IN RE: PETITION FOR ADMIN. VARIANCE

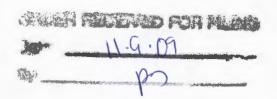
Coner of NW side of Cuckold Point Road at NE side of 3rd Street 15th Election District 7th Councilmanic District (9116 Cuckold Point Road)

Dr. Harry L. June and Terri A. White *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0122-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, Dr. Harry L. June and Terri A. White for property located at 9116 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 proposed dwelling addition (including first floor and second floor decks) with a side street setback of 12 feet in lieu of the minimum required 25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition to contain a lower level bedroom for Terri White's mother who is 90 years old and in poor health. Ms. White's mother is relocating from a nursing home to the subject residence. Her various health conditions prevent her from negotiating stairs. The proposed addition will also contain a home office for Dr. June so that he can perform independent consulting jobs with the private sector. This is a necessity due to the State's mandatory furloughs, forced administrative leave policies and the reduction of Federal government research grants. All of these reductions have greatly impacted the family.



The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated November 4, 2009 which indicates that development of the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 25% (1,875 square feet) and may be increased by 500 square feet (to 2,375 square feet) with mitigation. In addition, the 15% afforestation requirement must be met; this equates to 2 trees. All other LDA regulations will apply to development on this property. Comments were received from the Bureau of Development Plans Review dated October 12, 2009. The comments indicate that the first floor or basement must be at least 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. Show a 5 foot highway widening (future) and base the setback variance request from the ultimate right-of-way.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 18, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

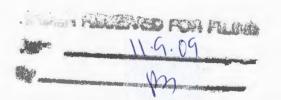
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 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.

- 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. 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).
- 3. The property is located in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 25% (1,875 square feet) and may be increased by 500 square feet (to 2,375 square feet) with mitigation. In addition, the 15% afforestation requirement must be met; this equates to 2 trees. All other LDA regulations will apply to development on this property.
- 4. Show a 5 foot highway widening (future) and base the setback variance request from the ultimate right-of-way.
- 5. The base flood elevation for this site is 9.4 feet Baltimore County Datum.
- 6. The flood protection elevation for this site is 10.4 feet.



- 7. 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.
- 8. 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.
- 9. The building engineer shall require a permit for this project.
- 10. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
- 11. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

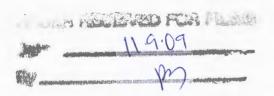
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 9, 2009

DR. HARRY L. JUNE AND TERRI A. WHITE 9116 CUCKOLD POINT ROAD BALTIMORE MD 21219

Re: Petition for Administrative Variance

Case No. 2010-0122-A

Property: 9116 Cuckold Point Road

Dear Dr. June and Ms. White:

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,

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Bernadette Moskunus, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21286

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property

which is presently zoned D.R. 5.5

Deed Reference: 27687 / 164 Tax Account # 2400013167

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) 18 02.3. C. 1, BCZR, to Dermit a proposed dwelling addition (including a first and second floor deed) with a side street setback of 12 feet in lieu of the minimum required 25 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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

			is the subject of this Petition.	property which		
Contract Purchaser	Lessee:		Legal Owner(s):			
			Dr. Harry June			
Name - Type or Print			Name - Type or Print	-		
Signature			Signature Terri White			
Address		Telephone No.	Name - Type or Print			
City	State	Zip Code	Signature 9116 Cuckold Point Road 443	-691-3151		
Attorney For Petition	ner:		Address	Telephone No.		
			Baltimore, MD 21219-1601	receptione tre.		
Name - Type or Print			City State	Zip Code		
			Representative to be Contacted:			
Signature			Site Rite Surveying, Inc.			
Company			Name 200 E. Joppa Road, Room 101 4	10-828-9060		
Address		Telephone No.	Address Towson, MD 21286	Telephone No.		
City	State	Zip Code	City State	Zip Code		
A Public Hearing having be this day of regulations of Baltimore Cour Case No Column [PRM476_09]	the property	at the subject matter of be reposted.	· ·	quired by the zoning		
er with		1000				

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 own and reside at 9116 Cuckold Point Road Address number Road or Street name and that this address is the subject of this variance request as required by law. 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 the hardship or practical difficulty; attach an additional sheet if needed) That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information. Signature A Notary Public must complete the following section prior to the filing appointment. STATE OF MARYLAND, BALTIMORE COUNTY, to wit: __ day of Otober _____, 2009, before me, a Notary Public of I HEREBY CERTIFY, this the State of Maryland, in and for the County aforesaid, personally appeared: the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal Name of Notary Public

PLACE SEAL HERE:

KAMEN KANTOPS -NOTARY PUBLIC BALTIMORE COUNT: MARYLAND MY COMMISSION EXPIRES APAX .

FRM476_09

Pay 3/00

2010-0122-A

To: Zoning Commissioner of Baltimore County

Re: Petition for Administrative Variance for Residence noted Below

9116 Cuckold Point Road

Sparrows Point, MD 21219

Deed Reference: 27687/164

Tax Account: 2400013167

Requesting an administrative variance based upon:

- 1. The hardship need for a home office. At present, Dr. June is a full time professor at the University of Maryland, School of Medicine within the Psychiatry Department. However, over the past two years, the state of Maryland has mandated administrative furloughs, as well as forced administrative leave policies due to the state's reduction in dollars that are allocated to the University of Maryland. More recently, the University of Maryland has also mandated a temporary salary reductions through the fiscal year 2010. Finally, Dr. June obtains 80% of his current salary from federal government research grants, which have been dramatically reduced by approximately 50% in this current economy. The financial impact of these unexpected and involuntary reductions of Dr. June's institutional base salary has been significant, and thus, resulted in the need for Dr. June to pursue additional employment. Specifically, the addition of a home office would permit Dr. June to perform independent consulting jobs with the private sector (e. g., pharmaceutical firms) to provide an alternative income source in this economic downturn.
- 2. The hardship need for a lower-level bedroom to accommodate Ms. Anne Garrett, Terri White's mother. Terri White's 90 year old elderly mother, who currently resides in a nursing facility in Philadelphia, PA, is experiencing health challenges. Terri's mother previously required double knee replacements, has rheumatoid arthritis, and failing vision as a result of macular degenerative retinopathy. Due to the impact of these multiple health compromises, it is necessary to relocate her mother as soon as possible for the management and support of her healthcare needs. A bedroom on the lower level is a necessity, due to her difficulty in climbing stairs with the dual problems of vision and arthritic degeneration. While there are currently three bedrooms in the home, two of these are occupied by children, ages 12 and 17 years old, and the other by the owners of the residence.

It should also be noted that these three bedrooms are all located on the second floor.

3. Given the rationale described above, we are requesting an administrative variance in order to complete the proposed expansion to the existing structure.

ZD10-0122-A

ZONING DESCRIPTION #9116 CUCKOLD POINT ROAD

BEGINNING at a point on the northwest intersection of Cuckold Point Road and Third Street, 30' wide rights of way each. Being part of Lots 35 and 36 in the subdivision of "Swan Point" as recorded in Baltimore County Plat Book No. 9, folio 50, containing 7500 S.F. Also known as #9116 Cuckold Point Road and located in the 15th Election District, 7th Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson MD 21286 (410) 828-9060

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: 2010-0122-A
Petitioner: Ham June / Temy White
Address or Location: 9116 Cuckold Point Pond
PLEASE FORWARD ADVERTISING BILL TO:
Name: Harry June
Address: 9116 Cuckold Point Road
Baltimore, MD 21219
Telephone Number: 443-242-7125

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case I	Number 20	10- 0/2) -A	Address	9116 Ci	chold Po	int Koa	d
		Jeff re				Phone Num	nber: 410-	887-3391
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	commissio order that within 10 whether th	After the closurer. He may the matter be days of the control of th	: (a) grant the set in for a public closing date if been granted	ne requeste ablic hearing if all Coun	d relief; (b) o g. You will re y agencies'	deny the req ceive written comments	uested reli notification are receive	ief; or (c) n, usually ed, as to
	commissio changed g	E PUBLIC HE. due to a neigner), notificativing notice of	ion will be fo the hearing o	rwarded to date, time a	nd location.	sign on the As when the	property sign was	must be originally
			(Deta	ch Along Dotted	Line)			
Petitio	ner: This	Part of the Fo	orm is for the	Sign Post	er Only			
		USE THE	ADMINISTRA	ATIVE VAR	IANCE SIGN	FORMAT		
Case N	Number 20	10-0122	-A Addr	ess 9116	Cuchola	d Point 1	load	
Petition	ner's Name	June /	White		Т	elephone 4	3-691-	3151
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RE: Case No 2010-0122-A
Petitioner/Developer TUNE WHITE

Date Of Hearing/Closing: 11/2/09

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

Attention:

Ladies and Gentlemen

This sign(s) were posted on Cother 18,2009

Month, Day, Year Sincerely,

Signature of Sign Poster and Date

Martin Ogle 60 Chelmsford Court Baltimore, Md, 21220 443-629-3411



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

November 2, 2009

Dr. Harry June & Terri White 9116 Cuckold Point Rd. Baltimore, MD 21219

Dear: Dr. Harry June & Terri White

RE: Case Number 2010-0122-A, 9116 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 October 07, 2009. 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. Cal Rich

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:Inw

Enclosures

c: People's Counsel Site Rite Surveying, INC.; 200 E. Joppa Rd. Rm. 101; Towson, MD 21286

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

November 4, 2009

SUBJECT:

Zoning Item # 10-122-A

Address

9116 Cuckold Point Road

(June & White Property)

Zoning Advisory Committee Meeting of October 12, 2009

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

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:

The property is located in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 25% (1,875 square feet) and may be increased by 500 square feet (to 2,375 square feet) with mitigation. In addition, the 15% afforestation requirement must be met; this equates to 2 trees. All other LDA regulations will apply to development on this property.

Reviewer:

Adriene Metzbower

Date: 10/20/09

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-122- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact John Alexander in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

RECEIVED

DATE: October 14, 2009

OCT 15 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 13, 2009

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 26, 2009 Item No.: 10-122

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

Show a 5' highway widening (future) and base the setback variance request from the ultimate right-of-way line.

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:kmt

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-item no 2010-0122.10262009.doc



Martin O'Malley Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 12,2009

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

RE: Baltimore County

Item No. 2010 - 0122-A 9116 CHOKOLD POINT RD WHITE PROPERTY ADMIN. 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. 2010. - O122-A.

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

Very truly yours,

Steven D. Foster, Chief \(\)
Engineering Access Permits

Division

SDF/mb





Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3d)

Go Back View Map New Search

Account Identifier: District - 15 Account Number - 2400013167 **Owner Information** Owner Name: JUNE HARRY L RESIDENTIAL WHITE TERRI A Principal Residence: Mailing Address: 9116 CUCKOLD POINT RD **Deed Reference:** 1) /27687/ 164 **BALTIMORE MD 21219-1601 Location & Structure Information Premises Address Legal Description** 9116 CUCKOLD POINT RD PT LTS 35,36 .172AC 9116 CUCKOLD POINT RD **SWANN POINT** Grid **Parcel** Sub District Subdivision Section Block Plat No: Map Lot **Assessment Area** 112 15 4 35 3 Plat Ref: 9/4 Town **Special Tax Areas Ad Valorem** Tax Class **Primary Structure Built Enclosed Area Property Land Area County Use** 2004 2,259 SF 7,500.00 SF 04 Stories Basement Type **Exterior** STANDARD UNIT 2 YES SIDING **Value Information Base Value Value Phase-in Assessments** As Of As Of 01/01/2009 07/01/2009 07/01/2010 140,500 140,500 Land 311,880 315,420 Improvements: Total: 452,380 455,920 453,560 454,740 **Preferential Land: Transfer Information** JUNE HARRY L Date: 02/23/2009 Price: Seller: \$0 NOT ARMS-LENGTH Deed1: Type: /27687/ 164 Deed2: Price: Seller: **HEARN SAMUEL A** Date: 02/26/2006 \$470,000 Deed1: Type: UNIMPROVED ARMS-LENGTH /23436/ 303 Deed2: Date: Seller: Price: Deed1: Deed2: Type: **Exemption Information** 07/01/2009 **Partial Exempt Assessments** Class 07/01/2010 000 0 0 State 000 0 0 Municipal 000 0 0 Tax Exempt: NO **Special Tax Recapture:** * NONE * **Exempt Class:**



Subject Property #9116 Cuckold Point Road # 49118 Cuckold Point Road



looking SW Chckold Point Road



ex. dwg. across the street from subject property



#9118 Cuckold Point Road

proposed addition Area

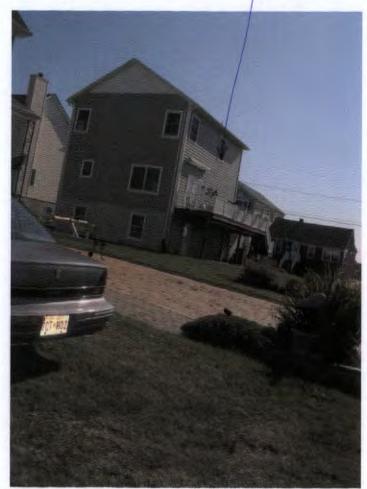


3rd. Street. #9116 Cuckold Pt. Road Subject. Property



(Noking NW on 3rd Street ex. dwg.s behind subject proporty

proposed addition area



Subject Property view from 3rd Strut looking into rear of dwlg.



EX. dwlg. #2807 3rd Street

proposed addition Area

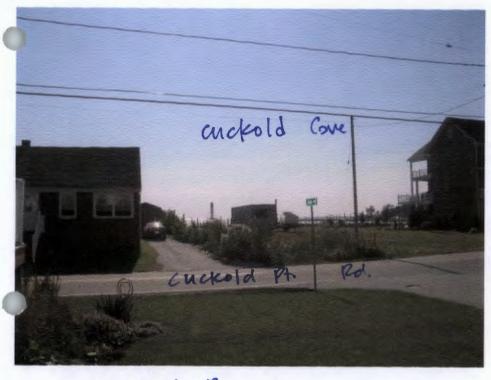


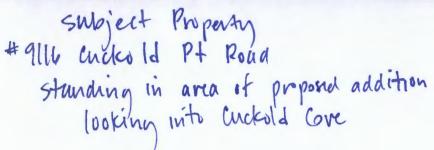
2809 3ml Street



Subject Property view from 3rd Street

South side of auckold Pt. Rd. ex dwlg.







proposed addition





Subject Property 1



