

MEMORANDUM

DATE: August 8, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0308-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on August 7, 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

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(908 Lutz Avenue) *
15th Election District *
7th Council District *

Stanley John & Wanda Lee Wolinski *
Legal Owners *
Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0308-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Stanley John and Wanda Lee Wolinski, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the footprint of an accessory structure (garage) to be larger than the footprint of the principal structure (dwelling). In addition, a Petition for Variance seeks to permit an accessory structure (garage) with a height of 18 ft. in lieu of the maximum 15 ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Stanley J. Wolinski and Bruce E. Doak appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing county agencies.

SPECIAL HEARING

Petitioners submitted an exhibit (Petitioners' Exhibit 7) indicating the existing dwelling (constructed in 1929) footprint is 724 sq. ft. while the recently constructed garage footprint is 1,260 sq. ft. The existing dwelling is quite small and the improvements are situated on a lot 10,000 sq.

ORDER RECEIVED FOR FILING

Date 7-7-17

By hw

ft. in size and zoned DR 5.5. The structures are not crowded on the lot and Petitioners submitted letters of support from each of the neighbors in the vicinity. Petitioners' Exhibit 8. As such the petition will be granted.

Mr. Wolinski noted he intends to raze the existing dwelling, which is in very poor condition. He would like to construct a new dwelling on the lot but is unsure at this juncture whether the new home's footprint would be smaller or larger than the existing garage. As explained at the hearing, Petitioners would not need to again seek zoning relief if the new dwelling (footprint) was in fact smaller than the existing garage; the special hearing relief granted below would be applicable in that instance.

VARIANCES

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).

The subject property is narrow and deep (50 ft. x 200 ft.) and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would need to reconstruct the garage. 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. Mr. Wolinski explained he secured a building permit prior to constructing the garage, but unbeknownst to him the contractor changed slightly

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Date

7-7-17

By

OW

the pitch of the roof (as shown on Petitioners' Exhibit 6) which resulted in a height of 18 ft., which exceeded the maximum allowed height of 15 ft.

THEREFORE, IT IS ORDERED this 7th day of **July, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit the footprint of an accessory structure (garage) to be larger than the footprint of the principal structure (dwelling), whether the existing dwelling or a replacement dwelling constructed in the future, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the petition for variance to permit an accessory structure (garage) with a height of 18 ft. in lieu of the maximum 15 ft., be and is hereby GRANTED.

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 their 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.

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:dlw

ORDER RECEIVED FOR FILING

Date 7-7-17

By dlw



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 908 LUTZ AVENUE which is presently zoned D.R. 5.5
Deed References: JLE 37388/197 10 Digit Tax Account # 1502572160
Property Owner(s) Printed Name(s) STANLEY JOHN WOLINSKI & WANDA LEE WOLINSKI

(SELECT THE HEARING(S) BY MARKING ☒ 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 SHEET

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED SHEET

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)

TO BE PRESENTED AT THE HEARING

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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0308-SPHA

Filing Date 5/18/2017

Do Not Schedule Dates: _____

Reviewer W

ORDER RECEIVED FOR FILING

Date

By

Petitions Requested

Special Hearing:

To permit the footprint of an accessory structure (garage) to be larger than the footprint of the principal structure (dwelling).

Variances:

To permit an accessory structure (garage) with a height of 18 feet in lieu of the required 15 feet per Section 400.3 BCZR

2017-0308-SPHA

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

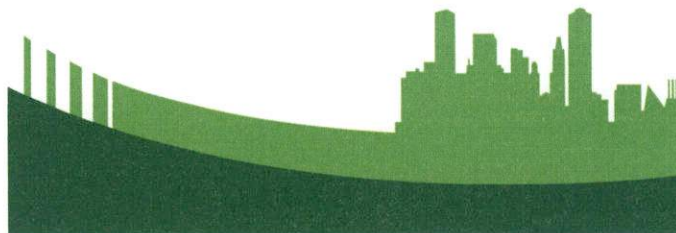
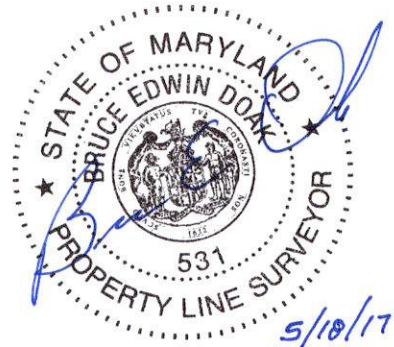
Zoning Description

908 Lutz Avenue- 10,000 Square Feet
Fifteenth Election District Seventh Councilmanic District
Baltimore County, Maryland

Beginning at a point on the north side of Lutz Avenue, 290 feet from the east side of Marlyn Avenue, thence running on the north side of Lutz Avenue 1) Northeasterly 50 feet, thence leaving said road and running on the outlines of the subject property, the three following courses and distances, viz., 2) Northwesterly 200 feet, 3) Southwesterly 50 feet and 4) Southeasterly 200 feet to the point of beginning.

Containing 10,000 square feet or 0.23 of an acre of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

2017-0308-SPHA



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 5012717

Sold To:

Stanley Wolinski - CU00604442
16 Helena Ave
Essex, MD 21221-6909

Bill To:

Stanley Wolinski - CU00604442
16 Helena Ave
Essex, MD 21221-6909

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

Jun 15, 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: # 2017-0308-SPHA

908 Lutz Avenue
N/s Lutz Avenue, northeast of Marilyn Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s) Stanley & Wanda Wolinski

Special Hearing: to permit the footprint of an accessory structure (garage) to be larger than the footprint of the principle structure (dwelling).

Variance to permit an accessory structure (garage) with a height of 18 ft. in lieu of the required 15 ft.

Hearing: Thursday, July 6, 2017 at 10:00 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.

6/083 June 15

5012717

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

Bruce E. Doak Consulting, LLC

5001 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

June 13, 2017

Re:

Zoning Case No. 2017-0308-SPHA

Legal Owner: Stanley J. & Wanda L. Wolinski

Hearing date: July 6, 2017

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **908 Lutz Avenue**.

The sign was posted on June 12, 2017.

Sincerely,



Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2017-0308-SPHA

908 Lutz Avenue

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING 105 W.
CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Thursday July 6, 2017 10:00 AM
REQUESTS:

SPECIAL HEARING TO PERMIT THE FOOTPRINT OF AN
ACCESSORY STRUCTURE (GARAGE) TO BE LARGER
THAN THE FOOTPRINT OF THE PRINCIPLE STRUCTURE
(DWELLING).

VARIANCE TO PERMIT AN ACCESSORY STRUCTURE
(GARAGE) WITH A HEIGHT OF 18 FEET IN LIEU OF THE
REQUIRED 15 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2017-0308-SPHA

908 Lutz Avenue

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING 105 W.
CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Thursday July 6, 2017 10:00 AM
REQUESTS:

HEARING TO PERMIT THE FOOTPRINT OF AN
STRUCTURE (GARAGE) TO BE LARGER
THE PRINCIPLE STRUCTURE

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 15, 2017 Issue - Jeffersonian

Please forward billing to:
Stanley Wolinski
16 Helena Avenue
Baltimore, MD 21221

410-274-4399

NOTICE OF ZONING HEARING

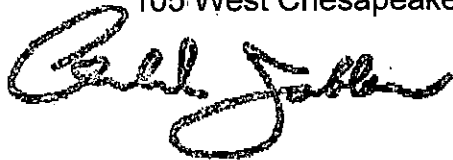
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0308-SPHA

908 Lutz Avenue
N/s Lutz Avenue, northeast of Marlyn Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Stanley & Wanda Wolinski

Special Hearing to permit the footprint of an accessory structure (garage) to be larger than the footprint of the principle structure (dwelling). Variance to permit an accessory structure (garage) with a height of 18 ft. in lieu of the required 15 ft.

Hearing: Thursday, July 6, 2017 at 10:00 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

June 5, 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: 2017-0308-SPHA

908 Lutz Avenue

N/s Lutz Avenue, northeast of Marlyn Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Stanley & Wanda Wolinski

Special Hearing to permit the footprint of an accessory structure (garage) to be larger than the footprint of the principle structure (dwelling). Variance to permit an accessory structure (garage) with a height of 18 ft. in lieu of the required 15 ft.

Hearing: Thursday, July 6, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Wolinski, 16 Helena Avenue, Baltimore 21221
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 16, 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.**

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE * OF ADMINISTRATIVE
908 Lutz Avenue; N/S Lutz Avenue, *
290' NE of c/line of Marlyn Avenue *
15th Election & 7th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Stanley & Wanda Wolinski *
Petitioner(s) * BALTIMORE COUNTY
* 2017-308-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

MAY 26 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of May, 2017, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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: 2017-0308-SP4A

Property Address: 908 Lutz Avenue

Property Description: 290' EAST OF MARLYN AVENUE

Legal Owners (Petitioners): STANLEY JOHN WOLINSKI & WANDA LEE WOLINSKI

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: STANLEY WOLINSKI

Company/Firm (if applicable): N/A

Address: 16 HELENA AVENUE
BALTIMORE MD 21221

Telephone Number: 410-274-4399

Revised 7/9/2015

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

NO 153068

Date: 5/18/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	1000		6150				150.00

Total: 150.00

Rec From: Bence Dock Consulting

For: 908 Lutz Ave

207-0308-SPH#

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME INH
5/18/2017 5/18/2017 09:27:44 1
REG 0501 WALKIN LJR
>>RECEIPT # 721375 5/18/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 153068
Recpt Tot \$150.00
\$150.00 CK \$.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

June 28, 2017

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

RE: Case Number: 2017-0308 SPHA, Address: 908 Lutz Avenue

Dear Mr. & Ms. Wolinski:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 18, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bruce E Doak Consulting, 3801 Baker Schoolhouse Road, Freeland MD 21053

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date: 5/22/17

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. 2017-0308-SPHA.

*Special Hearing Variance
Stanley John & Wanda Lee Molinski
908 Lutz 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,

Richard Zeller

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

WW/RAZ

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030

410.229.2300 | TTY 800.735.2258 | roads.maryland.gov

My telephone number/toll-free number is 866.998.0367

7-6

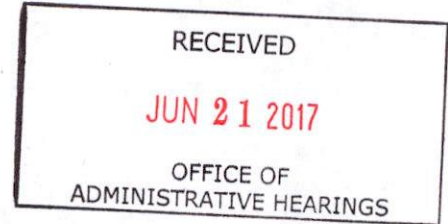
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-308

DATE: 6/15/2017



INFORMATION:

Property Address: 908 Lutz Avenue
Petitioner: Stanley John Wolinski, Wanda Lee Wolinski
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

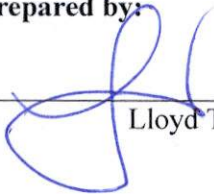
The Department of Planning has reviewed the petition for special hearing to permit the footprint of an accessory structure (garage) to be larger than the footprint of the principal structure (dwelling) as well as the petition for variance to permit an accessory structure (garage) with a height of 18 feet in lieu of the required 15 feet.

A site visit was conducted on May 31, 2017. The accessory structure (garage) is existing on the site.

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

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Bruce E. Doak, Bruce E. Doak Consulting
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
FROM: *ms* Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For May 29 2017
Item No. 2017-0304, 0305, 0307 and 0308

DATE: June 8, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comment.

VKD:CEK
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC05292017.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/15/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-308

INFORMATION:

Property Address: 908 Lutz Avenue
Petitioner: Stanley John Wolinski, Wanda Lee Wolinski
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

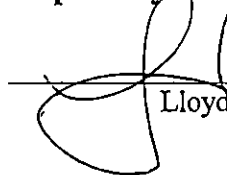
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Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Bruce E. Doak, Bruce E. Doak Consulting
Office of the Administrative Hearings
People's Counsel for Baltimore County

Case No.: 2017-0308-SPHA-903 Lutz Ave.

Exhibit Sheet

Petitioner/Developer

DW 8-8-17

Protestants

DW 7-7-17

No. 1	site plan	
No. 2	aerial photo	
No. 3	3A-3K Photos	
No. 4	SDAT sheet	
No. 5	Plat	
No. 6	Photo - garage	
No. 7	Exhibit comparing footprints of structures	
No. 8	Signatures - neighbors	
No. 9		
No. 10		
No. 11		
No. 12		



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

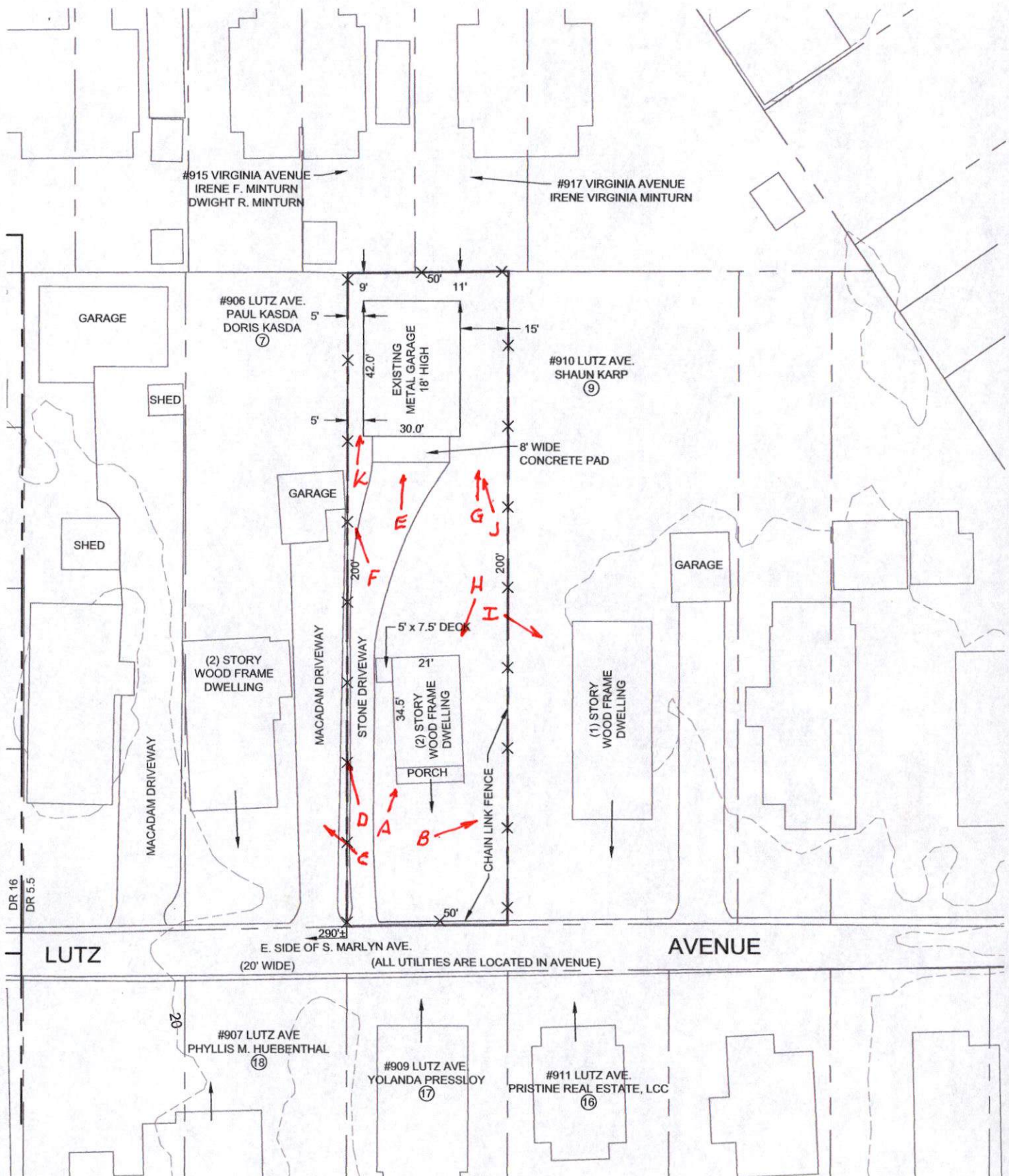


PETITIONER' S

EXHIBIT NO. 2

use of or reliance upon this data.

Printed 3/29/17



PLAN TO ACCOMPANY PHOTOGRAPHS

PETITIONER'S

EXHIBIT NO. 3-K

A



B



C



D



E



F



G



H



I



J



K



Search Result for BALTIMORE COUNTY

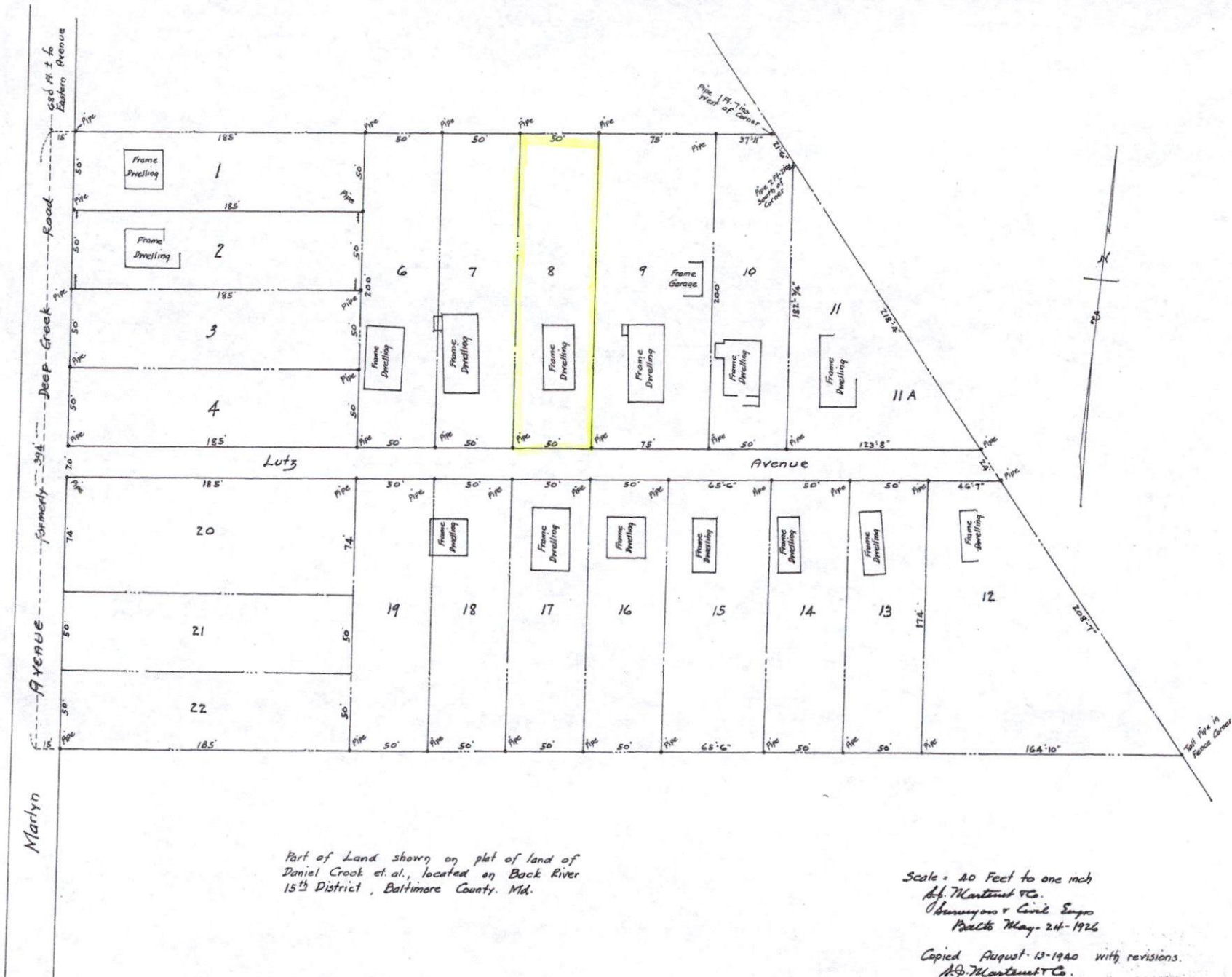
View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1502572160			
Owner Information					
Owner Name:		WOLINSKI STANLEY JOHN WOLINSKI WANDA LEE		Use:	RESIDENTIAL
Mailing Address:		16 HELENA AVE BALTIMORE MD 21221-5019		Principal Residence:	NO
				Deed Reference:	/37388/ 00197
Location & Structure Information					
Premises Address:		908 LUTZ AVE BALTIMORE 21221-		Legal Description:	
				LUTZ PLAT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0097	0003	0057		0000	
					Block:
					8
					Lot:
					2015
					Assessment Year:
					Plat No:
					Plat Ref:
					0012/0086
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1929	936 SF		10,000 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Last Major Renovation
1 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE	1 full	
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016 As of 07/01/2017		
Land:	62,700	62,700			
Improvements	51,400	54,600			
Total:	114,100	117,300	116,233	117,300	
Preferential Land:	0			0	
Transfer Information					
Seller: BOWERS ETHEL M		Date: 04/13/2016		Price: \$25,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /37388/ 00197		Deed2:	
Seller: BOWERS THEODORE W		Date: 08/23/1983		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06577/ 00392		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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					

PETITIONER'S

EXHIBIT NO.

4

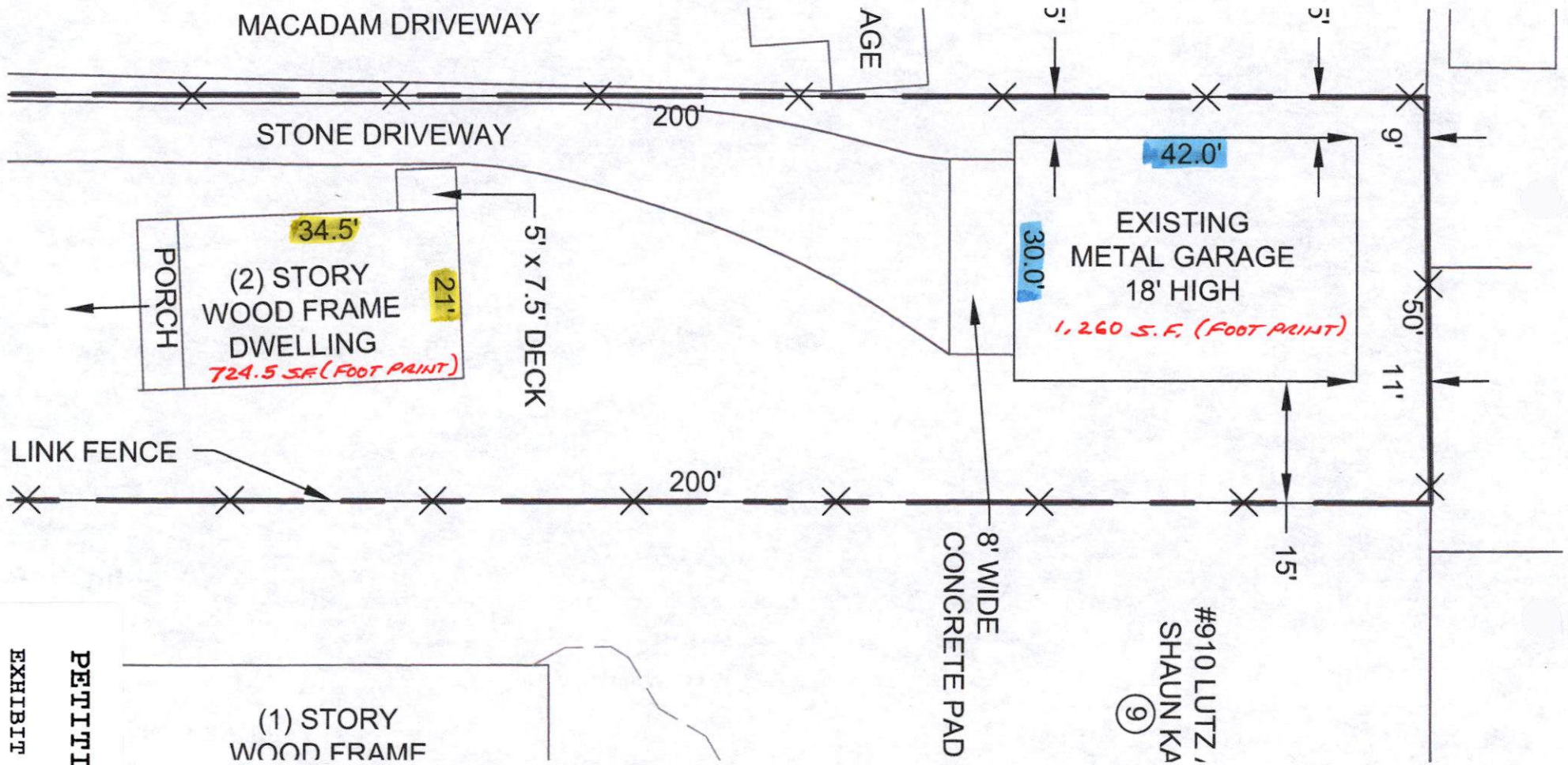
PETITIONER'S





PETITIONER' S

EXHIBIT NO. 6



PETITIONER'S

EXHIBIT NO. _____

7

I APPROVE THE GARAGE/IMPROVEMENT
(CASE NO. 2017-0308-SPHA) AT 908 LUTZ AVE.

NAME	ADDRESS
- Paula Kasda	PAUL KASDA 906 LUTZ AVE
- S Karp	SHAWN KARP 910 LUTZ AVE
- Stella	DIANE MONTAN 915 VIRGINIA AVE
- John	IRENE VOTURO 917 VIRGINIA AVE
- Phyllis Hueber	PHYLLIS HUEBER 907 LUTZ AVE
- Yolanda Pressley	YOLANDA PRESSLEY 909 LUTZ AVE
- Michael Buzgierski	MICHAEL BUZGIERSKI 904 LUTZ AVE
- Henry Abate	Henry Abate 912 LUTZ AVE
- Tom Butcher	Thomas Butcher 921 LUTZ AVE
- John Micholen	JOHN MICHOLEN 913 LUTZ AVE
- Wanda Wolinski	WANDA WOLINSKI 919 LUTZ AVE

PETITIONER'S

EXHIBIT NO. 8

7-28

CASE NAME WOLINSKI
CASE NUMBER 2017-0308-SPHA
DATE 7/06/17

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment6/8DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)no commentDEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

6/21PLANNING
(if not received, date e-mail sent _____)no obj5/22

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 6/15/17SIGN POSTING Date: 6/12/17 by DOCKPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

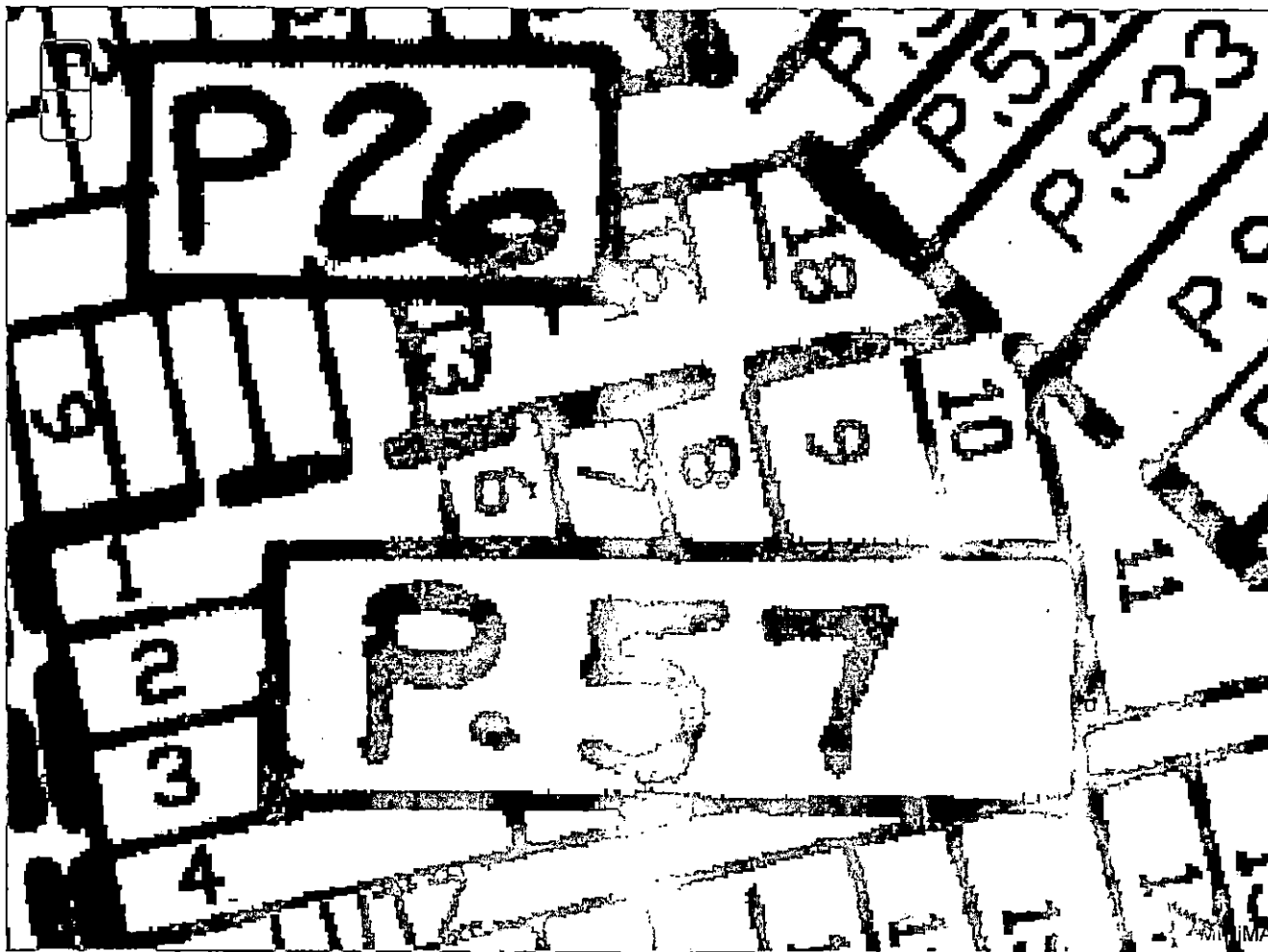
Comments, if any: _____

Real Property Data Search

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Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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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					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **15** Account Number: **1502572160**

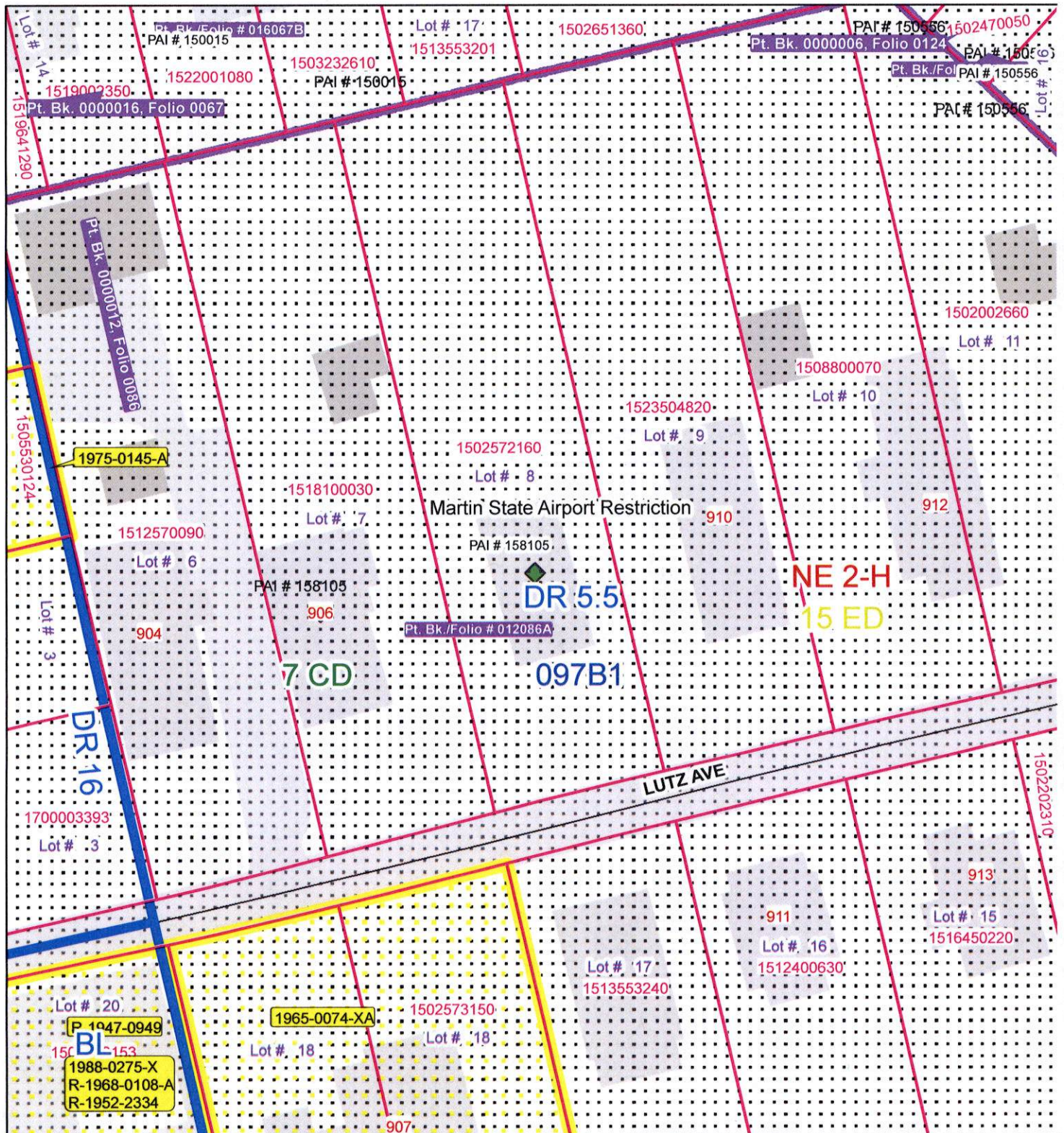
The information shown on this map has been compiled from deed descriptions and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

908 Lutz Avenue 2017-0308-SPHA



Publication Date: 5/18/2017



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

GENERAL SITE INFORMATION

1. Ownership: Stanley John Wolinski & Wanda Lee Wolinski
16 Heiena Avenue Baltimore, MD 21221
2. Address: 908 Lutz Avenue Baltimore, MD 21221
3. Deed references: JLE 37388/ 197
4. Area: 10,000 sq. ft. / 0.230 acre (per SDAT)
5. Tax Map / Parcel / Lot / Tax account #: 97 / 57 / 8 / 15-02-572160
6. Election District: 15 Councilmanic District: 7
ADC Map: 4821F1 GIS tile: 097B1 Position sheet: 5NE29
Census tract: 450501 Census block: 240054505012002
Schools: Sussex ES Deep Creek MS Chesapeake HS
7. The boundary shown hereon is from the recorded subdivision plat found in the Land Records of Baltimore County in Plat Book 12/ 86 "Lutz Plat". All other information shown hereon was taken from Baltimore County GIS tiles 097B1 and the information provided by Baltimore County on the Internet.
8. Improvements: Single family dwelling & garage. The existing dwelling and the garage will remain. The house was built in 1929 (per SDAT)

OFFICE OF ZONING

Zoning: DR 5.5 There are no previous zoning cases on the subject parcels.

Parking Calculations

Required parking spaces: 2
Parking spaces provided on site: 2+

DR 5.5 Setbacks for residential dwellings

Front: 25 feet from the street right of way / property line
Side: 10 feet
Rear: 30 feet from the property line / street right of way line

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

1. The existing dwelling is currently serviced by public utilities located in Lutz Avenue.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

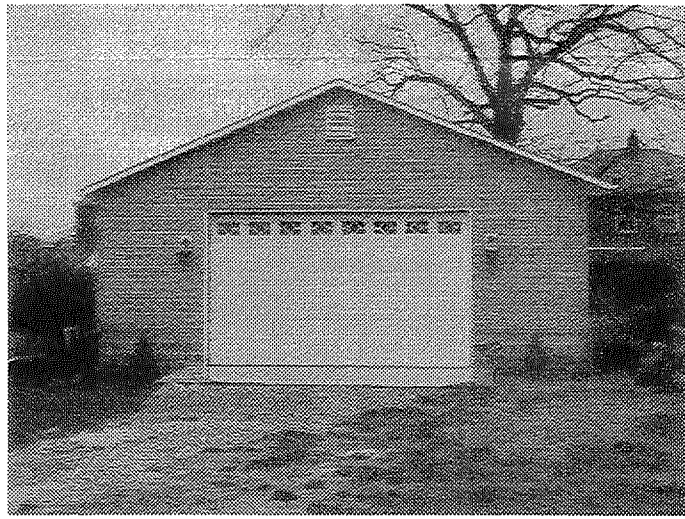
OFFICE OF PLANNING

Regional Planning District: Essex District Code: 328

1. The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

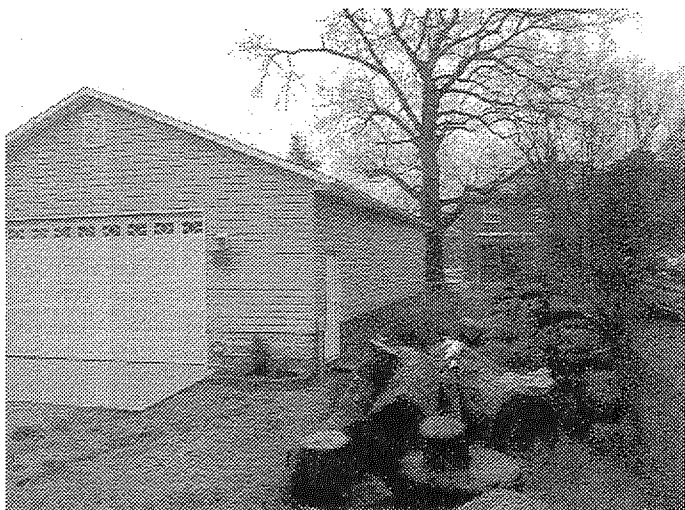
To gain zoning approval for an existing garage.



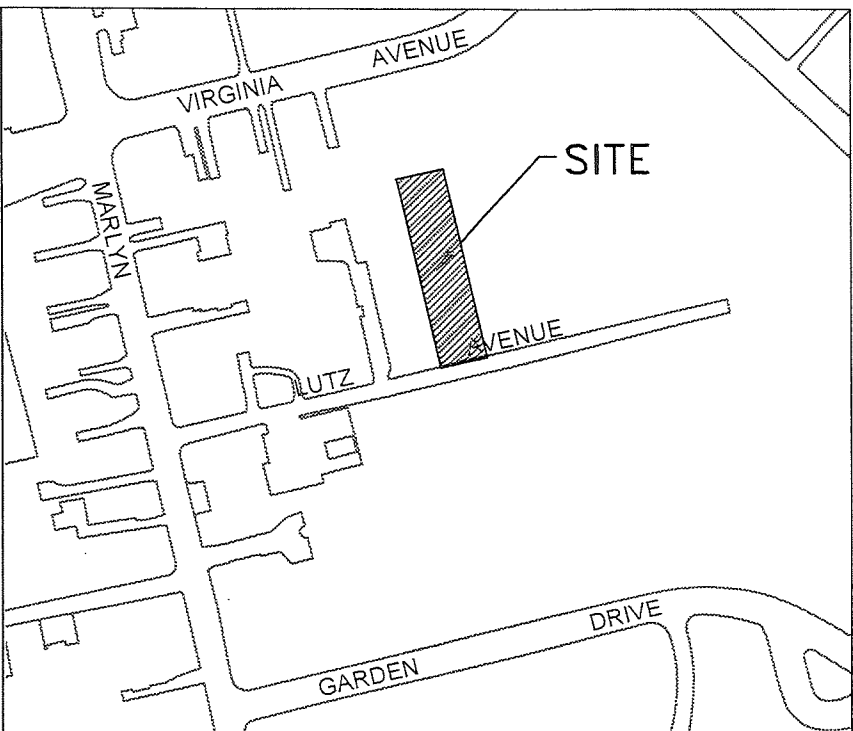
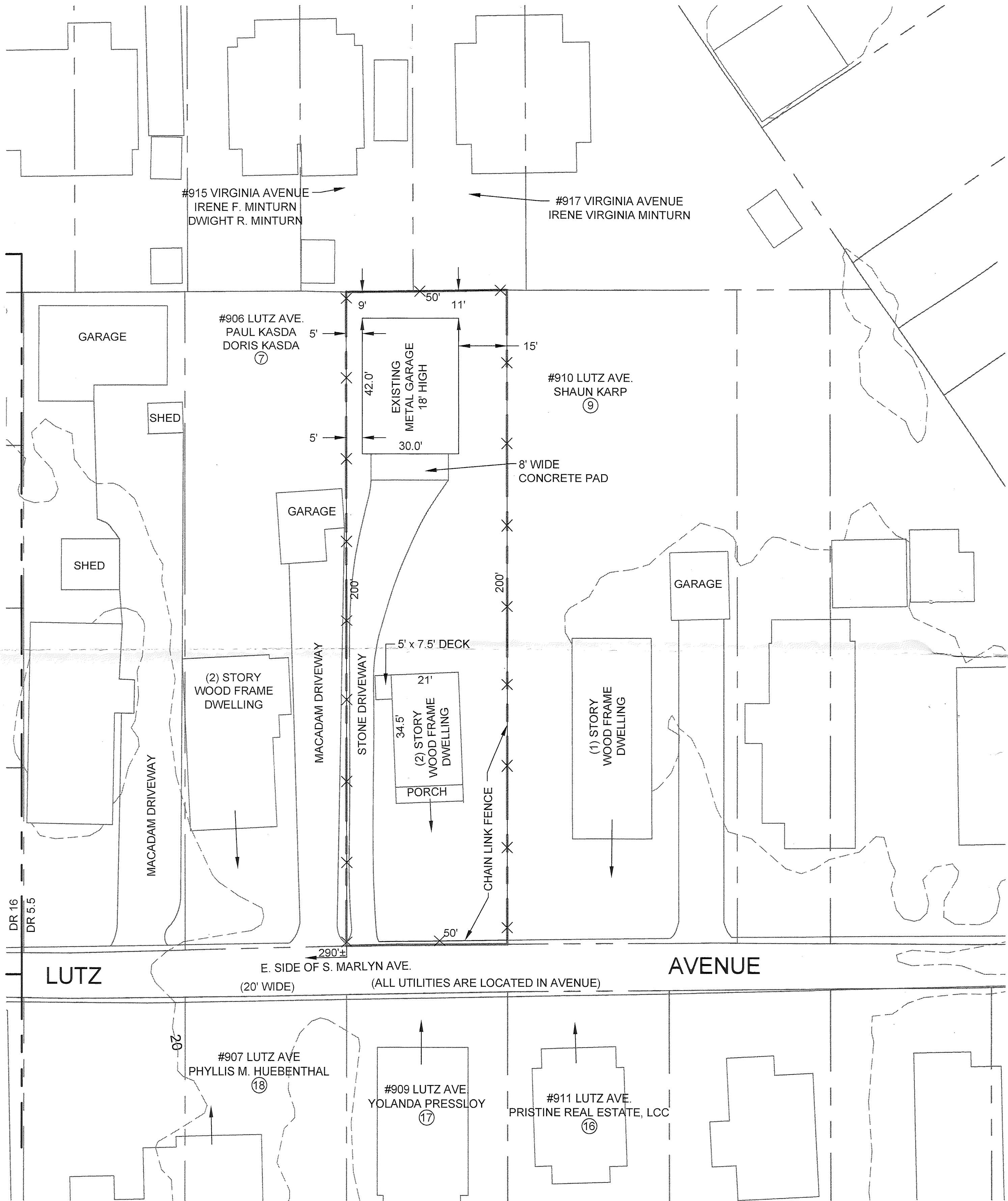
FRONT SIDE



WEST SIDE



EAST SIDE



Vicinity Map - Scale: 1' = 200'

PETITIONER'S

EXHIBIT NO. 1



REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION
FOR THE
#908 LUTZ AVENUE

BALTIMORE COUNTY, MARYLAND
15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT



5/18/17