



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 7, 2012

Barry Koluch
Darlene A. Koluch
P.O. Box 65
Fort Howard, Maryland 21052

RE: Petition for Variance
Case No.: 2013-0056-A
Property: 6920 River Drive Road

Dear Mr. and Mrs. Koluch:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Bernadette Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101,
Towson, MD 21286
Kathleen Skullney, 10813 Davis Avenue, Baltimore, MD 21163

RE: PETITION FOR VARIANCE
6920 River Drive Road; NE/S River Drive
Road, 70' NE of c/line Alice Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): Barry & Darlene Koluch
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-056-A

* * * * *

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

RECEIVED

SEP 13 2012

.....

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2012, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunus, Site Rite Surveying, 200 East Joppa Road, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN RE: PETITION FOR VARIANCE
(6920 River Drive Road)
15th Election District
7th Councilmanic District
Barry and Darlene A. Koluch
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2013-0056-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by the legal owners of the subject property, Barry and Darlene A. Koluch. The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open porch and steps with a 1' side yard setback in lieu of the required 7.5'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing held for this case was Barry Koluch, Kathleen Skullney, and Bernadette Moskunus with Site Rite Surveying, Inc., the consultants who prepared the site plan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Bureau of Development Plans Review (DPR) dated September 17, 2012, indicating that the base flood elevation for this site is 7.7 feet [NAVD 88], the flood protection elevation is 8.7 feet, and all existing structures are presently located in the tidal flood plain. A ZAC comment was also received from the Department of Environmental

ORDER RECEIVED FOR FILING

Date 11-7-12

By BS

Protection and Sustainability (DEPS) dated October 2, 2012, indicating the following:

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 an Intensely Developed Area (IDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. The IDA regulations require that the property be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. According to the applicant's plan with this petition, impervious surfaces may be increased. The construction of the dwelling has been reviewed for application of the Critical Area 10% Rule during the review of the building permit application, which has been approved by the Environmental Impact Review Section of this Department. The steps and porch on the plan with this petition that are labeled "existing steps from porch" were not shown on the plan with the building permit application, however, the property will be re-inspected when the U&O Certificate is requested. It is unclear from the plan whether impervious surfaces will be increased. The applicants paid a fee-in-lieu of planting prior to issuance of the permit and agreed to install trees prior to release of the U&O Certificate. If applicable, additional mitigation may be required. By meeting the IDA pollutant reduction requirements, allowing the side yard setback reduction requested by the applicant will result in minimal impacts to water quality. The BMA requirements, in part, regulate structures and impervious surfaces within the 100-foot tidal buffer. The project shown on the plan with the petition is outside of the 100-foot buffer and allowing the side yard setback reduction requested by the applicant will result in minimal impacts to water quality.

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

The property will be inspected during the U&O process for application of the Intensely Developed Area 10% pollutant reduction requirements, which have already been addressed for building permit approval. Any additional mitigation requirements will be assessed at that time, which will improve buffer functions and conserve fish, wildlife and plant habitat of Greenhill Cove and Back River.

ORDER RECEIVED FOR FILING

Date 11-7-12

By aw

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 a side yard porch and steps is subject to review for application of the Critical Area IDA requirements, therefore, is consistent with this goal. The side yard setbacks requested will be consistent with established land-use policies provided that the applicants meet any IDA requirements applicable to the proposal.

Testimony and evidence revealed that the subject property is 8,000 square feet (0.183 acres) and is zoned DR 5.5. The Petitioners have constructed an attractive new home on the site (See photos, Exhibit 2), and were informed by a Baltimore County building inspector that the exterior stairs were not in compliance with the B.C.Z.R. As such, the Petitioners were instructed to obtain variance relief to "legitimize" their placement.

Based on the evidence presented, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, the home is constructed on a narrow 50' wide lot (as are a great number of waterfront homes in eastern Baltimore County) and it would be nearly impossible to position a set of external stairs without obtaining zoning relief. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners, given that Petitioners would not be able to have the exterior stairs, which accesses the second story of their home. See Exhibit 2.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

ORDER RECEIVED FOR FILING

Date 11-7-12

3

By DW

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

THEREFORE, IT IS ORDERED, this 7th day of November, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open porch and steps with a 1' side yard setback in lieu of the required 7.5', be and is hereby GRANTED.

The relief granted herein shall be conditioned upon and subject to the following:

1. The Petitioners may apply for any required permits and may be granted same upon receipt of this Order; however the Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.

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

JEB:dlw

ORDER RECEIVED FOR FILING

Date 11-7-12

By [Signature]

**CBCA****PETITION FOR ZONING HEARING(S)****FLOODPLAIN**

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:
 Address 6920 River Drive Road which is presently zoned D.R.55
 Deed References: 32173/138 10 Digit Tax Account # 1519580510
 Property Owner(s) Printed Name(s) Barry Koluch and Darlene Koluch

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a Variance To permit an open porch and steps with a 1 ft. side yard setback in lieu of the required 7.5 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

to be presented at time of hearing

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Barry Koluch , Darlene Koluch
 Name #1 - Type or Print Name #2 - Type or Print

[Signature] , [Signature]
 Signature #1 Signature #2

P.O. Box 65 Fort Howard MD
 Mailing Address City State

21062 , 443-865-2467 , BKoluch@gmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Bernadette Moskunas Site Rite Surveying, Inc.
 Name - Type or Print

[Signature]
 Signature

200 E. Joppa Road Rm 101 Towson, MD
 Mailing Address City State

21286 , 410 828 9060 , sitenkinc@aol.com
 Zip Code Telephone # Email Address

CASE NUMBER 2013-0056 A Filing Date 9/5/12 Do Not Schedule Dates: _____ Reviewer GH

Zoning Property Description for #6920 River Drive Road

Beginning at a point on the northwest side of River Drive Road which is 40 feet wide at a distance of 70 feet northeast of the centerline of Alice Avenue which is 40 feet wide.

Being Lot No. 11, Block L in the subdivision of "Lynch Point" as recorded in the Baltimore County Plat Book No. 8, folio No. 38, containing 8,000 square feet. Located in the 15th Election District and 7th Council District.

Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175



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

2013- 0056-A

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: 2013-0056-A
Petitioner: Barry Koluch
Address or Location: 6920 River Drive Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barry Koluch
Address: P.O. Box 65
Fort Howard, MD 21052
Telephone Number: 443-865-2467

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

No. **88946**
 Date: **9/5/12**

PAID RECEIPT

BUSINESS ACTUAL TIME BFM
 9/05/2012 9/05/2012 10:10:08 5
 REC 1503 WALKIN PROS LRB
 RECEIPT # 410614 9/05/2012 OFLN
 S 529 ZONING VERIFICATION
 CR NO. 000746
 Rcpt Tot \$75.00
 \$75.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec From: **Darlene A Koluch**
 For: **Variance 2013-0056-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2013-0056-A

Petitioner/Developer SITE
RTE SURVEYING

Date Of Hearing/Closing: 11/1/12

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 6920 RIVER DRIVE ROAD

This sign(s) were posted on October 12, 2012

Month, Day, Year

Sincerely,

Martin Ogle 10/12/12
Signature of Sign Poster and Date

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



KEVIN KAMENETZ
County Executive

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

October 1, 2012

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: 2013-0056-A

6920 River Drive Road

NE/s of River Drive Road, 70 ft. NE of the centerline of Alice Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Barry & Darlene Koluch

Variance to permit an open porch and steps with a 1 foot side yard setback in lieu of the required 7.5 feet.

Hearing: Thursday, November 1, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Barry & Darlene Koluch, P.O. Box 65, Fort Howard 21052
Bernadette Moskunus, 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 12, 2012.**
- (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.

ZONING NOTICE

CASE # 2013-0056-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 205 JEFFERSON BUILDING 105 WEST
PLACE: CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: THURSDAY, NOVEMBER 1, 2012
AT 1:30 P.M.

REQUEST: VARIANCE TO PERMIT AN OPEN PORCH AND
STEPS WITH A 1 FOOT SIDE YARD SETBACK IN LIEU
OF THE REQUIRED 7.5 FEET

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

mya 10/12/12

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 11, 2012 Issue - Jeffersonian

Please forward billing to:

Barry Koluch
P.O. Box 65
Fort Howard, MD 21052

443-865-2467

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0056-A

6920 River Drive Road

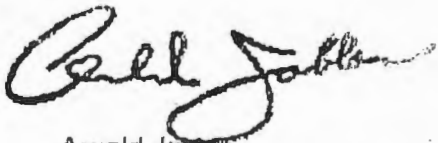
NE/s of River Drive Road, 70 ft. NE of the centerline of Alice Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Barry & Darlene Koluch

Variance to permit an open porch and steps with a 1 foot side yard setback in lieu of the required 7.5 feet.

Hearing: Thursday, November 1, 2012 at 1:30 p.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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 11, 2012 Issue - Jeffersonian

Please forward billing to:

Matt Bishop
Morris & Ritchie Associates
1220 C- East Joppa Road
Towson, MD 21286

410-821-1690

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0053-SPHA

9401, 9403, 9405, 9407, 9409 & 9411 Silver Charm Drive

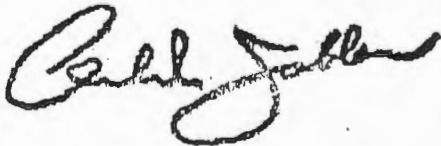
2nd Election District – 4th Councilmanic District

W/s of Silver Charm Dr., 100 feet s/of centerline of intersection with Master Derby Dr.

Legal Owners: CT Carriage Hills Business Trust

Special Hearing to amend the 1st Amended Final Development Plan to reflect the variance requests listed below: to re affirm the existing approved variances for lots #33-38 and for such other and further relief as may be necessary. Variance to allow a minimum setback of 18' from a front building face to a public street right of way or property line for garage units in lieu of the required 25' for lots 33-38.

Hearing: Thursday, November 1, 2012 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 11, 2012 Issue - Jeffersonian

Please forward billing to:
Roger Elliott
P.O. Box 147
Butler, MD 21023

410-771-4244

NOTICE OF ZONING HEARING

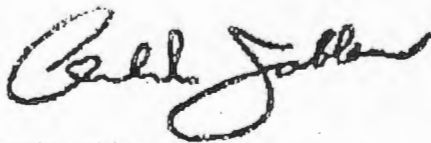
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0052-A

15815 Falls Road
E/s of Falls Road, 3.35 miles SE of Benson Mill Road
5th Election District – 3rd Councilmanic District
Legal Owners: Roger & C. Gregory Elliott

Variance to permit an existing shed and barn to be located in the front yard in lieu of the required rear yard, and for the barn to have a height of 42 feet in lieu of the permitted 15 feet as an accessory structure.

Hearing: Thursday, November 1, 2012 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 11, 2012 Issue - Jeffersonian

Please forward billing to:
Clint Huhra
P.O. Box 1187
Bel Air, MD 21014

*New notice issued
please disregard
this request.*

410-322-1501

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0060-SPH

21043 York Road

N/e side of York Road, 1218 ft. +/- S/e of the centerline of Old York Road

7th Election District - 3rd Councilmanic District

Legal Owners: Clint Huhra

Special Hearing to permit a garage addition with a side yard setback of 25 feet in lieu of the required 50 feet.

Hearing: Thursday, November 1, 2012 at 2:30 p.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.

Debra Wiley - Missing Newspaper Advertisements for Hearings on Thursday, November 1st

From: Debra Wiley
To: Fisher, June; Lewis, Kristen
Date: 10/29/2012 11:56 AM
Subject: Missing Newspaper Advertisements for Hearings on Thursday, November 1st
CC: Beverungen, John

Good Morning,

Please be advised that the hearings scheduled for Thursday, November 1st are all missing the newspaper advertisements. They are as follows:

10 AM - 2013-0053-SPHA

11 AM - 2013-0052-A

1:30 PM - 2013-0056-A

Please let me know ASAP. Thanks in advance.

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



KEVIN KAMENETZ
County Executive

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

October 24, 2012

Barry Koluch
Darlene Koluch
P O Box 65
Fort Howard MD 21052

RE: Case Number: 2013-0056 A, Address: 6920 River Drive Road

Dear Mr. & Ms. Koluch:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 5, 2012. 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: jaf

Enclosures

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

11/1
1:30 pm

Debra Wiley - ZAC Comments - Distribution Mtg. of 9/24

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 9/18/2012 9:45 AM
Subject: ZAC Comments - Distribution Mtg. of 9/24

Good Morning,

Please see the cases listed below and the hearing date, **if assigned**. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2013-0043-SPHA - (Floodplain)
 1472 Martin Blvd.

2013-0048-A - Administrative Variance - Closing Date: 9/24
 825 Queens Park Drive

2013-0049-SPHA
 734 Essex Ave.

2013-0050-A - Administrative Variance - Closing Date: 9/24 (Critical Area & Floodplain)
 1907 Cape May Road

2013-0051-A - Administrative Variance - Closing Date: 9/24
 12220 Dover Rd.

2013-0052-A
 15815 Falls Rd.

2013-0053-SPHA
 9401, 9403, 9405, 9407, 9409, 9411 Silver Charm Dr.

2013-0055-A - Administrative Variance - Closing Date: 10/1
 2909 Knoll Acres Dr.

2013-0056-A (Critical Area & Floodplain)
 6920 River Drive Rd.

2013-0057-A - Administrative Variance - Closing Date: 10/1 (Critical Area & Floodplain)
 3 Kingston Cove Rd.

2013-0058-A - Administrative Variance - Closing Date: 10/1
 6523 Darnell Rd.

2013-0059-A - Administrative Variance - Closing Date: 10/1
 119 Williams Ave.

2013-0060-SPH



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

State Highway
Administration

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-11-12

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

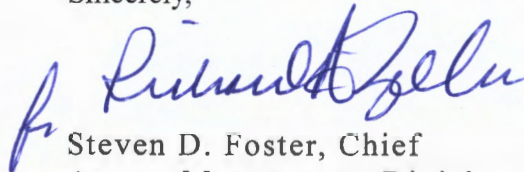
RE: Baltimore County
Item No 2013-0056-A
Variance
Barry & Darlene Koluch
6920 River Drive Road.

Dear Ms. Lewis:

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. 2013-0056-A.

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).

Sincerely,



Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 02 2012

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: October 2, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013-0056-A
Address 6920 River Drive Road
(Koluch Property)

Zoning Advisory Committee Meeting of September 10, 2012.

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 an Intensely Developed Area (IDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. The IDA regulations require that the property be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. According to the applicant's plan with this petition, impervious surfaces may be increased. The construction of the dwelling has been reviewed for application of the Critical Area 10% Rule during the review of the building permit application, which has been approved by the Environmental Impact Review Section of this Department. The steps and porch on the plan with this petition that are labeled "existing steps from porch" were not shown on the plan with the building permit application, however, the property will be re-inspected when the U&O Certificate is requested. It is unclear from the plan whether impervious surfaces will be increased. The applicants paid a fee-in-lieu of planting prior to issuance of the permit and agreed to install trees prior to release of the U&O Certificate. If applicable, additional mitigation may be required. By meeting the IDA pollutant reduction requirements, allowing the side yard setback reduction requested by the applicant will result in minimal impacts to water quality. The BMA requirements, in part, regulate structures and impervious surfaces within the 100-foot tidal buffer. The project shown on the plan with the petition is outside of the 100-foot buffer and allowing the sideyard setback reduction requested by the applicant will result in minimal impacts to water quality.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 24, 2012
Item No. 2013-0056

DATE: September 17, 2012

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.

All existing structures are presently located in the tidal flood plain.

DAK:CEN
cc: File
ZAC-ITEM NO 13-0056-09242012.doc

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

The property will be inspected during the U&O process for application of the Intensely Developed Area 10% pollutant reduction requirements, which have already been addressed for building permit approval. Any additional mitigation requirements will be assessed at that time, which will improve buffer functions and conserve fish, wildlife and plant habitat of Greenhill Cove and Back River.

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 a sideyard porch and steps is subject to review for application of the Critical Area IDA requirements, therefore, is consistent with this goal. The side yard setbacks requested will be consistent with established land-use policies provided that the applicants meet any IDA requirements applicable to the proposal.

Reviewer: *Thomas Panzarella – Environmental Impact Review*

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 15 Account Number - 1519580510

Owner Information

Owner Name: KOLUCH BARRY
KOLUCH DARLENE A
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: PO BOX 65
FORT HOWARD MD 21052-
Deed Reference: 1) /32173/ 00138
2)

Location & Structure Information

Premises Address

6920 RIVER DRIVE RD
0-0000

Legal Description

Waterfront LYNCH POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0111	0005	0141		0000		L	11	3		0008/ 0038

Town NONE
Ad Valorem
Tax Class

Special Tax Areas

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	297 SF	7,100 SF	34

Stories	Basement	Type	Exterior
	NO	STANDARD UNIT ASBESTOS SHINGLE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	199,500	199,500		
Improvements:	0	0		
Total:	199,500	199,500	199,500	199,500
Preferential Land:	0			0

Transfer Information

Seller:	Type:	Date:	Deed1:	Price:	Deed2:
SNYDER HAROLD PHILIP	ARMS LENGTH IMPROVED	06/11/2012	/32173/ 00138	\$100,000	
SNYDER LILLIAN I	ARMS LENGTH MULTIPLE	12/10/1993	/10206/ 00300	\$0	
SNYDER WALTER H	NON-ARMS LENGTH OTHER	10/26/1990	/08633/ 00613	\$0	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

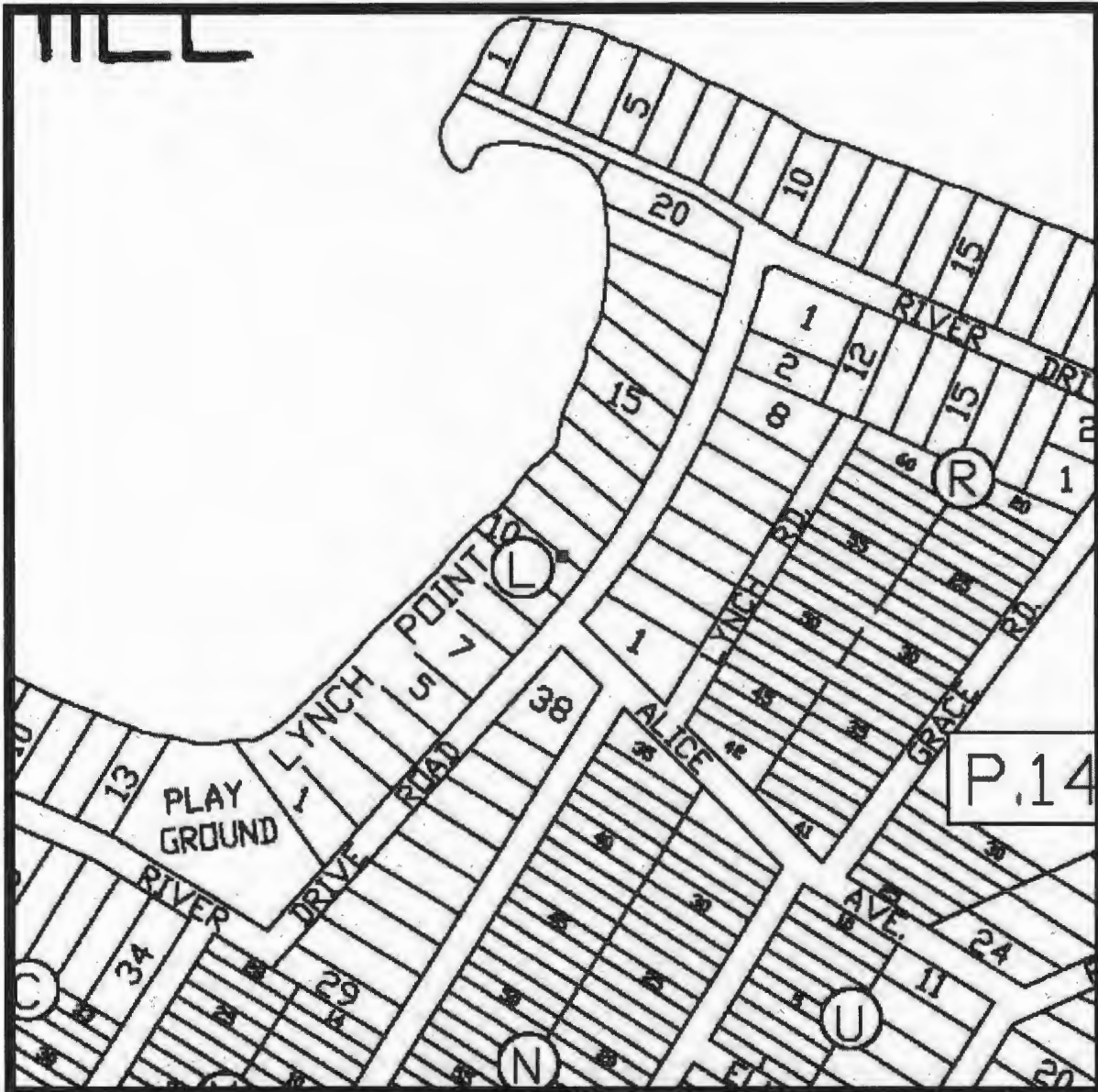
Homestead Application Status: No Application



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 1519580510



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

MEMORANDUM

DATE: December 12, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0056-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 7, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CASE NAME 6920 River Drive Road
CASE NUMBER 2013-0056-A
DATE Nov. 1, 2012

CASE NUMBER 2013-0056-A

DATE Nov. 1, 2012

[illegible]

11-1

1:30 pm

CASE NO. 2013- 0056-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>10-2</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>9-11</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>Missing 10/29</u>	
SIGN POSTING	Date: <u>10-12</u>	by <u>Ogle</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

FAX COVER SHEET

*This is what I
sent to Jefferson
Krieten*

Date:

10/1/12

To:

Legals/Patuxent

Fax number:

410-332-6446

From:

Krieten - PA I

Fax number:

410 887-3048Number of pages
(including this
cover sheet):5

Message:

Please publish accordinglyThanksIf any part of this fax transmission
is missing or not clearly received
please call:

Name:

Krieten -

Phone number:

410 887-3391

Case No.:

2013-0056 A

Exhibit Sheet

Petitioner/Developer

Protestant

DW 12-12-12
DW 11-7-12

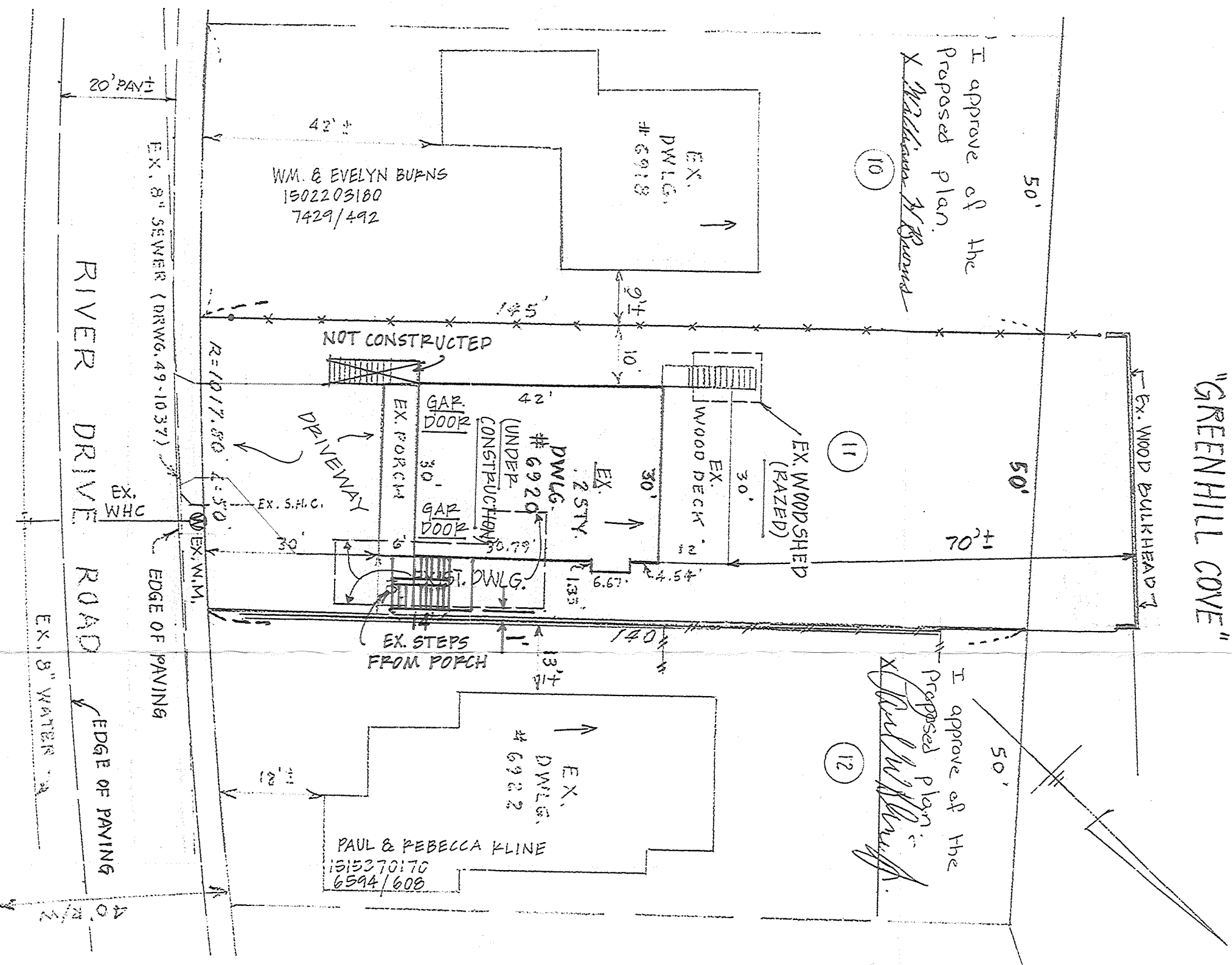
No. 1	Site Plan	
No. 2	Photos (#4)	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING CASE AUGUST 30, 2012

OWNER: BARRY KOLUCH
DARLENE KOLUCH
P.O. BOX 65
FORT HOWARD, MD 21052
443-865-2467
TAX MAP: 111 GRID: 5 PARCEL: 141
TAX ACCT. NO. 1519580510
DEED REF.: 32173/138

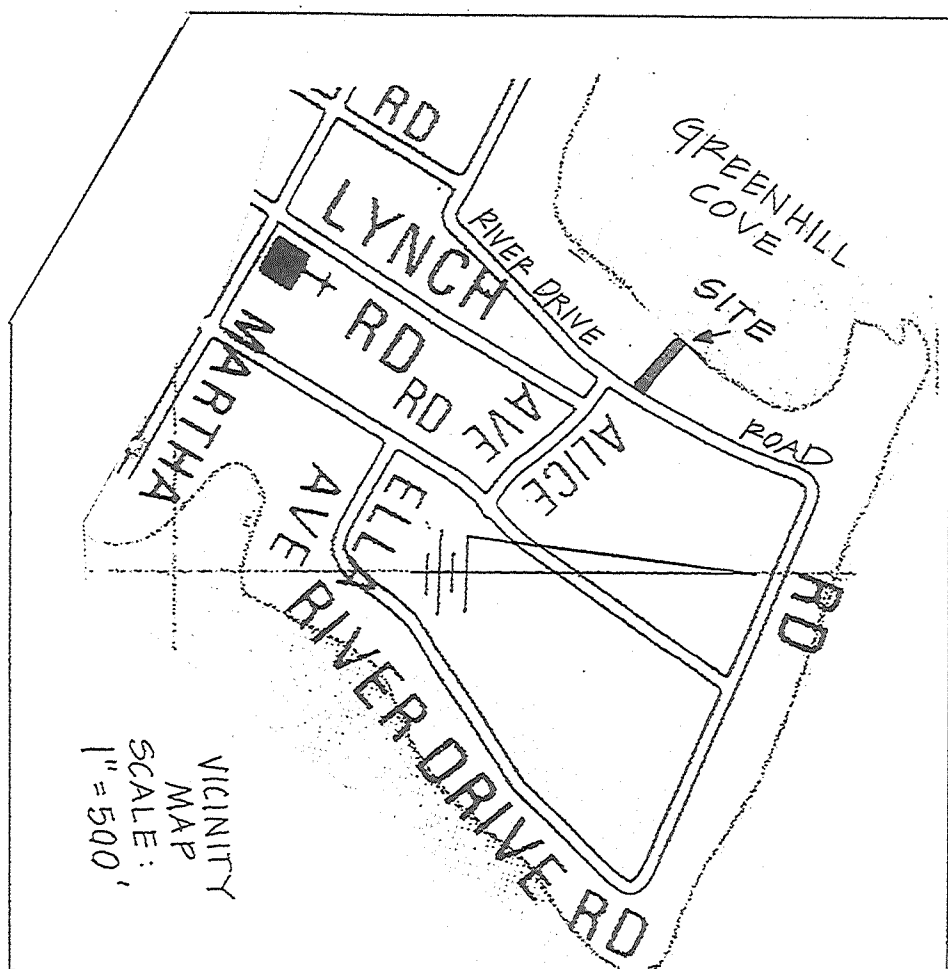
RAZING PERMIT NO. B784881
BLDG. PERMIT NO. B784953

(ORIGINAL DWLG. HAS BEEN RAZED)
(PROPOSED REPLACEMENT DWLG. IS UNDER
CONSTRUCTION) IN COMPLIANCE WITH B.C.Z.P.
FOR THE PRINCIPLE DWLG. NO VARIANCE OR
USLA NEEDED-ADJACENT PROPERTY OWNERS
SIGNED THE PROPOSED PLAN IN APPROVAL.



OWNER: Harold Snyder
1006 Seamount Road
Bel Air MD 21015
Tax Acct. #1519580510
Tax Map: 111 Grid: 5 Parcel: 141
Deed Ref.: 30206/300
Contact Purchaser: Barry Koluch
443-865-2467

- GENERAL NOTES:
1. Lot Area: (per field evidence) 8000 S.F. or 0.183 Ac +/-
 2. Existing Zoning: D.R.5.5 (111C1)
 3. Existing use: Single Family Dwelling (SFD)
 4. Proposed Use: Single Family Dwelling (Replacement)
 5. Existing Public Water and Sewer house connections
 6. Located within The Chesapeake Bay Critical Area (LDA)
 7. Located within 100 Year Flood Plain Area
 8. Community Panel No. 240010 0555 F Zone: "AE"
 9. Not located within an Historic Area
 10. No prior zoning action for undersized lot approval on this site and no adjacent ownership with the adjacent lots for the last 6 years.
 11. Existing lot Coverage: 508 S.F. (6%)
 12. Allowable Lot Coverage: 25% + 500 S.F. = 2500 S.F.
 13. Proposed Lot Coverage: Proposed House and Driveway: 2291 S.F. (28%)



ZONING HEARING PLAN FOR VARIANCE

#6920 RIVER DRIVE ROAD
LOT 11 BLOCK "L"
"LYNCH POINT" 8/38
ELECTION DISTRICT NO. 15 C7
BALTIMORE, MD
SCALE: 1" = 20'
8/30/2012 JOB #10049

2013-0056-A







ZONING CASE AUGUST 30, 2012

OWNER: BARRY KOLUCH

DAPHNE KOLUCH

P.O. BOX 65

FORT HOWARD, MD 21052

443-865-2467

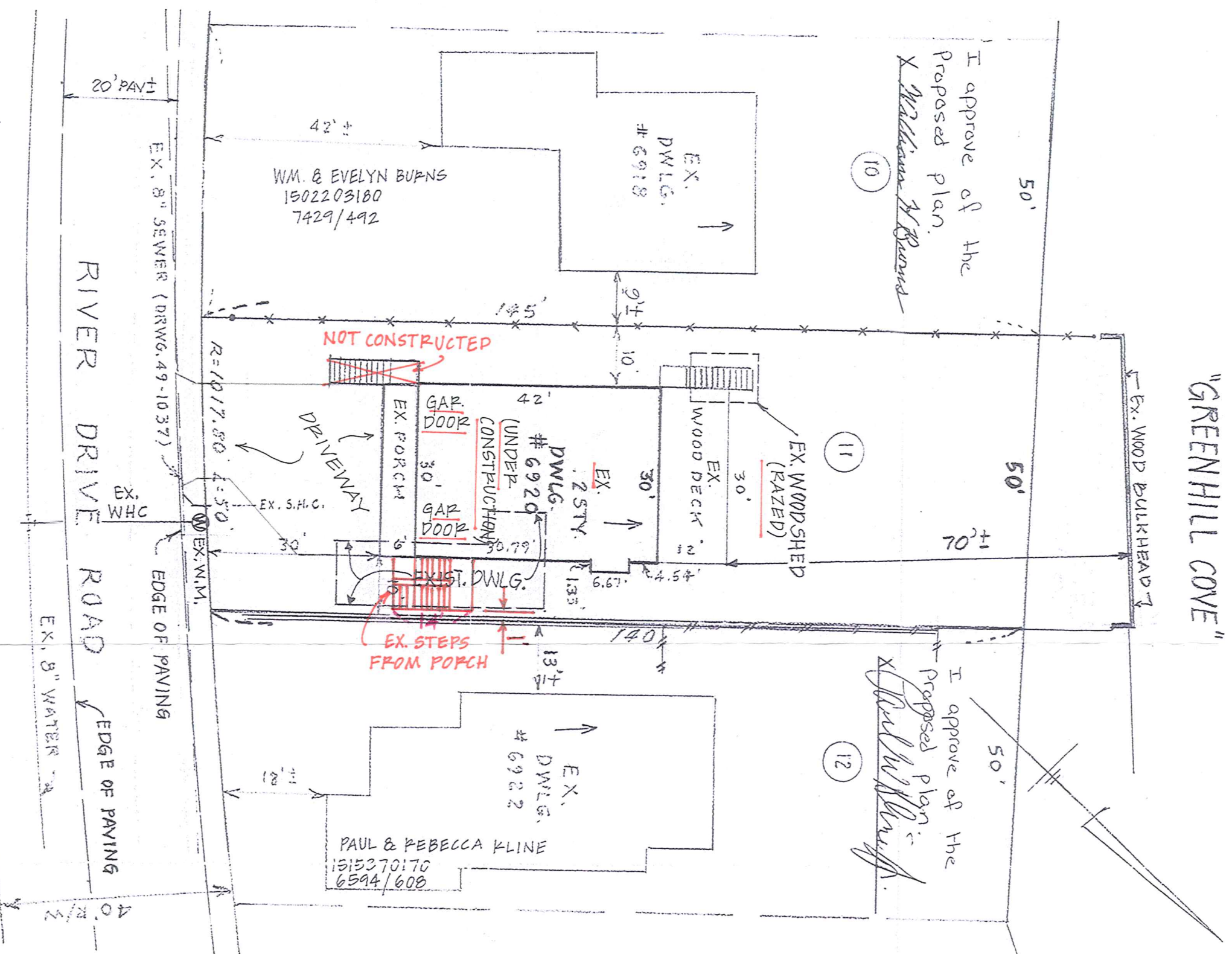
TAX MAP: 111 GRID: 5 PARCEL: 141

TAX ACCT. NO. 1519580510

DEED REF.: 32173/138

RAZING PERMIT NO. B784881
BLDG. PERMIT NO. B784953

(ORIGINAL DWLG. HAS BEEN RAZED)
(PROPOSED REPLACEMENT DWLG. IS UNDER
CONSTRUCTION) IN COMPLIANCE WITH B.C.Z.P.
FOR THE PRINCIPLE DWLG. NO VARIANCE OR
USLA NEEDED-ADJACENT PROPERTY OWNERS
SIGNED THE PROPOSED PLAN IN APPROVAL.



OWNER:

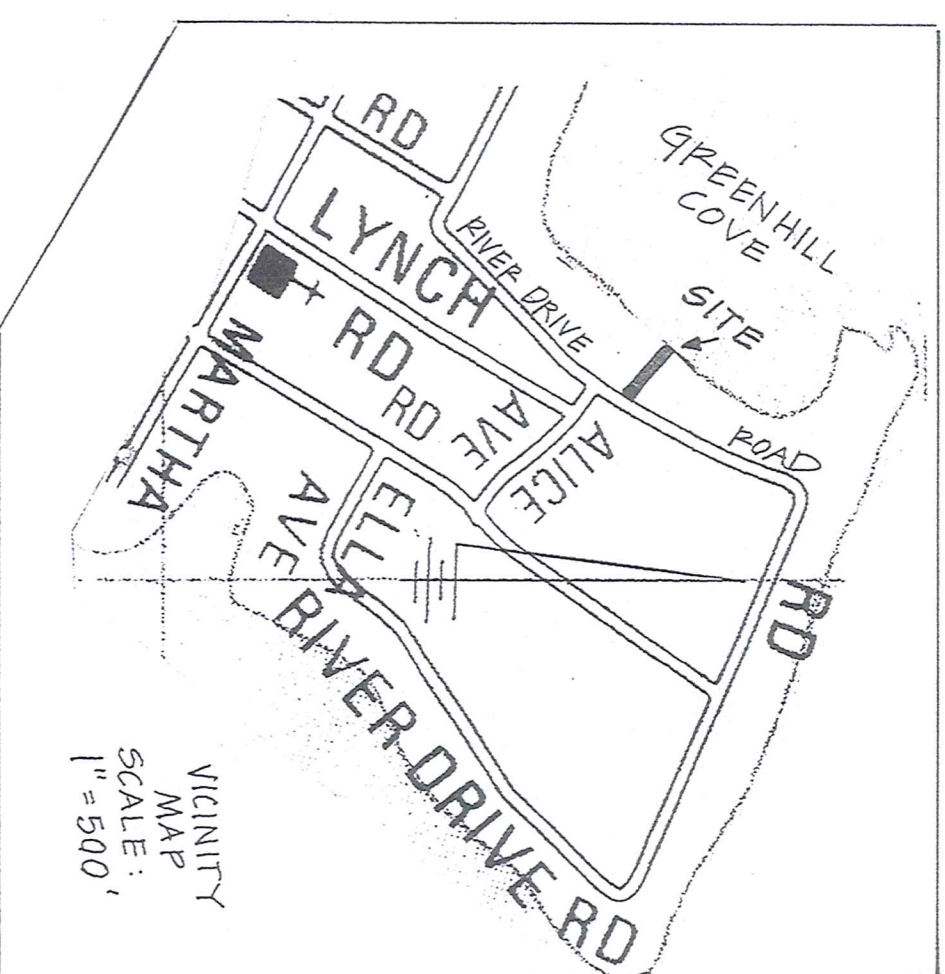
Harold Snyder
1006 Seamount Road
Bel Air MD 21015
Tax Acct. #1519580510
Tax Map: 111 Grid: 5 Parcel: 141
Deed Ref.: 10206/300

Contact Purchaser:

Barry Koluch
443-865-2467

GENERAL NOTES:

1. Lot Area: (per field evidence) 8000 S.F. or 0.183 Ac +/-
2. Existing Zoning: D.R.5.5 (111C1)
3. Existing use: Single Family Dwelling (SFD)
4. Proposed Use: Single Family Dwelling (Replacement)
5. Existing Public Water and Sewer house connections
6. Located within The Chesapeake Bay Critical Area (LDA)
7. Located within 100 Year Flood Plain Area
8. Community Panel No. 240010 0555 F Zone: "AE"
9. Not located within an Historic Area
10. No prior zoning action for undersized lot approval on this site and no adjacent ownership with the adjacent lots for the last 6 years.
11. Existing Lot Coverage: 508 S.F. (6%)
12. Allowable Lot Coverage is 25% + 500 S.F. = 2500 S.F.
13. Proposed Lot Coverage: Proposed House and Driveway: 2291 S.F. (28%)



ZONING HEARING PLAN FOR VARIANCE

#6920 RIVER DRIVE ROAD
LOT 11 BLOCK "L"
"LYNCH POINT" 8/38
ELECTION DISTRICT NO. 15 C7
BALTIMORE, MD
SCALE: 1" = 20'

8/30/2012 JOB #10049

2013-0050-1A

