

IN RE: PETITION FOR SPECIAL HEARING
N/S Briar Point Road, 156' W of the c/l
Bay Drive
(3914 Briar Point Road)
15th Election District
6th Council District

Victor Ichniowski, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-194-SPH
*

* * * * *

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 owners of the subject property, Victor Ichniowski, and his wife, Frances Ichniowski. The Petitioners request a special hearing to approve the subject property as a lot of record that does not meet the minimum acreage requirement (1.5 acres) and does not meet the required setbacks (50 feet) set forth in Paragraph 2 of Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioners were Ronald M. Kearney, the Registered Property Line Surveyor who prepared the site plan for this property, and Lloyd A. Harris, Builder. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located with frontage on the northwest side of Briar Point Road and the southeast side of Gooseneck Road, just south of Burke Avenue in Middle River. Although not waterfront, the property is located in close proximity to Seneca Creek. The property contains a gross area of 43,560 sq.ft. (1.0 acre) more or less, zoned R.C.5, and is served by public water and sewer. Presently, the property is unimproved but for a small shed, which will be removed to make way for the proposed development. Testimony indicated that Mrs. Ichniowski has owned the property since 1964 and she and her husband are now desirous of developing it with a single-family dwelling.

ORDER RECEIVED FOR FILING

ate.

12/14/04

However, due to the recent passage of Council Bill No. 55-04, the minimum required acreage for a buildable lot in the R.C.5 zone is 1.5 acres. Moreover, due to the unusual configuration of the property, which tapers from a width of 139 feet in the rear to 84.25 feet in the front, the proposed dwelling cannot meet the required side setbacks. Indeed, strict adherence to the required 50-foot side yard setbacks would allow only a 12½-foot wide dwelling to be built on the lot. Thus, the requested special hearing relief is necessary.

Testimony offered by the Petitioners' builder, Lloyd Harris, indicated that the proposed structure will be a one-story, ranch style dwelling, with vehicular access thereto by way of a proposed driveway from Briar Point Road. As more particularly shown on the site plan, the dwelling will be 58 feet wide and 26 feet deep and set back 159 feet from the front property line, which is consistent with neighboring homes. Variance relief is also requested, through the Petition for Special Hearing, to approve side yard setbacks of 26 feet and 25 feet in lieu of the required 50 feet for each side, pursuant to Paragraph 2 of Section 1A04.3.B.1.b of the B.C.Z.R. In this regard, testimony indicated that the Petitioners have discussed their proposal with their neighbors on both sides of the subject property and that they had no objections.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. Obviously, strict compliance with the regulations would cause a practical difficulty upon the Petitioners in that a reasonable use of the land would not be permitted. Moreover, testimony indicated that many other houses in the community are built on undersized lots (albeit most of which were built prior to Council Bill No. 55-04). However, it is clear that without the special hearing relief, the lot could not be developed for a permitted purpose. I further find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for variance relief to be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale. It is also to be noted that similar relief was granted in prior Case No. 01-179-A by then Zoning Commissioner Lawrence E. Schmidt involving 3918 Briar Point Road.

There were no adverse Zoning Advisory Committee comments submitted by any County reviewing agency; however, the Petitioners need comply with Chesapeake Bay Critical

ORDER RECEIVED FOR FILING
Date 12/17/04
By [Signature]

Areas regulations enforced by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to their ZAC comment dated November 29, 2004. Additionally, the Petitioners shall comply with the recommendations made by the Office of Planning in their comment dated November 18, 2004. Prior to the issuance of any building permits, the Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to insure that the proposed house is compatible with existing houses in the neighborhood. Finally, the Petitioners must comply with the relevant flood plain regulations.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of December 2004 that the Petition for Special Hearing to approve the subject property as a lot of record that does not meet the minimum acreage requirement (1.5 acres) and does not meet the required setbacks (50 feet) set forth in Paragraph 2 of Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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 DEPRM relative to Chesapeake Bay Critical Areas regulations, dated November 29, 2004, and the Office of Planning, dated November 18, 2004, copies of which are attached hereto and made a part hereof.
- 3) Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to insure that the proposed house is compatible with existing homes in the area.
- 4) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning, with no greater side yard setbacks than those shown

ORDER RECEIVED FOR FILING

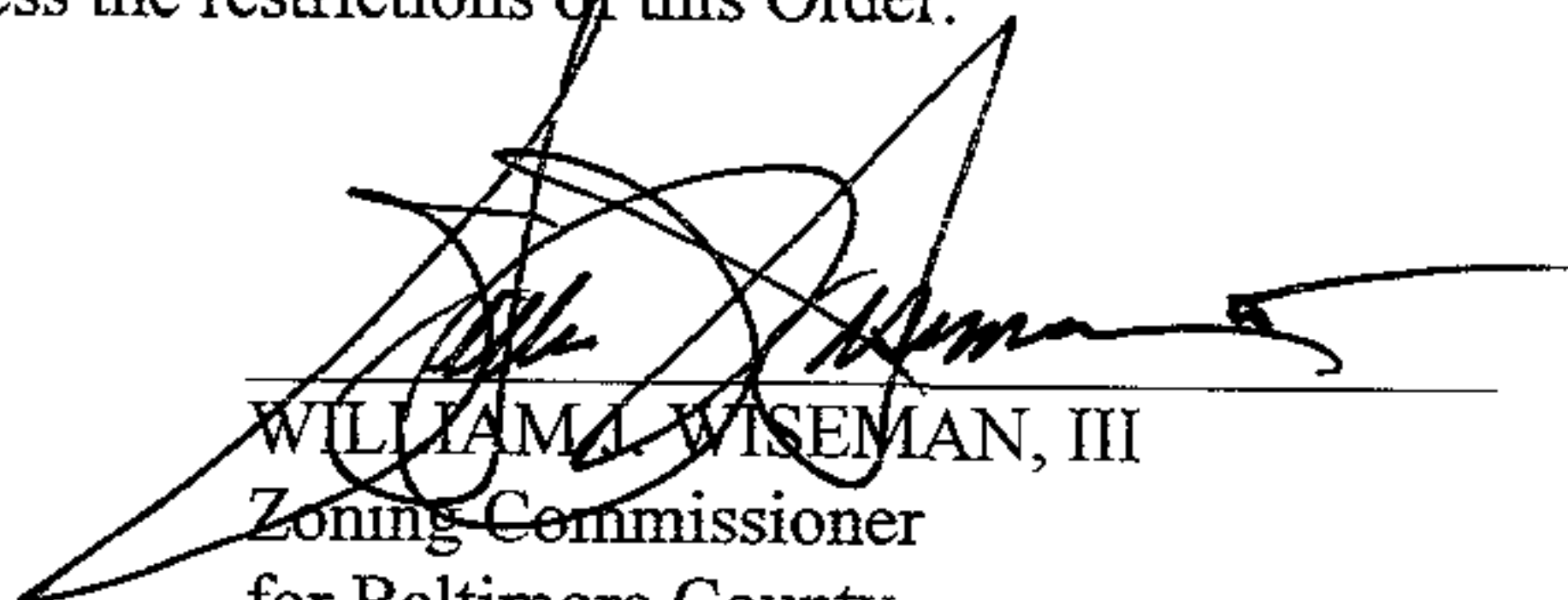
Date 12/14/04

By [Signature]

on the site plan submitted into evidence as Petitioner's Exhibit 1.

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

WJW:bjs



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

12/14/14

by



Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

December 14, 2004

Mr. & Mrs. Victor Ichniowski
424 Carroll Island Road
Baltimore, Maryland 21220

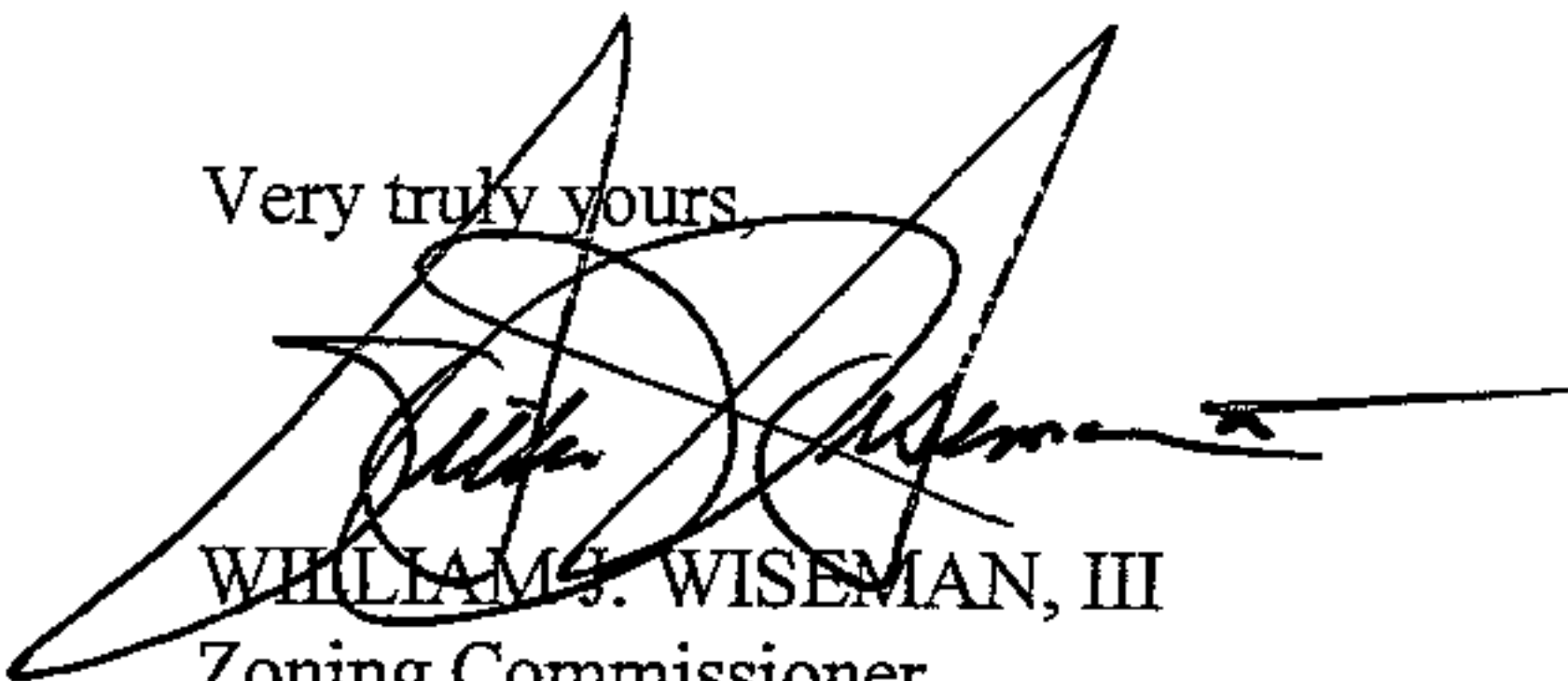
RE: PETITION FOR SPECIAL HEARING
N/S Briar Point Road, 156' W of the c/l Bay Drive
(3914 Briar Point Road)
15th Election District – 6th Council District
Victor Ichniowski, et ux - Petitioners
Case No. 05-194-SPH

Dear Mr. & Mrs. Ichniowski:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Ronald M. Kearney
4401 Philadelphia Road, Bel Air, Md. 21015
Mr. Lloyd Harris
1204 Pulaski Highway, Joppa, Md. 21085
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Office of Planning; DEPRM; People's Counsel; Case File

Visit the County's Website at www.baltimorecountyonline.info





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3914 Briar Point Road
which is presently zoned R.C. 5

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

see attached

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Frances E. Ichniowski

Name - Type or Print

Frances E. Ichniowski
Signature

Victor Ichniowski

Name - Type or Print

Victor Ichniowski
Signature

424 Carroll Island Road 410-335-9653
Address Telephone No.

Baltimore Maryland 21220
City State Zip Code

Representative to be Contacted:

Ronald M. Kearney

Name

4401 Philadelphia Road 410-989-0445
Address Telephone No.

Bel Air, Maryland 21015
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

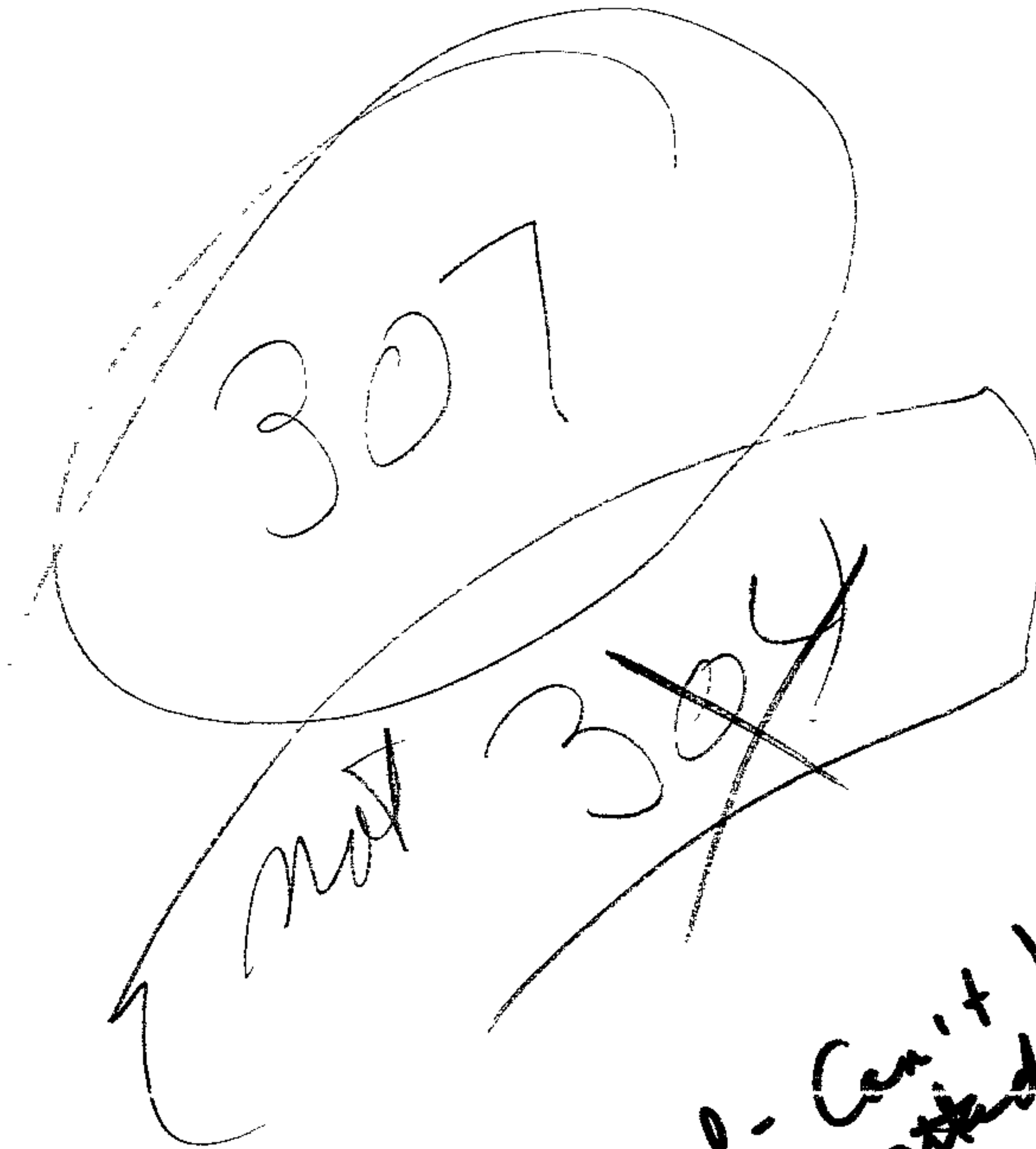
Reviewed By BR Date 10/14/04

Case No. 05-194-SPH

ORDER RECEIVED FOR FILING

Date 12/14/04
By [Signature]
20 9/15/98

1A04.3.B.1.b to approve a lot of record that does not meet the minimum acreage requirement and does not meet the setback requirements of Paragraph 2. ()



150m
Pavement
Shed to be removed.

Shed - Can't be
attended

1964 - H+W

ZONING DESCRIPTION
3914 BRIAR POINT ROAD

Beginning for the same at a point on the north side of Briar Point Road which is 30 feet wide at the distance of 156 feet west of the intersection of Bay Drive which is 30 feet wide, as recorded in deed Liber 4354, folio 479, South 46 degrees 20 minutes 20 seconds West 84.25 feet, North 44 degrees 04 minutes 40 seconds West 418.07 feet, North 74 degrees 14 minutes 00 seconds East 139.00 feet, North 30 degrees 47 minutes 00 seconds East 18.75 feet, and South 35 degrees 08 minutes 40 seconds East 362.04 feet to the place of beginning containing 1.00 acres.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 41439

DATE 10/19/04 ACCOUNT 1000100006150

AMOUNT \$ 65.00

RECEIVED FROM: CCS Capital Health

FOR: Special Meeting

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE TIME DAY

10/19/2004 10/19/2004 15:42:41 5

REQ NO: 001457

DEPT: 5 000 200100 IDENTIFICATION

CR NO: 001457

Recpt: 100

465.00 00

4.00 00

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date November 11, 2004

RE: Case Number 05-194-SPH

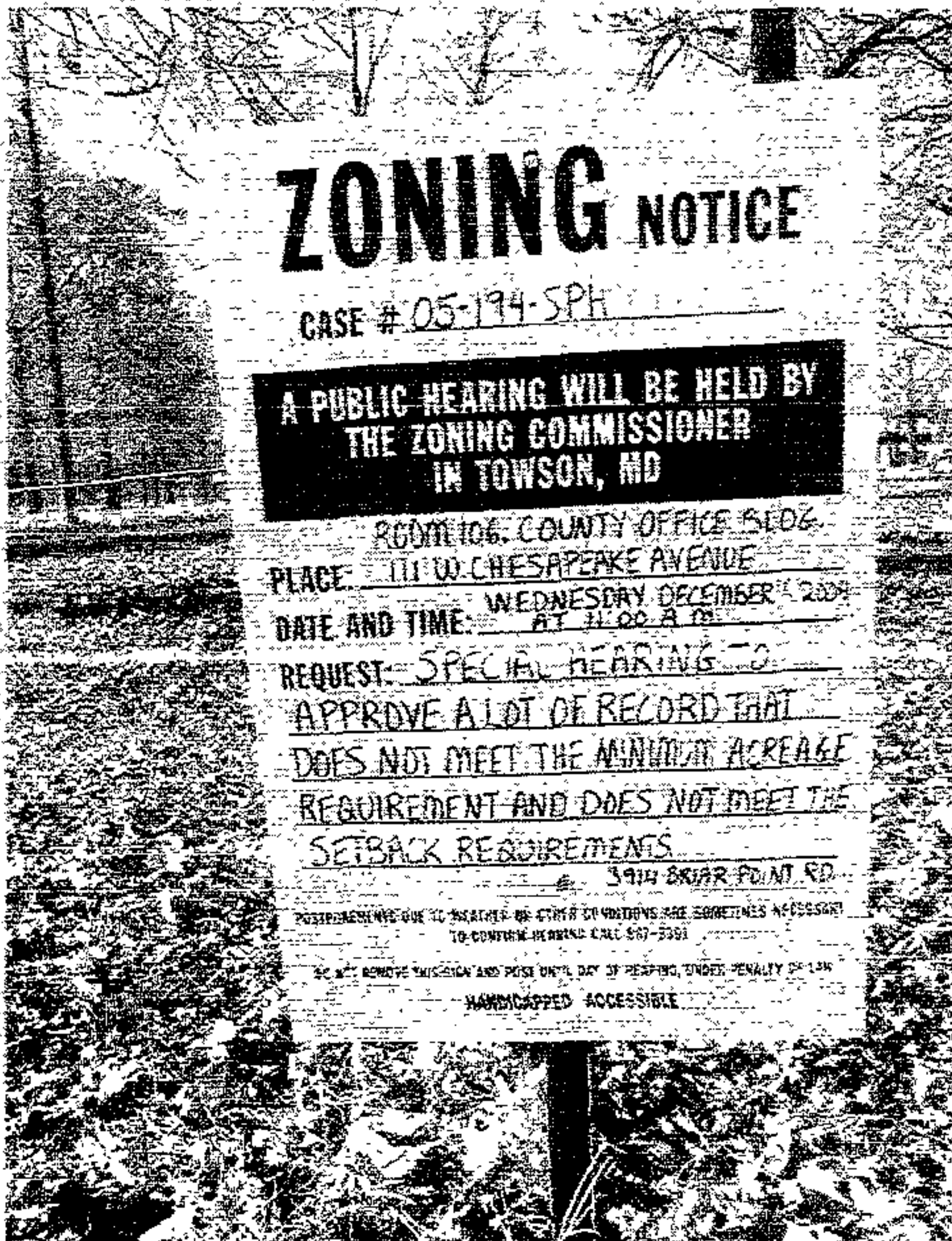
Petitioner/Developer FRANCES + VICTOR ICHNIOWSKI / RON KEARNEY, ETAL.

Date of (Hearing) Closing December 1, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3914 BRIAR POINT RD

The sign(s) were posted on

November 6, 2004



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

**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: #05-194-SPH
3914 Briar Point Road,
N/Side of Briar Point Road,
155 feet west of centerline
of Bay Drive

15th Election District
6th Councilmanic District
Legal Owner(s): Frances E.
and Victor Ichniowski

Special Hearing: to ap-
prove a lot of record that
does not meet the mini-
mum acreage requirement
and does not meet the set-
back requirements.

**Hearing: Wednesday, De-
cember 1, 2004 at 11:00
a.m. in Room 106, County
Office Building, 111 W.
Chesapeake Avenue.**

WILLIAM WISEMAN
Zoning Commissioner for
Baltimore County

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

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT 11/705 Nov. 16 29857

CERTIFICATE OF PUBLICATION

11/18/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 11/16/, 2004.

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

S. Williams

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 16, 2004 Issue - Jeffersonian

Please forward billing to:

Victor Ichniowski
424 Carroll Island Road
Baltimore, MD 21220

410-335-9653

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: 05-194-SPH

3914 Briar Point Road

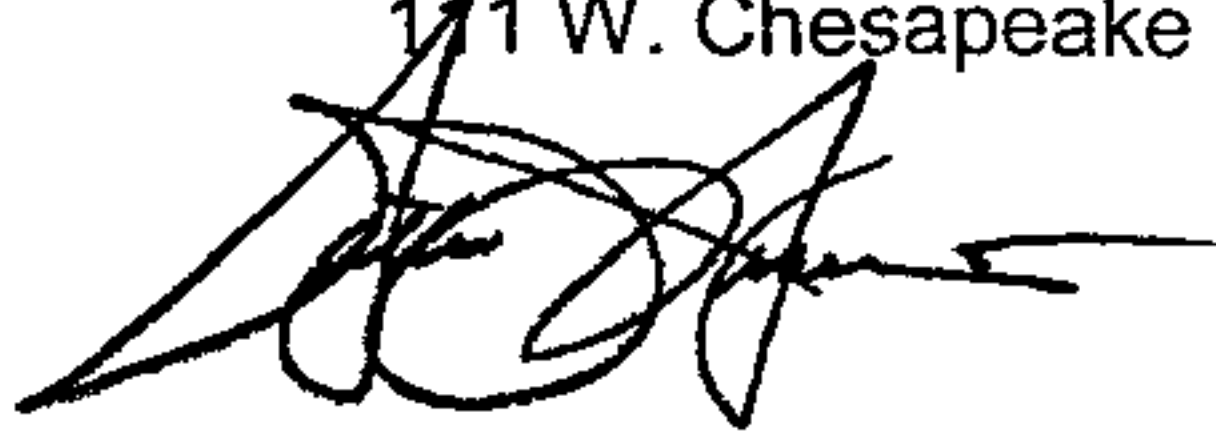
N/side of Briar Point Road, 156 feet west of centerline of Bay Drive

15th Election District – 6th Councilmanic District

Legal Owners: Frances E. and Victor Ichniowski

Special Hearing to approve a lot of record that does not meet the minimum acreage requirement and does not meet the setback requirements.

Hearing: Wednesday, December 1, 2004 at 11:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204



WILLIAM WISEMAN
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.

all provided to publisher

**Department of Permits and
Development Management**



Baltimore County

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

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 26, 2004

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: 05-194-SPH

3914 Briar Point Road

N/side of Briar Point Road, 156 feet west of centerline of Bay Drive

15th Election District – 6th Councilmanic District

Legal Owners: Frances E. and Victor Ichniowski

Special Hearing to approve a lot of record that does not meet the minimum acreage requirement and does not meet the setback requirements.

Hearing: Wednesday, December 1, 2004 at 11:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Frances & Victor Ichniowski, 424 Carroll Island Rd., Baltimore 21220
Ronald M. Kearney, 4401 Philadelphia Road, Bel Air 21015

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 16, 2004.**
- (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.

Post-it® Fax Note	7671	Date	11/1/04	# of pages	1
To	Linda O'Keefe	From	Kristen M.		
Co./Dept		Co.	Zoning Review		
Phone #	410-666-5306	Phone #	887-3391		
Fax #	410-666-3929	Fax #	410-887-5708		

Visit the County's Website



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 05-194-SPH

Petitioner VICTOR ICHNIOWSKI

Address or Location: 3914 BRIAR POINT RD.

PLEASE FORWARD ADVERTISING BILL TO

Name VICTOR ICHNIOWSKI

Address 424 CARROLL ISLAND RD.

BALTIMORE, MD. 21220

Telephone Number: 410-335-9653

**Department of Permits
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

November 22, 2004

Francis E. Ichniowski
Victor Ichniowski
424 Carroll Island Road
Baltimore, Maryland 21220

Dear Mr. and Mrs. Ichniowski:

RE: Case Number: 05-194-SPH, 3914 Briar Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 14, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Ronald Kearney 4401 Philadelphia Road Bel Air 21015

Visit the County's Website at www.baltimorecountyonline.info



Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T Smith, Jr., County Executive
John J Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 27, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 25, 2004

Item No.: 172, 174, 177, 183-195

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: November 4, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For November 1, 2004
Item No. 194

The Bureau of Development Plans Review has reviewed the subject-zoning item.

A 40-foot minimum right-of-way for Briar Point Road shall be shown, and the requested variances are to be modified accordingly.

RWB:CEN:jrb

cc: File

BW
12/1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr
DEPRM

DATE: November 29, 2004

SUBJECT: Zoning Item # 05-194
Address 3914 Briar Point Road (Ichniowski Property)

RECEIVED

NOV 30 2004

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of October 25, 2004.

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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).

Additional Comments:

The proposed action must comply with the 15% Maximum Impervious Surface requirements and the 15% Tree Cover requirements of the CBCA.

Reviewer: Martha Mickey

Date: November 29, 2004

bu
12/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: November 18, 2004

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

SUBJECT: 3914 Briar Point Road

INFORMATION:

Item Number: 5-194

Petitioner: Frances E. Ichniowski

Zoning: RC 5

Requested Action: Special Hearing

RECEIVED

NOV 18 2004

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Orient the front of the proposed dwelling towards Briar Road and incorporate prominent entries and porches or stoops in the front building façade.
2. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
3. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
4. Ensure that exterior of all buildings use the same finish materials and architectural details on all front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.

5. Garages may not become the dominant street feature. Garage doors shall use items such as windows, decorative patterns, and color to relieve the visual impact of the house from the street.
6. Submit building elevations (all sides) that reflect all of the above minimum standards to this office for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated herein, please contact Mark Cunningham at 410-887-3480.

Prepared by: Mark A Cunningham

Division Chief: [Signature]

AFK/LL:MAC:



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 11.9.04

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

RE: Baltimore County
Item No. 194 BPR

Dear Ms. Matthews:

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,

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
3914 Briar Point Road; N/side Briar
Point Road, 156' W c/line of Bay Drive * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Frances & Victor Ichniowski* FOR
Petitioner(s) * BALTIMORE COUNTY
* 05-194-SPH

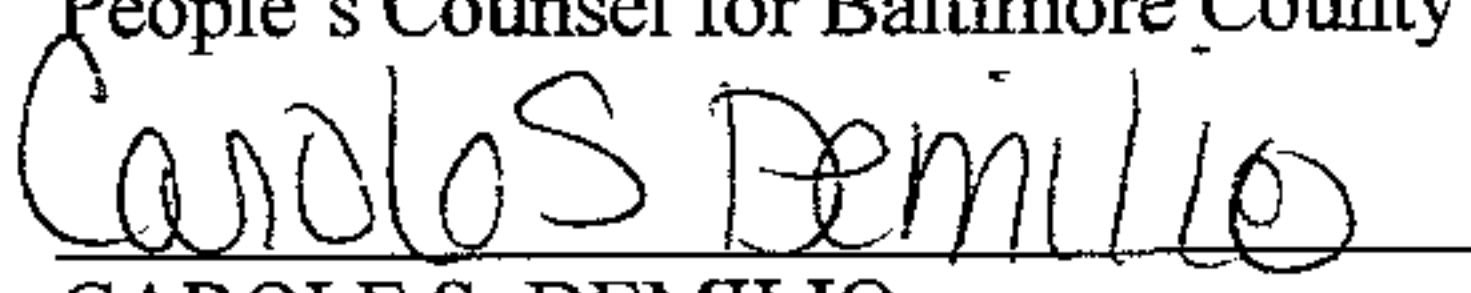
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence and documentation filed in the case.

RECEIVED

Per.....


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 29th day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to Ronald M. Kearney, 4401 Philadelphia Road, Bel Air, MD 21015, Representative for Petitioner(s).


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

no consideration

This Deed, Made this *31st* day of August

in the year one thousand nine hundred and sixty-four, by and between
CLAYTON W. BORDLEY, INC. a body corporate

of Baltimore City in the State of Maryland, of the first part, and
FRANCES E. ORZOLEK ICHNIOWSKI and VICTOR ICHNIOWSKI, her husband
of the second part.

Witnesseth, that in consideration of the sum of Five (\$5.00) Dollars and other
good and valuable considerations, the receipt whereof is hereby
acknowledged.

the said Clayton W. Bordley, Inc., a body corporate

do th grant and convey unto the said Frances E. Orzolek Ichniowski and Victor
Ichniowski, her husband, as tenants by the entirities their
heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in
Baltimore County, aforesaid, and described as follows, that is to say:—

Beginning for the same at a point on the northwest side of Burke Avenue,
30 feet wide, said point of beginning being 189.25 feet southwesterly,
measured along said road, from the west side of H. J. Hughes' lot as
shown on the First Addition to Plat #2 Bowleys Quarter and recorded
among the Land Records of Baltimore County in Plat Book L. McL. M. No. 9
Folio 12, and running thence, binding on said northwest side of Burke
Avenue (the courses herein are referred to the True Meridian as
established by the Baltimore County Metropolitan District), south 46
degrees 20 minutes 20 seconds west 84.25 feet, thence, for line of
division, north 44 degrees 04 minutes 40 seconds west 418.07 feet to
the southeast side of Goose Harbor Road, 30 feet wide, thence, binding
on said southeast side of Goose Harbor Road, north 74 degrees 14
minutes east 139.00 feet, thence, with the southeast side of a 30 foot
road, north 30 degrees 47 minutes east 18.75 feet, thence, for line of div-
ision, south 35 degrees 08 minutes 40 seconds east 362.04 feet to the
place of beginning.

Containing 1.00 acres, more or less.

BEING the same lot of ground and improvements described in a deed
of even date and intended to be recorded among the Land Records of
Baltimore County immediately prior hereto.

PAID — Baltimore County, Md. — Office of Finance

9-4-64	8066	•	51759 PPJ+	259
9-4-64	8066	•	51759 PPJ+	259

#Guth BT #2

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Frances E. Orzolek Ichniowski and Victor Ichniowski, her husband, as tenants by the entireties, their

heirs and assigns, in fee simple.

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

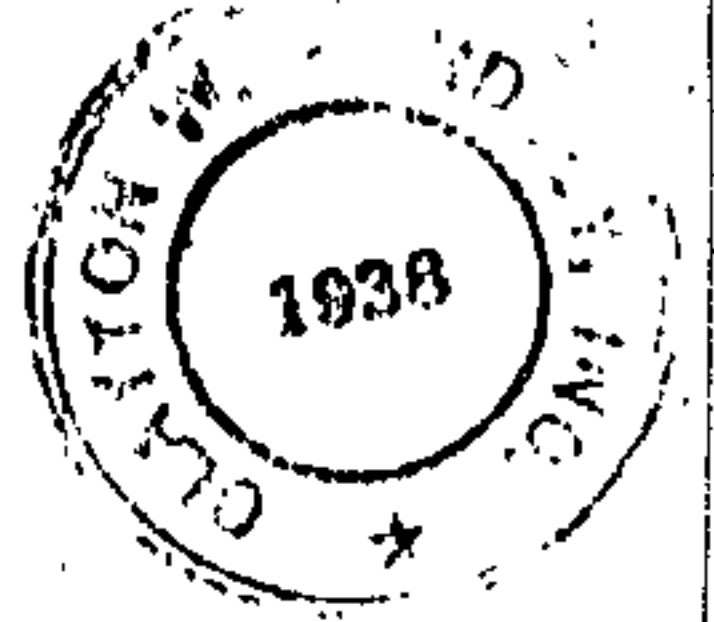
Witness the hand and seal of said grantor, R. Manfred Kwasnik, Vice-President of the said body corporate herein.

TEST:

CLAYTON W. BORDLEY, INCORPORATED (SEAL)

Romaine J. Koch
Romaine J. Koch

BY: *R. Manfred Kwasnik* (SEAL)
R. MANFRED KWASNIK, Vice-President



STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 31st day of August in the year one thousand nine hundred and sixty-four, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared R. Manfred Kwasnik, Vice-President of the said body corporate, Clayton W. Bordley, Incorporated.

the above named grantor, and he acknowledged the foregoing Deed to be the act of the said body corporate.

As Witness my hand and Notarial Seal.



Romaine J. Koch
Romaine J. Koch

Notary Public

Rec'd for record SEP 4 1964 at 10²⁴

Per Robert R. Gill, Clerk

Mail to

Receipt No

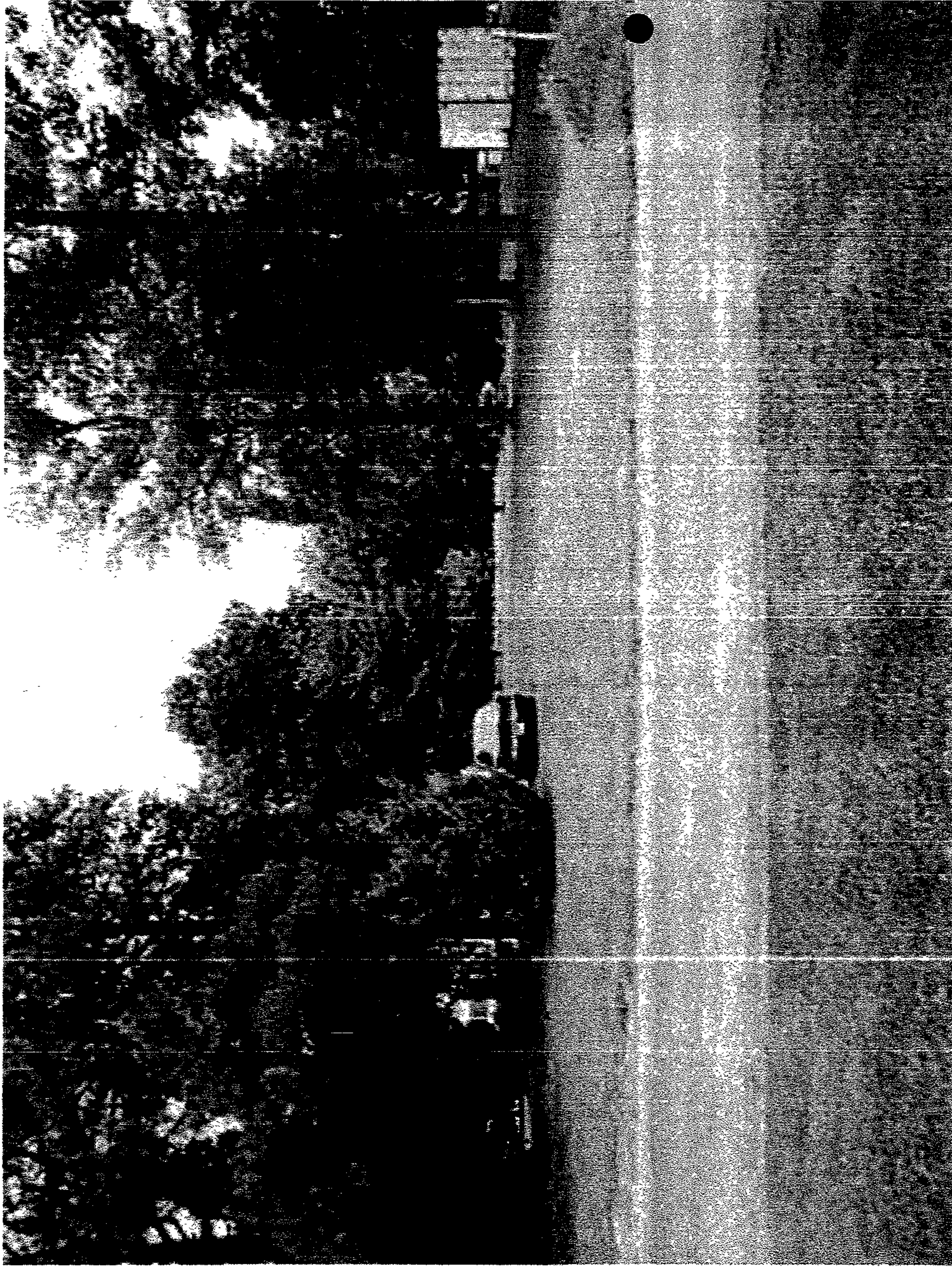
1131270

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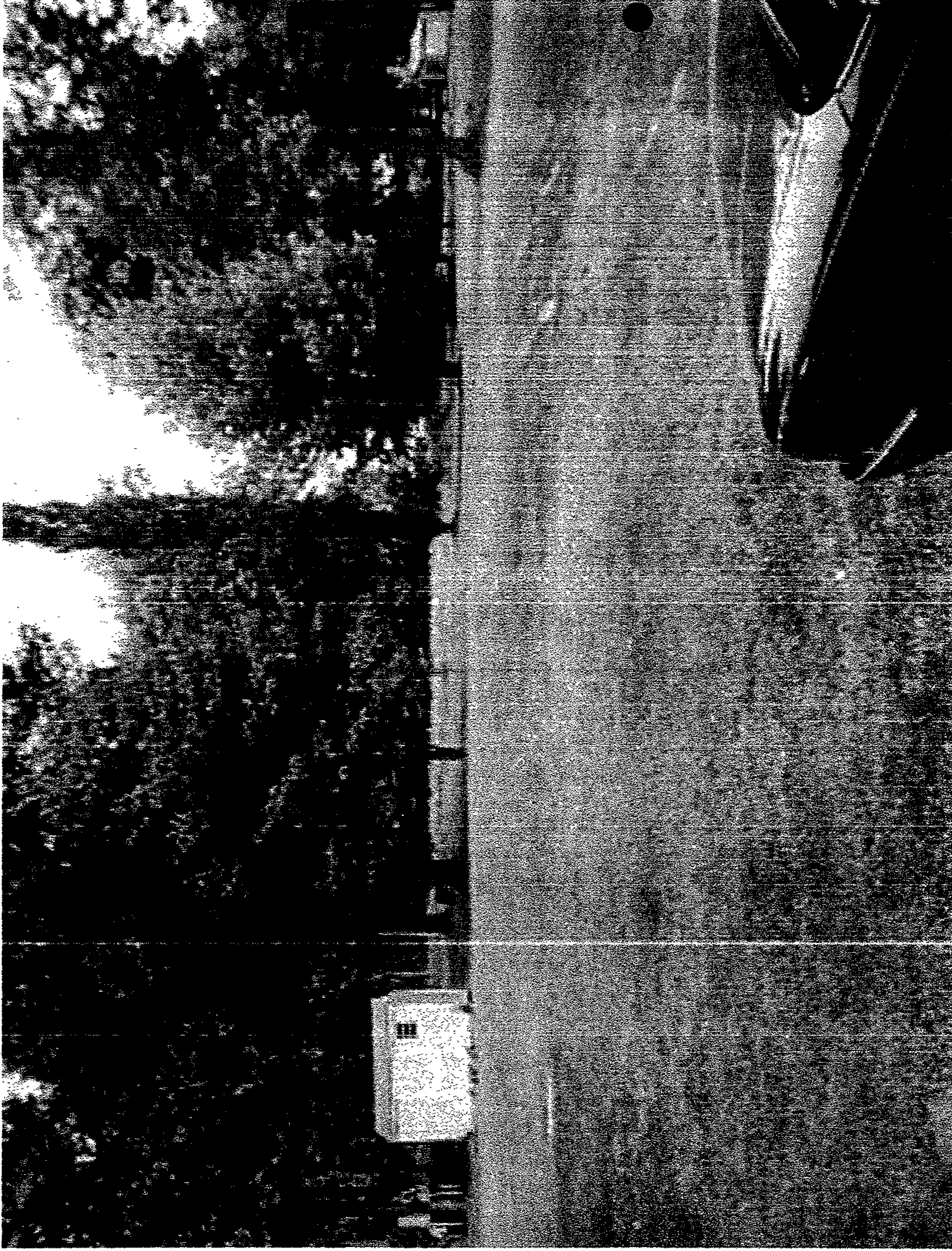
3-30

① #3 A View

VIEW FROM SOUTH SIDE OF BRIAR POINT ROAD FACING LOT.



VIEW FROM FRONT OF LOT FACING INTO LOT.



23

2

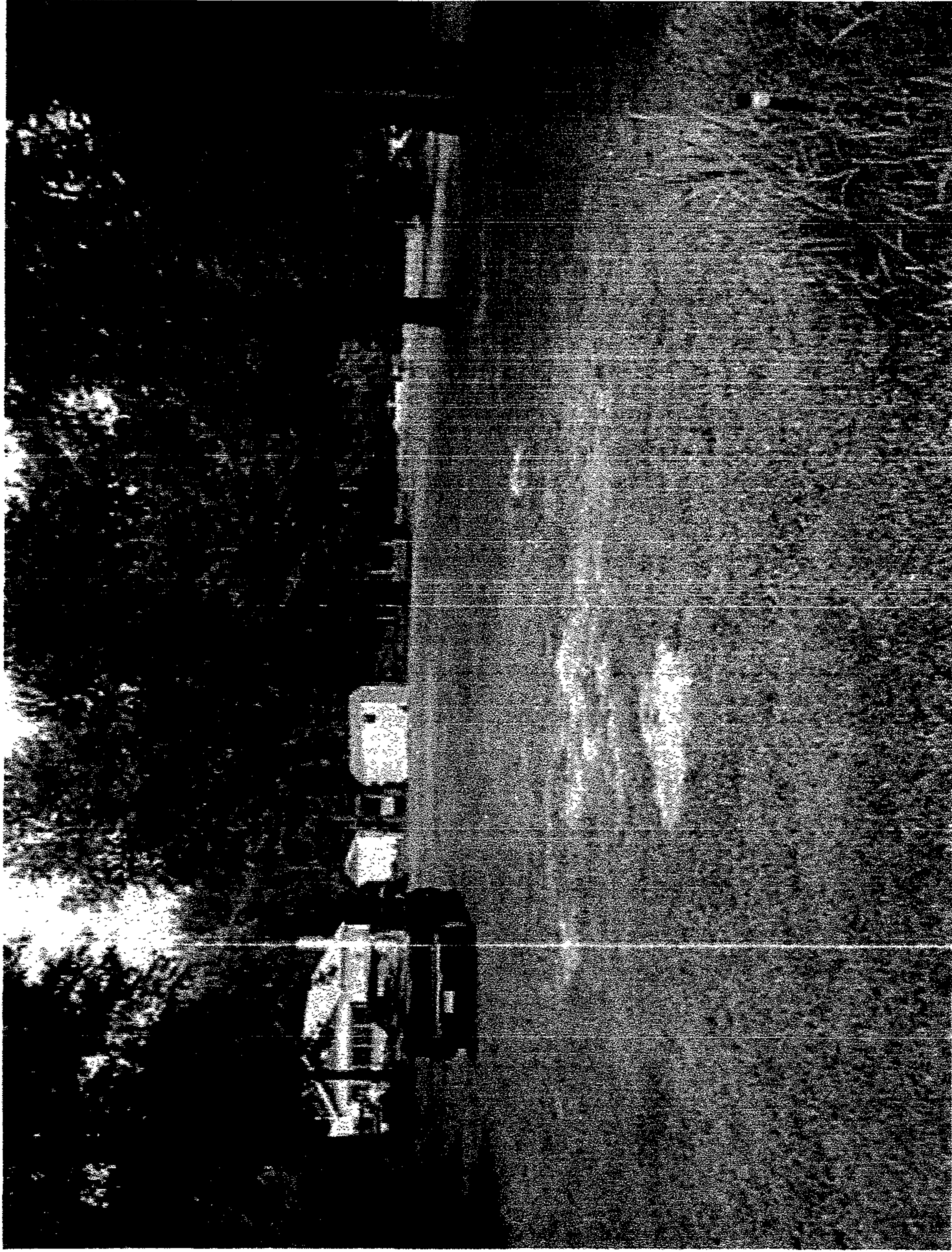
VIEW FROM RIGHT FRONT CORNER OF LOT.



③

25

VIEW FROM FRONT OF LOT FACING LEFT SIDE.



(A)

23

VIEW FROM GOOSE HARBOR ROAD FACING TOWARDS
BELAR POINT RD.



5
43F

VIEW FROM LEFT REAR CORNER OF LOT (GOOSE HARBOR ROAD)
FACING TOWARDS RIGHT SIDE OF LOT.



4

6

AFTER 2130 A.M.

2

424 Carroll Island Rd

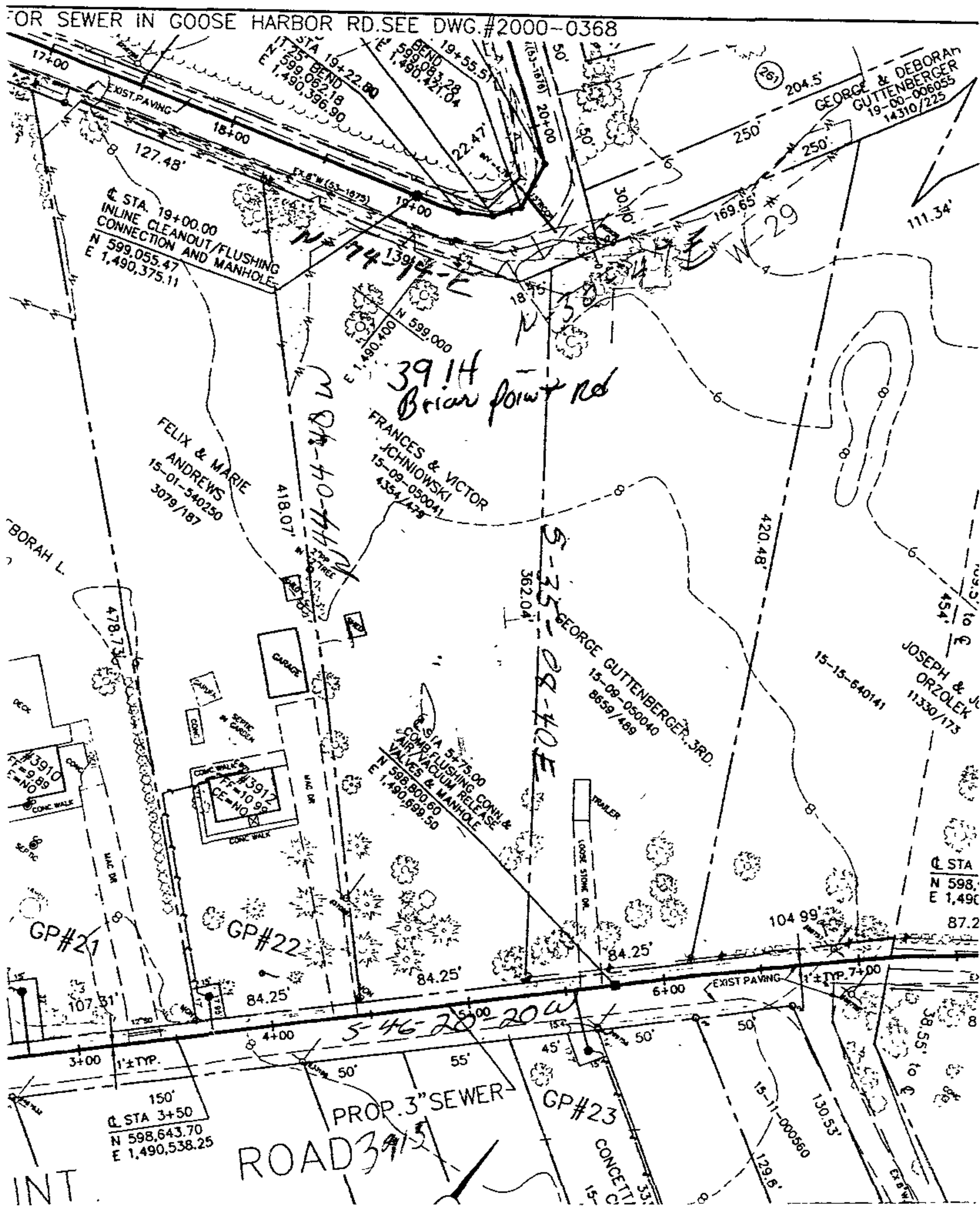
2122d

House size

58' 60x26

Crawl space

RC 5



Case No.:

05-194-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	PLAT AMENDED to REFLECT 40' ROW	
No. 2	DEED - 8/31/04	
No. 3	6 photo's of Petitioner's Property @ 3914 Brian Pt.	
No. 4	SEWER DWG	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NAME 05-194-SPH
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Exception

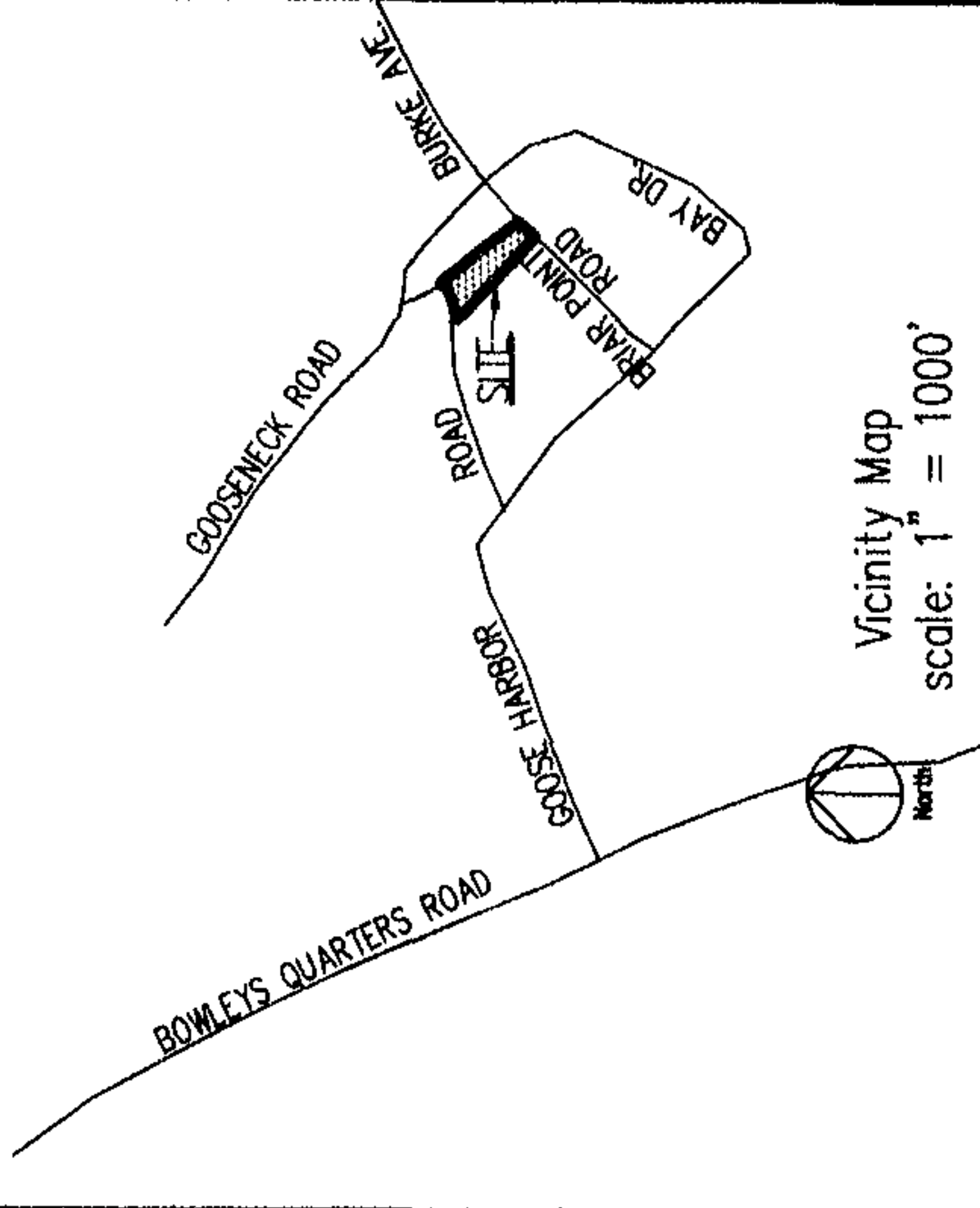
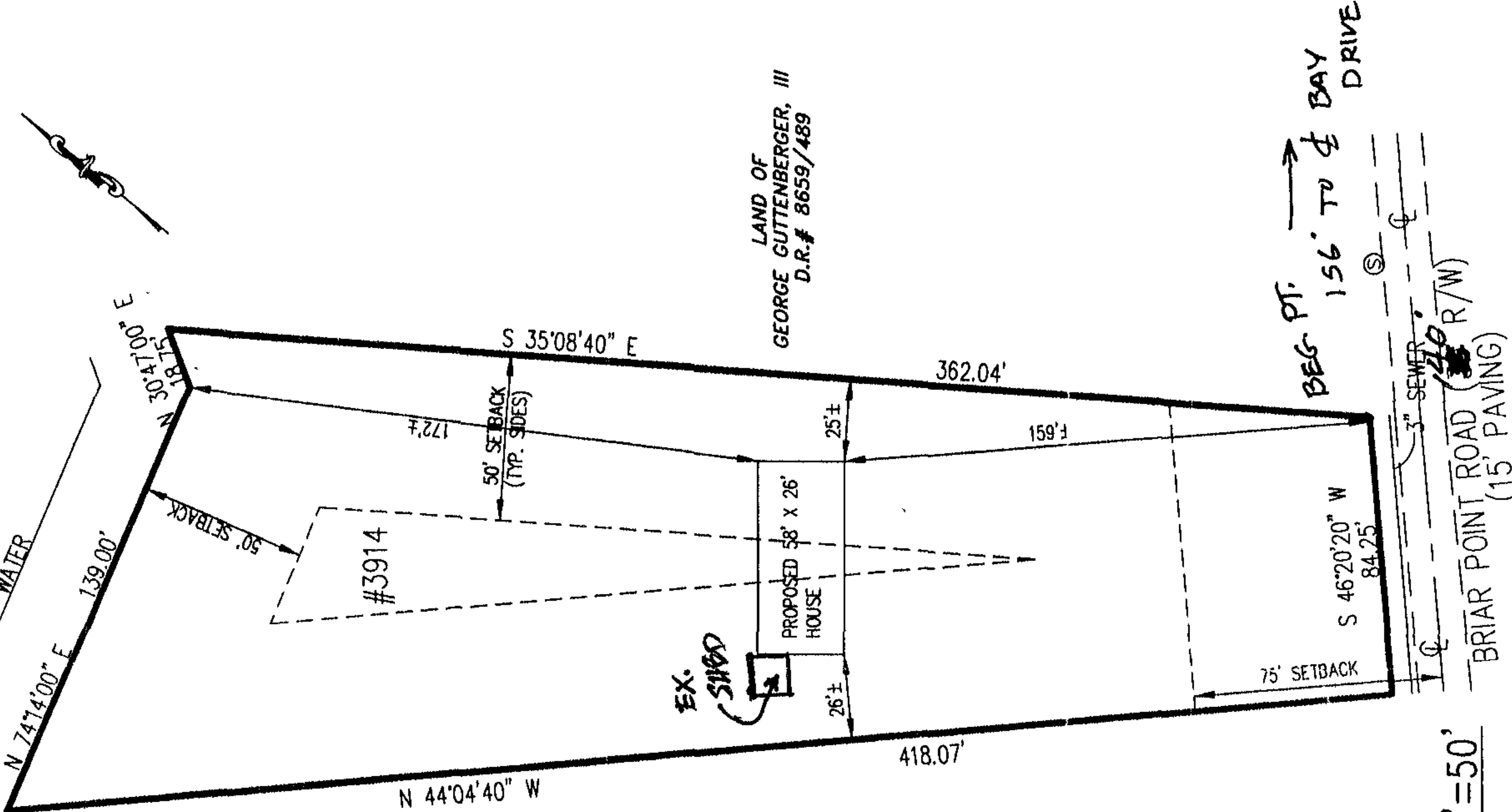
PROPERTY ADDRESS: 3914 Briar Point Road

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____
plat book # _____, folio # _____, lot # _____, section # _____

OWNER: Victor Ichniowski

Deed Reference: 4354/479



LOCATION INFORMATION

Councilmanic District: 6

Election District: 15

1" = 200' scale map#: NE 2L

Zoning: RC 5

Lot size: 1.00 acreage 43560 square feet

Sewer ☒ Public ☒ Private ☐

Water ☒ ☐

Cheapeake Bay Critical Area: ☒ ☐

100 Year Floodplain ☐ ☒

Historic Property/
Building ☐ ☒

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by:

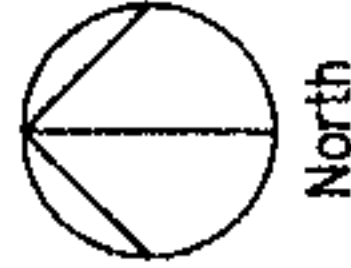
ITEM #:

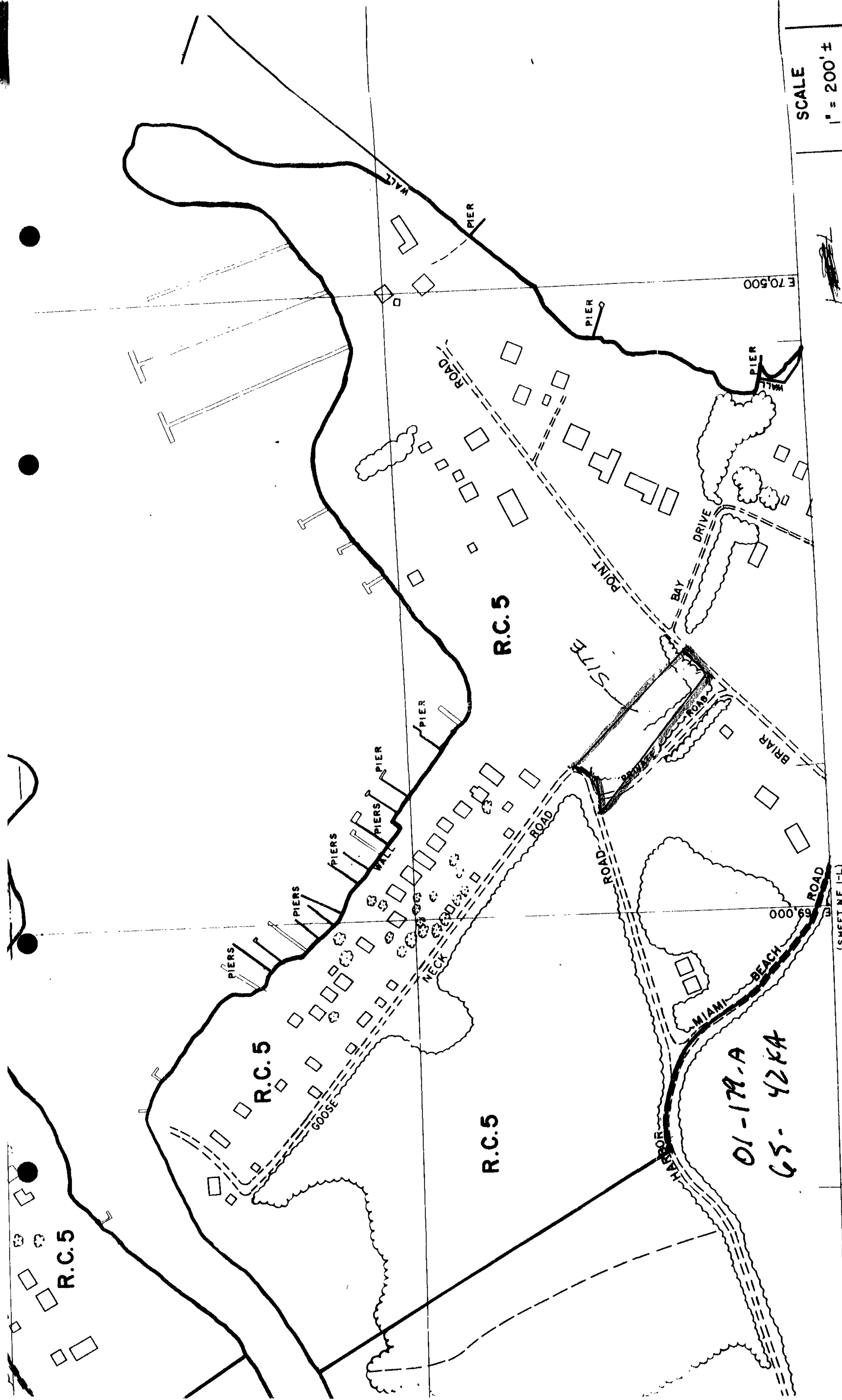
CASE #:

Scale of Drawing: 1"=50'

date: 10/13/04

prepared by: J. Campbell





SCALE

1" = 200' ±

194

BALTIMORE COUNTY

NE 2L

(SHEET NE.1-L)

01-17A
65-42KA