

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

NW/Side Island View Road, 860' W of
Barrison Point Road
(2500A Island View Road)

15th Election District
6th Council District

David M. Donovan & James S. Brown
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0145-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 and James S. Brown, property owners. The Petitioners are 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 dwelling on existing lots of record and a confirmation that density is not affected. The variance requested is filed pursuant to B.C.Z.R. Section 1A04.3.B.2.b, to permit a setback of 45 feet from the centerline of a street or road in lieu of the required 75 feet for the new dwelling. The subject property and requested relief are more particularly described on the amended redlined site plan¹ submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were David M. Donovan, James S. Brown, property owners, and David Billingsley, of Central Drafting & Design, Inc., the consultant who prepared the site plan(s) and is assisting the Petitioners in the permitting process. There were no Protestants or other interested persons present.

¹ Petitioners amended their site plan at the onset of the hearing, without objection, to respond to the Zoning Advisory Committee (ZAC) comment received from Dennis A. Kennedy, P.E., on behalf of the Department of Public Works. See Bureau of Development Plans Review comment, dated January 6, 2010, regarding driveway access, sewer and water connections for the property and improvements at 2500 Island View Road owned by James L. Grace, et ux.

ORDER RECEIVED FOR FILING

Date

4-26-10

By

BJ

Testimony and evidence offered revealed that the property, which is the subject of this variance request, consists of three (3) unimproved lots of record, identified as Lots 21, 22 and 23 on the Amended Plat of Barrison Point. The lots are located on the north side of Island View Road with frontage on the south and east sides of Browns Creek in eastern Baltimore County. The Petitioners, who have lived in the community since 1992, are interested in constructing a 42' x 24' dwelling on the property. In order to proceed with the construction of a home, the setback variance from the centerline of the road (a paper street) is necessary, given that the property is now zoned R.C.5. It should be noted that this community was developed and designed at a time when houses could easily be constructed on these lots without the need for a variance. However, the subject community has been rezoned to R.C.5, which necessitates the variance request. The home would be centrally located on the lots, each being 50-foot wide, having a combined area of 18,896 square feet (0.434 acres) in lieu of the 1.5 acres now required. The special hearing is to approve the density and confirm the overall density of the neighborhood is not affected.

The lots have the potential to have access to public water and sewer via grinder pump. Mr. Billingsley testified that Lots 21, 22 and 23 are wooded with no improvements or connections other than an existing macadam driveway that traverses (east to west) to Lot 26 known as the Grace property.² He noted that many homes in the neighborhood are built on 50-foot wide lots so that a new home on the proposed lots would have less density than others in the neighborhood. Mr. Billingsley further noted that R.C.20 zoned property is located just south of Island View Road and is undeveloped and that there would be no impact on anyone in this

² This road is the sole access to the Grace property. The road also contains a water main and pressure sewer – with the proposed new home being shown on the site plan as located over the water main – that serves the Grace property. The location of this road and utilities are in dispute. Petitioners assert the County inadvertently paved the old existing driveway that ran across their property rather than placing the public improvements in the “paper street” of Island View Road. As stated during the hearing, I cannot determine the ownership of real property as that determination is vested solely in the Circuit Court.

direction. He also supplied photographs of houses in the neighborhood showing the new home would be compatible with the pattern of development. *See* Exhibit 6. In that the R.C.5 development regulations require a minimum 75-foot setback from the centerline of any street or road, the requested variance relief is necessary. *See* B.C.Z.R. Section 1A04.3B.2.b. The requested relief is also driven by the Department of Environmental Protection and Resource Management's (DEPRM) insistence that the dwelling be moved closer to Island View Road. The Zoning Advisory Committee (ZAC) comment received from David Lykens, DEPRM's Development Coordinator, confirms that tidal wetlands exist in front of the proposed dwelling and in order to minimize to the greatest extent possible in trying to meet the Chesapeake Bay Critical Area (CBCA) requirements, it is their recommendation that the required setback be reduced to locate the proposed dwelling as close as possible to Island View Road in order to protect the critical area buffer.

I find special circumstances or conditions exist that are peculiar to the land which is the subject of the variance request. These lots were created many years before the R.C.5 regulations were imposed and as such, are impacted differently from lots in the area created after the resource conservation regulations began. I also find strict compliance with the County's Zoning Regulations would result in practical difficulty or unreasonable hardship. There is no land available to increase the area of any of the subject three (3) lots. Given the need to meet the Critical Area law, the new home cannot practically meet the 75-foot centerline setback requirement. I find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting this variance when looking at the overall neighborhood density including the large R.C.20 area to the south. Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public, health, safety and general welfare. There

ORDER RECEIVED FOR FILING

Date

4-26-10

By

123

are at least nine (9) other variance cases in the area in which homes have been permitted on undersized lots.³ Many are built on 50-foot wide lots. This new home will be built on a 150-foot wide lot. This will not adversely affect the pattern of development in this neighborhood. However, due to the properties close proximity to Browns Creek and the ongoing dispute concerning the location of the existing paved road, a number of restrictions are appropriate here. Pursuant to Section 307.1 of the B.C.Z.R., the Zoning Commissioner is empowered to impose restrictions for the protection of the surrounding and neighboring properties. Those conditions are set forth below.

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.

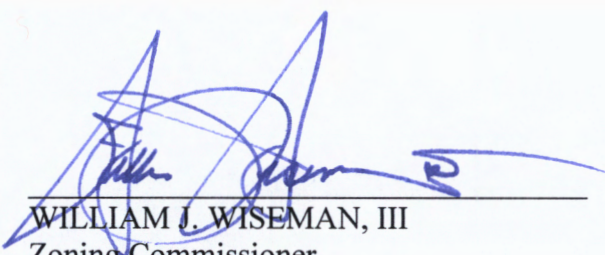
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of April 2010 that the Petition for Special Hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the construction of a new dwelling on existing lots of record and a confirmation that density is not affected, be and is hereby granted; and

IT IS FURTHER ORDERED that the Petition for Variance requesting relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a setback of 45 feet from the centerline of a street or road in lieu of the required 75 feet for a new dwelling, in accordance with Petitioners' Exhibit 1, be and is hereby granted, subject to the following restrictions, which are conditions precedent to the relief granted herein:

³ 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, 2008-0596 and 2010-0123.

1. A building permit for the new single-family dwelling on combined Lots 21, 22, and 23 to be known as 2500A Island View Road shall not be issued until the "proposed driveway, water house connection and sewer house connections", illustrated on Petitioners' Exhibit 1, are available for operation at 2500 Island View Road.
2. Compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Development Plans Review (DPR) of the Department of Permits and Development Management (DPDM) relative to the Chesapeake Bay Critical Area (CBCA) regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams wetlands and floodplains. Copies of those comments, both dated April 21, 2010 respectively, have been attached hereto and are made a part hereof.
3. In addition to Condition No. 1 above, Petitioners 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 42' x 24' house is compatible with homes in this area.
4. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

4-26-10

By

1023



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

April 26, 2010

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

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
NW/Side Island View Road, 860' W of Barrison Point Road
(2500A Island View Road)
15th Election District - 6th Council District
David M. Donovan & James S. Brown - Petitioners
Case No. 2010-0145-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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a large, stylized star graphic.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court,
Edgewood, MD 21040
Douglas N. Silber, Esquire, 40 West Chesapeake Avenue, Suite 412,
Towson, MD 21204
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
Adam Rosenblatt, Esquire, Assistant County Attorney, Office of Law
People's Counsel; Office of Planning; DEPRM; DPR; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2500A ISLAND VIEW ROAD
which is presently zoned R.C. 5

DEED REF. 27071/330 TAX ACCOUNT # 1516600142

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

THE CONSTRUCTION OF A NEW DWELLING ON EXISTING
LOTS OF RECORD CONFIRMING THAT DENSITY IS NOT
AFFECTED.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

ORDER RECEIVED FOR FILING

Address

Telephone No.

Date

City

State

Zip Code

By

Legal Owner(s):

DAVID M. DONOVAN

Name - Type or Print

Signature

JAMES S. BROWN

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 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

Case No. 2010-0145-SPHA
REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

Date

11/2/09



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2500A ISLAND VIEW ROAD
which is presently zoned RC 5

Deed Reference: 27071 / 330 Tax Account # 1516600142

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1A04.3.B.2.6 TO PERMIT A SETBACK OF 45 FEET FROM
THE CENTER LINE OF A STREET OR ROAD IN LIEU OF THE
REQUIRED 75 FEET FOR A NEW DWELLING.

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

ORDER RECEIVED FOR FILING

Signature

Date

Company

By

Address

Telephone No.

City

State

Zip Code

Case No. 2010-0145-5PHA

Legal Owner(s):

DAVID M. DONOVAN

Name - Type or Print

Signature

JAMES S. BROWN

Name - Type or Print

Signature

2502 ISLAND VIEW RD. (410) 574-8476

Address

Telephone No.

BALTIMORE

MO.

21221

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARYWOOD CT (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD

21040

City

State

Zip Code

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

Date

ZONING DESCRIPTION

2500A ISLAND VIEW ROAD

Beginning at a point on the northwest side of Island View Road (40 feet wide) distant 860 feet from it's intersection with the northwest side of Barrison Point Road (40 feet wide), thence being all of Lots 21, 22, and 23, Section C as shown on the plat entitled Barrison Point recorded among the plat records of Baltimore County in Plat Book 8 Folio 82.

Containing 18,896 square feet or 0.434 acre of land, more or less.

Being known as 2500A Island View Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

2010-0145-SPHA

**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: 2010-0145-SPHA
Petitioner: DAVID DONOVAN & JAMES BROWN
Address or Location: 2500A ISLAND VIEW ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES BROXN
Address: 2502 ISLAND VIEW ROAD
BALTO. MD. 21221
Telephone Number: (410) 574-8476

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

No. **47538**

Date: **11/2/09**

PAID RECEIPT

BUSINESS ACTUAL TIME DPM
 11/03/2009 11/02/2009 09:25:50 5
 REG 0003 WALKIN RDUS LRB
 RECEIPT R 429006 11/02/2009 OPEN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 047538
 Recpt Tot \$130.00
 \$130.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				130.00

Total: **130.00**

Rec From: **Central Drafting & Design** **2010-0145-SPHA**

For: **2500A Island View Rd.**
2.221

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: # 2010-0145-SPHA

2500A Island View Road

N/West side of Island View Road, 860 feet west of the intersection of Barrison Point Road

15th Election District — 6th Councilmanic District

Legal Owner(s): David Donovan, James Brown

Special Hearing: for the construction of a new dwelling on existing lots of record confirming that density is not affected. **Variance:** to permit a setback of 45 feet from the centerline of a street or road in lieu of the required 75 feet for a new dwelling.

Hearing: Tuesday, December 29, 2009 at 11:00 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 12/773 December 15

224250

CERTIFICATE OF PUBLICATION

12/17/, 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 12/15/, 2009.

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

S. Wilkins

LEGAL ADVERTISING

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: # 2010-0145-SPHA

2500A Island View Road

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15th Election District — 6th Councilmanic District

Legal Owner(s): David Donovan, James Brown

Special Hearing: for the construction of a new dwelling on existing lots of record confirming that density is not affected. Variance: to permit a setback of 45 feet from the centerline of a street or road in lieu of the required 75 feet for a new dwelling.

Hearing: Friday, January 8, 2010 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.

12/433 December 24

225078

CERTIFICATE OF PUBLICATION

12/24, 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 12/24, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2010-0145-SPHA

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing 1/8/10

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 2500A ISLAND VIEW RD

This sign(s) were posted on December 22, 2009

Month, Day, Year

Sincerely,

Martin Ogle 12/22/09
Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411



ZONING NOTICE

CASE # **2010-0145-SPHA**

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 104 TELESCOPE BUILDING 105 WEST
CAMDEN AVE. TOWSON 21204

PLACE: FRIDAY, JANUARY 8, 2010
AT 9:00 AM

DATE AND TIME: SPECIAL HEARING FOR THE CONSIDERATION
REQUEST OF A NEW DWELLING ON EXISTING LOTS
OF RECORD CONTAINING THAT DELINQUENT TAXES
VARIANCE TO REAR A 40' BACK OF 45' SETBACK THE
CENTERLINE OF A STREET OR 20' IN LOTS AS THE
REQUIRED 75 FEET FOR A NEW DWELLING

POSTPONENTS ARE TO BE HEARD BY OTHER COUNCILING AND DECISIONS NECESSARY
TO CONSIDER HEARING CALL 410-326-1041

DO NOT ATTEND THE SIGN AND THE LOTS ARE BY HEARD FROM PROPERTY OF LRP
HANDICAPPED ACCESSIBLE



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

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: 2010-0145-SPHA

2500A Island View Road

N/west side of Island View Road, 860 feet west of the intersection of Barrison Point Road

15th Election District – 6th Councilmanic District

Legal Owners: David Donovan, James Brown

Special Hearing for the construction of a new dwelling on existing lots of record confirming that density is not affected. Variance to permit a setback of 45 feet from the centerline of a street or road in lieu of the required 75 feet for a new dwelling.

Hearing: Friday, January 8, 2010 at 9:00 a.m. Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: David Donovan, James Brown, 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 22, 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, December 24, 2009 Issue - Jeffersonian

Please forward billing to:

James Brown
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: 2010-0145-SPHA

2500A Island View Road

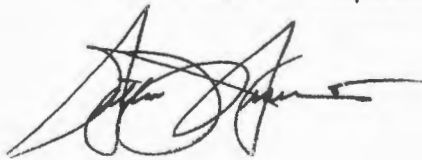
N/west side of Island View Road, 860 feet west of the intersection of Barrison Point Road

15th Election District – 6th Councilmanic District

Legal Owners: David Donovan, James Brown

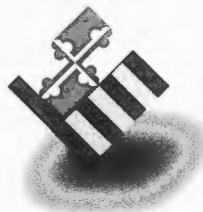
Special Hearing for the construction of a new dwelling on existing lots of record confirming that density is not affected. Variance to permit a setback of 45 feet from the centerline of a street or road in lieu of the required 75 feet for a new dwelling.

Hearing: Friday, January 8, 2009 at 9:00 a.m. 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 24, 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: 2010-0145-SPHA

2500A Island View Road

N/west side of Island View Road, 860 feet west of the intersection of Barrison Point Road

15th Election District – 6th Councilmanic District

Legal Owners: David Donovan, James Brown

Special Hearing for the construction of a new dwelling on existing lots of record confirming that density is not affected. Variance to permit a setback of 45 feet from the centerline of a street or road in lieu of the required 75 feet for a new dwelling.

Hearing: Tuesday, December 29, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Donovan, James Brown, 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 MONDAY, DECEMBER 14, 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 15, 2009 Issue - Jeffersonian

Please forward billing to:
James Brown
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: 2010-0145-SPHA

2500A Island View Road

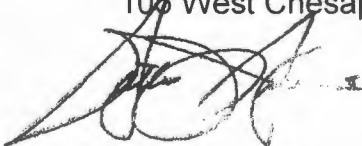
N/west side of Island View Road, 860 feet west of the intersection of Barrison Point Road

15th Election District – 6th Councilmanic District

Legal Owners: David Donovan, James Brown

Special Hearing for the construction of a new dwelling on existing lots of record confirming that density is not affected. Variance to permit a setback of 45 feet from the centerline of a street or road in lieu of the required 75 feet for a new dwelling.

Hearing: Tuesday, December 29, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
106 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

December 29, 2009

David Donovan & James Brown
2502 Island View Rd.
Baltimore, MD 21221

Dear: David Donovan & James Brown

RE: Case Number 2010-0145-SPHA; 2500A 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 November 02, 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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: April 21, 2010

SUBJECT: Zoning Item # 10-145-SPHA
Address 2500 A Island View Road
(Donovan & Brown Property)

Zoning Advisory Committee Meeting of November 9, 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). In addition, the development of this property must meet all requirements of Section 27.01.02.08 of the Annotated Code of Maryland, Lot Consolidation and Reconfiguration.

Additional Comments: The property is located in a Limited Development Area in the Chesapeake Bay Critical Area. If the property area above mean high water is equal to or greater than 8,000 square feet, the lot coverage is limited to 25%, or a maximum of 31.25%, if approved, and with mitigation. If the property area above mean high water is less than 8,000 square feet, the lot coverage is limited to 25%, or a maximum of 25% plus 500 square feet, 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%. In addition, the property appears to be entirely within the 100-foot buffer measured off mean high water/tidal wetlands. Tidal and non-tidal wetlands, and mean high water must be accurately identified. Based on the delineation of these resources, additional requirements may apply. Therefore, it appears that this site may require a Critical Area administrative variance to exceed 30% clearing, and to have a reduced Critical Area buffer and primary structure setback off of the Critical Area buffer. A variance may be required for wetland or wetland buffer impacts as well. Impacts need to be minimized to the greatest extent possible to try to meet the requirements. [For example, relief to the roadside setback, size of the primary structure, size and need of any proposed accessory structures, and maximization of the buffer need to be addressed. Granting of a Critical Area administrative variance requires that the applicant meet all criteria set forth in the Critical Area law. Please be advised that mitigation on and/or off-site, or by payment of a fee-in-lieu may be required if development of this site is approved. As stated above, lot consolidation and reconfiguration requirements must also be met.

Reviewer: Paul Dennis

Date: December 4, 2009

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2010\ZAC 10-145-SPHA.doc

ORDER RECEIVED FOR FILING

Date

By

4-26-10

DL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 21, 2010

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

RECEIVED

APR 21 2010

SUBJECT: Zoning Advisory Committee Meeting
For January, 2010
Item No.: 2010-145

ZONING COMMISSIONER

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

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

The flood protection elevation for this site is 10.4 feet.

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

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

The building engineer shall require a permit for this project.

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

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0145-01012010.doc

ORDER RECEIVED FOR FILING

Date 4-26-10

By DB

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Nov. 17, 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. 2010-0145-SPHA
2500-A ISLAND VIEW RD
DONOVAN/BROWN 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. 2010-0145-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,

A handwritten signature in black ink, appearing to read "Michael P. Bailey".

^{For} Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

November 18, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 9, 2006

Item Numbers: 0139, 0140, 0141, 0142, 0143, 0144, 0145, 0146, 0147

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
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. 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. 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 8, 2009

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

SUBJECT: 2500A Island View Road

INFORMATION:

Item Number: 10-145

Petitioner: David M. Donovan

Zoning: RC 5

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

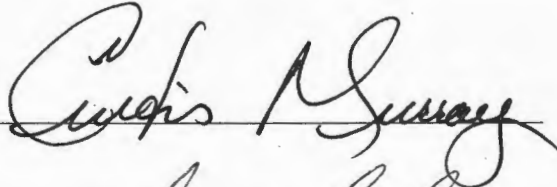
The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information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

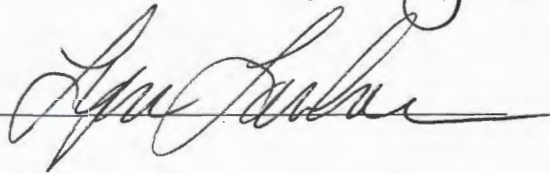
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Tim Kotroco, Director
Department of Permits & Development
Management

DATE: January 6, 2010

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For Item No. 2010-0145 SPHA

The site plan submitted with this petition portrays a proposed dwelling being placed over top of an existing paved road. The road is the sole access to the Grace Property at 2500 Island View Road and therefore, the petitioner may need permission from Grace to move the road. The road also contains a water main and pressure sewer with the house being shown over the water main. The main and pressure sewer also serve the Grace Property. Due to these unusual circumstances, I am requesting additional time to prepare comments.

On behalf of the Department of Public Works, I am requesting a continuance of the public hearing in the above-captioned matter, which is scheduled for Friday, January 8, 2010.

Your consideration is greatly appreciated.

DAK
cc:file

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
2500A Island View Road; NW/S Island View * ZONING COMMISSIONER
Road, 860' W Barrison Point Road *
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): David Donovan & James Brown *
Petitioner(s) * BALTIMORE COUNTY
* 10-145-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

NOV 23 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 23rd day of November, 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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN E. BEVERUNGEN
*County Attorney
Office of Law*

January 7, 2010

William Wiseman, Jr.
Zoning Commissioner
for Baltimore County

Re: Island View Road
Case No. 10-0145-SPHA
Request for Continuance of Public Hearing

Commissioner Wiseman:

This correspondence is in regard to the above-captioned matter, which is scheduled for a public hearing on January 8, 2010. I have been advised that the Bureau of Development Plans Review has requested a postponement of the public hearing, and I am writing to second the request for continuance.

As the Bureau explained in its request, this Petition raises issues beyond those presented in a standard Petition for Variance. Specifically, the County has installed sewer grinder pumps and paved the section of the subject property on which the Petitioners are now proposing to construct a dwelling. Clearly, the Petitioners are disputing the authority of the County to install the grinder pumps on their property, and this is an issue that warrants further inquiry from the Office of Law.

Your consideration in continuing the public hearing in this matter is greatly appreciated, and I intend to personally contact the Petitioners or their attorney, if they are represented, to discuss this matter before the Petition for Variance and Special Hearing is presented to your office. I hope through discussion with the Petitioners to greatly simplify the issues that will be presented at a future public hearing.

It would be extremely helpful if you could inform the parties today as to whether this request is granted as we could prevent any unnecessary travel tomorrow. This is especially true in light of the potentially hazardous driving conditions due to projected inclement weather. I look forward to hearing from you.

Very truly yours,

Adam M. Rosenblatt
Assistant County Attorney

From: Ashley Hofmeister
To: Keller, Bruce; Stroupe, Joyce
Date: 12/18/2009 12:32 PM
Subject: Re: Island View Road

Bruce and Joyce:

Should we perhaps meet on this again soon? I feel like these letters of permission may alter how we want to approach this.

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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>>> Bruce Keller 12/10/2009 10:34 AM >>>
Joyce,

Attached are the signed grinder pump installation letters of permission for 2500, 2501 and 2502 Island View Road. At the time Mr. William R. Porter owned both 2500 and 2501 Island View Road and Donovan & Brown owned 2502 Island View Road. Sketches showing the location of the installation were part of the letters of permission. Although the sketches show the wrong property boundaries, it clearly shows the pipe line running along their driveway. The property owners approved the location of the grinder pump piping and the grinder pump.

Bruce F. Keller
Chief of Design
(410)887-3702
bkeller@baltimorecountymd.gov

CC: Adams, Edward; Kennedy, Dennis; Walsh, Steven

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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CC: Beverungen, John

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.

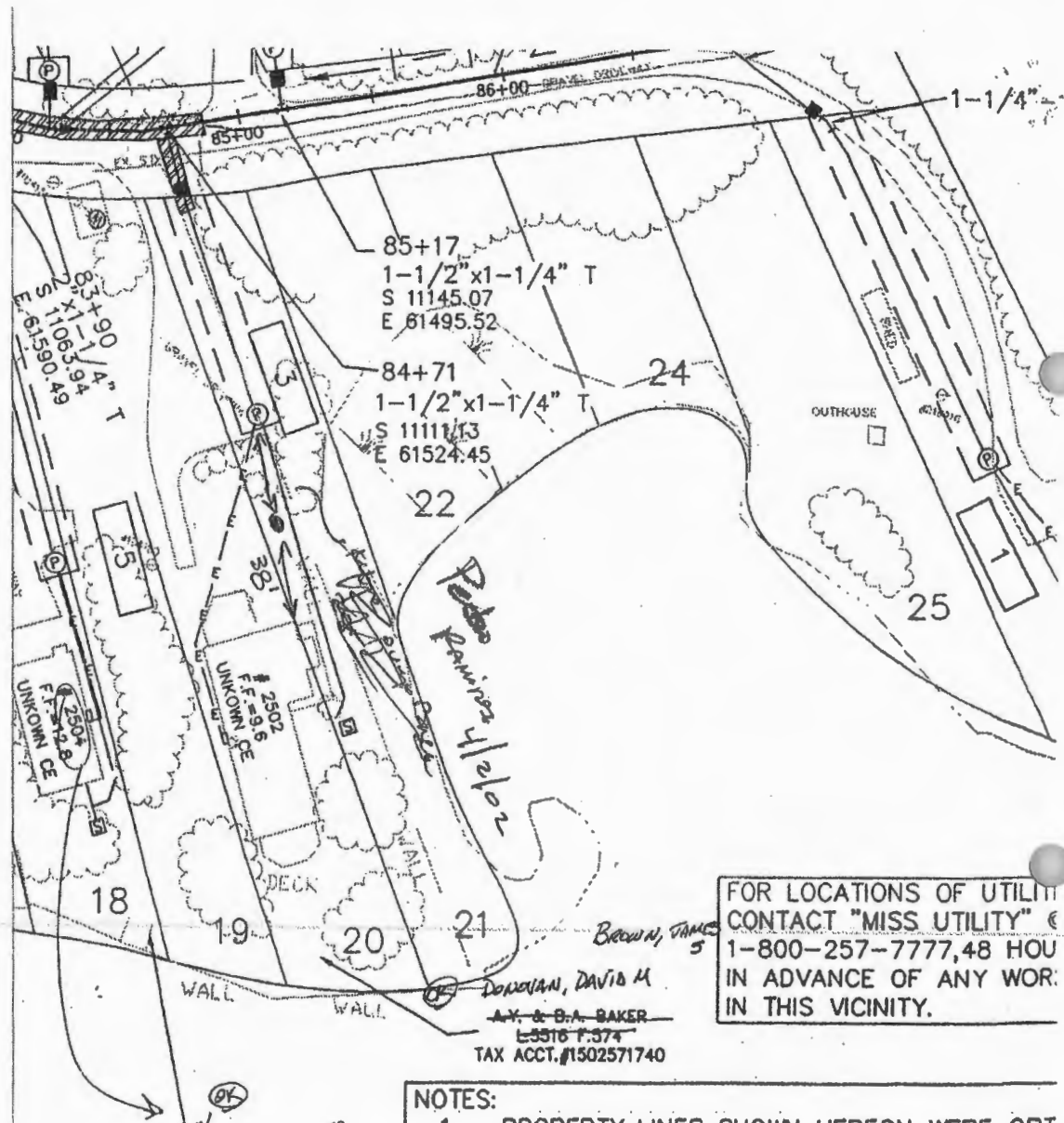
Baltimore County, its agents and assigns agree that after the installation of this grinder pump and its appurtenances that the ground shall be restored and left in good condition. Shrubbbery that is located in the way of the grinder pump construction will be balled in burlap, moved and replanted upon 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:

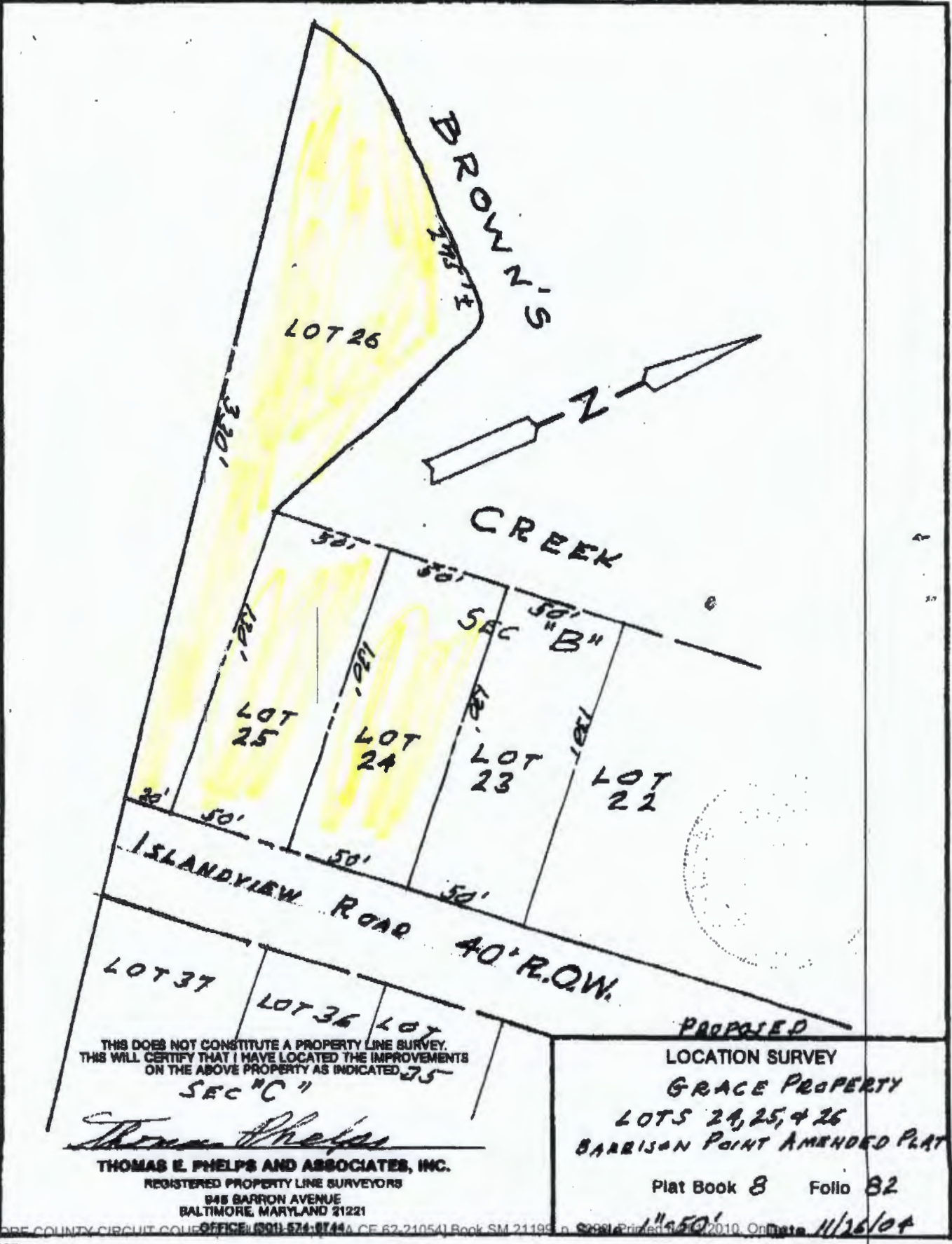
Carole Seitel
2507 Garrison Rd
Balto, Md. 21221

Property Owners Signatures:

David M. Donovan
James S. Brown



0021199 020



THIS DOES NOT CONSTITUTE A PROPERTY LINE SURVEY.
THIS WILL CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS
ON THE ABOVE PROPERTY AS INDICATED.

Thomas Phelps

THOMAS E. PHELPS AND ASSOCIATES, INC.
REGISTERED PROPERTY LINE SURVEYORS
848 BARRON AVENUE
BALTIMORE, MARYLAND 21221

PROPOSED
LOCATION SURVEY
GRACE PROPERTY
LOTS 24, 25, & 26
BARRISON POINT AMENDED PLAT

Plat Book 8 Folio 82

11-50' 11/26/04

RW 98-018
Item

Permission is hereby granted this 12th day of June, 2002 by WLP

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

2500
FF=24.3
CS

84+31
2"x1-1/2"R
S 11082.10
E 61557.17

86+83
1-1/2"x1-1/4" WYE
S 11272.11
E 61387.24

S 11277.60
E 61383.88

1-1/2" PS

1-1/4" PS

1-1/4"-1/16

85+00

85+17
1-1/2"x1-1/4" T
S 11145.07
E 61495.52

84+71
1-1/2"x1-1/4" T
S 11111.13
E 61524.45

24

22

25

2500
FF=9.6
UNKNOWN

DECK

18

19

20

21

WALL

OUTFALL

2500
FF=7.2

BROWN, JAMES

DOUGLAS, DAVID M

J.Y. & B.A. BAKER

5/5/16 F.574

TAX ACCT. #1502571740

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

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

From: Ashley Hofmeister
To: Wiseman, Bill
Date: 12/18/2009 11:38 AM
Subject: Re: question--Island View Road

Bill:

Feel free to call or send me an e-mail. I've been involved in this matter for awhile now, so I have a good handle on it.

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 12/18/2009 10:15 AM >>>

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

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

John:

Bill Wiseman - Fwd: Island View Road

From: John Beverungen
To: Wiseman, Bill
Date: 1/5/2010 10:08 AM
Subject: Fwd: Island View Road

Bill, attached is a comment from Bruce Keller, and I thought it might be germane to the appeal you are handling...happy new year! JB.

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

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>>> Joyce Stroupe 1/4/2010 8:02 PM >>>

John,
just fyi, I was not certain if I sent you a copy of this we still must remit payment for the taking of property, but this may further undermine any claim Doug Silber may have for additional monies for his client . .

Joyce

>>> Bruce Keller 12/10/2009 10:34 AM >>>

Joyce,

Attached are the signed grinder pump installation letters of permission for 2500, 2501 and 2502 Island View Road. At the time Mr. William R. Porter owned both 2500 and 2501 Island View Road and Donovan & Brown owned 2502 Island View Road. Sketches showing the location of the installation were part of the letters of permission. Although the sketches show the wrong property boundaries, it clearly shows the pipe line running along their driveway. The property owners approved the location of the grinder pump piping and the grinder pump.

Bruce F. Keller
Chief of Design
(410) 887-3702
bkeller@baltimorecountymd.gov

Bill Wiseman - 2500A Island View Road variance application

From: David Donovan <ddonovan0@yahoo.com>
To: <dwiley@baltimorecountymd.gov>
Date: 3/10/2010 11:02 AM
Subject: 2500A Island View Road variance application
CC: dave jim donovan <dmdjsb@comcast.net>, dave donovan <ddonovan0@yahoo.com>, <arosenblatt@baltimorecountymd.gov>, Douglas Silber <dsilber@silberlawfirm.com>

Hello Mr. Wiseman,

We received the note below from Mr. Rosenblatt after not receiving a single proposed solution to the problem. The 60 days you delayed the variance decision to allow a resolution to surface has expired. I hope you agree that Mr. Brown and I have been exceedingly patient waiting for the county to propose a solution to correct this ~2 year trespass.

I look forward to hearing your decision on the 2500A Island View Road variance application at your earliest convenience.

Sincerely,
Dave

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)

-----Original Message-----

From: Adam Rosenblatt [mailto:arosenblatt@baltimorecountymd.gov]
Sent: Tuesday, February 23, 2010 10:22 AM
To: Douglas Silber
Subject: Re: Island View Road: for settlement purposes only

Unfortunately, there does not seem to be a situation where "everyone wins" so to speak. I will have all of the documents you requested per your PIA request ready for your review this week before you leave. However, despite multiple efforts, I simply cannot come up with a scenario that pleases all parties. When is the 60 days from the zoning petition up?

Adam M. Rosenblatt
Assistant County Attorney
Baltimore County Office of Law
Old Courthouse, Second Floor
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

Sent: Tuesday, February 23, 2010 10:22 AM

To: Douglas Silber

Subject: Re: Island View Road: for settlement purposes only

Unfortunately, there does not seem to be a situation where "everyone wins" so to speak. I will have all of the documents you requested per your PIA request ready for your review this week before you leave. However, despite multiple efforts, I simply cannot come up with a scenario that pleases all parties. When is the 60 days from the zoning petition up?

Adam M. Rosenblatt
Assistant County Attorney
Baltimore County Office of Law
Old Courthouse, Second Floor
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

CC: dmdjsb@comcast.net; dsilber@silberlawfirm.com

From: Adam Rosenblatt
To: Wiley, Debra; ddonovan0@yahoo.com
Date: 3/10/2010 11:51 AM
Subject: Re: 2500A Island View Road variance application

Commissioner Wiseman,

I agree with Mr. Donovan that the Petitioners in your variance case have been patient and deserve an answer to their request. I appreciate you granting the 60 day continuance and am not requesting any additional time to discuss this matter with the Petitioners.

However, the email that Mr. Donovan attached was a communication written from attorney to attorney in furtherance of efforts to settle an ongoing dispute. Accordingly, the communication should not be considered a part of the record in the pending zoning case and should have no effect on the evidence presented at the public hearing. In fact, Mr. Silber had requested that I direct all communications to his attention rather than his clients, and I assumed he would offer me the same courtesy going forward.

In any event, thank you for your time and consideration in this matter,

Adam M. Rosenblatt
Assistant County Attorney
Baltimore County Office of Law
Old Courthouse, Second Floor
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

>>> David Donovan 03/10/10 11:02 AM >>>

Hello Mr. Wiseman,

We received the note below from Mr. Rosenblatt after not receiving a single proposed solution to the problem. The 60 days you delayed the variance decision to allow a resolution to surface has expired. I hope you agree that Mr. Brown and I have been exceedingly patient waiting for the county to propose a solution to correct this ~2 year trespass.

I look forward to hearing your decision on the 2500A Island View Road variance application at your earliest convenience.

Sincerely,
Dave

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)

-----Original Message-----
From: Adam Rosenblatt [mailto:arosenblatt@baltimorecountymd.gov]

From: David Lykens
To: Livingston, Jeffrey; Wiley, Debra
Date: 12/30/2009 4:05 PM
Subject: Re: DEPRM & DPR Comments Needed (out of the office)

Debbie,

You scared me, when you said Friday, I thought you ment this Friday January 1! We'll get them to you early next week. Thanks. Have a good new year.

Dave

David Lykens, Manager
Development Coordination
Baltimore County, DEPRM
105 W. Chesapeake Ave.
Towson, Maryland 21204
Phone 410-887-5859
Fax 410-887-4804

>>> Jeffrey Livingston 12/30/2009 3:52 PM >>>

I will be out of the office until January 4, 2010. If you need assistance before then, you can contact my supervisor, Dave Lykens, at dlykens@baltimorecountymd.gov or at (410) 887-5859.

Thank you and have a happy holiday,
Jeff

>>> Debra Wiley 12/30/09 15:52 >>>

&

&

From: Debra Wiley
To: Lykens, David
Date: 12/30/2009 3:53 PM
Subject: Fwd: Re: DEPRM & DPR Comments Needed (out of the office)
Attachments: Re: DEPRM & DPR Comments Needed (out of the office)

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

*Missing
DEPRM
12/30*

*Jeff
Livingston out
Tue Jan 4th
Forwarded to
Lykens
per Jeff's
email*

From: Jeffrey Livingston
To: dwiley@baltimorecountymd.gov
Date: 12/30/2009 3:52 PM
Subject: Re: **DEPRM** & DPR Comments Needed (out of the office)

I will be out of the office until January 4, 2010. If you need assistance before then, you can contact my supervisor, Dave Lykens, at dlykens@baltimorecountymd.gov or at (410) 887-5859.

Thank you and have a happy holiday,
Jeff

>>> Debra Wiley 12/30/09 15:52 >>>

Hi **Jeff** & Dennis,

In reviewing next week's case files, it appears that comments are needed for Friday's 9 AM hearing for Bill. I have provided a case description below for your convenience as follows:

CASE NO. 2010-0145-SPHA

2500A Island View Road (**CBCA & Flood**)

N/W Side of Island View Road, 860 feet west of the intersection of Barrison Point Road

15th Election District - 6th Council District

Legal Owners: David Donovan, James Brown

Special Hearing for the construction of a new dwelling on existing lots of record confirming that density is not affected.

Variance to permit a setback of 45 feet from the centerline of a street or road in lieu of the required 75 feet for a new dwelling.

Hearing: Friday, January 8, 2010 at 9:00 a.m., Room 104, Jefferson Building, 105 W. Chesapeake Ave., Towson 21204

Thanks and Happy New Year !

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

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

From: David Donovan <ddonovan0@yahoo.com>
To: Debra Wiley <dwiley@baltimorecountymd.gov>, <wwiseman@baltimorecountymd....>
CC: <dmdjsb@comcast.net>, <JIMLG1@WETZEXC.COM>, <dwb0209@yahoo.com>, <tkotro...>
Date: 1/7/2010 11:52 AM
Subject: Re: Case No. 2010-0145-SPHA - Island View Road
Attachments: letter weissman 1-7-09.pdf

Dear Debra,

Thanks for your informative e-mail. We will watch for the closures you mention. Please find attached a pdf of our response for Mr. Wiseman, that I have copied into the e-mail below.

Best Regards,
Dave

DATE: January 7, 2010

TO: William J. Wiseman, III, Zoning Commissioner
wwiseman@baltimorecountymd.gov
c/o 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

FROM: David M. Donovan (443-690-4251)
James S. Brown (443-386-1741)
2500 Island View Road
Baltimore, MD 21221

SUBJECT: Zoning Advisory Committee Meeting
For Item No. 2010-0145 SPHA

We are writing in response to Dennis Kennedy's request for a continuance of the hearing for zoning variance application number 2010-0145-SPHA. We do not believe that a continuance is appropriate or necessary for several reasons that we outline below.

The variance application has been submitted for months. The hearing has been scheduled for more than two weeks. The hearing has been formally advertised for two weeks in both public news and with a sign at the site. In light of the added expenses, paperwork, and rescheduling of personal calendars that would be required, we feel it is inappropriate to ask for a continuance of the hearing essentially one day before the hearing is to occur. It is disappointing that the county has not prepared for this hearing in a timely manner.

We have further concerns with the facts as presented in the memo:

The memo dated January 6, 2010 from Dennis A. Kennedy, Supervisor Bureau of Development Plans Review to Tim Kotroco, Director, Department of Permits & Development Management states that "The site plan submitted with this petition portrays a proposed dwelling being placed over top of an existing paved road. The road is the sole access to the Grace Property at 2500 Island View Road and therefore, the petitioner may need permission from Grace to move the road."

DATE: January 7, 2010

TO: William J. Wiseman, III, Zoning Commissioner
wwiseman@baltimorecountymd.gov
c/o 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

FROM: David M. Donovan (443-690-4251)
James S. Brown (443-386-1741)
2500 Island View Road
Baltimore, MD 21221

SUBJECT: Zoning Advisory Committee Meeting
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The memo dated January 6, 2010 from Dennis A. Kennedy, Supervisor Bureau of Development Plans Review to Tim Kotroco, Director, Department of Permits & Development Management states that **"The site plan submitted with this petition portrays a proposed dwelling being placed over top of an existing paved road. The road is the sole access to the Grace Property at 2500 Island View Road and therefore, the petitioner may need permission from Grace to move the road."**

This is incorrect. The county has acknowledged since Summer of 2008 that the paved road and the pipes [both water and sewerage] constitute a trespass on the 2500A property, and that there is a paper road right of way on the original plot of this area which allows Mr. Grace access to his 2500 Island View Road property. Thus there is no need to request permission from Mr. Grace for the removal of the road. The road exists on the Donovan and Brown property without permission from the owners. The road needs to be relocated by the county.

Mr. Kennedy further states: **"The road also contains a water main and pressure sewer with the house being shown over the water main. The main and pressure sewer also serve the Grace Property."**

These comments are correct, that the water and sewerage lines do serve the Grace Property, but the county does not have the rights to the use of the 2500A property and needs to relocate both the road and the pipes that constitute this trespass.

Mr. Kennedy states: **"Due to these unusual circumstances, I am requesting additional time to prepare comments."**

The county has been aware of this 'unusual' situation for more than 18 months. It is incomprehensible that the county would need a further continuance to prepare comments.

If you feel a continuance is required, we hope that you will agree to initiate the hearing, take testimony and allow for the continued collection of comments from the Bureau of Development Plans Review as available within a reasonable time limit of two weeks, thus avoiding the additional expense and inconvenience of re-advertising and rescheduling the hearing.

From: M+ Extreme Email Engine <admin@baltimorecountymd.gov>
To: <dwiley@baltimorecountymd.gov>
Date: 1/7/2010 10:02 AM
Subject: Returned mail: Host Unknown
Attachments: status.txt; Case No. 2010-0145-SPHA - Island View Road

The original message was received Thu, 07 Jan 2010 10:01:45 -0500
from dwiley@baltimorecountymd.gov.

----- The following address had a permanent error -----
<JIMLG1@WETZEXC.COM>; originally to <JIMLG1@WETZEXC.COM>
The domain 'WETZEXC.COM' could not be found.
----- the delivery transcript -----
>>> Unknown HOST domain\r\n

From: Debra Wiley
To: JIMLG1@WETZEXC.COM; ddonovan0@yahoo.com; dmdjsb@comcast.net;
dwb0209@...
Date: 1/7/2010 10:01 AM
Subject: Case No. 2010-0145-SPHA - Island View Road
Attachments: zoning item 10-0145.doc

Gentlemen,

Commissioner Wiseman asked that I send a message to you concerning tomorrow's (1/8/10) scheduled case. Should the Baltimore County Circuit Court close due to inclement weather, then the zoning hearing will also be postponed. Additionally, it is my understanding that the County will request a continuance of this matter due to the unusual circumstances involved. Please see attached comment from Dennis A. Kennedy, Supervisor, Bureau of Development Plans Review.

Thanks.

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

From: Debra Wiley ✓
To: jgrace2@bcps.org; jimlg1@netzero.com ✓
Date: 1/7/2010 10:10 AM
Subject: Fwd: Case No. 2010-0145-SPHA - Island View Road
Attachments: Case No. 2010-0145-SPHA - Island View Road

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

From: "Grace, Jeanette F." <jgrace2@bcps.org>
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Date: 1/7/2010 12:03 PM
Subject: RE: Case No. 2010-0145-SPHA - Island View Road

Dear Sir/ Madam

My name is Jeanette Grace and am an owner by entierty as I am still married to Mr. James Grace.

I may not be able to attend this hearing for tomorrow as I teach for Baltimore County public schools, however I have a vested intrest in the out come.

I would like to state and have placed on record under NO circustance is my husband to sign my name as agreeance to ANYTHING.

Pleased be advised that if I feel it necessary I will contact my attorney in regard to this matter.

I am aware of the long and very difficult prosses that this has been and it is not my intention to bring about anymore delays. I am sending this only as a matter of notification due to the strained relationship between James Grace and myself.

You may use this email to correspond with me or via regular mail.

My cell phone number is (443) 691-4000.

Thank you for your attention and your future cooperation in this matter.

Jeanette Grace

From: Debra Wiley [dwiley@baltimorecountymd.gov]
Sent: Thursday, January 07, 2010 10:01 AM
To: dmdjsb@comcast.net; JIMLG1@WETZEXC.COM; ddonovan0@yahoo.com; dwb0209@yahoo.com
Subject: Fwd: Case No. 2010-0145-SPHA - Island View Road

Gentlemen,

Commissioner Wiseman asked that I send a message to you concerning tomorrow's (1/8/10) scheduled case. Should the Baltimore County Circuit Court close due to inclement weather, then the zoning hearing will also be postponed. Additionally, it is my understanding that the County will request a continuance of this matter due to the unusual circumstances involved. Please see attached comment from Dennis A. Kennedy, Supervisor, Bureau of Development Plans Review.

Thanks.

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

From: David Donovan <ddonovan0@yahoo.com>
To: Adam Rosenblatt <arosenblatt@baltimorecountymd.gov>
CC: <dmdjsb@comcast.net>, <JIMLG1@WETZEXC.COM>, <dwb0209@yahoo.com>, dave do...
Date: 1/7/2010 9:44 PM
Subject: Re: Island View Road
Attachments: 2500A variance.pdf

Hello Adam,

It is very disappointing as a taxpayer, that your office does not know that we are represented by Doug Silber. It has been over 18 months since the county has indicated that they know they are trespassing on 2500A Island View Road. There has been no concrete evidence that they are attempting to rectify this situation. Mr. Silber has repeatedly contacted both the County Attorney and Deputy Attorney since April 2009, on this issue to no avail. He has indicated to your office that you should work through him to contact us. It is more than a little embarrassing to need to share this information with you, and is a further indication to us that the county is not trying in earnest to rectify the trespass.

It is disappointing and highly irregular that your office has decided to get involved and to attempt to delay our variance request hearing. We are involved in obtaining a variance to build, a separate issue from the county's trespass on our property. We hope that the commissioner recognizes this distinction and will not let our efforts and financial commitment to obtain this variance be side-tracked by your office's attempt to postpone the public hearing. We also hope that this hearing will be limited to discussions of the variance request as intended and not be distracted with issues surrounding the county's admitted trespass, and their nebulous efforts to rectify this situation. Trespass resolution discussions should occur with our attorney, not at a public variance hearing. Please contact Doug Silber for these conversations.

At this point in time, the county has no rights to the property in question and has not shown a good faith effort to obtain them. The county has had ample time to propose a resolution to the trespass situation. Furthermore, your letter indicates that the trespass is due to inappropriately placed grinder pumps, and a paved portion of the property. For clarification, the trespass is not merely misplaced grinder pumps but sewerage lines and water lines running the entire length of the 2500A property. Your misstatements are a further indication that your office does not know the details of this case after supposedly working on it for 18 months. I have attached the variance request for your edification.

I have copied Doug on this dsilber@silberlawfirm.com. Please work through Doug for future communications.

Regards,
Dave

David M. Donovan, Ph.D.
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)

--- On Thu, 1/7/10, Adam Rosenblatt <arosenblatt@baltimorecountymd.gov> wrote:

From: Adam Rosenblatt <arosenblatt@baltimorecountymd.gov>

Subject: Island View Road

To: dmdjsb@comcast.net, JIMLG1@WETZEXC.COM, ddonovan0@yahoo.com, dwb0209@yahoo.com

Date: Thursday, January 7, 2010, 3:21 PM

Gentlemen, my name is Adam Rosenblatt, I am an attorney for Baltimore County. I hand delivered the attached request for continuance of tomorrow's public hearing to the Zoning Commissioner, and that office suggested that I email you a copy for your immediate review. I understand, but cannot decipher from the email addresses that I was given, that some of the recipients of this email are Petitioners, and some are interested neighboring citizens. In an abundance of caution, I am sending this to all four of you.

I look forward to speaking with you or your representative in the very near future and hope that we can resolve the underlying issue of the grinder pumps and pavement on your property before this case is presented to the Zoning Commissioner.

I ask at this time that you let me know if you are represented by an attorney so I can discuss this situation with the appropriate party.

Thank you for your time and consideration,

Adam M. Rosenblatt
Assistant County Attorney
Baltimore County Office of Law
Old Courthouse, Second Floor
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

This email contains information from the Baltimore County Office of Law which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify the Baltimore County Office of Law by telephone immediately.

From: Debra Wiley
To: Rosenblatt, Adam
Date: 1/13/2010 1:30 PM
Subject: 2010-0123-SPHA.doc (Donovan)
Attachments: 2010-0123-SPHA.doc

Adam,

FYI - This is Bill's Order for Donovan's property on the other side of Island View Road. With regard to that case (other side of the road), David Billingsley dropped off a revised redlined site plan that is available for your review should you want to look at it.

Thanks.

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

From: Debra Wiley
To: ddonovan0@yahoo.com
Date: 3/12/2010 8:42 AM
Subject: 2500A Island View Road

Good Morning,

Bill Wiseman wanted me to let you know he has received and read your e-mail in reference to the above. Since he is enjoying a vacation he will address your request to issue an Order upon his return after March 23rd. Sorry if this has caused you any further delay or inconvenience.

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

bc: Adam Rosenblatt

From: Debra Wiley
To: Rosenblatt, Adam
Date: 3/12/2010 8:44 AM
Subject: Fwd: 2500A Island View Road
Attachments: 2500A Island View Road

Adam,

Per Bill -

As discussed, this Order should follow shortly. Thanks.

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

From: Adam Rosenblatt
To: Wiley, Debra; ddonovan0@yahoo.com
CC: dmdjsb@comcast.net; dsilber@silberlawfirm.com
Date: 3/10/2010 11:51 AM
Subject: Re: 2500A Island View Road variance application

Commissioner Wiseman,

I agree with Mr. Donovan that the Petitioners in your variance case have been patient and deserve an answer to their request. I appreciate you granting the 60 day continuance and am not requesting any additional time to discuss this matter with the Petitioners.

However, the email that Mr. Donovan attached was a communication written from attorney to attorney in furtherance of efforts to settle an ongoing dispute. Accordingly, the communication should not be considered a part of the record in the pending zoning case and should have no effect on the evidence presented at the public hearing. In fact, Mr. Silber had requested that I direct all communications to his attention rather than his clients, and I assumed he would offer me the same courtesy going forward.

In any event, thank you for your time and consideration in this matter,

Adam M. Rosenblatt
Assistant County Attorney
Baltimore County Office of Law
Old Courthouse, Second Floor
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

>>> David Donovan 03/10/10 11:02 AM >>>

Hello Mr. Wiseman,

We received the note below from Mr. Rosenblatt after not receiving a single proposed solution to the problem. The 60 days you delayed the variance decision to allow a resolution to surface has expired. I hope you agree that Mr. Brown and I have been exceedingly patient waiting for the county to propose a solution to correct this ~2 year trespass.

I look forward to hearing your decision on the 2500A Island View Road variance application at your earliest convenience.

Sincerely,
Dave

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)

-----Original Message-----

Debbie ① See me on
this before I leave
town

② Talk to me about
Hohmann e-mail
I sent to you also

Thanks

B.W. J. M. + W
je (p o n. V
x i e e 2 - e
23

26 27 28 29 30
→

From: Adam Rosenblatt [mailto:arosenblatt@baltimorecountymd.gov]
Sent: Tuesday, February 23, 2010 10:22 AM
To: Douglas Silber
Subject: Re: Island View Road: for settlement purposes only

Unfortunately, there does not seem to be a situation where "everyone wins" so to speak. I will have all of the documents you requested per your PIA request ready for your review this week before you leave. However, despite multiple efforts, I simply cannot come up with a scenario that pleases all parties. When is the 60 days from the zoning petition up?

Adam M. Rosenblatt
Assistant County Attorney
Baltimore County Office of Law
Old Courthouse, Second Floor
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

From: Jeffrey Livingston
To: Wiley, Debra
Date: 4/21/2010 1:37 PM
Subject: Re: Case No. 2010-0145-SPH - 2500A Island View Rd. (Hearing Held 1/18/10)
Attachments: ZAC 10-145-SPHA.doc

DEBRA

It doesn't look like it was.

Here it is.

>>> Debra Wiley 4/21/2010 12:56 PM >>>
Jeff,

It appears from reviewing the case file that when we originally requested a comment, you were on vacation (12/30 - 1/4) and Dave Lykens was kind enough to respond on your behalf that, "We'll get them to you early next week". Unfortunately, we haven't been able to locate that comment. Can you double check to see if it was, in fact, done. We need a copy.

Thanks.

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

From: David Billingsley <dwb0209@yahoo.com>
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Date: 4/21/2010 12:45 PM
Subject: Re: Case No. 2010-0145-SPH - 2500A Island View Road (Hearing Held 1/8/10)

DFR

Hi Debra

Let Bill know that the property is in a flood zone so Dennis's comments should state so

Thanks Dave

--- On Wed, 4/21/10, Debra Wiley <dwiley@baltimorecountymd.gov> wrote:

From: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Case No. 2010-0145-SPH - 2500A Island View Road (Hearing Held 1/8/10)
To: "Dennis Kennedy" <DKennedy@baltimorecountymd.gov>
Date: Wednesday, April 21, 2010, 12:41 PM

Hi Dennis,

Bill's asking if the above needs building height elevation consideration(s).

Please advise. Thanks.

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

From: David Billingsley <dwb0209@yahoo.com>
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Date: 4/21/2010 4:30 PM
Subject: Re: Fwd: Case No. 2010-0145-SPH - 2500A Island View Rd. (Hearing Held 1/18/10)
Attachments: 2500Aislandviewrd.pdf

Debbie

These are the comments I picked up from EIR prior to the hearing

Dave

--- On Wed, 4/21/10, Debra Wiley <dwiley@baltimorecountymd.gov> wrote:

From: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Fwd: Case No. 2010-0145-SPH - 2500A Island View Rd. (Hearing Held 1/18/10)
To: dwb0209@yahoo.com
Date: Wednesday, April 21, 2010, 1:19 PM

Dave,

Please see attached. Did you receive anything?

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

SUBJECT: Zoning Item # 10-145-SPHA
Address 2500 A Island View Road
(Donovan & Brown Property)

Zoning Advisory Committee Meeting of November 9, 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). In addition, the development of this property must meet all requirements of Section 27.01.02.08 of the Annotated Code of Maryland, Lot Consolidation and Reconfiguration.

Additional Comments: The property is located in a Limited Development Area in the Chesapeake Bay Critical Area. If the property area above mean high water is equal to or greater than 8,000 square feet, the lot coverage is limited to 25%, or a maximum of 31.25%, if approved, and with mitigation. If the property area above mean high water is less than 8,000 square feet, the lot coverage is limited to 25%, or a maximum of 25% plus 500 square feet, 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%. In addition, the property appears to be entirely within the 100-foot buffer measured off mean high water/tidal wetlands. Tidal and non-tidal wetlands, and mean high water must be accurately identified. Based on the delineation of these resources, additional requirements may apply. Therefore, it appears that this site may require a Critical Area administrative variance to exceed 30% clearing, and to have a reduced Critical Area buffer and primary structure setback off of the Critical Area buffer. A variance may be required for wetland or wetland buffer impacts as well. Impacts need to be minimized to the greatest extent possible to try to meet the requirements. For example, relief to the roadside setback, size of the primary structure, size and need of any proposed accessory structures, and maximization of the buffer need to be addressed. Granting of a Critical Area administrative variance requires that the applicant meet all criteria set forth in the Critical Area law. Please be advised that mitigation on and/or off-site, or by payment of a fee-in-lieu may be required if development of this site is approved. As stated above, lot consolidation and reconfiguration requirements must also be met.

Reviewer: Paul Dennis

Date: December 4, 2009

From: Debra Wiley
To: Livingston, Jeffrey
Date: 4/22/2010 9:15 AM
Subject: Re: Fwd: Case No. 2010-0145-SPH - 2500A Island View Rd. (Hearing Held 1/18/10)
Attachments: Re: Fwd: Case No. 2010-0145-SPH - 2500A Island View Rd. (Hearing Held 1/18/10)

Hi Jeff,

Please see attached from Dave Billingsley. Bill Wiseman asked if you could check it out to see if, in fact, it's valid.

Thanks again.

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

Re: Island View Road

From: David Donovan <ddonovan0@yahoo.com>

To: Debra Wiley <dwiley@baltimorecountymd.gov>, <wwiseman@baltimorecountymd.gov>

CC: <dmdjsb@comcast.net>, <dwb0209@yahoo.com>, dave donovan <ddonovan0@yahoo.com>, <dsilber@silberlawfirm.com>, Adam Rosenblatt <arosenblatt@baltimorecountymd.gov>

Date: Friday - January 8, 2010 4:02 PM

Hello Mr. Wiseman,

Thanks for agreeing to allow the hearing on our variance request this morning and for your informative discussions regarding the variance and surrounding issues.

I am writing to confirm to you that we have discussed with Adam Rosenblatt the 60 day time limit on the continuance for the 2500A variance request. Through communication with Doug Silber, Adam agreed to meet with us this morning and Doug, Adam, Jim and I had a fruitful initial conversation that established well-defined end points for a speedy resolution to this conflict. We are confident that Adam brings a renewed energy to the trespass/variance issue.

Thank you for your continued efforts on our behalf and we will keep you posted as to our progress in resolving the many issues surrounding the 2500A Island View Road property as regards our variance request.

Stay warm.

Dave

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)

Jim Brown dmdjsb@comcast.net
Dave Billingsly dwb0209@yahoo.com

--- On Thu, 1/7/10, David Donovan <ddonovan0@yahoo.com> wrote:

From: David Donovan <ddonovan0@yahoo.com>

Subject: Re: Island View Road

To: "Adam Rosenblatt" <arosenblatt@baltimorecountymd.gov>

Cc: dmdjsb@comcast.net, JIMLG1@WETZEXC.COM, dwb0209@yahoo.com, "dave donovan" <ddonovan0@yahoo.com>, dsilber@silberlawfirm.com, "Debra Wiley"

<dwiley@baltimorecountymd.gov>, wwiseman@baltimorecountymd.gov

Date: Thursday, January 7, 2010, 9:43 PM

Hello Adam,

It is very disappointing as a taxpayer, that your office does not know that we are represented by Doug Silber. It has been over 18 months since the county has indicated that they know they are trespassing on 2500A Island View Road. There has been no concrete evidence that they are attempting to rectify this situation. Mr. Silber has repeatedly contacted both the County Attorney and Deputy Attorney since April 2009, on this issue to no avail. He has indicated to your office that you should work through him to contact us. It is more than a little embarrassing to need to share this information with you, and is a further indication to us that the county is not trying in earnest to rectify the trespass.

It is disappointing and highly irregular that your office has decided to get involved and to attempt to delay our variance request hearing. We are involved in obtaining a variance to build, a separate issue from the county's trespass on our property. We hope that the commissioner recognizes this distinction and will not let our efforts and financial commitment to obtain this variance be side-tracked by your office's attempt to postpone the public hearing. We also hope that this hearing will be limited to discussions of the variance request as intended and not be distracted with issues surrounding the county's admitted trespass, and their nebulous efforts to rectify this situation. Trespass resolution discussions should occur with our attorney, not at a public variance hearing. Please contact Doug Silber for these conversations.

At this point in time, the county has no rights to the property in question and has not shown a good faith effort to obtain them. The county has had ample time to propose a resolution to the trespass situation. Furthermore, your letter indicates that the trespass is due to inappropriately placed grinder pumps, and a paved portion of the property. For clarification, the trespass is not merely misplaced grinder pumps but sewerage lines and water lines running the entire length of the 2500A property. Your misstatements are a further indication that your office does not know the details of this case after supposedly working on it for 18 months. I have attached the variance request for your edification.

I have copied Doug on this dsilber@silberlawfirm.com. Please work through Doug for future communications.

Regards,
Dave

David M. Donovan, Ph.D.
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)

--- On Thu, 1/7/10, Adam Rosenblatt <arosenblatt@baltimorecountymd.gov> wrote:

From: Adam Rosenblatt <arosenblatt@baltimorecountymd.gov>
Subject: Island View Road
To: dmdjsb@comcast.net, JIMLG1@WETZEXC.COM, ddonovan0@yahoo.com, dwb0209@yahoo.com
Date: Thursday, January 7, 2010, 3:21 PM

Gentlemen, my name is Adam Rosenblatt, I am an attorney for Baltimore County. I hand delivered the attached request for continuance of tomorrow's public hearing to the Zoning Commissioner, and that office suggested that I email you a copy for your immediate review. I understand, but cannot decipher from the email addresses that I was given, that some of the recipients of this email are Petitioners, and some are interested neighboring citizens. In an abundance of caution, I am sending this to all four of you.

I look forward to speaking with you or your representative in the very near future and hope that we can resolve the underlying issue of the grinder pumps and pavement on your property before this case is presented to the Zoning Commissioner.

I ask at this time that you let me know if you are represented by an attorney so I can discuss this situation with the appropriate party.

Thank you for your time and consideration,

Adam M. Rosenblatt
Assistant County Attorney
Baltimore County Office of Law
Old Courthouse, Second Floor
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

This email contains information from the Baltimore County Office of Law which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify the Baltimore County Office of Law by telephone immediately.

Kristen Matthews - Re: change of hearing date for case # 2010-0145-SPHA

From: David Donovan <ddonovan0@yahoo.com>
To: Kristen Matthews <kmatthews@baltimorecountymd.gov>
Date: 12/3/2009 3:02 PM
Subject: Re: change of hearing date for case # 2010-0145-SPHA
CC: dave jim donovan <dmdjsb@comcast.net>, <dwb0209@yahoo.com>

New date Jan 8, Friday, 9AM.

Dave B.,
 can you send us a copy of exactly what you filed...drawings etc.
 Not sure we have seen them.
 thanks
 dave

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)

--- On Wed, 12/2/09, Kristen Matthews <kmatthews@baltimorecountymd.gov> wrote:

From: Kristen Matthews <kmatthews@baltimorecountymd.gov>
 Subject: Re: change of hearing date for case # 2010-0145-SPHA
 To: "David Donovan" <ddonovan0@yahoo.com>
 Cc: "dave jim donovan" <dmdjsb@comcast.net>, dwb0209@yahoo.com
 Date: Wednesday, December 2, 2009, 8:31 AM

Hello,

After checking the calendar there are no further available dates in December. The following in January 4th and 5th available, both beginning at 9. Please let me know what works as soon as possible, so I can cancel the ad request sent to the Jeffersonian for advertisement and reissue a new notice of zoning hearing.

Thanks,

Kristen

>>> David Donovan <ddonovan0@yahoo.com> 12/1/2009 7:43 AM >>>

Hi Kristen,

I am writing to ask that we can change a hearing date.

I have a conflict with case # 2010-0145-SPHA hearing date of December 29. Can you please reply to all and suggest a few new dates so I can check with Jim Brown and Dave Billingsly to see if they fit. I am available 12/30 and 12/31 and all of January (at this time).

Thanks in advance,
Dave

*Brie -
per your
instructions,
you wanted to hear
this case - you
heard similar one
on 12/16
12
(See attached
description)*

4 DECEMBER

16

WEDNESDAY

CASE NUMBER: 2010-0123-SPHA

Property Address: 2499 Island View Rd
Location: SE side of Island View Road; 1,050 feet W of Barrison Point Road.
15th Election District, 6th Councilmanic District
Legal Owner: David Donovan

s follow

SPECIAL HEARING The constuction 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, 12/16/2009 at 9:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

CASE NUMBER: 2010-0116-SPHXA

Property Address: 8212 Liberty Rd
Location: N side of Liberty Road; NE corner of Liberty Road and Rolling Road.
2nd Election District, 4th Councilmanic District
Legal Owner: Anna B. Beauty
Contract Purchaser: Marco Holding, LLC

SPECIAL HEARING 1) In the alternative to the petition for Variance, to approve a modified parking plan; 2) For such other and further relief as may be required by the Zoning Commissioner.

SPECIAL EXCEPTION 1) To approve a drive-in restaurant in accordance with B.C.Z.R. section 230.3; 2) For such other and further relief as may be required by the zoning commissioner.

VARIANCE 1) To permit 394 parking spaces in lieu of the required 500 spaces; 2) To permit the drive- through lane to cross the principal pedestrian access to the facility; 3) For such other and further relief as may be required by the Zoning Commissioner.

Hearing: Wednesday, 12/16/2009 at 10:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

CASE NUMBER: 2010-0109-SPH

Property Address: 7404 Mount Vista Rd
Location: NE side of Mount Vista Road; 730 feet N of the c/l of Old Landing Road.
11th Election District, 3rd Councilmanic District
Legal Owner: Linda Schulte

SPECIAL HEARING 1) To waiver a non density transfer of 1.21 acres of land more or less from parcel 1 to parcel 2; 2) To allow a non density transfer of 2.59 acres of land more or less from parcel 1 to parcel 3; 3) To allow a non density transfer of 0.46 acres of land more or less from parcel 2 and parcel 3; 4) To allow access for the land locked parcel 1 to a public street through an existing 20 foot right of way in lieu of the required in fee simple strip as stated in section 32-4-409 (b)(1) and per exception as stated in section 32-4-409(c) of the BCC; 5) For such other matters and further relief as may be deemed necessary by the Zoning Commissioner of Baltimore County.

See memo to file 12/13

12/13

CASE NAME 2500A ISLAND VIEW RD
CASE NUMBER 2010-0145-JPHAL
DATE 1/8/10

[illegible]



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

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

Account Identifier: District - 15 Account Number - 1516600142

Owner Information

Owner Name: DONOVAN DAVID M
 BROWN JAMES S
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 2502 ISLAND VIEW RD
 BALTIMORE MD 21221-6411
Deed Reference: 1) /27071/ 330
 2)

Location & Structure Information

Premises Address **Legal Description**
 ISLAND VIEW RD .447 AC LTS21-23
 WATERFRONT ISLAND VIEW RD
 BARRISON POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	9	80			B		21	3	Plat Ref: 8/ 82

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		19,471.00 SF	34

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-In Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	19,470	19,470		
Improvements:	0	0		
Total:	19,470	19,470	19,470	19,470
Preferential Land:	0	0	0	0

Transfer Information

Seller: PORTER WILLIAM R	Date: 06/09/2008	Price: \$25,800
Type: UNIMPROVED ARMS-LENGTH	Deed1: /27071/ 330	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	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

§ 500.14 Within Chesapeake Bay Critical Area.

[Bill Nos. 32-1988; 9-1996]

No decision may be rendered by the Zoning Commissioner on any petition for special exception, variance or special hearing unless the Zoning Commissioner has received from the Director of the Department of Environmental Protection and Resource Management, or his designated representative, written recommendations describing how the proposed request would:

A.

Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

B.

Conserve fish, wildlife and plant habitat; and

C.

Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

This Deed

Made this 12th day of Nov in the year
one thousand nine hundred and ninty seven, by and between

WILLIAM R. PORTER

part y of the first part,

WILLIAM R. PORTER AND MARGARET H. PORTER, TRUSTEES UNDER THE WILLIAM R.
PORTER REVOCABLE TRUST

part ies of the second part:

Witnesseth, that the part of the first part, for and in consideration of
ZERO ————— 0 ————— Dollars

has granted, released, and forever quit-claimed, and do hereby grant, release, and forever
quit-claim unto the part of the second part the following described land and premises, situate,
lying and being in the State of Maryland, County of Baltimore
and distinguished as

BEING KNOWN and designated as Lots 9, 10, 11, 12, 13, 21, 22, 23, 24, 25 and 26 of Sec. B,
and Lots 34, 35, 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
in Plat Book W.P.C. No. 8, folio 82.

BEING those same properties described in Deeds recorded in Liber 6642 at
folio 469 and Liber 6642 folio 471 among the Land Records of Baltimore
County.

THIS IS A TRANSFER OF PROPERTY FOR ESTATE PLANNING PURPOSES WITHOUT FINANCIAL
CONSIDERATION AND WITHOUT MONETARY CONSIDERATION.

William R. Porter
WILLIAM H. PORTER

Exhibit

together with all and singular the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging, or in anywise appertaining, and all the estate, right, title, interest and claim, either at law or in equity, or otherwise however, of the part Y of the first part, of, in, to, or out of the said land and premises.

To Have and to Hold. the above released land and premises unto and to the use of the part ies of the second part their heirs and assigns forever. Fee Simple.

Witness

hand and seal the day and year hereinbefore written.

Signed, sealed and delivered in the presence of—

_____ [SEAL]
 _____ William R. Porter
 _____ [SEAL]
 _____ [SEAL]
 _____ [SEAL]
 _____ [SEAL]
 _____ [SEAL]
 _____ [SEAL]
 _____ [SEAL]

to wit:

I, Anthony E. Hindle
the State of Maryland

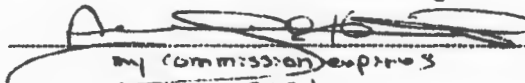
a Notary Public in and for

do hereby certify that William R. Porter

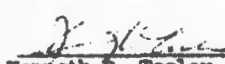
part to certain Deed bearing
date on the 12th day of November 1997, and hereto annexed personally
appeared before me in said
the said William R. Porter

being personally well known to me as the person who
executed the said Deed, and acknowledged the same to be his own act and deed.

Given under my hand and seal this 12th day of
November 1997

 [SEAL]
my commission expires
March 1, 2001

This is to certify that the within instrument was prepared by or under the supervision
of the undersigned, an attorney duly admitted to practice before the Court of
Appeals of Maryland.


Kenneth B. Tecler

0012053 223

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)
(Check Box if Addendum Intake Form is Attached.)

1	Type(s) of Instruments	☒ Deed ☐ Deed of Trust ☐ Improved Sale ☐ Arms-Length [1] ☐ Mortgage ☐ Lease ☐ Unimproved Sale ☐ Arms-Length [2] ☐ Other ☐ Multiple Accounts ☐ Arms-Length [3] ☐ Not an Arms-Length Sale [9]																																																																		
2	Conveyance Type Check Box	☒ Recordation ☐ State Transfer ☐ County Transfer																																																																		
3	Tax Exemptions (If Applicable)	☐ Reversible Trust																																																																		
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TRANSFER TAX NOT REQUIRED
 Director of Budget and Finance
 BALTIMORE COUNTY MARYLAND
 Per [Signature]
 5-12-98 Sec 338.2C

FEE SIMPLE DEED—INDIVIDUAL GRANTOR AND GRANTEE—2-12

This Deed, Made this 28th day of December, 2004, by and between

WILLIAM R. PORTER and MARGARET H. PORTER, Trustees under the William R.

Porter Revocable Trust dated September 16, 1997, of Baltimore County, Maryland,

of the first part, and JAMES GRACE and JEANETTE GRACE, his wife, of the second part.

Witnesseth, that in consideration of the sum of One Hundred Fifty Thousand Dollars (\$150,000.00), receipt of which is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said parties of the second part, as Tenants by the Entireties, their personal representatives, heirs and assigns, in fee simple, all those lot(s) of ground situate, lying and being in Baltimore County, State of Maryland and described as follows, that it to say:--

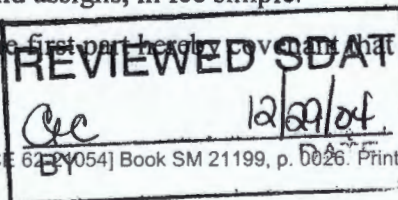
SEE ATTACHED EXHIBIT FOR LEGAL DESCRIPTION AND PLAT.

By execution hereof, the grantors do hereby acknowledge, certify, and affirm under penalty of perjury that they are residents of the State of Maryland, actually reside therein, and that the total payment amount received for transfer of title to the above property is \$150,000.00.

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 anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, as Tenants by the Entireties, their personal representatives, heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have



Description of the property
To be acquired by
James Grace
Islandview Road
As shown on amended plat
Barrison Point

BEING KNOWN and designated as Lots 24, 25, and 26 of Section B, all as shown on the Amended Plat of Barrison Point which is recorded among the Land Records of Baltimore Count in Plat Record W. P. C. No 8, folio 82.

BEING 3 lots of the property of William R. Porter, as described and recorded in Liber 12853 at folio 220 of the Land Records of Baltimore County, and dated on November 12, 1997.

not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantor

Test:

W. R. Porter [SEAL]
WILLIAM R. PORTER, Trustee

Margaret H. Porter [SEAL]
MARGARET H. PORTER, Trustee
Under the William R. Porter Revocable Trust dated
September 16, 1997

State of Maryland, County of Baltimore, to wit:

I Hereby Certify, That on this 28th day of December, 2004, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared WILLIAM R. PORTER and MARGARET H. PORTER, Trustees under the William R. Porter Revocable Trust dated September 16, 1997 known to me (or satisfactorily) proven to be the person(s) whose name(s) are subscribed to the within the instrument and acknowledged that they executed the same for the purpose therein contained, and in my presence signed and sealed the same.

In Witness Whereof, I hereunto set my hand and official seal.

[Signature]
Notary Public

My Commission expires:

11/1/05

Deed

FROM

WILLIAM R. PORTER and
MARGARET H. PORTER, Trustees
Under William R. Porter Revocable Trust
Dated September 16, 1997

TO
JAMES GRACE and JEANETTE GRACE,
his wife

=====

DONALD P. MAZOR,
ATTORNEY AT LAW
114 SLADE AVE.
BALTIMORE, MD. 21208
410-486-0115
File No. 17658 Grace DPM/jmk

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.



DONALD P. MAZOR, Attorney

0021199 094

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

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

IMPD SURE \$ 20.00
RECORDING FEE 20.00
IN TAX STATE 750.00
TOTAL 790.00
Rec'd B403 Rpt # 69976
SM TD Blk # 3620
Dec 29, 2004 03:24 PM

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BAITIMORE COUNTY CIRCUIT
01/02/2005 3:11 PM

PAID RECEIPT

White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (8/95)

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

2063
②
DEED

File # 08-M-11630
Tax ID# 15-16-600142

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 and JAMES S. BROWN, of the State of Maryland, Parties of the Second Part.

WITNESSETH:

That in consideration of the sum of TWENTY FIVE THOUSAND EIGHT HUNDRED Dollars (\$25,800.00), 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 Parties of the Second Part, DAVID M. DONOVAN and JAMES S. BROWN, as joint tenants and not as tenants in common, the survivor of them, 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 21, 22 and 23, of Section B, 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 Parties of the Second Part, as joint tenants and not as tenants in common, the survivor of the, his personal representatives, heirs or assigns forever, in fee simple.

WITNESS the hand and seal of said Grantors.

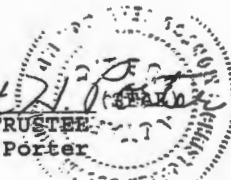
Clifford New 2 ac ←
 Witness

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



Margaret H. Porter
 Witness

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



STATE OF MARYLAND,

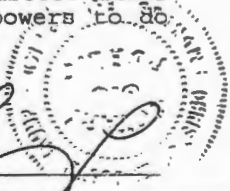
, to wit:

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 so, so, in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Christopher Dustin Trump
 Notary Public

My Commission expires: CHRISTOPHER DUSTIN TRUMP
 NOTARY PUBLIC STATE OF MARYLAND
 My Commission Expires February 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

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	☐ Deed ☐ Mortgage ☐ Other ☐ Deed of Trust ☐ Lease ☐ Other																																																																					
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IN RE: **PETITION FOR VARIANCE**
W/S Island View Road, 1,000' W of
Barrison Point Road
(2500 Island View Road)

15th Election District
6th Council District

James L. Grace, et ux
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2008-0596-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Jeanette F. Grace, and her husband, James L. Grace. The Petitioners request variance relief from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side lot line setbacks of 20.4 feet (west side) and 35 feet (east side) and a rear yard setback of 36 feet in lieu of the required 50 feet¹ for a proposed one-story replacement dwelling. The subject property and requested relief are more particularly described on the site plans submitted which were accepted into evidence and marked as Petitioners' Exhibits 1 and 2.

Appearing at the requisite public hearing in support of the request was the property owner, James Grace. Appearing as concerned adjacent property owners and neighbors were James S. Brown and David M. Donovan with their consultant, David W. Billingsley.

Testimony and evidence offered disclosed that the property under consideration consists of three (3) lots of record (Lots 24, 25 and 26) as shown on Tax Map 105 and when combined

¹ The subject property is irregularly shaped with 275 feet of frontage on Browns Creek aka Browns Cove with a pier extending 85 feet out into the water. The Zoning Commissioner's Policy Manual (ZCPM), Sections 400.1A and 400.2A, provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, as is the situation here, waterfront lots refer to the front of the structure facing the water. Accordingly, the Petition was amended, without objection, to provide for a "front yard" setback of 36 feet as opposed to a *rear yard setback* as originally filed.

form an irregular, rectangularly shaped waterfront parcel located at the end of Island View Road with frontage on the south and west sides of Browns Cove in the Barrison Point area of eastern Baltimore County. The properties contain a gross area of 24,088 square feet (0.553 acres), more or less, zoned R.C.5 and improved with a modest one-story residential structure built in 1955, which was damaged and rendered structurally unsound by Hurricane Isabel in September 2003. As is often the case with older subdivisions, the Amended Plat of Barrison Point was laid out many years ago, well prior to the adoption of the zoning regulations in Baltimore County. Thus, many of the lots in the neighborhood are undersized and do not meet current area and width requirements. As shown on the site plan, the subject property has 117 feet of road frontage (Paper Road – Island View Road) and is 340 feet deep. The property has been in the Petitioners' possession since 2004 but they have resided in the area since 1985. As shown on the plan, they are now desirous of redeveloping the property with a one-story retirement home (35' wide x 54' deep) removing the existing dwelling and placing the new home on portions of the existing foundation. They will also improve the properties overall appearance by removing existing sheds and a trailer currently located on Lot 26. In that the R.C.5 development regulations require a minimum 50-foot setback to any property line, the requested variance relief is necessary. 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 those on Island View Road. Mr. Grace points out that the R.C.5 zoning classification was placed on the property when utility services were non-existent and now that they have been provided, the zoning classification should rightly be changed to D.R.5.5. Further, he indicates that this is to be considered a larger lot in the community where many of the existing homes were built on 50-foot wide lots. Thus, he submits that the relief requested is appropriate and is consistent with the neighborhood.

The adjacent neighbors in attendance, Messrs. Brown and Donovan, were on one hand not opposed to the Petitioners proposed home and improvements to the property making it compatible and in scale and rhythm with the Barrison Point community. They did, however, oppose the substantial variances being requested. Mr. Donovan presented as Protestants' Exhibit 1, a site plan showing an alternate home location that evidences the property can be developed without the need for a front yard setback of 36 feet or a side yard setback of 28 feet on the northeast side of the property. They point out that these two variances could be eliminated and thus more in keeping with the spirit and intent of the regulations which require a Petitioner to request the minimum relief necessary to permit a replacement dwelling to be located on the lot. Mr. Brown states that they have resided at their property (2502 Island View Road) since 1993 and aptly points out that the Petitioners' Lots 24, 25 and 26 have one tax account number and that the driveway and utility services for the existing and proposed dwelling run through Lots 24 and 25.

This is not a simple case. From the facts before me, I must first conclude from a zoning standpoint that the prior owner(s) intended to merge the subject Lots 24 and 25 with the principal dwelling Lot 26. Erecting an access driveway and running water and sewer utilities through these lots for purposes accessory to the improved lot is the kind of overt action that demonstrates an intent to merge the undersized lots. There is no physical evidence that the lots were ever treated separately. *See Friends of the Ridge v. Baltimore Gas & Electric Company*, 352 Md. 645 (1999) and *Remes v. Montgomery County*, 387 Md. 52 (2005) for Maryland cases on the doctrine of zoning merger. As noted by the Court in the Remes case, the doctrine of merger prohibits the undoing of the process once merger occurs. I find that the lots have merged into one larger parcel as Lots 24 and 25 have been employed in the service of Lot 26 for zoning purposes, and

there are no internal divisions between lots recognized by zoning against which variances can in the future be granted.

After due consideration of the testimony and evidence presented, I find that the proposed home in the location depicted on Petitioners' Exhibit 2 is in keeping with the homes in the area and meets the spirit and intent of Section 307 and *Cromwell v. Ward*, 102 Md. App. 691 (1995) for variance relief to be granted. As noted above, the subject property has been a lot of record since 1929, well prior to the adoption of the R.C.5 zoning regulations in 1979. It is clear that strict compliance with the regulations would result in practical difficulty for the Petitioners and prevent the further improvements of the property for a permitted purpose. As to the alternate location favored by adjacent neighbors, the ground elevation in this area is two feet lower than the location favored by the Petitioners. Additionally, and as corroborated by the Real Property Data Sheet (Petitioners' Exhibit 5), a residential structure has been located on the property since 1955. 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) and the Bureau of Development Plans Review.

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

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of September 2008, that the Petition for Variance seeking relief from Section

1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard lot line setbacks of 24.4 feet and 35 feet and a front yard setback of 36 feet for a proposed one-story replacement dwelling in lieu of the required 50 feet respectively, in accordance with Petitioners' Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at 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.
- 2) 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. Copies of these comments, dated August 22, 2008 and July 18, 2008 are attached hereto and made a part hereof.
- 3) Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings (a copy of the proposed dwelling is contained in the file as Petitioners' Exhibit 3) to the Office of Planning for review and approval to ensure that the proposed house is compatible with existing homes in the area.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

Case No.: 2010-0145-SPHA 2500A ISLAND VIEW RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	RED LINED SITE PLAN	
No. 2	SDAT PROPERTY SEARCH	
No. 3	DEED OF RECORD	
No. 4	PLAT OF BARRISON POINT 7/17/26 PLAT BOOK 8 page 82	
No. 5	AERIAL PHOTO	
No. 6 Aerial	PHOTO'S OF NEARBY PROPERTIES - EXISTING CONDITIONS	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



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

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

Account Identifier: District - 15 **Account Number -** 1516600142

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/ 330 2)

Location & Structure Information

Premises Address	Legal Description
ISLAND VIEW RD	.447 AC LTS21-23 ISLAND VIEW RD BARRISON POINT
WATERFRONT	

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	9	80			B		21	3	Plat Ref: 8/ 82

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		19,471.00 SF	34

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	19,470	19,470		
Improvements:	0	0		
Total:	19,470	19,470	19,470	19,470
Preferential Land:	0	0	0	0

Transfer Information

Seller: PORTER WILLIAM R	Date: 06/09/2008	Price: \$25,800
Type: UNIMPROVED ARMS-LENGTH	Deed1: /27071/ 330	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	07/01/2009	07/01/2010
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

0027071 330

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

2063
②
DEED

File # 08-M-11630
Tax ID# 15-16-600142

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 and JAMES S. BROWN, of the State of Maryland, Parties of the Second Part.

W I T N E S S E T H :

That in consideration of the sum of TWENTY FIVE THOUSAND EIGHT HUNDRED Dollars (\$25,800.00), 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 Parties of the Second Part, DAVID M. DONOVAN and JAMES S. BROWN, as joint tenants and not as tenants in common, the survivor of them, 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 21, 22 and 23, of Section B, 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 anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said Parties of the Second Part, as joint tenants and not as tenants in common, the survivor of the, his personal representatives, heirs or assigns forever, in fee simple.

PETITIONER'S

EXHIBIT NO. 3

WITNESS the hand and seal of said Grantors.

Christopher
Witness

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

M. Christopher
Witness

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.

Christopher
Notary Public

My Commission expires: CHRISTOPHER DUSTIN TRUMP
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 20, 2010

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

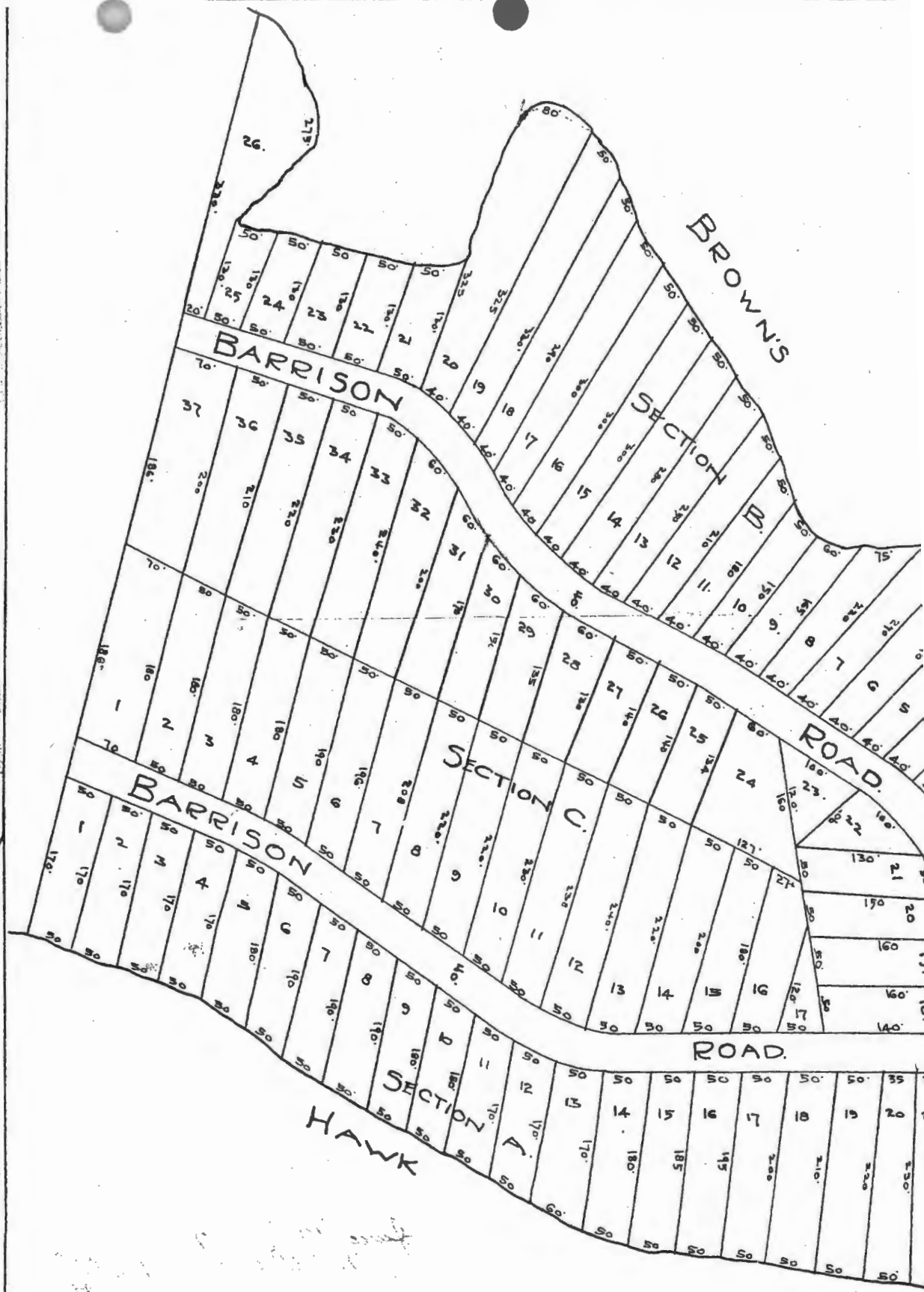
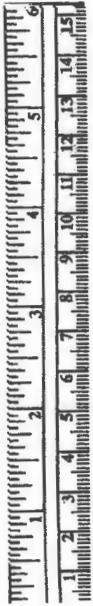
Connie Strauss Danna
CONNIE STRAUSS DANNA, ESQUIRE

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

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.)					
		1	Deed	Mortgage	Other	Other	
			Deed of Trust	Lease			
2	Conveyance Check Box	X	Improved Sale	Unimproved Sale	Multiple	Not an Arms-Length Sale [9]	
			Arms-Length [1]	Arms-Length [2]	Arms Length [3]		
3	Tax Exemptions (if Applicable)	Recordation State Transfer County Transfer					
	Cite or Explain Authority						
4	Consideration and Tax Calculations	Consideration		Amount	Finance Office Use Only		
		Purchase Price/Consideration	\$	25,800.00	Transfer and Recordation Tax Consideration		
		Any New Mortgage	\$	.00	Transfer Tax Consideration \$		
		Balance of Existing Mortgage	\$		x () % = \$		
		Other:	\$		Less Exemption Amount = \$		
			\$		Total Transfer Tax = \$		
		Other:	\$		Recordation Tax Consideration \$		
			\$		x () per \$500 = \$		
		Full Cash Value	\$	25,800.00	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 Recordation Tax	\$	130.00	\$	Ag. Tax/Other:	
		State Transfer Tax	\$	129.00	\$		
		County Transfer Tax	\$	387.00	\$		
		Other	\$		\$		
		Other	\$		\$		
6	Description of Property	District	Property Tax ID No.(1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
		15	15-16-600142	12853/220			(5)
		Subdivision Name		Lot (3a)	Block(3b)	Sect/AR(3c)	Plat Ref.
		Barrison Point		21,22&23			SqFt/Acreage(4)
		Location/Address of Property Being Conveyed (2)					
		Lots 21, 22 & 23, Barrison Point, Essex, MD 21221					
		Other Property Identifiers (if applicable)				Water Meter Account No.	
		Residential [X] or Non-Residential []		Fee Simple [X] or Ground Rent []		Amount: \$N/A	
		Partial Conveyance? [] Yes [X] No		Description/Amt. of SqFt/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					
		James S. Brown					
		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				☒ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided	
		Name: Donna M. Sweeney					
		Firm: Mid-Atlantic Title Company					
		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	X	No	Will the property being conveyed be the grantee's principal residence?		
		Yes	X	No	Does transfer include personal property? If yes, identify:		
		Yes	X	No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)		
	Assessment Use Only - Do Not Write Below This Line						
	Partial Verification []	Agricultural Verification []	Whole []	Part []	Tran. Process Verification []		
	Transfer Number:	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.		



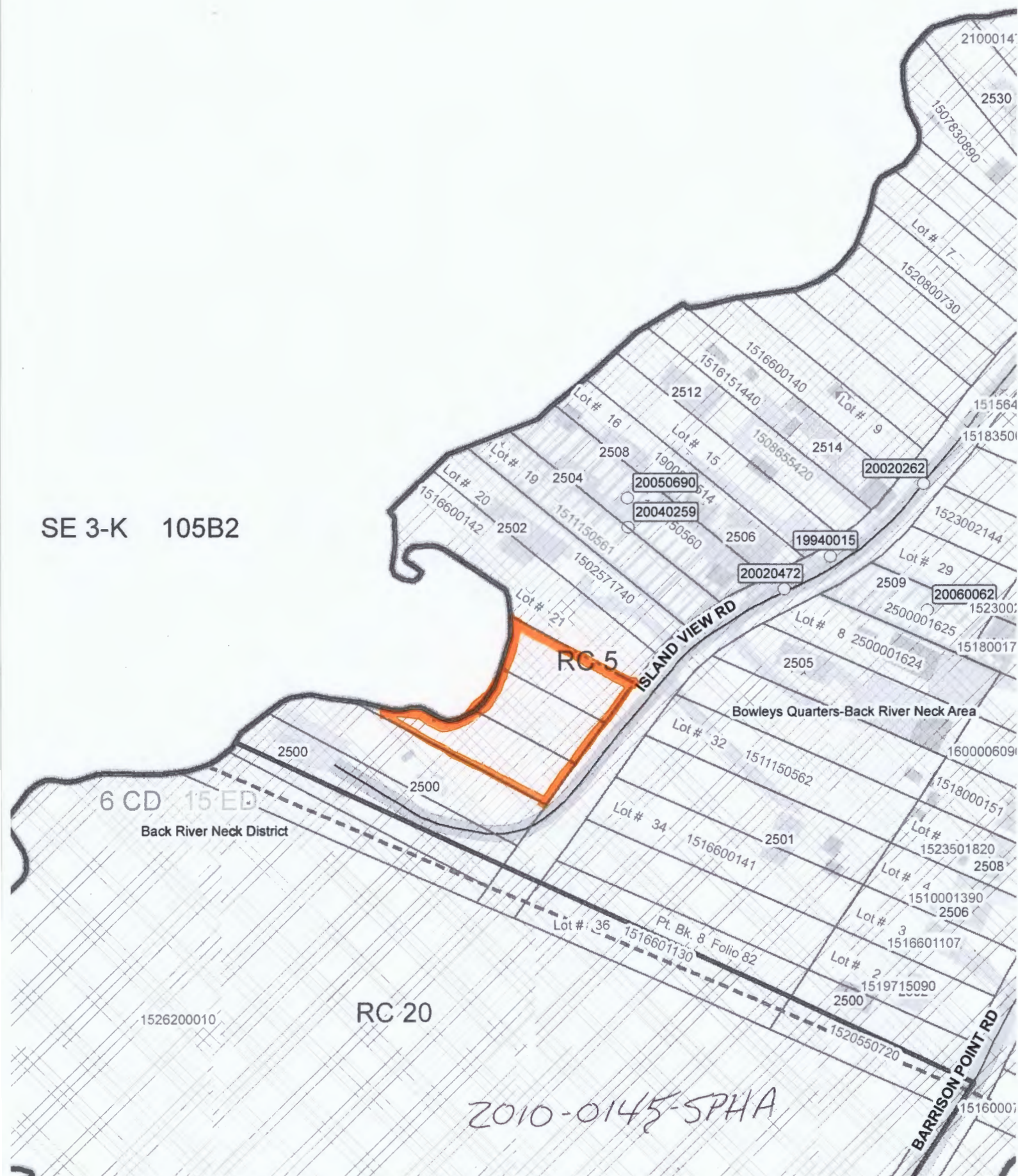
PETITIONER'S

EXHIBIT NO.

4

PB 8 F 82

SE 3-K 105B2



Print this page in a more readable format: Click **Print** next to the upper-right corner of the map.



2502 Island View Rd, Essex, MD 21221-6411

PETITIONER'S

EXHIBIT NO. 5

6a

#2501



6b

#2502



6d

#2509



6c

#2505

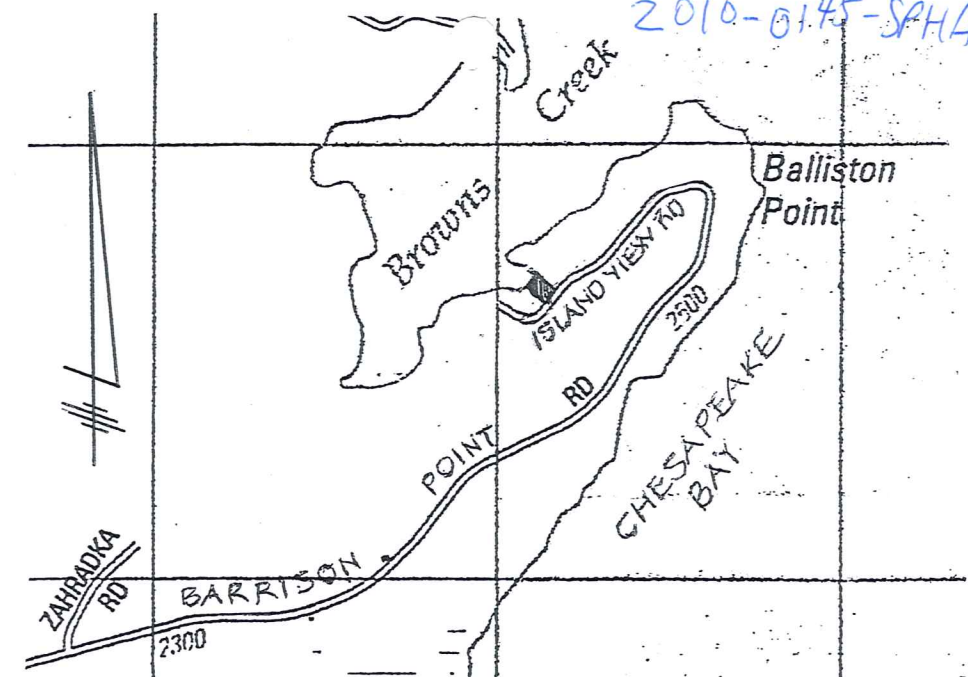
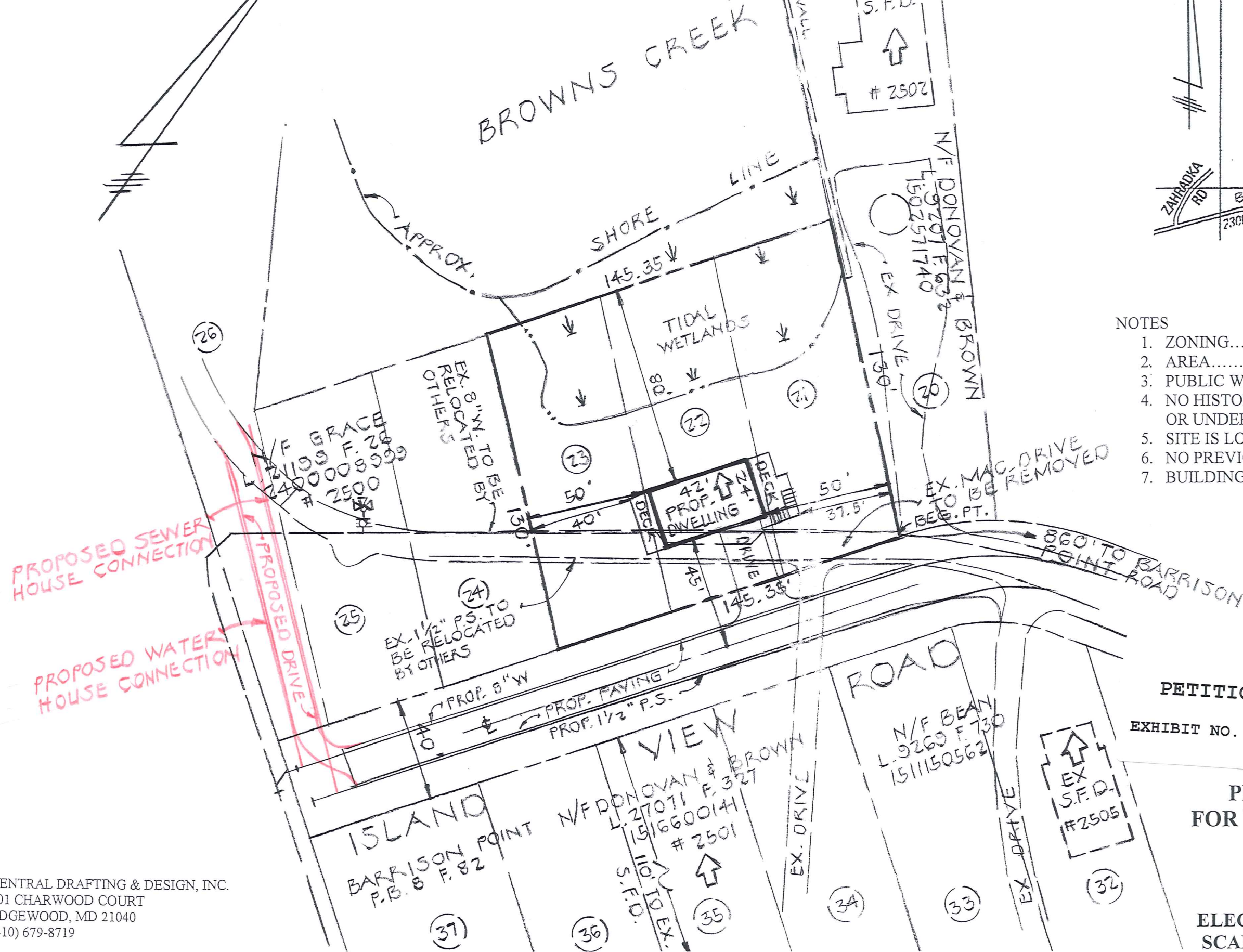


PETITIONER'S

EXHIBIT NO.

6

NOTE: THE PROPOSED DRIVEWAY, WATER HOUSE CONNECTION AND SEWER HOUSE CONNECTION SHOWN IN RED ARE ADDED TO PETITIONER'S EXHIBIT NO. 1 IN RESPONSE TO COMMENTS BY THE DIVISION OF DEVELOPMENT PLANS REVIEW



VICINITY MAP
SCALE: 1" = 1000'

NOTES

1. ZONING.....RC.5 (MAP 105B2)
2. AREA.....18,896 S.F. = 0.434 ACRE
3. PUBLIC WATER AND SEWER
4. NO HISTORIC STRUCTURES, ARCHOEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS EXIST
5. SITE IS LOCATED IN THE CBCA AND 100 YEAR FLOOD ZONE
6. NO PREVIOUS VIOLATIONS OR ZONING HISTORY KNOWN
7. BUILDING COVERAGE.....5.3 %

OWNER

DAVID M. DONOVAN
JAMES S. BROWN
2502 ISLAND VIEW ROAD
BALTIMORE, MD. 21221
L. 27071 F. 330
PROP. NO. 1516600142

PETITIONER'S

EXHIBIT NO. 1

ER'S EXHIBIT 1

PLAT TO ACCOMPANY PETITION
FOR VARIANCE AND SPECIAL HEARING
LOT 21 - 23 SECTION C
BARRISON POINT P.B. 8 F. 82
2500A ISLAND VIEW ROAD
ELECTION DISTRICT 15C6 BALTO. CO., MD.
SCALE: 1 INCH = 40 FEET OCTOBER 24, 2009