

MEMORANDUM

DATE: December 22, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0083-A- Appeal Period Expired

The appeal period for the above-referenced case expired on December 21, 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

IN RE: PETITION FOR VARIANCE
(6023 Lorely Beach Road)
11th Election District
6th Council District
David M. & Rose M. Kausch
Legal Owners
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2016-0083-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 David and Rose Kausch, owners of the subject property ("Petitioners"). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1A01.3 (B)(3): (1) to permit a proposed new house on a previously improved 50 ft. wide lot with a side setback of 10.3 ft. and a deck in the side yard with a setback of 6.3 ft. in lieu of the permitted 35 ft. and 26.5 ft. respectively; and (2) to permit an existing accessory structure screened/deck/porch in the front yard with a setback of 1 ft. 1 in. in lieu of the permitted rear yard and 2ft. 5 in. A site plan was marked as Petitioners' Exhibit 1.

Owners David and Rose Kausch and professional surveyor Keith Heindel, whose firm prepared the site plan, appeared in support of the petition. Jeffrey H. Gray, Esq., represented the Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS). That agency noted Petitioners must comply with the Critical Area regulations prior to issuance of permits.

The subject property is approximately 12,997 square feet and is zoned RC 2. The property

ORDER RECEIVED FOR FILING

Date 11/20/15
By SEN

is improved with a small single family dwelling constructed in 1952. Petitioners stated the property is in extremely poor condition and has mold contamination that cannot be remediated.

Petitioners propose to raze the structure and in its place construct a new single family dwelling.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The lot is narrow (50 ft.) and deep (approximately 265 ft.), and is shown on a plat recorded long before the adoption of the B.C.Z.R. As such it is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they will be unable to construct the single family dwelling as proposed. 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 Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 20th day of November, 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.") §1A01.3 (B)(3): (1) to permit a proposed new house on a previously improved 50 ft. wide lot with a side setback of 10.3 ft. and a deck in the side yard with a setback of 6.3 ft. in lieu of the permitted 35 ft. and 26.5 ft. respectively; and (2) to permit an existing accessory structure screened/deck/porch in the front yard with a setback of 1 ft. 1 in. in lieu of the permitted rear yard and 2ft. 5 in., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

11/20/15

By

den

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioners must comply with the Critical Area Regulations.

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

JEB:sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 11/20/15
By sln



CBCA

PETITION FOR ZONING HEARING(S)

F100D

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 6023 Loreley Beach Rd., White Marsh, Md. 21162 which is presently zoned RC-2

Deed References: 35157/364

10 Digit Tax Account # 11-20-000475

Property Owner(s) Printed Name(s) David M. Kausch and Rose M. Kausch

(SELECT THE HEARING(S) BY MARKING **X** 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. **x** a **Variance** from Section(s) 1A01.3(B)(3) 10.3' in lieu of 35' for side yard setback; 301.1(A) 6.3' in lieu of 26.5' for side yard setback first floor attached porch/deck; 400.1 to permit an accessory structure existing, in front yard of a single family dwelling 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)

on a water front property in lieu of the permitted rear yard; 400.1 1.1' in lieu of 2.5' existing accessory structure sideyard To be presented at hearing. setback.

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:

Jeffrey H. Gray

Name- Type or Print

Signature

16925 York Road, Suite A Monkton, Md.

Mailing Address City State

21111, 410-329-2104, jhgrayattorney@live.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

David M. Kausch, Rose M. Kausch

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 Signature #2

5596 Cedar Break Drive Centerville Va.

Mailing Address City State

20120, 571-259-4675, dave@Kauschs.com

Zip Code Telephone # Email Address

Representative to be contacted:

Attorney

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
11/20/15
DEN

CASE NUMBER 2016-0083-A

Filing Date 10/2/2016

Do Not Schedule Dates:

Reviewer u

**Zoning Property Description For
#6023 Loreley Beach Road
White Marsh, Maryland 21162
September 26, 2015**

Beginning at a point on the southwest side of Loreley Beach Road, which is 30 feet wide, at the distance of 927 feet± southeast of the centerline of Loreley Beach Road North, which is 30 feet wide; thence running the following courses,

- 1.) South 50 degrees 08 minutes 22 seconds East 50.21 feet; thence,
- 2.) South 23 degrees 28 minutes 52 seconds West 274.12 feet; thence,
- 3.) North 41 degrees 12 minutes 50 seconds West 53.28 feet; thence

4.) North 23 degrees 28 minutes 52 seconds East 265.51 feet to the point of beginning, being a part of the parcel of land as recorded in the following deed: Liber J.L.E. 35157 folio 364, etc., containing 12,997 square feet or 0.2984 acres, more or less. Located in the Eleventh Election District and Sixth Councilmanic District of Baltimore County, Maryland.



My License Expires 12/31/15.

The licensee either personally prepared this metes and bounds description or was in responsible charge over its preparation and the survey work reflected in it, all in compliance with requirements set forth in COMAR Regulation 09.13.06.12.

X:\Jobs\2014\2014220\Corr\Zoning Description~09212015.doc

2016-0083-A

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

No. **127393**

Date: **10/2/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DFM
 10/05/2015 10/02/2015 09:54:43 2
 REC 4802 WALKIN JENA JEE
 RECEIPT # 941847 10/02/2015 OFLN
 Desc 5 328 ZOWING VERIFICATION
 CA NO. 127393
 Recpt Tot 975.00
 1.00 CK 480.00 CA
 495.00 CB
 Baltimore County, Maryland

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

Total: **75.00**

Rec From: **J. Gray**

For: **6023 Lindley Beech Rd**

2016-0083-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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: _____

Petitioner: David M. Kausch and Rose M. Kausch

Address or Location: 6023 Loreley Beach Road, White Marsh, MD 21161

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jeffrey H. Gray

Address: 16925 York Road, Suite A

Monkton, MD 21111

Telephone Number: 410329-2104

2016-0083-A

6023 Loreley Beach Road



Publication Date: 9/24/2015



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



0 10 20 40 60 80 Feet

1 inch = 40 feet

2016-0083-A



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 3690293

Sold To:

Jeffrey H Gray Esq - CU00194441
16925 York Rd
MONKTON, MD 21111

Bill To:

Jeffrey H Gray Esq - CU00194441
16925 York Rd
MONKTON, MD 21111

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

Oct 29, 2015

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: # 2016-0083-A
6023 Loreley Beach Road

11th Election District - 6th Councilmanic District
Legal Owner(s) David & Rose Kausch

Variance: to permit a proposed new house on a previously improved 50 ft. wide lot with a side setback of 10.3 ft. and a deck in the side yard with a setback of 6.3 ft. in lieu of the permitted 35 ft. and 26.5 ft. respectively 2. To permit an existing accessory structure screened/deck/porch in the front yard with a setback of 1 ft. 1 in. in lieu of the permitted rear yard and 2 ft. 5 in.

Hearing: Thursday, November 19, 2015 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.

10/454 Oct. 29

3690293

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

Date: 10-30-15

RE: Case Number: 2016-0083-A

Petitioner/Developer: David Kausch

Date of Hearing/Closing: 11/19/15 10 AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6023 Loreley Beach Rd

The signs(s) were posted on 10/30/15
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2016-0083-A

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

JEFFERSON BUILDING - ROOM 300
TOWSON, MD

PLACE: 100 W. CHESAPEAKE AVE.

DATE AND TIME: THURSDAY, NOV. 19, 2015 10AM

REQUEST: VARIANCE TO PERMIT A PROPOSED NEW

HOUSE ADDITION TO EXISTING HOUSE

ON THE PROPERTY AT 100 W. CHESAPEAKE AVE.

TO BE HELD BY THE ZONING COMMISSIONER

OF THE CITY OF BALTIMORE

ON NOVEMBER 19, 2015 AT 10:00 AM

AT THE JEFFERSON BUILDING, ROOM 300

TOWSON, MD 21204

POSTPONENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMEWHAT NECESSARY

TO COME TO THE HEARING. UNDER PENALTY OF LAW

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KEVIN KAMENETZ
County Executive

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

October 19, 2015

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: 2016-0083-A

6023 Loreley Beach Road
11th Election District – 6th Councilmanic District
Legal Owners: David & Rose Kausch

Variance to permit a proposed new house on a previously improved 50 ft. wide lot with a side setback of 10.3 ft. and a deck in the side yard with a setback of 6.3 ft. in lieu of the permitted 35 ft. and 26.5 ft. respectively 2. To permit an existing accessory structure screened/deck/porch in the front yard with a setback of 1 ft. 1 in. in lieu of the permitted rear yard and 2 ft. 5 in.

Hearing: Thursday, November 19, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jeffrey Gray, 16925 York Road, Ste. A., Monkton 21111
David & Rose Kausch, 5596 Cedar Break Drive, Centerville VA 20120

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 30, 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
Thursday, October 29, 2015 Issue - Jeffersonian

Please forward billing to:

Jeffrey Gray
16925 York Road, Ste. A
Monkton, MD 21111

410-329-2104

NOTICE OF ZONING HEARING

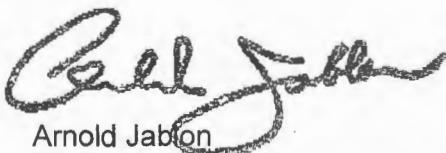
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Hearing: Thursday, November 19, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
6023 Loreley Beach Road; SW/S Loreley Beach		
Road, 927' SE c/line of Loreley Beach Road N*		OF ADMINSTRATIVE
11 th Election & 6 th Councilmanic Districts		
Legal Owner(s): David & Rose Kausch	*	HEARINGS FOR
Petitioner(s)	*	BALTIMORE COUNTY
	*	2016-083-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
OCT 08 2015

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of October, 2015, a copy of the foregoing Entry of Appearance was mailed to Jeffrey Gray, Esquire, 16925 York Rod, Suite A, Monkton, Maryland 21111, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PETITIONER'S

EXHIBIT NO.

2

EXHIBIT

PHOTOGRAPHS & INDEX MAP

ZONING HEARING

6023 LORELEY BEACH ROAD



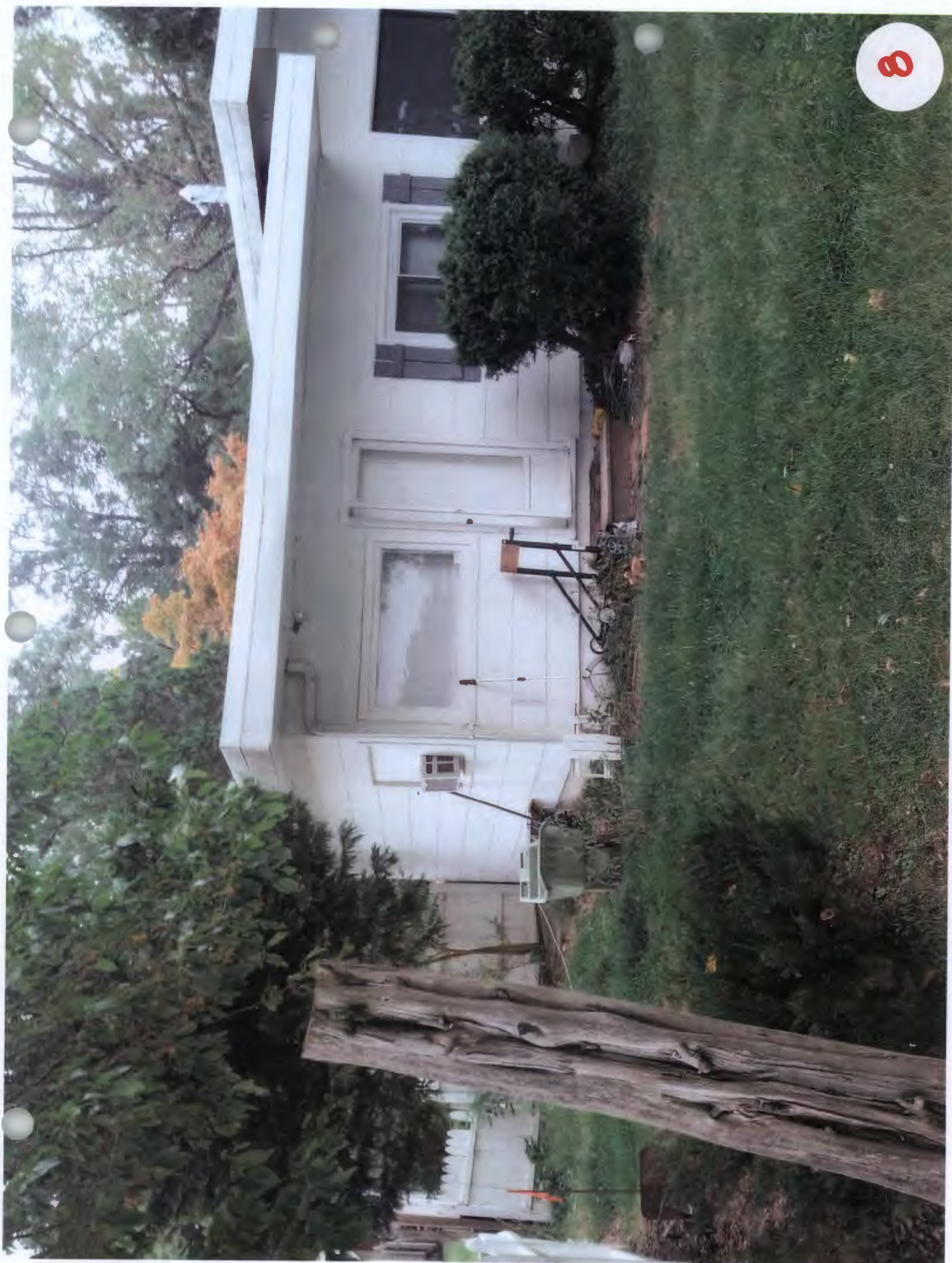
























51









Case No.: 2016-0083-A

Exhibit Sheet

D3
12-22-15

11-20-15
den

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	site photos w/ index map	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>10/22</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>10/19</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
	FIRE DEPARTMENT	
<u>10/28</u>	PLANNING (if not received, date e-mail sent _____)	<u>no obj</u>
<u>10/5</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

10/29/15

SIGN POSTING

Date:

10/30/15

by

Pilson

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

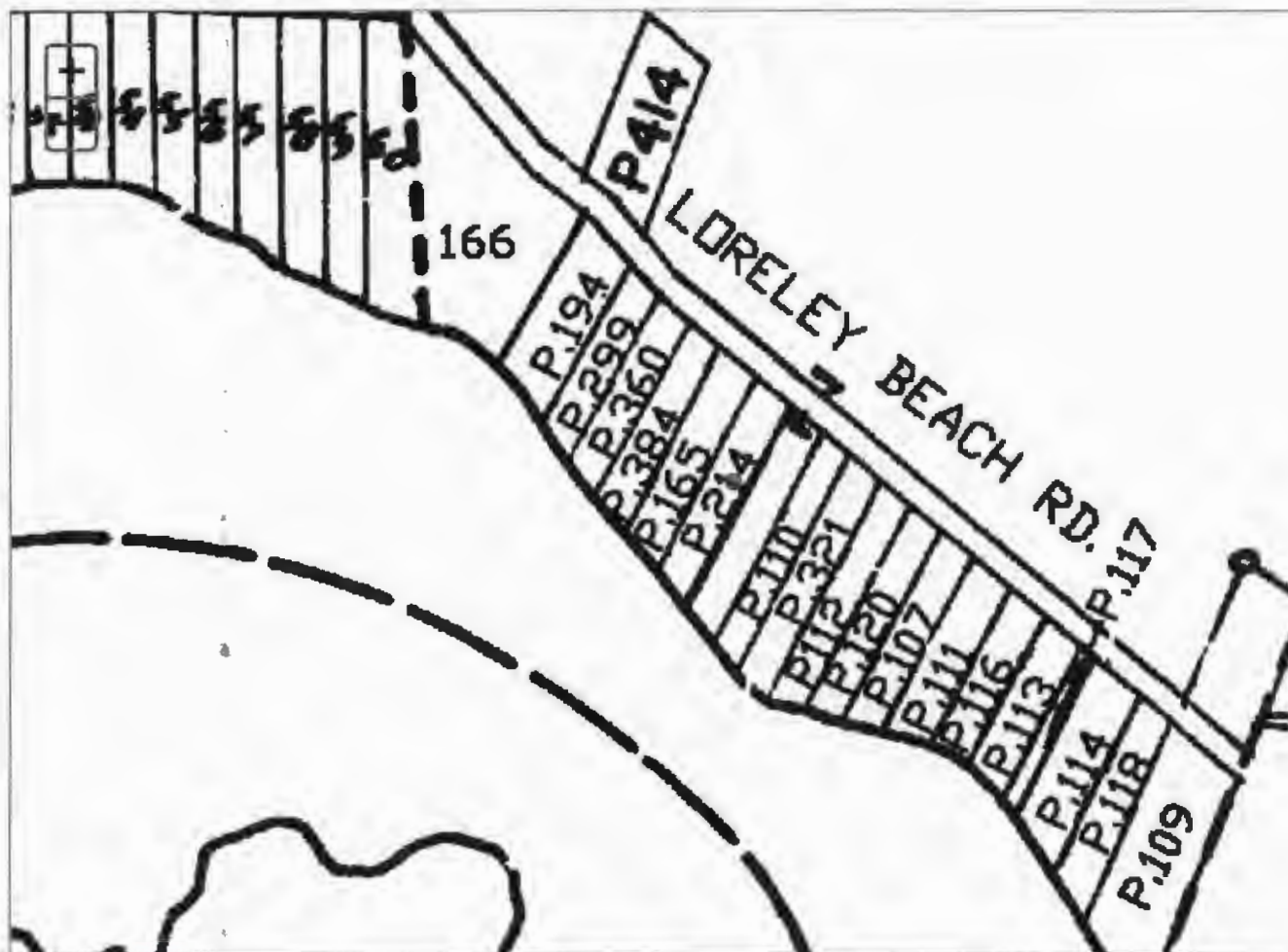
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 1120000475			
Owner Information					
Owner Name:		KAUSCH DAVID M KAUSCH ROSE M		Use: Principal Residence:	
Mailing Address:		5596 CEDAR BREAK DR CENTREVILLE VA 20120-		Deed Reference: /35157/ 00364	
Location & Structure Information					
Premises Address:		6023 LORELEY BEACH RD WHITE MARSH 21162-1607 Waterfront		Legal Description: 6023 LORELEY BEACH RD MOUNT ARARAT SHORES	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0073	0021	0214		0000	
				Assessment Year:	Plat No: Plat Ref:
				2015	
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1952	540 SF		13,770 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	FRAME	1 full	
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		102,400	102,400		
Improvements		41,600	47,400		
Total:		144,000	149,800	145,933	147,867
Preferential Land:		0			0
Transfer Information					
Seller: PULLEN EFFIE A		Date: 07/15/2014		Price: \$130,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /35157/ 00364		Deed2:	
Seller: ORBINO ARLENE M		Date: 05/28/2009		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /28144/ 00271		Deed2:	
Seller: TASE CLARENCE F,JR		Date: 09/14/1984		Price: \$60,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06784/ 00171		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty/>)

District: 11 Account Number: 1120000475



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.

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>).



KEVIN KAMENETZ
County Executive

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

November 10, 2015

David M. & Rose M. Kausch
5596 Cedar Break Drive
Centerville VA 20120

RE: Case Number: 2016-0083 A, Address: 6023 Loreley Beach Road

Dear Mr. & Ms. Kausch:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 2, 2015. 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: jaw

Enclosures

c: People's Counsel
Jeffrey H Grey, Esquire, 16925 York Road, Suite A, Monkton MD 21111

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 10/5/15

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

RE: Baltimore County
Item No. 2016-0083-A
Variance
David M. & Rose M. Kausch
6023 Loreley Beach 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. 2016-0083-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Richard Zeller', is written over the word 'Sincerely,'.

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: October 28, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6023 Loreley Beach Road

RECEIVED

INFORMATION:

Item Number: 16-083

Petitioner: David M. and Rose M. Kausch

Zoning: RC 2

Requested Action: Variance

NOV 03 2015

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for a Variance to allow a single family dwelling to have setbacks to the property line of 10.3 feet and 6.3 feet for an open projection in lieu of the required 35 feet and 26.5 feet respectively and to allow an existing accessory structure in the front yard having a 1.1 foot setback in lieu of the required rear yard and 2.5 feet.

Department of Planning has no objection to the granting of the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Ngoné Seye Diop at 410-887-3480.

Division Chief: Kathy Schlach
AVA/KS

C: Ngoné Seye Diop

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 23 2015



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 19, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0083-A
Address 6023 Lorely Beach Road
(Kausch Property)

Zoning Advisory Committee Meeting of October 5, 2015.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated 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 is subject to Critical Area requirements. The applicant is requesting to allow a reduced side yard setback for a replacement dwelling, and to allow an existing accessory structure in the front yard and with a reduced side yard setback. It is waterfront. The applicant is proposing to remain below the LDA lot coverage limits of 25%. There is also a 15% afforestation requirement of 4 trees on site. A Critical Area variance application is currently under review for impacts to the 35-foot setback to the 100-foot buffer and for continued use of the 100-foot buffer. If these LDA requirements are met and the Critical Area variance granted, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The lot is developed with an existing dwelling, accessory structure, and pier, and a replacement dwelling is proposed. Lot coverage limits will be met. If the 15%

afforestation requirement is met and the Critical Area variance is approved, fish, plant, and wildlife habitat in the Chesapeake Bay will be conserved.

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 LDA requirements of lot coverage limits and afforestation are met and the Critical Area variance is granted, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: 10-20-15

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 19 2015



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 19, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0083-A
Address 6023 Lorely Beach Road
(Kausch Property)

Zoning Advisory Committee Meeting of October 5, 2015.

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

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

Reviewer: Glenn Shaffer, Environmental Impact Review
Date: 10-19-15

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 22, 2015

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

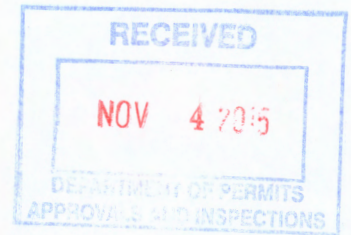
SUBJECT: Zoning Advisory Committee Meeting
For October 12, 2015
Item No. 2016-0077, 0079, 0080, 0081, 0082, 0083 and 0084

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC10122015.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: October 28, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6023 Loreley Beach Road

INFORMATION:

Item Number: 16-083

Petitioner: David M. and Rose M. Kausch

Zoning: RC 2

Requested Action: Variance

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For further information concerning the matters stated herein, please contact Ngoné Seye Diop at 410-887-3480.

Division Chief: Kathy Schlauch

AVA/KS

C: Ngoné Seye Diop

Case No.:

2016-0083-A

Exhibit Sheet

12-22-15

11-20-15
Sen

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	site photos w/ index map	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER' S

EXHIBIT NO. 2

EXHIBIT _____

PHOTOGRAPHS & INDEX MAP

ZONING HEARING

6023 LORELEY BEACH ROAD























12





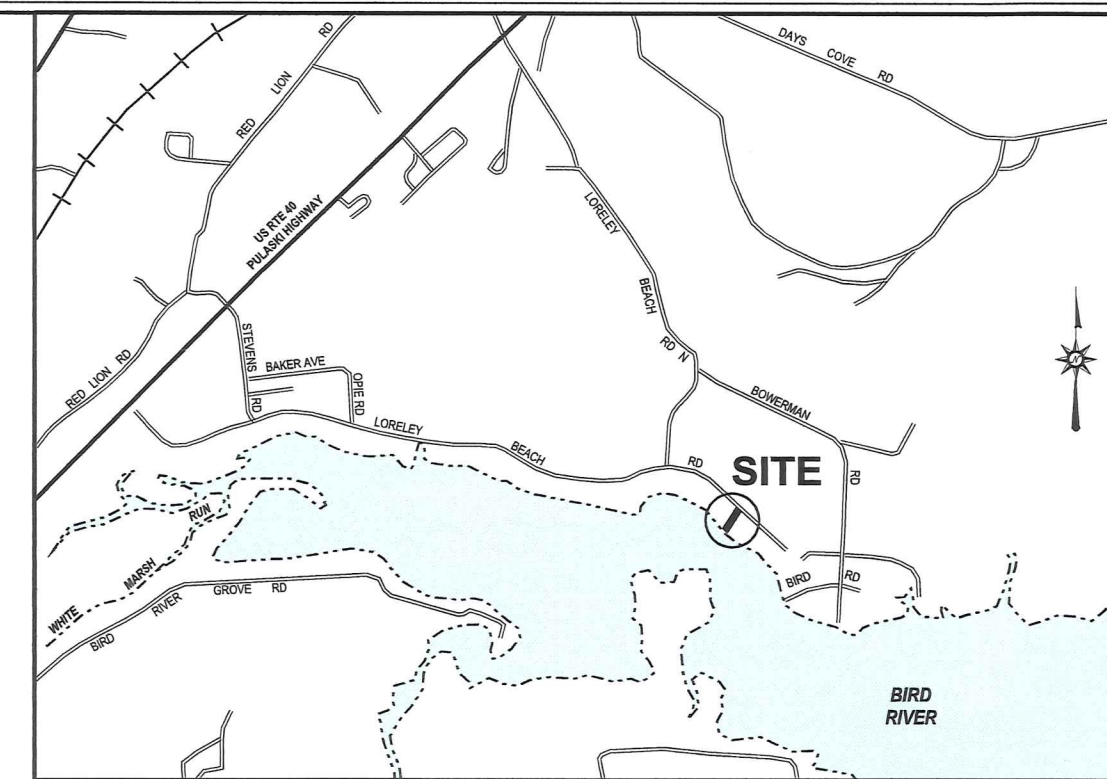
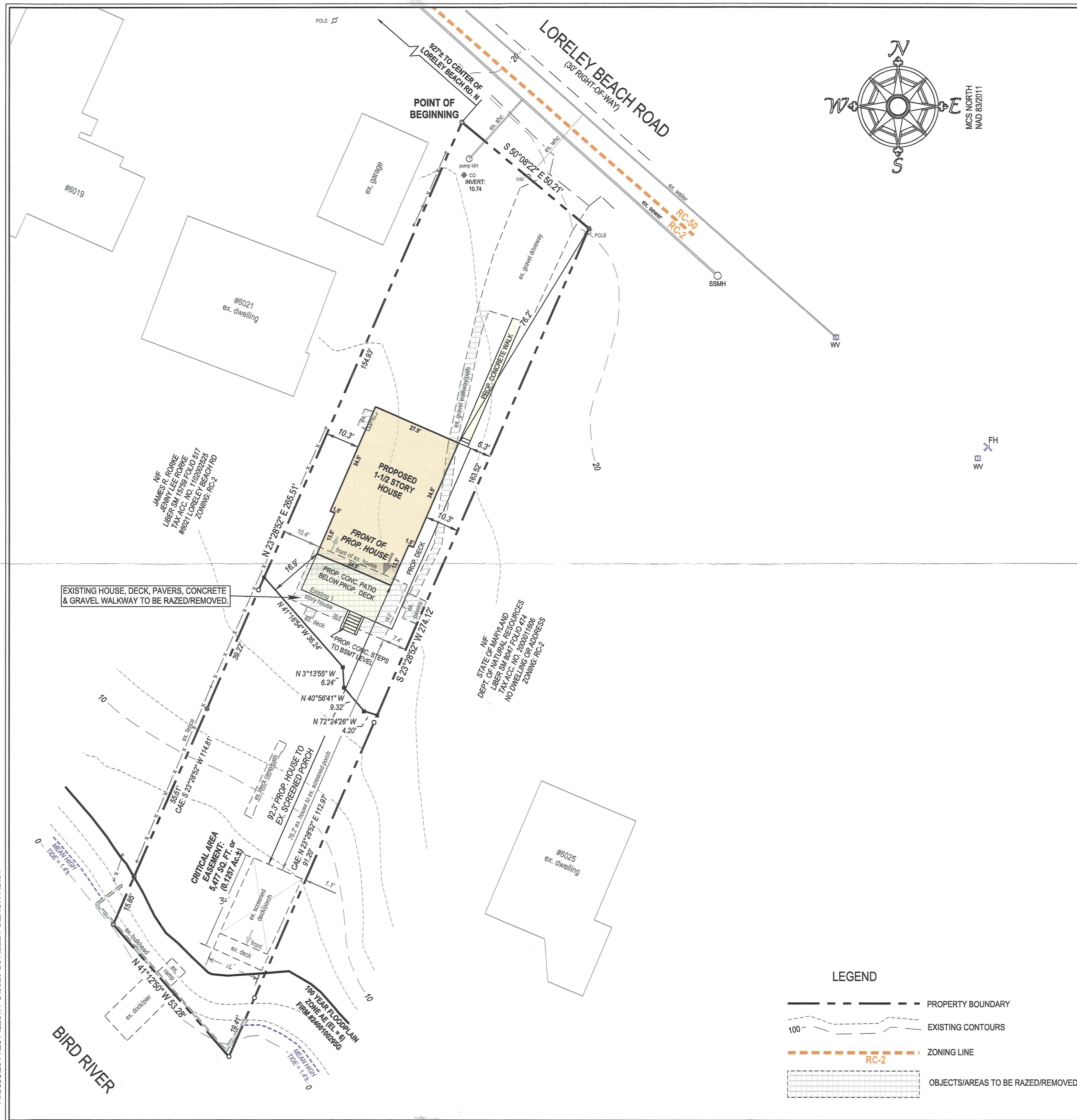












VICINITY MAP
SCALE: 1" = 2,000'

NOTES:

1. AREA OF TRACT: 12,997 SQ. FT. ± (0.2984 Ac. ±)
2. ZONING CLASSIFICATION: RC-2 (GIS MAP 073B3)
3. OWNERS: DAVID M. KAUSCH & ROSE M. KAUSCH
5596 CEDAR BREAK DRIVE
CENTREVILLE, VA 20120
4. DEED REFERENCE: LIBER JLE 35157 FOLIO 364, DATE: JUNE 25, 2014
5. TAX ACCOUNT NUMBER: 1120000475
6. TAX MAP: 73, GRID: 21, PARCEL: 214
7. CENSUS TRACT: 411302
8. SCHOOL DISTRICT: VINCENT FARM ES, PERRY HALL MS & PERRY HALL HS
9. WATERSHED: BIRD RIVER
10. THE CONTOURS SHOWN HEREON ARE TAKEN FROM BALTIMORE COUNTY GIS TOPO TILE 073B3. ADDITIONAL TOPOGRAPHIC FEATURES WERE FIELD VERIFIED OR LOCATED BY PROFESSIONAL SURVEYS, LLC AND ARE REFERENCED TO NAVD 88 VIA BALTIMORE COUNTY BENCHMARK CBM403.
11. THE OUTLINE SHOWN HEREON IS BASED ON A BOUNDARY SURVEY PERFORMED BY PROFESSIONAL SURVEYS, LLC, DATED JUNE 17, 2014 AND REFERENCED TO THE MARYLAND COORDINATE SYSTEM (NAD 83/2011).
12. THE EXISTING ONE STORY DWELLING IS TO BE RAZED. THE ACCESSORY STRUCTURE LOCATED WITHIN THE BUFFER SHALL REMAIN.
13. PROPOSED AREA OF DISTURBANCE: 7,311 SQ. FT.
14. EXISTING LOT COVERAGE (IMPERVIOUS): 1,018 SQ. FT.
LOT COVERAGE (IMPERVIOUS) TO BE REMOVED: 617 SQ. FT. (HOUSE, CONC. PAD & PAVERS)
LOT COVERAGE (IMPERVIOUS) TO REMAIN: 401 SQ. FT. (SCREENED DECK/PORCH)
PROPOSED LOT COVERAGE (IMPERVIOUS): 1,724 SQ. FT.
(HOUSE: 1,280 SQ. FT. + CONCRETE WALK/STEPS/PATIO: 444 SQ. FT.)
TOTAL LOT COVERAGE (IMPERVIOUS) FOR SITE: 2,125 SQ. FT.
PERCENTAGE OF LOT COVERAGE (IMPERVIOUS): 2,125 SQ. FT./12,997 SQ. FT. = 16.3%
15. THIS PROPERTY IS NOT HISTORIC.
16. THIS PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
17. A PORTION OF THIS PROPERTY IS LOCATED WITHIN THE 100 YEAR FLOODPLAIN AS SHOWN ON FEMA FIRM #2400100295G, REVISED MAY 5, 2014.
18. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
19. NO PRIOR ZONING CASES ARE KNOWN TO EXIST FOR THIS PROPERTY.

PETITIONER'S

EXHIBIT NO. 1

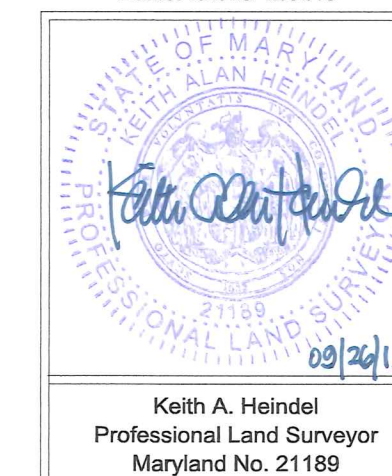
ZONING HEARING PLAN
FOR VARIANCE
6023 LORELEY BEACH ROAD

11TH ELECTION DISTRICT COUNCILMANIC DISTRICT: 6
BALTIMORE COUNTY, MARYLAND

2016-0083-A



License renews: 12/31/15



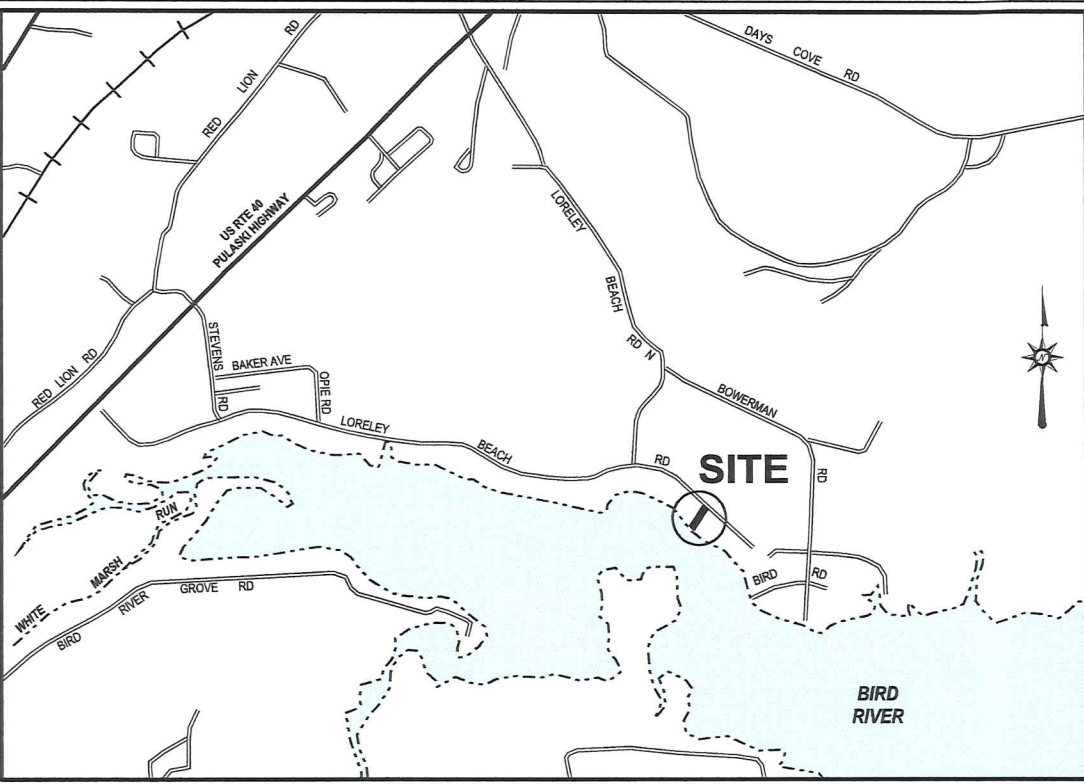
**Professional
Surveys, LLC**

194 East Main Street
2nd Floor
Westminster, MD 21157
Phone: 410-751-8795
Fax: 410-751-8796

DRAWING NAME: ZONING PLAN
SCALE: 1" = 20' DATE: 09/26/15 DRAWN BY: KAH
JOB: 2014-220 CHECK BY: KAH SHEET: 1/1

LEGEND

- PROPERTY BOUNDARY
- EXISTING CONTOURS
- ZONING LINE
- OBJECTS/AREAS TO BE RAZED/REMOVED



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SCALE: 1" = 2,000'

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**PHOTOGRAPH EXHIBIT FOR
ZONING HEARING PLAN
FOR VARIANCE
6023 LORELEY BEACH ROAD**

11TH ELECTION DISTRICT COUNCILMANIC DISTRICT: 6
BALTIMORE COUNTY, MARYLAND



License renews: 12/31/15

Professional Surveys

194 East Main Street
2nd Floor
Westminster, MD 21157
Phone: 410-751-8795
Fax: 410-751-8796

DRAWING NAME: ZONING PLAN - PHOTOS EXHIBIT
SCALE: 1" = 20' DATE: 09/26/15 DRAWN BY: KAH
JOB: 2014-220 CHECK BY: KAH SHEET: 1/1

Keith A. Heindel
Professional Land Surveyor
Maryland No. 21189

