

C/l of Barrison Point Road, 2,500 feet NE of an intersection by c/l of Barrison Point Road and Barrison Point Court 15th Election District 6th Councilmanic District (2411 Barrison Point Road)

Donald and Deborah Hyson Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-031-SPHA

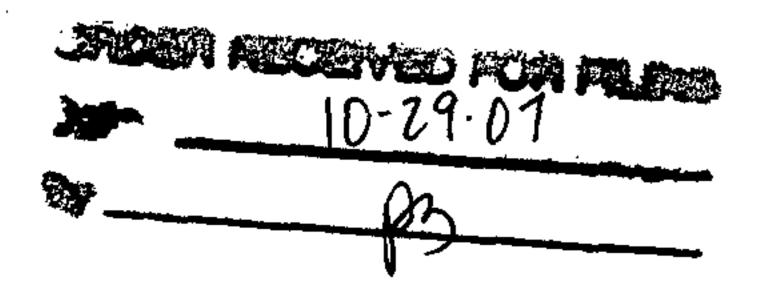
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Donald and Deborah Hyson. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and requests relief as follows:

- To confirm and approve the existence of two separate building lots and two single-family dwellings on a single tract; and
- To confirm the location of the front yard of proposed Lot 2 as facing the water and containing a dwelling known as 2411 Barrison Point Road, so as to permit an accessory structure to be located in the front yard rather than the rear yard; and
- To permit an accessory structure with interior living space on the same lot as an existing dwelling known as 2411 Barrison Point Road; and
- As an alternative to the Petition for Variance filed herein, to permit a non-conforming R.C.5 lot with an area of 0.4790 acres; and
- To permit an existing dwelling with existing setbacks on a lot which is split-zoned R.C.5 and R.C.20.

The Variance requests are as follows:

 From Section 400.1 of the B.C.Z.R. to permit an accessory gazebo structure in the front yard in lieu of the required rear yard; and



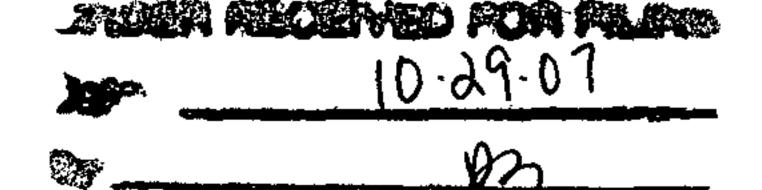
- From Section 1A04.3.B.2.b of the B.C.Z.R. to permit an existing setback to the centerline of a local street of 33.7 feet in lieu of the required 75 feet for an existing dwelling known as 2408 Barrison Point Road; and
- From Section 1A04.3.B.2.b of the B.C.Z.R. to permit existing setbacks 10.5 feet, 8.4 feet and 9.9 feet to a lot line for an existing dwelling known as 2408 Barrison Point Road in lieu of the required 50 feet; and
- As an alternative to the Special Hearing filed herein, from Section 1A04.3.B.1.a of the B.C.Z.R. to permit a lot in the R.C.5 zone with an area of 0.4790 acres in lieu of the required 1.5 acres.

The subject property and requested relief are more particularly shown on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance relief were Petitioners Donald and Deborah Hyson, Lawrence E. Schmidt, Esquire, the attorney representing Petitioners, and Kenneth J. Wells with K.J. Wells, Inc., the registered surveyor who prepared the site plan. Also appearing as an interested citizen was Douglas Celmer of 1415 Bay Avenue. Mr. Celmer is affiliated with the Back River Neck Community Association, but appeared individually and not on behalf of that organization. There were no Protestants or other interested citizens in attendance at the hearing.

Although initially the wording of the relief requested in the Petitions for Special Hearing and Variance is complex, a review of the testimony and evidence presented is persuasive to the finding that this case is not as complicated as it first appears. It is to be emphasized that Petitioners propose no new construction on this property. In addition, they do not propose to alter the current uses and buildings on this tract, nor change the landscape of the neighborhood. Rather, the relief is requested to legitimize existing conditions.

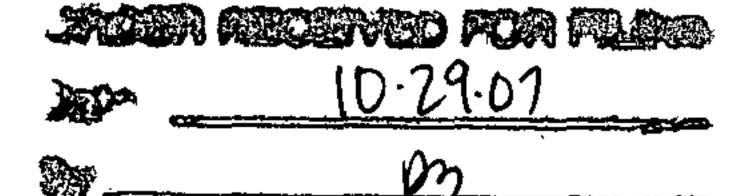
Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel consisting of approximately 101,714 square feet or 2.3350 acres, more or less, and split-zoned R.C.5 and R.C.20. The property is zoned primarily R.C.5. Approximately 1.966 acres are



zoned R.C.5 and approximately 0.3690 acres are zoned R.C.20. The property is a single lot of record, as that term is defined in Section 101 of the B.C.Z.R., and is located in the Rocky Point area of eastern Baltimore County. Petitioners acquired this lot in 1988. In years past, the property was improved with a series of structures, which were used as summer cottages.

As is more particularly shown on the site plan, a unique feature of the property is that it is bisected by Barrison Point Road, a public road which serves this community. The location of this road has effectively divided the property into two separate and distinct lots. Indeed, Petitioners seek approval to formally recognize that the overall tract consists of two lots. Specifically, the plan shows proposed Lot 1 located on the northwest side of Barrison Point Road. This lot is split-zoned R.C.5 (0.11 acres) and R.C.20 (0.3690 acres) and is 0.4790 acres in total area. It is improved with an existing two-story single-family dwelling known as 2408 Barrison Point Road, which is currently rented. Proposed Lot 2 is located to the southeast of Barrison Point Road, and is 1.8560 acres in area. Proposed Lot 2 has water frontage on Hawk Cove and is entirely zoned R.C.5. It is improved with an existing single-family dwelling known as 2411 Barrison Point Road, in which Petitioners reside. In addition to the dwelling, there are several outbuildings on proposed Lot 2, including two sheds, two gazebos, and a building, which is identified on the plan as "existing one-story structure."

At this juncture, Petitioners desire to have proposed Lot 1 recognized as its own single lot, but in order to do so, are in need of special hearing relief. Inasmuch as the Petition for Special Hearing contains several requests for relief, each request will be separately analyzed. First, Petitioners request approval to confirm and approve the existence of two separate building lots (each with a single-family dwelling) on a single tract. In this regard, testimony and evidence presented was that the overall property is a single lot of record, as described in the Deeds recorded in the Land Records of Baltimore County. Notwithstanding the fact that this is a single

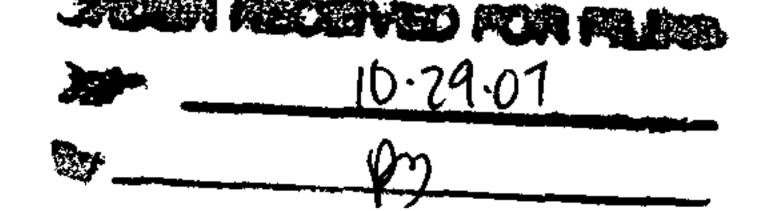


property with a single tax identification number, the property has been used for years as two separate lots. Indeed, the uncontradicted testimony offered was that there have been houses on the property on both sides of Barrison Point Road for in excess of 50 years.

Petitioners also presented a copy of a letter they had obtained from the Baltimore County Zoning Office in 1991 which was marked and accepted into evidence as Petitioners' Exhibit 4. At that time, they inquired of Baltimore County as to the character of the property. By letter dated January 11, 1991, James E. Dyer, Zoning Supervisor, opined that the property was actually composed of two separate lots. He reasoned that the existence of the public road "has effectively subdivided the property into two separate lots." Later, following Hurricane Isabel in September 2003, Petitioners applied for a razing permit to demolish the dwelling on the northwest side of Barrison Point Road known as 2408 Barrison Point Road. That structure was severely damaged by the storm. A razing permit was issued by Baltimore County (B574151), as shown on the document marked and accepted into evidence as Petitioner's Exhibit 5A. Subsequently, a building permit was issued by the County (B574154) and a new structure was erected in its place, as shown by the document marked and accepted into evidence as Petitioners' Exhibit 5B.

Thus, on at least three occasions, the Baltimore County Zoning Office recognized that the overall tract effectively contained two separate building lots and that two dwellings were allowed. Petitioners request formal special hearing approval to confirm this opinion. In this regard, Petitioners anticipate ultimately selling proposed Lot 1 to the tenant who lives in the dwelling known as 2408 Barrison Point Road. They intend to continue to reside in the house on proposed Lot 2 known as 2411 Barrison Point Road. Relief is requested to legitimize the longstanding use of the property and recognize the existence of two houses on this single tract.

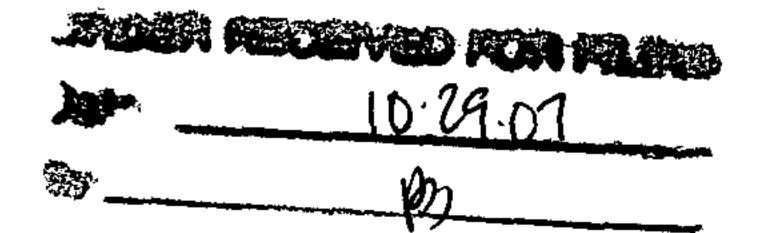
The second prayer for relief under the special hearing requests a determination of the front yard of proposed Lot 2. In most cases, the front yard of a house is determined to be that



yard area between the dwelling and the public road. However, waterfront property and houses thereon are indeed unique. In this case, photographs were submitted of the dwelling, and based thereon, I find that the front yard is that area of the lot between the house known as 2411 Barrison Point Road and the water. This determination impacts what variances might be required for accessory structures existing on the property.

The third prayer for relief seeks approval to permit an accessory structure with interior living space on the same lot as an existing dwelling. As noted above, there is a small structure (24 feet by 32 feet) on proposed Lot 2. Photographs of the existing structure were marked and accepted into evidence as Petitioners' Exhibits 7A and 7B. This structure is immediately adjacent to the dwelling in which Petitioners reside. Petitioners testified that this structure does not contain kitchen or bathroom facilities. There is no sewer connection to the structure, and though there are hose bibs on the exterior, there is no water available to the interior of the building. Given the fact that the structure does have electricity, Petitioner and their counsel were advised by the Zoning Office to seek special hearing relief to legitimize the building. It was indicated that it is used as a library, for hobbies, as a playroom for grandchildren, etc. Petitioners do not seek to use this building as a separate dwelling, and indeed could not do so given the absence of sewer and water connections.

Fourth, Petitioners seek, as an alternative to the Petition for Variance, a finding to permit proposed Lot 2 to be 0.4790 acres in area. As noted above, that lot is split-zoned R.C.5 and R.C. 20. The dwelling known as 2408 Barrison Point Road is within the R.C.5 zoned portion of proposed Lot 2. Under the Petition for Special Hearing, Petitioners seek approval of the continuance of the existence of that lot, notwithstanding the size, as non-conforming. Similarly, Petitioners' fifth prayer for relief seeks approval of the location of the existing dwelling known as 2408 Barrison Point Road and the setbacks from same to the property lines. As noted above,

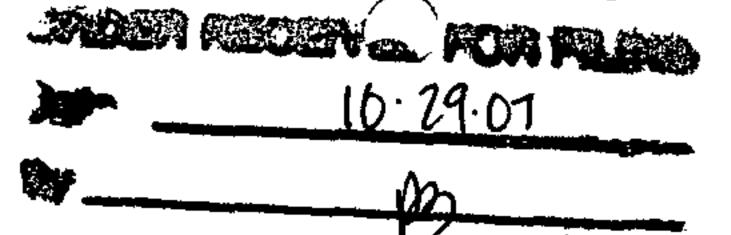


the property is split-zoned.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments received from the Department of Environmental Protection and Resource Management dated September 17, 2007 indicate that the property must comply with the Chesapeake Bay Critical Area Regulations, comply with impervious surface limits, tree and forest requirements, and stream, wetland and/or tidal buffer requirements. The comment received from the Office of Planning dated October 9, 2007 indicates that the requested relief is for an existing condition, with no new site improvements or changes, and offers no further comment.

As to the Petition for Variance, there are several requests. First, having determined above that the front yard of proposed Lot 2 is located on the water side, relief is requested to allow an existing gazebo structure in the front yard in lieu of the required rear yard. Section 400.1 of the B.C.Z.R. requires accessory structures (including gazebos) to be located in the rear yard. This gazebo is an existing structure and a photograph of the structure was submitted at the hearing which was marked and accepted into evidence as Petitioners' Exhibit 6. This photograph shows that it is an attractive structure, and does not block the view of the neighbors. It is an amenity for the property owner to enjoy the water view.

Secondly, relief is requested to permit a street setback on proposed Lot 1 (2408 Barrison Point Road) of 33.7 feet in lieu of the required 75 feet. Third, this house requires setbacks to the tract boundary or zoning line of 10.5 feet, 8.4 feet and 9.9 feet, all in lieu of the required 50 feet. Both the street setback and zoning/lot line setbacks are required due to the unusual shape and character of proposed Lot 1. In addition to its limited acreage, the lot is uniquely shaped and split-zoned. These characteristics drive the need for the setback variances requested. Fourth, as an alternative to the Petition for Special Hearing, variance relief is requested to permit a lot in the



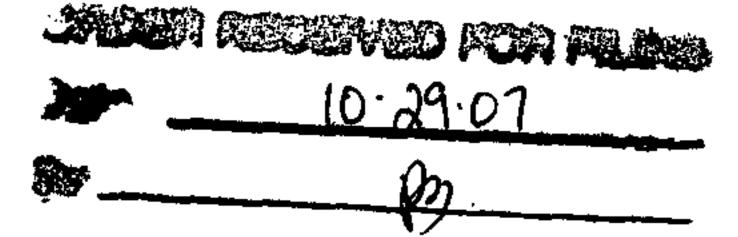
R.C.5 zone with acreage of 0.4790 in lieu of the required 1.5 acres.

As noted above, and to be emphasized herein, there is no new construction proposed. The existing improvements on the site have been there for some time, many in excess of 50 years. This is truly a case of a property being used in a manner that does not conform to the precise requirements of subsequently enacted zoning regulations.

As to the Petition for Special Hearing, I easily find that relief should be granted to allow the two separate building lots, shown as proposed Lot 1 and Lot 2 (each with a dwelling thereon), and to permit the accessory structures on proposed Lot 2. Clearly, these activities are consistent with the historic use of the property and will not cause any detrimental impact on any adjacent properties. I have evaluated the criteria set out in Section 502.1 of the B.C.Z.R. and find that the proposed meets each standard. As to the acreage of proposed Lot 1 and the setbacks thereon, I believe that relief is most properly granted under the Petition for Variance, rather than the Petition for Special Hearing.

Turning next to the Petition for Variance, it is clear that this property is unique. There are number of factors which support this finding: first, the fact that the property is bisected by a public road presents a most unusual circumstance. Moreover, the shape of the property and its split-zoning are unique characteristics. Finally, the historic use of the property is unusual and justifies relief. These are the kinds of special circumstances or conditions which are peculiar to the land or structures which are the subject of the variance requests, and which make the property unique from a zoning perspective. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

Finally, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in a manner so as to grant relief without injury to the public health, safety and general welfare. Based upon all of these considerations, I will grant the Petition for



Variance as it relates to the dwelling to street center line setback, the dwelling to lot/zoning line setbacks, the size of proposed lot 1 and the location of the gazebo. In my judgment, the granting of relief hereunder effectively "cleans up" the property and brings it into formal compliance as envisioned by Mr. Dyer's letter in 1991 and confirmed through the issuance of permits in 1993. I also find that my granting of the relief is consistent with the requirement of Section 307 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing held on these Petitions, and after considering the testimony and evidence offered, I find that Petitioners' requests for Special Hearing and Variance relief should be granted.

THEREFORE IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 27th day of October, 2007, that the Petition for Special Hearing requesting relief as follows:

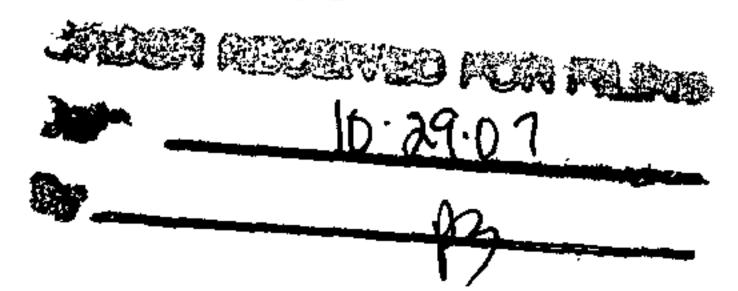
- to confirm and approve the existence of two separate building lots, each with a single-family dwelling thereon; and
- to confirm the location of the front yard of proposed Lot 2 (2411 Barrison Point Road) as facing the water; and
- to permit an accessory structure with living space (exclusive of sewer and water connections) on the same lot (proposed Lot 2) as an existing dwelling known as 2411 Barrison Point Road,

be and are hereby GRANTED; and

IT IS FURTHER ORDERED that the part of the Petition for Special Haring seeking relief to permit a lot with an area of 0.4790 acres, and to permit an existing dwelling with existing setbacks on a lot which is split-zoned R.C.5 and R.C.20 is DISMISSED as moot; and

IT IS FURTHER ORDERED that the Petition for Variance requesting relief as follows:

• From Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory gazebo structure in the front yard in lieu of the required rear yard; and



- From Section 1A04.3.B.2.b of the B.C.Z.R. to permit an existing setback to the centerline of a local street of 33.7 feet in lieu of the required 75 feet for an existing dwelling known as 2408 Barrison Point Road; and
- From Section 1A04.3.B.2.b of the B.C.Z.R. to permit existing setbacks 10.5 feet, 8.4 feet and 9.9 feet to a lot line for an existing dwelling known as 2408 Barrison Point Road in lieu of the required 50 feet; and
- From Section 1A04.3.B.1.a of the B.C.Z.R. to permit a lot in the R.C.5 zone with an area of 0.4790 acres in lieu of the required 1.5 acres.

be and are hereby GRANTED.

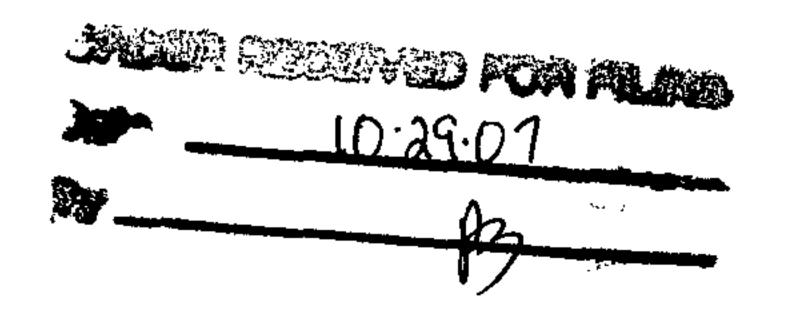
The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for their 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. 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).
- 3. The property is located within the Limited Development Area of the Chesapeake Bay Critical Area and must comply with impervious surface limits, tree and forest requirements, and stream, wetland and/or tidal buffer requirements.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 29, 2007

LAWRENCE E. SCHMIDT, ESQUIRE GILDEA & SCHMIDT, LLC 600 WASHINGTON AVENUE, SUITE 200 TOWSON, MD 21204

Re: Petition for Special Hearing and Variance
Case No. 08-031-SPHA
Property: 2411 and 2408 Barrison Point Road

Dear Mr. Schmidt:

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: Kenneth Wells, KJ Wells, Inc., 7403 New Cut Road, Kingsville MD 21087 Donald and Deborah Hyson, 2411 Barrison Point Road, Baltimore MD 21221 Doug Celmer, 1415 Bay Avenue, Essex MD 21221 Hana Rose Vogelstein, 2031 Heritage Drive, Baltimore MD 21209







Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2411 Barrison Point Road which is presently zoned <u>R.C. 5/R.C. 20</u>

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Please see attached.

REV 9/15/98

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.

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

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Donald Hyson Name - Type or Print Name - Type or Print Signature Deborah Hyson Name - Type or Print Address Telephone No. City State Zip Code Signature 2411 Barrison Point Road **Attorney For Petitioner:** Address Telephone No. Lawrence E. Schmidt **Baltimore** MD 21221 Name—Type or Print City State Zip Code Representative to be Contacted: Signature Gildea & Schmidt, LLC Kenneth J. Wells, kjWells, Inc. Company Name 600 Washington Avenue, Suite 200 (410) 821-0070 7403 New Cut Road (410) 592-8800 Address Telephone No. Telephone No. Address Towson MD 21204 MD 21087 Kingsville City State City Zip Code State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING ______ Case No. _ 08-031 SPHA UNAVAILABLE FOR HEARING Reviewed By Aaron Tsui Date 07/18/ JUST AUGUSTAND FOR FALTO

10-29-07



ATTACHMENT PETITION FOR SPECIAL HEARING

2411 Barrison Point Road

- 1. To confirm and approve the existence of two separate building lots on a single tract.
- 2. To confirm the location of the front yard of the property facing the water containing a dwelling known as 2411 Barrison Point Road so as to permit an accessory structure(s) to be located in the front yard rather than the rear yard.
- 3. To permit an accessory structure with interior living space on the same lot as an existing dwelling known as 2411 Barrison Point Road.
- 4. As an alternative to the petition for variance, to permit a non-conforming R.C. 5 lot with an area of 0.4790 acres.
- 5. To permit an existing dwelling and setback in a lot which is split zoned R.C. 5 and R.C. 20.
- 6. For such other and further relief as the Zoning Commissioner may determine to be necessary.









Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 2411 Barrison Point Road

which is presently zoned: R.C. 5/R.C. 20

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):

Please see attached.

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

For reasons to be presented at the public hearing on this matter.

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

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

Legal Owner(s):

Donald Hyson

Baltimore

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Name - Type or Print Signature Deborah Hyson Name - Type or Print Signature 2411 Barrison Point Road Address Telephone No.

MD

State

21221

Zip Code

Address		Telephone No.	
City	State	Zip Code	
Attorney For Petitioner:			
Lawrence E. Schmidt	//		
Name - Type or Print	1		Cit
MARSON	00		
Signature			
Gildea & Schmidt, LLC			
Company		-	
600 Washington Avenue, Suite 20	00	(410) 821-0070	
Address		Telephone No.	
Towson	MD	21204	
City	State	Zip Code	

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Danracantativa to be Contacted:

 Kenneth J. Wells, kjWells, Inc.

 Name
 7403 New Cut Road
 (410) 592-8800

 Address
 Telephone No.

 Kingsville
 MD
 21087

 City
 State
 Zip Code

OFFICE USE ONLY

Case No	08-031 SPHA		ESTIMATED LENGT		·
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	16.29.07	-			
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2411 Barrison Point Road

- 1. From BCZR Section 400.1 to permit an accessory gazebo structure in the front yard in lieu of the required rear yard.
- 2. From BCZR Section 1A04.3.B.2.b to permit an existing setback to the centerline of a local street of 33.7 feet in lieu of the required 75 feet.
- 3. From BCZR Section 1A04.3.B.2.b to permit existing setbacks 10.5 feet, 8.4 feet and 9.9 feet to a lot line in lieu of the required 50 feet.
- 4. As an alternative to the Special Hearing, from B.C.Z.R. Section 1A04.3.B.1.a to permit a lot in the R.C. 5 zone with an area of 0.4790 acres in lieu of the required 1.5 acres
- 5. For such other and further relief as the Zoning Commissioner may determine to be necessary.

kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800 Fax: (410) 817-4055

Email: kwells@kjwellsinc.com

7403 New Cut Road Kingsville, Md. 21087-1132

Zoning Description for 2411 Barrison Point Road

Baltimore County

Maryland

15th Election District

6th Councilmanic District

Beginning at a point in the centerline of Barrison Point Road at a distance of 2,500 feet northeast of an intersection formed by the centerline of Barrison Point Road and Barrison Point Court, thence following the outline as determined by a survey prepared by Frank Lee of that land described in a Deed recorded in Liber 8404 folio 597 the six following courses and distances: 1) North 66 degrees 22 minutes 03 seconds West 64.89 feet; 2) North 22 degrees 35 minutes 57 seconds East 153.43 feet; 3) South 66 degrees 24 minutes 03 seconds East 605.00 feet; 4) South 41 degrees 42 minutes 00 seconds West 219.01 feet; 5) North 58 degrees 55 minutes 03 seconds West 283.33 feet; 6) North 62 degrees 22 minutes 03 seconds West 189.10 feet to the place of beginning. Containing 101,171 square feet or 2.3350 acres of land more or less, save and except the area between the title line and mean high tide.



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 Adv	ertising:
Item Number or Case Petitioner:	Number: 08-031-5PHA ONALD HYSON + DEBONAH HYSON
Address or Location:	2411 BALKISON PONT ROAD
PLEASE FORWARD	ADVERTISING BILL TO: Rence E Schmldt
	S WASHINGTON AUR, SUITE ZOO
	SON, ND
	21204
Telephone Number:	410-821-0070

The Zong Commissioner of Bajtiffiore County, by auGounty will hold a public hearing in Towson, Maryland on
Zasis + 08-03-1-SPHA.

Zasis

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for
special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing,
Contact the Zoning Review Office at (410) 887-3391.

17 9/761 Sept. 25 WILLIAM J. WISEMAN, III

CATE OF PUBLICATION

9/38

THIS IS TO CERFIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., 20 OJ each of once in

The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

Owings Mills Times

NE Booster/Reporter

North County News

1 Julius

LEGAL ADVERTISING

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STRIBUTION PINK - PINK - A	GENCY	YELLOW - CUSTOMER	

20 HEARING OTICE OF ZO

thority of the Zoning to and Regulations of Baltimore thority of the Zoning to and Regulations of Baltimore County will hold a property identified hearing in Towson, Maryland on the property identified herein as follows:

Case: #08-031/SPHA
2411 Barrison Pt. Road 2411 Barrison Pt. Road Chine of Barrison Pt. Rd. 2500 ft. n/east of intersection of chine of Barrison Pt. Rd. and Barrison Pt. Count tion of chine of Barrison Pt. Rd. Abouncilmanic District 15th Election District - 6th Councilmanic District Legal Owner(s): Donaid & Deborah Hyson Legal Owner(s): Donaid & Deborah Hyson of two separate building lots on a single-

operate nearing: to confirm and approve the existence of two separate building lots on a single tract and to confirm the location of the front yard of the property facing the water containing a dwelling known as 2411 Barrison point Road so as to permit an accessory structure to be located in the front yard rather than the rear yard and to permit an accessory structure with living space on the same lot as an existing dwelling known as 2411 Barrison Point Road and as an alternative to the petition for variance, to permit a non-conforming RC-5 lot with an area of 0.4790 acres and to permit an existing dwelling and setback in a lot which is split zoned RC-5 and RC-20.

Variance: to permit an accessory gazebo structure in the front yard in lieu of the required 75 feet and 10 permit an existing setback to the required 75 feet and 9.9 feet to a lot line in fieu of the required 75 feet and 9.9 feet to a lot line in the RC-5 zone with an area of 0.4790 acres in lieu of the required 1.5 acres.

Hearing: Wednesday, September 12, 2007 at 9:00 a.m. in Roam 407, County Courts Building, 401 Bosley Avenue, Tower, Tower 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Piease 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.

JT 8/756 August 28

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

The Jeffersonian Arbutus Times

Times Catonsville

Towson Times

ls Times Owings Mill North County News

NE Booster/Reporter

1) Ullus

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 08-03/- 3PHA

Petitioner/Developer: DOWALD V

DEBORAH HYSON

Date of Hearing/Closing: 9-12-07

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:

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:

2411 BARRISON POINT RI

The sign(s) were posted on

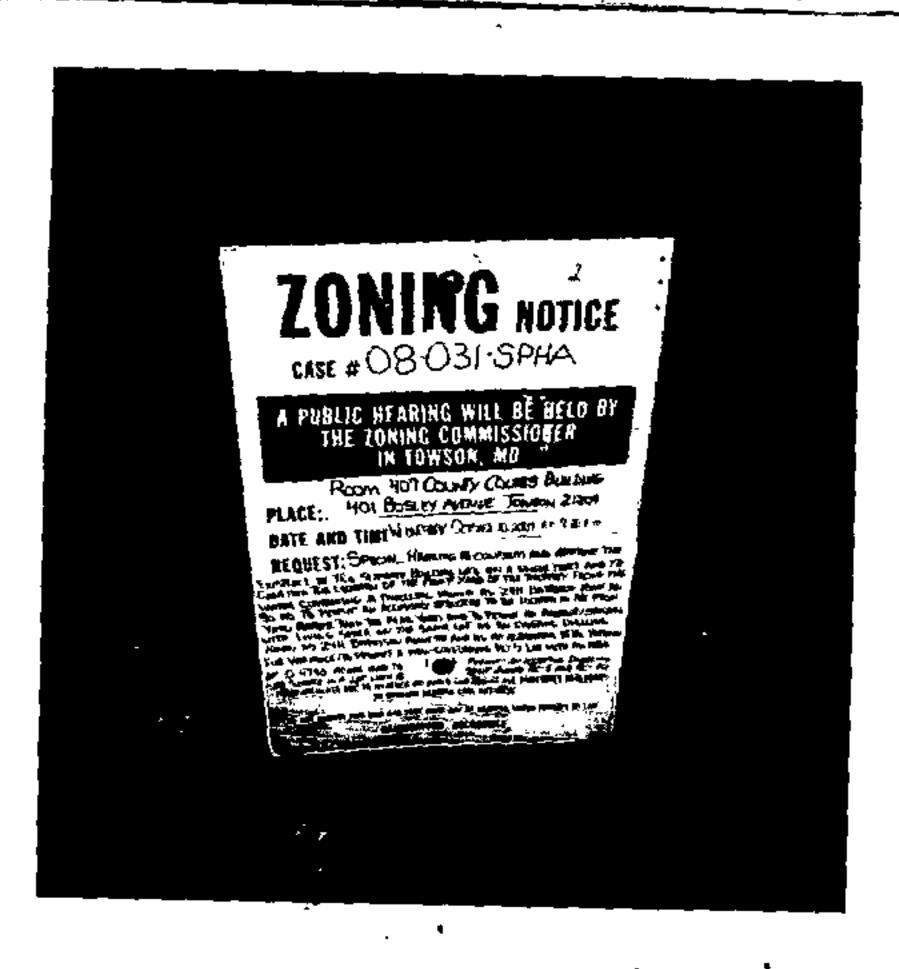
1.12

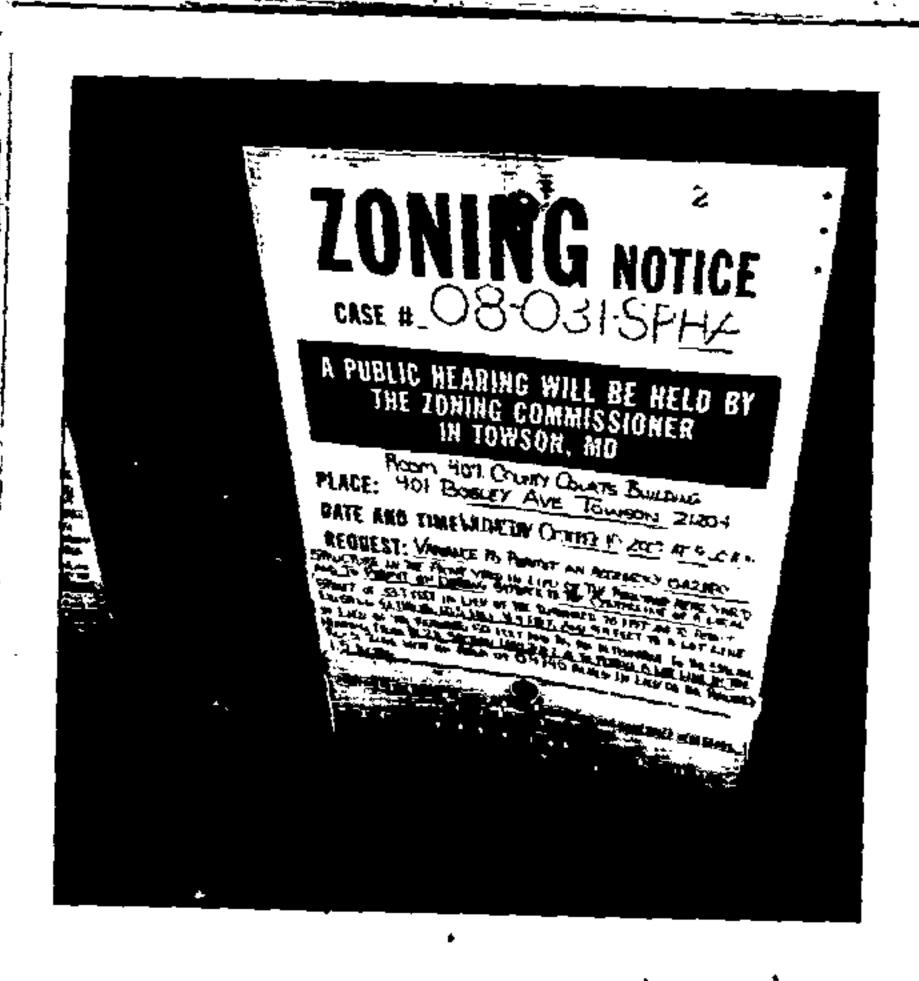
SSG Robert A Black 1508 Leslie Road Dundalk, MD 21222 4/0.282.7940 8-27-07 (Month, Day, Year)

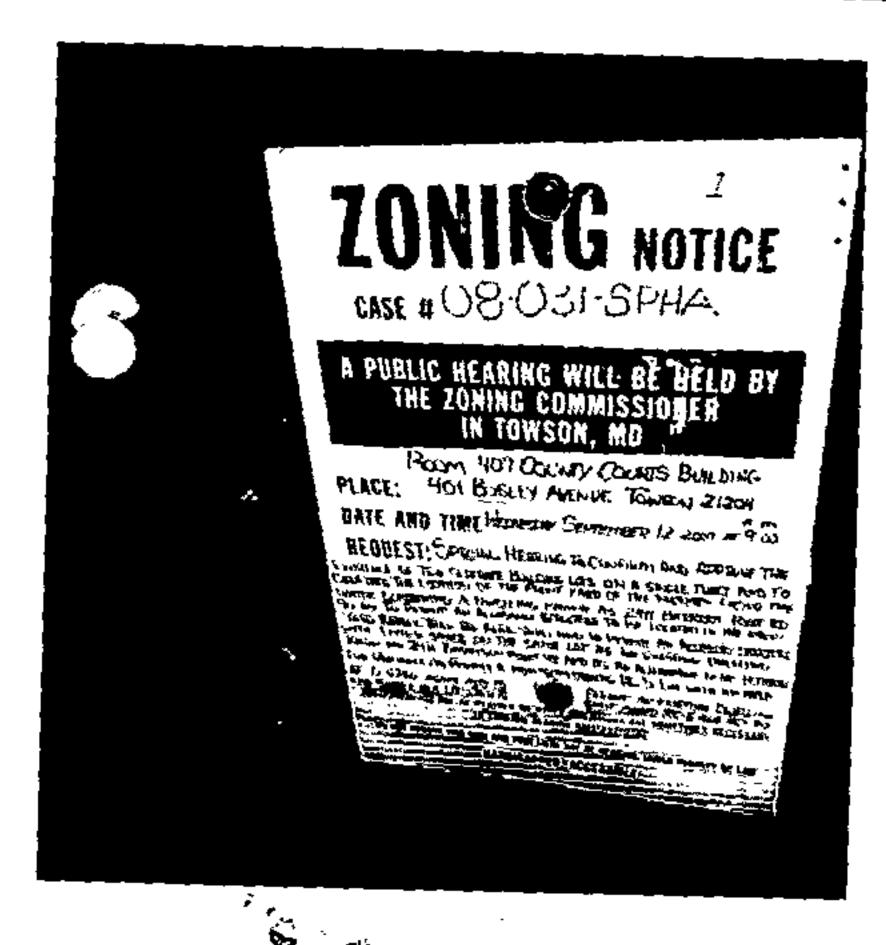
Sincerely,

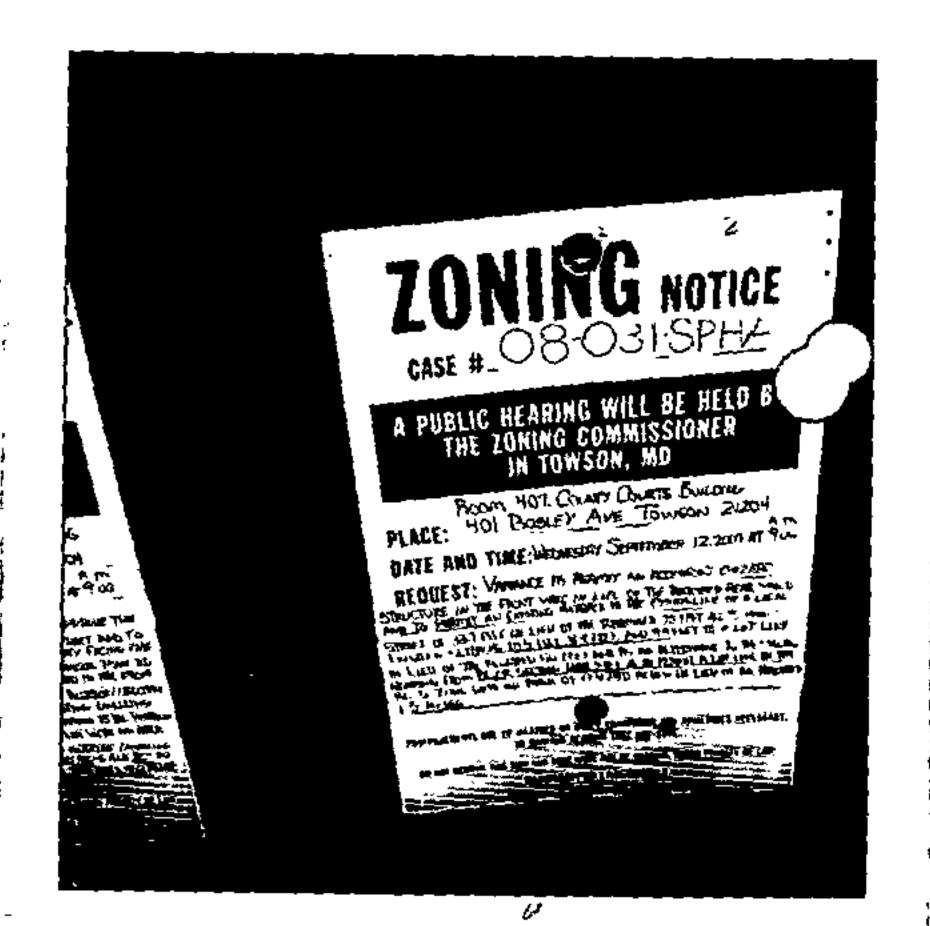
Dobert-Black

8-27-07









TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 28, 2007 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt 600 Washington Avenue, Ste. 200 Towson, MD 21204 410-821-0070

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: 08-031-SPHA

2411 Barrison Point Road

C/line of Barrison Pt. Rd., 2500 ft. n/east of intersection of c/line of Barrison Pt. Rd. and Barrison Pt. Court

15th Election District – 6th Councilmanic District

Legal Owners: Donald & Deborah Hyson

Special Hearing to confirm and approve the existence of two separate building lots on a single tract and to confirm the location of the front yard of the property facing the water containing a dwelling known as 2411 Barrison Point Road so as to permit an accessory structure to be located in the front yard rather than the rear yard and to permit an accessory structure with living space on the same lot as an existing dwelling known as 2411 Barrison Point Road and as an alternative to the petition for variance, to permit a non-conforming RC-5 lot with an area of 0.4790 acres and to permit an existing dwelling and setback in a lot which is split zoned RC-5 and RC-20. Variance to permit an accessory gazebo structure in the front yard in lieu of the required rear yard and to permit an existing setback to the centerline of a local street of 33.7 feet in lieu of the required 75 feet and to permit existing setbacks 10.5 feet, 8.4 feet, and 9.9 feet to a lot line in lieu of the required 50 feet and as an alternative to the Special Hearing from BCZR Section 1A04.3.B.1 a to permit a lot line in the RC-5 zone with an area of 0.4790 acres in lieu of the required 1.5 acres.

Hearing: Wednesday, September 12, 2007at 9:00 a.m. in Room 407, County Courts Building,

1401 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.



BALTIMORE COUNTY NOTICE OF ZONING HEARING

August 10, 2007

JAMES T. SMITH, JR.

TIMOTHY M. KOTROCO, Director Theoremore Sounty, by authority of the Zoning Descriptions of Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property adentified therein as follows:

CASE NUMBER: 08-031-SPHA

2411 Barrison Point Road

C/line of Barrison Pt. Rd., 2500 ft. n/east of intersection of c/line of Barrison Pt. Rd. and Barrison Pt. Court

15th Election District – 6th Councilmanic District

Legal Owners: Donald & Deborah Hyson

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Hearing: Wednesday, September 12, 2007at 9:00 a.m. in Room 407, County Courts Building,

491 Basley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204 Donald & Deborah Hyson, 2411 Barrison Point Road, Baltimore 21221 Kenneth Wells, 7403 New Cut Road, Kingsville 21087

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 28, 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.



BALTIMORE COUNTY

September 4, 2007

NEW NOTICE OF ZONING HEARING

JAMES T. SMITH, JR.

TIMOTHY M. KOTROCO, Director

County Executive

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

CASE NUMBER: 08-031-SPHA

2411 Barrison Point Road

C/line of Barrison Pt. Rd., 2500 ft. n/east of intersection of c/line of Barrison Pt. Rd. and Barrison Pt. Court

15th Election District – 6th Councilmanic District

Legal Owners: Donald & Deborah Hyson

Special Hearing to confirm and approve the existence of two separate building lots on a single tract and to confirm the location of the front yard of the property facing the water containing a dwelling known as 2411 Barrison Point Road so as to permit an accessory structure to be located in the front yard rather than the rear yard and to permit an accessory structure with living space on the same lot as an existing dwelling known as 2411 Barrison Point Road and as an alternative to the petition for variance, to permit a non-conforming RC-5 lot with an area of 0.4790 acres and to permit an existing dwelling and setback in a lot which is split zoned RC-5 and RC-20. Variance to permit an accessory gazebo structure in the front yard in lieu of the required rear yard and to permit an existing setback to the centerline of a local street of 33.7 feet in lieu of the required 7.5 feet and to permit existing setbacks 10.5 feet, 8.4 feet, and 9.9 feet to a lot line in lieu of the required 50 feet and as an alternative to the Special Hearing from BCZR Section 1A04.3.B.1 a to permit a lot line in the RC-5 zone with an area of 0.4790 acres in lieu of the required 1.5 acres.

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

Timothy Kotroco

Director

TK:klm

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204 Donald & Deborah Hyson, 2411 Barrison Point Road, Baltimore 21221 Kenneth Wells, 7403 New Cut Road, Kingsville 21087

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPT. 25, 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

October 2, 2007

Lawrence E. Schmidt Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, MD 21204

Dear Mr. Schmidt:

RE: Case Number: 08-031-SPHA, 2411 Barrison 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 18, 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. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf Enclosures

: People's Counsel

Donald Hyson Deborah Hyson 2411 Barrison Point Road Baltimore 21221 Kenneth J. Wells 7403 New Cut Road Kingsville 21087

> Miscellaneous Permit & License Processing | County Office Building 111 West Chesapeake Avenue, Room 101 | Towson, Maryland 21204 Phone 410-887-3616 | Fax 410-887-4578 | Animal Licenses 410-887-3630 www.baltimorecountymd.gov

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

OCT 1 0 2007

BY:

DATE: October 9, 2007

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-031- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and it appears that the requested relief is for an existing condition. There are no new site improvements or changes; therefore the Office of Planning has no further comments.

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

Prepared By

Division Chief:

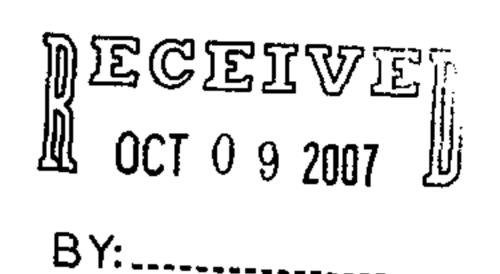
CM/LL

TB 10-10-07 9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence





10:	I imothy M. Kotroco
FROM:	Dave Lykens, DEPRM - Development Coordination JWL

DATE: September 17, 2007

SUBJECT: Zoning Item # 08-31-SPHA

Address 2411 Barrison Point Road

(Hyson Property)

Zoning Advisory Committee Meeting of July 23, 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

Additional Comments:

The properties are located within the Limited Development Area of the Chesapeake Bay Critical Area and must comply with impervious surface limits, tree and forest requirements, and stream, wetland and/or tidal buffer requirements.

Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and

Reviewer: Paul A. Dennis Date: 8-10-07

other Sections, of the Baltimore County Code).

10/10 Plp on 9/12 9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

September 17, 2007

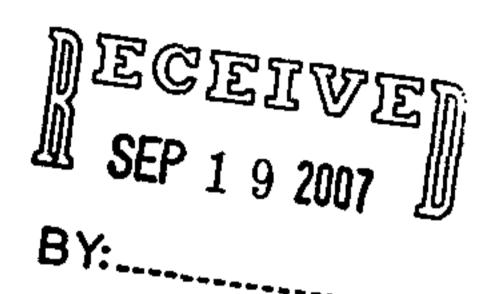
SUBJECT:

Zoning Item # 08-31-SPHA

Address

2411 Barrison Point Road

(Hyson Property)



Zoning Advisory Committee Meeting of July 23, 2007

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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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 properties are located within the Limited Development Area of the Chesapeake Bay Critical Area and must comply with impervious surface limits, tree and forest requirements, and stream, wetland and/or tidal buffer requirements.

Reviewer:

Paul A. Dennis

Date: 8-10-07

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-31-SPHA.doc



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

Neil J. Pedersen, Administrator

John D. Porcari, Secretary

Maryland Department of Transportation

Date: July 23, 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. 8-31-8PHA

2411 BARRISON POINTROAD

HYGON PROPERTY SPECIAL ETEARING

VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-31-8PHA

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A Steven D. Foster, Chie

Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 30, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 30, 2007

Item Nos. 08-020, 021, 022, 023, 026, 029, 031, 032, 033, and 034

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-07302007.doc



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief
Fire Department

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

July 25, 2007.

ATTENTION: Zoning Review Planners

Distribution Meeting-Of: July 23, 2007

Item Number: 020 through 034

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

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 9, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-031- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and it appears that the requested relief is for an existing condition. There are no new site improvements or changes; therefore the Office of Planning has no further comments.

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

Prepared By

Division Chief:

CM/LL





Patricia Zook - Hearings Scheduled & Planning Comments Needed for Tom

From:

Patricia Zook

To:

Murray, Curtis

Date:

10/5/2007 11:52 AM

Subject:

Hearings Scheduled & Planning Comments Needed for Tom

CC:

Bostwick, Thomas

Hello Curtis -

I am in receipt of 2 case files for hearings next week that do not have comments from the Planning Department. They are:

CASE NUMBER: 8-031-SPHA @ 2411 Barrison Point Road — hearing is Wednesday, October 10, 2007

and

CASE NUMBER: 8-103-A @ 503 Middle River Road — hearing is Friday, October 12, 2007

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

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

600 WASHINGTON AVENUE SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070 FACSIMILE 410-821-0071

www.gildeallc.com

ANNAPOLIS, MD OFFICE 95 CATHEDRAL STREET SUITE 100 ANNAPOLIS, MARYLAND 21401

TELEPHONE 410-295-0070

SEBASTIAN A. CROSS

F. GILLIS GREEN

ERIC N. LAMB

CHARLES B. MAREK, III

DAMIAN C. O'DOHERTY

JASON T. VETTORI

August 17, 2007

Sent Via Facsimile Only

Sgt. Robert A. Black. 1508 Leslie Road Dundalk, MD 21227

Re:

Hyson/2411 Barrison Point Road

Case No. 08-031-SPHA

Dear Sgt. Black:

Enclosed please find the New Notice of Zoning Hearing for the above referenced property. Please post the property no later than Tuesday, September 25, 2007. Please forward to me the Certificate of Posting and your invoice.

Should you have any questions or comments, please contact me. With kind regards, I am

Very truly yours,

Kelly M. Benton

KMB: mos

Attachments

CC: Lawrence E. Schmidt, Esquire

PETITIONER'S

EXHIBIT NO.

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

DAMIAN C. O'DOMERTY

JASON T. VETTORE

JOSEPH R. WOOLMAN, III

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYT.AND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0072
www.gildeallc.com

BALTIMORE MI) OFFICE 300 EAST LOMBARD STREET SUITE 1440 BALTIMORE, MARYLAND 21202 TELEPHONE 410-234-0070

ANNAPOLIS, MD OFFICE

95 CATHEDRAL STREET

SUITE 100

ANNAPOLIS, MARYLAND 21401

TELEPHONE 410-295-0070

FACSIMILE TRANSMITTAL SHEET									
TO: Sgt. Robert Black		FR	ом: Kelly Benton						
COMPANY:	· · · · · · · · · · · · · · · · · · ·	DA	TE: 9/7/2007						
FAX NUMBER: 410-282-7940	TOTAL NO. OF PAGES INCLUDING COVER:								
RE: Hyson/2911 Barris	son Point Road								
☐ URGENT	☐ FOR REVIEW	☐ PLEASE COMMENT	☐ PLEASE REPLY	PLEASE RECYCLE					

NOTES/ COMMENTS:

This is the NEW Notice of Zoning Hearing per our earlier phone conversation. Please contact me should you have any questions.

Thanks, Kelly

This facsimile contains information from the law firm of Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this facsimile in error, please notify Gildea & Schmidt, LLC by telephone (410-234-0070) immediately.

PLEASE PRINT CLEARLY

CASE NAME + WSW CASE NUMBER 108-31-5PHA DATE 15/02

PETITIONER'S SIGN-IN SHEFT

E-MAIL 2,093 KMEUSOLSKIELLSINGGN							
CITY, STATE, ZIP SUIT 200 7/10/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1							
ADDRESS TWO WASHING PORM ZHIBOMMSON RD ZHIBOMMSON RD							
LAWIENA WELLS KENUETH WELLS DOUBLE HYSON							

PLEASE PRINT CLEARLY

	SER	
ME	IMBEF	į
NAM	3	
SE	SE	TE
CASE	CASE	DATE

CITIZEN'S SIGN-IN SHEET

NAME	1414 RAV AVE	CITY, STATE, ZIP	Asa las Colmellas
lana Ros	spage Dr	HIMORE	
			Mana Tose a garalle com
		-	
	-		
		•	

FROM : SSG BOB BLACK

FAX NO. : 410 282 7940

Oct. 05 2007 09:438M P2

CERTIFICATE OF POSTING

Date of Hearing/Closing 12-10

Baltimore County Department of Permits and Development Management County Office Bulldhag, Boom 111 111 West Chesapeaks Avenue Towson, Maryiand 21204

ATTN: Kristen Mathews [(419) 887-3394)

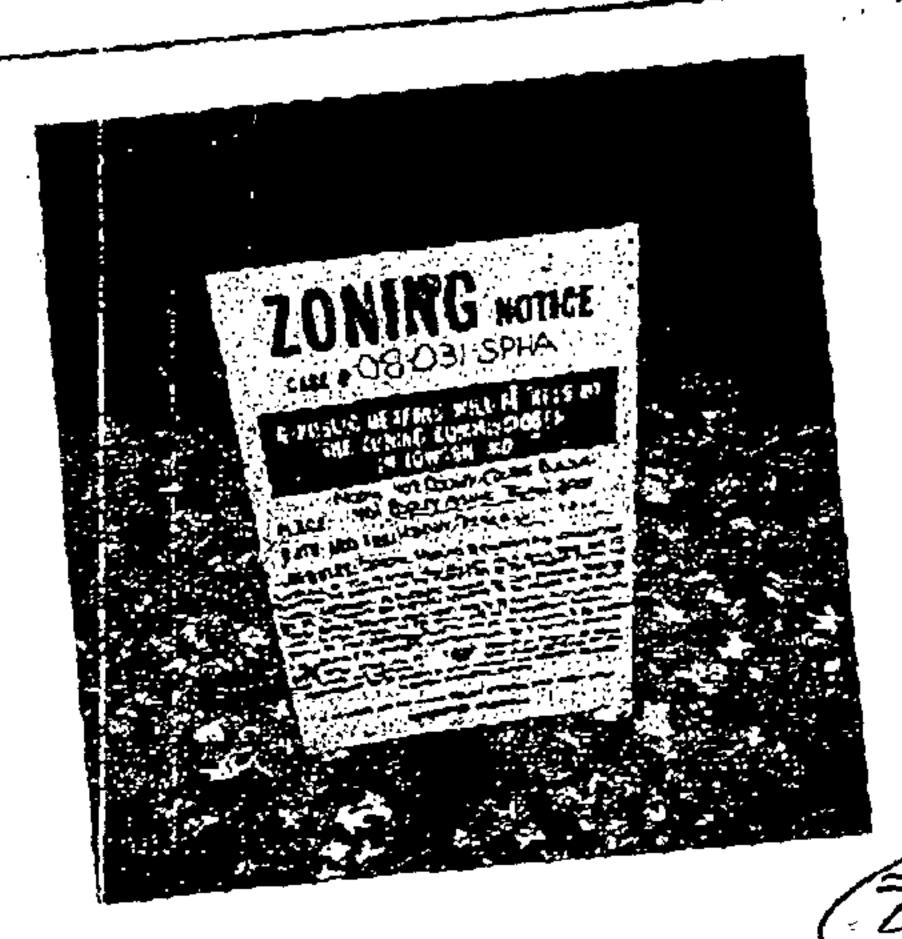
Ladies and Gentiemen: 🤲

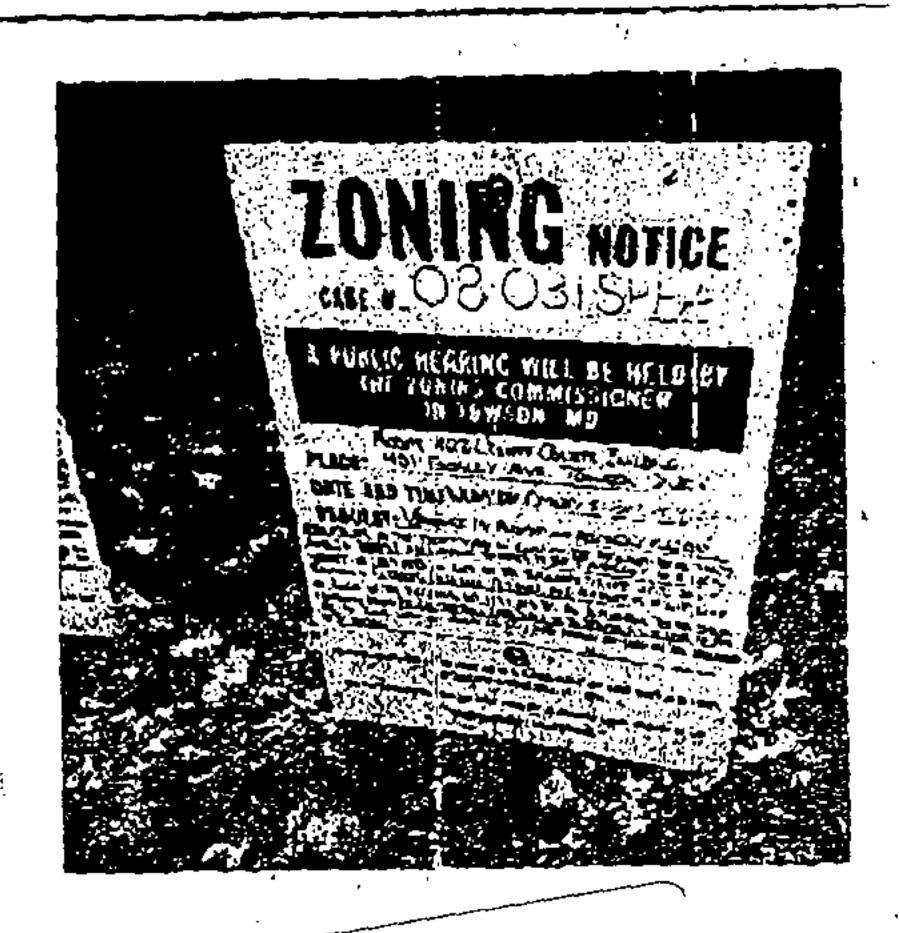
This letter is to certify moder the penalties of perjusy that the necessary sign(s) required by law were posted conspicuously on the property located at:

The sign(s) were posted on

(Month, Day, Year)

SSG Robert A Black Dundalk, Mb 21222





GILDEA & SCHMIDT, LLC

DAVID K. GILDEA

LAWRENCE E SCHAOOT D. DUNBY HOLMAN

MEBASTIAN A. CROES

F. GILLING CHEEN

ERIC N. LAMB CHARLES B. MAREK, III

DAMIAN C. COOBERTY

JASON T. VETTOKI

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TRIBPHONE 41.0-821-0970 FACSIMITER 410821-0071 www.gildetillc.com

ANNAPOLIS, MO OFFICE OS CATRIEDRAL STREET SUTTE 100 ANNAPOLIS, MARYLAND 91401 TELEPHONE 410-225-6070

FACSIMILE TRANSMITTAL SHEET						
TO: Debbie		FROM. Debbie Starrett				
Zoning Commiss	ng Commissioner's Office 10-10-07					
FAX NUMBER: 410-887-3468		TOTAL NO. OF PAGES INCLUDING COVER:				
RE: Certificate of Post	ting for Case No.	08-031-SPHA				
□ urgent	□ FOR REVIEW	Please comment	D PLEASE REPLY	D PLEASE RECYCLE		



111 West Chesapeake Avenue Towson, MD 21204

887-3353

January 11, 1991

PETITIONER'S

EXHIBIT NO.

4

Mr. & Mrs. Donald Hyson 2411 Barrison Point Road Essex, MD 21221

RE: VERIFICATION OF BUILDING LOT

at 2411 Barrison Point Road

Zoning: RC5

Dear Mr. & Mrs. Hyson:

As a result of a meeting in my office just prior to Christmas, you requested verification that the above referenced property would be accepted as a building lot for a single family dwelling. The property presently extends from the Chesapeake Bay to a point on the Northwest side of Barrison Point Road. That portion of the property on the Westside of Barrison Point Road contains one dwelling unit which is presently rented. The majority of the property between Barrison Point Road and the Bay is improved with several buildings that are presently rented as residences. Upon purchasing this property, it is your intention to remove all residences and outbuildings with the exception of one building which will be utilized as an accessory structure and will be relocated from the waterfront to a point between Barrison Point Road and the proposed new dwelling.

It is also my understanding based upon our discussion that the majority of the property in this area fronts Chesapeake Bay, therefore, your proposed location of the accessory structure will be properly located in your rear yard.

For purposes of determining compliance with Section 1A04.3B6 which restricts the number of dwellings per lot to one in the RC5 zone, this office will consider the existing dwelling at 2408 Barrison Point Road as being on a separate lot. The reason for this determination is the fact that the dwelling exists and the fact that Barrison Point Road (a public road) for all practical purposes divides the lot in question into two separate lots. The approval of your Building Permit as set forth above will, of course, be subject to compliance with all applicable height and area requirements of the RC5 zone.

Mr. & Mrs. Donald Hyson
Re: 2411 Barrison Point Road
January 11, 1991
Page 2

If you have any questions, please feel free to contact this office at 887-3391.

Very truly yours,

JAMES E. DYER Zoning Supervisor

JED:cer

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TIMOTHY M. KOTROCO, Director



Donald E. Branco

DONALD E. BRAND, Buildings Engineer

BUILDING PERMIT

PERMIT #: B574151 CONTROL #: RA DIST: 15

PREC:

DATE ISSUED: 10/28/2004 TAX ACCOUNT #: 1518472061 CLASS: 34

PLANS: CONST O PLOT O R PLAT O DATA O ELEC NO PLUM NO

LOCATION: 2408

BARRISON POINT RD

SUBDIVISION: 3200FT E ROCKY POINT RO

OWNERS INFORMATION

NAME: HYSON DONALD V & DEBORAH C

ADDR: 2411 BARRISON FOINT RD.21221

PETITIONER'S

EXHIBIT NO. 59

TENANT:

OWNER CONTRI

ENGNR:

SELLRI

WORK:

RAZE EXISED DAMAGED BY STORM OF 9-19-03:TO BE

TORN DOWN+DEBRIS TO BE HAULED TO APPROVED SANI-

TARY LANDFILL IN ACCORDANCE WITH APPLICABLE BALTO.CO.SITE REGULATIONS PERMIT EXPIRES 90 DAYS FROM ISSUE DATE SEPTIC TO BE BACKFILLED.

39X21=1838SF, NEW GRINDER FUMP EXISTS.

BLDG. COOE:

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: VACANT-SEE NR B574154

EXISTING USE: SFD

TYPE OF IMPRV: WRECKING

USE: ONE FAMILY

FOUNDATION:

BASEMENT:

SEWAGE: PRIV. EXISTS WATER: PRIV. EXISTS

LOT SIZE AND SETBACKS

SIZE: 2,290 ACRES

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: NC/NC

SIDE STR SETB:

REAR SETB: NO

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TIMOTHY M. KOTROCO, Director



Donald E. Branco

DONALD E. BRAND, Buildings Engineer

BUILDING PERMIT

PERMIT #: B574154 CONTROL #: NRFP DIST: 15 PREC: 19

DATE ISSUED: 01/28/2005 TAX ACCOUNT #: 1518472061 CLASS: 34

PLANS: CONST 2 PLOT 9 R PLAT O DATA O ELEC YES PLUM YES

LOCATION: 2408

BARRISON POINT RO

SUBDIVISION: 3200FT E ROCKY POINT RD

OWNERS INFORMATION

NAME: MYSON DONALD V

ADDR: 2411 BARRISON POINT RD 21221

PETITIONER'S

EXHIBIT NO.

TENANTI

CONTR: OWNER

ENGNR:

SELLR

WORK:

CONST.REPLACEMENT SED DUE TO STORM OF 9-19-03 3 BEDRMS, OPEN DECK ON FRONT, NO FIREPLACE, LOWER LEVEL 2 CAR GARAGE, 28X36X34=3024SF; NEW SFD TO

BE HOOKED UP TO NEW GRINDER PUMP WHEN

COMPLETED, CBCA; AFFIRMATION OF LANDOWNER LETTER

ON FILE, ZONE A

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OUNED

PROPOSED USE: SFD E.C.R.

EXISTING USE: SED TO BE RAZED-SEE RA B574151

TYPE OF IMPRV: NEW BULDING CONTRUCTION

USE: ONE FAMILY

FOUNDATION: BLOCK

BASEMENT: NONE

SEWAGE: PRIV. EXISTS WATER: PRIV. EXISTS

LOT SIZE AND SETBACKS

SIZE: 2.290 ACRES

FRONT STREET:

SIDE STREET:

FRONT SETB: 127

SIDE SETB: 19/26

SIDE STR SETB:

REAR SETB: 18

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

PETITIONER'S

EXHIBIT NO.

9/19/07

To Whom It May Concern:

The Hyson's are our next door neighbors here on Barrison Point Road. The gazebo in their yard is very unobtrusive and is not infringing upon our view in any way shape or form, Furthermore, I must say that it is a pleasure living near this couple who take meticulous care of their gardens and plantings as it just adds to the pleasure of living here on the Bay.

Sincerely yours,

Renee and Brook Yeaton

EXHIBIT NO.

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

Aug 31, 2007

Zoning Commissioner William J. Wiseman, III County Office Building 111 West Chesapeake Avenue Towson, MD 21204

Dear Mr. Wiseman, III.

Reference: Zoning Hearings - 2411 Barrison Point Road

Location: Centerline of Barrison Point Road, 2,500 feet northeast of an intersection by centerline of

Barrison Point Road and Barrison Point Court. 15th Election District

Date/Time: 9/12/2007 9 a.m. - 9/12/2007 10 a.m.

Case Number: 8-31-SPHA

Legal Owner(s): Donald and Deborah Hyson

Meeting location: County Courts Building, 401 Bosley Avenue, Room 407, Towson, MD 21204 Description: Special Hearing to confirm and approve the existence of two separate building lots on a single tract and to confirm the location of the front yard of the property facing the water containing a dwelling known as 2411 Barrison Point Road so as to permit an accessory structure(s) to be located in the front yard rather than the rear yard and to permit an accessory structure with living space on the same lot as an existing dwelling known as 2411 Barrison Point Road and as an alternative to the petition for variance, to permit a non-conforming RC - 5 lot with an area of 0.4790 acres and to permit an existing dwelling and setback in a lot which is split zoned RC - 5 and RC - 20.

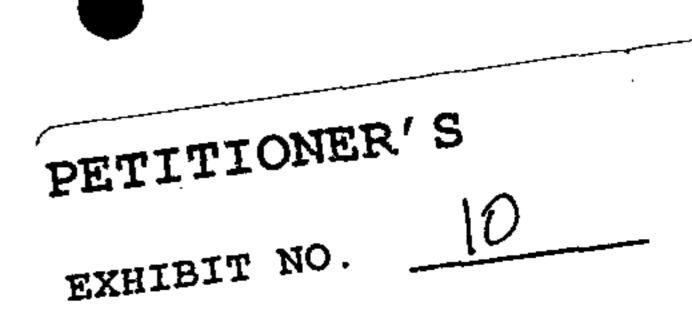
Variance to permit an accessory gazebo structure in the front yard in lieu of the required rear yard and to permit an existing setback to the centerline of a local street of 33.7 feet in lieu of the required 75 feet and to permit existing setbacks 10.5 feet, 8.4 feet and 9.9 feet to a lot line in lieu of the required 50 feet and as an alternative to the Special Hearing, from BCZR Section 1A04.3.B.1.a to permit a lot in the RC - 5 zone with an area of 0.4790 acres in lieu of the required 1.5 acres.

I live at 2502 Island View Road and have a house on 2514 Barrisson Point Road. When the sign for the zoning hearing went up I went by and talked to Don and Debbie Hyson... I am college graduate and still could not understand from the notice what was being asked -- it would be nice if there was another document sent out that explain the legal terms.

After having Don and Debbie explain what they were trying to do -- I felt more comfortable with their zoning request. I wanted to write a letter of support since I live in this community and I am an active member of the homer owner's association for Barrison Point. Their zoning request would not obstruct any water view and blends in with their beautiful gardens. The Hyson are example to other neighbors on how you can make your houses or other structures blend into a water community while not destroying the local environment.

Sincerely Den James S. Brown

Baltimore County Government Department of Permits and Development Management





111 West Chesapeake Avenue Towson, MD 21204

410-887-3335

August 12, 2005

Donald & Deborah Hyson 2411 Barrison Point Road Baltimore, MD 21221

> RE: Barrison Point Road 2408 & 2409 Barrison Point Road DRC Number 080805J; Dist. 15C6

Dear Mr. & Ms. Hyson:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the <u>Baltimore County Code</u> and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on August 8, 2005, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 32-4-106(a)(1)(viii). Please provide copies of the newly recorded deeds to the Land Acquisition Office so our Geographical Information System (CIS) database files can be brought up-to-date. It is also necessary to amend the Record Plat.

Donald & Deborah Hyson Barrison Point Road August 12, 2005 Page 2

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 12th day of August 2005, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

Timothy Kotroco

Director

TK:DTR:dak

c: File



Click here for a plain text ADA compliant screen.



Go Back View Map **New Search Ground Rent**

STR

Account Identifier:

District - 15 Account Number - 1518472061

Owner Information

Owner Name:

HYSON DONALD V

Use:

RESIDENTIAL

HYSON DEBORAH C

Sub District

Mailing Address:

2411 BARRISON POINT RD

BALTIMORE MD 21221-6408

Deed Reference:

Principal Residence:

1) / 8404/ 597

YES

Location & Structure Information

Premises Address

2411 BARRISON POINT RD

14

Primary Structure Built

1992

Legal Description

2.29 AC

E & WS BARRISON PT RD

WATERFRONT Subdivision

Section

3200FT E ROCKY POINT RD **Assessment Area**

Plat No: Plat Ref:

Special Tax Areas

15

105

Map Grid Parcel

Town Ad Valorem

Tax Class

Enclosed Area

Property Land Area 2.29 AC

County Use 34

Stories

Basement

1,453 SF

Type

Block Lot

Exterior

NO

STANDARD UNIT

SIDING

Value Information

Value Phase-in Assessments Base As Of As Of Value As Of 01/01/2006 07/01/2006 07/01/2007 118,540 193,050

Improvements: Total:

Preferential Land:

135,930 254,470 163,280 356,330

288,423

322,376

Transfer Information

RODOWSKY PHILIP Selier: Type:

IMPROVED ARMS-LENGTH

Land:

Date: Deed1: / 8404/597

Date:

Deed1:

02/14/1990

\$155,000 Price:

Date: Deed1:

Price: Deed2:

Deed2:

Price: Deed2:

Exemption Information

Partial Exempt Assessments Class 07/01/2006 07/01/2007 County 000 State 000 Municipal 000

Tax Exempt: **Exempt Class:**

Seller:

Type:

Seller:

Type:

NO

PETITIONER'S

Special Tax Recapture: HOMEOWNERS TAX CREDIT

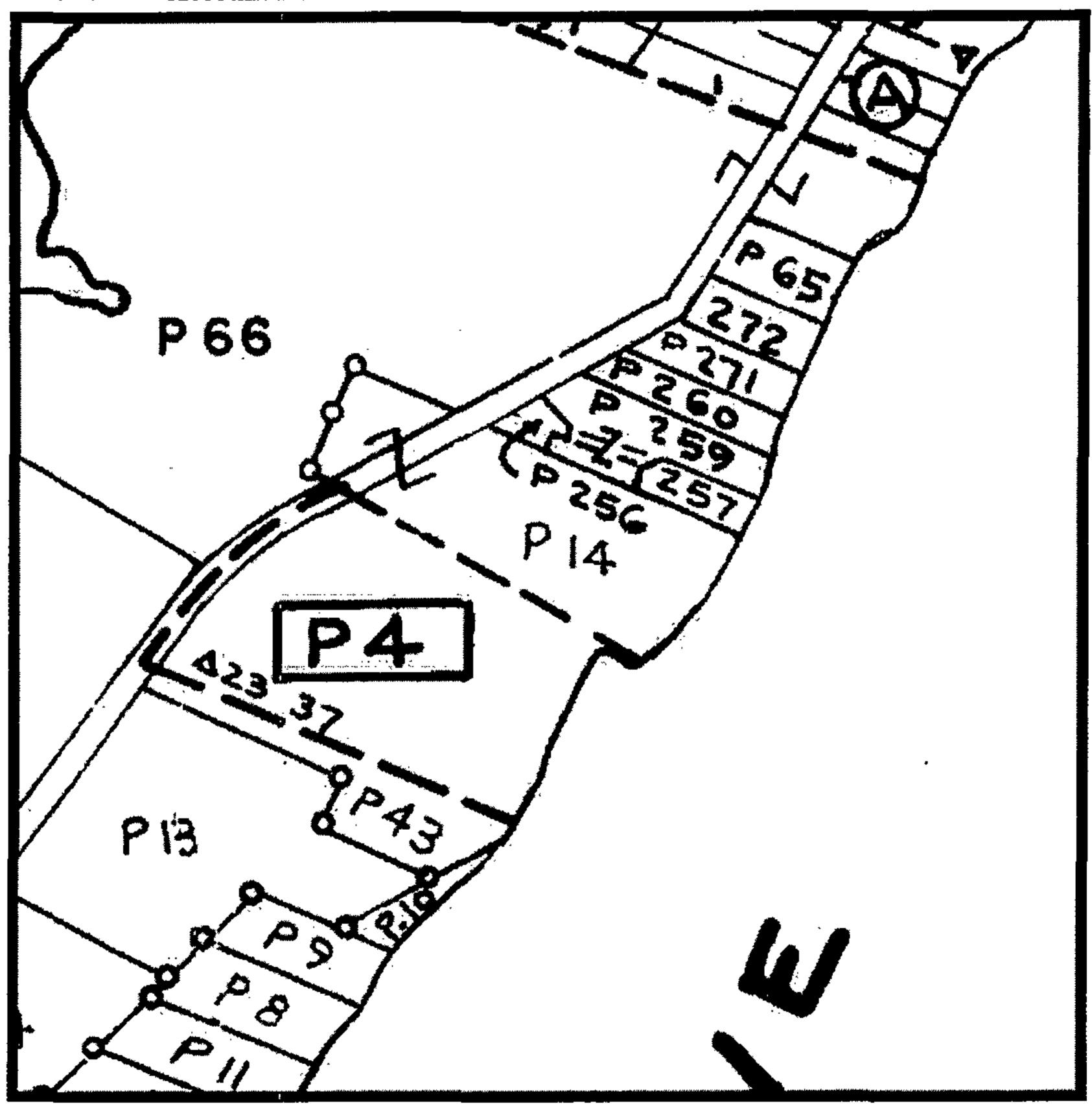
EXHIBIT NO.



Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search

District - 15Account Number - 1518472061



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

2411 Barrison Point Road; C/line Barrison Pt *

Rd, 2,500' NE Barrison Pt Road & Court 15th Election & 6th Councilmanic Districts

Legal Owner(s): Donald & Deborah Hyson

Petitioner(s)*

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

08-031-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

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 27th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed Kenneth Wells, 7403 New Cut Road, Kingsville, MD 21087 and Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUL 27 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per...

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

e gulias green

ERICN. LAMB

CHARLES B. MAREK. DI DAMIAN C. O'DOHERTY JASON T. VETTORI 600 WASHINGTON AVENUE SUITE 200

TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildenlic.com

ANNAPOLIS, MD OFFICE 95 CATHEDRAL STREET BUITE 100 ANNAPOLIS, MARYLAND 21401 TELEPHONE 410-295-0070

August 24, 2007

Via Facsimile and Mail
Miss Kristin Matthews
Baltimore County Zoning
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

Re:

2411 Barrison Point Road Case No.: 08-031-SPHA

Dear Ms. Matthews:

As per your conversation this morning with my paralegal, we must request that the hearing for the above matter set for Wednesday, September 12, 2007, be rescheduled. You indicated that the hearing would be postponed to October 10, 2007, at 9:00 a.m. in Room 407 of the County Courts Building at 401 Bosley Ave. in Towson.

If this is not your understanding, or should you have any questions or comments, please contact me immediately. With kind regards, I am

Very truly yours,

Lawrence E. Schmidt

LES/cjp

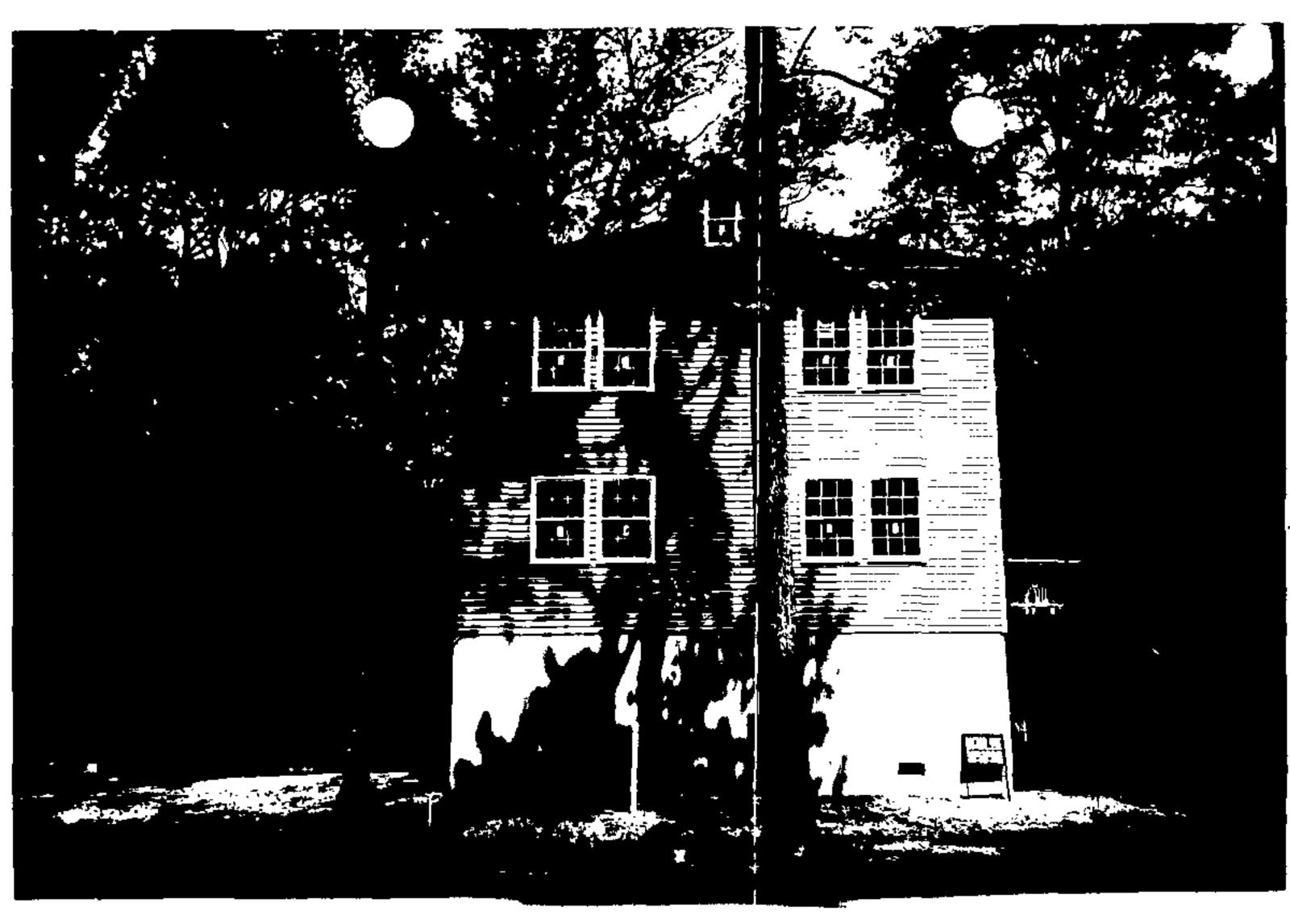
CC;

Donald & Deborah Hyson Kenneth J. Wells, kjWells, Inc.



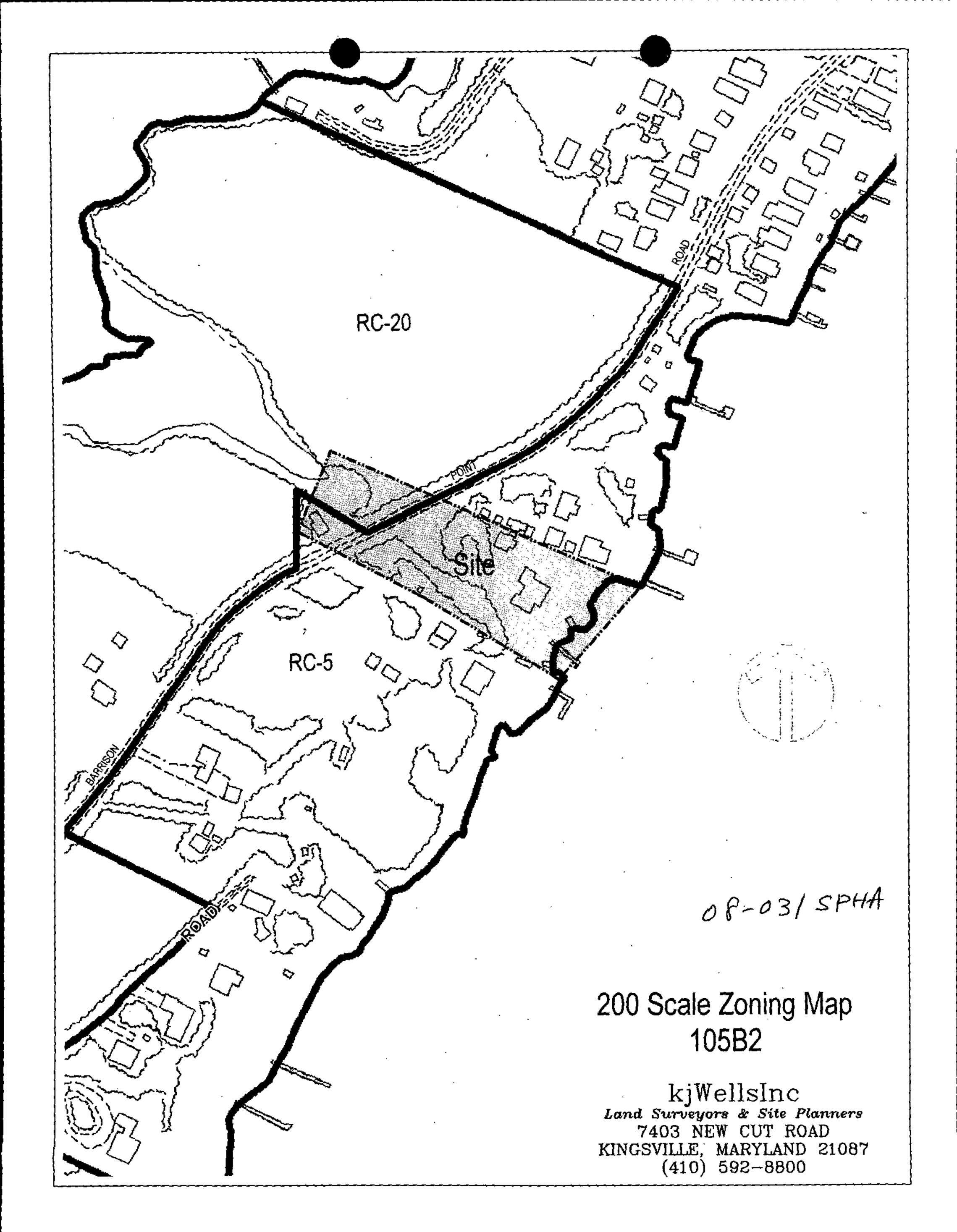








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1-8-54

celmer

431-11

1841

Celmer Etypen Ex. 1

