

**IN RE: PETITION FOR VARIANCE**

E side of Bayside Drive, 4.5 feet S  
of the c/l of Beach Drive  
12<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
**(101 Bayside Drive)**

David and Nichole London  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 08-292-A**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, David and Nichole London. Petitioners originally filed the Petition requesting variance relief from Section 417.3.B, Appendix J of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed pier extension with a divisional line setback of zero feet in lieu of the required 10 feet. The subject property and the relief that was originally requested are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

As this opinion will explain in detail, at the conclusion of the public hearing, the originally proposed relief was not found to be permissible since the proposal negatively impacted Petitioners' neighbors to the north of the subject property. Thus, Petitioners were given one week to submit a revised plan, which they timely submitted and which will be referred to as the "redline plan." Petitioners are still requesting a variance from Section 417.3.B, Appendix J of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed pier extension with a divisional line setback of zero feet in lieu of the required 10 feet, but the relief considered in this opinion is the relief proposed by the redline plan instead of the original site plan.

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Appearing at the requisite public hearing in support of the variance request was Petitioner David London and Bernadette Moskunus with Site Rite Surveying, Inc., the consultant who prepared the site plan and redline plan for Petitioners. Mr. Sid Williams, neighbor of Petitioners, appeared as an interested citizen. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped property containing approximately .205 acre of land zoned D.R. 5.5. The property is located on Bayside Drive near the intersection of Beach Drive in the Inverness subdivision on the shore of Bear Creek. Petitioners submitted a copy of the subdivision plat, which was marked and accepted into evidence as Petitioners' Exhibit 2. The subject property actually encompasses three lots which are known as lot numbers 21-23 in the Inverness subdivision. Petitioners also submitted a color zoning map to shed some additional light on the location of the property. The map was marked and accepted into evidence as Petitioners' Exhibit 4.

The property is improved with an existing one-story single-family dwelling located in the center of the property, approximately 29 feet east of Bayside Drive. The property is also improved with an existing five foot wide wooden pier that currently extends 54 feet into Bear Creek with an L-shaped portion that faces south at the end of the pier. Petitioners submitted a number of pictures of the property, pier, and surrounding area, which were marked and accepted into evidence as Petitioners' Exhibit 8A through 8J. The existing pier is located on the north edge of the property and currently extends into the northern divisional line setback of the property.

Further evidence demonstrated that Petitioners purchased the property in the summer of 2007 and rent the dwelling to the public throughout the summer months. Petitioners wish to extend the pier because as currently constructed, the water surrounding the end of the pier is too

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shallow to pull a boat up to it, and extending into deeper water will alleviate the problem. Originally, Petitioners had proposed to extend the existing pier from the L-shaped portion and construct a six foot wide extension for an additional 50 feet out into the water. However, this request appeared to unreasonably burden Petitioners' neighbor to the north, Mr. Williams, since the pier would cross all the way through Petitioners' divisional line into Mr. Williams' divisional line setback. Thus, Petitioners were given one week to revise their proposal, and the redline plan that was submitted proposes to extend the L-shaped portion of the existing pier towards the center of the property, and then to extend 46 feet farther out into the water. While Petitioners require a variance to bring the existing pier into compliance with B.C.Z.R., as shown on the redline plan, the only additional impact of the proposed pier extension will be to authorize a mooring pile to exist in the divisional line setback to the south of the property.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case, but they largely do not pertain to the requested relief as proposed by the redline plan. The ZAC comments for the relief proposed on the original site plan contained the following highlights: Comments were received from the Office of Planning dated February 8, 2008, and indicate that Petitioners' request would negatively impact the adjacent property thus causing future conflicts in pier construction. As such, the Planning Office could not support the original variance request because should the owners of Lots 19 and 20 decide to construct a pier, extension of the subject pier would have impeded such construction. Comments were received from the Department of Environmental Protection and Resource Management dated February 8, 2008 which indicate that the property must comply with the Chesapeake Bay Critical Area Regulations. Comments were also received from the Bureau of Development Plans Review dated January 15, 2008 which

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indicate that pier design and construction must meet County requirements for flood resistant construction and be in accordance with the International Building Code.

After Petitioners submitted the redline plan, the plan was submitted to the Office of Planning. Comments were received from the Office of Planning dated March 11, 2008, and the comments indicated that upon review, the Office of Planning had no objection to the Petitioners' variance request as reflected in the redline plan.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The evidence demonstrates that the subject property is the only property in the surrounding area that encompasses three lots of the Inverness subdivision. The shoreline outlining the subject property is unusually concave and leads the existing pier to extend to shallower water than it would on a number of surrounding properties. Furthermore, the requested variance largely seeks to legitimize an existing condition pertaining to the 10 foot divisional line setback on the north end of the property. Hence, I find that the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district since the divisional line setback would require removal of a pier that has existed for many years.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Again, if Petitioners were forced to strictly comply with the divisional line setback imposed by Section 417.3.B, Appendix J of the B.C.Z.R., Petitioners would be forced to remove the existing pier in its entirety. Finally, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The variance relief proposed on the redline plan largely seeks to legitimize an existing

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condition, and permits Petitioners to extend the pier into sufficiently deep water to make the pier fully functional for boating. At the same time, it allows the adjacent property owner to the north, Mr. Williams, the opportunity to construct a pier with no impact from Petitioners' proposed extension. The only impact of the pier extension as proposed in the redline plan is that a variance is required to permit a mooring pile to exist in the divisional line setback on the south end of the property. I am convinced that this relief can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

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

THEREFORE, IT IS ORDERED this 9<sup>th</sup> day of April, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance request from Section 417.3.B Appendix J of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing pier and proposed pier extension with divisional line setbacks of zero feet in lieu of the required 10 feet, and consistent with the aforementioned redline plan, be and is hereby GRANTED, subject to the following:

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of the property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The proposed pier extension must comply with Section 33-2-605 of the Chesapeake Bay Critical Area regulations.

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4. Pier design and construction shall meet Baltimore County requirements for flood resistant construction and be in accordance with the International Building Code adopted by the County.

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

  
\_\_\_\_\_  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

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4.9.08

pz



**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

April 9, 2008

DAVID AND NICHOLE LONDON  
10120 BRACKEN DRIVE  
ELLCOTT CITY, MD 21042

Re: Petition for Variance  
Case No. 08-292-A  
Property: 101 Bayside Drive

Dear Mr. and Mrs. London:

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,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure

c: Bernadette Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21286  
Sid Williams, 11 Bayside Drive, Baltimore MD 21222





● Flood CBCA ●

# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #101 Bayside Drive

which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 417.3-B Appendix J BCZL

To permit proposed pier extension with a setback of 0' in lieu of the required 10' divisional line

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

See Attached

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

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

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

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

## Legal Owner(s):

David London

Name - Type or Print

Signature

Nichole London

Name - Type or Print

Signature

10120 Bracken Drive

410.971.6761

Address

Ellicott City, MD 21042

Telephone No.

State

Zip Code

## Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Road, #101 (410) 828-9060

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

## OFFICE USE ONLY

Case No. 08-292-A

ESTIMATED LENGTH OF HEARING

Reviewed By

UNAVAILABLE FOR HEARING

Date

1/2/08

REV 9/15/98

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4.9.08

Bj



**Reasons to accompany variance petition**

- *Property is part of the "Inverness" Plat No. 10/128 dated 1937. The owners have three (3) contiguous lots improved with an existing dwelling and existing 54' pier. There is no contiguous ownership to meet the B.C.Z.R.*
- *The owners are looking to extend an existing pier; however, the existing pier is presently located within the 10' open area per the divisional property line procedure described in Appendix J of the B.C.Z.R. for Section 417.*
- *The request is within the spirit and intent of the B.C.Z.R. and will not adversely affect the safety or general welfare of the neighborhood.*

**ZONING DESCRIPTION**  
**#101 BAYSIDE DRIVE**

BEGINNING at a point on the east side of Bayside Drive which is 40 feet wide at the distance of 4.5 feet south of the centerline of Beach Drive which is 40 feet wide. Being all of Lots 21, 22 and 23 in the subdivision of "Inverness" as recorded in the Baltimore County Plat Book No. 10, folio 128, containing 8,968 S.F., more or less. Also known as #101 Bayside Drive and located in the 12<sup>th</sup> Election District, 7<sup>th</sup> Councilmanic District.



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Michael V. Moskunas  
Reg. No. 21175

Site Rite Surveying, Inc.  
200 E. Joppa Road, Suite 101  
Towson MD 21286  
410 . 828 . 9060

File: 101 Bayside Dr.doc\07 zoning

292

**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: #08-292-A**

101 Bayside Drive  
E/side of Bayside Drive at  
the distance of 4.5 feet  
south of the centerline of  
Beach Drive

12th Election District  
7th Councilmanic District  
Legal Owner(s): David &  
Nichole London

**Variance:** to permit proposed pier extension with a divisional line setback of 0 feet in lieu of the required 10 feet.

**Hearing: Tuesday, March 4, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.**

**WILLIAM J. WISEMAN, III**  
Zoning Commissioner for  
Baltimore County

**NOTES:** (1) Hearings are Handicapped Accessible; for special 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/2/747 Feb. 19 164153

## CERTIFICATE OF PUBLICATION

2/21, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/19, 2008.

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

*S. Wilkinson*

LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS RECEIPT**

No. **09721**

Date: **1-3-07**

**PAID RECEIPT**

BUSINESS ACTUAL TIME DEW  
 1/3/2008 1/03/2008 09:09:03 1

REG B 01 WALKER TRIC JR  
 >>RECEIPT # 340590 1/03/2008 DELH

Dept 5 520 ZONING VERIFICATION  
 CR: 007721

Receipt Tot 165.00  
 165.00 CR 1.00 CA  
 Baltimore County, Maryland

| Fund | Agcy | Orgn | Sub<br>Orgn | Rev<br>Source | Sub<br>Rev | Rept<br>Catg | BS<br>Acct | Amount |
|------|------|------|-------------|---------------|------------|--------------|------------|--------|
|      |      |      |             |               |            |              |            |        |
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|      |      |      |             |               |            |              |            |        |

Total: **65.00**

Rec

From: **DAVID LONDON**

For:

**101 DAYSIDE DR Item # 272**

**Pat. Per. Ver. 1/3/07**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S  
 VALIDATION**

Myatt  
2/18/08

# ZONING NOTICE

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON MARYLAND

CASE # 08-29Z-A

PLACE: ROOM 401 COUNTY COURTS BUILDING  
401 BOWLEY AVE. TOWSON, MD 21204

DATE/TIME: TUESDAY MARCH 4, 2008  
AT 4:00 A.M.

REQUEST: VARIANCE TO PERMIT PERMANENT  
PIER EXTENSION WITH A DIVISIONAL LINE  
SETBACK OF 0 FEET IN LIEU OF THE REQUIRED 10 FEET

ADDITIONAL INFORMATION IS AVAILABLE AT  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
100 N. EIGHTH STREET  
TOWSON, MD 21204  
TEL. 410-339-3391

## CERTIFICATE OF POSTING

RE: Case No: 08-292-A

Petitioner/Developer: DAVID ?  
NICHOLE LONDON

Date Of Hearing/Closing: 3/4/08

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property  
at 101 BAYSIDE DRIVE

This sign(s) were posted on February 18, 2008  
(Month, Day, Year)

Sincerely,

Martin Ogle 2/18/08  
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

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

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING  
RECLASSIFICATION 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 reclassification hearing. This is accomplished by Baltimore County posting a sign on the property at least fifteen (15) days before the hearing and advertising in local newspapers. The advertising consists of a list and map of all reclassification petitions (cost evenly distributed between all petitioners), as well as individual advertising in local newspapers. The list and map must be published in two newspapers for three different weeks and the individual advertisements must be published in two newspapers fifteen (15) days prior to 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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 08-292-A

Petitioner: David and Nichole London

Address or Location: 101 Bayside Drive

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: David and Nichole London

Address: 10120 Bracken Drive

Ellicott City, MD 21042

Telephone Number: 410.971.6761





**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

January 16, 2008  
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: 08-292-A**

101 Bayside Drive

E/side of Bayside Drive at the distance of 4.5 feet south of the centerline of Beach Drive

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: David & Nichole London

Variance to permit proposed pier extension with a divisional line setback of 0 feet in lieu of the required 10 feet.

Hearing: Tuesday, March 4, 2008 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

Timothy Kotroco  
Director

TK:klm

C: Mr. & Mrs. London, 10120 Bracken Drive, Ellicott City 21042  
Site Rite Surveying, Inc., 200 E. Joppa Road, #101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 18, 2008.**
- (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, February 19, 2008 Issue - Jeffersonian

Please forward billing to:  
David & Nichole London  
10120 Bracken Drive  
Ellicott City, MD 21042

410-971-6761

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## 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: 08-292-A**

101 Bayside Drive

E/side of Bayside Drive at the distance of 4.5 feet south of the centerline of Beach Drive

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: David & Nichole London

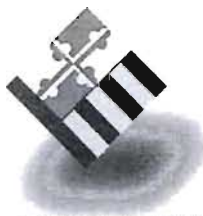
Variance to permit proposed pier extension with a divisional line setback of 0 feet in lieu of the required 10 feet.

Hearing: Tuesday, March 4, 2008 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

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

February 27, 2008

David London  
Nichole London  
10120 Bracken Drive  
Ellicott City, MD 21042

Dear Mr. and Mrs. London:

RE: Case Number: 08-292-A, 101 Bayside Drive

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 8, 2008. 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  
Site Rite Surveying, Inc. 200 E. Joppa Road, #101 Towson 21286



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

Robert L. Flanagan, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JAN. 14, 2008

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

RE: Baltimore County  
Item No. 8-292-A  
101 BAYSIDE DRIVE  
LONDON PROPERTY  
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. 8-292-A

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,

for Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

TB  
3-4-08  
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

**DATE:** February 8, 2008

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

**SUBJECT:** 101 Bayside Drive

**INFORMATION:**

**Item Number:** 8-292

**Petitioner:** David London

**Zoning:** DR 5.5

**Requested Action:** Variance

RECEIVED  
FEB 11 2008

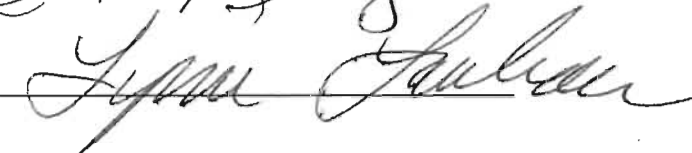
BY: \_\_\_\_\_

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has received and reviewed the subject petition for variance. It appears that the petitioner's request will negatively impact the adjacent property thus causing future conflicts in pier construction. As, such this office cannot support the subject variance. Should the owners of lots 19 and 20 decide to construct a pier, extension of the subject pier would impede such construction.

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

**Reviewed by:** 

**Division Chief:**   
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



BY: .....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: February 8, 2008

SUBJECT: Zoning Item # 08-292-A  
Address 101 Bayside Dr  
(London Property)

Zoning Advisory Committee Meeting of December 17, 2008

\_\_\_\_\_ 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:

The proposed pier extension must comply with Section 33-2-605 of the Chesapeake Bay Critical Area (CBCA) regulations.

Reviewer: Glenn Shaffer

Date: February 1, 2008



**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** January 15, 2008

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For January 21, 2008  
Item No. 08-292

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

Pier design & construction shall meet Baltimore County requirements for flood resistant construction and be in accordance with the international building code adopted by the county.

DAK:CEN:clw  
cc: File  
ZAC-ITEM NO 08-292-01152008.doc



RE: PETITION FOR VARIANCE \* BEFORE THE  
101 Bayside Drive, E/S Bayside Drive, \*  
4.5' S c/line of Beach Drive \* ZONING COMMISSIONER  
12<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts \*  
Legal Owner(s): David & Nichole London \* FOR  
Petitioner(s) \* BALTIMORE COUNTY  
\* 08-292-A

\* \* \* \* \*

### ENTRY OF APPEARANCE

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

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

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

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

JAN 22 2008

Per \_\_\_\_\_

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

## LETTER OF TRANSMITTAL

**Site Rite Surveying, Inc.**

**DIRECT CORRESPONDENCE TO:**

**Shell Building, Room 101  
200 East Joppa Road  
Towson, Maryland 21286  
410-828-9060  
Fax 410-828-9066**

TO: Commissioner's Office

DATE: 3/6/08

SUBJECT: 101 Bayside Drive  
Case No 08-292-A

ATTENTION: Tom Bostwicz ✓

**OUR FILE:** \_\_\_\_\_

WE ARE, ☒ HEREWITH, ☐ UNDER SEPERATE COVER, TRANSMITTING VIA, ☒ MESSENGER, ☐ U.S. MAIL ( ) THE FOLLOWING:

[illegible]

RECEIVED  
MAR 06 2008

BY: \_\_\_\_\_

**TRANSMITTED** AS INDICATED BELOW:

- ☐ PER AGREEMENT  
☐ PER YOUR REQUEST  
☒ FOR YOUR INFORMATION  
☐ FOR APPROVAL  
☐ FOR COMMENT

☐ APPROVED - DWG(S) \_\_\_\_\_  
☐ APPROVED AS NOTED - DWG(S) \_\_\_\_\_  
☐ RETURNED FOR CORRECTION - DWG(S) \_\_\_\_\_  
☐ PLEASE RESUBMIT - DWG(S) \_\_\_\_\_  
☐ \_\_\_\_\_

1 COPY(S) OF Package SENT TO Planning (John Alexander)  
 \_\_\_\_\_ COPY(S) OF \_\_\_\_\_ SENT TO \_\_\_\_\_  
 \_\_\_\_\_ COPY(S) OF \_\_\_\_\_ SENT TO \_\_\_\_\_

REMARKS: \_\_\_\_\_

**PLEASE SIGN AND RETURN ONE COPY OF THIS TRANSMITTAL AS A RECEIPT**

**VERY TRULY YOURS,**

## Site Rite Surveying, Inc.

SENT BY: Biradette Moskunas

RECEIVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

PLEASE PRINT CLEARLY

CASE NAME \_\_\_\_\_  
CASE NUMBER 08-292-A  
DATE \_\_\_\_\_

## CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Sid Williams

11 Bayside Dr.

BALTO MD. 21222

CASE NAME 101 Bayside Dr.  
CASE NUMBER 08-292-A  
DATE 3-4-08

[illegible]









1954 Baltimore County  
Official Zoning Map  
S.E. 4-G  
North Point/Inverness

PETITIONER'S

EXHIBIT NO. 3A-D

DL-CNS

4-288A  
12,870  
37,920

DRIVE

INVERNESS

SEABRIGHT

SIDE

BEACH DRIVE

WALL

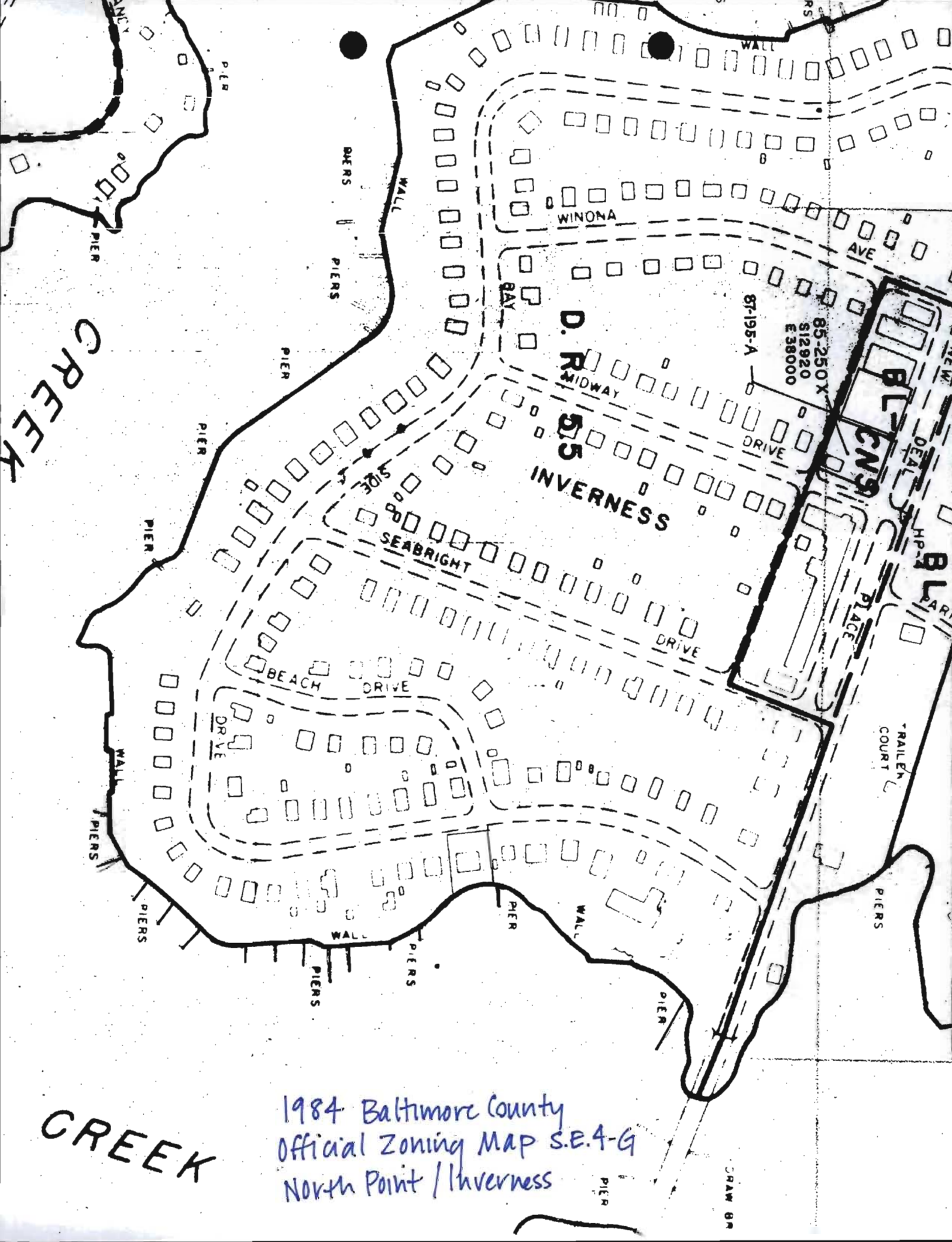
PIERS

CREEK

ROAD

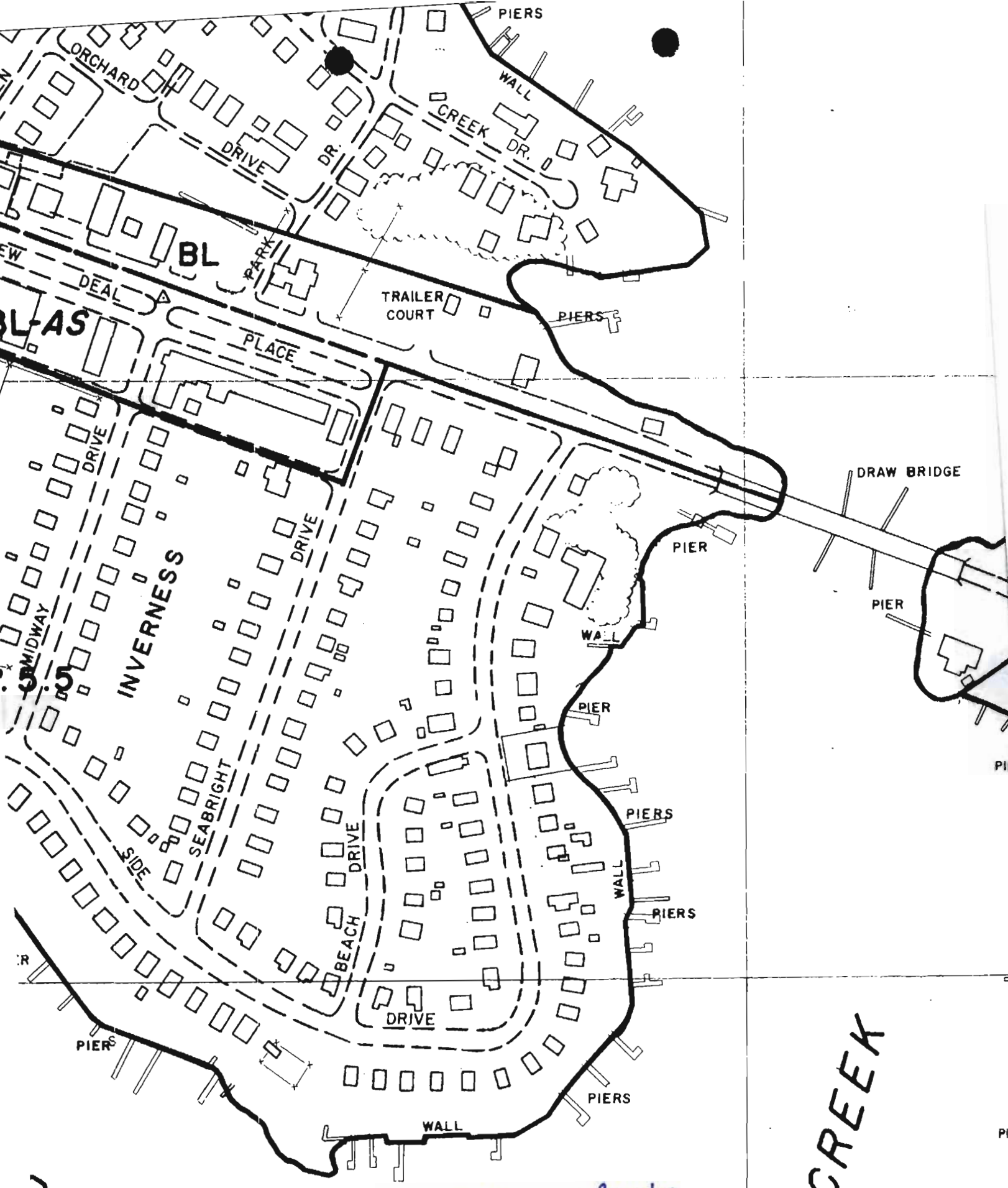
1980  
Baltimore County  
Official Zoning Map  
S.E. 4-G  
North Point/Inverness





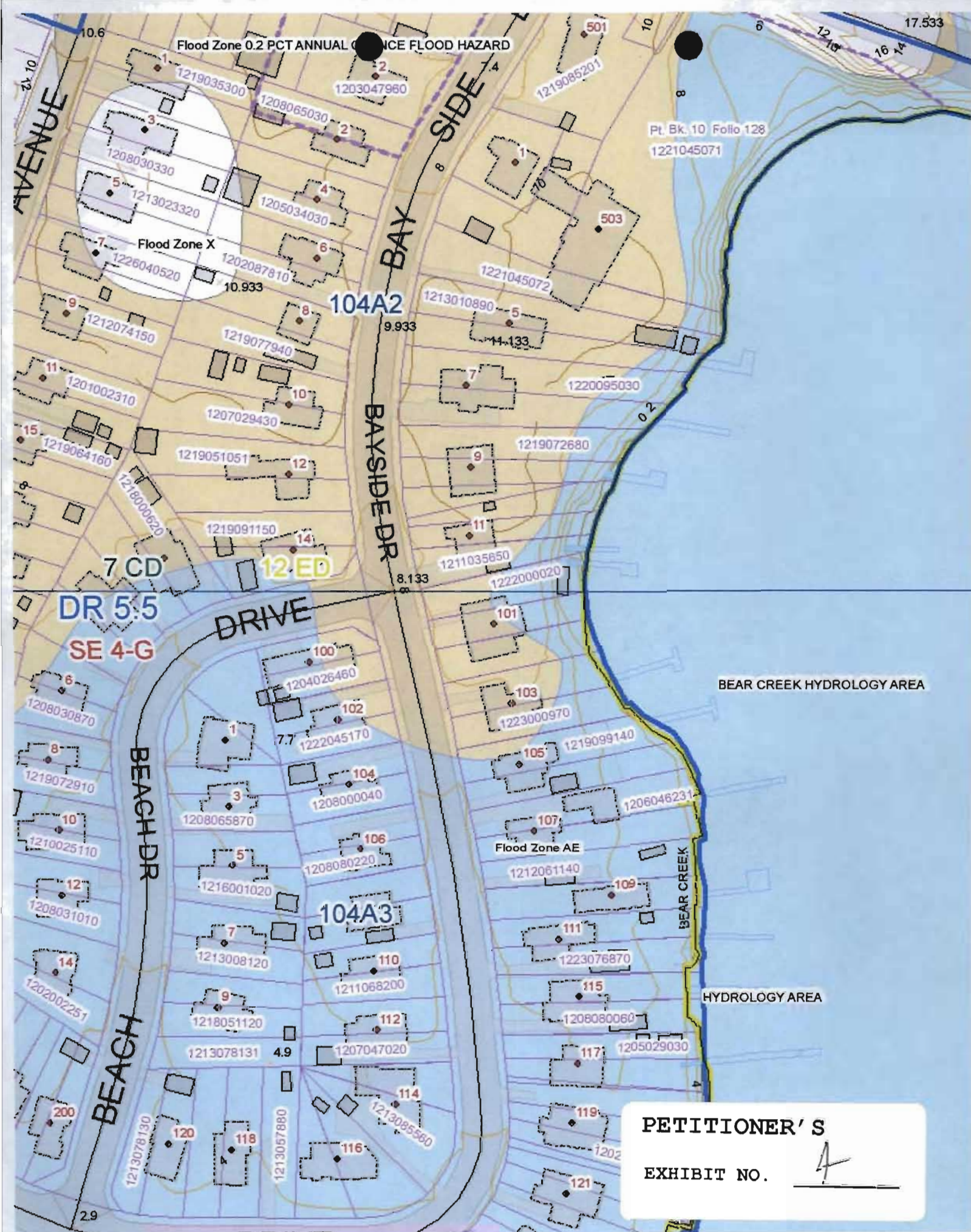
CREEK

1984 Baltimore County  
Official Zoning Map S.E.4-G  
North Point / Inverness



1996 Baltimore County  
Official Zoning Map North Point/Inverness  
S.E. 4-9





Flood Zone 0.2 PCT ANNUAL

104A2

104A3

Pt. Bk. 10 Folio 128  
1221045071

BEAR CREEK HYDROLOGY AREA

HYDROLOGY AREA

PETITIONER'S

EXHIBIT NO.

4



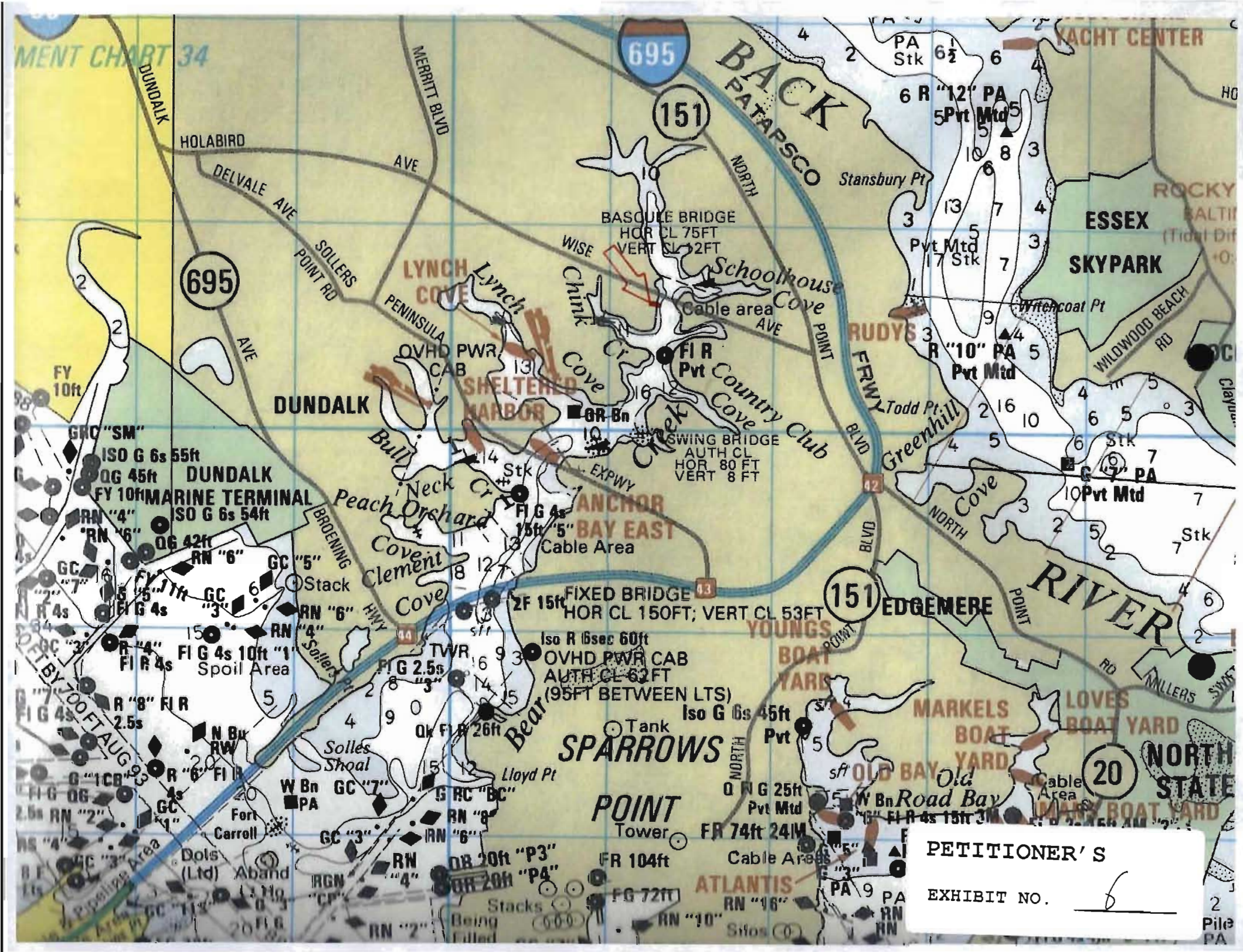


PETITIONER'S

EXHIBIT NO.

5







**MDE****MARYLAND DEPARTMENT OF THE ENVIRONMENT**

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley  
GovernorShari Wilson  
SecretaryAnthony R. Brown  
GovernorBob Summers  
Deputy Secretary

December 6, 2007

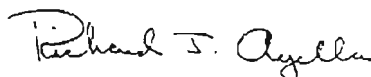
DAVE LONDON  
C/o Jeff Gosnell  
1101 N. Tollgate Road  
Bel Air, MD 21014Re: MDE Authorization Number: 08-PR-0696  
MSPGP Authorization Number: 200765636

Dear Mr. London:

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

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

Sincerely,

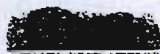
Richard J. Ayella, Chief  
Tidal Wetlands Division

Recycled Paper

[www.mde.state.md.us](http://www.mde.state.md.us)

PETITIONER'S

EXHIBIT NO. 7

**MARYLAND DEPARTMENT OF THE ENVIRONMENT****MDE**

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley  
GovernorShari T. Wilson  
SecretaryAnthony G. Brown  
Lieutenant GovernorRobert M. Summers, Ph.D.  
Deputy Secretary**TIDAL WETLANDS LICENSE 08-PR-0696**  
**Pier and Piling Construction****Licensee: DAVE LONDON**  
**Address: C/o Jeff Gosnell**  
1101 N. Tollgate Road  
Bel Air, MD 21014

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

To remove an existing platform and construct a 50-foot long by 6-foot wide timber pier extension with a 10-foot long by 14-foot "L" head and install a boatlift with associated pilings, all within a maximum of 96.5 feet channelward of an existing bulkhead at 101 Bayside Drive in Baltimore, Maryland as depicted on the attached plans dated October 16, 2007.

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

This license is subject to the following conditions:

**SPECIAL CONDITIONS**

- A. All work shall be permitted under, and performed in accordance with the Critical Area requirements of the local jurisdiction where the project is located. This authorization does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the Buffer means clearing, Grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land-disturbing activity.
- B. Existing platform shall be removed prior to construction of the proposed pier extension and platform.

**GENERAL CONDITIONS**

- A. The licensee shall obtain an approved sediment and erosion control plan from the local soil conservation district when the area disturbed is greater than 5000 square feet.

- B. The licensee certifies real property interest in the contiguous upland;
- C. This license is valid only for use by the licensee of the Maryland Department of the Environment. Permission for transfer of the license shall be obtained from the Water Management Administration. The terms and conditions of this license shall be binding on any assignee or successor in interest of the license;
- D. The licensee acknowledges that this license does not transfer any property interest in State tidal wetlands. This license allows the licensee to use State tidal wetlands only for the structure or activity authorized herein and in no way limits the use of waters of the State by the public;
- E. The construction of any structure or the performance of any activity under this license shall be evidence that the licensee has accepted all of the terms and conditions herein;
- F. This license is void if the licensee fails to obtain all required State, county, or local approvals before beginning work on the licensed structure or activity;
- G. The licensee shall allow representatives of the Maryland Department of the Environment to enter the property at reasonable times to inspect the ongoing or completed work under the license;
- H. The licensee shall make every reasonable effort to design and construct the structure or perform the activity authorized in this license in a manner which minimizes adverse impacts on natural resource values, including water quality, plants, wildlife, plant and wildlife habitat, and on historic property values;
- I. The licensee shall notify the Water Management Administration, Inspections and Compliance Division (410) 537-3510 at least 5 days before beginning the structure or activity;
- J. This license expires 3 years after the date of issuance. The licensee shall complete construction of the activity authorized under this license within the allowed 3 years, otherwise a new general license shall be obtained;
- K. The Maryland Department of the Environment may suspend or revoke this license upon written finding for good cause that suspension or revocation is in the State's best interest.
- L. This license provides no justification or assurances for future dredging. All dredging projects will be evaluated on the biological and physical characteristics of the site at the time an application is made.

  
Richard J. Ayella, Chief  
Tidal Wetlands Division

Date of Issuance: December 6, 2007  
RAMS Tracking No.: 200765636



standing water front (subject property)  
looking North

Wise Avenue  
ex. draw bridge

#9

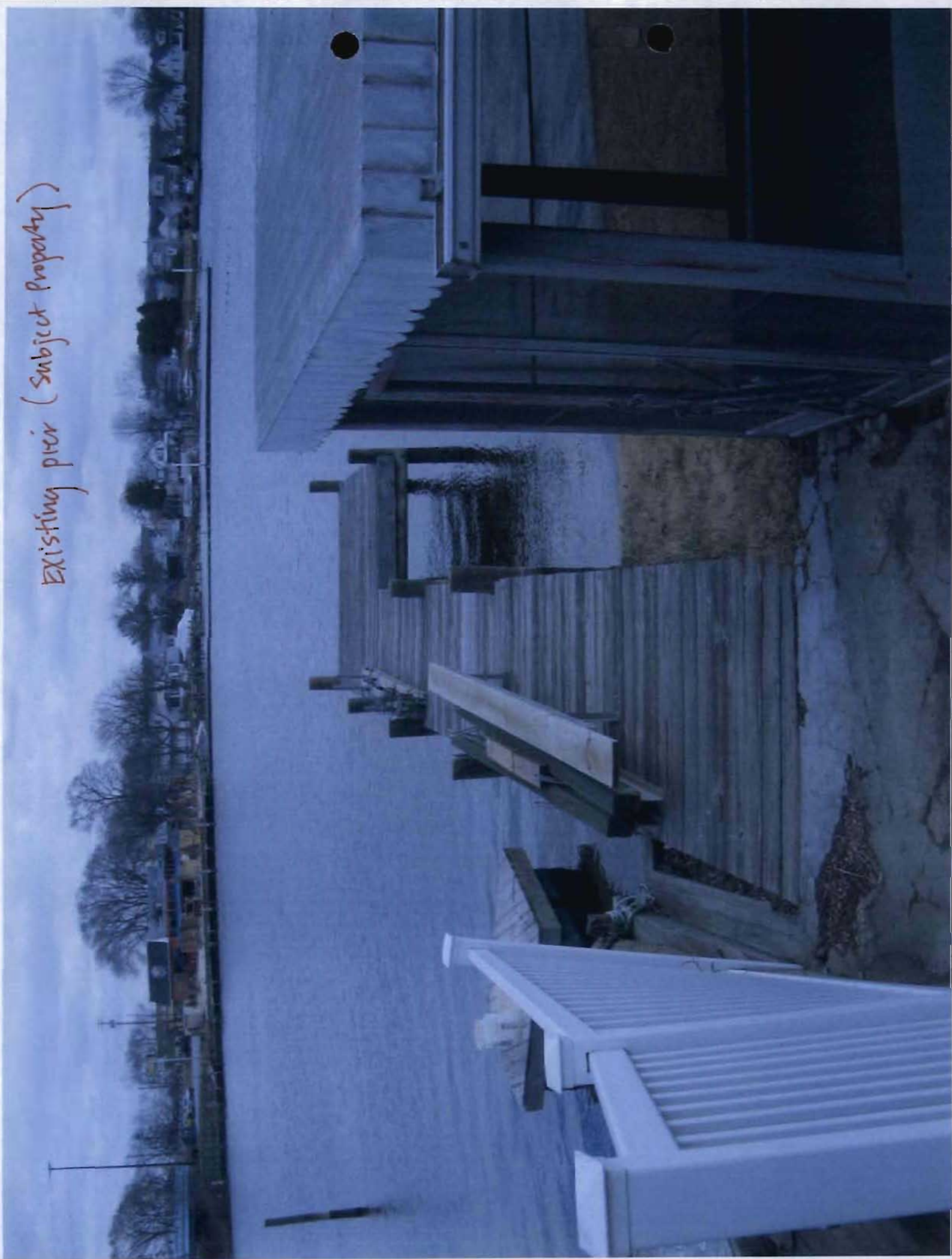
PETITIONER'S

EXHIBIT NO.

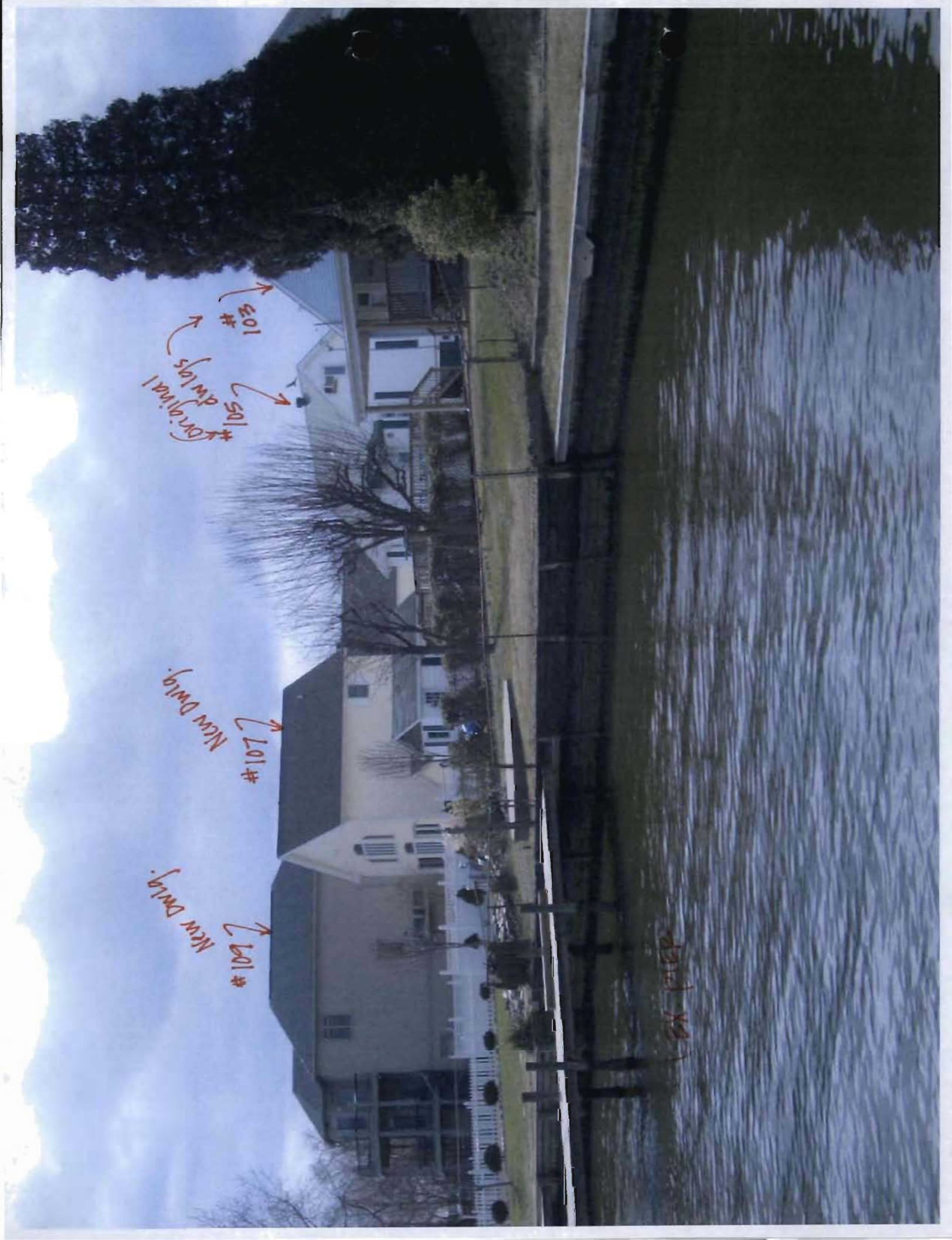
8A-J



Existing pier (subject property)







Original dwlg.  
L01# 103

L01#  
New Dwlg.

L01#  
New Dwlg.

(2nd X3)  
(2nd floor)



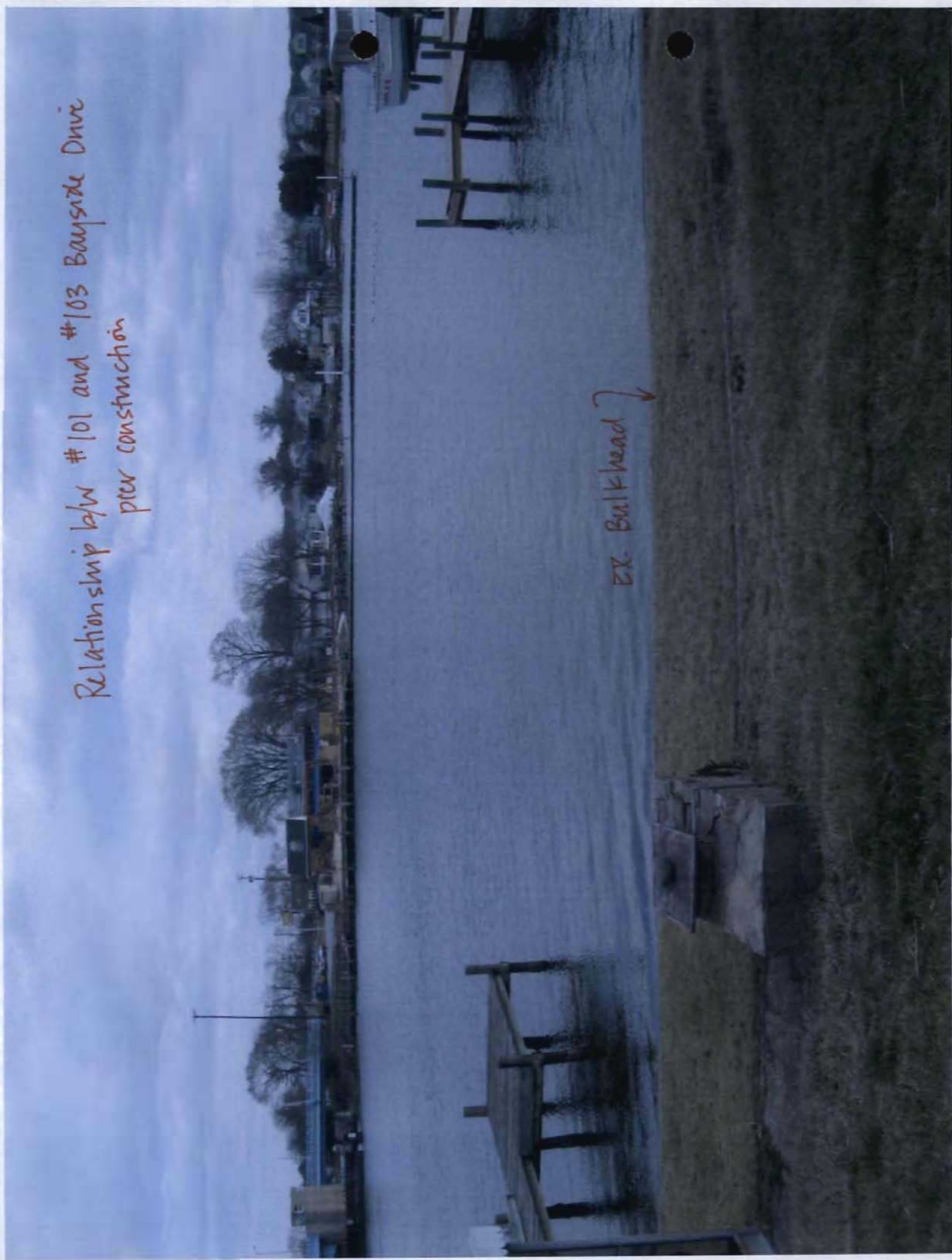
Existing Piers (Properties South of subject property)





Relationship b/w #101 and #103 Bayside Drive  
pier construction

EX Bulkhead ↘



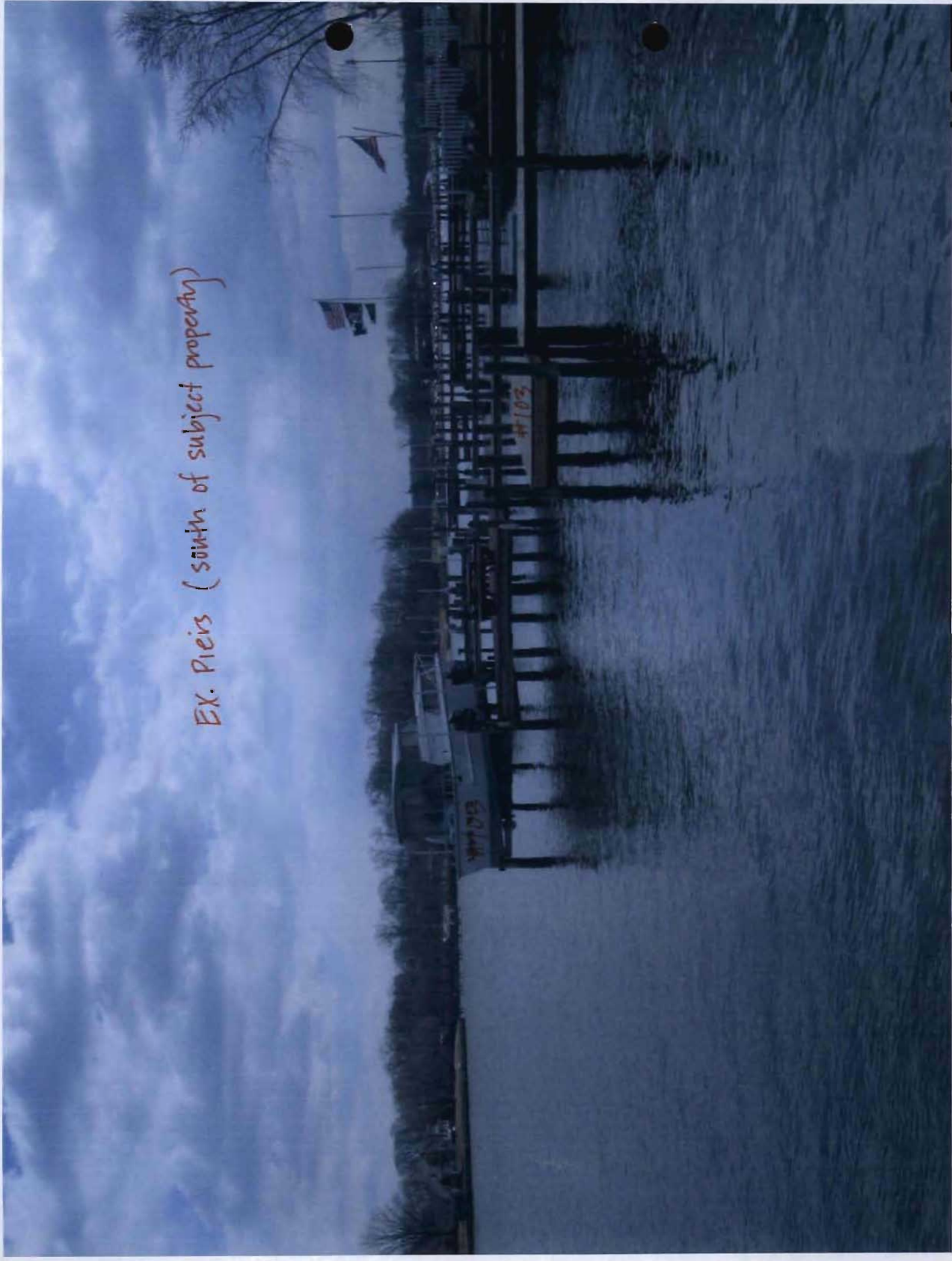


Another view of the existing  
piers to the south.





EX. Piers (south of subject property)

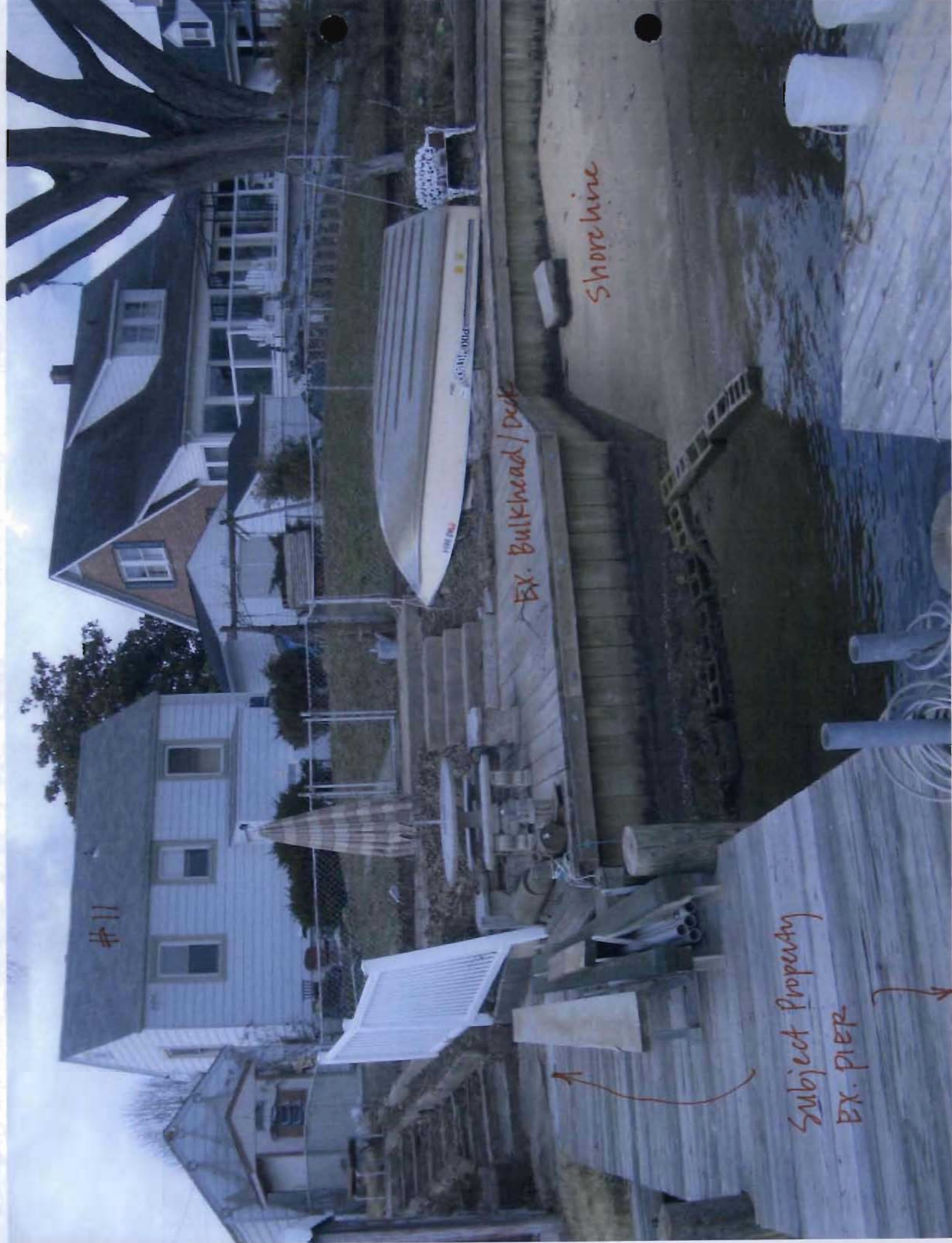




standing subject property waterfront  
looking south of property







#11

Subject Property  
EX. pier

EX. Bulkhead / Dock

Shoreline



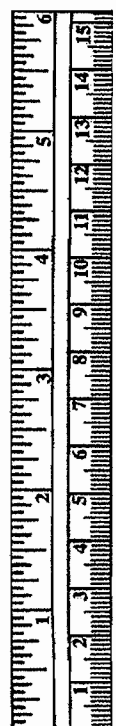
Subject Property  
#101

↖ #103

EX. Bulkhead ↘





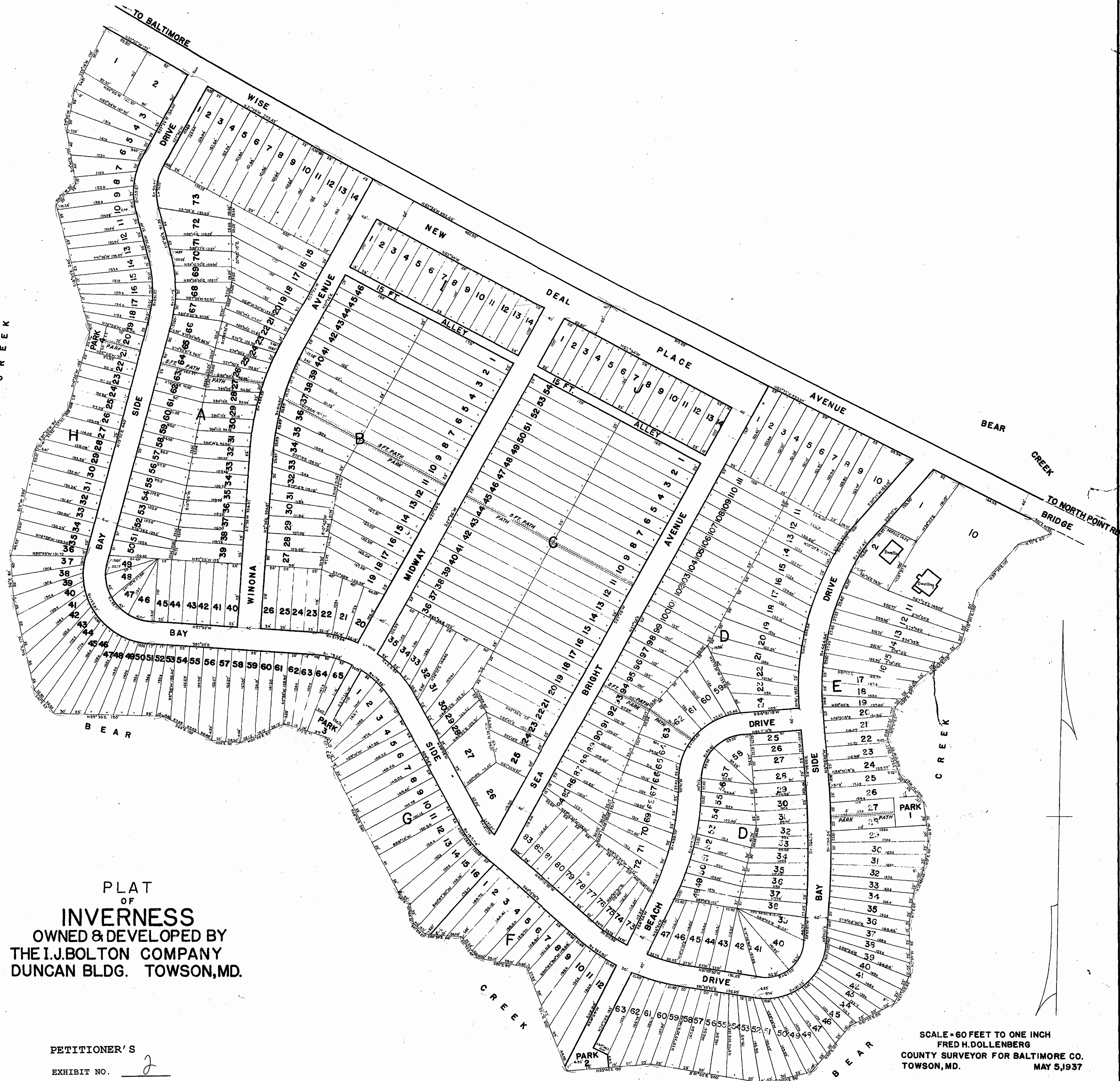


C R E E K

PLAT  
OF  
**INVERNESS**  
OWNED & DEVELOPED BY  
THE I.J. BOLTON COMPANY  
DUNCAN BLDG. TOWSON, MD.

PETITIONER'S

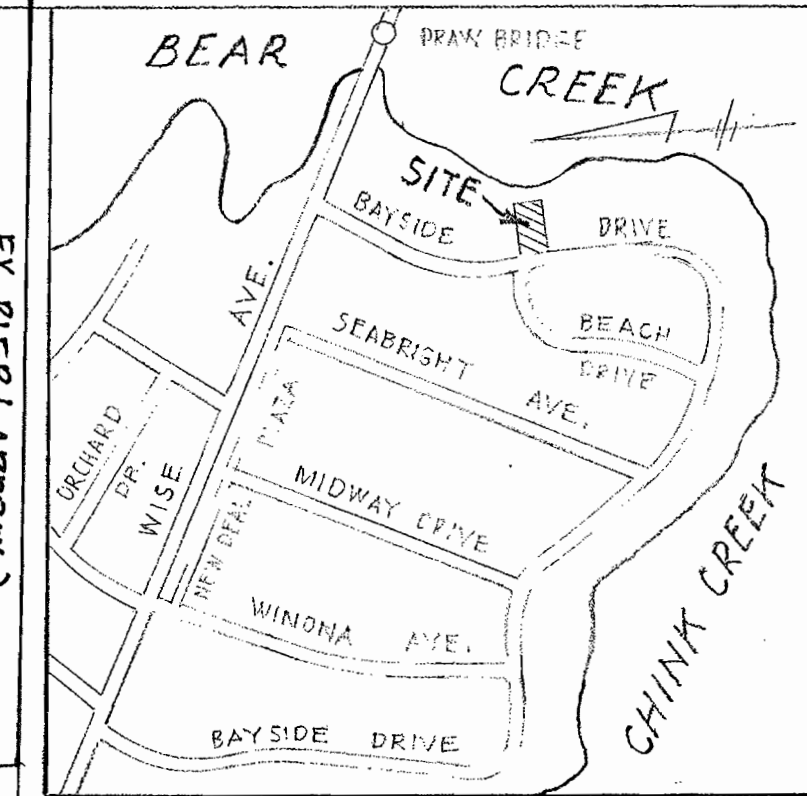
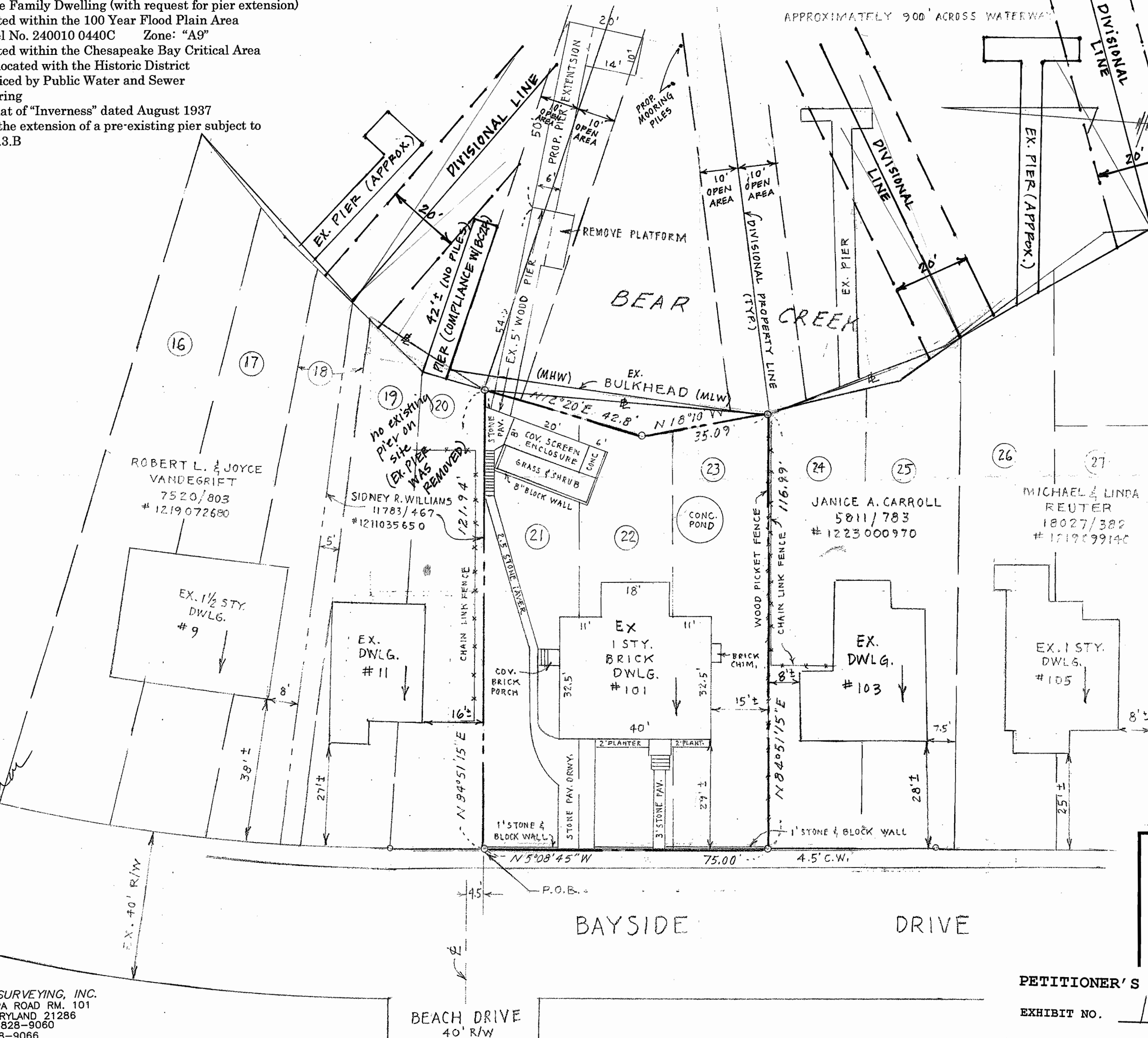
EXHIBIT NO. 2



SCALE - 60 FEET TO ONE INCH  
FRED H. DOLLENBERG  
COUNTY SURVEYOR FOR BALTIMORE CO.  
TOWSON, MD. MAY 5, 1937

# **GENERAL NOTES**

- Existing Zoning: D.R.5.5 (104A2 and 104A3)
- Lot Area: 8967 S.F. or 0.205 Ac +/-
- Existing Use: Single Family Dwelling (residential)  
Proposed Use: Single Family Dwelling (with request for pier extension)
- This property is located within the 100 Year Flood Plain Area  
Community Panel No. 240010 0440C Zone: "A9"
- This property is located within the Chesapeake Bay Critical Area
- This property is not located with the Historic District
- This property is serviced by Public Water and Sewer
- No prior Zoning Hearing
- Lots are shown on Plat of "Inverness" dated August 1937
- Variance Plan is for the extension of a pre-existing pier subject to B.C.Z.R. Section 417.3.B



OWNER: DAVID and NICHOLE LONDON  
10120 BRACKEN DRIVE  
ELLICOTT CITY MD 21042  
410, 971. 6761  
TAX MAP: 104 GRID: 13 PARCEL: 197  
TAX ACCT. No. 1222000020  
DEED REF.: 26153/676

PLAN TO ACCOMPANY VARIANCE PETITION  
#101 BAYSIDE DRIVE  
"LONDON PROPERTY"  
LOTS 21, 22 AND 23  
"INVERNESS" 10/128  
ELECTION DISTRICT NO. 12 C7  
BALTIMORE COUNTY, MD  
SCALE: 1" = 20'  
JANUARY 8, 2008  
JOB NO. 9618

PETITIONER'S  
EXHIBIT NO. 1A

**site rite** SURVEYING, INC.  
200 E. JOPPA ROAD RM. 101  
TOWSON, MARYLAND 21286  
PHONE: 410-828-9060  
FAX: 410-828-9066



1. Existing Zoning: D.R.5.5 (104A2 and 104A3)
2. Lot Area: 8967 S.F. or 0.205 Ac +/-
3. Existing Use: Single Family Dwelling (residential)  
Proposed Use: Single Family Dwelling (with request for pier extension)
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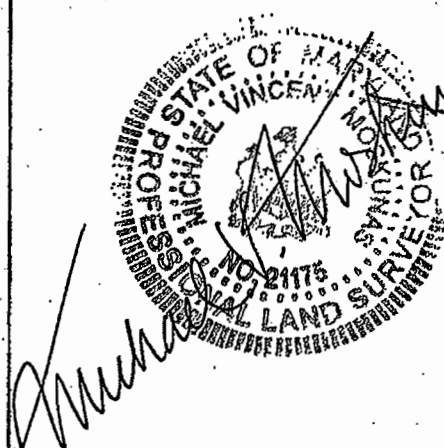


EXHIBIT NO.

OWNER: DAVID and NICHOLE LONDON  
10120 BRACKEN DRIVE  
ELLICOTT CITY MD 21042  
410, 971.6761  
TAX MAP: 104 GRID: 13 PARCEL: 197  
TAX ACCT. No. 1222000020  
DEED REF: 26153/676

PLAN TO ACCOMPANY VARIANCE PETITION  
#101 BAYSIDE DRIVE  
"LONDON PROPERTY"  
LOTS 21, 22 AND 23  
"*INVERNESS*" 10/128  
ELECTION DISTRICT NO. 12 C7  
BALTIMORE COUNTY, MD  
SCALE: 1" = 20'  
JANUARY 8, 2008  
JOB NO. 9618

RED-LINED: 2/25/08



**rite** SURVEYING, INC.  
200 E. JOPPA ROAD RM. 101  
TOWSON, MARYLAND 21286  
PHONE: 410-828-9060  
FAX: 410-828-9066