M E M O R A N D U M

DATE: November 19, 2019

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2019-0396-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on November 18, 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.'

/dlw

c: Case File
Office of Administrative Hearings

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** (Lots 7 & 8 Island View Road)	*	BEFORE THE
	*	OFFICE OF
15th Election District 7th Council District	*	ADMINISTRATIVE HEARINGS
	*	FOR BALTIMORE COUNTY
Bruce & Melissa Laing, *Legal Owners* Petitioners	*	**Case No. 2019-0396-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 Bruce & Melissa Laing, legal owners ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to allow the alteration of the minimum lot size requirement of a single lot record that does not meet the minimum acreage requirement in accordance with Section 1A4.3.B.1(b)(1) of the BCZR. In addition, a Petition for Variance was filed pursuant to BCZR as follows: (1) to allow a 10 foot side yard setback in lieu of the minimum 50 foot required pursuant to §1A4.3.B.2.b; (2) to allow a 39 foot setback from the centerline of the road in lieu of the minimum 75 foot required pursuant to § 1A4.3.B.2.b; (3) to allow a lot size of 0.508 acres (allowing for variations in area due to the location of mean high tide which defines the boundary line along the waters edge) in lieu of the minimum 1 ½ acre required pursuant to §1A4.3.B.1; and (4) to allow a structure hereafter erected the height of 50 feet in lieu of the maximum height of 35-feet pursuant to §1A4.3 . A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Bruce and Melissa Laing appeared in support of the requests. J. Neil Lanzi, Esq. represented Petitioners. There were no protestants in attendance. The next door neighbors, Gretchen Schnee

and Tim Cashen attended as interested citizens. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from The Bureau of Development Plans Review ("DPR") and the Department of Environmental Protection and Sustainability ("DEPS").

Petitioner, Bruce Laing testified that he and his wife Melissa own and run the Island View Inn, which is in the same waterfront community as the property in question. Mr. Laing's parents ran the restaurant from 1968 until Bruce and Melissa bought them out in 1983 when they were newlyweds. Mr. Laing identified the restaurant, his current home, and the subject property (lots 7 and 8) on the Barrison Point and Island View Community drawing, which was accepted as Exhibit 2. Mr. Laing was shown an SDAT printout and Deed (combined Exhibit 3) and he confirmed that these documents described Lots 7 and 8, the property the Laings wish to build on. He testified that they had first started the process of building on the property soon after they purchased it in 1982. However, they were told by County officials that their their septic application could not be processed, and that a building permit could not be issued until public water and sewer were installed, which at the time the Laings were told would be another 5 to 7 years. Laing identified a letter from the County Department of Health dated January 24, 1983, which confirms this testimony and which was admitted as Exhibit 5. Mr. Laing also testified that public water and sewer were ultimately not installed until 23 years later, in 2006. This is also noted in the Letter Mr. Laing submitted as Exhibit 4.

Mr. Laing then identified and described a series of photos of the subject property and the neighboring properties. (Exhibit 6 A-D). Mr. Laing testified that he has discussed his building plans with his next door neighbors, Gretchen Schnee and Tim Cashen, and that they had no objections. The property owner, Ms. Schnee, was at the hearing and she confirmed that she knows

the Laings well and has no objections to their building plans or to their requested zoning relief. Finally, Mr. Laing explained that he and Melissa have been waiting all these years to build their retirement home on the property and that they wanted to do so now that they are close to retiring from running the restaurant. He acknowledged that he understood that if the special exception and variances were granted they would still have to conform to all aspects of the County's development and permitting process.

Kenneth Wells, a licensed property line surveyor was then called. Mr. Lanzi proffered Mr. Wells' credentials as an expert surveyor and land use and zoning consultant and I accepted him as such. Mr. Wells explained the site plan in more detail and specifically addressed the impacts of the Chesapeake Bay Critical Area and the 100 year floodplain. He explained that in drawing the Plan he used the larger 35 foot 100 year floodplain easement rather than the 20 foot CBCA easement when he calculated the center-line setback. He explained that by based the setback from the road on a 35 foot by 60 foot residence. This is how he calculated the 39 foot centerline setback and the 10 foot sideyard setbacks. He further explained the setback complications caused by the RC5 overlay in 2003 (which I note is three years before public water and sewer was installed in 2006). He explained that if the side yard setbacks were strictly enforced no structure at all would be permitted on the site. He also identified a 1926 record plat of the Barrison Point community which was accepted as Exhibit 7. By referencing this Exhibit he explained that the comment from Development Plans Review was in error, and that Lots 7 and 8 are, in fact, owned in fee simple by the Laings. This is also documented by the Deed (Exhibit 3).

With regard to the height variance requested in the petition, Wells explained that because it is a waterfront property the BCZR mandate that the structure be built on pilings which are a minimum of 7 feet and that the 35 foot height limit is measured from the ground, not the floor of

the home. As a result, the 7 foot piling height cuts into the 35 foot maximum structure height under the BCZR. He testified that it was unlikely that the structure will actually need to be 50 feet tall but that he was just being on the safe side in the request for variance relief. Mr. Wells also acknowledged that this was merely the first step in the process and that he understood that his final plans would need to conform in all respects to all County and State regulations.

On direct examination by Mr. Lanzi, Wells went through each of the factors in BCZR 502.1 and explained that this proposed project, with the requested special hearing and variance relief, will not conflict with any of the concerns in Sec. 502.1.

SPECIAL HEARING

Based on the testimony and evidence presented I find that the Petitioners have met their burden of establishing that they are entitled to special exception relief from the minimum lot size requirements. Virtually all the existing homes in the area are built on similar size lots and if the lot size requirement was strictly applied the Laings would be completely precluded from building on their property, a result that would be inequitable in my view. Especially since, as explained above, the County prevented the Laings from building back in 1983, when they first wanted to, prior to the subsequent zoning changes.

VARIANCE

As to the variance, it requires a two-step process, summarized as follows:

> (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
> (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

ORDER RECEIVED FOR FILING
Date 10/18/19
By sln

As explained by Mr. Wells, the lots in question have a natural contoured shoreline, unlike many of the surrounding properties, which have bulkheads. The property also lies in the Chesapeake Bay Critical Area and in a 100 year floodplain. As such, the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to build any structure on the property. I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition. Finally, the evidence establishes that none of the hardships in this case were created by the Laings, and this militates in favor of granting the variance relief. *See, Chesapeake Bay Foundation, Inc. v. DCW Dutchship Island, LLC,* 439 Md. 588, 620-26 (2014).

THEREFORE, IT IS ORDERED this **18th** day of **October, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to allow the alteration of the minimum lot size requirement of a single lot record that does not meet the minimum acreage requirement in accordance with Section 1A4.3.B.1(b)(1) of the BCZR, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to allow a 10 foot side yard setback in lieu of the minimum 50 foot required pursuant to §1A4.3.B.2.b; (2) to allow a 39 foot setback from the centerline of the road in lieu of the minimum 75 foot required pursuant to § 1A4.3.B.2.b; (3) to allow a lot size of 0.508 acres (allowing for variations in area due to the location of mean high tide which defines the boundary line along the waters edge) in lieu of the minimum 1 ½ acre required pursuant to §1A4.3.B.1; and (4) to allow a structure hereafter erected the height of 50 feet in lieu of the maximum height of 35-feet pursuant to §1A4.3, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 10/18/19

By SEN

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.

2. Prior to issuance of permits Petitioners must comply with the ZAC comments submitted by DEPS, and DOP, copies of which are attached hereto and made a part hereof, and Petitioners will also comply with the RC5 performance standards as listed in Section 1A04.4 of the BCZR.

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln

ORDER RECEIVED FOR FILING
Date 10/18/19
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 Lots 7 & 8 Island View Road **which is presently zoned** RC 5

Deed References: 34899/00247 10 Digit Tax Account # 1520800730

Property Owner(s) Printed Name(s) Bruce Laing & Melissa Laing

(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

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)**

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

Legal Owners (Petitioners):

Bruce Laing / Melissa Laing
Name #1 – Type or Print / Name #2 – Type or Print

Signature #1 / Signature # 2

2546 Island View Rd Balto MD
Mailing Address City State

21221 / 443-847-8259 / mlaing@bcps.org
Zip Code Telephone # Email Address

Attorney for Petitioner:

J. Neil Lanzi
Name- Type or Print

Signature

102 W. Pennsylvania Ave Ste 406 Towson MD
Mailing Address City State

21204 / 443-991-5917 / nlanzi@wcslaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

J. NEIL LANZI, ESQ.
Name – Type or Print

Signature

102 W. Pennsylvania Ave Ste 406 Towson MD
Mailing Address City State

21204 / 443-991-5917 / nlanzi@wcslaw.com
Zip Code Telephone # Email Address

UNDER HECEIVED FOR FILING
Date 7/12/19
By

CASE NUMBER 2019-0396-SPHA **Filing Date** 7/12/19 **Do Not Schedule Dates:** _____ **Reviewer** JCM

REV. 10/4/11

Attachment to Petition For Special Hearing and Variance
Property: Lots 7 & 8 Island View Road

Special Hearing:

1. To allow the alteration of the minimum lot size requirement of a single lot of record that does not meet the minimum acreage requirement in accordance with §1A4.3.B.1(b)(1) of the BCZR; and

2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance:

1. To allow a 10 foot side yard setback in lieu of the minimum 50 foot required pursuant to §1A4.3.B.2.b of the BCZR; and

2. To allow a 39 foot setback from the centerline of road in lieu of the minimum 75 foot required pursuant to §1A4.3.B.2.b of the BCZR; and

3. To allow a lot size of 0.508 acres (allowing for variations in area due to the location of mean high tide which defines the boundary line along the waters edge) in lieu of the minimum 1 1/2 acre required pursuant to §1A4.3.B.1.a of the BCZR; and

4. To allow a structure hereafter erected the height of 50-feet in lieu of the maximum height of 35-feet pursuant to §1A4.3.a of the BCZR; and

5. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

kjWellsInc

Land Surveying, Site Planning and Landscape Architecture

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

July 11, 2019

Zoning Description
Lots 7 and 8
Barrison Point

Baltimore County
Maryland
15th Election District
7th Councilmanic District

Being Lots 7 and 8 in a subdivision named "Amended Plat of Barrison Point" as recorded in Baltimore County Plat Book Number 8 folio 82 containing 22,134 square feet or 0.508 acres.

STATE OF MARYLAND
KENNETH JAMES WELLS
NO. 236
PROFESSIONAL LAND SURVEYOR

TO: THE DAILY RECORD
Thursday, September 26, 2019 - Issue

Please forward billing to:
Bruce Laing
2546 Island View Road
Essex, MD 21221

443-301-7041

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: 2019-0396-SPHA
Lots 7 & 8 Island View Road
Located in the subdivision of "Amended Plat of Barrison Point," Plat Book 8 folio 82
15th Election District – 7th Councilmanic District
Legal Owners: Bruce & Melissa Laing

Special Hearing to allow the alteration of the minimum lot size requirement of a single lot of record that does not meet the minimum acreage requirement in accordance with 1A4.3.B.1(b)(1) of the BCZR. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance to allow a 10 foot side yard setback in lieu of the minimum 50 foot required pursuant to 1A4.3.B.2.b of the BCZR. To allow a 39 foot setback from the centerline of road in lieu of the minimum 75 foot required pursuant to 1A4.3.B.2.b of the BCZR. To allow a lot size of 0.508 acres (allowing for variations in area due to the location of mean high tide which defines the boundary line along the waters edge) in lieu of the minimum 1 1/2 acre required pursuant to 1A4.3.B.1.a of the BCZR. To allow a structure hereafter erected the height of 50 feet in lieu of the maximum height of 35 feet pursuant to 1A4.3.a of the BCZR. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Wednesday, October 16, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
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.

JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits, Approvals & Inspections

September 16, 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:

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Lots 7 & 8 Island View Road
Located in the subdivision of "Amended Plat of Barrison Point," Plat Book 8 folio 82
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Hearing: Wednesday, October 16, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
Director

MM:kl

C: J. Neil Lanzi, 102 W. Pennsylvania Avenue, Ste. 406, Towson 21204
Mr. & Mrs. Laing, 2546 Island View Road, Baltimore 21221

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 26, 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.

CERTIFICATE OF POSTING

Date: 9-23-19

RE: Case Number: 2019-0396-SPHA

Petitioner/Developer: Laing

Date of Hearing/Closing: 10-16-19 1:30PM

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 Lots 7+8 Island View Rd

The signs(s) were posted on 9-23-19
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11793488
Case #: 2019-0396-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0396-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:

9/26/2019

Darlene Miller

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: 2019-0396-SPHA

Lots 7 & 8 Island View Road

Located in the subdivision of "Amended Plat of Barrison Point," Plat Book 8 folio 82

15th Election District - 7th Councilmanic District

Legal Owners: Bruce & Melissa Laing

Special Hearing to allow the alteration of the minimum lot size requirement of a single lot of record that does not meet the minimum acreage requirement in accordance with 1A4.3.B.1(b)(1) of the BCZR. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance to allow a 10 foot side yard setback in lieu of the minimum 50 foot required pursuant to 1A4.3.B.2.b of the BCZR. To allow a 39 foot setback from the centerline of road in lieu of the minimum 75 foot required pursuant to 1A4.3.B.2.b of the BCZR. To allow a lot size of 0.508 acres (allowing for variations in area due to the location of mean high tide which defines the boundary line along the waters edge) in lieu of the minimum 1 1/2 acre required pursuant to 1A4.3.B.1.a of the BCZR. To allow a structure hereafter erected the height of 50 feet in lieu of the maximum height of 35 feet pursuant to 1A4.3.a of the BCZR. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Wednesday, October 16, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
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.

s26

Sherry Nuffer

From: Larry Pilson <lpilson@hotmail.com>
Sent: Saturday, October 12, 2019 12:50 PM
To: Administrative Hearings; Kristen L Lewis; Ken Wells
Subject: 2019-0396-SPHA Lots 7 & 8 Island View Road Recertification
Attachments: Island View Rd. Recert.pdf; DSC_0896.JPG; DSC_0895.JPG

CERTIFICATE OF POSTING

Date: 10-12-19

RE: Case Number: 2019-0296 SPHA RECERT

Petitioner/Developer: Laing

Date of Hearing/Closing: 10-16-19

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 Island View Road

The signs(s) were posted on RECERT 10-12-19
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

#2

ZONING NOTICE

CASE # 2019-0396-SPHA

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE - LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: WED. OCT. 16, 2019 1:30 PM

REQUEST:

Special Hearing to allow the alteration of the minimum lot size requirement of a single lot of record that does not meet the minimum acreage requirement in accordance with 1A4.3.B.1(b)(1) of the BCZR. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance to allow a 10 foot side yard setback in lieu of the minimum 50 foot required pursuant to 1A4.3.B.2.b of the BCZR. To allow a 99 foot setback from the centerline of road in lieu of the minimum 75 foot required pursuant to 1A4.3.B.2.b of the BCZR. To allow a lot size of 0.508 acres (allowing for variations in area due to the location of mean high tide which defines the boundary line along the waters edge) in lieu of the minimum 1 1/2 acre required pursuant to 1A4.3.B.1.a of the BCZR. To allow a structure hereafter erected the height of 50 feet in lieu of the maximum height of 35 feet pursuant to 1A4.3.a of the BCZR. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

...TS DUE TO WEATHER OR OTH... CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HE... CALL 887-3391
...AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
...RPED ACCESSIBLE

#1

ZONING NOTICE

CASE # 2019-0396-SPHA

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: WED. OCT 16, 2019 1:30PM

REQUEST:

Special Hearing to allow the alteration of the minimum lot size requirement of a single lot of record that does not meet the minimum acreage requirement in accordance with 1A4 3.B.1(b)(1) of the BCZR. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance to allow a 10 foot side yard setback in lieu of the minimum 50 foot required pursuant to 1A4.3.B 2.b of the BCZR. To allow a 39 foot setback from the centerline of road in lieu of the minimum 75 foot required pursuant to 1A4.3.B 2.b of the BCZR. To allow a lot size of 0 508 acres (allowing for variations in area due to the location of mean high tide which defines the boundary line along the waters edge) in lieu of the minimum 1 1/2 acre required pursuant to 1A4.3.B.1.a of the BCZR. To allow a structure hereafter erected the height of 50 feet in lieu of the maximum height of 35 feet pursuant to 1A4.3.a of the BCZR. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

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

No. 187059

Date: 7/12/19

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.—
							Total:	150.—

Rec From: BRUCE LAING

For: 2019-0396-SPHA

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/15/2019	7/12/2019	09:57:22	5

REG WS05 WALKIN LRB
>>RECEIPT N 016980 7/12/2019 OFLN
Dept 5 528 ZONING VERIFICATION
CK NO. 187059
Recpt Tot $ 150.00
150.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits, Approvals & Inspections

October 09, 2019

J. Neil Lanzi
102 W. Pennsylvania Ave Suite 406
Towson MD 21204

RE: Case Number: 2019-0396-SPHA, Lots 7 & 8 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 July 12, 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
Bruce Laing 2546 Island View Road Baltimore 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: August 22, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0396-SPHA
Address 2530 Island View Road
(Laing Property)

Zoning Advisory Committee Meeting of **July 15, 2019**.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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. The applicant is proposing to permit a dwelling with greater height than permitted and a reduced front yard setback, centerline road setback, and lot size. The. The lot is undeveloped waterfront and the site plan shows a proposed dwelling outside of the Critical Area buffer. Any proposed development must meet all LDA requirements, including lot coverage limits, buffer (including buffer establishment), and afforestation requirements. Lot coverage is limited to a maximum of 5,445 square feet, with mitigation required for any lot coverage between 15% and 5,445 square feet. Proposed lot coverage was not included on the plan. 15% afforestation (7 trees) is required. Buffer establishment is required for the area of new lot coverage outside of the buffer. If the lot coverage, buffer, and afforestation requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

   This property is waterfront and must meet all lot coverage, buffer, and afforestation requirements. If lot coverage, buffer, and afforestation requirements are met this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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;

   This is a grandfathered lot. Provided that the applicants meet their lot coverage, buffer, and afforestation requirements, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 8/21/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-396

INFORMATION:
Property Address: Lots 7 & 8 Island View Road
Petitioner: Bruce Laing, Melissa Laing
Zoning: RC 5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should appove the alteration of the minimum lot size requirement of a single lot of record that does not meet the minimum acreage requirement. The Department of Planning has also reviewed a petition for variance for the following:

1. To allow a 10 foot side yard setback in lieu of the minimum 50 feet.
2. To allow a 39 foot setback from the centerline of the road in lieu of the minimum 75 feet.
3. To allow a lot size of .508 acres (allowing for variations in area due to the location of mean high tide which defines the boundary line along the water's edge) in lieu of the minimum 1.5 acres.
4. To allow a structure hereafter erected to the height of 50 feet in lieu of the maximum height of 35 feet.

A site visit was conducted on July 19, 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-

Prepared by:

Jessie Bialek

Division Chief:

Jennifer G. Nugent

CPG/JGN/JAB/

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mallinoff, Director
Department of Permits, Approvals

DATE: 08/21/ 2019

VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 15, 2019
Item No. 2019-0396-SPHA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

Based on the County GIS system and Maryland State Real Property the two lots shown on the accompanying site plan do not appear to be not owned by the same individual or entity. Additionally the lot numbers on the site plan do not appear to be correct.

* * * * *

VKD: cen
cc: File

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 7/17/19

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2019-0396-SPHA
Special Hearing Variance
Bruce Laing & Melissa Laing
Lot 7 & Island View Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Richard A. Zeller

for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

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: August 22, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0396-SPHA
Address 2530 Island View Road
(Laing Property)

Zoning Advisory Committee Meeting of **July 15, 2019**.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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. The applicant is proposing to permit a dwelling with greater height than permitted and a reduced front yard setback, centerline road setback, and lot size. The. The lot is undeveloped waterfront and the site plan shows a proposed dwelling outside of the Critical Area buffer. Any proposed development must meet all LDA requirements, including lot coverage limits, buffer (including buffer establishment), and afforestation requirements. Lot coverage is limited to a maximum of 5,445 square feet, with mitigation required for any lot coverage between 15% and 5,445 square feet. Proposed lot coverage was not included on the plan. 15% afforestation (7 trees) is required. Buffer establishment is required for the area of new lot coverage outside of the buffer. If the lot coverage, buffer, and afforestation requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

   This property is waterfront and must meet all lot coverage, buffer, and afforestation requirements. If lot coverage, buffer, and afforestation requirements are met this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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;

   This is a grandfathered lot. Provided that the applicants meet their lot coverage, buffer, and afforestation requirements, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

ORDER RECEIVED FOR FILING
Date 10/18/19
By RER

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 8/21/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-396

INFORMATION:
Property Address: Lots 7 & 8 Island View Road
Petitioner: Bruce Laing, Melissa Laing
Zoning: RC 5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should appove the alteration of the minimum lot size requirement of a single lot of record that does not meet the minimum acreage requirement. The Department of Planning has also reviewed a petition for variance for the following:

1. To allow a 10 foot side yard setback in lieu of the minimum 50 feet.
2. To allow a 39 foot setback from the centerline of the road in lieu of the minimum 75 feet.
3. To allow a lot size of .508 acres (allowing for variations in area due to the location of mean high tide which defines the boundary line along the water's edge) in lieu of the minimum 1.5 acres.
4. To allow a structure hereafter erected to the height of 50 feet in lieu of the maximum height of 35 feet.

A site visit was conducted on July 19, 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-

Prepared by:

Jessie Bialek

Division Chief:

Jenifer G. Nugent

CPG/JGN/JAB/

ORDER RECEIVED FOR FILING
Date 10/18/19
By SEH

10-16

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 8/21/2019

FROM: C. Pete Gutwald
Director, Department of Planning

RECEIVED
AUG 23 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-396

INFORMATION:
Property Address: Lots 7 & 8 Island View Road
Petitioner: Bruce Laing, Melissa Laing
Zoning: RC 5
Requested Action: Special Hearing, Variance

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A site visit was conducted on July 19, 2019.

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

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

Prepared by:
Jessie Bialek

Division Chief:
Jennifer G. Nugent

CPG/JGN/JAB/

c: Krystle Patchak
J. Neil Lanzi, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 2019-396-SPNA
DATE 10/16/19

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
GRETCHEN SCHEE	2530 ISLAND VIEW RD	ESSEX MD 21221	GRETCHENWSH@GMAIL.COM
TIMOTHY CASHMEN	" " "	" " "	TIMCASHFOX@AOL.COM

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 2019-396 SPHA
DATE 10/16/19

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
KENNETH WELLS	7403 NEW CUT RD	KINGSVILLE 21087	
Bruce Laing	2546 Island View Rd	Balto 21221	
Melissa Laing	2546 Island View Rd	Balto 21221	
Neil Lanzi	~~[illegible]~~ 102 W. Pennsylvania Ave #406	Towson MD 21204	NLanzi@wcskw.com

Pm

CASE NO. 2019- 0396-SPHA

CHECKLIST

Attorney

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
8/21	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	Comment
8/22	DEPS (if not received, date e-mail sent _____)	Comment
	FIRE DEPARTMENT	
8/21	PLANNING (if not received, date e-mail sent _____)	No Objection
7/17	STATE HIGHWAY ADMINISTRATION	No Objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 9/26/19 THE Daily Record

SIGN POSTING (1st) Date: 9/23/19 by Pilson

SIGN POSTING (2nd) Date: 10/12/19 by Pilson

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Tax Exempt: None
Exempt Class: None
Special Tax Recapture: None

Account Identifier: **District** - 15 **Account Number** - 1520800730

Owner Information

Owner Name:	LAING BRUCE A LAING MELISSA R	**Use:** **Principal Residence:**	RESIDENTIAL NO
Mailing Address:	2546 ISLAND VIEW RD BALTIMORE MD 21221-6411	**Deed Reference:**	/34899/ 00247

Location & Structure Information

Premises Address:	ISLAND VIEW RD 0-0000 Waterfront	**Legal Description:**	LT 7,8 BARRISON POINT

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0105	0009	0080	15080078.04	0000	B		7	2018	Plat Ref:	0008/ 0082

Special Tax Areas: None
Town: None
Ad Valorem: None
Tax Class: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			22,134 SF	34

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2019	As of 07/01/2020
Land:	55,000	55,000		
Improvements	0	0		
Total:	55,000	55,000	55,000	55,000
Preferential Land:	0			0

Transfer Information

Seller: TURNER WADE H,JR	**Date:** 04/23/2014	**Price:** $10,000
Type: ARMS LENGTH VACANT	**Deed1:** /34899/ 00247	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt: None
Exempt Class: None
Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

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 -** 1520800730		

Owner Information

Owner Name:	LAING BRUCE A LAING MELISSA R	**Use:** **Principal Residence:**	RESIDENTIAL NO
Mailing Address:	2546 ISLAND VIEW RD BALTIMORE MD 21221-6411	**Deed Reference:**	/34899/ 00247

Location & Structure Information

Premises Address:	ISLAND VIEW RD 0-0000 Waterfront	**Legal Description:**	LT 7,8 BARRISON POINT

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0105	0009	0080		0000	B		7	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
			22,134 SF	34

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
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Improvements	0	0		
Total:	55,000	55,000	55,000	55,000
Preferential Land:	0			0

Transfer Information

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Type: ARMS LENGTH VACANT	**Deed1:** /34899/ 00247	**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

PETITIONER'S EXHIBIT NO. 3

Homeowners' Tax Credit Application Information

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

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

LIBER 6456 PAGE 642

This Deed, MADE THIS 15th day of November

in the year one thousand nine hundred and eighty-two by and between WADE H. TURNER, JR. and CHARLOTTE TURNER, his wife, WILLIAM C. BELL, PAULINE E. BELL and GAIL MARGARET HART

of the State of Maryland of the first part, and

BRUCE A. LAING and MELISSA R. LAING, his wife

of the second part.

WITNESSETH, That in consideration of the sum of Ten Thousand Dollars ($10,000.00) the receipt thereof is hereby acknowledged,

the said parties of the first part

C RC/F 17.00
C T TX 50.00
C DOCS 50.00
DEED 0 #
EHK JR T 117.00
#28573 C001 R02 T11:11
11/19/82

do grant and convey to the said parties of the second part, as tenants by the entireties, their

personal representatives and assigns, in fee simple, all those lots of ground situate in Baltimore County and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lots 7 and 8, Section B, as shown on Amended Plat of Barrison Point, dated July 1926 and recorded among the Land Records of Baltimore County in Plat Book No. 8, folio 82.

BEING the same lots of ground which by Deed dated February 1, 1968, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4846, folio 375 were granted and conveyed by Elva G. Young unto William C. Bell, Pauline E. Bell and Gail Margaret Hart as joint tenants as to an undivided one-half interest.

BEING ALSO the same lots of ground which by Deed dated September 22, 1980, recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6210, folio 339 were granted and conveyed by Wade H. Turner, Jr. unto Wade H. Turner, Jr. and Charlotte Turner, his wife, as tenants by the entireties, as to the remaining undivided one-half interest.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
11/17/82

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

CLERK DATE

Together with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said described lot of ground and premises to the said parties of the second part, as tenants by the entireties, their

personal representatives

and assigns, in fee simple.

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

Witness the hand and seal of said grantor

Test:

Richard N. Kerr

Wade H. Turner, Jr. (SEAL)

Charlotte Turner (SEAL)

William C. Bell (SEAL)

Pauline E. Bell (SEAL)

Gail Margaret Hart (SEAL)

State of Maryland, County of Howard, to wit:

I Hereby Certify, That on this 15th day of November, in the year one thousand nine hundred and eighty-two, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared WADE H. TURNER, JR. and CHARLOTTE TURNER, his wife, WILLIAM C. BELL, PAULINE E. BELL and GAIL MARGARET HART known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

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

Richard N. Kerr, Notary Public

My Commission expires:

July 1, 1986

RICHARD N. KERR NOTARY PUBLIC Howard County, Md.

Rec'd for record NOV 19 1982 at 11 A

Per Elmer H. Robbins, Jr., Clerk

Mail to Richard N. Kerr

Receipt No. 17000

Bruce & Melissa Laing
2456 Island View Road
Essex, Maryland 21221
10/16/2019

Re: 2526 Island View Rd.
Lots 7&8 Barrison Point

Dear Commissioner

We purchased lots 7&8 in 1982 and applied for building permits in 1983. After going through the permit process, we were told we would have to wait for public water and sewer, an estimated five to seven years away. Those five to seven years stretched into twenty-three years before the utilities arrived. In the years we have waited our turn to build, we have watched our neighbors build and reconstruct their homes into beautiful waterfront properties with piers, bulkheads, gazebos and boat lifts. Now, thirty-six years later, we have returned to the permit process, much more complicated than when we began. We are simply requesting to use and enjoy our property the same as our neighbors have enjoyed theirs for years. We would like to build a single-family home on the lots we have owned for almost 40 years in an approved subdivision laid out in 1929. It's been our belief, to this day, we will be able to build. We hope you agree.

Sincerely

Bruce and Melissa Laing

Diagonally and across the creek from our property is an approved plan for a 100+ waterfront townhouse community (The Berger Property). And the State of Maryland is proposing an Upper Bay Bridge crossing that will pass within a mile of our property.

PETITIONER'S
EXHIBIT NO. 4

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

January 24, 1983

Mr. Bruce A. Laing
1305 Forest Hill Avenue
Baltimore, Maryland 21230

Re: Lots 7 and 8, Section B
Barrison Point
~~District 15~~

Dear Mr. Laing:

This office has received and reviewed your request to conduct soil percolation tests on the above referenced lots.

This Department had received a request by Mr. Wade H. Turner to conduct soil percolation tests on the same property on March 27, 1981. Mr. Turner was informed by a letter dated April 10, 1981, that due to this Department's regulations governing placement and locations of sewage disposal areas, insufficient room was available for use in sewage disposal. He was informed that his request to conduct soil percolation tests could not be approved. Also, a building permit to construct a dwelling could not be approved until metropolitan sewer was available.

This Department, therefore, cannot accept your request to conduct soil percolation tests on the subject property. Your check for the percolation application fee is returned with this letter.

If you have any questions, please contact Mr. Robert Powell at 494-2762.

Very truly yours,

Brooks H. Stafford

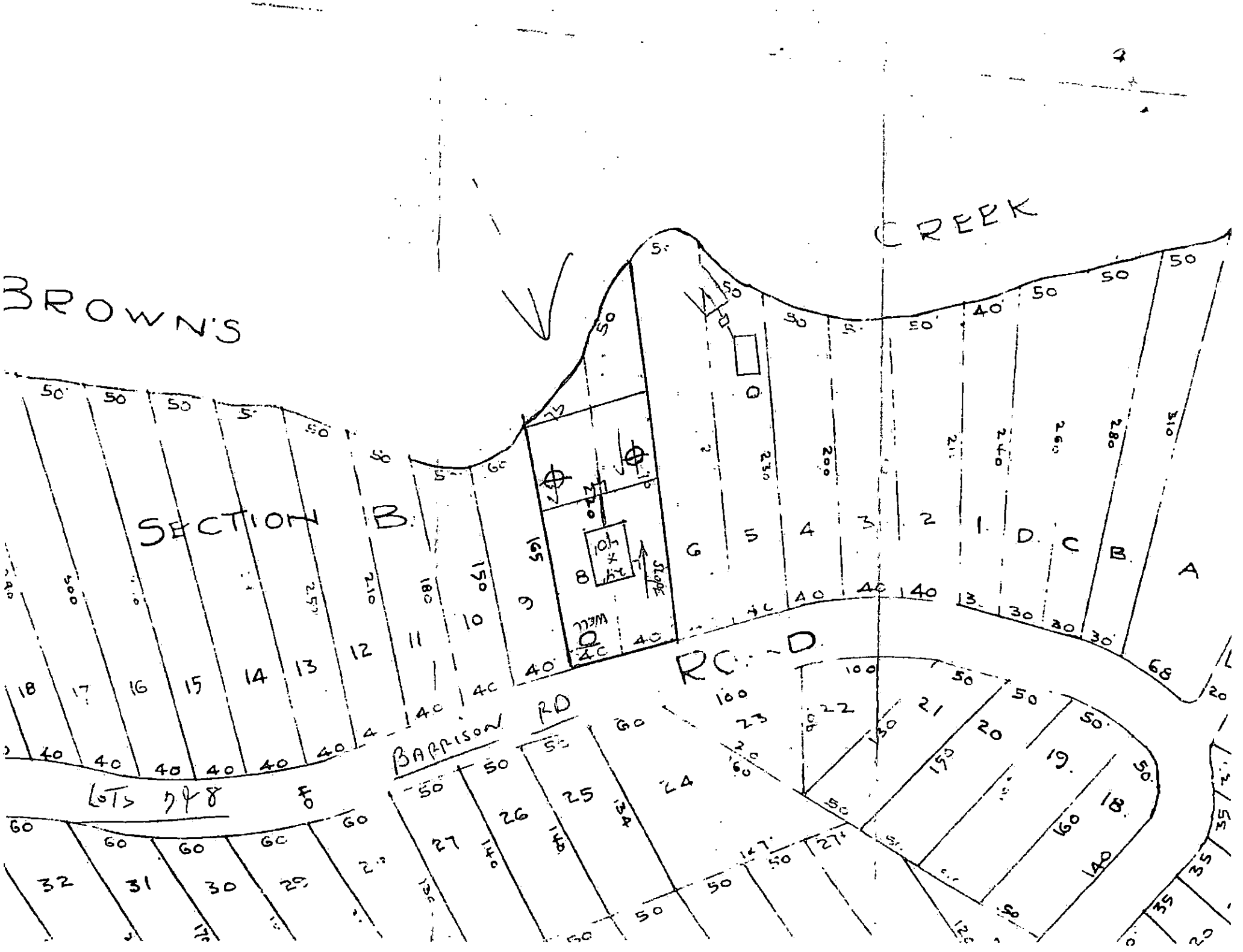
Brooks H. Stafford, M.H.S.
Director
ENVIRONMENTAL SUPPORT SERVICES

BHS/fth

Enclosure

PETITIONER'S

EXHIBIT NO. 5


BROWN'S
CREEK
SECTION B.
ROAD
BARRISON RD
LOTS 7 & 8
WELL
SLOPE
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B
C
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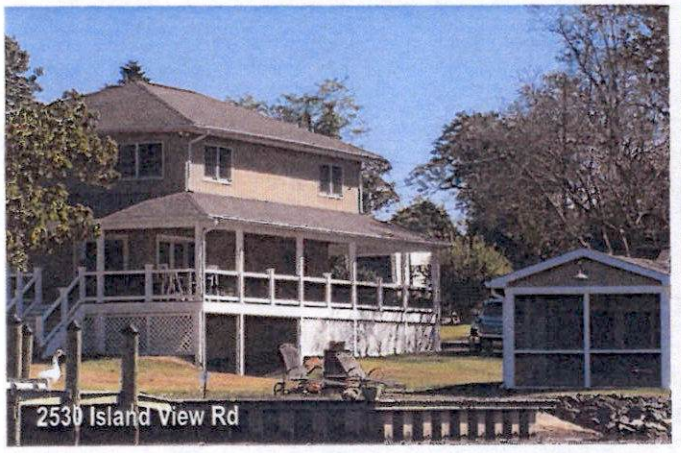
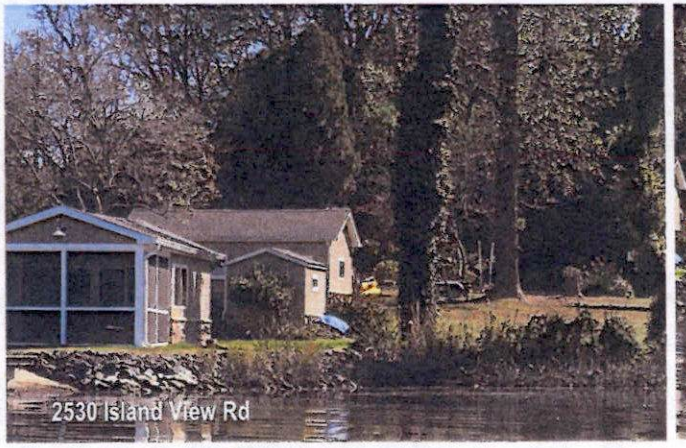
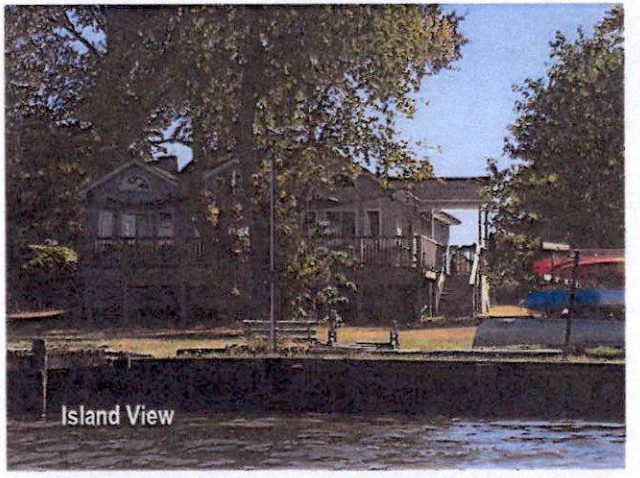
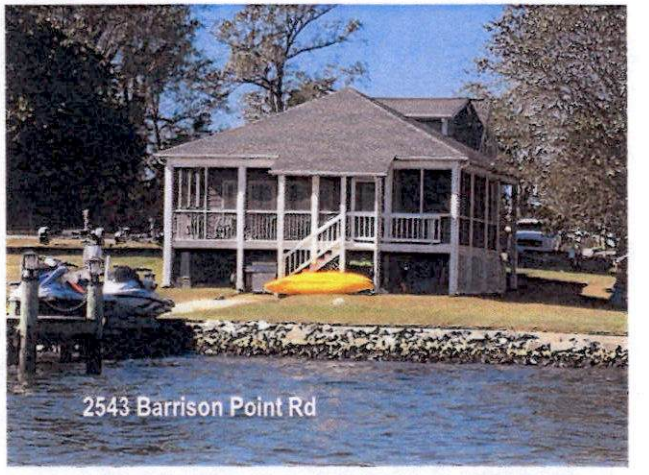
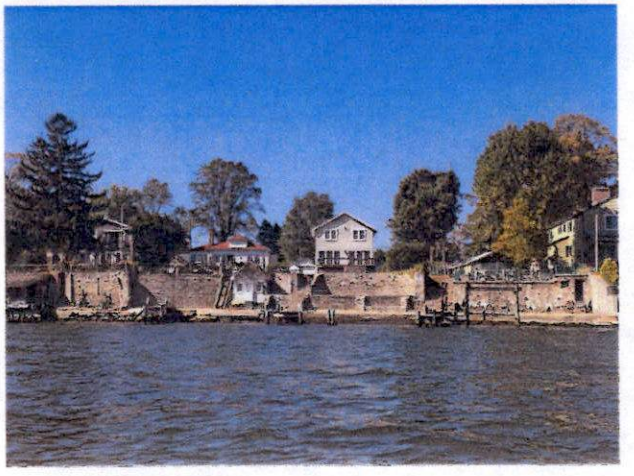
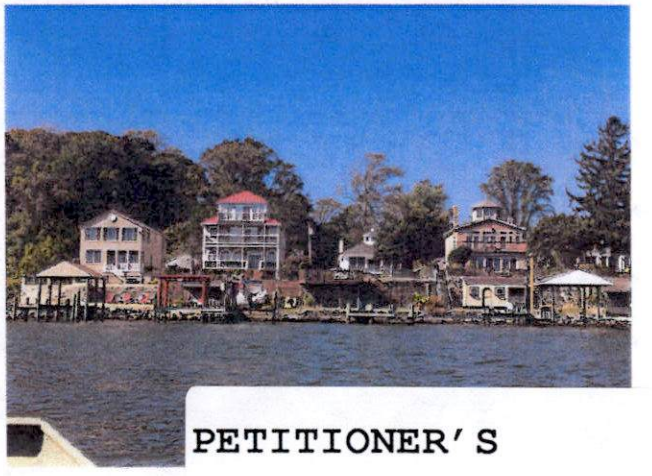






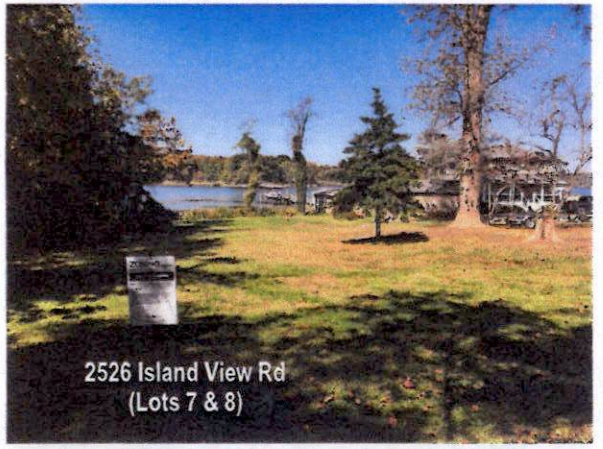


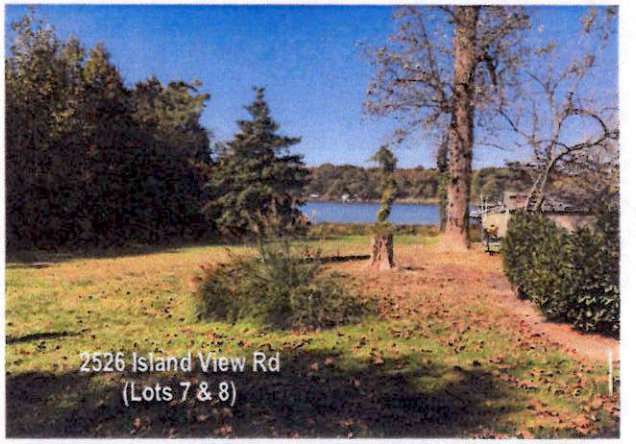




PETITIONER'S

EXHIBIT NO. 6 A-D


2526 Island View Rd
(Lots 7 & 8)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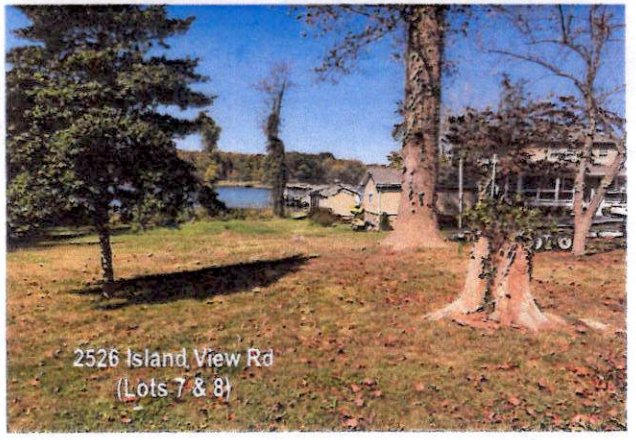
(Lots 7 & 8)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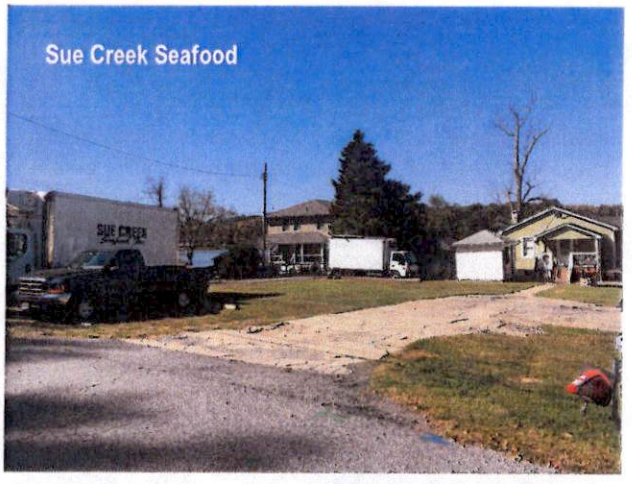
(Lots 7 & 8)

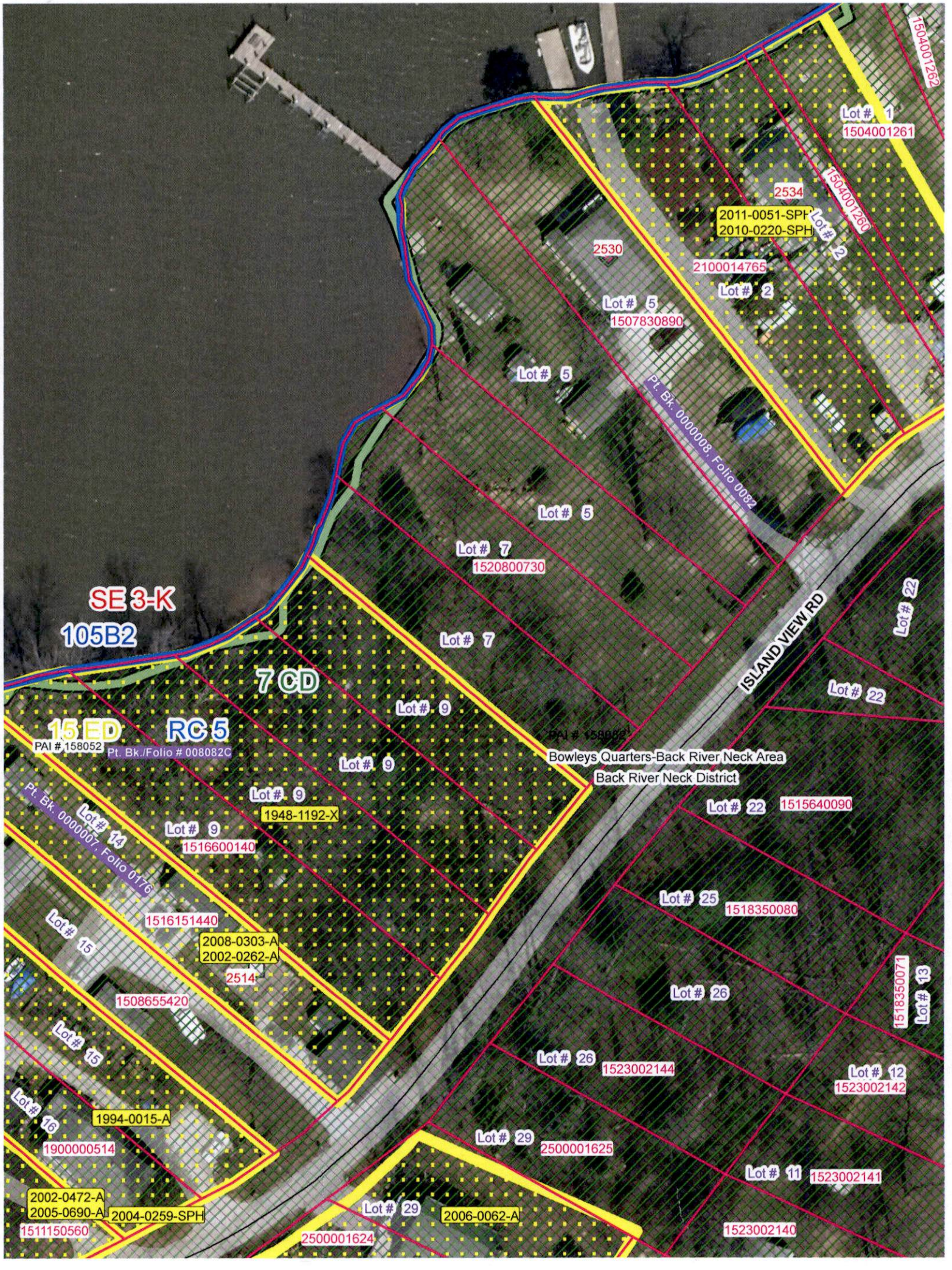

Sue Creek Seafood


2562
ISLAND VIEW

Tornado touch down
Lots 7 & 8
Barrison Point
06/07/09

EXHIBIT NO. 7

PETITIONER'S


SE 3-K
105B2
7 CD
15 ED
RC 5
PAI # 158052
Pt. Bk./Folio # 008082C
Pt. Bk. 0000007, Folio 0176
Pt. Bk. 0000008, Folio 0082
Lot # 1
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1504001262
1504001260
2534
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2010-0220-SPH
Lot # 2
2100014765
Lot # 2
2530
Lot # 5
1507830890
Lot # 5
Lot # 5
Lot # 7
1520800730
Lot # 7
Lot # 9
Lot # 9
Lot # 9
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Lot # 14
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2002-0262-A
2514
Lot # 15
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Lot # 15
Lot # 16
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2002-0472-A
2005-0690-A
2004-0259-SPH
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Lot # 29
2500001624
Lot # 29
2006-0062-A
Lot # 29
2500001625
Lot # 26
1523002144
Lot # 26
Lot # 25
1518350080
Lot # 22
1515640090
Lot # 22
Lot # 22
ISLAND VIEW RD
Bowleys Quarters-Back River Neck Area
Back River Neck District
Lot # 13
1518350071
Lot # 12
1523002142
Lot # 11
1523002141
1523002140

#1

ZONING NOTICE

CASE # 2019-0396-SPHA

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: WED. OCT 16, 2019 1:30PM

REQUEST:

Special Hearing to allow the alteration of the minimum lot size requirement of a single lot of record that does not meet the minimum acreage requirement in accordance with 1A4.3.B.1(b)(1) of the BCZR. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance to allow a 10 foot side yard setback in lieu of the minimum 50 foot required pursuant to 1A4.3.B.2.b of the BCZR. To allow a 39 foot setback from the centerline of road in lieu of the minimum 75 foot required pursuant to 1A4.3.B.2.b of the BCZR. To allow a lot size of 0.508 acres (allowing for variations in area due to the location of mean high tide which defines the boundary line along the waters edge) in lieu of the minimum 1 1/2 acre required pursuant to 1A4.3.B.1.a of the BCZR. To allow a structure hereafter erected the height of 50 feet in lieu of the maximum height of 35 feet pursuant to 1A4.3.a.of the BCZR. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

...NECESSARY.

#2

ZONING NOTICE

CASE # 2019-0396-SPHA

A PUBLIC HEARING WILL BE HELD BY

ADMINISTRATIVE LAW JUDGE

IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205

105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: WED. OCT. 16, 2019 1:30 PM

REQUEST:

Special Hearing to allow the alteration of the minimum lot size requirement of a single lot of record that does not meet the minimum acreage requirement in accordance with 1A4.3.B.1(b)(1) of the BCZR. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance to allow a 10 foot side yard setback in lieu of the minimum 50 foot required pursuant to 1A4.3.B.2.b of the BCZR. To allow a 39 foot setback from the centerline of road in lieu of the minimum 75 foot required pursuant to 1A4.3.B.2.b of the BCZR. To allow a lot size of 0.508 acres (allowing for variations in area due to the location of mean high tide which defines the boundary line along the waters edge) in lieu of the minimum 1 1/2 acre required pursuant to 1A4.3.B.1.a of the BCZR. To allow a structure hereafter erected the height of 50 feet in lieu of the maximum height of 35 feet pursuant to 1A4.3.a of the BCZR. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

POSTPONEMENTS DELIB...

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE OFFICE
Lot 7 & 8 Island View Road; Lots 7 & 8 in "Amended Plat of Barrison Point" subdivision	*	OF ADMINSTRATIVE
Plat Book 8 folio 82	*	HEARINGS FOR
15th Election & 7th Councilmanic Districts		
Legal Owner(s): Bruce & Melissa Laing	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2019-396-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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 2019, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 102 West Pennsylvania Avenue, Suite 406, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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/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 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: 2019-0396-SPHA

Property Address: LOTS 7 & 8 BARRISON PT RD

Property Description: BEING LOTS 7 & 8 IN SUBDIVISION NAMED "AMENDED PLAT OF BARRISON POINT", PLAT BOOK No. 8 folio 82 CONTAINING 22,134 ±

Legal Owners (Petitioners): BRUCE & MELISSA LAING

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

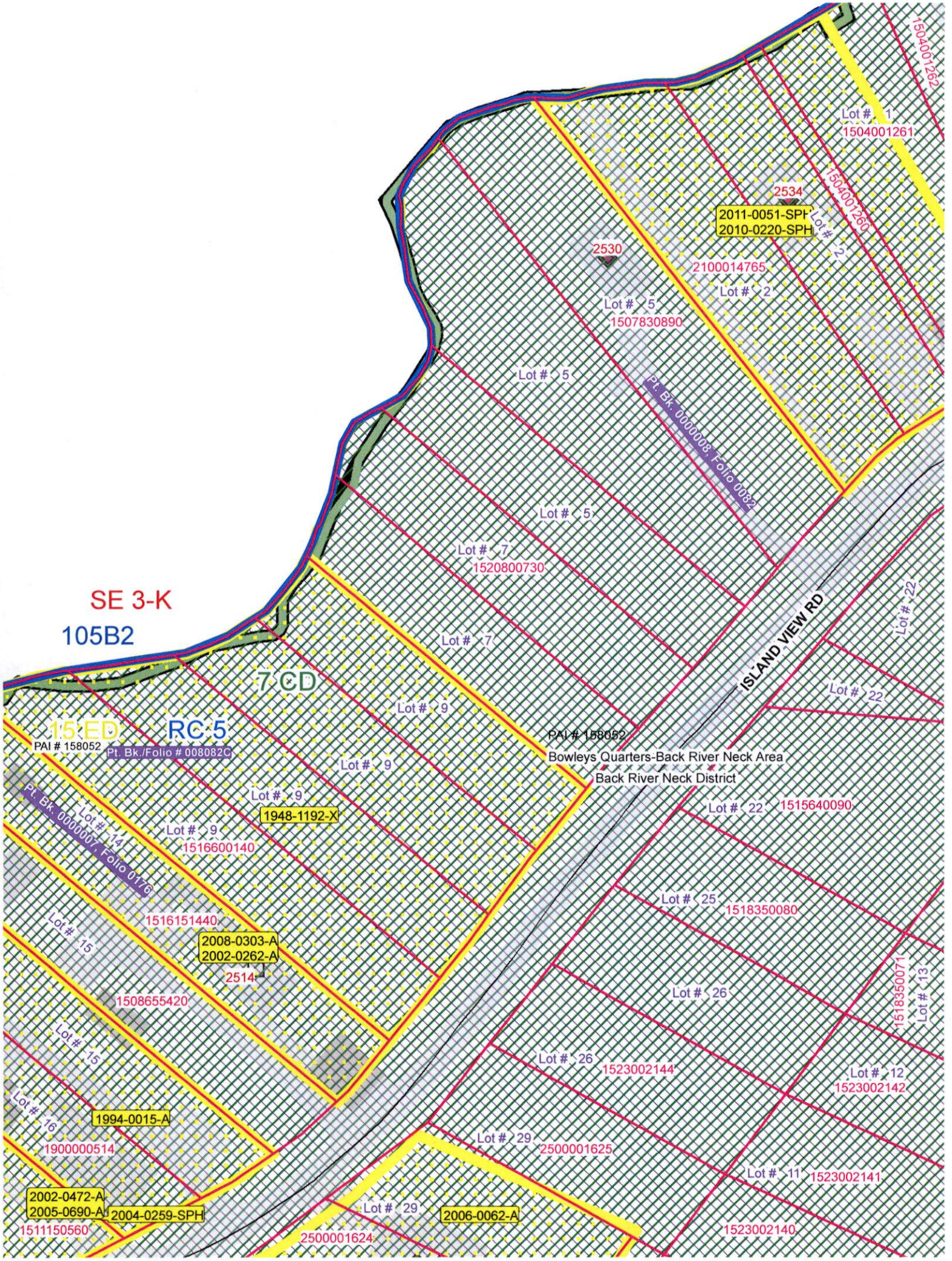
Name: BRUCE LAING

Company/Firm (if applicable):

Address: 2546 ISLAND VIEW RD
ESSEX, MD 21221

Telephone Number: 443-301-7041

Revised 7/9/2015


SE 3-K
105B2
7 CD
1.5 ED
RC 5
PAI # 158052
Pt. Bk./Folio # 008082C
Pt. Bk. 0000007, Folio 0176
Pt. Bk. 0000008, Folio 0082
Lot # 1
1504001261
1504001262
1504001260
2534
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2010-0220-SPH
Lot # 2
2530
2100014765
Lot # 2
Lot # 5
1507830890
Lot # 5
Lot # 5
Lot # 7
1520800730
Lot # 7
Lot # 9
Lot # 9
Lot # 9
1948-1192-X
Lot # 9
1516600140
Lot # 14
1516151440
2008-0303-A
2002-0262-A
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Lot # 15
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Lot # 15
Lot # 16
1994-0015-A
1900000514
2002-0472-A
2005-0690-A
2004-0259-SPH
1511150560
Lot # 29
2006-0062-A
2500001624
Lot # 29
2500001625
Lot # 26
1523002144
Lot # 26
Lot # 25
1518350080
Lot # 22
1515640090
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ISLAND VIEW RD
PAI # 158052
Bowleys Quarters-Back River Neck Area
Back River Neck District
1518350071
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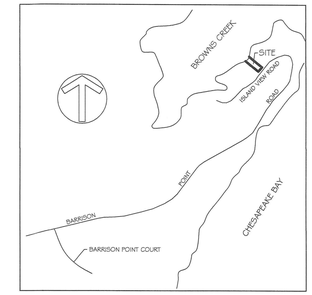


VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA:

1) OWNERS: BRUCE LAING & MELISSA LAING
2) OWNERS ADDRESS: 2546 ISLAND VIEW ROAD
BALTIMORE, MARYLAND 21221
3) OWNERS TELEPHONE NO.: 443-722-0712
4) TAX ACCOUNT NUMBERS: 1520600730
5) TAX MAP: 105 GRID: 09 PARCELS: 080 BLOCK B LOTS 7 & 8
6) DEED REFERENCE: 34899/247
7) PLAT REFERENCE: 8682 AMENDED PLAT OF BARRISON POINT
8) LOT AREA: 22,134 SF / 0.508 ACRES
9) ZONING MAP: 105B21
10) ZONING: RC-5
11) EXISTING USE: VACANT
12) PROPOSED USE: RESIDENTIAL
13) THE SUBJECT PROPERTY DOES LIE WITHIN THE CBCA. (LDA)
14) THE SUBJECT PROPERTY IS LOCATED WITHIN A 100-YEAR FLOODPLAIN.
15) THE SUBJECT PROPERTY IS NOT LOCATED WITHIN AN HISTORICAL DISTRICT.
16) SITE SERVED BY PUBLIC WATER AND SEWER.
17) PRIOR HEARINGS/ZONING VIOLATIONS: NONE
18) 15TH ELECTION DISTRICT
19) 7TH COUNCILMANIC DISTRICT

NOTES:

1. PRIOR TO APPLICATION FOR A BUILDING PERMIT THE APPLICANT MUST PROVIDE SATISFACTORY DOCUMENTATION IN ACCORDANCE WITH 304 OF THE ZONING COMMIESSIONER'S POLICY MANUAL TO JUSTIFY THE USE OF AN UNDERSIZE SINGLE-FAMILY LOT.

2. THE CHESAPEAKE BAY CRITICAL AREA BUFFER (CBCA) SHOWN HEREON IS APPROXIMATE AND BASED ON BALTIMORE COUNTY GIS DATA. PRIOR TO APPLICATION OF A BUILDING PERMIT, THE BUFFER WILL BE ACCURATELY DETERMINED AND ALL APPROVALS OF THE REQUIREMENTS OF THE CBCA SHALL BE OBTAINED.

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

PETITIONER'S
EXHIBIT NO. 1

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8600

Land Surveying, Site Planning & Landscape Architecture

LICENSE EXPIRATION DATE: 6/1/2021

STATE OF MARYLAND ★ 601 ★ KENNETH J. WELLS ★ PROFESSIONAL LAND SURVEYOR

SEAL

BALTIMORE COUNTY
GIS NORTH

REVISIONS:

NO.	DATE

PLAN TO ACCOMPANY A PETITION FOR ZONING HEARING

LAING PROPERTY
LOTS 7 AND 8 BARRISON POINT
15TH ELECTION DISTRICT 7 COUNCILMANIC DISTRICT

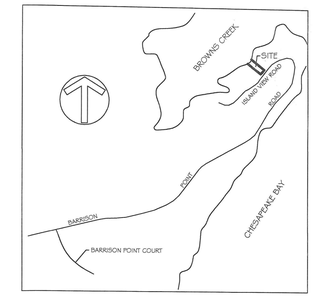
DRAWN BY: CAV/KJW

CHECKED BY: KJW

DATE: 6/14/2019

PROJECT NO.:
2019-010

SHEET 1 OF 1



VICINITY MAP
SCALE: 1" = 1,000'

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

PETITIONER'S
EXHIBIT NO. 2

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying, Site Planning & Landscape Architecture

LICENSE EXPIRATION DATE: 6/1/2019

STATE OF MARYLAND ★ KENNETH JAMES WELLS ★ No. 234 ★ PROFESSIONAL LAND SURVEYOR

SEAL

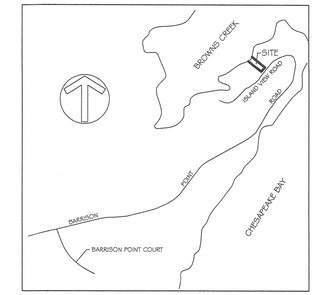
REVISIONS:

NO.	DATE
1	10/16/19

BARRISON POINT AND ISLAND VIEW COMMUNITY

LAING PROPERTY
LOTS 7 AND 8 BARRISON POINT
15TH ELECTION DISTRICT 7 COUNCILMANIC DISTRICT

DRAWN BY:
CHECKED BY:
DATE:
PROJECT NO.:
SHEET OF



VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA:

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2) OWNERS ADDRESS: 2546 ISLAND VIEW ROAD
BALTIMORE, MARYLAND 21221
3) OWNERS TELEPHONE NO.: 443-722-0712
4) TAX ACCOUNT NUMBERS: 1520600730
5) TAX MAP: 105 GRID: 09 PARCELS: 080 BLOCK B LOTS 7 & 8
6) DEED REFERENCE: 34899/247
7) PLAT REFERENCE: 862 AMENDED PLAT OF BARRISON POINT
8) LOT AREA: 22,134 SF / 0.508 ACRES
9) ZONING MAP: 105B21
10) ZONING: RC-5
11) EXISTING USE: VACANT
12) PROPOSED USE: RESIDENTIAL
13) THE SUBJECT PROPERTY DOES LIE WITHIN THE CBCA. (LDA)
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16) SITE SERVED BY PUBLIC WATER AND SEWER.
17) PRIOR HEARINGS/ZONING VIOLATIONS: NONE
18) 15TH ELECTION DISTRICT
19) 7TH COUNCILMANIC DISTRICT

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GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8600

Land Surveying, Site Planning & Landscape Architecture

LICENSE EXPIRATION DATE: 6/1/2021

STATE OF MARYLAND KENNETH JAMES WELLS PROFESSIONAL LAND SURVEYOR NO. 5

SEAL

BALTIMORE COUNTY
GIS NORTH

REVISIONS:

NO.	DATE

PLAN TO ACCOMPANY A PETITION FOR ZONING HEARING

LAING PROPERTY
LOTS 7 AND 8 BARRISON POINT
15TH ELECTION DISTRICT 7 COUNCILMANIC DISTRICT

DRAWN BY: CAV/KJW

CHECKED BY: KJW

DATE: 6/14/2019

PROJECT NO.:
2019-010

SHEET 1 OF 1