

IN RE: <b>PETITIONS FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>AND VARIANCE</b>		
W/S Hinton Avenue, 12.5' N c/line of	*	ZONING COMMISSIONER
2 <sup>nd</sup> Street		
<b>(9128 Hinton Avenue)</b>	*	OF
15 <sup>th</sup> Election District	*	BALTIMORE COUNTY
7 <sup>th</sup> Council District		
	*	
Nicholas D'Adamo, Jr.		
Petitioner	*	<b>Case No. 2010-0079-SPHA</b>

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Nicholas D'Adamo, Jr. The Petition for special hearing seeks a determination that access to Lot 12 is not in conflict with Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is requested from Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback of 8 feet (south side) in lieu of the required street side setback of 25 feet and approve a lot width of 50 feet in lieu of the required 55 feet to permit the construction of a replacement dwelling on a lot that does not abut a 30-foot right-of-way. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Nicholas D'Adamo, Jr., property owner, and his builder and land planner, Tony DiJulio, with Accu-Enterprises, Inc. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped waterfront parcel located on Millers Island with frontage on Back River bordered by

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 Date 11-13-09  
 BY [Signature]

Hinton Avenue – east side and 2<sup>nd</sup> Street (a paper street) – south side. The property is known as Lot 12 of Swan Point and is improved by a wooden bulkhead and pier that extends west into Hawk Cove. The property contains 8,800 square feet (0.2048 acres), more or less, zoned D.R.5.5 and has public water and sewer available. The dimensions (50' x 104') of the corner lot are more particularly shown on the site plan and zoning map submitted as Petitioner's Exhibits 1 and 2. Mr. D'Adamo stated that his family has owned the property since 1968. There had been a house on the land that his father used as a summer home, however, this home was virtually destroyed by Hurricane Isabel in September 2003. At this juncture, the Petitioner desires to erect a two-story home on the property for his own use.

The subdivision of Swan Point was recorded in the Land Records of Baltimore County in 1928. The subject lot, along with the other lots in Swan Point, is 50 feet wide. The D.R. zoning was applied many years after the lot was created. The D.R.5.5 regulations require 55-foot lot widths. Consequently, the Petitioner cannot possibly meet the new zoning regulations. In addition, the Petitioner is requesting a variance from the side street (a paper street) setback requirement of the Zoning Commissioner's Policy Manual (ZCPM) Section 1B02.3.C.2(c)(iii) which requires a setback from a side street of 25 feet pursuant to the D.R.5.5 regulations. The Petitioner's new home will have only 8 feet to the property line. Both Messrs. D'Adamo and DiJulio point out that 2<sup>nd</sup> Street, which dead ends in the water, is clearly not used by the public. Consequently, there will not be any adverse impact on the community. Mr. D'Adamo testified that there is no land available to purchase on either side of his property, which would alleviate the need for a variance. He argues that the subject property was constrained by the existing zoning, the waterfront nature of its location by 2<sup>nd</sup> Street, and the 1928 subdivision. He further argued that if the home met the 25-foot side yard to street setback and the 10-foot side yard setback, there would only be 15 feet in which to erect the house. This is an impractical home in

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Date 11-13-09  
BY [signature]

this area and would be wholly incompatible with the community. Mr. DiJulio correctly indicated that the lot would qualify as an undersized lot under Section 304 of the B.C.Z.R.

Finally, relief is requested as set forth above to determine that the proposed access from Hinton Avenue is not in conflict with Section 102.4 of the B.C.Z.R. and Section 32-4-409(c) of the Baltimore County Code (B.C.C.). Section 102.4 provides that, "No dwelling shall be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel, except as provided for panhandle lots". (See, Section 32-4-409 of the B.C.C.).

I find that the residential use in this subdivision has been realized for decades. The Petitioner is not creating a lot but replacing a previously destroyed single-family dwelling. Moreover, Eric Rockel, previously with the Bureau of Land Acquisition, and W. Carl Richards, Jr., Supervisor of the Zoning Review Division of the Department of Permits and Development Management, have appeared and testified with regard to the requirements of Section 102.4 and its application to lots of record in Swan Point. They opine that since the right-of-way had been previously established in 1925, access approval could and should be permitted, both in accordance with Section 32-4-409 (c) of the B.C.C. and Section 102.4 of the B.C.Z.R. Mr. Rockel pointed out that this situation is common in the neighborhood and exists at the road end of 1<sup>st</sup> Street through 12<sup>th</sup> Street in this subdivision.<sup>1</sup> Mr. Richards indicated that his office is not concerned about the 30-foot right-of-way width set out in Section 102.4 of the B.C.Z.R. as the width of Hinton Avenue has been shown on the plat as 15 feet since the 1920's.

After due consideration of all the testimony and evidence presented, I am persuaded to grant the requested relief. Without variance relief, Lot 12 could not be redeveloped. Obviously,

<sup>1</sup> See prior Orders of this Commission, Case Nos. 02-238-A; 04-360-A; 06-297-A; 06-327-SPH, and 08-200-A.

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By [Signature]

strict compliance with the regulations would create a hardship as the zoning regulations result in a denial of a reasonable and sufficient use of the property. *See, Belvoire Farms v. North* 355 Md. 259 (1999). Moreover, based on the testimony and evidence presented, the Petitioner is entitled to his variances as he has met the requirements of Section 304 of the B.C.Z.R. *See, Mueller v. People's Counsel for Baltimore County* 177 Md. App. 43 (2007). In my view, the relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale and, therefore, would meet the spirit and intent of Section 307 for relief to be granted. The proposed dwelling will be situated on the lot consistent with other homes in this community. Building elevations will be submitted to the Office of Planning for approval prior to the issuance of a building permit. Moreover, the proposed development is consistent with others in the neighborhood where access to the homes is provided in a similar fashion and will not adversely impact adjacent properties or the surrounding locale. Thus, I am persuaded that the relief requested is appropriate in this instance and should, therefore, be granted.

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

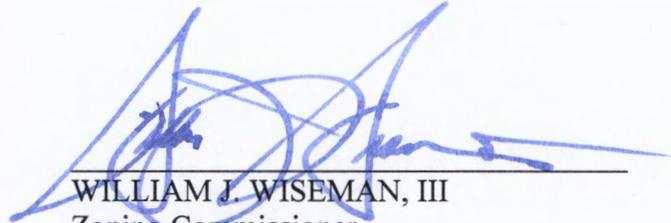
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13<sup>th</sup> day of November 2009 that the proposed access to Lot 12, as shown on Petitioner's Exhibit 1, is not in conflict with Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and, as such, the relief requested in the Petition for Special Hearing, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback of 8 feet in lieu of the required street side setback of 25 feet and a lot width of 50 feet in lieu of the required 55 feet for a single-family dwelling, be and is hereby GRANTED, subject to the following restrictions:

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Date: 11-13-09  
BY: [Signature]

1. The Petitioner is made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from the date of this Order has expired. If for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with Chesapeake Bay Critical Area (CBCA) regulations and Federal Flood Insurance Regulations, pursuant to the Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated September 29, 2009, and the Bureau of Development Plans Review (DPR), dated September 21, 2009, and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments are attached hereto and made a part hereof.
3. The Petitioner shall submit to the Office of Planning for review and approval, prior to the issuance of any building permit, architectural elevation drawings to determine that they are compatible with the size, scale and design of the dwellings in the neighborhood.

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



WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw

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Date 11-13-09  
BY 192



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

November 13, 2009

Nicholas D'Adamo, Jr.  
5719 Benton Heights Avenue  
Baltimore, Maryland 21206

**RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE**  
W/S Hinton Avenue, 12.5' N c/line of 2<sup>nd</sup> Street  
(9128 Hinton Avenue)  
15<sup>th</sup> Election District - 7<sup>th</sup> Council District  
Nicholas D'Adamo, Jr. - Petitioner  
**Case No. 2010-0079-SPHA**

Dear Mr. D'Adamo:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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  
Zoning Commissioner  
for Baltimore County

WJW:dlw  
Enclosure

c: Tony DiJulio, Accu-Enterprises, Inc., 11912 Bluestone Road, Kingsville, MD 21087  
People's Counsel; Office of Planning; DEPRM; DPR; File  
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,  
Annapolis, MD 21401



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9128 Hinton Ave.  
which is presently zoned DRS-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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

*A SINGLE FAMILY DWELLING ON A LOT ACCESSING A PUBLIC ROAD WITH A RIGHT-OF-WAY WIDTH OF 15 FT IN LIEU OF THE REQUIRED 30 FT (102.4, BC2R)*

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

*NICHOLAS D ADAMO JR*  
Name - Type or Print \_\_\_\_\_  
*[Signature]*  
Signature \_\_\_\_\_  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_

*5719 BENTON HEIGHTS AVE 410-232*  
Address \_\_\_\_\_ Telephone No. *2795*  
*BALTIMORE Md 21206*  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Representative to be Contacted:

*TONY DiJulio ACCU-ENTERPRISES INC*  
Name \_\_\_\_\_  
*P.O. Box 34 410-817-4000*  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
*UPPER FALLS MD 21156*  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Case No. 2010-0079-SPHA

Reviewed By [Signature] Date 9-4-09

REV 9/15/98

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Date 11-13-09  
BY [Signature]



# Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 9128 HINTON AVENUE, MILLERS ISLAND, MARYLAND 21219

which is presently zoned DR 5.5

Deed Reference: 20185 / 157 Tax Account # 1504002640

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) 1 B02.3C.1, BC 2 R

To PERMIT A SIDE-YARD SETBACK OF 8 FT IN LIEU OF  
The REQUIRED STREET SIDE SETBACK OF 25 FT (20 PM) & LOT  
WIDTH OF 50 FT IN LIEU OF THE REQUIRED 55 FT FOR A  
SINGLE FAMILY DWELLING

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

PRACTICAL DIFFICULTY. (1). STRICT COMPLIANCE WITH EXISTING REQUIREMENT WOULD UNREASONABLY PREVENT FULL USE OF THE PROPERTY FOR RESIDENTIAL BUILDING PURPOSES. (2). THE GRANT WOULD ALLOW FOR RESIDENTIAL IMPROVEMENTS TO BE VERY SIMILAR TO EXISTING, SURROUNDING STRUCTURES.

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):

NICHOLAS D'ADAMO JR.

Name - Type or Print

Signature

Name - Type or Print

Signature

5719 BENTON HEIGHTS AVENUE 410-232-2795

Address Telephone No.

BALTIMORE MARYLAND 21206

City State Zip Code

### Representative to be Contacted:

TONY DIJULIO/ACCU-ENTERPRISES, INC.

Name

P.O. BOX 34 410-817-4000

Address Telephone No.

UPPER FALLS, MD 21156

City State Zip Code

### Office Use Only

Case No. 2010-0079-SPHA

Estimated Length of Hearing \_\_\_\_\_  
Unavailable For Hearing \_\_\_\_\_

REV 8/20/07

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Date 11-13-09

Reviewed by JCM Date 9.4.09

By 3v low

## ZONING DESCRIPTION

Zoning description for 9128 Hinton Avenue, Millers Island, Maryland, 21219.

Beginning at a point on the ~~south~~<sup>WEST</sup> side of Hinton Avenue which is 15ft. (number of feet of right-of-way width) wide at the distance of 12.5ft. (number of feet) (~~north~~ south, east or west) of the centerline of the nearest improved intersecting street; Second Street, which is 25ft. (number of feet of right-of-way width) wide. \*Being Lot # 12, Block 1, in the subdivision of Swan Point, Map # 112, grid 15, parcel 4, deed 20185/157, plat 8-6, tax ID# 1504002640, containing 7419 sq. ft. Also known as 9128 Hinton Avenue, 21219 and located in the 15<sup>th</sup> Election District.

**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.**

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**For Newspaper Advertising:**

Item Number or Case Number: \_\_\_\_\_

0079

Petitioner: \_\_\_\_\_

Nicholas DiAdamo Jr.

Address or Location: \_\_\_\_\_

9128 Hinton Avenue Millers Island MD 21219

PLEASE FORWARD ADVERTISING BILL TO:

Name: \_\_\_\_\_

Nicholas DiAdamo Jr.

Address: \_\_\_\_\_

5719 Barton Heights Avenue

Baltimore, MD 21206

Telephone Number: \_\_\_\_\_

410-232-2795

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. 41773

Date: 9-4-09

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Sub Obj	Dept	Obj	BS Acct	Amount
001	206	0000		6130					130.-

Total: 130.-

Rec From: N. D'ADAMO, JR.

For: -----

DISTRIBUTION

WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER    GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

**NOTICE OF ZONING HEARING**

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

**Case: # 2010-0079-SPHA**

9128 Hinton Avenue  
W/side of Hinton Avenue, 12.5 feet +/- north of the centerline of 2nd Street  
15th Election District — 7th Councilmanic District  
Legal Owner(s): Nicholas D'Adamo, Jr.

**Special Hearing:** to approve a single family dwelling on a lot accessing a public road with a right-of-way width of 15 feet in lieu of the required 30 feet. **Variance:** to permit a sideyard setback of 8 feet in lieu of the required street side setback of 25 feet (20PM) and lot width of 50 feet in lieu of the required 55 feet for a single family dwelling.  
**Hearing: Tuesday, November 10, 2009 at 2:00 p.m. in Room 104, 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.  
10/869 October 27 219021

# CERTIFICATE OF PUBLICATION

\_\_\_\_\_  
10/29/2009

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 10/27/2009.

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

J. Wilkinson

LEGAL ADVERTISING



# ZONING NOTICE

CASE # 2010-0079-SPHA

**A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD**

PLACE: ROOM 104, JEFFERSON BUILDING  
105 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: TUESDAY, NOVEMBER 10, 2010 AT 2:00 P.M.

REQUEST: SPECIAL HEARING TO APPROVE A SINGLE FAMILY DWELLING  
ON A LOT ACCESSING A PUBLIC ROAD WITH A RIGHT-OF-WAY WIDTH OF 15 FT.  
IN LIEU OF THE REQUIRED 30 FT. VARIANCE TO PERMIT A SIDE YARD  
SETBACK OF 8 FEET IN LIEU OF THE REQUIRED STREET SIDE SETBACK OF 25  
FT (20 PM) AND A LOT WIDTH OF 30 FT. IN LIEU OF THE REQUIRED 55  
FEET FOR A SINGLE FAMILY DWELLING.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW  
HANDICAPPED ACCESSIBLE



**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*

October 7, 2009

**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: 2010-0079-SPHA**

9128 Hinton Avenue

W/side of Hinton Avenue, 12.5 feet +/- north of the centerline of 2<sup>nd</sup> Street

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Nicholas D'Adamo Jr.

Special Hearing to approve a single family dwelling on a lot accessing a public road with a right-of-way width of 15 feet in lieu of the required 30 feet. Variance to permit a sideyard setback of 8 feet in lieu of the required street side setback of 25 feet (20PM) and lot width of 50 feet in lieu of the required 55 feet for a single family dwelling.

Hearing: Tuesday, November 10, 2009 at 2:00 p.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco  
Director

TK:klm

C: Nicholas D'Adamo, Jr., 5719 Benton Heights Avenue, Baltimore 21206  
Tony Dijulio, Accu-Enterprises, Inc., P.O. Box 34, Upper Falls 21156

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 26, 2009.**
- (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, October 27, 2009 Issue - Jeffersonian

Please forward billing to:  
Nicholas D'Adamo, Jr.  
5719 Benton Heights Avenue  
Baltimore, MD 21206

410-232-2795

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## 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: 2010-0079-SPHA**

9128 Hinton Avenue

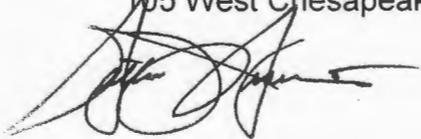
W/side of Hinton Avenue, 12.5 feet +/- north of the centerline of 2<sup>nd</sup> Street

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Nicholas D'Adamo Jr.

Special Hearing to approve a single family dwelling on a lot accessing a public road with a right-of-way width of 15 feet in lieu of the required 30 feet. Variance to permit a sideyard setback of 8 feet in lieu of the required street side setback of 25 feet (20PM) and lot width of 50 feet in lieu of the required 55 feet for a single family dwelling.

Hearing: Tuesday, November 10, 2009 at 2:00 p.m. in Room 104, 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 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*

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

November 3, 2009

Nicholas D'Adamo Jr.  
5719 Benton Heights Ave.  
Baltimore, MD 21206

Dear: Nicholas D'Adamo Jr.

RE: Case Number 2010-0079-SPHA, 9128 Hinton Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on , 2009. 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  
Tony Dijulio: Accu- Enterprises, Inc.; P.O. Box 34; Upper Fall, MD 21156

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 29 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco  
FROM: Dave Lykens, DEPRM - Development Coordination  
DATE: September 29, 2009  
SUBJECT: Zoning Item # 10-079-SPHA  
Address 9128 Hinton Avenue  
(D'Adamo Property)

Zoning Advisory Committee Meeting of September 14, 2009

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:

This lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). Lot coverage is limited to 25% of the lot size. Lot coverage can be increased 500 square feet over the 25% limit with mitigation. A 15% forest cover requirement also applies. All other LDA and BMA regulations must be satisfied prior to building permit approval.

Reviewer: Adriene Metzbower

Date: 9/22/2009

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** September 21, 2009

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For September 21, 2009  
Item No.: 10-079

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

Please note that Baltimore County maintains Hinton Avenue at this frontage.

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:kmt

cc: file

\\Pdm\_nw\vol2\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 10-079-09212009.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

**DATE:** September 4, 2008

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

**SUBJECT:** 9128 Hinton Avenue

**INFORMATION:**

**Item Number:** 10-079

**Petitioner:** Nicholas D'Adamo Jr.

**Zoning:** DR 5.5

**Requested Action:** Variance and Special Hearing

To permit construction of a single family residence with access to a public right of way with a width of 15 ft. in lieu of the required 30 ft., a lot width of 50 ft. in lieu of 55 ft., and a side yard of 8 ft. on the S.W. side in lieu of 10 ft.

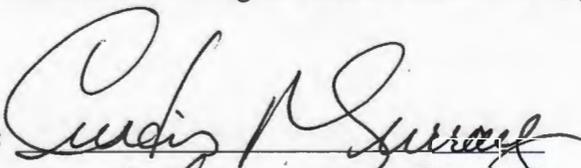
**SUMMARY OF RECOMMENDATIONS:**

The proposed structure is typical in footprint and site location with its neighbors. The site is in an 100 year flood plain and must be elevated above the level of flood tide, as are many of the neighboring properties. The zone permits a by right height of 50 ft.

Provided architecture is compatible with respect to size, scale and materials with its neighboring properties, the office of Planning has no objections to the proposal.

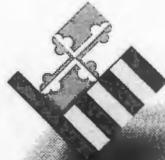
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

**Prepared by:**



**Division Chief:**  
AFK/LL: CM





**BALTIMORE COUNTY**  
MARYLAND

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

September 18, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 14. 2009

Item Numbers 067,068,070,071,072,073,074,075,076,077, 079, 080,081,082,083,084  
and 0085

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.

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

Lieutenant Roland P Bosley Jr.  
Fire Marshal's Office  
410-887-4881 (C)443-829-2946  
MS-1102F

cc: File



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

Beverly K. Swaim-Staley, Secretary  
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 22, 2009

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

RE: Baltimore County  
Item No. 2010-0079-SPHA  
9128 HINTON AVENUE  
D'ADAMO PROPERTY  
VARIANCE -  
SPECIAL HEARING

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. 2010-0079-SPHA.

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

Very truly yours,

*Michael P. Bailey*  
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.sha.maryland.gov

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
 AND VARIANCE \* ZONING COMMISSIONER  
 9128 Hinton Avenue; W/S Hinton Avenue, \*  
 12.5' N c/line of 2nd Street \*  
 15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts \* FOR  
 Legal Owner(s): Nicholas D'Adamo \*  
 Petitioner(s) \* BALTIMORE COUNTY  
 \* 10-079-SPHA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

*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

RECEIVED  
 SEP 23 2009  
 .....

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of September, 2009, a copy of the foregoing Entry of Appearance was mailed to Tony DiJulio, ACCU-Enterprises, Inc, P.O. Box 34, Upper Falls, 21156, Representative for Petitioner(s).

*Peter Max Zimmerman*

\_\_\_\_\_  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

	<b>Maryland Department of Assessments and Taxation</b> <b>BALTIMORE COUNTY</b> <b>Real Property Data Search</b> (2007 vw2.3d)	<a href="#">Go Back</a> <a href="#">View Map</a> <a href="#">New Search</a>
---	---	---

**Account Identifier:** District - 15 **Account Number - 1504002640**

**Owner Information**

<b>Owner Name:</b>	DADAMO NICHOLAS C, JR	<b>Use:</b>	RESIDENTIAL
		<b>Principal Residence:</b>	NO
<b>Mailing Address:</b>	1513 CHESACO AVE BALTIMORE MD 21237-1514	<b>Deed Reference:</b>	1) /20185/ 157 2)

**Location & Structure Information**

<b>Premises Address</b>	<b>Legal Description</b>
9128 HINTON RD	9128 HINTON RD SWAN POINT
WATERFRONT	

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
112	15	4			7		12	3	Plat Ref: 8/ 6

<b>Special Tax Areas</b>	<b>Town Ad Valorem Tax Class</b>
--------------------------	----------------------------------

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		8,800.00 SF	34
Stories	Basement	Type	Exterior

**Value Information**

	Base Value	Value As Of 01/01/2009	Phase-In Assessments	
			Value As Of 07/01/2009	Value As Of 07/01/2010
Land	169,800	196,050		
Improvements:	0	0		
<b>Total:</b>	<b>169,800</b>	<b>196,050</b>	<b>178,550</b>	<b>187,300</b>
Preferential Land:	0	0	0	0

**Transfer Information**

<b>Seller:</b> DADAMO NICHOLAS C	<b>Date:</b> 06/07/2004	<b>Price:</b> \$0
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /20185/ 157	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

**Tax Exempt:** NO **Special Tax Recapture:**  
\* NONE \*

*Residential use has already been established - 102.4 - lots is not appropriate for residential use. See appraiser's report. home is being built*

**SSAPAD/E**

City of Baltimore

# BALTIMORE CITY COUNCIL

Stephanie Rawlings-Blake, President



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**DISTRICT 2**

[Neighborhoods](#)

[Resources](#)



**District 2: Nicholas D'Adamo, Jr.**

410-396-4808  
 410-396-4414 (fax)  
 Room 525, City Hall  
[Nicholas.DAdamo@baltimorecity.gov](mailto:Nicholas.DAdamo@baltimorecity.gov)

Committees: Vice Chair, Budget and Appropriations; Public Safety and Health; Urban Affairs and Aging.

Councilman D'Adamo was born on January 14, 1958, to Grace and Nicholas D'Adamo, Sr. He attended the Shrine of the Little Flower School, graduating in 1972 and Archbishop Curley High School, graduating in 1976. After high school, he went into business at Shocket's Discount Store. Six years later, he and his father became the proud owners of Shocket's.

Councilman D'Adamo is active in his church and his community where he serves as a youth baseball, basketball and soccer coach. He is a past president of the Little Flower Holy Name Society, past vice-president of the Archbishop Curley Alumni Association and past Grand Knight of Knights of Columbus Council 1976. He is also a member of the Sons of Italy and the Polish American Congress.

In 1986, Councilman D'Adamo became active in politics and was elected as a member of the State Central Committee for the 46th Legislative District. In 1987, he was elected to the Baltimore City Council. He is married to Susan Moorefield.

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Office of the City Council President, 100 N. Holliday Street, Suite 400, Baltimore, MD 21202  
 Phone: 410-396-4804 Fax: 410-539-0647



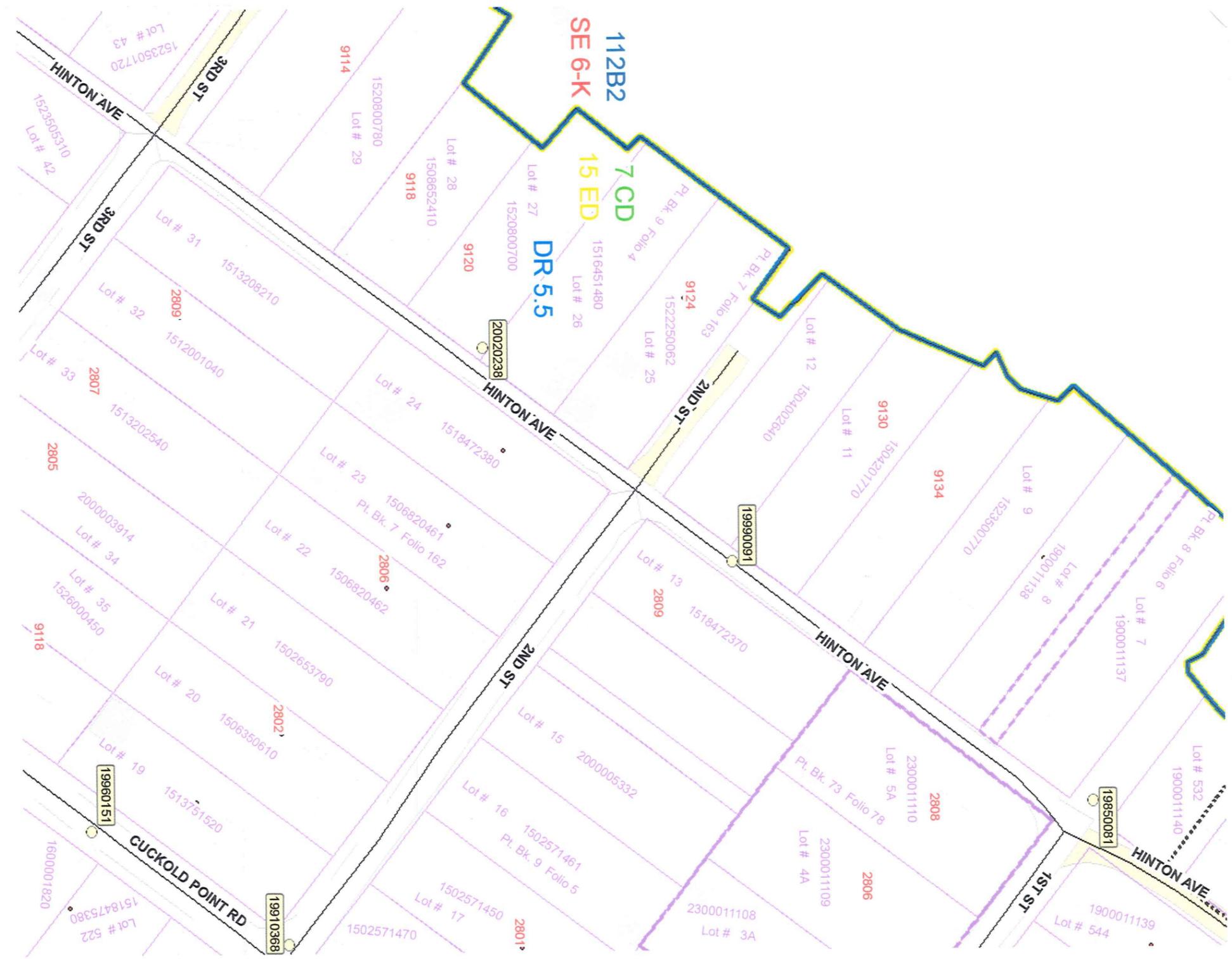
Case No.: 2010-0078-SPHXA 9128 Hinton Ave

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Petitioner/Developer	Protestant
No. 2	SITE PLAN ZONING MAP OF NEIGHBORHOOD WITH PATTERN OF DEVELOPMENT	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



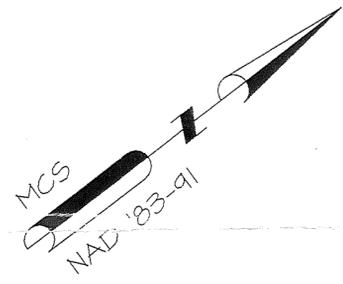
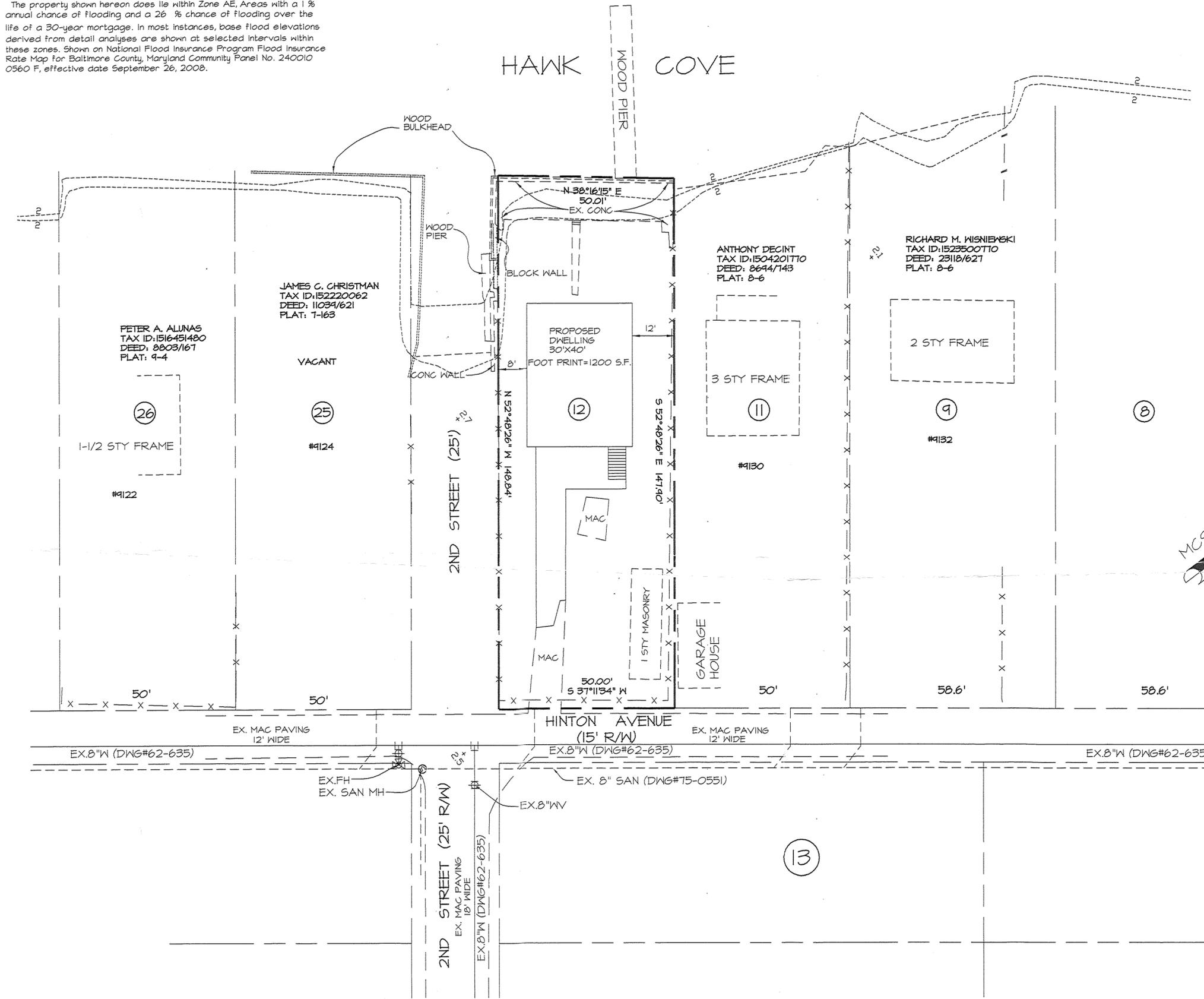
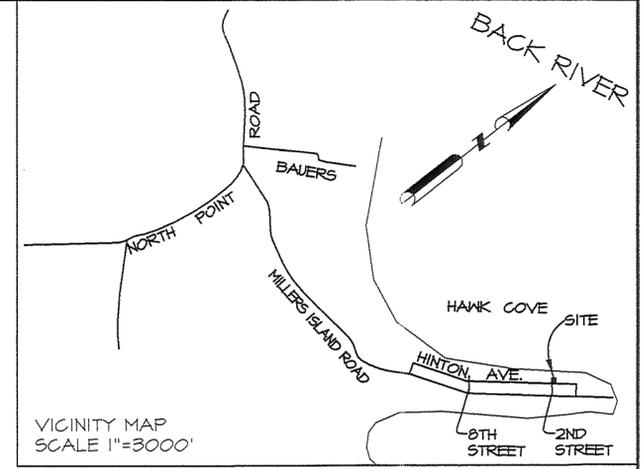
112B2  
SE 6-K  
7CD  
15 ED  
DR 5.5

PETITIONER'S

EXHIBIT NO. 2

FEMA NOTE:

The property shown hereon does lie within Zone AE, Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. In most instances, base flood elevations derived from detail analyses are shown at selected intervals within these zones. Shown on National Flood Insurance Program Flood Insurance Rate Map for Baltimore County, Maryland Community Panel No. 240010 0560 F, effective date September 26, 2008.



PETITIONER'S  
EXHIBIT NO. 1

**DUVAL & ASSOCIATES, P.A.**  
SURVEYING • ENGINEERING  
1729 YORK ROAD  
SUITE 205  
LUTHERVILLE, MD 21093  
PHONE: 410-666-5467 FAX: 410-583-4688  
E-MAIL: duvalapa@verizon.net

LOT = 7419 SQ. FT.  
EX. IMPERVIOUS = 884 SQ. FT.

OWNERSHIP:  
NICHOLAS C. D'ADAMO JR.  
TAX ID: 1504002640  
DEED: 20185/157  
PLAT: 8-6  
ZONING:  
DR-55  
615 TILE NO. 112B2

**PLAT TO ACCOMPANY REQUEST FOR VARIANCE**  
**9128 HINTON AVENUE**  
MAP 112, GRID 15, PARCEL 4, DEED: 20185/157 PLAT: 8-6 SWAN POINT  
15TH ELECTION DISTRICT 15,C7 Baltimore County, Maryland  
SCALE: 1"=20' Date: JUNE 23, 2009