

IN RE. PETITION FOR SPECIAL HEARING * BEFORE THE
 NW/Corner Island View Road and * ZONING COMMISSIONER
 Point Road (a private road) * OF BALTIMORE COUNTY
 (2542 Island View Road) * Case No. 98-472-SPH
 15th Election District *
 5th Councilmanic District *
 Frances Laing, Owner; *
 Bruce Laing, Contract Purchaser *
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the Owner of the subject property, Frances Laing, and her son, Bruce Laing, President of Island View Inn, Inc. The Petitioners seek confirmation that the subject property enjoys a nonconforming use as a restaurant, and approval that the proposed improvements will not affect that nonconforming status. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Bruce Laing, Co-Petitioner, Richard L. Beall, an architect retained by the Petitioners to prepare the site plan of the property, and J. Neil Lanzi, Esquire, attorney for the Petitioners. Appearing as interested citizens were James S. Brown, Ray and Karen Bonczewski, and Margaret Ferrare, all neighbors to the subject property. These residents were not opposed to the Petitioners' request, but sought clarification and further information about the Petitioners' plans.

Testimony and evidence presented revealed that the subject property is an irregularly shaped, waterfront parcel containing a gross area of 1.42 acres, more or less, zoned B.L. The property is located adjacent to

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 Date 10/29/98
 BY [Signature]

Island View Road and fronts on Browns Creek in eastern Baltimore County, near the point where Browns Creek joins the Chesapeake Bay. The property is presently improved with several buildings, including two residential buildings, a caretaker's residence, and a restaurant, known as the Island View Inn, which is owned and operated by Bruce Laing. Testimony indicated that the residence closest to the water was originally used as a combination dance hall/tavern; however, it was later converted for residential use and has been occupied by the Laing family for the past 30 years. The restaurant building is located near that portion of the property closest to Island View Road. That building has been used as a restaurant for many years and photographs submitted at the hearing show that the restaurant is very small and in need of modernization. The Petitioners propose ambitious and extensive improvements to the property in order to expand the existing restaurant. Thus, the requested special hearing relief is necessary in order to proceed as proposed.

Specifically, the Petitioners propose to relocate the restaurant operation to the structure which is currently used as the Laing residence. As noted above, this structure is near the waterfront and it is believed that the relocation of the restaurant to that portion of the property will increase the public appeal to that facility. The Petitioners propose to enlarge the other residence on the property with a two-story frame addition and use same as the family's new residence. The existing caretaker's residence will be removed, and a portion of the existing restaurant building will be razed. These plans are more particularly shown on the site plan submitted at the hearing.

Mr. Laing and Mr. Beall explained the rationale behind these plans and the proposed improvements. It is believed the conversion of the resi-

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Date 1/29/88
By [Signature]

dence to the restaurant use is appropriate for business purposes, particularly since that building was originally used as a tavern and dance hall. In addition, the Petitioners hope that they will be able to serve not only those customers who arrive by land, but also those who arrive by boat. The proposed improvements are anticipated to cost in the neighborhood of \$200,000. The new restaurant is expected to provide a seating capacity for up to 61 patrons, which is slightly less than is presently provided. Additionally, a gravel parking lot is proposed as shown on the site plan.

Testimony received from the neighbors who appeared was generally supportive. Some concerns were expressed regarding the visual buffering of the site from adjacent residential properties. Specifically, the neighbors requested that a combination of fencing and landscaping be installed along that portion of the property which abuts private residences. The Petitioners agreed to submit a landscape plan to Mr. Avery Harden, the County's Landscape Architect, for review and approval to address this issue.

Comments were also received from a number of the County agencies through the Zoning Plans Advisory Committee process. A favorable comment was received from the Office of Planning which supports the applicants' request and states that the Petitioners' improvements to the site will result in a revitalization of an existing commercial property and its associated buildings. Also, a comment was received from the Development Plans Review Division of the Department of Permits and Development Management indicating that the property is subject to the Baltimore County Building Code and Federal Flood Insurance requirements, in that the property is adjacent to tidewater. A similar comment was received from the Department of Environmental Protection and Resource Management (DEPRM), requiring compliance with the Chesapeake Bay Critical Areas regulations.

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Date

By

The Petitioners indicated that these applicable Federal, State and Local regulations will be met.

The most significant impediment to the Petitioners' proposed improvements relates to sewerage. Presently, the site is served by a private septic system which is either at or near capacity. Testimony offered at the hearing indicated that public sewer is proposed for this site in the year 2001. DEPRM has indicated in their comment that no building permits will be approved for this development until public sewer is available to serve the property.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. I concur with the comment from the Office of Planning that the Petitioners' plans will result in an appropriate revitalization of this site. Thus, the Petition for Special Hearing and site plan submitted shall be approved. However, as a condition to the relief granted, I shall impose certain restrictions as set forth below to address the issues raised by DEPRM and the Development Plans Review Division of DPDM. In addition, I shall require that the Petitioners submit a landscape plan for review and approval by the County's Landscape Architect, prior to the issuance of any building permits. That plan shall pay particular attention to buffering the restaurant use and associated parking lot from adjacent residential properties and zones. Finally, I shall require compliance with the comments submitted by DEPRM as it relates to the sewer issue. The Petitioners' plans may be deferred to the year 2001 and the installation of public sewer. However, if in the interim the Petitioners can reach agreement with DEPRM as to the rehabilitation of its existing private septic system, it may do so. I will leave this issue to the judgment of DEPRM.

ORDER RECEIVED FOR FILING

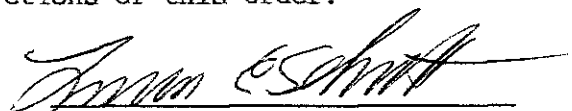
Date

By

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of October, 1998 that the Petition for Special Hearing seeking confirmation that the subject property enjoys a nonconforming use as a restaurant and that the proposed improvements, in accordance with Petitioner's Exhibit 1, will not affect the nonconforming status, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by the Development Plans Review Division of the Department of Permits and Development Management, dated June 23, 1998, and the Department of Environmental Protection and Resource Management, dated June 22, 1998, copies of which are attached hereto and made a part hereof.
- 3) Pursuant to the ZAC comment issued by DEPRM, as set forth above, no permits will be approved until such time as public sewer is available to serve the subject property, or the Petitioner is able to reach agreement with DEPRM as to the rehabilitation of its existing private septic system.
- 4) Prior to the issuance of any building permits, the Petitioners shall submit a landscape plan for review and approval by the County's Landscape Architect. Said plan shall pay particular attention to buffering the restaurant use and related parking lot from adjacent residential properties and zones.
- 5) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

BY



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

October 20, 1998

J. Neil Lanzi, Esquire
409 Washington Avenue, Suite 617
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NW/Corner Island View Road and Point Road (a private road)
(2542 Island View Road)
15th Election District - 5th Councilmanic District
Frances Laing, Owner; Bruce Laing, Contr. Purchaser - Petitioners
Case No. 98-472-SPH

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Frances Laing, 2546 Island View Road, Baltimore, Md. 21221
Mr. Bruce Laing, 2542 Island View Road, Baltimore, Md. 21221

Mr. James S. Brown, 2502 Island View Road, Baltimore, Md. 21221
Mr. & Mrs. Ray Bonczewski, 2553 Barrison Point Rd., Baltimore, Md. 21221
Ms. Margaret Ferrare, 2551 Barrison Point Road, Baltimore, Md. 21221

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

DEPRM; DPDM; OP; People's Counsel; Case Files



CBCA



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2542 Island View Road, Balto., MD 21221

which is presently zoned BL

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the establishment of a nonconforming use of property and to confirm proposed changes shown on the attached Site Plan *will not affect the non conforming status.*

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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:
Bruce Laing, indiv and as President of Island View Inn, Inc.
(Type or Print Name)
Bruce Laing
Signature
2542 Island View Road
Address
Baltimore, MD 21221
City State Zipcode

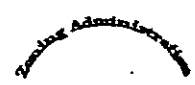
Legal Owner(s):
Frances Laing
(Type or Print Name)
Frances Laing
Signature

2542 Island View Road
Address
Baltimore, MD 21221
City State Zipcode

Attorney for Petitioner:
J. Neil Lanzi
(Type or Print Name)
J. Neil Lanzi
Signature
409 Washington Ave, Ste 617
Address Phone No.
Towson, MD 21204 (410) 296-0686
City State Zipcode

2542 Island View Road
Address Phone No.
Baltimore, MD 21221
City State Zipcode
Name, Address and phone number of representative to be contacted.
J. Neil Lanzi (410) 296-0686
Name
409 Washington Ave, Ste 617 Towson MD 21204
Address Phone No.

ORDER RECEIVED FOR FILING
Date 12/18/98
By [Signature]



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____

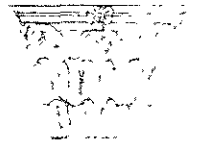
98-472-SPH

472



RICHARD L. BEALL, INC., A.I.A.

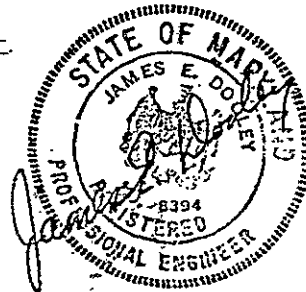
ARCHITECT AND PLANNER



ZONING DESCRIPTION
 ISLAND VIEW INN
 2542 ISLAND VIEW ROAD
 15TH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at the corner formed by the intersection of the west side of Point Road and the north side of Island View Road, thence binding on the north side of Island View Road the three following courses and distances, viz: North sixty-three degrees one second West thirty-two feet, North seventy-nine degrees forty-six minutes West thirty-four feet and North eighty-seven degrees forty-one minutes West thirty feet to a pipe, thence binding reversely on said second line North twelve degrees twenty one and one half minutes West two hundred eighty-six feet to the waters of Brown's Creek the five following courses and distances, viz: North forty-seven degrees thirty-three minutes East forty-eight and thirty-eight one-hundredths feet, North four degrees forty-five minutes East one-hundred twenty-five feet, North eighty degrees twenty-six minutes East forty-five and seventy-four one-hundredths feet, South sixty-one degrees twenty-six minutes East fifty-five and fifty one-hundredths feet, and South thirty-six degrees forty-five minutes East one hundred fifty-six and fifty-five one-hundredths feet to the division line between Lots Nos. 29 and 30; thence binding on said division line South forty-five degrees thirteen one-half minutes West passing for a part along the northern end of Point Road ninety-one and sixty-six one-hundredths feet, and thence binding on the West side of Point Road South three degrees twenty-five minutes and one-half minute West two hundred fifty feet to the place of beginning.

Containing in all 61,855 sq. ft. or 1.42 acres ±



98-472-SPH

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

No. 793762

DATE 5 June 98 ACCOUNT B-001-6150

AMOUNT \$ 250.00

RECEIVED FROM: Neil Lanzel for LAING

FOR: 2542 Island View Rd

SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
PROCESS ACTUAL TIME
12/02/1998 12/01/1998 16:21:53
REF 0503 CASHIER PUES PER DRAMER
5 MINNELLANDS CASH RECEIPT
Receipt # 067501
CR NO. 060376
60.00 CHECKS FN
Baltimore County, Maryland

08-472-SPH

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

No. 060376

DATE 11/30/98 ACCOUNT 001-6150

AMOUNT \$ 40.00 (DAM)

RECEIVED FROM: Neil Lanzel

FOR: VERIFICATION

Island View Inn
2546 Island View Road

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commission 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: 493-472-SPH
2542 Island View Road
NWQ Island View Road and Point Road
15th Election District
5th Councilmanic District
Legal Owner(s): Francis Laling Contract Purchaser: Buha Laling and Island View Int. Inc.

Special Hearing: to approve the establishment of a non-conforming use property and to confirm proposed changes shown on the site plan will not affect the nonconforming status.

Hearing: Tuesday, July 14, 1988 at 1:00 a.m. in Room 407 County Courts Bldg., 401 Bosky Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are handicapped Accessible for special accommodations. Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

6/4/78 June 25 C239140

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/25/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/25/, 1998.

THE JEFFERSONIAN,

A. Amickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

**RE: Case # 98-472-SPH
Petitioner/Developer:
(Bruce Laing)
Date of Hearing/Closing:
(July 14, 1998)**

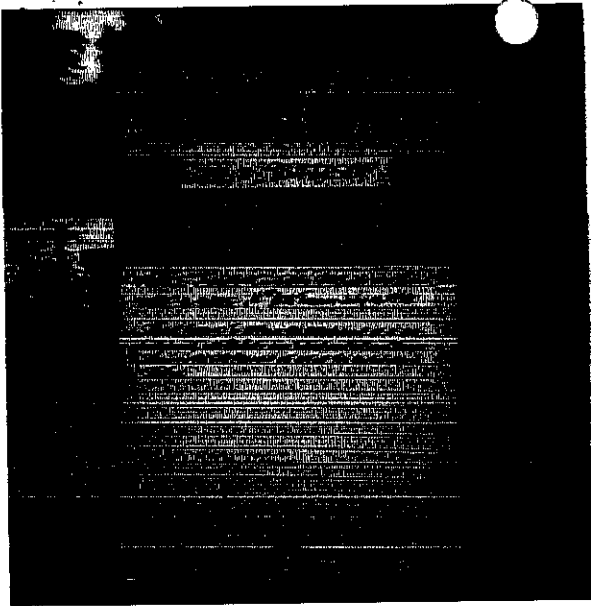
**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21284**

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**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 _____
2542 Island View Road Baltimore, Maryland 21221 _____**

**The sign(s) were posted on _____ June 29, 1998 _____
(Month, Day, Year)**



Sincerely,

Thomas P. Ogle, Sr.

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

**(410)-687-8465
(Telephone Number)**

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 98-472 - SPH

Petitioner: LAING

Address or Location: 2542 ISLAND VIEW ROAD
BALTO. MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: J NEIL LANZI, ESQ

Address: 409 WASHINGTON AVENUE

SUITE 617

TOWSON MD 21204

Telephone Number: 410-296-0686

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-472-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to establish a non-conforming use
and to confirm proposed changes shown on the site
plans will not affect the non-conforming status.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

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

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
June 25, 1998 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzl, Esquire 410-296-0686
409 Washington Avenue
Suite 617
Towson, MD 21204

NOTICE OF ZONING HEARING

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

CASE NUMBER: 98-472-SPH
2542 Island View Road
NWC Island View Road and Point Road
15th Election District - 5th Councilmanic District
Legal Owner: Frances Laing
Contract Purchaser: Bruce Laing and Island View Inn, Inc.

Special Hearing to approve the establishment of a nonconforming use property and to confirm proposed changes shown on the site plan will not affect the nonconforming status.

HEARING: Tuesday, July 14, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

June 15, 1998

NOTICE OF ZONING HEARING

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

CASE NUMBER: 98-472-SPH
2542 Island View Road
NWC Island View Road and Point Road
15th Election District - 5th Councilmanic District
Legal Owner: Frances Laing
Contract Purchaser: Bruce Laing and Island View Inn, Inc.

Special Hearing to approve the establishment of a nonconforming use property and to confirm proposed changes shown on the site plan will not affect the nonconforming status.

HEARING: Tuesday, July 14, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the initials "SJ" written below it.

Arnold Jablon
Director

c: J. Neil Lanzi, Esquire
Frances Laing
Island View Inn, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 29, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

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

July 7, 1998

J. Neil Lanzi, Esq.
409 Washington Avenue, Suite 617
Towson, MD 21294

RE: Item No.: 472
Case No.: 98-472-SPH
Petitioner: Frances Laing
Location: 2542 Island View Rd.

Dear Mr. Lanzi:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on June 5, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County 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 regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: June 23, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for June 22, 1998
Item No. 472

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.

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

The minimum flood protection elevation for this site is 11 feet.

RWB:HJO:jrb

cc: File

ZONE0622.472

RECEIVED FOR FILING
Date 6/23/98
By [Signature]

Loney 7/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: July 9, 1998

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

SUBJECT: Island View Inn

INFORMATION

Item Number: 472
Petitioner: Bruce Laing, Contract Purchaser
Zoning: BL
Requested Action: Special Hearing

Summary of Recommendations:

Staff has met with representatives of the petitioner and as a result of these meetings and the provision of additional information, the Office of Planning supports the applicant's request which will result in the revitalization of this existing commercial property and its associated buildings.

Section Chief: *Jeffrey W. Laing*

AFK/JL

Due Date: June 22, 1998

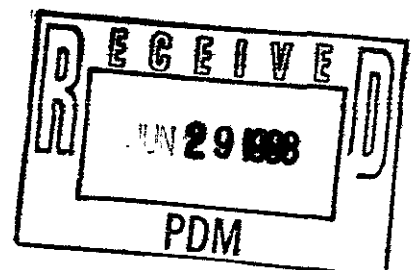
TO: Arnold Jablon
FROM: R. Bruce Seeley *RDV*
SUBJECT: Zoning Item #472

Laing Property, 2542 Island View Road

Zoning Advisory Committee Meeting of June 15, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - X 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).
 - X No building permits will be approved until public sewer is available to serve the property.

GP:sp





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 6-12-94
Item No. 472 CAM

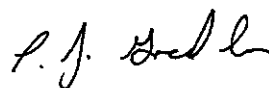
Dear Ms. Stephens:

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 Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,


for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

RE: PETITION FOR SPECIAL HEARING
2542 Island View Road, NWC Island View Rd and
Point Rd, 15th Election District, 5th Councilmanic

Legal Owners: Frances Laing
Contract Purchaser: Bruce Laing and Island View
Inn, Inc.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
* Case Number: 98-472-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi Esq., 409 Washington Avenue, Suite 617, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 2, 1998

J. Neill Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, Maryland 21204

Dear Mr. Lanzi:

RE: 2546 Island View Road, Case No. 98-472-SPH, 15th Election District

Staff has reviewed your request dated November 19, 1998. This office has determined that the proposed changes illuminated by your enclosed red-lined drawing do constitute a minor amendment and can be approved administratively as being within the spirit and intent of zoning case 98-472-SPH.

A copy of this letter and the approved plan will be microfilmed and included into the zoning case file 98-472-SPH.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Catherine M. Abdulmassih".

Catherine M. Abdulmassih
Planner II
Zoning Review

CMA:cjs

c: Zoning case #98-472-SPH
Joseph Merrey, Planner II

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

November 19, 1998

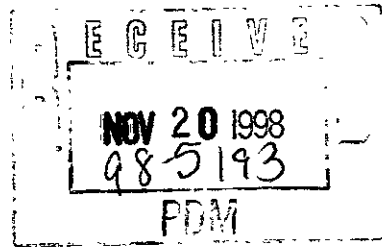
J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 1200, Merrill Lynch Bldg
10320 Little Patuxent Parkway
Columbia, Maryland 21044

Reply to Towson

11/25-TC to Neil -
\$ coming



Hand-Delivered

Baltimore County Department of
Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204
Attn: Kate Milton

Re: Island View Inn, 2546 Island View Road
Case No. 98-472-SPH

Rec 1 Dec 98
AM CM

Dear Ms. Milton:

You may recall being the Planner conducting the zoning review for the Petition for Special Hearing filed by Frances Laing and Bruce Laing for the above referenced property. The purpose of this letter is to request the administrative approval of the proposed red-line change to the site plan approved by the zoning commissioner on October 20, 1998.

For your reference I have enclosed a copy of the zoning decision which confirms there were no protestants present at the hearing. The residence addition was approved by the zoning commissioner and my client is now requesting the residence addition be shifted as shown on the enclosed plan. You will note the proposed addition will be no closer to the neighbors property line than the existing structure. This issue was reviewed with you prior to our filing the Petition for Special Hearing at which time my client was advised no variance would be requested as long as any addition did not encroach upon the existing setback between the one-story residence and the neighbor's property.

My client is in the process of obtaining his building permit for this project, permit number B357138C and this issue needs to be resolved prior to the issuance of said permit. For your information, Joseph C. Merrey of your office is conducting the zoning review for the building permit.

check w DEPDM
regarding loss of Gum Tree

11/20/98
J
WCK
To: Cam
11/24/98
ua
A

Kate Milton
November 19, 1998
Page Two

Should you have any questions or require additional information please do not hesitate to contact me.

Very truly yours,



J. Neil Lanzi

Enclosure

cc: Richard L. Beall
Bruce Laing

laingisle.lt2



Baltimore County
Department of Permits and
Development Management

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

June 1, 2001

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, Maryland 21204

Dear Mr. Lanzi:

RE: Zoning Spirit and Intent, Island View Inn, 2546 Island View Road, Case Nos. 98-472-SPH & 00-260-SPH, 15th Election District.

Pursuant to your letter of May 22, 2001 to this Office, you have requested an opinion that the expansion of the deck shown on your red-lined submittal is within the spirit and intent of the above referenced zoning cases. While this Office agrees that the modest expansion of the deck would be within the relief granted in the referenced zoning cases, it appears that a parking space deficiency may result as a result of the expansion. This will need to be resolved at the time of building permit. Additionally, I suggest that you speak with Mr. Donald Rascoe, Development Manager, for a determination as to whether this addition is subject to DRC review. You may reach Mr. Rascoe at 410-887-3321. This letter must appear on any future building permit site plans filed with the Office of Permits and Development Management for review.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Merrey".

Joseph C. Merrey
Planner II
Zoning Review



J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

May 22, 2001

Baltimore County Department of Permits
and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204
Attn: Carl Richards

Re: Island View Inn
2546 Island View Road
Case No. 98-472-SPH
Case No. 00-260-SPH

Dear Mr. Richards:

The purpose of this letter is to request the administrative approval of the proposed red-line change to the site plan approved by the Zoning Commissioner on October 20, 1998 and the site plan as amended, approved by the Deputy Zoning Commissioner on January 31, 2000. You will note the red-line change requested is to allow a proposed addition to the existing deck. The proposed deck addition remains beyond the 100 foot buffer and does not create the necessity for any variances. Accordingly, it is our position the requested change constitutes a minor amendment which may be approved administratively as being within the spirit and intent of Zoning Case Nos. 98-472-SPH and 00-260-SPH.

It is important to note the proposed addition will be no closer to either neighbor property line than the existing structure. I have enclosed three copies of the red-line plan for your review and should you require any further information, please do not hesitate to contact me.

Very truly yours,

J. Neil Lanzi

J. Neil Lanzi

JNL\mal

cc: Richard L. Beall
Bruce Laing

To: Tom
need log # / need \$
S+I
5/24/01
COLUMBIA
Suite 1200, Merrill Lynch Bldg
10320 Little Patuxent Parkway
Columbia, Maryland 21044
ua

Reply to Towson

5-25-01 - Called re: #, left
message. // - Reason 5/23/01

5/30
Neil Lanzi
[Handwritten signature]

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Send
cc

James S Brown

2502 Island View Rd, Balt Md

RAY BONCZCWSKI

2553 BARRISON PT RD

Ken Bonczewski

2553 BARRISON PT RD

Margaret Ferrare

2551 Barrison Pt. Rd

SE3K

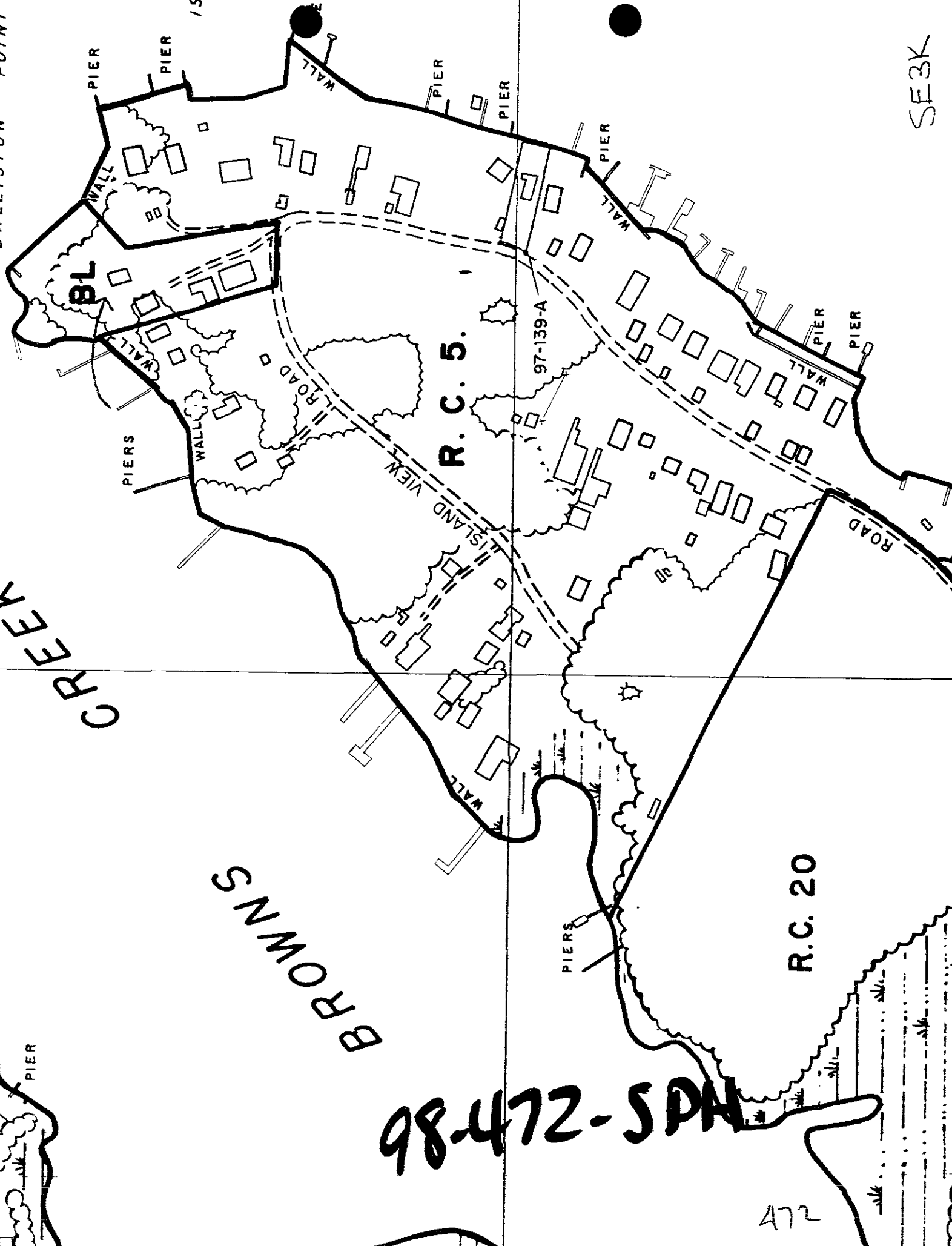
BALLISTON POINT

CREEK

BROWNS

98-472-5PA

472



BALT CO ZONING:

AS A RESIDENT OF THE COMMUNITY
AND A PATRON AT THE ISLAND VIEW
INN I FEEL THE PROPOSED MOVE FROM
THE OLD BUILDING TO THE NEW LOCATION
WILL BE AN ASSET TO THE COMMUNITY,
THERE IS ALWAYS A FRIENDLY ATMOSPHERE
FOR FAMILY FRIENDS AND NEIGHBORHOOD
THE MOVE WILL ADD A SCENIC VIEW
TO THE BAY AND INCREASE BUSINESS
THIS WILL BENEFIT ALL CONCERNED,

W M GRAPE
2514 BARRISON PT RD

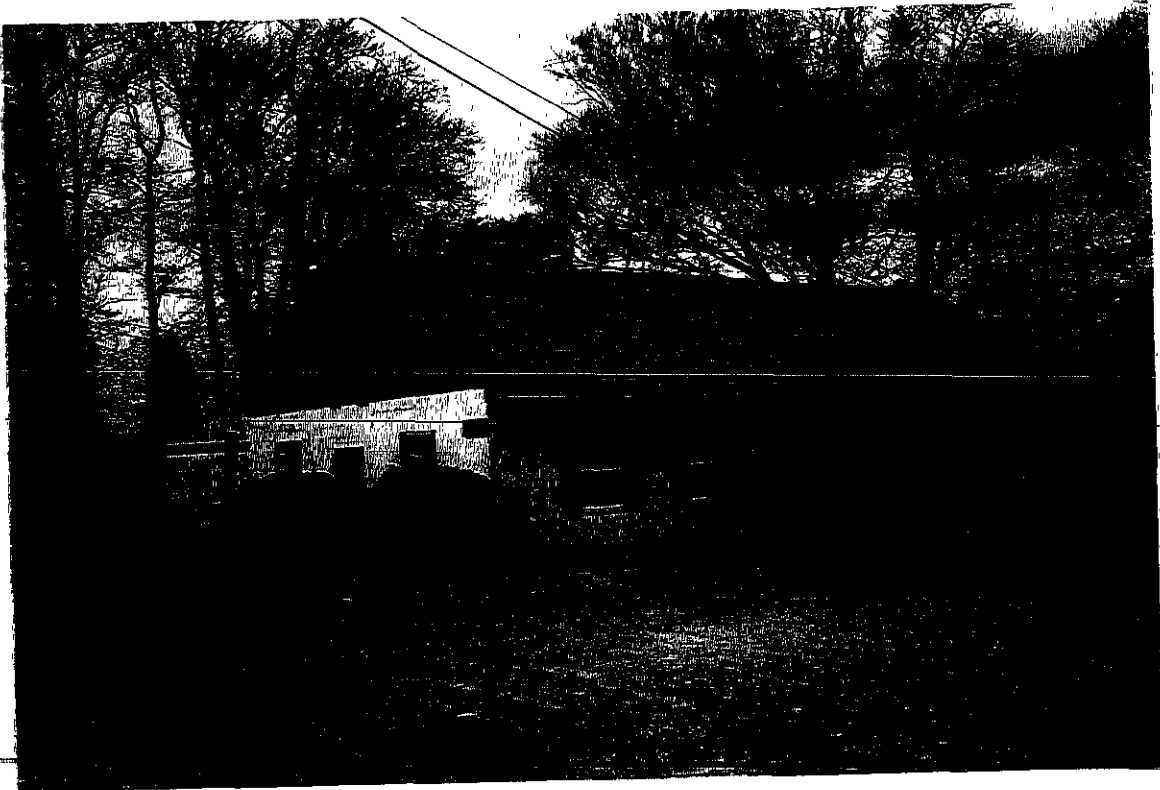
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-photographs

Pet. Ex.

2A - 2K

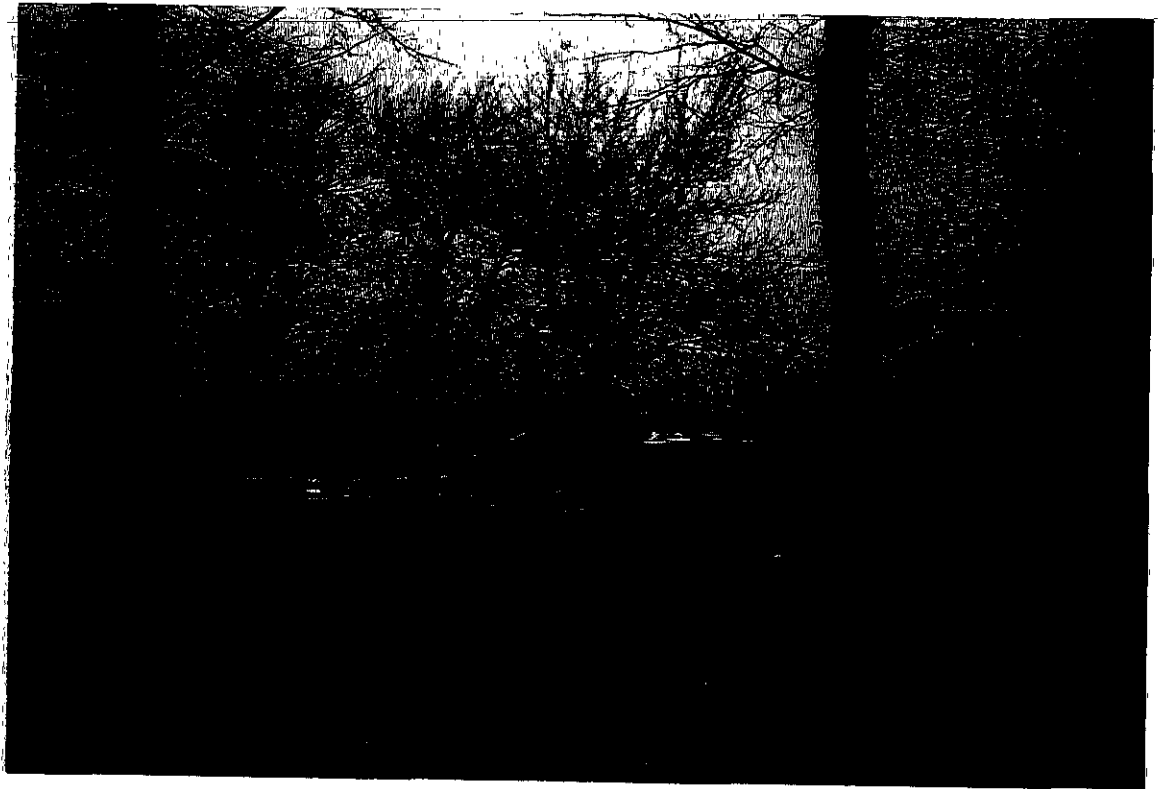
98-472-5PH

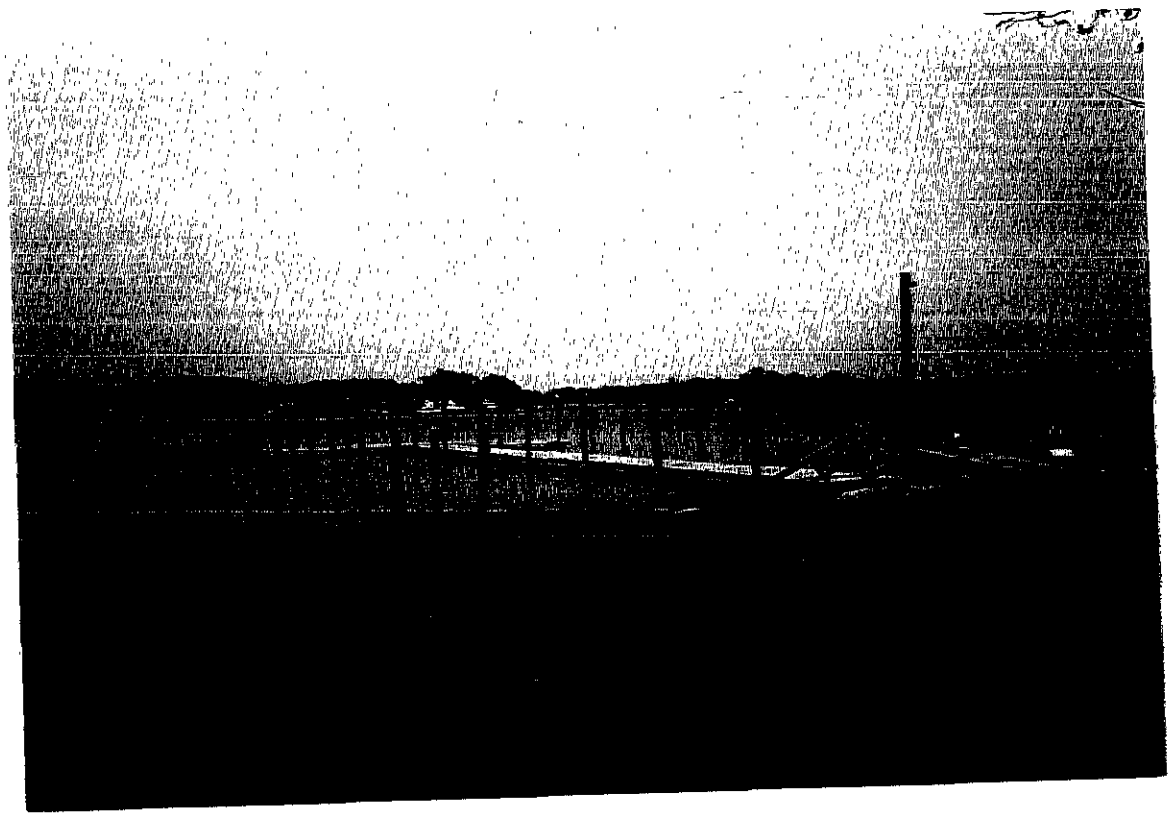


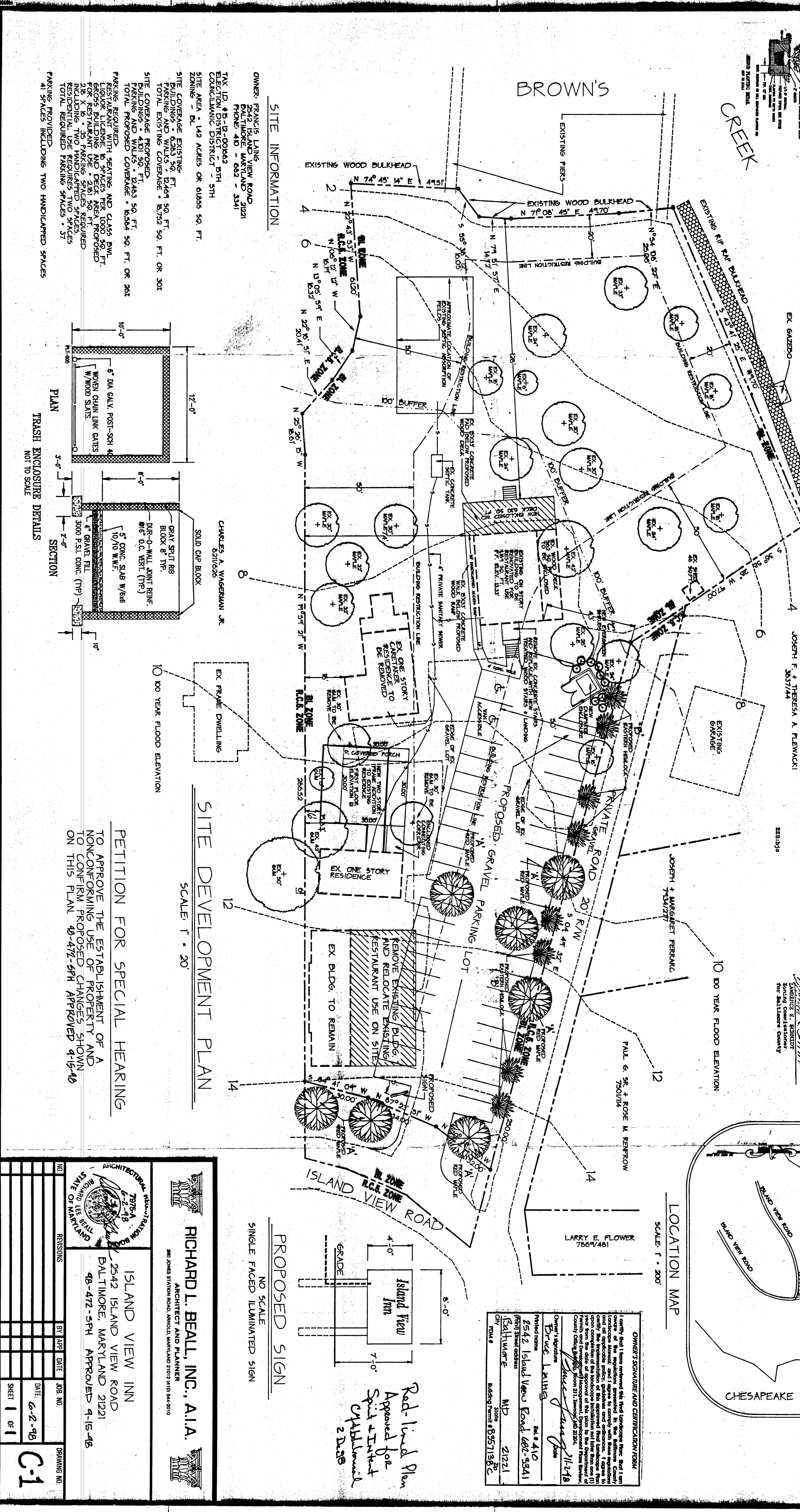












MARK	COMMON NAME	BOTANICAL NAME	SIZE	QUANTITY
A	RED WATTLE	ACER RUBRUM	25' CAL.	7
B	CANADIAN EASTERN HEMLOCK	TSUGA CANADENSIS	4' TO 5'	8
C	JAPANESE HOLLY	ILEX CREMATA	2' TO 25'	1

WHEREAS, it is ordered by the zoning commission for Baltimore County that the day of October, 1988 that the petition for special zoning use as a restaurant and that the proposed improvements, in accordance with Petitioner's Exhibit 1, will not affect the nonconforming status, be and is hereby granted, subject to the following restrictions:

- The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this order has expired. If the Petitioners wish to appeal the decision, the appeal ground herein shall be resubmitted.
- Compliance with the ZAC comments submitted by the Development Plans Review Division of the Department of Revenue and Development Management, Environmental Protection and Resource Management, dated June 22, 1988, copies of which are attached hereto and made a part hereof.
- Pursuant to the ZAC comment issued by DPMR, as set forth above, no permits will be approved until such time as public sewer is available to serve the subject property, or the Petitioner can provide an alternative sewer system to the satisfaction of the engineering review system.
- Prior to the issuance of any building permits, the Petitioners shall pay particular attention to the following:
 - 1) The Petitioners shall pay particular attention to the following:
 - 1) Prior to the issuance of any building permits, the Petitioners shall pay particular attention to the following:
 - 1) When applying for any permits, the site plan and landscaping plan filed must reference this order and get forth and address the restrictions of this order.

SITE INFORMATION

OWNER: FRANCIS LAINE
 2542 ISLAND VIEW ROAD
 BALTIMORE, MARYLAND 21221
 PHONE: 410-532-3341

TAX ID: # 1-10-00482 5TH
 ELECTION DISTRICT: 5TH
 COUNCILMANIC DISTRICT: 5TH

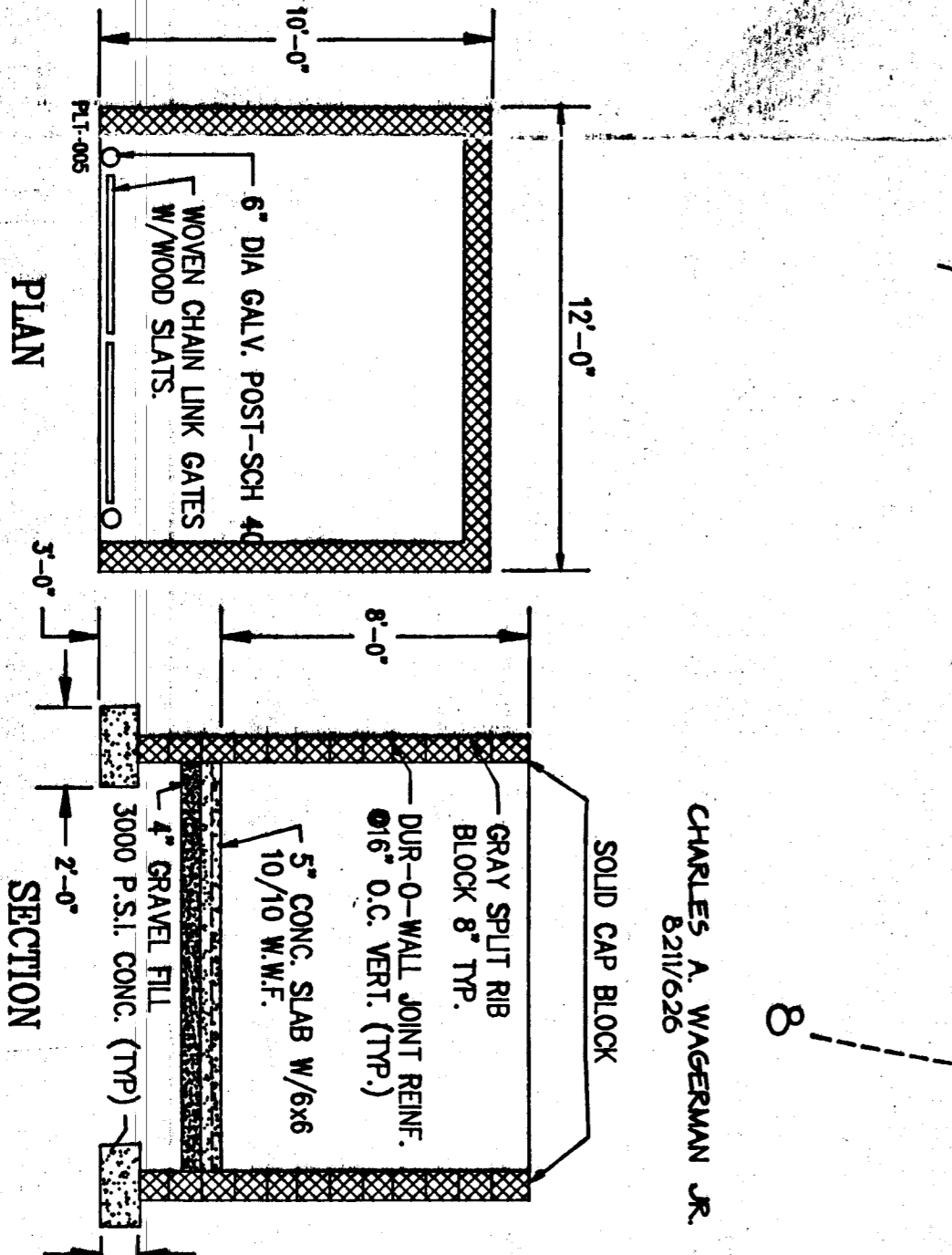
SITE AREA: 1.42 ACRES OR 61855 SQ. FT.
 ZONING: DL

SITE COVERAGE EXISTING:
 FT. 12491 50 FT.
 ELECTION DISTRICT: 5TH

SITE COVERAGE PROPOSED:
 FT. 12493 50 FT.
 FT. 12493 50 FT. OR 262

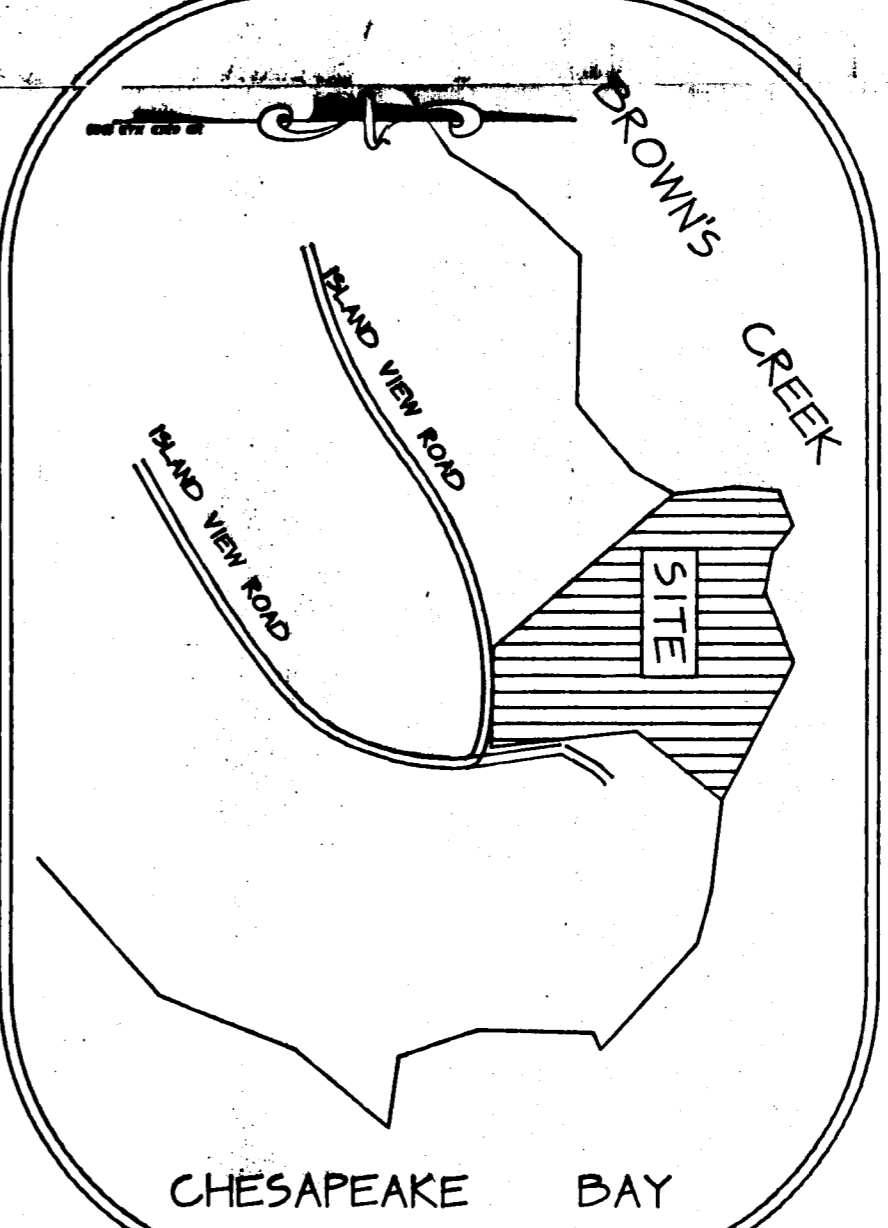
PARKING PROVIDED:
 LIQUOR LICENSE: 6 SPACES PER 1000 SQ. FT.
 RESTAURANT LICENSE: 2 SPACES PER 1000 SQ. FT.
 TOTAL REQUIRED PARKING SPACES: 37

PARKING PROVIDED:
 41 SPACES INCLUDING TWO HANDICAPPED SPACES



SITE DEVELOPMENT PLAN
 SCALE: 1" = 20'

PETITION FOR SPECIAL HEARING
 TO APPROVE THE ESTABLISHMENT OF A NONCONFORMING USE OF PROPERTY AND TO CONFIRM PROPOSED CHANGES SHOWN ON THIS PLAN. 48-472-5FH APPROVED 9-15-88

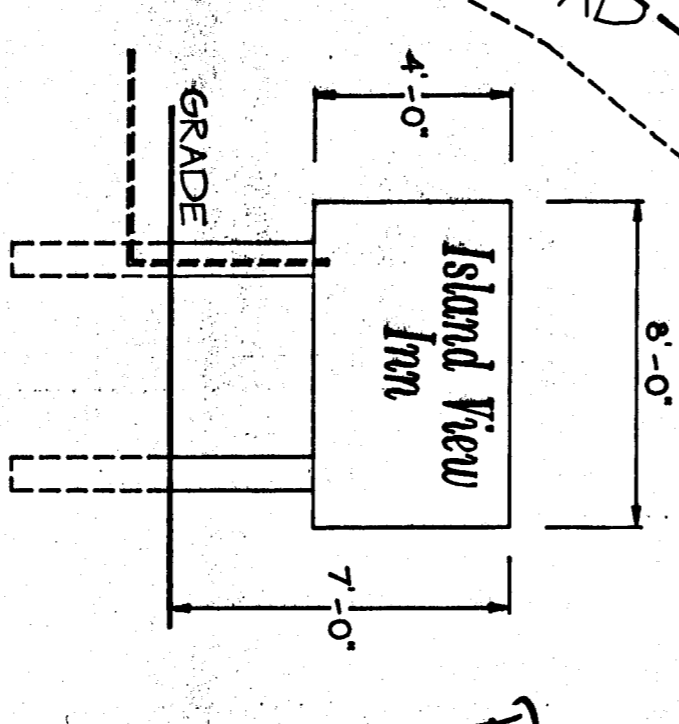


OWNER'S SIGNATURE AND CERTIFICATION FORM

I hereby certify that I have prepared this final landscape plan. And I am a duly licensed landscape architect in the State of Maryland. I have reviewed the site plan and the proposed improvements and certify that the same conform with the requirements of the Department of Revenue and Development Management, Environmental Protection and Resource Management, dated June 22, 1988, copies of which are attached hereto and made a part hereof.

Owner's Signature: *Francis Laine*
 Printed Name: Francis Laine
 Title: Landscape Architect
 License No.: 11248

Printed Name: *Larry E. Flower*
 Title: State Engineer
 License No.: B357138C



RICHARD L. BEALL, INC., A.I.A.
 ARCHITECT AND PLANNER
 300 JONES STATION ROAD, ANNAPOLIS, MARYLAND 21403-9210

ISLAND VIEW INN
 2542 ISLAND VIEW ROAD
 BALTIMORE, MARYLAND 21221
 48-472-5FH APPROVED 9-15-88

ARCHITECTURAL REVIEW BOARD
 787B-A
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 BALTIMORE, MARYLAND
 STATE OF MARYLAND

NO.	REVISIONS	BY	DATE	JOB NO.	DRAWING NO.
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DATE: 6-2-88
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