

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

* * * * * * * * * * *

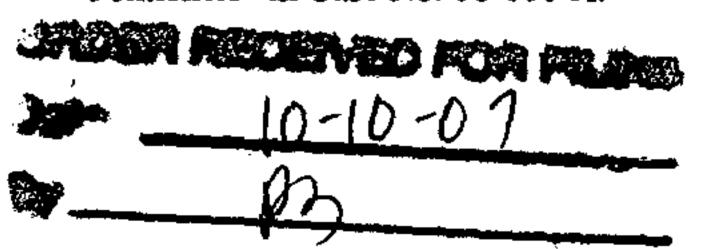
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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.¹ 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.

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.

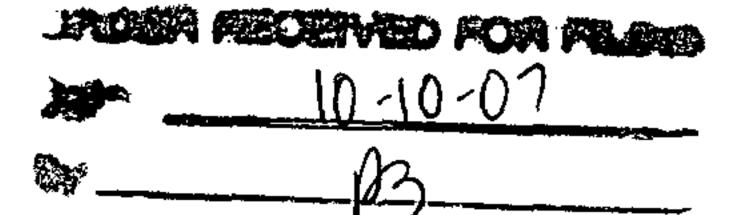


<u>Case No. 08-010-A</u>: This is the property located at 1509 Wilson Point Road. The variance request is from Section 1B02.3.C.1 of the B.C.Z.R. to permit a proposed single-family dwelling with a lot width of 50 feet in lieu of the minimum required 55 feet.

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.

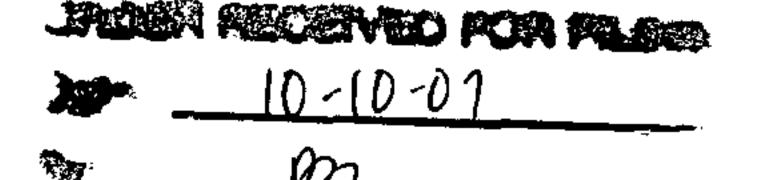


In support of their variance requests, Petitioners (including Mr. Stafford) point to the pattern of development of the neighborhood, which has largely been an ad hoc approach to development in the area. Simply put, almost every home originally built in the area in the 1930's and 40's sits on a 50 foot 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.

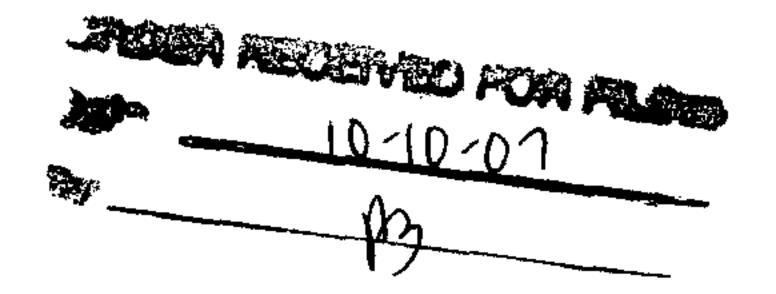


indicates that Petitioners shall submit building elevations for review and approval prior to the issuance of any building permit, the proposed buildings shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area, and landscaping 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.



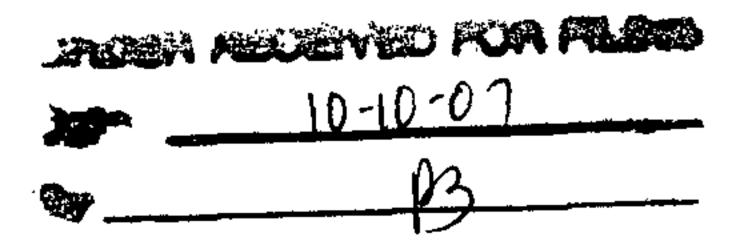
THEREFORE, IT IS ORDERED, this ______ day of October, 2007, by this Deputy Zoning Commissioner, that variance relief for properties set forth as follows:

Case No. 08-009-A: 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.

Deputy Zoning Commissioner for Baltimore County

THB:pz



CBCA. Petition for Variance

to the Zoning Commissioner of Baltimore County

		for the property loca	ted at	W1/50N/	Parat Ra
		whic	h is presently zon	ed 12.5.	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) 1 Boz. 3. (. ! 13 CZR + & Permit 9 Proposed single family dwelling with a rot might of 20 ft. IN lieu of the required 55 ft.

of the Zoning Regulations of Baltimore County, to the zoning Jaw of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) In 1998 I obtained A bottom's Permit For 9 Falling 1930's Home or practical difficulty) In 1978 & obtained in working foundation will stay in place
The razing permit states that the exisisting foundation will stay in place. Fue to extensive
For Future use. Sewar Line twater Line will stay in place, Due to extensive
bulkhead domage, there have been delays, we wish to retain building rights.

bulkhead domage, there have been delays, we wish to retain building rights would 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. be un Reasoned

> I/We do solemnly declare and affirm, under the penalties of periury, that I/we are the legal owner(s) of the property which

		is the subject of this Pe	tition.		
Contract Purchaser/L	_essee:	•	Legal Owner(s):		
Name - Type or Print	······································		Harry F. / Name - Type or Print	LORNGY TT	
Signature	· 		Signature	= 7 to zong T	<u></u>
Address		Telephone No.	Name - Type or Print	Horney(
City	State	Zip Code	Signature Signature	5, Harry	410
Attorney For Petition	<u>er:</u>		1507 W. (Address	Lson Point	Pul 780-60 Telephone No.
Name - Type or Print			City Balts	ر ل N State	ファフィン Zip Code
Signature	· · · · · · · · · · · · · · · · · · ·		Representative to	be Contacted:	
Company	 		Name	<u></u>	
Address	<u> </u>	Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
			OFF	ICE USE ONLY	
Casa Na - Qua	0.10-1		ESTIMATED LENGT	TH OF HEARING	
Case No. 2008 100 100 100 100 100 100 100 100 100	10-10-07	Reviewed By	UNAVAILABLE FOR	R HEARING te7	 -
VE & 2/ 10/30					

Zoning Description

In the subdivision of Wilson Point. Starting on the east side of Wilson Point Rd. which is 39' wide. this point is 0ft. east of the nearest intersecting street which is known as Geranium and is 30ft. wide. This property is known as 1509 Wilson Point Rd. Recorded as lot #81 Plat Book #10 folio #26 Lot size is .39 ac. or 17,200 sq. ft. Located in the 15th Election District, 6th Councilmanic District

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baitimore County, by authority of the Zoning Act and Regulations of Baitimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #08-010-A
1509 Wilson Point Road
Eside of Wilson Point Road, 0 feet east centerline of Geranium Place
15th Election District - 6th Councilmanic District
Legal Owner(s): Harry & Teresarhorney, liftegal Owner(s): Geet in lieu of the minimum required 55 feet.

Hearing: Monday, September 10, 2007 at 10:00 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 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/8/688 Aug. 21

THIS IS TO CERTIFY, that the annexed advertisement was published uccessive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., Ø, 202 once in each of 5

The Jeffersonian

- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter

North County News

Date Oga

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•

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· Total: Rec From:





CERTIFICATE OF POSTING

RE: Case No.: 08-010 Petitioner/Developer: HAROLD Date of Hearing/Closing: 9-10 · 67 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: The sign(s) were posted on 8-21:07 (Month, Day, Year) ncerely, 8-22-07 (Signature of Sign Poster) SSG Robert Black A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD (Print Name) PROOF 407 COUNTY COURTS BUILDING 401 BORES ALE TOWSON 21204 1508 Leslie Road DATE AND TIME MONEY, SEPTEMBER 10. 2007 OF 16 60 REQUEST: VARIABLE TO PERMIT A PROPERTY SHELL (Address) LOWER DOUTHER FILLS FOR MANAGE LO LEEL IN FIEL OF THE Dundalk, Maryland 21222 (City, State, Zip Code)

(410) 282-7940

(Telephone Number)





DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <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:	08-010-A
Petitioner: /-/arry /-	
Address or Location:	1509 Wilson Point Rd.
PLEASE FORWARD ADVERTIS Name:	Horney The Son Point Rd W 21220
Telephone Number: 4/10-	780-6010

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR. County Executive

July 31, 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: 08-010-A

1509 Wilson Point Road

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

15th Election District – 6th Councilmanic District

Legal Owners: Harry & Teresa Horney, III

Contract Purchaser: Harold Stafford

Variance to permit a proposed single family dwelling with a lot width of 50 feet in lieu of the minimum required 55 feet. To permit an open projection (deck) with a side yard setback of 6 feet in lieu of the required 7.5 feet.

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

Timothy Kotroco Director

TK:klm

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



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

July 31, 2007 Management

NEW 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: 08-010-A
1509 Wilson Point Road
Eleide of Wilson Boint Bood O foot of

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

15th Election District – 6th Councilmanic District

Legal Owners: Harry & Teresa Horney, III

Contract Purchaser:

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

Hearing: Monday, September 10, 2007 at 10:00 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 Point 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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 7, 2007

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

Dear Mr. and Mrs. Horney:

RE: Case Number: 08-010-A, 1509 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. Callibal)

WCR:amf

Enclosures

c: People's Counsel

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



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. 08-10-A MD 587 (Wilson Point Road) opposite Geranium Road

1509 Wilson Point Road Variance - To permit a proposed

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,

Mulicul Engineering Access Permits

Division

SDF/MB

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

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

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for July 20, 2007 Item No. 08-010

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 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 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 Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:cab

cc: File

ZAC-ITEM NO 08-010-07202007.doc

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.

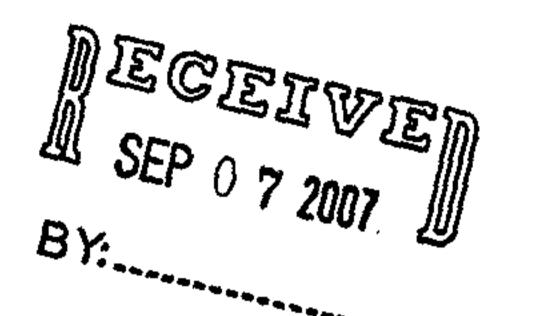
For further questions or additional information concerning the matters stated herein, please contact Lauire Hay with the Office of Planning at 410-887-3480.

CM/LL



Inter-Office Correspondence





TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination Jul-

DATE:

September 7, 2007

SUBJECT:

Zoning Item #-08-10-A3

Address

1509 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.

<u>X</u> 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 08-10-A.doc





Patricia Zook - Case 08-009-A & 08-010-A- hearing Monday September 10 - DEPRM comments needed for Tom

From:

Patricia Zook

To:

Livingston, Jeffrey

Date:

9/7/2007 11:56:41 AM

Subject: Case 08-009-A & 08-010-A- hearing Monday September 10 - DEPRM comments needed for Tom

Hi Jeff -

just found out that there is a related case, 08-010-A located at 1509 Wilson Point Road. This case is scheduled for Monday Sept 10 at 10:00 am

Hi Jeff -

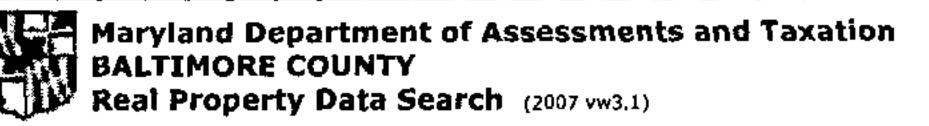
We need comments from DEPRM for the above-referenced case. The property is located at 1507 Wilson Point Road.

Thanks.

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







Go Back View Map **New Search**

Account Identifier:	District -	15 Account N	lumber - 1	151900	0221					
		Ow	ner Infor	matio	n					
HORNEY TE Mailing Address: 1507 WILSO		ARRY F,3RD ERESA L			se: rincipa	l Residence	e:	RESIDENTIAL YES		
		ON POINT RD E MD 21220-54	123	Deed Reference:			1) / 6910/ 29 2)			
		Location 8	Structur	e Info	rmatio	n				
Premises Address						Legal D	escription			
1507 WILSON POINT RD W		WATERFRON	NT			PT LT 80 BULL NE				
	Sub District	Subdivision	Section	Block	c Lot	Assessme	nt Area	Plat No:	40170	
91 19 67			A		80A	3	<u>. </u>	Plat Ref:	10/ 26	
Special Tax Areas	А	own d Valorem ax Class								
Primary Structure Built 1989		·	sed Area Property Land A 60 SF 17,250.00 SF			County Use 34				
Stories							Exteri			
2	Stories Basema 2 YES		Type STANDARD UNIT			SIDING				
_ 		Va	lue Infor	mation	<u> </u>					
<u></u>	Base Value Value Phase-in Assess				ssmen	ts				
		As Of 01/01/2006	As 07/01/20	Of 07 0	As 7/01/20	of 008				
Land	138,310	323,310								
Improvements:	215,120	323,090	0-			400				
Total:	353,430	646,400	548,7	/42 0	646,4	400 0				
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Seller: SAUTER CHARI Type: IMPROVED ARI	•		Date: 05/06/1985 Deed1: / 6910/ 29		Price: \$50,000 Deed2:					
Seller:		——————————————————————————————————————		Date	 }:	-	Price:			
Туре:			Deed1:		Deed2:					
Seller:				Date:		•	Price:			
Туре:	<u> </u>			Dee	d1:		Deed2	:		
		Exen	nption Inf	ormat	ion					
Partial Exempt Assessments		Class 07/01/2007		07,	07/01/2008					
County				00	0		0			
State			_	00 00	0		0			
Municipal Tax Exempt: NC					_ <u>`</u>	Sneci	al Tax Rec	anture		
Tax Exempt: NC Exempt Class:	,					Specia	* NONE *	-		

TB 9/10 9AM

Aug. 2, 2007

Harry F. & Teresa L. Horney III 1507 Wilson Point Rd. Balto. Md. 21220 Case 08-010-A 410-780-6010 08-010-A

AUG 0 6 2007

To Zoning commissioner,

Effective Aug. 2, 2007, we have elimated the contract/purchaser from our petition for variance, case # 08-010-A. On this date we found that the contract/purchaser, Harold T. Stafford had revised our plans on July 27, 2007, without our authorization.

To our amazement, there is no record who made the changes. As owners we were the last to find out. If this is the county policy, then it is wrong and should be changed. If this is not county policy then this should not be taken lightly! Again NO CONTRACT/PURCHASER ON CASE 08-010-A

Thank You, Harry F. Horney III Teresa L. Horney



Mr. Harry Horney 1507 Wilson Point Rd. Middle River, MD 21220-5423

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(102595) 99-M-1904

MEMO TO THE FILE

Date: 8/3/07

From: Bruno Rudaitis

Re: Petition case 08-010-A; 1509 Wilson Point Road

This note is being written to clarify a letter submitted by Harry Horney, owner of the subject property, and made a part of the pending case.

. Mr. and Mrs. Horney filed two petitions on July 5: one at 1507 Wilson Point Rd. (variance lot width) which serves as the applicant's residence, and one at 1509 Wilson Point Rd. (variance lot width) which is a vacant lot. The site plans had been disbursed to County agencies, but the petition was not posted nor advertised in the paper. On July 27, Mr. John Totty, a homebuilder, came into the office to revise the petition at 1509 Wilson Point Rd., which would include a variance for a side yard setback of 6 ft. in lieu of the required 7.5 ft. for an open projection (deck). This was a very minor revision and an expected request since everyone builds a deck on waterfront property. I assumed the builder was working with the owner and was filling in a gap for the contract purchaser because the owner had probably forgotten to include the deck. The revised petition was not disbursed to any of the County agencies, it was not posted and it was not advertised in the paper.

On August 2, Mr. And Mrs. Horney came into the office and declared that he had not authorized the builder or contract purchaser to revise the original petition (08-010-A), and that he wanted to revert to the original petition request and remove the contract purchaser's name from the petition. Rather than whiteout large sections on the petition form, I asked Mr. And Mrs. Horney to submit a new petition form, which they did. The hearing date was not delayed as a result of this error. The hearing date for case 08-010-A is scheduled for Monday, September 10, 2007 at 10:00 am.

Mr. Horney's letter contains several inaccuracies:

- 1. the builder, John Totty, not the contract purchaser requested and paid the \$70 revision fee
- 2. the petition file showed that the builder, John Totty, requested the revision

It was poor judgment on my part to accept a revision without appropriate authorization and I accept full responsibility for this error.

RE: PETITION FOR VARIANCE

1509 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

08-010-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.....

