

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
NW of Barrison Point Road, 2710 feet NE	*	DEPUTY ZONING
of c/l of Rocky Point Road		
15 th Election District	*	COMMISSIONER
6 th Councilmanic District		
(2349 Barrison Point Road)	*	FOR BALTIMORE COUNTY
 Kathleen Victoria Carroll	*	
<i>Petitioner</i>		
Donna Bialozynski		
<i>Contract Purchaser</i>	*	Case No. 2008-0559-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 Kathleen Victoria Carroll, the legal owner of the subject property and Donna Bialozynski, the contract purchaser. The Special Hearing request was filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and pursuant to Sections 1A04.3.B.1.b(1) and 1A04.3.B.2.b of the B.C.Z.R. to allow a lot area of 0.793 acre and side yards of 23 feet and 23 feet in lieu of the required lot area of 1.5 acres and side yards of 50 feet and 50 feet, for a new dwelling on a single lot of record that is not a subdivision and in existence prior to September 2, 2003. The Variance request is from Section 400.3 of the B.C.Z.R. to allow an accessory structure (garage) with a height of 23 feet in lieu of the permitted 15 feet. The subject property and requested relief are more fully described 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 was Petitioner Donna Bialozynski and her husband, Anthony R. Bialozynski. Also appearing in support of the requested relief was Robert Infussi with Expedite LLC, Petitioner's land use consultant, and David Billingsley with Central Drafting & Design, Inc., the firm that

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prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject waterfront property is irregular-shaped and consists of approximately 34,887 square feet or 0.801 acre, more or less. The property is primarily zoned R.C.5 (0.793 acre), with a very small portion of the property zoned R.C.20 (0.008 acre) near Barrison Point Road. The property is located on the southeast side of Barrison Point Road, east of Back River Neck Road in the Rocky Point area of Baltimore County. As shown on the site plan, the overall lot is almost 600 feet deep from Barrison Point Road to the waterfront. The property also has a panhandle driveway access that is approximately 334 feet deep. The rest of the lot, beyond the panhandle, is approximately 240 feet deep and 100 feet wide near the panhandle and 125 feet wide along the waterfront. There are a number of single-family dwellings in the vicinity of the subject property -- on both sides and across the street -- and Petitioner desires to purchase the property in order to construct a single-family dwelling of her own. Petitioner and her husband currently reside in the Glen Arm area of Baltimore County and wish to move to the subject property full time. In order to do so, Petitioner is in need of special hearing relief to approve the undersized lot and setbacks, and variance relief to allow a garage with a 23 foot height in lieu of the permitted 15 feet.

In support of the requested relief, Mr. Billingsley referred to Section 1A04.3.B.1.b(1) of the B.C.Z.R. In general, a lot having an area of less than 1½ acres may not be created in an R.C.5 Zone; however, the aforementioned section states that:

[t]he owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement, or does not meet the setback requirement of Paragraph 2, may apply for a special hearing under Article 5 to alter the minimum lot size requirement.

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Mr. Billingsley proffered that the subject property is not part of a subdivision and has been a lot of record and remained intact since at least 1959. He also presented a Deed showing that the property was conveyed from Paavo Leonard Hantsoo and Victoria Carroll to Victoria Carroll individually in August 2006. This Deed also indicates that Mr. Hantsoo and Ms. Carroll were conveyed the property in January 1988. A copy of the Deed was marked and accepted into evidence as Petitioner's Exhibit 3.

Mr. Billingsley also presented photographs of the neighboring properties which were marked and accepted into evidence as Petitioner's Exhibits 4A through 4G. These photographs show a variety of lot sizes, as well as variations in home sizes, exterior styles, and architectural details. Some of the homes appear to be large, full time residences, while others appear to be seasonal "shore shacks."

In addition to the relief requested for the undersized lot, Petitioner is also in need of special hearing relief from the side yard setback requirement. Section 1A04.3.B.2.b of the B.C.Z.R. states that any principal building hereafter constructed in an R.C.5 Zone shall be situated at least 50 feet from any lot line other than a street line. This essentially creates side yard setbacks of 50 feet. The area of the property where the dwelling is proposed is approximately 100 feet wide. This leaves practically no available space upon which to build a proper home.

In the instant matter, Petitioner desires to construct a relatively modest home, as depicted in the rendering that was marked and accepted into evidence as Petitioner's Exhibit 6. The rendering shows a 1½-story home built on crawl space with most of the daily living space and master bedroom and bathroom on the first floor, and two additional bedrooms and a bathroom on the second floor. There would also be decking along the front and the rear of the home. Although

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[Signature]

Petitioner's Exhibit 6 is not an exact rendering of what Petitioner hopes to build, it is very similar to what Petitioner envisions for the property.

Petitioner also desires to construct a two car garage as shown on the site plan. The garage would be 28 feet wide by 26 feet deep. Similar to the proposed dwelling, Petitioner desires to have a garage that is essentially 1½ stories, with a height of 23 feet for a second floor loft that would be used for storage. The architecture and roof line would be similar to that of the main dwelling. Finally, Mr. Billingsley submitted a letter/petition signed by neighbors at 2140 Barrison Point Road, 2328 Barrison Point Road, 2401 Barrison Point Road, and 2239 Barrison Point Road indicating these neighbors have no objections to the approval of the special hearing and variance.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes. The Planning Office does not oppose Petitioners' request, provided the construction complies with the current R.C.5 requirements. In an updated comment dated August 5, 2008, the Office of Planning indicated that it has reviewed Petitioner's request and accompanying site plan and submittal and understands that Petitioner will not acquire final elevation drawings until such time as the variance is approved. The Office finds the proposal to be in accordance with the spirit and intent of the R.C.5 regulations and performance standards, provided final elevations are submitted to the Planning Office for review and approval prior to the issuance of any building permits. As such, the Planning Office does not oppose the subject request. Comments were also received from the Department of Environmental Protection and Resource Management dated June 26, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area

Regulations. The property is located within the Limited Development area of the CBCA. Additional comments will be expounded on further in this Order.

In regard to the requested special hearing, based on the testimony and evidence, I am persuaded to grant the relief. The evidence shows that the subject property is not part of a subdivision and has existed prior to September 2, 2003, but does not meet the minimum acreage requirement or setback requirement. The evidence also shows that Petitioner intends to construct an attractive home in which to live full time. Without the requested special hearing relief, Petitioner would be denied beneficial use of this waterfront property. In my view, Petitioner's plans are appropriate, and are within the spirit and intent of the Zoning Regulations.

In regard to the request for variance, considering all the testimony and evidence presented, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property is irregular-shaped compared with others nearby and the setback requirements limit the size and placement of a garage accessory structure. Hence, I find the property unique in a zoning sense. Petitioner desires to have more space in the proposed accessory structure by building it to a height of 23 feet. This would allow for storage in the second floor loft area. I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. If not granted the requested relief, Petitioner would not be able to make the desired improvements and would be left with an unimproved parcel of land with very limited uses.

Finally, I find that this variance 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.

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Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's special hearing and variance requests should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 14th day of August, 2008 that Petitioner's request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a lot area of 0.793 acre and side yards of 23 feet and 23 feet in lieu of the required lot area of 1.5 acres and side yards of 50 feet and 50 feet, for a new dwelling on a single lot of record that is not a subdivision and in existence prior to September 2, 2003 be and is hereby GRANTED; and

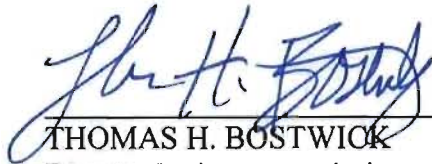
IT IS FURTHER ORDERED that Petitioner's request for Variance from Section 400.3 of the B.C.Z.R. to allow an accessory structure (garage) with a height of 23 feet in lieu of the permitted 15 feet be and is hereby GRANTED, subject to the following:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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 CBCA. Lot coverage is limited to 15% of the lot area above mean high water, but can be increased to a maximum of 5,445 square feet if approved and with mitigation. A minimum 15% forest cover is required at all times. In addition, regulated forest and a 100-foot tidal buffer exist on the waterfront side of the property. There are restrictions to any clearing of trees/forest. Clearing of trees and/or forest may be subject to a maximum clearing area, may require mitigation, and/or may require a CBCA Administrative Variance. Also, there can be no disturbance within the 100-foot tidal buffer measured off mean high water without a CBCA variance. There are no guarantees of any CBCA variance approvals. The location of the proposed development must comply with all CBCA requirements.

4. Prior to obtaining a building permit, Petitioner shall submit the following information to the Office of Planning for their determination that the proposed structure meets the R.C.5 Performance Standards:

- a. Submit photographs of existing adjacent dwellings to the Office of Planning.
- b. Submit building elevations (all sides) of the proposed dwelling to the Office of Planning for review and approval. 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) use 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.
- c. 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.
- d. 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.
- e. Provide landscaping along the public road, if it is consistent with the existing streetscape.

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

ORDER RECEIVED FOR FILING
8.14.08
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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7349 BARRISON POINT ROAD
which is presently zoned RC 5, RC 20 PWB

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

SEE ATTACHED

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 bound 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:

DONNA BIALOZYNSKI

Name - Type or Print

X Donna Bialozynski

Signature

4332 CONIFER COURT (410) 661-4772

Address

GLEN ARM MD.

City

State

Telephone No.

21057

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

KATHLEEN VICTORIA CARROLL

Name - Type or Print

X Kathleen Victoria Carroll

Signature

Name - Type or Print

Signature

7420 WESTLAKE TERRACE

Address

BETHESDA

City

MO

State

Telephone No.

20817

Zip Code

Representative to be Contacted:

EXPEDITE LLC

Name

P.O. BOX 1043-7043 (410) 812-2236

Address

BEL AIR

City

MO.

State

21014

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2008-0559-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING _____

Reviewed By A. T. Sullivan

Date 06/04/08

8-14-08

PB

A LOT AREA OF 0.7~~93~~ ACRE AND SIDE YARDS OF 23 FEET AND 23 FEET IN LIEU OF THE REQUIRED 1.5 ACRE, 50 FEET AND 50 FEET FOR A NEW DWELLING ON A SINGLE LOT OF RECORD THAT IS NOT A SUBDIVISION AND IN EXISTENCE PRIOR TO SEPT. 2, 2003 (SECT. 1A04.3.B.1.b(1) AND 1A04.3.B.2.~~b~~ BCZR)

2008-0559-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2349 BARRISON POINT ROAD
which is presently zoned RC5 ; RC20 Old
Deed Reference: 25082 / 1673 Tax Account # 1508007060

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)

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.)

TO BE PRESENTED AT HEARING

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:

DONNA BIALOZYNSKI

Name - Type or Print

X Donna Bialozynski

Signature

4332 CONIFER COURT (410) 661-4772

Address

Telephone No.

GLEN ARM

MD.

21057

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 2008-0559-SPHA

Legal Owner(s):

KATHLEEN VICTORIA CARROLL

Name - Type or Print

X Kathleen Victoria Carroll

Signature

Name - Type or Print

Signature

7420 WESTLAKE TERRACE

Address

Telephone No.

BETHESDA

MD.

20817

City

State

Zip Code

Representative to be Contacted:

EXPEDITE LLC

Name

P.O. BOX 1043-7043 (410) 812-2236

Address

Telephone No.

BEL AIR

MD.

21014

City

State

Zip Code

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by A. TSL Date 06/04/08

SECTION 400.3 BCZR TO ALLOW AN ACCESSORY STRUCTURE (GARAGE)
WITH A HEIGHT OF 23 FEET IN LIEU OF THE PERMITTED 15 FEET.

2008-0559-SPHA

ZONING DESCRIPTION

2349 BARRISON POINT ROAD

Beginning at a point on the northwest side of Barrison Point Road (variable width) distant 2710 feet northeasterly from it's intersection with the center of Rocky Point Road (variable width), thence (1) N 43 09 E 18.16 feet, thence (2) S 58 57 30 E 588.86 feet, thence (3) S 43 33 W 125 feet, thence (4) N 52 33 W 234.43 feet, thence (5) N 32 11 30 E 65.89 feet, thence (6) N 56 51 30 W 334.17 feet to the place of beginning. Containing 34,887 square feet of 0.801 acre of land, more or less.

Being known as 2349 Barrison Point Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

2008-0559-SPHA

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: # 2008-0559-SPHA

2349 Barrison Point Road

N/West of Barrison Point Road, 2710 feet n/east of centerline of Rocky Point Road.

15th Election District — 6th Councilmanic District

Legal Owner(s): Kathleen Victoria Carroll

Variance: to allow abn accessory structure (garage) with a height of 23 feet in lieu of the permitted 15 feet. **Special Hearing:** for a lot area of 0.793 acres and side yard of 23 feet and 23 feet in lieu of the required 1.5 acres, 50 feet for a new dwelling on a single lot of record that is not a subdivision and in existence prior to September 2, 2003.

Hearing: Thursday, August 7, 2008 at 11:00 a.m. in Hearing Room 1, 2nd Floor, Jefferson Building, 105 West Chesapeake 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 7/650 July 22

178855

CERTIFICATE OF PUBLICATION

7/23/2008

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 7/22/2008.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 15363

Date: 6/04/08

PAID RECEIPT

BUSINESS ACTUAL TIME DESK
 6/04/2008 6/04/2008 09:11:46 1

RED 1501 WALKIN IRIC INR
 >>RECEIPT N 376608 6/04/2008 OFLN

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				130 —

Dept: 5 528 ZONING VERIFICATION

015363

Recpt Tot \$130.00

\$130.00 CK \$1.00 CA

Baltimore County, Maryland

Total: \$130 —

Rec

From:

DOHNA BIALOZYNSKI

For:

2349 BARRISON PT. RD

2008-0559-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 2008-0559-SPHA

Petitioner/Developer: Bob Infussi

Date Of Hearing/Closing: 8/7/08

**Baltimore 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 2349 BARRISON POINT ROAD

This sign(s) were posted on July 22, 2008
(Month, Day, Year)

Sincerely,

Sincerely,

(Signature of sign Poster and Date)

Martin Ogle

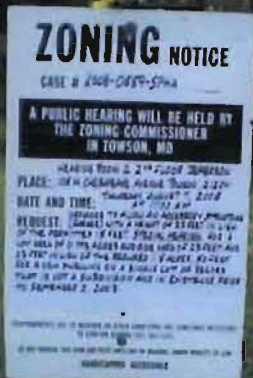
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



W. J. Anderson 7/22/08

**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:

2008-0559-SPHA

Petitioner:

DONNA BIALOZYNSKI

Address or Location:

2349 BARRISON POINT ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name:

DONNA BIALOZYNSKI

Address:

4332 CONIFER COURT

GLEN ARM, MD. 21057

Telephone Number:

(410) 661-4772



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 20, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2008-0559-SPHA

2349 Barrison Point Road

N/west of Barrison Point Road, 2710 feet n/east of centerline of Rocky Point Road

15th Election District – 6th Councilmanic District

Legal Owners: Kathleen Victoria Carroll

Variance to allow an accessory structure (garage) with a height of 23 feet in lieu of the permitted 15 feet. Special Hearing for a lot area of 0.793 acres and side yard of 23 feet and 23 feet in lieu of the required 1.5 acres, 50 feet for a new dwelling on a single lot of record that is not a subdivision and in existence prior to September 2, 2003.

Hearing: Thursday, August 7, 2008 at 11:00 a.m. in Hearing Room 1, 2nd Floor,
Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Kathleen Carroll, 7420 Westlake Terrace, Bethesda 20817
Donna Bialozynski, 4332 Conifer Court, Glen Arm 21057

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 23, 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, July 22, 2008 Issue - Jeffersonian

Please forward billing to:
Donna Bialozysnski
4332 Conifer Court
Glen Arm, MD 21057

410-661-4772

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: 2008-0559-SPHA

2349 Barrison Point Road

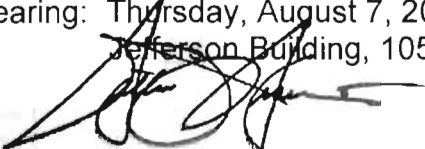
N/west of Barrison Point Road, 2710 feet n/east of centerline of Rocky Point Road

15th Election District – 6th Councilmanic District

Legal Owners: Kathleen Victoria Carroll

Variance to allow an accessory structure (garage) with a height of 23 feet in lieu of the permitted 15 feet. Special Hearing for a lot area of 0.793 acres and side yard of 23 feet and 23 feet in lieu of the required 1.5 acres, 50 feet for a new dwelling on a single lot of record that is not a subdivision and in existence prior to September 2, 2003.

Hearing: Thursday, August 7, 2008 at 11:00 a.m. in Hearing Room 1, 2nd Floor,
Jefferson Building, 105 W. Chesapeake 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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

July 30, 2008

Kathleen Victoria Carroll
7420 Westlake Terrace
Bethesda, MO 20817

Dear: Kathleen Victoria Carroll

RE: Case Number 2008-0559-SPHA, Address: 2349 Barrison Point Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 04, 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:lnw

Enclosures

c: People's Counsel
Expedite LLC, P.O. Box 1043-7043, Belair, MD 21014

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 26, 2006

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

SUBJECT: 8-559 –Variance and Special Hearing

The Office of Planning does not oppose the petitioner's variance request and special hearing for a lot size and side yard setbacks for dwelling. Additionally, this office does not oppose the requested variance to permit an accessory structure (garage) with a height of 23 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

Furthermore, 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 information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 19, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 23, 2008
Item Nos. 08-456, 0531, 0543, 0558, 0559, 0560,
0561, 0562, 0563, 0566, 0567, 0568, and 0571

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

DAK:CEN:lrk

cc: File

ZAC-06192008-NO COMMENTS



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

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

Maryland Department of Transportation

Date: 6-20-2008

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

RE: Baltimore County
Item No 2008-0559-SHA
2349 BARRISON POINT RD
CIRCLE PROPERTY
VARIANCE
SPECIAL HEARING

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. 2008-0559-SHA.

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,

Fos¹

Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



TW
8-7-08

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2008

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

RECEIVED
AUG 06 2008

BY: 4:30 pm

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-559- Variance and Special Hearing
(subsequent comments)

The Office of Planning reviewed the petitioner's request and accompanying site plan and submittal and understands the petitioner will not acquire final elevation drawings until such time that the variance is approved. This Office finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04, provided final elevations are submitted to this office for review and approval prior to the issuance of any building permits. As such, this office does not oppose the subject request.

Prepared By:

Curtis Murray

Division Chief:

John Jacobson

CM/LL

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 26, 2008

SUBJECT: Zoning Item # 08-559-SPHA
Address 2349 Barrison Point Road
(Carroll Property)

Zoning Advisory Committee Meeting of June 17, 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:

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 located within the Limited Development Area of the CBCA. Lot coverage is limited to 15% of the lot area above mean high water, but can be increased to a maximum of 5,445 square feet if approved and with mitigation. A minimum 15% forest cover is required at all times. In addition, regulated forest and a 100-foot tidal buffer exist on the waterfront side of the property. There are restrictions to any clearing of trees/forest. Clearing of trees and/or forest may be subject to a maximum clearing area, may require mitigation, and/or may require a CBCA Administrative Variance. Also, there can be no disturbance within the 100-foot tidal buffer measured off mean high water without a CBCA variance. There are no guarantees of any CBCA variance approvals. The location of the proposed development must comply with all CBCA requirements.

Reviewer: Paul Dennis

Date: June 26, 2008

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
2349 Barrison Point Road; NW of Barrison Pt * ZONING COMMISSIONER
Rd, 2710' NE c/line Rocky Point Road *
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Kathleen V. Carroll *
Contract Purchaser(s): Donna Bialozynski * BALTIMORE COUNTY
Petitioner(s) *
08-559-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

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

RECEIVED

JUN 27 2008

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Expedite, LLC, P.O. Box 1043-7043, Bel Air, Md 21014, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Patricia Zook - Case 2008-0559-SPHA - hearing held on Thursday August 7

From: Patricia Zook
To: Livingston, Jeffrey
Date: 8/13/2008 2:49 PM
Subject: Case 2008-0559-SPHA - hearing held on Thursday August 7
CC: Bostwick, Thomas

Hello Jeff -

Tom Bostwick is ready to issue the Order in this case and wants to incorporate any comments from DEPRM. Please forward comments to us by the end of the day.

Thanks for your help.

Good morning Jeff -

The below-described case is scheduled for a hearing on Thursday, August 7 and we need DEPRM comments.

CASE NUMBER: 2008-0559-SPHA

2349 Barrison Point Road

Location: NW of Barrison Point Road, 2710 feet NE of c/l of Rocky point Road

15th Election District, 6th Council District

Legal Owner(s): Kathleen Victoria Carroll

Contract Purchasers: Donna Bialozynski

VARIANCE To allow an accessory structure (garage) with a height of 23 feet in lieu of the permitted 15 feet.

SPECIAL HEARING To allow a lot area of 0.793 acres and side yards of 23 feet and 23 feet in lieu of the required 1.5 acres, 50 feet for a new dwelling on a single lot of record that is not a subdivision and in existence prior to September 2, 2003.

Hearing: Thursday, 8/7/2008 at 11:00:00 AM, Hearing Room 1, Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Case 2008-0559-SPHA - hearing on Thursday August 7

From: Patricia Zook
To: Livingston, Jeffrey
Date: 8/6/2008 9:04:03 AM
Subject: Case 2008-0559-SPHA - hearing on Thursday August 7
CC: Bostwick, Thomas

Good morning Jeff -

The below-described case is scheduled for a hearing on Thursday, August 7 and we need DEPRM comments.

CASE NUMBER: 2008-0559-SPHA

2349 Barrison Point Road

Location: NW of Barrison Point Road, 2710 feet NE of c/l of Rocky point Road

15th Election District, 6th Council District

Legal Owner(s): Kathleen Victoria Carroll

Contract Purchasers: Donna Bialozynski

VARIANCE To allow an accessory structure (garage) with a height of 23 feet in lieu of the permitted 15 feet.

SPECIAL HEARING To allow a lot area of 0.793 acres and side yards of 23 feet and 23 feet in lieu of the required 1.5 acres, 50 feet for a new dwelling on a single lot of record that is not a subdivision and in existence prior to September 2, 2003.

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Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

CASE NAME 2349 BARRISON POINT
CASE NUMBER 2008-0559-5PHA
DATE 8/7/08

[illegible]

PETITIONER'S

EXHIBIT NO. 1

NR DYES CNO
Tape 1

CASE

2008-

0559-

SPHA

ZONING HEARING 2008-0456-X TAPE 2

NR DYES CNO

maxell UR

POSITION
IEC TYPE I • NORMAL



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 **Account Number -** 1508007060

Owner Information

Owner Name:	CARROLL KATHLEEN VICTORIA	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	API 101 7420 WESTLAKE TER BETHESDA MD 20817-6548	Deed Reference:	1) /25082/ b/3 2)

Location & Structure Information

Premises Address	Legal Description
BARRISON POINT RD	.704 AC
	SES BARRISON POINT RD
	5280FT E BACK RVR NCK RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	15	43						3	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		30,666.00 SF	34

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	15,330	30,660		
Improvements:	0	0		
Total:	15,330	30,660	25,550	30,660
Preferential Land:	0	0	0	0

Transfer Information

Seller: HANTSOO PAAVO LEONARD	Date: 01/18/2007	Price: \$0 -
Type: NOT ARMS-LENGTH	Deed1: /25082/ 673	Deed2:
Seller: HANTSOO LEONHARD J, ET AL	Date: 02/02/1988	Price: \$10,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 7784/ 423	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 *

PETITIONER' S

EXHIBIT NO.

2

0025082 673

RETURN TO:
TITLEMARK SERVICES, INC.
929 WEST STREET #205A
ANNAPOLIS, MD 21401
CASE NO. AC6034-A

TAX ID No.
No Title Examination

DEED

THIS DEED, made this 22nd day of August, 2006 by and between **PAAVO LEONARD HANTSOO AND KATHLEEN VICTORIA CARROLL** (formerly known as **KATHLEEN V. HANTSOO**), as Tenants in Common, Grantors, parties of the first part, and **KATHLEEN VICTORIA CARROLL**, Grantee, party of the second part:

WITNESSETH, that in consideration of the sum of NO DOLLARS and other good and valuable consideration, receipt of which is hereby acknowledged, the said parties of the first part do hereby grant and release unto the party of the second part, her heirs, successors and assigns, in fee simple, as Sole Owner, all that piece or parcel of property situate, lying and being in 15th District, Baltimore County, State of Maryland, and being described as follows, to wit:

0.704 acres more particularly described in Schedule "A" attached hereto.

Subject to covenants and easements of record.

Being the same parcel of ground conveyed to the parties of the first part, et al., by Deed dated January 26, 1988, and recorded among the aforesaid Land Records in Liber 7784 at folio 423.

TOGETHER with the building and improvements thereupon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD said land and premises above described or mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the only proper use, benefit and behalf forever of the said party of the second part.

AND the said parties of the first part covenant that they will warrant specially the property hereby conveyed and that they will execute such further assurances of said land as may be requisite or necessary.

PETITIONER'S

EXHIBIT NO. 3

AFFIDAVIT OF CONSIDERATION: This is an interspousal transfer pursuant to the terms of a Separation and Property Settlement Agreement between the Grantor and Grantee herein purporting to adjust the parties' equities and rights. The parties were divorced by order dated March 24, 2006. This transfer is subject to Property Tax Article, Section 12-108(D) and 13-207(A)(3) of the Annotated Code of Maryland.

WITNESS our hands and seals.

TEST:

 (SEAL)
PAAVO LEONARD HANTSOO

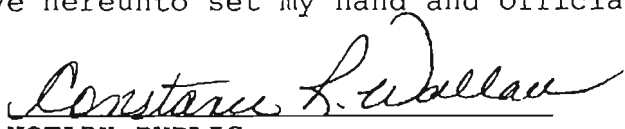
STATE OF MARYLAND

COUNTY OF Calvert, to wit:

On this 06th day of September 2006, before me, the undersigned officer, personally appeared PAAVO LEONARD HANTSOO known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My commission expires: 11/01/09


NOTARY PUBLIC

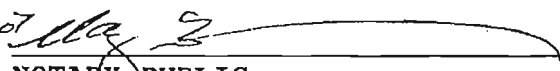
 (SEAL)
KATHLEEN VICTORIA CARROLL
(Formerly known as
KATHLEEN V. HANTSOO)

STATE OF MARYLAND

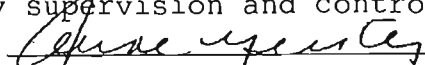
COUNTY OF MONTGOMERY, to wit:

On this 18 day of August 2006, before me, the undersigned officer, personally appeared KATHLEEN VICTORIA CARROLL (Formerly KATHLEEN V. HANTSOO) known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My commission expires: Sept. 24, 2007

NOTARY PUBLIC

I HEREBY CERTIFY THAT I am the attorney admitted to practice before the Court of Appeals of Maryland and that the foregoing Deed was prepared by me or under my supervision and control.


ANNE MEISTER

SCHEDULE "A"

BEGINNING for the same on or near the northwest side of Barrison Point Road and at the distance of 1110.10 feet measured north 43 degrees 09 minutes east reversely along the third line of the land conveyed by John N. Maguire, Executor, to Stanley Rodowsky by a Deed dated August 26, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. No., 2364, folio 9, etc., from a stone at the end of said line running thence as now surveyed leaving the outline for the following three lines of division now made via: south 56 degrees 51 minutes 30 seconds east (passing over an iron pipe near the southeast side of said road at the end of 43.37 feet) a distance of 334.17 feet to an iron pipe and south 32 degrees 11 minutes 30 seconds west 65.89 feet to an iron pipe and south 52 degrees 33 minutes east (passing over an iron pipe at the end of 109.43 feet) a distance of 234.43 feet to the waters of Hawk Cove thence binding on the waters of Hawk Cove as now surveyed north 43 degrees 33 minutes east 125.00 feet to the southernmost corner of lot numbered 1 as laid out on a plat of Island View and recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 23, folio 37, etc., thence leaving the cove and binding for a part on the southwest outline of said lot numbered 1 with 14 minutes variation north 58 degrees 57 minutes 30 seconds west (passing over an iron bar at the end of 30.00 feet) a distance of 588.86 feet to intersect the aforesaid third line in said Deed at the distance of 1128.26 feet from said stone at the end of said line thence binding on a part of said third line and on or near the northwest side of Barrison Road as now surveyed south 43 degrees 09 minutes west 18.16 feet to the place of beginning. Containing 0.704 acres of land, more or less.



(A)

(B)



(C)





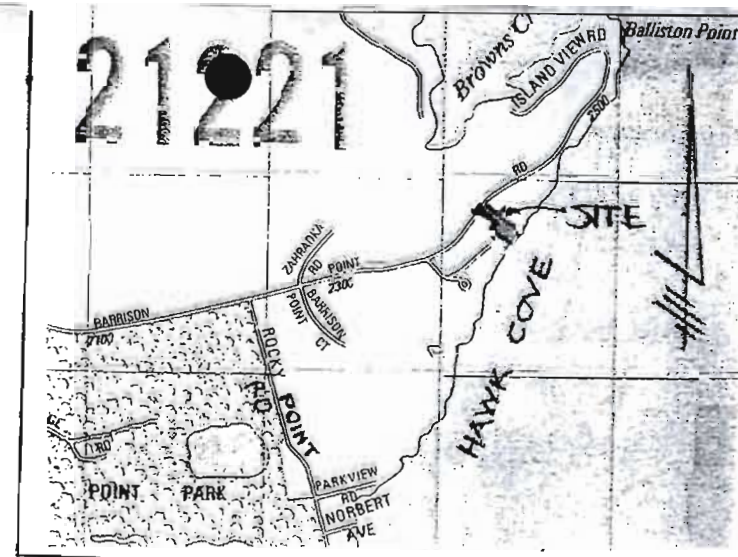
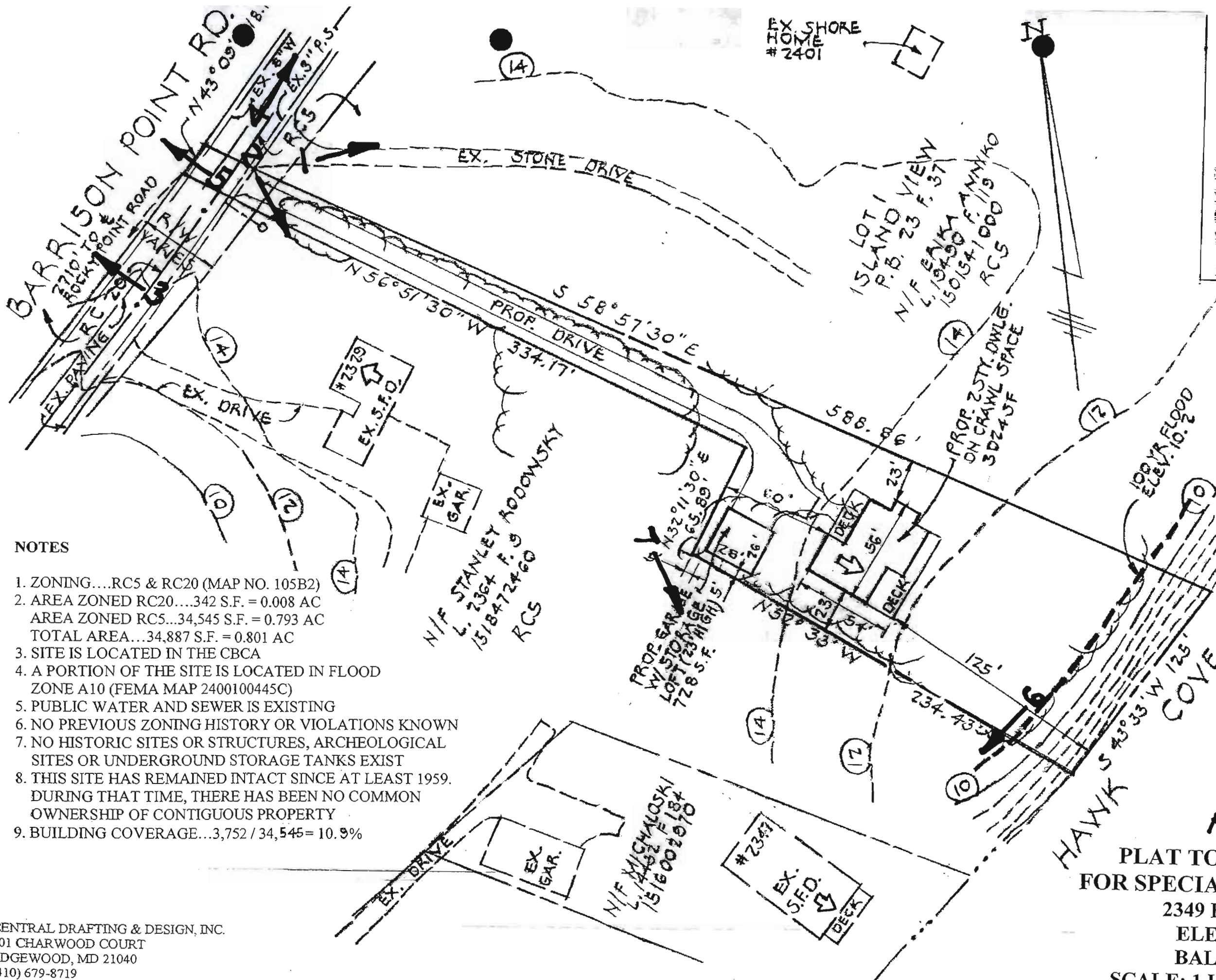
#2347

CF



#2347

CF



VICINITY MAP
SCALE: 1" = 2000'

OWNER
KATHLEEN VICTORIA CARROLL
7420 WESTLAKE TERRACE, APT. 101
BETHESDA, MD. 20817

NOTES

1. ZONING....RC5 & RC20 (MAP NO. 105B2)
2. AREA ZONED RC20....342 S.F. = 0.008 AC
AREA ZONED RC5...34,545 S.F. = 0.793 AC
TOTAL AREA...34,887 S.F. = 0.801 AC
3. SITE IS LOCATED IN THE CBCA
4. A PORTION OF THE SITE IS LOCATED IN FLOOD
ZONE A10 (FEMA MAP 2400100445C)
5. PUBLIC WATER AND SEWER IS EXISTING
6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS KNOWN
7. NO HISTORIC SITES OR STRUCTURES, ARCHEOLOGICAL
SITES OR UNDERGROUND STORAGE TANKS EXIST
8. THIS SITE HAS REMAINED INTACT SINCE AT LEAST 1959.
DURING THAT TIME, THERE HAS BEEN NO COMMON
OWNERSHIP OF CONTIGUOUS PROPERTY
9. BUILDING COVERAGE...3,752 / 34,545 = 10.9%

PETITIONER'S

EXHIBIT NO. 4

PHOTO LOCATIONS

PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING AND VARIANCE
2349 BARRISON POINT ROAD
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD
SCALE: 1 INCH = 50 FEET MAY 26, 2008

AERIAL MAP FOR BARRON POINT ROAD, PARCEL 43



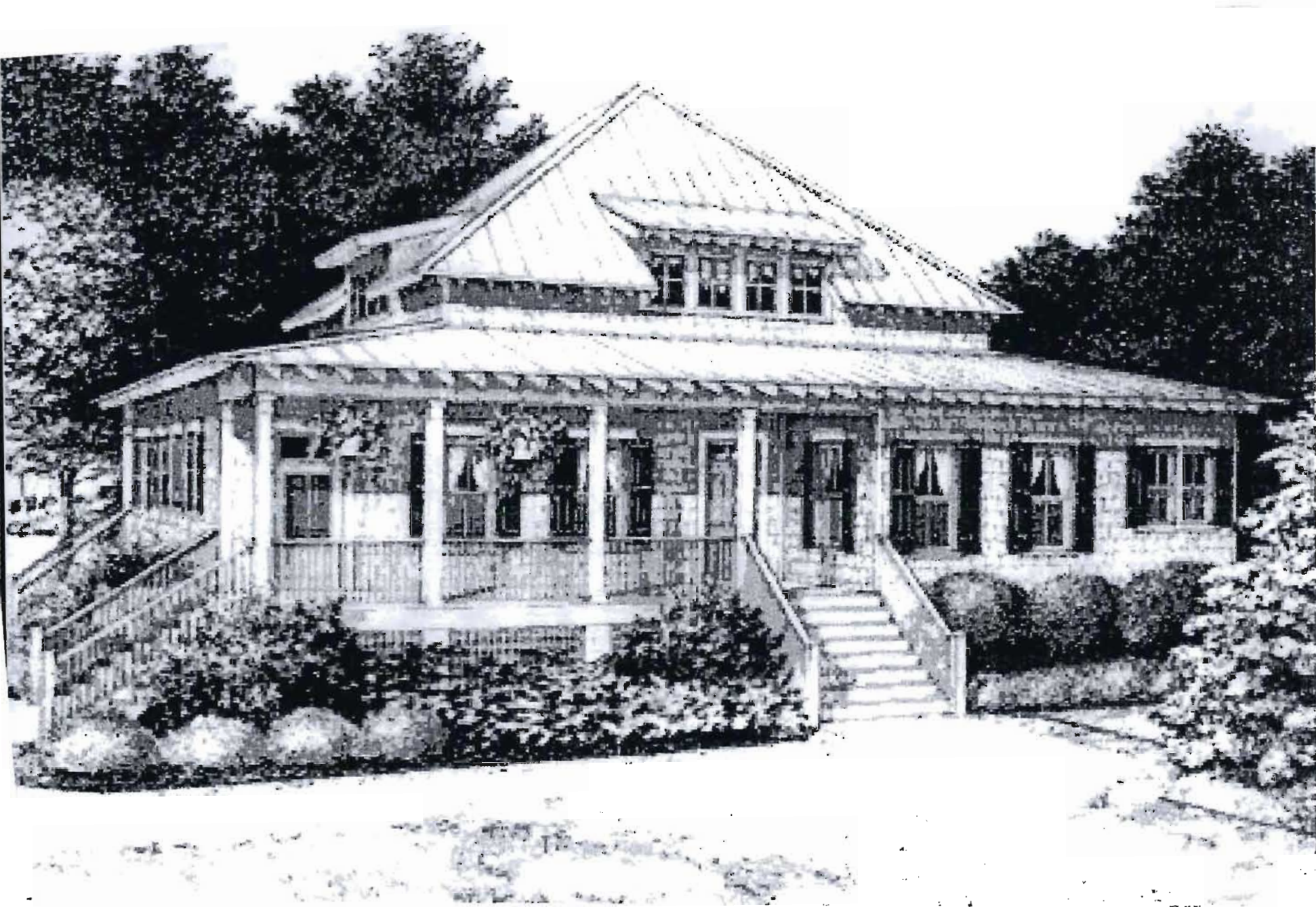
PETITIONER'S
EXHIBIT NO. 5

er and/or storm drain) location
aranteed correctd and should only
ocations of appurtenances should
ion drawings, which are available
nore County Office Building, or,
l field investigations.



Baltimore County, MD
Department of Public Works
GIS Services

For internal use only.
The cadastral information on this plot w
from existing deed information. This in
not to be considered authoritative. TI
information was not field checked and c
licensed land surveyor.



PETITIONER'S

EXHIBIT NO. 6

TO WHOM IT MAY CONCERN:

RE: 2349 BARRISON POINT ROAD
CASE NO. 2008-0559-SPHA
PETITIONER: DONNA BIALOZYNSKI

WE, THE UNDERSIGNED, HAVE REVIEWED THE PETITIONER'S REQUEST
FOR SPECIAL HEARING AND VARIANCE AND HAVE NO OBJECTION TO THE
APPROVAL OF SAME.

Stanley Kacawol 6/24/08. 2140 BARRISON PT RD.
NAME ADMINISTRATION OF ESTATE. ADDRESS
2329 BARRISON POINT RD.

Joseph Repp 2328 Barrison Pt. Rd.
NAME ADDRESS

Karen Repp 2328 Barrison Pt. Rd.
NAME ADDRESS

Jim Amato 2401 Barrison Pt. Road
NAME ADDRESS

PETITIONER'S

EXHIBIT NO. 7

TO WHOM IT MAY CONCERN:

RE: 2349 BARRISON POINT ROAD
CASE NO. 2008-0559-SPHA
PETITIONER: DONNA BIALOZYNSKI

WE, THE UNDERSIGNED, HAVE REVIEWED THE PETITIONER'S REQUEST
FOR SPECIAL HEARING AND VARIANCE AND HAVE NO OBJECTION TO THE
APPROVAL OF SAME.

David N. Schuch
NAME

2239 BARRISON PT Rd
ADDRESS

Vito Smith
NAME

2401 BARRISON POINT Rd
ADDRESS

NAME

ADDRESS

NAME

ADDRESS

