

IN RE: PETITION FOR ADMINISTRATIVE * BEFORE THE
ZONING VARIANCE *
S/S Delmar Circle, 60 ft. S * ZONING COMMISSIONER
of c/l of DelRio and Delmar Rd. *
87 Delmar Circle * OF BALTIMORE COUNTY
12th Election District *
7th Councilmanic District * Case No. 98-252-A
Daniel Boland, Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Daniel Boland, for that property known as 87 Delmar Circle in the Inverness Annex subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 8 ft., in lieu of the required 10 ft., for an attached porch to be enclosed, in a D.R.5.5 zone. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, 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

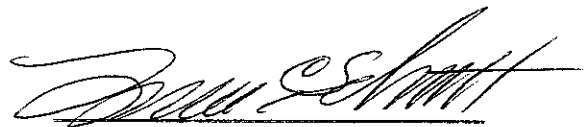
upon the Petitioner.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be 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.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of February, 1998 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 8 ft., in lieu of the required 10 ft., for an attached porch to be enclosed, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management upon completion of their findings.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmm

OFFICE OF THE ZONING COMMISSIONER
DATE: 2/5/98
BY: [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

February 4, 1998

Mr. Daniel Boland
87 Delmar Circle
Baltimore, Maryland 21222

RE: Petition for Administrative Variance
Case No. 98-252-A
Property: 87 Delmar Circle

Dear Mr. Boland:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

c: Patio Enclosures, Inc.
224 8th Avenue, N.W.
Glen Burnie, Maryland 21061





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 87 DELMAR CIRCLE

which is presently zoned DR.5.5

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) 1802.3.2.1 (BC2R)

TO ALLOW A SIDE YARD SETBACK OF 8' FOR AN ATTACHED PORCH TO BE ENCLOSED IN LIEU OF THE REQUIRED 10'.

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

*SEE REVERSE SIDE

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.

(We do 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 Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

XXXX
Attorney for Petitioner:

PATIO ENCLOSURES, INC.
(Type or Print Name)

Signature

R. L. TICE, AGENT

224 8th AVENUE, N.W. 760-1919

Address

Phone No.

GLEN BURNIE, MD. 21061

City

State

Zipcode

Legal Owner(s):

DANIEL BOLAND
(Type or Print Name)

Signature

(Type or Print Name)

Signature

87 DELMAR CIRCLE

Address

285-1119

Phone No.

BALTIMORE, MD 21222

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

PATIO ENCLOSURES, INC.

Name

224 8th AVE., N.W.

Address

760-1919

Phone No.

GLEN BURNIE, MD 21061

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: R.T.

DATE: 1-7-98

ESTIMATED POSTING DATE: 1-19-98

ITEM #: 252

98-252-A

ACB

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 87 DELMAR CIRCLE
address
BALTIMORE, MD. 21222
City State Zip Code

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)

1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.
2. INSULATE AND REDUCE HEATING BILLS.
3. REDUCE OUTSIDE NOISE.
4. A PLACE TO SIT OUT AND NOT BE CONCERNED WITH THE WEATHER, BUGS, MOSQUITOES, FLYS, ETC.
5. IMPROVE APPEARANCE OF HOUSE.
6. DUE TO THE IRREGULAR SHAPE AND THE NARROWNESS OF THE LOT, IT IS NOT POSSIBLE TO ADD ANY REASONABLE SIZED ADDITION WITHOUT A VARIANCE PROCEDURE.

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.

X Daniel Boland
(signature)

DANIEL BOLAND
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of Dec, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Daniel Boland

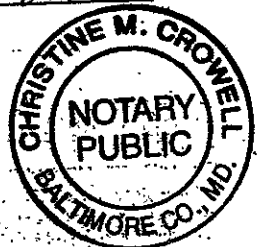
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

12/15/97
date

Christine M. Crowell
NOTARY PUBLIC

My Commission Expires: 1/29/01



A-525-89

ZONING DESCRIPTION

Zoning Description for 87 Del Mar Circle

Beginning at a point on the South side of Del Mar Circle which is 70' wide at the distance of 60' South of the centerline of the nearest improved intersecting street, Del Rio Road and Del Mar Road which is 40' and 50' wide.

*Being Lot #67, Block 0, Section 0 in the subdivision of Inverness Annex as recorded in Baltimore County Plat Book # 13, Folio # 27, containing 5800 square feet. Also known as 87 Del Mar Circle and located in the 12 Election District, 7 Councilmanic District.

ITEM 252

98-252-A

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

ITEM 252

No. 044502

DATE 1-7-98

ACCOUNT 2001-6150

CIO-RV

AMOUNT \$ 50.00

RECEIVED FROM: RIC-LEE CORP.

FOR: ADM. VARIANCE
#87 DELMAR CIRCLE
P.I.T.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
1/07/1998 1/07/1998 10:54:16

REG 4505 CASHIER BTRY BNT DRAWER 5
5 MISCELLANEOUS CASH RECEIPT

Receipt # 047242

CR NO. 044562

OFFLN

50.00 CHECK

Baltimore County, Maryland

98-252-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-252-A

Petitioner/Developer: _____

DANIEL P. & FLORENCE S. BOLAND

Date of Hearing/Closing: 2/2/98

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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 _____

87 DELMAR CIRCLE

The sign(s) were posted on 1/18/98
(Month, Day, Year)

Sincerely,

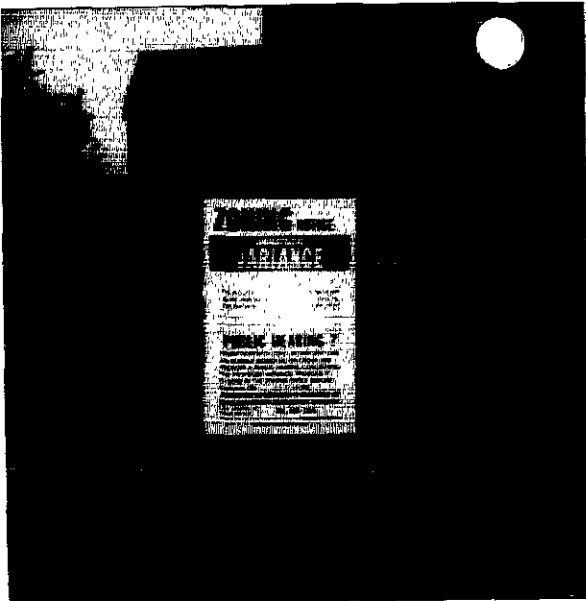
Richard E. Hoffman 1/18/98
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



CS. # 98-252-A

87 DELMAR CIRCLE - POSTED 1/18/98

Richard E. Hoffman 1/18/98

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 1-19-98

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

1-18-98

WRONG FORM
ITEM 252

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 98-252A

TO ALLOW A SIDE YARD SETBACK OF 8' FOR AN
ATTACHED OPEN PORCH TO BE ENCLOSED IN
LIEU OF THE REQUIRED 10'

PUBLIC HEARING ?

**PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,
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**

2-2-98

**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

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 1-19-98

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

ITEM 252

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 98-252A

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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

OLD FORM - SEE
NEW FORM + NOTE

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 252 -A

Address 87 DELMAR CIRCLE
BALTO. MD. 21222

Contact Person: REGULO TANGUILIG

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 1-7-98

Posting Date: 1-18-98

Closing Date: 2-2-98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 98- 252 -A

Address 87 DELMAR CIRCLE, BALTO. MD
21222

Posting Date: 1-18-98

Closing Date: 2-2-98

Wording for Sign: To Permit A SIDE YARD SETBACK OF 8 FT. FOR
AN ATTACHED OPEN PORCH TO BE ENCLOSED IN LIEU
OF THE REQUIRED 10 FT.

FORM SENT TO PETITIONERS
BY RT ON 1-14-98

WCR - 12/11/97

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

APPROVED SIGN POSTERS

Stacy Gardner
Shannon-Baum Signs, Inc.
105 Competitive Goals Drive
Baltimore, MD 21784

Telephone: (410) 781-4000
Toll Free: (800) 368-2295
Fax: (410) 781-4673

Richard Hoffman
904 Dellwood Avenue
Fallston, MD 21047

Telephone: (410) 879-3122

Garland E. Moore
3225 Ryerson Circle
Baltimore, MD 21227

Telephone: (410) 242-4263
Mobile: (410) 382-4470

Tom Ogle
325 Nicholson Road
Baltimore, MD 21221

Telephone: (410) 687-8405
Mobile: (410) 262-8163
Fax: (410) 687-4381

Patrick M. O'Keefe, Sr.
523 Penny Lane
Hunt Valley, MD 21030

Telephone: (410) 666-5366
Cell: (410) 905-8571
Fax: (410) 628-2574
(410) 882-2469

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WCR - Revised 12/11/97

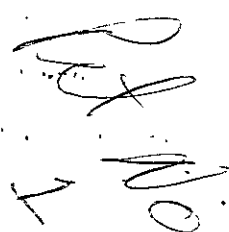
1

see pages 5 & 6 of the CHECKLIST for additional required information

INVERNESS ANNEX

CHINK CREEK

OWNER: DANIEL & FLORENCE BOWLAND



**MRS. CELIA WILHELM
93 DEL MAR AVENUE**

MR. & MRS. GEORGE EIDMAN
85 DEL MAR CIRCLE

North

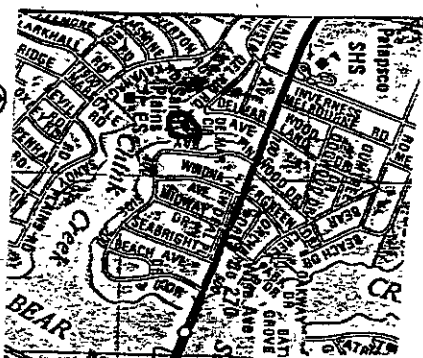
DEL MAR ROAD

DEL RIO ROAD

date: 1/6/98

prepared by: R. L. TICE, AGENT

Scale of Drawing: 1" = 20'



Vicinity Map
scaled 1"=1000'

LOCATION INFORMATION

Election District: 12

Councilman's District: 7

1"=200' scale map#: SE 4G

Zoning: DR 5.5

Lot size: 0.133 5800
acres square feet

SEWER: ☒ public ☐ private

WATER: ☒ ☐

Local Area: ☒ ☐

Chesapeake Bay Critic Prior Zoning Hearings

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:

PT 252

98-252-A

PHONE NUMBER: 410-760-1919

ADDRESS: 224 8th AVENUE, N.W., GLEN BURNIE, MD. 21061

NAME: PATIO ENCLOSURES, INC. - R. L. TICE, AGENT

PLEASE FORWARD ADVERTISING BILL TO:

Location: 87 DEL MAR CIRCLE

Item No.: Petitioner: DANIEL & FLORENCE BOWLAND

For newspaper advertising:

ARNOLD JARLON, DIRECTOR

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

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

1) Posting fees will be assessed and paid to this office at the time of filing.

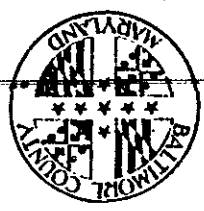
PAYMENT WILL BE MADE AS FOLLOWS:

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

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

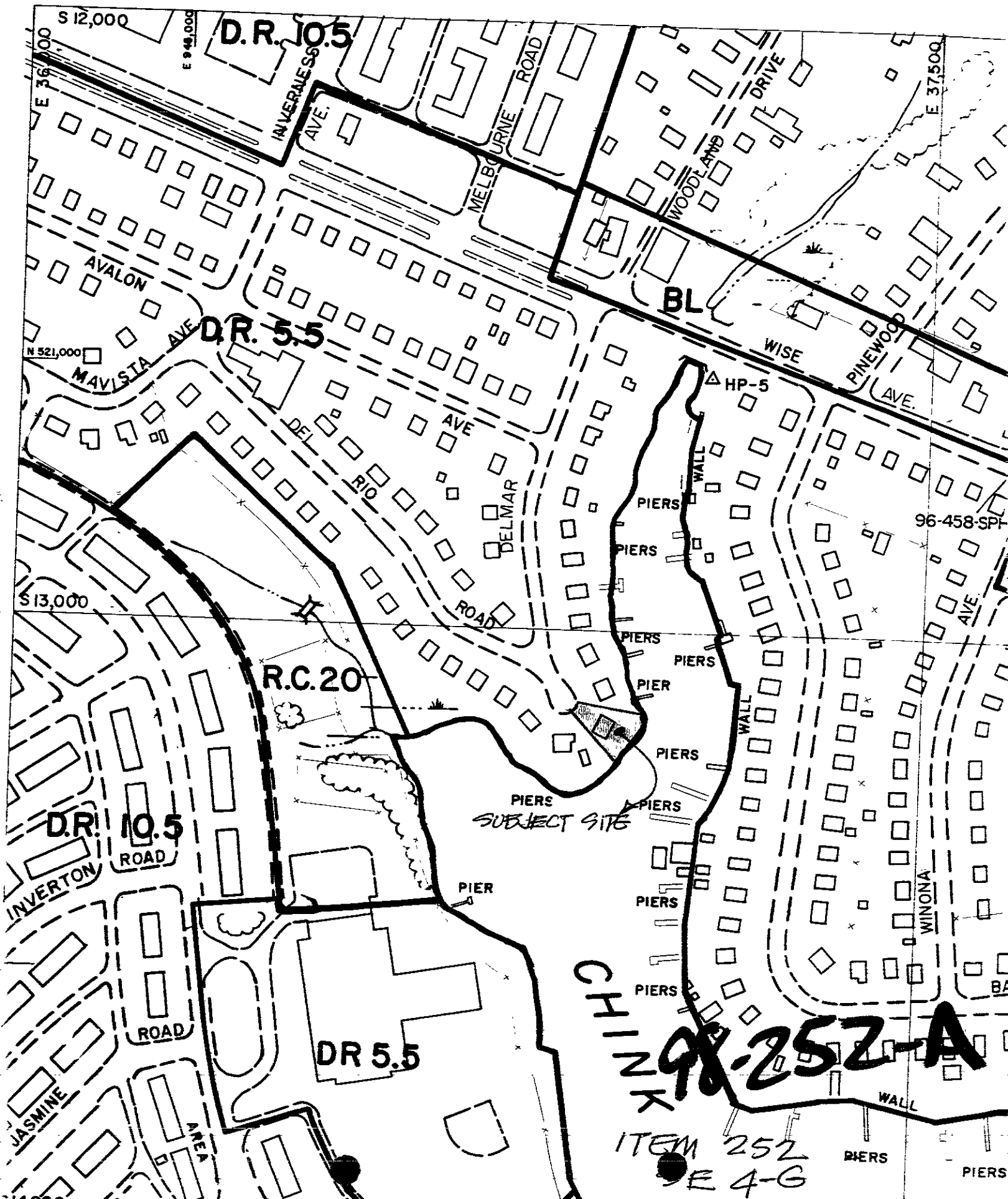
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

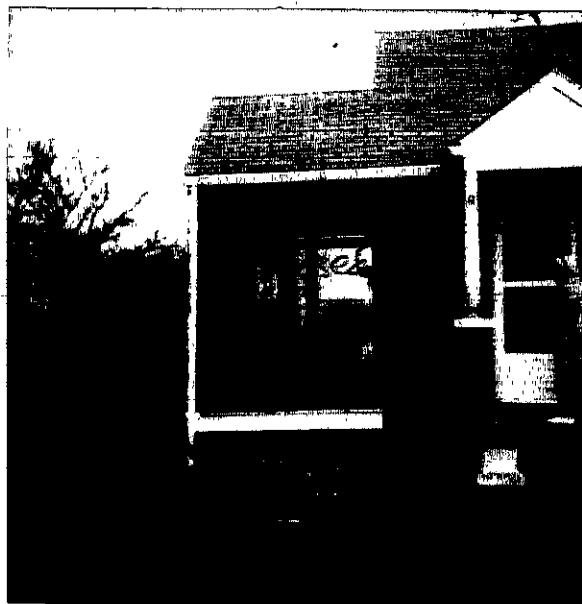
Baltimore County
Department of Permits and
Development Management



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

08-525-A





BOLAND ITEM 252

9B-252-A