

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
SE/Side Island View Road, 1,050' W of	*	ZONING COMMISSIONER
Barrison Point Road	*	
(2499 Island View Road)	*	OF
15 th Election District	*	BALTIMORE COUNTY
6 th Council District	*	
	*	
David M. Donovan		
Petitioner	*	Case No. 2010-0123-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by David M. Donovan, property owner. The Petitioner is requesting a special hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the construction of a new residence on an existing lot of record and confirm that the overall density of the surrounding neighborhood is not affected. The variance requested is filed pursuant to B.C.Z.R. Sections 1A04.3.B.2.b and 301.1.A of the B.C.Z.R., to approve a front setback of 45 feet from the centerline of the street or road and side setbacks (north and south side yards) of 21 feet and 21 feet in lieu of the required 75 feet, 50 feet, and 50 feet, for a new dwelling, and to permit a front setback of 35 feet and a side setback of 16 feet (south side) in lieu of the required 56.5 feet and 37.5 feet for an open deck¹. The subject property and requested relief are more particularly described on the amended site plan submitted and variance petition submitted, which were accepted into evidence and marked as Petitioner's Exhibits 1A and 1B, respectively.

¹ The variance petition and site plan were amended by Central Drafting & Design, Inc. and submitted without objection at the outset of the hearing in response to changes requested by the Department of Environmental Protection and Resource Management (DEPRM). See DEPRM's Zoning Advisory Committee (ZAC) comment prepared by Paul Dennis, dated November 10, 2009.

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Date 1-13-10
 BY EB

Appearing at the requisite public hearing in support of the requests were David M. Donovan, property owner, James S. Brown, and David Billingsley, of Central Drafting & Design, Inc., the consultant who prepared the site plan(s) and is assisting the Petitioner in the permitting process. Appearing as a concerned adjacent property owner and neighbor was James L. Grace, 2500 Island View Road. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the property under consideration is a rectangular shaped (70' x 210') lot of record, identified as Lot 37 on Maryland Department of Assessments and Taxation Map 105, featuring water views of Browns Creek and located at the southern terminus of a "paper road" known as Island View Road in the Barrison Point subdivision of eastern Baltimore County. The property contains a gross area of 9,900 square feet (0.227 acres), more or less, zoned R.C.5 and is heavily forested and unimproved. As is often the case with older subdivisions, the Amended Plat of Barrison Point was laid out many years ago (1926), well prior to the adoption of the zoning regulations in Baltimore County. Thus, all of the lots in the neighborhood are undersized and do not meet current area and width requirements. As shown on the site plan, the western boundary of the lot has 70 feet of frontage on Island View Road shown as a paper road on the site plan and all the land to the south of the southern boundary is vacant and undeveloped land zoned R.C.20, and there would be no impact on anyone in this direction. See Petitioner's Exhibit 8, the aerial photograph of the area. The subject property has been in the Petitioner's name since 2008 but had previously been owned by William R. Porter, who at one time held title to many of the surrounding lots in this locale. See deed history – Petitioner's Exhibit 3. Mr. Donovan now desires to develop the property with a three-story dwelling (28' wide x 40' deep) with an attached deck that will surround the front and south sides of the new home. Elevation drawings were submitted as Petitioner's Exhibit 7 illustrating this detail. In that the R.C.5 development regulations require a minimum 50-foot

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Date 1-13-10

BV 103

setback to any property line and this property is only 70-feet wide at the front and rear property lines - the lot is undersized by today's standards and the requested variance relief is necessary.

Moreover, at DEPRM's insistence, the dwelling was moved closer to the Island View Road which generated Petitioner's amended request to add the setback of 45 feet from the centerline of the road as opposed to the 75 feet shown on the plan that accompanied the petition, dated May 12, 2009. DEPRM's ZAC comment in this regard states in pertinent part:

" . . . Impacts need to be minimized to the greatest extent possible to try to meet the (Chesapeake Bay Critical Area) requirements. It is recommended that the relief be revised to request that the required *front yard setback be reduced to locate the proposed dwelling as close as possible to Island View Road . . .* ." to protect existing forest that covers the eastern half of the Petitioner's property.

In support of the request, testimony indicated that the proposed dwelling would be consistent with other homes in the community and feature similar setbacks as some of the other homes on Island View Road. See photographic exhibits 6A thru 6D. Again, it bears repeating that the subject lot is at the dead end of Island View Road mitigating any adverse visual impact by moving the proposed dwelling further to the west and closer to the right-of-way.

James L. Grace, the adjacent neighbor, who attended and participated, and arguably the most affected, had no objection to the amended relief requested. He confirmed the lots are heavily wooded and the improvements won't be seen from each other's homes. The clear tenor of his remarks concern access/utilities that presently serve his home on Lot 26. The existing paved road traverses through Lots 21 through 25 before reaching his property, rather than being located in the right-of-way shown on the site plan as Island View Road. Mr. Grace produced as an acceptable alternative for his access/utilities a redlined site plan demonstrating how his access/utilities can reach his home should the existing functioning operation be terminated in the future. James Brown and David Donovan jointly own the adjacent lots, 34-36, on the northeast

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Date

1-13-10

BY

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side as improved with a single-family dwelling known as 2501 Island View Road. There are no impacts from that perspective.

I find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting these variances when looking at the overall neighborhood density including the Barrison Point subdivision. The variances can be granted in strict harmony with the spirit and intent of the regulations. There are at least eight (8) other variance cases in the area² in which homes have been permitted on undersized lots. Many are built on 50-foot wide lots. This home will be built on a 70-foot wide lot. This will not adversely affect the pattern of development of the neighborhood.

After due consideration of the testimony and evidence presented, I find that the proposed home in the location depicted on Petitioner's Exhibit 1 is in keeping with the homes in the area and meets the spirit and intent of Section 307 for variance relief to be granted. It is clear that strict compliance with the regulations would result in practical difficulty for the Petitioner and prevent improvements of the property for a permitted purpose. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. Thus, I find that relief can be granted without detrimental impact to the health, safety, or general welfare of the surrounding locale. However, due to the property's close proximity to Browns Creek, the proposed improvements must comply with Chesapeake Bay Critical Area (CBCA) regulations as set forth in the attached ZAC comments submitted by the Department of Environmental Protection and Resource Management (DEPRM).

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

² Records maintained by this Commission disclosed zoning relief granted for lots on Island View Road adjacent to Browns Creek as follows: Case Nos. 1994-0015, 2002-0472, 2002-0962, 2004-0259, 2005-0690, 2006-0062, 2008-0303 and 2008-0596.

ORDER RECEIVED FOR FILING

Date

By

1-13-10

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THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of January 2010 that the Petition for Special Hearing to approve the construction of a new residence on an existing lot of record and a determination that density is not affected, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance requesting relief from Sections 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a front setback of 45 feet from the centerline of the street or road and side setbacks (north and south side yards) of 21 feet and 21 feet in lieu of the required 75 feet, 50 feet, and 50 feet, for a new dwelling, and to permit a front setback of 35 feet and a side setback of 16 feet (south side) in lieu of the required 56.5 feet and 37.5 feet for an open deck, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restrictions:

1. A building permit for the new single-family dwelling on Lot 37 shall not be issued until public water and sewer is available and operational.
2. The Petitioner may apply for any other permits and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
3. Compliance with the Chesapeake Bay Critical Area (CBCA) regulations and the Limited Development Area (LDA) requirements and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. A copy of this comment, dated November 27, 2009, is attached hereto and made a part hereof.
4. In addition to Condition No. 1 above, the Petitioner shall submit building elevation drawings to the Office of Planning for review and approval prior to the issuance of the building permit to ensure that the proposed house is compatible with existing homes in the area.
5. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING

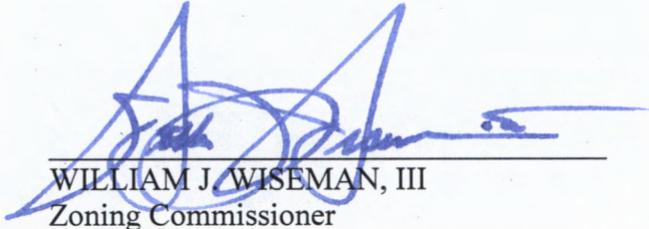
Date

1-13-10

By

103

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 1-13-10
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 13, 2010

David M. Donovan
James S. Brown
2502 Island View Road
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/Side Island View Road, 1,050' W of Barrison Point Road
(2499 Island View Road)
15th Election District - 6th Council District
David M. Donovan - Petitioner
Case No. 2010-0123-SPHA

Dear Messrs. Donovan and Brown:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court,
Edgewood, MD 21040
James L. Grace, 2527 Barrison Point Road, Essex, MD 21221
People's Counsel; Office of Planning; DEPRM; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 2499 ISLAND VIEW ROAD which is presently zoned RC5

Deed Reference: 27071 1333 Tax Account # 1516601130

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:

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):

DAVID M. DONOVAN
Name, Type or Print
Signature
Name - Type or Print

Signature
2502 ISLAND VIEW RD. (410) 574-8476
Address Telephone No.
BALTIMORE MD. 21221
City State Zip Code

Representative to be Contacted:

DAVID BILUNGSLEY
CENTRAL DRAFTING & DESIGN, INC.
Name
601 SHARWOOD CT. (410) 679-8719
Address Telephone No.
EDGEWOOD MD. 21040
City State Zip Code

Case No. 2010 0123 SP1A
Date 1-13-10
By [Signature]

Office Use Only
Estimated Length of Hearing Unavailable For Hearing 1 HR
Reviewed by VL Date 10/08/09

RECEIVED FOR FILING

SECTION 1A04.3.B.2.b AND 301.1.A (BCZR) TO PERMIT SIDE YARD
SETBACKS OF 21 FEET AND 21 FEET FOR A NEW DWELLING AND
A SIDE YARD SETBACK OF 16 FEET FOR AN OPEN DECK IN LIEU
OF THE REQUIRED 50 FEET, 50 FEET AND 37.5 FEET
RESPECTIVELY



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2499 ISLAND VIEW ROAD
which is presently zoned RC.5

(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:

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):

DAVID M. DONOVAN

Name - Type or Print _____

Signature David M. Donovan _____

Name - Type or Print _____

Signature _____

2502 ISLAND VIEW RD (410) 574-8476

Address _____ Telephone No. _____

BALTO. MD. 21221

City _____ State _____ Zip Code _____

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name _____

601 CHARWOOD CT. (410) 679-8719

Address _____ Telephone No. _____

EDGEWOOD MD. 21040

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr

UNAVAILABLE FOR HEARING _____

Case No. 2010-0123-SPHA

REV 9/15/98

Reviewed By JL

Date 10/08/09

ORDER RECEIVED FOR FILING

Date 1-13-10

By [Signature]

2010 0123 SPHA

SPECIAL HEARING ATTACHMENT

AWB

THE CONSTRUCTION OF A NEW RESIDENCE ON AN EXISTING LOT OF
RECORD ~~AND~~ CONFIRMING THAT DENSITY IS NOT AFFECTED
WITHOUT AN INCREASE IN THE PERMITTED DENSITY OF THE
SUBDIVISION

0123

ZONING DESCRIPTION
LOT 37 BARRISON POINT P.B. 8 F. 82
2493 ISLAND VIEW ROAD

Beginning at a point on the southeast side of Island View Road (40 feet wide) distant 1050 feet from it's intersection with the southeast side of Barrison Point Road (40 feet wide), thence being all of Lot 37 as shown on the plat entitled Barrison Point recorded among the plat records of Baltimore County in Plat Book 8 Folio 82.

Containing 9,900 square feet or 0.227 acre of land, more or less.

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/neighbor 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: 2010-0123-SPHA
Petitioner: DAVID DONOVAN
Address or Location: 2499 ISLAND VIEWY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID DONOVAN
Address: 2502 ISLAND VIEWY ROAD
BALTO, MD 21221
Telephone Number: (410) 574-8476

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT**

No. 15783

Date: 10/05/09

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
									57.50
									\$130.00

Total: 130.00 ~~57.50~~

Rec From: _____

For: RES 544

2417 Island View Rd # 615 90 EA

2417 Island View Rd

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

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: # 2010-0123-SPHA

2499 Island View Road

S/east side of Island View Road, 1,050 feet west of Barrison Point Road

15th Election District — 6th Councilmanic District

Legal Owner(s): David Donovan

Special Hearing: to determine construction of a new residence on an existing lot of record confirming that density is not affected. **Variance:** to permit side yard setbacks of 21 feet and 21 feet for a new dwelling and a side yard setback of 16 feet for an open deck in lieu of the required 50 feet, 50 feet and 37.5 feet respectively.

Hearing: Wednesday, December 16, 2009 at 9:00 a.m. in Room 104, 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 12/636 December 1

223184

CERTIFICATE OF PUBLICATION

12/3/2009

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 12/1/2009.

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



LEGAL ADVERTISING



501 N. Calvert Street
 Baltimore, MD 21278
 Legal Advertising
 Fax: 410-332-6446
 E-mail: Legals@Patuxent.com

Susan Wilkinson	410-332-6132
Ellen Harris	410-332-6157
Leah Dean	410-332-6284
Joanne Wernick	410-332-6295
Kathy Conahan	410-332-6406
Sue Thomas	410-332-6657

VERIFICATION OF CANCELLATION

TO: Kristen / Zoning office

RE: Ad No. 11/358

Invoice No. 281795 Run Dates: 11.19.09

Case # 2010-0123-SPHA/Donovan

Amount Owed: \$ 0.00

The above ad was tentatively canceled on 11.17.09.
 Please verify this cancellation by signing below and faxing this form back to u.

Your written verification is necessary in order to stop charges on this :

Signature Kristen Matthews

Company PDM - Zoning

BW
12-16-09 9am

CERTIFICATE OF POSTING

RE: Case No 2010-0123-SPHA

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing. 12/16/09

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 2499 ISLAND VIEW RD

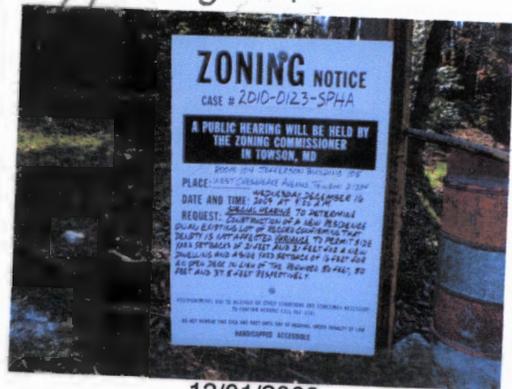
This sign(s) were posted on December 1, 2009
Month, Day, Year

Sincerely,

Martin Ogle 12/1/09
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

Martin Ogle 12/1/09



12/01/2009



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
November 12, 2009

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: 2010-0123-SPHA

2499 Island View Road

S/east side of Island View Road, 1,050 feet west of Barrison Point Road

15th Election District – 6th Councilmanic District

Legal Owners: David Donovan

Special Hearing to determine construction of a new residence on an existing lot of record confirming that density is not affected. Variance to permit side yard setbacks of 21 feet and 21 feet for a new dwelling and a side yard setback of 16 feet for an open deck in lieu of the required 50 feet, 50 feet and 37.5 feet respectively.

Hearing: Monday, December 7, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Donovan, 2502 Island View Road, Baltimore 21221
David Billingsley, Central Drafting & Design, 601 Charwood Ct., Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 21, 2009.**
- (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
Thursday, November 19, 2009 Issue - Jeffersonian

Please forward billing to:
David Donovan
2502 Island View Road
Baltimore, MD 21221

410-574-8476

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: 2010-0123-SPHA

2499 Island View Road

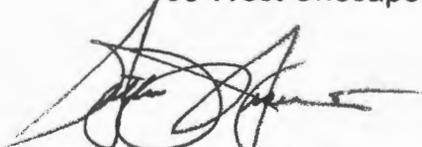
S/east side of Island View Road, 1,050 feet west of Barrison Point Road

15th Election District – 6th Councilmanic District

Legal Owners: David Donovan

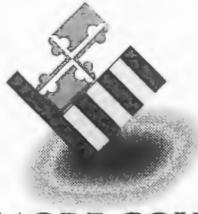
Special Hearing to determine construction of a new residence on an existing lot of record confirming that density is not affected. Variance to permit side yard setbacks of 21 feet and 21 feet for a new dwelling and a side yard setback of 16 feet for an open deck in lieu of the required 50 feet, 50 feet and 37.5 feet respectively.

Hearing: Monday, December 7, 2009 at 9:00 a.m. in Room 104, 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 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
November 24, 2009

NEW NOTICE OF ZONING HEARING

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

CASE NUMBER: 2010-0123-SPHA

2499 Island View Road

S/east side of Island View Road, 1,050 feet west of Barrison Point Road

15th Election District – 6th Councilmanic District

Legal Owners: David Donovan

Special Hearing to determine construction of a new residence on an existing lot of record confirming that density is not affected. Variance to permit side yard setbacks of 21 feet and 21 feet for a new dwelling and a side yard setback of 16 feet for an open deck in lieu of the required 50 feet, 50 feet and 37.5 feet respectively.

Hearing: Wednesday, December 16, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Donovan, 2502 Island View Road, Baltimore 21221
David Billingsley, Central Drafting & Design, 601 Charwood Ct., Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 1, 2009.**
- (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, December 1, 2009 Issue - Jeffersonian

Please forward billing to:
David Donovan
2502 Island View Road
Baltimore, MD 21221

410-574-8476

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: 2010-0123-SPHA

2499 Island View Road

S/east side of Island View Road, 1,050 feet west of Barrison Point Road

15th Election District – 6th Councilmanic District

Legal Owners: David Donovan

Special Hearing to determine construction of a new residence on an existing lot of record confirming that density is not affected. Variance to permit side yard setbacks of 21 feet and 21 feet for a new dwelling and a side yard setback of 16 feet for an open deck in lieu of the required 50 feet, 50 feet and 37.5 feet respectively.

Hearing: Wednesday, December 16, 2009 at 9:00 a.m. in Room 104, 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 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.

enclosure



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

December 8, 2009

David M. Donovan
2502 Island View Rd.
Baltimore, MD 21221

Dear: David M. Donovan

RE: Case Number 2010-0123-SPHA, 2499 Island View Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 08, 2009. 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
David Billingsley; Central Drafting & Design, Inc.; 601 Charwood Ct.; Edgewood, MD 21040

BW 12/16
9 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



NOV 27 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: November 27, 2009
SUBJECT: Zoning Item # 10-123-SPHA
Address 2499 Island View Road
(Donovan Property)

Zoning Advisory Committee Meeting of October 19, 2009

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 in a Limited Development Area in the Chesapeake Bay Critical Area. Lot coverage is limited to 25%, or a maximum of 31.25%, if approved, and with mitigation. The site is forested, and in this case, it appears that the proposed development may not be able to meet the maximum forest clearing limit of 30%. Therefore, it appears that this site may require a Critical Area administrative variance to exceed 30% clearing, and to have a reduced primary structure setback off of the Critical Area Easement that is required to protect forest to remain. Impacts need to be minimized to the greatest extent possible to try to meet the requirements. For example, relief to the roadside setback needs to be addressed. Granting of a Critical Area administrative variance requires that the applicant meet all criteria set forth in the Critical Area law.

Reviewer: Paul Dennis

Date: November 10, 2009

BW 12/16
9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 21, 2009

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

RECEIVED

SUBJECT: 2499 Island View Road

OCT 26 2009

INFORMATION:

ZONING COMMISSIONER

Item Number: 10-123

Petitioner: David M. Donovan

Zoning: RC 5

Requested Action: Variance and Special Hearing

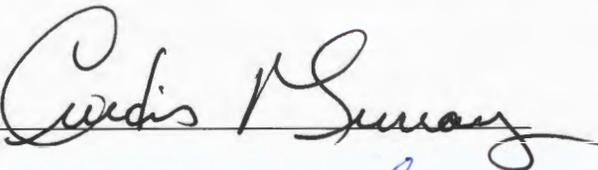
SUMMARY OF RECOMMENDATIONS:

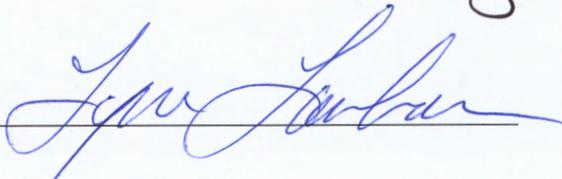
The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information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

Beverly K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10-30-2009

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

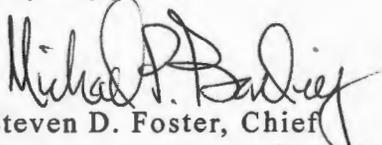
RE: Baltimore County
Item No. 2010-0123-SPHA
2499 ISLAND VIEW RD
DONOVAN PROPERTY
VARIANCE
SPECIAL HEARING -

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. 2010-0123-SPHA.

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

Very truly yours,


FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 AND VARIANCE * ZONING COMMISSIONER
 2499 Island View Road; SE/S Island View Road,*
 1,050' W of Barrison Point Road *
 15th Election & 6th Councilmanic Districts * FOR
 Legal Owner(s): David Donovan *
 Petitioner * BALTIMORE COUNTY
 * 10-123-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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
 OCT 28 2009

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 28th day of October, 2009, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

From: Debra Wiley
To: Beverungen, John
CC: Kennedy, Dennis; Rosenblatt, Adam; ahofmeister@baltimorecountymd.gov
Date: 1/5/2010 3:12 PM
Subject: Island View Road

John,

Bill thanks you for your recent email with enclosed comments from Bruce Keller. He's not certain what bearing the grinder pump locations on the subject lots have with regard to the location of Island View Road through Lots 21 through 25 of the Barrison Point subdivision.

In any event, he's delaying any action on the case he had involving 2499 Island View Road but hastens to inform you that he has been assigned a new hearing for Friday, 1/8/10 at 9 AM @ Rm. 104, Jefferson Bldg., for property known as 2500A Island View Road (Case No. 2010-0145-A) that involve these lots. Very briefly, the site plan submitted for Friday's case uses the "paper street" of Island View Road completely ignoring what is currently paved.

Any assistance by having Adam attend and/or Dennis Kennedy from DPR would be appreciated in this unusual matter.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Bill Wiseman - Re: question--Island View Road

From: John Beverungen
To: Ashley Hofmeister
Date: 12/18/2009 10:15 AM
Subject: Re: question--Island View Road
CC: Wiseman, Bill

Thanks Ashley. I am copying Bill on this, and he'd like to chat with you about this, since he has a pending zoning/development case that involves some of these issues, and I think he'd like to get your take on this. JB.

John E. Beverungen
County Attorney
Baltimore County Office of Law
400 Washington Avenue
Towson, Maryland 21204
(410) 410-887-4420

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

>>> Ashley Hofmeister 12/18/2009 7:51 AM >>>
John:

I have been involved in this project.

Ashley

Assistant County Attorney
Baltimore County Office of Law
410-887-4420
400 Washington Avenue
Towson, Maryland 21204
ahofmeister@baltimorecountymd.gov

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>>> John Beverungen 12/17/2009 1:17 PM >>>

Please let me know if you are familiar with or involved in a matter involving Island View Rd. in the Eastern part of the County.

Apparently, the County (DPW) hired contractors (Gannett Fleming and Matricciani) who paved a road, and they allegedly failed to stay within the boundaries of a "paper street," and instead went onto and paved private property.

John.

John E. Beverungen
County Attorney
Baltimore County Office of Law
400 Washington Avenue
Towson, Maryland 21204
(410) 410-887-4420

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Kristen Matthews - change of hearing date for case # 2010-0123-SPHA

From: David Donovan <ddonovan0@yahoo.com>
To: <kmatthews@baltimorecountymd.gov>
Date: 11/17/2009 11:34 AM
Subject: change of hearing date for case # 2010-0123-SPHA
CC: <dwb0209@yahoo.com>, dave jim donovan <dmdjsb@comcast.net>, dave donovan...

Hi Kristen,

I am on travel Dec 7, 2009 and need to move the hearing date for case # 2010-0123-SPHA, regarding 2499 Island View Road, 21221.

Thanks for your suggestion of Dec 16, 9AM. I will check with Dave Billingsly and Jim Brown, [my partners in crime], to see if this fits with their schedule and get back to you.

Please wait till I get back to you before you notify your supervisor Tim Kotroco for approval of this change.

Best Regards,
dave

P.S. Dave B. and Jim B. if this date is bad for you please notify me as soon as possible.

David M. Donovan
2502 Island View Road
Baltimore, MD 21221
home 410-574-8476
cell 443-690-4251
ddonovan0@yahoo.com
(that is a zero after my name)

Bill Wiseman - 2499 Island View Road CASE 2010-0123-SPHA

From: David Billingsley <dwb0209@yahoo.com>
To: BILL WISEMAN <wwiseman@baltimorecountymd.gov>
Date: 1/8/2010 4:18 PM
Subject: 2499 Island View Road CASE 2010-0123-SPHA

Bill

As we discussed this morning, I am forwarding the revised comment from Paul Dennis for the referenced case. The next to last sentence has been added recommending that the dwelling be moved closer to Island View Road which generated our request to add the setback of 45 from the center of Island View Road to the original petition.

Thanks for your help this morning. It seems like your intervention has helped this issue move forward

Dave

Case No.: 2010-0123-SPHA

2499 ISLAND VIEW RD

Exhibit Sheet

Petitioner/Developer

Protestant

<p>No. 1 IA IB</p>	<p>- PLAT ACCOMPANYING PETITION 5/12/09 REVISED SITE PLAN REFLECTING DEPRM CHANGES AND AMENDED PETITION REVISED VARIANCES per DEPRM COMMENT</p>	<p>ALTERNATIVE ACCESS PLAN</p>
<p>No. 2</p>	<p>REAL PROPERTY DATA RECORDS SUBJECT PROPERTY</p>	
<p>No. 3</p>	<p>DEED OF RECORD</p>	
<p>No. 4</p>	<p>REAL PROPERTY DATA RECORDS ADJACENT PROPERTY</p>	
<p>No. 5</p>	<p>BARRISON POINT AMENDED SUBDIVISION PLAT (6/17/26)</p>	
<p>No. 6 A-D</p>	<p>PHOTO'S OF OTHER DWELLINGS IN AREA</p>	
<p>No. 7</p>	<p>ELEVATION DRAWINGS PROPOSED DWELLING</p>	
<p>No. 8</p>	<p>GIS MAP</p>	
<p>No. 9</p>	<p>LOCATION SURVEY OF AREA</p>	
<p>No. 10</p>		
<p>No. 11</p>		
<p>No. 12</p>		

2499 ISLAND VIEW ROAD
AMENDED VARIANCE REQUEST

SECTIONS 1A04.3.B.2.b (BCZR) TO PERMIT A FRONT SETBACK OF 45 FEET FROM THE CENTER LINE OF A STREET OR ROAD AND A SIDE SETBACKS OF 21 FEET AND 21 FEET IN LIEU OF THE REQUIRED 75 FEET, 50 FEET AND 50 FEET FOR A NEW DWELLING AND

SECTION 301.1.A TO PERMIT A FRONT SETBACK OF 35 FEET AND A SIDE SETBACK OF 16 FEET IN LIEU OF THE REQUIRED 56.5 FEET AND 37.5 FEET FOR AN OPEN DECK

PETITIONER' S

EXHIBIT NO. 16



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 - 1516601130

Owner Information

Owner Name: DONOVAN DAVID M Use: RESIDENTIAL
Mailing Address: 2502 ISLAND VIEW RD Principal Residence: NO
BALTIMORE MD 21221-6411 Deed Reference: 1) /27071/ 333
2)

Location & Structure Information

Premises Address: BARRISON POINT RD Legal Description: LT 36,37 BARRISON POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	9	80			C		36	3	Plat Ref: 8/ 82

Special Tax Areas: Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		23,760.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2006	As Of 07/01/2007	As Of 07/01/2008
Land	5,940	23,760		
Improvements:	0	0		
Total:	5,940	23,760	17,820	23, 60
Preferential Land:	0	0	0	0

Transfer Information

Seller: PORTER WILLIAM R	Date: 06/09/2008	Price: \$47,520
Type: UNIMPROVED ARMS-LENGTH	Deed1: /27071/ 333	Deed2:
Seller: PORTER WILLIAM R	Date: 05/12/1998	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /12853/ 220	Deed2:
Seller: PORTER JEFFERSON D	Date: 03/02/1989	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8115/ 760	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

3003

0027071 333

MID-ATLANTIC TITLE COMPANY
100 West Road, Suite 215
Towson, Maryland 21204
08-M-11630

3
DEED

File # 08-M-11630
Tax ID# 15-16-601130

THIS DEED, Made this 15th day of May, 2008, by and between WILLIAM R. PORTER and MARGARET H. PORTER, TRUSTEES UNDER THE WILLIAM R. PORTER REVOCABLE TRUST, of the State of Maryland, Parties of the First Part, and DAVID M. DONOVAN, of the State of Maryland, Party of the Second Part.

W I T N E S S E T H :

That in consideration of the sum of FORTY SEVEN THOUSAND FIVE HUNDRED TWENTY Dollars (\$47,520.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Parties of the First Part do hereby grant and convey to the said Party of the Second Part, DAVID M. DONOVAN, as sole owner, his personal representatives, heirs or assigns; all that lot of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED AS Lots numbers 36 and 37, of Section C, all as shown on the "Amended Plat of Barrison Point," which is recorded among the Land Records of Baltimore County at Plat Book W.P.C. No. 8, folio 82.

BEING some of the lots of ground which by Deed dated November 12, 1997 and recorded among the Land Records of Baltimore County in Liber 12853, Folio 220, were granted and conveyed by William R. Porter unto William R. Porter and Margaret H. Porter, Trustees under the William R. Porter Revocable Trust, the within grantors.

TOGETHER with the buildings 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 otherwise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said Party of the Second Part, as sole owner, his personal representatives, heirs or assigns forever, in fee simple.

PETITIONER'S

EXHIBIT NO. 3

WITNESS the hand and seal of said Grantors.

Clint
Witness

William R. Porter
WILLIAM R. PORTER, TRUSTEE
Under the William R. Porter
Revocable Trust



Clint
Witness

Margaret H. Porter
MARGARET H. PORTER, TRUSTEE
Under the William R. Porter
Revocable Trust



STATE OF MARYLAND,

, to wit:

I HEREBY CERTIFY, that on this 14th day of May, 2008, before the subscriber, a Notary Public of the State of Maryland, personally appeared WILLIAM R. PORTER and MARGARET H. PORTER, Trustees, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act as Trustees under The William R. Porter Revocable Trust, and with the powers to do so, in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Clint
Notary Public
My Commission expires: CHRISTOPHER TRUMP
NOTARY PUBLIC MARYLAND
My Commission expires January 20, 2010



THIS IS TO CERTIFY, that the within instrument was prepared by or under the supervision of the undersigned Maryland attorney.

Connie Strauss Danna
CONNIE STRAUSS DANNA, ESQUIRE

Return to:
Mid-Atlantic Title Company
100 West Road Ste 215
Towson, MD 21204
410-321-6075 x 106

002707 335

State of Maryland Land Instrument Intake Sheet

| Baltimore City | X | County: Baltimore
Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only.
(Type or Print in Black Ink Only All Copies Must Be Legible)

1	Type(s) of Instruments	(Check Box if Addendum Intake Form is Attached.)							
		<input type="checkbox"/> Deed	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Other	<input type="checkbox"/> Deed of Trust	<input type="checkbox"/> Lease	<input type="checkbox"/> Other		
2	Conveyance Check Box	<input checked="" type="checkbox"/> Improved Sale	<input type="checkbox"/> Unimproved Sale	<input type="checkbox"/> Multiple	<input type="checkbox"/> Not an Arms-Length Sale				
		Arms-Length [1]	Arms-Length [2]	Arms Length [3]	Length Sale [2]				
3	Tax Exemptions (If Applicable) Cite or Explain Authority	Recording							
		State Transfer							
4	Consideration and Tax Calculations	Consideration	Amount	Finance Office Use Only					
		Purchase Price/Consideration	\$ 47,520.00	Transfer and Recording Fee Consideration	\$ 44.70				
		Any New Mortgage	\$.00	Transfer Tax Consideration	\$ 474				
		Balance of Existing Mortgage	\$	x () %	\$ 11.02				
		Other:	\$	Less Exemption Amount	\$				
		Other:	\$	Total Transfer Tax	\$				
		Other:	\$	Recording Tax Consideration	\$				
		Other:	\$	x () per \$500	\$				
		Full Cash Value	\$ 47,520.00	TOTAL DUE	\$				
		5	Fees	Amount of Fees	Doc. 1	Doc. 2	Agent:		
Recording Charge	\$ 40.00			\$	Tax Bill:				
Surcharge	\$ 0.00			\$	C.B. Credit:				
State Recording Tax	\$ 240.00			\$	Ag. Tax/Other:				
State Transfer Tax	\$ 237.60			\$					
County Transfer Tax	\$ 712.80			\$					
Other	\$			\$					
Other	\$			\$					
6	Description of Property <small>SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).</small>	District	Property Tax ID No.(1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG		
		15	15-16-601130	12853/220				1 (5)	
		Subdivision Name		Lot (3a)	Block(3b)	Sect/AR(3c)	Plat Ref.	SqFu/Acreage(4)	
		Barrison Point		36 & 37					
		Location/Address of Property Being Conveyed (2)							
		Lots 36 & 37, Barrison Point, Essex, MD 21221							
		Other Property Identifiers (if applicable)				Water Meter Account No.			
		Residential <input checked="" type="checkbox"/> or Non-Residential <input type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount: \$N/A							
		Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Description/Amt. of SqFu/Acreage Transferred: N/A							
		If Partial Conveyance, List Improvements Conveyed: N/A							
7	Transferred From	Doc. 1 - Grantor(s) Name(s)			Doc. 2 - Grantor(s) Name(s)				
		William R. Porter							
		Margaret H. Porter, Trustees							
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)			Doc. 2 - Owner(s) of Record, if Different from Grantor(s)				
8	Transferred To	Doc. 1 - Grantee(s) Name(s)			Doc. 2 - Grantee(s) Name(s)				
		David M. Donovan							
		New Owner's (Grantee) Mailing Address							
2502 Island View Road, Essex, MD 21221									
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)			Doc. 2 - Additional Names to be Indexed (Optional)				
10	Contact/Mail Information	Instrument Submitted By or Contact Person					<input checked="" type="checkbox"/> Return to Contact Person		
		Name: Donna M. Sweeney					<input type="checkbox"/> Hold for Pickup		
		Firm: Mid-Atlantic Title Company					<input type="checkbox"/> Return Address Provided		
		Address: 100 West Road, Suite 215, Towson, MD 21204							
Phone: Telephone: 410-321-6075 Fax: 410-337-8607									
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER	Assessment Information	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will the property being conveyed be the grantee's principal residence?				
		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does transfer include personal property? If yes, identify: _____					
		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)					
		Assessment Use Only - Do Not Write Below This Line							
		Agricultural Verification <input type="checkbox"/>		Whole <input type="checkbox"/> Part <input type="checkbox"/>		Tran. Process Verification <input type="checkbox"/>			
Time Received:	Date Received:	Deed Reference:	Assigned Property No.:						
		Geo.	Map	Sub	Block				
		Zoning	Grid	Plat	Lot				
		Use	Parcel	Section	Occ. Cd.				
		Town Cd.	Ex. St.	Ex. Cd.					

FD SURE \$ 28.00
 RECORDING FEE 28.00
 TAX STATE 237.60
 TOTAL 277.60

237.60

BALTIMORE COUNTY, Maryland
 \$952.80
 6/06/2008
 6/06/2008 16:16:50
 BUSINESS
 RECEIVED

DUPLICATE PAID RECEIPT

08-M-11630CJT

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 - 1516600141

Owner Information

Owner Name:	DONOVAN DAVID M BROWN JAMES S	Use:	RESIDENTIAL
Mailing Address:	2502 ISLAND VIEW RD BALTIMORE MD 21221-6411	Principal Residence:	NO
		Deed Reference:	1) /27071/ 327 2)

Location & Structure Information

Premises Address	Legal Description
2501 ISLAND VIEW RD	LT 34,35 2501 ISLAND VIEW RD BARRISON POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	9	80			C		34	3	Plat Ref: 8/ 82

Special Tax Areas	Town Ad Valorem Tax Class
--------------------------	---------------------------------

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1987	1,152 SF	22,000.00 SF	04

Stories	Basement	Type	Exterior SIDING
1	NO	STANDARD UNIT	

Value Information

	Base Value	Value Phase-In Assessments		
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	35,750	65,750		
Improvements:	64,710	90,930		
Total:	100,460	156,680	137,940	156,680
Preferential Land:	0	0	0	0

Transfer Information

Seller: PORTER WILLIAM R	Date: 06/09/2008	Price: \$256,680
Type: IMPROVED ARMS-LENGTH	Deed1: /27071/ 327	Deed2:
Seller: PORTER WILLIAM R	Date: 05/12/1998	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /12853/ 220	Deed2:
Seller: PORTER JEFFERSON D	Date: 03/02/1989	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8115/ 760	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	Special Tax Recapture:
Exempt Class:	* NONE *

PETITIONER' S

EXHIBIT NO. 4

6a

#2501



6b

#2502



6d

#2509



6c

#2505



PETITIONER'S

EXHIBIT NO. 6a-6d

PRELIMINARY BUILDING ELEVATION
FRONT.
SCALE: 1/4" = 1'-0"

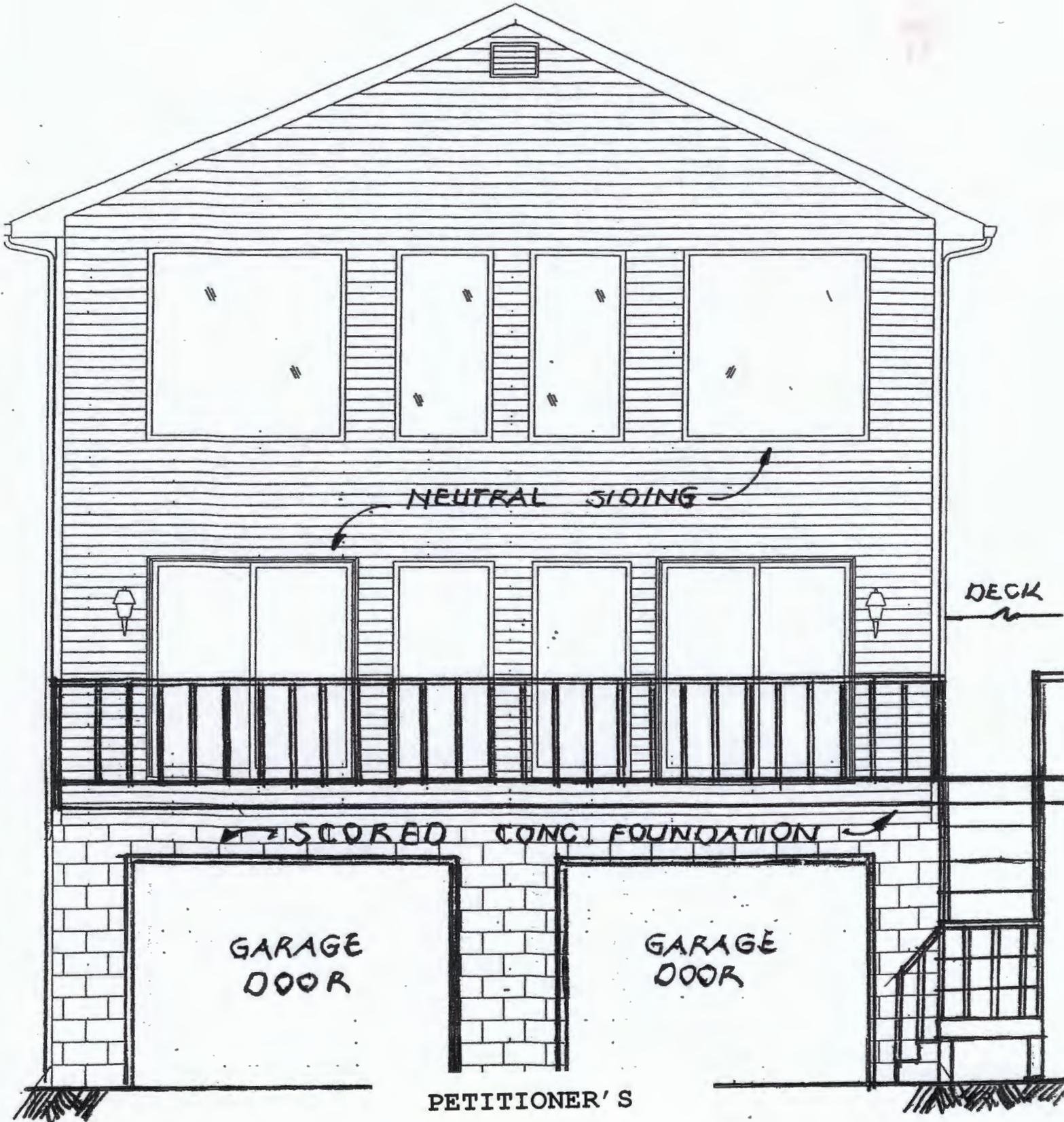
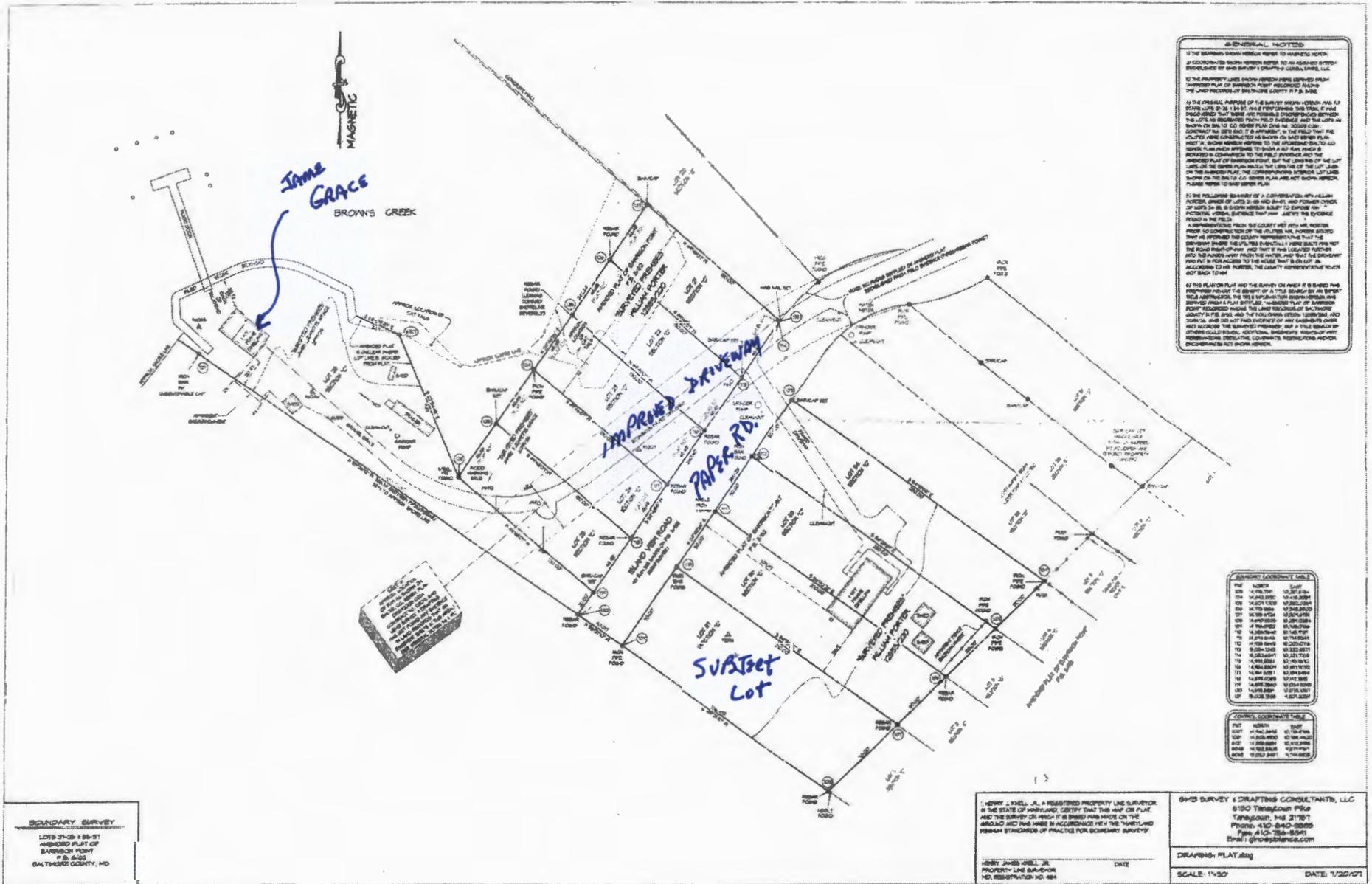


EXHIBIT NO. 7



GENERAL NOTES

1. THE BOUNDARY SURVEY HEREIN REFERS TO MAGNETIC NORTH.

2. A CORRECTION TO BOUNDARY SURVEY NO. 4848-0001-0001, AS AMENDED BY SURVEY 4 DRAFTING CONSULTANTS, LLC, IS THE PRESENT PLAN. THIS AMENDMENT HAS BEEN DERIVED FROM THE ORIGINAL PLAT OF BOUNDARY SURVEY NO. 4848-0001-0001, AS AMENDED BY SURVEY 4 DRAFTING CONSULTANTS, LLC, AND IS SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL PLAT OF BOUNDARY SURVEY NO. 4848-0001-0001, AS AMENDED BY SURVEY 4 DRAFTING CONSULTANTS, LLC.

3. TO THE ORIGINAL PURPOSE OF THE BOUNDARY SURVEY HEREIN, THIS AMENDMENT IS INTENDED TO CORRECT THE PLAN TO REFLECT THE ACTUAL CONDITIONS ON THE GROUND. THE PLAN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL PLAT OF BOUNDARY SURVEY NO. 4848-0001-0001, AS AMENDED BY SURVEY 4 DRAFTING CONSULTANTS, LLC.

4. THE PLAN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL PLAT OF BOUNDARY SURVEY NO. 4848-0001-0001, AS AMENDED BY SURVEY 4 DRAFTING CONSULTANTS, LLC.

5. THE PLAN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL PLAT OF BOUNDARY SURVEY NO. 4848-0001-0001, AS AMENDED BY SURVEY 4 DRAFTING CONSULTANTS, LLC.

6. THE PLAN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL PLAT OF BOUNDARY SURVEY NO. 4848-0001-0001, AS AMENDED BY SURVEY 4 DRAFTING CONSULTANTS, LLC.

7. THE PLAN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL PLAT OF BOUNDARY SURVEY NO. 4848-0001-0001, AS AMENDED BY SURVEY 4 DRAFTING CONSULTANTS, LLC.

8. THE PLAN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL PLAT OF BOUNDARY SURVEY NO. 4848-0001-0001, AS AMENDED BY SURVEY 4 DRAFTING CONSULTANTS, LLC.

9. THE PLAN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL PLAT OF BOUNDARY SURVEY NO. 4848-0001-0001, AS AMENDED BY SURVEY 4 DRAFTING CONSULTANTS, LLC.

10. THE PLAN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL PLAT OF BOUNDARY SURVEY NO. 4848-0001-0001, AS AMENDED BY SURVEY 4 DRAFTING CONSULTANTS, LLC.

PLAT	BOOK	PAGE
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BOUNDARY SURVEY

LOTS 21-25 1-84-81
 AMENDED PLAT OF
 BOUNDARY SURVEY
 P.B. 8-23
 BALTIMORE COUNTY, MD

1. JERRY J. HELL, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF MARYLAND, CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WAS MADE ON THE GROUND AND WAS MADE IN ACCORDANCE WITH THE MARYLAND PROFESSIONAL STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS.

JERRY J. HELL, JR.
 PROPERTY LINE SURVEYOR
 NO. REGISTRATION NO. 484

DATE

GIS SURVEY & DRAFTING CONSULTANTS, LLC
 6150 Tinsleytown Pike
 Pikesville, MD 21113
 Phone: 410-640-0000
 Fax: 410-758-8941
 Email: gis@gisandc.com

DRAWING: PLAT.dwg

SCALE: 1"=50' DATE: 7/20/07

PETITIONER'S
 EXHIBIT NO. 9

Case No.: 2010-0123-SPHA 2499 ISLAND VIEW RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1 IA - IB -	- PLAT ACCOMPANYING PETITION 5/12/09 REVISED SITE PLAN REFLECTING DEPRM CHANGES AND AMENDED PETITION REVISED VARIANCES per DEPRM COMMENT	ALTERNATIVE ACCESS PLAN
No. 2	REAL PROPERTY DATA RECORDS SUBJECT PROPERTY	
No. 3	DEED OF RECORD	
No. 4	REAL PROPERTY DATA RECORDS ADJACENT PROPERTY	
No. 5	BARRISON POINT AMENDED SUBDIVISION PLAT (6/17/26)	
No. 6 A-D	PHOTO'S OF OTHER DWELLINGS IN AREA	
No. 7	ELEVATION DRAWINGS PROPOSED DWELLING	
No. 8	GIS MAP	
No. 9	LOCATION SURVEY OF AREA	
No. 10		
No. 11		
No. 12		

BROW

10'w

REMOVE DRIVE

SEE CASE 2008-0596A
N/F GRACE
L. 21193 F. 76
240008999
2500

SECTION 'B'

N/F DONOVAN # B,
L. 27071 F. 330
1515000142
EX. 8" W

ISLAND VIEW ROAD

CASE 2010-0123-SPHA

N/F PIOTT
L. 13507 F. 251
1526200010
(VACANT)

PROP. DRIVE
CASE 2010-0145-SPHA

1050' TO BARRISON
POINT ROAD

DONOVAN/BROWN
L. 27071 F. 327
1515000141

EXISTY.
S.F.D.
2501

9,900 S.F.
0.227 AC.±

COMMUNITY

EXHIBIT NO. 2010-023-SPHA

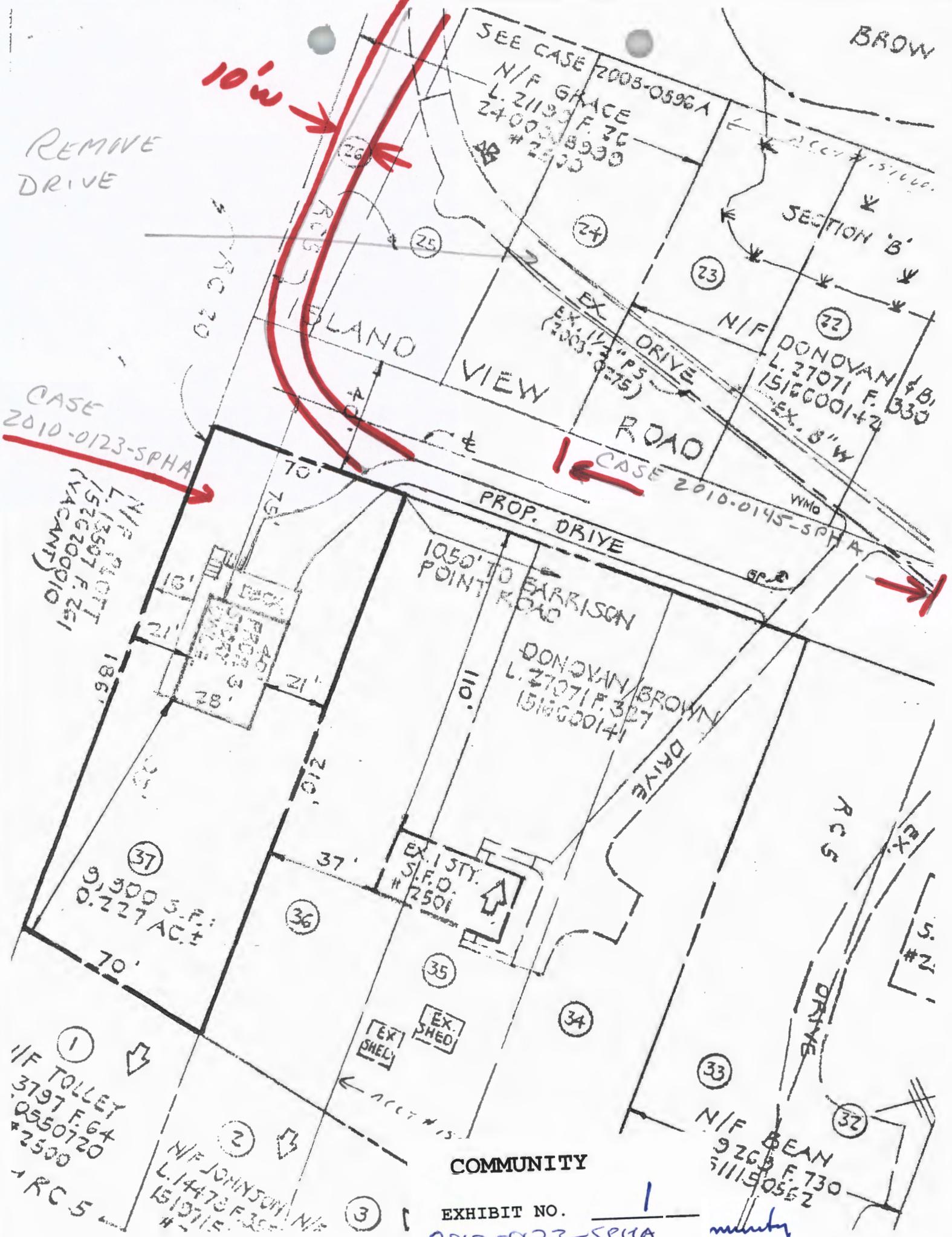
N/F BEAN
L. 9265 F. 730
51150562

1
N/F TOLLEY
L. 3797 F. 64
0550720
2500

2
N/F JOHNSON
L. 14478 F. 35
1519715

RC 5

minutes



RW 98-018
Item

Permission is hereby granted this 2nd day of May, 2002 by
DAVID M. DONOVAN
JAMES S. BROWN owners of the property located at
(please print names)
2502 Island View Rd to enter the property for the purpose of
(please print address)

installing a grinder pump and the electrical system from the house to the grinder pump.

The attached drawing shows an approximate location of the grinder pump as recommended by the Department of Public Works, but this location may be changed at the discretion of the Department of Public Works after consultation with the undersigned.

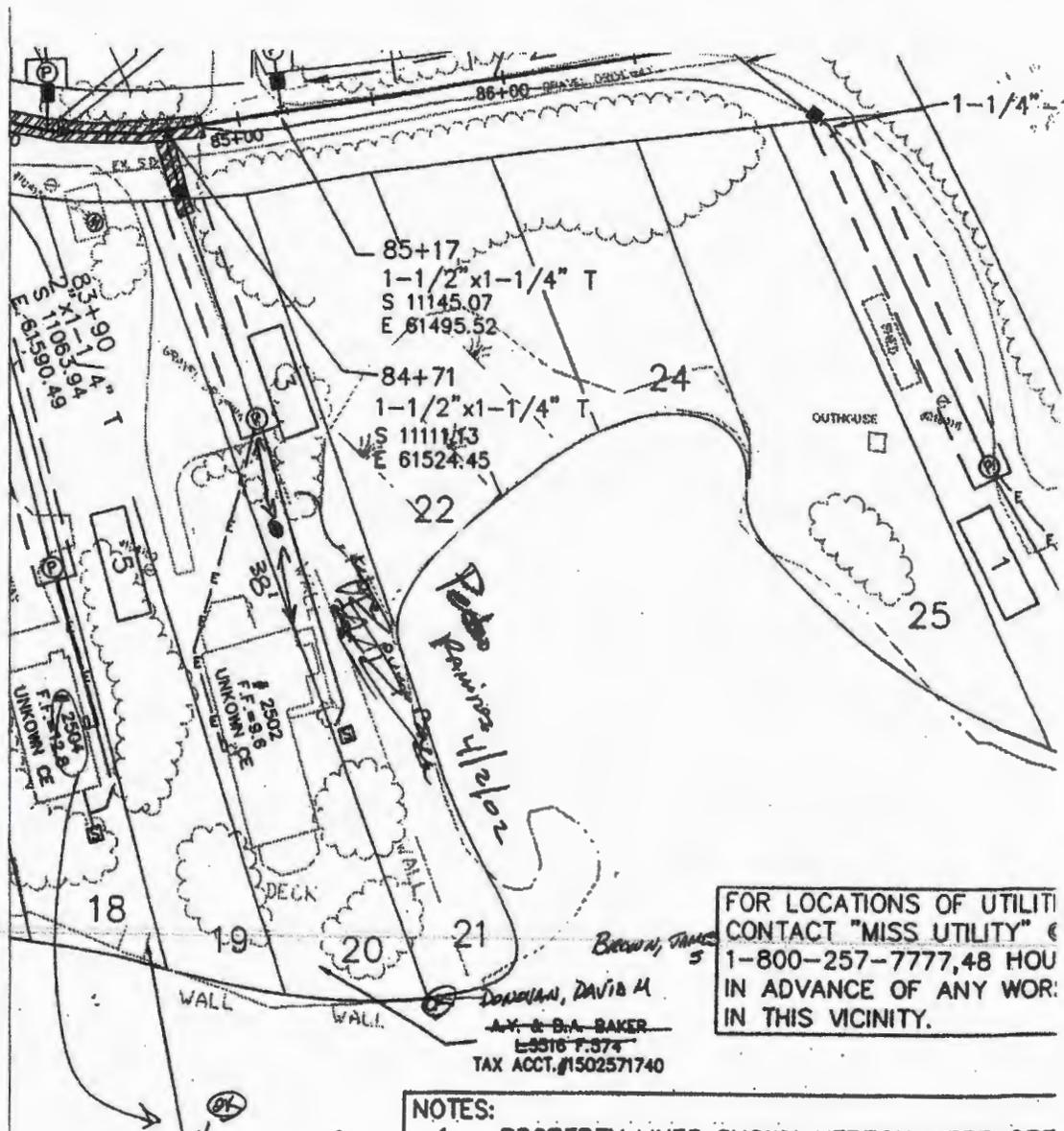
Baltimore County, its agents and assigns agree that after the installation of this grinder pump and its appurtenances that the ground shall be restored and left in good condition. Shrubbery that is located in the way of the grinder pump construction will be balled in burlap, moved and replanted upon completion of construction. Trees that stand within the construction zone of the grinder pump will be removed and not replaced. Fences, paving and other yard improvements that are disturbed will be restored using equal materials and left in good condition.

Witness:

Carole Seibel
2507 Garrison Rd
Balto, Md. 21221

Property Owners Signatures:

David M. Donovan
James S. Brown



FOR LOCATIONS OF UTILITIES
 CONTACT "MISS UTILITY" @
 1-800-257-7777, 48 HOURS
 IN ADVANCE OF ANY WORK
 IN THIS VICINITY.

Brown, James S
 DONOHAN, DAVID M.
 A.Y. & D.A. BAKER
 L3316 P-374
 TAX ACCT. #1502571740

NOTES:
 1. PROPERTY LINES SHOWN HEREON WERE OBT

RW 98-018
Item

Permission is hereby granted this 12th day of June, 2002 by W.R.P.
William R. Porter, owners of the property located at
(please print names)
2501 ISLAND VIEW ROAD to enter the property for the purpose of
(please print address)

installing a grinder pump and the electrical system from the house to the grinder pump.

The attached drawing shows an approximate location of the grinder pump as recommended by the Department of Public Works, but this location may be changed at the discretion of the Department of Public Works after consultation with the undersigned.

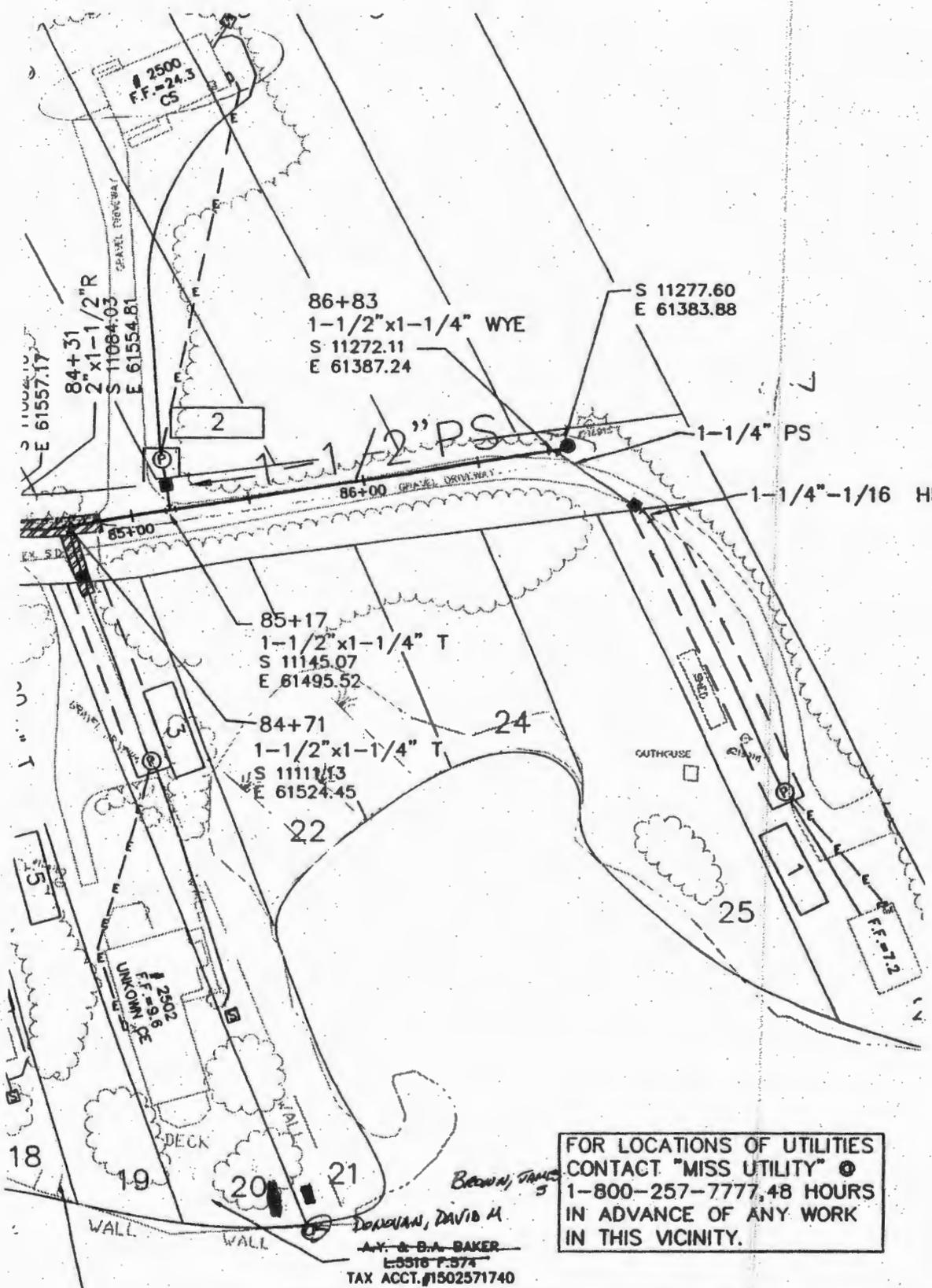
Baltimore County, its agents and assigns agree that after the installation of this grinder pump and its appurtenances that the ground shall be restored and left in good condition. Shrubbery that is located in the way of the grinder pump construction will be balled in burlap, moved and replanted upon completion of construction. Trees that stand within the construction zone of the grinder pump will be removed and not replaced. Fences, paving and other yard improvements that are disturbed will be restored using equal materials and left in good condition.

Witness:

[Signature]

Property Owners Signatures:

W.R.P.



FOR LOCATIONS OF UTILITIES
 CONTACT "MISS UTILITY" ☎
 1-800-257-7777, 48 HOURS
 IN ADVANCE OF ANY WORK
 IN THIS VICINITY.

Brown, James
 DONOVAN, DAVID H.
 A.Y. & S.A. BAKER
 L-5316 P. 574
 TAX ACCT. #1502571740

G. BEAN
 L-3352 P. 106
 TAX ACCT. #1511150580

- NOTES:
1. PROPERTY LINES SHOWN HEREON WERE OBTAINED DEEDS AND RECORD PLATS. NO PROPERTY CORNE HAVE BEEN FIELD VERIFIED.
 2. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

AERIAL MAP FOR ISLAND VIEW ROAD



Coordinate System:
Maryland State Plane: NAD83/91 Horizontal Datum
Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 1995
Scale of Date Capture: 1" = 100'

Date of Aerial Photography: March 2005

The utility (sanitary sewer and/or storm drain) location information shown is not guaranteed correct and should only be used as a reference. Locations of appurtenances should be verified using construction drawings, which are available in room 206 of the Baltimore County Office Building, or, through actual field investigations.



Baltimore County, MD
Department of Public Works
GIS Services

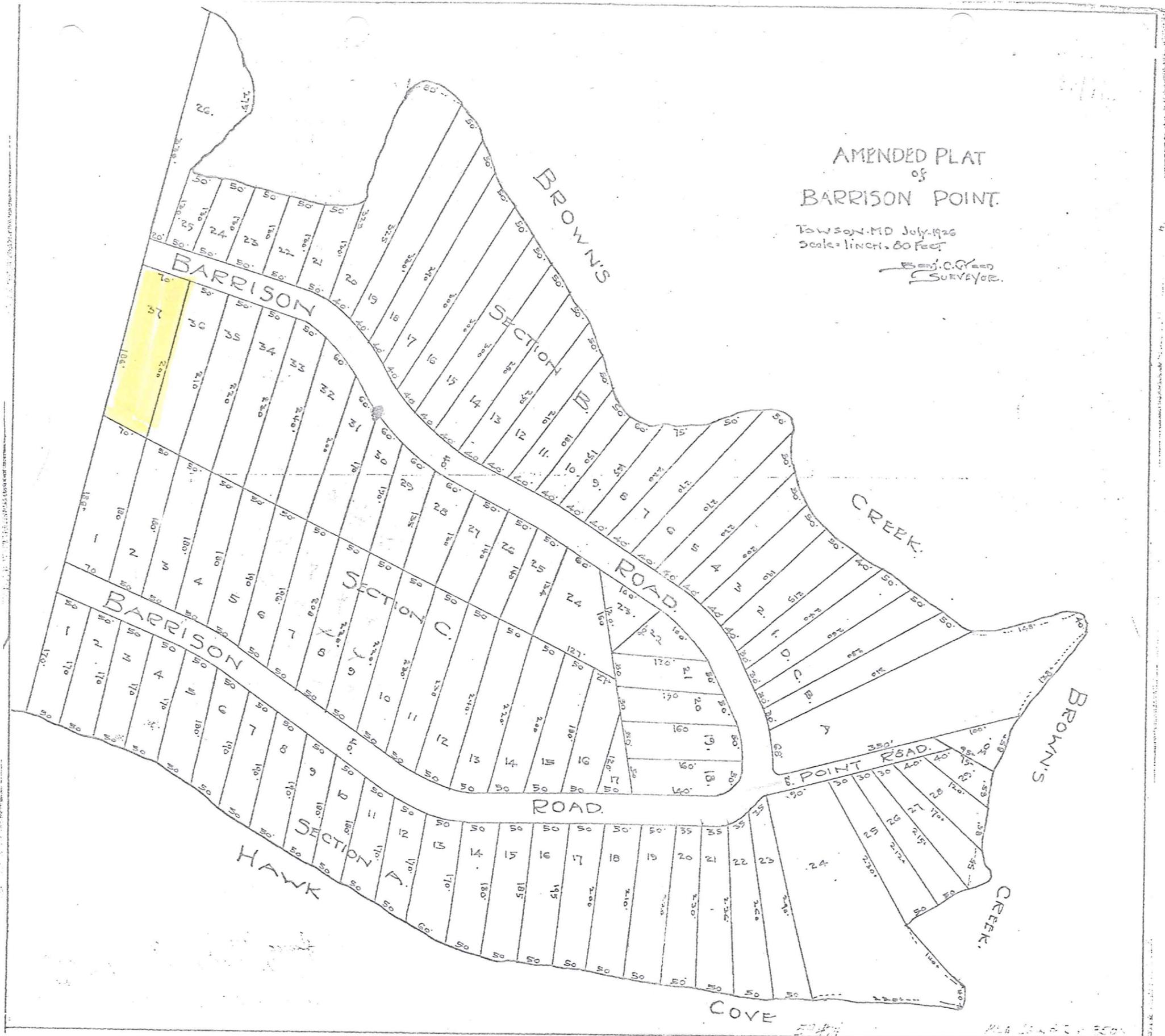
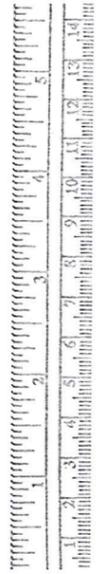
For internal use only.
The cadastral information on this plot was compiled from the Baltimore County Assessor's Office. This information is for internal use only.

COMMUNITY

EXHIBIT NO. 8



Prepared By:
Robin Hurley, EA III
DPW Directors Office
Aug. 12, 2008



AMENDED PLAT
of
BARRISON POINT.

TOWSON, MD July 1926
Scale = 1 inch = 80 Feet

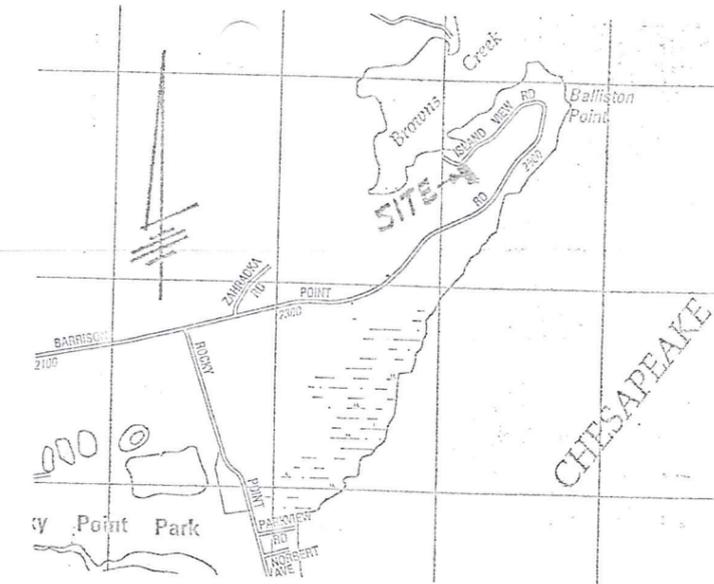
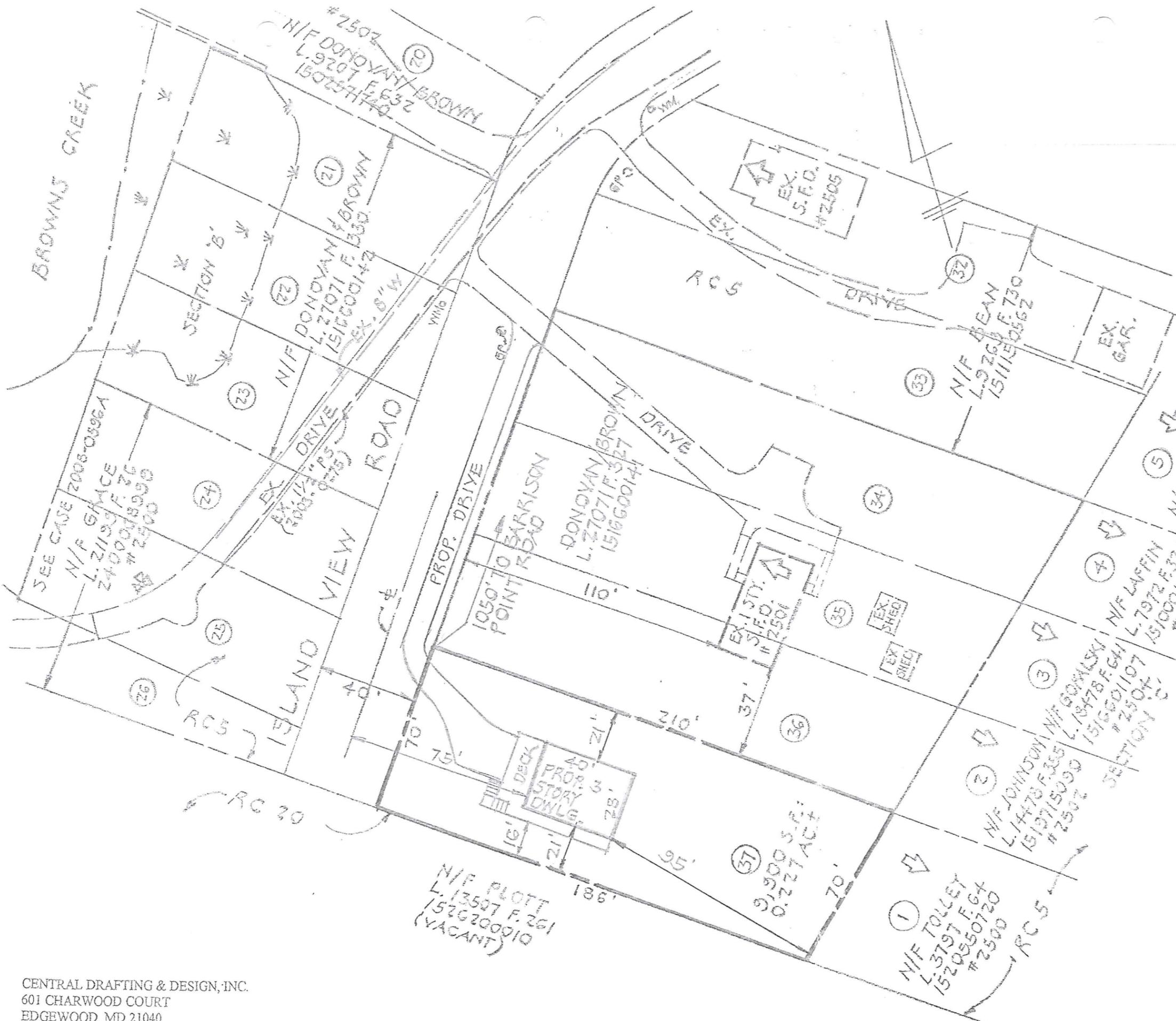
B. C. Green
SURVEYOR.

PETITIONER'S

EXHIBIT NO. 5

P B 8 F 82

REC: JUNE 17, 1926



VICINITY MAP
SCALE: 1" = 2000'

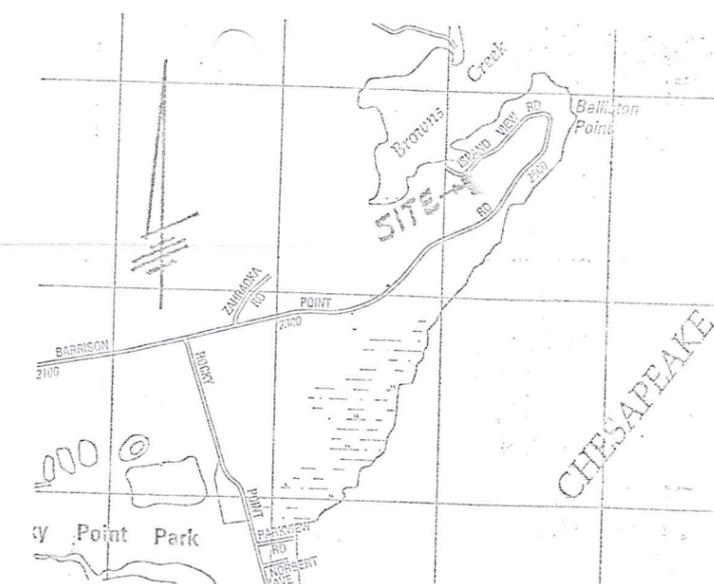
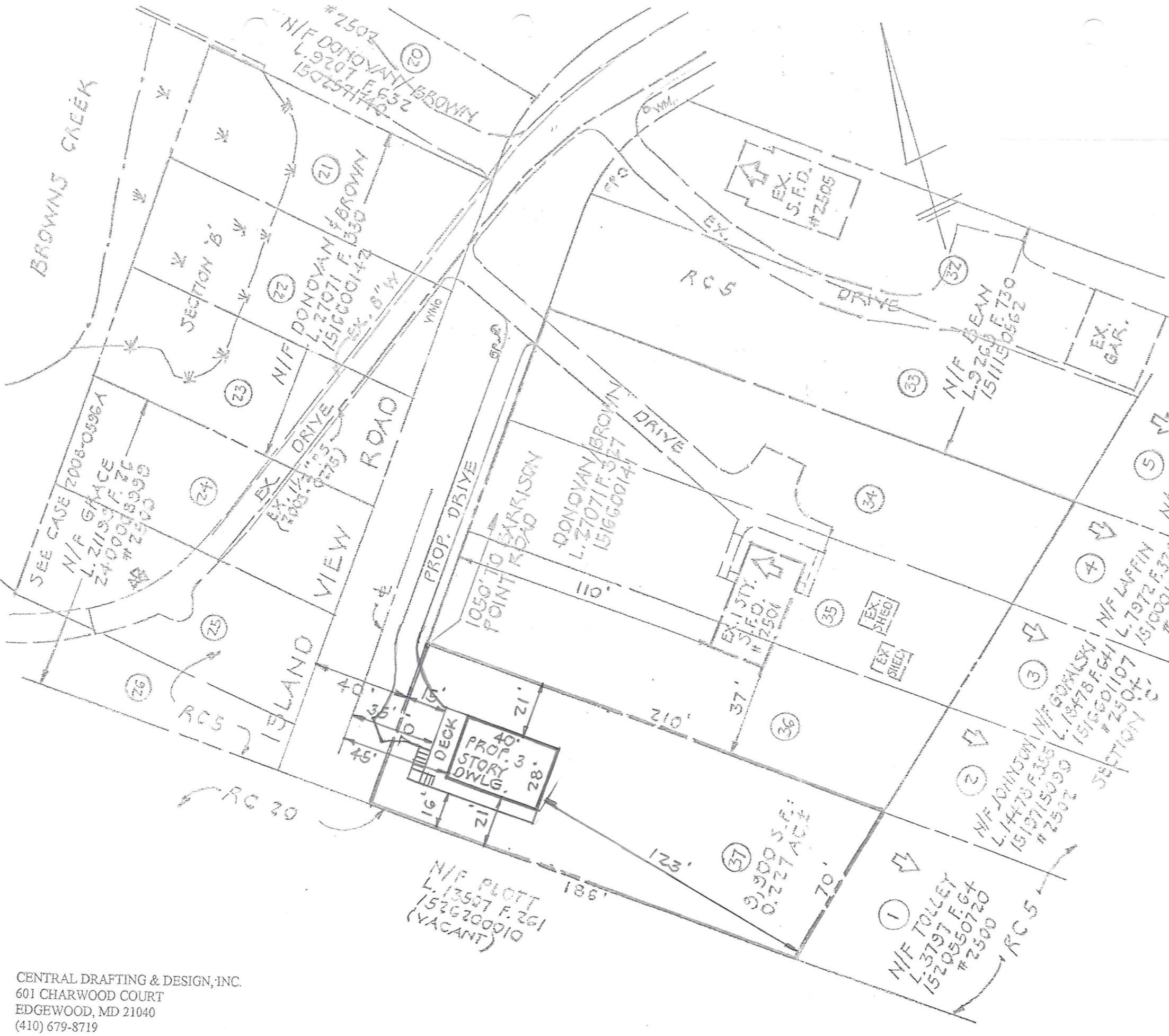
PETITIONER'S

EXHIBIT NO. 1

OWNER
DAVID M. DONOVAN
2502 ISLAND VIEW ROAD
BALTIMORE, MD. 21221
L. 27071 F. 333
PROP. NO. 1516601130

- NOTES**
1. ZONING.....RC.5 (MAP 105B2)
 2. AREA.....9,900 S.F. = 0.227 ACRE+/-
 3. PUBLIC WATER AND SEWER
 4. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS EXIST
 5. SITE IS LOCATED IN THE CBCA
 6. SITE IS NOT LOCATED IN 100 YEAR FLOOD ZONE
 7. NO PREVIOUS VIOLATIONS OR ZONING HISTORY KNOWN
 8. CONTIGUOUS OWNERSHIP EXISTED UNTIL MAY 15, 2008
 9. BUILDING COVERAGE.....11.3 %

PLAT TO ACCOMPANY ZONING VARIANCE AND SPECIAL HEARING
LOT 37 BARRISON POINT P.B. 8 F. 82
2499 ISLAND VIEW ROAD
ELECTION DISTRICT 15C6 BALTO. CO., MD
SCALE: 1 INCH = 40 FEET MAY 12, 2009



VICINITY MAP
SCALE: 1" = 2000'

PETITIONER'S

EXHIBIT NO. 1a

OWNER

DAVID M. DONOVAN
2502 ISLAND VIEW ROAD
BALTIMORE, MD. 21221
L. 27071 F. 333
PROP. NO. 1516601130

NOTES

1. ZONING.....RC.5 (MAP 105B2)
2. AREA.....9,900 S.F. = 0.227 ACRE+/-
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PLAT TO ACCOMPANY ZONING
VARIANCE AND SPECIAL HEARING
LOT 37 BARRISON POINT P.B. 8 F. 82
2499 ISLAND VIEW ROAD
ELECTION DISTRICT 15C6 BALTO. CO., MD
SCALE: 1 INCH = 40 FEET MAY 12, 2009
REV. 12/2/09