

IN RE: PETITION FOR VARIANCE
SE/S Cuckold Point Road
15th Election District
7th Councilmanic District
(137 Holly Neck Road)

Robert P. and Michael J. Poleski
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-444-A

*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Robert P. and Michael J. Poleski. The Petitioners are requesting a variance for property located at 9033 Cuckold Point Road. The variance request is from Section 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 30 ft. in lieu of the required average of 40 ft. and to approve a house on an undersized lot.

Appearing at the hearing on behalf of the variance request was Robert Poleski, one of the owners. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 8700 sq. ft., more or less, zoned BM. The subject property is improved with an existing single-family residential dwelling which has been the Poleski home for many years. The subject dwelling has become run down and is beyond repair at this time. The family is interested in tearing down the old family home and constructing a new dwelling in its place. In order to proceed with the construction of a new home, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208

CASE RECEIVED FOR FILING
Date 6/27/01
By R. Poleski

(1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

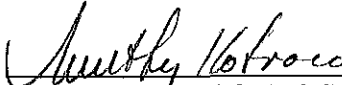
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 27th day of June, 2001, by this Deputy Zoning Commissioner, that the variance requested by Petitioners pursuant to Section 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 30 ft. in lieu of the required average of 40 ft. and to approve a house on an undersized lot, be and is hereby

GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 6/22/11
By R. J. J. J.



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 27, 2001

Mr. Robert P. Poleski
Mr. Michael J. Poleski
9033 Cuckold Point Road
Baltimore, Maryland 21219

Re: Petition for Variance
Case No. 01-444-A
Property: 9033 Cuckold Point Road

Dear Messrs. Poleski:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



CRITICAL FLOODPLAIN Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9033 Cuckold Point Rd.

which is presently zoned BM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

303.2 to permit a front yard setback of 30 ft. in lieu of the required front yard average of 40 ft. and Section 304 to approve an undersized lot (50 ft. in lieu of the required 55 ft.) and to approve any other variances deemed necessary by the Zoning Commissioner of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

property has been in the family since 1947.

House is old and in disrepair: The new house would conform with the millers Island Community adequately.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 01-444-A

9/15/98

Legal Owner(s):

Robert P. Poleski

Name - Type or Print

Signature

Michael J. Poleski

Name - Type or Print

Signature

9033 Cuckold Pt Rd 410-477-5137

Address

Telephone No.

Balto

City

MD

State

21219

Zip Code

Representative to be Contacted:

Robert P. Poleski

Name

9033 Cuckold Pt Rd 410-477-5137

Address

Telephone No.

Balto

City

MD

State

21219

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BN Date 4/23/01

ORDER RECEIVED FOR FILING

ZONING DESCRIPTION FOR #9033 CUCKOLD POINT ROAD

BEGINNING AT A POINT ON THE SOUTH SIDE OF CUCKOLD POINT ROAD
WHICH IS 30 FEET WIDE AT THE DISTANCE OF 55.0 FEET WEST OF THE
CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, FOURTH
STREET, WHICH IS 30 FEET WIDE.

THE FOLLOWING COURSES AND DISTANCES:

1. SOUTH 37 DEGREES - 30 MINUTES - WEST - 50.0 FEET
2. SOUTH 52 DEGREES - 30 MINUTES - EAST - 182.0 FEET
3. NORTH - 32 DEGREES - 30 MINUTES - EAST - 51.0 FEET
4. NORTH 52 DEGREES - 30 MINUTES - WEST - 166.0 FEET

TO THE POINT OF BEGINNING

BEING LOT #509 IN THE SUBDIVISION OF SWAN POINT AS RECORDED IN
BALTIMORE COUNTY PLAT 39, FOLIO #4 CONTAINING 8,700 SQUARE FEET.
ALSO KNOWN AS #9033 CUCKOLD POINT ROAD AND LOCATED IN THE 15 TH
ELECTION DISTRICT 7 TH COUNCILMANIC DISTRICT.

#444

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 92953

DATE 4/23/01

ACCOUNT 1001-006-6150

AMOUNT \$ 50.00

RECEIVED FROM R. D. ...

FOR Zoning Verification

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Initials 444

PAID RECEIPT

PAYMENT	ACTUAL	TIME
4/23/2001	4/23/2001	10:32:54
4504	CASHIER DDOL DND	BROWER 2
RECEIPT #	130945	OFFER
Dep	5	528 ZONING VERIFICATION
CR NO.	092953	

Recpt Tot. 50.00
50.00 CR .00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #01-444-A

9033 Cuckold Point Road

SE/S Cuckold Point Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Michael J. & Robert P. Poleski

Variance: to permit a front yard setback of 30 feet in lieu of the required front yard average of 40 feet; and section 304 to approve an undersized lot (50 feet in lieu of the required 55 feet); and to approve any other variances deemed necessary by the zoning commissioner.

Hearing: Tuesday, June 26, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/6/993 June 12 C474538

CERTIFICATE OF PUBLICATION

6/14, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/12, 2001.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 01-444-A

Petitioner/Developer POLESKI, ETAL

Date of Hearing/Closing: 6/26/01

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

it° Fax Note 7671		Date	# of pages
To	<u>ROBIN/BETTY</u>	From	<u>O'KEEFE</u>
Co./Dept.	<u>ZONING COMMISH</u>	Co	
Phone #	<u>301-4380</u>	Phone #	<u>0-950-4</u>
Fax #	<u>887-3468</u>	Fax #	<u>54E 324-4 30</u>

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 9033- CUCKOLD POINT RD.
KEE.C BILL'S BOATS

The sign(s) were posted on 6/10/01
(Month, Day, Year)

Sincerely,

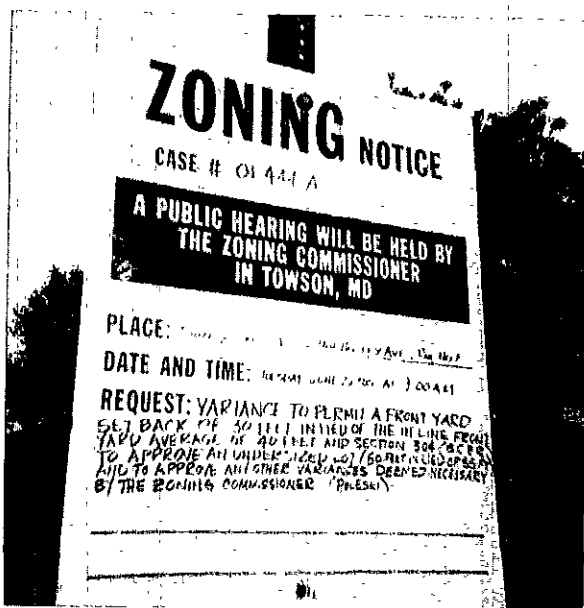
Patrick M. O'Keefe Sr 6/12/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 01-444-A

Petitioner: Robert P. Poleski

Address or Location: 9033 Cuckold Pt Rd Balto. Co. MD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert P. Poleski

Address: 9033 Cuckold Pt Rd Balto MD 21219

Telephone Number: 410-477-5137

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

May 22, 2001

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-444-A
9033 Cuckold Point Road
SE/S Cuckold Point Road
15th Election District – 7th Councilmanic District
Legal Owners: Michael J & Robert P Poleski

Variance to permit a front yard setback of 30 feet in lieu of the required front yard average of 40 feet; and section 304 to approve an undersized lot (50 feet in lieu of the required 55 feet); and to approve any other variances deemed necessary by the zoning commissioner:

HEARING: Tuesday, June 26, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon GDL
Director

C: Michael J & Robert P Poleski, 9033 Cuckold Point Road, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 11, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 12, 2001 Issue – Jeffersonian

Please forward billing to:
Robert P Poleski
9033 Cuckold Point Road
Baltimore MD 21219

410 477-5137

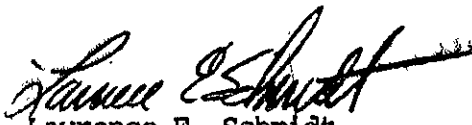
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The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-444-A
9033 Cuckold Point Road
SE/S Cuckold Point Road
15th Election District – 7th Councilmanic District
Legal Owners: Michael J & Robert P Poleski

Variance to permit a front yard setback of 30 feet in lieu of the required front yard average of 40 feet; and section 304 to approve an undersized lot (50 feet in lieu of the required 55 feet); and to approve any other variances deemed necessary by the zoning commissioner:

HEARING: Tuesday, June 26, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 22, 2001

Michael J. & Robert P Poleski
9033 Cuckold Point Road
Baltimore, MD 21219

Dear Mr. & Mr. Poleski:

RE: Case Number: 01-444, 9033 Cuckold Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 23, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



LS
6/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: May 24, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-430, 01-443, 01-444, 01-445, 01-446,
01-451, 01-457 and 01-459

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Section Chief:

Jeffrey W. Long

AFK/JL

RE: PETITION FOR VARIANCE
9033 Cuckhold Point Road, SE/S Cuckhold
Point Rd, 100' NE of c/l 5th St
15th Election District, 7th Councilmanic

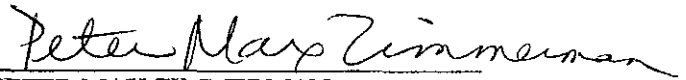
Legal Owner: Robert P. & Michael J. Poleski
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-444-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to Robert P. & Michael J. Poleski, 9033 Cuckhold Point Road, Baltimore, MD 21219, Petitioners.


PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: May 18, 2001

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 444 (01-444-A)
Legal Owner/Petitioner: Michael J and Robert P Poleski
Property Address: 9033 Cuckhold Point Road
Location Description: SE/S Cuckhold Point Road, 100' NE of centerline 5th Street

VIOLATION INFORMATION: **Case No.: 01-1254**
Defendants: Agnes C. Poleski and Michael J. Poleski and
Robert P. Poleski

Please be advised that the aforementioned petition is the subject of an active violation case.
When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	PHONE
Executive Office (Paula)	2450

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- Complaint memo
- Complaint Intake Form/Code Enforcement Officer's report and notes
- State Tax Assessment printout
- Photographs including dates taken
- Correction Notice
- Plat to Accompany Building Permit (dated 5/19/98)
- Building Permits (B-380166 and B-405724)
- Zoning Commissioner's Order in Case Number 98-3-SPH (dated 12/11/97)
- Letter from James H. Thompson (dated 5/16/01)

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/scj

c: Code Enforcement Officer Hucik

BALTIMORE COUNTY EXECUTIVE OFFICE - CONSTITUENT ISSUE

CASE NUMBER: 2001-00367

SALUTATION:

LAST NAME: ANONYMOUS

FIRST:

HOME PHONE: (410)

WORK PHONE: (410)

EXT.:

ADDRESS: CUCKOLDPOINT ROAD

BALTIMORE

21 219

COUNCIL DIST: 7

DESCRIPTION: BILLS BOAT YARD 5TH & CHUCKOLDPOINT; THE WHOLE PLACE IS A
MESS-SOMETHING NEEDS TO BE DONE IMMEDIATELY

CATEGORY: CODE VIOLATION

DEPTS: PDM

REPLY NAME 1: RICK PLEASE HAVE SOMEONE LOOK INTO..NOTE ACTION
REPLY NAME 2: TAKEN ON THIS FORM & RETURN TO ME..THANKS PAULA

CONTACT1: Y
CONTACT2: N

RECEIVED BY: PMH

SOURCE: P

STATUS CODE: 0

DATE RECEIVED: 03/15/2001

DATE CLOSED: 00/00/0000

RESOLUTION:

Inspecto on 3/20/01 G. Hucik
Issued a correction notice Open dump.
Owner has a razing permit on old house,
Permit # B 405724. Issued to raze or
rehabilitate house. In violation of property
site plan

Reinspection 4/23/01 G. H

ENFORCEMENT REPORT

NOT RELATED
00-0530 CLOSED

DATE: 03/19/01 INTAKE BY: HLL CASE #: 01-1254 INSPEC: 1

COMPLAINT

LOCATION: 9033 CUCKOLD POINT RD.

ZIP CODE: 21219 DIST:

COMPLAINANT

NAME: EXECUTIVE OFFICE PHONE #: (H) (W) 2450

ADDRESS: N/A ZIP CODE:

PROBLEM: PLACE IS A MESS

IS THIS A RENTAL UNIT? YES NO
IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT

INFORMATION: BILLS BOAT YARD 410-477-5137

TAX ACCOUNT #: 1523001872 ZONING:

INSPECTION: INSPECTED ON 3/20/01 G, H
ISSUED CORRECTION NOTICE ON PROPERTY

REINSPECTION:

REINSPECTION:

REINSPECTION:

Case Entry/Update
Format : CASREC

Mode : CHANGE
File : PDLV0001

Dt Rec: 3192001 Intake: UNDERWOOD, H Act: Case #: 01-1254
Insp: HUCIK, G Insp Grp: ENF Insp Area: 1 Tax Acct: 1523001872
Address: 9033 CUCKOLD POINT RD Apt #: Zip: 21219
Problem Descript.: PLACE IS A MESS

BILLS BOAT YARD

Complainant Name (Last): EXECUTIVE (First): OFFICE
Complainant Addr: _____
Complainant City: _____ State: _____ Zip: _____
Complainant Phone (H): _____ (W): 4108872450
Date of Reinspection: 6302001 Date Closed: _____ Delete Code (P): _

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

Case Entry/Update
Format : CASREC

Mode : CHANGE
File : PDLV0001

Notes: **3/20/01-INSPECTED PROPERTY. ISSUED A CORRECTION NOTICE ON PROPERTY.
THERE ARE MISSING HANDRAILS AND PICKETS, EXPOSED WOOD STARTING TO DETERIORATE.
2 AWNING GUTTERS FALLING OUT OF THE HOUSE, SIDING ON THE GROUND, DOOR, OLD BOATS
SCATTERED AROUND THE HOUSE, LARGE HOLE ON SIDE OF THE PROPERTY. ALSO A BOAT
FILLED WITH JUNK AND DEBRIS. 8 PHOTOGRAPHS TAKEN. POSTED AND SENT REGULAR MAIL.
POP-UP 4/20/01. UPDATED EXECUTIVE OFFICE. (GH)
**3/21/01-OWNER (MR POLESKI) CONTACTED ME BY PHONE. MR POLESKI HAS A RAZING ON
HOUSE (B-405724) FROM ENVIRO. BUILDING PERMIT FOR NEW HOUSE (B-380166). MR
POLESKI'S PHONE NUMBER 410-477-5137. (GH)
**4/23/01-NO WORK AS YET ON RAZING. CANNOT LOCATE CASE FILE. HOMEOWNER HAD A
VARIANCE HEARING FOR ZONING PETITION (01-444-A). SEARCHING FOR FILE. WILL NOTIFY
COMPLIANT WHEN FILE IS FOUND. POP-UP 5/7/01.
**05/08/01-APPLICATION FOR VARIANCE. CHECK WITH BRUNO-REVEALED CASE #01-444A.
GEORGE ZAHNER HAS NOT SET DATE YET, BUT IT SHOULD BE ABOUT 6/15/01. COMPLAINANT
UPDATED. JG/JF**.
**5/16/01-LETTER TO MICHAEL & ROBERT & AGNES POLESKI GRANTING AN EXTENSION UNTIL
6/18/01. (JHT/SCJ)

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

```
Mode . . . . : CHANGE
File . . . . : PDLV0001
```

[illegible]

F6=Select format
F11=Change

DATE: 03/19/2001

STANDARD ASSESSMENT INQUIRY (1)

RA1001B

TIME: 10:19:26

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
15 23 001872 15 3-2 34-00 N NO 01/08/01

POLESKI AGNES C

DESC-1.. IMPS

POLESKI MICHAEL J/ ROBERT P

DESC-2.. SWAN PT

9033 CUCKOLD POINT RD

PREMISE. 09033 CUCKOLD POINT RD

00000-0000

BALTIMORE

MD 21219-1635 FORMER OWNER: POLESKI WILLIAM

----- FCV -----		----- PHASED IN -----			
	PRIOR	PROPOSED	CURR	CURR	PRIOR
LAND:	83,790	75,790			
IMPV:	2,100	2,160			
TOTL:	85,890	77,950	TOTAL..	77,950	31,180
PREF:	0	0	PREF...	0	0
CURT:	0	0	CURT...	0	0
DATE:	10/96	08/99	EXEMPT.	0	0

---- TAXABLE BASIS ----		FM DATE
01/02 ASSESS:	77,950	09/30/00
00/01 ASSESS:	31,180	06/01/00
99/00 ASSESS:	34,350	06/04/99

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

PHOTOGRAPHIC RECORD

Citation/Case Number 01-1254

Date of Photographs 8/20/01



I HEREBY CERTIFY that I took the 8 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351 7282
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 01-1254	Property No. 152300 1872	Zoning: BM
Name(s):	Agnes C Poleski / Michael J Poleski Robert P Poleski	
Address:	9033 Cuckold Point Rd Baltimore MD 21215	
Violation Location:	SAME	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

sec. 7-70(2)(1) 2fg 7-70(2)
Base or rehabilitate ~~the~~ house.
101, 102.1 open dump - 22-47; 49-22-1, 2
Remove all awnings, door, siding,
boat filled with debris.
BCC 26.121A B(2)(2) 500.6 (BCPM) 500.9
Properly store all boat along side
of house according to the property site
plan.
(according to hearing 98-35ph)

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 4/23/01	Date Issued: 3/23/01
--------------------------	-------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Gary Hunk

INSPECTOR: Gary Hunk

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR:

AGENCY

OWNER

WILLIAM POLESKI
AGNES C. POLESKI
9033 CUCKOLD POINT ROAD
BALTIMORE, MARYLAND 21210

REVISIONS		
NO.	DATE	DESCRIPTION
1	7/19/06	REV PER ZONING COM. 15-173

**SPELLMAN, LARSON
&
ASSOCIATES, INC.**

CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

PLAT TO ACCOMPANY APPLICATION
FOR BUILDING PERMIT

9033 CUCKOLD POINT RD

LOTS 506-510 "SWAN POINT"
POLESKI PROPERTY
"BILL'S BOATS"

ELECTION DIST. No. 10

BALTIMORE COUNTY, MD

SCALE: 1" = 10'

DATE: 5/19/06

DES. BY

ORN. BY: M.F.T.N.

SHEET 1 OF 1

07034

TIME: 12:25:05
DATE: 05/07/2001

AUTOMATED PERMIT TRACKING SYSTEM
GENERAL PERMIT APPLICATION DATA

PANEL BP1003M
LAST UPDATE 02/07/2001
PDM 10:00:25

PERMIT #: B380166 PROPERTY ADDRESS
RECEIPT #: A386275 9035 CUCKOLD POINT RD
CONTROL #: NR SUBDIV: SWAN POINT
XREF #: B380166 TAX ACCOUNT #: 1502650260 DISTRICT/PRECINCT 15 21
OWNERS INFORMATION (LAST, FIRST)
FEE: 154.00 NAME: POLESKI, WILLIAM & AGNES
PAID: 154.00 ADDR: 9033 CUCCOLD POINT ROA
PAID BY: APPL

DATES APPLICANT INFORMATION
APPLIED: 06/08/1999 NAME: ROBERT P POLESKI
ISSUED: 01/21/2000 COMPANY:
OCCPNY: ADDR1: 9033 CUCKOLD POINT RD
ADDR2: BALTIMORE MD
INSPECTOR: 15R PHONE #: 410-477-5137 LICENSE #:

NOTES: TLB/TLM

ADDRESS CORRECTED FROM 9033CUCKOLD POINT RD PER D. FLOWERS 1/21/00. RSD
EXT PER 02/07/01 \$77. A418691 KLH
PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 12:25:24 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1004M
DATE: 05/07/2001 BUILDING DETAIL 1 LAST UPDATE 06/09/1999
PDM 09:39:32

PERMIT # B380166 PLANS: CONST 02 PLOT 7 DRC# PLAT 0 DATA 0 EL 1 PL 1
TENANT
BUILDING CODE: 2 CONTR: OWNER
IMPRV 1 ENGR: SELLR:
USE 01

FOUNDATION BASE WORK: CONSTRUCT SFD W/COVERED FRONT PORCH, REAR DECK,
2 1 FIREPLACE(OUTSIDE PROJ NOT TO EXCEED 4'X10')
CONSTRUC FUEL SEWAGE WATER 3 BEDROOMS & 2ND FLOOR BALCONY.SEE B368254 FOR
2 1E 1E RAZING.BASEMENT UN-INHABITABLE/UNFINISHED.PER
CENTRAL AIR 1 VARIANCE CASE 95-151A.

ESTIMATED COST

85,000.00

PROPOSED USE: SFD

OWNERSHIP: 1

EXISTING USE: SFD TO BE RAZED

RESIDENTIAL CAT: 1

#EFF:

#1BED:

#2BED:

#3BED:

TOT BED:

TOT APTS:

1 FAMILY BEDROOMS: 3

PASSWORD:

ENTER - NEXT DETAIL

PF2 - APPROVALS

PF7 - PREV. SCREEN

PF9 - SAVE

PF1 - GENERAL PERMIT

PF3 - INSPECTIONS

PF8 - NEXT SCREEN

CLEAR - MENU

TIME: 09:31:24 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1004M
DATE: 03/21/2001 BUILDING DETAIL 1 LAST UPDATE 06/09/1999
PDM 09:39:32

PERMIT # B380166 PLANS: CONST 02 PLOT 7 DRC# PLAT 0 DATA 0 EL 1 PL 1
TENANT
BUILDING CODE: 2 CONTR: OWNER
IMPRV 1 ENGR: SELLR:
USE 01

FOUNDATION BASE WORK: CONSTRUCT SFD W/COVERED FRONT PORCH, REAR DECK,
2 1 FIREPLACE (OUTSIDE PROJ NOT TO EXCEED 4'X10')
CONSTRUC FUEL SEWAGE WATER 3 BEDROOMS & 2ND FLOOR BALCONY. SEE B368254 FOR
2 1E 1E RAZING. BASEMENT UN-INHABITABLE/UNFINISHED. PER
CENTRAL AIR 1 VARIANCE CASE 95-151A.

ESTIMATED COST
85,000.00 PROPOSED USE: SFD
OWNERSHIP: 1 EXISTING USE: SFD TO BE RAZED
RESIDENTIAL CAT: 1

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:
1 FAMILY BEDROOMS: 3 PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

TIME: 12:24:27 AUTOMATED PERMIT TRACKING SYSTEM PANEL BF1003M
DATE: 05/07/2001 GENERAL PERMIT APPLICATION DATA LAST UPDATE 02/16/2000
PDM 15:07:22

PERMIT #: B405724 PROPERTY ADDRESS
RECEIPT #: A399031 9033 CUCKOLD POINT RD
CONTROL #: RA SUBDIV: SWAN POINT
XREF #: B405724 TAX ACCOUNT #: 1516600740 DISTRICT/PRECINCT 15 01
OWNERS INFORMATION (LAST, FIRST)
FEE: 10.00 NAME: POLESKI, ROBERT PAUL & MICHAEL & AGNES
PAID: 10.00 ADDR: 9033 CUCKOLD PT RD
PAID BY: APPL

DATES APPLICANT INFORMATION
APPLIED: 02/15/2000 NAME: ROBERT PAUL POLESKI
ISSUED: COMPANY:
OCCPNY: ADDR1: 9033 CUCKOLD POINT RD
ADDR2: BALTIMORE, MD 21219
INSPECTOR: 15R PHONE #: 410-477-5137 LICENSE #:
NOTES: JB/TLB

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 12:24:08 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1004M
DATE: 05/07/2001 BUILDING DETAIL 1 LAST UPDATE 02/16/2000
PDM 15:10:14

PERMIT # B405724 PLANS: CONST 00 PLOT 0 DRC# PLAT 0 DATA 0 EL 2 PL 1
TENANT
BUILDING CODE: 2 CONTR: OWNER
IMPRV 5 ENGR: SELLR:
USE 01

FOUNDATION BASE WORK: RAZE SFD.TO BE TORN DOWN & DEBRIS TO BE HAULED
TO APPROVED SANITARY LANDFILL PER APPLICABLE
CONSTRUC FUEL SEWAGE WATER BALTO COUNTY SITE REGULATIONS.SEWER TO BE CAPP-
1E 1E ED.PERMIT EXPIRES 90 DAYS FROM DATE IF ISSUE.
CENTRAL AIR 28'X30'=1680SF. SEE B405725 FOR NEW SFD.

ESTIMATED COST
110.00 PROPOSED USE: VACANT
OWNERSHIP: 1 EXISTING USE: SFD

RESIDENTIAL CAT:

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:
1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

TIME: 12:30:30 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1018M
DATE: 05/07/2001 APPROVALS' DETAIL SCREEN LAST UPDATE 01/22/2001
PDM 09:07:17

PERMIT #: B405724 CONTROL #: RA
AGENCY DATE CODE COMMENTS

ENVRMNT 02/17/2000 12 WASTE-X3775 DENIED BY GGB
HOUSE#S 02/16/2000 01 SMP/TLB
PLANNING
PERMITS 02/16/2000 10 HOLD FOR CAP OFF

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - GENERAL PERMIT PF4 - ISSUE PERMIT
PF3 - INSPECTIONS PF8 - GENERAL SCREEN W/NEXT PERMIT CLEAR - MENU

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SE/S Cuckold Point Road, 60 ft. * ZONING COMMISSIONER
+/- S from c/l 4th Street * OF BALTIMORE COUNTY
9033 Cuckold Point Road * Case No. 98-3-SPH
15th Election District *
7th Councilmanic District *
Robert Poleski & Michael *
Poleski. Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property known as lots 506 thru 510 (also known as 9033, 9035 and 9037 Cuckold Pt. Road) in the Swan Point subdivision in southeastern Baltimore County. The Petition was filed by Robert Poleski and Michael Poleski, property owners. The Petition requests that the Zoning Commissioner grant relief, "to confirm and continue a pre-existing nonconforming use of a boat yard/marina in a B.M./D.R.5.5 zone; to amend the previously approved site plan dated October 12, 1994; and to approve a modified parking plan pursuant to BCZR, Section 409.12". The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the public hearing held for this case were Michael Poleski and Robert Poleski, property owners. Also appearing in support of the request was Joseph Larson, of Spellman, Larson and Associates, Inc., the consultants who prepared the site plan. The Petitioners were represented by John B. Gontrum, Esquire. A number of interested individuals who reside in the area also appeared in support of the Petition. They included Terri Lidard, Kim Poleski, Wayne Miskiewicz, Carl Hobson and Norman Anderson. Also appearing at the hearing were a number of neighbors who are concerned about the Petitioners' plans. Those individuals included Edward Idranicka, Christina K. Minnick, Philip J. Sessa and Adam F. Szczypinski.

A substantial amount of testimony was offered regarding the requested relief and both the current and historical use of the property. As I observed at the hearing, it was clear that there was a significant amount of misunderstanding about the Petitioners' plans and requested relief. Some of these misunderstandings were clarified during the hearing. At the conclusion of the hearing, it appeared that both sides reached an understanding about the zoning relief necessary and agreed about the appropriate use of the property.

Robert Poleski and Michael Poleski are brothers. They presently own this property, having inherited same from their parents, William and Agnes Poleski. The property consists of five lots, numbered 506 thru 510, as platted in the older subdivision known as Swan Point. This subdivision is located within the Chesapeake Bay Critical Area and abuts Hawk Cove. The community was originally developed many years ago with 50 ft. wide lots. Collectively, the property is at the south eastern corner of the intersection of Cuckhold Point Road and 5th Street. The property is improved with a series of buildings, including a one story metal building, a one story block building, a one story framed dwelling, two one-story framed dwelling buildings and several smaller sheds and similar storage buildings. Additionally, a portion of the property is improved with a macadam parking area. Other parts of the property are also used for parking, however, those areas are not macadam and are either gravel or in lawn.

The senior Mr. and Mrs. Poleski, the parents of Robert and Michael, acquired the property over the years through a series of transactions. Initially, they purchased lot 509 in November of 1954. Shortly, thereafter, in January of 1956, they acquired the adjacent lot, numbered 508. In 1984, two additional lots were acquired, Nos. 506 and 507. The final parcel acquired, lot No. 510, was purchased in 1986. Lots 506 and 507

are immediately adjacent to the corner of Cuckold Point Road and 5th Avenue and have been used for many years as a boat yard/marina. Originally, those two lots contained a business known as Paul's Marina. Mr. and Mrs. Poleski also operated their own boat yard, from lots 508 and 509. That business was operated under the name of Bill's Marina.

The land uses known as "boat yards" and "marinas" are defined in Section 101 of the BCZR. A boat yard is defined as, "A commercial or non-profit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types." A marina is defined as, "A modern boat basin, restricted to recreational marine craft of all types with facilities for one or more of the following: "berthing, launching and securing such craft, and permitting incidental minimum provision for refueling and emergency servicing, as well as incidental sale of boats, and also land (out of water) storage as provided in Section 417.7". Generally, Section 417 of the BCZR regulates waterfront construction. This includes out of storage facilities, piers, wharfs, docks, bulkheads and other construction which extends into the water.

The zoning of the property and its history is also significant. Originally, the property was all zoned M.H.-I.M., an intense zoning classification which permits manufacturing and commercial uses. In 1976, the property's zoning was changed to D.R.5.5. Later, in 1984, a portion of the property was rezoned to B.M. That rezoning adopted in 1984 remains in effect today. Under the present zoning maps, all of the lots 506, 507 and 508 are zoned B.M. Additionally, approximately one-half of lot 509 is also zoned B.M. The other one-half of lot 509, as well as all of lot 510, is zoned D.R.5.5.

The B.M. (Business-Major) zone is a commercial zone. Pursuant to Section 233 of the BCZR, both boat yards and marinas are permitted by right in the B.M. zone. The D.R.5.5 zone is a residential zone. Boat yards are permitted therein by special exception only.

A portion of the zoning relief requested within the Petition seeks approval of a nonconforming use. Nonconforming uses are defined in Section 101 of the BCZR and regulated by Section 104. Essentially, a nonconforming use is a use which is not permitted under the zoning classification of the subject property or by the zoning regulations which regulate that particular zone. Nonetheless, the nonconforming use designation is used to legitimize the otherwise illegal uses. Specifically, the nonconforming use designation is utilized to grandfather an otherwise illegal use. That is, if the use was at one time permitted, however, an intervening change in the law or zone has made the use illegal under the present zone or regulation, the use may remain. Section 104 regulates nonconforming uses and provides that same may not be improperly expanded or altered in character. In this case, the relevant date at issue is 1976. Prior to that time, the entire property was zoned with the classification, M.H. (Manufacturing-Heavy) which permitted the boat yard/marina use. If the Petitioners establish that the boat yard use existed prior to that date, same is grandfathered and may continue as a nonconforming use.

The uncontradicted testimony and evidence presented was that the boat yard/marina use has continuously and uninterruptedly existed on lots 506, 507, 508 and 509 since at least the mid 1950s. Moreover, the testimony was persuasive that that use has not materially changed over the years or expanded. For all of these reasons, I am persuaded to grant that portion of the Petition to confirm the nonconforming use status on that portion of lot 509 zoned D.R.5.5. Such a nonconforming designation is not necessary

for lots 506, 507, 508 and the 1/2 of the lot 509, zoned B.M., in that the marina/boat yard use may exist as of right on those lots. However, that portion of lot 509 which is zoned D.R. is nonconforming. Thus, the Petitioners' boat yard/marina may lawfully operate on lots 506-509.

As to lot 510, the nonconforming use designation does not attach. In this regard, the Petitioners' candid testimony was that that lot has not been used as a commercial boat yard/marina over the years. Although there has been storage of the owners' own water craft on that property, over the years, the lot has not been used commercially. Thus, the nonconforming use designation does not attach to lot 510. Moreover, unless there is a change to the property's zoning classification, lot 510 (zoned D.R.5.5) may not be used in a commercial fashion. This prohibition on commercial activity extends not only to the land, itself, but also to any extension (i.e., pier, bulkhead, etc.) into Hawk Cove from that property.

The second portion of the Petition relates to an amendment to the site plan. In this regard, variance relief was granted by Deputy Commissioner Timothy M. Kotroco, in zoning case 95-151-A, for a proposed dwelling on lot No. 510. The site plan submitted in that case was approved. The site plan offered in the instant case depicts lot 510 and amends the previous plan by showing two areas on lot 510 which are designated as boat/storage areas. In this regard, Mr. Poleski testified that he has stored some of his own boats on lot 510. He also indicated that prior owners also stored their own watercraft on the lot. The neighbors who appeared corroborated this testimony. Under these circumstances, it appears appropriate that Mr. Poleski can continue to utilize lot 510 in this fashion. That is, he may store up to 25 row boats, not exceeding 16 ft. in length, on the property. All of these boats must be owned by him and he cannot use lot 510 to store boats owned by others. either for rent

or for free, to sell supplies from the lot, or to engage in any commercial activities thereon. That is, although he may store his own personal watercraft on lot 510, no other storage or commercial activity of any kind can exist on that lot. An amendment to the previously approved site plan to reflect this practice is hereby approved.

The final portion of the relief requested relates to the parking arrangement. In this regard, Mr. Poleski testified that parking for the existing boat yard is by way of a somewhat haphazard manner as shown on the plan. A portion of the property which contains macadam is used for parking as are parts of the lawn and gravel area. The parking arrangement as it exists appears appropriate. The addition of durable, dustless surface could be inappropriate and could potentially cause storm water runoff into this tributary of the Chesapeake Bay. The neighbors present indicated that the parking arrangement works and there were no complaints of overflow parking or disruption to the traffic patterns in the neighborhood. Thus, I shall also approve the parking arrangement as shown on the plan.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted, in part, and denied, in part.

1611197
By [Signature]
Cm

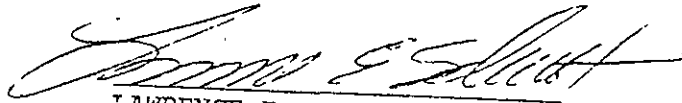
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of December 1997 that the portion of the Petitioners' property known as lot 509 which is zoned D.R.5.5 be and is hereby designated as a nonconforming use for a boat yard/marina; and

IT IS FURTHER ORDERED that the portion of the Petitioners' property known as lot 510 is not designated as a nonconforming use and may not be used for any commercial purpose; and,

IT IS FURTHER ORDERED that an amendment to the previously approved site plan dated 10/12/94, be and is hereby approved; and

IT IS FURTHER ORDERED that a modified parking plat, as shown on Petitioners' Exhibit No. 1, pursuant to Section 409.12 of the BCZR, be and is hereby APPROVED; all subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired.
2. The Petitioners shall engage in no commercial activity from lot 510 and the storage of any boats thereon shall be limited to the Petitioners' own boats, not to exceed 25 in number and 16 ft. in length.
3. Any expansion to existing commercial facilities on the subject property shall require a public hearing and an amendment to the Petition for Special Hearing granted herein.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

RECEIVED
DATE 12/11/97
BY [Signature]



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdinspect@co.ba.md.us

May 16, 2001

Mr. Michael J. Poleski
Mr. Robert P. Poleski
Ms. Agnes C. Poleski
9033 Cuckold Point Road
Baltimore, MD 21219

Dear Property Owners:

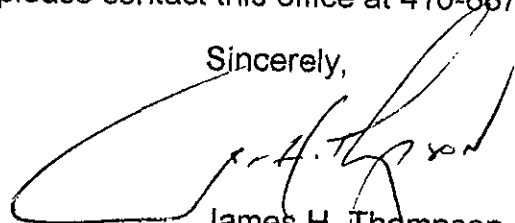
RE: Case Number 01-1254, 9033 Cuckold Point Road

As a follow-up to the original correction notice issued by Inspector Gary Hucik on March 23, 2001 (enclosed), an extension has been granted until June 18, 2001. By this date, all miscellaneous debris must be removed from the subject property. Further, boat storage is limited to the conditions as outlined in Zoning Commissioner Lawrence E. Schmidt's decision in case number 98-3-SPH.

As to the razing matter, a review of permit number B-405720, which was applied for on February 15, 2000, indicates that in fact it has not been issued because of environmental concerns. Therefore, either resolve all outstanding issues with the Department of Environmental Protection and Resource Management (410-887-3775, Gretchen Bodrogi) by the extension date or be prepared to rehabilitate the structure.

If additional questions remain, please contact this office at 410-887-3351.

Sincerely,



James H. Thompson
Code Inspections and
Enforcement Supervisor

JHT:scj

c: Paula Houck, Executive Office
Zoning Case Number 98-3-SPH

(SHEET S.E. 6J)

S 22,000

0,000

24,000

A-NE AA-NW

DR5.5

BL

BM

BM

BM

BL

BL

DR5.5

DR5.5

BL

BL

BM

S.E. 6-K

E 61,500

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92

Joseph B. Bartles #444
Chairman, County Council

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9033 Cuckold Point Road

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: SWAN POINT

[plat book# 9, folio# 5, lot# 509, section#]

OWNER: Robert P. Poleski

VACANT, B.M. Zoning

Cuckold Point Road

30' R/W
4TH STREET

30' R/W EX-8" water
S-37°-30'W 55.0 EX-8" SAN #72-343

Tax ID
15-16600741
Agnes Poleski
Michael Poleski
Robert Poleski

50.0
30' R/W
Existing + better
9033
Proposed

Point of Beginning
50.0

50.0
9037
ADAM F. SCZYPIŃSKI

Tax ID
15-02650260
Lot 510

Lot 511
BM Zoning

Lot 508
BM Zoning
Robert P. Poleski

Lot 509
BM Zoning
Robert P. Poleski

Lot 510
BM Zoning
Robert P. Poleski

Lot 511
BM Zoning
Michael J. Poleski

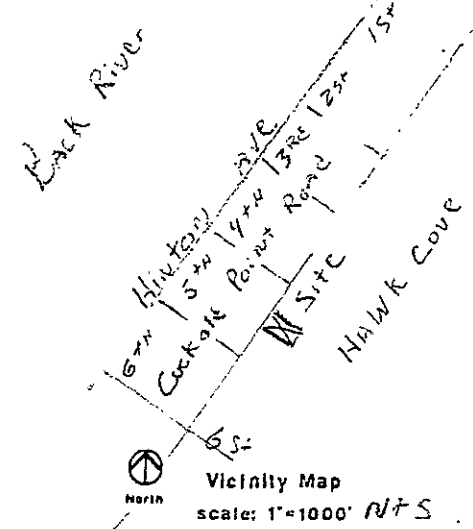
Vacant

NOTE: NEW HOME
TO BE BUILT ON
Lot 510
Permit no.
B405725

vacant
1.5 story
Block BID
14x8'

North
date:
prepared by: Robert P. Poleski
410 477 5137

Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Election District: 15
Councilmanic District: 7
1"=200' scale map#: SE 6 K
Zoning: B.M
Lot size: 8,700
acreage square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private
Chesapeake Bay Critical Area: ☒ yes ☐ no
Prior Zoning Hearings: NA

Zoning Office USE ONLY!

reviewed by: BH ITEM #: 444 CASE#: 01-444-A

Pet. #1

