

IN RE: PETITION FOR VARIANCE
N/side of Butler Road at the NW
Corner of Glyndon Meadow Road
3rd Election District
4th Council District
(397 Butler Road)

Martha J. Scanlan
Petitioner

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2012-0240-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by the legal owner, Martha J. Scanlan. The Petitioner is requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 68 feet in lieu of the required 70 feet at the building line, and to permit a side road setback of 22 feet in lieu of the required 30 feet. The subject property and requested relief is more fully depicted on the amended site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the variance request was Petitioner Martha J. Scanlan and Michael Owings from Charles R. Crocken and Associates, Inc., the consulting firm who prepared the site plan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest. The Petitioner testified that she shared with her neighbors the plans for the replacement dwelling, and she said they were very supportive.

Testimony and evidence revealed that the subject property is 10,418 square feet and split-zoned RC 5 and DR 3.5. The DR 3.5 portion (8,024 square feet) of the property is improved with a modest single family dwelling approximately 1,000 square feet in size. The Petitioner proposes

ORDER RECEIVED FOR FILING

Date 5-14-12

to raze this structure – which she explained was essentially a “summer cottage” constructed in the 1940s – and rebuild on essentially the same footprint a larger dwelling. The present dwelling is not in compliance with the B.C.Z.R. (regarding setbacks) and the proposed dwelling would require variance relief.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. A ZAC comment was received from the Department of Planning, dated April 17, 2012, which indicated no opposition to the Petitioner’s request. The Department of Planning indicated that many of the adjacent lots are undersized, and that the redevelopment of this property would not be out of character for the neighborhood. That Department did request that architectural elevations be submitted for review and approval prior to the application for any building permits.

Based on the evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, the Petitioner is constrained by existing site conditions on a small lot with a “cottage” style dwelling. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner, in that she would be unable to construct a larger and more modern home on the site.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People’s Counsel, 407 Md. 53, 80 (2008).

The Petitioner has met this test.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and

ORDER RECEIVED FOR FILING

Date 5-14-12 2

By P3

general welfare. This is demonstrated by the absence of community opposition and County reviewing agencies.

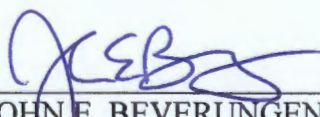
Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 14 day of May, 2012, by this Administrative Law Judge that Petitioner's Variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 68 feet in lieu of the required 70 feet at the building line and to permit a side road setback of 22 feet in lieu of the required 30 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.
2. The Petitioner shall comply with the ZAC comment from the Department of Planning, dated April 17, 2012; a copy of which is attached and made a part hereof.

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


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 5-14-12

By 

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 17, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 397 Butler Road

APR 18 2012

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 12-240

Petitioner: Martha Scanlan

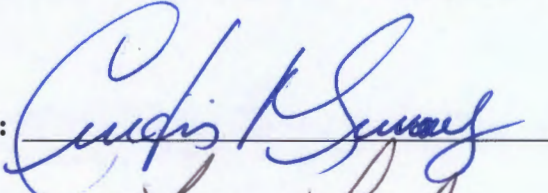
Zoning: DR 3.5 and RC 5

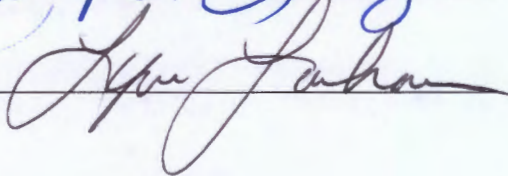
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The subject property is currently improved with a dwelling that does not meet current setback requirements. This lot along with many other lots in this area was constructed in the 1950's prior to current zoning bulk regulations. The subject lot is consistent with many other undersized lots on this portion of Butler Road. As such, the redevelopment of this property with the requested setback relief would not be out of character. With the aforementioned being said, the Department of Planning does not oppose the petitioner's request provided architectural elevations are submitted for review and approval prior to the application for any building permits.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by: 

Division Chief: 
AVA/LL: CM

ORDER RECEIVED FOR FILING

Date 5-14-12

By js



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 14, 2012

MARTHA J. SCANLAN
397 BUTLER ROAD
REISTERSTOWN MD 21136

RE: Petition for Variance
Case No.: 2012-0240-A
Property: 397 Butler Road

Dear Ms. Scanlan:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 397 Butler Road which is presently zoned DR2.5
Deed References: 0013009 035 10 Digit Tax Account # 0405004170
Property Owner(s) Printed Name(s) Martha Scanlan

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section 1B02.3.C.1
To permit a lot width of 68 feet in lieu of the required 70 feet at the building line and to permit a side road set back of 22 feet in lieu of the required 30 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

See Attached Hardship

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Date 5-14-18

Signature

By pr

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Martha Scanlan

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

397 Butler Road Mailing Address City State Reisterstown, MD

21266 Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2012-0240-A Filing Date 4/2/12

Do Not Schedule Dates: Reviewer W

Hardship:**397 Butler Road**

This administrative variance is to make a request to remove the existing house and replace it with a new home for the following reasons. The original home was constructed as a summer cottage and is built on a crawl space without a full basement. The existing home represents many problems for a renovation type project. For example, failing foundation, uneven floors, termite damage, no storage due to no basement, no insulation, and inadequate infrastructure. Currently the house does not meet either side setbacks. In an attempt to be more in compliance I will shift the new home toward the right property line providing compliance for a 10' setback on the left side of the house. Additionally, I am moving the house forward and maintaining a front setback as well as the rear setback requirement. My only hardship is the inability to comply with the right setback which is currently 30'. I am asking for a setback of 22' in lieu of the 30' requirement. Lastly, multiple situations have occurred since the construction of the original home, Baltimore County has added a RC5 zoning line across the back of my property, not allowing us to move the house back. There has been a subdivision constructed which required a county road to the right of my property and therefore my lot becomes a corner lot. It is my belief that moving closer to the right toward Glyndon Meadow Road is less obstructive and opposing. My neighbor to the right currently has a 15' setback which is noted on our site plan and does not meet the 30' side setback required for a corner lot in the DR3.5 zone. It is my hope that the county will take all the above variables into consideration when reviewing my hardship.

0240-A

Zoning Description:

Description for: 397 Butler Road, Reisterstown, MD 21136

Beginning for the same at the corner formed by the intersection of the North side of Butler Road and the West side of Sacred Heart Lane and running thence from said place of beginning binding on the North side of said Butler Road South 78 degrees 15 minutes West 75 feet, thence leaving the said North side of said Butler Road and running North 4 degrees 37 minutes West 161.25 feet to the South side of foot alley, thence binding on said South side of said 20 foot alley, with the use thereof in common with others thereto and running North 78 degrees 15 minutes East parallel with said Butler Road 55 feet to the West side of said Sacred Heart Lane, thence binding on said West side of said Sacred Heart Lane and running South 11 degrees 45 minutes East 160 feet to the place of beginning.

Being the same property described in a deed dated May 4, 1970 and recorded among the Land Records of Baltimore County in Liber No. 5097, Folio 694, containing 0.239 acres. Located in 4th election district and 3rd council district.

2012-0240-A

MORE COUNTY, MARYLAND
 OF BUDGET AND FINANCE
 LANEOUS CASH RECEIPT

No. 82112

Date: 4/2/12

Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
806	0000		6150				75.00

Total: 75.00

Owings Brothers Contracting Co. Inc
 Variance 2012-0240 A

DATED RECEIPT

BUSINESS - 4/2/12 4/2/12 09:12:13
 RIB 4505 10/17/11 0000 000
 RECEIPT 8 22/114 4/2/2012 0000
 Dept 5 500 00000 0000000000
 CR NO. 002112
 RIB 4505 10/17/11 0000 000
 175.00 0.00 1.00 00
 Baltimore County, Maryland

CASHIER'S
 VALIDATION

TION

CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2012-0240-A

Petitioner: Martha Scanlan

Address or Location: 397 Butler Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Owings Brothers Contracting Co. Inc

Address: 1912 Liberty RD
Eldersburg, Md 21784

Telephone Number: 410-781-7022

Revised 2/17/11 DT

To permit a lot width of 68 feet in lieu of the required 70 feet at the building line and to permit a side road set back of 22 feet in lieu of the required 30 feet.

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2012-0240-A
397 Butler Road
N/side of Butler Road at the
N.W corner of Glyndon
Meadow Road
3rd Election District
4th Councilmanic District
Legal Owner(s): Martha
Scanlan

Variance: to permit a lot
width of 68 feet in lieu of
the required 70 feet at the
building line and to permit a
side road setback of 22 feet
in lieu of the required 30
feet.

Hearing: Monday, May
14, 2012 at 10:00 a.m. in
Room 205, Jefferson
Building, 105 West Chesapeake
Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

4/377 April 26 302674

CERTIFICATE OF PUBLICATION

4/26/, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 4/26/, 2012.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 05/01/2012

Case Number: 2012-0240-A

Petitioner / Developer: MARTHA SCANLAN~OWINGS BROTHERS
CONTRACTING CO., INC.

Date of Hearing (Closing): MAY 14, 2012

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
397 BUTLER ROAD

The sign(s) were posted on: APRIL 28, 2012



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 18, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0240-A

397 Butler Road

N/side of Butler Road at the N/w corner of Glyndon Meadow Road

3rd Election District – 4th Councilmanic District

Legal Owners: Martha Scanlan

Variance to permit a lot width of 68 feet in lieu of the required 70 feet at the building line and to permit a side road setback of 22 feet in lieu of the required 30 feet.

Hearing: Monday, May 14, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Martha Scanlan, 397 Butler Road, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 28, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 26, 2012 Issue - Jeffersonian

Please forward billing to:

Owings Brothers Contracting Co., Inc.
1912 Liberty Road
Eldersburg, MD 21784

410-781-7022

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0240-A

397 Butler Road

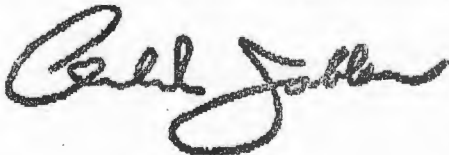
N/side of Butler Road at the N/w corner of Glyndon Meadow Road

3rd Election District – 4th Councilmanic District

Legal Owners: Martha Scanlan

Variance to permit a lot width of 68 feet in lieu of the required 70 feet at the building line and to permit a side road setback of 22 feet in lieu of the required 30 feet.

Hearing: Monday, May 14, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
397 Butler Road; N/S Butler Road, N/W
Corner of Glyndon Meadow Road
3rd Election & 4th Councilmanic Districts
Legal Owner(s): Martha Scanlon
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-240-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

APR 10 2012

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to Martha Scanlon, 397 Butler Road, Reisterstown, Maryland 21236, Petitioner(s).

Peter Max Zimmerman

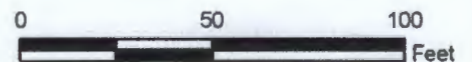
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

397 BUTLER ROAD 2012-0240 - A



Publication Date: April 02, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



1 inch = 50 feet

5-14

10 AM

Case No.: 2012-0240-A - 397 Butler Rd.

Exhibit Sheet

PW 4/18/12
5/14/12
P3

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

26 12- 0240 -A



PETITIONER' S

EXHIBIT NO. 2

2012-0240-A



2012-0240-A



MEMORANDUM

DATE: June 18, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0240-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 13, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

CASE NAME 397 Rutter Rd.
CASE NUMBER 2012-0240-A
DATE 5-14-12

[illegible]

CASE NO. 2012- 0240-11

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>A-12</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>A-17</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>A-9</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>A-26-12</u>	
SIGN POSTING	Date: <u>A-28-12</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: See Photos

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:**District - 04 Account Number - 0408004170****Owner Information****Owner Name:**

SCANLAN MARTHA J

Use:

RESIDENTIAL

Mailing Address:397 BUTLER RD
REISTERSTOWN MD 21136-1012**Principal Residence:**

YES

Deed Reference:1) /13009/ 00035
2)**Location & Structure Information****Premises Address**397 BUTLER RD
0-0000**Legal Description**.239 AC NS BUTLER RD
397 BUTLER RD
NW COR SACRED HEART

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0048	0005	0288		0000				1	
									Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

NONE

Primary Structure Built

1951

Enclosed Area

1,080 SF

Property Land Area

10,410 SF

County Use

04

Stories

1.500000

Basement

NO

Type

STANDARD UNIT SIDING

Exterior**Value Information**

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	91,410	91,400		
Improvements:	77,350	67,500		
Total:	168,760	158,900	158,900	158,900
Preferential Land:	0			0

Transfer Information

Seller:	SCHAEFER CHARLES H	Date:	07/15/1998	Price:	\$105,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/13009/ 00035	Deed2:	
Seller:	HARMON PAUL LEWIS	Date:	06/05/1970	Price:	\$17,963
Type:	ARMS LENGTH IMPROVED	Deed1:	/05097/ 00694	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:**Exempt Class:****Special Tax Recapture:**

NONE

Homestead Application Information**Homestead Application Status:**

No Application

Debra Wiley - ZAC Comments - Distribution Mtg. of 4/2/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 4/9/2012 2:55 PM
Subject: ZAC Comments - Distribution Mtg. of 4/2/12

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0237-A - 2814 Ohio Avenue
(Administrative Variance - Closing Date: None in data base as of 4/9)

2012-0238-A - 327 Hillen Road
No hearing date in data base as of 4/9

2012-0239-A - 3922 Chestnut Road - **CBCA & Floodplain**
No hearing date in data base as of 4/9

2012-0240-A - 397 Butler Road
No hearing date in data base as of 4/9

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

May 8, 2012

Martha Scanlan
397 Butler Road
Reisterstown MD 21136

RE: Case Number: 2012-0240, Address: 397 Butler Road

Dear Ms. Scanlon:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 2, 2012. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 4-9-12

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

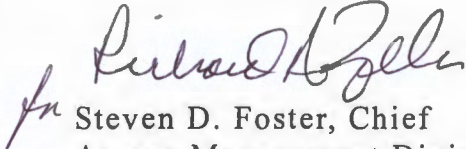
RE: Baltimore County
Item No 2012-0240-A
Variance
Martha Scanlon
397 Better Road.

Dear Ms. Lewis:

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. 2012-0240-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,


for Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. ^{DAK}Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For April 16, 2012
Item Nos. 2012-237, 238 and 240

DATE: April 12, 2012

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04162012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 17, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 397 Butler Road

INFORMATION:

Item Number: 12-240

Petitioner: Martha Scanlan

Zoning: DR 3.5 and RC 5

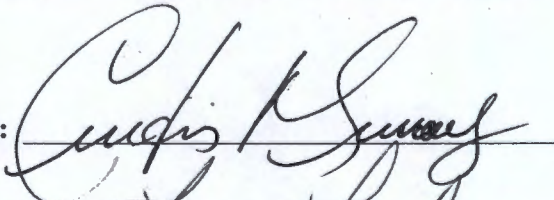
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

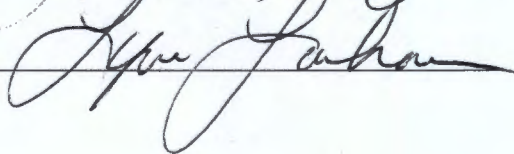
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The subject property is currently improved with a dwelling that does not meet current setback requirements. This lot along with many other lots in this area was constructed in the 1950's prior to current zoning bulk regulations. The subject lot is consistent with many other undersized lots on this portion of Butler Road. As such, the redevelopment of this property with the requested setback relief would not be out of character. With the aforementioned being said, the Department of Planning does not oppose the petitioner's request provided architectural elevations are submitted for review and approval prior to the application for any building permits.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:



Division Chief:
AVA/LL: CM



SITE GENERAL NOTES

- A. OWNER/DEVELOPER: MARTHA J. SCANLAN
397 BUTLER RD.
REISTERSTOWN, MD. 21136
- B. APPLICANT: OWINGS BROTHERS, INC.
1912 LIBERTY ROAD
ELDERSBURG, MARYLAND 21784
PHONE: (410) 761-7022
- C. PLAN PREPARED BY: CHARLES R. CROCKEN & ASSOCIATES, INC.
902 LEE AVE.
SYKESVILLE, MD. 21784
PHONE: (410) 549-2708
- D. SITE LOCATION:
- STREET ADDRESS: 397 BUTLER RD - REISTERSTOWN, MD. 21136
 - ELECTION DISTRICT: 4TH
 - COUNCILMANIC DISTRICT: 3RD
 - CENSUS TRACT: 404401
 - ADJ. MAP: MAP# 16, GRID B-6
 - ZONING AND TOPOGRAPHY MAP: 65NW39 AND 65NW40
 - TAX MAP: MAP #0048, GRID 005, PARCEL 0288
 - SOILS MAP: MAP #22
 - WATER & SEWER DESIGNATION: 40-80-04170
 - TAX ACCOUNT #: LIBER 13609, FOLIO 0035
 - DEED REFERENCE: N/A
 - PLAT REFERENCE: N/A

- E. EXISTING SITE DATA AND ZONING:
- GROSS SITE AREA: 0.239 AC ±
 - EXISTING ZONING: DR-3.5
 - EXISTING ZONING: RC-5
 - EXISTING LAND USE: RESIDENTIAL - SINGLE FAMILY DWELLING AND LAWN AREA

F. EXISTING SITE INFORMATION:

- TOPOGRAPHIC AND BOUNDARY SURVEY SHOWN ON THIS PLAN IS BASED ON THE FIELD RUN SURVEY AS PREPARED BY CHARLES R. CROCKEN & ASSOC., INC., DATED MARCH 8, 2012.
- SOILS INFORMATION WAS TAKEN FROM THE USDA SOIL SURVEY OF BALTIMORE COUNTY, MARYLAND.
- EXISTING WOODED AREAS DESIGNATED TO REMAIN ARE SHOWN ON THIS PLAN.
- THERE ARE NO KNOWN WETLANDS, FLOODPLAIN, CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES, HABITATS OR HAZARDOUS MATERIALS IN THIS PROPERTY.
- THERE ARE NO UNDERGROUND STORAGE TANKS ON SITE.
- THERE ARE NO STEEP SLOPES ASSOCIATED WITH THIS SITE.
- SCHOOL DISTRICT: FRANKLIN ES
FRANKLIN MS
FRANKLIN HS

G. PROPOSED DEVELOPMENT INFORMATION:

- PROPOSED DEVELOPMENT: RESIDENTIAL 2 LOT MINOR SUBDIVISION

H. DENSITY CALCULATIONS:

- UNITS ALLOWED: 9.7424 AC (DR-10.5) = 7.3 UNITS
TOTAL UNITS PERMITTED: 7
TOTAL UNITS PROPOSED: 2

I. PARKING REQUIRED: 2 P. SLOT x 2 LOTS = 4

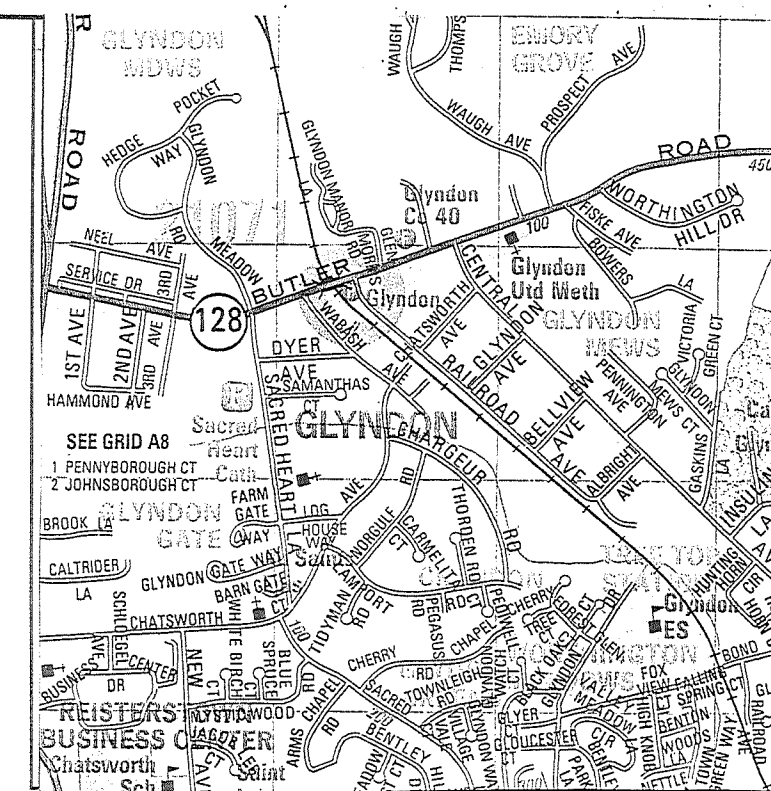
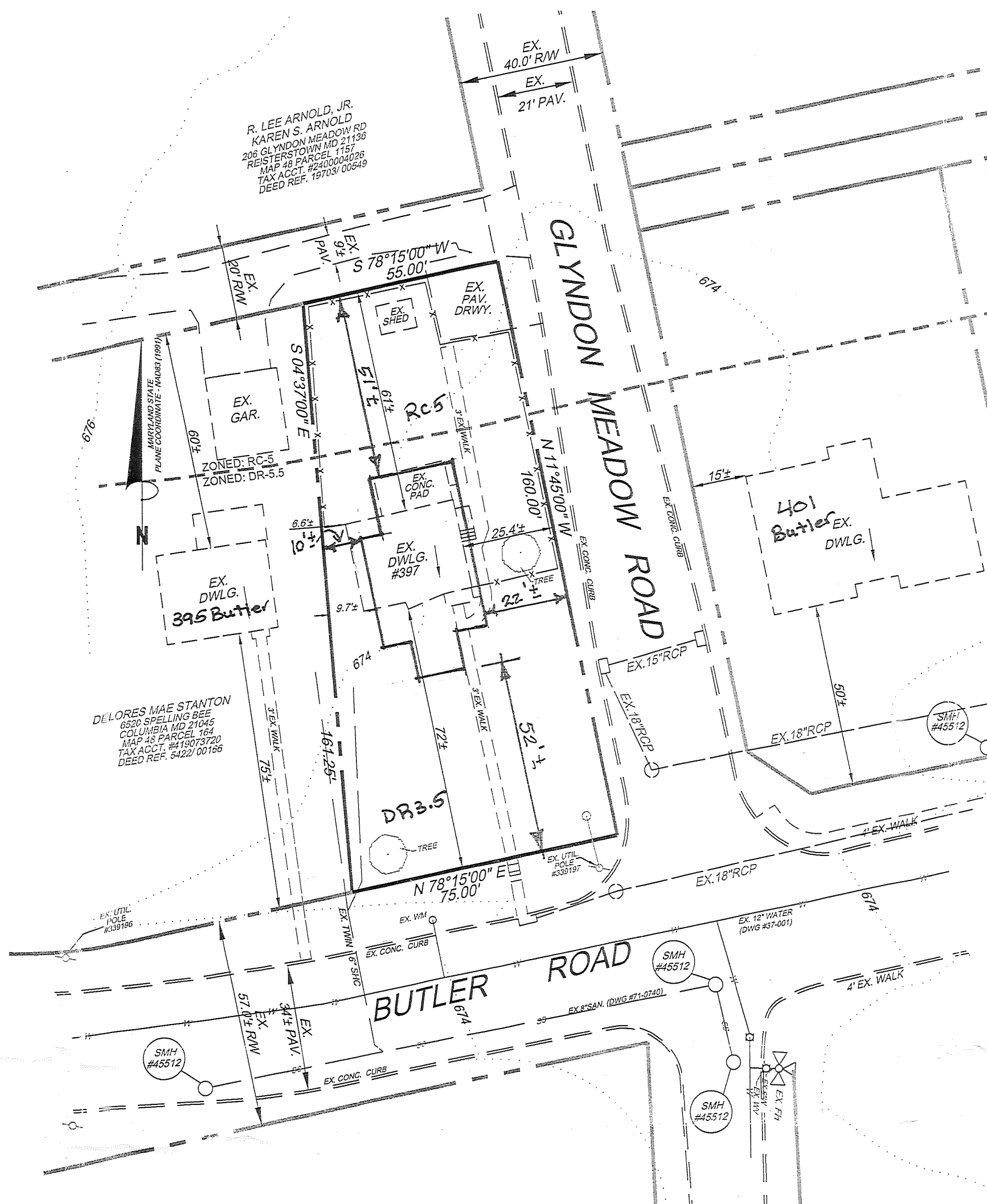
- THE PROPOSED DEVELOPMENT WILL NOT CREATE A RESIDENTIAL TRANSITION AREA (RTA)

GENERAL NOTES

- TOPOGRAPHY AND BOUNDARY SHOWN IS BASED ON FIELD RUN SURVEY ON 5/8/10 AS PREPARED BY CHARLES R. CROCKEN & ASSOCIATES, INC. OF WHICH IS BASED ON THE MARYLAND COORDINATE SYSTEM.
- THIS PROPERTY HAS BEEN HELD INTACT SINCE MAY 2, 1964. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
- THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.
- THE PROPOSED DWELLING WILL BE EITHER ONE OR TWO STORIES IN HEIGHT, WITH A MAXIMUM HEIGHT OF 50 FEET.
- THERE ARE NO KNOWN SEPTIC SYSTEM ON THIS PROPERTY.

PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP

SCALE: 1"=1000'

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	☐	☒

Square Footage:

RC 5 = 2,394 SF

DR 3.5 = 8,024 SF

Total Lot 10,418 SF

43,560 SF/Acres x .239 acres = 10,411 SF

20120240-A

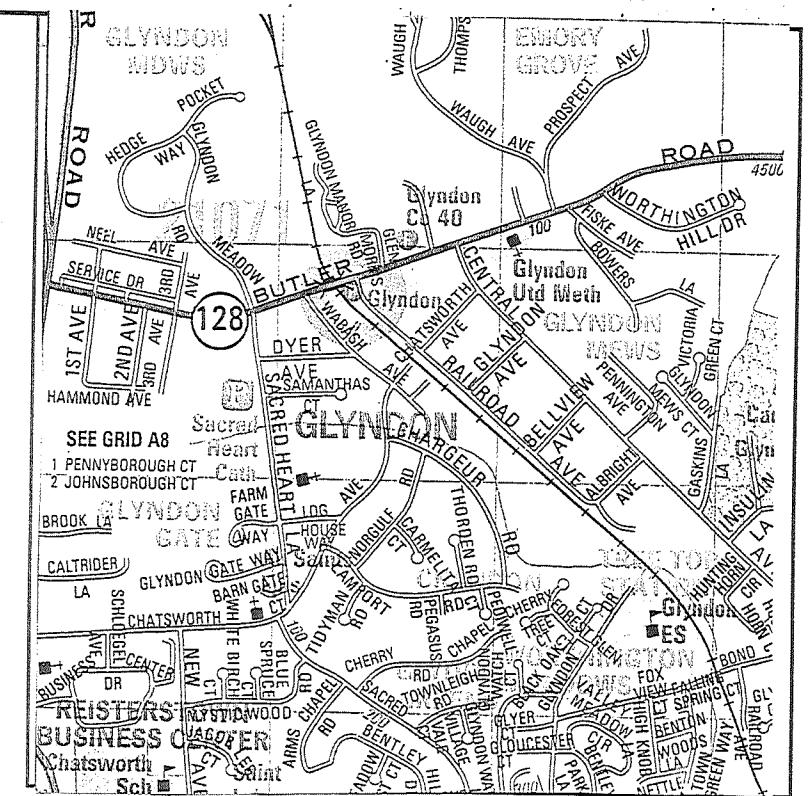
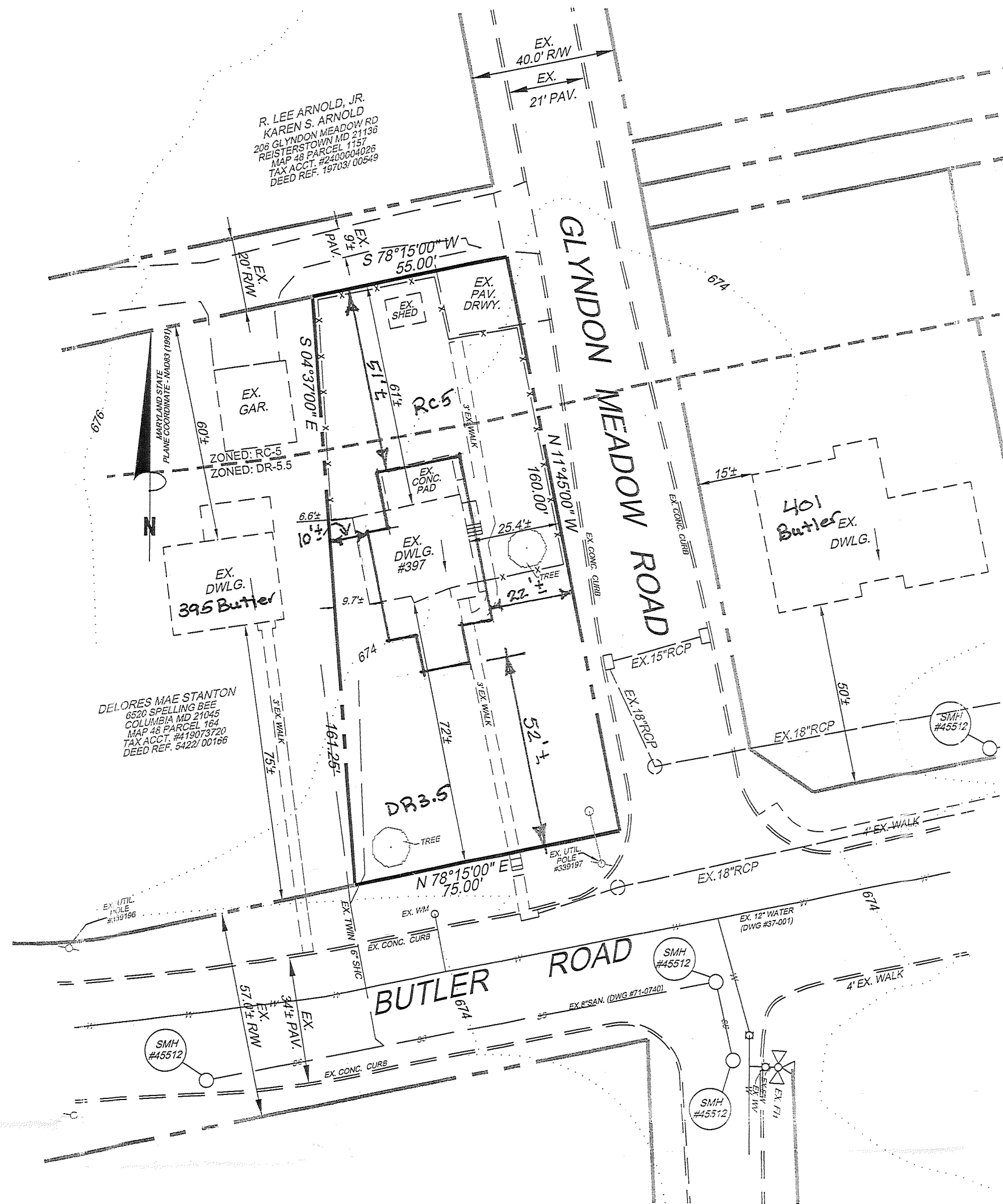
DATE	REVISION
PLAT TO ACCOMPANY ZONING VARIANCE	
397 BUTLER ROAD LOCATED AT THE NE CORNER OF BUTLER RD & GLYNDON MEADOW RD.	
15TH ELECTION DISTRICT	BALTIMORE COUNTY, MARYLAND
DATE	Prepared by: CHARLES R. CROCKEN AND ASSOCIATES, INC. Civil Engineering -- Land Planning 902 LEE AVE. SYKESVILLE, MD 21784 Tel: (410) 549-2708 Fax: (410) 549-9063
TAX MAP 98, GRID 13, PARCEL 428	PROJECT NO.:
DESIGNED BY: C.R.C.	DATE: MAR, 2011
DRAWN BY: C.H.C.	SCALE: 1" = 30'
DRAWING NO. 1 OF 1	
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND.	
LICENSE #	EXPIRATION DATE:

SITE GENERAL NOTES

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397 BUTLER RD.
REISTERSTOWN, MD. 21136
- B. APPLICANT: OWINGS BROTHERS, INC.
1912 LIBERTY ROAD
ELDERSBURG, MARYLAND 21784
PHONE: (410)781-7022
- C. PLAN PREPARED BY: CHARLES R. CROCKEN & ASSOCIATES, INC.
902 LEE AVE.
SYKESVILLE, MD. 21784
PHONE: (410) 549-2708
- D. SITE LOCATION:
1. STREET ADDRESS: 397 BUTLER RD - REISTERSTOWN, MD. 21136
 2. ELECTION DISTRICT: 4TH
 3. COUNCILMANIC DISTRICT: 3RD
 4. CENSUS TRACT: 404401
 5. ADC MAP: MAP# 16, GRID B-6
 6. ZONING AND TOPOGRAPHY MAP: 65NW39 AND 65NW40
 7. TAX MAP: MAP #0048, GRID 005, PARCEL 0288
 8. SOILS MAP: MAP #22
 9. WATER & SEWER DESIGNATION:
 10. TAX ACCOUNT #: 40-80-04170
 11. DEED REFERENCE: LIBER 13009, FOLIO 0035
 12. PLAT REFERENCE: N/A
- E. EXISTING SITE DATA AND ZONING:
1. GROSS SITE AREA: 0.239 AC ±
 2. EXISTING ZONING: DR-3.5
 3. EXISTING ZONING: RC-5
 4. EXISTING LAND USE: RESIDENTIAL - SINGLE FAMILY DWELLING AND LAWN AREA
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 5. THERE ARE NO UNDERGROUND STORAGE TANKS ON SITE.
 6. THERE ARE NO STEEP SLOPES ASSOCIATED WITH THIS SITE.
 7. SCHOOL DISTRICT: FRANKLIN ES
FRANKLIN MS
FRANKLIN HS
- F. PROPOSED DEVELOPMENT INFORMATION:
1. PROPOSED DEVELOPMENT: RESIDENTIAL 2-LOT MINOR SUBDIVISION
 2. DENSITY CALCULATIONS:
UNITS ALLOWED: 0.7421 AC (DR-10.5) = 7.8 UNITS
TOTAL UNITS PERMITTED: 7
TOTAL UNITS PROPOSED: 2
 3. PARKING REQUIRED: 2 P.S./LOT x 2 LOTS = 4
- G. THE PROPOSED DEVELOPMENT WILL NOT CREATE A RESIDENTIAL TRANSITION AREA (RTA)

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	PUBLIC	PRIVATE
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100 YEAR FLOOD PLAIN		☐ ☒
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Square Footage:

RC 5 = 2,394 SF

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DRAWING NO. 1 OF 1	

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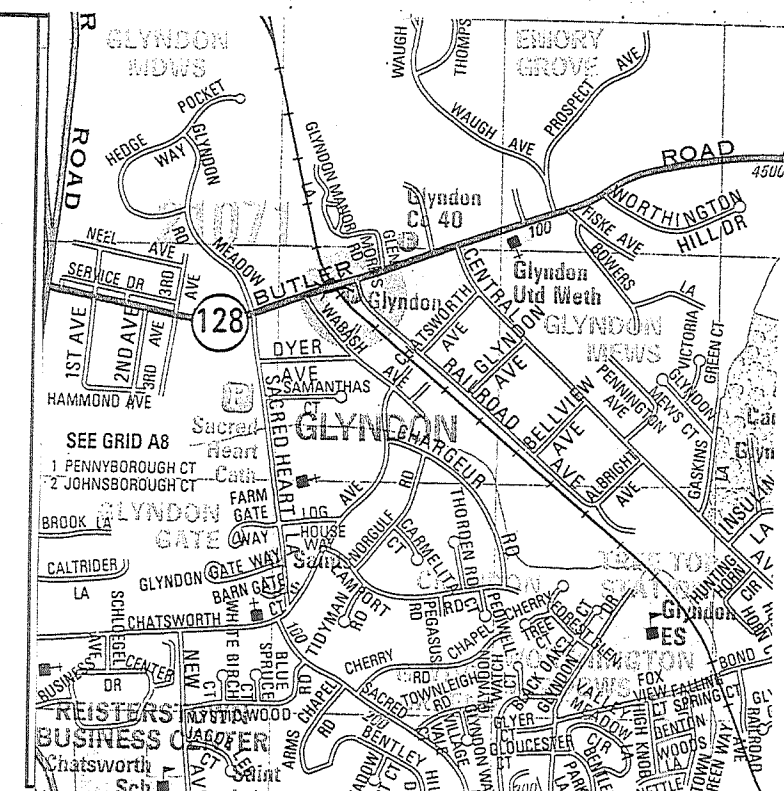
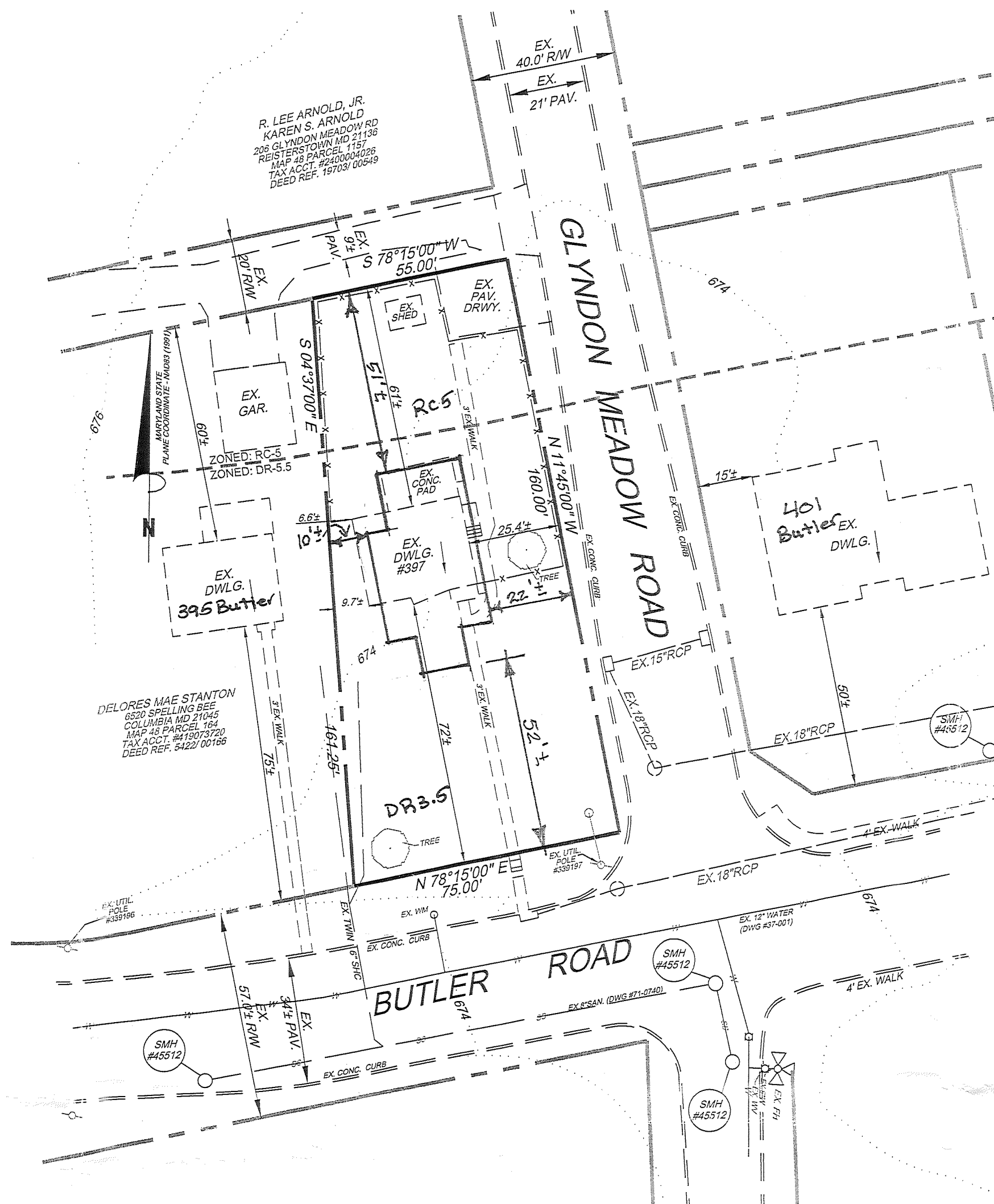
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