

IN RE: PETITION FOR SPECIAL HEARING
WSC Point Road and
N/S Island View Road
15th Election District
5th Councilmanic District
(2542 Island View Road)

Francis Laing
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-260-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Frances Laing. The special hearing request is for property located at 2542 Island View Road, located in the Essex area of Baltimore County. The special hearing request is for a waiver from the Baltimore County Floodplain Regulations for an existing storage area and to amend the previously approved site plan in Case No. 98-472-SPH.

Appearing at the hearing on behalf of the special hearing request were Bruce Laing on behalf of the property owner, Richard Beall and Neil Lanzi, attorney at law, representing the Petitioner. Appearing from the Department of Permits & Development Management was Mr. Dave Thomas. Also attending the hearing was Mr. Charles Wagerman, Jr., adjacent property owner.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of approximately 1.42 acres of land, more or less, zoned BL. The subject property is improved with a residence and a commercial tavern known as "The Island View Inn". There are other outbuildings on the subject property in addition to the house and restaurant. The Petitioner has undertaken substantial renovations and alterations to the subject

ORDER RECEIVED FOR FILING

Date 1/31/2000

By R. J. Janssen

property. The restaurant, which has existed for many years in close proximity to Island View Road, is being relocated on the property, as depicted on the site plan submitted. The new restaurant will be located on an old structure that has existed on the property for many years. That structure has a storage area which is located within the tidal floodplain. In order to continue with the construction of the restaurant atop the old foundation, the special hearing for a waiver is necessary.

Appearing at the hearing on behalf of the special hearing request was Mr. Thomas, a representative of the Department of Permits and Development Management. Mr. Thomas indicated that his department can support the waiver request, so long as the Petitioner floodproofs the storage area. The Petitioner shall be required to submit plans indicating the method utilized to floodproof the foundation. Mr. Laing testified that the storage area of the new restaurant is essential to his restaurant operation in that it will be utilized as much needed storage space. The Petitioner intends to store refrigerated coolers and beer kegs in that location. The area will not be used for patrons or customers.

In addition to the waiver of the floodplain regulations, the Petitioner is also requesting approval to amend the previously approved site plan to show an additional 8 ft. x 12 ft. breezeway area connecting the old one-story residential house to a new house being constructed adjacent to the existing residence. Mr. Laing testified that his mother will continue to reside within the one-story residence and he and his family will reside in the new two-story addition.

The breezeway which connects the two structures will be a common area used by all members of the family. In order to proceed with the construction of the restaurant and the modifications to the residential structure, the special hearing is necessary.

ORIGINAL FILED FOR FILING
DATE 1/31/2000
BY R. J. [Signature]

As stated previously, Mr. Charles Wagerman attended the hearing. Mr. Wagerman lives adjacent to the subject property at 2540 Island View Road. Mr. Wagerman supports the Petitioner in his waiver request, but is concerned that the new construction on the Petitioner's property will cause storm water runoff to be generated onto his property. Mr. Laing, as well as Mr. Beall, the architect and planner who drafted the site plan of the property, indicated that no storm water runoff will be generated onto Mr. Wagerman's property. Therefore, given this assurance, I shall impose a condition and restriction that no storm water shall be cast upon the properties owned by Mr. Wagerman, by virtue of the additional structures being built on the Laing property.

After considering the testimony and evidence offered at the hearing, I find that the special hearing request to allow a storage area within the Baltimore County floodplain and to amend the previously approved plan in Case No. 98-472-SPH shall be approved. The testimony and evidence offered at the hearing demonstrated that the Petitioner has good and sufficient cause for the granting of this waiver and that a failure to grant this waiver would result in exceptional hardship to the applicant. Furthermore, the granting of this waiver will not increase flood heights, impact public safety, incur extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and state laws and ordinances. These findings are made pursuant to Section 26-670 (a) of the Baltimore County Code.

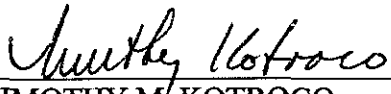
Pursuant to the advertisement, posting of the property, and public hearing held, the relief requested in the petition for special hearing shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of January, 2000 that the Petitioner's Special Hearing request to allow a storage area within the Baltimore County floodplain and to approve an amendment to Case No.

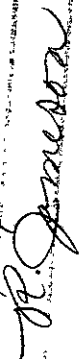
FILED FOR FILING
1/31/2000
J.C. Wagerman

98-472-SPH, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at his time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The modifications and alterations to the Petitioner's property shall not cause any storm water runoff to drain onto the adjacent property owned by Mr. Charles Wagerman, Jr. The Petitioner shall install gutters and downspouts on all new structures and shall be required to properly drain that storm water runoff away from the Wagerman property.
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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER FOR FILING
L200 1/31/2000
By 



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 31, 2000

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

Re: Petition for Special Hearing
Case No. 00-260-SPH
Property: 2542 Island View Road

Dear Mr. Lanzi:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper

Copies to:

Ms. Frances Laing
2542 Island View Road
Baltimore, Maryland 21221

Mr. Bruce Laing
2542 Island View Road
Baltimore, Maryland 21221

Mr. Charles Wagerman, Jr.
2540 Island View Road
Baltimore, Maryland 21221

Mr. Dave Thomas
DPDM



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 Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a waiver for the existing basement from the Baltimore County flood plain regulations and (For reasons see attached) to amend previously approved plan in Case No. 98-472-SPH.

SPECIAL HEARING FOR A WAIVER PURSUANT TO SECTION 500.6 BCCR; SECTION 517.1 (510.1), BUILDING CODE; AND SECTIONS 26-670, 26-172 (2)(3), BCC FOR A CHANGE OF USE FROM RESIDENTIAL TO COMMERCIAL FOR THAT PORTION OF AN EXISTING BUILDING IN A TIDAL FLOOD PLAIN.

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

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

Contract Purchaser/Lessee:

Bruce Laing, indiv. and as President of Island View Inn, Inc.

Name - Type or Print

Signature Bruce Laing

2542 Island View Road 410 682 3341

Address Telephone No.

Baltimore, MD 21221

City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi

Name - Type or Print

Signature J. Neil Lanzi

Company

408 Washington Avenue, Ste 617

Address Telephone No.

Towson, MD 21204 (410) 296-0686

City State Zip Code

Legal Owner(s):

Frances Laing

Name - Type or Print

Signature Frances Laing

Name - Type or Print

Signature 410 682

2542 Island View Road 3341

Address Telephone No.

Baltimore, MD 21221

City State Zip Code

Representative to be Contacted:

J. Neil Lanzi

Name

409 Washington Ave, 410-296-0686

Address Telephone No.

Towson MD 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By LTM Date 12/17/99

REC'D 9/15/98

ORIGINAL FILED FOR FILING

Petition for Special Hearing

Petitioner, Bruce Laing, individually and as President of Island View Inn, Inc., requests a Special Hearing pursuant to Section 500.6 of the Baltimore County Zoning Regulations ("BCZR") to allow a waiver of the flood plain regulations as provided in Sections 26-661 thru 26-670 of the Baltimore County Code and to amend the previously approved plan in Case No. 98-472-SPH and states the following reasons in support:

1. Petitioner's property is zoned BL and recently received special hearing approval pursuant to Case No. 98-472-SPH. Specifically, the Zoning Commissioner for Baltimore County by Order dated October 20, 1998 granted confirmation that Petitioner's property enjoys a non-conforming use as a restaurant with the proposed improvements.

2. The purpose of obtaining zoning approval in Case No. 98-472-SPH was to allow the relocation of Petitioner's restaurant to its original structure. The structure at the time of the previous hearing was used as Petitioner's residence and substantial improvements were approved.

3. The basement of the restaurant structure lies within the flood plain and Petitioner intends to utilize the basement area for storage for the restaurant.

4. Petitioner has good and sufficient cause to obtain the waiver and any such denial of a waiver would result in exceptional hardship to Petitioner for the following reasons:

- a. The granting of the waiver will not increase flood heights.
- b. The granting of a waiver will not impact public safety, incur extraordinary public expense, create a nuisance, cause fraud or victimization of the public or conflict with existing local and state laws and ordinances.
- c. Petitioner's restaurant relocation has a net effect of less storage than the existing facility.
- d. Petitioner's basement and potential storage area is constrained by the Baltimore County required septic system, set back requirements, required parking facilities and the 100 foot buffer requirement.
- e. Petitioner is utilizing an existing building over 60 years old with no history of flood problems in the basement, previously used as a tavern.

5. The waiver action is the minimum necessary to afford relief to the Petitioner.

6. For these reasons and additional reasons to be provided at the hearing.

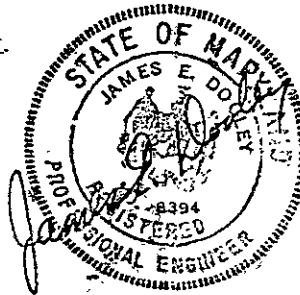
RICHARD L. BEALL, INC., A.I.A.

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 $\pm$.



* ACCEPTABLE FOR
FILING BASED UPON
PREVIOUS FILING

#260

CERTIFICATE OF PUBLICATION

TOWSON, MD, 1-4, 2000

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 1-4, 2000.

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: #00-260-SPH

2542 Island View Road

corner W/S Point Road and N/S Island View Road

15th Election District - 5th Councilmanic District

Legal Owner(s): Frances Laing

Contract Purchaser: Island View Inn, Inc. & Bruce Laing

Special Hearing: to amend previously approved plan in case number 98-472-SPH and for a waiver for a change of use from residential to commercial in a tidal floodplain.

Hearing: Thursday, January 20, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bostay Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at: (410) 887-4386.

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

JTV/01/606 Jan 4 11:41 AM '00 C361482

THE JEFFERSONIAN,

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 076672

DATE 12/17/99 ACCOUNT 12001 6150
AMOUNT \$ 250.00

RECEIVED FROM: KEIL CANZI

FOR: 040 SPECIAL

LEARNING

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
12/17/1999 12/17/1999 11:29:48
DEB MOVS CASHIER PWES PEN DISMIS 3
Dept 5 528 ZONING VERIFICATION
Receipt # 109192 OFL
CR NO. 076672

Receipt For 250.00
250.00 OK .00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE #00-260-SPH
PETITIONER/DEVELOPER
(Island View Inn)
DATE OF Hearing
(Jan 20, 2000)

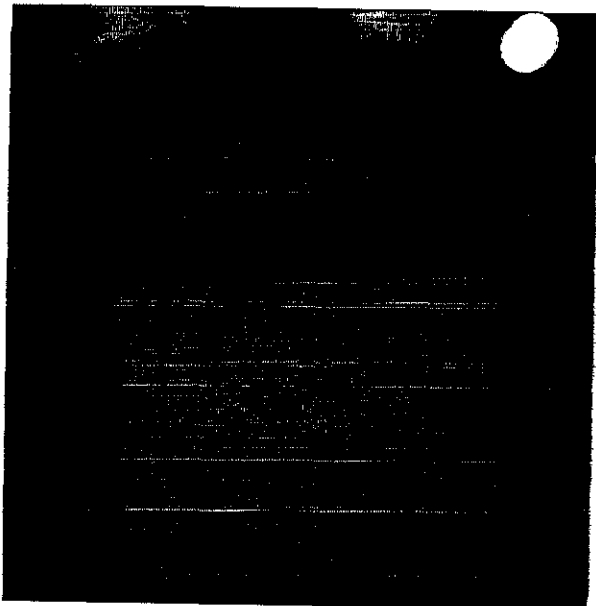
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
2542 Island View Road Baltimore, Maryland 21221

The sign(s) were posted on _____ 1-4-00 _____
[Month, Day, Year]



Sincerely,


(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ [410] 687-8405 _____
(Telephone Number)

RE: PETITION FOR SPECIAL HEARING
2542 Island View Road, Corner W/S Point Rd
and N/S Island View Rd
15th Election District, 5th Councilmanic

Legal Owner: Frances Laing
Contract Purchaser: Bruce Laing
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-260-SPH

* * * * *

ENTRY OF APPEARANCE

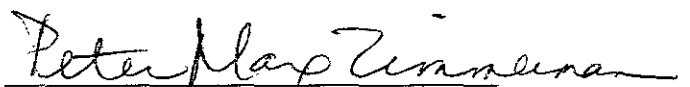
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 30th day of December, 1999 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 Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 22, 1999

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: 00-260-SPH

2542 Island View Road

corner W/S Point Road and N/S Island View Road

15th Election District – 5th Councilmanic District

Legal Owner: Frances Laing

Contract Purchaser: Island View Inn, Inc. & Bruce Laing

Special Hearing to amend previously approved plan in case number 98-472-SPH and for a waiver for a change of use from residential to commercial in a tidal floodplain.

HEARING: Thursday, January 20, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: J. Neil Lanzi, Esquire, 409 Washington Ave., Ste. 617, Towson 21204
Frances Laing, 2542 Island View Road, Baltimore 21221
Island View Inn, Inc. & Bruce Laing, 2542 Island View Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 5, 2000.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 4, 2000 Issue – Jeffersonian

Please forward billing to:
Neil Lanzi, Esquire
409 Washington Avenue
Suite 617
Towson, MD 21204

410-296-0686

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: 00-260-SPH

2542 Island View Road

corner W/S Point Road and N/S Island View Road

15th Election District – 5th Councilmanic District

Legal Owner: Frances Laing

Contract Purchaser: Island View Inn, Inc. & Bruce Laing

Special Hearing to amend previously approved plan in case number 98-472-SPH and for a waiver for a change of use from residential to commercial in a tidal floodplain.

HEARING: Thursday, January 20, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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: 00-260-SPH

Petitioner: Bruce Qing / Island View Inn, Inc.

Address or Location: 2542 Island View Road Balto MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: NEL LANZI

Address: 409 Washington Avenue St 617
Towson MD 21204

Telephone Number: 410-296-0686



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

January 13, 2000

Mr. J. Neil Lanzi
409 Washington Avenue #617
Towson MD 21204

Dear Mr. Lanzi:

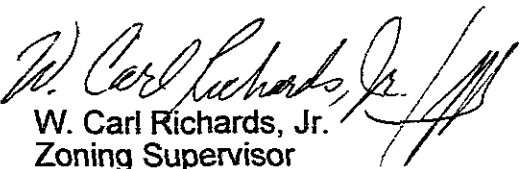
RE: Case Number 00-260-SPH , 2542 Island View Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 17, 1999.

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, please do not hesitate to contact the commenting agency.

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

c:



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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

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: January 6, 2000

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for January 3, 2000
 Item No. 260

 The Bureau of Development Plans Review has reviewed the subject zoning item. See attached letter from John Joyce, of the Maryland Department of the Environment, addressing the tidal flood plain of Brown's Creek.

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

RWB:HJO:jrb

Attachment

cc: File

ZAC0103A.260

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Department Of Permits And Development Management DATE: January 3, 2000

ATTENTION: Ronnay Jackson

RECEIVED JAN 06 2000

FROM: David L. Thomas
 Public Works

DLT

SUBJECT: ZAC Item Number 260
 Island View Inn
 Case No. 00-260-SPH

The petitioner has requested a waiver from floodplain regulations to allow an existing basement in a building to be renovated for restaurant use.

The base flood elevation at this point is 10.2 (Baltimore County Datum). The basement elevation shown on the petitioner's drawing is 4.0.

Section 26-670 (a) 3, second paragraph, requires that the waiver action shall be the minimum necessary ... to afford relief.

Section 517.1 (510.1) of the Building Code and Section 26-662 (see definition of Lowest Floor) describe conditions which if met allow an area beneath a building to be considered not a basement. The only portion of this which might be an "exceptional hardship" in this case would be 510.1 (D) requiring site grading such that the floor elevation is at or above existing grade on at least one side. This memo is to recommend that the waiver be limited to section 510.1 (D). The requirements of 510.1(A) (no machinery or equipment at or below flood protection elevation), 510.1 (B) (flood venting), and 510.1(C) (flood-resistant materials) are appropriate for a substantial renovation of a building which will be open to the public, and should not be waived.

DLT/s

CC: Tom Hamer, John Joyce, John Reisinger

C:\My Documents\MSDLT\FLOOD\ZACITEMS\Island View Inn.doc

sent
1/20

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JAN 10

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

DATE: January 7, 2000

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

SUBJECT: Island View Inn

AMENDED COMMENT

INFORMATION:

Item Number: 260

Petitioner: Bruce Laing

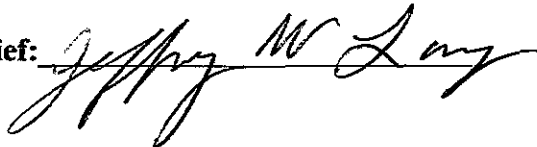
Zoning: BL

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The staff contacted the applicant's attorney, Mr. J. Neil Lanzi, to discuss our concerns regarding the condition of an existing sign on the property. In response to the stated concern, the applicant has agreed to replace the sign.

Section Chief:



AFK/JL



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.5.00

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

RE: Baltimore County
Item No. 260

LTM

RECEIVED JAN 06 2000

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/s/ Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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
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. C. 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

COLUMBIA

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

Reply to Towson

*5-25-01 - Called re: #, left
message. Re-on 5/29/01*

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

2500 Broening Highway • Baltimore Maryland 21224

(410) 631-3000 • 1-800-633-6101 • <http://www.mde.state.md.us>Parris N. Glendening
Governor

December 30, 1999

Jane T. Nishida
SecretaryMr. Robert W. Bowling
Development Plans Review Division
County Office Building, Rm. 211
111 West Chesapeake Avenue
Towson, MD 21204→ **RE: Island View Inn Floodplain Basement - Case #00-260-SPH** ←

Dear Mr. Bowling:

Mr. Bruce Laing is substantially improving an existing structure at 2542 Island View Road in the tidal floodplain of Brown's Creek to be used as Island View Inn. He has requested a variance to retain the basement to be used for storage of materials associated with the business. Under its floodplain management ordinance, Baltimore County must require the structure to comply with all current code requirements governing floodplain construction whenever improvements are 50% or more. The code requires that no basements below the 100-year elevation are allowed in new and substantially improved structures in the floodplain. Generally speaking, if the building is to be substantially improved, we cannot support a variance to waive the floodplain construction requirements. To do so would be in opposition to the requirements for Baltimore County to be in the National Flood Insurance Program.

In considering variance requests, the County has specific criteria in its floodplain ordinance to be addressed. Among the criteria is that the County grant the minimum necessary relief in light of good floodplain management. Obviously, blanket permission to keep the basement and store water damageable materials in it would be considered inappropriate to grant. However, the County may wish to allow a small portion (less than 250 square feet) of basement area to remain for storage of items, which would not be damaged by floodwaters. As a condition of the granting of this relief, a recordation should be against the deed to the property outlining the limitations regarding the size and use of the basement area, if any relief is to be granted. Therefore, this office will have no objection if Baltimore County wishes to grant a minimal basement area to remain, as long as all other floodplain requirements will be met. This would include proper elevation of all utilities to one foot above the 100-year flood elevation.

I hope that the above comments will assist Baltimore County in its consideration of this waiver request. Thank you for your attention to good floodplain management.

Please feel free to contact me at (410) 631-3914 if you have questions or need additional assistance.

Sincerely,

John M. Joyce
Community Assistance Program

JMJ

Cc: John Reisinger, Building Engineer

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

NAL LANZ

Richard Brall

Billie Laing

Dave Thomas

360 Jones Station Road Arnold MD 21012

2942 Island View rd



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Charles Wagerman Jr.

2540 Island View Rd

21221



DEAR SIR

JAN 17TH 2000

I HAVE LIVED IN THE BARRISWPOINT
AREA ALL OF MY LIFE THREE
DOORS FROM THE ISLAND VIEW INN
FOR 60 YEARS. WE HAVE HAD
HIGH TIDES & HURRICANES BUT
WE HAVE NEVER HAD WATER IN
OUR BASEMENT TO MY KNOWLEDGE
HAVE NEVER KNOWN THE ISLAND
VIEW INN TO HAVE WATER IN THEIR
BASEMENT. HOPE YOU WILL
TAKE THIS INTO CONSIDERATION

Yours Truly

Yours Truly

Box 4

FEDERAL EMERGENCY MANAGEMENT AGENCY
STANDARD FLOOD HAZARD DETERMINATIONSee The Attached
InstructionsO.M.B. No 3067 0264
Expires October 31, 2001

SECTION I - LOAN INFORMATION

1. LENDER NAME AND ADDRESS

ROSEDALE FEDERAL S & L ASSOC
6708 BELAIR RD

BALTIMORE

MD 21206

2. COLLATERAL (Building/Mobile Home/Personal Property)
(Legal Description may be attached)CERTIFIED ADDRESS:2546 ISLAND VIEW RD
BALTIMORE, MD
PARCEL ID: 04151512001632MATCHING ORIGINALLY SUBMITTED (OR AKA) ADDRESS:2546 ISLAND VIEW RD
BALTIMORE, MD 21221
PARCEL ID: 04151512001632

PROPERTY ADDRESS

Pet 3

3. LENDER ID. NO.

4. LOAN IDENTIFIER

5. AMOUNT OF FLOOD INSURANCE REQUIRED
\$

SECTION II

A. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) COMMUNITY JURISDICTION

1 NFIP Community Name	2 County(ies)	3 State	4 NFIP Community Number
UNINC. AREA	BALTIMORE	MD	240010

B. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DATA AFFECTING BUILDING/MOBILE HOME

1 NFIP Map Number or Community-Panel Number (Community name, if not the same as "A")	2 NFIP Map Panel Effective/ Revised Date	3 LOMA/LOMR	4 Flood Zone	5 No NFIP Map
240010 0445 C	11/17/93	Yes Date	C	

C. FEDERAL FLOOD INSURANCE AVAILABILITY (Check all that apply)

1. ☒ Federal Flood insurance is available (community participates in NFIP) ☒ Regular Program since 03/02/81 ☐ Emergency Program of NFIP
2. ☐ Federal Flood insurance is not available because community is not participating in the NFIP
3. ☐ Building/Mobile Home is in a Coastal Barrier Resources Area (CBRA) or Otherwise Protected Area (OPA).
Federal Flood insurance may not be available. CBRA/OPA designation date _____

D. DETERMINATION

IS BUILDING/MOBILE HOME IN SPECIAL FLOOD HAZARD AREA
(ZONES CONTAINING THE LETTERS "A" OR "V")? ☐ YES ☒ NO

If yes, flood insurance is required by the Flood Disaster Protection Act of 1973.

If no, flood insurance is not required by the Flood Disaster Protection Act of 1973.

E. COMMENTS (Optional):

Certify To: ROSEDALE FEDERAL S & L ASSOC

Attention: SUE TURLEY

Department: COMM

Floor:

Borrowers Name: LAING

File Reference: 15990302-2

Loan Comments:

Census Tract: FIPS ST:24 CNTY:005 MSA: CEN:

Legal Description: T M/105 GRID 9 PARCEL 80 LOTS 30 OF SECT A LOTS A & B OF SECT B PLT OF BARRISON I

Property Comments:

This determination is based on examining the NFIP map, any Federal Emergency Management Agency revisions to it, and any other information needed to locate the building/mobile home on the NFIP map.

F. PREPARERS INFORMATION

NAME, ADDRESS, TELEPHONE NUMBER (if other than Lender)

Transamerica Flood Hazard Certification

P.O. Box 607

Elmwood Park, NJ 07407

Customer Service: (800) 247-3384 FloodFax: (800) 553-3424

This determination is intended solely for use by
lenders in complying with the National Flood
Insurance Reform Act of 1994. TFHC's "Water Tight"
guarantees apply only to such use. Any other use
is not authorized, and in cases of unauthorized use,
TFHC's liability is limited to the fee paid for
this determination.DATE OF DETERMINATION
09/30/99CUSTOMER ID
58285CERTIFICATION NUMBER
19991001MA0236

00-260-SPH

BROWNS

CREEK

R.C. 20

R.C. 5.

97-139-A

Ball Pt.

ROAD

ISLAND VIEW

ROAD

WALL
PIER

WALL
PIER

PIER

PIER

WALL
PIERS

PIER

PIER

ISL

PIERS

WALL

BL

BALLISTON POINT

PIER

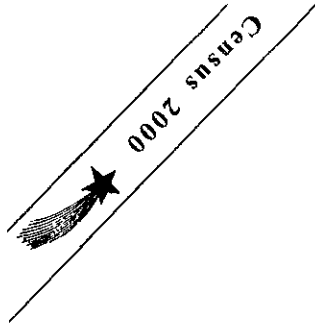
#260

MAP SE 31K

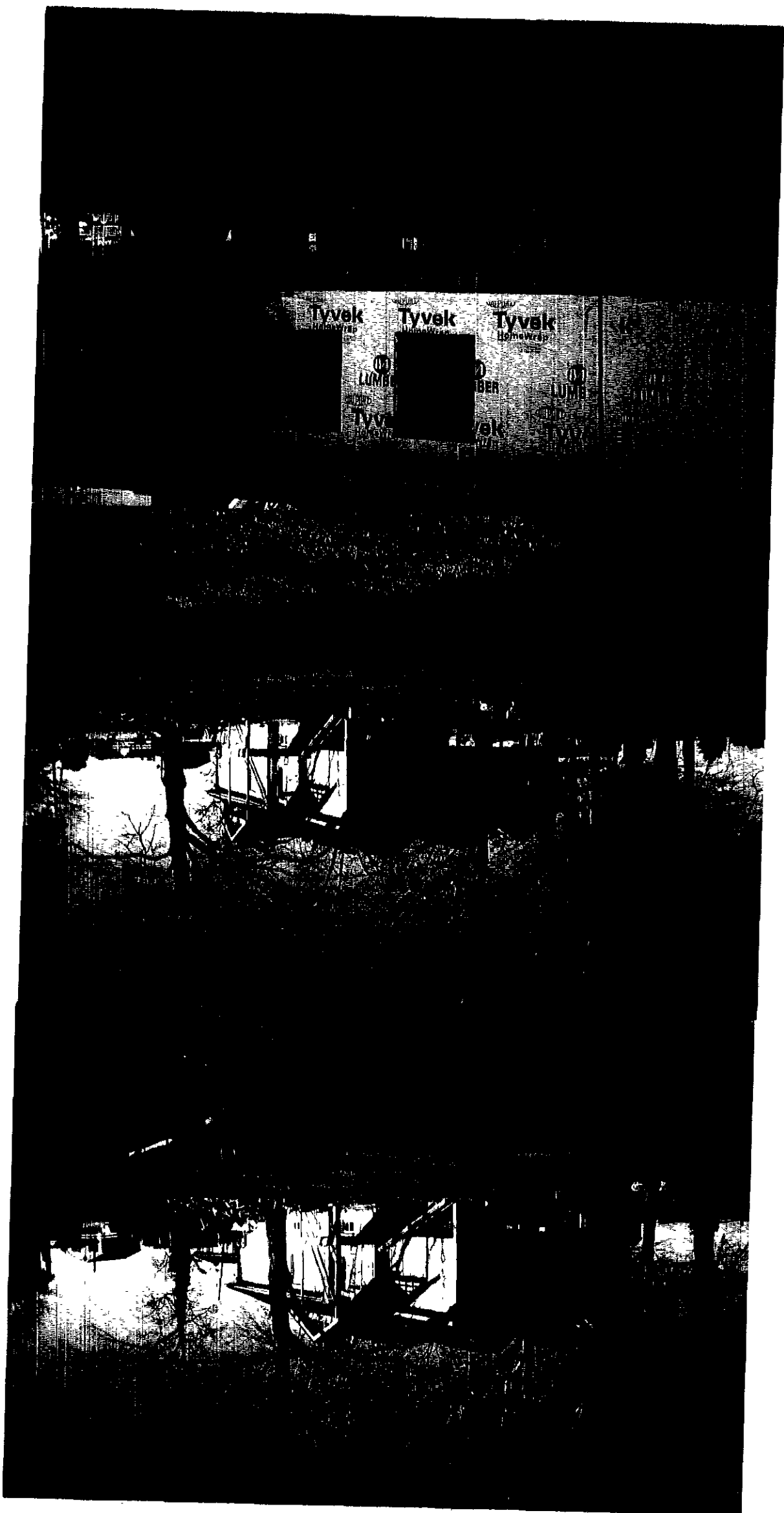
pgt. B4. #2



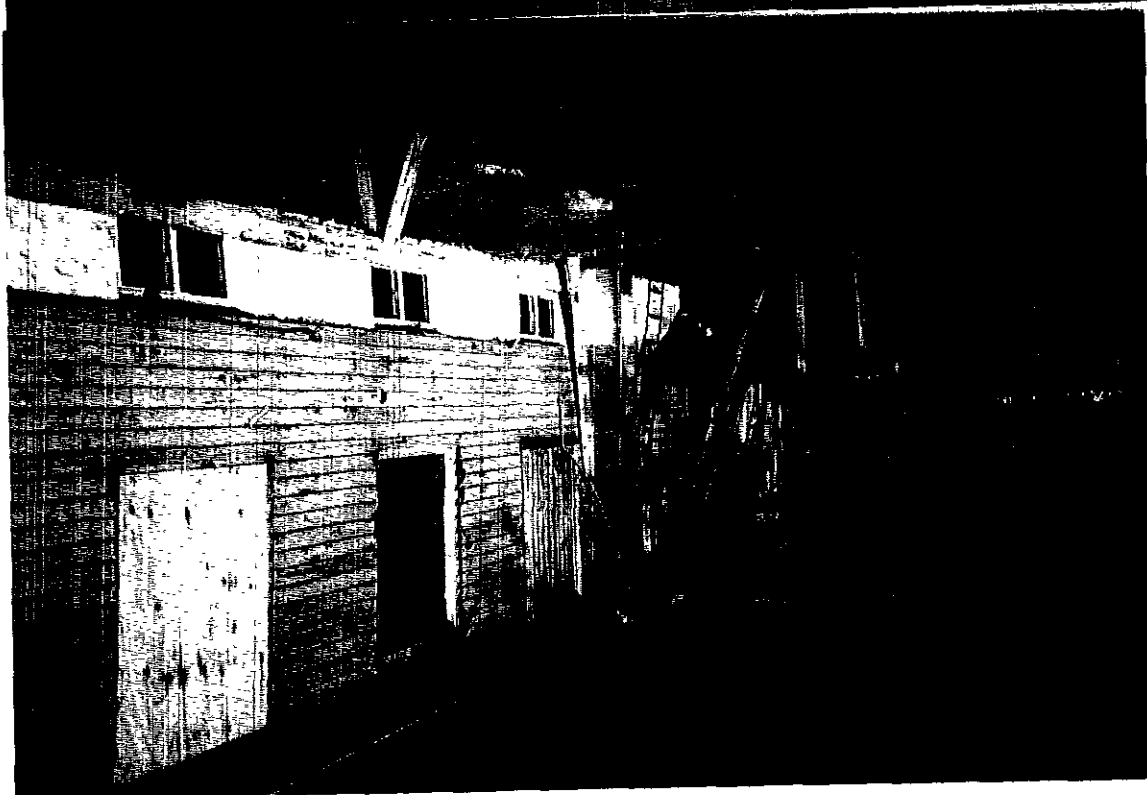
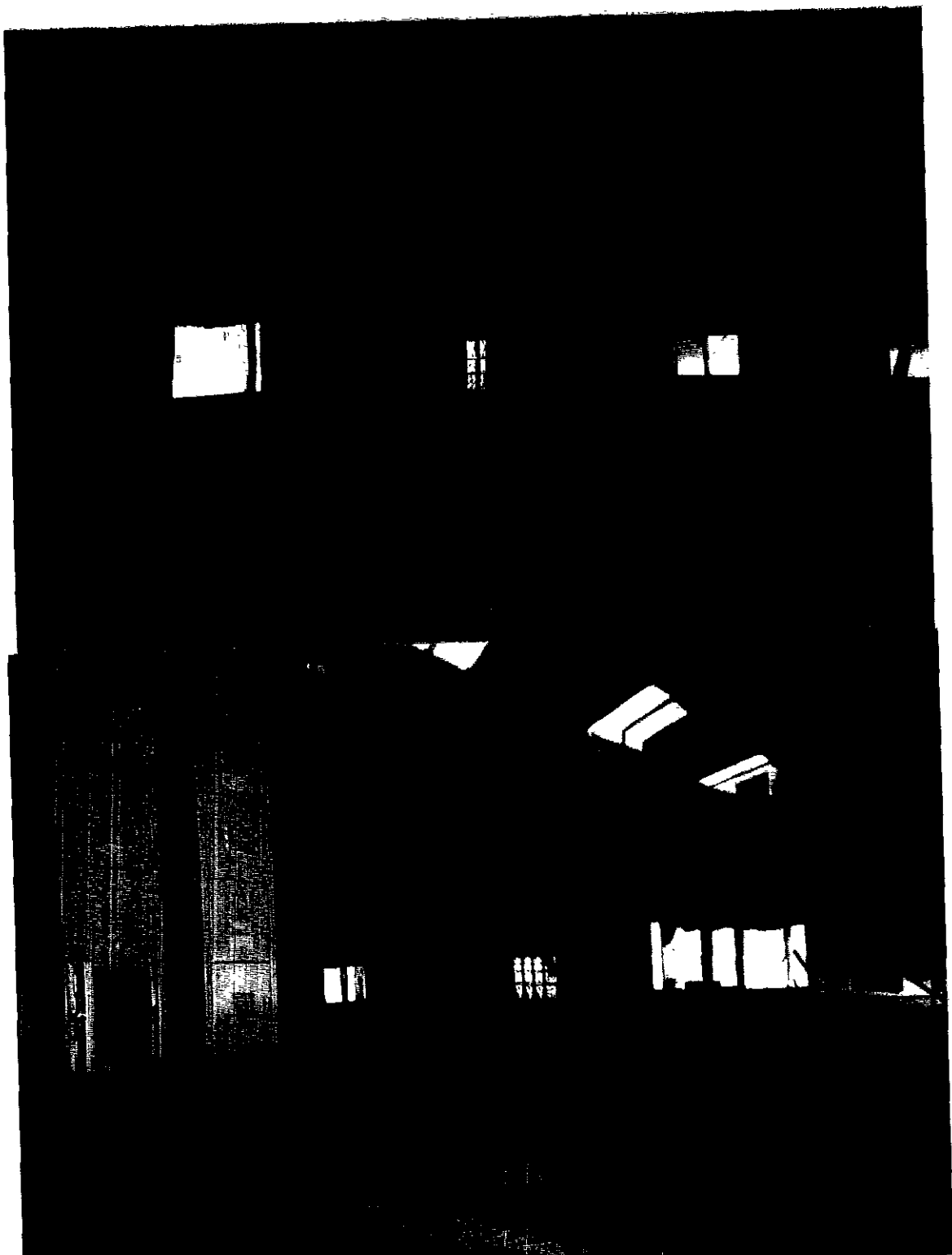
Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

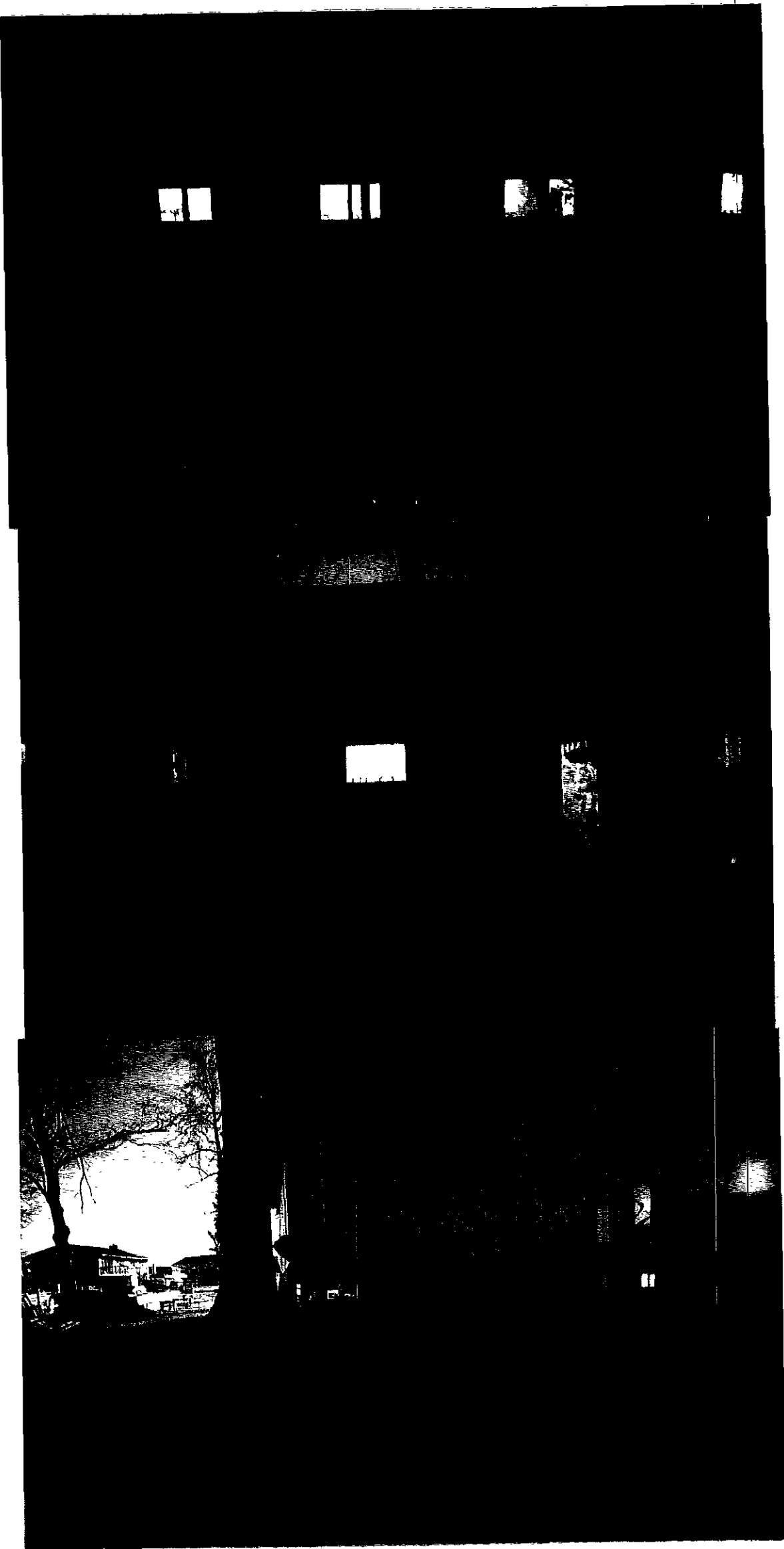


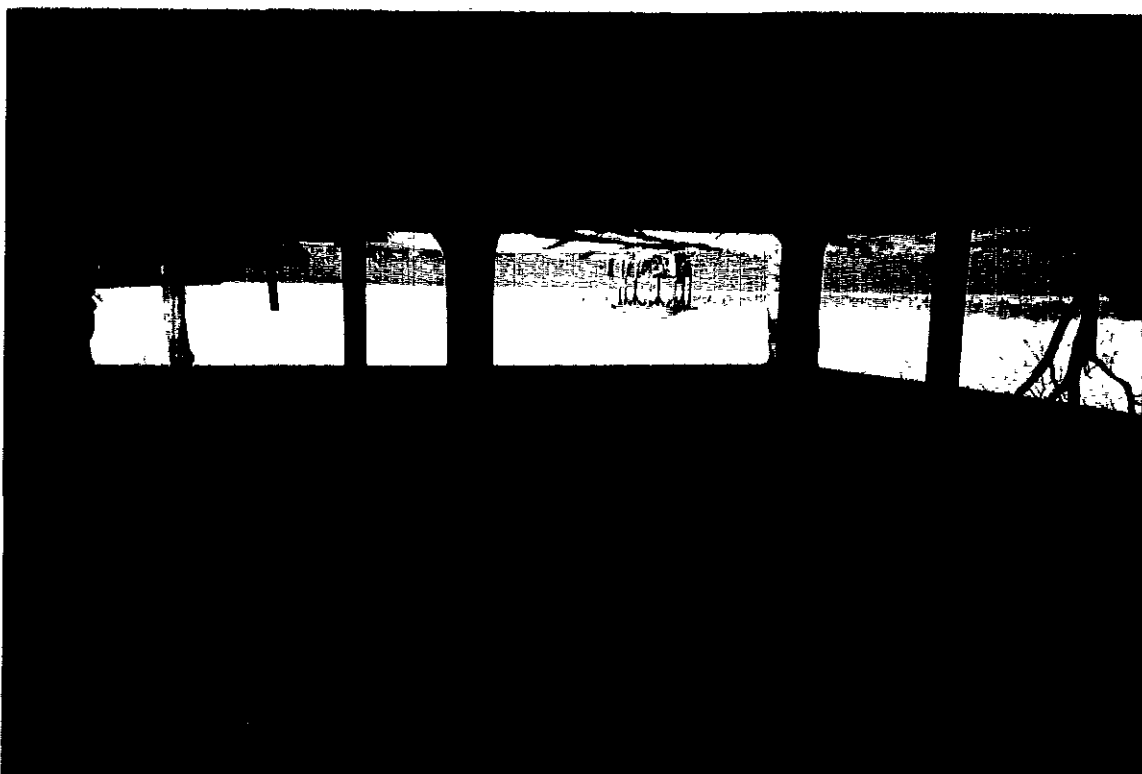
Photographs
#00-260-SPH

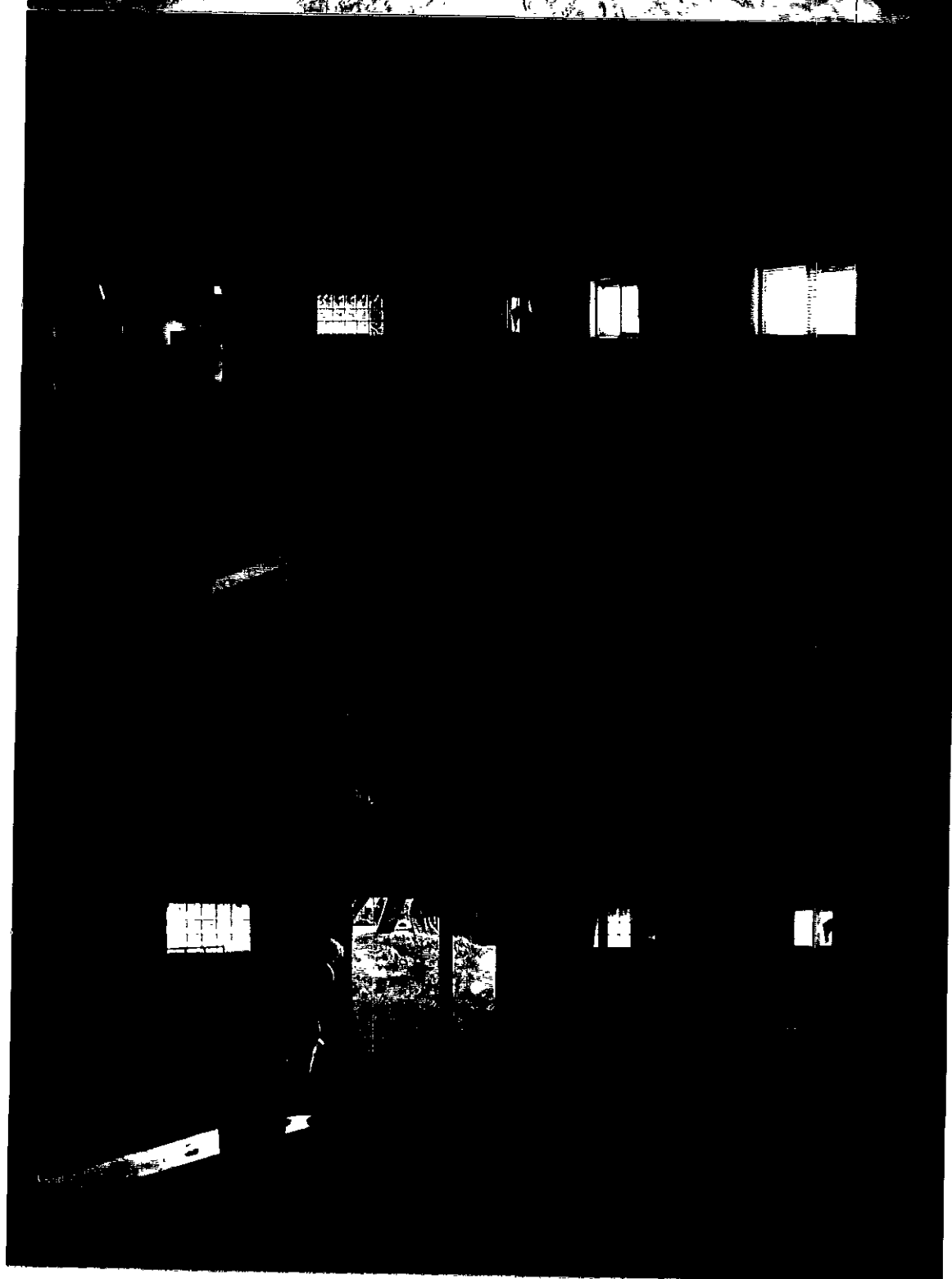




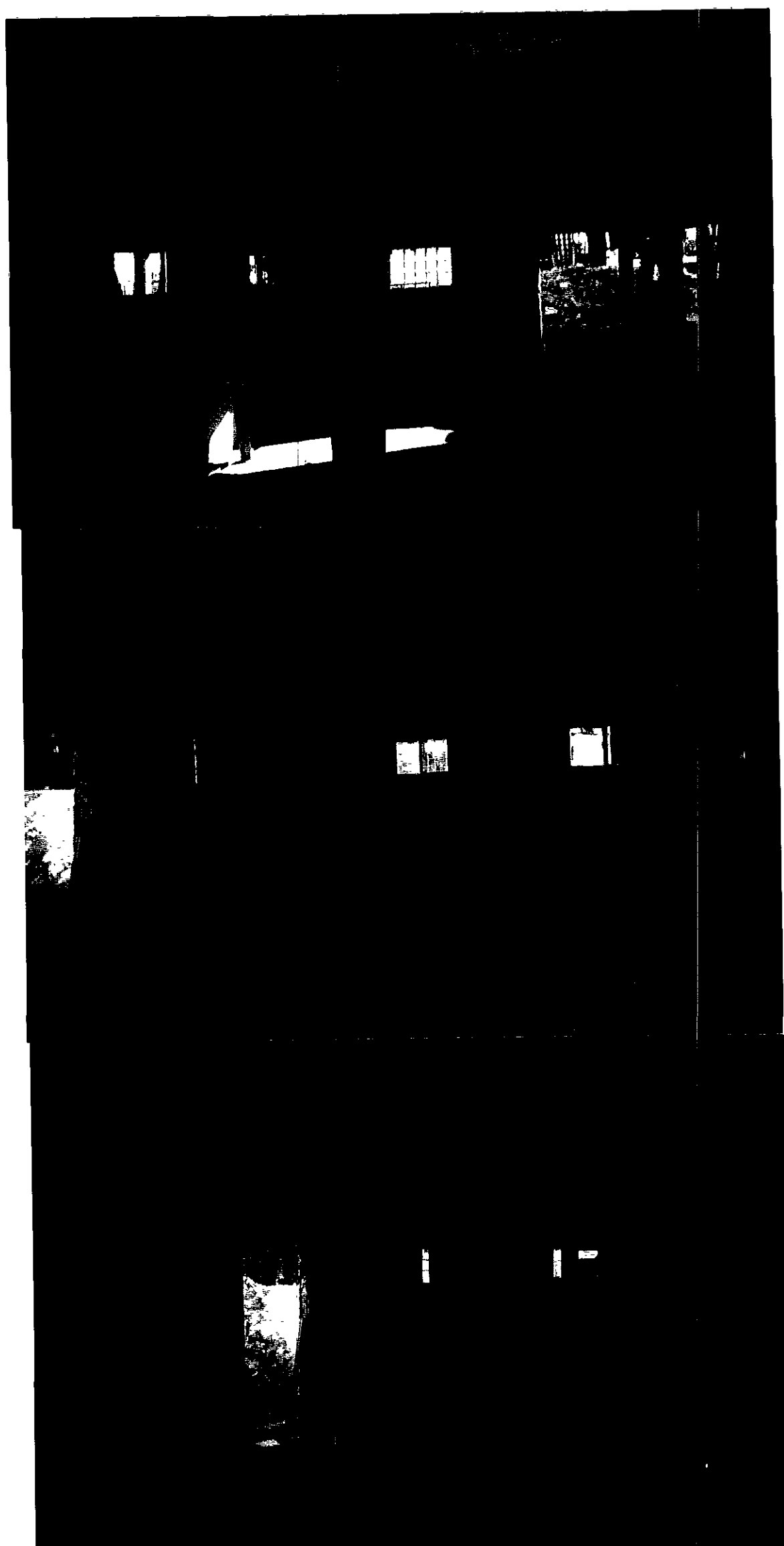


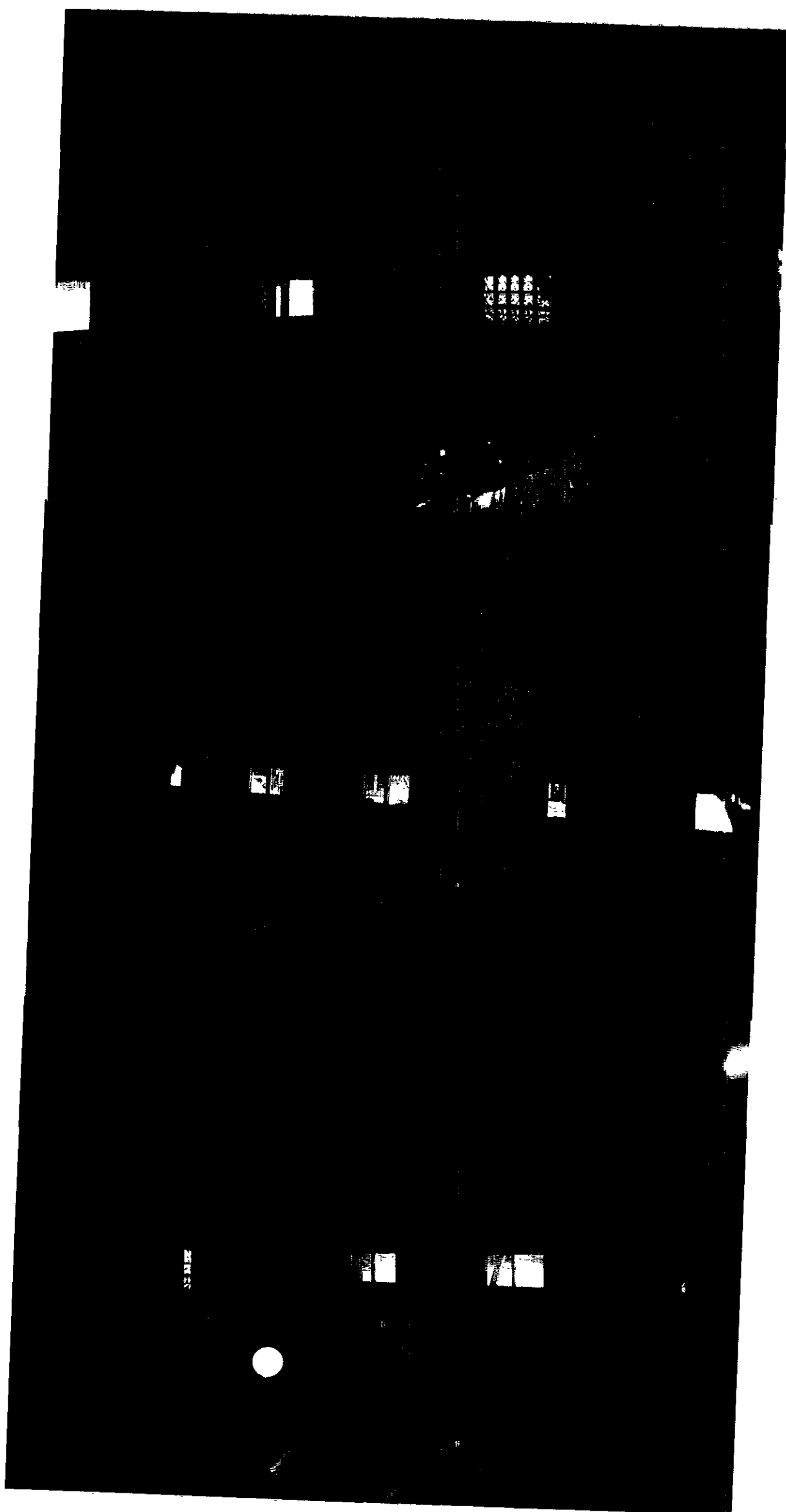


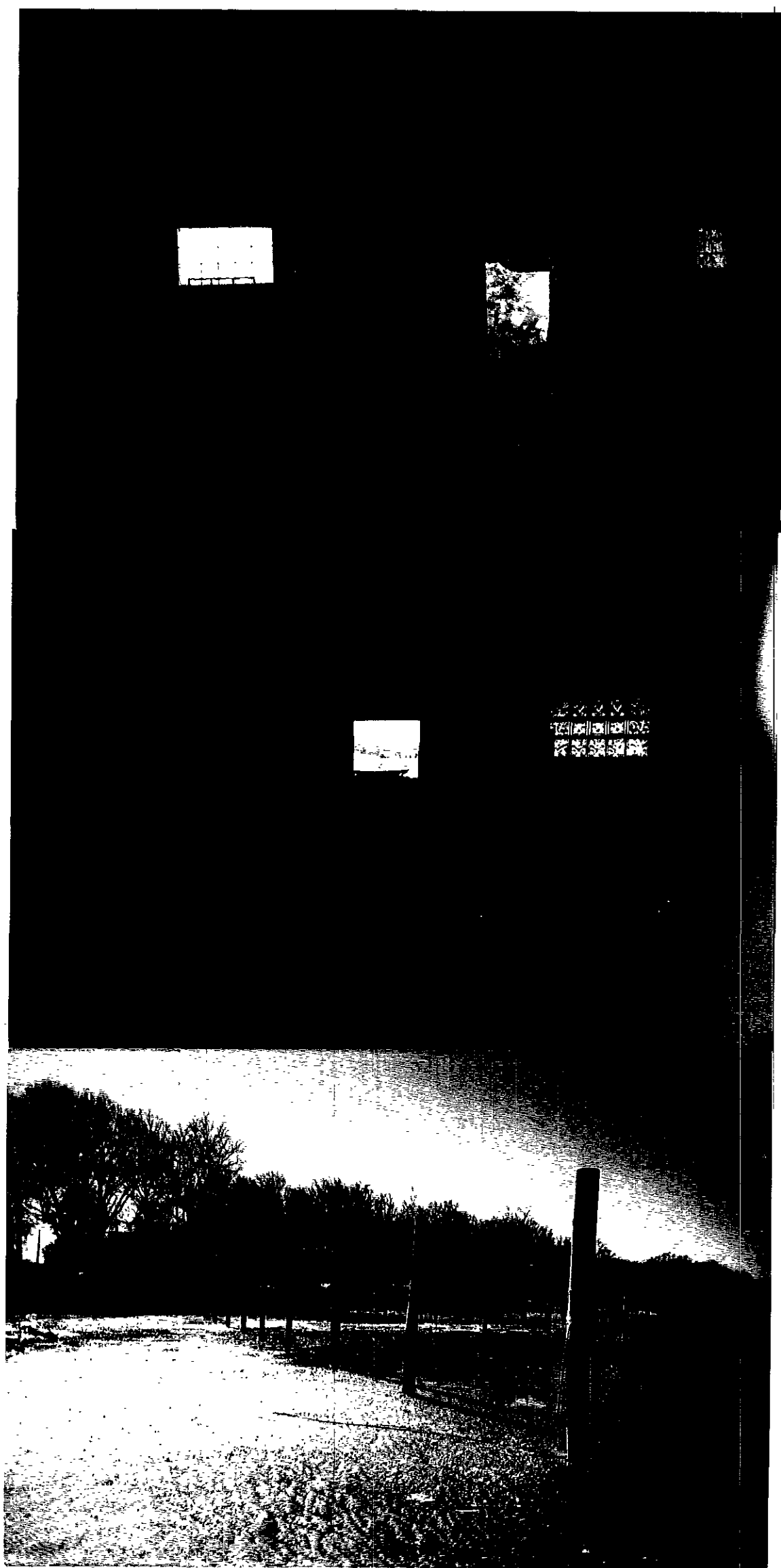


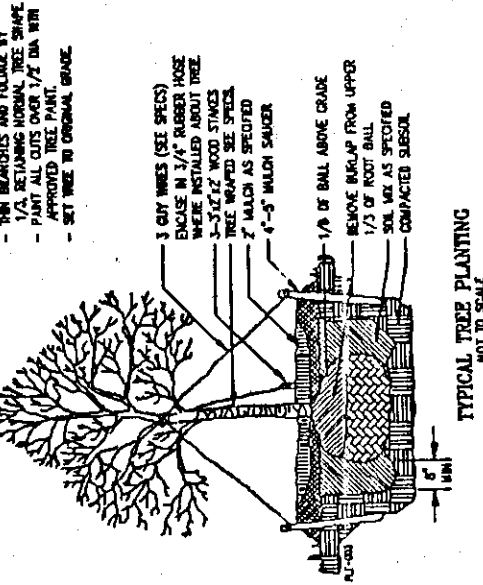










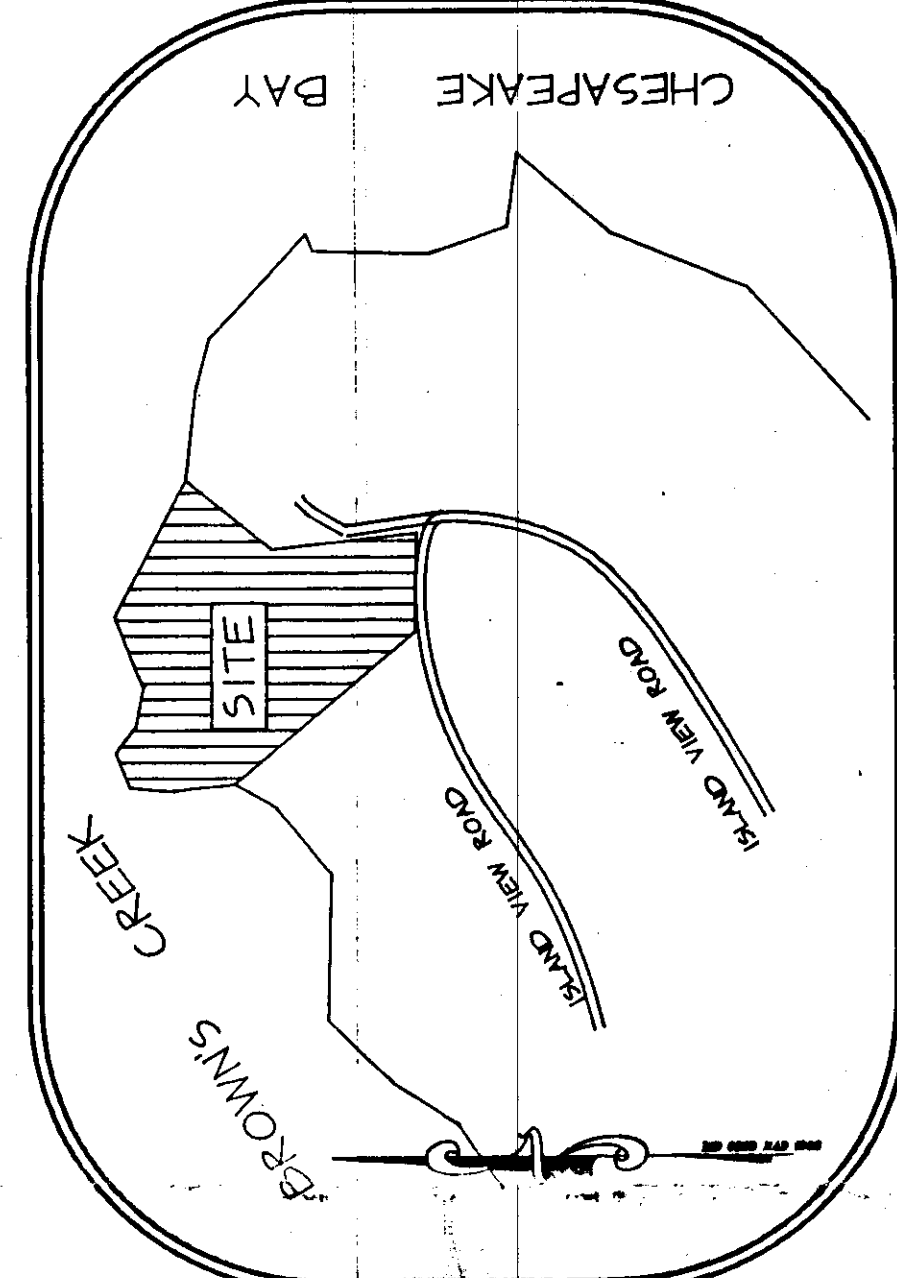


* ZONING NOTE
PROPERTY IS THE SUBJECT OF A SPECIAL INTEREST
LETTER, DATED 12/12/98, BALTIMORE COUNTY ZONING
REVIEW DETERMINED THAT THE PROPOSED CHANGES
CONSTITUTED A MINOR AMENDMENT WITHIN THE ZONING
INTEGRITY OF 98-472-5PH.

PETITION FOR SPECIAL HEARING

TO ALLOW A WAIVER FOR AN EXISTING BASEMENT
FROM THE BALTIMORE COUNTY FLOODPLAIN
REGULATIONS.

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



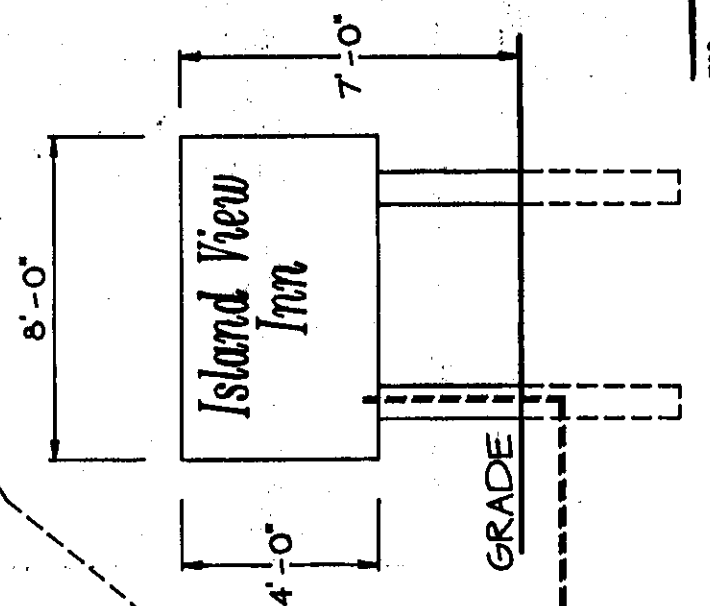
LOCATION MAP
SCALE: 1" = 200'

OWNER'S SIGNATURE AND CERTIFICATION FORM

I certify that I have reviewed the final landscape plan and that I am the owner of the property. I agree to the terms and conditions of the plan and to the payment of the fee. I agree to the implementation of the plan and to the payment of the fee. I agree to the implementation of the plan and to the payment of the fee.

Owner's Signature: *Francis Laing*
Printed Name: Francis Laing
Address: 2542 Island View Road, Baltimore, MD 21221
City: Baltimore, MD 21221
Phone: 410-682-3341
Firm: PDM # 8357138C

00-260-SPH



PROPOSED SIGN
NO SCALE
SINGLE FACED ILLUMINATED SIGN

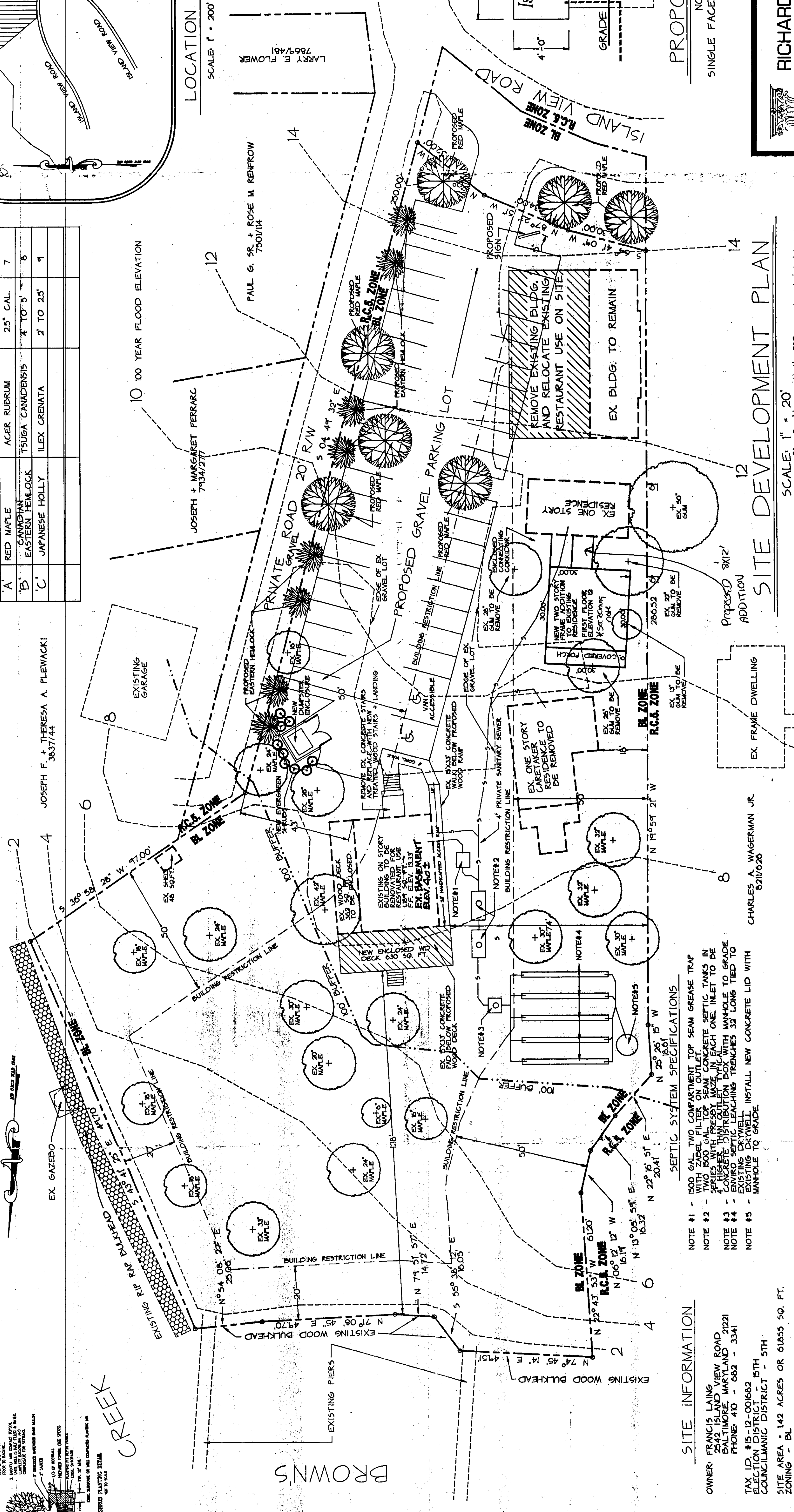
10-14-99

RICHARD L. BEALL, INC., A.I.A.
ARCHITECT AND PLANNER
380 JONES STATION ROAD, ANNAPOLIS, MARYLAND 21403-3400

REVISIONS

NO.	REVISIONS	BY	DATE	JOB NO.	DRAWING NO.
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

DATE: 6-2-98
SHEET 1 OF 1



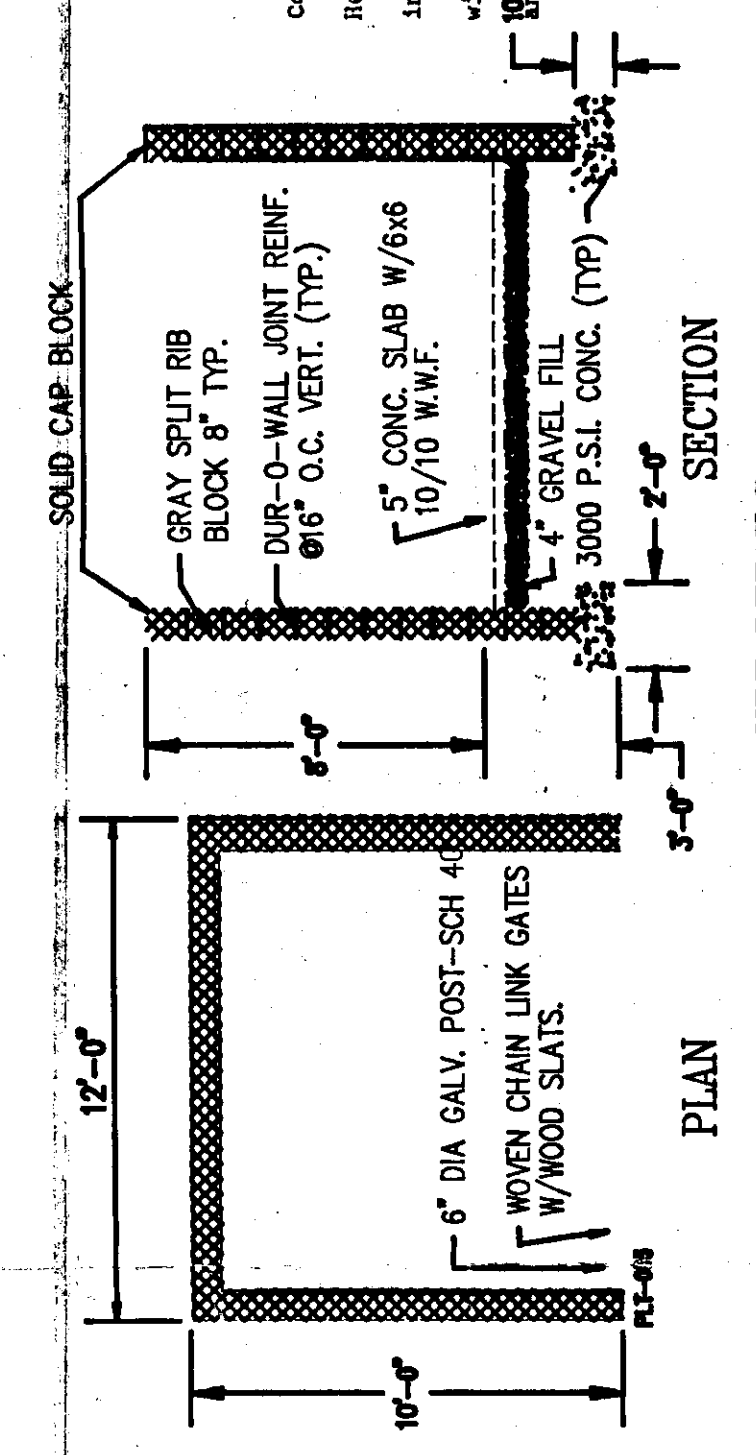
SCALE: 1" = 20'

CHARLES A. WAGERMAN JR.
6210/026

SITE DEVELOPMENT PLAN

Compliance with the ZAC comments submitted by the Department of Planning and Development, dated June 23, 1998, is hereby acknowledged. The Petitioner has reviewed the comments and has made the necessary changes to the plan. The Petitioner has reviewed the comments and has made the necessary changes to the plan. The Petitioner has reviewed the comments and has made the necessary changes to the plan.

100 YEAR FLOOD ELEVATION
THEREFORE, IT IS ORDERED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY THIS 24th 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 the Petitioner's Exhibit 1, will not affect the nonconforming status, be granted.



NOTE #1 - 1500 GALL. TWO COMPARTMENT TOP SEAM GREASE TRAP WITH ZOOB FILTERS ON OUTLETS. SEPTIC TANKS IN SERIES WITH PRESSURE MAIN IN EACH ONE INLET TO BE LOCATED WITHIN 10' OF BUILDING. 32" DIA. MANHOLE TO GRADE. NOTE #2 - 1500 GALL. TWO COMPARTMENT TOP SEAM GREASE TRAP WITH ZOOB FILTERS ON OUTLETS. SEPTIC TANKS IN SERIES WITH PRESSURE MAIN IN EACH ONE INLET TO BE LOCATED WITHIN 10' OF BUILDING. 32" DIA. MANHOLE TO GRADE. NOTE #3 - 1500 GALL. TWO COMPARTMENT TOP SEAM GREASE TRAP WITH ZOOB FILTERS ON OUTLETS. SEPTIC TANKS IN SERIES WITH PRESSURE MAIN IN EACH ONE INLET TO BE LOCATED WITHIN 10' OF BUILDING. 32" DIA. MANHOLE TO GRADE. NOTE #4 - 1500 GALL. TWO COMPARTMENT TOP SEAM GREASE TRAP WITH ZOOB FILTERS ON OUTLETS. SEPTIC TANKS IN SERIES WITH PRESSURE MAIN IN EACH ONE INLET TO BE LOCATED WITHIN 10' OF BUILDING. 32" DIA. MANHOLE TO GRADE. NOTE #5 - 1500 GALL. TWO COMPARTMENT TOP SEAM GREASE TRAP WITH ZOOB FILTERS ON OUTLETS. SEPTIC TANKS IN SERIES WITH PRESSURE MAIN IN EACH ONE INLET TO BE LOCATED WITHIN 10' OF BUILDING. 32" DIA. MANHOLE TO GRADE.

SITE INFORMATION

OWNER: FRANCIS LAING
ADDRESS: 2542 ISLAND VIEW ROAD
BALTIMORE, MARYLAND 21221
PHONE: 410-682-3341
TAX ID: 15-12-001682 15TH
ELECTION DISTRICT
COUNCILMANIC DISTRICT - 5TH
SITE AREA: 1.42 ACRES OR 61,855 SQ. FT.
ZONING: BL ZONE
SITE COVERAGE EXISTING: 6,283 SQ. FT.
BUILDINGS: 1,449 SQ. FT.
TOTAL EXISTING COVERAGE: 18,752 SQ. FT. OR 30%

SITE COVERAGE PROPOSED: 10,000 SQ. FT.
BUILDINGS: 1,449 SQ. FT.
TOTAL PROPOSED COVERAGE: 16,584 SQ. FT. OR 26%
PARKING REQUIRED: 41 SPACES
RESTAURANT WITH SEATING AND CLASS BOWL
LIQUOR LICENSE 16 SPACES PROPOSED
GROSS BUILDING AREA PROPOSED: 2,881 SQ. FT.
FOR RESTAURANT PARKING 2881 SQ. FT.
REQUIRE TWO HANDICAPPED SPACES
REQUIRE TWO HANDICAPPED SPACES
TOTAL REQUIRED PARKING SPACES: 37
PARKING PROVIDED: 41 SPACES INCLUDING TWO HANDICAPPED SPACES