

IN RE: PETITION FOR VARIANCE

(9026 Hinton Avenue)

15th Election District

7th Council District

Richard & Cathy Stryjewski

Legal Owners

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0262-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Richard & Cathy Stryjewski, legal owners of the subject property (“Petitioners”). The Petition seeks variance relief from §§ 1B02.3.C.1, 301.1 and 303 of the Baltimore County Zoning Regulations (“BCZR”) as follows: (1) to permit a replacement dwelling with a front yard (water side) and rear yard (street side) setbacks of 39 ft. and 39 ft., respectively (for a double frontage lot) in lieu of the minimum required averaged setback of 40 ft. (for both); (2) to permit side yard setbacks of 7 ft. and 8 ft., respectively, in lieu of the minimum required 10 ft.; and (3) to permit an open projection (deck) setback of 21 ft. in lieu of the minimum required 30 ft. A site plan was marked as Petitioners’ Exhibit 1.

Richard Stryjewski and professional engineer William Bafitis appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), the Bureau of Development Plans Review (“DPR”) and the Department of Environmental Protection and Sustainability (“DEPS”).

The site is approximately 7,400 square feet in size and zoned DR 5.5. The property is

ORDER RECEIVED FOR FILING

Date

5/29/18

By

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improved with a modest single family dwelling which has been owned by Petitioners' family for over 60 years. Petitioners now use the property as a weekend retreat, but they plan to raze the existing dwelling and construct a new, larger single family dwelling on the lot.

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 waterfront lot is narrow and deep, and the property is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the new single family dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 29th day of **May, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance: (1) to permit a replacement dwelling with a front yard (water side) and rear yard (street side) setbacks of 39 ft. and 39 ft., respectively (for a double frontage lot) in lieu of the minimum required averaged setback of 40 ft. (for both); (2) to permit side yard setbacks of 7 ft. and 8 ft., respectively, in lieu of the minimum required 10 ft.; and (3) to permit an open projection (deck) setback of 21 ft. in lieu of the minimum required 30 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

Date

5/29/18

By

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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.

2. Prior to issuance of permits Petitioners must comply with critical area and flood protection regulations.
3. As noted in the DOP's ZAC comment, Petitioners shall not be permitted to use or store items on the County-owned property adjacent to the subject property.
4. Prior to issuance of permits Petitioners shall be required to install a vegetative buffer extending southeasterly 25 ft. from the existing fence.

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

5/29/18

By

Sen



CBCA

PETITION FOR ZONING HEARING(S)

f(00)

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 9026 HINTON AVENUE which is presently zoned DR-5.5

Deed References: 33123/323 10 Digit Tax Account # 15-09050016

Property Owner(s) Printed Name(s) RICHARD STRYJEWSKI & CATHY L. STRYJEWSKI

(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

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

3. X a Variance from Section(s) 1B02.3.C.1, 301.1, 303 BCZR (Section 1B02.3.C.2, C.V. 2CPM) to permit a replacement dwelling with a front yard (water side) and rear yard (street side) setbacks of 39 feet and 38 feet, respectively (for a double frontage lot) in lieu of the minimum required averaged setback of 40 feet (for both); and to permit a side yard setback of 7 feet and 8 feet, respectively, in lieu of the minimum required 10 feet; and to permit an open projection (deck) setback of 21 feet in lieu of minimum required 30 feet. 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 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):

RICHARD STRYJEWSKI / CATHY L. STRYJEWSKI

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

#2603 CHERRY LAUREL CT. ABINGDON, MARYLAND

Mailing Address

City

State

21009

443-791-1047

Zip Code

Telephone #

Email Address

Representative to be contacted:

WILLIAM N. BAFTIS, P.E.

Name - Type or Print

Signature

1249 ENGLEBERTH ROAD BALTIMORE, MARYLAND

Mailing Address

City

State

21221

410-391-2336

bafitisassoc@comcast.net

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-02625A

Filing Date 3/30/2018

Do Not Schedule Dates:

Reviewer JNP

7/00

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MEMORANDUM FOR THE RECORD

The Office of the Attorney General is hereby notified that the following information was received from the Department of the Interior, Bureau of Land Management, on July 1, 1900:

On July 1, 1900, the Department of the Interior, Bureau of Land Management, advised that the following land was located in the State of California:

Section 1, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 2, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 3, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 4, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 5, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 6, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 7, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 8, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 9, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 10, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 11, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 12, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 13, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 14, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 15, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

Section 16, Township 12N, Range 12E, Meridian 1E, containing 36.00 acres, more or less, situated in the County of Santa Clara, State of California.

ORDER RECEIVED FOR FILING

DATE

FILED



Bafitis & Associates, Inc.

ZONING DESCRIPTION

FOR

#9026 HINTON AVENUE
BALTIMORE, MARYLAND 21219
15th ELECTION DISTRICT

BEGINNING AT POINT ON THE NORTH SIDE OF HINTON AVENUE 15' WIDE;
AND 15' NORTHEASTERLY FROM THE CENTERLINE INTERSECTION OF
5TH STREET 30' WIDE;

BEING KNOWN AS LOT 66 ON A PLAT, ENTITLED "SWAN POINT" RECORDED
AMONG THE LAND RECOREDS OF BALTIMORE COUNTY, MARYLAND IN
PLAT BOOK 09 FOLIO 04.

CONTAINING: 7,400 S.F. OR 0.17 AC. MORE OR LESS.



SEAL


WILLIAM N. BAFITIS, P.E. MD. REG. #11641

2018-0262-A



KEVIN KAMENETZ
County Executive

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

April 24, 2018

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: 2018-0262-A

9026 Hinton Avenue
NW/s Hinton Avenue, corner of 5th Street
15th Election District – 7th Councilmanic District
Legal Owners: Richard & Cathy Stryjewski

Variance to permit a replacement dwelling with a front yard (water side) and rear yard (street side) setbacks of 39 ft. and 39 ft. respectively (for a double frontage lot) in lieu of the minimum required averaged setback of 40 ft. (for both) and to permit a side yard setback of 7 ft. and 8 ft., respectively in lieu of the minimum required 10 ft., and to permit an open projection (deck) setback of 21 ft. in lieu of the minimum required 30 ft.

Hearing: Friday, May 25, 2018 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".

Arnold Jablon
Director

AJ:kl

C: William Bafitis, 1249 Engleberth Road, Baltimore 21221
Mr. & Mrs. Stryjewski, 2603 Cherry Laurel Court, Abingdon 21009

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 5, 2018.
- (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.



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 5591601

Sold To:

Richard Stryjewski - CU00654521
2603 Cherry Laurel Ct
Abingdon, MD 21009-1595

Bill To:

Richard Stryjewski - CU00654521
2603 Cherry Laurel Ct
Abingdon, MD 21009-1595

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

May 03, 2018

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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.

5/3/2018 5591601

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising



CERTIFICATE OF POSTING

Sign 1

Date: 05/20/2018

RE: Project Name: Public Hearing
Case Number /PAI Number: 2018-0262-A
Petitioner/Developer: Richard & Cathy Stryjewski
Date of Hearing/Closing: 05/25/2018

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 9026 Hinton Ave.

The sign(s) were posted on 05/01/2018 & rechecked on 05/20/2018
(Month, Day, Year)




(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

RECEIVED
OFFICE OF THE
SHERIFF



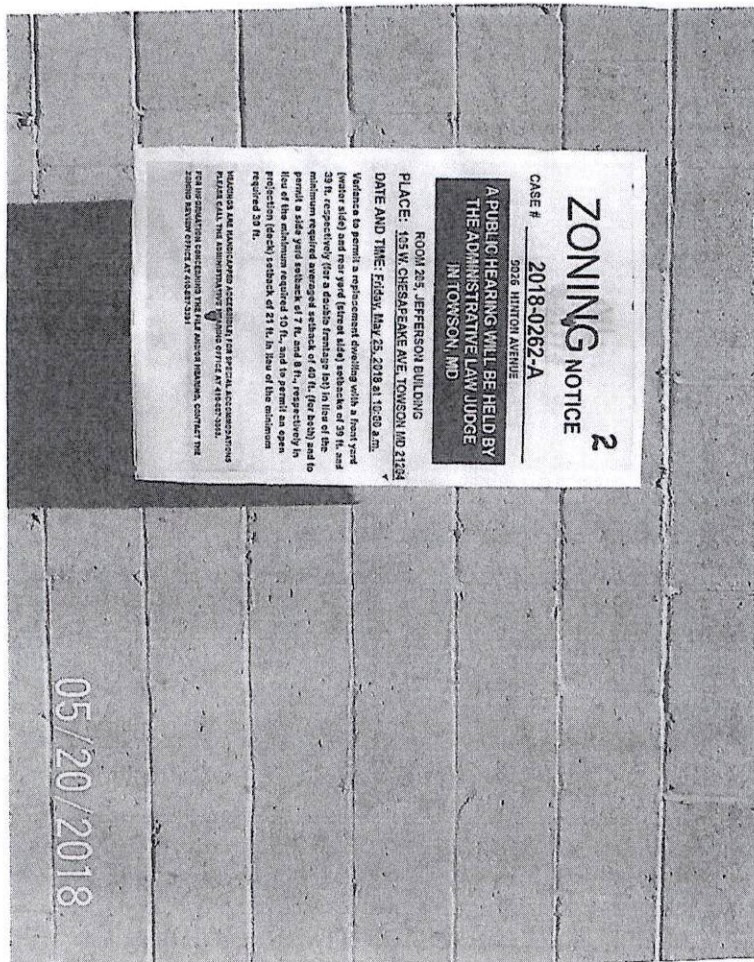
CERTIFICATE OF POSTING *Sign 2*

Date: 05/20/2018

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Petitioner/Developer: Richard & Cathy Stryjewski
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RECEIVED

OFFICE OF THE
ATTORNEY GENERAL

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CERTIFICATE OF POSTING

Sign 2

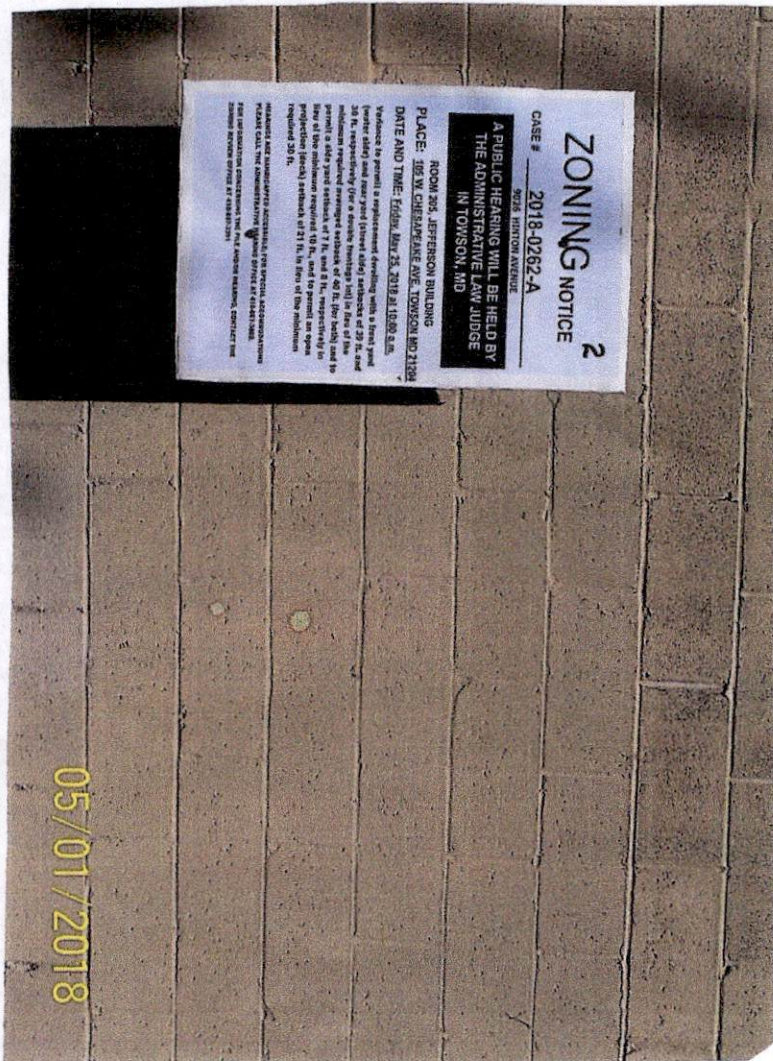
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KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
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April 24, 2018

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Arnold Jablon
Director

AJ:kl

C: William Bafitis, 1249 Engleberth Road, Baltimore 21221
Mr. & Mrs. Stryjewski, 2603 Cherry Laurel Court, Abingdon 21009

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 5, 2018.**
- (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.**



KEVIN KAMENETZ
County Executive

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

April 24, 2018

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TO: PATUXENT PUBLISHING COMPANY
Thursday, May 3, 2018 Issue - Jeffersonian

Please forward billing to:

Richard Stryjewski
2603 Cherry Laurel Court
Abingdon, MD 21009

443-791-1047

NOTICE OF ZONING HEARING

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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
9026 Hinton Avenue; NW/S Hinton Avenue, * OF ADMINISTRATIVE
And the corner of NE/S of 5th Street * HEARINGS FOR
15th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Richard & Cathy Stryjewski *
Petitioner(s) *
* 2018-262-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
APR 05 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of April, 2018, a copy of the foregoing Entry of Appearance was mailed to William Bafitis, P.E., 1249 Engleberth Road, Baltimore, Maryland 21221, 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: 2018-0262-A

Property Address: #9026 HINTON AVENUE BALTIMORE, MARYLAND 21219

Property Description: EXISTING 1-STORY DWELLING

Legal Owners (Petitioners): RICHARD STRYJEWSKI & CATHY L. STRYJEWSKI

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: RICHARD STRYJEWSKI & CATHY L. STRYJEWSKI

Company/Firm (if applicable): _____

Address: #2603 CHERRY LAUREL CT. ABINGDON, MARYLAND 21009

Telephone Number: 443-791-1047

Revised 7/9/2015

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

No. **168004**

Date: **3/30/2018**

PAID RECEIPT

BUSINESS ACTUAL TIME
3/30/2018 3/30/2018 10:35:50
REG. NO. 3
WALKIN, CAM

RECEIPT # 767291 3/30/2018 OFLN
Dept 5 528 ZONING VERIFICATION
R NO. 168004

Recpt Tot \$75.00
\$75.00 CK \$1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						75.00

Total: **15,00**

Rec From: **Stryjewski**

For: **Variance - 9026 Hinton Avenue**
2018-0262-A (Stryjewski)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

May 17, 2018

Richard & Cathy Stryjewski
2603 Cherry Laurel Court
Abingdon MD 21009

RE: Case Number: 2018-0262 A, Address: 9026 Hinton Avenue

Dear Mr. & Ms. Stryjewski::

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 30, 2018. 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
William N Bafitis P E, 1249 Engleberth Road, Baltimore MD 21221

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 4/2/18

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

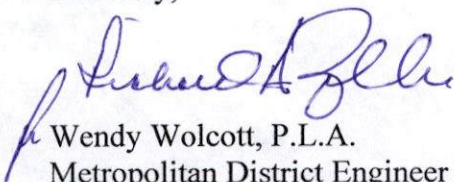
Dear Ms. Lewis:

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. 2018-0262-A

Variance
Richard & Cathy L. Stryjewski
9026 Hinton 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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/27/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-262

INFORMATION:

Property Address: 9026 Hinton Avenue
Petitioner: Richard Stryjewski, Cathy L. Stryjewski
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a replacement dwelling with a front yard (water side) and rear yard (street side) setbacks of 39 feet and 38 feet, respectively (for a double frontage lot) in lieu of the minimum required averaged setback of 40 feet (for both); and to permit a side yard setback of 7 feet and 8 feet respectively, in lieu of the minimum required 10 feet, and to permit an open projection (deck) setback of 21 feet in lieu of minimum required 30 feet.

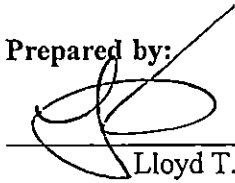
A site visit was conducted on April 6, 2018. The site is improved with an existing 1 story building with additional impervious surfaces to be removed.

The Department of Planning has no objection to granting the petitioned zoning relief conditioned upon the following:

- Unless it can be demonstrated that a safety issue is raised, the Department recommends the proposed dwelling be situated such that the required 40' structure setback with an open projection having a setback of 22' on the waterfront side be established. The proposed structure should also hold the required 10' side setback on that side adjacent to #9032 (#9028?) Hinton Ave. This would result in setback deficiencies of 37' street side and 5' on the southwest side of the building which the Department can support. In doing so the bulk of the structure and its inherent impacts on the adjacent residential property is mitigated to the extent possible.
- The Department advises that the subject property lies adjacent to a county-owned public shore access. Historically, these public spaces have been encroached upon and improperly used, often by neighboring landowners. The applicant shall not use the county property for storage and shall make no improvements that would encroach upon this public space. Install vegetative plantings that will not impede sight distance upon maturity, extending southeasterly 25' from the existing fence, inside of and along the N 53 Deg. 03'07" W 148.00' line.
- Confirm the address of the adjacent property.

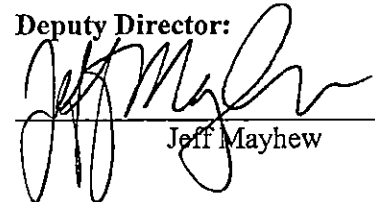
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Josephine Selvakumar
William N. Bafitis, P.E.
Office of the Administrative Hearings
People's Counsel for Baltimore County

JB 5-25-18
10Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 30 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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 30, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0262-A
Address 9026 Hinton Avenue
(Stryjewski Property)

Zoning Advisory Committee Meeting of **April 9, 2018**

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.

The petitioner is requesting to permit a replacement dwelling with front yard, rear yard and side yard setback reductions, and an open projection setback reduction, all in lieu of the minimum required setbacks. In order to minimize impacts on water quality, the applicant must comply with the LDA lot coverage requirements. The property is also located within a Modified Buffer Area (MBA), which further restricts impervious surfaces and structures within 100 feet landward of mean high water (100 foot buffer). Any building permits or plans received by DEPS for review will include application of the LDA and MBA regulations, therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

The current development proposal for the property will be reviewed for application of the LDA and MBA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in 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 items requested will be consistent with established land use policies, provided that the applicants meet any LDA and MBA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella;
Environmental Impact Review

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The items requested will be consistent with established land use policies, provided that the applicants meet any LDA and MBA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella;
Environmental Impact Review

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: 18-262



INFORMATION:

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Petitioner: Richard Stryjewski, Cathy L. Stryjewski
Zoning: DR 5.5
Requested Action: Variance

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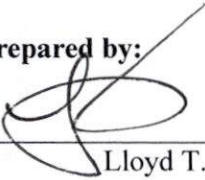
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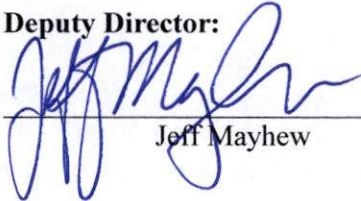
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Josephine Selvakumar
William N. Bafitis, P.E.
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
MDL
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2018
Item No. 2018-0262-A

DATE: April 24, 2018

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

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 first floor elevation can be established.

* * * * *

VKD: cen
cc: file

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 30, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0262-A
Address 9026 Hinton Avenue
(Stryjewski Property)

Zoning Advisory Committee Meeting of April 9, 2018

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:

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

(iii) "Lot coverage" does not include:

MEMORANDUM

DATE: June 29, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0262-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 28, 2018. 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

CASE NAME _____
CASE NUMBER 2018-262-A
DATE May 25, 2018

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment4/24DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment4/30DEPS
(if not received, date e-mail sent _____)Comment5/2

FIRE DEPARTMENT

no objection
w/ conditionsPLANNING
(if not received, date e-mail sent _____)4/2/18

STATE HIGHWAY ADMINISTRATION

no Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 5/3/18SIGN POSTING (1st) Date: 5/1/18by AltmeierSIGN POSTING (2nd) Date: 5/20/18by AltmeierPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 15 Account Number - 1509050010								
Owner Information										
Owner Name:		STRYJEWSKI RICHARD STRYJEWSKI CATHY L				Use: Principal Residence:		RESIDENTIAL NO		
Mailing Address:		2603 CHERRY LAUREL CT ABINGDON MD 21009-1595				Deed Reference:		/33123/ 00323		
Location & Structure Information										
Premises Address:		9026 HINTON RD 0-0000 Waterfront				Legal Description:		NE COR 5TH ST SWAN POINT		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0112	0015	0004		0000			66	2018	Plat Ref:	0009/0004
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1927		1,548 SF				7,400 SF		34		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
1	NO	STANDARD UNIT		SIDING	1 full					
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2018		07/01/2017		07/01/2018		
Land:		227,900		227,900						
Improvements		75,900		74,600						
Total:		303,800		302,500		303,800		302,500		
Preferential Land:		0						0		
Transfer Information										
Seller: EBERWEIN JOANNE				Date: 01/31/2013			Price: \$200,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /33123/ 00323			Deed2:			
Seller: EBERWEIN JOANNE				Date: 06/08/2003			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /18146/ 00563			Deed2:			
Seller: ICHNIEWSKI JESSIE R				Date: 04/06/1994			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /10449/ 00656			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018				
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 No.: 2018-0262-A

9026 Hinton Ave.

Exhibit Sheet

Petitioner/Developer

EDJ
6-29-18

Protestants

Sen
5/29/18

No. 1	Site plan	
No. 2	Photo plan w/ photos Nos. 1-14	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Kristen L Lewis

From: Kevin Wagner -MDE- <kevin.wagner@maryland.gov>
Sent: Tuesday, May 01, 2018 9:44 AM
To: Kristen L Lewis
Cc: Dave Thomas; Terry Curtis; Matt F. Gawel; John Bryan; Dave Guignet -MDE-
Subject: Comments on Waiver Request - ZAC Case Number 2018-0262-A: 9026 Hinton Ave., Baltimore, MD 21219
Attachments: ZAC_2018-0262-A_04092018.pdf; MDFRAPP_9026HintonAve.pdf; FM2400100560G.pdf

Ms. Lewis,

I apologize for the delay, but thank you for the opportunity to comment on the above-referenced Zoning Advisory Committee (ZAC) case included on the agenda for its April 9, 2017 meeting. See the attachment for more details.

Based on the information provided by Baltimore County, the State Coordinating Office of the National Flood Insurance Program (NFIP) offers the following comments for consideration by the ZAC:

1. The proposed residence will be in two flood zones, Zone AE (EL 5) and Zone AE (EL 7). **The more restrictive flood zone prevails for floodplain management and insurance purposes, so Zone AE (EL 7).**
2. Baltimore County has a 2 foot freeboard requirement for new structures in the tidal AE zones, so the lowest floor must be elevated to or above 9.0 feet NAVD 88.
3. It appears the proposed residence will be sited outside the Coastal A Zone (CAZ) as defined by the Limit of Moderate Wave Action (LiMWA) line. If this is not correct, additional foundation requirements apply to account for wave action.
4. All other requirements of the County Codes pertaining to flood openings in enclosures, elevating electrical and mechanical equipment, use of flood resistant materials, anchoring fuel tanks, etc. apply.

See the attached maps for reference. The first map was created using the Maryland Flood Risk Application on <http://mdfloodmaps.net/>. The second was created on <https://msc.fema.gov/portal> and is a portion of the effective Flood Insurance Rate Map (FIRM), Panel No. 2400100560G dated May 5, 2014.

If you, or anyone copied, have any questions, please contact me.

Sincerely,
Kevin

 CHANGING Maryland <i>for the Better</i>	Kevin G. Wagner Community Assistance Program Manager State NFIP Coordinating Office <u>Maryland Department of the Environment</u> <u>160 South Water Street</u> <u>Frostburg, MD 21532</u> 301-689-1495 (office) 240-362-2143 (cell) kevin.wagner@maryland.gov 
--	--

[Click here](#) to complete a three question customer experience survey.



Bafitis & Associates, Inc.

Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd. Baltimore, Md. 21221

410-391-2338

LETTER OF TRANSMITTAL

TO: DEPARTMENT OF ZONING

DATE: MARCH 26, 2018

REF: #9026 HINTON AVENUE
ZONING SUBMISSION

WE ARE SENDING:

- ☐ ORIGINAL TRACING(S)
- ☐ SEPIA TRANSPARENCIES
- ☐ PHOTOSTAT(S)
- ☐ SKETCH(ES)

☐ **HEREWITH**

- ☐ BLACK LINE PRINT(S)
- ☒ BLUE LINE PRINT(S)
- ☐ SHOP DRAWING(S)
- ☐ SPECIFICATIONS

☐ **UNDER SEPARATE COVER**

- ☐ PHOTOGRAPH(S)
- ☒ LETTER(S)
- ☐ SAMPLE(S)
- ☐ ESTIMATE(S)
- ☐ REPORT(S)
- ☐ MAP(S)
- ☐ AGREEMENT(S)
- ☐ AS NOTED BELOW

PREPARED BY: _____

APPROVED: _____

THESE ARE FORWARDED:

- ☐ AS REQUESTED
- ☐ FOR APPROVAL
- ☒ FOR COMMENT
- ☐ FOR PAYMENT

- ☐ FOR CORRECTIONS
- ☐ FOR CONSTRUCTION
- ☐ YOUR INFORMATION
- ☐ AS NOTED BELOW

- ☐ REVIEWED AND ACCEPTED
- ☐ REVIEWED AND ACCEPTED AS NOTED
- ☐ REVIEWED AND RETURNED FOR REVISION

DRAWINGS NO.	NO. OF COPIES	LATEST DATE	DESCRIPTION
	3 COPIES		ZONING PETITION
	3 COPIES		ZONING DESCRIPTION
	1 COPY		ADVERTISING FORM
	14 COPIES		BLUE PRINTS
	1 CHECK		\$75.00 FEE

SENT VIA:

- ☐ SPECIAL DELIVERY
- ☐ CERTIFIED MAIL
- ☐ FIRST CLASS MAIL

- ☐ AIR MAIL
- ☐ PARCEL POST
- ☐ BUS

- ☐ YOUR MESSENGER
- ☒ OUR MESSENGER
- ☐ UNITED PARCEL

- ☐ EXPRESS
- ☐ INSURED
- ☐ AS NOTED BELOW

NOTES: _____

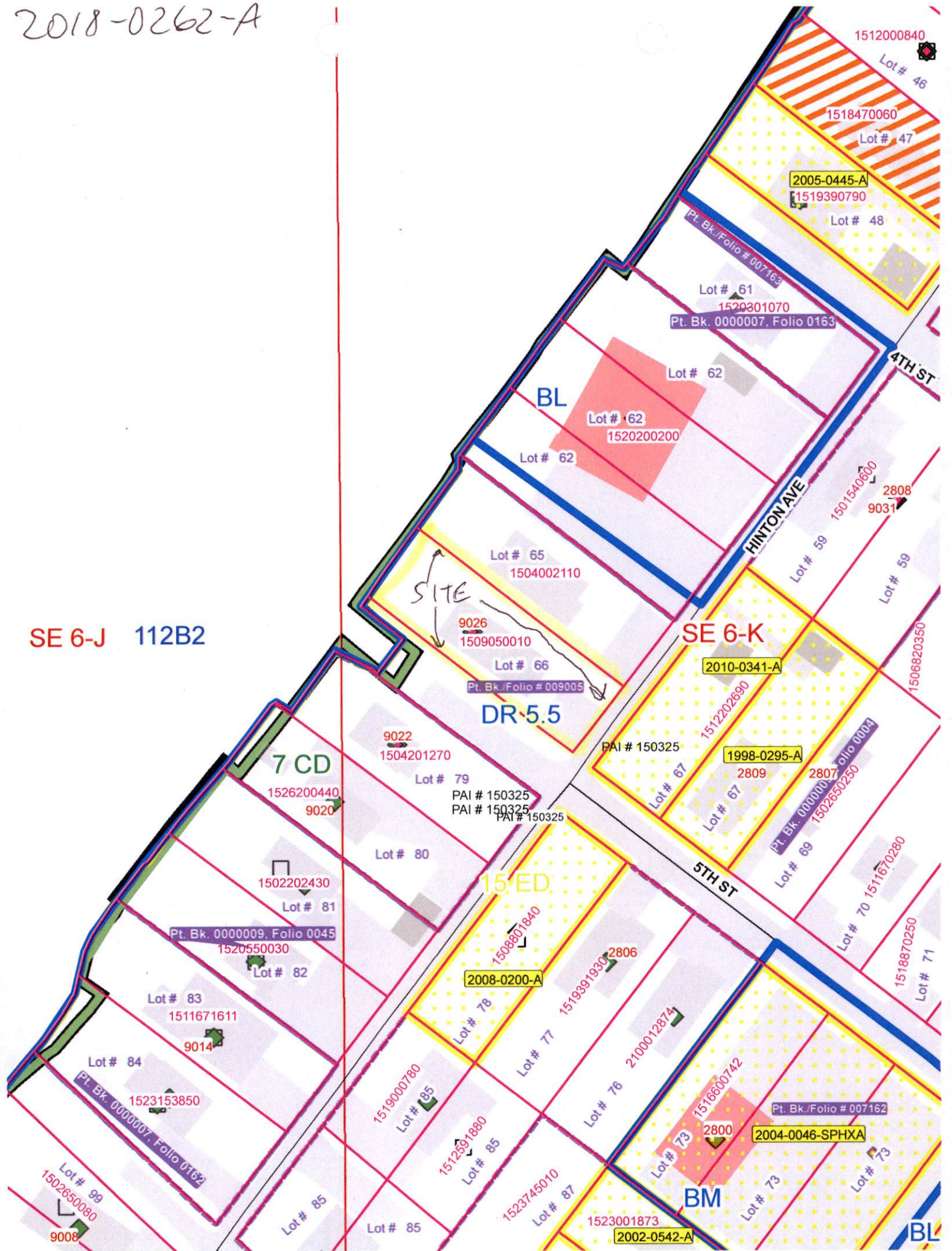
Very truly yours,

Copy To:

WILLIAM N. BAFITIS, P.E.

2018-0262-A

2018-0262-A



SE 6-J 112B2

SITE

BL

SE 6-K

DR-5.5

7 CD

15 ED

5TH ST

BM

BL



1



②



③



4



5



⑥



7



⑧



9



10



11



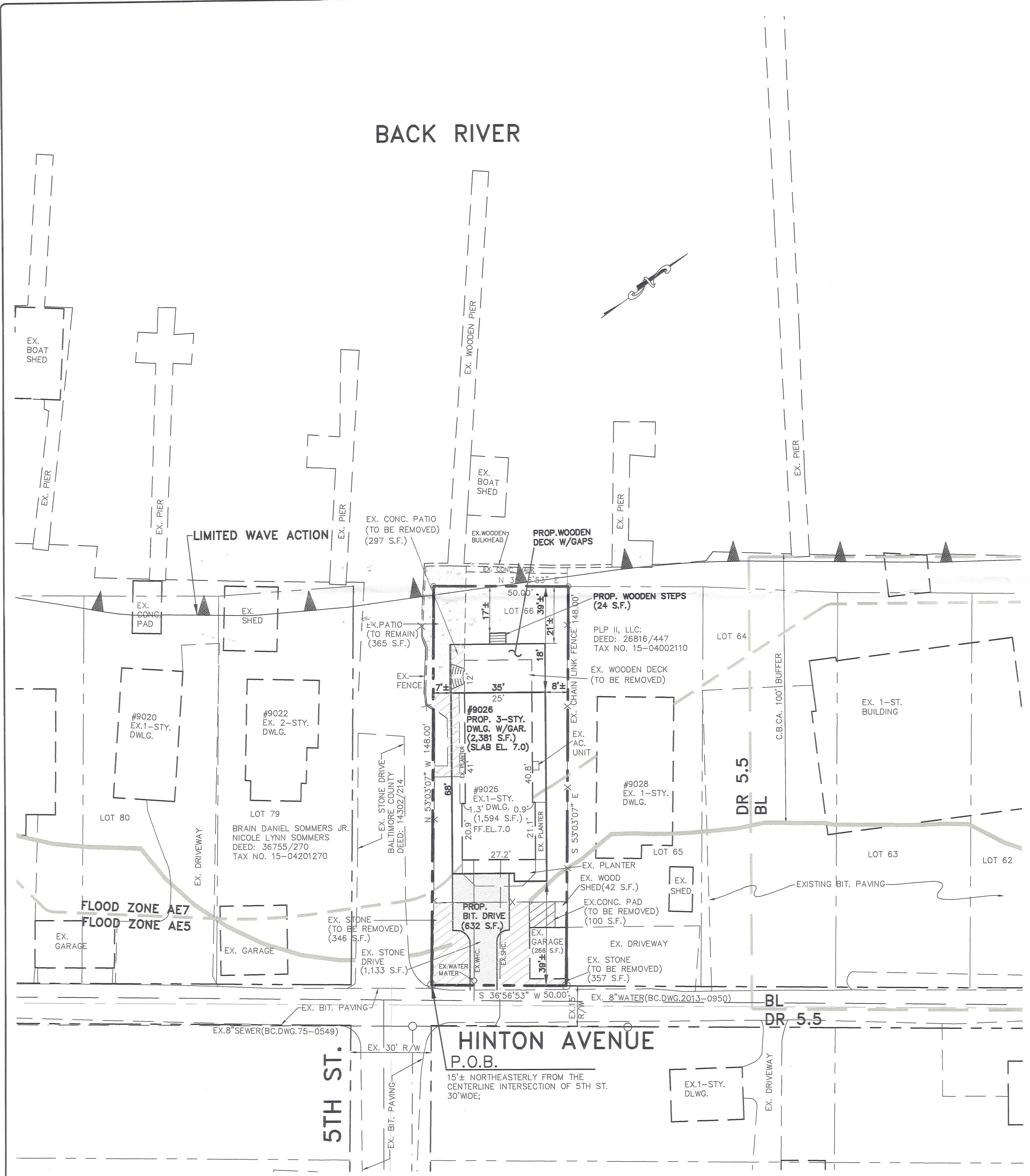
12



13



14

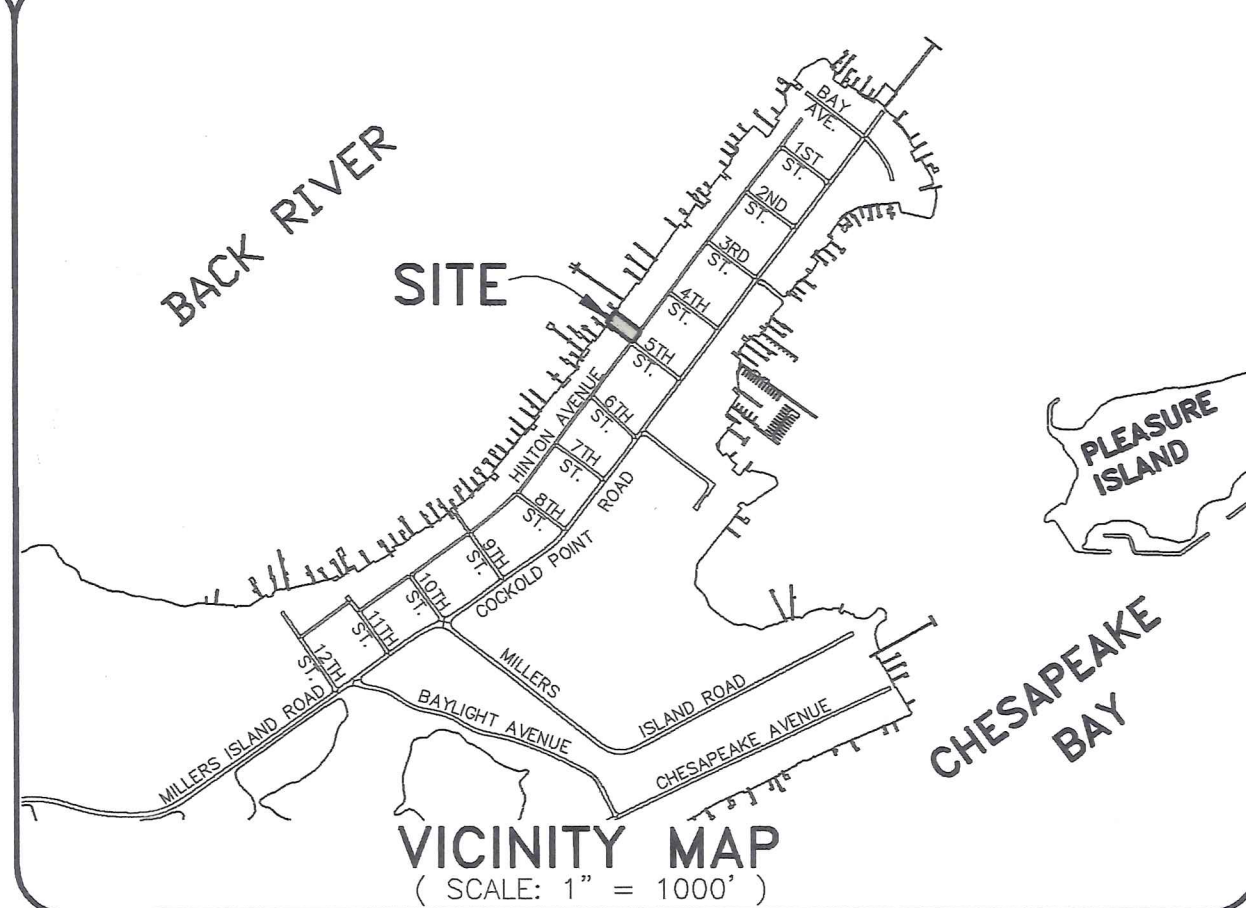


NOTES

1. Topography shown hereon was taken from Baltimore County GIS Topography & Updated by field survey. (FEB. 2018)
2. The Firm Insurance Rate Map, 240010-0560 G indicates this is situated within flood Zone AE. F.E.M.A. Indicates a Base Flood Elevation of AE5 & AE7 NAVD 88.
3. Property lines shown hereon were established by public information.
4. This site is situated within the Chesapeake Bay Critical Areas and is classified by land use as Limited Development Area (LDA) (MAP 112).
5. There shall be no clearing, grading, construction or disturbance of vegetation within the 100' Buffer Area except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
6. This site is situated within a Mapped Buffer Management Area of the Chesapeake Bay Critical Areas.
7. There are no forest or developed woodlands on this site.
8. There are No Tidal & Non-Tidal Wetlands shown on this site.
9. There is no significant plant or animal habitat on this site.
10. There are no slopes greater than 15% on this site.
11. There are no known wells on this site.
12. There are no known underground storage tanks or septic systems on this site.
13. There are no known potentially hazardous materials on this site as defined by Title 7- Health and Environmental Article, Annotated Code of Maryland, except as noted.
14. There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
15. The site has 50'± of water frontage.
16. Public Water and sewer serve this site.
17. Caution underground utilities may exist in Hinton Avenue & onsite, contact Miss Utility (800-257-7777) prior to any construction.
18. Proposed dwelling height 50'.
19. All roof downspouts must discharge rainwater runoff on-to a pervious surface.

ZONING HISTORY

THERE ARE NO CASES FOR THIS SITE.



SITE DATA

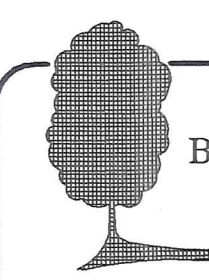
- 1) OWNER: RICHARD STRYJEWSKI & CATHY L. STRYJEWSKI
#2603 CHERRY LAUREL COURT
ABINGDON, MARYLAND 21009
TELEPHONE: 443-791-1047
- 2) DEED REF: 33123/323
- 3) TAX ACC. NO.: 15-09050016
- 4) TAX MAP: 112 PARCEL: 04 LOT: 66
- 5) PLAT REF: PLAT OF SWAN POINT BOOK 09 FOLIO 04
- 6) ELECTION DISTRICT: 15TH
- 7) COUNCILMANIC DISTRICT: 7TH
- 8) REGIONAL PLANNING DISTRICT: 331B
- 9) CENSUS TRACT: 4519
- 10) ZONING: DR-5.5
- 11) ZONING MAP: 112B2
- 12) USE: EXISTING: RESIDENTIAL, ONE STORY DWELLING
PROPOSED: RESIDENTIAL, THREE STORY DWELLING
- 13) SITE AREA: 7,400 S.F. OR 0.17 AC. +/-

FLOOD NOTE

THIS SITE IS SITUATED IN A AE FLOOD ZONE ACCORDING TO F.E.M.A. FIRM MAP 240010-0560G DATED 05/05/14 AND THE BASE FLOOD ELEVATION IS 5.0 & 7.0. BALTIMORE COUNTY BUILDING CODE USE; F.E.M.A. FLOOD STUDY NO. 240010V000B-DONE IN 09/26/08. THE BASE FLOOD ELEVATION IS 7.7 AND THE FLOOD PROTECTION ELEVATION IS 8.7 PER BALTIMORE COUNTY POLICY.

NOTE

OWNER WILL REMOVE BOATS OFF BALTIMORE COUNTIES PROPERTY.



Bafitis & Associates, Inc.

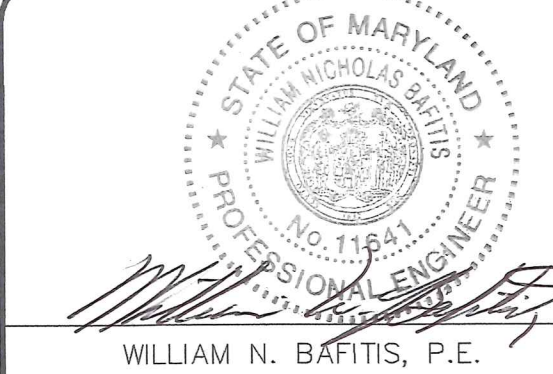
1249 Engleberth Rd. Baltimore, MD 21221

William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

(410) 391-2336

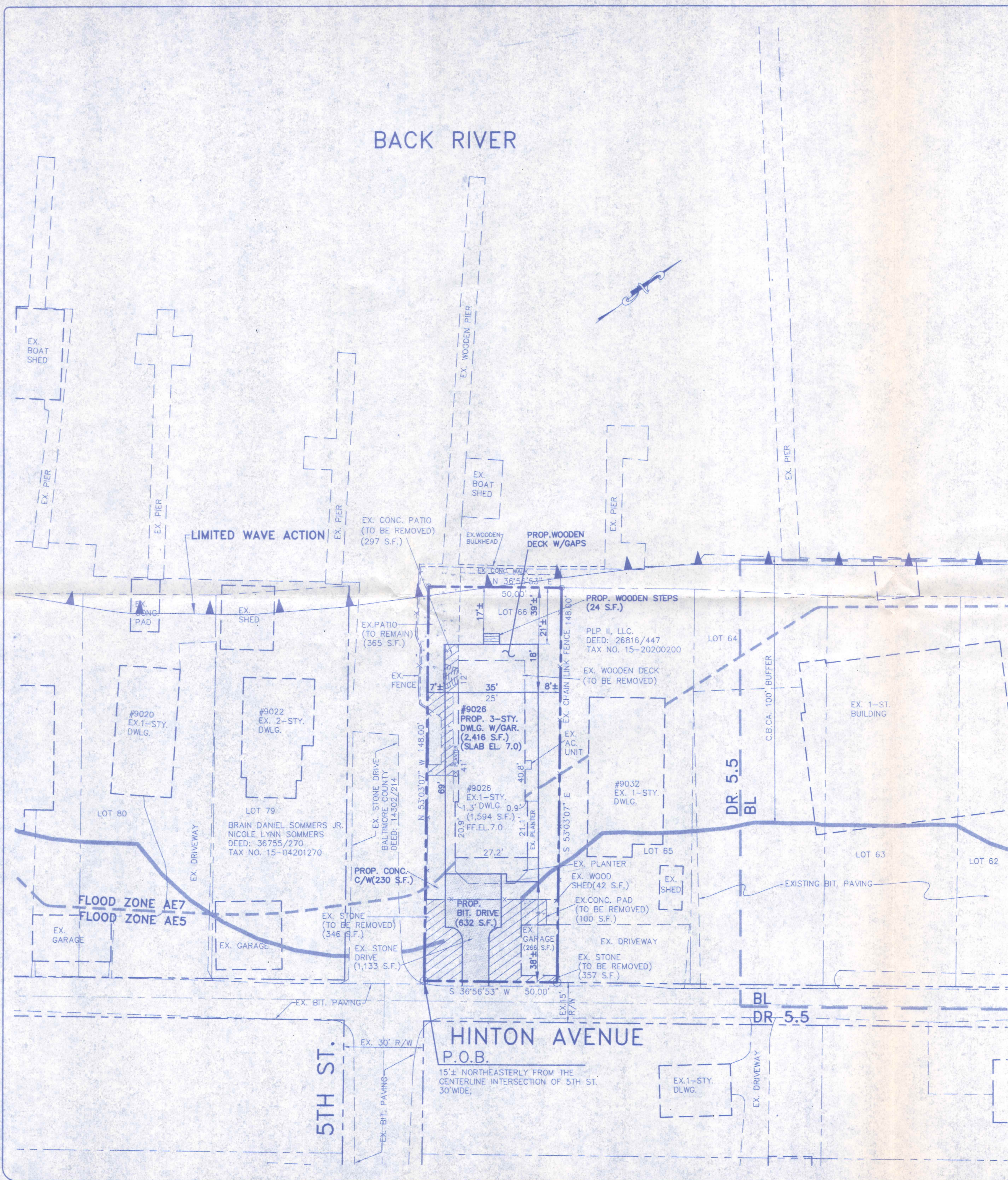
PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
FOR
#9026 HINTON AVENUE

15TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND	
		SHEET 1 OF 1	
Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11841 Expiration Date: 09/09/2019		DATE: 04/18/18	
NO.		REVISIONS	DATE
		REVISED PER PLANNING COMMENTS	04/18/18
		REVISED PER ZONING COMMENTS	05/24/18

Pet. #1



PET. #2

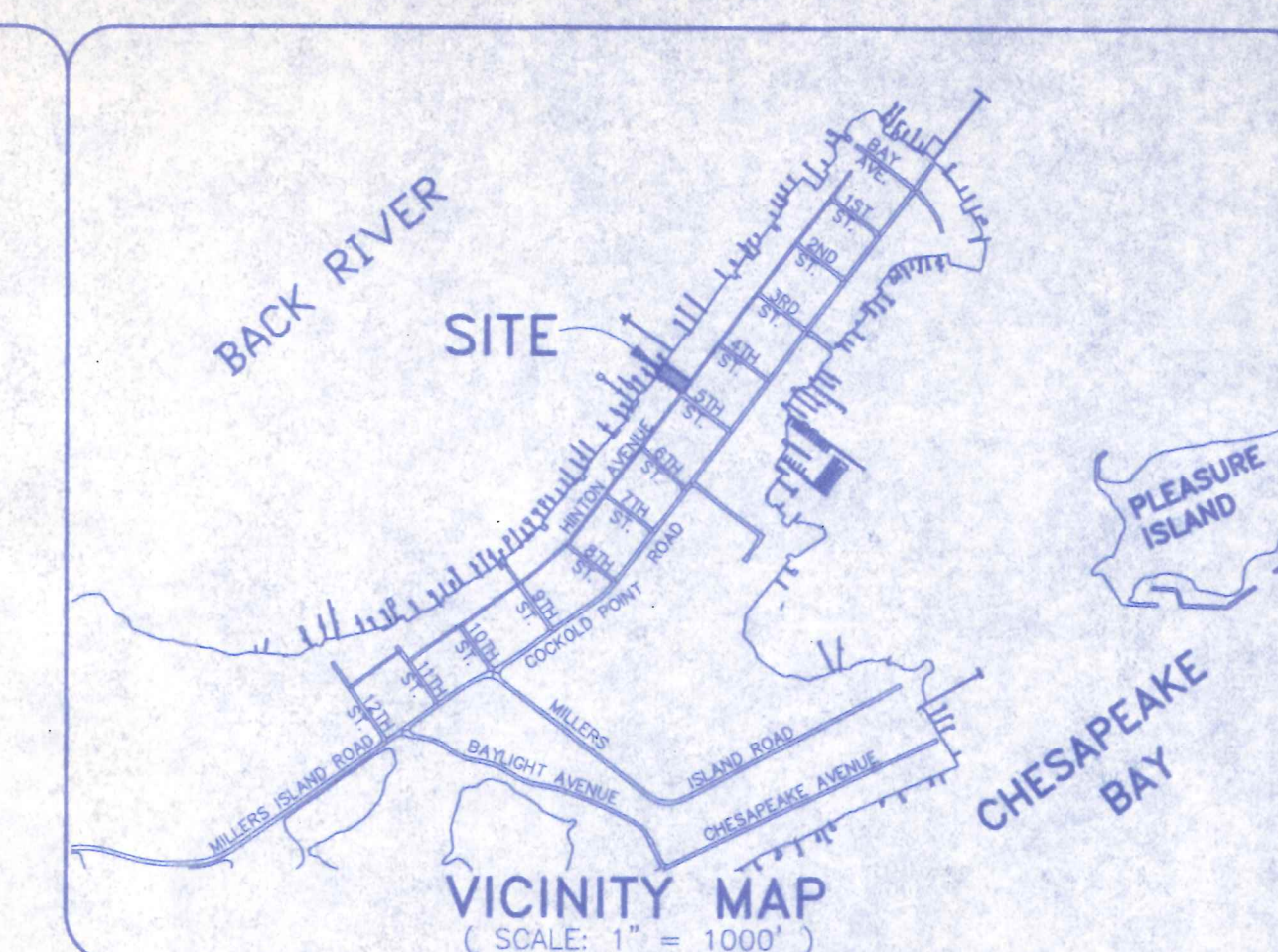


NOTES

- Topography shown herein was taken from Baltimore County GIS Topography & Updated by field survey. (FEB. 2018)
- The Firm Insurance Rate Map, 240010-0560 G indicates this is situated within flood Zone AE. F.E.M.A. indicates a Base Flood Elevation of AE5 & AE7 NAVD 88.
- Property lines shown herein were established by public information.
- This site is situated within the Chesapeake Bay Critical Areas and is classified by land use as Limited Development Area (LDA) (MAP 112).
- There shall be no clearing, grading, construction or disturbance of vegetation within the 100' Buffer Area except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- This site is situated within a Mapped Buffer Management Area of the Chesapeake Bay Critical Areas.
- There are no forest or developed woodlands on this site.
- There are No Tidal & Non-Tidal Wetlands shown on this site.
- There is no significant plant or animal habitat on this site.
- There are no slopes greater than 15% on this site.
- There are no known wells on this site.
- There are no known underground storage tanks or septic systems on this site.
- There are no known potentially hazardous materials on this site as defined by Title 7- Health and Environmental Article, Annotated Code of Maryland, except as noted.
- There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- The site has 50'± of water frontage.
- Public Water and sewer serve this site.
- Caution underground utilities may exist in Hinton Avenue & onsite, contact Miss Utility (800-257-7777) prior to any construction.
- Proposed dwelling height 50'.
- All roof downspouts must discharge rainwater runoff on-to a pervious surface.

ZONING HISTORY

THERE ARE NO CASES FOR THIS SITE.



SITE DATA

- OWNER: RICHARD STRYJEWSKI & CATHY L. STRYJEWSKI
#2603, CHERRY LAUREL COURT
ABINGDON, MARYLAND 21009
TELEPHONE: 443-791-1047
- DEED REF: 33123/323
- TAX ACC. NO.: 15-09050016
- TAX MAP: 112 PARCEL: 04 LOT: 66
- PLAT REF: PLAT OF SWAN POINT BOOK 09 FOLIO 04
- ELECTION DISTRICT: 15TH
- COUNCILMANIC DISTRICT: 7TH
- REGIONAL PLANNING DISTRICT: 331B
- CENSUS TRACT: 4519
- ZONING: DR-5.5
- ZONING MAP: 112B2
- USE: EXISTING: RESIDENTIAL, ONE STORY DWELLING
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Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

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1249 Engleberth Rd. Baltimore, MD 21221

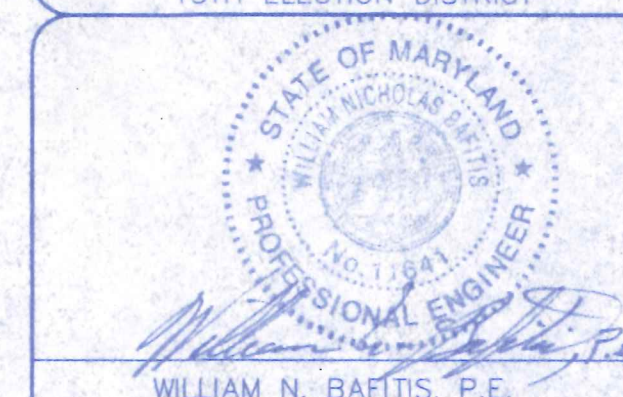
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PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE

FOR
#9026 HINTON AVENUE

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2019

WILLIAM N. BAFITIS, P.E.
Professional Engineer
1

NO.	REVISIONS	DATE

2018-0262-A