

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NE of Wilson Point Road; 505 feet SE		
from the c/l of Shore Road	*	DEPUTY ZONING
15 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(1711 Wilson Point Road)		
	*	FOR BALTIMORE COUNTY
Douglas and Sue McKenzie	*	CASE NO. 2010-0293-SPH
<i>Petitioners</i>		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the legal property owners, Douglas and Sue McKenzie. Petitioners request Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a legal nonconforming use permitting two single-family dwellings on an existing lot of record in the D.R.5.5 Zone with less than 12,000 square feet. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief were Petitioners Douglas and Sue McKenzie and David Billingsley with Central Drafting & Design, Inc., who prepared the site plan and assisted Petitioners in the preparation of the Petition and their presentation at the hearing. There were no Protestants or interested citizens in attendance at the hearing.

Testimony and evidence presented revealed that the subject property is a rectangular shaped parcel consisting of approximately 10,650 square feet or 0.244 acre, more or less, zoned D.R.5.5. The property is located in the Middle River area of Baltimore County on the northeast side of Wilson Point Road with ingress/egress from same and water frontage on Stansbury Creek. The subject property is improved with two existing single-family dwellings and a pier, which can

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Date 7-22-10

By ps

be seen from the aerial photograph that was marked and accepted into evidence as Petitioners' Exhibit 6. The existing dwelling closest to Stansbury Creek consists of 1,008 square feet and was built in 1934 according to the Real Property Data Search printout marked and accepted into evidence as Petitioners' Exhibit 2. Photographs of the waterside house were marked and accepted into evidence as Petitioners' Exhibits 8A through 8C. The dwelling closest to Wilson Point Road consists of approximately 650 square feet, according to the impervious area survey conducted on April 5, 2010 and marked and accepted into evidence as Petitioners' Exhibit 5. Photographs of the roadside house were marked and accepted into evidence as Petitioner's Exhibits 7A through 7F. Access to the property is via a macadam driveway from Wilson Point Road running along the south side of the site. A concrete walkway provides access between the two dwellings. The existing improvements can be seen more clearly on the site plan and the referenced impervious area survey.

Petitioners request Special Hearing relief to legitimize the existing conditions and improvements on the property as a legal nonconforming use. Granting special hearing relief would permit Petitioners to continue to use the two single-family dwellings on the property, and would facilitate Petitioners' desire to renovate both structures. Petitioners purchased the subject property in March 2010 and their intent is to keep the two dwellings within the parameters of a legal nonconforming use.

In support of the requested relief, they presented evidence that the two structures on the property have been in place and used as single-family dwellings since before the initial adoption of Zoning Regulations in Baltimore County in 1945, or their comprehensive re-adoption in 1955. The Deed for Petitioners' purchase of the property was marked and accepted into evidence as Petitioners' Exhibit 3. Mr. Billingsley also submitted the record plat of the "Bull Neck" subdivision as recorded in 1931, which was marked and accepted into evidence as Petitioners'

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Date 7-22-10 2

By pm

Exhibit 4. The record plat shows the subject property, which is referred to as Lot 94A, as already being improved with a structure. Moreover, the Real Property Data Search marked and accepted into evidence as Petitioners' Exhibit 2, indicates the primary structure was built in 1934. Mr. Billingsley explained that the square footage data included in Exhibit 2 refers to the waterside dwelling that is shown on Exhibit 4. Next, he produced a Baltimore County Water Construction Plan dated June 5, 1940 that was marked and accepted into evidence as Petitioners' Exhibit 9, showing that two dwellings on the subject property were served by public water at that time. He asserted that this lends credence to the premise that both structures were used as separate dwellings. Mr. Billingsley additionally submitted a Baltimore County Sewer Construction Plan dated March 23, 1966 and completed in 1969, which was marked and accepted into evidence as Petitioners' Exhibit 10, indicating the subject property had two structures served by public sewer. Again, Mr. Billingsley asserted that this is further support for Petitioners' position that the two structures currently on the property were used as two separate dwellings prior to the enactment of the Zoning Regulations.

Finally, Mr. Billingsley submitted five notarized letters from individuals familiar with the area in general and the subject property in particular indicating that both of the structures located on the property have been maintained as residences since at least 1952. These letters were marked and accepted into evidence as Petitioners' Exhibits 11A through 11E. An additional letter of support for Petitioners' continued nonconforming use was submitted by the adjacent neighbor at 1713 Wilson Point Road and marked and accepted into evidence as Petitioners' Exhibit 12.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments received from the Department of Environmental Protection and Resource Management (DEPRM) dated June 11, 2010 indicate that development of the property must comply with the Chesapeake Bay Critical Area Regulations and that the lot is within a Limited

ORDER RECEIVED FOR FILING

Date 7-22-10 3

By PM

Development Area (LDA) and a Buffer Management Area (BMA) in the Chesapeake Bay Critical Area. Further, DEPRM noted that the lot coverage limits for this lot are 25% but that lot coverage may go up to 31.25% with mitigation for the amount over 25%. The 15% afforestation requirement will apply, which equates to 3 trees. All BMA requirements must be met, including mitigation.

In Baltimore County, a nonconforming use is defined in Section 101 of the B.C.Z.R. as “[a] legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such use.” In addition, Section 104.1 of the B.C.Z.R. states that “[a] nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate.” It is well settled that nonconforming uses are not favored under the law. It is also recognized that nonconforming uses are contrary to the zoning scheme established by the Zoning Regulations and that the restrictions on such uses is to achieve the ultimate elimination of nonconforming uses through economic attrition and physical obsolescence. *See, County Council of Prince George's County v. E.L. Gardner, Inc.*, 293 Md. 259 (1982). Moreover, it is the burden of a petitioner to prove the nonconforming use during the period of time at issue.

In 1945, the County first adopted Zoning Regulations and delineated four residential (A, B, C, and D) one commercial (E), and two industrial (F and G) zones. On March 31, 1955, the Regulations were updated to include specific residential zones to account for single-family and multi-family residences, as well as more precise classifications to deal with the minimum size required for a lot. In both the 1945 and 1955 Regulations, nonconforming uses were recognized and permitted to continue with certain exceptions and restrictions.

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Date 7-22-10

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Rv pm

Turning now to the instant matter, the evidence indicates that two existing structures on the subject property have been used as single-family dwellings continuously prior to the initial adoption of the Zoning Regulations in Baltimore County in 1945 and their comprehensive re-adoption in 1955. The undisputed and uncontroverted testimony and evidence presented suggests that at least one of the structures (most likely the water side dwelling) was built by at least 1934 and as depicted in the Bull Neck Record plat, possibly before 1932. Moreover, the Baltimore County Water Construction Plan shows that the two enumerated structures were served by public water in 1940. Typically garages and other accessory structures do not have access to public water and would not be shown on plans of the type accepted into evidence as Petitioners' Exhibit 9. Thus, it is a reasonable conclusion that both structures were designated and used as dwellings by 1940. This documentary evidence is supplemented by the notarized certifications of members of the surrounding community indicating that the two structures have been used as single-family dwellings since at least 1952. As such, it is clear that the nonconforming use presented in this case predates, by a substantial period, the comprehensive re-adoption in 1955 and the earlier Regulations in 1945, and I am persuaded to grant Petitioners' requested relief. Based on the testimony and evidence presented, Petitioners have met their burden at law and are entitled to the special hearing relief for a legal nonconforming use.

As an aside, Petitioners should familiarize themselves with and be aware of the requirements and limitations mandated by Section 104 of the B.C.Z.R., which enumerates the parameters permitting continuation of a nonconforming use or structure, as well as the termination of such a nonconforming use or structure.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioners' request for special hearing should be granted.

ORDER RECEIVED FOR FILING

Date 7-22-10

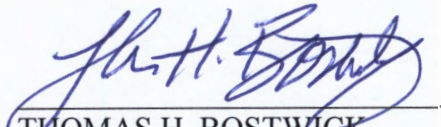
5

By pm

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 22nd day of July, 2010 that Petitioners' request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a legal nonconforming use permitting two single-family dwellings on an existing lot of record in the D.R.5.5 Zone with less than 12,000 square feet, be and is hereby **GRANTED** subject to the following conditions:

1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Although the property and the structures thereon have been determined to be legally nonconforming, Petitioners are still subject to the requirements of DEPRM, and 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).

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 7-22-10

By pm



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 22, 2010

DOUGLAS AND SUE MCKENZIE
1711 WILSON POINT ROAD
MIDDLE RIVER MD 21220

Re: Petition for Special Hearing
Case No. 2010-0293-SPH
Property: 1711 Wilson Point Road

Dear Mr. and Mrs. McKenzie:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1711 WILSON POINT ROAD
which is presently zoned DR 5.5

(This petition must be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Date

Telephone No.

City

By

State

Zip Code

Legal Owner(s):

DOUGLAS MCKENZIE

Name - Type or Print

Signature

SUE W. MCKENZIE

Name - Type or Print

Signature

6 TOPWOOD CT (410) 668-8516

Address

Telephone No.

BALTO., MD.

21234

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY

CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD MD.

21040

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

CASE No. 2010-0293-SPH

REV. By JCM

DATE: 4.23.10

A LEGAL NON-CONFORMING USE PERMITTING TWO (2) SINGLE
FAMILY DWELLINGS ON AN EXISTING LOT OF RECORD, *IN THE*
DR 5.5 ZONE WITH LESS THAN 12,000 S.F.

ZONING DESCRIPTION

1711 WILSON POINT LANE

Beginning at a point on the northeast side of Wilson Point Road (variable width), distant 505 feet southeasterly from it's intersection with the center of Shore Road (50 feet wide) thence being all of Lot 94A as shown on the plat entitled Bull Neck recorded among the Baltimore County plat records in Plat Book 10 Folio 26.

Containing 10,650 square feet or 0.244 acre of land, more or less.

Being known as 1711 Wilson Point Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Maryland

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: 2010-0293-SPH
Petitioner: SUE MCKENZIE
Address or Location: 6 TOPWOOD CT.

PLEASE FORWARD ADVERTISING BILL TO:

Name: SUE MCKENZIE
Address: 6 TOPWOOD CT.
BALTO, MD 21234
Telephone Number: (410) 668-8576

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

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
				Obj	Sub Obj				

Total: _____

Rec

From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

TB
7-12-10

CERTIFICATE OF POSTING

RE: Case No 2010-0293-SPH

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 7/12/10

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 1711 WILSON PT. RD

This sign(s) were posted on June 26, 2010

Month, Day, Year

Sincerely,

Martin Ogle 6/26/10
Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411

RECEIVED

JUL 09 2010

ZONING COMMISSIONER

Michael 6/24/10



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: # 2010-0293-SPH

1711 Wilson Point Road

N/east side of McKenzie Road, 505 feet +/- s/east of the centerline of Shore Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Douglas & Sue McKenzie

Special Hearing: for a legal non-conforming use permitting two single family dwellings on an existing lot of record; in the DR-5.5 zone with less than 12,000 square feet.

Hearing: Monday, July 12, 2010 at 11:00 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.

6/4/89 June 24

244654

CERTIFICATE OF PUBLICATION

6/24/, 2010

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 6/24/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 24, 2010 Issue - Jeffersonian

Please forward billing to:
Sue McKenzie
6 Topwood Court
Baltimore, MD 21234

410-668-8576

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: 2010-0293-SPH

1711 Wilson Point Road

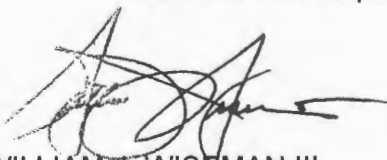
N/east side of McKenzie Road, 505 feet +/- s/east of the centerline of Shore Road

15th Election District – 6th Councilmanic District

Legal Owners: Douglas & Sue McKenzie

Special Hearing for a legal non-conforming use permitting two single family dwellings on an existing lot of record; in the DR-5.5 zone with less than 12,000 square feet.

Hearing: Monday, July 12, 2010 at 11:00 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.



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

July 7, 2010

Douglas & Sue McKenzie
6 Topwood Ct.
Baltimore, MD 21234

Dear: Douglas & Sue McKenzie

RE: Case Number 2010-0293-SPH, 1711 Wilson Point Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 23, 2010. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
David Billingsley; Central Drafting & Design, Inc.; 601 Charwood Ct.; Edgewood, MD 21040

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



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-14-2010

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

RE: Baltimore County
Item No. 2010-0293-SPH
1711 WILSON POINT RD
MCKENZIE PROPERTY
SPECIAL EXCEPTION

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. 2010-0293-SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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, appearing to read "Steven D. Foster".

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.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 21, 2010

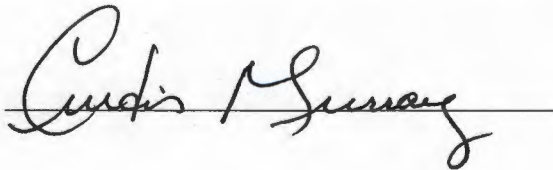
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-293-~~Administrative~~ 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:
CM/LL

A handwritten signature in cursive script, appearing to read "Curtis M. Summary", is written over a horizontal line.

TB
7-12-10
11am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 11 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 11, 2010

SUBJECT: Zoning Item # 10-293-SPH
Address 1711 Wilson Point Road
(McKenzie Property)

Zoning Advisory Committee Meeting of May 3 & 31, 2010.

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

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:

This lot is within a Limited Development Area (LDA) and a Buffer Management Area (BMA) in the Chesapeake Bay Critical Area. The lot coverage limits for this lot are 25%; lot coverage may go up to 31.25% with mitigation for the amount over 25%. The 15% afforestation requirement will apply, which equates to 3 trees. All BMA requirements must be met, including mitigation.

Reviewer: Regina Esslinger Date: May 19, 2010

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 14, 2010
Item Nos. 2010- 290, 293, 322, 323,
325, 326, 328 and 329

DATE: June 2, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-06142010 -NO COMMENTS.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1711 Wilson Point Road; NE/S Wilson Point *
Road; 505' SE c/line Shore Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Douglas & Sue McKenzie * FOR
Petitioner(s) *
* BALTIMORE COUNTY
* 10-293-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUN 09 2010

.....]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of June, 2010, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

The said Melanie D. Welsh was appointed Personal Representative, See also Register of Wills for Baltimore County, Md, The Estate of Elaine H. Ferguson, Estate No. 000000157476, and Application by Foreign Personal Representative to set inheritance tax, March 1, 2010.

The said Theresa Ryncewicz, also known as Theresa Ryncewicz having departed this life on or about December 11, 2005. See Register of Wills for Carroll County, Estate No.: 25987. The said Sandra Anne Leitch having been appointed as Personal Representative.

The said Anna Mae Koryski having departed this life on or about April 2, 2002. See Register of Wills for Baltimore City, Estate No. 89744. The said Evelyn Simms having been appointed Personal Representative on March 3, 2010.

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

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Douglas McKenzie and Sue W. McKenzie, husband and wife, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

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

29283-258

ack

Gerald J. Shank (Seal)
Gerald J. Shank, Co-Personal
Representative of the Estate of Ida M.
Shank, deceased.

ID, COUNTY/CITY OF HARTFORD, to wit:

it on this 5th day of March, 2010, before me, the subscriber, a
State and County aforesaid, personally appeared Gerald J. Shank,
Representative of the Estate of Ida M. Shank, deceased, one of the
persons named in the instrument, and acknowledged that he executed the same in
his own name and for the purposes therein contained, and in my presence
gave oath under penalties of perjury that the foregoing is correct.

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



Leonard Sengstacke
Notary Public

My Commission expires: 10/11/2010

Goldstar Title Company
File No. 09-12277KDA
Tax ID # 15 15-04-751610

0029283 255

PETITIONER'S

EXHIBIT NO. 3

This Deed, made this 12th day of March, 2010, by and between James W. Shank, Jr. and Gerald J. Shank, Co-Personal Representatives of the Estate of Ida Shank, deceased, Melanie D. Welsh, Personal Representative of the Estate of Elaine H. Ferguson, deceased, Sandra Anne Leitch, Personal Representative of the Estate of Theresa Ryncewicz, also shown as Theresa Ryncewicz, deceased, and Evelyn Simms, Personal Representative of the Estate of Anna Mae Korycki, deceased, parties of the first part, Grantors; and Douglas McKenzie and Sue W. McKenzie, husband and wife, parties of the second part, Grantees.

- Witnesseth -

That for and in consideration of the sum of Three Hundred Thirty Seven Thousand Dollars 00/100 (\$337,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said Douglas McKenzie and Sue W. McKenzie, husband and wife, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEGINNING for the same and being known as Lot Number 94 A as shown on the Plat of Portion of "Bull Neck", which said Plat is recorded among the Plat Records of Baltimore County in Plat Book Number 10, folio 26. Saving and excepting therefrom and subject to the legal operation and effect thereof of a strip of land conveyed to the State Commission for the widening of Bull Neck Road dated May 31, 1934 and recorded among the said Land Records in Liber C.W.B., Jr. No. 958, folio 279 from John F. Neimeyer and Lena Neimeyer, his wife.

The improvements thereon being now known as No. 1711 Wilson Point Road.

BEING the fee simple property which, by Deed dated March 3, 1972, and recorded in the Land Records of the County of Baltimore, Maryland, in Liber OTG 5255 folio 378 was granted and conveyed by Stanley Duda, unto Stanley Duda and Elsie P. Duda, his wife, for their joint lives, with full powers and remainder unto Ida Shank, Elaine Ferguson, Theresa Ryncewicz, and Anna Mae Korycki, as tenants in common. The said Stanley Duda having predeceased this life on or about August 10, 2004. The said Elsie P. Duda having departed this life on or about August 6, 2009, without exercising said powers, thereby vesting said property unto Ida Shank, Elaine Ferguson, Theresa Ryncewicz, and Anna Mae Korycki, the remaindermen therein. The said Ida Shank having departed this life on or about December 13, 1981, See Register of Wills for Harford County, Estate No. 20, 573. The said James W. Shank, Jr. and Gerald J. Shank were appointed Co-Personal Representatives on May 13, 1982. The said Elaine Ferguson, also known as Elaine H. Ferguson having departed this life on or about June 1, 2007 in Martin County, Florida. See Register of Wills for Martin County, Florida, File No. 07-521SM.

29283-257

WITNESS:

Wayne B. C.

James W. Shank, Jr. (Seal)
James W. Shank, Jr., Co-Personal
Representative of the Estate of Ida
Shank, deceased.

STATE OF Delaware COUNTY/CITY OF Darwin, to wit:

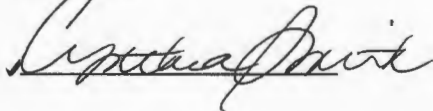
I hereby certify that on this 9 day of March, 2010, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared James W. Shank, Jr., Co-Personal Representative of the Estate of Ida Shank, deceased, one of the Grantors herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained the same for the purposes therein contained, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

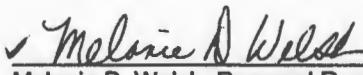
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Joanne N. Pullin
Notary Public

My commission expires: 7/16/2012

WITNESS:



 (Seal)
Melanie D. Welsh, Personal Representative
Of The Estate of Elaine H. Ferguson,
Deceased.

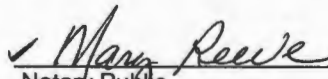
STATE OF ✓ FL, COUNTY/CITY OF ✓ Martin, to wit:

I hereby certify that on this ✓ 10 day of March, 2010, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Melanie D. Welsh, Personal Representative of the Estate of Elaine H. Ferguson, deceased, one of the Grantors herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same in the capacity therein stated and for the purposes therein contained, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

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



MARY REEVE
Commission DD 675939
Expires June 28, 2011
Revised 7/96, Tally Print Instructions 800-688-7619


Notary Public

My Commission expires: ✓ 6/28/11

WITNESS:

Paul J. Enright

Sandra Anne Leitch (Seal)
Sandra Anne Leitch, Personal
Representative of the Estate of Theresa
Ryncewicz, also shown as Theresa
Ryncewicz, deceased.

STATE OF MARYLAND, COUNTY/CITY OF CARROLL, to wit:

I hereby certify that on this 5th day of March, 2010, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Sandra Anne Leitch, Personal Representative of the Estate of Theresa Ryncewicz, also shown as Theresa Ryncewicz, deceased, one of the Grantors herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged she executed the same in the capacity therein stated and for the purposes therein contained, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

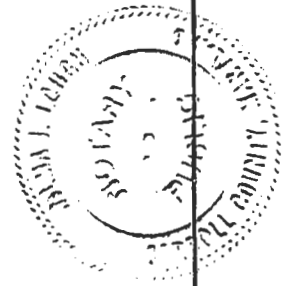
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

March 05, 2010

Shilma J. Lough
Notary Public

My Commission expires:

July 15, 2012



WITNESS:

M. Robin AshwellEvelyn Simms (Seal)
Evelyn Simms, Personal Representative of
The Estate of Anna Mae Korycki, deceased.STATE OF MARYLAND, COUNTY/CITY OF Worcester, to wit:

I hereby certify that on this 08th day of March, 2010, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Evelyn Simms, Personal Representative of the Estate of Anna Mae Korycki, deceased, one of the Grantors herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged she executed the same in the capacity therein stated and for the purposes therein contained, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

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

Jessica M. Sturgis
Notary PublicMy Commission expires: 12/23/2013

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

Mark S. Sheffield
Attorney, Mark S. Sheffield

AFTER RECORDING, PLEASE RETURN TO:

Goldstar Title Company
826 Eastern Boulevard
Essex, MD 21221

CERTIFICATION OF EXEMPTION FROM WITHHOLDING UPON DISPOSITION OF
MARYLAND REAL ESTATE AFFIDAVIT OF RESIDENCE OR PRINCIPAL RESIDENCE.

Based on the certification below, Transferor claims exemption from the tax withholding requirements of 10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10.912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor:

James W. Shank, Jr., Co-Personal Representative of the Estate of Ida M. Shank, deceased

2. Reasons for Exemption

 X Ida M. Shank, deceased, was a resident of the State of Maryland.
 Transferor is a resident entity under 10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of the Transferor, and I have authority to sign this document on Transferor's behalf.

 Although I am no longer a resident of the State of Maryland, the Property was my principal residence as defined in IRC 121.

Section 10-912(b) of the Tax-General Article, Annotated Code of Maryland requires that the total payment must be described in the recitals or the acknowledgement of the deed or other instrument of writing, or in an affidavit under oath that accompanies the deed or other instrument, that effects a change or ownership on the assessment books under the Tax-Property Article:

The Total Payment is \$0.

The "Total Payment" for income tax withholding purposes is \$0.

The total payment per Section 10-912 (b) of the Tax-General Article of the Annotated Code of Maryland is \$0.

UNDER PENALTY OF PERJURY, I, HEREBY CERTIFY THAT I HAVE
EXAMINED THIS DECLARATION AND THAT, TO THE BEST OF MY
KNOWLEDGE, IT IS TRUE, CORRECT, AND COMPLETE.

Individual Transferors:

Mary Jane Shank
witness

James W. Shank, Jr.
James W. Shank, Jr., Co-Personal
Representative of the Estate of
Ida M. Shank, deceased.

CERTIFICATION OF EXEMPTION FROM WITHHOLDING UPON DISPOSITION OF
MARYLAND REAL ESTATE AFFIDAVIT OF RESIDENCE OR PRINCIPAL RESIDENCE.

Based on the certification below, Transferor claims exemption from the tax withholding requirements of 10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10.912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor:

Gerald J. Shank, Co-Personal Representative of the Estate of Ida M. Shank, deceased

2. Reasons for Exemption

 X Ida M. Shank, deceased, was a resident of the State of Maryland.

 Transferor is a resident entity under 10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of the Transferor, and I have authority to sign this document on Transferor's behalf.

 Although I am no longer a resident of the State of Maryland, the Property was my principal residence as defined in IRC 121.

Section 10-912(b) of the Tax-General Article, Annotated Code of Maryland requires that the total payment must be described in the recitals or the acknowledgement of the deed or other instrument of writing, or in an affidavit under oath that accompanies the deed or other instrument, that effects a change or ownership on the assessment books under the Tax-Property Article:

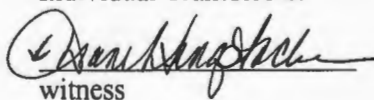
The Total Payment is \$0.

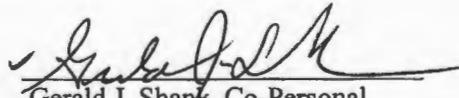
The "Total Payment" for income tax withholding purposes is \$0.

The total payment per Section 10-912 (b) of the Tax-General Article of the Annotated Code of Maryland is \$0.

UNDER PENALTY OF PERJURY, I, HEREBY CERTIFY THAT I HAVE EXAMINED THIS DECLARATION AND THAT, TO THE BEST OF MY KNOWLEDGE, IT IS TRUE, CORRECT, AND COMPLETE.

Individual Transferors:


witness


Gerald J. Shank, Co-Personal
Representative of the Estate of
Ida M. Shank, deceased.

CERTIFICATION OF EXEMPTION FROM WITHHOLDING UPON DISPOSITION OF
MARYLAND REAL ESTATE AFFIDAVIT OF RESIDENCE OR PRINCIPAL RESIDENCE.

Based on the certification below, Transferor claims exemption from the tax withholding requirements of 10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10.912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor:

Sandra Anne Leitch, Representative of the Estate of Theresa Ryncewicz, also shown as Theresa Ryncewicz, deceased

2. Reasons for Exemption

 X Theresa Ryncewicz, also shown as Theresa Ryncewicz, deceased, was a resident of the State of Maryland.

 Transferor is a resident entity under 10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of the Transferor, and I have authority to sign this document on Transferor's behalf.

 Although I am no longer a resident of the State of Maryland, the Property was my principal residence as defined in IRC 121.

Section 10-912(b) of the Tax-General Article, Annotated Code of Maryland requires that the total payment must be described in the recitals or the acknowledgement of the deed or other instrument of writing, or in an affidavit under oath that accompanies the deed or other instrument, that effects a change or ownership on the assessment books under the Tax-Property Article:

The Total Payment is \$0.

The "Total Payment" for income tax withholding purposes is \$0.

The total payment per Section 10-912 (b) of the Tax-General Article of the Annotated Code of Maryland is \$0.

UNDER PENALTY OF PERJURY, I, HEREBY CERTIFY THAT I HAVE EXAMINED THIS DECLARATION AND THAT, TO THE BEST OF MY KNOWLEDGE, IT IS TRUE, CORRECT, AND COMPLETE.

Individual Transferors:

Shilma J. Lough
witness
March 05, 2010

Sandra Ann Leitch
Sandra Ann Leitch, Personal
Representative of the Estate of
Theresa Ryncewicz, also shown as
Theresa Ryncewicz, deceased.

CERTIFICATION OF EXEMPTION FROM WITHHOLDING UPON DISPOSITION OF
MARYLAND REAL ESTATE AFFIDAVIT OF RESIDENCE OR PRINCIPAL RESIDENCE.

Based on the certification below, Transferor claims exemption from the tax withholding requirements of 10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10.912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor:

Evelyn Simms, Representative of the Estate of Anna Mae Korycki,
deceased

2. Reasons for Exemption

 X Anna Mae Korycki, deceased, was a resident of the State of
Maryland.

 Transferor is a resident entity under 10-912(A)(4) of the Tax-
General Article of the Annotated Code of Maryland, I am an agent of the
Transferor, and I have authority to sign this document on Transferor's
behalf.

 Although I am no longer a resident of the State of Maryland, the
Property was my principal residence as defined in IRC 121.

Section 10-912(b) of the Tax-General Article, Annotated Code of Maryland
requires that the total payment must be described in the recitals or the
acknowledgement of the deed or other instrument of writing, or in an affidavit
under oath that accompanies the deed or other instrument, that effects a change or
ownership on the assessment books under the Tax-Property Article:

The Total Payment is \$0.

The "Total Payment" for income tax withholding purposes is \$0.

The total payment per Section 10-912 (b) of the Tax-General Article of the
Annotated Code of Maryland is \$0.

UNDER PENALTY OF PERJURY, I, HEREBY CERTIFY THAT I HAVE
EXAMINED THIS DECLARATION AND THAT, TO THE BEST OF MY
KNOWLEDGE, IT IS TRUE, CORRECT, AND COMPLETE.

Individual Transferors:

M. Robin Ashwell

witness

Evelyn Simms

Evelyn Simms, Personal
Representative of the Estate of
Anna Mae Korycki, deceased.

OWNER OCCUPANCY AFFIDAVIT

Douglas McKenzie and Sue W. McKenzie, husband and wife, the Grantees in the within Deed hereby certify under the penalties of perjury, as evidenced by the joinder herein, that the land conveyed in this Deed is residentially improved owner-occupied real property and that the residence will be occupied by us.

WITNESS:

As to All

Douglas McKenzie

(SEAL)

Sue W. McKenzie

(SEAL)

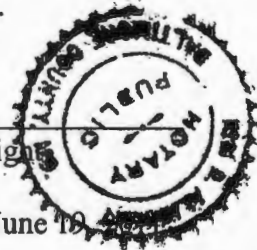
STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 12th day of March, 2010, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Douglas McKenzie and Sue W. McKenzie, husband and wife, the parties herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing to be their act, and in my presence signed and sealed the same.

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

Notary Public, Kim D. Albright

My Commission Expires: June 19, 2011



State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

029283 267

HP FIDURE \$ 20.00
 RECORDING FEE 20.00
 R TAX STATE 1,685.00
 NON-RESIDENT 182.87
 TOTAL 1,907.87
 Ref # 169571
 SH JS Bk # 1353
 Mar 17, 2010 01:08 PM

1 Type(s) of Instruments		☐ Check Box if addendum Intake Form is Attached.			
2 Conveyance Type Check Box		☒ Improved Sale Arms-Length [1]	☐ Mortgage Lease	☐ Other Arms-Length [3]	☐ Other Arms-Length [9]
3 Tax Exemptions (if applicable)		Recordation State Transfer County Transfer			
4 Consideration and Tax Calculations		Consideration Amount Purchase Price/Consideration \$ 337,000.00 Any New Mortgage \$.00 Balance of Existing Mortgage \$ Other: \$ Other: \$ Full Cash Value: \$		Finance Office Use Only Transfer and Recordation Tax Consideration Transfer Tax Consideration \$ X () % = \$ Less Exemption Amount = \$ Total Transfer Tax = \$ Recordation Tax Consideration \$ X () per \$500 = \$ TOTAL DUE \$	
5 Fees		Amount of Fees Recording Charge \$ 20.00 Surcharge \$ 20.00 State Recordation Tax \$ 1,685.00 State Transfer Tax \$ 1,685.00 County Transfer Tax \$ 1725.00 5,055.00 Other \$ Other \$		Doc. 1 Doc. 2 Agent: Tax Bill: C.B. Credit: Ag. Tax/Other:	
6 Description of Property		SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).			
7 Transferred From		District 15 Property Tax ID No. (1) 15-04-751610 Grantor Liber/Folio OTG5255/378 Map Parcel No. Var. LOG ☐ (S) Subdivision Name Bull Neck Lot (3a) 94A Block (3b) Sect/AR (3c) Plat Ref 10/26 Sq Ft/Acreage (4) Location/Address of Property Being Conveyed (2) 1711 Wilson Point Road, Middle River, MD 21220 Other Property Identifiers (if applicable) Residential ☒ or Non-Residential ☐ Fee Simple ☒ or Ground Rent ☐ Amount: N/A Partial Conveyance? ☐ Yes ☒ No Description/Amt. of Sq Ft/Acreage Transferred: N/A If Partial Conveyance, List Improvements Conveyed: N/A			
8 Transferred To		Doc. 1 - Grantor(s) Name(s) James W. Shank, Jr. & Gerald J. Shank, Co-Personal Rep. of the Estate of Ida Shank, deceased, Melanie D. Welsh, Personal Doc. 2 - Owner(s) of Record, if Different from Grantor(s) Theresa Rynecwicz, a/k/a Theresa Rynecwicz, dec.*** Doc. 1 - Grantee(s) Name(s) Douglas McKenzie Doc. 2 - Grantee(s) Name(s) Evelyn Simms, Personal Rep. of the Estate of Anna Mae Sue W. McKenzie Korycki, deceased New Owner's (Grantee) Mailing Address 1711 Wilson Point Road, Middle River, MD 21220			
9 Other Names to Be Indexed		Doc. 1 - Additional Names to be Indexed (Optional) Doc. 2 - Additional Names to be Indexed (Optional)			
10 Contact/Mail Information		Instrument Submitted By or Contact Person Name: Goldstar Title Company Firm: Goldstar Title Company Address: 826 Eastern Boulevard Essex, MD 21221 Phone: (410) 682-5200 ☒ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided			
11 Assessment Information		IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER Will the property being conveyed be the grantee's principal residence? Does transfer include personal property? If yes, identify: Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).			
12 Assessment Use Only - Do Not Write Below This Line		Assessment Use Only - Do Not Write Below This Line Agricultural Verification Whole Part Tran. Process Verification Assigned Property No.: Geo. Map Sub Block Zoning Grid Plat Lot Use Parcel Section Occ. Cd. Town Cd. Ex. St. Ex. Cd.			

RECEIVED PAID RECEIPT

☐ Clerk's Office
☐ Office of Finance☐ SDAT
☐ Preparer

AOC-CC-300 (5/2007)

09-12277KDA



BALTIMORE COUNTY
MARYLAND

BALTIMORE COUNTY
OFFICE OF THE ZONING COMMISSIONER
JEFFERSON BUILDING, SUITE 103
105 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

F A X C O V E R S H E E T

DATE: 7-9-10

NO. OF PAGES INCLUDING COVER SHEET:

TO:

David Billingsley

FROM:

Patti

PHONE: _____

FAX NO.: 410-679-1298

MESSAGE:

2010-0293-SPH ZAC comments

REMARKS: ☐ URGENT ☐ FOR REVIEW ☐ REPLY ASAP ☐ PLEASE COMMENT

☐ PLEASE REPLY ☐ PLEASE RECYCLE

CHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment

_____	DEVELOPMENT PLANS REVIEW	_____
<u>6-11-10</u>	DEPRM	<u>conditions</u>
_____	FIRE DEPARTMENT	_____
<u>5-21-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>nc</u>
<u>6-14-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	<u>-</u>
_____	ADJACENT PROPERTY OWNERS	<u>-</u>

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 6-24-10

SIGN POSTING Date: _____

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☒

Comments, if any: _____

CASE NAME 1711 Wilson.
CASE NUMBER 2010-0293-SPTT
DATE 7/12/10

CASE NAME 1711 Wilson.
CASE NUMBER 2010-0293-SPTA
DATE 7/12/10

[illegible]

**PETITIONER'S EXHIBITS
1711 WILSON POINT ROAD
CASE NO. 2010-0293-SPH**

1. PLAT TO ACCOMPANY PETITION DATED APRIL 19, 2010 (NO CHANGES)
2. SDAT REAL PROPERTY DATA SEARCH
3. DEED OF RECORD
4. PLAT OF BULL NECK P.B. 10 F. 26 RECORDED MARCH 4, 1932
5. COPY OF IMPERVIOUS AREA PLAN SHOWING EXISTING IMPROVEMENTS
AS OF APRIL 5, 2010
6. AERIAL PHOTO OF NEIGHBORHOOD
7. PHOTOS OF ROADSIDE HOUSE (a – f)
8. PHOTOS OF WATERSIDE HOUSE (a – c)
9. BALTIMORE COUNTY WATER CONSTRUCTION PLAN 1940-0258
10. BALTIMORE COUNTY SEWER CONSTRUCTION PLAN 1965-1205
11. LETTERS FROM PERSONS FAMILIAR WITH NEIGHBORHOOD AS TO PERIOD OF
TIME BOTH STUCTURES HAVE BEEN USED AS RESIDENCES
12. EMAIL FROM MR. ROBERT BENDLER



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1d)

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

Account Identifier: District - 15 **Account Number - 1504751610**

Owner Information

Owner Name:	MCKENZIE DOUGLAS MCKENZIE SUE W	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	1711 WILSON POINT RD BALTIMORE MD 21220-5448	Deed Reference:	1) /29283/ 255 2)

Location & Structure Information

Premises Address	Legal Description
1711 WILSON POINT RD	1711 WILSON POINT RD BULL NECK
WATERFRONT	

Map Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
91	19	67				94A	3	Plat Ref: 10/ 26

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1934	1,008 SF	10,850.00 SF	34
Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	320,850	272,850		
Improvements:	94,450	60,590		
Total:	415,300	333,440	418,826	333,440
Preferential Land:	0	0	0	0

Transfer Information

Seller: DUDA STANLEY	Date: 03/17/2010	Price: \$337,000
Type: IMPROVED ARMS-LENGTH	Deed1: /29283/ 255	Deed2:
Seller: DUDA STANLEY	Date: 03/15/1972	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5255/ 378	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

PETITIONER'S

EXHIBIT NO. 2



PETITIONER'S

EXHIBIT NO. 6

7b

PETITIONER'S

7

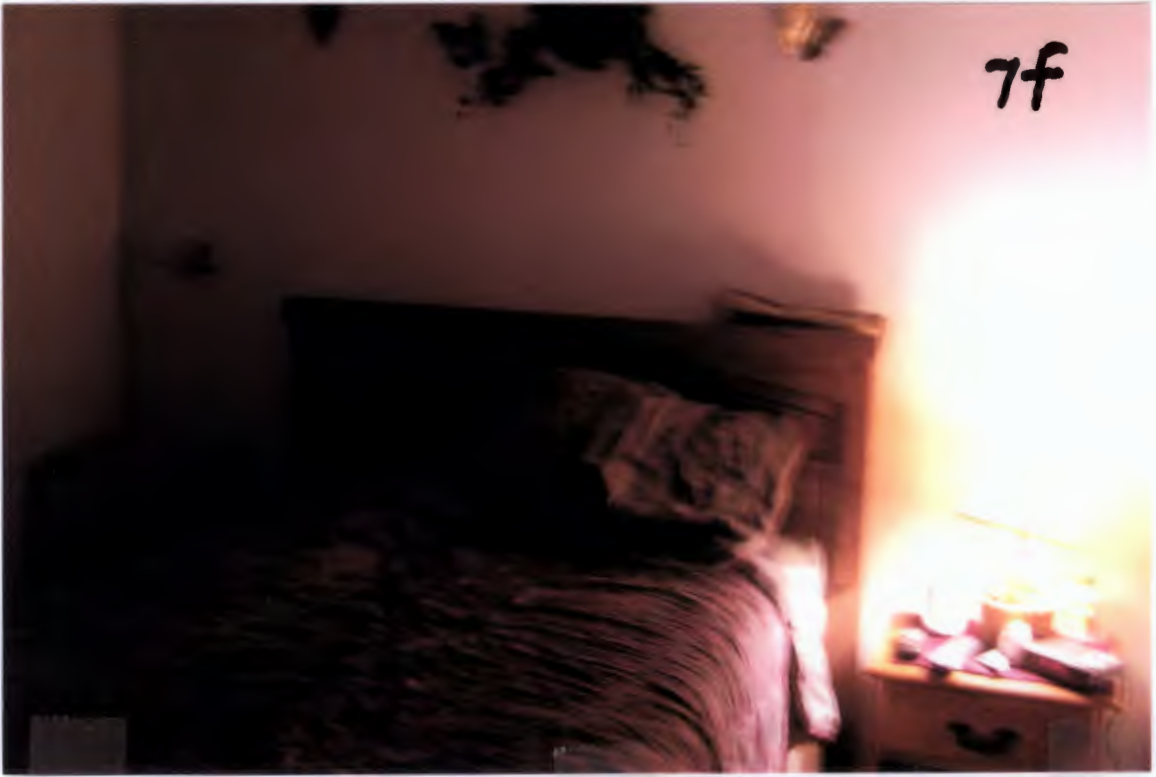
EXHIBIT NO.



7a

7c





7f



7d



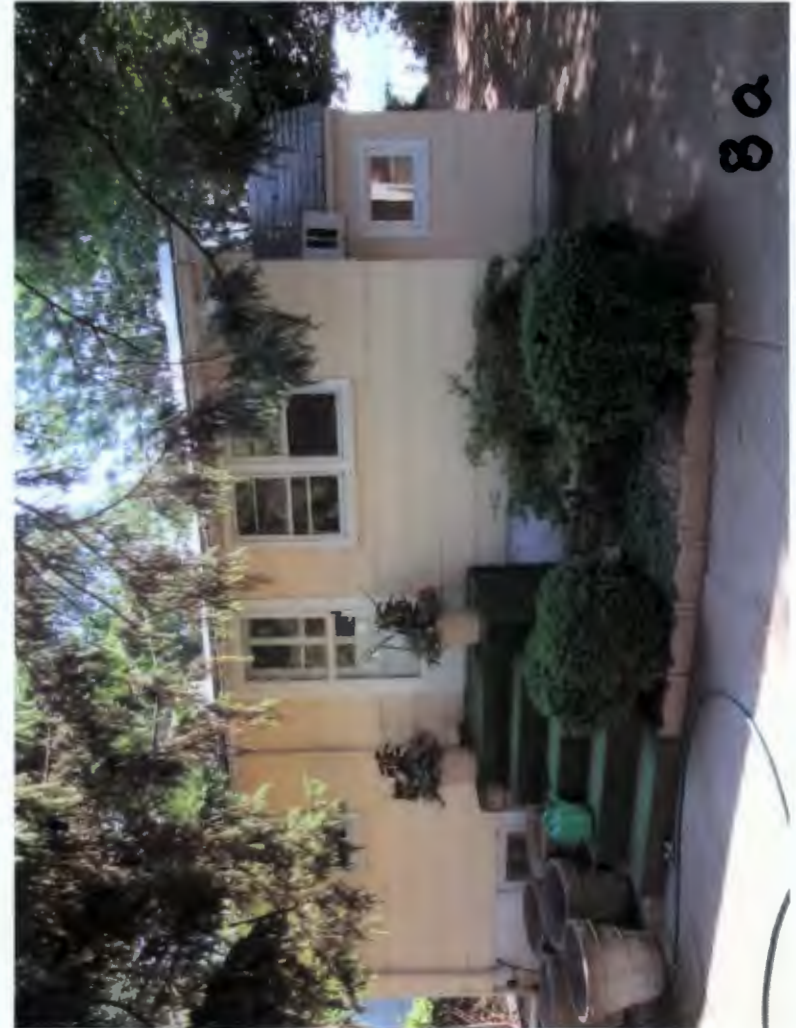
7e



PETITIONER'S

EXHIBIT NO.

8



11a

William J. Wiseman, III, Zoning Commissioner
Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204

RE; 1711 WILSON POINT ROAD
ELECTION DISTRICT 15
EXISTING STRUCTURES

Dear Mr. Wiseman:

I hereby certify that both structures located on the referenced property have been maintained as residences (single family living units) since 1952.

V. Lynn Eichus *(3/25/2010)*
SIGNATURE DATE
V. Lynn Eichus 1707 Wilson Pt Rd
PRINTED NAME ADDRESS

Jeanette Calberg
notary

3-25-10

comm expires 3-11



PETITIONER'S

EXHIBIT NO.

11A-E

11b

William J. Wiseman, III, Zoning Commissioner
Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204

RE; 1711 WILSON POINT ROAD
ELECTION DISTRICT 15
EXISTING STRUCTURES

Dear Mr. Wiseman:

I hereby certify that both structures located on the referenced property have been maintained as residences (single family living units) since 1952.

<u>Margaret A. Pierson</u>	<u>4/8/10</u>
SIGNATURE	DATE
<u>Margaret A. Pierson</u>	<u>1902 Wilson Pt. Rd</u>
PRINTED NAME	ADDRESS

Jeanette Colby 4-8-10
notary
comm. expires 3-11



119

William J. Wiseman, III, Zoning Commissioner
Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204

RE; 1711 WILSON POINT ROAD
ELECTION DISTRICT 15
EXISTING STRUCTURES

Dear Mr. Wiseman:

I hereby certify that both structures located on the referenced property have been maintained as residences (single family living units) since 1952.

Elizabeth Klutts 1/20/10
SIGNATURE DATE

Elizabeth Klutts 1613 Wilson Pt. Rd. Md.
PRINTED NAME ADDRESS

Jeanette Colberg
notary

comm. expires 3-11



11d

William J. Wiseman, III, Zoning Commissioner
Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204

RE; 1711 WILSON POINT ROAD
ELECTION DISTRICT 15
EXISTING STRUCTURES

Dear Mr. Wiseman:

I hereby certify that both structures located on the referenced property have been maintained as residences (single family living units) since 1952.

DMc J 4/8/2010
SIGNATURE DATE

Howard McIVER 4/8/2010
PRINTED NAME ADDRESS

Jeannette Colberg
appraiser

comm. expires 3-11



118

William J. Wiseman, III, Zoning Commissioner
Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204

RE: 1711 WILSON POINT ROAD
ELECTION DISTRICT 15
EXISTING STRUCTURES

Dear Mr. Wiseman:

I hereby certify that both structures located on the referenced property have been maintained as residences (single family living units) since 1952.

Barbara Guilliams 1-28-70
SIGNATURE DATE

Barbara Guilliams 4 Heranium Place
PRINTED NAME ADDRESS

Jeanette Colberg

notary

Comm. Expires 3-11



From: Sue McKenzie (suemckenzie@verizon.net)
To: dwb0209@yahoo.com;
Date: Wed, July 7, 2010 9:48:01 PM
Cc:
Subject: Fwd: non-conforming use request

Dave,
Please see attached. Mr. Bendler offered to print, sign and send to Mr. Wiseman but I told him his e-mail was adequate. Let me know if that is not the case.
Thanks,
Sue

Begin forwarded message:

From: shoreperfect@comcast.net
Date: July 7, 2010 5:15:12 PM EDT
To: suemckenzie@verizon.net
Subject: non-conforming use request

William Wiseman, III
Zoning Commissioner
Jefferson Building
105 West Chesapeake Ave, Suite 103
Towson, Md. 21204

PETITIONER'S
EXHIBIT NO. 12

Re: 1711 Wilson Point Rd.
Election Dist. 15
Existing Structures

Dear Mr. Wiseman:

My name is Robert Bendler and I reside at 1713 Wilson Point Road. The subject property (1711) is immediately adjacent to my property. Both houses on this property have been occupied residences for as long as I have lived at 1713 Wilson Point Rd. I have no objection to them remaining as two separate residences, and I am in favor of them being renovated and or rebuilt.

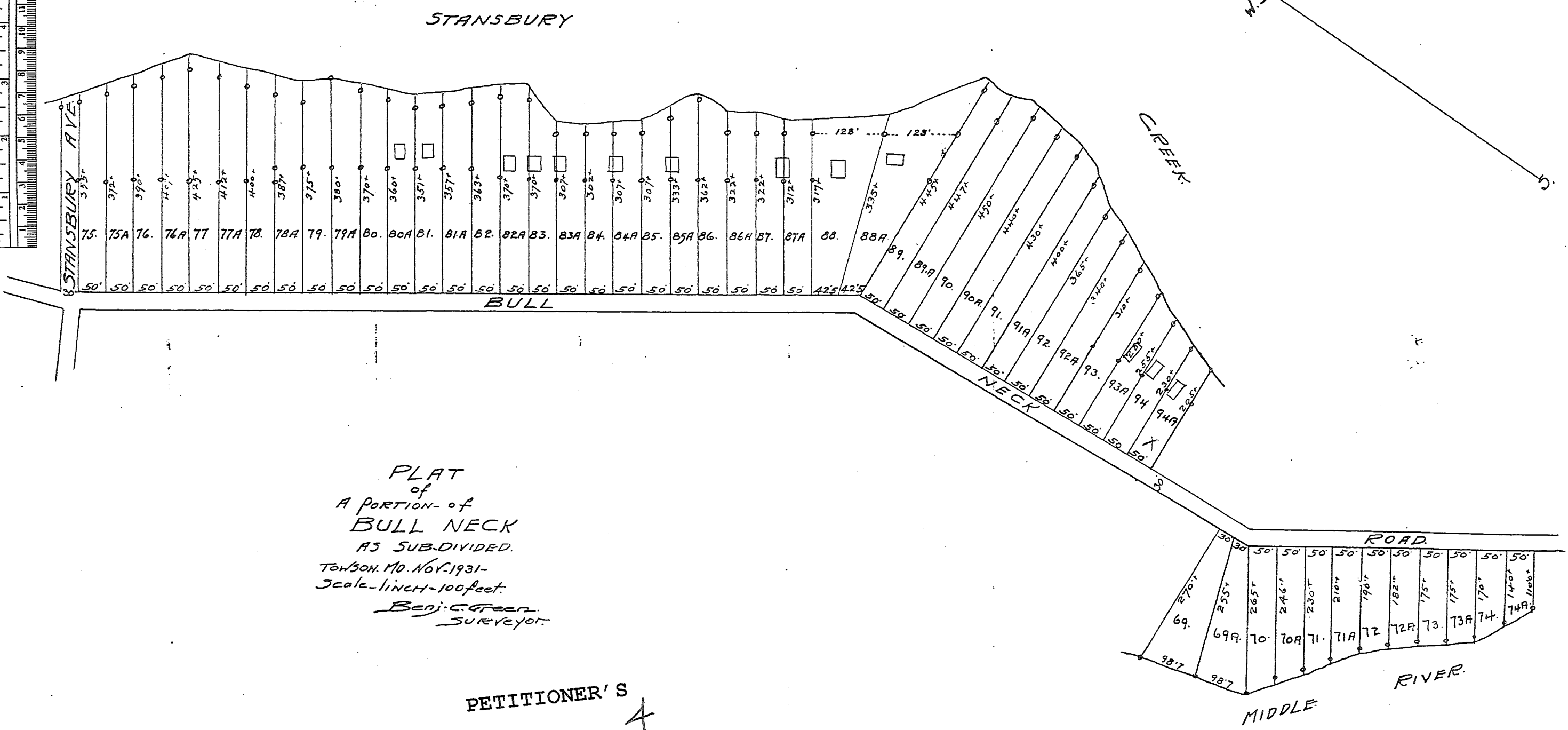
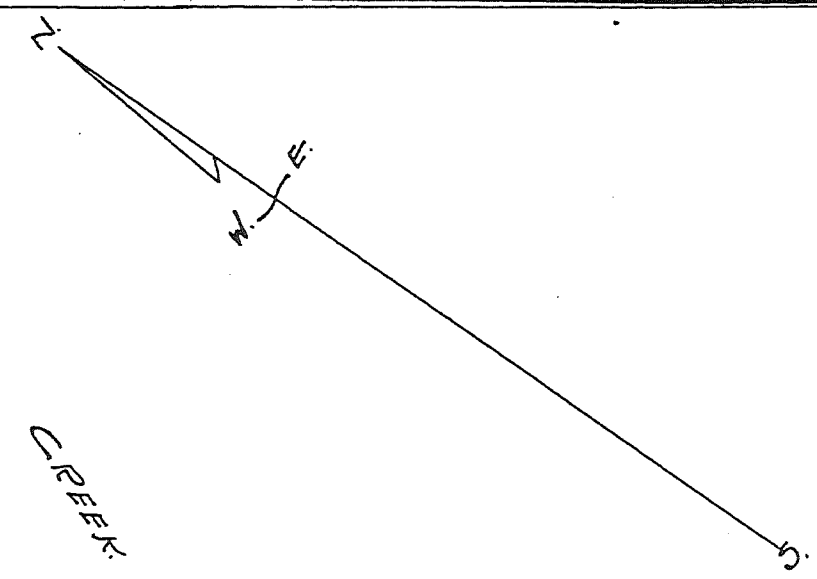
While I can only personally testify to the last 10 years, it is my understanding from conversation with the previous owner of the two residences at 1711, that they have been continuously occupied as residences since the 1940's. The previous owners are both deceased.

As one of the neighbors most impacted by the proposed improvements to the property at 1711 Wilson Point Road, I wish to be on record as supportive of the requested "approval of a legal non-conforming use". I believe this is reasonable and justified, given the long history of multiple residences on the property. Additionally, I believe the current owner's plans for improvements will be beneficial to the community.

If you have any questions regarding this matter, please call me at 410-238-3637

Sincerely.

Robert Bendler
1713 Wilson Point Road
Middle River , Md. 21220





1508302320

Lot # 92A

1701

1511670820

Lot # 93

1703

1505430280 Lot # 93A

Pt. Bk. 10, Folio 26
Pt. Bk./Folio # 010026

1705

1518101390

Lot # 94

1707

6 CD

15 ED

SITE

1504751610

Lot # 94A

1711

1713

Lot # 95

Pt. Bk. 4, Folio 172

1519610190

1717

1519322570

Lot # 95

Lot # 96

1515810130 Lot # 66

Lot # 66
1515810130

Lot # 66A

DR 5.5

NE 2-J 098A1

Lot # 67
1518474860

Lot # 67A
1522350550

Lot # 68
1505100000
Pt. Bk./Folio # 012097

1526400230
Pt. Bk. 12, Folio 97

Lot # 68A

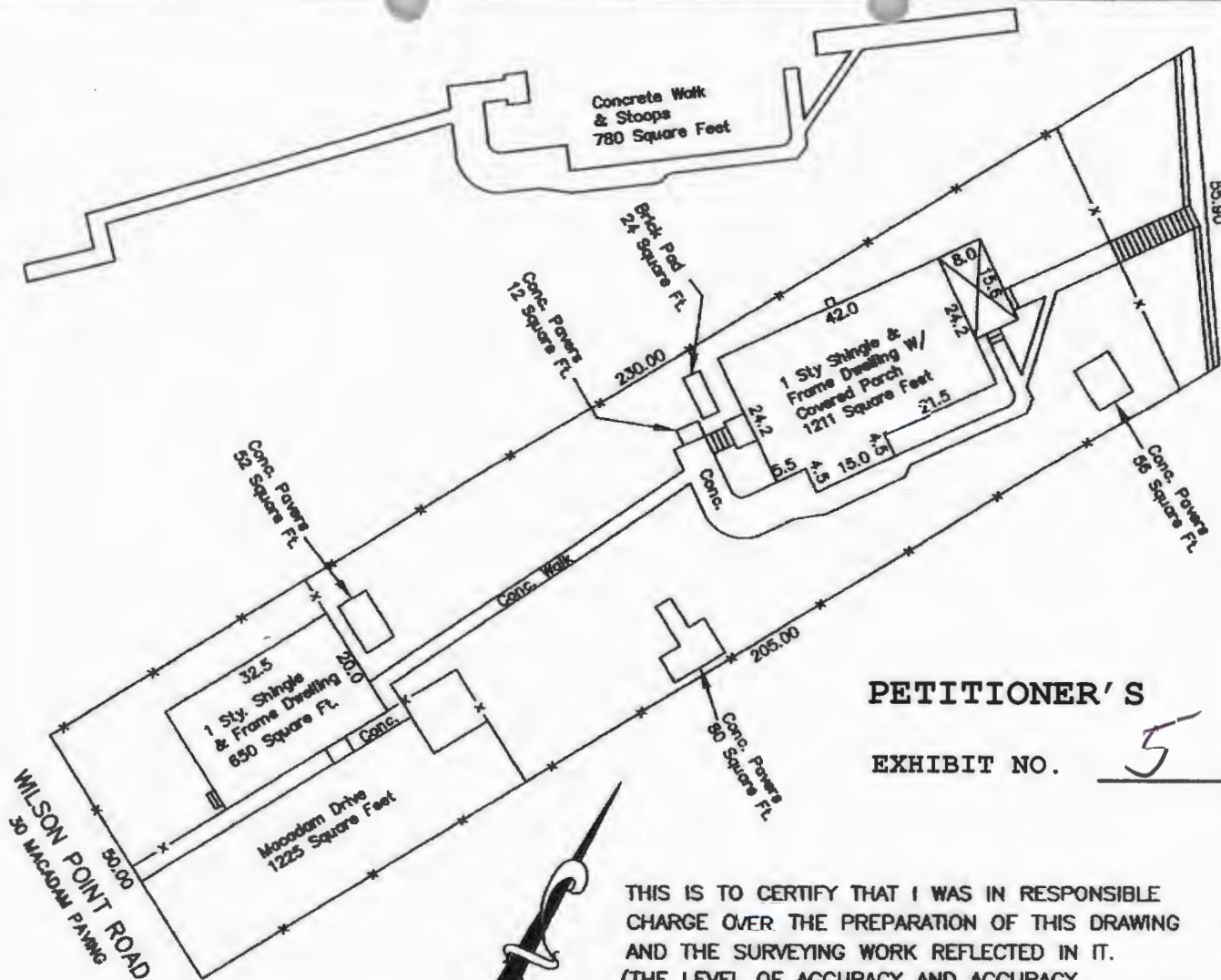
Lot # 69
Folio # 010026

WILSON POINT RD

19970639

19750209

19910479



PETITIONER'S

EXHIBIT NO. 5

THIS IS TO CERTIFY THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEYING WORK REFLECTED IN IT. (THE LEVEL OF ACCURACY AND ACCURACY OF APPARENT SETBACK DISTANCES IS: 1'±)

Henry J. Knell, Jr.

HENRY J. KNELL, JR.
PROPERTY LINE SURVEYOR NO. 484

4/05/10

DATE

1. THIS LOT SHOWN HEREON LIES WITHIN ZONE "X" AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD AS DETERMINED BY FLOOD INSURANCE RATE MAP FOR BALTIMORE COUNTY, MARYLAND PANEL NO.2400100435F DATED EFFECTIVE 9/26/08
2. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING, OR REFINANCING.
3. THIS PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS.
4. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.

IMPERVIOUS AREA SURVEY

1711 WILSON POINT
PLAT 10/26
LOT 94A

Baltimore County, Maryland

DRAWN BY: RAH CHK'D BY: HJK Jr.

SCALE: 1"=30' DATE: 4/5/10



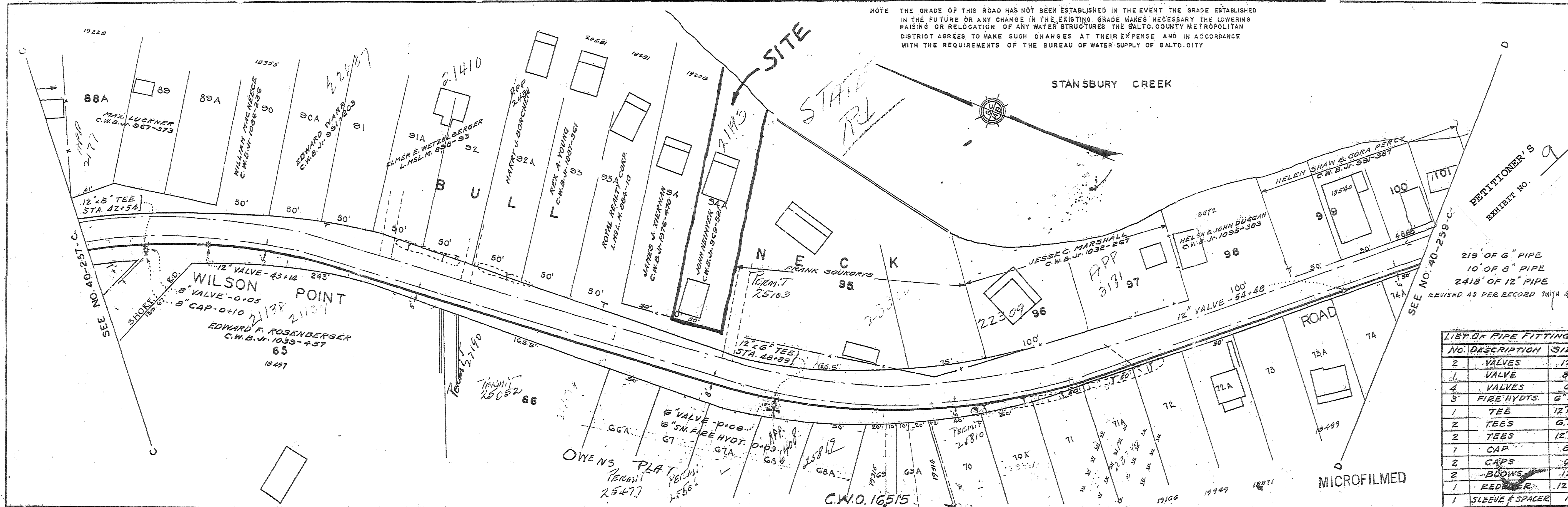
JR SURVEYING, LLC
A Land Surveying Company



1708 Boggs Road
Forest Hill, MD 21050

Phone: 410-879-7799
Fax: 410-879-7799
Email: jich23@zoominternet.net

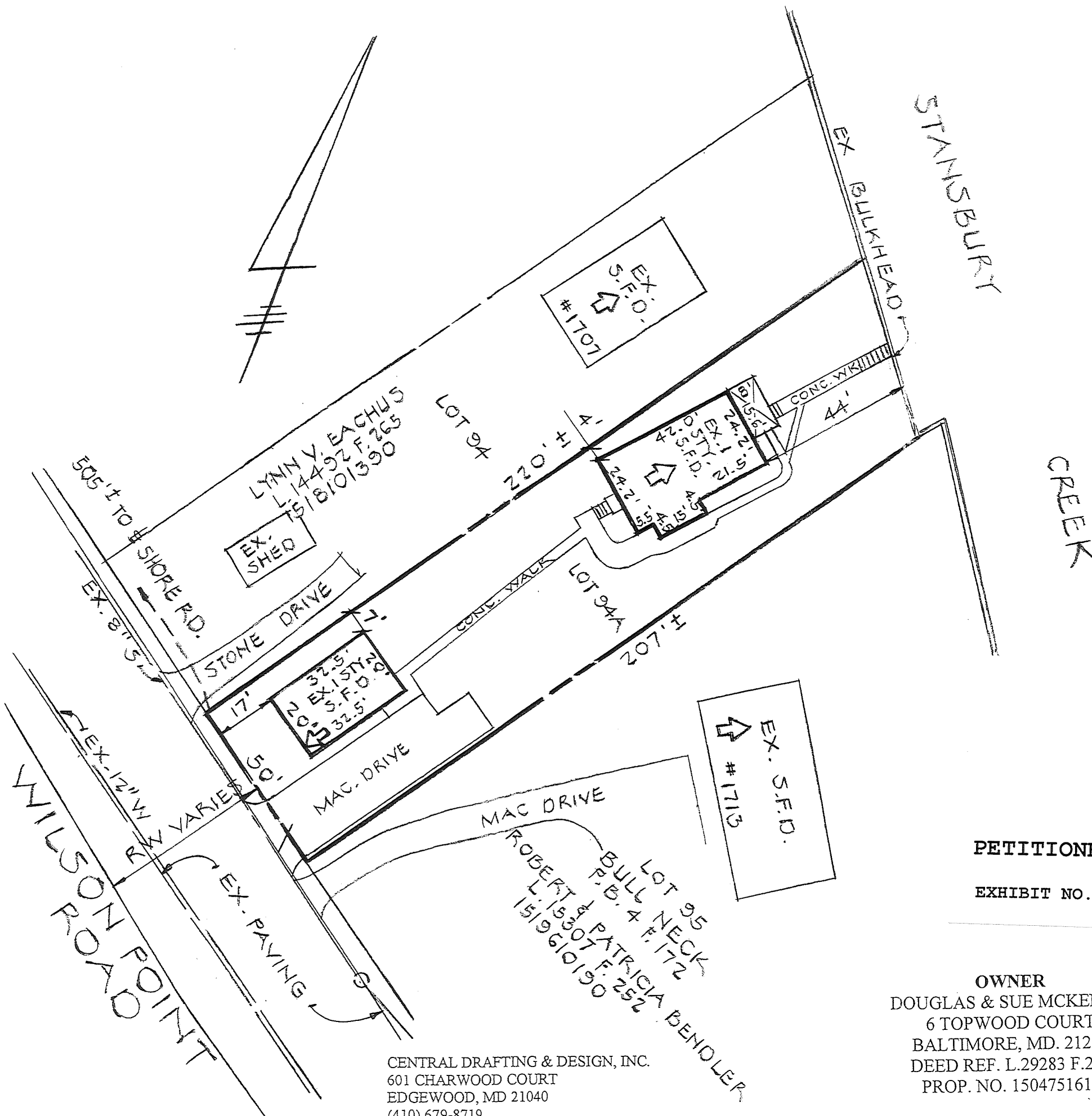
NOTE THE GRADE OF THIS ROAD HAS NOT BEEN ESTABLISHED IN THE EVENT THE GRADE ESTABLISHED IN THE FUTURE OR ANY CHANGE IN THE EXISTING GRADE MAKES NECESSARY THE LOWERING RAISING OR RELOCATION OF ANY WATER STRUCTURES THE BALTO. COUNTY METROPOLITAN DISTRICT AGREES TO MAKE SUCH CHANGES AT THEIR EXPENSE AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUREAU OF WATER SUPPLY OF BALTO. CITY



LIST OF PIPE FITTINGS		
No.	DESCRIPTION	SIZE
2	VALVES	12"
1	VALVE	8"
4	VALVES	6"
3	FIRE HYDTS.	6" S
1	TEE	12 x 8
2	TEES	6 x 8
2	TEES	12 x 8
1	CAP	8"
2	CAPS	6"
2	BLOWS	1 1/2"
1	REDUCER	12 x 8
1	SLEEVE & SPACER	12"

DRAWN: TRACED: CHECKED: PK EXAMINED:	BALTIMORE COUNTY METROPOLITAN DISTRICT	APPROVED: <i>May 1940</i> DATE CHIEF ENGINEER	GRADE ESTABLISHED AND LOCATION APPROVED DATE ROADS ENGINEER BALTO. COUNTY	APPROVED FOR CITY OF BALTIMORE DATE WATER ENGINEER	CHIEF ENGINEER	MIDDLE RIVER ELECTION DISTRICT NO. 15	12" WATER MAIN WILSON POINT ROAD FROM RIVERSIDE BLVD. SOUTHEAST 23.90'	DRAWING No. 1 OF 2	SCALE: 1"=50'	J.O. 329 40-25 FILE: A-4 6-NE-3
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PLOTTED ON 500 KEY SHEET 6-8-43 E.L.B. 1-55 MICROFILMED

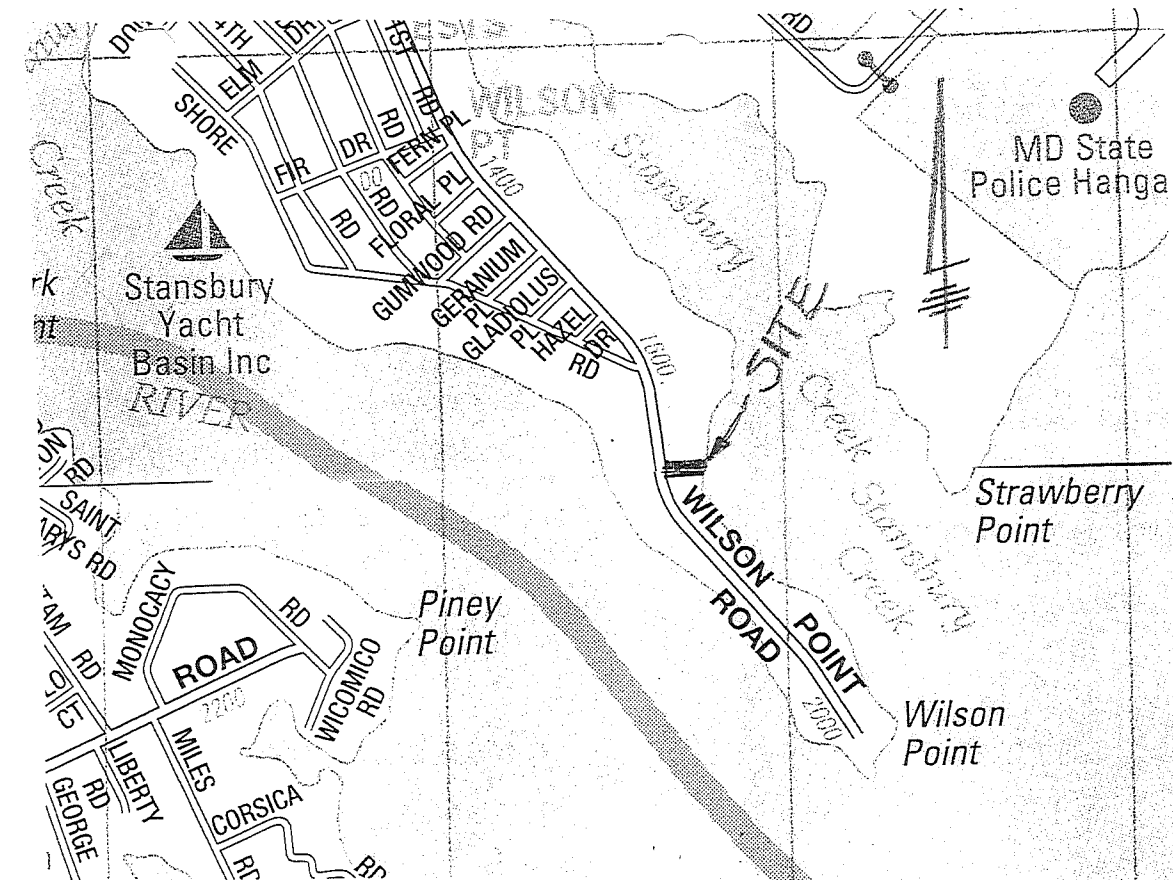


CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNER
DOUGLAS & SUE MCKENZIE
6 TOPWOOD COURT
BALTIMORE, MD. 21234
DEED REF. L.29283 F.255
PROP. NO. 1504751610

PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP
SCALE: 1" = 1000'

NOTES

1. ZONING.....DR 5.5 (MAP NO. 098A1)
2. LOT AREA.....10,650 S.F. = 0.244 ACRE +/-
3. SITE IS LOCATED IN THE CBCA
4. A PORTION OF THIS SITE IS LOCATED IN THE 100 YEAR FLOOD ZONE
5. PUBLIC WATER AND SEWER
6. TO THE PREPARER'S KNOWLEDGE, NO UNDERGROUND STORAGE OR PREVIOUS ZONING HISTORY EXISTS.

PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING
1711 WILSON POINT ROAD
LOT 94A BULL NECK P.B. 10 F. 26
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET APRIL 19, 2010