

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
SE/S Barrison Point Road, 700' S *
of Island View Road * DEPUTY ZONING COMMISSIONER
(2527 Barrison Point Road) *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
James L. Grace, et ux * Case No. 97-139-A
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 2527 Barrison Point Road, located in the vicinity of Back River Neck Road in Essex. The property is a waterfront lot located on Hawk Cove in southeastern Baltimore County. The Petition was filed by the owners of the property, James L. and Jeanette Grace. The Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 25 feet in lieu of the maximum permitted 15 feet for a proposed two-story garage. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must

ORDER RECEIVED FOR FILING
Date 1/13/96
JL

take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

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

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of October, 1996 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 25 feet in lieu of the maximum permitted 15 feet for a proposed two-story garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

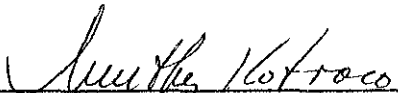
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The Petitioner shall not allow or cause the proposed accessory structure to be converted to a second dwelling unit or apartments. The garage shall contain no living or sleeping quarters and no kitchen or bathroom facilities.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated October 15, 1996, attached hereto and made a part hereof.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 10/24/96
By [Signature]

RECORDED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
October 15, 1996

FROM: R. Bruce Seeley *RBS/gp*
DEPRM

SUBJECT: Zoning Item #139 - Grace Property
2527 Barrison Point Road
Zoning Advisory Committee Meeting of October 7, 1996

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

Environmental Impact Review

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Ground Water Management

A variance must be submitted to locate a structure within 30 feet of a water well - contact GWM at 887-2762.

RBS:sp

GRACE/DEPRM/TXTSBP

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 24, 1996

Mr. & Mrs. James L. Grace
2527 Barrison Point Road
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Barrison Point Road, 700' S of Island View Road
(2527 Barrison Point Road)
15th Election District - 5th Councilmanic District
James L. Grace, et ux - Petitioners
Case No. 97-139-A

Dear Mr. & Mrs. Grace:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

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 Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

Mr. Thomas E. Phelps
945 Barron Avenue, Baltimore, Md. 21221

People's Counsel
DEPRM

Case File

MICROFILMED



Petition for Administrative Variance

97-139-A

to the Zoning Commissioner of Baltimore County

for the property located at 2527 Barrison Point Road
which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & 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) 400.3 To PERMIT A 25' HEIGHT
IN LIEU OF 15' FOR A DETACHED GARAGE

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) to allow for a garage to be 2 story not to exceed 25' high

see other side

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Legal Owner(s)

JAMES L GRACE
(Type or Print Name)

Signature

JEANETTE GRACE
(Type or Print Name)

Signature

2527 Barrison Point Rd (410) 574 2094
Address Phone No

Baltimore Maryland 21221
City State Zipcode
Name, Address and phone number of representative to be contacted

Thomas E. Phelps

945 Barron Ave (410) 574 6744
Name Address Balt. MD. 21221 Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

REVIEWED BY: ML DATE: 9/25/96

ESTIMATED POSTING DATE: 10/6/96



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on Recycled Paper

Zoning Commissioner of Baltimore County

ITEM #: 139

ORDER RECEIVED FOR FILING

Date: 10/24/96
By: [Signature]



Petition for Administrative Variance

97-139-A

to the Zoning Commissioner of Baltimore County

for the property located at

2527 Barrison Point Road

which is presently zoned DR 5.5

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of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) to allow for a garage to be 2 story not to exceed 25' high

see other side

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Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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.

Legal Owner(s)

JAMES GRACE

(Type or Print Name)

James Grace

Signature

JEANNETTE GRACE

(Type or Print Name)

Jeannette Grace

Signature

2527 Barrison Point Rd (410) 5742094

Address

Phone No

Baltimore

MD.

21221

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Thomas E. Phelps

Name

945 Barron Ave (410) 574 6744

Address

Balt. Md 21221

Phone No

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Zoning Commissioner of Baltimore County



REVIEWED BY: 2726

DATE: 9/25/96

ESTIMATED POSTING DATE: 10/6/96



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on Recycled Paper

ITEM #: 139

THOMAS E. PHELPS & ASSOCIATES, INC.

945 Barron Avenue
Baltimore, Maryland 21221-5202
(301) 574-6744

LAND SURVEYING

LAND PLANNING

97-139-A

ZONING DESCRIPTION FOR 2527 BARRISON POINT ROAD
(address)
Election District 15 Councilmanic District 5

Beginning at a point on the SOUTH side of BARRISON
(north, south, east or west)

POINT ROAD which is 30 FEET
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 700± WEST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street WINDY VIEW ROAD
(name of street)

which is 30 FEET wide. *Being Lot # 1A,
(number of feet of right-of-way width)

Block —, Section # — in the subdivision of

BARRISON POINT as recorded in Baltimore County Plat
(name of subdivision)

Book # 7, Folio # 176, containing

8,750
(square feet and acres)

139

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 024886

DATE 9/25/96 ACCOUNT 81-615

Item: 139
BY: MM

AMOUNT \$ 50.00

RECEIVED FROM: Grace - 2527 Burriss Pt. Rd.

FOR: 010-Alvin Vance - \$50.00

MICROFILMED

CSA21#001AMICHD
BY: 061041AM09-25-96 \$50.00

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-139-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) ~~Posting fees will be accessed and paid to this office at the time of filing.~~
- 2) ~~Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.~~

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 139 Petitioner: THOMAS PHILLIPS

Location: 2527 BARRISON POINT ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JAMES GRACE

ADDRESS: 2527 BARRISON POINT ROAD

BALTIMORE, MD 21220

PHONE NUMBER: (410) 391-5622

CERTIFICATE OF POSTING

RE: Case No.: 97-139 A

Petitioner/Developer: % TOM PHELPS, ETAL

Date of Hearing/Closing: OCT. 24, 1996

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #2527 - BARRISON POINT
ROAD.

The sign(s) were posted on

10/5/96

(Month, Day, Year)

Sincerely,

Patrick M O'Keefe

(Signature of Sign Poster and Date)

PATRICK M O'KEEFE

(Printed Name)

523 PENNY LANE

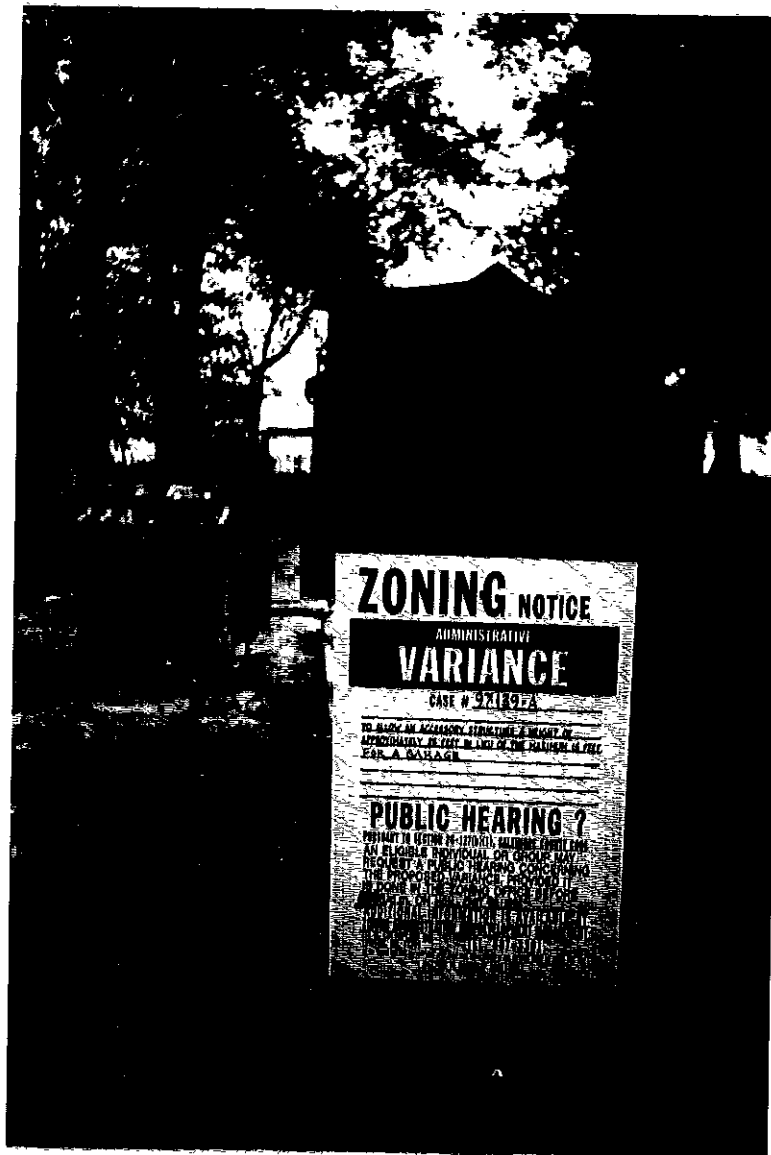
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

666-5366

(Telephone Number)



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 9218972

TO HAVE AN ACCESSORY STRUCTURE & HEIGHT OF
APPROXIMATELY 10 FEET IN AREA OF THE MAINFOLD AT THE
END A GARAGE

PUBLIC HEARING ?

PROPERTY IN ZONING 10-120000, BUILDING CODE 1000
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE. THE HEARING
WILL BE HELD AT THE CITY CLERK'S OFFICE
ON THE 10TH DAY OF THE MONTH OF
JULY AT 10:00 AM. THE HEARING WILL
BE OPEN TO THE PUBLIC AND THE
PROPERTY OWNER WILL BE REQUIRED TO
PRESENT EVIDENCE TO SUPPORT THE
VARIANCE REQUEST.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 3, 1996

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-139-A (Item 139)
2527 Barrison Point Road
SE/S Barrison Point Road, 700' S of Island View Road
15th Election District - 5th Councilmanic
Legal Owner(s): James Grace and Jeanette Grace
Post by Date: 10/6/96
Closing Date: 10/21/96

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She 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 (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's 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.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: James and Jeanette Grace

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 18, 1996

Mr. and Mrs. James Grace
2527 Barrison Point Road
Baltimore, MD 21221

RE: Item No.: 139
Case No.: 97-139-A
Petitioner: James Grace, et ux

Dear Mr. and Mrs. Grace:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 25, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Parker F. Williams
Administrator

10/7/96

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

RE: Baltimore County
Item No. 139 (MJK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Smail at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

10/10/96

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 10/07/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCT. 07, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 131, 132, 133, 134, 135, 136,
137, 138, 139, 140, 141, 142, 146 AND 147.

1003

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: October 15, 1996

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for October 15, 1996
 Item No. 139

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

RWB:HJO:jrb

cc: File

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: October 18, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning recommends that should the petition(s) be granted, a condition should be placed in the Order restricting the conversion of any accessory structure for dwelling purposes.

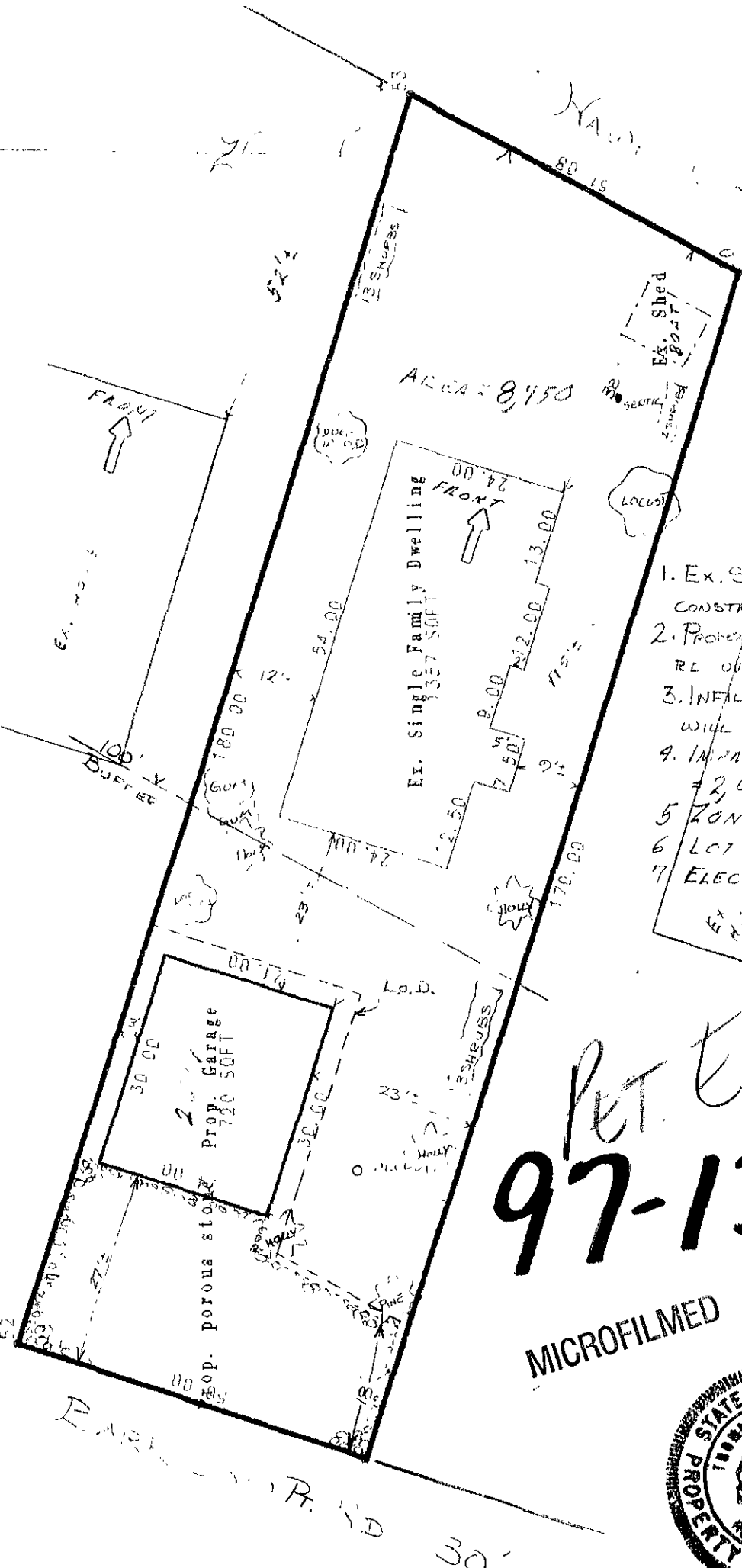
Item Nos. 139, 164 and 170

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long
Division Chief: Gary L. Kerns

PK/JL

PROPOSED
ISLAND
SPE
2000-2012
1500-1500
HAY
VICINITY MAY
11-2000



1. EX. SHED TO RAZE - 1 FT
2. PROPOSED POROUS STONE TO RE OULA FILTER CLOTH
3. INFILTRATION TRENCHES WILL BE USED A 3 INCH
4. IMPROVEMENTS 15% A/C
5. ZONING - DR5.5
6. LOT 15 BY CBLA
7. ELEC 15 COUNCIL 5

PET. EX. 1
97-139-A

MICROFILMED # 139



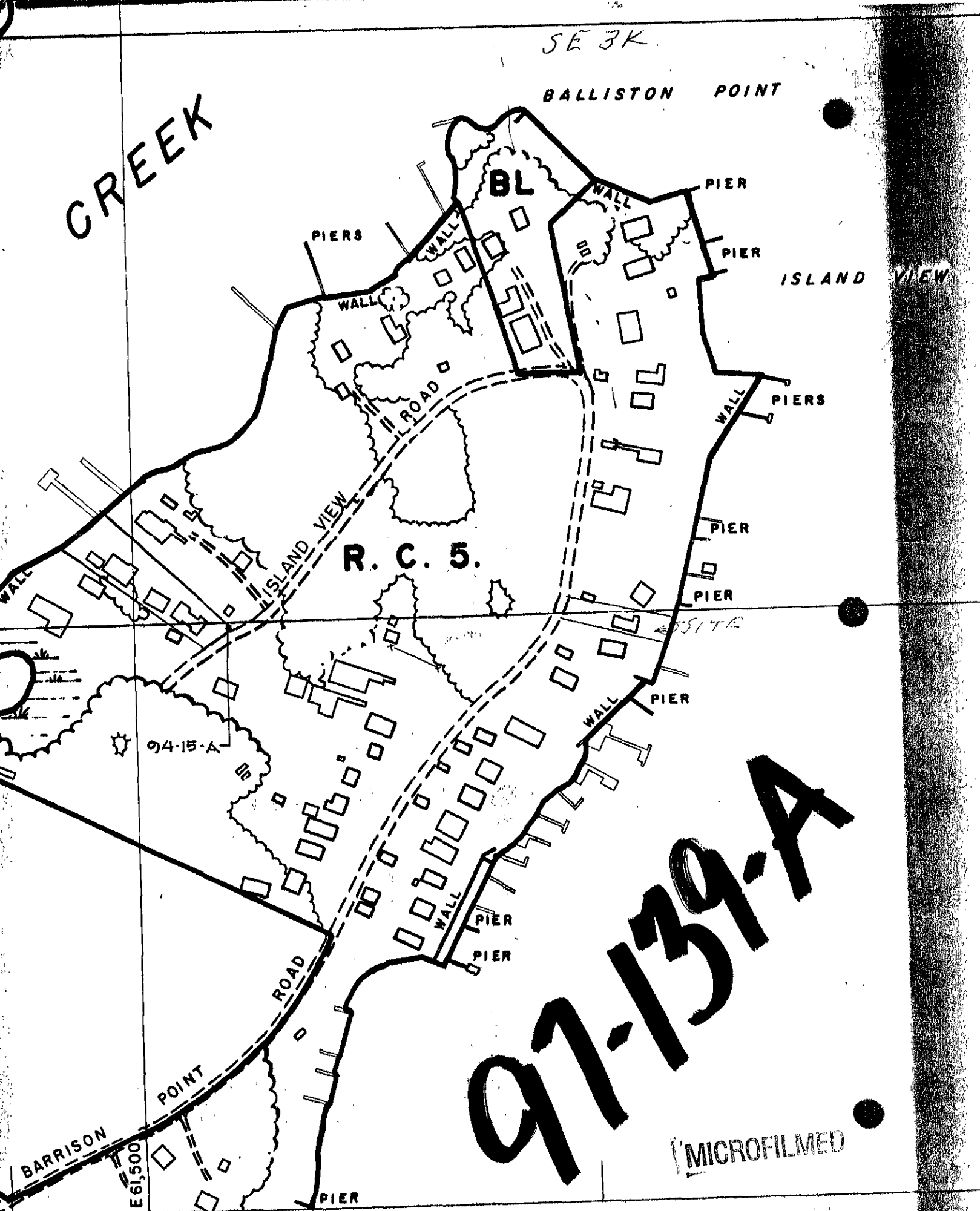
THIS DOES NOT CONSTITUTE A PROPERTY LINE SURVEY
THIS WILL CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS
ON THE ABOVE PROPERTY AS INDICATED

Thomas E. Phelps

THOMAS E. PHELPS AND ASSOCIATES, INC.
REGISTERED PROPERTY LINE SURVEYORS
945 BARRON AVENUE
BALTIMORE, MARYLAND 21221
OFFICE: (800) 574-6744

LOCATION SURVEY
SITE PLAN
2527 BARRISON POINT
LOT 14
BALTIMORE CO, MD
Plat Book 7 Folio 176
Scale .1" = 20' Date 11-14-96

#139



97-139-A
MICROFILMED



97139A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
BALLISTON
POINT

SHEET
S E
3-K

MICROFILMED

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
SE/S Barrison Point Road, 700' S * DEPUTY ZONING COMMISSIONER
of Island View Road (2527 Barrison Point Road)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 97-139-A
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Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must

take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

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

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of October, 1996 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 25 feet in lieu of the maximum permitted 15 feet for a proposed two-story garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit 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, the relief granted herein shall be rescinded.

- 2) The Petitioner shall not allow or cause the proposed accessory structure to be converted to a second dwelling unit or apartments. The garage shall contain no living or sleeping quarters and no kitchen or bathroom facilities.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated October 15, 1996, attached hereto and made a part hereof.

TMK:bjs

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 10/24/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/24/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/24/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/24/96
By [Signature]

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
October 15, 1996

FROM: R. Bruce Seeley RBS/SP
DEPRM

SUBJECT: Zoning Item #139 - Grace Property
2527 Barrison Point Road
Zoning Advisory Committee Meeting of October 7, 1996

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

Environmental Impact Review

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Ground Water Management

A variance must be submitted to locate a structure within 30 feet of a water well - contact GWM at 887-2762.



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 24, 1996

Mr. & Mrs. James L. Grace
2527 Barrison Point Road
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Barrison Point Road, 700' S of Island View Road
(2527 Barrison Point Road)
15th Election District - 5th Councilmanic District
James L. Grace, et ux - Petitioners
Case No. 97-139-A

Dear Mr. & Mrs. Grace:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

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 Permits and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

Mr. Thomas E. Phelps
945 Barron Avenue, Baltimore, Md. 21221

People's Counsel
DEPRM
Case File



Petition for Administrative Variance
97-139-A
to the Zoning Commissioner of Baltimore County
for the property located at 2527 Barrison Point Road
which is presently zoned RS-5

This Petition shall be filed with the Office of Zoning Administration & 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) 400.3 to permit a 25' height in lieu of 15' for a detached garage.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) to allow for a garage to be 2 story not to exceed 25' high.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase Lease

Legal Owner(s)
Type of Petition: James L. Grace
Signature: [Signature]
Address: 2527 Barrison Point Rd (410) 574 2094
City: Baltimore State: Maryland Zip: 21221
Date: 10/24/96
Authority to Petitioner: [Signature]
Type of Petition: James L. Grace
Signature: [Signature]
Address: 2527 Barrison Point Rd (410) 574 2094
City: Baltimore State: Maryland Zip: 21221
Date: 10/24/96
Authority to Petitioner: [Signature]
Type of Petition: James L. Grace
Signature: [Signature]
Address: 2527 Barrison Point Rd (410) 574 2094
City: Baltimore State: Maryland Zip: 21221
Date: 10/24/96
Authority to Petitioner: [Signature]

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 24th day of October, 1996, that the subject matter of this petition be set for a public hearing, advertisement as related to the Zoning Regulations of Baltimore County, in the newspaper of general circulation throughout Baltimore County, and that the property be posted.

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature] DATE: 10/24/96
ESTIMATED POSTING DATE: 10/24/96

ORDER RECEIVED FOR FILING
Date 10/24/96
By [Signature]

Affidavit in support of
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that 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 Affiant(s) does/do presently reside at: 2527 Barrison Point Road
Baltimore Maryland 21221

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)
I have a pick up with a high rack on top for ladders so I need a 10' ceiling height. I have 4 children in a small house with no attic. We would like storage space.

The Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.
James L. Grace [Signature]
Jeanette Grace [Signature]

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 24th day of September 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
James & Jeanette Grace

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the facts and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
10/26/96 [Signature]

My Commission Expires: 05/01/98

Notary Public

Notary Seal

ORDER RECEIVED FOR FILING
Date 10/24/96
By [Signature]

RBS:sp
GRACE/DEPRM/TXTSPB

THOMAS E. PHELPS & ASSOCIATES, INC.
945 Barron Avenue
Baltimore, Maryland 21221-5202
(301) 574-6744

97-139-A

ZONING DESCRIPTION FOR 2527 BARRISON POINT ROAD
(address)
Election District 15 Councilmanic District 5

Beginning at a point on the SOUTH side of BARRISON
(north, south, east or west)
POINT ROAD which is 20 FEET
(street on which property fronts) (number of feet of right-of-way width)
wide at a distance of 700.2 FEET
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street KILDA VIEW ROAD
(name of street)
which is 30 FEET wide. *Being lot # 1A.
(number of feet of right-of-way width)
Block _____, Section # _____ in the subdivision of
BARRISON POINT as recorded in Baltimore County Plat
(name of subdivision)
Book # 7, Folio # 176, containing
8750
(square feet and acres)

139

REGISTERED PROPERTY LINE SURVEYOR MD. #374

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 9/12/96 ACCOUNT G-1615
Inv. 139
124.77K AMOUNT \$ 50.00

RECEIVED FROM 6/10 - 2327 Barrison Pt. Rd.
FOR 6/10 - Alma Vanner - \$ 50.00

0369180014MCHRC \$50.00
BA 0010-14AM09-05-96
VALIDATION OR SIGNATURE OF CARRIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-139-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 139 Petitioner: THOMAS PHELPS

Location: 2527 BARRISON POINT ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JAMES GRACE

ADDRESS: 2527 BARRISON POINT ROAD

BALTIMORE, MD 21220

PHONE NUMBER: 410-391-8622

Printed with Soybean Ink
on Recycled Paper

12

CERTIFICATE OF POSTING

RE: Case No.: 97-139 A

Petitioner/Developer: % TOM PHELPS, ETAL

Date of Hearing/Closing: OCT. 24, 1996

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2527 BARRISON POINT ROAD.

The sign(s) were posted on 10/5/96
(Month, Day, Year)

Sincerely,

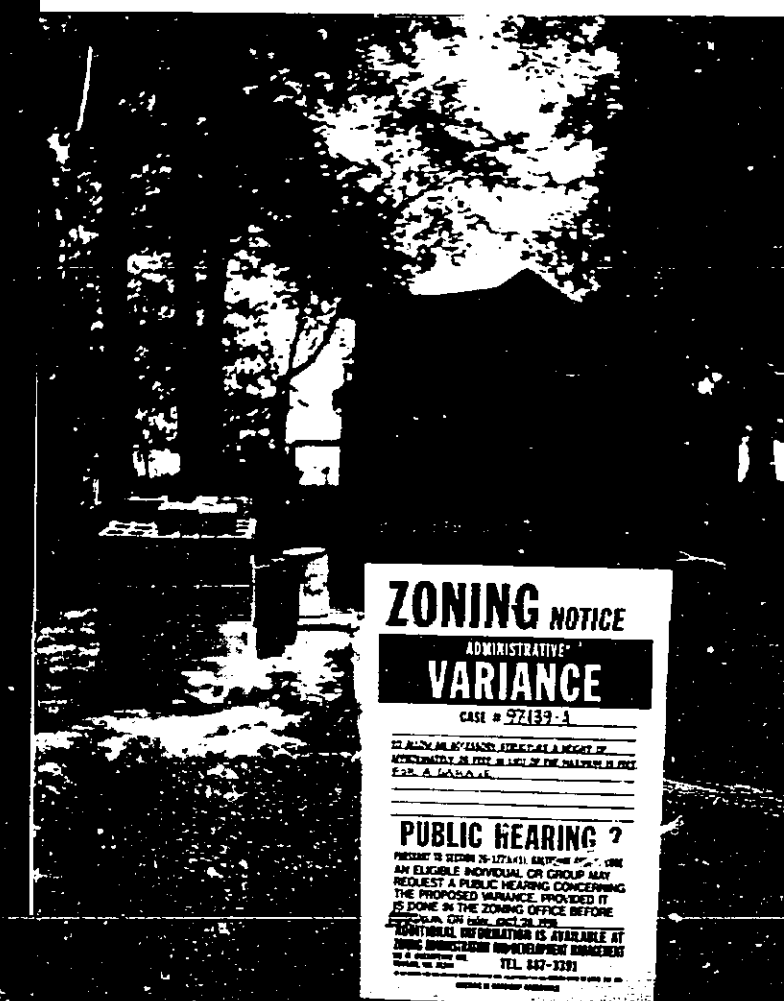
Patrick M. O'Keefe
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

666-5366
(Telephone Number)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 3, 1996

NOTICE YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-139-A (Item 139)
2527 Barrison Point Road
2527 Barrison Point Road, 700' S of Island View Road
15th Election District - 5th Councilmanic
Legal Owner(s): James Grace and Jeannette Grace
Post by date: 10/6/96
Closing Date: 10/24/96

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/she 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 (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's 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.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

cc: James and Jeannette Grace



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 18, 1996

Mr. and Mrs. James Grace
2527 Barrison Point Road
Baltimore, MD 21221

RE: Item No.: 139
Case No.: 97-139-A
Petitioner: James Grace, et ux

Dear Mr. and Mrs. Grace:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 25, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/ra
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

October 15, 1996

FROM: R. Bruce Seeley RBS/SP
DEPRM

SUBJECT: Zoning Item #139 - Grace Property
2527 Barrison Point Road
Zoning Advisory Committee Meeting of October 7, 1996

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

Environmental Impact Review

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Ground Water Management

A variance must be submitted to locate a structure within 30 feet of a water well - contact GWM at 887-2762.

RBS:sp

GRACE/DEPRM/TXTSBB



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County
Item No. 139 (MJK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2289, Shuttleside Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/07/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCT. 07, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144 AND 147.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Daybreak Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: October 15, 1996
FROM: Robert W. Bowling, Chief
Development Plans Review Division
SUBJECT: Zoning Advisory Committee Meeting
for October 15, 1996
Item No. 139

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to Tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

RWB:HJO:jrb

cc: File

ZONE31C

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management
DATE: October 18, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning recommends that should the petition(s) be granted, a condition should be placed in the Order restricting the conversion of any accessory structure for dwelling purposes.

Item Nos. 139, 164 and 170

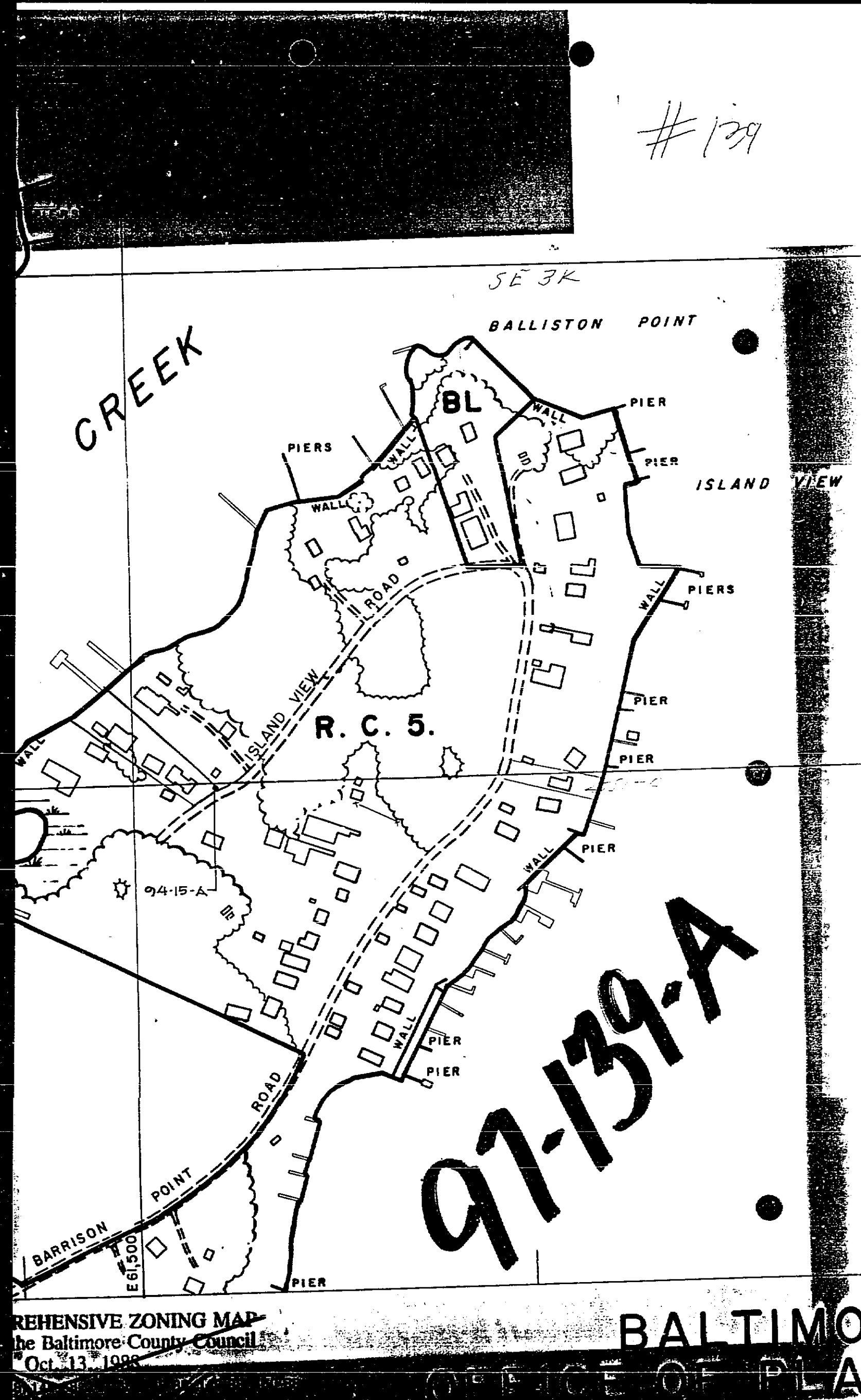
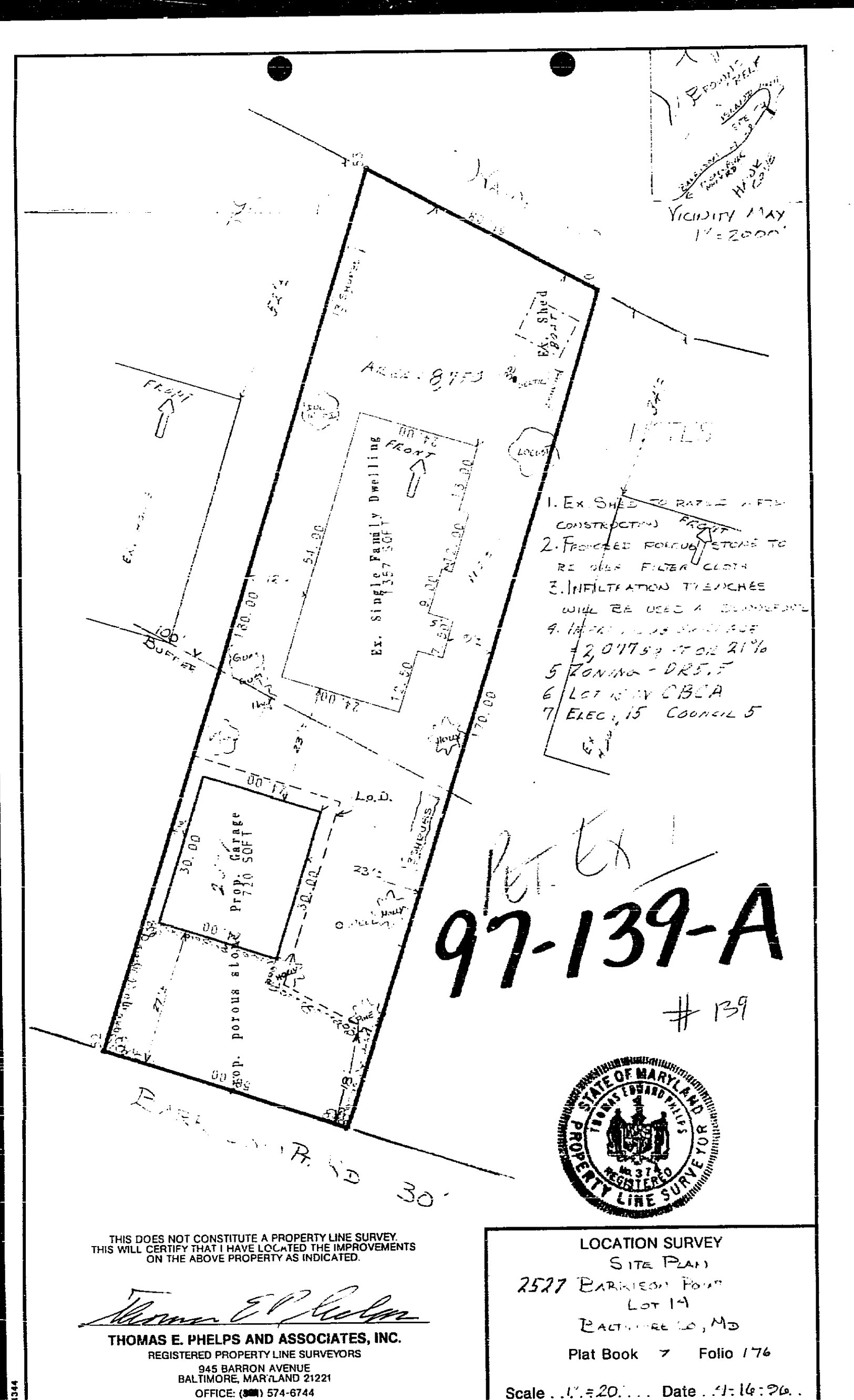
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

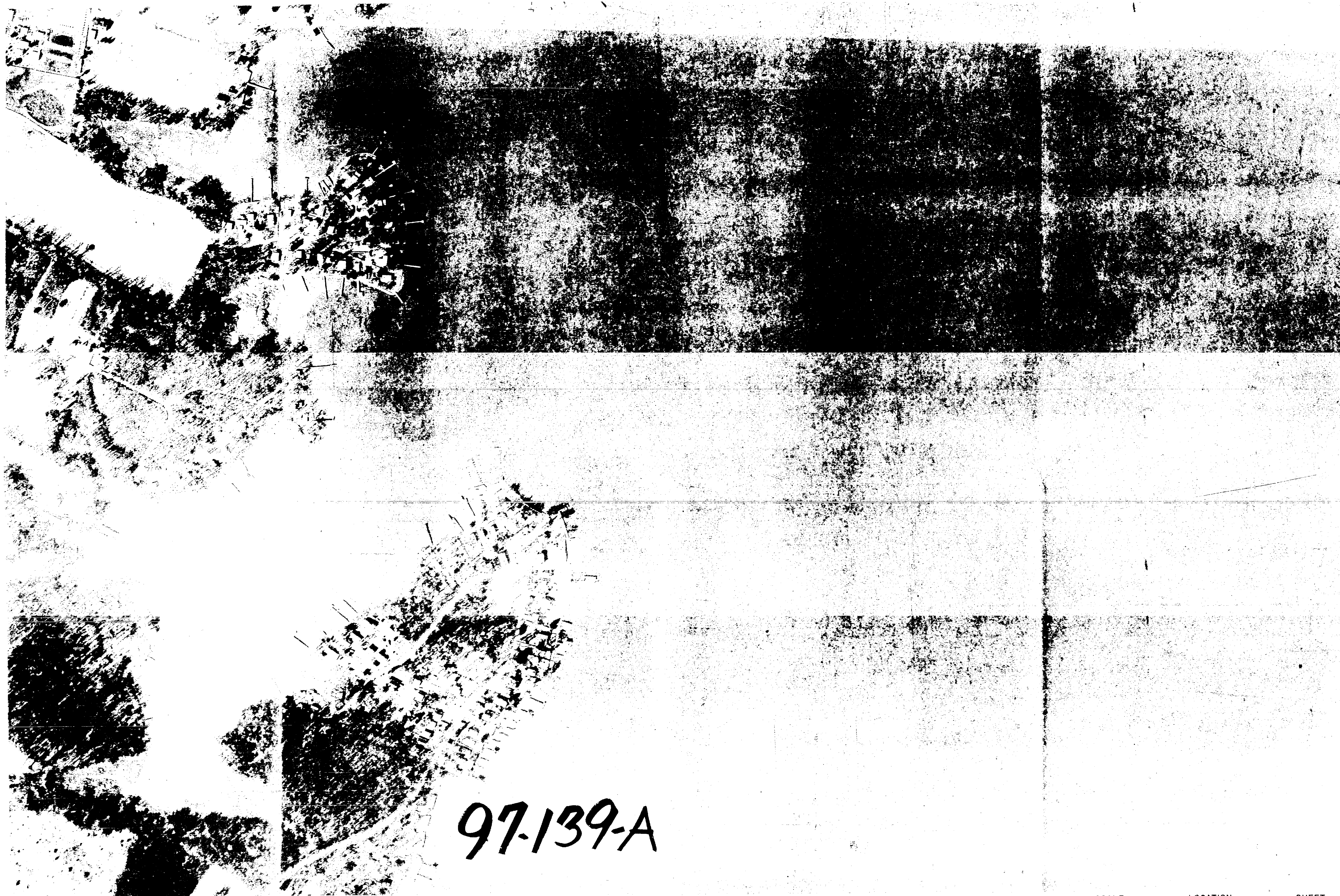
Prepared by: *Jeffrey W. Long*

Division Chief: *Gary L. Keller*

PK/JL

ITEM139/PZONE/ZAC1





97.139-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
BALLISTON
POINT

SHEET
S.E.
3-K