IN RE: PETITION FOR VARIANCE E/S of 12th Street, 404 ft. N of Miller Island Boulevard 15th Election District 7th Councilmanic District **(8800 Hinton Avenue)**	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	CASE NO. 04-360-A
Carolyn Mattson & Madeline Travalena, *Legal Owners* ***and*** Richard Kowalewski, *Contract Purchaser* *Petitioners*	*	

* * * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Carolyn M. Mattson and Madeline Travalena and the contract purchaser, Richard Kowalewski.. The Petitioners are requesting variance relief for property located at 8800 Hinton Avenue in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), Section 304; ZCPM Section 1-1.3.a as follows:

1. to permit a side yard setback of 8 ft. in lieu of the required 25 ft.;
2. to permit a lot width of 50 ft. in lieu of the required 55 ft.; or, in the alternative;
3. to permit an undersized lot.

The property was posted with Notice of Hearing on March 22, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 23, 2004 to notify any interested persons of the scheduled hearing date

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances***.

ORDER RECEIVED FOR FILING
Date 4/15/04
By

"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 parking or sign regulations, and only in such manner as to grant relief without injury to the 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."

Section 304 of the B.C.Z.R. – ***Use of Undersized Single Family Lots***

Section 304, Use of Undersized Single-Family Lots [BCZR 1955; Bill No. 47-1992]
304.1 [Bill Nos. 64-1999; 28-2001] Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:
A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
B. All other requirements of the height and area regulations are complied with; and
C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated March 22, 2004 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Bureau of Development Plans Review dated March 12, 2004 setting forth several federal and county code requirements the Petitioners must comply with for this project

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Date 4/13/04
By

Interested Persons

Appearing at the hearing on behalf of the variance request were Rich and Shirley Kowalewski, Petitioners, Kay Staszak, Yurii Shcherbiner, B. Hall. and Paul Lee. Arnold Jablon, Esquire represented the Petitioners. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property consists of 13,750 sq. ft. and is zoned BL. Mr. Jablon proffered that this waterfront property is presently improved by Augie's Crab House, a defunct restaurant. The contract purchasers would like to raze the old restaurant and construct their home on the property. The new home would meet all the environmental regulations including being elevated sufficiently above the floodplain. This is important because the old restaurant was damaged by Hurricane Isabel. In addition, the new home would be compatible with the neighboring homes including the new upscale homes going into the neighborhood.

The property is zoned BL, presumably in recognition of the commercial uses of the crab house. When business zoned property is to be used for residential purposes, the regulations of the adjacent residential zone control. In this case, the residential zone nearest the property is DR 5.5 as shown on Exhibit No. 1. The property is Lot 194 of the old Revised Plat of "Swan Point" subdivision, which was recorded in 1928. This lot, along with the other lots in Swan Point, is 50 ft. wide. The BL and by implication DR zoning was applied many years after the lot was created. DR 5.5 regulations require 55 ft. lot widths. Consequently, the Petitioners argue that they could not possibly meet the new zoning regulations.

ORDER RECEIVED FOR FILING
Date 4/13/04
By K Zimmerman

In addition, the crab house is already built out to the property line as shown by the photographs of Petitioners' Exhibit No. 5. The Petitioners are requesting variance from the side street setback requirement of the Zoning Commissioner's Policy Manual Section 1B02.3.C.2.c.iii which requires a set back from a side street of 25 ft. pursuant to the DR 5.5 regulations. However, the Petitioners' new home will have only 8 ft. to the property line. Mr. Jablon pointed out that the proposed use is an improvement regarding setback and, that 12th Street which dead ends in the water, is clearly not used by the public. Consequently, there will not be any adverse impact on the community. The Connelly property line across 12th Street and is an additional 30 ft. away from the Petitioners' property line so there is no overcrowding. Mr. Jablon proffered that there is no land available to purchase on either side of the subject site, which would alleviate the need for a variance. To make this point, the neighbor on the east side, Mr. Hall, attended the hearing in support of the petition. In addition, the Petitioners presented a petition signed by nine neighbors again approving of the petition.

Mr. Jablon argued that the subject property was constrained by the existing zoning, the waterfront nature of its location by 12th Street, and the 1928 subdivision. He further argued that if the home met the 25 ft. side yard to street setback and the 10 ft. side yard setback there would only be 15 ft. in which to erect the house. This is an impractical home in this area and would be wholly incompatible with the community. He also indicated the lot would qualify as an undersized lot under Section 304 of the B.C.Z.R.

Findings of fact and conclusions of law

While I do not disagree this lot would qualify under Section 304 of the B.C.Z.R. as an undersized lot, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This is an old subdivision of 50 ft. lots

ORDER RECEIVED FOR FILING
Date 4/13/04
By P. Grimes

which can not comply with the more recently applied DR zoning regulations. I further find that the application of the newer regulations impacts lots in these old subdivisions more than other lots in the DR 5.5 zones. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Requiring the Petitioners to build a home 15 ft. wide is impractical. No increase in residential density beyond that otherwise allowable by the Zoning was requested. Furthermore, I find that the variance requested can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The new home is compatible with the new upscale and existing homes in the area. Razing the damaged crab house will improve the neighborhood.

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

THEREFORE, IT IS ORDERED, this 13th day of April, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), and ZCPM Section 1B02.3.C.2.c.iii as follows:

1. to permit a side yard setback of 8 ft. in lieu of the required 25 ft.;
2. to permit a lot width of 50 ft. in lieu of the required 55 ft.;

be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired.

ORDER RECEIVED FOR FILING
Date 4/13/04
By

If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

2. Compliance with the ZAC comments made by DEPRM dated March 22, 2004, a copy of which is attached hereto and made a part hereof.

3. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated March 12, 2004, a copy of which is attached hereto and made a part hereof.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 4/13/04
By K. Samaras

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

April 13, 2004

Arnold Jablon, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Variance
Case No. 04-360-A
Property: 8800 Hinton Avenue

Dear Mr. Jablon:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Printed on Recycled Paper

Copies to:

Rich & Shirley Kowalewski
2805 1st Street
Millers Island, MD 21229

Kay Staszak
2644 Masseth Avenue
Baltimore, MD 21219

Yurii Shcherbiner
B. Hall
7200 Bay Front Road
Baltimore, MD 21219

Paul Lee. P.E.
Century Engineering
32 West Road
Towson, MD 21204

CBCA & F.P.

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8800 Hinton Ave

which is presently zoned BL

1802.3.C.2 cir
1B26.1

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) 1B02.3C.1(Chart); sec.304; ZCPM ~~5-18~~

(1) to permit side yard setback of 8' in lieu of required 25'; (2) to permit lot width of 50' in lieu of required 55'; (3) or, in alternative to permit undersized lot

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 presented at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above 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:

Richard Kowalewski
Name - Type or Print

Signature

2805 1st Street 410-477-6347
Address Telephone No

Baltimore, Maryland 21219
City State Zip Code

Attorney For Petitioner:

Arnold Jablon
Name - Type or Print

Signature

Venable, LLP
Company

210 Allegheny Ave 410-494-6298
Address Telephone No.

TOWSON, Maryland 21204
City State Zip Code

Legal Owner(s):

Carolyn M. Mattson
Name - Type or Print

Signature

Madeline T. Travalena
Name - Type or Print

Signature

21 Flanders Ridge Ct
Address Telephone No

Cockeysville, Md 21030
State Zip Code

Representative to be Contacted:

Arnold Jablon
Name

210 Allegheny Ave 410-494-6298
Address Telephone No

Towson, Maryland 21204
City State Zip Code

RECEIVED FOR FILING
2/13/04
RJ Grason

Case No. 04-360-A

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 2/05/04

Rev 9/15/98

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, have authorized Arnold Jablon, Esq., 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at 8800 Hinton Ave., Baltimore, Maryland 21219, property we own.

Further, the undersigned is the contract purchaser of said property, and hereby and herewith authorize Mr. Jablon to be my attorney-in-fact and attorney-at-law and represent me in this matter.

Carolyn M Mattson 1/29/04 (Date)
Carolyn M. Mattson, co-owner

21 Londera Ridge Ct. Catonsville, Md 21030
address

Madeline T. Travalena (Date)
Madeline T. Travalena, co-owner

2808 12TH St. Balto, MD 21219
address

Richard Kowalewski 2/3/04 (Date)
Richard Kowalewski
Contract Purchaser

Phone: 410-687-6922

FRANK S. LEE

Registered Land Surveyor

719 Chesaco Avenue - Baltimore, MD 21237

December 19, 2003

9

No. 8800 Hinton Avenue
15th District Baltimore County, Maryland

Beginning for the same on the east side of 12th Street (30 feet wide) at the distance of 404 feet measured northerly along the east side thereof from the center line of Miller Island Blvd.

and breing known as Lot 194 as laid out and shown on the Revised Plat of Swan Point, said plat being recorded among the land records of Baltimore County in Plat Book 9 folio 5.

Containing 13,750 square feet of land more or less.

360

STATE OF MARYLAND
FRANK S. LEE
No. 11
REGISTERED
PROPERTY LINE SURVEYOR

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

JL-360 No. 32608

DATE 2/05/04 ACCOUNT 001 006 6150

AMOUNT $ 130.00

RECEIVED FROM: Vollmer & Vollmer

FOR: Res Var + Undersized Lot
9800 Hunter Ave

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
2/05/2004	2/05/2004	11:39:54	2

REG WS02 MAIL JEVA JEE
>>RECEIPT # 320215 2/05/2004 OFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 032608
Recpt Tot $130.00
$130.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the *Zoning Act* and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #04-360-A
8800 Hinton Avenue
E/side of 12th Street, 404 feet north of Miller Island Blvd.
15th Election District
7th Councilmanic District
Legal Owner(s):
Carolyn Mattson and
Madeline Travalena
Contract Purchaser:
Richard Kowalewski

Variance: to permit side yard setback of 8 feet in lieu of the required 25 feet and a lot width of 50 feet in lieu of the required 55 feet, or in alternative, to permit undersized lot.

Hearing: Tuesday, April 6, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/3/764 Mar 23 C655940

CERTIFICATE OF PUBLICATION

3/23/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/23/,2004.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-360-A

Petitioner/Developer: RICHARD KOWALEWSKI

Date of Hearing/Closing: APRIL 6, 2004

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

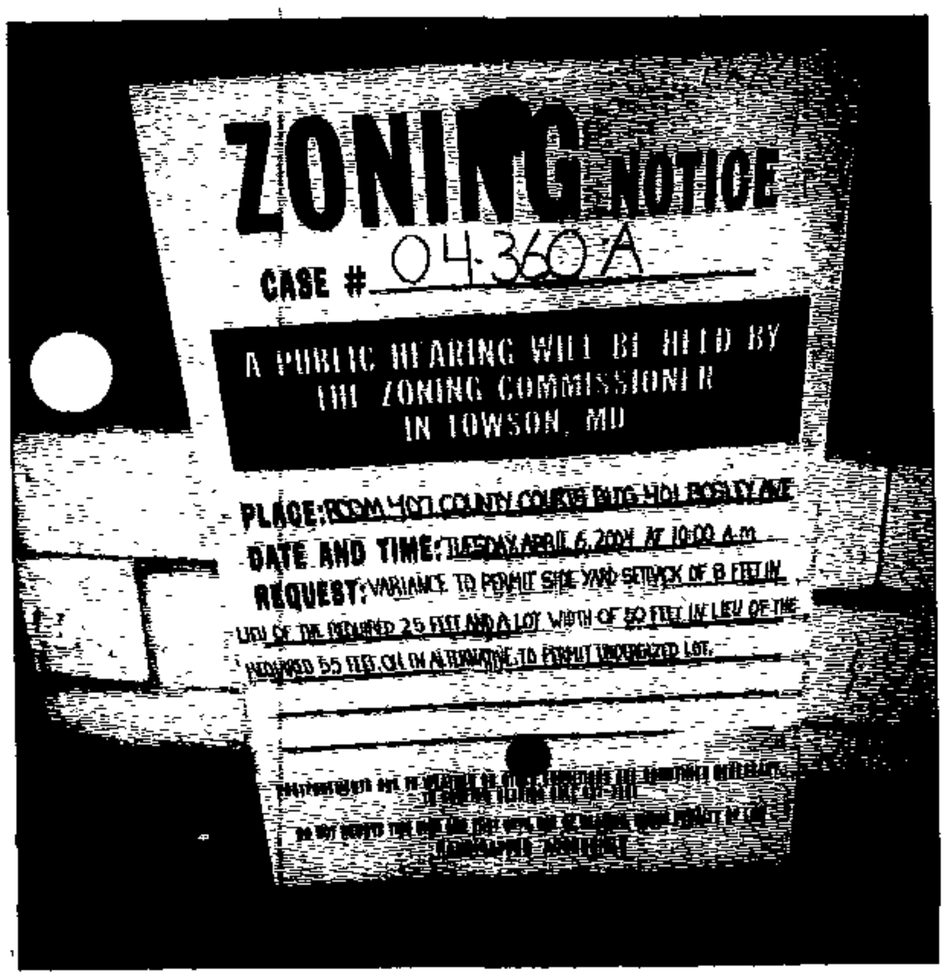
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

8800 HINTON AVE.

The sign(s) were posted on 3/22/04
(Month, Day, Year)

Sincerely,



Robert Black 3/22/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

RECEIVED
MAR 25 2004
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

RE:	PETITION FOR VARIANCE 8800 Hinton Avenue; E/side 12th Street, 404' N of Miller Island Blvd 15th Election & 7th Councilmanic Districts Legal Owner(s): Carolyn M. Mattson & Madeline T Travalena Contract Purchaser(s): Richard Kowlewski Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-360-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 24th day of February, 2004, a copy of the foregoing Entry of Appearance was mailed to, Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204 , Attorney for Petitioner(s).

RECEIVED
FEB 2 5 2004
Per.....

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 23, 2004 Issue - Jeffersonian

Please forward billing to:
Arnold Jablon
210 Allegheny Avenue
Towson, MD 21204

410-494-6298

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-360-A
8800 Hinton Avenue
E/side of 12th Street, 404 feet north of Miller Island Blvd.
15th Election District – 7th Councilmanic District
Legal Owners: Carolyn Mattson and Madeline Travalena
Contract Purchaser: Richard Kowalewski

Variance to permit side yard setback of 8 feet in lieu of the required 25 feet and a lot width of 50 feet in lieu of the required 55 feet, or in alternative, to permit undersized lot.

Hearing: Tuesday, April 6, 2004 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

February 24, 2004

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-360-A
8800 Hinton Avenue
E/side of 12th Street, 404 feet north of Miller Island Blvd.
15th Election District – 7th Councilmanic District
Legal Owners: Carolyn Mattson and Madeline Travalena
Contract Purchaser: Richard Kowalewski

Variance to permit side yard setback of 8 feet in lieu of the required 25 feet and a lot width of 50 feet in lieu of the required 55 feet, or in alternative, to permit undersized lot.

Hearing: Tuesday, April 6, 2004 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21204
Carolyn Mattson & Madeline Travalena, 21 Flanders Ridge Ct., Cockeysville 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 22, 2004.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:

Item Number or Case Number: ITEM # 360

Petitioner: CAROLYN M. MATHEON

Address or Location: 6800 HINTON AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARNOLD JABLON

Address: 210 ALLEGHENY AVE

TOWSON, MD 21204

Telephone Number: 410 494-6298

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

March 31, 2004

Arnold Jablon
Venable, LLP.
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

RE: Case Number: 04-360-A, 8800 Hinton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 5, 2004.

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.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Carolyn M. Mattson and Madeline Travalena 21 Flanders Ridge Cockeysville 21030
Richard Kowalewski 2805 1st. Street Baltimore 21219

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 24, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 17, 2004 (360)

Item No.: 355-366

Dear Ms. Hart:

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.

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

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 12, 2004

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For February 23, 2004
Item No. 360

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The flood protection elevation for this site is 10.4 feet.

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

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

The building engineer shall require a permit for this project.

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

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ZAC-02-23-2004-ITEM NO 360-02242004

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS

DATE: March 22, 2004

SUBJECT: Zoning Item # 04-360
Address 8800 Hinton Avenue
Lot 195 Swan Point

Zoning Advisory Committee Meeting of February 17, 2004

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

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Keith Kelley Date: March 4, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 23, 2004

RECEIVED

FEB 2 4 2004

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-360**

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: Lynn Lanham

AFK/LL

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

SHA
State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2.20.04

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

RE: Baltimore County
Item No. 360 JLL

Dear. Ms. Hart:

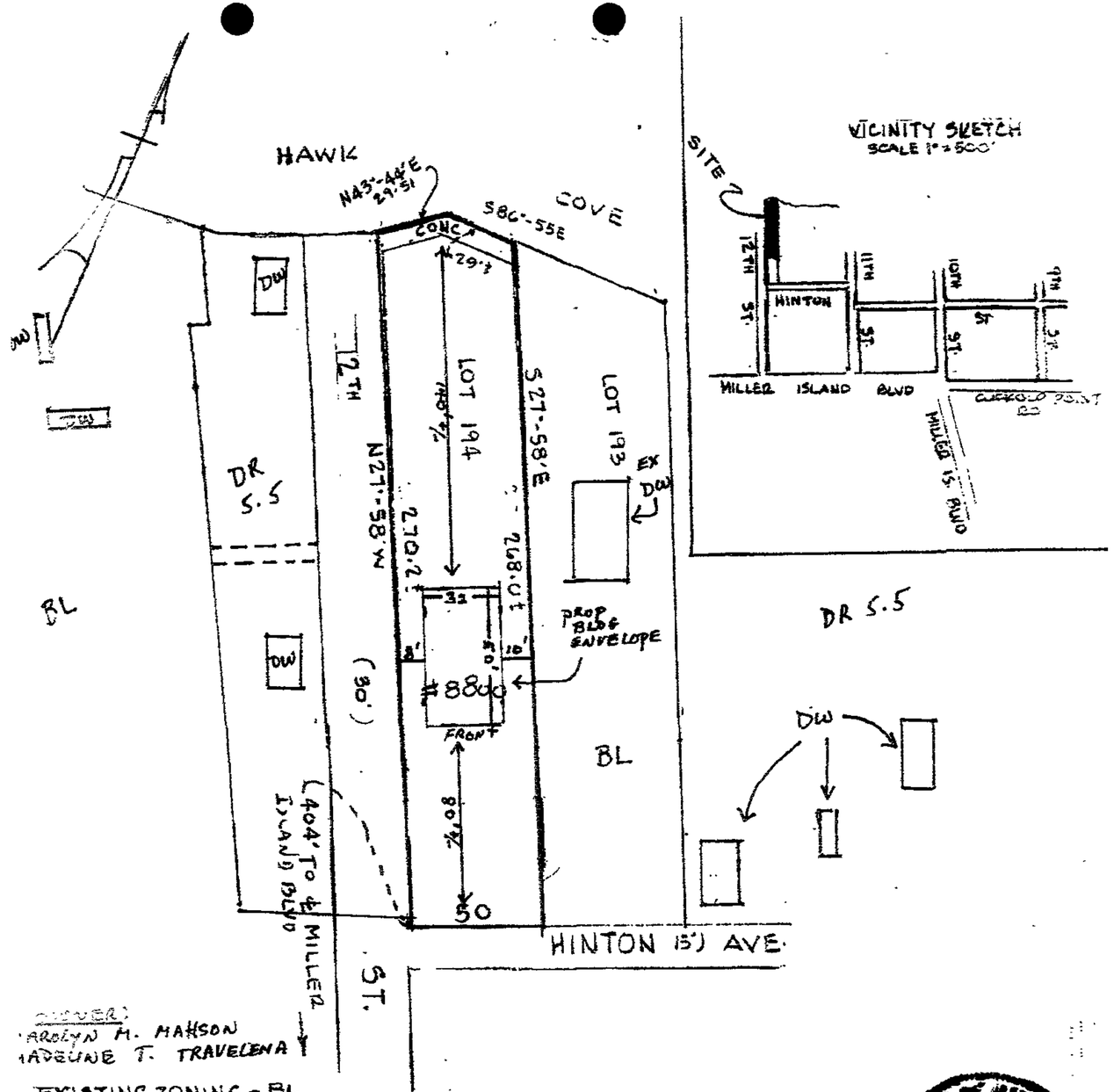
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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,

L. J. Gredlein

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



OWNER:
CAROLYN M. MAHSON
MADELINE T. TRAVELENA

EXISTING ZONING - BL
AREA OF LOT - 13750 SQ.FT. ±
PUBLIC WATER - SEWER LOCATED IN HINTON AVE.
PROPERTY ADDRESS - 8800 HINTON AVE

LOT 194 REVISED PLAT, SWAN POINT 9/5

TO ALLOW A LOT WIDTH OF 50 FT. IN LIEU OF THE REQUIRED 55 FT.

TO ALLOW A SIDE YARD SETBACK OF 8' IN LIEU OF THE REQUIRED 25'

15TH DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1"=50'
DATE 12-19-03

STATE OF MARYLAND
FRANK S. LEE
No. 11
REGISTERED
PROPERTY LINE SURVEYOR

FRANK S. LEE
REG. SURVEYOR
719 CHESACO AVE.
BALTIMORE, MD 21237

Location Information

Election District:	15th
Councilmanic District:	7th
Zoning:	BL
Lot Size:	13,750 sq. ft

	Public	Private
Sewer	☒	☐
Water	☒	☐

	Yes	No
Chesapeake Bay Critical Area:	☒	☐
100 Year Floodplain:	☒	☐

Floodplain A-10 FEMA map 0560

Historic Property/Building:	☐	☒
Prior Zoning Hearing:	☐	☒

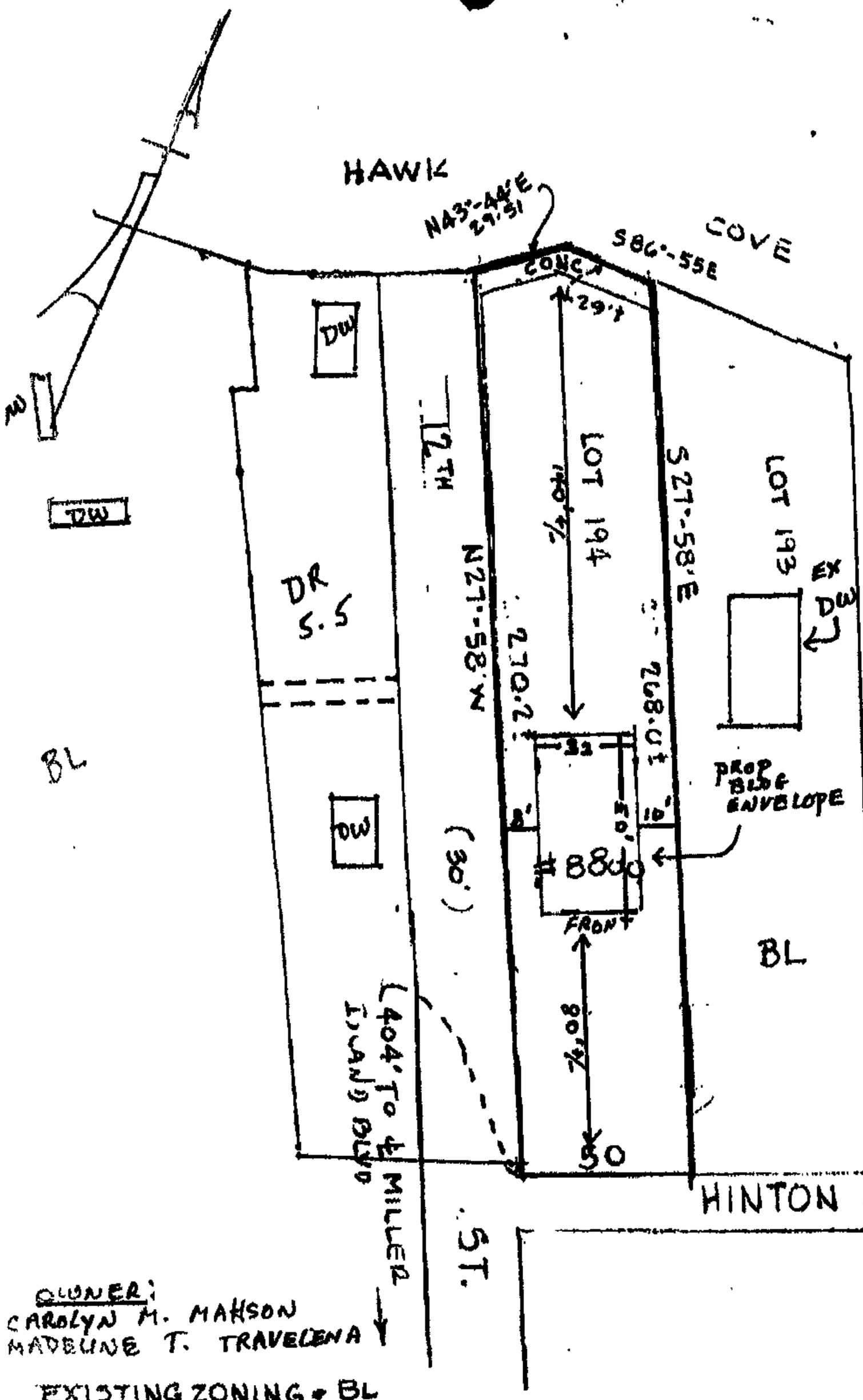
Zoning Office Use Only

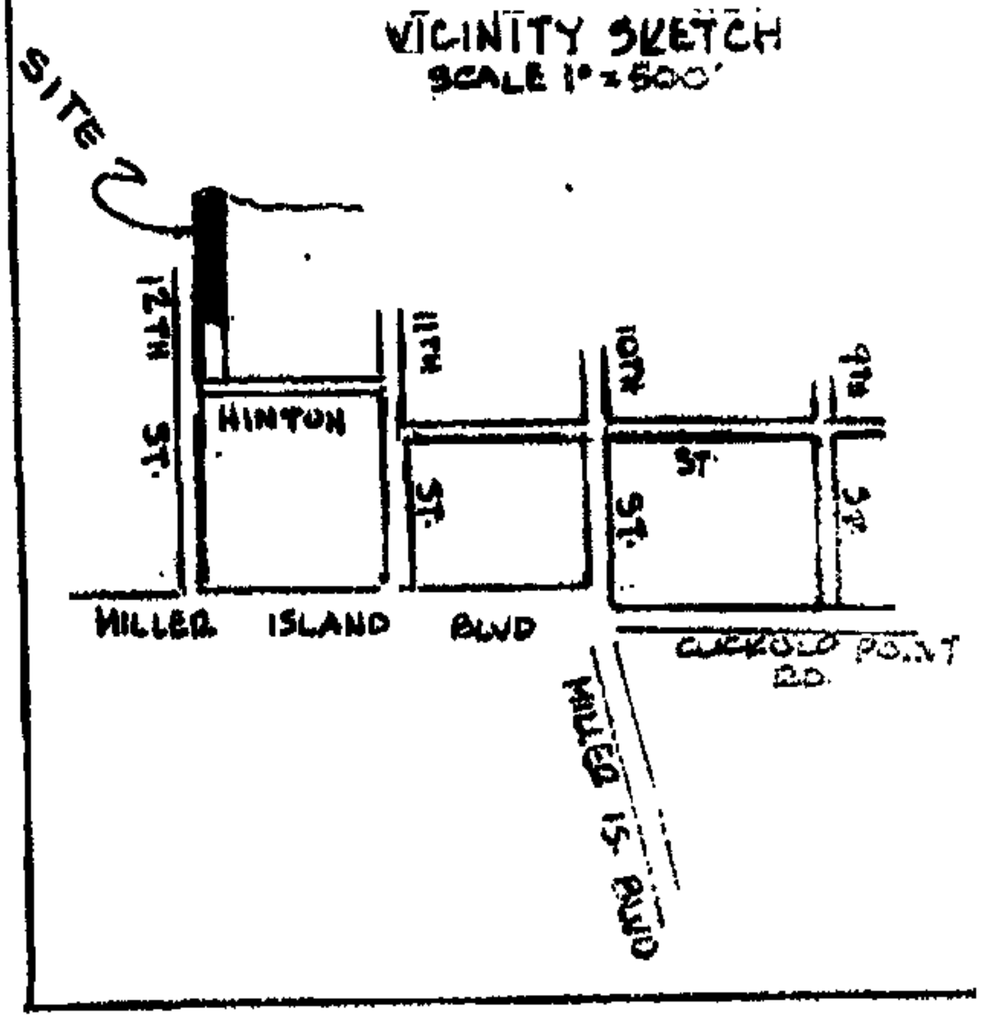
Reviewed By: Item #: Case #:

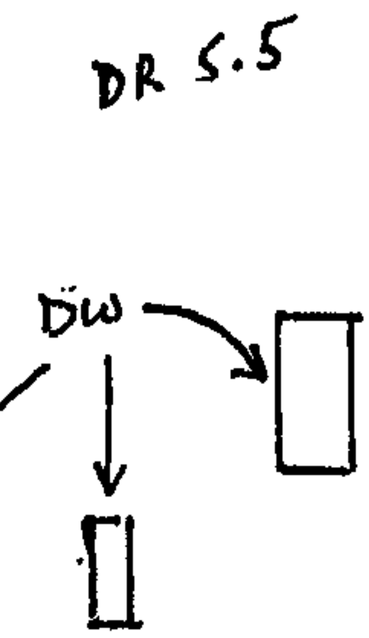
360

Pet. Ex. #1

PET EXH 2







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FRANK S. LEE
NO. 11
REGISTERED
PROPERTY LINE SURVEYOR

FRANK S. LEE
REG. SURVEYOR
719 CHESACO AVE.
BALTIMORE, MD 21237

PET EXH 6

March 29, 2004

Re: Zoning Hearing for Undersized Lot Variance and Property Setback

Buyers: Richard and Shirley Kowalewski
8800 Hinton Ave.
Sparrows Point, Md. 21219

On April 6, 2004 at 10:00a.m, a hearing will take place in Baltimore County regarding the 8800 Hinton Ave property located on Swan Point. The hearing will address the Zoning and Variance petition requested by the contracted buyers as follows:

Description:
Variance to permit side yard setback of 8-feet in lieu of the required 25-feet, and a lot width of 50-feet in lieu of the required 55-feet, or in alternative, to permit undersized lot.

This document is to serve as an acknowledgment to the proposed zoning/variance changes. This is not a contract bunding any parties, but merely a declaration stating that you are not opposed to the petitioned changes for development of the property. This document will be presented to the Zoning Commissioner at the time of hearing for support to the petitions filed on the 8800 Hinton Ave property. Attached to this document is the proposed site plan for placement of the new dwelling and a copy of this document in its entirety was given to each person whose signature appears below.

JoAnn Reeder	2810 12th Street Millers Island 21219
Dorothea Reeder	2810 12th Street Millers Island 21219
Richard Reeder SR	2810 12TH ST MILLERS ISLAND
Madalena T. Travalena	2808 12TH ST Miller's Island 21219
Reynold J. Travalena	2808 12TH st. millers Island 21219
Anthony C. Connelly	2814 12th St. Millers Island 21219
Karen Connelly	2814 12th St. Millers Island, 21219
Pamela Cusick	8738 Millers Island Rd Millers Island 21219
Paul Hoffman	8738 Millers Island Rd Millers Island 21219

PLEASE PRINT CLEARLY

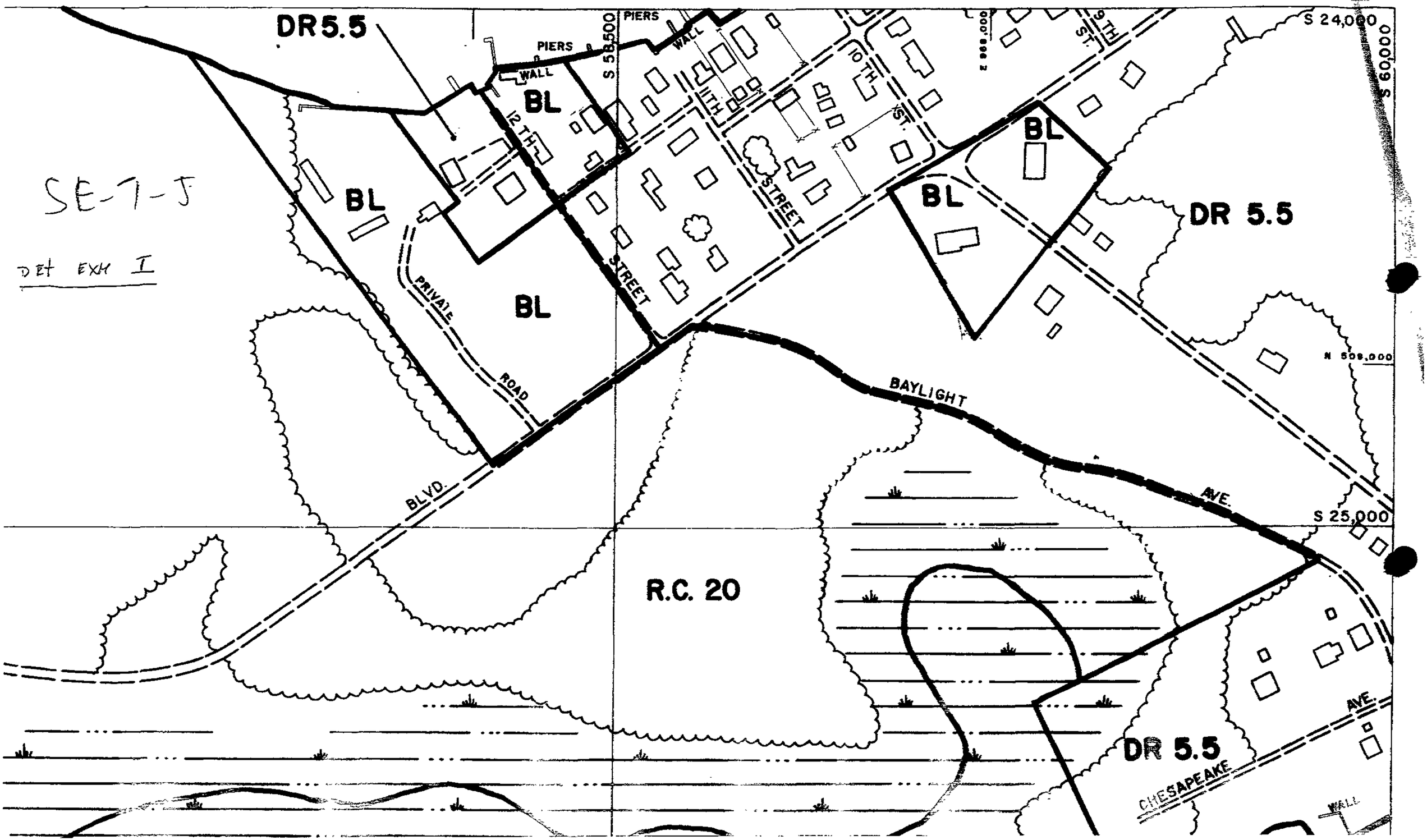
CASE NAME 8800 Hinton Ave.
CASE NUMBER 04-360-A
DATE 4/6/04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Rich Kowalewski	2805 1st St.	Millers Island, Md. 21219	
Shirley Kowalewski	2805 1st. St.	millers Island MD 21219	
Kay Staszak	2644 Masseth Ave	Balto MD 21219	
Yuri Shcherbina	7200 Bay Front	Baltimor MD 21219	
Brad J. Hall	7200 BAY Front Rd	Baltimore, MD 21219	
Paul Lee	32 West Rd	Towson, Md 21204	
ARNOLD JABLON	210 ALLEGHENY AVE	TOWSON 21204	

SE-7-J

DET EXH I



OAK RIVER

WOOD PIER

WOOD PIER

CONC. SEAWALL

CONC. SEAWALL

GALVANIZED SEAWALL

CONC. SEAWALL

CONC. SEAWALL

CONC.

End of 12th Street

① 3-30-04 ALD

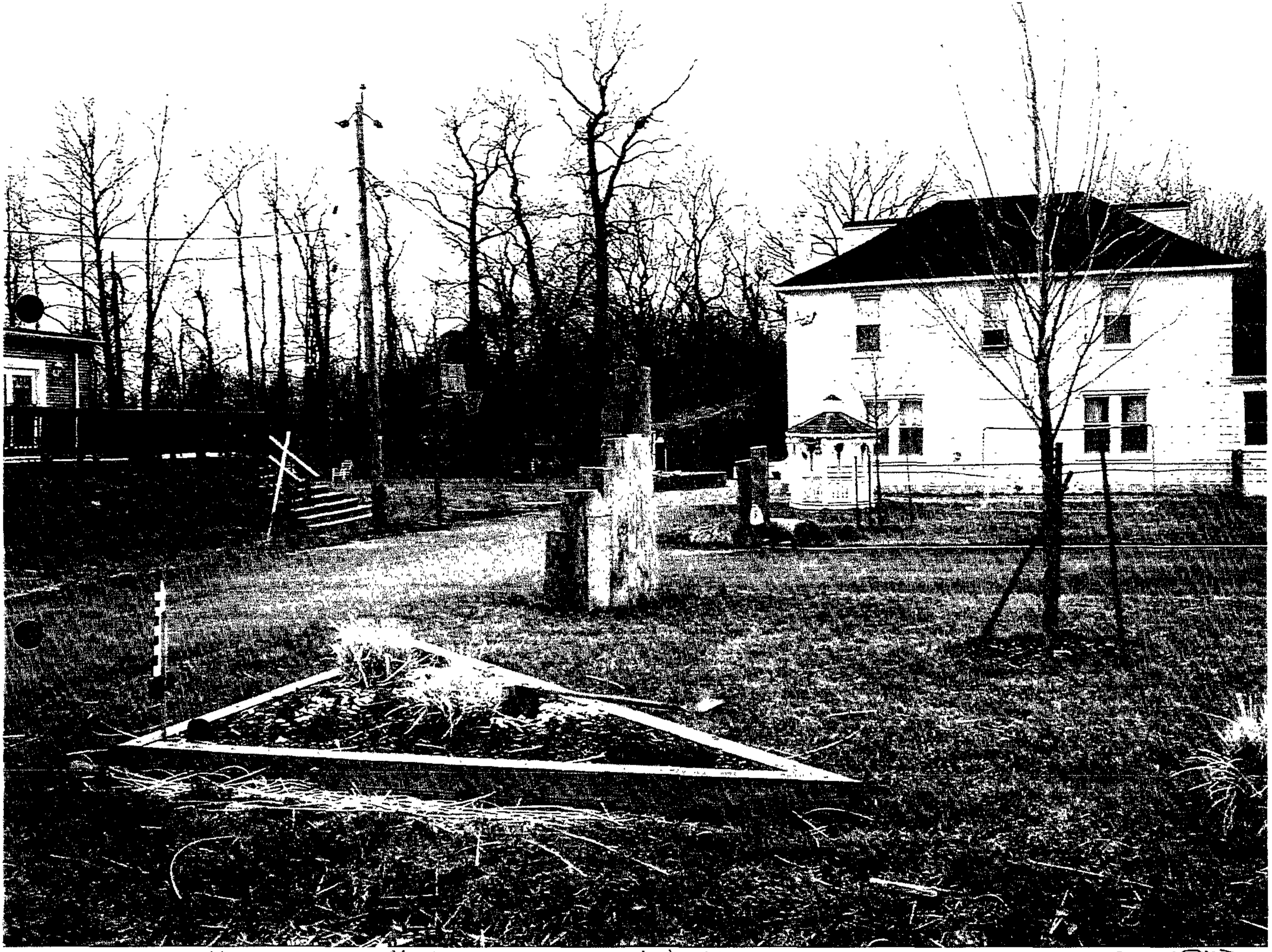
Tax Map 112 Parcel 4 Lot 194

Rear of Property at 8800 Hinton Ave. 3-30-04 ALD (2)

Tax Map 112 Parcel 4 Lot A

2814 12th St.

(3) 3-30-04 ALD

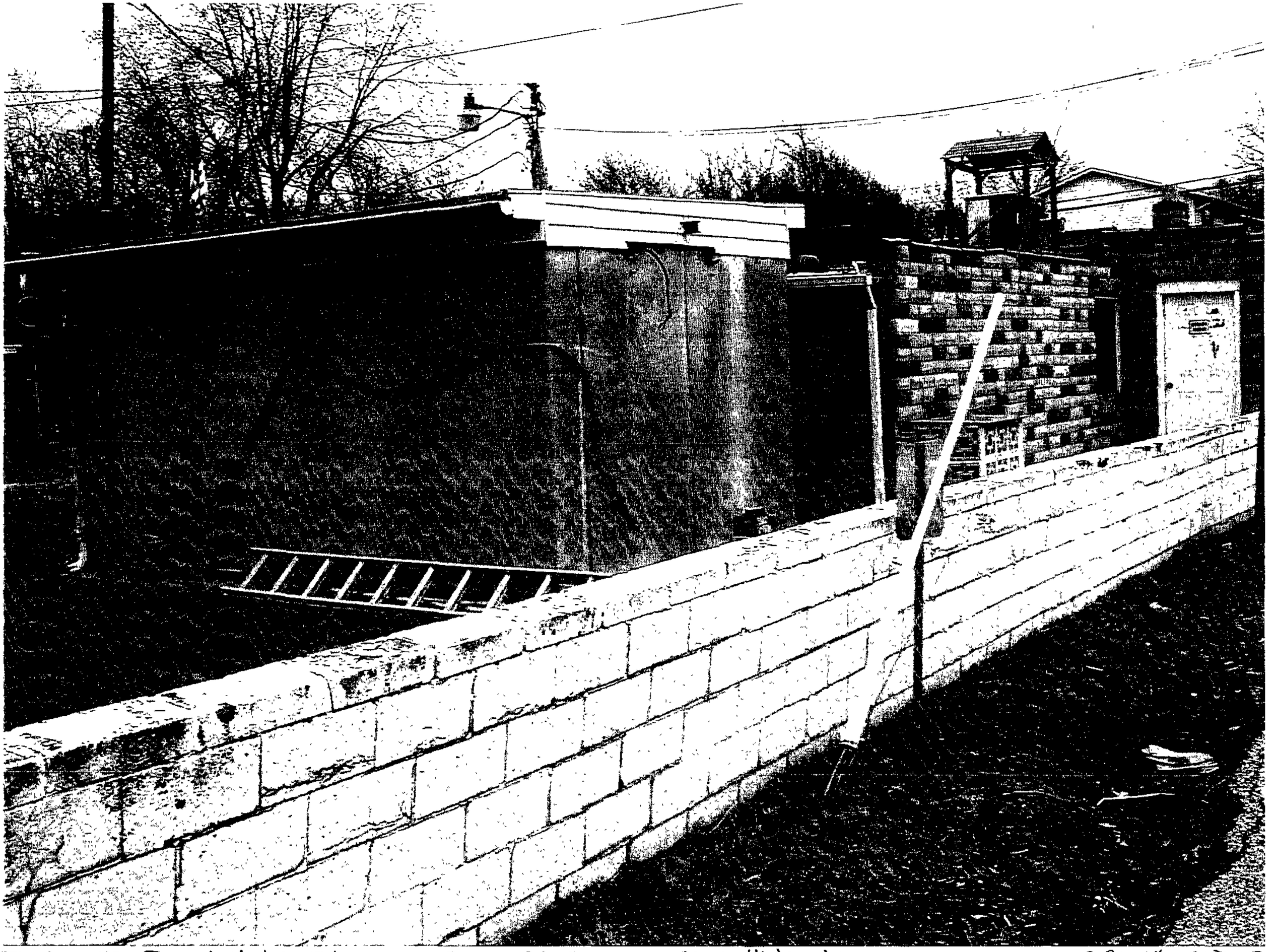


View of 2812 12th St. and access road to driveways

3-30-04 HLD

View of 12th St. toward Miller Island Rd.

3-30-04 ALD (5)

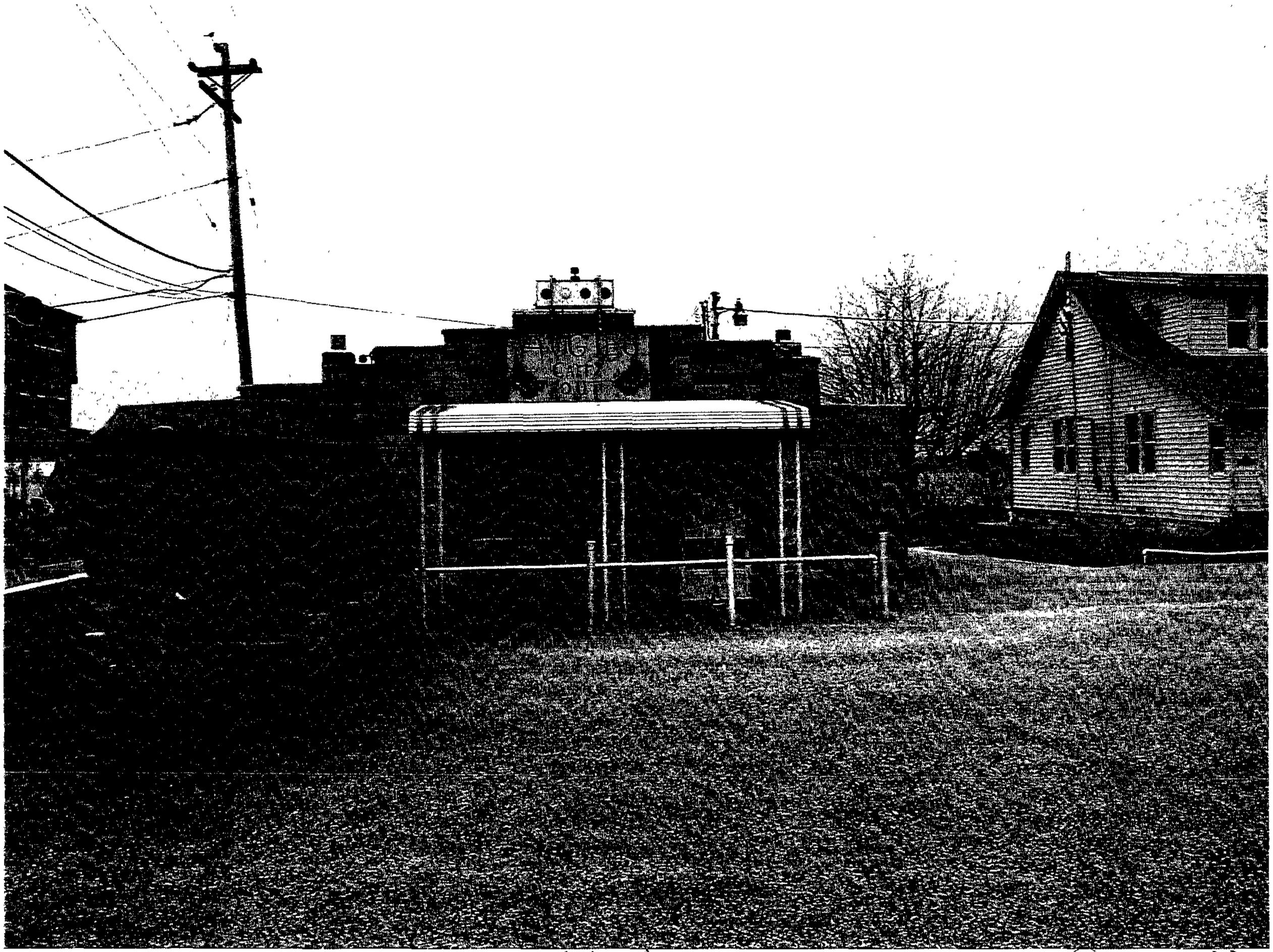


Tax Map 112 Parcel 4 Lot 194 — Rear of building at 8800 Hinton Ave. — 3-30-04 ALD (2)

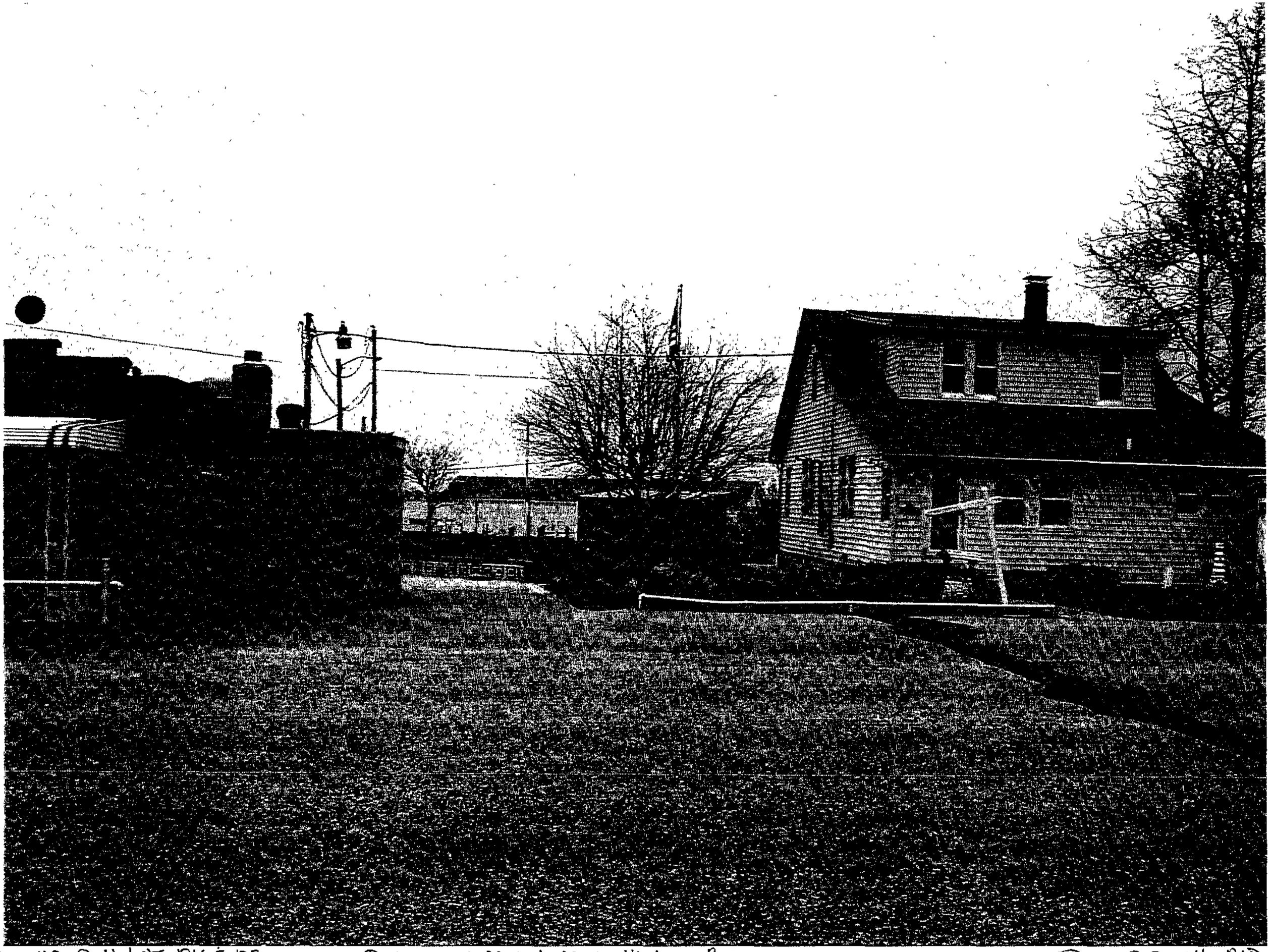
Tax Map 112 D.4 Lots 206, 207 280 12th St. 7 3-30-04 ALD

Tax Map 112 Parcel 4 Lot 193 & 192 Side view 8902 Hinton Ave & 8804 Hinton Ave.

(8) 3-30-04 ALD



Map 112, P 4, Lot 194 8800 Hinton Ave. (9) 3-30-04 ALD



Map 112, P. 4, Lots 194 & 193 Portion of 8800 & 8808 Hinton Ave (10) 3-30-04 AJD

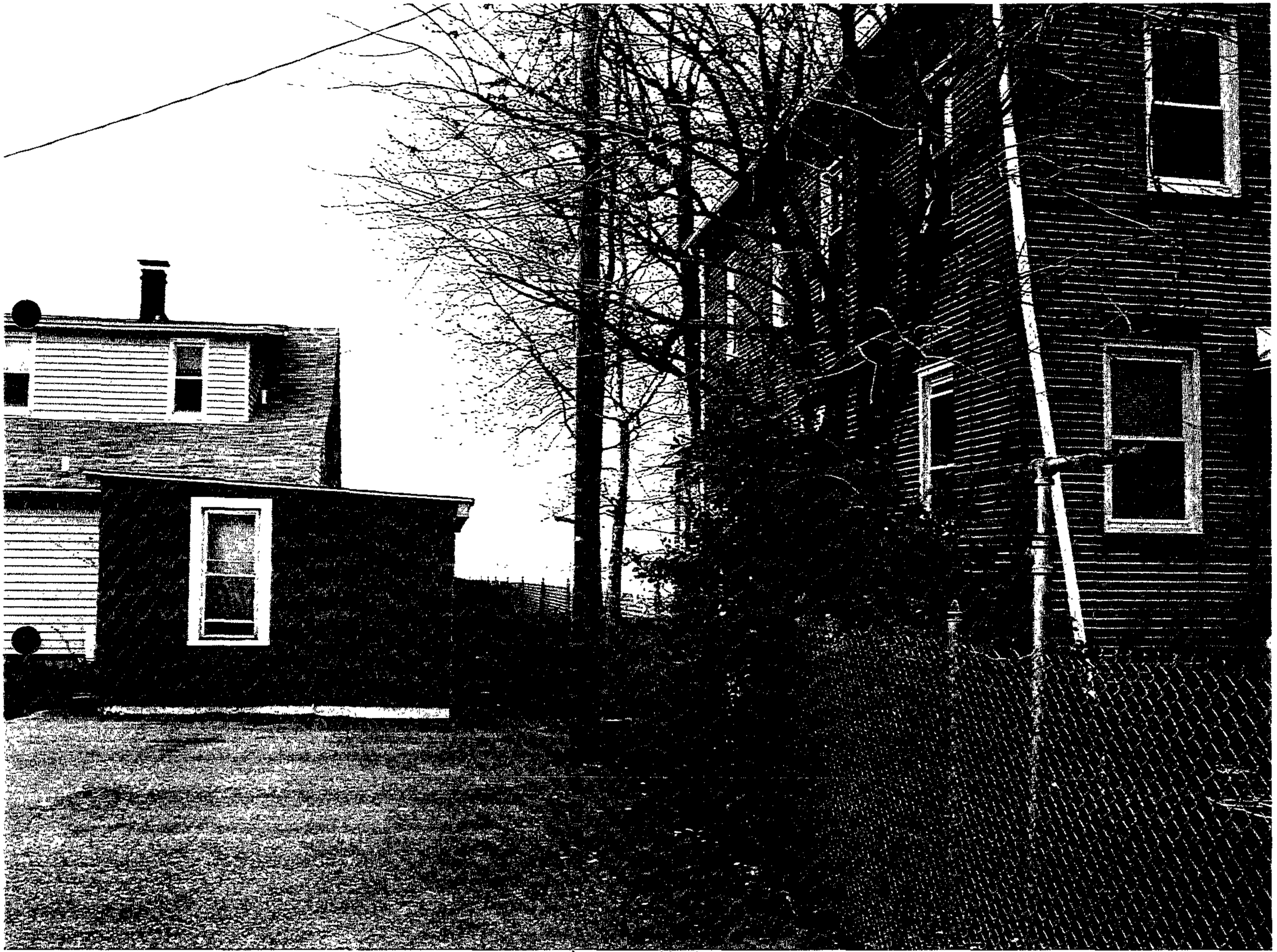
Map 112, P. 4, Lot 193

8802 Hinton Ave.

(11) 3-30-04 ALD

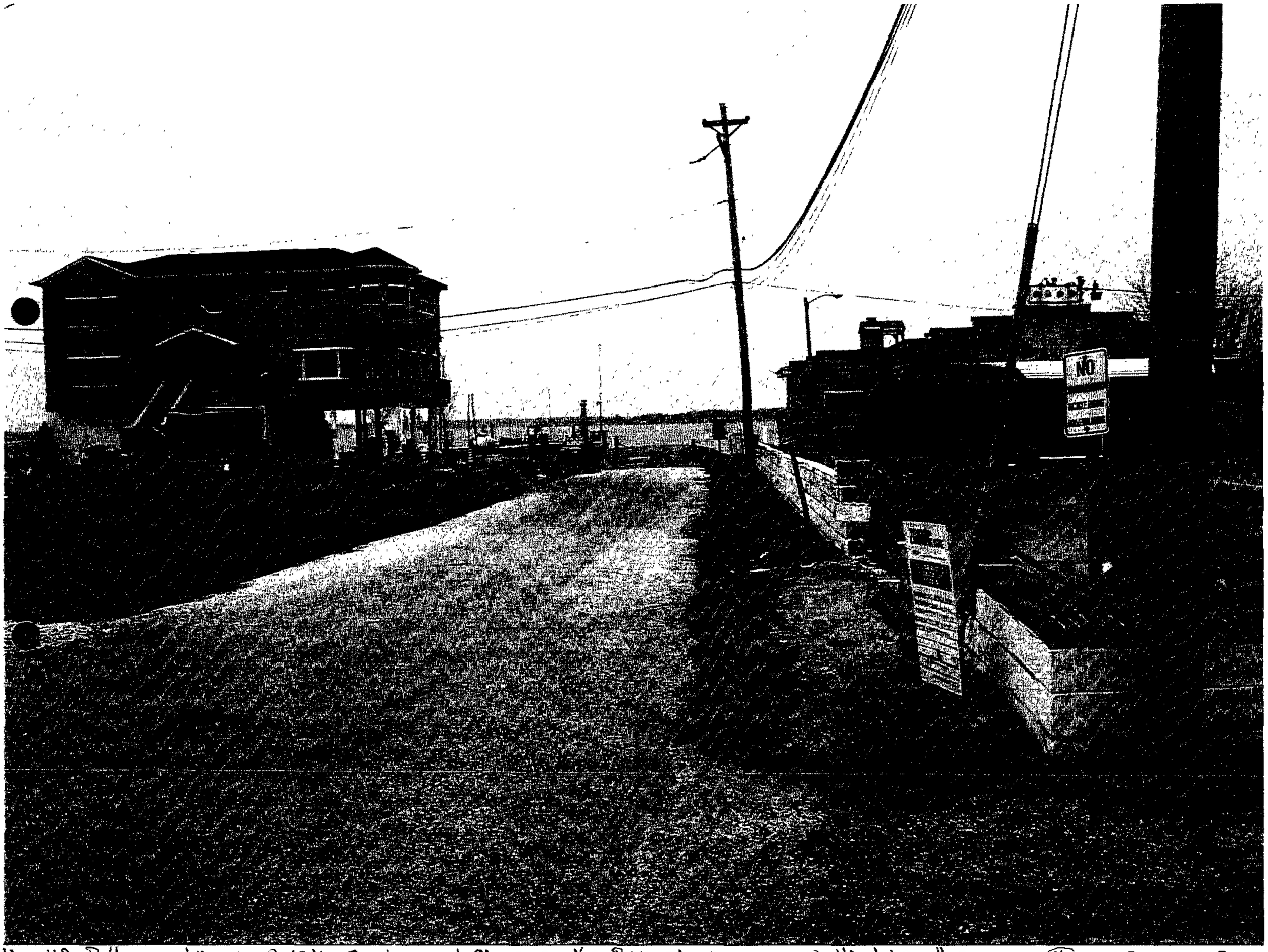
Map 112, P.4, Lot 193 Side of 8802 Hinton Ave (12) 3-30-04 ALD

Map 112, P.4, Lot 194 Side of 8800 Hinton Ave with 2814 12th St. in rear (13) 3-30-04 ALD



Map 112, P.4, Lots 193 & 192 Between 8802 & 8804 Hinton Ave (14) 3-30-04 ALD

Map 112, P. 4, Lots 195, 193 & 192 Lot 195 in Front (pavement), 8802 & 8804 Hinton Ave. (15) 3-30-04 ALD



Map 112, P. 4 View of 12th St. toward Chesapeake Bay at corner of Hinton Ave. (16) 3-30-04 ALD

Map 112, P.4 View down Hinton Ave. toward 11th St. (17) 3-30-04 ALD

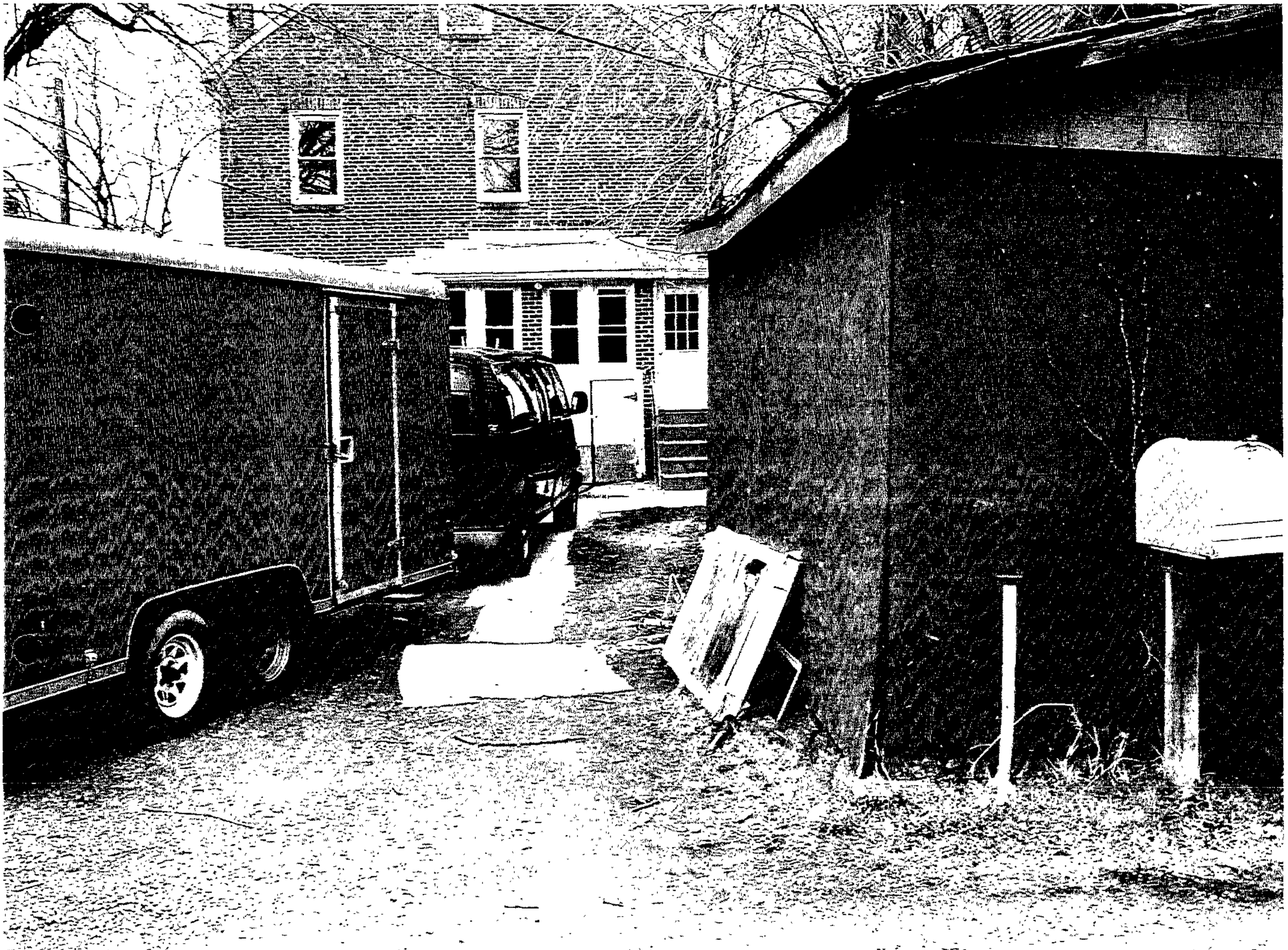
Map 112, P.4 Partial side view & partial rear view of 2809 12th Ave. (12) 3-30-04 ALD

Map 112, P. 4

View of Hinton Ave. toward 12th St.

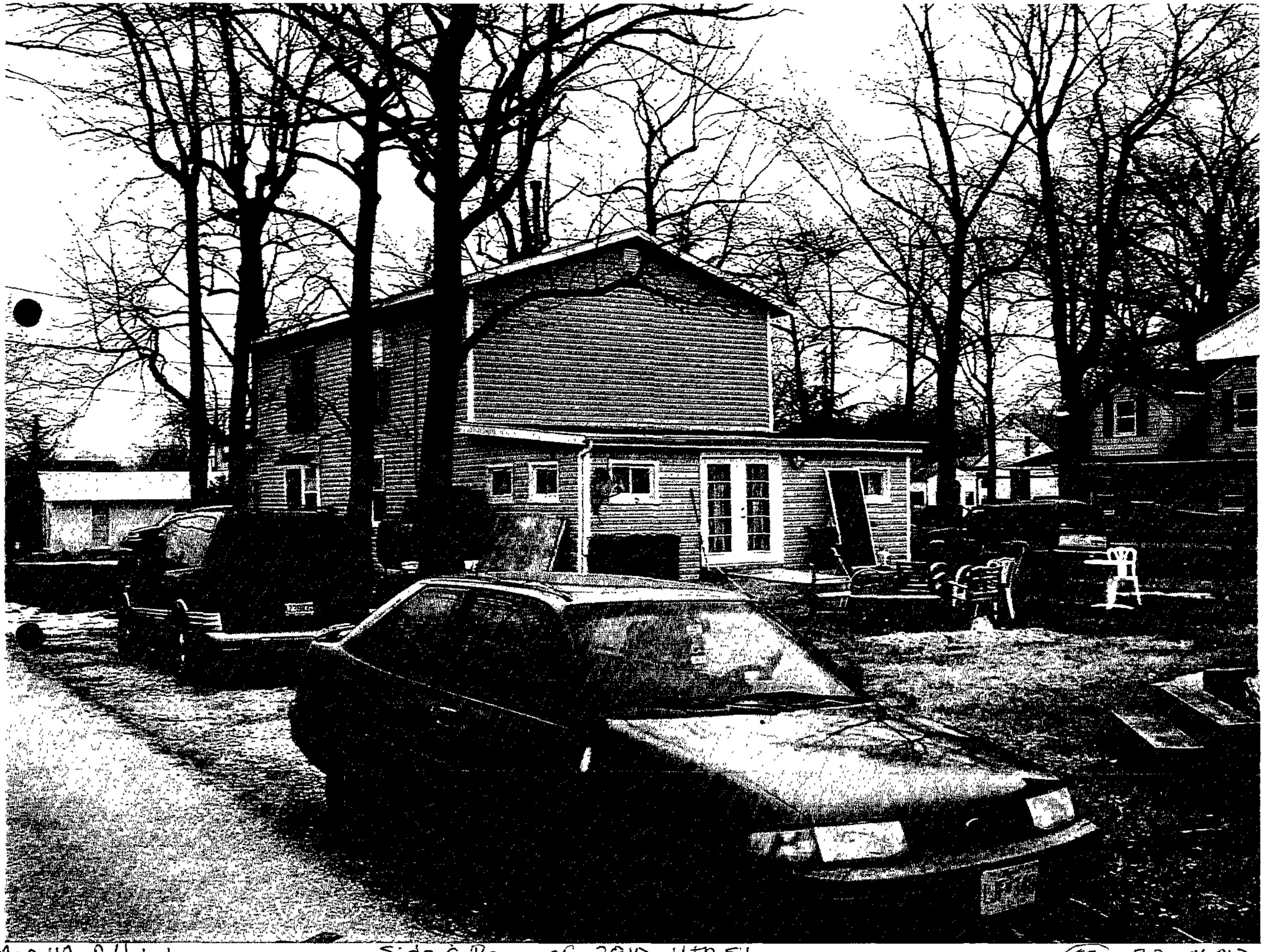
(19) 3-30-04 ALD

Map 112, P. 4, Lot 192 8804 Hinton Ave. (20) 3-30-04 ALD



Map 112, P.4, Lot 192

8804 Hinton Ave.



Map 112, P. 4, Lot

Side & Rear of 2810 11th St.

(22) 3-30-04 ALD

Map 112, P.4 Hinton Ave. toward 11th St., Rear of 2810 11th St. (23) 3-30-04 ALD

Map 112, P.4, Lots 196 & 197

2809 12th St.

(24) 3-30-04 ALD

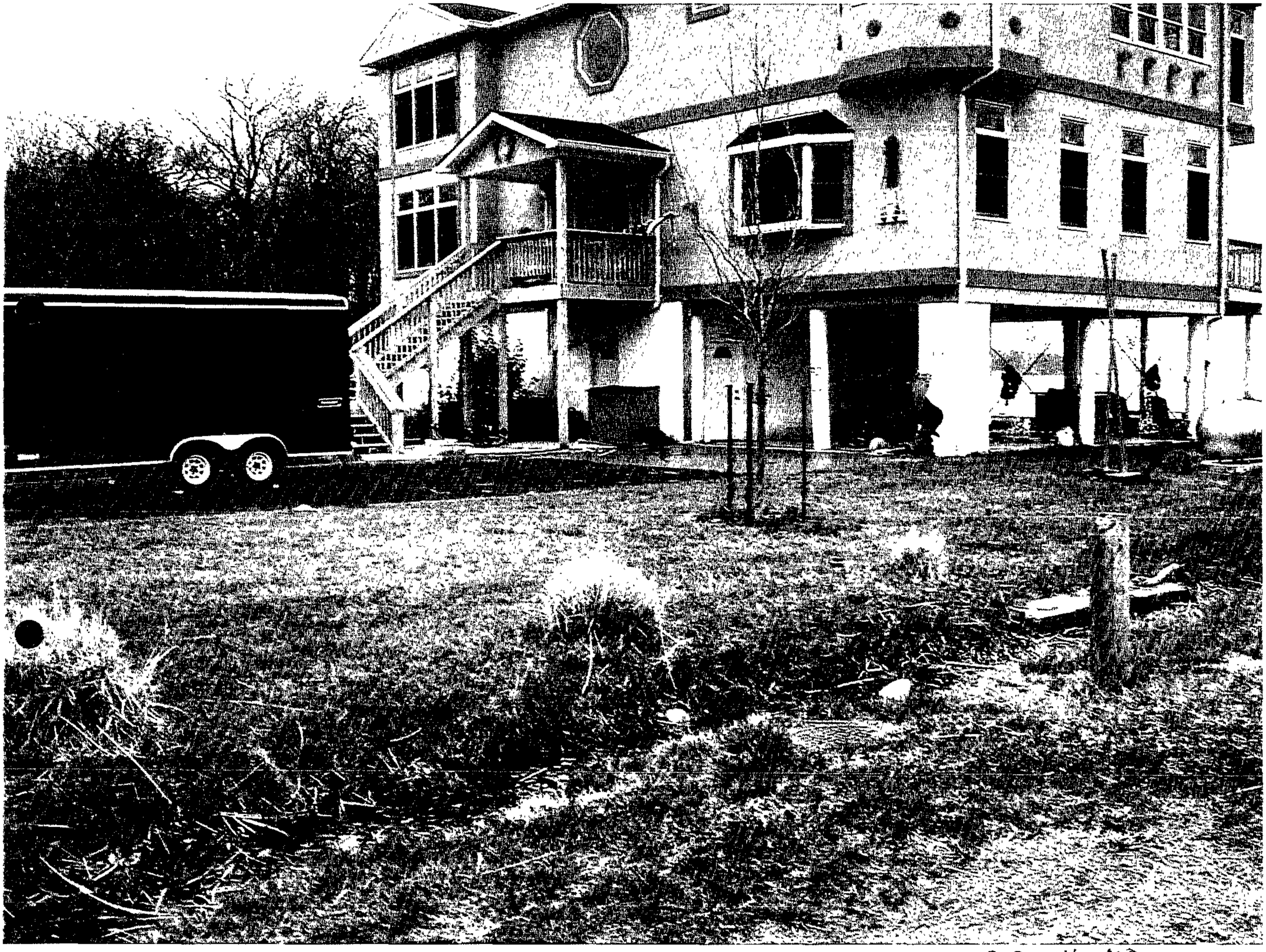
PEF EXH 5

3-30-04 AD PEF 5A

3-30-04 AD

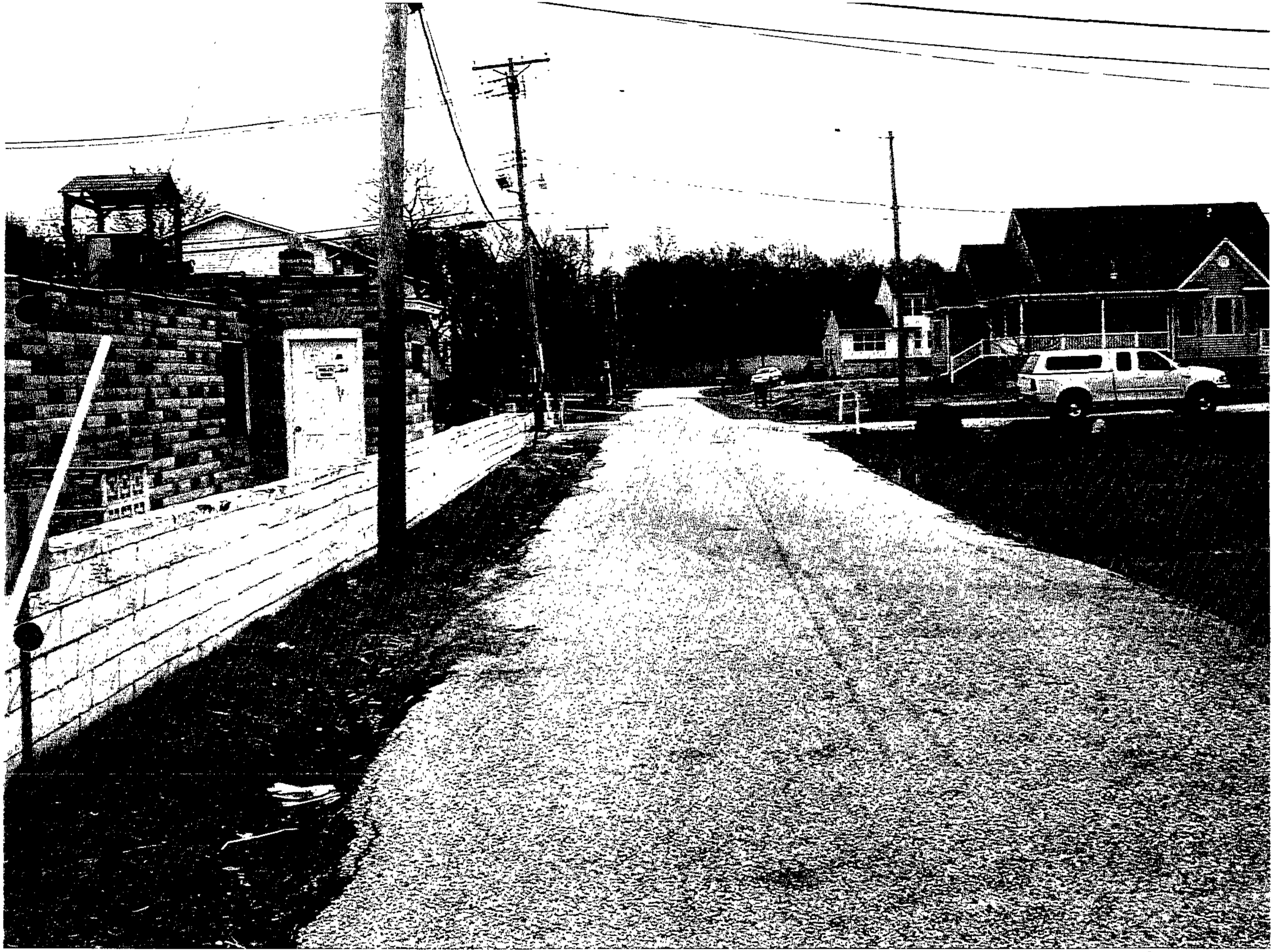
3-30-04 AD

3-30-04 ALD



3-30-04 ALD

3-30-04 ALD



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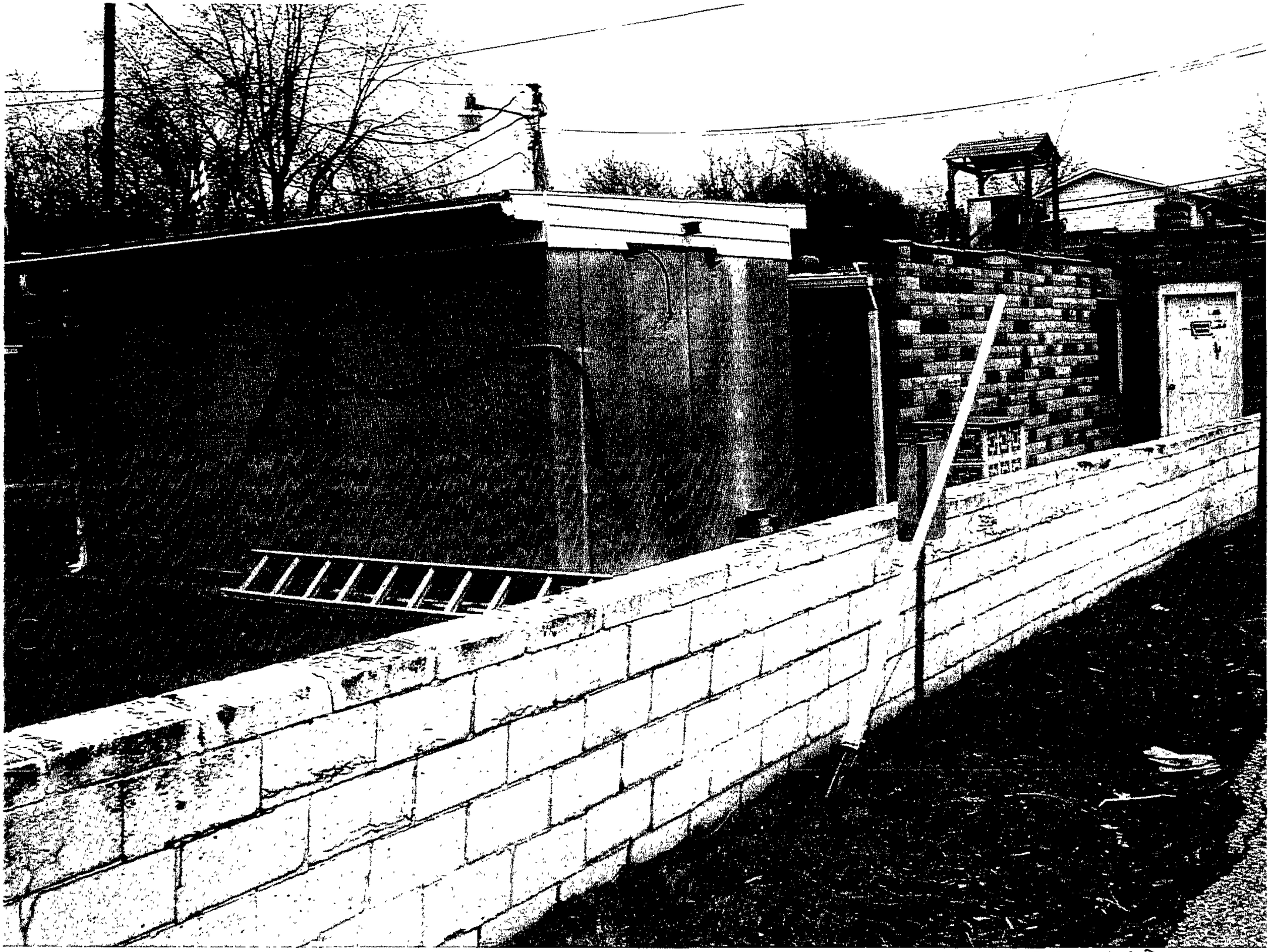

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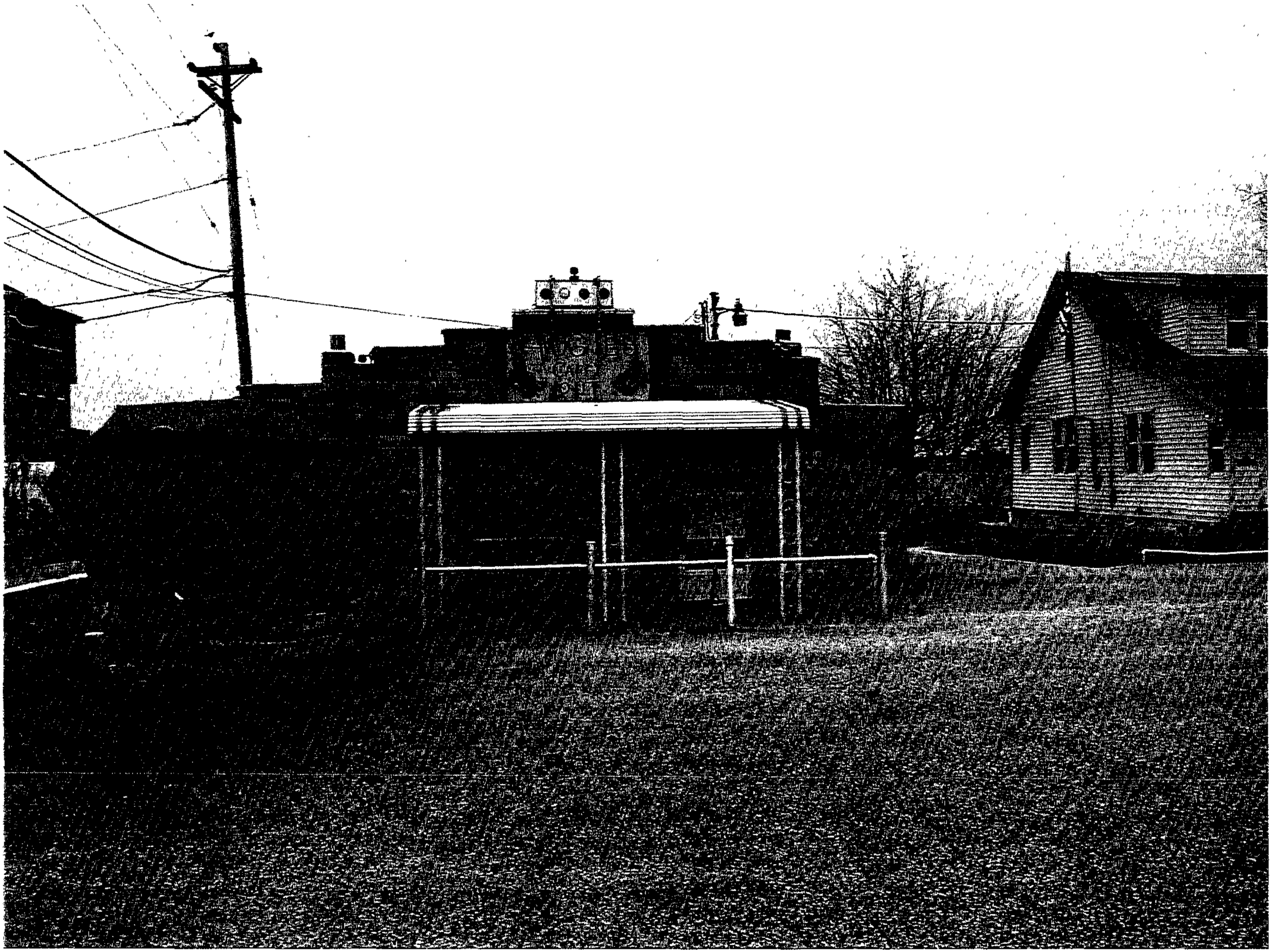

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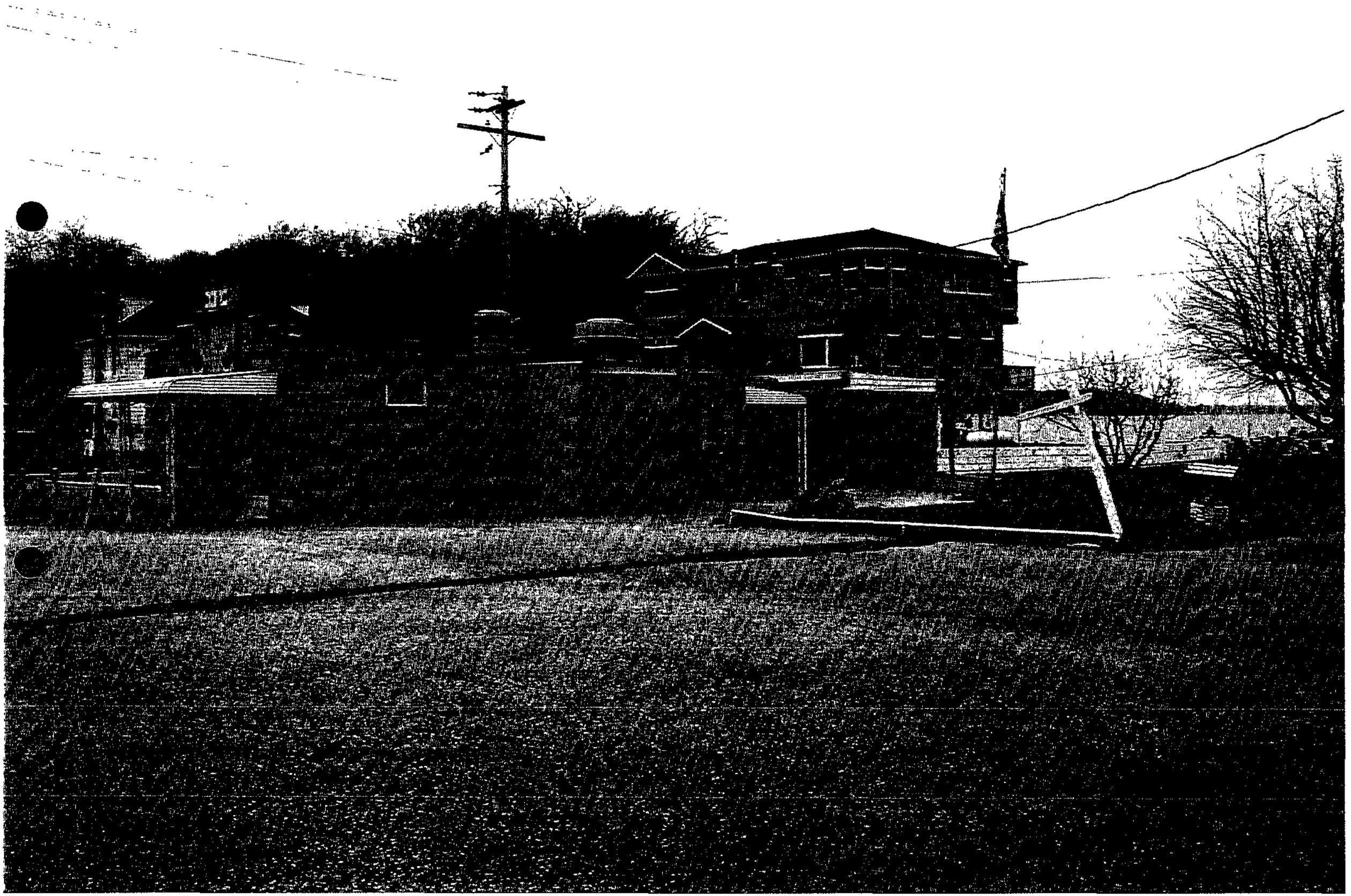

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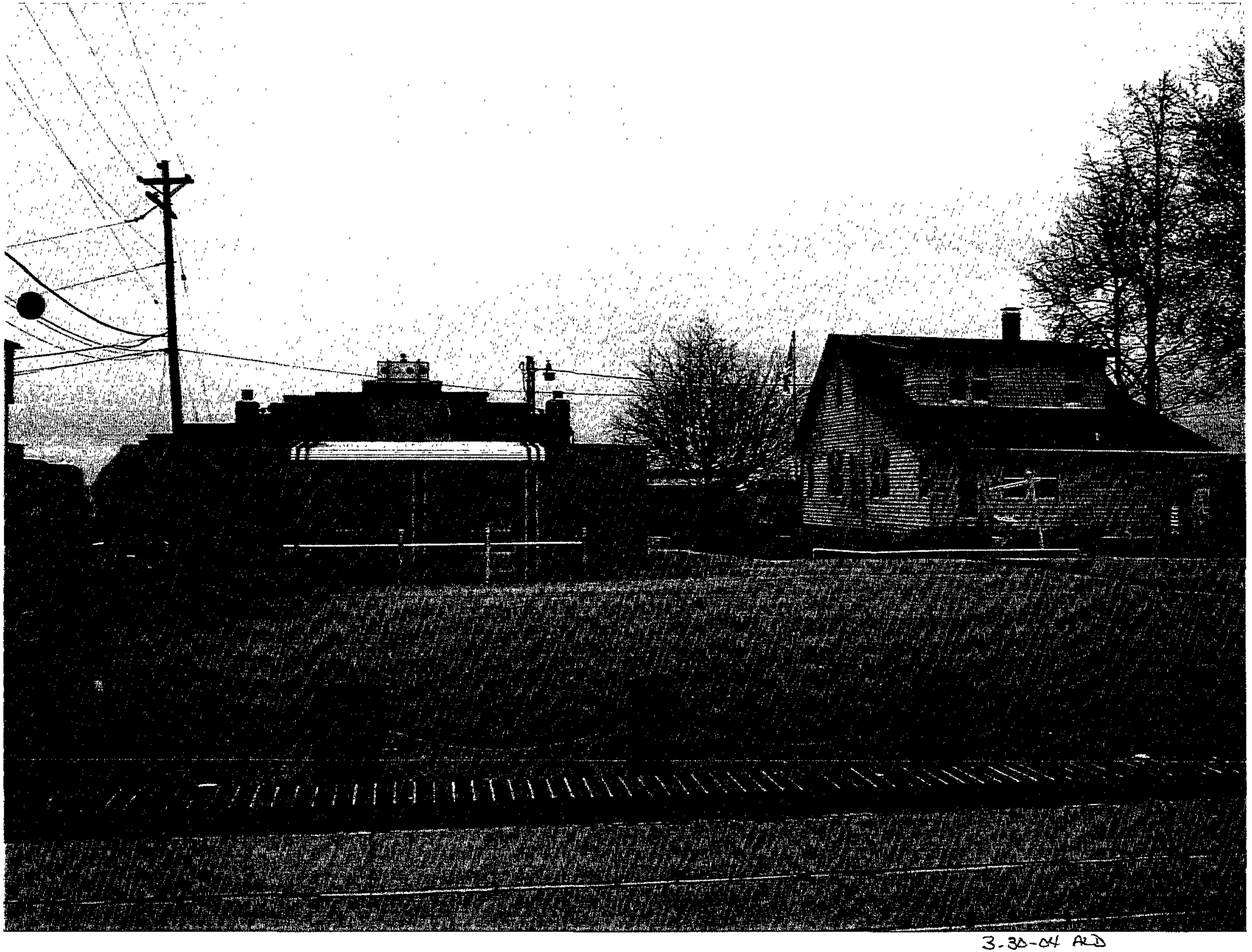
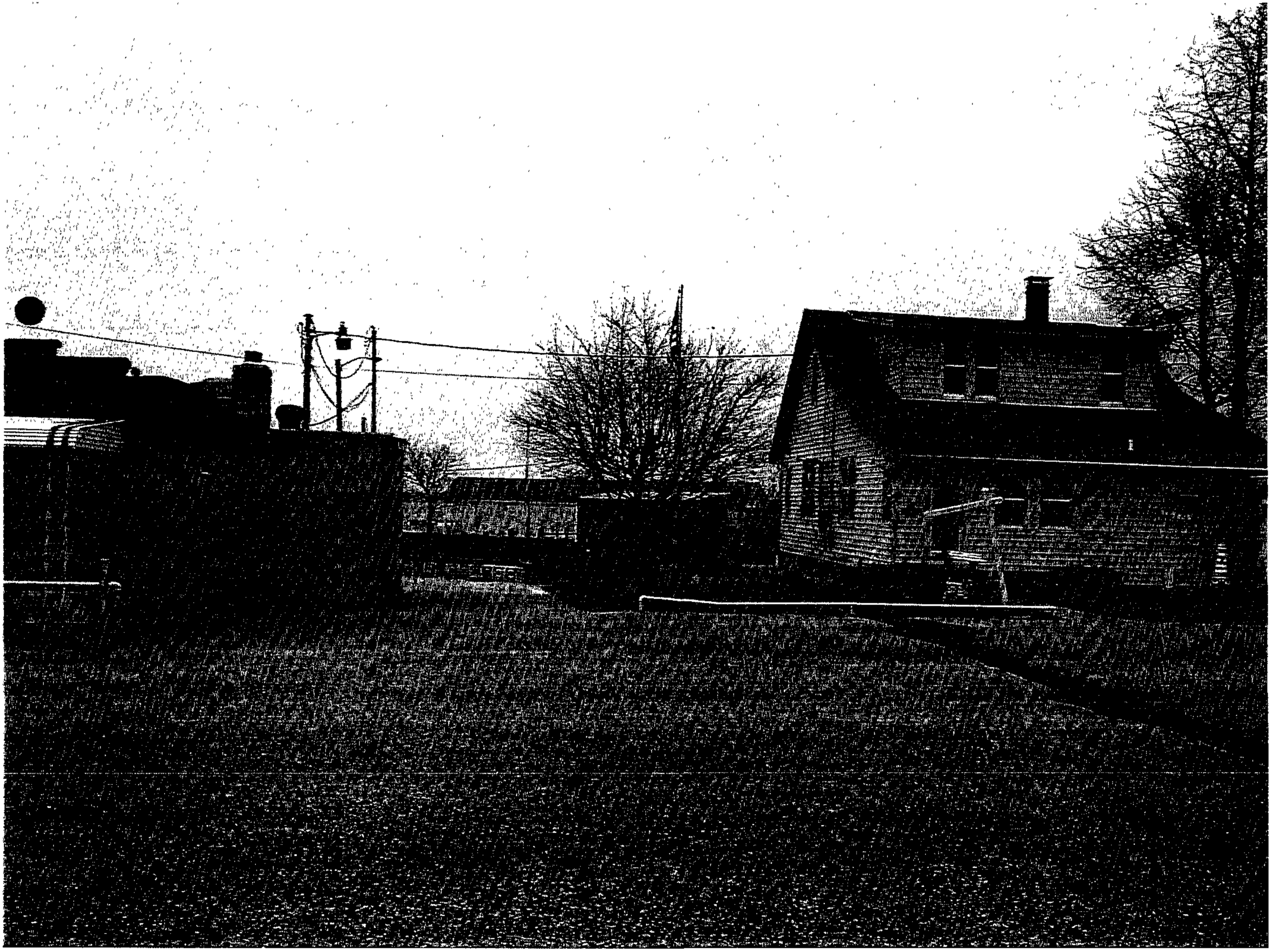


3-30-04 ARD

3-30-04 ALD

3-30-04 AD

3.30-04 ALD



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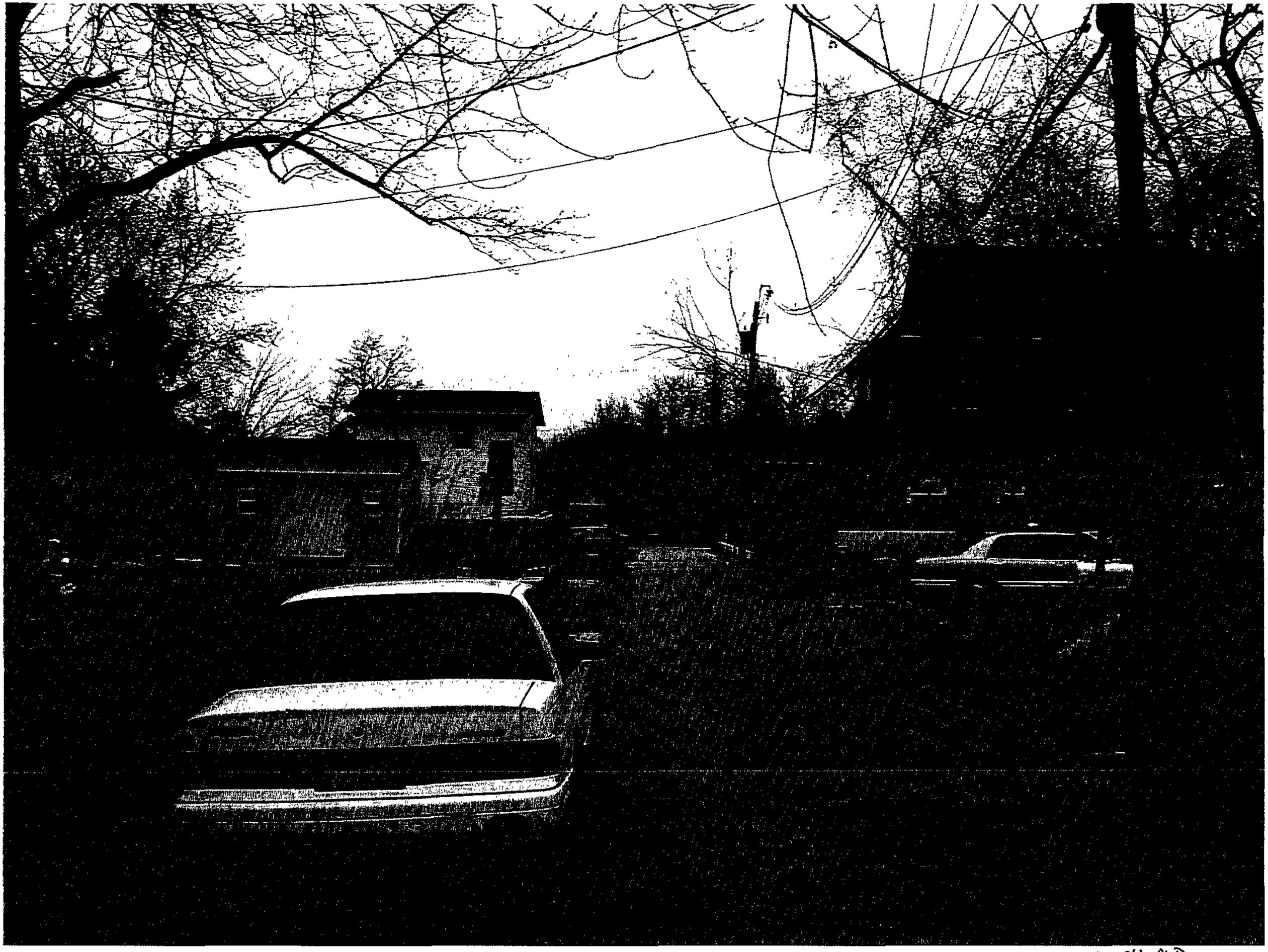

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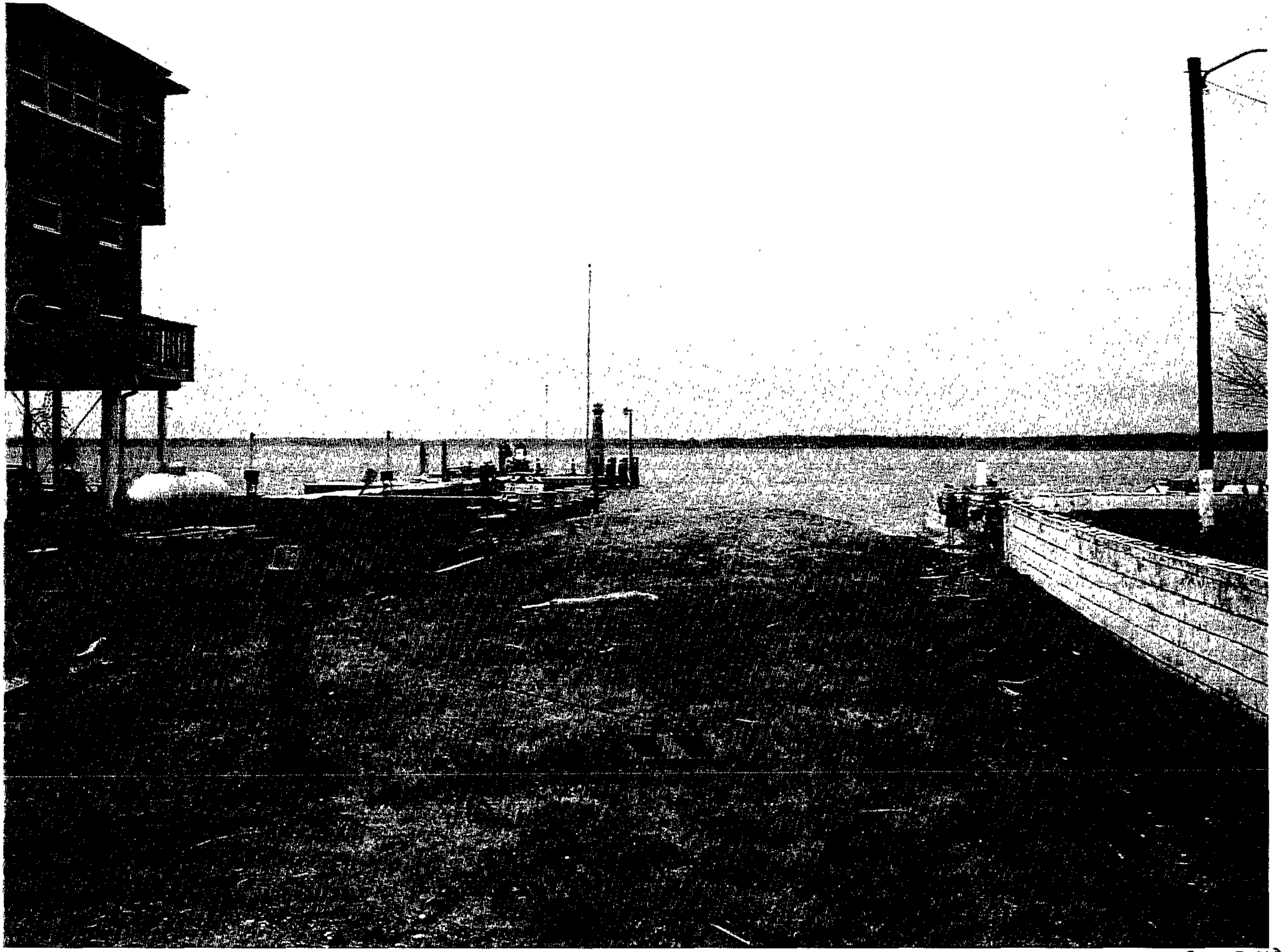

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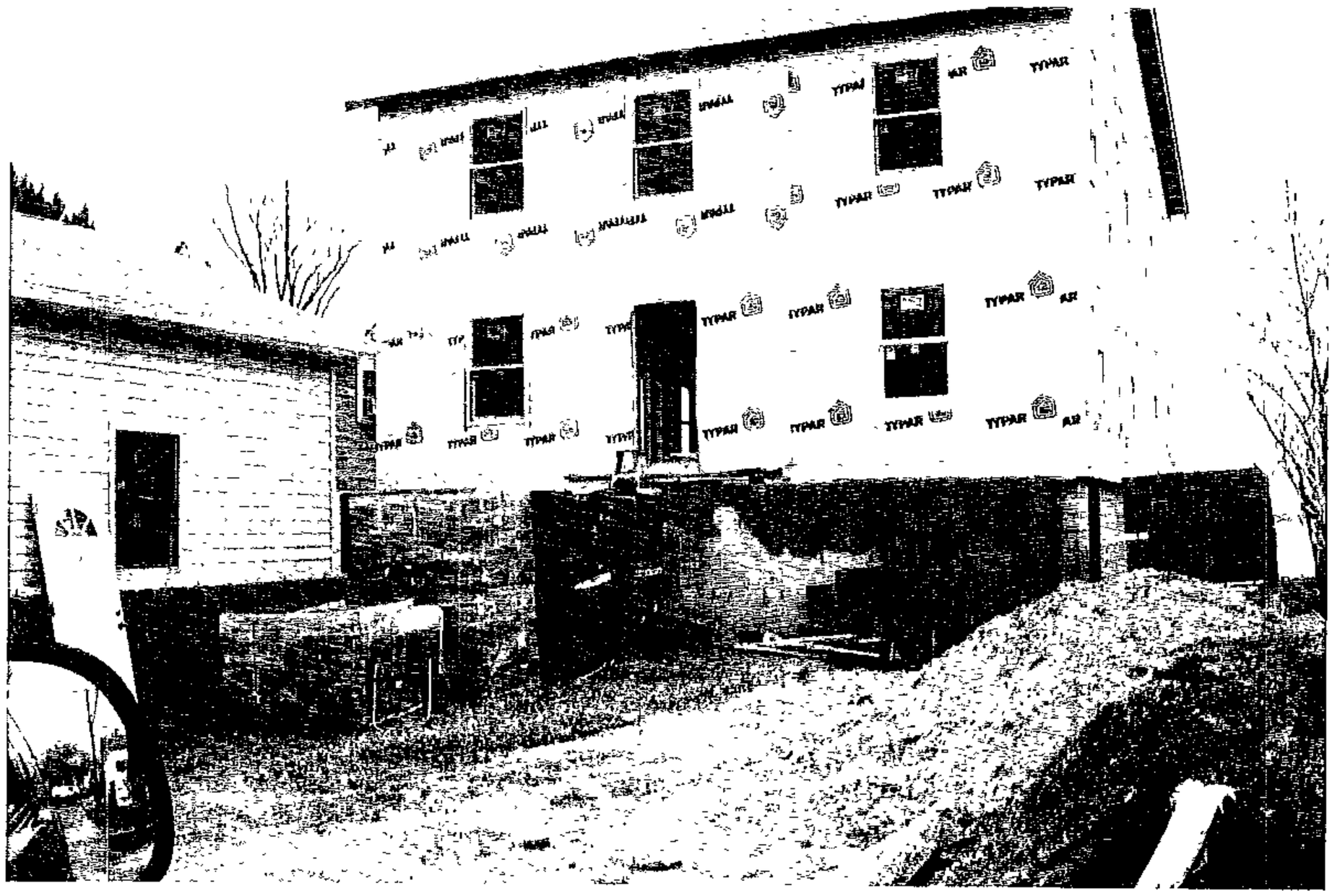
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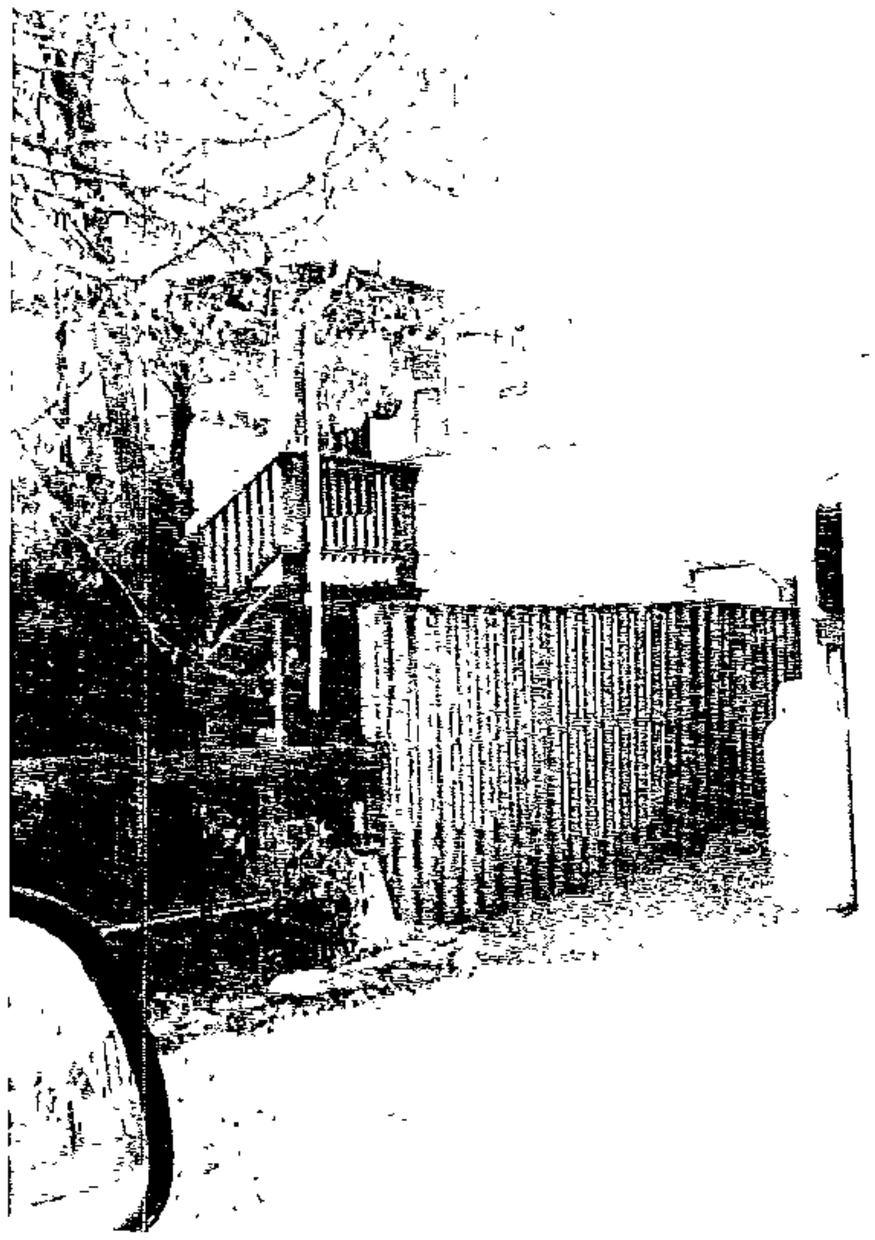
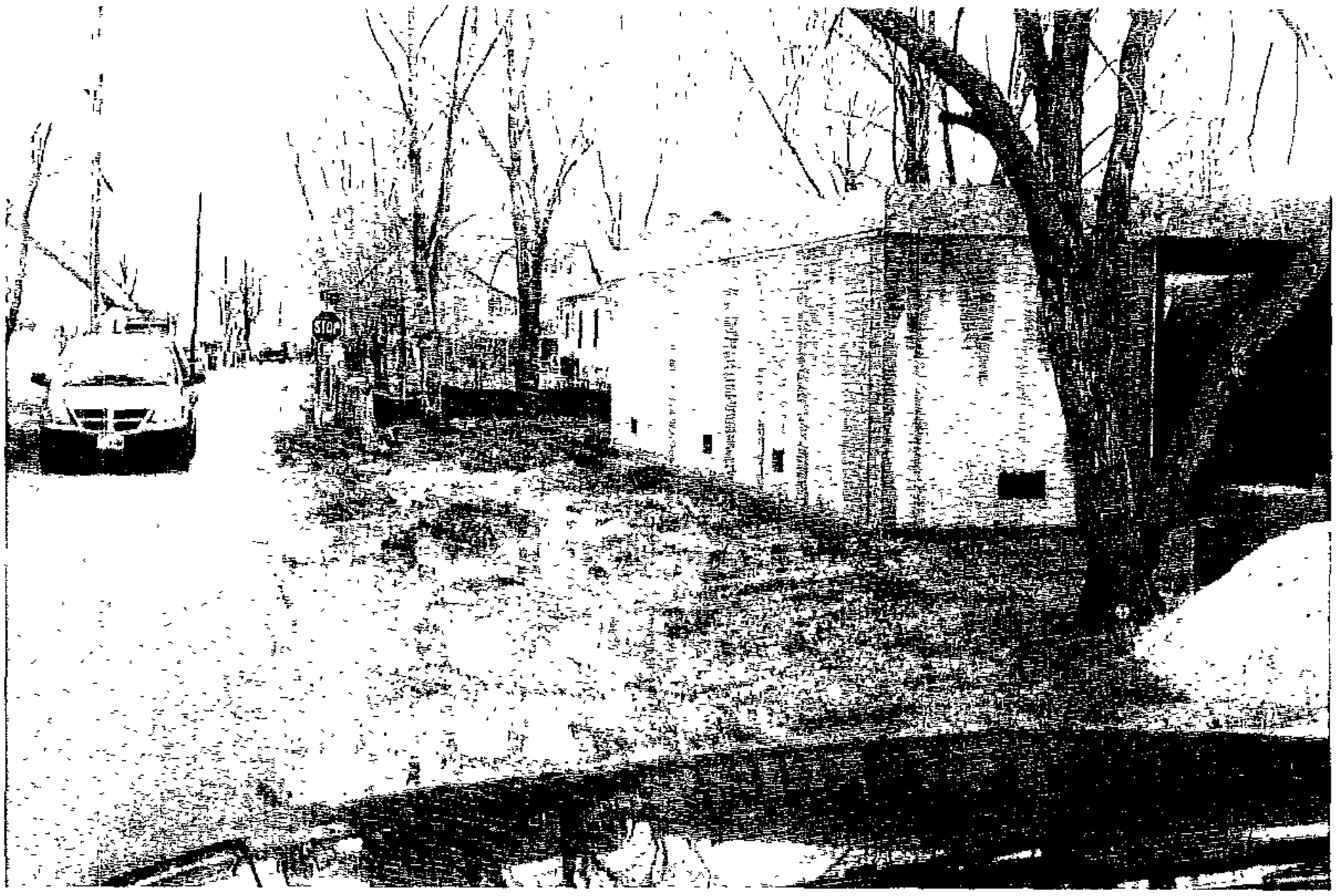



STOP

PET EXH 4

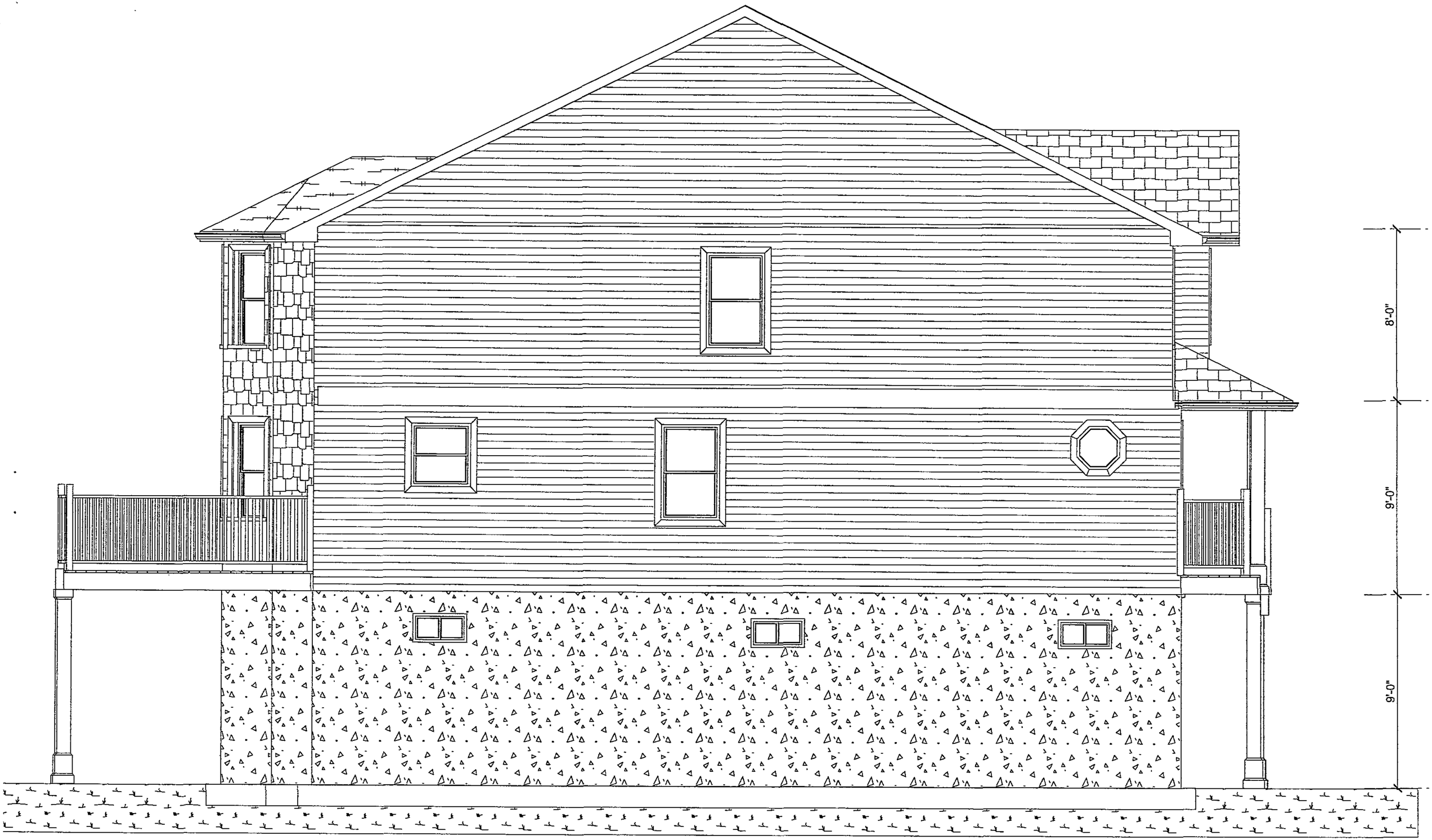
Front Elevation

SCALE: 1/4" = 1'-0"

Kowalewski Residence
8800 Hinton Ave. Millers Island, Md. 21219
Architectural Drawings

Rear Elevation

SCALE: 1/4" = 1'-0"

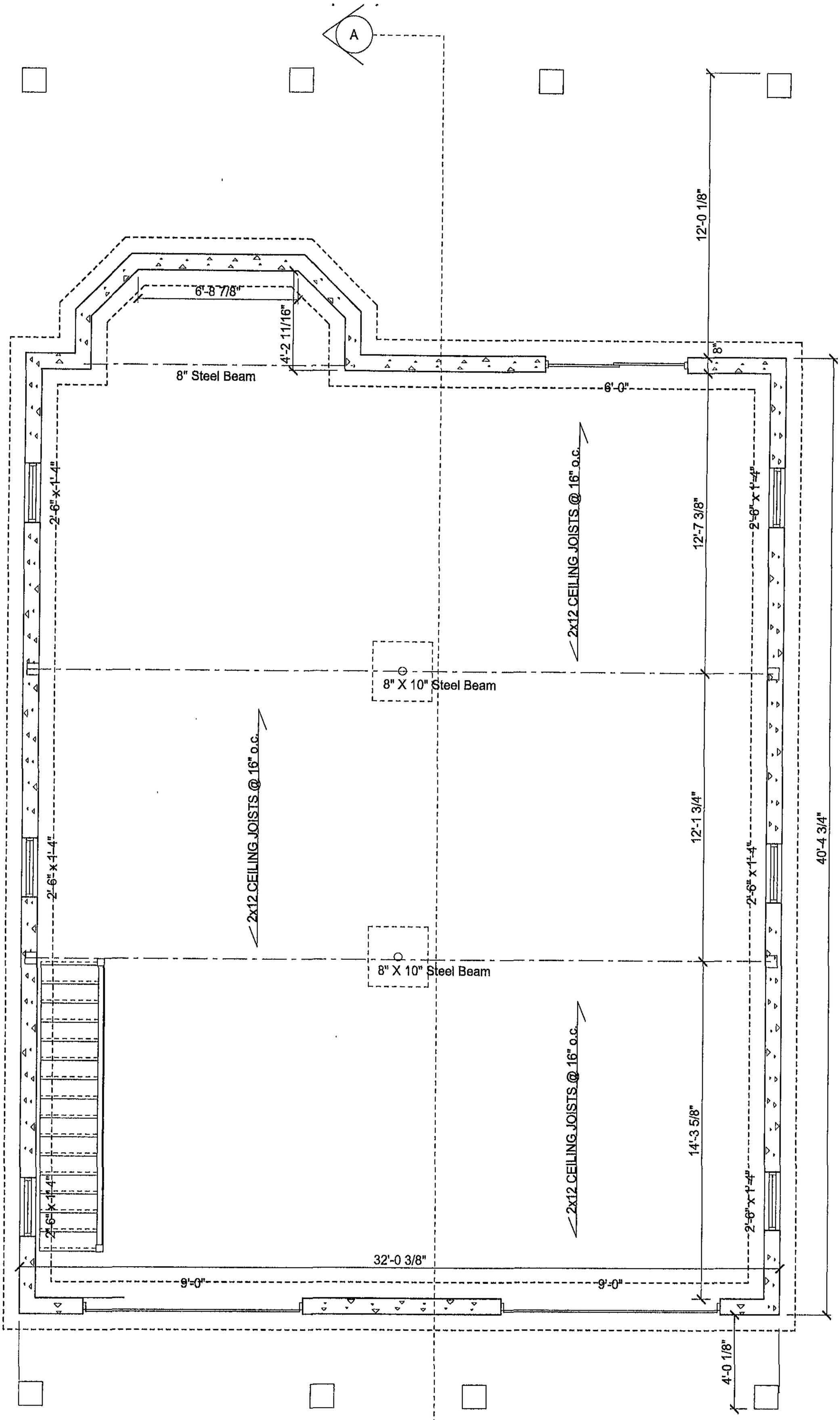


Side Elevation (Left)

SCALE: 1/4" = 1'-0"

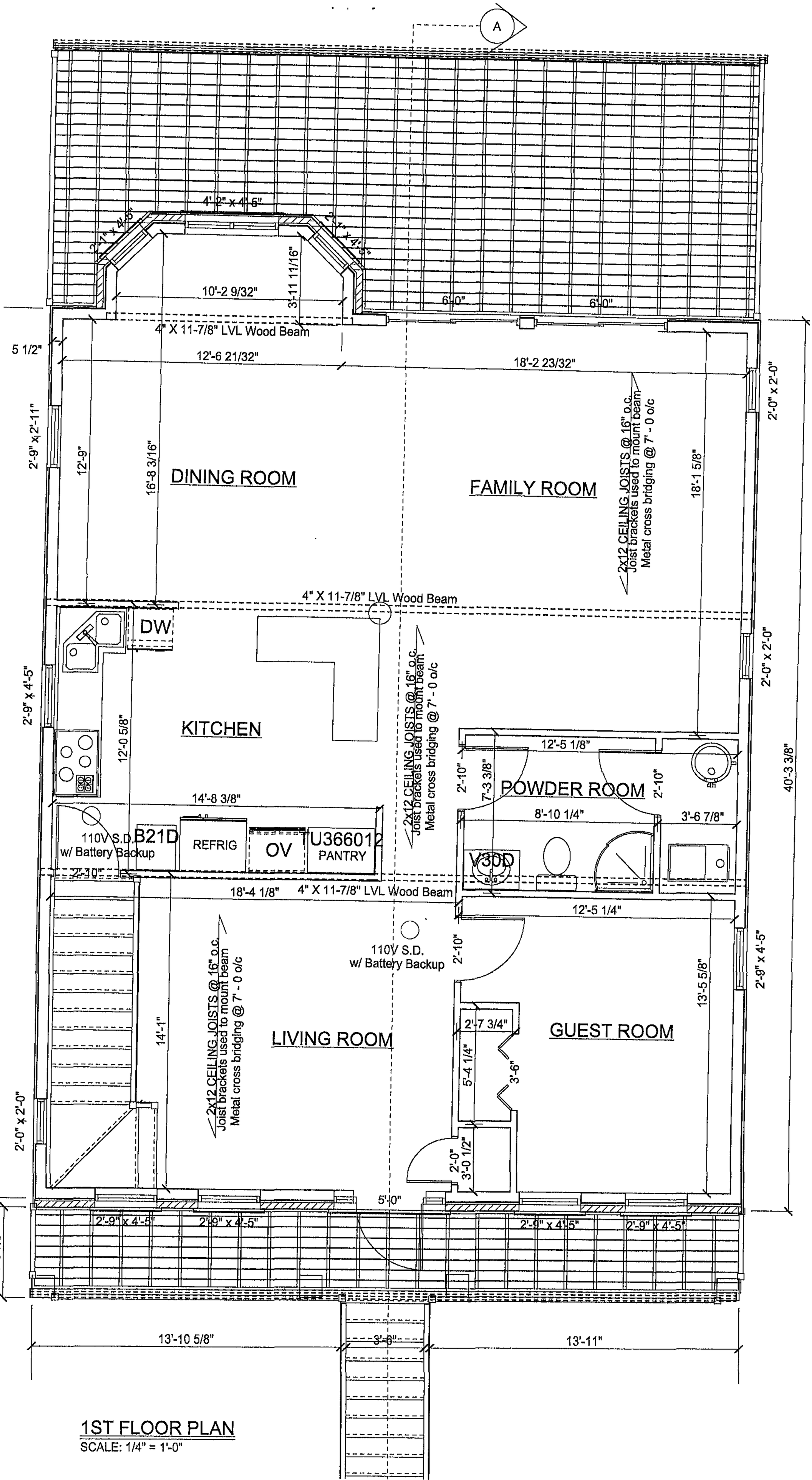
Side Elevation (Right)

SCALE: 1/4" = 1'-0"



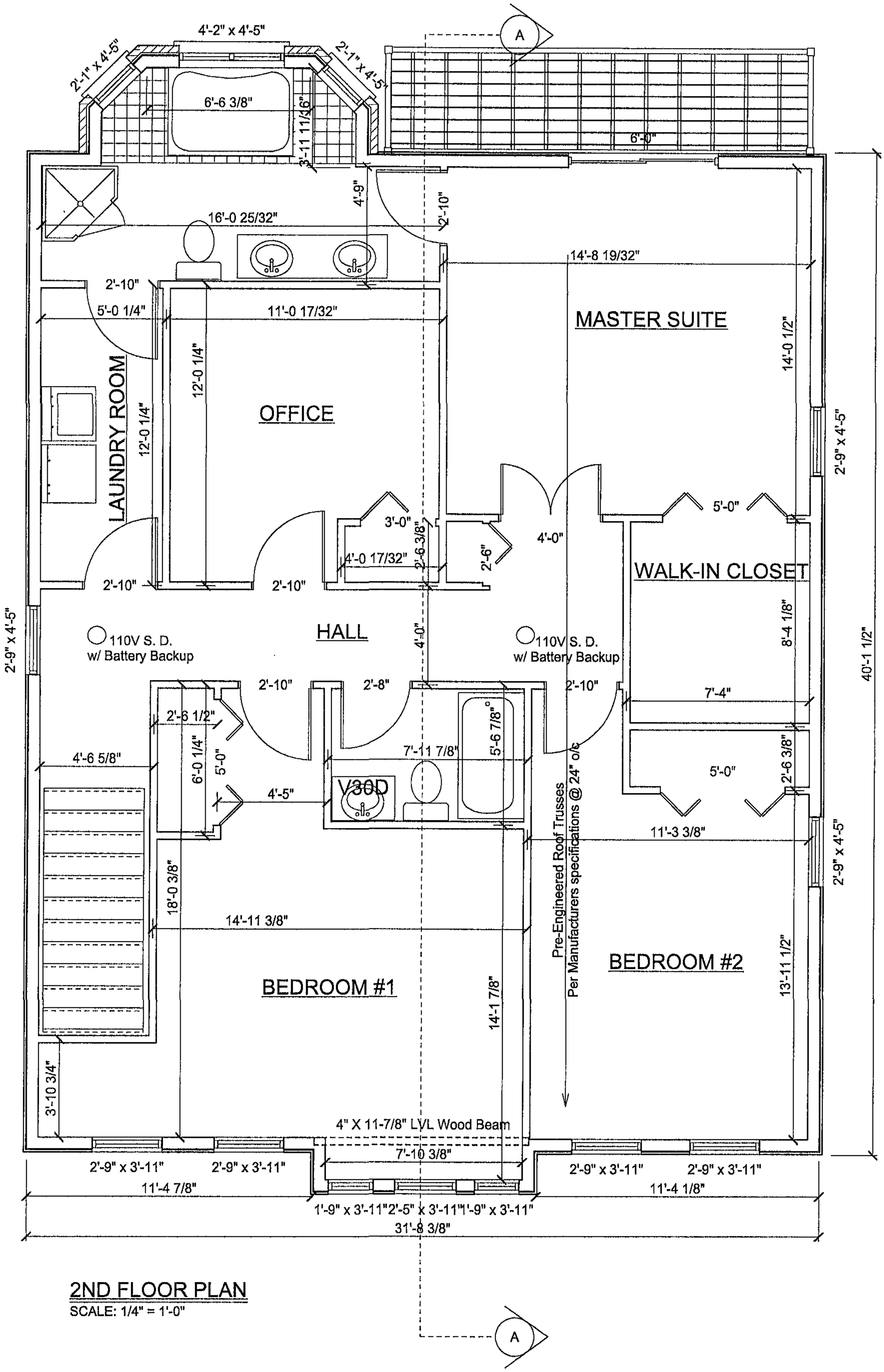
FOUNDATION LAYOUT

SCALE: 1/4" = 1'-0"



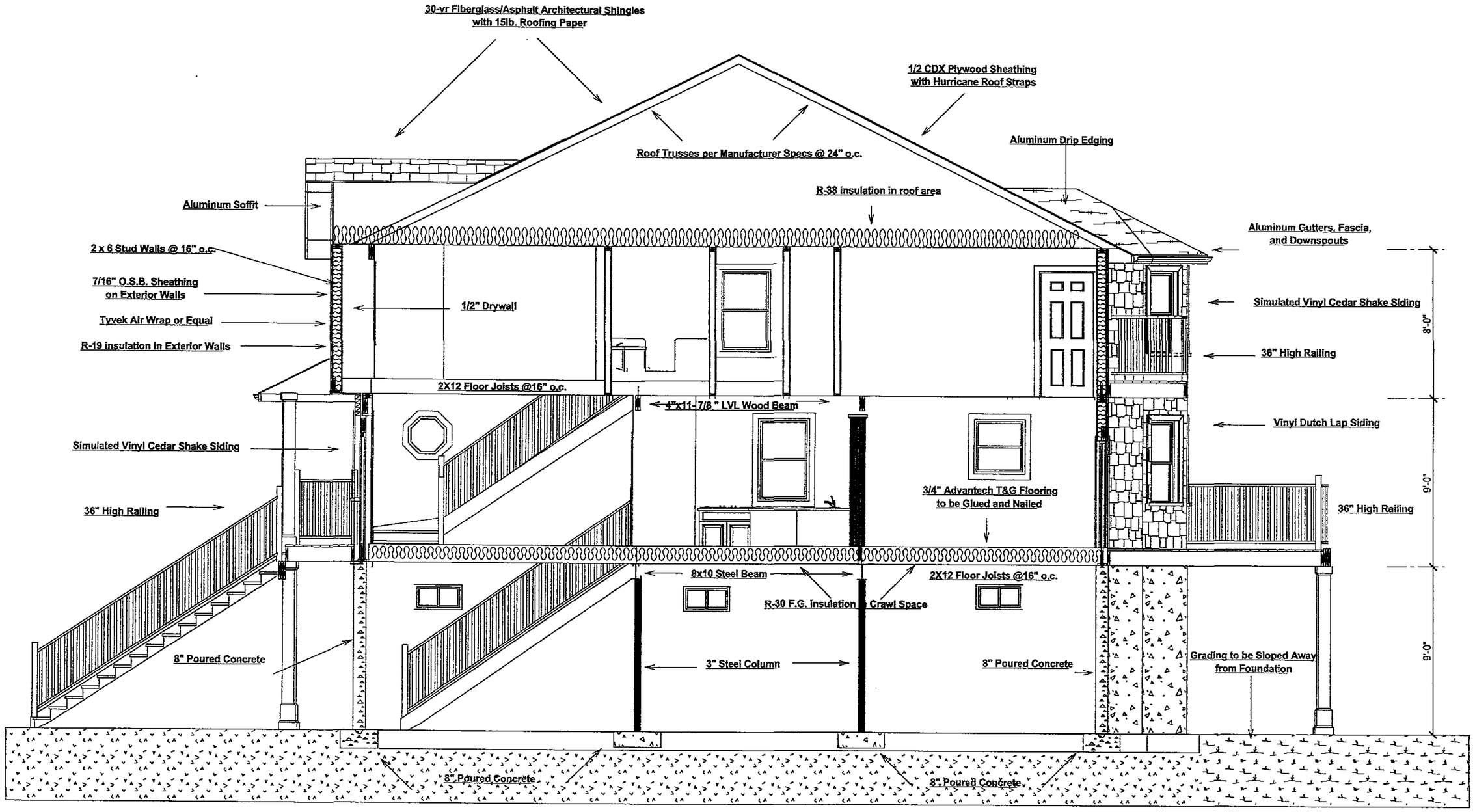
1ST FLOOR PLAN

SCALE: 1/4" = 1'-0"



2ND FLOOR PLAN

SCALE: 1/4" = 1'-0"

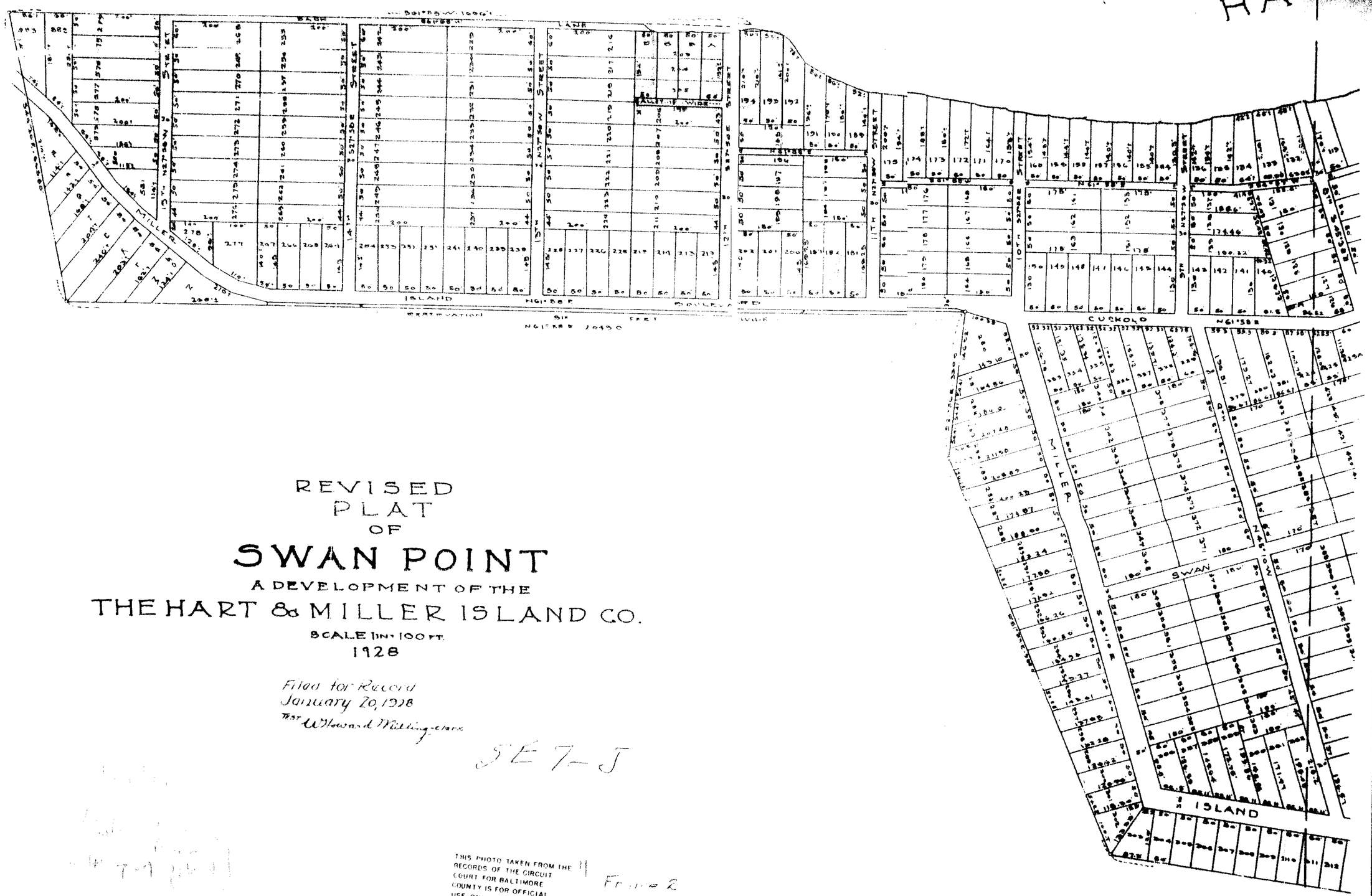


Cross Section (Detail A)

SCALE: 3/16" = 1'-0"

Pet EXH 3

HA



REVISED PLAT OF SWAN POINT

A DEVELOPMENT OF THE

THE HART & MILLER ISLAND CO.

SCALE 1 IN = 100 FT.

1928

Filed for Record
January 20, 1928
Test W Howard Milling clerk

SE 7-5

THIS PHOTO TAKEN FROM THE RECORDS OF THE CIRCUIT COURT FOR BALTIMORE COUNTY IS FOR OFFICIAL USE ONLY AND NOT TO BE DUPLICATED FOR SALE OR GIFT

Frame 2

o V. Corman & Co.
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ieyland Street
ce, Maryland
6, 1928