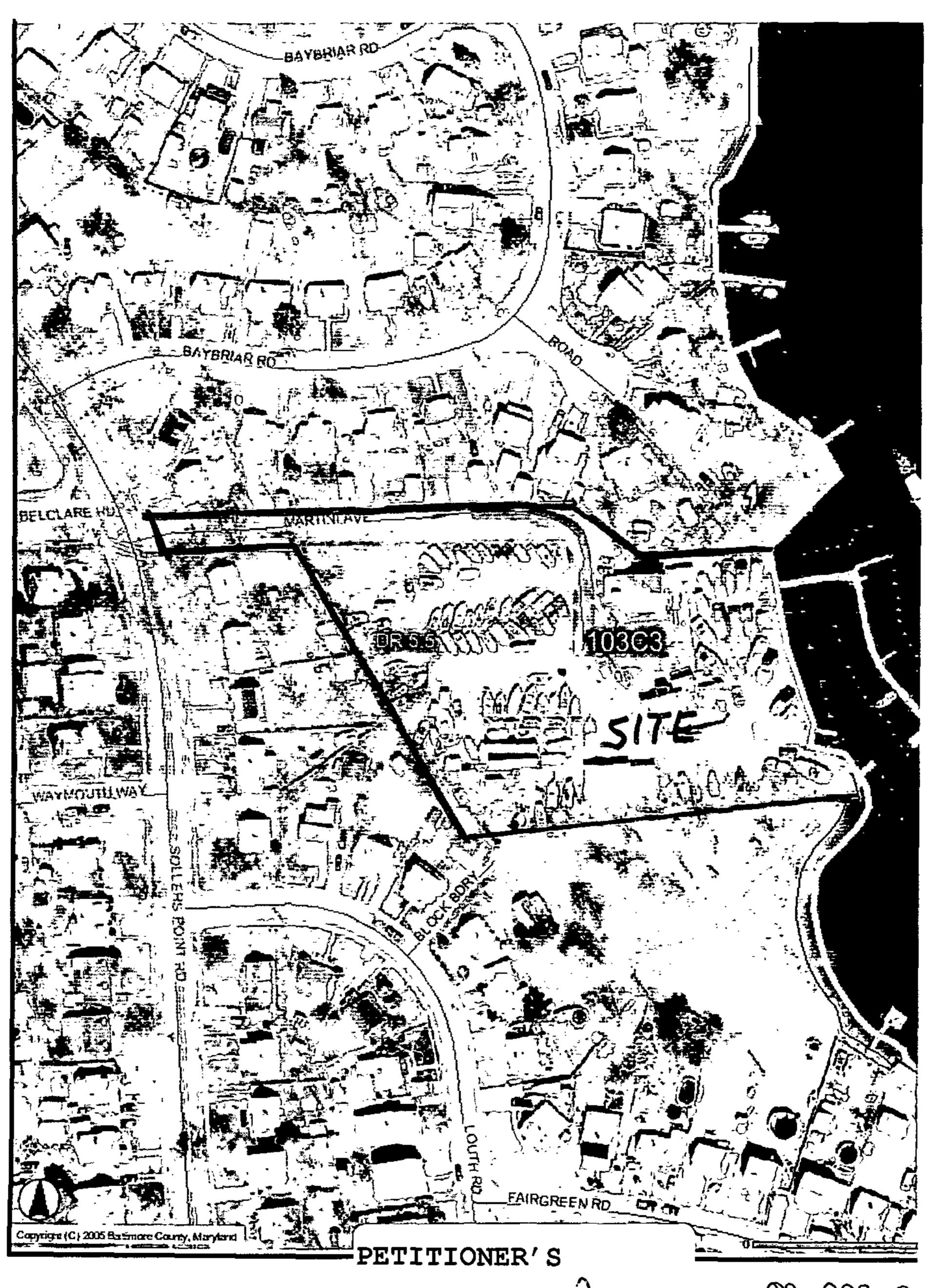


EXHIBIT NO.

http://bamaps1.baltimorecountymd.gov/

- 08-097-SPH

aing&Clien... 8/20/2007

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

ounty and which is described in the description and plat attached hereto and made a eraby petition (1) that the zoning status of the hereto described property be re-classification (2) that the zoning status of the Zoning Law of Baltimore County, from an				ed, pursuant zone to an	
	zone; for the follo				
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PETITIONER'S

Pursuant to the advertisement, posting of preperty, and public hearing on the above petation and

the above rightssification should NOT BE HAD, and or the Special Exception should NOT BE

it appearing that by reason of the requirements of Section 502.1 of the Balti-

more_County_Zoning_Regulations_baving_been_met____

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this. of the same is hereby DENIED and that the above described property or area be and the same is hereby continued as an i zone: and or the Special Exception for , be and the same is lerrby DENISH

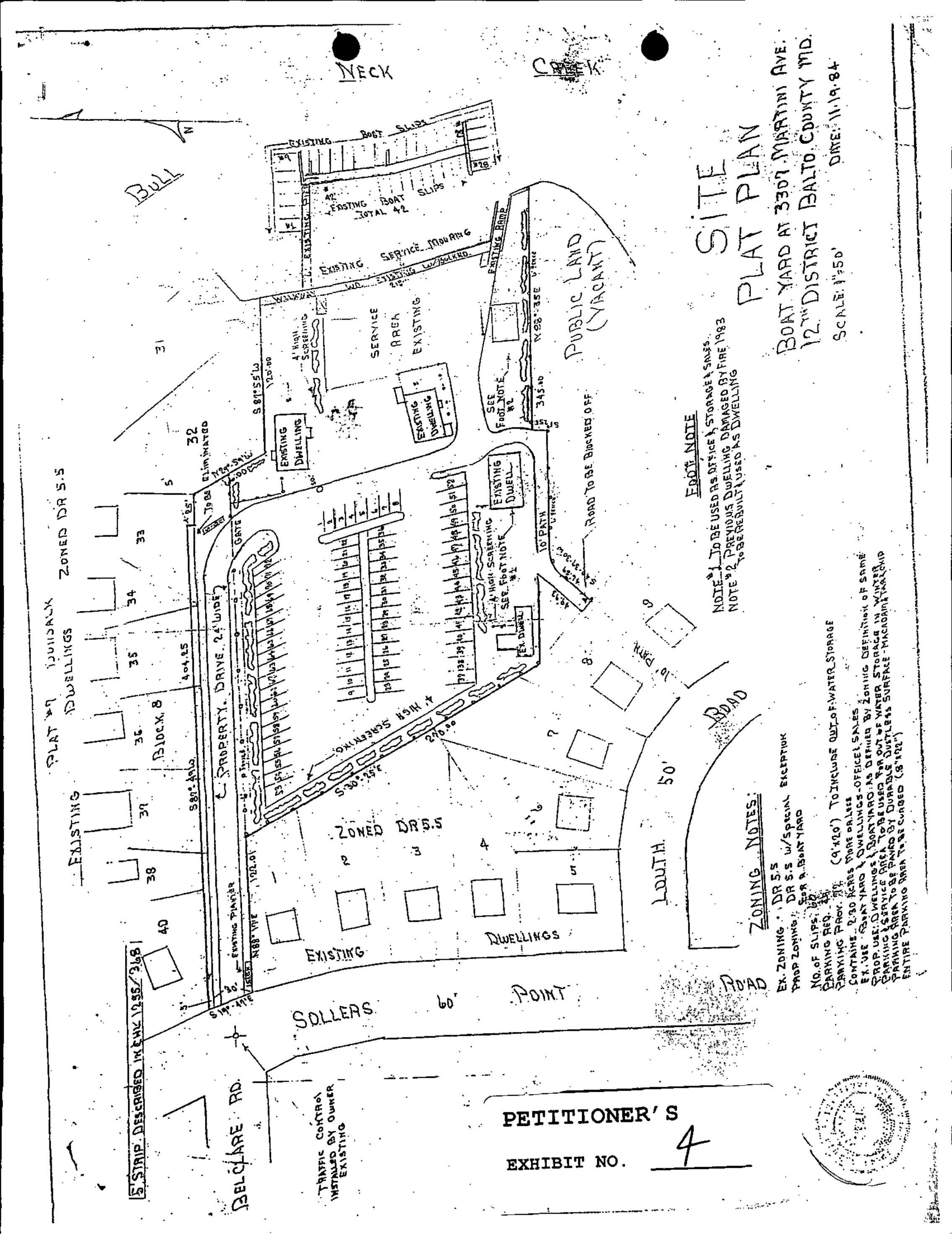
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502.8

Bill No. 151-1988 does not affect the validity of any order granting a special exception for a Class B office building pursuant to Section 203.3.B prior to the effective date of the bill. Any such special exception may be used in accordance with the applicable provisions of these regulations in effect at the time of the grant of such special exception and in accordance with the terms thereof, provided that construction is started prior to the expiration date of the special exception as required by Section 502.3. [Bill No. 151-1988]

502.9

Validity of special exceptions previously granted.

- A. Neither Bill No. 149-1992 nor Bill No. 179-1995 affects the validity of any order granting a special exception for a marina or boatyard which occurred prior to the effective date of the bill. Any such special exception may be used in accordance with the applicable provisions of the Baltimore County Zoning Regulations in effect at the time of the grant of such special exception and in accordance with the terms thereof, provided that construction is started prior to the expiration date of the special exception as required by Section 502.3. [Bill Nos. 149-1992; 179-1995]
- B. Notwithstanding any provisions of these regulations to the contrary, and in addition to the provisions contained in Subsection A above, the uses, conditions and requirements as set forth in Bill No. 149-1992 may be utilized at the discretion of the owner of the property on which the marina or boatyard is located, and no hearing shall thereby be required to amend the prior special exception where the proposed change is permitted as a matter of right by Bill No. 149-1992. If such use should conflict with the terms or conditions of the prior special exception, the permitted use shall apply. If a use is permitted by special exception by Bill No. 149-1992, the Zoning Commissioner or Board of Appeals may, on it's own motion, amend the previously granted special exception only in the least restrictive manner possible. [Bill Nos. 149-1992; 179-1995]
- C. Nothing contained herein shall limit the authority of the Department of Permits and Development Management to require a site plan, either new or revised, to ensure compliance with the applicable requirements or the Baltimore County Zoning Regulations. [Bill No. 149-1992]
- Notwithstanding any provisions of these regulations to the contrary, the conditions set forth in Section 414.5 apply to trailer parks existing on the effective date of this paragraph, and a hearing is not required to amend any provisions of a prior special exception order that conflict with Section 414.5. The Department of Permits and Development Management retains the authority to require a site plan, either new or revised, to ensure compliance with the applicable requirements of the Baltimore County Zoning Regulations. [Bill No. 33-2000]

(Cont'd on page 5-11)

PETITIONER'S

EXHIBIT NO.

510.1

having less than 100 square feet of floor area shall be considered a bedroom. [Bill No. 100-1970]

BILLIARD OR POOL ROOM — A business establishment where the principal use is the playing of pool or billiards and at least 75% of the net floor area of the establishment's interior space is devoted exclusively to this use. The net floor area does not include space that is not available for use by the public. [Bill No. 30-1983]

BOARDING- OR ROOMING HOUSE [Bill Nos. 44-1982; 124-1993; 86-2001; 102-2001]:

A. A building:

- 1. Which is the domicile of the owner and in which rooms with or without meals are provided, for compensation, to three or more adult persons not related by blood, marriage or adoption to the owner; or
- 2. Which is not the owner's domicile and which is occupied in its entirety, for compensation, by three or more adult persons not related to each other by blood, marriage or adoption.
- B. The term does not include a hotel, motel, apartment building or a facility for foster care (as defined in the Family Law Article, Section 5-501(g) of the Annotated Code of Maryland and COMAR 07.06.16). The term does include a care home (as defined in the Health General Article, Section 19-307(b) of the Annotated Code of Maryland.)

 [Bill No. 137-2004]
- C. For purposes of this definition only, "owner" means a person who:
 - 1. Has more than a 25% legal or equitable interest in the property; and
 - 2. Shares in more than 25% of the profits or losses derived from the compensation paid under Paragraph A. of this definition.

BOATYARD — A commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types. [Bill No. 64-1963]

BREWERY — An establishment with a valid alcoholic beverage manufacturer's license Class 5, 6 or 7 issued in accordance with the Annotated Code of Maryland, Article 2B, Section 2-206, 2-207 or 2-208. [Bill No. 185-1995]

BREWERY, CLASS 5A — A brewery with a state Class 5 license which produces 100,000 or more barrels of malt beverage per year. [Bill No. 185-1995]

BREWERY, CLASS 5B — A brewery with a state Class 5 license which produces less than 100,000 barrels of malt beverage per year. [Bill No. 185-1995]

BREWERY, CLASS 6 — A brewery with a state Class 6 (pub-brewery) license. A Class 6 brewery is accessory to a standard restaurant and produces no more than 2,000 barrels of malt beverage per year. [Bill No. 185-1995]

BREWERY, CLASS 7 — A brewery with a state Class 7 (micro-brewery) license. A Class 7 brewery is established in conjunction with a standard restaurant and produces no

PETITIONER	S
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1-9

CENTAL DRAFTING AND DESIGN

601 CHARWOOD COURT EDGEWOOD, MARYLAND 21040 (410) 679-8719 FAX (410) 679-1298

July 26, 2007

Mr. Carl Richards, Supervisor Zoning Review Baltimore County Office Building Towson, Md. 21204

RE: STAR MARINA 3307 - 3309 MARTINI AVENUE **ELECTION DISTRICT 12C7**

Dear Mr. Richards:

The referenced property is presently zoned DR 5.5 with a Special Exception for a Boatyard (Case No. 73-136-X). I have enclosed a copy of the Order and Site Plan. My client, Wilfred Foley II is the Contract Purchaser of the property and wishes to construct a 10,000 square foot building addition to be used for boat repair, storage and construction.

It appears that the proposed addition is a permitted use under the present regulations. Accordingly, based on Section 502.9 of the Baltimore County Zoning Regulations and provided that all area and yard requirements are met, the site plan can be revised without the need for a Special Hearing. Additionally, since the proposed building addition will be used for services that are permitted, and presently being done in an outdoor environment, we feel that the building addition can be permitted within the spirit and intent of the original order. We are aware that a Development Review Committee Submission is required.

I am enclosing a check in the amount of \$ 50.00 and two copies of the revised site plan.

Thank you for your consideration in this matter. Should you have any questions or need any additional information, please do not hesitate to contact this office.

Very truly yours,

David W. Billingsley

Ralph K. Rothwell, Atty. for Will Foley II

7508 Eastern Avenue Baltimore, Md. 21224

Enclosures cc: Will Foley II

PETITIONER'S

Click here for a plain text ADA compliant screen.



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

Go Back View Map **New Search Ground Rent**

Account Identifier:

District - 12 Account Number - 1202070590

Owner Information

Owner Name:

STAR MARINA LLC

Sub District

Use:

COMMERCIAL

Mailing Address:

C/O MATTHEW HORNUNG 2656 BALDWIN MILL RD

Deed Reference:

Principal Residence:

1) /21130/ 653

NO

FALLSTON MD 21013-9138

Location & Structure Information

Premises Address 3307 MARTINI AVE

Legal Description

1 AC

3307 MARTINI AVE

WATERFRONT

Subdivision

DUNDALK

103 23 449

Map Grid Parcel

Town

Block Lot Section

Assessment Area

Plat Ref: 13/ 22

Special Tax Areas

Ad Valorem

Tax Class

Enclosed Area

1,641 SF

Property Land Area

43,560.00 SF

County Use

29

Stories

Basement

Type

Exterior

Value Information

Base Value

Value As Of 01/01/2007 **Phase-in Assessments** As Of

As Of 07/01/2007

Land: Improvements: 319,200 124,800

525,800 207,100 07/01/2006

Total: Preferential Land:

444,000

732,900

444,000

540,300

Transfer Information

STARLIPER DONALD O Seffer:

MULT ACCTS ARMS-LENGTH

Primary Structure Built

1922

04/08/2004 Date: Deed1: /21130/ 653

\$950,000 Price: Deed2:

Type: Seller:

Type:

GEGOREK FRANK A NOT ARMS-LENGTH

04/03/1984 Date: Deed1: / 6689/ 475

\$0 Price: Deed2:

Type: Seller:

Date: Deed1: Price: Deed2:

Exemption Information

Partial Exempt Assessments County State **Municipal**

Class 000

000

07/01/2006 n

07/01/2007

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

* NONE *

PETITIONER'S

File No: 9248AT

the tirst pail, timo STAR MARINA, E.L.C. party of the second SYARLIPER and SCHARLEY DONALD 0

first part do grant and convey to the party of the second p WITNESSETH, That in consideration of the sum 00/100-(5950,000,00), the receipt of which is hereby Maryland, and described as follows, that is to say:

BECHNNING for the first thereof on the Northeast's may known as Solvers Point Road and the South sid known as Martini Avenue said point beginning being North 60 degrees 20 minutes fast Irom a stone of North 60 degrees 20 minutes fast Irom a stone of the South side of said Martini Avenue South 85 degrees 66 feet to a chestnut stump, thence South 86 degrees Creek, thence binding on said line South 23 degrees division North 84 degrees 19 minutes West 362 feet. Hence North 85 degrees 19 minutes West 362 feet. Monumental Road now known as Sollers Point Road, Monumental Road now known as Sollers Point Road, Being known as No. 3307 Martini Avenue.

BEGINNING for the second thereof at a stone at the degrees West 19-4/10 perches line of the fand which 1980 and recorded among the Land Records of B 1980 and recorded among the Land Records of B 1, W.S. No. 178, folio 375 was conveyed by Rot J.W.S. No. 178, folio 375 was conveyed by Rot minutes East 320-1/12 feet to Bear Creek theree bind degrees 19 minutes West 145-1/4 feet, thence runs binding reversely on said line South 23 degrees 19 minutes east 16-210 perches a line of land conveyed binding reversely on said line South 23 degrees 19 minutes place of beginning. Containing 1-1/10 acres, mal the place of beginning. Containing 1-1/10 acres, mal TOGETHER with easement of Right of Way as degrees.

point on the southerly boundary of the property of Augaid Southerly boundary North 88 degrees 35 minutes fast 10 feet, the Southern boundary South 88 of the Coutherly from the Southern boundary South 88 to the description South 42 degrees 37 minutes 3 set of the Northwesterly corner Lot 9, Block No. 1, Plat to the Northwesterly corner Lot 9, Block No. 1, Plat of beginning.

TOCET HER with the right to use a 10 foot path 1 to use a 10 foot path 1 to use Louth Road to Sothers Point Ruad. BEGINNING for the same at the Northeaster 1, as shown on Plat 7, Dundalk and recorded Baltimore County in Liber C. 11.K. No. 13, folio 42 degrees 37 minutes 3 seconds East) for a dipoint on the southerly boundary of the property of

BEING the same lots of ground described in a Deed dated March 30. 1984 and

PETITIONER'S

recorded among the Land Records of Baltinsore County in Liber 6689, folio 475 was granted and conveyed by Frank A. Gegorek and Joann Gegorek unto Donald O. Starliper and Sefanfey C. Starliper.

TOCETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, apportanting

TO HAVE AND TO HOLD the said described fot of ground and premises to the said party of the second part, its, in fee simple

And the said parties of the first part hereby covenant that they has/have not done nor suffered to be done any act, matter or thing whatsnever, to eneumber the property hereby conveyed; that they will warrant specially the property hereby granted, and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and scals of said Grantors and Grantee.

Attest:

SCHARLEY C. STARLHER (SEAL)

KITCH KIENTOT CHINS, KIEMINER

TATTITION A HORNANGE KITEMITER

STATE OF MARYLAND, Baltimore County, TO WIT:

I HEREBY CERTIFY, that on this 31st day of March, 2004, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared DONALD O. STARLIPIER and SCHARLEY C. STARLIPER, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged they executed the same for the purposes therein contained.

Witness my Hand and Notarial Seal.

E AVALCA ST. Lar Commission E esten

A SERVED TUBLIC

My Commission Expires: 12/01/07

STATE OF MARYLAND, Baltimore County, TO WIT:

1 HEREBY CERTIFY, that on this 31st day of March, 2004, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared MICHAEL HUTCHINS AND MATTHEW A. HORNANG, MEMBERS OF STAR MARINA, LLC known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged it executed the same for the purposes therein contained.

