

M E M O R A N D U M

DATE: May 14, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0224-SPHA- Appeal Period Expired

The appeal period for the above-referenced case expired on May 13, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(2507 Island View Road) *

15th Election District *

7th Council District *

Albert Kirchmayr, *Legal Owner* *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0224-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Albert Kirchmayr, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Sections 1A04.3.B.1.b.(1) and 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to allow an existing building/dwelling to remain on an RC 5 Lot of 9,250 sq. ft. in lieu of the 1.5 acre, with existing side yard setbacks of 4 ft., 3 in. & 15 ft., 7 in. and a rear yard setback of 41 ft. all in lieu of the required 50 ft. setback with a lot coverage of 20% in lieu of the permitted 15%. In the alternative, a Petition for Variance was filed pursuant to BCZR Sections 307, 1A04.3.B.2.b and 1A04.3.B.3 seeking the same relief. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Albert Kirchmayr and Craig Rogers appeared in support of the requests. Timothy M. Kotroco, Esq. represented Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from Department of Environmental Protection and Sustainability (“DEPS”), indicating Petitioner must comply with the critical area regulations.

ORDER RECEIVED FOR FILING

Date 4/12/19

By Sen

SPECIAL HEARING

The subject property (9,250 sq. ft. in size) is zoned RC-5 and improved with a 1,320 sq. ft. dwelling/garage structure. The RC-5 zone is unique in that the regulations contain a provision for approving via special hearing a lot that does not satisfy the zone's minimum lot size (i.e., 1.5 acres) or setbacks. In other zones these would be considered variance requests, and Petitioner has requested special hearing and variance relief as alternative theories. Since the special hearing does not require a showing of uniqueness and hardship (as is required under BCZR §307), I believe the special hearing request is appropriate in this scenario.

Most importantly, the 2-story structure (which functions as a garage with living quarters on the second floor) was constructed many years ago and the deficient setbacks and lot size are therefore pre-existing and lawfully nonconforming. Petitioner is not proposing at this time to construct any additional buildings or improvements, with the exception of replacing the roof on the existing structure. The subject property is shown as Lot 31 on the plat of Barrison Point, recorded in 1926. Pet. Ex. 3. The RC-5 zoning was applied to the property long after the lot was created, and thus I believe the petition should be granted.

THEREFORE, IT IS ORDERED this 12th day of **April, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 1A04.3.B.1.b.(1) of the BCZR to allow an existing building/dwelling to remain on an RC-5 Lot of 9,250 sq. ft. in lieu of the 1.5 acres, with existing side yard setbacks of 4 ft., 3 in. & 15 ft., 7 in. and a rear yard setback of 41 ft., all in lieu of the required 50 ft. setback with a lot coverage of 20% in lieu of the permitted 15%, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is

ORDER RECEIVED FOR FILING

2

Date

4/12/19

By

Sen

at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

2. Prior to issuance of permits Petitioner must comply with critical area regulations.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 4/12/19

3 By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2507 Island View Road which is presently zoned RC5
Deed References: 39056/082 10 Digit Tax Account # 25000-14867
Property Owner(s) Printed Name(s) Albert Kirchmayr

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

~~SEE ATTACHED~~

3. X a **Variance** from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Timothy M. Kotroco

Name- Type or Print

Signature

305 Washington Avenue, Suite 502, Towson, Maryland

Mailing Address City State

21204 / 410-299-2943 / TKotroco@gmail.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Albert Kirchmayr

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

2512 Barrison Point Road Essex MD

Mailing Address City State

21221 / 410-561-7705
Zip Code Telephone # Email Address

Representative to be contacted:

Same As Attorney for Petitioner

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2019-0224-SPHA Filing Date 1/29/19 Do Not Schedule Dates: Reviewer JNP

ATTACHMENT TO SPECIAL HEARING or VARIANCE PETITION

The Petitioner, requests the following zoning relief:

SPECIAL HEARING RELIEF, pursuant to section 1A04.3.B.1.b.(1) of the BCZR or **VARIANCE RELIEF** from section 307 and 1A04.3.B.2.b & 1A04.3.B.3 to allow an existing building/dwelling to remain on an RC5 lot of 9,250 sq. ft. in lieu of the 1.5 acre, with existing side yard setbacks of 4ft. 3in. & 15ft. 7in. and a rear yard setback of 41ft. all in lieu of the required 50' setback with a lot coverage of 20% in lieu of the permitted 15%.

AND For such other and further relief as the nature of this cause may require.

ZONING PROPERTY DESCRIPTION FOR: 2507 ISLAND VIEW ROAD

Beginning at a point on the south side of Island View Road which is forty feet wide at a distance of 765 feet southwest of the centerline and end of Barrison Point Road which is forty feet wide, Being Lot 31, Block C, Section C in the subdivision of Barrison Point as recorded in Baltimore County Plat Book #8, Folio 82, containing 0.212 acres, more or less or 9250 square feet. Located in the 15th Election District and 7th Council District.

TI Daily Record

11 East Saratoga Street
 Baltimore, MD 21202-2199
 (443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11713825
 Case #: 2019-0224-SPHA
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
 2019-0224-SPHA

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/22/2019



Darlene Miller, Public Notice Coordinator
 (Representative Signature)

Baltimore County**NOTICE OF ZONING HEARING**

The Administrative Law Judge 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: 2019-0224-SPHA

2507 Island View Road
 SE/s Island View Road, s/west of Barrison Point Road
 15th Election District - 7th Councilmanic District

Legal Owners: Albert Kirchmayr

Special Hearing relief pursuant to Section 1A04.3.B.1.b(1) of the BCZR or Variance relief to allow existing building/dwelling to remain on an RC 5 lot of 9250 sq. ft. in lieu of the 1.5 acre with existing side yard setbacks of 4 ft. 3 in. & 15 ft. 7 in. and a rear yard setback of 41 ft. all in lieu of the required 50 ft. setback with a lot coverage of 20% in lieu of the permitted 16%.

Hearing: Thursday, April 11, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

mnh22

JB 4-11-19
10 AM

Debra Wiley

From: David Billingsley <dwb0209@yahoo.com>
Sent: Saturday, April 6, 2019 10:59 AM
To: Administrative Hearings
Cc: Timothy M. Kotroco
Subject: 2507 ISLAND VIEW ROAD CASE NO. 2019-0224-SPHA
Attachments: Scan1910.pdf

POSTING RECERTIFICATIONS ATTACHED
THANKS

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL

CERTIFICATE OF POSTING

RECEIPT 4/6/19
Date: MARCH 22, 2019

RE: Project Name: 2507 ISLAND VIEW ROAD #1
Case Number /PAI Number: CASE NO. 2019-0224-SPHA
Petitioner/Developer: ALBERT KIRCHMAYR
Date of Hearing/Closing: APRIL 11, 2019

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 2507 ISLAND VIEW ROAD

The sign(s) were posted on
Apr 6, 2019 8:55:23 AM

RECEIPT 4/6/19
MARCH 22, 2019
(Month, Day, Year)

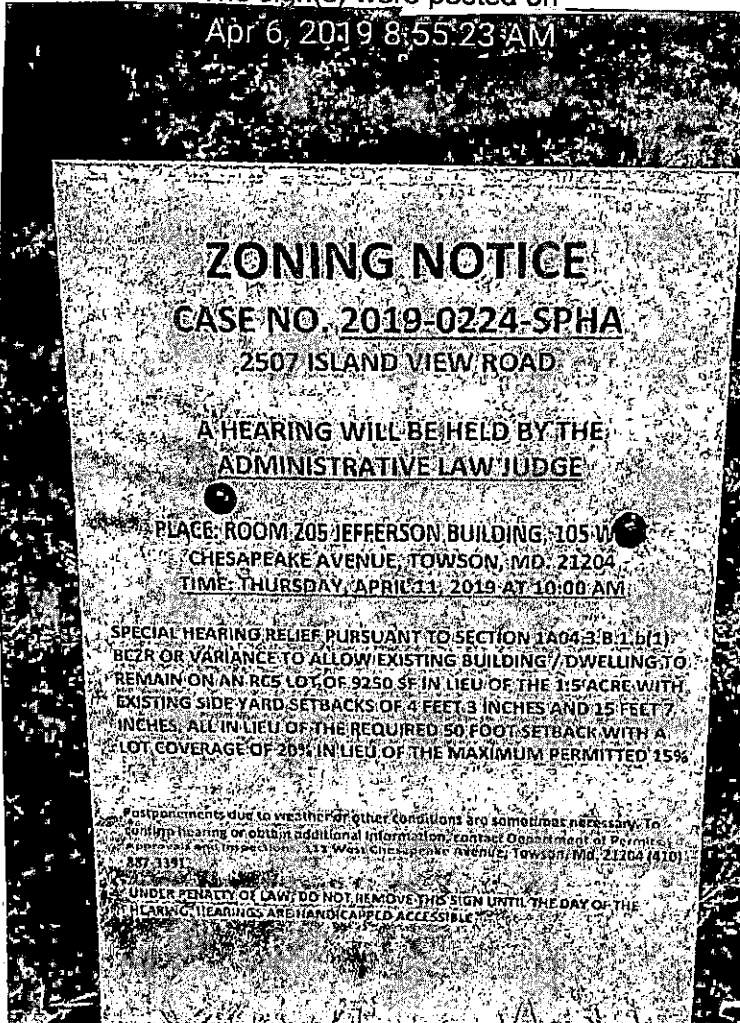
David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



CERTIFICATE OF POSTING

RECERTIFY 4/6/19
Date: MARCH 22, 2019

RE: Project Name: 2507 ISLAND VIEW ROAD #2
Case Number /PAI Number: CASE NO. 2019-0224-SPHA
Petitioner/Developer: ALBERT KIRCHMAYR
Date of Hearing/Closing: APRIL 11, 2019

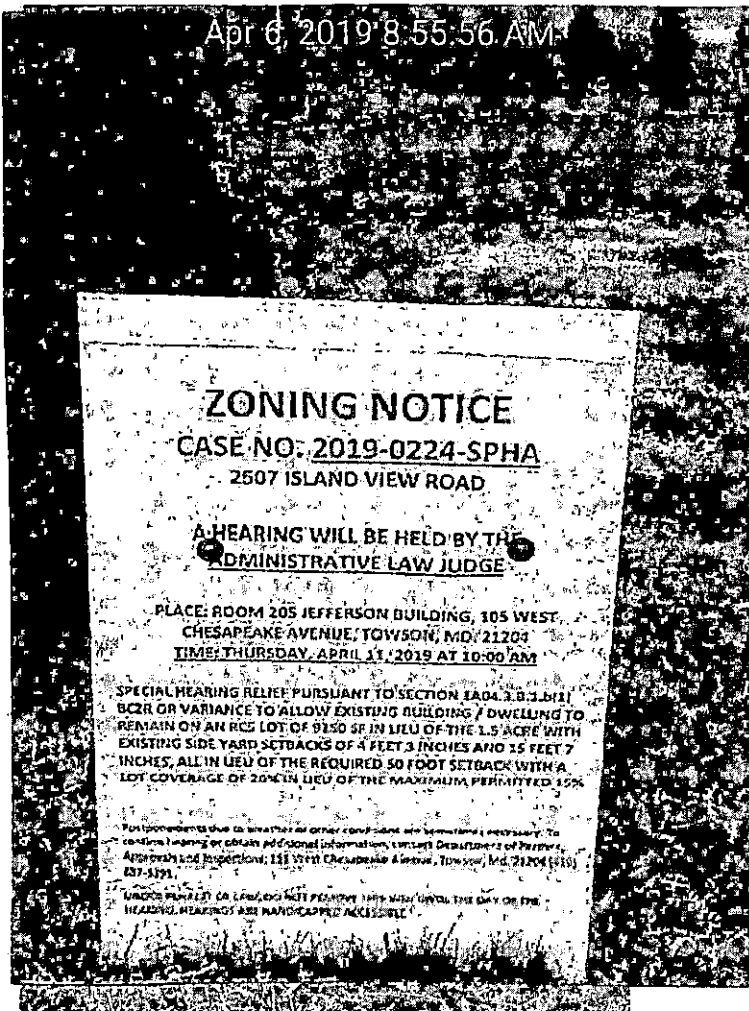
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2507 ISLAND VIEW ROAD

The sign(s) were posted on

RECERTIFY 4/6/19
MARCH 22, 2019

(Month, Day, Year)

Apr 6, 2019 8:55:56 AM



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

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Case Number /PAI Number: CASE NO. 2019-0224-SPHA
Petitioner/Developer: ALBERT KIRCHMAYR
Date of Hearing/Closing: APRIL 11, 2019

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 2507 ISLAND VIEW ROAD

The sign(s) were posted on MARCH 22, 2019
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE NO. 2019-0224-SPHA
2507 ISLAND VIEW ROAD

**A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE**

**PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: THURSDAY, APRIL 11, 2019 AT 10:00 AM**

**SPECIAL HEARING RELIEF PURSUANT TO SECTION 1A04.3.B.1.b(1)
BCZR OR VARIANCE TO ALLOW EXISTING BUILDING / DWELLING TO
REMAIN ON AN RCS LOT OF 9250 SF IN LIEU OF THE 1.5 ACRE WITH
EXISTING SIDE YARD SETBACKS OF 4 FEET 3 INCHES AND 15 FEET 7
INCHES, ALL IN LIEU OF THE REQUIRED 50 FOOT SETBACK WITH A
LOT COVERAGE OF 20% IN LIEU OF THE MAXIMUM PERMITTED 15%**

Postponements due to weather or other conditions are sometimes necessary. To
confirm hearing or obtain additional information, contact Department of Permits,
Approvals and Inspections, 111 West Chesapeake Avenue, Towson, Md. 21204 (410)
887-3104.

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE
HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE

Filed, March 22, 2019
11:29 AM

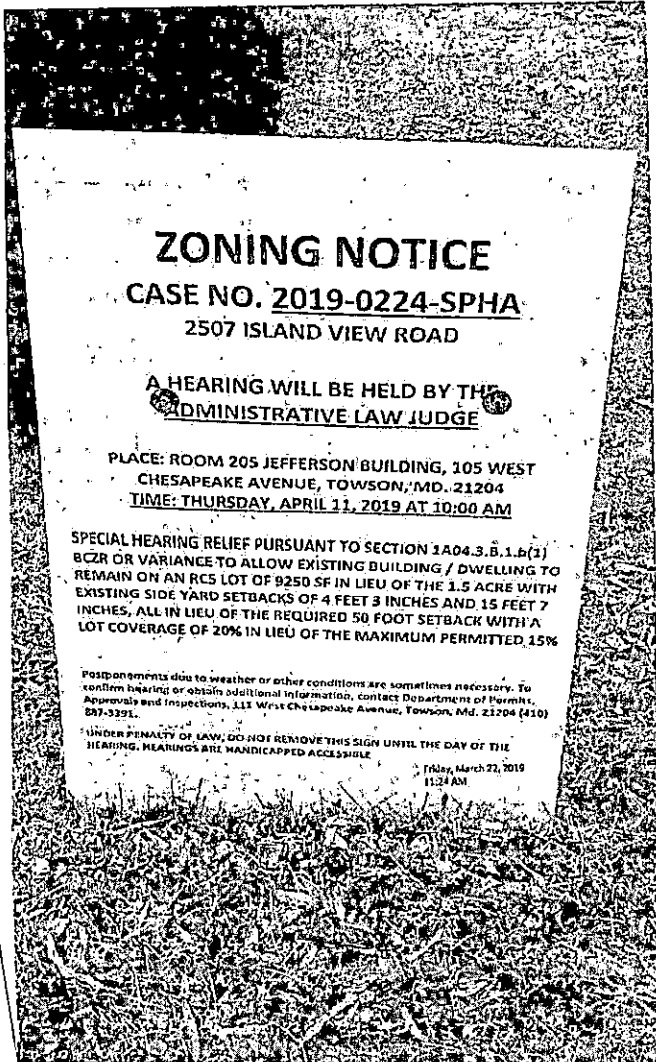
CERTIFICATE OF POSTING

Date: MARCH 22, 2019

RE: Project Name: 2507 ISLAND VIEW ROAD #2
Case Number /PAI Number: CASE NO. 2019-0224-SPHA
Petitioner/Developer: ALBERT KIRCHMAYR
Date of Hearing/Closing: APRIL 11, 2019

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 2507 ISLAND VIEW ROAD

The sign(s) were posted on MARCH 22, 2019
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE * OF ADMINISTRATIVE
2507 Island View Road; SE/S Island View *
Road, 765' SW of Barrison Point Road * HEARINGS FOR
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Albert Kirchmayr * BALTIMORE COUNTY
Petitioner(s) *
* 2019-224-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

FEB 14 2019

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 14th day of February, 2019, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

March 7, 2019

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0224-SPHA

2507 Island View Road
SE/s Island View Road, s/west of Barrison Point Road
15th Election District – 7th Councilmanic District
Legal Owners: Albert Kirchmayr

Special Hearing relief pursuant to Section 1A04.3.B.1.b(1) of the BCZR or Variance relief to allow existing building/dwelling to remain on an RC 5 lot of 9250 sq. ft. in lieu of the 1.5 acre with existing side yard setbacks of 4 ft. 3 in. & 15 ft. 7 in. and a rear yard setback of 41 ft. all in lieu of the required 50 ft. setback with a lot coverage of 20 % in lieu of the permitted 15%.

Hearing: Thursday, April 11, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Mike Mohler", is written over the printed name and title.

Mike Mohler
Director

MM:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Albert Kirchmayr, 2512 Barrison Point Road, Essex 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 23, 2019.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Friday, March 22, 2019 - Issue

Please forward billing to:

Timothy Kotroco
Kotroco & Associates, LLC
305 Washington Avenue, Ste. 502
Towson, MD 21204

410-299-2943

NOTICE OF ZONING HEARING

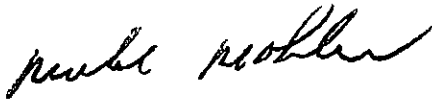
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Legal Owners: Albert Kirchmayr

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Hearing: Thursday, April 11, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mohler
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2019-0224-SPHA
Property Address: 2507 Island View Road
Property Description: SE/S of Island View Road, 765' SW of
Barrison Point Rd.
Legal Owners (Petitioners): Albert Kirchmeyer
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy M. Kotroco
Company/Firm (if applicable): Kotroco & Associates, LLC
Address: 305 Washington Ave Ste 502
Towson, MD 21204
Telephone Number: 410 299 2943

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

No. **178456**

Date: **1/29/2019**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 1/30/2017 1/29/2017 11:52:15 2

REG MORE WALKIN JEE
 >>RECEIPT # 081277 1/29/2019 OF/H

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.00

Dept 5 528 ZONING VERIFICATION

178456
 Amount Tot. \$ 150.00
 150.00 CK .00 CA
 Baltimore County, Maryland

Total: **150.00**

Rec

From:

Timothy M. Hetroco

For:

SPHA - 2507 Island View Road
2019-0224-SPHA (KIRCHMAYR)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

April 3, 2019

Timothy M. Kotroco
305 Washington Avenue Suite 502
Towson MD 21204

RE: Case Number: 2019-0224-SPHA, 2507 Island View Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 29, 2019. 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

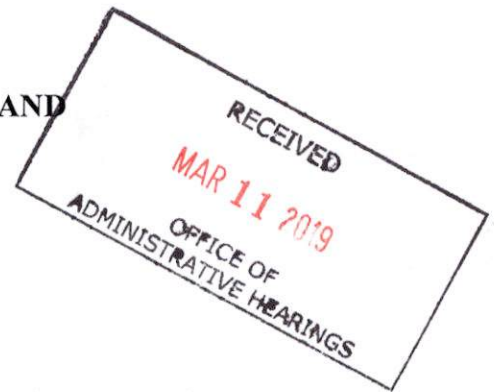
WCR/kl

Enclosures

c: People's Counsel
Albert Kirchmayr 2512 Barrison Point Road Essex MD 21221

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 11, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0224-SPHA *revised*
Address 2507 Island View Road
(Kirchmayr Property)

Zoning Advisory Committee Meeting of February 25, 2019.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. 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;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. Based on the plan, the property area above mean high water is less than half an acre so the maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. If the applicant can meet these requirements, and meet any mitigation requirements for lot coverage, the use of this residential property with the relief requested can result in minimal adverse impacts to water quality. Critical Area Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, wildlife, and plant habitat; and

The property is not waterfront and there are no habitat protection areas on site. The development must meet Critical Area lot coverage, forest/tree requirements,

and any mitigation requirements. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay watershed can be conserved if all Critical Area requirements are met.

3. 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.

The residential use of this property with the relief requested can be consistent with this goal if the development can comply with all Critical Area requirements.

Reviewer: Paul Dennis

BALTIMORE COUNTY, MARYLAND

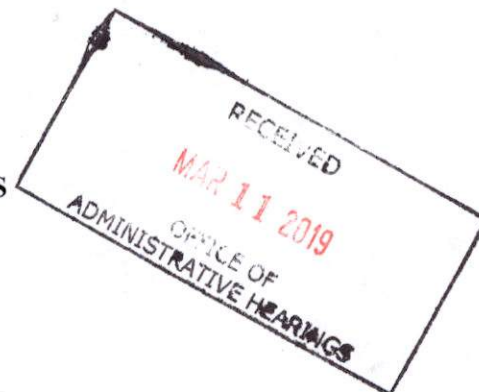
INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

DATE: 3/6/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-224



INFORMATION:

Property Address: 2507 Island View Road
Petitioner: Albert Kirchmayr
Zoning: RC 5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for variance to allow an existing building/dwelling to remain on an RC 5 lot of 9,250 square feet in lieu of the 1.5 acre, with existing side yard setbacks of 4' 3" and 15' 7" and a rear yard setback of 4' in lieu of the required 50' setback.

The Department of Planning has also reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve that no merger or density/area issues are created for Lot 31 and adjoining Lot 7 to the rear.

A site visit was conducted on February 15, 2019.

The Department has no objection to granting the petitioned zoning relief.

Please be advised this site is subject to the RC 5 performance standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at time of building permit application.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:

Jessie Bialek

Division Chief:

Jenifer G. Nugent

JM/JGN/JAB/

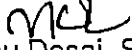
c: Krystle Patchak
Timothy M. Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: Feb 25, 2019

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 18, 2019
Item No. 2019-0218-SPH, 0220-A, 0221-A, 0222-SPHA, 0223-SPH, 0224-
SPHA

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

*

*

*

*

*

VKD: cen
cc: file

DATE _____

2019-224-SPHA

PETITIONER'S SIGN-IN SHEET

4-11-2019

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NO. 2019-

0224-SPHA

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

2/25

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

NO Comment

3/11

DEPS
(if not received, date e-mail sent _____)

Comment

3/16

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)NO
Objection

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 3/22/19

SIGN POSTING (1st) Date: 3/22/19

by Billingsley

SIGN POSTING (2nd) Date: 4/6/19

by Billingsley

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

1. 1000000

2. 1000000

3. 1000000

1000000

1000000

1000000

1. 1000000

2. 1000000

1000000

1000000

1000000

1000000

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Account Identifier:		District - 15 Account Number - 2500014867							
Owner Information									
Owner Name:		KIRCHMAYR ALBERT				Use:		RESIDENTIAL	
Mailing Address:		2509 BARRISON POINT RD BALTIMORE MD 21221-				Principal Residence:		NO	
						Deed Reference:		/39056/ 00082	
Location & Structure Information									
Premises Address:		ISLAND VIEW RD				Legal Description:		LT 31 SS ISLAND VIEW RD BARRISON POINT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0105	9	0080		0000	C	C	31	2018	
									Plat Ref: 0008/0082
Special Tax Areas:				Town:			NONE		
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						10,175 SF		04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
					1 Detached				
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2018		07/01/2018		07/01/2019	
Land:		77,700		77,700					
Improvements		27,200		27,200					
Total:		104,900		104,900		104,900		104,900	
Preferential Land:		0						0	
Transfer Information									
Seller: SEVIER JUSTIN R				Date: 06/09/2017			Price: \$223,500		
Type: NON-ARMS LENGTH OTHER				Deed1: /39056/ 00082			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application**Date:**

Case No.:

2019-224-SPHA

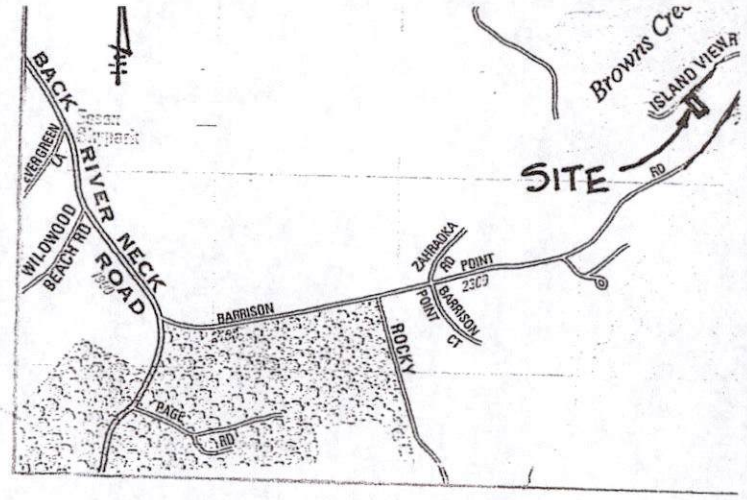
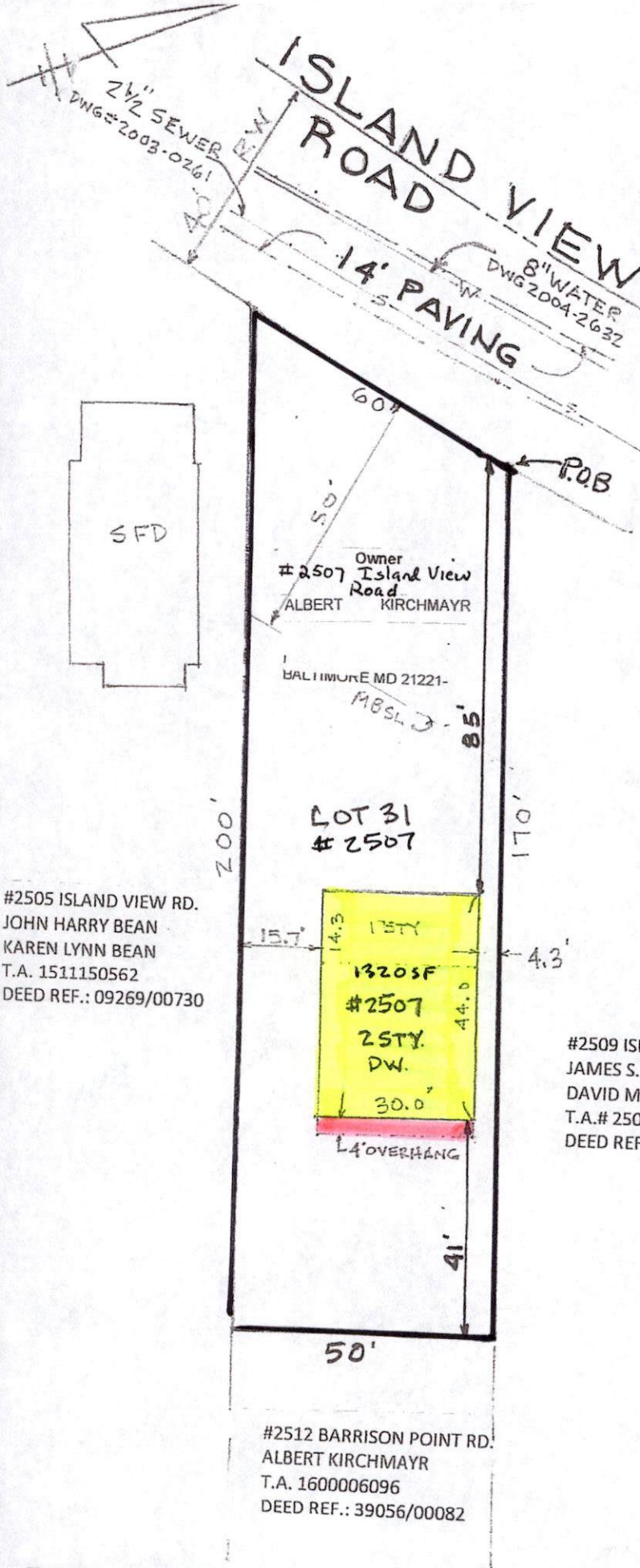
Exhibit Sheet

Petitioner/Developer

Protestant

slu
4-12-19

No. 1	Plan	
No. 2	Plan Photos	
No. 3	Plat - Barrison Point	
No. 4	"My Neighborhood" aerial exhibit	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES:
 ZONING MAP# 105B2
 SITE ZONED RC5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 7
 LOT AREA ACREAGE 0.212 ±
 OR SQUARE FEET 9250
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? NO
 UTILITIES?
 WATER IS:
 PUBLIC ☒ PRIVATE ☐
 SEWER IS:
 PUBLIC ☒ PRIVATE ☐
 PRIOR HEARING? NO
 LOT COVERAGE = 14.3%

#2505 ISLAND VIEW RD.
 JOHN HARRY BEAN
 KAREN LYNN BEAN
 T.A. 1511150562
 DEED REF.: 09269/00730

#2509 ISLAND VIEW RD.
 JAMES S. BROWN
 DAVID M. DONOVAN
 T.A.# 2500001625
 DEED REF.: 00000/00000

#2512 BARRISON POINT RD.
 ALBERT KIRCHMAYR
 T.A. 1600006096
 DEED REF.: 39056/00082

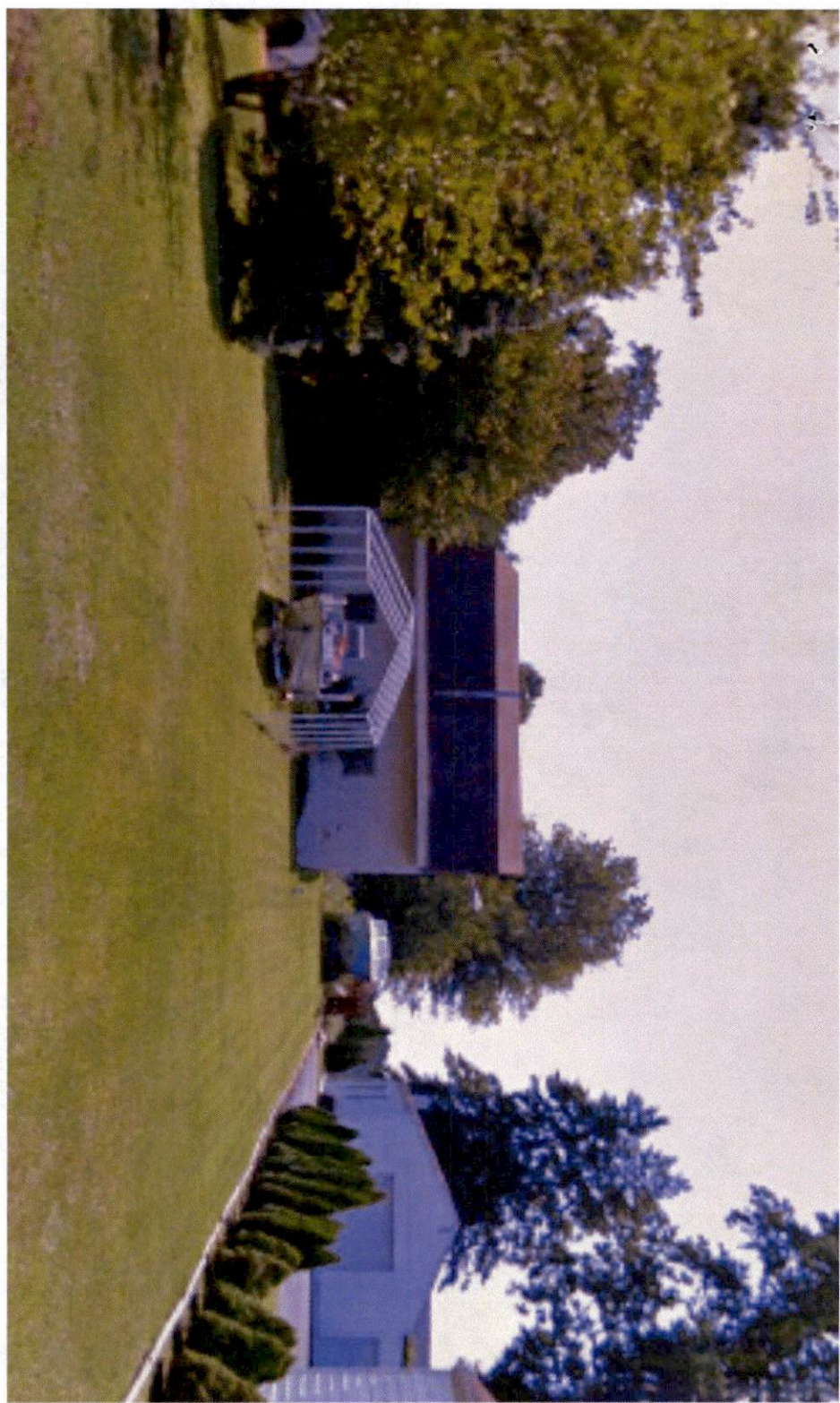
ZONING PLAN TO
 ACCOMPANY VARIANCE
 REQUEST FOR
 2507 ISLAND VIEW ROAD
 BALTIMORE COUNTY, MD
 LOT 31, BLOCK C, SECTION C
 "BARRISON POINT" (P.B. 8/82)
 TAX ACCT NO. 2500001624
 TAX MAP 105, PARCEL 80

SCALE: 1"=30' DATE: 10/1/18

CRAIG CONSULTING, LLC
 7024 GREENBANK RD.
 BALTIMORE, MD 21220

PET #1





2509 Island View Rd

Essex, Maryland



Google



Street View - Jul 2016



Google

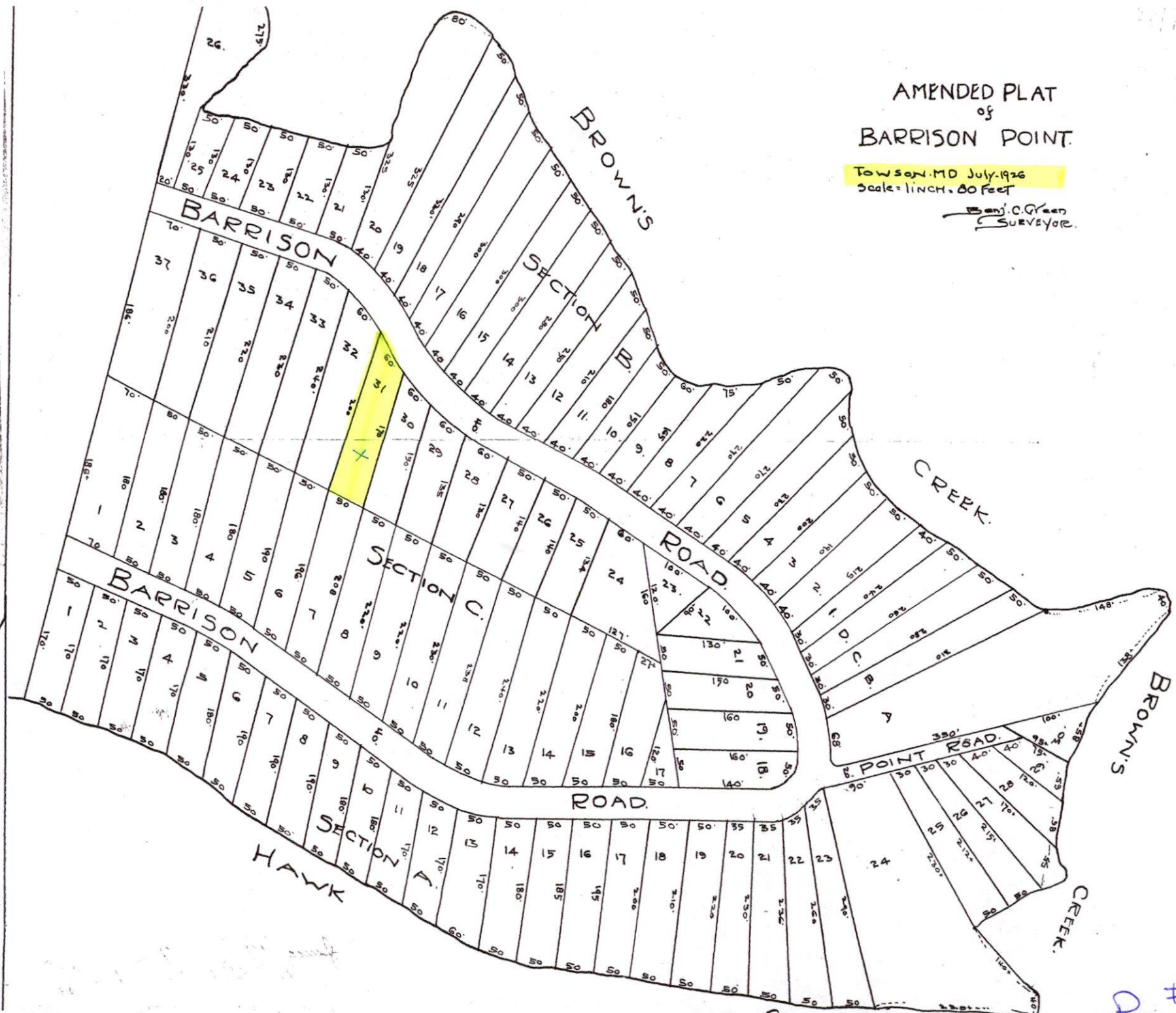


PET #2

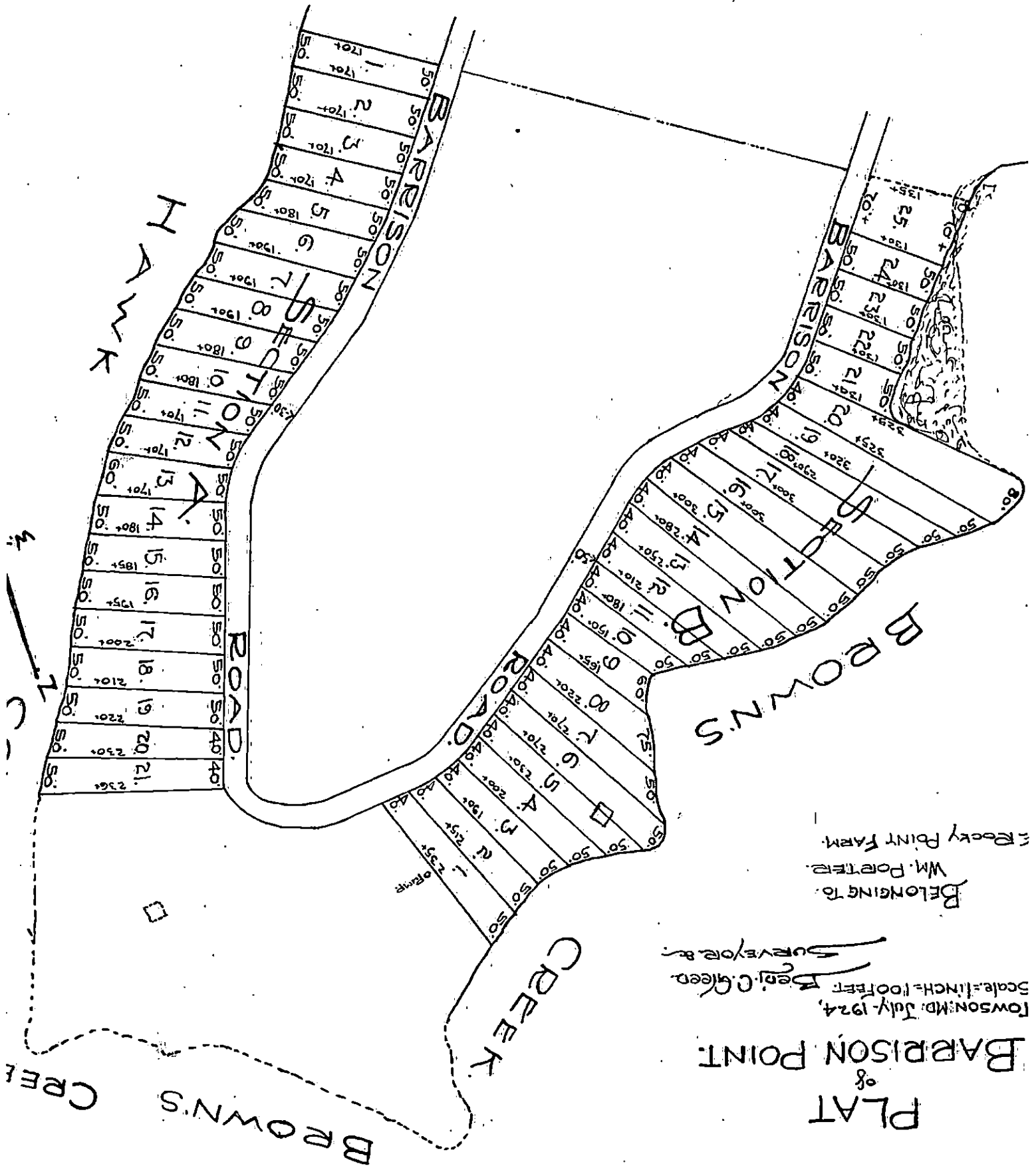
AMENDED PLAT
of
BARRISON POINT.

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

Benj. C. Green
SURVEYOR.



P. # 3
PET. 3



PLAT
of
BARRISON POINT.
TOWSON MD. July 1924.
Scale = 1 inch = 100 feet
J. C. Greer
Surveyor &c.
Belonging to
Wm. Porters.
Rocky Point Farm.

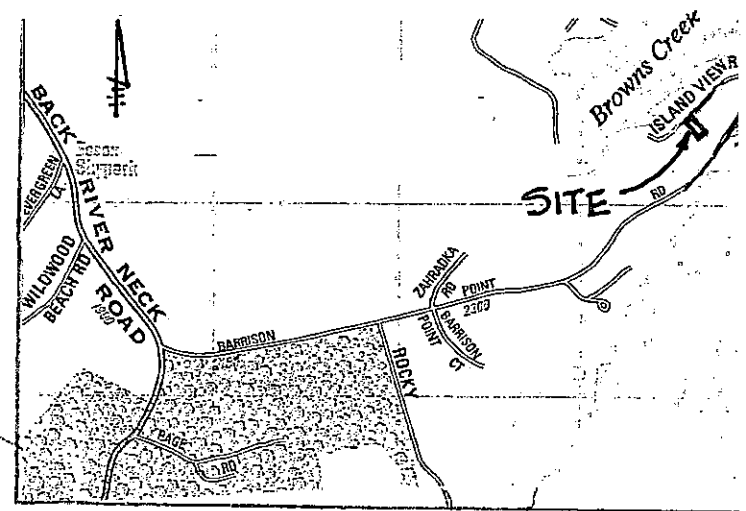
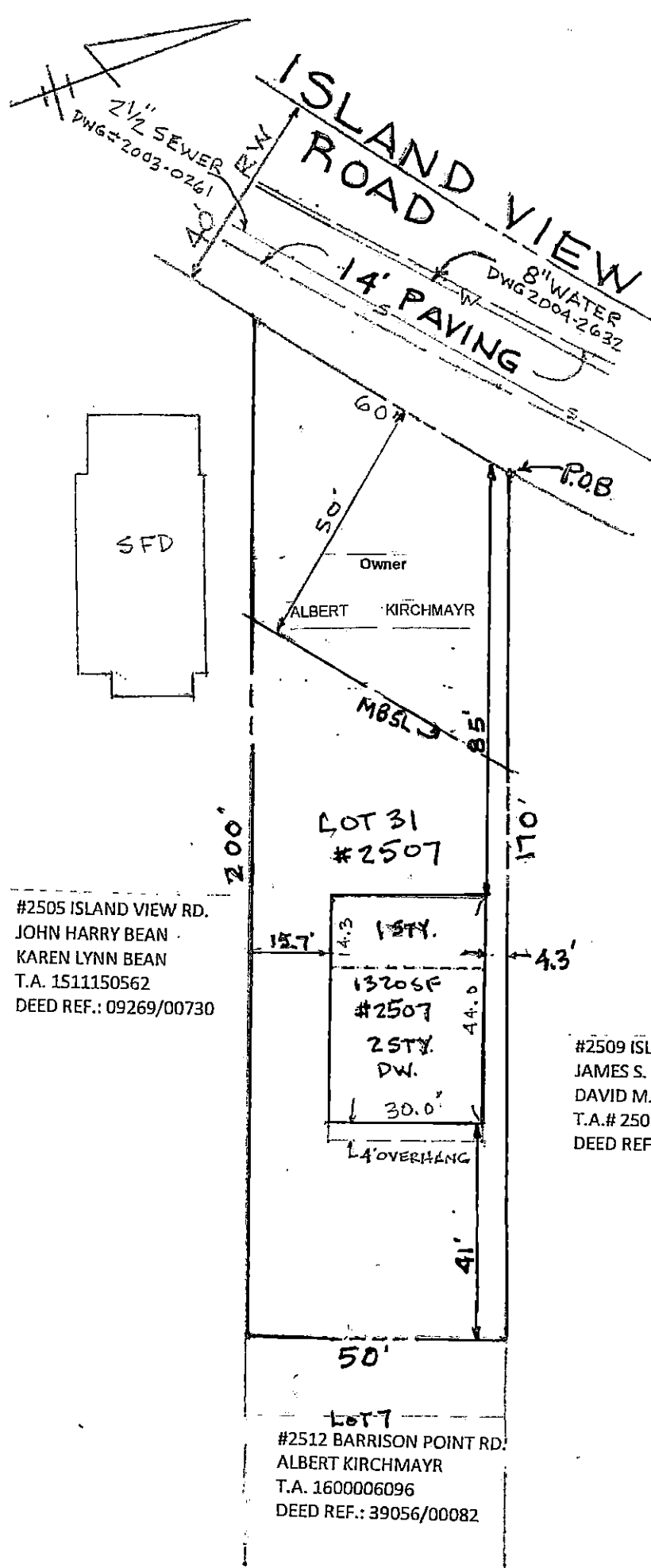


Baltimore County - My Neighborhood



-76.398 39.267 Degrees

PET. #4



VICINITY MAP
SCALE: 1" = 2000'

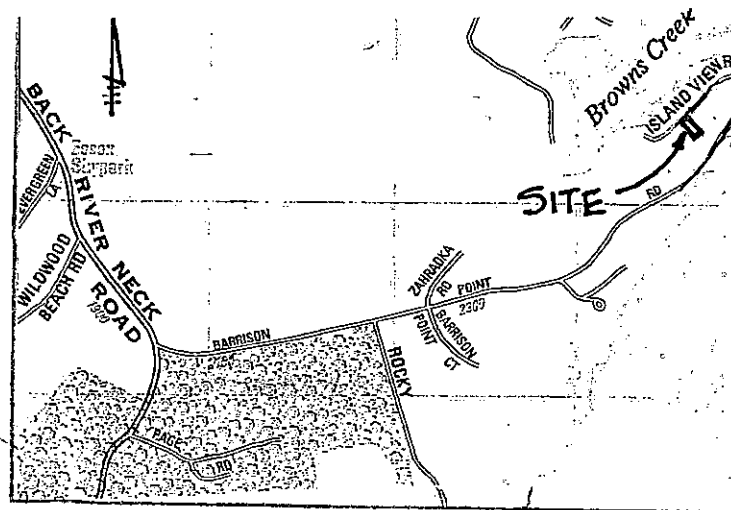
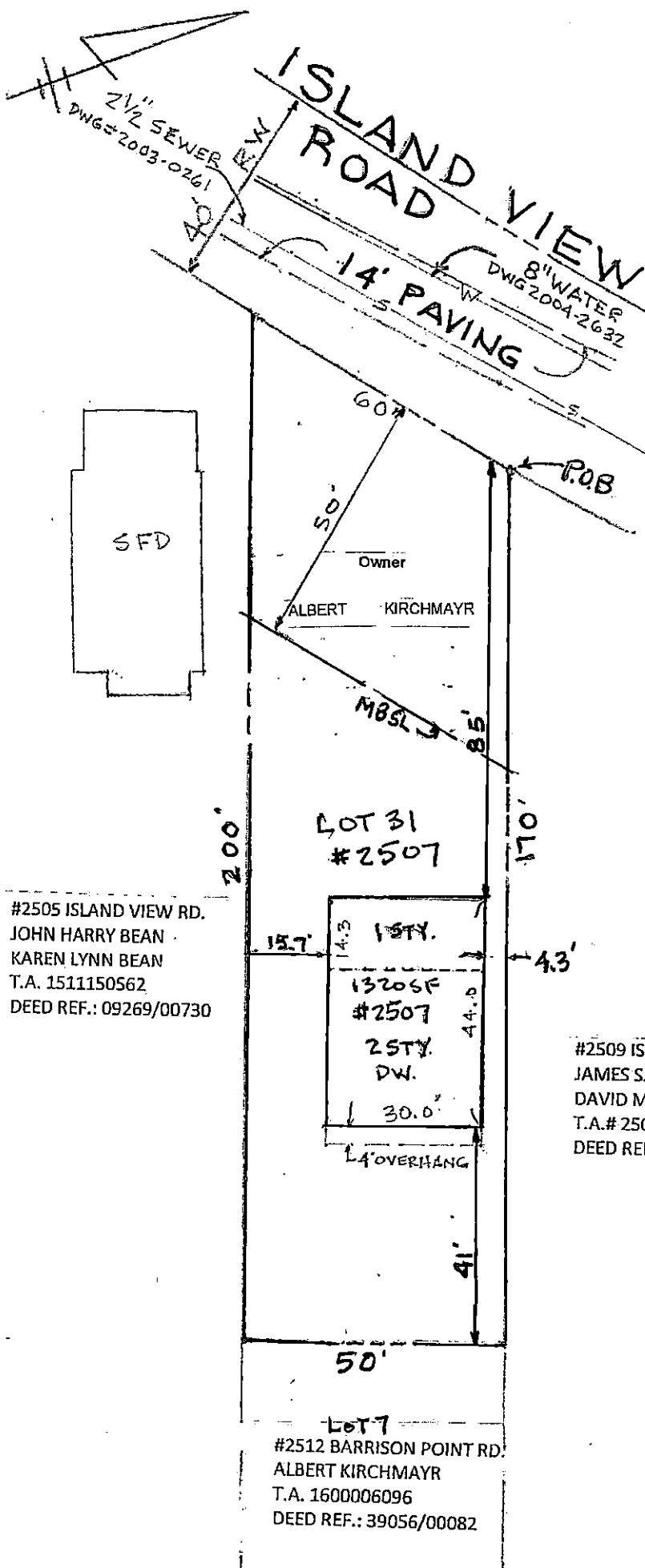
GENERAL NOTES:
 ZONING MAP# 105B2
 SITE ZONED RC5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 7
 LOT AREA ACREAGE 0.2336
 OR SQUARE FEET 10,175
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? NO
 UTILITIES?
 WATER IS:
 PUBLIC ☒ PRIVATE ☐
 SEWER IS:
 PUBLIC ☒ PRIVATE ☐
 PRIOR HEARING? NO

#2505 ISLAND VIEW RD.
 JOHN HARRY BEAN
 KAREN LYNN BEAN
 T.A. 1511150562
 DEED REF.: 09269/00730

#2509 ISLAND VIEW RD.
 JAMES S. BROWN
 DAVID M. DONOVAN
 T.A.# 2500001625
 DEED REF.: 00000/00000

Lot 7
 #2512 BARRISON POINT RD.
 ALBERT KIRCHMAYR
 T.A. 1600006096
 DEED REF.: 39056/00082

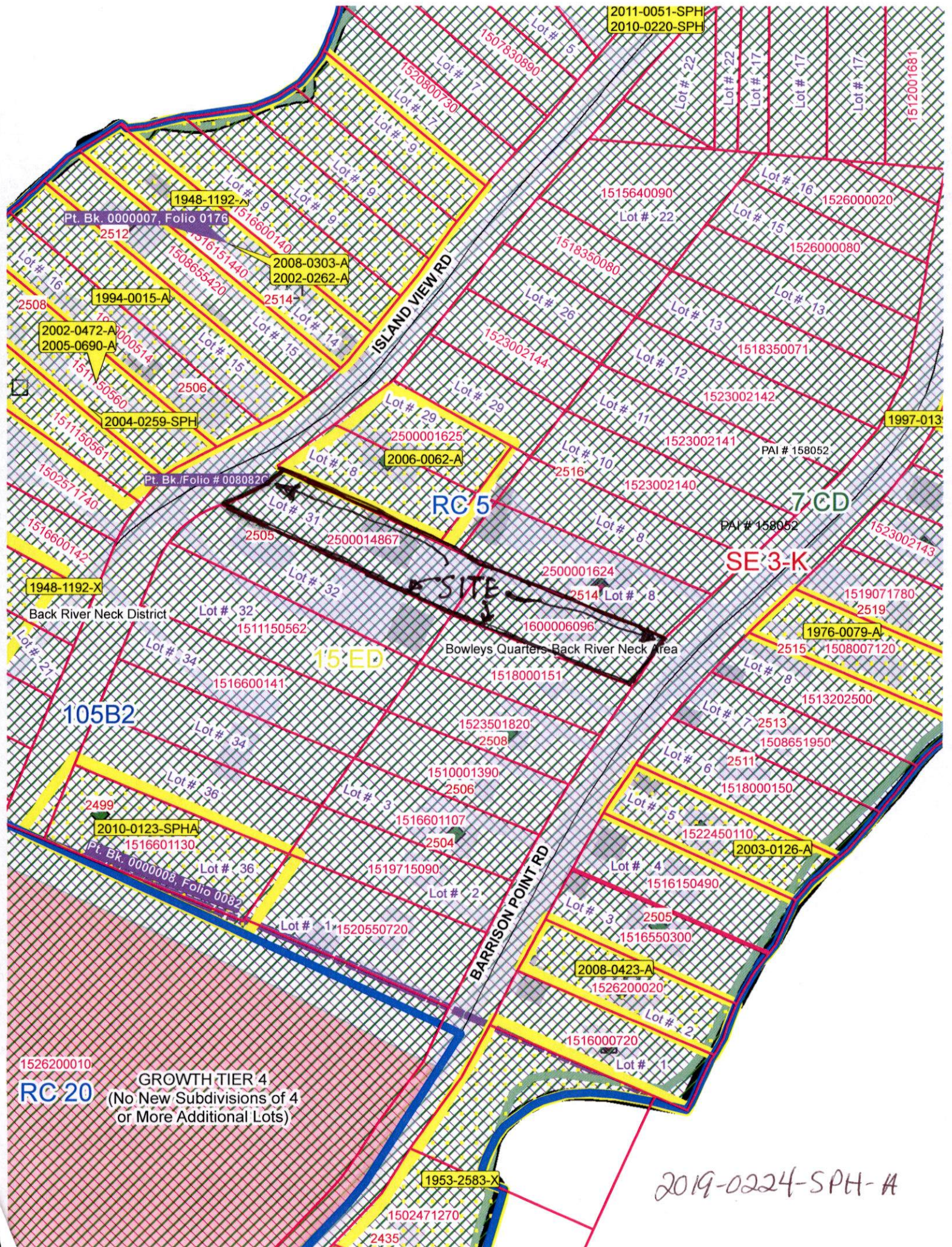
ZONING PLAN TO
 ACCOMPANY VARIANCE
 REQUEST/SPECIAL HEARING FOR:
 2507 ISLAND VIEW ROAD
 BALTIMORE COUNTY, MD
 LOT 31, BLOCK C, SECTION C
 "BARRISON POINT" (P.B. 8/82)
 TAX ACCT NO. 2500014867
 TAX MAP 105, PARCEL 80
 SCALE: 1"=30' DATE: 10/1/18



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES:
 ZONING MAP# 105B2
 SITE ZONED RC5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 7
 LOT AREA ACREAGE 0.2336
 OR SQUARE FEET 10,175
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 IN FLOOD PLAIN? NO
 UTILITIES?
 WATER IS:
 PUBLIC X PRIVATE ____
 SEWER IS:
 PUBLIC X PRIVATE ____
 PRIOR HEARING? NO

ZONING PLAN TO
 ACCOMPANY VARIANCE
 REQUEST/SPECIAL HEARING FOR:
 2507 ISLAND VIEW ROAD
 BALTIMORE COUNTY, MD
 LOT 31, BLOCK C, SECTION C
 "BARRISON POINT" (P.B. 8/82)
 TAX ACCT NO. 2500014867
 TAX MAP 105, PARCEL 80
 SCALE: 1"=30' DATE: 10/1/18





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

DATE: 3/6/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-224

INFORMATION:

Property Address: 2507 Island View Road
Petitioner: Albert Kirchmayr
Zoning: RC 5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for variance to allow an existing building/dwelling to remain on an RC 5 lot of 9,250 square feet in lieu of the 1.5 acre, with existing side yard setbacks of 4' 3" and 15' 7" and a rear yard setback of 4' in lieu of the required 50' setback.

The Department of Planning has also reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve that no merger or density/area issues are created for Lot 31 and adjoining Lot 7 to the rear.

A site visit was conducted on February 15, 2019.

The Department has no objection to granting the petitioned zoning relief.

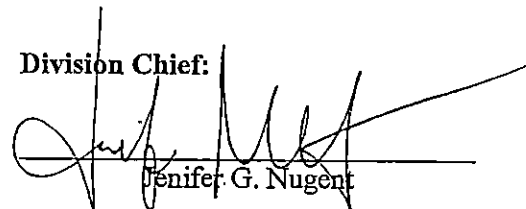
Please be advised this site is subject to the RC 5 performance standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at time of building permit application.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:


Jessie Bialek

Division Chief:


Jennifer G. Nugent

JM/JGN/JAB/

c: Krystle Patchak
Timothy M. Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County