IN RE: PETITION FOR SPECIAL HEARING SE/S of Barrison Point Road, 780 feet NE

> Of Barrison Point/Island View 15th Election District 6th Councilmanic District

(2345 Barrison Point Road)

Murl A. Holt and Ester Ruth Holt **Petitioners**

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-639-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

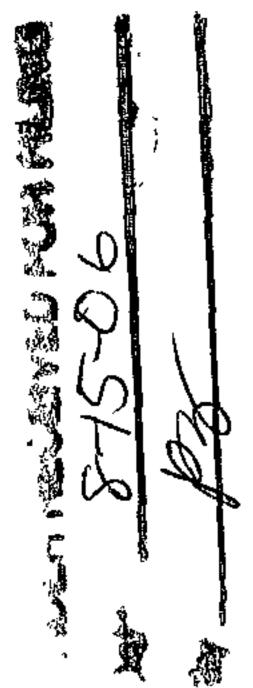
This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 2345 Barrison Point Road. The Petition was filed by Murl A. Holt and Ester Ruth Holt. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a principal building within 9 feet of a lot line other than a street line in lieu of the minimum 50 foot setback and any other nonconforming setback and area regulations of the existing building and lot.

The property was posted with Notice of Hearing on July 22 2006, 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 July 20, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. | Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.



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 letter was received from the Department of Environmental Planning and Resource Management dated July 21, 2006 which contains restrictions. A ZAC comment letter was received from the Bureau of Development Plans Review dated June 27, 2006 which contains restrictions. Copies of which are attached hereto and made a part hereof. A ZAC comment letter was received from the Planning Office dated August 7, 2006 which indicates the Office has reviewed the elevations for the proposed garage and finds them compatible with the RC 5 regulations. Copies of which are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were Murl A. Holt and Ester Ruth Holt, Petitioners. J. Scott Dallas, P.E., prepared the site plan. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

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The property contains 0.532 acres zoned R.C. 5 and is improved by the Petitioner's home as shown on exhibit 1. It is roughly rectangular in shape, and is approximately 260 feet long and 98 feet wide. The eastern side of the property fronts on Hawk Cove. The parcel is accessible from Barrison Point Road by way of a private road owned in common with several neighbors. Although the area is currently serviced by well and septic, Petitioner testified that the public sewer system would soon extend to the property.

Next to the dwelling is a detached carport as shown in Petitioner's exhibit 2. Petitioners seek to raze the existing carport and replace it with a two-story, attached garage. Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Code, requesting relief to build the new garage nine feet from the property line of their neighbor to the north in lieu of the 50 feet required in the R.C. 5 zone. The Petitioners noted that the other side of their home is 16 feet to the property line so that emergency vehicles can get to the water without difficulty.

Petitioners note that in replacing the existing carport, the new garage will actually be farther from the property line than the existing carport which is only 7 feet from the lot line. See Petitioner's exhibit 2, photographs showing the existing car port and distance to the nearest neighbors home. Petitioners urge that with such a narrow piece of property it is impossible for them to meet the R.C. 5 regulations requiring a 50 foot setback. They spoke to the neighbor most affected who had no objection to the request. They note that none of the other homes in the community meet the RC 5 setback requirements. In fact the garage on the adjacent property to the south is only 5 feet from the property line.

Findings of Fact and Conclusions of Law

DA CRANKE.

Pursuant to Section 1A04.3.B.1.b(1), the owner of a single lot recorded before September 9, 2003 may apply for a special hearing under Article 5 to alter the minimum lot size and setback requirements. It is clear from the evidence Petitioner's lot was recorded well before this date, and as such brings this application for special hearing. This office has traditionally examined such special hearing requests as petitions for variance, pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall comply with the ZAC comments of the Bureau of Development Plans Review dated June 27, 2006; and
- 3. The Petitioners shall comply with the ZAC comments of DEPRM dated July 21, 2006; and

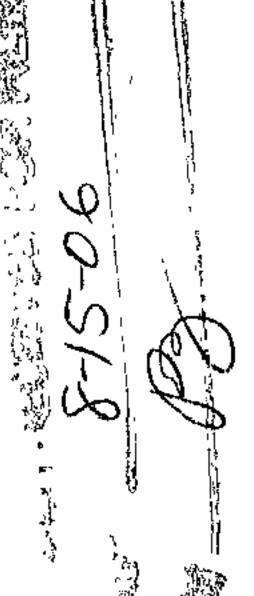
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

August 16, 2005

MURL A. AND ESTHER RUTH HOLT 2345 BARRISON POINT ROAD BALTIMORE MD 21221

Re: Petition for \$pecial Hearing and Variance

Case No. 06-639-SPH

Property: 23|45 Barrison Point Road

Dear Mr. and Mrs. Holt:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and Variance has been granted with restrictions 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

John V. Murphy/492

for Baltimore County

JVM:nz

Enclosure

c: J. Scott Dallas, PO Box 26, Baldwin MD 21013

8-15-06 F



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

	'fo	r the property located at _	# 234	5 Barri	son Point	Road
Thous.	CHS est	which is	presentl	y zoned	RC 5	·····
This Petition owner(s) of the	shall be filed with the Depart	ment of Permits and Develo	pment Ma	anagement	. The undersig	ned, leg

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

building within 9 feet of a lot line other than a street line in lieu of the minimum 50 foot setback and any other non-conforming setback and area regulations of the existing building and lot.

CIAOH.3.B.I.b.1) BCZR

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

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

	CHART WALL WAS EMPT	Rev	UNAVAILABLE FOR HE iewed By	EARING	2-06
Case No. OG-	-639-5PH		ESTIMATED LENGTH	_	· · · · · · · · · · · · · · · · · · ·
	•			USE ONLY	
City	State	Zip Code	City	State	Zip Code
Address		Telephone No.	Address Baldwin	MD 210	Telephone No.
Company			Name P. O. Box 26	410-81	7-4600
Signature			Representative to be J. Scott Dal		
Name - Type or Print			City	State	Zip Code
	<u>rier:</u>		Address Baltimore	MD · 212	Telephone No.
Attorney For Petitio	State	Zìp Code	Signature 2345 Barrison	Doint Dd	(410- 391-0451
Address	Ctata	Telephone No.	Name - Type or Print		
Signature	······································		Signature (Esther Ruth H	olt,	
Name - Type or Print			Name - Type or Print	1 1 L	
<u>Contract Purchaser</u>	<u>/Lessee:</u>		<u>Legal Owner(s):</u> Murl A. Holt	•	
			I/We do solemnly declare an perjury, that I/we are the leg- is the subject of this Petition	al owner(s) of the :	penalties of property which

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

P.O. BOX 26 BALDWIN, MD 21013 (410) 817-4600 FAX (410) 817-4602

ZONING DESCRIPTION #2345 BARRISON POINT ROAD

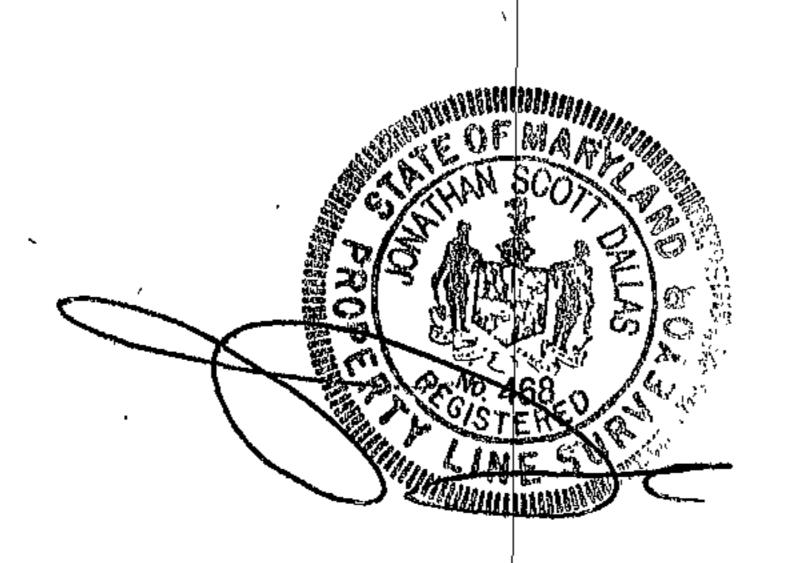
BEGINNING for the same it a point in the center of a "right of way heretofore laid out 20.00 feet wide", at a point distant 780 feet, Barrison Point Road as paved 18 feet more or less northeast from the southeast side of Barrison Point Road as paved 18 feet more or less. As recorded in a deed for that parcel of land dated May 22, 2002 and recorded among the Land Records of Baltimore County in Liber S.M. No. 16438 folio 437 etc. thence running with and binding on said center of a "right of way heretofore laid out 20.00 feet wide" (1) with and binding on said center of a "right of way heretofore laid out 20.00 feet wide" (1) South 53 degrees 40 minutes 30 seconds West 100.00 feet thence (2) South 60 degrees 31 minutes 30 seconds East 263.46 feet to the waters of Hawk Cove thence binding on the waters of said cove (3) North 38 degrees 24 minutes East 95.58 feet thence (4) North 61 degrees 18 minutes West 237.32 feet to the place of beginning.

CONTAINING 23194 square feet or 0.532 acres of land, more or less.

BEING all of that parcel which by dated May 22, 2002 and recorded among the Land Records of Baltimore County in Liber S.M. No. 16438 folio 437 etc. was conveyed by Nancy W. Weber to Murl A. Holt and wife.

ALSO known as # **2345** Barrison Point Road and located in the 15th Election District 6th Councilmanic District.

Note: above description is for zoning purposes only.



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BALLINGRE COUNTY, MA OFFICE OF BUDGET & FINANC MISCELLANEOUS RECEIP								
BALLIMO OFFICE OF MISCELL					$\begin{pmatrix} \gamma & 0 \\ \gamma & 0 \end{pmatrix} \begin{pmatrix} \gamma & \gamma \\ \gamma & 0 \end{pmatrix}$			WHITE - CASHIER

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: #06-639-8PH

2345 Barrison Point Road

Southeast side of Barrison Point Road, 780 feet north-east of Barrison Point/Island View

east of Barrison Point/Island View
15th Election District — 6th Councilmanic District
Legal Owner(s): Muri A. & Esther Ruth Holt
Special Hearing to permit a principal building within 9
feet of a lot line other than a street line in lieu of the minimum 50 foot setback and any other non-conforming setback and area regulations of the existing building and lot.
Hearing: Monday, August 7, 2006 at 11:00 a.m. in
Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

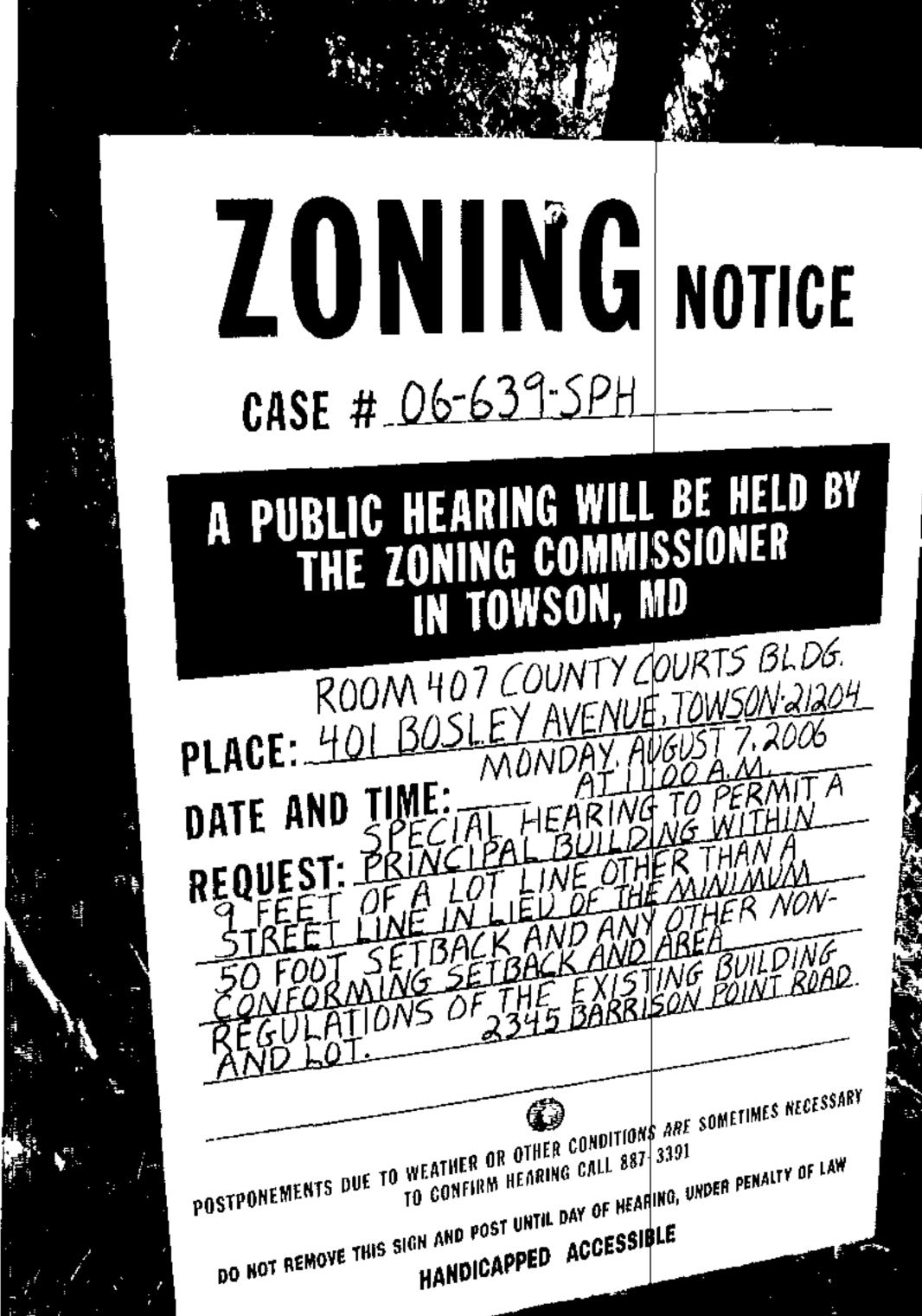
CERTIFICATE OF PUBLICATION

7/20,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 7 20 ,20 <u>06</u> .
The Jeffersonian
🗖 Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilking

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS DATE: 7/24/06 Case Number: 06-639-SPH Petitioner/Developer: MR. & MRS. HOLT ~ J. SCOTT DALLAS Date of Hearing (Closing): 08/07/06 This is to certify under the penalties of perjury that the necessary sign(s) rested conspicuously on the property located at: 2345 BARRISON POINT ROAF The sign(s) were posted on: 7/22/06 ZONING NOTICE (Signature of Sign Poster) CASE # 06-639-SPH Linda O'Keefe A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER (Printed Name of Sign Poster) IN TOWSON, MD 523 Penny Lane



(Street Address of Sign Poster)

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

410-666-5366 (Telephone Number of Sign Poster) TO: PATUXENT PUBLISHING COMPANY
Thursday, July 20, 2006 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Murl A. Holt 2345 Barrison Point Road Baltimore, MD 21221

410-391-0451

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: 06-639-SPH

2345 Barrison Point Road

Southeast side of Barrison Point Road, 780 feet northeast of Barrison Point/Island View 15th Election District – 6th Councilmanic District

Legal Owners: Murl A. & Esther Ruth Holt

Special Hearing to permit a principal building within 9 feet of a lot line other than a street line in lieu of the minimum 50 foot setback and any other non-conforming setback and area regulations of the existing building and lot.

Hearing: Monday, August 7, 2006 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

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





Baltimore County

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

June 20, 2006

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: 06-639-SPH

2345 Barrison Point Road

Southeast side of Barrison Point Road, 780 feet northeast of Barrison Point/Island View

15th Election District – 6th Councilmanic District

Legal Owners: Murl A. & Esther Ruth Holt

Special Hearing to permit a principal building within 9 feet of a lot line other than a street line in lieu of the minimum 50 foot setback and any other non-conforming setback and area regulations of the existing building and lot.

Hearing: Monday, August 7, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. & Mrs. Holt, 2345 Barrison Point Road, Baltimore 21221 J. Scott Dallas, P.O. Box 26, Baldwin 21013

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 22, 2006.

- (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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newsp	aper Advertising:	
Item Numbe	er or Case Number:	06-639 -5PH
Petitioner:	Mr. Murl	A. Holt and Mrs. Esther Ruth Holt
Address or	Location: #234	Barrison Point Rd.
PLEASE FO	DRWARD ADVERT	ISING BILL TO:
Name:	Mr. & Mrs. M	url A. Holt
Address: _	2345 Barriso	n Point Road
	Baltimore, M	21221
Telephone I	Number: 410-	391-0451
	· · · · · · · · · · · · · · · · · · ·	

Revised 2/20/98 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and
Development Management

Murí A. Holt Esther Ruth Holt 2345 Barrison Point Road Baltimore, MD 21221

Dear Mr. and Mrs. Holt:

RE: Case Number: 06-639-SPH, 2345 Barrison Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 12, 2006.

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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. Callaball D

WCR:amf

Enclosures

c: People's Counsel

J. Scott Dallas P.O. Box 26 Baldwin 21013



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

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

June 20,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 19, 2006

Item Numbers: Item Number 611,621,624-637, 639-643

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.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 27, 2006

Department of Permits & Development

Management

DAY

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 21, 2006

Item No. 639

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

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

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

The building engineer shall require a permit for this project.

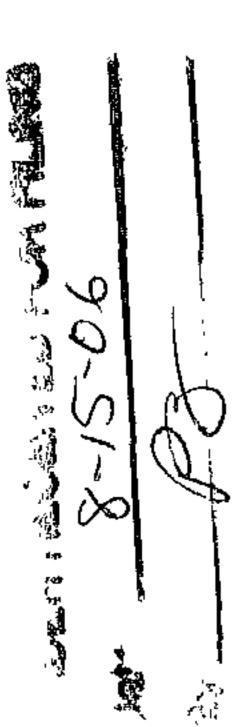
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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

DAK:CEN:clw

cc: File

ZAC-ITEM NO 639-06272006.doc



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination July

DATE:

July 21, 2006

SUBJECT:

Zoning Item # 06-639-SPH

Address

2345 Barrison Point Road

Baltimore, MD 21221

Zoning	Advisory	Committee	Meeting	of June	19.	2006
	I *** 1 IOOI 5	~~~~~~~~	1-1-4-4-4-4-5	~ L V 0-11 V	~ ~ 7	_ ,

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 33-3-101 through 33-β-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

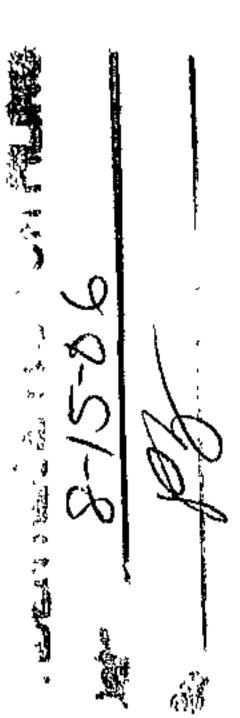
This property is within the Limited Development Area of the CBCA. Impervious surface area is limited to 5,445 square feet and 15% tree cover must be maintained.

Reviewer:

Kevin Brittingham

Date: July 10, 2006

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC |2006\ZAC 06-639-SPH.doc



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 7, 2006

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

AUG 0 7 2006

SUBJECT:

2435 Barrison Point Road

ZONING COMMISSIONER

INFORMATION:

Item Number:

06-639 SPH

Petitioner:

Murl and E. Ruth Holt, c/o J. Scott Dallas

Zoning:

RC 5

Requested Action: Special Hearing to approve a principal building within 9 feet of a lot line other than a street line in lieu of the minimum 50 foot setback and any other non-conforming setback and area regulations of the existing building and lot (Section 1A04.3.B.1.b.1)

SUMMARY OF RECOMMENDATIONS: The Office of Planning has reviewed the request and has no objections to granting the requested relief.

We have reviewed the building elevations for the proposed garage addition and find them to be compatible with the existing environment in scale, materials, color and design and to comply with the RC 5 compatibility requirements of the BCZR.

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

Prepared by:

Division Chief:

AFK/LL: CM

W:\DEVREV\ZAC\06-639.doc



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

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

JRF

Maryland Department of Transportation

RE:

Date: 6.20.06

Item No.

Baltimore County

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

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

1. J. Halle

Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING

2345 Barrison Point Rd; SE/S Barrison Point

Rd, 780' NE Barrison Point & Island View Rd*

15th Election & 6th Councilmani¢ Districts

Legal Owner(s): Murl & Ester Holt

* FOR

Petitioner(s)

BALTIMORE COUNTY

ZONING COMMISSIONER

06-639-SPH

BEFORE THE

* * * * * * * * * *

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 26th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, J. Scott Dallas, P.O. Box 26, Baldwin, MD 21013, Representative for Petitioner(s).

RECEIVED

26 2006

Per

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

DALLAS, INC.

SURVEYING & ENGINEERING

P.O. BOX 26 **BALDWIN, MD 21013** (410) 817-4600 FAX (410) 817-4602

Baltimore County Zoning Office Mr. Carl Richard, Supervisor Mr. Jun Fernando, Planner Room 111 County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 HAND DELIVER

> Re: #2345 Barrison Point Road Administrative Zoning Variance RC5 my job #06-1111

Dear Mr. Richard:

Special Hearing I have enclosed a check for \$65.00 with a complete Administrative Zoning Variance Package for filing. I was informed by Mr. Fernando that this project may be . acceptable for "flex time" review of package, disbursement of plans and scheduling. The project is consideration of a proposed addition to the existing dwelling to be 9 feet from the property line in lieu of the required minimum 50 feet. No neighborhood dwellings currently meet the 50 foot minimum setback requirement.

We are requesting the intake of the documents on a "flex time" schedule in order to process the variance as expediently as possible. You have accepted my variance packages through the flex-time schedule in the past.

Thank you for your consideration in this matter. Please respond at your earliest convenience so that we may proceed properly with the site development process.

Very truly yours,

J. Scott Dallas, Sr. President

encl.

Cc: Mr. & Mrs. Holt

DATE: 06/07/2006

STANDARD ASSESSMENT INQUIRY (1)

TIME: 09:20:55

CLASS PROPERTY NO. DIST GROUP

OCC. HISTORIC NO

LOAD DATE DEL

15 04 502241 15

3 – 0 34-00 01/04/06

HOLT MURL A HOLT ESTHER RUTH

DESC-1.. IMPS.532 AC REAR 210 FT DESC-2.. 2445FT E ROCKY POINT RD

RD

2345 BARRISON POINT RD

PREMISE. 02345 BARRISON POINT

00000-0000

BALTIMORE

MD 21221-6407 FORMER OWNER: WEBER NANCY W

	IN	PHASED			FCV	
PRIOR	CURR	CURR		PROPOSED	PRIOR	
ASSESS	ASSESS	FCV		165,290	101,290	LAND:
280,170	332,146	332,146	TOTAL	270,810	178,880	IMPV:
0	0	0	PREF	436,100	280,170	TOTL:
280,170	332,146	332,146	CURT	0	0	PREF:
0	0		EXEMPT.	436,100	280,170	CURT:
				00/05	10/00	13.74 m(z) .

10/03 08/05 DATE:

---- TAXABLE BASIS ----

FM DATE

ASSESS: 332,146

11/10/05

ASSESS: 280,170

ASSESS:

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 06/07/2006 STANDARD ASSESSMENT INQUIRY 2) TIME: 09:21:05 DEL LOAD DATE PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC 01/04/06 15 04 502241 15 3-0 34-00 H ИО BOOK... 0000 MAP.... 0105 LOT WIDTH.... 100.00 LOT... BLOCK.. FOLIO... 0000 GRID... 0015 LOT DEPTH..... .00 PARCEL.. 0008 LAND AREA.. 23173.000 S SECTION.. YEAR BUILT..... 81 PLAT.. -----EXEMPT DATA---------TRANSFER DATA-----STATUS..... NUMBER.... 234081 DATE..... 05/23/02 STATE EXEMPT CODE..... 000 PURCHASE PRICE.... 405,000 GROUND RENT......0 COUNTY EXEMPT CODE..... 000 CURR STATE EX ASMT.... DEED REF LIBER..... 16438 PRIOR STATE EX ASMI... DEED REF FOLIO..... 0437 CURR COUNTY EX ASMT... CONVEYED IND..... 9 PRIOR COUNTY EX ASMT.. TOT-PART TRAN IND..... T

15750 ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

CODE

CARD

NO

----STRUCTURE----

SQ. FEET

2005

GRANTOR ACCT NO.. 15-04-502241

YEAR

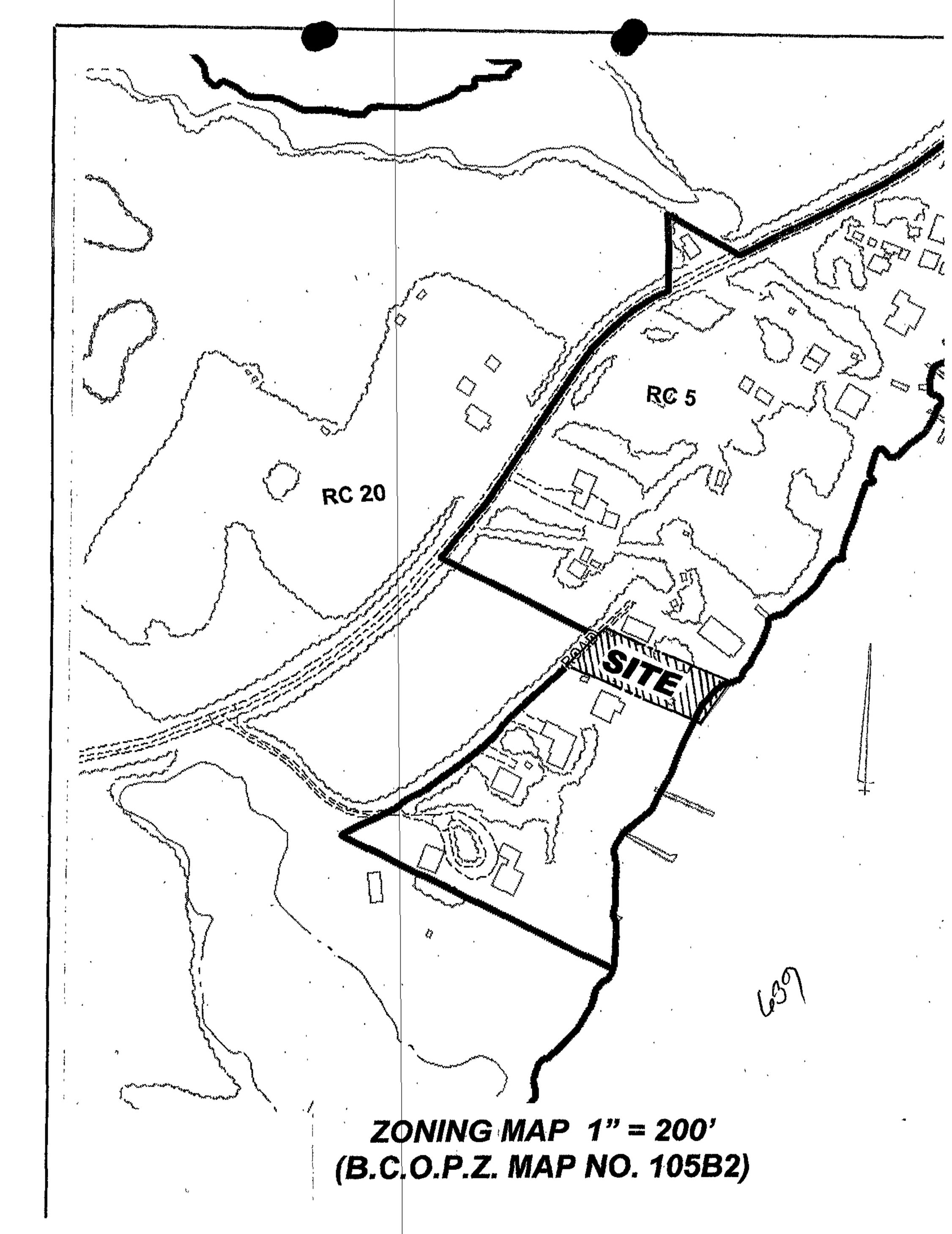
CRITICAL NEW CONST

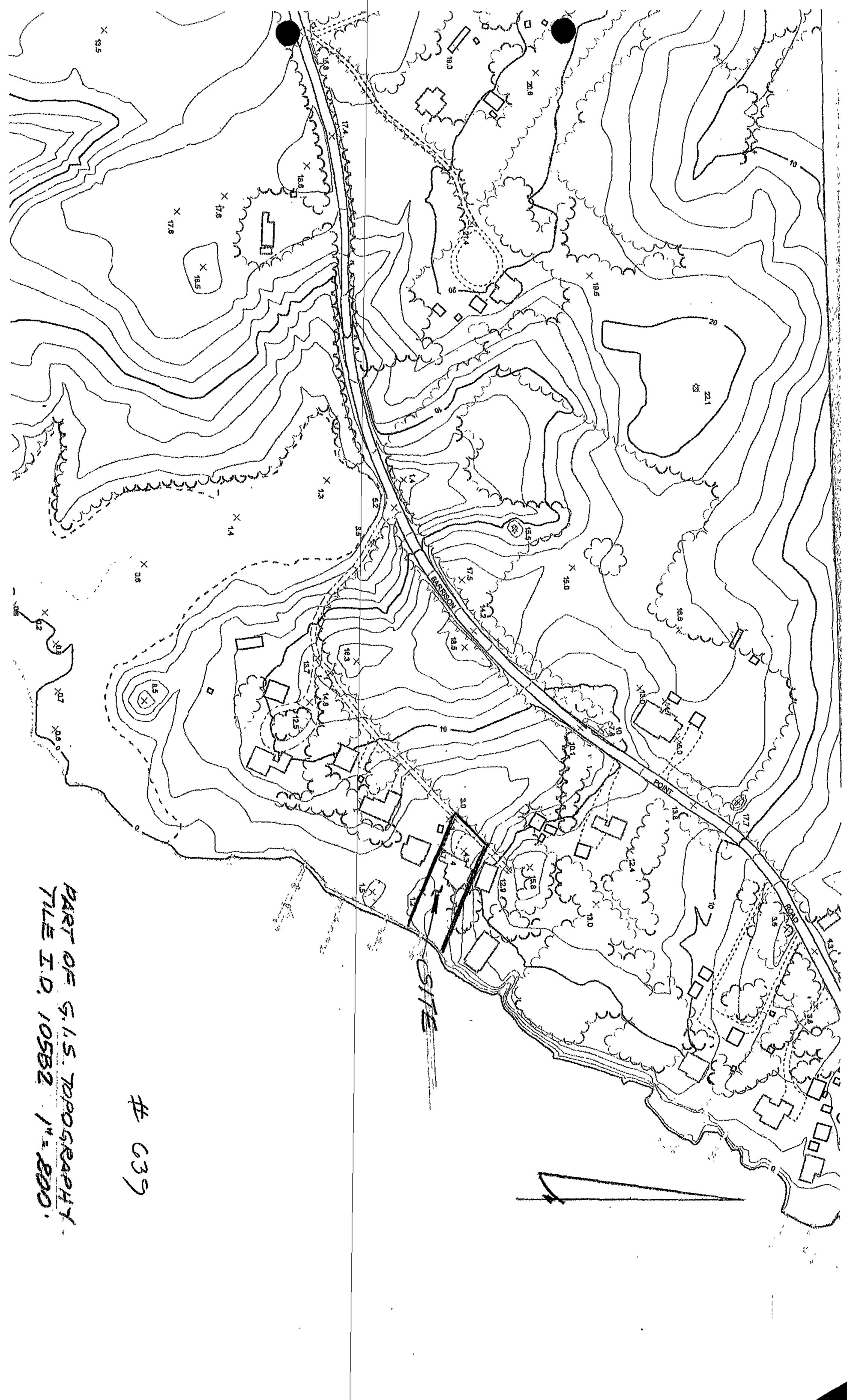
AREAS CODE

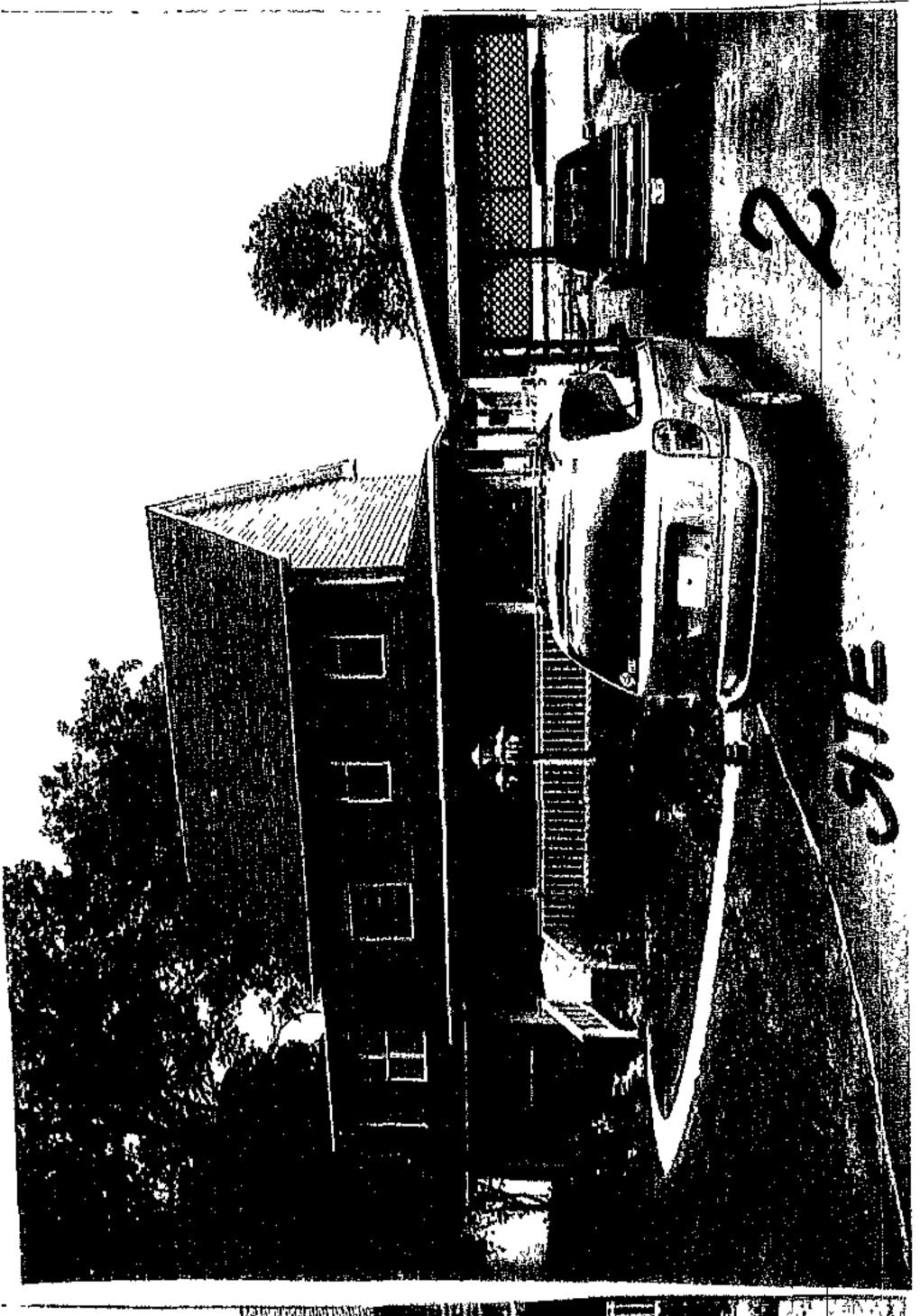
1	CASE NUMBER	CASE NAME

FELLICIER'S SIGN-IN SHEET

								MAME Insabel Alles Missour Hold	
								ADDRESS P.D. Box 76 2345 Samuer De Ra	
								Byddw. Mio 21013 Byddw. Mio 21013 Bydd. Mio 21331	
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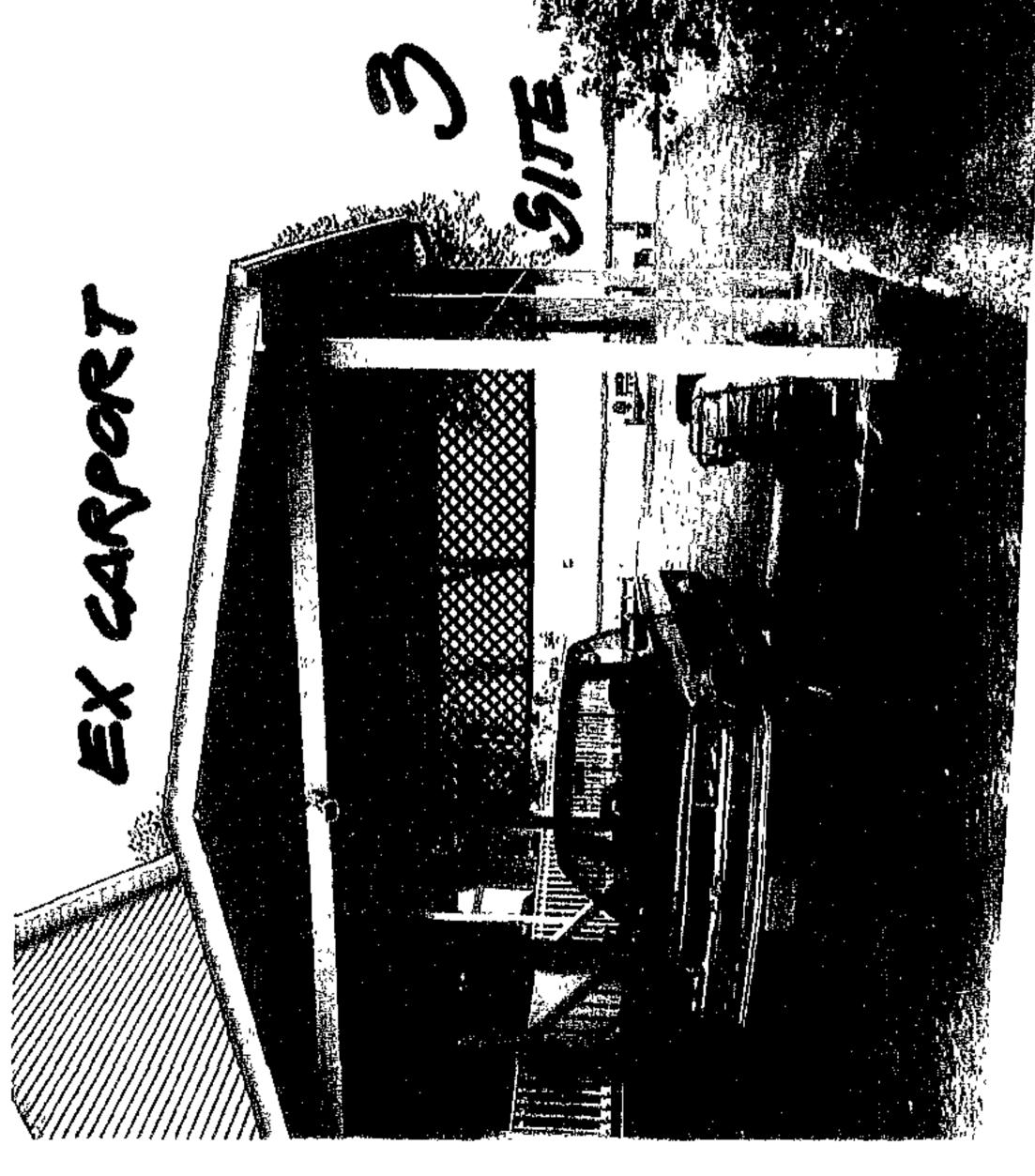


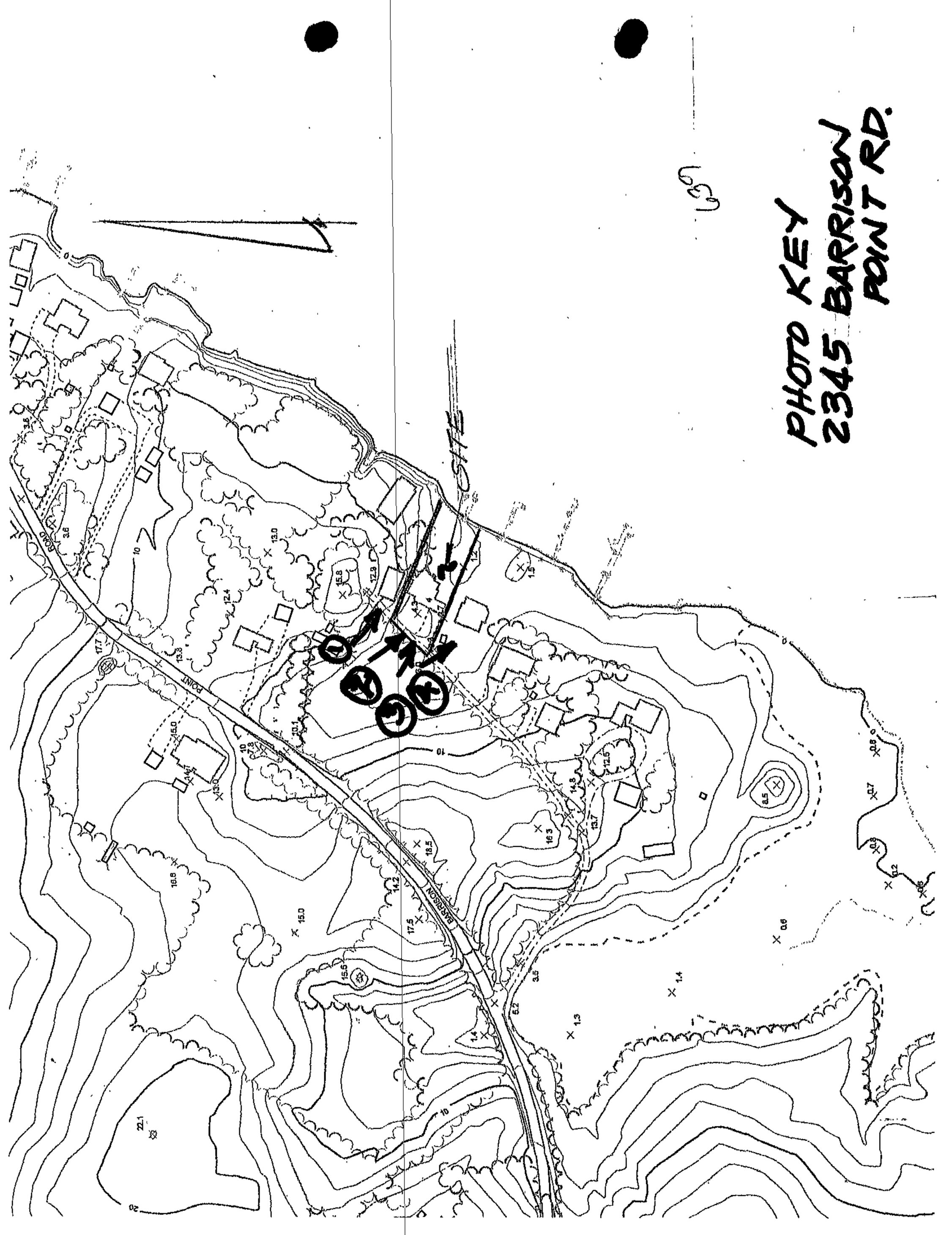












Examined in this light, I find that the property is unique from a zoning perspective having been recorded prior to the imposition of the RC 5 regulations. I further find that given characteristics of the lot in question, meeting the setback regulations of R.C. 5 zones would impose an undue hardship on Petitioners. With a width averaging less than 100 feet, strict adherence to the R.C. 5 setback regulations of 50 feet on this lot would prevent almost any sort of improvement to the property.

No parties appeared to protest the relief requested, and Petitioners indicated that the individual most affected, the neighbor to the north, was not opposed to granting this relief. Such a small setback will not have negative impacts on emergency vehicle access, as Petitioners' neighbor to the north has her home set back from their common property line, creating a passage of more than the ten feet necessary for emergency vehicles to pass through and access the eastern edges of these properties. All of the design characteristics and construction materials proposed in this garage are consistent with the nature and character of the surrounding neighborhood. Therefore, no negative impact on the surrounding area can be discerned at this time.

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 Petitioners' request for special hearing should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of August, 2006, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a principal building within 9 feet of a lot line other than a street line in lieu of the minimum 50 foot setback is hereby GRANTED subject to the following conditions: