

IN RE: PETITION FOR ADMIN. VARIANCE

SE/S of Baybriar Road, 500' E
centerline of Sollers Point Road

12+15th Election District

5th Councilmanic District
(3161 Baybriar Road)

Carol & Charles Butrim
and Kenneth Lee Bobo

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 02-487-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Carol & Charles Butrim and Kenneth Lee Bobo, property owners, for that property known as 3161 Baybriar Road in the eastern area of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with a side yard setback of 7 ft. in lieu of the required 10 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation contained in the case file. Based upon the information available, there is no evidence in the file to indicate that the requested administrative variance would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted.

In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that the relief requested sufficiently complies with

ORDER RECEIVED FOR FILING

Date

5/30/02

By

R. J. [Signature]

the requirements of Sections 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 as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the B.C.Z.R. As of the date of this Order, DEPRM has not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 30th day of May, 2002, that the Petitioners' request for Administrative Variance seeking relief from Section 1B02.3.C.1 of the B.C.Z.R., to permit an existing single-family dwelling with a side yard setback of 7 ft. in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

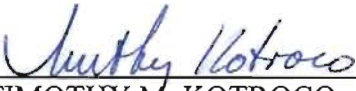
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with any Zoning Advisory Committee (ZAC) recommendations submitted by DEPRM to minimize any effect the proposed development might have on the Bay and its tributaries.

ORDER RECEIVED FOR FILING

Date 5/30/02

By R. J. Jemison

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



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date

5/30/02

By

J. R. Jemison



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 30, 2002

Mr. & Mrs. Charles Butrim
Mr. Kenneth Lee Bobo
3161 Baybriar Road
Baltimore, Maryland 21222

Re: Petition for Administrative Variance
Case No. 02-487-A
Property: 3161 Baybriar Road

Dear Mr. & Mrs. Butrim and Mr. Bobo:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



CBCA Flood

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3161 Baybriar Rd.
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 to permit an existing

Single family dwelling with a side yard setback of 7 feet in lieu of the required 10 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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):

Carol Butrim + Charles Butrim
Name - Type or Print _____
Carol Butrim + Charles Butrim
Signature _____
Kenneth Lee Bobo
Name - Type or Print _____
Kenneth Lee Bobo
Signature _____
3161 Baybriar Rd. (410) 288-3584
Address _____ Telephone No. _____
Baltimore Md. 21222
City _____ State _____ Zip Code _____

Representative to be Contacted:

Robert T Lilley
Name _____
2936 Knoll Acres Dr. (410) 668-9460
Address _____ Telephone No. _____
BalTo. Md. 21234
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 02-487-A

Reviewed By JNP Date 5/2/02

Estimated Posting Date 5/13/02

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

Address 3161 Baybriar Rd.
City Balto. State Md. Zip Code 21222

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):

see ATTACHED # 3

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

Carol Butrim & Charles Butrim
Signature

Kenneth Lee Bobo
Signature

CAROL BUTRIM and CHARLES BUTRIM
Name - Type or Print

Kenneth Lee Bobo
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of May 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Carol Butrim Charles Butrim Kenneth Lee Bobo
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Jay M. J.
Notary Public

My Commission Expires 5/1/05



Attached # 3

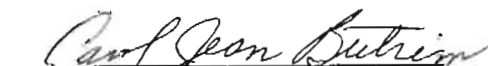
April 24, 2002

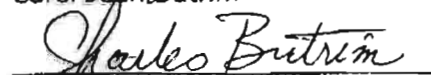
Currently we three are living in a 670 square foot home designed and built in the early 1940's. Back then with this type of wedge shape lot it was common to build near the street in the narrow portion of the lot, close to property lines. The home is unusually small; the three of us barely have room to function. We share one small bath, a 60-year-old kitchen and plumbing. There are no closets or storage areas.

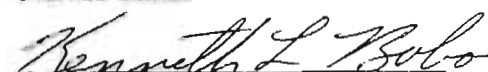
We did not create this situation, it is a residential lifetime inheritance (see attached 2). Brother, sister and sister's husband trying to live harmoniously in a small dated dwelling. To be able to improve our home we petition for a 7 foot side yard set back in lieu of the 10 foot required on the front left of our home. To be recognized as a conforming dwelling would assist in our effort to obtain the permit necessary to improve our home.

Thank you for your consideration,


Witness


Carol Jean Butrim


Charles Butrim


Kenneth L. Bobo

ZONING Description

Zoning Description For 3161 Baybriar Rd.
Beginning at a point on the Southeast side of
Baybriar Rd. which is 50' wide at a distance
of 500 Feet East of the centerline of the
nearest Improved intersecting street Sollers Point
Road which is 60 feet wide.

Being Lot # 31 Block 8 in a subdivision of
Dundalk, Plat # 7 as Recorded in Baltimore County
Plat Book # 13 Folio # 22 Containing 17,000 sq. Feet.

Also Known as 3161 Baybriar Road and located
in the 12th Election District 7th Councilmatic
District.

02-487-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 13333

DATE 5/2/02 ACCOUNT R-001-006-6150
AMOUNT \$ 50.00

RECEIVED FROM: Charles & Carol Rotrim

FOR: Administrative Variance (02-487-A)

3161 Baybriar Road

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME

5/03/2002 5/02/2002 11:27:22

REG WS04 WALKIN DDOL DMD DRAWER 2

>> RECEIPT # 181003 5/02/2002 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 013333

Receipt Tot \$50.00

50.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 02-487-A

Petitioner/Developer: KENNETH

BOBO / BUTRIM

Date of Hearing/Closing: 5/28/02

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 3161 BAYBRIAR RD.

The sign(s) were posted on 5/13/02
(Month, Day, Year)

Sincerely,

[Signature] 5/13/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

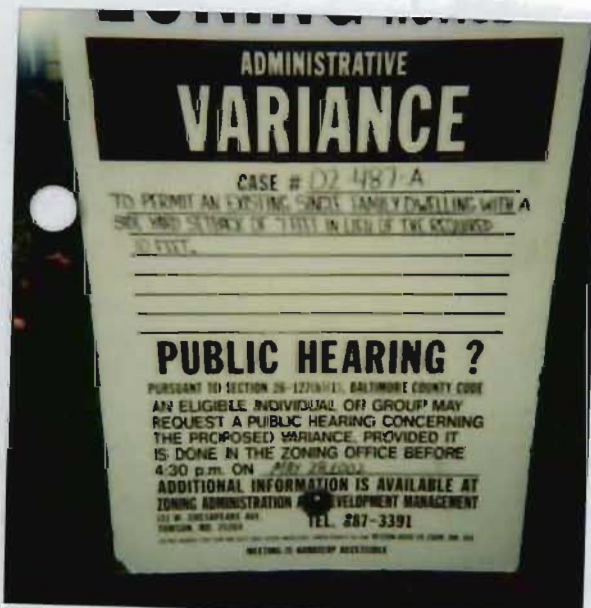
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 487 -A

Address 3161 BAYBRIAR ROAD

Contact Person: Jeffrey Perlow
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5/2/02

Posting Date: 5/13/02

Closing Date: 5/28/02

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 02- 487 -A

Address 3161 BAYBRIAR ROAD

Petitioner's Name BUTRIM/BODO

Telephone 410-288-3584

Posting Date: 5/13/02

Closing Date: 5/28/02

Wording for Sign: To Permit an existing single family dwelling with a side yard setback of 7 feet in lieu of the required 10 feet.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 28, 2002

Mr. & Mrs. Butrim
Kenneth Le Bobo
3161 Baybriar Road
Baltimore MD 21222

Dear Mr. & Mrs. Butrim & Kenneth Lee Bobo

RE: Case Number: 02-487-A, 3161 Barbriar Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 02, 2002.

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

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

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. Gdz
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Robert Lilley, 2936 Knoll Acres Drive, Baltimore 21234
People's Counsel

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Fire Department

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

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

May 9, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 13, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

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

472, 475-479, 482-487

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



AV
5/27

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 29, 2002

FROM: *RWB* Robert W. Bowling
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for May 13, 2002
Item No. 473, 475, 476, 477, 478, 479, 481, 482, 483, 484,
485, 486 and 487

The Bureau of Development Plans Review has reviewed the
subject zoning items and we have no comments.

RWB:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *ABS/TUT*

DATE: June 27, 2002

SUBJECT: Zoning Item 487
Address 3161 Bay Briar Road (Butrim Property)

Zoning Advisory Committee Meeting of May 13, 2002

- _____ 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.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

See Attached Comments

Reviewer: Keith Kelley

Date: 6/10/02

CBCA Zoning Comments (zoning item # 487)

☒ The property is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA).

☒ This proposal must use best management practices, which reduce pollutant loadings by 10%.

☐ Man-made impervious surfaces are limited to 15% for lots greater than ½ acre in size.

☐ Man-made impervious surfaces are limited to 25% for lots less than ½ acre in size.

☐ Mitigation is required if exceeding the 25% impervious surface limit. Impervious surfaces are limited to 25% of the lot & 500 square feet or 31.25% of the lot. Otherwise, a Critical Area Administrative Variance (CAAV) is required.

☐ If permitted development on a property currently exceeds impervious surface limits, that percentage may be maintained during redevelopment of the property.

☐ 15% forest must be established or maintained. This equates to ☐ trees for a lot of this size.

☐ Any tree removed in the buffer for this structure must be replaced on a 1:1 basis.

☒ All downspouts must discharge rainwater runoff across a pervious surface such as a lawn.

☐ The lot is in a Buffer Management Area (BMA). Mitigation (planting trees, removing impervious area, or paying a fee-in-lieu) is required for the placement of the proposed structure within 100' of tidal waters.

☐ If the lot is unimproved, then the proposed dwelling cannot go any closer to the water than the neighboring dwelling farthest away from the water.

☐ If the lot is improved, then the proposed dwelling can go as close to the water as the existing dwelling.

☐ A Critical Area Administrative Variance (CAAV) is required for the placement of the proposed structure within 100' of tidal waters, tidal wetlands, stream, or within 25' of non-tidal wetlands.

☐ A Critical Area Administrative Variance (CAAV) is required since the proposed principal structure cannot honor the required 35' residential building setback or 25' commercial building setback from the 25' or 100' buffer.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

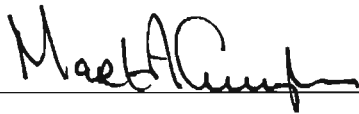
DATE: May 15, 2002

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-487, 02-497, 02-499, and 02-500

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

Prepared by:



Section Chief:



AFK/LL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.10.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 487 JHP

Dear Mr. Zahner:

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

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

Very truly yours,

1v

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

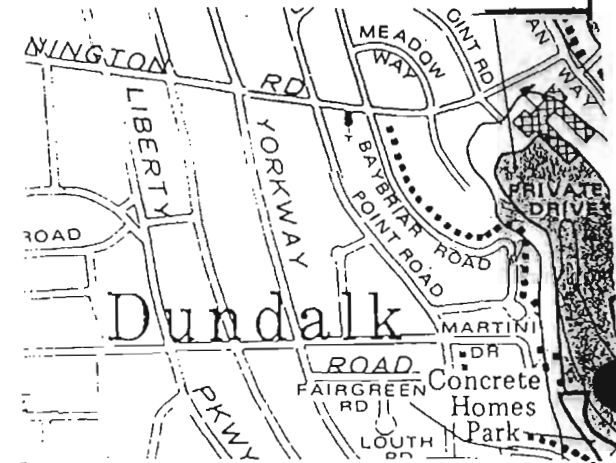
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3161 Baybriar Rd SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Dundalk, Plat #7

PLAT BOOK # 13-28 FOLIO # 22 LOT # 31 BLOCK # 8

OWNER Carol + Charles Butrim + Kenneth Lee Bobo



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # SE-5-F

ZONING DR 5.5

LOT SIZE .39 ACRES 17,000 SQUARE FEET

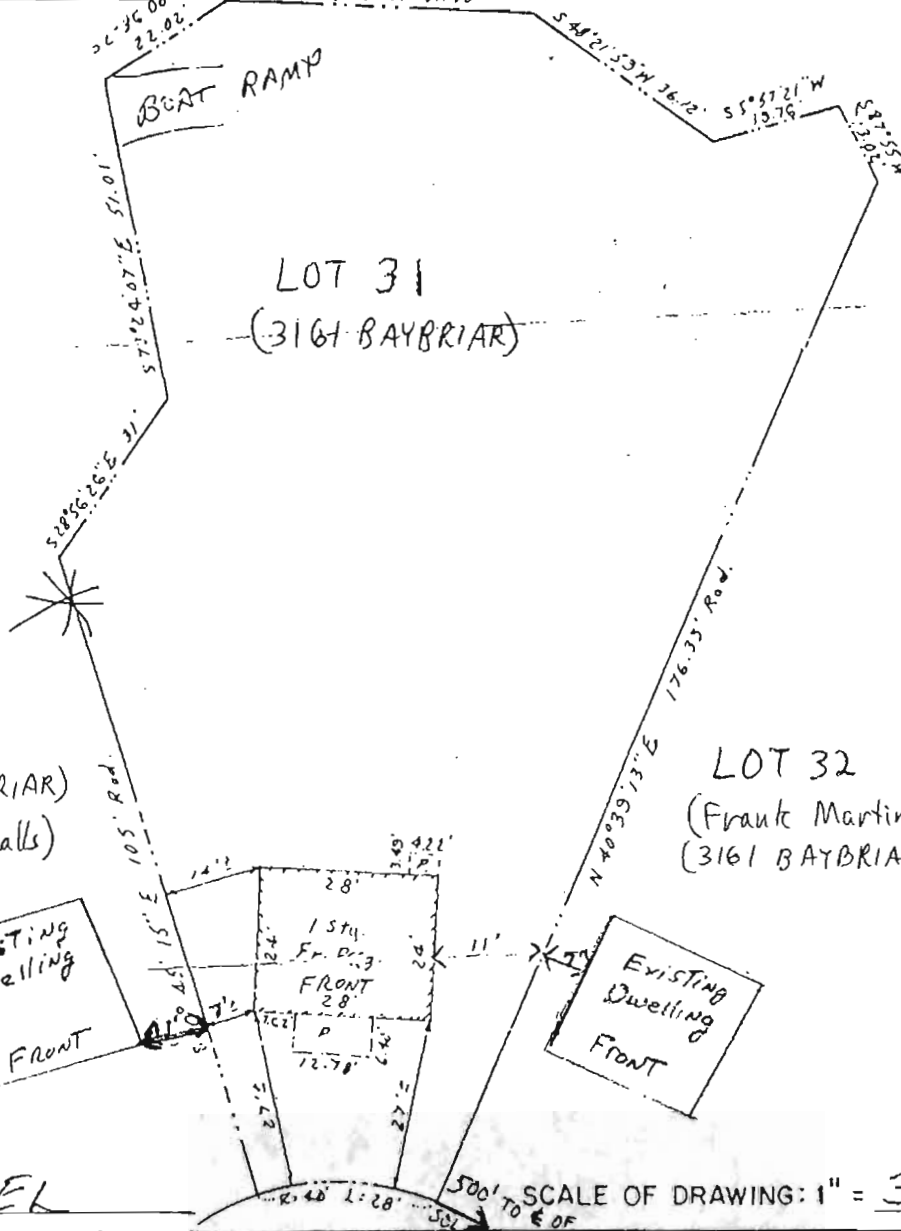
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100 YEAR FLOOD PLAIN	☒	☐
HISTORIC PROPERTY / BUILDING	☐	☒
PRIOR ZONING HEARING	NONE	

ZONING OFFICE USE ONLY

REVIEWED BY JNP ITEM # 1487 CASE # 02-487-A

REL
C. #



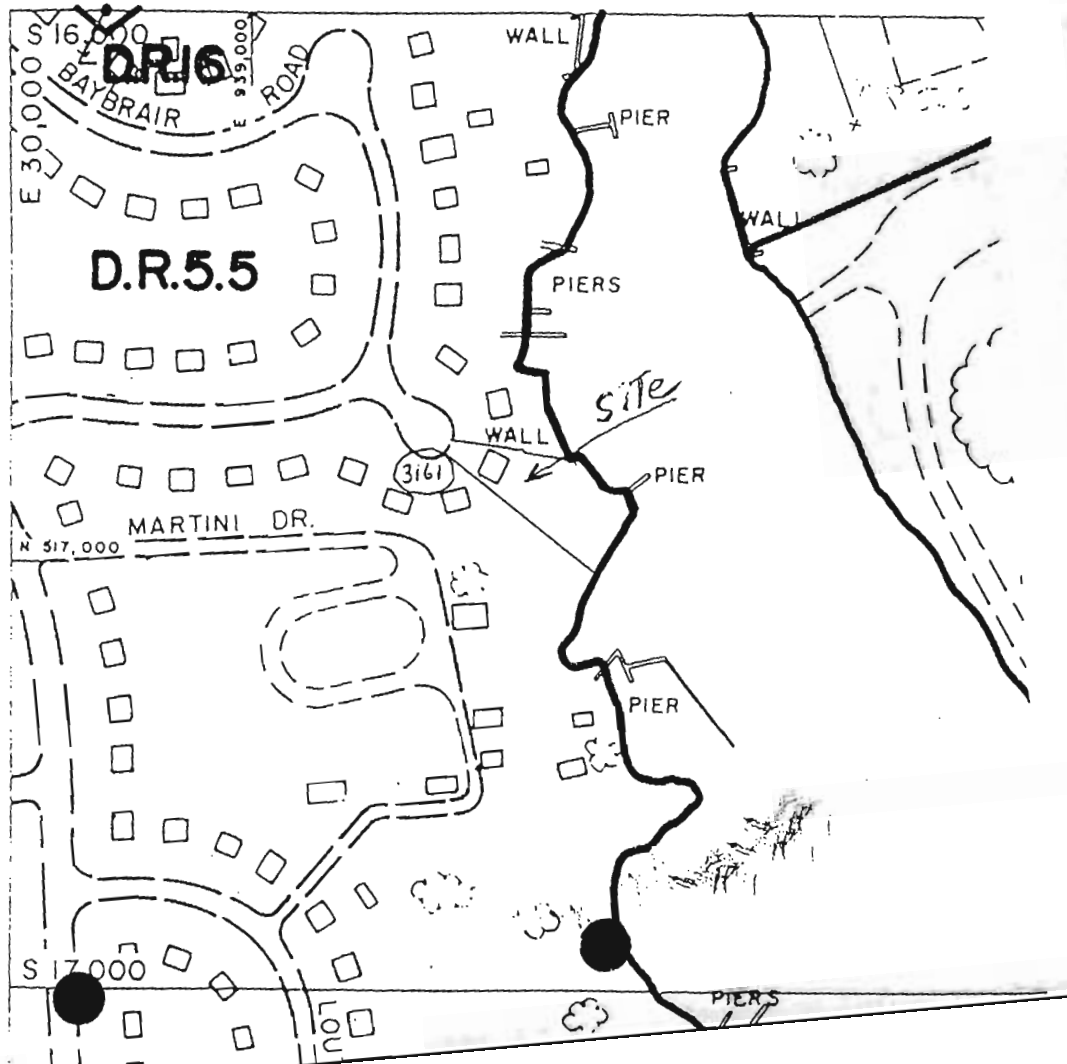
NORTH

PREPARED BY REL

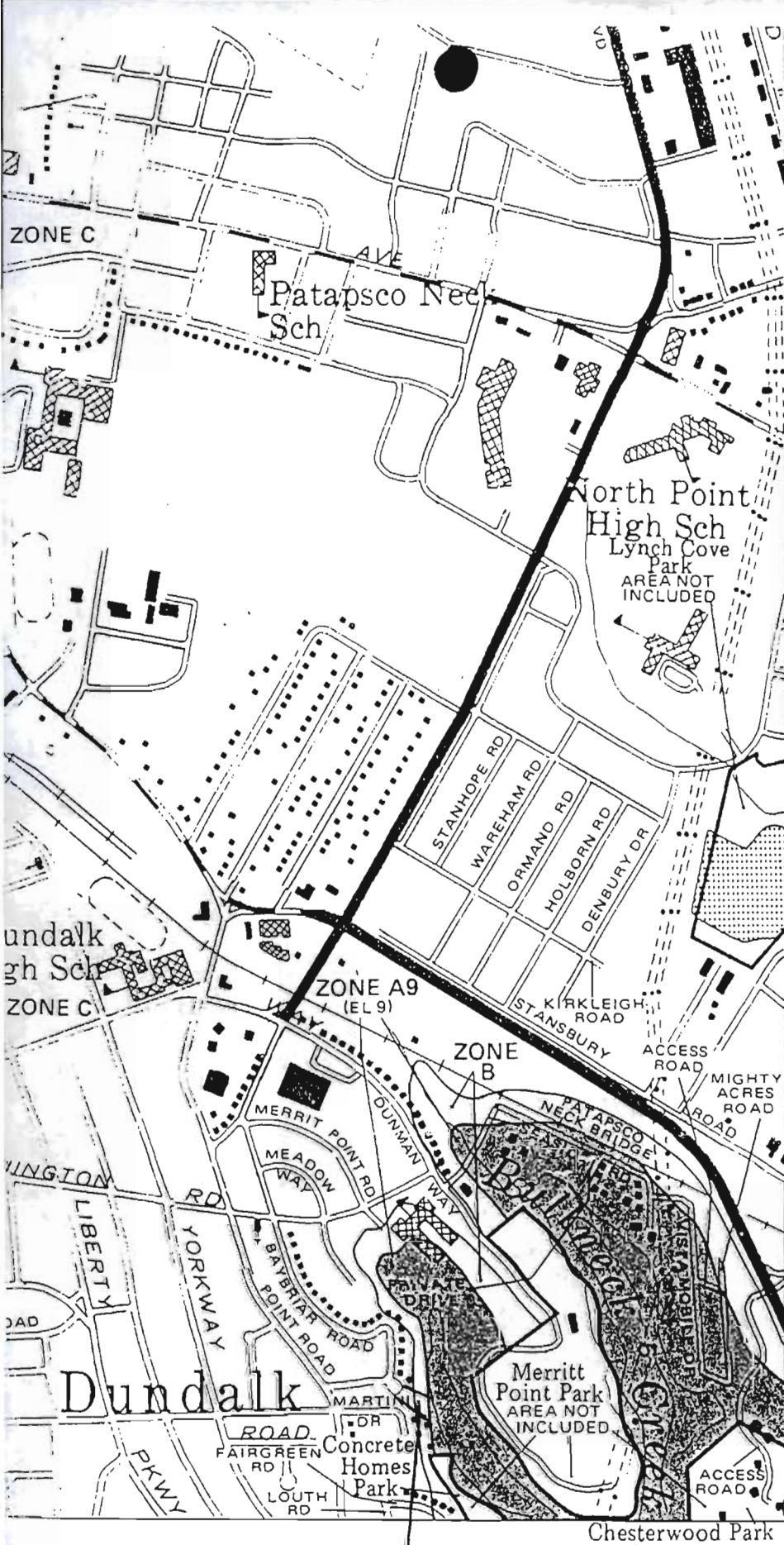
BAYBRIAR ROAD
(50' R/W, 32' PAVING)
500' TO E OF
50' TO E OF
50' TO E OF

Zoning MAP

Dundalk
SE 5F
1" = 200'



D2-487-A



structures in the
established.

To determine if fit
contact your insura
Program at (800) 6:

1000



SITE

02-487-A

Subject's Home
3161
Baybriar



Front



Rear



Street

02-487-A

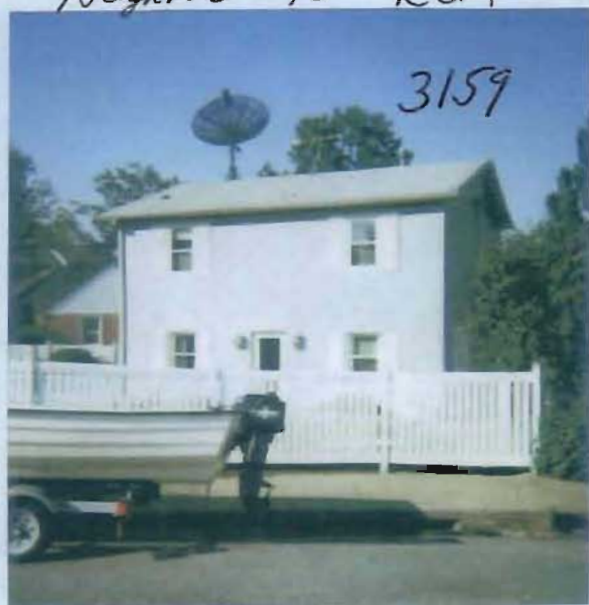
FRONT
3161 ~~Greenbrook~~



FRONT
3161



Neighbor To Left



3159

3161 Greenbrook



3159

PLANIMETRICS



02-487-A