



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 13, 2013

David Billingsley
601 Charwood Ct.
Edgewood, Maryland 21040

Re: Petition for Administrative Variance
Case No. 2013-0057-A
Property: 3 Kingston Cove Road

Dear Mr. Billingsley:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE *

(3 Kingston Cove Road)

15th Election District *

6th Councilmanic District

William J. & Charlotte M. Wesley, et al *

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0057-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, William J. and Charlotte M. Wesley, et al. The Petitioners are requesting Variance relief from § 417.4 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit the continued use of an existing pier and two mooring piles within 10 ft. of the divisional property line, and to permit encroachments beyond the divisional property line of 17 ft. and 25 ft. for an existing pier with new jet ski lift and new pier and boat lift respectively.

The subject property and requested relief is more fully depicted on the amended site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of October 1, 2012. On October 15, 2012, the Office of Administrative Hearings requested a formal hearing on this matter.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments submitted from any of the County reviewing agencies.

ORDER RECEIVED FOR FILING

Date

2/13/13

By

Sen

Appearing at the public hearing in support for this case was David Billingsley, who prepared the site plan.

Testimony and evidence revealed that the subject property is 28,880 square feet and is zoned DR 5.5. The property, which has frontage on Middle River, is improved with a single family dwelling and a pier. The Petitioners want to add a 25' long addition to the existing pier, and to construct jet ski and boat lifts on the pier.

Mr. Billingsley explained the site plan which contains the "divisional property lines" contemplated by B.C.Z.R. §417. The 17' and 25' encroachments are oriented toward the adjacent property owned by James Oliff, who submitted a letter supporting the petition. Exhibit 9. The other adjoining neighbors, Vincent and Kelly Auber, also wrote a letter supporting the petition. Exhibit 8.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

The Petitioners have met this test. The subject property is irregularly shaped and has an irregular shoreline as well. These factors make the property unique. The Petitioners would experience a practical difficulty if relief were denied, given that they would be unable to construct the contemplated improvements to the pier.

ORDER RECEIVED FOR FILING

Date 2/13/13

By Sen

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

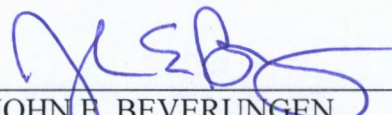
THEREFORE, IT IS ORDERED, this 13th day of February, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 417.4 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit the continued use of an existing pier and two mooring piles within 10 ft. of the divisional property line, and to permit encroachments beyond the divisional property line of 17 ft. and 25 ft. for an existing pier with new jet ski lift and new pier and boat lift respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to and expressly conditioned upon the following:

1. Petitioners may apply for appropriate 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 to be responsible for returning, said property to its original condition.

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

JEB:sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date

2/13/13

By

sln



CBCA

FLOOD PLAIN

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 3 KINGSTON COVE ROAD which is presently zoned DR 5.5

Deed Reference L. 28816 F. 483 10 Digit Tax Account # 1-5 1 1 3 5 1 5 3 0

Property Owner(s) Printed Name(s) WILLIAM J. WESLEY, CHARLOTTE M. WESLEY, SHARON WESLEY PROAKIS, NICHOLAS ALEXANDER PROAKIS, THOMAS E. BORGERDING & DEBORAH WESLEY BORGERDING

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Date Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

SEE ATTACHED

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3 KINGSTON COVE RD BALTIMORE MD.

Mailing Address City State

21220 (410) 472-4264

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name - Type or Print

Signature

601 CHARWOOD CT EDGEWOOD, MD.

Mailing Address City State

21040 (410) 679-8719 dwb0209@yahoo.com

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2013-0057-A

Filing Date 9/5/12

Estimated Posting Date 9/16/12

Reviewer JS

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 3 KINGSTON COVE RD. BALTO. MD. 21220
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

SEE ATTACHED

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

SEE ATTACHED

Signature of Affiant

Signature of Affiant

Name- Print or Type

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

HARFORD

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~, to wit:

I HEREBY CERTIFY, this 4 day of September, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared WILLIAM J. WESLEY, CHARLOTTE M. WESLEY, SHARON WESLEY PROAKIS, NICHOLAS ALEXANDER PROAKIS, THOMAS E. BORGERDING & DEBORAH WESLEY BORGERDING

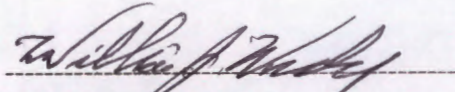
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

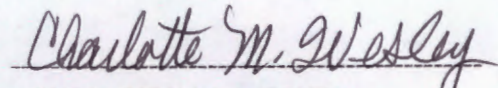
AS WITNESS my hand and Notaries Seal

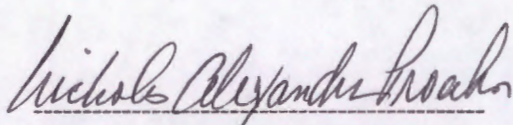
[Signature]
Notary Public

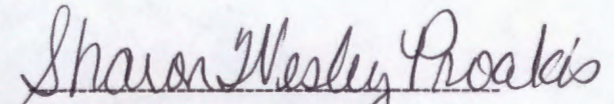
01.21.15
My Commission Expires

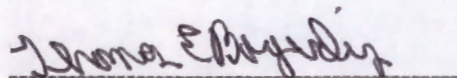
LEGAL OWNERS
3 KINGSTON COVE ROAD

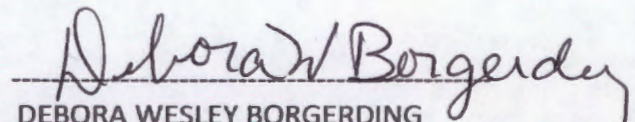

WILLIAM J. WESLEY


CHARLOTTE M. WESLEY


NICHOLAS ALEXANDER PROAKIS


SHARON WESLEY PROAKIS


THOMAS E. BORGERDING


DEBORA WESLEY BORGERDING

ALL IN CARE OF:

WILLIAM J. WESLEY
3 KINGSTON COVE ROAD
BALTIMORE, MD. 21220
PHONE NO: (410) 472-4264

SECTION 417.4 (BCZR) TO PERMIT THE CONTINUING USE OF AN EXISTING PIER
AND TWO MOORING PILES WITHIN 10 FEET OF THE DIVISIONAL PROPERTY LINE
AND TO PERMIT ENCROACHMENTS BEYOND THE DIVISIONAL PROPERTY LINE OF
17 FEET AND 25 FEET FOR AN EXISTING PIER WITH NEW JET SKI LIFT AND NEW
PIER AND BOAT LIFT RESPECTIVELY

5 KINGSTON COVE ROAD

The petitioners purchased the property in August, 2008. At the time of purchase, a 75 foot long pier, platform and three mooring piles existed. They would like to extend the pier approximately 25 feet, add a boat lift and add a jet-ski lift at the end of the existing platform.

While investigating the requirements to obtain a permit for the proposed improvements, it was determined that two of the existing mooring piles were within the 10 foot setback from the divisional property line between the subject property and # 1 Kingston Cove Road. Additionally, a portion of the existing pier and the platform encroach beyond the divisional property line between the subject property and # 5 Kingston Cove Road. Therefore, the existing improvements, as well as the proposed improvements, do not meet the required setbacks per Section 417.4 of the Baltimore County Zoning Regulations.

I have discussed this matter with both adjacent property owners. They have reviewed the plat that has been prepared to accompany my request for a variance and both have agreed to support my request. Copies of approval letters from the owners have been submitted with my request.

Obviously, the variance is needed to not only permit the construction of the proposed improvements, but to bring the existing improvements into conformity with the regulations. The variance, if granted, will not be detrimental to public health, safety or welfare.

Fortunately, I have neighbors who understand our situation and have been willing to work with us to everyone's satisfaction.

ZONING DESCRIPTION 3 KINGSTON COVE ROAD

Beginning at a point on the southwest side of Grovethorn Road (60 feet wide) distant 35 feet southeasterly from its intersection with the center of Southorn Road, thence:

- (1) S 32° 10' 16" W 10 feet, thence
- (2) S 57° 49' 44" W 204.45 feet, thence
- (3) S 32° 06' 45" E 319.69 feet, thence
- (4) S 58° 10' 53" W 65 feet, more or less, thence
- (5) southwesterly 31 feet, more or less, thence
- (6) N 32° 06' 45" W 292 feet, more or less, thence
- (7) N 12° 50' 44" E 18.98 feet, thence
- (8) N 57° 49' 44" E 275.46 feet to the place of beginning.

Containing 28,880 square feet or 0.663 acre of land, more or less.

Being part of Lot 2 as shown on the plat entitled Kingston Park and Cottage Grove recorded among the plat records of Baltimore County in Plat Book 28 Folio 55. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

2013-0057-A

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

No.

87799

Date:

9-5-12

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 9/05/2012 9/05/2012 11:13:15 5

REF MS03 WALKIN RBOS LRB

>RECEIPT # 410668 9/05/2012

OFLH

Item \$ 528 ZONING VERIFICATION

LR NO. 087799

Recpt Tot \$75.00

\$75.00 CK \$0.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **\$75.00**

Rec

From:

WESLEY

For:

2013-0057-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2013- 0057 -AAddress 3 KINGSTON COVE RD.Contact Person: JASON SEIDELMAN
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 9-5-12Posting Date: 9-16-12Closing Date: 10-1-12

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**Case Number 2013- 0057 -AAddress 3 KINGSTON COVE RD.Petitioner's Name WILLIAM J. WESLEYTelephone 410-472-4264Posting Date: 9-16-12Closing Date: 10-1-12

Wording for Sign: To Permit THE CONTINUING USE OF AN EXISTING PIER AND TWO
MOORING PILGS WITHIN 10 FEET OF THE DIVISIONAL PROPERTY LINE AND TO
PERMIT ENCROACHMENTS BEYOND THE DIVISIONAL PROPERTY LINE OF 17 FEET AND
25 FEET FOR AN EXISTING PIER WITH NEW JETSKI LIFT AND NEW PIER AND BOAT
LIFT RESPECTUVELY.

Revised 7/06/11

**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: 2013-0057-A
Petitioner: WILLIAM WESLEY
Address or Location: 3 KINGSTON COVE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM WESLEY
Address: 3 KINGSTON COVE RD
BALTO., MD. 21220
Telephone Number: (410) 472-4264

CERTIFICATE OF POSTING
RTIFICATE OF POSTING

RE: CASE NO: 2013-0057-A

PETITIONER/DEVELOPER _____

DAVE BILLINGSLEY

DATE OF HEARING/CLOSING: _____

2/12/13

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 CERITFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 3 KINGSTON COVE ROAD

THIS SIGN(S) WERE POSTED ON _____

January 23, 2013
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 2/12/13
SIGNATURE OF SIGN POSTER AND DATE:

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

ZONING NOTICE

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

CASE # 2013-0057-A

PLACE: ROOM 205, JEFFERSON BUILDING 105
WEST CHESAPEAKE AVENUE, TOWSON 21204

TIME: TUESDAY, FEBRUARY 12, 2013 AT 1:30 P.M.

REQUEST: VARIANCE TO PERMIT THE CONTINUING USE OF
AN EXISTING PIER AND TWO MOORING PILES WITHIN
10 FT. OF THE DIVISIONAL PROPERTY LINE AND TO PERMIT
ENCROACHMENTS BEYOND THE DIVISIONAL PROPERTY LINE
OF 17 FT. AND 25 FT. FOR AN EXISTING PIER WITH NEW
JET SKI LIFT AND NEW PIER AND BOAT LIFT
RESPECTIVELY

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD 21204
TEL. 410-887-3371

MEETING IS PHYSICALLY ACCESSIBLE

Malinda 1/23/13
1/23/13

CERTIFICATE OF POSTING

RE: Case No 2013-0057-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 10/1/12

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 3 KINGSTON COVE RD

This sign(s) were posted on September 14, 2012

Month, Day, Year

Sincerely,

Martin Ogle 9/14/12
Signature of Sign Poster and Date
Martin Ogle

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2D13-0057-A

TO PERMIT THE CONTINUING USE OF AN EXISTING PIER AND
TWO MOORING PILES WITHIN 10 FEET OF THE DIVISIONAL PROPERTY
LINE AND TO PERMIT ENCROACHMENTS BEYOND THE DIVISIONAL
LINE OF 17 FEET AND 25 FEET FOR AN EXISTING PIER WITH
NEW JET SKI LIFT AND NEW PIER AND BOAT LIFT
RESPECTIVELY

PUBLIC HEARING ?

PURSUANT TO SECTION 26-17209(1) BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC
HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED
IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON
MONDAY, OCTOBER 1, 2012.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 131 W. CREEKFAIR AVE., TOWSON MD. 21204
TEL: 410-387-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

W. J. [Signature] 9/16/12

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: # 2013-0057-A

3 Kingston Cove Road

SW/s of Grovethorn Road, 35 ft. SE of centerline

of intersection of Southorn Road

15th Election District - 6th Councilmanic District

Legal Owner(s): William J. Wesley

Variance: to permit the continuing use of an existing pier and two mooring piles within 10 ft. of the divisional property line and to permit encroachments beyond the divisional property line of 17 ft. and 25 ft. for an existing pier with new jet ski lift and new pier and boat lift respectively.

Hearing: Tuesday, February 12, 2013 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) 887-3868.

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

JT 1/6/93 Jan. 22

899855



501 N. Calvert Street, Baltimore, MD 21278

January 24, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on January 22, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 22, 2013 Issue - Jeffersonian

Please forward billing to:
William Wesley
3 Kingston Cove Road
Baltimore, MD 21220

410-472-4264

NOTICE OF ZONING HEARING

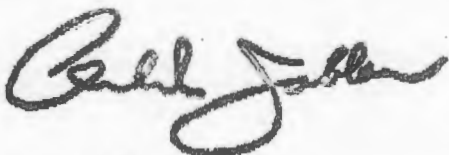
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0057-A

3 Kingston Cove Road
SW/s of Grovethorn Road, 35 ft. SE of centerline of intersection of Southorn Road
15th Election District – 6th Councilmanic District
Legal Owners: William J. Wesley

Variance to permit the continuing use of an existing pier and two mooring piles within 10 ft. of the divisional property line and to permit encroachments beyond the divisional property line of 17 ft. and 25 ft. for an existing pier with new jet ski lift and new pier and boat lift respectively.

Hearing: Tuesday, February 12, 2013 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 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.

James Oliff
5 Kingston Cove Road
Baltimore, Maryland 21220

August 27, 2012

W. Carl Richards, Jr., Chief
Zoning Review
Baltimore County Office Building
111 W. Chesapeake Avenue, Suite 111
Towson, Md. 21204

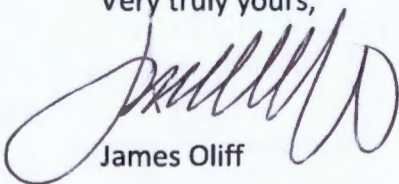
RE: ZONING VARIANCE
3 KINGSTON COVE ROAD

Dear Mr. Richards:

This letter is to confirm that I have reviewed the variance request filed by the petitioner to construct a pier extension, boat lift and jet-ski lift across the established divisional property line. It is understood that the request will permit an encroachment of up to 23 feet into the property owned by me at 5 Kingston Cove Road.

Thank you for your cooperation in this matter.

Very truly yours,



James Oliff

Cc: William Wesley
David Billingsley

2013-0057-4



KEVIN KAMENETZ
County Executive

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

October 3, 2012

William J. Wesley
3 Kingston Cove Road
Baltimore MD 21220

RE: Case Number: 2013-0057 A, Address: 3 Kingston Cove Road

Dear Mr. Wesley:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 5, 2012. 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-11-12

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

RE: Baltimore County
Item No. 2013-0057-A
Administrative Variance
William F. Wesley
3 Kingston Cove Road

Dear Ms. Lewis:

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. 2013-0057-A.

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).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 17, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For September 24, 2012
Item Nos. 2013-0043, 0048,0049,0050,0051,0052,0053,0055,0057, 0058,
0059 and 0060.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09242012-NO COMMENTS.doc

2013-0057- A
Closing Date 10/1/12

Vincent and Kelly Auber
3 Kingston Cove Road
Baltimore, Maryland 21220

August 29, 2012

W. Carl Richards, Jr., Chief
Zoning Review
Baltimore County Office Building
111 W. Chesapeake Avenue, Suite 111
Towson, Md. 21204

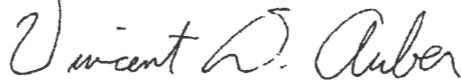
RE: ZONING VARIANCE
3 KINGSTON COVE ROAD

Dear Mr. Richards:

This letter is to confirm that we have reviewed the variance request filed by the petitioner to construct a pier extension, boat lift and jet-ski lift. We have no objection to the two existing mooring piles remaining within the 10 foot setback.

Thank you for your cooperation in this matter.

Very truly yours,



Vincent Auber



Cc: William Wesley
David Billingsley

MEMORANDUM

DATE: March 18, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0057-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 15, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CASE NAME 3 KINGSTON COVE RD.
CASE NUMBER 2013-0051-A
DATE 2/12/13

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>10-2</u>	DEPS (if not received, date e-mail sent _____)	<u>C - 500.14 Compliant</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>9-11</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>1/22/2013</u>	
SIGN POSTING	Date: <u>9-16</u> <u>1/23/2013</u> by <u>Ogle</u> <u>Gale</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any:	<u>See 2 ltr. in support from adjacent neighbors</u>	

Case No.: 2013-0057-A

Exhibit Sheet

DD
3-18-13

DN
2-13-13

Petitioner/Developer

Protestant

No. 1	Sitz Plan	
No. 2	SDAT Sheet	
No. 3	Tax Map	
No. 4	Deed	
No. 5	Kingston Park Plat	
No. 6	Aerial Photo	
No. 7	7A-7F Color Photos	
No. 8	Auber Letter	
No. 9	Oliff Letter	
No. 10		
No. 11		
No. 12		

PETITIONER'S EXHIBITS

**3 KINGSTON COVE ROAD
CASE NO. 2013-0057-A**

- 1. PLAT TO ACCOMPANY VARIANCE PETITION DATED AUGUST 27, 2012 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. TAX MAP NO. 0090**
- 4. DEED OF RECORD L.28816 F.483**
- 5. PLAT OF PART OF KINGSTON PARK AND COTTAGE GROVE P.B. 28 F. 55**
- 6. AERIAL PHOTO**
- 7a-7f. PHOTOS**
- 8. LETTER FROM VINCENT AND KELLY AUBER**
- 9. LETTER FROM JAMES OLIFF**

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1511351530

Owner Information

Owner Name: WESLEY WILLIAM J/CHARLOTTE M
PROAKIS NICHOLAS ALEXANDER ET AL
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 3 KINGSTON COVE RD
BALTIMORE MD 21220-4913
Deed Reference: 1) /28816/ 00483
2)

Location & Structure Information

Premises Address
3 KINGSTON COVE RD
0-0000
Legal Description
.671 AC PRT LT 2
3 KINGSTON COVE RD
Waterfront KINGSTON PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0090	0024	0445		0000			2	3	Plat Ref: 0028/ 0055

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1913	1,876 SF	28,880 SF	34

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of 01/01/2012	As Of 07/01/2011	As Of 07/01/2012
Land	156,700	141,700		
Improvements:	135,800	87,400		
Total:	292,500	229,100	292,500	229,100
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
WELLS FARGO BANK	06/16/2008	\$330,000
Type: NON-ARMS LENGTH OTHER	Deed1: /28816/ 00483	Deed2:
STALLINGS DENNIS	05/31/2007	\$566,000
Type: NON-ARMS LENGTH OTHER	Deed1: /25711/ 00406	Deed2:
STALLINGS CHARMIE	10/26/2005	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /22796/ 00681	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class: **Special Tax Recapture:** NONE

Homestead Application Information

Homestead Application Status: No Application

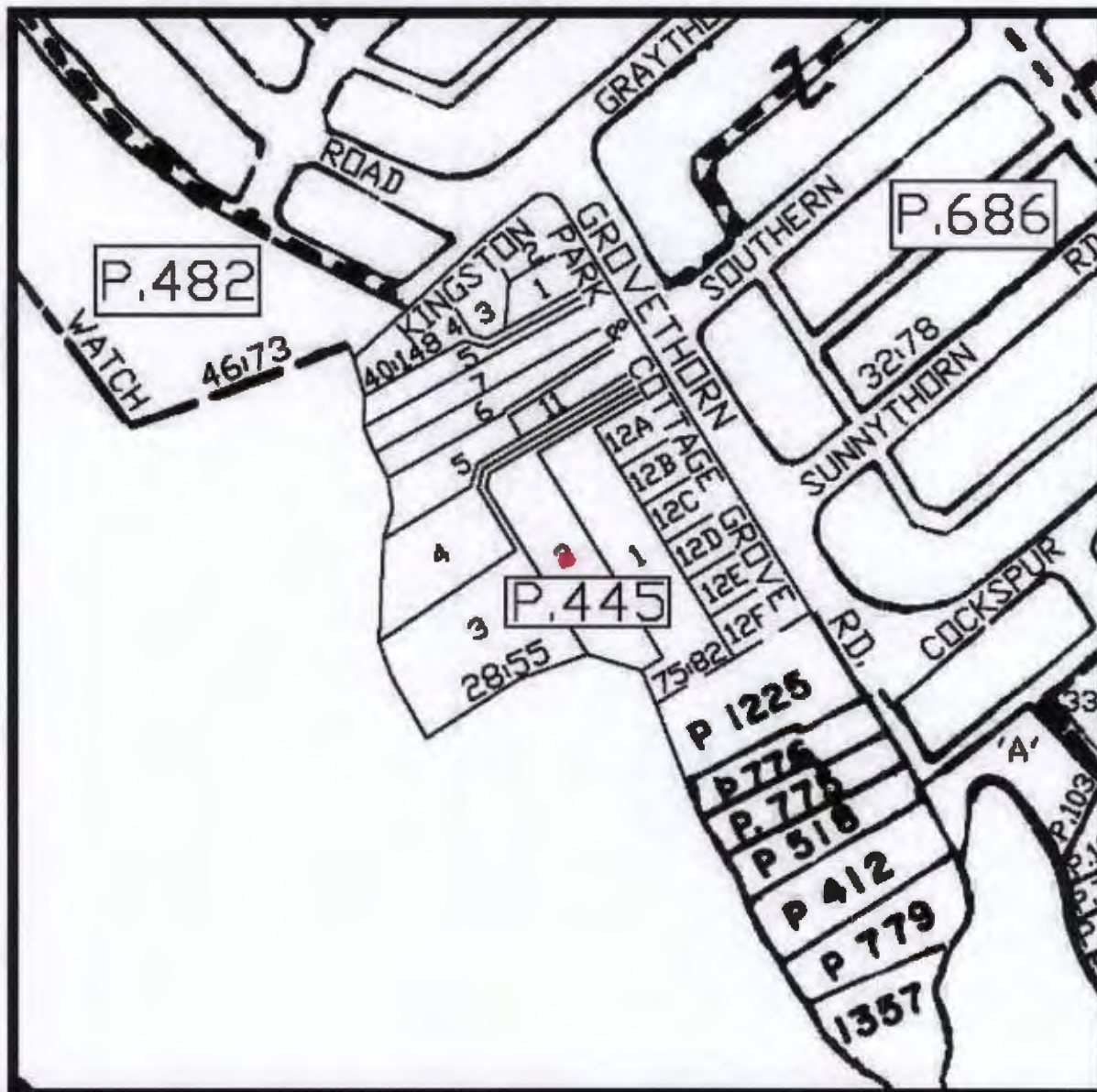
PETITIONER'S
EXHIBIT NO. **2**



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

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 **Account Number - 1511351530**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

PETITIONER'S
EXHIBIT NO. 3

This **CORRECTIVE and CONFIRMATORY Deed**, made this 20th day of August 2008, by and between Wells Fargo Bank, National Association, as Trustee by EMC Mortgage Corporation as Attorney in Fact, party of the first part, GRANTOR; and William J. Wesley and Charlotte M. Wesley, husband and wife, as tenants by the entirety as to 1/3 interest; Nicholas Alexander Proakis and Sharon Wesley Proakis, husband and wife, as tenants by the entirety as to 1/3 interest; Thomas E. Borgerding and Debora Wesley Borgerding, husband and wife, as tenants by the entirety as to 1/3 interest; each couple will have 1/3 interest as tenants in common, all as a whole, parties of the second part, GRANTEES.

- Witnesseth -

That in consideration of the sum of THREE HUNDRED THIRTY THOUSAND DOLLARS 00/100 (\$330,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said GRANTOR does grant and convey to the said GRANTEES, SPECIAL WARRANTY William J. Wesley and Charlotte M. Wesley, his wife, as tenants by the entireties, to the survivor of them and to the survivor's personal representatives and assigns, as to their one-third tenant in common interest therein; Nicholas Alexander Proakis and Sharon Wesley Proakis, his wife, as tenants by the entireties, to the survivor of them and to the survivor's personal representatives and assigns, as to their one-third tenant in common interest therein; Thomas E. Borgerding and Debora Wesley Borgerding, his wife, as tenants by the entireties, to the survivor of them and to the survivor's personal representatives and assigns, as to their one-third tenant in common interest therein, as tenants in common in fee simple, all that lot of ground situate in County of Baltimore, Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot 2 as shown on the Plat entitled "Part of Kingston Park and Cottage Grove" which plat is recorded among the Land Records of Baltimore County in Plat Book 28, folio. Saving and excepting however that portion of said Lot described as follows:

- 1) North 73 deg. 46' 09" West 10.00 feet to a point, thence through Lot 2 for a new line as follows: Viz
- 2) North 54 deg. 39' 33" East 41.71 feet to a point in the South 32 deg. 06' 45" East 382.82 feet line the two following courses and distances as follows:
- 3) South 32 deg. 06' 45" East 10.00 feet and;
- 4) South 58 deg. 10' 53" West 35.00 feet to a point and place of beginning.

The improvements thereon being known as No. 3 Kingston Park Lane.

Property Address: 3 W. Kingston Park Lane, Middle River, MD 21220

Tax ID #: 15-1511351530

Title Insurer:

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said GRANTEES, William J. Wesley and

Charlotte M. Wesley, his wife, as tenants by the entireties, to the survivor of them and to the survivor's personal representatives and assigns, as to their one-third tenant in common interest therein; Nicholas Alexander Proakis and Sharon Wesley Proakis, his wife, as tenants by the entireties, to the survivor of them and to the survivor's personal representatives and assigns, as to their one-third tenant in common interest therein; Thomas E. Borgerding and Debora Wesley Borgerding, his wife, as tenants by the entireties, to the survivor of them and to the survivor's personal representatives and assigns, as to their one-third tenant in common interest therein as tenants in common in fee simple.

And the said party of the first part hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.



Wells Fargo Bank, National Association, as Trustee by EMC Mortgage Corporation as Attorney in Fact

By:
Title:

Craig Reuter
Assistant Vice President

STATE OF Texas, COUNTY OF Denton, to wit:

I hereby certify that on this 30th day of August, 2008 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Craig Reuter who acknowledged to be the Assistant Vice President of the Grantor corporation, and that as such officer, being authorized to do so, executed the foregoing Deed for the purposes therein contained, by signing the name of the Corporation, by as such officer and further, did certify that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer or all, or substantially all, of the property and assets of the Corporation, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public

My commission expires: 2/14/12

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Attorney



3 Kingston Cove Road

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for a particular purpose. Baltimore County, Maryland disclaims all liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and expert fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

**PETITIONER'S
EXHIBIT NO. 6**

7a



7b



7c



7d



7e



7f



Vincent and Kelly Auber
1 Kingston Cove Road
Baltimore, Maryland 21220

August 29, 2012

W. Carl Richards, Jr., Chief
Zoning Review
Baltimore County Office Building
111 W. Chesapeake Avenue, Suite 111
Towson, Md. 21204

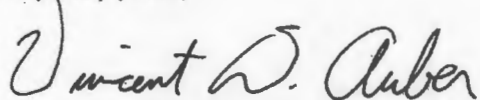
RE: ZONING VARIANCE
3 KINGSTON COVE ROAD

Dear Mr. Richards:

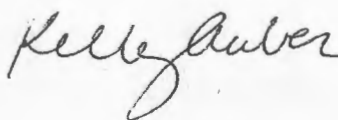
This letter is to confirm that we have reviewed the variance request filed by the petitioner to construct a pier extension, boat lift and jet-ski lift. We have no objection to the two existing mooring piles remaining within the 10 foot setback.

Thank you for your cooperation in this matter.

Very truly yours,



Vincent Auber



Cc: William Wesley
David Billingsley

PETITIONER'S
EXHIBIT NO. 8

James Oliff
5 Kingston Cove Road
Baltimore, Maryland 21220

August 27, 2012

W. Carl Richards, Jr., Chief
Zoning Review
Baltimore County Office Building
111 W. Chesapeake Avenue, Suite 111
Towson, Md. 21204

RE: ZONING VARIANCE
3 KINGSTON COVE ROAD

Dear Mr. Richards:

This letter is to confirm that I have reviewed the variance request filed by the petitioner to construct a pier extension, boat lift and jet-ski lift across the established divisional property line. It is understood that the request will permit an encroachment of up to 23 feet into the property owned by me at 5 Kingston Cove Road.

Thank you for your cooperation in this matter.

Very truly yours,

James Oliff

Cc: William Wesley
David Billingsley

PETITIONER'S
EXHIBIT NO. 9

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: October 15, 2012

TO: Kristen Matthews, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings



RE: Petition for Administrative Variance – 10/1/12 Closing Date
Case No. 2013-0057-A – 3 Kingston Cove Road

After a review of the above-captioned case file, I am requesting that this case be set in for a public hearing.

Our office is returning the file to you for further processing such as notifying the Petitioners, posting and advertising of the hearing notices.

Thank you for your attention and cooperation in this matter.

c: Office of People's Counsel



Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1511351530

Owner Information

Owner Name: WESLEY WILLIAM J/CHARLOTTE M
PROAKIS NICHOLAS ALEXANDER ET AL
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 3 KINGSTON COVE RD
BALTIMORE MD 21220-4913
Deed Reference: 1) /28816/ 00483
2)

Location & Structure Information

Premises Address 3 KINGSTON COVE RD
0-0000
Legal Description
.671 AC PRT LT 2
3 KINGSTON COVE RD
Waterfront KINGSTON PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0090	0024	0445		0000			2	3	Plat Ref: 0028/0055

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1913	1,876 SF	28,880 SF	34

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	156,700	141,700		
Improvements:	135,800	87,400		
Total:	292,500	229,100	229,100	229,100
Preferential Land:	0			0

Transfer Information

Seller: WELLS FARGO BANK	Date: 06/16/2008	Price: \$330,000
Type: NON-ARMS LENGTH OTHER	Deed1: /28816/ 00483	Deed2:
Seller: STALLINGS DENNIS	Date: 05/31/2007	Price: \$566,000
Type: NON-ARMS LENGTH OTHER	Deed1: /25711/ 00406	Deed2:
Seller: STALLINGS CHARMIE	Date: 10/26/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /22796/ 00681	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:
Special Tax Recapture: NONE

Homestead Application Information

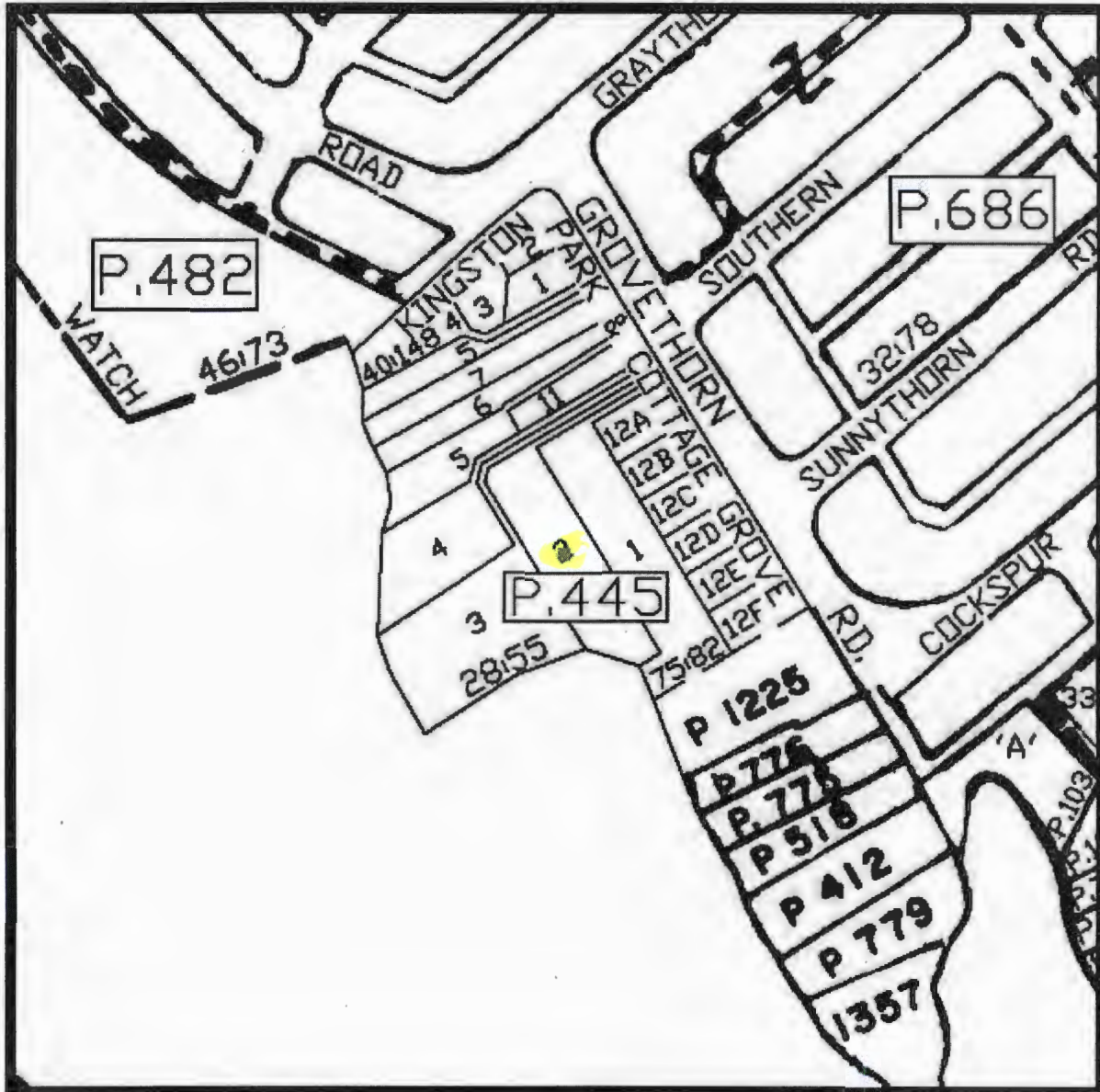
Homestead Application Status: No Application



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

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 1511351530



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

RE: PETITION FOR ADMINSTRATIVE * BEFORE THE OFFICE
VARIANCE *
3 Kingston Cove Road; SW/S Grovethorn * OF ADMINSTRATIVE
Road, 35' SW c/line of Southorn Road *
15th Election & 6th Councilmanic Districts * HEARINGS FOR
Legal Owners: William & Charlotte Wesley
Nicholas & Sharon Proakis and
Thomas & Deborah Borgerding * BALTIMORE COUNTY
Petitioner(s) *
2013-057-A

* * * * *

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

OCT 04 2012

OFFICE OF ADMINISTRATIVE HEARINGS

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 4th day of October, 2012, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - ZAC Comments - Distribution Mtg. of 9/24

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 9/18/2012 9:45 AM
Subject: ZAC Comments - Distribution Mtg. of 9/24

Good Morning,

Please see the cases listed below and the hearing date, **if assigned**. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2013-0043-SPHA - (Floodplain)
1472 Martin Blvd.

2013-0048-A - Administrative Variance - Closing Date: 9/24
825 Queens Park Drive

2013-0049-SPHA
734 Essex Ave.

2013-0050-A - Administrative Variance - Closing Date: 9/24 (Critical Area & Floodplain)
1907 Cape May Road

2013-0051-A - Administrative Variance - Closing Date: 9/24
12220 Dover Rd.

2013-0052-A
15815 Falls Rd.

2013-0053-SPHA
9401, 9403, 9405, 9407, 9409, 9411 Silver Charm Dr.

2013-0055-A - Administrative Variance - Closing Date: 10/1
2909 Knoll Acres Dr.

2013-0056-A (Critical Area & Floodplain)
6920 River Drive Rd.

2013-0057-A - Administrative Variance - Closing Date: 10/1 (Critical Area & Floodplain)
3 Kingston Cove Rd.

2013-0058-A - Administrative Variance - Closing Date: 10/1
6523 Darnell Rd.

2013-0059-A - Administrative Variance - Closing Date: 10/1
119 Williams Ave.

2013-0060-SPH

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 02 2012

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: October 2, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013-0057-A
Address 3 Kingston Cove Road
(Wesley Property)

Zoning Advisory Committee Meeting of September 10, 2012.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. The subject property is located within a Limited Development Area. The proposal is to add 25 feet in length to an existing pier as well as a boat lift and jetski lift. Private piers, with boat lifts and jetski lifts, are permitted on individual residential lots in the Critical Area provided that they meet all Critical Area requirements. There are no wetlands, shellfish habitat, or submerged aquatic vegetation in the area of the proposal, and it does not obstruct the channel or tide or exceed maximum pier length. Therefore as proposed adverse impacts on water quality have been minimized.
2. There are no waterfowl staging and concentration areas, shellfish habitat, or submerged aquatic vegetation in this location. The subject development meets the requirement to conserve fish, wildlife, and plant habitat.
3. Piers are permitted under the Critical Area regulations if certain requirements are met. All Critical Area requirements are met. This proposal is 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.

Reviewer: *Regina Esslinger – Environmental Impact Review*

1



2



2013-0057-A

3



4



2013-0057-A

5

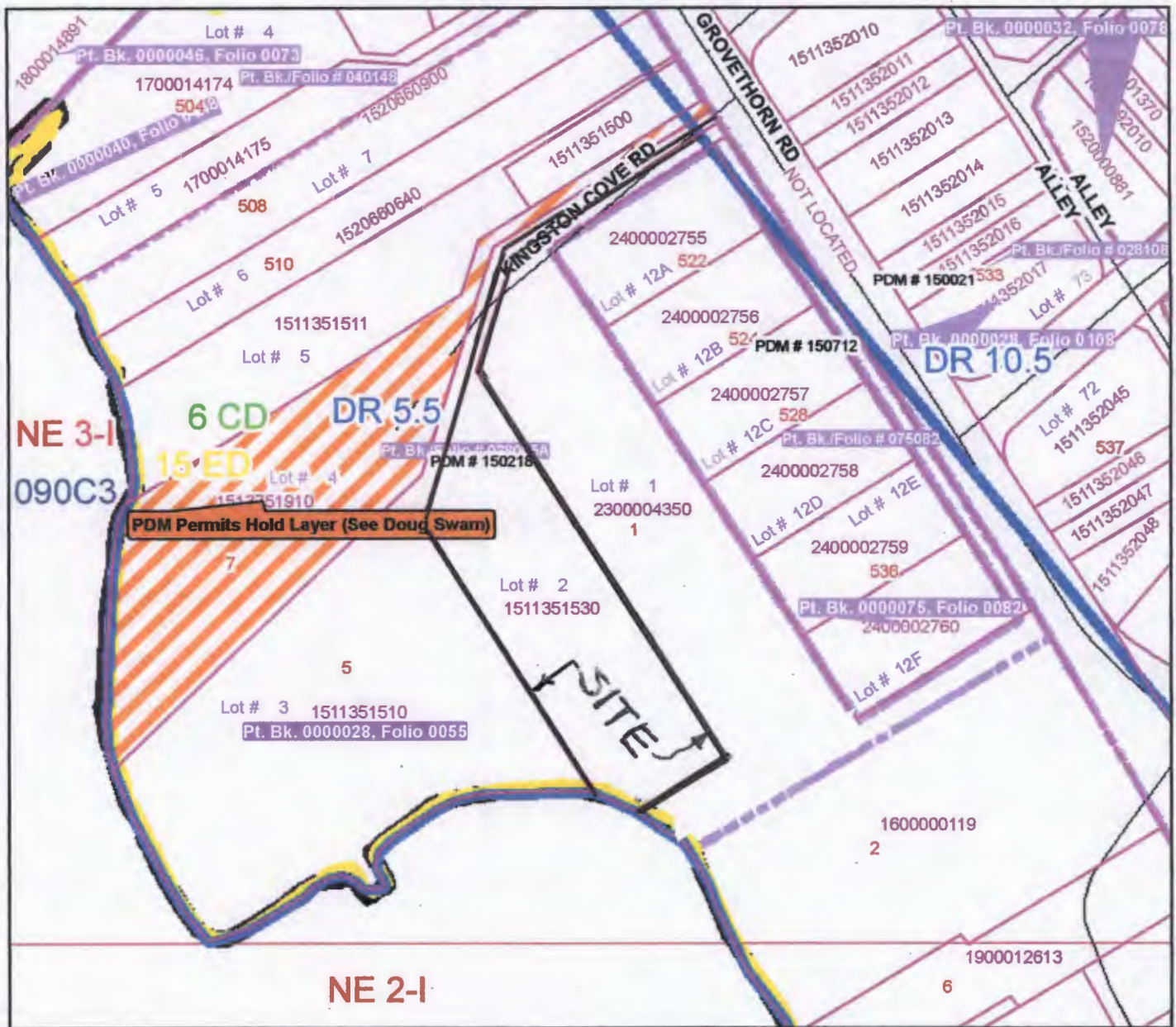


6



2013-0057-A

3 Kingston Cove Road



Publication Date: August 29, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



A horizontal scale bar with markings at 0, 100, and 200 feet. The bar is divided into segments, with the first segment from 0 to 100 feet being shaded black and the subsequent segments being white.

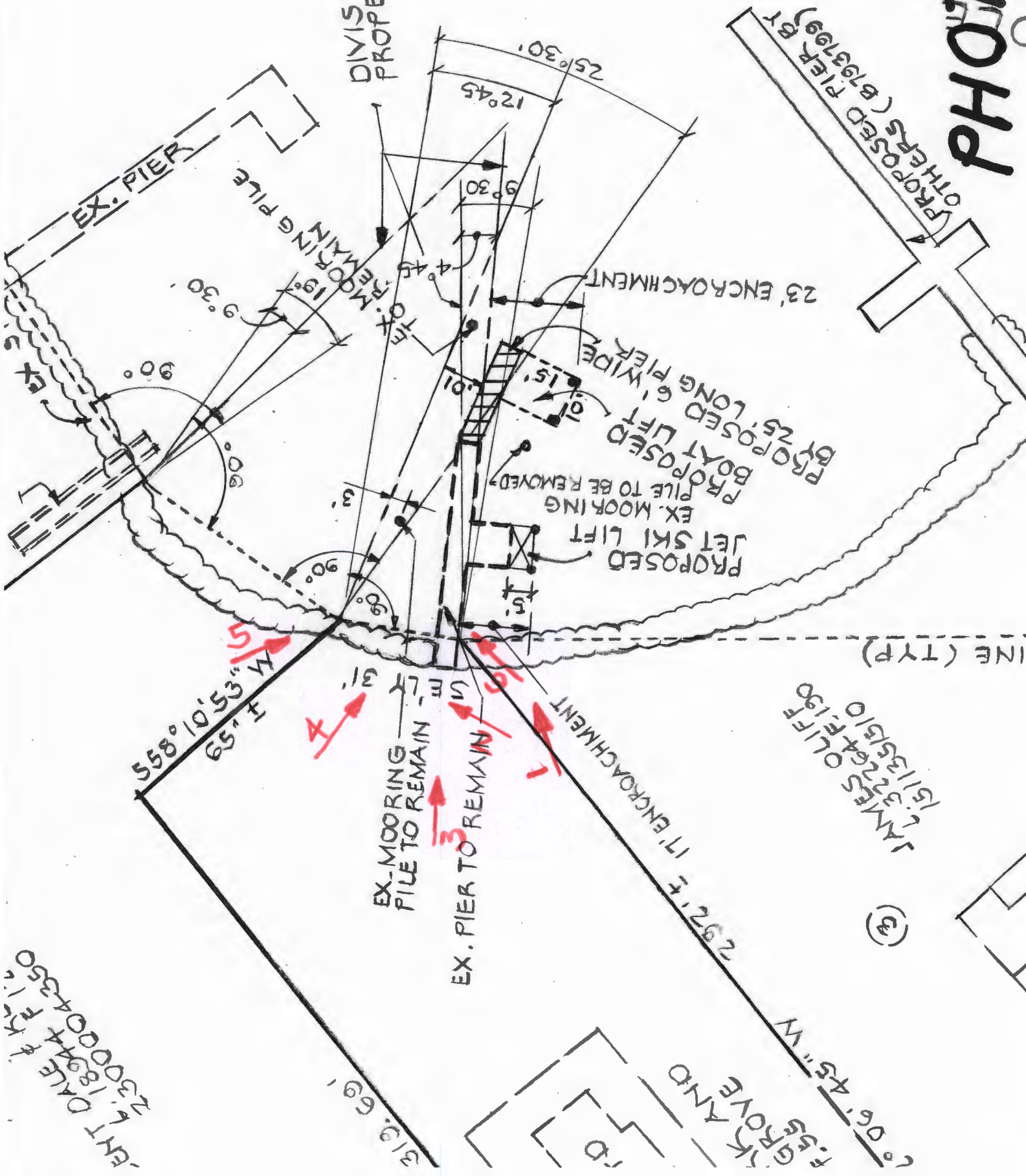
1 inch = 100 feet

2013-0057-A

PHOTOS

2013-0057-A

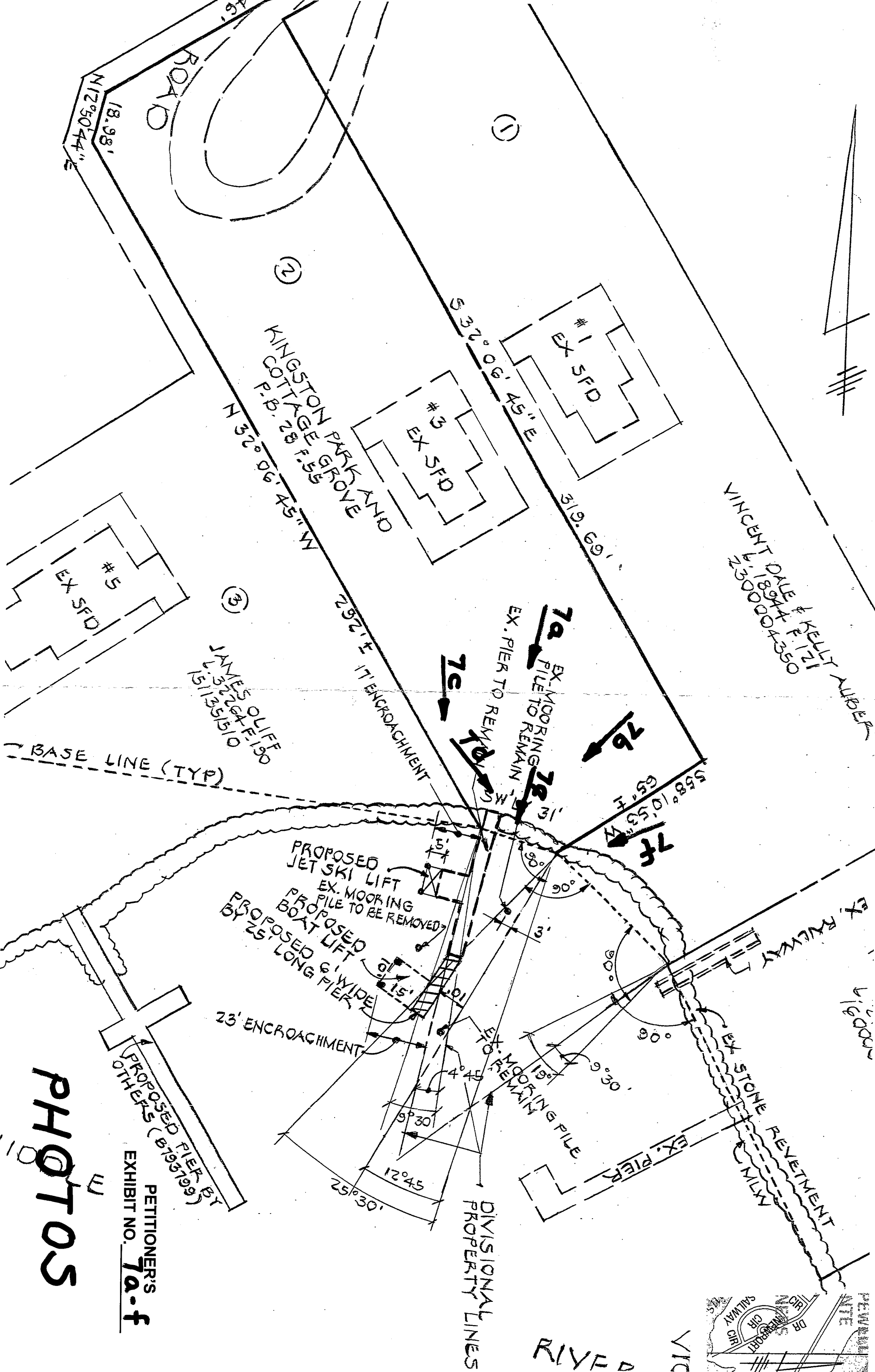
RIVER



ENT DAE # 2300004350
T. 18944 F. 12

JAMES OLIVE
1511351310
1513264 F. 130

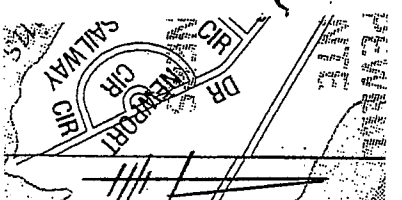
(3)

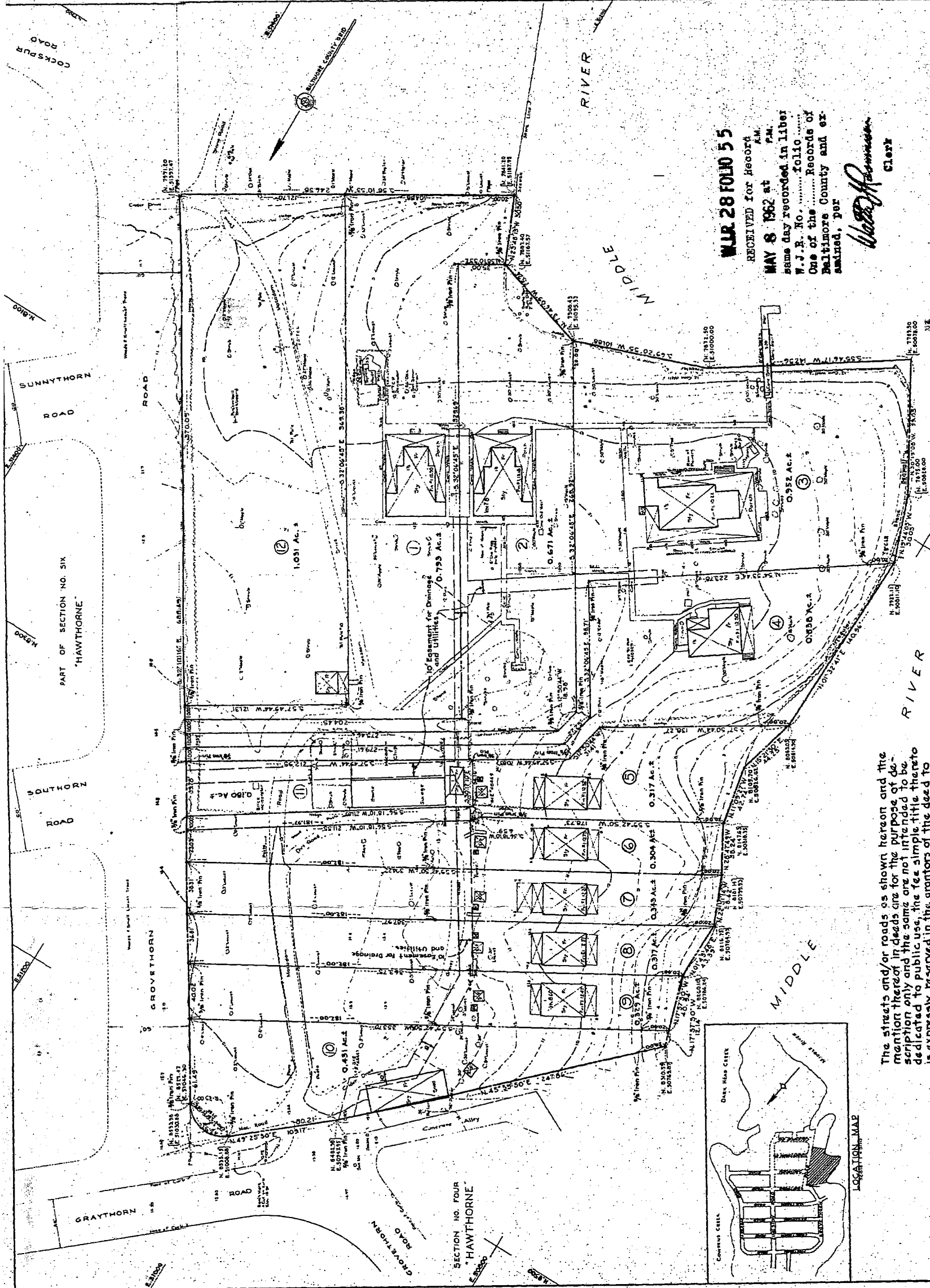


PHOTOS

PETITIONER'S
EXHIBIT NO. 7a-f

RIVER VIC





MLR 28 FOLD 55

RECEIVED for Record
MAY 8 1962 at 2 P.M.
same day recorded in Liber
W.J.R. No. 10110
One of the Records of
Baltimore County and ex-
amined, per

Walter H. Harrison
Clerk

PETITIONER'S
EXHIBIT NO. 5

PART OF KINGSTON PARK
AND COT TAGE GROVE

15TH ELECTION DISTRICT - BALTIMORE COUNTY, MD
HOWARD J. KING - DEVELOPER
5 KINGSTON PARK ROAD, BALTIMORE COUNTY, MD
SCALE: 1" = 50 FEET
DECEMBER 28, 1961

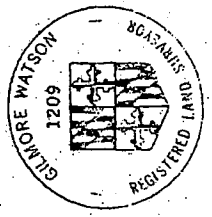
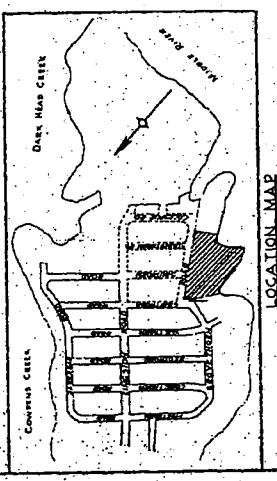
156205 00
Baltimore County
Engineering
Date: 3-1-62

The streets and/or roads as shown hereon and the
mention thereof in deeds are for the purpose of de-
scription only and the same are not intended to be
dedicated to public use, the fee simple title thereto
is expressly reserved in the grantors of the deed to
which this plat is attached.

Bearings and coordinates are referred to Traverse
Points #6000 & #6001 established by the Baltimore
Metropolitan District.

The requirements of Sections 59 to 62 inclusive of Article
17 of the Annotated Code of Maryland 1957 Edition (Title,
Clerks of Court, Subtitle: Clerks of Circuit Courts) as far as
they relate to the setting of markers have been complied
with.

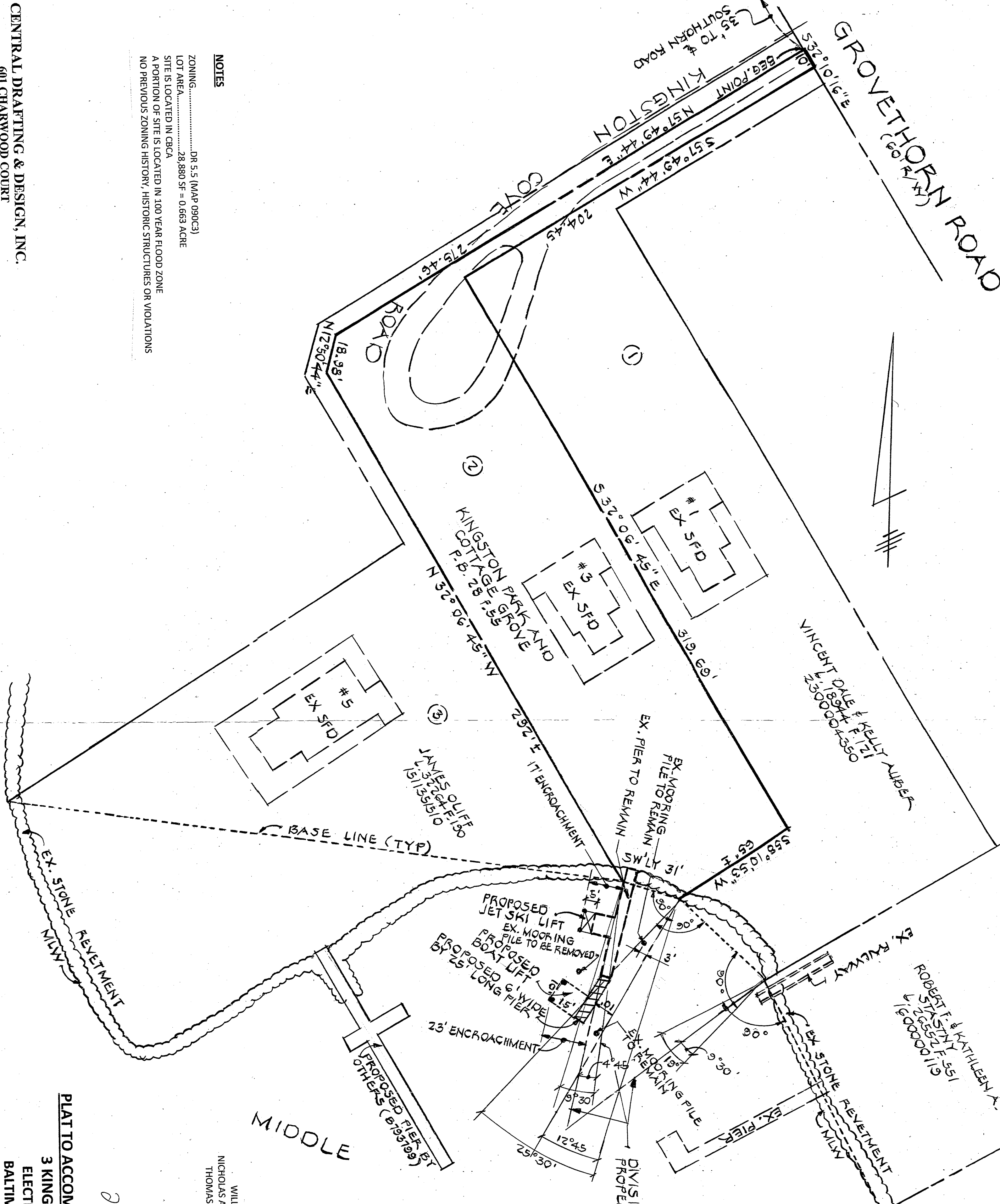
Howard King
OWNER



BENJAMIN E. BEAVIN COMPANY ENGINEERS 104 E. 25TH STREET BALTIMORE, MARYLAND	REGISTERED LAND SURVEYOR <i>Benjamin E. Beavin</i> GILMORE WATSON, NO. 1209	APPROVED FOR BALTO. CO. HEALTH DEPT. <i>William H. P. Winters</i> DEP. STATE & CO. HEALTH OFFICER	HIGHWAYS DEPT. OF BALTIMORE COUNTY APPROVED FOR BALTO. CO. PLANNING BOARD BY: <i>John A. H. Del</i> DIRECTOR	DATE: 3/1/62
--	---	---	---	--------------

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

NOTES
ZONING.....DR 5.5 (MAP 090C3)
LOT AREA.....28,880 SF = 0.663 ACRE
SITE IS LOCATED IN CBCA
A PORTION OF SITE IS LOCATED IN 100 YEAR FLOOD ZONE
NO PREVIOUS ZONING HISTORY, HISTORIC STRUCTURES OR VIOLATIONS

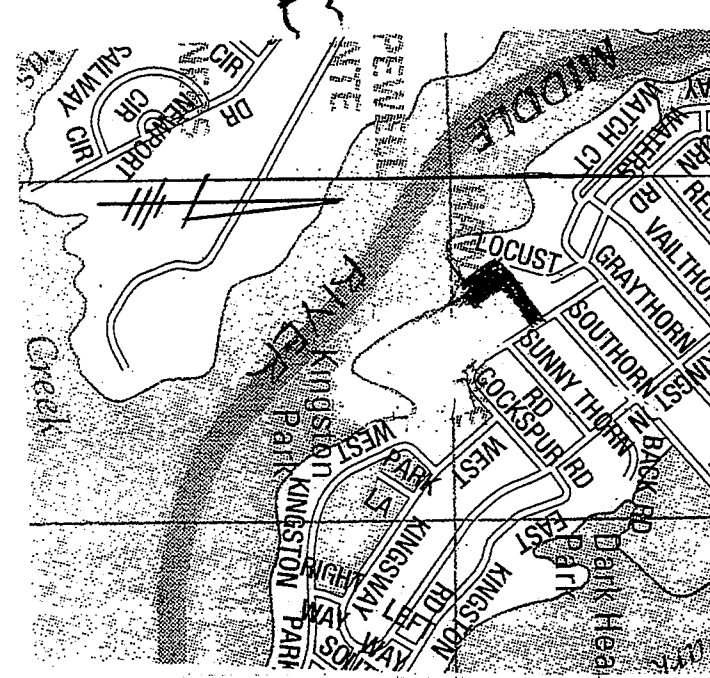


PLAT TO ACCOMPANY VARIANCE PETITION

3 KINGSTON COVE ROAD
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET AUGUST 27, 2012

2013-0057-A

OWNER
WILLIAM J. & CHARLOTTE M. WESLEY
NICHOLAS ALEXANDER & SHARON WESLEY PROAKIS
THOMAS E. & DEBORAH WESLEY BORGENDING
3 KINGSTON COVE ROAD
BALTIMORE, MD. 21220
DEED REF: L28816 F.483
ACCT. NO. 151351530



GROVETHORN ROAD

35' TO SOUTHERN ROAD

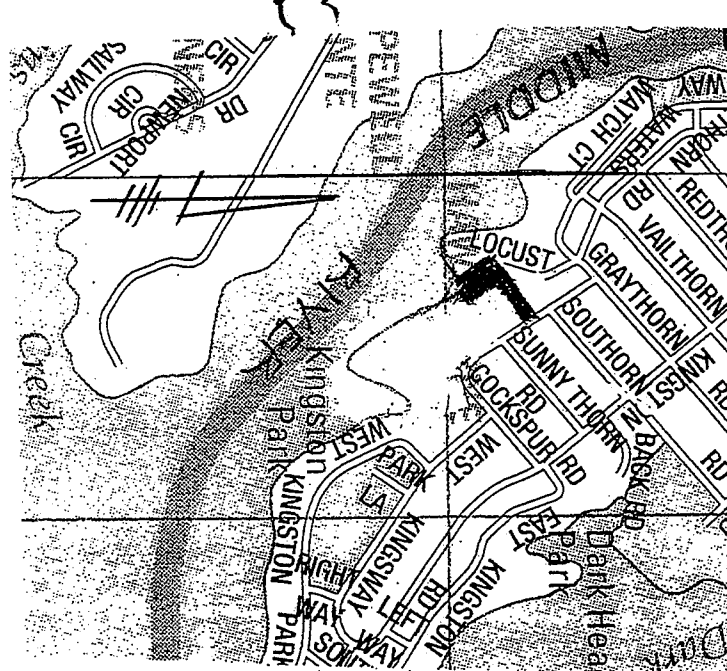
KINGSTON

COVE ROAD

VINCENT DALE & KELLY AUBER
353°10'16"E
23,000.00 F. 1211
23,000.00 F. 4350

ROBERT F. & KATHLEEN A.
51°55'21"E
19,000.00 F. 1116

VICINITY MAP
SCALE 1"=1000'



RIVER

MIDDLE

PROPOSED JET SKI LIFT
EX. MOORING
PILE TO BE REMOVED
PROPOSED BOAT LIFT
PROPOSED 6' WIDE
BY 25' LONG PIER
25' ENCROACHMENT
PROPOSED PIER BY
OTHERS (B795799)

EX. MOORING
PILE TO REMAIN
EX. PIER TO REMAIN

PROPOSED PIER
DIVISIONAL LINES

KINGSTON PARK AND
COTTAGE GROVE
P.B. 28 F. 555
N 32°06'45" W

JAMES OLIFE
322°44'10"
15113.61 F. 150

#5
EX SFD

#3
EX SFD

#1
EX SFD

BASE LINE (TYP)

EX. STONE
REYETMENT
MLW

EX. STONE
REYETMENT
MLW

OWNER
WILLIAM J. & CHARLOTTE M. WESLEY
NICHOLAS ALEXANDER & SHARON WESLEY PROAKIS
THOMAS E. & DEBORAH WESLEY BORGENDING
3 KINGSTON COVE ROAD
BALTIMORE, MD. 21220
DEED REF: L28816 F.483
ACCT. NO. 1511351530

PETITIONER'S
EXHIBIT NO. 1

PLAT TO ACCOMPANY VARIANCE PETITION

3 KINGSTON COVE ROAD

ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET AUGUST 27, 2012

NOTES

ZONING.....DR 5.5 (MAP 090C3)
LOT AREA.....28,880 SF = 0.663 ACRE
SITE IS LOCATED IN CBCA
A PORTION OF SITE IS LOCATED IN 100 YEAR FLOOD ZONE
NO PREVIOUS ZONING HISTORY, HISTORIC STRUCTURES OR VIOLATIONS

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719