

IN RE: PETITION FOR VARIANCE
N/S of Bletzer Road, east of c/l of
Cove Road
15th Election District
7th Councilmanic District
(8356 Bletzer Road)

Bethany Kay Lyons
Petitioner
Sherry McGurrin
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 07-039-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Bethany Kay Lyons. The Petitioner is requesting variance relief for property located at 8356 Bletzer Road. The variance request is from Section 1B02.3.C.1 Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet, a side yard setback of 7 feet and a rear yard setback of 15 feet in lieu of the required 25 feet, 7 feet and 30 feet respectively.

The property was posted with Notice of Hearing on September 12, 2006 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 12, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

Amended Petition

At the outset of the hearing Mr. Billingsley pointed out that the Petition has a typographical error in the fact that it indicates the required side yard setback in the DR

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5.5 zone is 10 feet not 7 feet as listed. The neighbors attended the hearing did not object to the change.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Bureau of Development Plans Review dated August 8, 2006 which contains restrictions and the Department of Environmental Protection and Resource Management dated September 7, 2006 which contains restrictions. Copies are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Buck Jones, David Billingsley, who prepared the site plan, Karen Raspe, Melody Arbaugh as well as

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Bethany Lyons, Petitioner and Sherry McGurrin, Contract purchaser. Attending the hearing were neighbors, Janet Lorenz, Tony Kotecki and John Vondracek. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject waterfront property contains 7875 square feet zoned DR 5.5 and is presently vacant. Mr. Billingsley indicated that the lot dimensions in the Petitioner's deed show a much larger lot than presently exists as shown in exhibit 1. Apparently this lot and others in the area have lost substantial land area due to erosion which has now been restrained by construction of the bulkhead shown. The subject property also extends across Bletzer Road again as shown on exhibit 1.

Mr. Billingsley indicated that there had been a house on the property for many years but that it was so damaged by Hurricane Isabel that it had to be razed. In support of his contention that a home had been on the lot, he pointed out the home and accessory buildings on the aerial zoning map in the file.

The Petitioner proposes to erect a new 40 x 28 foot home on the subject lot as shown on exhibit 1 to replace the now razed home. He opined that the proposed home is modest in size compared to replacement homes being built in the community and the 40 x 28 dimension includes all decks. In addition a new garage would be built on that portion of the property across Bletzer Road.

He opined that the lot was unique from a zoning standpoint due to the significant erosion which took place prior to the erection of the bulkhead and which directly causes the front (20 feet to bulkhead on the waterfront side) and rear (15 feet on road side) yard setbacks variance requests. The regulations require 25 foot front yard setback and 30 feet

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rear yard setback. In regard to the side yard setback request the Petitioner originally asked for 7 feet in lieu of the required 10 feet. However to accommodate neighbor, Mr. Vondracek, who owns the adjoining lot to the west, the Petitioner agreed to reduce the request to 8 feet.

In regard to the side yard on the east side, the Lorenz property, Mr. Billingsley noted that his firm field located the east property boundary which apparently surprised Ms. Lorenz. While she did not dispute the boundary survey, she opined that there had been a fence between the properties for many years which she believed to be the boundary. Consequently she asserted that the fence should be the boundary by adverse possession.

Mr. Vondracek indicated that he was concerned with the location of the Petitioner's pier which is located on the west boundary of the property, in poor condition and too close to the common boundary line. Neighbors also questioned the allowed height of the building, acreage of the site and parking vehicles in the road. After discussion of these issues, they were satisfied with the requests.

Findings of Fact and Conclusions of Law

As I explained to Ms. Lorenz only the Circuit Court has jurisdiction to hear adverse possession claims. Also as noted at the hearing the pier is not part of any request in this petition and may have to resolved at a later date. However in general the neighbors seemed satisfied with the requests.

Considering all the testimony and evidence presented, I find the property unique from a zoning perspective as the substantial erosion of the lot prior to erecting the bulkhead directly causes the front and rear yard setback requests.

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I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no other land available which can be added to the property to relieve the variance requests which unless granted will not allow the replacement home to be built.

I also find that the lot size meets the minimum lot size for this DR 5.5 zone so the replacement home will not increase the density over that otherwise allowed.

Finally, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The proposed home is modest and will not change the pattern of development of the neighborhood.

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 requests should be granted

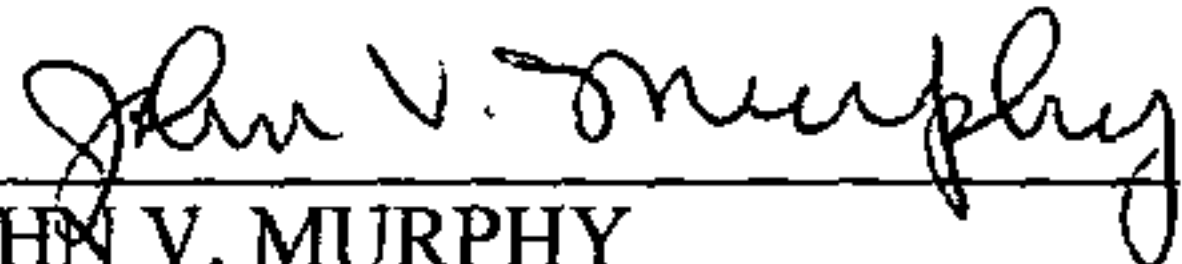
THEREFORE, IT IS ORDERED, this 29th day of September, 2006, by this Deputy Zoning Commissioner, that the Petitioner's variance request from Sections 1B02.3.C.1 Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet, a side yard setback of 8 feet and a rear yard setback of 15 feet in lieu of the required 25 feet, 10 feet and 30 feet respectively is hereby GRANTED subject to the following conditions:

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.

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2. In conformance with *Federal Flood Insurance* Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
3. 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.
4. The building engineer shall require a permit for this project.
5. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
6. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.
7. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
8. This property is within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the CBCA. Impervious surface area is limited to 25% of the lot size and must maintain 15% tree cover. Any impervious surface area over 25% will require mitigation or removal. BMA regulations state that no structure is allowed within 25 feet of the water without variance approval from this Department. Any disturbance to the 100 foot buffer will require mitigation (BMA regulation).

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

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9-29-06
pz



BALTIMORE COUNTY

M A R Y L A N D

September 29, 2006

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

BETH LYONS
10039 CRANE LANE
BALTIMORE MD 21220

SHERRY MCGURRIN
11 NAKOTA COURT
BALTIMORE MD 21220

Re: Petition for Variance
Case No. 07-039-A
Property: 8356 Bletzer Road

Dear Ms. Lyons and Ms. McGurrin:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: David Billingsley, Central Drafting & Design Inc., 601 Charwood Court, Edgewood MD 21040
Melody Arbaugh, 11 Nakota Court, Baltimore MD 21220
Karen Raspe, 1209 Engleberth Rd, Baltimore MD 21221
Janet Lorenz, 8358 Bletzer Road, Baltimore MD 21222
Tony Kotecki, 8352 Bletzer Road, Baltimore MD 21222
John Vondracek, 8354 Bletzer Road, Baltimore MD 21222

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9-29-06
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CBCA

Flood

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8356 BLETZER ROAD
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and 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)

SEE ATTACHED

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

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, 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.

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:

SHERRY MCGURRIN

Name - Type or Print

Sherry McGurri

Signature

11 MAKOTA CT (410) 952-7002

Address

BALTO.

City

MD.

State

Telephone No.

21220

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

BETHANY KAY LYONS

Name - Type or Print

Bethany Kay Lyons

Signature

Name - Type or Print

Signature

3300 APPLETON AVE

Address

BALTO. MD.

State

Telephone No.

21234

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY

Name

601 CHARWOOD CT (410) 679-8719

Address

EDGEWOOD MD.

State

Telephone No.

21040

Zip Code

OFFICE USE ONLY

Case No. 07-039-A

ESTIMATED LENGTH OF HEARING _____

SFW: 0260 9

Reviewed By BR

UNAVAILABLE FOR HEARING

Date 7/31/06

ORDER RECEIVED FOR FILING

9-29-06

M

Section 1B02.3.C.1 to permit a front yard setback of 20 ft., a side yard setback of 7 ft., and a rear yard setback of 15 ft. in lieu of the required 25 ft., 7 ft. and 30 ft., respectively.

ZONING DESCRIPTION

8356 BLETZER ROAD

Beginning at a point on the north side of Bletzer Road (variable width) said point being distant 1505 feet easterly from it's intersection with the center of Glenhurst Road and Edgewater Place, thence (1) N 10° 23' E 132.94 feet, thence (2) S 78° 09' 26" E 6.80 feet thence (3) S 09° 35' 43" E 57.82 feet, thence (4) S 59° 30' 56" E 39.35 feet, thence (5) S 18° 41' W 47 50 feet, thence (6) S 56° 37' W 14.25 feet, thence (7) S 09° 15' W 77.75 feet, thence (8) S 84° 33' W 26.70 feet, thence (8) N 08° 25' E 30.60 feet, thence (9) N 12° 24' W 54.20 feet to the place of beginning. Containing 7,875 square feet or 0.181 acre of land, more or less.

Being known as 8356 Bletzer Road and located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Maryland.

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: # 07-039-A

8356 Bletzer Road

North side of Bletzer Road, 2,600 feet +/- east of centerline of Cove Road

15th Election District — 7th Councilmanic District

Legal Owner(s): Bethany Kay Lyons

Contract Purchaser: Sherry McGurrian

Variance: to permit a front yard setback of 20 feet, a side yard setback of 7 feet, and a rear yard setback of 15 feet in lieu of the required 25 feet, 7 feet and 30 feet, respectively.

Hearing: Wednesday, September 27, 2006 at 10:00 a.m. In Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 9/652 Sept. 12

108953

CERTIFICATE OF PUBLICATION

9/14, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/12, 2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 3197

DATE 7/31/06 ACCOUNT 2001-006-6153

AMOUNT \$ 65.00

RECEIVED FROM: Central Printing

FOR:

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

7/31/06 3197

PAID RECEIPT

BUSINESS ACTION TIME 7/31/06 10:43:02 2

ED M02 MAIL DEVA JEE

RECEIPT # 40733 7/31/2006 0711

Dept 5 520 ZONING VERIFICATION

IN NO. 003797

Receipt Tot \$65.00

\$65.00 OK \$4.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 07-039-A

Petitioner/Developer: BETHANY
KAY LYONS / SHEERY MCGILLIN

Date Of Hearing/Closing: 9/27/06

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

Attention:

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
at 8356 BLETZER RD

This sign(s) were posted on September 12, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 9/12/06
(Signature of sign Poster and Date)

Martin Ogle

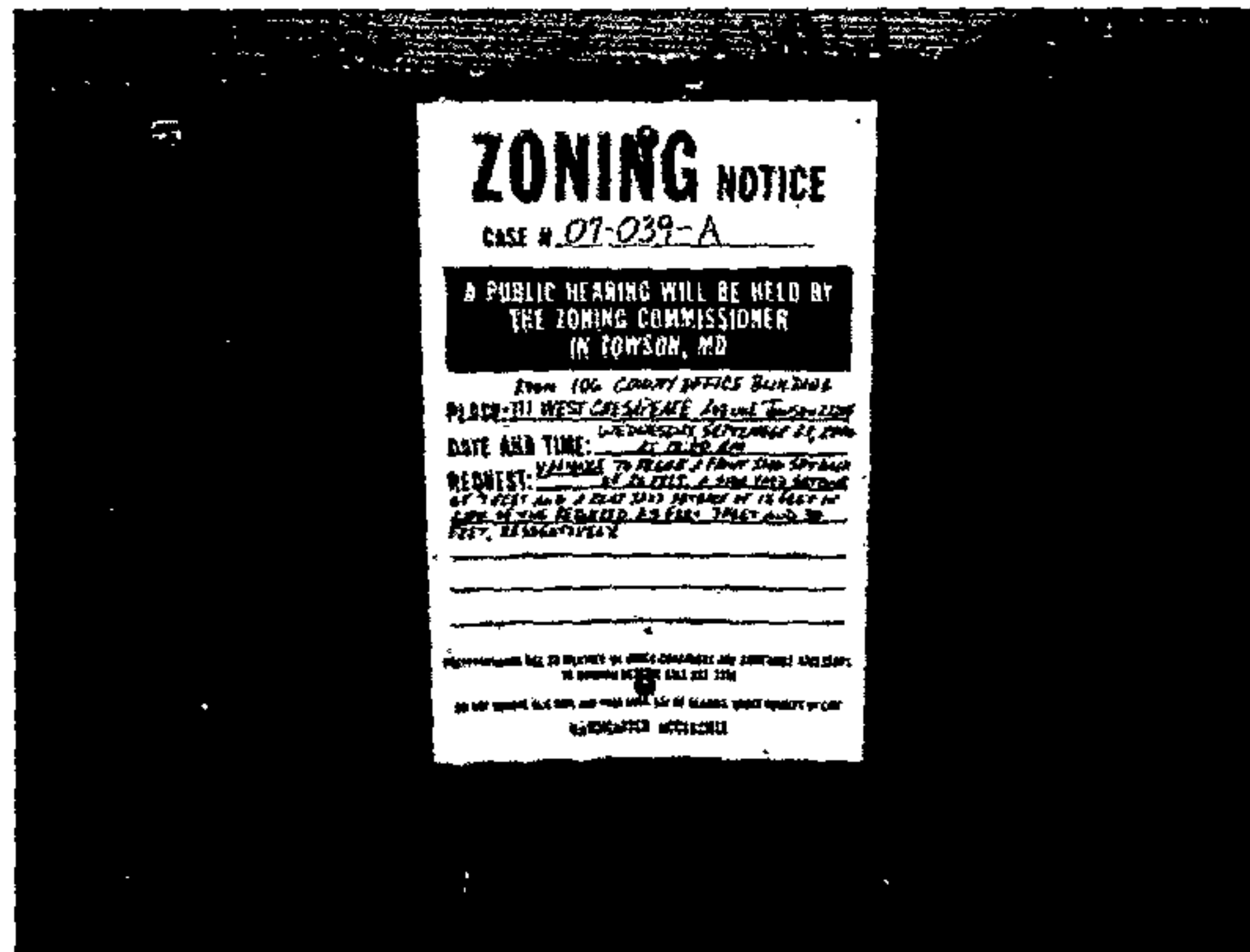
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



Walter J. 9/12/08

RE: PETITION FOR VARIANCE
8356 Bletzer Road; N/S Bletzer Rd, 2,600'
E of Cove Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): Bethany Kay Lyons
Contract Purchaser(s): Sherry McGurrin
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 07-039-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel 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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 2006, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

RECEIVED

AUG 04 2006

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

August 15, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: 07-039-A

8356 Bletzer Road

North side of Bletzer Road, 2,600 feet +/- east of centerline of Cove Road

15th Election District – 7th Councilmanic District

Legal Owner: Bethany Kay Lyons

Contract Purchaser: Sherry McGurrin

Variance to permit a front yard setback of 20 feet, a side yard setback of 7 feet, and a rear yard setback of 15 feet in lieu of the required 25 feet, 7 feet and 30 feet, respectively.

Hearing: Wednesday, September 27, 2006 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy M. Kotroco".

Timothy Kotroco
Director

TK:klm

C: Bethany Kay Lyons, 3300 Appleton Avenue, Baltimore 21234
Sherry McGurrin, 11 Makota Court, Baltimore 21220
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 12, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 12, 2006 Issue - Jeffersonian

Please forward billing to:
Sherry McGurrin
11 Makota Court
Baltimore, MD 21220

410-952-7002

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: 07-039-A

8356 Bletzer Road

North side of Bletzer Road, 2,600 feet +/- east of centerline of Cove Road

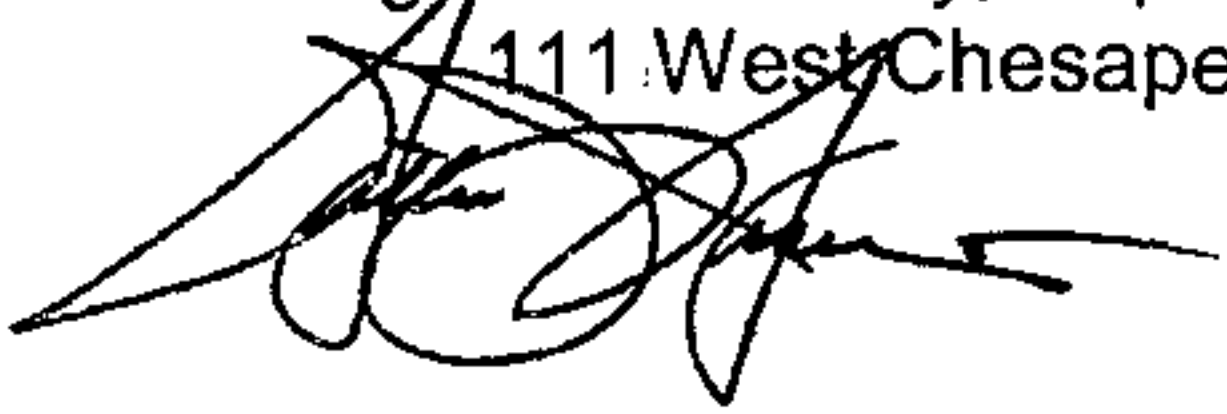
15th Election District – 7th Councilmanic District

Legal Owner: Bethany Kay Lyons

Contract Purchaser: Sherry McGurrin

Variance to permit a front yard setback of 20 feet, a side yard setback of 7 feet, and a rear yard setback of 15 feet in lieu of the required 25 feet, 7 feet and 30 feet, respectively.

Hearing: Wednesday, September 27, 2006 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 07-039-A

Petitioner: SHERRY Mc GURRIN

Address or Location: 8356 BLETZER ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: SHERRY Mc GURRIN

Address: 11 MAKOTA CT

BALTO, MD. 21220

Telephone Number: (410) 952-7002



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

September 20, 2006

Bethany Kay Lyons
3300 Appleton Avenue
Baltimore, MD 21234

Dear Ms. Lyons:

RE: Case Number: 07-039-A, 8356 Bletzer Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 31, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
David Billingsley 601 Charwood Court Edgewood 21040
Sherry McGurrian 11 Makota Court Baltimore 21220

JM
9-2706

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 17, 2006

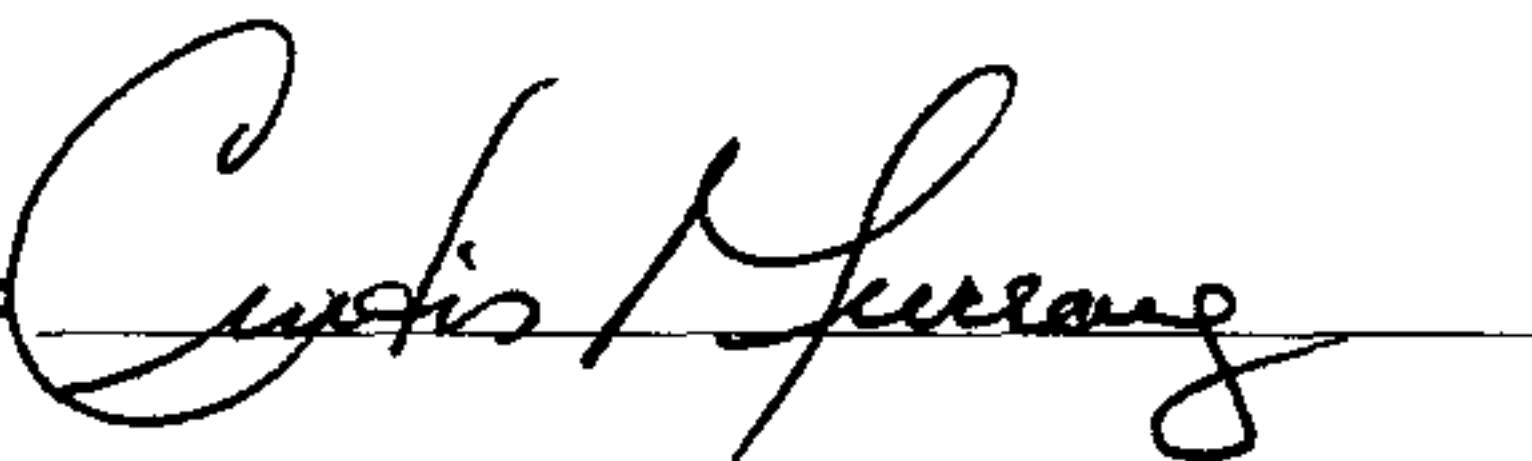
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-039- 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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



RECEIVED

CM/LL

AUG 22 2006

ZONING COMMISSIONER

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5600
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

August 3, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 3, 2006

Item No.: 031, 036, 037, 038, 039, 040, 041, 042, 043 and 044

Pursuant to your request, the referenced plan(s) have been reviewed by the Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

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



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

State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 8.3.01

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

RE: Baltimore County
Item No. 039 BPR

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,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is .

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 15 Account Number - 1508300390

Owner Information

Owner Name: LYONS BETHANY KAY Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 3300 APPLETON AVE Deed Reference: 1) /23385/ 530
BALTIMORE MD 21234-1806 2)

Location & Structure Information

Premises Address
8356 BLETZER RD

Legal Description

8356 BLETZER RD NS
BLETZER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
104	3	450		WATERFRONT				3	

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		12,000.00 SF	34

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2006	Phase-in Assessments As Of 07/01/2007
Land:	86,750	146,500		
Improvements:	0	0		
Total:	86,750	146,500	106,666	126,582
Preferential Land:	0	0	0	0

Transfer Information

Seller: WENTWORTH MALCOLM G	Date: 02/14/2006	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /23385/ 530	Deed2:
Seller: HECK ERNEST A	Date: 05/18/1984	Price: \$35,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6714/ 481	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Pat #2

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: August 8, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 14, 2006
Item No. 039

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 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 the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 039-08082006.doc

RECEIVED
9-29-06
PB

jm 9/27

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 12 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination

DATE: September 7, 2006

SUBJECT: Zoning Item # 07-39-A
Address 8356 Bletzer Road
Baltimore, MD 21222

Zoning Advisory Committee Meeting of August 7, 2006

_____ 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 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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

Additional Comments:

This property is within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the CBCA. Impervious surface area is limited to 25% of the lot size, and must maintain 15% tree cover. Any impervious surface area over 25% will require mitigation or removal. BMA regulations state that no structure is allowed within 25 feet of the water, without variance approval from this Department. Any disturbance to the 100-foot buffer will require mitigation (BMA regulation).

Reviewer: Kevin Brittingham

Date: 08/17/2006

9-29-06
B

0023389530

NO TITLE EXAMINATION
NO CONSIDERATION
PERSONAL REPRESENTATIVE DEED

THIS DEED, made this 7th day of Feb., 2006, by and between BETH K. LYONS, Personal Representative of the Estate of MALCOLM G. WENTWORTH, Grantor, and BETHANY KAY LYONS, also known as BETH K. LYONS, Grantee, and a resident of Maryland.

WHEREAS, the said Malcolm G. Wentworth, a resident of Maryland, departed this life on February 17, 2005, being vested with title in and to the property hereinafter described and, by his Last Will and Testament, dated March 15, 1991 and duly probated in the Orphans' Court for Baltimore County, Maryland, Estate No. 133443, appointed Bethany Kay Lyons Personal Representative, and

WHEREAS, the said Bethany Kay Lyons qualified as such Personal Representative on March 10, 2005, and is presently so acting, and

WHEREAS, by the provisions of paragraph SECOND of said Last Will and Testament all of the estate of Malcolm G. Wentworth, of which the hereinafter described property generally known as 8356 Bletzer Road, Baltimore County, Maryland was a part, was devised and bequeathed to Bethany Kay Lyons.

NOW THEREFORE THIS DEED WITNESSETH, that in consideration of the premises and in faithful performance of her duties as required by law, the actual consideration and total payment being Zero Dollars (\$-0-), and pursuant to the terms of the Last Will and Testament of Malcolm G. Wentworth and the authority vested in her as said Personal Representative, the said Grantor does hereby grant and convey unto the said Grantee, her heirs, personal representatives, and assigns, in fee simple, all that property, situate and lying in Baltimore County, Maryland and known and described as:

BEGINNING for the same on the east side of Bletzer Road with the right to the use thereof in common with others at the beginning of that parcel of land which by Deed dated November 7, 1947 and recorded among the Land Records of Baltimore County in Liber JWB No. 1621, folio 179 was conveyed by Raymond F. Duvall to Edward Ey and wife and running thence binding on the western outline of that parcel of land which by Deed dated August 10, 1948 and recorded among the Land Records of Baltimore County in Liber TBS No. 1638, folio 429 was conveyed by Raymond F. Duvall and wife to Morgan A. Miller the three following courses and distances, viz: north 9 degrees 15 minutes east 18 feet to the north side of Bletzer Road north 56 degrees 37 minutes east 14.25 feet and north 18 degrees 41 minutes east 100.80 feet to the waters of Back River thence running and binding on the waters of Back River north 49 degrees 47 minutes west 4.65 feet and north 73 degrees 59 minutes west 67.30 feet thence leaving Back River for new division lines through the land of said grantors as follows: south 10 degrees 23 minutes west 125 feet to a pipe on the north side of Bletzer Road south 12 degrees 24 minutes east 54.20 feet to a pipe on the south side of Bletzer Road south 8 degrees 25 minutes west 30.60 feet to a pipe and north 84 degrees 33 minutes east 26.70 feet to the end of the first

CARROLL S.
KLINGELHOFER III
ATTORNEY AT LAW

SUITE 230
THE MERCANTILE
TOWSON BUILDING
409 WASHINGTON AVE.
TOWSON, MARYLAND
21204-4903
(410) 828-0088
FAX (410) 828-0117

Del #7

0023385 531

line of the land Duvall to Ely above referred to and thence running and binding reversely on said line north 9 degrees 15 minutes east 62 feet to the place of beginning. The improvements thereon being known as 8356 Bletzer Road.

BEING the same lot of ground which by Deed dated May 17, 1984 and recorded among the Land Records of Baltimore County in Liber 6714, folio 481, was granted and conveyed by Ernest A. Heck, Jr., Personal Representative of the Estate of Ernest A. Heck, Sr., unto Malcolm G. Wentworth.

TOGETHER with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said Bethany Kay Lyons, her heirs, personal representatives, and assigns, in fee simple.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand and seals of the said Grantor.

WITNESS:

GRANTOR:

Carroll S. Klingelhofer III (SEAL)
BETH KAY LYONS,
Also known as BETHANY KAY LYONS,
Personal Representative of the Estate of
Malcolm G. Wentworth

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 2nd day of Feb, 2006, before me, a Notary Public of the State aforesaid, personally appeared BETH KAY LYONS, also known as BETHANY KAY LYONS, Personal Representative of the Estate of Malcolm G. Wentworth, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.



Sharon A. De Haven
Notary Public
My Commission Expires: 6/1/08

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Carroll S. Klingelhofer III
Carroll S. Klingelhofer III
Attorney-at-Law

CARROLL S.
KLINGELHOFER III
ATTORNEY AT LAW

SUITE #20
THE MERCANTILE-
TOWSON BUILDING
109 WASHINGTON AVE.
TOWSON, MARYLAND
21204-4903
(410) 828-0088
FAX (410) 828-0157

NO CONSIDERATION, NO TITLE SEARCH

This Deed, MADE THIS 23rd day of March

in the year one thousand nine hundred and ninety-nine

by and between:

JOHN DAVID LORENZ, III and JANET MAE LORENZ

of Baltimore County, State of Maryland

of the first part, and

JANET MAE LORENZ

of the second part.

8358

BLETZER

WITNESSETH, That in consideration of the sum of NO CONSIDERATION, and in accordance with a JUDGMENT OF ABSOLUTE DIVORCE under date of September 7, 1998,

the said JOHN DAVID LORENZ, III and JANET MAE LORENZ

do grant and convey to the said JANET MAE LORENZ, her

personal representative, successors and assigns

, in fee simple, all

that of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGLING the same at a pipe south 80 degrees 36 minutes east 92.35 feet from a pipe south 57 degrees 57 minutes west 144.14 feet from the beginning of the last or south 5 degrees 57 minutes west 439.31 feet line of the 2.87 acre tract of land which by Deed dated December 28, 1946 and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1518, folio 523 was conveyed by Thelma Virginia Francis, unmarried, to Raymond F. Duvall and wife, said point of beginning being the beginning of that parcel of land heretofore conveyed by Duvall to Ey and running thence binding on the northern outline of said land and continuing the same direction south 80 degrees 45 minutes east 238.84 feet to the waters of Sack River and to intersect the north 49 degrees 47 minutes west 280 feet line of the 2.87 acre tract of land Francis to Duvall above referred to; thence running with and binding on part of said line north 49 degrees 47 minutes west 247.06 feet; thence leaving the outline thereof for new division lines through the land of Raymond F. Duvall and wife as follows: south 18 degrees 41 minutes west 100.85 feet, south 56 degrees 37 minutes west 14.25 feet and south 9 degrees 15 minutes west 18 feet to the place of beginning. The improvements thereon being now known as No. 8358 Bletzer Road, formerly known as 289-A Bletzer Road.

BEING the same lot of ground which by Deed dated January 19, 1973 and recorded among the Land Records of Baltimore County in Liber E.H.K., JR. No. 5331, folio 370, was granted and conveyed by Robert Hamilton, widower, unto John David Lorenz, III and Janet Mae Lorenz, the Grantors herein.

★ This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

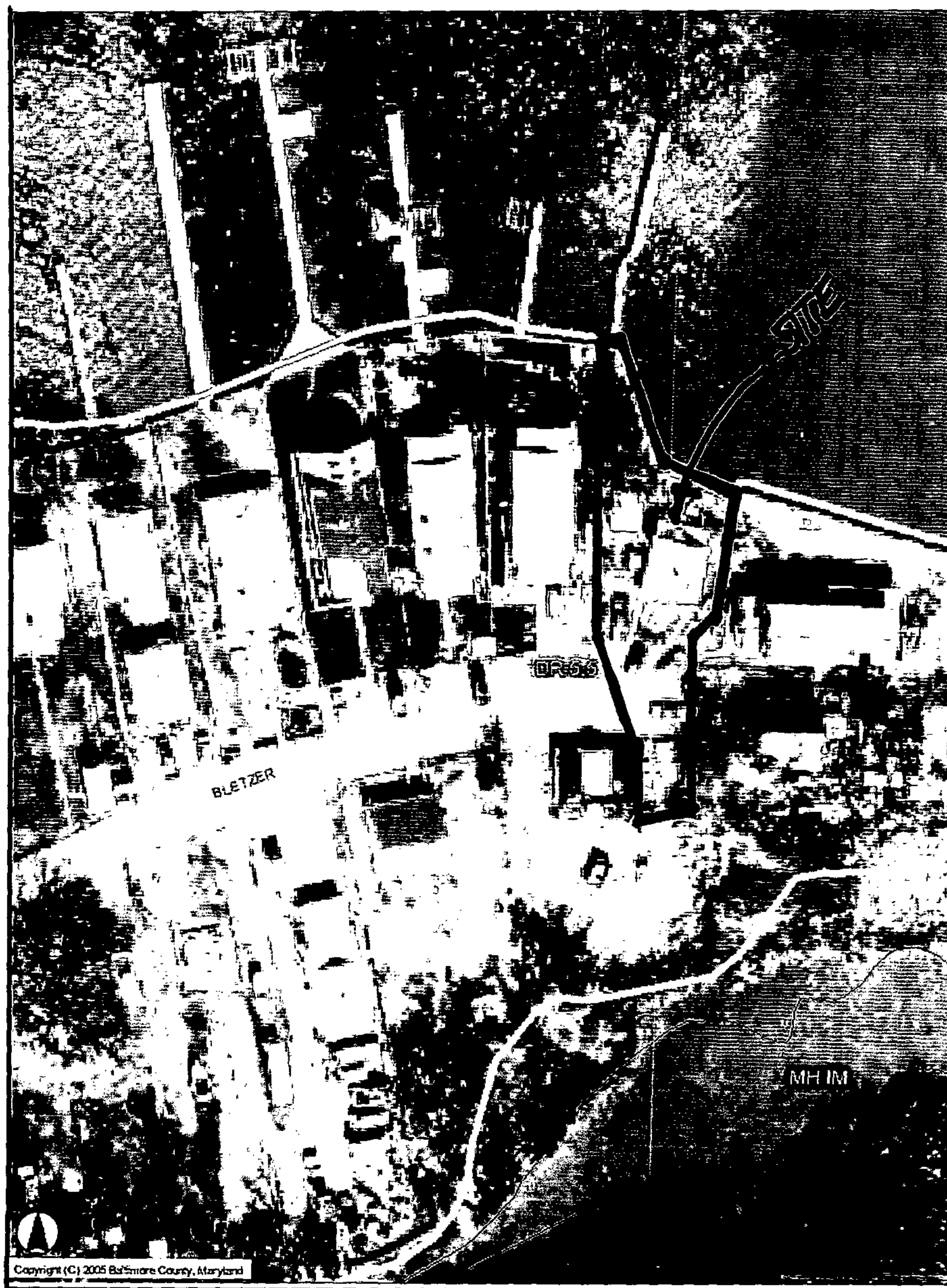
[Signature]
MYLES F. FRIEDMAN

*File #4
Lorenz*

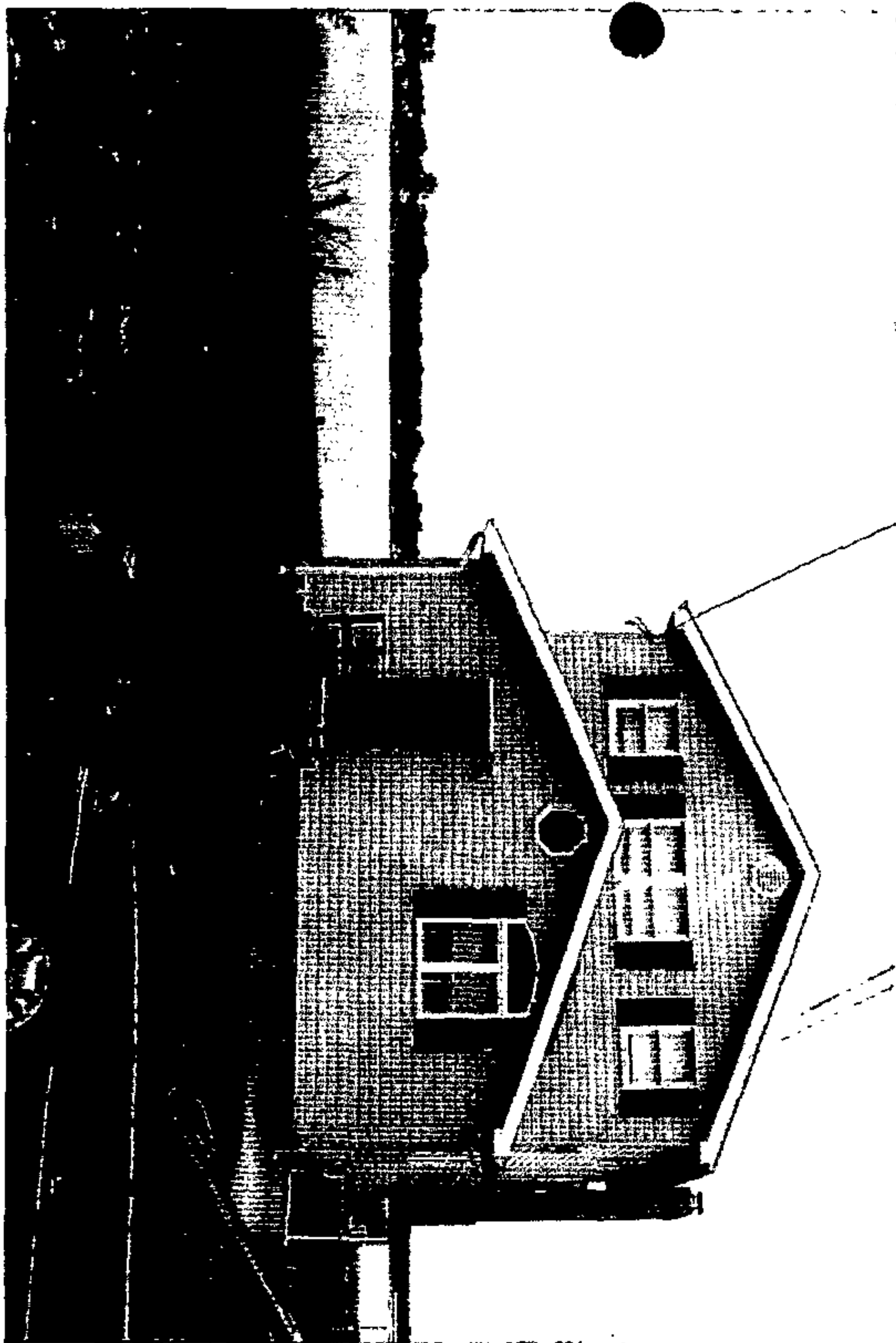
DATE

NAME _____

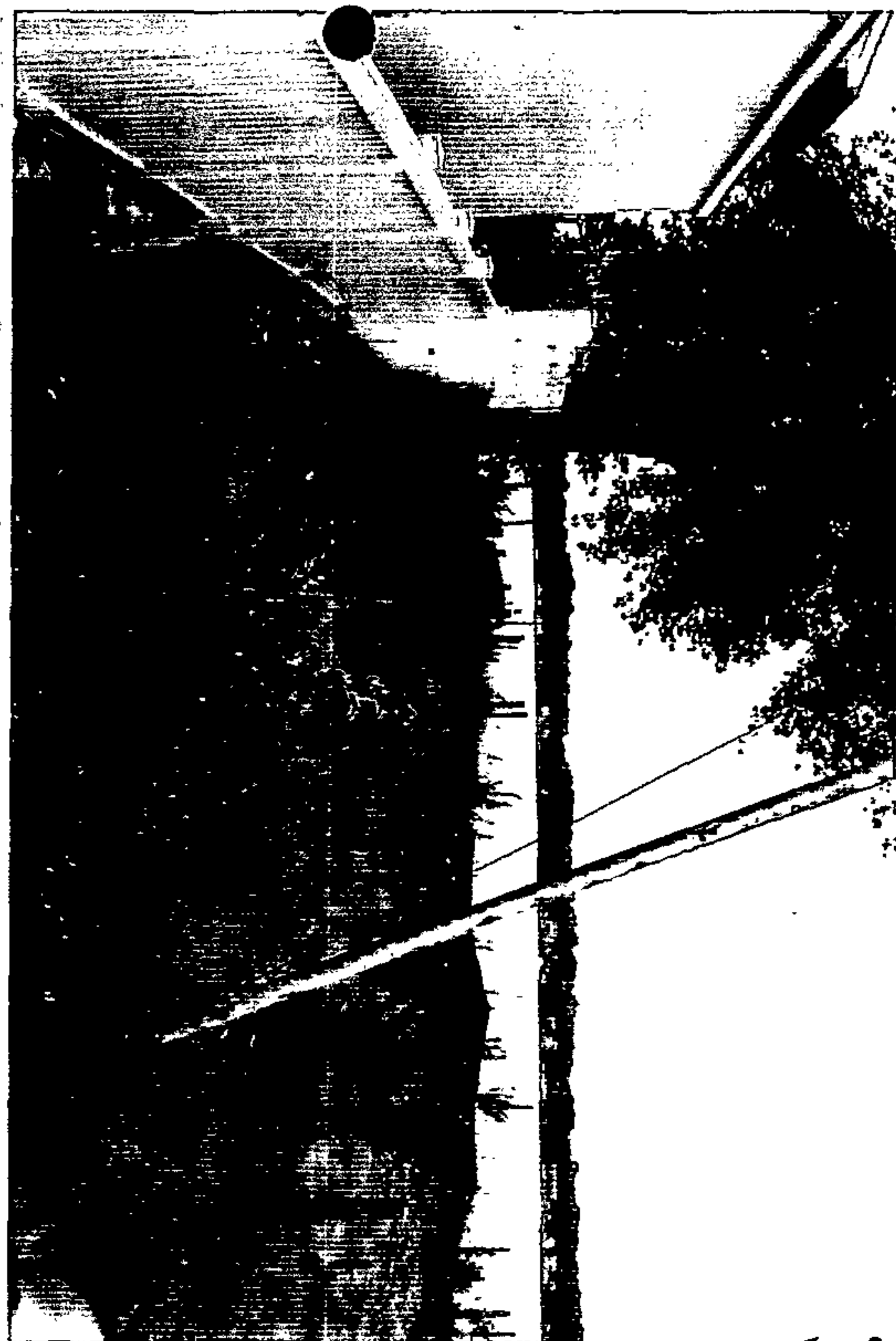
SANET, LORENZ	8358 BLETZER Rd.	BALTIMORE, MD. 21222
JOHN KOTZKI	8352 BLETZER RD	BALTIMORE, MD 21222
JOHN VONDRAKOH	8354 Bletzer Rd.	BALTIMORE, MD 21222
Vondracek		



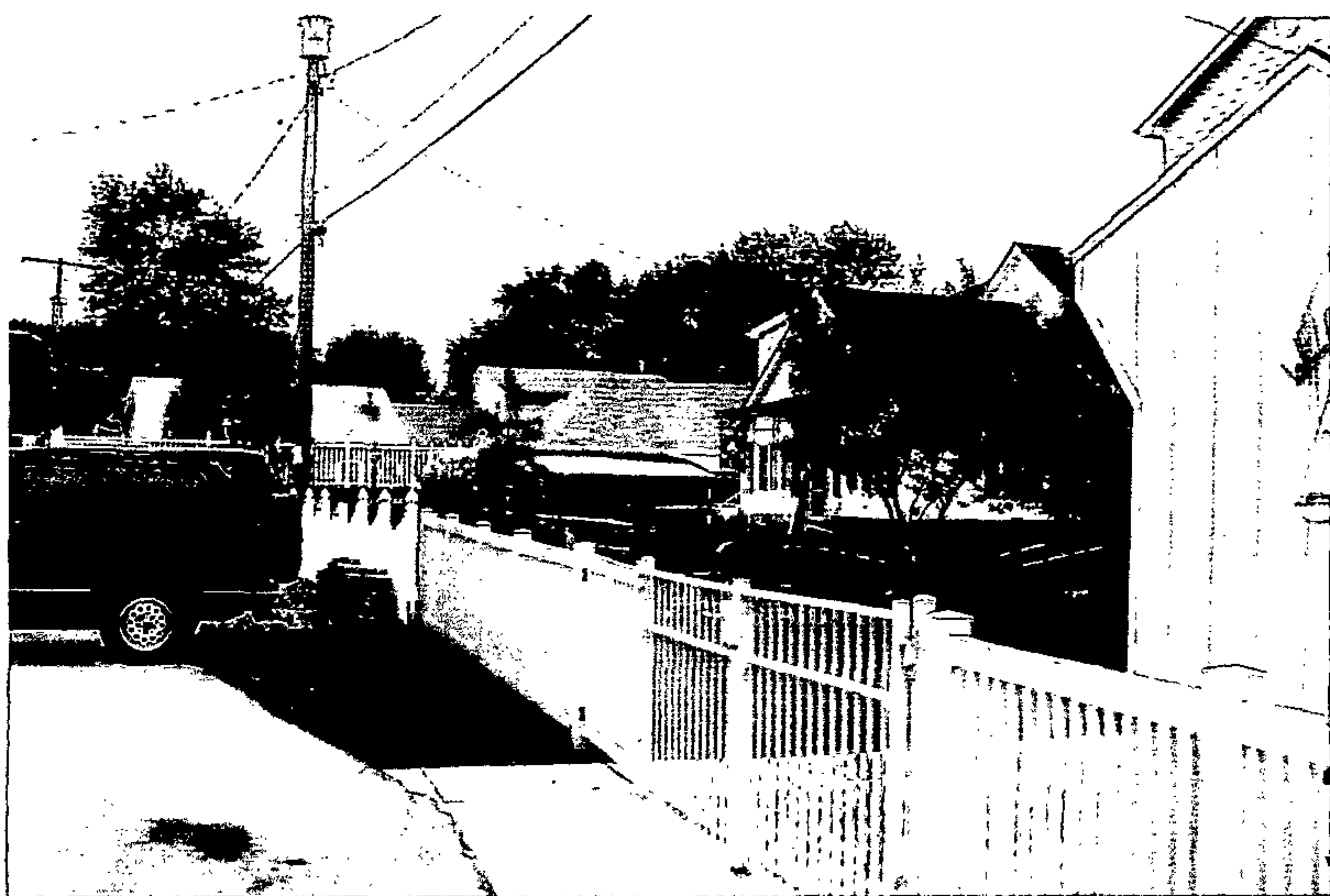
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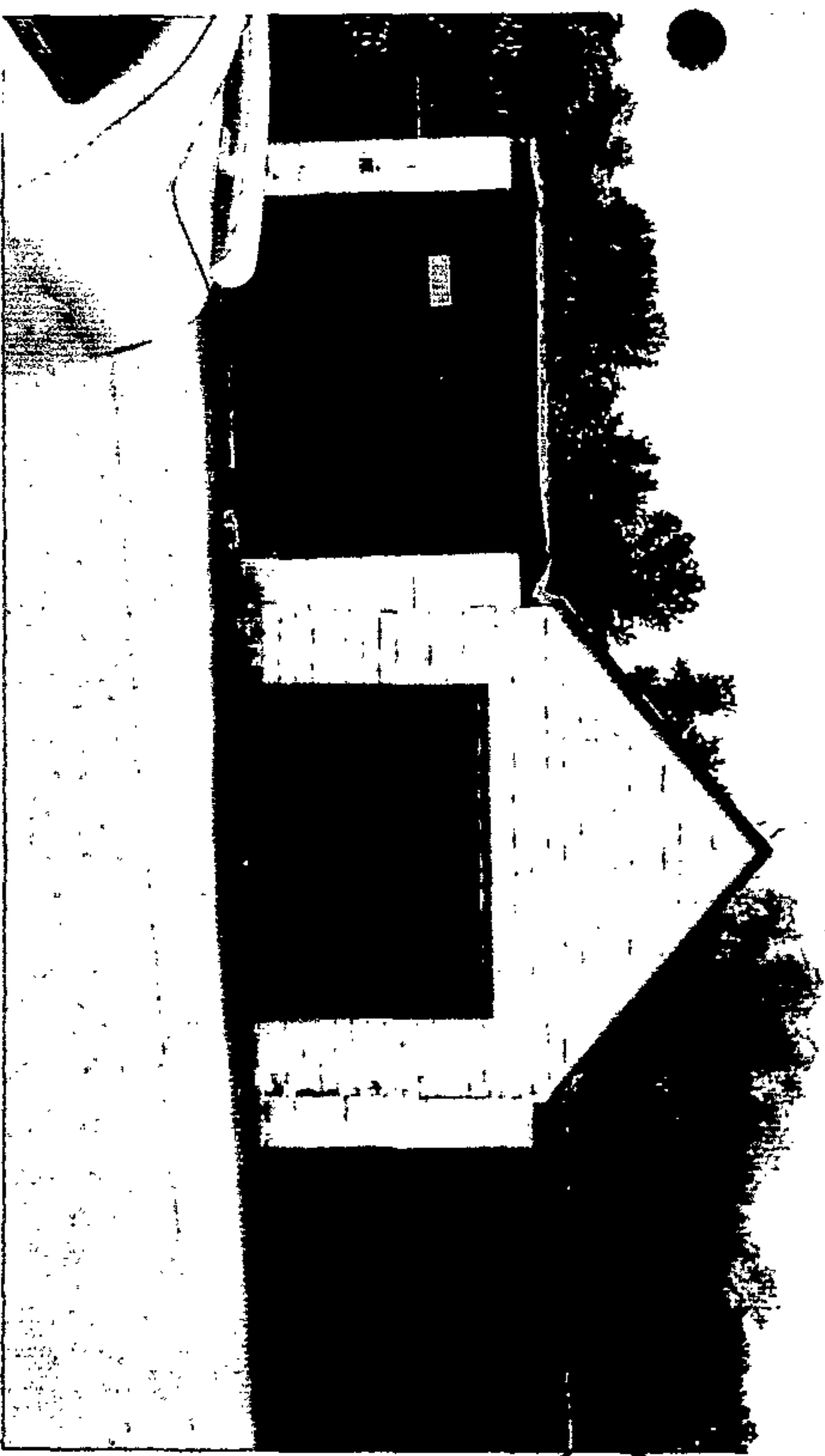
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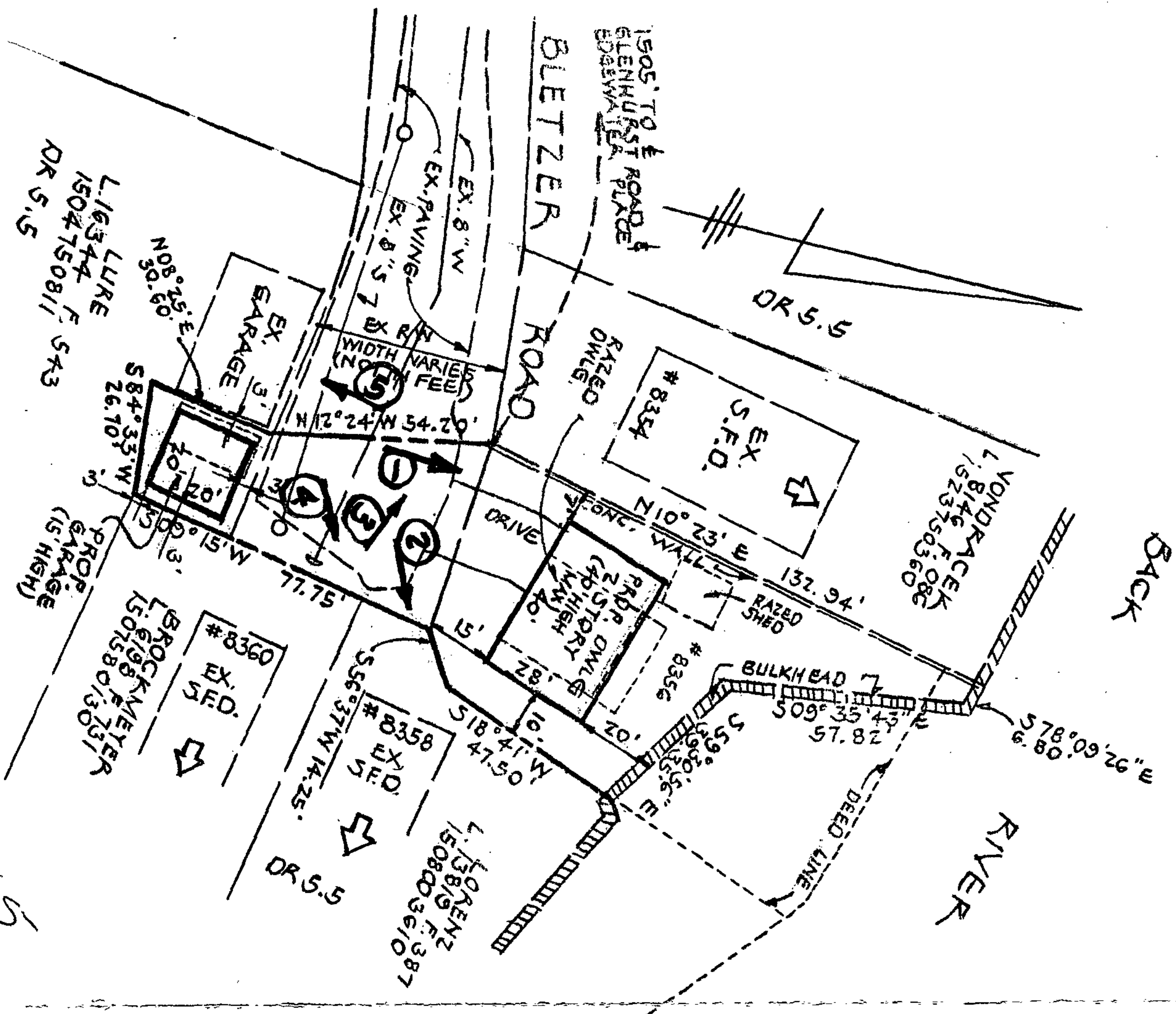
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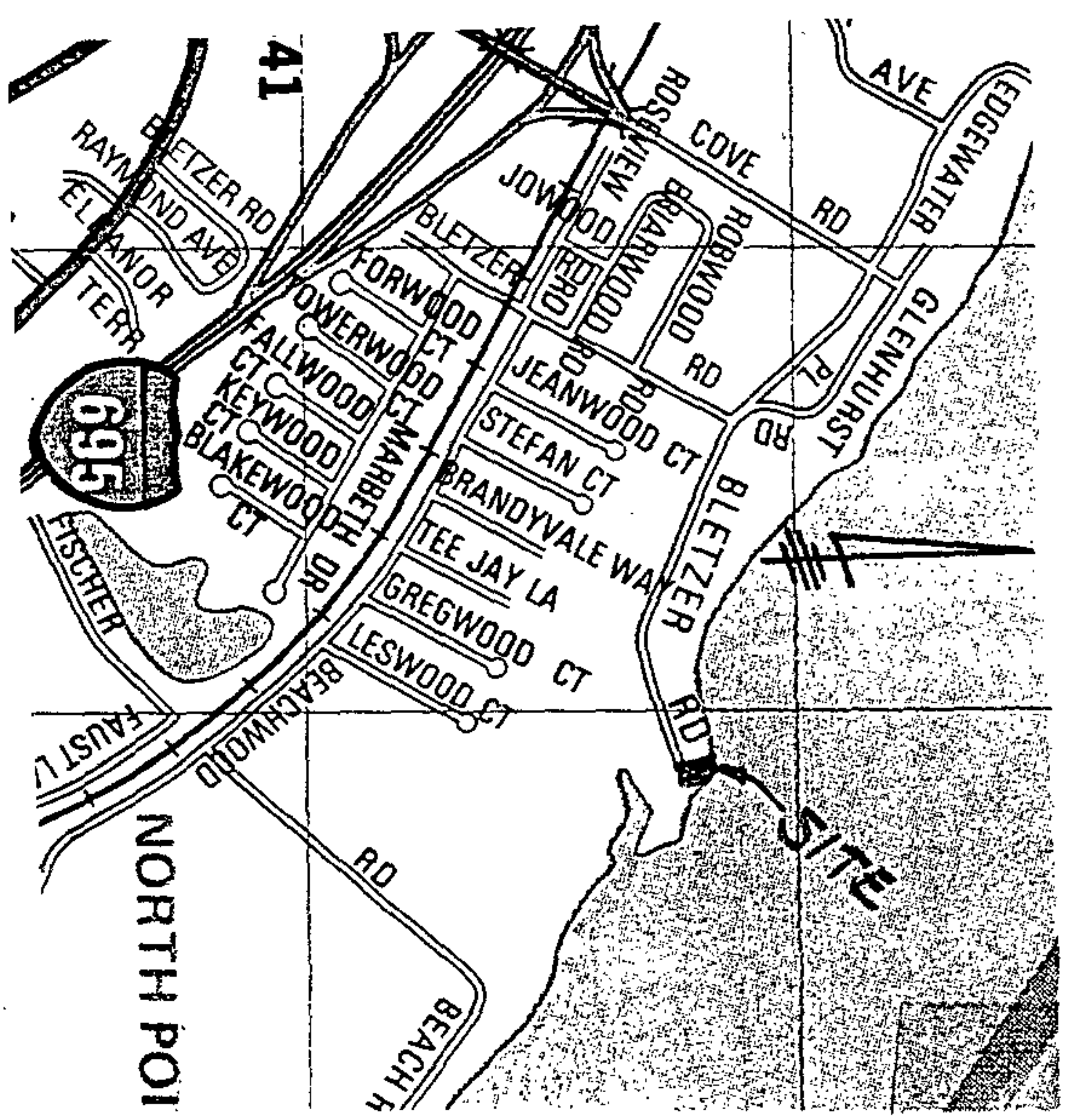
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5



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



VICINITY MAP
SCALE: 1"=1000'

NOTES

1. ZONING...DR 5.5 (MAP NO. 104B1)
2. AREA.....7,875 S.F. = 0.181 ACRE+/-
3. NO PREVIOUS ZONING HISTORY
4. PUBLIC WATER AND SEWER IS EXISTING
5. SITE IS LOCATED IN CBCA AND FLOOD ZONE A
6. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST

PHOTOS

ZONING PLAT
8356 BLETZER ROAD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 30 FEET
JUNE 6, 2006

OWNER
BETHANY KAY LYONS
3300 APPLETON ROAD
BALTIMORE, MD. 21234
L.23385 F.530
PROPERTY NO. 1508300390