

IN RE: PETITION FOR VARIANCE

(8820 Chesapeake Avenue)

15th Election District

7th Council District

John & Marisa Olszewski

Legal Owners

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0250-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by John Olszewski, Jr. & Marisa Olszewski, owners of the subject property ("Petitioners"). Petitioners seek variance relief pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R") to allow a 15 ft. street side yard setback for a corner lot in lieu of the required 25 ft. A site plan was marked as Petitioners' Exhibit 1.

Marisa Olszewski appeared in support of the petition. Timothy Kotroco, Esq., represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and the Bureau of Development Plans Review (DPR).

The site is approximately 16,610 sq. ft. in size and zoned DR 5.5. The property is now unimproved, although a prior dwelling on the site was razed after being damaged in Hurricane Isabel. Petitioners propose to construct a new single-family dwelling on the property, in essentially the same location as the former dwelling. The dwelling (which would front on Chesapeake Avenue) would be located 15 ft. from Baylight Road, in lieu of the required 25 ft. Though the DR 5.5 zone requires only a 10 ft. side yard setback, the requirement here is 25 ft.

ORDER RECEIVED FOR FILING

Date

5/2/17

By

Sen

since it is a corner lot bordered by two public roads.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property has an irregular shape and is bound on two sides by public roads. As such it is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed dwelling. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

Just prior to the hearing an e-mail was received from Trish Watson, who lives near the subject property. Ms. Watson wanted to obtain additional information regarding the variance, but did not oppose the request. Following the hearing, Petitioners wrote Ms. Watson and addressed the issues raised in her e-mail, and she wished Petitioners "all the best as you plan to build your new home." Copies of these e-mails are included in the case file, and a copy of this Order will be sent to Ms. Watson.

THEREFORE, IT IS ORDERED, this 2nd day of **May, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a 15 ft. street side yard setback for a corner lot in lieu of the required 25 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

5/2/17

By

ben

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioners must comply with critical area and flood protection regulations.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 5/2/17

By sln



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

May 2, 2017

Timothy M. Kotroco, Esq.
305 Washington Avenue, Suite 502
Towson, Maryland 21204

VIA E-MAIL

RE: Petition for Variance
Case No. 2017-0250-A
Property: 8820 Chesapeake Avenue

Dear Mr. Kotroco:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in dark ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Trish Watson via e-mail on file



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 8820 Chesapeake Avenue which is presently zoned DR 5.5
Deed References: 37695/118 10 Digit Tax Account # 1508800640 & 1508800641
Property Owner(s) Printed Name(s) Mr. John Olszewski, Jr & Mrs. Marisa Olszewski

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

SEE ATTACHED

3. X a **Variance** from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # / Email Address

Attorney for Petitioner:

Timothy M. Kotroco

Name- Type or Print

Signature

305 Washington Avenue, Suite 502, Towson, Maryland

Mailing Address City State

21204 / 410-299-2943 / TKotroco@gmail.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

John Olszewski, Jr. & Marisa Olszewski

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature #2

8820 Chesapeake Avenue, Sparrows Point, MD

Mailing Address City State

21219 / 443-865-3370 / gojohnnyo@gmail.com
Zip Code Telephone # Email Address

Representative to be contacted:

Same As Attorney for Petitioner

Name – Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # / Email Address

CASE NUMBER 2017-0250-A Filing Date 3/20/17

Do Not Schedule Dates: Reviewer gh

ATTACHMENT TO VARIANCE PETITION

1. A Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations and from Section 1B02.3.C.2.c of the ZCPM to allow a 15' street sideyard setback for a corner lot in lieu of the required 25 feet, and;
2. For such other and further relief as the nature of this cause may require.

2017- 0250-A

BEGINNING FOR THE SAME at a stake driven in the ground at the corner formed by the intersection of the northwest side of Chesapeake Avenue, twenty feet wide, and the southwest side of a thirty foot road leading to North Point Road, as laid out on the Plat of Millers Island and which said Plat is recorded among the Land Records of Baltimore County in Plat Book No 7, Folio 26; said place of beginning being also at the southeast corner of lot No 61 on said plat; and running thence from said place of beginning, binding on the said northwest side of said Chesapeake Avenue, south seventy one degrees thirty eight minutes west sixty five feet to a stake and to the southeast corner of the lot described in a Deed dated November 27, 1944 and recorded among the Land Records of Baltimore County in Liber No 1365 folio 420 from Isaac Shapiro and Fannie Shapiro, his wife, to Joseph M. Bochniak and Mary Bochniak, his wife, thence leaving the said northwest side of said Chesapeake Avenue, at right angles thereto, binding on the northeasterly outline of said lot described in said Deed from Isaac Shapiro and Fannie Shapiro, his wife, to Joseph M. Bochniak and Mary Bochniak, his wife, and running north eighteen degrees twenty-two minutes west three hundred feet to the northeast corner of said lot described in said Deed from Isaac Shapiro and Fannie Shapiro, his wife, to Joseph M. Bochniak and Mary Bochniak, his wife, and to intersect the second line of the lot described in a Deed from Thomas B. Todd, Jr. et al to Isaac Shapiro, dated December 14th, 1927, and recorded among the Land Records of Baltimore County in Liber 652, Folio 111; thence binding on part of said second line of said last mentioned in Deed and running north seventy-one degrees thirty-eight minutes east six and seventeen one-hundredths feet to the end of said second line and to intersect the said southwest side of said Road leading to said North Point Road; thence binding on the third and fourth lines of said last mentioned Deed and binding on the said southwest side of said Road leading to said North Point Road; the two following courses and distances viz; south fifty two degrees six minutes east ninety-nine and one one-hundredth feet and south nineteen degrees twenty two minutes east sixty seven and five-tenths feet to the northeast corner of said lot No. 61 on said Plat; thence binding on the northeasterly outline of said lot No. 61 and binding on the said southwest side of said Road leading to said North Point Road and continuing the same course south nineteen degrees twenty two minutes east one hundred fifty feet, more or less, to the place of beginning.

The improvements thereon being known as 8820 Chesapeake Avenue, Sparrows Point, MD 21219.

Tax IDs 15-1508800640 & 15-1508800641

2017-0250-A

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

Nº 150395

Date: 3/20/17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	806	000		0150						75.00

Total: 75.00

Rec From: Timothy M. Kotroco

For: 8820 Chesapeake Ave

2017 - 0250 - A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 3/22/2017 3/21/2017 09:39:47 1

REG WS01 WALKIN LTR
 >>>RECEIPT # 712345 3/21/2017 OFLN

Dept 5 528 ZONING VERIFICATION
 CR NO. 150395

Recpt Tot \$75.00
 \$75.00 CK \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4886399

Sold To:

Timothy Kotroco - CU00421252
305 Washington Avenue
#502
Towson, MD 21204

Bill To:

Timothy Kotroco - CU00421252
305 Washington Avenue
#502
Towson, MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 11, 2017

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2017-0250-A
8820 Chesapeake Avenue
NW corner of Chesapeake Avenue and Baylight Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s) John & Marisa Olszewski, Jr.

Variance: to allow a 15 ft. street sideyard setback for a corner lot in lieu of the required 25 ft. and for such other and further relief as the nature of this case may require.

Hearing: Monday, May 1, 2017 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 4/661 April 11 4886399

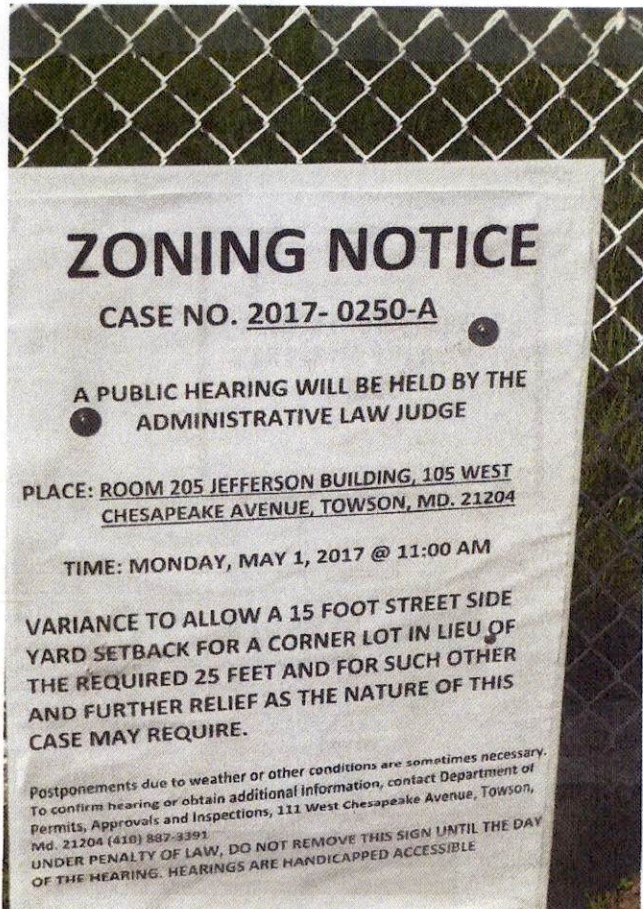
CERTIFICATE OF POSTING

Date: APRIL 11, 2017

RE: Project Name: 8820 CHESAPEAKE AVENUE
Case Number /PAI Number: 2017-0250-A
Petitioner/Developer: JOHN AND MARISA OLSZEWSKI, JR
Date of Hearing/Closing: MAY 1, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 8820 CHESAPEAKE AVENUE

The sign(s) were posted on APRIL 11, 2017
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 11, 2017 Issue - Jeffersonian

Please forward billing to:

Timothy Kotroco
305 Washington Avenue, Ste. 502
Towson, MD 21204

410-299-2943

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0250-A

8820 Chesapeake Avenue

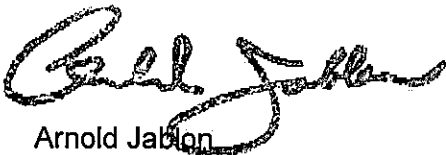
NW corner of Chesapeake Avenue and Baylight Avenue

15th Election District – 7th Councilmanic District

Legal Owners: John & Marisa Olszewski, Jr.

Variance to allow a 15 ft. street sideyard setback for a corner lot in lieu of the required 25 ft. and for such other and further relief as the nature of this case may require.

Hearing: Monday, May 1, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

March 28, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0250-A

8820 Chesapeake Avenue

NW corner of Chesapeake Avenue and Baylight Avenue

15th Election District – 7th Councilmanic District

Legal Owners: John & Marisa Olszewski, Jr.

Variance to allow a 15 ft. street sideyard setback for a corner lot in lieu of the required 25 ft. and for such other and further relief as the nature of this case may require.

Hearing: Monday, May 1, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Mr. & Mrs. Olszewski, Jr., 8820 Chesapeake Avenue, Sparrows Point 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 11, 2017.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0250-A
Property Address: 8820 Chesapeake Avenue
Property Description: Corner of Bay Light Ave
and Chesapeake Ave
Legal Owners (Petitioners): John + Marisa Olszewski
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Kotroco
Company/Firm (if applicable): Kotroco + Associates, LLC
Address: 305 Washington Ave Suite 502
Towson MD 21204

Telephone Number: 410-299-2943



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

April 25, 2017

John Jr. & Marisa Olszewski
8820 Chesapeake Avenue
Sparrow Point MD 21219

RE: Case Number: 2017-0250 A, Address: 8820 Chesapeake Avenue

Dear Mr. & Ms. Olszewski:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 20, 2017. 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, reading "W. Carl Richards, Jr.", is written over a circular embossed seal.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Timothy M Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson MD 21204

Date: 3/27/17

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

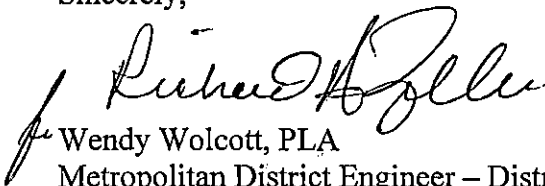
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0250-A

Variance
John & Marisa Olszewski, Jr.
8820' Chesapeake Avenue

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 4/24/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-250

INFORMATION:

Property Address: 8820 Chesapeake Avenue
Petitioner: John Olszewski, Jr., Marisa Olszewski
Zoning: DR 5.5
Requested Action: Variance

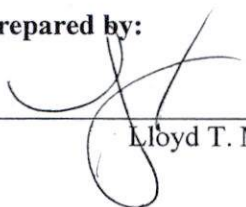
The Department of Planning has reviewed the petition for a variance to allow a 15 foot street side yard setback for a corner lot in lieu of the required 25 feet.

A site visit was conducted on April 5, 2017. Baylight Avenue and Chesapeake Avenue are classified as a Baltimore County Scenic Route.

The Department has no objection to granting the petitioned zoning relief.

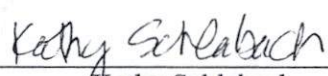
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Josephine Selvakumar
Timothy Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

RECEIVED

MAY 01 2017

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 4/24/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-250



INFORMATION:

Property Address: 8820 Chesapeake Avenue
Petitioner: John Olszewski, Jr., Marisa Olszewski
Zoning: DR 5.5
Requested Action: Variance

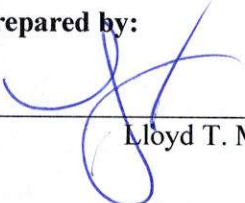
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A site visit was conducted on April 5, 2017. Baylight Avenue and Chesapeake Avenue are classified as a Baltimore County Scenic Route.

The Department has no objection to granting the petitioned zoning relief.

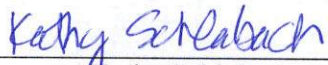
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Josephine Selvakumar
Timothy Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0250-A
Address 8820 Chesapeake Avenue
(Olszewski Property)

Zoning Advisory Committee Meeting of **April 3, 2017**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

1. Occupied by a structure, parking area, driveway, walkway, or roadway; or
2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;

3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

This grandfathered lot (#61), comprising approximately 16,610 square feet, is located within a Limited Development Area (LDA) and Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area (CBCA). The lot consists of two tax account numbers and the division line between the two is also the division line between the two Critical Area land use designations. The northern portion of the property is within RCA; the southern portion is within LDA. Any future plans for the property must show this line, and label and quantify the land use designations. The petitioner is requesting a 15' street sideyard setback for a corner lot in lieu of the required 25'. In order to minimize impacts on water quality, the applicant must comply with the LDA and RCA lot coverage requirements. Future plans must quantify lot coverage, per feature, (e.g. covered porch, dwelling, etc.), within the LDA portion, lot coverage, per feature, within the RCA portion, and the total for each and together. According to the plan submitted for this review, it appears that all lot coverage is proposed within the LDA. Please be advised that the "pervious paver parking" identified on the plan with this petition is considered lot coverage. In addition, mapped hydric soils are located on, and adjacent to the northern/western portion of the property, which is an indication of the possible presence of wetlands. If this determination is made on site, a Critical Area buffer would be projected onto the property, further restricting development activities. By allowing the request by the petitioner, impacts on water quality will be minimized when the LDA and RCA regulations are addressed.

2. Conserve fish, wildlife, and plant habitat; and

The use of this property must comply with all applicable LDA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements. By meeting these requirements, the requested activities could be conducted in a manner that can conserve fish, wildlife and plant habitat in nearby Back River and the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The proposed activities must comply with all LDA and RCA requirements and, therefore, will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Thomas Panzarella Date: April 11, 2017
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For April 3, 2017
Item No. 2017-0250

DATE: April 5, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comment.

Prior to building permit application the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation so that the floor elevation can be set.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0250-04032017.doc

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
8820 Chesapeake Avenue; NW corner of * OF ADMINISTRATIVE
Chesapeake & Baylight Avenues * HEARINGS FOR
15th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): John & Marisa Olszewski *
Petitioner(s) * 2017-250-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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 2017, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: June 2, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0250-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 1, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

Sherry Nuffer

From: Sherry Nuffer
Sent: Tuesday, May 02, 2017 11:47 AM
To: 'TKotroco@gmail.com'
Subject: 2017-0250-A 8820 Chesapeake Avenue
Attachments: 20170502115828359.pdf

Tim,

Attached is a copy of the Order for case number 2017-0250-A.

I will e-mail Mrs. Watson a copy as well.

Have a wonderful day! ☺

Sherry Nuffer

From: Sherry Nuffer
Sent: Tuesday, May 02, 2017 11:49 AM
To: 'psalm23trish@gmail.com'
Subject: 2017-0250-A
Attachments: 20170502115828359.pdf

Mrs. Watson,

Attached please find a copy of the Order for case number 2017-0250-A.

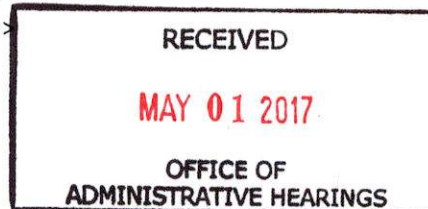
Should you have any questions or concerns, please do not hesitate to contact our office.

Thank you,

Sherry

Sherry Nuffer

From: Trish Watson <psalm23trish@gmail.com>
Sent: Monday, May 01, 2017 9:58 AM
To: Administrative Hearings
Subject: RE: Case No. 2017-0250-A



To Whom it May Concern,

My husband and I are neighbors a few properties away from this one and we are concerned about the request for a setback of 15 feet in lieu of the required 25 feet. We were unable to get off work to attend the hearing.

Our main concern about changing the setback requirement on this property would be that it will set a precedent that may be followed by other lot owners who wish to develop their properties in the future. There are at least two more empty lots in that section of Chesapeake Ave. We have seen a home constructed on land that was deemed "unbuildable" for more than 20 years abutting the Black Marsh Wildlands preservation area and it is very close to the street (5-10 foot setback) and were very disturbed by that.

The Zoning Notice sign posted left us with many questions.

- 1) Is the setback request for the side yard facing Baylight Ave?
- 2) Is the setback request for the Chesapeake Ave side?
- 3) What is meant by the language on the Zoning Notice sign that says:

"...and for such other and further relief as the nature of this case may require?"

Please advise.

- 4) Is the property owner trying to subdivide the property into two lots?

Please keep in mind that we are in the Chesapeake Bay critical area in this neighborhood on Millers Island. Any construction after Hurricane Isabel requires homes to be 11 feet off the ground and subject to only 10% impervious surfaces.

Thank you for your consideration of our concerns. We have more questions than objections, and if our questions were answered, we may not have any objections.

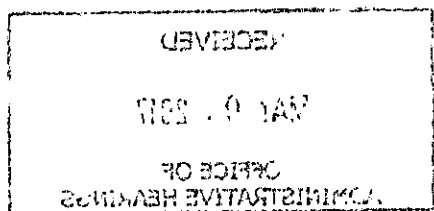
Respectfully,

Trish Watson

--

In everything give thanks: for this is the will of God in Christ Jesus concerning you.

~1 Thessalonians 5:18



John E. Beverungen

From: Timothy M. Kotroco <tkotroco@gmail.com>
Sent: Monday, May 01, 2017 9:55 PM
To: John E. Beverungen
Subject: FW: 8820 Chesapeake Avenue

Judge Beverungen,

I wanted to send to you the email exchange between the Olszewskis and Mrs. Watson, the lady who sent the email to your office today. The Olszewskis immediately reached out to Mrs. Watson and it appears that all questions have been answered. See email below. Thank you for your time and attention today at the hearing.

Regards,

Tim K.
Timothy M. Kotroco, Esquire
305 Washington Ave., Suite 502
Towson, Maryland 21204
410-299-2943

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From: Trish <psalm23trish@gmail.com>
Date: May 1, 2017 at 5:59:15 PM EDT
To: "John Olszewski, Jr." <gojohnnyo@gmail.com>
Cc: Marisa Olszewski <marisa.olszewski@gmail.com>
Subject: Re: 8820 Chesapeake Avenue

Dear Mr. & Mrs. Olszewski,

Thank you for your prompt and courteous reply. I appreciate the time you took to answer my questions and I wish you all the best as you plan to build your new home. I always thought that corner lot would be perfect for small children (or little dogs) because of that indestructible fence. ;)

It is such a unique blessing to live in this neighborhood on the beautiful Chesapeake Bay. My husband and I were welcomed into it by Hurricane Isabel - only 3 days after we passed papers! Though it wrought major destruction, we survived it and it brought

the community together. We treasure the peace and privacy we have here and hope you come to enjoy it as much as we do.

Best Regards,
Trish

On May 1, 2017, at 1:08 PM, John Olszewski, Jr. <gojohnnyo@gmail.com> wrote:

Dear Mrs. Watson,

I hope this email finds you well. I wanted to write to you as follow up to your questions regarding the variance my wife and I requested for the property at 8820 Chesapeake Avenue. I'm sorry that we were not able to get to you personally while we knocked on a few of the other neighbors' doors this past weekend.

For background, I've lived in the area my entire life and went to Sparrows Point Middle and High School. This area has always been home for me and I am excited about the possibility of building a house where my wife and I can raise our 18-month old daughter in a strong, tight-knit community.

Specifically, you asked:

1) Is the setback request for the side yard facing Baylight Avenue? Yes, we requested the county approve a variance from 25 feet to 15 feet along Baylight. Due to the unique nature of the property (a narrow corner lot with double frontage to Baylight and Chesapeake Avenue), it was nearly impossible to design a house that could meet all of the required setbacks (25 feet on Chesapeake, 25 feet from Baylight, 30 feet from back yard and 10 feet from adjacent property). We worked hard to minimize the variation from county requirements, which is why we were only seeking the variance on the one side.

2) Is the setback request for the Chesapeake Avenue side? No, we do not plan to build within 25 feet of Chesapeake Avenue.

3) What is meant by "and for such other and further relief as the nature of this case may require?" Honestly I am not sure what the exact intention of this language is - I believe that it is required as part of all of the postings for variance requests. We are not requesting any other changes.

4) Is the request to subdivide the property into two lots? No. We actually were able to get the lot over another prospective buyer whose intentions were to subdivide the lot and build two houses.

We understand the requirements regarding critical area and flood elevations and plan to meet those. We also plan to build a nice house that adds to the area and to be active members of the community.

If you have any additional questions or would like to meet with us in person, we certainly would welcome doing so! My personal contact information is below and my wife is also copied on this email. Feel free to contact us anytime.

Peace,
The Olszewski Family (Johnny, Marisa and Daria)

--

John Olszewski, Jr.
211 Patapsco Avenue
Dundalk, MD 21222
gojohnnyo@gmail.com
443-865-3370 (cell)

"One person can make a difference, and everyone should try."
- John F. Kennedy

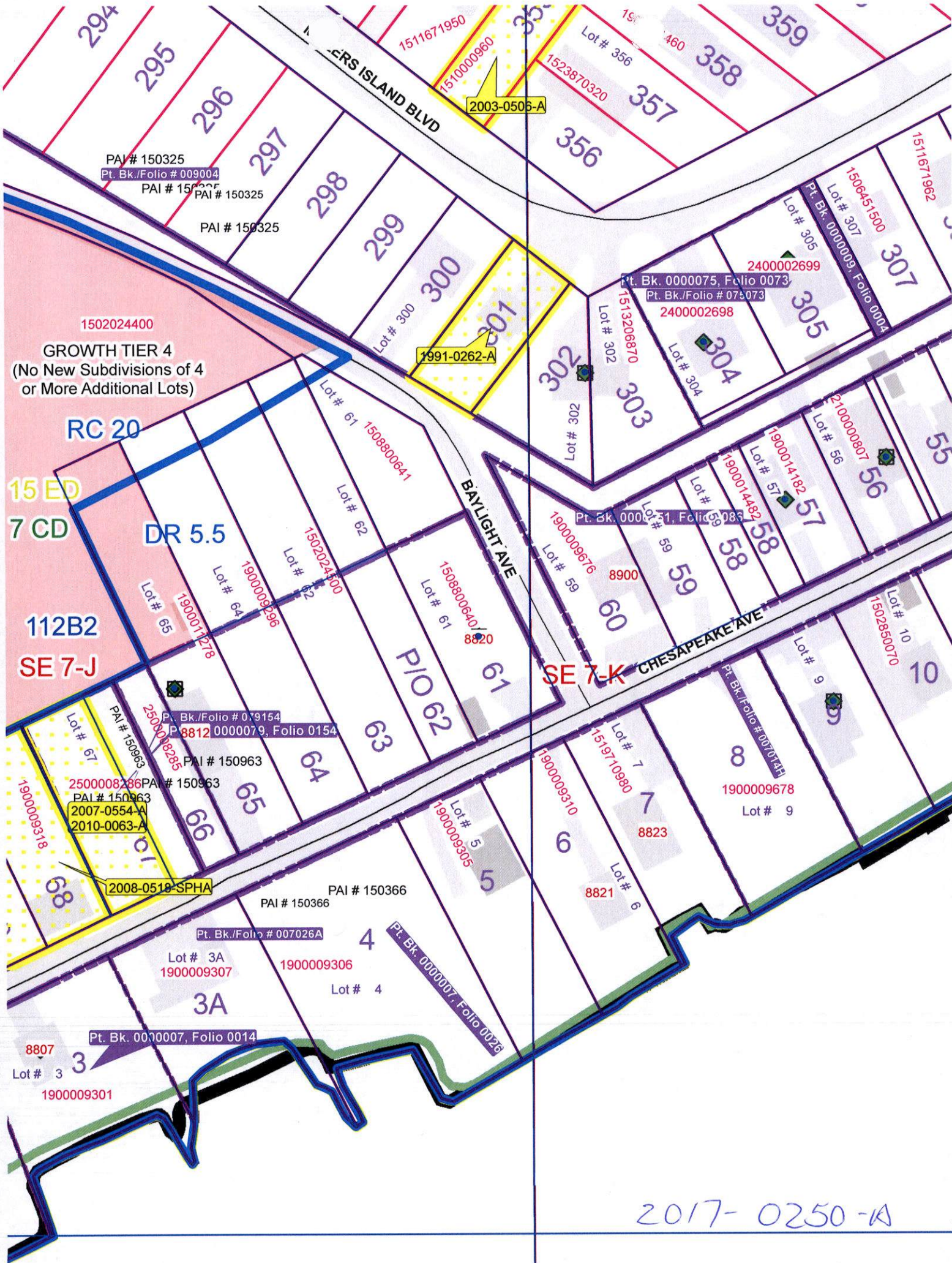
Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1508800640			
Owner Information					
Owner Name:	OLSZEWSKI JOHN A JR OLSZEWSKI MARISA J		Use:	RESIDENTIAL	
Mailing Address:	211 PATAPSCO AVE BALTIMORE MD 21222-		Principal Residence:	NO	
			Deed Reference:	/37695/ 00118	
Location & Structure Information					
Premises Address:	8820 CHESAPEAKE AVE BALTIMORE 21219-		Legal Description:	LT 61 PT LT 62 NW COR 30 FT RD BAYLIGHT BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0112	0015	0005		0000	61 2015 0007/0026
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			9,450 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2015	07/01/2016	07/01/2017	
Land:	107,100	107,100			
Improvements	0	0			
Total:	107,100	107,100	107,100	107,100	
Preferential Land:	0			0	
Transfer Information					
Seller: HUMIN FRANK ROY		Date: 06/28/2016		Price: \$135,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /37695/ 00118		Deed2:	
Seller: HUMIN FRANK ROY		Date: 03/15/2006		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /23534/ 00129		Deed2:	
Seller: KERBY JUSTINE M		Date: 04/26/1988		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /07847/ 00712		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016	07/01/2017		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application			Date:		

CASE NAME _____
CASE NUMBER 2017-0250-A
DATE MAY 1, 2017

[illegible]



2017- 0250 -A



Case No.:

2017-0250-A

Exhibit Sheet

6-2-17

slw
5-2-17

Petitioner/Developer

Protestant

No. 1	Plan	
No. 2	Aerial photos	
No. 3	Site photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 8820 Chesapeake Avenue OWNER(S) NAME(S) John + Marissa Olszewski
 SUBDIVISION NAME _____ LOT # 61 BLOCK # _____ SECTION # _____
 PLAT BOOK # 7 FOLIO # 26 10 DIGIT TAX # 1508800641 DEED REF. # 376951118

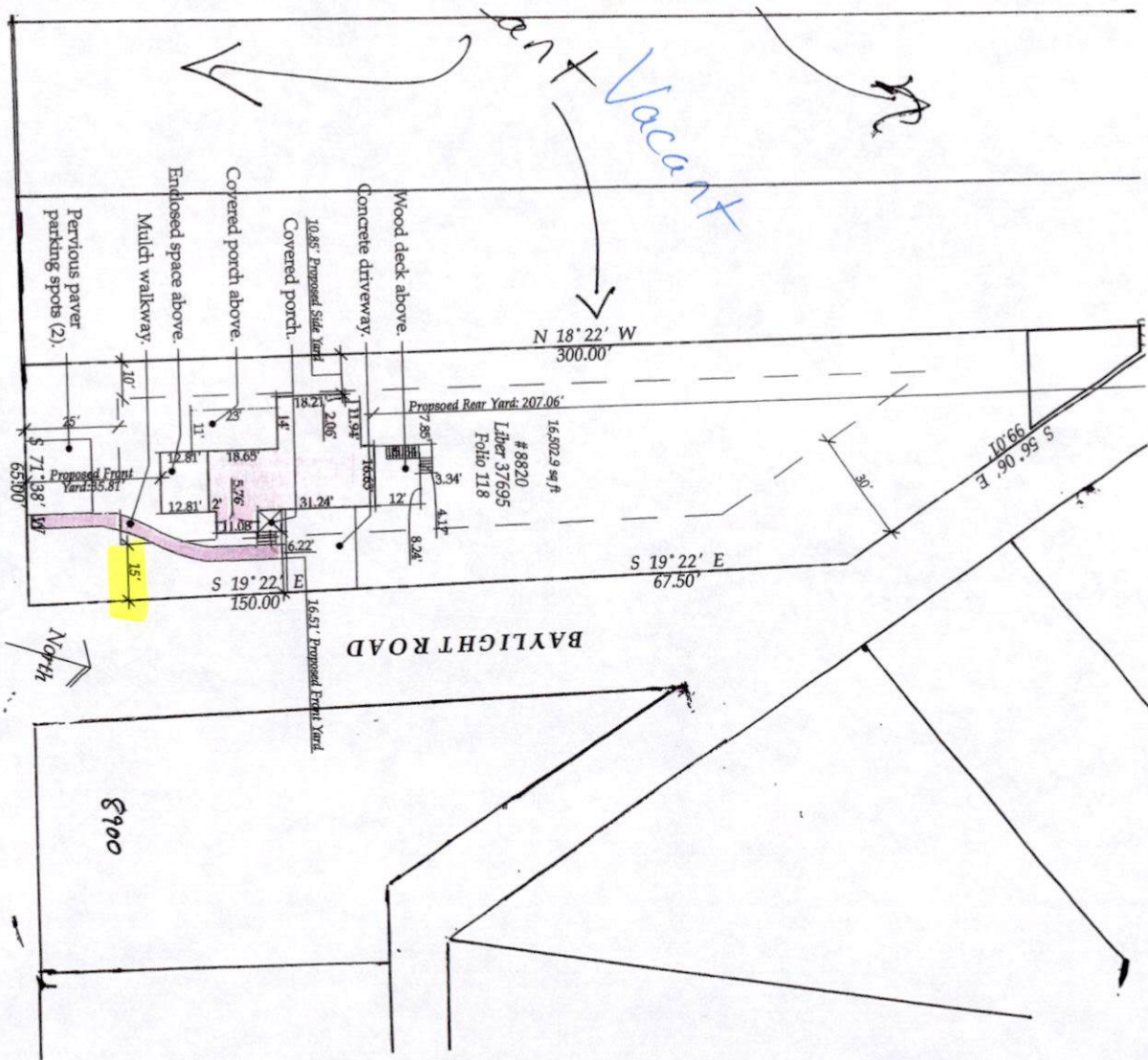
MICHAEL PATRICK ROUSE
 architect

Site Plan

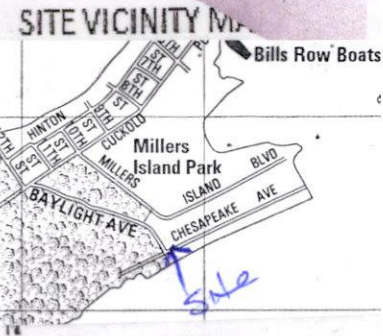
Site Plan

SP

CHESAPEAKE AVENUE



PLAN DRAWN BY Olszewski DATE 3/17/17 SCALE: 1 INCH = 50 FEET



MAP IS NOT TO SCALE

ZONING MAP# 112 B2
 SITE ZONED DR-5
 ELECTION DISTRICT 12
 COUNCIL DISTRICT 7
 LOT AREA ACREAGE _____
 OR SQUARE FEET 16,610
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? YES
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2017-0250-A

#1



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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2112





My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Printed 2/23/17



#3







