

IN RE: PETITION FOR VARIANCE  
S/S of Island View Road, 195 ft. E  
centerline of Barrison Point Road  
15th Election District  
6th Councilmanic District  
**(2509 Island View Road)**

James S. Brown & David M. Donovan  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* CASE NO. 06-062-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 owners of the subject property, James S. Brown and David M. Donovan. The Petitioners are requesting variance relief for property located at 2509 Island View Road in the eastern area of Baltimore County. Variance relief is requested from Sections 1A04.3.B.1.a, 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot area of 0.184 acres in lieu of the required 1.5 acres, and to permit side yard setbacks of 10 ft., 12 ft., and 50 ft. to the centerline of a street in lieu of the required 50 ft. and 75 ft. respectively; and to approve a side yard setback of 5 ft. and a front yard setback of 38 ft. for an open projection in lieu of the required 37.5 ft. and 56.25 ft. respectively.

The property was posted with Notice of Hearing on September 3, 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 September 1, 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

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Date

By

9/30/05  
[Signature]



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 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 Bureau of Development Plans Review dated August 10, 2005, stating that the Petitioners must comply with federal flood insurance requirements and county code requirements for this project, a copy of which is attached hereto and made a part hereof. In addition, a Revised ZAC comment was received from the Office of Planning dated September 7, 2005, a copy of which is attached hereto and made a part hereof. Finally, the Department of Environmental Protection & Resource Management (DEPRM) submitted a ZAC comment dated September 26, 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.

#### **Interested Persons**

Appearing at the hearing on behalf of the variance request were James Brown and David Donovan, the Petitioners, as well as Theresa Guckert. David Billingsley of Central Drafting & Design Inc. prepared the site plan of the subject property and attended the hearing on behalf of the Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case. A letter in opposition to the

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By [Signature]



request was received from the adjacent property owner who is concerned about privacy because the proposed dwelling is to be placed sideways on the lot and situated 5 ft. from the property line they share with the Petitioners.

### **Testimony and Evidence**

This property is zoned RC 5 and contains 0.184 acres. This is a 50-foot wide water view lot known as Lot 30 of the Barrison Point subdivision which had been recorded in the Land Records of Baltimore County in 1925. The lot is on average approximately 160 feet long, is primarily wooded, and was purchased by these Petitioners in 2004. At 0.184 acres, the lot can not meet the RC 5 requirement of 1.5 acres nor the 50-foot property line setback. See amended site plan exhibit 1 A which was corrected by the Petitioner for a minor drafting error.

The Petitioners would like to build a home on the property pushed as far forward as possible to enhance the water view of residents. As shown on Exhibit 1A, the northeast corner of the proposed home will be 50 feet from the center of Island View Road. The RC 5 regulations require 75 feet setback from such a road. Mr. Billingsley pointed out that a large garage is located on Lot 31 and a single-family dwelling on Lot 32, both of which block the view of the new residents if the house were moved back to meet the 75 foot requirement. He also pointed out that the road pavement is not centered on the right-of-way, but rather is nearer the lots across Island View Road. Again see Exhibit 1A.

In regard to the request for side yard variances of 10 ft. and 12 ft., the RC 5 regulations require 50 feet. Mr. Billingsley points out that this requirement can not be met on any 50-foot lot. He opined that the 27 ft. x 40 ft house proposed was reasonable for this location.

All decks would be on the first floor and will be 10 ft. + above ground level, due to the need to elevate the first floor of the dwelling above flood tide. These decks are needed to achieve the water view. Consequently, the Petitioners ask for a side yard setback for the side

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By [Signature]



deck of 5 feet in lieu of the required 37.5 feet and a front yard setback of 38 feet for the front deck in lieu of the required 56.25 feet.

Finally, Mr. Billingsley points out that the new home will not be sideways to Island View Road as the adjacent property owner, Herbert Sevier contends in his letter. The front door will be on the front of the house, which will face Island View Road. He admitted that there would be a side door, which Mr. Sevier could have mistaken for the front door.

Mr. Billingsley presented photographs of the area in Exhibit 2 and letters of support from property owners on the north side of Island View Road. Ms. Guckert, who identified herself as an activist in the community association, attended the hearing and indicated her support of the request.

#### **Findings of Fact and Conclusions of Law**

Exhibit 1A shows that the Petitioners' also own Lot 29 to the east, as well as Lots 8 and 9 to the south. All three adjoin the subject property. However, Lots 29 and 30 appear to be wooded and not improved in any way. I have no evidence before me that these lots have been used in common with any of the other lots. Therefore, I find that these lots have not merged but are separate lots from a zoning standpoint as well as from a subdivision standpoint. See Remes v Montgomery County, 387 Md 52, 874 A 2d 470 (2005).

That said, the fact that the Petitioners own Lot 29 has important affects on the requests for variance. It is clear that no use can be made of a 50-foot wide lot if the RC 5 50-foot setback is strictly enforced. That said, it is a fundamental tenant of zoning law that this Commission may grant only the minimum variance that will give relief. It is clear that if the Petitioner centered the new home on the boundary lot line between Lots 29 and 30, the new home would still need a side yard setback variance of 37.5 feet in lieu of 50 feet. The Petitioners propose 12 and 10 feet side yard setbacks on a house on lot 30. However the location of the house on the boundary

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Date 9/30/15  
By [Signature]



between lots 29 and 30 means that no variance would be needed for the front yard setback from the center of the road nor variances for the proposed decks. In summary, the only variances needed for this location are the side yard setbacks. Obviously, this location produces the minimum variances. I will call this location the "center" location.

However, the Petitioners say that the whole point of building the new house is to allow the residents to view the water from the new home. Mr. Billingsley indicated that his clients are trying to utilize the approximately 75 foot gap between the existing residences of 2508 and 2505 Island View Road, to see the water in a small cove shown on Exhibits 2A and 2B. For illustrative purposes it may be helpful to describe these two homes as goal posts. There is approximately another 275 feet to the cove from the goalposts. In addition, the home at the center location would be directly in line with the proposed house vis a vis the goal post. However, instead of the corner of the proposed home being 95 feet from the goal posts, the home at the center location is another 40 feet farther back from the goal posts. Said another way, the corner of the proposed home is 370 feet from the water. The corner of the center home would be 410 feet from the water. The question then is would this extra 40 feet seriously affect the field of view of the new residents justifying the greater variances? Again the house at the center location is directly behind the proposed house so the angle to each goal post is essentially the same. The only difference is the home at the center location is about 10 % further away from the water. In my opinion the view from either home would be about the same.

Another consideration is the pattern of development of the neighborhood. The Petitioners would like to build on Lot 30 and then presumably build or sell Lot 29. This, of course, would mean one house on one 50-foot lot. However, the pattern of development of the neighborhood appears to be a mix of one home on one 50-foot lot and one home of several 50-foot lots. The center location would be much more compatible with the center location.

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In summary, I will deny the requested variances as they are not the minimum, which can be granted to provide relief. I will, however, approve the side yard setback variances of 37.5 feet needed for the center location. However, the Petitioners will have to file a letter asking for reconsideration and a new site plan for the center location, should they chose to do so. The Petitioners will not have to re-file the Petition if they opt for the center location.

Pursuant to the advertisement, posting of the property, and public hearing on the amended petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance requests should be denied.

THEREFORE, IT IS ORDERED, this 30 day of September, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1A04.3.B.1.a, 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot area of 0.184 acres in lieu of the required 1.5 acres, and to permit side yard setbacks of 10 ft., 12 ft., and 50 ft. to the centerline of a street in lieu of the required 50 ft. and 75 ft. respectively; and to approve a side yard setback of 5 ft. and a front yard setback of 38 ft. for an open projection in lieu of the required 37.5 ft. and 56.25 ft. respectively, be and is hereby 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

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Date 9/30/05  
By [Signature]



## 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*

September 30, 2005

Mr. James S. Brown  
Mr. David M. Donovan  
2502 Island View Road  
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE  
(2509 Island View Road)  
Case No. 06-062-A

Dear Mr. Brown & Mr. Donovan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, 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,

A handwritten signature in black ink that reads "John V. Murphy".

JOHN V. MURPHY  
Deputy Zoning Commissioner  
for Baltimore County

JVM:bjs

cc: Mr. Robert Infussi, Expedite LLC  
P.O. Box 1043-7043, Belair, Md. 21014  
Mr. David Billingsley, 601 Charwood Court, Edgewood, Md. 21040  
Mr. & Mrs. Herbert Sevier, 2512 Barrison Point Road, Baltimore, Md. 21221  
People's Counsel; Case File

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







# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7509 ISLAND VIEW ROAD  
which is presently zoned RC 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 Variance from Section(s)

**SEE ATTACHED**

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

**SEE ATTACHED**

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 06-062-A

## Legal Owner(s):

JAMES S. BROWN

Name - Type or Print

Signature

DAVID M. DONOVAN

Name - Type or Print

Signature

2502 ISLAND VIEW RD. 574-8476

Address

Telephone No.

BALTIMORE

State

21221

Zip Code

## Representative to be Contacted:

ROBERT INFLESSI

EXPEDITE LLC.

Name

P.O. BOX 1043-7043 (410) 812-2236

Address

Telephone No.

BELAIR

MD.

21014

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

BK

Date

7/29/05

REV 9/15/98

Date

By

ORDER RECEIVED FOR FILING



# REASONS FOR ZONING VARIANCE REQUEST

## 2509 ISLAND VIEW ROAD

### FRONT YARD

THE OWNERS REQUEST A FRONT SETBACK OF 50 FEET IN LIEU OF THE REQUIRED 75 FEET TO IMPROVE THE WATER VIEW FROM THE PROPOSED DWELLING AND TO STAY FORWARD AS MUCH AS POSSIBLE FROM THE EXISTING GARAGE ON THE ADJACENT LOT.

### SIDE YARD

THE OWNERS REQUEST A SIDE YARD OF 12 FEET IN LIEU OF THE REQUIRED 50 FEET ALONG THE SOUTH PROPERTY LINE TO IMPROVE THE WATER VIEW AND TO PLACE THE DWELLING IN AN AREA WHICH IS CLEARED AND NOT REQUIRE THE REMOVAL OF A NUMBER OF TREES. THE 10 FOOT SIDE YARD ALONG THE NORTH PROPERTY LINE WILL BE CREATED BECAUSE OF THE LOT LINE WHICH EXISTS BETWEEN THE SUBJECT LOT AND THE ADJACENT LOT OWNED BY THE PETITIONERS.

### LOT AREA

OBVIOUSLY, THE LOT AREA REQUIREMENT OF 1 ½ ACRE CAN NOT BE MET.

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Date 9/30/15  
By [Signature]

#062



1A04.3.B.1.a and 1A04.3.B.2.b, 301.1.A (BCZR) to permit a lot area of 0.184 acres in lieu of the required 1.5 acres, and to permit side yard setbacks of 10 ft. and 12 ft., and 50 ft. to the center line of a street in lieu of the required 50 ft. and 75 ft. respectively; and to approve a side yard setback of 5 ft and a front yard setback of 38 ft. for an open projection in lieu of the required 37.5 ft. and 56.25 respectively.



# DESCRIPTION TO ACCOMPANY VARIANCE PETITION

## 2509 ISLAND VIEW ROAD

Beginning for the same at a point on the south side of Island View Road, formerly Barrison Point Road (40 feet wide ), distant 390 feet easterly from the end of said road as shown on the plat entitled Amended Plat of Barrison Point recorded among the Baltimore County in plat Book 8 Folio 82, thence being all of lot 30, Section C as shown on said plat.

Being known as 2509 Island View Road. Located in the 15<sup>TH</sup> Election District, 6<sup>TH</sup> Councilmanic District of Baltimore County, Maryland.



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

No. **A40548**

DATE

7/24/05

ACCOUNT

1500/006-6151

AMOUNT

\$ 65.00

RECEIVED FROM:

Central Docking & Design, Inc.

FOR:

Consulting Services

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

7/24/05

**PAID RECEIPT**

BUSINESS ACTIVITY

7/29/2005

7/29/2005 (MIDNIGHT)

REC NO. 440548

REC NO. 440548

RECEIPT # 415369

7/29/2005

5 529 ZONING VERIFICATION

REC NO. 440548

Receipt Tot

165.00

\$120.00 ON

1.00 ON

Baltimore County, Maryland

CASHIER'S VALIDATION



**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: #06-062-A

2509 Island View Road

S/side of Island View Road, 195 feet east of centerline of Barrison Point Road

15th Election District - 6th Councilmanic District

Legal Owner(s): James S. Brown & David M. Donovan

Variance: to permit a lot area of 0.184 acres in lieu of the required 1.5 acres and to permit side yard setbacks of 10 feet and 12 feet and 50 feet to center line of street in lieu of the required 50 feet and 75 feet respectively and to approve a side yard setback of 5 feet and a front yard setback of 38 feet for an open projection in lieu of the required 37.5 feet and 56.25 feet respectively.

Hearing: Monday, September 19, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM C. WISEMAN III

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.

9/15 Sept. 1 65122

## CERTIFICATE OF PUBLICATION

9/11, 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 9/11, 2005.

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

*J. Wilkinson*

LEGAL ADVERTISING



# CERTIFICATE OF POSTING

RE: Case No: 06-062-A

Petitioner/Developer: JAMES  
S. BROWN / DAVID M. DONOVAN

Date Of Hearing/Closing: 9/19/05

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

Attention:

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  
at 2509 ISLAND VIEW RD

This sign(s) were posted on September 3, 2005  
(Month, Day, Year)

Sincerely,

Martin Ogle 9/3/05  
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

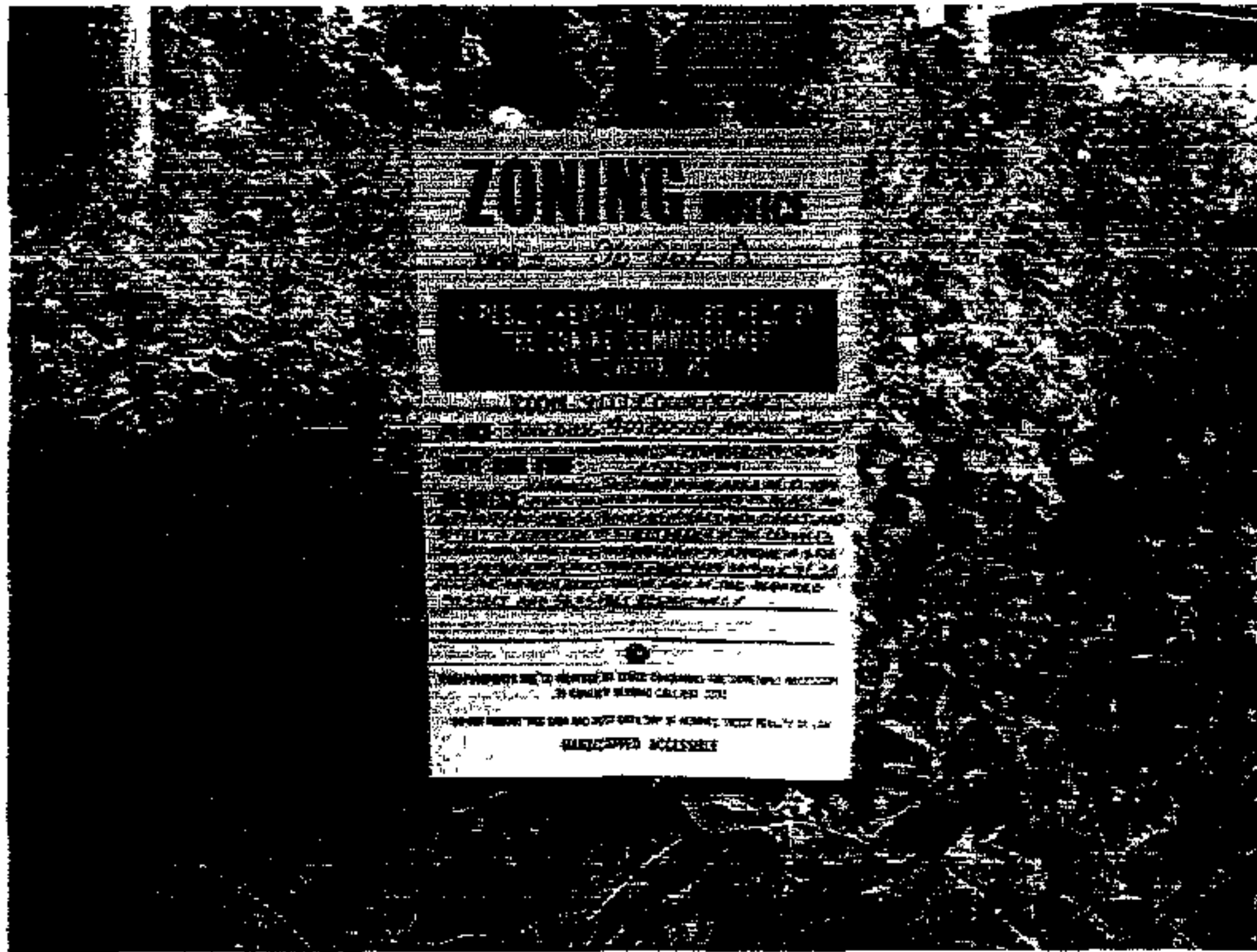
Address

Balto. Md 21220

(443-629 3411)



im000407 (576x432x24b jpeg)



*Master 9/3/05*



**Department of Permits and  
Development Management**



**Baltimore County**

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

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

August 3, 2005

**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: 06-062-A**

2509 Island View Road

S/side of Island View Road, 195 feet east of centerline of Barrison Point Road

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

Legal Owners: James S. Brown & David M. Donovan

Variance to permit a lot area of 0.184 acres in lieu of the required 1.5 acres and to permit side yard setbacks of 10 feet and 12 feet and 50 feet to center line of street in lieu of the required 50 feet and 75 feet respectively and to approve a side yard setback of 5 feet and a front yard setback of 38 feet for an open projection in lieu of the required 37.5 feet and 56.25 feet respectively.

Hearing: Monday, September 19, 2005 at 11:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco  
Director

TK:klm

C: James Brown, David Donovan, 252 Island View Rd., Baltimore 21221  
Robert Infussi, P.O. Box 1043-7043, Belair, 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 3, 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.**

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





TO: PATUXENT PUBLISHING COMPANY  
Thursday, September 1, 2005 Issue - Jeffersonian

Please forward billing to:

James S. Brown  
2502 Island View Road  
Baltimore, MD 21221

410-574-8476

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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: 06-062-A**

2509 Island View Road

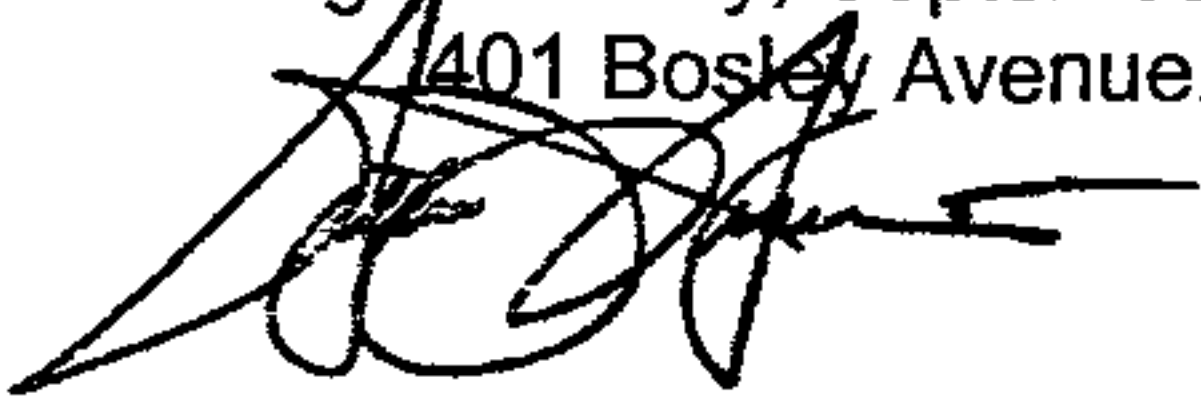
S/side of Island View Road, 195 feet east of centerline of Barrison Point Road

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

Legal Owners: James S. Brown & David M. Donovan

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Hearing: Monday, September 19, 2005 at 11:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III  
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/neighbors 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 06-062-A

Petitioner: JAMES S. BROWN & DAVID M. DONOVAN

Address or Location: 2509 ISLAND VIEW ROAD.

PLEASE FORWARD ADVERTISING BILL TO

Name: JAMES S. BROWN

Address 2502 ISLAND VIEW ROAD

BALTO., MD. 21221

Telephone Number (410) 574-8476



IN RE: PETITION FOR VARIANCE  
S/S of Island View Road, 195 ft. E  
centerline of Barrison Point Road  
15th Election District  
6th Councilmanic District  
**(2509 Island View Road)**

James S. Brown & David M. Donovan  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* CASE NO. 06-062-A

\* \* \* \* \*

### ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by the legal owners of the subject property, James S. Brown and David M. Donovan. The Petitioners originally requested variance relief for property located at 2509 Island View Road in the eastern area of Baltimore County. The variances were requested from Sections 1A04.3.B.1.a, 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot area of 0.184 acres in lieu of the required 1.5 acres, and to permit side yard setbacks of 10 ft., 12 ft., and 50 ft. to the centerline of a street in lieu of the required 50 ft. and 75 ft. respectively; and to approve a side yard setback of 5 ft. and a front yard setback of 38 ft. for an open projection in lieu of the required 37.5 ft. and 56.25 ft. respectively.

This Commission denied the requested relief in its September 30, 2005 Order noting that the Petitioner's owned the adjacent lot and could center the new home on the boundary between the lots so as to minimize the variances needed. This Order acknowledged that side yard setback variances of 37.5 feet would still be required for the house to be located on the center boundary. Subsequent to the original order, the Petitioner's filed a timely Motion to Reconsider with a revised site plan, Petitioner's exhibit 5, moving the proposed house to the center location and requesting the following relief:

To approve a lot area of 0.368 acres in lieu of the required 1.5 acres; to approve side yard

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Date 10-27-05  
By Denise Wiley



setbacks for the home of 36 feet in lieu of the required 50 feet; to approve the side yard setback for the covered deck of 29 feet in lieu of the 37.5 feet; and to approve the front yard setback of 50 feet from the centerline of the road in lieu of the required 75 feet.

### **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 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 Bureau of Development Plans Review dated August 10, 2005, stating that the Petitioners must comply with federal flood insurance requirements and county code requirements for this project, a copy of which is attached hereto and made a part hereof. In addition, a Revised ZAC comment was received from the Office of Planning dated September 7, 2005, a copy of which is attached hereto and made a part hereof. Finally, the Department of Environmental Protection & Resource Management (DEPRM) submitted a ZAC comment dated September 26, 2005 stating

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Date 10-27-05  
By [Signature]



that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof.

### Testimony and Evidence

#### Original testimony and Evidence

This property is zoned RC 5 and contains 0.184 acres. This is a 50-foot wide water view lot known as Lot 30 of the Barrison Point subdivision which had been recorded in the Land Records of Baltimore County in 1925. The lot is on average approximately 160 feet long, is primarily wooded, and was purchased by these Petitioners in 2004. At 0.184 acres, the lot cannot meet the RC 5 requirement of 1.5 acres nor the 50-foot property line setback. See amended site plan exhibit 1 A which was corrected by the Petitioner for a minor drafting error.

The Petitioners would like to build a home on the property pushed as far forward as possible to enhance the water view of residents. As shown on Exhibit 1A, the northeast corner of the proposed home will be 50 feet from the center of Island View Road. The RC 5 regulations require 75 feet setback from such a road. Mr. Billingsley pointed out that a large garage is located on Lot 31 and a single-family dwelling on Lot 32, both of which block the view of the new residents if the house were moved back to meet the 75 foot requirement. He also pointed out that the road pavement is not centered on the right-of-way, but rather is nearer the lots across Island View Road. Again see Exhibit 1A.

In regard to the request for side yard variances of 10 ft. and 12 ft., the RC 5 regulations require 50 feet. Mr. Billingsley points out that this requirement cannot be met on any 50-foot lot. He opined that the 27 ft. x 40 ft house proposed was reasonable for this location.

All decks would be on the first floor and will be 10 ft. + above ground level, due to the need to elevate the first floor of the dwelling above flood tide. These decks are needed to

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Date 10-27-05  
By [Signature]



achieve the water view. Consequently, the Petitioners ask for a side yard setback for the side deck of 5 feet in lieu of the required 37.5 feet and a front yard setback of 38 feet for the front deck in lieu of the required 56.25 feet.

Finally, Mr. Billingsley points out that the new home will not be sideways to Island View Road as the adjacent property owner, Herbert Sevier contends in his letter. The front door will be on the front of the house, which will face Island View Road. He admitted that there would be a side door, which Mr. Sevier could have mistaken for the front door.

Mr. Billingsley presented photographs of the area in Exhibit 2 and letters of support from property owners on the north side of Island View Road. Ms. Guckert, who identified herself as an activist in the community association, attended the hearing and indicated her support of the request.

#### **Findings of Fact and Conclusions of Law on Revised Site Plan**

Exhibit 5, the revised site plan, shows that the Petitioners' proposed home is now located on the boundary between lots 29 and 30. As such the Petitioner's have declared that the two lots have merged from a zoning standpoint.

The proposed home has to have variances because even with 100 feet of property to work with, the RC 5 regulations require 50 foot side yard setbacks. Clearly this is impossible to meet under the circumstances. The Petitioner's ask for 36 feet for the home and 29 feet for the open deck in lieu of the required 37.5 feet. Again even with two lots totaling 0.368 acres the Petitioner cannot meet the 1.5 acre minimum. I find these requests for variances most reasonable and I will grant the requested relief.

In regard to the front yard variances, apparently it is as important to have the new home as near to Island View Road as possible presumably to achieve a better waterview for the new residents. The Petitioner could move the house back away from the road (and water) another 25

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Date 10-27-05  
By [Signature]



feet and not need a variance. However I understand this intense desire for the best possible waterview and consequently I will grant the variance.

The revised site plan is much more compatible with the pattern of development of the neighborhood which appears to be a mix of one home on one 50-foot lot and one home on several 50-foot lots.

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots were created in 1925 and the RC 5 regulations imposed at a much later date have disproportionate impact on the Petitioner's property as compared to other lots in the neighborhood which were created after the regulations were imposed. I also find strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. A home with a waterview home cannot be built on the lots unless relief is granted. I have no evidence that the overall density of the area will be increased beyond that otherwise allowable by the Zoning Regulations. Finally I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. A new home on two lots is much more compatible with the pattern of development of the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on the amended petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' revised variance requests should be granted

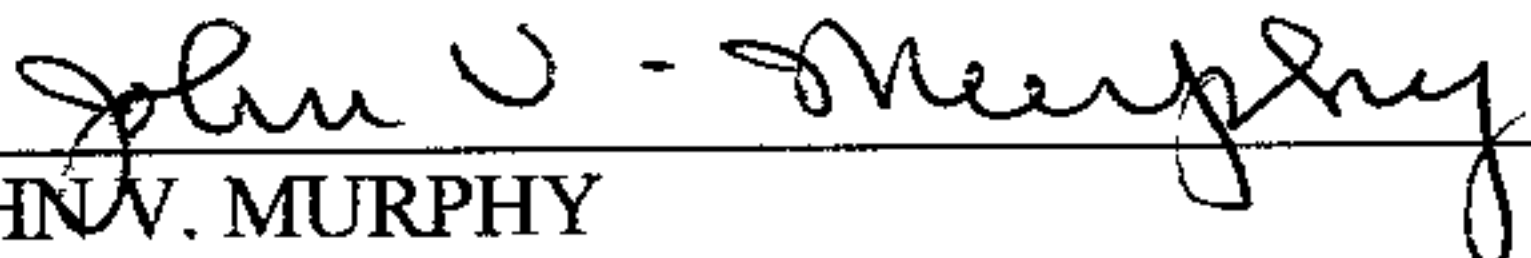
THEREFORE, IT IS ORDERED, this 27 day of October 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1A04.3.B.1.a, 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot area of 0.347 acres in lieu of the required 1.5 acres; to approve side yard setbacks for the



home of 36 feet in lieu of the required 50 feet; to approve the side yard setback for the covered deck of 29 feet in lieu of the 37.5 feet; and to approve the front yard setback of 50 feet from the centerline of the road in lieu of the required 75 feet respectively, be and are GRANTED subject to the following conditions:

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. The Petitioner shall comply with the ZAC comments received from the Bureau of Development Plans Review dated August 10, 2005, a copy of which is attached hereto and made a part hereof.
3. The Petitioner shall comply with the ZAC comment from the Department of Environmental Protection & Resource Management (DEPRM) dated September 26, 2005.

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

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Date 10-27-05  
By [Signature]



## 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*

October 27, 2005

Mr. David W. Billingsley  
Central Drafting and Design, Inc.  
601 Charwood Court  
Edgewood, Maryland 21040

Re: Order on Motion for Reconsideration  
Case No. 06-062-A  
Property: 2509 Island View Road

Dear Mr. Billingsley:

Enclosed please find the decision rendered in the above-captioned case. The Petitioner's Motion for Reconsideration has been approved 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 & 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 dark ink, appearing to read "John V. Murphy".

John V. Murphy  
Deputy Zoning Commissioner

JVM:dlw  
Copies

Mr. James S. Brown and Mr. David M. Donovan, 2502 Island View Road, Baltimore, MD 21221  
Mr. Robert Infussi, Expedite LLC, P.O. Box 1043-7043, Belair, MD 21014  
Mr. & Mrs. Herbert Sevier, 2512 Barrison Point Road, Baltimore, MD 21221  
People's Counsel; Case File

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

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Date 10-27-05  
By [Signature]



**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*

September 12, 2005

James S. Brown  
David M. Donovan  
2502 Island View Road  
Baltimore, Maryland 21221

Dear Ms. Brown and Mr. Donovan:

RE: Case Number: 06-062-A, 2509 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 July 29, 2005.

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.", is written over the typed name.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel  
Robert Infussi Expedite, LLC. P.O. Box 1043-7043 Belair 21014

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





BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 10, 2005

FROM: <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting  
For August 15, 2005  
Item No. 062

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The flood protection elevation for this site is 10.4.

---

In conformance with *Federal Flood insurance* Requirements, the first floor or basement floor must be at least 1-foot above the flood plain elevation in all construction.

The property to be developed is located to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (including *basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of structure with materials resistant to flood damage.

Flood resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 062-08102005.doc

ORDER RECEIVED FOR FILING

Date 10-27-05

By

Debra Webb



## BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence



TO: Timothy M. Kotroco  
FROM: R. Bruce Seeley  
DATE: September 26, 2005  
SUBJECT: Zoning Item # 06-062  
Address 2509 Island View Road  
Brown Property

Zoning Advisory Committee Meeting of August 8, 2005

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

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-100 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

1. Impervious surface area is limited to twenty-five percent (25%) of the Lot area. The proposed house and ancillary impervious area might exceed this requirement.
2. At least fifteen percent (15%) tree cover must be provided and maintained.
3. Prior to approval of a building permit, an inspection of the well and a well yield test may be required.

Reviewers: Glenn Shaffer, Sue Farinetti

Date: August 29, 2005

S:\Devcoord\ZAC06-062.doc

UNDER RECEIVED FOR FILING

Date 10-27-05

By [Signature]



**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

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

**DATE:** September 7, 2005

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

**SUBJECT:** 2509 Island View Road

**INFORMATION:**

**Item Number:** 6-062 (Revised Comment)

**Petitioner:** James brown

**Zoning:** RC 5

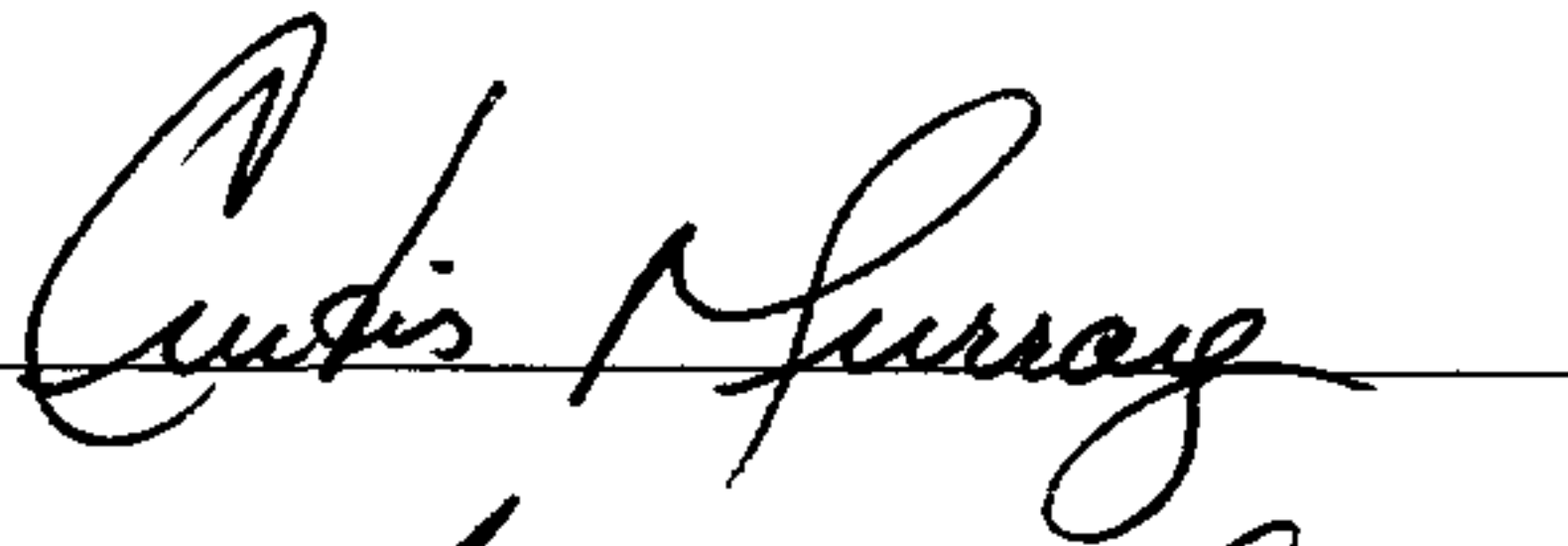
**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

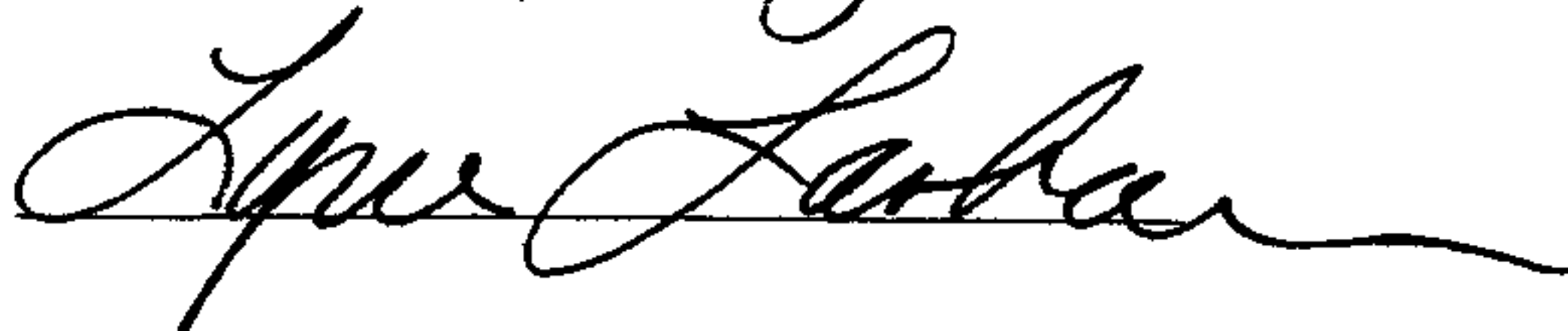
The Office of Planning reviewed the petitioner's request and accompanying site plan and front facade elevation drawing and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04. As such, this office does not oppose the subject request provided the applicant submits building elevations of all facades prior to the issuance of a building permit.

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

**Prepared by:**



**Division Chief:**



AFK/LL: CM



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** August 12, 2005

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

**SUBJECT:** 2509 Island View Road

**INFORMATION:**

**Item Number:** 6-062

**Petitioner:** James Brown

**Zoning:** RC 5

**Requested Action:** Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. 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.
4. 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.



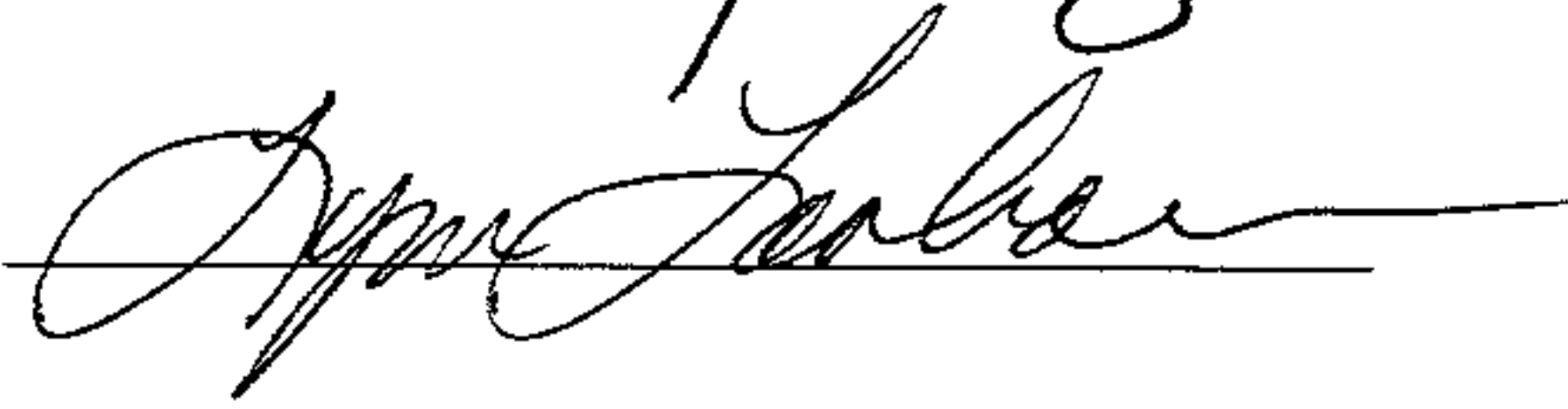
5. If vegetation is disturbed for construction provide replacement landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact David Pinning with the Office of Planning at 410-887-3480.

Prepared by:

A handwritten signature in black ink, appearing to read "Curtis P. Hwang", written over a horizontal line.

Division Chief:

A handwritten signature in black ink, appearing to read "David Pinning", written over a horizontal line.

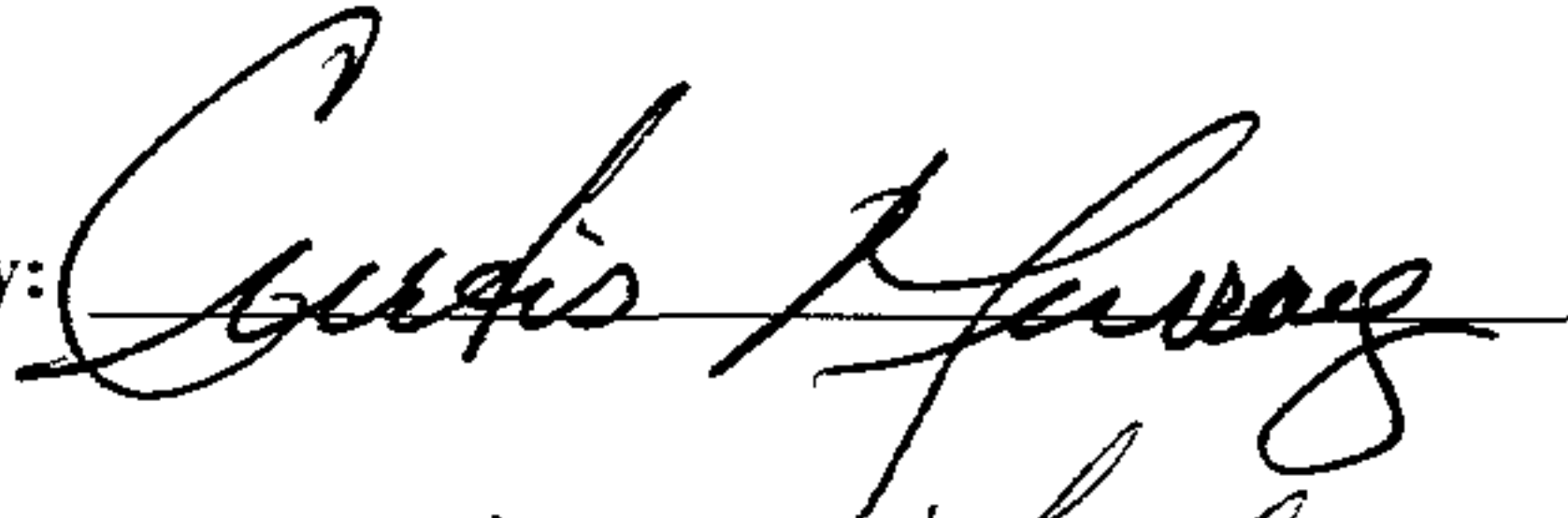
AFK/LL: CM



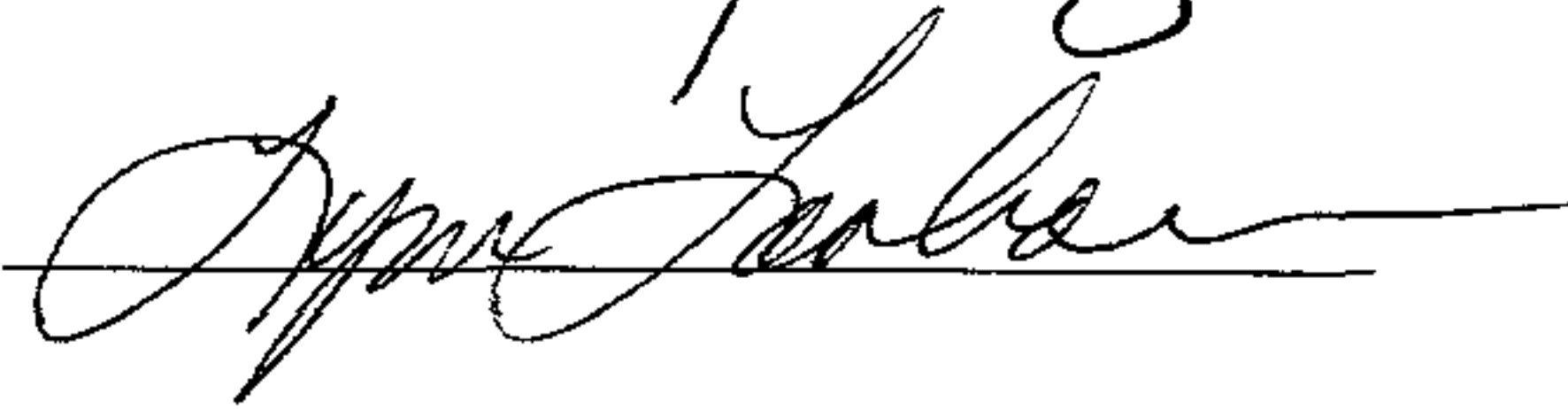
5. If vegetation is disturbed for construction provide replacement landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact David Pinning with the Office of Planning at 410-887-3480.

Prepared by:

A handwritten signature in cursive script, appearing to read "Curtis Pinning", written over a horizontal line.

Division Chief:

A handwritten signature in cursive script, appearing to read "David Pinning", written over a horizontal line.

AFK/LL: CM



mt  
9/1/05

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** August 12, 2005

RECEIVED

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

AUG 16 2005

ZONING COMMISSIONER

**SUBJECT:** 2509 Island View Road

### INFORMATION:

**Item Number:** 6-062

**Petitioner:** James Brown

**Zoning:** RC 5

**Requested Action:** Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. 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.
4. 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.



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



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

Maryland Department of Transportation

Date: 8.2.05

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

RE: Baltimore County  
Item No. 062 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



## 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

August 3, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: August 8, 2005

Item No.: 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056,  
057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

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.

### **1. The Fire Marshal's Office has no comments at this time.**

Acting Lieutenant Don W. Muddiman  
Fire Marshal's Office  
410-887-48810  
MS-1102F

cc: File

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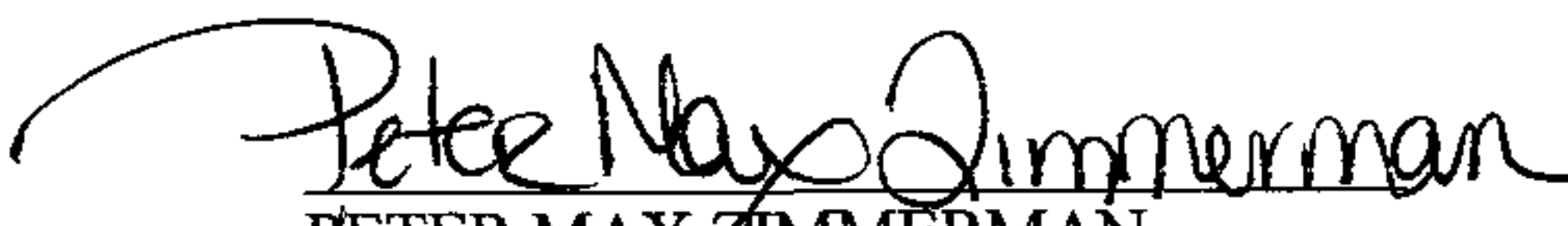
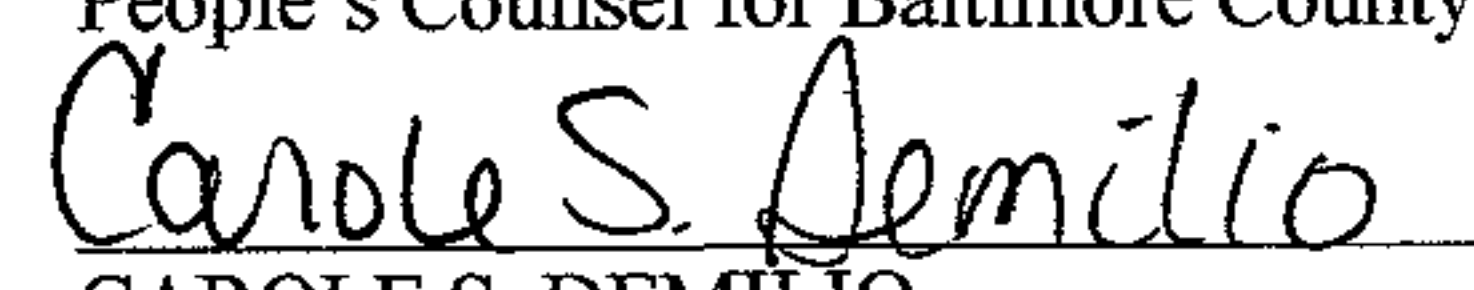


RE: PETITION FOR VARIANCE \* BEFORE THE  
2509 Island View Road; S/side Island View \*  
Road, 195' E c/line Barrison Point Road \* ZONING COMMISSIONER  
15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts \*  
Legal Owner(s): James S. Brown & \* FOR  
David M. Donovan \*  
Petitioner(s) \* BALTIMORE COUNTY  
\* 06-062-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 and all documentation filed in the case.

  
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

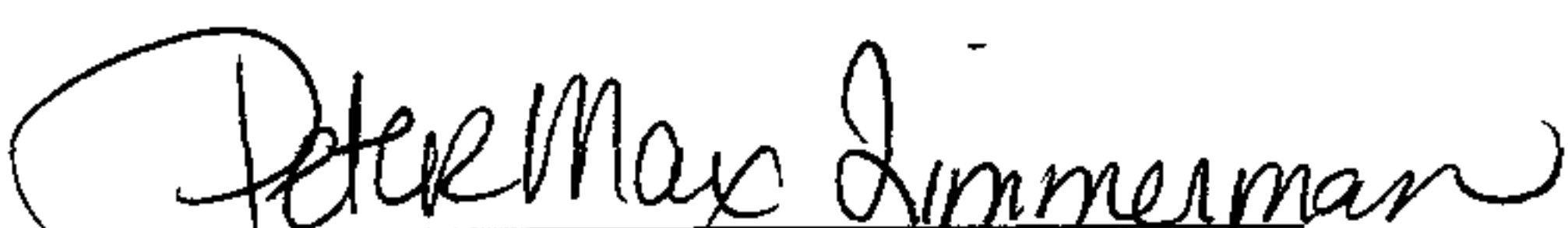
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 5th day of August, 2005, a copy of the foregoing Entry of Appearance was mailed to, Robert Infussi, Expedite, LLC, P.O. Box 1043-7043, Bel Air, MD 21014, Representative for Petitioner(s).

RECEIVED

AUG 05 2005

Per. 

  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County





**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
County Executive

March 30, 2006

WILLIAM J. WISEMAN III  
Zoning Commissioner

Mr. David W. Billingsley  
Central Drafting and Design, Inc.  
601 Charwood Court  
Edgewood, Maryland 21040

Re: Petition for Variance  
Case No. 06-062-A  
Property: 2509 Island View Road

Dear Mr. Billingsley:

In response to your March 15, 2006 letter regarding the above property, I note that your attached sketch shows the proposed lot line adjustment between Lots 30 and 29 and Lots 8 and 9. I understand Lots 8 and 9 would gain 0.0412 acres by moving the rear lines to enclose the existing garage. Said another way, Lots 30 and 29, which are the subject of Case No. 06-062-A, would lose 0.0412 acres leaving Lots 30 and 29 with 0.3105 acres.

Case No. 06-062-A principally involved locating a new home on the common border between Lots 30 and 29 and several associated setback variances. There was also a request to allow a lot of 0.368 acres in lieu of the requested 1.5 acres required by the RC-5 regulations. This request was granted in your Motion for Reconsideration. So, the precise question you have today is whether reducing the lot acreage from 0.368 acres to 0.3105 acres requires a special hearing to modify the final site plan presented in Case 06-062-A.

I recall that there were no protestants or citizens at the initial hearing in September, 2005. I also note that I cannot quite get the numbers to come out as it appears that 0.0575 acres would be transferred to Lots 8 and 9 rather than 0.0412 acres. Hopefully, you will show where I miscalculated the areas.

In any case, I will not require a special hearing to make this lot line adjustment. The acreage was a small issue in the case. No combination of these lots would approximate the 1.5 acres required. I believe the lot line adjust can be made within the spirit and intent of the regulations.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy  
Deputy Zoning Commissioner

JVM:dlw  
Copies

Mr. James S. Brown and Mr. David M. Donovan, 2502 Island View Road, Baltimore, MD 21221  
Mr. Robert Infussi, Expedite LLC, P.O. Box 1043-7043, Belair, MD 21014  
Mr. & Mrs. Herbert Sevier, 2512 Barrison Point Road, Baltimore, MD 21221  
People's Counsel; Case File



**CENTRAL DRAFTING AND DESIGN, INC.**

601 CHARWOOD COURT  
EDGEWOOD, MARYLAND 21040  
(410) 679-8719 FAX (410) 679-1298

March 15, 2006

Mr. John V. Murphy, Deputy Zoning Commissioner  
Suite 405, County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

RE: CASE NO. 06-062-A  
2509 ISLAND VIEW ROAD

Dear Mr. Commissioner:

On October 27, 2005, an order was issued granting side yard, front yard and lot area variances for the referenced property. The dwelling is presently under construction.

The petitioners also own 2514 Barrison Point Road ( lots 8 and 9, Section C, Barrison Point ) which is located immediately behind the subject property. While recently surveying the properties, it was discovered that an existing garage straddles the property line dividing the two sites.

I have prepared a request to the Development Review Committee for a lot line adjustment. The Zoning Review Office suggested I have you take a look at the request to determine if a "spirit and intent" letter will suffice in lieu of an additional hearing. I have enclosed a copy of the site plan filed with the petition for variance as well as the plan to accompany DRC request.

Thank you for your cooperation in this matter. Should you need any additional information, please do not hesitate to contact this office.

Very truly yours,



David W. Billingsley

enclosures

cc: James Brown and David Donovan



Jm  
9/19

**CENTRAL DRAFTING AND DESIGN, INC.**

601 CHARWOOD COURT  
EDGEWOOD, MARYLAND 21040  
(410) 679-8719 FAX (410) 679-1298

RECEIVED

October 6, 2005

OCT 12 2005

Mr. John V. Murphy  
Deputy Zoning Commissioner  
Suite 405, County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

ZONING COMMISSIONER

RE: 2509 ISLAND VIEW ROAD  
CASE NO. 06-062-A

Dear Mr. Murphy:

The petitioners and I have reviewed your decision in the referenced case. We are requesting that you reconsider your decision based on the following:

1. The location of the proposed dwelling will be revised to provide 36 foot side yards in lieu of the required 50 feet.
2. The proposed covered deck will then have a side yard setback of 29 feet in lieu of the required 37.5 feet.
3. The front yard setbacks will remain as requested in the original petition

I have enclosed three (3) copies of the site plan revised accordingly.

Thank you for your consideration in this matter. Should you have any questions or need additional information, please do not hesitate to contact this office.

Very truly yours,



David W. Billingsley

enclosures

cc: James S. Brown and David M. Donovan



**CENTRAL DRAFTING AND  
DESIGN, INC**  
601 CHARWOOD COURT  
EDGEWOOD, MARYLAND 21040  
PHONE (410)679-8719 FAX (410)679-1298

**FACSIMILE TRANSMITTAL SHEET**

TO:

JOHN V. MURPHY

FROM:

David W. Billingsley

COMPANY:

DATE:

10/6/05

FAX NUMBER:

(410) 887-3468

TOTAL NO. OF PAGES INCLUDING COVER:

4

PHONE NUMBER:

REFERENCE:



FOR YOUR INFORMATION



FOR YOUR USE



AS YOU REQUESTED

NOTES/COMMENTS:



JM  
9/19**CENTRAL DRAFTING AND  
DESIGN, INC****601 CHARWOOD COURT  
EDGEWOOD, MARYLAND 21040  
PHONE (410)679-8719 FAX (410)679-1298****FACSIMILE TRANSMITTAL SHEET****TO:**  
**JOHN MURPHY****FROM:**  
**David W. Billingsley****COMPANY:**  
**DEPUTY ZONING COMM.****DATE:**  
**9/23/05****FAX NUMBER:**  
**(410) 887-5708****TOTAL NO. OF PAGES INCLUDING COVER:**  
**2****PHONE NUMBER:****REFERENCE:**  
**06-062-A 2509 ISLAND VIEW RD**☒ **FOR YOUR INFORMATION**☐ **FOR YOUR USE**☐ **AS YOU REQUESTED****NOTES/COMMENTS:****JOHN:**

**I RECEIVED YOUR CALL TODAY ABOUT THE  
REFERENCED CASE. MY SITE PLAN IS  
INCORRECT IN THAT THE 50 FOOT FRONT  
SETBACK IS SHOWN TO THE NORTH EDGE  
OF PAVING. THE 50 FOOT SETBACK IS  
CORRECT, IT IS JUST SHOWN INCORRECTLY.  
I AM ATTACHING A PLAN SHOWING THE  
CORRECTION. THANK YOU FOR YOUR  
CONSIDERATION IN CALLING**

**DAVE BILLINGSLEY**



Fite

Dear Mr. Kotraed,

This letter is in reference to zoning notice #06-062-A. This is a property located on Island View Road in zone 21221. We understand a hearing will be held on this matter on September 19, 2005.

There are two items we object to for the proposed new home.

The way the plans we saw are set up, the house will sit on the lot sideways. The front door of the house will face our back yard, there will be a porch attached and this will only be five feet from the property line.

If this house is built as stated neither party will have privacy. This could present future problems we would rather avoid.

The owners of this property are very nice people. We do not object to their desire to build on their lot, our



objection is started with the house to be built on the lot in this unusual way.

To have a house built this close to the property line could possibly cause the value of both properties to decrease.

We would appreciate your consideration in this matter.

Sincerely,

Herbert & Elva Sevier  
2512 Barrison Point Road  
Baltimore, Md. 21221  
410-686-7442



ROOM 407 COUNTRYCOURTS

PLACE: BUILDING 401 BOSLEY, AVENUE TOWSON

MONDAY, SEPTEMBER, 19, 2005

DATE AND TIME:

AT 11:00 AM

VARIANCE TO PERMIT A LOT AREA OF 0.184

REQUEST: ACRES IN LIEU OF THE REQUIRED 1.5 ACRES AND  
TO PERMIT SIDE YARD SETBACKS OF 10 FEET AND 12 FEET AND  
50 FEET TO CENTERLINE OF STREET IN LIEU OF THE REQUIRED  
50 FEET AND 75 FEET RESPECTIVELY AND TO APPROVE A SIDE  
YARD SETBACK OF 5 FEET AND A FRONT YARD SETBACK OF 38  
FEET FOR AN OPEN PROTECTION IN LIEU OF THE REQUIRED  
37.5 FEET AND 56.25 FEET RESPECTIVELY



CASE NAME 2509 ISLAND VIEW RD.  
CASE NUMBER 06-062-A  
DATE 9/19/05

# PETITIONER'S SIGN-IN SHEET

[illegible]



# IMPORTANT MESSAGE

FOR

DATE

TIME

A.M.

P.M.

M

OF

PHONE

AREA CODE

NUMBER

EXTENSION

Q FAX

Q MOBILE

AREA CODE

NUMBER

TIME TO CALL

|                    |  |                   |  |
|--------------------|--|-------------------|--|
| TELEPHONED         |  | PLEASE CALL       |  |
| CAME TO SEE YOU    |  | WILL CALL AGAIN   |  |
| WANTS TO SEE YOU   |  | RUSH              |  |
| RETURNED YOUR CALL |  | SPECIAL ATTENTION |  |

MESSAGE

#06-062-A

Wants copy of Order

SIGNED

FORM 3002P  
MADE IN U.S.A.

# IMPORTANT MESSAGE

FOR

DATE

TIME

A.M.

P.M.

M

OF

PHONE

AREA CODE

NUMBER

EXTENSION

Q FAX

Q MOBILE

AREA CODE

NUMBER

TIME TO CALL

|                    |  |                   |  |
|--------------------|--|-------------------|--|
| TELEPHONED         |  | PLEASE CALL       |  |
| CAME TO SEE YOU    |  | WILL CALL AGAIN   |  |
| WANTS TO SEE YOU   |  | RUSH              |  |
| RETURNED YOUR CALL |  | SPECIAL ATTENTION |  |

MESSAGE

will send you an average of 1000-1500

send us 20

SIGNED

FORM 3002P  
MADE IN U.S.A.









105B2

2B

#062



B

①



2508 Island u





④

Garage 2512  
Karron  
Pond



⑤

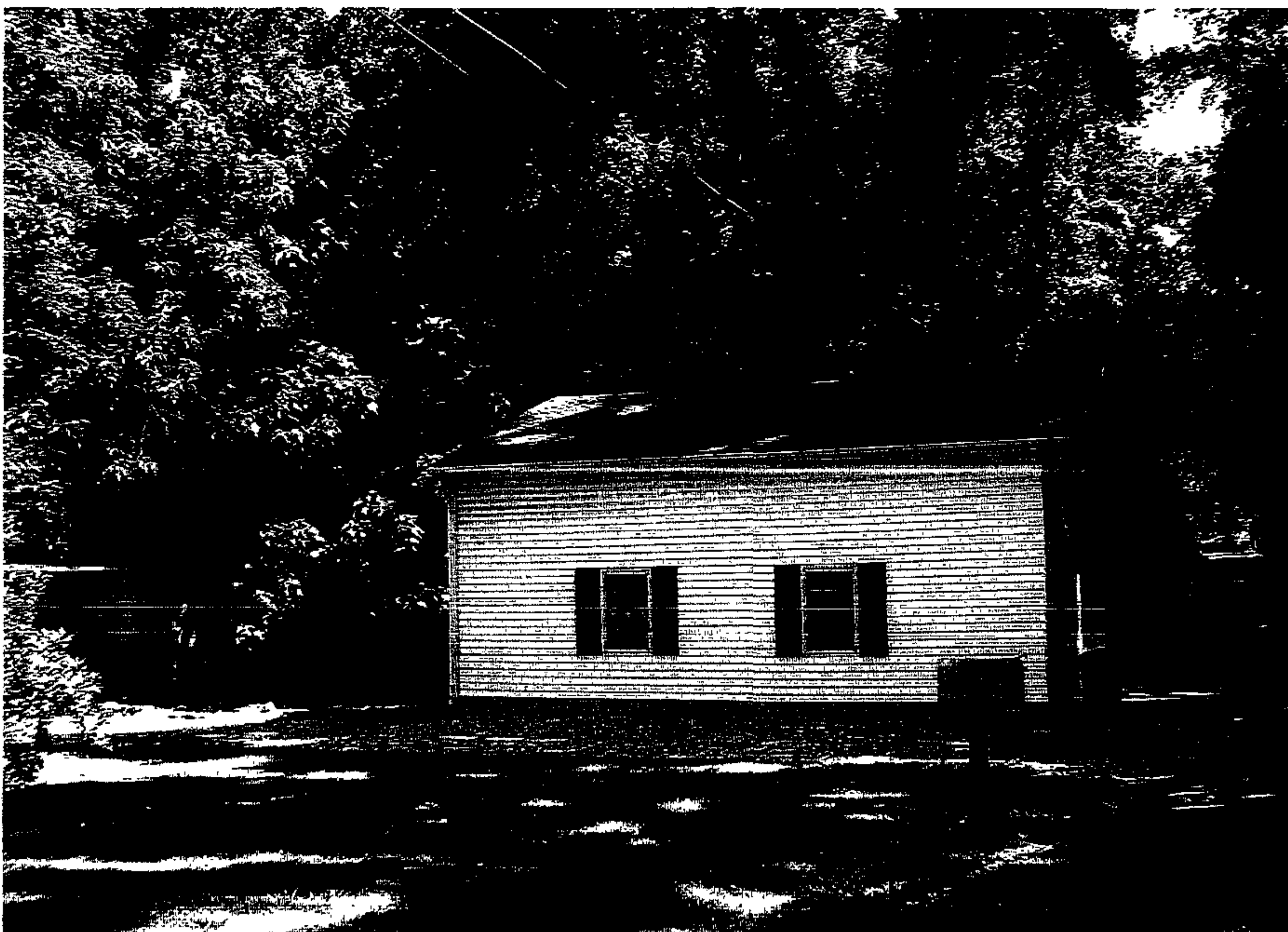
2505 Island Veece





③

lot 29-

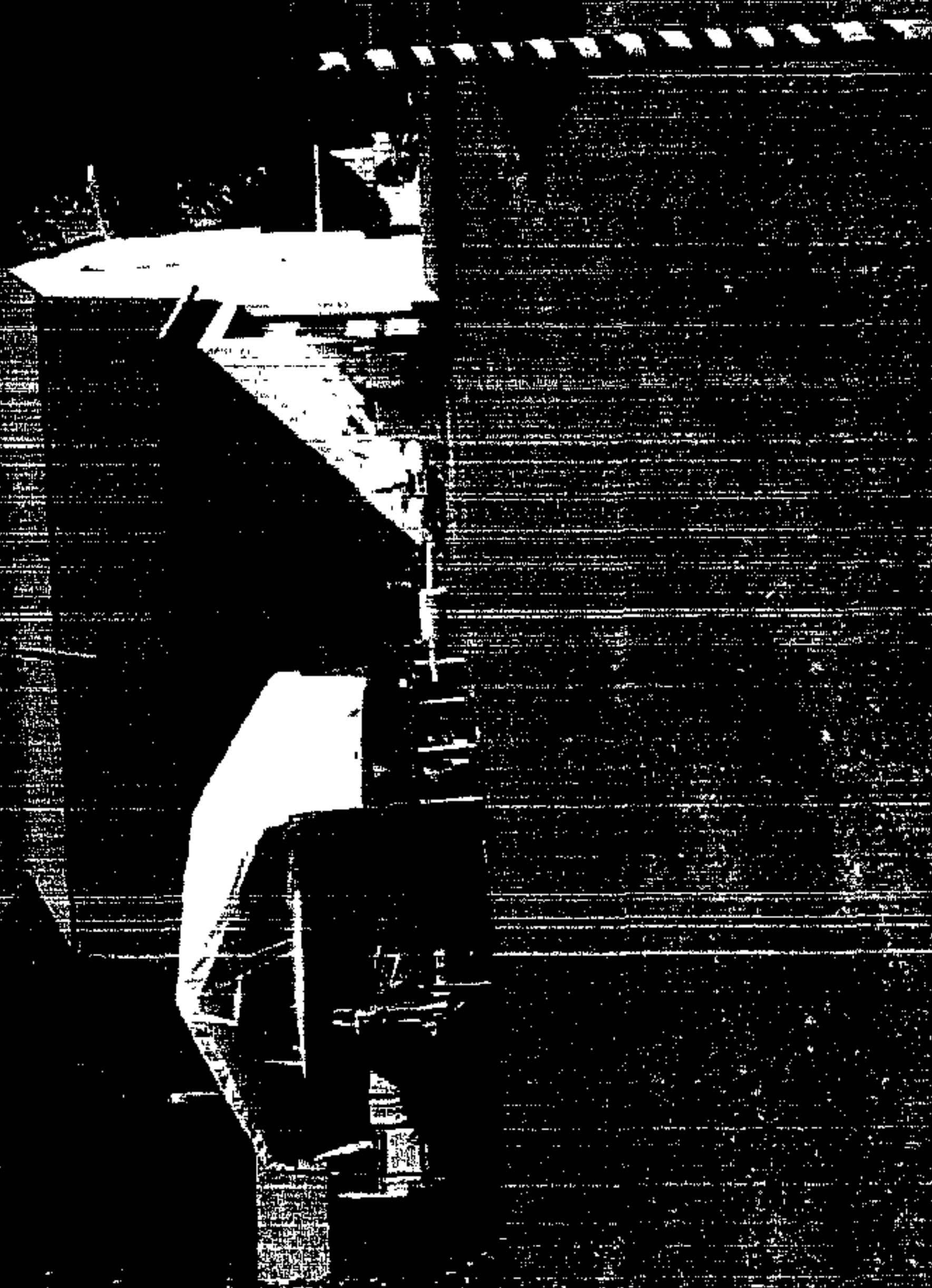


②

2516 garage



U





D

September 11, 2005

Zoning Commissioner of Baltimore County  
Mr. William J. Wiseman III  
Towson, Maryland

Subject: Case: 06-062-A

Dear Sir:

I am the property owner at 2508 Island View Road.

In **case:#06-062-A** 2509 Island View Road S/side of Island View Road, 195 feet east of centerline of Barrison Point Road

**Variance:** to permit a lot area of 0.184 acres in lieu of the required 1.5 acres and permit side yard setback of 10 feet and 12 feet and 50 feet to center line of street in lieu of the required 50 feet and 75 feet respectively and to approve a side yard setback of 5 feet and front yard setback of 38 feet for an open projection in lieu of the required 37.5 feet and 56.25 feet respectively.

I support James S. Brown and David M. Donovan in their application for this variance.

Sincerely,

John and Mary Guenther  
2508 Island View Road  
Baltimore, Md. 21221

*John Guenther*  
*Mary Guenther*

*Pet #4*



September 11, 2005

Zoning Commissioner of Baltimore County  
Mr. William J. Wiseman III  
Towson, Maryland

Subject: Case: 06-062-A

Dear Sir:

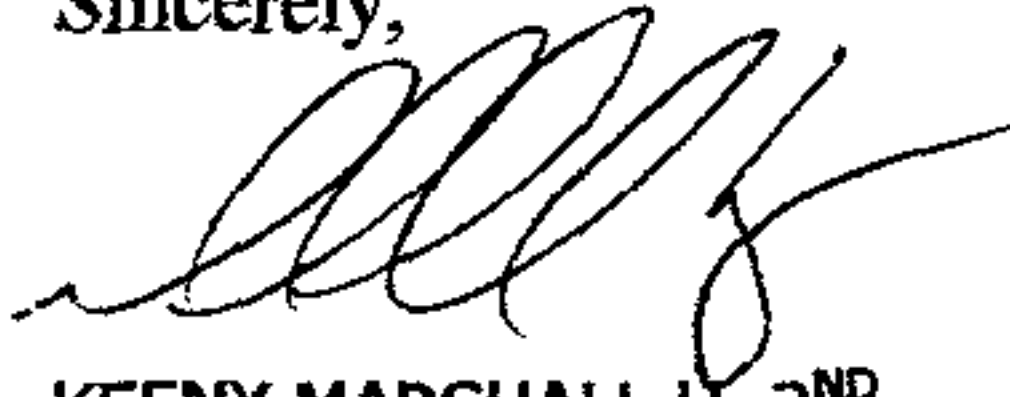
I am the property owner at 2514 Island View Road.

**In case:#06-062-A** 2509 Island View Road S/side of Island View Road, 195 feet east of centerline of Barrison Point Road

**Variance:** to permit a lot area of 0.184 acres in lieu of the required 1.5 acres and permit side yard setback of 10 feet and 12 feet and 50 feet to center line of street in lieu of the required 50 feet and 75 feet respectively and to approve a side yard setback of 5 feet and front yard setback of 38 feet for an open projection in lieu of the required 37.5 feet and 56.25 feet respectively.

I support James S. Brown and David M. Donovan in their application for this variance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keeny Marshall H, 2nd', written in a cursive style.

KEENY MARSHALL H, 2<sup>ND</sup>  
2514 Island View Road  
Baltimore, Md. 21221



September 12, 2005

Zoning Commissioner of Baltimore County  
Mr. William J. Wiseman III  
Towson, Maryland

Subject: Case: 06-062-A

Dear Sir:

I am the property owner at 2512 Island View Road.

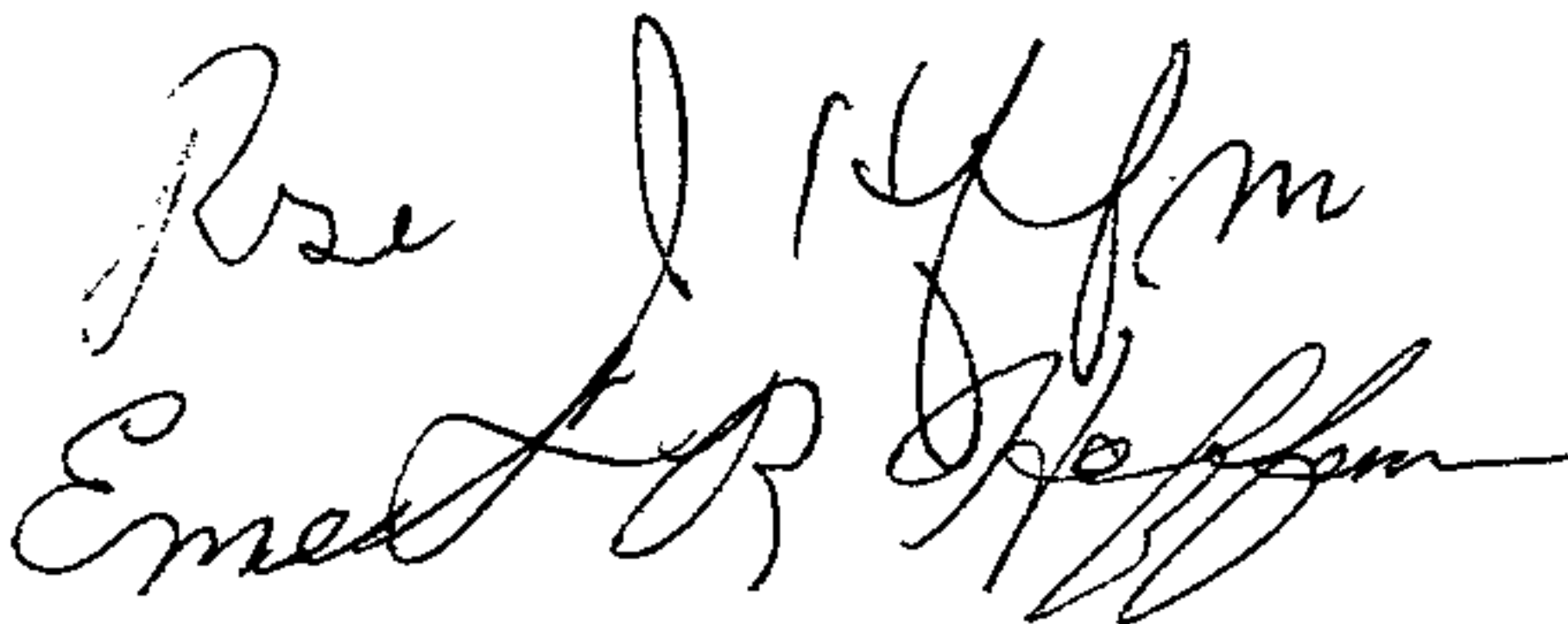
In ~~case:#06-062-A~~ 2509 Island View Road S/side of Island View Road, 195 feet east of centerline of Barrison Point Road

**Variance:** to permit a lot area of 0.184 acres in lieu of the required 1.5 acres and permit side yard setback of 10 feet and 12 feet and 50 feet to center line of street in lieu of the required 50 feet and 75 feet respectively and to approve a side yard setback of 5 feet and front yard setback of 38 feet for an open projection in lieu of the required 37.5 feet and 56.25 feet respectively.

I support James S. Brown and David M. Donovan in their application for this variance.

Sincerely,

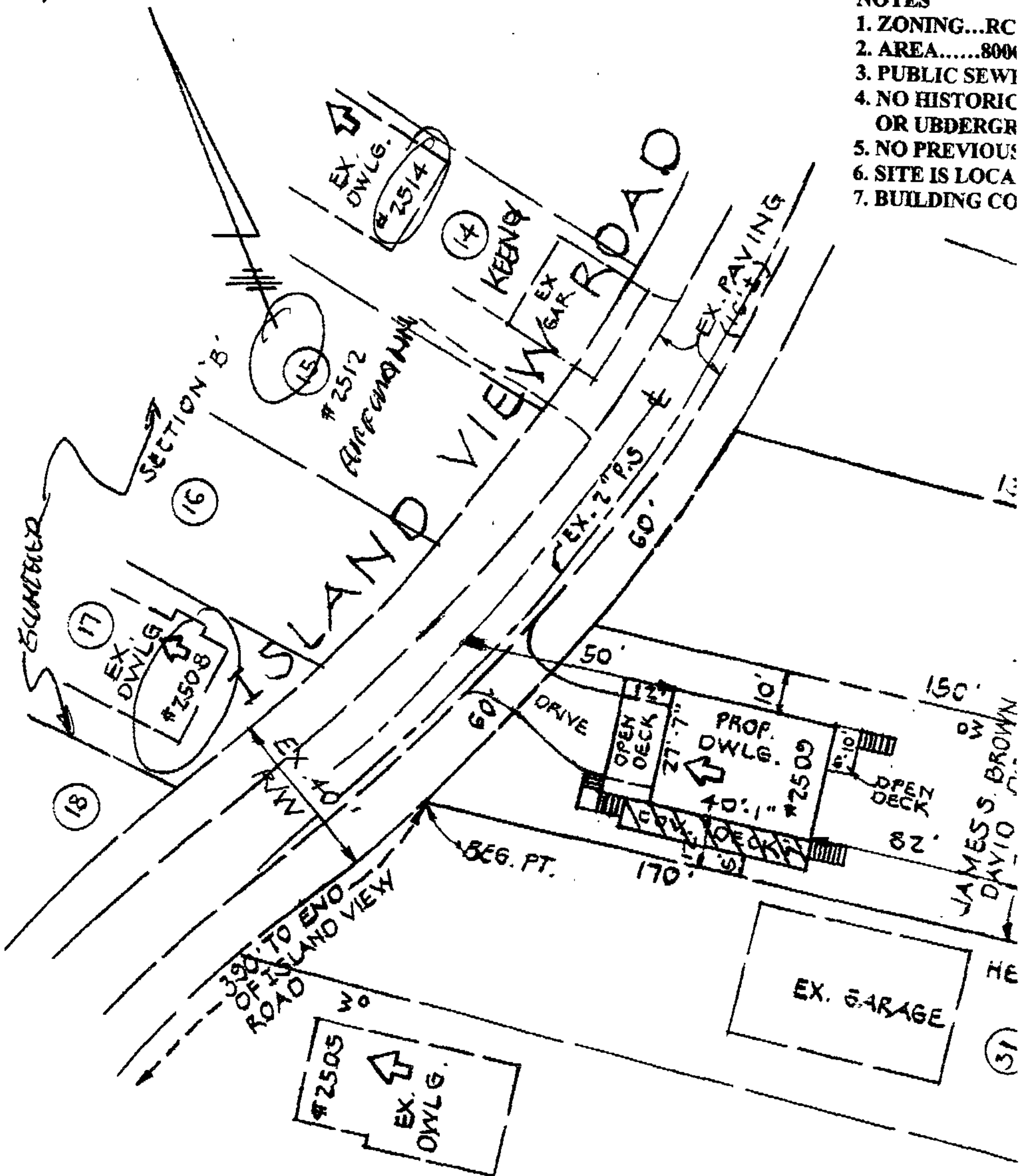
ERNEST R and ROSE J HOFFMAN  
2512 Island View Road  
Baltimore, Md. 21221

Handwritten signatures of Rose J. Hoffman and Ernest R. Hoffman. The signature of Rose J. Hoffman is written above the signature of Ernest R. Hoffman. Both signatures are in cursive script.

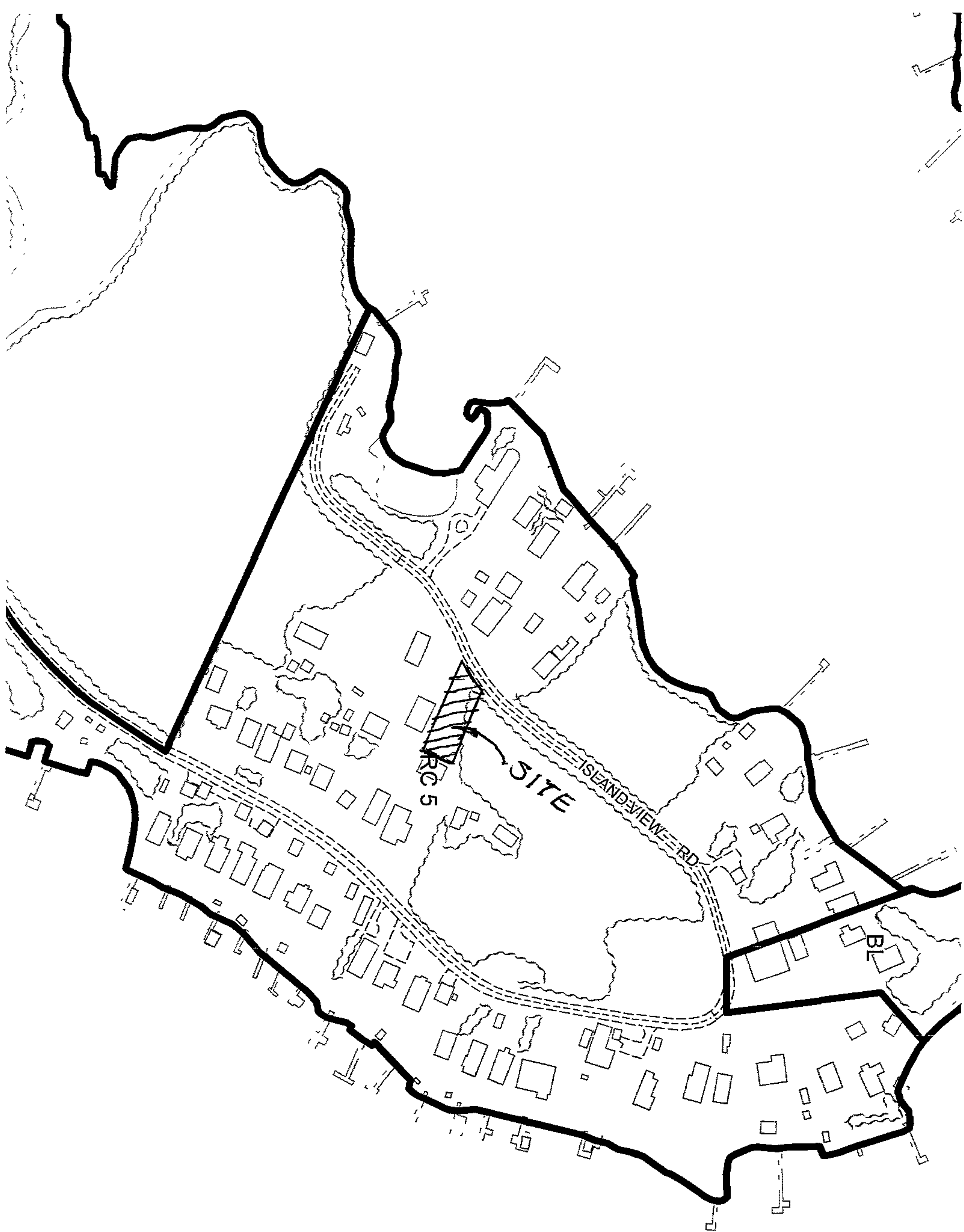


# NOTES

1. ZONING...RC
2. AREA.....8000
3. PUBLIC SEWI
4. NO HISTORIC OR UBDEGR
5. NO PREVIOUS
6. SITE IS LOCA
7. BUILDING CO



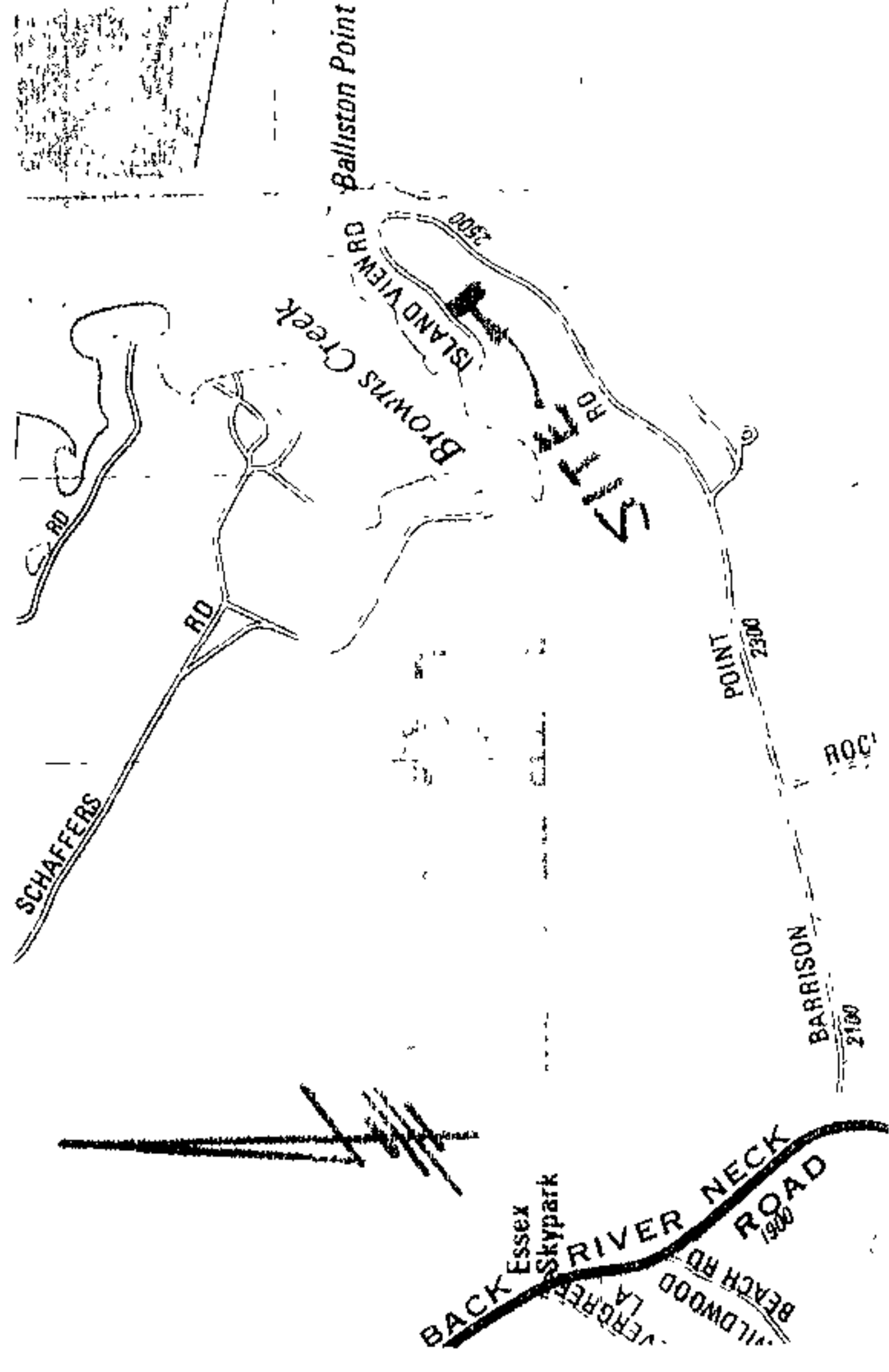






# NOTES

1. ZONING...RC.5 ( MAP 105B2 )
2. AREA.....8000 S.F. = 0.184 ACRE
3. PUBLIC SEWER. PRIVATE WATER
4. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES, OR UNDERGROUND STORAGE TANKS EXIST
5. NO PREVIOUS ZONING HISTORY
6. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
7. BUILDING COVERAGE 13.8%



VICINITY MAP  
SCALE 1" = 7000'

OWNERS  
JAMES S. BROWN &  
DAVID M. DONOVAN  
2502 ISLAND VIEW ROAD  
BALTO., MD. 21221  
DEED REF. L.21445 F.114  
ACCT NO. 1518000630

PLAT TO ACCOMPANY  
PETITION FOR VARIANCE  
2509 ISLAND VIEW ROAD

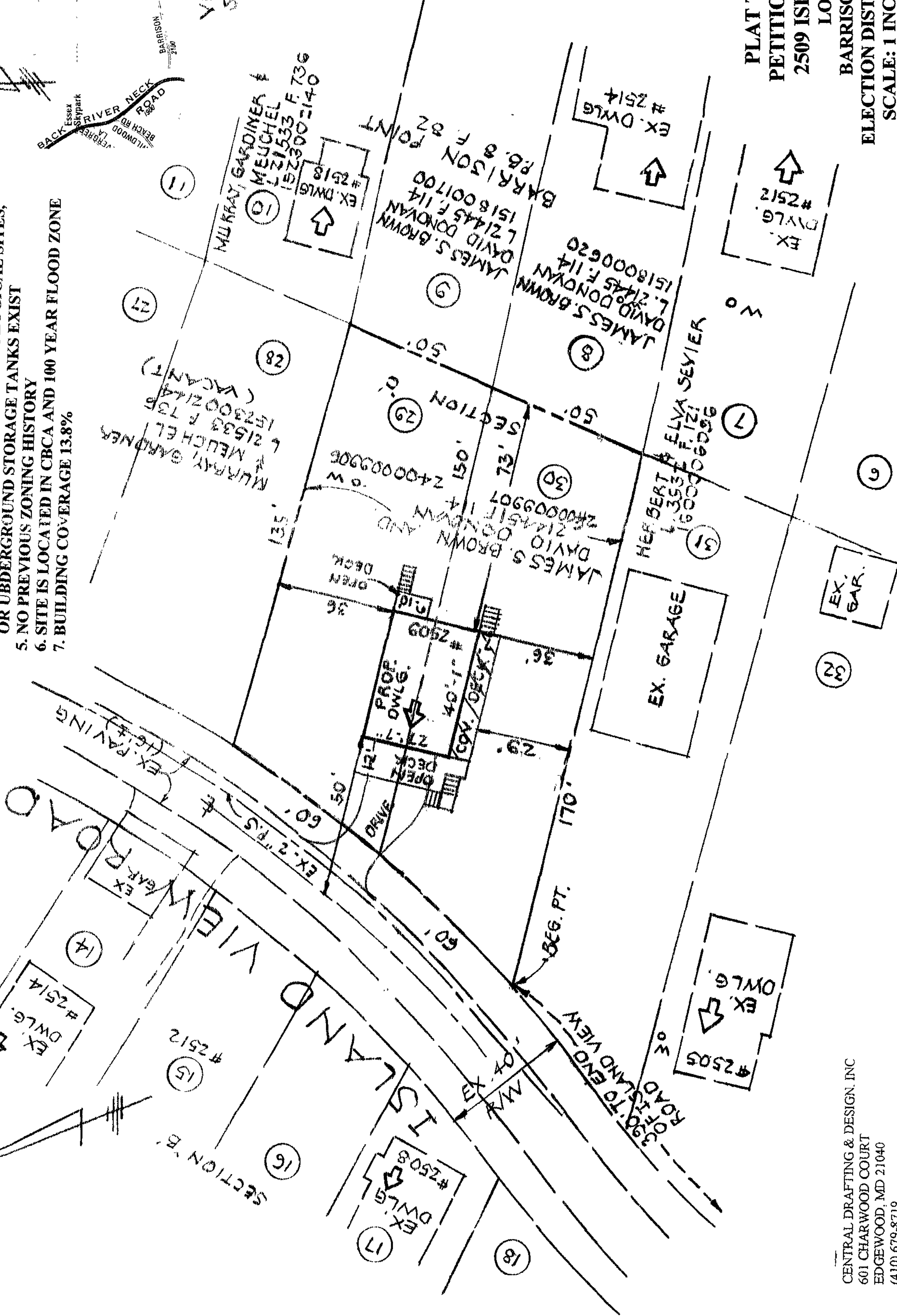
LOT 30 SECTION C

BARRISON POINT P.B. 8 F. 82

ELECTION DISTRICT 15C6 BALTO. CO., MD.

SCALE: 1 INCH = 30 FEET JUNE 2, 2005

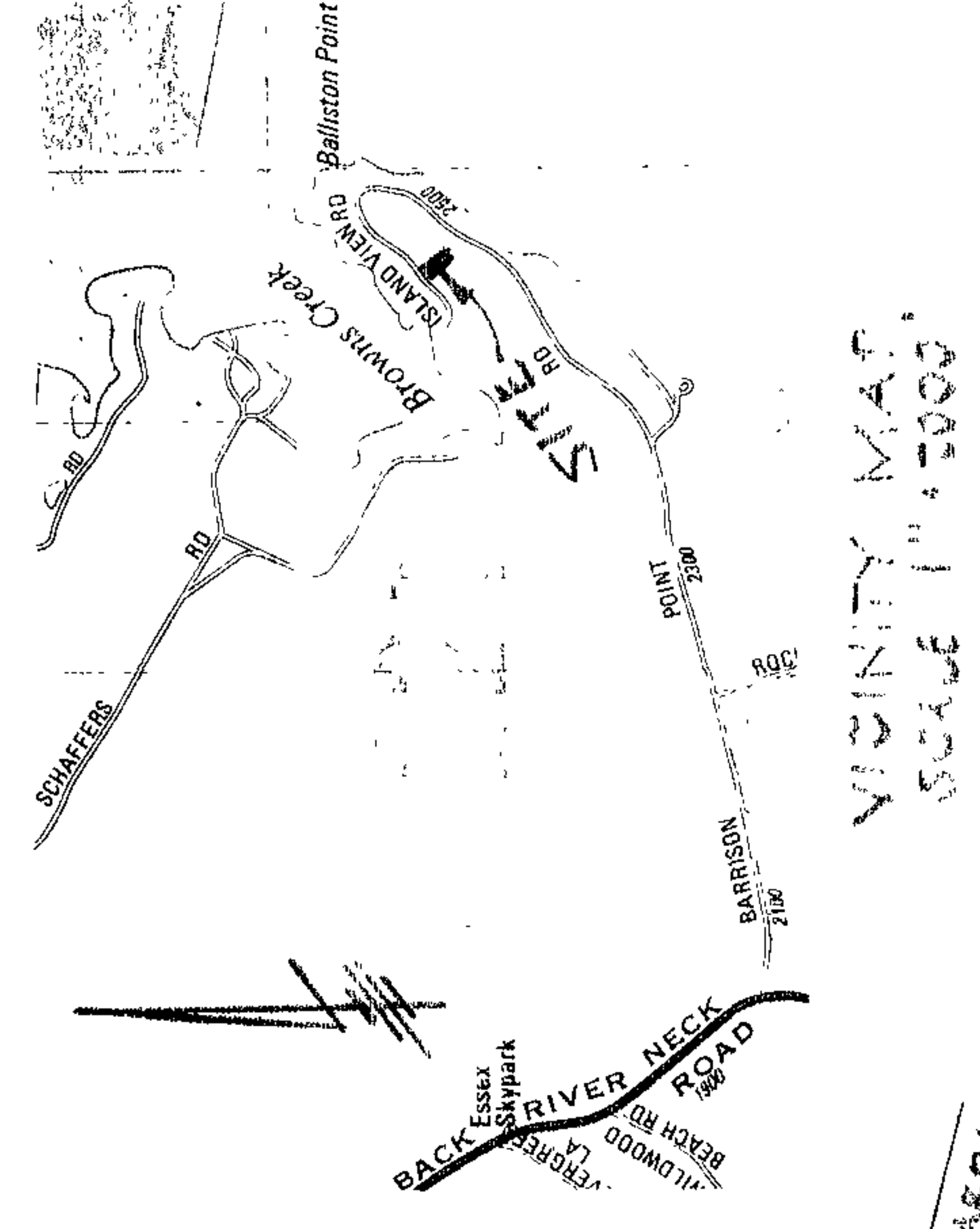
REV: OCT. 6, 2005





NOTES

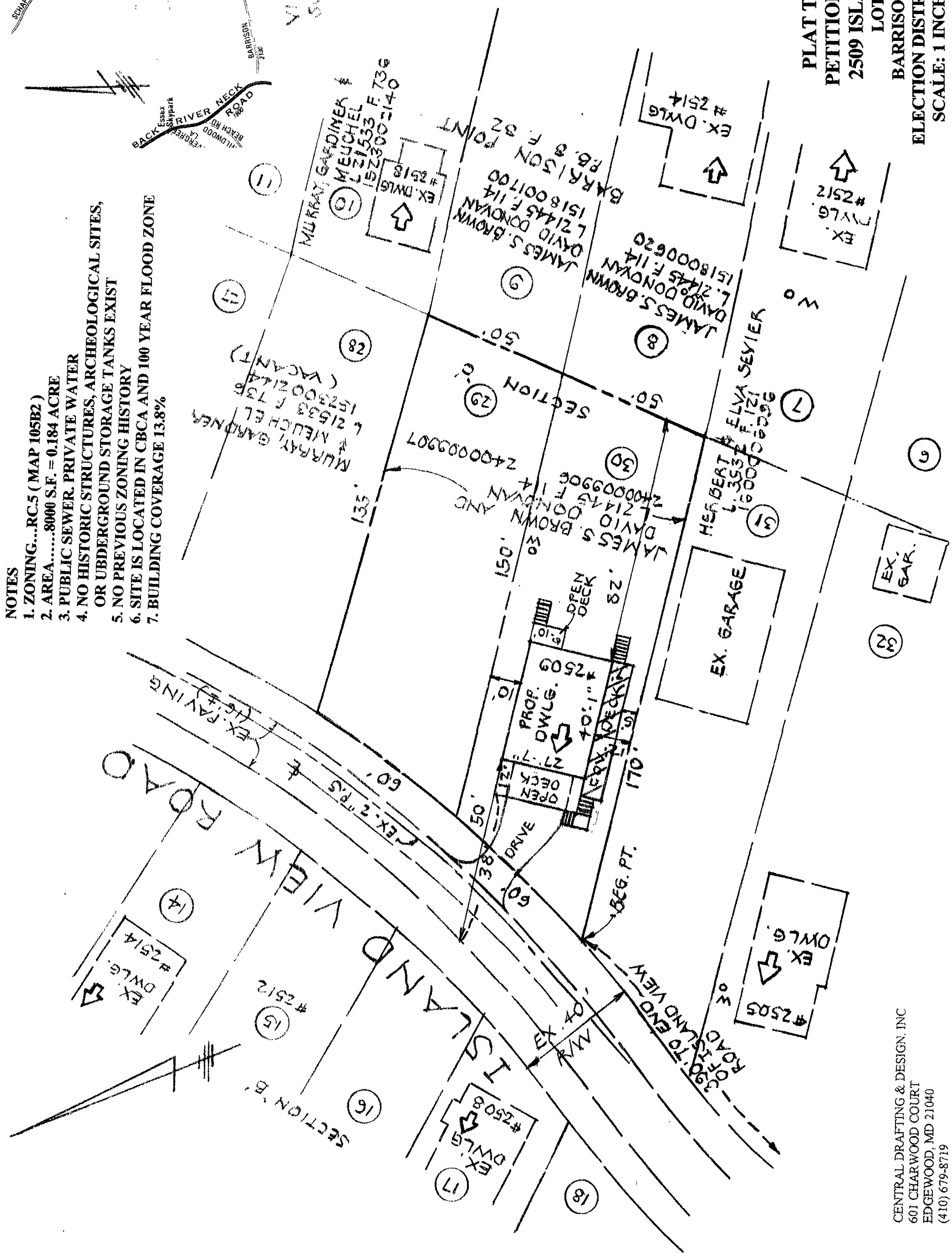
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DAVID M. DONOVAN  
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BALTO., MD. 21221  
DEED REF. L21445 F.114  
ACCT NO. 1518000630

PLAT TO ACCOMPANY  
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2509 ISLAND VIEW ROAD

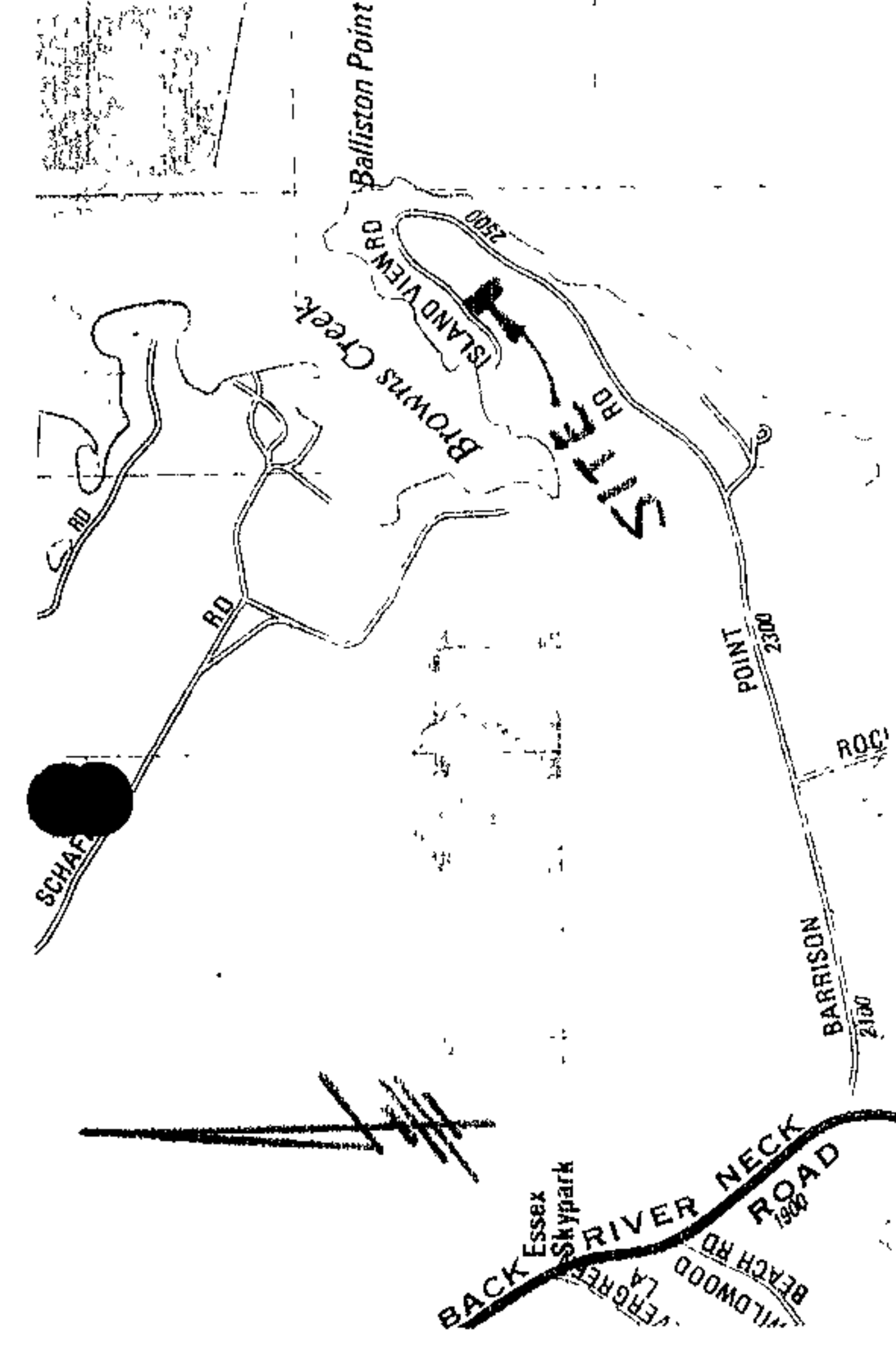
LOT 30 SECTION C  
BARRISON POINT P.B. 8 F. 82  
ELECTION DISTRICT 15C6 BALTO. CO., MD.  
SCALE: 1 INCH = 30 FEET JUNE 2, 2005





# NOTES

1. ZONING...RC.5 (MAP 105B2)
2. AREA.....8000 S.F. = 0.184 ACRE
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5. NO PREVIOUS ZONING HISTORY
6. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
7. BUILDING COVERAGE 13.8%



VICINITY MAP,  
SCALE 1" = 2000'

*Call for street frontage*  
 $\frac{713}{2} = 356.5$

OWNERS  
 JAMES S. BROWN &  
 DAVID M. DONOVAN  
 2502 ISLAND VIEW ROAD  
 BALTO., MD. 21221  
 DEED REF. L21445 F.114  
 ACCT NO. 1518000630

## PLAT TO ACCOMPANY PETITION FOR VARIANCE 2509 ISLAND VIEW ROAD

LOT 30 SECTION C  
 BARRISON POINT P.B. 8 F. 82  
 ELECTION DISTRICT 15C6 BALTO. CO., MD.  
 SCALE: 1 INCH = 30 FEET JUNE 2, 2005

