

IN RE: PETITION FOR VARIANCE

(9234 Todd Avenue)

15th Election District

7th Council District

Barry J. & Eva Marie Koluch

Legal Owners

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0219-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Barry J. & Eva Marie Koluch, owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit a required average front yard setback of 30 ft. in lieu of the required 40 ft., for a replacement dwelling. A site plan was marked as Petitioners' Exhibit 1.

Barry Koluch and Dave Billingsley appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). Neither agency opposed the requests.

The property is approximately 20,750 square feet in size and is zoned D.R. 5.5. The property is comprised of Lot 13 and half of Lot 12 as shown on the plat of Thomas Todd, Jr., recorded in 1911. Petitioners propose to construct a new single-family dwelling on the site, but require variance relief to do so.

ORDER RECEIVED FOR FILING

Date 4/11/17

By Sen

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 waterfront lots are narrow and deep, and were created by a plat recorded long before adoption of the B.C.Z.R. As such the property is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct a new dwelling on the lots. 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 community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 11th day of **April, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a required average front yard setback of 30 ft. in lieu of the required 40 ft. for a replacement dwelling, be and is hereby GRANTED.

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 critical area and flood protection regulations.

ORDER RECEIVED FOR FILING

Date 4/11/17

By sen

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

Date 4/11/17

By sln



KEVIN KAMENETZ
County Executive

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

April 11, 2017

Barry Koluch
Eva Marie Koluch
6920 River Drive Road
Baltimore, Maryland

RE: Petition for Variance
Case No. 2017-0219-A
Property: 9234 Todd Avenue

Dear Mr. & 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 of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: David Billingsley, 601 Charwood Ct., Edgewood, Maryland 21040



CBCA

PETITION FOR ZONING HEARING(S)

FLOOD

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 9234 TODD AVENUE which is presently zoned OR 5.5

Deed References: L-37940 E.O.I 10 Digit Tax Account # 2400002238

Property Owner(s) Printed Name(s) BARRY J. AND EVA MARIE KOLUCH

(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) 303.1 (BCZR) TO PERMIT A FRONT YARD SETBACK OF 30 FEET IN LIEU OF THE REQUIRED 40 FEET FOR A REPLACEMENT 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)

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 J. KOLUCH, EVA MARIE KOLUCH

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6920 RIVER DRIVE RD. BALTO, MD

Mailing Address

City

State

21219 (443) 865-7467 bkoluch@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD MD

Mailing Address

City

State

21040 (410) 679 8719 dwb0209@yahoo.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0219-A Filing Date 2/16/17

Do Not Schedule Dates: _____

Reviewer RJD

ZONING DESCRIPTION

9234 TODD AVENUE

Beginning for the same at a point on the west side of Todd Avenue (40 feet wide), distant 100 feet northerly from its intersection with the center of Bayside Avenue (50 feet wide) thence being the northernmost one half of Lot 12 and all of Lot 13 as shown on the plat entitled Thomas B. Todd, Jr, recorded among the Baltimore County plat records in Plat Book 3 Folio 176. Containing 20,750 square feet or 0.476 acre of land, more or less.

Being known as 9234 Todd Avenue. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Maryland

Item #0219

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

Nº 150305

Date: 2/14/17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
201	806	0000		6150						\$ 75.00

Total: \$ 75.00

Rec From: B + E Koluch

For: Zoning Hearing - case # 2017-0219-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRU
 2/17/2017 2/16/2017 09:33:30 2
 REG W302 WALKIN JEE
 >>RECEIPT N 000954 2/16/2017 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 150305
 Recpt Tot \$75.00
 \$164.00 OT
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: MARCH 20, 2017

RE: Project Name: 9234 TODD AVENUE
Case Number /PAI Number: 2017-0219-A
Petitioner/Developer: BARRY AND EVA KOLUCH
Date of Hearing/Closing: APRIL 10, 2017

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 9234 TODD AVENUE

The sign(s) were posted on MARCH 20, 2017
(Month, Day, Year)

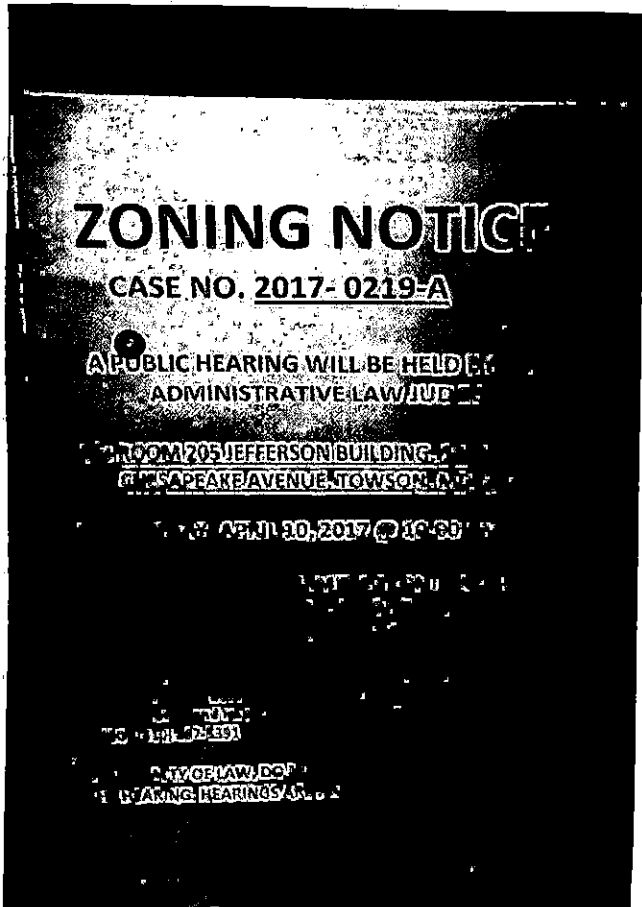

(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)





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 4844647

Sold To:

Barry Koluch - CU00550276
6920 River Drive Rd
Sparrows Point, MD 21219-1130

Bill To:

Barry Koluch - CU00550276
6920 River Drive Rd
Sparrows Point, MD 21219-1130

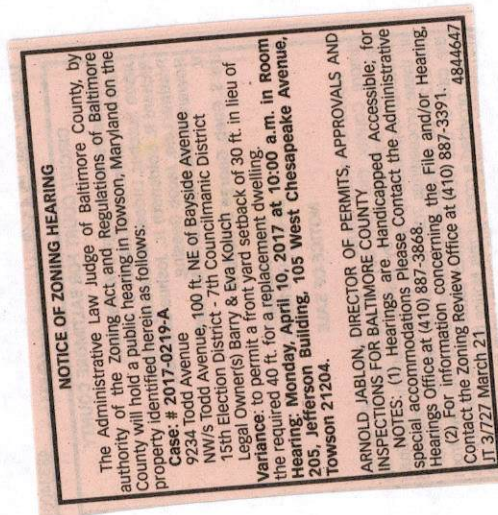
Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 21, 2017

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising



TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 21, 2017 Issue - Jeffersonian

Please forward billing to:
Barry Koluch
6920 River Drive Road
Baltimore, MD 21219

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: 2017-0219-A

9234 Todd Avenue
NW/s Todd Avenue, 100 ft. NE of Bayside Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Barry & Eva Koluch

Variance to permit a front yard setback of 30 ft. in lieu of the required 40 ft. for a replacement dwelling.

Hearing: Monday, April 10, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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



KEVIN KAMENETZ
County Executive

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

March 13, 2017

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: 2017-0219-A

9234 Todd Avenue

NW/s Todd Avenue, 100 ft. NE of Bayside Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Barry & Eva Koluch

Variance to permit a front yard setback of 30 ft. in lieu of the required 40 ft. for a replacement dwelling.

Hearing: Monday, April 10, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Koluch, 6920 River Drive Road, Baltimore 21219
David Billingsley, 601 Charwood Ct., Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 21, 2017.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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 twenty (20) 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: 2017-0219-A
Property Address: 9234 TODD AVENUE
Property Description: northwest side of Todd Ave, +/- 100'
northeast of Bayside Ave
Legal Owners (Petitioners): BARRY & EYA KOLICH
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARRY KOLICH
Company/Firm (if applicable): _____
Address: 6920 RIVER DRIVE ROAD
BALTO MD. 21219
Telephone Number: (443) 865-2467

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

April 5, 2017

Barry & Eva Marie Koluch
6920 River Drive Road
Baltimore MD 21219

RE: Case Number: 2017-0219 A, Address: 9234 Todd Avenue

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 February 16, 2017. 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." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040

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



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

Date: 2/27/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0219-A

Variance
Barry J. & Eva Marie Koluch
9234 Todd Avenue.

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 black ink, appearing to read "Richard A. Zeller".

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/15/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-219



INFORMATION:

Property Address: 9234 Todd Avenue
Petitioner: Barry J. Koluch, Eva Marie Koluch
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a front yard setback of 30 feet in lieu of the required 40 feet for a replacement dwelling.

A site visit was conducted on March 3, 2017. The requested variance will bring the proposed dwelling's front yard setback more in line with the adjacent dwellings.

The Department has no objection to granting the petitioned zoning request.

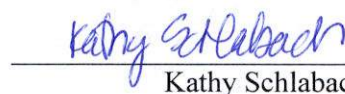
For further information concerning the matters stated herein, please contact Krystle Patchak at (410) 887-3480.

Prepared by:



Jessie A. Bialek

Division Chief:



Kathy Schlabach

AVA/KS/JAB/ka

c: Krystle Patchak
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

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 March 3 , 2017
Item No. 2017-0219

DATE: March 3, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items 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 17-0219-03032017.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: March 13, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0219-A
Address 9234 Todd Avenue
(Koluch Property)

Zoning Advisory Committee Meeting of **March 3, 2017**

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

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

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The petitioner is requesting a front (streetside) setback of 30 feet in lieu of the required 40 feet for a replacement dwelling that is proposed a greater distance from Old Road Bay than the original dwelling. The property area is 20,750 square feet. In order to minimize impacts on water quality, the applicant must comply with the LDA lot coverage requirement, which, for a property this size, is 31 ¼% of the property area, with mitigation required for lot coverage between 25% and 31 ¼%. The property is also located within a Modified Buffer Area (MBA), which further restricts activities within the Critical Area Buffer, which on this site extends 100 feet landward of mean high water. Any building permit application or plan received by EIR will be reviewed for compliance with these regulations, therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

The current development proposal for the property will be reviewed for application of the LDA and MBA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Old Road 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.

The front yard setback requested will be consistent with established land use policies, provided that the applicants meet any LDA and MBA requirements applicable to the proposal. The request, if granted, will avoid environmental impacts.

Reviewer: Thomas Panzarella;
Environmental Impact Review

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
9234 Todd Avenue; NW/S of Todd Avenue, * OF ADMINISTRATIVE
100' NE of Bayside Avenue * HEARINGS FOR
15th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Barry & Eva Marie Koluch *
Petitioner(s) *
2017-219-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

MAR 06 2017

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 6th day of March, 2017, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

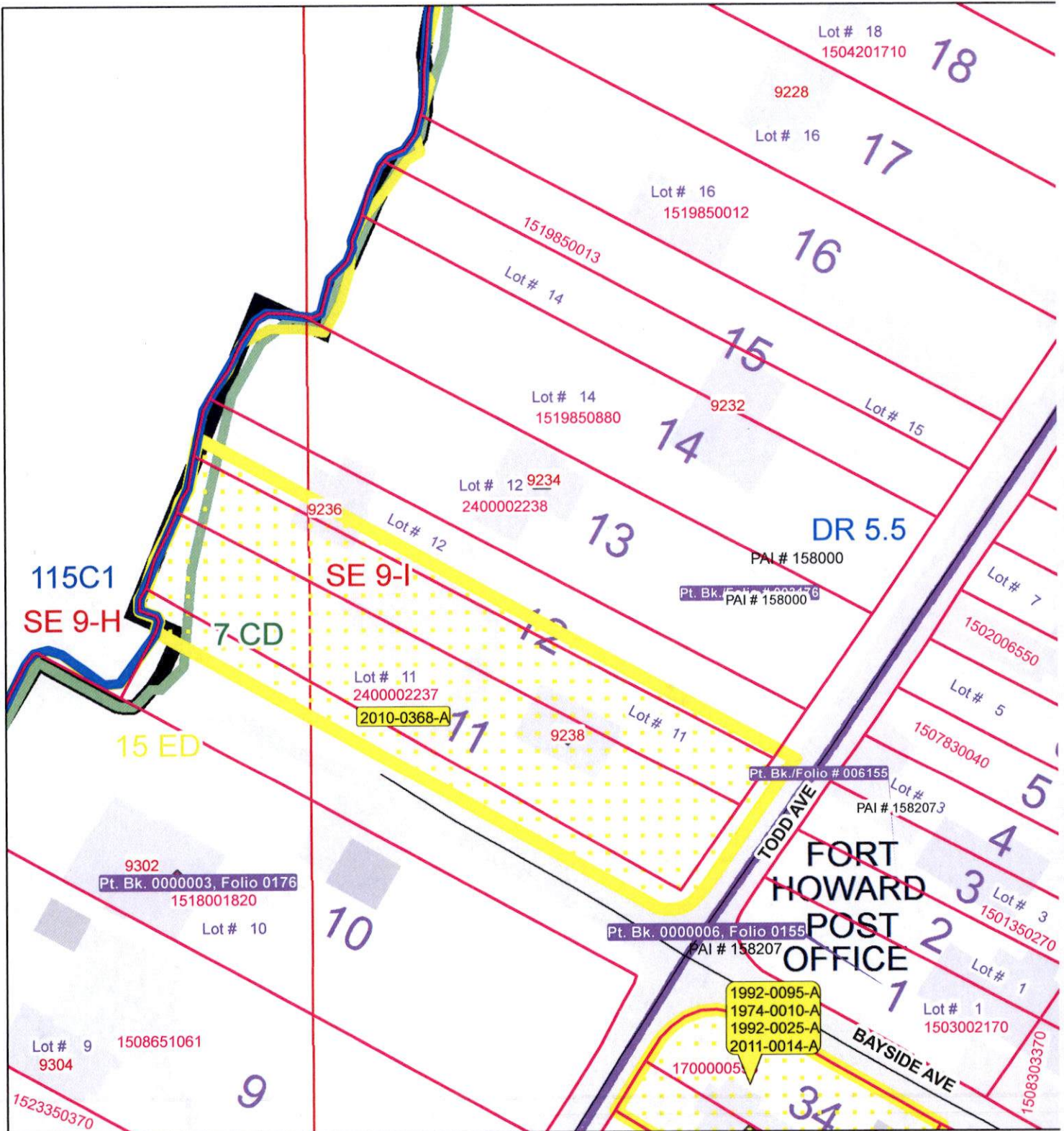
M E M O R A N D U M

DATE: May 12, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0219-A- Appeal Period Expired

The appeal period for the above-referenced case expired on May 11, 2017. 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

9234 Todd Avenue



Publication Date: 2/15/2017



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

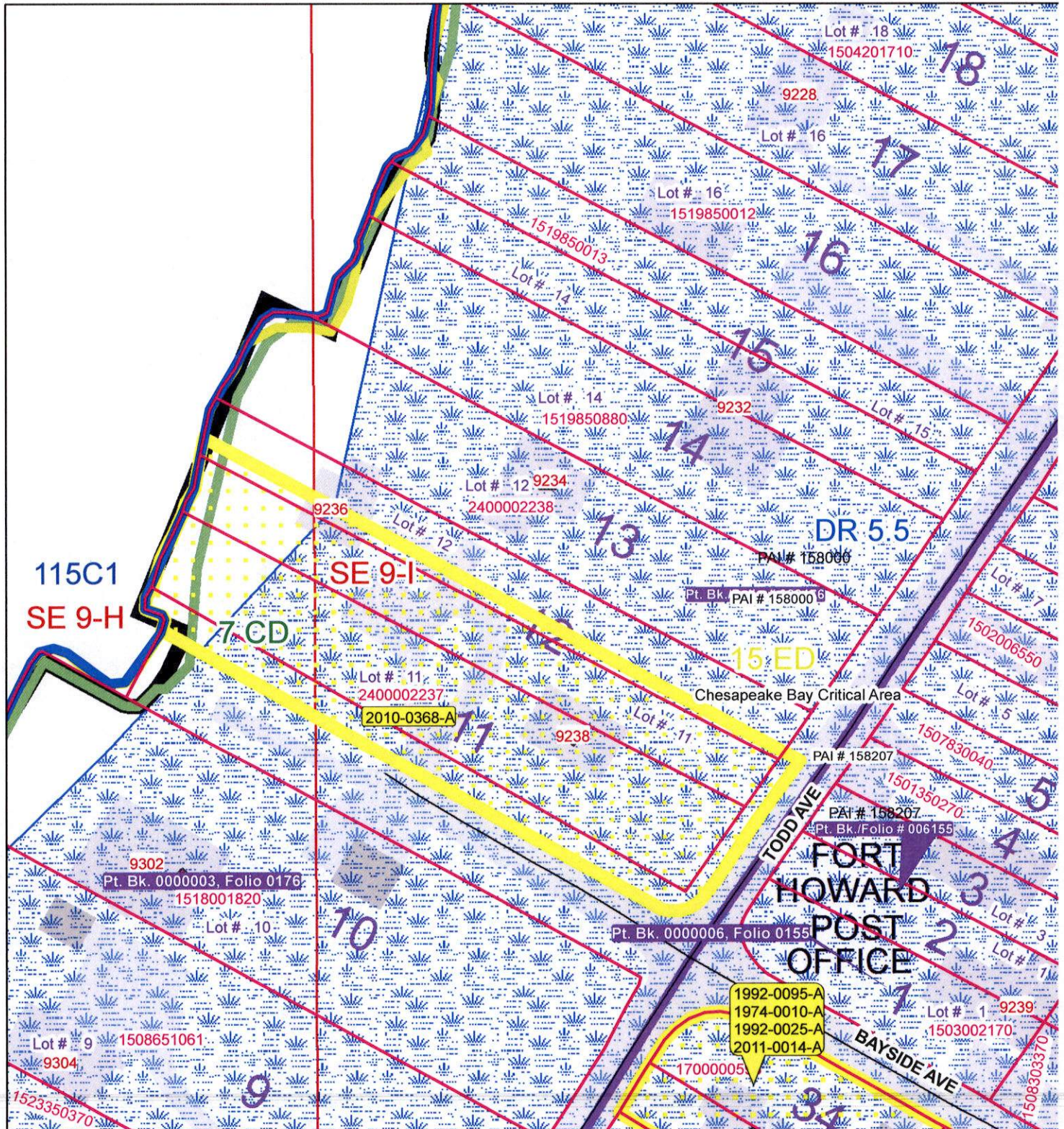


0 15 30 60 90 120 Feet

1 inch = 60 feet

Item # 0219

Chesapeake Bay Critical Area



Publication Date: 2/16/2017



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



0 15 30 60 90 120 Feet

1 inch = 60 feet

Item #0219

CASE NAME 9734 TODD AVE
CASE NUMBER 2017-0219-A
DATE 4/10/17

[illegible]

4/10
10am

Case No.: 2017-0219-A-9234 Todd Ave.

Exhibit Sheet

Petitioner/Developer

DW
5-12-17

Protestants

4/11/17
Sen

No. 1	site plan	
No. 2	SDAT record	
No. 3	Tax Map	
No. 4	Deed	
No. 5	Plat, recorded 8/15/1911	
No. 6	Aerial photos	
No. 7	7A-7D site photos	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S EXHIBITS

9234 TODD AVENUE

1. PLAT TO ACCOMPANY PETITION DATED FEBRUARY 10, 2017 (NO CHANGES)

2. SDAT REAL PROPERTY DATA SEARCH

3. PORTION OF TAX MAP 0115

4. DEED OF RECORD L.37940 F.1 DATED AUGUST 23, 2016

5. PLAT OF THOMAS B. TODD, JR. P.B. 3 F. 179 RECORDED: AUG. 15, 1911

6. AERIAL PHOTO

7a-d. PHOTOS

Real Property Data Search (w3) **Guide to searching the database**

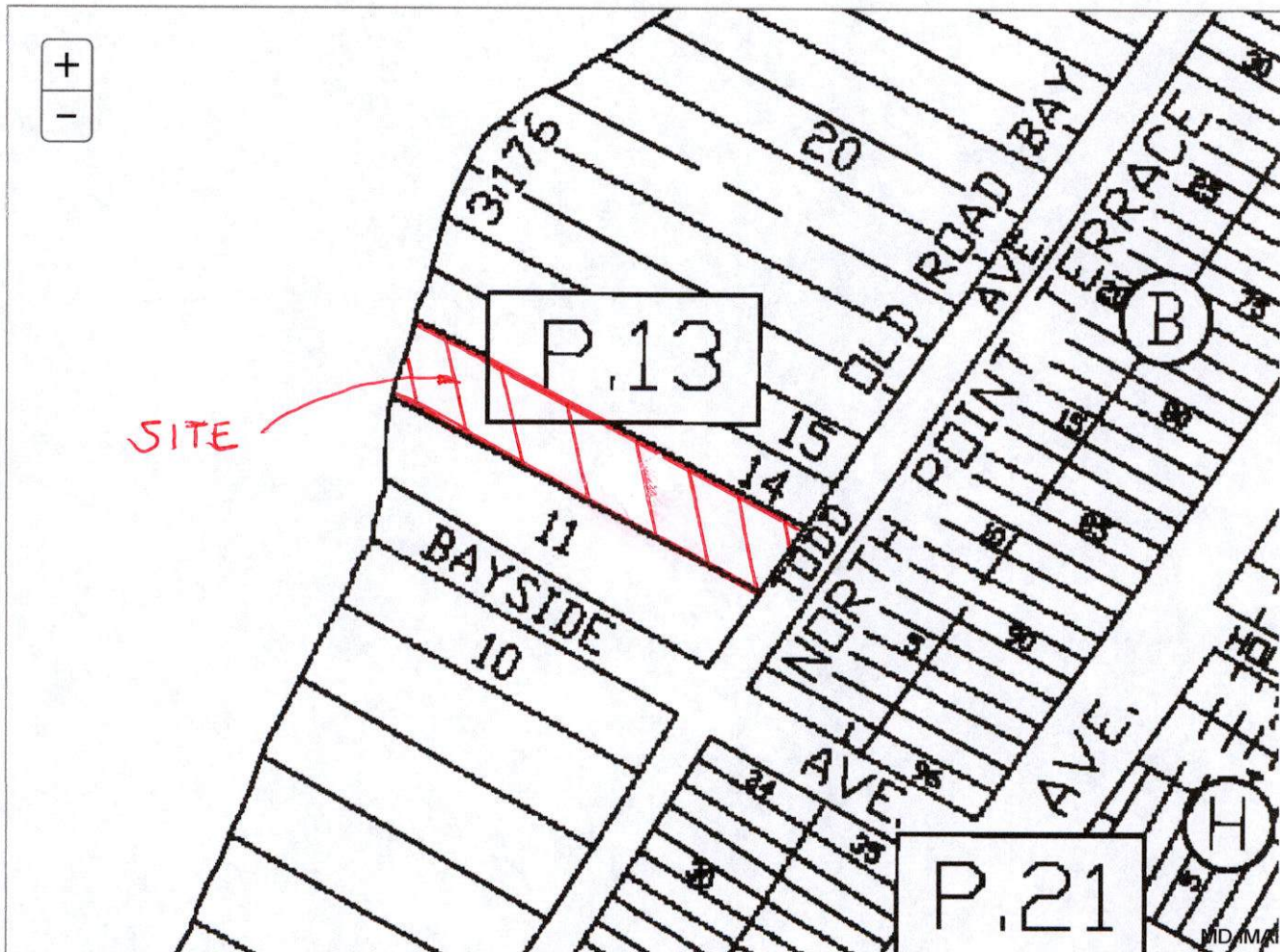
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 2400002238			
Owner Information					
Owner Name:		KOLUCH BARRY J KOLUCH EVA MARIE		Use: Principal Residence: RESIDENTIAL NO	
Mailing Address:		6920 RIVER DR BALTIMORE MD 21219-		Deed Reference: /37940/ 00001	
Location & Structure Information					
Premises Address:		9234 TODD AVE BALTIMORE 21219- Waterfront		Legal Description: PRT LTS 12,13 NWS TODD AVE THOMAS B TODD JR	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0115	0011	0013		0000	12 2015 0003/0176
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
				20,865 SF	34
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value		Value		Phase-in Assessments
			As of 01/01/2015		As of 07/01/2016 As of 07/01/2017
Land:	164,700		164,700		
Improvements	0		0		
Total:	164,700		164,700		231,700 164,700
Preferential Land:	0				0
Transfer Information					
Seller: DRZYMALA FRANCES M		Date: 08/30/2016		Price: \$205,000	
Type: ARMS LENGTH IMPROVED		Deed1: /37940/ 00001		Deed2:	
Seller: DRZYMALA FRANCES M		Date: 12/30/2002		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /17295/ 00131		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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					

1. The Baltimore County Office of the Clerk of the Circuit Court is responsible for the accuracy of the information provided on this page. We have confidence in the accuracy of the information provided on this page.

PETITIONER'S
EXHIBIT NO. 2

Baltimore County

New Search (<http://sdatt.dat.maryland.gov/RealProperty>)District: **15** Account Number: **2400002238**

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.

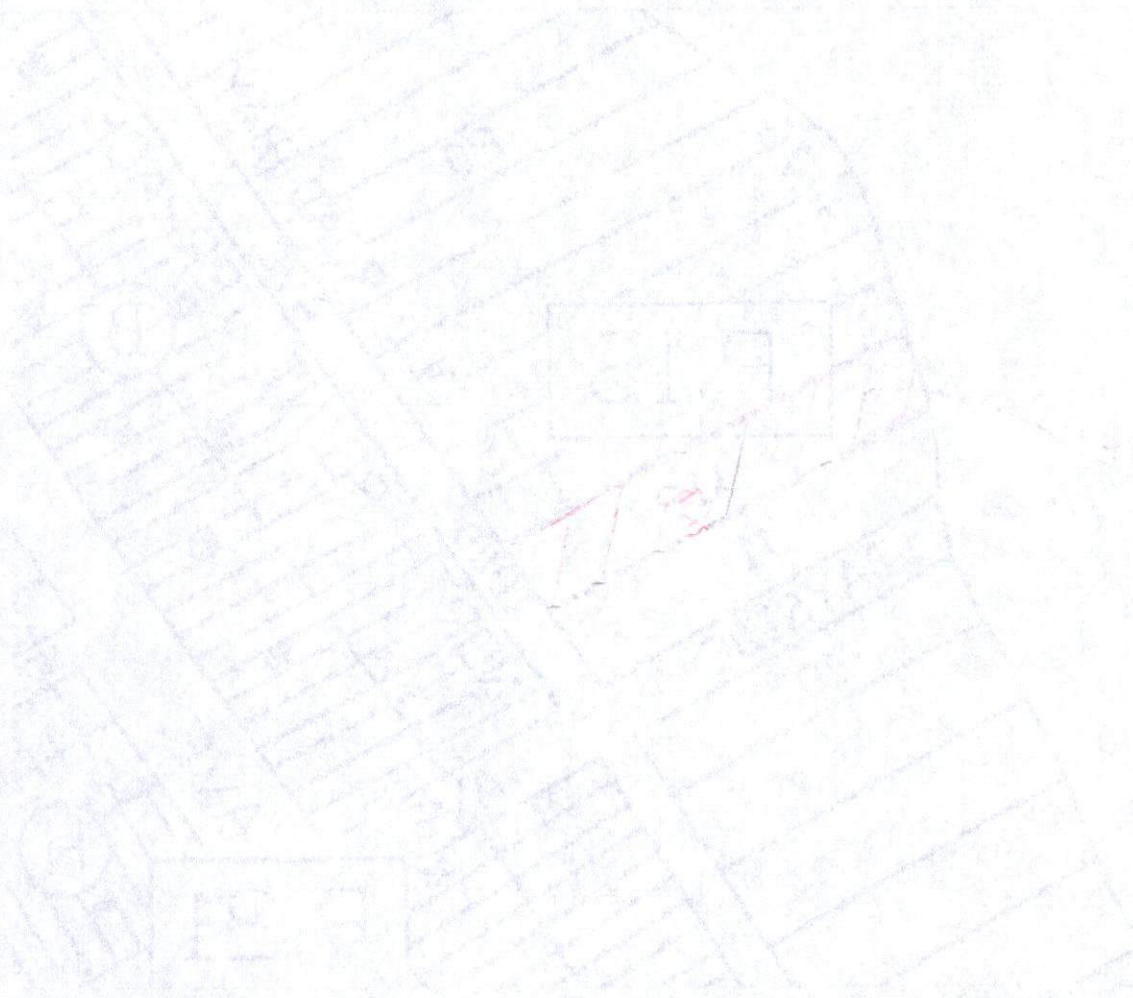
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

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>).

PETITIONER'S
EXHIBIT NO. 3

TAX MAP 0115



2110 9AM XAT

AFTER RECORDING RETURN TO:

Barry J. Koluch
6920 River Drive
Baltimore, MD 21219

Tax ID #: 15-2400002238

DOCUMENT PREPARED BY:

Sage Title Group, LLC
7939 Honeygo Boulevard, Suite 124
Baltimore, MD 21236
File Number: 181500WHMS

This Deed, MADE THIS 23rd day of August 2016, by and between **Anita Marie Drzymala, Personal Representative of Estate of Frances M. Drzymala**, party of the first part, and **Barry J. Koluch and Eva Marie Koluch**, parties of the second part.

WHEREAS, by Letters of Administration from the Register of Wills of Baltimore County, Maryland, issued in the estate of the decedent, Estate Number **184887**, the party of the first part was appointed Personal Representative for the decedent's estate and is so acting on the date of this Deed, and

WHEREAS the party of the first part, as Personal Representative is validly seized and possessed of all lands hereinbelow conveyed.

WITNESSETH, That in consideration of the sum of **TWO HUNDRED FIVE THOUSAND AND 00/100 DOLLARS (\$205,000.00)**, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said parties of the second part, in fee simple, all that parcel of ground situated in **Baltimore County, Maryland** and as described as follows, that is to say:

All that piece or parcel of land situate lying and being in the 15th Election District of Baltimore County, Maryland and described as follows to wit:

BEGINNING for the same at a 1/2 inch diameter iron pipe and cap now set on the Northwest side of Todd Avenue (30' R/W) at a distance of 75 feet from the intersection of the Northeast side Bayside Avenue (50' R/W) with the Northeast side of Todd Avenue as shown on the plat of "Thomas B. Todd Jr. Land", which plat is recorded among the Land Records of Baltimore County in Plat Liber W.P.C. 3, folio 176, said point of beginning also being in the 1st or North 40 degrees 44 minutes East 150 foot line of the parcel of land described in a deed dated September 24, 1999, and recorded among the Land Records of Baltimore County in deed liber S.M. 14075, folio 564, which was conveyed by Raymond D. Hepner and Suzanne M. Hepner to Frances M. Drzymala, Susan M. Kopriva and Stephen H. Kopriva, at a distance of 75.00 feet from the beginning thereof, thence running and binding on said Northwest side of Todd Avenue, and on said 1st line, as now surveyed by Brian Dietz, professional land surveyor #21080, March 28, 2002 and referring the courses of this description to said deed, 1.) North 40 degrees 44 minutes 00 seconds East 75 feet to a 1/2 inch diameter iron pipe and cap now set at the end of said 1st line and at the Northeast corner of lot 13 as shown on aforesaid plat, thence leaving said Northwest side of Todd Avenue and running and binding on the 2nd line of the aforesaid deed and on the Northernmost line of lot 13, 2.) North 54 degrees 52 minutes 00 seconds West 262.55 feet more or less to the waters of Old Road Bay, thence binding on said waters the following 3 lines viz; 3.) South 32 degrees 19 minutes 53 seconds West 13.09 feet, 4.) North 56 degrees 18 minutes 30 seconds West 30.37 feet, and 5.) South 28 degrees 50 minutes 10 seconds West 61.17 feet, thence leaving said waters and running for a new line of division now made parallel to the Northernmost line of lot 13, 6.) South 54 degrees 52 minutes 00 seconds East 278.24 feet to the point of beginning.

Containing 0.479 Ac. of land more or less.

Also being all of lot 13 and the Northeasternmost one half of lot 12 as laid out on the plat of

PETITIONER'S
EXHIBIT NO. 4

BALTIMORE COUNTY CIRCUIT COURT (Plats) Plat Book WPC 3, p. 176, 186A, 22436-5326. Data available 10/11/2015. Date available 10/11/2015. Digitized by eScribers

Thos B Todd Jr Land

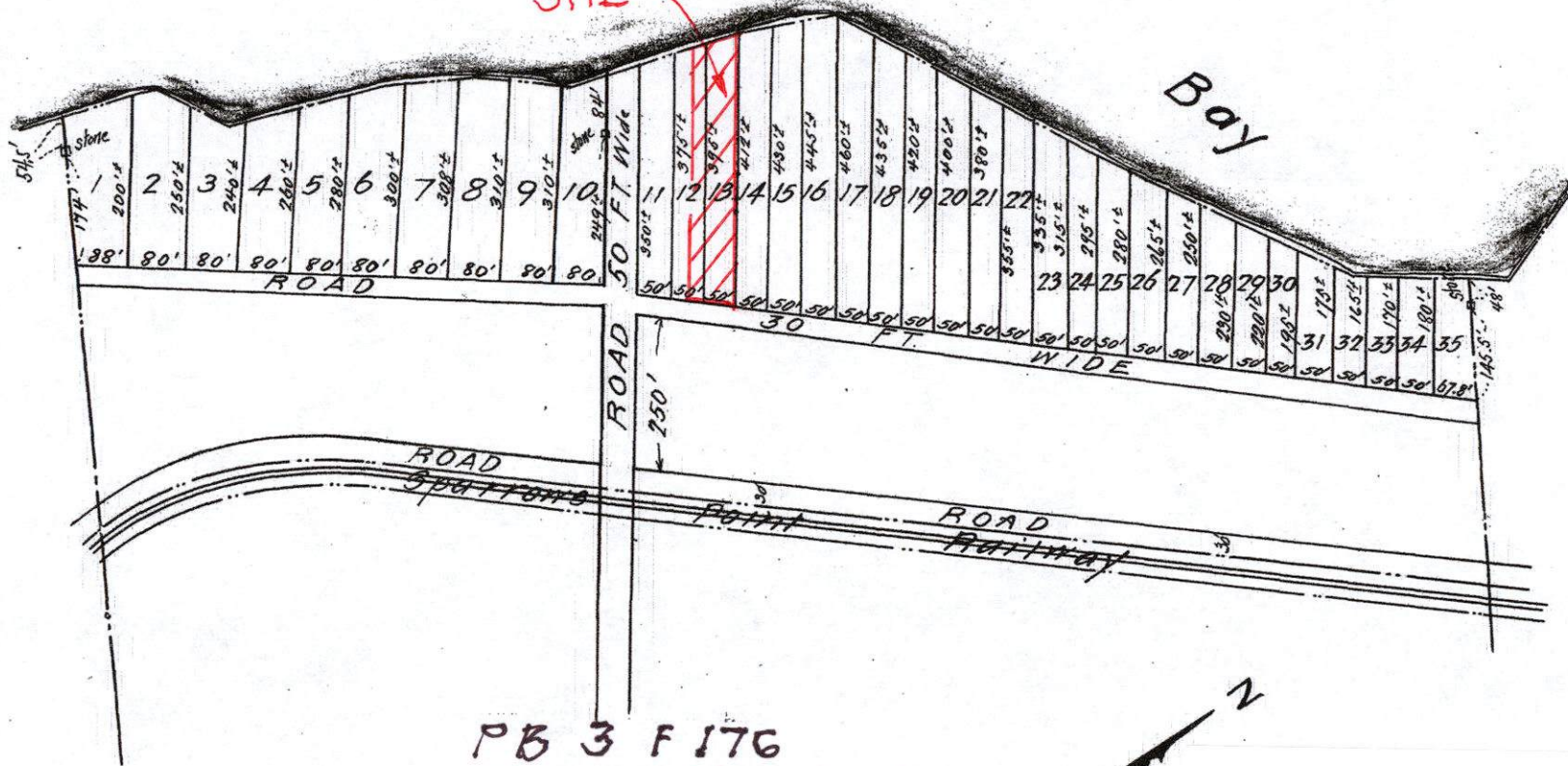
Supplement

Filed August 15th 1911

Road Dist: William P. Cole, Clerk.

Old

SITE



PB 3 F 176

REC: AUG. 15, 1911

PETITIONER'S
EXHIBIT NO. 5

Scale 1² 200' June 13-1911

Edward V. Coonam & Co.
Surveyors & Civil Engrs.,
231 Courtland St.
Baltimore, Md.

The names of roads herein mentioned are used
for the purposes of description only
and nothing herein contained shall be
construed to be a dedication of same

P64533

REC: 706121211
2717 2 20

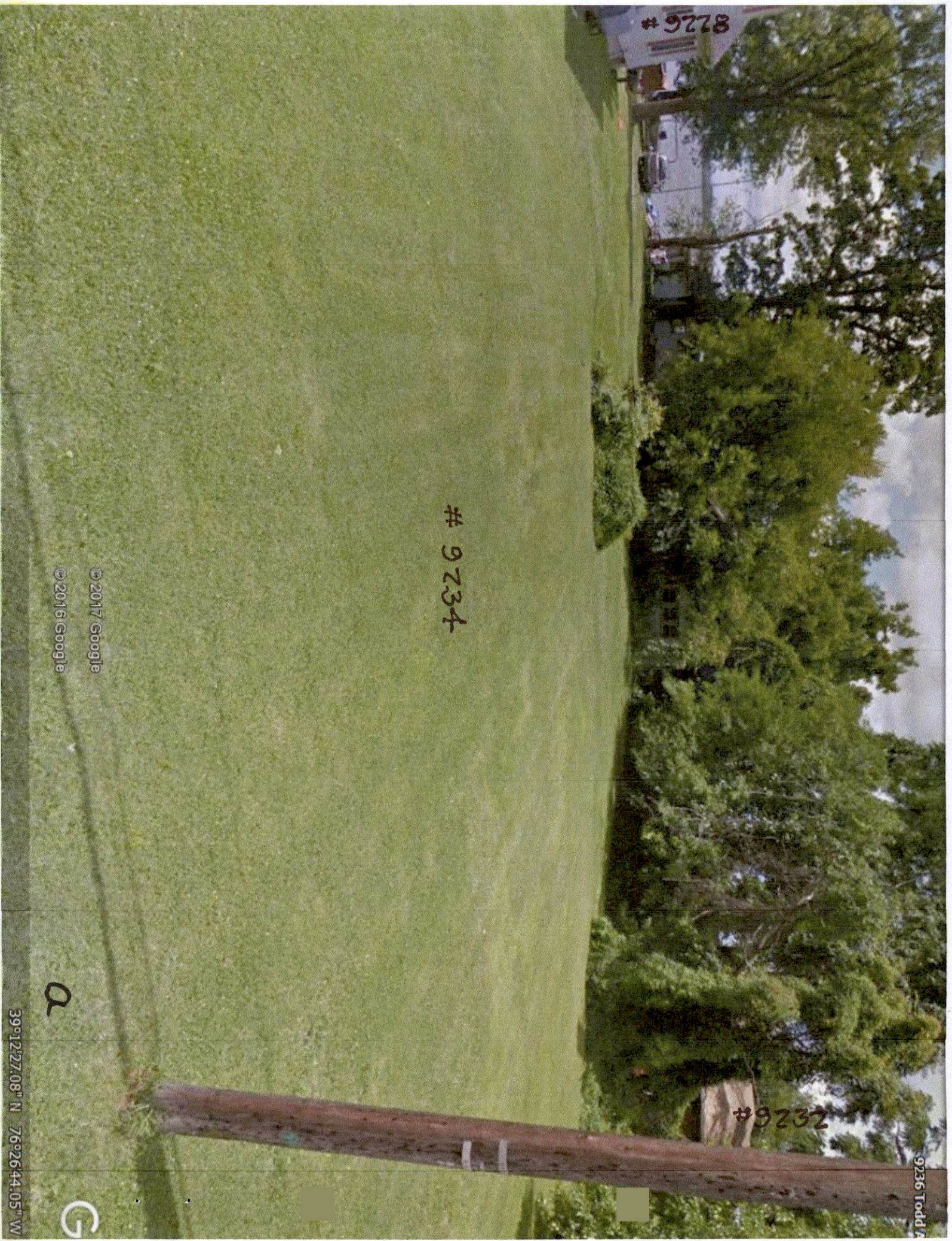


9234 Todd Ave

© 2016 Google

Imagery Date: 10

PETITIONER'S
EXHIBIT NO. 6



9234

9232

8226

© 2017 Google
© 2016 Google

39°12'27.08" N 76°26'44.05" W

9236 Todd

a



42525

5

42525

42525

Click to switch between Street View and ground-level v

#9238

© 2017 Google

© 2016 Google

b

39°12'26.79" N 76°26'44.96" W

86504

9238

© 2017 Google

© 2016 Google

C

39°12'26.89" N 76°26'45.31" W

Page 4

#9232

© 2017 Google

© 2016 Google

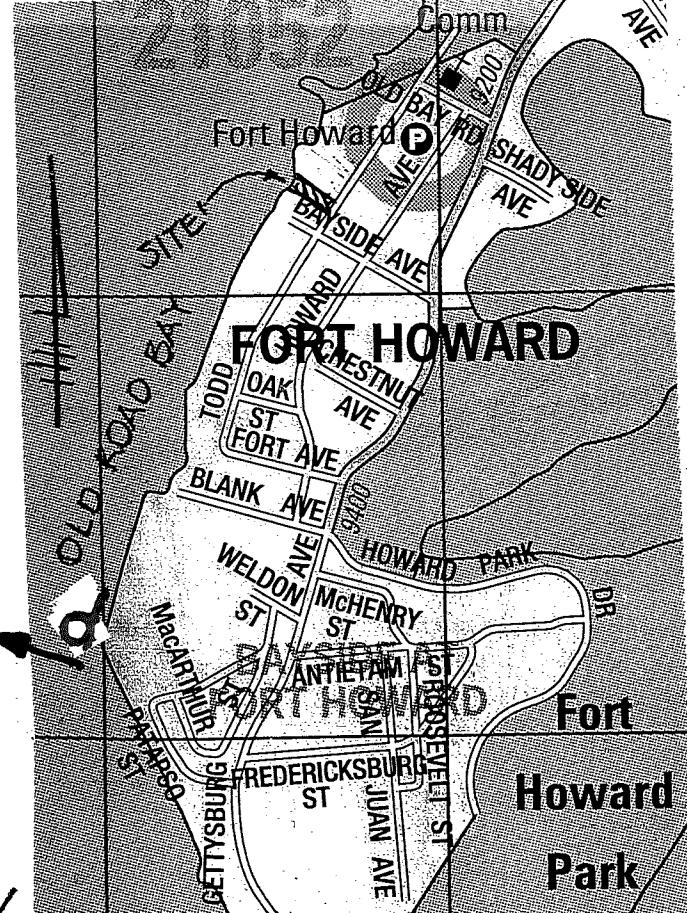
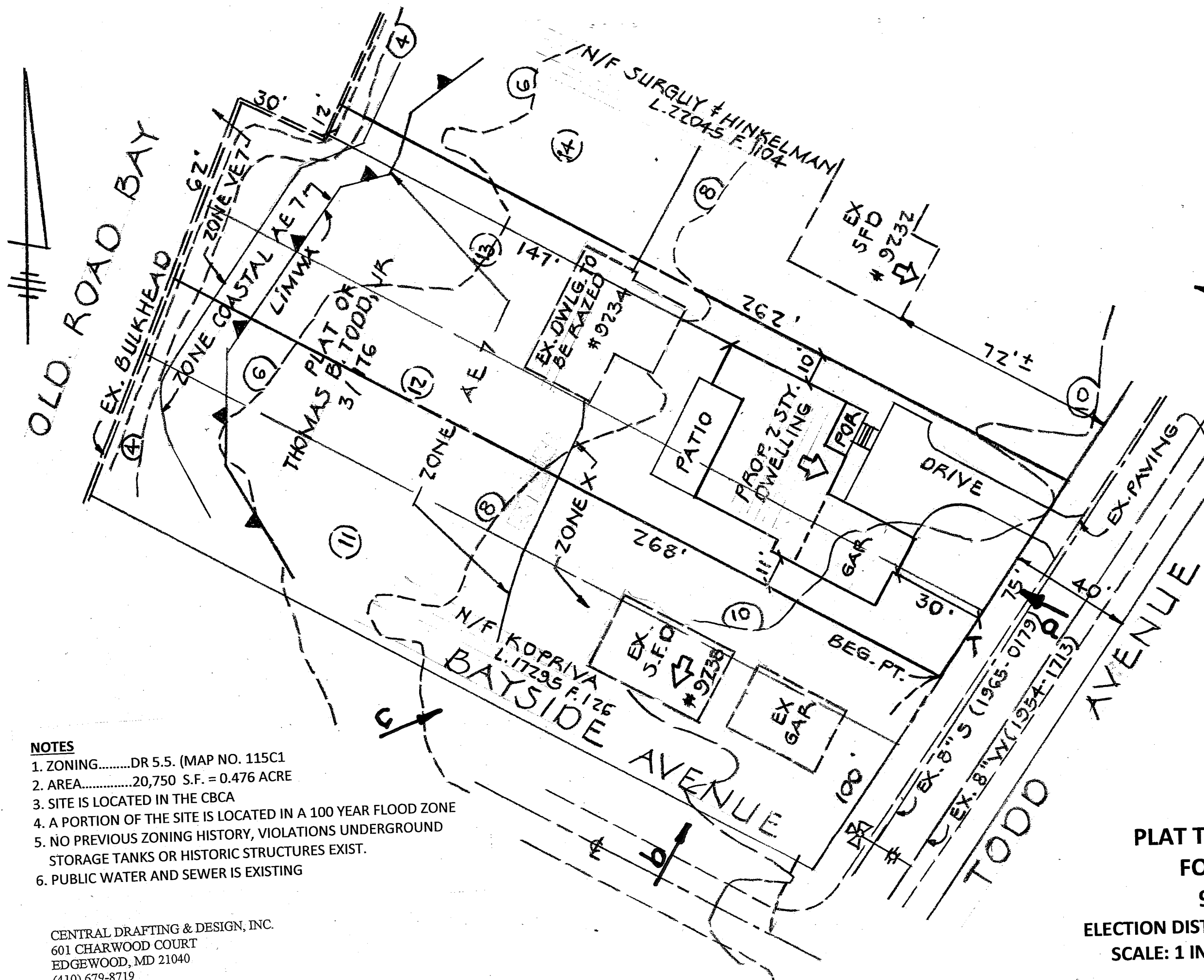
39°12'28.16" N 76°26'42.95" W

d

G

9

42325



LOCATION PLAN
SCALE: 1" = 2000'

PETITIONER'S
EXHIBIT NO. 7a-d

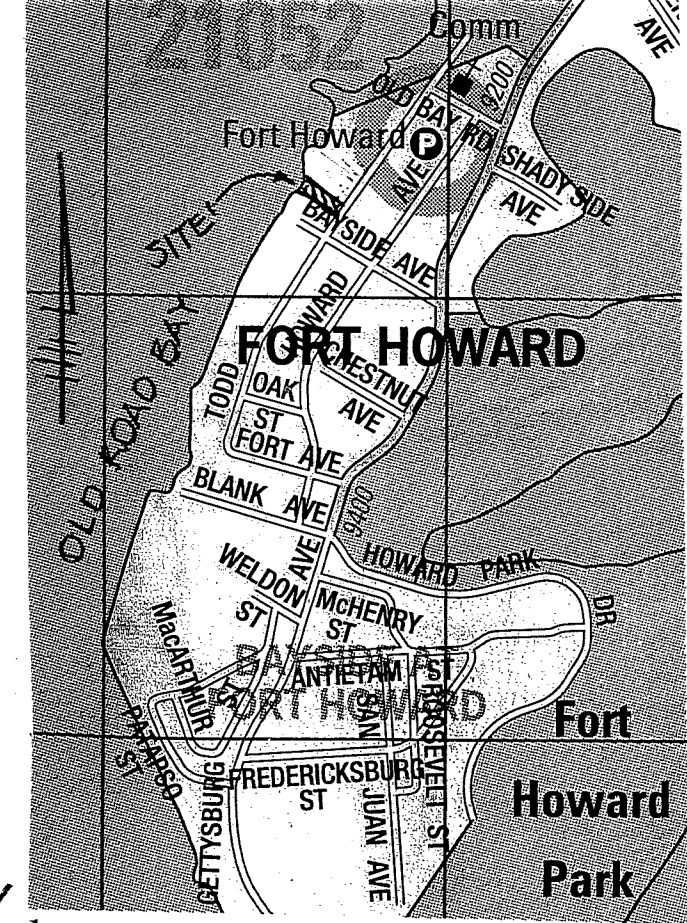
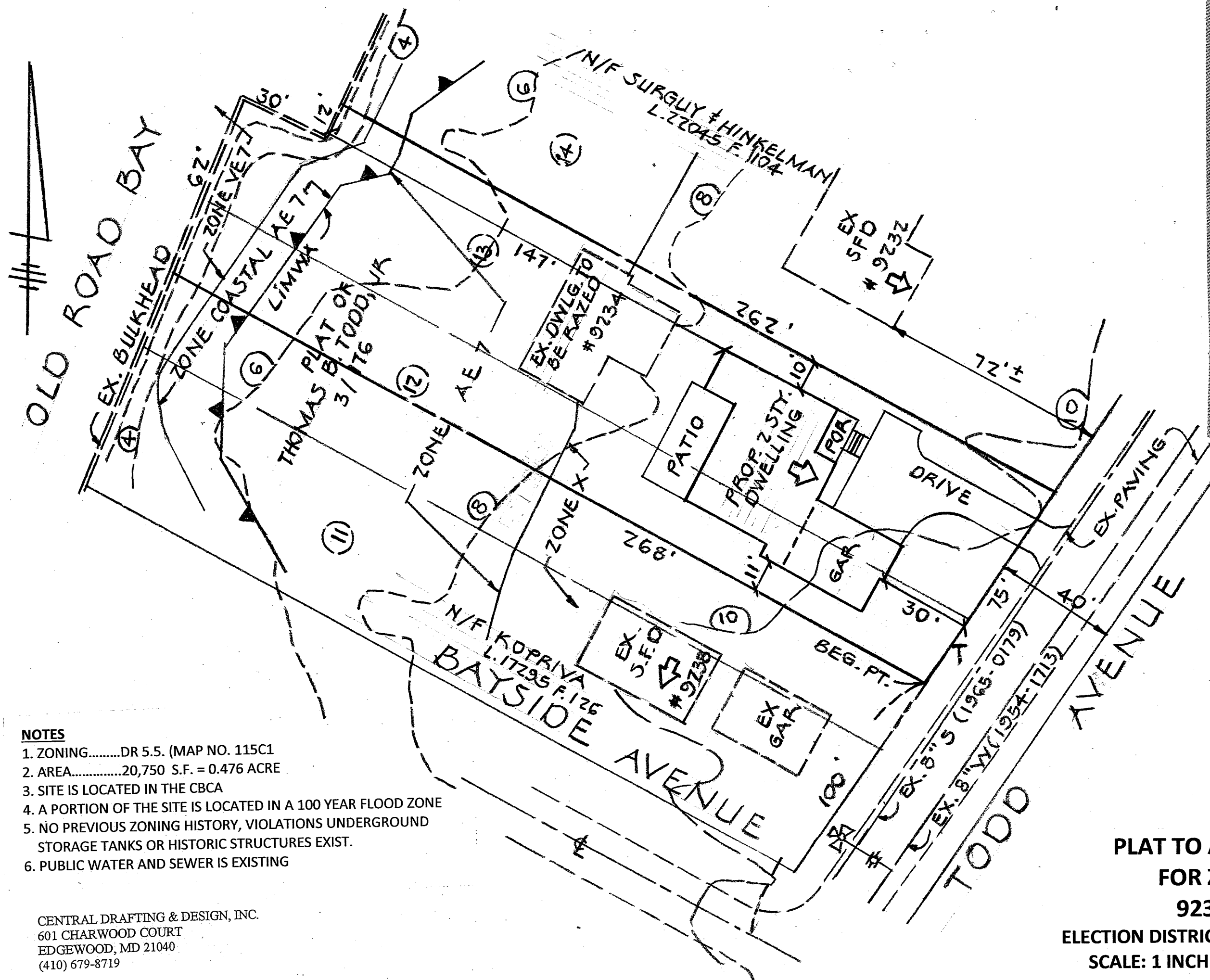
OWNER
BARRY J. AND EVA MARIE KOLUCH
6920 RIVER DRIVE ROAD
BALTIMORE, MD. 21219
DEED REF: L.37940 F.01
ACCT. NO. 2400002238

PHOTOS
PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
9234 TODD AVENUE

ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET FEBRUARY 10, 2017

- NOTES**
1. ZONING.....DR 5.5. (MAP NO. 115C1)
 2. AREA.....20,750 S.F. = 0.476 ACRE
 3. SITE IS LOCATED IN THE CBCA
 4. A PORTION OF THE SITE IS LOCATED IN A 100 YEAR FLOOD ZONE
 5. NO PREVIOUS ZONING HISTORY, VIOLATIONS UNDERGROUND STORAGE TANKS OR HISTORIC STRUCTURES EXIST.
 6. PUBLIC WATER AND SEWER IS EXISTING

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719



LOCATION PLAN
SCALE: 1" = 2000'

PETITIONER'S
EXHIBIT NO. 1

OWNER
BARRY J. AND EVA MARIE KOLUCH
6920 RIVER DRIVE ROAD
BALTIMORE, MD. 21219
DEED REF: L.37940 F.01
ACCT. NO. 2400002238

- NOTES**
1. ZONING.....DR 5.5. (MAP NO. 115C1)
 2. AREA.....20,750 S.F. = 0.476 ACRE
 3. SITE IS LOCATED IN THE CBCA
 4. A PORTION OF THE SITE IS LOCATED IN A 100 YEAR FLOOD ZONE
 5. NO PREVIOUS ZONING HISTORY, VIOLATIONS UNDERGROUND STORAGE TANKS OR HISTORIC STRUCTURES EXIST.
 6. PUBLIC WATER AND SEWER IS EXISTING

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
9234 TODD AVENUE
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET FEBRUARY 10, 2017**