

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

S side of Riverside Drive, 5 feet SE to *
c/line of intersection of Taylor Avenue *
15th Election District *
7th Councilmanic District *
(516 Riverside Drive) *

Michael Kraus *
Legal Owner

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
CASE NO. 2012-0022-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by the legal property owner, Michael Kraus. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a gravel surface in lieu of the required durable and dustless surface. In addition, the Petitioner is requesting variance relief from Section 409.6.A of the B.C.Z.R. to allow 13 parking spaces in lieu of the required 17 parking spaces. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the Special Hearing and Variance requests was Michael Kraus and Robert Infussi with Expedite, LLC, who is assisting the Petitioner with the permitting process. Also in attendance was William Bafitis with Bafitis & Associates, Inc., the professional engineer who prepared the site plan. There were no Protestants or other persons present, and the file does not contain any letters of protest or opposition from neighboring owners.

Testimony and evidence offered revealed that the subject property consists of 17,606 square feet (or .404 acre), zoned D.R.5.5 and is located in the Essex area of the County. The

ORDER RECEIVED FOR FILING

9-30-11

23

Date

By

property is used as a boatyard and is also the Petitioner's residence. The property contains 24 boat slips.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review (DPR), dated August 9, 2011, as follows: the base flood elevation for this site is 7.7 feet [NAVD 88]. The flood protection elevation for this site is 8.7 feet. The proposed entrance road width should be reduced to 18 feet so that there will be 4 feet of space between the entrance road and the property line of 518 Riverside Drive. If this is done and the 4 foot wide space is landscaped, they can support using a gravel surface rather than a durable, dustless surface. Petitioner should contact Avery Harden, Baltimore County Landscape Architect, for landscaping requirements.

ZAC comments were also received from the Department of Environmental Protection and Sustainability (DEPS), dated August 22, 2011. The subject property is located within the Chesapeake Bay Critical Area, and as such B.C.Z.R. Section 500.14 is applicable. As required by that section, DEPS submitted written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. The proposed gravel surface meets the definition of lot coverage as defined in Natural Resources Article §8-1802(a)(17). The existing lot coverage on this property appears to exceed the maximum allowance for this property and that amount cannot be increased. To minimize impacts on water quality, lot coverage requirements must be met. Reduction of the required number of parking spaces will help reduce lot coverage, but it appears that other lot coverage removal would be required. By meeting the lot coverage requirements, the proposal will result in minimal impacts to water quality, but gravel use in place of a durable and dustless surface will not result in any additional benefits based on Critical Area requirements.

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Date

9-30-11

By

203

2. Conserve fish, wildlife, and plant habitat; and

This waterfront property is located within a Buffer Management Area (BMA) of the Critical Area. The applicant's plan accompanying this zoning petition shows that the proposed parking area is located outside of the 100-foot tidal buffer. With no new lot coverage proposed within the tidal buffer, and by meeting lot coverage and planting requirements, buffer functions can be maintained and conserve fish habitat in Back River.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal can be consistent with this goal and with established land-use policies provided that the applicants meet the requirements stated above, and any applicable water dependent facility requirements.

As to the variance relief, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner. Indeed, the boatyard has long operated with the existing 13 parking spaces, and the Petitioner testified he has never experienced a parking overflow.

I further find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety, and general welfare. Thus, I find that the variance 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).

I am also persuaded to grant the requested Special Hearing relief. The small driveway area shown on Petitioner's Exhibit 1 has always had a gravel surface, and it is preferable from an environmental perspective (especially in the Critical Area) to limit impervious surfaces. Mr. Dennis Kennedy, Supervisor of the Bureau of Development Plans Review, was also supportive of this request, provided certain requirements were met, and the relief granted will be so conditioned.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's requests for Special Hearing and Variance should be granted.

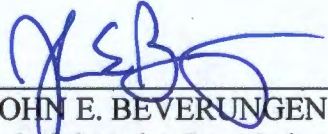
THEREFORE, IT IS ORDERED this 30 day of September, 2011 by the Administrative Law Judge, that Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a gravel surface in lieu of the required durable and dustless surface, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Variance relief requested pursuant to Section 409.6.A of the B.C.Z.R. to allow 13 parking spaces in lieu of the required 17 parking spaces, be and is hereby GRANTED.

The relief granted is subject to the following conditions:

1. Petitioner may apply for his permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until 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. Any improvements shall be designed and constructed so as to meet the applicable provisions of the Baltimore County Fire Prevention Code, Council Bill 48-10.
3. Compliance with the ZAC comments made by the Department of Environmental Protection and Sustainability (DEPS), dated August 22, 2011, and the Bureau of Development Plans Review (DPR), dated August 9, 2011; copies of which are attached hereto and made a part hereof.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

BALTIMORE COUNTY, MARYLAND

RECEIVED

AUG 22 2011

Inter-Office Correspondence

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: August 22, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-022-SPHA
Address 516 Riverside Drive
(Kraus Property)

Zoning Advisory Committee Meeting of August 1, 2011.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. The proposed gravel surface meets the definition of lot coverage as defined in Natural Resources Article §8-1802(a)(17). The existing lot coverage on this property appears to exceed the maximum allowance for this property and that amount cannot be increased. To minimize impacts on water quality, lot coverage requirements must be met. Reduction of the required number of parking spaces will help reduce lot coverage, but it appears that other lot coverage removal would be required. By meeting the lot coverage requirements, the proposal will result in minimal impacts to water quality, but gravel use in place of a durable and dustless surface will not result in any additional benefits based on Critical Area requirements.

2. Conserve fish, wildlife, and plant habitat; and

This waterfront property is located within a Buffer Management Area (BMA) of the Critical Area. The applicant's plan accompanying this zoning petition shows that the proposed parking area is located outside of the 100-foot tidal buffer. With no new lot

ORDER RECEIVED FOR FILING

Date

9-30-11

By

DS

Hon. Lawrence M. Stahl
DEPS Comments
Zoning Item # 12-022-SPHA
Page 2

coverage proposed within the tidal buffer, and by meeting lot coverage and planting requirements, buffer functions can be maintained and conserve fish habitat in Back River.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal can be consistent with this goal and with established land-use policies provided that the applicants meet the requirements stated above, and any applicable water dependent facility requirements.

Reviewer: *Paul Dennis; Environmental Impact Review*

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Date

9-30-11

By

123

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2011
Item No. 2012-0022

DATE: August 9, 2011

The base flood elevation for this site is 7.7 feet [NAVD 83]
The flood protection elevation for this site is 8.7 feet.

The proposed entrance road width should be reduced to 18 feet so that there will be four feet of space between the entrance road and the property line of 518 Riverside Drive. If this is done and the four-foot-wide space is landscaped, we can support using a gravel surface rather than a durable, dustless surface. Contact Mr Avery Harden at 410-887-3751 for landscaping requirements.

DAK:CEN

cc: File

ZAC-ITEM NO 12-0022-08152011.doc

ORDER RECEIVED FOR FILING

Date

9-30-11

By

DAK



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

September 30, 2011

Robert Infussi
Expedite, LLC
1536 Dunkeld Way
Bel Air, Maryland 21015

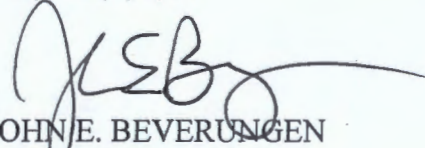
RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
S side of Riverside Drive, 5 feet SE to c/line of intersection of Taylor Avenue
15th Election District - 7th Councilmanic District
(516 Riverside Drive)
Michael Kraus - *Legal Owner*
CASE NO. 2012-0022-SPHA

Dear Mr. Infussi:

Enclosed please find a copy of the decision rendered in the above-captioned matter

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

Very truly yours,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



CBCA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 516 Riverside Drive 21221
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)

TO ALLOW A GRAVEL SURFACE IN LIEU OF THE REQUIRED
DURABLE AND DUSTLESS SURFACE.

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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

By

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2012-0022-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

D.T.

Date

7/27/11



CCA Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 516 Riverside Drive 21221
which is presently zoned DR S.5

Deed Reference: 234391 9K Tax Account # 16151251

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6A. (BCZR)

TO ALLOW 13 PARKING SPACES IN LIEU OF THE REQUIRED 17 PARKING SPACES.

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

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 _____

Signature _____

Company _____ Date _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Case No. 2012-0022-SPHA

Legal Owner(s):

Name - Type or Print Michael J. Krpous

Signature _____

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Representative to be Contacted:

Name Robert Infussi (Expedite LLC)

Address 1536 Dunkeld Way Telephone No. 410 812-2236

City Bel Air State md Zip Code 21015

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by D.T. Date 7/27/11

ORDER RECEIVED FOR FILING
9-30-11
LSJ



Bafitis & Associates, Inc.

ZONING DESCRIPTION
FOR
516 RIVERSIDE DRIVE

Beginning at a point on the Southside of Riverside Drive 50' wide; and 5'± Southeasterly to the centerline intersection of Taylor Avenue 50' wide the following four courses:

1. Thence running along Riverside Drive South 83°-20'-55", East 75.00 feet to a point;
2. Thence leaving said road South 06°-39'-05", West 260.00 feet to a point in the waters of Back River;
3. Thence running along the waters of Back River North 83°-20'-55", West 75.00 feet to a point;
4. Thence leaving said waters North 06°-39'-05" East 260.00 feet to the place of beginning.

Containing 19,498 Square Feet or 0.447 Acres more or less.

Deed Ref: 23439/094


William N. Bafitis, P.E.



Seal _____

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2012-0022-SPHA
516 Riverside Drive
S/side of Riverside Drive, 5 feet (+/-) southeast to centerline of intersection of Taylor Avenue
15th Election District
7th Councilmanic District
Legal Owner: Michael Kraus
Special Hearing: to allow a gravel surface in lieu of the required durable and dustless surface. **Variance:** to allow 13 parking spaces in lieu of the required 17 parking spaces.
Hearing: Thursday, September 29, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT/9/625 Sept. 13 285862

CERTIFICATE OF PUBLICATION

9/15, 2011

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 9/13, 2011.

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

S. Wilkinson

LEGAL ADVERTISING

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2012-0022-SPHA
516 Riverside Drive
S/side of Riverside Drive, 5 feet (+/-) southeast to centerline of Intersection of Taylor Avenue
15th Election District
7th Councilmanic District
Legal Owner(s): Michael Kraus

Special Hearing to allow a gravel surface in lieu of the required durable and dustless surface.

Variance to allow 13 parking parking spaces in lieu of the required 17 parking spaces.

Hearing: Monday, August 29, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3848.

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

08/066 August 11 283332

Hearing 8/29
CERTIFICATE OF PUBLICATION

8/11/2011

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 8/11/2011.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2012-0022-SPHA

PETITIONER/DEVELOPER _____

BOB INFUSSI

DATE OF HEARING/CLOSING: _____

9/29/11

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

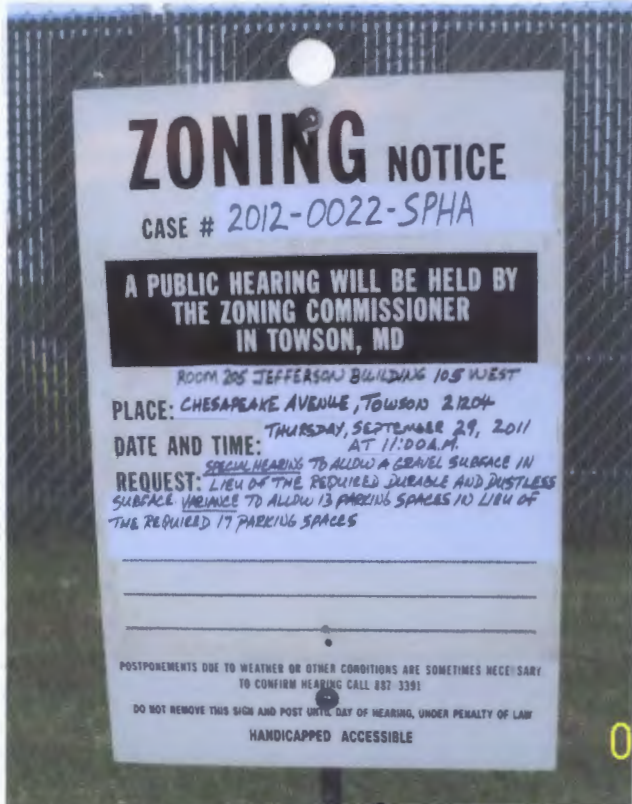
THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 516 RIVERSIDE DRIVE

THIS SIGN(S) WERE POSTED ON September 13, 2011
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 9/13/11
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411



CERTIFICATE OF POSTING

RE: Case No 2012-0022-SPHA

Petitioner/Developer BOB
INFUSS

Date Of Hearing/Closing: 8/29/11

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at

516 RIVERSIDE DRIVE

August 13, 2011

Month, Day, Year
Sincerely,

Martin Ogle 8/13/11
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2012-0022-SPHA

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

ROOM 205 JEFFERSON BUILDING 105 WEST

PLACE: CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: MONDAY, AUGUST 29, 2011
AT 2:30 PM.

REQUEST: SPECIAL HEARING TO ALLOW A GRAVEL SURFACE IN
LIEU OF THE REQUIRED DURABLE AND DISTRESS
SURFACE. VARIANCE TO ALLOW 13 PARKING SPACES IN LIEU OF
THE REQUIRED 17 PARKING SPACES

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

Martin Ogle 8/13/11

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 13, 2011 Issue - Jeffersonian

Please forward billing to:
Robert Infussi
Expedite, LLC
1536 Dunkeld Way
Bel Air, MD 21015

410-812-2236

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0022-SPHA

516 Riverside Drive

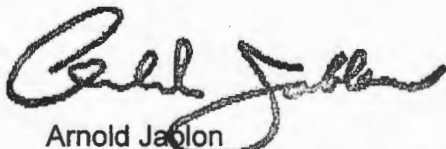
S/side of Riverside Drive, 5 feet (+/-) southeast to centerline of Intersection of Taylor Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Michael Kraus

Special Hearing to allow a gravel surface in lieu of the required durable and dustless surface.
Variance to allow 13 parking spaces in lieu of the required 17 parking spaces.

Hearing: Thursday, September 29, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jacon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 6, 2011

NEW NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0022-SPHA

516 Riverside Drive

S/side of Riverside Drive, 5 feet (+/-) southeast to centerline of Intersection of Taylor Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Michael Kraus

Special Hearing to allow a gravel surface in lieu of the required durable and dustless surface.

Variance to allow 13 parking spaces in lieu of the required 17 parking spaces.

Hearing: Thursday, September 29, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Robert Infussi, 1536 Dunkeld Way, Bel Air 21015

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., SEPTEMBER 14, 2011.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 18, 2011 Issue - Jeffersonian

Please forward billing to:
Robert Infussi
Expedite, LLC
1536 Dunkeld Way
Bel Air, MD 21015

410-812-2236

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0022-SPHA

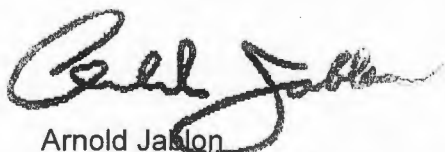
516 Riverside Drive

S/side of Riverside Drive, 5 feet (+/-) southeast to centerline of Intersection of Taylor Avenue
15th Election District – 7th Councilmanic District

Legal Owners: Michael Kraus

Special Hearing to allow a gravel surface in lieu of the required durable and dustless surface.
Variance to allow 13 parking spaces in lieu of the required 17 parking spaces.

Hearing: Monday, August 29, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 2, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0022-SPHA

516 Riverside Drive

S/side of Riverside Drive, 5 feet (+/-) southeast to centerline of Intersection of Taylor Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Michael Kraus

Special Hearing to allow a gravel surface in lieu of the required durable and dustless surface.
Variance to allow 13 parking spaces in lieu of the required 17 parking spaces.

Hearing: Monday, August 29, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Robert Infussi, 1536 Dunkeld Way, Bel Air 21015

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 13, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2012-0022-SPHA

Petitioner: KRAUS

Address or Location: 516 Riverside Drive 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: Expedite, LLC / Robert Infussi

Address: 1536 Dunkeld Way
Bel Air, MD 21015

Telephone Number: 410 812 2236



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 19 2011

Michael Kraus
516 Riverside Drive
Baltimore, MD 21221

RE: Case Number 2012-0022-SPHA, 516 Riverside Drive

Dear Mr. Kraus,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 27, 2011. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Robert Infussi, Expedite, LLC, 1536 Dunkeld Way, Bel Air, MD 21015

BALTIMORE COUNTY, MARYLAND

RECEIVED

AUG 22 2011

Inter-Office Correspondence

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: August 22, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-022-SPHA
Address 516 Riverside Drive
(Kraus Property)

Zoning Advisory Committee Meeting of August 1, 2011.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. The proposed gravel surface meets the definition of lot coverage as defined in Natural Resources Article §8-1802(a)(17). The existing lot coverage on this property appears to exceed the maximum allowance for this property and that amount cannot be increased. To minimize impacts on water quality, lot coverage requirements must be met. Reduction of the required number of parking spaces will help reduce lot coverage, but it appears that other lot coverage removal would be required. By meeting the lot coverage requirements, the proposal will result in minimal impacts to water quality, but gravel use in place of a durable and dustless surface will not result in any additional benefits based on Critical Area requirements.

2. Conserve fish, wildlife, and plant habitat; and

This waterfront property is located within a Buffer Management Area (BMA) of the Critical Area. The applicant's plan accompanying this zoning petition shows that the proposed parking area is located outside of the 100-foot tidal buffer. With no new lot

coverage proposed within the tidal buffer, and by meeting lot coverage and planting requirements, buffer functions can be maintained and conserve fish habitat in Back River.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal can be consistent with this goal and with established land-use policies provided that the applicants meet the requirements stated above, and any applicable water dependent facility requirements.

Reviewer: *Paul Dennis; Environmental Impact Review*

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2011
Item No. 2012-0022

DATE: August 9, 2011

The base flood elevation for this site is 7.7 feet [NAVD 88]
The flood protection elevation for this site is 8.7 feet.

The proposed entrance road width should be reduced to 18 feet so that there will be four feet of space between the entrance road and the property line of 518 Riverside Drive. If this is done and the four-foot-wide space is landscaped, we can support using a gravel surface rather than a durable, dustless surface. Contact Mr Avery Harden at 410-887-3751 for landscaping requirements.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0022-08152011.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 1, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **August 1, 2011**

Item No.:

Special Hearing: 2012-0021-SPH, 2012-0022-SPHA

Special Exception: 2012-0020-XA

Comments:

The proposed building shall be designed and constructed so as to meet the applicable provisions of the Baltimore County Fire Prevention Code; Bill # 48-10.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 1, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **August 1, 2011**

Item No.:

Administrative Variance: 2012-0024A.

Variance: 2012-0020-XA, 2012-0022-SPHA, 2012-0023A, 2012-0025A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-1-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2012-0022 SPHA
Variance Special Hearing
Michael Kraus
516 Riverside Drive

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. 2012-0022 SPHA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/rz

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.roads.maryland.gov

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE

516 Riverside Drive; S/S Riverside Drive,
5' SE c/line of Taylor Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): Michael Kraus

Petitioner(s)

BEFORE THE

ADMINISTRATIVE LAW

JUDGE FOR

BALTIMORE COUNTY

2012-022-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

AUG 02 2011

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of August, 2011, a copy of the foregoing Entry of Appearance was mailed to Robert Infussi, Expedite, LLC, 1536 Dunkeld Way, Bel Air, MD 21015, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

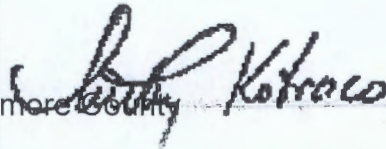
MEMORANDUM

DATE: August 30, 2011

TO: Kristen Lewis
Office of Zoning Review

FROM: Timothy M. Kotroco
Administrative Law Judge for Baltimore County

SUBJECT: Case No. 2012-0022-SPHA – Michael Kraus



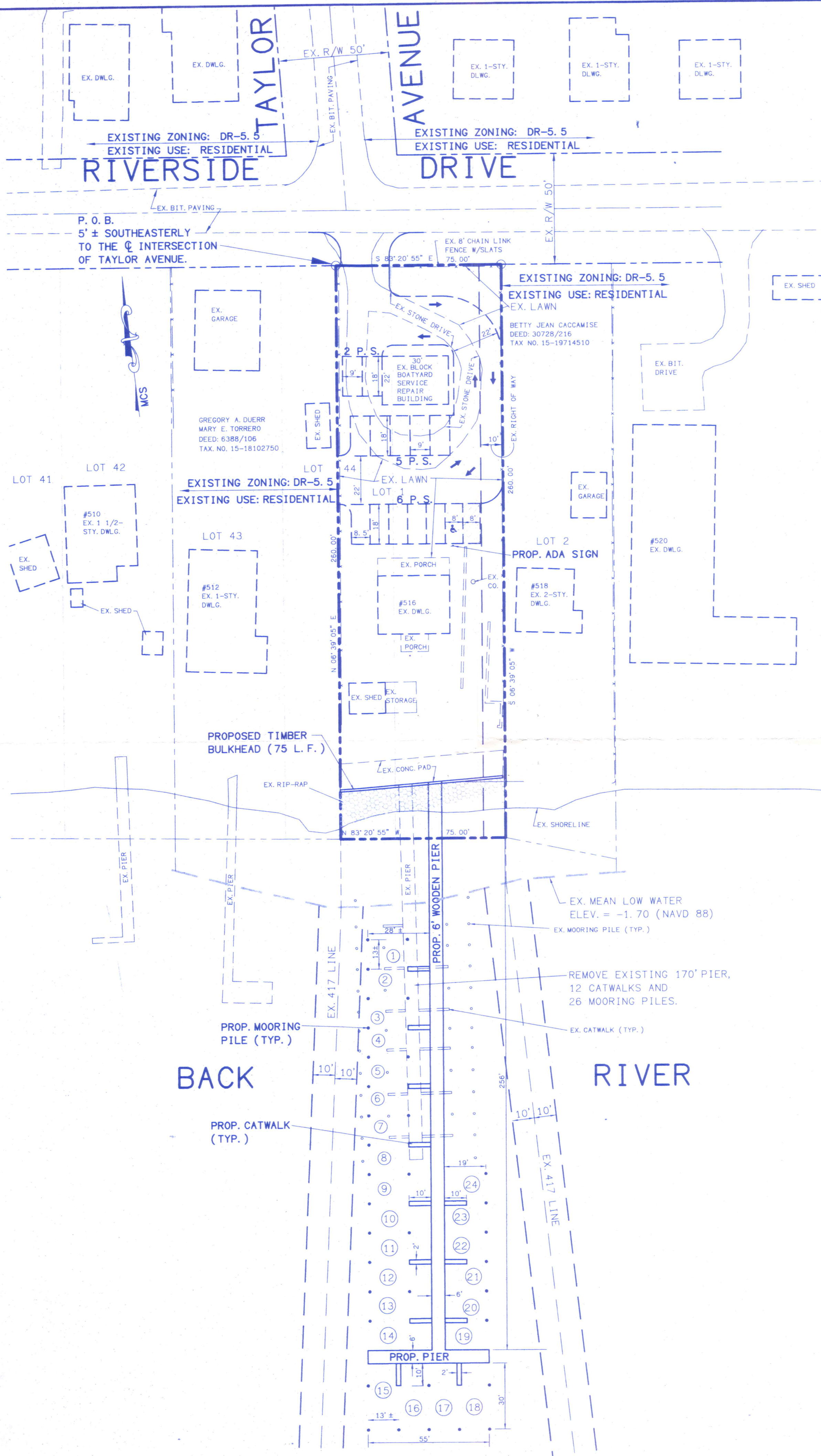
The above-referenced case was scheduled for a hearing on Monday, August 29, 2011 at 1:30 PM. However, the Petitioner and his representative, Robert Infussi with Expedite, LLC, was not present for the hearing. I did not open the hearing or take any testimony.

Later in the day, Robert Infussi was contacted by this Office and apparently there was some confusion relating to "Hurricane Irene" announcements via television and radio that led him to believe that Baltimore County Office of Administrative Hearings was closed. Our Office advised Mr. Infussi to have the matter rescheduled and the property shall be re-posted and re-advertised at the Petitioner's expense. Mr. Infussi has asked if this matter could be rescheduled ASAP.

The case file is being returned to the Department of Permits and Approvals.

SITE

[illegible][illegible]



NOTES

- Topography shown hereon was taken from Baltimore County GIS Topography & Updated by field survey. (JUNE 2011)
- The Firm Insurance Rate Map, 240010-0440 F indicates this is situated within flood Zone AE. F.E.M.A. indicates a Flood Elevation of 8.5 NAVD 88 based on a Flood Insurance Study Number 240010V000B. A minimum first floor elevation 10.5 NAVD 88.
- Property lines shown hereon were established by a boundary survey.
- This site is situated within the Chesapeake Bay Critical Areas and is classified by land use as Limited Development Area (LDA) (MAP 97).
- There shall be no clearing, grading, construction or disturbance of vegetation within the 100' Buffer Area except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- Any Critical Area easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.
- This site is situated within a Mapped Buffer Management Area of the Chesapeake Bay Critical Areas.
- There are no forest or developed woodlands on this site.
- There are no Tidal & Non-Tidal Wetlands shown on this site.
- There is no significant plant or animal habitat on this site.
- There are no slopes greater than 15% on this site.
- There are no known wells on this site.
- There are no known underground storage tanks or septic systems on this site.
- There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
- There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- The site has 75' ± of water frontage.
- Public Water and sewer serve this site.
- This site has not been the subject of the CRG, DRC, or Waiver Processes.
- Caution underground utilities may exist in Riverside Drive & onsite, contact Miss Utility (800-257-7777) prior to any construction.

PREVIOUS PERMITS

- WETLANDS LICENSE NO. 09-0289 DATE: 11/18/09
- RECONFIGURED MARINA & REPLACEMENT BULKHEAD NAB-2008-63839-M04.

ZONING HISTORY

CASE NO. 19625873-RX
ORDER

For the reasons set forth in the foregoing Opinion, it is this day of May, 1964 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby denied. It is also ORDERED that the special exception petitioned for, be and the same is hereby granted, subject to the aforementioned restrictions.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

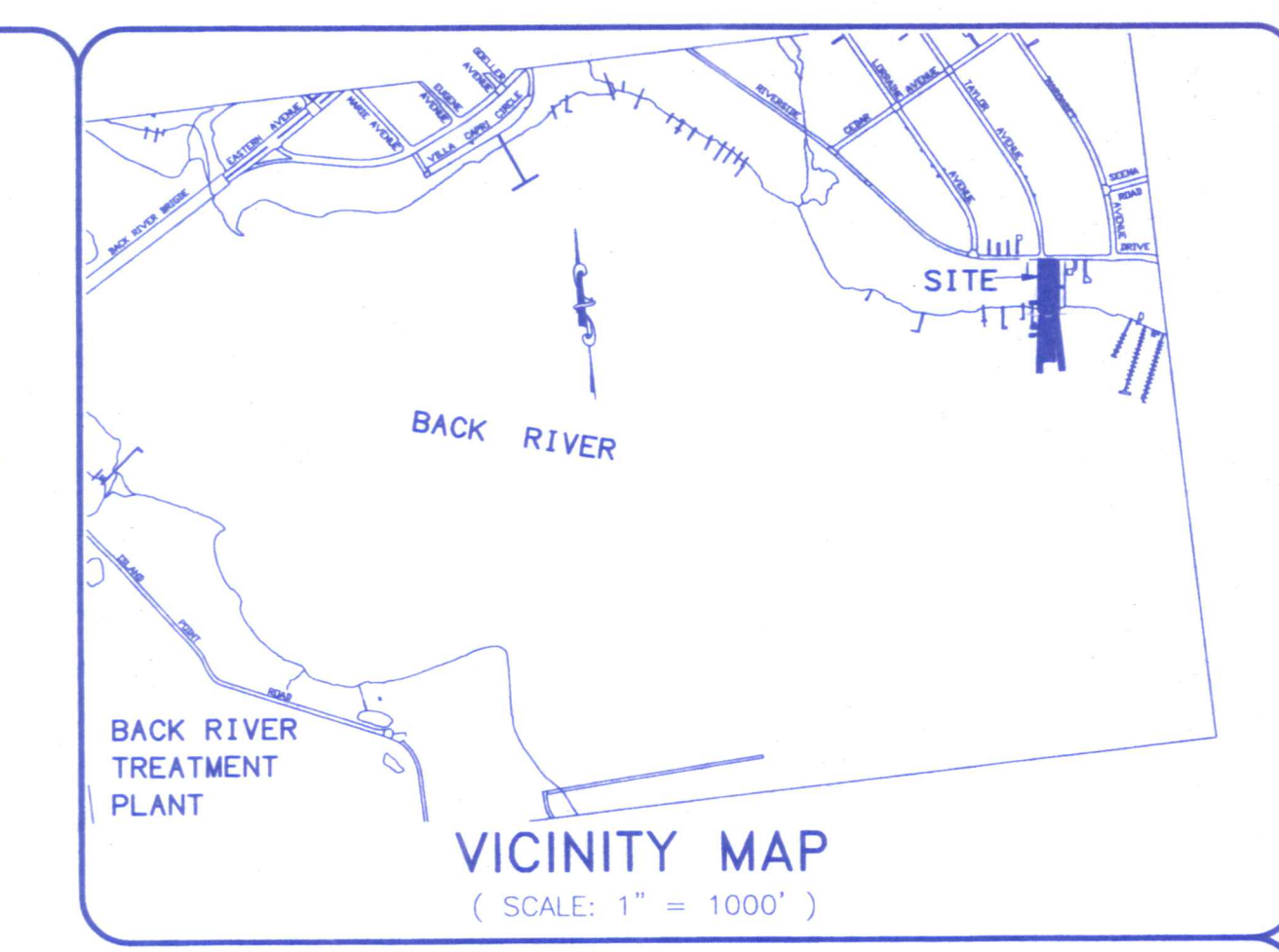
William N. Bafitis, P.E.
CHAIRMAN
Michael J. Kraus
Charles J. Smith

SPECIAL HEARING REQUEST

- TO ALLOW A GRAVEL SURFACE IN LIEU OF THE REQUIRED DURABLE AND DUSTLESS SURFACE. PER SECTION 409.8A2. (B.C.Z.R.)

ZONING VARINCE REQUEST

- TO ALLOW 13 PARKING SPACES IN LIEU OF THE REQUIRED 17 PARKING SPACES PER SECTION 409. (B.C.Z.R.)



SITE DATA

- OWNER: MICHAEL J. KRAUS
#516 RIVERSIDE DRIVE
BALTIMORE, MARYLAND 21221
- DEED REF: 23439/094
- TAX ACC. NO.: 15-16151251
- TAX MAP: 97 PARCEL: 371 LOT: 1 & PART OF 44
- PLAT REF: PLAT OF ESSEX SECTION E BLOCK O BOOK 09 FOLIO 74
- ELECTION DISTRICT: 15TH
- COUNCILMANIC DISTRICT: 7TH
- REGIONAL PLANNING DISTRICT: 328
- CENSUS TRACT: 4504
- ZONING: DR-5.5
- ZONING MAP: 097A2
- USE: EXISTING: COMMERCIAL MARINA
PROPOSED: COMMERCIAL REPLACEMENT PIER & BULKHEAD
- SITE AREA: LAND: 17,606 S.F. OR 0.404 AC.
WATER: 1,892 S.F. OR 0.043 AC.
WATER: 19,498 S.F. OR 0.447 AC.
- BOAT SLIPS: EXISTING: 24 SLIPS
PROPOSED: 24 SLIPS
- PARKING:
REQUIRED: 1 P.S. PER 2 SLIPS
1 P.S. PER 2 / 24 SLIPS = 12 P.S.
BOATYARD SERVICE
REPAIR BUILDING
660 S.F. X 3.3/1,000 = 3 P.S.
RESIDENTIAL DWELLING = 2 P.S.
TOTAL = 17 P.S.
PROPOSED PARKING: = 13 P.S.



Bafitis & Associates, Inc.

1249 Engleberth Rd. Baltimore, MD 21221

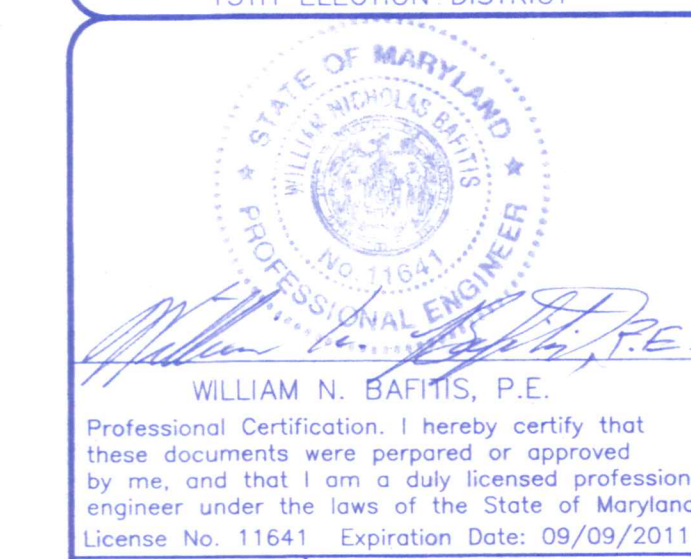
William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

(410) 391-2336

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING FOR #516 RIVERSIDE DRIVE

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11541 Expiration Date: 09/09/2011

SCALE: 1" = 30'
JOB ORDER NO: 21108
DATE: 06/30/11
CHECKED: W.N.B.
DRAWN: N.W.B.

NO.	REVISIONS	DATE