

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE
NES Baybrier Rd., 500 ft. S
of the c/l Sollers Point Rd.
3157 Baybrier Road
12th Election District
7th Councilmanic District
Calvin Bivens, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-126-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Calvin Bivens for that property known as 3157 Baybrier Road in the Dundalk section of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a rear yard setback of 10 ft., in lieu of 30 ft., for an addition in a D.R.5.5 zone. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

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

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

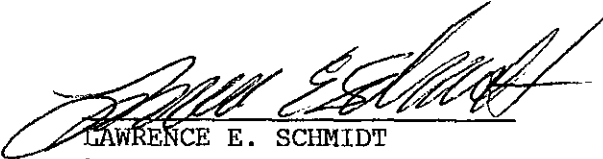
11/14/97
M. G. G. G.
Date
By

upon the Petitioner.

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 4th day of November 1997 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a rear yard setback of 10 ft., in lieu of 30 ft., for an addition, in a D.R.5.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), dated October 20, 1997 and October 21, 1997 (attached hereto) are adopted in their entirety and made a part of this Order.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmn



Baltimore County
Zoning Commissioner
Office of Planning

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

November 4, 1997

Mr. Calvin Bivens
3157 Baybrier Road
Dundalk, Maryland 21222

RE: Petition for Administrative Variance
Case No. 98-126-A
Property: 3157 Baybrier Road

Dear Mr. 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", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

98-126-A

3157 BAYBRIER ROAD

which is presently zoned

DR 5.5

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

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

1302.3.C.1 to permit a 10 ft rear yard in lieu of 30 ft.

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

* SEE OTHER SIDE

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Notary for Petitioner:

PATTO ENCLOSURES, INC.

(Type or Print Name)

Signature

R. L. TICE, AGENT

224 8th AVENUE, N.W. 760-1919
Address Phone No.

GLEN BURNIE, MD. 21061
City State Zipcode

(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.

Legal Owner(s):

CALVIN BIVENS

(Type or Print Name)

X
Signature

(Type or Print Name)

Signature

3157 BAYBRIER ROAD 288-1809
Address Phone No.

DUNDALK, MD. 21222
City State Zipcode
Name, Address and phone number of representative to be contacted.

PATTO ENCLOSURES, INC.
Name

224 8th AVENUE, N.W. 760-1919
Address Phone No.

GLEN BURNIE, MD. 21061

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

Zoning Commissioner of Baltimore County

REVIEWED BY: MDL DATE: 10/12/97

ESTIMATED POSTING DATE: 10/12/97

ITEM #: 126

Affidavit in support of Administrative Variance

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

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

That the Affiant(s) does/do presently reside at 3157 BAYBRIER ROAD

address

DUNDALK, MD. 21222

City

State

Zip Code

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

1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.
2. REDUCE OUTSIDE NOISE.
3. INSULATE AND REDUCE HEATING BILLS.
4. A PLACE TO SIT OUT AND NOT BE CONCERNED WITH THE WEATHER, BUGS: MOSQUITOES, ETC.
5. IMPROVE APPEARANCE OF HOUSE.
6. THE UNUSUAL SHAPE OF THE LOT AND THE PLACEMENT OF THE HOUSE DOES NOT LEND ITSELF TO ADDITIONS OTHER THAN THROUGH THE VARIANCE PROCESS.
7. ATTACHED ARE COPIES OF THE ADMINISTRATIVE VARIANCE 97-524-A FILED BY THE

PREVIOUS CONTRACTOR IN WHICH THE SIZE OF THE ADDITION WAS IN ERROR, THE SCALE IS

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

X Calvin Bivens
(signature)

CALVIN BIVENS
(type or print name)



INCORRECT AND THE REQUESTED SET BACK WAS TAKEN FROM THE WRONG SIDE OF THE ADDITION TO THE REAR PROPERTY LINE.

(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

X

I HEREBY CERTIFY, this 29 day of Sept, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

CALVIN BIVENS

the Affiant(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.

9/29/97
date

Anna Mae Rogawski
NOTARY PUBLIC

My Commission Expires:

9/8/99



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

98-126-A

3157 BAYBRIER ROAD

which is presently zoned

DR 5.5

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

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

1 B02.3.C.1. to permit a 10 ft. rear yard in lieu of 30 ft.

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

* SEE OTHER SIDE

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

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

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:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Agency for Petitioner:

PATIO ENCLOSURES, INC.

(Type or Print Name)

Signature

R. L. TICE, AGENT

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

Address

Phone No.

GLEN BURNIE, MD. 21061

City

State

Zipcode

Legal Owner(s):

CALVIN BIVENS

(Type or Print Name)

Signature

(Type or Print Name)

Signature

3157 BAYBRIER ROAD

Address

288-1809

Phone No.

DUNDALK, MD. 21222

City

State

Zipcode

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

PATIO ENCLOSURES, INC.

Name

224 8th AVENUE, N.W.

Address

760-1919

Phone No.

GLEN BURNIE, MD. 21061

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

Zoning Commissioner of Baltimore County

REVIEWED BY: ML DATE: 10/2/97

ESTIMATED POSTING DATE: 10/12/97

ITEM #: 126

Affidavit in support of Administrative Variance

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

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

That the Affiant(s) does/do presently reside at 3157 BAYBRIER ROAD
address
DUNDALK, MD. 21222
City State Zip Code

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

1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.
2. REDUCE OUTSIDE NOISE.
3. INSULATE AND REDUCE HEATING BILLS.
4. A PLACE TO SIT OUT AND NOT BE CONCERNED WITH THE WEATHER, BUGS: MOSQUITOES, ETC.
5. IMPROVE APPEARANCE OF HOUSE.
6. THE UNUSUAL SHAPE OF THE LOT AND THE PLACEMENT OF THE HOUSE DOES NOT LEND ITSELF TO ADDITIONS OTHER THAN THROUGH THE VARIANCE PROCESS.
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PREVIOUS CONTRACTOR IN WHICH THE SIZE OF THE ADDITION WAS IN ERROR, THE SCALE IS

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

X Calvin Bivens
(signature)

CALVIN BIVENS
(type or print name)



INCORRECT AND THE REQUESTED SET BACK WAS TAKEN FROM THE WRONG SIDE OF THE ADDITION TO THE REAR PROPERTY LINE.
(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

X

I HEREBY CERTIFY, this 29 day of Sept, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Calvin 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.

9/29/97
date

Anna Marie Rogers
NOTARY PUBLIC

My Commission Expires: 9/8/1999

ZONING DESCRIPTION FOR 3157 BAYBRIER ROAD

BEGINNING AT A POINT ON THE NORTH SIDE OF BAYBRIER ROAD WHICH IS 35' WIDE AT A DISTANCE OF 500± SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, SOLLERS POINT WHICH IS 50' WIDE. BEING LOT # 29, BLOCK 8, SECTION A IN THE SUBDIVISION OF DUNDALK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK# 7, FOLIO 22, CONTAINING 6,052 SQ. FT. ALSO KNOWN AS 3157 BAYBRIER ROAD AND LOCATED IN THE 12th ELECTION DISTRICT, 7th COUNCILMANIC DISTRICT.

126

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than *10/12/97.

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

Item # 126

ZONING NOTICE**ADMINISTRATIVE
VARIANCE**Case No.: 98-126-AVariance to permit a 10 ft rear yd. in lieu
of 30 ft.**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**

***** Oct. 27, 1997

**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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 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 posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) 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.: 126 Petitioner: CALVIN BIVENS

Location: 3157 BAYBRIER ROAD, DUNDALK, MD. 21222

PLEASE FORWARD ADVERTISING BILL TO:

NAME: PATIO ENCLOSURES, INC.

ADDRESS: 224 8th AVENUE, N.W.

GLEN BURNIE, MD. 21061

PHONE NUMBER: 760-1919

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

042730

DATE 10/2/97 ACCOUNT 01-615

Item. 126
By. mtl

AMOUNT \$ 50.00

RECEIVED FROM: Patio Enclosures - 3157 Baybridge Rd.

FOR: G/O - Res Variance - \$50.00

DISTRIBUTION
E - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME

10/02/1997 10/02/1997 09:11:10

REG 4802 CASHIER JRTG JME DRAWER

E MISCELLANEOUS CASH RECEIPT

Receipt # 016462

CR NO. 042730

50.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-126-A

Petitioner/Developer: _____

CALVIN & CHARLOTTE BIVENS

Date of Hearing/Closing: 10/27/97

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

The sign(s) were posted on 10/12/97
(Month, Day, Year)

CASE NO. 98-126-A

Sincerely,

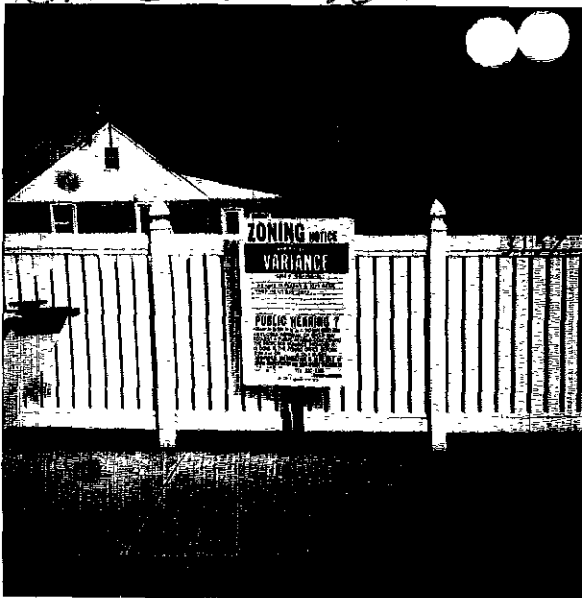
Richard E. Hoffman 10/12/97
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

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

(410) 879-3122
(Telephone Number)



3157 BAYBRIAR RD

POSTED 10/12/97

Richard E. Hoffman 10/12/97



Baltimore County
Department of Permits and
Development Management

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

October 9, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-126-A
3157 Baybrier Road
NE/S Baybrier Road, 500' S of c/l Sollers Point Road
12th Election District - 7th Councilmanic
Legal Owner(s): Calvin Bivens
Post by Date: 10/12/97
Closing Date: 10/27/97

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, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Calvin Bivens
Patio Enclosures, Inc.



Baltimore County
Department of Permits and
Development Management

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

October 22, 1997

Mr. Calvin Bivens
3157 Baybrier Road
Dundalk, MD 21222

RE: Item No.: 126
Case No.: 98-126-A
Petitioner: Calvin Bivens

Dear Mr. Bivens:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 2, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

DATE: October 21, 1997

To: Arnold L. Jablon
From: R. Bruce Seeley *RS/BS*
Subject: Zoning Item #126

Bivens, 3157 Baybrier Road

Zoning Advisory Committee Meeting of October 14, 1997

- ☐ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- ☐ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- ☒ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- ☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code.)
 - ☐ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).
 - ☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

DATE: October 21, 1997

To: Arnold L. Jablon
From: R. Bruce Seeley *RS/ff*
Subject: Zoning Item #126

Bivens, 3157 Baybrier Road

Zoning Advisory Committee Meeting of October 14, 1997

- ☐ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
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 - ☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for October 20, 1997
Item No. 126

Date: October 20, 1997

The Bureau of Developer's Plans Review has reviewed the subject zoning item. 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.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The flood protection elevation for this site is 10.4 feet.

RWB:HJO:jrb

cc: File

ZONE1020.126

B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: October 20, 1997

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for October 20, 1997
 Item No. 126

The Bureau of Developer's Plans Review has reviewed the subject zoning item. 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.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The flood protection elevation for this site is 10.4 feet.

RWB:HJO:jrb

cc: File

ZONE1020.126

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: October 10, 1997

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

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 120, 121, 122, 123, ¹²⁴126, 129, and 131

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

AFK/JL



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

October 16, 1997

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 October 14, 1997

Item No.: See Below

Zoning Agenda:

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.

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

120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130
and 131

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-1681. MS-1.02F
cc: File



IN RE: PETITION FOR RESIDENTIAL	* BEFORE THE
ZONING VARIANCE	
N/S Baybriar Road 600 ft. +/-	* ZONING COMMISSIONER
E of c/l of Mornington Road	
3157 Baybriar Road	* OF BALTIMORE COUNTY
12th Election District	
7th Councilmanic District	* Case No. 97-524-A
Calvin J. Bivens, Sr., et ux	
* * * * *	* * * * *

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

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

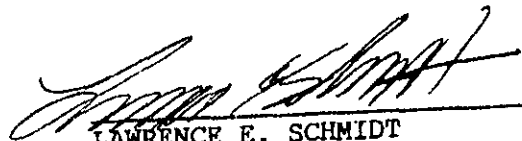
This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR). The relief granted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

126



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,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

4/12/97
4/21/97
Suite 112
Box 112
Benner off
11/11/97



Betty BARRETT
285-6129
3155 Bayview

126

Dorothy Rossmark
3159 Bayview Rd.
285 8688

#12C

This Deed, MADE THIS 5th day of September

in the year one thousand nine hundred and eighty-six

by and between

EMILY E. BIVENS, PARTY

XK

of the first part, and

CALVIN JAMES BIVENS, SR, and CHARLOTTE ANN BIVENS, husband and wife, parties
of the second part.

WITNESSETH, That in consideration of the sum of \$50,000.00, which is the actual
consideration paid or to be paid, the receipt whereof is hereby
acknowledged,

the said party of the first part

D RC/F 13.00

D T EX 250.00

D DOCS 250.00

DEED 04

CHK JR 1 513.00

#35087 C002 R02 T13:41

09/08/86

does grant and convey to the said parties of the second part, as tenants by
the entirety, their assigns, the survivor of them and the survivor's

personal representatives ~~and assigns~~ and assigns, in fee simple, all

that lot of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

Being known and designated as Lot No. 29, in Block No. 8, as shown on
Plat No. 7, Dundalk, which plat is duly recorded among the Land Records
of Baltimore County in Plat Book CHK No. 13, folio No. 22. The
improvements thereon being known as No. 3157 Baybriar Road.

Being the same lot of ground which by deed dated August 25, 1956 and
recorded among the Land Records of Baltimore County in Liber GLB No.
3000, folio 447 was granted and conveyed from John E. Desilets and
Henrietta L. Desilets, his wife unto Lawrence R. Bivens and Emily E
Bivens, his wife. The said Lawrence R. Bivens has departed this life on
or about May 24, 1974 thereby vesting complete fee simple title
in Emily E. Bivens, the within grantor.

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

CLERK

DATE

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE

DATE

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 the 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 ~~successors~~ and assigns, in fee simple.

AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said grantor.

Test:

Emily E. Bivens (SEAL)
EMILY E. BIVENS

Donna M. Spagnolo

(SEAL)

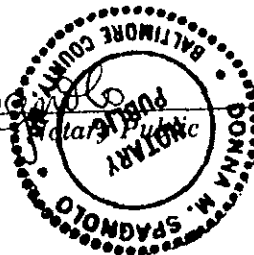
STATE OF MARYLAND, BALTIMORE COUNTY to wit:

I HEREBY CERTIFY, That on this 5th day of September, before me, in the year one thousand nine hundred and eighty-six the subscriber, a Notary Public of the State aforesaid, personally appeared

EMILY E. BIVENS known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Donna M. Spagnolo



My Commission expires:

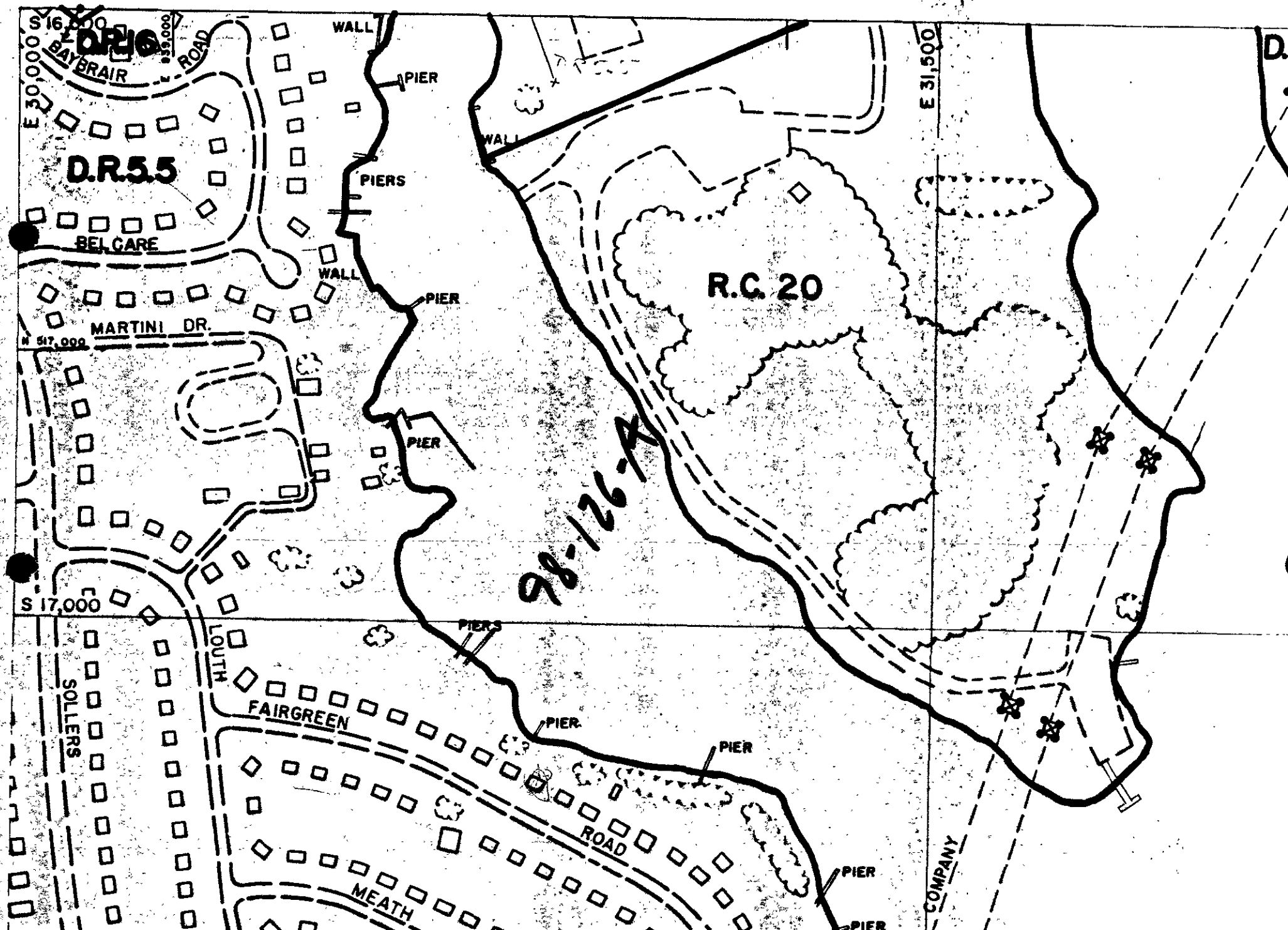
July 1, 1990

Mail to

Address

Chicago Title Ins Co
105 W Chesapeake Ave
94204

176



Flood 2 B
A20

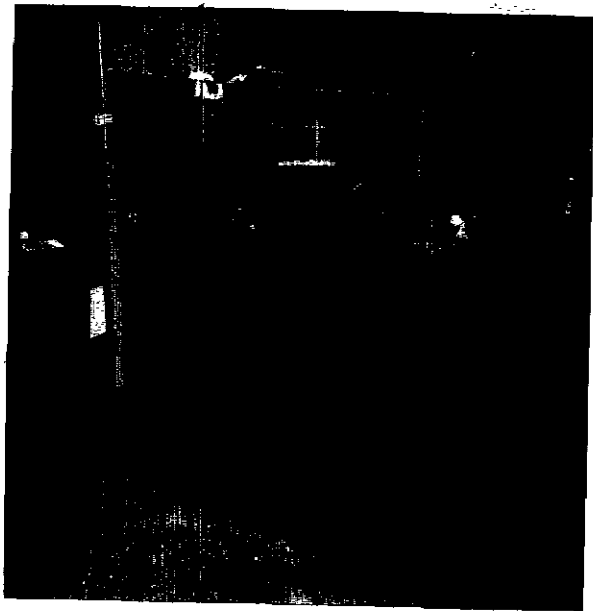
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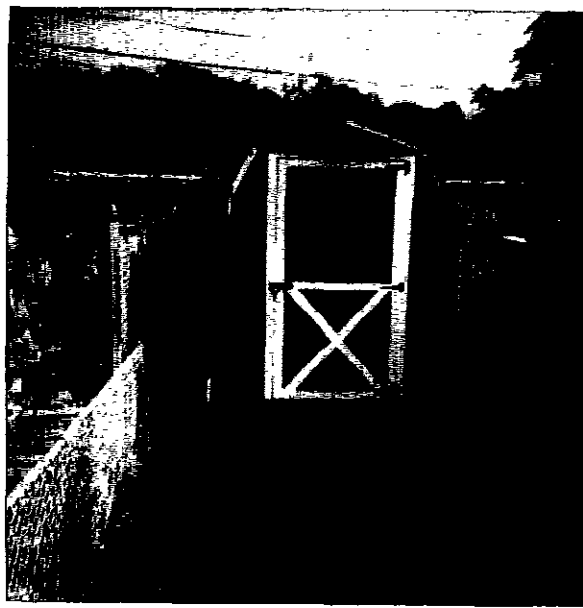


Baltimore County Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

#126



98-126-A



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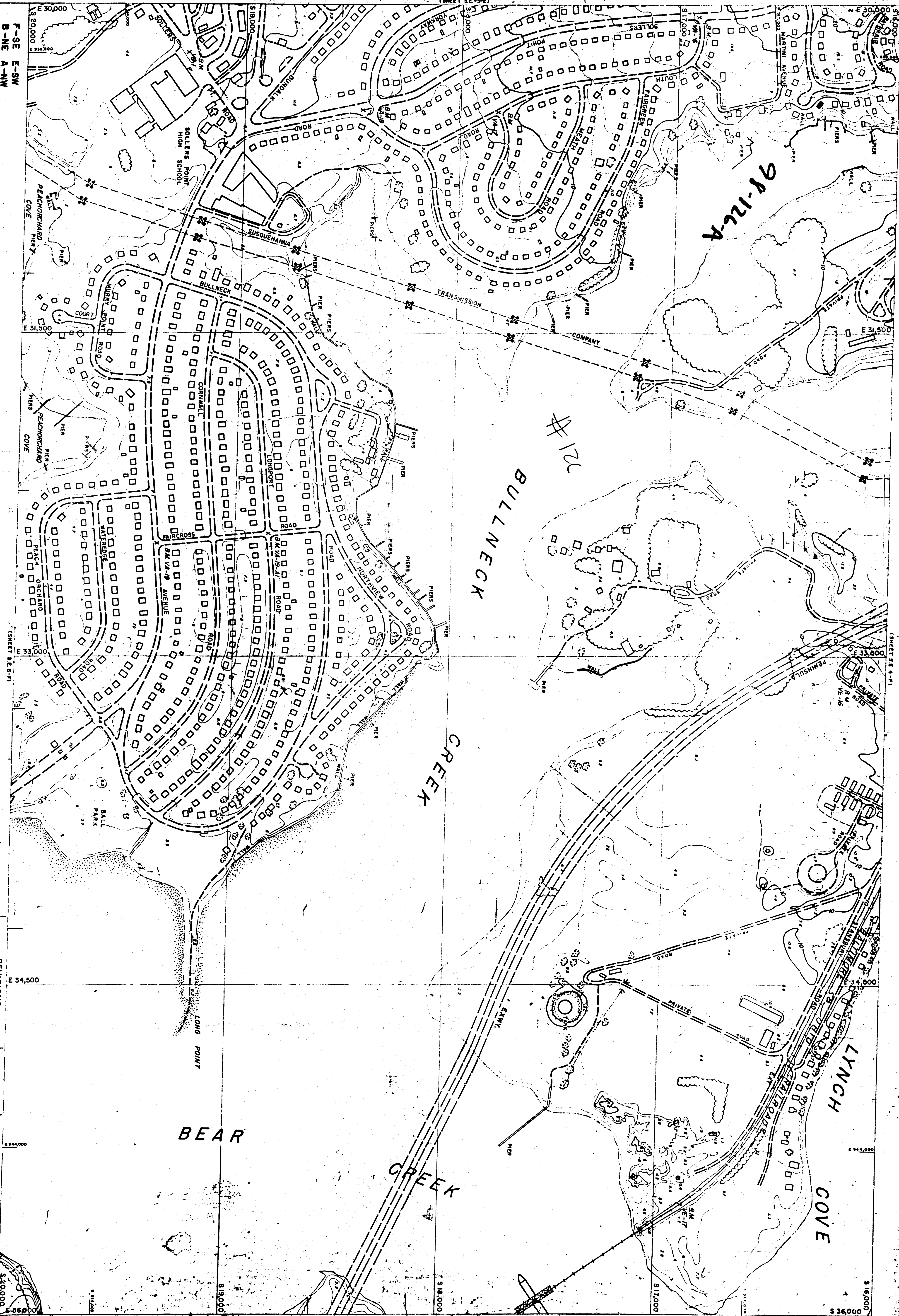
98-126-A

#126



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200' ±			
DATE OF PHOTOGRAPHY JANUARY 1986		DUNDALK SOLLERS POINT	S.E. 5-F



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

F-SE E-SW
B-NE A-NW

REVISIONS

SCALE

LOCATION

SHEET

BY DATE

DATE OF PHOTOGRAPHY

DUNDALK
SOLLERS POINT

3 E
5-1

Photography Compiled By: Photogrammetric Method:
AERIAL SURVEY CORP LANSING MICH.

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

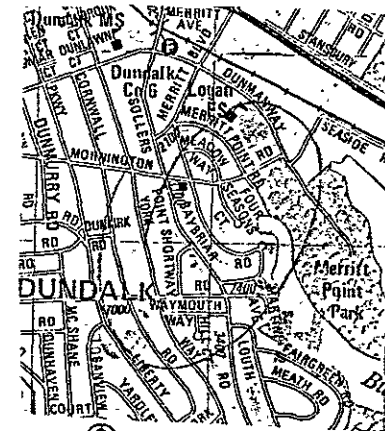
PROPERTY ADDRESS: 3157 BAYBRIER ROAD

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

Subdivision name: _____

plat book# 7, folio# 22, lot# 29, section# _____

OWNER: CALVIN BIVENS



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 12

Councilmanic District: 7

1"=200' scale map#: SE5F
TOPO

Zoning: DR 5.5

Lot size: .0138 acreage 6052 square feet

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

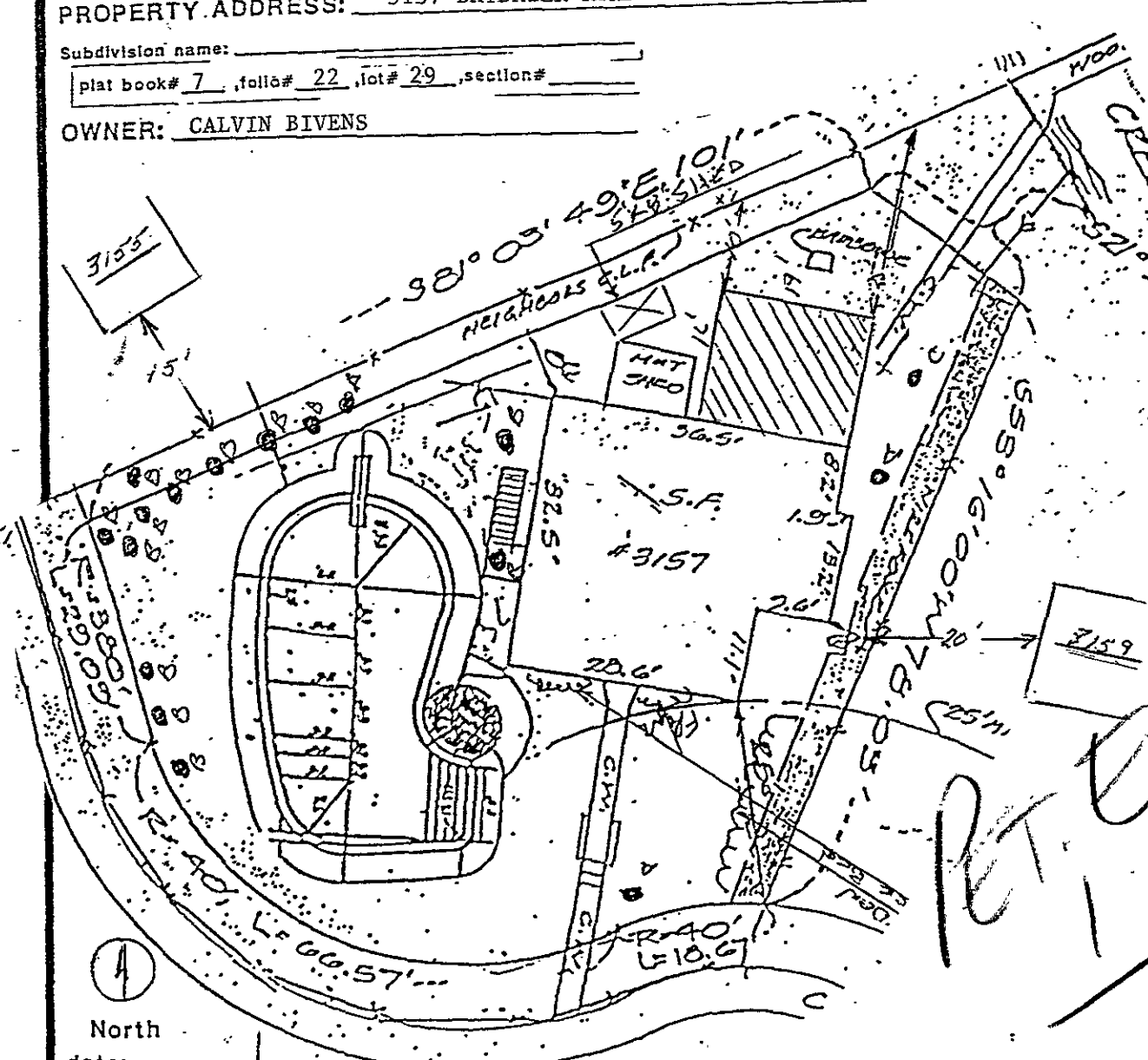
Prior Zoning Hearings: NONE

97-524-A

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

RL 126



North

date: _____ prepared by: R. L. TICE, AGENT Scale of Drawing: 1"= 20'

500' ± SOLLERS POINT RD

98-126-A