

IN RE: **PETITION FOR VARIANCE**

N/S Elk Road, 263' W c/line

Helena Road

(1816 Elk Road)

15th Election District

6th Council District

Ernest J. Glinka, et ux

Petitioners

*

*

*

*

*

BEFORE THE

ZONING COMMISSIONER

OF

ZONING COMMISSIONER

Case No. 2008-0565-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Ernest J. Glinka, and his wife, Jacqueline M. Glinka. As originally filed, the Petitioners sought relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 feet and a sum of side yards of 20 feet in lieu of the required 15 feet and 25 feet, respectively.¹ The subject property and requested relief are more fully described on the site plan submitted which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were the owners of the property, Ernie and Jackie Glinka, and their builder, Buck Jones, with Free State General Contractors, who is assisting the Petitioners through the permitting process. There were no Protestants, however, C. Dustin and Doreen Schwinn, nearby neighbors residing at 1805 Elk Road, appeared as interested persons.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the north side of Elk Road just west of Helena Road in eastern Baltimore County. The property is also known as Lot 104 in the subdivision of Middleborough,

¹ The subject property has 50 feet of frontage at the concrete bulkhead and pier on Hopkins Creek and a width of 50 feet on Elk Road. The pertinent development standards for small lots as evidenced in 1B02.3C.1 (Chart) requires side yard setbacks of 10 feet in the D.R.3.5 zone (not 15 feet) as indicated. The relief requested is for a variance from the minimum sum of side yard widths.

By
Date 8-27-08
B.C.Z.

an older subdivision which was recorded in the Land Records of Baltimore County some 97 years ago, well prior to the effective date of the zoning regulations. As is often the case with older subdivisions, many of the lots do not meet current area and/or width requirements. In this regard, the subject property is approximately 50 feet wide and 200 feet deep and contains a gross area of 10,000 square feet, zoned D.R.3.5. While those regulations require a minimum area of 10,000 square feet, a *minimum width of 70 feet* is required. Thus, the subject lot is undersized by today's development standards.

Variance relief is requested as set forth above to allow the redevelopment of the subject property with a two-story, single-family dwelling with a detached two-car garage. Testimony revealed that the subject property has been in Mr. Glinka's family since 1964. Apparently, his uncle, Edward Glinka, acquired the property with its improved one-story home built in 1924, that he used as his shore home until his death in 2002. The Petitioners took title to the property and now wish to develop it with a new single-family dwelling in which they will reside. The proposed dwelling will be consistent with other homes in the area as demonstrated by the building elevations submitted and reviewed as well as photographs of the area. The new home will be centered on the lot with the same side yard setbacks as the existing home so as to provide setback distances consistent with other homes on adjacent properties. The existing home is 53' long x 28' wide, the proposed two-story home including the sunroom will be 55' long and 28' wide and will be placed on the lot so that the front building line of the new home will be even with the adjacent homes on either side. The building elevations will be submitted to the Office of Planning for review and approval prior to the Petitioners being granted a building permit. The Office of Planning will determine the compatibility of size, exterior building materials, color and architectural detail. I will leave it to that office to determine that the proposed home is consistent

RECEIVED FOR FILING
Date 8-27-08
By [signature]

with the existing dwellings in the area. In view of the narrow configuration and size of the lot, compliance with the regulations is not practical or possible. Additionally, the property is located in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) which requires that the proposed development must comply with these regulations and, in particular, the impervious surfaces which are limited to 25% of the property. Thus, variance relief is requested in order to comply with the spirit and intent of these regulations.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. and *Cromwell v. Ward*, 102 Md. App. 691 (1995). The variance in this case is driven by the configuration and size of the lot. Moreover, this property is served by public water and public sewer, which has been made available in the area. Strict compliance with the regulations would cause a practical difficulty upon the Petitioners in that a reasonable use of the land would not be permitted. Finally, the neighbors are not opposed to the proposal. Thus, I find that relief can be granted without detrimental impact to the adjacent properties. In this regard, it is noted that many other houses in the community are built on similarly sized lots. However, in granting the relief, the Petitioners are reminded that they need to comply with the CBCA regulations enforced by the Department of Environmental Protection and Resource Management (DEPRM) and with Federal flood insurance requirements mandated in the CBCA.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of August 2008 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot with a width

RECEIVED FOR FILING
Date 8-27-08
By [signature]

of 50 feet and a sum of side yards of 20 feet in lieu of the required 70 and 25 feet, respectively, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED; subject to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. Compliance with the Zoning Advisory Committee (ZAC) comments submitted by DEPRM and the Development Plans Review Division of the Department of Permits and Development Management (DPDM) relative to the Chesapeake Bay Critical Area (CBCA) regulations and all other appropriate environmental, floodplain and BOCA regulations relative to the protection and water quality, streams, wetlands and floodplains. Copies of these comments, dated June 27, 2008 and June 23, 2008 respectively, have been attached hereto and are made a part hereof.
3. Prior to the issuance of any building permits, the Petitioners shall submit building elevation drawings to the Office of Planning for review and approval. The proposed dwelling shall be constructed substantially in accordance with the elevation drawings approved by the Office of Planning. Moreover, landscaping shall be provided in front of the property along Elk Road, if consistent with the existing streetscape.
4. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).


WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

By _____
Date 8-27-08
UNDER REVIEW FOR FILING

BW 8/20
10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination JWL
DATE: June 27, 2008
SUBJECT: Zoning Item # 08-565-A
Address 1816 Elk Road
(Glinka Property)

RECEIVED
JUN 27 2008

BY:

Zoning Advisory Committee Meeting of June 17, 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:

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 located within the Limited Development Area and Buffer Management Area (BMA) of the CBCA. Lot coverage is limited to 25% of the lot area above mean high water, but can be increased to a maximum of 31.25% if approved and with mitigation. A minimum 15% forest cover is required at all times. In addition, a new dwelling can extend no closer waterward than the adjacent dwelling farthest from mean high water. Development within the 100-foot tidal buffer measured off mean high water must comply with BMA location, coverage, and mitigation requirements.

Reviewer: Paul Dennis

Date: June 26, 2008

ORDER RECEIVED FOR FILING
Date 8-27-08
By [Signature]

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 23, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 23, 2008
Item No. 08-0565

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.

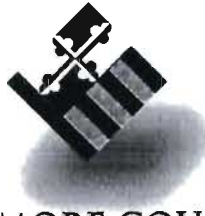
The building engineer shall require a permit for this project.

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:CBN:lrk
cc: File
ZAC-ITEM NO 08-0565-06192008

3y
Date 8-27-08
ORDER RECEIVED FOR FILING
B-2



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

August 27, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. Buck Jones
Free State General Contractors
500 Vogts Lane
Baltimore, Maryland 21221

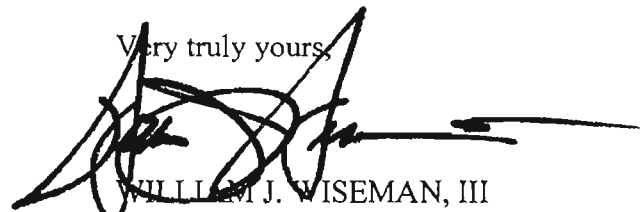
RE: **PETITION FOR VARIANCE**
N/S Elk Road, 263' W c/line Helena Road
(1816 Elk Road)
15th Election - 6th Council District
Ernest J. Glinka, et ux - Petitioners
Case No. 2008-0565-A

Dear Mr. Jones:

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

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

Very truly yours,



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Ernest J. and Jacqueline M. Glinka, 18 East Lake Avenue, Baltimore, MD 21212
C. Dustin and Doreen Schwinn, 1805 Elk Avenue, Baltimore, MD 21221
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; Office of Planning; DEPRM; Development Plans Review; File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1816 ELK ROAD

which is presently zoned DR 3.5

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)

see attached

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) This property has been a lot of record for over 97 years. The existing Structure has been built for over 84 years and due to the age of the structure would be impractical to renovate. Due to the width of the property strict compliance would be unreasonable to prevent the use of the property for a permitted purpose. The hardship is not the result of applicants own action. Relief requested would be in strict harmony with the spirit and intent of the zoning regulations. 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):

Ernest J. Glinka

Name - Type or Print _____

[Signature]

Signature _____

Jacqueline M. Glinka

Name - Type or Print _____

[Signature]

Signature _____

18 East Lake Ave 410-433-9244

Address _____ Telephone No. _____

Baltimore md 21212

City _____ State _____ Zip Code _____

Representative to be Contacted:

Buck Jones

Name _____

500 Vogts Lane 410-574-9337

Address _____ Telephone No. _____

Baltimore MD 21221

City _____ State _____ Zip Code _____

RECEIVED FOR FILING

Date 8-27-08

By [Signature]

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2008-0565-A

UNAVAILABLE FOR HEARING _____

Reviewed By BR Date 6/5/08

1B02.3.C.1 to permit a side yard setback of 10 ft. and a sum of side yards of 20 ft. in lieu of the required 15 ft. and 25 ft., respectively.

Zoning Description

ZONING DESCRIPTION FOR 1816 Elk Road

Election District 15

Councilmanic District 6

Beginning at a point on the North side of Elk Road which is 30 feet wide

at a distance of 263 feet west of the centerline of the nearest improved intersecting street

Helena Road which is 30 feet wide. *Being Lot # 104 in the

Subdivision of Middleborough Rd as recorded in Baltimore County Plat Book # 4,

Folio # 191, containing 10,000 square feet/ .22 acres. Also known as 1816 Elk Road
and located in the 15 Election District, 6 Councilmanic District.

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: # 2008-0665-A

1816 Elk Road

N/side of Elk Road, 263 feet west of centerline of Helena Road

15th Election District

6th Councilmanic District

Legal Owner(s): Ernest J. & Jacqueline M. Glinka

Variance: to permit a side yard setback of 10 feet and a sum of side yard of 20 feet in lieu of the required 15 feet and 25 feet, respectively.

Hearing: Wednesday, August 20, 2008 at 10:00 a.m. in Hearing Room 1, 2nd Floor, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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 8/603 Aug. 5 179909

CERTIFICATE OF PUBLICATION

8/7/2008

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 8/5/2008.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **15369**

Date: **6/5/08**

PAID RECEIPT

BUSINESS ACTUAL TIME
 05/2008 6/05/2008 09:43:19 2

REQ 4505 WALKIN DEOL IND
 RECEIPT # 447845 6/05/2008 OFLA
 5 528 ZENITH VERIFICATION
 CP # 015369

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount

Recpt Tot 465.00
 465.00 CK 4.00 CA
 Baltimore County, Maryland

Total: **465.00**

Rec

From: **Forestate General Contractor Inc**

For:

Zoning License

Item # 0565

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 08/07/08

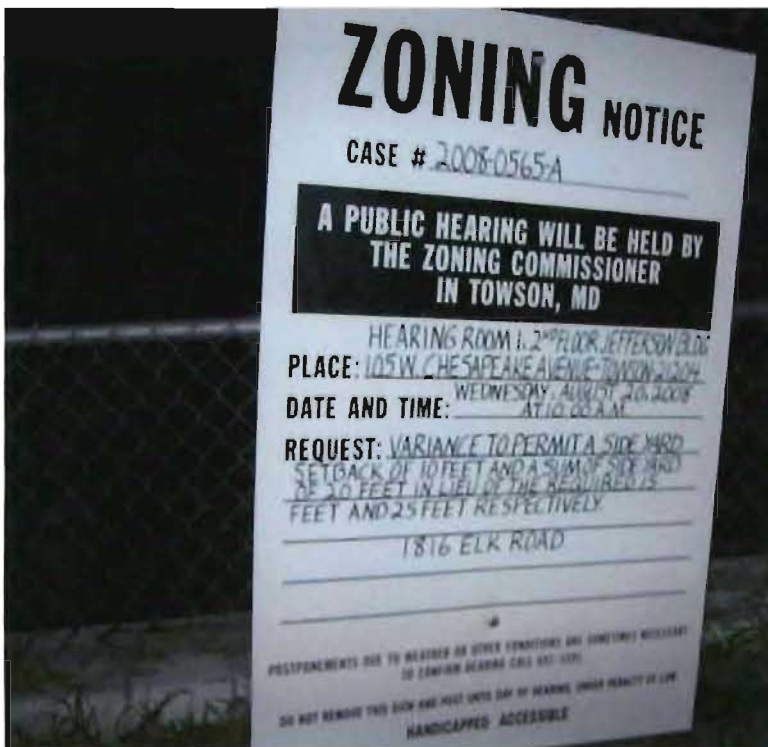
Case Number: 2008-0565-A

Petitioner / Developer: MR. & MRS. GLINKA~BUCK JONES

Date of Hearing (Closing): AUGUST 20, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
1816 ELK ROAD

The sign(s) were posted on: AUGUST 5, 2008



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

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/neighbors 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: 2008-0565-A

Petitioner: ERNEST & JACQUELIN GLINKA

Address or Location: 1816 ELK ROAD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: BUCK JONES

Address: 500 VOGTS LANE
BALT. MD. 21221

Telephone Number: 410-574-9337



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 2, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

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: 2008-0565-A

1816 Elk Road

N/side of Elk Road, 263 feet west of centerline of Helena Road

15th Election District – 6th Councilmanic District

Legal Owners: Ernest J. & Jacqueline M. Glinka

Variance to permit a side yard setback of 10 feet and a sum of side yard of 20 feet in lieu of the required 15 feet and 25 feet, respectively.

Hearing: Wednesday, August 20, 2008 at 10:00 a.m. in Hearing Room 1, 2nd Floor,
Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Glinka, 18 East Lake Avenue, Baltimore 21212
Buck Jones, 500 Vogts Lane, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 5, 2008.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 5, 2008 Issue - Jeffersonian

Please forward billing to:

Buck Jones
500 Vogts Lane
Baltimore, MD 21221

410-574-9337

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: 2008-0565-A

1816 Elk Road

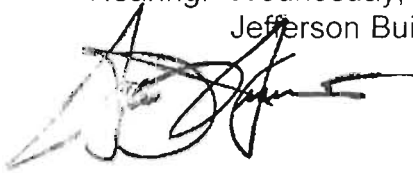
N/side of Elk Road, 263 feet west of centerline of Helena Road

15th Election District – 6th Councilmanic District

Legal Owners: Ernest J. & Jacqueline M. Glinka

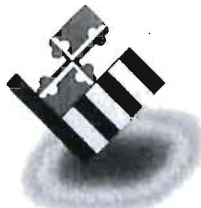
Variance to permit a side yard setback of 10 feet and a sum of side yard of 20 feet in lieu of the required 15 feet and 25 feet, respectively.

Hearing: Wednesday, August 20, 2008 at 10:00 a.m. in Hearing Room 1, 2nd Floor,
Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.

County Executive

Ernest J. & Jacqueline M. Glinka
18 East Lake Ave.
Baltimore, MD 21212

TIMOTHY M. KOTROCO, *Director*

~~August 12, 2008~~
*Director of Permits and
Development Management*

Dear: Ernest J. & Jacqueline M. Glinka

RE: Case Number 2008-0565-A, 1816 Elk Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 5, 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:lnw

Enclosures

c: People's Counsel
Buck Jones, 500 Vogts Ln., Baltimore, MD 21221

BSW 8/20
10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 18, 2008

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

RECEIVED
JUN 30 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-565- Variance**

The Office of Planning has reviewed the subject request. There appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if consistent with the existing streetscape.
3. Provide photos of the existing houses in the area.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By:

Curtis Murray

Division Chief:

Lynn Farlow

CM/LL



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: 6-20-2008

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

RE: Baltimore County
Item No 2008-0565-A
1816 ELK RD.
GLINKA PROPERTY
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. 2008-0565-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 Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BW 8/20
10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: June 27, 2008

SUBJECT: Zoning Item # 08-565-A
Address 1816 Elk Road
(Glinka Property)



BY:

Zoning Advisory Committee Meeting of June 17, 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:

 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 located within the Limited Development Area and Buffer Management Area (BMA) of the CBCA. Lot coverage is limited to 25% of the lot area above mean high water, but can be increased to a maximum of 31.25% if approved and with mitigation. A minimum 15% forest cover is required at all times. In addition, a new dwelling can extend no closer waterward than the adjacent dwelling farthest from mean high water. Development within the 100-foot tidal buffer measured off mean high water must comply with BMA location, coverage, and mitigation requirements.

Reviewer: Paul Dennis

Date: June 26, 2008

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 23, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 23, 2008
Item No. 08-0565

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:lrk

cc: File

ZAC-ITEM NO 08-0565-06192008

RE: PETITION FOR VARIANCE	*	BEFORE THE
1816 Elk Road; N/S Elk Road, 263' W	*	ZONING COMMISSIONER
c/line Helena Road	*	FOR
15 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Ernest & Jacqueline Glinka	*	08-565-A
Petitioner(s)		

* * * * *

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 and all documentation filed in the case.

RECEIVED
JUN 27 2008

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Buck Jones, 500 Vogts Lane, Baltimore, MD 21221, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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

Account Identifier: District - 15 **Account Number -** 1507410510

Owner Information

Owner Name:	GLINKA ERNEST GLINKA JACQUELINE M	Use:	RESIDENTIAL
Mailing Address:	1816 ELK RD BALTIMORE MD 21221-3004	Principal Residence:	YES
		Deed Reference:	1) /27242/ 278 2)

Location & Structure Information

Premises Address

1816 ELK RD

Legal Description

1816 ELK RD
MIDDLEBOROUGH

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
97	12	373					104	3	Plat Ref: 4/ 191

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1924	1,002 SF	10,000.00 SF	34
Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2007 07/01/2008	
Land	120,000	200,000		
Improvements:	46,220	76,870		
Total:	166,220	276,870	239,986	276,870
Preferential Land:	0	0	0	0

Transfer Information

Seller: GLINKA EDWARD	Date: 08/08/2008	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /27242/ 278	Deed2:
Seller: ROSENBERG MILTON D & KATHLEE	Date: 07/10/1964	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6478/ 769	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:

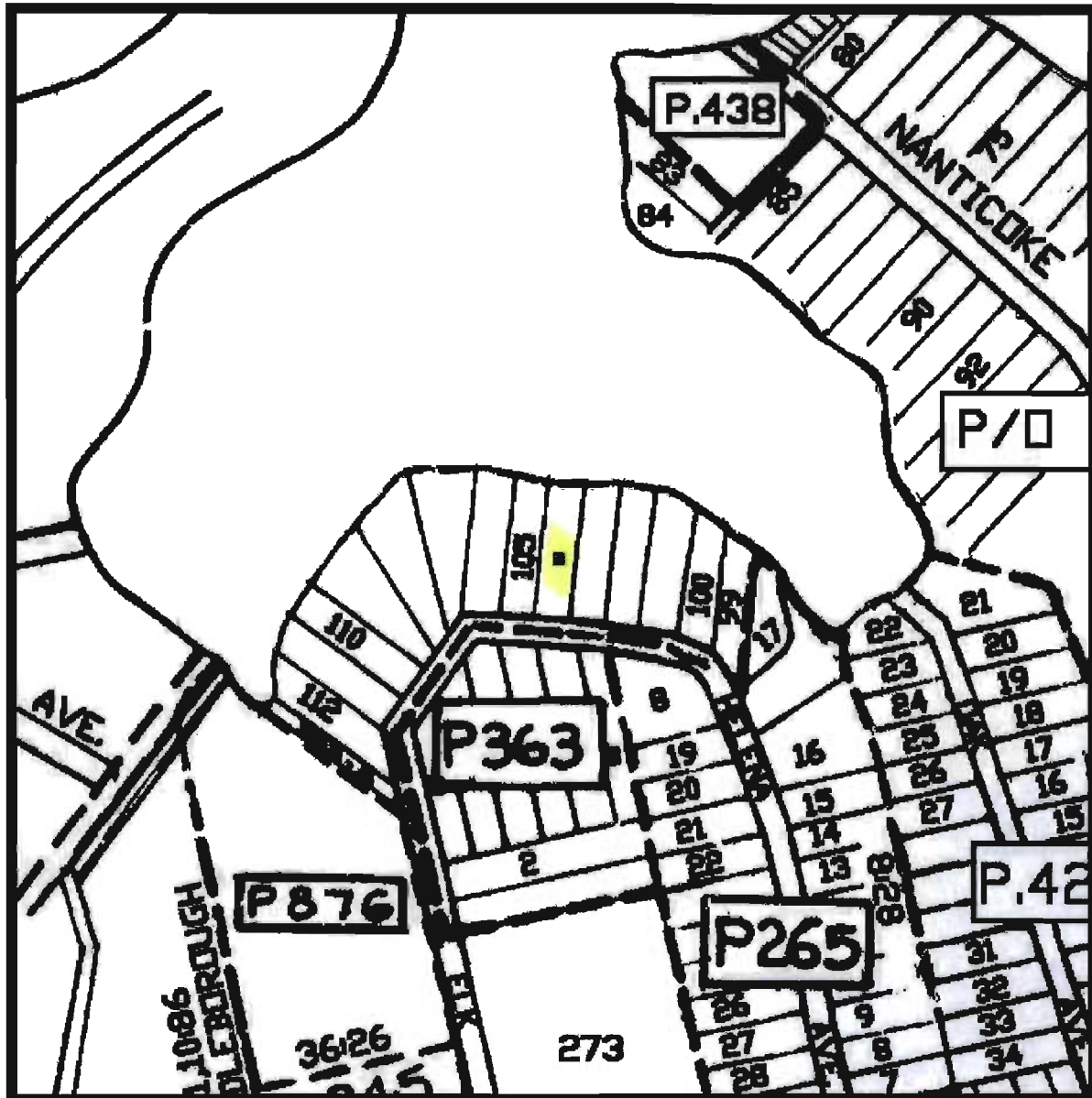
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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

District - 15 Account Number - 1507410510



Property maps provided courtesy of the Maryland Department of Planning ©2004.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/tax_mos.htm



BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19

THE REGULATIONS

ARTICLE 1B, DENSITY RESIDENTIAL (D.R.) ZONES [Bill No. 100-1970]

Section 1B02, Use, Parking, Bulk Density and Open Space Regulations, Standards and Controls

1B02.3 Special regulations for certain existing developments or subdivisions and for small lots or tracts in D.R. Zones.

A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:

1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;
2. Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;
3. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;
4. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is less than one-half acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the zone in which it is located; or
5. Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.

B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in Subsection A.2 shall be in accordance with the tentatively approved subdivision plan therefor. Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below.

C. Development standards for small lots or tracts.

1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:

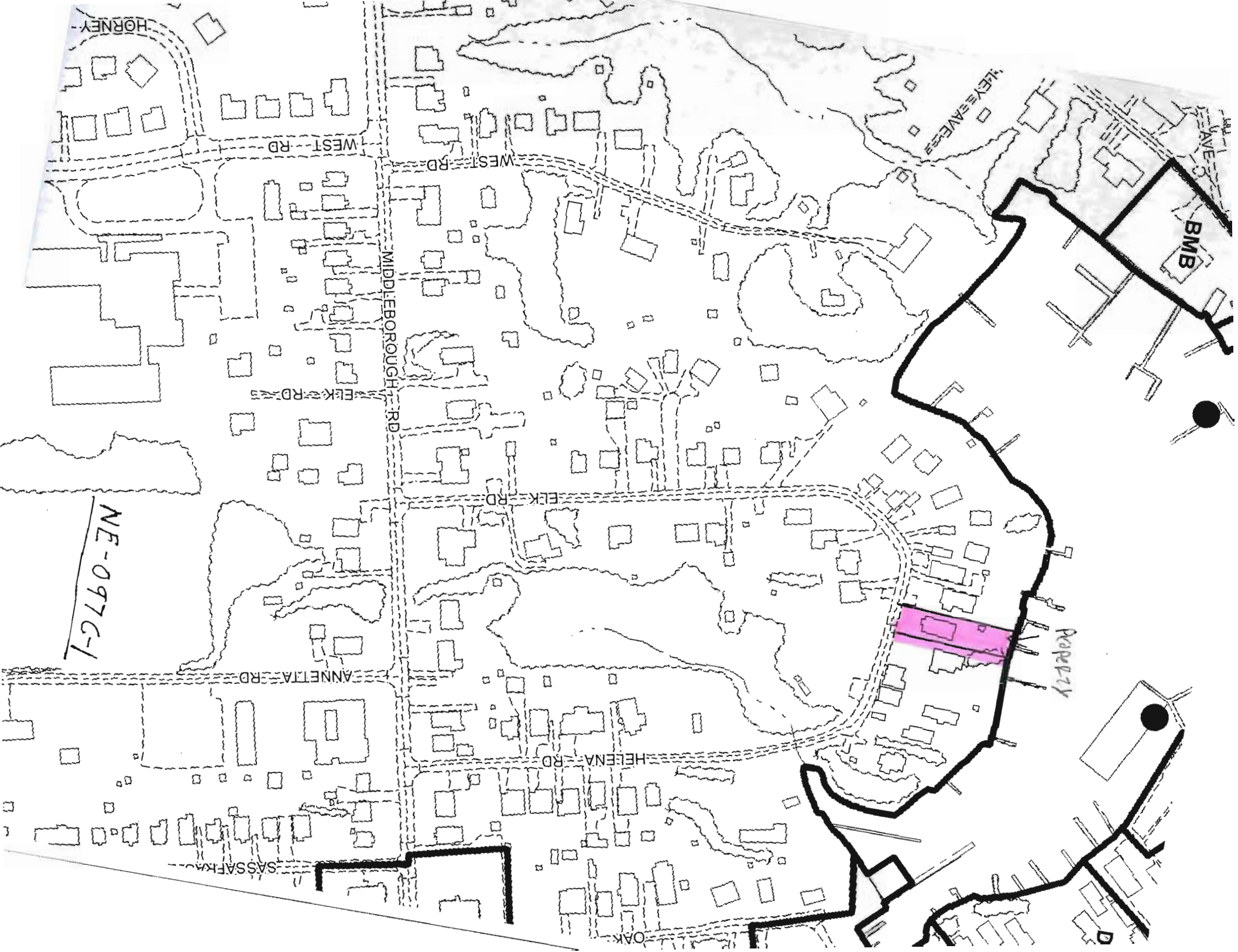
Zoning	Minimum Net		Minimum		Sum of Side		Minimum	
	Lot Area per		Minimum	Width of	Individual		Yard	Rear
Yard	Classifica	Dwlling	Lot	Depth	Side	Widths	Depth	
	-tion	Unit	(feet)	Yard	(feet)	(feet)		
	(sq. ft.)	Width	(feet)					

D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	--	30
D.R.10.5	3,000	20	10	10	--	50
D.R.16	2,500	20	10	25	--	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.

ARTICLE 2, ^{EN}ELEVATOR-APARTMENT RESIDENCE ZONES, RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS ZONES, MANUFACTURING ZONES AND DISTRICTS
[Bill Nos. 100-1970; 13-1980; 167-1980]



CASE NAME Delina
CASE NUMBER 2008-6545-H
DATE 8-20-08

[illegible]

Case No.:

2008-0565-A

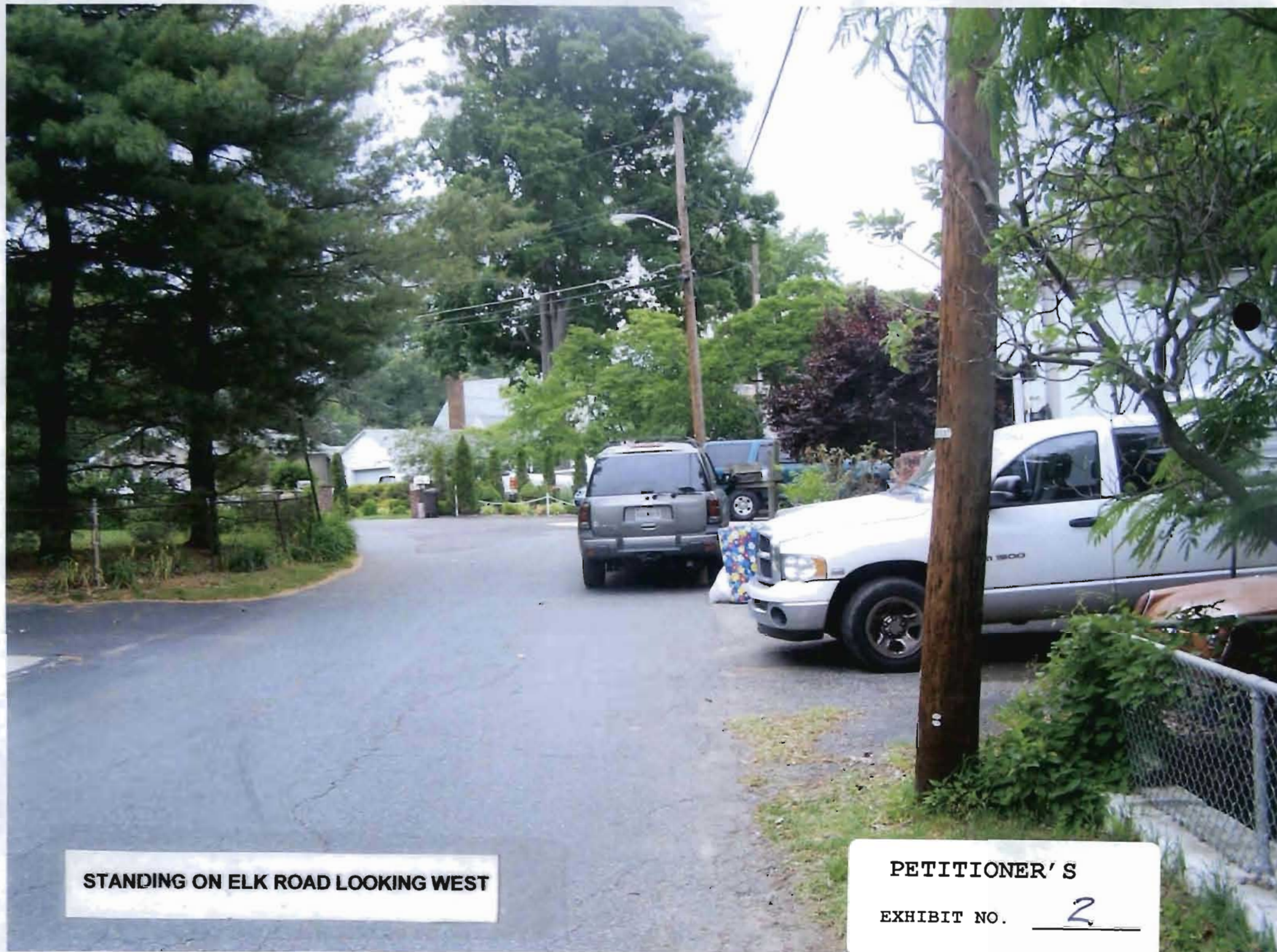
1816 Elk Road

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	PHOTOGRAPHS OF EXISTING CONDITIONS	
No. 3	Bldg Elevations	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



STANDING ON ELK ROAD LOOKING WEST

PETITIONER'S

EXHIBIT NO. 2



STANDING ON ELK RD LOOKING EAST



STANDING AT PROPOSED PROPERTY, EXISTING FRONT DOOR LOOKING NORTH



STANDING NEAR PROPOSED PROPERTY'S BULKHEAD LOOKING SOUTH WEST



**STANDING ON ELK RD LOOKING NORTH WEST, PROPOSED PROPERTY
IN FORE GROUND**

A photograph of a residential property. In the foreground, a concrete sidewalk runs diagonally across a green lawn. To the left is a white, single-story house with horizontal siding, a white roof, and a dark wooden deck. To the right is a yellow, single-story house with horizontal siding, a brown roof, and a large white-framed porch. A blue folding chair is leaning against the yellow house, and a picnic table is on the lawn nearby. The background is filled with tall green trees under a cloudy sky.

STANDING ON PROPOSED PROPERTY'S BULKHEAD LOOKING SOUTH EAST



**STANDING ON ELK RD LOOKING NORTH EAST, PROPOSED PROPERTY
IN FORE GROUND**



STANDING ON ELK RD LOOKING NORTH AT PROPOSED PROPERTY

BID SET ONLY



PETITIONER'S

EXHIBIT NO.

3

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

DATE 05-27-08

GLINKA PLAN
3D VIEWS

DRAWN BY
SKIP STORM &
JESSE NANTZ
PAGE # 1

REVISIONS

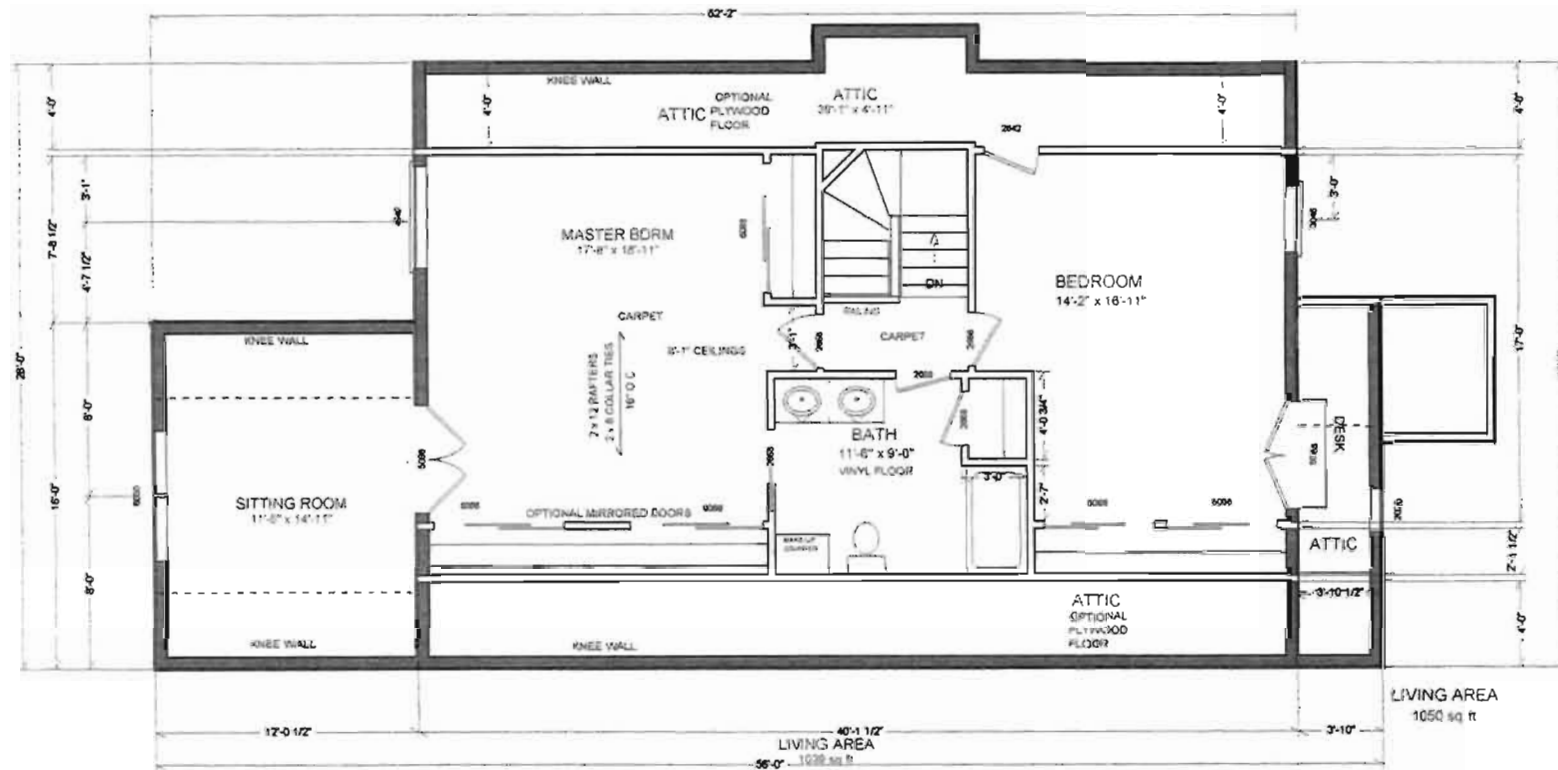
DATE	CHANGE ORDER #	COMMENTS
------	----------------	----------

--	--	--

[illegible]

DRAWN BY SKIP STORM & JESSE NANTZ
PAGE # 2

BID SET ONLY



FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1/4" = 1'
DATE 05-27-08

GLINKA PLAN
SECOND FLOOR PLAN

DRAWN BY
SKIP STORM &
JESSE NANTZ
PAGE # 3

BID SET ONLY



FRONT



REAR

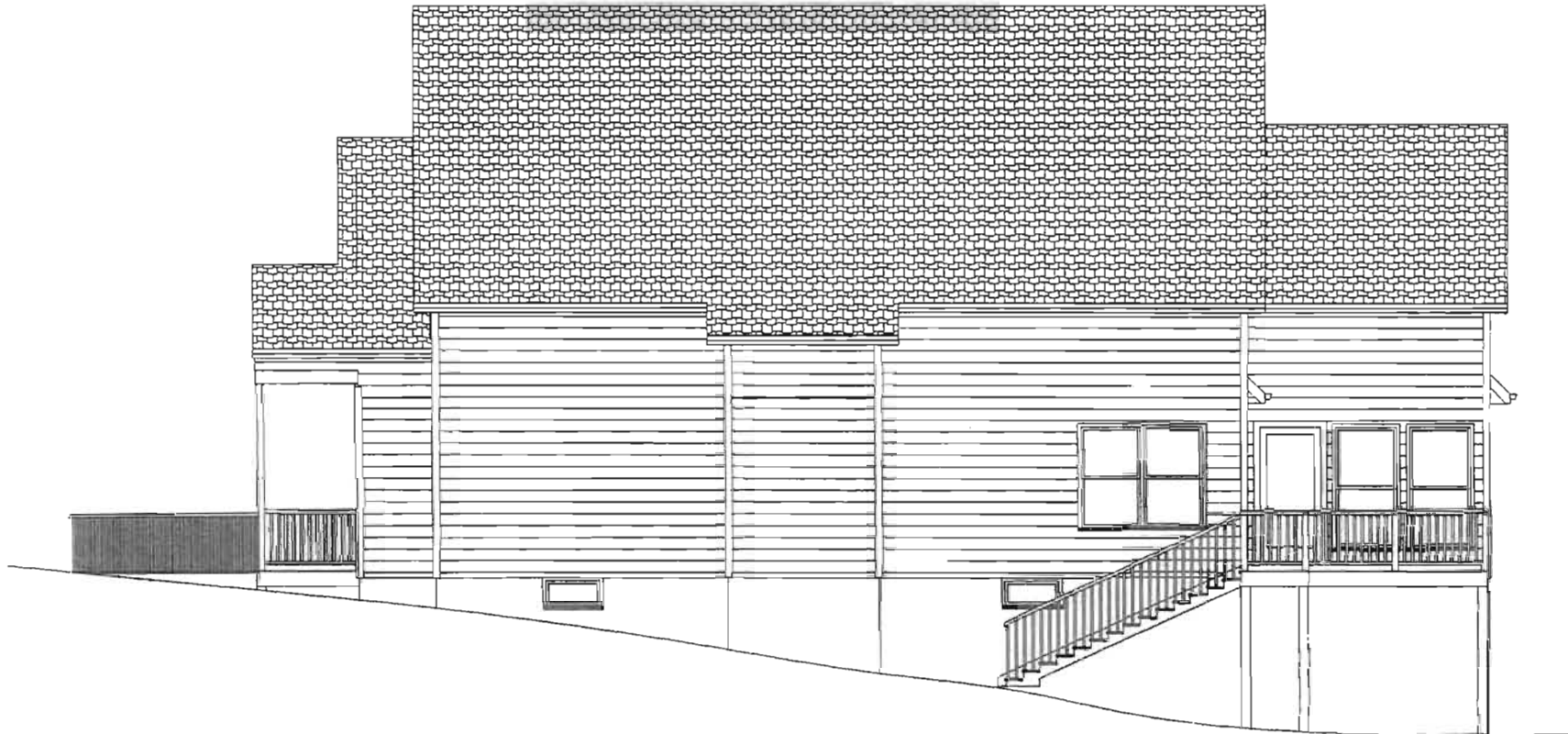
FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1/4" = 1'
DATE 05-27-08

GLINKA PLAN
ELEVATIONS

DRAWN BY
SKIP STORM &
JESSE NANTZ
PAGE # 4

BID SET ONLY



RIGHT SIDE

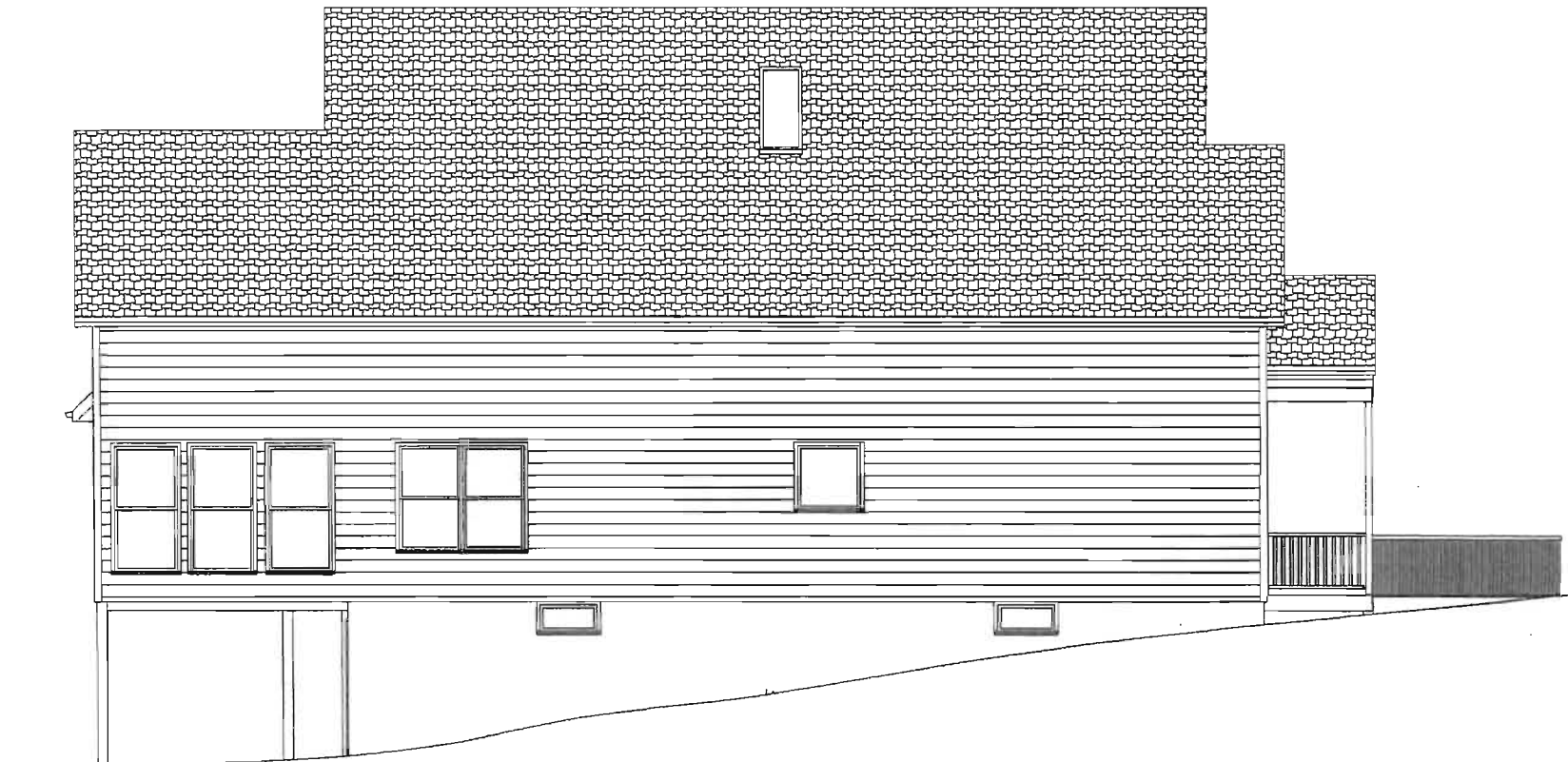
FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1/4" = 1'
DATE 05-27-08

GLINKA PLAN
ELEVATIONS

DRAWN BY
SKIP STORM &
JESSE NANTZ
PAGE # 5

BID SET ONLY



LEFT SIDE

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1/4" = 1'
DATE 05-27-08

GLINKA PLAN
ELEVATIONS

DRAWN BY
SKIP STORM &
JESSE NANTZ
PAGE # 6

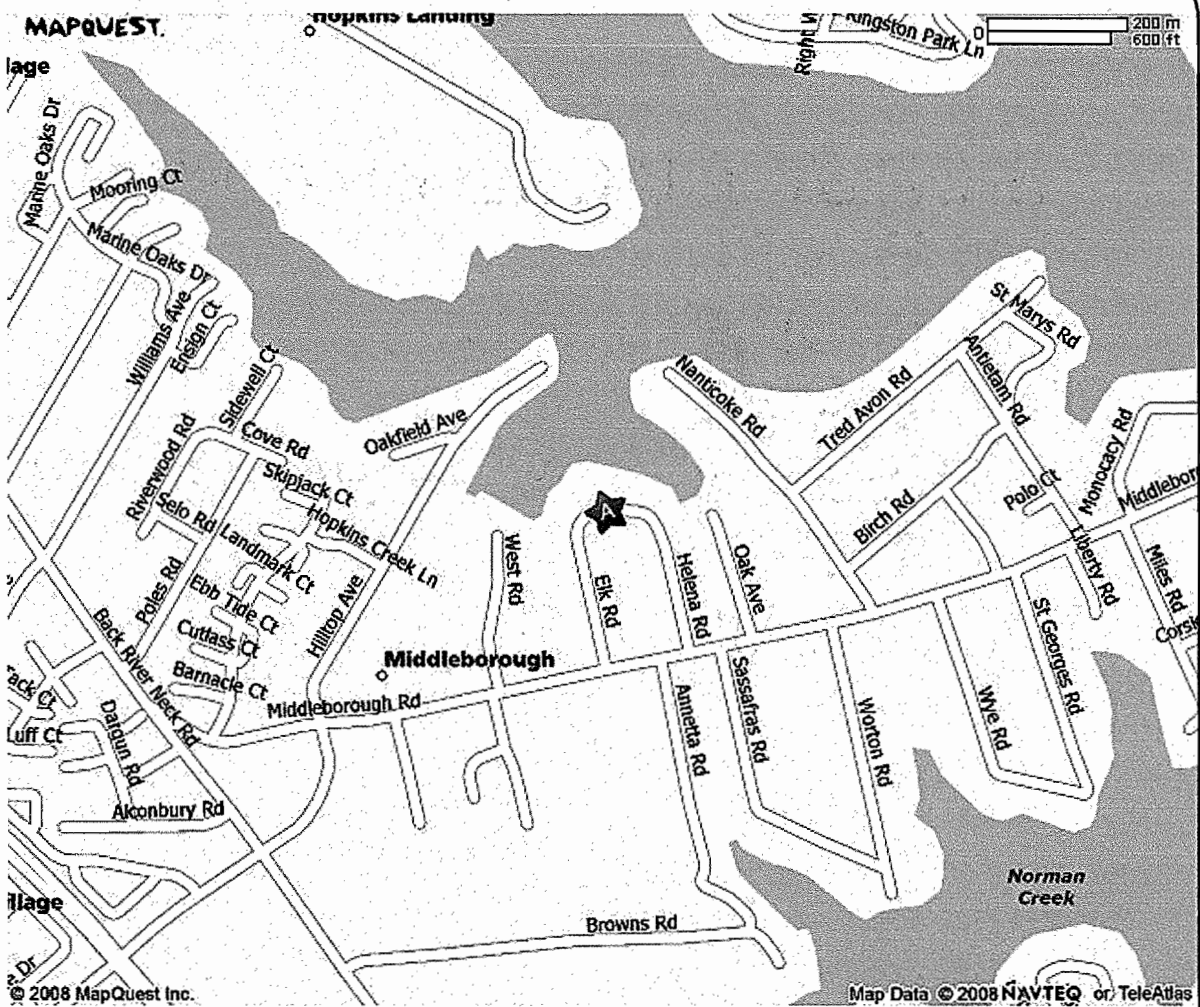
[illegible]

DRAWN BY SKIP STORM & JESSE NANTZ
PAGE # 7

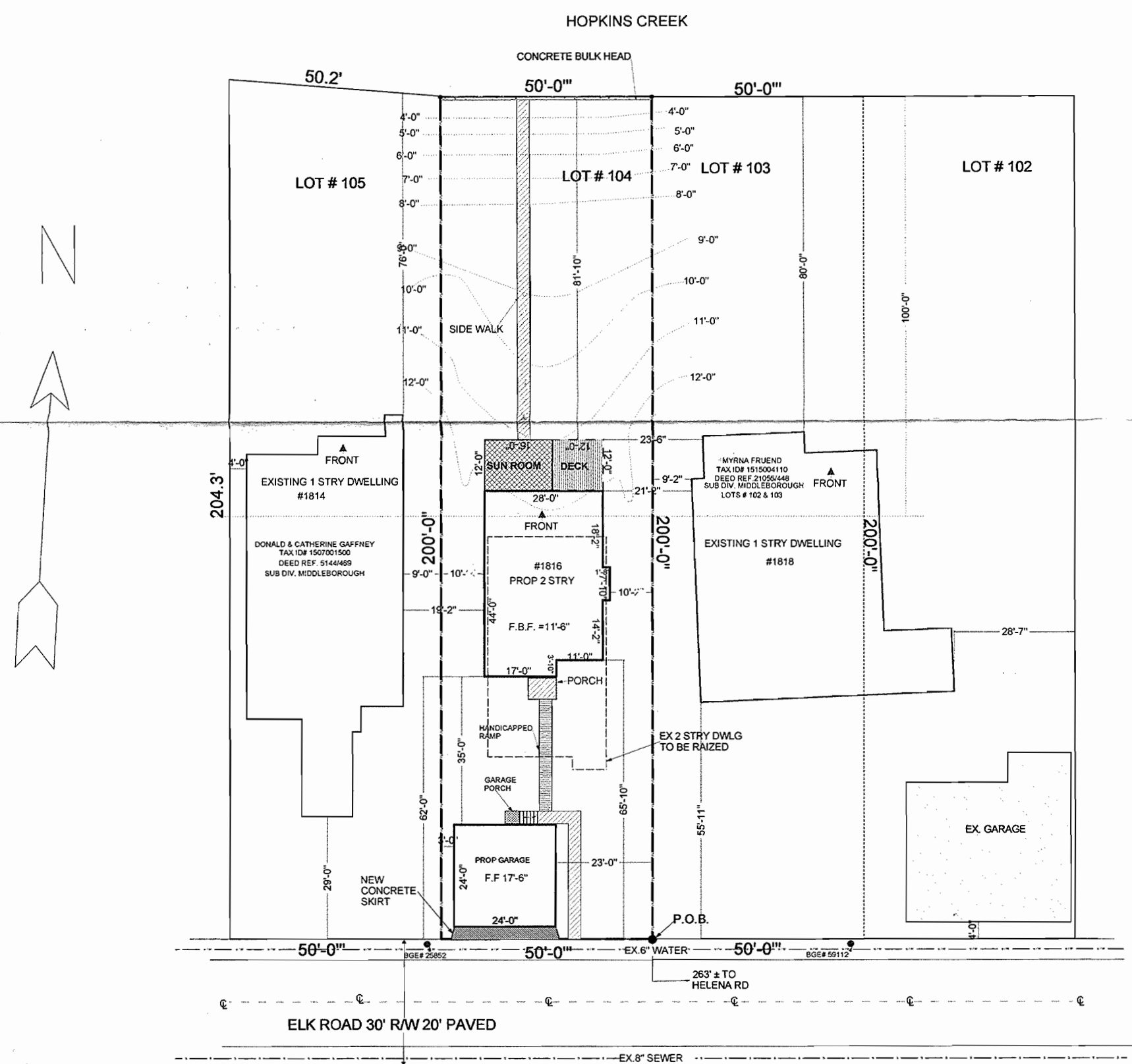
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

☐ SPECIAL HEARING

ERNEST & JAQUELIN GLINKA
1816 ELK RD.
BALTIMORE MD 21221
TAX ID #1507410510
NEAREST INT.313' SE HELENA RD
PLAT REFR:4/191
SUB DIV: MIDDLEBOROUGH



ADC MAP# 37-J10



LOCATION INFORMATION			
ELECTION DISTRICT	15		
COUNCILMANIC DISTRICT	6		
1"=200' SCALE MAP	#NE-097C1		
ZONING DR	3.5		
LOT SIZE	0.22	10,000	
	ACREAGE	SQUARE FEET	
	PUBLIC	PRIVATE	
SEWER	☒	☐	
WATER	☒	☐	
CHESAPEAKE BAY CRITICAL AREA		YES ☒	NO ☐
100 YEAR FLOOD PLAIN		☒	☐
HISTORIC PROPERTY/ BUILDING		☐	☒
PRIOR ZONING HEARING		☐	☒
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE#	
<i>BN</i>	0565	2008-0565-A	

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1"=30'
DATE 06-02-08

GINKA SITE PLAN
SITE PLAN

DRAWN BY
JESSE NANTZ
PAGE # 1

PETITIONER'S
EXHIBIT NO. 1

0565-A