

IN THE MATTER OF
THE APPLICATION OF
JOSEPH C. NOWAKOWSKI
FOR A VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE BAY *
FRONT RD, 450' EAST OF LINCOLN *
AVENUE (7413 BAY FRONT ROAD) *
15TH ELECTION DISTRICT *
7TH COUNCILMANIC DISTRICT *

* BEFORE THE
* COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 96-40-A

* * * * *

O P I N I O N

This case comes on appeal of the Zoning Commissioner's October 30, 1995 Order in which Petition for Variance was denied. In the case before the Zoning Commissioner, the Petitioner sought variances from Baltimore County Zoning Regulations (BCZR) Section 1B02.3C.1 to allow a lot width of 50 feet in lieu of the required 55 feet; to allow existing 8-foot side yard setback in lieu of the required 10-foot side yard setback; and any other variances determined necessary. The Zoning Commissioner denied the lot width variance and granted the side yard setback variance with restrictions. An appeal was taken from the denial of the lot width variance request; no other appeal was filed by protestants from the Zoning Commissioner's granting of the 8-foot side yard setback. The matter before the Board is the appeal brought by the Petitioner from the denial of the lot width variance.

The subject property is located at #7413 Bay Front Road in the Sparrows Point area of the Patapsco River. The site is approximately 50 feet in width and 560 feet in depth, is zoned D.R. 5.5, is traversed by a 10-foot wide sewer right-of-way, and is currently improved by an existing 1-1/2 story dwelling, sheds, and other appurtenances. The Petitioner seeks a variance from the aforementioned regulation to permit construction of a second residence to the water side of the existing dwelling, sharing the

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existing driveway which would serve the ultimate two residences. The Petition and its proposed improvements are more particularly described on the Plat to Accompany Petition for Variance marked as Petitioner's Exhibit 1. This case was heard in a single day of testimony.

Appearing for Petitioner was Benjamin Bronstein, Esquire, and for Protestants was Francis X. Borgerding, Jr., Esquire. People's Counsel did not participate in these proceedings.

Testifying for the Petitioner was Michael J. Ertel, Professional Engineer, and the Petitioner. Testifying for Protestants was Christopher Wojcik, Protestant, and Marion P. Szymanski, Protestant's mother-in-law and resident of a nearby property, as well as Edward A. Griffith, a certified general real estate appraiser. This matter was deliberated publicly in accordance with Maryland's open meetings law.

Mr. Ertel testified that the property area would accommodate three dwelling units, and that what is proposed is a total of two, including the existing dwelling. He described the project to include demolition of existing sheds, a proposed common drive, and described some of the surrounding neighborhood. Mr. Ertel opined that Section 304.1 of the Baltimore County Zoning Regulations (BCZR) does not apply in this case because two dwellings are proposed on this lot. He also opined that the instant site is unusual because of the extreme depth of the lot (relative to the width). He indicated that nearby Iroquois Avenue ends at the edge of Lodge Farm Road, and that it aligns with the existing sewer right-of-way.

On cross-examination, he opined that had Iroquois Avenue been

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extended the proposed residence would have been built pursuant to Section 304 of the BCZR. It was revealed also in his testimony that a large number of lots are approximately 50 feet wide, that several of them are approximately the same depth as the instant site, and that many Lodge Forest homes were constructed on multiple lots.

Mr. Nowakowski testified that he wishes to build the proposed home for his grandson, and that he has the support of some of his neighbors. He indicated that he has resided there since 1946.

Mr. Wojcik, the adjoining property owner to the east of the instant site, testified to his opposition to the proposed house, and that he has no plans to build on his property. He contends that the proposed dwelling would adversely impact his enjoyment of his property and raises concerns about the health, safety and welfare of his family.

Marion Szymanski testified very briefly concerning the history of the Wojciks' house, as well as the ownership history of Petitioner's property and other properties in the area.

Mr. Griffith essentially limited his testimony to his opinion that construction of the proposed dwelling would result in a diminution of the Wojcik's enjoyment of their property, and a reduction in value of their property.

This case is a straightforward variance request. This Board enjoys the guidance provided by the Court of Special Appeals in Cromwell v. Ward, 102 Md.App. 691 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical

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difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...." Id. at 698.

In requiring a pre-requisite finding of "uniqueness", the Court defined the term and stated:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... Id. at 710.

Therefore, this Board must first look to the issue of whether the instant site is unique and, second, that the strict conformance to the BCZR would result in practical difficulty or unreasonable hardship for the Petitioner. The Board finds as a fact that the instant site, while somewhat unusual in shape, is by no means unique. There are numerous properties in the general vicinity of the site which are roughly 50 feet wide and several hundred feet in depth. While it may be so that the right-of-way is coincident with the direction of Iroquois Avenue, the only facts that the Board may consider are the existing set of circumstances on the site, that being that the sewer right-of-way has existed on that property for several years. What impact that set of circumstances has to the applicability of Section 304 is not an issue for the Board to decide.

Having found that the instant site is not unique, the Petition

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for Variance to permit a second residence on the instant site must therefore be denied.

If the Board were to find that the instant site is unique, the Board also finds that the Petitioner has enjoyed 50 years' use of the property and the adjoining amenity; therefore, the Board finds that strict compliance with the BCZR as it relates to the instant case does not constitute practical difficulty or unreasonable hardship. For those same reasons, the Petition for Variance would necessarily be denied.

O R D E R

IT IS THEREFORE this 5th day of August, 1996 by the County Board of Appeals of Baltimore County

ORDERED that the requested variance from Section 1B02.3C.1 of the Baltimore County Zoning Regulations to allow a lot width of 50 feet in lieu of the required 55 feet be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


Charles L. Marks


Harry E. Buchheister, Jr.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 5, 1996

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. 96-40-A
Joseph C. Nowakowski -Petitioner

Dear Mr. Bronstein:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Legal Administrator

encl.

cc: Joseph C. Nowakowski
R. Mark Davis
Christopher Wojcik
Chesapeake Bay Critical
Areas Commission
✓ People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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11/29/95
8

5604-95

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
N/S Bay Front Road	*	BOARD OF APPEALS
450' E of Lincoln Avenue	*	FOR
(7413 Bay Front Road)	*	
15th Election District	*	BALTIMORE COUNTY
7th Councilmanic District	*	CASE NO.: 96-40-A
Joseph C. Nowakowski	*	
Petitioner	*	

* * * * *

NOTICE TO ENTER APPEAL

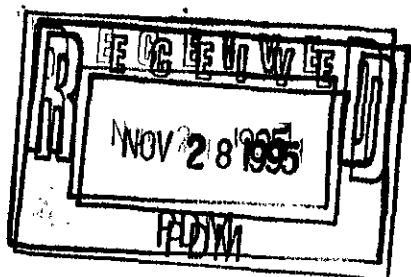
On behalf of Joseph C. Nowakowski, Petitioner, whose address is 7413 Bay Front Road, Baltimore, Maryland 21219, by Benjamin Bronstein and Evans, George and Bronstein, his attorneys, please note an appeal from the decision of the Zoning Commissioner for Baltimore County dated October 30, 1995, denying Petitioner's Petition for Variance pursuant to §1B02.3.C.1 of the Baltimore County Zoning Regulations.

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
 Benjamin Bronstein
 205 Susquehanna Building
 29 West Susquehanna Avenue
 Towson, Maryland 21204
 (410) 296-0200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28 day of November, 1995, a copy of the foregoing was mailed, postage pre-paid to Peter Max Zimmerman, People's Counsel for Baltimore County and Carole S. Demilio, Deputy People's Counsel for Baltimore County, Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.



Benjamin Bronstein
 Benjamin Bronstein

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IN RE: PETITION FOR VARIANCE
N/S Bay Front Road, 450' E of
Lincoln Avenue
(7413 Bay Front Road)
15th Election District
7th Councilmanic District

Joseph C. Nowakowski
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-40-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 7413 Bay Front Road, located in the vicinity of Lodge Farm Road in Lodge Forest. The Petition was filed by the owner of the property, Joseph C. Nowakowski, through his attorney, Benjamin Bronstein, Esquire. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 0 feet in lieu of the required 55 feet and to permit an existing side yard setback of 8 feet in lieu of the minimum required 10 feet, and any other remaining variances as may be deemed necessary. The subject property and relief sought are more particularly described on the site plans submitted which were accepted into evidence as Petitioner's Exhibits 1 and 4A.

Appearing at the public hearing on behalf of the Petition were Joseph C. Nowakowski, property owner, Richard and Justine Davis, the Petitioner's grandson and his wife, Michael J. Ertel, Professional Engineer who prepared the site plans for this project, and Benjamin Bronstein, Esquire, attorney for the Petitioner. Appearing as a Protestant in the matter was Chris Wojcik, adjoining property owner.

Testimony and evidence offered revealed that the subject property consists of .64 acres, more or less, zoned D.R. 5.5, and is a waterfront

ORDER RECEIVED FOR FILING
Date 10/30/95
By [Signature]

RECORDED

lot which fronts the Patapsco River. The property is extremely deep, yet narrow, measuring 650 feet by 50 feet, and is improved with a 1.5 story dwelling and two sheds. Vehicular access to the site is by way of Bay Front Road. The Petitioner proposes no subdivision of the lot, but seeks the necessary zoning approval to construct a second dwelling and swimming pool on the site in accordance with Petitioner's Exhibit 1, the site plan of the property. As shown on the site plan, the existing dwelling is located approximately half the distance between the road and the water. The second dwelling proposed will be located between the existing dwelling and the water. The proposed dwelling will be approximately 26 feet wide by 40 feet deep with an attached 24-foot x 20-foot garage. Testimony indicated that the two sheds will be removed to accommodate the proposed 18' x 30' swimming pool.

As to the history of this site, a significant amount of testimony was offered. As is the case with many waterfront lots in Baltimore County, this subdivision was laid out many years ago. Mr. Ertel opined that the subject lot was originally intended to be two lots. As shown on the site plan, the road improvement known as Iroquois Avenue, was terminated at a point east of the subject property. Had the road been continued as originally planned, it would have bisected the subject lot and extended in a parallel manner, midway between Bay Front Road and the Patapsco River. This would have resulted in the subject property consisting of two lots located on either side of the Iroquois Avenue extension. Notwithstanding the original intent, Iroquois Avenue was never extended and the unusual configuration of this lot has resulted.

Mr. Ertel further testified that the subject property contains sufficient density to support three dwelling units. Thus, a variance is

not required as to any area requirements. However, the narrowness of the lot mandates that a variance be sought from the 55-foot width requirement. Furthermore, the existing dwelling is but 8 feet from the east side property line, and thus, a variance is necessary for that structure.

Several comments were received from the reviewing agencies of Baltimore County relative to the request. The Department of Environmental Protection and Resource Management (DEPRM) notes that this site is subject to Chesapeake Bay Critical Areas requirements and impervious area need be removed in order for the proposed dwelling to be constructed. The Petitioner indicated that compliance with that requirement would be undertaken. The Office of Planning and Zoning (OPZ), however, does not support the Petitioner's request. They believe that construction of an additional dwelling on this site is inappropriate and would be detrimental to the surrounding locale. Another comment from the Zoning Plans Advisory Committee (ZAC) sets forth certain standards for construction of the driveway for the proposed dwelling and advises the Petitioner that Baltimore County Building Code requirements must be satisfied.

Testimony was also received from Chris Wojcik who resides adjacent to this property. He shares the view expressed by the Office of Planning and Zoning that the proposed dwelling is not compatible with the surrounding locale and that variance relief should be denied.

Variances must be adjudged in accordance with Section 307 of the B.C.Z.R. That Section requires that the Petitioner demonstrate a practical difficulty or unreasonable hardship in order for relief to be granted. Moreover, it must be shown that a grant of the relief is consistent with the spirit and intent of the B.C.Z.R. and would not adversely affect surrounding properties.

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Date

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In the recent case of Cromwell v. Ward, 102 Md. App. 691 (1995), the Court of Special Appeals comprehensively examined Section 307. The Court discussed the standards set forth therein and noted that the property must bear some unique characteristic in order for variance relief to be granted.

Although this property is somewhat unique when compared to other D.R. 5.5 tracts throughout the County, it is not unique when compared to other properties in the immediate locale. As shown on the site plan, most all of the lots in the vicinity of this site which abut the Patapsco River are quite deep and narrow. I am unconvinced that the Petitioner has demonstrated that the property contains such unique characteristics as to satisfy the requirements set forth in Cromwell v. Ward. Thus, the Petition for Variance as it relates to the 50-foot lot width must be denied.

As to the other variance, however, same should be granted. This variance is requested to legitimize existing conditions on the property. In examining the testimony and evidence offered with regard to this variance, I am satisfied that the requirements of Section 307.1 and the case law have been met.

It should be noted that the Petitioner may still yet obtain approval to construct the proposed dwelling, notwithstanding my denial of the variance relief sought herein. Upon preliminary examination, it appears that the Petitioner may qualify for approval to construct the proposed dwelling under Section 304 of the B.C.Z.R. That Section governs construction of single family dwellings on lots which are insufficient in area, or, as is the case here, lack the proper width. A three-part test is laid out in that Section which the Petitioner must satisfy. Although the issues before me in the instant case did not relate to the requirements

ORDER RECEIVED FOR FILING

Date

By

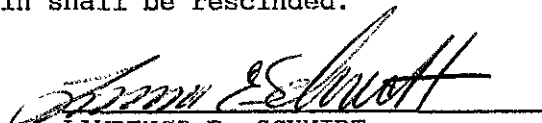
of Section 304.1 of the B.C.Z.R., it appears that the Petitioner might comply with those standards. If compliance with Section 304.2 of the B.C.Z.R. is found to be met, the Petitioner may then seek relief pursuant to those provisions. However, those standards are not before me at this time, and I must decline to evaluate them within this opinion.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of October, 1995 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 0 feet in lieu of the required 55 feet, for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8 feet in lieu of the minimum required 10 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 30, 1995

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
N/S Bay Front Road, 450' E of Lincoln Avenue
(7413 Bay Front Road)
15th Election District - 7th Councilmanic District
Joseph C. Nowakowski - Petitioner
Case No. 96-40-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Joseph C. Nowakowski
7413 Bay Front Road, Baltimore, Md. 21219

Mr. Chris Wojcik
7415 Bay Front Road, Baltimore, Md. 21219

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

People's Counsel; DEPRM; Case File

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

7413 Bay Front Road

which is presently zoned

DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C 1 to allow a lot width of 50 ft in lieu of the required 55 ft and to allow an existing 8 ft sideyard setback in lieu of 10 ft and any other remaining variances as may be deemed necessary.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Topography of the property
2. Configuration of the property
3. and such other and further reasons as may be deemed necessary at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, 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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner: Benjamin Bronstein
Evans, George and Bronstein
(Type or Print Name)

Signature

20 W. Susquehanna Ave., Suite 205
Address Phone No. 296-0200
Baltimore, Maryland 21204
City State Zipcode

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.

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

7413 Bay Front Road 410-477-4035
Address Phone No

Baltimore Maryland 21219
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Michael J. Ertel, P.E.
Name

6012 Falkirk Rd., Balto., MD 21239
Address (410) 323-8219 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

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ORDER RECEIVED FOR FILING

Date

By

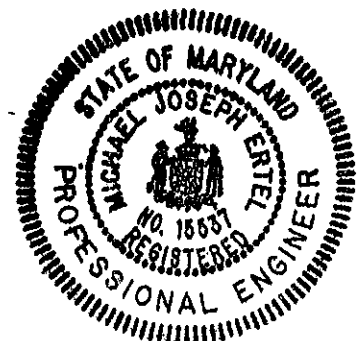
23

**DESCRIPTION OF PROPERTY KNOWN AS
7413 BAY FRONT ROAD**

BEGINNING AT A POINT on the north side of Bay Front Road approximately 450 feet east of Lincoln Avenue and running along the north side of Bay Front Road (1) North 87 degrees 02 minutes East 50.73 feet and thence running along the westernmost line of the land of Christopher R. and Linda S. Wojcik as recorded in the land records of Baltimore County in Liber 8116, Folio 289 2) South 06 degrees 47 minutes West 560.81 feet and thence running along Old Road Bay (3) South 88 degrees 48 minutes 22 seconds West 50.11 feet and thence along the easternmost line of the land of William Albert Cremen as recorded in the land records of Baltimore County in Liber 7849, Folio 3 (4) North 06 degrees 47 minutes East 559.22 feet to the Place of Beginning

BEING THE SAME lot of ground recorded in the land records of Baltimore County in Liber 1455, Folio 462 containing approximately 0.64 acres of land more or less.

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Michael J. Ertel
23 6/30/95

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Township, Maryland

90-40-17

District 15th Date of Posting 8/15/95
Posted for: Variance
Petitioner: Joseph Nowakowski
Location of property: 7413 Bay Front Rd.
Location of Signs: Facing road way for property being zoned
Remarks: _____
Posted by M. H. H. H. Date of return: 9/1/95
Signature
Number of Signs: 1

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old

Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-40-A
(Item 23)
7413 Bay Front Road
N/S Bay front Road, ap-
proximately 450' E of
Lincoln Avenue
15th Election District
7th Councilmanic
Legal Owner(s):
Joseph C. Nowakowski
Hearing: Thursday,
September 14, 1995 at
9:00 a.m. in Rm. 118, Old
Courthouse.

Variance to allow a width of 50 feet in lieu of the required 55 feet and to allow an existing 8-foot side yard setback in lieu of 10 feet and any other remaining variances as may be deemed necessary.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
8/136 Aug. 10.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug. 11, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug. 10, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

I HEREBY CERTIFY that on this 11 day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

AUG 14 1995

DEPT. OF PERMITS & LICENSES
OF BALTIMORE COUNTY

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 075650

DATE 11/29/95 ACCOUNT C001-7120

AMOUNT \$ 310.00

RECEIVED FROM: Benjamin Bronstein, Esq.

FOR: Petition for Variances
7413 Bay Front Road

DISTRIBUTION WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 003642

DATE 19 July 95 ACCOUNT R-001-6150
96-40-A
AMOUNT \$ 85.00

RECEIVED FROM: EVANS, George + Bronstein

FOR: Nowakowski 7413 Bay Front Rd
DIAG1#0025MICHRC #23
#003:47PM07-19-95 \$25.00

DISTRIBUTION WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-40-A

District 1508

Date of Posting 12/17/95

Posted for: Appeal

Petitioner:

Location of property: 7413 Bay Front Rd.

Location of Signs: Facing road way at entrance to property

Remarks:

Posted by M. Kelly
Signature

Date of return: 12/22/95

Number of Signs: 1

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95 FEB -1 10:57

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

96-40-1

District _____

Date of Posting

1/29/96

Posted for: _____

R. Posted

Petitioner: _____

Location of property: _____

7413 Bay Front Rd

Location of Signs: _____

Facing road way on property being appealed

Remarks: _____

Posted by _____

M. Shady
Signature

Date of return: _____

2/1/96

Number of Signs: _____

1

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Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 9, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-40-A (Item 23)

7413 Bay Front Road

N/S Bayfront Road, approximately 450' E of Lincoln Avenue

15th Election District - 7th Councilmanic

Legal Owner: Joseph C. Nowakowski

HEARING: THURSDAY, SEPTEMBER 14, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to allow a lot width of 50 feet in lieu of the required 55 feet and to allow an existing 8-foot side yard setback in lieu of 10 feet and any other remaining variances as may be deemed necessary.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon

Director

Department of Permits and Development Management

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 9, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-40-A

JOSEPH C. NOWAKOWSKI -Petitioner
N/s Bay Front Road, 450' E of Lincoln Avenue
(7413 Bay Front Road)
15th Election District
7th Councilmanic District

VAR -To permit lot width of 50' in lieu of req'd 55'; to permit existing side yard setback of 8' in lieu of min. req'd 10'.

10/30/95 -Z.C.'s Order in which Petition for Variance is DENIED.

ASSIGNED FOR: TUESDAY, MAY 28, 1996 at 10:00 a.m.

cc: Benjamin Bronstein, Esquire Counsel for Appellant /Petitioner
Joseph C. Nowakowski Appellant /Petitioner
R. Mark Davis

Chris Wojcik Protestant

Chesapeake Bay Critical Areas
Commission
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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Kathleen C. Bianco
Administrative Assistant





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

May 28, 1996

NOTICE OF DELIBERATION

Having concluded this case on May 28, 1996, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

JOSEPH C. NOWAKOWSKI -Petitioner
CASE NO. 96-40-A

DATE AND TIME : Thursday, June 27, 1996 at 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

cc: Benjamin Bronstein, Esquire Counsel for Appellant /Petitioner
Joseph C. Nowakowski Appellant /Petitioner
R. Mark Davis

Francis X. Borgerding, Esquire Counsel for Protestant
Chris Wojcik Protestant

Chesapeake Bay Critical Areas
Commission
People's Counsel for Baltimore County
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

Copied: R.C.B.

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Baltimore County
Department of Permits and
Development Management

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

September 6, 1995

Benjamin Bronstein, Esquire
Evans, George and Bronstein
29 W. Susquehanna Ave., Suite 205
Towson, Maryland 21204

RE: Item No.: 23
Case No.: 96-40-A
Petitioner: J. C. Nowakowski

Dear Mr. Bronstein:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 19, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

7-28-96

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

RE: Baltimore County
Item No. 023 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/31/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JULY 31, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 17, 18, 19, 20, 21, 22,
23, 24, 25 AND 27.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

RECEIVED

AUG 1 1995

ZADM

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Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: August 9, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 7413 Bay Front Road

INFORMATION:

Item Number: 23

Petitioner: Joseph C. Nowakowski

Property Size: _____

Zoning: DR-5.5

Requested Action: Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a lot width of 50' in lieu of the required 55' and to allow an existing 8' sideyard setback in lieu of 10' and any other remaining variances as may be deemed necessary.

The Office of Planning does not support the applicant's request because the lot is too narrow to accommodate an additional house, as evidenced by the instant request. As previously stated in a letter dated October 26, 1994 (see attached) to the applicant's engineer in reference to the subject property, subdivision (or in this case the construction of an additional home on a single lot) would be incompatible with the surrounding neighborhood and detrimental to the community.

In addition, staff can find no reason why this lot is unique since many other lots in the area and most of the lots along Bay Front Road are long and narrow. Therefore, there appears to be no justification which would enable the applicant to satisfy the requisite burden of ~~proof~~.

proof.

Prepared by: _____

Jeffrey W. Long

Division Chief: _____

Gary L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 7, 1995
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief
Development Plan Review Division

RE: Zoning Advisory Committee Meeting
for August 7, 1995
Item No. 023

The Development Plan Review Division has reviewed the subject zoning item. A panhandle lot shall include an in-fee strip of land providing access to the local street. The panhandle fee strip shall be a minimum of 20 feet in width to serve one lot. The panhandle driveway shall be built in accordance with Dept. of Public Works Standard Plate R-47.

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 developments.

In all cases the lowest floor of any building must be elevated 1 foot above the 100-year frequency tidal elevation as defined by the Federal Emergency Management Agency, Flood Insurance Administration's Flood Insurance Study.

RWB:sw

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director August 15, 1995
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP/pms*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #23 - Nowakowski Property
7413 Bay Front Road
Zoning Advisory Committee Meeting of July 31, 1995

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

Environmental Impact Review

1. Redevelopment of the property, which is in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area, is limited to 15% impervious surface. Current impervious surfaces equal 4146 square feet or 14.8%, thus leaving approximately 36 square feet for future use. The proposed project (building a house on the same lot for a grandson) must include the removal of impervious surface as shown on the Zoning Petition site plan.
2. The applicant must apply for a special hearing to show a new line of demarcation on the lot or go through the minor subdivision process.

JLP:KK:sp

c: Joseph Nowakowski

NOWAKOWS/DEPRM/TXTSBP

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Baltimore County Government
Office of Planning and Zoning



401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

October 26, 1994

Mr. Michael J. Ertel
6012 Falkirk Road
Baltimore, MD 21239

Dear Mr. Ertel,

Thank you for the opportunity to discuss the site proposal for the "Mark Davis Property" with our office. I apologize for the delay in responding in writing to you, but this issue became more complicated than we originally thought.

As a result of your situation and other issues involving waivers, the County has been reevaluating its waiver procedure. Last week, it was decided that waivers to the panhandle regulations will not be decided by the Development Review Committee, but rather by the Zoning Commissioner at a Special Hearing. Your client may wish to reapply for a waiver under this procedure and Mr. Donald Rascoe of Zoning Administration and Development Management can provide you with the relevant information.

It also appears that this subdivision may require a variance from the Baltimore County Zoning Regulations which require a minimum lot width of 55 feet in a DR 5.5 zone. This variance hearing may be done in conjunction with the Special Hearing on waivers.

Please be advised, however, that our Office would not support the subdivision of this property. The lot is too narrow to accommodate further subdivision, as evidenced by the inability to meet minimal county regulations. It is our opinion that the resulting subdivision would be incompatible with the surrounding neighborhood and would be detrimental to the community.

If you have any questions about the processes, please contact Mr. Jake Morsey at 887-3211.

Sincerely,

A handwritten signature in dark ink, appearing to read "Andrea Van Arsdale".

Andrea Van Arsdale
Chief of Strategic Planning Division

AVA:rdn

cc: Don Rascoe

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**PETITION PROBLEMS
AGENDA OF JULY 31, 1995**

#18 --- JJS/MJK

1. Receipt not given to petitioner; still in folder.

#20 --- JRA

1. Folder not marked "critical area".
2. No zoning indicated on petition form.

#23 --- CAM

1. Receipt not given to petitioner; still in folder.
2. Folder not marked "critical area".
3. No review information on bottom of petition form.

#24 --- JLL

1. Folder says RC-5; petition says RC-4. Which is correct?

#25 --- JCM

1. Notary section is incorrect.

#26 --- CAM

1. Receipt not given to petitioner; still in folder.
2. No telephone number for legal owner.
3. No review information on bottom of petition.

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Baltimore County
Department of Permits and
Development Management

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

November 30, 1995

Mr. Chris Wojcik
7415 Bayfront Road
Baltimore, Maryland 21219

RE: Petition for Variances
N/S Bay Front Road,
450' E. of Lincoln Avenue
(7413 Bay Front Road)
15th Election District
7th Councilmanic Distric
Joseph C. Nowakowski-Petitioner
Case No. 96-40-A (Item No. 23)

Dear Mr. Wojcik:

Please be advised that an appeal of the above-referenced case was filed in this office on November 28, 1995 by Benjamin Bronstein, Esquire, on behalf of Joseph C. Nowakowski, Petitioner. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the word "Sincerely,".

ARNOLD JABLON
Director

AJ:bb

cc: People's Counsel

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APPEAL
PETITION FOR VARIANCES
N/S Bay Front Road, 450' E of Lincoln Avenue
(7413 Bay Front Road)
7th Election District - 15th Councilmanic District
Joseph C. Nowakowski - Petitioner
Case No. 96-40-A (Item No. 23)

Petition for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Council

Zoning Committee Advisory Comments

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet

Petitioner's Exhibits - 1 - Plat to Accompany Petition,
dated June 16, 1994
1A - Colored Plat, dated August 16, 1994
2 - Photographs of Subject Property
3 - Photographs of Subject Property
4A - Plat with Signatures in Support of Petition
4B - List of Residents in Support of Petition
5 - Plat of Lodge Forest, dated March 29, 1929
6 - Plat of Subject Property,
dated April 10, 1935
7 - Photograph of Subject Property

Copy of letter from Chris Wojcik to Gary Kearns, Baltimore County
Planning Office, dated June 15, 1994

Copy of Letter from Chris Wojcik to Gary Kearns, Baltimore County
Planning Office, dated August 23, 1994

Letter from Chris Wojcik to Lawrence E. Schmidt,
Zoning Commissioner, dated September 15, 1995

Zoning Commissioner's Order dated October 30, 1995 (Denied)

Notice to enter Appeal from Benjamin Bronstein, Esquire, on behalf of
Joseph C. Nowakowski, Petitioner, dated November 28, 1995

cc: Benjamin Bronstein, Esquire, 205 Susquehanna Building, 29 West
Susquehanna Avenue, Towson, Maryland 21204
Chris Wojcik, 7415 Bay Front Road, Baltimore, Maryland 21219
Joseph C. Nowakowski, 7413 Bay Front Road,
Baltimore, Maryland 21219
Chesapeake Bay Critical Areas Commission, 45 Calvert Street,
2nd Floor, Annapolis, Maryland 21401
People's Counsel for Baltimore County, M.S. 2010

Request Notification: Arnold "Pat" Keller, Director, Planning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

RECEIVED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 30, 1996

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

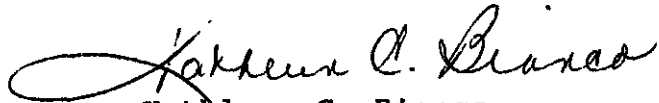
RE: Case No. 96-40-A
Joseph C. Nowakowski -Petitioner

Dear Mr. Bronstein:

The Board is in receipt of your letter of January 29th in which you request a hearing date in late March or early April 1996 for the subject matter.

At this time, there are no hearing days open during the time you have specified. However, should an earlier date become available during that period, consideration will be given to granting your request.

Very truly yours,


Kathleen C. Bianco
Administrative Assistant

cc: Mr. R. Mark Davis
Mr. Chris Wojcik
People's Counsel for Baltimore County

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2/09/96 -Notice of Assignment for hearing scheduled for Tuesday,
May 28, 1996 at 10:00 a.m. sent to following:

Benjamin Bronstein, Esquire
Joseph C. Nowakowski
R. Mark Davis
Chris Wojcik
Chesapeake Bay Critical Areas
Commission
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

5/28/96 -Hearing concluded before; to be scheduled for public
deliberation. (R.C.B.)

5/28/96 - Notice of Deliberation sent to parties; scheduled for public
deliberation on Thursday, June 27, 1996 at 9:30 a.m.; copy of
Notice to R.C.B.

6/27/96 -Public deliberation held; requested variance for lot width of
50' ilo 55' to be DENIED; Order to be issued; appellate period to
run from date of issuance of written Order. (R.B.C.)

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COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Joseph C. Nowakowski -Petitioner
Case No. 96-40-A

DATE : June 27, 1996 @ 9:30 a.m.

BOARD /PANEL : Robert O. Schuetz (ROS)
Harry E. Buchheister, Jr. (HEB)
Charles L. Marks (CLM)

SECRETARY : Kathleen C. Bianco
Legal Administrator

Those present at this deliberation Benjamin Bronstein, Esquire, on behalf of Appellant /Petitioner; and Francis X. Borgerding, Esquire, on behalf of Protestant, Chris Wojcik. People's Counsel did not participate in these proceedings.

ROS: Good morning, everyone. We are here this morning to deliberate Case No. 96-40-A, Joseph C. Nowakowski, Petitioner. Petition is for a variance for an undersized lot.

Variances fall under Section 307.1 of the Baltimore County Zoning Regulations, and as everyone here is well aware, we have some guidance in the Court as to how the Board is to view such cases in light of recent case law in Cromwell v. Ward. 307.1 reads as follows (this is for the benefit of the folks in the audience):

"The zoning commissioner of Baltimore County and the county board of appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the zoning regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street paring, or sign regulations, and only in such manner as to grant relief without

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injury to public health, safety, and general welfare. They shall have no power to grant any other variances. Before granting any variance, the zoning commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the zoning commissioner or the county board of appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The instant case involved a property very close to waterfront. We have seemingly unusual shaped property given its depth. But as was pointed out during examination and cross of witnesses of nearby properties, the area is replete with properties which are 50 feet wide, all of which are generally oblong in shape, given that the depth is the direct result of the shape of the subdivision, as well as the irregular shape of the waterfront. I find nothing unique about this particular property, and therefore, according to Cromwell v. Ward, the tests shall stop there.

However, in light of the other requirements of 307.1, regardless of what Cromwell says, and I think it goes too far in some cases, I do want to at least examine practical difficulty and unreasonable hardship. In my view, given the conditions of the property, that being the existing right-of-way which is a utility right-of-way, does not constitute practical difficulty. The condition of "what if" --if Iroquois Avenue were extended-- is not at issue here; it's not a "what if" situation. Given set of constraints and circumstances which are in a "what if" situation, extension of Iroquois Avenue, is that the right-of-way does exist. However, the property owner does and has enjoyed the use of his property for several years, and so I see no practical difficulty or unreasonable hardship. Even if it were unique, I would deny the variance on the grounds of no practical difficulty.

HEB: Repeating some of the things we have just heard in order to bring out my thoughts, I will review some of these matters Mr. Schuetz has covered. Among the zoning regulations that direct us in variance is 307.1, which we just heard. To paraphrase the section -- a variance may be granted where strict compliance will result in an unreasonable hardship. Also, Section 304.1 stipulates that a one-family detached dwelling may be erected on a lot having an area or width less than the

required 55' if such a lot was recorded by deed prior to 1955; all of the requirements of height and area are complied with; and the owner does not have sufficient adjoining land to conform to the width requirement.

In reading 304.1, I am cognizant that the subject lot has an existing dwelling on the 50' x 560' parcel, but I presume that on such an unusually long property, as Mr. Nowakowski's site, another dwelling could be appropriately placed with consideration of the existing structures in the neighborhood, as stated in Section 304.2a. Most important, perhaps, in this appeal for a variance, is the standard of Cromwell v. Ward, which requires a finding that the property whereon structures are to be placed is in and of itself unique or unusual in a manner different from the nature of surrounding properties, and uniqueness and peculiarity of the property causes the zoning to impact disproportionately upon that property.

Being fairly familiar with the Lodge Forest area of Edgemere in several cases which we have had here on similar 50-foot lot variance requests, the many 50-foot lots were platted many years ago; it was still surprising for me to learn of several properties, testimony indicated a lot of properties, as long as 550' and more than 20,000 sq. ft. in area, such as Cremins, Nowakowski and more. The lots along Bay Front Road vary in width, but are generally 560' long. Of the 1,000 lots or so in Lodge Forest, Michael Ertel, C.E., testified that probably only several could actually support a second home. The creation of these unusually long lots years ago was determined when a road continuation dividing the platted area of most of the lots -- the road was not continued to natural dimensions because of obstruction. Consequently, the decision left a few properties, particularly those of this case, unusual in dimension and area. Mr. Ertel testified, and was recognized as an expert in this case; was asked whether there was anything unique or unusual about the subject property, and he replied -- yes, the lot is 550' in length; that the impact of the zoning law was unfair with only several lots of this dimension, and it makes them unique. They were created prior to the zoning regulations, and with acreage that could support, in some cases, three homes, and it was in the spirit and intent of 304, according to Mr. Ertel.

Mr. Wojcik has a similar lot and enjoys waterfront rural setting. Concerns -- positioning of proposed house on Mr. Nowakowski's property and the effect on his property values and his enjoyment. His real estate appraiser opined that the proposed construction would diminish the value.

Mr. Griffith had no recent sales to refer to as comparable

properties for this unusually lengthy property. But he had a long experience and knowledge of the area and land values and as proffered, he is someone to be carefully listened to, even though in this matter of appraising property, he had nothing to go on. As with Mr. Nowakowski, who wishes to provide a building site for his grandson on land where he has lived for 50 years, it might be reasonable to expect that others with unusually lengthy property and land area available would do the same. I view this as a positive and natural eventuality for a parent to aspire to. In this matter it appears to me that, under Cromwell v. Ward, the Nowakowski's and each, not just the one property, but each of the similarly dimensioned parcels on Bay Front Road is in and of itself unique and unusual in a manner far different from the nature of the surrounding properties of the community. This peculiarity of a lot almost two football fields in length limited to but one dwelling is a zoning regulation that impacts with extreme disproportion upon Mr. Nowakowski and others with similar lots. I think the variance should be granted.

CLM: First of all, I would like to express my thanks to counsel on both sides of the aisle and comment that I took considerable time in reviewing the testimony produced, evidence and exhibits, and my own notes. I took great pains to review, per Mr. Bronstein, to read Cromwell v. Ward.

307 of the BCZR indicates that a variance can only be granted when special circumstances or conditions exist peculiar to the land or structure which is the subject of the variance, and where strict compliance would result in practical difficulty or unreasonable hardship. Cromwell v. Ward requires that the property is in and of itself unique or unusual in a manner that is different from the nature of surrounding properties such that uniqueness or peculiarity cases the zoning provision to impact disproportionately upon that property.

Unless the Board can find findings that the property is unique or different, the process must stop at that point, and the variance denied, without consideration of practical difficulty or unreasonable hardship.

North v. St. Mary's County set forth the criteria; the question by the Board is: based upon the evidence, testimony and exhibits, is the property in question unique or unusual. For zoning purposes, the subject property must have inherent characteristics not shared by other properties in the area. While it is admirable for the Petitioners to desire to build a second dwelling, care and consideration must be exercised by the Board of Appeals to guard the intent and spirit of the zoning regulations to justify granting of a variance. The

case in hand, based upon the facts and testimony and evidence, the variance must be denied. The vast majority of properties in this area have lot restrictions -- while the lot is long in length and must be considered somewhat unusual, the shape and size is present in other neighboring properties; not unusual.

Having found no significant or unusual characteristics, the variance request stops here; ending consideration of practical difficulty or unusual hardship.

HEB: In looking at Cromwell v. Ward, I felt that the uniqueness has applied to several lots. I know Cromwell, if you read it -- in and of itself the lot. Other lots are similar, so therefore, it does not meet the standards set by Cromwell v. Ward. But, I think it's a zoning error that this loss falls disproportionately on someone with five children. But to deny these property owners, not just Mr. Nowakowski but others who, over all these years, have had this very lengthy property to accumulate leaves, hard work, assessment and so forth -- and have no use for it. I'm familiar with a person who has 400 foot lot -- I think it's 559 ft. It's Mr. Wojcik, I think, who testified that he's got a very rural setting; a forest lane to get to his house. But it's still a matter, I think, of unfairness that someone who has this land -- the law is what it is -- but therefore I guess I have to concur with my fellow Board members here that the uniqueness is not there. And yet I would sure like to say that any lot of that dimension is unique.

ROS: In my earlier remarks, I indicated that I believe that Cromwell v. Ward goes a little too far. I think what Mr. Buchheister has indicated in his first round of remarks, that these three particular properties may be seen to be jointly unique, that's where I think Cromwell goes a little bit too far. However, it's not for this Board to decide that particular matter, given the guidance the Courts have provided. The plain reading of the language, which is why I read it earlier, says that conditions exist that are peculiar to the land or structure which is the subject of the variance request. We have a request for one property. It's that very language, in light of Cromwell, which causes me to believe that there is no uniqueness.

And so, I would agree with the comments of Mr. Buchheister earlier that there is uniqueness to these three properties jointly and severally, but that in light of Cromwell, 307.1 precludes us from making a finding that they are unique. And I also think that it is an admirable position to take. I think we are all too quick to condemn our familial situations in favor of what is quickest and easiest -- and I think that

Deliberation /Joseph C. Nowakowski /96-40-A

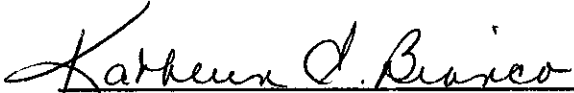
what Mr. Nowakowski wishes to do for his family is beyond admirable. It is unique in this day and age, and I wish we had better news for you, Mr. Nowakowski.

However, the fact remains that we have a 50-foot lot; it's not unique. The one thing I don't waiver on is that there is no practical difficulty because you have enjoyed use of the property for so many years. I suspect that setting and access to the water, when the property was first purchased, was a basis of the decision, and not that 50 years later you would be hoping to grant something in the use to your grandchildren. And so, the practical difficulty issue goes pretty much with ownership of property, and so I don't think that, in light of Cromwell, as well as the length of time that you have owned the property, enjoyment and so forth, there is any practical difficulty here.

I think we are unanimous. It's just a question of language that's to be provided as dicta which may illustrate how we feel about this particular case in light of Cromwell, and I guess that concludes the matter for today.

* * * * *

Respectfully submitted,


Kathleen C. Bianco
Legal Administrator

RE: PETITION FOR VARIANCE
7413 Bay Front Road, N/S Bay Front Road,
appx. 450' E of Lincoln Avenue, 15th
Election District, 7th Councilmanic

Joseph C. Nowakowski
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-40-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

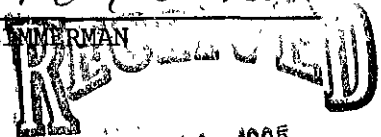
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



AUG 14 1995

MICROFILMED

DEPT. OF PERMITS & LICENSES
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 10, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe *WR*
County Board of Appeals

SUBJECT: Closed Files: Case Nos.
95-366-A /Carroll Coleman, et ux (12th; 7th)
96-24-A /Thomas Kreiner, Jr., et ux (15th; 5th)
96-31-SPH /Stephen Seymour (3rd; 2nd)
96-40-A /Joseph C. Nowakowski (15th; 7th)
96-63-A /Joseph E. Neet, et ux (13th; 1st)
96-118-SPHXA /Rocky Gorge at Grey Rock, L.P. and
Rocky Gorge Communities, Inc., G.P. (3rd; 2nd)
96-120-SPHA /Richmond American Homes and
Ruby Holzapfel, et al (2nd; 2nd)
CBA-95-178 /Steinberg Property (DRC #07315M)
CBA-96-113 /Samuel Owings House (Permit #B240689)

As no further appeals have been taken regarding the subject cases, we are hereby closing the files and returning same to you herewith.

Attachments (Case File Nos. 95-366-A; 96-24-A; 96-31-SPH; 96-40-A;
96-63-A; 96-118-SPHXA; 96-120-SPHA; CBA-95-178; CBA-96-113)

MICROFILMED

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL

CONSTANCE K. PUTZEL
OF COUNSEL

January 29, 1996

Ms. Kathleen C. Bianco
Board of Appeals for Baltimore County
Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Variance
N/S Bay Front Road, 450' E. of
Lincoln Avenue (7413 Bay Front Road)
15th Election District
7th Councilmanic District
Joseph C. Nowakowski - Petitioner
Case No.: 96-40-A (Item No.: 23)

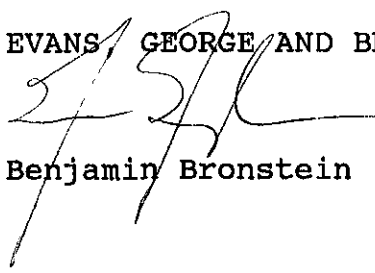
Dear Ms. Bianco:

An appeal in the above matter was filed on November 28, 1995. I would appreciate your setting this case in for hearing if you have an opening in the last week of March, 1996 or the first two weeks in April, 1996.

Thank you for your assistance in this matter.

Very truly yours,

EVANS, GEORGE AND BRONSTEIN


Benjamin Bronstein

BB/mlg

cc: Mr. R. Mark Davis

MICROFILMED

FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

*Member of Maryland and
District of Columbia Bar*

May 28, 1996

County Board of Appeals of Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Variance
N/S Bay Front Road, 450' E of Lincoln Avenue
(7413 Bay Front Road)
15th Election District - 7th Councilmanic District
Joseph C. Nowakowski - Petitioner
Case No.: 96-40-A

Gentlemen/Ladies:

Please enter the appearance of undersigned counsel on behalf
of the Protestants, Christopher and Linda Wojcik regarding the
above-captioned matter.

Thank you very much for your cooperation.

Very truly yours,



FRANCIS X. BORGERDING, JR.

FXBJr:bjk
cc: Mr. and Mrs. Christopher Wojcik

MICROFILMED

CA

June 15, 1994

7415 Bayfront Road
Baltimore, MD 21219

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Baltimore County Planning Office
401 Bosley Avenue
Suite 406
Towson, MD 21204
Attn: Gary Kerns
Division Chief

Re: 7413 Bayfront Road*
Davis Property
Minor Subdivision

Dear Mr. Kerns:

This letter addresses our concerns regarding the proposed minor subdivision and construction of a dwelling on a lot adjacent to our residence at 7415 Bayfront Rd.

The current resident of 7413 Bayfront maintains a dwelling centered on a 50' wide by 600' long lot and proposes to build between the existing dwelling and the waterfront.

Due to this 50' width, the lot is undersized for the proposed construction. We are concerned that this action would diminish the value of our house because of the crowding front-to-back of two houses on the waterfront side of the property, creating a non-uniform density situation compared to adjacent properties.

Further, there are outbuildings that exist between the existing and proposed dwellings. It was also inferred by the current owner that when his existing dwelling is passed on to his family upon his death, his current dwelling as a rental property would help supplement the income of his grandchildren.

It is the possibility of the existing dwelling becoming a future rental property that also concerns us from the standpoint of maintaining the integrity of the existing neighborhood.

MICROFILMED

Mr. Gary Kerns
June 15, 1994
Page Two

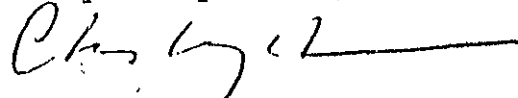
A similar situation where two dwellings were to be constructed on a single waterfront parcel came up for 7505 Iroquois Avenue in the same neighborhood on the same waterfront. It was ruled that the existing dwelling, in the event of any new waterfront construction, could not be used as a dwelling for rental or any other purpose.

Access to the rear most lot by emergency vehicles would be tenuous at best regarding turnaround area requirements for fire engines. It is especially frightening to think that in the event of a fire a vehicle or other impediment left in the narrow pass-through driveway past the existing dwelling could impede access by a fire engine.

The environmental aspects of the new construction include the amount of paving and driveways necessary for access exceeding the 15% impervious surface limit. There is a fairly steep downslope leading to the waterfront which should be considered in final determination of the width for the critical area buffer zone.

Because of the geometry of the existing lot and the myriad of problems brought about in making it different from adjacent properties, we request that a permit to build on the niche between the existing property and the waterfront be denied.

Very Truly Yours,



Chris Wojcik

CW:hcb

cc: Mr. Irvin McDaniel
Ms. Patty Beere
ZADM: Mr. Arnold Jablon
Mr. Curt Kugelburg
Mr. Don Rasco
Public Works
Mr. Bob Bowling
DEPRM: Mr. James Dieter
Glen Schaefer
Nancy Pentz
Eldon Gemmill

MICROFILMED

7415 Bay Front Road
Baltimore, MD 21219

September 15, 1995

Mr. Lawrence E. Schmidt
Zoning Commissioner
Room 112
Old Courthouse
Towson, MD 21204

Re: 7413 Bay Front Road
Davis Property
Case No. 96-40-A

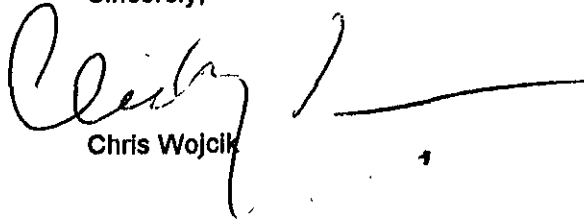
Dear Mr. Schmidt:

Attached please find our letter dated June 15, 1995, which addresses the concern brought forward at that time in regards to the above case.

As discussed in yesterday's meeting, we have been addressing these concerns for some time, and this correspondence will confirm that indeed, the Planning Meeting on August 22, 1994 did take place and the request for the zoning change was denied at that time.

Thank you for your review and consideration. If you have any questions, please contact Chris or Linda at (410) 388-0864.

Sincerely,



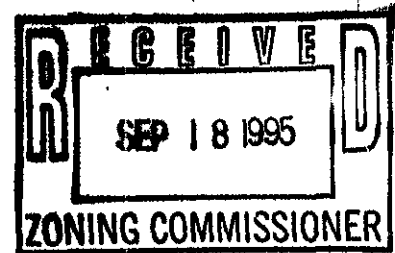
Chris Wojcik

CW:hcb

MICROFILMED

- Fax Cover Sheet -

Date: 9/15/95
Pages: 4 + cover
To: Lawrence Schmidt
Fax Phone: 887-3468
From: Chris Wojcik
Subject: Case No. 96-40-A



MICROFILMED

- Fax Cover Sheet -

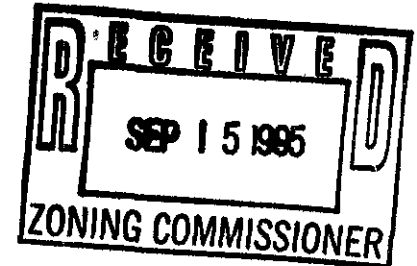
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MICROFILMED

7415 Bay Front Road
Baltimore, MD 21219

September 15, 1995

Mr. Lawrence E. Schmidt
Zoning Commissioner
Room 112
Old Courthouse
Towson, MD 21204



Re: 7413 Bay Front Road
Davis Property
Case No. 96-40-A

Dear Mr. Schmidt:

Attached please find our letter dated June 15, 1995, which addresses the comment brought forward at that time in regards to the above case.

As discussed in yesterday's meeting, we have been addressing these concerns for some time, and this correspondence will confirm that indeed, the Planning Meeting on August 22, 1995 did take place and the request for the zoning change was denied at that time.

Thank you for your review and consideration. If you have any questions, please contact Chris or Linda at (410) 388-0864.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Wojcik".

Chris Wojcik

CW:hcb

MICROFILMED

August 23, 1994

7415 Bay Front Road
Baltimore, MD 21219

Mr. Gary Kearns
Baltimore County Planning Office
401 Bosley Avenue
Suite 406
Towson, MD 21204

Re: Mark Davis Property
7413 Bay Front Road
Baltimore, MD 21219

Dear Gary:

In follow-up to the meeting held Monday, August 22, 1994 in Room 301 of the County Office Building at 1:30 p.m., we understand that the North Property Division 94CV5 was the basis for a decision for not granting a waiver for a panhandle.

At your convenience, please send a copy of this decision to my attention at the above address.

We are very much appreciative and supportive of your decision and would appreciate hearing from your department should there be any indication of legal attempts to overturn this decision for the above subject property

Very Truly Yours,

Chris Wojcik

CW:hcb

MICROFILMED

1519-1994 12:07

PLK PROCESS EOT

14103881438

P.04

June 15, 1994

7415 Bayfront Road
Baltimore, MD 21219

A L
CLT REQUESTED

CEC County Planning Office
Perry Avenue
Baltimore, MD 21204
Gary Kerns
Division Chief

Re: 7413 Bayfront Road
Davis Property
Minor Subdivision

The letter increases our concerns regarding the proposed subdivision and construction of a dwelling on a lot adjacent to the existing dwelling at 7415 Bayfront Rd.

The current resident of 7413 Bayfront maintains a dwelling on a 50' wide by 600' long lot and proposes to build a new dwelling on the existing dwelling and the waterfront.

Because of which, the lot is undersized for the proposed subdivision. We are concerned that this action would result in a crowded house because of the crowding front-to-back on the waterfront side of the property, creating a poor quality situation compared to adjacent properties.

There are outbuildings that exist between the proposed dwellings. It was also stated by the applicant that when his existing dwelling is passed on to his son, he will have his current dwelling as a rental property and the income of his grandchildren.

The proximity of the existing dwelling becomes a concern as from the standpoint of the existing neighborhood.

MICROFILMED

~~PROTESTANT(S) SIGN-IN SHEET~~

ADDRESS

NAME
 Lyanna Fungster
 Richard Mark Davis
 Suzanne Regina Davis
 Joseph C. Narkowski
 Michael J. Estes

9205 29 W Seengehanna Ave 21204
7904 Riverdale Ave. Balto. MD 21237
~~7904~~ Riverdale Ave Balto Md 21237
7413 Bay Front Rd. Balto. 21219
6012 Falkirk Rd Balto 21239

MICROFILMED

PLEASE PRINT CLEARLY

PROTESTANTS

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

CHARUS WOJCIV

7415 BAYFRONT RD.

MICROFILMED

IMPORTANT MESSAGE

TO Char

DATE 1/26 TIME 3:30 A.M. ☒ P.M. ☐

M Mark Davis

OF _____

PHONE 391-6780 WORK _____
Area Code Number Extension

FAX _____

TELEPHONED	PLEASE CALL	☒
CAME TO SEE YOU	RETURNED YOUR CALL	☐
WANTS TO SEE YOU	WILL CALL AGAIN	☐
WILL FAX YOU	URGENT!	☐

Message Someone stole sign (going)
in front of his
grandfather's house
- Joseph Nowakowski
96-40-A. 477-4035

Signed CAVER
WALT TO REPOST
MICROFILMED perist
1/29/96

Sorry - I forgot
 to give to you, C.

Case No. 96-40-A

Joseph C. Nowakowski - Petitioner

N/s Bay Front Road, 450' E of Lincoln Ave.
 (7413 Bay Front Road)

7th E.D.

Appealed 11/28/95

CALLED WALT TO REPOST
 SIGN STOLEN PER P.O. 1/26/96

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Exhibits

Petitioner

- ① June 16th 1994 Plat
- ①a ~~Colored Plat~~ ~~Development Plan~~
- ② View of Subject Property → from Water
- ③ View Eastward Along Water → Toward Wojcik Prop.
- ④a Plat w/ Signatures in Support of Variance
- ④b Type written list of Signatures
- March, 1929 ⑤ Plat of Lodge Forest
- ⑥ April 10, 1935 → Plat w/ Subject Property
- ⑦ View west to Bethlehem Steel

Protestants

NONE

MICROFILMED

Baltimore County Government
Office of Planning and Zoning



401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

October 26, 1994

Ext. Ertel #1

Mr. Michael J. Ertel
6012 Falkirk Road
Baltimore, MD 21239

Dear Mr. Ertel,

Thank you for the opportunity to discuss the site proposal for the "Mark Davis Property" with our office. I apologize for the delay in responding in writing to you, but this issue became more complicated than we originally thought.

As a result of your situation and other issues involving waivers, the County has been reevaluating its waiver procedure. Last week, it was decided that waivers to the panhandle regulations will not be decided by the Development Review Committee, but rather by the Zoning Commissioner at a Special Hearing. Your client may wish to reapply for a waiver under this procedure and Mr. Donald Rascoe of Zoning Administration and Development Management can provide you with the relevant information.

It also appears that this subdivision may require a variance from the Baltimore County Zoning Regulations which require a minimum lot width of 55 feet in a DR 5.5 zone. This variance hearing may be done in conjunction with the Special Hearing on waivers.

Please be advised, however, that our Office would not support the subdivision of this property. The lot is too narrow to accommodate further subdivision, as evidenced by the inability to meet minimal county regulations. It is our opinion that the resulting subdivision would be incompatible with the surrounding neighborhood and would be detrimental to the community.

If you have any questions about the processes, please contact Mr. Jake Morsey at 887-3211.

Sincerely,

Andrea Van Arsdale
Chief of Strategic Planning Division

AVA:rdn

cc: Don Rascoe

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Pat. Sph
#2

TO: Arnold Jablon, Director, PDM

DATE: August 9, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 7413 Bay Front Road

INFORMATION:

Item Number: 23
Petitioner: Joseph C. Nowakowski
Property Size: _____
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a lot width of 50' in lieu of the required 55' and to allow an existing 8' sideyard setback in lieu of 10' and any other remaining variances as may be deemed necessary.

The Office of Planning does not support the applicant's request because the lot is too narrow to accommodate an additional house, as evidenced by the instant request. As previously stated in a letter dated October 26, 1994 (see attached) to the applicant's engineer in reference to the subject property, subdivision (or in this case the construction of an additional home on a single lot) would be incompatible with the surrounding neighborhood and detrimental to the community.

In addition, staff can find no reason why this lot is unique since many other lots in the area and most of the lots along Bay Front Road are long and narrow. Therefore, there appears to be no justification which would enable the applicant to satisfy the requisite burden of ~~proff.~~

proof.

Prepared by: *Jeffrey W. Long*

Division Chief: *Gary L. Kerns*

PK/JL

MICROFILMED

*Prot. Exh
#3*

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
August 15, 1995

FROM: J. Lawrence Pilson *JLP/pms*
Development Coordinator, DEPRM

SUBJECT: Zoning Item (#23) - Nowakowski Property
7413 Bay Front Road
Zoning Advisory Committee Meeting of July 31, 1995

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

Environmental Impact Review

1. Redevelopment of the property, which is in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area, is limited to 15% impervious surface. Current impervious surfaces equal 4146 square feet or 14.8%, thus leaving approximately 36 square feet for future use. The proposed project (building a house on the same lot for a grandson) must include the removal of impervious surface as shown on the Zoning Petition site plan.
2. The applicant must apply for a special hearing to show a new line of demarcation on the lot or go through the minor subdivision process.

JLP:KK:sp

c: Joseph Nowakowski

NOWAKOWS/DEPRM/TXTSBP

Microfilm

4B
MARK DAVIS
PETITION LIST

7413 BAY FRONT ROAD, BALTIMORE, MARYLAND 21219

- | | |
|--|---------------------------|
| 1) Linda West | 7427 Bay Front Rd., 21219 |
| 2) Bernard Pivic | 7400 Bay Front Rd., 21219 |
| 3) Peter Koseielski | 7404 Bay Front Rd., 21219 |
| 4) Bill Moxey | 7421 Bay Front Rd., 21219 |
| 5) Del Eyer | 2007 Headland Rd., 21219 |
| 6) John and Ann Fisher | 7420 Bay Front Rd., 21219 |
| 7) Richard Poist | 7414 Bay Front Rd., 21219 |
| 8) Mr. & Mrs. Harlow, Jr. | 7440 Bay Front Rd., 21219 |
| 9) Merl A. Adams | 7423 Bay Front Rd., 21219 |
| 10) Charlotte Vecchioni | 7409 Bay Front Rd., 21219 |
| 11) Rich Nelson | 7417 Bay Front Rd., 21219 |
| 12) Sharon McGee | 7412 Bay Front Rd., 21219 |
| 13) Cathryn Malan | 7419 Bay Front Rd., 21219 |
| 14) Daniel and Diane Barnre | 7424 Bay Front Rd., 21219 |
| 15) Brenda Wells | 7426 Bay Front Rd., 21219 |
| 16) Anthony Mielock (Moose officer) | 7439 Bay Front Rd., 21219 |
| 17) Norman A. Stone (Md. State Senator) | 7611 Iroquois Ave., 21219 |
| 18) Melanie L. Cremen
(Owner/Manager of Bay Front Mobile Home Park) | 5 Platt Lane, 21219 |
| 19) James Bugosh (Head Knight of Columbus) | 7401 Bay Front Rd., 21219 |
| 20) George Parsons | 7427 Bay Front Rd., 21219 |
| 21) Joseph Nowakowski | 7413 Bay Front Rd., 21219 |

MICROFILMED

May 14, 1996

Mrs. Margery Filler
7515 Bay Front Road
Edgemere, MD 21219

To:

Zoning Board of Baltimore County

I am opposed to two dwellings per lot on Bay Front Road.

The majority of residences are single family dwellings and this sort of development would change the quality of the neighborhood and have an adverse effect on property values.

Sincerely,

Mrs Margery Filler

Mrs. Margery Filler

Print ExL 5A

MICROFILMED

May 15, 1996

Mrs. Clara Hicks
7515 Iroquois Avenue
Edgemere, MD 21219

Regarding: 7413 Bay Front Road
request for zoning variance

To Whom it May Concern:

We are opposed to any variance that would allow multiple houses on the 50 foot wide lots along the waterfront of Bayfront Road and Iroquois Avenue.

For forty years, my family and I have lived peacefully at our waterfront home in a neighborhood defined by one - dwelling lots. Any variance allowing multiple homes on these lots would set a dangerous precedent and have a detrimental effect on the character of our neighborhood with increased likelihood of rentals and their accompanying transients.

Please help us keep our community intact by enforcing zoning laws protecting us from intrusive development.

Sincerely,

Clara Hicks

Mrs. Clara Hicks

Arthur C. Rushton
Karl F. Meely Jr.

Crut Esh
5B

From:

May 7, 1996

John and Rosemary Shkor
7511 Iroquois Avenue
Edgemere, MD 21219

To:

Baltimore County Zoning Board
Towson, MD

Subject: 7413 Bay Front Rd. variance request

Members of the Board:

We urge that you uphold the existing zoning regulations preventing new dwelling construction on the 50 foot lots along the Bay Front Road and Iroquois Avenue waterfront.

Because of the continued complexion of our neighborhood being one-house lots, it is clear that the intention of home owners is not to construct additional homes, but to enjoy the peace and quiet of their current way of life.

Therefore, we believe the proposed variance to be detrimental to the property value and welfare of the majority of property owners in our neighborhood.

Yours Sincerely,

Rosemary Shkor
John and Rosemary Shkor
John Shkor

5C

Crot. Sch #6

QUALIFICATIONS OF E. A. GRIFFITH, APPRAISER
MARYLAND CERTIFIED GENERAL APPRAISER #696

EDUCATION

PRINCETON UNIVERSITY, BACHELOR OF ARTS
COMPLETED COURSES I AND II OFFERED BY THE SOCIETY
OF REAL ESTATE APPRAISERS
COMPLETED REAL ESTATE BROKERS COURSE AT THE UNIVERSITY
OF MARYLAND
COMPLETED REAL ESTATE LAW COURSE AT CATONSVILLE
COMMUNITY COLLEGE
NAERA COURSE ON ENVIRONMENTAL RISK VALUATION

MEMBERSHIPS AND LICENSES

THE GREATER BALTIMORE BOARD OF REALTORS
LICENSED REAL ESTATE BROKER IN THE STATE OF MARYLAND
LICENSED APPRAISER STATE OF MARYLAND NO. 696
VICE CHAIRMAN OF THE BALTIMORE COUNTY PLANNING BOARD
(1968-1978)
VICE CHAIRMAN OF REAL ESTATE BORKERS' ROUND TABLE
MEMBER BALTIMORE COUNTY APPRAISERS' SOCIETY
MEMBER AMERICAN ARBITRATION ASSOCIATION
TREASURER OF MARYLAND ENVIRONMENTAL SERVICES
LICENSED MORTGAGE BROKER
VICE CHAIRMAN OF AIRPORT ZONING APPEALS BOARD OF
MARYLAND (1974-1982)
MEMBER MARYLAND ASSOCIATION OF APPRAISERS

EXPERIENCE

THIS APPRAISER HAS BEEN ACTIVE IN THE REAL ESTATE
PROFESSION SINCE 1960 AND HAS BEEN ENGAGED IN
APPRAISING SINCE 1974.

COURT TESTIMONY

BALTIMORE COUNTY TAX APPEALS BOARD AND CIRCUIT COURT
BOARD OF PUBLIC WORKS, STATE OF MARYLAND
BOARD OF ZONING APPEALS, BALTIMORE COUNTY AND CITY
BOARD OF ZONING APPEALS, CARROL COUNTY

CLIENTS

MARYLAND DEPARTMENT OF GENERAL SERVICES
MARYLAND STATE HIGHWAY AUTHORITY
BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY OFFICE OF LAW
ORPHANS COURT OF BALTIMORE COUNTY AND CITY
ORPHANS COURT OF HOWARD COUNTY
HOWARD COUNTY AGRICULTURAL PRESERVATION PROGRAM
VARIOUS SAVINGS & LOAN ASSOCIATIONS (NAMES ON REQUEST)
VARIOUS LAW FIRMS (NAMES ON REQUEST)

MICROFILMED

E. A. Griffith Real Estate Co.



PHONE: 301-823-4570

214 WASHINGTON AVE.
TOWSON, MARYLAND 21204

May 28, 1996

Cont. Exp #7

Mr. and Mrs. Christopher Wojick
7415 Bayfront Road
Baltimore, Maryland 21219

Dear Mr. and Mrs. Wojick:

I have inspected your property at 7415 Bayfront Road, perused the plat for the proposed sub-division next door at 7413 Bayfront Road and have come to the following conclusions:

1. Your property is a well maintained, single family residence with a beautiful view of the Patapsco River at Old Road Bay.

2. All of the residences in the immediate area are single family types, well maintained, and all those on the south side of Bayfront Road have a waterfront view.

3. In inspecting the neighborhood, I did not find any residences that had more than one dwelling per lot and most of the lots seem to be the same size as the lot next to you that is proposed to be sub-divided.

I, therefore, have come to the conclusion that any sub-division of the property contiguous to yours will have a decided effect on your property value leading to a definite diminution in value and moreover affect the right of quiet enjoyment of your property.

Also, as a consequence, it might be considered a change in the neighborhood leading to further sub-divisions of the whole area.

Very truly yours,

EDWARD A. GRIFFITH
Certified General Appraiser
No. 696

MICROFILMED

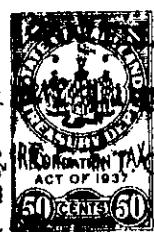
This Deed, Made this

11th

day of April,

May

in the year one thousand nine hundred and forty-six, by and between GEORGIA F. CREMEN and WILLIAM A. CREMEN, (also known as Albert W. Cremen), her husband, of Baltimore County, State of Maryland, parties of the first part, and JOSEPH C. NOWAKOWSKI and REGINA D. NOWAKOWSKI, his wife, of Baltimore City, State of Maryland, parties of the second part.



Witnesseth, that in consideration of the sum of five dollars, and other valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the _____ of the survivor heirs and assigns, in fee simple, all _____ that _____ lot of ground situate in Baltimore County, _____, in the State of Maryland, and described as follows, that is to say:

BEGINNING for the same at the northeast corner of Lot A-3, as shown on the Plat dated April 10, 1935 and filed in the Circuit Court for Baltimore County in Equity in a cause entitled "Cora Henson vs. Mary S. Cremen, et al," (Equity Docket C.W.B.Jr. No. 35 folio 13), said plat being recorded among the Land Records of said County in Plat Book C.W.B.Jr. No. 10 folio 97, said beginning point being also on the southernmost side of the right of way of the Baltimore Transit Company and the northernmost side of a twenty foot road; running thence westerly, binding on the southernmost side of said right of way and on the northernmost side of said twenty foot road, fifty feet, more or less; thence southerly parallel with and at a distance of fifty feet westerly from the easternmost line of said Lot A-3, five hundred and seventy-five feet, more or less, to the Patapsco River; thence easterly, binding on said River fifty feet, more or less, to the easternmost line of said Lot A-3; thence northerly, binding on said easternmost line, five

hundred and seventy-five feet, more or less, to the place of beginning.

Being the easternmost fifty feet of said Lot A-3, which, with other property, was allotted in severalty to the said Georgia F. Cremen by a decree of the Circuit for Baltimore County dated October 17, 1935 and passed in the cause hereinbefore mentioned.

Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said lot _____ of ground and premises, unto and to the use of the said JOSEPH C. NOWAKOWSKI and REGINA D. NOWAKOWSKI, his wife, as tenants by the entireties, their assigns, the survivor of them and the heirs and assigns of the survivor, in fee simple.

And the said parties of the first part, _____ covenant that they _____ will warrant specially the property hereby granted and conveyed, and that they _____ will execute such further assurances of the said land as may be requisite.

Witness the hand s and seals of the said grantor s.

WITNESS:

J. Lloyd Wilkinson
J. LLOYD WILKINSON

Georgia F. Cremen [SEAL]
Georgia F. Cremen
William A. Cremen [SEAL]
William A. Cremen

State of Maryland, Baltimore City, to wit:

I HEREBY CERTIFY, that on this 10th day of April, May

in the year one thousand nine hundred and forty-six, _____ before me, the subscriber, a notary public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared GEORGIA F. CREMEN and WILLIAM A. CREMEN, her husband, the within named grantors and they severally acknowledged the foregoing deed to be their respective act.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my notarial seal.

NOTARY'S SEAL
HERE

J. Lloyd Wilkinson
J. LLOYD WILKINSON Notary Public.

17th 250
BALTIMORE COVERED
14147
TITLE GUARANTEE TRUST COMPANY

DEED

FROM

GEORGIA F. CREMEN AND HUSBAND

William A

TO

JOSEPH C. NOMAKOWSKI AND WIFE

Regina

Block No.

Received for Record May 18, 1946

at 2 o'clock P. M. Same day recorded
in Liber 1453 Folio 462
Co., one of the Land Records of Baltimore and

examined per

Robert J. Reppel Clerk

Cost of Record \$ 4.00
STATE RELIEF TAX 50¢ .50
4.50

TS-244-3M

Application No. 88767

Written by H.M.

Approved by PGL Examiner

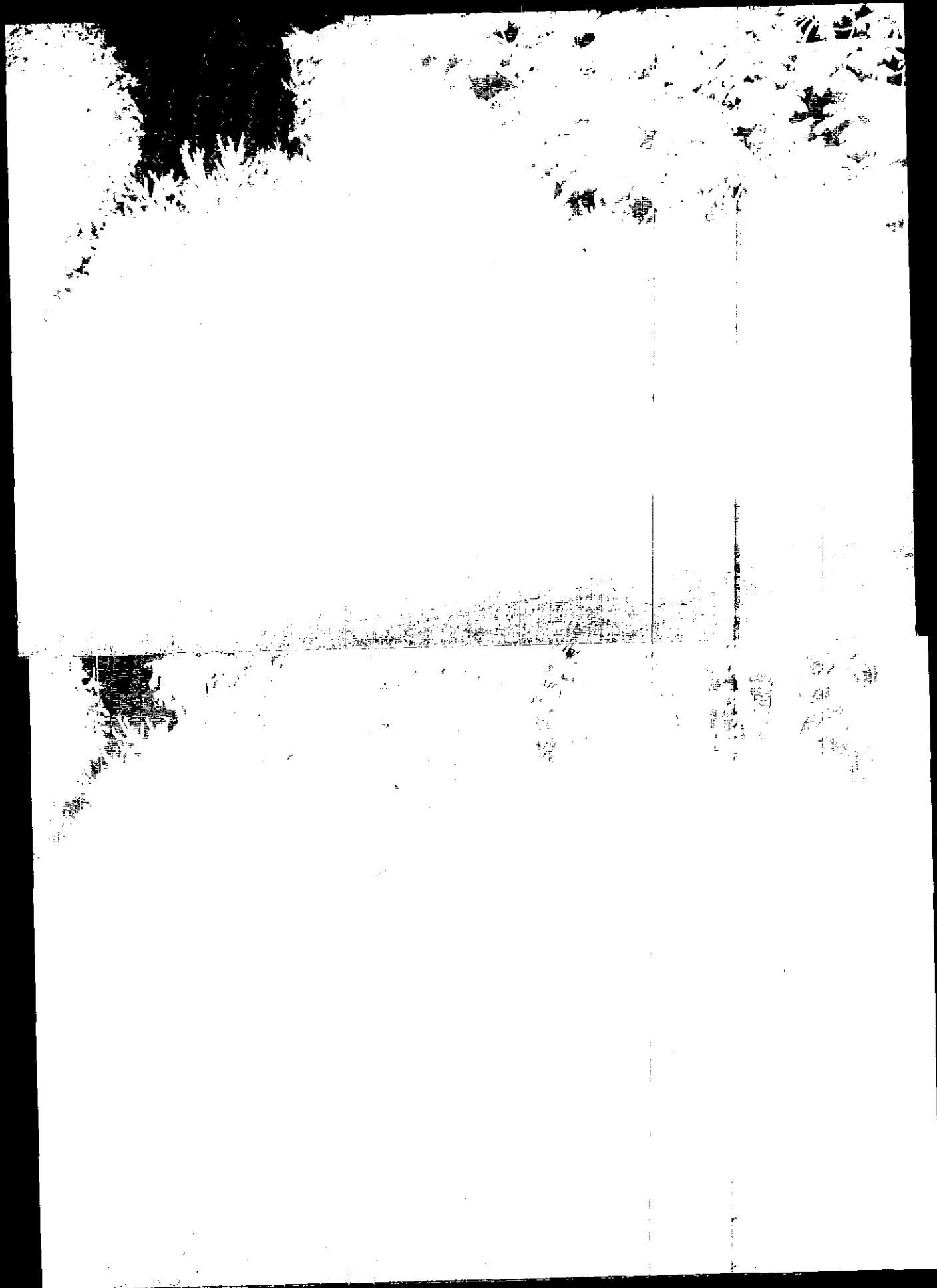
Ready for Record glw Examiner

Value 2500
Lend bills to grantee
1740 E. Baltimore St
Bk No 31, not

Prof. Sak
4A - 4E

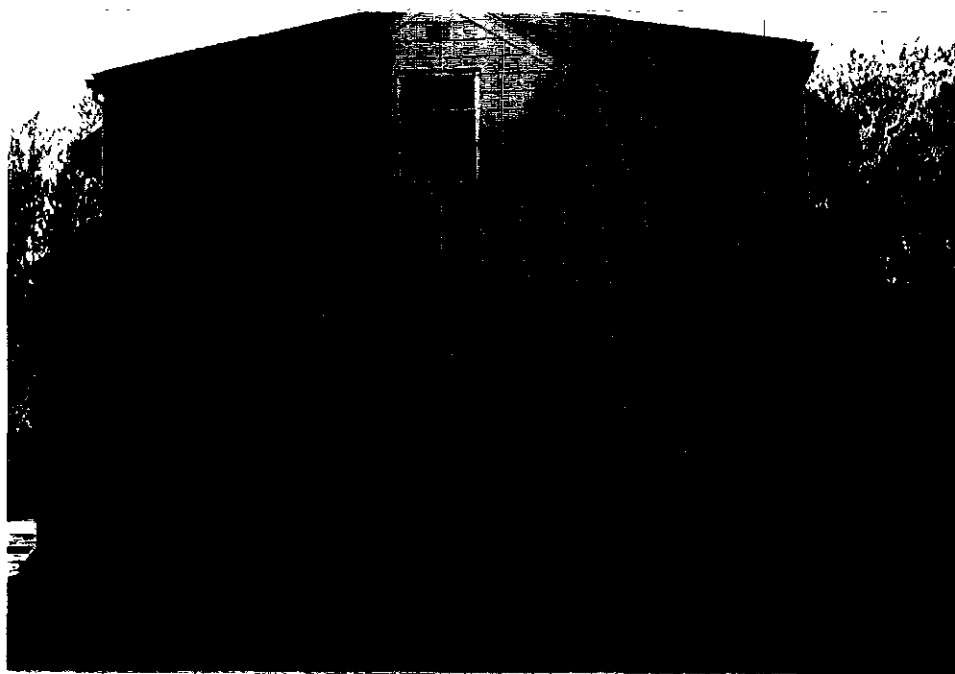
REPROFILING

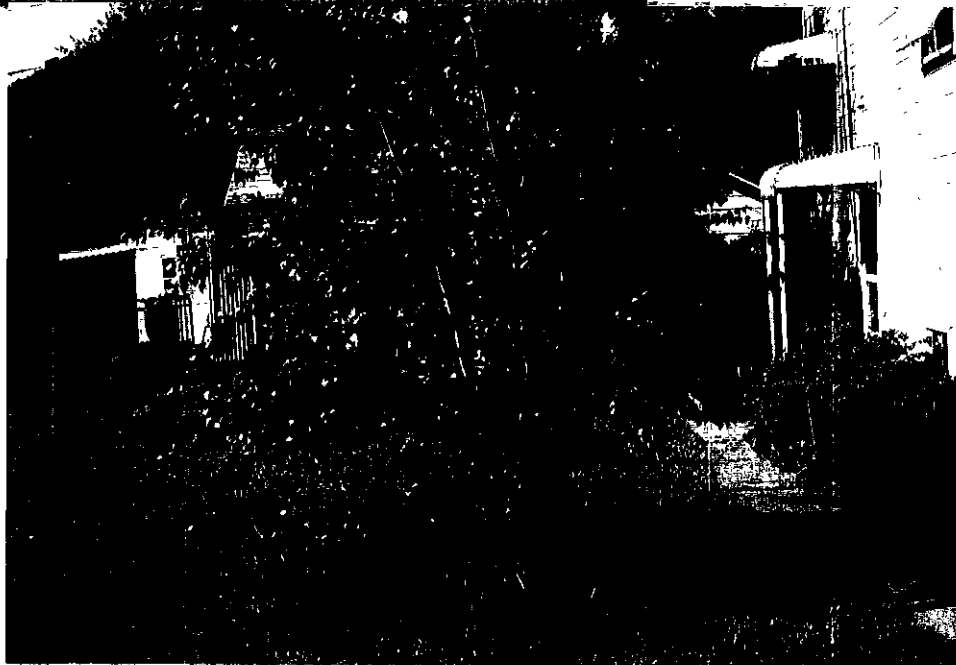
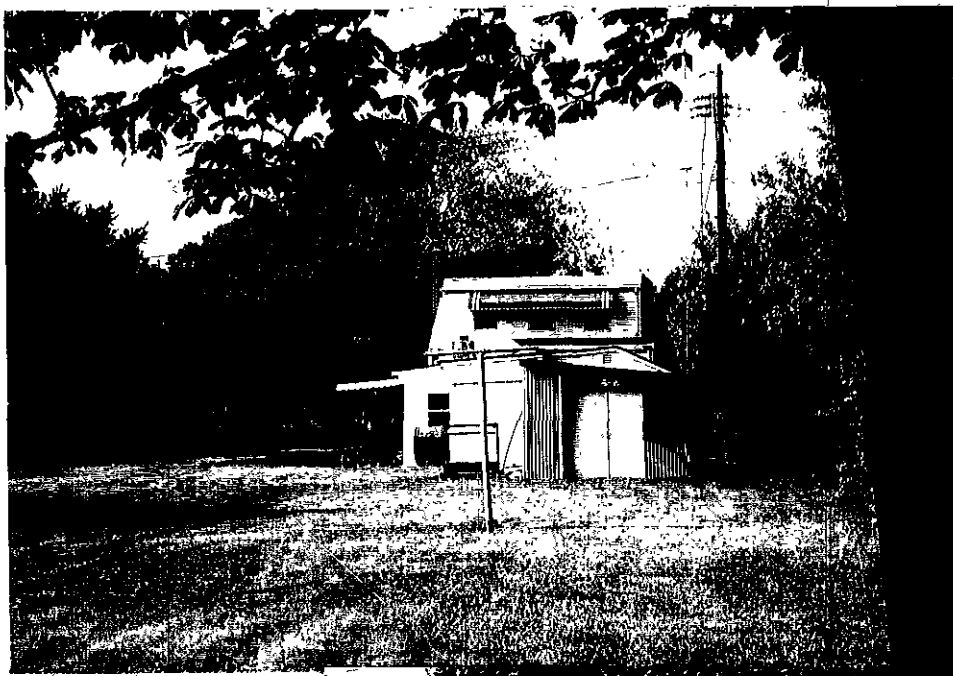


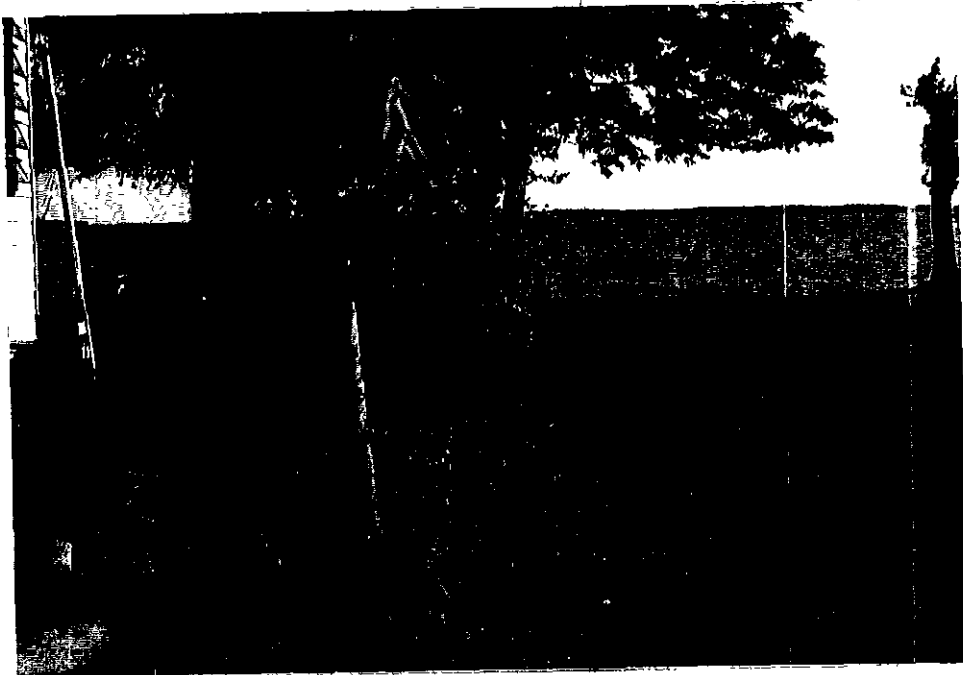












Prot Sol # 8A-8K

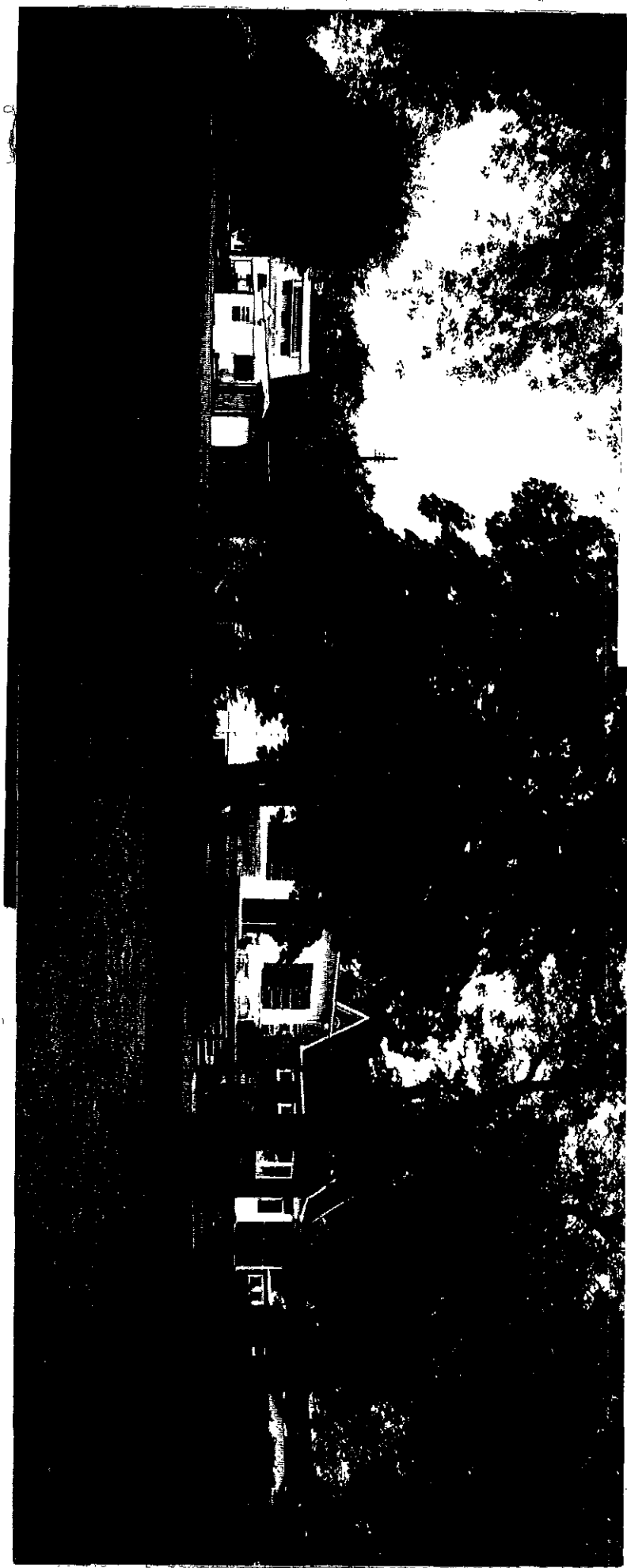
MICROFILMED

Petitioner's
Exhibits 2, 3
47

photographs
in
Case 96-48-A

MICROFILMED







95 DEC -1 21 4:21

APPEAL

PETITION FOR VARIANCES

N/S Bay Front Road, 450' E of Lincoln Avenue
(7413 Bay Front Road)

15th Election District - 15th Councilmanic District

Joseph C. Nowakowski - Petitioner

Case No. 96-40-A (Item No. 23)

✓ Petition for Variance

✓ Description of Property

✓ Certificate of Posting

✓ Certificate of Publication

✓ Entry of Appearance of People's Council

✓ Zoning Committee Advisory Comments

✓ Petitioner(s) Sign-In Sheet

✓ Protestant(s) Sign-In Sheet

Petitioner's Exhibits - ✓ 1 - Plat to Accompany Petition,
dated June 16, 1994

✓ 1A - Colored Plat, dated August 16, 1994

✓ 2 - Photographs of Subject Property

✓ 3 - Photographs of Subject Property

✓ 4A - Plat with Signatures in Support of Petition

✓ 4B - List of Residents in Support of Petition

✓ 5 - Plat of Lodge Forest, dated March 29, 1929

✓ 6 - Plat of Subject Property,
dated April 10, 1935

✓ 7 - Photograph of Subject Property

✓ Copy of letter from Chris Wojcik to Gary Kearns, Baltimore County
Planning Office, dated June 15, 1994

✓ Copy of Letter from Chris Wojcik to Gary Kearns, Baltimore County
Planning Office, dated August 23, 1994

✓ Letter from Chris Wojcik to Lawrence E. Schmidt,
Zoning Commissioner, dated September 15, 1995

✓ Zoning Commissioner's Order dated October 30, 1995 (Denied)

✓ Notice to enter Appeal from Benjamin Bronstein, Esquire, on behalf of
Joseph C. Nowakowski, Petitioner, dated November-28, 1995

* cc: Benjamin Bronstein, Esquire, 205 Susquehanna Building, 29 West
Susquehanna Avenue, Towson, Maryland 21204
Chris Wojcik, 7415 Bay Front Road, Baltimore, Maryland 21219
Joseph C. Nowakowski, 7413 Bay Front Road,
Baltimore, Maryland 21219
Chesapeake Bay Critical Areas Commission, 45 Calvert Street,
2nd Floor, Annapolis, Maryland 21401
People's Counsel for Baltimore County, M.S. 2010

Request Notification: Arnold "Pat" Keller, Director, Planning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Petitioner's grandson:
Mr. R. Mark Davis
7904 Riverdale Avenue
Baltimore, MD 21237

Francis X. Borgerding, Esquire
Suite 600, Mercantile-Towson
Building
409 Washington Avenue
Towson, MD 21204

Counsel
for Protestant

JE

THE UNDERSIGNED HAVING REVIEWED THIS PLAT
HEREBY SUPPORT THE REQUEST FOR A VARIANCE

1. AREA OF TRACT = 27878 S.F. = 0.64 AC.
2. ZONING OF TRACT = OR 5.5
3. EXISTING USE = SINGLE FAMILY RESIDENTIAL
4. NUMBER OF UNITS ALLOWED = 2
5. NUMBER OF UNITS PROPOSED = 2
6. TAX ACCOUNT # = 1512650380
7. SUBDIVISION DISTRICT = 7
8. COUNCILMANIC DISTRICT = 15
9. WATER-SHED # = 4521
10. CENSUS TRACT = 4521
11. ELECTION DISTRICT = 15
12. CHESAPEAKE TERRACE ELEMENTARY SCHOOL DISTRICT = 15
13. THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY LINE.
14. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SITE.
15. THE PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (LPDA).
16. THIS SITE IS SERVED BY SEWER AND WATER.
17. THE EXISTING DWELLING TO BE RETAINED BY THE CURRENT PROPERTY OWNER.
18. THERE ARE NO TRUCK ZONING VIOLATIONS RELATED TO THIS PROPERTY.
19. PROPERTY IS PARCELED 239, GRID 22, TAX MAP 111.
20. REGIONAL PLANNING DISTRICT = 501-B

GENERAL NOTES

1. AREA OF TRACT = 27878 S.F. = 0.64 AC.
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18. THERE ARE NO TRUCK ZONING VIOLATIONS RELATED TO THIS PROPERTY.
19. PROPERTY IS PARCELED 239, GRID 22, TAX MAP 111.
20. REGIONAL PLANNING DISTRICT = 501-B

VICINITY MAP

SCALE: 1"=1000'

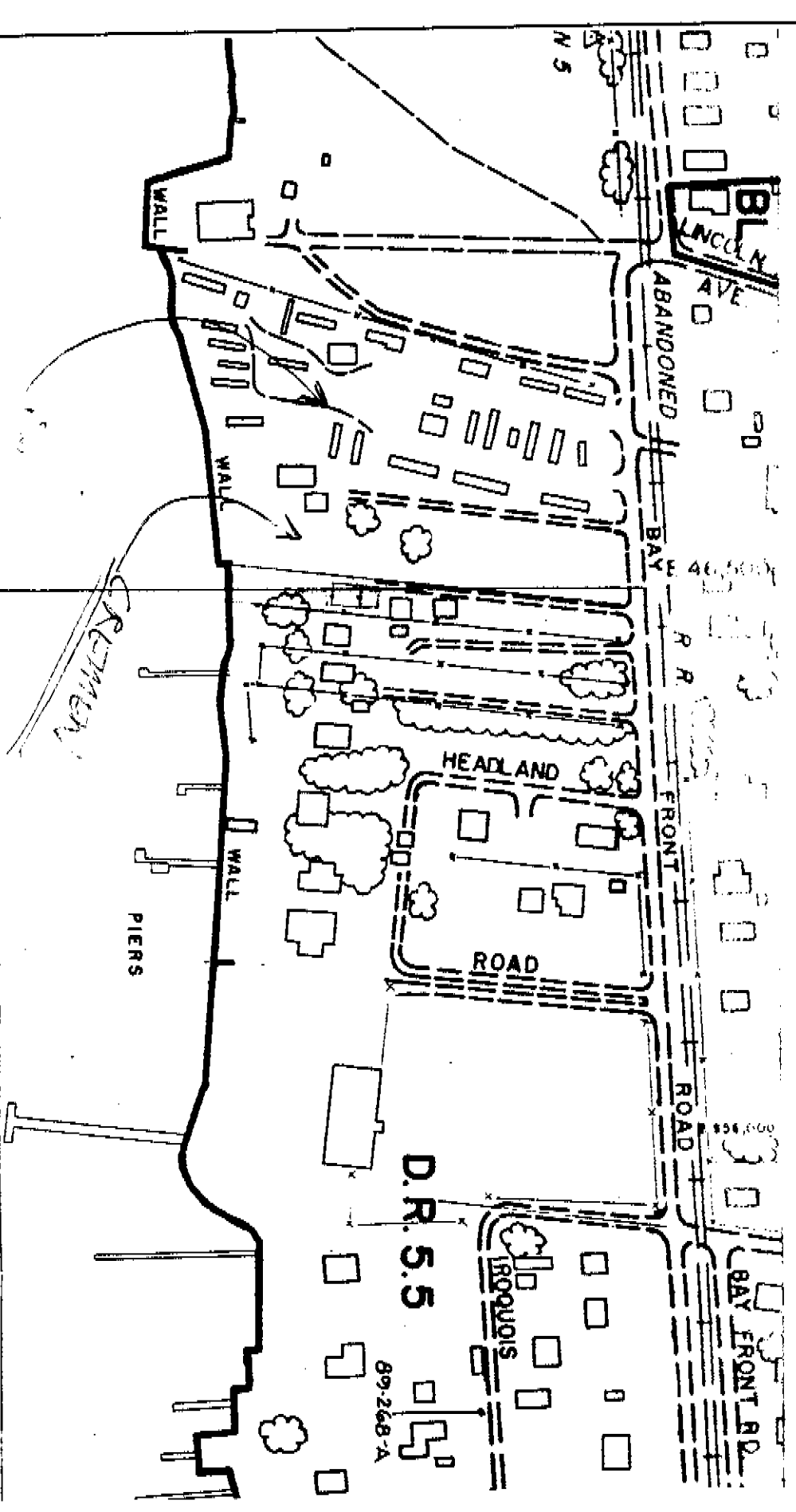
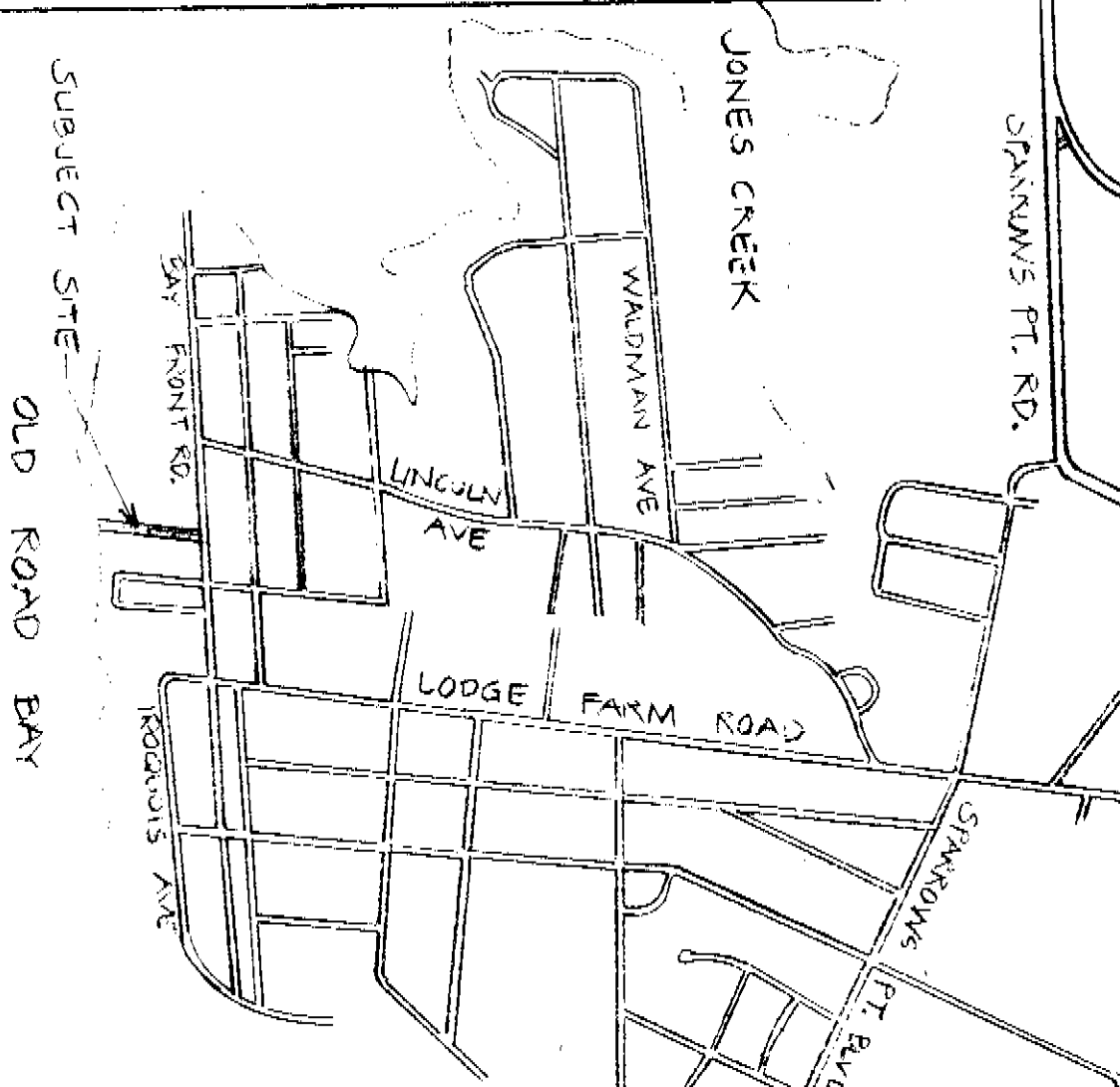


TABLE 1: IMPROVEMENTS SHEET (for lots created prior to 10/1/83)

Total lot area: 21818 sq. ft. (1 acre = 43,560 sq. ft.)

Improvements: 1. House, 2. Shed, 3. Pool, 4. Driveway, 5. Sidewalk, 6. Patio, 7. Garage, 8. Pond, 9. Fencing, 10. Retaining Wall, 11. Storm Drain, 12. Septic Tank, 13. Well, 14. Water Line, 15. Sewer Line, 16. Electric Line, 17. Gas Line, 18. Telephone Line, 19. Cable Line, 20. Other.

TABLE 2: IMPROVEMENTS SHEET (for lots created after 10/1/83)

Total lot area: 21818 sq. ft. (1 acre = 43,560 sq. ft.)

Improvements: 1. House, 2. Shed, 3. Pool, 4. Driveway, 5. Sidewalk, 6. Patio, 7. Garage, 8. Pond, 9. Fencing, 10. Retaining Wall, 11. Storm Drain, 12. Septic Tank, 13. Well, 14. Water Line, 15. Sewer Line, 16. Electric Line, 17. Gas Line, 18. Telephone Line, 19. Cable Line, 20. Other.

ZONING MAP

SCALE: 1"=200'

PLANT SCHEDULE
KEY BOTANICAL - COMMON NAME
M1 MAGNOLIA VIRGINIANA - SWEETBAY

QTY
1

SIZE
1 1/2 GAL.

LEGEND

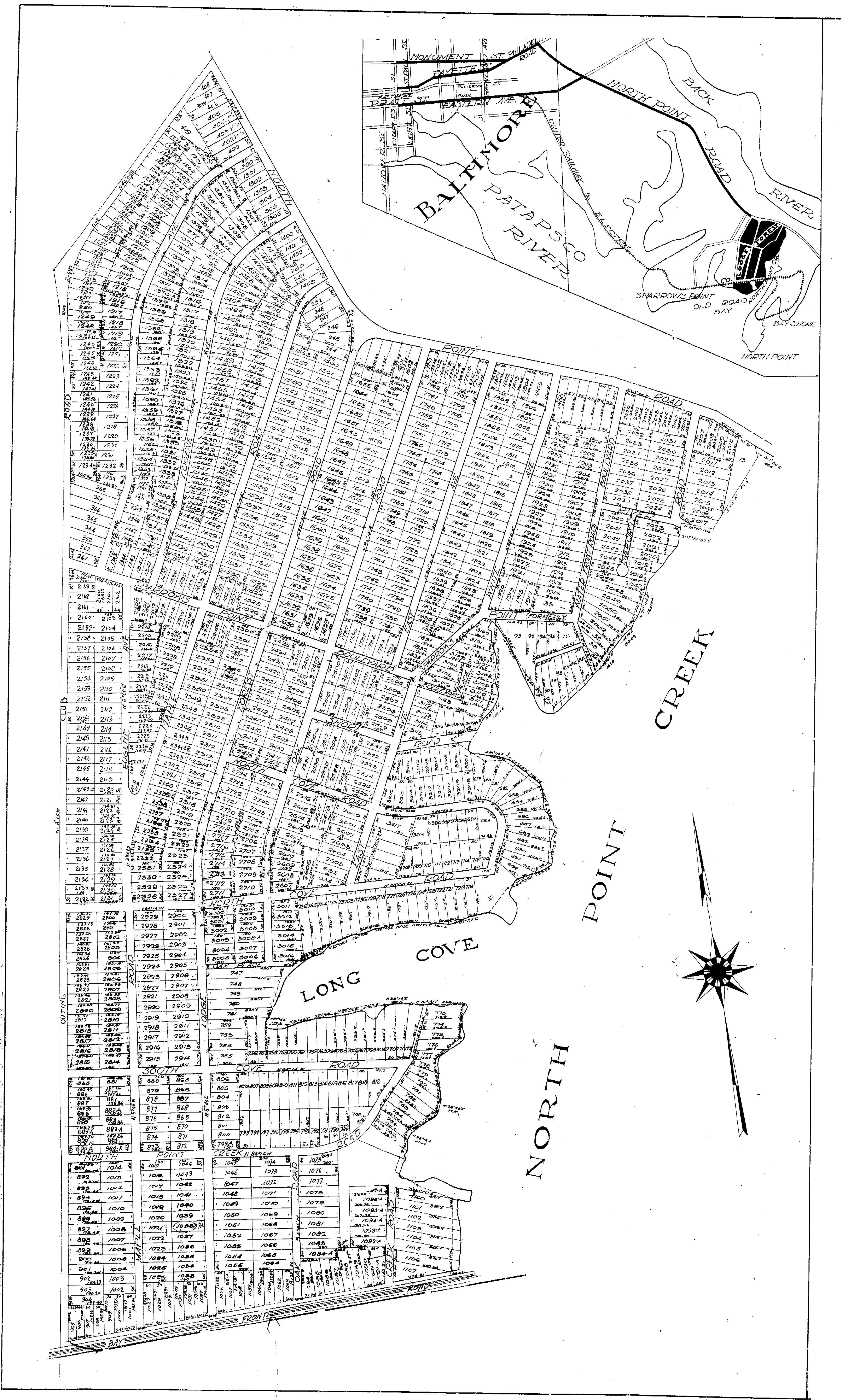
- 1. EXISTING CONTOURS
- 2. EXISTING LOT LINES
- 3. EXISTING SEWERS
- 4. EXISTING WATER
- 5. EXISTING DRIVE
- 6. EXISTING FENCE
- 7. EXISTING POOL
- 8. EXISTING POND
- 9. EXISTING RETAINING WALL
- 10. EXISTING STORM DRAIN
- 11. EXISTING SEPTIC TANK
- 12. EXISTING WELL
- 13. EXISTING WATER LINE
- 14. EXISTING SEWER LINE
- 15. EXISTING GAS LINE
- 16. EXISTING TELEPHONE LINE
- 17. EXISTING CABLE LINE
- 18. EXISTING OTHER

DATE: 8-16-94
DWG: 1 OF 1
SCALE: 1"=30'

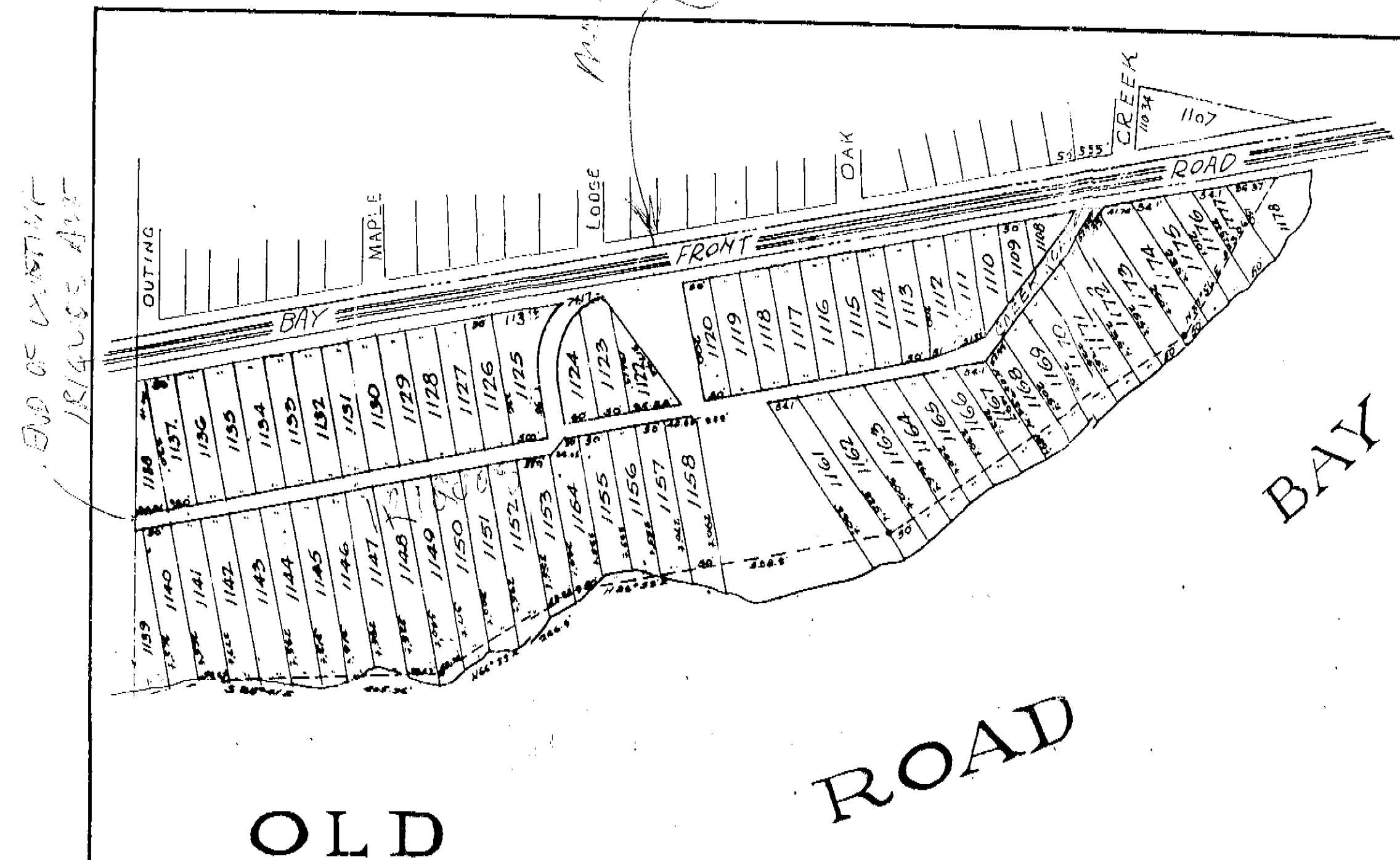
PROJECT: 7413 BAY FRONT ROAD
SHEET: 1A

ENGINEER: MICHAEL J. ENTLE, P.E.
DATE: 8-16-94
PROJECT: 7413 BAY FRONT ROAD
SHEET: 1A

OWNER: JOSEPH NOVAKOWSKI
7413 BAY FRONT RD.
BALTIMORE, MD. 21210
410-471-0955

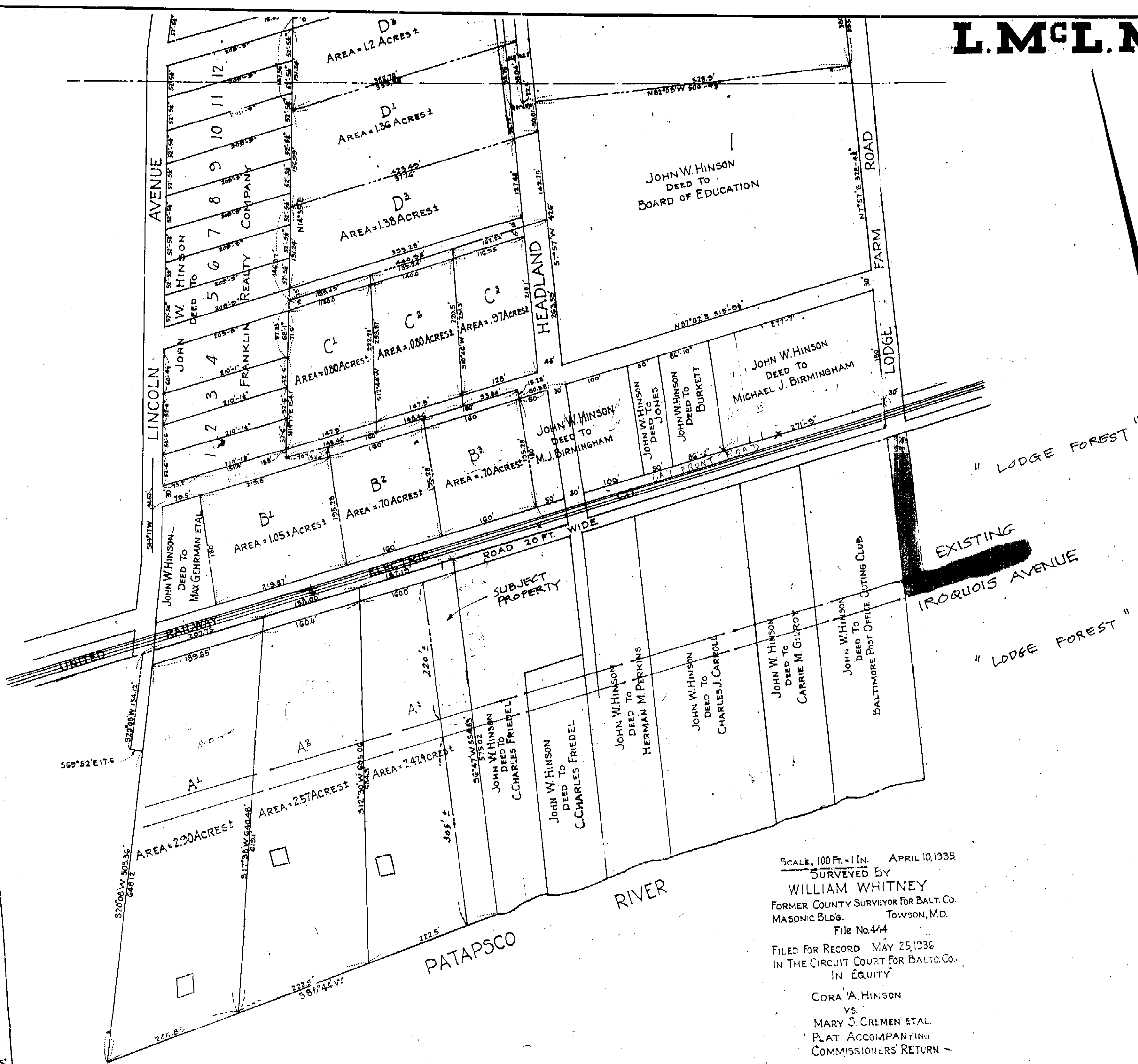
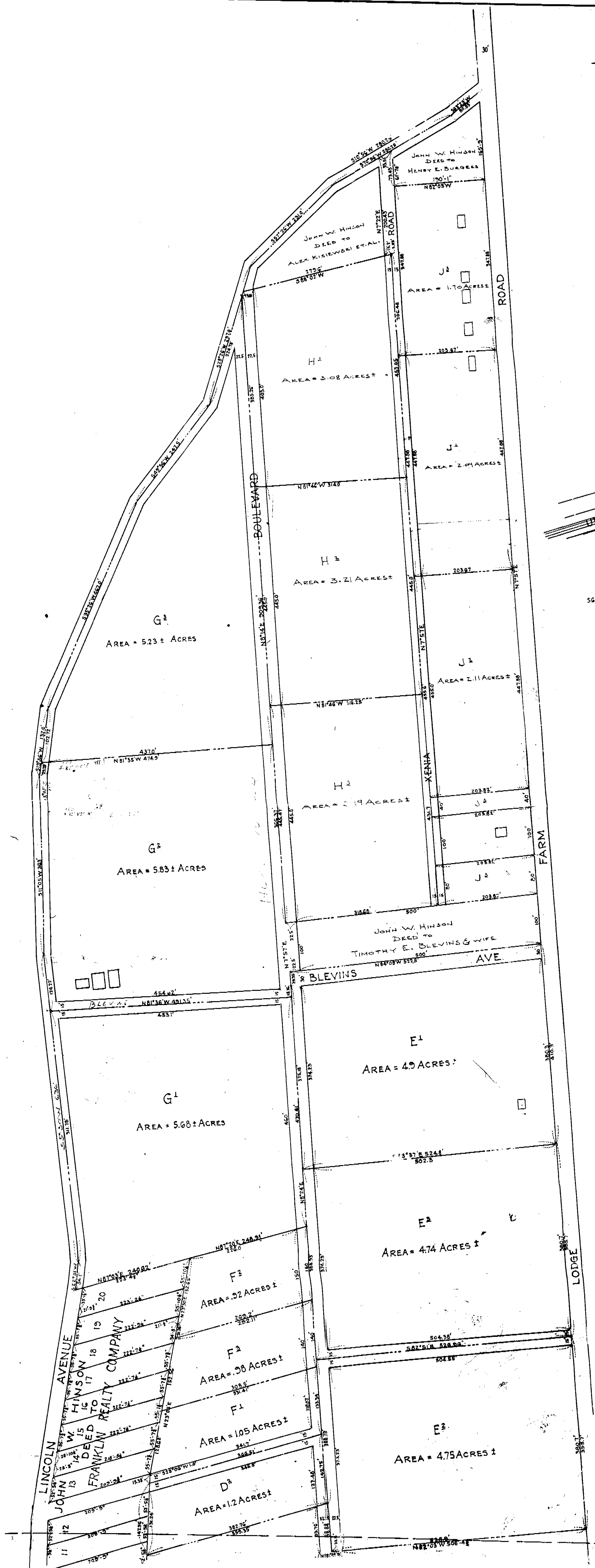


DO NOT USE AS A GRAY MAP CONTAINING L.M.F.M. 10-76-77

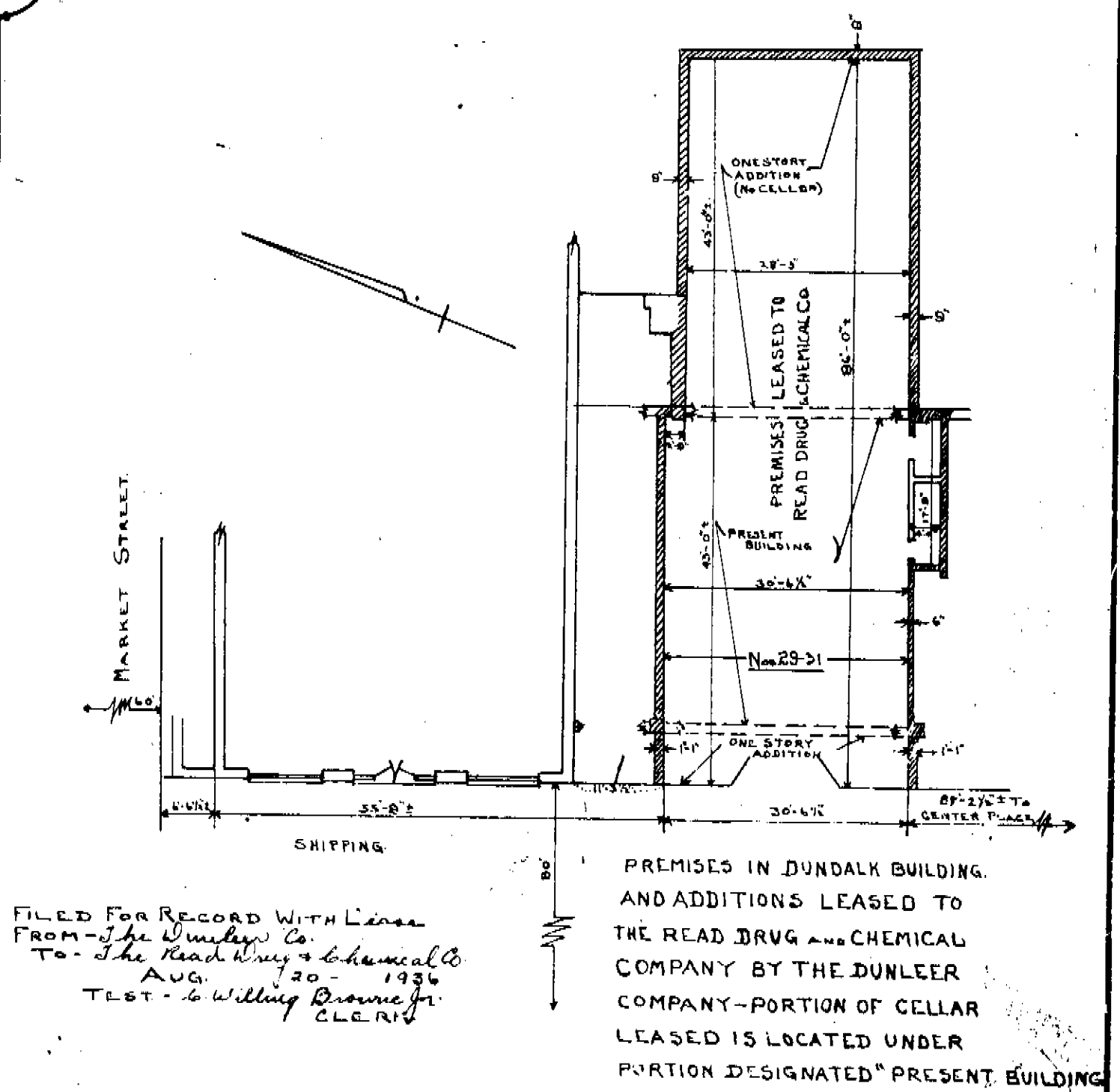
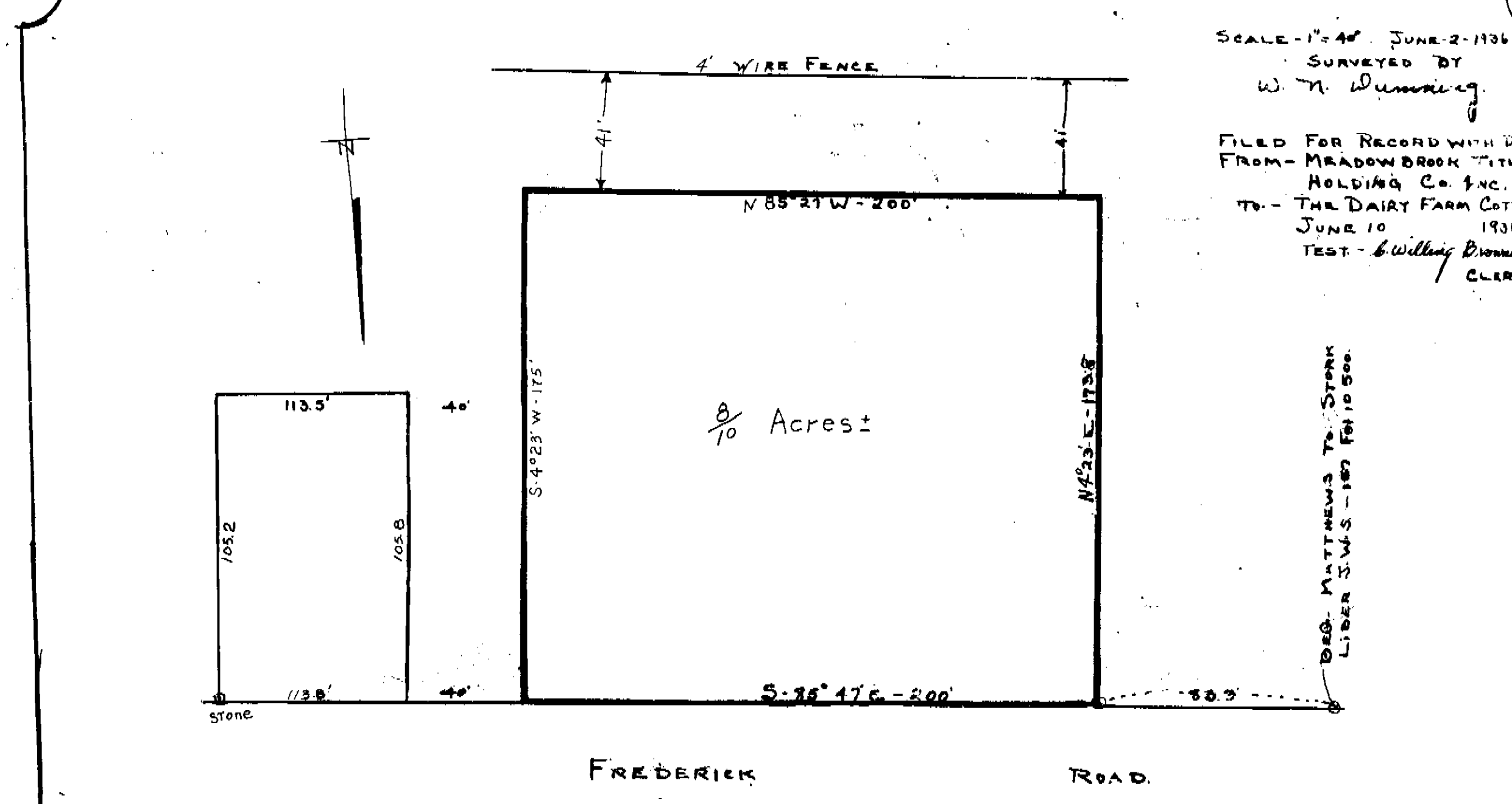
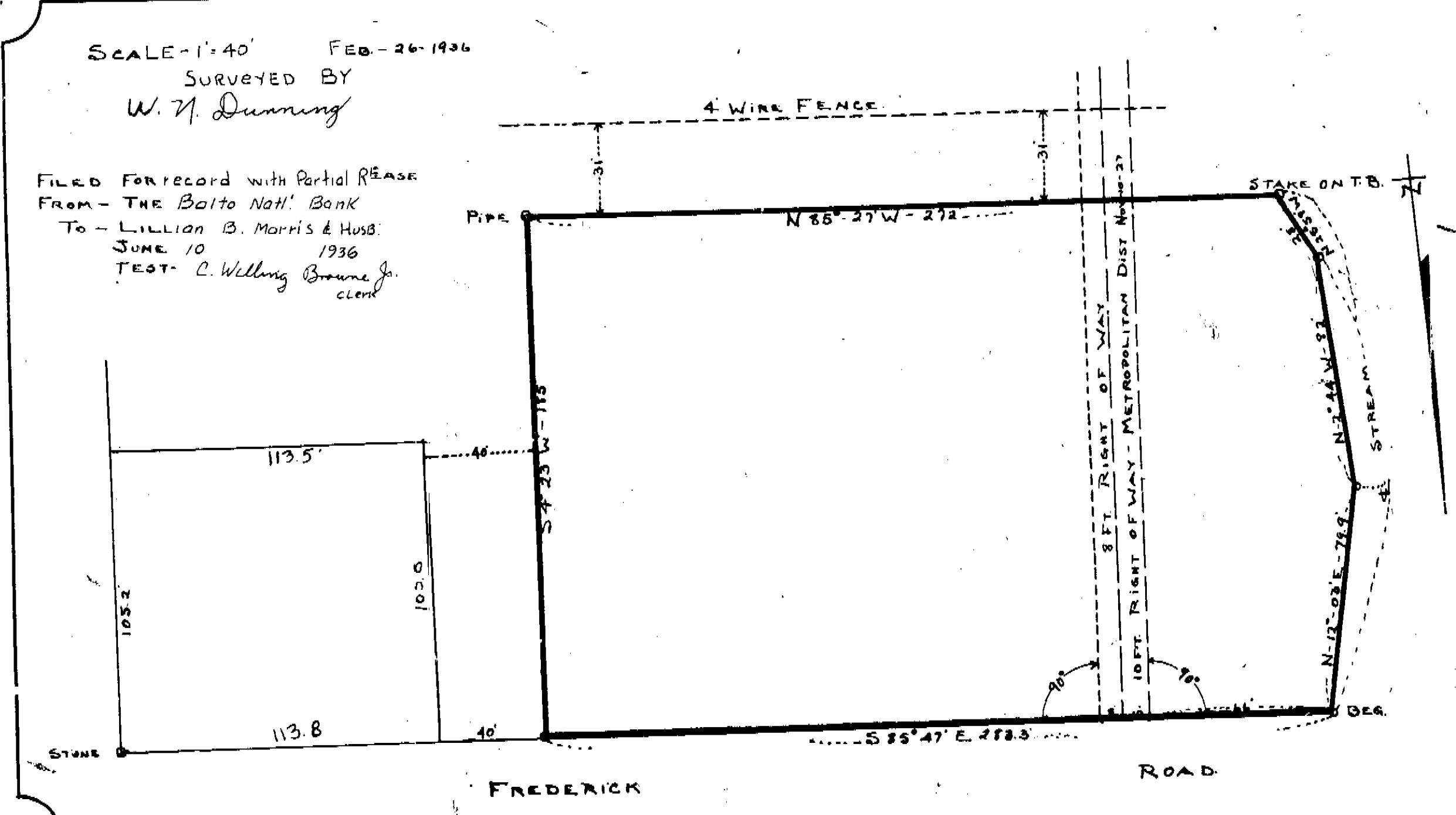


PETITIONER'S EXHIBIT 5

LODGE FOREST OWNERS EASTERN PROPERTIES CORPORATION



SCALE 100 FT. = 1 IN. APRIL 10, 1935
 SURVEYED BY
 WILLIAM WHITNEY
 FORMER COUNTY SURVEYOR FOR BALT. CO.
 MASONIC BLDG. TOWSON, MD.
 FILE NO. 444
 FILED FOR RECORD MAY 25, 1936
 IN THE CIRCUIT COURT FOR BALT. CO.
 IN EQUITY
 CORA A. HINSON
 VS.
 MARY S. CREMEN ETAL
 PLAT ACCOMPANYING
 COMMISSIONER'S RETURN

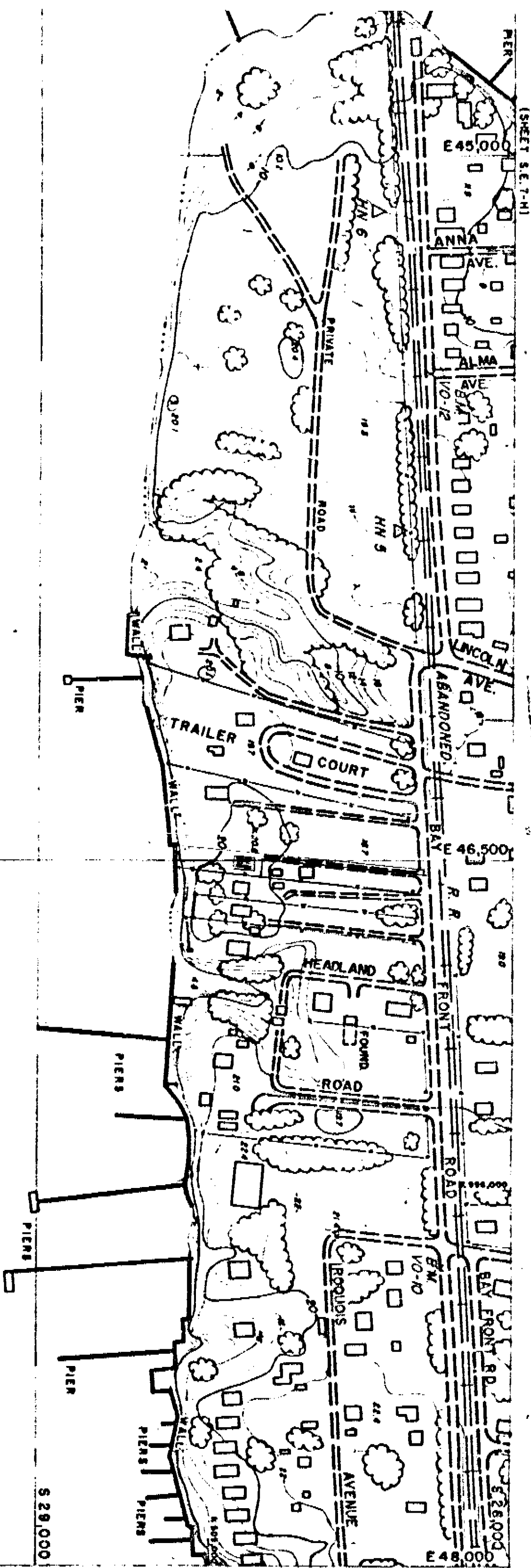


PREMISES IN DUNDALK BUILDING
 AND ADDITIONS LEASED TO
 THE READ DRUG AND CHEMICAL
 COMPANY BY THE DUNLEA
 COMPANY - PORTION OF CELLAR
 LEASED IS LOCATED UNDER
 PORTION DESIGNATED PRESENT BUILDING

MICROFILMED

RECEIVED





*Get Sub
#8*

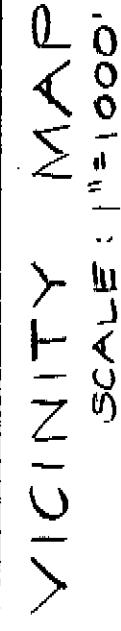
*1" = 200'
Topo
SE 8-4*

MAP 8-4

THE UNDERSIGNED HAVING REVIEWED THIS PLAT
HEREBY SUPPORT THE REQUEST FOR A VARIANCE

THE UNDERSIGNED HAVING REVIEWED THIS PLAT
HEREBY SUPPORT THE REQUEST FOR A VARIANCE

96-40-A



1. AREA OF TRACT = 27870 Sq. Ft = 0.64 AC.
2. ZONING OF TRACT = CR 5.B
3. EXISTING USE - SINGLE FAMILY-RESIDENTIAL
4. NUMBER OF UNITS ALLOWED - 3
5. NUMBER OF UNITS PROVIDED - 3
6. TAX ACCOUNT # 1514630380
7. SUBSEWERED #
8. COUNCILMATIC DISTRICT
9. WATERSEWER #
10. CENCLUS TRACT # 4521
11. ELECTION DISTRICT 15
12. CHESAPEAKE TERRACE ELEMENTARY SCHOOL DISTRICT
13. THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY LINES.
14. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SITE.
15. THIS PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (L.D.A.).
16. THIS SITE IS SERVED BY PUBLIC SEWER AND WATER.
17. THE EXISTING DWELLING TO BE RETAINED BY THE CURRENT PROPERTY OWNER
18. THERE ARE NO PRIOR ZONING HEARINGS RELATED TO THIS PROPERTY.
19. PROPERTY IS PARCEL 230, GRID 22, TAX MAP 111.
20. REGIONAL PLANNING DISTRICT 23 B

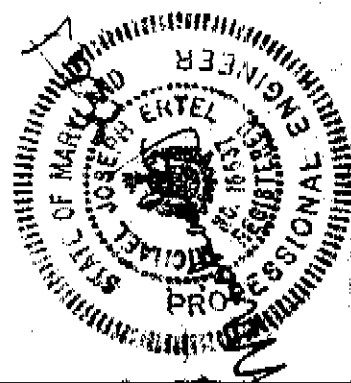
21. VARIANCE IS REQUESTED
PETITIONER IS REQUESTING A VARIANCE TO SECTION
1802.3.0.1 TO ALLOW A LOT WIDTH OF 50' IN LIEU OF
55' AND TO ALLOW A EXISTING 8' SIDEYARD IN LIEU
OF 10' AND ANY OTHER VARIANCES DEEMED NECESSARY.

[illegible]

1. THERE CAN BE NO CLEARING, GRADING, CONSTRUCTION OR DISBURSAL OF VEGETATION IN THE RICAL BUFFER ZONE AS PERMITTED BY SANTIAGO COUNTY DEPRM
2. THERE IS A 25% LIMIT ON IMPERVIOUS SURFACES 25% MEAN HIGH TIDE LOT AREA ABOVE WATER AREA ABOVE 21,870 SQ.FT. THE IMPERVIOUS SURFACE LIMIT IS APPROXIMATELY 6,970 SQ.FT.
3. POROUS DRIVEWAY TO BE NO. 2 STONE ON APPROVED FILTER FABRIC PER DEPRM DETAIL
4. ALL EXISTING TREES TO BE RETAINED & CREDITED TOWARDS PLANTING REQUIREMENTS
5. AFFORESTATION REQUIREMENTS 15% ON 410,17 SQ.FT. REQUIRED PLANTING:
 - 1 MAJOR DELICIOUS TREES
 - 2 MAJOR DELICIOUS TREES
 - 1 EXISTING MINOR DELICIOUS TREES
 - 2 EXISTING MINOR DELICIOUS TREES
 - 1 EXISTING WHITE PINE
 - 1 MINOR DELICIOUS TREE
6. ONE LARGE NATIVE TREE 12" CALIPER SIZE TO BE PLANTED TO PROVIDE A 15% BUFFER SIZE TO MANAGE STORMWATER

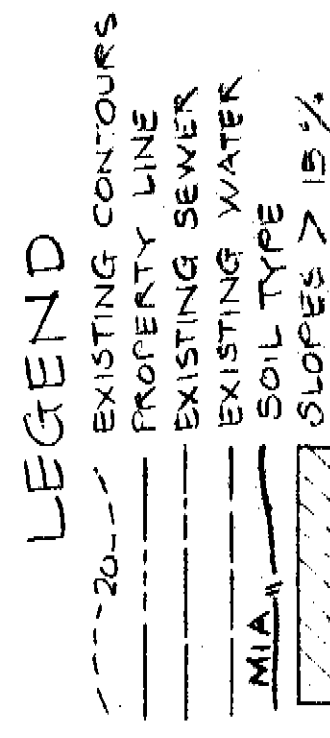
AND
SITE PLAN
7413 BAY FRONT ROAD
MICROFILMED

ELECTION DISTRICT 15
MAP 45, F-13



SCALE	DATE	DWG
1" = 30'	8-16-94	1 of 1

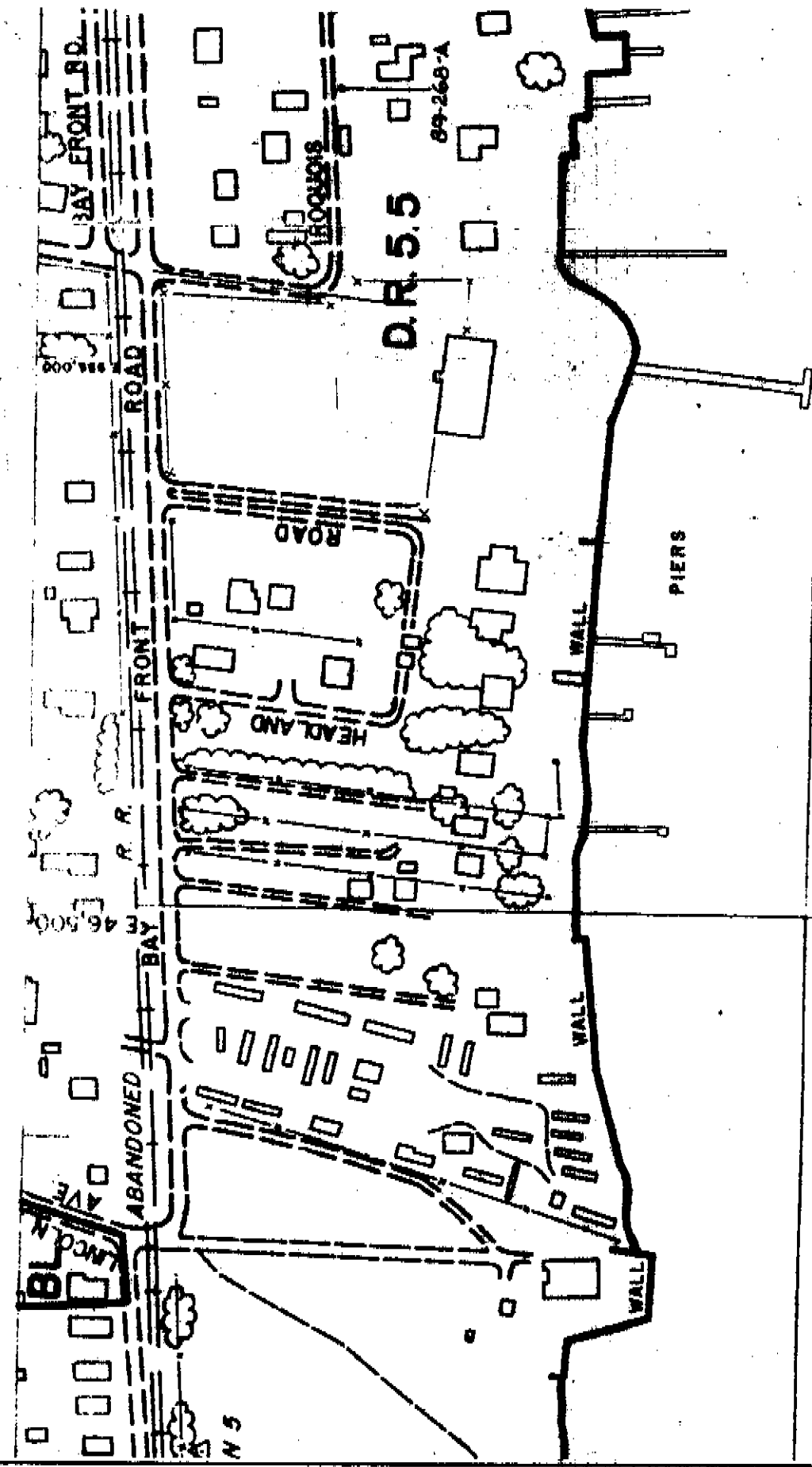
23



EXISTING BULKHEAD
PATAPSCO RIVER
(OLD ROAD BAY)

PROP. PIER

ZONING MAP
SCALE: 1"=200'



PLANT SCHEDULE		
KEY	BOTANICAL - COMMON NAME	QTY SIZE
MT	MAGNOLIA VIRGINIANA - SWEETBAY	1 1 1/2 GAL

[illegible]

1. The first part of the document is a letter from the author to the editor, dated 10/10/1910. The letter discusses the author's recent work on the history of the United States and expresses his hope that the editor will find it of interest.

2. The second part of the document is a letter from the editor to the author, dated 10/10/1910. The editor thanks the author for his letter and expresses his interest in the author's work.

3. The third part of the document is a letter from the author to the editor, dated 10/10/1910. The author discusses his recent work on the history of the United States and expresses his hope that the editor will find it of interest.

4. The fourth part of the document is a letter from the editor to the author, dated 10/10/1910. The editor thanks the author for his letter and expresses his interest in the author's work.

5. The fifth part of the document is a letter from the author to the editor, dated 10/10/1910. The author discusses his recent work on the history of the United States and expresses his hope that the editor will find it of interest.

6. The sixth part of the document is a letter from the editor to the author, dated 10/10/1910. The editor thanks the author for his letter and expresses his interest in the author's work.

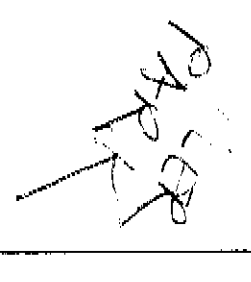
7. The seventh part of the document is a letter from the author to the editor, dated 10/10/1910. The author discusses his recent work on the history of the United States and expresses his hope that the editor will find it of interest.

8. The eighth part of the document is a letter from the editor to the author, dated 10/10/1910. The editor thanks the author for his letter and expresses his interest in the author's work.

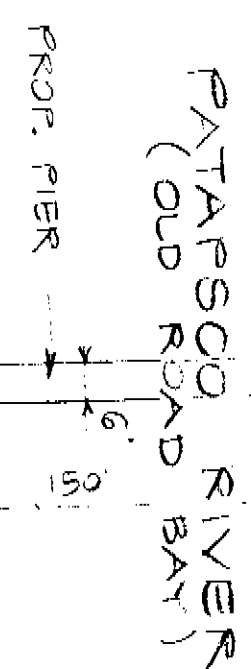
9. The ninth part of the document is a letter from the author to the editor, dated 10/10/1910. The author discusses his recent work on the history of the United States and expresses his hope that the editor will find it of interest.

10. The tenth part of the document is a letter from the editor to the author, dated 10/10/1910. The editor thanks the author for his letter and expresses his interest in the author's work.

EATING	
1. House	2300 sq ft.
2. Shops	141 sq ft.
3. Pools	0 sq ft.
4. Garages	4160 sq ft.
5. Stables	150 sq ft.
6. Paviors	0 sq ft.
7. Pool Accessory	0 sq ft.
8. Structures	0 sq ft.
TOTAL EATING 8521	
Squaring Square	
2. Improvements: Total Improvements = 25 x 100 = 2500	

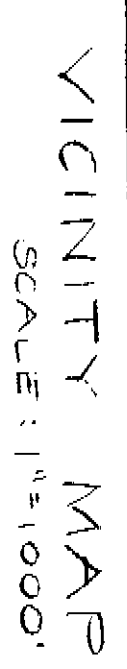


PLANT SCHEDULE		QTY	SIZE
KEY	BOTANICAL - COMMON NAME		
M1	MAGNOLIA VIRGINIANA - SWEETBAY	1	1 1/2" CAL.



20. EXISTING CONDUITS
NO ENTRY LINE
EXISTING SERVICE
EXISTING WATER
SOIL TYPE
SOIL BENEATH

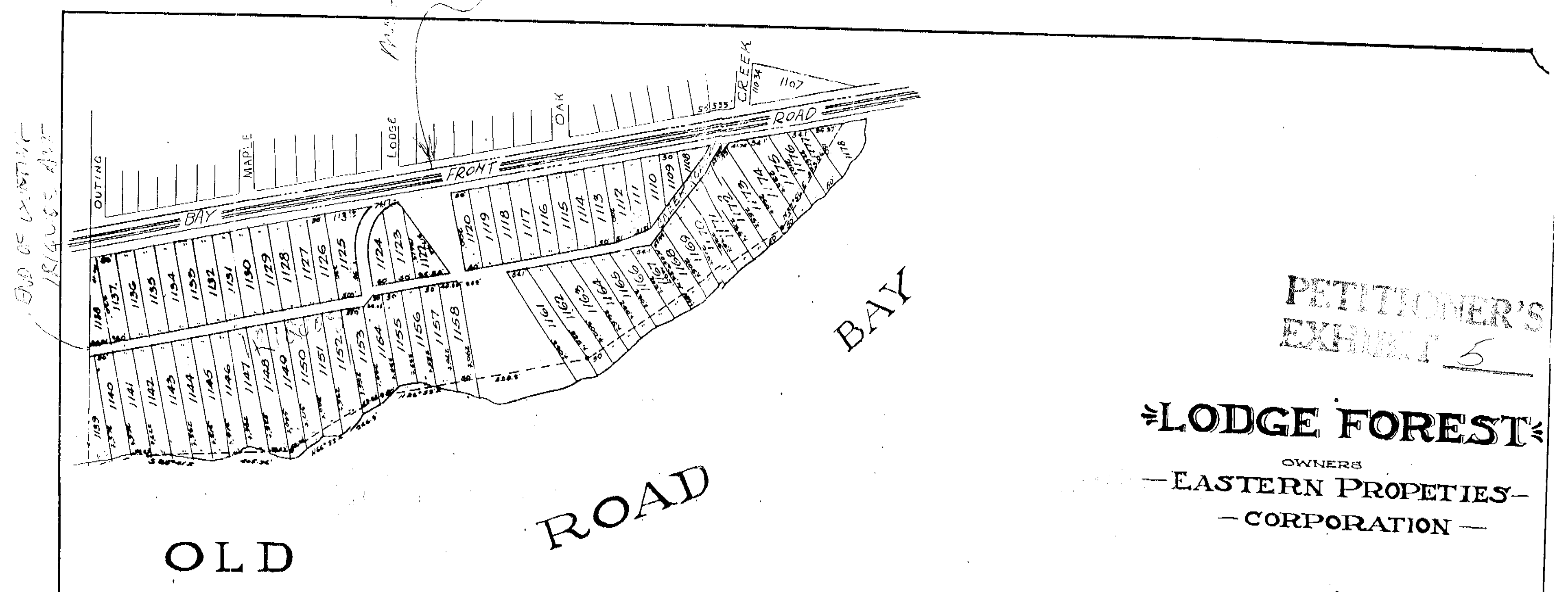
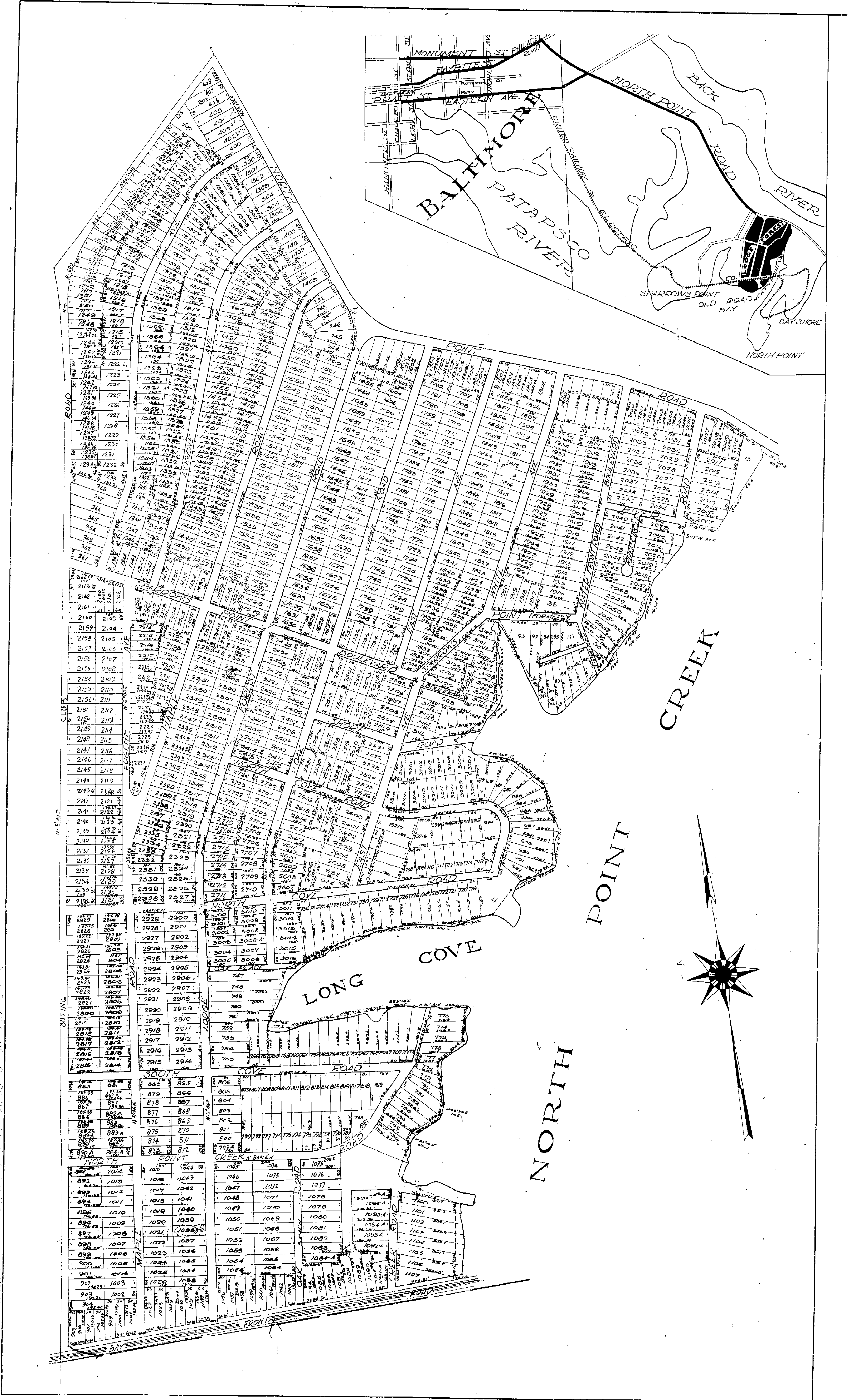
1. AREA OF TRACT = 27870.54 Ft = 0.64 AC.
2. ZONING OF TRACT = DR B/E
3. EXISTING USE = SINGLE FAMILY RESIDENTIAL
4. NUMBER OF UNITS ALLOWED = 3
5. NUMBER OF UNITS PRODUCED = 2
6. TAX ACCOUNT # = 1510650330
7. SUBSERVISHED # = 7
8. CONJUGATE MATRIC # =
9. WATER SHED # = A-21
10. CENSUS TRACT = 15
11. ELECTION DISTRICT =
12. CHEMICAL/HAZARDOUS WASTE ELEMENTARY SCHOOL DISTRICT =
13. THERE ARE NO WELLS OR SEWAGE SYSTEMS WITHIN 100' OF
THE PROPERTY LINE.
14. THERE ARE NO UNBOUND STORAGE TANKS ON THE SITE.
15. THIS PROPERTY IS LOCATED IN THE CINCINNATI BAY CRITICAL
AREA (LDA).
16. THIS SITE IS SERVED BY GAS, SEWER AND WATER.
17. THE EXISTING BUILDING TO BE ACQUIRED BY THE CURRENT
PROPERTY OWNER.
18. THERE ARE NO MINOR ZONING VIOLATIONS RELATED TO THIS
PROPERTY.
19. PROPERTY IS PARCELED 2309 GRID 22 TAX MAP 111.
20. NEIGHBORING PLANNING DISTRICT = DR B

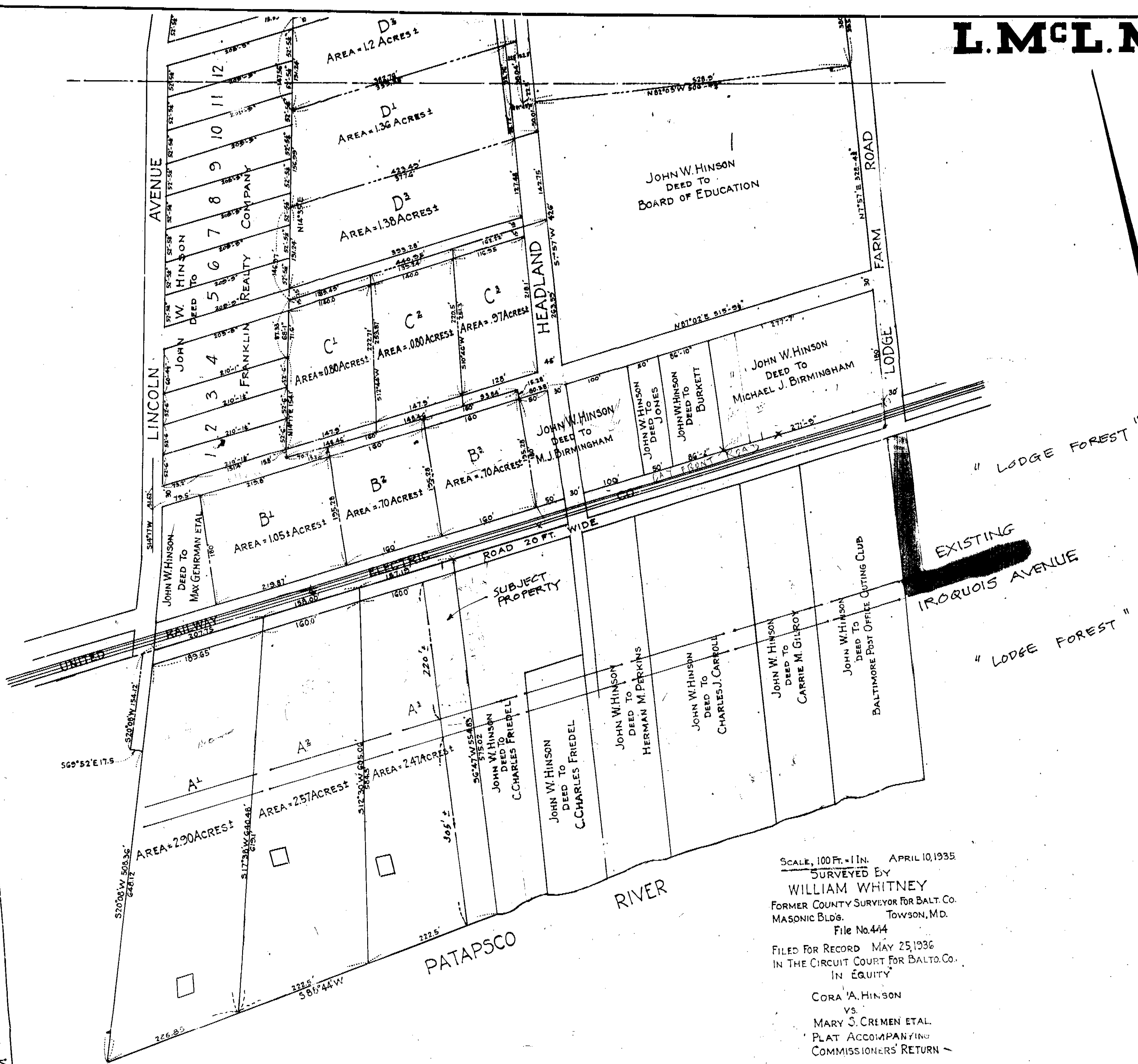
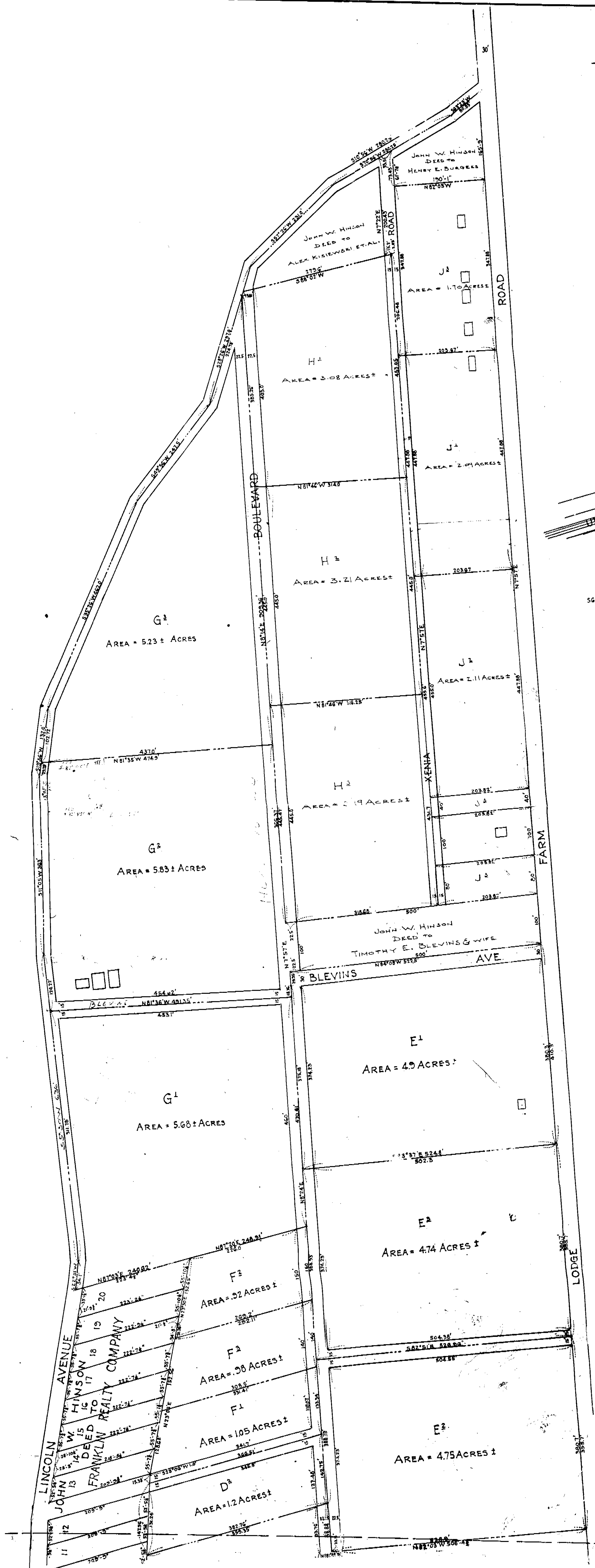
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SITE PLAN
7413 BAY FRONT ROAD
MICROFILMED

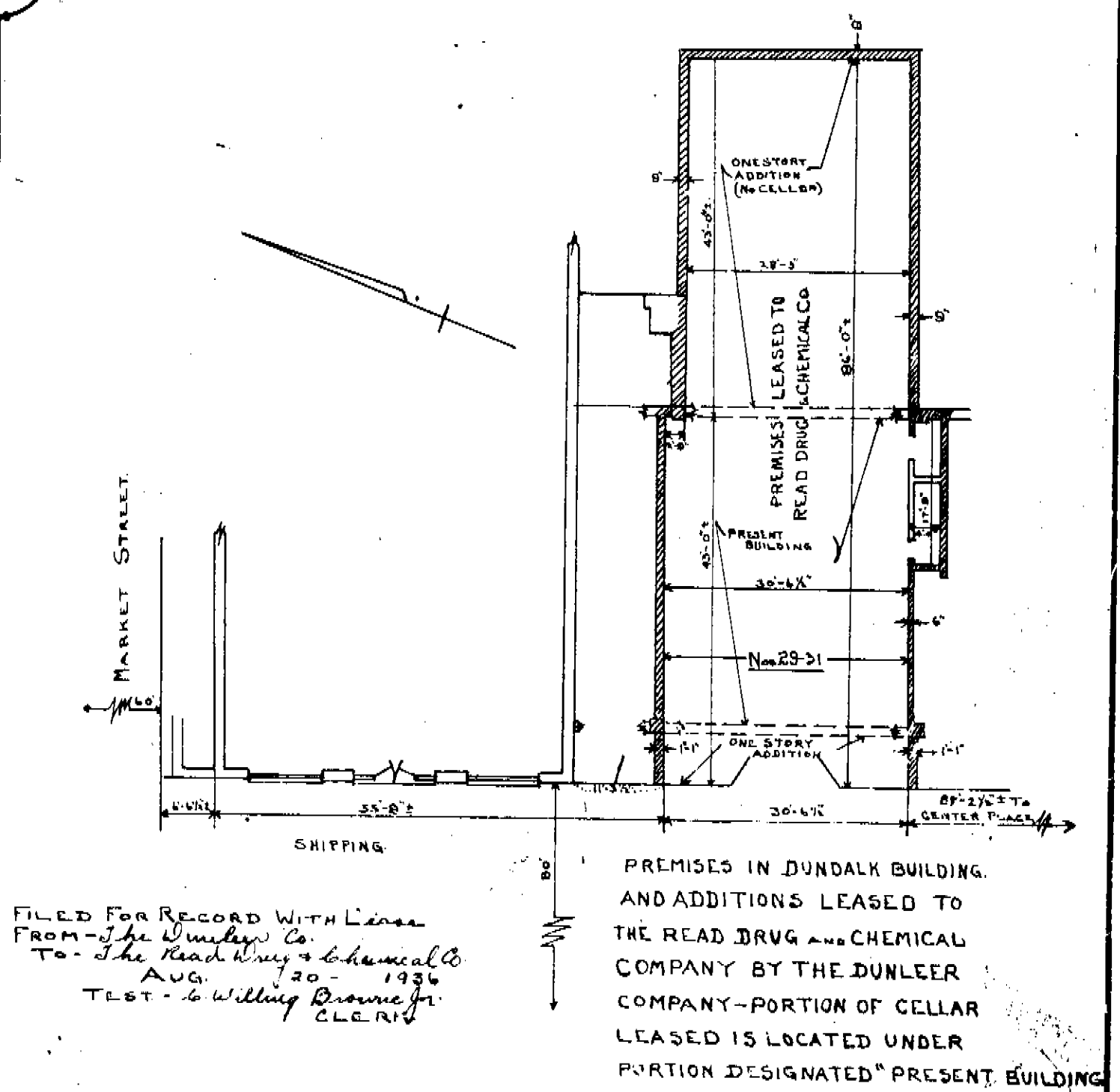
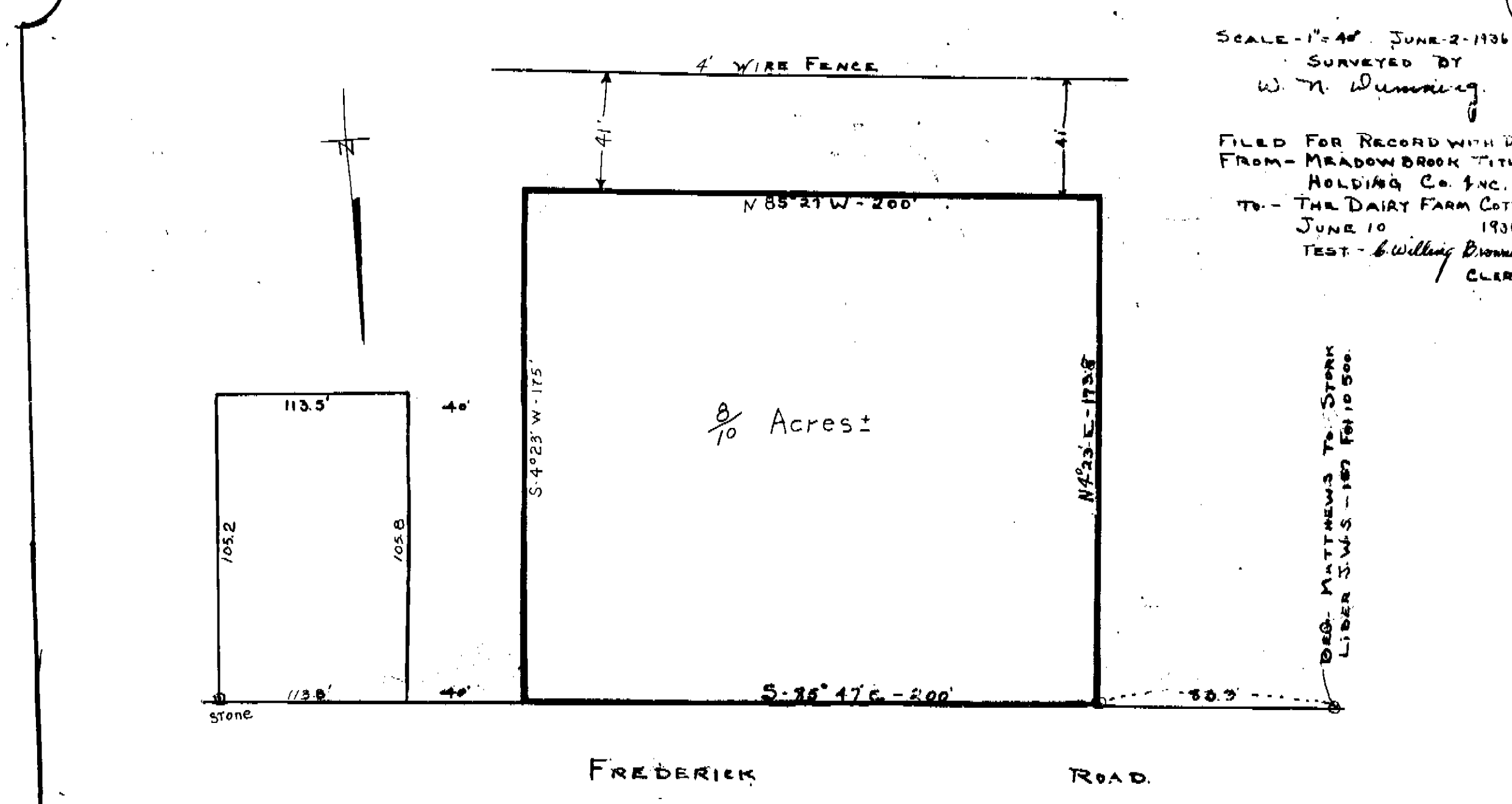
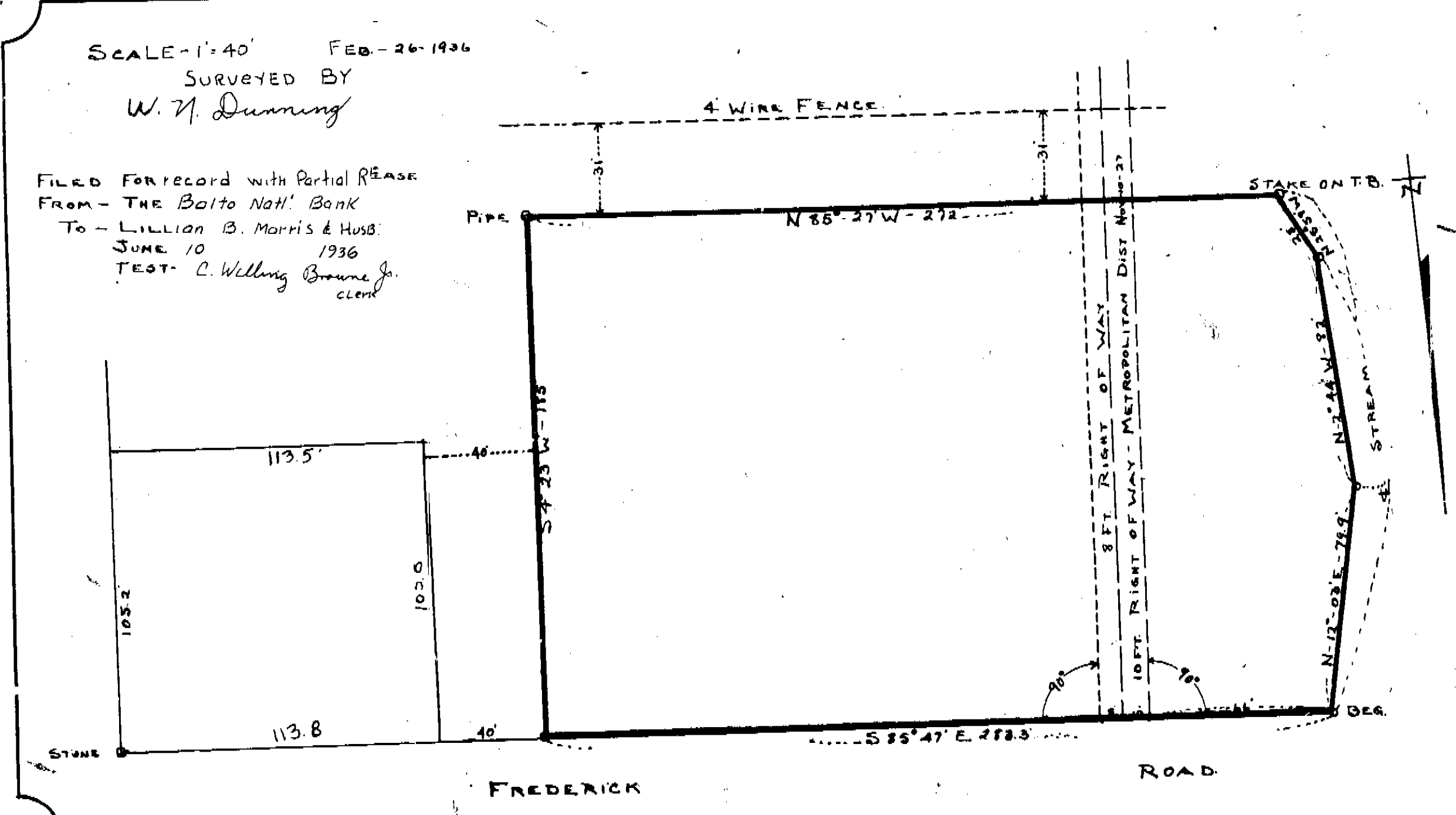
SCALE 1" = 30'	DATE 8-16-94	D 1
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EX-111	1A
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SCALE 100 FT. = 1 IN. APRIL 10, 1935
 SURVEYED BY
 WILLIAM WHITNEY
 FORMER COUNTY SURVEYOR FOR BALTO. CO.
 MASONIC BLDG. TOWSON, MD.
 FILE NO. 444
 FILED FOR RECORD MAY 25, 1936
 IN THE CIRCUIT COURT FOR BALTO. CO.
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 PLAT ACCOMPANYING
 COMMISSIONER'S RETURN

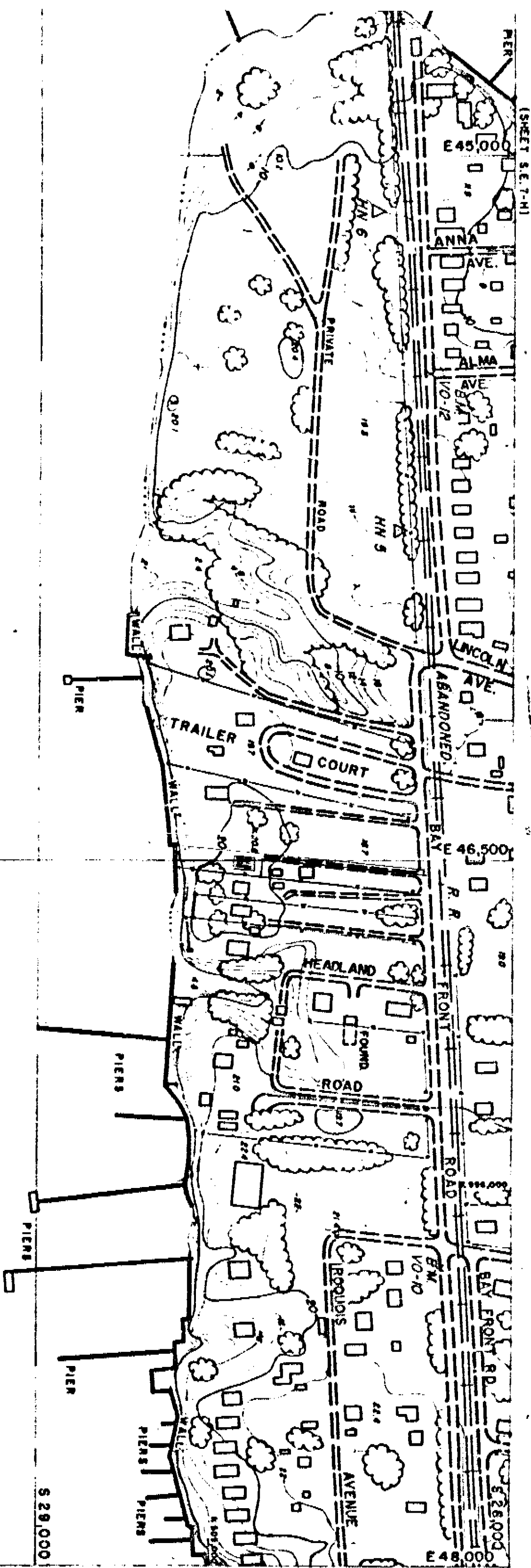


PREMISES IN DUNDALK BUILDING
 AND ADDITIONS LEASED TO
 THE READ DRUG AND CHEMICAL
 COMPANY BY THE DUNLEA
 COMPANY - PORTION OF CELLAR
 LEASED IS LOCATED UNDER
 PORTION DESIGNATED PRESENT BUILDING

MICROFILMED

RECEIVED





*Get Sub
#8*

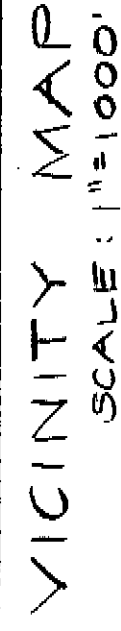
1" = 200'
Topo
SE 8-4

MICRO

THE UNDERSIGNED HAVING REVIEWED THIS PLAT
HEREBY SUPPORT THE REQUEST FOR A VARIANCE

THE UNDERSIGNED HAVING REVIEWED THIS PLAT
HEREBY SUPPORT THE REQUEST FOR A VARIANCE

96-40-A



1. AREA OF TRACT = 27870 Sq. Ft = 0.64 AC.
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4. NUMBER OF UNITS ALLOWED - 3
5. NUMBER OF UNITS PROVIDED - 3
6. TAX ACCOUNT # 1514630380
7. SUBSEWERED #
8. COUNCILMATIC DISTRICT
9. WATERSEWERED #
10. CENLUS TRACT # 4521
11. ELECTION DISTRICT 15
12. CHESAPEAKE TERRACE ELEMENTARY SCHOOL DISTRICT
13. THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY LINES.
14. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SITE.
15. THIS PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (L.D.A.).
16. THIS SITE IS SERVED BY PUBLIC SEWER AND WATER.
17. THE EXISTING DWELLING TO BE RETAINED BY THE CURRENT PROPERTY OWNER
18. THERE ARE NO PRIOR ZONING HEARINGS RELATED TO THIS PROPERTY.
19. PROPERTY IS PARCEL 230, GRID 22, TAX MAP 111.
20. REGIONAL PLANNING DISTRICT 23 B

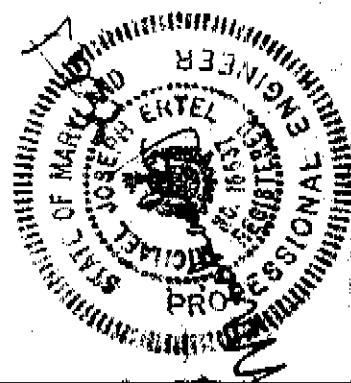
21. VARIANCE IS REQUESTED
PETITIONER IS REQUESTING A VARIANCE TO SECTION
1802.3.0.1 TO ALLOW A LOT WIDTH OF 50' IN LIEU OF
55' AND TO ALLOW A EXISTING 8' SIDEYARD IN LIEU
OF 10' AND ANY OTHER VARIANCES DEEMED NECESSARY.

[illegible]

1. THERE CAN BE NO CLEARING GRADING CONSTRUCTION OR DISBURSAL OF VEGETATION IN THE RICAL BUFFER ZONE AS PERMITTED BY SANTIAGO COUNTY DEPRM
2. THERE IS A 25% LIMIT ON IMPERVIOUS SURFACES 26% MEAN HIGH TIDE LOT AREA ABOVE WATER AREA ABOVE 27.870 SQ.FT. THE IMPERVIOUS SURFACE LIMIT IS APPROXIMATELY 6970 SQ.FT.
3. POROUS DRIVEWAY TO BE NO. 2 STONE ON APPROVED FILTER FABRIC PER DETAIL
4. ALL EXISTING TREES TO BE RETAINED & CREDITED TOWARDS PLANTING REQUIREMENTS
5. AFFORESTATION REQUIREMENTS 15% ON 410.7 SQ FT REQUIRED PLANTING:
A MAJOR DELICIOUS TREES
EXISTING MINOR DELICIOUS TREES
PROPOSED PLANTING:
1 EXISTING WHITE PINE
2 EXISTING MINOR DELICIOUS TREES
1 MINOR DELICIOUS TREE
ONE LARGE NATIVE TREE
PLANTED TO PROVIDE A 15% BUFFER SIZE TO MANAGE STORMWATER

AND
SITE PLAN
MICROFILMED
7413 BAY FRONT ROAD

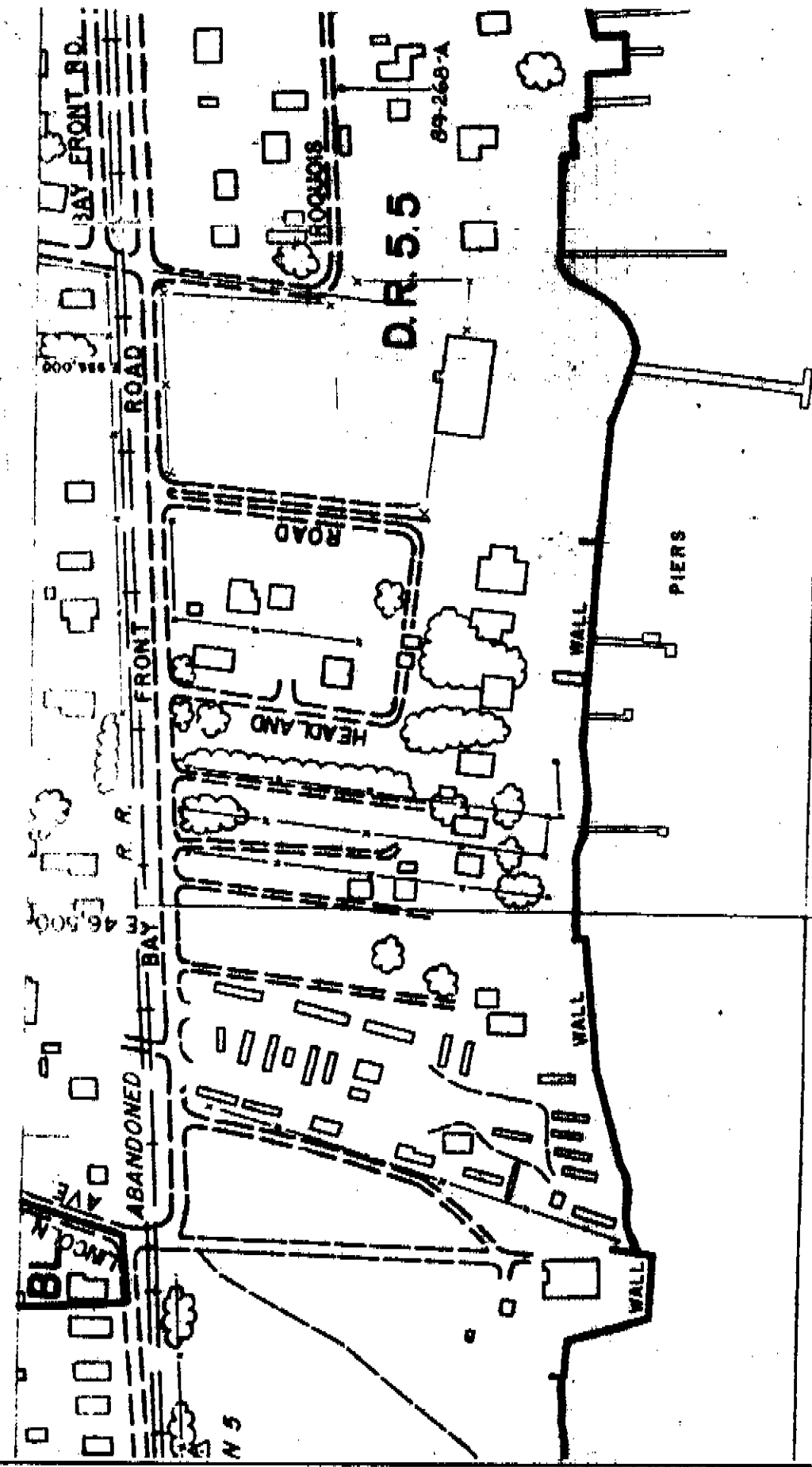
ELECTION DISTRICT IS
MAP 45, F-13



LEGEND

---20---	EXISTING CONTOURS
----	PROPERTY LINE
----	EXISTING SEWER
----	EXISTING WATER
----	SOIL TYPE
MIA	SLOPE > 15%

KEY	BOTANICAL - COMMON NAME	QTY	SIZE
MT	MAGNOLIA VIRGINIANA - SWEETBAY	1	1 1/2' CAL.



Abstract

KEY	BOTANICAL - COMMON NAME	QTY	SIZE
MT	MAGNOLIA VIRGINIANA - SWEETBAY	1	1 1/2' CAL.

23

IN THE MATTER OF
THE APPLICATION OF
JOSEPH C. NOWAKOWSKI
FOR A VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE BAY
FRONT RD. 450' EAST OF LINCOLN
AVENUE (7413 BAY FRONT ROAD)
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
* * * * *
* * * * *
* * * * *

OPINION

This case comes on appeal of the Zoning Commissioner's October 30, 1995 Order in which Petition for Variance was denied. In the case before the Zoning Commissioner, the Petitioner sought variances from Baltimore County Zoning Regulations (BCZR) Section 1B02.3C.1 to allow a lot width of 50 feet in lieu of the required 55 feet; to allow existing 8-foot side yard setback in lieu of the required 10-foot side yard setback; and any other variances determined necessary. The Zoning Commissioner denied the lot width variance and granted the side yard setback variance with restrictions. An appeal was taken from the denial of the lot width variance request; no other appeal was filed by protestants from the Zoning Commissioner's granting of the 8-foot side yard setback. The matter before the Board is the appeal brought by the Petitioner from the denial of the lot width variance.

The subject property is located at #7413 Bay Front Road in the Sparrows Point area of the Patapsco River. The site is approximately 50 feet in width and 560 feet in depth, is zoned D.R. 5.5, is traversed by a 10-foot wide sewer right-of-way, and is currently improved by an existing 1-1/2 story dwelling, sheds, and other appurtenances. The Petitioner seeks a variance from the aforementioned regulation to permit construction of a second residence to the water side of the existing dwelling, sharing the

Case No. 96-40-A Joseph C. Nowakowski -Petitioner 2
existing driveway which would serve the ultimate two residences. The Petition and its proposed improvements are more particularly described on the Plat to Accompany Petition for Variance marked as Petitioner's Exhibit 1. This case was heard in a single day of testimony.

Appearing for Petitioner was Benjamin Bronstein, Esquire, and for Protestants was Francis X. Borgerding, Jr., Esquire. People's Counsel did not participate in these proceedings.

Testifying for the Petitioner was Michael J. Ertel, Professional Engineer, and the Petitioner. Testifying for Protestants was Christopher Wojcik, Protestant, and Marion P. Szymanski, Protestant's mother-in-law and resident of a nearby property, as well as Edward A. Griffith, a certified general real estate appraiser. This matter was deliberated publicly in accordance with Maryland's open meetings law.

Mr. Ertel testified that the property area would accommodate three dwelling units, and that what is proposed is a total of two, including the existing dwelling. He described the project to include demolition of existing sheds, a proposed common drive, and described some of the surrounding neighborhood. Mr. Ertel opined that Section 304.1 of the Baltimore County Zoning Regulations (BCZR) does not apply in this case because two dwellings are proposed on this lot. He also opined that the instant site is unusual because of the extreme depth of the lot (relative to the width). He indicated that nearby Iroquois Avenue ends at the edge of Lodge Farm Road, and that it aligns with the existing sewer right-of-way.

On cross-examination, he opined that had Iroquois Avenue been

Case No. 96-40-A Joseph C. Nowakowski -Petitioner 3
extended the proposed residence would have been built pursuant to Section 304 of the BCZR. It was revealed also in his testimony that a large number of lots are approximately 50 feet wide, that several of them are approximately the same depth as the instant site, and that many Lodge Forest homes were constructed on multiple lots.

Mr. Nowakowski testified that he wishes to build the proposed home for his grandson, and that he has the support of some of his neighbors. He indicated that he has resided there since 1946.

Mr. Wojcik, the adjoining property owner to the east of the instant site, testified to his opposition to the proposed house, and that he has no plans to build on his property. He contends that the proposed dwelling would adversely impact his enjoyment of his property and raises concerns about the health, safety and welfare of his family.

Marion Szymanski testified very briefly concerning the history of the Wojciks' house, as well as the ownership history of Petitioner's property and other properties in the area.

Mr. Griffith essentially limited his testimony to his opinion that construction of the proposed dwelling would result in a diminution of the Wojcik's enjoyment of their property, and a reduction in value of their property.

This case is a straightforward variance request. This Board enjoys the guidance provided by the Court of Special Appeals in Cromwell v. Ward, 102 Md.App. 691 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions...peculiar to the land...and...practical difficulty..." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical

Case No. 96-40-A Joseph C. Nowakowski -Petitioner 4
difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...." Id. at 698.

In requiring a pre-requisite finding of "uniqueness", the Court defined the term and stated:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... Id. at 710.

Therefore, this Board must first look to the issue of whether the instant site is unique and, second, that the strict conformance to the BCZR would result in practical difficulty or unreasonable hardship for the Petitioner. The Board finds as a fact that the instant site, while somewhat unusual in shape, is by no means unique. There are numerous properties in the general vicinity of the site which are roughly 50 feet wide and several hundred feet in depth. While it may be so that the right-of-way is coincident with the direction of Iroquois Avenue, the only facts that the Board may consider are the existing set of circumstances on the site, that being that the sewer right-of-way has existed on that property for several years. What impact that set of circumstances has to the applicability of Section 304 is not an issue for the Board to decide.

Having found that the instant site is not unique, the Petition

Case No. 96-40-A Joseph C. Nowakowski -Petitioner 5
...to permit a second residence on the instant site must be denied.

If the Board were to find that the instant site is unique, the Board also finds that the Petitioner has enjoyed 50 years' use of the property and the adjoining amenity; therefore, the Board finds that strict compliance with the BCZR as it relates to the instant case does not constitute practical difficulty or unreasonable hardship. For those same reasons, the Petition for Variance would necessarily be denied.

ORDER

IT IS THEREFORE this 5th day of August, 1996 by the County Board of Appeals of Baltimore County

ORDERED that the requested variance from Section 1B02.3C.1 of the Baltimore County Zoning Regulations to allow a lot width of 50 feet in lieu of the required 55 feet be and is hereby DENIED.

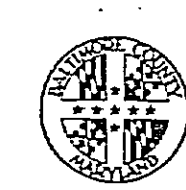
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz
Robert O. Schuetz, Chairman

Charles L. Marks
Charles L. Marks

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 5, 1996

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. 96-40-A
Joseph C. Nowakowski -Petitioner

Dear Mr. Bronstein:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charles C. Bianco
Kathleen C. Bianco
Legal Administrator

encl.

cc: Joseph C. Nowakowski
R. Mark Davis
Christopher Wojcik
Chesapeake Bay Critical
Areas Commission
✓ People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

88/mg/11.27.95

IN RE: PETITION FOR VARIANCE * BEFORE THE
N/S Bay Front Road * BOARD OF APPEALS
450' E of Lincoln Avenue * FOR
(7413 Bay Front Road) *
15th Election District * BALTIMORE COUNTY
7th Councilmanic District * CASE NO.: 96-40-A
Joseph C. Nowakowski *
Petitioner * * * * *

NOTICE TO ENTER APPEAL

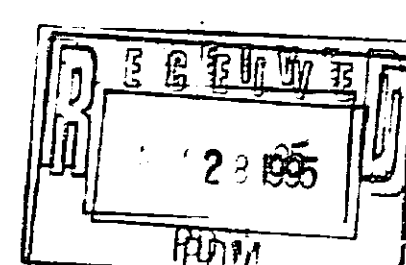
On behalf of Joseph C. Nowakowski, Petitioner, whose address is 7413 Bay Front Road, Baltimore, Maryland 21219, by Benjamin Bronstein and Evans, George and Bronstein, his attorneys, please note an appeal from the decision of the Zoning Commissioner for Baltimore County dated October 30, 1995, denying Petitioner's Petition for Variance pursuant to §1B02.3.C.1 of the Baltimore County Zoning Regulations.

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
Benjamin Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(410) 296-0200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of November, 1995, a copy of the foregoing was mailed, postage pre-paid to Peter Max Zimmerman, People's Counsel for Baltimore County and Carole S. Denilio, Deputy People's Counsel for Baltimore County, Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.



Benjamin Bronstein
Benjamin Bronstein

IN RE: PETITION FOR VARIANCE * BEFORE THE
N/S Bay Front Road, 450' E of * ZONING COMMISSIONER
Lincoln Avenue *
(7413 Bay Front Road) * OF BALTIMORE COUNTY
15th Election District *
7th Councilmanic District * Case No. 96-40-A
Joseph C. Nowakowski *
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 7413 Bay Front Road, located in the vicinity of Lodge Farm Road in Lodge Forest. The Petition was filed by the owner of the property, Joseph C. Nowakowski, through his attorney, Benjamin Bronstein, Esquire. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 0 feet in lieu of the required 55 feet and to permit an existing side yard setback of 8 feet in lieu of the minimum required 10 feet, and any other remaining variances as may be deemed necessary. The subject property and relief sought are more particularly described on the site plans submitted which were accepted into evidence as Petitioner's Exhibits 1 and 4A.

Appearing at the public hearing on behalf of the Petition were Joseph C. Nowakowski, property owner, Richard and Justine Davis, the Petitioner's grandson and his wife, Michael J. Ertel, Professional Engineer, who prepared the site plans for this property, and Benjamin Bronstein, Esquire, Attorney for the Petitioner. Appearing as a Protestants in the hearing were Francis X. Borgerding, Jr., Esquire, and Marion P. Szymanski, Protestant's mother-in-law and resident of a nearby property.

During the hearing, evidence presented revealed that the subject property is approximately 50 feet wide and several hundred feet in depth, and is a waterfront

COPIES RECEIVED FOR FILING
Date _____
By _____

Baltimore County Government
Fire Department



700 East Popple Road, Suite 901
Towson, MD 21206-5501

(410) 887-4500

DATE: 07/31/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JULY 31, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 17, 18, 19, 20, 21, 22, 23, 24, 25 AND 27.

RECEIVED

AUG 1 1995

ZADM

BAUERWOLD
OFFICE, PHONE 887-4881, MS-1102F

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, POM

DATE: August 9, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 7413 Bay Front Road

INFORMATION:

Item Number: 23

Petitioner: Joseph C. Nowakowski

Property Size:

Zoning: DR-5.5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a lot width of 50' in lieu of the required 55' and to allow an existing 8' sideyard setback in lieu of 10' and any other remaining variances as may be deemed necessary.

The Office of Planning does not support the applicant's request because the lot is too narrow to accommodate an additional house, as evidenced by the instant request. As previously stated in a letter dated October 26, 1994 (see attached) to the applicant's engineer in reference to the subject property, subdivision (or in this case the construction of an additional home on a single lot) would be incompatible with the surrounding neighborhood and detrimental to the community.

In addition, staff can find no reason why this lot is unique since many other lots in the area and most of the lots along Bay Front Road are long and narrow. Therefore, there appears to be no justification which would enable the applicant to satisfy the requisite burden of proof.

Prepared by: Jeffrey W. Lora

Division Chief: Gary L. Kinn

PK/JL

ITEM23/PZONE/ZAC1

TO: Arnold Jablon, Director DATE: August 7, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plan Review Division

RE: Zoning Advisory Committee Meeting
for August 7, 1995
Item No. 23

The Development Plan Review Division has reviewed the subject zoning item. A panhandle lot shall include an in-fee strip of land providing access to the local street. The panhandle fee strip shall be a minimum of 20 feet in width to serve one lot. The panhandle driveway shall be built in accordance with Dept. of Public Works Standard Plate R-47.

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 developments.

In all cases the lowest floor of any building must be elevated 1 foot above the 100-year frequency tidal elevation as defined by the Federal Emergency Management Agency, Flood Insurance Administration's Flood Insurance Study.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

August 15, 1995

FROM: J. Lawrence Pilon
Development Coordinator, DEPRM

SUBJECT: Zoning Item #23 - Nowakowski Property
7413 Bay Front Road
Zoning Advisory Committee Meeting of July 31, 1995

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

Environmental Impact Review

1. Redevelopment of the property, which is in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area, is limited to 15% impervious surface. Current impervious surfaces equal 4146 square feet or 14.8%, thus leaving approximately 36 square feet for future use. The proposed project (building a house on the same lot for a grandson) must include the removal of impervious surface as shown on the Zoning Petition site plan.
2. The applicant must apply for a special hearing to show a new line of demarcation on the lot or go through the minor subdivision process.

JLP:KK:sp

c: Joseph Nowakowski

NOWAKOWS/DEPRM/TXTSBB

APPEAL
PETITION FOR VARIANCES
N/S Bay Front Road, 450' E of Lincoln Avenue
(7413 Bay Front Road)
7th Election District - 15th Councilmanic District
Joseph C. Nowakowski - Petitioner
Case No. 96-40-A (Item No. 23)

Petition for Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Council
Zoning Committee Advisory Comments
Petitioner(s) Sign-In Sheet
Protestant(s) Sign-In Sheet

Petitioner's Exhibits - 1 - Plat to Accompany Petition, dated June 16, 1994
1A - Colored Plat, dated August 16, 1994
2 - Photographs of Subject Property
3 - Photographs of Subject Property
4A - Plat with Signatures in Support of Petition
4B - List of Residents in Support of Petition
5 - Plat of Lodge Forest, dated March 29, 1929
6 - Plat of Subject Property, dated April 10, 1935
7 - Photograph of Subject Property

Copy of letter from Chris Wojcik to Gary Kearns, Baltimore County Planning Office, dated June 15, 1994

Copy of Letter from Chris Wojcik to Gary Kearns, Baltimore County Planning Office, dated August 23, 1994

Letter from Chris Wojcik to Lawrence E. Schmidt, Zoning Commissioner, dated September 15, 1995

Zoning Commissioner's Order dated October 30, 1995 (Denied)

Notice to enter Appeal from Benjamin Bronstein, Esquire, on behalf of Joseph C. Nowakowski, Petitioner, dated November 28, 1995

cc: Benjamin Bronstein, Esquire, 205 Susquehanna Building, 29 West Susquehanna Avenue, Towson, Maryland 21204
Chris Wojcik, 7415 Bay Front Road, Baltimore, Maryland 21219
Joseph C. Nowakowski, 7413 Bay Front Road, Baltimore, Maryland 21219
Chesapeake Bay Critical Areas Commission, 45 Calvert Street, 2nd floor, Annapolis, Maryland 21401
People's Counsel for Baltimore County, M.S. 2010

Request Notification: Arnold "Pat" Keller, Director, Planning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of POM

Baltimore County Government
Office of Planning and Zoning



(410) 887-3211
Fax (410) 887-5862

October 26, 1994

Mr. Michael J. Ertel
6012 Falkirk Road
Baltimore, MD 21239

Dear Mr. Ertel,

Thank you for the opportunity to discuss the site proposal for the "Mark Davis Property" with our office. I apologize for the delay in responding in writing to you, but this issue became more complicated than we originally thought.

As a result of your situation and other issues involving waivers, the County has been reevaluating its waiver procedure. Last week, it was decided that waivers to the panhandle regulations will not be decided by the Development Review Committee, but rather by the Zoning Commissioner at a Special Hearing. Your client may wish to reapply for a waiver under this procedure and Mr. Donald Rascoe of Zoning Administration and Development Management can provide you with the relevant information.

It also appears that this subdivision may require a variance from the Baltimore County Zoning Regulations which require a minimum lot width of 55 feet in a DR 5.5 zone. This variance hearing may be done in conjunction with the Special Hearing on waivers.

Please be advised, however, that our Office would not support the subdivision of this property. The lot is too narrow to accommodate further subdivision, as evidenced by the inability to meet minimal county regulations. It is our opinion that the resulting subdivision would be incompatible with the surrounding neighborhood and would be detrimental to the community.

If you have any questions about the processes, please contact Mr. Donald Rascoe at 887-3211.

Sincerely,

Andrea Van Arsdale
Chief of Strategic Planning Division

AV:rdh

cc: Don Rascoe

PETITION PROBLEMS
AGENDA OF JULY 31, 1995

#18 --- JJS/MJK

1. Receipt not given to petitioner; still in folder.

#20 --- JRA

1. Folder not marked "critical area".
2. No zoning indicated on petition form.

#23 --- CAM

1. Receipt not given to petitioner; still in folder.
2. Folder not marked "critical area".
3. No review information on bottom of petition form.

#24 --- JLL

1. Folder says RC-5; petition says RC-4. Which is correct?

#25 --- JCM

1. Notary section is incorrect.

#26 --- CAM

1. Receipt not given to petitioner; still in folder.
2. No telephone number for legal owner.
3. No review information on bottom of petition.

November 30, 1995

Mr. Chris Wojcik
7415 Bayfront Road
Baltimore, Maryland 21219

RE: Petition for Variances
N/S Bay Front Road,
450' E. of Lincoln Avenue
(7413 Bay Front Road)
15th Election District
7th Councilmanic District
Joseph C. Nowakowski-Petitioner
Case No. 96-40-A (Item No. 23)

Dear Mr. Wojcik:

Please be advised that an appeal of the above-referenced case was filed in this office on November 28, 1995 by Benjamin Bronstein, Esquire, on behalf of Joseph C. Nowakowski, Petitioner. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,
Arnold Jablon

ARNOLD JABLON
Director

AJ:bb

cc: People's Counsel



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 587-3180

January 30, 1996

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. 96-40-A
Joseph C. Nowakowski -Petitioner

Dear Mr. Bronstein:

The Board is in receipt of your letter of January 29th in which you request a hearing date in late March or early April 1996 for the subject matter.

At this time, there are no hearing days open during the time you have specified. However, should an earlier date become available during that period, consideration will be given to granting your request.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrative Assistant

cc: Mr. R. Mark Davis
Mr. Chris Wojcik
People's Counsel for Baltimore County

2/09/96 -Notice of Assignment for hearing scheduled for Tuesday,
May 28, 1996 at 10:00 a.m. sent to following:

Benjamin Bronstein, Esquire
Joseph C. Nowakowski
R. Mark Davis
Chris Wojcik
Chesapeake Bay Critical Areas
Commission
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

5/28/96 -Hearing concluded before; to be scheduled for public
deliberation. (R.C.B.)

5/28/96 - Notice of Deliberation sent to parties; scheduled for public
deliberation on Thursday, June 27, 1996 at 9:30 a.m.; copy of
Notice to R.C.B.

6/27/96 -Public deliberation held; requested variance for lot width of
50' ilo 55' to be DENIED; Order to be issued; appellate period to
run from date of issuance of written Order. (R.B.C.)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Joseph C. Nowakowski -Petitioner
Case No. 96-40-A

DATE : June 27, 1996 @ 9:30 a.m.

BOARD /PANEL : Robert O. Schuetz (ROS)
Harry E. Buchheister, Jr. (HEB)
Charles L. Marks (CLM)

SECRETARY : Kathleen C. Bianco
Legal Administrator

Those present at this deliberation Benjamin Bronstein,
Esquire, on behalf of Appellant /Petitioner; and Francis X.
Borgerding, Esquire, on behalf of Protestant, Chris Wojcik.
People's Counsel did not participate in these proceedings.

ROS: Good morning, everyone. We are here this morning to
deliberate Case No. 96-40-A, Joseph C. Nowakowski, Petitioner.
Petition is for a variance for an undersized lot.

Variances fall under Section 307.1 of the Baltimore County
Zoning Regulations, and as everyone here is well aware, we
have some guidance in the Court as to how the Board is to view
such cases in light of recent case law in *Cromwell v. Ward*.
307.1 reads as follows (this is for the benefit of the folks
in the audience):

"The zoning commissioner of Baltimore County
and the county board of appeals, upon appeal,
shall have and they are hereby given the power to
grant variances from height and area
regulations, from off-street parking
regulations, and from sign regulations only in
cases where special circumstances or
conditions exist that are peculiar to the land
or structure which is the subject of the
variance request and where strict compliance
with the Zoning Regulations for Baltimore
County would result in practical difficulty or
unreasonable hardship. No increase in
residential density beyond that otherwise
allowable by the zoning regulations shall be
permitted as a result of any such grant of a
variance from height or area regulations.
Furthermore, any such variance shall be
granted only if in strict harmony with the
spirit and intent of said height, area, off-
street paring, or sign regulations, and only
in such manner as to grant relief without

Deliberation /Joseph C. Nowakowski /96-40-A

injury to public health, safety, and general
welfare. They shall have no power to grant
any other variances. Before granting any
variance, the zoning commissioner shall
require public notice to be given and shall
hold a public hearing upon any application for
a variance in the same manner as in the case
of a petition for reclassification. Any order
by the zoning commissioner or the county board
of appeals granting a variance shall contain a
finding of fact setting forth and specifying
the reason or reasons for making such
variance."

The instant case involved a property very close to waterfront.
We have seemingly unusual shaped property given its depth.
But as was pointed out during examination and cross of
witnesses of nearby properties, the area is replete with
properties which are 50 feet wide, all of which are generally
oblong in shape, given that the depth is the direct result of
the shape of the subdivision, as well as the irregular shape
of the waterfront. I find nothing unique about this
particular property, and therefore, according to *Cromwell v.*
Ward, the tests shall stop there.

However, in light of the other requirements of 307.1,
regardless of what *Cromwell* says, and I think it goes too far
in some cases. I do want to at least examine practical
difficulty and unreasonable hardship. In my view, given the
conditions of the property, that being the existing right-of-
way which is a utility right-of-way, does not constitute
practical difficulty. The condition of "what if" --if
Iroquois Avenue were extended-- is not at issue here; it's not
a "what if" situation. Given set of constraints and
circumstances which are in a "what if" situation, extension of
Iroquois Avenue, is that the right-of-way does exist.
However, the property owner does and has enjoyed the use of
his property for several years, and so I see no practical
difficulty or unreasonable hardship. Even if it were unique,
I would deny the variance on the grounds of no practical
difficulty.

HEB: Repeating some of the things we have just heard in order to
bring out my thoughts, I will review some of these matters Mr.
Schuetz has covered. Among the zoning regulations that direct
us in variance is 307.1 which we just heard. To paraphrase
the section -- a variance may be granted where strict
compliance will result in an unreasonable hardship. Also,
Section 307.1 stipulates that a one-family detached dwelling
may be erected on a lot having an area or width less than the

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Deliberation /Joseph C. Nowakowski /96-40-A

required 55' if such a lot was recorded by deed prior to 1955;
the variance requested is for a lot of 50' x 550' parcel, but I presume that
all of the requirements of height and area are complied with;
and the owner does not have sufficient adjoining land to
conform to the width requirement.

In reading 304.1, I am cognizant that the subject lot has an
existing dwelling on the 50' x 550' parcel, but I presume that
on such an unusually long property, as Mr. Nowakowski's site,
another dwelling could be appropriately placed with
consideration of the existing structures in the neighborhood,
as stated in Section 304.2a. Most important, perhaps, in this
appeal for a variance, is the standard of *Cromwell v. Ward*,
which requires a finding that the property whereon structures
are to be placed is in and of itself unique or unusual in a
manner different from the nature of surrounding properties,
and uniqueness and peculiarity of the property causes the
zoning to impact disproportionately upon that property.

Being fairly familiar with the Lodge Forest area of Edgemere
in several cases which we have had here on similar 50-foot lot
variance requests, the many 50-foot lots were platted many
years ago; it was still surprising for me to learn of several
properties, testimony indicated a lot of properties, as long
as 550' and more than 20,000 sq. ft. in area, such as Crenins,
Nowakowski and more. The lots along Bay Front Road vary in
width, but are generally 560' long. Of the 1,000 lots or so
in Lodge Forest, Michael Ertel, C.E., testified that probably
only several could actually support a second home. The
creation of these unusually long lots years ago was determined
when a road continuation dividing the platted area of most of
the lots -- the road was not continued to natural dimensions
because of obstruction. Consequently, the decision left a few
properties, particularly those of this case, unusual in
dimension and area. Mr. Ertel testified, and was recognized
as an expert in this case; was asked whether there was
anything unique or unusual about the subject property, and he
replied -- yes, the lot is 550' in length; that the impact of
the zoning law was unfair with only several lots of this
dimension, and it makes them unique. They were created prior
to the zoning regulations, and with acreage that could
support, in some cases, three homes, and it was in the spirit
and intent of 304, according to Mr. Ertel.

Mr. Wojcik has a similar lot and enjoys waterfront rural
setting. Concerns positioning of proposed house on Mr.
Nowakowski's property and the effect on his property values
and his enjoyment. His real estate appraiser opined that the
proposed construction would diminish the value.

Mr. Griffith had no recent sales to refer to as comparable

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Deliberation /Joseph C. Nowakowski /96-40-A

properties for this unusually lengthy property. But he had a
long experience and knowledge of the area and land values and
as proffered, he is someone to be carefully listened to, even
though in this matter of appraising property, he had nothing to
go on. As with Mr. Nowakowski, who wishes to provide a
building site for his grandson on land where he has lived for
50 years, it might be reasonable to expect that others with
unusually lengthy property and land area available would do
the same. I view this as a positive and natural eventuality
for a parent to aspire to. In this matter it appears to me
that, under *Cromwell v. Ward*, the Nowakowski's and each, not
just the one property, but each of the similarly dimensioned
parcels on Bay Front Road is in and of itself unique and
unusual in a manner far different from the nature of the
surrounding properties of the community. This peculiarity of
a lot almost two football fields in length limited to but one
dwelling is a zoning regulation that impacts with extreme
disproportion upon Mr. Nowakowski and others with similar
lots. I think the variance should be granted.

CLM: First of all, I would like to express my thanks to counsel on
both sides of the aisle and comment that I took considerable
time in reviewing the testimony produced, evidence and
exhibits, and my own notes. I took great pains to review, per
Mr. Bronstein, to read *Cromwell v. Ward*.

307 of the BCZR indicates that a variance can only be granted
when special circumstances or conditions exist peculiar to the
land or structure which is the subject of the variance, and
where strict compliance would result in practical difficulty
or unreasonable hardship. *Cromwell v. Ward* requires that the
property is in and of itself unique or unusual in a manner
that is different from the nature of surrounding properties
such that uniqueness or peculiarity causes the zoning provision
to impact disproportionately upon that property.

Unless the Board can find findings that the property is unique
or different, the process must stop at that point, and the
variance denied, without consideration of practical difficulty
or unreasonable hardship.

North v. St. Mary's County set forth the criteria; the
question by the Board is: based upon the evidence, testimony
and exhibits, is the property in question unique or unusual.
For zoning purposes, the subject property must have inherent
characteristics not shared by other properties in the area.
While it is admirable for the Petitioners to desire to build
a second dwelling, care and consideration must be exercised by
the Board of Appeals to guard the intent and spirit of the
zoning regulations to justify granting of a variance. The

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Deliberation /Joseph C. Nowakowski /96-40-A

case in hand, based upon the facts and testimony and evidence,
the variance must be denied. The vast majority of properties
in this area have lot restrictions -- while the lot is long in
length and must be considered somewhat unusual, the shape and
size is present in other neighboring properties; not unusual.

Having found no significant or unusual characteristics, the
variance request stops here; ending consideration of practical
difficulty or unusual hardship.

HEB: In looking at *Cromwell v. Ward*, I felt that the uniqueness has
applied to several lots. I know *Cromwell*, if you read it -- in
and of itself the lot. Other lots are similar, so therefore,
it does not meet the standards set by *Cromwell v. Ward*. But,
I think it's a zoning error that this loss falls
disproportionately on someone with five children. But to deny
these property owners, not just Mr. Nowakowski but others who,
over all these years, have had this very lengthy property to
accumulate leaves, hard work, assessment and so forth -- and
have no use for it. I'm familiar with a person who has 400
foot lot -- I think it's 559 ft. It's Mr. Wojcik, I think,
who testified that he's got a very rural setting; a forest
lane to get to his house. But it's still a matter, I think,
of unfairness that someone who has this land -- the law is
what it is -- but therefore I guess I have to concur with my
fellow Board members here that the uniqueness is not there.
And yet I would sure like to say that any lot of that
dimension is unique.

ROS: In my earlier remarks, I indicated that I believe that
Cromwell v. Ward goes a little too far. I think what Mr.
Buchheister has indicated in his first round of remarks, that
these three particular properties may be seen to be jointly
unique, that's where I think *Cromwell* goes a little bit too
far. However, it's not for this Board to decide that
particular matter, given the guidance the Courts have
provided. The plain reading of the language, which is why I
read it earlier, says that conditions exist that are peculiar
to the land or structure which is the subject of the variance
request. We have a request for one property. It's that very
language, in light of *Cromwell*, which causes me to believe
that there is no uniqueness.

And so, I would agree with the comments of Mr. Buchheister
earlier that there is uniqueness in these three properties
jointly and severally, but that in light of *Cromwell*, 307.1
precludes us from making a finding that they are unique. And
I also think that it is an admirable position to take. I
think we are all too quick to condemn our familial situations
in favor of what is quickest and easiest -- and I think that

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Deliberation /Joseph C. Nowakowski /96-40-A

what Mr. Nowakowski wishes to do for his family is beyond
admirable. It is unique in this day and age, and I wish we
had better news for you, Mr. Nowakowski.

However, the fact remains that we have a 50-foot lot; it's not
unique. The one thing I don't waiver on is that there is no
practical difficulty because you have enjoyed use of the
property for so many years. I suspect that setting and access
to the water, when the property was first purchased, was a
basis of the decision, and not that 50 years later you would
be hoping to grant something in the use to your grandchildren.
And so, the practical difficulty issue goes pretty much with
ownership of property, and so I don't think that, in light of
Cromwell, as well as the length of time that you have owned
the property, enjoyment and so forth, there is any practical
difficulty here.

I think we are unanimous. It's just a question of language
that's to be provided as dicta which may illustrate how we
feel about this particular case in light of *Cromwell*, and I
guess that concludes the matter for today.

Respectfully submitted,

Kathleen C. Bianco
Kathleen C. Bianco
Legal Administrator

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MEMORANDUM FOR THE VARIANCE
TO: Mayor and Board, N/S Bay Front Road,
400 Washington Avenue, 15th
Election District, Baltimore, Maryland
FROM: Joseph C. Nowakowski
Petitioner
DATE: February 10, 1997
CASE NO. 96-40-A

ENTRY OF APPEARANCE

Notice of the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carol S. Demilio
CAROL S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 387-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
AUG 11 1995
DEPT. OF PERMITS & LICENSES
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 10, 1997
Permits & Development Management
FROM: Charlotte E. Radcliffe
County Board of Appeals
SUBJECT: Closed Files: Case Nos.
95-366-A /Carroll Coleman, et ux (12th; 7th)
96-24-A /Thomas Kreiner, Jr., et ux (15th; 5th)
96-31-SPH /Stephen Seymour (3rd; 2nd)
96-40-A /Joseph C. Nowakowski (15th; 7th)
96-63-A /Joseph E. Neet, et ux (13th; 1st)
96-118-SPHXA /Rocky Gorge at Grey Rock, L.P. and
Rocky Gorge Communities, Inc., G.P. (3rd; 2nd)
96-120-SPHA /Richmond American Homes and
Ruby Holzapfel, et al (2nd; 2nd)
CBA-95-178 /Steinberg Property (DRC #07315M)
CBA-96-113 /Samuel Owings House (Permit #B240689)

As no further appeals have been taken regarding the subject cases, we are hereby closing the files and returning same to you herewith.

Attachments (Case File Nos. 95-366-A; 96-24-A; 96-31-SPH; 96-40-A; 96-63-A; 96-118-SPHXA; 96-120-SPHA; CBA-95-178; CBA-96-113)

IMPORTANT MESSAGE

TO	DATE	TIME	AM	PM
NAME				
PHONE				
FAX				
TELEPHONED	PLEASE CALL			
CAME TO SEE YOU	RETURNED YOUR CALL			
WANTS TO SEE YOU	WILL CALL AGAIN			
WILL FAX YOU	URGENT			

Message: *Someone stole sign (copying in front of his father's house) - Joseph C. Nowakowski 96-40-A 477-4035*

Signed: *C. Nowakowski* 11/24/95

Case No. 96-40-A

Joseph C. Nowakowski - Petitioner
N/S Bay Front Road, 450' E of Lincoln Ave.
(7413 Bay Front Road)

7th E.D. Appealed 11/28/95

CALLER WALK TO REAR
SIGN STUCK FOR P.O. 1/24/96

EVANS, GEORGE AND BRONSTEIN

15th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT
JAMES H. EVANS, JR.
JAMES H. EVANS, JR.
JAMES H. EVANS, JR.
JAMES H. EVANS, JR.

CONSTANCE K. RUTZEL
OF COUNSEL

January 29, 1996

Ms. Kathleen C. Bianco
Board of Appeals for Baltimore County
Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Variance
N/S Bay Front Road, 450' E. of
Lincoln Avenue (7413 Bay Front Road)
15th Election District
7th Councilmanic District
Joseph C. Nowakowski - Petitioner
Case No.: 96-40-A (Item No.: 23)

Dear Ms. Bianco:

An appeal in the above matter was filed on November 28, 1995. I would appreciate your setting this case in for hearing if you have an opening in the last week of March, 1996 or the first two weeks in April, 1996.

Thank you for your assistance in this matter.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein
Benjamin Bronstein

BB/mlg

cc: Mr. R. Mark Davis

FRANCIS X. BORGERDING, JR.
Attorney at Law

MURKIN BUILDING - SUITE 600
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

Member of Maryland and
District of Columbia Bar

May 28, 1996

County Board of Appeals of Baltimore County
Old Court House, Room 45
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Variance
N/S Bay Front Road, 450' E of Lincoln Avenue
(7413 Bay Front Road)
15th Election District - 7th Councilmanic District
Joseph C. Nowakowski - Petitioner
Case No.: 96-40-A

Gentlemen/Ladies:

Please enter the appearance of undersigned counsel on behalf of the Protestants, Christopher and Linda Wojcik regarding the above-captioned matter.

Thank you very much for your cooperation.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJrbjk
cc: Mr. and Mrs. Christopher Wojcik

June 15, 1994

7415 Bayfront Road
Baltimore, MD 21219

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Baltimore County Planning Office
401 Bosley Avenue
Suite 406
Towson, MD 21204
Attn: Gary Kerns
Division Chief

Re: 7413 Bayfront Road
Davis Property
Minor Subdivision

Dear Mr. Kerns:

This letter addresses our concerns regarding the proposed minor subdivision and construction of a dwelling on a lot adjacent to our residence at 7415 Bayfront Rd.

The current resident of 7413 Bayfront maintains a dwelling centered on a 50' wide by 600' long lot and proposes to build between the existing dwelling and the waterfront.

Due to this 50' width, the lot is undersized for the proposed construction. We are concerned that this action would diminish the value of our house because of the crowding front-to-back of two houses on the waterfront side of the property, creating a non-uniform density situation compared to adjacent properties.

Further, there are outbuildings that exist between the existing and proposed dwellings. It was also inferred by the current owner that when his existing dwelling is passed on to his family upon his death, his current dwelling as a rental property would help supplement the income of his grandchildren.

It is the possibility of the existing dwelling becoming a future rental property that also concerns us from the standpoint of maintaining the integrity of the existing neighborhood.

A similar situation where two dwellings were to be constructed on a single waterfront parcel came up for 7505 Iroquois Avenue in the same neighborhood on the same waterfront. It was ruled that the existing dwelling, in the event of any new waterfront construction, could not be used as a dwelling for rental or any other purpose.

Access to the rear most lot by emergency vehicles would be tenuous at best regarding turnaround area requirements for fire engines. It is especially frightening to think that in the event of a fire a vehicle or other impediment left in the narrow pass-through driveway past the existing dwelling could impede access by a fire engine.

The environmental aspects of the new construction include the amount of paving and driveways necessary for access exceeding the 15% impervious surface limit. There is a fairly steep downslope leading to the waterfront which should be considered in final determination of the width for the critical area buffer zone.

Because of the geometry of the existing lot and the myriad of problems brought about in making it different from adjacent properties, we request that a permit to build on the niche between the existing property and the waterfront be denied.

Very Truly Yours,
Chris Wojcik
Chris Wojcik

CW:hcb

cc: Mr. Irvin McDaniel
Ms. Patty Beere
ZADM: Mr. Arnold Jablon
Mr. Curt Kugelburg
Mr. Don Rasco
Public Works
Mr. Bob Bowling
DEPRM: Mr. James Dieter
Clen Schaefer
Nancy Pentz
Eldon Gemmill

7415 Bay Front Road
Baltimore, MD 21219

September 15, 1995

Mr. Lawrence E. Schmidt
Zoning Commissioner
Room 112
Old Courthouse
Towson, MD 21204

Re: 7413 Bay Front Road
Davis Property
Case No. 96-40-A

Dear Mr. Schmidt:

Attached please find our letter dated June 15, 1995, which addresses the concern brought forward at that time in regards to the above case.

As discussed in yesterday's meeting, we have been addressing these concerns for some time, and this correspondence will confirm that indeed, the Planning Meeting on August 22, 1994 did take place and the request for the zoning change was denied at that time.

Thank you for your review and consideration. If you have any questions, please contact Chris or Linda at (410) 388-0884.

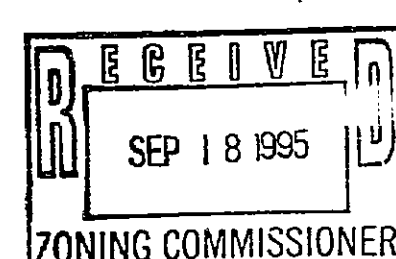
Sincerely,

Chris Wojcik
Chris Wojcik

CW:hcb

- Fax Cover Sheet -

Date: 9/15/95
Pages: 4 + cover
To: Lawrence Schmidt
Fax Phone: 887-3468
From: Chris Wojcik
Subject: Case No. 96-40-A



- Fax Cover Sheet -

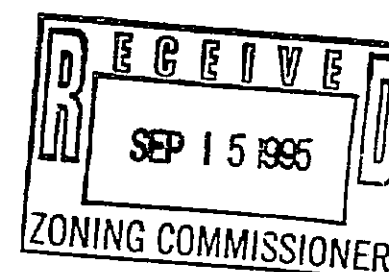
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7415 Bay Front Road
Baltimore, MD 21219

September 15, 1995

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Zoning Commissioner
Room 112
Old Courthouse
Towson, MD 21204

Re: 7413 Bay Front Road
Davis Property
Case No. 96-40-A



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Attached please find our letter dated June 15, 1995, which addresses the concern brought forward at that time in regards to the above case.

As discussed in yesterday's meeting, we have been addressing these concerns for some time, and this correspondence will confirm that indeed, the Planning Meeting on August 22, 1994 did take place and the request for the zoning change was denied at that time.

Thank you for your review and consideration. If you have any questions, please contact Chris or Linda at (410) 388-0854.

Sincerely,

Chris Wojcik
Chris Wojcik

CW:hcb

August 23, 1994

7415 Bay Front Road
Baltimore, MD 21219

Mr. Gary Kearns
Baltimore County Planning Office
401 Besley Avenue
Suite 406
Towson, MD 21204

Re: Mark Davis Property
7413 Bay Front Road
Baltimore, MD 21219

Dear Gary:

In follow-up to the meeting held Monday, August 22, 1994 in Room 301 of the County Office Building at 1:30 p.m., we understand that the North Property Division 94CVS was the basis for a decision for not granting a waiver for a panhandle.

At your convenience, please send a copy of this decision to my attention at the above address.

We are very much appreciative and supportive of your decision and would appreciate hearing from your department should there be any indication of legal attempts to overturn this decision for the above subject property.

Very Truly Yours,

Chris Wojcik

CW:hcb

SEP 15 1995 12:07

PROCESS EDT

14102881438 P.04

June 15, 1994
7415 Bayfront Road
Baltimore, MD 21219

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Baltimore County Planning Office
401 Besley Avenue
Suite 406
Towson, MD 21204
Attn: Gary Kearns
Division Chief

Re: 7413 Bayfront Road
Davis Property
Minor Subdivision

Dear Mr. Kearns:

This letter addresses our concerns regarding the proposed minor subdivision and construction of a dwelling on a lot adjacent to our residence at 7415 Bayfront Rd.

The current resident of 7413 Bayfront maintains a dwelling on a 50' wide by 600' long lot and proposes to build between the existing dwelling and the waterfront.

Due to this 50' width, the lot is undersized for the proposed construction. We are concerned that this action would diminish the value of our house because of the crowding front-to-back of two houses on the waterfront side of the property, creating a non-uniform density situation compared to adjacent properties.

Further, there are outbuildings that exist between the existing and proposed dwellings. It was also inferred by the current resident that when his existing dwelling is passed on to his son, the current resident's son, his current dwelling as a rental property will help supplement the income of his grandchildren.

It is the possibility of the existing dwelling becoming a rental property that is the concern of the standpoint of the current resident and the existing neighborhood.

PLEASE PRINT CLEARLY

Protestants

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Lynne Hanks</i>	<i>3015 29th Street, Baltimore, MD 21204</i>
<i>Richard Mark Davis</i>	<i>7904 Riverdale Ave. Balto, MD 21237</i>
<i>Luzette Regina Davis</i>	<i>7904 Riverdale Ave. Balto, MD 21237</i>
<i>Joseph C. Marshbanks</i>	<i>7413 Bayfront Rd. Balto 21219</i>
<i>Michael J. Lister</i>	<i>6012 Parkview Rd. Balto 21239</i>

PLEASE PRINT CLEARLY

Protestants

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>CHRIS WOJCICK</i>	<i>7415 BAYFRONT RD.</i>

File to records
10/26

Toward Wojick Prop.
Plat w/ Signatures
in Support of Variance
4b Type written list of
Signatures
March, 1929 5 Plat of Lodge Forest
6 April 16, 1935 -
Plat w/ Subject Property
7 View west to
Bethlehem Steel

Baltimore County Government
Office of Planning and Zoning

401 Busby Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

October 26, 1994

Mr. Michael J. Ertel
6012 Falkirk Road
Baltimore, MD 21239

Dear Mr. Ertel,

Thank you for the opportunity to discuss the site proposal for the "Mark Davis Property" with our office. I apologize for the delay in responding in writing to you, but this issue became more complicated than we originally thought.

As a result of your situation and other issues involving waivers, the County has been reevaluating its waiver procedure. Last week, it was decided that waivers to the panhandle regulations will not be decided by the Development Review Committee, but rather by the Zoning Commissioner at a Special Hearing. Your client may wish to reapply for a waiver under this procedure and Mr. Donald Rascoe of Zoning Administration and Development Management can provide you with the relevant information.

It also appears that this subdivision may require a variance from the Baltimore County Zoning Regulations which require a minimum lot width of 55 feet in a DR 5-5 zone. This variance hearing may be done in conjunction with the Special Hearing on waivers.

Please be advised, however, that our Office would not support the subdivision of this property. The lot is too narrow to accommodate further subdivision, as evidenced by the inability to meet minimal county regulations. It is our opinion that the resulting subdivision would be incompatible with the surrounding neighborhood and would be detrimental to the community.

If you have any questions about the processes, please contact Mr. Jake Morsey at 887-3211.

Sincerely,
Andrea Van Arsdale
Chief of Strategic Planning Division

AVA:rdn
cc: Don Rascoe

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Joe Jablon, Director, PUM
FROM: Joe Keller, Director, OPZ
SUBJECT: 7413 Bay Front Road

DATE: August 9, 1995

Item Number: 23
Applicant: Joseph C. Nowakowski
Property Size: _____
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a lot width of 50' in lieu of the required 55' and to allow an existing 8' sideyard setback in lieu of 10' and any other remaining variances as may be deemed necessary.

The Office of Planning does not support the applicant's request because the lot is too narrow to accommodate an additional house, as evidenced by the instant request. As previously stated in a letter dated October 26, 1994 (see attached) to the applicant's engineer in reference to the subject property, subdivision (or in this case the construction of an additional home on a single lot) would be incompatible with the surrounding neighborhood and detrimental to the community.

In addition, staff can find no reason why this lot is unique since many other lots in the area and most of the lots along Bay Front Road are long and narrow. Therefore, there appears to be no justification which would enable the applicant to satisfy the requisite burden of proof.

Prepared by: Jeffrey W. Loo
Division Chief: Gary L. Kline
PK/JL

ITEM23/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
August 15, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #23 - Nowakowski Property
7413 Bay Front Road
Zoning Advisory Committee Meeting of July 31, 1995

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

Environmental Impact Review

1. Redevelopment of the property, which is in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area, is limited to 15% impervious surface. Current impervious surfaces equal 416 square feet or 14.8%, thus leaving approximately 36 square feet for future use. The proposed project (building a house on the same lot for a grandson) must include the removal of impervious surface as shown on the Zoning Petition site plan.
2. The applicant must apply for a special hearing to show a new line of demarcation on the lot or go through the minor subdivision process.

JLP:KK:sp
cc: Joseph Nowakowski
NOWAKOWS/DEPRM/TXTSDB

May 14, 1996

Mrs. Margery Filler
7515 Bay Front Road
Edgemore, MD 21219

To:
Zoning Board of Baltimore County

I am opposed to two dwellings per lot on Bay Front Road.

The majority of residences are single family dwellings and this sort of development would change the quality of the neighborhood and have an adverse effect on property values.

Sincerely,
Mrs. Margery Filler
Mrs. Margery Filler

Qualifications of E. A. Griffith, Appraiser
Maryland Certified General Appraiser #696

EDUCATION

PRINCETON UNIVERSITY, BACHELOR OF ARTS
COMPLETED COURSES I AND II OFFERED BY THE SOCIETY
OF REAL ESTATE APPRAISERS
COMPLETED REAL ESTATE BROKERS COURSE AT THE UNIVERSITY
OF MARYLAND
COMPLETED REAL ESTATE LAW COURSE AT CATONSVILLE
COMMUNITY COLLEGE
NAERA COURSE ON ENVIRONMENTAL RISK VALUATION

MEMBERSHIPS AND LICENSES

THE GREATER BALTIMORE BOARD OF REALTORS
LICENSED REAL ESTATE BROKER IN THE STATE OF MARYLAND
LICENSED APPRAISER STATE OF MARYLAND NO. 696
VICE CHAIRMAN OF THE BALTIMORE COUNTY PLANNING BOARD
(1968-1978)
VICE CHAIRMAN OF REAL ESTATE BROKERS' ROUND TABLE
MEMBER BALTIMORE COUNTY APPRAISERS' SOCIETY
MEMBER AMERICAN ARBITRATION ASSOCIATION
TREASURER OF MARYLAND ENVIRONMENTAL SERVICES
LICENSED MORTGAGE BROKER
VICE CHAIRMAN OF AIRPORT ZONING APPEALS BOARD OF
MARYLAND (1974-1982)
MEMBER MARYLAND ASSOCIATION OF APPRAISERS

EXPERIENCE

THIS APPRAISER HAS BEEN ACTIVE IN THE REAL ESTATE
PROFESSION SINCE 1960 AND HAS BEEN ENGAGED IN
APPRAISING SINCE 1974.

COURT TESTIMONY

BALTIMORE COUNTY TAX APPEALS BOARD AND CIRCUIT COURT
BOARD OF PUBLIC WORKS, STATE OF MARYLAND
BOARD OF ZONING APPEALS, BALTIMORE COUNTY AND CITY
BOARD OF ZONING APPEALS, CARROL COUNTY

CLIENTS

MARYLAND DEPARTMENT OF GENERAL SERVICES
MARYLAND STATE HIGHWAY AUTHORITY
BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY OFFICE OF LAW
ORPHANS COURT OF BALTIMORE COUNTY AND CITY
ORPHANS COURT OF HOWARD COUNTY
HOWARD COUNTY AGRICULTURAL PRESERVATION PROGRAM
VARIOUS SAVINGS & LOAN ASSOCIATIONS (NAMES ON REQUEST)
VARIOUS LAW FIRMS (NAMES ON REQUEST)

E. A. Griffith Real Estate Co.
PHONE: 801-823-4570
214 WASHINGTON AVE
TOWSON, MARYLAND 21204

May 28, 1996

Mr. and Mrs. Christopher Wojick
7415 Bayfront Road
Baltimore, Maryland 21219

Dear Mr. and Mrs. Wojick:

I have inspected your property at 7415 Bayfront Road, perused the plat for the proposed sub-division next door at 7413 Bayfront Road and have come to the following conclusions:

1. Your property is a well maintained, single family residence with a beautiful view of the Patapsco River at Old Road Bay.
2. All of the residences in the immediate area are single family types, well maintained, and all those on the south side of Bayfront Road have a waterfront view.
3. In inspecting the neighborhood, I did not find any residences that had more than one dwelling per lot and most of the lots seem to be the same size as the lot next to you that is proposed to be sub-divided.

I, therefore, have come to the conclusion that any sub-division of the property contiguous to yours will have a decided effect on your property value leading to a definite diminution in value and moreover affect the right of quiet enjoyment of your property.

Also, as a consequence, it might be considered a change in the neighborhood leading to further sub-divisions of the whole area.

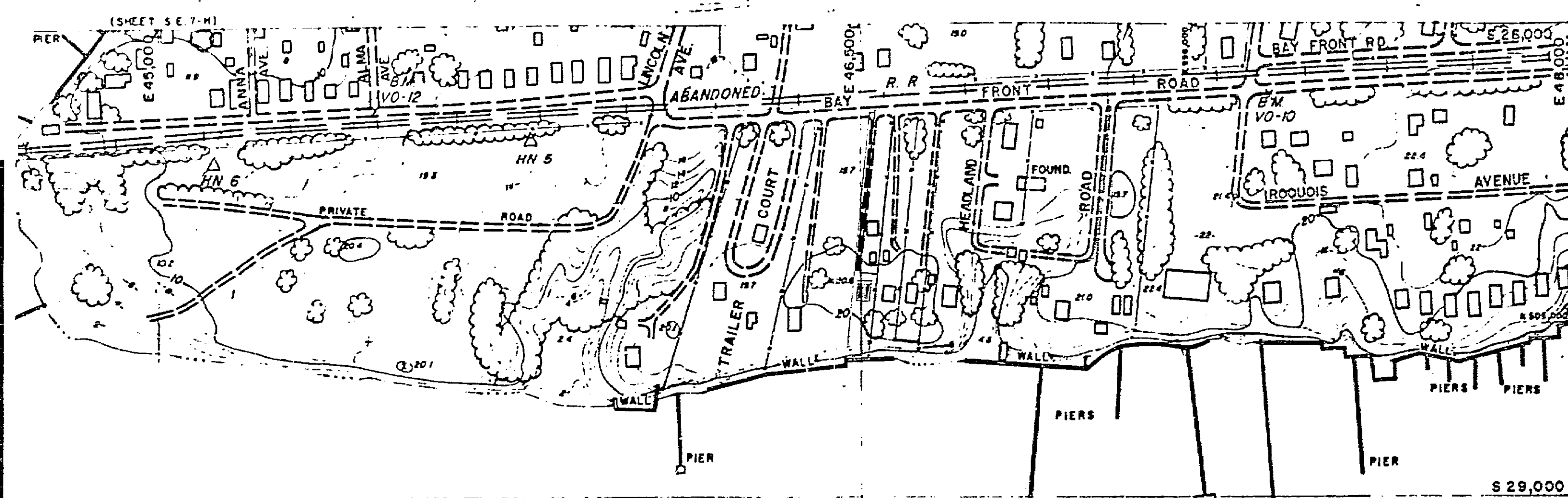
Very truly yours,
Edward A. Griffith
Certified General Appraiser
No. 696

TITLE GUARANTEE & TRUST COMPANY—DEED IN FEE

This Deed, Made this 14th day of April, 1996, in the year one thousand nine hundred and forty-six, by and between GEORGIA F. CREMEN and WILLIAM A. CREMEN, (also known as Albert W. Cremen), her husband, of Baltimore County, State of Maryland, parties of the first part, and JOSEPH C. NOWAKOWSKI and REGINA D. NOWAKOWSKI, his wife, of Baltimore City, State of Maryland, parties of the second part.

Witnesseth, that in consideration of the sum of five dollars, and other valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns, all that certain lot of ground situate in Baltimore County, Maryland, in the State of Maryland, and described as follows, that is to wit:

BEGINNING for the same at the northeast corner of Lot A-3, as shown on the Plat dated April 10, 1935 and filed in the Circuit Court for Baltimore County in Equity in a cause entitled "Gora Henson vs. Mary S. Cremen, et al." (Equity Docket C.W.B.Jr. No. 35 folio 13), said plat being recorded among the Land Records of said County in Plat Book C.W.B.Jr. No. 10 folio 97, said beginning point being also on the southernmost side of the right of way of the Baltimore Transit Company and the northernmost side of a twenty foot road; running thence westerly, binding on the southernmost side of said right of way and on the northernmost side of said twenty foot road, fifty feet, more or less; thence southerly parallel with and at a distance of fifty feet westerly from the easternmost line of said Lot A-3, five hundred and seventy-five feet, more or less, to the Patapsco River; thence easterly, binding on said River fifty feet, more or less, to the easternmost line of said Lot A-3; thence northerly, binding on said easternmost line, five



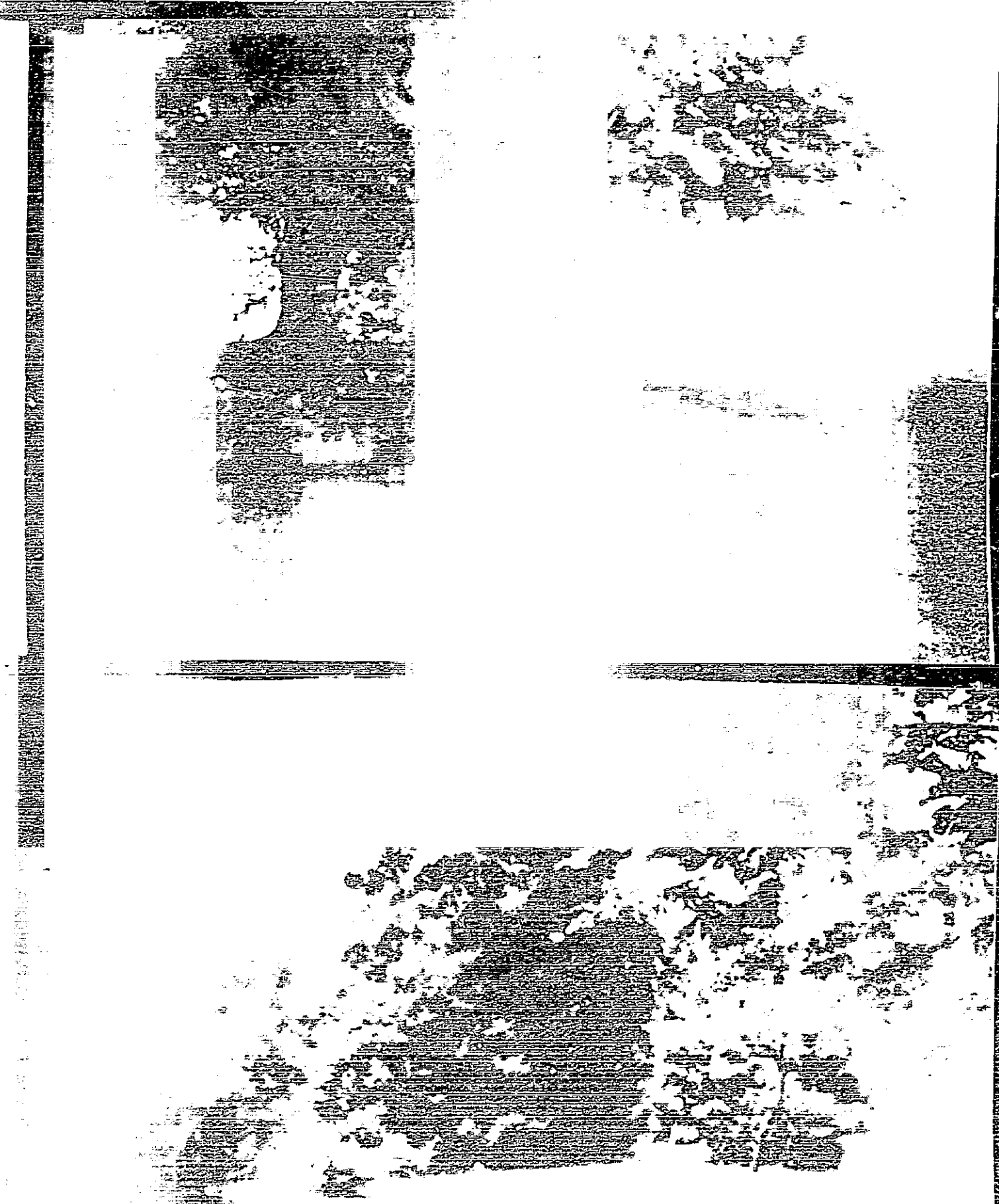
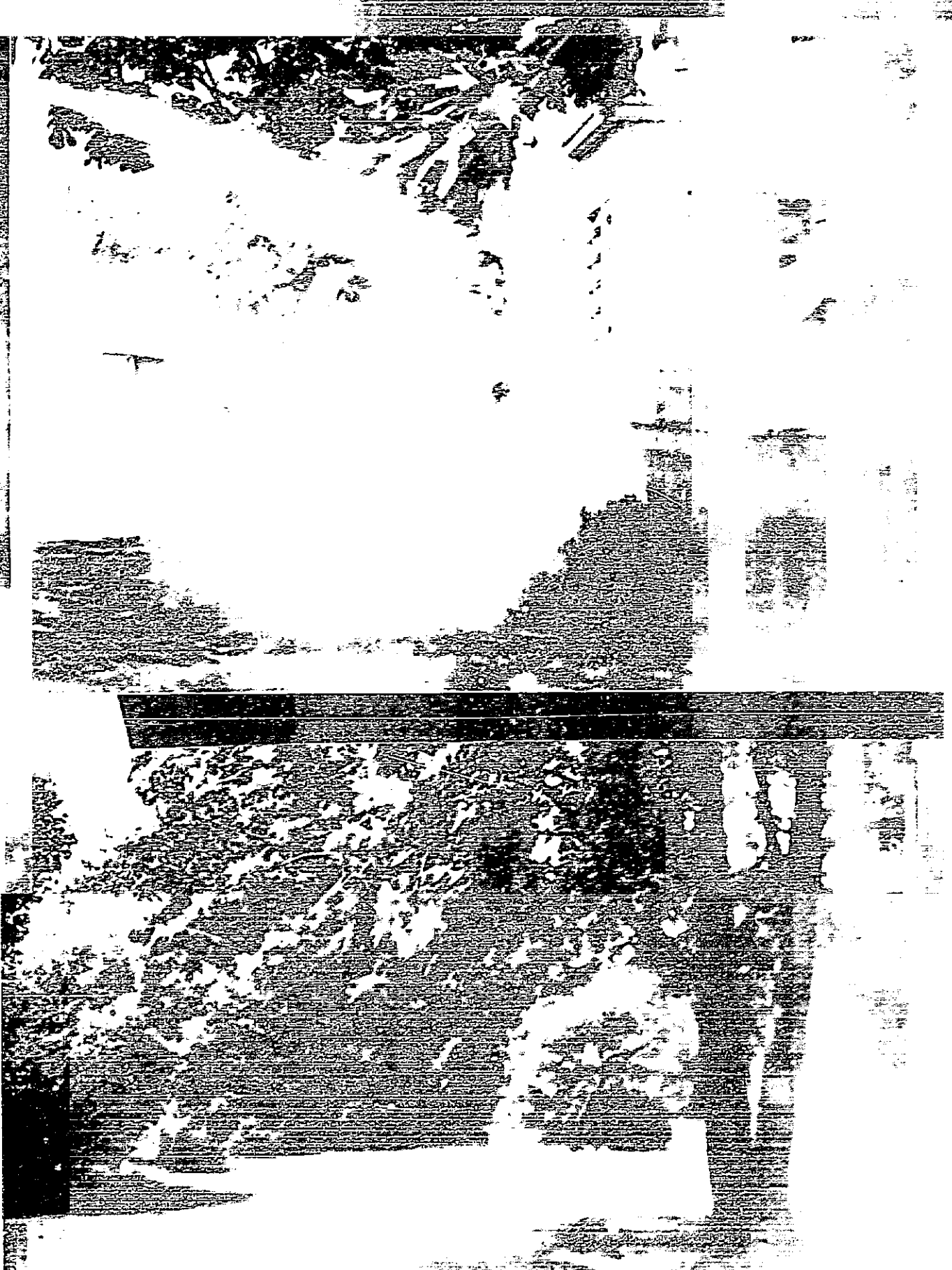
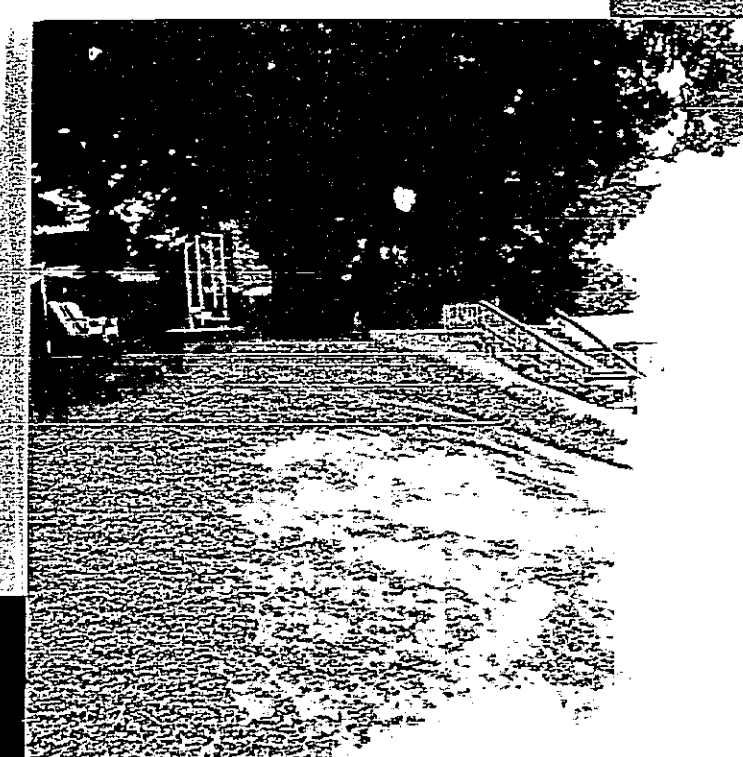
1" = 200'
TOPO
SE 8-H

Cat Ed
#8

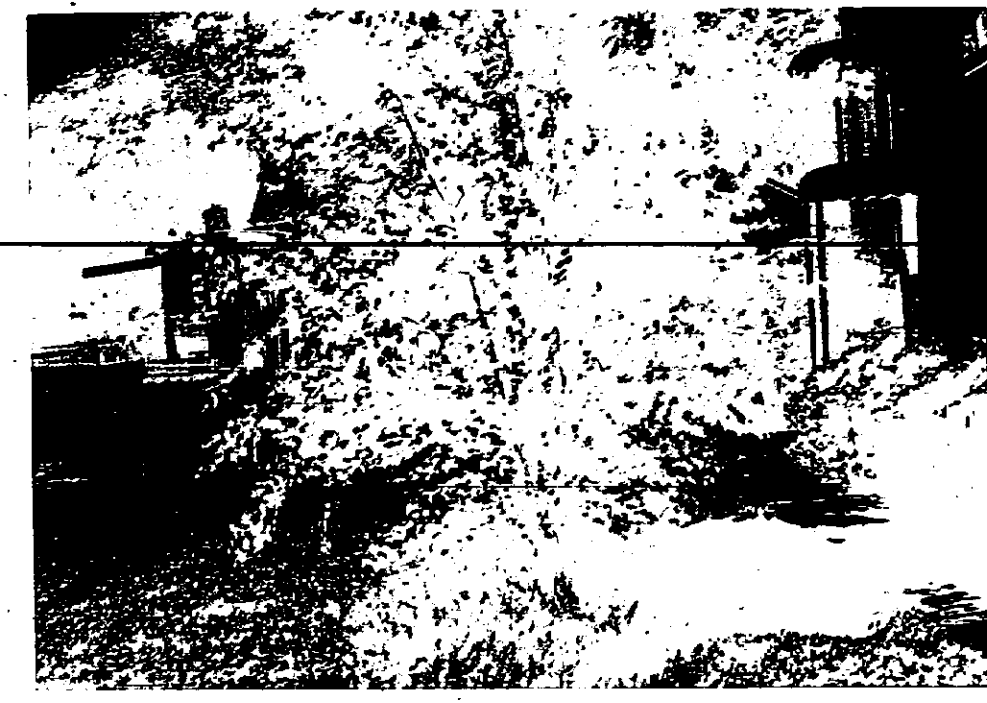
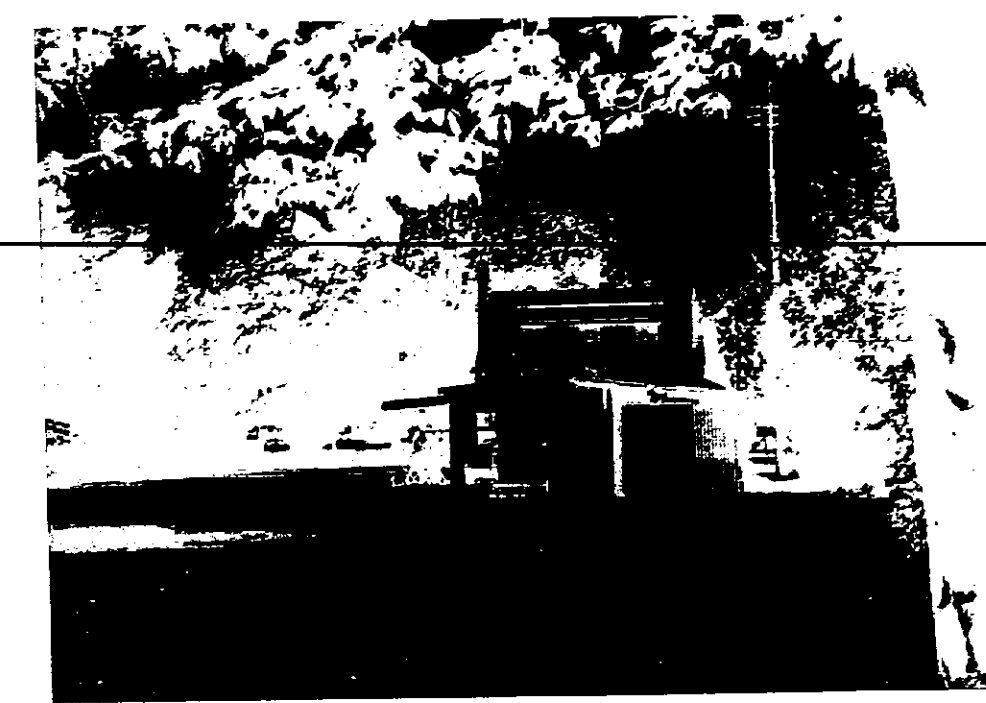
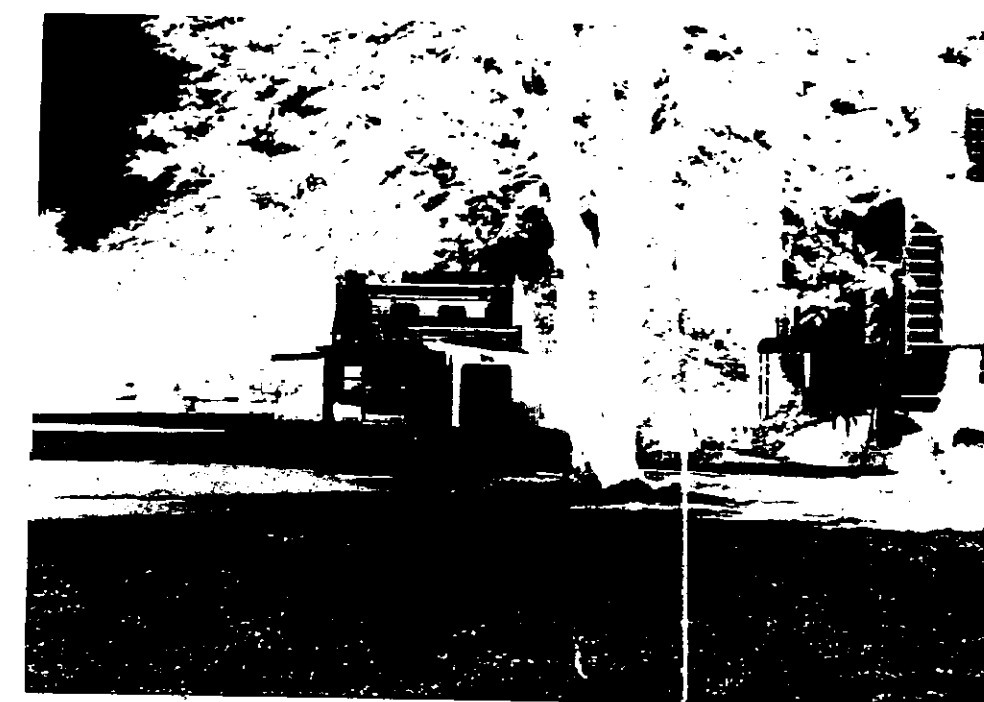
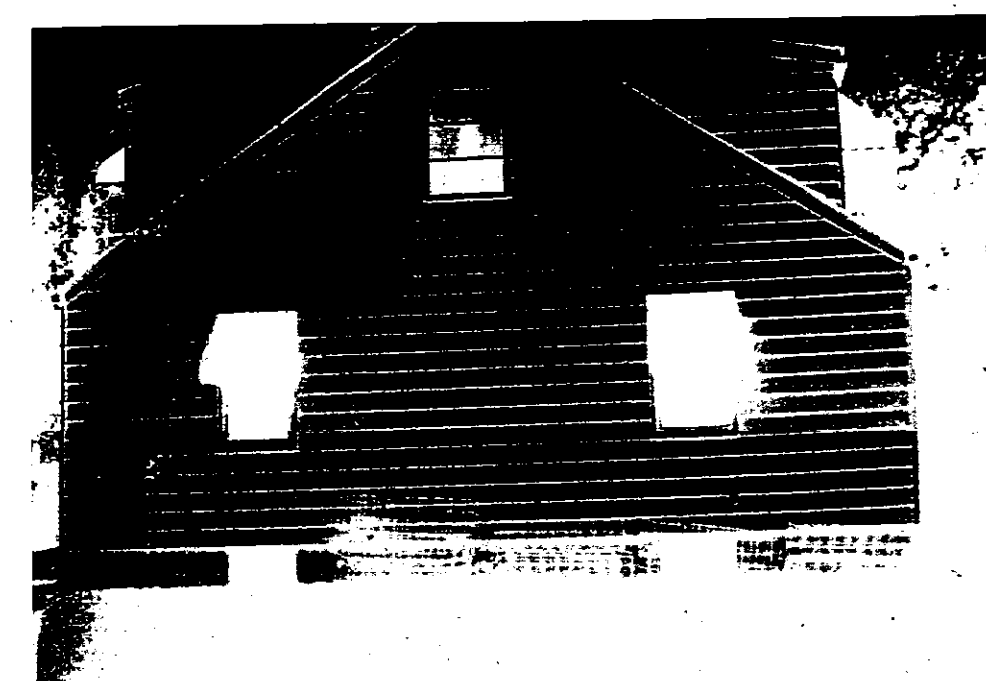
MARK DAVIS
PETITION LIST
413 BAY FRONT ROAD, BALTIMORE, MARYLAND 21219

- | | |
|---|---------------------------|
| 1) Linda West | 7427 Bay Front Rd., 21219 |
| 2) Bernard Pivic | 7400 Bay Front Rd., 21219 |
| 3) Peter Kosielski | 7404 Bay Front Rd., 21219 |
| 4) Bill Moxey | 7421 Bay Front Rd., 21219 |
| 5) Del Eyer | 2007 Headland Rd., 21219 |
| 6) John and Ann Fisher | 7420 Bay Front Rd., 21219 |
| 7) Richard Poist | 7414 Bay Front Rd., 21219 |
| 8) Mr. & Mrs. Harlow, Jr. | 7440 Bay Front Rd., 21219 |
| 9) Merl A. Adams | 7423 Bay Front Rd., 21219 |
| 10) Charlotte Vecchioni | 7409 Bay Front Rd., 21219 |
| 11) Rich Nelson | 7417 Bay Front Rd., 21219 |
| 12) Sharon McGee | 7412 Bay Front Rd., 21219 |
| 13) Cathryn Malan | 7419 Bay Front Rd., 21219 |
| 14) Daniel and Diane Barre | 7424 Bay Front Rd., 21219 |
| 15) Brenda Wells | 7426 Bay Front Rd., 21219 |
| 16) Anthony Mielock (Moose officer) | 7439 Bay Front Rd., 21219 |
| 17) Thomas A. Stone (Md. State Senator) | 7611 Iroquois Ave., 21219 |
| 18) [illegible] | 5 Platt Lane, 21219 |
| 19) [illegible] | 7401 Bay Front Rd., 21219 |
| 20) [illegible] | 7427 Bay Front Rd., 21219 |
| 21) [illegible] | 7413 Bay Front Rd., 21219 |

Petitioner's
dyl. list 23



Put in 1000



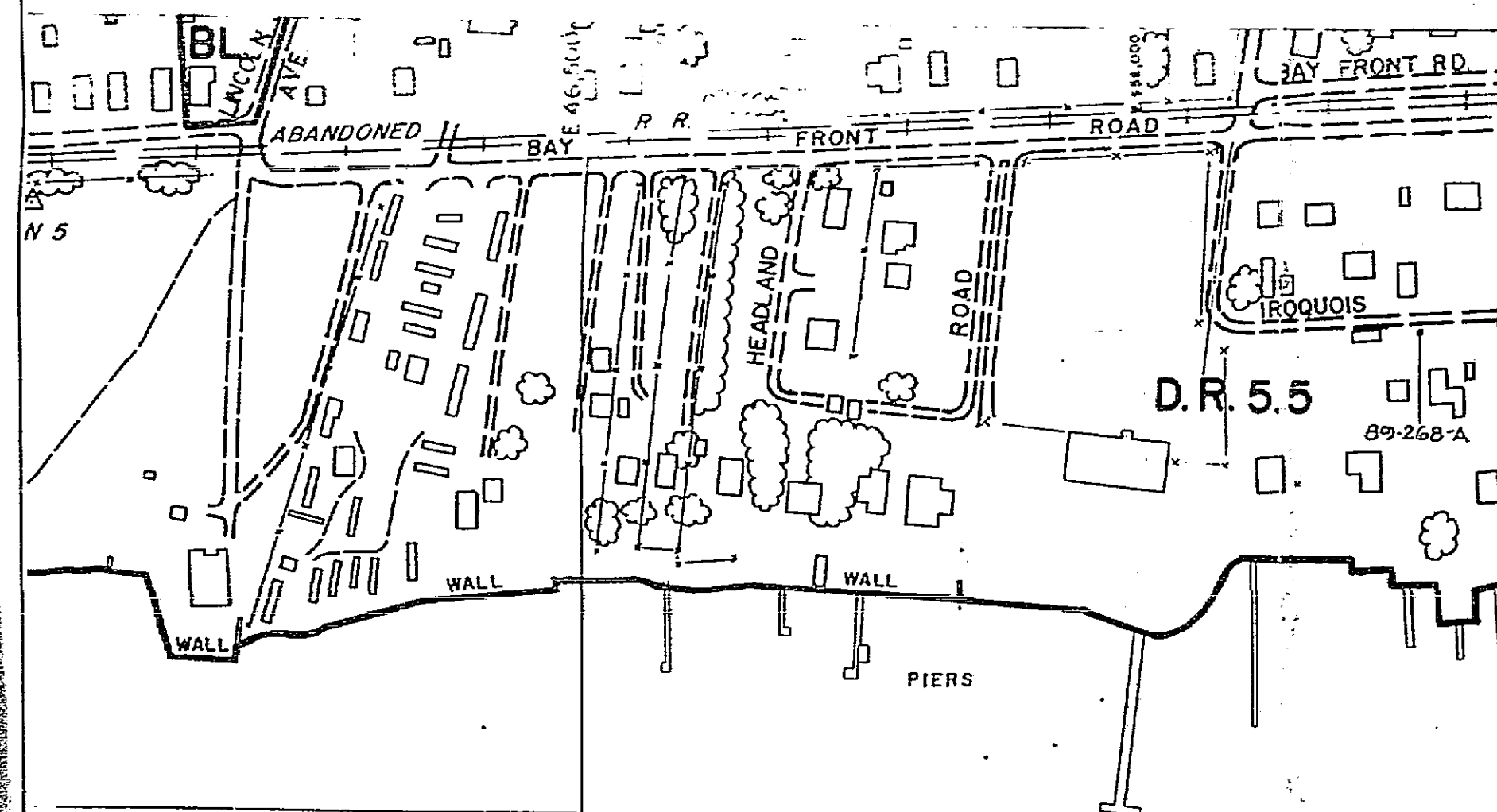
THEY WERE ADVISED HAVING RECEIVED THIS PLAT
THEY WOULD NOT BE GRANTING THE REQUEST FOR A VARIANCE

STEP 4 INTERIORS WORKSHEET (Data created prior to 32/1/85)

Total Lot Area 278.2 sq. ft. (1 acre = 43,560 sq. ft.)

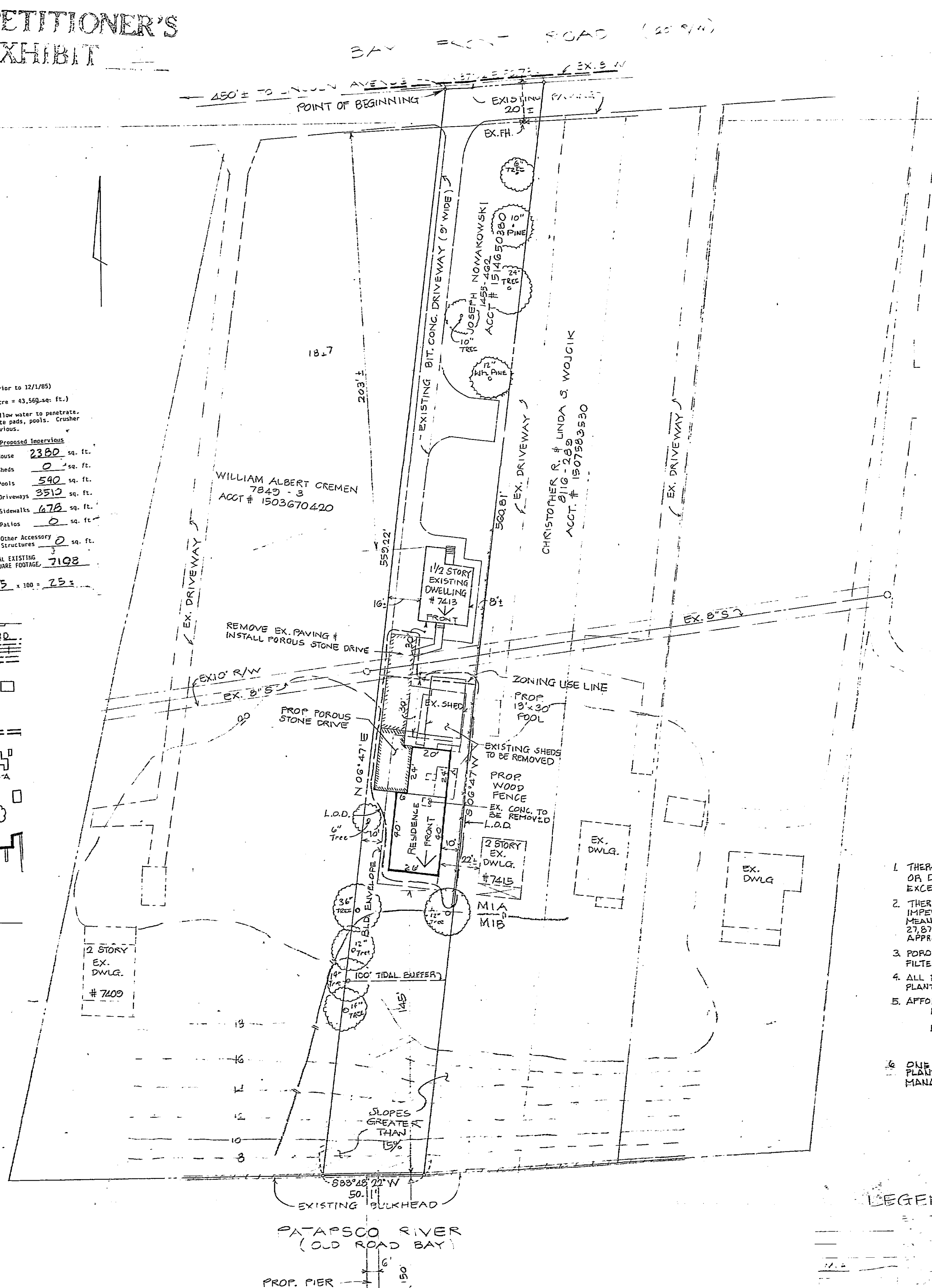
Interiors Surfaces any surface that will not allow water to penetrate.
This includes roof, sidewalks, driveways, concrete, pools, crusher
run or compacted gravel is considered to be Imperious.

Includes Imperious		Proposed Imperious	
1. House	<u>860</u> sq. ft.	1. House	<u>2380</u> sq. ft.
2. Pools	<u>747</u> sq. ft.	2. Sands	<u>0</u> sq. ft.
3. Decks	<u>0</u> sq. ft.	3. Pools	<u>540</u> sq. ft.
4. Driveways	<u>4160</u> sq. ft.	4. Driveways	<u>3510</u> sq. ft.
5. Sidewalks	<u>754</u> sq. ft.	5. Sidewalks	<u>678</u> sq. ft.
6. Patios	<u>0</u> sq. ft.	6. Patios	<u>0</u> sq. ft.
7. Other Accessory Structures	<u>0</u> sq. ft.	7. Other Accessory Structures	<u>0</u> sq. ft.
TOTAL EXISTING SQUARE FOOTAGE	<u>5621</u>	TOTAL EXISTING SQUARE FOOTAGE	<u>7108</u>
% Imperious = <u>Total Imperious</u> <u>25</u> x 100 = <u>25</u> %			



ZONING MAP
SCALE: 1"=200'

KEY	BOTANICAL - COMMON NAME	QTY	SIZE
14	ANGELICA VIRGINIANA - SWEETBAY	1	1/2 GAL



1. AREA OF TRACT = 27870 Sq. Ft = 0.04 AC.
2. ZONING OF TRACT DR 5.5
3. EXISTING USE SINGLE FAMILY-RESIDENTIAL
4. NUMBER OF UNITS ALLOWED = 3
5. NUMBER OF UNITS PROPOSED = 3
6. TAX ACCOUNT # 1514650380
7. SUBSEWER SHED #
8. COUNCILMATIC DISTRICT '7'
9. WATERSHED #
10. CENSUS TRACT 4521
11. ELECTION DISTRICT 15
12. CHESAPEAKE TERRACE ELEMENTARY SCHOOL DISTRICT
13. THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY LINES.
14. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SITE.
15. THIS PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (L.D.A.).
16. THIS SITE IS SERVED BY PUBLIC SEWER AND WATER.
17. THE EXISTING DWELLING TO BE RETAINED BY THE CURRENT PROPERTY OWNER.
18. THERE ARE NO PRIOR ZONING HEARINGS RELATED TO THIS PROPERTY.
19. PROPERTY IS PARCEL 230, GRID 22, TAX MAP 111.
20. REGIONAL PLANNING DISTRICT 331-B

PETITIONER IS REQUESTING A VARIANCE TO SECTION 1602.3.C. TO ALLOW A LOT WIDTH OF 50' IN LIEU OF 55 AND TO ALLOW A EXISTING 8' SIDEYARD IN LIEU OF 10' AND ANY OTHER VARIANCES DEEMED NECESSARY.

		M.J.E.
DATE	REVISION	BY
ENGINEER		
MICHAEL J. ERTLE P.E. 6012 FAULKRIK RD BALTO MD 21239 410-223-8213		
OWNER		
JOSEPH NOWAKOWSKI 7413 BAYFRONT RD. BALTIMORE MD. 21219		

PLAT TO ACCOMPANY PETITION FOR
VARIANCE
AND
SITE PLAN
7413 BAY FRONT ROAD

ELECTION DISTRICT IS BALTIMORE COUNTY MD.
MAP 45 F-13

SCALE	DATE	DWG
1" = 30'	8-16-94	1 OF 1

23

LEGEND

[illegible]
$$\% \text{ Impervious} = \frac{\text{Total Impervious}}{\text{Total Area}} = \frac{.25}{1} \times 100 = 25\%$$


PLANT SCHEDULE

KEY. BOTANICAL - COMMON NAME	QTY	SIZE
MT MAGNOLIA VIRGINIANA - SWEETBAY	1	1 1/2' CAL.



1. AREA OF TRACT = 27878 Sq. Ft = 0.64 AC.
2. ZONING DISTRICT = DR 5.5
3. EXISTING USE - SINGLE FAMILY-RESIDENTIAL
4. NUMBER OF UNITS ALLOWED 3
5. NUMBER OF UNITS PROPOSED 2
6. TAX ACCOUNT # 151AG50390
7. SUBSEWERSHED #
8. COUNCILMATIC DISTRICT '7'
9. WATERSHED #
10. CENSUS TRACT 4521
11. ELECTION DISTRICT 15
12. CHESAPEAKE TERRACE ELEMENTARY SCHOOL DISTRICT
13. THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY LINES.
14. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SITE.
15. THIS PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (L.D.A.).
16. THIS SITE IS SERVED BY PUBLIC SEWER AND WATER.
17. THE EXISTING DWELLING TO BE RETAINED BY THE CURRENT PROPERTY OWNER.
18. THERE ARE NO PRIOR ZONING HEARINGS RELATED TO THIS PROPERTY.
19. PROPERTY IS PARCEL 239, GRID 22, TAX MAP 111.
20. REGIONAL PLANNING DISTRICT 331-B

21. VARIANCES REQUESTED:
PETITIONER IS REQUESTING A VARIANCE TO SECTION 1802.3.C.1 TO ALLOW A LOT WIDTH OF 50' IN LIEU OF 55' AND TO ALLOW A EXISTING 8' SIDEYARD IN LIEU OF 10' AND ANY OTHER VARIANCES DEEMED NECESSARY.

		M.F.E.
DATE	REVISION	BY
ENGINEER		
MICHAEL J. ERTEL P.E.		
6012 FALKIRK RD		
BALTO MD 21239		
410.723-8213		
OWNER		
JOSEPH NOWAKOWSKI		
7412 BAYFRONT RD.		
BALTIMORE MD. 21219		

1. THERE CAN BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE TIDAL BUFFER EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPRM
2. THERE IS A 25% LIMIT ON IMPERVIOUS SURFACES. 25% IMPERVIOUS SURFACE LIMIT APPLIES TO LOT AREA ABOVE MEAN HIGH TIDE LINE. AREA ABOVE LIMIT APPEARS TO BE 27,878 SQ.FT. THE IMPERVIOUS SURFACE LIMIT IS APPROXIMATELY 6970 SQ.FT.
3. POROUS DRIVEWAY TO BE NO. 2 STONE ON APPROVED FILTER FABRIC PER DEPRM DETAIL
4. ALL EXISTING TREES TO BE RETAINED & CREDITED TOWARDS PLANTING REQUIREMENTS
5. AFForestation REQUIREMENTS: 15% OR 4181.7 SQ.FT. REQUIRED PLANTING: 4 MAJOR DECIDUOUS TREES
2 MINOR DECIDUOUS TREES
PROPOSED PLANTING: 8 EXISTING MAJOR DECIDUOUS TREES
1 EXISTING MINOR DECIDUOUS TREE
2 EXISTING WHITE PINE
1 MINOR DECIDUOUS TREE
6. ONE LARGE NATIVE TREE 1-1.5" CALIPER SIZE WILL BE PLANTED TO PROVIDE A 15% FOREST COVER AND TO MANAGE STORMWATER

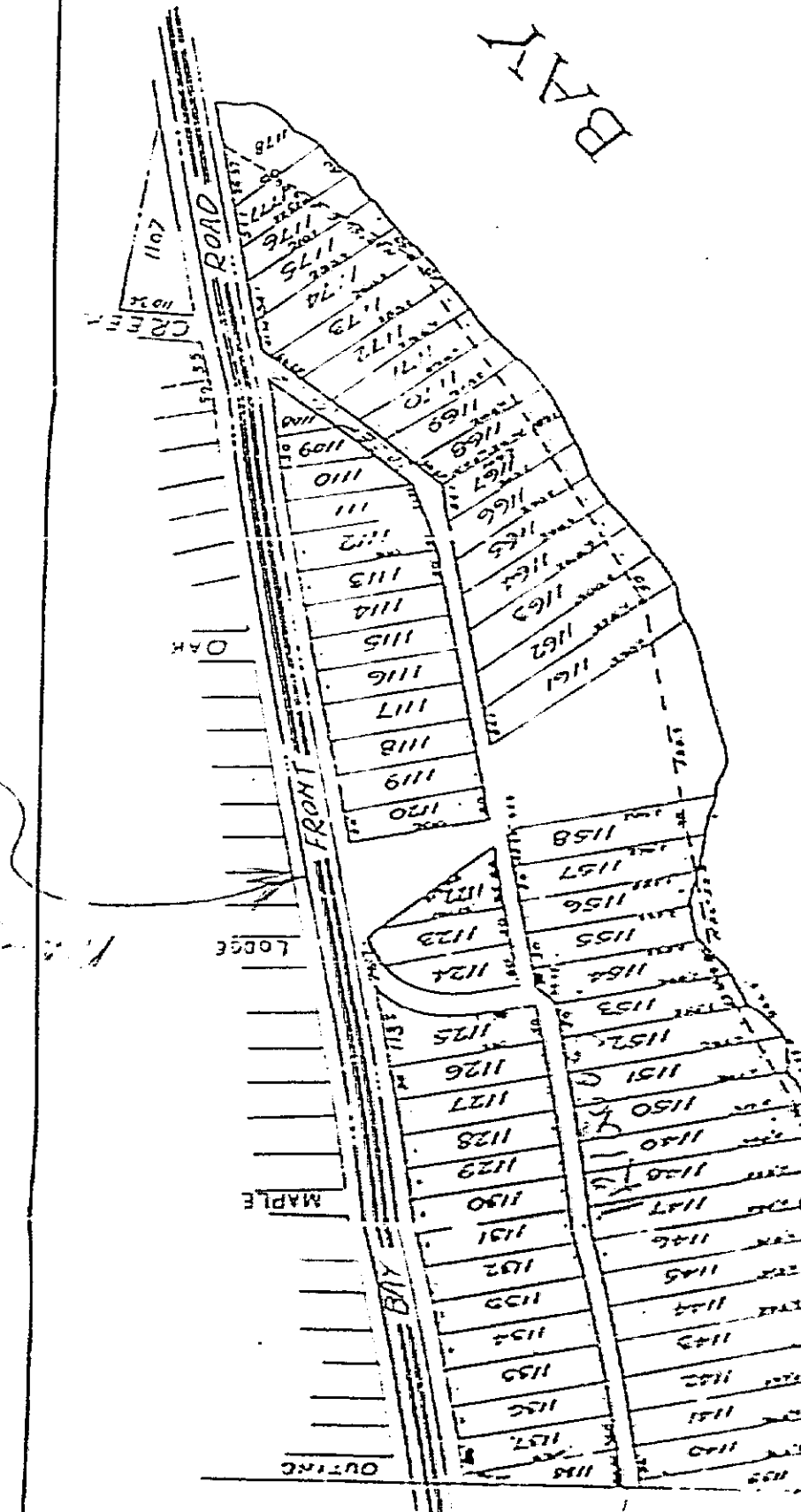
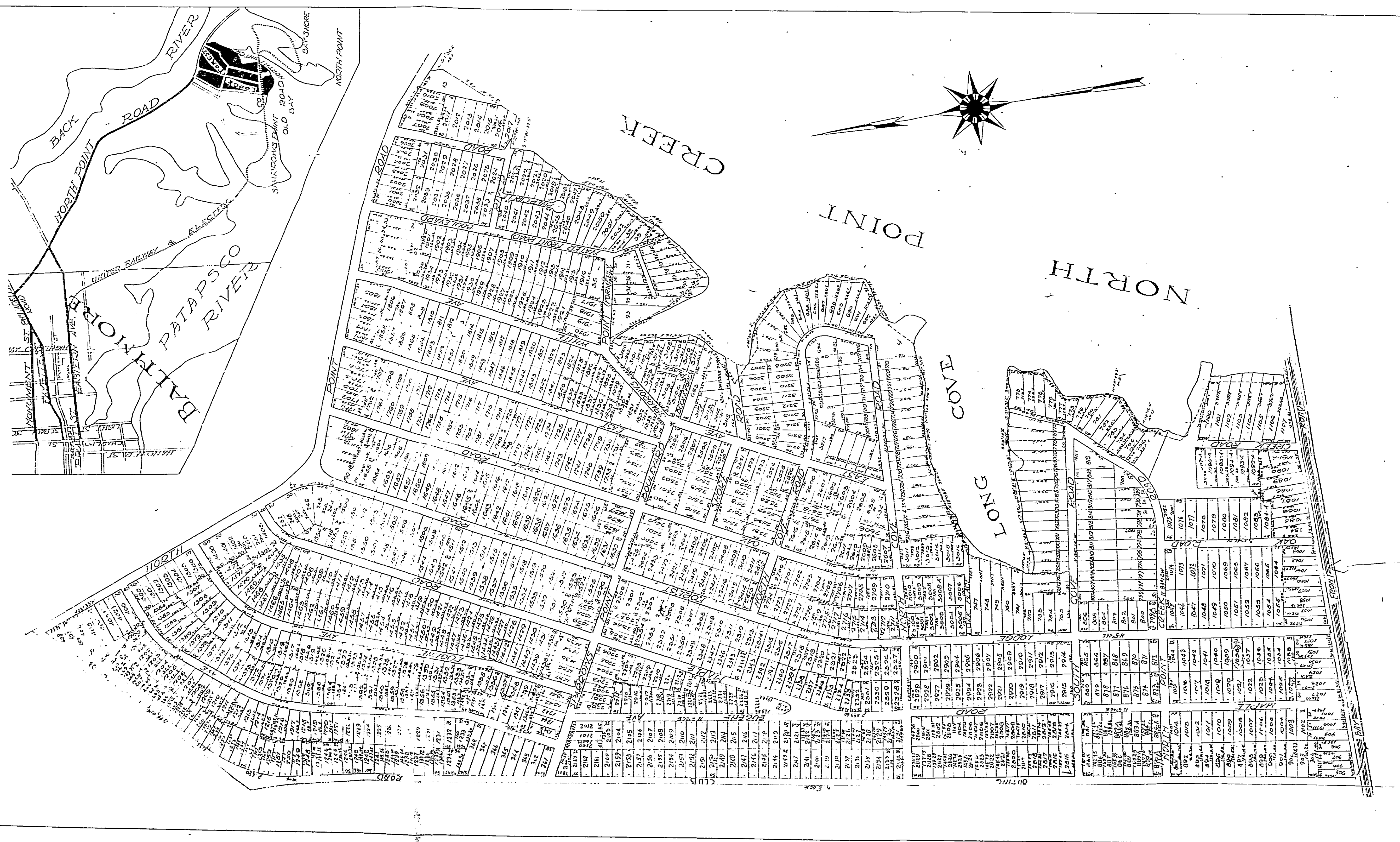
EXISTING COAST
EXISTING LINE
EXISTING SERVICES
EXISTING WATER
SOURCES & ISM

PLAT TO ACCOMPANY PETITION FOR
VARIANCE
AND
SITE PLAN
7413 BAY FRONT ROAD

ELECTION DISTRICT 15 BALTIMORE COUNTY MD.
MAP 45, F-13

	SEARCHED	DATE	BY
	INDEXED	8-16-64	1 of 1

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.



PETITIONER'S
EXHIBIT 5

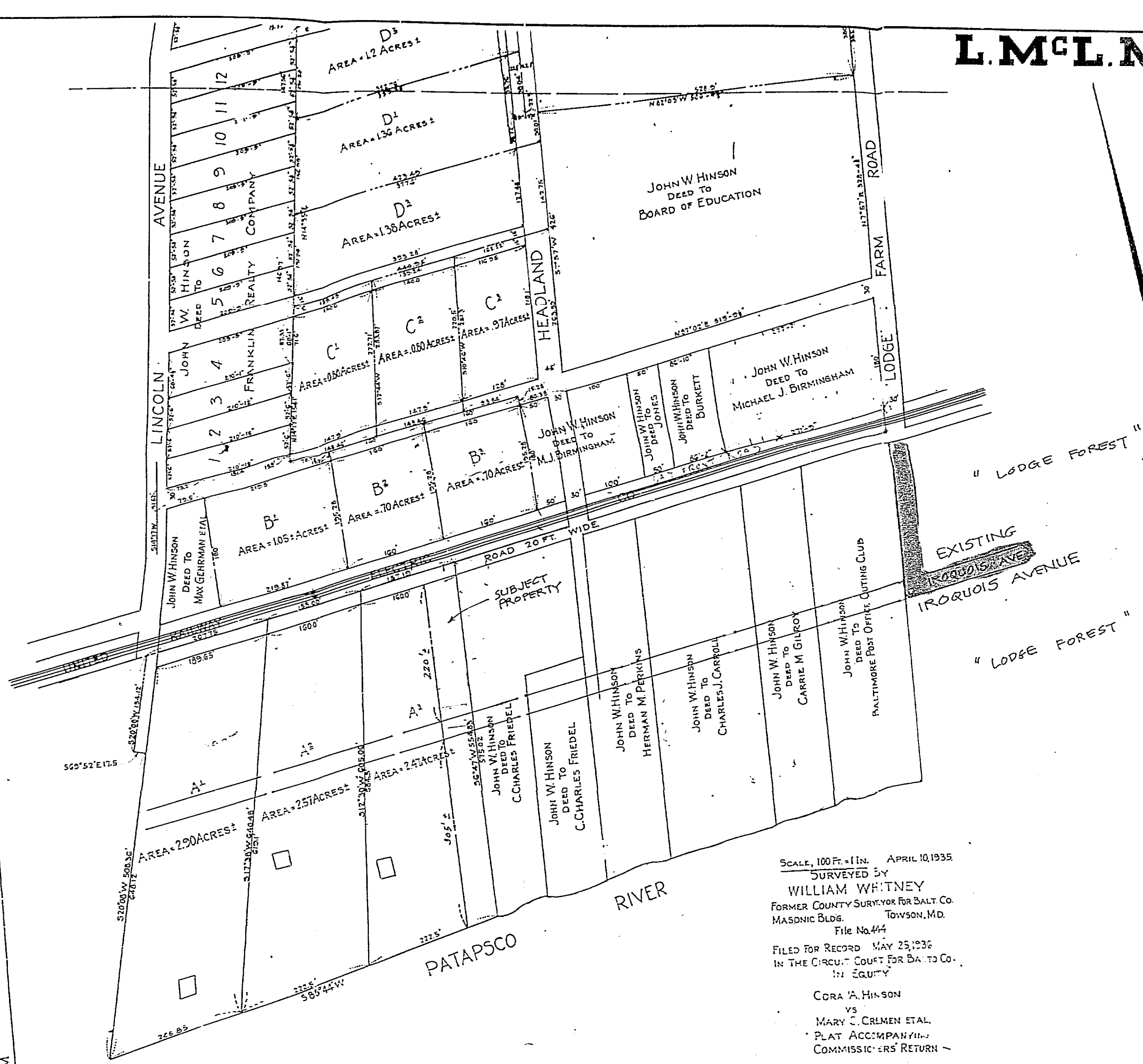
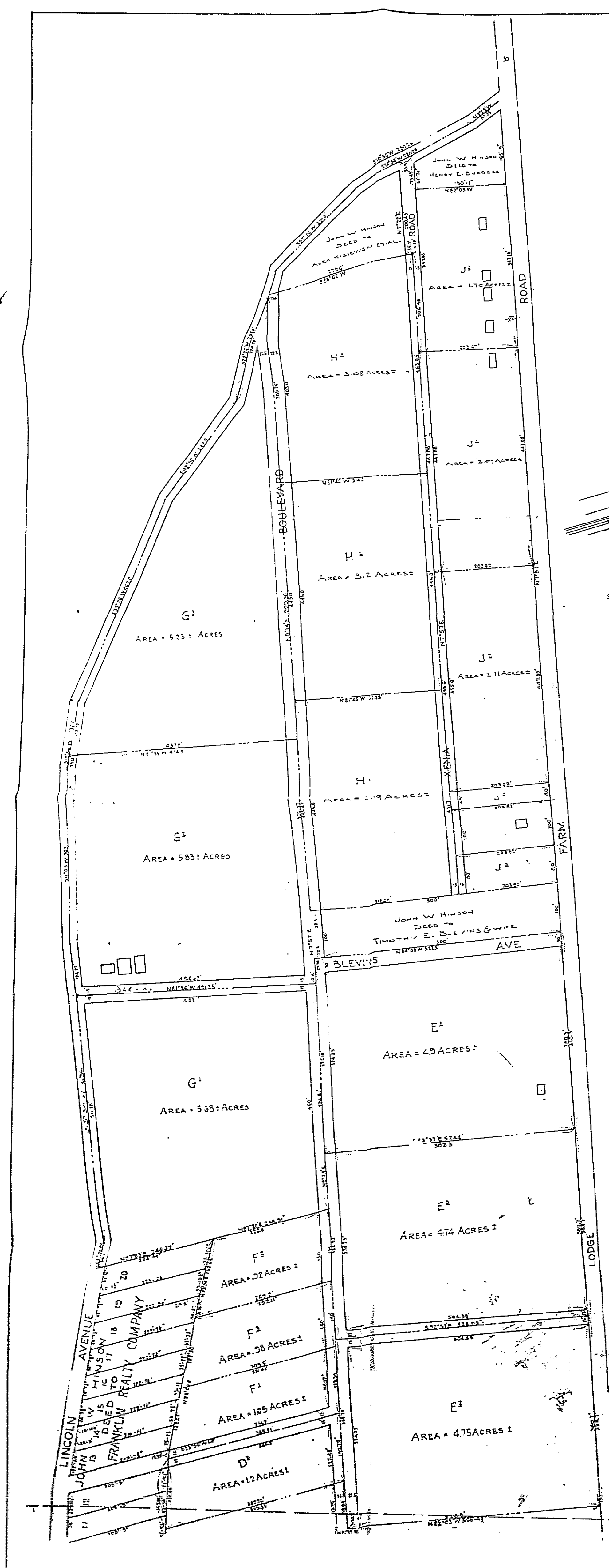
LODGE FOREST
OWNERS
— EASTER PROPERTIES —
— CORPORATION —

SUBMITTED BY LANDLORD
AT
J. SPENCE HOWARD
CIVIL & CONSULTING ENGR
BALTIMORE, MD
MARCH, 1929
SCALE: 1" = 100 FT.
E00053 - 187-727-235

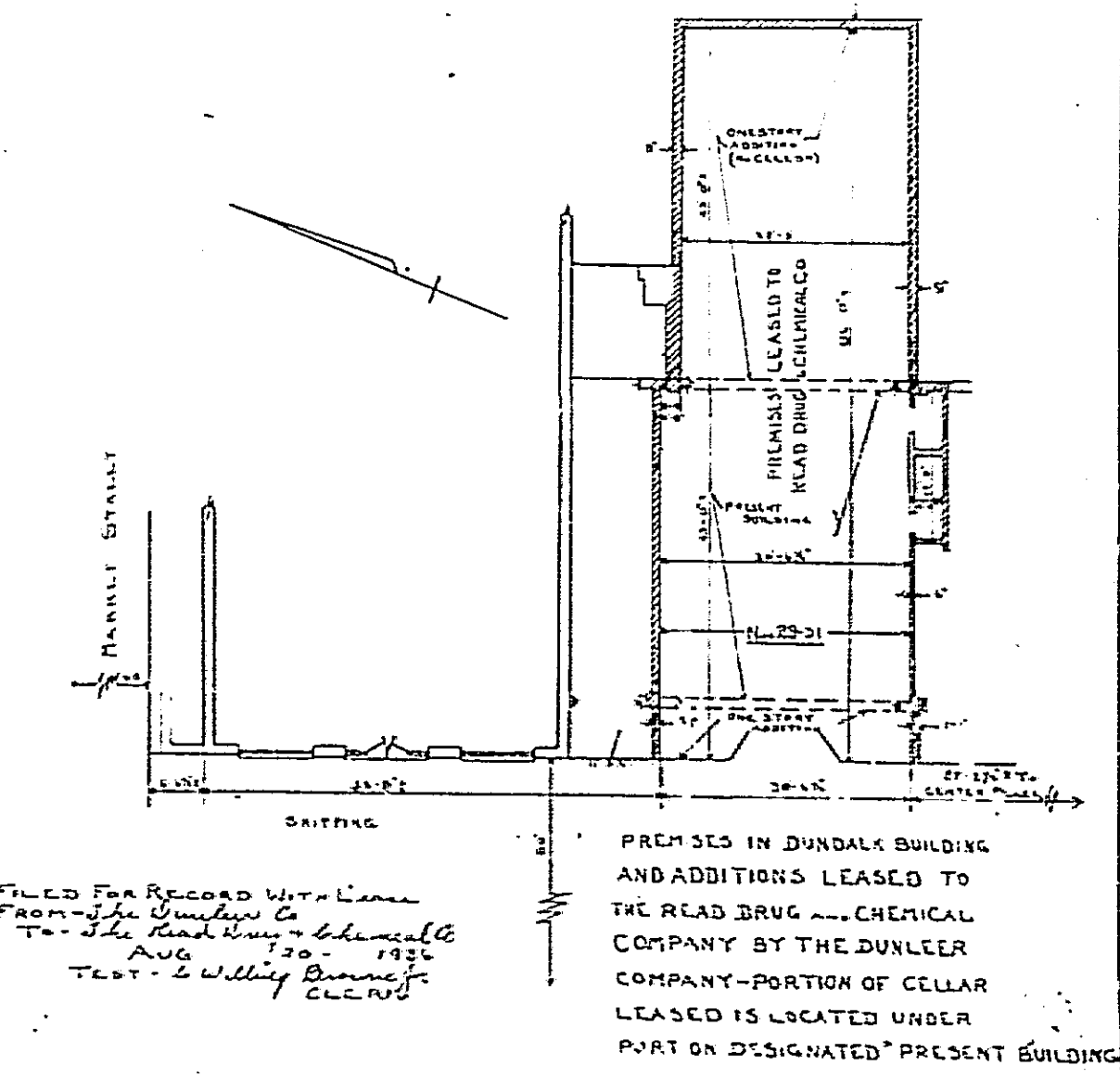
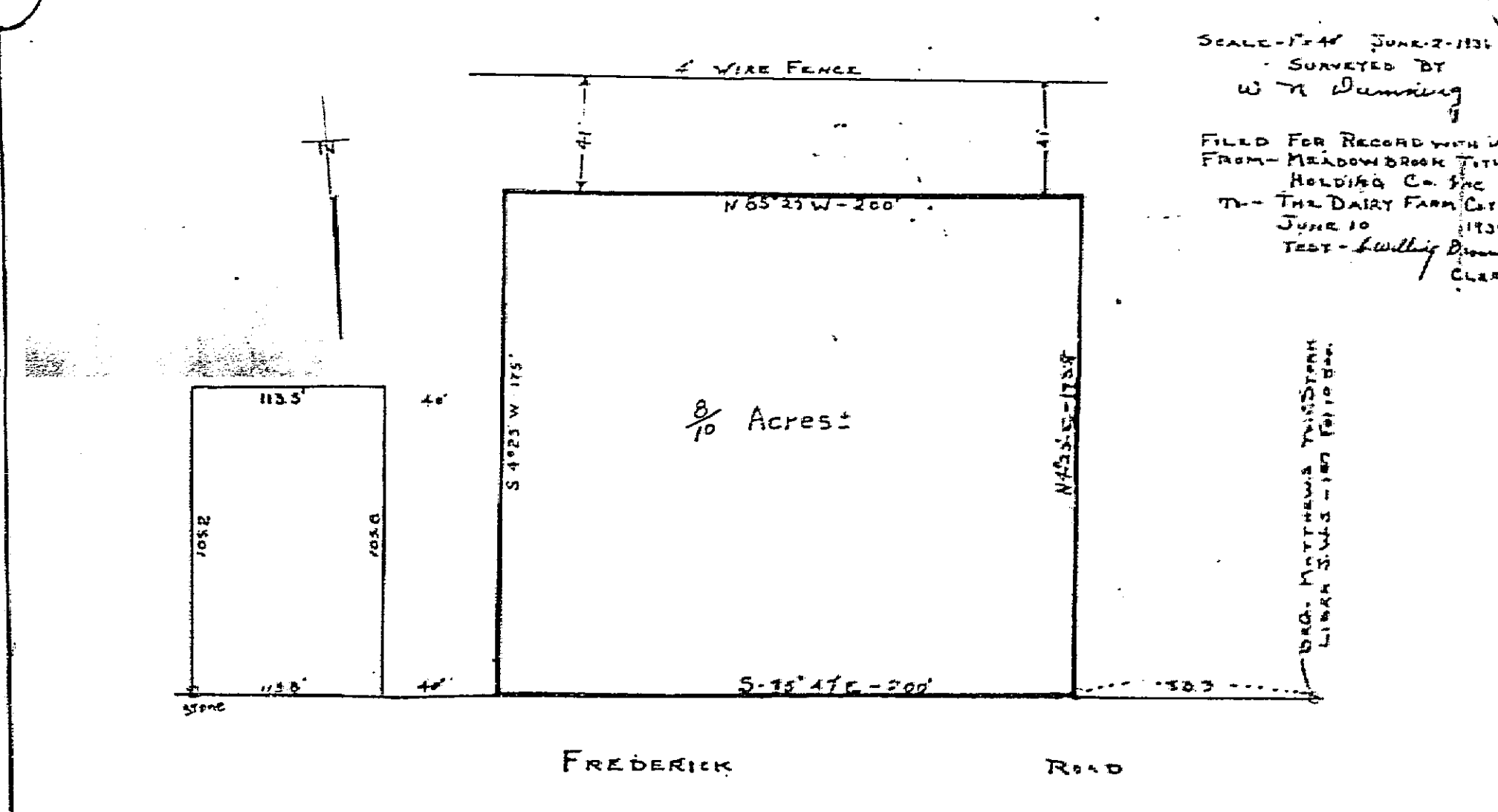
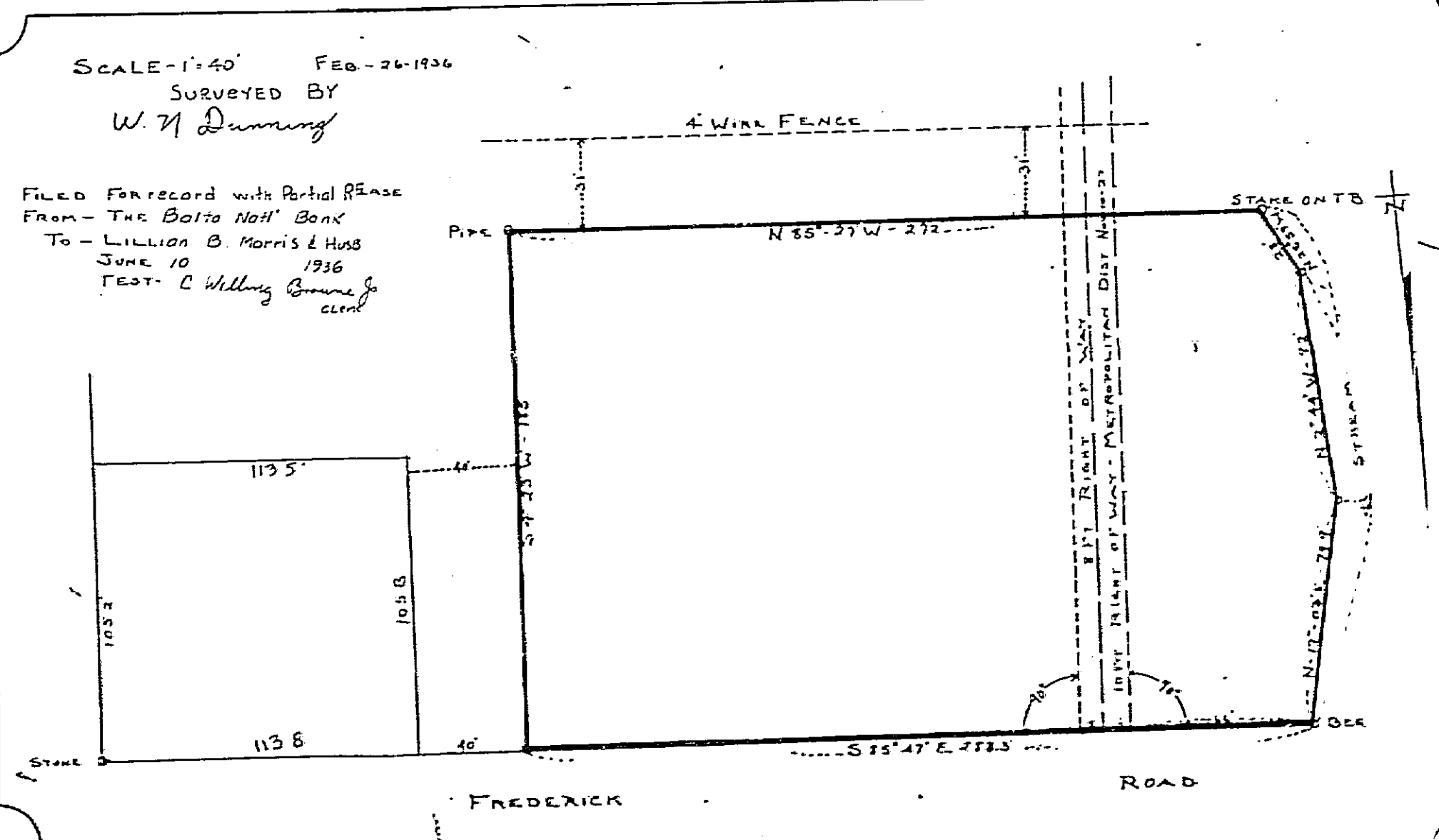
PATAPSCO RIVER

OLD ROAD

BAY



SCALE, 100 FT. = 1 IN. APRIL 10, 1935
SURVEYED BY
WILLIAM WHITNEY
FORMER COUNTY SURVEYOR FOR BALTO. CO.
MASONIC BLDG. TOWSON, MD.
FILE NO. 444
FILED FOR RECORD MAY 25, 1935
IN THE CIRCUIT COURT FOR BALTO. CO.
IN EQUITY
CORA A. HINSON
VS.
MARY C. CREMEN ETAL.
PLAT ACCOMPANYING
COMMISSIONER'S RETURN



NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case #96-40-A
Item 23
7413 Bay Front Road
N/S Bay Front Road, approximately 450' E of Lincoln Avenue
15th Election District
Legal Owner: Joseph C. Nowakowski
Hearing: Thursday, September 14, 1995 at 9:00 a.m. in Room 118, Old Courthouse.
Variance to allow a width of 50 feet in lieu of the required 55 feet and to allow an existing 8-foot side yard setback in lieu of 10 feet and any other remaining variances as may be deemed necessary.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are held on Wednesdays for special accommodations. Please call 887-3391.
(2) For information regarding the hearing, please call 887-3391.
(3) For information concerning the file and/or hearing, contact this office at 887-3391.
9/13/95 Page 10.

CERTIFICATE OF PUBLICATION

TOWSON, MD. Aug 11, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 12, 1995.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON

I HEREBY CERTIFY that on this 11 day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

AUG 14 1995
DEPT. OF PERMITS & INSURANCE
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 76-46-A
DATE 11/29/95 ACCOUNT C-001-7130
AMOUNT \$ 210.00
RECEIVED FROM Benjamin Bronstein Esq.
FOR Petition for Variance
7413 Bay Front Road
Jen # 2303147PH07-19-95 \$85.00
VALIDATION OR SIGNATURE OF CASHIER
DISTRIBUTION: WHITE-COPIER FIVE-AGENCY YELLOW-CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 075650
DATE 11/29/95 ACCOUNT C-001-7130
AMOUNT \$ 210.00
RECEIVED FROM Benjamin Bronstein Esq.
FOR Petition for Variance
7413 Bay Front Road
Jen # 2303147PH07-19-95 \$85.00
VALIDATION OR SIGNATURE OF CASHIER
DISTRIBUTION: WHITE-COPIER FIVE-AGENCY YELLOW-CUSTOMER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 15th
Posted for: 7413 Bay Front Rd
Petitioner: J. C. Nowakowski
Location of property: 7413 Bay Front Rd
Location of Sign: 7413 Bay Front Rd
Remarks: 7413 Bay Front Rd
Posted by: W. Carl Richards, Jr.
Date of return: 12/1/95
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 15th
Posted for: 7413 Bay Front Rd
Petitioner: J. C. Nowakowski
Location of property: 7413 Bay Front Rd
Location of Sign: 7413 Bay Front Rd
Remarks: 7413 Bay Front Rd
Posted by: W. Carl Richards, Jr.
Date of return: 8/1/96
Number of Signs: 1

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

887-3610

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-40-A (Item 23)

7413 Bay Front Road
N/S Bay Front Road, approximately 450' E of Lincoln Avenue
15th Election District - 7th Councilmanic
Legal Owner: Joseph C. Nowakowski
HEARING: THURSDAY, SEPTEMBER 14, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to allow a lot width of 50 feet in lieu of the required 55 feet and to allow an existing 8-foot side yard setback in lieu of 10 feet and any other remaining variances as may be deemed necessary.

Arnold Jablon
Director
Department of Permits and Development Management

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3391.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Room 48
Old Courthouse, 400 Washington Avenue

February 9, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-40-A
JOSEPH C. NOWAKOWSKI -Petitioner
N/S Bay Front Road, 450' E of Lincoln Avenue
(7413 Bay Front Road)
15th Election District
7th Councilmanic District

VAR -To permit lot width of 50' in lieu of req'd 55'; to permit existing side yard setback of 8' in lieu of min. req'd 10'.

10/30/95 -Z.C.'s Order in which Petition for Variance is DENIED.

ASSIGNED FOR: TUESDAY, MAY 28, 1996 at 10:00 a.m.

cc: Benjamin Bronstein, Esquire Counsel for Appellant /Petitioner
Joseph C. Nowakowski Appellant /Petitioner
R. Mark Davis
Chris Wojcik Protestant
Chesapeake Bay Critical Areas Commission
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

May 28, 1996

NOTICE OF DELIBERATION

Having concluded this case on May 28, 1996, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

JOSEPH C. NOWAKOWSKI -Petitioner
CASE NO. 96-40-A

DATE AND TIME : Thursday, June 27, 1996 at 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

cc: Benjamin Bronstein, Esquire Counsel for Appellant /Petitioner
Joseph C. Nowakowski Appellant /Petitioner
R. Mark Davis

Francis X. Borgerding, Esquire Counsel for Protestant
Chris Wojcik Protestant

Chesapeake Bay Critical Areas Commission
People's Counsel for Baltimore County
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

Copied: R.C.B.



Baltimore County
Department of Permits and Development Management

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

September 6, 1995

Benjamin Bronstein, Esquire
Evans, George and Bronstein
29 W. Susquehanna Ave., Suite 205
Towson, Maryland 21204

RE: Item No.: 23
Case No.: 96-40-A
Petitioner: J. C. Nowakowski

Dear Mr. Bronstein:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 19, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

MCR:jw
Attachment(s)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassloff
Administrator

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

RE: Baltimore County Item No. 023 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202