

KEVIN KAMENETZ
County Executive

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

February 4, 2015

David Zichos 9131 Avondale Road Baltimore, Maryland 21234

RE: Petition for Variance

Property: 1200 Burke Road Case No. 2015-0128-A

Dear Mr. Zichos:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure

Bernadette Moskunas, 200 E. Joppa Road, Towson, Maryland 21286

IN RE: PETITION FOR VARIANCE
(1200 Burke Road)
15th Election District

15<sup>th</sup> Election District 6<sup>th</sup> Council District David Zichos Petitioner BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

**BALTIMORE COUNTY** 

CASE NO. 2015-0128-A

### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§1A04.3.A, 1A04.3.B.1.b and 400: (1) to permit a proposed replacement single family dwelling with a height of 42 ft., a side yard setback of 24 ft. and a building to centerline of a road setback of 66 ft. in lieu of the required 35, 50 & 75 ft., respectively; and (2) to permit a detached accessory structure (pool) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioner's Exhibit 1.

David Zichos appeared at the hearing with Bernadette Moskunas from Site Rite Surveying, the firm that prepared the site plan. There were no interested citizens in attendance at the hearing. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS), the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

ORDER RECEIVED FOR FILING

By SU

The subject property is approximately 1.19 acres and is zoned RC5. The property is improved with a single family dwelling that was destroyed by fire, 2+ years ago. Petitioner proposes to construct a new dwelling on the property, but requires variance relief to do so.

To obtain variance relief requires a showing that:

(1) The property is unique; and

(2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. The property is larger than surrounding lots and has an irregular shape, similar to an arrow head. As such, it is unique. If the B.C.Z.R. were strictly interpreted Petitioner would experience a practical difficulty, given he would be unable to construct an appropriate dwelling on the lot. 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. This is demonstrated by the lack of County and/or community opposition. In addition, both of the adjoining neighbors indicated they "fully support" the proposal. Exhibit 4.

THEREFORE, IT IS ORDERED, this 4th day of February, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §§1A04.3.A, 1A04.3.B.1.b and 400: (1) to permit a proposed replacement single family dwelling with a height of 42 ft., a side yard setback of 24 ft. and a building to centerline of a road setback of 66 ft. in lieu of the required 35, 50 & 75 ft., respectively; and (2) to permit a detached accessory structure (pool) to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED.

2

		ED FOR FILING
Date 2	4	15
Ву	20	n

The relief granted herein shall be subject to the following:

- 1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
- 2. Prior to issuance of permits, Petitioner must comply with the Chesapeake Bay Critical Area regulations.
- 3. Prior to issuance of permits, Petitioner must contact the Department of Public Works (DPW) to determine the applicable flood protection elevation for the site.

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:sln

ORDER RECEIVED FOR FILING

By\_





				ZONING HEARING(S)
ままままま (国別+内別部)				nt of Permits, Approvals and Inspections
				of Baltimore County for the property located at:
	Address 20	O Burke	Foaa	which is presently zoned PC5
	Deed Reference			10 Digit Tax Account # 5 1 1 0 0 1 5 4 0
	Property Owner	(s) Printed Na	ime(s) David Z	- Mis
(SEL	ECT THE HEARING	(S) BY MARKING	3 X AT THE APPROPR	RIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
The und				Baltimore County and which is described in the description le a part hereof, hereby petition for:
	special Hearing e Zoning Commi			g Regulations of Baltimore County, to determine whether
2a S	Special Exception	on under the Z	oning Regulations	of Baltimore County to use the herein described property for
3 <u>X_</u> a V	/ariance from Se	ection(s)	e attached	
		SE	e allached	
				coning law of Baltimore County, for the following reasons:
				r indicate below "TO BE PRESENTED AT HEARING". If
you nee			add an attachmer	
	4	o be pres	ented at heav	nny "
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Property is to	be posted and adve	rtised as prescrib	ed by the zoning regular	tions.
and restriction	ns of Baltimore Coun	ity adopted pursu	), advertising, posting, e ant to the zoning law for	tc. and further agree to and are to be bounded by the zoning regulations Baltimore County.
	r(s) Affirmation: I / v subject of this / these		declare and affirm, und	der the penalties of perjury, that I / We are the legal owner(s) of the property
which is the s	subject of this / these	retuon(s).		
<b>Contract F</b>	Purchaser/Less	ee:		Legal Owners (Petitioners):
				David Zichoc
Name- Type	or Print			Name #1 – Type or Print Name #2 – Type or Print
				Paul (Ziho)
Signature				Signature #1 Signature # 2
				9131 Avondale Poad Balt, MD 21234
Mailing Addre	988	City	State	Mailing Address City State
	1	1		21234,443-463-5215,
Zip Code	Telephone #	Ema	all Address NG	Zip Code Telephone # Email Address
Attorney f	or Petitioner:	WED FO	OR FILING	Representative to be contacted:
	SER RE	CELLIE		Bernadette Moskunas Site Rite Surveying, In
Name- Type	or Brint	MIL		Name - Type, or Pylint
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Signature	Date	nun		Signature
		- Janes		200. E. Joppa Road Towson, MD
Mailing Addre	ess by	City	State	Mailing Address City State
	1			21286, 410 828 9060, siterific@ad.com
Zip Code	Telephone #		all Address	Zip Code Telephone # Email Address
CASE NUMB	ER 2015-012	28-A FI	ling Date 12,10 (4	Do Not Schedule Dates: Reviewer

### VARIANCE REQUEST

Sections 1A04.3.A, 1A04.3.B.1.b, and 400.1 – to permit a proposed replacement single family dwelling with a height of 42 feet, a side yard setback of 24 feet, and a building to centerline of a road setback of 66 feet, in lieu of the required 35, 50, and 75 feet, respectively; and to permit a detached accessory structure (pool) to be located in the front yard in lieu of the required rear.

Item #0128

### ZONING PROPERTY DESCRIPTION #1200 BURKE ROAD ZICHOS PROPERTY

BEGINNING on the south side of Burke Road which is 30 feet wide at the distance of 1090 feet, more or less, east of the center line of Cold Spring Road which is 30 feet wide. Being Lot No. 107 in the subdivision of "Bowleys Quarters" as recorded in Baltimore County Plat Book No. 7, folio 12, containing 1.19 acres and located in the 15<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.



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

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

FILE: ZICHOS.DOC\2014 ZONING DESC

Item # 0128

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# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/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 legal owner/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:
Case Number: 2015-0128-A  Property Address: 1200 Burke Poad
Property Description:
Legal Owners (Petitioners): DAVIA ZVENOS  Contract Purchaser/Lessee: N/A
PLEASE FORWARD ADVERTISING BILL TO:  Name: Dank 21265
Company/Firm (if applicable): 11/6  Address: 9131 Avandale Poaa  Balthwore, Mo 21234
Telephone Number: 443 - 463 - 5215

CERTIFICATE OF POSTING

	CASE NO: 2015-0128-A	
	PETITIONER/DEVELOPER	• .
	SITE RITE SURVEYING INC	
	DATE OF HEARING/CLOSING:	
	2/2/15	
PERMITS A	RE COUNTY DEPARTMENT OF AND DEVELOPMENT MANAGEMENT OFFICE BUILDING,ROOM 111 CHESAPEAKE AVENUE	
TTENTIO	N:	
ADIES AN	TD GENTLEMEN:	
	ER IS TO CERITFY UNDER THE PENALTIES OF PERJUR Y SIGN(S)REQUIRED BY LAW WERE POSTED CONSPIC Y AT	
AUX EXT	1200 BURKE ROAD	
HIS SIGN(	S)WERE POSTED ON James 13, 2015 (MONTH, DAY, YEAR)	
	SINCERELY, Martin de 1/13/15	
	SIGNATURE OF SIGN POSTER AND DATE:	
	MARTIN OGLE (SIGN POSTER)	
	60 CHELMSFORD COURT	
	BALTIMORE,MD 21220	
	(ADDRESS)	
	PHONE NUMBER:443-629-3411	



malingle 1/13/15



501 N. Calvert St., P.O. Box 1377 Baltimore, Maryland 21278-0001 tel: 410/332-6000 800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 2957150

### **Sold To:**

David Zichos - CU00405240 9131 Avondale Rd Parkville, MD 21234

#### **Bill To:**

David Zichos - CU00405240 9131 Avondale Rd Parkville, MD 21234

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jan 13, 2015

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

#### 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: # 2015-0128-A

Case: # 2015-0128-A
1200 Burke Road
5/s Burke Road, 1060 ft. e/of centerline Cold Spring Road
15th Election District - 6th Councilmanic District
Legal Owner(s) David Zichos
Variance: to permit a proposed replacement single family
dwelling with a height of 42 feet, a side yard setback of 24
feet, and a building to centerline of a road setback of 66
feeet, in lieu of the required 35, 50 and 75 feet respectively,
and to permit a detached accessory sstructure (pool) to be
located in the front yard in-lieu of the required rear yard.
Hearing: Monday, February 2, 2015 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 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.

J. 17683 Jan. 13

JT 1/683 Jan. 13



KEVIN KAMENETZ County Executive December 29, 2014

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

### 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: 2015-0128-A

1200 Burke Road S/s Burke Road, 1090 ft. e/of centerline Cold Spring Road 15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District Legal Owners: David Zichos

Variance to permit a proposed replacement single family dwelling with a height of 42 feet, a side yard setback of 24 feet, and a building to centerline of a road setback of 66 feet, in lieu of the required 35, 50 and 75 feet respectively, and to permit a detached accessory structure (pool) to be located in the front yard in lieu of the required rear yard.

Hearing: Monday, February 2, 2015 at 1:30 p.m., Rm. 205, Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

Arnold Jabion Director

AJ:kl

C: David Zichos, 9131 Avondale Road, Baltimore 21234 Bernadette Moskunas, 200 E. Joppa Road, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 13, 2015.

(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, January 13, 2015 Issue - Jeffersonian

Please forward billing to:

David Zichos 9131 Avondale Road Baltimore, MD 21234 443-463-5215

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CASE NUMBER: 2015-0128-A

1200 Burke Road

S/s Burke Road, 1090 ft. e/of centerline Cold Spring Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: David Zichos

Variance to permit a proposed replacement single family dwelling with a height of 42 feet, a side yard setback of 24 feet, and a building to centerline of a road setback of 66 feet, in lieu of the required 35, 50 and 75 feet respectively, and to permit a detached accessory structure (pool) to be located in the front yard in lieu of the required rear yard.

Hearing: Monday, February 2, 2015 at 1:30 p.m., Rm. 205, Jefferson Building, 105 W. 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.

RE: PETITION FOR VARIANCE 1200 Burke Road; S/S Burke Road, 1090' E Of the c/line Cold Spring Road 15th Election & 6th Councilmanic Districts Legal Owner(s): David Zichos Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

**HEARINGS FOR** 

**BALTIMORE COUNTY** 

2015-128-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.

RECEIVED

DEC 16 2014

Peter Max Zummerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

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 16th day of December, 2014, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, Site Rite Surveying, Inc, 200 E. Joppa Road, Towson, Maryland 21286, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

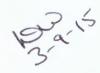
Peter Max Zummerman

Case No.:

# 2015-0128-A

Exhibit Sheet

Petitioner/Developer



SLR 2-H-15

Protestants

No. 1	Site plan
No. 2	
110.2	Photos
No. 3	Plat - Bowley's Quarters
No. 4	Plan signed by neighbors
No. 5	
No. 6	
No. 7	
No. 8	
No. 9	
No. 10	
No. 11	
No. 12	









EXHIBIT NO.\_\_\_\_









### MEMORANDUM

DATE:

March 9, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0128-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 6, 2015. 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

### PLEASE PRINT CLEARLY

CASE NAME 1200 Burke Poad CASE NUMBER 2015-0128-A DATE 2/2/2015

## PETITIONER'S SIGN-IN SHEET

ADDRESS	CITY, STATE, ZIP	E- MAIL
teRite) 200 E. Joppa Poad Rm. 107		sitevite inca aol. com
9131 Avondale Rd	Parkville, MD 21234	david Zictos@ Yahoo.com
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	,	
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	teRite) 200 E. Joppa Poad Rm. 107	teRite) 200 E. Joppa Poad Rm.101 Towson, MD 21286

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earch Result for BALTIMO	PRE COUNTY						teritorios (administrativo de la constante de		
View Map V	iew GroundRent Re	demption			View	GroundRent R	egistratio	n	
Account Identifier:	District - 15	15 Account Number - 1511001540							
		Owner Inf							
Owner Name: Mailing Address:	ZICHOS DAV			e: ncipal Res		RESIDE NO /35058/			
Mailing Address.	BALTIMORE				106.	7330307	00233		
Premises Address:	1200 BURKE BALTIMORE Waterfront	RD		gal Descri	ption:	1200 B	URKE RD	DTEDE	
Map: Grid: Parcel:	Sub Subdiv	vision: Se	ction:	Block:	Lot:	Assessment	Plat	1	
0098 0004 0004	0000				107	Year: 2015	No: Plat Ref:	0007/ 0012	
Special Tax Areas:		Ac	wn: I Valore x Class			N	ONE		
Built	Above Grade Enclos Area 1,650 SF		Finished Basement Area		1	Property Land Area 1.1900 AC		County Use 34	
	Type STANDARD UNIT	Exterior FRAME Value Info	1 full	alf Bath	Gara 1 Ca		lajor Ren	ovation	
	Dana Value			'11	Divers				
	Base Value	Val As	of		As of	-in Assessme	nts As of		
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Land:	299,900		9,900						
Improvements Total:	2,600	2,6			202 50		202 500		
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	-	Transfer In	format	ion			-		
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Seller: KALWA GEORGE Type: NON-ARMS LENG	EW	Date: 08/29		726	***************************************	Price: \$0 Deed2:		Marca Martin Company (Company)	
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Municipal:	000			00.00		0.00 0.0	10		
Tax Exempt: Exempt Class:		Special Ta	x Reca	pture:					

Address: 1200 Burke Road Parcel: 15-11-001540

AFTER RECORDING, PLEASE RETURN TO: Residential Title & Escrow 100 Painters Mill Road Ste 100 Owings Mills, MD 21117

### SUBSTITUTE TRUSTEES' DEED

This Deed, is made this \_\_\_\_\_\_ day of June, 2014, by and between William M. Savage, Sole Acting Substitute Trustees, hereinafter referred to as party of the first part and David Zichos, hereinafter referred to as "Grantee";

WHEREAS, by virtue of an Appointment of Substitute Trustee recorded among the Land Records of Baltimore County, the party of the first part was appointed Substitute Trustee to make sale of the hereinafter described property;

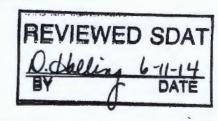
WHEREAS, by virtue of said Appointment of Substitute Trustee, any Substitute Trustee may act independently of the other.

WHEREAS, default having occurred under the terms of a certain Deed of Trust from George W. Kalwa dated December 5, 2007and recorded among the Land Records of Baltimore County, Maryland in Liber 26495 Folio 531said Substitute Trustee, in exercise of the power of sale conferred by said Deed of Trust, and pursuant to foreclosure proceedings filed in the Circuit Court for Baltimore County as Case No. 03-C-13-010095, first having posted bond for the faithful performance of their trust, and after having given prior notice of the time, place, manner and terms of sale by advertisement placed once a week for three successive weeks in a newspaper published in Baltimore County, Maryland, at a public sale held at the Circuit Court for Baltimore County located at 401 Bosley Avenue on December 5, 2013 did sell the property described in said Deed of Trust, to TMP, LLC, for the sum of \$201,000.00, it being the highest and best bidder at said public sale;

WHEREAS, by Order dated February 27, 2014 the Circuit Court for Baltimore County, Maryland granted a Motion to Substitute David Zichos ("Substituted Purchasers") as Purchaser in the aforementioned

WHEREAS, the aforesaid public sale has been duly reported to, and ratified and confirmed by, the Circuit Court for Baltimore County, Maryland, and purchase money of \$201,000.00, as aforesaid, has been fully paid and satisfied to the Substitute Trustee, said Substitute Trustee is now authorized by said Decree to execute these presents.

THIS IS A FORECLOSURE DEED



NOW, THEREFORE, THIS DEED WITNESSETH, that the said party of the first part, Substitute Trustee, as aforesaid, for and in consideration of the premises, and the sum of \$201,000.00, current money, paid by the said Purchaser at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by the aforesaid parties, do grant unto the said Purchaser, its successors and assigns, in fee simple, all of their interest in those pieces or parcels of land, together with the improvements, easements and appurtences thereunto belonging situate, namely:

SEE ATTACHED LEGAL DESCRIPTION

And further known as 1200 Burke Road

Subject to restrictions, covenants and easements of record.

Witness the hand and sear of the said Substitute Trustee.

William M. Savage, Sole Acting Trustee

STATE OF VICTINIA

OF PRINCE WILLIAM ) SS.

I, Michael Caine, a Notary Public in and for the aforesaid jurisdiction do hereby certify that the above Substitute Trustee, creating personally appeared before me in said jurisdiction, being personally well known to me or satisfactorily proven to me as the person who executed this Deed and acknowledged the same to be their intentional act and deed.

executed this D

Given under my hand and seal this

5 day of\_

une ,2014

Notary Public 7535482

My Commission Expires: 05/31/2016

This instrument was prepared under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice pefore the Court of Appeals of Maryland.

Attorney

Shawn A. Goldfaden

### **LEGAL DESCRIPTION**

BEING all that lot of ground situate in the Fifteenth Election District of Baltimore County, being Lot 107 as shown on Plat #1 of Bowley's Quarter which plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. 7, folio 12. See also Land Installment Contract between the parties hereto dated July 22, 1957 recorded in G.L.B. 3220, folio 108. The Improvements thereon being known as 1200 Burke Road.

## 0035058 23bi

### State of Maryland Land Instrument Intake Sheet Baltimore City County: Baltimore ☐ Baltimore City

Information provided is for the use of the Clerk's Office, State Department of

	Assessments and Taxation, and Co (Type or Print in Black Ink Only - A			INP FD SURE 44 RECORDING FEE 2
Type(s) of Instruments	Deed Mortgage Deed of Trust Lease	Other:	H	TR TAX STATE 1.08
2 Conveyance Type	Improved Sale Unimprov		Not an Arms-	Rest BAB3 Ropt # 19 JLE BC Blk # 61
Check Box  3 Tax Exemptions	Arms-Length Arms-Ler	ngth Arms-Length [3]	Length Sale [9]	Jun 11, 2014 01:
(if Applicable) Cite or Explain	State Transfer County Transfer	Orly		Space Reserved for Circuit Court Clerk Recording Violation
Authority 4	Consideration	Amount	NA NOOF WARE	nce Office Use Only
	Purchase Price/Consideration	\$201,000.00	Transfer and F	Recordation Tax Consideration
Consideration	Any New Mortgage  Balance of Existing Mortgage		Transfer Tax Considerati	ion
and Tax	Other		Less Exemption Amount	. 5
Calculations	Other		Total Transfer Tax  Recordation Tax Consider	= \$ 30/9.00
			X( )%	- \$ 1005.00
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Maximum of 40 characters	Other Prop	erty Identifiers (if applicable)	ic Kiru, MD 21220	Water Meter Account No.
will be indexed in accordance with the priority cited in Real	Residential or Non-Residential	Fee Simple or Ground	Pent   Amount	
Property Article Section	Partial Conveyance? DYes B No.			
3-104(g)(3)(i).	If Partial Conveyance, List Improvement		1 5 Doc 2	Grantor(s) Name(s)
Transferred From	SHAPIRO & BURSON			
	Doc. 1 - Owner(s) of Records, II, D	interent from Grantor(s)	Doc. 2 - Owner(s) or R	tecord, if Different from Grantor(s)
8 Transferred	David Zichos	s) Names	Doc. 2	Grantee(s) Name(s)
To	Divid Zionos			
	9131 Avon	New Owner's Grante	Salt MI	21234
9	Doc. 1 - Additional Names to b	e Indexed (Optional).	Doc. 2 Additional	Names, to be Indexed (Optioned).
Other Names to be Indexed				
10	Instrument S	ubmitted By or Contact Person	2 . T. S M. A	Return to Contact Person
Contact/Mail Information	Name: Stacy Tyler Firm: Residential Title & Escrow	v Company		Hold for Pickup
	Address: 100 Painters Mill Road, #2 Phone: 410-653-3400	200, Owings Mills, MD 21117		X Return Address Provided
Space Reserved for		BOTH THE ORIGINAL DEED	AND A PHOTOCOPY MU	UST ACCOMPANY EACH TRANSFER
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## CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
124944	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	<u>C</u>
1/30/15	DEPS (if not received, date e-mail sent)	
12/15/14	FIRE DEPARTMENT  PLANNING (if not received, date e-mail sent)  STATE HIGHWAY ADMINISTRATION  TRAFFIC ENGINEERING	NO Obj
	COMMUNITY ASSOCIATION  ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	TON (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	VERTISEMENT         Date:         1/13/15           Date:         1/13/15	by OOR
	SEL APPEARANCE Yes No D SEL COMMENT LETTER Yes No D	
Comments, if any:		





### Guide to searching the database

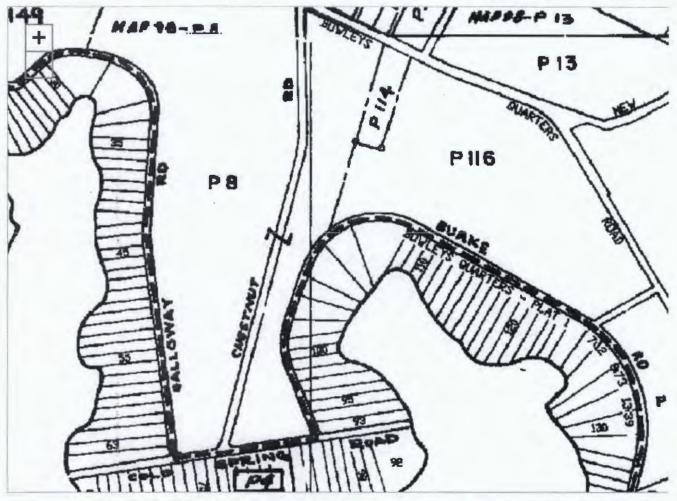
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### **Baltimore County**

New Search (http://sdat.resiusa.org/RealProperty)

District: 15 Account Number: 1511001540



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 (http://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 (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml)



(http://imsweb05.mdp.state.md.us/website/mosp/)

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KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits.
Approvals & Inspections

January 27, 2015

David Zichos 9131 Avondale Road Baltimore MD 21234

RE: Case Number: 2015-0128 A, Address: 1200 Burke Road

Dear Mr. Zichos:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 10, 2014. 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,

U. Cal Rishall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

**Enclosures** 

c: People's Counsel

Bernadette Moskunas, Site Rite Surveying Inc., 200 E Joppa Road, Towson MD

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



James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 12/15/14

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

RE: Baltimore County

Item No 2015-0128-A

Variance

David Ziches

1200 Burke 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. 2015 - DIZE-A

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief/ Development Manager

Access Management Division

SDF/raz

### BALTIMORE COUNTY, MARYLAND

### **Inter-Office Correspondence**

RECEIVED



JAN 30 2015

OFFICE OF ADMINISTRATIVE HEARINGS

TO:

1 . . .

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:

January 30, 2015

SUBJECT:

DEPS Comment for Zoning Item

# 2015-0128

Address

1200 Burke Road

(Zichos Property)

Zoning Advisory Committee Meeting of February 2, 2015.

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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 (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to construct a replacement dwelling with greater height than allowed and reduced setbacks, a garage, a covered patio, and a pool to be located in the front yard. The lot is waterfront and has a dwelling, two accessory structures, a driveway, and a pier. They are proposing to remove the dwelling and accessory structures. Existing lot coverage is 2,717 square feet. The lot maximum coverage limit for this property is 15%, (7,775 square feet); proposed lot coverage is 7,767 square feet. The new pool and patio will be partially within the 100-foot buffer. The BMA requirements must be addressed for the new construction within the buffer. The LDA afforestation requirement for this property is 16 trees; any existing trees to remain can count towards this requirement. If the BMA and afforestation requirements will be met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

Lot coverage is proposed just below the maximum limit. No future structures or lot coverage will be permitted without removal of existing lot coverage to ensure the maximum is not exceeded. The dwelling and garage will be outside of the 100-foot buffer. So long as the BMA and afforestation requirements are met, it will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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;

If the BMA and afforestation requirements will be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger Date: January 30, 2015

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: January 5, 2015

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

1200 Burke Road

RECEIVED

JAN 07 2015

INFORMATION:

15-128

15-128

Petitioner:

Item Number:

Bernadette Moskunas

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning:

RC 5

**Requested Action:** 

Variance

### SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request, accompanying site plan, and architectural drawings and has no objection to this proposal. The applicant is requesting variance relief from BCZR Sections 1A04.3.A, and 1A04.3.B.1.b, for certain height and setback relief for a proposed replacement single family dwelling on an RC 5 zoned lot of as well as from Section 400.1 to permit an accessory structure (pool) to be located in the front yard in lieu of the rear yard.

The elevation drawings provided by the petitioner show a dwelling that appears to be larger than most of the existing dwellings on Burke Road. However, the petitioner's 1.2 acre lot is much larger than the typical lot on Burke Road, and only 8.2 percent of the lot will be covered by buildings. Additionally, the proposed road setback for the dwelling appears to be adequate for this property, and the proposed side setbacks for the dwelling are much greater than the typical side setbacks for existing dwellings on Burke Road.

The exterior of the proposed dwelling uses the same materials and architectural details on the front, side and rear elevations. However, the elevation drawings on the site plan show only one side elevation. The elevations for both sides should be consistent with respect to exterior materials and details. The proposed garage is designed at a scale appropriate to the dwelling and exhibits the same architectural theme as the dwelling.

The Department of Planning finds that the proposed dwelling is compatible with the newer waterfront dwellings on Burke Road, and the proposal meets the RC5 performance standards per BCZR Section 1A04.4 provided both side elevations are consistent with respect to exterior materials and details.

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

**Division Chief:** 

AVA/LL

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 19, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 19, 2014 Item No. 2015-0128

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

Prior to building permit application the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation, so that the floor elevation can be set.

DAK:CEN cc:file

ZAC-ITEM NO 15-0128-12192014.doc

O ilings

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: January 5, 2015

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

1200 Burke Road

INFORMATION:

Item Number:

15-128

Petitioner:

Bernadette Moskunas

Zoning:

RC 5

**Requested Action:** 

Variance

### SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request, accompanying site plan, and architectural drawings and has no objection to this proposal. The applicant is requesting variance relief from BCZR Sections 1A04.3.A, and 1A04.3.B.1.b, for certain height and setback relief for a proposed replacement single family dwelling on an RC 5 zoned lot of as well as from Section 400.1 to permit an accessory structure (pool) to be located in the front yard in lieu of the rear yard.

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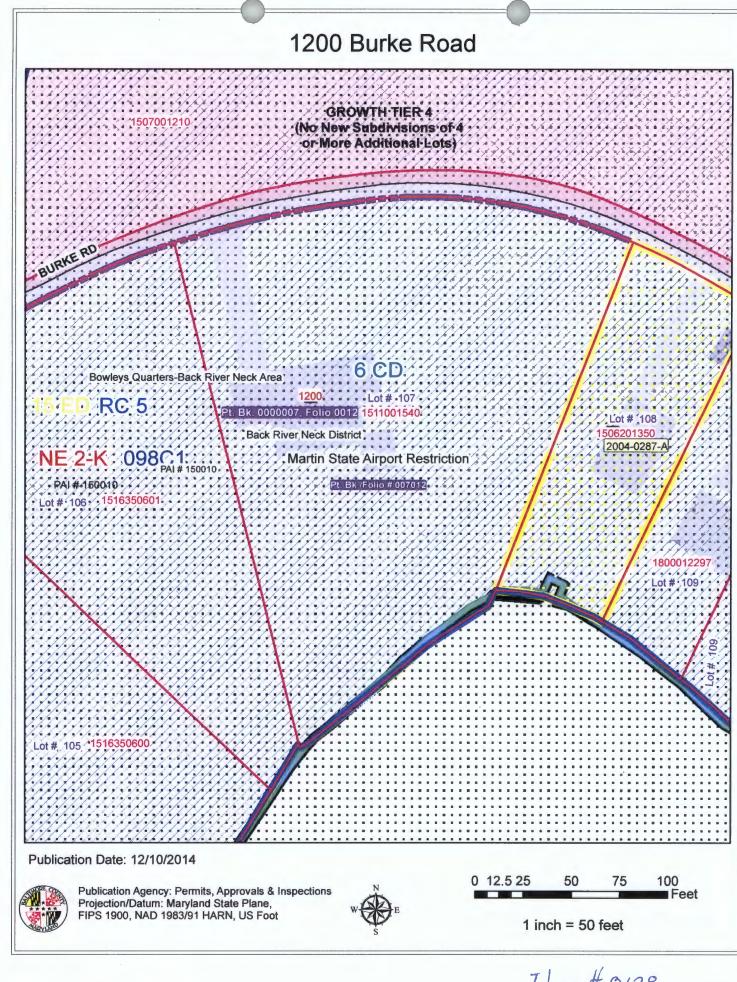
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For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-

3480.

**Division Chief:** AVA/LL



Item # 0128

### **Elevations and Flood Hazards** 1507001210 **GROWTH TIER 4** (No New Subdivisions of 4 or More Additional Lots) BURKE RD FLOOD ZONE: 0.2 PCT ANNUAL CHANCE FLOOD HAZARD (NEW) FLOOD ZONE: AE (NEW 6 CD Chesapeake Bay Critical Area Bowleys Quarters-Back River Neck Area 1200 Lot # 107 FLOOD ZONE: AE (OVO BCR) **B** RC 5 1511001540 Lot # 108 Pt. Bk. 0000007, Folio 0012 1506201350 Back River Neck District 2004-0287-A NE 2-K PAI # 150010 098C1 3.8 Pt. Bk./Folio # 007012 PAI # 150010 Lot # 106 1516350601 1800012297 Lot # 109 Lot # FLOOD ZONE: AE (NEW) 1516350600 Lot # 105 Publication Date: 12/10/2014 0 12.5 25 100 50 75 Publication Agency: Permits, Approvals & Inspections

Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

1 inch = 50 feet

