

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
NW Corner at Cuckold Point Road and *
6th Street
15th Election District *
7th Councilmanic District
(9015 Cuckold Point Road) *

Robert P. Poleski *
Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2011-0346-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by Robert P. Poleski, the legal property owner. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a waiver to build an addition consisting of approximately 355 square feet to an existing garage consisting of approximately 854 square feet in a tidal floodplain for a combined total of 1,208 square feet, and to retain an existing kitchen and bathroom. Petitioner is also requesting Variance relief from Sections 400.1 and 400.3 of the B.C.Z.R. to permit an addition to an existing garage to be located in the third part of the yard closest to the street with a height of 19 feet, 4 inches in lieu of the required third part of the yard farthest removed from the street and a maximum height of 15 feet. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requested relief was Petitioner Robert Poleski. There were no Protestants or other interested persons in attendance.

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

ORDER RECEIVED FOR FILING

Date 8-9-11

By [Signature]

dated June 9, 2011, which 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.

Comments were also received from the Department of Environmental Protection and Sustainability (DEPS), dated July 29, 2011, which indicate as follows:

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. To minimize impacts on water quality, lot coverage cannot exceed the existing amount. According to the applicant's plan, lot coverage is proposed to be increased with a carport addition to the existing garage. The plan does not indicate improvements for access to this carport (for example: driveway) and this needs to be addressed along with any potential improvements to the existing garage access. Lot coverage added by addition of the carport and any driveway improvements must be mitigated by removal of an equal amount of lot coverage on this property. By meeting the lot coverage requirements, allowing the relief requested by the applicant will result in minimal impacts to water quality. It is recommended that the zoning item be conditioned to require specific information on access to the carport and garage, and to limit lot coverage {as defined in Natural Resources Article §8-1802(a)(17)} on the property to no greater than the existing amount.
2. Conserve fish, wildlife, and plant habitat; and
The current development of the property limits water quality and habitat functions, but can maximize water quality management by adhering to lot coverage limits and tree requirements established in the Critical Area law. It is recommended that the zoning petition be conditioned to require conformance with Critical Area requirements to offset water quality impacts associated with the carport addition and any lot coverage proposed on-site.
3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

ORDER RECEIVED FOR FILING

Date

8-9-11

2

By

[Signature]

The applicant's proposal to construct additions to the existing garage can be consistent with this goal provided that lot coverage on the property does not increase. The relief requested will be consistent with established land-use policies provided that the applicants meet the conditions listed in comments 1 and 2 above.

Testimony and evidence revealed that the subject property is improved with a single family dwelling (1,080 square feet) and detached garage, situated on a corner lot at Cuckold Point Road and 6th Street. Petitioner testified he bought the home in 1987, and that the property is in the same condition and configuration as when it was purchased. Photos (Exhibit 2) show several large and attractive homes constructed in the area, and Petitioner does not want his garage to "stick out like a sore thumb."

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance relief requested.

As to the variance request, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, as is customary in the area, Petitioner's lot is very narrow (50 feet) and the house and garage were constructed many years ago. As such, the unique layout of the site imposes constraints, and even a modest improvement to the garage requires zoning relief.

I further find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship. Finally, I find the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare, as amply demonstrated by the lack of community opposition and the letters of support from five (5) adjoining neighbors. See Exhibit 4.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's variance requests should be granted.

ORDER RECEIVED FOR FILING

Date 8-5-11

3

By [Signature]

I am unable to grant the relief sought in the Petition for Special Hearing, concerning a waiver of certain floodplain requirements pursuant to Baltimore County Code § 32-4-107. Although the County Code directs the hearing officer to entertain such waiver requests, a condition precedent is that a "department director" must request such relief. Based on my review of the file and Petitioner's submissions, it does not appear as if a department director has made such a request, and I am therefore unable to grant the Petition.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 9 day of August, 2011 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a waiver to build an addition consisting of approximately 355 square feet to an existing garage consisting of approximately 854 square feet in a tidal floodplain for a combined total of 1,208 square feet, and to retain an existing kitchen and bathroom, be and is hereby DENIED, and

IT IS FURTHER ORDERED that Petitioner's Variance request from Sections 400.1 and 400.3 of the B.C.Z.R. to permit an addition to an existing garage to be located in the third part of the yard closest to the street with a height of 19 feet, 4 inches in lieu of the required third part of the yard farthest removed from the street and a maximum height of 15 feet, be and is hereby GRANTED.

The relief granted herein is subject to the following conditions:

1. Petitioner is advised that he may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The addition and existing garage shall not be used for a dwelling unit or apartment. The structure shall not contain any sleeping quarters or living area.

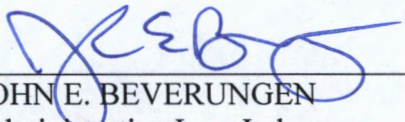
ORDER RECEIVED FOR FILING

Date 8-9-11

By [Signature]

3. Petitioners must comply with the Zoning Advisory Committee (ZAC) comments received from the Bureau of Development Plans Review, dated July 9, 2011, and the Department of Environmental Protection and Sustainability, dated June 29, 2011; copies of which are attached hereto and made a part hereof.

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



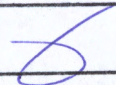
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

Attachments

JEB:pz

ORDER RECEIVED FOR FILING

Date 8-9-11

By 

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2011
Item No. 2011-346

DATE: June 9, 2011

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 7.7 feet [NAVD 88].

The flood protection elevation is 8.7 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
cc: File
ZAC-ITEM NO 11-346-06202011.doc

ORDER RECEIVED FOR FILING

Date 8-9-11
By [Signature]

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 29 2011

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability (EPS) –
Development Coordination

DATE: June 29, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-346-SPHA
Address 9015 Cuckold Point Road
(Poleski Property)

Zoning Advisory Committee Meeting of June 6, 2011.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. To minimize impacts on water quality, lot coverage cannot exceed the existing amount. According to the applicant's plan, lot coverage is proposed to be increased with a carport addition to the existing garage. The plan does not indicate improvements for access to this carport (for example: driveway) and this needs to be addressed along with any potential improvements to the existing garage access. Lot coverage added by addition of the carport and any driveway improvements must be mitigated by removal of an equal amount of lot coverage on this property. By meeting the lot coverage requirements, allowing the relief requested by the applicant will result in minimal impacts to water quality. It is recommended that the zoning item be conditioned to require specific information on access to the carport and garage, and to limit lot coverage {as defined in Natural Resources Article §8-1802(a)(17)} on the property to no greater than the existing amount.

2. Conserve fish, wildlife, and plant habitat; and

The current development of the property limits water quality and habitat functions, but can maximize water quality management by adhering to lot coverage limits and tree requirements established in the Critical Area law. It is recommended that the zoning petition be conditioned to require conformance with Critical Area requirements to offset water quality impacts associated with the carport addition and any lot coverage proposed on-site.

ORDER RECEIVED FOR FILING

Date

By

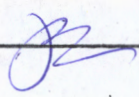
Page 2

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to construct additions to the existing garage can be consistent with this goal provided that lot coverage on the property does not increase. The relief requested will be consistent with established land-use policies provided that the applicants meet the conditions listed in comments 1 and 2 above.

ORDER RECEIVED FOR FILING

Date 8-9-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

August 9, 2011

ROBERT P. POLESKI
9035 CUCKOLD POINT ROAD
BALTIMORE MD 21219

Re: Petition for Special Hearing and Variance
Case No. 2011-0346-SPHA
Property: 9015 Cuckold Point Road

Dear Mr. Poleski:

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, Approvals and Inspections. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

Enclosure



CBCA / F1000 Plains Petition for Special Hearing

to the Zoning Commissioner of Baltimore County for the property
located at 9015 Cuckold Pt Rd
which is presently zoned DR. S-5

Deed Reference: 78341314 Tax Account # 1523001875

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

see attached

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bound 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 _____

Legal Owner(s):

Robert Poleski
Name - Type or Print _____
Signature *R Poleski* _____
Name - Type or Print _____
Signature _____
Address *9035 Cuckold Pt Rd* _____ Telephone No. *443-326-5767*
Balto _____ State *MD* _____ Zip Code *21219*

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2011-0346-SPHA
REV 07/27/07

UNAVAILABLE FOR HEARING _____
Reviewed By BH Date 5/27/11

ORDER RECEIVED FOR FILING

Date 8-5-11

By [Signature]

Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 3112.0, Building Code; and Sections 32-4-107.(a)(2), 32-8-302, BCC to build an addition consisting of approx. 355 sq. ft. to an existing garage consisting of approx. 854 sq. ft. in a tidal floodplain for combined total of 1,208 sq. ft. ; and to retain an existing kitchen and bathroom.



CPCA/Flood Plains
TAX ACCOUNT # 1523001875
Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9015 Cuckold Point Road
which is presently zoned DS-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)

see attached

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

GARAGE IS EXISTING

*GARAGE needs to UP Grade to Fit
the neighborhood new Roof new doors
car Port Bath Room's + kitchen*

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

ORDER RECEIVED FOR FILING
8-9-11

Date

By

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature *443-326 5767*

Address *9035 Cuckold Point Road*

City *Baltimore* State *MARYLAND* Zip Code *21219*

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By *132* Date *5/27/11*

Case No. 2011-0346-SPHA

400.1 and 400.3 to permit an addition to an existing garage to be located in the third part of the yard closest to the street with a height of 19 ft. 4 in. in lieu of the required third part of the yard farthest removed from the street and a maximum height 15 ft.

ZONING DESCRIPTION

Zoning Description For 9015 Cuckold Point Road

Beginning at a point on the Northeast corner of Cuckold Point Road, which is 30 feet wide and 6th Street, which is 30 ft. wide. Being Lot # 487 in the subdivision of Swan Point as recorded in Baltimore County Plat Book #0009, Folio# 0004, containing 7,500 square feet. Also known as 9015 Cuckold Point Road and located in the 15th Election District, 7th Councilmanic District.

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0346-SPHA

9015 Cuckold Point Road

Northwest corner of Cuckold Point Road and 6th Street

15th Election District - 7th Councilmanic District

Legal Owner(s): Robert Poleski

Special Hearing: for a waiver pursuant to build an addition consisting of approximately 355 square feet to an existing garage consisting of approximately 854 square feet in a tidal floodplain for combined total of 1,208 square feet and to retain an existing kitchen and bathroom. **Variance:** to permit an addition to an existing garage to be located in the third part of the yard closest to the street with a height of 19 feet 4 inches in lieu of the required third part of the yard farthest removed from the street and a maximum height of 15 feet.

Hearing: Thursday, July 7, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

IT/6/684 June 21

279119

CERTIFICATE OF PUBLICATION

6/23/ 2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/21/ 2011.

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

J. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0346-SPHA

9015 Cuckold Point Road

N/West corner of Cuckold Point Road and 6th Street

15th Election District - 7th Councilmanic District

Legal Owner(s): Robert Poleski

Special Hearing: for a waiver pursuant to build an addition consisting of approximately 355 square feet to an existing garage consisting of approximately 854 square feet in a tidal floodplain for combined total of 1,208 square feet and to retain an existing kitchen and bathroom.

Variance: to permit an addition to an existing garage to be located in the third part of the yard closest to the street with a height of 19 feet 4 inches in lieu of the required third part of the yard farthest removed from the street and a maximum height of 15 feet.

Hearing: Tuesday, August 2, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 07/658 July 19 281576

CERTIFICATE OF PUBLICATION

7/21/2011

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 7/19/2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0346-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Robert Poleski

August 2, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

9015 Cuckold Point Rd

July 17, 2011

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



July 18, 2011

(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)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 18, 2011 Issue - Jeffersonian

Please forward billing to:

Robert Poleski
9035 Cuckold Point Road
Baltimore, MD 21219

443-326-5767

NOTICE OF ZONING HEARING

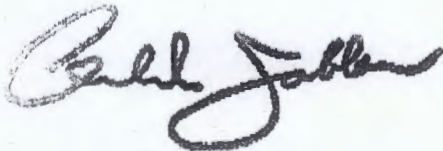
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0346-SPHA

9015 Cuckold Point Road
Northwest corner of Cuckold Point Road and 6th Street
15th Election District – 7th Councilmanic District
Legal Owners: Robert Poleski

Special Hearing for a waiver pursuant to build an addition consisting of approximately 355 square feet to an existing garage consisting of approximately 854 square feet in a tidal floodplain for combined total of 1,208 square feet and to retain an existing kitchen and bathroom. Variance to permit an addition to an existing garage to be located in the third part of the yard closest to the street with a height of 19 feet 4 inches in lieu of the required third part of the yard farthest removed from the street and a maximum height of 15 feet.

Hearing: Tuesday, August 2, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 13, 2011

NEW NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0346-SPHA

9015 Cuckold Point Road

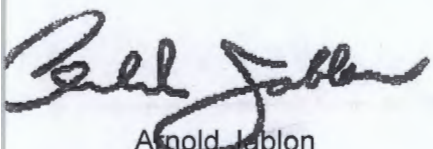
Northwest corner of Cuckold Point Road and 6th Street

15th Election District – 7th Councilmanic District

Legal Owners: Robert Poleski

Special Hearing for a waiver pursuant to build an addition consisting of approximately 355 square feet to an existing garage consisting of approximately 854 square feet in a tidal floodplain for combined total of 1,208 square feet and to retain an existing kitchen and bathroom. Variance to permit an addition to an existing garage to be located in the third part of the yard closest to the street with a height of 19 feet 4 inches in lieu of the required third part of the yard farthest removed from the street and a maximum height of 15 feet.

Hearing: Tuesday, August 2, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Robert Poleski, 9035 Cuckold Point Road, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 18, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 21, 2011 Issue - Jeffersonian

Please forward billing to:

Robert Poleski
9035 Cuckold Point Road
Baltimore, MD 21219

443-326-5767

NOTICE OF ZONING HEARING

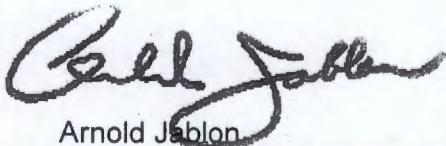
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CASE NUMBER: 2011-0346-SPHA

9015 Cuckold Point Road
Northwest corner of Cuckold Point Road and 6th Street
15th Election District – 7th Councilmanic District
Legal Owners: Robert Poleski

Special Hearing for a waiver pursuant to build an addition consisting of approximately 355 square feet to an existing garage consisting of approximately 854 square feet in a tidal floodplain for combined total of 1,208 square feet and to retain an existing kitchen and bathroom. Variance to permit an addition to an existing garage to be located in the third part of the yard closest to the street with a height of 19 feet 4 inches in lieu of the required third part of the yard farthest removed from the street and a maximum height of 15 feet.

Hearing: Thursday, July 7, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 14, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0346-SPHA

9015 Cuckold Point Road
Northwest corner of Cuckold Point Road and 6th Street
15th Election District – 7th Councilmanic District
Legal Owners: Robert Poleski

Special Hearing for a waiver pursuant to build an addition consisting of approximately 355 square feet to an existing garage consisting of approximately 854 square feet in a tidal floodplain for combined total of 1,208 square feet and to retain an existing kitchen and bathroom. Variance to permit an addition to an existing garage to be located in the third part of the yard closest to the street with a height of 19 feet 4 inches in lieu of the required third part of the yard farthest removed from the street and a maximum height of 15 feet.

Hearing: Thursday, July 7, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Robert Poleski, 9035 Cuckold Point Road, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 22, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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.

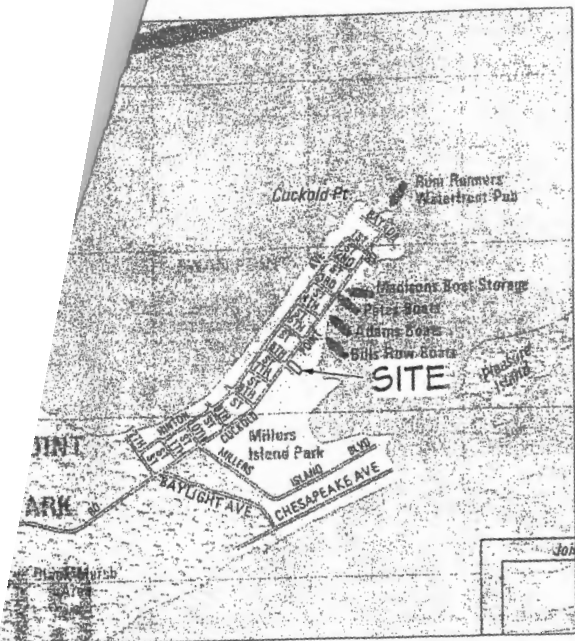
For Newspaper Advertising:

Item Number or Case Number: 2011- 0346- SPHA
Petitioner: Robert P. Poleski
Address or Location: 9015 Cuckold Point Road Balto MD 21219

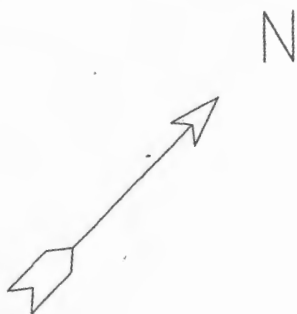
PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert Poleski
Address: 9035 Cuckold Pt Rd
Balto MD 21219
Telephone Number: 443 326 - 5767

VICINITY MAP



VICINITY MAP



SITE PLAN

N



MAP IS NOT TO SCALE

ZONING MAP# 112 B2

SITE ZONED D.R. 5-5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE

OR SQUARE FEET 7500

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? A

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC X PRIVATE

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

Pet. #



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

June 20, 2011

Mr. Robert Poleski
9035 Cuckold Point Road
Baltimore, MD 21219

RE: Case Number 2011-0346-SPHA, 9015 Cuckold Point Road

Dear Mr. Poleski,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 27, 2011. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



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

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 6-7-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2011-0346-SPHA
Special Hearing Variance.
Robert Poleski.
9015 Cuckhold Point Road

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. 2011-0346-SPHA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/rz



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 3, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **June 6, 2011**

Item No.:

Special Hearing: 2011-0345-SPH, 2011-0346—SPHA.

Variance: 2011-0339A – 0340A, 2011-0344A, 2011-0346—SPHA.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2011
Item No. 2011-346

DATE: June 9, 2011

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 7.7 feet [NAVD 88].

The flood protection elevation is 8.7 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
cc: File
ZAC-ITEM NO 11-346-06202011.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 29 2011

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability (EPS) –
Development Coordination

DATE: June 29, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-346-SPHA
Address 9015 Cuckold Point Road
(Poleski Property)

Zoning Advisory Committee Meeting of June 6, 2011.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. To minimize impacts on water quality, lot coverage cannot exceed the existing amount. According to the applicant's plan, lot coverage is proposed to be increased with a carport addition to the existing garage. The plan does not indicate improvements for access to this carport (for example: driveway) and this needs to be addressed along with any potential improvements to the existing garage access. Lot coverage added by addition of the carport and any driveway improvements must be mitigated by removal of an equal amount of lot coverage on this property. By meeting the lot coverage requirements, allowing the relief requested by the applicant will result in minimal impacts to water quality. It is recommended that the zoning item be conditioned to require specific information on access to the carport and garage, and to limit lot coverage {as defined in Natural Resources Article §8-1802(a)(17)} on the property to no greater than the existing amount.

2. Conserve fish, wildlife, and plant habitat; and

The current development of the property limits water quality and habitat functions, but can maximize water quality management by adhering to lot coverage limits and tree requirements established in the Critical Area law. It is recommended that the zoning petition be conditioned to require conformance with Critical Area requirements to offset water quality impacts associated with the carport addition and any lot coverage proposed on-site.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to construct additions to the existing garage can be consistent with this goal provided that lot coverage on the property does not increase. The relief requested will be consistent with established land-use policies provided that the applicants meet the conditions listed in comments 1 and 2 above.

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
9015 Cuckold Point Road; NW corner of
Cuckold Point Road & 6th Street
15th Election & 7th Councilmanic Districts
Legal Owner(s): Robert Poleski
Petitioner(s)

* BEFORE THE
* ADMINSTRATIVE LAW
* JUDGE FOR
* BALTIMORE COUNTY
* 2011-346-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUN 06 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of June, 2011, a copy of the foregoing Entry of Appearance was mailed to Robert Poleski, 9035 Cuckold Point Road, Baltimore, Maryland 21219, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - Case No. 2011-0346-SPHA

From: Debra Wiley
To: Campbell, Rose; Lewis, Kristen; OAH Staff
Date: 6/30/2011 9:12 AM
Subject: Case No. 2011-0346-SPHA

Good Morning,

It appears from reviewing the file and speaking to the Petitioner (6/30 @ 9:05 AM), he has not fulfilled the sign posting requirement. He advised that a fax was sent yesterday afternoon to Zoning Review relaying this information. Needless to say, this case is postponed and file will be returned to Kristen for rescheduling.

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

June 28, 2011

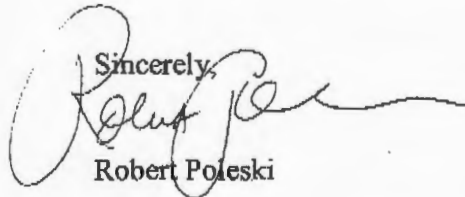
Zoning Review / County office Building
111 West Chesapeake Avenue Room 111
Towson, Maryland 21204

RE: Case Number 2011-0346-SPHA

Dear MR Jablon,

I would like to request another hearing date. My notice of Zoning Hearing letter dated June 14, 2011 was placed in a neighbor's mail box and has since missed the deadline of posting the sign.

Sincerely,



Robert Poleski

410-388-1091 fax

July 24, 2011

MR & MRS Matt Ciarpella
2716 6th street
Baltimore, MD 21219

Letter of Support

I Matt and Nancy Ciarpella 2716 6th Street have no concerns regarding the proposed construction located at 9015 Cuckold Point Road.

Full Description of work:

Special Hearing

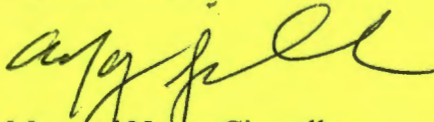
Building an addition consisting of approximately 355 square feet to an existing garage consisting of approximately 854 square feet in a tidal floodplain for combined total of 1208 square feet and to retain an existing kitchen and bedroom.

Variance

To permit an addition to an existing garage to be located in the third part of the yard closest to the street with a height of 19 feet 4 inches in lieu of the required third part of the yard farthest removed from the street and a maximum height of 15 feet.

Hearing Tuesday August 2, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Best of Success,



Matt and Nancy Ciarpella



July 24, 2011

MR & MRS Wayne Waldman SR.
9016 Cuckold Point Road
Baltimore, MD 21219

Letter of Support

I Wayne and Pat Waldman of 9016 Cuckold Point Road have no concerns regarding the proposed construction located at 9015 Cuckold Point Road.

Full Description of work:

Special Hearing

Building an addition consisting of approximately 355 square feet to an existing garage consisting of approximately 854 square feet in a tidal floodplain for combined total of 1208 square feet and to retain an existing kitchen and bedroom.

Variance

To permit an addition to an existing garage to be located in the third part of the yard closest to the street with a height of 19 feet 4 inches in lieu of the required third part of the yard farthest removed from the street and a maximum height of 15 feet.

Hearing Tuesday August 2, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Best of Success,

Wayne and Pat Waldman

Wayne E Waldman Sr.
Pat Waldmann

July 24, 2011

MR & MRS Charles Wolinski
9019 Cuckold Point Road
Baltimore, MD 21219

Letter of Support

I Charles and Daryl Wolinski 9019 Cuckold Point Road have no concerns regarding the proposed construction located at 9015 Cuckold Point Road.

Full Description of work:

Special Hearing

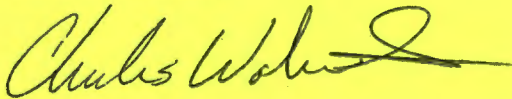
Building an addition consisting of approximately 355 square feet to an existing garage consisting of approximately 854 square feet in a tidal floodplain for combined total of 1208 square feet and to retain an existing kitchen and bedroom.

Variance

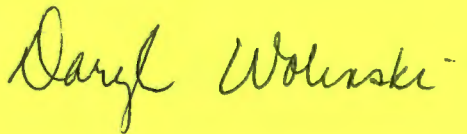
To permit an addition to an existing garage to be located in the third part of the yard closest to the street with a height of 19 feet 4 inches in lieu of the required third part of the yard farthest removed from the street and a maximum height of 15 feet.

Hearing Tuesday August 2, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

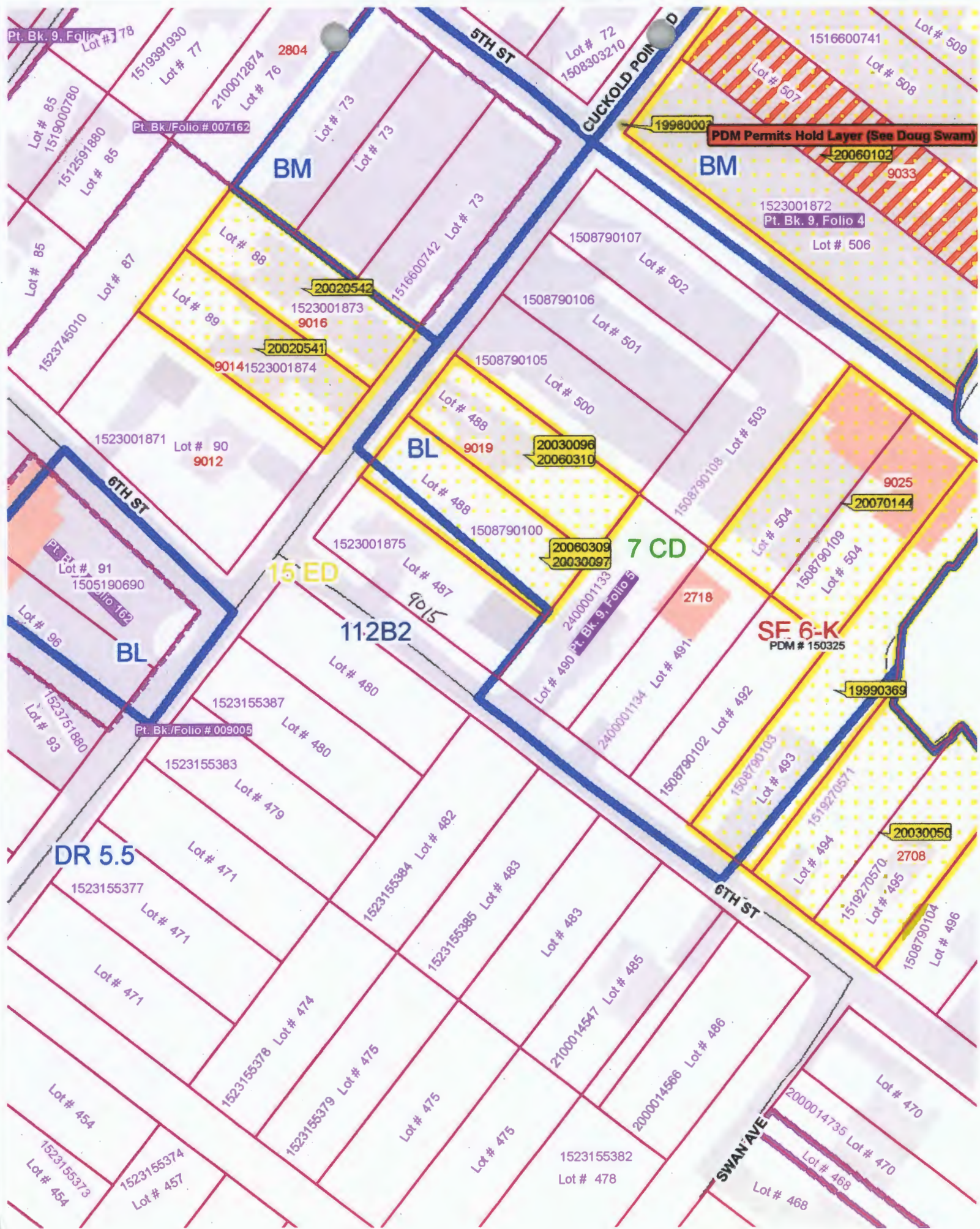
Best of Success,



Charles and Daryl Wolinski







Pt. Bk. 9, Folio # 78

Pt. Bk./Folio # 007162

PDM Permits Hold Layer (See Doug Swam)

20060102

1523001872
Pt. Bk. 9, Folio 4

20020542

1523001873
9016

20020541

90141523001874

20030096
20060310

20060309
20030097

9025

20070144

SF 6-K
PDM # 150325

19990369

20030050

2708

2000014735 Lot # 470

Lot # 468

Lot # 466

#0346













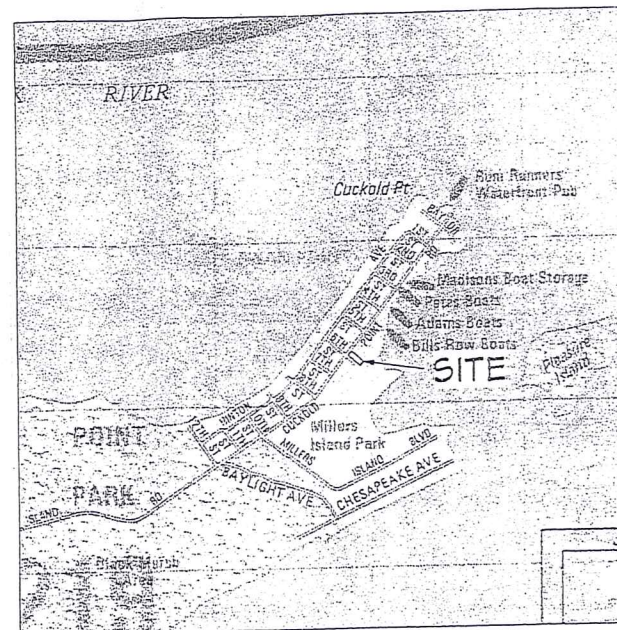
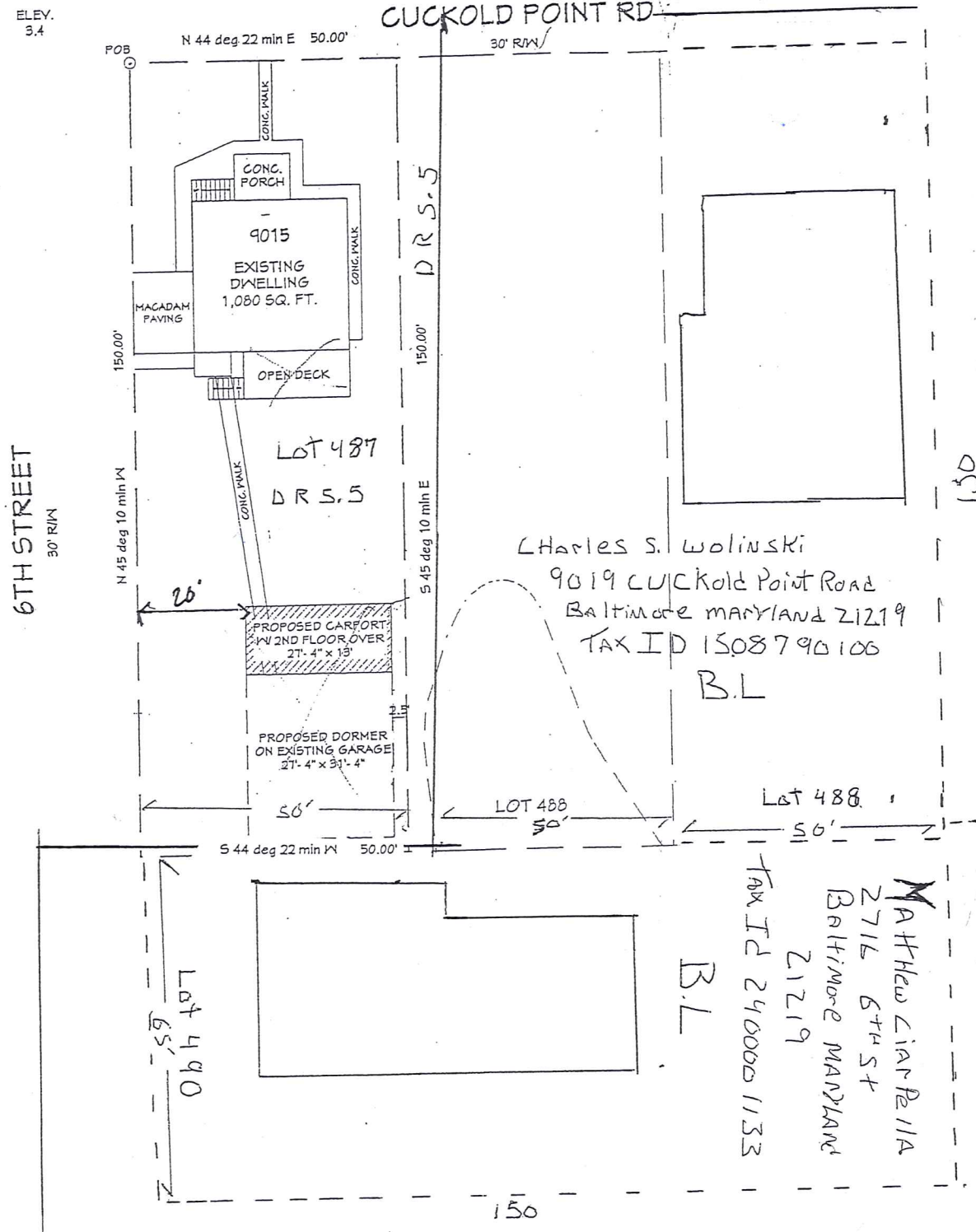
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☐ (MARK TYPE REQUESTED WITH X)

ADDRESS 9015 Cuckold OWNER(S) NAME(S) Robert Poleski

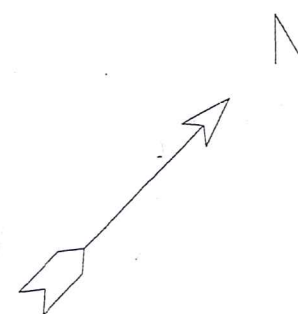
SUBDIVISION NAME Swan Point LOT # 487 BLOCK # 9 SECTION # 5

PLAT BOOK # 7 FOLIO # 4 10 DIGIT TAX # 1523 00 1875 DEED REF. # 283411 314

SITE VICINITY MAP



VICINITY MAP



SITE PLAN

MAP IS NOT TO SCALE

ZONING MAP# 112 B2

SITE ZONED D.R. S-5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE _____

OR SQUARE FEET 7500

HISTORIC? NO

IN CBCA? Yes

IN FLOOD PLAIN? A

UTILITIES? MARK WITH X

WATER IS: PUBLIC ☒ PRIVATE _____

SEWER IS: PUBLIC ☒ PRIVATE _____

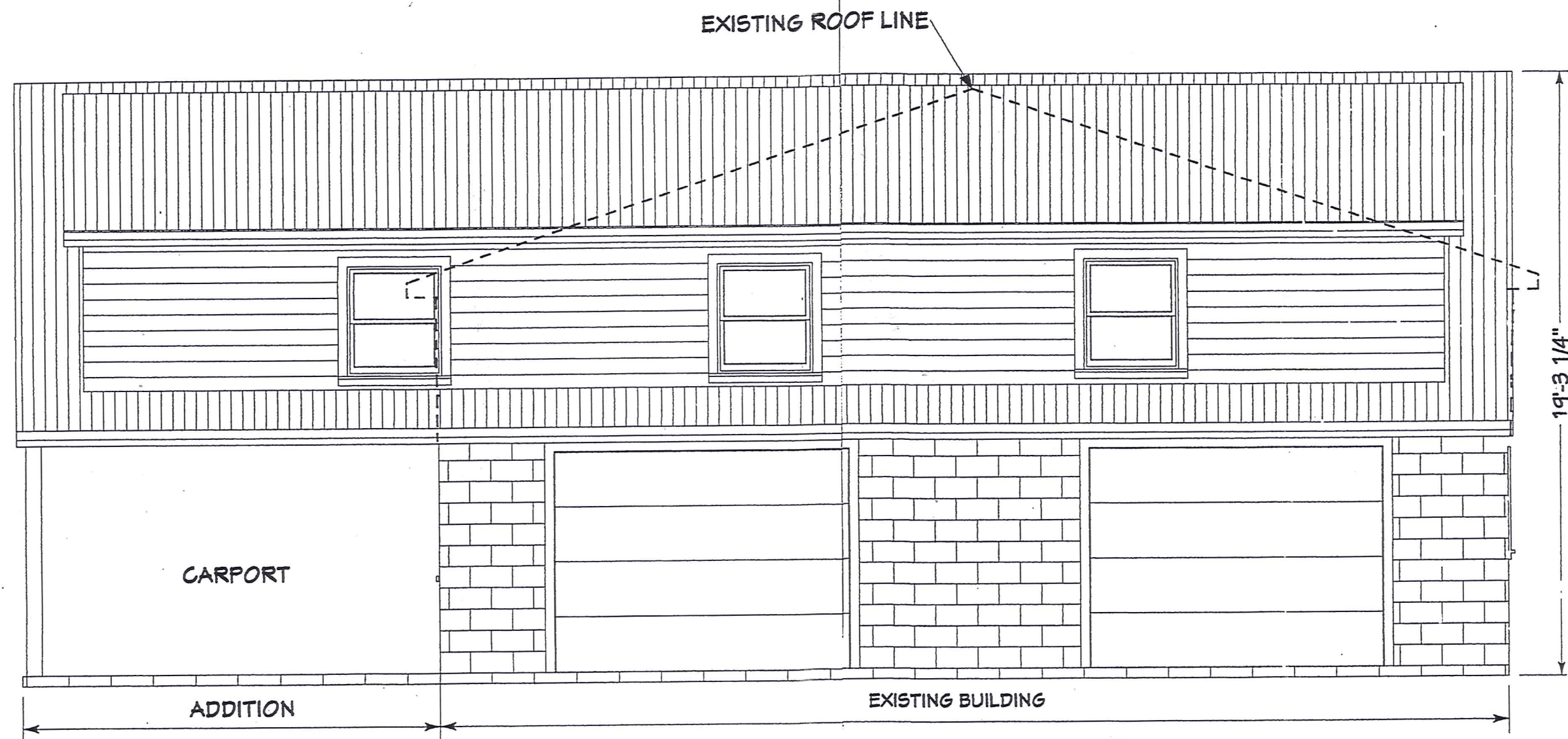
PRIOR HEARING? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

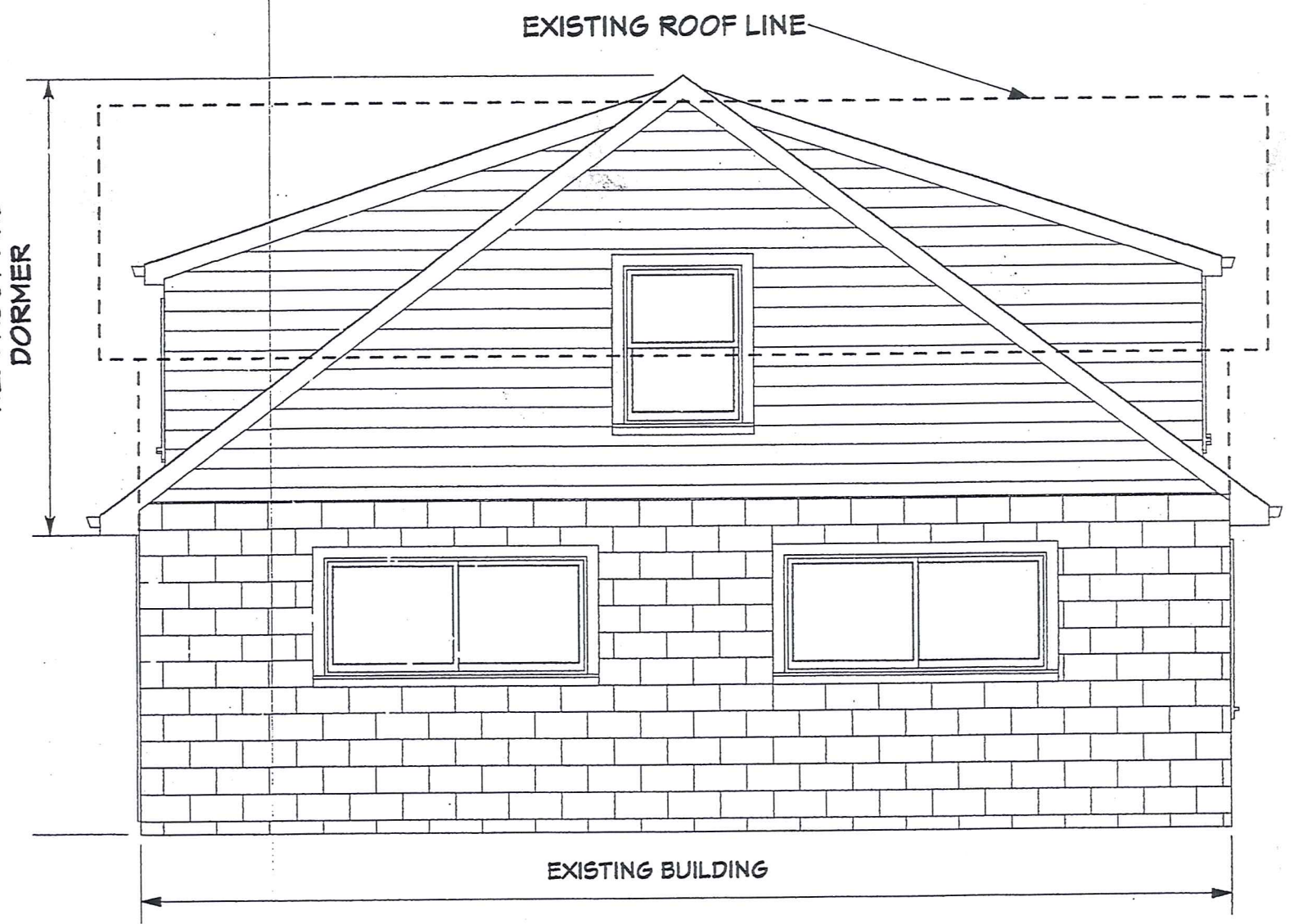
PLAN DRAWN BY Robert Poleski DATE MAR 21, 2011 SCALE: 1 INCH = 30 FEET

Pet. # 1

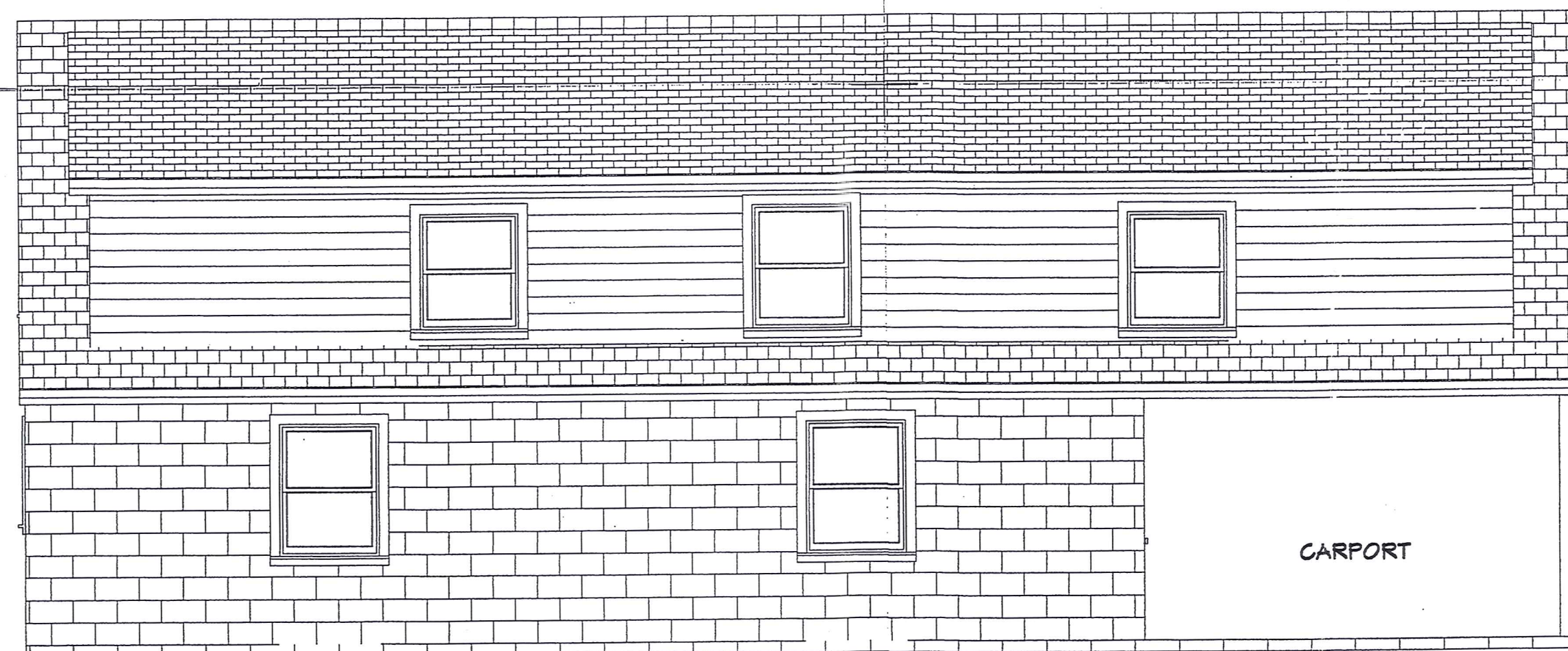
#0346



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION

NEW ROOF AND DORMER
9015 CUCKOLD POINT RD
DATE: October 10, 2009
SCALE: 1/4" = 1' - 0"

A-1 of 3

Pet #5



SCALE: 1/4" = 1' - 0"



SCALE: 1/4" = 1'-0"

NEW ROOF AND DORMER
9015 CUCKOLD POINT ROAD
Date: October 10, 2009
Scale: as noted