

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

SE/Side Barrison Point Road, 3,200 NE of
Barrison Point Court
(2427-2429 Barrison Point Road)

15th Election District
6th Council District

Paul Bonneville, et ux, *Legal Owners*
The Rev. John K. Burk, et ux,
Contract Purchasers

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0337-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 the legal owners of the subject property, Marjorie M. Bonneville, and her husband, Paul Bonneville, and the contract purchasers, John K. Burk, and his wife, Deborah R. Burk, by and through their attorney, Edward C. Covahey, Jr., Esquire. 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, a confirmation that density is not affected and that the Amusement Park use granted in Case No. 1953-2583-X has been abandoned. The variances requested are filed pursuant to B.C.Z.R. Section 1A04.3.B.2.b to: (1) permit a setback of 30 feet from the centerline of a street or road in lieu of the required 100 feet from a street that leads to a collector road, (2) allow a side property line (north side) setback of 40 feet in lieu of the required 50 feet, and (3) to allow a side property line (south side) setback of 23 feet in lieu of the required 50 feet. The

ORDER RECEIVED FOR FILING

Date

By

9-1-10

103

subject property and requested relief are more particularly described on the 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 Paul and Marjorie Bonneville, property owners, John and Deborah Burk, contract purchasers, Brian Dietz of Dietz Surveying Company, the consultant who prepared the site plan and is assisting the Petitioners in the permitting process, and Edward C. Covahey, Jr., Esquire of Covahey, Boozer, Devan & Dore, P.A. Joseph and Carol Blanchard, who reside on Barrison Point Road and are familiar with the properties history, appeared in support as did the Long & Foster's real estate agents representing the parties; namely, Addy M. Watson (seller's agent), and Joan A. Biuk (listing agent). There were no Protestants.

Testimony and evidence offered revealed that the property is an irregular rectangularly shaped parcel located on the southeast side of Barrison Point Road some 3,500 feet northeast of Rocky Point Road in eastern Baltimore County. The property is unimproved and identified on the Maryland Department of Assessments Tax Map 105 as Parcels 271 and 272 and when combined contain an area of 0.666 acres, more or less, and zoned R.C.5. As illustrated on the site plan (Exhibit 1), the property is a water-oriented lot with 143 feet of frontage along Barrison Point Road, 254 feet deep, and has 130 feet of access to the waters of Hawk Cove at the stone bulkhead. In this regard, Mr. Dietz indicated that the shoreline had sustained substantial erosion over time and most notably during Hurricane Isabel in 2003. He used the old bulkhead wood posts shown on the site plan and the meets and bound descriptions contained in the Deed

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 Laurie Hay, who appeared at the hearing on behalf of the Office of Planning. See Office of Planning's comment, dated June 17, 2010, regarding the R.C.5 Performance Standards set forth in B.C.Z.R. Section 1A04.4. The plan was amended by Brian Dietz of Dietz Surveying Company to show the front orientation of the proposed two-story dwelling facing Barrison Point Road. Ms. Hay reviewed the elevation drawings and floor plan (Petitioners' Exhibit 3), photographs of adjacent existing dwellings (2535 & 2423 Barrison Point Road – Petitioners' Exhibits 4 & 5 respectively) and approved the design of the home.

(Petitioners' Exhibit 2) to demonstrate a loss of 100 feet of shoreline on the north side of the property and 40 feet on the south side. Mrs. Bonneville made it known to the undersigned that she and her husband have paid taxes for many years on the entire lot areas even though it was decreased and worn away by erosion.

The Bonneville's now wish to sell their property to the Burks who wish to construct a 39' x 64' dwelling on the property. In order to proceed with the construction of a home, the setback variance from the centerline of the road and side property lines 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. The special hearing by implication should also approve the density and confirm the overall density of the neighborhood is not affected.

Mr. Covahey indicated the lots have the potential to have access to public water and sewer via grinder pump. He further points out that the R.C.5 zoning classification was placed on the properties 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 indicated that, as combined, this is one of the larger lots in the community where many of the existing homes were built on 50-foot wide lots. He points to the Barrison Point subdivision just south of the subject property that was laid out many years ago (1926), well prior to the adoption of the zoning regulations in Baltimore County. Thus, all of the lots in the neighborhood are undersized and do not meet current area and width requirements. Thus, he submits that the relief requested is appropriate and consistent with the waterfront community. The new home on the proposed lots would have less density than others in the neighborhood built on 50-foot wide lots and many

within 20 feet of the roadway. He supplied photographs of houses in the neighborhood showing that the new home would be compatible with the pattern of development. *See* Exhibits 4 and 5.

The current R.C.5 zoning regulations require a minimum lot area of 1.5 acres. Thus, it is clear that the subject lot is undersized by today's standards. However, County Council Bill No. 152-2004 provides for an exception to the "lot area – density control". That Section – 1A04.3.B.1.b(1) – provides an exception as follows:

- "(1) The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement ... may apply for a special hearing under Article 5 [500.7] to alter the minimum lot size requirement ...".

Thus, Petitioners request special hearing relief to identify the subject property as a buildable lot despite non-conformity with the current Regulations.

A brief history of the subject property is necessary for background purposes. According to testimony received from Joe Blanchard and Mrs. Bonneville (whose father, Melvin Blanchard, initially owned the property), the subject property have been lots of record since at least August 18, 1972 as indicated on the Deed submitted as Petitioners' Exhibit 2 and recorded among the Land Records of Baltimore County in Liber 5292, Folio 949. Parcels 271 and 272, although next to the Barrison Point subdivision, are not part of that subdivision. As shown on the site plan attached to the "Petition for Special Permit" and "Order" in zoning Case No. 1953-2583-X (Petitioners' Exhibit 6), then Zoning Commissioner Charles H. Doing determined the property was part of a 2.25 acre parcel approved to be used for an Amusement Park. Mrs. Bonneville stated that prior to her father's purchase of the property, it was used as a park and picnic area. According to her, there were never any "rides" or "amusement devices" – only a forested picnic area where people would come for relaxation, swimming and an escape from the

ORDER RECEIVED FOR FILING

Date

9-1-10

By

102

busy City. In any event, that use was abandoned many decades ago prior to Melvin F. Blanchard and his wife's division of the property for the benefit of their children in 1969.

Next, Reverend Burk and his wife Deborah indicated they are anxious to develop the property with a one-story traditional brick home that will feature 1,800 square feet of living area and a two-car garage. Their elevation drawings were submitted as Petitioners' Exhibit 3 illustrating this detail. Reverend Burk is a member of the Chesapeake Bay Association and the Chesapeake Heritage Association and spoke of his great love of the County's water resources and his involvement with the Maryland Coastal Bays Program in limiting storm water "runoff" into the bay from farms and promoting the health of the bay.

Due to the past erosion that has created an "inlet" in the properties Critical Area Easement area, the Department of Environmental Protection and Resource Management (DEPRM) is rather assertive that the dwelling be moved away from the water and as close to Barrison Point Road which generates Petitioners request for a setback as close as 30 feet from the centerline of the road. In support of this request, it was indicated that even with variance relief the proposed dwelling would be consistent with other homes in the community and feature similar setbacks as many of the other new replacement homes that have been built on Barrison Point Road.

As indicated above, Ms. Laurie Hay appeared on behalf of the Office of Planning and approved the building elevations. While the Zoning Commissioner's Policy Manual (ZCPM), Sections 400.1A and 400.2A, provides assistance in a determination of what constitutes the front yard on waterfront lots based on the orientation of the house and accessory buildings, it was determined in this case that the front yard would face upon Barrison Point Road. Ms. Hays concurred and expressed a desire to have the elevation drawings (Exhibit 3) labeled to show the dwellings front façade and covered porch facing the public right-of-way. In most cases,

waterfront lots refer to the front of the structure as facing the water. In this case, the front of the home will face Barrison Point Road and the rear will face the water.

After due consideration of the testimony and evidence presented, 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 the subject two (2) lots. Given the need to meet the Critical Area law, the new home cannot practically meet the 100-foot centerline setback requirement or with a combined lot width of 127 feet – a suitable home compatible to the area – could not be built given the minimum required 50-foot side yard setbacks. I find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting these variances when looking at the overall neighborhood density including the Barrison Point subdivision area to the north. Finally, I find that these variances can be granted in strict harmony with the spirit and intent of the regulations, and in such a manner as to grant relief without injury to the public, health, safety and general welfare. There are at least ten (10) other variance cases in the area in which homes have been permitted on undersized lots.² Many are built on 50-foot wide lots. This new home will be built on a 127-foot wide lot at the front building line. This will not adversely affect the pattern of development in this neighborhood. However, due to the properties close proximity to Hawks Cove, the proposed improvements must comply with Chesapeake Bay Critical Area (CBCA) regulations as set forth in the

² Records maintained by this Commission disclosed zoning relief granted for lots on Island View Road adjacent to Browns Creek as follows: Case Nos. 1994-0015, 2002-0472, 2002-0962, 2004-0259, 2005-0690, 2006-0062, 2008-0303, 2008-0596, 2010-0123 and 2010-0145.

Department of Environmental Protection and Resource Management's (DEPRM) Zoning Advisory Committee (ZAC) comment. I find that the Petitioners have met the requirements of Section 307 and *Cromwell v. Ward*, 102 Md. App. 691 (1995) for relief to be granted.

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 1st day of September 2010 that the Petition for Special Hearing filed, pursuant to Sections 500.7 and 1A04.3.B.1.b(1) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a lot area of 0.666 acres in lieu of the required 1.5 acres (Parcels 271 and 272 are to be combined into one lot) for a proposed single-family dwelling, a confirmation that density will not be affected, and that the Amusement Park use granted in Case No. 1953-2583-X has been abandoned, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit a front yard setback of 30 feet from the centerline of a street or road in lieu of the required 100 feet for a new dwelling, and (2) to permit side yard setbacks from any lot line other than a street line of 40 feet (north side) and 23 feet (south side) in lieu of the required 50 feet, in accordance with

Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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 Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) relative to the Chesapeake Bay Critical Area (CBCA) regulations and all other appropriate environmental regulations relative to the Limited

ORDER RECEIVED FOR FILING

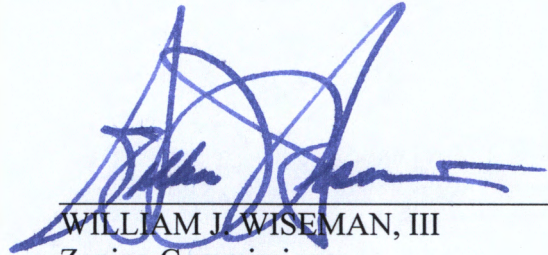
Date

By

Development Area of the CBCA that will require a Critical Area Variance. A copy of the comment, dated June 28, 2010, has been attached hereto and are made a part hereof.

3. 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 9-1-10

By 123



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 1, 2010

Edward C. Covahey, Jr., Esquire
Covahey, Boozer, Devan & Dore, PA
614 Bosley Avenue
Towson MD 21204

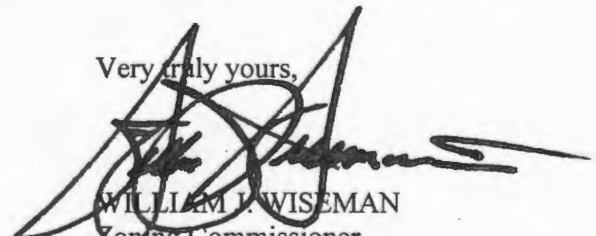
RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
SE/Side Barrison Point Road, 3,200 NE of Barrison Point Court
(2427-2429 Barrison Point Road)
15th Election District - 6th Council District
Paul Bonneville, et ux, *Legal Owners*;
The Rev. John K. Burk, et ux, *Contract Purchasers* – Petitioners
Case No. 2010-0337-SPHA

Dear Mr. Covahey:

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

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

Very truly yours,


WILLIAM J. WISEMAN
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Paul & Marjorie Bonneville, P.O. Box 125, Lochmere, NH 03252
The Reverend John K. Burk & Mrs. Deborah R. Burk, 4506 King George Court,
Perry Hall, MD 21128
Brian Dietz, Dietz Surveying Company, 8119 Oakleigh Road, Baltimore, MD 21234
Joseph & Carol Blanchard, 2423 Barrison Point Road, Essex, MD 21221
Addy M. Watson, Long & Foster, 1918 Poplar Road, Essex, MD 21221
Joan A. Biuk, Long & Foster, 4920 Forge Road, Perry Hall, MD 21128
People's Counsel, Office of Planning, DEPRM; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2427-2429 BARRISON POINT ROAD
which is presently zoned RC-5

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

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner) SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

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:

John K. Burk and Deborah R. Burk

Name - Type or Print

Signature

4506 King George Court 410-529-9001
Address Telephone No.

Perry Hall, MD 21128
City State Zip Code

Attorney For Petitioner:

Edward C. Covahey, Jr.

Name - Type or Print

Signature

Covahey, Boozer, Devan & Dore, P.A.
Company

614 Bosley Avenue 410-828-9441
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

Marjorie M. Bonneville

Name - Type or Print

Signature

Paul Bonneville
Name - Type or Print

Signature

P. O. Box 125

Address Telephone No.

Lochmere, NH 03252-0125
City State Zip Code

Representative to be Contacted:

Marjorie M. Bonneville
Name

P. O. Box 125 603-527-1727
Address Telephone No.

Lochmere, NH 03252-0125
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 6/2/2010

Case No. 2010-0337-SPA

REV 9/15/98

EXHIBIT A

For the property located at 2427-2429 Barrison Point Road

This Petition shall be filed with the Department of Permits and Development Management.

The undersign legal owners 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:

- 1.) A waiver of the requirements of Section 1A04.3B1b(1) of the Baltimore County Zoning Regulations to alter the minimum lot size to permit construction of a residence in accordance with the attached plat. of .666 Acres in lieu of the required 1.5 Acres.
- 2.) Confirm that the Amusement Park use granted in Case #2S83 has been abandoned.

ldr100510

2010-0337-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 2427-2429 Barrison Pont Road

which is presently zoned RC-5

Deed Reference: 20673 / 138 Tax Account # 1600007425 & 1600007426

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) 1A04.3B2b

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

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

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

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:

John K. Burk and Deborah R. Burk

Name - Type or Print

Signature

4506 King George Court 410-529-9001

Address Telephone No.

Perry Hall, MD 21128

City State Zip Code

Attorney For Petitioner:

Edward C. Covahey, Jr.

Name - Type or Print

Signature

Covahey, Boozar, Devan & Dore, P.A.

Company

614 Bosley Avenue 410-828-9441

Address Telephone No.

Towson, MD 21204

City State Zip Code

Legal Owner(s):

Marjorie M. Bonneville

Name - Type or Print

Signature

Paul Bonneville

Name - Type or Print

Signature

P. O. Box 125

Address Telephone No.

Lochmere, NH 03252-0125

City State Zip Code

Representative to be Contacted:

Marjorie M. Bonneville

Name

P. O. Box 125

603-527-1727

Address Telephone No.

Lochmere, NH 03252-0125

City State Zip Code

Case No. 2010-0337-APHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by JNP Date 6/2/2010

EXHIBIT A

For the property located at 2427-2429 Barrison Point Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersign legal owners 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 1A04.3B2b to permit the following:

1. A front yard setback of 30' from the center line of the existing road in lieu of the required *100' FROM A ROAD THAT LEADS TO A COLLECTOR ROAD.*
2. *Side* (North) property line setback of 40' in lieu of the required 50'.
3. *Side* (South) property yard setback of 23' in lieu of the required 50'.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons:

1. The subject property is unique in that it was in existence prior to September 2, 2003.
2. It is impossible to construct a dwelling on the subject property without the requested variance.
3. The overall density of the lot will not be affected.
4. RC-5 zoning is inappropriate as the site is served by public sewer and water.

ldr100510

2010-0337-SPHA

Brian R. Dietz
Professional Land Surveyor #21080
8119 Oakleigh Road, Baltimore, MD 21234
Phone 410-661-3160 Fax 410-661-3163

Zoning Description
for
2427 Barrison Point Road

June 1, 2010

Beginning at a point on the Southeast side of Barrison Point Road, (30' wide), at the distance of 3200 feet +/- Northeast of the centerline of Barrison Point Court, (50'R/W), and thence leaving said road, and running and binding on the lands of the petitioner the six following courses and distances viz;

1. South 66 degrees 46 minutes 45 seconds East 254.09 feet
2. North 24 degrees 55 minutes 15 seconds East 55.00 feet,
3. North 24 degrees 55 minutes 15 seconds East 75.00 feet,
4. North 66 degrees 46 minutes 45 seconds West 198.57 feet, to the Southeast side of Barrison Point Road, thence running and binding on said road the following 2 courses and distances viz;
5. South 43 degrees 49 minutes 15 seconds West 80.09 feet, and
6. South 52 degrees 47 minutes 40 seconds West 63.21 feet to the place of beginning.

Containing 29,011 sq.ft or 0.666 Ac. of land more or less. Being known 2427 Barrison Point Road and located in the 15th Election District, 6th Councilmanic District.

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: 2010-0337-5PHA

Petitioner: BONNEVILLE

Address or Location: 2427-2429 BARRISON POINT ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: EDWARD C. COVATY JR

Address: 614 BOSLEY AVE
TOWSON MD 21204

Telephone Number: 410-828-9441

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

No. **53953**
 Date: **6/2/2010**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
031	806	0000		6150				670.00 130.00

Total: **130.00**

Rec From: Couabey, Boozer, Devan, & Pore; P.A.
 For: Special Hearing & Variance - 2427-2429 Borison Point Road
2010-0337-SPHA (Bonneville)

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 06/02/2010 6/02/2010 10:57:32 2
 RECEIPT # 53953 6/2/2010 0011
 \$ 130.00 DOLLARS VERIFICATION
 RECEIVED
 Receipt for \$130.00
 \$130.00 OK \$130.00
 Baltimore County, Maryland

**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: # 2010-0337-SPHA

2427-2429 Barrison Point Road

S/east side of Barrison Point Road, 3200 feet n/east of Barrison Point Court

15th Election District — 6th Councilmanic District

Legal Owner(s): Marjorie & Paul Bonneville

Contract Purchaser: John & Deborah Burk

Special Hearing: to wavier the requirements of section 1A04.3B1b(1) of the BCZR to alter the minimum lot size to permit construction of a residence in accordance with the attached plat of 0.666 acre in lieu of the required 1.5 acres; to confirm that the amusement park use granted in case #2583 has been abandoned. **Variance:** for a front yard setback of 30 feet from the centerline of the existing road in lieu of the required 100 feet from a road that leads to a collector road; (north) side property line setback of 40 feet in lieu of the required 50 feet; (south) side property yard setback of 23% in lieu of the required 50 feet.

Hearing: Friday, July 23, 2010 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.

7/25/2010 July 8

246378

CERTIFICATE OF PUBLICATION

7/8/2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/8/2010.

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

S. Wilkinson

LEGAL ADVERTISING

CORRECTED 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: # 2010-0337-SPHA

2427-2429 Barrison Point Road

S/east side of Barrison Point Road, 3200 feet n/east of Barrison Point Court

15th Election District — 6th Councilmanic District

Legal Owner(s): Marjorie & Paul Bonneville

Contract Purchaser: John & Deborah Burk

Special Hearing: to waive the requirements of section 1A04.3B1b(1) of the BCZR to alter the minimum lot size to permit construction of a residence in accordance with the attached plat of 0.666 acre in lieu of the required 1.5 acres; to confirm that the amusement park use granted in case #2583 has been abandoned. **Variance:** for a front yard setback of 30 feet from the centerline of the existing road in lieu of the required 100 feet from a road that leads to a collector road; (north) side property line setback of 40 feet in lieu of the required 50 feet; (south) side property yard setback of 23% in lieu of the required 50 feet.

Hearing: Friday, August 27, 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.

08/06/10 August 5

249538

CERTIFICATE OF PUBLICATION

8/5/, 2010

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 8/5/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 08/01/2010

Case Number: 2010-0337-SPHA

Petitioner / Developer: EDWARD COVAHEY, ESQ.~

MR. & MRS. BURK~MR. & MRS. BONNEVILLE

Date of Hearing (Closing): AUGUST 22, 2010

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
2427-2429 BARRISON POINT ROAD

The sign(s) were posted on: AUGUST 1, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS ~CORRECTED NOTICE

DATE: 08/11/10

Case Number: 2010-0337-SPHA

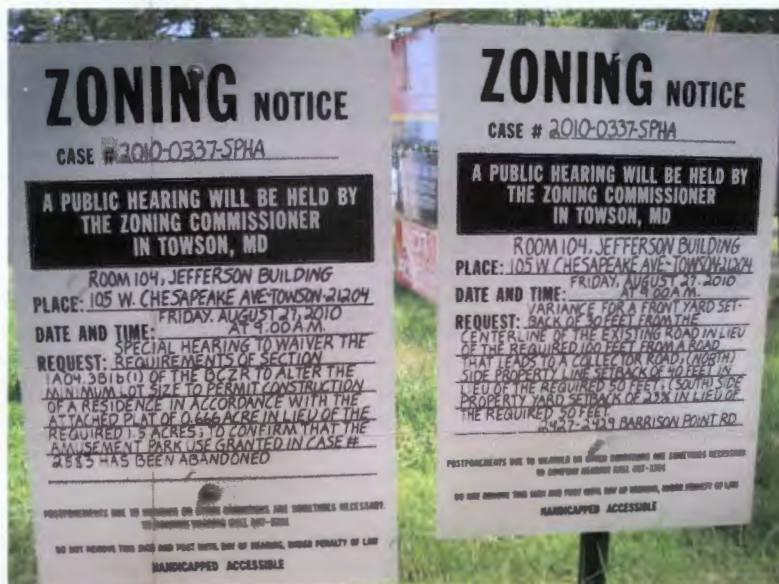
Petitioner / Developer: EDWARD COVAHEY, ESQ.~

MR. & MRS. BURK~MR. & MRS. BONNEVILLE

Date of Hearing (Closing): AUGUST 27, 2010

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
2427-2429 BARRISON POINT ROAD

The sign(s) were posted on: AUGUST 10, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 8, 2010 Issue - Jeffersonian

Please forward billing to:

Edward Covahey
Covahey, Boozer, Devan & Dore, P.A.
614 Bosley Avenue
Towson, MD 21204

410-828-9441

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: 2010-0337-SPHA

2427-2429 Barrison Point Road

S/east side of Barrison Point Road, 3200 feet n/east of Barrison Point Court

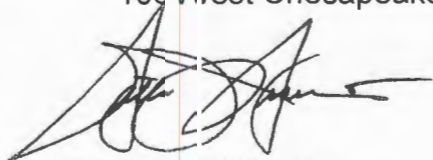
15th Election District – 6th Councilmanic District

Legal Owners: Marjorie & Paul Bonneville

Contract Purchaser: John & Deborah Burk

Special Hearing to waiver the requirements of section 1A04.3B1b(1) of the BCZR to alter the minimum lot size to permit construction of a residence in accordance with the attached plat of 0.666 acre in lieu of the required 1.5 acres; to confirm that the amusement park use granted in case #2583 has been abandoned. Variance for a front yard setback of 30 feet from the centerline of the existing road in lieu of the required 100 feet from a road that leads to a collector road; (north) side property line setback of 40 feet in lieu of the required 50 feet; (south) side property yard setback of 23% in lieu of the required 50 feet.

Hearing: Friday, July 23, 2010 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 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
June 11, 2010

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: 2010-0337-SPHA

2427-2429 Barrison Point Road

S/east side of Barrison Point Road, 3200 feet n/east of Barrison Point Court

15th Election District – 6th Councilmanic District

Legal Owners: Marjorie & Paul Bonneville

Contract Purchaser: John & Deborah Burk

Special Hearing to waiver the requirements of section 1A04.3B1b(1) of the BCZR to alter the minimum lot size to permit construction of a residence in accordance with the attached plat of 0.666 acre in lieu of the required 1.5 acres; to confirm that the amusement park use granted in case #2583 has been abandoned. Variance for a front yard setback of 30 feet from the centerline of the existing road in lieu of the required 100 feet from a road that leads to a collector road; (north) side property line setback of 40 feet in lieu of the required 50 feet; (south) side property yard setback of 23% in lieu of the required 50 feet.

Hearing: Friday, July 23, 2010 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Edward covathey, 614 Bosley Avenue, Towson 21204

Mr. & Mrs. Burk, 4506 King George Ct., Perry Hall 21128

Mr. & Mrs. Bonneville, P.O. Box 125, Lochmere NH 03252-0125

NOTE: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 8, 2010.**

- (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, August 5, 2010 Issue - Jeffersonian

Please forward billing to:

Edward Covahey
Covahey, Boozer, Devan & Dore, P.A.
614 Bosley Avenue
Towson, MD 21204

410-828-9441

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: 2010-0337-SPHA

2427-2429 Barrison Point Road

S/east side of Barrison Point Road, 3200 feet n/east of Barrison Point Court

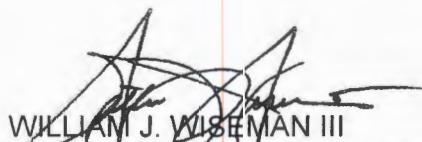
15th Election District – 6th Councilmanic District

Legal Owners: Marjorie & Paul Bonneville

Contract Purchaser: John & Deborah Burk

Special Hearing to waiver the requirements of section 1A04.3B1b(1) of the BCZR to alter the minimum lot size to permit construction of a residence in accordance with the attached plat of 0.666 acre in lieu of the required 1.5 acres; to confirm that the amusement park use granted in case #2583 has been abandoned. Variance for a front yard setback of 30 feet from the centerline of the existing road in lieu of the required 100 feet from a road that leads to a collector road; (north) side property line setback of 40 feet in lieu of the required 50 feet; (south) side property yard setback of 23% in lieu of the required 50 feet.

Hearing: Friday, August 22, 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
July 7, 2010

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: 2010-0337-SPHA

2427-2429 Barrison Point Road

S/east side of Barrison Point Road, 3200 feet n/east of Barrison Point Court

15th Election District – 6th Councilmanic District

Legal Owners: Marjorie & Paul Bonneville

Contract Purchaser: John & Deborah Burk

Special Hearing to waiver the requirements of section 1A04.3B1b(1) of the BCZR to alter the minimum lot size to permit construction of a residence in accordance with the attached plat of 0.666 acre in lieu of the required 1.5 acres; to confirm that the amusement park use granted in case #2583 has been abandoned. Variance for a front yard setback of 30 feet from the centerline of the existing road in lieu of the required 100 feet from a road that leads to a collector road; (north) side property line setback of 40 feet in lieu of the required 50 feet; (south) side property yard setback of 23% in lieu of the required 50 feet.

Hearing: Friday, August 22, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:kl

C: Edward Covahey, 614 Bosley Avenue, Towson 21204

Mr. & Mrs. Burk, 4506 King George Ct., Perry Hall 21128

Mr. & Mrs. Bonneville, P.O. Box 125, Lochmere NH 03252-0125

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 7, 2010.

(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, August 5, 2010 Issue - Jeffersonian

Please forward billing to:

Edward Covahey
Covahey, Boozer, Devan & Dore, P.A.
614 Bosley Avenue
Towson, MD 21204

410-828-9441

CORRECTED 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: 2010-0337-SPHA

2427-2429 Barrison Point Road

S/east side of Barrison Point Road, 3200 feet n/east of Barrison Point Court

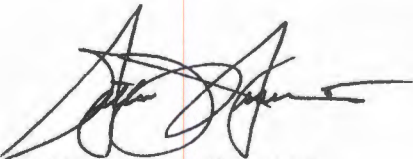
15th Election District – 6th Councilmanic District

Legal Owners: Marjorie & Paul Bonneville

Contract Purchaser: John & Deborah Burk

Special Hearing to waiver the requirements of section 1A04.3B1b(1) of the BCZR to alter the minimum lot size to permit construction of a residence in accordance with the attached plat of 0.666 acre in lieu of the required 1.5 acres; to confirm that the amusement park use granted in case #2583 has been abandoned. Variance for a front yard setback of 30 feet from the centerline of the existing road in lieu of the required 100 feet from a road that leads to a collector road; (north) side property line setback of 40 feet in lieu of the required 50 feet; (south) side property yard setback of 23% in lieu of the required 50 feet.

Hearing: Friday, August 27, 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
July 15, 2010

CORRECTED 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: 2010-0337-SPHA

2427-2429 Barrison Point Road

S/east side of Barrison Point Road, 3200 feet n/east of Barrison Point Court

15th Election District – 6th Councilmanic District

Legal Owners: Marjorie & Paul Bonneville

Contract Purchaser: John & Deborah Burk

Special Hearing to waiver the requirements of section 1A04.3B1b(1) of the BCZR to alter the minimum lot size to permit construction of a residence in accordance with the attached plat of 0.666 acre in lieu of the required 1.5 acres; to confirm that the amusement park use granted in case #2583 has been abandoned. Variance for a front yard setback of 30 feet from the centerline of the existing road in lieu of the required 100 feet from a road that leads to a collector road; (north) side property line setback of 40 feet in lieu of the required 50 feet; (south) side property yard setback of 23% in lieu of the required 50 feet.

Hearing: Friday, August 27, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:kl

C: Edward Covahey, 614 Bosley Avenue, Towson 21204

Mr. & Mrs. Burk, 4506 King George Ct., Perry Hall 21128

Mr. & Mrs. Bonneville, P.O. Box 125, Lochmere NH 03252-0125

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 7, 2010.

(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.

Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

www.baltimorecountymd.gov



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

August 19, 2010

Edward Covahey Jr.
Covahey, Boozer, Devan & Dore PA
614 Bosley Ave.
Towson, MD 21204

Dear: Edward Covahey Jr.

RE: Case Number 2010-03371-SPHA, 2487-2429 Barrison Point Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 02, 2010. 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Marjorie & Paul Bonneville; P.O. Box 125; Lochmere, NH 03252-0125
John & Deborah Burk; 4506 King George Ct.; Perry Hall, MD 21128

BW 8/27 9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JUN 29 2010

ZONING COMMISSIONER



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 28, 2010
SUBJECT: Zoning Item # 10-337-SPHA
Address 2427 - 2429 Barrison Point Road
(Bonneville Property)

Zoning Advisory Committee Meeting of June 7, 2010.

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:

This lot is in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The proposed development is within the Critical Area Buffer and will require a Critical Area variance. The Buffer regulations, including all mitigation requirements and buffer management plan requirements as set forth in COMAR 27.01.09 must be met if a Critical Area variance is granted. There is no guarantee of approval. All other LDA requirements must also be met, including lot coverage and 15% afforestation.

Reviewer: Regina Esslinger Date: June 25, 2010

ORDER RECEIVED FOR FILING

9-1-10

Date

193

By

BW 8/27 9AM 11-23-10 11AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 17, 2010

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

RECEIVED

SUBJECT: 2427-2429 Barrison Point Road

JUN 22 2010

INFORMATION:

ZONING COMMISSIONER

Item Number: 10-337

Petitioner: Majorie M. Bonneville

Zoning: RC 5

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

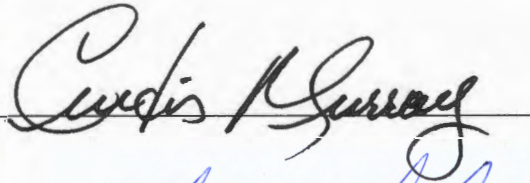
The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information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

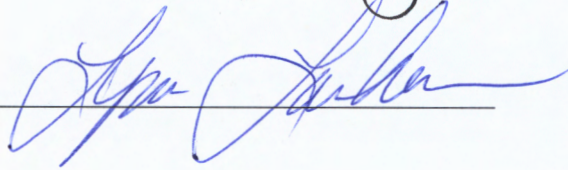
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the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

A handwritten signature in black ink, appearing to read "Curtis R. Murray", written over a horizontal line.

Division Chief:

A handwritten signature in blue ink, written over a horizontal line.

CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 21, 2010
Item Nos. 2010- 324, 327, 330, 332,
333, 335, 336 and 337

DATE: June 10, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-06212010 -NO COMMENTS.doc



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

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-14-2010

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

RE: Baltimore County
Item No. 2010-0337-SPHA
2427-2429 BARRISON POINT RD
BURK PROPERTY
SPECIAL EXCEPTION -
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0337-SPHA.

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

Very truly yours,

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
2427-2429 Barrison Point Road; SE/S Barrison* ZONING COMMISSIONER
Point Road, 3200' NE of Barrison Point Court
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Marjorie & Paul Bonneville
Contract Purchaser(s): John & Deborah Burk * BALTIMORE COUNTY
Petitioner(s) *
10-337-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUN 09 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of June, 2010, a copy of the foregoing Entry of Appearance was mailed to Majorie Bonneville, P.O. Box 125, Lochmere, NH 03252-0125 and Edward C. Covahey, Jr, Esquire, Covahey, Boozer, Devan & Dore, P.A., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

9am

From: Debra Wiley
To: Duvall, David
Date: 8/16/2010 1:33 PM
Subject: Request for 1953 Case (1953-2583-X)

Hi David,

Bill will be hearing a case on Friday, August 27th @ 9 A.M. and apparently there was a prior zoning case from 1953 for the same address.

At your convenience, could you possibly locate the Order and fax it to us. Our fax number is 887-3468. The Case No. is 1953-2583-X - Amusement Park at Barrison Point Road.

Thanking you in advance.

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: Duvall, David
Date: 8/16/2010 1:33 PM
Subject: Request for 1953 Case (1953-2583-X)

Hi David,

Bill will be hearing a case on Friday, August 27th @ 9 A.M. and apparently there was a prior zoning case from 1953 for the same address.

At your convenience, could you possibly locate the Order and fax it to us. Our fax number is 887-3468. The Case No. is 1953-2583-X - Amusement Park at Barrison Point Road.

Thanking you in advance.

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

Subject: Request for 1953 Case (1953-2583-X)
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 8/16/2010 1:33 PM
From: Debra Wiley

Recipient	Action	Date & Time	Comment
To: David Duvall (rduvall@baltimorecountymd.gov)	Read	8/16/2010 1:36 PM	

8/27 - 9am

CASE NO. 2010- 0337-SPHACHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose No Comment</u>
<u>6-10</u>	DEVELOPMENT PLANS REVIEW	<u>None</u>
<u>6-29</u>	DEPRM	<u>Comments</u>
	FIRE DEPARTMENT	
<u>6-22</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>6-14</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>1953-2583*</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>7-8-10 8-5-10</u>	
SIGN POSTING	Date: <u>8-10-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: <u>* Copy rec'd from Dave Jones on 8-16-10</u> <u>(Email faxed)</u>		

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2005, Legislative Day No. 19

Bill No. 128-05

Mr. Kevin Kamenetz, Councilman

By the County Council, October 17, 2005

AN ACT concerning

Zoning Regulations - R.C. 5 Zone

FOR the purpose of altering the maximum permitted gross residential density of a lot of record in an R.C. 5 Zone; providing for the application of the Act; and generally relating to residential development in R.C. 5 Zones.

BY repealing and re-enacting, with amendments

Section 1A04.3.B.1.a.

Baltimore County Zoning Regulations as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND that Section 1A04.3.B.1.a. of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

Strike-out indicates matter stricken from bill.

Underlining indicates amendments to bill.

SECTION 1A04

R.C. 5 (Rural-Residential) Zone

1A04.3 Height and area regulations.

B. Area regulations.

1. Lot area; density control.

a. A lot having an area of less than 1 ½ acres may not be created in an R.C. 5 Zone. The maximum gross residential density of a lot of record is [0.667] 0.5 dwelling per acre.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall not apply to any concept plan or application for limited exemption or waiver accepted for filing prior to on or before December 5, 2005, nor shall it be read to override any of the grandfathering provisions contained in Bill 55-04.

SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall not apply to the Back River Neck District as defined in Section 4A03.13 of the Baltimore County Zoning Regulations.

SECTION 4. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect on December 5, 2005.

b



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 - 1600007426

Owner Information

Owner Name: BONNEVILLE MARJORIE **Use:** RESIDENTIAL
Mailing Address: PO BOX 125 **Principal Residence:** NO
 LOCHMERE NH 03252-0125 **Deed Reference:** 1) / 7903/ 19
 2)

Location & Structure Information

Premises Address **Legal Description**
 BARRISON POINT RD .35 AC SS
 WATERFRONT BARRISON POINT RD
 3639 NE ROCKY POINT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	15	272						3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		15,246.00 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	15,240	15,240		
Improvements:	0	0		
Total:	15,240	15,240	15,240	15,240
Preferential Land:	0	0	0	0

Transfer Information

Seller: WOLFE MARJORIE	Date: 12/09/1991	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7903/ 19	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *

Microsoft Access

File Edit View Insert Format Records Tools Window Help

GenInputFrm_View : Form

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

GIS Attribute Table ID (SEARCH ON THIS FIELD): 19532583 Case Type Prefix: Case Year: 1953 Case Number: 2583 Case Type Suffix: X Existing Use: AMUSEMENT PARK

Legal Owners/Petitioner (SEARCH ON THIS FIELD): Hunter J. and Mary Benner

House/St. Number:	House/Street Number Range:	House/St. No. Suffix:	Prefix Dir.:	Pre. Type:	Street Name (SEARCH ON THIS FIELD):	Suf. Type:	Dir.:	Suffix Suite/Apt./Unit Number:

Property Description (SEARCH ON THIS FIELD):
SE SIDE BARRISON POINT RD, 5810R E BACK RIVER NECK RD

Existing Zoning Classification: DR 5.5 (R-6) Area: 2.25 Acres Election District: 15th Councilmanic District: Critical Area: Floodplain: Historic Area: Prior Zoning Cases: Violation Cases: Concurrent Cases:

Find Record Next Record Previous Record Preview ZAC Agenda Report Open MS Word Exit Access Scanned Image

Record: 2590 of 26110

Form View

start wjwOrders2010 Novell GroupWis... Microsoft Access 1:27 PM

Microsoft Access

File Edit View Insert Format Records Tools Window Help

GenInputFrm_View : Form

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

Tax Account ID:	Deed Liber #:	Deed Folio #:	Miscellaneous Notes:
1.)	1.)	/	
2.)	2.)	/	
3.)	3.)	/	
Contract Purchaser:			
Attorney:			
Petition Reviewer:	Petition Reviewer 2:	Petition Filing Date:	
Day of Week:	Hearing Date:	Hearing Time:	Hearing Location:
	05/20/1953	11:00 AM	
Closing Date:	Commissioner Hearing Continued From:	Commissioner Hearing Rescheduled From:	Formal Request For Hearing:
Case Number:			
1953 2583 X			

Find Record Next Record Previous Record Preview ZAC Agenda Report Open MS Word Exit Access Scanned Image

Record: 2590 of 26110

Form View

start wjwOrders2010 Novell GroupWis... Microsoft Access 1:28 PM

Microsoft Access

File Edit View Insert Format Records Tools Window Help

GenInputFrm_View : Form

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

200 Foot Scale Map Reference:		Existing Use:	AMUSEMENT PAF	
		Proposed Use:		
		Existing Zoning Classification:	DR 5.5 (R-6)	North/South Coordinate:
1000 Foot Scale Map Reference:		Requested Zoning Classification:	DR 5.5 (R-6)	East/West Coordinate:
		Existing District:		Census Tract:
		Requested District:		

Commissioner Case Number: 1953 2583 X	Circuit Court Case Number:
Zon. Comm. or Dep. Zon. Comm? Zoning Commissioner	Circuit Court Filing Date:
Commissioner Order Date: 05/22/1953	Circuit Court Decision Date:
Commissioner Decision: Granted	Circuit Court Decision:

Record: of 26110

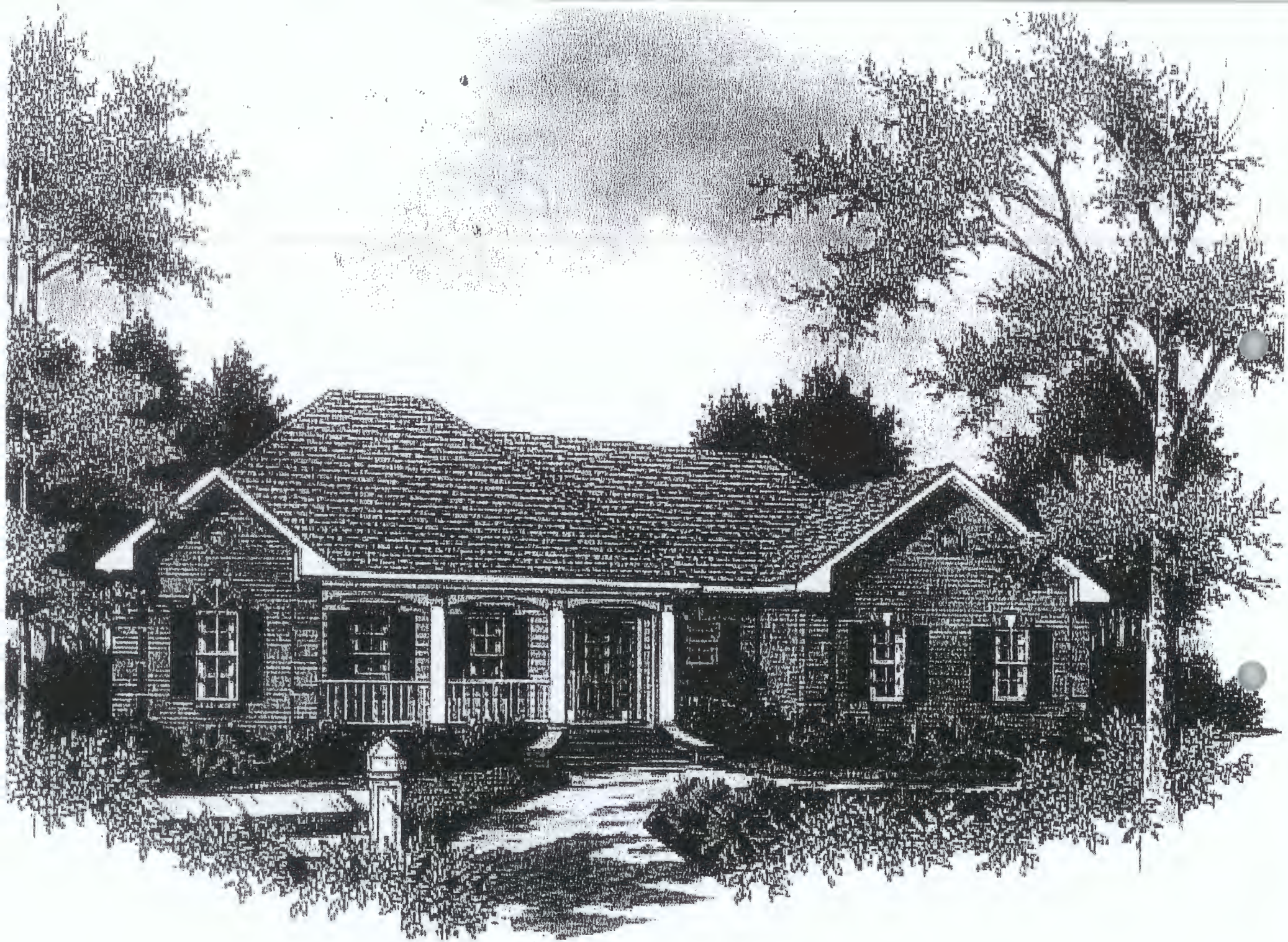
Form View

start wjwOrders2010 Novell GroupWis... Microsoft Access 1:28 PM

CASE NAME Banion H. Re.
CASE NUMBER 2010-0337-SPHA
DATE 8-27-10

[illegible]

Luane Hay - appeared reviewed
elevators / floor plans
and photographs of adjacent
homes - approved





[Click Here to Mirror Reverse Image](#)

COOLhouseplans.com Plan ID: chp-18112

Order Code: C101

Use this **COOL Printer-Friendly Page** to print a summary of information about this house plan.

You can **ORDER** this house plan now using our website or call **1-800-482-0464**. In Canada, call 1-800-361-7526.

Pull down the "File Menu" then click on the "Print" option or [Click Here To Print This Page](#).

Home Plan Specifications

Number of Bedrooms: 3
 Number of Bathrooms: 2.0
 Width of House: 64 feet
 Depth of House: 39 feet
 First Floor: 1639 sq. ft.
 Second Floor: 161 sq. ft.

Total Living Area: 1800 sq. ft.

Does not include Garage,
 Covered Porch, Deck, Patio,
 Storage square footage, Etc.

Garage Size: 2 Car

1st Floor Ceiling 9'0
 Height:

Foundation Type(s) Slab
available for this plan: Crawlspace
Basement

Style of House: Traditional

Exterior Finish: Brick

Exterior Wall Structure: 2x4 studs

Roof Framing: Stick

Window Type: Single Hung

Primary Roof Pitch: 8:12

Roof Peak: 22 feet
 from Front Door Floor Level

Roof Load: 30 p.s.f.

Pricing Information

1 Set of Blueprints: \$585.00

3 Sets of Blueprints: \$605.00

5 Sets of Blueprints: \$645.00

Reproducible Set: \$805.00

PDF File: \$805.00

CAD Files: \$1,305.00

Materials List: \$105.00

(Must order at least the
 minimum offered set of
 blueprints).

Readable Reverse: \$150.00
 extra per order

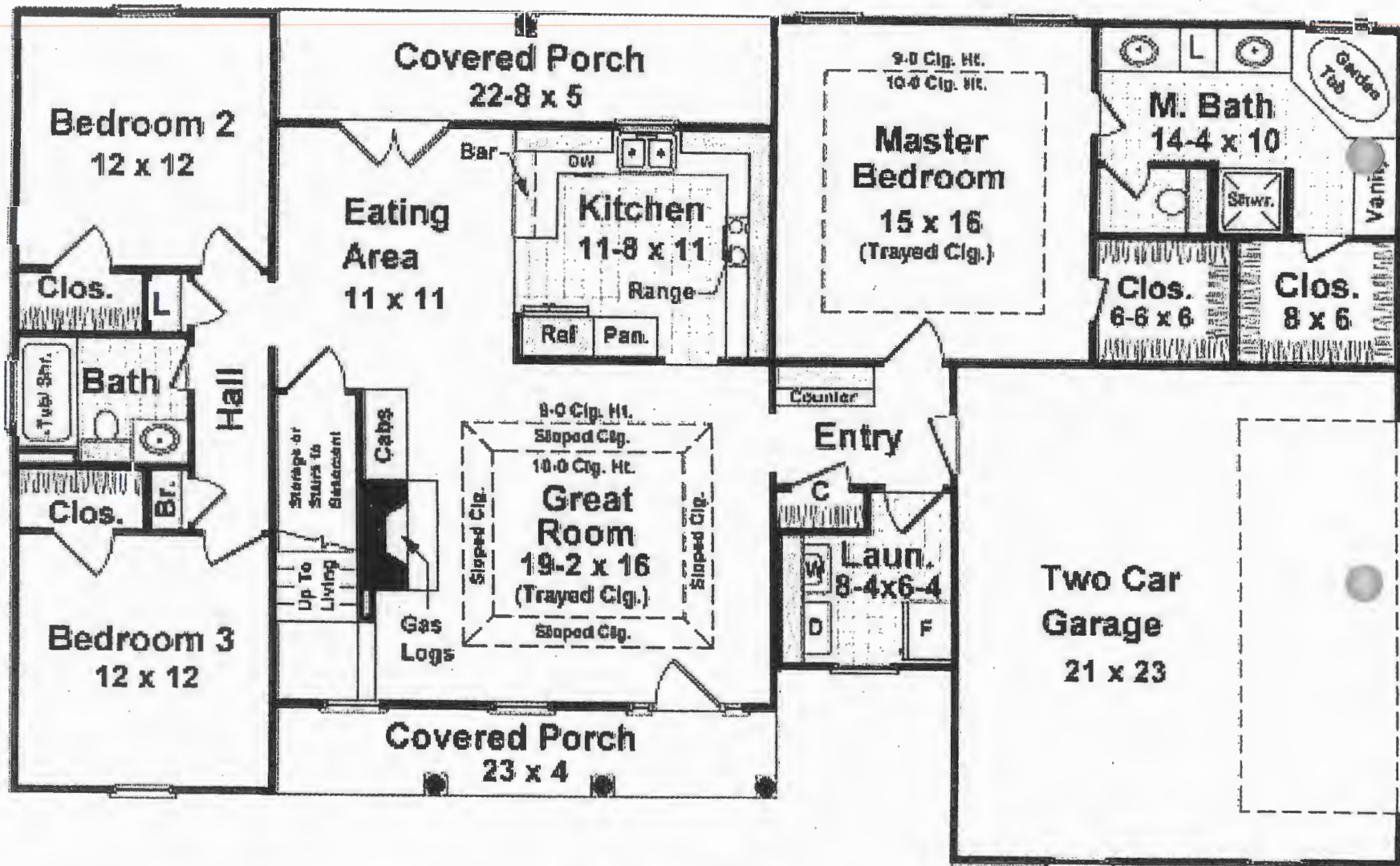
All sets will be Readable Reverse copies. Turn around time is
 usually 3 to 5 business days. Not Available for Review Sets.

Additional Sets: \$45.00

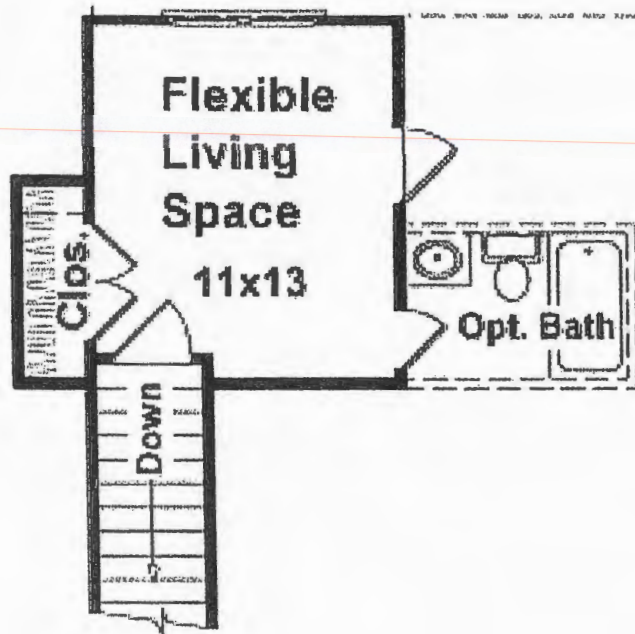
Specifications/Pricing for COOLhouseplans.com Plan ID: chp-18112, Order Code: C101

To Order call 1-800-482-0464

« [Back to Previous Page](#).



64'-0"



Case No.: 2010-0337-SPHA 2427-2429 BARRISON POINT RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	DEED - 8/18/72	
No. 3	Elevations and Floor Plan	
No. 4	2535 Barrison Pt. Photograph	
No. 5	2423 Barrison Pt Photograph	
No. 6	1953-2583-X Special Permit	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

THIS DEED, Made this 18th day of August, in the year one thousand nine hundred and Seventy-Two by Melvin F. Blanchard and Marjorie M. Blanchard, his wife of Baltimore County, State of Maryland, parties of the first part; Melvin F. Blanchard and Marjorie M. Blanchard, his wife, parties of the second part; and Joseph G. Blanchard, their son, party of the third part.

WITNESSETH, That in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged; the said Melvin F. Blanchard and Marjorie M. Blanchard, his wife, do hereby grant and convey unto Melvin F. Blanchard and Marjorie M. Blanchard, his wife, for and during the term of their natural lives, and the life of the survivor of them, and no longer, and from and after the death of the said Melvin F. Blanchard and Marjorie M. Blanchard, his wife, or the survivor of them, then, to Joseph G. Blanchard, their son, his heirs and assigns, in fee simple all that lot of ground and premises situate lying and being in Baltimore County, State of Maryland in the 15th Election District and described as follows:

BEGINNING for the same at a pipe now set on the southeast side of Barrison Point Road at the beginning of the last or south 70 degrees 21 minutes west 70.00 feet line of the parcel of land firstly described in a Deed from Melvin F. Blanchard and wife to Frank E. Spring and wife dated May 30, 1972 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5270, folio 720 and running thence from said place of beginning and binding reversely on the fifth, fourth, third and second lines of said deed, south 41 degrees 24 minutes east 58.78 feet; south 24 degrees 14 minutes west 12 feet; north 65 degrees 46 minutes west 27 feet and south 31 degrees 15 minutes west 20 feet to intersect the first line of a parcel of land described in a Deed from Michael F. Delea, Jr., Trustee to Melvin F. Blanchard and wife dated October 31, 1969 and recorded among the Land Records in Liber O.T.G. No. 5048, folio 159 and running thence on part of said first line, south 59 degrees 56 minutes east 147 feet to the beginning point of the second parcel of land described in the first hereinmentioned deed, Blanchard to Spring, and running thence binding reversely on the fifth, fourth and third lines of said second parcel, north 27 degrees 35 minutes east 35 feet; north 85 degrees 15 minutes east 35 feet and south 59 degrees 56 minutes east 136.10 feet to the waters of Hawk Cove and running thence binding on the second line of said deed, Delea, Trustee to Blanchard and binding on the waters of Hawk Cove, north 31 degrees 46 minutes east 60 feet thence leaving the waters of Hawk Cove and running for new line of division, parallel to and 60 feet distant from the second line of said second parcel, and continuing the same course north 59 degrees 56 minutes west 289 feet, more or less to the southeast side of Barrison Point Road and running thence binding on said southeast side of Barrison Point Road south 70 degrees 21 minutes west 80 feet, more or less to the place of beginning.

TOGETHER with the use of the 12 foot Right of Way and Subject to the

TRANSFER TAX NOT REQUIRED

5-15-72

Walter R. Richardson

Director of Finance

Per: *Melvin F. Blanchard*
Res. 6 Authorized Signature Dec 12 H

MELVIN F. BLANCHARD
ATTORNEY AT LAW
TOWSON, MD. 21204

PETITIONER'S

EXHIBIT NO.

2



PETITIONER'S
EXHIBIT NO. —

Paint

Tc
Does
Covered
Storage st,

1st Fl

Foundation
available for this

Style of Ho,
Exterior Finis
Exterior Wall Structure
Roof Framing:
Window Type: S,
Primary Roof Pitch: 8:1,
Roof Peak: 22 ft
from Front Door Floor Level
Roof Load: 30 p.s.f

Specifications/Pricing for COC
Tc



PETITIONER'S

EXHIBIT NO. 4

2535 Bannan St. KorpBanc

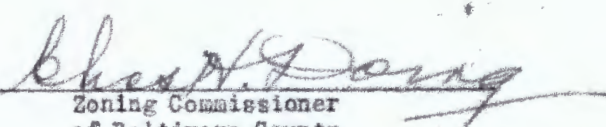


PETITIONER'S

EXHIBIT NO. 5
2423 Barron Pt.

583-5
E. E. Sid. Harrison Point Road, 5810 E.
Back River Neck Road, 15th Dist.

ORDERED by the Zoning Commissioner of Baltimore
County this 21st day of April, ¹⁹⁵³~~1954~~,
that the subject matter of this petition be advertised in
a newspaper of general circulation throughout Baltimore
County and that the property be posted, as required by the
Zoning Regulations and Act of Assembly aforesaid, and that
a public hearing thereon be had in the office of the Zoning
Commissioner of Baltimore County, Maryland, on the 20th
day of May, ¹⁹⁵³~~1954~~, at 11:00 o'clock
A.M.


Zoning Commissioner
of Baltimore County

Upon hearing on petition for a special permit to use the
property described therein for an Amusement Park and it appearing
that by reason of location, the safety, morals and general welfare
of the community not being affected and no traffic hazard being
created, the said petition should be granted, therefore:

It is this 22nd day of May, 1953, ORDERED by the
Zoning Commissioner of Baltimore County, that the aforesaid petition
for a special permit be and the same is hereby granted, provided,
however, that the area of land so to be used and the setbacks of any
buildings or structures to be erected thereon shall be subject to
approval of the Zoning Department.


Zoning Commissioner
of Baltimore County

SW

17-30-56

DATE 11-10-54

ROAD

MEG

POINTS 14.25

POINT 14.534

2.25 ACRES

SHORE LINE

HAIR

N 31° W 1/2 - 397.00

S 31° W

ROAD

17-30-56

COVE

N 31° W 1/2 - 397.00

2583-S

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF :

Petition of :

Hunter J. and
Mary Benner :

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

For a Special Permit

To The Zoning Commissioner of Baltimore County

(Hunter J. Benner) → Legal Owner S

Mary Benner Contract
Purchaser

hereby petition for a Special Permit, Under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now or be erected thereon) hereinafter described for _____

AMUSEMENT PARK

Southeast side of Barrison Point Road, 15th District of Baltimore County, beginning 5810 feet east of Back River Neck Road, thence easterly, on the southeast side of Barrison Point Road, 465.36 feet, thence South 59 degrees 30 minutes East 96 feet; thence South 31 degrees 46 minutes west 399.06 feet and thence North 59 degrees 56 minutes West 383.61 feet to beginning.

Contract Purchaser

Hunter J. Benner

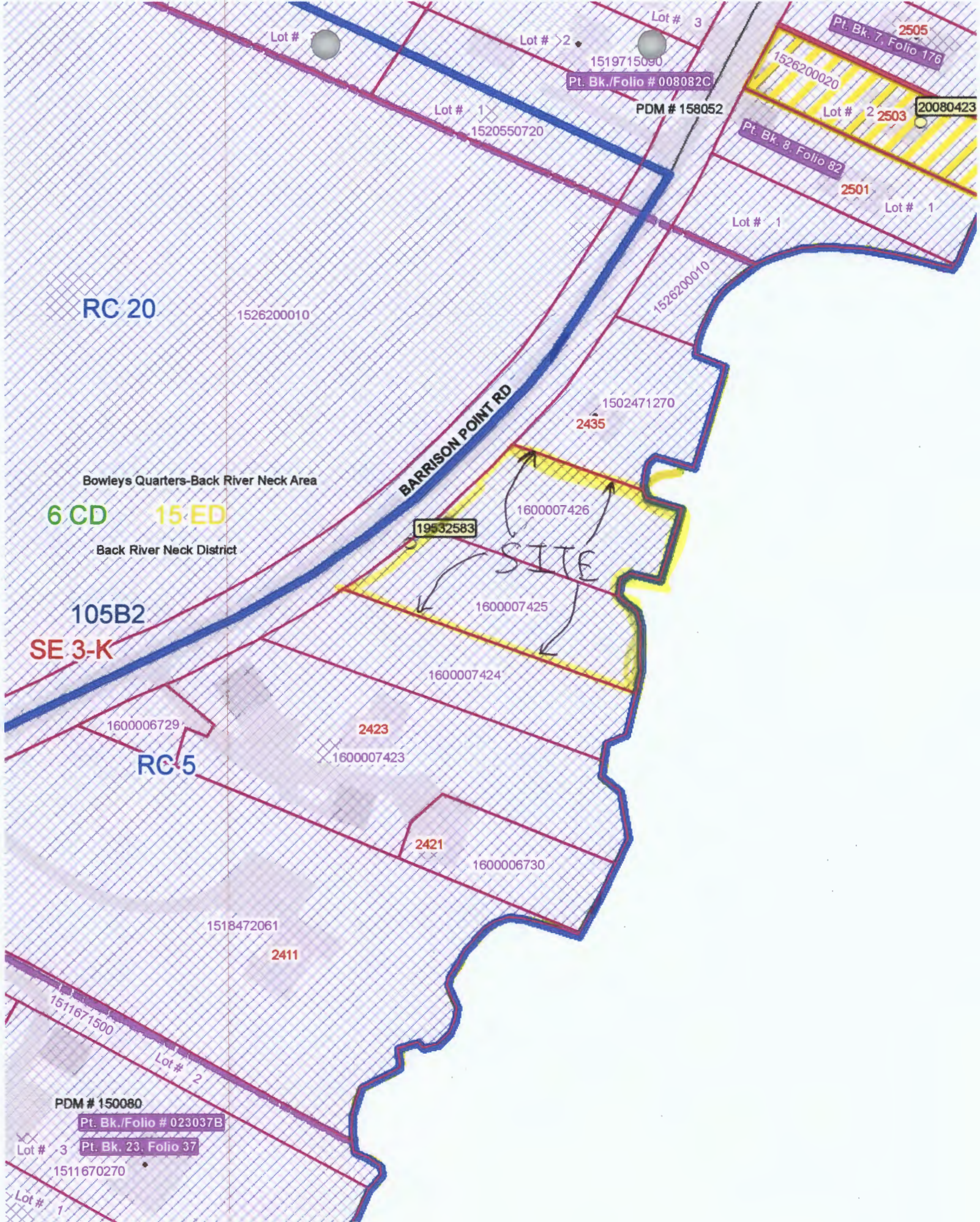
Mary Benner
Legal Owners

Address

Rt 13 Box 274 21
Address

PETITIONER'S

EXHIBIT NO. 6



RC 20

1526200010

Bowleys Quarters-Back River Neck Area

6 CD

15 ED

Back River Neck District

105B2

SE 3-K

RC 5

BARRISON POINT RD

19532583

SITE

1600007425

1600007424

2423

1600007423

2421

1600006730

1518472061

2411

PDM # 150080

Pt. Bk./Folio # 023037B

Pt. Bk. 23, Folio 37

1511670270

Lot # 3

Lot # 2

1519715090

Pt. Bk./Folio # 008082C

PDM # 158052

Lot # 1

1520550720

Pt. Bk. 7, Folio 176

2505

1526200020

Lot # 2

2503

20080423

Pt. Bk. 8, Folio 82

2501

Lot # 1

Lot # 1

1526200010

1502471270

2435

1600007426

1600006729

