

IN RE: PETITION FOR ADMIN. VARIANCE
NW/S of Hinton Avenue, 15 ft. SW
centerline of 4th Street
15th Election District
7th Councilmanic District
(9100 Hinton Avenue)

Sharon L. & Allan J. Godlewski
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-445-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter was originally before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Sharon L. and Allan J. Godlewski. Thereafter, a formal demand for hearing was made by an adjacent property owner, Ms. Colette Richards, and the matter was set in for a hearing. The variance request is for property located at 9100 Hinton Avenue in the eastern area of Baltimore County. The variance is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling (replacing Isabelle damaged dwelling) with a side yard setback of 6 ft. in lieu of the required 10 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The property was posted with Notice of Hearing on April 4, 2005, 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 April 5, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

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

"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

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4/25/05
Ray

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."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were submitted by the Bureau of Development Plans Review dated April 8, 2005, a copy of which is attached hereto and made a part hereof. In addition, ZAC comments were submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated April 18, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Sharon and Allan Godlewski, Petitioners. Colette Richards, Ralph Richards, James Goolsbee, Tony Goolsbee and John Kalb appeared in opposition to the requested variance. 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, which is the subject of this variance request, contains .26 +/- acres and is zoned DR 5.5. The Petitioners indicated that they own lot 48 in the "Swan Point" land record subdivision, which is improved by the Petitioners' home. All agreed that the Swan Point subdivision was recorded in the Land Records in the 1930's. Lot

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Ray

48 is a 50 foot wide lot. The existing home is 6 feet from the property line toward lot 47, which is owned by Colette Richards. The Petitioners also own a 30 foot wide lot on the other side of their home next to lot 61 which for convenience we called "lot 48A". See Petitioner's Exhibit 1. The Petitioners and all the Protestants are closely related.

The Petitioners testified that their home was damage severely by Hurricane Isabel so much so that they are actually living in a cinder block garage on the property near Hinton Avenue. They would like to rebuild their home and realize that they could build on the same footprint as the existing home without a variance. However, they would like to erect a modular home that will fit their need for space for themselves and their three children. In addition, they anticipate that their parents will eventually need to move in as well, so the proposed modular home has four bedrooms. As can be seen by Petitioners' Exhibit 1, the proposed home is substantially shorter but substantially wider than the existing home. Because they own the adjacent lot (lot 48 A) they do not need variances to this side. However, they propose to build on the same footprint line to the Richard's side of the property so that the new home would be the same 6 feet from the property line as now exists. Thus the need for a variance. They also indicated that the new home will have a built in garage and this will eventually allow them to raze the existing garage. The new home would comply with the Chesapeake Bay Critical Area regulations and therefore be elevated 10 or more feet above the ground. The porch shown on Exhibit 1 will be on the second level of the new home. A new driveway would be built in lot 48-A to allow cars to enter the garage from the side.

The Petitioners presented several photographs of the existing home and Ms. Richard's home, as well as other homes in the neighborhood. See Petitioners' Exhibit 2. In addition, they also presented a series of photographs of neighboring properties, which have similar narrow side yards. Finally, they noted that the pattern of development in the neighborhood was one home on

each 50 foot lot. In fact this proposal will result in one home on one and one half lots which the Petitioner's indicated was typical of the neighborhood.

Ms. Richards indicated that she was concerned about a large house being built next door to her house. She does not want a house to move closer to her house than the present distance, which is 6 feet. The Petitioners reassured her that the side yard setback was exactly the same as the existing house. Ms. Richards also indicated that the new home would depress the value of her home. The Petitioners presented Exhibit 4A and 4B, which are letters from area realtors that this would not be the case. Nevertheless, she continued to oppose the request.

Mr. Kalb indicated that he was concerned that the exiting garage would not in fact be razed. He also worried that granting the variance would set a precedent to allow ever larger houses to be built in the neighborhood. Mr. Tony Goolsbee indicated a similar concern regarding setting a precedent.

Findings of Fact and Conclusions of Law

Considering the testimony and evidence in this case, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The subject lots are part of the land record subdivision (as opposed to an approved County subdivision) which was recorded in the Land Records of Baltimore County much before the DR regulations were imposed on the property. Therefore, I find the property unique in a zoning sense.

I also find that the requested variance can be granted within the spirit and intent of the regulations and will not adversely affect the neighborhood. Obviously, the new home will be substantially larger and more valuable compared to the existing home, even if we ignore the severe damage done to it as the result of the hurricane. I do not believe that granting this

ORDER RECEIVED FOR FILING
4/25/05
Ray

variance will set a precedent in the neighborhood, although it appears from the Petitioners' photographs there are many such examples in the area.

The only difficulty with the request is whether or not the Petitioners would suffer a hardship or practical difficulty if the variance is denied. The Petitioners are building a new house on the two existing lots, which have a combined lot width of 80 feet. When asked whether they could simply build a new home, which is 4 feet less wide, they indicated that they need every square inch for existing family and likely in-laws. As importantly, the home is modular and they indicate that it would be practically difficult to simply reduce the home by 4 feet. They also note that the new home has a garage on the west side, which will be side-loaded. To make the turn into the garage they need the full 30 feet width of lot 48-A. Therefore, the new home can not be moved 4 feet to the west.

On the other hand by granting the variance, Ms. Richards will have a larger and most importantly higher home next to her house that will be 6 feet from her property line. This is causing her much concern and is quite different from the existing single-story home that is next to her property.

I am fully aware of the terrible hardship that the Petitioners have undergone as a result of the hurricane. I am sympathetic to having to live in the garage while the property is being evaluated and insurance claims resolved. However, this is not the same kind of hardship that the zoning regulations require. The zoning regulations and not the hurricane have to be the source of the hardship.

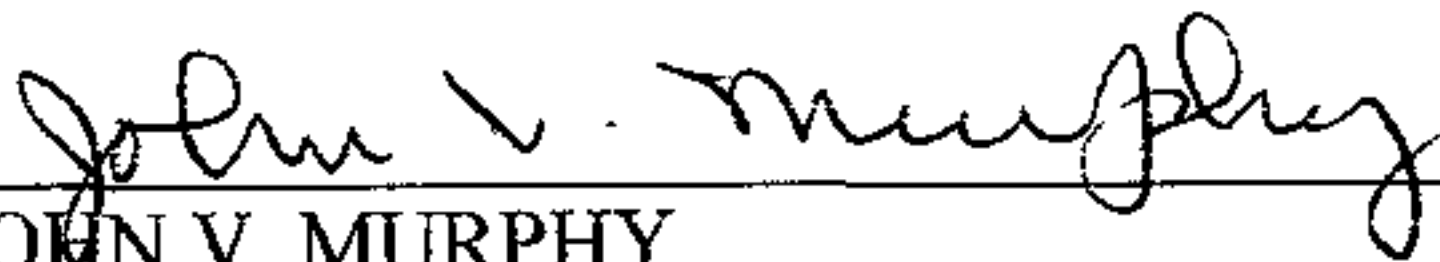
Considering all the testimony and evidence, I am not convinced the new home can not be shifted to the west four feet. I see the need for the side loaded garage but I can not imagine that vehicles using the garage will need the full 30 ft of turning radius to enter the garage. If the new home were shifted to the west this small amount, there would be no need for a variance.

RECEIVED FOR FILING
DATE 4/25/05
BY [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be DENIED.

THEREFORE, IT IS ORDERED, this 25 day of April, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling (replacing Isabelle damaged dwelling) with a side yard setback of 6 ft. in lieu of the required 10 ft., be and it is hereby DENIED.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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4/25/05
Ray

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
William J. Wiseman III, Zoning Commissioner

April 25, 2005

Mr. & Mrs. Allan J. Godlewski
9100 Hinton Avenue
Baltimore, Maryland 21219

Re: Petition for Administrative Variance
Case No. 05-445-A
Property: 9100 Hinton Avenue

Dear Mr. & Mrs. Godlewski:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been denied 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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Colette & Ralph Richards, 9102 Hinton Ave., Baltimore, MD 21219
James Goolsbee, 12 Taxi Way, Baltimore, MD 21220
Tony Goolsbee, 8005 Dogwood Rd., Baltimore, MD 21219
John Kalb, 2807 4th Street, Baltimore, MD 21219



Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Address 9100 Hinton Av.
City Baltimore State MD Zip Code 21219

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We lost our home in Hurricane Isabel and my wife and I wish to keep our new home 6' from the property line where our damaged house now sits.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature Allan J. Godlewski
Name - Type or Print Allan J. Godlewski

Signature Sharon L. Godlewski
Name - Type or Print Sharon L. Godlewski

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of March, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Allan J. Godlewski & Sharon L. Godlewski
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Jan A. Barth
Notary Public

My Commission Expires MY COMMISSION EXPIRES 04/16/2006

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Address 9100 Hinton Av.
Baltimore MD 21219
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We lost our home in Hurricane Isabel and my wife and I wish to keep our new home 6' from the property line where our damaged house now sits.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Allen J. Godlewski
Signature
Allen J. Godlewski
Name - Type or Print

Sharon L. Godlewski
Signature
Sharon L. Godlewski
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of March, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Allen J. Godlewski & Sharon L. Godlewski
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Mary A. Barth
Notary Public

My Commission Expires 04/16/2006



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9100 Henton Ave. Balt MD 21219
which is presently zoned D.B. 5.5

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) 1B02.3.C.1 BC2R

To permit a dwelling with a side yard setback of 6'
in lieu of the required 10'. (Isabel Damaged)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

800518 140 235 FAX 4012211400 YMA

Zoning Commissioner of Baltimore County

CASE NO. 05-445-A

Reviewed By JF

Date 3-8-05

REV 10/25/01

Estimated Posting Date 3-20-05

Zoning Description
for
9100 Hinton Av.
Balt. MD, 21219

Beginning on the the Northwest side
of Hinton Av. which is 15' wide.
To the Southwest 15' is the centerline
of the nearest intersection of 4th St
which is 30' wide.

Being Lot #48, Block ,
Section # is the Subdivision of
Swan Pt. as recorded in Balt, Co,
Plat Book #9, Folio #154, containing
.26 ± Acres.

Also known as 9100 Hinton Av.

Election District #15
Councilmanic District 7^A

445

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

NO. 44257

DATE 3-8-05

ACCOUNT 001-006 0150

AMOUNT \$ 65.00

RECEIVED FROM: 11/00 500-1010-41

FOR: 2100 HIN 411 AVE
Avenue, Baltimore
JAMES P. HAST

DISTRIBUTION
WHITE: CASHIER

PINK: AGENCY

YELLOW: CUSTOMER

PAID RECEIPT

ADDRESS: N. 11th St. 11th St.
Baltimore, MD 21202-1010

DATE: 3-8-05
BY: JAMES P. HAST

AMOUNT: \$65.00
BALANCE: \$0.00

RECEIVED: 3-8-05
BY: JAMES P. HAST

DATE: 3-8-05
BY: JAMES P. HAST

CASHIER'S VALIDATION



FORMAL DEMAND FOR HEARING

CASE NUMBER: 445
05-~~55~~-A

Address: 9100 HINTON AVE.

Petitioner(s): GODLEWSKI

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We COLETTE RICHARDS
Name - Type or Print

(☒) Legal Owner OR (☐) Resident of
9102 HINTON AVE.
Address

BALTO MD. 21219
City State Zip Code

410-477-4517
Telephone Number

which is located approximately NEXT DOOR feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Colette Richards 3-23-05
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
"SCCELLANEOUS RECEIPT

No. 443154

DATE 2/22/05 ACCOUNT 0010066150

AMOUNT \$ 50.00

RECEIVED FROM: COLETTE RICHARDS

FOR: DEMAND FOR HEARING

9100 HUNTON AVE.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARINGS**

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: #05-445-A
9100 Hinton Avenue
W/side of Hinton Avenue at
a distance of 15 feet from
the centerline of 4th Street
15th Election District
7th Councilmanic District
Legal Owner(s): Allan J. &
Sharon L. Godlewski
Variance: to permit a
dwelling with a side yard
setback of 6 feet in lieu of
the required 10 feet (Isabel
Damage)
Hearing: Thursday, April
21, 2005 at 11:00 a.m. in
Room 106, County Office
Building, 111 W. Chesapeake
Avenue, Towson
21204.

WILLIAM WISEMAN
Zoning Commissioner for
Baltimore County

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

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT4/610 Apr.5 45518

CERTIFICATE OF PUBLICATION

4/6/ 2005

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 4/5/ 2005.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-445-A

Petitioner/Developer: ALLAN J

+ SHARON L. GODLEWSKI

Date of Hearing/Closing: 4/21/05

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

ATTN: Krista 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:

9100 HINTON AVE

The sign(s) were posted on

4/4/05
(Month, Day, Year)

Sincerely,

Robert Black 4/5/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1588 Leslie Road

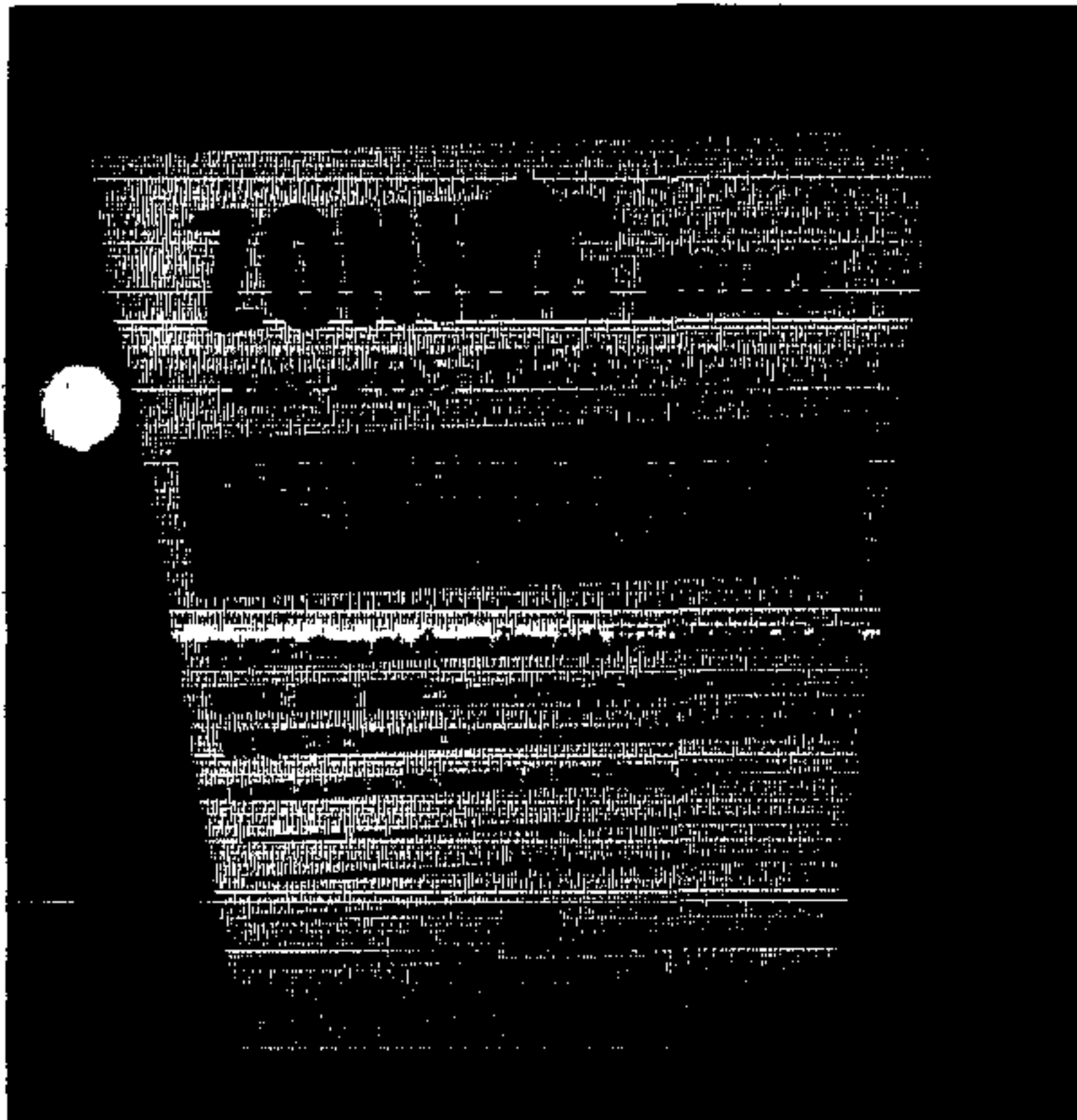
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



APR - 6 2005

CERTIFICATE OF POSTING

RE: Case No.: 05-445-A

Petitioner/Developer: ALLAN L

SHARON GODLEWSKI

Date of Hearing/Closing: 4/4/05

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: _____

9100 HINTON AVE

The sign(s) were posted on _____

3/19/05
(Month, Day, Year)

Sincerely,

Robert Black 3/20/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

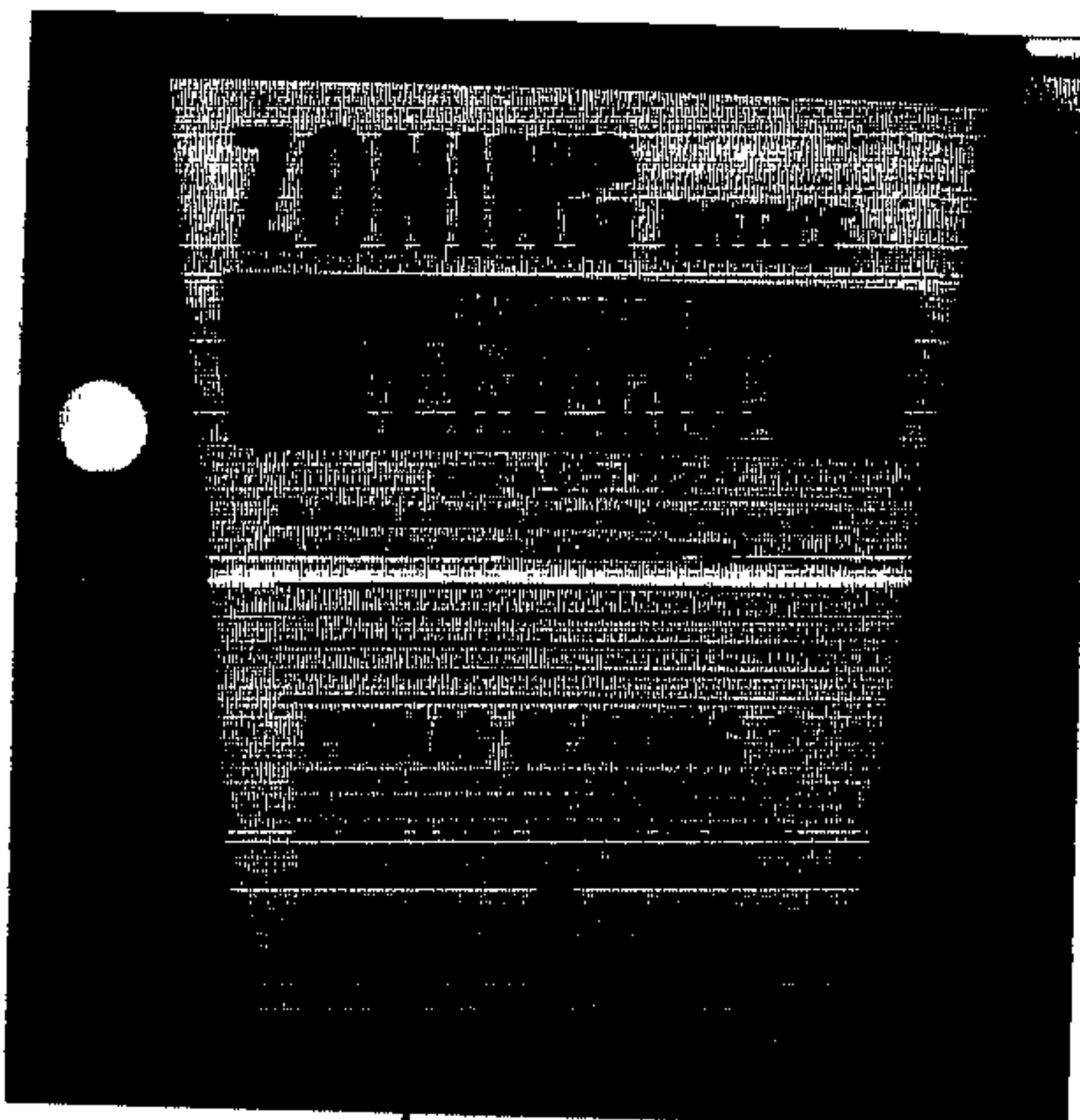
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



9100 HINTON AVE

150-120
150-120
150-120

**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

March 23, 2005

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: 05-445-A

9100 Hinton Avenue

W/side of Hinton Avenue at a distance of 15 feet from the centerline of 4th Street

15th Election District – 7th Councilmanic District

Legal Owners: Allan J. & Sharon L. Godlewski

Variance to permit a dwelling with a side yard setback of 6 feet in lieu of the required 10 feet (Isabel Damage).

Hearing: Thursday, April 21, 2005 at 11:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

Timothy Kotroco
Director

TK:klm

C: Allan & Sharon Godlewski, 9100 Hinton Ave., Baltimore 21219
Colette Richards, 9102 Hinton Avenue, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 6, 2005.**
- (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**

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 23, 2005

Allan J. Godlewski
Sharon L. Godlewski
9100 Hinton Avenue
Baltimore, MD 21219

Dear Mr. & Mrs. Godlewski:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-445-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand by Colette Richards.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Jun R. Fernando at 410-887-3391.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Colette Richards, 9102 Hinton Avenue, Baltimore 21219



TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 5, 2005 Issue - Jeffersonian

Please forward billing to:

Allan J. & Sharon L. Godlewski
9100 Hinton Avenue
Baltimore, MD 21219

410-746-2965

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: 05-445-A

9100 Hinton Avenue

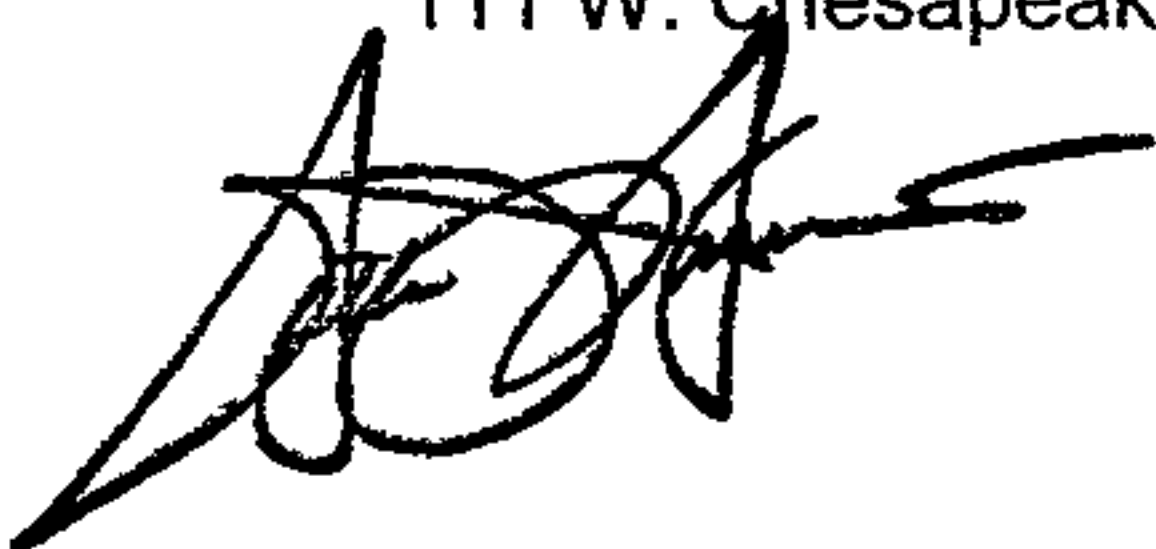
W/side of Hinton Avenue at a distance of 15 feet from the centerline of 4th Street

15th Election District – 7th Councilmanic District

Legal Owners: Allan J. & Sharon L. Godlewski

Variance to permit a dwelling with a side yard setback of 6 feet in lieu of the required 10 feet (Isabel Damage).

Hearing: Thursday, April 21, 2005 at 11:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204



WILLIAM WISEMAN

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
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: 05-445-A

Petitioner: Allan Godlewski

Address or Location: 9100 Hinton Av. Balt MD 21219

PLEASE FORWARD ADVERTISING BILL TO:

Name: Allan J Godlewski

Address: 9100 Hinton Av.
Balt Md 21219

Telephone Number: (cell) 410-746-2965 (Home) 410-477-1297

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 445 -A Address 9100 HINTON AVE.

Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3-8-05 Posting Date: 3-20-05 Closing Date: 4-4-05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 445 -A Address 9100 HINTON AVE
Petitioner's Name Allan & Sharon Godlewski Telephone 410-746-2965
Posting Date: 3-20-05 Closing Date: 4-4-05
Wording for Sign: To Permit a dwelling with a side yard setback of 6'
in lieu of the required 10'. (ISABEL DAMAGED)

**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*

April 4, 2005

Allan J. Godlewski
Sharon L. Godlewski
9100 Hinton Avenue
Baltimore, Maryland 21219

Dear Mr. and Mrs. Godlewski:

RE: Case Number: 05-445-A, 9100 Hinton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 8, 2005.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



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

March 23, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 21, 2005

Item No.: 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 457, 461, 462.

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Acting Lieutenant Don W. Muddiman
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info



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



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

Maryland Department of Transportation

Date: 3.18.05

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

RE: Baltimore County
Item No. 445 JRF

Dear Ms. Matthews:

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,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. *JDO*
DEPRM

DATE: April 18, 2005

SUBJECT: Zoning Item # 05-445
Address 9100 Hinton Avenue

Zoning Advisory Committee Meeting of March 21, 2005

_____ 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:

The proposed construction is to occur within the Limited Development Area of the CBCA. The Regulations limit impervious surface coverage to 25% of the overall site, require 15% minimum tree coverage and warrant mitigation for disturbances within 100-feet of Mean High Tide (MHT).

Reviewer: Mike Kulis Date: April 18, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 28, 2005

RECEIVED

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

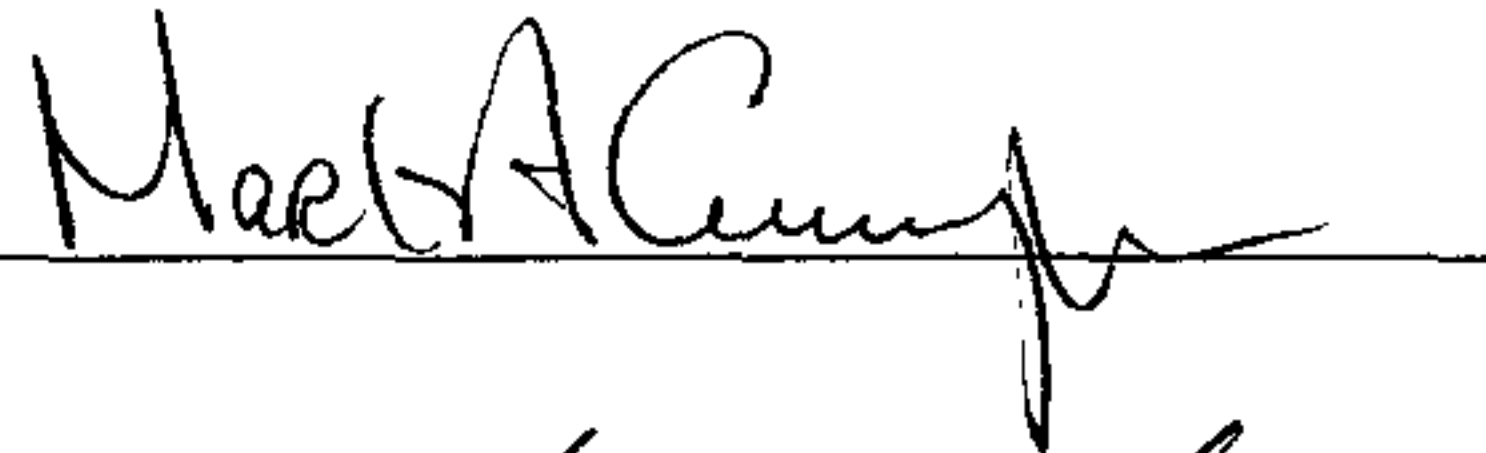
MAR 28 2005

ZONING COMMISSIONER

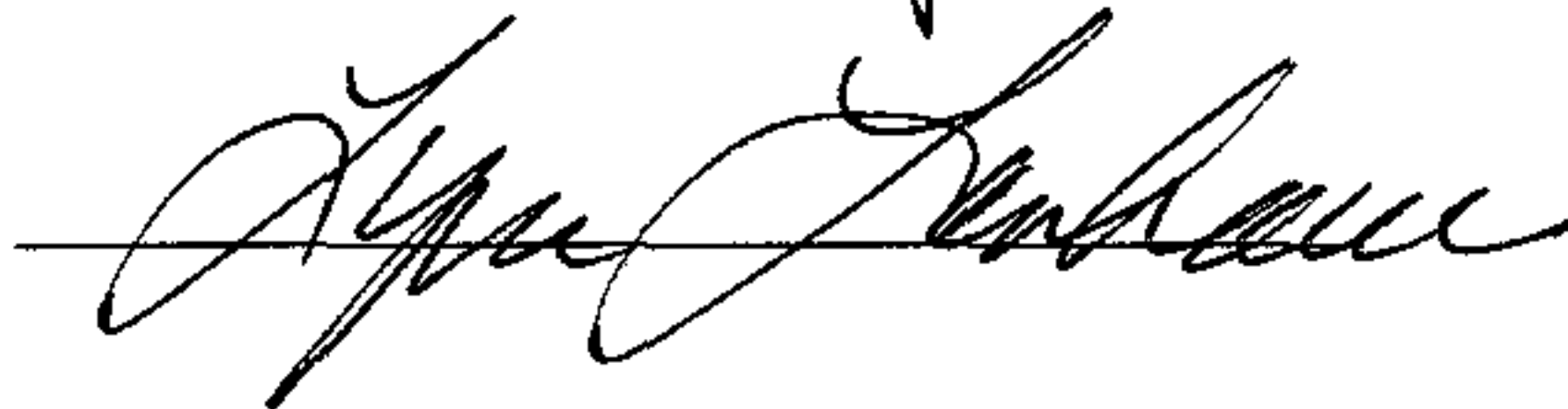
SUBJECT: Zoning Advisory Petition(s): Case(s) 5-445 – Administrative Variance

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

Prepared By:



Division Chief:



MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 8, 2005
Department of Permits & Development
Management

FROM: Dennis Kennedy *DAK*
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 28, 2005
Item No. 445

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

The minimum right of way for all public roads in Baltimore County is 40-foot. Variance shall be modified accordingly.

The flood protection elevation for the site is 10.4.

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 (includes basements) of residential (commercial) development.

The building engineer shall require a permit for this property.

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

Flood resistant construction shall be in accordance with requirement of BOCA International. Building code adopted by the county.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 05-445 03282005.doc

RALPH & COLETTE RICHARDS
9102 HINTON AVENUE
BALTIMORE, MARYLAND 21219
(410)477-4517

March 22, 2005

Office of the Zoning Commissioner
for Baltimore County
111 W. Chesapeake Avenue
Baltimore, Maryland 21204

Re: Case Number: 5-445-A
Type: Administrative Variance

Dear Sir/Madam:

I am writing to object to the Administrative Variance proposed by Allan J. and Sharon L. Godlewski of 9100 Hinton Avenue. Petitioners request for a variance should be denied due to the fact that the new dwelling would infringe on the pre-existing property line and would not meet with the current county zoning regulations.

Petitioners will face little or no hardship with conforming with the current zoning plan due to the fact that the home shall be raised and rebuilt on a new foundation.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Ralph Richards

Ralph E. Richards

Colette Richards

Colette Richards

RECEIVED

Per. *DT*

CASE NAME 9100 Hinton Ave.
CASE NUMBER 05-4454
DATE 4/21/05

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
* Callette Richards	9102 Antioch Ave	Balto Md 21215	
Walter Richards			
James H. Gossard	12 Taxi Way	Baltimore MD 21220	
* John G. Kallb	2807 4th St SW	Balto, MD 21219	
* Tony Gossard	8005 Regwood Rd	BALTO MD 21219	

CASE NAME 9100 Hinton Ave.
CASE NUMBER 05-445-A
DATE 4/21/05

PETITIONER'S SIGN-IN SHEET

[illegible]

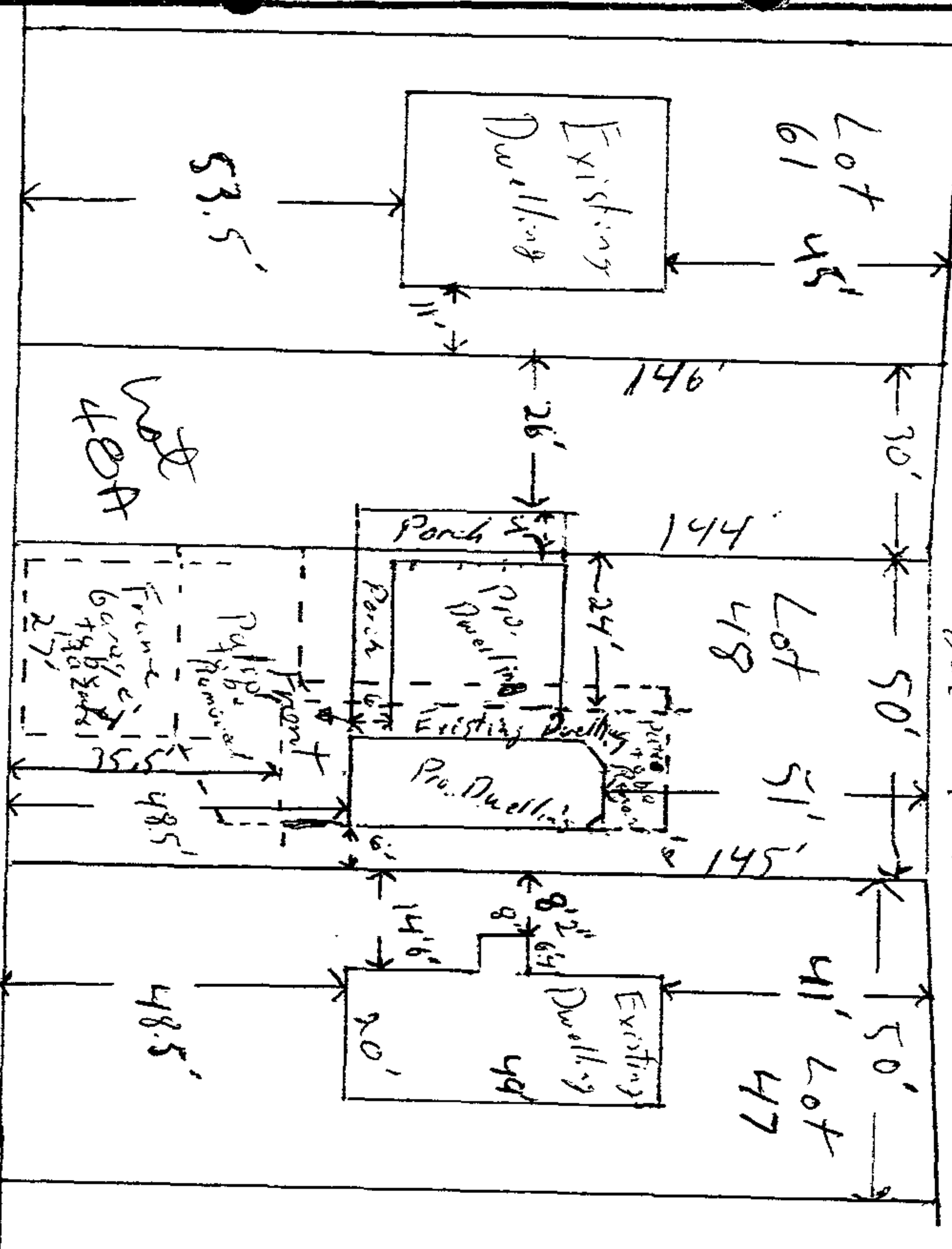
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 9100 Hinton Avenue SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Suan Point

PLAT BOOK # 9 FOLIO # 154 LOT # 48 SECTION # 1

OWNER Alvan & Sharon Goddards Back River



NORTH

PREPARED BY Al Goddards

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # SE-6K

ZONING DR 5.5

LOT SIZE .26 ACRES 11,600 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO

100 YEAR FLOOD PLAIN ☒ YES ☐ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING ☐ YES ☒ NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # 445 12

SE



Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Photographs
#05-445-A
Pet. Ex. #2A-2D-2E
Pet. Ex. #3A-3K

Robert L. Sharpe II, Jr.
(Signature)

Michael B. Sharpe
Lt. Governor

James D. Fanning, Jr. P.A.
(Signature)

LICENSE, REGISTRATION, OR CERTIFICATION

State of Maryland

DEPARTMENT OF LABOR, LICENSING AND REGULATION
COMMISSION OF REGISTERED APPRAISERS & HOME INSPECTORS

CERTIFIES THAT



Leo Amy

SIGNATURE OF BEARER

IS AN AUTHORIZED

LICENSED APPRAISER

LIC. REG. CERT. NO.
3186

EXPIRATION DATE
03-17-2007

EFFECTIVE DATE
03-09-2004

CATEGORY
02

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

3080147

05-445-A

2A



2B



22



23



05-445-A

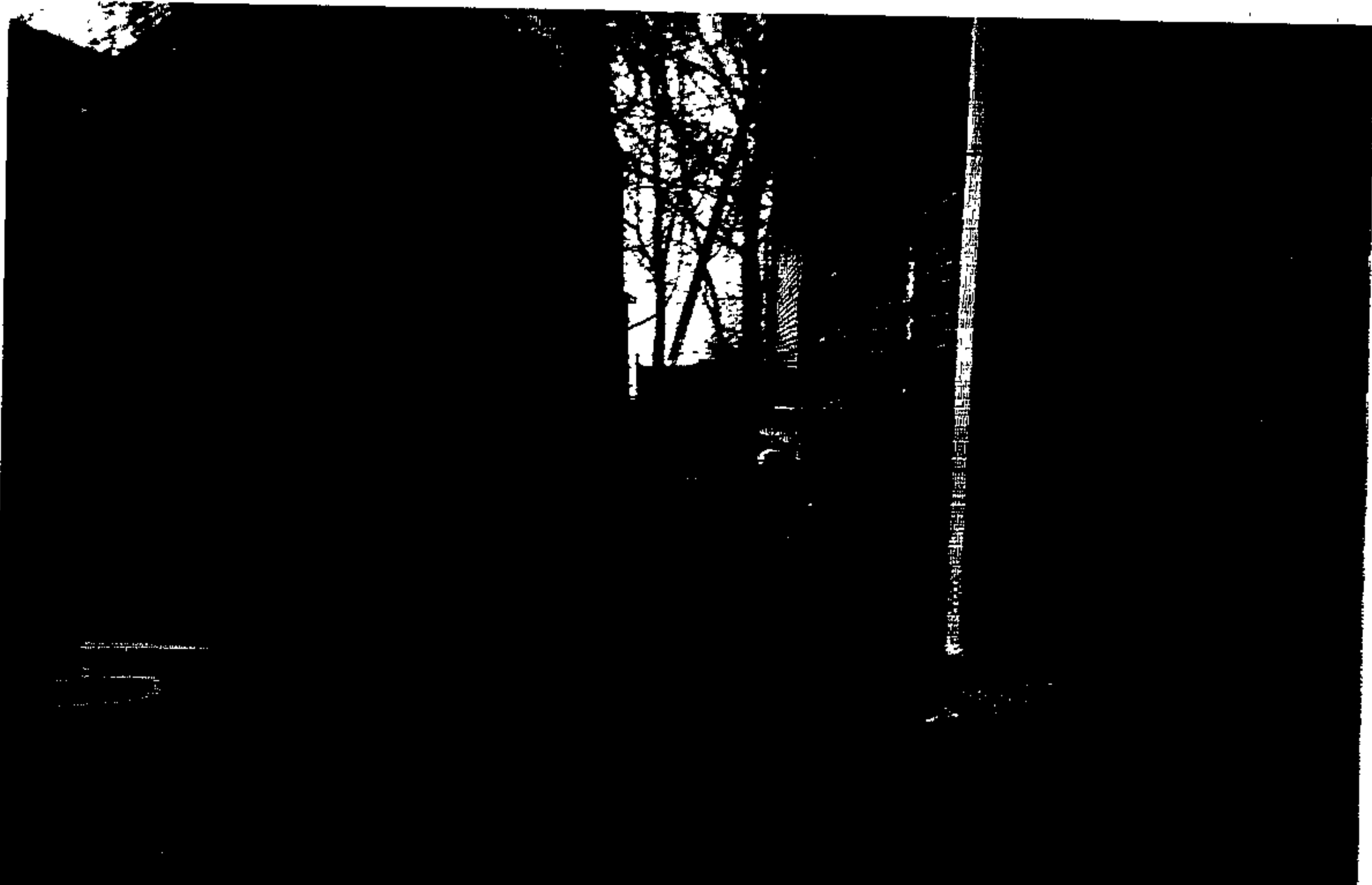
2E



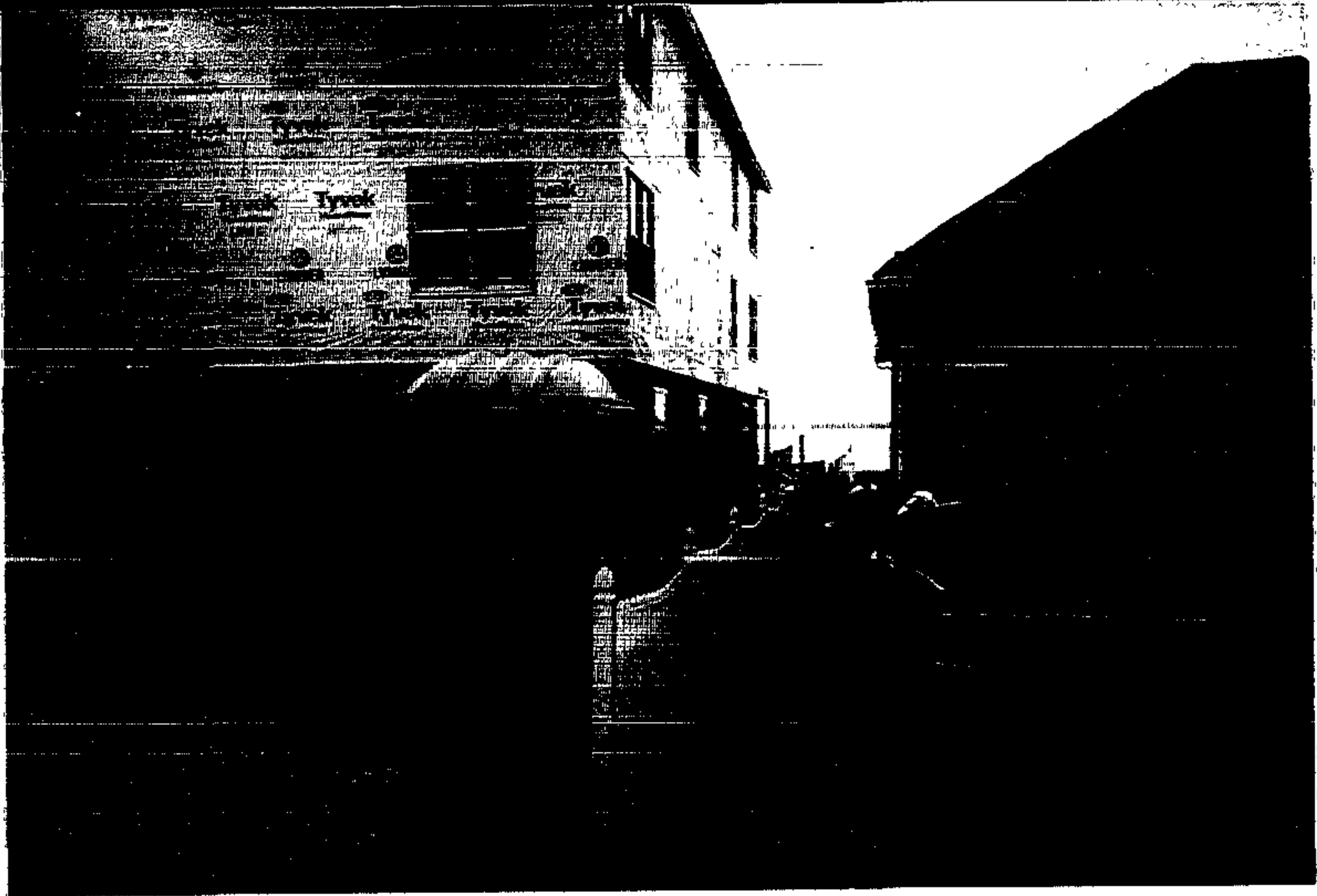
05-445-A

Pet. Ex. 3A-3K













Edwin P. Hill
Edwin P. Hill & Associates, LLC
44 Belfast Road
Timonium, MD 21093
phone 410-252-3700 fax 410-252-3705

April 4, 2005

Re. Godlewski construction proposal

To whom it may concern.

I have discussed the Godlewski's proposal to re-construct their home located at 9100 Hinton Avenue, in the Millers Island area of southeast Baltimore County. This area, and many others along the Chesapeake Bay, was ravaged by Hurricane Isabel in 2003. They are proposing a new construction on the existing footprint, with other expansion toward the S/W side of the lot. The setback lines are apparently outdated and shorter than the now legal minimums. It was explained to me that the neighbor on the N/E side of the lot, namely 9102 Hinton Avenue, has expressed concerns about the new construction. The main concern appears to be whether the new construction will affect the value of the neighbor's existing home. Without going into detail as to what is legally permissible, due to "grandfathering" and insurance/FEMA issues, I am assuming the Godlewskis are allowed to reconstruct on the existing footprint.

Will this new construction have an adverse affect on the existing property at 9102 Hinton Avenue? I have been told that the foundation line perpendicular to the water, adjacent to 9102 Hinton will be shortened on the water side, and the new construction will be increased toward the interior of the lot, which will have no affect on 9102 Hinton. This may even increase the water view for 9102 Hinton. New construction in older, existing neighborhoods generally has a positive affect on neighborhood values, by increasing the overall sales prices in the area. Millers Island has a large amount of new construction and renovations already due to the devastation caused by hurricane Isabel. It would be my opinion that the proposed new construction on the existing footprint would have no adverse affect on the value or marketability of the neighbor located at 9102 Hinton Avenue.

Thank you,



Edwin P. Hill
President

Page 4A

R. F. Griffin & Associates

April 1, 2005

Dear Sharon,

Per your request, I have considered your situation regarding the building set back on your lot. As we discussed I have not completed a formal appraisal.

Based on our discussion, it is my opinion that the building of a new larger house on the existing foot print or setback from the property line would have no measurable negative affect on the adjoining property.

It appears the new structure will be far superior and of greater value than the present house. According to the principle of progression, this will have in most cases, a positive affect on the surrounding properties.

Please feel free to contact me with any further questions you may have.

Sincerely,



Richard F. Griffin
MD cert. 2828-03

4B

Robert L. Ehrlich, Jr.
GOVERNOR

Michael S. Steele
COMPTROLLER

James D. Fielder Jr., Ph.D.
SECRETARY

LICENSE, REGISTRATION, OR CERTIFICATION

State of Maryland

DEPARTMENT OF LABOR, LICENSING AND REGULATION

COMMISSION OF RE APPRAISERS & HOME INSPECTORS

CERTIFIES THAT

RICHARD FRANCIS GRIFFIN

IS AN AUTHORIZED

CERTIFIED RESIDENTIAL

LIC REG CERT NO
2928

EXPIRATION DATE
03-05-2007

EFFECTIVE DATE
03-07-2004

CATEGORY
03

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN A PROMINENT PLACE

3070000

S 21,000

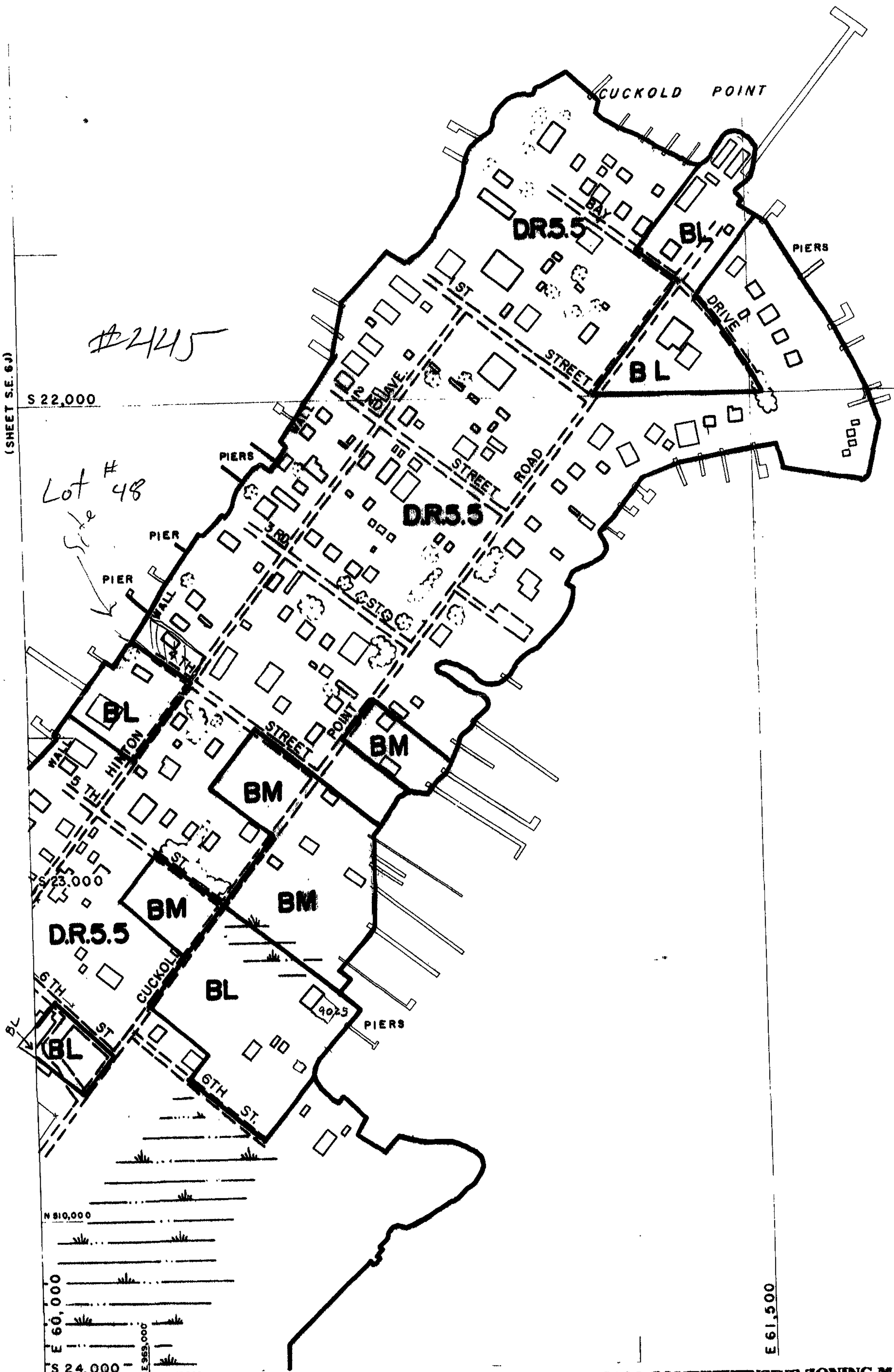
(SHEET S.E. 6J)

S 22,000

#2445

Lot # 48

Site



A-NE AA-NW

SE-6A

2000 COMPREHENSIVE ZONING MAP

ADOPTED by

THE BALTIMORE COUNTY COUNCIL

OCTOBER 10, 2000

Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

A. R. + Co.