



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 13, 2013

David Billingsley
601 Charwood Ct.
Edgewood, Maryland 21040

RE: Petitions for Variance
Case No.: 2013-0247-A
Property: 1824 Wilson Point Road

Dear Mr. Billingsley:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: William and Denise Shade, 1 Hampston Garth, Lutherville, Maryland 21093

IN RE: PETITION FOR VARIANCE

(1824 Wilson Point Road)

15th Election District

6th Councilman District

William J. & Denise Shade

Legal Owners

Petitioners

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2013-0247-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by William J. & Denise Shade, the legal owners of the subject property. The Petitioners are requesting Variance relief from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard of 18 ft. for a replacement dwelling and a rear yard of 10 ft. for an open covered porch and stairway in lieu of the required 30 ft. and 22.5 ft., respectively.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was William J. & Denise Shade and David Billingsley from Central Drafting & Design, the firm that prepared the site plans. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

Zoning Advisory Committee (ZAC) comments were received from Department of Environmental Protection and Sustainability (DEPS) dated May 24, 2013 and Development Plans Review (DPR) dated May 13, 2013. Department of Environmental Protection and Sustainability

ORDER RECEIVED FOR FILING

Date

6/13/13

By

sln

(DEPS) indicated Petitioners were obliged to comply with the Critical Area regulations while DPR noted that Petitioners must satisfy the county's flood protection regulations.

Testimony and evidence revealed that the subject property is approximately 0.191 acres and is zoned DR 5.5. The property is waterfront and comprises Lots 144 & 145 of the Bull Neck subdivision, recorded in 1925. Exhibit 5. The Petitioners purchased the property in 2007, and would like to raze the existing single family dwelling and construct in its place (in virtually the same "footprint") a new single family dwelling constructed in accordance with modern regulations and standards. To do so requires variance relief.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. As seen on the plan, the lot (though 100' wide) is only 76' deep, which renders the property unique for zoning purposes.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, given they would be unable to construct a replacement dwelling. As Mr. Billingsley noted, if the B.C.Z.R. setbacks were observed, the Petitioners would be left with a 21' building envelope, which is insufficient. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

ORDER RECEIVED FOR FILING

Date

6/13/13

By

sen

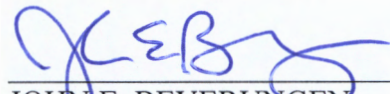
Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted

THEREFORE, IT IS ORDERED, this 13th day of June, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") to permit a rear yard of 18 ft. for a replacement dwelling and a rear yard of 10 ft. for an open covered porch and stairway in lieu of the required 30 ft. and 22.5 ft., respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate 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.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 6/13/13

By slh



CB CA

FLOOD

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1824 WILSON POINT ROAD which is presently zoned DR 5.5
 Deed References: L-26526 F 76 10 Digit Tax Account # 1502650930
 Property Owner(s) Printed Name(s) WILLIAM J. & DENISE SHADE

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ 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 below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

N/A

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

WILLIAM J. SHADE DENISE SHADE

Name #1 - Type or Print

Name #2 - Type or Print

William J. Shade

Denise Shade

Signature #1

Signature #2

1 HAMPSTON GARTH LUTHERVILLE, MD

Mailing Address

City

State

21093, (443) 463-2315, wise shade construction.net

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN

Name - Type or Print

David W. Billingsley

Signature

601 CHARMWOOD CT. EDGEWOOD MD

Mailing Address

City

State

21040, (410) 679-8719, dwb0209@yahoo.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0247-AFiling Date 4/24/13

Do Not Schedule Dates: _____

Reviewer PZK

REV. 10/4/11

**SECTIONS 1B02.3.C.1 AND 301.1.A (BCZR) TO PERMIT A REAR YARD OF 18 FEET
FOR A REPLACEMENT DWELLING AND A REAR YARD OF 10 FEET FOR AN OPEN
COVERED PORCH AND STAIRWAY IN LIEU OF THE REQUIRED 30 FEET AND 22.5
FEET RESPECTIVELY**

ZONING DESCRIPTION

1824 WILSON POINT ROAD

Beginning at a point on the west side of Wilson Point Road (30 feet wide) said point being distant 1225 feet southerly from its intersection with the center of Shore Road (30 feet wide), thence being all of Lots 144 and 145 as shown on the plat entitled Bull Neck recorded among the Baltimore County plat records in Plat Book 8 Folio 11.

Containing 8,300 square feet or 0.191 acre of land, more or less.

Being known as 1824 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: 2013-0247-A
Petitioner: WILLIAM L. & DENISE SHAOE
Address or Location: 1824 WILSON POINT ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID BILLINGSLEY
Address: 601 CHARWOOD CT.
EDGEWOOD, MD. 21040

Telephone Number: (410) 679-8719

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

No. **098546**

Date: 4/24/13

PAID RECEIPT

BUSINESS ACTUAL TIME INH
4/24/2013 4/24/2013 09:23:13 5

REG 0003 WALKIN RBOS LRB
>> RECEIPT # 649930 4/24/2013 OFLN
Dept 5 520 ZONING VERIFICATION
CR NO. 098546

Receipt Tot \$75.00
\$77.00 OT
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
000	000	0000		6150						\$75.00

Total: \$75.00

Rec From: Creative Drafting & Design, Inc

For: Zoning Petition

DISTRIBUTION

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

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: Case No 2013-0247-A

Petitioner/Developer DAVE BILLINGSLEY

Date Of Hearing/Closing: 6/11/13

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 1824 WILSON POINT ROAD

This sign(s) were posted on May 22, 2013

Month, Day, Year

Sincerely,

Martin Ogle 5/22/13
Signature of Sign Poster and Date
Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 23, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on May 21, 2013

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2013-0247-A

1824 Wilson Point Road

W/s Wilson Point Road, 1225 ft. S/of centerline of Shore Road

15th Election District - 6th Councilmanic District

Legal Owner(s): William & Denise Shade

Variance: to permit a rear yard of 18 feet for a replacement dwelling and a rear yard of 10 ft. for an open covered porch and stairway in lieu of the required 30 ft. and 22.5 ft respectively.

Hearing: Tuesday, June 11, 2013 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 05/720 May 23

923281



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 8, 2013

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0247-A

1824 Wilson Point Road
W/s Wilson Point Road, 1225 ft. S/of centerline of Shore Road
15th Election District – 6th Councilmanic District
Legal Owners: William & Denise Shade

Variance to permit a rear yard of 18 feet for a replacement dwelling and a rear yard of 10 ft. for an open covered porch and stairway in lieu of the required 30 ft. and 22.5 ft. respectively.

Hearing: Tuesday, June 11, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: William & Denise Shade, 1 Hampston Garth, Lutherville 21093
David Billingsley, Central Drafting & Design, 601 Charwood Ct., Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 22, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: July 16, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0247-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 15, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE
1824 Wilson Point Road; W/S Wilson Point
Road, 1225' S c/line Shore Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): William & Denise Shade
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-247-A

* * * * *

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.

RECEIVED

MAY 07 2013

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 7th day of May, 2013, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013-0247-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
5/13/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
5/24/13	DEPS (if not received, date e-mail sent _____)	C
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
5/2/13	STATE HIGHWAY ADMINISTRATION	No Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date: 5/21/13	
SIGN POSTING	Date: 5/22/13 by Cagle	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For May 10, 2013
Item No. 2013-0247

DATE: May 13, 2013

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

The base flood elevation for this site is 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 feet.

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

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

The building engineer shall require a permit for this project.

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

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 13-0243-05102013.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAY 28 2013



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: May 24, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0247-A
Address 1824 Wilson Point Road
(Shade Property)

Zoning Advisory Committee Meeting of May 6, 2013.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is requesting to replace an existing dwelling with reduced rear yard setbacks. The lot is developed with a dwelling, pier, sidewalks, and driveway. Lot coverage on the entirety of this property is proposed to be just below the limit of 31.25%, which is a reduction from the current level. The proposed dwelling will meet all BMA requirements. 15% afforestation (2 trees) is required. Any trees existing on site to remain can count towards the afforestation requirement. If the applicant can meet the afforestation requirements, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. The existing house is entirely within the Critical Area buffer; the proposed dwelling will be moved back to be meet the minimum 25 foot Critical Area buffer. 2 trees must be existing or planted on site to meet the 15% afforestation requirement. Lot coverage will be reduced to meet the 31.25%

limit. Provided the afforestation requirements are met, fish, plant, and wildlife habitat in the Chesapeake Bay will be conserved.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

Based on the information provided, it appears the applicant can meet the lot coverage and BMA requirements, and can meet the afforestation requirements if they do not currently do so by planting 2 trees. If so, the proposal will be consistent with the Critical Area requirements, and therefore the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger – Environmental Impact Review (EIR)*

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5-2-13

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

RE: Baltimore County
Item No 2013-0247-A
Variance
William D. & Denise Shado
1824 Wilson Point Road

Dear Ms. Lewis:

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. 2013-0247-A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/raz



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 6, 2013

William J. & Denise Shade
1 Hampston Garth
Lutherville MD 21093

RE: Case Number: 2013-0247 A, Address: 1824 Wilson Point Road

Dear Mr. & Ms. Shade:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 24, 2013. 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040

CASE NAME 1824 WILSON PT. RD.
CASE NUMBER 2013-0247-A
DATE JUNE 11, 2013

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.1A)
BALTIMORE COUNTY

[Go Back](#)
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[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1502650930

Owner Information			
Owner Name:	SHADE WILLIAM J SHADE DENISE	Use:	RESIDENTIAL
Mailing Address:	1 HAMPSTON GARTH LUTH-TIMONIUM MD 21093-4738	Principal Residence:	NO
		Deed Reference:	1) /26526/ 00076 2)

Location & Structure Information	
Premises Address 1824 WILSON POINT RD BALTIMORE 21220-5430	Legal Description LT 144,145 1824 WILSON POINT RD Waterfront BULL NECK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	2
0098	0002	0199		0000			144	3	Plat Ref:	0008/ 0011

Special Tax Areas	Town NONE
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1952	2,134 SF	6,000 SF	34

Stories	Basement	Type	Exterior
	NO	STANDARD UNIT	BRICK

Value Information				
	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	319,500	259,500		
Improvements:	214,500	153,400		
Total:	534,000	412,900	412,900	412,900
Preferential Land:	0			0

Transfer Information				
Seller:	SHANK MARGARET A	Date:	12/28/2007	Price: \$587,500
Type:	ARMS LENGTH IMPROVED	Deed1:	/26526/ 00076	Deed2:
Seller:	SHANK MARGARET A	Date:	02/27/2003	Price: \$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/17596/ 00380	Deed2:
Seller:	SHANK RICHARD H	Date:	02/25/2002	Price: \$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/16140/ 00562	Deed2:

Exemption Information			
Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information	
Homestead Application Status:	No Application



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

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

District - 15 Account Number - 1502650930



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

PETITIONER'S EXHIBITS

**1824 WILSON POINT ROAD
CASE NO. 2013-0247-A**

*APR
6-13-13*

1. PLAT TO ACCOMPANY PETITION DATED APRIL 16, 2013 (NO CHANGES)

*GW
7-16-13*

2. SDAT REAL PROPERTY DATA SEARCH

3. DEED OF RECORD (L.26526 F.76)

4. TAX MAP 0098

5. PLAT OF BULL NECK (P.B. 8 F. 11)

6a – 6g. PHOTOS

7. AERIAL PHOTO

8. BALTIMORE COUNTY SEWER CONSTRUCTION PLAN NO. 1965-1204

9a – 9b. BUILDING ELEVATIONS

10a – 10b. BUILDING ELEVATION RENDERINGS

11 Site plan (redline)

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 15 Account Number - 1502650930

Owner Information

Owner Name:	SHADE WILLIAM J SHADE DENISE	Use:	RESIDENTIAL
Mailing Address:	1 HAMPSTON GARTH LUTH-TIMONIUM MD 21093-4738	Principal Residence:	NO
		Deed Reference:	1) /26526/ 00076 2)

Location & Structure Information

Premises Address	Legal Description
1824 WILSON POINT RD BALTIMORE 21220-5430	LT 144,145 1824 WILSON POINT RD Waterfront BULL NECK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	2
0098	0002	0199		0000			144	3	Plat Ref:	0008/ 0011

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1952	2,134 SF	6,000 SF	34

Stories	Basement	Type	Exterior
	NO	STANDARD UNIT BRICK	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	319,500	259,500		
Improvements:	214,500	153,400		
Total:	534,000	412,900	412,900	412,900
Preferential Land:	0		0	

Transfer Information

Seller:	SHANK MARGARET A	Date:	12/28/2007	Price:	\$587,500
Type:	ARMS LENGTH IMPROVED	Deed1:	/26526/ 00076	Deed2:	
Seller:	SHANK MARGARET A	Date:	02/27/2003	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/17596/ 00380	Deed2:	
Seller:	SHANK RICHARD H	Date:	02/25/2002	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/16140/ 00562	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status:	No Application
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PETITIONER'S
EXHIBIT NO. 2

THIS DEED

This Deed, made this Twelfth day of September, 2007, by and between **Margaret A. Shank and Linda J. Dudek and Gary Richard Shank**, party(ies) of the first part, and **William J. Shade and Denise Shade as tenants by the entirety**, party(ies) of the second part:

WITNESSETH, that in consideration of the sum of **\$587,500.00**, receipt of which is hereby acknowledged, and which the party(ies) of the first part certify(ies) under the penalties of perjury as the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said party of the first party(ies) do/does grant and convey unto the party(ies) of the second part, in Fee Simple, all that property situate in Baltimore County, Maryland, and as described in "**Exhibit A**" attached hereto and made a part hereof.

BEING all of the same property as described in a deed, dated 01/23/2003, recorded 02/27/2003 among the Land Records of Baltimore County, Maryland, as Book 17596, Page 380, which has the address of **1824 Wilson Point Road, Baltimore, MD 21220**.

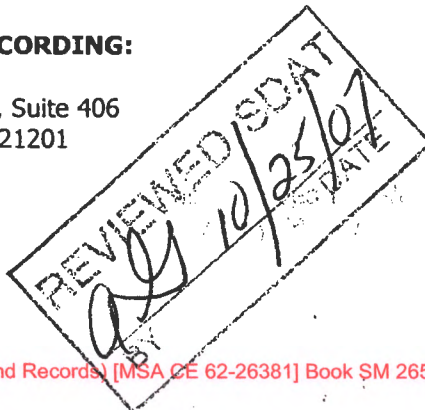
SUBJECT to covenants, easements and restrictions of record.

TO HAVE AND TO HOLD said land and premises above described or mentioned and hereby intended to be conveyed, together with the buildings and improvements thereupon erected, made or being, and all and every title, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for the proper use only and benefit forever of said party(ies) of the second part in Fee Simple .

AND said party(ies) of the first part does hereby covenant to warrant specially the property hereby conveyed; and to execute such further assurances of said land as it may be requisite or necessary.

RETURN TO AFTER RECORDING:

Universal Settlements
575 South Charles Street, Suite 406
Baltimore City, Maryland 21201



PETITIONER'S
EXHIBIT NO. 3

**EXHIBIT A
LEGAL DESCRIPTION**

BEING KNOWN AND DESIGNATED as Lots Nos. 144 and 145, as shown on Plat #2 of BULL NECK, which Plat is duly recorded among the Plat Records of Baltimore County, Maryland in Plat Book W.P.C. No. 8, folio 11. The improvements thereon being known as No. 1824 Wilson Point Road.



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

Go Back
View Map
New Search

District - 15 Account Number - 1502650930



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.

PETITIONER'S
EXHIBIT NO. 4



6a



6b



6c



6d



6g



6f



69



PETITIONER'S
EXHIBIT NO. 7

86 Feet

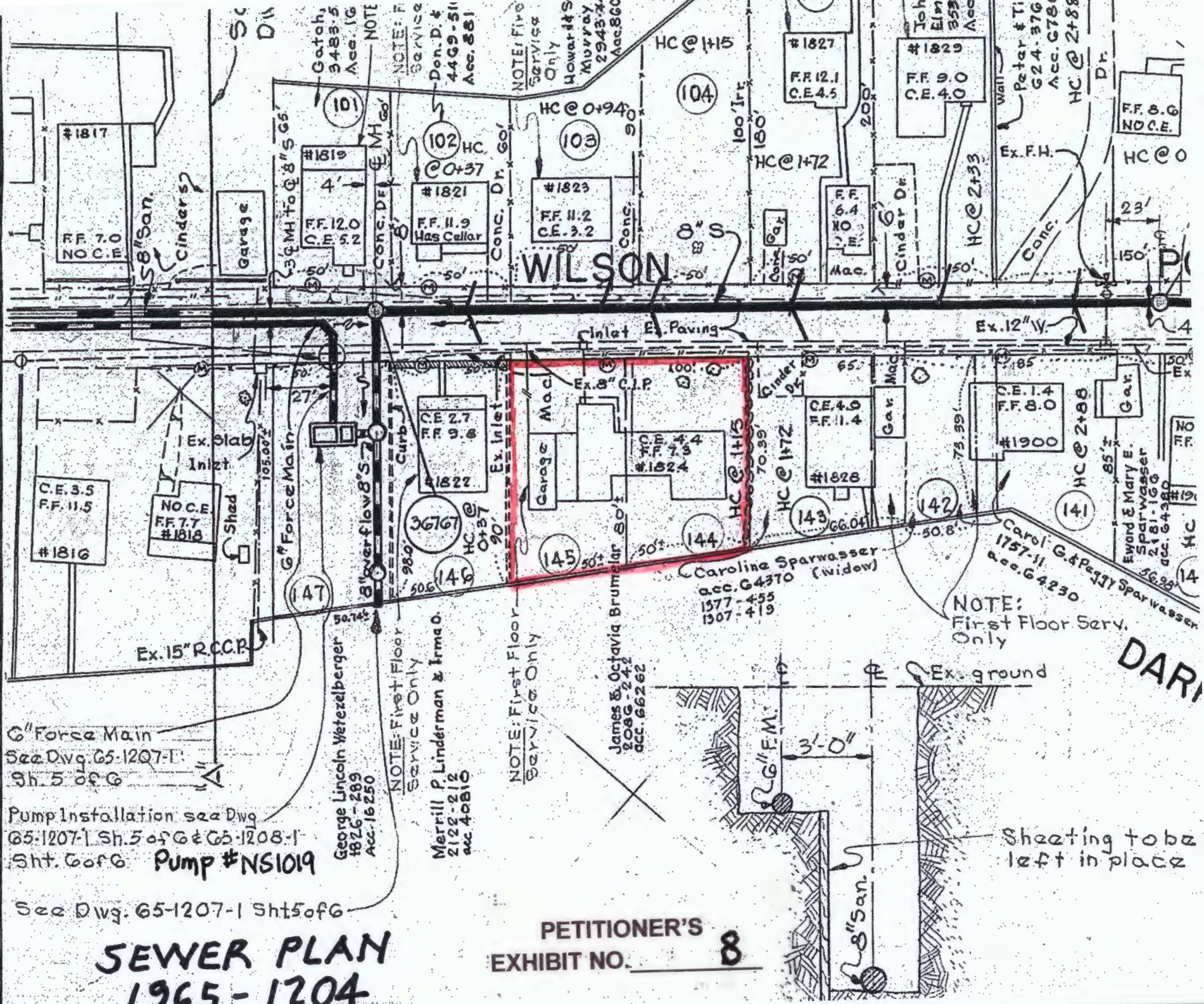


1824 WILSON POINT
RD

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.



SEWER PLAN 1965-1204

PETITIONER'S
EXHIBIT NO. 8

6" Force Main
See Dwg. 65-1207-1
Sh. 5 of 6

Pump Installation see Dwg.
65-1207-1 Sh. 5 of 6 & 65-1208-1
Sht. 6 of 6 Pump #NS1019

See Dwg. 65-1207-1 Sht. 5 of 6

George Lincoln Wetzelsberger
1826-289
Acc. 16250

NOTE: First Floor
Service Only
Merrill P. Linderman & Irma O.
2122-212
acc. 40810

NOTE: First Floor
Service Only

James & Octavia Brumelar
2086-242
acc. 66262

Caroline Sparwasser
acc. G4370 (widow)
1577-455
1507-419

NOTE:
First Floor Serv.
Only

DARI

Sheeting to be
left in place

Shade Residence
PROPOSED RESIDENCE
1824 Wilson Point Road, Middle River, Maryland

REVISIONS



ISSUE DATES:

06-23-13 STRUCTURAL REVIEW

SCALE:

PRINT DATE:
May 22, 2013



NOTE:
STAIRS WITH 2 OR MORE RISERS SHALL BE PROVIDED WITH HANDRAILS. HANDRAILS SHALL BE A MINIMUM OF 34" IN HEIGHT AND NOT MORE THAN 38" IN HEIGHT. RAILS ARE TO BE MEASURED VERTICALLY FROM THE NOSING OF THE TREADS.

PORCHES, DECKS, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS A MINIMUM OF 34" HIGH.

RISERS ARE TO BE CLOSED SUCH THAT THE OPENING BETWEEN THE TREADS DOES NOT PERMIT THE PASSAGE OF A 4" DIA SPHERE.

1824 WILSON POINT ROAD
ROADSIDE ELEVATION

PETITIONER'S
EXHIBIT NO. 9a



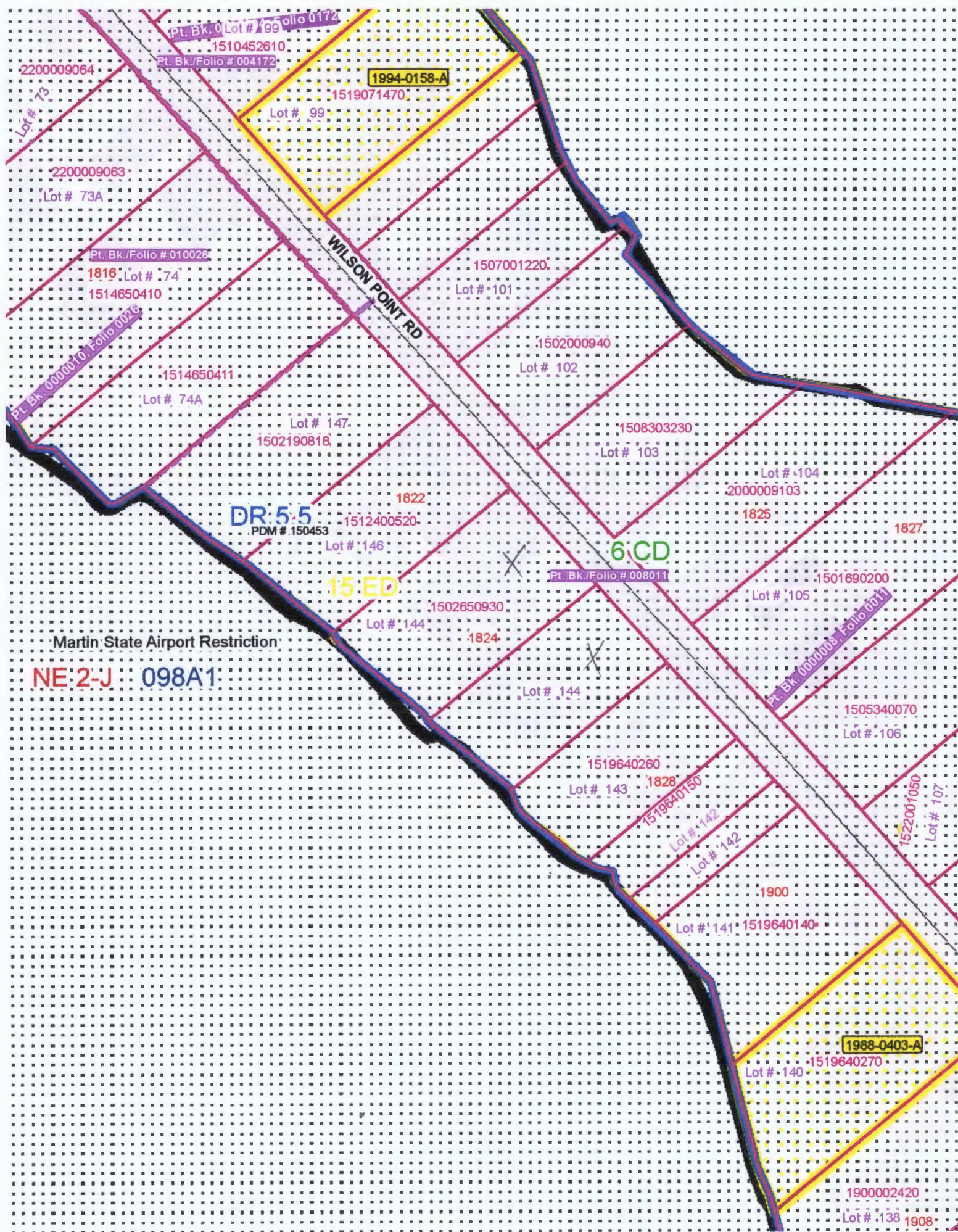
PETITIONER'S
EXHIBIT NO. 10a

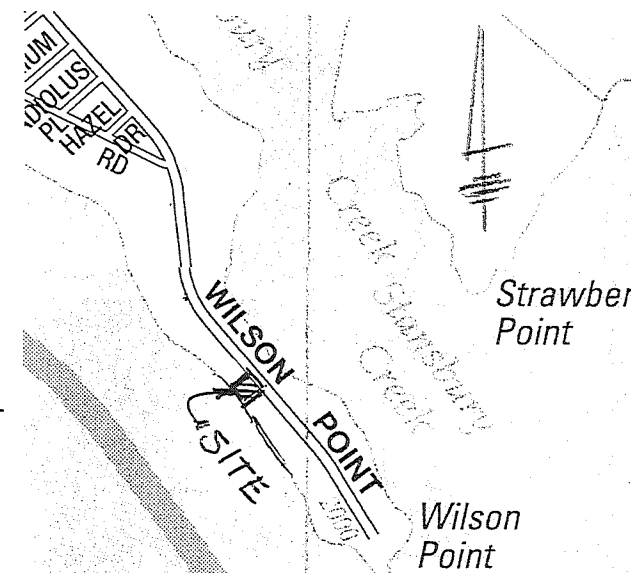
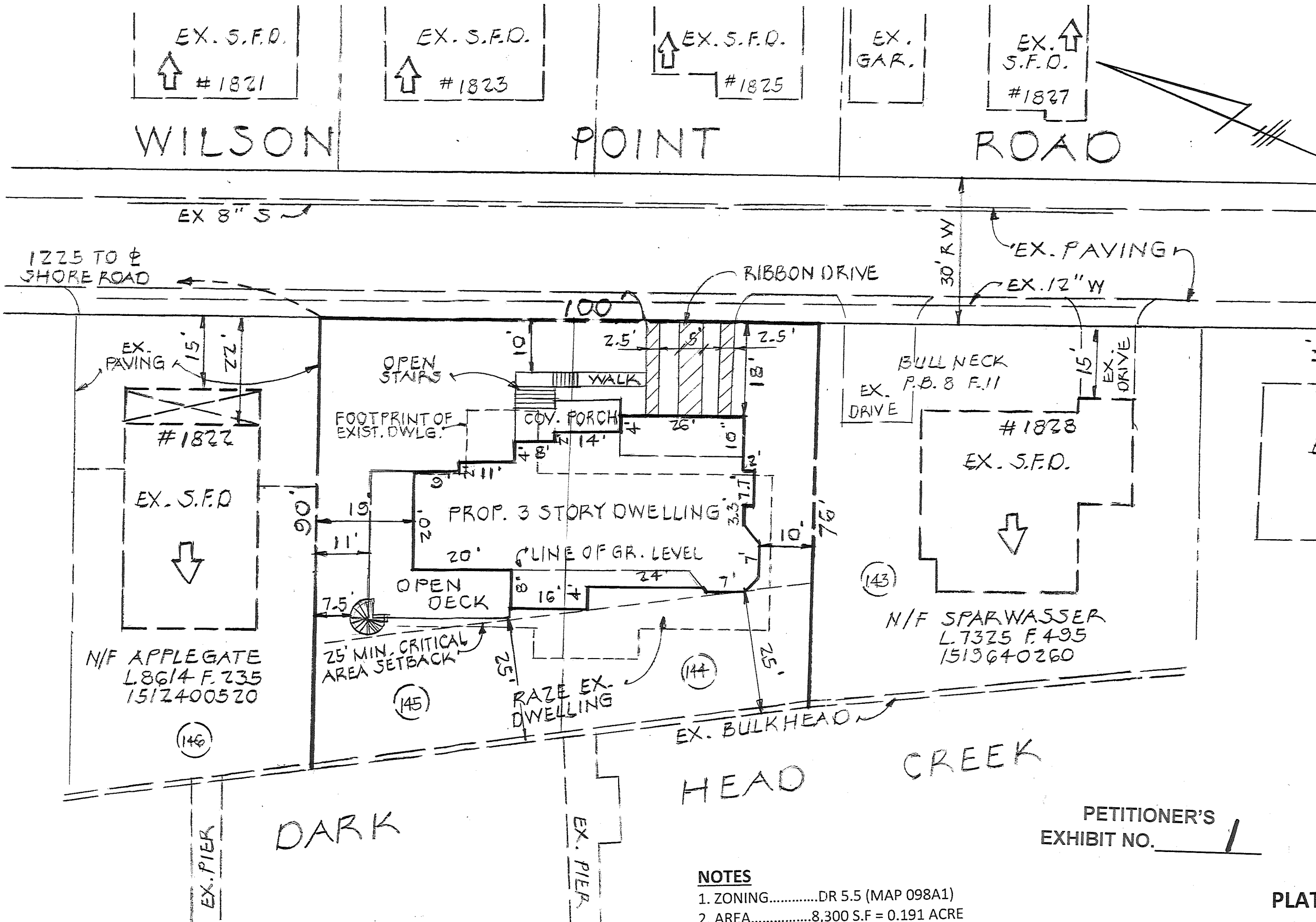
1824 WILSON POINT ROAD
ROADSIDE ELEVATION



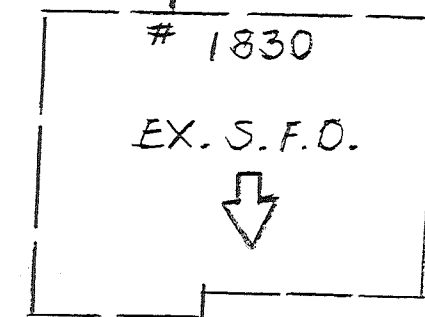
PETITIONER'S
EXHIBIT NO. 106

1824 WILSON POINT ROAD
WATERSIDE ELEVATION





VICINITY MAP
SCALE: 1" = 1000'



LOT COVERAGES

DWELLING.....	2070 S.F.
COVERED ROADSIDE DECK.....	161 S.F.
SIDE STAIRS.....	28 S.F.
ROADSIDE STAIRS.....	113 S.F.
WALK.....	39 S.F.
DRIVE.....	180 S.F.
TOTAL.....	2591 S.F.

LOT COVERAGE PERMITTED
8300 S.F. X 31.25 % = 2594 S.F.

NOTES

1. ZONING.....DR 5.5 (MAP 098A1)
2. AREA.....8,300 S.F. = 0.191 ACRE
3. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA AND 100 YEAR FLOOD ZONE.
4. PUBLIC WATER AND SEWER
5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS

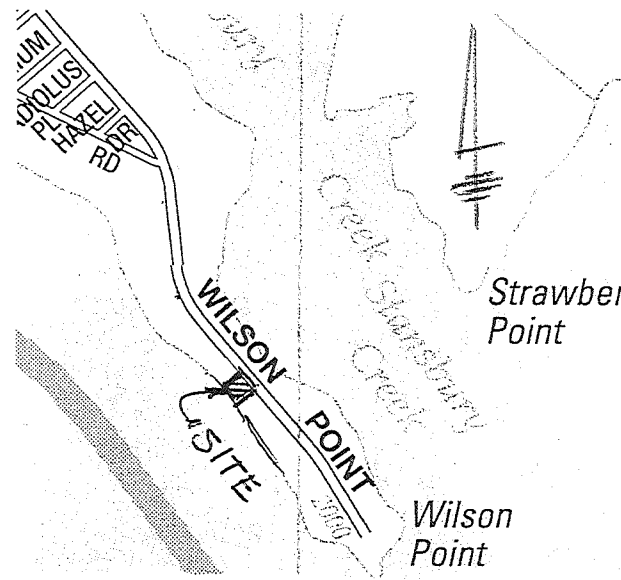
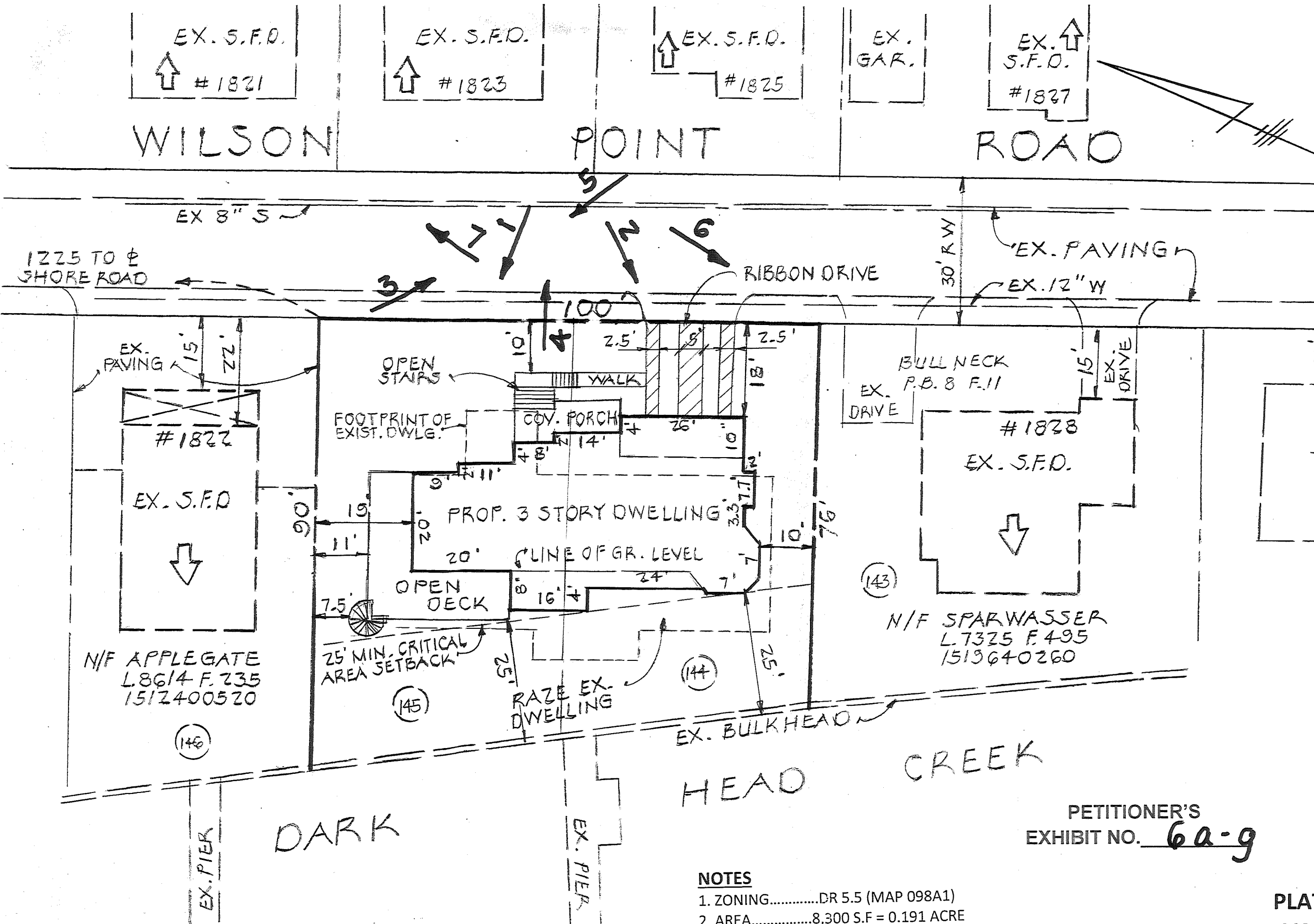
OWNER

WILLIAM J. & DENISE SHADE
1 HAMPSTON GARTH
LUTHERVILLE, MD. 21093
L.26526 F.76
ACCT. NO. 1502650930

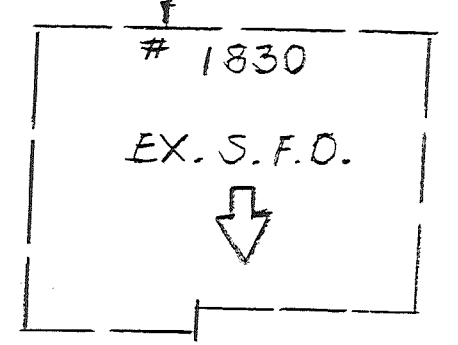
PETITIONER'S
EXHIBIT NO. 1

**PLAT TO ACCOMPANY
VARIANCE PETITION**

1824 WILSON POINT ROAD
LOTS 144 & 145 BULL NECK P.B.8 F.11
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD
SCALE: 1 INCH = 20 FEET APRIL 16, 2013



VICINITY MAP
SCALE: 1" = 1000'



LOT COVERAGES

DWELLING.....	2070 S.F.
COVERED ROADSIDE DECK.....	161 S.F.
SIDE STAIRS.....	28 S.F.
ROADSIDE STAIRS.....	113 S.F.
WALK.....	39 S.F.
DRIVE.....	180 S.F.
TOTAL.....	2591 S.F.

LOT COVERAGE PERMITTED
8300 S.F. X 31.25 % = 2594 S.F.

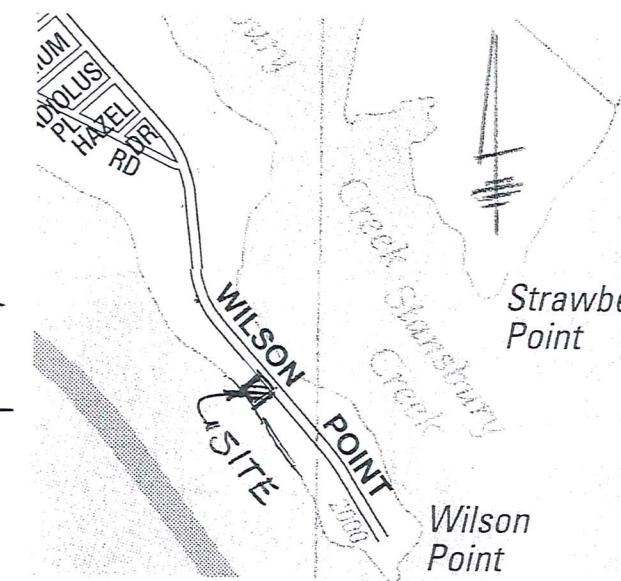
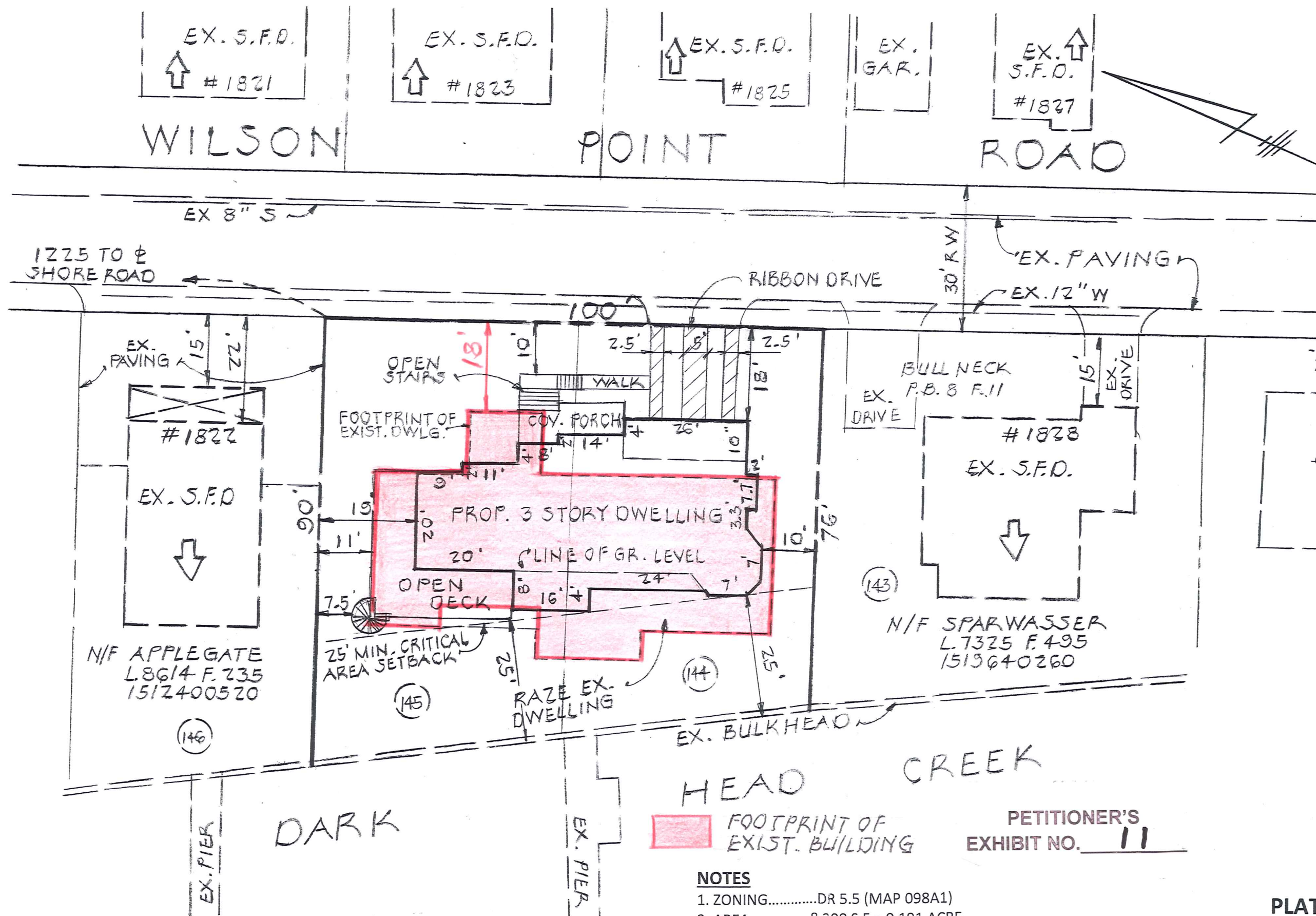
PETITIONER'S
EXHIBIT NO. **6a-9**

PHOTOS
PLAT TO ACCOMPANY
VARIANCE PETITION
1824 WILSON POINT ROAD
LOTS 144 & 145 BULL NECK P.B.8 F.11
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD
SCALE: 1 INCH = 20 FEET APRIL 16, 2013

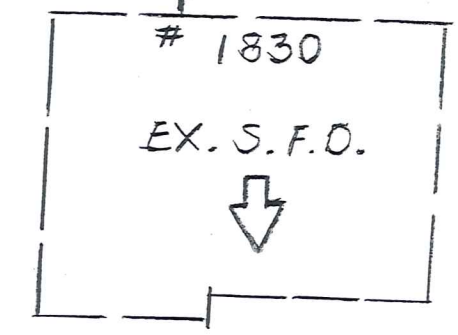
- NOTES**
1. ZONING.....DR 5.5 (MAP 098A1)
 2. AREA.....8,300 S.F. = 0.191 ACRE
 3. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA AND 100 YEAR FLOOD ZONE.
 4. PUBLIC WATER AND SEWER
 5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS

OWNER
WILLIAM J. & DENISE SHADE
1 HAMPSTON GARTH
LUTHERVILLE, MD. 21093
L.26526 F.76
ACCT. NO. 1502650930

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



VICINITY MAP
SCALE: 1" = 1000'



LOT COVERAGES

DWELLING.....	2070 S.F.
COVERED ROADSIDE DECK.....	161 S.F.
SIDE STAIRS.....	28 S.F.
ROADSIDE STAIRS.....	113 S.F.
WALK.....	39 S.F.
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TOTAL.....	2591 S.F.

LOT COVERAGE PERMITTED
8300 S.F. X 31.25 % = 2594 S.F.

FOOTPRINT OF
EXIST. BUILDING

PETITIONER'S
EXHIBIT NO. 11

NOTES

1. ZONING.....DR 5.5 (MAP 098A1)
2. AREA.....8,300 S.F. = 0.191 ACRE
3. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA AND 100 YEAR FLOOD ZONE.
4. PUBLIC WATER AND SEWER
5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS

OWNER

WILLIAM J. & DENISE SHADE
1 HAMPSTON GARTH
LUTHERVILLE, MD. 21093
L.26526 F.76
ACCT. NO. 1502650930

**PLAT TO ACCOMPANY
VARIANCE PETITION**

1824 WILSON POINT ROAD
LOTS 144 & 145 BULL NECK P.B.8 F.11
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD
SCALE: 1 INCH = 20 FEET APRIL 16, 2013