

IN RE: **PETITION FOR VARIANCE**
E/S Barrison Point Road, 4,200' E
Rocky Point Road
(2503 Barrison Point Road)
15th Election District
6th Council District

Donna D. Dat, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 08-423-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Donna D. Dat, and her husband, Devendra Dat. As originally filed, the Petitioners sought relief from Section 1A04.3A and 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling with a lot size of 0.20 acres in lieu of the required 1.5 acres, to allow a building height of 40 feet in lieu of the required 35 feet, to permit side yard setbacks of 10 feet in lieu of the required 50 feet and a principal building setback of 40 feet in lieu of the required 75 feet.¹ At the hearing, the Petitioners amended their request to reflect a reduction in size of the proposed dwelling to 30 feet by 54 feet, thereby reducing the front yard setback. As shown on the amended plan submitted and marked as Petitioners' Exhibit 1, the Petitioners now seek relief to allow side yard setbacks of 10 feet on the north and south sides and will provide a 55-foot setback from the bulkhead to the front building line of the proposed dwelling and a 75-foot setback from the rear building line to the centerline of Barrison Point Road.

¹ The subject property has 50 feet of frontage on Barrison Point Road and 50 feet of width at the bulkhead and pier on Hawk Cove. The Zoning Commissioner's Policy Manual (Z.C.P.M.), Sections 400.1A and 400.2A, provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, waterfront lots refer to the front of the structure as facing the water. In this case, it was incorrectly noted by the Zoning Review Office that the front of the home faced Barrison Point Road. At the onset of the hearing, the site plan was corrected noting the front facing Hawk Cove.

ORIGINAL RECEIVED FOR FILING
Date 5-21-08
By [Signature]

Appearing at the hearing in support of the request were the owners of the property, Donna and Devendra Dat. Appearing as Protestants/interested neighbors were James L. Jones, an adjacent neighbor residing at 2505 Barrison Point Road, Van and Carole Seibel, 2507 Barrison Point Road, and James L. Brown, 2514 Barrison Point Road - opposite side of the road. They raised concerns about the height of the proposed home and did not want the front of the structure (including any decks or porches) on the water side to extend beyond the front building line of adjacent homes. In response to these concerns, the Petitioners, as noted above, amended the petition and site plan to show a uniform building envelope and withdrew the height variance request.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the east side of Barrison Point Road, just east of Rocky Point Road, in eastern Baltimore County. The property is also known as Lot 2, Section A of Barrison Point, an older subdivision which was recorded in the Land Records of Baltimore County well prior to the effective date of the zoning regulations.² As is often the case with older subdivisions, many of the lots do not meet current area and/or width requirements. In this regard, the subject property is approximately 50 feet wide and 160 feet deep and contains a gross area of 8,500 square feet, more or less, zoned R.C.5. The R.C.5 zoning classification requires minimum setbacks of 50 feet from any property line and a minimum lot area of 1-½ acres. Thus, it is clear that the subject lot is undersized by today's development standards and cannot meet today's development standards.

² The Zoning Review Office suggested language in the Petition to allow a lot size of .20 acres in lieu of the required 1.5 acres. This relief is not necessary as evidenced by the Maryland Department of Assessments and Taxation Real Property sheet as this has been a lot of record with a primary structure built in 1939. The Petitioners are not creating a lot in the R.C.5 zone.

ORDER RECEIVED FOR FILING
Date 5-21-08
By [signature]

Variance relief is requested as set forth above to allow the redevelopment of the subject property with a two-story, single-family dwelling with front decks on the first and second floor. Testimony indicated that the subject property was recently purchased by the Dat's (November 2006) and the existing structure has been determined to be structurally unsafe. Thus, Petitioners propose the new dwelling in essentially the same footprint. It was indicated that a height of 40 feet would have provided for additional storage space but in response to the neighbors opposition Petitioners elected to withdraw their request and agreed to abide with the B.C.Z.R. height regulations. In addition, Petitioners agreed that neither their front foundation or amenity decks would extend beyond their neighbors adjacent front building lines and existing decks so as to respect existing water views. The Petitioners will submit building elevations to the Office of Planning for review and approval prior to being granted a building permit. The Office of Planning will determine the compatibility of size, exterior building materials, color and architectural detail. I will leave it to that Office to determine that the proposed home is consistent with the existing dwellings in the area. In view of the narrow configuration and size of the lot, compliance with the regulations is not practical or possible. Additionally, the property is located in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA), which require that the proposed development must comply with these regulations and, in particular, the impervious surfaces which are limited to 31.25% of the property. Thus, variance relief is requested in order to comply with the spirit and intent of these regulations.³

³ The testimony of neighbors indicated that the Barrison Point subdivision has justifiably earned a reputation as being one of the finest residential waterfront areas in the metropolitan area. They described the mature trees and park-like setting upon entering this waterfront community. Upon verification with the Office of Planning, I determined that Barrison Point Road was indeed a "scenic route" as identified in the Baltimore County Master Plan. While I do not fault the Zoning Review Office or Office of Planning in this regard, it must be noted that B.C.Z.R. Section 1A04.3B.2.b requires "a principal building" setback to be situated at least 150 feet from the centerline of a scenic road. The Petitioners only have 75 feet which is the pattern of development in this area.



Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. and *Cromwell v. Ward*, 102 Md. App. 691 (1995). The variances in this case are driven by the configuration and size of the lot. Moreover this property will be served by public water and public sewer which has been made available in this area. Strict compliance with the regulations would cause a practical difficulty upon the Petitioners in that a reasonable use of the land would not be permitted. Finally, the neighbors are not opposed to the proposal and are satisfied with the amendments and agreements reached during the hearing. Thus, I find that relief can be granted without detrimental impact to the adjacent properties. In this regard, it is noted that many other houses in the community are built on similarly sized lots. However, in granting the relief, the Petitioners are reminded that they need to comply with the CBCA regulations enforced by the Department of Environmental Protection and Resource Management (DEPRM).

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of May 2008 that the Petition for Variance seeking relief from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling on an undersized lot with side yard setbacks of 10 feet in lieu of the required 50 feet and a principal building setback from the centerline of a scenic road of 75 feet in lieu of the required 150 feet, in accordance with Petitioners' Amended Exhibit 1, be and the same are hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an

ORDER RECEIVED FOR FILING
Date 5-21-08
By [Signature]

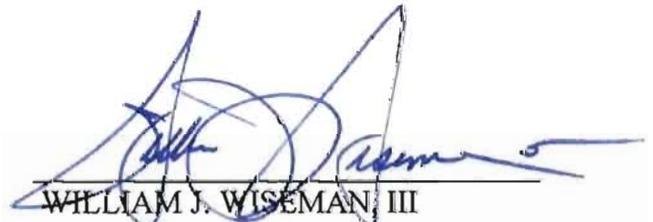
appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) Compliance with the Zoning Advisory Committee (ZAC) comment submitted by DEPRM and the Development Plans Review Division of the Department of Permits & Development Management (DPDM) relative to the Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and B.O.C.A regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of these comments, dated May 1, 2008 and March 28, 2008 respectively, have been attached hereto and are made a part hereof.
- 3) Prior to the issuance of any building permits, the Petitioners shall submit building elevation drawings to the Office of Planning for review and approval prior. The proposed dwelling shall be constructed substantially in accordance with the elevation drawings approved by the Office of Planning. Moreover, landscaping shall be provided in front of the property along Bay Drive, if consistent with the existing streetscape.
- 4) To insure compatibility with neighboring existing dwellings and their water views, the front building line setback (including decks) shall be in line with others along the waterfront.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that those portions of the Petition for Variance seeking relief to allow a lot size of .20 acres in lieu of the required 1.5 acres and from B.C.Z.R. Section 1A04.3A to allow a building height of 40 feet in lieu of the required 35 feet, be and are hereby DISMISSED AS MOOT.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:dlw


WILLIAM J. WISEMAN III
Zoning Commissioner
for Baltimore County

COPIES RECEIVED FOR FILING
Date 5-21-08
By [signature]

BW 5/13
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 02 2008

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: May 1, 2008

SUBJECT: Zoning Item #08-423-A
Address 2503 Barrison Point Rd
(Dat Property)

Zoning Advisory Committee Meeting of March 24, 2008

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

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

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

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

Additional Comments:

The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100-foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met.

Reviewer: Regina Esslinger

Date: April 24, 2008

S:\Devcoord\I ZAC-Zoning Petitions\ZAC 2008\ZAC 08-423-A 2503 Barrison Pt.doc

COPIES RECEIVED FOR FILING
Date 5-21-08
By [signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 28, 2008

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 31, 2008
Item No. 08-423

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

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

The flood protection elevation for this site is 10.4 feet.

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

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

The building engineer shall require a permit for this project.

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

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEX:clw

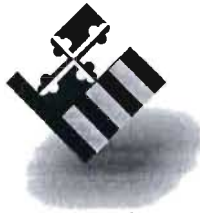
cc: File

ZAC-ITEM NO 08-423-03282008.doc

ORDER RECEIVED FOR FILING

Date 5-21-08

By 103



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 21, 2008

Donna D. Dat
Devendra Dat
11801 Ellington Drive
Beltsille, Maryland 20705

RE: PETITION FOR VARIANCE

E/S Barrison Point Road, 4,200' E Rocky Point Road
(2503 Barrison Point Road)
15th Election District - 6th Council District
Donna D. Dat, et ux – Petitioners
Case No. 08-423-A

Dear Mr. and Mrs. Dat:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in part and dismissed in part, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: James L. Jones, 2505 Barrison Point Road, Essex, MD 21221
Van and Carole Seibel, 2507 Barrison Point Road, Essex, MD 21221
James L. Brown, 2514 Barrison Point Road, Essex, MD 21221
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; Bureau of Development Plans Review; DEPRM; Office of Planning; File

ZONING DESCRIPTION FOR 2503 BARRISON POINT ROAD

Beginning at a point on the EAST side of BARRISON POINT ROAD which is 50 FEET wide at the distance of 4200 FEET EAST of the centerline of the nearest improved intersecting street ROCKY POINT ROAD which is 50 FEET wide. *Being Lot # 2, Section # A in the subdivision of BARRISON POINT as recorded in Baltimore County Plat Book # 8, Folio # 82 containing 8500 SQUARE FEET. Also known as 2503 BARRISON POINT ROAD and located in the 15 Election District, 6 Councilmanic District.

08-423-1



CBCA Flood

TAX. UNIT # 1526200020

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2503 BARRISON POINT ROAD

which is presently zoned RC 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B TO ALLOW A LOT SIZE OF .20 ACRES IN LIEU OF THE REQUIRED 1.5 ACRES AND 1A04.3.A TO ALLOW A BUILDING HEIGHT OF 40 FEET IN LIEU OF THE REQUIRED 35 FEET AND 1A04.3.C.2 TO ALLOW SIDE SETBACKS OF 10 FEET IN LIEU OF THE REQUIRED 50 FEET AND A FRONT SETBACK OF 75 FEET IN LIEU OF THE REQUIRED 75 FEET

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

1. Older neighborhood created in the 1930s, most lots are 50' x 170'
2. Existing dwelling is small and old, the roofs leaks, basement leaks from cracks.
3. Need a larger house for growing family of 4, NO Basement.

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

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

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

Contract Purchaser/Lessee

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 08-423-A

REV 9/15/98

Legal Owner(s):

DONNA D. DAT

Name - Type or Print

Signature

DEVENDRA DAT

Name - Type or Print

Signature

11801 ELLINGTON DR. 301 441-8073

Address

Telephone No.

BELTSVILLE

City

MD

State

20705

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

RECEIVED FOR FILING

Date 5-21-08

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By C.M.

Date 3-11-08

* Barrison Pt Road is a scenic route



CRCA Flood

TAX. COUNT # 1526200020

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2503 BARRISON POINT ROAD
which is presently zoned RC 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B TO ALLOW A LOT SIZE OF .20 ACRES
IN LIEU OF THE REQUIRED 1.5 ACRES AND 1A04.3.A TO ALLOW A BUILDING HEIGHT
OF 40 FEET IN LIEU OF THE REQUIRED 35 FEET AND 1A04.3.C.2 TO ALLOW
SIDE SETBACKS OF 10 FEET IN LIEU OF THE REQUIRED 50 FEET AND
A FRONT SETBACK OF 40 FEET IN LIEU OF THE REQUIRED 75 FEET

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

1. Older neighborhood created in the 1930s, most lots are about 50' x 170'
2. Existing dwelling is small and old, roof leaks, basement leaks from cracks in the walls.
3. Need a larger house for a growing family of 4 - no Basement.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

DONNA D. DAT

Name - Type or Print

Donna D. Dat

Signature

DEVENDRA DAT

Name - Type or Print

Devendra Dat

Signature

11801 ELLINGTON DR. 301 441-8073

Address

Telephone No.

BELTSVILLE

MD

20705

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 08-423-A

ORDER RECEIVED FOR FILING

AVAILABLE FOR HEARING

REV 9/15/98

Date 5-21-08

Date 3-11-08

By AW

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: # 08-423-A

2503 Barrison Point Road

E/side of Barrison Point Road, 4200 feet east of Rocky Point Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Donna & Devendra Dat

Variance: to allow a lot size of 0.20 acres in lieu of the required 1.5 acres and to allow a building height of 40 feet in lieu of the required 35 feet and to allow side setbacks of 10 feet in lieu of the required 50 feet and a front setback of 40 feet in lieu of the required 75 feet.

Hearing: Tuesday, May 13, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special 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.

JT 4/870 Apr. 29

171530

CERTIFICATE OF PUBLICATION

5/1/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/29/2008.

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

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **11406**

Date: **3/11/08**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
0121		0126		6150				65.00

Total: **65.00**

Rec From: **D. D. 11406**

For: **9515 Building & Pmt - 125**
VH 11406
09-423-A

DISTRIBUTION

WHITE - CASHIER

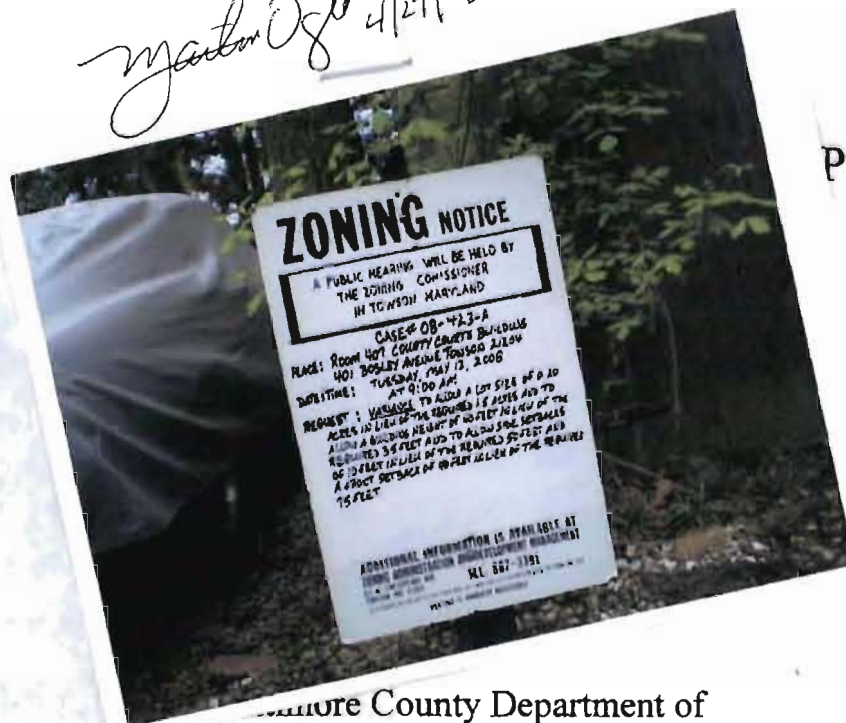
PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME INH
3/11/2008 3/11/2008 09:28:25 2
REC SUS WALKIN DOCL DHD
>>RECEIPT # 432790 3/11/2008 18PLH
Dept 5 S28 ZONING VERIFICATION
011406
Recpt Tot 165.00
165.00 OK 1.00 12
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



POSTING

Case No: 08-423-A

Owner/Developer: Donna E. DEAT

Hearing/Closing: May 13, 2008

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 2503 BARCLISON POINT RD

This sign(s) were posted on April 27, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 4/27/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 31, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 08-423-A

2503 Barrison Point Road

E/side of Barrison Point Road, 4200 feet east of Rocky Point Road

15th Election District – 6th Councilmanic District

Legal Owners: Donna & Devendra Dat

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Hearing: Tuesday, May 13, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Donna & Devendra Dat, 11801 Ellington Drive, Beltsville 20705

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 28, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 29, 2008 Issue - Jeffersonian

Please forward billing to:
Donna & Devendra Dat
11801 Ellington Drive
Beltsville, MD 20705

301-441-8073

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: 08-423-A

2503 Barrison Point Road

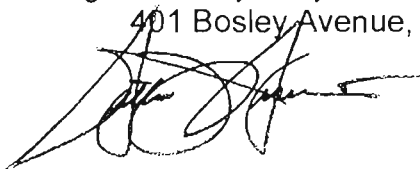
E/side of Barrison Point Road, 4200 feet east of Rocky Point Road

15th Election District – 6th Councilmanic District

Legal Owners: Donna & Devendra Dat

Variance to allow a lot size of 0.20 acres in lieu of the required 1.5 acres and to allow a building height of 40 feet in lieu of the required 35 feet and to allow side setbacks of 10 feet in lieu of the required 50 feet and a front setback of 40 feet in lieu of the required 75 feet.

Hearing: Tuesday, May 13, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 08-423-A
Petitioner: DONNA & DEVENDRA DAT
Address or Location: 2503 BARRISON POINT RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DONNA & DEVENDRA DAT
Address: 11801 ELLINGTON DR
BELTSVILLE MD 20705
Telephone Number: 301-441-8073

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

May 8, 2008

Donna D. Dat
Devendra Dat
11801 Ellington Drive
Beltsville, MD 20705

Dear Mr. and Mrs. Dat:

RE: Case Number: 08-423-A, 2503 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 March 11, 2008. 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

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND**INTER-OFFICE CORRESPONDENCE**

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

DATE: April 21, 2008

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

RECEIVED
APR 23 2008

SUBJECT: 2503 Barrison Point Road
INFORMATION:

BY:.....

Item Number: 8-423

Petitioner: Donna D. Dat

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

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

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared By:



Division Chief:



CM/LL



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

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

Maryland Department of Transportation

Date: MARCH 24, 2008

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

RE: Baltimore County
Item No. B-423-A
2503 BARRISON POINT ROAD
DAT PROPERTY
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. B-423-A.

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,

Fon Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BALTIMORE COUNTY

M A R Y L A N D

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

March 26, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 24, 2008

Item Number: 418,419,420,421,422,423,424,426,427,428,429,430,431,432,433,434
and 435

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C)443-829-2946
MS-1102F

cc: File

BW 513
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 02 2008

BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: May 1, 2008

SUBJECT: Zoning Item #08-423-A
Address 2503 Barrison Point Rd
(Dat Property)

Zoning Advisory Committee Meeting of March 24, 2008

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

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

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

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

Additional Comments:

The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100-foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met.

Reviewer: Regina Esslinger

Date: April 24, 2008

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 28, 2008

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 31, 2008
Item No. 08-423

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

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

The flood protection elevation for this site is 10.4 feet.

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

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

The building engineer shall require a permit for this project.

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

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CFN:clw

cc: File

ZAC-ITEM NO 08-423-03282008.doc

RE: PETITION FOR VARIANCE * BEFORE THE
2503 Barrison Point Road; E/S Barrison Point *
Road, 4200' E Rocky Point Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Donna & Devendra Dat * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-423-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.

RECEIVED

MAR 24 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Jefferson Building, Room 204

105 West Chesapeake Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to Donna & Devendra Dat, 11801 Ellington Drive, Beltsville, MD 20705, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

James S. Brown

2502 Island View Road

Baltimore, Md. 21221-6411

To: LW
9/25/09
w/ In Person

09-257-
9/28/09

September 22, 2009

Douglas A. Swam, Permit Services Supervisor

Room 100

County Office Building

111 West Chesapeake Avenue

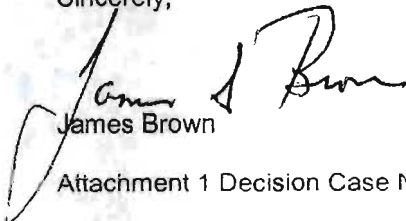
Towson, MD 21204

Dear Mr. Swam:

SUBJECT; HOUSE BEING BUILT AT 2503 Barrison Point Rd, Essex, Md. 21221

I attend the Petition for variance for 2503 Barrison Point Case No. 08-423-A, date 5/21/2008. I objected to a variance being given to exceed a height of 35 feet. I own the property at 2514 Barrison Point Rd. On page 3 of commissioner decision it was agreed that they would not exceed 35 feet. They have put on top a separate room and are calling it a copula. I would like the county to give me a ruling on this because they are allowed a copula but there exceeds a copula and has increase their house height which the commissioner said would be in compliance with neighbors. The copula at 2507 Barrison Point Rd is much more in the style of the copula for our neighborhood not an additional floor to the house for living space.

Sincerely,


James Brown

Attachment 1 Decision Case No. 08-423-A

CASE NAME _____
CASE NUMBER 08-423-A
DATE 5-13-08

[illegible]

CASE NAME _____
CASE NUMBER 08-423-A
DATE 5-13-08

CASE NAME _____
CASE NUMBER 08-423-A
DATE 5-13-08

[illegible]

Petitioner

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1)

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Account Identifier: District - 15 **Account Number -** 1526200020

Owner Information

Owner Name: DAT DONNA D
 DAT DEVENDRA
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 11801 ELLINGTON DR
 BELTSVILLE MD 20705-1310
Deed Reference: 1) /24735/ 552
 2)

Location & Structure Information

Premises Address 2503 BARRISON POINT RD
Legal Description

WATERFRONT

2503 BARRISON POINT RD
 BARRISON POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	9	80			A		2	3	Plat Ref: 8/ 82

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	960 SF	8,500.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	96,500	160,500		
Improvements:	50,090	79,700		
Total:	146,590	240,200	208,996	240,200
Preferential Land:	0	0	0	0

Transfer Information

Seller: DOLAN CAROLE M	Date: 11/08/2006	Price: \$340,000
Type: IMPROVED ARMS-LENGTH	Deed1: /24735/ 552	Deed2:
Seller: MILLER ALBERT WILLIAM	Date: 03/25/2004	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /19793/ 435	Deed2:
Seller: ZELUBOWSKI BERNIE,ET AL	Date: 08/13/1979	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6060/ 853	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



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BALTIMORE COUNTY
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District - 15 Account Number - 1526200020



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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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Account Identifier: District - 15 **Account Number -** 1516150490

Owner Information

Owner Name: SEIBEL VAN WILLIAM **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 2507 BARRISON POINT RD **Deed Reference:** 1) /11038/ 270
 BALTIMORE MD 21221-6410 2)

Location & Structure Information

Premises Address **Legal Description**
 2507 BARRISON POINT RD LT 4 PT 3
 4250 E ROCKY POINT RD
 WATERFRONT BARRISON POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	9	80			A		4	3	Plat Ref: 8/ 82

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	2,768 SF	8,840.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	1/2 STUCCO SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	96,840	160,840		
Improvements:	195,850	246,740		
Total:	292,690	407,580	369,282	407,580
Preferential Land:	0	0	0	0

Transfer Information

Seller: SEIBEL VAN WILLIAM	Date: 05/09/1995	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /11038/ 270	Deed2:
Seller: SEIBEL VAN WILLIAM	Date: 03/22/1988	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8319/ 627	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

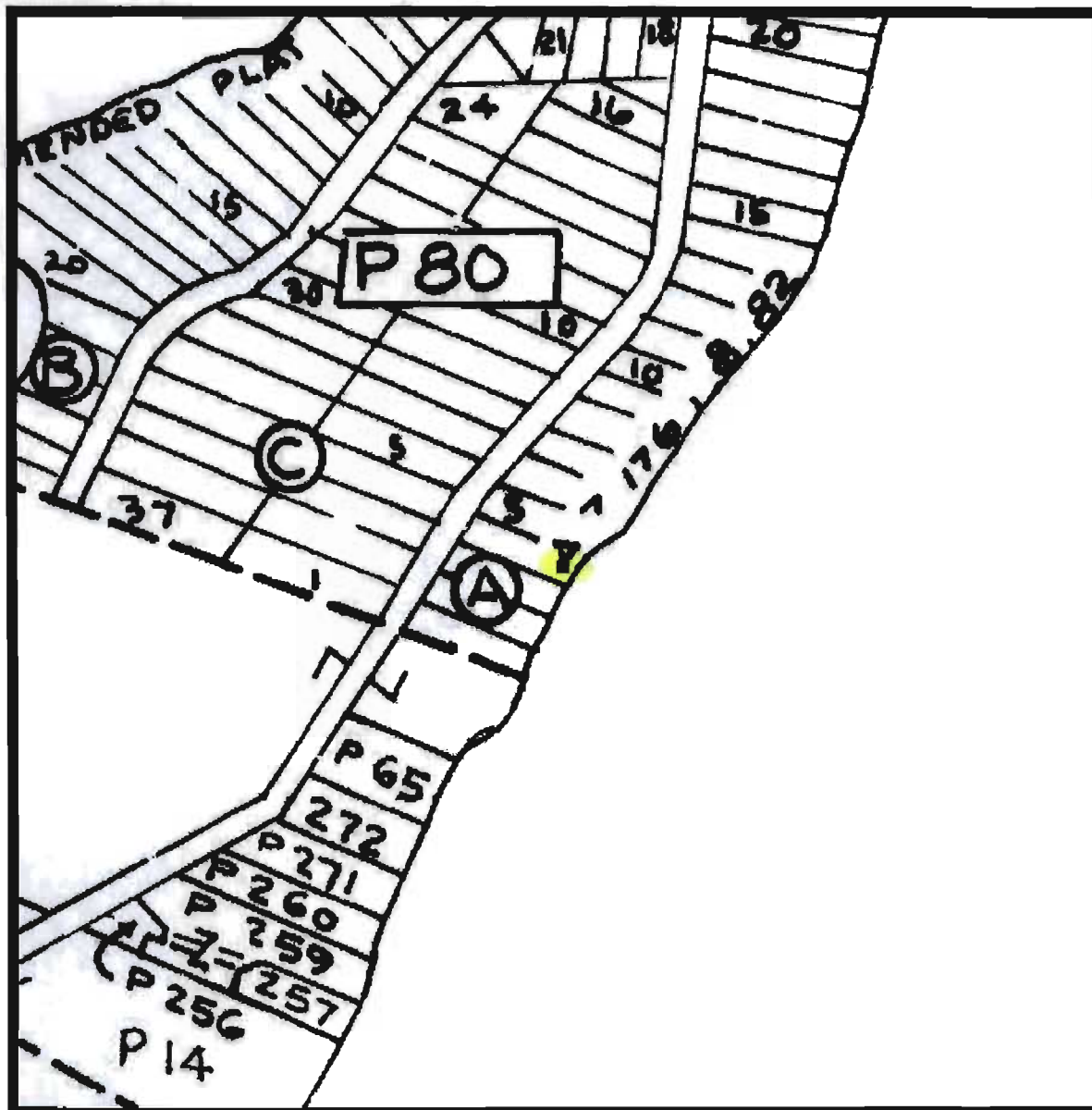
Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



District - 15 Account Number - 1516150490



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site at www.mdp.state.md.us/tax_mos.htm





Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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Account Identifier: District - 15 **Account Number -** 2500001624

Owner Information

Owner Name:	BROWN JAMES S DONOVAN DAVID M	Use:	RESIDENTIAL
Mailing Address:	2502 ISLAND VIEW RD BALTIMORE MD 21221-6411	Principal Residence:	NO
		Deed Reference:	1) /24930/ 530 2)

Location & Structure Information

Premises Address	Legal Description
2514 BARRISON POINT RD	.4764AC LTS 8&9 PT LTS 29&30 BARRISON POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	8	80			C		8	3	Plat Ref: 8/ 82

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1934	1,356 SF	20,751.00 SF	04
Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	FRAME

Value Information

	Base Value	Value	Phase-In Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	35,430	65,430		
Improvements:	60,970	85,320		
Total:	96,400	150,750	132,632	150,750
Preferential Land:	0	0	0	0

Transfer Information

Seller: BROWN JAMES S DONOVAN DAVID M	Date: 12/15/2006	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /24930/ 530	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *



A map was not found for this property

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site at www.mdp.state.md.us/tax_mos.htm





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BALTIMORE COUNTY
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Account Identifier: District - 15 **Account Number -** 1516601107

Owner Information

Owner Name:	GORALSKI EDWARD A	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	1105 E RIVERSIDE AVE BALTIMORE MD 21221-6316	Deed Reference:	1) /18478/ 644 2) /18478/ 641

Location & Structure Information

Premises Address

2504 BARRISON POINT RD

Legal Description

2504 BARRISON POINT RD
BARRISON POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	9	80			C		3	3	Plat Ref: 8/ 82

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1934	1,184 SF	9,000.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	WOOD SHINGLE

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2007	As Of 07/01/2008
Land	32,500	62,500		
Improvements:	44,640	66,770		
Total:	77,140	129,270	111,892	129,270
Preferential Land:	0	0	0	0

Transfer Information

Seller: ROBINSON LEWIS	Date: 07/30/2003	Price: \$45,000
Type: IMPROVED ARMS-LENGTH	Deed1: /18478/ 644	Deed2: /18478/ 641
Seller: POSTERLI FERNANDO	Date: 11/15/1972	Price: \$10,500
Type: IMPROVED ARMS-LENGTH	Deed1: / 5315/ 637	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

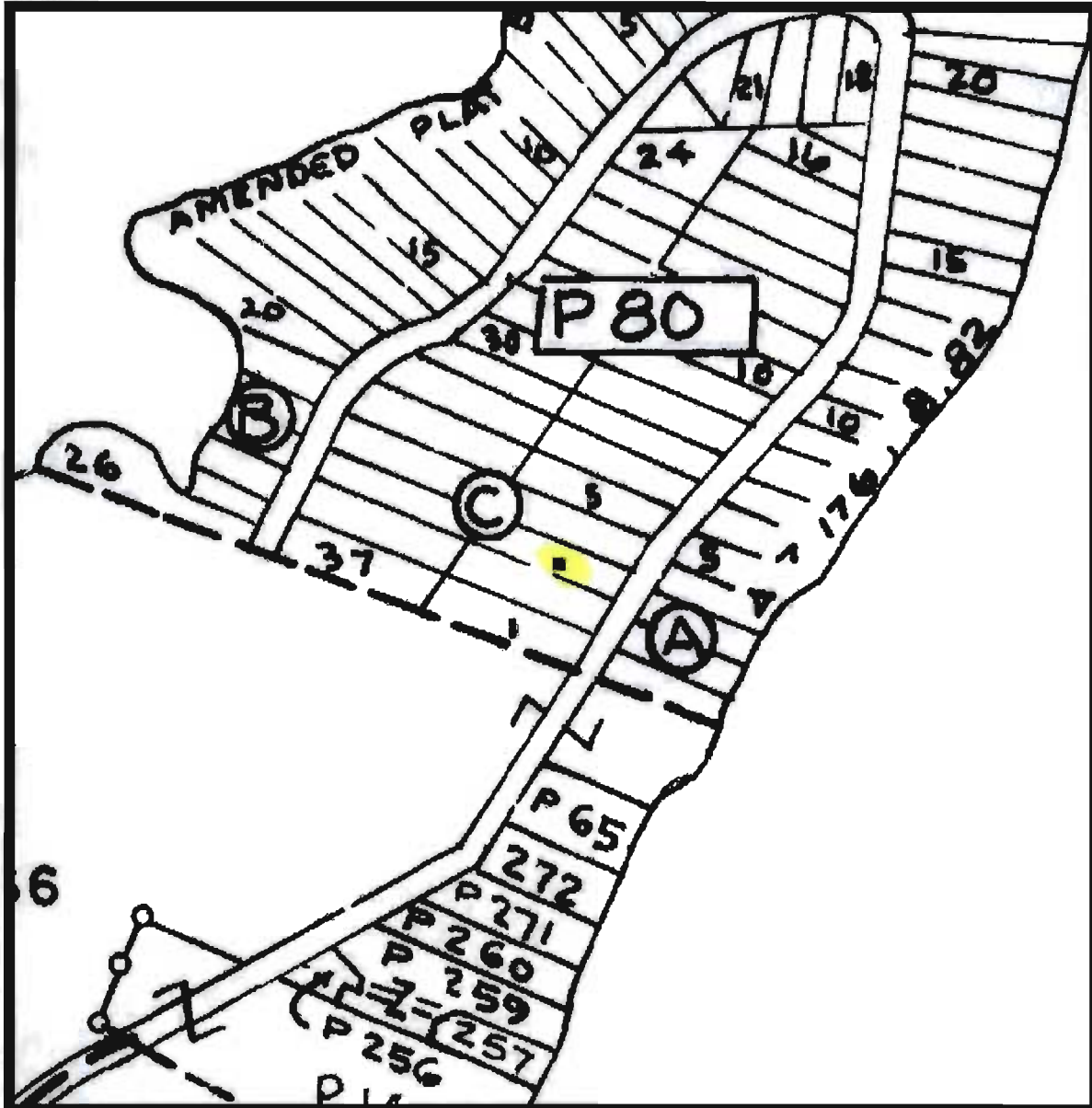
Special Tax Recapture:
 * NONE *



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BALTIMORE COUNTY
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District - 15 Account Number - 1516601107



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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

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Account Identifier: District - 15 **Account Number -** 1519715090

Owner Information

Owner Name:	JOHNSON CAROLYN C	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	2502 BARRISON POINT RD BALTIMORE MD 21221-6409	Deed Reference:	1) /14478/ 355 2)

Location & Structure Information

Premises Address	Legal Description
-------------------------	--------------------------

2502 BARRISON POINT RD

2502 BARRISON POINT RD
BARRISON POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	9	80			C		2	3	Plat Ref: 8/ 82

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1954	960 SF	9,000.00 SF	04
Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	32,500	62,500		
Improvements:	59,320	97,030		
Total:	91,820	159,530	136,960	159,530
Preferential Land:	0	0	0	0

Transfer Information

Seller: JOHNSON CAROLYN C	Date: 05/19/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14478/ 355	Deed2:
Seller: JOHNSON JOHN T	Date: 11/19/1992	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 9467/ 620	Deed2:
Seller: MATTHEU ROSEMARY	Date: 07/31/1989	Price: \$77,900
Type: IMPROVED ARMS-LENGTH	Deed1: / 8236/ 693	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

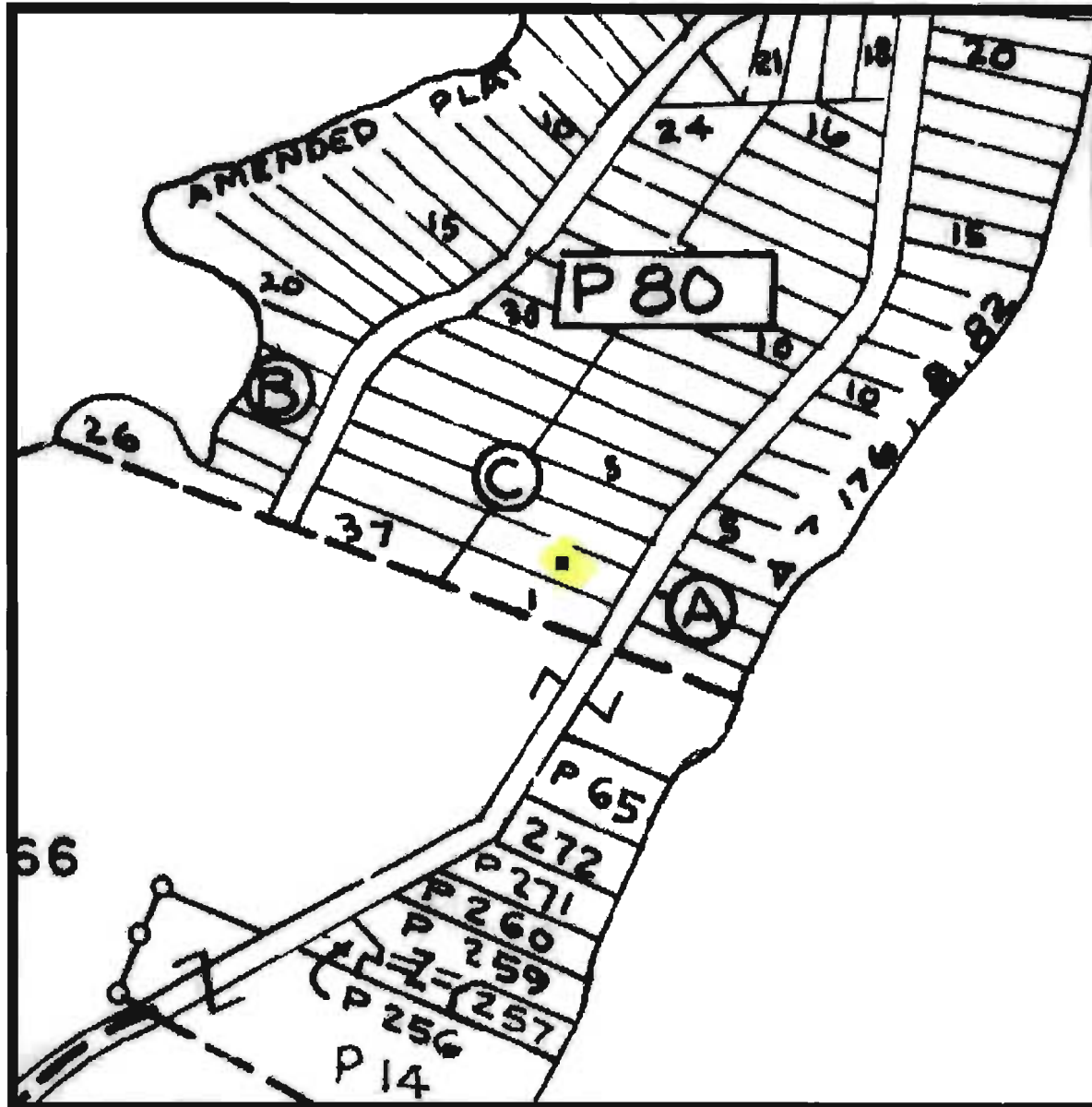
* NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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District - 15 Account Number - 1519715090



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Case No.: 08-423-A 2503 BARRISON POINT RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED SITE PLAN	Letter from Van & Carole Serbel
No. 2	Photographs Existing Conditions	Letter from James S. Brown
No. 3	Photo's of Proposed Replacement Home	Photo of Serbel Home and Home of James Jones
No. 4	ZONING Map - Aerial View of moting Pattern of Development	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ~~X~~VARIANCE SPECIAL HEARING

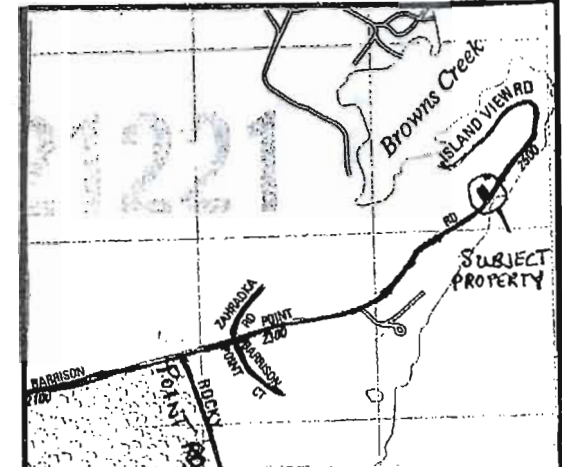
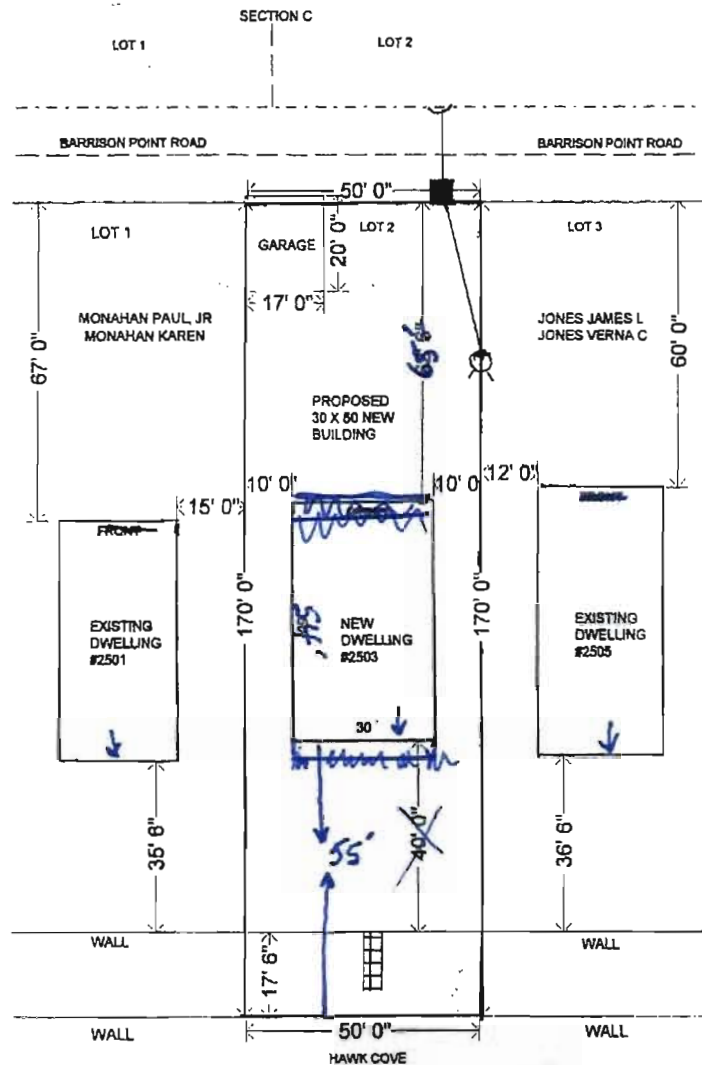
PROPERTY ADDRESS 2503 BARRISON POINT RD.

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME BARRISON POINT

PLAT BOOK # 8 FOLIO # 82 LOT # 2 SECTION # A

OWNER DONNA D. DAT DEVENDRA DAT



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # 105 B2

ZONING RC 5

LOT SIZE .20 ACREAGE 8500 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐

	YES	NO
100 YEAR FLOOD PLAIN	☒	☐

	YES	NO
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY CM ITEM # 423 CASE # 08-423-A

PETITIONER'S

EXHIBIT NO. 1



PREPARED BY OWNERS

SCALE OF DRAWING: 1" = 40'

Subject Photographs

Borrower	Dat, Donna & Devenora				
Property Address	2503 Barrison Point Rd.				
City	Baltimore	County	Baltimore	State	MD
				Zip Code	21221
Lender	1st Preference Mortgage Corp.				



Subject Front

2503 Barrison Point Rd.
Sales Price 340,000
Gross Living Area 960
Total Rooms 6
Total Bedrooms 2
Total Bathrooms 1
Location Essex
View Exc/Waterfnt
Site .19 Acr/Gd
Quality Good/Frame
Age 67+/-



Subject Rear



Subject Street

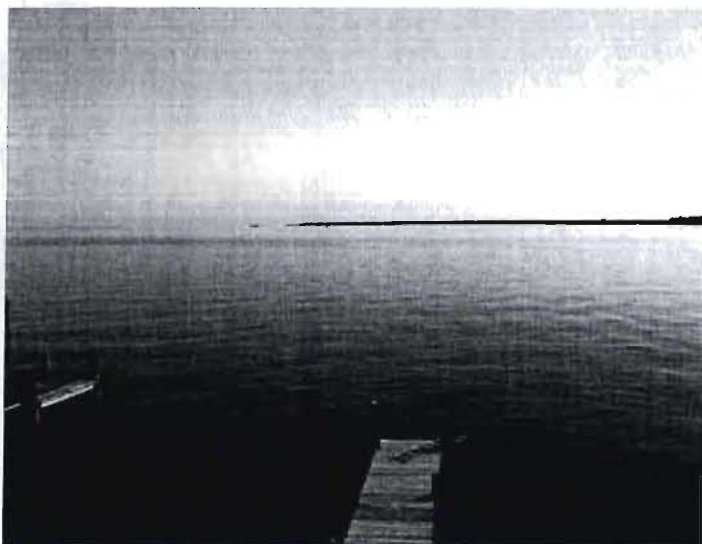
PETITIONER'S

EXHIBIT NO.

2

PHOTOGRAPH ADJUDICATION

Borrower/Owner	Dat, Donna & Devenora				
Property Address	2503 Barrison Point Rd.				
City	Baltimore	County	Baltimore	State	MD
Lender	1st Preference Mortgage Corp.				
				Zip Code	21221



PETITIONER'S

EXHIBIT NO.

2

Comparable Photo Page

Borrower/Dat, Donna & Devenora				
Property Address 2503 Barrison Point Rd.				
City Baltimore	County Baltimore	State MD	Zip Code 21221	
Lender 1st Preference Mortgage Corp.				



Comparable 1

11300 Bird River Grove Rd.

Prox. to Subject 5.5mi. +/-
 Sale Price 335,000
 Gross Living Area 1,297
 Total Rooms 6
 Total Bedrooms 3
 Total Bathrooms 1
 Location White Marsh
 View Gd/Waterfnt
 Site .28 Acr/Gd
 Quality Good/Frame
 Age 57+/-



Comparable 2

806 Seneca Park Rd.

Prox. to Subject 2.5 mi. +/-
 Sale Price 349,900
 Gross Living Area 864
 Total Rooms 5
 Total Bedrooms 2
 Total Bathrooms 1
 Location Bowleys Qtrs
 View Gd/Waterfnt
 Site .37 Acr/Gd
 Quality Good/Frame
 Age 74+/-



Comparable 3

720 Seneca Park Rd.

Prox. to Subject 2.5 mi. +/-
 Sale Price 360,000
 Gross Living Area 892
 Total Rooms 5
 Total Bedrooms 2
 Total Bathrooms 1
 Location Bowleys Qtrs
 View Gd/Waterfnt
 Site .23 Acr/Gd
 Quality Good/Frame
 Age 76+/-



PETITIONER'S

EXHIBIT NO. 4

37.08.
Per ABriggman/DPAW
Per GIS Review
Low adjacent grade
to existing house 11.7
2400100445C
BED

DB-423-A

A10

Case No.:

08-423-A

2503

BARRISON POINT RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED SITE PLAN	Letter from Van & Carole Serbel
No. 2	Photographs Existing Conditions	Letter from James S. Brown
No. 3	Photo's of Proposed Replacement Home	Photo of Serbel Home and Home of JAMES JONES
No. 4	ZONING Map - Aerial View of moting Pattern of Development	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

May 1, 2008

Dear Ms. Kristen Matthews:

We are writing in response to notification that we received regarding a variance request at 2503 Barrison Point Rd Baltimore, Maryland 21221, sixth district, case # 8-423-A.

We, the Seibels, live two homes away at 2507 Barrison Point Rd. Baltimore, Maryland 21221. In reading the variance sign that has been posted, it has become evident to us that the proposed building residence will have a definite impact on us. By extending the front of the proposed residence, we will lose our view of the southeast Chesapeake Bay and gain a new view of the side of the house at 2503 Barrison Point Rd.

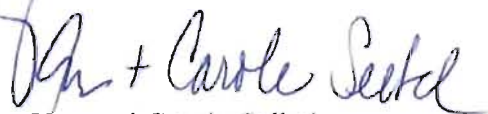
We have lived in our house for several decades and have watched as people have moved into "old shore shacks" and remodeled them. We did this ourselves. However, the county has always maintained a policy that any construction must stay within the existing footprint because of the critical Bay area. We just find this quite unbelievable that a change could even be considered in this policy! Not only is it a detriment to the Chesapeake Bay, but with all the recent focus on this exact issue in the news – I find this to be quite hypocritical on the part of the County. There are regulations that restrict the height of a fence on the waterfront side to 42", so wouldn't it make sense that the setbacks for residences should be in line with the others along the waterfront?

The other concern we have is the placement of a deck on the waterfront side of the house that would come out past the existing decks and again block the views.

There are also numerous well established Cedar and Oak trees located at 2503 Barrison Point Rd, and it would be disheartening to see them cut down for expansion of a residence.

As citizens who are very active in the neighborhood and take a genuine interest in the improvement of Barrison Point, we are adamantly opposed to this variance as it stands. We are in support of improving the existing dwelling or replacing it with a new one in the original footprint.

Thank you,



Van and Carole Seibel

PROTESTANT' S

EXHIBIT NO. 1

May 6, 2008

Office Of The Zoning Commissioner
William J. Wiseman, III, Zoning Commissioner
Thomas H. Bostwick, Deputy Zoning Commissioner

Zoning Review

W. Carl Richards, Jr., Chief
Room 111
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards, Wiseman, Bostwick:

Reference: CASE NUMBER: 8-423-A Zoning Hearings - 2503 Barrison Point Road;
Date/Time: 05/13/2008 9:00 AM - 05/13/2008 10:00 AM

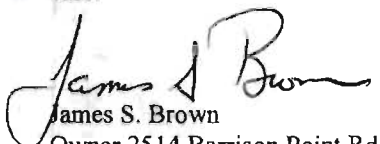
My name is James S. Brown and I own the property at 2514 Barrison Point Rd, Essex, MD 21221.

My property is located behind the waterfront properties and **I do not agree that 2503 Barrison Point Road should be given the variance of 40 feet for the height of their building.** It should stay at required 35 feet height. Their new house will have three floors. If anyone off the water wants to build their house up the 35 feet then the extra 40 feet would not allow us to have the view. So far no house have been approved on the water on Barrison Point to exceed 35 feet.

I think your written decision should insure that 2503 Barrison Point Road owners do not construct any decks on the second and third floor toward the water, because that would block the view of the other waterfront property on Barrison Point Road

I think if they add a deck on the first floor (waterside) it should be no higher than 2509, 2507, 2505 Barrison Point Road properties. The house at 2503 Barrison Point should be same distance from the house structure (deck on first floor) as 2509., 2507, 2505 Barrison Point Road. Any first level deck must be similar designs as 2509, 2507, 2505 which allow neighbors to have an unobstructed view of Hawks Cove as they look to their right and size should be no larger toward the water.

I plan to attend the hearing on 5/13/2008 at 9AM, but want this letter to be filed with the commissioner hearing this case.


James S. Brown
Owner 2514 Barrison Point Rd
Essex, Md. 21221

PROTESTANT' S

EXHIBIT NO. 2



PROTESTANT'S

EXHIBIT NO. _____

3

FOR SALE
www.40688beachrs.com

PETITIONER'S

EXHIBIT NO. _____

3



