

IN RE: PETITION FOR VARIANCE

S/S of West Kingston Park Lane, 336' W of
Right Way Road
(68 West Kingston Park Lane)
15th Election District
6th Council District

Wayne Henry Brown, et al
Petitioners

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 08-407-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 legal owners of the subject property, Wayne Henry Brown, and his brother, John Thomas Brown, Jr.¹ Petitioners request variance relief from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the conversion of a one-family dwelling into a two-family dwelling (duplex) with two electrical meters, with a 53-foot lot width in lieu of the minimum required 80-foot lot width, and a sum of side yard setbacks of 20 feet, 5 inches, in lieu of the required 35 feet. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Petitioners, Wayne and John Brown. Letters of support (Petitioners' Exhibits 3 through 5) were received from adjacent and nearby neighbors. There were no Protestants or other interested persons in attendance at the hearing.

In brief, testimony and evidence offered disclosed that the subject waterfront property is a rectangular-shaped parcel located on the south side of Kingston Park Lane just west of Right Way Road on the Middle River in eastern Baltimore County. The lot is identified as Lot 68 on

¹ Mildred C. Brown is listed as an owner of the property on the Maryland Department of Assessments and Taxation Real Property Data Sheet. Their mother, having departed this world, fee simple ownership is vested in the Petitioners.

ORIGINAL RECEIVED FROM PLANNING
Date 5-13-08
By [Signature]

the plat of Kingston Park, which is an older subdivision. In this regard and as shown on a 1954 survey plat (Petitioners' Exhibit 2), it was 70 feet wide at the waters edge (front yard per B.C.Z.R. Sections 400.1.a and 400.2.a) but has been reduced through secretion brought about by storm damage to 56 feet at the water line. The subject lot now contains a gross area of 12,470 square feet (0.28 acres), zoned D.R.5.5 and is 56' wide x 174' deep. The Petitioners family has owned and resided on the property since 1964. As shown on Petitioners' Exhibits 1 and 7, the improvements consist of a 54' x 26' two-story, single-family dwelling with a 140' x 5' wide pier extending from the waterfront bulkhead out into Middle River.

By way of further background, Wayne Brown testified that the two-story home built in 1928 sustained severe damage in Hurricane Isabel. He and his brother have been rebuilding the structurally compromised home, obtaining all necessary building permits and have made all improvements in compliance with Chesapeake Bay Critical Area Regulations and Federal Flood Insurance requirements (*See* Photographs – Petitioners' Exhibits 7A & 7B). Wayne resides on the second floor and John and his wife on the first floor.

Petitioners have always used the premises as a two-family home and wish to formally convert the single-family dwelling into a two apartment or duplex use. In performing the extensive improvements, the first floor was raised above the flood elevation and the second floor was re-modeled as a second separate apartment. In addition, Petitioners re-routed plumbing and electrical systems and separated the heating and air conditioning for the floors. However, the dwelling contains one meter for BGE and Petitioners currently pay the gas and electric expenses. Although the dwelling has been used by them in this way for many years (as two separate apartments), the Petitioners have been unable to obtain separate meters for the apartments from BGE because the apartments are under the singular 68 Kingston Park Lane address. As a result,

ORIGINAL FILED FOR FILING
Date 5-13-08
By [signature]

Petitioners desire a variance in order to formally convert the dwelling from a one-family dwelling into a two-family dwelling, and in order to permit a lot width of 53 feet and sum of side yard setbacks of 20 feet, 5 inches, in lieu of the minimum required by B.C.Z.R. Section 402 (Chart).

Testimony and evidence from the adjacent neighbors and proffered statements from Messrs. Charles Munzert and Ed Kramer, President and Vice President of the Hawthorne Civic Association, all support the Petitioners request. Nothing is changing, no new construction is taking place and the Petitioners enjoy a good relationship with their neighbors.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested relief. Obviously, the Petitioners are unable to meet the 80-foot lot width requirement. Thus, it is clear that strict compliance with Section 402.1 of the B.C.Z.R. would result in a practical difficulty and unreasonable hardship for the Petitioners. It is equally clear that the house has existed on the property since 1928 and its use as a two-unit dwelling has been documented and ongoing for many years without prior complaint, as evidenced by the letters from Ben Craig, Doctors John and William Mitcherling, Susan E. Cox and Mary Beth Jones. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, and the immediate neighbors and community association support the proposal. Thus, I find that relief can be granted without detrimental impact to the adjacent properties or the surrounding locale. However, as a condition to the relief granted, the Petitioners have agreed that the duplex and two electrical meters is for their personal use and shall not run with the land as to inure to the benefit of any subsequent property lessor or owner.

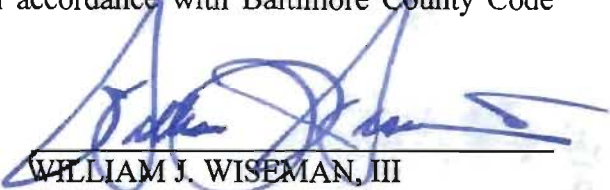
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

ORIGINAL RECEIVED FOR FILING
Date 5-13-08
BY [signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of May 2008 that the Petition for Variance seeking relief from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a two-unit duplex dwelling with two electrical meters to be situated on a lot having a width of 53 feet at the front building line in lieu of the required 80 feet and a sum of side yard setbacks of 20 feet, five inches, in lieu of the minimum required 35 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their electrical meter 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 variance relief granted to allow a two-family dwelling with two electrical meters on the subject property is for the use by Wayne Henry Brown and John Thomas Brown, Jr. personally, and shall not run with the land as to inure to the benefit of any subsequent property lessor or owner.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Baltimore County Code Section 32-3-401.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

RECEIVED FOR PLUMB
Date 5-13-08
By [signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 13, 2008

Wayne Henry Brown
John Thomas Brown, Jr.
68 West Kingston Park Lane
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE

S/S of West Kingston Park Lane, 336' W of Right Way Road
(68 West Kingston Park Lane)
15th Election District - 6th Council District
Wayne Henry Brown, et al – Petitioners
Case No. 08-407-A

Dear Messrs. Brown and Brown:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with restrictions, 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; Bureau of Development Plans Review; DEPRM; File



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 68 W. Kingston Park Lane
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 Variance from Section(s) 402, BCZR, to permit a proposed two family dwelling (duplex) and two electrical meters, with a 53 Feet lot width in lieu of the minimum required 80 Feet lot width, and a sum of yards set back of 20 Feet, 5 inches in lieu of the minimum required 35 Feet sum of side yards set back.

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

TO BE PRESENTED ^{AT} HEARING

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

WAYNE HENRY BROWN

Name - Type or Print

Signature

JOHN THOMAS BROWN JR.

Name - Type or Print

Signature

68 W. KINGSTON PK LANE 443-695-4533

Address

68 W. KINGSTON M.D.

Telephone No.

21220

City

State

Zip Code

Representative to be Contacted:

JOHN THOMAS BROWN JR.

Name

68 W. KINGSTON PK LANE 443-695-4533

Address

BALTO.

M.D.

Telephone No.

21220

City

State

Zip Code

OFFICE USE ONLY

Case No. 08-407-A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

REV 9/15/98

Date

5-13-08

Reviewed By

By

JB

Date 3-3-08

ZONING DESCRIPTION FOR 68 W. KINGSTON PK. LN.
(address)

Beginning at a point on the South side of
(north, south, east or west)

W. KINGSTON PK. LN. which is 15 Feet
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 336 Feet West of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Right Way Rd
(name of street)

which is 15 Feet wide. *Being Lot # _____
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of KINGSTON PK (unrecorded)
(name of subdivision)

as recorded in Baltimore County Plat Book # _____, Folio # _____,

containing 12,470 square Feet. Also known as 68 W. KINGSTON PK. LN.
(square feet or acres) (property address)

and located in the 15th Election District, 6th Councilmanic District.

LIBER 2496

Folio 269

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **11117**

Date: **3.3.08**

PAID RECEIPT

BUSINESS ACTUAL TIME DEPT
 3/04/2008 3/03/2008 09:22:11 4
 WALKER KIM KIM
 RECEIPT # 616304 3/03/2008 OF/LH
 5 529 ZONING VERIFICATION
 011117
 Recpt Tot \$65.00
 \$65.00 OK \$1.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.-

Total: **65.-**

Rec
 From:

W. BROWN

For:

08-407-4

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 08-407-A

68 W. Kingston Park Lane

S/side of Kingston Park Lane, 336 feet +/- west of Right Way Road.

15th Election District - 6th Councilmanic District

Legal Owner(s): Wayne Henry & John Thomas Brown

Variance: to permit a proposed two family dwelling (duplex) and two electrical meters with a 53 foot lot width in lieu of the minimum required 80 foot lot width, and a sum of yards setback of 20 feet, 5 inches in lieu of the minimum required 35 feet sum of side yard setback.

Hearing: Tuesday, May 6, 2008 at 10:00 a.m. In Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT 4/825 Apr. 22

170891

CERTIFICATE OF PUBLICATION

4/24/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 4/22/2008.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 08-407-A

Petitioner/Developer: WAYNE HERRY
& JOHN THOMAS BROWN

Date Of Hearing/Closing: 5/6/08

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

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 68 W. KINGSTON PARK LANE

This sign(s) were posted on April 20, 2008
(Month, Day, Year)

Sincerely,

Sincerely, Martina Jole 4/22/08
(Signature of sign Poster and Date)

Martin Ogle

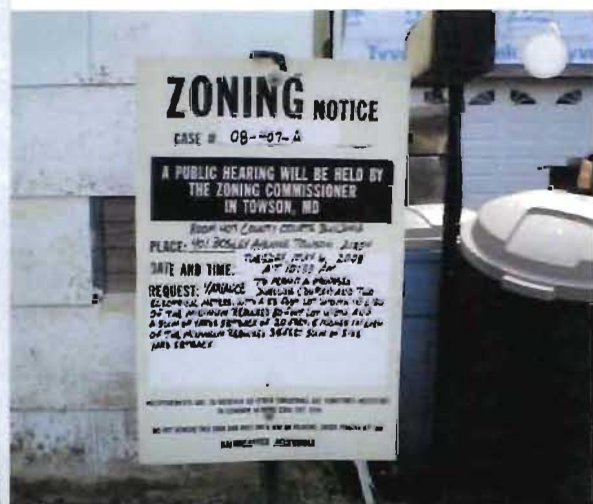
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



**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: 407

Petitioner: WAYNE BROWN

Address or Location: 68 W. KINGSTON PARK LN., BALD. MD. 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 443-695-4533

Revised 2/20/98 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 17, 2008
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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: 08-407-A

68 W. Kingston Park Lane

S/side of Kingston Park Lane, 336 feet +/- west of Right Way Road

15th Election District – 6th Councilmanic District

Legal Owners: Wayne Henry & John Thomas Brown

Variance to permit a proposed two family dwelling (duplex) and two electrical meters, with a 53 foot lot width in lieu of the minimum required 80 foot lot width, and a sum of yards setback of 20 feet, 5 inches in lieu of the minimum required 35 feet sum of side yard setback.

Hearing: Tuesday, May 6, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Wayne Brown/John Brown, 68 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 MONDAY, APRIL 21, 2008.**
- (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, April 22, 2008 Issue - Jeffersonian

Please forward billing to:

John Thomas Brown, Jr.
68 W. Kingston Park Lane
Baltimore, MD 21220

443-695-4533

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: 08-407-A

68 W. Kingston Park Lane

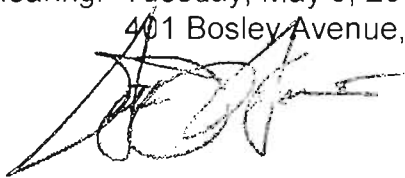
S/side of Kingston Park Lane, 336 feet +/- west of Right Way Road

15th Election District – 6th Councilmanic District

Legal Owners: Wayne Henry & John Thomas Brown

Variance to permit a proposed two family dwelling (duplex) and two electrical meters, with a 53 foot lot width in lieu of the minimum required 80 foot lot width, and a sum of yards setback of 20 feet, 5 inches in lieu of the minimum required 35 feet sum of side yard setback.

Hearing: Tuesday, May 6, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

April 30, 2008

Wayne Henry Brown
John Thomas Brown, Jr.
68 W. Kingston Park Lane
Baltimore, MD 21220

Dear Wayne and John Brown:

RE: Case Number: 08-407-A, 68 W. Kingston Park Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 3, 2008. 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:amf

Enclosures

c: People's Counsel



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

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MARCH 10, 2008

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

RE: Baltimore County
Item No. 8-407-A
68 W. KINGSTON PARK LANE
BROWN PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-407-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A handwritten signature in black ink that reads "Michael P. Bailey".

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 17, 2008
Item No. 08-407

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

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 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 Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 08-407-03132008.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 12, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 10, 2008

Item Number: 400,403,404,405,406,407,409,410,411,412,413,414,415,416 and 417

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

1The Fire Marshal's Office has no comments at this time.

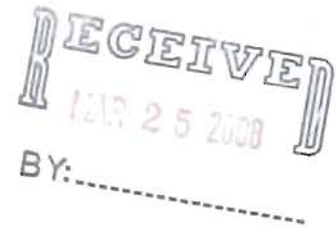
Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BS 5/6
10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: March 25, 2008

SUBJECT: Zoning Item # 08-407-A
Address 68 W. Kingston Park Lane
(Brown Property)

Zoning Advisory Committee Meeting of March 10, 2008

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 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).

Additional Comments:

The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100-foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met; this equates to 3 trees.

Reviewer: Regina Esslinger

Date: March 14, 2008

BW 5/6
10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 1, 2008

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

RECEIVED
MAY 05 2008

BY: _____

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-8-407- Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:

Candis Murray

Division Chief:

Ryan Larkin

CM/LL

From: Debra Wiley
To: Murray, Curtis
Date: 05/01/08 3:58:03 PM
Subject: OP Comment Needed - 5/6 10 AM Hearing - Bill

Hi Curtis,

Bill has a hearing scheduled on Tuesday, May 6th at 10 AM and needs OP comment. I have provided a case description for your convenience as follows:

CASE NUMBER: 8-407-A

68 West Kingston Park Lane

Location: S side of West Kingston Park Road, 336 feet +/- W of Right Way Road.

15th Election District, 6th Councilmanic District

Legal Owner: Wayne Henry and John Thomas Brown, Jr.

VARIANCE To permit a proposed two family dwelling (duplex) and two electrical meters, with a 53 foot lot width in lieu of the minimum required 80 foot lot width, and a sum of yards setback of 20 feet, 5 inches in lieu of the minimum required 35 feet sum of side yards setback.

Hearing: Tuesday, 5/6/2008 at 10:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

Thanks and have a great evening !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Missing
OP
comment

08-407-A

DEPRM	3/25	comment
SEA	3/10	No objection
IPR	3/13	comment
FLD	3/12	No comment
(Missing OP 5/1 Emailed Curtis)		
Notice	✓	Posting ✓
PC Appearance	✓	

RE: PETITION FOR VARIANCE * BEFORE THE
68 W. Kingston Park Lane; S/S W/ Kingston *
Park Lane, 336' W Right Way Rd * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Wayne & John Brown * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-407-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.

RECEIVED

MAR 11 2008

Per _____,

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 11th day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to John Brown, 68 West Kingston Park Lane, Baltimore, MD 21220, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Matthews, Kristen
Date: 05/21/08 3:04:52 PM
Subject: 08-407-A

Kristen,

When you get a chance, can you check an address in the file for me ? Drs. John & William Mitcherling wrote a letter on behalf of the Petitioner and Bill wanted them to receive a blind copy of the Order at their home address. I believe I saw it hand written on their office letterhead with the word "home" written next to it.

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

CASE NAME _____
CASE NUMBER 08-407-A
DATE 5-6-08

[illegible]

Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 v01.1)	Go Back View Map New Search
--	---

Account Identifier: District - 15 **Account Number -** 1502652380

Owner Information			
Owner Name:	BROWN MILDRED C BROWN WAYNE H BROWN JOHN T, JR	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	68 KINGSTON PARK LN BALTIMORE MD 21220-4941	Deed Reference:	1) / 8059/ 61 2)

Location & Structure Information									
Premises Address						Legal Description			
68 KINGSTON PARK RD						WATERFRONT KINGSTON PARK			
Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
90	24	450						3	Plat Ref:

Special Tax Areas		Town		Ad Valorem		Tax Class	
Primary Structure Built		Enclosed Area		Property Land Area		County Use	
1928		1,920 SF		12,470.00 SF		34	
Stories		Basement		Type		Exterior	
2		NO		STANDARD UNIT		SIDING	

Value Information				
	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	82,610	202,610		
Improvements:	113,550	101,050		
Total:	196,160	303,660	267,826	303,660
Preferential Land:	0	0	0	0

Transfer Information		
Seller: BROWN MILDRED C	Date: 12/22/1988	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8059/ 61	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information			
Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0
Tax Exempt: NO		Special Tax Recapture:	
Exempt Class:		* NONE *	

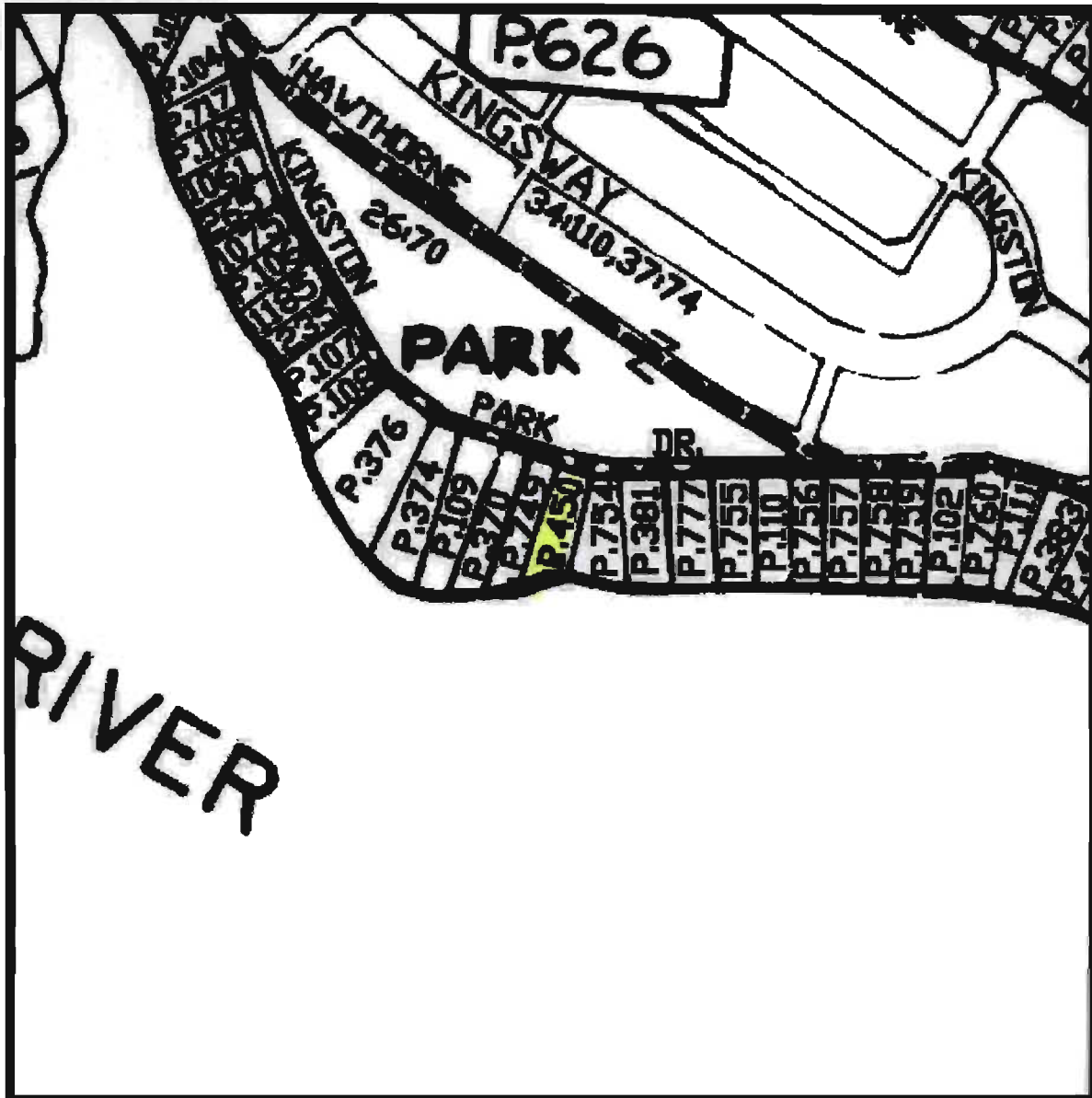
Mildred Brown



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

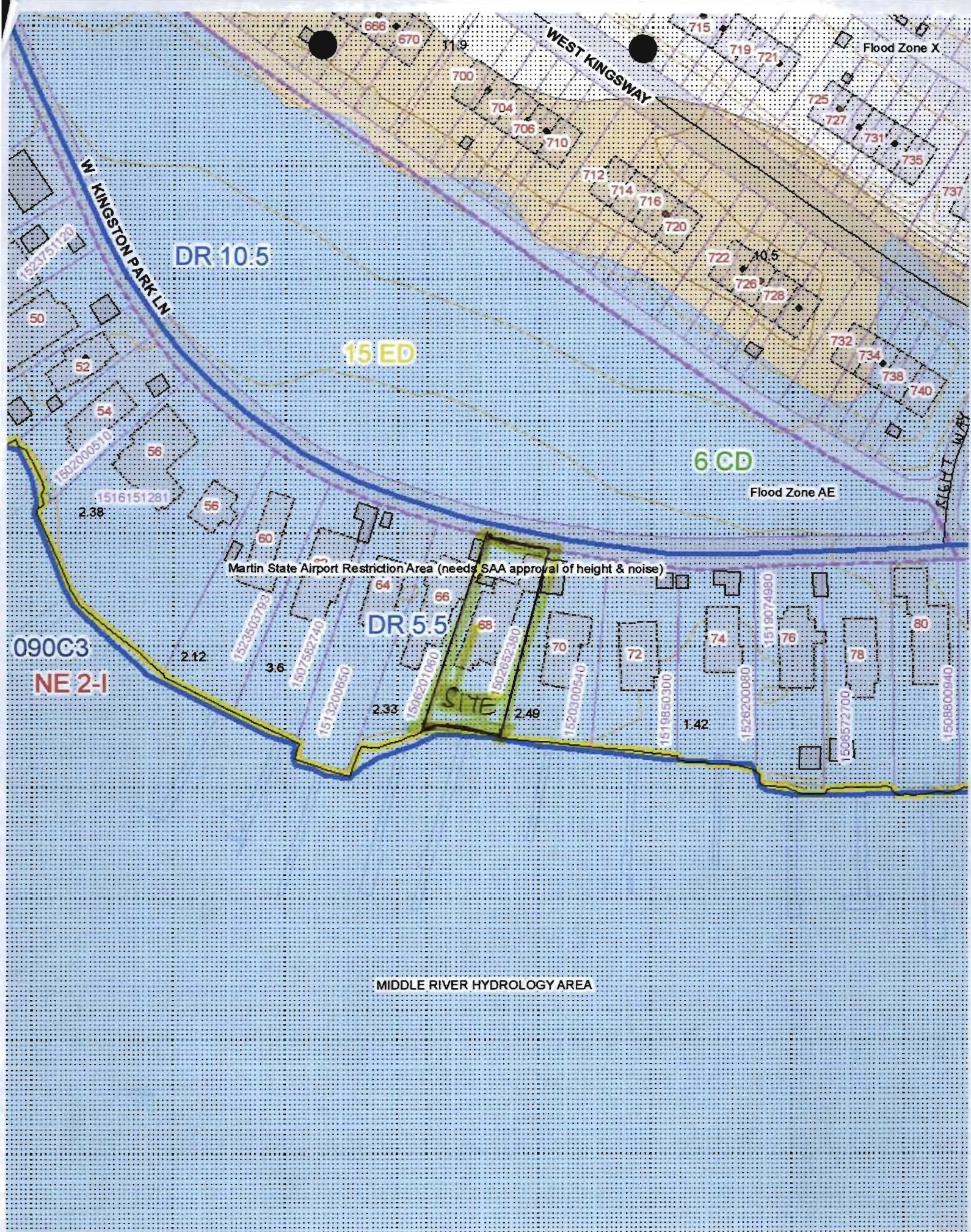
[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 1502652380



Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning web
site at www.mdp.state.md.us/tax_mos.htm





DR 10.5

15 ED

6 CD

DR 5.5

090C3
NE 2-1

Martin State Airport Restriction Area (needs SAA approval of height & noise)

SITE

MIDDLE RIVER HYDROLOGY AREA

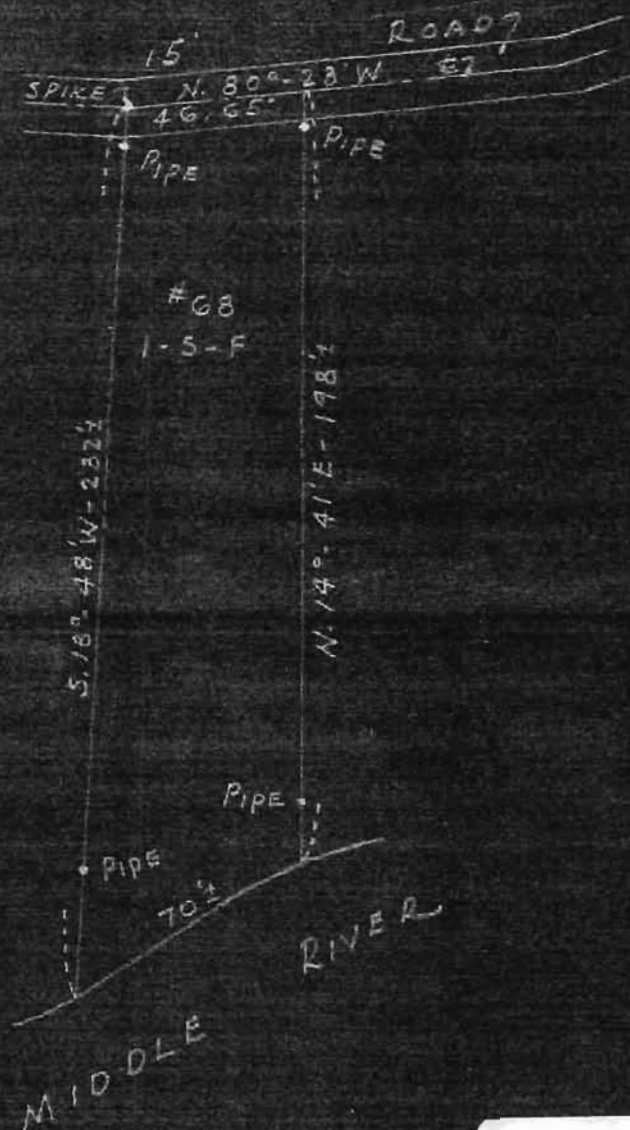
Case No.: 08-407-A 68 W. KINGSTON PARK LANE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	SURVEY - MAY 1954 70' WIDTH AT WATERFRONT	
No. 3	Neighbor? Adjacent Property owner support 66 W KINGSTON PARK	
No. 4	11 62 W. Kingston PARK	
No. 5	Neighborhood Support 108 W. Kingston Park	
No. 6	Aerial View of Property	
No. 7 1A+ 1B	PHOTO of FINISHED IMPROVEMENTS - Post ISABELLA	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO.

2

SCALE 1"=50'

MAY 1954

H. LINGER & W. TARR

LAND SURVEYORS

2-21-08

To whom it may concern
I have no objection to
Mr John + Wayne Brown
at 68 W. Kingston Park
have to have two electric
meters in there home

Thank You

PETITIONER'S

EXHIBIT NO.

3

66 West Kingston
on park have

Ben A Craig

5/4/2008

To whom it may concern,

We have been neighbors of John and Wayne Brown, 68 W Kingston Park Lane for over five years. We reside at 62 W Kingston Park Lane. We approve of the two meter request that has been made by the Browns as John and his wife will reside on one floor and Wayne will live on the other.

Thank you for your consideration.

Sincerely,

Susan E. G.

Beth Jones

64

PETITIONER' S

EXHIBIT NO. 4



Dr. William W. Mitcherling
Dr. John J. Mitcherling
Dr. Robert K. Johnson

Fellows in
American Association
of Oral & Maxillofacial
Surgeons
Established 1918
Dr. Conrad L. Inman, Sr.
(1898-1980)
Dr. Conrad L. Inman, Jr.
(Consultant)
Dr. John Burton
(Drs. Deardorff & Burton, P.A.)

Practice Limited to Oral and Maxillofacial Surgery

April 28, 2008

Mr. John Brown
68 West Kingston Park Lane
Baltimore, MD 21220

Dear Mr. Brown:

I am writing this letter in full support of your request to have two BG&E meters at your home. Your mother, Mildred Brown, died approximately 20 years ago. She had lived in your present home, 68 West Kingston Park Lane, for over 48 years. Your brother, Wayne, has lived upstairs for 25 years. You have been nothing short of great neighbors. Having you both live there was your mother's dying wish and dream.

I recommend without any reservation your request to have two meters in your home. I trust Baltimore County will approve your request and act favorably on this request. It is only right.

Sincerely,

John J. Mitcherling
Dr. John J. Mitcherling

William W. Mitcherling
Dr. William W. Mitcherling

108 W. Kingston Park Lane
Baltimore, MD 21220

Home

P.S.

*I would also note - you have
lived in this home over 8 years
& with the cost of electricity
increasing - you should have
2 meters.*

**Northern Parkway E.
Professional Bldg.**
1900 East Northern Pkwy
Suite 108
Baltimore, MD 21239
(410) 323-3900
(410) 323-2267 fax

☐ **York Place**
1205 York Road
Suite 10
Lutherville, MD 21093
(410) 825-2232
(410) 494-8430 fax

☐ **Mitcherling Building**
9652 Belair Road
Suite 1
Baltimore, MD 21236
(410) 256-2700
(410) 256-2702 fax

☐ **Seton Professional Ctr.**
3449 Wilkens Avenue
Suite 106
Baltimore, MD 21229
(410) 644-0055
(410) 644-0055 fax

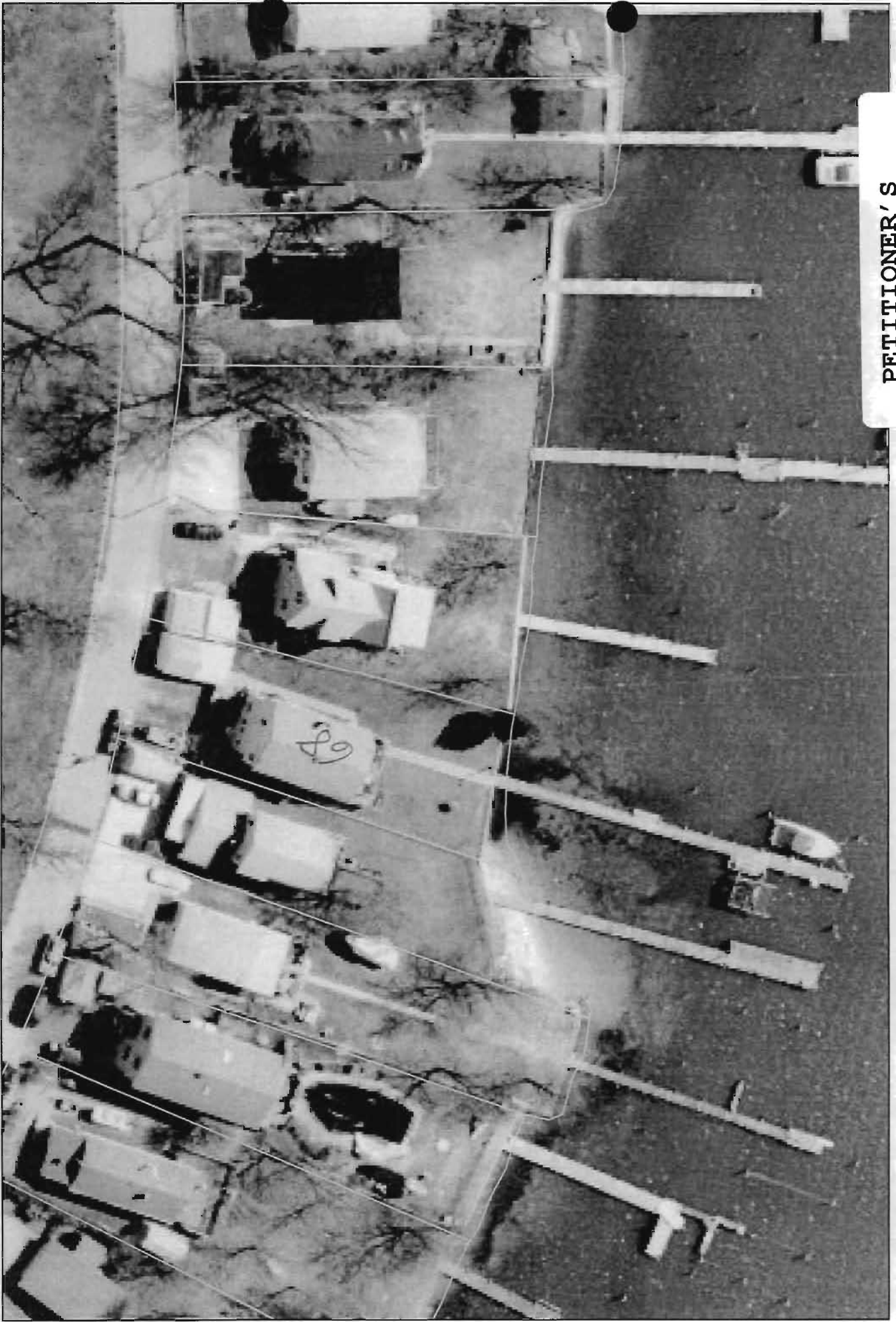
☐ **Eastpoint Office Park**
☐ **Upper Chesapeake
Medical Building**

PETITIONER'S

EXHIBIT NO.

5

68 West Kingston Park Lane

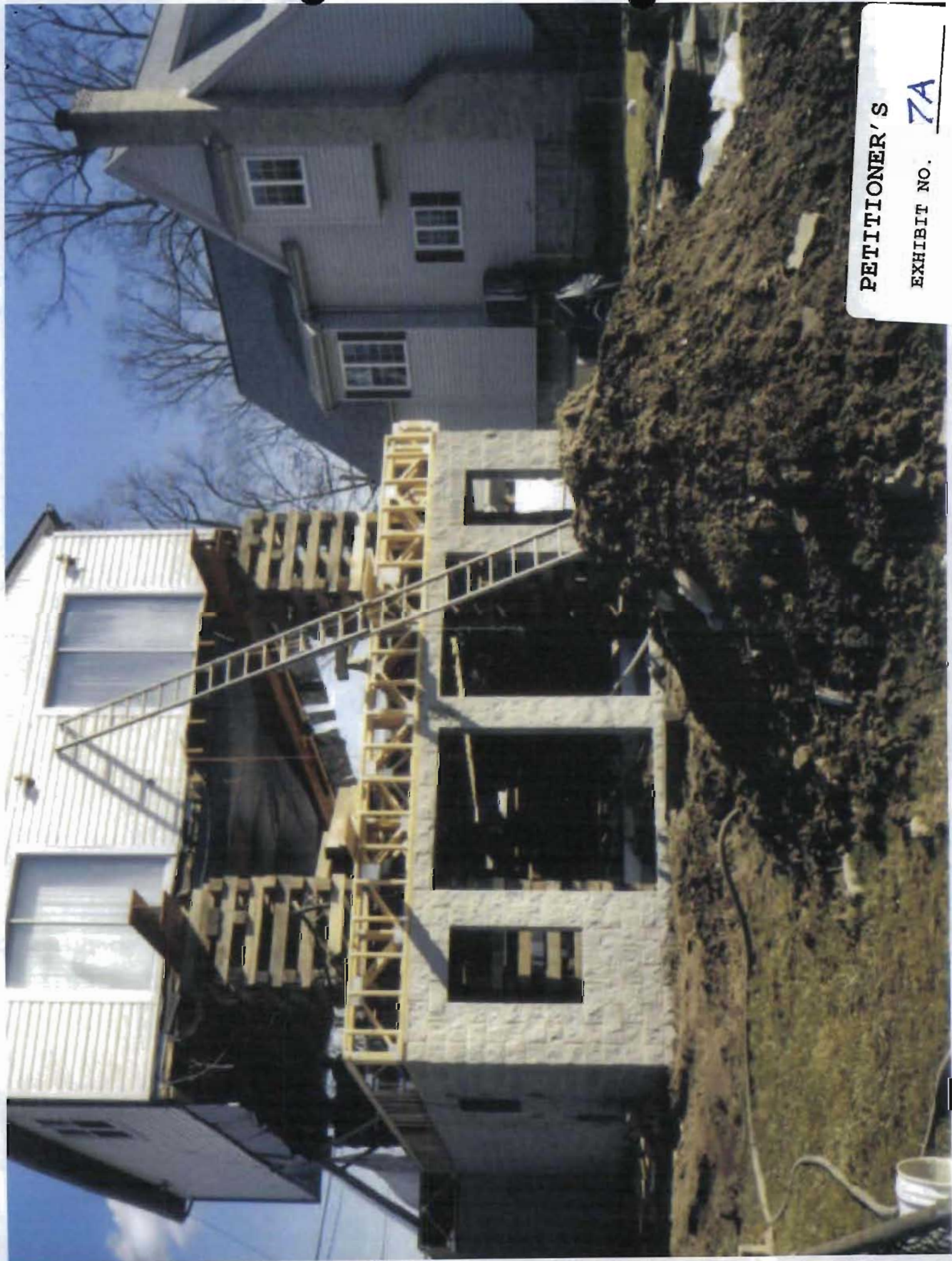


0 15 30 60 90 120 Feet

PETITIONER'S

EXHIBIT NO.

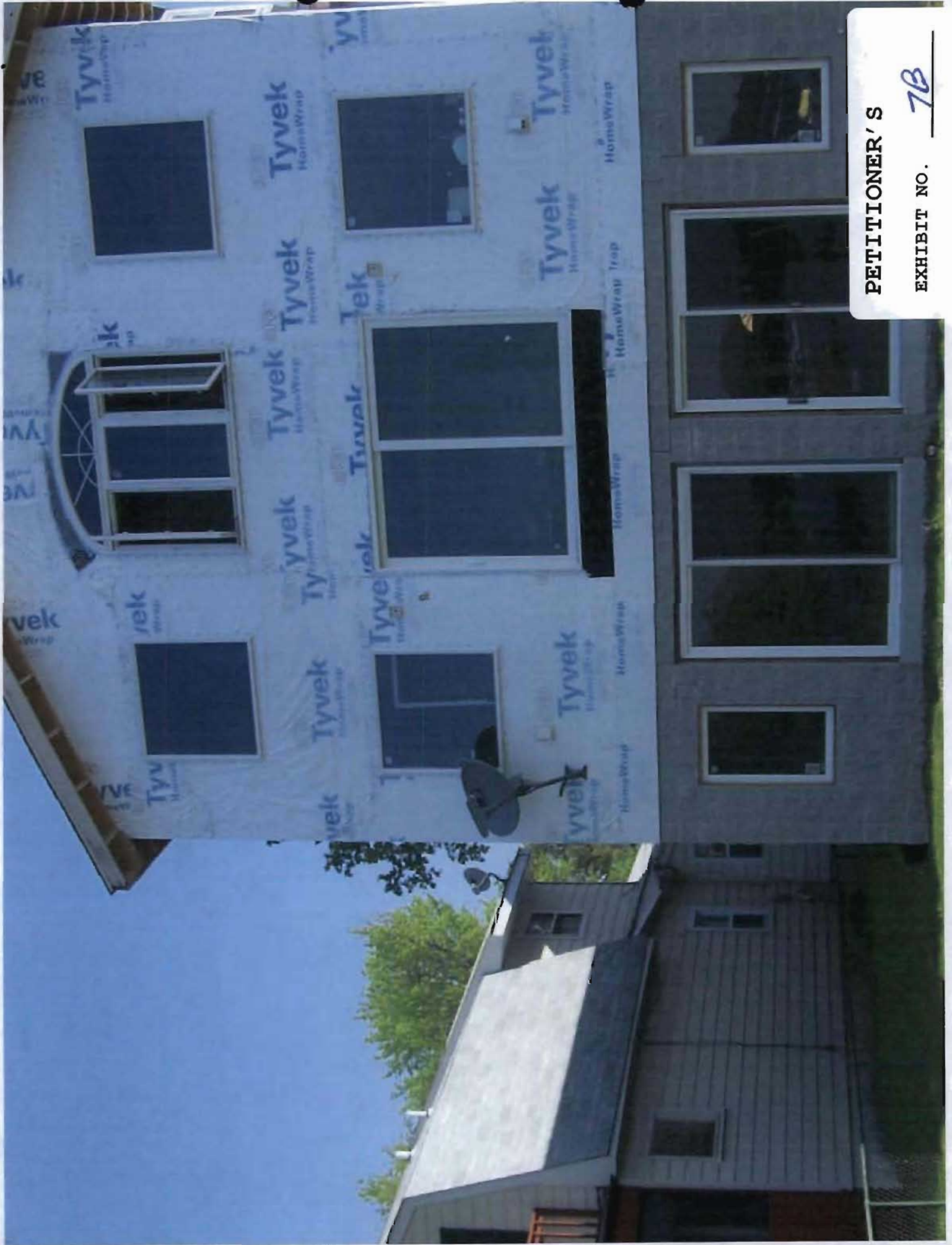
6



PETITIONER'S

EXHIBIT NO.

7A



PETITIONER'S

EXHIBIT NO.

7B

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 69 West Kingston Park Lane SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME

KINGSTON PARK (UNRECORDED)

Libsn 2496

Folio 249

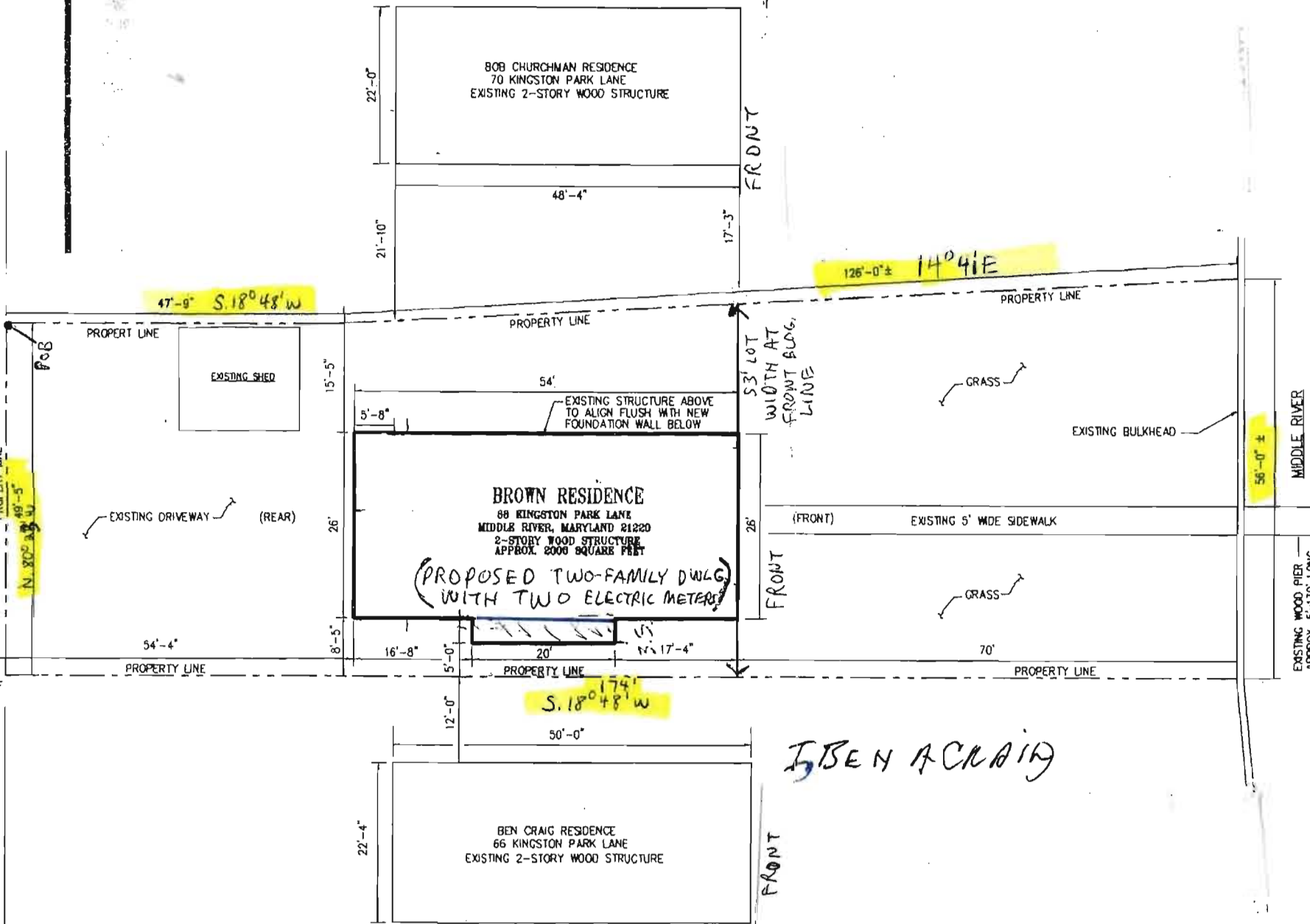
OWNER John T. Brown Jr. & Wayne H. Brown

Right way

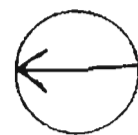
336' TO E OF
RIGHT WAY ROAD

(15' R/W, 15' PAVING)
KINGSTON PARK LANE

CENTER OF
ROAD



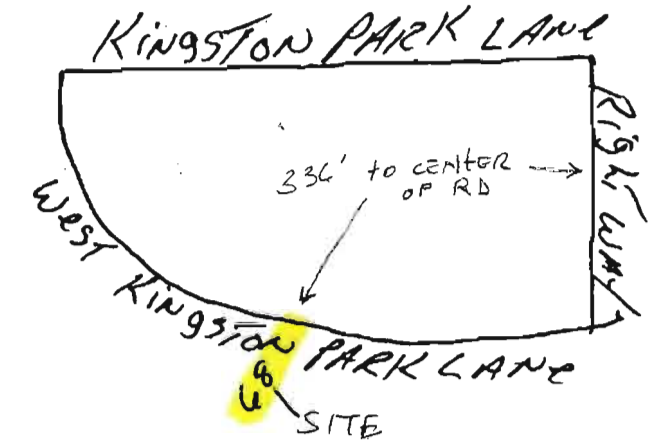
BEN CRAIG



NORTH

PREPARED BY John Brown Jr. & Wayne H. Brown

SCALE OF DRAWING: 1" = 20'



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP #090C3

ZONING OR 5.5

12,470

LOT SIZE .28

ACREAGE

SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐

100 YEAR FLOOD PLAIN (AE)	☒	☐
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HISTORIC PROPERTY/BUILDING	☐	☒
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PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

PETITIONER'S

EXHIBIT NO. 1