

**IN RE: PETITIONS FOR SPECIAL HEARING
VARIANCE**

N side Chesapeake Avenue, 365 feet
W of c/l Baylight Avenue
15th Election District
7th Councilmanic District
(8808 Chesapeake Avenue)

Anthony and Karen Connelly
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

* **Case No. 2008-0518-SPHA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Anthony and Karen Connelly. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm that Section 102.4 of the B.C.Z.R. is not applicable because Lots 68-73 are considered a single lot for zoning purposes; or to confirm that proposed access is not in conflict with Section 102.4 and to permit access to a local street via right-of-way. The Variance request is from Sections 1B02.3.C and 303.1 of the B.C.Z.R. to permit a 15 foot front yard setback from existing right-of-way in lieu of required average of 32.8 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance petitions was Arnold Jablon, Esquire and Christopher Mudd, Esquire on behalf of Petitioners Anthony and Karen Connelly. Also appearing in support of the requested relief as Petitioners' land use and zoning consultant was David Flowers. The site plan was prepared and sealed by R. Alonzo Childress, P.E. with R.A. Childress & Associates, Inc. Appearing as interested citizens opposed to the requested relief were Jackie Browning of 8803 Chesapeake

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by

Avenue and Paul and Patricia Watson of 8811 Chesapeake Avenue. There were no other interested persons in attendance at the hearing.

Testimony and evidence presented revealed that the subject property is rectangular-shaped and consists of approximately 1.033 acre zoned D.R.5.5. The property is located at the terminus of Chesapeake Avenue on the north side of the road in the Millers Island area of Baltimore County. The property is currently unimproved and actually consists of six lots, each 50 feet wide by 150 feet deep. Each lot is undersized based on the small lot table; however, they have been merged for zoning purposes. Approximately 95% of the six lots is located in wetlands and cannot be built upon. As shown on the site plan, only small areas of Lots 68 and 69 are buildable. Petitioners desire to build a single-family dwelling on the property, and because of the zoning merger proposed, are requesting special hearing relief for a determination that the requirements of Section 102.4 of the B.C.Z.R. (concerning building a dwelling on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel) do not apply because the lots are considered a single lot for zoning purposes.

Further evidence revealed that the right-of-way over Chesapeake Avenue has been in existence since the 1920's. Marked and accepted into evidence as Petitioners' Exhibit 2 was a "Plat of Shore Lots" from the Miller's Island Land Co. dated July 5, 1921 and January 3, 1922. It shows the six subject lots, Lots 68 through 73, and also shows the existence of the right-of-way of what is now known as Chesapeake Avenue. Hence, Petitioners also request special hearing relief for a determination that the proposed access to Chesapeake Avenue is not in conflict with Section 102.4 of the B.C.Z.R.

In addition, Petitioners have requested a variance from the minimum front yard depth requirements of Sections 1B02.3.C and 303.1 of the B.C.Z.R. As indicated previously, most of

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BY [signature]

the area occupying the six lots contains critical areas and wetlands. Only a small portion (5%) of the six lots can be built upon. As shown on the site plan, in order for Petitioners to utilize the buildable areas, it is necessary to place the dwelling at the southeast corner of the property. It is also necessary that the front yard depth be 15 feet instead of the required 32.8 feet. Petitioners submitted a letter dated March 31, 2008 from David A.C. Carroll, then-Director of the County's Department of Environmental Protection and Resource Management (DEPRM). The letter was marked and accepted into evidence as Petitioners' Exhibit 6. It grants a variance to construct a single-family dwelling on six previously recorded lots containing non-tidal wetlands. Essentially, Petitioners point out, the permission granted by DEPRM limits the area in which the dwelling can be built and makes it impossible for Petitioners to move the placement back in order to comply with the front yard depth requirements. In addition, as shown on the maps that were marked and accepted into evidence as Petitioners' Exhibits 8 and 9, the property has access to water and sewer service, respectively.

In order to give some context to the subject property and the surrounding properties, Petitioners submitted a number of photographs that were marked and accepted into evidence as Petitioners' Exhibits 11A through 11P. The photographs show the stretch of Chesapeake Avenue where it extends toward the subject property. Prior to the subject property, the macadam paving ends and it is no longer maintained by the County. The photographs also show other homes at the end of Chesapeake Avenue, all of varying sizes, shapes, and building materials. Each dwelling has its own individual look. Finally, the remaining photographs (Petitioners' Exhibits 11K through 11P) show the subject site with its heavily wooded areas and environmental constraints.

Ms. Browning and Mr. and Mrs. Watson testified in opposition to the requested relief. They expressed concerns over reducing the front yard depth to 15 feet, especially when most of the nearby homes have at least a 25 foot front yard depth. They also expressed concerns over the

environmental limitations of the property. They felt that if the property poses so many environmental and wetlands challenges, then perhaps the property should not be developed and should be left as is. In addition, Mr. Watson indicated that during substantial rains, the water runs down Chesapeake Avenue and rushes across the properties to the Bay. He believes development of the subject property may exacerbate the situation.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comment received from the Office of Planning dated June 10, 2008 indicates that Office does not oppose the Petitioner's request as it appears to reduce the impacts to environmentally sensitive areas. Petitioners should demonstrate rights to use of the existing right-of-way. Comments were received from the Department of Environmental Protection and Resource Management dated June 4, 2008 which indicate that the property must comply with the Chesapeake Bay Critical Area Regulations. By reducing the front yard setback and keeping the lot size small, this design minimizes impacts to wetlands and forests that will be placed in a Chesapeake Bay Critical Area Easement. Comments were received from the Bureau of Development Plans Review dated May 21, 2008 which indicates that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code.

Turning first to the Petition for Special Hearing, I am persuaded to grant Petitioners' request to confirm that Section 102.4 of the B.C.Z.R. is not applicable because Lots 68-73 are considered one lot for zoning purposes. In requesting the instant zoning relief, Petitioners have expressed their desire to merge the six lots into one lot. "A landowner who clearly desires to combine or merge several parcels or lots of land into one larger parcel may do so." *Mueller v.*

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People's Counsel, 177 Md.App. 43, 99 (2007), quoting *Friends of the Ridge v. Baltimore Gas & Electric Co.*, 352 Md. 645, 658 (1999). "Merger may be derived from the common owner's intent, as evidenced by 'integrat[ing] or utilize[ing] the contiguous lots in the service of a single structure or project.'" *Id.* Petitioners have merged the lots for zoning purposes and as such, the provisions of Section 102.4 of the B.C.Z.R. are not applicable.

The other alternative special hearing request seeks to confirm that the proposed access of the subject property is not in conflict with Section 102.4 of the B.C.Z.R. A similar issue was addressed by Zoning Commissioner William J. Wiseman, III in 2006. In Case No. 06-327-SPH, Commissioner Wiseman was confronted with the same issue regarding right-of-way access for Bay Drive, also on Millers Island. After hearing testimony from Eric Rockel, then with the County's Bureau of Land Acquisition, and Carl Richards, Supervisor of the County's Zoning Review Division, Commissioner Wiseman concluded that the proposed access was not in conflict with Section 102.4 of the B.C.Z.R. In the instant matter, and based on the evidence from the hearing, including the plat showing the existence of the right-of-way since the 1920's, I am likewise convinced that Petitioners' proposed access is not in conflict with Section 102.4 to permit access to the local street via right-of-way.

As to the variance request, considering all of the testimony and evidence presented, I am convinced that the request should be granted. First, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. It is obvious that none of the lots, by themselves, would be buildable lots. By merging the lots, Petitioners have found an ability to build a relatively modest 45 foot wide by 30 foot deep home on the property; however, the property contains significant critical area and wetlands constraints that limit the area where a home can be built. In order to comply with DEPRM and the Maryland Department of the Environment (MDE) requirements, Petitioners are compelled to seek the

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variance from the front yard depth. I also find that denying the variance would cause Petitioners practical difficulty and unreasonable hardship. If the requested relief is not granted, Petitioners would not be able to make beneficial use of their property in a manner consistent with the zoning regulations.

I further 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.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 5th day of August, 2008 that Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm that Section 102.4 of the B.C.Z.R. is not applicable because Lots 68-73 are considered a single lot for zoning purposes; or to confirm that proposed access is not in conflict with Section 102.4 and to permit access to a local street via right-of-way be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioners' request for Variance from Sections 1B03.3.C and 303.1 of the B.C.Z.R. to permit a 15 foot front yard setback from existing right-of-way in lieu of required average of 32.8 feet be and is hereby GRANTED.

The granting of the relief herein shall be subject to the following:

1. Petitioners may apply for their 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.

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2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).
3. The base flood elevation for this site is 9.4 feet Baltimore County Datum.
4. The flood protection elevation for this site is 10.4 feet.
5. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
6. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
7. The building engineer shall require a permit for this project.
8. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
9. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 5, 2008

ARNOLD JABLON, ESQUIRE
CHRIS MUDD, ESQUIRE
DAVID FLOWERS, ESQUIRE
VENABLE LLP
210 ALLEGHENY AVENUE
TOWSON, MD 21204

Re: Petition for Special Hearing and Variance
Case No. 2008-0518-SPHA
Property: 8808 Chesapeake Avenue

Dear Mr. Jablon:

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: Anthony and Karen Connelly, 2814 12th Street, Sparrows Point MD 21219
Jackie Browning, 8803 Chesapeake Avenue, Baltimore MD 21219
Paul and Patricia Watson, 8811 Chesapeake Avenue, Baltimore MD 21219



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8808 Chesapeake Ave

which is presently zoned DR 5.5

(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

(This box to be completed by planner)

1. confirm that section 102.4 is not applicable because lots 68-73 are considered a single lot for zoning purposes; or,
2. to confirm that proposed access is not in conflict with section 102.4 and to permit access to local street via right of way.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Arnold Jablon

Name - Type or Print _____
Signature _____
Venable, LLP
Company
210 Allegheny Ave. 410 494 6298
Address _____ Telephone No. _____
Towson, Maryland 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Anthony Connelly

Name - Type or Print _____
Signature _____
Karen Connelly
Name - Type or Print _____
Signature _____
2814 12th St.
Address _____ Telephone No. _____
Sparrows Point, Md 21219
City _____ State _____ Zip Code _____

Representative to be Contacted:

Arnold Jablon

Name _____
210 Allegheny Ave., 410 494 6298
Address _____ Telephone No. _____
Towson, Maryland 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2008-0518-SPHA UNAVAILABLE FOR HEARING
REV 9/15/98 8.5.08 Reviewed By D.T. Date 5/1/08

DROP-OFF



CBCA

Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 8808 Chesapeake Ave
which is presently zoned DR 5.5

Deed Reference: 15782 / 346 Tax Account # 1900009319

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)

to permit a 15' front yard setback from existing right of way in lieu of required average of 32.8', pursuant to section 1B03.3C and section 303.1, BCZR, and see Petition for Special Hearing

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

to be determined at hearing

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Arnold Jablon

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Ave 410 494 6298

Address Telephone No.

Towson, Md 21204

City State Zip Code

Legal Owner(s):

Anthony Connelly

Name - Type or Print

Signature

Karen Connelly

Name - Type or Print

Signature

2814 12th St.

Address Telephone No.

Sparrows Point, Md 21219

City State Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 Allegheny Ave 410 494 6298

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Case No. 2008-0518-SPHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by D.T. Date 5/1/08

DROP-OFF

March 26, 2008

8808 Chesapeake Avenue

ZONING DESCRIPTION FOR
Anthony and Karen Connelly
2814 12th street
Baltimore, Maryland 21219-1624

Beginning at a point on the north side of Chesapeake Avenue, which is a 20-foot right-of-way at the distance of 365+/- feet west from the centerline of the intersection of Baylight Avenue. Thence the following courses and distances:

- | | | |
|----|----------------|------------|
| 1. | S 64 48' 12" W | 300.00 ft. |
| 2. | N 25 11' 48" W | 150.00 ft. |
| 3. | N 64 48' 12" E | 300.00 ft. |
| 4. | S 25 11' 48" E | 150.00 ft. |

To the Point of Beginning.

The Property (8808 Chesapeake Avenue) located in the 15th Election District, 7th Councilmanic District, is designated as Lots No. 68, 69, 70, 71, 72 and 73 as shown on the record plat "Shore Lots for Sale by Miller's Island Land Co." - record plat No. 7 Folio 26 and as recorded in:

<u>Deed</u>	<u>Tax Map</u>	<u>Parcel</u>
Liber 15782 Folio 346	112	5

Containing 1.033 acres of land more or less.



R. Alonzo Childress
Registered Professional Engineer
Maryland P.E. No. 10227

2008-0518-SPHA

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: #2008-0518-SPHA

8808 Chesapeake Avenue

N/side of Chesapeake Avenue, 265 feet west of centerline of Baylight Avenue

15th Election District — 7th Councilmanic District

Legal Owner(s): Anthony & Karen Connelly

Special Hearing: to confirm that Section 102.4 is not applicable because lots 68-73 are considered a single lot of zoning purposes; or to confirm that proposed access is not in conflict with Section 102.4 and to permit access to local street via right-of-way.

Variance: to permit a 15 foot front yard setback from existing right of way in lieu of the required average of 32.8 feet, pursuant to Section 1803.3C and Section 303.1, R02R.

Hearing: Monday, June 30, 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) 887-4386.

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

6/09/9 June 12

175603

CERTIFICATE OF PUBLICATION

6/12/, 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 6/12/, 2008.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **13981**

Date: **5/2/08**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	0000			0150				130.00

Total: **130.00**

Rec

From: **VENABLE LLP**

For: **2008-0518-52HA**

RROR CHESAPEAKE AVE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVE TIME USER
 5/02/2008 5/02/2008 11:19:27
 005 WALKIN DOOL OMD
 >>RECEIPT N 443014 5/02/2008 OPEN
 5 528 ZONING VERIFICATION
 013981
 Recpt Tot 4330.00
 \$130.00 CH 4.00 LG
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 2008-0518-SPHA

Petitioner/Developer: ANTHONY

KAREN CONNELLY

Date of Hearing/Closing: 6-30-08

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

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

Ladies and Gentlemen:

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

8808 CHESAPEAKE AVE

The sign(s) were posted on 6-14-08
(Month, Day, Year)

Sincerely,

Robert Black 6-18-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

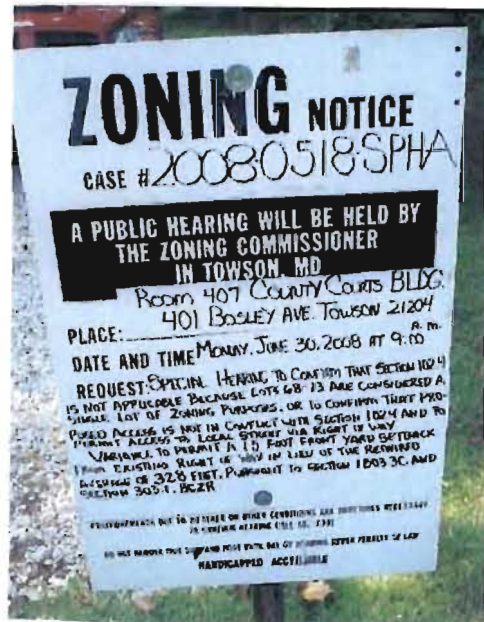
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2008-0518-SPHA

Petitioner: ANTHONY & KAREN CONNOLLY

Address or Location: 8508 CHESAPEAKE AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARNOLD JABLON

Address: VERMILION, CT

210 ALBANY AVE

TOWSON, MD 21204

Telephone Number: 410 494 6298



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 16, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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CASE NUMBER: 2008-0518-SPHA

8808 Chesapeake Avenue

N/side of Chesapeake Avenue, 265 feet west of centerline of Baylight Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Anthony & Karen Connolly

Special Hearing to confirm that Section 102.4 is not applicable because lots 68-73 are considered a single lot of zoning purposes; or to confirm that proposed access is not in conflict with Section 102.4 and to permit access to local street via right of way. Variance to permit a 15 foot front yard setback from existing right of way in lieu of the required average of 32.8 feet, pursuant to Section 1B03.3C and Section 303.1, BCZR.

Hearing: Monday, June 30, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21204
Mr. & Mrs. Connolly, 2814 12th Street, Sparrows Point 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 15, 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
Thursday, June 12, 2008 Issue - Jeffersonian

Please forward billing to:

Arnold Jablon
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6298

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: 2008-0518-SPHA

8808 Chesapeake Avenue

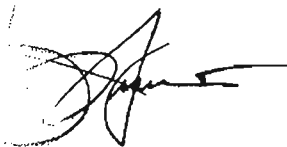
N/side of Chesapeake Avenue, 265 feet west of centerline of Baylight Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Anthony & Karen Connelly

Special Hearing to confirm that Section 102.4 is not applicable because lots 68-73 are considered a single lot of zoning purposes; or to confirm that proposed access is not in conflict with Section 102.4 and to permit access to local street via right of way. Variance to permit a 15 foot front yard setback from existing right of way in lieu of the required average of 32.8 feet, pursuant to Section 1B03.3C and Section 303.1, BCZR.

Hearing: Monday, June 30, 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
Arnold Jablon
Venable, LLP
210 Allegheny Ave.
Towson, MD 21204

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
June 24, 2008

Dear: Arnold Jablon

RE: Case Number 2008-0518-SPHA, Address: 8808 Chesapeake Ave.

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 1, 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:lnw

Enclosures

c: People's Counsel
Anthony & Karen Connelly, 2814 12th St., Sparrows Point, MD 21219

TB 6/30
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 10, 2008

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

SUBJECT: 8808 Chesapeake Avenue

INFORMATION:

Item Number: 8-518

Petitioner: Anthony and Karen Connelly

Zoning: DR 5.5

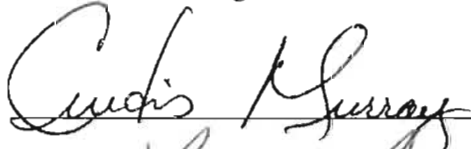
Requested Action: Special Hearing

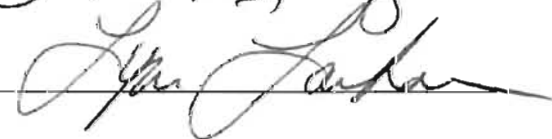


SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office does not oppose the petitioner's request, as it appears to reduce the impacts to environmentally sensitive areas. Petitioners should demonstrate rights to use of the existing right-of-way.

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

Prepared by: 

Division Chief: 
AFK/LL: CM

TB 6/30
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JUN 04 2008

BY:.....

TO: Timothy M. Kotroco

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

DATE: June 4, 2008

SUBJECT: Zoning Item # 08-518-SPH
Address Connelly Property
8808 Chesapeake Avenue

Zoning Advisory Committee Meeting of May 19, 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:

By reducing the front yard setback and keeping the lot size small, this design minimizes impacts to wetlands and forests that will be placed in a Chesapeake Bay Critical Area Easement.

Reviewer: Jonathan Bowman

Date: 5/23/08

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 21, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For May 26, 2008
Item No. 08-518

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

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:lrk

cc: File

ZAC-ITEM NO 08-518-05212008.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 20, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: May 19, 2008

Item No.: 518, 520-528, 530, and 532-534.

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

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

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

cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: MAY 20, 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. 8-518-SPHA
8808 CHESAPEAKE AVE.
CONNELLY PROPERTY
SPECIAL HEARING
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-518-SPHA.

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

Very truly yours,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
8808 Chesapeake Avenue; N/S Chesapeake *
Avenue, 365' W c/line Baylight Avenue * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Anthony & Karen Connelly* FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 08-518-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent 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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
02
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at 8808 Chesapeake Ave
River, property we own.

Anthony Colt Connelly
Anthony (Colt) Connelly

4/22/08

Karen Connelly
Karen Connelly
(Owners)

2814 12th St., Sparrows Point, Maryland 21219
address

2008-0518-SPHA

CASE NAME _____
CASE NUMBER 2008-0518-SPHA
DATE 6-30-08

[illegible]

CASE NAME _____
CASE NUMBER 7008-0518-5PH A
DATE 6-30-08

[illegible]

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
NE/S Bay Drive, 335' NW of the c/l	
Cuckold Point Road	* ZONING COMMISSIONER
(Lot 558 of Swan Point)	
15 th Election District	* OF BALTIMORE COUNTY
7 th Council District	
	* Case No. 06- 329 -SPH
Anthony C. (Colt) Connelly, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed for the property known as Lot 558 of Swan Point. The Petition was originally filed by Anthony C. (Colt) Connelly, and his wife, Karen Connelly, through their attorney, Arnold Jablon, Esquire; however, subsequent to filing the Petition, they sold the property to Linda K. Kropp. As filed, the Petition for Special Hearing seeks a determination that the proposed access to Lot 558 is not in conflict with Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Linda Kropp, property owner, and her attorney Arnold Jablon, Esquire. Also appearing were Willi Bickford, Realtor, and David Flowers, the Land Planner and Zoning Consultant, who prepared the site plan for this property. Eric Rockel, with the Bureau of Land Acquisition, and W. Carl Richards, Jr., Supervisor of the Zoning Review Division of the Department of Permits and Development Management, appeared and testified on behalf of the Petitioner. Mr. & Mrs. Frederick H. Kotrla, who reside immediately across from the subject property, appeared as interested citizens. There were no Protestants or other interested persons present.

PETITIONER'S EXHIBIT 7

Testimony and evidence offered disclosed that the subject property is an irregular shaped, waterfront parcel located at the end of Bay Drive at the terminus of the peninsula known as Swan Point in Millers Island. The property is known as Lot 558 of Swan Point and has frontage on Back River to the west and Hawk Cove to the east. The property contains a gross area of 8,863 sq.ft. (or 0.204 acres), more or less, zoned D.R.5.5 and is presently unimproved; however, has the availability of public water and sewer. The dimension and shape of the property are more particularly shown on the site plan.

As noted above, the Petitioner recently purchased the property and is desirous of developing the lot with a single-family dwelling. As shown on the site plan, the proposed house will be 30' wide by 40' deep, and will meet all setback requirements imposed by the B.C.Z.R. as well as Chesapeake Bay Critical Areas regulations. At issue is the proposed driveway access. While Bay Drive is shown on the plat as running to the water's edge past the subject property, the paved portion of the right-of-way, which is publicly maintained, stops in front of the adjacent lot (Lot 559). Thus, access to the property is proposed by way of a 15-foot stone driveway that would extend from the end of Bay Drive, past Lot 559 and into the south (front) side of the subject lot. Landscaping will be provided to the west and south of the driveway to restrain the general public's use of the unimproved right-of-way area. In this regard, Mr. & Mrs. Kotrla testified that they have maintained this area along with their own property for some 30 years. They expressed concern that this area might be used by others to dump trash and for other undesirable purposes and requested that landscaping be shown on the site plan.

Relief is requested as set forth above to determine that the proposed access is not in conflict with Section 102.4 of the B.C.Z.R. and Section 32-4-409(c) of the Baltimore County Code (B.C.C.). Section 102.4 provides that "No dwelling shall be built on a lot containing less than 20,000 sq.ft., which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel, except as provided for panhandle lots" (see Section 32-4-409 of the Baltimore County Code).

As noted above, Eric Rockel and Carl Richards appeared and testified on behalf of the Petitioner. They testified regarding the right-of-way for Bay Drive, which is more particularly shown on the record plat of Swan Point (Petitioner's Exhibit 2), and the requirements of Section 102.4. They opined that since the right-of-way had been previously established in 1925, access approval could and should be permitted, both in accordance with Section 32-4-409(c) of the B.C.C. and Section 102.4 of the B.C.Z.R. Mr. Rockel pointed out that this situation is common in the neighborhood and exists at the road ends of 1st Street through 12th Street in this subdivision. Mr. Richards indicated that his office is not concerned about the 30-foot right-of-way width set out in Section 102.4 of the B.C.Z.R. as the width of Bay Drive has been shown on the plat as 25 feet since the 1920s.

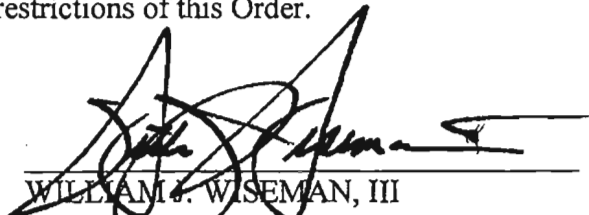
After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the relief requested is appropriate in this instance and that the requirements of Section 102.4 of the B.C.Z.R. will be met. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and no one appeared in opposition to the request. As noted above, the proposed dwelling will meet all setback requirements, including those imposed by Chesapeake Bay Critical Areas regulations. Moreover, the proposed development is consistent with others in the neighborhood where access to the homes is provided in a similar fashion and will not adversely impact adjacent properties or the surrounding locale. Thus, I am persuaded that the relief requested is appropriate in this instance and should therefore be granted.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of February 2006 that the proposed access to Lot 558, as shown on Petitioner's Exhibit 1, is not in conflict with Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and as such, the relief requested in the Petition for Special Hearing be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. See attached comments from the Department of Environmental Protection and Resource Management and Development Plans Review division of DPDM.
- 3) Landscaping shall be provided around the proposed driveway in accordance with that shown on the site plan.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:bjs



WILLIAM F. WISEMAN, III
Zoning Commissioner
for Baltimore County



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

DAVID A.C. CARROLL, *Director*
Department of Environmental Protection
and Resource Management

March 31, 2008

Mr. John Canoles
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

Re: Connelly Property
8808 Chesapeake Avenue
Critical Area Variance
Tracking # 07-08-610

Dear Mr. Canoles:

The Department of Environmental Protection and Resource Management (DEPRM) has received your variance request to construct a single-family dwelling on six previously recorded lots, which contain non-tidal wetlands. The Director of DEPRM may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. A strict enforcement of the buffer requirements of the Chesapeake Bay Critical Area Regulations (Sections 33-2-401-33-2-405) would preclude building a residence on this property, thus denying reasonable use of the entire property. Therefore, this criterion has been met.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. Similarly constrained properties have received the same consideration when all variance criteria had been met. Therefore, this criterion has also been met.

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. Other lands within the Critical Area have received variances to allow construction of a dwelling in wetlands and buffer where no alternatives existed to avoid these impacts and all other variance criteria were met. Therefore, granting a variance for development of this site would not confer special privileges upon the applicant, and this criterion has been met.

The fourth criterion requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. The constraints are attributed to lots that were created prior to inception of Chesapeake Bay Critical Area regulations. Therefore, the request is not based upon conditions or circumstances that are the result of the applicant's actions, and this criterion has been met.

The fifth criterion requires that granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Chesapeake Bay Critical Area regulations. Developing this property will have an adverse effect on water quality, fish plant and wildlife habitats. However, it is clear that the proposed development has been sized and located so as to minimize resource impacts as much as possible and both onsite and offsite mitigation for the unavoidable impacts is proposed.

Based upon our review, this Department finds that the first four of the above criteria have been met, and that the fifth criterion can be met by mitigating as specified below. Therefore, the requested variance is hereby approved in accordance with Section 33-2-205 of the Baltimore County Code with the following conditions:

1. The following note must appear on all subsequent plans and plats:

“A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) from certain requirements of the Critical Area Regulations. The Critical Area Easement shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including fencing and posting of the remaining Critical Area Easement and forested wetland creation at a DEPRM approved location.”

2. The 7,088 square feet of forest clearing shall be mitigated at 3:1 by paying a fee-in-lieu to Baltimore County in the amount of \$8,505. The fee-in-lieu shall be paid prior to DEPRM approval of any Baltimore County permit application.

3. The 4,997 square feet of forested wetland impacts shall be mitigated at 3:1 by purchasing 14,991 square feet of forested wetland creation credit at the Wilkerson Wetland Mitigation Bank. The purchase of the credits shall be made and performance security for the wetland creation posted prior to DEPRM approval of any Baltimore County permit application.
4. An Environmental Agreement must be executed with DEPRM at the time of security posting; again, this shall be completed prior to any grading or building permit issuance. Release of the wetland creation security shall be in accordance with the enclosed policy.
5. The Critical Area Easement shall be protected during construction via installation of high visibility fence along the limit of disturbance. This fence must be inspected and approved by DEPRM prior to issuance of any grading or building permit.
6. A permanent fence shall be installed along the limit of the Critical Area Easement prior to issuance of the Use and Occupancy Certificate for the lot. The design of this fence is at the owner's decision; however, it must be permanent (e.g. split rail, board fence, vinyl privacy, chain link, etc.).
7. The Critical Area Easement shall be permanently posted at 50-foot intervals or at any of its corners with "Critical Area Easement - Do Not Disturb" signs. The limits of this easement shall be clearly marked in the field with permanent below grade markers to facilitate identification of easement limits. The aforementioned "Do Not Disturb" signs should be installed as "witness" posts near each rebar location. The signs and monuments also must be installed prior to issuance of any Use and Occupancy Certificate. Information regarding these signs is enclosed for the owner's use.
8. All land outside of the limit of disturbance on lots 68-73 as well as lot 1 on the waterfront shall be placed in a Critical Area Easement, as these lots are entirely forest, wetlands, and/or buffer. This easement and the associated Declaration of Protective Covenants shall be recorded in the Land Records of Baltimore County via the right of way plat process. Prior to issuance of a building permit, the plat package must be accepted for recordation by this Department and the Bureau of Real Estate. The recordation must be complete prior to issuance of a Use and Occupancy Certificate.
9. A revised plan accurately showing the Critical Area Easement, and variance conditions specified above must be submitted to DEPRM through Permits and Development Management prior to DEPRM approval of any permit application.

10. Documentation of Maryland Department of the Environment (MDE) authorization to impact wetland and buffer must be received by DEPRM prior to any disturbance onsite.

It is the intent of this Department to approve this variance subject to the above conditions. Changes in site layout may require submittal of revised plans and an amended variance request. Please sign the statement below, and then return the revised plot plan and the letter to this Department c/o Mrs. Regina Esslinger of Environmental Impact Review. Failure to return a signed copy of this letter and a revised plan may result in delays in processing of permits or other development plans for the subject property, and may render this variance null and void.

If you have questions regarding this project, please contact Jonathan Bowman at 410-887-3980.

Sincerely,



David A. C. Carroll
Director

DACC:jdb

Enclosures (2)

c: Ms. Julie Roberts, Critical Area Commission
Ms. Regina Esslinger, DEPRM
Mr. James Tilley, MDE

I/We have read and agree to implement the above requirements to bring my/our property into compliance with Chesapeake Bay Critical Area regulations.

Anthony C. Connelly 4/8/08 Karen Connelly 4/8/08
Owner's Signature Date Co-owner's Signature Date

ANTHONY C. CONNELLY KAREN CONNELLY
Owner's Printed Name Co-owner's Printed Name

Easement Sign Specifications & Suppliers

The companies listed below have agreed to stock signs for "Forest Buffer", "Forest Conservation Area", and "Chesapeake Bay Critical Area Easement". The new specifications include :

6" x 8" size

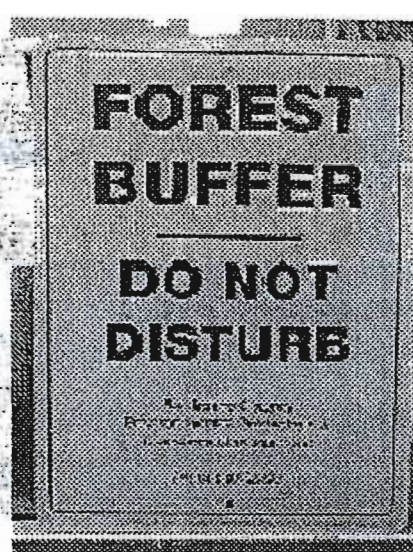
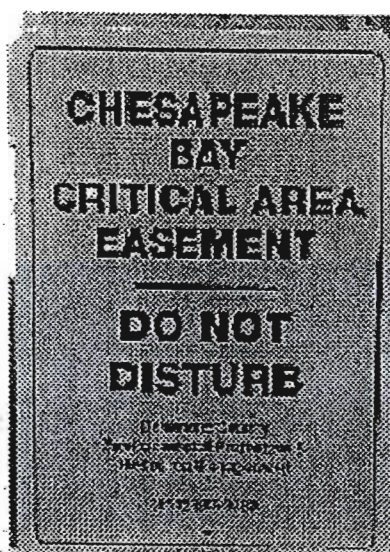
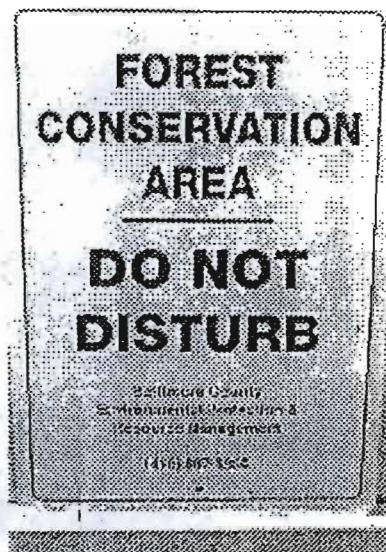
.040 ga. Aluminum

green on white background

center hole top & bottom

wording that includes DEPRM's name & EIR's phone #

use this



*SIGNS SHALL BE POSITIONED APPROXIMATELY 4-FEET OFF THE GROUND ON METAL POSTS.
*AFFIX SIGNS USING METAL BOLTS.

COMPANIES

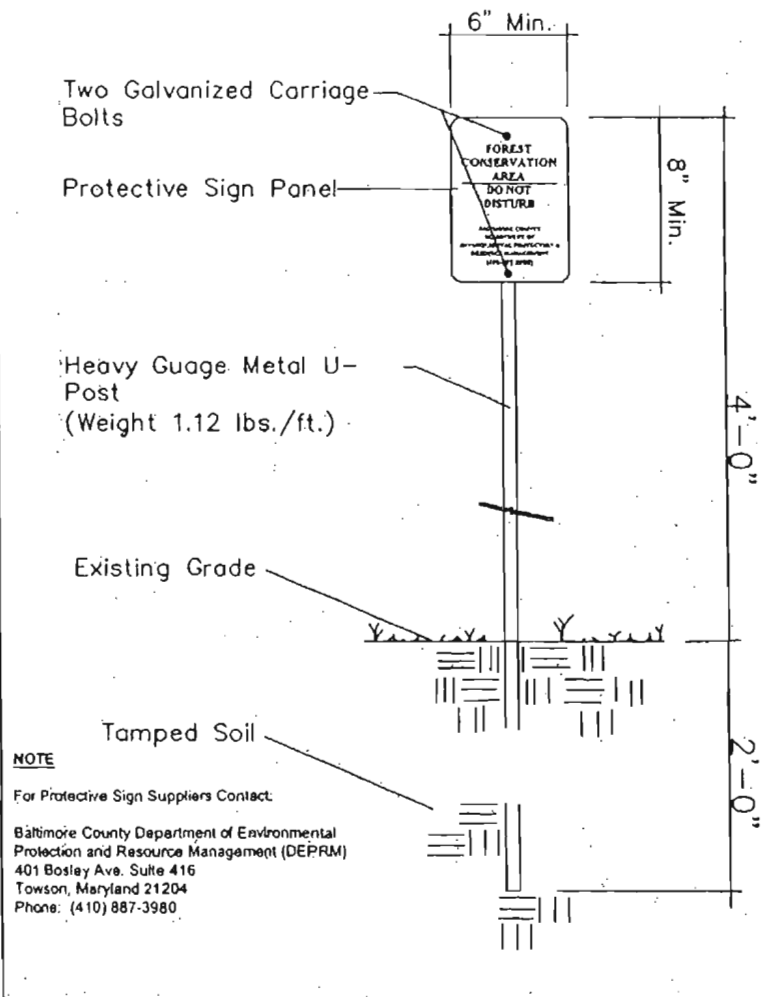
Hunt Valley Signs, 10815 Beaver Dam Rd., Hunt Valley, MD 21030 410/785-9201

Shannon-Baum Signs, 105 Competitive Goals Dr., Eldersburg, MD 21784 410/781-4000

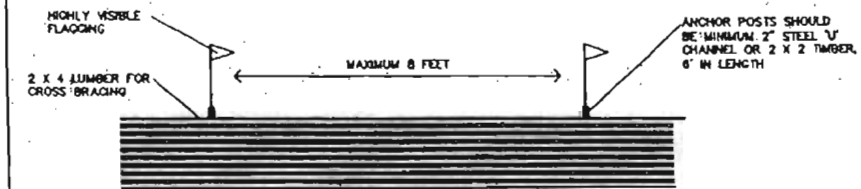
Signsations, 1941 Greenspring Dr., Timonium, MD 21093 410/453-9003

The Tree Company, 20 N. Beaumont Ave., Catonsville, MD 21228 800/880-6295

Protective Signage



Blaze Orange Plastic Mesh TREE PROTECTION FENCING



RELEASE OF SECURITIES POSTED FOR FOREST CONSERVATION

1. After completion of the planting in accordance with the approved plan, certification of completion, prepared by a licensed forester, licensed landscape architect, or other qualified professional must be submitted to the Department of Environmental Protection and Resource Management (DEPRM). The three year maintenance period begins at this time. No money is released at this time.
2. At the end of the first year of the maintenance period, the developer must request an inspection by DEPRM. Upon inspection and correction of any deficiencies, 25% of the original security may be released.
3. At the end of the second year of the maintenance period, the developer must request an inspection by DEPRM. Upon inspection and correction of any deficiencies, 25% of the original security may be released.
4. At the end of the three year maintenance period, final certification prepared by a licensed forester, licensed landscape architect, or other qualified professional must be submitted to DEPRM. Upon inspection and approval by DEPRM, the remaining 50% of the original security may be released.

All inspections by DEPRM will be conducted within 45 days of receipt of certification. Required corrections must be addressed prior to security reduction at each stage.

Eco-Science
Professionals, Inc.
Consulting Ecologists



P.O. Box 5006 Glen Arm, Maryland 21057

Telephone (410) 832-2480 Fax (410) 832-2488

FAX MEMORANDUM

June 27, 2008

TO: Mr. Dave Flowers c/o Arnold Jablon; Venable
fax #: (410) 821-0147
pages: 5

FROM: John Canoles

RE: Connelly

Unfortunately the communications about the project have been less than formal since the original discussions. I have an email attached which indicates that James Tilley was going to issue the Letter of Intent for the project. Based on the March 14 letter we simply need to provide copies of the final plans or documentation of the SWM waiver to be issued the permit.

I am not sure where you guys are in the process with the County but if we can get that information we should be good to go. If you need something more formal from MDE I can try to get that. The problem is that James Tilly has now left MDE so we will have to process with a new reviewer.

PETITIONER'S EXHIBIT 7

Subj: **Re: Chesapeake Ave - Connolly Property Tracking # 200860439**
 Date: 2/27/2008 3:19:35 P.M. Eastern Standard Time
 From: JTilley@mde.state.md.us
 To: ESPIJC@aol.com
 CC: jbowman@baltimorecountymd.gov

Hi John,

Thank you for checking this. Since Japanese Honeysuckle is FAC- rather than FAC, I concur that the area should be left as upland. This is because the area is dominated by sweet gum (FAC), Japanese honey suckle (FAC-), multiflora rose (FACU), and Greenbrier (FAC). Since the dominants are 2:2 (FAC or wetter : FAC- or drier), the area does NOT have MORE than 50% of dominant hdrophytic vegetation.

I apologize for the error. Thank you for correcting it.

I will issue a letter of intent ASAP once Dave Walbeck approves the mitigation proposal.

James
 410.537.3788

>>> <ESPIJC@aol.com> 02/27/08 12:58 PM >>>
 James/Jonathon

Just wanted to follow up with our meeting. After checking the indicator lists I realize that we were making the site wetter than it needed to be - the following corrections to our thoughts should be considered prior to changing the delineation-

Japanese honeysuckle is FAC- not FAC and while I still do not think that vines along the edge of a system should be given a lot of credence, it may change the way James looks at the area that we discussed changing.

Sweet gum - is a FAC not a FACW. This too lessens the strength of the vegetative parameter in this location.

Bush Honeysuckle - L. tartarica is a FACU- and Multiflora rose is FACU

I apologize for not having these corrections in my head at the time. I was deferring to James as my memory for these things is not always 100 percent and I hate to argue a point when I am not 100 percent sure.

Given the corrected indicator status I would suggest that the original wetland line along the property limits is correct. The area that was shown as being upland was dominated by Japanese honeysuckle (FAC-), multiflora rose (FACU) and Sweetgum (FAC). Please let me know if you concur with my opinion in this matter.

Thanks -

John

***** Ideas to please picky eaters. Watch video on AOL Living.
 (http://living.aol.com/video/how-to-please-your-picky-eater/rachel-campos-duffy/
 2050827?NCID=aolcmp00300000002598)

The information contained in this communication may be confidential, is intended only for the use of the recipient



MARYLAND DEPARTMENT OF THE ENVIRONMENT

MDE

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

WATER MANAGEMENT ADMINISTRATION
NONTIDAL WETLANDS AND WATERWAYS DIVISION
Suite 430
Phone # 410-537-3745
Fax # 410-537-3751

Robert M. Summers, Ph.D.
Deputy Secretary

March 14, 2008

Mr. John Canoles
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

Application Number: 08-NT-0034/200860439
Project: Connelly, Anthony/Single Family Home

Dear Mr. Canoles:

The Nontidal Wetlands and Waterways Division (the "Division") has completed a preliminary review of the referenced application for an activity in a floodplain, waterway, nontidal wetland or buffer. At the present time, the application is incomplete. Prior to rendering an application decision, the following information is needed to complete the review of the application.

- 1) The application has been forwarded to Maryland's Department of Natural Resources (DNR), Wildlife and Heritage Service, because the Division's screening database indicates that the property contains a Sensitive Species Project Review Area (SSPRA). SSPRA is a digital data layer that primarily represents the general locations of documented rare, threatened and endangered species. The Division will await comments from DNR prior to rendering an application decision.
- 2) Please provide proposed stormwater management plans or copies of any exemptions for this requirement that you may have received from Baltimore County.
- 3) Please provide proposed grading, erosion and sediment control plans that include the following additional information:
 - a. limits of any nontidal wetlands, nontidal wetland buffers, and waters of the State (including the 100-year frequency floodplain) and waters of the United States;



- b. limits of disturbance and sediment controls that adequately protect aquatic resources;
- c. "Best Management Practices for Working in Nontidal Wetlands, Wetland Buffers, Waterways, and 100-Year Floodplains (enclosed);" and
- d. sequence of construction.

Once the Division determines that the application is complete and if the Division renders a favorable application decision, you will be required to provide the following information.

- 4) Documents (e.g. Deed of Easement; Declaration of Restricted Covenants) demonstrating that the undisturbed nontidal wetlands on the property will be preserved in perpetuity on the record plat. A sample Declaration of Restricted Covenants is enclosed for your reference.
- 5) The Mitigation Section of the Division has approved your proposal to use the Nontidal Wetlands Compensation Fund to satisfy mitigation requirements for proposed impacts. Confirmation of sufficient payment to the Nontidal Wetlands Compensation Fund would be required prior to an authorization. The amount of mitigation required for proposed permanent impacts to 4,997 square feet of forested nontidal wetlands would be 9,994 (2:1) square feet of forested nontidal wetlands. The amount of money owed, based on \$56,400 per acre of mitigation required in Baltimore County, would be \$12,939.89. The enclosed "Nontidal Wetland Compensation Fund Waiver" form and a bank certified check should be submitted. Also enclosed are "Instructions for Wetland Compensation Fund Payments" for your reference.
- 6) Approved stormwater management plans or copies of any exemptions for this requirement that you may have received from Baltimore County.
- 7) Approved grading, erosion and sediment control plans that include the information listed in comment #3 of this letter.

Please provide two copies of the requested information and reference the application tracking number on all correspondence pertaining to this project. As soon as this information is provided, review of your application will be promptly continued. If we do not hear from you within 120 days of the date of this letter, it will be assumed that you are no longer pursuing authorization of your project. Processing your application will be suspended, and the application will be returned to you and considered to be withdrawn. If you then wish to pursue authorization for your project, it will be necessary to submit a new joint State/Federal application to the Regulatory Services Coordination Office. The application will receive a new tracking number, and will be evaluated based on the regulations and policies in effect on the new receipt date.

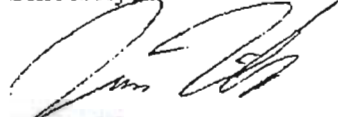
Mr. John Canoles

3/14/2008

Page 3

If you have any questions regarding the above comments, please contact me at (410) 537-3788 or by e-mail at jtilley@mde.state.md.us.

Sincerely,



James Tilley

Natural Resources Planner

Nontidal Wetlands and Waterways Division

Enclosures: Best Management Practices for Working in Nontidal Wetlands, Wetland Buffers, Waterways, and 100-Year Floodplains; sample Declaration of Restricted Covenants; Nontidal Wetland Compensation Fund Waiver; Instructions for Wetland Compensation Fund Payments.

Cc: Mr. Anthony Connelly (without enclosures)

Mr. Jonathan Bowman, Baltimore County Department of Environmental Protection
and Resource Management (without enclosures)





A

PETITIONER'S EXHIBIT 11
A + B



11
8817

B

(1)



C

PETITIONER'S EXHIBIT ____
C + D



D



E

PETITIONER'S EXHIBIT _____
E - F



8811

F



b/t 8807
+ 8811 was
across to
water

G

PETITIONER'S EXHIBIT _____

G - H



H

#8807



8803

I

PETITIONER'S EXHIBIT ____

I - J



J



K

PETITIONER'S EXHIBIT ____

K-P → the into



L



M

PETITIONER'S EXHIBIT _____

M - N



N



O

PETITIONER'S EXHIBIT ____

O - P



P



AT&T Co.	LONG LINES DEPT.
WASHINGTON, D.C.	DRAWN BY: GSH
CHECKED BY:	
ISSUE 1	OCT. 24, 1921
ISSUE 2	OCT. 26, 1921
ISSUE 3	

NOTES:
LOCATIONS OF STAKES FOR PROPOSED POLES WHICH ARE TO BE ON PROPERTY LINES WERE GIVEN BY J. SPENCE HOWARD. RETRACED FROM PRINT OF LATEST PLAT AS GIVEN BY MR. GILBERT, OCTOBER 21, 1921.
Location Approved
Harry S. Gilbert, Pres.
Nov. 14, 21.

SYMBOLS
PRESENT LOCATION
PROPOSED LOCATION

LARCHMONT

SUBDIVIDED BY
THE LARCHMONT Co.
2 EAST LEXINGTON STREET BALTIMORE, MD.

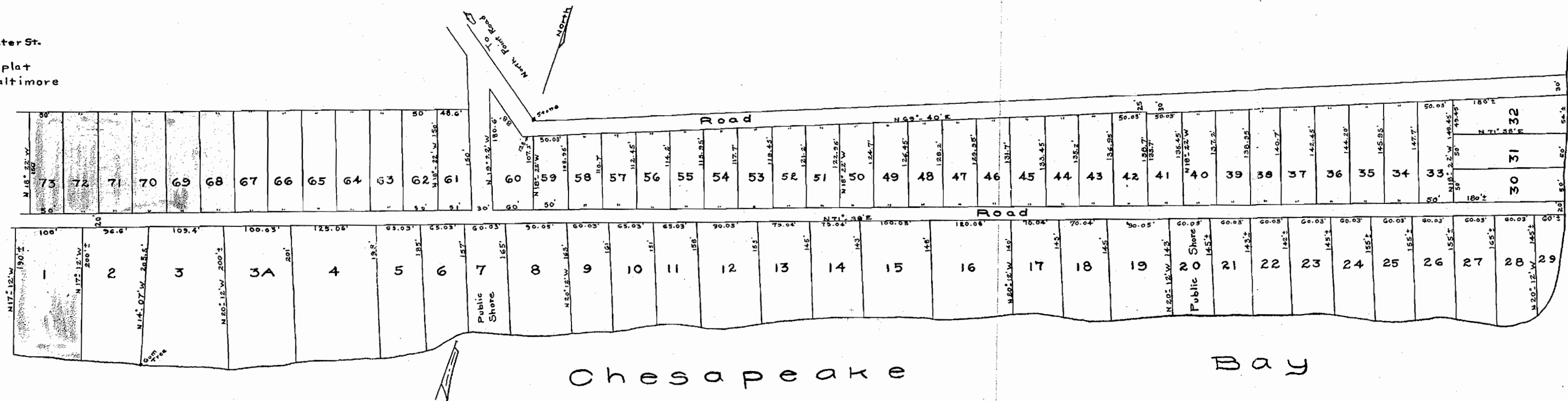
NEW YORK — WASHINGTON LINE.
RELOCATION OF POLES 9145-9191.
ACCOUNT PROPERTY IMPROVEMENTS.

Plat accompanying deed from
The Larchmont Company to the
American Telephone & Telegraph Company
Filed for record November 12th 1921
Test — Wm. Cole Clerk

DIV. 1 DIST. 22 DWG. 1055.

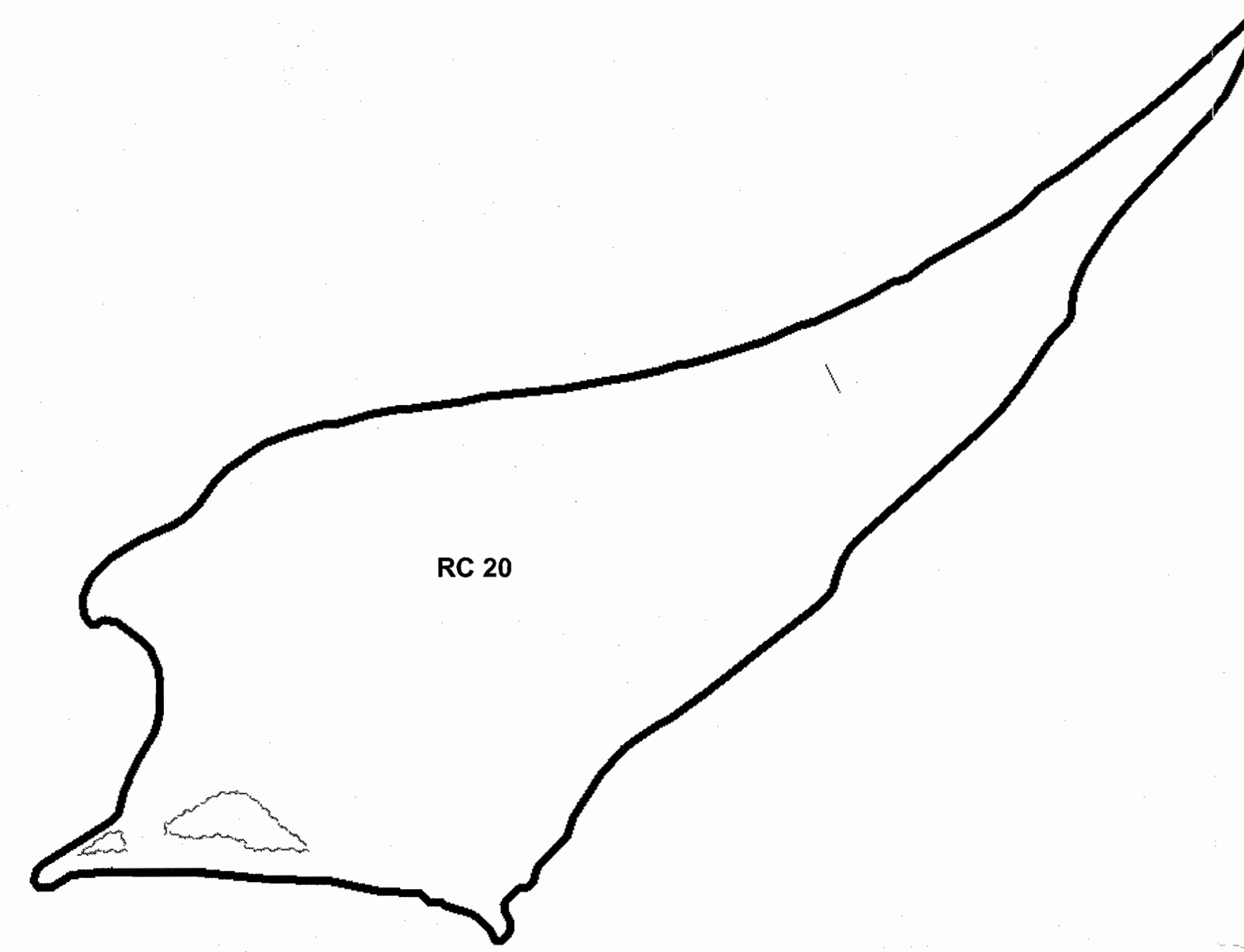
Plat of
Shore Lots for sale by
Miller's Island Land Co.,
T.B. Williams, 1161 Calvert Bldg., G.M. Stengel, 206 Water St.
Baltimore, Md.
Not et. Lots 1 to 29, inclusive, were shown on a plat
heretofore filed in the Land Records of Baltimore
County in Plat Book W.P.C. No. 7 Feb. 14

Scale, 1" = 100'



Plat accompanying deed from
Thomas B. Tisdale to
Louis H. Stetson
Filed for record January 18th 1922
Test — Wm. Cole Clerk

Thos. H. Disney, Surveyor.
July 5, 1921 & Jan. 3, 1922.



Plan Sheet: 112B2

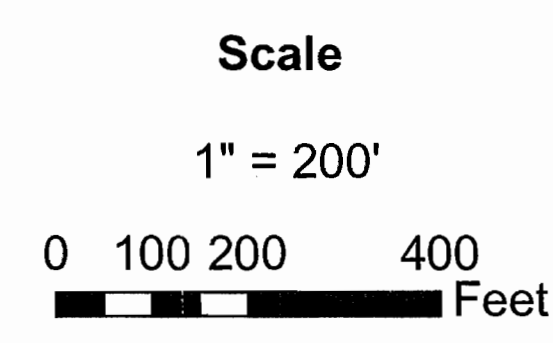
Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is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

Legend

- Zoning
- Streams
- Vegetation
- Buildings
- Roads
- Rail Lines

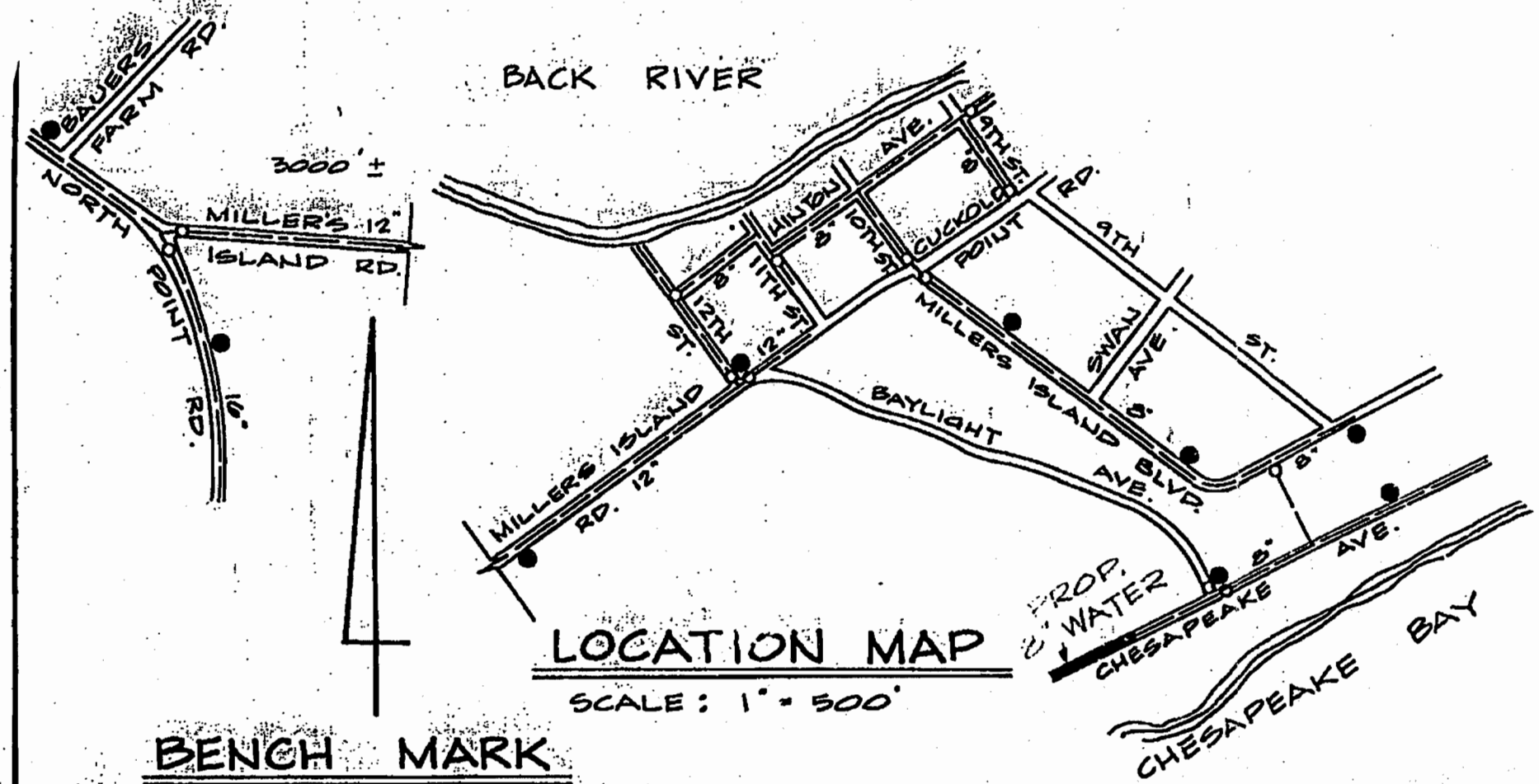
**Baltimore County
Office of Planning and Zoning
Official Zoning Map**

111C1	112A1	112B1	112C1	118A1
111C2	112A2	112B2		
111C3	112A3	112B3		



1

Data Sources:
Planometric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photograph
Zoning - Baltimore County Office
1:2400, 2004

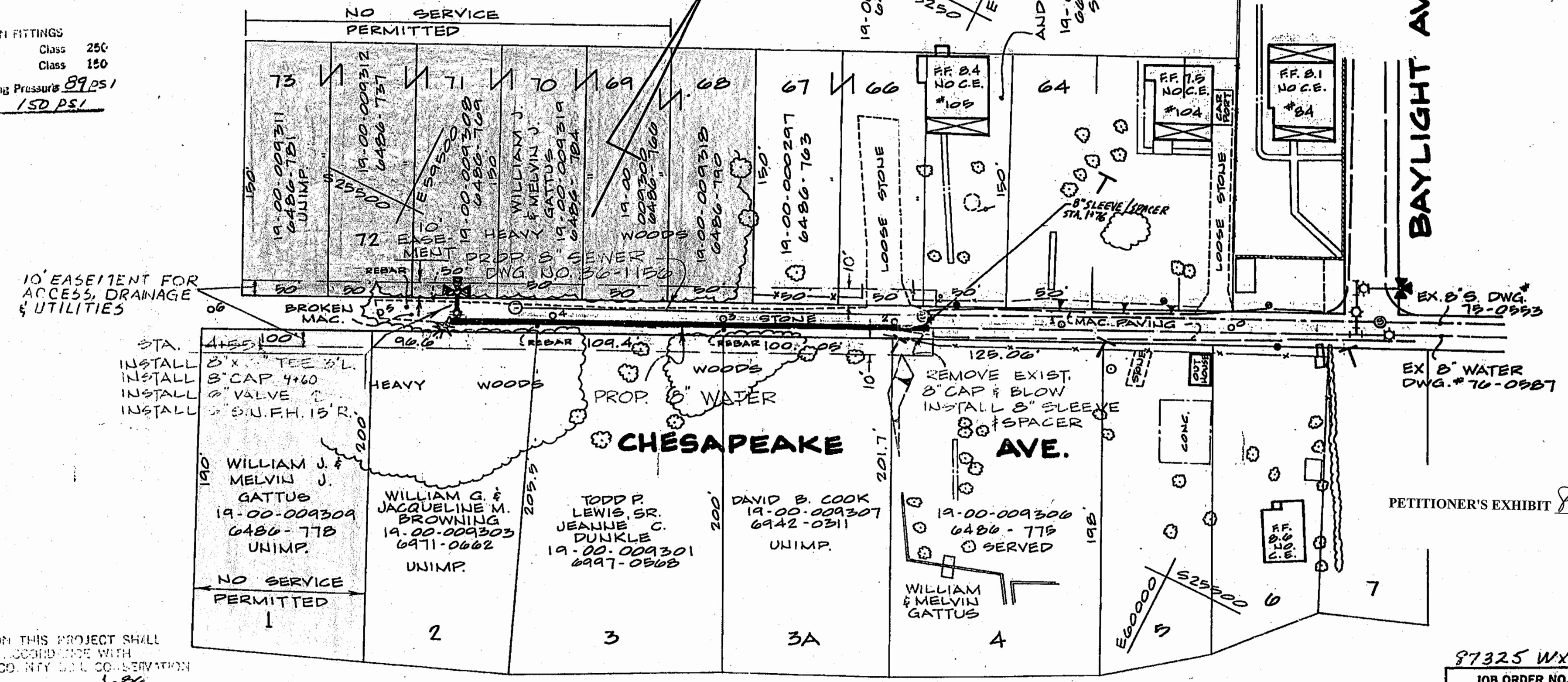


BILL OF MATERIALS		
No.	DESCRIPTION	SIZE
1	SLEEVE & SPACER	8"
1	TEE	8"x6"
1	VALVE	6"
1	SN.F.H.	6"
1	CAP	8"

DUCTILE IRON PIPE
8" Class 24 Thickness 0.39"
6" Class 24 Thickness 0.37"

CAST IRON FITTINGS
6" Class D Class 250
Class D Class 150
Normal Operating Pressure 89 PSI
Test Pressure 150 PSI

PROP 8" WATER MAIN TO HAVE 3.0 FT OF COVER
TO PROVIDE CLEARANCE FOR SANITARY
HOUSE CONNECTIONS



BENCH MARK
HUB NO. 15905 ELEV. 5905
RAILROAD SPIKE IN MAC. SE
SIDE CHESAPEAKE AVE. & BAYLIGHT

DESIGN CRITERIA
INDIVIDUAL DWELLINGS 6
ESTIMATED POPULATION 21
ESTIMATED WATER USE 90 G.P.C.D.
TOTAL ESTIMATED WATER USE 1890 G.P.D.

CITY OF BALTIMORE	
DIRECTOR DEPT. OF PUBLIC WORKS	DATE 6/30/87
CHIEF, WATER ENG. DIV. BUREAU OF WATER AND WASTE WATER	DATE 6/29/87
DATE 8-8-86	RIGHT OF WAY 86-155
REF. 7644	ROAD PERMIT AND GRADES PERMIT REQUESTED PERMIT NUMBER GRADE ESTABLISHED PROFILE NUMBER 72-0569
P. W. A. DIR. NO. 7644	CONTRACT NO. 3-2-721
REVISED AS PER RECORD PRINT J.O. DRAFTSMAN DATE 3-2-721 KEVIN SCOTT 4-7-87	BUREAU OF ENGINEERING DESIGNED G.J.D. DRAWN G.J.D. CHECKED J.W.P.
DEPARTMENT OF PUBLIC WORKS APPROVED [Signature] DIRECTOR DATE 6/4/87	APPROVED [Signature] CHIEF DATE 6/3/87

ALL WORK ON THIS PROJECT SHALL
BE DONE IN ACCORDANCE WITH
BALTIMORE COUNTY DIST. CONSERVATION
DISTRICT PERMIT NO. 1-86

LEVEL BK. A-NE, AA-NW	KEY SHEET 265E40	DATE 2/5/88	REVISION BY	SCALE 1" = 50'	BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING CHESAPEAKE AVE. 500 FT. WEST OF BAYLIGHT AVE. SUBDIVISION SWAN POINT EL. DISTRICT NO. 15 C-7 BALTIMORE COUNTY TYPE NUMBER 2	87325 WX1 JOB ORDER NO. 3-2-721 SHEET 1 OF 1 DWG. NO. 80-1155 FILE: 3 MICROFILMED
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