

IN RE: **PETITION FOR VARIANCE**

N/S Mallard Road, 674' E c/line

Pheasant Road

(6736 Mallard Road)

15th Election District

6th Council District

Daniel J. Novak, Jr., et ux

Petitioners

*

*

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*

*

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 07-308-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Daniel J. Novak, and his wife, Carol A. Novak. The Petitioners request variance relief from Sections 1A01.3.B.3 and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 24 and 28 feet, and situated 35 feet from the centerline of a street in lieu of the required 35, 35 and 75 feet, respectively; and to permit open projections (deck and porch) to have setbacks as close as 18 feet in lieu of the required 26 ¼ feet for a proposed dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were Daniel and Carol Novak, property owners, David Billingsley, the consultant with Central Drafting and Design, Inc., who prepared the site plan for this property. Also appearing was Robert Infussi with Expedite, LLC, who is assisting the Petitioners through the permitting process. There were no Protestants or interested citizens present.

Testimony and evidence offered disclosed that the property under consideration consists of four lots of record (Lots 108 - 111) and when combined form an irregular,

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Date 3-12-07

By 1283

rectangular shaped waterfront parcel located with frontage on the Bird River at the northeast end of Mallard Road in eastern Baltimore County. The properties contain a gross area of 13,334 square feet (0.301 acres), more or less, zoned R.C.2 and improved (Lots 109 and 110) with a modest one-story dwelling, 32' x 34' with a covered porch and deck, a large shed (Lot 108), glass building and wooden pier (Lot 111) See Petitioner's Exhibit 5 labeled Existing Conditions. As is often the case with older subdivisions, the Bird River Beach community was laid out many years ago (July 10, 1923), well prior to the adoption of any zoning regulations in Baltimore County. Thus, many of the lots in the neighborhood are undersized and do not meet current area and width requirements. As shown on the site plan, the property has 126.47' of road frontage; however, is 100' wide along the water, 167' deep on the west side, and 94.43' deep on the east side. Thus, the property is clearly undersized by today's standards given its R.C.2 zoning classification requiring new lots to be one acre in area with set backs as indicated above.

Testimony indicated that the Petitioners have owned the subject property since 2002 and have used it along with their two teen-aged children as a summer home. As shown on the site plan, the Novak's are desirous of removing all of the existing improvements, with the exception of the pier, and propose to construct a three-story dwelling, approximately 35' wide x 45' deep, to include a wood deck on the front side and a covered porch next to the driveway. As with the existing structure, the dwelling is proposed to be centered on the lot; however, given the shape of the property will be slightly rotated to the northeast. Both ends of the dwelling (southwest and northeast and the northeast corner of the deck) extend into the side setbacks and the southeast corner extends into the rear setback area, thereby necessitating the requested variance relief. As noted above, current regulations require a minimum lot area of one acre, and side setbacks of no less than 35' and although located on a dead-end road, the principal structure

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Date 3-12-07

By [Signature]

has to be situated 75' from the centerline of any street. In support of the request, Mr. and Mrs. Novak discussed this proposal with the adjacent neighbors on either side of their property who have no objections and support the proposal. Testimony indicated that the proposed dwelling will be consistent with other houses in the community and feature similar setbacks as other homes on Mallard Road. In view of the unusual configuration and size of the lot, compliance with the regulations is not practical or possible. Additionally, as waterfront property, the proposed development must comply with the Chesapeake Bay Critical Area regulations, which require that the house be set back from the waterfront as great a distance as possible. Thus, variance relief is requested in order to comply with the spirit and intent of those regulations.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. and *Cromwell v. Ward*, 102 Md. App. 691 (1995). The variances in this case are driven by the unusual configuration and size of the lot. Additionally, strict compliance with the regulations would cause a practical difficulty upon the Petitioners in that a reasonable use of the land would not be permitted. Finally, the neighbors support the proposal. Thus, I find that relief can be granted without detrimental impact to adjacent properties. In this regard, it is to be noted that many other houses in the community are built on similarly sized lots. Moreover, the property is located at the end of Mallard Road and thus, there will be minimal traffic.

However, in granting the relief, I shall impose several conditions/restrictions to the approval. First, the Petitioners are reminded that they need to comply with the Chesapeake Bay Critical Area regulations enforced by the Department of Environmental Protection and Resource Management (DEPRM). Secondly, the Petitioners must comply with the relevant floodplain regulations. A Zoning Advisory Committee (ZAC) comment was received in this regard from

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Date 3-12-07

By [Signature]

Dennis A. Kennedy, P.E., Chief of the Bureau of Development Plans Review. That comment indicates that the floodplain elevation for this site is 10.2 feet and any structure must be built at least 1' above that elevation in accordance with the State and County law.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of March, 2007 that the Petition for Variance seeking relief from Sections 1A01.3.B.3 and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 24 and 28 feet, and situated 35 feet from the centerline of a street in lieu of the required 35, 35 and 75 feet, respectively; and to permit open projections (deck and porch) to have setbacks as close as 18 feet in lieu of the required 26 ¼ feet, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the 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 ZAC comment submitted by DEPRM, dated March 3, 2007, and the Bureau of Development Plans Review, dated January 22, 2007, relative to Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and BOCA regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.

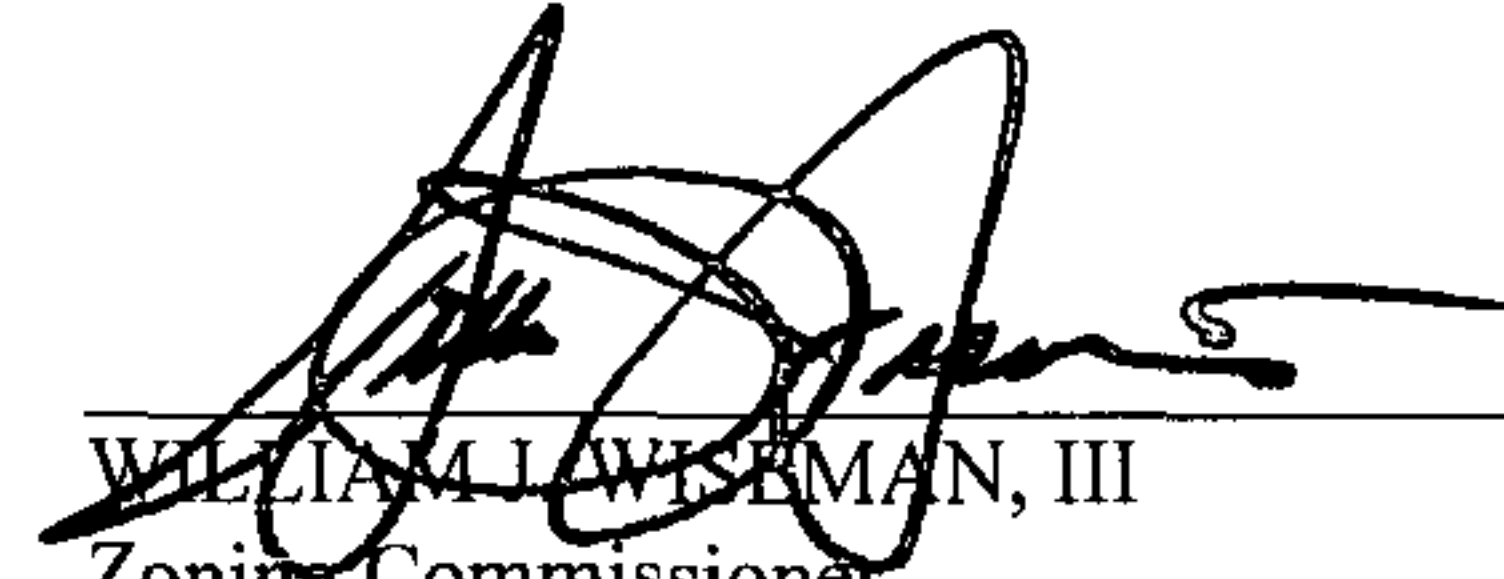
ORDER RECEIVED FOR FILING

Date 3-12-07

By DA

- 3) When applying for any building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:dlw


WILLIAM LAWSEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 3-12-07

By DJL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: March 3, 2007

SUBJECT: Zoning Item # 07-308-A
Address 6736 Mallard Road
(Novak Property)

Zoning Advisory Committee Meeting of January 22, 2007

_____ 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).

Comments:

The Property is in the Limited Development Area (LDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA) and therefore must comply with the impervious surface limits of 31.25% and all BMA provisions. *Regina Esslinger; Environmental Impact Review 3/1/07*

Prior to the approval of a building permit, an evaluation of the septic system and soil evaluation tests will be required. *S. Farinetti; Ground Water Management 1/26/07*

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-308-A.doc

ORDER RECEIVED FOR FILING

Date 3-12-07

By DIL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 22, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For January 29, 2007
Item No. 07-308

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 10.2 feet Baltimore County Datum.

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 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 Baltimore County Building Code which adopts, with exceptions, the *International Building Code*".

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-308-01222007.doc

ORDER RECEIVED FOR FILING
Date 3-12-07
By [Signature]



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 12, 2007

Mr. and Mrs. Daniel J. Novak, Jr.
1305 Lundy Lane
Bel Air, Maryland 21015

RE: PETITION FOR VARIANCE

N/S Mallard Road, 674' E c/line Pheasant Road
(6736 Mallard Road)
15th Election District - 6th Council District
Daniel J. Novak, Jr., et ux - Petitioners
Case No. 07-308-A

Dear Mr. and Mrs. Novak:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with restrictions 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Mr. David Billingsley, 601 Charwood Court, Edgewood, Md. 21040
Mr. Robert Infussi, Expedite, LLC, P.O. Box 1043-7043, Bel Air, Md. 21014
People's Counsel; DEPRM; Bureau of Development Plans Review; File
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, Maryland 21401

CBCA Flood



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6736 MALLARD ROAD
which is presently zoned R.C. 2

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

DANIEL J. NOVAK, JR.

Name - Type or Print

Signature

CAROL A. NOVAK

Name - Type or Print

Signature

1305 LUNDY LANE (410) 879-5550

Address

Telephone No.

BELAIR

MD.

21015

State

Zip Code

Representative to be Contacted:

ROBERT INFUSSI
EXPEDITE, LLC

Name

P.O. BOX 1043-7043 (410) 812-2236

Address

Telephone No.

BEL AIR

MD.

21014

City

State

Zip Code

OFFICE USE ONLY

Case No.

07-308-A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

3-12-07

By

DW

Section 1A01.3.B.3 and 301.1A to permit a proposed dwelling to have side yard setbacks of 24 and 28 feet, and situated 35 feet from the center line of a street in lieu of the required 35, 35 and 75, respectively; and to permit open projections (deck and porch) to have setbacks as close as 18 feet in lieu of the required 26 1/4.

$$\begin{array}{r} 35 \\ \times .25 \\ \hline 26.25 \end{array}$$

ZONING DESCRIPTION

6736 MALLARD ROAD

Beginning for the same at a point on the north side of Mallard Road (30 feet wide) distant 674 feet easterly from it's intersection with the center of Pheasant Road (30 feet wide), thence being all of lots 108 thru 111 as shown on the plat entitled Bird River Beach recorded among the plat records of Baltimore County in Plat Book 7 Folio 70. Containing 13,115 square feet or 0.301 acre of land, more or less.

Being known as 6736 Mallard Road and located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

Item # 208

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: # 07-308-A

6736 Mallard Road

North side Mallard Road, 674 feet east centerline Pheasant Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Daniel J., Jr. and Carol A. Novak

Variance: to permit a proposed dwelling to have a side yard setbacks of 24 and 28 feet, and situated 35 feet from the centerline of a street in lieu of the required 35, 35 and 75 feet, respectively; and to permit open projections (deck and Porch) to have setbacks as close as 18 feet in lieu of the required 26 1/4.

Hearing: Monday, March 5, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley 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) 887-4386.

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

2/126 Feb. 8

124169

CERTIFICATE OF PUBLICATION

2/8/2007

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 2/8/2007.

- ☒ 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. 23095

DATE

1/4/07

ACCOUNT

201-005-6150

AMOUNT \$

65.00

RECEIVED FROM:

FOR:

Variance against budget

Case # 07-308-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

DATE	1/4/07	TIME	11:15 AM
CASHIER	WILLIAM B. BAY	CLERK	WILLIAM B. BAY
AMOUNT	65.00	RECEIVED	WILLIAM B. BAY
FOR	Variance against budget	RECEIVED	WILLIAM B. BAY
ACCOUNT	201-005-6150	RECEIVED	WILLIAM B. BAY

CERTIFICATE OF POSTING

RE: Case No: 07-308-A

Petitioner/Developer: DANIEL J. JR
& CAROL A. NOVAK

Date Of Hearing/Closing: 3/5/07

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 6736 MALLARD ROAD

This sign(s) were posted on February 11, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 2/11/07
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

[illegible]

Myatt 2/11/07



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 20, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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: 07-308-A

6736 Mallard Road

North side Mallard Road, 674 feet east centerline Pheasant Road.

15th Election District – 6th Councilmanic District

Legal Owner(s): Daniel J., Jr. and Carol A. Novak

Variance To permit a proposed dwelling to have side yard setbacks of 24 and 28 feet, and situated 35 feet from the centerline of a street in lieu of the required 35, 35 and 75 feet, respectively; and to permit open projections (deck and Porch) to have setbacks as close as 18 feet in lieu of the required 26 1/4.

Hearing: Monday, March 5, 2007 at 10:00 a.m. in Room 407 in the County Courts Building, 401 Bosley Avenue, Towson, 21204.

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:amf

C: Daniel J. Novak, Jr. Carol A. Novak 1305 Lundy Lane Belair 21015
Robert Infussi Expedite, LLC P.O. Box 1043-7043 Belair 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 12, 2007.**
- (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
Thursday, February 8, 2007 Issue - Jeffersonian

Please forward billing to:
Daniel J. Novak, Jr.
1305 Lundy Lane
Belair, MD 21015

410-879-5550

NOTICE OF ZONING HEARING

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CASE NUMBER: 07-308-A

6736 Mallard Road

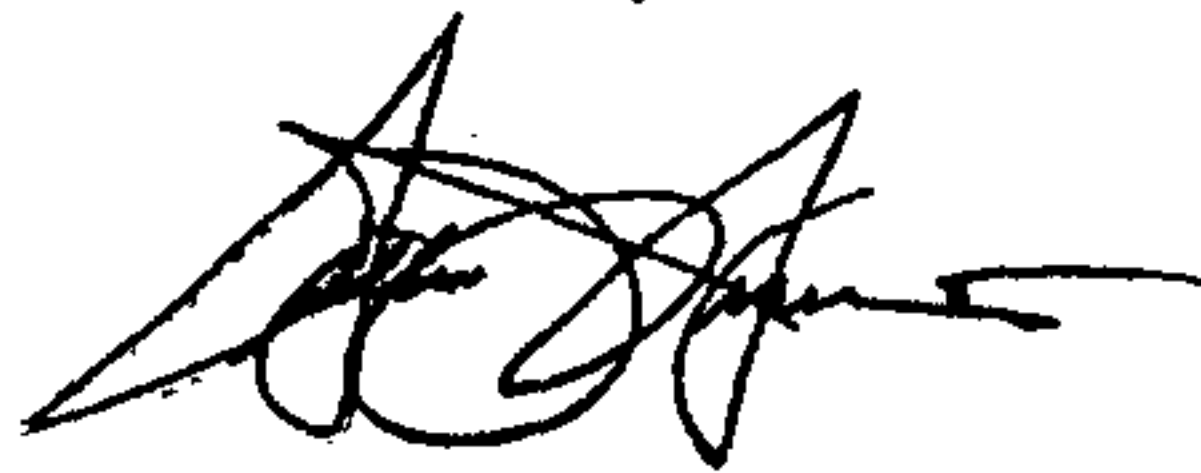
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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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- (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: 07-308-A
Petitioner: DANIEL J. NOVAK, JR
Address or Location: 6736 MALLARD ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL J. NOVAK, JR
Address: 1305 LUNDY LANE
BEL AIR, MD 21015

Telephone Number: _____



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

February 28, 2007

Daniel J. Novak, Jr.
Carol A. Novak
1305 Lundy Lane
Belair, MD 21015

Dear Mr. and Mrs. Novak:

RE: Case Number: 07-308-A, 6736 Mallard Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 4, 2007.

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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Robert Infussi Expedite, LLC P.O. Box 1043-7043 Belair 21014

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: March 3, 2007

SUBJECT: Zoning Item # 07-308-A
Address 6736 Mallard Road
(Novak Property)

Zoning Advisory Committee Meeting of January 22, 2007

- _____ 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).

Comments:

The Property is in the Limited Development Area (LDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA) and therefore must comply with the impervious surface limits of 31.25% and all BMA provisions. *Regina Esslinger; Environmental Impact Review 3/1/07*

Prior to the approval of a building permit, an evaluation of the septic system and soil evaluation tests will be required. *S. Farinetti; Ground Water Management 1/26/07*

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 22, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For January 29, 2007
Item No. 07-308

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 10.2 feet Baltimore County Datum.

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 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 Baltimore County Building Code which adopts, with exceptions, the *International Building Code*".

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-308-01222007.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR - 2 2007

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: March 3, 2007

SUBJECT: Zoning Item # 07-308-A
Address 6736 Mallard Road
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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 12, 2007

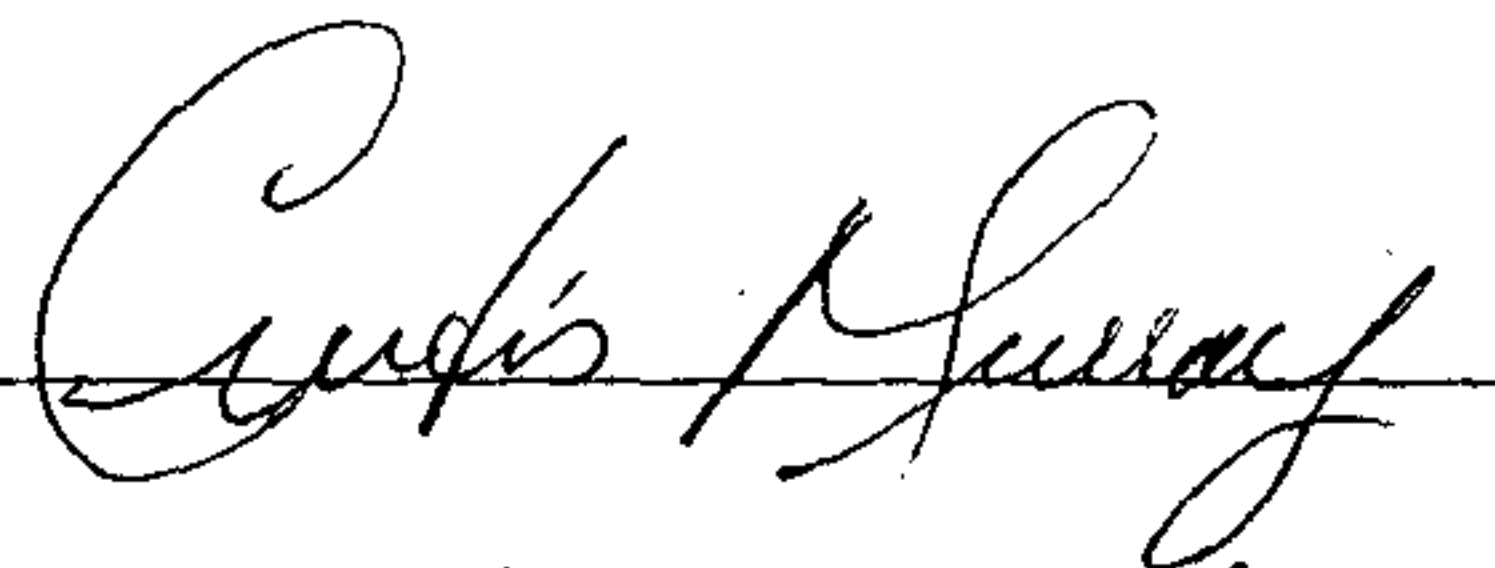
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-308- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
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

January 26, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 22, 2007

308

Item Number: 304 and 307 through 321

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File





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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: JANUARY 23, 2007

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

RE: Baltimore County
Item No. 7-308-A
6736 MALLARD ROAD
NOVAK PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-308-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

BW 3/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 12, 2007

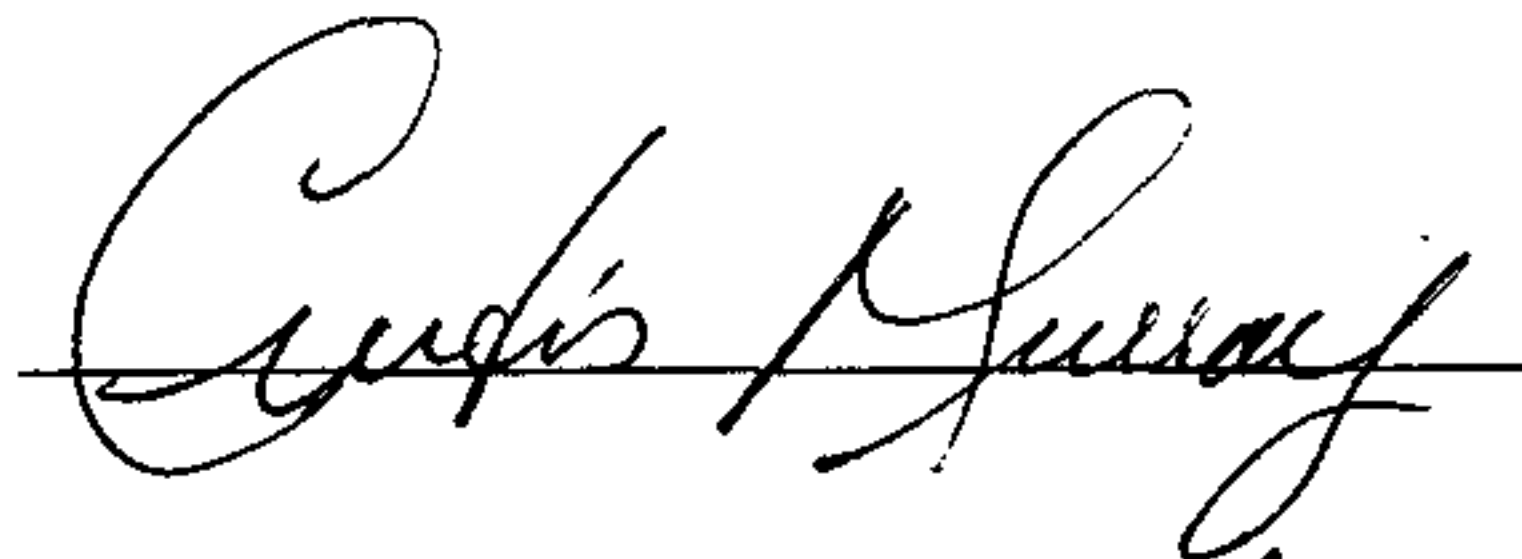
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-308- Variance**

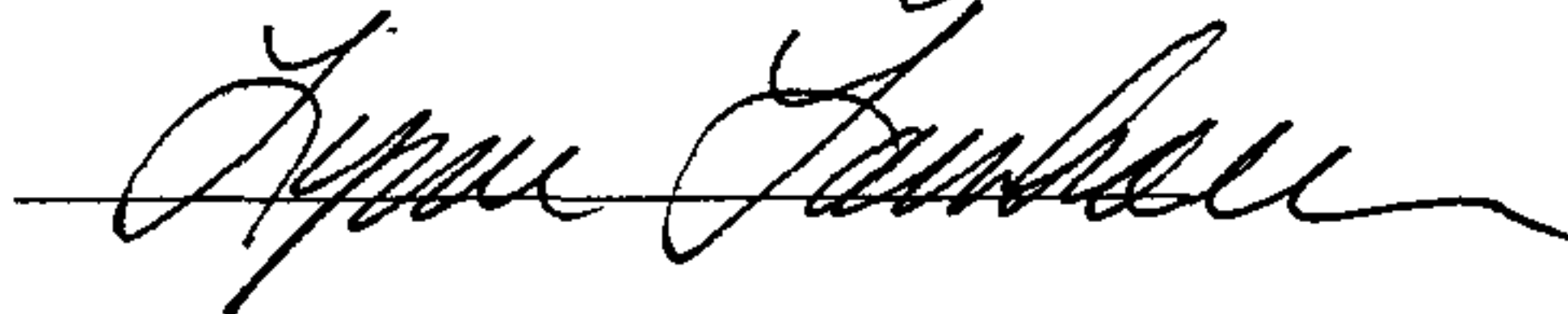
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 07-308-A

Date Completed/Initials

1-4-07



PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

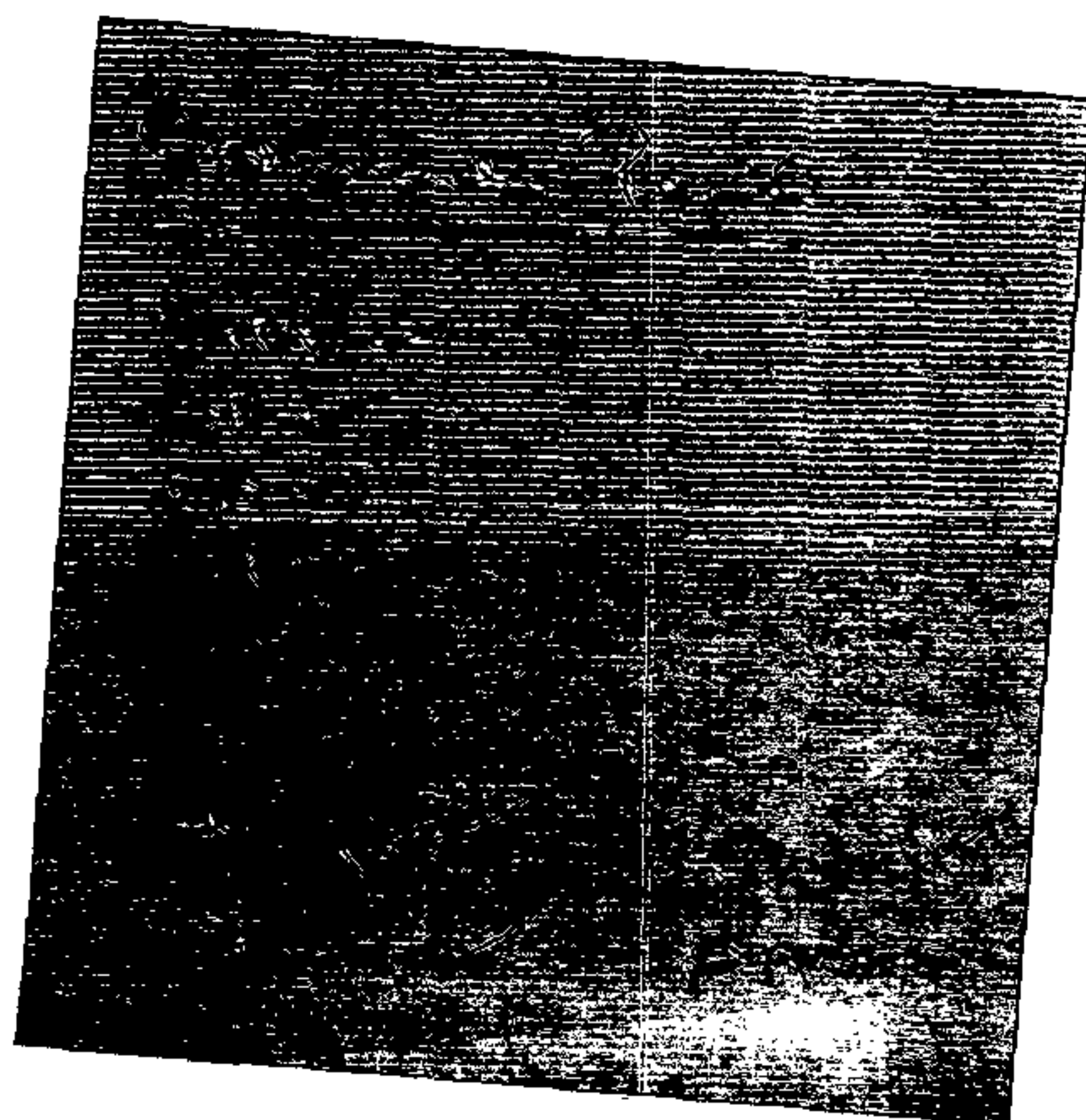
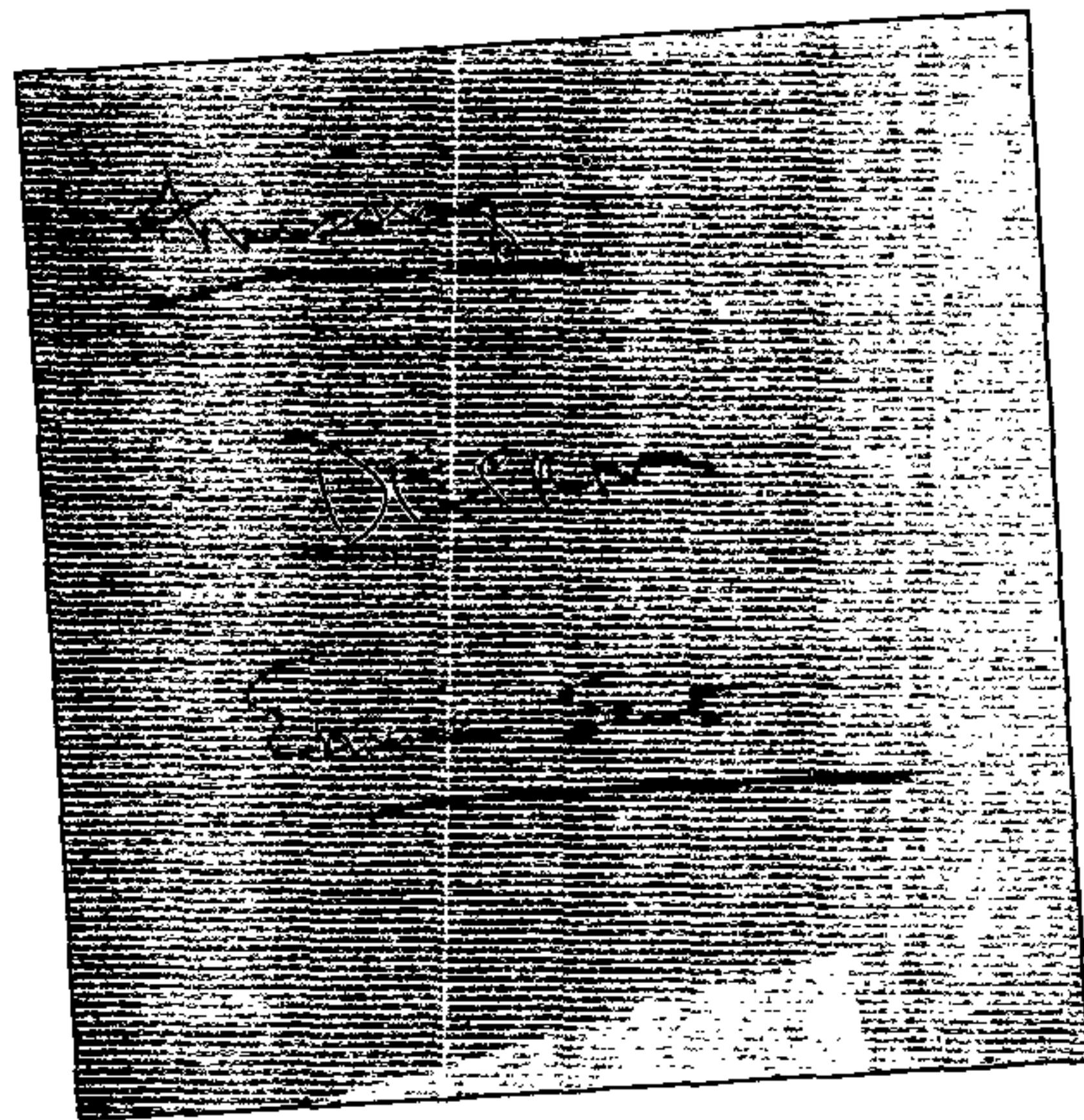
FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

From: Debra Wiley
To: Livingston, Jeffrey
Date: 03/01/07 3:30:36 PM
Subject: DEPRM Comment(s) Needed

Hi Jeff,

Bill has the following case(s) scheduled next week and we do not have DEPRM comments for the following:

3/5 - 07-308-A - 6736 Mallard Road - CBCA



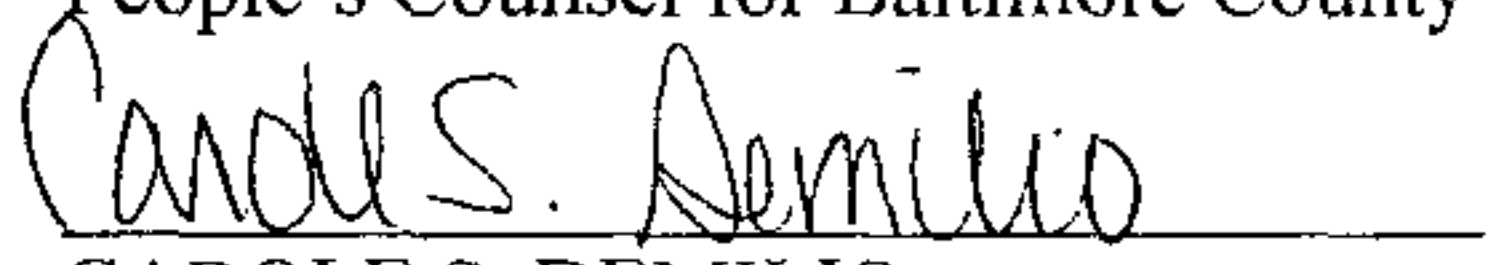
RE: PETITION FOR VARIANCE
6736 Mallard Road; N/S Mallard Road,
674' E c/line Pheasant Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Daniel & Carol Novak
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 07-308-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/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

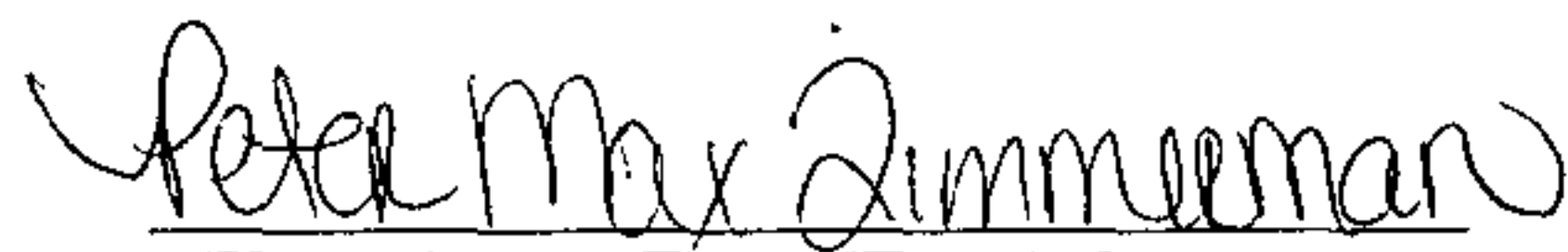
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of January, 2007, a copy of the foregoing Entry of Appearance was mailed to, Robert Infussi, Expedite, LLC, P.O. Box 1043-7043, Bel Air, MD 21014, Representative for Petitioner(s).

RECEIVED

JAN 30 2007

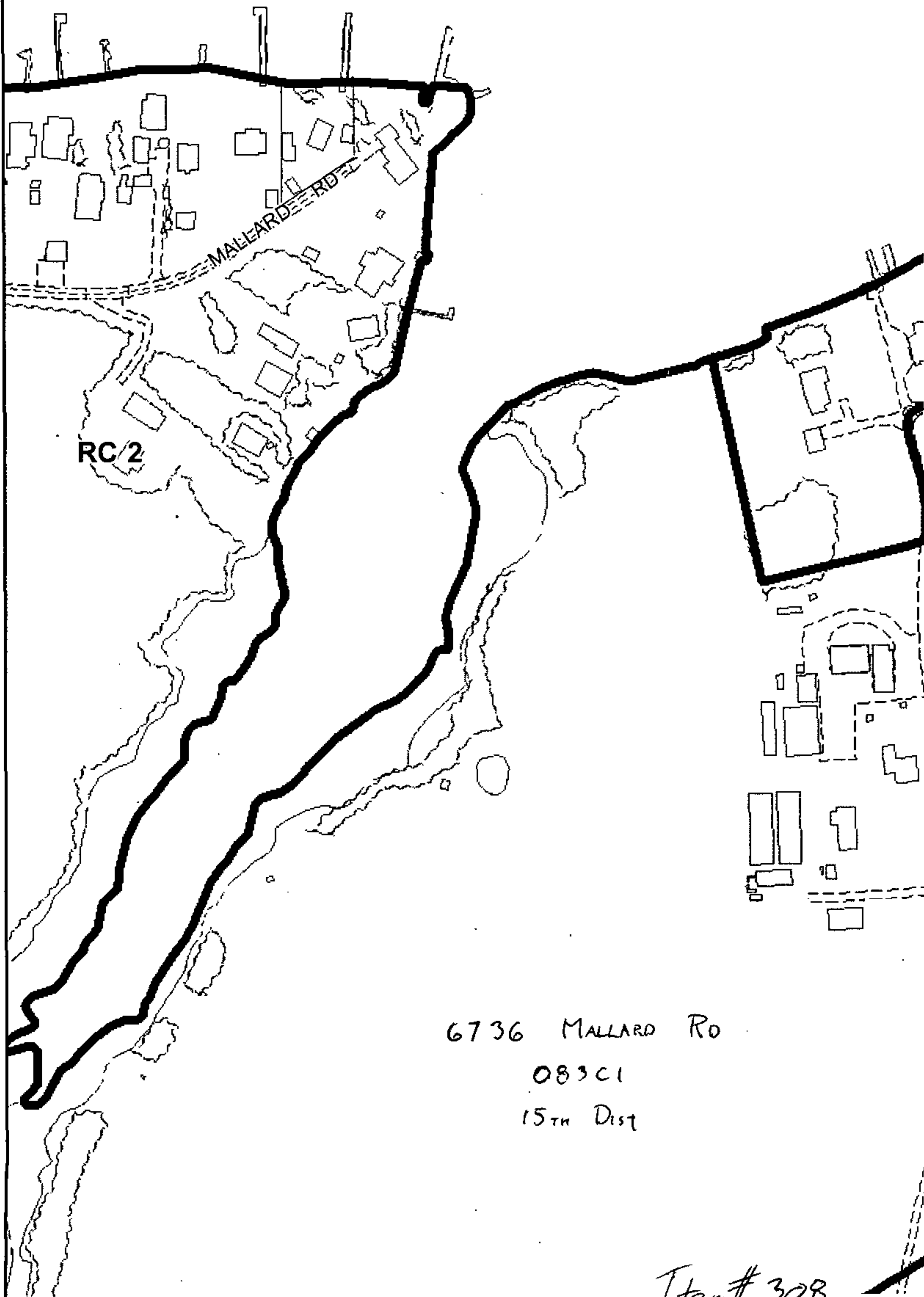
Per.....


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 6736 MALLARD RD
CASE NUMBER 07-308-A
DATE 3/5/07

PETITIONER'S SIGN-IN SHEET

[illegible]



6736 MALLARD RD

08301

15TH DIST

Item # 308

Case No.: 07-308-A 6736 MALLARD RD

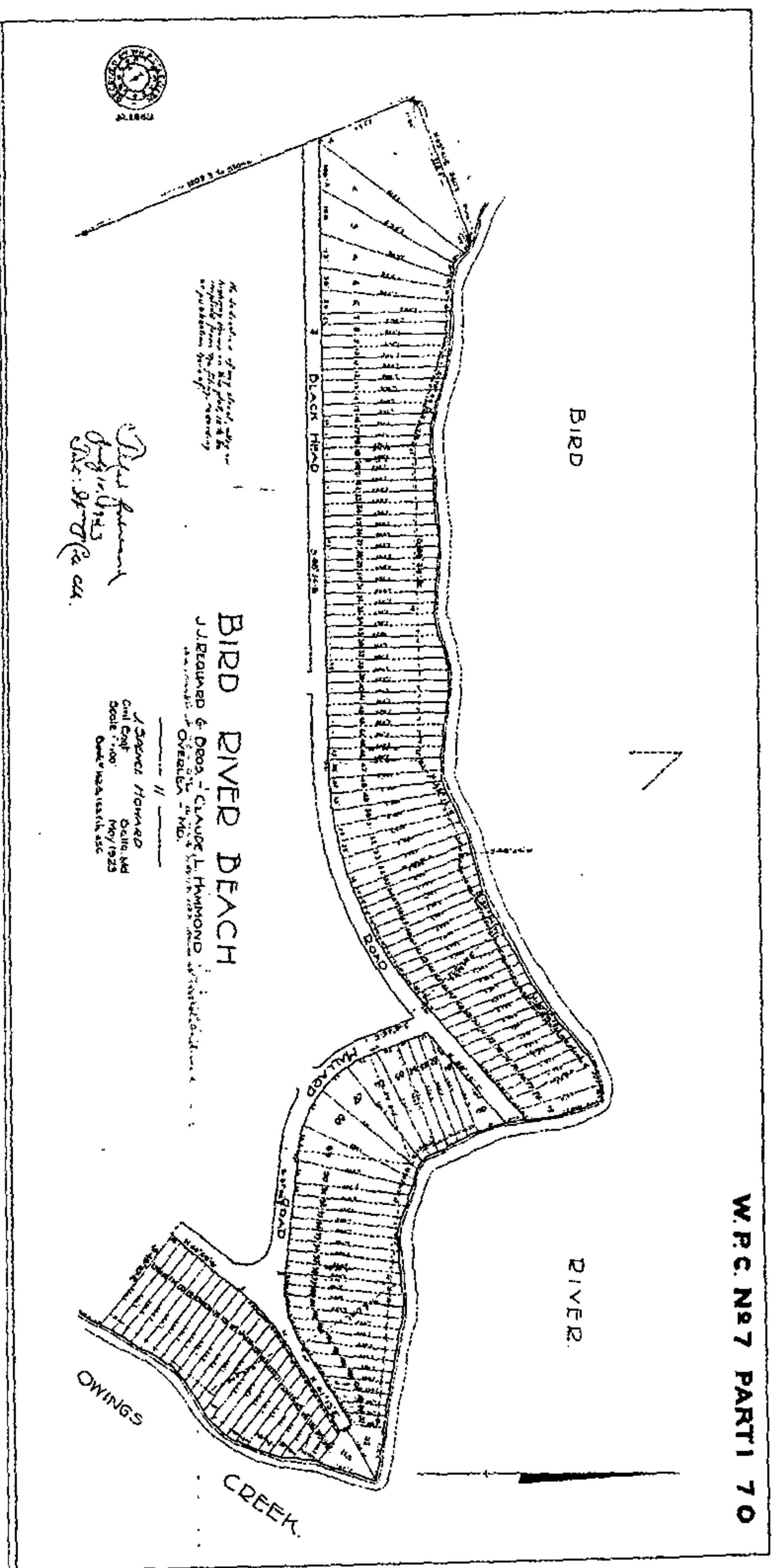
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Md Dap. of Assessments & Taxation.	
No. 3	DEED	
No. 4	Subdivision Plat BIRD RIVER BEACH	
No. 5	EXISTING CONDITIONS	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

W.P.C. No 7 PART I 70



*As shown on the plat of the
land of the State of Maryland
in the year 1872*

*John Howard
Surveyor
June 28, 1872*

BIRD RIVER DEACH

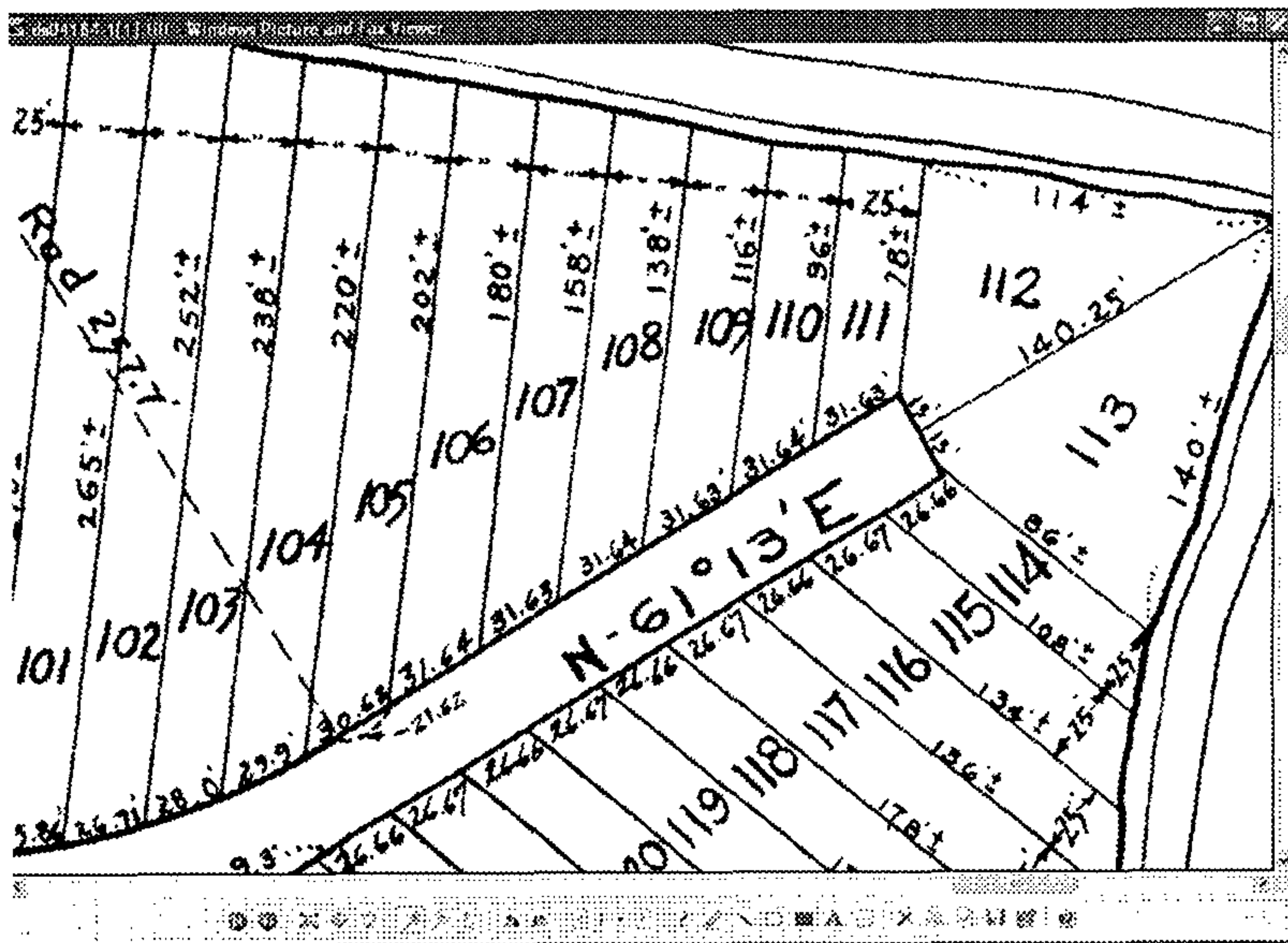
J. B. BARNARD & SONS - CLAUDE L. HARRISON, Surveyors

*J. B. BARNARD
Civil Eng. Office
No. 100 N. 1st St.
Baltimore, Md.*

RECORDED JULY 10, 1923

PETITIONER'S

EXHIBIT NO. 4



DEED

File No. 023098

Tax Account No. 15-11-670920

THIS DEED, Made this 6th day of November 2002, by and between Melvin C. Duncan, Sr. and Julia A. Duncan, parties of the first part, and Daniel J. Novak, Jr. and Carol A. Novak, his wife, parties of the second part.

WITNESSETH, that in consideration of the sum of Two Hundred Fifty-One Thousand Nine Hundred and 00/100 (\$251,900.00) DOLLARS; and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part, do grant and convey unto the parties of the second part as Tenants by the Entireties, their assigns, the survivor of them, and the survivor's personal representatives and assigns in fee simple, all that property situate in BALTIMORE COUNTY, State of Maryland, described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lots Nos. 108, 109, 110 and 111, as shown on the Plat of Bird River Beach, which Plat is recorded with Deed from John J. Requard, et al., to Charles E. Hofstetter and wife recorded in the Land Records of Baltimore County prior hereto, which Plat is recorded among the Plat Records of Baltimore County in Plat Book WPC No. 7, folio 70.

THE improvements thereon being known as No. 6736 Mallard Road.

BEING the same property which by Deed dated September 1, 1978 and recorded among the Land Records of Baltimore County in Liber 5933, folio 731 was granted and conveyed by Joseph F. Koudeika, to the herein Grantors.

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

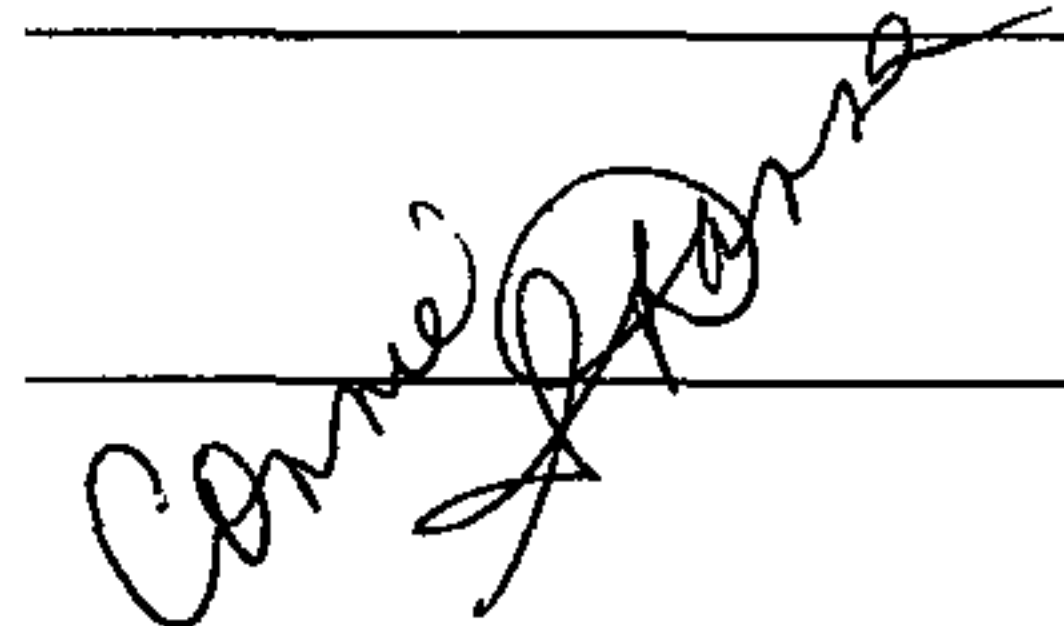
TO HAVE AND TO HOLD said described lot of ground and premises to the said parties of the second part as Tenants by the Entireties, their assigns, the survivor of them, and the survivor's personal representatives and assigns in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby conveyed; and that they will execute such further assurances of the same as may be requisite or necessary.

THE Grantees/Buyer(s) herein join in the execution of this Deed under oath for the purpose of certifying that the within residence shall be owner-occupied by said Grantee(s).

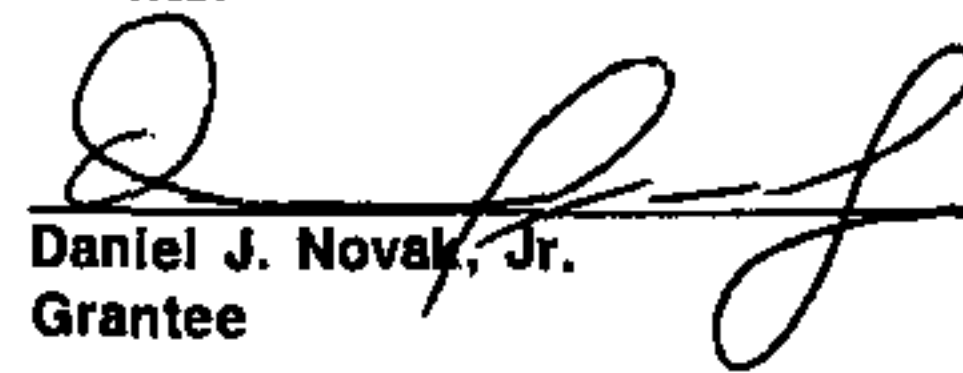
WITNESS, the hands and seals of said Grantors.

WITNESS:



 (SEAL)
Melvin C. Duncan, Sr.
Grantor

 (SEAL)
Julia A. Duncan
Grantor

 (SEAL)
Daniel J. Novak, Jr.
Grantee

PETITIONER'S

EXHIBIT NO. 3

Connie Strauss DannaCarol A. Novak

(SEAL)

Carol A. Novak
GranteeSTATE OF MARYLAND
County of Baltimore, TO WIT;

I Hereby Certify, That on this 6th day of November, 2002, before me, the subscriber, personally appeared Melvin C. Duncan, Sr. and Julla A. Duncan, known to me or satisfactorily proven to be the person whose name is/are set forth in the within deed, and did further acknowledge that he executed the foregoing deed for the purposes therein contained.

WITNESS MY HAND AND NOTARIAL SEAL.

My Commission expires: 1/1/03

NOTARY PUBLIC

STATE OF MARYLAND
County of Baltimore, TO WIT;

I Hereby Certify, That on this 6th day of November, 2002, before me, the subscriber, personally appeared Daniel J. Novak, Jr. and Carol A. Novak, his wife, known to me or satisfactorily proven to be the person whose name is/are set forth in the within deed, and did further acknowledge that he executed the foregoing deed for the purposes therein contained.

WITNESS MY HAND AND NOTARIAL SEAL.

My Commission expires: 1/1/03

NOTARY PUBLIC

THIS IS TO CERTIFY that this instrument has been prepared under the supervision of Connie Strauss Danna, an Attorney admitted to practice before the Court of Appeals of the State of Maryland.

Connie Strauss Danna

return to:

CLASSIC TITLE COMPANY
9528 Belair Road
Baltimore, MD 21236
(410) 256-4400

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: BALTIMORE COUNTY

Information provided is for use of the Clerk's Office, State Department of
Assessments and Taxation and County Finance Office only.
(Type or Print in Black Ink Only--All Copies Must Be Legible)

1 Type(s) of Instruments ☒ Deed ☐ Mortgage ☐ Other ☐ Other ☒ Deed of Trust ☐ Lease ☐ Other ☐ Other		IMP FD SURE \$ 5.00 RECORDING FEE 20.00 TR TAX STATE 1,259.50 TOTAL 1,284.50 Rest B406 Rct # 16327 SM DM Bk # 1006 Dec 06, 2002 10:59 am	
2 Conveyance Type Check Box ☒ Improved Sale Arms-Length[1] ☐ Unimproved Sale Arms-Length[2] ☐ Multiple Accounts Arms-Length[3] ☐ Not an Arms-Length Sale[9]			
3 Tax Exempt (If Applicable) Cite or Explain Authority		Recordation: State Transfer: County Transfer:	
4 Consideration And Tax Calculations		Finance Office Use Only Transfer and Recordation Tax Consideration	
Purchase Price/Consideration \$ 251,900.00 Any New Mortgage \$ Balance of Existing Mortgage \$ Other: \$ Other: \$ Full Cash Value \$		Transfer Tax Consideration \$ X () % Less Exemption Amount \$ Total Transfer Tax \$ Recordation Tax Consideration \$ X () per \$500 = \$ TOTAL DUE \$	
5 Fees		Amount of Fees Doc. 1 Doc. 2 Agent: Recording Charge \$ 20.00 \$ 20.00 Surcharge \$ 5.00 \$ 5.00 State Recordation Tax \$ 1,259.50 \$ 0 State Transfer Tax \$ 1,259.50 \$ 0 County Transfer Tax \$ 3,778.50 \$ 0 Other \$ 0 \$ 0 Total Fees \$ 6,323.00 \$ 25.00	
6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 9-104(g)(3)(i).		District Property Tax ID No. (1) Grantor Liber/Folio Map Parcel No. Var. LOG 15 1511610920 593873 83 428 (5) Subdivision Name Lot(3a) Block(3b) Sect/AR(3c) Plat Ref. Sq.Ft./Acreage(4) Bird River Beach 108 1 1 1170 Location/Address of Property Being Conveyed (2) 6736 Mallard Road, Baltimore, MD 21220 Other Property Identifiers (If applicable) Water Meter Account No. Residential ☒ or Non-Residential ☐ Fee Simple ☒ or Ground Rent ☐ Amount: Partial Conveyance? ☐ Yes ☒ No Description/Amt. of SqFt/Acreage Transferred: If Partial Conveyance, List Improvements Conveyed: Doc. 1 - Grantor(s) Name(s) Doc. 2 - Grantor(s) Name(s) Melvin C. Duncan, Sr. Daniel J. Novak, Jr. Julia A. Duncan Carol A. Novak Doc. 1 - Owner(s) of Record, if different from Grantor(s) Doc. 2 - Owner(s) of Record, if different from Grantor(s) Doc. 1 - Grantee(s) Name(s) Doc. 2 - Grantee(s) Name(s) Daniel J. Novak, Jr. Carol A. Novak New Owner's (Grantee) Mailing Address 6736 Mallard Road, Baltimore, MD 21220 Doc. 1 - Additional Names to be Indexed (Optional) Doc. 2 - Additional Names to be Indexed (Optional)	
7 Transferred From		Doc. 1 - Grantor(s) Name(s) Doc. 2 - Grantor(s) Name(s) Melvin C. Duncan, Sr. Daniel J. Novak, Jr. Julia A. Duncan Carol A. Novak Doc. 1 - Owner(s) of Record, if different from Grantor(s) Doc. 2 - Owner(s) of Record, if different from Grantor(s)	
8 Transferred To		Doc. 1 - Grantee(s) Name(s) Doc. 2 - Grantee(s) Name(s) Daniel J. Novak, Jr. Carol A. Novak New Owner's (Grantee) Mailing Address 6736 Mallard Road, Baltimore, MD 21220	
9 Other Names to Be Indexed		Doc. 1 - Additional Names to be Indexed (Optional) Doc. 2 - Additional Names to be Indexed (Optional)	
10 Contact/Mail Information		Instrument Submitted By or Contact Person Name: Michele Sparklin Firm: CLASSIC TITLE COMPANY Address: 9528 BELAIR ROAD BALTIMORE, MD 21236 Phone: 410-256-4400 ☒ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided	
11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER Assessment Information ☒ Yes ☐ No Will the property being conveyed be the grantee's principal residence? ☐ Yes ☒ No Does transfer include personal property? If yes, identify: ☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required). Assessment Use Only - Do Not Write Below This Line Agricultural Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification ☐ Date Received: _____ Deed Reference: _____ Assigned Property No.: _____ Geo: _____ Map: _____ Sub: _____ Block: _____ Zoning: _____ Grid: _____ Plat: _____ Lot: _____ Use: _____ Parcel: _____ Section: _____ Dec. Cd: _____ Town/Cy: _____ Ex. St: _____ Ex. Cd: _____			

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 - 1511670920

Owner Information

Owner Name: NOVAK DANIEL J, JR
NOVAK CAROL A Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 1305 LUNDY LN
BEL AIR MD 21015-6356 Deed Reference: 1) /17194/ 748
2)

Location & Structure Information

Premises Address
6736 MALLARD RD

Legal Description
LT 108-111
6736 MALLARD RD
BIRD RIVER BEACH

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
83	4	428			1		108	3		7/ 70

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1946	940 SF	13,334.00 SF	34
Stories 1	Basement NO	Type STANDARD UNIT	Exterior SIDING

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007
Land:	63,330	178,080		
Improvements:	52,330	68,030		
Total:	115,660	246,110	159,143	202,626
Preferential Land:	0	0	0	0

Transfer Information

Seller: DUNCAN MELVIN C, SR	Date: 12/06/2002	Price: \$251,900
Type: IMPROVED ARMS-LENGTH	Deed1: /17194/ 748	Deed2:
Seller: KOUELKA JOSEPH F	Date: 09/11/1978	Price: \$32,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5933/ 731	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:

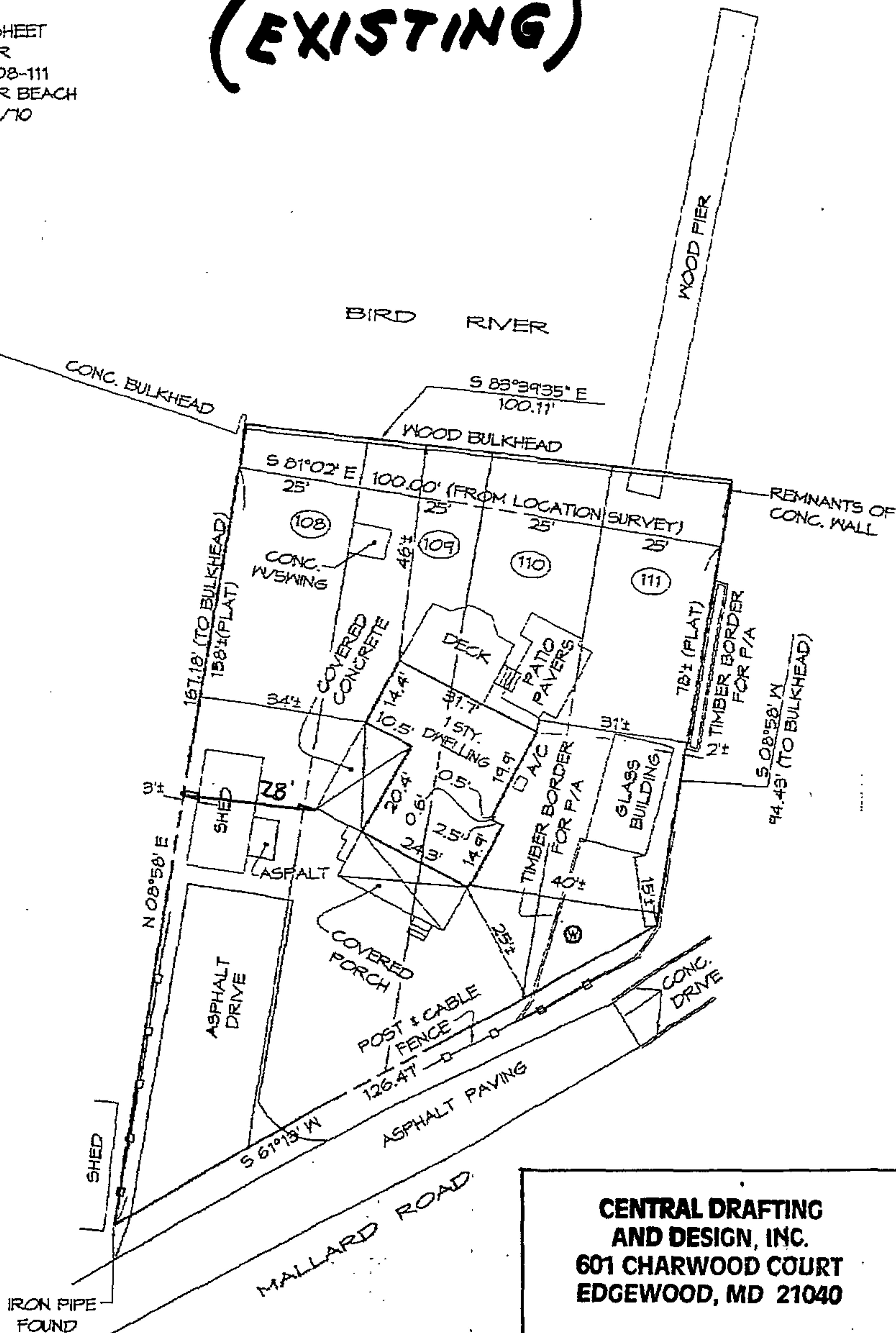
PETITIONER'S

Special Tax Recapture:

* NONE *

EXHIBIT NO. 2

(EXISTING)



5

EXHIBIT NO.

Date: 10/21/06

