IN RE: PETITION FOR ADMIN. VARIANCE
E/S Cunninghill Cove Road, 100' +/centerline of Cunning Circle
15th Election District
6th Councilmanic District
(12827 Cunninghill Road)

Kim B. & Mark J. Bialek Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- CASE NO. 03-146-A

* * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Kim B. and Mark J. Bialek. The variance request is for property located at 12827 Cunninghill Cove Road in the Middle River area of Baltimore County. The variance request is from Section 1B02.3.B. (V.B.6.b,c CMDP) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a window to side property line setback of 7 ft. and a window to window setback of 30 ft. in lieu of the minimum required 15 ft. and 40 ft. respectively, and to amend the latest approved plan of Cunninghill Cove to allow a projection of an addition outside of the building envelope. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

Lem Low Day

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this /7 day of October, 2002, that a variance from Section 1B02.3.B. (V.B.6.b,c CMDP) of the B.C.Z.R., to allow a window to side property line setback of 7 ft. and a window to window setback of 30 ft. in lieu of the minimum required 15 ft. and 40 ft. respectively, and to amend the latest approved plan of Cunninghill Cove to allow a projection of an addition outside of the building envelope, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

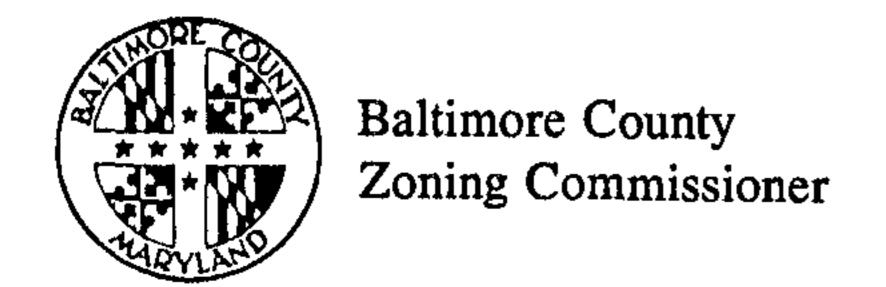
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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



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

Fax: 410-887-3468

October 17 2002

Mr. & Mrs. Mark J. Bialek 12827 Cunninghill Cove Road Baltimore, Maryland 21220

Re: Petition for Administrative Variance

Case No. 03-146-A

Property: 12827 Cunninghill Road

Dear Mr. & Mrs. Bialek:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative 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,

Timothy M. Kotroco

Deputy Zoning Commissioner

luthy llotroco

TMK:raj Enclosure



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12827 Cunninghill Core Road which is presently zoned residential DE5.5

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made a part hereof, hereby	tuate in Baitim y petition for a	ore County and which Variance from Secti	its and Development Mana ch is described in the description(s)	tion and plat attac	hed hereto and
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			aw of Baltimore County, for t	he reasons indica	ted on the back
Property is to be posted an i, or we, agree to pay expens regulations and restrictions of	es of above Va	riance advertising no	zoning regulations. sting, etc. and further agree to a to the zoning law for Baltimore C	and are to be bound County.	led by the zoning
			I/We do solemnly declare a perjury, that I/we are the le is the subject of this Petitio	gal owner(s) of the	e penalties of property which
Contract Purchaser/Le	ssee:		Legal Owner(s):		
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Signature			Signature Box 1	ey Bial.	o k
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City	State	Zip Code	Signature	11 1 D	ad 335-603
Attorney For Petitioner			12827 Cunninghi Address Baltimore	Mary land	335-603 Telephone No. 21220
Name - Type or Print			City	State	Zip Code
Signature	······································	······································	Representative to be	Contacted:	
Company			Name		
Address		Telephone No.	Address	<u></u>	Telephone No
	State	Zip Code	City	State	Zip Code
A Public Hearing having been to day of sepulations of Baltimore County at	formally demand that nd that the proper	led and/or found to be at the subject matter of the ty be reposted.	required, it is ordered by the Zor his petition be set for a public hearing		Baltimore County, ired by the zoning
				न of Baltimore County	
CASE NO. <u>03-</u>	146-4	Rev	iewed By	-	

Estimated Posting Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. 12827 Cunninghill Core Road
Address

That the Affiant(s) does/do presently reside at

			Baltimo	re Ma	ry land	21220
			City		State	Zip Code
That based upon per Variance at the above					I/we base the requ	est for an Administrative
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Mark Jose Name - Type or Print				Kim	Bailey [Bialek
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1				_		
the Affiant (6) herein,	personally k	nown or satisf	actorily identified	<i>Ladelle</i> I to me as such	Affiant(s).	·
			-		, , ,	
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	-	•	Notary	Public And	ne M. Roth	
			My Co	mmission Expir	res <u>8-1-06</u>	

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at							
	Baltimore	Mary land State	2/22 0 Zip Code				
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Signature Signature	Sigr	Kenn Bailey (Biales				
Mark Joseph Bialek Name-Type or Print	 	ne - Type or Print	3ialek				
STATE OF MARYLAND, COUNTY OF BALTIF	_						
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Mark Joseph Bialek) v Kino Line Line Line Line Line Line Line Line	Bulley Bulleto mactorily identified to m	e as such Affiant(s).					
AS WITNESS my hand and Notarial Seal	✓						
	Notary Pub	lic Arlene M. Roth	<u> </u>				
•		ssion Expires 8-1-06					

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13827 Cunninghill Cove Road

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			which is presently	zoned <u>res</u>	idential DR
owner(s) of the property situ	late in Baltin pețition for a	nore County and whi Variance from Sect	its and Development Manach is described in the description(s) / BP 2.3.8 (V)	ption and plat atta 3. る. ら. こ こべ	ached\hereto and
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Willing envelop	٠ -				
of the zoning regulations of of this petition form.	Baltimore Co	ounty, to the zoning	law of Baltimore County, for	the reasons indic	ated on the back
Property is to be posted and i, or we, agree to pay expense regulations and restrictions of i	s of above Va	riance, advertising, po	zoning regulations. sting, etc. and further agree to to the zoning law for Baltimore	and are to be bou County.	nded by the zoning
			I/We do solemnly declare perjury, that I/we are the least the subject of this Petitic	egal owner(s) of th	
Contract Purchaser/Les	see:		Legal Owner(s):		
			mark Jos	eph Biala	ek.
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A deline A =			Kim Bail	ley Bial	ek
Address		Telephone No	Name - Type or Print	10 1 1 1	1.1
City	State	Zip Code	Signature	ly prai	WIN -
Attorney For Petitioner:			12827 Cunnie	rahill Con	1e Rd 335-6033
			Address	J	Telephone No.
		······································	Baltimore	MD	21220
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Company			Name	· · · · · · · · · · · · · · · · · · ·	······································
Address	- 	Telephone No	Address		Telephone No
City	State	Zip Code	City	State	Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of ____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County	
Reviewed By Date 7-20-02	
Estimated Posting Date	

CASE NO. 03-146-9 REV 10/25/01

ZONING DESCRIPTION FOR 12827 Cunninghill Cove Road

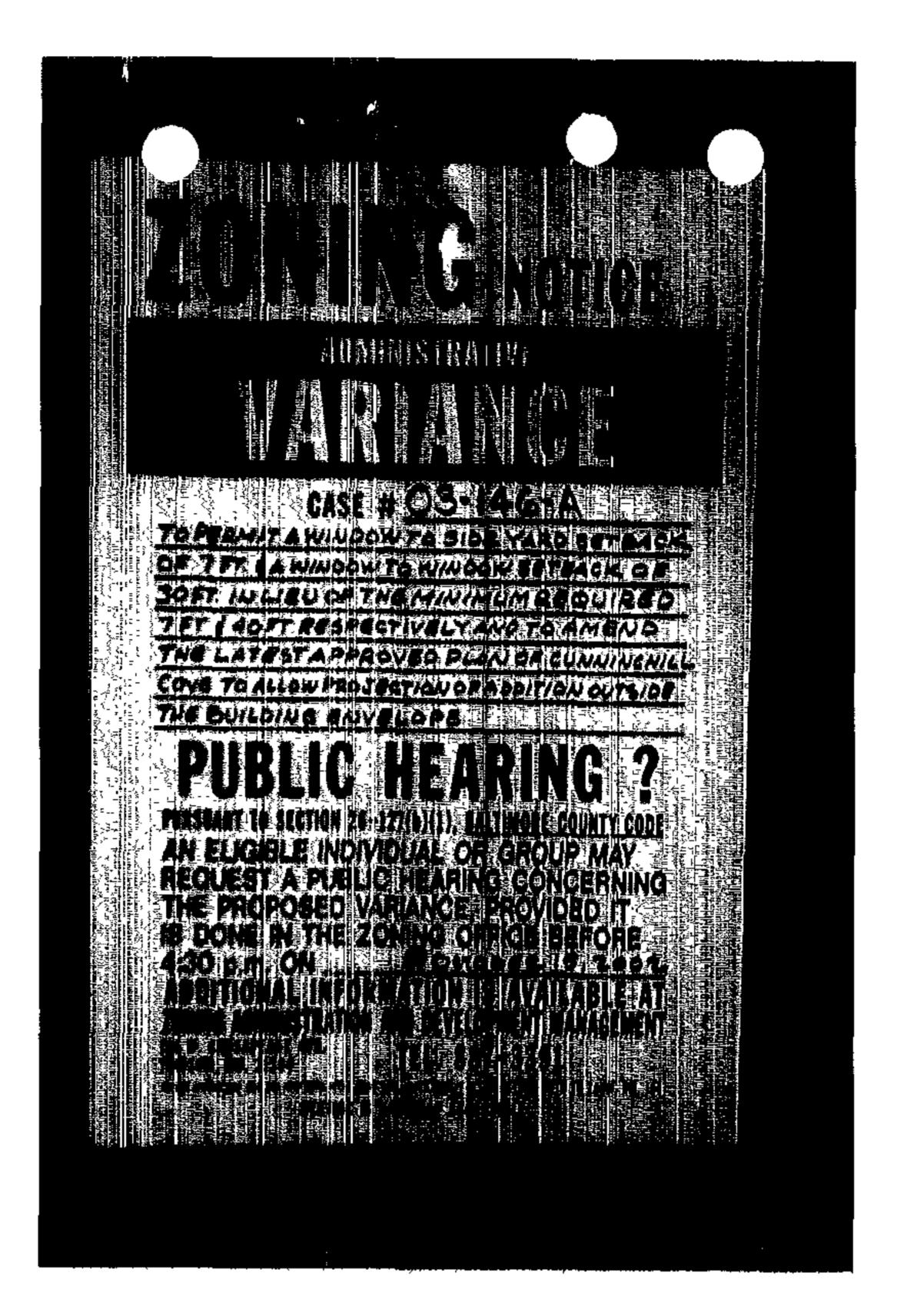
Beginning at a point on the East side of Cunninghill Cove Road, which is 60 feet wide at the distance of 100 feet South of the centerline of the nearest improved intersecting street, Cunning Circle, which is 40' wide. Being Lot #32, Block E, in subdivision of Bay Country as recorded in Baltimore County Plat Book 53, Folio 29, containing 8,594 sq ft. Also known as 12827 Cunninghill Cove road and located in the #15 District, #6 Councilman District.

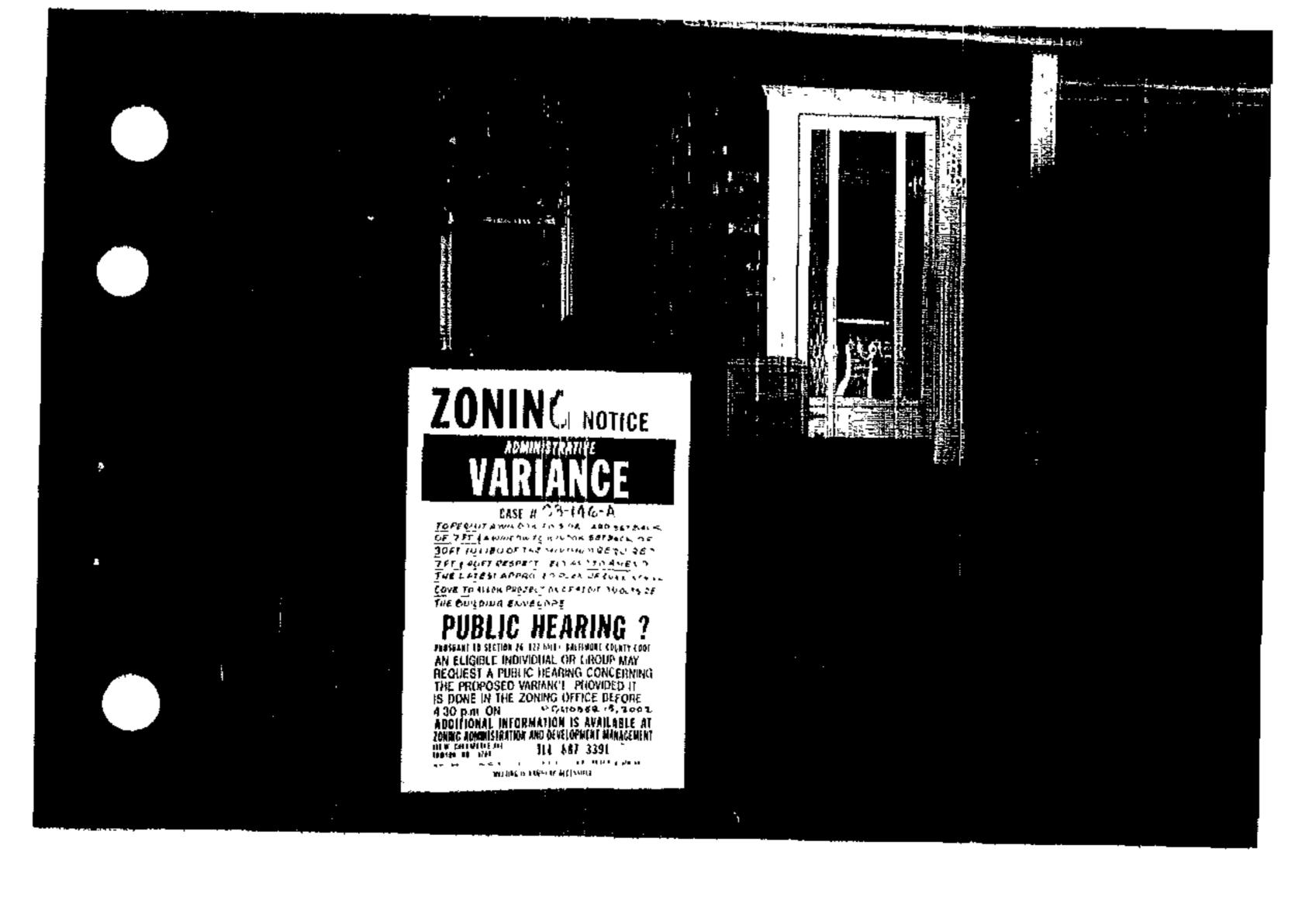
146

FOR: FROM: DISTRIBUTION
WHITE - CASHIER RECEIVED MISCELLANEOUS RECEIPT OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, PINK - AGENCY MARYLAND AMOUNT ACCOUNT YELLOW - CUSTOMER \$ A. VALIDATION 1-2-12.

 $\sum_{i=1}^{m} z_i$

* Sept.





CERTIFICATE OF POSTING

	RE: Case No.: 05-146-A
	Petitioner/Developer:
	MARK BIALEK
ı	Date of Hearing/Closing: 10-15-07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Fowson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the property	f perjury that the necessary sign(s) required by law located at
The sign(s) were posted on	27, 78, 7007 (Month, Day, Year)
	Sincerely, Sincerely, (Signature of Sign Poster and Date)
	GARLAND E, MOORE (Printed Name) 3225 RYERSON CURCLE
	(Address) BALTIMORE, MD, 21227 (City, State, Zip Code)
	(410) 242-4263 (Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

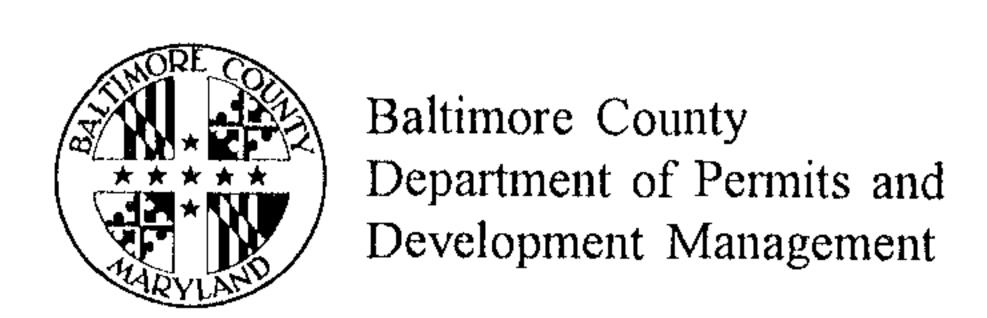
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 03-146-2
Petitioner: Mark J. Bialek
Address or Location 12827 Cunning hill Cove Rd. Balto, 21220
Balto., 21220
PLEASE FORWARD ADVERTISING BILL TO:
Name: Same
Address:
Teiephone Number: 410-335 - 6033

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	03-	146		-A	Addre	ss <u>/ </u>	827	Cunni	nghill	Cove Rd-
Conta	ct Persoi	n:			رے کے lease Print Y	our Name	· · · · · · · · · · · · · · · · · · ·	<u></u>	Phone N	lumber:	410-887-3391
Filing	Date: _	9-	20-0	<u> </u>	P	osting Dat	e: <u>9-</u> 3	30-02	Clos	sing Date	: 10-15-02
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Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

October 15, 2002

Mr. Mark Joseph Bialek Ms. Kim Bailey Bialek 12827 Cunninghill Cove Road Baltimore, MD 21220

Dear Mr. and Ms. Bialek:

RE: Case Number: 03-146-A, 12827 Cunninghill Cove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 20, 2002.

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.

Supervisor, Zoning Review

w. Carl Bichards, Jr.

WCR:

Enclosures

c: People's Counsel



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 27, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

131(146)

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

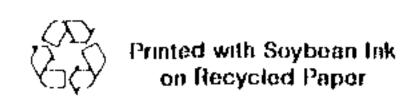
PHONE 887-4881, MS-1102F

cc: File

SEP 3 0 2002

DEPT. OF PERMIS AND DEVELOPMENT MANAGEMENT

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 22, 2002

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 7, 2002

Item Nos. 131, 133, 134, 135, 136, 137, 138, 139, 142, 143, 144, 145,

and 146

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RB 1717

DATE:

October 23, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of September 30, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

132-138, 148-146

10/16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 9, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

12827 Cunninghill Road

INFORMATION:

Item Number:

03-146

Petitioner:

Mark J. Bialek

Zoning:

DR 5.5

Requested Action:

Varinace

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow a window to side property line setback of 7 feet and, a window to window setback of 30 feet in lieu of the minimum required 15 feet and 40 feet respectively. This office also supports the request to amend the approved Cunninghill Cove development plan to allow a projection of an addition outside the building envelope.

Prepared by:

Section Chief:

AFK/LL:MAC:



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 10.1.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

Baltimore County

Item No. 146

115

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1-

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division



Parris N. Glendening Governor Kathleen Kennedy Townsend L.t. Governor

Roy W Kienitz, Secretary Mary Abrams Deputy Secretary

September 27, 2002

Mr. George Zahner
Baltimore County Dept. of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 10/7/02 re: case numbers 03-131-A, 03-132-A, 03-133-SPHXA, 03-134-A, 03-135-A, 03-136-SPH, 03-137-SPHA, 03-138-SPH, 03-139-SPH, 03-140-A, 03-141-A, 03-142-SPHA, 03-143-SPHA, 03-144-A, 03-145-A, 03-146-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 9/26/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup





September 19, 2002

To whom it may concern:

I. JOHN CNEAVER residing at 12829 CHNNINGITIC COVE PACTO, MD 21220 have no objections to my neighbor,

Mark J. Bialek at 12827 Cunninghill Cove Road, Baltimore, MD 21220 building the addition as per his plans onto the back of his house. Let it be known that I am in full support of his decision to add on to his existing structure.

Sincerely, John Chessen 9/19/02

I hereby certify, this 19th day of September, 2002, before me, a Notary Public of the State of Manyland, in and for the County aforesaid, personally appeared John C. Weaver, personally known it me. Oo Witsens my hand and Notarial Leal

Arlene M. Roth (Arlene M. Roth) My Commission Especies 8-1-06

#14



September 19, 2002

Con State of State of

To whom it may concern:

I,	harles	RMI	chael 3	R residing at 12825 Cunamphill
Cove	Rd	Batto	21220	have no objections to my neighbor,
Mark J.	Bialek	at 12827	Cunninghil	ll Cove Road, Baltimore, MD 21220
buildin,	g the ac	ddition as	per his pla	ns onto the back of his house. Let it
be kno	wn that	I am in f	full support	of his decision to add on to his existing
structu	rc.			

Sincerely,

9-19-02

I hereby certify, this 19th day of Steplember, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Charles R. Michael, Jr., personally known to me. as intress my hand and Notarial Seal.

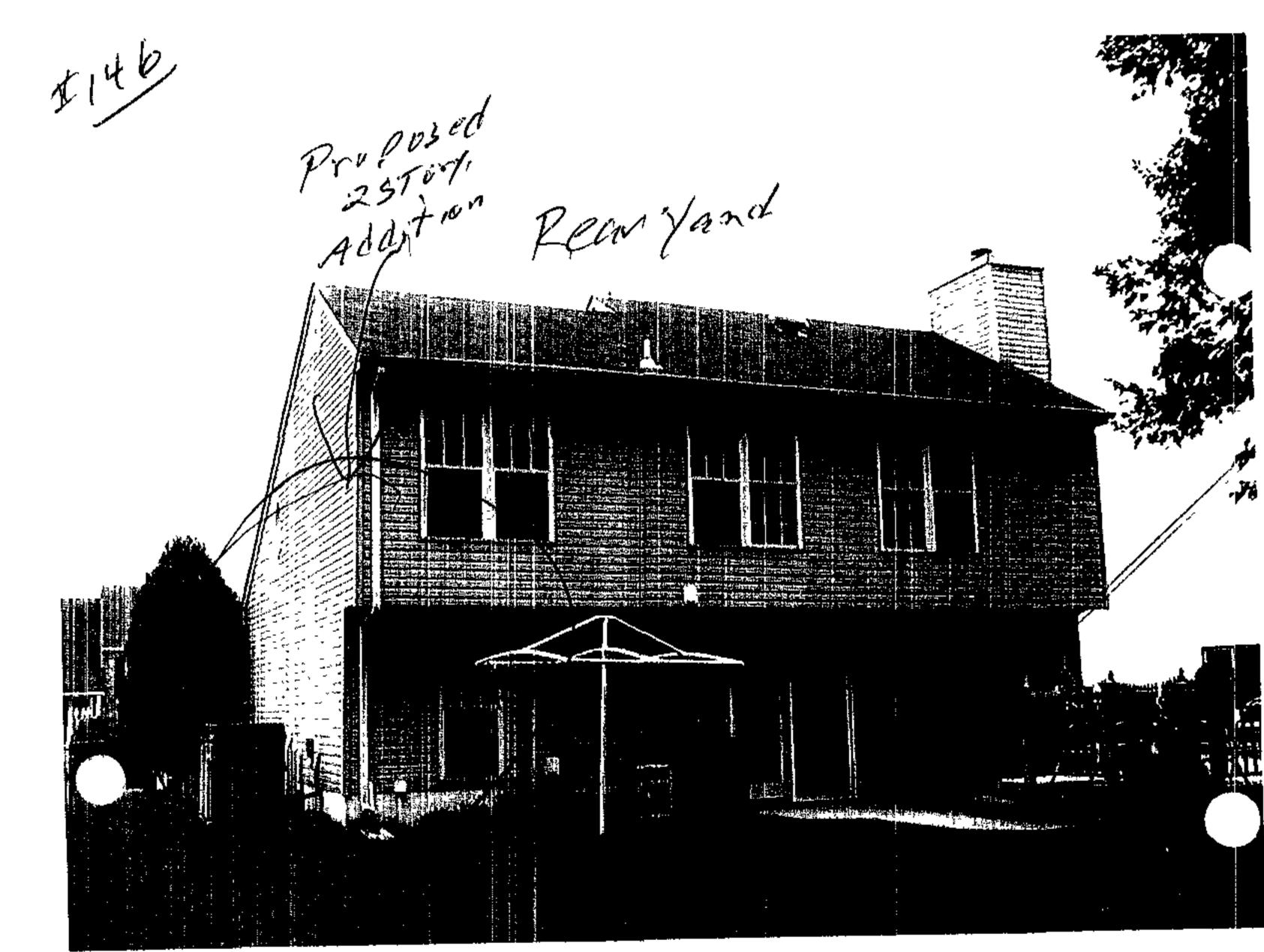
Axlere M. Roth (Artene M. ROH)
My Commussions Expries 8-1-06

124

PLAT TO ACCOMPANY PETITION FOR ZONING VVARIANCE SPECIAL HEARING PROPERTY ADDRESS 12827 CUNNINGHILL COVEROAD SUBDIVISION NAME BAY COUNTRY PLAT BOOK #59 TOLIO #029 TOT#32 BLOCK E PLAT#4 → 100 ± 10 CUNNING CIRCLE OWNER MARK JOSEPH BIALLK CUNNINGHILL COVE ROAD 60' RW J BENEZEK ROAD GRACES QUARTERS ROAD CUNNING CIRCLE 36 CUNNINGHILL COVE ROAD FRONT FRONT VICINITY MAP **--** 25 FRONT 29'-EXISTING -7 4⁻¹115 3⁻¹ EXISTING 33 LOCATION INFORMATION DWELLING 25° - 12° - 1₂₇ — 13 | | EXISTING **DWELLING** DWELLING **ELECTION DISTRICT 15** 125 81 - 34. COUNCILMANIC DISTRICT 6 2550Ry 1" = 200" SCALE MAP # NE, 7-M PROPOSEĎ ADDITION LOT #33 ZONING DR 55 20 X 25 149.21 12829 LOT #31 LOT SIZE 8.594 00 SQUARE FEET CUNNINGHILL 12825 **COVE ROAD** SEWER PUBLIC **CUNNINGHILL** LOT #32 JOHN WEAVER COVE ROAD WATER PUBLIC 12827 CHARLES MICHAEL CUNNINGHILL CHESAPEAKE BAY CRITICAL AREA NO **COVE ROAD ELEVATION 30** 100 YEAR FLOOD PLAN NO HISTORIC PROPERTY NO PRIOR ZONING HEARING NO ZONING OFFICE USE ONLY NOR III 14.74 C351 -SCALE OF DRAWING 1"= 30"

M. M. M.





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