E side Wilson Point Foad, 0 feet E c/l Geranium Place 15th Election District 6th Councilmanic District (1507 Wilson Point Road)

Teresa L. and Harry F. Horney, III Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-009-A

IN RE: PETITION FOR VARIANCE

E side Wilson Point Road, 0 feet E c/l Geranium Place 15th Election District 6th Councilmanic District (1509 Wilson Point Road)

Teresa L. and Harry F. Horney, III

Petitioner

Harold T. Stafford

Contract Purchaser

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-010-A

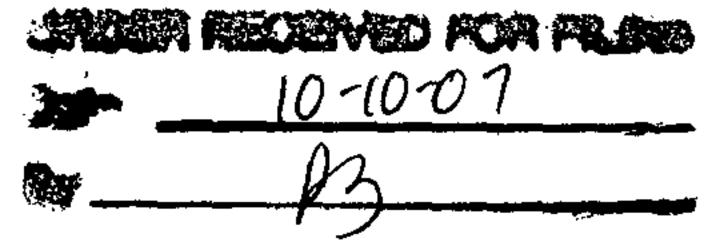
*

These matters come before this Deputy Zoning Commissioner for consideration of Petitions for Variance filed by the legal owner of the subject properties, Teresa L. and Harry F. Horney, III. In each case number, Petitioners are requesting the following variance relief:

Case No. 08-009-A: This is the property located at 1507 Wilson Point Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single-family dwelling with a lot width of 50 feet in lieu of the minimum required 55 feet.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitions in each case number were filed by the property owners at the time of the filing, Teresa L. and Harry F. Horney. In Case No. 08-010-A, there is also a Contract Purchaser listed as Harold T. Stafford. Since the filing of the Petitions, and according to a Real Property Data Search, on October 1, 2007, Mr. Stafford took ownership of the property located at 1509 Wilson Point Road. Hence he will be referred to along with Mr. and Mrs. Horney as "Petitioners" in Case No. 08-010-A.

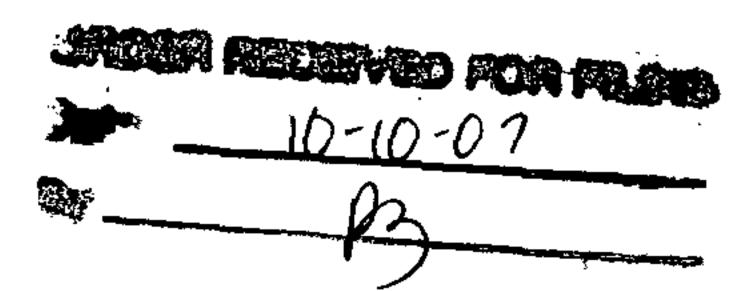


<u>Case No. 08-010-A</u>: This is the property located at 1509 Wilson Point Road. The variance request is from Section 1B02.3.C.1 of the B.C.Z.R. to permit a proposed single-family dwelling with a lot width of 50 feet in lieu of the minimum required 55 feet.

Appearing at the requisite public hearing in support of the variance requests were Petitioners Teresa L. and Harry F. Horney, III, and Harold T. Stafford, the current owner of the property located at 1509 Wilson Point Road. Also appearing as an interested citizen was Henry Rackl of 1511 Wilson Point Road. Near the conclusion of the hearing, the Contract Purchaser listed on the Petition for 1509 Wilson Point Road (and now the current owner of that property), Charles Stafford, appeared at the hearing.

Testimony and evidence offered revealed that the subject properties are adjacent rectangular-shaped lots, each approximately 50 feet wide by 355 feet deep, with approximately 17,250 square feet, or .39 acres more or less, and located in the Essex area of Baltimore County.

The property at 1507 Wilson Point Road is improved with an existing two-story framed dwelling. Petitioners desire variance relief for their existing dwelling to be situated on a lot width of 50 feet in lieu of the required 55 feet. Petitioners have owned the property since 1985 and in 1989 built a replacement dwelling on the site. Petitioners also purchased the property at 1509 Wilson Point Road in 1995. Shortly thereafter in 1997, Petitioners razed the dwelling that existed and anticipated developing that lot; however, following Hurricane Isabel and the attendant cleanup of the surrounding area that went with it, Petitioners' plans with the lot slowed down. In the interim, on October 1, 2007, Petitioners sold the property to Mr. Stafford, who desires to erect a house of his own on the property, but is in need of variance relief from the 55 foot lot width requirement in order to do so.

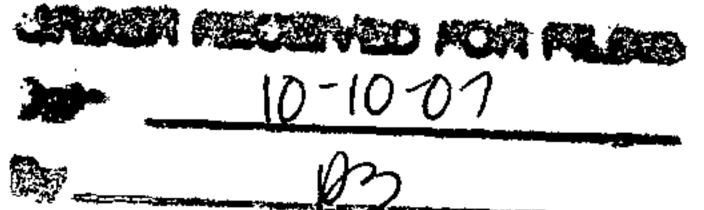


In support of their variance requests, Petitioners (including Mr. Stafford) point to the pattern of development of the neighborhood, which has largely been an ad hoc approach to development in the area. Simply put, almost every home originally built in the area in the 1930's and 40's sits on a 50 foot wide lot rather than the 55 foot lot required by the zoning regulations. In addition, most of the development has occurred in scenarios where these older, summer homes have been replaced over the years by newer, mostly two-story primary residences. Age and decay have contributed to the older homes being replaced by the new ones, and often damage caused by severe weather, e.g., Hurricane Isabel, has accelerated the new development process. In addition, Petitioners indicate they are unable to comply with the zoning regulations because they no longer own adjacent property such that they could "borrow" from that property in order to meet the minimum width requirement.

Mr. Rackl, the adjacent property owner at 1511 Wilson Point Road, did not express any opposition to the variance requests or to Mr. Stafford's purchase of the 1509 Wilson Point Road property and his desire to erect a dwelling on the property. Mr. Rackl's main purpose in attending the hearing was to express his desire that the side yard setback be maintained to at least the 10 feet reflected on the site plan. In response, Petitioners and in particular Mr. Stafford assured Mr. Rackl that the 10 foot side yard setback would be maintained.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comment dated July 20, 2007 from the Office of Planning indicates the Office determined that Petitioner owns sufficient adjoining land to conform to the minimum width and area requirements²; however, there appear to be several existing undersized lots in the neighborhood. As such, the Office does not oppose Petitioners' requests. The comment further

² Though this is no longer the case because Mr. and Mrs. Horney sold their adjacent lot to Mr. Stafford on October 1, 2007.

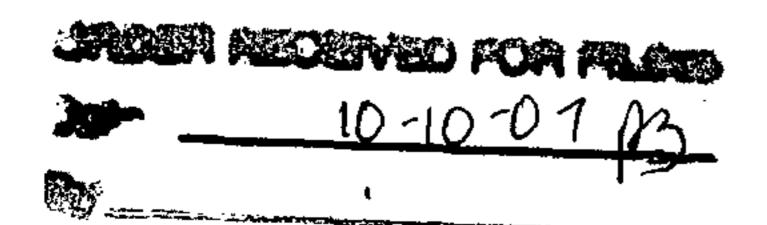


indicates that Petitioners shall submit building elevations for review and approval prior to the issuance of any building permit, the proposed buildings shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area, and landscaping shall be provided along the public road. The comment dated September 7, 2007 from the Department of Environmental Protection and Resource Management (DEPRM) indicates that development of the properties must comply with Chesapeake Bay Critical Area Regulations. In addition, the comment indicates that the properties are located within a Limited Development Area (LDA) and must meet all LDA requirements; impervious surfaces must be limited to 31.25% of the site; 15% afforestation must be addressed; and the property is also within a Buffer Management Area (BMA) and must meet all BMA requirements.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structures which are the subject of the variance requests. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship to Petitioners. The exiting lots were created many years ago as 50 foot wide lots, and Petitioners have no means of strictly complying with the lot width requirement.

Finally, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioners variance requests should be granted.



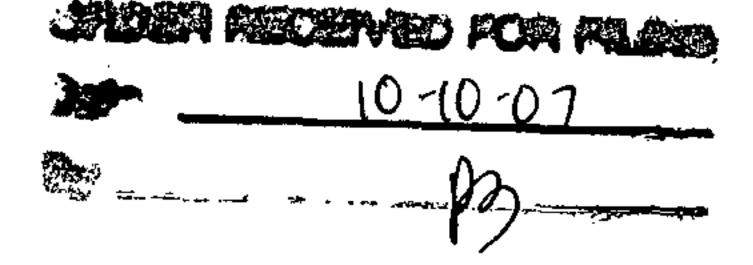
THEREFORE, IT IS ORDERED, this ______ day of October, 2007, by this Deputy Zoning Commissioner, that variance relief for properties set forth as follows:

<u>Case No. 08-009-A</u>: For the property located at 1507 Wilson Point Road, the variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C,Z.R.) to permit an existing single-family dwelling with a lot width of 50 feet in lieu of the minimum required 55 feet is hereby GRANTED; and

<u>Case No. 08-010-A</u>: For the property located at 1509 Wilson Point Road, the variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed single-family dwelling with a lot width of 50 feet in lieu of the minimum required 55 is hereby GRANTED.

Both properties are subject, however, to the following conditions precedent to the relief granted herein:

- 1. Petitioners may apply for their building permits 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, Petitioners will be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioners shall submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permits. The existing and proposed dwellings shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area, and landscaping shall be provided along the public road.
- 3. Each of the dwellings shall maintain a 10 foot side yard setback in accordance with the site plan marked and accepted into evidence as Petitioners' Exhibit 3.
- 4. In accordance with DEPRM requirements, development of the properties must comply with Chesapeake Bay Critical Area Regulations. In addition, the properties are located within a Limited Development Area (LDA) and must meet all LDA requirements; impervious surfaces must be limited to 31.25% of the site; 15% afforestation must be addressed; and the property must meet all Buffer Management Area (BMA) requirements.



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

THOMAS H. BOSTW

Deputy Zoning Commissioner

for Baltimore County

THB:pz

10-10-07 10-12-07



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 10, 2007

TERESA L. AND HARRY F. HORNEY, III 1507 WILSON POINT ROAD BALTIMORE MD 21220

Re: Petitions for Variance

Case No. 08-009-A and 08-010-A

Property: 1507 Wilson Point Road and 1509 Wilson Point Road

Dear Mr. and Mrs. Horney:

Enclosed please find the decision rendered in the above-captioned case.

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure.

c: Harold T. Stafford, 9852 Bird River Road, Baltimore MD 21220 Henry Rackl, 1511 Wilson Point Road, Baltimore MD 21220



REV 9/15/9

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the pro	operty located at 1507 William Point (W
	which is presently zoned D12.5.5
Of the broberty situate in Baltimore County and which is do	s and Development Management. The undersigned, legal owner(s) scribed in the description and plat attached hereto and made a part
Single family dwelling with a lovery required 55 ft.	1BO2.3.C.1 to permit an existing width of so ft. in lieu of the minim
home 9 + 1509 wilson Pt M Exp /+ f + in Place, Hurricane damage Property is to be posted and advertised as prescribed by the	law of Baltimore County, for the following reasons: (indicate hardship a farms permit for a falling strong for a falling to bulkheed was extensive to bulkheed was extensive to coming regulations. The posting, etc. and further agree to and are to be bounded by the zoning of the zoning law for Baltimore County.
I/We perjury, that I is the subject of this Pe	e do solemnly declare and affirm, under the penalties of we are the legal owner(s) of the property which etition.
Contract Purchaser/Lessee:	Legal Owner(s):
Harold T. 5+afford	Harry F Horney TEL
Name - Type or Print	Name - Type or Print
Signature CA CA CA	Signature (52)
485215,74 K: Uer Kol. 443-829-74 Address Telephone No.	Name Type or Print
Baltimore, md 21220	Leisa & Horney
City State Zip Code	Signature 1507. W. (son Point a 780.601
Attorney For Petitioner:	Address Address Telephone No.
Name - Type or Print	Jalfo No 212とつ City State Zip Code
	State Zip Code Representative to be Contacted:
Signature	Nepresentative to be contacted.
Company	Name
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 2 De See Quig- A	ESTIMATED LENGTH OF HEARING

NOTICE OF ZONING HEARING

he Zoning Commissioner of Baltimore County, by aurity of the Zoning Act and Regulations of Baltimore anty will hold a public hearing in Towson, Maryland on property identified herein as follows:

Sase: #08-009-A

1507 Wilson Point Road

5-side of Wilson Point Road

6-side of Wilson Point Road

7-side of W

ng: Monday, September 19, 2007 at 9:00 a.m. In 407, County Courts Building, 401 Bostey Aver Towson 21204.

WILLIAM J. WISEMAN, III.

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handlcapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

JT/8/687 Aug. 21

7002

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing newspaper published in Baltimore County, Md., in the following weekly once in each of ç

X The Jeffersonian

Arbutus Times

Catonsville Times

Times Towson

Owings Mills Times

NE Booster/Reporter

North County News

Mulus

LEGAL ADVERTISING

Zoning Description

In the subdivision of Wilson Point. Starting on the east side of Wilson Point Rd. which is 39' wide. this point is 60ft. northeast of the nearest intersecting street which is known as Geranium and is 30ft. wide. This property is known as 1507 Wilson Point Rd. Recorded as lot # 80A Plat Book #10 folio # 26

Lot size is .39 ac. or 17,250 sq. ft. Located in the 15th Election District, 6th Councilmanic District

From: Rec Fund E C - CASHIER Sco Agcy Source C Rev Sub င္သ Re Q ā 혖 Date: A CC ВŞ CUSTOMER \$1.W.W SEC. ERIFICATIO 18. S

CERTIFICATE OF POSTING

	RE: Case No.: 08-009-4
	Petitioner/Developer: HARLY 4
	TENESA HOLNEY TIL Date of Hearing/Closing: 2-10-07
Baltimore County Department of Permits and Development Management	
County Office Building, Room 111 111 West Chesapeake Avenue	
Towson, Maryland 21204	

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

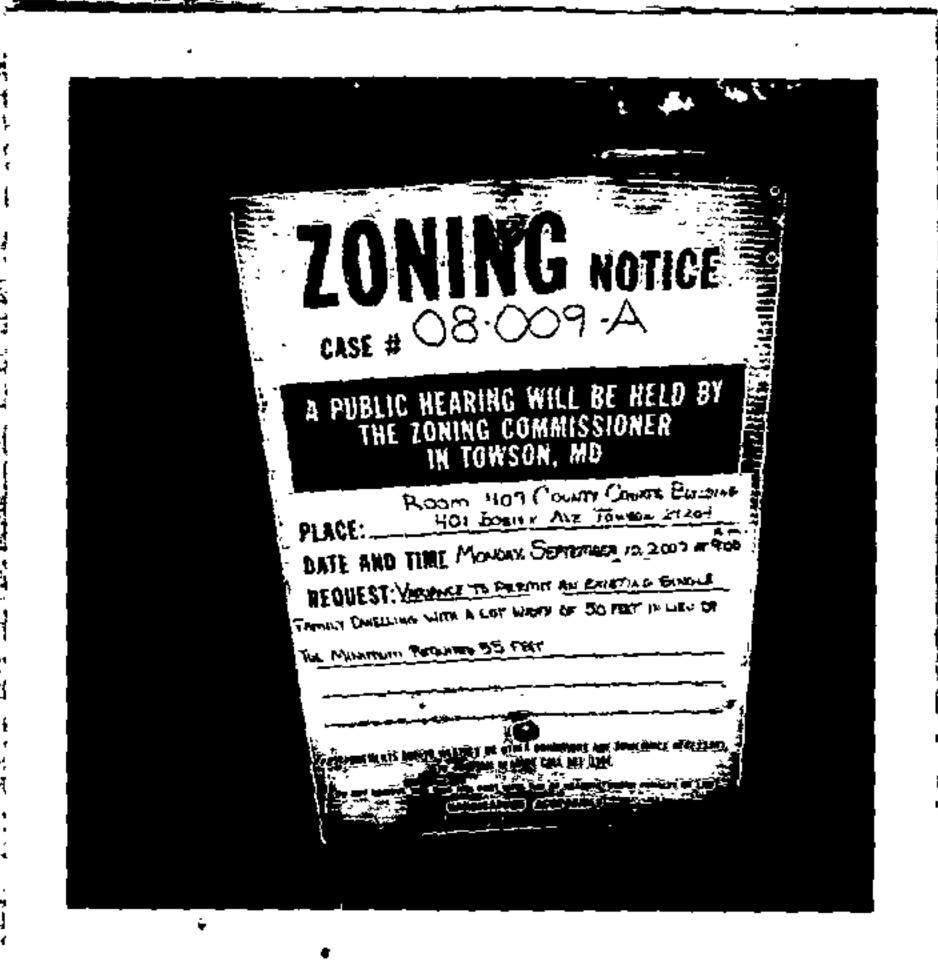
Ladies and Gentlemen:

The state of the s

The sign(s) were posted on ___

(Month, Day, Year)

Sincerely,



Line Rock	() () () () () () () () () () () () () (
(Signature of Sign Poster)	8.22-07 (Date)
SSG Robert Black	ا الله الله الله الله الله الله الله ال
-(Print Name)	
1508 Leslie Road	· · · · · · · · · · · · · · · · · · ·
(Address)	
Dundalk, Maryland 2122	22
(City, State, Zip Code)
(410) 282-7940	•
(Telephone Number)	,



JAMES T. SMITH, JR. County Executive

July 27, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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: 08-009-A

1507 Wilson Point Road

E/side of Wilson Point Road, 0 feet east centerline of Geranium Place

15th Election District – 6th Councilmanic District

Legal Owners: Harry & Teresa Horney, III

Contract Purchaser: Harold T. Stafford

Variance to permit an existing single family dwelling with a lot width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Monday, September 10, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Harry & Teresa Horney, III, 1507 Wilson Road, Baltimore 21220 Harold Stafford, 9852 Bird River Road, Baltimore 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 21, 2007.

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 21, 2007 Issue - Jeffersonian

Please forward billing to:

Harry Horney, III 1507 Wilson Point Road Baltimore, MD 21220 410-780-6010

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: 08-009-A

1507 Wilson Point Road

E/side of Wilson Point Road, 0 feet east centerline of Geranium Place

15th Election District – 6th Councilmanic District

Legal Owners: Harry & Teresa Horney, III Contract Purchaser: Harold T. Stafford

<u>Variance</u> to permit an existing single family dwelling with a lot width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Monday, September 10, 2007 at 9:00 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 <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 Newspaper Advertising:										
Item Number or Case Number: 08 -009- A										
Petitioner: Harry F Horney TT										
Address or Location: 1507 Wilson Point RU										
PLEASE FORWARD ADVERTISING BILL TO:										
Name: Harry F Horver										
Address: 1507 Wilson Point Ru										
Balto, Md 21220										
Telephone Number: 410-780-6010										



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 5, 2007

Harry F. Horney, III Teresa L. Norney 1507 Wilson Point Road Baltimore, MD 21220

Dear Mr. and Mrs. Horney:

RE: Case Number: 08-009-A, 1507 Wilson Point Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 5, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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,

u. Calliball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Harold T. Stafford 9852 Bird River Road Baltimore 21220



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

July 19, 2007

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

RE: Baltimore County Item No. 08-9-A

MD 587 (Wilson Point Road) opposite Geranium Road 1507 Wilson Point Road

Variance - To permit an existing dwelling in lieu of the required

55' lot width.

Dear Ms. Matthews:

This is in reference to our ongoing review of the ZAC Agenda plan on the subject of the above captioned. We understand that the aforementioned submission illustrates request to create a residential dwelling constructed on a 0.39 acre lot.

Based on further review and evaluation of the existing driveway entrance onto the property from MD 587 the inspection reveals that a permit is not required for access to MD 587 (Wilson Point Road). Please include our remarks in your staff report to the Zoning Hearing Examiner.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

L Steven D. Foste

A. Foster

Engineering Access Permits

Division

SDF/MB

Cc: Mr. Harry F. Horney, III, Applicant

Mrs. Teresa L. Horney, Applicant

Mr. John Murphy, Zoning Commissioner, Baltimore County

Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

Mr. Eric Lincoln, RME-Owings Mills, SHA

My telephone number/toll-free number is _

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 18, 2007

Management

FROM:

Dennis A. Kennedy, Supervisor W. Bureau of Development Plans Review

Department of Permits & Development

SUBJECT:

Zoning Advisory Committee Meeting

For July 20, 2007

Item Nos. 07-470, 08-001, 002, 003, 004, 005, 006, 007, 008, 009, 011, 012, 013, 014, 015, 016, 017, 018 and 019

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-07202007.doc

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

July 17, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 16, 2007

Item No.: 001, 003, 004, 007, 008, 009, 010, 011, 012, 013, 014, 016, 017, 018, 019

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

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.

> Acting Lieutenant William F. Connolly Jr. Fire Marshal's Office (O)410-887-4881 (C)443-829-29 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 20, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 8-009 and 8-010- Variance

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

- 1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 2. Provide landscaping along the public road.

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

CM/LL

RE: PETITION FOR VARIANCE

1507 Wilson Point Road; E/S Wilson Point

Road, 0' E c/line Geranium Place

15th Election & 6th Councilmanic Districts

Legal Owner(s): Teresa & Harry Horney, III *

Contract Purchaser(s): Harold T. Stafford

Petitioner(s)

BEFORE THE BOARD

OF APPEALS

FOR

BALTIMORE COUNTY

08-009-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 26th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to, Harry & Teresa Horney, 1507 Wilson Point Road, Baltimore, MD 21220 and Harold Stafford, 9852 Bird River Road, Baltimore, MD 21220, Petitioner(s).

RECEIVED

JUL 2-6 2007

PETER MAX ZIMMERMAN

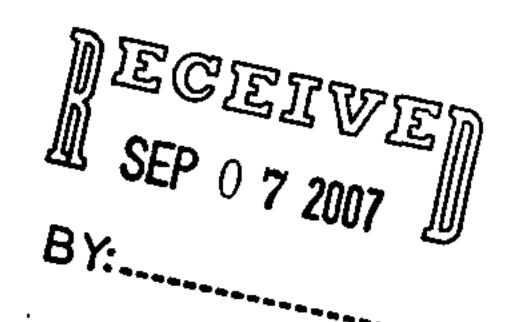
People's Counsel for Baltimore County

Per.....

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence





TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination JW

DATE:

September 7, 2007

SUBJECT:

Zoning Item #\(^08\)-08-09-A

Address

1507 Wilson Point Road

(Horney Property)

Zoning Advisory Committee Meeting of July 16, 2007

____ 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 33-3-120 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:

The property is within a Limited Development Area (LDA) and must meet all LDA requirements. Impervious surfaces are limited to 31.25% of the site. 15% afforestation must be addressed. The property is also within a Buffer Management Area (BMA) and must meet all BMA requirements.

Reviewer:

Regina Esslinger

Date: August 31, 2007

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-09-A.doc

TB 9/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: July 20, 2007

IECEIVE Iul 30 2007

BY:_____

SUBJECT:

Zoning Advisory Petition(s): Case(s) 8-009 and 8-010- Variance

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

- 1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 2. Provide landscaping along the public road.

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

Prepared By:

Division Chief:

CM/LL



Martin O'Malley, Governor

Anthony G. Brown, Lt. Governor



John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

July 19, 2007

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

RE: Baltimore County

Item No. 08-9-A

MD 587 (Wilson Point Road)
opposite Geranium Road
1507 Wilson Point Road

Variance - To permit an existing dwelling in lieu of the required

55' lot width.

Dear Ms. Matthews:

This is in reference to our ongoing review of the ZAC Agenda plan on the subject of the above captioned. We understand that the aforementioned submission illustrates request to create a residential dwelling constructed on a 0.39 acre lot.

Based on further review and evaluation of the existing driveway entrance onto the property from MD 587 the inspection reveals that a permit is not required for access to MD 587 (Wilson Point Road). Please include our remarks in your staff report to the Zoning Hearing Examiner.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

* Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

Cc: Mr. Harry F. Horney, III, Applicant

Mrs. Teresa L. Horney, Applicant

(Mr. John Murphy, Zoning Commissioner, Baltimore County

Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

Mr. Eric Lincoln, RME-Owings Mills, SHA

 From:

Thomas Bostwick

To:

Zook, Patricia

Date:

9/6/2007 4:57:01 PM

Subject:

Case for Monday - 08-009-A

Patti,

Is there a related or companion case to the above-referenced one?

In a letter in the file, Petitioner references Case No. 08-010. Also, in the Planning comments, it refers to the instant Case No. 08-009, as well as 08-010. Can you check that out? I'll be in early on Monday to look the file over, so there are no surprises for me.

Thanks. Tom.





Patricia Zook - Case 08-009-A - hearing is Monday September 10 - DEPRM comments needed for Tom

From:

Patricia Zook

To:

Livingston, Jeffrey

Date:

9/6/2007 4:13:57 PM

Subject:

Case 08-009-A – hearing is Monday September 10 – DEPRM comments needed for Tom

Hi Jeff -

We need comments from DEPRM for the above-referenced case. The property is located at 1507 Wilson Point Road.

Thanks.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

CASE NUMBER: 8-009-A 1507 Wilson Point Road

Location: E side Wilson Point Foad, 0 feet E c/l Geranium Place.

15th Election District, 6th Councilmanic District Legal Owner: Teresa L. and Harry F. Horney, III

Contract Purchaser: Harold T. Stafford

VARIANCE To permit an existing single family dwelling with a lot width of 50 feet in lieu of the minimum required 55 feet.

Hearing: Wednesday, 9/5/2007 at 11:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204



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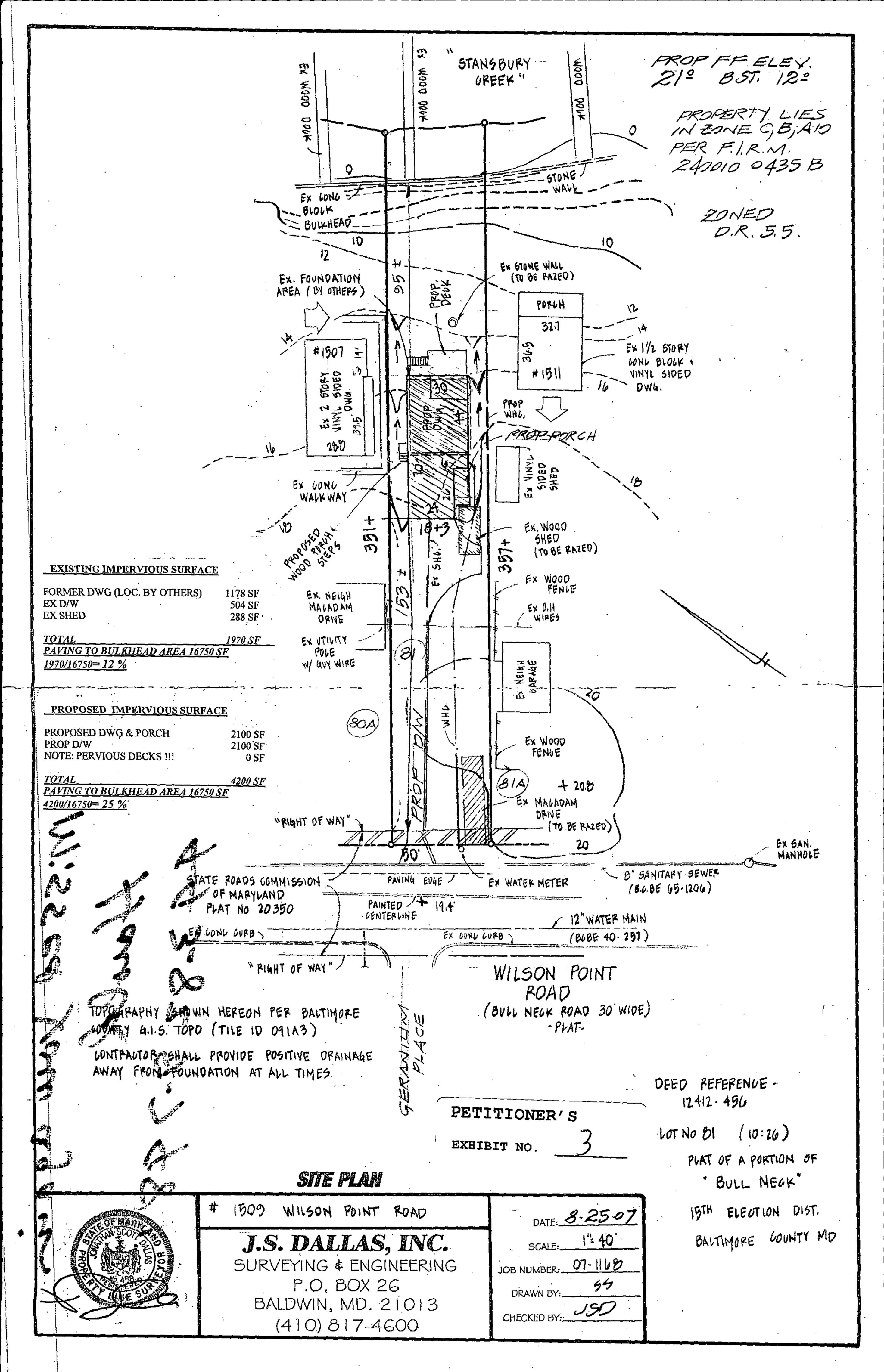
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