

IN RE: PETITION FOR SPECIAL HEARING  
S/S Kingston Park Lane, 35' S of the c/l  
South Lane  
**(94 W. Kingston Park Lane)**  
15<sup>th</sup> Election District  
6<sup>th</sup> Council District

Charles Walter McKenzie, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 05-051-SPH

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Charles Walter McKenzie and his wife, Debra Lynn McKenzie. The Petitioners request a special hearing, pursuant to Sections 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a waiver of the requirements of Sections 26-670 and 26-172(a)(3) of the Baltimore County Code to permit a second story addition over the first floor of an existing home with a building elevation of 10'3" in lieu of the minimum required 11'2". The subject property and requested relief are more particularly shown on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Charles and Debra McKenzie, property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped waterfront lot located adjacent to Middle River with vehicular access thereto by way of West Kingston Park Lane, just south of South Lane/Kingston Road and Eastern Boulevard in Essex. The property contains a gross area of 0.19 acres, or 8,319 sq.ft, zoned D.R.5.5 and is served by public water and sewer. The property is presently improved with a one-story single-family dwelling, which was built in approximately 1959, and an accessory shed. Mr. & Mrs. McKenzie have owned and resided on the property for approximately the past year. They propose the addition of a second floor over the existing dwelling to provide more living space. There is no

ORDER RECEIVED FOR FILING  
Date 8/24/04  
By [Signature]

change proposed to the existing building envelope and no expansion of the first floor. It was indicated that the flood elevation for this property is 10'2" and the first floor is located 10'3" above the floodplain. Given that an additional 12" is required between the first floor and the flood elevation level for this property, special hearing relief is necessary in order to proceed with the proposed improvements.

In consideration of this request, I contacted David Thomas of the Development Plans Review Division of the Department of Permits and Development Management. He indicated that his department was not opposed to the granting of a waiver, provided the Petitioners could produce an elevation certificate prepared by a registered surveyor attesting to the 10'2" elevation. The Petitioners indicated that such an elevation certificate would be provided to Mr. Thomas.

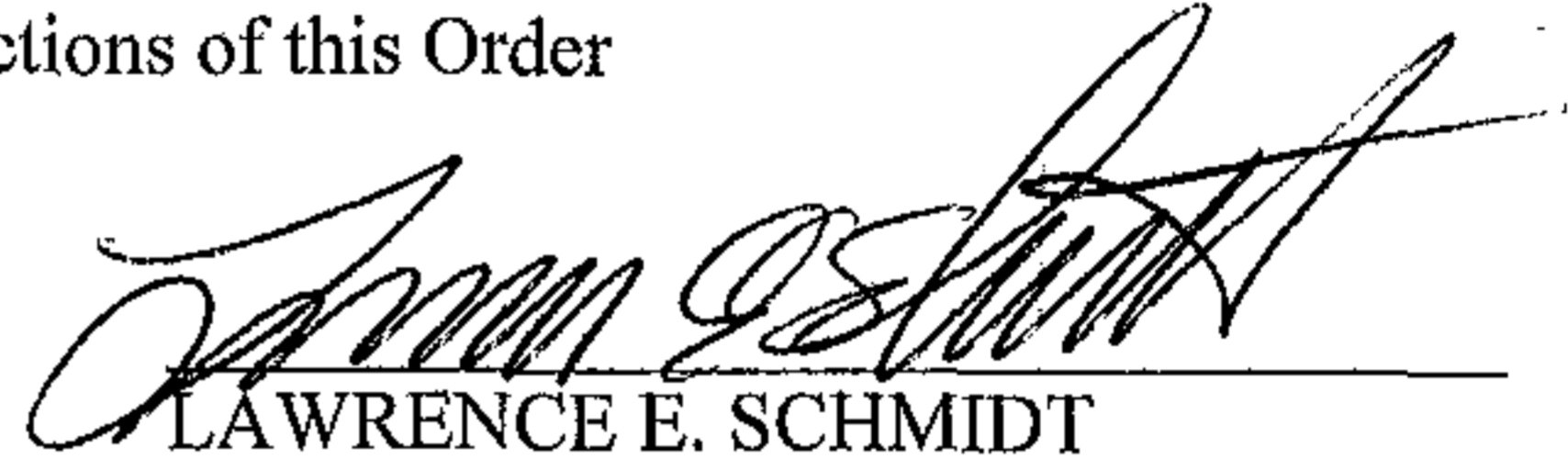
Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. The fact that there will be no improvements to the first floor is a compelling factor. In addition, the Petitioners submitted letters of support from their adjacent neighbors, and no one appeared in opposition to the request. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments from any of the County reviewing agencies. However, due to the property's waterfront location, the proposed improvements must comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements as well as any Baltimore County Building Code provisions regarding development in a floodplain.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24<sup>th</sup> day of August 2004 that the Petition for Special Hearing seeking relief, pursuant to Sections 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a waiver of the requirements of Sections 26-670 and 26-172(a)(3) of the Baltimore County Code to permit a second story addition over the first floor of an existing home with a building elevation of 10'3" in lieu of the minimum required 11'2", in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING  
Date 8/24/04  
By [Signature]

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed improvements must be in compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains.
- 3) The Petitioners shall submit building elevation drawings of the proposed addition to the Office of Planning for review and approval prior to the issuance of any permits.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By

## Zoning Commissioner

Suite 405, County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204  
Tel: 410-887-3868 • Fax: 410-887-3468



## Baltimore County

James T. Smith, Jr., County Executive  
Lawrence E. Schmidt, Zoning Commissioner

August 24, 2004

Mr. & Mrs. Charles W. McKenzie  
94 W. Kingston Park Lane  
Baltimore, Maryland 21220

RE: PETITION FOR SPECIAL HEARING  
S/S W. Kingston Park Lane, 35' S of the c/l South Lane  
**(94 W. Kingston Park Lane)**  
15<sup>th</sup> Election District – 6<sup>th</sup> Council District  
Charles W. McKenzie, et ux - Petitioners  
Case No. 05-051-SPH

Dear Mr. & Mrs. McKenzie:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission  
1804 West Street, Suite 100, Annapolis, Md. 21401  
Development Plans Review, DPDM; DEPRM; Office of Planning  
People's Counsel; Case File

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 94 West Kingston Park LA.  
which is presently zoned DR-5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve A Waiver pursuant to S. 500.6, Section 3112.0, BALTO. CO. Bldg. Code, and S. 32-670, 32-172.(a) (3) BCC to add a 2nd story (over the existing 1st floor) Elevation 10' 3".

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

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

### Contract Purchaser/Lessee:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Legal Owner(s):

Charles Walter McKenzie  
Name - Type or Print \_\_\_\_\_  
Charles Walter McKenzie  
Signature \_\_\_\_\_  
Debra Lynn McKenzie  
Name - Type or Print \_\_\_\_\_  
Debra Lynn McKenzie  
Signature \_\_\_\_\_

### Attorney For Petitioner:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_

94 W. Kingston Park Lane (410) 687-9225  
Address Telephone No. \_\_\_\_\_  
Balto. MD 21220  
City State Zip Code \_\_\_\_\_

### Representative to be Contacted:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

ORDER RECEIVED FOR FILING  
Date 8/24/04  
By [Signature]

Case No. 05-051 SPH

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1<sup>00</sup> hr.

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By [Signature] Date 7-27-04

## Zoning Description.

94 West Kingston Park Lane

Beginning at a point on the south side of Kingston Park Lane (west) 35 ft ± west of the centerline of South Lane thence running S 73° 08' 00" E, 55.40 ft. thence N, 19° 36' 00" E, 175 ft. thence west only 45' ± thence S 25° 40' 00" W 157 ft. to the point of beginning, containing 0.19 acres ±.

#051

**BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT**

*Chk No. 39360  
05-051 SPH*

DATE 7-27-04 ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Mr. & Mrs. McKenzie

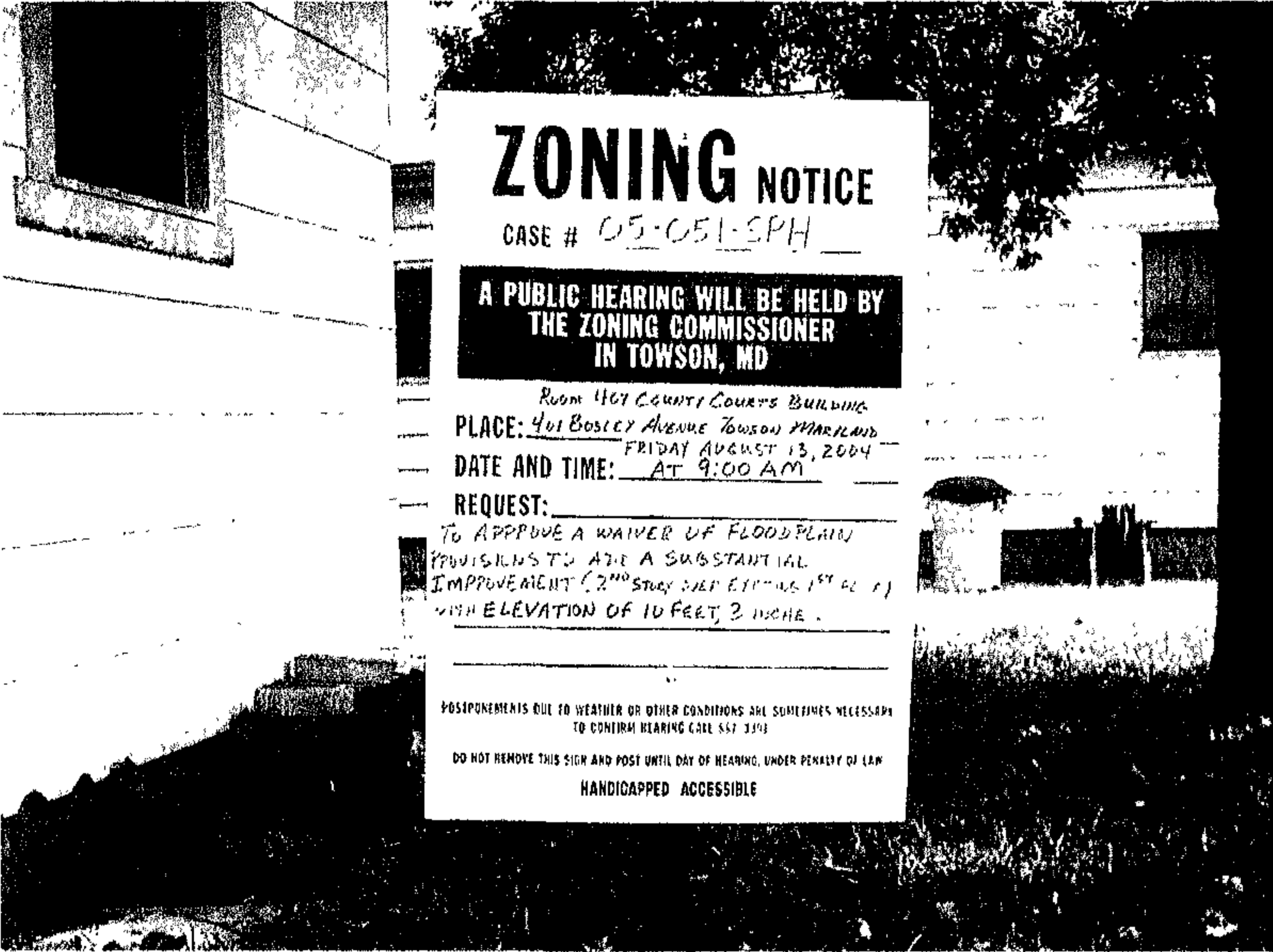
FOR: Residential Living Fee  
94 West Kingston Pike Ave

**DISTRIBUTION**  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

**PAID RECEIPT**

BUSINESS	ACTUAL	TIME	DRN
7/20/2004	7/27/2004	10:47:18	2
REG 4504	MALTM	DOCL DRD	
RECEIPT # 273392 7/27/2004			
Dept: 5 523 ZIMING VERIFICATION			
CR NO. 039360			
Receipt Tot		\$65.00	
\$65.00	CK	\$ .00	CA
Baltimore County, Maryland			

**CASHIER'S VALIDATION**



# ZONING NOTICE

CASE # 05-051-EPH

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

*ROOM 407 COUNTY COURTS BUILDING*

PLACE: 401 BOSLEY AVENUE TOWSON MARYLAND

FRIDAY AUGUST 13, 2004

DATE AND TIME: AT 9:00 AM

**REQUEST:**

*TO APPROVE A WAIVER OF FLOODPLAIN  
PROVISIONS TO ALLOW A SUBSTANTIAL  
IMPROVEMENT (2" STUDY RISE ELEVATION 1ST FL F)  
WITH ELEVATION OF 10 FEET, 2 INCHES.*

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY  
TO CONDUCT HEARING CALL 567-3400

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

**HANDICAPPED ACCESSIBLE**

*M. J. O'Connell 7/28/04*



# ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 05-051 SPH

Date Completed/Initials

7/30/04

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

7/28/04  
ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

**Department of Permits and  
Development Management**



**Baltimore County**

*James T. Smith, Jr., County Executive  
Timothy M. Kotroco, Director*

Director's Office  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
Tel: 410-887-3353 • Fax: 410-887-5708

July 27, 2004

**NOTICE OF ZONING HEARING**

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

**CASE NUMBER: 05-051-SPH**

94 West Kingston Park Lane  
S/side of Kingston Park Lane, 35 ft. west of centerline of South Lane  
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owners: Charles Walter & Debra Lynn McKenzie

Special Hearing to approve a waiver of floodplain provisions to add a substantial improvement (2<sup>nd</sup> story over existing 1<sup>st</sup> floor), with elevation of 10 feet, 3 inches.

Hearing: Friday, August 13, 2004 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue

  
Timothy Kotroco  
Director

Post-It® Fax Note	7671	Date	7/27/04	# of pages	1
To	Martin Ogle	From	Kristen M.		
Co./Dept.		Co.	Zoning		
Phone #		Phone #	410-887-3391		
Fax #	410-931-1767	Fax #	410-887-5708		

TK:klm

C: Charles & Debra McKenzie, 94 W. Kingston Park Lane, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 29, 2004.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, August 3, 2004 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Walter McKenzie  
94 West Kingston Park Lane  
Baltimore, MD 21220

410-687-9225

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## NOTICE OF ZONING HEARING

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

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94 West Kingston Park Lane

S/side of Kingston Park Lane, 35 ft. west of centerline of South Lane

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Charles Walter & Debra Lynn McKenzie

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Hearing: Friday, August 13, 2004 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue



LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

For Newspaper Advertising:

Item Number or Case Number: 05-051 SPH  
Petitioner: MR. & MRS. Walter McKenzie  
Address or Location: 94 West Kingston Park Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same  
Address: Same  
BALTO, MD, 21220  
Telephone Number: 410-687-9225



Baltimore County  
Fire Department

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

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

August 2, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 2, 2004

Item No.: 002, 036-049, (051)

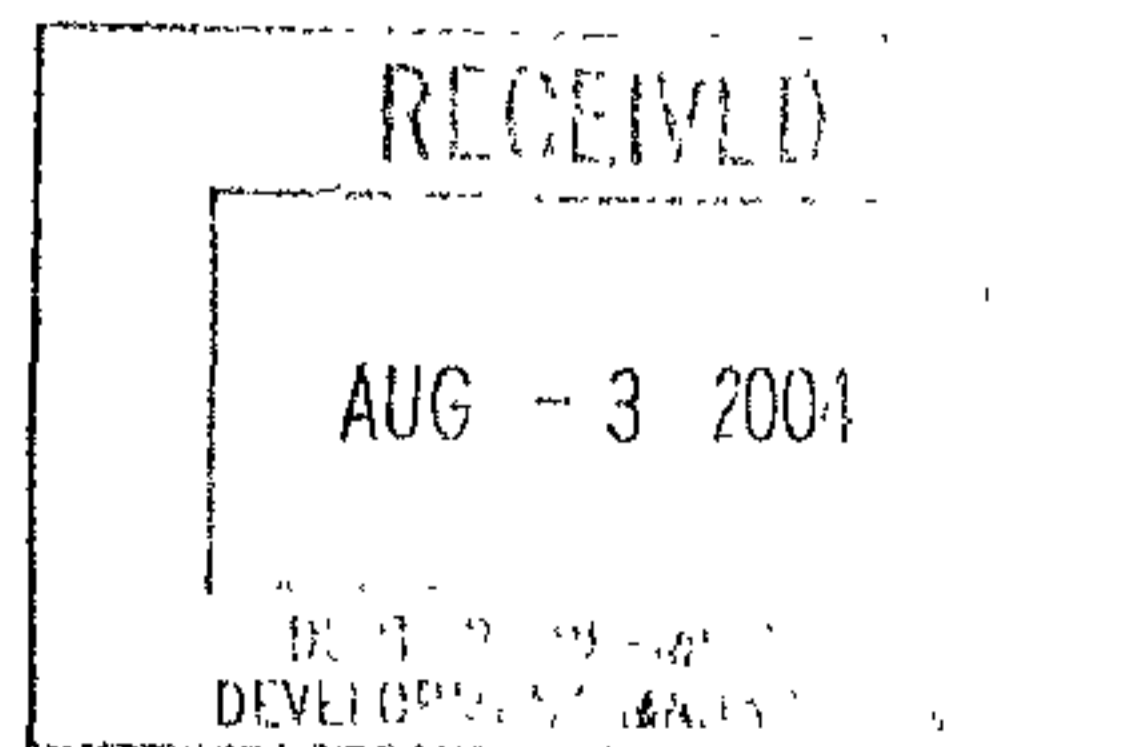
Dear Ms. Mathews:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

LIEUTENANT JIM MEZICK  
Fire Marshal's Office  
PHONE 887-4881  
MS-1102F

cc: File



Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper



Robert L. Ehrlich, Jr., *Governor*  
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*  
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 8-2-04

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

RE: Baltimore County  
Item No. 051 JJS

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Acting Chief  
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr <sup>JDO</sup>

DATE: August 25, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 2, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-002

04-037

04-038

04-039

04-040

04-041

04-044

04-045

04-047

04-048

04-049

04-051

Reviewers: Sue Farinetti, Dave Lykens

8/13

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** August 20, 2004

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

RECEIVED

AUG 23 2004

**SUBJECT:** 94 West Kingston park Lane

ZONING COMMISSIONER

**INFORMATION:**

**Item Number:** 5-051

**Petitioner:** Charles McKenzie

**Zoning:** DR 5.5

**Requested Action:** Special Hearing

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request provided building elevations (all sides) are submitted to this office for review and approval prior to the issuance of any building permits.

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

**Prepared by:** Maeb A. Cundiff

**Division Chief:** [Signature]


AFK/LL:MAC:



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** August 26, 2004

**FROM:**  Robert W. Bowling, Supervisor  
Bureau of Development Plans  
Review

*RWB/RJF*

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 9, 2004  
Item Nos. 036, 037, 038, 039, 040, 041,  
044, 045, 046, 047, 048, and 051

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
 94 W. Kingston Park Lane; S/side West \*  
 Kingston Park Ln, 35' W c/line South Lane \* ZONING COMMISSIONER  
 15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts \*  
 Legal Owner(s): Charles & Debra McKenzie\* FOR  
 Petitioner(s) \*  
 \* BALTIMORE COUNTY  
 \* 05-051-SPH

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel 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 and 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  
 Old Courthouse, Room 47  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 9<sup>th</sup> day of August, 2004, a copy of the foregoing Entry of Appearance was mailed to Charles & Debra McKenzie, 94 W. Kingston Park Lane, Baltimore, MD 21220, Petitioner(s).

**RECEIVED**  
 AUG 09 2004  
 Per.....

*Peter Max Zimmerman*  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

**From:** David Thomas  
**To:** Schmidt, Larry  
**Date:** 8/13/04 11:01AM  
**Subject:** Flood Waiver - 94 Kingston Park Lane - McKenzie Property

Larry,

In our earlier discussion I was under the impression that the existing house was out of the floodplain and that the 10.3 elevation was the lowest adjacent grade. I wanted that confirmed by an elevation certificate.

I met with the McKenzies 10:30 AM 8/13/04. They had an elevation certificate for their property prepared by Len Buerhaus, PLS. The certificate indicated a lowest floor elevation of 10.3 (Balto. Co. Datum), 0.1' above the base flood elevation. However the lowest adjacent grade is 6.3 (BCD), 3.9' below the BFE. The dwelling is in the tidal floodplain.

I now understand that the waiver was for the 1' freeboard requirement.

Upon further discussion, I found that the existing house is built on a crawlspace that is equipped with flood vents and has no HVAC or electrical equipment in it. I discussed the situation with Michael Stavrinis in Plans Review and with the McKenzies. They understand they need to comply with venting and all other building code requirements for the proposed substantial addition to the house, with the exception of the freeboard. Michael will enforce this in the permit review. They also have flood insurance in effect as a condition of their mortgage.

Based on the above, I see no reason to take exception to the waiver of freeboard being approved in this case. This should not be considered a precedent for other cases, however.

This e-mail may be used in the waiver and permit files if needed.

Dave Thomas

David L. Thomas  
Baltimore County DPW  
(410) 887-3984

**CC:** Joyce, John; Stavrinis, Michael

To the Zoning Department of Baltimore County, Maryland:

We the undersigned approve the zoning request made by Charles and Debra McKenzie for a second floor addition to the existing house located at 94 W Kingston Park Lane, Baltimore, Maryland 21220.

Respectfully submitted:

Joyce Lynn Vincent

104 Kingston Park Lane W 8/8/2004  
21220

D + E L

102 KINGSTON PARK LANE W 8/8/2004

Dawn Scanlon

106 W. Kingston 8/8/04  
PKW

Bob Luidl

98 W. Kingston Cr. Dr. 8/8/04  
Millers River, Md. 21220

To the Zoning Department of Baltimore County, Maryland:

We the undersigned approve the zoning request made by Charles and Debra McKenzie for a second floor addition to the existing house located at 94 W Kingston Park Lane, Baltimore, Maryland 21220.

Respectfully submitted:

John T. Brown

68 W. Kingston Park Lane, Balto. Md 21220 8-8-04

Shirley J. Brown

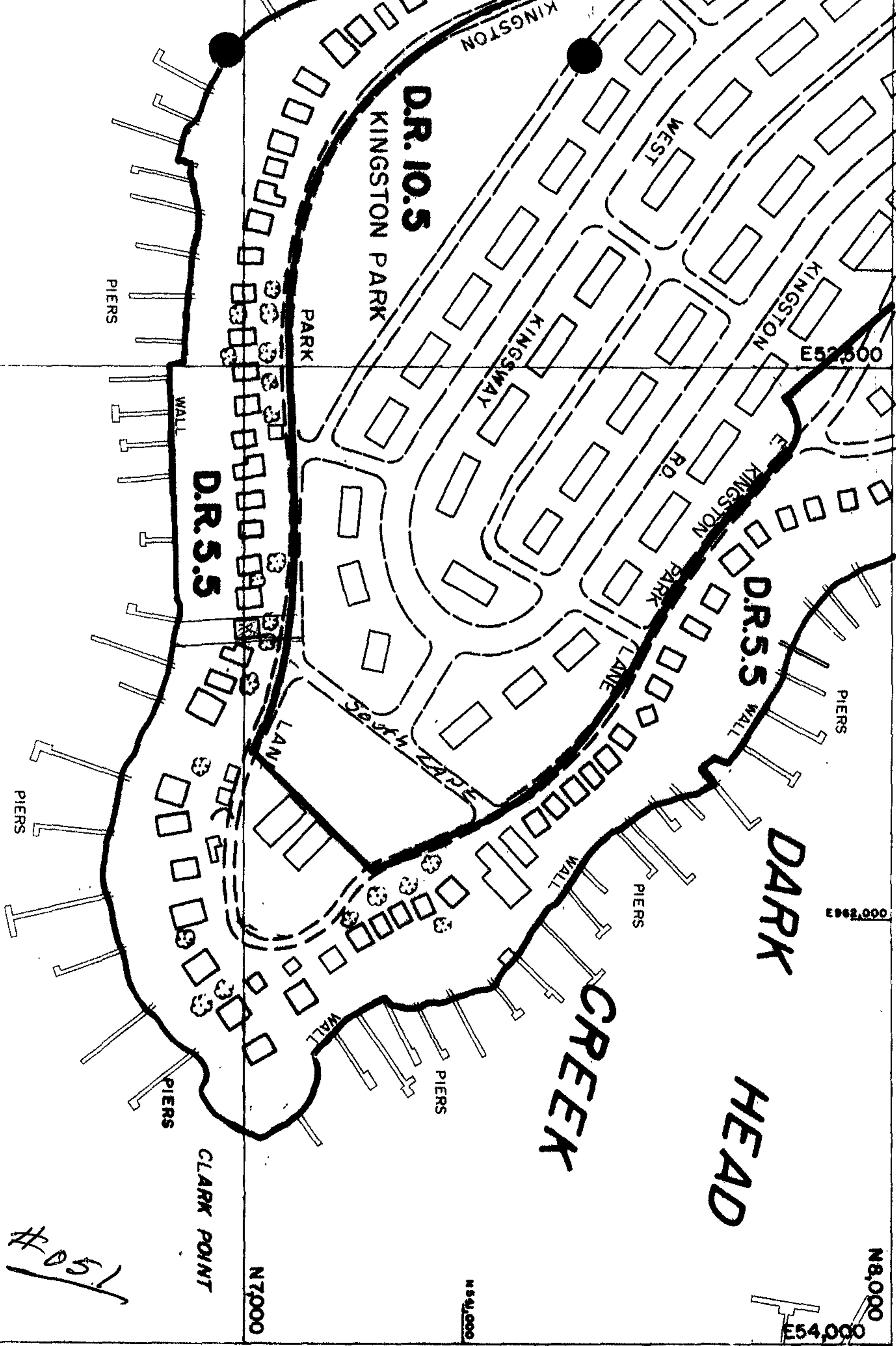
68 W. Kingston Park Lane Balto. Md 21220 8-8-04

John & Bell Mitchelney

108 W. Kingston Park Lane Balto Md 21220 8-8-04

Betty & D. A. M. M. M. M.

112 W. Kingston Park Ln 21220 8-8-04



DR. 10.5

KINGSTON PARK

DR. 5.5

DR. 5.5

CREEK

HEAD

DARK

CLARK POINT

N7,000

N8,500

N8,000

E54,000

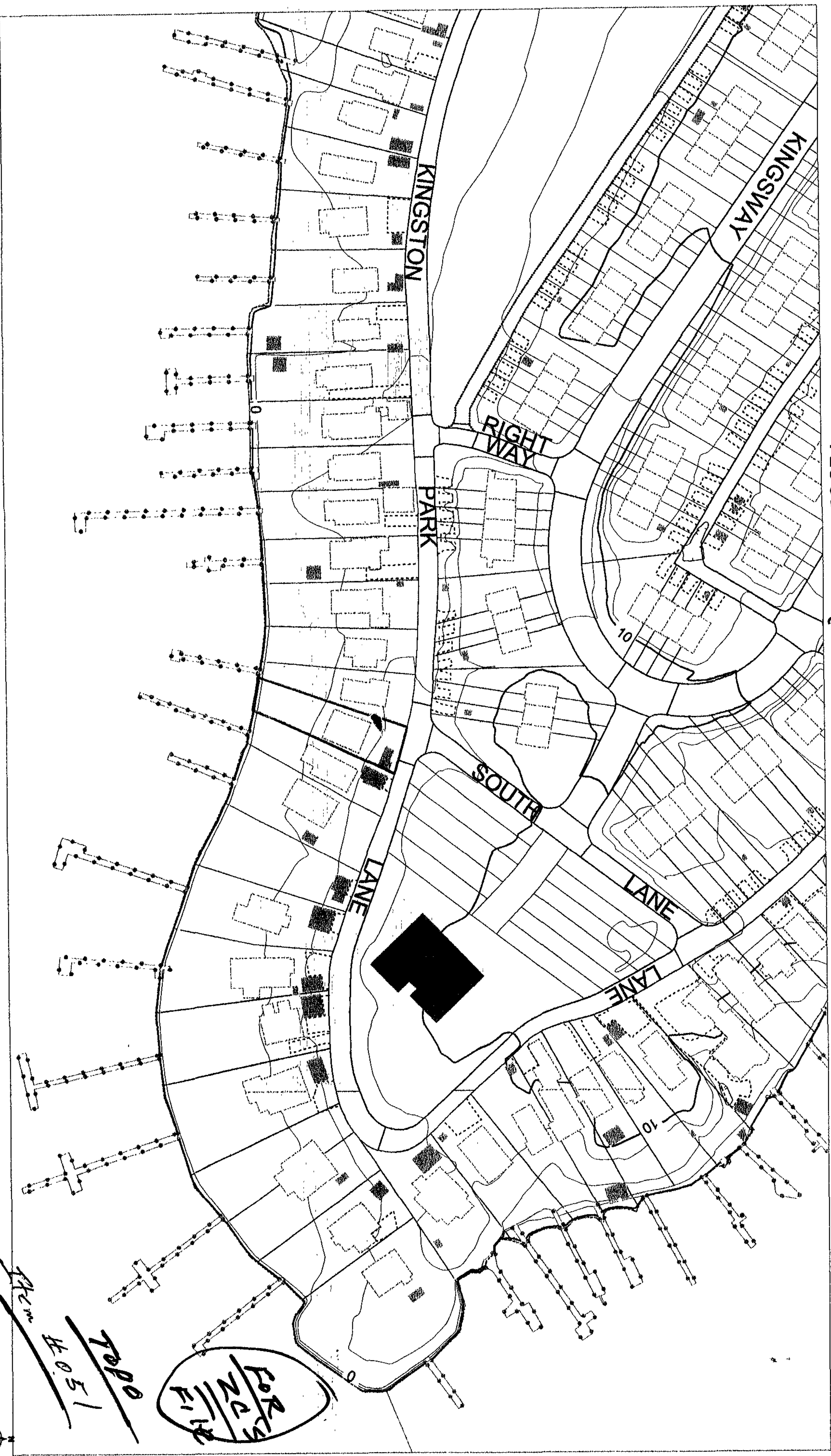
E53,000

E52,500

NE 2-I

#05 ✓

FLOODPLAIN INQUIRY - 94 KINGSTON PARK LANE, WEST

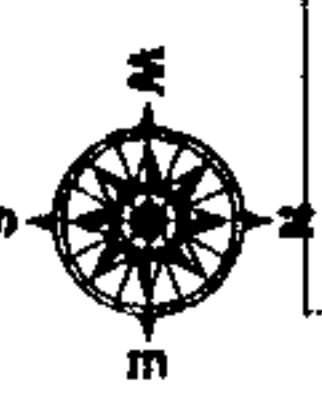


Coordinate System:  
 Maryland State Plane: NAD83/91 Horizontal Datum  
 Elevations in Feet: NAVD88 Vertical Datum  
 Date of Data Capture: March 2002  
 Scale of Data Capture: 1" = 100'

For internal use only!  
 The cadastral information on this plot was compiled from existing deed information.  
 This information is not to be considered authoritative. This survey information was not field checked and certified by a licensed land surveyor.

NOTE  
 Floodplain Elevation data from FEMA Flood Insurance Rate Map 240010-0435B is based on Baltimore County Datum. Add 1.7 feet vertically to NAVD88 elevation to approximate BCD elevation.

Baltimore County, MD  
 Department of Public Works  
 GIS Services



*FOR N/A*  
*7090*  
*H.051*  
*AKM*

Prepared By:  
 Robbin Hurley, EAI  
 June 23, 2004

# PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

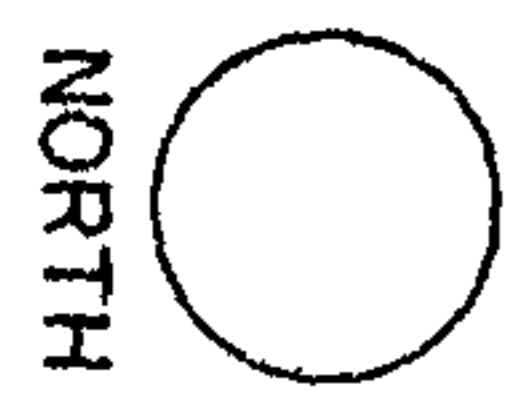
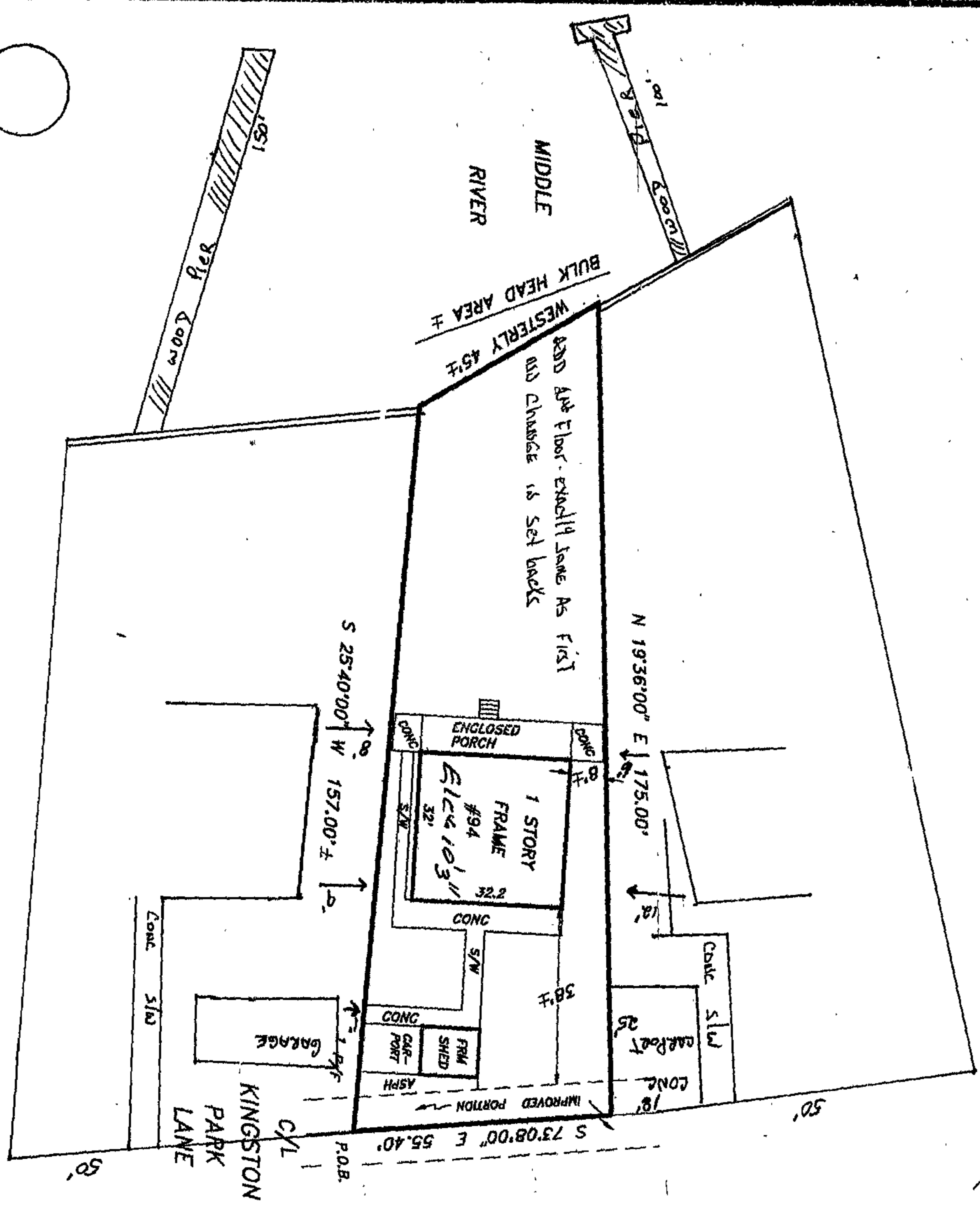
PROPERTY ADDRESS 94 W. KINGSTON PARK LANE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME HADDONSBOROUGH (MIDDLE RIVER) KINGSTON PARK

PLAT BOOK # \_\_\_\_\_ FOLIO # \_\_\_\_\_ LOT # \_\_\_\_\_ SECTION # \_\_\_\_\_

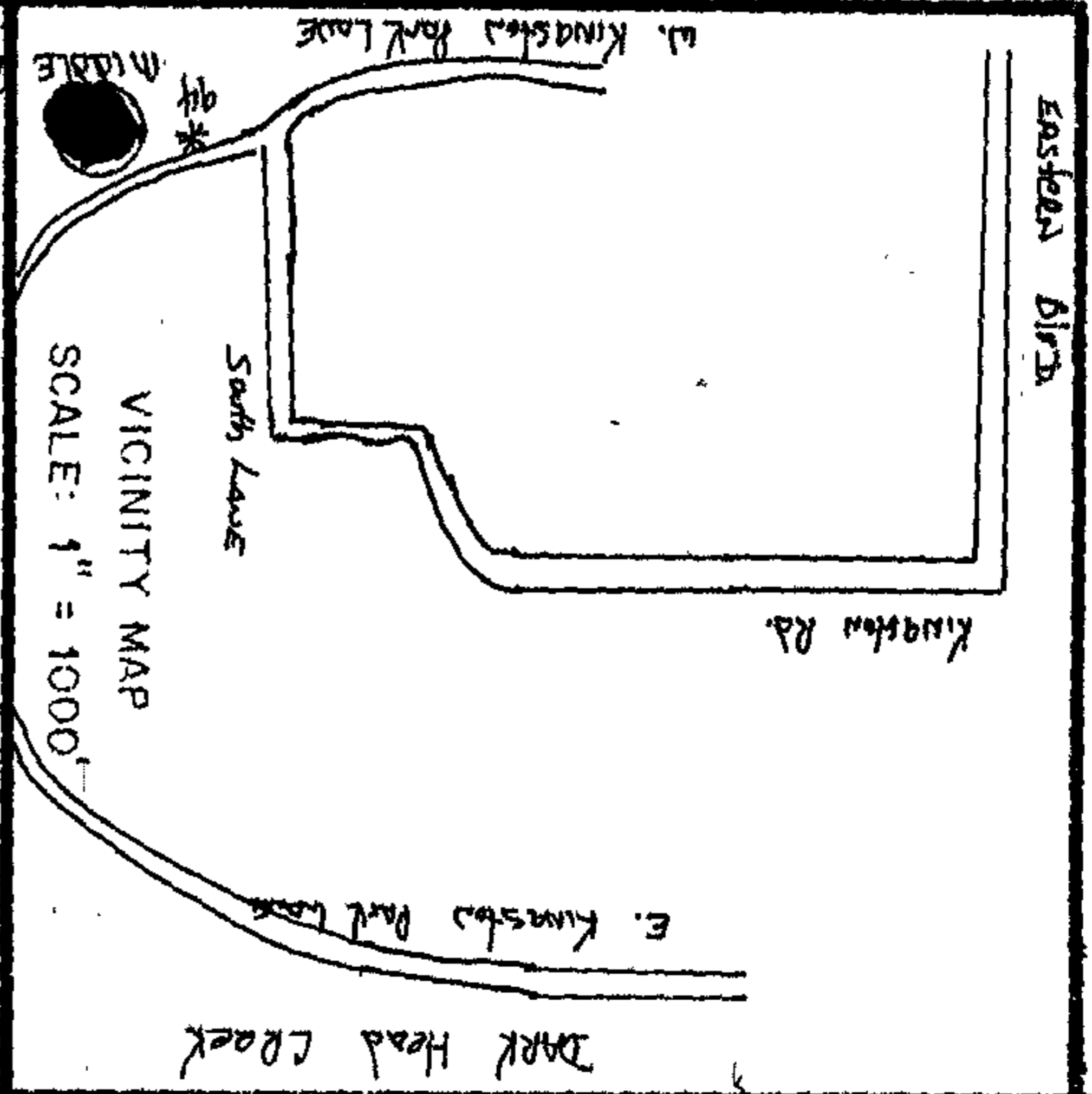
OWNER Charles W. & Debra L. McKenzie

*Rel No. 1*



PREPARED BY \_\_\_\_\_

SCALE OF DRAWING: 1" = 30'



### LOCATION INFORMATION

ELECTION DISTRICT 15 +4

COUNCILMANIC DISTRICT 6 +4

1" = 200' SCALE MAP # NE 2-I

ZONING D.R.-S.5

LOT SIZE 0.19 ACRES 8,319 SQUARE FEET

SEWER  PUBLIC  PRIVATE

WATER  YES  NO

CHESAPEAKE BAY CRITICAL AREA  YES  NO

100 YEAR FLOOD PLAIN  YES  NO

HISTORIC PROPERTY / BUILDING  YES  NO

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY  
REVIEWED BY \_\_\_\_\_ ITEM # \_\_\_\_\_ CASE # \_\_\_\_\_

*[Signature]*

051



call John Jayce

Tues 8/10  
9:50<sup>+</sup>

I called  
petition  
+ follow up

~~FEMA~~

410-537-3914

DO they have a

Basement?

~~Basement~~

1<sup>st</sup> fl. 10' 5"  
EV.

8/10 4:20

M9. M called M  
= NO Basement

Wed 8/11 9:50-1

Left shot in sp. w/ John Jayce

**NOTICE OF ZONING HEARING**

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

Case: 05-051-SPH

94 West Kingston Park Lane

S/side of Kingston Park Lane, 35 ft. west of centerline of South Lane

15th Election District — 6th Councilmanic District

Legal Owner(s): Charles Walter & Debra Lynn McKerzie

**Special Hearing:** to approve a waiver of floodplain provisions to add a substantial improvement (2nd story over existing 1st floor), with elevation of 10 feet, 3 inches.

**Hearing:** Friday, August 13, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 8/623 Aug. 3

15606

# CERTIFICATE OF PUBLICATION

8/5/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/3/, 2004.

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



LEGAL ADVERTISING

Certificate Of Posting

RE: Case NO.: 05-051-SP14

Petitioner/Developer: DEBRA  
MCKENZIE

Date of Hearing/Closing: 8/13/04

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property  
at 94 W. KINGSTON PARK LANE

This sign(s) were posted on 7/28/04  
(Month, Day, Year)

Sincerely,

Martin Ogle 7/28/04  
(Signature of Sign Poster and Date)

Martin Ogle

(Printed Name)

5016 Castlestone Drive

(Address)

Balto, MD 21237

(City, State, Zip Code)

(410)-933-9470

(Phone Number)