

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
N/S Baybriar Road 600 ft. +/-
E of c/l of Mornington Road
3157 Baybriar Road
12th Election District
7th Councilmanic District
Calvin J. Bivens, Sr., et ux

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-524-A
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Calvin J. Bivens, Sr. and Charlotte A. Bivens, his wife, property owners, for the property known as 3157 Baybriar Road in the Dundalk section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a setback of 20 ft. in lieu of the required 30 ft. for a sunroom, in a D.R. 5.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

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

The 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

ORDER RECEIVED FOR FILING

Date

By

6/19/97
M. Good

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

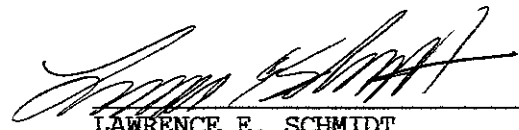
B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR). The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of June 1997 that the Petition for a Zoning Variance from Sections 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a setback of 20 ft., in lieu of the required 30 ft., for a sunroom, in a D.R. 5.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The 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 Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 19, 1997

Mr. and Mrs. Calvin J. Bivens, Sr.
3157 Baybriar Road
Baltimore, Maryland 21222

RE: Petition for Administrative Variance
Case No. 97-524-A
Property: 3157 Baybriar Road

Dear Mr. and Mrs. Bivens:

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

3157 Baybriar Rd

which is presently zoned

DR5.5

~~97-524-A~~ **97-524-A**

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1; BC2R TO

PERMIT A ~~SETBACK~~ **REAR YARD** SETBACK OF 20FT. IN LIEU OF THE REQUIRED 30' FOR A SUNROOM.

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

In order to increase comfort and pleasure of existing deck, Deck is existing do not see anything that would be disturbed by room on deck. Room will add only appeal to home.

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

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

Contract Purchaser/Lessee

Calvin James Bivens SR
(Type or Print Name)

Calvin James Bivens Sr.
Signature

3157 Baybriar Rd
Address

Baltimore MD 21222
City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s).

Calvin James Bivens SR
(Type or Print Name)

Calvin James Bivens Sr.
Signature

Charlotte A Bivens
(Type or Print Name)

Charlotte A Bivens
Signature

3157 Baybriar Rd 288 1809
Address Phone No

Baltimore MD 21222
City State Zipcode

Name, Address and phone number of representative to be contacted

Aug 3. Belcher (Greg S. Belcher)
Name

1585 Southw Spring Rd 410 340-5970
Address Phone No

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

Zoning Commissioner of Baltimore County

REVIEWED BY: JCM

DATE: 5-20-97

ESTIMATED POSTING DATE: 6-1-97



Printed with Soybean Ink
on Recycled Paper

ITEM #: 524

Affidavit in support of 97-524-A Administrative Variance

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

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

That the Affiant(s) does/do presently reside at 3157 Baybriar Rd
address
BALTIMORE MD 21222
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

In order to increase comfort and pleasure
of existing deck, Deck is existing do not see
anything that would be disturbed by room and deck
room will only add only appeal to home

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Calvin James Bivens Sr.
(signature)
ALVIN JAMES BIVENS SR
(type or print name)



Charlotte A. Bivens
(signature)
Charlotte A. Bivens
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of May, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Calvin James Bivens Sr. and Charlotte A. Bivens

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

AS WITNESS my hand and Notarial Seal.

5/5/97
date

Simon L. Savig
NOTARY PUBLIC

My Commission Expires: 9/1/98

ZONING DESCRIPTION
3157 Baybriar Rd.

97-524-A

~~Zoning description for 3157 Baybriar Road beginning at a point on the north side of Baybriar Road. This is 50 feet wide at the distance of 600[±] feet east of the center line of the nearest improved intersecting street, Mornington Road, which is 50 feet wide. Being Lot #29, Block 8, Section D, in the sub-division of Dundalk as recorded in Baltimore County, Plat Book #13 Folio #22 containing 6657 square feet~~

Also Known As 3157 Baybriar Road and located in the Twelfth election district and in the Seventh Councilmanic district.

524

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

524

No.

030066

PAID RECEIPT

05/20/97 01 5 JHR R 5485

Dept 5 513 ZONING VERIFICATION

CR NO. 030066

\$50.00 OK P-A-I-D

Baltimore County Maryland

Office Of Budget & Finance

DATE 5-20-97 ACCOUNT R001-6150

AMOUNT \$ 50.00

C. Bivens 3157 Bayberry Rd.

RECEIVED FROM:

Ad. WAR (010)

FOR:

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JLW

CASHIER'S VALIDATION



Shannon-Baum Signs, Inc.
105 Competitive Goals Drive
Eldersburg, MD 21784

FAX

Quality Signs & Graphics Since 1950

Month: Jan Feb Mar Apr May <u>June</u> July Aug Sept Oct Nov Dec												Number of Pages: <u>3</u> (Including Cover Page)	
Date: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 <u>17</u> 18 19												Time <u>9:10</u> <u>AM</u> PM	
20 21 22 24 25 26 27 28 29 30 31													
To: <u>Baltimore Co. Zoning</u>						From: <u>Stacy</u>							
Attention:						Subject: <u>Zoning Notice Cert. of Post</u>							
Fax # <u>410-887-5708</u>						Fax No. <u>410-781-4673</u>							
Phone #						Verifying No. <u>410-781-4000</u>							

Note: If you did not receive all of the pages, or if you have a question, please call the verifying number above.

Gwen -

Sorry for the delay!

Stacy

RE: Case No.: 97-524-APetitioner/Developer: Appleby WindowsDate of Hearing/Closing: 6-16-97

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 3157 Baybriar Rd.

Dundalk, MD

The sign(s) were posted on

May 22, 1997

(Month, Day, Year)

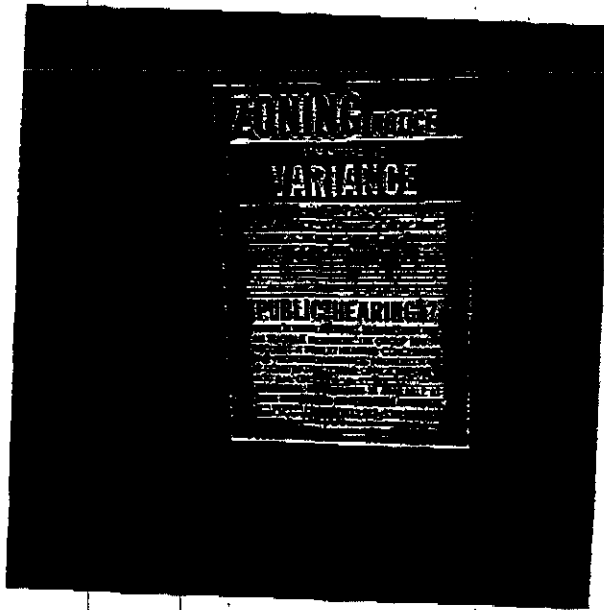
Sincerely,

Stacy Gardner 5.22.97
(Signature of Sign Poster and Date)

STACY GARDNER
(Printed Name)

(Address)
SHANNON-BAUM SIGNS
105 COMPETITIVE GOALS DR
ELDERSBURG MD 21784

(Telephone Number)





Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

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

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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No. ✓ 524

Petitioner: CALVIN RIVENS, SR.

Location: 13157 Baybreeze Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Appleby Systems Inc.

ADDRESS: 1585 Sulphur Spring Rd
Baltimore MD 21227

PHONE NUMBER: (410) 242-5970

AJ:ggs

(Revised 09/24/96)

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 6-1-97

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

ZONING NOTICE**ADMINISTRATIVE
VARIANCE****Case No.:** 97-524-A

A VARIANCE TO PERMIT A REAR YARD
SETBACK OF 20FT. IN LIEU OF THE REQUIRED
30' FOR A SUNROOM.

PUBLIC HEARING ?

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

*

6-16-97

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

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

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

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

June 3, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-524-A
3157 Baybriar Road
N/S Baybriar Road, 600' +/- E of c/l Mornington Road
12th Election District - 7th Councilmanic
Legal Owner(s): Calvin James Bivens, Sr. and Charlotte A. Bivens
Post by Date: 06/01/97
Closing Date: 06/16/97

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

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

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

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Calvin and Charlotte Bivens
Appleby Systems, Inc.



Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 3, 1997

Item No.: SEE BELOW

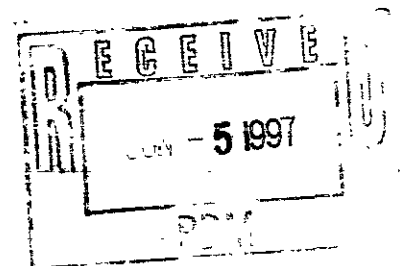
Zoning Agency:

Gentlemen:

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

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

523, 524, 527, 528, and 529



97-2588

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: May 30, 1997

FROM: Arnold F. "Par" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

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

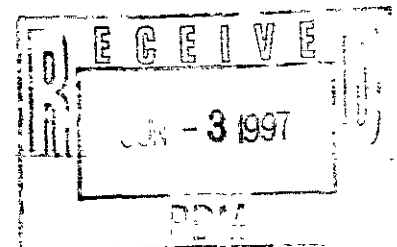
Item Nos. 524, 526, 528 and 531

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: JEFF LONG

Division Chief: GARY L. KEENE

AFK/JL





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 5-30-97
Item No. 524 JCM

Dear Ms. Eubanks:

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

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

Thank you for the opportunity to review this item.

Very truly yours,

for

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

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

PROPERTY ADDRESS: 3157 Bayview Rd

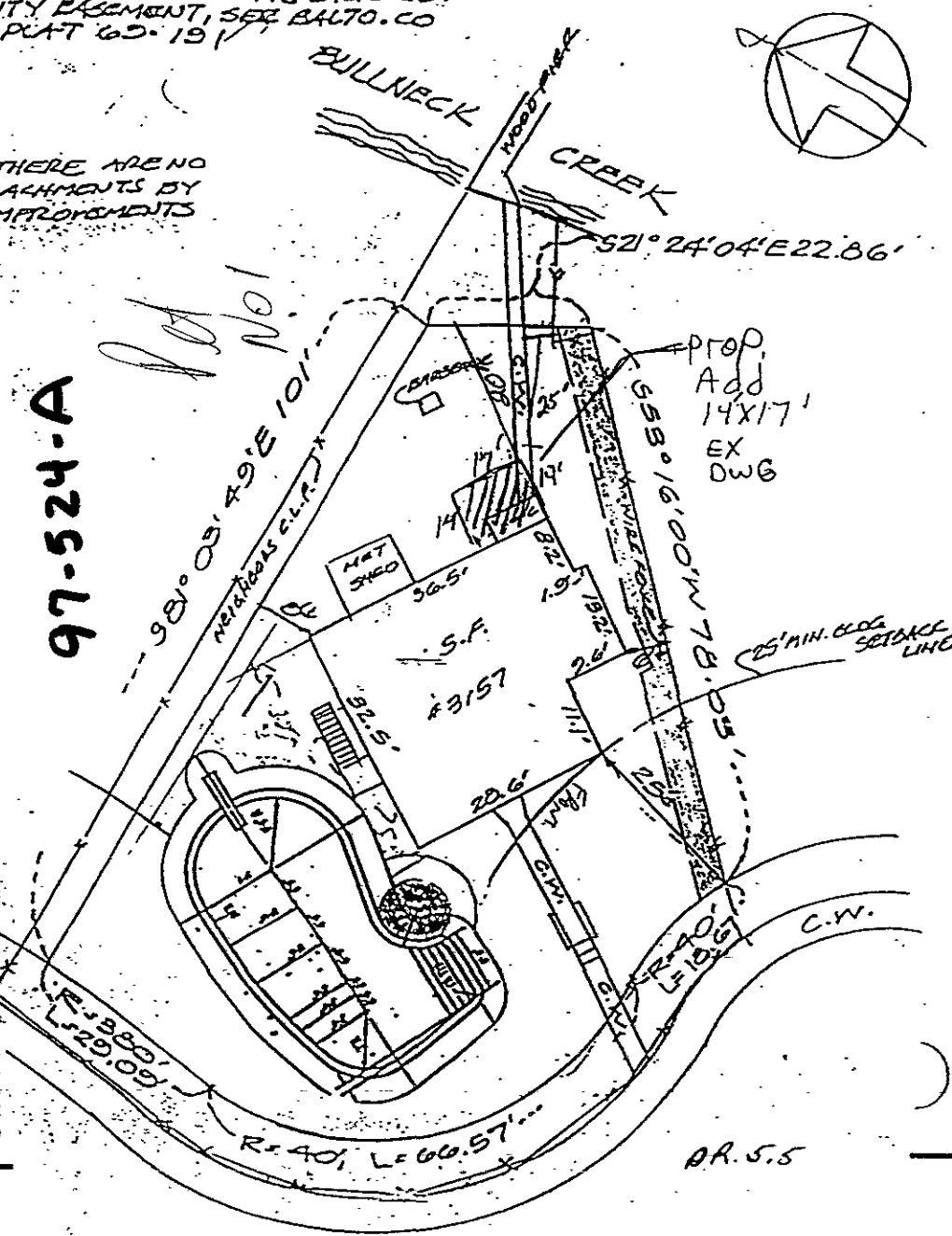
Subdivision name: Dundalk
 plat book # 13, folio # 22, lot # 29, section #

OWNER: Calvin & Charlotte Bruns

97-524-A

NOTE: SHADCO AREA SHOWS BALTO. CO. UTILITY EASEMENT, SEE BALTO. CO. PLAT 65-191

NOTE: THERE ARE NO ENCROACHMENTS BY SAID IMPROVEMENTS



North
 date:
 prepared by:

Scale of Drawing: 1" = 20'

LOCATION INFORMATION

Election District: 12

Councilmanic District: 7

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

Zoning: DR 5.5

Lot size: 6,657 square feet

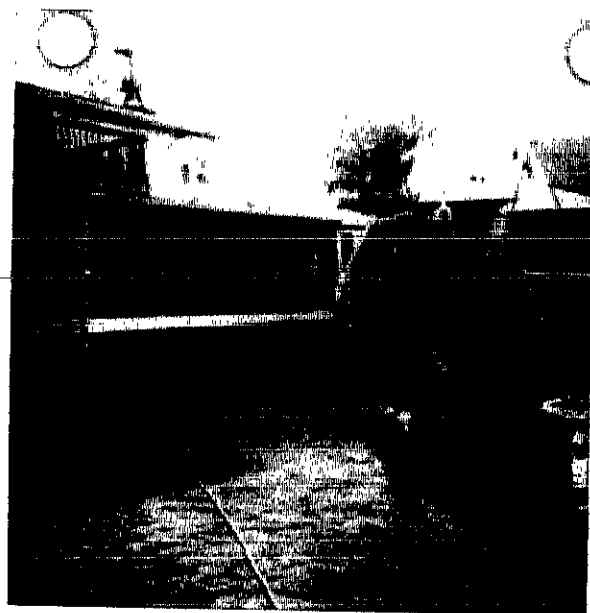
public ☐ private ☐
 SEWER: ☒ ☐
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☒ ☐

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

96m 524



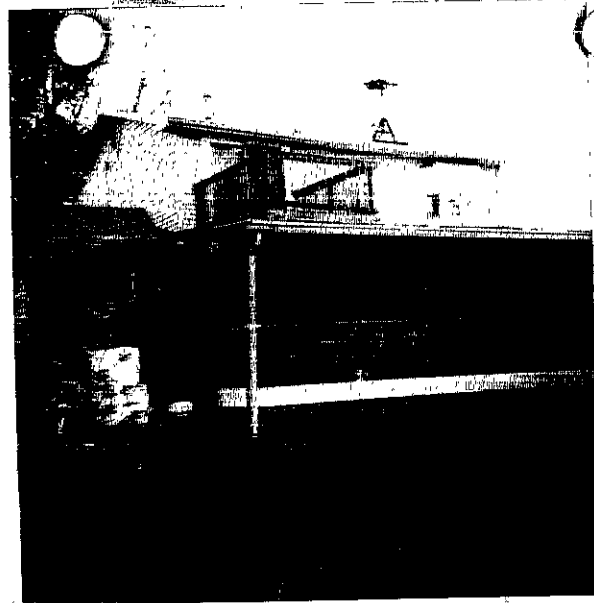
Rear 97-524-A



Right 97-524-A



Front 97-524-A



Rear 97-524-A



Left ~~97-524-A~~ 97-524-A



Right 97-524-A