

IN RE: PETITION FOR VARIANCE

E Corner of 5th Street and
Hinton Avenue
(2809 5th Street)

15th Election District
7th Council District

Gloria J. & John C. Holthaus, et al
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0341-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, Gloria J. Holthaus, and her husband, John C. Holthaus.¹ As originally filed, the Petitioners requested variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling on a lot 50 feet wide in lieu of the required 55 feet and a side street setback of 10 feet in lieu of the required 25 feet.² The subject property and requested relief are more particularly shown on the revised site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Thomas A. Lentz, one of the partial owners, and his nephew, Russell Marsh, a civil engineer who is assisting the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property, known as 2809 5th

¹ In 1954 the property was improved with two (2) homes and purchased for summer vacation use by inter-family members; namely, Milton Lentz, Katherine Lentz, Joseph Barry, Nola Barry, Joseph Lipinski, Martha Lipinski, Bernard Grabowski, Irene Grabowski, Albert Lentz, Clara Lentz, Henry Lipinski, and Agnes Lipinski. Over the decades, many family members have departed this world and the property has been devised and transferred to children, their nieces and nephews. See deed history – Petitioners' Exhibit 3.

² The site plan was revised at the onset of the hearing in response to a Zoning Advisory Committee (ZAC) comment received from the Bureau of Development Plans Review. This new site plan reflects a side street setback of 11 feet from the property line so that the new footing will not encroach on the existing County drainage and utility easement.

ORDER RECEIVED FOR FILING

Date

By

Street, consists of two (2) adjacent parcels known as Lots 67 and 68 of Swan Point (Baltimore County Plat Book No. WPC7-Folio 162 and 163) each 50' wide x 150' deep, consisting in area(s) of 7,500 square feet, zoned D.R.5.5 and located within the Chesapeake Bay Critical Area (CBCA) in the Millers Island area of Baltimore County. The owners seek the necessary zoning approval to construct a new dwelling on Lot 67 in accordance with Petitioners' Exhibit 1 that will be compatible in both size and architectural detail with those other homes existing in the area. Lot 68 is an interior lot and improved with a modest one-story single-family home built in 1929 and containing 1,456 square feet. As stated, the subject of the variance before me is Lot 67, a water-oriented corner lot defined in Section 101 of the B.C.Z.R. as: "A lot abutting on and at the intersection of two or more streets". The property located at the corner of Hinton Avenue and 5th Street, south of the Back River, was at one time improved with a dwelling, as shown on the Plat of Swan Point, which was marked and accepted into evidence as Petitioners' Exhibit 2. That plan shows a dwelling located centrally on the lot and facing Hinton Avenue. Both of the shore homes (Lots 67 and 68) were used by the multi-family owners on the weekends and for vacationing. Mr. Lentz described that every summer starting in the early 1950's each family would pick a name from a hat in order to determine their turn to use the property. However, the summer home on Lot 67 was virtually destroyed many years ago by hurricane and storm damage and has been razed and never rebuilt. The Lipinski and Lentz families obtained a permit to replace a damaged shed on the lot with a new accessory structure approximately 18' x 23' in size. At this juncture, Petitioners' propose to raze this shed and erect in its place a two-story dwelling approximately 29' wide x 50' deep that will front on 5th Street.

As outlined above, Petitioners need variance relief because although the property meets minimum area requirements, it does not meet the 55-foot minimum width requirement. In

addition, in order to erect a 29-foot wide dwelling, Petitioners are in need of a variance for a side street setback of 11 feet in lieu of the required 25 feet. Mr. Lentz indicated that the property is a unique parcel in that it is a corner lot and is constrained by the fact that the side yard facing Hinton Avenue must nevertheless conform to the front yard setback requirement. He indicated that Hinton Avenue is more akin to an alley or access road than a true street. The right-of-way is only 15 feet wide and the road itself is only about 12 to 13 feet wide, and mainly gives access to homes along the Back River.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments received from the Office of Planning, dated June 21, 2010, indicate that while the Petitioners own sufficient adjoining land to conform to the minimum width and area requirements . . . there appears to be several existing undersized lots in the neighborhood and that the Office does not oppose Petitioners' request. The comment further indicates that building elevations shall be submitted for review and approval prior to issuance of any building permit; the proposed dwelling shall be compatible in size, building materials, color and architectural detail as that of the existing dwellings in the area. Comments received from the Department of Environmental Protection and Resource Management (DEPRM), dated June 28, 2010, indicates that development of the property must comply with Chesapeake Bay Critical Area (CBCA) regulations. Additional comments indicate that a maximum of 25% of the site may be covered by impervious surfaces; however, the allotted 1,875 square feet may be exceeded by 500 square feet of impervious with offsetting mitigation. Also, 15% tree cover must be provided during the permit evaluation process.

Section 307 of the B.C.Z.R. contains the standards for the grant of variance relief. This section has been interpreted by the appellate courts of this State, most notably in *Cromwell v.*

Ward, 102 Md. App. 691 (1995). The fact that these lots were laid out prior to the adoption of the first set of zoning regulations (1945) is a significant factor. More significantly, the configuration of the overall tract (neighborhood) is quite unique. As noted in prior opinions (See by way of example: Case Nos. 94-153-A, 03-096-A, 06-037-A, 06-297-A, 06-327-SPH, 08-055-A, 08-059-A, 08-200-A and 2010-0079-SPHA), this area of Swan Point community has not been developed like other areas. See, Swan Point development Plat and aerial photograph marked as Petitioners' Exhibit 4 depicting the theme of development and zoning history.

Second, *Cromwell* requires a finding of practical difficulty. The D.R.5.5 zoning regulations permit, by right, the development of the subject property with a single-family dwelling. These regulations impose a number of requirements for the construction of a home. In this case, nearly all of those requirements are met. The strict compliance of the zoning regulations would result in practical difficulty or unreasonable hardship in this case. In short, strict compliance would prevent Petitioners from erecting a replacement dwelling that is compatible with others in the neighborhood and would essentially render an otherwise desirable property useless and unbuildable. Finally, these variances can be granted in strict harmony with the spirit and intent of the regulations, and in such a manner as grant relief without injury to the public health, safety and general welfare.

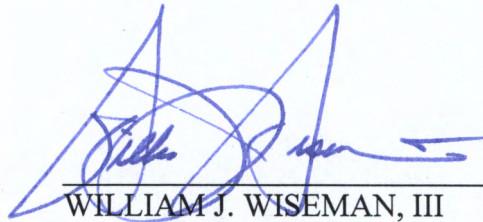
Pursuant to the advertisement, posting of the property and public hearing on the Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of July 2009 that the Petition for Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling on a lot 50 feet wide in lieu of the required 55 feet and a side street setback of 11 feet (north side) in lieu of

the requested 25 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following conditions:

- 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 her own risk until the 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) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) relative to the Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and B.O.C.A regulations relative to the protection of water quality, streams, wetlands and floodplains. A copy of this comment, dated June 28, 2010, is 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 prior. The proposed dwelling shall be constructed substantially in accordance with the elevation drawings approved by the Office of Planning. Moreover, landscaping shall be provided along Hinton Avenue, 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 made within thirty (30) days of the date hereof.



WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date

7-28-10

By

193



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 29, 2010

Gloria J. Holthaus
John C. Holthaus
4324 Blakely Avenue
Nottingham, Maryland 21236

RE: PETITION FOR VARIANCE
E Corner of 5th Street and Hinton Avenue
(2809 5th Street)
15th Election District - 7th Council District
Gloria J. & John C. Holthaus, et al - Petitioners
Case No. 2010-0341-A

Dear Mr. and Mrs. Holthaus:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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: Thomas A. Lentz, 5020 Tartan Hill Road, Perry Hall, MD 21128
Russell Marsh, 9 Quelet Court, Nottingham, MD 21236
People's Counsel; DPR; DEPRM; Office of Planning; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2809 5TH STREET
which is presently zoned DR 5.5

Deed Reference: 1405451278 Tax Account # 151220690

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 BOB. 3. C. 1; BCZR TO
PERMIT A DWELLING ON A LOT 90 FT WIDE IN LIEU
OF THE REQUIRED 55 FT, AND A SIDE STREET
SET BACK OF 10 FT IN LIEU OF THE REQUESTED 25 FT.

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

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.

MAIL ALL CORRESPONDENCE
TO:
TOM LEWNTZ
5020 TARTAN HILL ROAD
PERRY HALL, MD
21228

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):

ET AL
Name - Type or Print
Gloria J. Holthaus
Signature
John C. Holthaus
Name - Type or Print
John C. Holthaus
Signature
4324 BLAKELY AVE 410-931-0596
Address Telephone No.
NOTTINGHAM MD 21236-2441
City State Zip Code

Representative to be Contacted:

Thomas Lewntz
Name
5020 TARTAN HILL ROAD
Address
PERRY HALL MD 21228
City State Zip Code

Case No. 2010-0341-A
ORDER RECEIVED FOR FILING

Date 7-29-10
By [Signature]

Office Use Only
Estimated Length of Hearing
Unavailable For Hearing

Designated by [Signature] Date 6-4-10



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 2809 5TH ST.

which is presently zoned DR5.5

Deed Reference: 1405451278 Tax Account # 151220690

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; BC2R, TO

PERMIT A DWELLING ON A LOT 50FT. WIDE IN LIEU OF
THE REQUIRED 55FT., AND A SIDE STREET SETBACK
OF 10FT. IN LIEU OF THE REQUIRED 25FT.

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

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):

THOMAS A. LEWIS, ET AL
Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

Case No. 2010-0341-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by [Signature] Date 6-4-10

REV 8/20/07 ORDER RECEIVED FOR FILING

Date 7-29-10

By [Signature]

ZONING DESCRIPTION FOR 2809 5th Street Baltimore, Maryland 21219

Beginning at a point on the East side of 5th Street which is 30 feet wide at a distance of 7.5 feet South of the center line of the nearest improved intersecting street Hinton Avenue which is 15 feet wide. Being lots 67 and 68 Block - Section # - in the subdivision of Swan Point as recorded in Baltimore County Plat Book # WPC7, Folio # 162 and 163 containing 15,000 square feet. Also known as 2809 5th Street and located in the 15th Election District, 7th Councilmanic 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.

For Newspaper Advertising:

Item Number or Case Number: 2010-0341-A
Petitioner: John HOLTHAUS
Address or Location: 2809 5TH Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: John HOLTHAUS
Address: 4324 BLAKELY Ave.
NOTTINGHAM, Md. 21236

✓ Telephone Number: 410-931-0596

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

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
				Obj	Sub Obj				

Total: _____

Rec
From: _____

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: #2010-0341-A
2809 5th Street
East corner of 5th Street
and Hinton Avenue
15th Election District
7th Councilmanic District
Legal Owner(s): John & Gloria Holthaus

Variance: to permit a dwelling on a lot of 50 feet wide in lieu of the required 55 feet, and a side street setback of 10 feet in lieu of the required 25 feet.

Hearing: Wednesday, July 28, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM L. 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 7/687 July 13 246878

CERTIFICATE OF PUBLICATION

7/15/, 2010

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 7/13/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2010-0341-A

Petitioner/Developer THOMAS
LENTZ

Date Of Hearing/Closing: 7/28/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 2809 5th ST.

This sign(s) were posted on _____

July 13, 2010
Month, Day, Year

Sincerely,

Martin Ogle 7/13/10
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

WPA/C&E 7/13/10

ZONING NOTICE

CASE # 2010-0341-A

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

Room 104, STEVENSON BUSINESS 108 WEST
PLACE.. CUMMINGS AVENUE, TOWSON 21204
WEDNESDAY JULY 21, 2010
AT 7:00 AM

DATE AND TIME:
REQUEST: WALKERS TO REQUEST A CHANGE IN A LOT
OR TO GET INTO ALLIANCE OF THE TOWNSHIP STREET,
AND A SIDE STREET SERVICE OF 10 FEET IN LINE OF
THE TOWNSHIP STREET

POSTERS MUST BE PLACED BY 10:00 AM ON JULY 21, 2010
TO BE ELIGIBLE FOR A HEARING. IF NOT, THE ZONING COMMISSIONER
MAY NOT ACCEPT THE CASE AND THE CASE MAY BE REJECTED BY THE
ZONING COMMISSIONER.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 13, 2010 Issue - Jeffersonian

Please forward billing to:
John Holthaus
4324 Blakely Avenue
Nottingham, MD 21236

410-931-0596

NOTICE OF ZONING HEARING

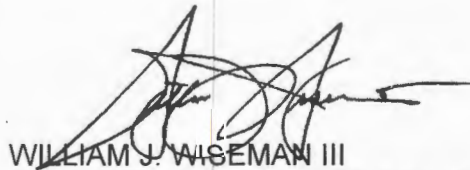
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0341-A

2809 5th Street
East corner of 5th Street and Hinton Avenue
15th Election District – 7th Councilmanic District
Legal Owners: John & Gloria Holthaus

Variance to permit a dwelling on a lot of 50 feet wide in lieu of the required 55 feet, and a side street setback of 10 feet in lieu of the required 25 feet.

Hearing: Wednesday, July 28, 2010 at 9:00 a.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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 16, 2010

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: 2010-0341-A

2809 5th Street
East corner of 5th Street and Hinton Avenue
15th Election District – 7th Councilmanic District
Legal Owners: John & Gloria Holthaus

Variance to permit a dwelling on a lot of 50 feet wide in lieu of the required 55 feet, and a side street setback of 10 feet in lieu of the required 25 feet.

Hearing: Wednesday, July 28, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Holthaus, 4324 Blakely Avenue, Nottingham 21236
Thomas Lentz, 5020 tartan Hill Road, Perry Hall 21128

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 13, 2010.**
- (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.

PLEASE PRINT CLEARLY

CASE NAME Heethaus
CASE NUMBER 200-0341-A
DATE 7-28-10

PETITIONER'S SIGN-IN SHEET

[illegible]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

July 21, 2010

Mr. & Mrs. Holthaus
4324 Blakely Ave.
Nottingham, MD 21236

Dear: Mr. & Mrs. Holthaus

RE: Case Number 2010-0341-A, 2809 5th St.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 04, 2010. 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Thomas Lentz, 5020 Tartan Hill Rd.; Perry Hall, MD 21128

BW
7-28-10
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 29 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 28, 2010
SUBJECT: Zoning Item # 10-341-A
Address 2809 5th Street
(Lentz Property)

Zoning Advisory Committee Meeting of June 14, 2010.

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 in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 25% (1,875 square feet) and may be increased by 500 square feet to 2,375 square feet of lot coverage if mitigation is provided. In addition, the 15% afforestation requirement must be met; this equates to 2 trees.

Reviewer: Adriene Metzbowser

Date: 6/16/2010

ORDER RECEIVED FOR FILING

Date

By

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 17, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For June 28, 2010
Item No.: 2010-341

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

Proposed building shall be located at least 11 feet from the side property line so that the new footing will not encroach on the existing county drainage and utility easement. Revise the plan accordingly.

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0341-06282010.doc

BW 7-28-10 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 21, 2010

RECEIVED

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

JUN 22 2010

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-341- Variance**

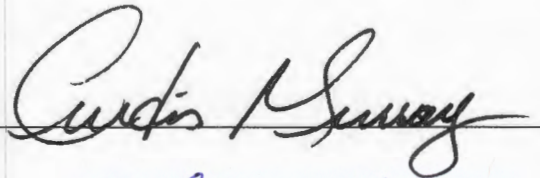
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing 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:

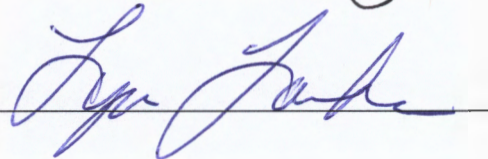
1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the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

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

Prepared By:



Division Chief:



CM/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-18-2010

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

RE: Baltimore County
Item No. 2010-0341-A
2809 5TH STREET
LENTZ 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. 2010-0341-A.

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,

A handwritten signature in black ink, appearing to read "Michael Bailey".

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

SDF/mb

RE: PETITION FOR VARIANCE
2809 5th Street; East corner of 5th Street
& Hinton Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): Thomas & Arlene Lentz
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 10-341-A

* * * * *

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

JUN 23 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 2010, a copy of the foregoing Entry of Appearance was mailed to Thomas & Arlene Lentz, 5020 Tantan Hill Road, Perry Hall, Maryland 21128, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

7-28 @ 9AM

CASE NO. 2010- 0341-ACHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment

<u>6-17</u>	DEVELOPMENT PLANS REVIEW	<u>Comments</u>
<u>6-28</u>	DEPRM	<u>Comments</u>
_____	FIRE DEPARTMENT	_____
<u>6-21</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>6-18</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 98-295-A for same address
3-4-98)NEWSPAPER ADVERTISEMENT Date: 7-13-10SIGN POSTING Date: 7-13-10PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

*Prior Order
for
Same Address*

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
SE/Cor. 5th Street & Hinton Avenue * DEPUTY ZONING COMMISSIONER
(2809 5th Street) *
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District *
Martha Lipinski and * Case No. 98-295-A
Clara Lentz - Petitioners *
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Martha Lipinski and Clara Lentz. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure to be located on the corner/street rear yard area of a lot, in lieu of the required 1/3 of the yard farthest removed from any street for a proposed 18'5" x 23' shed. The subject property is located within the Chesapeake Bay Critical Areas near Cuckhold Point in the subdivision known as Swan Point. Therefore, the relief requested must comply with Critical Areas legislation and those regulations in the B.C.Z.R. which address development on those properties located on or near the Bay or its tributaries. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECEIVED FOR FILING

Date 3/1/98

By [Signature]

Case No.: 2010-0341-A 2809 5th Street

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Amended Site Plan	
No. 2	PLAT WPC #7 Showing home on lot 27	
No. 3	Deed History 1924 to Current	
No. 4	Aerial Photo Pattern of Development	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

State of Maryland,
 City of Baltimore, to wit:
 I hereby certify that on this day
 of June in the year one thousand
 nine hundred and twenty four, be-
 fore me, the subscriber, a Notary
 Public of the State of Maryland, in
 and for Baltimore City aforesaid per-
 sonally appeared Edward J. Schaper
 and Joseph H. Schaper, the above
 named Grantors, and each acknow-
 ledged the foregoing deed to be his
 act.

As Witness my hand and Notarial seal
 Irene W. Walker,
 Notary Public

(J.W.W.)
 Notarial Record June 14, 1924 at 8:30 am. E.B.
 seal
 Geo. W. Humphreys Clerk

17381
 R.S.
 6.00

Hart Miller & Scans
 Co.

Deed to
 Wladyslaw Simackowski
 & wife

This Deed
 made this
 19th day of
 June in the
 year one thou-
 sand nine

hundred and twenty five by the Hart
 Miller & Scans Company a body cor-
 porate of the State of Maryland,
 witnesseth that in consideration of the
 sum of five dollars and other good
 and valuable considerations the re-
 ceipt whereof is hereby acknowledged
 the said Hart Miller & Scans Com-
 pany do hereby grant and convey unto
 Wladyslaw Simackowski and Fran-
 ciszka Simackowski, his wife, their
 heirs and assigns in fee simple
 subject to the restrictions hereinafter
 mentioned, all those seven lots
 pieces or parcels of ground situate
 and lying in Baltimore County
 and partly near by described as follows.

Being all those seven lots known
 as lots numbered sixty five (65) sixty

se
 (eq)
 two
 of
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DEED - FEE SIMPLE

I.D. 1512202690
 NO TITLE SEARCH
 NO CONSIDERATION
 NO TRANSFER TAX

THIS DEED, made this 5th day of October, One Thousand Nine Hundred and Ninety Nine, by and between GERARD S. LIPINSKI, of Baltimore County in the State of Maryland, of the first part, Grantor, and GERARD S. LIPINSKI and AGNES LIPINSKI, his wife, of the second part, Grantees.

WITNESSETH: That in consideration of the sum of love and affection and ZERO DOLLARS (\$0.00), which sum is the actual consideration paid or to be paid for the within conveyance and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said GERARD S. LIPINSKI, does grant and convey unto GERARD S. LIPINSKI and AGNES LIPINSKI, his wife, as Tenants by the Entireties, their assigns, the survivor of them, his or her Personal Representatives and assigns, his one-fourth (1/4) undivided interest in fee simple, in all those two lots or parcels of ground, situate in Baltimore County, in the State of Maryland, and particularly described as follows:

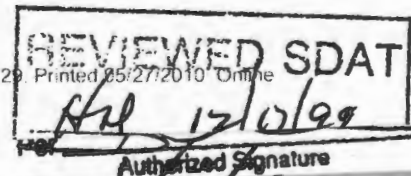
BEING known and designated as Lots No. 67 and 68 on the Plat known as Swan Point as shown on a Plat of same recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, Plat No. 162. Said property being known as 2809 5th Street.

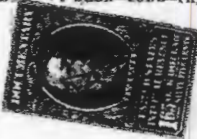
BEING the same lots of ground which by Deed dated the 12th day of August, 1999, and recorded among the Land Records of Baltimore County in Liber No. 0014045, Folio No. 274 was granted and conveyed by Gerard S. Lipinski, Personal Representative of the Estate of Martha Lipinski, deceased, unto the Grantor herein.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD a one-fourth (1/4) undivided interest in the said lots of ground and premises above described and mentioned, and hereby intended to be conveyed; together with the rights and privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said GERARD S. LIPINSKI, and AGNES LIPINSKI, his wife, as Tenants by the Entireties, their assigns, the survivor of them, his or her Personal Representatives and Assigns, in fee simple.

AND the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; that he will execute such further assurances of the same as may be requisite.





This Deed, Made this

27th day of August

in the year one thousand nine hundred and fifty-four, by and between GEORGE L. BARNES
and ALMA MAE BARNES, His Wife,

of Baltimore County

in the State of Maryland, of the first part, and

MILTON LENTZ and KATHERINE LENTZ, His Wife, JOSEPH BARRY and NOLA BARRY, His
Wife, JOSEPH LIPINSKI and MARTHA LIPINSKI, His Wife, BERNARD GRABOWSKI and
IRENE GRABOWSKI, His Wife, ALBERT LENTZ and CLARA LENTZ, His Wife, HENRY
~~ALBERT LENTZ and CLARA LENTZ, His Wife, HENRY~~
LIPINSKI and AGNES LIPINSKI, His Wife, of the City of
Baltimore, in the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of Five (\$5.00) Dollars and other
good and valuable consideration
thesaid GEORGE L. BARNES and ALMA MAE BARNES, His Wife

do grant and convey unto thesaid Milton Lentz and Katherine Lentz, his wife, an
undivided one-sixth (1/6) interest, Joseph Barry and Nola Barry, his wife,
an undivided one-sixth (1/6) interest, Joseph Lipinski and Martha Lipinski,
his wife, an undivided one-sixth (1/6) interest, Bernard Grabowski and Irene
Grabowski, his wife, an undivided one-sixth (1/6) interest, Albert Lentz
and Clara Lentz, his wife, an undivided one-sixth (1/6) interest, and Henry
Lipinski and Agnes Lipinski, his wife, an undivided one-sixth (1/6) interest,

their in and to
heirs and assigns, in fee simple, all those two lots of ground, situate, lying and being in
Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:-

~~Beginning at the~~ BEING known and designated as lots numbered 67 and 69
on the property known as Swan Point as shown on a plat of same recorded
among the Land Records of Baltimore County in Plat Book W.P.C. No. 7,
folio 162.

BEING the same two lots of ground described in a Deed dated Septem-
ber 24, 1945, and recorded among the Land Records of Baltimore County in
Liber R.S.J. No. 1408, folio 70, which were granted and conveyed by Joseph
Kabara and Caroline Kabara, his wife, unto the within Grantors.

DEL. PER TICKET OCT 11 1954

LIBER 2977 PAGE 500

THIS DEED, Made this 14th day of July, in the year one thousand nine hundred and fifty-six, by and between BERNARD GRABOWSKI and IRENE GRABOWSKI, his wife, of the City of Baltimore, in the State of Maryland, parties of the first part, Grantors; and MILTON LENTZ and KATHERINE LENTZ, his wife, JOSEPH BARRY and NOIA BARRY, his wife, JOSEPH LIPINSKI and MARTHA LIPINSKI, his wife, ALBERT LENTZ and CLARA LENTZ, his wife, HENRY LIPINSKI and AGNES LIPINSKI, his wife, all of the City of Baltimore, in the State of Maryland, parties of the second part, Grantees.

WITNESSETH, That in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey all their right, title and interest in and to the property hereinafter described unto the said Grantees, said Grantees to hold said property as tenants by the entireties, the survivor of them, and the heirs and assigns of the survivor, as between husband and wife as named above, and to each husband and wife a one-fifth (1/5) interest undivided, as tenants in common, as to each other, their respective assigns, and their respective heirs and assigns, in fee simple, all those two lots or parcels of ground, situate in Baltimore County, in the State of Maryland, and particularly described as follows:

BEING known and designated as Lots No. 67 and 68 on the Plat known as Swan Point as shown on a Plat of same recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, Plat No. 162.

BEING the same two lots of ground described in a Deed dated August 27, 1954, and recorded among the Land Records of Baltimore County in Liber P.L.B. No. 2545 Folio 174, from George L. Barnes and Alma Mae Barnes, his wife unto Milton Lentz, et al.

TOGETHER with the improvements thereon, and the rights and appurtenances thereto belonging or appertaining.



PETITIONER' S
EXHIBIT NO. 4



PETITIONER'S

EXHIBIT NO. 2

Copied from
RAT of Swan Point
Rat Libe WPC #7
Folio 162 463
1925

Anna V. Leaffer, his wife, as
 tenants by the entirety, the sur-
 vivor of them, their assigns and the
 heirs and assigns of the survivor
 in her right.

And the said party of the first
 part covenants that it will warrant
 specially the property hereby granted
 and conveyed, and that it will exe-
 cute such further assurances of
 said land as may be requisite.

In Testimony whereof the said party
 of the first part has caused its cor-
 porate seal to be hereto affixed
 and its president, to set his hand
 hereto.

Test:

Edwin Brough

Secy.

Homer M. Keesee

Mercantile Security
 Corporation and Finance Company
 Seal By Albert S. King
 President

State of Maryland,

City of Baltimore, to, wit:-

I hereby certify that on the 3rd day
 of October in the year one thousand
 nine hundred and twenty-four before
 me, the subscriber a Notary Public
 of the State of Maryland, in and for
 the City of Baltimore aforesaid, person-
 ally appeared Albert S. King, President
 of Mercantile Security and Finance
 Company, the within named grantor
 and acknowledged the foregoing deed
 to be the act and deed of said body corporate
 In Testimony whereof I hereunto set
 my hand and affix my notarial seal.

Homer M. Keesee

Notary Public

My Comm. Exp. 26th Dec. 1924

Witness my hand and seal at Baltimore

1923

Katherine Tully Kemp

P.S.

70.00

& husband

Deed to

This deed made

this 2nd day of

October in the

year one thousand

BALTIMORE COUNTY CIRCUIT COURT (Land Records) (MSA CE 62-594) WPG 594, p. 2530. Printed 05/27/2010. Image available as PDF 05/27/2007.

1924

PETITIONER'S

EXHIBIT NO. 3

N. 22 to 7.5 (off)

nine hundred and twenty years, by and between, Katherine Jolly Kemp, and Roszel Kemp, her husband of the City of Baltimore, in the State of Maryland parties of the first part, and The Hart-Miller Islands Company, a body corporate then incorporated under the laws of the State of Maryland, party of the second part.

Witnesseth that in consideration of the sum of five dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged the said parties of the first part do hereby give and convey unto the said The Hart-Miller Islands Company, its successors, and assigns, in fee simple, all that lot of ground situate in Baltimore County in the State of Maryland, and described as follows, that is to say:-

Beginning for the same at the southeastmost corner of the tract of land hereby described, said beginning point being a stone set in the marsh on the south side of the Hart Island Road, and running thence north sixty-one degrees forty-five minutes east, two thousand, forty-four and nine tenths feet (2044.9') to a stone, thence reverely south twenty-one degrees thirty-seven minutes east, three hundred and thirty (330.0') to another stone, thence south fifty-two degrees six minutes east, nine hundred ninety-one and two tenths feet (991.2') to a stone, thence running north sixty-nine degrees forty minutes east, fourteen hundred ninety-two and six tenths feet (1492.6') and thence continuing on said course forty-eight and one-tenth feet to the high water

running along the shore north
 six degrees fifty four minutes west
 eighty two and eight tenths fms
 (87.8') to the south shore line of
 Cuckold Cove, and thence leaving
 the shore and running across the
 mouth of said cove north thirteen
 degrees forty six minutes east
 twenty one hundred twelve and
 two tenths fms. (112.2') to the spit
 on the southern end of Cuckold
 Point, thence along the high water
 line of the shore at Cuckold Point
 north twenty one degrees forty
 eight minutes east two hundred
 three and two tenths fms. (203.2'),
 thence north ten degrees eight
 minutes west one hundred sixty
 six and nine tenths fms. (166.9'),
 thence north fifteen degrees fifty
 seven minutes west two hundred
 thirty five and eight tenths fms.
 thence north thirty six degrees forty
 five minutes west two hundred and
 sixty six and four tenths fms.
 thence north forty one degrees
 twenty one minutes west three
 hundred and eighteen and one
 tenth fms. thence south eighty five
 degrees forty seven minutes west
 one hundred and twelve and eight
 tenths fms. and following along the
 shoreline of Back River at high water
 mark south forty six degrees one
 minute west five hundred forty
 two and two tenths fms. thence south
 forty degrees fifty minutes west
 seven hundred and seventy and
 six tenths fms. thence south forty
 three degrees five minutes west
 seven hundred eighty six and two
 tenths fms. thence south forty nine
 degrees seven minutes west one
 hundred and fifty and four.

tenth part thence south forty-seven
 degrees fifty-seven minutes west one
 hundred and forty and three-tenths
 feet thence south forty-seven de-
 grees ten minutes west five hun-
 dred and ninety-two and eight-
 tenths feet thence south sixty-five
 degrees fifty-four minutes west
 seven hundred and twenty-seven
 and one-tenth feet thence south
 seventy-eight degrees sixteen
 minutes west one hundred and
 twenty-one and eight-tenths feet
 thence north eighty-eight degrees
 forty minutes west one hundred
 and seventy-one and six-tenths
 feet thence south eighty-eight
 degrees forty-three minutes west
 twenty-six feet thence bearing thence
 Back River shore and bearing on the
 north-west line of the land and
 running south sixty-one degrees
 forty-five minutes west seventeen
 hundred and ten feet (1710.0') to a
 stone thence reversing and run-
 ning south forty degrees no
 minutes east six hundred sixty-
 five and eight-tenths (665.8') to the
 place of beginning. all courses
 mentioned herein are referred to
 the Magnetic Meridian of 1917.
 Containing one hundred and seventy
 acres more or less.

Being all and the same property
 which by deed dated July 2nd, 1907
 and recorded among the Land Records
 of Baltimore County in Liber 26 P. 6.
 No. 317, folio 119, was granted and
 conveyed by J. Hough Lottman, et al
 to Lachina Lally, who afterwards
 married Roslyn Kemp.

Together with the building and im-
 provements thereupon and the right
 of way, water privileges appur-

tenures and advantages to the same belonging or in anywise appertaining.

To Have and to hold the said lot of ground and premises unto and to the use of the said The Hart. Miller Islands Company, its successors and assigns in fee simple forever.

And the said grantors hereby covenants that they have nor done nor suffer to be done any act, matter or thing whatsoever to encumber the property hereby granted that they will warrant specially the property hereby granted and conveyed, and they will execute such further assurances of said land as may be required.

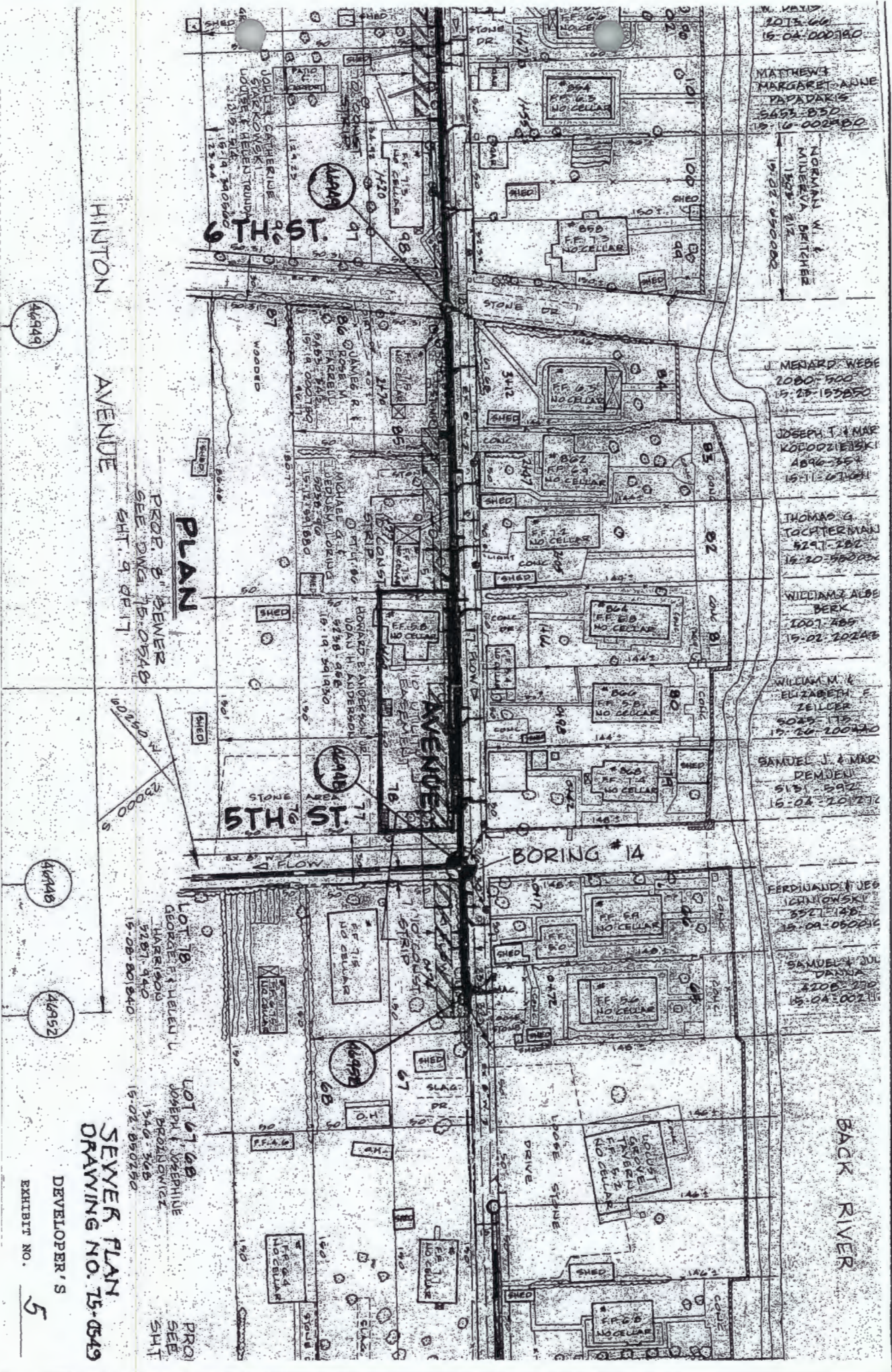
Witness the hands and seals of the said grantors.

Witness. Roszel M. Kemp, (seal)
Harry Kuzmanul Kethune Jolly Kemp (seal)
City of Maryland.

Baltimore City, to wit:
I hereby certify that on this 2nd day of October in the year one thousand nine hundred and twenty four before me the subscriber, a Notary Public of the State of Maryland and for Baltimore City, personally appeared Nathaniel Jolly Kemp and Roszel Kemp, the grantors and they acknowledged the foregoing deed to be their respective act.

In Testimony whereof I hereunto set my hand and affix my notarial seal.

Harry Kuzmanul
Notary Public
Witnessed Oct. 2, 1924. at 11:35 A.M. T.E.D.
Charles F. Cole Clerk



HINTON AVENUE

6TH ST.

5TH ST.

BORING #14

BACK RIVER

PLAN

PROJ. 8" SEWER
SEE DWG. 15-0548
SHT. 9 OF 17

SEWER PLAN
DRAWING NO. 15-6549

DEVELOPER'S

EXHIBIT NO.

5

44949

44946

44952

LOT 18
GEORGE E. HUBBARD
7281 440
15-08-801840

LOT 17
JOSEPH E. HUBBARD
7281 440
15-08-801840

PROJ
SEE
SHT

W. KAY
2013 66
15-04-000780
MATTHEW
MARGARET ADNE
PADAKIS
5693-830
15-16-002480

NORMAN W.
MINERVA BRETHER
1502 212
15-02-450000

J. MERARD WEBB
2080-500
15-25-155850

JOSEPH T. MAR
KOPOLNISKI
1846-354
15-11-070011

THOMAS G.
TOCHTERMAN
5297-282
15-20-560000

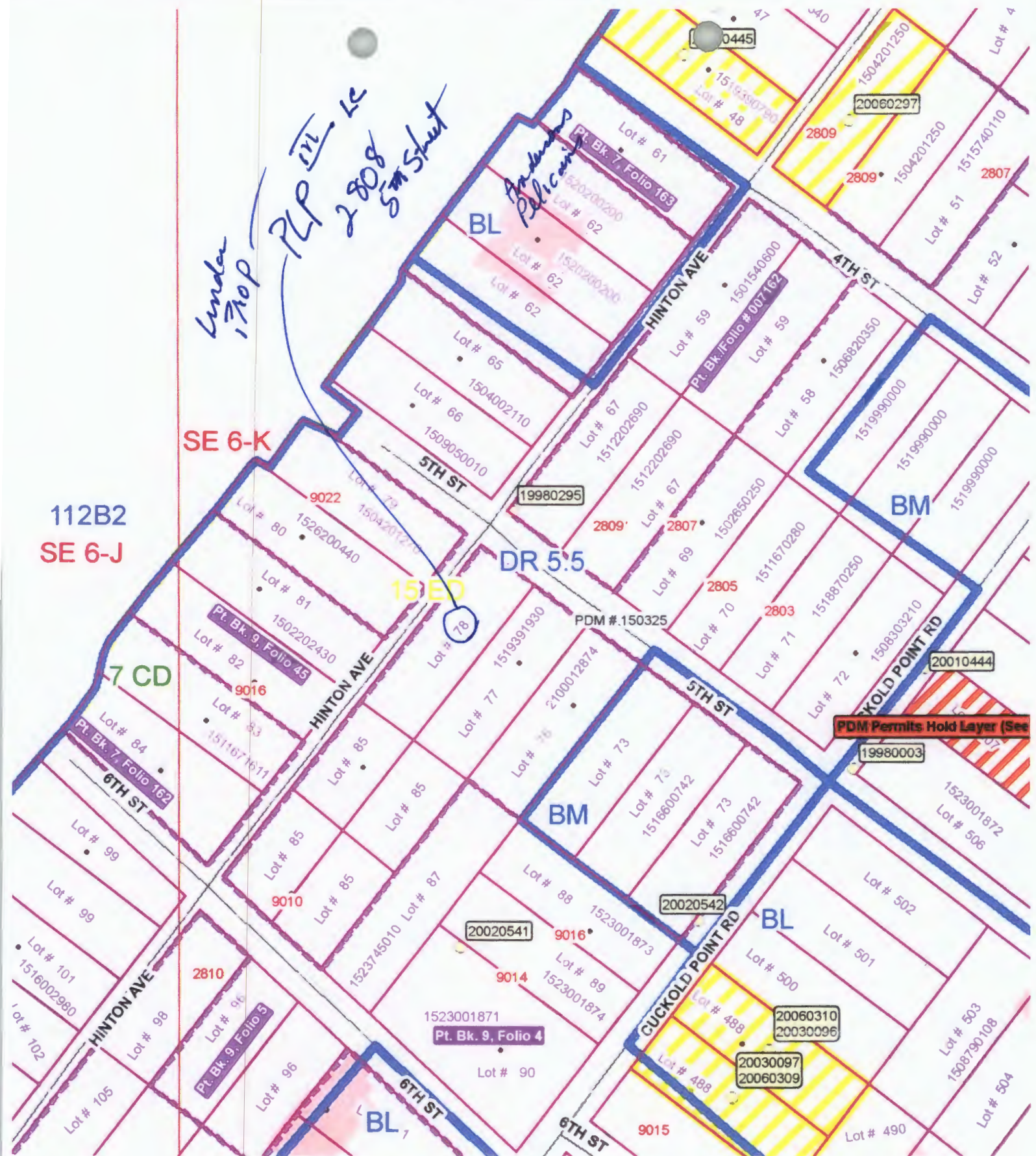
WILLIAM J. ALDE
BERK
1007-485
15-02-202428

WILLIAM M. &
ELIZABETH E.
ZEILGER
2025-175
15-26-200420

SAMUEL J. & MAR
DEMUEL
515-292
15-04-201772

FERDINAND J. UEB
ICHNIEWSKI
551-1261
15-04-060016

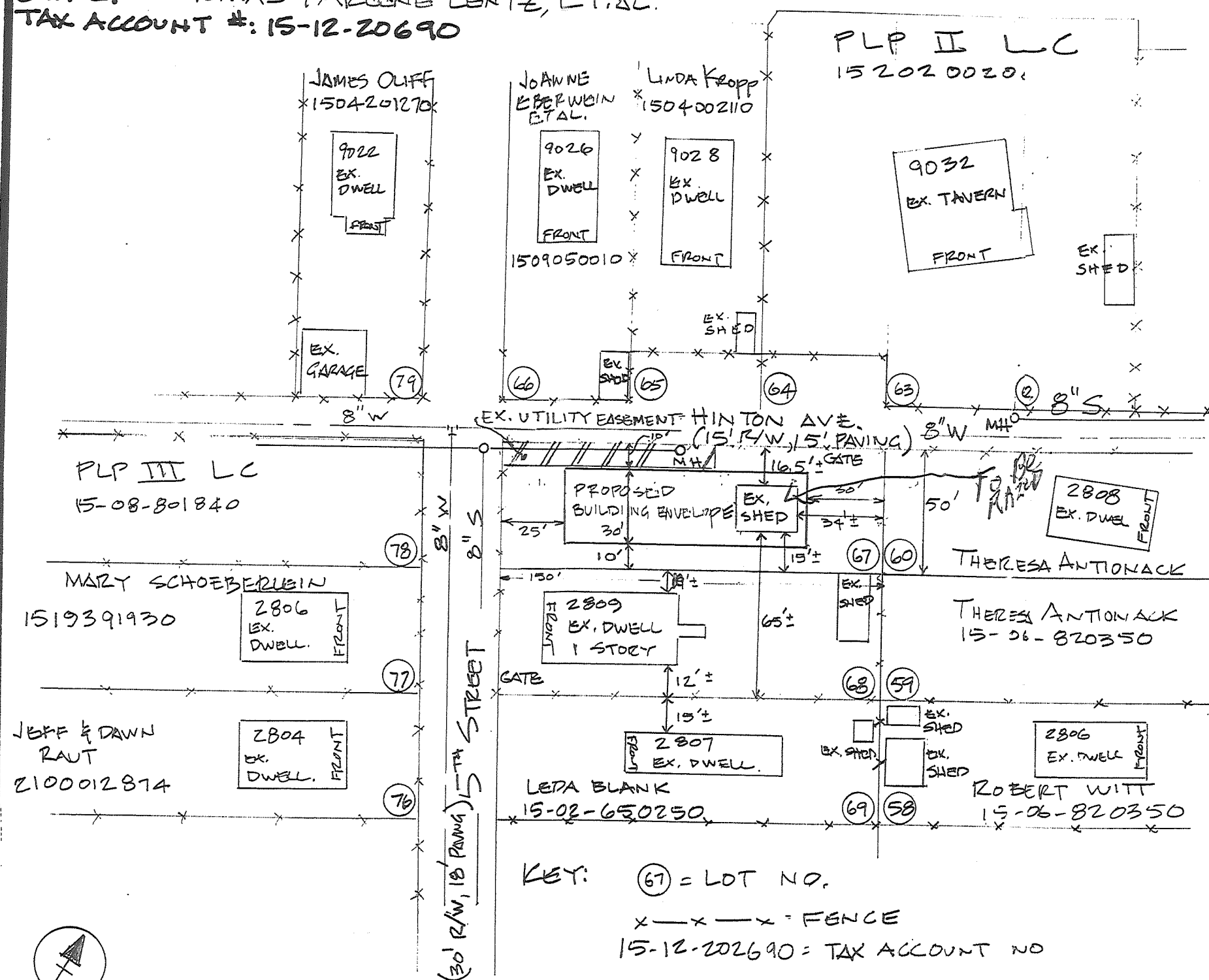
SAMUEL J. JUL
DANNA
2208-300
15-04-002111



Plat to accompany Petition for Zoning ☒ Variance ☒ Special Hearing

PROPERTY ADDRESS: 2809 5TH STREET
 SUBDIVISION NAME: SWAN POINT
 PLAT BOOK WPC7/162 FOLIO# 274 SECTION
 OWNER: THOMAS & ARLENE LENTZ, ET AL.
 TAX ACCOUNT #: 15-12-20690

BACK RIVER



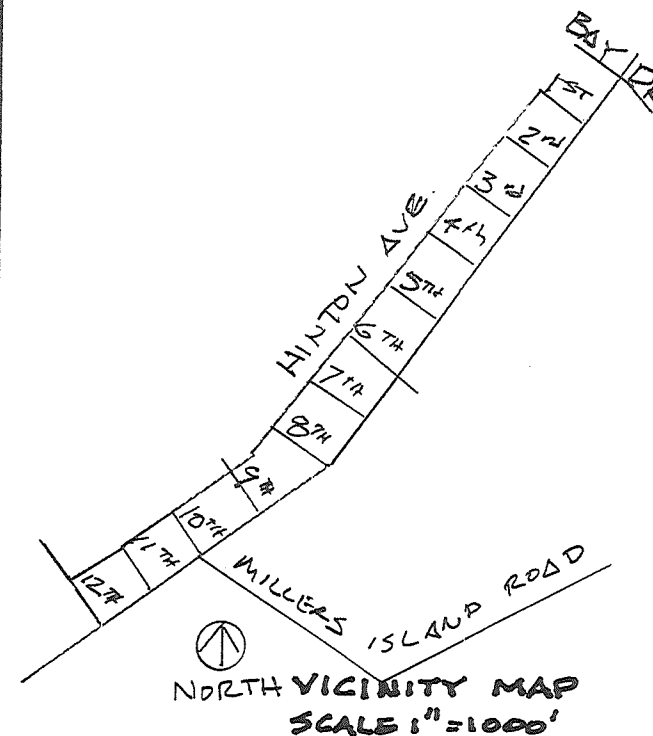
NORTH

DATE: MAY 17, 2010

prepared by: Russ MARSH

NOTE: 1. UTILITY EASEMENT JOB NO. 1-2-600
 RW 77-152-8

SCALE OF DRAWING: 1"=50'



LOCATION INFORMATION

ELECTION DISTRICT: 15TH

COUNCILMANIC DISTRICT: 7TH

1"=200' SCALE MAP: 112B2

ZONING: DR 5.5

LOTSIZE: 0.344+ ACRES 15,000 SQUARE FEET

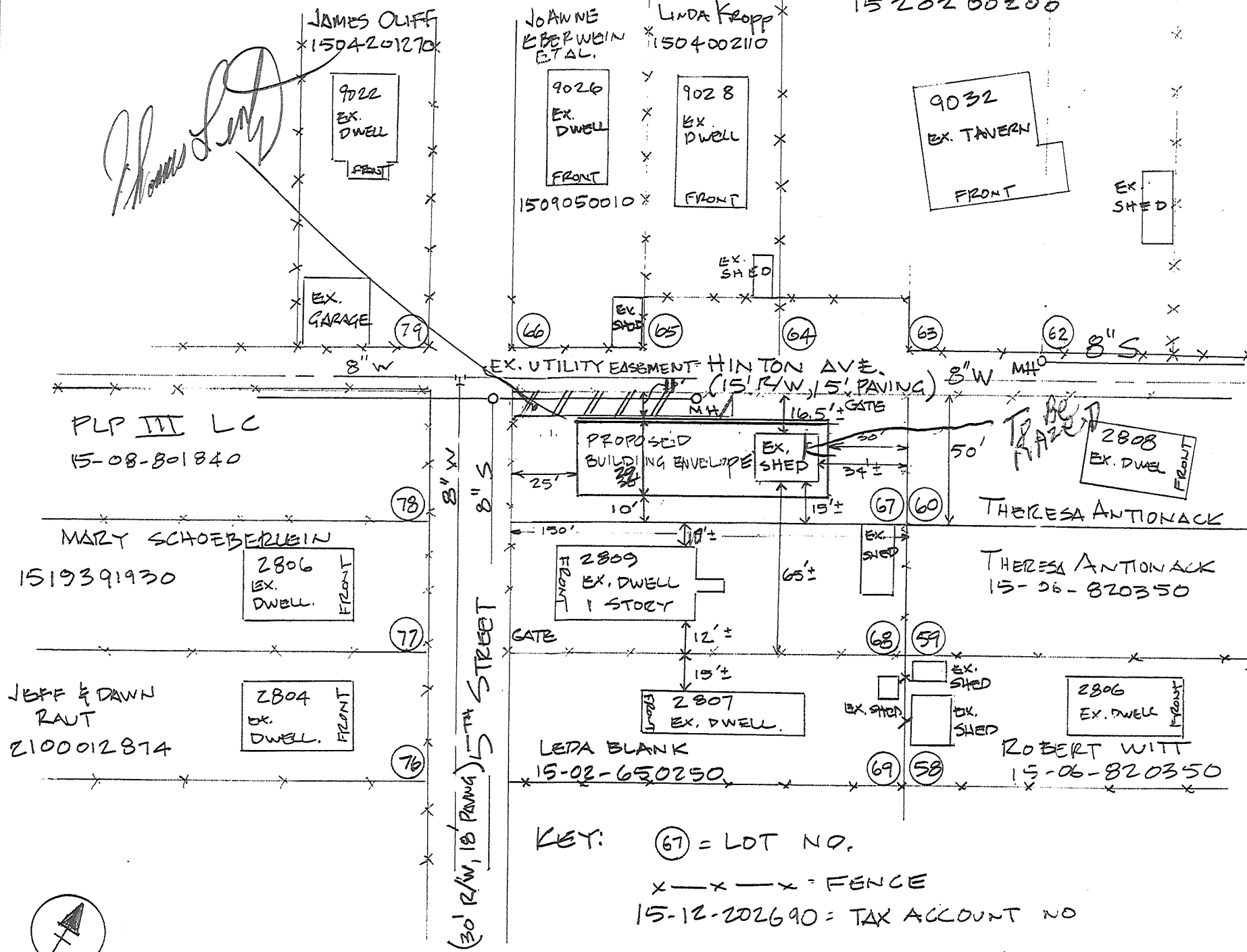
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHEASPEAKE BAY CRITICAL AREA	YES ☒	NO ☐
100 YR. FLOOD PLAIN	☒	☐
HISTORIC PROPERTY/AD.	☐	☒
PRIOR ZONING HEARING	☐	☒
FLOOD ZONE: AE	☐	☒

Zoning Office USE ONLY

REVIEWED BY: ITEM# CASE#

Plat to accompany Petition for Zoning ☒ Variance ☒ Special Hearing

PROPERTY ADDRESS: 2809 5TH STREET
 SUBDIVISION NAME: SWAN POINT
 PLAT BOOK WPC7/162 FOLIO# 274 SECTION
 OWNER: THOMAS & ARLENE LENTZ, ET AL.
 TAX ACCOUNT #: 15-12-20690

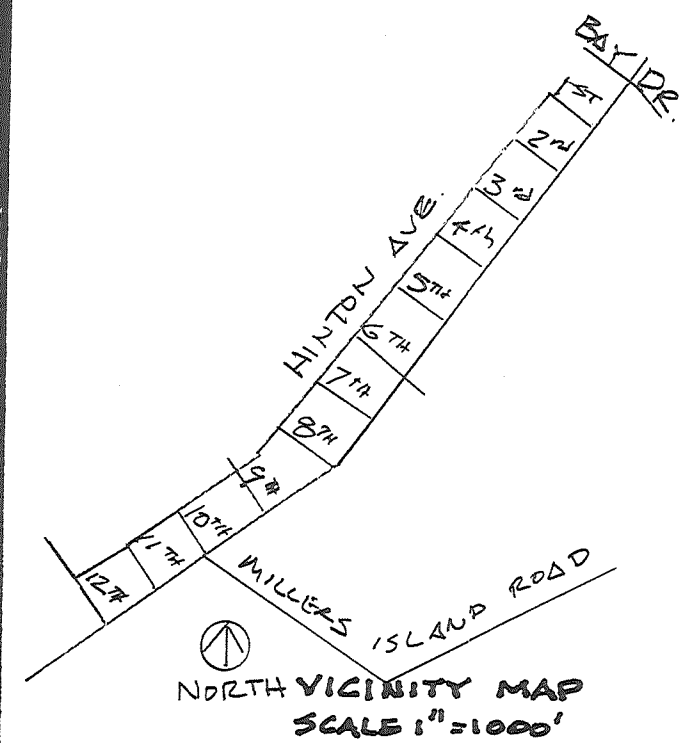


NORTH

DATE: MAY 17, 2010
 prepared by: Russ MARSH

NOTE: 1. UTILITY EASEMENT JOB NO. 1-2-600
 RW 77-152-8

SCALE OF DRAWING: 1"=50'



LOCATION INFORMATION

ELECTION DISTRICT: 15TH
 COUNCILMANIC DISTRICT: 7TH
 1"=200' SCALE MAP: 112B2
 ZONING: DR 5.5
 LOT SIZE: 0.344+ ACRES 15,000 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHEASPEAKE BAY CRITICAL AREA	YES ☒	NO ☐
100 YR. FLOOD PLAIN	☒	☐
HISTORIC PROPERTY/NO.	☐	☒
PRIOR ZONING HEARING	98-295-A	
FLOOD ZONE	AE	

Zoning Office USE ONLY

REVIEWED BY	ITEM#	CASE#

PETITIONER'S
 EXHIBIT NO. 1