A FILING GEIVED FOF JADER REC IN RE: PETITION FOR VARIANCE

N/S 4th Street, 57' E of the c/l

Hinton Avenue

(2809 (A) 4th Street)

15th Election District

7th Council District

Melvin Wolinski Petitioner

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 06-297-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Melvin Wolinski, through his attorney, Francis X. Borgerding, Jr., Esquire. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling on a lot width of 50 feet in lieu of the required 55 feet. The subject property and requested relief are more particularly described on the site plan submitted and the accompanying exterior building elevation drawings, which were accepted into evidence and marked as Petitioner's Exhibits 1 and 5, respectively.

Appearing at the requisite public hearing in support of the request were Melvin Wolinski, property owner, his brother and nearby resident, Charles Wolinski, Charles H. Evers, who resides on the immediately adjacent property to the west, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioner. Appearing as interested citizens/Protestants were John G. Kolb, owner of the adjacent property to the east, and Mike Dudeck, who also resides in the community.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped, unimproved parcel located on the north side of 4th Street, between Hinton Avenue and Cuckold Point Road near the end of the peninsula in Millers Island. The property is also known as Lot 50 of Swan Point, an older subdivision which was recorded in the Land Records in 1929, well prior to the effective date of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots do not meet current area and/or width requirements. In this

POER RECEWED FOR FILLS

instance, the subject property contains a gross area of 7,500 sq.ft., more or less, zoned D.R.5.5. Those regulations require a minimum area of 6,000 sq.ft., and a minimum width of 55 feet. Thus, although the lot meets the minimum area requirements, the width of the property is deficient.

The Petitioner purchased the property approximately one year ago from Mr. Evers with the intention of building a home. Apparently, Mr. Evers and Mr. Wolinski have been best friends since childhood and wish to live adjacent to one another. Testimony indicated that the Petitioner grew up in the area and as noted above, his brother resides nearby on Cuckold Point Road. Variance relief is requested as set forth above to allow development of the subject property with a single-family dwelling. As shown on the site plan, the Petitioners propose a 60° x 28'10" dwelling centered on the lot consistent with other houses in the community. Off-street parking will be provided by way of a driveway leading into the property from 4th Street. The Petitioner has discussed his proposal with his neighbors who have no objections; however, due to the narrow width of the property, the requested variance relief is necessary.

As noted above, John Kolb and Mike Dudeck appeared as interested citizens. Mr. Kolb owns the adjacent lot to the east at 2807 4th Street. Mr. Kolb indicated that he had no objections to the proposal; however, appeared to make certain that all setback requirements would be met.

Section 307 of the B.C.Z.R. contains the standards for the grant of variance relief. This Section has been interpreted by the Appellate Courts of this state, most notably in Cromwell v. Ward, 102 Md. App. 691 (1995). The fact that these lots were laid out prior to the adoption of the first set of zoning regulations (1945) is a significant factor. More significantly, the configuration of the overall tract (neighborhood) is unique. As noted in prior opinions (see Cases Nos. 94-153-A and 06-037-A) this area of the Swan Point community has not been developed like other areas. (See Swan Point Development Plat and Zoning Map marked as Petitioner's Exhibit 6 depicting the theme of development and zoning history.)

Second, <u>Cromwell</u> requires a finding of practical difficulty. The D.R.5.5 zoning regulations permit, by right, the development of the subject property with a single-family dwelling. These regulations impose a number of requirements for the construction of a home. In this

instance, nearly all of those requirements are met. The lot meets the minimum area requirements, and the Petitioner proposes to provide the minimum required setbacks. The sole deficiency relates to lot width, which is due to the original layout of the overall tract.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the Petitioner has met the requirements of Section 307 for relief to be granted and that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship. On behalf of the Petitioner, Mr. Borgerding submitted a plat and photographs demonstrating that many of the houses in this community have been constructed on 50-foot wide lots. Moreover, there were no adverse comments submitted by any County reviewing agency and the neighbors support the proposal. Thus, I find that there will be no detrimental impact to adjacent properties or surrounding locale. However, as a condition of approval, the Office of Planning has requested certain conditions be imposed relative to the design of the proposed dwelling, as set forth in their comments dated December 28, 2005, copy attached hereto. Moreover, due to the property's location in close proximity to the water, the proposed construction shall comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements as set forth in the attached comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and Development Plans Review.

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

this _____ day of February 2006 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling on a lot width of 50 feet in lieu of the required 55 feet, in accordance with Petitioner's Exhibits 1 and 5, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) Compliance with the ZAC comments submitted by DEPRM and the Bureau of Development Plans Review relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
- 3) Compliance with the recommendations made by the Office of Planning within their revised ZAC comment, dated December 28, 2005, copy attached hereto.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM JAMEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

Date NECEWED FOR FILIN



JAMES T. SMITH, JR. County Executive

February 1, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Francis X. Borgerding, Jr., Esquire 409 Washington Avenue, Suite 600 Towson, Maryland 21204

RE: PETITION FOR VARIANCE
N/S 4th Street, 57' E of the c/l Hinton Avenue
(2809 (A) 4th Street)
15th Election District — 7th Council District
Melvin Wolinski - Petitioner
Case No. 06-297-A

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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 burs,

Zoning Commissioner for Baltimore County

WJW:bjs

Mr. Melvin Wolinski, 7509 Fort Avenue, Ft. Howard, Md. 21052 Mr. John G. Kolb, 2807 4th Street, Baltimore, Md. 21219 Mr. Mike Dudeck, 2802 9th Street, Baltimore, Md. 21219 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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at # 2809 - 4TH STREET
which is presently zoned PR. 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 Variance from Section(s) 1802.3.C-1 1802R

TO PERMIT A PROPOSED DWELLING ON A LOT WITH A WIDTH OF 50-FEET IN LIEU OF THE REQUIRED 55-FEET.

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

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

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

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

Contract Purchaser/Lessee:	•	<u>Legal Owner(s):</u>
Name - Type or Print		Mellin Wolinski Name - Type or Print
Signature	· · · · · · · · · · · · · · · · · · ·	Melren Wolash Signature
Address	Telephone No.	Name - Type or Print
City State <u>Attorney For Petitioner:</u>	Zip Code	Signature 75 89 Fort Auk 443-850-9387 Address Telephone No.
Name - Type or Print	· ··· · · · · · · · · · · · · · · · ·	Et. Howard May 21052 State Zip Code
Signature		Representative to be Contacted: Name
Addas	Telephone No.	Address Telephone No.
State	Ziç Code	City State Zip Code OFFICE USE ONLY
CEC No. 106-297 A		ESTIMATED LENGTH OF HEARING
Chec No. $06 - 297A$	Reviewed By	UNAVAILABLE FOR HEARING

ZONING DESCRIPTION FOR #2809 4TH STREET

Beginning at a point on the North side of

4th Street which is 30 feet wide at the distance of 57.5 feet
east of the centerline of the nearest improved intersecting

street Hinton Avenue which is 15 feet wide. Being Lot #50

in the subdivision of Swan Point as recorded in Baltimore

County Plat Book #7, Folio #162, containing 7,500 square

Feet. Also known as #2809 4th Street and located in the

15th Election District, 7th Councilmanic District.

Tax Acct # 1524008865

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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: #06-297-A 2809 4th Street North side of 4th Street, 57.5 feet east of the centerline of Hinton Avenue 15th Election District 7th Councilmanic District Legal Owner(s): Melvin Wolinski Variance: to permit a proposed dwelling on a lot with a width of 50 ft. in lieu of the required 55 ft. Hearing: Monday, January 23, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-nue, Towson 21204.

WILLIAM J. WISEMAN, III Zoning Commissioner for **Battimore 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.

1/015 Jan 5

CERTIFICATE OF PUBLICATION

16,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 15 20 06.
The Jeffersonian Arbutus Times Catonsville Times
☐ Towson Times
☐ Owings Mills Times ☐ NE Booster/Reporter
Ne Booster/Reporter North County News
Phinne

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

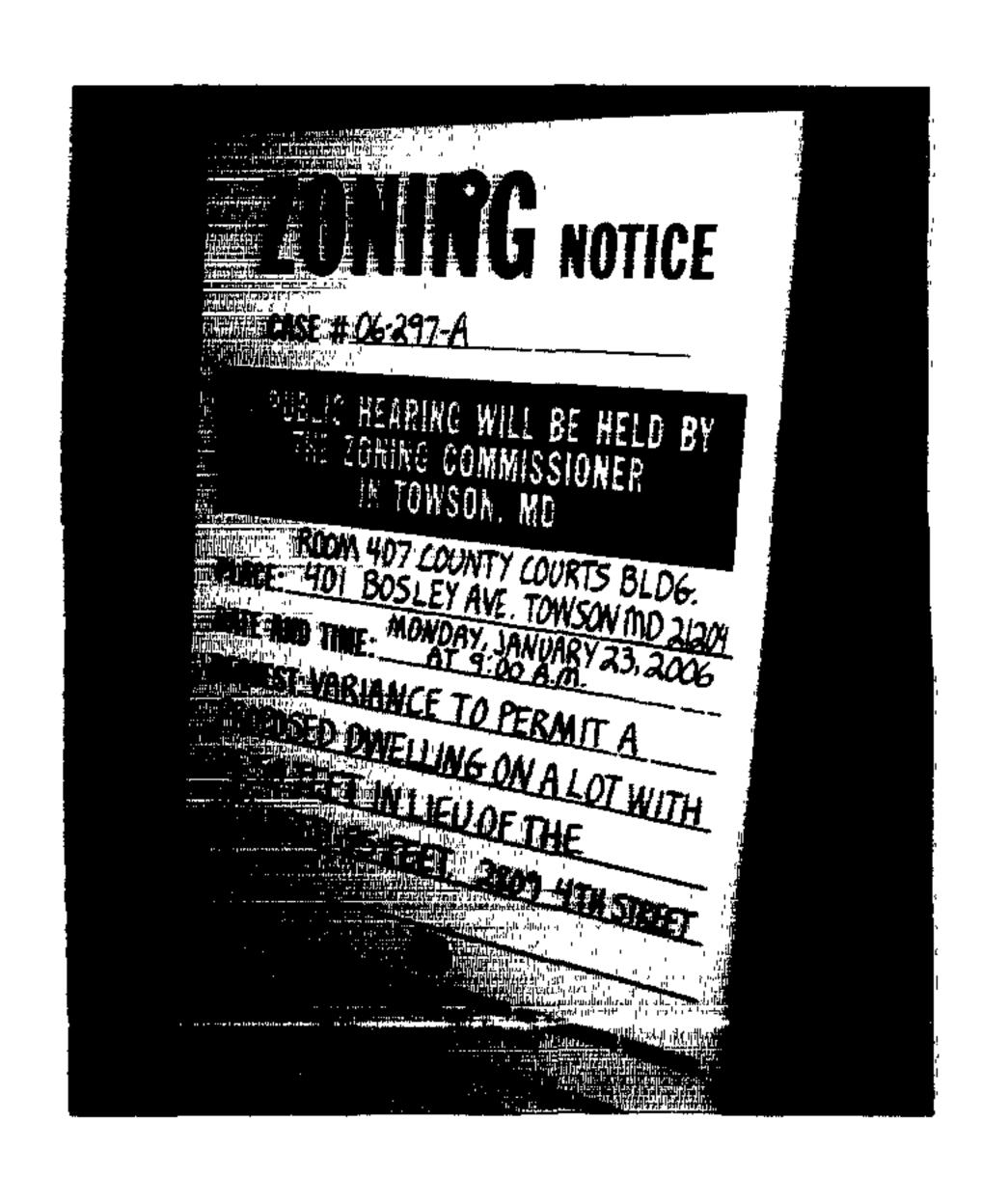
Case Number: 06-297-A

Petitioner/Developer: MELVIN WOLINSKI

Date of Hearing (Closing): 01/23/06

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:

2809 4TH STREET



1/07/06

The sign(s) were posted on:

Signature of Sign Poster

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030

(City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

RE: PETITION FOR VARIANCE * BEFORE THE

2809 4th Street; N/S 4th Street, 57.5' E c/line
Hinton Avenue * ZONING COMMISSIONER

15th Election & 7th Councilmanic Districts
Legal Owner(s): Melvin Wolinski * FOR

Petitioner(s)

* BALTIMORE COUNTY

* 06-297-A

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 sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 20th day of December, 2005, a copy of the foregoing Entry of Appearance was mailed to, Melvin Wolinski, 7509 Fort Avenue, Fort Howard, MD 21052, Petitioner(s).

RECEIVED

DEC 2020

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

TO: PATUXENT PUBLISHING COMPANY

Thursday, January 5, 2006 Issue - Jeffersonian

Please forward billing to: Charles Wolinski (410-477-0053)

9019 Cuckold Point Road Baltimore, MD 21219

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: 06-297-A

2809 4th Street

North side of 4th Street, 57.5 feet east of the centerline of Hinton Avenue

15th Election District, 7th Councilmanic District

Legal Owner: Melvin Wolinski

Variance to permit a proposed dwelling on a lot with a width of 50 feet in lieu of the required 55 feet.

Hearing: Monday, January 23, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

APICLIAM LANGENAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

Department of Permits and Development Management

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



Baltimore County

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

December 19, 2005

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: 06-297-A

2809 4th Street

North side of 4th Street, 57.5 feet east of the centerline of Hinton Avenue

15th Election District, 7th Councilmanic District

Legal Owner: Melvin Wolinski

Variance to permit a proposed dwelling on a lot with a width of 50 feet in lieu of the required 55 feet.

Hearing: Monday, January 23, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco Director

TK:raj

C: Melvin Wolinski, 7509 Fort Ave., Ft. Howard MD 21052

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 7, 2006.
 - (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.

DEPARTMENT

PERMITS AND DEVELOPMENT MANAGEMENT.

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

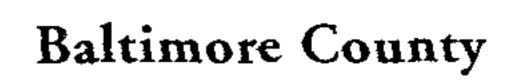
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: MELYIN WOLINSKI
Address or Location: #2809 4th STREET, BALTIMORE, MD. 21219
PLEASE FORWARD ADVERTISING BILL TO:
Name: CHARLES WOLINSKI
Address: #9019 CUCKOLD POINT ROAD
BALTIMORE, MD. 21219
Teiephone Number: 410-477-0053

Department of Permits a Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





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

January 23, 2006

Melvin Wolinski 7509 Fort Avenue Fort Howard, Maryland 21052

Dear Mr. Wolinski:

RE: Case Number: 06-297-A, 2809 4th Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 8, 2005.

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,

U. Callabell D. W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel



Visit the County's Website at www.baltimorecountyonline.info

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

December 19, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of

Item No. 267, 286, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304 and 305

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

The Fire Department has no comments at this time.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt Fire Marshal's Office 410-887-4880 MS-1102F

Cc:file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 20, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 19, 2005

Item No. 297

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

The minimum right-of-way for all public road in Baltimore County is 40 feet. Show a 40-foot right of way centered on existing 30-foot right-of-way. Setbacks shall be adjusted accordingly.

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

The flood protection elevation for this site is 10.4 feet.

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

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

The building engineer shall require a permit for this project.

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

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 297-12202005.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:	Timothy M. Kotroco
FROM:	R. Bruce Seeley
DATE:	December 19, 2005
SUBJECT:	Zoning Item # 06-297 A Address 2809 4 TH Street Wolinski Property
Zoning	g Advisory Committee Meeting of December 19, 2005
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:
	Development of this property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 and through 33-3-120 of the Baltimore County Code).
	Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
_X	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections of the Baltimore County Code).
<u>Additi</u>	onal Comments:
Reviev	vers: Glenn Shaffer Date: December 19, 2005

Bus Amer 1/30 H23

DATE: December 28, 2005

JEC 2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-297- Variance

The Office of Planning has reviewed the subject request and has determined that the petitioner does not owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does meet the standards stated in Section 304.1.C of the BCZR. Additionally, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following condition shall apply to the proposed dwelling:

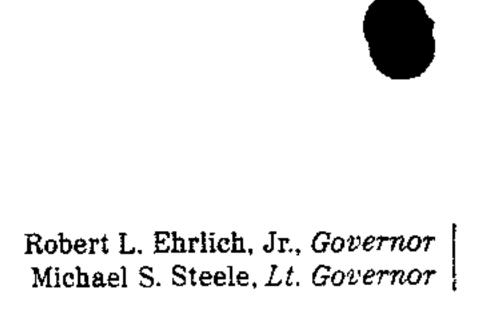
Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay with the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL





Robert L. Flanagan, Secretary Neil J Pedersen, Administrator

Maryland Department of Transportation

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

RE:

Date:

Batimore County

Item No.

12.16.05

SLM

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, Chief

1. J. Grall

Engineering Access Permits Division

Case No.:	06-	297 A	
- ·			

Exhibit Sheet

Petitioner/Developer

Protestant

Sitz PLAN	
DEED	
3 A SWAN, Fort PLAT Between Fo	
PHOTO GRAPHS	
	DEED 3 A SWAN, Fourt PLAT Returned FO 3 B File 06-309A

North North Scale of Orawing: h= 40' Be Above 14.0 prepared by: M. Wolinski Scale of Orawing: h= 40' Be Above 14.0		Plat to accompany Petition 1 PROPERTY ADDRESS: #2809 -4TH STREET Subdivision name: SWAN POINT SUBDIVISION NAME: SWAN POINT [Plat books T .tolics 162 .lots 50 _sections
Chesapeake Bay Crilical Prior Zoning Hearings: J. Zoning Office Ureward by: ITEM	LOCATION INFORMATION Election District: 15 Counchmanic District: 7 11-200' scat: mape: SW 6K(11282) Zoning: DR 5.5 Lot size: 0-172 7,500 acreage square feet	Special Hearing BACK RIVER WICHNIY MAP N.T.S.

01/17/2006

M.D.A.T. REAL PROPERTY SYSTEM BALTIMORE COUNTY

OWNER INFORMATION

DISTRICT: 15 ACCT NO: 2400008865

USE: RESIDENTIAL

PRINCIPAL OWNER NAME: WOLINSKI MELVIN

RESIDENCE NO

MAILING ADDRESS: 7509 FORT AVE

FORT HOWARD

MD 21052

TRANSFERRED

FROM: DEMARTIN IDA F LASSETH AUDREY D DATE: 11/26/2004 PRICE: \$112,500

SPECIAL TAX RECAPTURE /21023/ 26 DEED REFERENCE: 1)

* NONE *

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO

<F6> SELECT NEXT PROPERTY <F5> RETURN TO LIST SCRN

PETITIONER'S

EXHIBIT NO.

M.D.A.T. REAL PROPERTY SYSTEM BALTIMORE COUNTY

LOCATION INFORMATION

DISTRICT: 15 ACCT NO: 2400008865

USE: RESIDENTIAL NAME: WOLINSKI MELVIN

PREMISES ADDRESS

LEGAL DESCRIPTION FOURTH ST

.172 AC

NES FOURTH ST

SWAN POINT

GRID PARCEL SUBDIV SECT BLOCK LOT ASSESSMENT AREA MAP

50 PLAT NO : 112 15

> 7/ 162 PLAT REF:

SPECIAL TAX AREAS -

0000

PRIMARY STRUCTURE DATA PROPERTY LAND AREA 7,500.00 SF ENCLOSED AREA YEAR BUILT

04

COUNTY

USE

PRESS: <F1> OWNER INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO

<F6> SELECT NEXT PROPERTY <F5> RETURN TO LIST SCRN

Perthinker Jack

Realty Title Company, Inc. File No. RTC-19389
Tax ID # 15-04-201250

This Deed, made this 29th day of October, 2004, by and between IDA F. DEMARTIN and AUDREY D. LASSETH, BY HER ATTORNEY IN FACT, IDA. F. DEMARTIN, parties of the first part, Grantors; and MELVIN WOLINSKI, party of the second part, Grantee.

- Witnesseth -

That for and in consideration of the sum of One Hundred Twelve Thousand Five Hundred And 00/100 Dollars (\$112,500.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said MELVIN WOLINSKI, as sole owner, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEING known and designated as Lot No. 50, Section 6, Plat of Swan Point, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, folios 162 and 163. Said lot being situate on the northeast corner of 4th Street and Hinton Street (said Hinton Street being the first unnamed street north of Cuckhold Point Road, as set forth on said Plat of Swan Point).

BEING PART OF the fee simple property which, by Deed dated October 8, 1993, and recorded among the Land Records of the County of Baltimore, State of Maryland, in Liber No. 10062, folio 346, was granted and conveyed by IDA F. DEMARTIN unto IDA F. DEMARTIN and AUDREY D. LASSETH.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said MELVIN WOLINSKI, as sole owner, 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.

As Witness the hands and seals of said Grantors, the day and year first above written.

WITNESS:

AUDREX D. LASSETH, BY HER

ATTORNEY IN FACT, IDA F.

DEMARTIN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify that on this 29th day of October, 2004, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared IDA F. DEMARTIN and AUDREY D. LASSETH, BY HER POA, the Grantors herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public My commission expires:

THIS IS TO CERTIFY that the within Deed was prepared by, required supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

AFTER RECORDING, PLEASE RETURN TO: Realty Title Company, Inc. 3460 Ellicott Center Drive **Suite #101** Ellicott City, MD 21043

0 2 1 0 2 3 0 2 8

CERTIFICATION OF EXEMPTION FROM WITHHOLDING UPON DISPOSITION OF MARYLAND REAL ESTATE

AFFIDAVIT OF RESIDENCY OR PRINCIPAL RESIDENCE

int, MD 21219
from the tax withholding requirements of § 10-912 of the tax payments must be withheld when a deed of the requirements of § 10-912 description of the transferred region of th
NEY IN FACT, IDA F. DEMARTIN
kemption. Ite of Maryland. § 10-912(A)(4) of Maryland's Tax General Article. It is authority to sign this document on Transferor's of the State of Maryland, the Property is my \$ 121.
examined this declaration and that, to the plete.
A THE COLUMN ASSESSMENT OF THE PARTY OF THE
AUDREY D. LASSETH, BY HER ATTORNEY IN FACT, IDA F. DEMARTIN
Tuestry Dan De Signature
Name of Entity
By:
Name
Title

0001000 930

Addendum

State of Maryland Land Instrument Intake Sheet

Baltimore City

County:

The addendum form should be used when one transaction involves more than two instruments. Each instrument should be itemized in accordance than Section No. 1 of the Intake Sheet.

(Type or Print in Black Ink Onya All Copies Must Be Legible) The state of the s Recording Charge 20.00 Surcharge State Recordation Tax 737.50 State Transfer Tax County Transfer Tax Other Other . in the second WOLINSKI MELVINA (Continued) **Transferred** From unions which share - sinto La Sale Miggi The area of Kundalik Kill the area. EQUITOBLE FUNDING (Continued) **Transferred** To कतारक्ष्याः अवस्थान् । हि a conduct traditional fitting the property of the first tradition of the contract of the contr PALAIGOS, (Continued) TRUSTEE Other Names The state of the s v (101 m) to be indexed Special Instructions

P/0 15-04-201250

RECORDATION TAX NOT REQUIRED
Director of Budget and Financo
BALTIMORE COUNTY, MARYLAND
T.P. AFT 12-108

DOC# 2

Initial:,

Date VI

Distribution: White - Clerk's Office
Canaty - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-OC-301(6/95)



SWAN POINT

THE HART & MILLER 15 LAND CO

1928

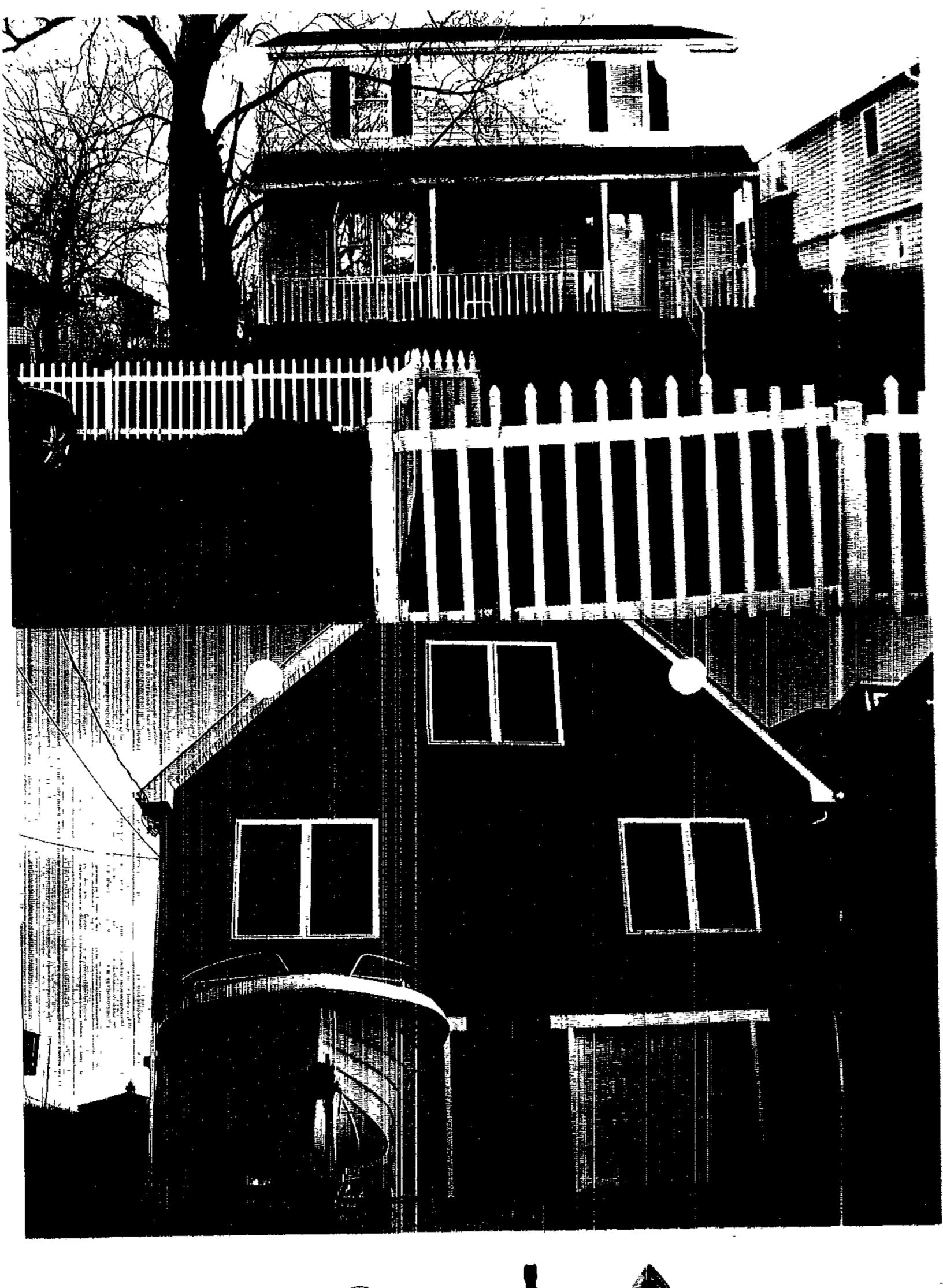
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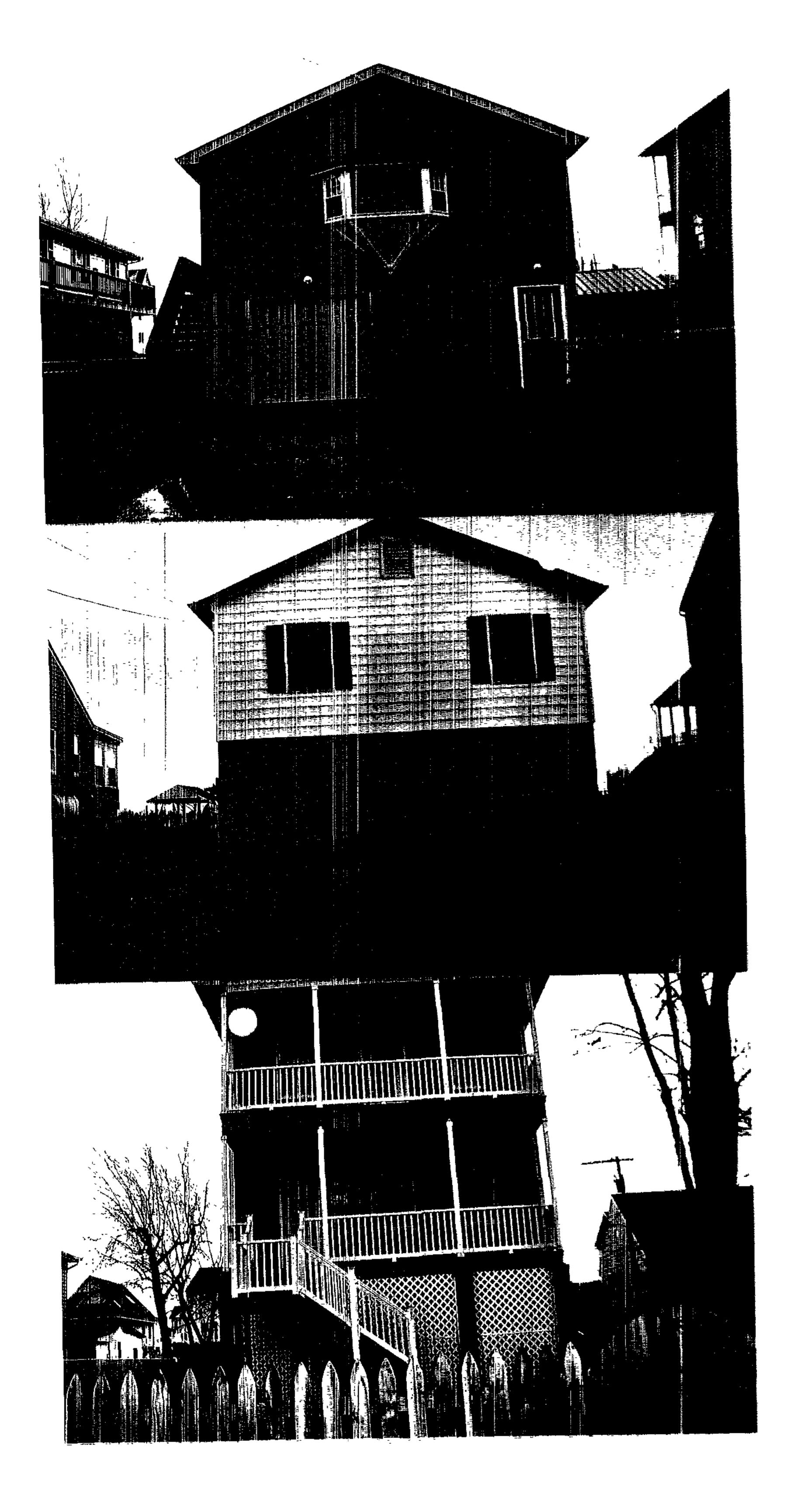
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PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

CITIZEN'S SIGN-IN SHEET

E- MAIL											
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ADDRESS	2800 4Th 57										
NAME	いたが、					 - 	·				

PLEASE PRINT CLEARLY

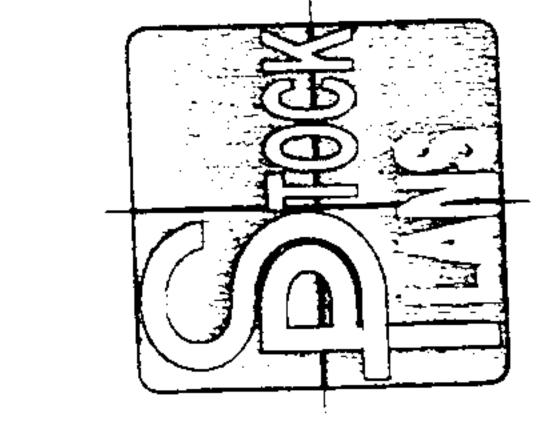
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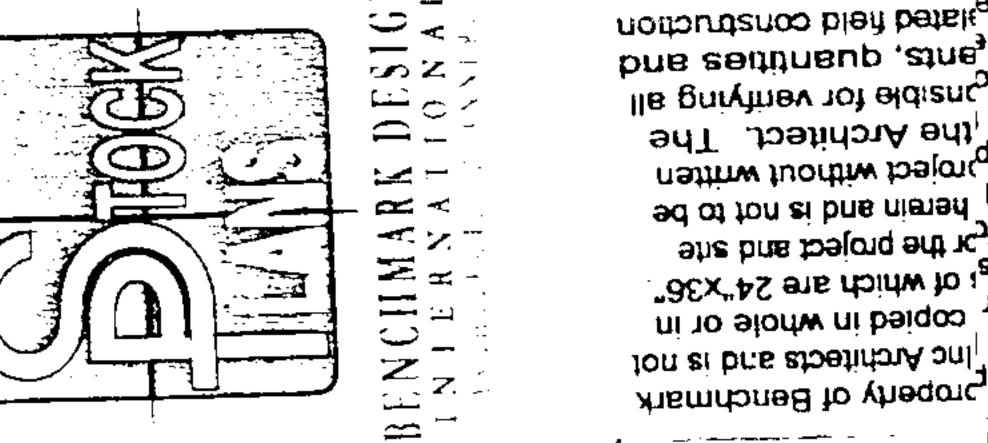
PETITIONER'S SIGN-IN SHEET

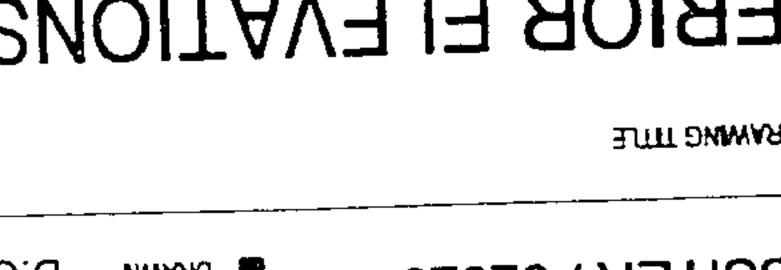
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THE STERLING COLLECTION "THE TYPELLEE"







BENCHMARK DESIGN INTERNATIONAL, INC. ARCHITECTS

