

IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Cuckold Point Road, 87 feet NE
c/l of 2nd Street
15th Election District
7th Councilmanic District
(9133 Cuckold Point Road)

Jeremy and Carmetta Manowski
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0090-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, Jeremy and Carmetta Manowski for property located at 9133 Cuckold Point Road. The Variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling with a side yard setback of 5 feet in lieu of the required 10 feet, a front yard setback of 20 feet in lieu of the required 25 feet, and any other relief deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Petitioners wish to build a 35 foot by 50 foot two-story single-family dwelling to replace an existing dwelling to be razed on the property. The existing dwelling is relatively small and Petitioners desire to build a four bedroom home with an elevator in order to accommodate their 91 year old grandfather who will be moving in with the family and will also need wheelchair access.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated October 22, 2008. The comments indicate that the first floor or basement must be at least

ORDER RECEIVED FOR FILING

Date 4-13-10

By pm

one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Comments received from the Office of Planning dated November 6, 2008 indicate that architectural elevation drawings should be submitted for review and approval prior to the issuance of permits. The comments also note that the lot is 150 long and should be able to meet the front and rear setbacks, and that larger homes nearby meet the minimum 10 foot setback on each side. The Planning Office believes the necessity of variance relief is somewhat self imposed due to the choice of new house model. They recommend that Petitioner select a dwelling that fits within the zoning setbacks.

Following receipt of the above comments, the undersigned sent a letter dated November 17, 2008 to the Petitioners requesting their response to the ZAC comments. Thereafter, the Petitioners did not respond or pursue the requested relief; however, recently, the Petitioners requested that the undersigned again consider the requested relief and indicated in an email dated March 28, 2010 that they had spoken to both adjacent neighbors and state that neither neighbor is opposed to the Petitioners' house plan. In addition, the undersigned received a copy of a letter dated September 2, 2009 from the adjacent neighbor at 9131 Cuckold Point Road indicating they have no objections to the proposed front and side yard setbacks.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 12, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to

ORDER RECEIVED FOR FILING

Date 4.13.10

2

By PS

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 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 Petitioner.

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 13th day of April, 2010 that a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling with a side yard setback of 5 feet in lieu of the required 10 feet and a front yard setback of 20 feet in lieu of the required 25 feet, is hereby GRANTED subject to the following:

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.
2. The base flood elevation for this site is 9.4 feet Baltimore County Datum. The flood protection elevation for this site is 10.4 feet. 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.
3. The property to be developed is located adjacent 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.
4. 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.

ORDER RECEIVED FOR FILING

Date 4-13-10 3

By PO

5. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
6. Architectural elevation drawings shall be submitted to the Office of Planning for review and approval prior to the issuance of permits

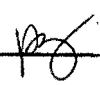
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

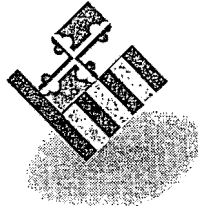

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 4.13.10

By 



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 13, 2010

JEREMY AND CARMETTA MANOWSKI
9133 CUCKOLD POINT ROAD
BALTIMORE MD 21219

Re: Petition for Administrative Variance
Case No. 2009-0090-A
Property: 9133 Cuckold Point Road

Dear Mr. and Mrs. Manowski:

Enclosed please find the decision rendered in the above-captioned case.

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 dark ink, appearing to read "John H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9133 Cuckold Pt 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) 1 B02.3.C.1 BCZR

To permit a dwelling with a side yard setback of 5' in lieu of the required 10' and a front yard setback of 20' in lieu of the required 25'. And any other relief deemed necessary by the zoning commissioner.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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 _____
By [Signature]

Legal Owner(s):

Jeremy Manowski
Name - Type or Print _____
[Signature]
Signature _____
Carmetta Manowski
Name - Type or Print _____
[Signature]
Signature _____
9133 Cuckold Pt Rd 410 925 9206
Address Telephone No.
BALTO MD 21219
City State Zip Code

Representative to be Contacted:

Jeremy Manowski
Name _____
9133 Cuckold Pt Rd 410 925 9206
Address Telephone No.
BALTO MD 21219
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

CASE NO. 2009-0090-A

Reviewed By JF Date 9/30/09

REV 10/25/01

Estimated Posting Date 10-12-09

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

Address 9133 Cuckold Pt. Rd.
City BALTO State MD Zip Code 21216

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

WE ARE REQUESTING A VARIANCE FOR A 5' FOOT SIDE SET BACK IN lieu OF A 10' side set BACK, in order to build a 35'x50' (SFD) House. The house needs to be a 4 bedroom house with an elevator since my 91yr old Grandfather will be moving in & will need wheelchair access

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature [Signature]
Name - Type or Print Jeremy Manowski

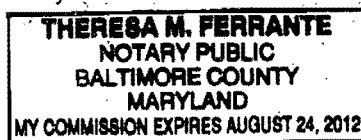
Signature [Signature]
Name - Type or Print Carmetta Manowski

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16TH day of SEPTEMBER, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JEREMY MANOWSKI AND CARMETTA MANOWSKI
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Signature [Signature]
Notary Public
My Commission Expires 8-24-12

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 4133 Cockold PT. Rd.
Address
BALTO MD 21710
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Hardship
We are requesting a variance for a 5' foot side set back in lieu of a 10' side set back in order to build a 35' x 50' (SFD) House. The house needs to be a 4 bedroom house with an elevator since my 91 yr old Grandfather will be moving in & will need wheelchair access.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Jeremy Manowski
Signature
Jeremy Manowski
Name - Type or Print

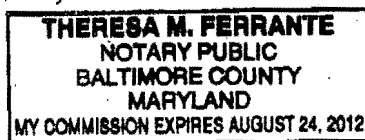
Carmetta Manowski
Signature
Carmetta Manowski
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16TH day of SEPTEMBER, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JEREMY MANOWSKI AND CARMETTA MANOWSKI
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Theresa M. Ferrante
Notary Public
My Commission Expires 8-24-12

ZONING DESCRIPTION
#9133 CUCKOLD POINT ROAD

BEGINNING at a point on the southeast side of Cuckold Point Road which is 30 feet wide at the distance of 87 feet northeast of the centerline of the nearest improved intersecting street, 2nd Street, which is 25 feet wide. Being Lot #526 in the subdivision of "SWAN POINT" as recorded in Baltimore County Plat Book #9, Folio #4, containing 7500 S.F. Also known as 9133 Cuckold Point Road and located in the 15th Election District, 7th Councilmanic District.

2009-0090-A

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

No. **22817**

Date: **9-30-08**

PAID RECEIPT

BUSINESS ACTUAL TIME
 9/30/2008 9/30/2008 09:52:57

REG WSO1 WALSH JTC JNR
 >>> RECEIPT # 394500 9/30/2008

5 528 ZONING VERIFICATION
 CR 41 092007

Re pt 147

12/14/08

12/14/08

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.00

Total: **65.00**

Rec From: **JEREMY MANOWSKI**

For: **Position for Adams. Ver.**
9133 Cunkeloh pt. H.

CASE # 2007-0090-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 2009-0090-A

Petitioner/Developer: _____

Jeremy and Carmetta Manowski

Date of Hearing/Closing: Oct 27, 08

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

ATTN: Kristen Matthews

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: _____

9133 Cuckold Point Road

The sign(s) were posted on

October 12, 2008
(Month, Day, Year)

Sincerely,

Robert Black Oct 13, 08
(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)



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE #2009-0090-A

TO PERMIT A DWELLING WITH A SIDE YARD SETBACK OF 5'
IN LIEU OF THE REQUIRED 10' AND A FRONT YARD SETBACK
OF 20' IN LIEU OF 25' AND ANY OTHER RELIEF DEEMED
NECESSARY BY THE ZONING COMMISSIONER.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON 10-27-08

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION & DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204 TEL. 887-3391

NO FEE REQUIRED. THIS SIGN AND FIRST COPY OF THE ABOVE DATA, UNDER PENALTY OF LAW, RETURN BOTH TO ZONING, RM. 104
MEETING IS HANDICAP ACCESSIBLE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0090 -A Address 9133 CUCKOLD POINT RD.

Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9-30-08 Posting Date: 10-12-08 Closing Date: 10-27-08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2009- 0090 -A Address 9133 CUCKOLD POINT RD.
Petitioner's Name JEREMY & CARMETTA MAKOWSKI Telephone 410-925-9206
Posting Date: 10-12-08 Closing Date: 10-27-08
Wording for Sign: To Permit a dwelling with a side yard setback of 5'
in lieu of the required 10' and a front yard setback of 20'
in lieu of the required 25'. And any other relief deemed
necessary by the zoning commissioner.

WCR - Revised 7/7/08

**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: 2009 - 0090-A

Petitioner: Jeremy MADONSKI

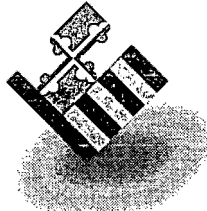
Address or Location: 9133 Cockold Pt Rd Balt MD 21214

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jeremy MADONSKI

Address: 9133 Cockold Pt Rd Balt MD 21214

Telephone Number: 410 925-9206



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
October 27, 2008

Jeremy & Carmetta Makowski
9133 Cuckold Point Rd.
Baltimore, MD 21219

Dear: Jeremy & Carmetta Makowski

RE: Case Number 2009-0090-A, 9133 Cuckold Point Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 30, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 22, 2008

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 27, 2008
Item No. 2009-0090

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

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

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 adjacent 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 the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:cab

cc: File

ZAC-ITEM NO 0090-A-10272008



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

October 21, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 20, 2008

Item Numbers: Item Number 0047,0080 and 0090 through 0099

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

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: ~~OCTOBER 12~~ 20, 2008

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

RE: Baltimore County
Item No 2009-0090-A
9133 CUCKOLD POINT RD
MAKOWSKI PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0090-A

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Fo 2 Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 6, 2008

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

SUBJECT: 9133 Cuckhold Point Road

INFORMATION:

Item Number: 9-090

Petitioner: Jeremy and Carmetta Manowski

Zoning: DR 5.5

Requested Action: Administrative Variance

RECEIVED
NOV 06 2008

BY:

SUMMARY OF RECOMMENDATIONS:

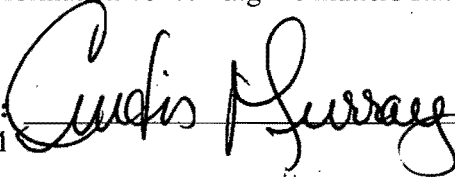
There is an existing elevated single-family house on a 50 ft. wide lot, which is typical of the community. The petitioner proposes to raze that dwelling and construct a new. Architectural elevations should be submitted for review and approval prior to zoning relief.

The lot is 150 ft. long, which will permit the front and rear setbacks to be met with the proposed house. Larger neighboring houses are able to meet the side-yard setback. The hardship and practical difficulty appears to be self-imposed by the applicant through their choice of new house model that does not fit on the site.

The Office of Planning recommends the petitioner select a dwelling that fits within the required zoning setbacks.

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

Prepared by:
AFK/LL: CM



AV
10-27-08

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
NOV 07 2008

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 6, 2008

SUBJECT: Zoning Item # 09-090-A
Address 9133 Cuckold Point Road
(Makowski Property)

Zoning Advisory Committee Meeting of October 20, 2008

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

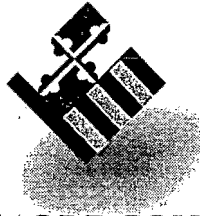
Additional Comments:

This property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). Development may be permitted in the 100-foot buffer without the need for a variance if the BMA provisions are met and mitigation is provided. The LDA regulations permit a maximum lot coverage of 25% + 500 square feet. The lot is also subject to a 15% afforestation requirement.

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2009\ZAC 09-090-A.doc

Reviewer: Regina Esslinger

Date: October 29, 2008



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 17, 2008

JEREMEY AND CARMETTA MANOWSKI
9133 CUCKHOLD POINT ROAD
BALTIMORE MD 21219

Re: Petition for Administrative Variance
Case No. 2009-0090-A
Property: 9133 Cuckhold Point Road

Dear Mr. and Mrs. Manowski:

Your request for an Administrative Variance has been given to me for review. We are in receipt of Zoning Advisory Committee (ZAC) comments from the Office of Planning dated November 6, 2008 which indicates that the hardship appears to be self-imposed by the choice of a new house model that does not fit on the site. The Planning Office recommends that you select a dwelling model that fits within the required zoning setbacks. I am also enclosing the ZAC comments from the Bureau of Development Plans Review dated November 6, 2008.

Please write to me at your earliest convenience if you are able to modify the site plan and amend the Petition for Administrative Variance. Once I receive your revised site plan and additional information, I can then make my decision and prepare an Order or set the matter in for a public hearing. I will keep the record on this case open until I hear from you in writing by December 1, 2008.

Thank you for your attention and cooperation in this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Th. H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosures

Patricia Zook - Case 2009-0090A - comments needed

From: Patricia Zook
To: Lanham, Lynn; Murray, Curtis
Date: 11/6/2008 10:05:01 AM
Subject: Case 2009-0090A - comments needed

Good morning -

We need Planning comments for the above-referenced administrative variance that closed 10-27-08.

CASE NUMBER: 2009-0090-A
9133 Cuckold Point Road
Location: SE side of Cuckold Point Road, 87 feet NE c/l of 2nd Street.
15th Election District, 7th Councilmanic District
Legal Owner: Jeremy and Carnetta Makowski
Closing Date: 10/27/2008

ADMINISTRATIVE VARIANCE to permit a dwelling with a side yard setback of 5 feet in lieu of the required 10 feet, a front yard setback of 20 feet in lieu of the required 25 feet, and any other relief deemed necessary by Zoning Commissioner.

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - 2 Administrative Variances that need DEPRM comments

From: Patricia Zook
To: Livingston, Jeffrey
Date: 11/5/2008 3:17:54 PM
Subject: 2 Administrative Variances that need DEPRM comments

Hi again Jeff -

Here are 2 more administrative variances that need DEPRM comments:

2009-0090-A, closed 10-27-08
2009-0084-A, closed 10-20-08

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

From: Debra Wiley
To: Livingston, Jeffrey
Date: 10/30/08 9:39:53 AM
Subject: Admin. Variance Comments (2) - Closed 10/27

Hi Jeff,

Just wanted to check and see if you have comments for two (2) Admin. Variances that closed this past Monday, 10/27 as follows:

2009-0090-A (CBCA & Flood) - 4133 Cuckold Point Road, 21219)

2009-0091-A (CBCA) - 321 Greyhound Rd., 21221

Thanks and have a great day !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Thomas Bostwick - administrative variance

From: <jmanowski@comcast.net>
To: <tbostwick@baltimorecountymd.gov>
Date: 3/28/2010 2:35 PM
Subject: administrative variance
CC: <cmanowski@comcast.net>

To: Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
Phone: (410) 887-3868
Fax: (410) 887-3468

Dear Commissioner Bostwick,

Sometime ago I filed for an Administrative Variance for my home 9133 cuckold point rd Swan Point Md. 21219, this matter has been under review for sometime and i am asking for this matter to be resolved.

I have taked to both nieghbors on either side and niether is opposed to my proposed house plan. One has said so in a letter the other verbally. I have also talked to Mr. John Alexander who indicated that he has no objection to the granting of my Variance.

Thank You, for your time in this matter.

Sincerely,

Jeremy Manowski

September 2, 2009

To whom it may concern,

I have reviewed Jeremy and Carmetta Manowskis site and house plans located at 9133 Cuckold Point RD. and I have no objections to the proposed front yard and set back of 20' in lieu of 25' and I have no objections of the side yard setback of 5' in lieu of 10'.

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9131 Cuckold Point RD.

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 6, 2008

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

SUBJECT: 9133 Cuckhold Point Road

INFORMATION:

Item Number: 9-090

Petitioner: Jeremy and Carmetta Manowski

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

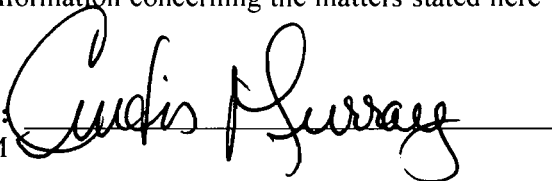
There is an existing elevated single-family house on a 50 ft. wide lot, which is typical of the community. The petitioner proposes to raze that dwelling and construct a new. Architectural elevations should be submitted for review and approval prior to zoning relief.

The lot is 150 ft. long, which will permit the front and rear setbacks to be met with the proposed house. Larger neighboring houses are able to meet the side-yard setback. The hardship and practical difficulty appears to be self-imposed by the applicant through their choice of new house model that does not fit on the site.

The Office of Planning recommends the petitioner select a dwelling that fits within the required zoning setbacks.

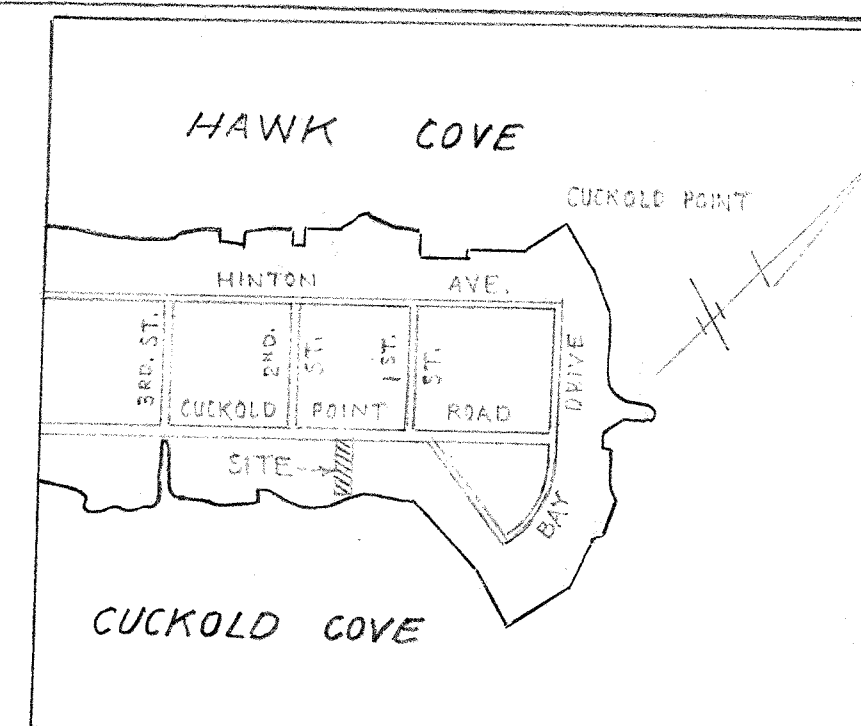
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:
AFK/LL: CM

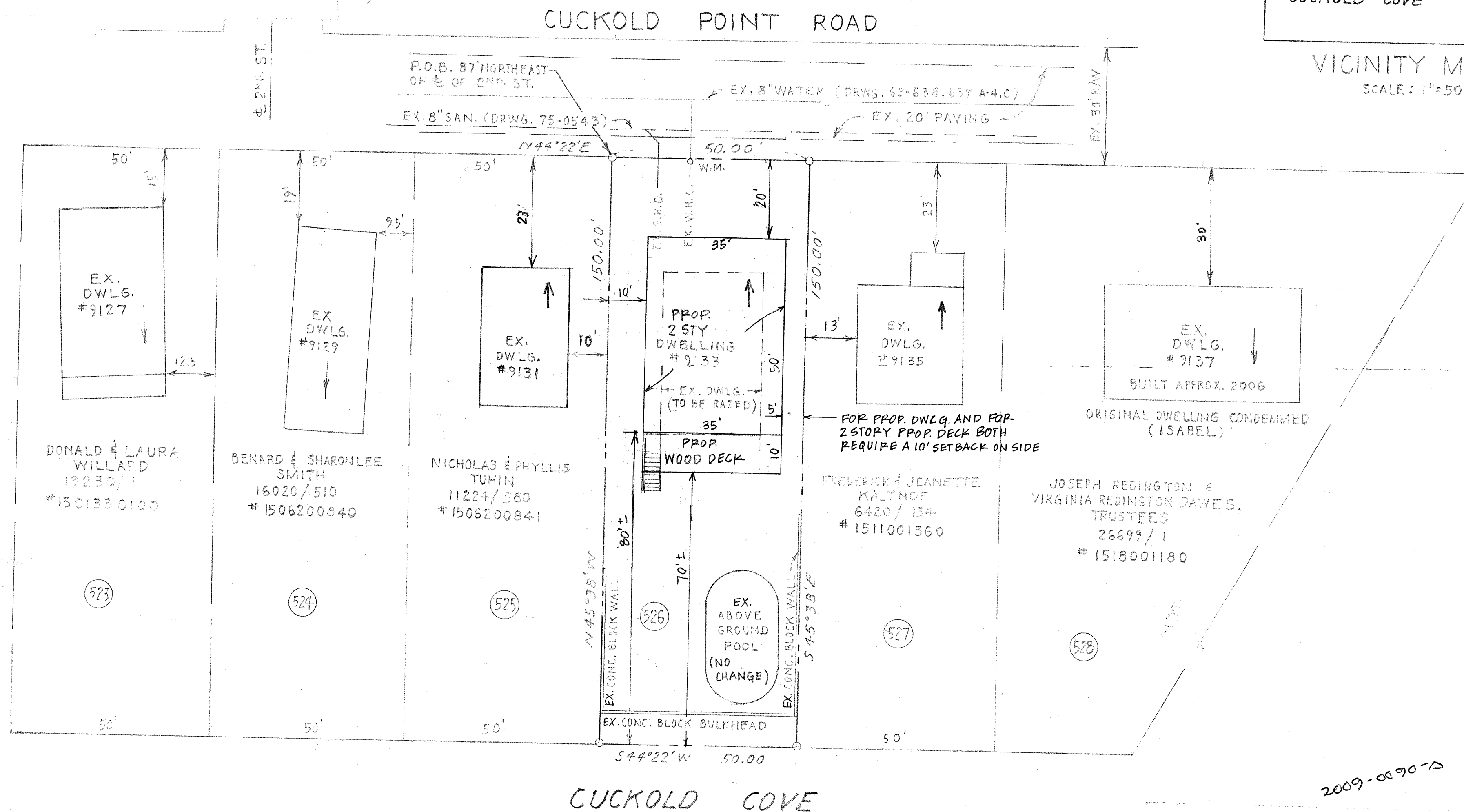
A handwritten signature in black ink, appearing to read "Curtis Murray", is written over a horizontal line. The signature is fluid and cursive.

GENERAL NOTES:

1. EXISTING ZONING: D.R.5.5. (112B2)
2. LOT AREA: 7500 S.F. or 0.172 Ac +/-
3. EXISTING USE: SINGLE FAMILY DWELLING TO BE RAZED (CURRENTLY OWNER OCCUPIED)
PROPOSED USE: SINGLE FAMILY DWELLING (REPLACEMENT)
4. PUBLIC WATER AND SEWER HOUSE CONNECTIONS EXIST FOR THIS SITE
5. NOT LOCATED IN AN HISTORIC DISTRICT
6. LOCATED IN THE CHESAPEAKE BAY CRITICAL AEA
7. LOCATED IN A 100 YEAR FLOOD PLAIN AREA
COMMUNITY PANEL NO. 240010 0560 C ZONE: "A10"
8. NO PRIOR ZONING HEARING
9. NO PRIOR ZONING ACTION FOR UNDERSIZED LOT APPROVAL ON THIS SITE AND NO ADJACENT OWNERSHIP WITH THE ADJACENT LOTS FOR THE LAST 6 YEARS
10. THIS DOCUMENT WAS PREPARED USING PUBLIC RECORD UTILITY DRAWINGS AND FIELD MEASUREMENTS FOR THE EXISTING SUBJECT PROPERTY.



VICINITY MAP
SCALE: 1"=500'



OWNER: JEREMY and CARMETTA MANOWSKI
9133 CUCKOLD POINT ROAD
BALTIMORE MARYLAND 21219-1637
(410) 925-9206
TAX MAP: 112 GRID: 15 PARCEL: 4
TAX ACCT. NO.: 1507471080
DEED REF.: 17129-685

PLAN TO ACCOMPANY VARIANCE PETITION
#9133 CUCKOLD POINT ROAD
"MANOWSKI PROPERTY"
LOT 526
"SWAN POINT" 9/4
ELECTION DISTRICT NO. 15 C7
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20'

REV. 9/30/08
REV. 9/16/08
AUGUST 11, 2008

#9420