

IN RE: **PETITION FOR VARIANCE**

W/S Powers Road, 70' N of
Sherwood Road
(10800 Powers Avenue)
8th Election District
3rd Council District

Maurice L. Bailey, Sr., et ux
Petitioners

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0256-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, Maurice L. Bailey, Sr., and his wife, Cattie R. Bailey. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed replacement dwelling on a lot with a width of 54 feet at the front building line in lieu of the required 100 feet, a lot area of 7,480 square feet in lieu of the required 20,000 square feet, and to approve side yard setbacks of 10 feet in lieu of 15 feet for each side with a sum of side yards of 20 feet in lieu of 40 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request was Maurice Bailey, property owner. Several residents of the surrounding community appeared as interested persons, including adjacent property owners Michele A. Williams (north side)¹, Cynthia Wilkins (south side), and her son Alex Wilkins (10803 Powers Avenue), and daughter, Cianni Rivera.

By way of background, this property is located in close proximity to the Basil AME Church in one of Baltimore County's 40 historical African-American settlements called Foote's Hill (circa 1840). The church has stood since 1872 and is associated with a remarkable family

¹ Ms. Williams purchased 10802 Powers Lane from Jeffrey Holt in December 2007. Deputy Zoning Commissioner Timothy M. Kotroco, by his Order in Case No. 2000-365-A granted similar relief to allow a single-family dwelling to be constructed on an undersized lot.

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9-9-09
39
Date
By

founded by Bazil Foote (1811-1878). The church is a plain structure outside with pleasant Victorian era fittings inside. The church has long served as the focus of a community called Foote's Hill. The Foote's migrated to the slave-holding State of Maryland some time before 1840. By 1850, the Foote family was well established with four (4) children. The church's cemetery to the rear of the subject property is where Bazil Foote is buried. It is to be noted that the Petitioners and the Wilkins are descendents of Bazil Foote and his wife, Elizabeth. During the testimony of Cynthia Wilkins, who purchased the lot next to the church at the corner of Sherwood Road and Powers Avenue from her family's estate, with the intention of building a memorial garden for the children of Cockeysville and to be known as the "Foote Family Memorial". A more detailed history can be obtained from Lenwood Johnson of the Baltimore County Office of Planning. Suffice it to say, that the Bazil AME Church provided not only the spiritual but also the educational needs of its community. There have been many successful men and women to come out of Foote Hill.

Further testimony and evidence offered revealed that the subject property is a triangular shaped parcel with 73 feet of frontage on the west side of Powers Avenue than tapering to a width of 39 feet at the rear boundary with the church's cemetery. The property also known as Parcel 475 on Maryland Tax Map 42, a lot of record since 1921, contains a gross area of 0.1977 acres (7,487 square feet), more or less, is zoned D.R.2. The property is currently vacant and covered with brush and trees. Mr. Bailey stated the property has been in his family for over 100 years and once was improved with a single-family dwelling built in 1907. When he and his wife purchased the property in 1984, he razed the home as it was structurally unsound and dilapidated. All that exists are the stone walkway and foundation. Subsequent to the hearing, the Petitioner submitted Exhibit 2, a 1989 Baltimore County Department of Public Works Plat of Powers Avenue, to establish the existence of the house, its size and location on the property. As is often the case with older lots recorded in the Land Records before the effective date of the zoning regulations (1945) which govern land use, the lot is insufficiently sized to meet current regulations. The subject property is 73 feet wide and approximately 120 feet deep

NOTED RECEIVED FOR PLANNING
Date 9-1-89
By 393

and does not have the area or width at the building lines required by the area regulations.² B.C.Z.R. Section 304, however, provides in pertinent part that a one-family detached dwelling may be erected on an undersized lot provided:

- "A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;*
- B. All other requirements of the height and area regulations are complied with; and*
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations."*

Clearly, the lot is deficient, however, an area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. *McLean v. Soley*, 270 Md. 208 (1973), *Belvoire Farms v. North*, 355 Md. 259 (1999). To prove practical difficulty for an area variance, the Petitioners must meet the following:

1. Whether strict compliance with the requirements would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
3. Whether relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secure.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. As illustrated on the site plan, the Petitioners desire to re-develop the property for their own use and

² B.C.Z.R. Section 1B02.3.C provides development standards for small lots and requires a minimum lot area per dwelling of 20,000 square feet and a minimum lot width of 100 feet in the D.R.2 zoning classification.

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9-2-99
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BY

convenience with a new two-story home not to exceed 30' wide x 46' deep. The most affected neighbor, Michele Williams, who recently purchased her home fears that the proposed home on such a small lot positioned 10 feet from her property line will overcrowd the land and diminish the value of her substantial investment. She stated that at the time of her purchase, the seller told her nothing could be built between her home and Sherwood Road since the adjacent lots were too small. To address this concern and assure the new dwelling will be consistent with Ms. Williams home and with the neighborhood, I will require an architectural review and approval of the Petitioners building elevations by the Office of Planning. In my opinion, it has been established that special circumstances or conditions exist that are peculiar to the property, which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. Again, the fact that this property was platted and recorded many years ago, well prior to the adoption of the B.C.Z.R., is a persuasive factor along with the fact that a dwelling had previously existed on the site where the new home is to be located. In my view, the relief requested will not result in a detriment to the health, safety and general welfare of the surrounding locale and meets the spirit and intent of B.C.Z.R. Sections 304 and 307 for relief to be granted.

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 9th day of June 2009 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 buildable lot for a proposed dwelling with a lot width at the front building line of 54 feet in lieu of the required 100 feet with side setbacks of 10 feet in lieu of 15 feet for each side, with a sum of side yards of

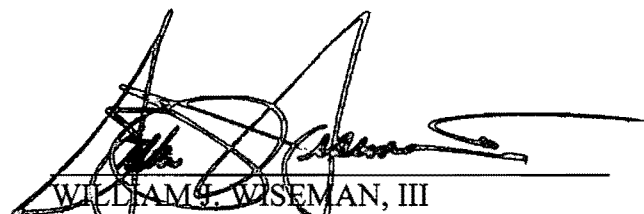
UNDER REVIEW FOR PLANNING
Date 6-9-09
By [Signature]

20 feet in lieu of 40 feet, and a lot size of 7,480 square feet in lieu of the required 20,000 square feet, in accordance with Petitioners' Exhibit 1, and Section 304 of the B.C.Z.R., be and is hereby GRANTED, subject to the following restrictions:

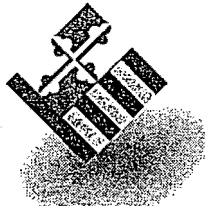
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. Prior to the issuance of any building permits, the Petitioners shall submit their building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to insure compatibility in terms of size, exterior, building materials, color and architectural details with the existing dwellings in the area.
3. The Petitioners shall landscape by installing vegetative screening (consisting of arborvitae trees or similar species) along the northern property line between the dwellings to buffer the planned improvements from Michele A. Williams' home (10802 Powers Avenue). The Petitioners shall submit a landscape plan consistent with these goals and objectives to Avery Harden, Baltimore County Landscape Architect, for his advice as to the type of trees and their location and obtain his approval. The planting of such trees is to be done (weather permitting) prior to the completion of construction of the dwelling on Petitioners property.

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

WJW:dlw


WILLIAM S. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILED
Date 6-9-09
By [initials]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 8, 2009

Maurice L. Bailey, Sr.
Cittie R. Bailey
400 Sherwood Road
Cockeysville, Maryland 21030

RE: PETITION FOR VARIANCE

W/S Powers Road, 70' N of Sherwood Road
(10800 Powers Avenue)
8th Election District - 3rd Council District
Maurice L. Bailey, Sr., et ux – Petitioners
Case No. 2009-0256-A

Dear Mr. and Mrs. Bailey:

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,

A handwritten signature in black ink, appearing to read "W. J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Michele A. Williams, 10802 Powers Avenue, Cockeysville, MD 21030
Cynthia Wilkins, 1341 Intervale Avenue, Bronx, NY 10459
Alex Wilkins, 10803 Powers Avenue, Cockeysville, MD 21030
Cianni Rivera, 3815 Elmora Avenue, Baltimore, MD 21213
People's Counsel; Office of Planning; Avery Harden, DPDM; File



ORIGINAL KEEP IN FILE

TAX. ACCOUNT #

1806045601

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10800 POWERS AVE.

which is presently zoned DR2

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)

SEE ATTACHED

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 DETERMINED 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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING -

Case No. 2009 0256 A

REV 9/15/98

Date

6-9-09

Reviewed By

JL

Date

3/31/09

By

aw

- 1802.3.C.1 BCZR TO APPROVE A ^{PROPOSED} ~~REQUIRE~~ DWELLING ~~TO~~
~~BE CONSTRUCTED~~ ON A LOT WITH A LOT WIDTH AT FRONT
BUILDING LINE OF ~~25~~ 54 FT IN LIEU OF REQUIRED
100 FT. WITH SIDE SETBACKS OF 10 FT ~~AND 15 FT~~ IN LIEU
15 FT EACH SIDE, WITH A SUM OF SIDES OF 20 FT IN LIEU OF
40 FT AND A LOT SIZE OF 7,480 SQ. FT. IN LIEU OF
THE REQUIRED 20,000 SQ. FT.



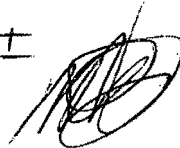
0256

Zoning Description

10800 POWERS AVE

BEGINNING ON THE ~~W~~ WEST SIDE OF POWERS AVE
A VARIABLE WIDTH R/W AT A DISTANCE OF $70' \pm$
NORTH OF THE CENTERLINE OF SHERWOOD RD.

THEN NORTHERLY ALONG POWERS AVENUE 24.03', THEN
39.53 FT. THEN LEAVING THE RIGHT OF WAY AND THEN
WESTERLY 9 FT, THEN 116.39 FT, THEN SOUTHERLY 38.87 FT,
THEN EASTERLY 29 FT, THEN 94.17 FT, BACK TO THE
POINT OF BEGINNING. BEING IN THE 8TH ED, 3RD CD
AND CONTAINING 7487 SQ. FT. $\pm$



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

JL 0256

No. **3787**

Date: **3/31/09**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
<i>104</i>	<i>806</i>	<i>0000</i>		<i>6150</i>					<i>15.00</i>

Total: *15.00*

Rec
From:

For:

DISTRIBUTION

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

PAID RECEIPT

**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: # 2009-0256-A

10800 Powers Avenue

W/side of Powers Avenue, 70 feet +/- north of
Sherwood Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): Maurice and Cittle Bailey

Variance: to approve a proposed dwelling on a lot with a lot width at front building line of 54 feet in lieu of the required 100 feet with side setbacks of 10 feet in lieu of 15 feet each side, with a sum of sides of 20 feet in lieu of 40 feet and lot size of 7,480 square feet in lieu of the required 20,000 square feet.

Hearing: Friday, May 22, 2009 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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.

5/050 May 7 200805

CERTIFICATE OF PUBLICATION

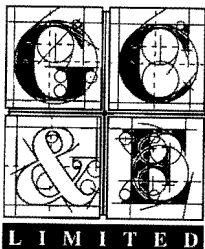
5/7/, 2009

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 5/7/, 2009.

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

J. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#2009-0256-A

OWNER/DEVELOPER:

Maurice and Cattie Bailey

PETITIONER:

Same

CONTRACT PURCHASER:

DATE OF HEARING: May 22, 2009

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION: KRISTEN MATTHEWS

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 LOCATED AT**

(see page 2 for full size photo)

LOCATION:

10800 Powers Avenue

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD

SUITE 100

320EAST TOWSONTOWN BLVD

TOWSON, MARYLAND 21286

410-823-4470 PHONE

410-823-4473 FAX

POSTED ON: May 6, 2009

ZONING NOTICE

CASE # : 2009-0256-A

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

PLACE: Room 104 Jefferson Building
105 West Chesapeake Avenue, Towson, MD

TIME &

DATE : 10:00 am Friday May 22, 2009

Variance: to approve a proposed dwelling on a lot width at building line of 54 feet in lieu of the required 100 feet with side setbacks of 10 feet in lieu of 15 feet each side, with a sum of sides of 20 feet in lieu of 40 feet and lot size of 7,480 square feet in lieu of the required 20,000 square feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING.
CALL 410-867-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE #: 2009-0256-A

CASE # 2003-0458
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

100 Jefferson Building
 6th Floor
 Boston, MA 02108

PLACE

TIME & DATE: 4:00-6:00 am Friday May 22, 2003

DATE 10/09/2013 10:09:13 AM

...a protected ceiling at 100 feet

reduced to approximately 10% of the original value. The reduction in the value of the property is not a taxable event.

... ..

- with a 100% success rate, up to 100% of the required amount

with a square foot of area
of 1.44 square feet is
a line of 1.2



10

100



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 27, 2009
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: 2009-0256-A

10800 Powers Avenue

W/side of Powers Avenue, 70 feet +/- north of Sherwood Road

8th Election District – 3rd Councilmanic District

Legal Owners: Maurice and Cattie Bailey

Variance to approve a proposed dwelling on a lot with a lot width at front building line of 54 feet in lieu of the required 100 feet with side setbacks of 10 feet in lieu of 15 feet each side, with a sum of sides of 20 feet in lieu of 40 feet and lot size of 7,480 square feet in lieu of the required 20,000 square feet.

Hearing: Friday, May 22, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Bailey, 400 Sherwood Road, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 7, 2009.**
- (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.**

COPY

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 7, 2009 Issue - Jeffersonian

Please forward billing to:
Maurice Bailey, Sr.
400 Sherwood Road
Cockeysville, MD 21030

410-666-8550

NOTICE OF ZONING HEARING

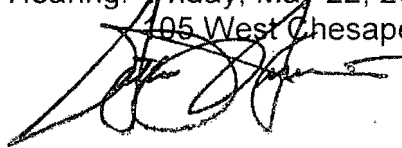
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Hearing: Friday, May 22, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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.

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/neighborhood 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.

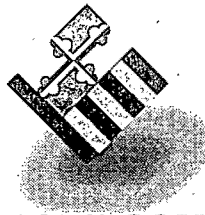
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009 0256 A
Petitioner: x Bailey
Address or Location: x 10800 Powers Ave.

PLEASE FORWARD ADVERTISING BILL TO

Name: Maurice L Bailey SR.
Address: 400 Shorewood Rd.
Rockyville MD 21030
Telephone Number: 410-666-8550



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
May 15, 2009

Mr. & Mrs. Bailey
400 Sherwood Rd.
Cockeysville, MD 21030

Dear Mr. & Mrs. Bailey

RE: Case Number 2009-0256-A, 10800 Powers Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 31, 2009. 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,

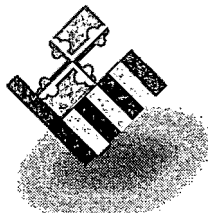
A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



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

April 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 9, 2009

Item Numbers 0238, 0247, 0248, 0249, 0251, 0252, 0253, 0255 and 0256

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 9, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For April 13, 2009
Items Nos. 2009-238, 244, 247, 248,
249, 250, 251, 252, 253, 254, 255 and 256

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

DAK:CEN:cab

cc: File

ZAC-04072008-NO COMMENTS



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

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

Maryland Department of Transportation

Date: APRIL 7, 2009

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

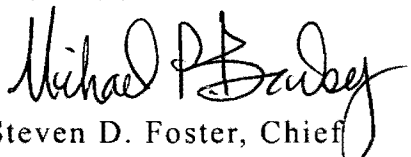
RE: Baltimore County
Item No 2009-0256-A
10800 POWERS AVENUE
BAILEY PROPERTY
VARIANCE -

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. 2009-0256-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,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BW
5-22-09
10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 04 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: May 4, 2009

SUBJECT: Zoning Item # 09-256-A
Address 10800 Powers Avenue
(Bailey Property)

Zoning Advisory Committee Meeting of April 6, 2009

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

Reviewer: JWL

Date: 5/4/09

BW 5/22
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 21, 2009

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

SUBJECT:

RECEIVED

INFORMATION:

APR 23 2009

Item Number: 09-256
Petitioner: Maurice and Cittie Bailey
Property Size: 7,487 square feet
Zoning: DR 2
Requested Action: Variance
Hearing Date:

ZONING COMMISSIONER

The petitioner requests a variance from Section 1B02.3.C.1 of the BCZR to approve a proposed dwelling on a lot with a lot width at front building line of 54 feet in lieu of the required 100 feet, with side setbacks of 10 feet in lieu of the required 15 feet on each side, with a sum of the side yards of 20 feet in lieu of the required 40 feet and for a lot size of 7,480 square feet in lieu of the required 20,000 square feet.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the above variance request. However there is an adjacent vacant parcel to the south of this property and if possible this Office would prefer that the Petitioner acquire some land from that adjacent neighbor in order to fulfill the lot size requirement since most of the homes in the area are on larger lots. It is understood that this might not be a feasible option for the Petitioner and sees that according to the Petitioner's site plan this has been a lot of record since 1921, before the inception of any zoning law. The adjacent property to the north is also considered an undersized lot and a variance to build a home on that lot was approved in 2000, but there was an existing dwelling on that property at one time. The new home was just recently constructed in 2007. At the time of that variance request the Office of Planning supported it and will therefore with some reservations support this request as well.

Prepared By:

Jessie Brack

Section Chief:

Lynn Lanthorn / PMS

AFK:jb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 21, 2009
REVISED: May 22, 2009

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

RECEIVED

SUBJECT: 10800 Powers Avenue- Additional Comments

MAY 22 2009

INFORMATION:

ZONING COMMISSIONER

Item Number: 09-256
Petitioner: Maurice and Cattie Bailey
Property Size: 7,487 square feet
Zoning: DR 2
Requested Action: Variance
Hearing Date:

The petitioner requests a variance from Section 1B02.3.C.1 of the BCZR to approve a proposed dwelling on a lot with a lot width at front building line of 54 feet in lieu of the required 100 feet, with side setbacks of 10 feet in lieu of the required 15 feet on each side, with a sum of the side yards of 20 feet in lieu of the required 40 feet and for a lot size of 7,480 square feet in lieu of the required 20,000 square feet.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the above variance request. However there is an adjacent vacant parcel to the south of this property and if possible this Office would prefer that the Petitioner acquire some land from that adjacent neighbor in order to fulfill the lot size requirement since most of the homes in the area are on larger lots. It is understood that this might not be a feasible option for the Petitioner and sees that according to the Petitioner's site plan this has been a lot of record since 1921, before the inception of any zoning law. The adjacent property to the north is also considered an undersized lot and a variance to build a home on that lot was approved in 2000, but there was an existing dwelling on that property at one time. The new home was just recently constructed in 2007. At the time of that variance request the Office of Planning supported it and will therefore with some reservations support this request as well.

Additional Comments:

The Petitioner contacted the Office of Planning on the day of the zoning hearing on Friday May 22, 2009. The Petitioner stated during the hearing that there was previously a home on the property in question and provided evidence with of it with a plan that was conducted by

Baltimore County's Bureau of Highways in June of 1989. The plan shows that there was a home on the site during that time. In light of that discovery the Office of Planning supports the Petitioner's request for a variance to build another home on the property. This community is a small African American enclave and these properties were platted in the early 1920's as previously stated before the inception of any zoning laws. This family has lived in the community since the early 1900's. The Petitioner also stated that the new home would be on almost the exact same footprint as the previous one, but might be a little wider. Therefore the Office of Planning would like to review any building elevations and architecture before the Petitioner applies for building permit.

Prepared By:

Jessie Brain

Section Chief:

Jeff Mayhew

AFK:jb

RE: PETITION FOR VARIANCE * BEFORE THE
10800 Powers Avenue W/S Powers Avenue *
70' N of Sherwood Road * ZONING COMMISSIONER
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Maurice & Cattie Bailey * FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 09-256-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

APR 20 2009

.....

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

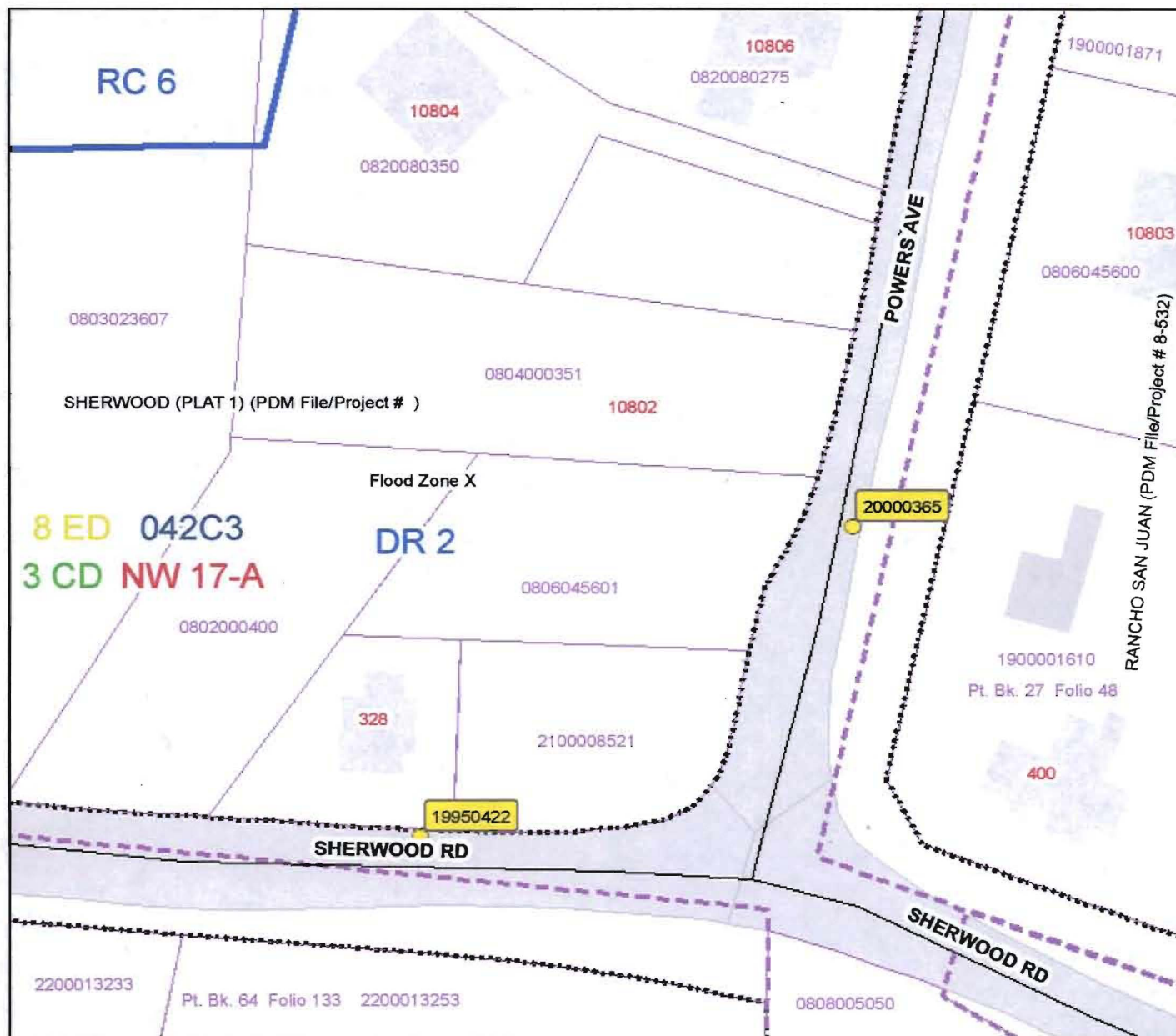
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of April, 2009, a copy of the foregoing Entry of Appearance was mailed to Maurice & Cattie Bailey, 400 Sherwood Road, Cockeysville, MD 21030, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

10800 Powers Avenue



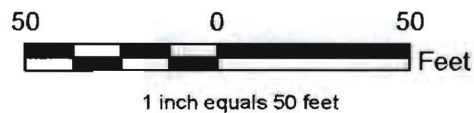
0256



Publication Date: January 14, 2009
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



DQ Map Notes





Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

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

Account Identifier: District - 08 Account Number - 0806045601

Owner Information

Owner Name: BAILEY MAURICE LONGNECKER,SR
 BAILEY CITTIE,ET AL
Use: RESIDENTIAL
Mailing Address: 400 SHERWOOD RD
 COCKEYSVILLE MD 21030
Principal Residence: NO
Deed Reference: 1) / 6679/ 151
 2)

Location & Structure Information

Premises Address POWERS RD
Legal Description WS POWERS RD
 .1233 AC
 250 N SHERWOOD RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
42	23	475						2	Plat Ref:

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		5,370.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2008	07/01/2008	07/01/2009	
Land	5,370	5,370			
Improvements:	0	0			
Total:	5,370	5,370	5,370	5,370	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: RIDDICK PARKER	Date: 03/13/1984	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6679/ 151	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3)

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

Account Identifier: District - 08 Account Number - 0804000351

Owner Information

Owner Name: WILLIAMS MICHELE ANTOINETTE **Use:** RESIDENTIAL
Mailing Address: 10802 POWERS RD **Principal Residence:** YES
 COCKEYSVILLE MD 21030-2624 **Deed Reference:** 1) /26491/ 422
 2)

Location & Structure Information

Premises Address **Legal Description**
 10802 POWERS RD .28 AC WS POWERS RD
 COCKEYSVILLE 21030 10802 POWERS RD
 100 N SHERWOOD RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
42	23	69						2	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2007	2,646 SF	12,197.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2008	07/01/2008	07/01/2009	
Land	120,190	144,190			
Improvements:	260,570	299,690			
Total:	380,760	443,880	401,800	422,840	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: HOLT JEFFREY D	Date: 12/17/2007	Price: \$437,500
Type: IMPROVED ARMS-LENGTH	Deed1: /26491/ 422	Deed2:
Seller: TAYLOR SCHELLY W	Date: 11/01/2006	Price: \$108,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /24709/ 47	Deed2:
Seller: TAYLOR CAROLINE D	Date: 12/20/1994	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /10874/ 402	Deed2: /10874/ 398

Exemption Information

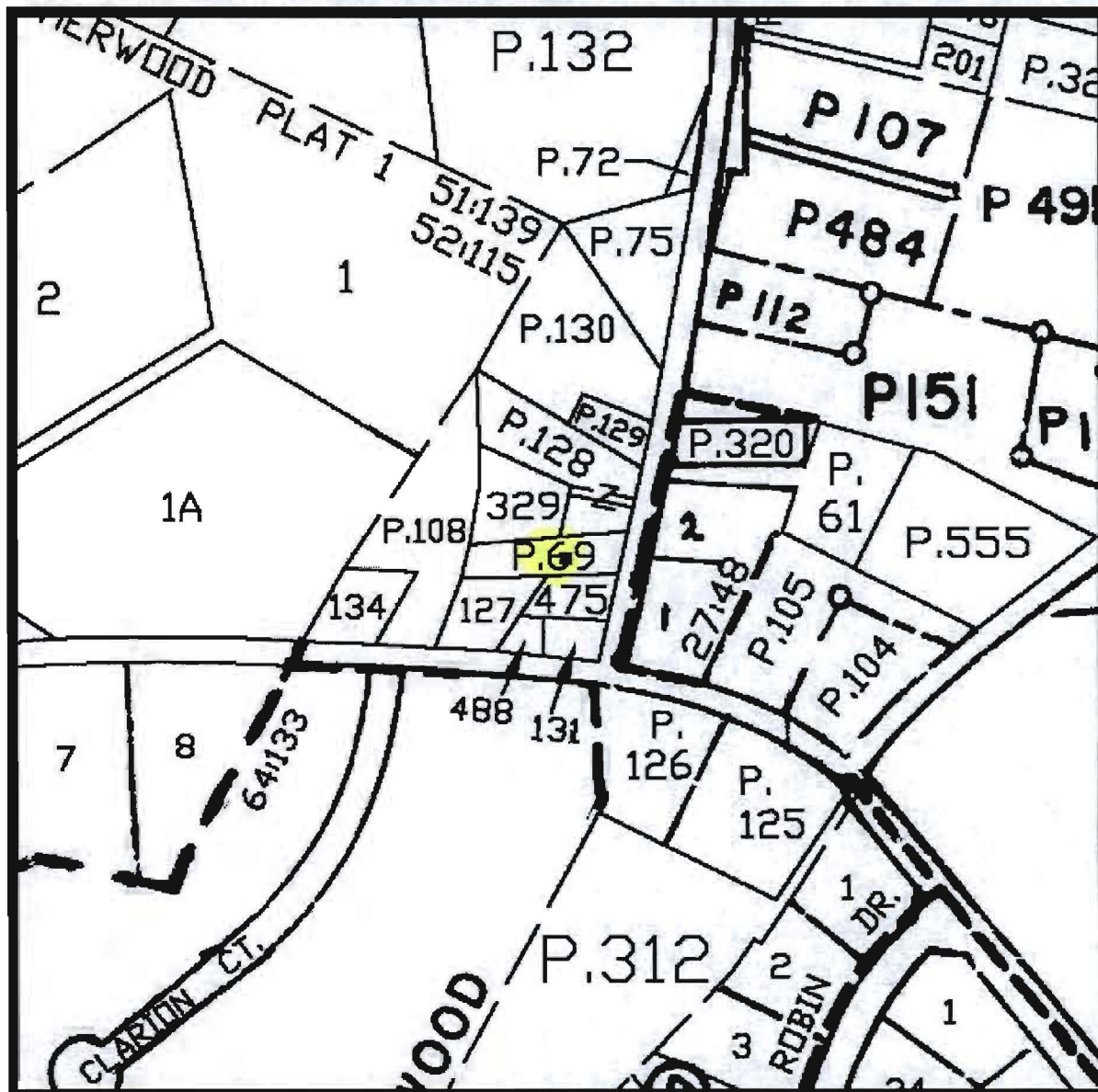
Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

	Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search	Go Back View Map New Search
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District - 08 Account Number - 0804000351



Property maps provided courtesy of the Maryland Department of Planning
©2008.

For more information on electronic mapping applications, visit the Maryland
Department of Planning web site at www.mdp.state.md.us/webcom/index.html



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1)

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

Account Identifier: District - 08 Account Number - 2100008521

Owner Information

Owner Name: WILKINS CYNTHIA **Use:** RESIDENTIAL
Mailing Address: 1341 INTERVALE AVE **Principal Residence:** NO
 BRONX NY 10459-1538 **Deed Reference:** 1) /27198/ 520
 2)

Location & Structure Information

Premises Address **Legal Description**
 SHERWOOD RD NS SHERWOOD RD
 .109 AC
 W COR POWERS AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
42	23	131						2	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		4,752.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2008	07/01/2009
Land	1,180	1,180		
Improvements:	0	0		
Total:	1,180	1,180	1,180	1,180
Preferential Land:	0	0	0	0

Transfer Information

Seller: FOOTE EDNA F	Date: 07/23/2008	Price: \$20,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /27198/ 520	Deed2:
Seller:	Date: 02/08/1989	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 550/ 7	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

[illegible]

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html



BALTIMORE COUNTY

M A R Y L A N D

January 22, 2010

JAMES T. SMITH, JR.
County Executive

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

Miles & Stockbridge P.C.
1 W. Pennsylvania Avenue
Suite 900
Towson, MD 21204
Attention: Pamela Raymond

RE: Zoning Verification for 10139 York Road
Tax Identification Number 2000005305
8th Election District

To Whom It May Concern:

Your letter to the Director of Permits and Development Management has been referred to me for reply. Based on the information provided therein, the BCZR (Baltimore County Zoning Regulations) and research of the available records the following has been determined.

The property known as 10139 York Road is currently zoned B.M. and B.M.-A.S. (Business Major) (Auto Services as per the official Baltimore County Zoning Map 051C2 (copy of GIS enclosed). This site is not in a Planned Unit Development. A New Car Dealership with adjoining outdoor sales and accessory Used Car Sales and/or Carwash are permitted as a matter of right. Additional uses can be found online at our website www.baltimorecountymd.gov in Section 233.1 of the BCZR.

Zoning and permit history are part of the public record and are available for review by the public between the hours of 8:00 a.m. and 4:30 p.m. weekdays. You may consider retaining local legal/engineering resources to conduct a diligent search of the public records to compile the full zoning and permit history for the referenced property.

Further zoning verification or information cannot be provided without the benefit of a current A.L.T.A. (or similar engineered) "AS BUILT" site plan that delineates all zoning standards for the property address referenced above. Please be advised that provided the property was developed and occupied in accordance with Baltimore County approved permit plans and all current uses adhere to the requirements of the BCZR, the present use of the site does not violate applicable zoning ordinances. Zoning history files are available for public review during regular working hours.

Zoning Verification for 10139 York Rd
January 22, 2010

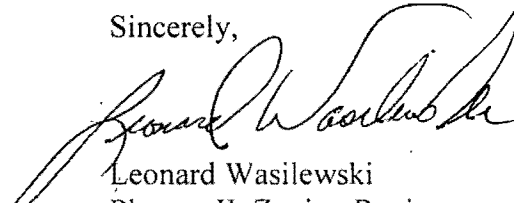
The Division of Code Inspections and Enforcement has indicated that there are no know current violation cases.

Pursuant to Section 104 of the BCZR, any structure damaged to any extent or destroyed by fire or other casualty may be restored within two years after such destruction. In the event that the building is nonconforming, then the structures can be rebuilt as was but may not be enlarged.

THE FOREGOING IS MERELY AN INFORMAL OPINION, IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Should you have any additional questions, please do not hesitate calling this office at 410-887-3391.

Sincerely,



Leonard Wasilewski
Planner II, Zoning Review

LW/Enclosure
10-010

CC:
Susquehanna Bank
307 International Circle, 6th Floor
Hunt Valley MD 21030

Commonwealth Land Title Insurance Company
300 East Lombard Street
Suite 1000
Baltimore, MD 21202

10-10

MILES & STOCKBRIDGE P.C.

Pamela Raymond
410-823-8107
praymond@milesstockbridge.com

NW 16 B
AA1 Cust Ser
VIII - 796

January 20, 2010

VIA HAND DELIVERY

Timothy M. Kotroco, Esquire
Director – Zoning Administration and
Development Management
Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

LW

Re: REQUEST FOR ZONING VERIFICATION – Project consisting of five parcels of land:
Tax Parcel ID 08-2400005724 containing 4.0545 acres of land with a property address of
10131 York Road owned by BKL York I LLC; Tax Parcel ID 08-2400005723 containing
1.6657 acres of land with a property address of 10125 York Road, owned by BKL York
III LLC; Tax Parcel ID 08-2000005305 containing 3.4285 acres of land with a property
address of 10139 York Road, owned by BKL York II LLC; (the Dealership Properties”);
Tax Parcel ID 08-0813024298 containing 26,746 sq. ft. of land with a property address of
10111 York Road owned by Tony Weil Mandel and the Estate of Julius Mandel and Tax
Parcel ID 08-1600010069 containing 1.95 acres of land with a property address of 10
Halesworth Road owned by Tony Weil Mandel and the Estate of Julius Mandel (the
"Vacant Property")

Dear Mr. Kotroco:

The owners of the Dealership Property represent that the Dealership Property is currently improved with two buildings and a lit and fenced paved storage lot, and is occupied for use as several car dealerships. The owners of the Vacant Property represent that the Vacant Property has been razed and there are no buildings or other improvements. In connection with a financial transaction, and our office's issuance of an owner's title policy, we desire to obtain a zoning verification and no-violations letter from your office addressed to:

Miles & Stockbridge P.C.
1 W. Pennsylvania Avenue
Suite 900
Towson, Maryland 21204

Commonwealth Land Title Insurance Company
300 East Lombard Street
Suite 1000
Baltimore, Maryland 21202

Susquehanna Bank
307 International Circle, 6th Floor
Hunt Valley, Maryland 21030

MILES & STOCKBRIDGE P.C.

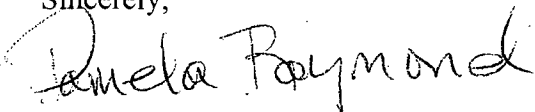
The zoning verification letter should certify as to the following:

- (a) The first two parcels and the fourth and fifth parcels are currently zoned ML and the third parcel is currently zoned BM.
- (b) The permitted uses of land situate in said zones are as set forth in the Zoning Regulations. Uses permitted as of right in such zone generally include car dealerships with service areas, car washes and storage lots, as more specifically set forth in such Regulations.
- (c) The Property and the current use and occupancy thereof by the owners and/or the current occupants comply with the Zoning Regulations.
- ✕ (d) There are no variances, special exceptions, conditional use permits, special use permits or other special zoning approvals required for the improvements as constructed on the Property or for the current use thereof that have not been obtained and under which the improvements are in compliance.
- ✕ (e) There are no uses conducted on the Property which would constitute a non-conforming use under the provisions of the Zoning Regulations.
- (f) A review of the records of your office with respect to the Properties reveals (i) no current active violations by the Property of the zoning regulations and/or land use approvals applicable thereto and (ii) no past violations of the same which remain uncured at this time.

If you require any further information regarding any of the Properties in order to prepare and complete the requested zoning verification, please call me on 410-823-8107. Our check in the amount of \$50.00 is enclosed – please call if additional monies are needed.

Please hold the letter for our Towson office to pick up. Please call me on 410-823-8107 when it is ready.

Sincerely,



Pamela Raymond,
Paralegal

Enclosure

FEE-SIMPLE DEED-CODE-City or County

This Deed, Made this

March 12.
May 11 day of

In the year one thousand nine hundred and eighty-three 4, by and between

PARKER RIDDICK AND CITTIE LEE RIDDICK, his wife and MAURICE LONGNECKER
BAILEY, JR.

of Baltimore County

in the State of Maryland, of the first part, and

MAURICE LONGNECKER BAILEY and CITTIE BAILEY, Husband and Wife
AND MAURICE L. Bailey Jr. their son

of the second part.

Witnesseth, That in consideration of the sum of NO CONSIDERATION

the said parties of the first part

do grant and convey unto the said parties of the second part, their

11 RC/F	16.00
DEED	0.00
CHK TR T	16.00
894927 C002 R02 T11:24	
03/13/84	

heirs and assigns, in fee simple, all that lot

of ground, situate, lying and being in

Baltimore County, State of Maryland

, aforesaid, and described as follows, that is to say:-

Beginning for the same at a point in a twenty foot road and at the distance of fifty-seven feet and nine inches from the beginning of the north 17½ degrees east 7¼ perch line of the land which by Deed dated on May 14, 1904 and recorded among the Land Records of Baltimore County in Liber W.P.C., No. 276, Folio 531 & c. was conveyed by Robert F. Caples and wife to the said Eliza Johnstone and running thence bounding on the center of said road and on said line north 17½ degrees east 61 feet and 10¼ inches to the end thereof; thence leaving said road and binding on the outlines of said Deed north 84¼ degrees west 8-1/10 perches to a planted stone; thence still binding on said outline of said Deed as surveyed in 1907 south 35¼ degrees west 38 feet and 10¼ inches to a planted stone or iron pin standing at the end of the north 35¼ degrees east 89 foot line of the land which by Deed dated May 13, 1907, and recorded among the Land Records of Baltimore County in Liber W.P.C., No. 313, Folio 396 & c. was granted and conveyed by Eliza Johnstone, et al, to the trustees of Bazel's Chapel African Methodist Episcopal Church of Cockeysville, Baltimore County, Maryland, thence binding on said land as surveyed in 1907 south 79 degrees east 29 feet to a planted iron pin, and thence by line of division of survey of 1907 south 71 degrees east 115 feet and 7 inches to the first place of beginning; it being part of the land which was granted and conveyed by Robert F. Caples and wife to the said Eliza Johnstone, by the Deed aforesaid.

BEING the same lot of ground and premises, which by Deed dated May 14, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., 6398, page 588, was granted and conveyed by Maurice Longnecker Bailey unto the grantors herein.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE Bac DATE 3/13/84

TRANSFER TAX NOT REQUIRED

By order of Finance
Baltimore County, Maryland

Authorized Signature
Date 3-13-83 Sec. 11-85 C

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

Balmond 3/13/84
DATE

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot 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

MAURICE LONGNECKER BAILEY and CITTIE BAILEY, Husband and Wife
as Tenants by the Entireties, their

heirs and assigns, in fee simple.

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

Witness the hands and seals of said grantors

TEST:

Parker Riddick
Parker Riddick

Cittie Lee Riddick
Cittie Lee Riddick

Maurice Longnecker Bailey
Maurice Longnecker Bailey

STATE OF MARYLAND,

, to wit:

I HEREBY CERTIFY, That on this 12th day of March
in the year one thousand nine hundred and 84, before me, the subscriber,
a Notary Public of the State of Maryland, in and for City of Baltimore aforesaid,
personally appeared Parker Riddick, Citty Lee Riddick and Maurice Longnecker Bailey

the above named grantor and acknowledged the foregoing Deed to be a true act.

As Witness my hand and Notarial Seal.

Rec'd for record MAR 13 1984 at 11:34 A.M.
Per Elmer H. Kahline, Jr. Clerk
Mail to Maurice Bailey
Receipt No. 8 \$ 16.00

John H. Kahline
Notary Public,
My Comm. Exp. 2/1/85

CASE NAME Bailey
CASE NUMBER 2009-0256-A
DATE 5-22-09

[illegible]

CASE NAME Bailey
CASE NUMBER 2009-6256-A
DATE 5-22-09

CITIZEN'S SIGN-IN SHEET

[illegible]

Lot # 1 1900013767
Pt. Bk. 52 Folio 115

RC 6

SHERWOOD (PLAT 1) (PDM File/Project #)

1900013768
Lot # 1A

0803023607
15-422-A
3 CD

NW-17-A-042C3

CEM.

SHERWOOD RD

10810

0818001740

0820080275

10804

0820080350

8 ED

0804000351

10802

0806045601

328

2100008521

19950422

DR-2

2000003459

0813020525

10811

0802000276

10809

10805

Lot # 3 1900001871

10803

Lot # 2 0806045600

Pt. Bk. 27 Folio 48
1900001610

PDM # 080862
0806045250

SHERWOOD RD

2200013233

ABBEY AT SHERWOOD (PDM File/Project # 8-580)

2200013253

Pt. Bk. 64 Folio 133

PDM # 080580

2200013234

5

2200013235

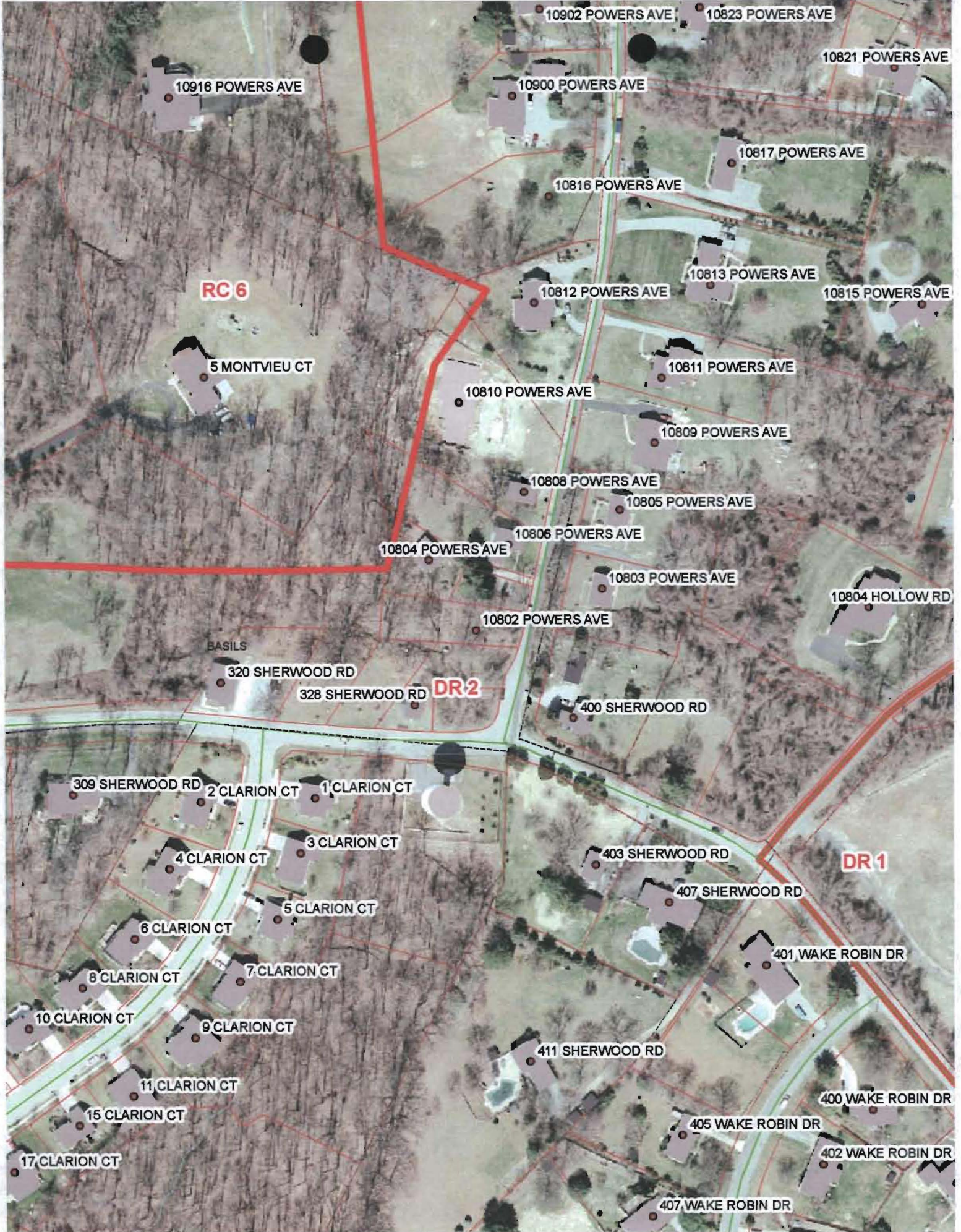
0808005050

403

0813041300

407

2200024459



10916 POWERS AVE

10902 POWERS AVE

10823 POWERS AVE

10821 POWERS AVE

10900 POWERS AVE

10817 POWERS AVE

10816 POWERS AVE

RC 6

5 MONTVIEU CT

10812 POWERS AVE

10813 POWERS AVE

10815 POWERS AVE

10811 POWERS AVE

10810 POWERS AVE

10809 POWERS AVE

10808 POWERS AVE

10805 POWERS AVE

10806 POWERS AVE

10804 POWERS AVE

10803 POWERS AVE

10804 HOLLOW RD

10802 POWERS AVE

BASIS

320 SHERWOOD RD

328 SHERWOOD RD

DR 2

400 SHERWOOD RD

309 SHERWOOD RD

2 CLARION CT

1 CLARION CT

3 CLARION CT

4 CLARION CT

5 CLARION CT

6 CLARION CT

8 CLARION CT

7 CLARION CT

10 CLARION CT

9 CLARION CT

11 CLARION CT

15 CLARION CT

17 CLARION CT

403 SHERWOOD RD

407 SHERWOOD RD

DR 1

401 WAKE ROBIN DR

411 SHERWOOD RD

400 WAKE ROBIN DR

405 WAKE ROBIN DR

402 WAKE ROBIN DR

407 WAKE ROBIN DR

DATE: 11/25/2009

ASSESSMENT TAXPAYER SERVICE

TIME: 11:02:37

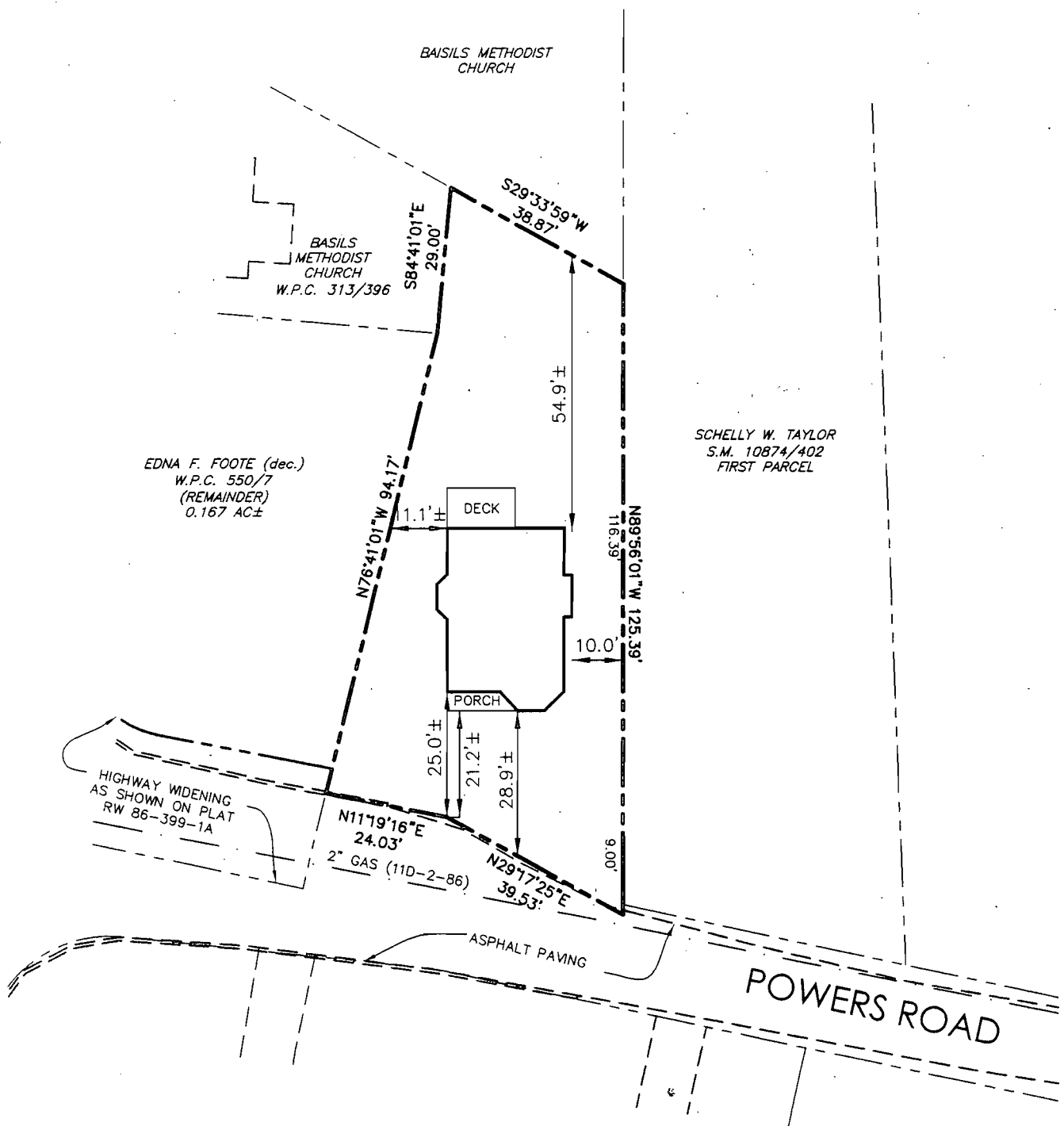
PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HIST	DEL	LOAD DATE
08 06 045601	08	2-0	04-00	N	NO		10/02/09
BAILEY MAURICE LONGNECKER, SR				DESC-1..		WS POWERS RD	
BAILEY CITTIE, ET AL				DESC-2..		250 N SHERWOOD RD	
400 SHERWOOD RD				PREMISE. 00000		POWERS RD	

00000-0000

COCKEYSVILLE MD 21030-0000 FORMER OWNER: RIDDICK PARKER

-----FCV-----		-----TRANSFER DATA-----		---PROPERTY ID---	
PRIOR	PROPOSED	NUMBER.....		LOT.....	
LAND: 5,370	5,370	DATE.....	03/13/84	BLOCK....	
IMPV: 0	0	PURCHASE PRICE..	0	SECTION..	
TOTL: 5,370	5,370	GROUND RENT.....	0	PLAT.....	
PREF: 0	0	DEED REF LIBR..	06679	BOOK.....	0000
CURT: 0	0	DEED REF FOLIO..	151	FOLIO....	0000
DATE: 09/04	08/07	YEAR BUILT.....		MAP.....	0042
		NEW CONSTR YR...		GRID.....	0023
TAXABLE BASIS				PARCEL...	0475

5,370	LOT WIDTH..	61.19	SB	.00
5,370	LOT DEPTH..	.00	WB	.00
0	LAND AREA..	5370.000 S	SS	.00
ENTER-INQUIRY1	PA1-PRINT	PF4-MENU	PF5-QUIT	WD .00



SCALE: 1"=30'

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 5/7/08
OEA: MR/KRA
HISTORIC DISTRICT/BLDG:

PERMIT #: B726114
RECEIPT #: 4611609
CONTROL #: 10K
XREF #:

PROPERTY ADDRESS: 10800 POWERS AVE
SUITE/SPACE/FLOOR:
SUBDIV: 250' N Sherwood Rd
TAX ACCOUNT #: 08-06-045601
YES ☐ NO ☒
DO NOT KNOW ☐

FEE: 17545.50
PAID: 230
PAID BY: app
INSPECTOR:
OWNER'S INFORMATION (LAST, FIRST)
NAME: MAURICE L & CITIER R. Bailey
ADDR: 400 Sherwood Rd. Coe Keyville, Md. 21030-0000
DOES THIS BLDG. HAVE SPRINKLERS
YES ☐ NO ☐

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION
NAME: Maurice L Bailey Sr.
COMPANY:
STREET: 400 Sherwood Rd.
CITY, ST, ZIP: Coe Keyville Md. 21030-
PHONE #: 410-668-8550- MHIC #
APPLICANT SIGNATURE: Maurice L Bailey Sr. DRC#
PLANS: CONST 2 PLOT 0 PLAT 0 DATA 0 EL 1 PL 1
TENANT:
CONTRACTOR: Thame Clackey Group LLC
ENGR:
SELLER:
3261
MHBR # 3261

TYPE OF IMPROVEMENT

1. ☒ NEW BLDG CONST
2. ☐ ADDITION
3. ☐ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING
6. ☐ MOVING
7. ☐ OTHER

TYPE OF USE

RESIDENTIAL

01. ☒ ONE FAMILY
02. ☐ TWO FAMILY
03. ☐ THREE AND FOUR FAMILY
04. ☐ FIVE OR MORE FAMILY (ENTER NO UNITS)
05. ☐ SWIMMING POOL
06. ☐ GARAGE
07. ☐ OTHER

TYPE FOUNDATION

1. ☐ SLAB
2. ☒ BLOCK
3. ☐ CONCRETE

BASEMENT

1. ☒ FULL
2. ☐ PARTIAL
3. ☐ NONE

DESCRIBE PROPOSED WORK: Construct SFD Kelly Marie Traditional w/ Unfin Bsmt, Long Curd Porch, 2 Car Bk Garage, Rear Kitchen Extension + 2nd Fl 2' Rear Cantilever Extension, 4 Bdrms, No Fireplace. 40'x35'4"x33'6" = 3,287 sq ft Geothermal Heating System. 2009-0256A

NON-RESIDENTIAL

08. ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ☐ CHURCH, OTHER RELIGIOUS BUILDING
10. ☐ FENCE (LENGTH HEIGHT)
11. ☐ INDUSTRIAL, STORAGE BUILDING
12. ☐ PARKING GARAGE
13. ☐ SERVICE STATION, REPAIR GARAGE
14. ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ☐ OFFICE, BANK, PROFESSIONAL
16. ☐ PUBLIC UTILITY
17. ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ☐ SIGN
19. ☐ STORE MERCANTILE RESTAURANT SPECIFY TYPE
20. ☐ SWIMMING POOL SPECIFY TYPE
21. ☐ TANK, TOWER
22. ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. ☐ OTHER

TYPE OF CONSTRUCTION

1. ☐ MASONRY
2. ☒ WOOD FRAME
3. ☐ STRUCTURE STEEL
4. ☐ REINF. CONCRETE

TYPE OF HEATING FUEL

1. ☐ GAS
2. ☐ OIL
3. ☐ ELECTRICITY
4. ☐ COAL

TYPE OF SEWAGE DISPOSAL

1. ☒ PUBLIC SEWER EXISTS ☒ PROPOSED
2. ☐ PRIVATE SYSTEM SEPTIC EXISTENCE PROPOSED
3. ☐ PRIVY EXISTENCE PROPOSED

CENTRAL AIR: 1. ☒ 2. ☐ 1. ☒ PUBLIC SYSTEM EXISTS ☒ PROPOSED
ESTIMATED COST: \$225,000.00 2. ☐ PRIVATE SYSTEM EXISTS ☐ PROPOSED
OF MATERIALS AND LABOR

PROPOSED USE: SFD
EXISTING USE: vacant

OWNERSHIP

1. ☒ PRIVATELY OWNED
2. ☐ PUBLICLY OWNED
3. ☐ SALE
4. ☐ RENTAL

RESIDENTIAL CATEGORY: 1. ☒ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE
#EFF: #1BED: 4 #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6. ☐ HIRISE
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. ☒ 2. ☐ BATHROOMS 2 CLASS 04
POWDER ROOMS 1 KITCHENS 1 LIBER 04

BUILDING SIZE SF LOT SIZE AND SETBACKS
FLOOR 3287 SIZE 5370 SF
WIDTH 40' FRONT STREET
DEPTH 35'4" SIDE STREET
HEIGHT 33'6" FRONT SETBK 30'
STORIES 2+Bsmt, SIDE SETBK 10' / 10'
LOT #'S SIDE STR SETBK
CORNER LOT REAR SETBK 47'
1. ☐ YES 2. ☐ NO ZONING DR2

APPROVAL SIGNATURES
BLD INSP :
BLD PLAN :
FIRE :
SEDI CTL :
ZONING :
ENVRMT :
PLANNING :
PERMITS :
DATE 7/15/09
7/15/09
7/15/09

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

Need MHBR # 2
7/15/09
Km123



Permits & Development Management

111 W. Chesapeake Avenue
Towson, MD 21204

Report Generated On:
07/15/09

Permit Processing Residential Permit Report

Page 1 of 1

Property Information

Tax Account Number: 0806045601

Election District: 8

Owner Name(s): BAILEY MAURICE LONGNECKER,SR and BAILEY CITTIE,ET AL

PDM # : 08-378

Address: 400 SHERWOOD RD

Zoning District(s): DR 2

COCKEYSVILLE,MD 21030

Premise Address: 0 POWERS RD

Elevation Range: 600ft - 604ft

Affected Overlays	Instructions: Begin review process with Zoning Review, Room 111.	New Homes	Additions/Alter	Access. Struct.	Open Decks	Piers/Pilings	Grading/SW	Tanks	Ret. Walls/Bulk	Razing	Agency Acknowledgment
Contact Agency	Potential Overlay Issues										Initial & Date
DPW-Public Services County Office Building Room 307 Phone: 410-887-3984	Note: All Retaining Wall Permits must be sent to DPW for review. Infill Lot Review	X									

Notice: This report is not inclusive as additional issues may arise which would affect the ability to obtain a building permit. This Report is solely for Departmental use and nothing herein creates any right which would accrue to the applicant.
Form171R

Case No.: 2009-0256-A 10800 Powers Ave

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Powers Ave Plat from DPW	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

LOCATION INFORMATION

ELECTION DISTRICT 8th

COUNCILMANIC DISTRICT

1"=20' SCALE MAP #

ZONING PR 2

LOT SIZE 1.1977 ACRES 7487 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100' YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/ BUILDING ☐ ☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

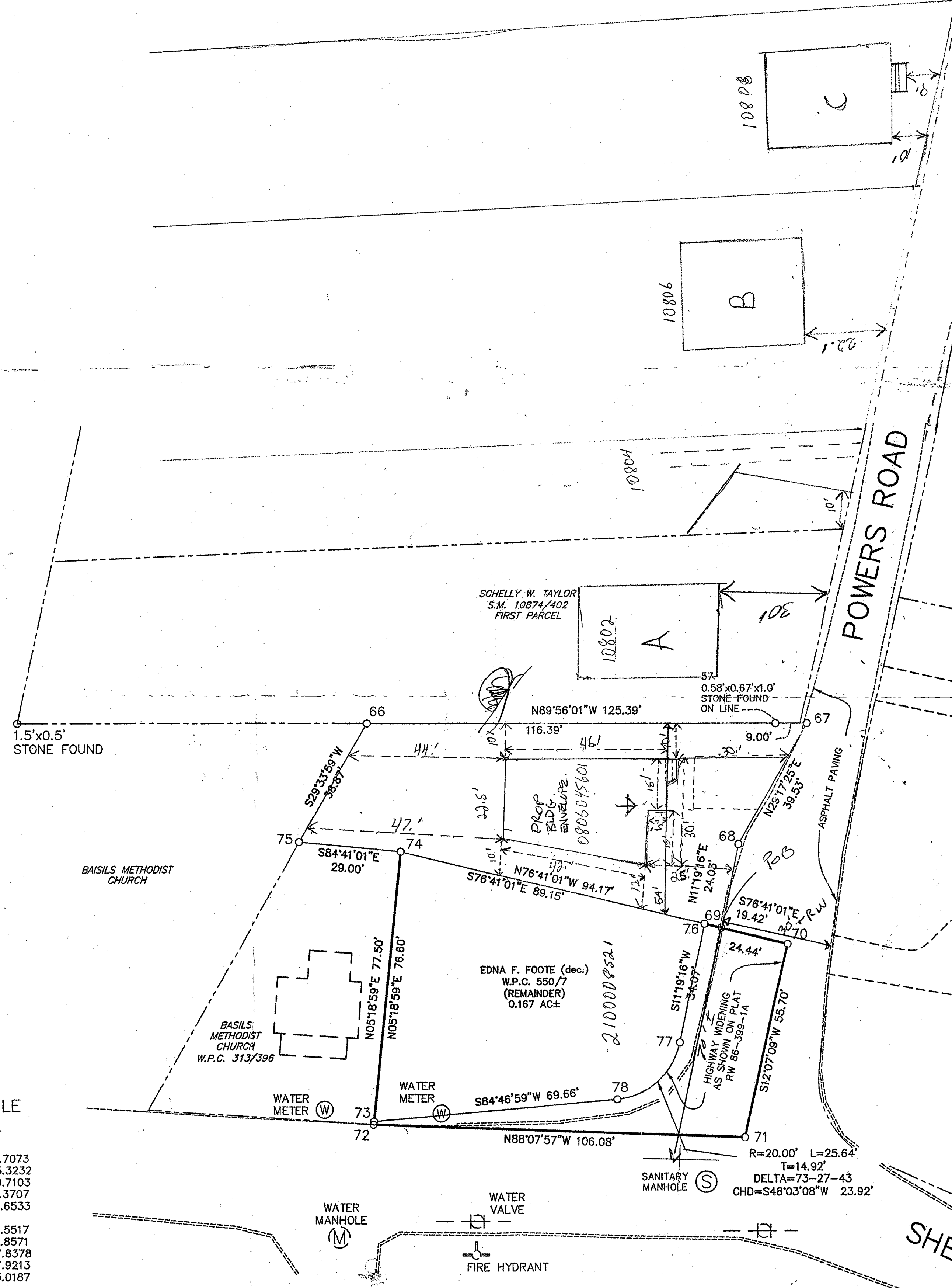
REVIEWED BY ITEM # CASE #

LOT OWNER STATES NO ADJACENT OWNERSHIP WITH NEIGHBORING FOR MORE THAN 6 YEARS

GENERAL NOTES

1. THIS PLAT REPRESENTS A BOUNDARY SURVEY OF THE LAND DESCRIBED IN THE TWO FOLLOWING DEEDS: (1) RECORDED DECEMBER 5, 1921 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER W.P.C. 550, FOLIO 007 (2) DATED MARCH 12, 1984 AND RECORDED AFORESAID IN LIBER E.H.K., JR. 6679, FOLIO 151.
2. THIS SURVEY MEETS OR EXCEEDS THE STATE OF MARYLAND, MINIMUM STANDARDS OF PRACTICE FOR A BOUNDARY SURVEY EFFECTIVE AUGUST 1, 2005 AS REGULATED BY THE STATE OF MARYLAND BOARD FOR PROFESSIONAL LAND SURVEYORS.
3. THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE MARYLAND STATE COORDINATE SYSTEM (NAD83/91) AND ARE BASED ON THE FOLLOWING BALTIMORE COUNTY CONTROL STATIONS: BCO#770 AND BCO#832.
4. ALL BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SUBJECT SITE ARE NOT NECESSARILY SHOWN. BUILDING SHOWN ON M.L. BAILEY, SR., ET AL PROPERTY WAS TAKEN FROM BALTIMORE COUNTY ROAD DRAWING 86-1629.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS WHICH MIGHT AFFECT THE SUBJECT PROPERTY WERE PROVIDED BY THE CLIENT.
6. THE SURVEY SHOWN HEREON WAS NOT BASED ON A TITLE REPORT.
7. THE FIELD WORK FOR THIS SURVEY WAS COMPLETED ON OR ABOUT JANUARY 14, 2008. AND REVISED FOR THIS ZONING HEARING BY THE OWNER.

OWNERS MURICE BAILEY SR
CITTIE BAILEY



COORDINATE TABLE

NO.	NORTH	EAST
57	661726.5057	1417191.7073
66	661726.6407	1417075.3232
67	661726.4952	1417200.7103
68	661692.0188	1417181.3707
69	661668.4558	1417176.6533
70	661663.9827	1417195.5517
71	661609.5219	1417183.8571
72	661612.9786	1417077.8378
73	661613.8761	1417077.9213
74	661690.1452	1417085.0187
75	661692.8322	1417056.1435
76	661669.6111	1417171.7727
77	661636.2010	1417165.0839
78	661620.2100	1417147.2916

Average SetBacks For 200 Feet

A	30'
B	22'
C	8'
$60' \div 3 = 20'$	

PLAN FOR ZONING VARIANCE

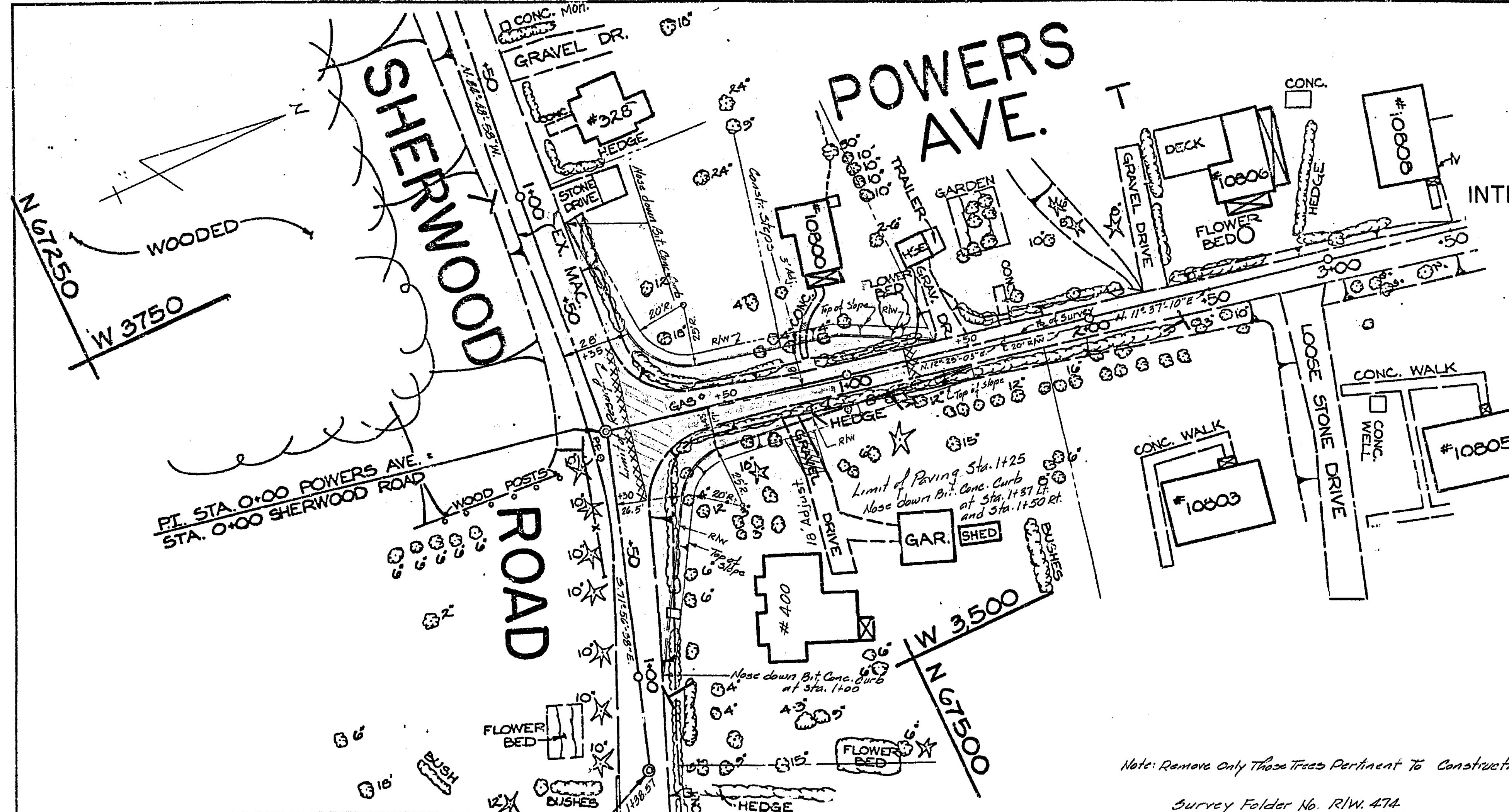
10800 POWERS AVE.
EIGHTH ELECTION DISTRICT
SCALE: 1"=20'

BALTIMORE COUNTY, MD
JANUARY 15, 2008

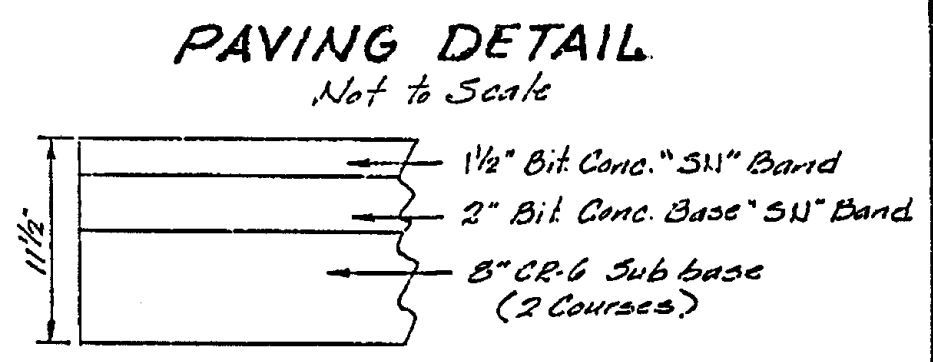
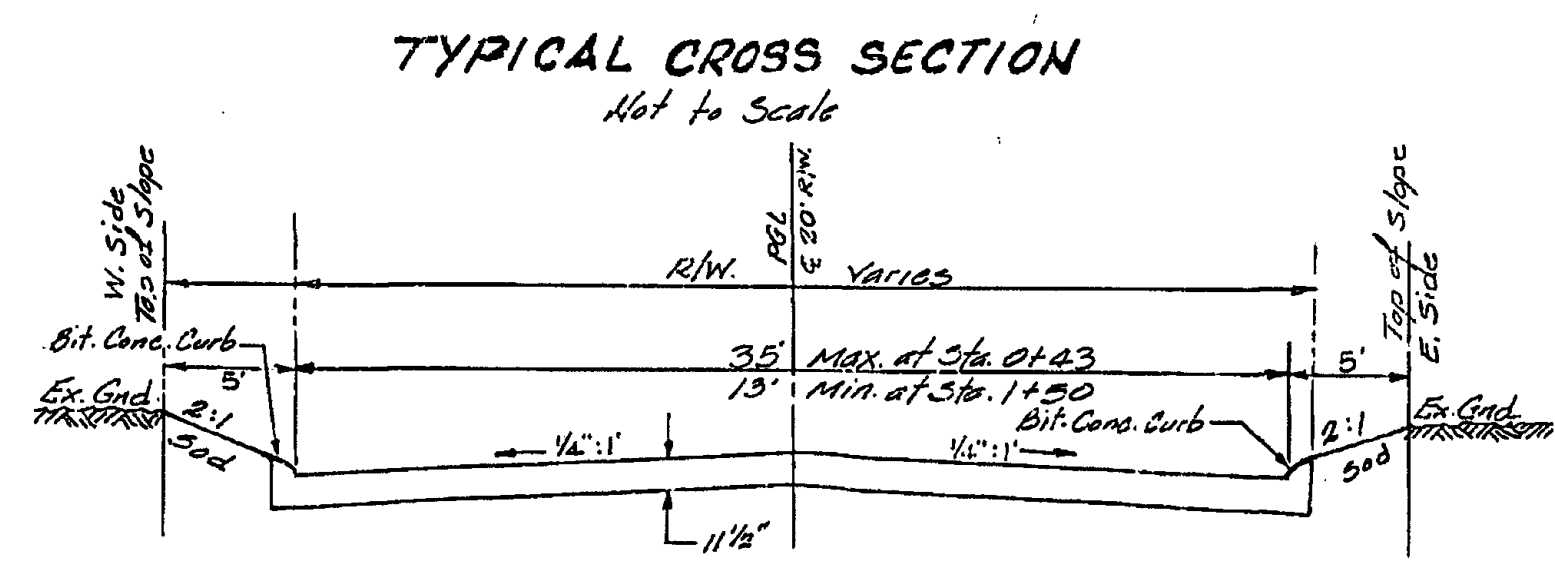
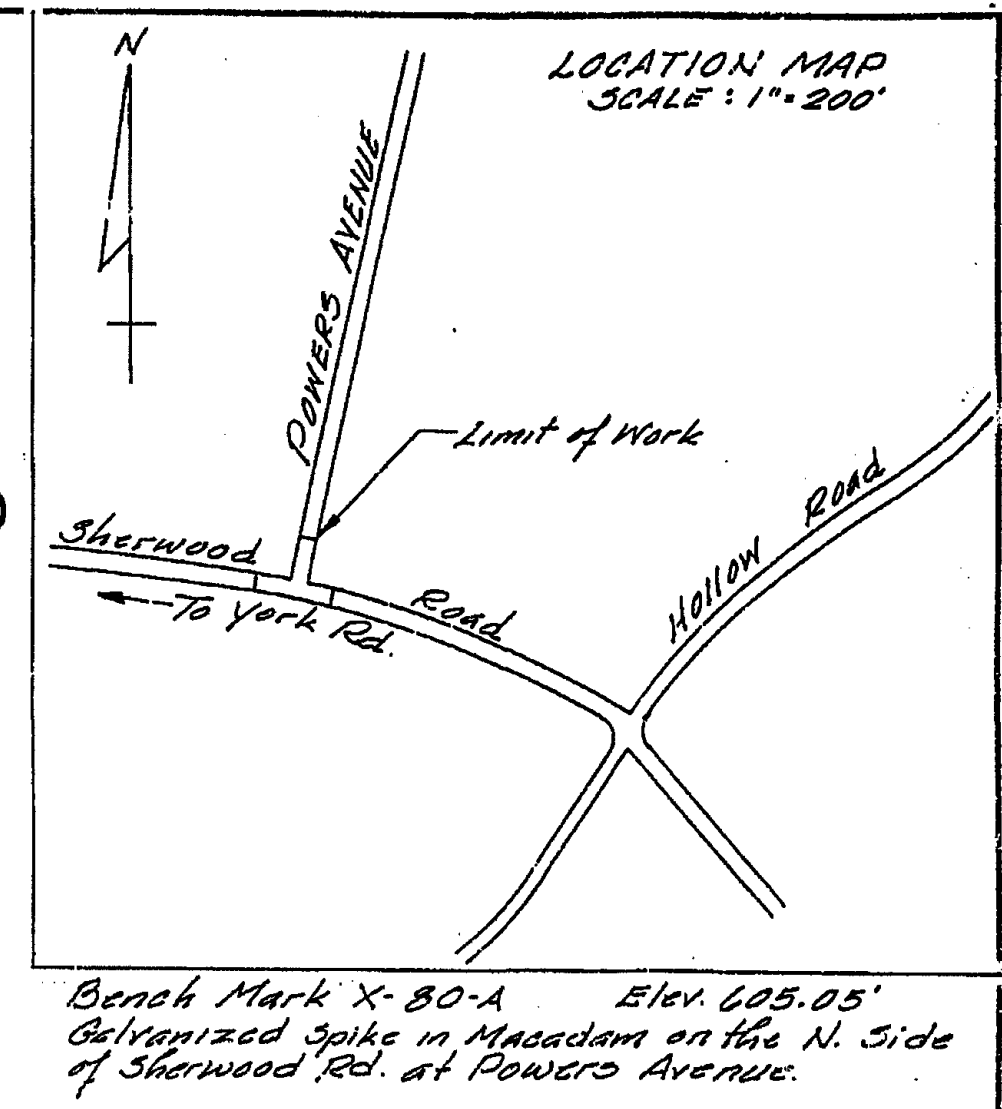
PETITIONER'S

EXHIBIT NO. 1

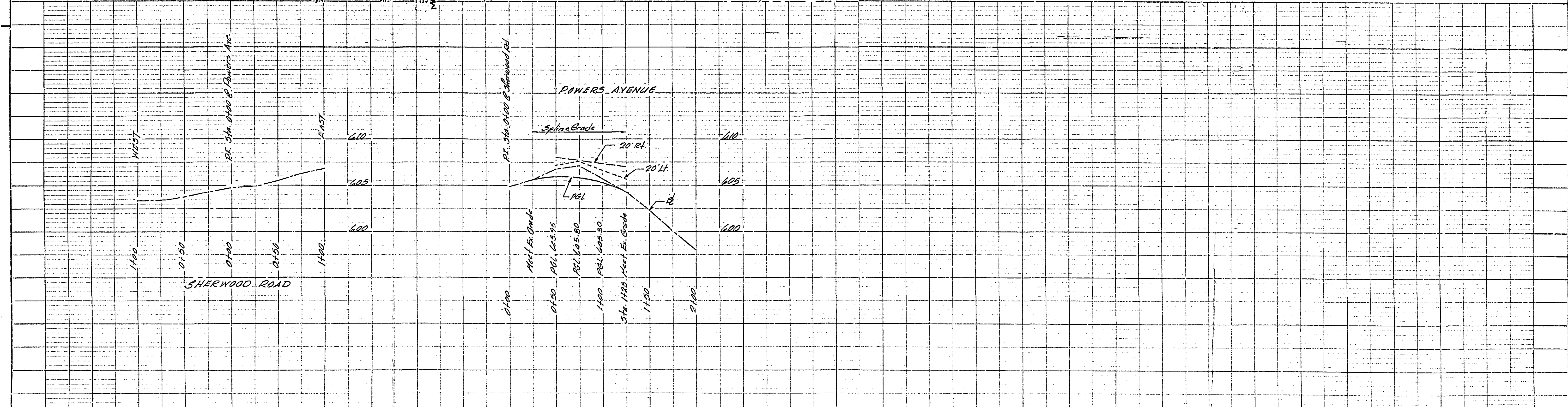
Y:BAILEY FOOTE (6605/06) SCATCHCOILING, 6/11/2008 1:45:42 PM, Design: 300-HR62 (77709).pc3, Arch: C - 18 x 24 in. (landscape), 1:20



BALTIMORE COUNTY, MD.
DEPARTMENT OF PUBLIC WORKS
POWERS AVENUE
INTERSECTION IMPROVEMENTS AT SHERWOOD ROAD
CONTRACT NO. 89198 RX0
This project constructed by Bur. of Highways 6/30/89



Note: Remove Only Those Trees Pertinent To Construction
Survey Folder No. R/W. 474



PROJECT BUILT BY Bur. of HWYS.

DATE	RIGHT OF WAY	REF.	ROAD PERMIT AND GRADES	P. W. A. DIR. NO.	CONTRACT NO.	REVISED AS PER RECORD PRINT
	86-399-1		PERMIT REQUESTED PERMIT NUMBER GRADE ESTABLISHED PROFILE NUMBER			J.O. DRAFTSMAN DATE
DESIGNED BY	ENGINEER	REVIEWED	HIGHWAYS	STRUCTURES	WATER	SEWER
DRAWN	DATE	LIC. NO.	DATE	BUREAU OF ENGINEERING	DEPARTMENT OF PUBLIC WORKS	LEVEL BK.
CHECKED				APPROVED	APPROVED	KEY SHEET
				DATE	DATE	POSITION SHEET
						68 NW 3
						DATE
						REVISION
						BY
						SCALE
						PLAN: 1"=30'
						PROFILE: HOR. 1"=50'
						VERT. 1"=5'
						BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING
						POWERS AVENUE
						EL. DISTRICT NO. 8 C-3
						BALTIMORE COUNTY TYPE NUMBER
						3
						Contract No. 89198 RX0
						JOB ORDER NO.
						5-286-59
						SHEET 1 OF 1
						DWG. NO.
						86-1629
						FILE: 5

22, 2009 10:48:30 AM

PETITIONER'S
EXHIBIT NO. 2