



IN RE: PETITION FOR ADMIN. VARIANCE

N/S of Blackhead Road, 120 ft. W of Crooks Lane 15th Election District 6th Councilmanic District

(6546 Blackhead Road)

Stephanie & Steve Quaerna Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-387-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Stephanie and Steve Quaerna. variance request is for property located at 6546 Blackhead Road in the Middle River area of Baltimore County. The variance is requested from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 4 ft. (existing) and 10 ft. (proposed) in lieu of the required 35 ft. for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 5, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated March 25, 2004, a copy of which is attached hereto and made a part hereof. The Petitioners must also be in compliance with the requirements set forth in the ZAC comments submitted by the Bureau of Development Plans Review dated March 25, 2004, a copy of which is attached hereto and made a part hereof.





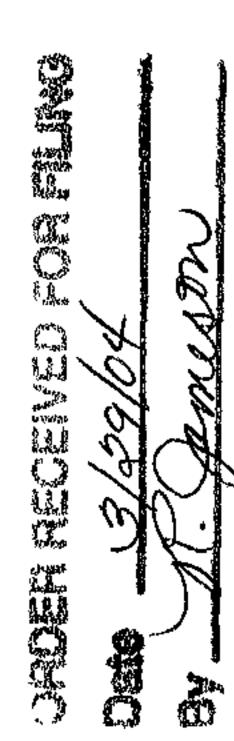
Notice is taken that the property, which is the subject of this variance request, consists of 12,950 sq. ft., and is zoned R.C.2.

The Petitioners have 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 Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 2004 day of March, 2004, by this Zoning Commissioner, that the Petitioners' request for variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 4 ft. (existing) and 10 ft. (proposed) in lieu of the required 35 ft. for an addition, be and they are hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. Compliance with the ZAC comments submitted by DEPRM dated March 25, 2004, a copy of which is attached hereto and made a part hereof;







- 3. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated March 25, 2004, a copy of which is attached hereto and made a part hereof; and
- 4. 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 FOR BALTIMORE COUNTY

LES:raj





Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

March 29, 2004

Mr. & Mrs. Steve Quaerna 6546 Blackhead Road Baltimore, Maryland 21220

> Re: Petition for Administrative Variance Case No. 04-387-A Property: 6546 Blackhead Road

Dear Mr. & Mrs. Quaerna:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed 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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure







REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property le	ocated at 6546 BLACKHEAD PD
	which is presently zoned 202
made a part hereof, hereby petition for all variance from Social	Its and Development Management. The undersigned, legal ch is described in the description and plat attached hereto and ion(s)
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IN LIEW OF 35 FT.	AND 10 FT. (PROFOSO
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* £ ^{**}	;
of the zoning regulations of Baltimore County, to the zoning lof this petition form.	aw of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the land in the second second second is to be posted and advertised as prescribed by the second sec	sting, etc. and further agree to and are to be bounded by the zoning
-	I/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:	<u>Legal Owner(s):</u>
Name - Type or Print	Name - Type or Print
Signature	Name - Type or Print Signature STEPHANIE QUIERNA
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature Comments of the state
<u>Attorney For Petitioner:</u>	Address BLACKHEAD RD: 440-344-900 Telephone No.
Jarne Type or Print	MD. 2/220 City State Zip Code
	Representative to be Contacted:
Signature	
Zompany	Mame BURTON
ddrees Telephone No.	123 E CLEMENT ST 443-804-4238 Address Telephone No.
State Zip Code	BAUTIMORE MD 21230 City State Zip Code
Public Nearing having been formally demanded and/or found to be that the subject matter of the subject matter	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
My Commission Expins Decompos 1, 3007	Zoning Commissioner of Baltimore County
CASE NO. $04.387.4$ Rev	iewed By 500 Date 07-23-09
REV 10/25/01 Esti	mated Posting Date <u>03-07-04</u>

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.

BAUTIMORE

That the Affiant(s) does/do presently reside at

PUAD

21220

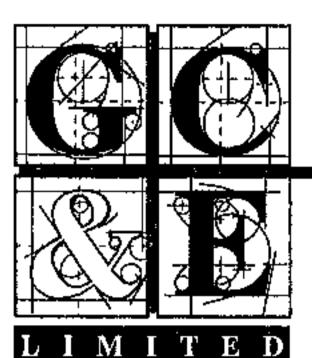
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Signature		Signature	<u> </u>		
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the Affiant(s) herein, personally known or satisfacto	rily identified to	me as such Affiant	(s).		
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REV 10/25/01					



Beginning at a point on the North 88 34' W 50' side of Blackhead Road which is
16' wide MACADAM Wide at the distance of 120' West of the
Centerline of the nearest improved intersecting street Crooks Road Which is
16'wide. Being Lot # 35-36
Block, Section # in the subdivision of Bird River Beach
As recorded in Baltimore County Plat Book # <u> の</u> , Folio # <u> </u>
Containing 12,950 square feet. As known as 6546 Blackhead Road Baltimore, Maryland 21220 and located in the 15 TH Election District, 67TH Councilmanic District.

04:387-17



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE NO. 04-387-A
PETITIONER/DEVELOPER:
Steve Quaerna
DATE OF HEARING:
N/A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

ZONING NOTICE

ADMINISTRATIVE
VARIANCE

CASE #: 04-387-A

A VARIANCE TO PERMIT SIDE YARD SETHACKS OF 4 FEET AND 10 FRET

PUBLIC HEARING?

PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE PROVIDED IT
IS DONE IN THE ZONING OF FLET DIFFE THE
A 30 pm ON MARCH 22 2004
ADDITIONAL SPECIAL 2004
ADDITIONAL 20

LOCATION:

6546 Blackhead Road

DATE:

March 8, 2004

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

OSTED ON: March 5, 2004

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: 694-387- (-)
Petitioner: STERE SSTEPHANN QUACTUA
Address or Location: 6546 13 LACE HEAD PO
PLEASE FORWARD ADVERTISING BILL TO:
Name: Steve QUAGRUS.
Address: 6546 BLACKHEAD RD
BAUTUMORE MO. 21220.
Telephone Number: 410-365-553

Revised 2/20/98 - SCJ

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

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Department of Permits Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

March 22, 2004

Steve Quaerna Stephanie Quaerna 6546 Blackhead Road Baltimore, Maryland 21220

Dear Mr. and Mrs. Quaerna:

RE: Case Number: 04-387-A, 6546 Blackhead Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 23, 2004.

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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. Callibal D.

WCR: clb

Enclosures

c: People's Counsel

Michael Burton 123 E. Clement Street Baltimore 21230

Visit the County's Website at www.baltimorecountyonline.info





Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

2.27.04

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

RE:

Baltimore County

Item No.

387

JRA

Dear. Ms. Matthews:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley MS

MAR 2 6 2004

EIVED

DATE:

March 25, 2004

NING COMMISSIONER

SUBJECT:

Zoning Item

04-387

Address

6546 Blackhead Road

Querna Property

Zoning Advisory Committee Meeting of March 1, 2004

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer:

Keith Kelley

Date: March 18, 2004

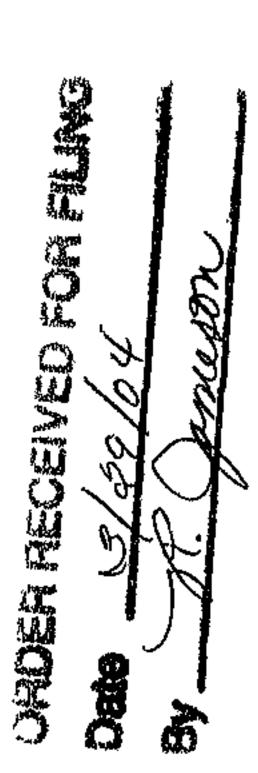
GROUNDWATER MANAGEMENT

Prior to approval of a building permit, an evaluation of the septic system will be required.

Reviewer:

Sue Farinetti

Date: March 8, 2004



S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

RETERME 3004

MAR I 1 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

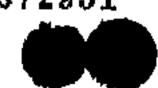
SUBJECT: Zoning Advisory Petition(s): Case 4-371 and 4-387 – Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Section Chief:

AFK/LL





BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 25, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 8, 2004

Item No. 387

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The flood protection elevation for this site is 11.2 feet.

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

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.

The building engineer shall require a permit for this project.

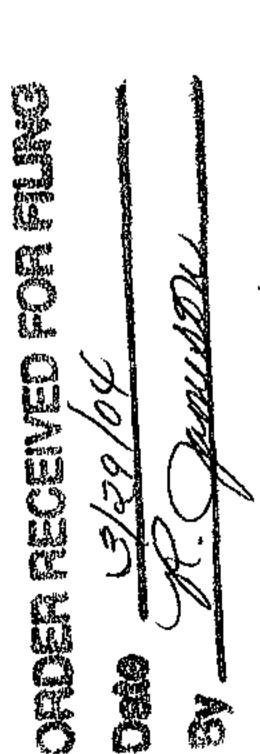
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ZAC-03-08-2004-ITEM NO 387-03292004



3019532970_

February 26, 2004

John Alexander
Baltimore Co. Dept. of Permits and
Development Management Zoning Review
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

To Whom It May Concern:

We the undersigned persons below have discussed the proposed addition on 6546 Black Head Road and are in agreement with the proposed addition.

6548 Black head RD
Balt, Mb 21220

04-387.

Ma:-03-04 | (:|8em

3010632970

P. 02/02 F+874 7-343

February 26, 2004

John Alexander Baltimore Co. Dept. of Permits and Development Management Zoning Review 111 West Chesapeake Avenue **Room 111** Towson, MD 21204

From-SAFWAY SERVICES INC

To Whom It May Concern:

4

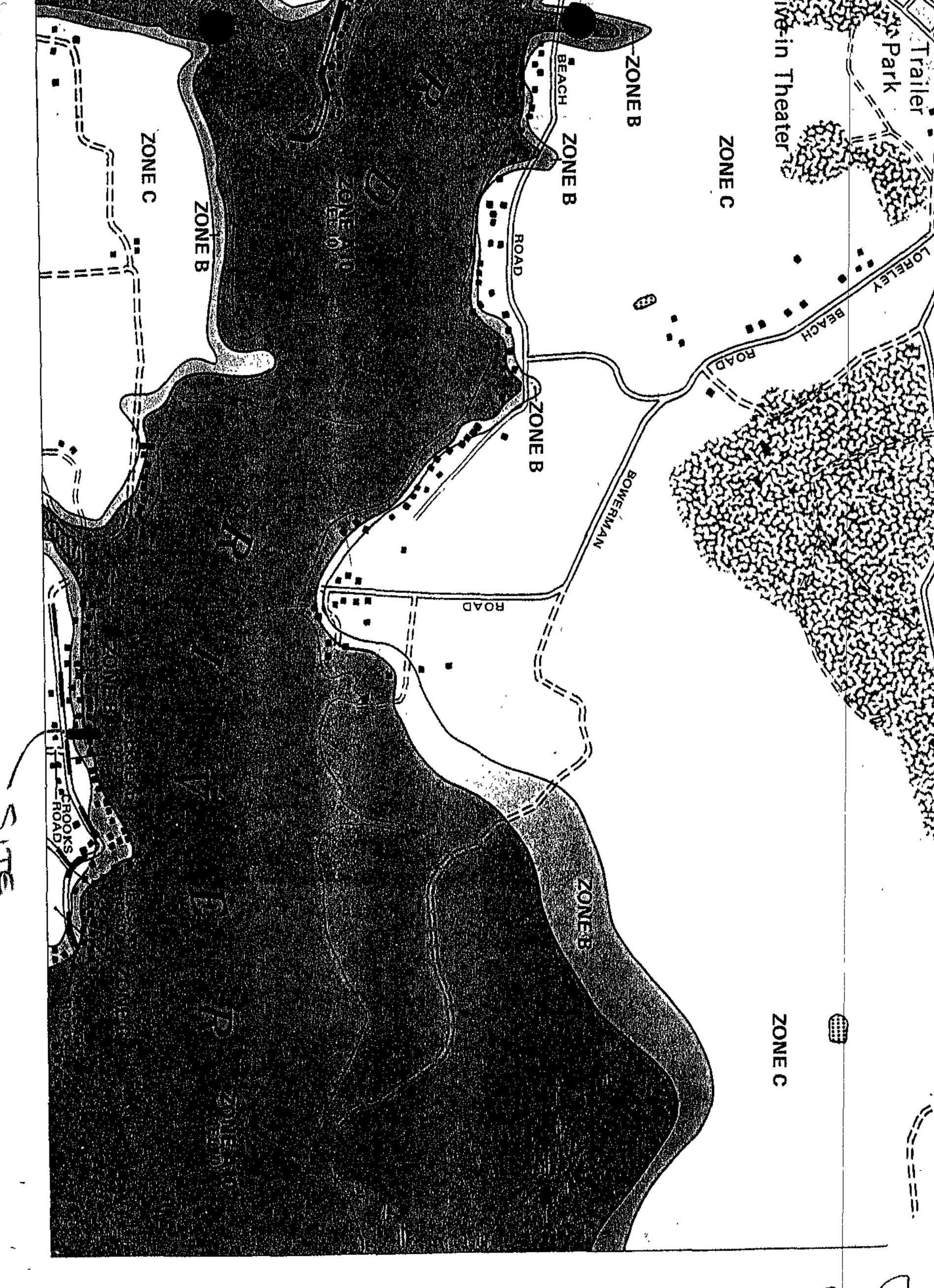
We the undersigned persons below have discussed the proposed addition on 6546 Black Head Road and are in agreement with the proposed addition.

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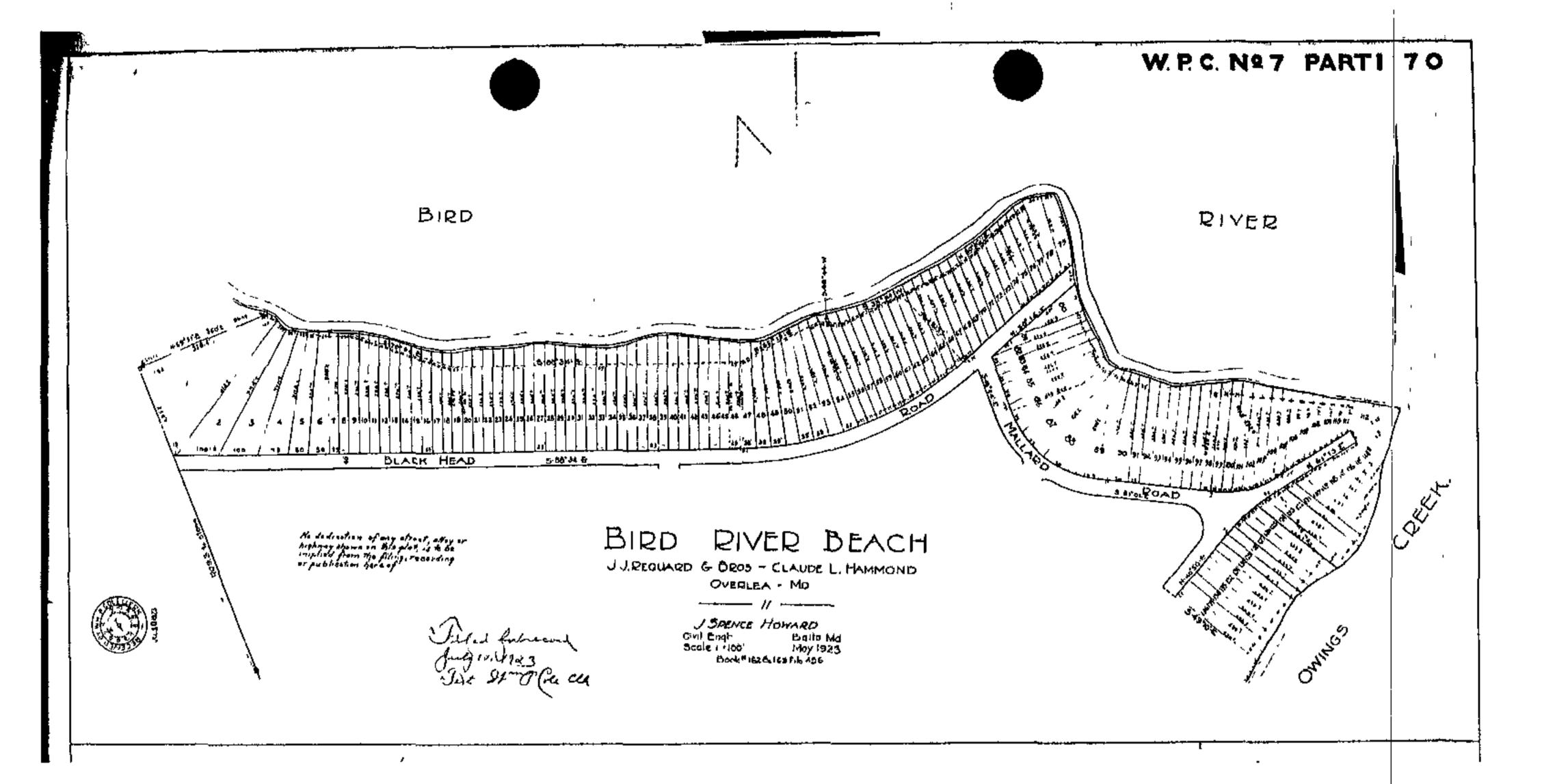
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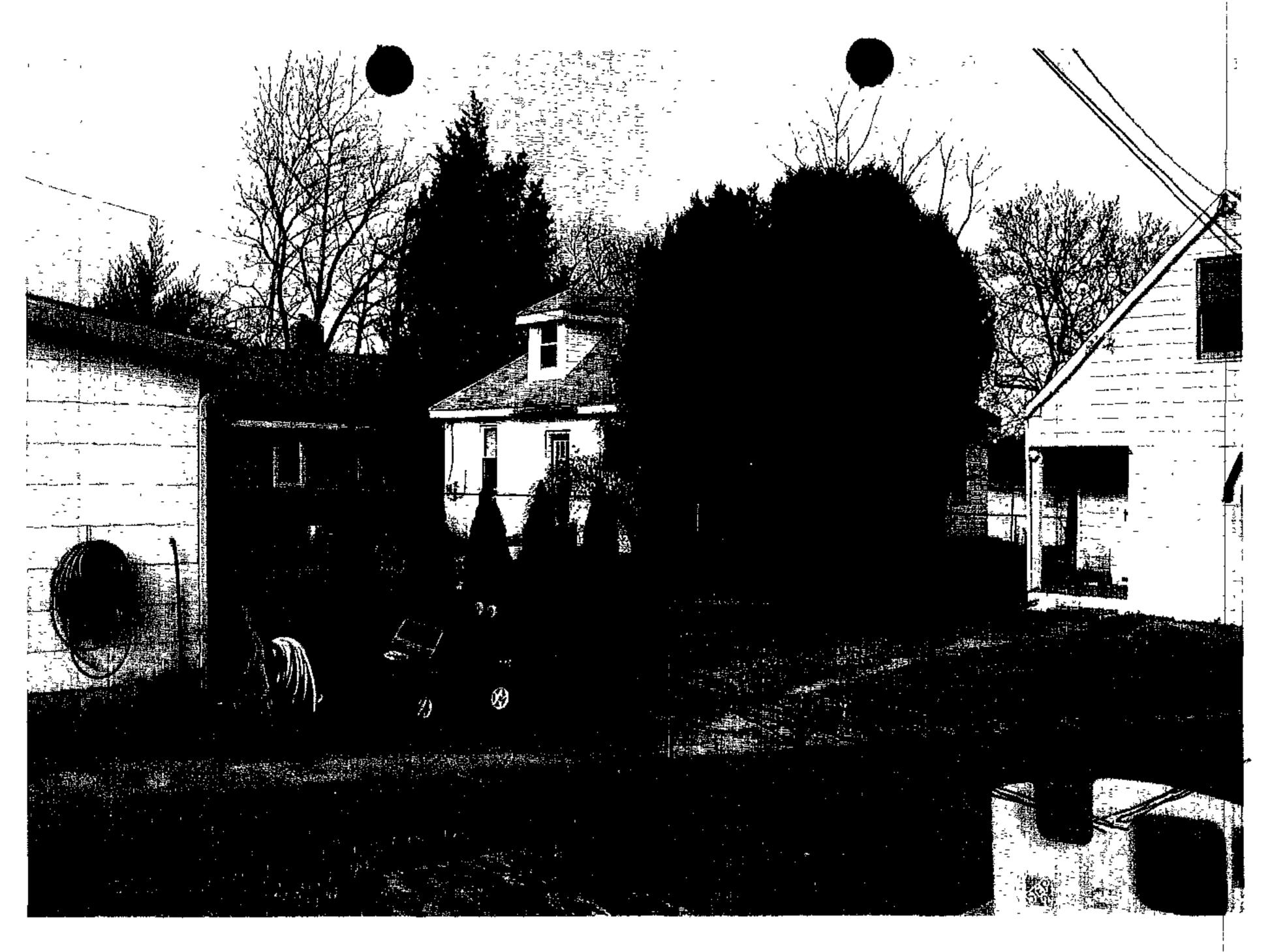
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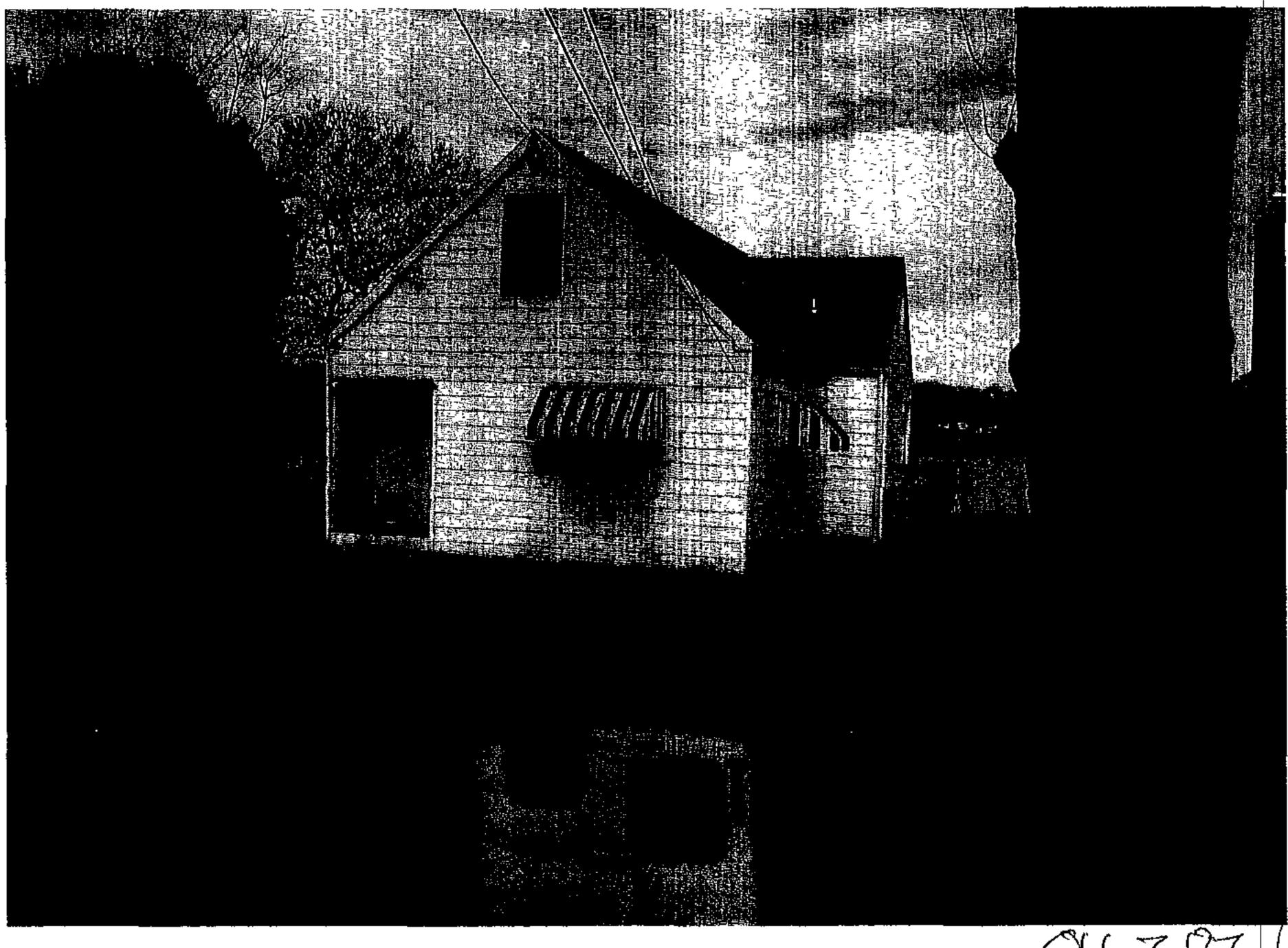
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04-387.A







O4-387.A

J4-387-1

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U-285-72

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