CRDER RECEVED/FOR FILING
Date
By

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Mallard Road, 350' E of the

c/l of Pheasant Road
(6726 Mallard Road)
15th Election District
5th Councilmanic District

Jerry R. Bloyer, et ux

Petitioners

\* BEFORE THE

ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 98-157-A

\*

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Jerry R. and Emma L. Bloyer. The Petitioners seek relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 28 feet in lieu of the required 35 feet for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

and as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), to minimize any effects the proposed development might have on the Bay and its tributaries. Thus, the relief granted shall be conditioned upon the Petitioner's compliance with any recommendations made by DEPRM upon completion of their review.

This property is located within the Chesapeake Bay Critical Areas

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of November, 1997 that the Petition for Administrative Variance seeking relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 28 feet in lieu of the required 35 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee comments submitted by the Bureau of Developer's Plans Review, dated November 10, 1997, a copy of which is attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

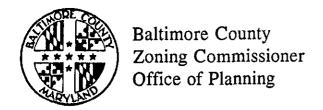
LAWRENCE E. SCHMIDT

Zoning Commissioner

- 2- for Baltimore County

ORDER RECEIVED FOR FILING
Date
1995

LES:bjs



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

November 20, 1997

Mr. & Mrs. Jerry R. Bloyer 6726 Mallard Road Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE

N/S Mallard Road, 350' E of the c/l of Pheasant Road

(6726 Mallard Road)

15th Election District - 5th Councilmanic District

Jerry R. Bloyer, et ux - Petitioners

Case No. 98-157-A

Dear Mr. & Mrs. Bloyer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

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 Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

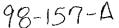
LES:bjs

cc: People's Counsel

File

Chesapeake Bay Critical Areas Commission 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM





## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at	6726 Malland Rd	
•	which is presently zoned	1211-7

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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

1A01.3.B.3 - BCZR

To permit a 28-foot side yard setback for an addition in lieu of the required 35 feet.

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

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

			Legat Owner(s).		
	T.		Legar Cwiter(s).		
	1		Jenry R	Bloye	Λ
	, , , , , , , , , , , , , , , , , , ,		(Type or Print Name)	.0	
			Henry R.	Kless	
			Signature	In	
	4		Emma LE	F B/	SYER
			(Type or Print Name)		
			Emma Lu	Blo	Jan.
State	Zipcode	,	Signature	<del></del>	····
			6726 Malland	1 Rd	410 3350005
			Address		Phone No
	T.	•	Baltimere	Md	21220
	- <del> </del>		City		Z-pcode contacted
•	·		Same		
Phon	e No		Name		
State	Zıpcode		Address		Phone No
	Phor	Phone No	Phone No	Signature  EMMA LE  (Type or Print Name)  Emma Zee  State Zipcode Signature  6726 Malland  Address  Baltimene  City Name, Address and phone number of re  SAME  Phone No Name	Signature  EMMA LEE BIO  (Type or Print Name)  Error Zee Blo  State Zipcode Signature  6726 Malland Rd  Address  Baltimene Md  City State  Name, Address and phone number of representative to be  SAME  Phone No Name



EVIEWED BY: JRT DATE: 10/2/97

circulation, throughout Baltimore County, and that the property be reposted



Printed with Soybean Ink on Recycled Paper Zaning Commissioner of Baltimore County

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

6726 Mallaged Rd
That the Affiant(s) does/do presently reside at 6726 Mallon & Rd
Bottmene Md 21220
City
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative
Variance at the above address: (indicate hardship or practical difficulty)
My MoThen had A STROKE 1413 Gent (1)
My Mother had a stroke this year (Aug 1982) She is now partually paralized and will always
he IN A Wheelchail.
We are Askows for this Variance to Accompanie
ARR disabilty We need this space for A Bedrow, and Bathroom to Account Ate hen Wheelchain weeds
without this Additional Space it will cause A
Servene handshyp.
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and
may be required to provide additional information.
Henry R Blage & Market Z Comma Lee Bloyer
(signature)  Tenny R Bloyer  (type or print name)  Tenny R Bloyer  Tenny R Bloyer  Tenny R Bloyer  (signature)  Emm4 LEE BloyER  (type or print name)
(type or print name) (type or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
THEREBY CERTIFY, this / day of October . 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
of Maryland, in and for the County aforesaid, personally appeared
Emma Lee Bloyer Duy R. Blogen
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law
that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal
10/16/27 Y Varia a. Labyer
date NOTARY PUBLIC
My Commission Expires: 8/1/99

ESTIMATED POSTING DATE



## Petition for Administrative Variance

98-157-A

## to the Zoning Commissioner of Baltimore County

for the property located at

6726 Malland Rd
which is presently zoned RC-2

· Zoning Commissioner of Baltimore County

ITEM #: 157

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached 1A01.3.B.3 - BCZR hereto and made a part hereof, hereby petition for a Variance from Section(s)

To permit a 28-foot side yard setback for an addition in lieu of the required 35 feet.

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

SEE PEUERSE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			i/We do solemnly declare and affirm, under the penalties of perjury, that I/we legal owner(s) of the property which is the subject of this Petition	are the
Contract Purchaser/Lessee			Legal Owner(s).	
(Type or Print Name)	-		(Type or Print Name)	<del></del>
Signature			Signature	
			EMMA LEEBIOXER	
Address			(Type or Print Name)	
			Emma Lee Bloga	
City	State	Zipcode	Signature	,
Attorney for Petitioner			6726 Malland Rd 410 33	350005
(Type or Print Name)			Address Phone No	
			6726 Malland Rd 4/10 33 Address Phone No Baltimore 14d 2/2 City State Zipcor	220
Signature	-		Name, Address and phone number of representative to be contacted	ue .
	•		Carando	
Address	Phone	No	Name	
City	State	Zipcode	Address Phone No	
No. 16 December 1 and 1 and 1 and 1		d to be compared it is not	ed by the Zoning Commissioner of Bathmore County, thisday of	10
	etition be set for a pub	lic hearing , advertised, a	required by the Zoning Regulations of Baltimore County, in two newspapers of	

Printed with Soybean Ink

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. EMMA (type or print name) STATE OF MARYLAND, COUNTY OF BALTIMORE, to with , before me, a Notary Public of the State day of I HEREBY CERTIFY, this of Maryland, in and for the County aforesaid, personally appeared the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal

My Commission Expires: 8

Zoweing Description 98-157-A

Zowing Deer, ption Sor 6720 Mulland Rd

Beginning at a point on the North side of
Malland Rd which is \$10st wide at a

distance of 350 St East of the centraline
of the wearest imprived intersection Phonomet

4 Malland Rd Which is \$10\$t wide

Being Lots 99 98 97 and point of 96

in the subdivision of Bird River Beach as

Recorded in Baltimine County Plata Book WPC 7

Folio 70 Continuing 21,016 Square Seef Also

Known As 6726 Malland Rd and located in

the 15 Flection Distret 6 Cornectmance District

Jenny R Bloyen 6726 Malland AN Balt. Md 21220



98-157-A

Development Processing County Office Building 111 West Chesapeake Avenua Towson, Maryland 21204

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ARNOLD JABLON, DIRECTOR
For newspaper advertising:	
Item No.: 157	
Petitioner: Jenny R Bloyen	
Petitioner: Jenny R Bloyen  Location: 6726 Malland Rd	Balt Md 21220
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: Jenny R. Bloyen	
NAME: Jenny R Bloyer ADDRESS: 6726 Malland No	
PHONE NUMBER: 410 335 -0605	<del></del>
AJ:ggs	(Revised 09/24/96)

	BALTIMORE COUNTY, MAP AND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  No. 04444	-	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	DATE 10/3//97 ACCOUNT P-001-615-000	Kri	0/21/1997 10/91/1997 11:10:12
	RECEIVED Jerry F. Bloyer  6726 Mallard Rd. ITEM# 157  FOR: OLO VARIANCE Taken by: JEF	·	Giçle 1970. Gillimore Dumiya Borvismi
4	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER 98-157-A	Sec.	CASHIER'S VALIDATION

#### **CERTIFICATE OF POSTING**

RE: Case No.: 98-157-A

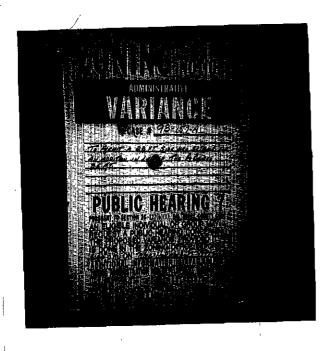
Petitioner/Developer:
(Jerry Bloyer)
Date of Hearing/Closing:
(Nov. 17, 1997)

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

Attention: Ms. Gwendolyn Stephens

**Ladies and Gentleman:** 

This letter is to certify under the penalties of perjury that the necessary sign(s) required by	
law were posted conspicuously on the property located at	_
6726 Mallard Road Baltimore, Maryland 21220	
The sign(s) were posted onOct. 31, 1997(Month, Day, Year)	



Sincerely,

(Signature of Sign Poster & Date)

Thomas P. Ogie, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405

(Telephone Number)

98-157-A

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 11/2/9

Format for Sign Printing, Black Letters on a White Background:

## **ZONING NOTICE**

## ADMINISTRATIVE VARIANCE

Case No.: <u>98-157-A</u>

Administrative Variance - To permit a 28 A. side yard sethack for an addition in her of the required 35 A.

## **PUBLIC HEARING?**

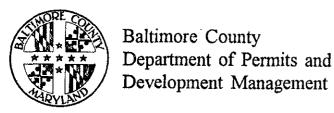
PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE





Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 31, 1997

## **ABOUT YOUR ADMINISTRATIVE VARIANCE**

CASE NUMBER: 97-157-A
6726 Mallard Road
N/S Mallard Road, 350' E of centerline Pheasant Road
15th Election District - 5th Councilmanic District
Legal Owner: Jerry R. Bloyer & Emma Lee Bloyer
Post by Date: 11/2/97
Closing Date: 11/17/97

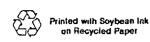
Contact made with this office regarding the status of this case should reference the case number and be directed to 410-887-3391. This notice serves as a refresher regarding the administrative process.

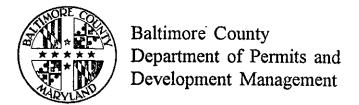
- The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- The "Closing Date" noted above is the deadline for a neighbor to file a formal request for a public hearing.
- 3. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/she may: (a) grant the requested relief, (b) deny the requested relief, or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to a public hearing.
- 4. In cases that must go to a public hearing (whether due to a neighbor's formal request or by order the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time, and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

c: Jerry & Emma Bloyer





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

November 12, 1997

Mr. and Mrs. Jerry Bloyer 6726 Mallard Road Baltimore, MD 21220

RE: Item No.: 157

Case No.: 98-157-A

Petitioner: Jerry Bloyer, et ux

Dear Mr. and Mrs. Bloyer:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 21, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Was Carl Richards, Jr. Zoning Supervisor

WCR/re Attachment(s)



## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 10, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for November 10, 1997

Item No. 157

The Bureau of Developer's Plans Review has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The minimum flood protection elevation for this site is 11.2 feet.

RWB:HJO:jrb

cc: File

PRDER RECEIVED FLA FILING

ZONE1110.157

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: November 3, 1997

Dept. of Permits & Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 151, 155, 156, 157, 158, 159, 160, 161, and 167

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

M. Log

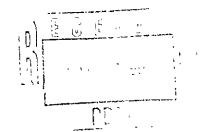
Prepared by:

Division Chief: 6

AFK/JL



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880



Arnold Jablon. Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 3, 1997

Item No.: See Below Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

156, (157) 158, 159, 161, 165, 166, and 167

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



David L. Winstead Secretary Parker F. Williams Agministrator

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

RE: Baltimore County // 3 .97 Item No. /57

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

An Ronald Burns, Chief

**Engineering Access Permits** 

Division

LG

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 10, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for November 10, 1997

Item No. 157

The Bureau of Developer's Plans Review has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The minimum flood protection elevation for this site is 11.2 feet.

RWB:HJO:jrb

cc: File

photograph 98-157-A



Site location.
Side yet.
Purpose Addition.

#157



Site logation Side yd.

purpose location

#1:



LS!#

Site location Side you purpose Addition



Site location Side yd prapose Addition

