

IN THE MATTER OF	* BEFORE THE
THE APPLICATION OF	
<u>EDWARD AND JOSEPHINE HRANICKA</u>	* COUNTY BOARD OF APPEALS
- PETITIONERS FOR ZONING VARIANCE	
ON PROPERTY LOCATED ON THE E/S	* OF
CUCKOLD POINT RD, 115' N OF C/L 6 TH	
ST (9019 CUCKOLD POINT RD); CHARLES S.	* BALTIMORE COUNTY
WOLINSKI, CONTRACT PURCHASER; AND	
65' N OF C/L 6 TH STREET (9017 CUCKOLD	* CASE NO. 03-096-A and
POINT ROAD) ERIC D. McDONALD – C.P.	CASE NO. 03-097-A
15 TH ELECTION DISTRICT	*
7 TH COUNCILMANIC DISTRICT	

* * * * *

OPINION

These two cases come before the Board as a result of an appeal filed by Robert Poleski from the decision of the Zoning Commissioner which granted a Petition for Variance of lot width to the Petitioners and denied the request for an undersized lot. In the two cases, Petitioners sought relief to permit a lot width of 50 feet in lieu of the required 55 feet and approval of an undersized lot to develop each property with a single-family dwelling. The hearing was held on March 19, 2003. Present for the Petitioners was Edward Hranicka. The Appellant /Protestant, Robert Poleski, was also present. Neither party was represented by Counsel; however, People's Counsel for Baltimore County, Peter Max Zimmerman, participated in the hearing for the purpose of clarifying the issues with respect to this matter.

After the hearing was completed, the Board took a recess for the purpose of reviewing the papers and exhibits. After the recess, a public deliberation was held on the same day as the hearing with all parties present.

The two lots under consideration are unimproved, rectangular-shaped lots located on the south side of Cuckold Point Road not far from the end of the peninsula from Millers Island in Edgemere. The properties are respectively known as Lots 488 and 489 of Swan Point, which is an older subdivision that was recorded many years ago prior to the first zoning regulations in

Baltimore County. Each lot is 50 feet wide and 150 feet deep and contains a gross area of 7,500 square feet zoned B.L.

Mr. Hranicka and his mother have owned the subject properties for some time. They have contracted to sell Lot 488, known as 9017 Cuckold Point Road, to Eric D. McDonald, and Lot 489, known as 9019 Cuckold Point Road, to Charles L. Wolinski. Each of the contract purchasers proposes to place a single-family dwelling on each one of these lots. Variance relief is necessary due to the insufficient width of the lots. Pursuant to § 1B02.3C.1 of the *Baltimore County Zoning Regulations* (BCZR), the minimum lot width is 55 feet. The owners and contract purchasers also seek relief from § 304 of the BCZR which relates to undersized lots.

The testimony and evidence indicates that Swan Point is an older subdivision that was platted and recorded in the Land Records of Baltimore County prior to the adoption of the first zoning regulations. It appears that all of the lots in the community are 50 feet wide.

Mr. Hranicka testified that he built a home on a lot for his mother approximately 2 years ago. The lot was 50 feet wide. He went before the Zoning Commissioner and received a variance in order to build on the lot. No one appeared before the Zoning Commissioner to protest the granting of the variance and no one appealed the variance; therefore it was granted.

In the present case, the Zoning Commissioner granted the variances on the basis that single-family dwelling on the two undersized lots would not result in any detriment to the health, safety and general welfare of the surrounding locale. However, he denied Petitioners' request for approval of an undersized lot because § 304 of the BCZR "permits the owner of an undersized lot to build a single-family dwelling by right, when certain other requirements are met. One of these requirements is that the property owner cannot own any adjoining land. In that the same

individual(s) own the subject adjacent lots, relief cannot be granted.” He therefore denied the undersized lot under the terms of § 304.

While there were no Protestants at the hearing before the Zoning Commissioner, when the Commissioner’s decision was rendered, Mr. Poleski filed an appeal to the Board of Appeals. His appeal was based on the fact that Mr. Hranicka owns the two lots side by side, and that there had been changes in the zoning regulations since the lots were established. The lots are now in a D.R. 5.5 zone which requires a lots width of 55 feet in order for a lot to be built upon.

The Zoning Commissioner did deny the Petition with respect to the utilization of an undersized lot under § 304 of the BCZR. Unfortunately, however, the Zoning Commissioner also granted the variance requested from the 55-foot requirement under § 307.1.

The granting of variances is governed by § 307.1 of the BCZR which provides, in relevant part, that variances may be granted:

...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 would result in practical difficulty or unreasonable hardship.”

The Court of Special Appeals, in *Cromwell v. Ward*, 102 Md.App. 691 (1995) has construed this regulation to mean that obtaining a variance is at least a two step process. The first step requires a finding that the subject property is unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provisions to impact disproportionately upon that property. The second step requires a finding that denial of the requested variance would result in practical difficulty or unreasonable hardship.

Cromwell v. Ward states that "unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship."

A partial map of the Swan Point development produced by the Appellant /Protestant shows that the two lots in question are 50-foot lots, and are comparable to virtually every other lot located in the development. There appeared to be no dispute to this fact from either Mr. Hranicka or the Appellant, Mr. Poleski. Mr. Poleski indicated that he would have no problem if Mr. Hranicka were to build one home on the combined two lots; however, he did protest the building of a dwelling on each of the single lots.

Therefore, it is quite clear that the Petitioner has failed to present any testimony or evidence to the Board showing that the two lots possess any peculiar, unusual or unique factors when compared to other properties in the neighborhood to allow a variance from § 1B02.3.C.1 of the BCZR.

In addition, the Board agrees with the Zoning Commissioner that the Petitioner does not qualify for an undersized lot under § 304 of the BCZR. Petitioner Hranicka owns both of the lots in question and it would be possible for a single-family dwelling to be placed on the combined lots and meet the requirements of the zoning law. Therefore, the Petition fails under § 304 of the BCZR.

ORDER

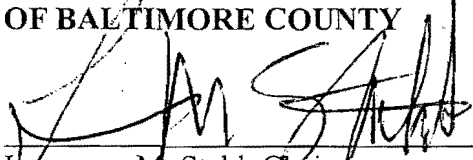
THEREFORE, IT IS THIS 2nd day of April, 2003 by the County Board of Appeals of Baltimore County

ORDERED that the Petitions for Variance seeking relief from § 1B02.3.C.1 and § 304.1.C

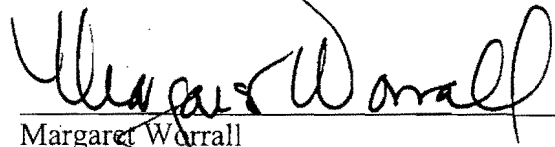
of the Baltimore County Zoning Regulations to permit a lot width of 50 feet in lieu of the required 55 feet in order to permit development of Lots 488 and 489, each with a single-family dwelling to be known as 9017 Cuckold Point Road and 9019 Cuckold Point Road, respectively, and seeking approval of an undersized lot, be and the same are 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*.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence M. Stahl, Chairman

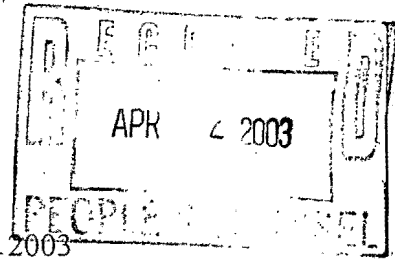

Lawrence S. Wescott


Margaret Worrall



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182



April 2, 2003

Mr. Robert Poleski
9015 Cuckold Point Road
Baltimore, MD 21219

RE: *In the Matter of: Edward and Josephine Hranicka –Legal Owners;*
Case No. 03-096-A /Charles S. Wolinski, Contract Purchaser;
and Case No. 03-097-A /Eric D. McDonald – Contract Purchaser

Dear Mr. Poleski:

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*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. 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 / tw
Kathleen C. Bianco
Administrator

Enclosure

c: Edward and Josephine Hranicka
Eric D. McDonald
Charles L. Wolinski
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

IN RE: PETITION FOR VARIANCE

E/S Cuckold Point Road, 115' & 65' N
of the c/l 6th Street
(9017 & 9019 Cuckold Point Road)
15th Election District
7th Council District

Edward Hranicka & Josephine Hranicka, Owners;
Charles S. Wolinski & Eric D. McDonald,
Respective Contract Purchasers

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 03-096-A & 03-097-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by the owners of the subject adjacent properties, Edward F. Hranicka and his mother, Josephine Hranicka, and the Contract Purchasers of those respective properties, Charles S. Wolinski (9019 Cuckold Point Road) and Eric D. McDonald (9017 Cuckold Point Road). Since the properties are owned by the same persons and are adjacent parcels, the two cases were heard contemporaneously. In both cases, the Petitioners seek relief from Sections 1B02.3.C.1 and 304.1.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and approval of an undersized lot, pursuant to Section 304, and any other variances deemed necessary by the Zoning Commissioner to develop each property with a single family dwelling. The subject properties and requested relief are more particularly described on the site plan submitted in each case and marked into evidence as Petitioner's Exhibits 1.

Appearing at the requisite public hearing in support of the requests were Edward F. Hranicka, property owner, and the Contract Purchasers of the respective lots, Charles S. Wolinski, and Eric D. McDonald. There were no Protestants or other interested persons present.

The two lots under consideration are unimproved, rectangular shaped parcels, located on the south side of Cuckold Point Road, not far from the end of the peninsula for Millers Island in Edgemere. The properties are respectively known as Lots 488 and 489 of Swan Point, which is an older subdivision that was recorded many years ago prior to the first zoning regulations in Baltimore County. Each lot is 50' wide and 150' deep and contains a gross area of 7,500 sq.ft., zoned B.L.

Mr. Hranicka and his mother have owned the subject properties for some time. They have contracted to sell Lot 488, known as 9017 Cuckhold Point Road, to Mr. McDonald and Lot 489, known as 9019 Cuckhold Point Road, to Mr. Wolinski who propose to develop their respective parcels with a single family dwelling. Variance relief is necessary due to the insufficient width of the lots. Pursuant to Section 1B02.3.C.1 of the B.C.Z.R., the minimum lot width is 55 feet. Relief is also sought from Section 304 of the B.C.Z.R. which relates to undersized lots.

Testimony and evidence offered was that Swan Point is an older subdivision that was platted and recorded in the Land Records of Baltimore County well prior to the adoption of the first zoning regulations. Apparently, all of the lots in this community are 50 feet wide. It was further indicated that most of the houses in the community were constructed on individual lots, although there are some double and triple lots in the area that have been combined and are used as one parcel. Testimony indicated that development of each of the subject lots would be consistent with other houses in the neighborhood and appropriate.

Based upon the testimony and evidence offered, I am persuaded that the development of each of the subject lots with a single family dwelling is appropriate and will not result in any detriment to the health, safety and general welfare of the surrounding locale. However, the Petitioners' request for approval of an undersized lot must be denied. Section 304 of the B.C.Z.R. permits the owner of an undersized lot to build a single family dwelling by right, when certain other requirements are met. One of those requirements is that the property owner cannot own any adjoining land. In that the same individual(s) own the subject adjacent lots, relief cannot be granted. Thus, the proposed development must meet all setback requirements.

It is also to be noted that the two parcels are located in a flood plain and within the Chesapeake Bay Critical Areas. Although not directly waterfront, the two properties do have a view of Middle River. Thus, development of the two parcels must be in compliance with all Critical Areas and flood plain regulations. Mr. McDonald and Mr. Wolinski indicated that they were aware of those requirements and that the lots would be developed accordingly. Additionally, testimony indicated that the Petitioners submitted building elevation drawings of the proposed dwellings to the Office of

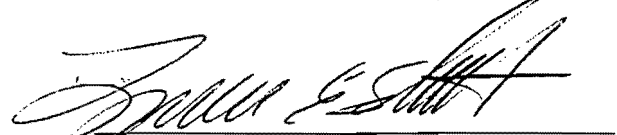
Planning, which has approved same as being compatible with the neighborhood. Thus, the proposed dwellings shall be constructed substantially in accordance with the building elevation drawings approved by the Office of Planning.

Pursuant to the advertisement, posting of these properties, and public hearing on these Petitions held, the relief requested shall be granted.

22nd THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this date of October, 2002, that the Petitions for Variance seeking relief from Sections 1B02.3.C.1 and 304.1.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, to permit development of Lots 488 and 489, each with a single family dwelling, to be known as 9017 Cuckold Point Road and 9019 Cuckold Point Road, respectively, in accordance with Petitioner's Exhibits 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed development shall comply with all applicable environmental regulations, including Baltimore County floodplain and Chesapeake Bay Critical Areas regulations.
- 3) The proposed dwellings shall be constructed substantially in accordance with the building elevation drawings submitted to and approved by the Office of Planning.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

IT IS FURTHER ORDERED that the Petition for Variance seeking approval of an undersized lot, pursuant to Section 304, and any other variances deemed necessary by the Zoning Commissioner, be and his hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

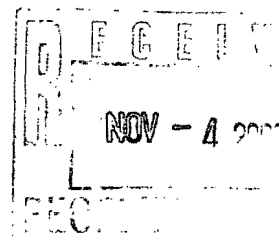


Baltimore County
Zoning Commissioner

October 22, 2002

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Mr. Edward F. Hranicka
Ms. Josephine Hranicka
2712 6th Street
Baltimore, Maryland 21219



RE: PETITIONS FOR VARIANCE
SE/S Cuckold Point Road, 115' and 65' N of the c/l 6th Street
(9017 & 9019 Cuckold Point Road)
15th Election District - 5th Council District
Edward F. Hranicka & Josephine Hranicka, Owners;
Charles S. Wolinski & Eric D. McDonald, Respective Contract Purchasers - Petitioners
Case Nos. 03-096-A & 03-097-A

Dear Mr. Hranicka & Ms. Hranicka:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Charles S. Wolinski
7509 Fort Avenue, Ft. Howard, Md. 21052
Mr. Eric D. McDonald
200 Juneberry Way, Apt. 1B, Glen Burnie, Md. 21061
Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Office of Planning; People's Counsel; Case File

*old neighborhood / public
no interest in
appeal. p27*

Come visit the County's Website at www.co.ba.md.us



1200d LB CA

Petition for Variance

exp review
PML

to the Zoning Commissioner of Baltimore County

for the property located at 9019 Cockold Point Rd.

which is presently zoned BL

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1, 304.1.C. BC2R TO ALLOW A LOT WIDTH OF 50' IN LIEU OF THE REQUIRED 55' AND TO APPROVE AN UNDERSIZED LOT PER SECTION 304 AND TO APPROVE ANY OTHER VARIANCES DEEMED NECESSARY BY THE ZONING COMMISSIONER.

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

TO BE DISCUSSED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Charles S. Wolinski
Name - Type or Print

Charles S. Wolinski
Signature

7509 Fort Ave 410-477-2681
Address Telephone No.

Ft. Howard, Maryland 21052
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Edward F. Hranicka
Name - Type or Print

Edward F. Hranicka
Signature

JOSEPHINE HRANICKA
Name - Type or Print

Josephine Hranicka
Signature

2712 6th St
Address Telephone No.

Balto Md. 21219
City State Zip Code

Representative to be Contacted:

Charles S. Wolinski
Name

7509 Fort Ave 410-477-2681
Address Telephone No.

Ft Howard Md 21052
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By CTM Date 8/23/02

Case No. 03-096-A

REV 9/15/98



Baltimore County
Department of Permits and
Development Management

cd
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 27, 2000

Mr. & Mrs. Edward F Hranicka
2712 6th Street
Baltimore MD 21219

Dear Mr. & Mrs. Hranicka:

RE: Case Number: 03-096-A, 9019 Cuckold Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 23, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. 6DZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Charles S Wolinski, 7509 Fort Avenue, Ft Howard 21052
People's Counsel

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND ^{PMZ}

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: September 10, 2002

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-081, 03-096, & 03-097

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Lynne Hankins

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

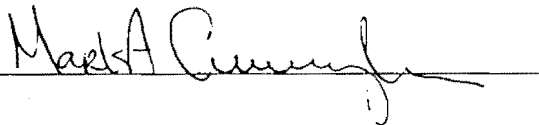
DATE: September 10, 2002

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

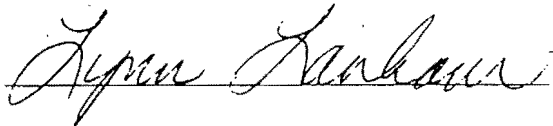
SUBJECT: Zoning Advisory Petition(s): Case(s) 03-081, 03-096, & 03-097

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9.6.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 096 LTM

Dear Mr. Zahner:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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



Maryland Department of Planning

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

September 9, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
County Office Building
Mail Stop #1105
Towson MD 21204

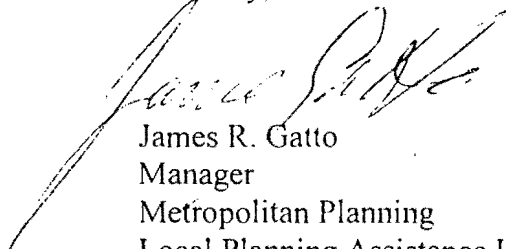
Re: Zoning Advisory Committee Agenda re: case numbers 03-094-A, 03-095-SPHA, 03-096-A, 03-097-A, 03-098-SPG, 03-099-A, 03-100-A, 03-101-SPH, 03-102-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 9/09/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,



James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

FILE COPY

RE: PETITION FOR VARIANCE * BEFORE THE
9019 Cuckold Point Road *
E/side Cuckold Point Road 115' north * ZONING COMMISSIONER
of ctrl 6th Street *
15th Election District 7th Councilmanic * FOR
District *
Legal Owner: Edward & Josephine Hranicka* BALTIMORE COUNTY
Contract Pur.: Charles S. Wolinski *
Petitioner(s) * 03-096-A

* * * * *

ENTRY OF APPEARANCE

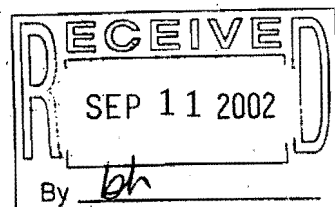
Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of September, 2002 a copy of the foregoing Entry of Appearance was mailed to Charles S. Wolinski, 7509 Fort Ave., Fort Howard, MD. 21052 Representative for Petitioner(s).



Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 17, 2003

Mr. Charles S. Wolinski
7509 Fort Avenue
Fort Howard, MD 21052

RE: *In the Matter of: Edward and Josephine Hranicka -Legal
Owners; Charles Wolinski (096) and Eric McDonald (097) -
Contract Purchasers / Cases No. 03-096-A and No. 03-097-A*

Dear Mr. Wolinski:

In response to your correspondence received by this office on January 15, 2003, there are no earlier dates available on the hearing schedule to which this matter could be reset. The Board's docket is set through June of 2003, with no open dates prior to your scheduled date of March 19, 2003.

Therefore, your request to advance the hearing date to an earlier date cannot be accommodated at this time, and the hearing will go forward as scheduled on March 19, 2003 at 10:00 a.m. However, should earlier dates become available due to dismissal or postponement, with adequate time for reassignment, consideration will be given to earlier assignment of this matter, upon confirmation of the availability of all parties.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen C. Bianco".

Kathleen C. Bianco
Administrator

c: Robert Poleski
Edward and Josephine Hranicka
Eric D. McDonald
Office of People's Counsel



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

November 22, 2002

Charles S. Wolinski
7509 Fort Avenue
Ft. Howard, MD 21052

Dear Mr. Wolinski:

RE: Case No. 03-096-A, 9019 Cuckold Point Road

Please be advised that an appeal of the above-referenced case was filed in this office on November 21, 2002 by Robert Poleski. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rlh

c: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM
People's Counsel
Edward and Josephine Hranicka, 2712 6th Street, Baltimore 21219



APPEAL

Petition for Variance
9019 Cuckold Point Road
E/side Cuckold Point Road, 115 feet north of centerline 6th Street
15th Election District – 7th Councilmanic District
Edward and Josephine Hranicka - Legal Owner
- Contract Purchaser
Case No.: 03-096-A

Petition for Variance (August 23, 2002)

Zoning Description of Property

Notice of Zoning Hearing (September 6, 2002)

Certification of Publication (The Jeffersonian issue September 17, 2002)

Certificate of Posting (September 15, 2002 posted by SSG Robert Black)

Entry of Appearance by People's Counsel (September 11, 2002)

Petitioner(s) Sign-In Sheet (One Sheet)

Protestant(s) Sign-In Sheet (None)

Citizen(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:
No Exhibits in file

Protestants' Exhibits:
None

Miscellaneous (Not Marked as Exhibits):
Plat to accompany Petition for Zoning Variance

Zoning Commissioner's/Zoning Commissioner's Order (October 22, 2002 – GRANTED;
portion concerning Undersized Lot, which was DENIED)

Notice of Appeal received on November 21, 2002 from Robert Poleski

c: People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM
Charles S. Wolinski, 7509 Fort Avenue, Ft. Howard 21053

date sent November 22, 2002 rh

Post-it® Fax Note

7671

Date <u>11/19/02</u>	# of pages <u>4</u>
To <u>Robert Pelaski</u>	From <u>P. M. Zimmerman</u>
Co./Dept.	Co. <u>People's Counsel</u>
Phone # <u>477-8715</u>	Phone # <u>887-2188</u>
Fax # <u>410-388-1091</u>	Fax #

PETITION ONLY

(Date _____)

Arnold Jablon, Director
 Department of Permits and
 Development Management
 111 West Chesapeake Avenue
 Towson, MD 21204

Re: PETITION FOR _____
 (Property Address _____)
 (Election and Councilmanic District)
 (Petitioner's Name _____)
 Case No. _____

Dear Mr. Jablon,

Please enter an appeal of the (Name of Community Association) and/or (Names of Individuals) to the County Board of Appeals from the Findings of Fact and Conclusions of Law of the Baltimore County Zoning Commissioner dated (Date of Opinion) in the above- entitled case.

Enclosed is our check in the amount of \$ _____ ** for the filing fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,
 (Name of individual and/or Community Association)

By: (_____)
 President
 (Name, Address and Phone Number)

SIGNATURES AND PRINTED OR
 TYPED NAMES, ADDRESSES AND
 PHONE NOS. FOR EACH INDIVIDUAL
 WHO IS APPEALING

cc (Petitioner's Attorney and address)

People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue,
 Towson, MD. 21204

**Call the Dept. of Permits and Development Management-(410) 887-3391- for amount of filing fee.

TRANSMISSION VERIFICATION REPORT

TIME: 11/19/2002 13:34
NAME: BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

11/19 13:32
94103881091
00:02:08
04
OK
STANDARD

Phone # 477-8715

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

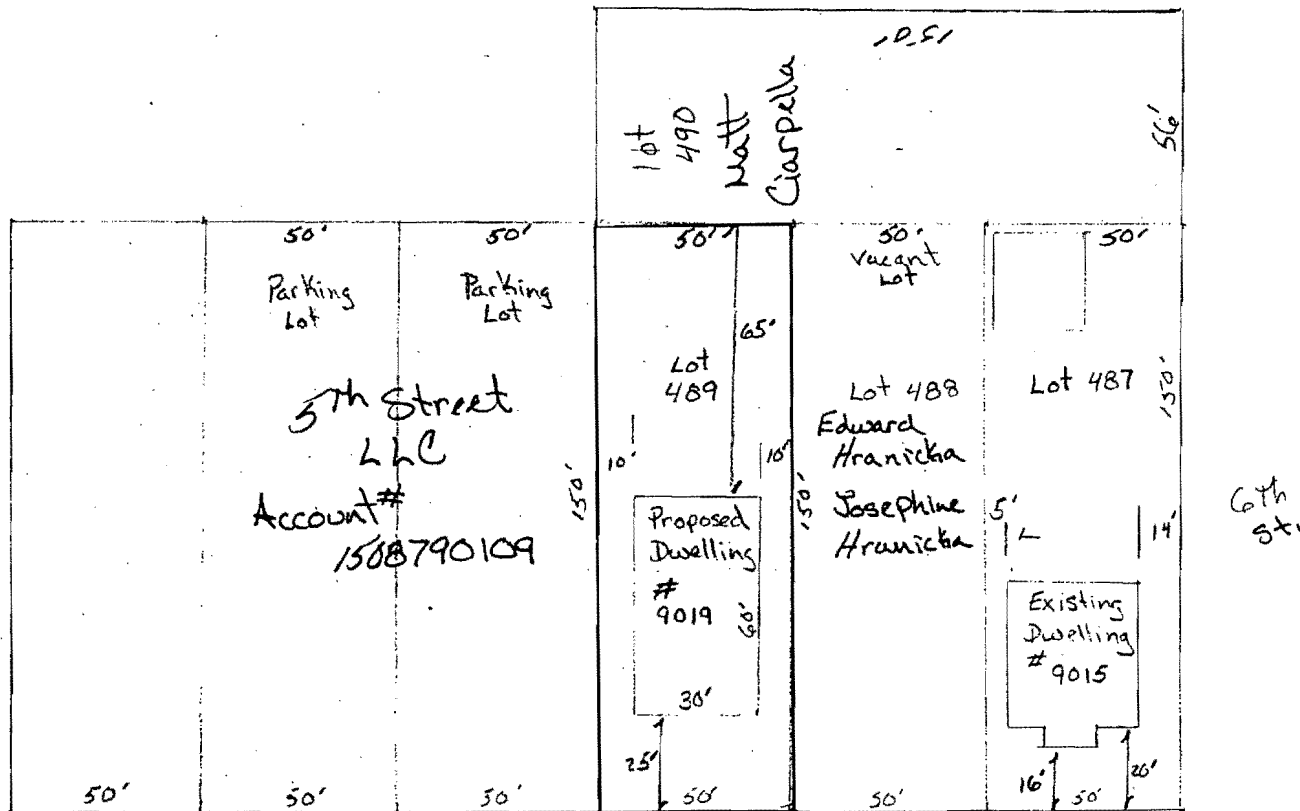
PROPERTY ADDRESS 9019 Cuckhold Point Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Swan Point

PLAT BOOK # 9 FOLIO # 4 LOT # 489 SECTION #

OWNER Josephine & Edward Hranicka

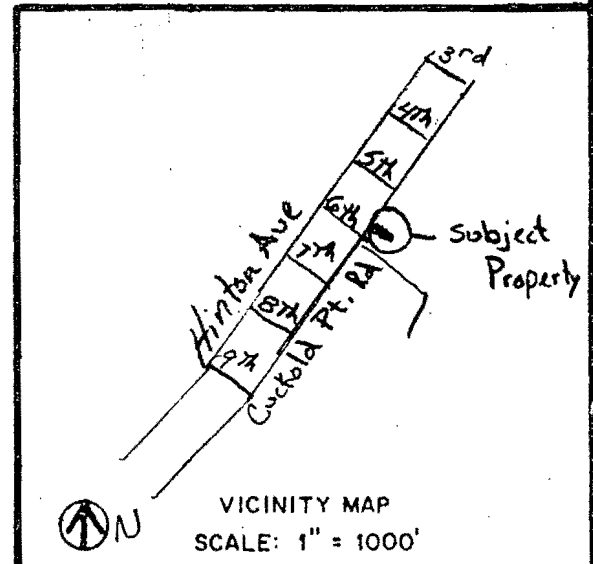


NORTH

Date 8/21/02

PREPARED BY C. Wolinski

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # SE 6K

ZONING BL DR 5.5

LOT SIZE 0.17 7,500
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐

100 YEAR FLOOD PLAIN	☒	☐
----------------------	-------------------------------------	--------------------------

HISTORIC PROPERTY/ BUILDING	☐	☐
-----------------------------	--------------------------	--------------------------

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY
REVIEWED BY LTM ITEM # 96 CASE #

PH2


Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search
[Go Back](#)
[View Map](#)
[New Search](#)
Account Identifier: District - 15 Account Number - 1508790100

Owner Information

Owner Name: HRANICKA EDWARD F
 HRANICKA JOSEPHINE M
Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 2712 6TH ST
 BALTIMORE MD 21219-1664
Deed Reference: 1) / 4938/ 60
 2)

Location & Structure Information

Premises Address CUCKOLD POINT RD
Zoning BL
 WATERFRONT
Legal Description LT 488-489
 SWAN POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
112	15	4					488	82		9/ 4

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		15,000.00 SF	31
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of	Phase-in Assessments As Of	As Of
		01/01/2003	07/01/2002	07/01/2003
Land:	47,200	54,000		
Improvements:	0	0		
Total:	47,200	54,000	47,200	49,466
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information