

IN RE: PETITION FOR VARIANCE  
W/S of Wilson Point Road, 675 ft. N  
centerline of Shore Road  
15th Election District  
6th Councilmanic District  
(1712 Wilson Point Road)

Gary W. Hohne  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* CASE NO. 05-274-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Gary W. Hohne. The Petitioner is requesting variance relief for property located at 1712 Wilson Point Road in the eastern area of Baltimore County. Variance relief is requested from Sections 1B02.3C and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling with a 9 ft. rear yard setback and 5 ft. side setbacks in lieu of the required 30 ft. and 10 ft. respectively and to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard.

The property was posted with Notice of Hearing on January 10, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on January 13, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. - *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted

ADJUDICATED FOR FILING

Date 2/10/05

By [Signature]

as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated January 10, 2005 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. In addition a comment was received from the Office of Planning dated January 24, 2005 and presented at the hearing by David Pinning, area planner, stating that the Planning Office recommended denial of the request and other conditions, a copy of which is attached hereto and made a part hereof.

#### **Interested Persons**

Appearing at the hearing on behalf of the variance request were Michael Medick, Leroy Hohne and Gary Hohne, the Petitioner. Bob Bendler, representing the Wilson Point Community Association, appeared as an interested citizen at the hearing. John B. Gontrum, Esquire, represented the Petitioners. David Pinning, area Planner, attended the hearing for the Office of Planning. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### Testimony and Evidence

This waterfront property is zoned D.R. 5.5 and is 13,550 sq. ft. in area. Petitioner's Exhibit 1B shows the existing conditions which are that the lot contains a modest 33 ft. x 27 ft. single-story home, two sheds and a garage nearly at water's edge. This is a 50 ft. wide lot located on the narrow peninsula known as "Wilson Point". Waterfront homes occupy both sides of the road. Public water and sewer serve the area. The Petitioner indicated that he recently purchased the property, which was damaged by the storm surge of hurricane Isabel. He proposed to raze the present home and build a new quite magnificent home which would meet the County regulations except as to side and rear yard setbacks. See Exhibit 1A. The Petitioner would like to replace the existing garage near the water for storage by using the same concrete base. However, since the front of the home would be the waterfront side, the garage would need a variance to remain where it is.

The Petitioner presented photographs of the existing home, accessory structures and neighboring properties in a series marked as 2A through 2G. Photo 2B shows the existing side yard, which the Petitioner proffered, is setback 5 ft. from the property line. The proposed home would be 5 ft. from this property line if the side yard variance is granted. Photo 2E shows the neighbor's use of the neighbor's side yard, which contains the oil storage tank and air conditioner heat pump exchanger. The rear yard variance is caused by the fact that the Petitioner would like a side loaded garage attached to the house. This design requires a variance from the required 30 ft. regulation.

Mr. Gontrum proffered that the Petitioner could build a house on stilts, which would not require either a side or rear yard setback variance. This house could be up to fifty feet high and physically contain the amenities that the Petitioner would like. However, Mr. Gontrum noted

2/10/05

Ray

that the homes along Wilson Point Road are single-story to a large extent and so such a house would not be compatible with the neighborhood. Instead of going up, the Petitioner proposes to lengthen the home so that it extends from the 100 ft. setback line from the water to the garage, a distance of 123 ft.

Mr. Bendler, representing the Wilson Point Community Association, indicated that his organization did not oppose the requested variances but would like to see the new home pushed toward the water to relieve the substantial parking problem that exists today on the only road for this neighborhood, Wilson Point Road.

Area Planner Pinning indicated that his office opposed the requested 5 ft. side yard setbacks as 10 ft. was the standard setback for the neighborhood. He indicated that this would give neighbors necessary breathing room. He noted that the lot to the south, 1714 Wilson Point Road, was narrower near the road and therefore the requested setback would impact this home to a greater degree than on the north side where he indicated 5 ft. setback would be acceptable.

Mr. Gontrum pointed out that because the lot to the south narrowed, it would be unlikely that the home on this lot would be extended toward the road and that the neighbor to the south was not opposed to the Petition as this is where he located his oil tank and heat pump exchanger.

In regard to the 9 ft. rear yard setback, Mr. Pinning indicated that he was concerned about parking spilling out onto Wilson Point Road when visitors come to the subject property. Consequently he opposed this request. Mr. Gontrum pointed out that there would be overflow parking on the pad, which leads to the garage since this is side loaded and that this would not be a problem. Finally, all agreed to submit elevations and building plans to the Office of Planning for review and approval prior to building permit.

This Commissioner pointed out that the building proposed would be 123 ft. long and may appear "wall" like to persons travelling north on Wilson Point Road. Mr. Medick, the Petitioner's architect, indicated that the roof line would vary from two-story to one-story along the 123 ft. dimension and so would break up the "wall" effect. Nevertheless, he indicated that he would try to modify the design in this regard to further break up this line on the building. Finally, the Petitioner corrected Exhibit 2 to show the side yard setback on the garage to be 5 ft. and not 4 ft.

**Findings of Fact and Conclusions of Law**

I am sure that the proposed home would be a great addition to the neighborhood. The Community Association is not opposed to the requested variances. However, the lot now has approximately 900 ft. of impervious surface on a 13,550 sq. ft. lot. Building coverage is approximately 7%. According to DEPRM the impervious surface of the proposed structure would be over 31% which exceeds the 25% rule for lots smaller than one half acre. While I realize I do not have jurisdiction over this portion of the Chesapeake Bay Critical Area regulations, it gives a guideline to judge zoning requests. The proposed home is much more than twice the footprint of the existing home. The south wall of the proposed home is nearly five times the length of the existing home. The impervious area is more than four times the impervious area of the existing home. Given these circumstances, the fact that the side yard setback on the south side is now only 4 ft. does not mean that this proposal is simply replacing one dwelling with another and that whatever has been there can be simply extended to the new dwelling. Even the north side yard setback, which appears to be 10 ft., will be reduced to 5 ft. in this proposal.

In regard to the Petitioner's request to keep a garage in the front yard, there is an existing shed with a concrete base on which a new garage will be built. This is a reasonable request. In regard to the request for a side yard setback of 5 ft. on the south side, I have no problem with this request in theory as the existing house is 4 ft. from the property line and this is the "utilitarian" side of the south side neighbors' home. The problem is the length of the proposed dwelling. However, I am satisfied that the architect will make every effort to lessen the impact of the building line on the south side in the final design.

Finally, while I understand the Planning Office objective to give more space on the rear for overflow parking, I will grant the rear yard variance because the layout of the side loaded garage in the rear indicates to me sufficient stacking space for guests so as not to spill onto Wilson Point Road.

I find that for each of these requests special circumstances or conditions exist that are peculiar to the land or structure, which is the subject of the variance request. The garage in the front yard exists as does the present dwelling. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no land on either side of the lot for the Petitioner to acquire and avoid the variance requests. This is a 50 ft. wide lot with an existing house approximately 4 ft. from the south property line. The Petitioner should be able to replace the house should he choose to do so.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting these variances. This is replacing one home with another. Finally, I find that these variances shall be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety

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DATE 2/10/05  
BY [Signature]

and general welfare. The proposed building will be compatible with the neighborhood and especially the pattern of development of the adjoining lots.

However, in regard to the request for 5 ft. setback on the north side, the existing dwelling is over 10 ft. from this property line and yet the Petitioner requests to reduce this side to 5 ft. also. This will present a building wall along the north side slightly larger than the existing building at half the distance. Clearly the Petitioner will need to build a high fence around the pool for safety which undoubtedly will end up as a privacy fence. The result will substantially change the space between the neighbor to the north and the proposed structures. I agree with the Planning Office and find that this will have an adverse impact on the neighbor and consequently will deny this request.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance requests should be granted as follows.

THEREFORE, IT IS ORDERED, this 10<sup>th</sup> day of February, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Sections 1B02.3C and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling, Petitioner's Exhibit 1A, with a 9 ft. rear yard setback and 5 ft. side setback on the south side in lieu of the required 30 ft. and 10 ft. respectively and to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard, 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 this 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. Compliance with the ZAC comments made by DEPRM dated January 10, 2004, a copy of which is attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner's request for a variance to allow a 5 ft. setback on the north side of the property in lieu of the required 10 ft., be and is DENIED.

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

  
\_\_\_\_\_  
JOHN V. MURPHY  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

DATE

2/10/05

BY

Ray

## 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*

February 11, 2005

John Gontrum, Esquire  
Whiteford, Taylor & Preston, L.L.P.  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

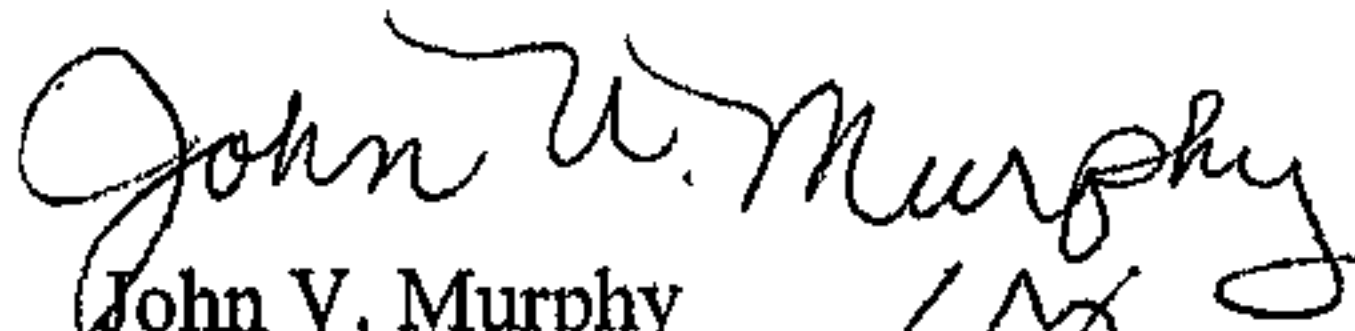
Re: Petition for Variance  
Case No. 05-274-A  
Property: 1712 Wilson Point Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance 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,

  
John V. Murphy  
Deputy Zoning Commissioner

JVM:raj  
Enclosure

c: Gary W. Hohne  
99 Attenborough Dr., Apt. 202  
Baltimore, MD 21237





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1712 WILSON POINT RD

which is presently zoned D.R.55

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 Variance from Section(s) 1802.3C (BCZR) AND 400.1 (BCZR)

TO PERMIT A NEW DWELLING WITH A 9-FOOT REAR SETBACK AND 5-FOOT SIDE SETBACKS IN LIEU OF THE REQUIRED 30-FOOT AND 10-FOOT RESPECTIVELY AND TO PERMIT AN EXISTING ACCESSORY STRUCTURE (SHED) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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

I, or we, agree to pay expenses of above Variance, 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 John Contrum  
 Signature [Signature]  
 Company Whiteford Taylor & Preston  
 Address 210 W. Pennsylvania Ave Telephone No. 410-832-2000  
 City Towson State MD Zip Code \_\_\_\_\_

## Legal Owner(s):

Name - Type or Print GARY W. HOMME  
 Signature [Signature]  
 Name - Type or Print \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Address 99 Attensborough Dr. Apt 202 Telephone No. 410-375-9041  
 City Baltimore State MD Zip Code 21237

## Representative to be Contacted:

Name Michael Medick  
 Address 16 So. Calvert Street #900 Telephone No. 410-347-7888  
 City Baltimore State MD Zip Code 21202

## OFFICE USE ONLY

Case No. 05-274-A

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By D.T. Date 11/24/04

ZONING DESCRIPTION FOR 1712 Wilson Point Road

Beginning at a point on the West side of  
Wilson Point Road which is 50 feet  
wide at the distance of 675 feet North of the  
centerline of the nearest improved intersecting street Shore Road  
which is 40 feet wide. Being Lot # 68A,  
as recorded in Deed Liber 521A, Folio 991 in the subdivision of Charles E. Owens  
subdivision of Lots No. 66-67 & 68 of Bull Neck Middle River, Baltimore County, MD  
containing 13,550 square feet. Also know as 1712 Wilson Point Road  
and located in the 15<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.

05-274-A

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 42873

DATE 11/24/04 ACCOUNT 0010066150

AMOUNT \$ 65.00

RECEIVED FROM MEDICK ARCHITECTS-TOWN PLANNERS

FOR ITEM# 274 05-274-A

1912 WILSON POINT RD BY DON THOMPSON

DISTRIBUTION  
WHITE-CASHER PINK-AGENCY YELLOW-CUSTOMER

PAID RECEIPT

BUSINESS ATTN TUE 300

11/24/2004 11:24/2004 10:22:57

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11/24/2004 11:24/2004 0518

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CASHIER'S VALIDATION

**NOTICE OF ZONING HEARINGS**

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: #05-274-A

1712 Wilson Point Road  
W/Side Wilson Point Road, 675 feet north of centerline of Shore Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Gary W. Horne  
Variance: to permit a new dwelling with a 9 foot rear setback and 5 foot side setbacks in lieu of the required 30 feet and 10 feet respectively and to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard.

Hearing: Thursday, January 27, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

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.

1/19 Jan. 13 35368

# CERTIFICATE OF PUBLICATION

1/13/2005

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 1/13/2005.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No.: 05-274-A

Petitioner/Developer: GARY W.

HONNE

Date of Hearing/Closing: 1/27/05

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

ATTN: Kristen Matthews {(410) 887-3394}

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:

1712 WILSON POINT RD

The sign(s) were posted on 1/10/05  
(Month, Day, Year)

Sincerely,

Robert Black 1/12/05  
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

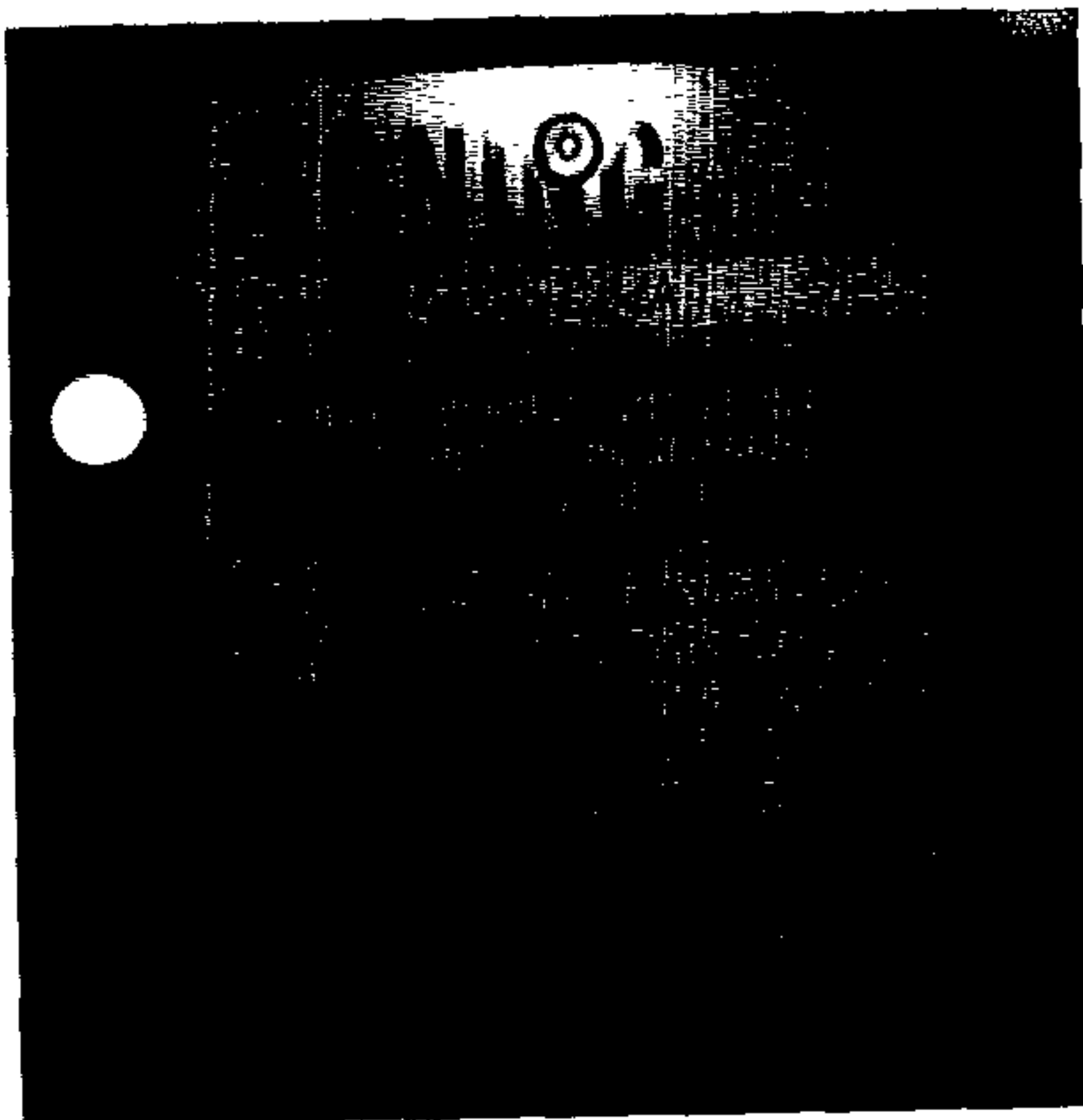
(Address)

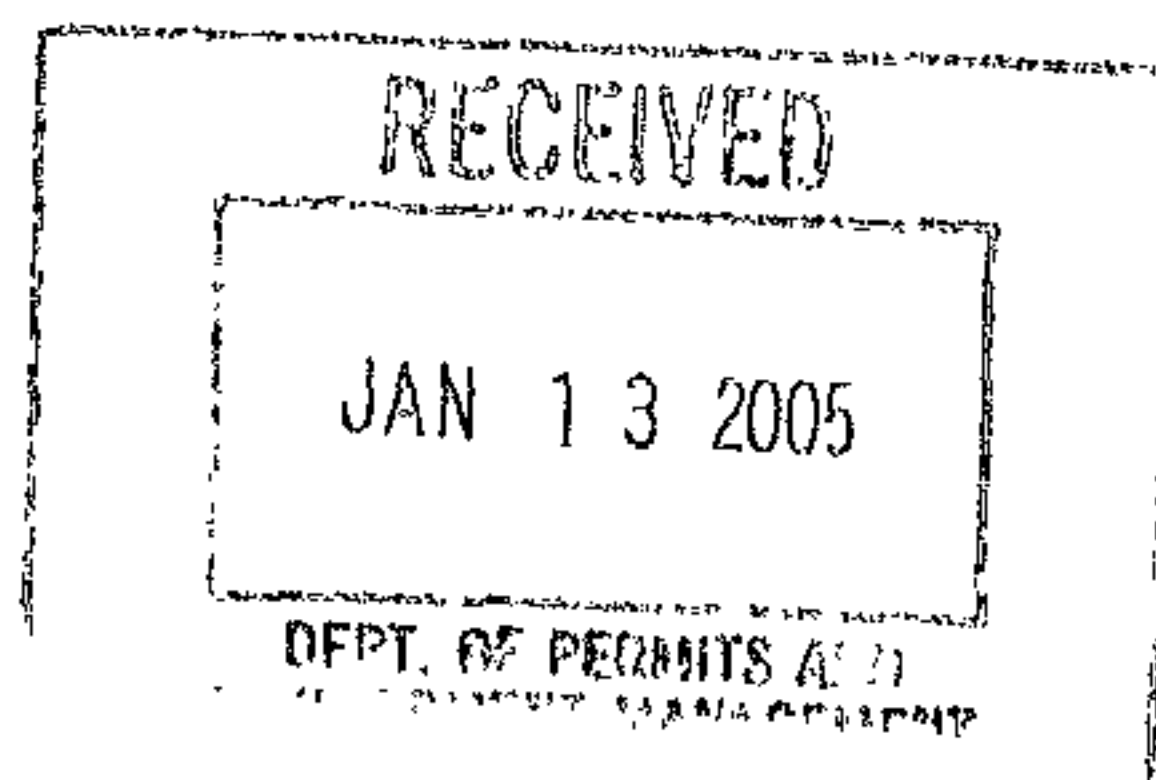
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 05-274-A  
Petitioner: HOHNE  
Address or Location: 1712 WILSON POINT RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. GARY HOHNE  
Address: 99 ATTENBOROUGH DR.  
APT. 202  
BALTO. MD 21237  
Telephone Number: 410-375-9044



December 14, 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: 05-274-A**

1712 Wilson Point Road

W/side Wilson Point Road, 675 feet north of centerline of Shore Road

15<sup>th</sup> Election District—6<sup>th</sup> Councilmanic District

Legal Owner: Gary W. Honne

Variance to permit a new dwelling with a 9 foot rear setback and 5 foot side setbacks in lieu of the required 30 feet and 10 feet respectively and to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard.

Hearing: Thursday, January 27, 2005 at 9:00 a.m., in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco  
Director

TK: clb

C: John Gontrum Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson 21204

Gary W. Honne 99 Attensborough Drive, Apt. 202 Baltimore 21237

Michael Medick 16 South Calvert Street # 900 Baltimore 21202

**NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN  
APPROVED POSTER ON THE PROPERTY BY WEDNESDAY JANUARY 12,  
2005.**

**(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  
Thursday, January 13, 2005 Issue - Jeffersonian

Please forward billing to:

Gary Honne 410-375-9044  
99 Attenborough Drive, Apt. 202  
Baltimore, Maryland 21237

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## 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: 05-274-A**

1712 Wilson Point Road

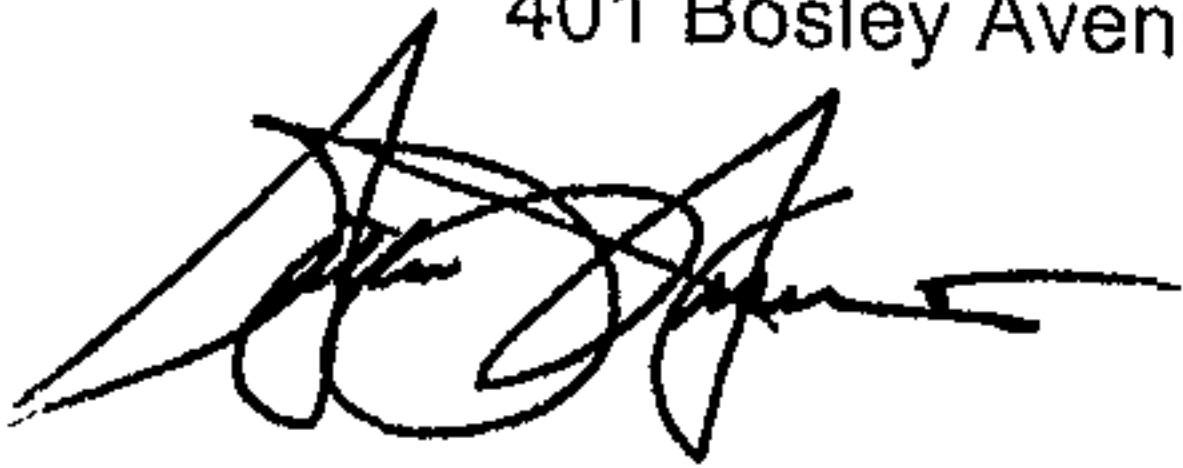
W/side Wilson Point Road, 675 feet north of centerline of Shore Road

15<sup>th</sup> Election District—6<sup>th</sup> Councilmanic District

Legal Owner: Gary W. Honne

Variance to permit a new dwelling with a 9 foot rear setback and 5 foot side setbacks in lieu of the required 30 feet and 10 feet respectively and to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard.

Hearing: Thursday, January 27, 2005 at 9:00 a.m., in Room 407, County Courts Building,  
401 Bosley 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.

**Department of Permits and  
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*

January 18, 2005

John Gontrum  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

Dear Mr. Gontrum:

RE: Case Number: 05-274-A, 1712 Wilson Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 24, 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel  
Gary Honne 99 Attenborough Drive, Apt. 202 Baltimore 21237  
Michael Medick 1690 Clavert Street, # 900 Baltimore 21202

Visit the County's Website at [www.baltimorecountyonline.info](http://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

December 6, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 6, 2004

Item No.: 250,268-176

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](http://www.baltimorecountyonline.info)



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: December 6, 2004

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

RE: Baltimore County  
Item No. 274 (DT)  
1712 Wilson Point Road  
MD 587

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval of the variance. However, the owner will be required to obtain a residential access permit through our District office, they should contact, the Golden Ring Maintenance Facility at, 410-574-4511.

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](mailto:lgredlein@sha.state.md.us)).

Very truly yours,

Steven D. Foster, Chief  
Engineering Access Permits Division

CC: Mr. Ron Lewis

My telephone number/toll-free number is \_\_\_\_\_  
*Maryland Relay Service for Impaired Hearing or Speech* 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.marylandroads.com](http://www.marylandroads.com)

gm  
1/27

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

JAN 20 2005

ZONING COMMISSIONER

TO: Tim Kotroco  
PDM

FROM: John D. Oltman, Jr JDO  
DEPRM

DATE: January 10, 2005

SUBJECT: Zoning Item # 05-274  
Address 1712 Wilson Point Road (Honne Property)

Zoning Advisory Committee Meeting of December 6, 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 applicant must comply with the Limited Development Area regulations. Specifically, the property is not permitted to exceed the 25% Maximum Impervious Surface limit nor the 15% Minimum Tree Cover limit (equaling at least 4 trees for this property). The proposed improvements would increase the overall Impervious Surface for this site to 31.25%. Such results require mitigation in the amount of 3 trees/100 square feet.

Reviewer: Martha Strauss Date: January 3, 2005

ORDER RECEIVED FOR FILING

2/10/05  
JDO

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** January 24, 2005

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

**SUBJECT:** 1712 Wilson Point Road

**INFORMATION:**

**Item Number:** 5-274

**Petitioner:** Gary Honne

**Zoning:** DR 5.5

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning recommends denial of the proposed variance for the following reasons:

1. The Office of Planning is of the opinion that that the minimum side yard setback for residentially zoned lots, particularly the +/-50-foot wide lots found along the County's waterfront and peninsulas, shall be 10 a minimum of 10 feet.
2. Due to the lack of on-street parking along Wilson Point Road, this office recommends that a minimum 20-foot rear yard setback be provided from the right-of-way to ensure that daily as well as guest parking can be accommodated on site.
3. Submit architectural elevations to this office for review and approval prior to building permit approval.

ORDER RECEIVED FOR FILING

DATE

By

2/10/05  
Ray

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480

Prepared by: Maeb A. Cunningham

Division Chief: Maeb A. Cunningham By D.C.

AFK/LL:MAC:

ORDER RECEIVED FOR FILING

2/10/05

2/10/05

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Mark Cunningham  
Development Review

**DATE:** January 23, 2005

**FROM:** David Pinning  
Sixth District Planner

**SUBJECT:** 1712 Wilson Point Road

### INFORMATION:

**Item Number:** 05-274

**Petitioner:** Gary Honne

**Property Size:** 13,550 S.F.

**Zoning:** DR 5.5

**Requested Action:** Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends denial of the proposed variance for the following reasons:

- 1) The Office of Planning maintains a position that the minimum side yard setback for residentially zoned lots, particularly the +/-50' wide lots found along the County's waterfront and peninsulas, shall be 10'.
- 2) Because of the lack of onstreet parking along Wilson Point Road, the Office of Planning recommends atleast a 20' rear yard setback from the R.O.W. to ensure that daily as well as guest parking can be accommodated on site.
- 3) Architectural elevations must be submitted and approved by the Office of Planning prior to building permit approval.

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** December 14, 2004

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 13, 2004  
Item Nos. 250, 254, 268, 269, 270, 271,  
272, 273, 274, 275, and 276

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE \* BEFORE THE  
1712 Wilson Point Rd; W/side Wilson Point \*  
Road, 675' N c/line Shore Road \* ZONING COMMISSIONER  
15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts \*  
Legal Owner(s): Gary W. Honne \* FOR  
Petitioner(s) \* BALTIMORE COUNTY  
\* 05-274-A

\* \* \* \* \*

**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 sent documentation filed in the case.

*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 10<sup>th</sup> day of December, 2004, a copy of the foregoing Entry of Appearance was mailed to, Michael Medick, 16 S. Charles Street, St 900, Baltimore, MD 21202 and John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204 , Attorney for Petitioner(s).

**RECEIVED**

DEC 10 2004

Per.....

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

APPLICATION FOR BUILDING PERMIT  
.....

PERMIT #: H610897 CONTROL #: NRFP DIST: 15 PREC: 09

LOCATION: 1712 WILSON POINT RD  
SUBDIVISION: BULL NECK  
TAX ASSESSMENT #: 1526400230

OWNERS INFORMATION

NAME: HOHNE, GARY W  
ADDR: 990 HAMBOROUGH DR 21237

APPLICANT INFORMATION

NAME: BEV TRUE  
COMPANY: PRECISE BOOKKEEPING  
ADDR1: 1615 DEER PARK RD  
ADDR2: FTNKSBURG MD 21048  
PHONE #: 443-398-0988 LICENSE #:

NOTES

LDW/JY

PROJ:

PLANS: CONST 2 PLOT 7 P PLAT 0 DATA 0 ELEC YES PLUM YES

TENANT:

CONTR: OWNER

ENGR:

SELLER:

WORK: CONST SFD W/3 BEDRMS, COVERED FR & SIDE PORCHES  
2 CAR SIDE LOAD GARAGE, 5 FP'S-OUTSIDE PROJ NOT  
TO EXCEED 4'X10', BUTLERS PANTRY W/SINK, WET  
BAR W/SINK. 34'8X123'4X45'10=6526SF. OWNER  
AFFIRMATION LETTER SUBMITTED. FLOOD ZONE: A,  
ELEV: 10.2. SEE VARIANCE CASE#05-274-A

PROPOSED USE: SFD E.C.R.

EXISTING USE: VACANT-SFE B583228 FOR RAZING

BIDD. CODE:

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED COST OF MATERIAL AND LABOR: 750,000

TYPE OF IMPROV: NEW BUILDING CONSTRUCTION

USE: ONE FAMILY

FOUNDATION:

BASEMENT: NONE

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

CONSTRUCTION: WOOD FRAME

FUEL:

CENTRAL AIR: YES

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS 3

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:

TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

DIMENSIONS - INSTALL FIXTURES

BUILDING SIZE  
FLOOR: 6526  
WIDTH: 34'8  
DEPTH: 123'4  
HEIGHT: 45'10  
STORIES: 3  
LOI NOS: 68A  
CORNER LOT: N  
ZONING INFORMATION

ASSESSMENTS  
LAND: 0137380.00  
IMPROVEMENTS: 0000000.00  
TOTAL ASS: 0137380.00  
DISTRICT: BLOCK: SECTION: LIBER: 001  
FOLIO: 097  
CLASS: 34  
MAP:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSED: CRITICAL AREA:  
DATE APPLIED: 11/02/2005 INSPECTOR INITIALS: 15F  
FEE: \$180.00 PAID: \$180.00 RECEIPT #: A531769  
PAID BY: APP

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT  
OWNER

SIGNATURE OF APPLICANT

PHONE

| <b>Zoning<br/>Classifica-<br/>tion</b> | <b>Minimum Net<br/>Lot Area per<br/>Dwelling Unit<br/>(sq. ft.)</b> | <b>Minimum<br/>Lot Width<br/>(feet)</b> | <b>Minimum<br/>Front Yard<br/>Depth<br/>(feet)</b> | <b>Minimum<br/>Width of<br/>Individual<br/>Side Yard<br/>(feet)</b> | <b>Minimum<br/>Sum of Side<br/>Yard<br/>Widths<br/>(feet)</b> | <b>Minimum<br/>Rear Yard<br/>Depth<br/>(feet)</b> |
|----------------------------------------|---------------------------------------------------------------------|-----------------------------------------|----------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------|
| D.R.1                                  | 40,000                                                              | 150                                     | 50                                                 | 20                                                                  | 50                                                            | 50                                                |
| D.R.2                                  | 20,000                                                              | 100                                     | 40                                                 | 15                                                                  | 40                                                            | 40                                                |
| D.R.3.5                                | 10,000                                                              | 70                                      | 30                                                 | 10                                                                  | 25                                                            | 30                                                |
| D.R.5.5                                | 6,000                                                               | 55                                      | 25                                                 | 10                                                                  | --                                                            | 30                                                |
| D.R.10.5                               | 3,000                                                               | 20                                      | 10                                                 | 10                                                                  | --                                                            | 50                                                |
| D.R.16                                 | 2,500                                                               | 20                                      | 10                                                 | 25                                                                  | --                                                            | 30                                                |

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.
- D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.

**Department of Permits and  
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 29, 2005

Gary W. Hohne  
1712 Wilson Point Road  
Baltimore, MD 21220

Re: Spirit & Intent - case # 05-274-A; 1712 Wilson Point Road; 15<sup>th</sup> Election District

Dear Mr. Hohne:

Your recent letter to Timothy Kotroco, Director -- PDM, was forwarded to me for reply. Based upon the information you provided and review of the subject case, your request meets the Spirit & Intent of the subject zoning case. The proposed 12'x22' shed was replaced with a 20'x35' free form patio and two 8'x8' open-air trellises.

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, I can be reached at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Bruno Rudaitis".

Bruno Rudaitis  
Planner II  
Zoning Review

BR:br

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



CASE NAME 1712 Wilson Point Rd  
CASE NUMBER 05-274-A  
DATE 1/27/05

**CITIZEN'S SIGN-IN SHEET**

[illegible]

CASE NAME 1712 Wilson Point Rd.  
CASE NUMBER 05-274-A  
DATE 1/27/05

## NAME

CITY, STATE, ZIP

Michael Medick

GARY HOWME

LEROY C. HOYNE

14 So. Calvert St. #900

99 Attorneys Dr., Apt 202

700 BELMONT FOREST CT.

craftwork, MB 21202

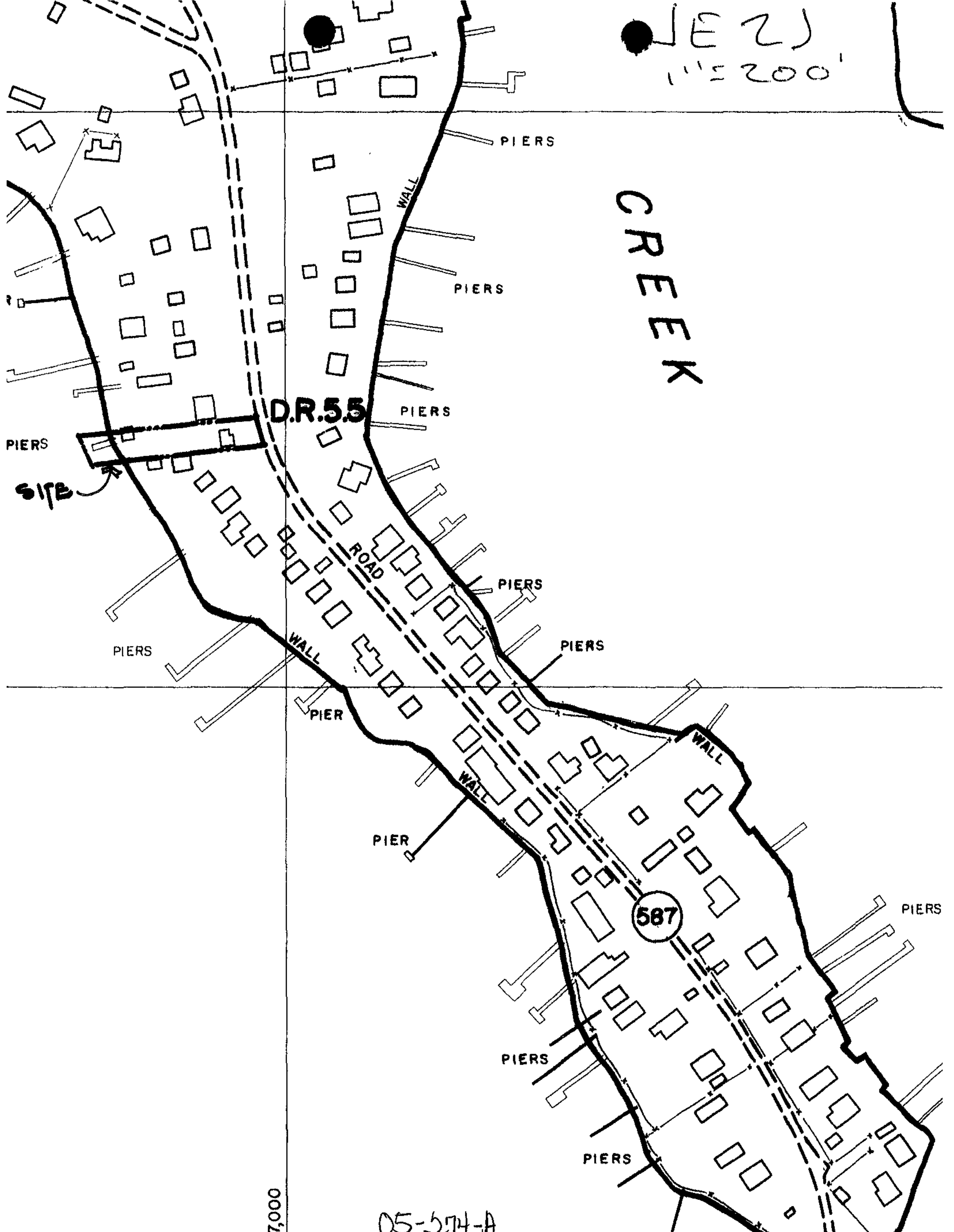
Baltimore, MD 21237

T/Moniam, MD 21093

www.medick@wedickcaushticks.com

gary@boline.com

JE 2J  
115200'



0002

05-274-A















THANK YOU

SCALE OF  
1" = 40'

ADJACENT PROPERTY

VICINITY MAP  
ATTN.

DARK HEAD CREEK

WATER

EX  
STREET

WATER

LOT 67A

EX  
GREEN  
HOUSE

ALL SITE PLAN  
INFORMATION FOR OWNER

ON LOCATION PRESENTED

PREPARED BY FREEMAN

SURVEYING, INC. AND

DATED 9-21-84 AND

DATE OF RECORD

OF PUBLIC WORKS

PROFILES PRESENTED

ALL INFORMATION FOR OWNER

SHOWN ON ANY SET OF

ANY OTHER SET

LOT 68A

LOT 68

EX  
1-5100  
5-1700

100' RETRACTION

1' TIME

EX  
1-5100  
5-1700

100' RETRACTION

1' TIME

EX  
1-5100  
5-1700

100' RETRACTION

1' TIME

EX  
1-5100  
5-1700

100' RETRACTION

1' TIME

EX  
1-5100  
5-1700

100' RETRACTION

1' TIME

EX  
1-5100  
5-1700

100' RETRACTION

1' TIME

EX  
1-5100  
5-1700

EX  
1-5100  
5-1700

100' RETRACTION

1' TIME

EX  
1-5100  
5-1700

100' RETRACTION

1' TIME

EX  
1-5100  
5-1700

EX  
1-5100  
5-1700

100' RETRACTION

1' TIME

EX  
1-5100  
5-1700

100' RETRACTION

1' TIME

EX  
1-5100  
5-1700

ROAD

POINT

WILSON

20' WIDE BY 5' E

LOT 68A 0.31 ACRES

13,650 SF

PLAZA ZONE "E"

AREA: 1.00 AC

100' RETRACTION

1' TIME

EX

1-5100

5-1700

100' RETRACTION

1' TIME

EX

1-5100

5-1700

PROPERTY ADDRESS: 1712 WILSON ROAD, BOSTON, MA 02118, LOT 68A, LINDER 52A, BOSTON, MA  
AS SHOWN ON A PLAT SUBMITTED: 10/1/84, BOSTON, MA 02118, LOT 68A, LINDER 52A, BOSTON, MA  
OF BOSTON, MA 02118, LOT 68A, LINDER 52A, BOSTON, MA 02118

SCALE: 1" = 40'

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS: 1712 WILSON ROAD, BOSTON, MA 02118, LOT 68A, LINDER 52A, BOSTON, MA

10/1/84, BOSTON, MA 02118

85-014-A

**FREEDOM**  
SURVEYING INC.



2022 Brown Road  
Finksburg, Md. 21048  
Ph. 410-879-3911

I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS INDICATED HEREON ARE CONTAINED WITHIN THE OUTLINES OF THE LOT UPON WHICH THEY ARE ERECTED UNLESS OTHERWISE NOTED AND IS NOT TO BE USED TO ESTABLISH PROPERTY LINES, SETBACKS OR PROPERTY CORNERS. ONLY EASEMENTS, RIGHTS OF WAYS, AND RESTRICTIONS DESCRIBED IN SUBJECT DEED ARE SHOWN. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY.

*Steven K. Broyles*

STEVEN K. BROYLES

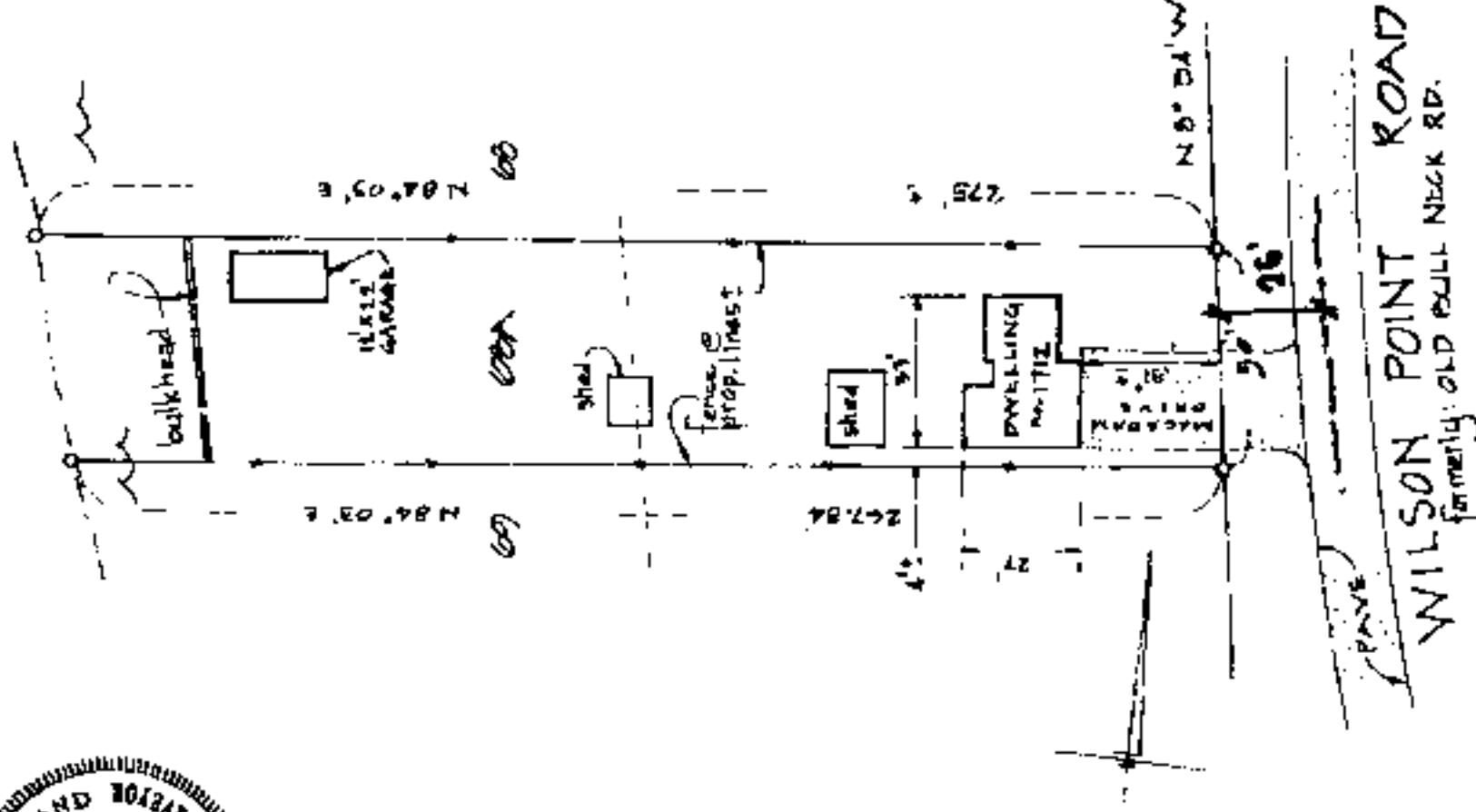
MARYLAND PROFESSIONAL LAND SURVEYOR REGISTRATION NO. 10660



MIDDLE RIVER

Flood Zone shown as indicated on F.I.R.M. Community Panel No.: 24-0010 0445C  
Effective Date: Nov. 17, 1983  
Map interpretation through believed accounts is not guaranteed.

NOTE:  
1) This drawing is of benefit to a consumer only insofar as it is required by a Lender or a Title Insurance Company or its agent in connection with a contemplated transfer, financing or re-financing.  
2) This drawing is NOT to be relied upon for the establishment or location of fences, garages, buildings or other existing or future improvements.  
3) This drawing does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title in securing financing or refinancing.



WILSON POINT ROAD  
formerly: OLD BULL NECK RD.

LIBER 5241 FOLIO 991

BEING KNOWN AS LOT 20A BLOCK 4

AS SHOWN ON A PLAT ENTITLED:

CHARLES E. PUGH'S SUBDIVISION OF LOT 4 N.M.

66-07 & 68 OF BULL NECK MIDDLE RIVER PLATS, CO.

RECORDED IN THE LAND RECORDS OF

BALTIMORE COUNTY MARYLAND IN

PLAT BOOK 12 FOLIO 97

Location Drawing for:

1712 WILSON POINT ROAD  
BALTIMORE COUNTY, MARYLAND

FLOOD ZONE: B

SCALE: 1" = 40'

DATE: 9-21-04

FILE NO.: 04-124-JCA

JOB NO.: 104-232-567

12/17/04

13,550 sq ft size