IN RE: **PETITION FOR VARIANCE**	*	BEFORE THE
SE/S Cuckold Point Road, 50' NE of the c/l		
3rd Street (9119)	*	ZONING COMMISSIONER
(Cuckold Point Road)		
15th Election District	*	OF BALTIMORE COUNTY
7th Council District		
	*	Case No. 06-037-A
George Stamoulis		
Petitioner	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, George Stamoulis, through his attorney, Arnold Jablon, Esquire. The Petitioner seeks relief from Sections 1B02.3.C.1 and 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet. The subject property and requested relief are more particularly described on the site plan that accompanied the Petition when filed and the amended site plan submitted at the hearing, copies of which were accepted into evidence and marked as Petitioner's Exhibits 1 and 2, respectively.[1]

Appearing at the requisite public hearing in support of the request were George Stamoulis, property owner, Kypiakos Stamoulis, David Flowers, the consultant who prepared the site plan for this property, and Arnold Jablon, Esquire, attorney for the Petitioner. Appearing as an interested citizen was Samuel A. Hearn, owner of adjacent properties. In addition, this Zoning Commissioner received correspondence in support of the request from many of the residents who reside in the community of Swan Point and collectively marked as Petitioner's Exhibits 5.

Testimony and evidence offered revealed that the subject property is a rectangular shaped, unimproved waterfront lot located on Cuckold Cove near Swan Point in southeastern Baltimore County. As noted above, the property is located with frontage on the southeast side of

ORDER RECEIVED/FOR FILING
Date 10/18/05
By

[1] The amended site plan prepared by David Flowers evidences that Lot 519 is actually 50' wide by 161' deep, as opposed to the dimensions depicted on the Swan Point subdivision plat recorded in the Baltimore County Plat Book 09, Folio 4 and 5 in 1928 of 50' wide by 150' deep (see Petitioner's Exhibit 3). The lot has grown since first platted.

Cuckold Point Road, just north of 3rd Street, in Millers Island. The property is also known as Lot 519 of Swan Point, an older subdivision which was recorded in the Land Records in the 1920s, well prior to the effective date of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots do not meet current area and/or width requirements. In this instance, the subject property contains a gross area of 8,100 sq.ft., more or less, zoned D.R.5.5. Those regulations require a minimum area of 6,000 sq.ft., and a minimum width of 55 feet. Thus, although the lot meets the minimum area requirements, the width of the property is deficient.

Variance relief is requested as set forth above to allow development of the subject property with a single-family dwelling. Off-street parking will be provided by way of a driveway leading into the property from Cuckold Point Road. Apparently, the Petitioner has discussed his plans with his neighbors who support the proposal. However, due to the narrow width of the property, the requested variance relief is necessary.

Section 307 of the B.C.Z.R. contains the standards for the grant of variance relief. This Section has been interpreted by the Appellate Courts of this state, most notably in Cromwell v. Ward, 102 Md. App. 691 (1995). The fact that these lots were laid out prior to the adoption of the first set of zoning regulations (1945) is a significant factor. More significantly, the configuration of the overall tract (neighborhood) is unique. Cuckold Point Road is not developed like other areas, (see Zoning Map marked as Petitioner's Exhibit 4) depicting the theme of development and zoning history. (See also, Case No. 94-153-A involving similar zoning relief for the adjacent property at 9121 Cuckold Point Road).

Second, Cromwell requires a finding of practical difficulty. The D.R.5.5 zoning regulations permit, by right, the development of the subject property with a single-family dwelling. These regulations impose a number of requirements for the construction of a home. In this instance, nearly all of those requirements are met. The lot meets the minimum area requirements, and the Petitioner proposes to provide the minimum required setbacks. The sole deficiency relates to lot width, which is due to the original layout of the overall tract.

ORDER RECEIVED FOR FILING
Date 6/13/05
By

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the Petitioner has met the requirements of Section 307 for relief to be granted and that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship. On behalf of the Petitioner, Mr. Jablon submitted a plat and photographs demonstrating that many of the houses in this community have been constructed on 50-foot wide lots. Moreover, there were no adverse comments submitted by any County reviewing agency and the Petitioner has the support of his neighbors as evidenced by a signed Petition submitted into evidence as Petitioner's Exhibit 5. Thus, I find that there will be no detrimental impact to adjacent properties or surrounding locale. However, as a condition of approval, the Office of Planning has requested certain conditions be imposed relative to the orientation and setback of the proposed dwelling, as set forth in their comments dated September 12, 2005, copy attached hereto. Moreover, due to the property's waterfront location and its location within a floodplain, the proposed construction shall comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements as set forth in the attached comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Development Plans Review Division.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of October 2005 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

ORDER RECEIVED FOR FILING
Date 10/18/05
By

2) Compliance with the ZAC comments submitted by DEPRM and the Bureau of Development Plans Review relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.

3) Compliance with the recommendations made by the Office of Planning within their revised ZAC comment, dated September 12, 2005, copy attached hereto.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 10/18/05
By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

October 18, 2005

Arnold Jablon, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Cuckold Point Road, 50' NE of the c/l 3rd Street
(9119 Cuckold Point Road)
15th Election District – 7th Council District
George Stamoulis - Petitioner
Case No. 06-037-A

Dear Mr. Stamoulis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. George Stamoulis
9216 Peach Blossom Avenue, Perry Hall, Md. 21128
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; People's Counsel; Case File

Printed on Recycled Paper

Flood Critical

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9119 Cuckold Point Rd

which is presently zoned DR 5.5

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) Section 1B02.3.C.1 and Section 307 of the Baltimore County Zoning Regulations to permit a minimum lot width of 50' in lieu of the required 55'.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To Be Addressed at Hearing

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

Legal Owner(s):

George Stamoulis
Name - Type or Print

Signature

Name - Type or Print

Signature

9216 Peach Blossom Ave — 410 974-8352
Address — Telephone No.

Perry Hall, Md 21128
City — State — Zip Code

Attorney For Petitioner:

Arnold Jablon
Name - Type or Print

Signature

Venable, LLP
Company

210 Allegheny Ave. — 410-494-6298
Address — Telephone No.

Towson, Maryland 21204
City — State — Zip Code

Representative to be Contacted:

Arnold Jablon
Name

210 Allegheny Ave. — 410-494-6298
Address — Telephone No.

Towson, Md 21204
City — State — Zip Code

Case No. 06-037 A

ORDER RECEIVED FOR FILING
Date 11/9/05
By

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1.00 hr.

UNAVAILABLE FOR HEARING

Reviewed By _____ Date _____

ZONING DESCRIPTION

ZONING DESCRIPTION for 9119 Cuckold Point Road.

Beginning at a point 50 feet northeast of the 3rd Street Drainage Ditch and ending at a point 200 feet southwest of 2nd Street.

Being Lot 519 in the subdivision of Swan Point as recorded in Baltimore County Plat Book #09, Folio #4&5, containing 7,500 square feet.

As recorded in a deed dated September 1942 among the Land Records of Baltimore County in Liber C.H.K. No. 1248, Folio #252.

Also known as 9119 Cuckold Point Road and located in the 06 Election District, 07 Councilmanic District.

037

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 448222
06-037-A

DATE 7-18-05 ACCOUNT R-001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: Mr. Stamoulis

FOR: Residential Variance Filing fee for 9119 Cuckold Point Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

DATE	ACTION	TIME	BAT
7/18/2005	7/18/2005	14:15:17	1

REF NO. WALKIN TRUC JAE
RECEIPT # 243410 7/18/2005 OFLW
Dept 5 520 ZONING VERIFICATION
CR NO. 448222
Dept Tot $65.00
$65.00 CK $.00 CA
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: #06-037-A
9119 Cuckold Point Road
S/east side of Cuckold Point Road, 200 feet s/west of 2nd street (50 feet n/east of 3rd Street)
15th Election District
7th Councilmanic District
Legal Owner(s):
George Stamoulis
Variance: to permit a minimum lot width of 50 feet in lieu of the required 55 feet.
Hearing: Wednesday, September 14, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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 8/764 Aug. 30 64849

CERTIFICATE OF PUBLICATION

8/31/, 2005

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 8/30/, 2005.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-037-A

Petitioner/Developer: GEORGE STAMOULIS

Date of Hearing/Closing: SEPT 14, 2005

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

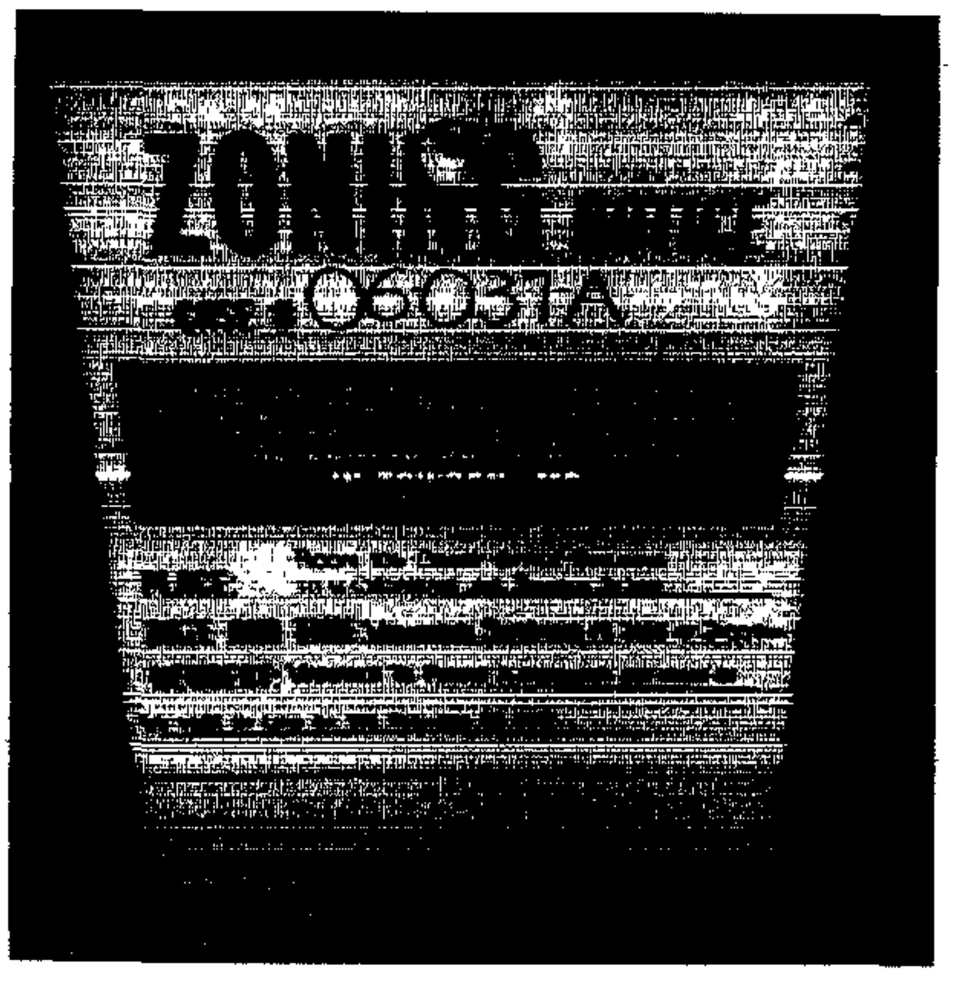
ATTN: Kristen Matthews {(410) 887-3394}

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: 9119 CUCKOLD PT. RD

The sign(s) were posted on 8-29-05
(Month, Day, Year)

Sincerely,



Robert Black 8/30/05
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

9119 CUCKOLD PT. RD.

RE:	PETITION FOR VARIANCE 9119 Cuckold Point Road; SE/side Cuckold Point Road, 200; SW of 2nd St; 50' NE 3rd St 15th Election & 7th Councilmanic Districts Legal Owner(s): George Stamoulis Petitioner(s)	* * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-037-A

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of August, 2005, a copy of the foregoing Entry of Appearance was mailed to, Arnold Jablon, Esquire,Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
AUG 02 2005
Per..KM.....

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: 06-037A

Petitioner: George Stamoulis

Address or Location: 9119 Cockeysville Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Arnold Tablon, Esq.

Address: 210 Allegheny Ave.
Towson, Md. 21204

Telephone Number: 410-494-6298

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

James T Smith, Jr, County Executive
Timothy M Kotroco, Director

August 2, 2005

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: 06-037-A
9119 Cuckold Point Road
S/east side of Cuckold Point Road, 200 feet s/west of 2nd Street (50 feet n/east of 3rd Street)
15th Election District – 7th Councilmanic District
Legal Owner: George Stamoulis

Variance to permit a minimum lot width of 50 feet in lieu of the required 55 feet.

Hearing: Wednesday, September 7, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21204
George Stamoulis, 9216 Peach Blossom Avenue, Perry Hall 21128

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 23, 2005.**
(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.

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr, County Executive
Timothy M Kotroco, Director

August 2, 2005

CORRECTED 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: 06-037-A
9119 Cuckold Point Road
S/east side of Cuckold Point Road, 200 feet s/west of 2nd Street (50 feet n/east of 3rd Street)
15th Election District – 7th Councilmanic District
Legal Owner: George Stamoulis

Variance to permit a minimum lot width of 50 feet in lieu of the required 55 feet.

Hearing: Wednesday, September 14, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21204
George Stamoulis, 9216 Peach Blossom Avenue, Perry Hall 21128

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 30, 2005.**
(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.

Department of Permits and Development Management

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

Baltimore County

James T Smith, Jr, County Executive
Timothy M Kotroco, Director

September 5, 2005

Arnold Jablon
Venable, LLP.
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

RE: Case Number: 06-037-A, 9119 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 July 19, 2005

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

WCR: clb

Enclosures

c: People's Counsel
George Stamoulis 9216 Peach Blossom Avenue Perry Hall 21128

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 16, 2005

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

SUBJECT: 9119 Cuckold Point Road

INFORMATION:

Item Number: 6-037

Petitioner: George Stamoulis

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request to permit a minimum lot width of 50' in lieu of the required 55' provided the following conditions are met:

1. The (future) proposed dwelling shall have a front yard setback equal to the existing dwelling on lot 520 located at 9121 Cuckold Point Road.
2. The existing concrete parking pad on lot 519 located at 9119 is removed prior to the construction on the (future) proposed dwelling.

For further information concerning the matters stated here in, please contact Amy Mantay at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lynn Lanham
AFK/LL: CM

W:\DEVREV\ZAC\6-037.doc

BW 9/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 16, 2005

RECEIVED
AUG 22 2005
ZONING COMMISSIONER

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

SUBJECT: 9119 Cuckold Point Road

INFORMATION:

Item Number: 6-037

Petitioner: George Stamoulis

Zoning: DR 5.5

Requested Action: Variance

REVISED

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request to permit a minimum lot width of 50' in lieu of the required 55' provided the following conditions are met:

1. The (future) proposed dwelling shall have a front yard setback equal to the existing dwelling on lot 520 located at 9121 Cuckold Point Road.
2. The existing concrete parking pad on lot 519 located at 9119 is removed prior to the construction on the (future) proposed dwelling.

For further information concerning the matters stated here in, please contact Amy Mantay at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lynn Lanham
AFK/LL: CM

W:\DEVREV\ZAC\6-037.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 12, 2005

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

RECEIVED
SEP 13 2005
ZONING COMMISSIONER

SUBJECT: 9119 Cuckold Point Road

INFORMATION:

Item Number: 6-037 ***(revised comment)***

Petitioner: George Stamoulis

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request to permit a minimum lot width of 50' in lieu of the required 55' provided the following conditions are met:

1. The (future) proposed dwelling shall have a front yard setback equal to the existing dwelling on lot 520 located at 9121 Cuckold Point Road if possible. If this setback is not feasible due to the Critical Bay Area setbacks, the petitioner shall setback the future proposed dwelling to the limits of the CBCA and the setbacks thereof, but not create a direct or indirect front to rear orientation between existing and proposed dwellings.
2. The existing concrete parking pad on lot 519 located at 9119 is removed prior to the construction on the (future) proposed dwelling.

For further information concerning the matters stated here in, please contact Amy Mantay at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lynn Lewis
AFK/LL: CM

ORDER RECEIVED FOR FILING
Date 11/8/05
By

W:\DEVREV\ZAC\6-037revised.doc

RECEIVED

AUG 1 0 2005

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: August 8, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For August 8, 2005
Item No. 037

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

~~The flood protection elevation for this site is 10.4.~~

In conformance with *Federal Flood insurance* Requirements, the first floor or basement floor must be at least 1-foot above the flood plain elevation in all construction.

The property to be developed is located to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (including *basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of structure with materials resistant to flood damage.

Flood resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

The minimum right-of-way for all public roads is 40-foot. It appears that the existing right-of-way is 30-wide. Therefore show a future 5-foot-wide highway widening along the frontage of all three lots. Adjust setbacks accordingly.

ORDER RECEIVED FOR FILING
Date 10/13/05
By

DAK:CEN:clw
cc: File
ZAC-ITEM NO 037-08082005.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: R. Bruce Seeley RBS

DATE: September 7, 2005

SUBJECT: Zoning Item # 06-037
Address 9119 Cuckold Point Road
Stamoulis property

Zoning Advisory Committee Meeting of August 1, 2005

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Development of this property must comply with the Buffer Management Area regulations and impervious surface limits as well as providing a minimum of 15% tree cover.

Reviewer: Glenn Shaffer Date: September 1, 2005

S:\Devcoord\ZAC06-037.doc

ORDER RECEIVED FOR FILING
Date 9/8/05
By

Robert L. Ehrlich, Jr., *Governor*
Michael S Steele, *Lt Governor*

SHA
State Highway Administration
Driven to Excel
Maryland Department of Transportation

Robert L Flanagan, *Secretary*
Neil J Pedersen, *Administrator*

Date: 7.22.05

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

RE: Baltimore County
Item No. 037 JLS

Dear Ms. Matthews:

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

August 2, 2005

Distribution Meeting of August 1, 2005

ATTENTION: Zoning Review Planners

Item No. 032, 033, 034, 035, 036, 037, 038, 039, 040, 041 and 043

Pursuant to your request, the above referenced plan(s) have been reviewed by this Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Department has no comments at this time.
If you have any questions contact my office.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

PLT EXH

July 27, 2005

To Whom It May Concern,

George Stamoulis has notified us that he has purchased Lot 519, also known as 9119 Cuckold Point Road, in the Subdivision of Swan Point. He has also made it known that he intends to build his residence on Lot 519. Mr. Stamoulis has told us that in order to build his home, he has to file a petition for a variance with Baltimore County to permit a lot width of 50' instead of the required 55'. I am a resident and/or property owner in the subdivision of Swan Point, and have absolutely no objection to George Stamoulis obtaining the requested variance for Lot 519.

Sincerely,

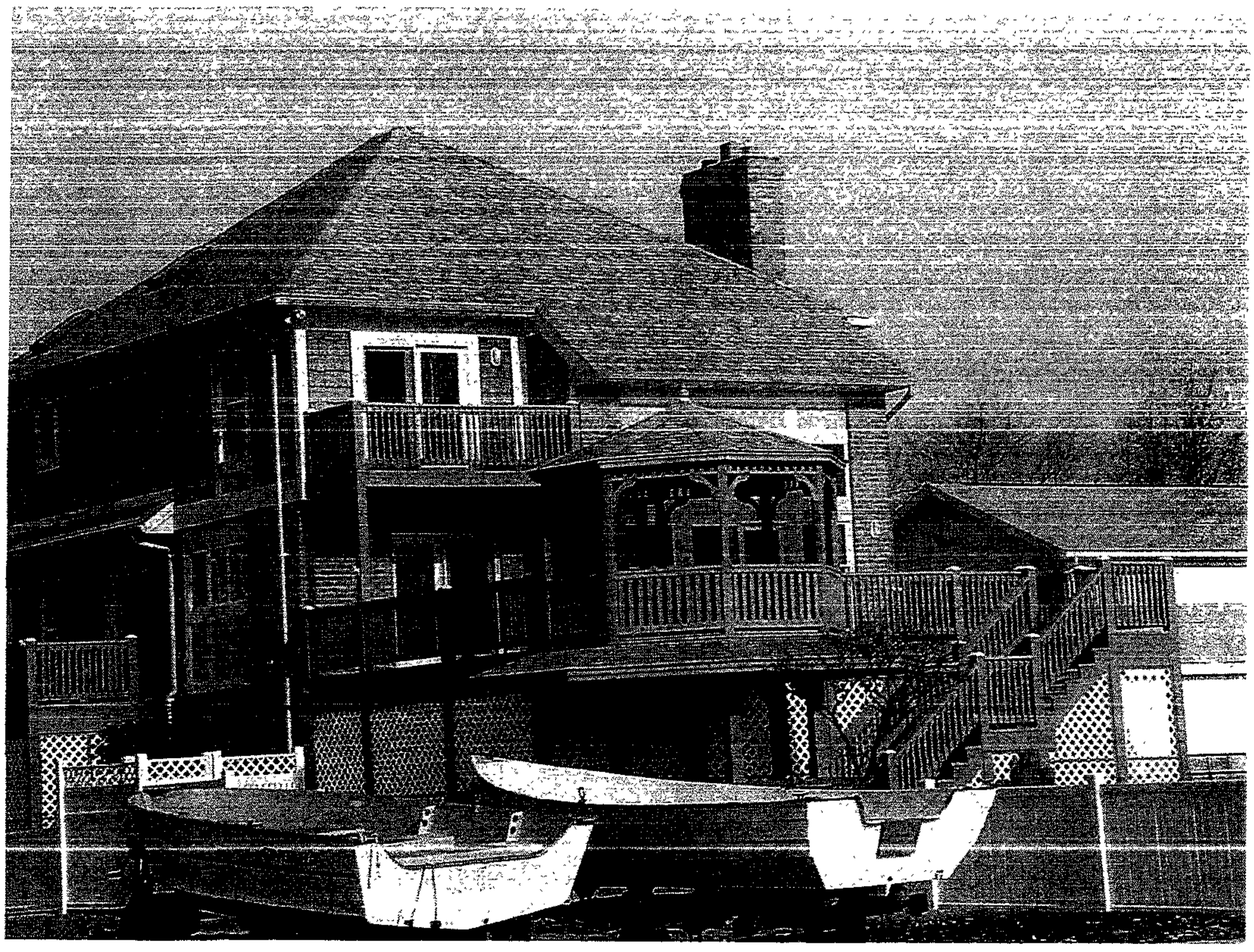
	SIGNITURE	PRINT NAME	ADDRESS
	Sharon L. Kline	SHARON KLINE	9121 Cuckold PT. 21219
2	Michael Moniodis	Michael Moniodis	9117 Cuckold Pt
3	Bernard F. Smith	Bernard Smith	9129 Cuckold Pt 21219
4	Donald Willard	Donald Willard	9127 Cuckold Pt 21219
5	Karen Daniels	Karen Daniels	2801 Second St 21219
6	John Feehley	John Feehley	2802 1st ST 21219
7	Leslie Regulski	Leslie Regulski	2800 1st St. 21219
8	Glenn Irvine	Glenn Irvine	2806 2ND St 21219
9	Jeremy Mahoowski	Jeremy MAHOOWSKI	9135 Cuckold PT Rd 21219
10	Nick Tutin	NICK TUTIN	9131 Cuckold PT Rd 21219
11	Edgar Bartlett	Edgar Bartlett	2709 Bay Drive 21219
12	David Znamirowski	David Znamirowski	2705 Bay Drive 21219
13	Thomas Rothman	THOMAS ROTHMAN	9110 HIGTON AVE 21219
14	Calvin Hamill	CALVIN HAMILL	2810 2ND ST. 21219
15	Lucille Metzger	LUCILLE METZGER	9205 CUCKOLD POINT RD. 21219
16	K. Stamoulis	Kypiakos Stamoulis	2800 2nd St 21219

Petitioners
#5

9121 Cuckold Point Rd
View from front of street.

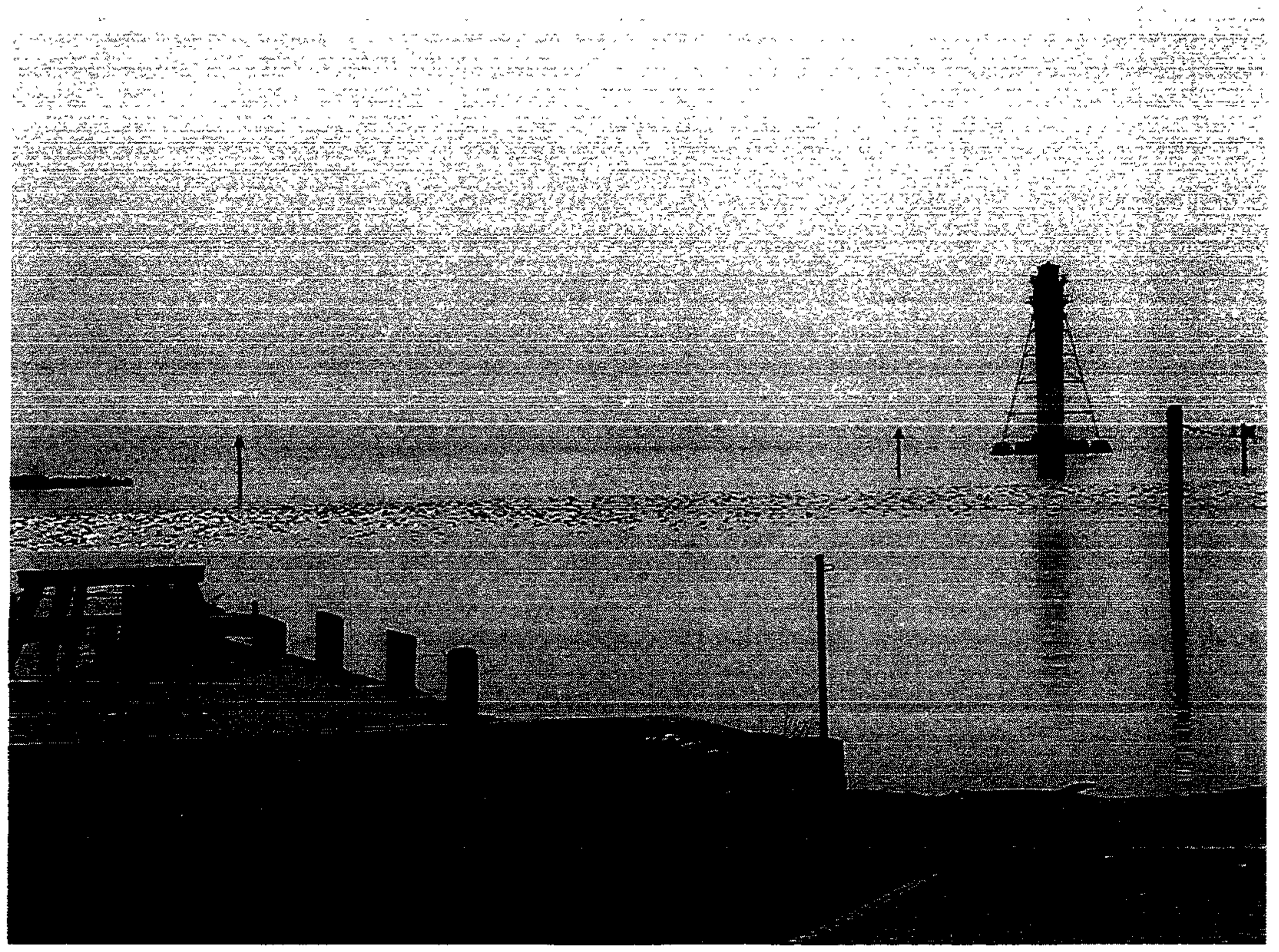
Pet. 6

Front View - 9121 Cuckold Point Rd.

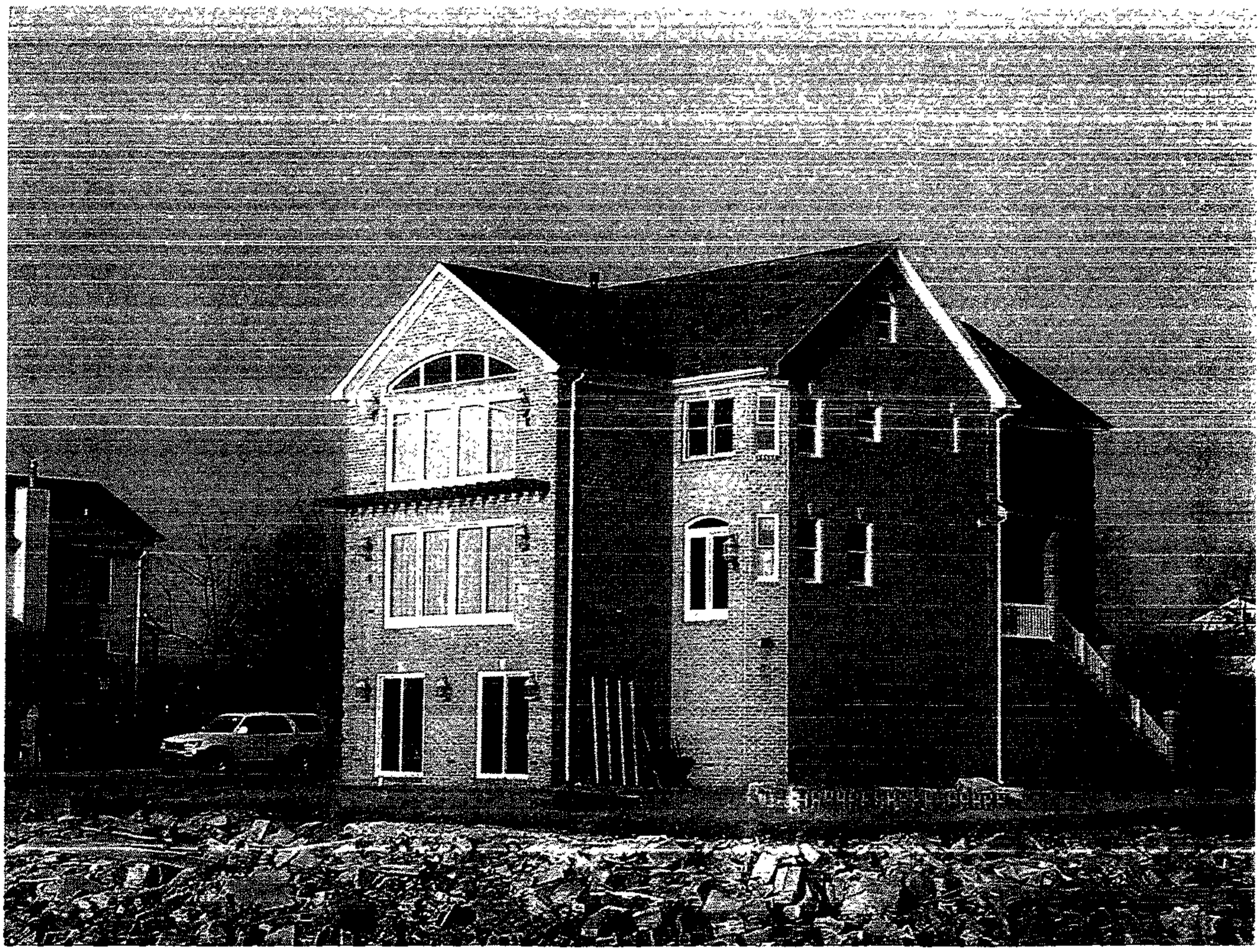


9121 Cuckold Point Rd.
Rear view from Lot 519.

Side and rear view of 9121 Cuckold Point Rd. from Cuckold Cove



View of Bay from Lot 519.



Rear and side view of 9109 Cuckold Point Rd. from Lot 519 and Bay.

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Jam[illegible] Hearn	1712 Killington Road	Ruxton Md 21204-1807	
	owner of 9116 and 9118 Cuckold Point Road		
HEARN			

ESTABLISHED 1925

MHIC # 6543

THE HEARN COMPANY, LTD.

GENERAL CONTRACTORS, BUILDERS
FIRE DAMAGE RESTORATION EXPERTS
1712 KILLINGTON ROAD
RUXTON, MD 21204-1807

SAMUEL A. HEARN
PRESIDENT

24-HOUR EMERGENCY
(410) 321-7711

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

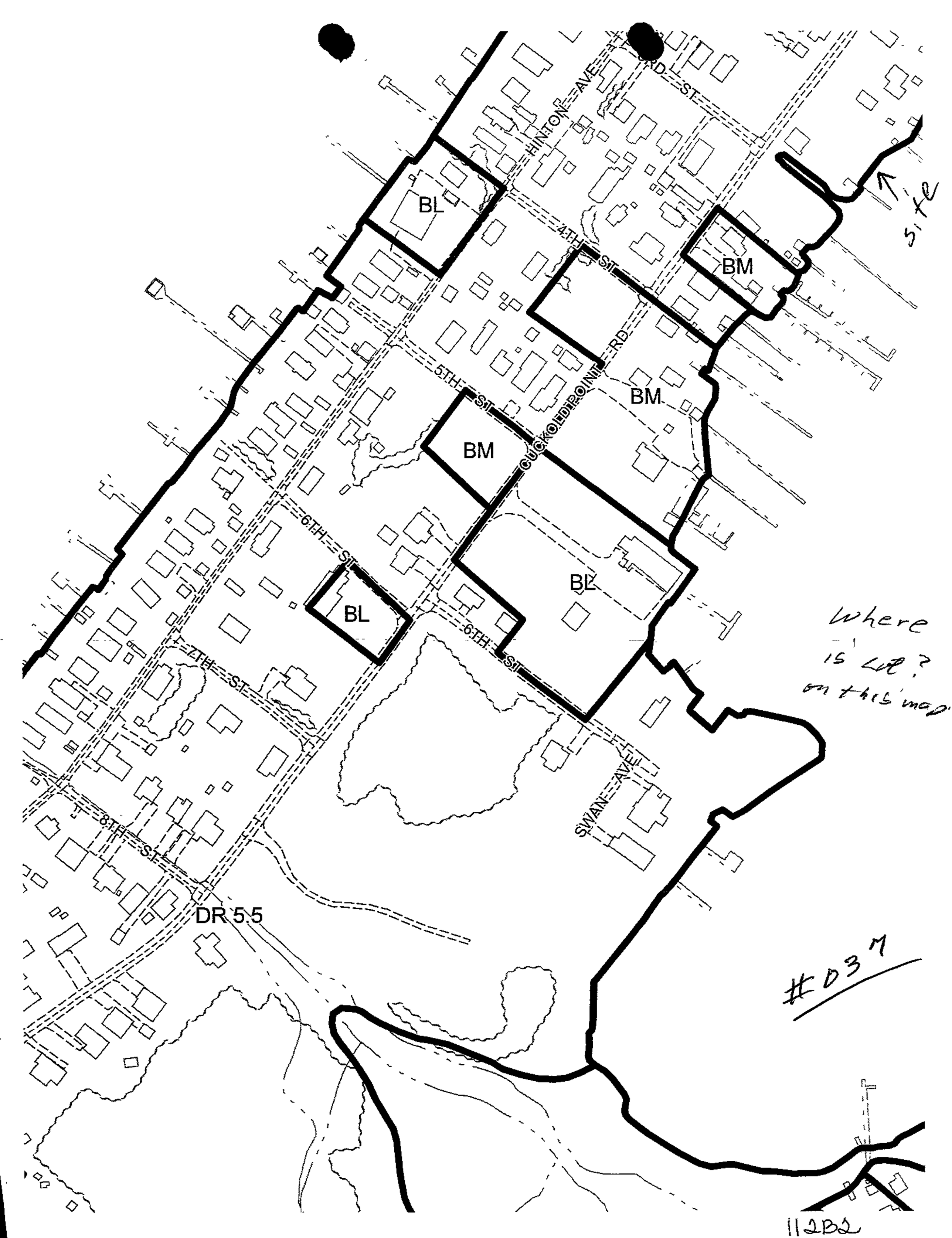
PETITIONER'S SIGN-IN SHEET

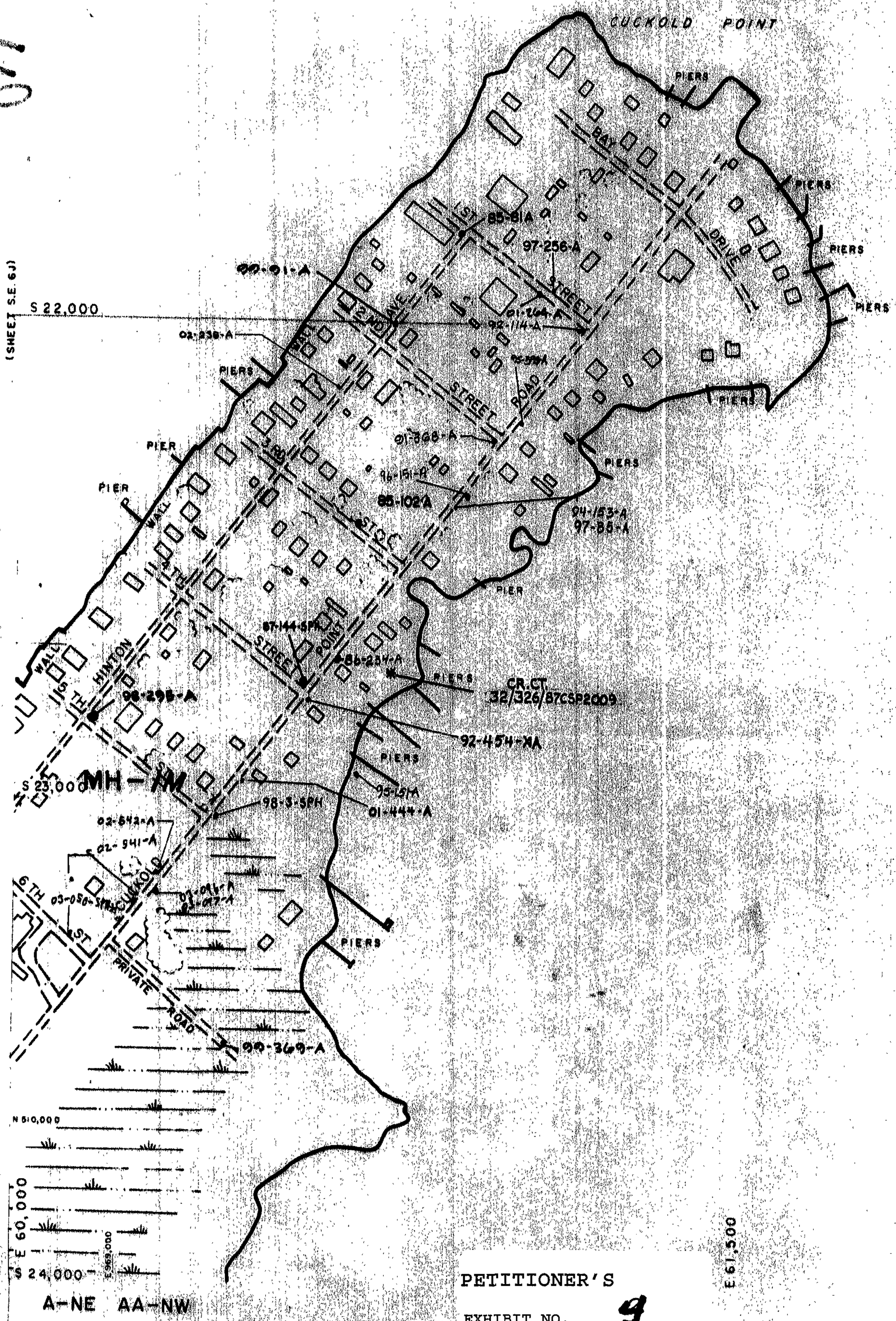
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ARNOLD JABLON	210 ALLEGHENY	TOWSON 21204	
George Stamoulis	9216 Peach Blossom	Perry Hall MD	
Kypriakos Stamoulis	2800 2nd St	Balt MD 21219	
DAVID FLOWERS	1527 YORK RD	TOWSON 21204	

Case No.: 06-037A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN ACCOMPANYN PETITION	
No. 2	AMENDED SITE PLAN LONGER PROPERTY LENGTHS	
No. 3	SUBDIVISION PLAT Page 2	
No. 4	ZONING MAP DEPICTING THE VARIOUS ZONING RELIEF	
No. 5	PETITION IN SUPPORT OF PROPOSAL	
No. 6	Photographs of adjacent Properties	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		


HINTON AVE
RD ST
4TH ST
5TH ST
CUCKOLD POINT RD
6TH ST
7TH ST
8TH ST
SWAN AVE
BL
BM
BM
BM
BL
BL
DR 5.5
site
where is LL? on this map
#037
112B2



PETITIONER'S

EXHIBIT NO. 9

ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
MARCH 24, 1971
BY BILLS NOS. 28, 29, 30, 31, and 32

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

Property Address: 9119 Cuckold Point Rd.

Subdivision Name: Swan Point

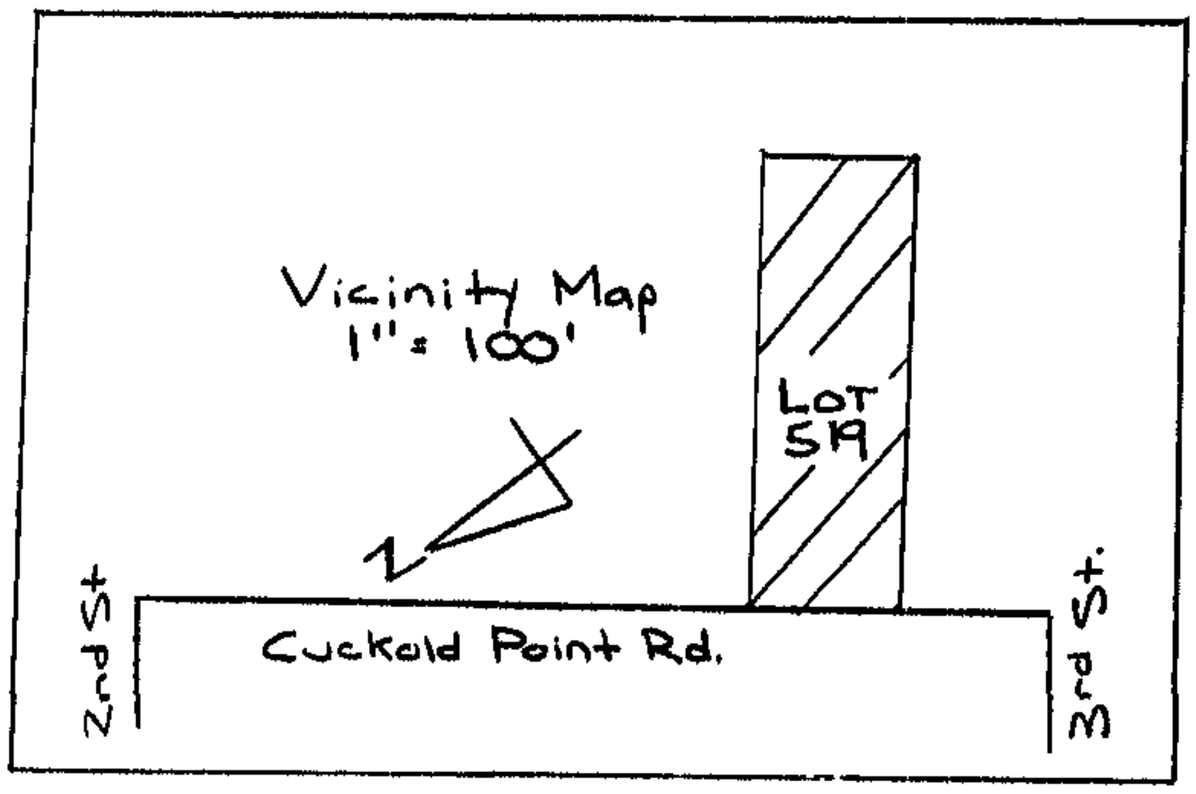
Plat Book # 09

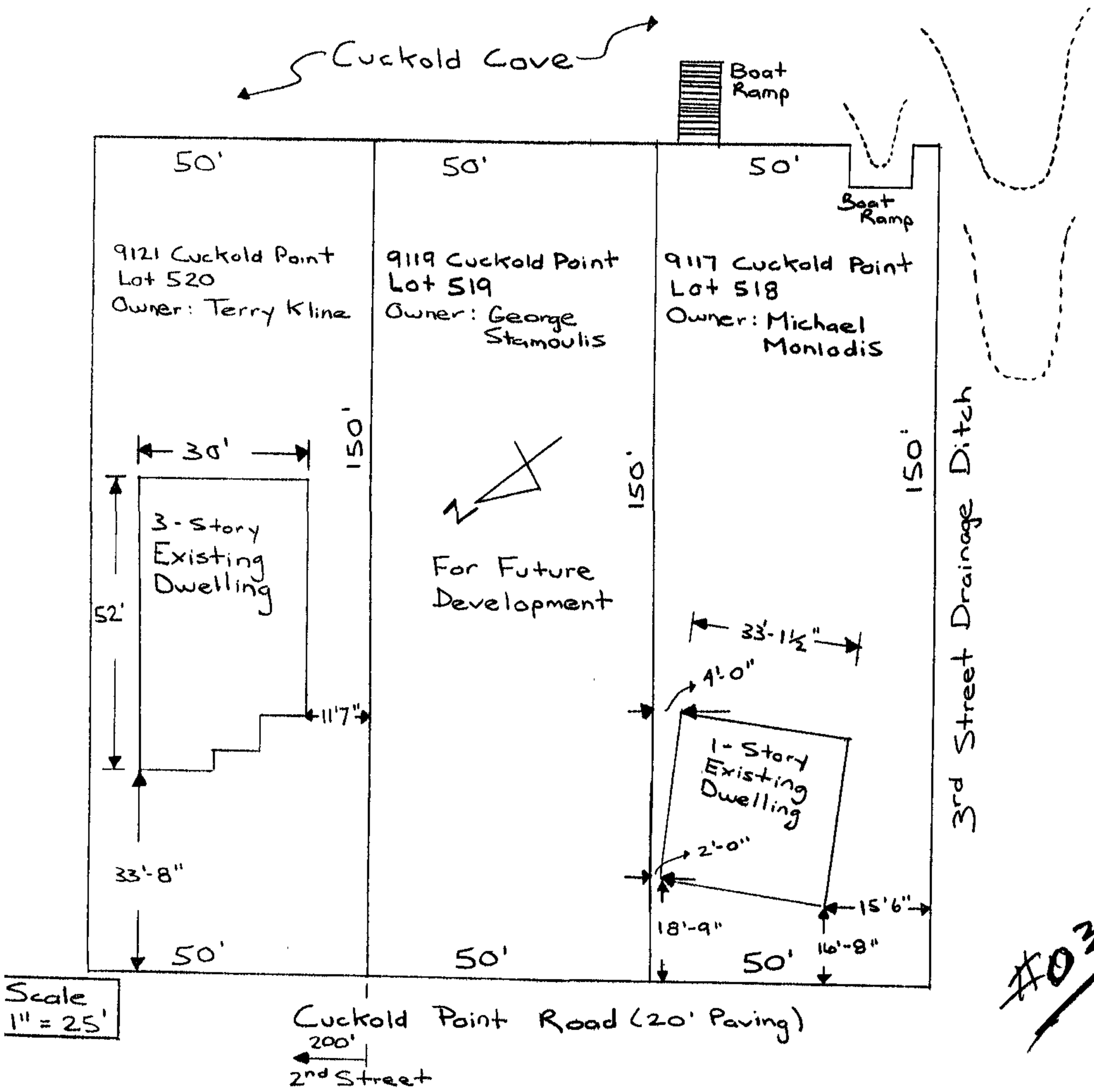
Folio # 4 and 5

Lot # 519

Owner: George Stamoulis

#037





#037

LOCATION INFORMATION

Election District 15th

Councilmanic District 07

1" = 200' Scale Map # 112B2

Lot Size 0.17 Acreage 7500 Square Feet

Prior Zoning Hearing No

Sewer - Public

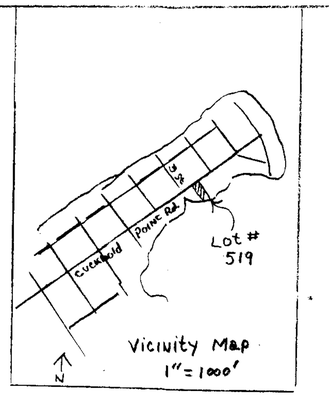
Water - Public

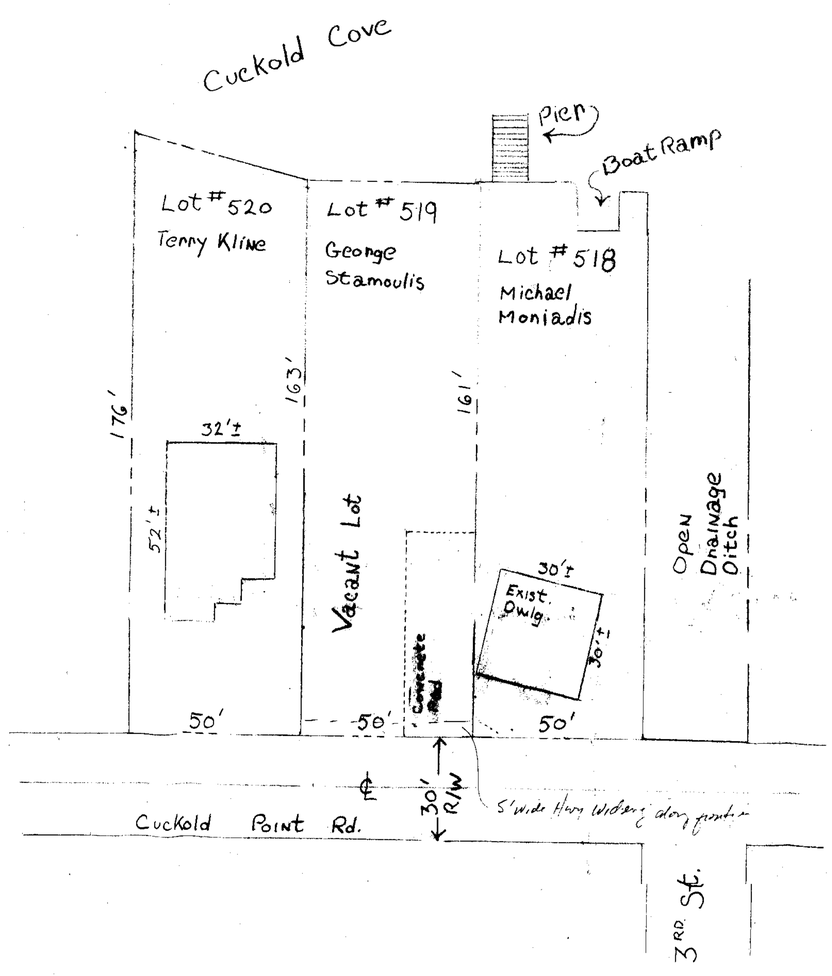
Chesapeake Bay Critical Area Yes

100 Year Flood Plain Yes

Historic Property Building No

Pet Exh 2





N

Scale 1" = 30'

Property Owner - George Stamoulis

Subdivision - Swan Point LF 9-4+5 /1928

Address - 9119 Cuckold Point Rd., Lot # 519

Zoning - DR-5.5 1" = 200' scale map - 112B2

Property is within Chesapeake Bay Critical Area, and is designated - Limited Development Area (LDA)

Election District - 15TH

Councilmanic District - 7TH

Lot Size - 8100± sq.ft.

Public Water + Sewer Existing

Lot # 519 is within 100 yr. tidal flood plain

No Prior Zoning Hearing

Historic Property - No

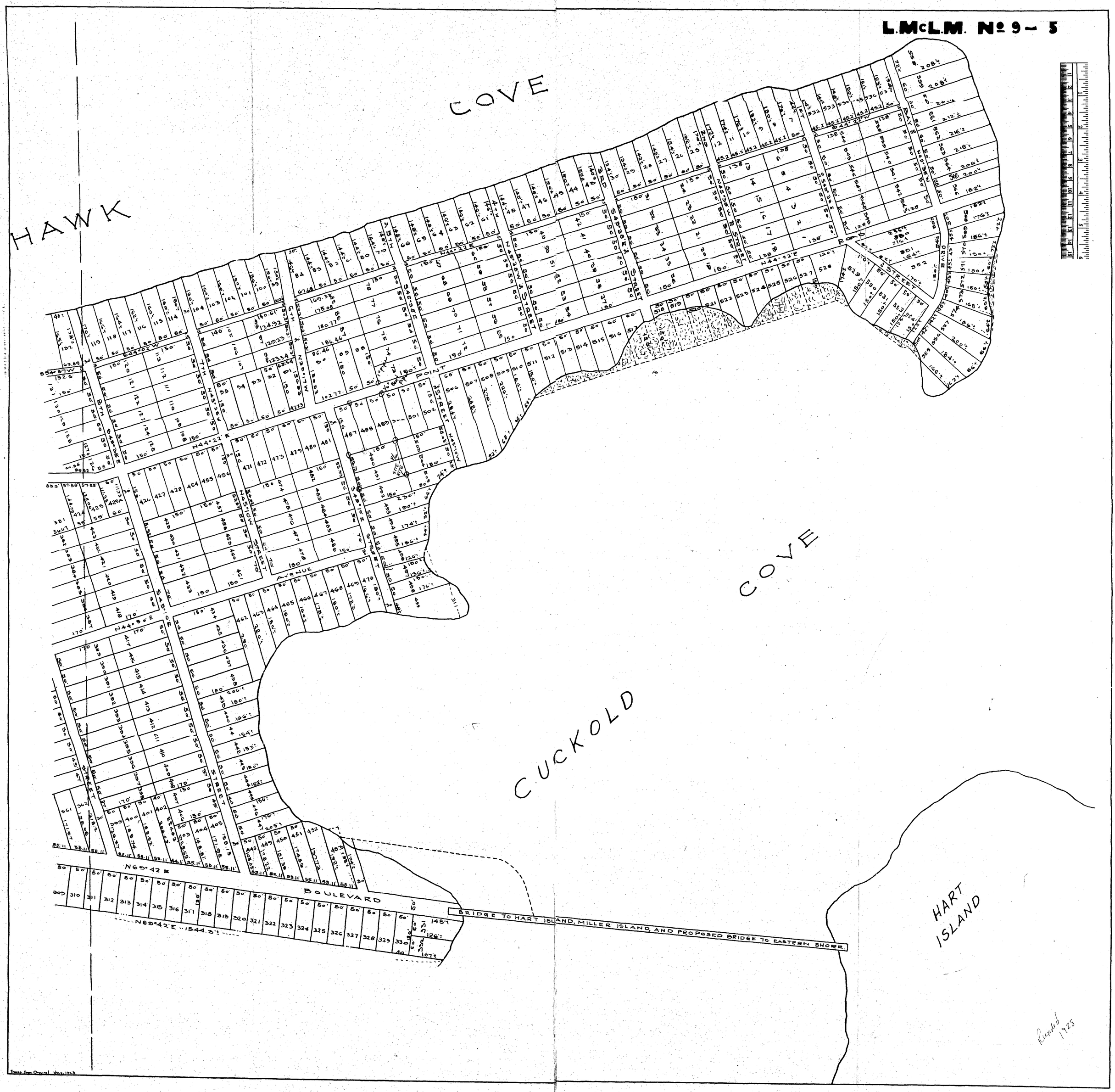
Plat To Accompany Petition for Zoning Petition - Variance

Date 9-12-05

David Flowers

PETITIONER'S EXHIBIT NO. 2

Pet Exh 3



PETITIONER'S
EXHIBIT NO. 3