

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Helena Avenue, 160 feet E of
Capri Circle
15th Election District
7th Councilmanic District
(16 Helena Avenue)

Wanda Lee and Stanley John Wolinski
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-399-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Wanda Lee and Stanley John Wolinski for waterfront property located at 16 Helena Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 8.5 feet in lieu of the required 25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state the home is small with approximately 1,196 square feet of living area. Mrs. Wolinski anticipates her parents coming to live with them and the current home is too small to accommodate additional family members. The proposed addition measures approximately 40 feet x 26 feet and will be constructed on the street-side of the dwelling. The addition will not encroach into the side yard setback any further than the existing dwelling which was constructed in 1984.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated March 25, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations, is in a Limited Development Area and Buffer Management Area, impervious surfaces are limited and will require mitigation or fee-in-lieu, in addition to afforestation requirements. Comments were received from the Bureau of Development

APPROVED FOR FILE

4.3.08

M

Plans Review dated March 5, 2008 which indicates that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 9, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 3rd day of April, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 8.5 feet in lieu of the required 25 feet is hereby GRANTED, subject to the following:

ORDER RESERVED FOR PLANS
4-3-08
[Signature]

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. 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. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100 foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met which equates to 6 trees.
4. The base flood elevation for this site is 9.4 feet Baltimore County Datum.
5. The flood protection elevation for this site is 10.4 feet.
6. 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.
7. 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.
8. The building engineer shall require a permit for this project.
9. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
10. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR PLANS
4.3.08
pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 2, 2008

WANDA LEE AND STANLEY JOHN WOLINSKI
16 HELENA AVENUE
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 08-399-A
Property: 16 Helena Avenue

Dear Mr. and Mrs. Wolinski:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative 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,

Handwritten signature of Thomas H. Bostwick in black ink.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Robert H. Deece, 8514 Sandy Plains Road, Baltimore MD 21222

OBCA

Flood

TAX ACCOUNT #

2514451270



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 16 Helena Ave.
which is presently zoned ~~DR16~~ DR16

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802-3.C.1 TO ALLOW A

SIDE YARD SETBACK OF 8.5 FEET IN LIEU OF THE
REQUIRED 25 FEET

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):

Wanda Lee Wolinski
Name - Type or Print

Wanda Lee Wolinski
Signature

*STANLEY JOHN WOLINSKI
Name - Type or Print

[Signature]
Signature

16 Helena Ave. 4102744399
Address Telephone No.

Balt. md. 21221
City State Zip Code

Representative to be Contacted:

Robert H. Dene
Name

8514 Sandy Plain Rd 443
Address Telephone No.

Balto MD 21222
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.

My Commission Expires January 30, 2010

Zoning Commissioner of Baltimore County

CASE NO. 08-399-A

REV 10/25/01

Reviewed By CM Date 2-27-08

Estimated Posting Date 3-9-08

4-3-08

PM

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

16 Helena Ave.
Address
Balt. Md. 21221
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):

The house is small, and in a few years my parents will need to live with us and there is no place to store our belongings + not enough space.

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.

Wanda Lee Wolinski
Signature

Wanda Lee Wolinski
Name - Type or Print

Stanley John Wolinski
Signature

STANLEY JOHN WOLINSKI
Name - Type or Print

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~ ^{CECIL}, to wit:

I HEREBY CERTIFY, this 15th day of January, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Wanda Lee Wolinski & Stanley John Wolinski
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Cheryl L. Webster
My Commission Expires January 30th, 2010
Cecil County, Maryland

Cheryl L. Webster
Signature

My Commission Expires Jan 30 2010

COCA Flood

TAX ACCOUNT # **514651270**



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 16 HELENA AVE
which is presently zoned ~~2122-1~~ DR16

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 TO ALLOW A

SIDE YARD SETBACK OF 8.5 FEET IN LIEU OF THE REQUIRED 25 FEET

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):

Wanda Lee Wolinski
Name - Type or Print _____
Wanda Lee Wolinski
Signature _____
STANLEY JOHN WOLINSKI
Name - Type or Print _____
Stanley John Wolinski
Signature _____
16 Helena Ave. 410-2744399
Address _____ Telephone No. _____
Baltimore Md. 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Robert H. Dene
Name _____
8514 Sandy Plains RD 445 564
Address _____ Telephone No. _____
Bethesda MD. 21222
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.

[Stamp: My Commission Expires January 2010]

Zoning Commissioner of Baltimore County

CASE NO. 08-399-A

Reviewed By CM Date 2-27-08

REV 10/25/01

Estimated Posting Date 3-9-08

4308

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 16 Helena Ave
City Balto. Md. State 21221 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):

The house is small, and in a few years my parents will need to live with us and there is no place to store our belongings + not enough space.

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.

Wanda Lee Wolinski
Signature

Wanda Lee Wolinski
Name - Type or Print

Stanley John Wolinski
Signature

STANLEY JOHN WOLINSKI
Name - Type or Print

STATE OF MARYLAND, COUNTY OF CECIL, to wit:

I HEREBY CERTIFY, this 15th day of January, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Wanda Lee Wolinski & Stanley John Wolinski
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Cheryl L. Webster
My Commission Expires
January 30th, 2010
Cecil County, Maryland

Cheryl L. Webster
Notary Public
My Commission Expires Jan 30 2010

ZONING
DESCRIPTION FOR
16 HELENA AVE

BEGINNING FOR THE SAME at a stone numbered 26, planted about 20 feet from the water line of Back River and being at the beginning of the westernmost outline of the whole tract, and running thence with a part of said outline as surveyed in 1909 north 22 degrees 29 minutes east 324.74 feet to the south side of an avenue known as Virginia Avenue, thence along the south side of an avenue north 68 degrees 49 1/2 minutes east 77.48 feet, thence leaving said avenue and running south 20 degrees 51 minutes west 332.5 feet to a point on the shore line of Back River, thence binding on the water line of said river which is closely paralleled by a line running south 77 degrees 39 minutes west 80 feet to the beginning known as No. 15 Helena Avenue, Essex, Baltimore County, containing about one half acre. The property above described embraces the land of Lot No. 1, Block K, Section E of the Essex Sub-division, as shown on an unrecorded plat prepared in 1909 by Reding and Howard, Civil Engineers and Surveyors.

BEING the same lot of ground described in a Deed dated May 5, 1971 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. 5266, folio 711, was granted and conveyed by Richard D. Rosenthal unto Thomas Noonan, for life, with full powers and remainder unto Barbara Ann Noonan, his wife and Teri Ann Noonan, n/k/a Teri Alger, his daughter, as Joint Tenants.

08-399-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **11109**

Date: **2-27-08**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
011		001		1150				65.00

Total: **65.00**

Rec
From:

S. W. L. 1016

For:

14 Hallow Ave 21221
CE-249-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME TIME

2/28/2008 2/27/2008 15:14:16

NO2 MAIL JENNA JEE

>>RECEIPT N 565332 2/27/2008 0811

Dept 5 528 ZONING VERIFICATION

011109

Receipt Tot 965.00

4.00 CK 4100.00 CA

435.00 CB

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 08-399-A

Petitioner/Developer: STANLEY

WANDA WOLINSKI

Date of Hearing/Closing: 3-24-08

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:

16 HELENA AVE

The sign(s) were posted on

3-9-08

(Month, Day, Year)

Sincerely,

Robert Black 3-10-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

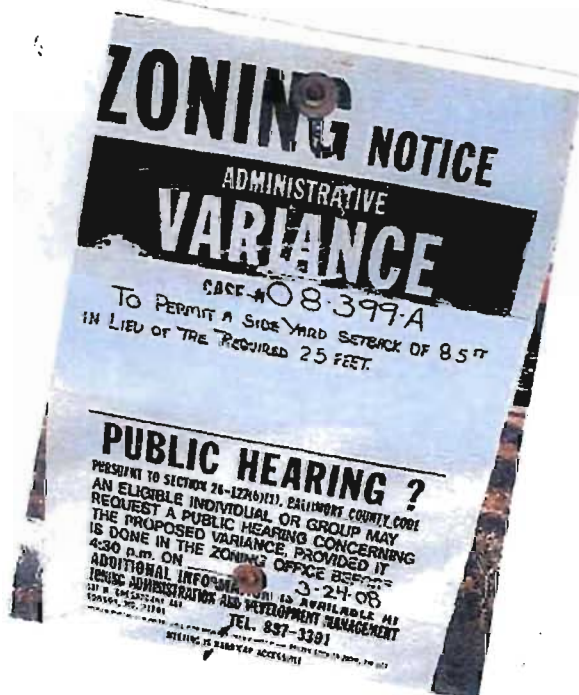
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 399 -A Address 16 HELENA AVE

Contact Person: CRAIG Mc GRAW Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2-27-08 Posting Date: 3-9-08 Closing Date: 3-24-08

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.

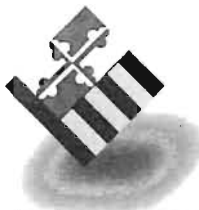
(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 399 -A Address 16 HELENA AVE
Petitioner's Name STANLEY & WANDA WOLINSKI Telephone 410-274-4399
Posting Date: 3-9-08 Closing Date: 3-24-08
Wording for Sign: To Permit A SIDE YARD SETBACK OF 8.5' FEET
IN LIEU OF THE REQUIRED 25 FEET

WCR - Revised 6/25/04



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

March 24, 2008

Wanda Lee Wolinski
Stanley John Wolinski
16 Helena Avenue
Baltimore, MD 21221

Dear Mr. and Mrs. Wolinski:

RE: Case Number: 08-399-A, 16 Helena Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 27, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Robert H. Deece 8514 Sandy Plains Road Baltimore 21222

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 26, 2008

RECEIVED
APR 01 2008

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

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-399- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

For further questions or additional information concerning the matters stated herein, please contact John Alexander in the Office of Planning at 410-887-3480.

Prepared By:

Curtis Murray

CM/LL

AV 3/25

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAR 25 2008
BY: _____

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
DATE: March 25, 2008
SUBJECT: Zoning Item # 08-399-A
Address 16 Helena Avenue
(Wolinski Property)

Zoning Advisory Committee Meeting of March 3, 2008

_____ 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 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100-foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met; this equates to 6 trees.

Reviewer: Regina Esslinger

Date: March 14, 2008

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 5, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 10, 2008
Item No. 08-399

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

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

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.

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

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

DAK:CEN:clw

cc: File

ZAC-ITEM NO 08-399-03052008.doc



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

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MARCH 4, 2008

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

RE: Baltimore County
Item No. B-399-A
16 HELENA AVENUE
WOJNSKI PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. B-399-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 10, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 3, 2008

Item Number: 377,384,385,386,387,388,389,390,391,392,393,395,396,397,398,399

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.

1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 6, 2008

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

SUBJECT:

INFORMATION:

Item Number: 08-408

Petitioner: 457 Main Street, LLC

Property Size: 34,881 square feet

Zoning: R.O. & D.R. 3.5

Requested Action: Special Hearing, Special Exception, and Variance

The petitioner requests a special hearing for a use permit for land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR and a modified parking plan, in accordance with Section 409.12 of the BCZR.

The petitioner is requesting a special exception for the conversion of a dwelling, with external expansion, to a Class "B" office building, pursuant to Sections 204.3.B and 204.6 of the BCZR.

The petitioner is also requesting a variance to Section 409.4 of the BCZR to permit a driveway 9 feet in width for a two-way movement in lieu of the minimum required 20 feet in width. From Section 204.4.C.6 of the BCZR to permit 0% of the interior of the parking lot to be pervious land area in association with plantings in lieu of the minimum required 7%. From section 204.4.C.9.c of the BCZR to permit a 0 foot landscape buffer in lieu of the required 10-foot buffer from property lines, which may abut any non-residentially, zoned property. From Section 204.4.C.9.c of the BCZR to permit a 0 foot landscape buffer in lieu of the required 20-foot buffer from property lines, which may abut any property that is predominantly residentially zoned, residentially used or which abut any residential street. And from Section 204.4.C.4 of the BCZR to permit a 9 foot side yard set back in lieu of the minimum 10 feet, or in the alternative, to permit a side yard setback of 9 feet in lieu of the required 20 feet.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does support the special exception for the conversion of a dwelling, with external expansion, to a Class "B" office building, pursuant to Sections 204.3.B and 204.6 of the

BCZR, provided that style, building materials, and design are compatible with the surrounding historic community, as well as the variance requests listed in the paragraph above.

The Office of Planning will also support the special hearing to allow for 2 parking spaces and a turn-around in the residentially zoned portion of the property.

Per section 32-4-402.c. (2) a compatibility finding is required by the Office of Planning. To date, this office has not received a compatibility report to evaluate and make such finding.

Prepared By:

J. Bialek

Division Chief:

Curtis Murray for Susan Sanchez

2-5-08

I Ann Zulawf live at 213
Virginia Ave.

Next store to 16 Helena Ave.
where Wanda + Stanley Wolinski
live.

I think the garage addition
would be very nice and would
be an improvement to this property
I give them my OK

Love Ann Zulawf
(410-686-8973)

00-399-A

Important: Read the instructions on pages 1-8.

SECTION A - PROPERTY INFORMATION			For Insurance Company Use:
A1. Building Owner's Name <u>STANLEY & WANDA WOLINSKI</u>			Policy Number
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. <u>16 HELENA AVE.</u>			Company NAIC Number
City <u>BALTIMORE</u>	State <u>MARYLAND</u>	ZIP Code <u>21221</u>	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) <u>LOT 1 BLOCK F REV. PLAT TAYLOR LAND CO. 9/74-75</u>			
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>RESIDENTIAL</u>			
A5. Latitude/Longitude: Lat. _____ Long. _____ Horizontal Datum: ☐ NAD 1927 ☐ NAD 1983			
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.			
A7. Building Diagram Number <u>2</u>			
A8. For a building with a crawl space or enclosure(s), provide:		A9. For a building with an attached garage, provide:	
a) Square footage of crawl space or enclosure(s) <u>1184</u> sq ft		a) Square footage of attached garage _____ sq ft	
b) No. of permanent flood openings in the crawl space or enclosure(s) walls within 1.0 foot above adjacent grade _____		b) No. of permanent flood openings in the attached garage walls within 1.0 foot above adjacent grade _____	
c) Total net area of flood openings in A8.b _____ sq in		c) Total net area of flood openings in A9.b _____ sq in	

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number <u>ESSEX</u>		B2. County Name <u>BALTO</u>		B3. State <u>MD</u>	
B4. Map/Panel Number <u>2400.0</u>	B5. Suffix <u>04400</u>	B6. FIRM Index Date	B7. FIRM Panel Effective/Revised Date <u>11-17-93</u>	B8. Flood Zone(s) <u>A-B-C</u>	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) <u>11.0</u>
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9. ☐ FIS Profile ☐ FIRM ☐ Community Determined ☐ Other (Describe) _____					
B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☐ NAVD 1988 ☐ Other (Describe) _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☐ No Designation Date _____ ☐ CBRS ☐ OPA					

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-g below according to the building diagram specified in Item A7.

Benchmark Utilized X 0546 Vertical Datum 15.55

Conversion/Comments _____

Check the measurement used.

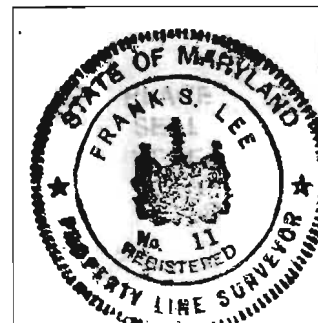
a) Top of bottom floor (including basement, crawl space, or enclosure floor)	<u>9.5</u> feet	☐ meters (Puerto Rico only)
b) Top of the next higher floor	<u>14.0</u> feet	☐ meters (Puerto Rico only)
c) Bottom of the lowest horizontal structural member (V Zones only)	_____ feet	☐ meters (Puerto Rico only)
d) Attached garage (top of slab)	_____ feet	☐ meters (Puerto Rico only)
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment in Comments)	_____ feet	☐ meters (Puerto Rico only)
f) Lowest adjacent (finished) grade (LAG)	<u>7.5</u> feet	☐ meters (Puerto Rico only)
g) Highest adjacent (finished) grade (HAG)	<u>9.2</u> feet	☐ meters (Puerto Rico only)

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

☐ Check here if comments are provided on back of form.

Certifier's Name <u>FRANK S. LEE</u>		License Number <u>FE 11</u>	
Title <u>SURVEYOR</u>	Company Name <u>NAME</u>		
Address <u>719 CHESAPE AVE</u>	City <u>BALTO</u>	State <u>MD</u>	ZIP Code <u>21201</u>
Signature <u>FRANK S. LEE</u>	Date <u>2-16-05</u>	Telephone <u>(410) 687-6021</u>	





Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

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

Account Identifier: District - 15 Account Number - 1514651270

Owner Information

Owner Name:	WOLINSKI STANLEY JOHN	Use:	RESIDENTIAL
	WOLINSKI WANDA LEE	Principal Residence:	YES
Mailing Address:	1508 BREHMS LN	Deed Reference:	1) /26608/ 696
	BALTIMORE MD 21221-1925		2)

Location & Structure Information

Premises Address	Legal Description
16 HELENA AVE	S/END
	16 HELENA AVE
	ESSEX
	WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
97	2	371			E	K	1	3	Plat Ref: 9/ 75

Special Tax Areas

Town

Ad Valorem

Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1984	1,196 SF	25,584.00 SF	34
Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	113,890	165,890		
Improvements:	59,710	130,080		
Total:	173,600	295,970	255,180	295,970
Preferential Land:	0	0	0	0

Transfer Information

Seller: NOONAN THOMAS	Date: 01/25/2008	Price: \$260,000
Type: IMPROVED ARMS-LENGTH	Deed1: /26608/ 696	Deed2:
Seller: NOONAN WILLIAM H	Date: 05/10/1972	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5266/ 711	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

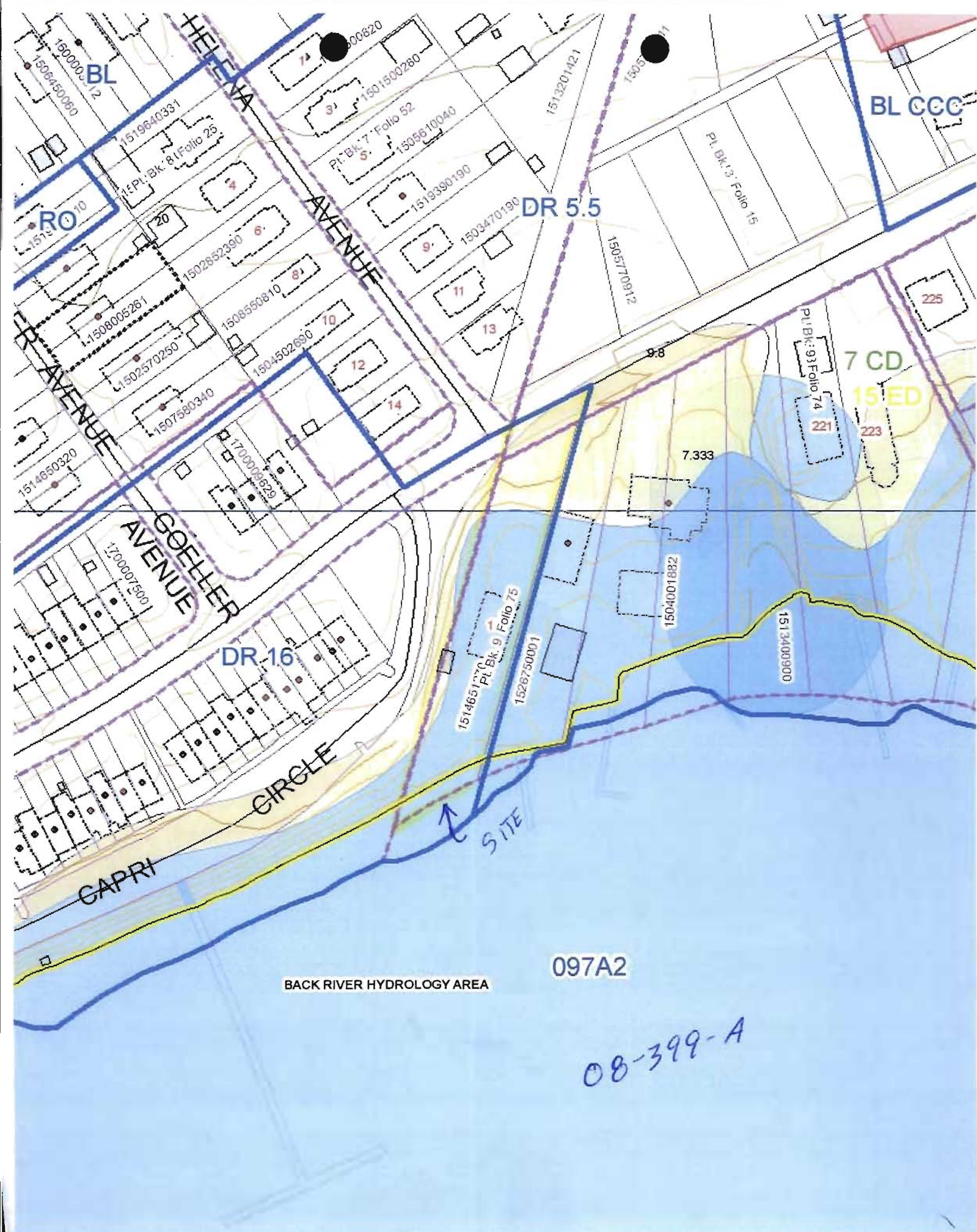
Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

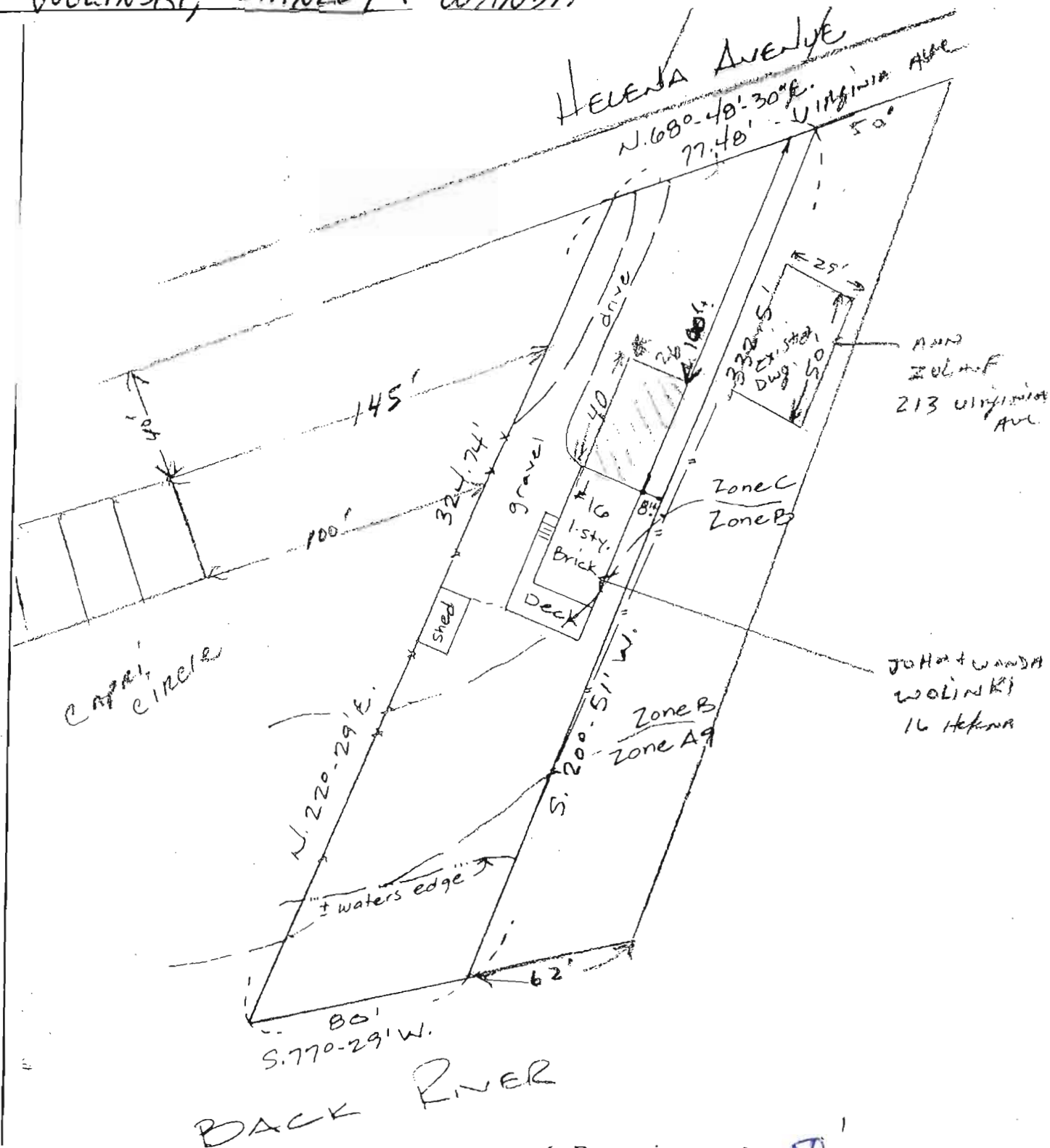
PROPERTY ADDRESS: 116 HELENA AVE

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: ESSEX

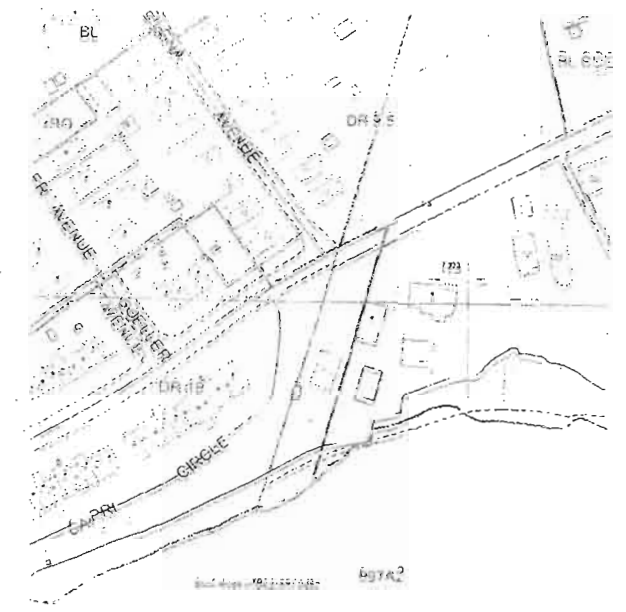
plat book # 9, folio # 75, lot # 1, section #

OWNER: WOLINSKI, STANLEY & WANDA



North
date:
prepared by:

Scale of Drawing: 1" = 50'



Vicinity map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 15

Councilmanic District: 7

1" = 200' scale map #: 097A2

Zoning: DR 16

Lot size: 0.5 acreage 25584 square feet

FLOOD PLAIN: YES ☒ public ☐

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☒ ☐

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: CM ITEM #: 399 CASE #: 08-399-A

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

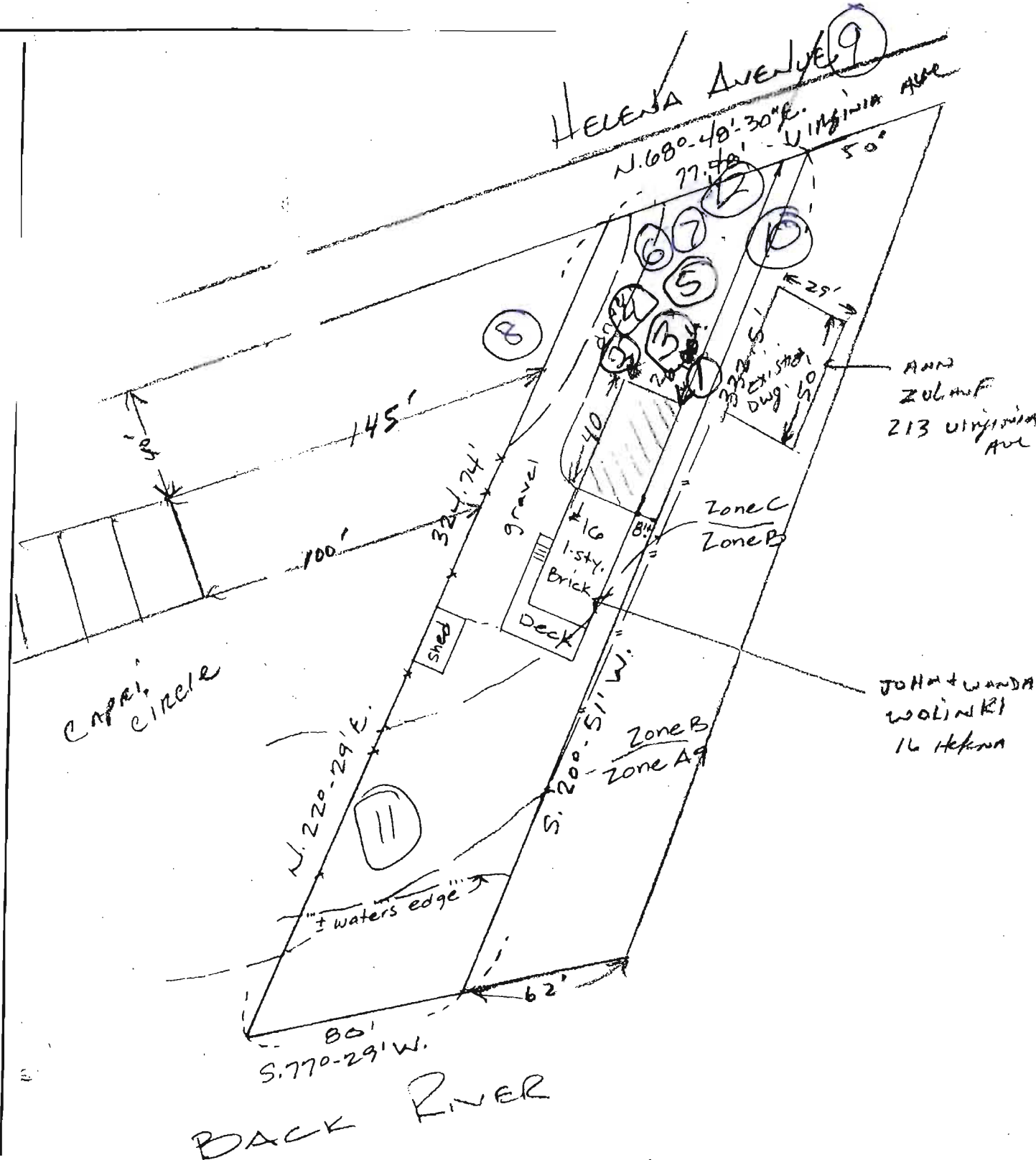
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____

Pictures



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map #: _____

Zoning: _____

Lot size: _____
acreage square feet

SEWER: ☐ public ☐ private

WATER: ☐ public ☐ private

Chesapeake Bay Critical Area: ☐ yes ☐ no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE #: _____

Pictures



North

date: _____

prepared by: _____

BACK RIVER

Scale of Drawing: 1"= _____



FEB 26 2008



FEB 25 2009



FEB 26 2008





FEB 25 2008



FEB 26 2000



FEB 26 2008



②



③



④



⑤



①