IN RE: PETITION FOR ADMIN. VARIANCE

NE corner of Sollers Point Road and

Robinwood Road

12<sup>th</sup> Election District

7<sup>th</sup> Councilmanic District

Petitioner

(7240 Sollers Point Road)

Matthew C. Butrim

BEFORE THE

**DEPUTY ZONING** 

COMMISSIONER

\* FOR BALTIMORE COUNTY

\* Case No. 08-149-A

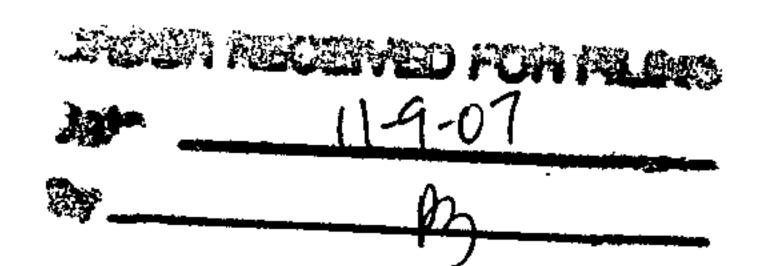
#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

\*

\*

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Matthew C. Butrim for property located at 7240 Sollers Point Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached garage in the side yard and an existing above ground pool (with pool deck) in the rear yard of the existing dwelling on a corner lot in lieu of in the third of the lot farthest removed from the street as required. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner wishes to construct a three car garage on the northwestern side of the property which is the Robinwood Road side. The garage cannot be constructed in the rear yard because there is an existing 24 foot above-ground pool with a 12 foot x 14 foot attached deck that was installed by a previous property owner. The proposed garage measures 32 feet x 40 feet in size. An existing large shed will be removed to accommodate the new garage. If the garage were constructed in the back yard, the driveway would be over 100 feet in length. The new garage would be accessed via a parking area off of Robinwood Road.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: Comments were received from the Office of Planning



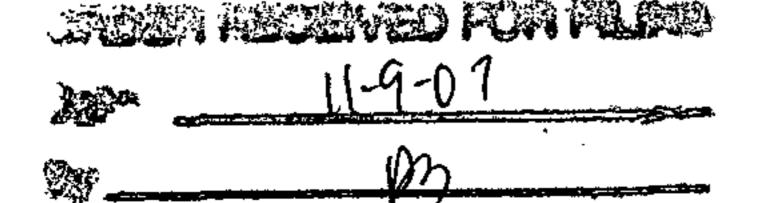
dated October 29, 2007, which recommends that the garage have windows or landscaping on the side wall facing Sollers Point Road, and that the garage not be used for dwelling purposes.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 30, 2007 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 32-3-303 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 Deputy 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 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.

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. The garage shall have windows and/or landscaping on the side wall facing Sollers Point Road.
- 3. The garage shall not be used for dwelling purposes.

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

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

HEDE	received for files
	11907
	<u>B</u>



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 9, 2007

MATTHEW C. BUTRIM 7240 SOLLERS POINT ROAD BALTIMORE MD 21222

Re: Petition for Administrative Variance

Case No. 08-149-A

Property: 7240 Sollers Point Road

Dear Mr. Butrim:

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,

HOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	7240	SOLLERS	POINT	RD
		oned $DR3$ .		

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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) BCRAOO.

TO PERMIT A PROPOSED DETACHED GARAGE IN THE SIDE YARD AND AN EXISTING ABOVE GIROUND POOL (WITH POOL DECK) IN THE REAR YARD OF THE EXISTING DWELLING ON A CORNER LOT IN LIEU OF IN THE THIRD OF THE LOT FARTHEST REMOVED FROM THE STREET AS REQUIRED

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.

			is the subject of this Pe	etition.	
Contract Purchaser/L	_essee:	1	Legal Owner(s):		
Name - Type or Print		· · · · · · · · · · · · · · · · · · ·	Matthew C Name - Type or Pript	Butoin	···
Maille - Type of Philit			Name - Type divinity	- <u>-</u>	
Signature		i	Signature		<u> </u>
Address		Telephone No.	Name - Type or Print	<u> </u>	
City	State	Zip Code	Signature	······································	· · · · · · · · · · · · · · · · · · ·
Attorney For Petition	<u>er:</u>		7240 Salle Address	rs Point Rd	<u>4/0-284-5335</u> Telephone No.
Name - Type or Print			Baltimore City	MD. State	2/22 Zip Code
			Representative to	be Contacted:	
Signature		,	***	. , ,	•
Company			Name	· · · · · · · · · · · · · · · · · · ·	•
Address	<u> </u>	Telephone No.	Address	5 ~ <u>*</u>	Telephone No.
City	State	Zip Code	City	State	Zìp Code
A Public Hearing having beer this day of	n formally demar	nded and/or found to be	required, it is ordered by the his petition be set for a public he	Zoning Commissioner o	f Baltimore County,
regulations of Baltimore County	and that the prope	erty be reposted.	",	%∂esi3	Mariun D.
	•				NO ARM
~. ~~~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	2-149.	- A	1	sioner of Baltimore:Count	M.Y GSKING
CASE NO.	Complete State State Annua	APPLICATE CONTROL AND	iewed By <u>H_   SU</u> _	Date	
REV 10/25/01		Esti	mated Posting Date	9/30/07-	- 10/15/0
a first	リーク	7		<del>/</del> /	

## Affidavit in Support of Administrative Variance

follows: That the information herein given is competent to testify thereto in the event that a page 1.	enalties of perjury to the Zoning Commissioner of Baltimore Count within the personal knowledge of the Affiant(s) and that Affiant(s) public hearing is scheduled in the future with regard thereto.	ty, as is/are
That the Affiant(s) does/do presently reside at	7240 Sollers Point Rd. Address	<del>_</del>
	Baltimore Maryland 212 City Maryland Zip	Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upon which I/we base the request for an Administ hip or practical difficulty):	trative
See Attac	· Lad	
		•
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a signature	ormal demand is filed, Affiant(s) will be required to pay a reposting additional information.	g and
Matthew C. Bothim Name - Type or Print		
Name - Type or Print	Name - Type or Print	· · ·
STATE OF MARYLAND, COUNTY OF BALTING HEREBY CERTIFY, this 19th day of of Maryland, in and for the County aforesaid, per MATTHEW BUTTIME the Affiant(s) herein, personally known or satisfactors.	sonally appeared , 2007, before me, a Notary Public of the	State
AS WITNESS my hand and Notarial Seal		
Marian D. Sleeper NOTARY PUBLIC Carroll County Maryland	Mary Public Sleeper	

I wish to construct a 3 car garage on the Northeastern side of my property, which is Robinwood Road. I am unable to construct this garage in what the county deems my back yard for the following reasons:

- There is an existing 24' pool already built w/in the back yard; which was installed before I purchased the property. I use this pool quite often and do not wish to have it removed.
- There is also an existing 12'X14' deck attached to the pool.
- There is a massive tree located where the Northeast and Northwest corner meet. This tree is not only very large but is also several hundred years old and would be a shame to cut it down.
- If I were to construct this garage in what the county deems my back yard I would be forced to also create an asphalt driveway that would need to be over 100' in length. In doing so, besides being very expensive, it would completely destroy any future chance of utilizing my back yard.

Therefore the Northeastern location, Robinwood Road (75' from the Southeastern corner of the property) is the only logical and most practical location to construct a garage.

ZONING DESCRIPTION FOR	7240 Sollers Point Road			
			(address)	
Beginning at a point on the	no: (north, s		ast, or west)	side of
Sollers Point Road	which is _		40 feet	
(name of street on which property fronts	)	(num	ber of feet of right-of-v	way width)
Wide at the distance of 20 feet (number of fe		(m anth	west an west)	of the
(number of fe	et)	(norm,	south, east, or west)	
Centerline of the nearest improved in	itersecting stree	et	Robinwood Ro	oad
			(name of street)	
Which is 40 feet (number of feet of right-of-v		wide.	*Being Lot #	_4
Block, Section # in the s	subdivision of	<u></u> ,,	Dundalk Farm (name of subdivision	
As recorded in Baltimore County Pla	ıt Book #	<u>10</u>	, Folio #	<u>53</u> ,
containing 26,920 sq. ft. Als (square feet or acres)	o known as		7240 Sollers Point	
and located in the 12 Election Dis	strict 7 Ca	ouncil	(property address	·)

#### <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case Number 08- 149 -A Address 7240 Sollens POINT R.D.
2/222 Contact Person:
Filing Date: $9/25/2007$ Posting Date: $9/30/07$ Closing Date: $10/15/07$
Any contact made with this office regarding the status of the administrative variance should be hrough the contact person (planner) using the case number.
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.
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.
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.
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 08- 149 -A Address 7240 SOLLERS POINT ROAD
Petitioner's Name <u>MATTHEW BUTRIM</u> Telephone <u>410-284-533</u> 5
Posting Date: Closing Date:
Nording for Sign: <u>To Permit A PROPOSED DETACHED GARAGE IN THE SIDE</u>
YARD AND AN EXISTING ABOVE GROUND POOL (WITH POOL DECK)
IN THE REAR YARD OF THE EXISTING DWELLING ON A CORNER
LOT IN LIEU OF IN THE THIRD OF THE LOT FARTHEST
REMOVED FROM THE STREET AS REQUIRED WCR-Revised 6/25/04
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

### CERTIFICATE OF POSTING

•	RE: Case No.: 08-149-14
The state of the s	Petitioner/Developer: MATTHEW  BUTRIM
	Date of Hearing/Closing: 10-15-0
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: - Kristen Matthews {(410)-887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of posted conspicuously on the property located	perjury that the necessary sign(s) required by law were at:
7240 SOLLERS	
	9-30-07
The sign(s) were posted on	(Month, Day, Year)
•	Sincerely,
	Best Black 10-3-0
	(Signature of Sign Poster) (Date)
ZONING NOTICE:	SSG Robert Black
ADMINISTRATIVE	(Print Name)
CASE # 08-1114 A PETERM A HADRING ENTRE OF THE ELLE AND IN CHARLES AND COMMENT OF THE ELLE AND COMMENT	1508 Leslie Road
WE EXISTING AROUND GROUPS ON FOR THE THE THE ARE VALUE OF THE THIRD COURSE CON A CORNER COT ALLIEUT AND THE THREE OF THE CAT PROPERTY REPRESENCE OF THE STREET OF THE THREE OF THE PROPERTY REPRESENCE FROM THE STREET.	(Address)
PUBLIC HEARING?  MEDICAL SECTION 26-127(5)(1), INCOMES COUNTY COSE.  MEDICAL SECTION 26-127(5)(1), INCOMES COUNTY COSE.	Dundalk, Maryland 21222
THE PROPERTY WARRANCE, PROPERTY SERVEST AS SECURITY OF THE PROPERTY OF THE PRO	(City, State, Zip Code)
APPRINTED TO SERVICE AND THE PERSON OF THE P	(410) 282-7940
•	(Telephone Number)



JAMES T. SMITH, JR. County Executive

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

October 15, 2007

Matthew C. Butrim 7240 Sollers Point Road Baltimore, Maryland 21222

Dear Mr. Butrim:

RE: Case Number: 08-149-A, 7240 Sollers Point Road

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 25, 2007. This letter is not an approval, but only a NOTIFICATION.

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.

U. Callaball

Supervisor, Zoning Review

WCR:rjc Enclosures c: Peoples Council



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 11, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 8, 2007

Item Number: Item Number 136,145,146,147,148,149,150,151,152,154,155,158
159 and161

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4880 (C)443-829-2946 MS-1102F

cc: File

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** October 29, 2007

FROM:

Amold F. 'Pat' Keller, III

Director, Office of Planning

DECEIVE OCT 3 0 2007 BY:

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 08-149-A

The Office of Planning has reviewed the above referenced case(s) and has the following comments:

- 1. The garage should have windows, and/or landscaping on the side wall facing Sollers Point Road.
- 2. The Office of Planning supports the petitioner's request providing the proposed garage is not used for dwelling purposes.

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

Prepared By

Division Chief: 4nn Lanham Ms

rbs

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Amold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-149-A

The Office of Planning has reviewed the above referenced case(s) and has the following comments:

1. The garage should have windows, and/or landscaping on the side wall facing Sollers Point Road.

**DATE:** October 29, 2007

2. The Office of Planning supports the petitioner's request providing the proposed garage is not used for dwelling purposes.

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

Prepared By: 1 Sune Stelly

Division Chief: 4nn Lanham / MS

rbs

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** October 11, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 15, 2007

Item Nos. 08-136, 145, 146, 147, 148,

149, 151, 152, 154, 158, and 161

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-10112007.doc

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor



John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: OCTOBER 15, 200 ?

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

Baltimore County
Item No. 8-149-15
7240 SOLLEGE POINTROAD
BUTRIM PROPERTY
ADMINISTRATIVE VARIABLE

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. 8-149-1.

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).

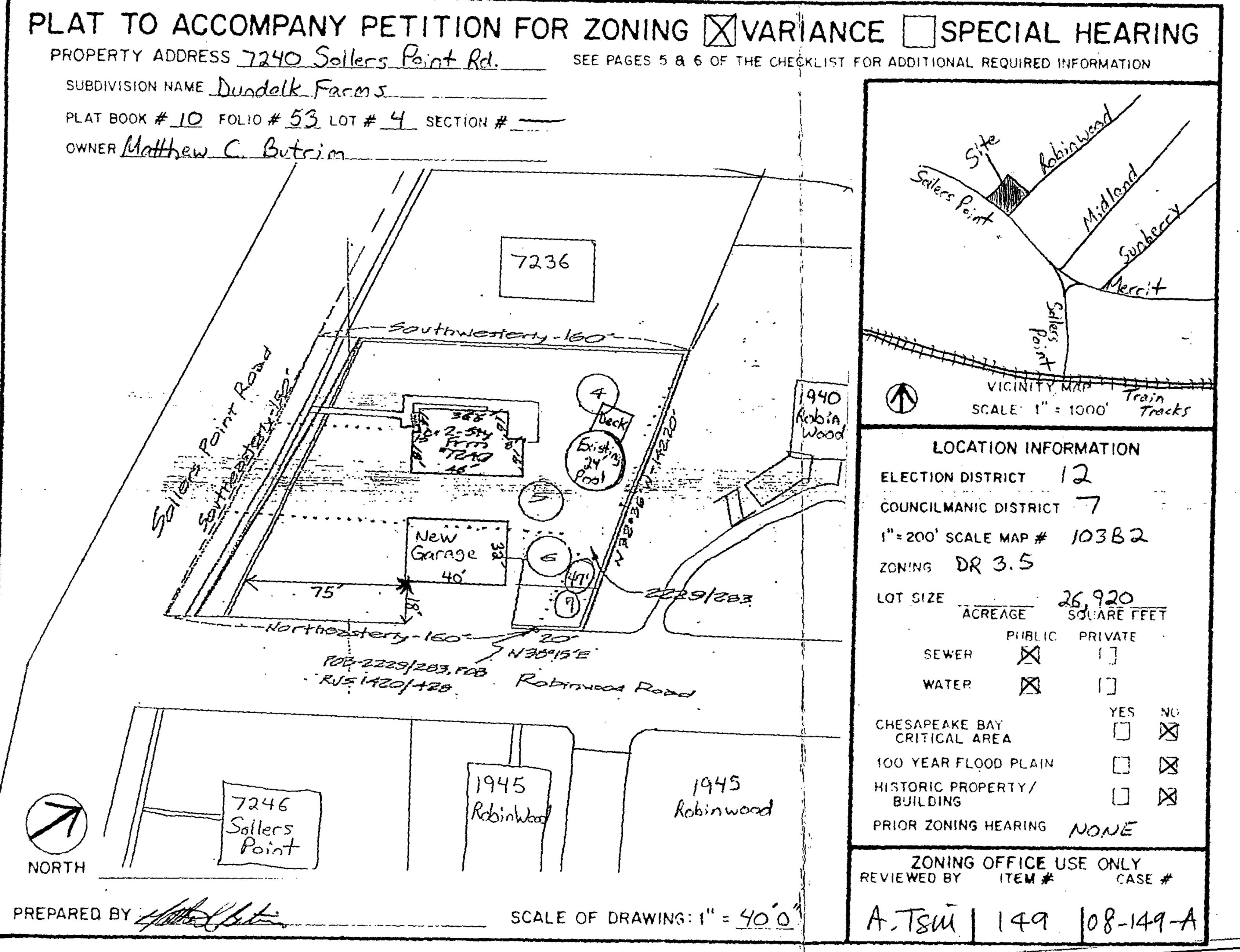
Very truly yours,

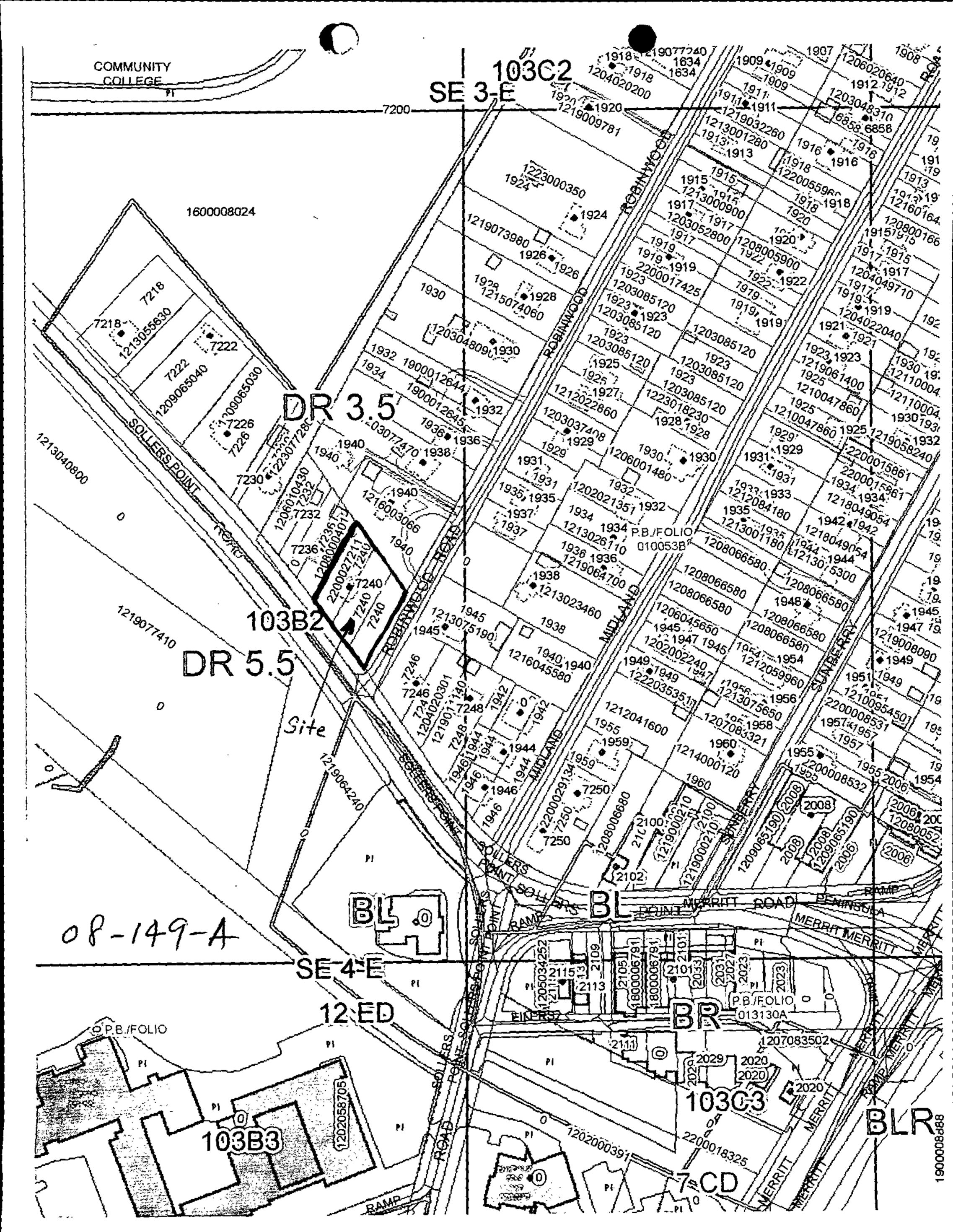
Steven D. Foster, Chief

**Engineering Access Permits** 

Division

SDF/MB





PROPERTY ADDRESS 7240 Sollers	ETITION FOR ZONING XVAR  SEE PAGES 5 & 6 OF THE CHE	ANC CKLIST F	CE SPECIAL HEARII
	7236  Southwesterry-160		Siles Suckers  Wichilly West Hard  VICINITY WAS THE SUCKERS  VICINITY
POB-22 RVS 142	New Garage of Fig.	940 Robod	LOCATION INFORMATION  ELECTION DISTRICT 12  COUNCILMANIC DISTRICT 7  I"=200' SCALE MAP # 10382  ZONING DR 3.5  LOT SIZE 26,920  ACREAGE SOLLARE FEET  PLIBLIC PRIVATE  SEWER []  WATER []
7246 Sollers Point  PREPARED BY	1945 RobinWood  SCALE OF DRAWING: 1" = 400		CHESAPEAKE BAY CRITICAL AREA  100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
PREPAREU BY	SCALE OF DRAWING: 1" = 400		1-1sul 149 m 2-100

1240 POINTRD.



FRONT VIEW LOOKING EAST

EXISTING

SHED TO BE

REMOVED FOR NEW DETACHED

REMOVED FOR NEW GARAGE



NORTH VIEW

EXISTING ABOVE

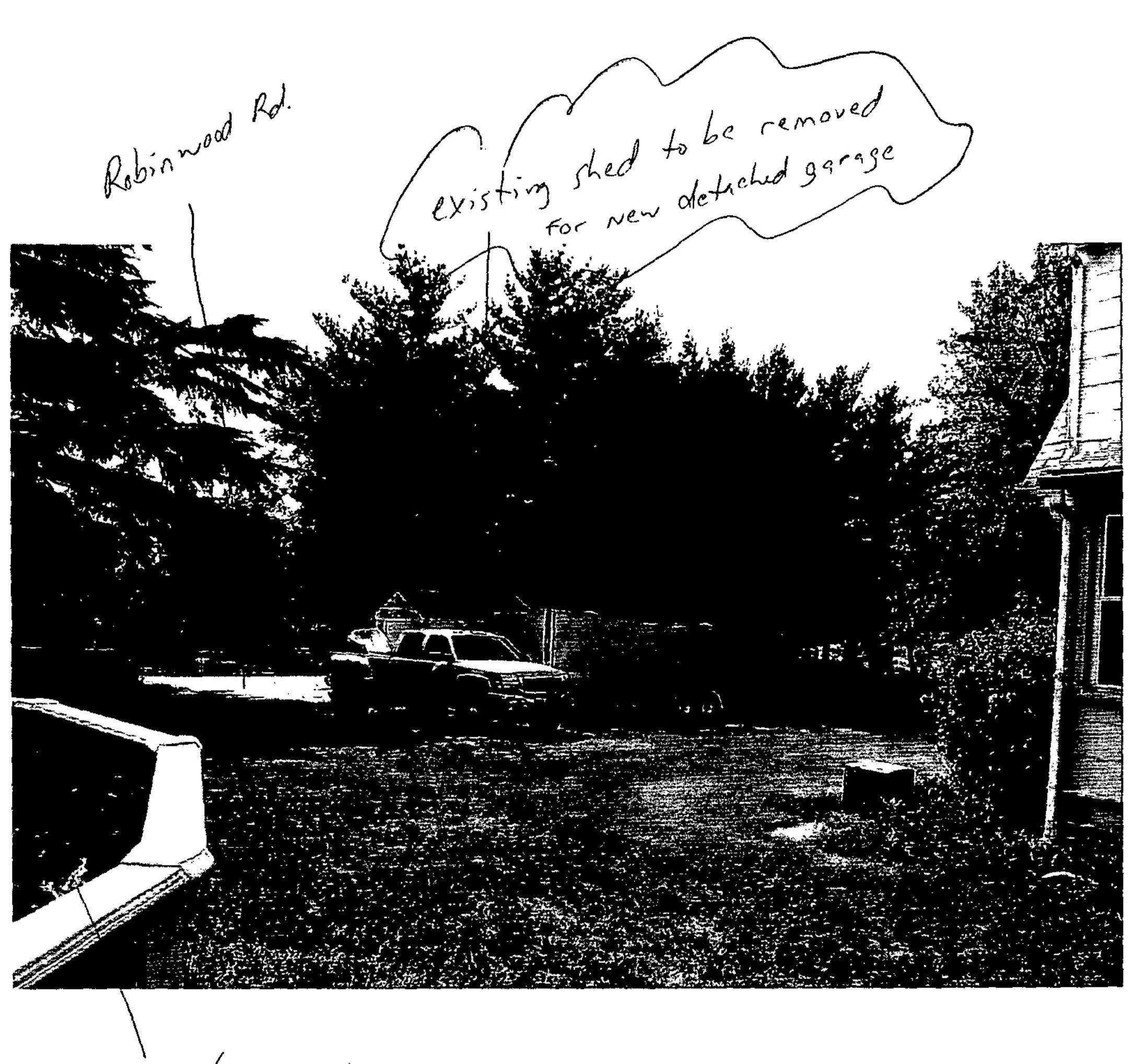
GROUND POOL WITH

POOL DECIC BY

FORMER OWNER

08-149-A

SOLLERS PONT RD



existing pool

picture looking South

08-149-A



existing driveway

Robinwood Rd.

existing shed to be removed for now going garage

08-149-A

1945 ROBINED



# BALTIMORE COUNTY OFFICE OF THE ZONING COMMISSIONER COUTY COURTS BUILDING 401 BOSLEY ROAD, SUITE 405 TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

#### FAX COVER SHEET

DATE: [[-9-07] NO: OF PAGES INCLUDING COVER SHEET:	· 5 · · · · · · · · · · · · · · · · ·
Matthew Butum	FROM: Patt
PHONE:  FAX NO.: 410-583-2581	
MESSAGE: Case 08-14	9-A
<del></del>	<del></del>
REMARKS: URGENT FOR REVIEW [  PLEASE REPLY PLEA	

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-149-A

The Office of Planning has reviewed the above referenced case(s) and has the following comments:

1. The garage should have windows, and/or landscaping on the side wall facing Sollers Point Road.

**DATE:** October 29, 2007

2. The Office of Planning supports the petitioner's request providing the proposed garage is not used for dwelling purposes.

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

Prepared By:

Division Chief: 4nn Lanham Mas

rbs





#### Patricia Zook - Comments Needed for Administrative Variances

From:

Patricia Zook

To:

Murray, Curtis

Date:

10/24/2007 9:51:54 AM

Subject: Comments Needed for Administrative Variances

Hello Curtis -

We need Planning comments for the following administrative variance cases:

08-155-A, located at 7 Kilkea Court 08-154-A located at 17 Fox Brier Lane 08-149-A located at 7240 Sollers Point Road 08-145-A located at 5404 Overlook Circle

Patti Zook Baltimore County Office of the Zoning Commissioner 410-887-3868 pzook@baltimorecountymd.gov

		•
		<b>\</b> .
		•
		•

.

.

.

•

.

.