



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 12, 2015

Erwin Greenberg
Folly Farm, Inc.
3448 Butler Road
Butler, Maryland 21136

RE: Petition for Administrative Variance
Case No. 2015-0133-A
Property: 3448 Butler Road

Dear Mr. Greenberg:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Edward A. Halle, Jr., Esq., Fowley & Beckley, P.A., Executive Plaza,
Suite 502, 11350 McCormick Road, Hunt Valley, MD 21031
Jeffrey Duerbeck, P.O. Box 799, Kingsville, MD 21087

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(3448 Butler Road) * OFFICE OF ADMINISTRATIVE
4th Election District * HEARINGS FOR
3rd Council District * BALTIMORE COUNTY
Folly Farm, Inc. *
Petitioner *

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Folly Farm, Inc. The Petitioner is requesting Variance relief from § 1A01.3.B.3 to permit a proposed addition (study/office) to have a side yard setback as close as 15 ft. in lieu of the required 35 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Planning (DOP) dated February 9, 2015 indicating their Department does not oppose Petitioner’s request provided the following conditions are met: Create a buffer of evergreen trees between the proposed addition and the lot line shielding the view of neighboring properties located at 3454, 3456, and 3466 Butler Road. Erwin Greenberg submitted (at the request of the OAH) a signed and notarized Affidavit indicating he is the sole/majority shareholder of the corporate entity owner, no other person or entity has an interest in the operation and/or affairs of the property, that he resides year round and actually occupies the property known as 3448 Butler Road and considers it to be his principal residence.

ORDER RECEIVED FOR FILING
Date 3-12-15
By DS

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 1, 2015, 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 (B.C.C.). 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 Administrative Law Judge, 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.

THEREFORE, IT IS ORDERED, this 12th day of **March, 2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1A01.3.B.3 to permit a proposed addition (study/office) to have a side yard setback as close as 15 ft. in lieu of the required 35 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with ZAC comments from DOP dated February 9, 2015; a copy of which is attached hereto and made a part thereof.

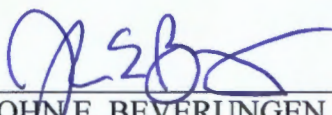
ORDER RECEIVED FOR FILING

Date 3-12-15

2

By [Signature]

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:dlw

ORDER RECEIVED FOR FILING

Date 3-12-15

By DW

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 9, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3448 Butler Road

RECEIVED

INFORMATION:

FEB 09 2015

Item Number: 15-133 Administrative

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Folly Farm, Inc. (Erwin Greenberg)

Zoning: RC 2

Requested Action:

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is requesting a variance from Section 1A01.3.B.3 of the Zoning Regulations of Baltimore County to permit a proposed addition to have a side yard setback as close as 15 feet in lieu of the required 35 feet. This property as well as the surrounding property are under agricultural easements.

The Planning Office has reviewed the subject request and spoke with the representative of the applicant by telephone. He stated that the applicant is seeking relief for the side yard setback for a proposed addition of a study/office. The proposed addition will be used for Mr. Greenberg's home office.

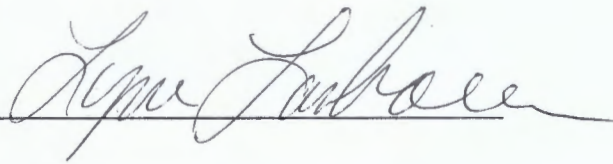
The Department of Planning does not oppose the petitioner's request for a variance provided the following conditions are met:

- Create a buffer of evergreen trees between the proposed addition and the lot line shielding the view of neighboring properties located at 3454, 3456, and 3466 Butler Road.

Therefore it is this Department's opinion that the requested relief is compatible with the area and will not be detrimental to the health, safety, or general welfare of the surrounding community.

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

Division Chief:
AVA/LL



ORDER RECEIVED FOR FILING

Date 3-12-15

By law



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

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

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

Address 3448 BUTLER RD

Currently zoned RC-2

Deed Reference 5548 / 346

10 Digit Tax Account # 17 - 00 - 003553

Owner(s) Printed Name(s) FOLLY FARM INC.

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ ADMINISTRATIVE VARIANCE from Section(s)

Section 1A01.3.B.3 - to permit a proposed addition (study/office) to have a side yard setback as close as 15 feet in lieu of the required 35 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

ORDER RECEIVED FOR FILING
3-12-15
BW

Attorney for Owner(s)/Petitioner(s):

Edward A. Halle, Jr., Esquire

Name- Type or Print

Signature

Fowley & Beckley, P.A., Executive Plaza I

Ste. 502, 11350 McCormick Rd., Hunt Valley, MD

Mailing Address

City

State

21031

410-771-9900

nedhalle@gmail.com

Zip Code

Telephone #

Email Address

Owner(s)/Petitioner(s):

FOLLY FARM INC.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3448 BUTLER ROAD BUTLER MD

Mailing Address

City

State

21136

410-456-0881

COOPERGREENBERG

Zip Code

Telephone #

Email Address

@AOL.COM

Representative to be contacted:

JEFFREY DUEBELK

Name - Type or Print

Signature

PO Box 799 KINGSVILLE MD

Mailing Address

City

State

21087

410-925-6239

DUEBELK

Zip Code

Telephone #

Email Address

410925@COMCAST.NET

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 1 day of 15 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2015-0133-A

Filing Date 1/21/15

Estimated Posting Date 2/1/15

Reviewer RJD

Rev 5/8/2014

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 3448 BUTLER RD. REISTERSTOWN MD. 21136
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

The proposed addition is for a home office. Due to the unique configuration of the house and the topography of the site, this is the only practical location for the home office. The owner of the home is 82 years old and still very active in his business but needs to be able to work from home with a secretary to assist. The proposed addition location allows access from the driveway and avoids impinging on the septic reserve area.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

X

Signature of Owner (Affiant)

ERWIN GREENBERG.

Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15 day of December 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here:

Erwin Greenberg, Authorized Person

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

7/19/17



REV. 5/8/2014

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0133 -A Address 3448 Butler Rd
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/21/15 Posting Date: 2/1/15 Closing Date: 2/16/15

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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2015- 0133 -A Address 3448 Butler Rd
Petitioner's Name E Greenberg Telephone 410 456 0881
Posting Date: 2/1/15 Closing Date: 2/16/15
Wording for Sign: to permit a proposed addition (study office)
to have a side yard setback as close as 15 feet in
lieu of the required 35 feet

Revised 7/18/14

CERTIFICATE OF POSTING

Date: 2-1-15

RE: Case Number: 2015-0133-A

Petitioner/Developer: E. Greenberg

Date of Hearing/Closing: 2-16-15

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 3448 Butler Rd

The signs(s) were posted on 2-1-15
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2015-0133-A
TO PERMIT A PROPOSED ADITIONAL

STORY OFFICES TO RAISE A SIDE YARD SET
BACK AS SHOWN AS 15 FEET IN LIEU OF THE
REGULATED 35 FEET

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 ALL
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
11 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391
TO NOT VIOLATE THIS SIGN AND POST ORDER AFTER ABOVE DATE UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT,
COUNTY OFFICE BUILDING,
11 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

ZONING PROPERTY DESCRIPTION FOR 2448 BUTLER ROAD

Beginning at a point on the west side of Butler Road, which is 22 feet wide, at the distance of approximately 2475 feet north of the centerline of the nearest improved intersecting street Mantua Mill Road, which is 20 feet wide.

Thence the following courses and distances: (1st Point of Calling) S 06° 52' 00" E 58.60", (2nd POC) S 08° 03' 00" W 100.00', (3rd POC) S 07° 43' 00" E 466.31', (4th POC) S 82° 17' 00" W 109.43', (5th POC) S 36° 53' 44" W 223.19', (6th POC) N 65° 22' 26" W 302.95', (7th POC) N 30° 38' 29" W 1787.38', (8th POC) N 50° 21' 27" E 278.1', (9th POC) S 47° 40' 46" E 1528.99', back to the point of beginning as recorded in Deed Liber #15024, Folio #00513, containing 24.187 acres. Located in the 4th Election District and 3rd Councilmanic District.

Item #0133

M E M O R A N D U M

DATE: April 14, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0133-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 13, 2015. 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

IN RE: PETITION FOR ADMIN. VARIANCE *

4th Election District
3rd Councilmanic District
(3448 Butler Road)

Erwin Greenberg /
Folly Farm, Inc.
Petitioner

BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
Case No. 2015-0133-A

RECEIVED

MAR 12 2015

OFFICE OF ADMINISTRATIVE HEARINGS

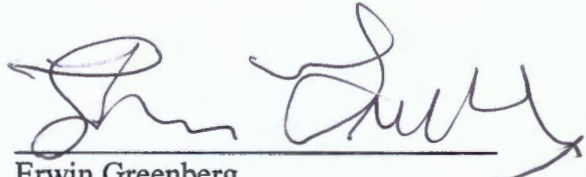
AFFIDAVIT

I, Erwin Greenberg, am over the age of 18 and have personal knowledge of and am competent to testify to the following:

1. The residence at 3448 Butler Road is owned by Folly Farm, Inc. I am the sole/majority shareholder of this corporate entity. No other person or entity has an interest in the operation and/or affairs of 3448 Butler Road.
2. I reside year round and actually occupy the property known as 3448 Butler Road, and consider this to be my principal residence.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

11 MAR 14
Date


Erwin Greenberg



Terry Jane Borgerding



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 2, 2015

Edward A. Halle, Jr., Esquire
Fowley & Beckley, P.A.
Executive Plaza, Suite 502
11350 McCormick Road
Hunt Valley, Maryland 21031

Re: Petition for Administrative Variance (Folly Farm, Inc.)
Case No. 2015-0133-A
Property: 3448 Butler Road, 21136

Dear Mr. Halle:

I am writing in regard to the captioned matter, wherein an administrative variance has been requested. The Baltimore County Code (B.C.C.) requires that a property be owner occupied in order to qualify for administrative hearing relief. State records in this case show the property is owned by Folly Farm, Inc., and is not the principal residence of the Petitioner. As such, a public hearing is usually required in this scenario.

If, however, Mr. Greenberg is the sole or majority shareholder of the corporate entity listed as the owner, it may be that a hearing would not be required. If that is the case, please have Mr. Greenberg sign the attached Affidavit with notary seal, attesting to the fact that this is his principal residence, although legal title is in the name of a corporate entity he controls. Otherwise, a public hearing would be necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE *

4th Election District
3rd Councilmanic District
(3448 Butler Road)

Erwin Greenberg /
Folly Farm, Inc.
Petitioner

BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
Case No. 2015-0133-A

* * * * *

AFFIDAVIT

I, Erwin Greenberg, am over the age of 18 and have personal knowledge of and am competent to testify to the following:

1. The residence at 3448 Butler Road is owned by Folly Farm, Inc. I am the sole/majority shareholder of this corporate entity. No other person or entity has an interest in the operation and/or affairs of 3448 Butler Road.
2. I reside year round and actually occupy the property known as 3448 Butler Road, and consider this to be my principal residence.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date

Erwin Greenberg

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>2-9</u>	PLANNING (if not received, date e-mail sent _____)	<u>d</u>
<u>2-2</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2000-528-SPH</u>)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>2-1-15</u> by <u>P.erson</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Prior Zoning

2mh
9/26/00

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W/S Butler Road, 1850' N		
centerline of Mantua Hill Road	*	DEPUTY ZONING COMMISSIONER
4th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
(3448 Butler Road)		
	*	CASE NO. 00-528-SPH
Folly Farm, Inc.	*	
Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Folly Farm, Inc. The special hearing involves property located at 3448 Butler Road, which property is zoned RC 2. The specific request is to approve a tenant house as an accessory use, as shown on the site plan submitted into evidence as Petitioner's Exhibit No. 1.

Appearing at the hearing on behalf of the special hearing request were C. William Clark, attorney for Folly Farm, Inc. and Jack Dillon, Executive Director of the Valleys Planning Council. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 24.187 acres of property. The subject parcel is located on the west side of Butler Road, just south of its intersection with Dover Road. The subject property is improved with a very large single-family residential dwelling as shown on the site plan. The owners of the property are desirous of constructing a tenant house in the area of the property shown on the site plan. In order to proceed with the construction of this tenant house, the special hearing request is necessary.

This case was originally scheduled to be heard on September 26, 2000. At that time, the parties appeared and jointly requested a postponement of the case. The reason for the postponement was to afford the parties an opportunity to enter into a written agreement as to the special hearing request. At the continued hearing before me, the parties submitted into evidence as Petitioner's Exhibit No. 2 an agreement dated the 19th day of December, 2000. Since the time that this case was originally scheduled to be heard, the Petitioner has acquired an additional 22 acre parcel of property, located adjacent to and just north of their current land holdings. There currently exists a dwelling on that parcel of property which the Petitioner intends to raze. In addition, once the tenant house, which is the subject of this special hearing request, is constructed, the Petitioner intends to place the excess land holdings that they have into the Rural Legacy Program or another land preservation program or trust. The specifics of the agreements reached between the parties are contained within their agreement dated December 19, 2000.

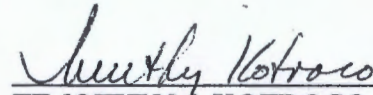
After considering the testimony and evidence offered at the hearing and the agreement reached between the parties, I find that the special hearing to approve a tenant house on the subject property be and is hereby granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of January, 2001, that the Petitioner's Request for Special Hearing from Section 500.7 of the B.C.Z.R., to approve a tenant house as an accessory use on the subject property, 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. The agreement entered into between the parties dated the 19th day of December, 2000 shall be submitted into evidence as Petitioner's Exhibit No. 2 and shall be incorporated and made a part of this order and enforceable as if part of same.
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



KEVIN KAMENETZ
County Executive

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

February 18, 2015

Folly Farm
E Greenberg
3448 Butler Road
Reisterstown MD 21136

RE: Case Number: 2015-0133 A, Address: 3448 Butler Road

Dear Mr. Greenberg:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 21, 2015. 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: jaw

Enclosures

c: People's Counsel
Edward A Halle, Jr., Esquire, 11350 McCormick Road, Suite 502, Hunt Valley MD 21031
Jeffrey Duerbeck, P.O. Box 799, Kingsville MD 21087

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 9, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3448 Butler Road

RECEIVED

INFORMATION:

FEB 09 2015

Item Number: 15-133 Administrative

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Folly Farm, Inc. (Erwin Greenberg)

Zoning: RC 2

Requested Action:

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is requesting a variance from Section 1A01.3.B.3 of the Zoning Regulations of Baltimore County to permit a proposed addition to have a side yard setback as close as 15 feet in lieu of the required 35 feet. This property as well as the surrounding property are under agricultural easements.

The Planning Office has reviewed the subject request and spoke with the representative of the applicant by telephone. He stated that the applicant is seeking relief for the side yard setback for a proposed addition of a study/office. The proposed addition will be used for Mr. Greenberg's home office.

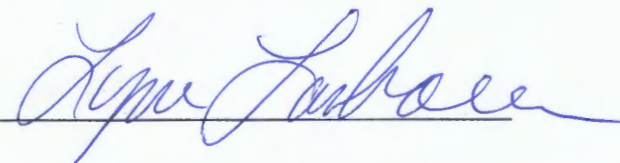
The Department of Planning does not oppose the petitioner's request for a variance provided the following conditions are met:

- Create a buffer of evergreen trees between the proposed addition and the lot line shielding the view of neighboring properties located at 3454, 3456, and 3466 Butler Road.

Therefore it is this Department's opinion that the requested relief is compatible with the area and will not be detrimental to the health, safety, or general welfare of the surrounding community.

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

Division Chief:
AVA/LL



Lawrence J. Hogan, Jr., Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Acting Secretary
Melinda B. Peters, Administrator

Date: 2/2/15

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2015-0133-A
Administrative Variance
Folly Farm, Inc.
3448 Butler Road.

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 2/2/15. A field inspection and internal review reveals that an entrance onto MD128 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2015-0133-A.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

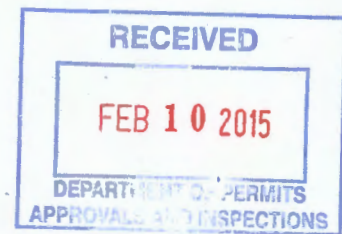
A handwritten signature in blue ink that reads "Steven D. Foster".

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



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

DATE: February 9, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3448 Butler Road

INFORMATION:

Item Number: 15-133 Administrative
Petitioner: Folly Farm, Inc. (Erwin Greenberg)
Zoning: RC 2

Requested Action:

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is requesting a variance from Section 1A01.3.B.3 of the Zoning Regulations of Baltimore County to permit a proposed addition to have a side yard setback as close as 15 feet in lieu of the required 35 feet. This property as well as the surrounding property are under agricultural easements.

The Planning Office has reviewed the subject request and spoke with the representative of the applicant by telephone. He stated that the applicant is seeking relief for the side yard setback for a proposed addition of a study/office. The proposed addition will be used for Mr. Greenberg's home office.

The Department of Planning does not oppose the petitioner's request for a variance provided the following conditions are met:

- Create a buffer of evergreen trees between the proposed addition and the lot line shielding the view of neighboring properties located at 3454, 3456, and 3466 Butler Road.

Therefore it is this Department's opinion that the requested relief is compatible with the area and will not be detrimental to the health, safety, or general welfare of the surrounding community.

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

Division Chief:
AVA/LL

EXHIBIT A

0015024 515

Description of the Property of
Pete L. Caples
Located on the west side of Butler Road
4th Election District Baltimore County, MD.

Beginning for the same at the beginning point of that parcel of land described in a deed dated July 2, 1975 and recorded among the Land Records of Baltimore County in Liber 5548, folio 346 was conveyed by Delphin Delmas Caples to Pete L. Caples, said point also being in or near the existing centerline of the paved surface of Butler Road, formerly referred to as Dover Road; thence running and binding on or near the centerline of said Butler Road and binding along the outlines of the aforementioned parcel of land the three following courses and distances viz

1) south 06 degrees 52 minutes 00 seconds east 58.60 feet

2) south 08 degrees 03 minutes 00 seconds east 100.00 feet and

3) south 07 degrees 43 minutes 00 seconds east 466.31 feet to intersect the end of the fourth or north 82 degree 17 minute 00 second east 109.43 foot line of that parcel of land described in a deed dated December 31, 1986 and recorded among the Land Records of Baltimore County in Liber SM No. 7381, folio 638 was conveyed by Pete L. Caples to Samuel E. Banks; thence leaving said Butler Road and running reversely along the outlines of the lastmentioned parcel of land the two following courses and distances viz

4) south 82 degrees 17 minutes 00 seconds west 109.43 feet and

5) south 36 degrees 53 minutes 44 seconds west 223.19 feet to a pipe found and to intersect the eighth or north 65 degree 22 minute 26 second west 332.95 foot line of the firstmentioned parcel of land, said pipe being 30.00 feet from a pipe found at the beginning of said line; thence running and binding along the outlines of the first mentioned parcel of land the four following courses and distances viz

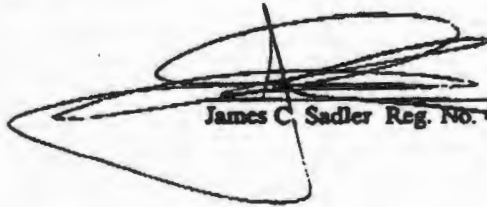
6) north 65 degrees 22 minutes 26 seconds west 302.95 feet

7) north 30 degrees 38 minutes 29 seconds west 1787.38 feet

8) north 50 degrees 21 minutes 27 seconds east 278.71 feet and

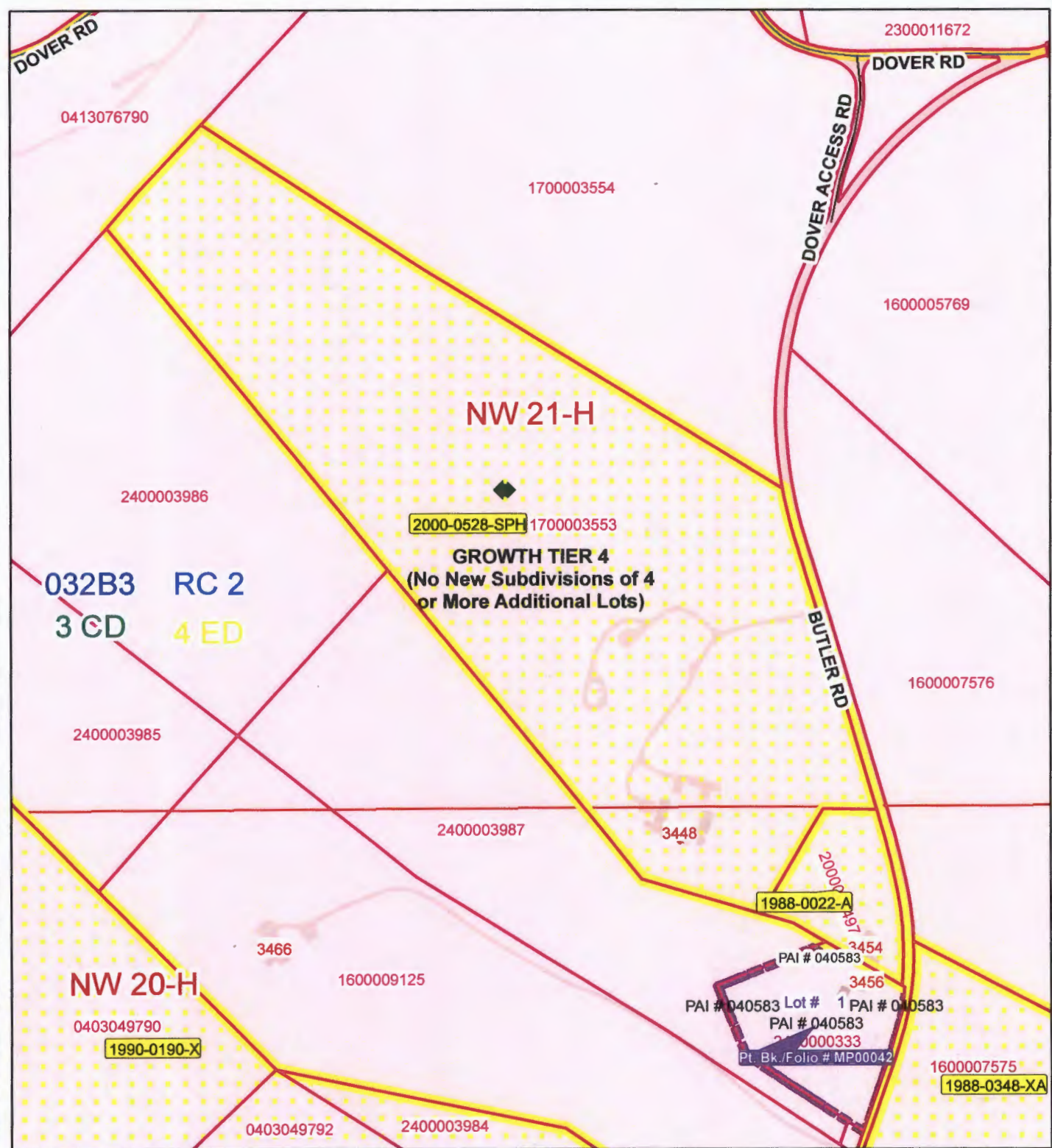
9) south 47 degrees 40 minutes 46 seconds east 1528.99 feet to the place of beginning, containing 24.187 acres of land, more or less.




James C. Sadler Reg. No. 449

Item # 0133

3448 Butler Road



Publication Date: 1/16/2015



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 75 150 300 450 600 Feet

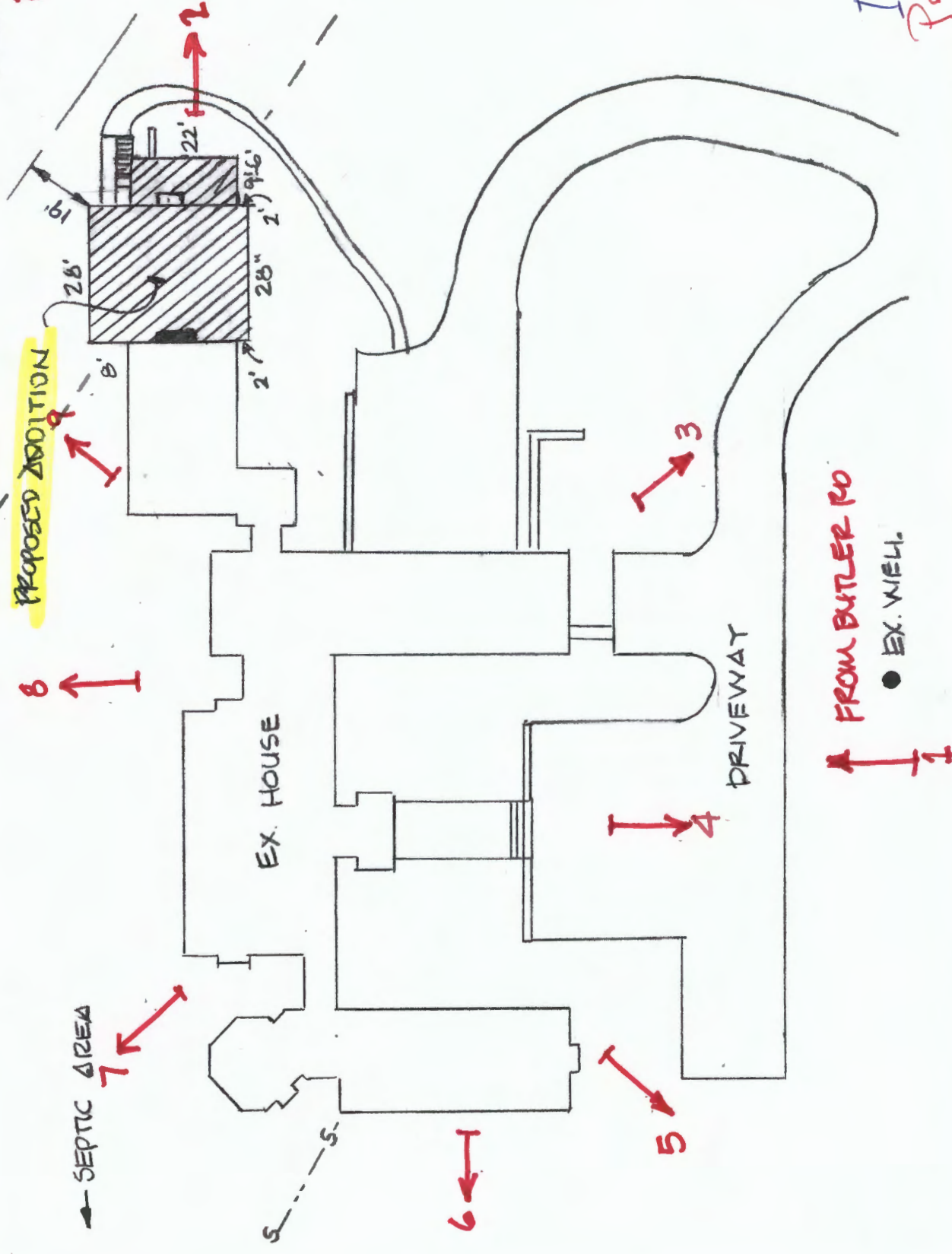
1 inch = 300 feet

Item #0133

FOLLY FARM INC.

PROPOSED ADDITION
3448 BUTLER RD.
BUTLER, MD. DIS. 3
TAX ACC 17-00-03553
SCALE 1"=30' 10-16-14

PHOTO LEGEND



FROM BUTLER RD

● EX. WELL.

Item #0133
Rev. Edn. 1

ADMINISTRATIVE VARIANCE

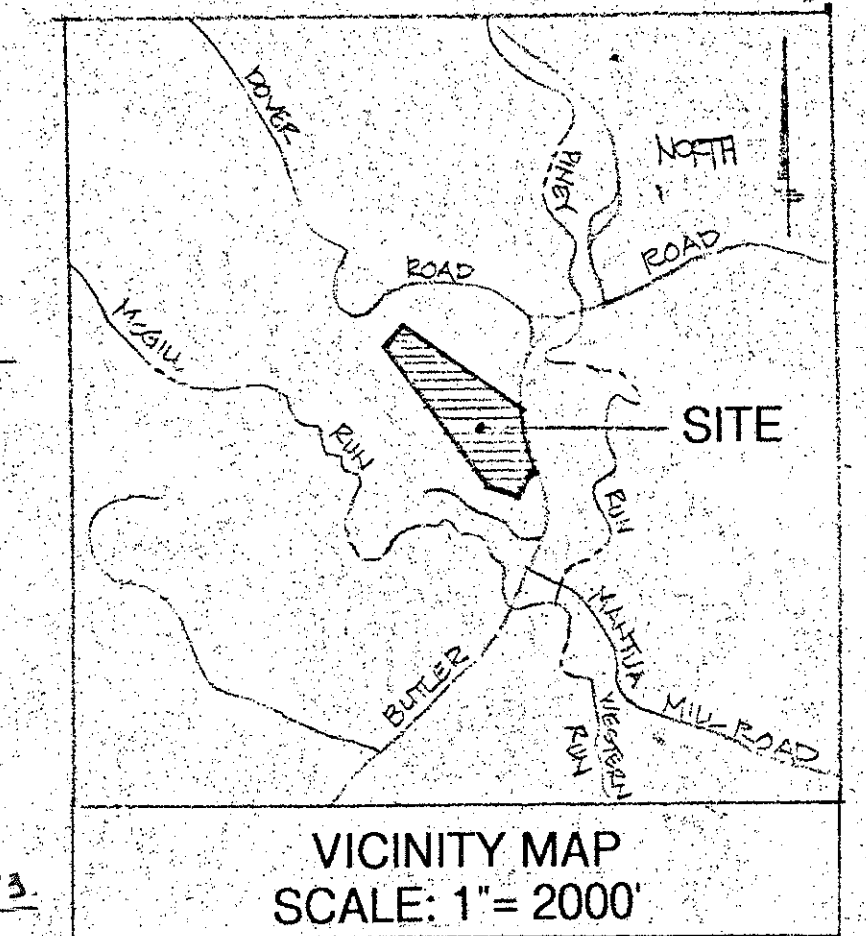
SAMUEL H. & MARGOT K. SHRIVER
TAX NO. 0413076790
DEED: B195 PAGE: 517
22.1 AC.

ROBERT M. CAPLES TRUSTEE
TAX NO. 1700000356
LIBER SM 11491, FOLIO 557
24.33 AC.

PROPERTY ADDRESS:
3448 BUTLER ROAD
SUBDIVISION NAME: N/A
RAT BOOK #: N/A FOLIO #: N/A
LOT #: N/A SECTION #: N/A

OWNERS:
FOLLY FARM, INC.
400 E. PRATT ST., SUITE 606
BALTIMORE, MD 21202
TAX NO.: # 17-00-003553
DEED BOOK #: 19024 PAGE #: 00913
LIBER #: 5548 FOLIO #: 346

LOCATION INFORMATION
COUNTYMANIC DISTRICT: 3RD
ELECTION DISTRICT: 4TH 03283
1"=200' SCALE MAP #: 03283
DOVER CHURCH
ZONING: RC-2 = 24.187 AC.
LOT SIZE: 24.187 ACRES
HISTORIC - NO 525



BOB JACKSON
LANDSCAPES, INC.
1126 CRONRIDGE DR.
SUITE H
OWINGS MILLS, MD 21117
410-356-1620
FAX: 410-356-1535

GENERAL NOTES:
BASE INFORMATION HAS BEEN SHOWN ON THIS PLAN BY GERHOLD, CROSS & ETZEL, LTD.
BOB JACKSON LANDSCAPES, INC. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY OR COMPLETENESS.
ACREAGE: ± 24.187 ACRES

LEGEND

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒
CHESAPEAKE BAY	☐	☒
CRITICAL AREA: (YES)	☐	☒

2 FT. CONTOURS	---
5 FT. CONTOURS	---
PROPOSED CONTOURS	---
PROPERTY LINE	---
SEPTIC RESERVE LINE	---
B.S.L. BUILDING SETBACK LINE	---
LIMIT OF DISTURBANCE	---
PERC TEST (PASS)	⊕
WET WELL	⊙
EXISTING HEDGEROW	⊖
DRAIN INLET	⊙

PRIOR ZONING HEARINGS:
~~10-0528-SPH~~
2000-0528-SPH

ZONING OFFICE USE ONLY
REVIEWED BY: ITEM#: CASE #:

NORTH

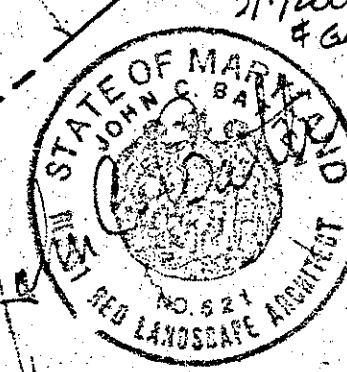
FOLLY FARM

#2015-0133-A
R.D.

REASONS:

100 YEAR FLOOD PLAN DOES NOT OCCUR ON THIS SITE.

3/3/2000 - REVISIONS FROM J. DUBRECH NOTES.
2/8/2000 - TITLE, OWNER, FRONTIER
12/21/99 - ADD STUDIO BLDG, DRIVE, #SRA, ZONING INFO.
1/13/2000 - ZONING REVISIONS.
2/2/2000 - ZONING REV.
5/13/2000 - CHANGE HOUSE NAME.
SITE PLAN
3/1/2001 - RELOCATE HOUSE & GARAGE & DRIVE.



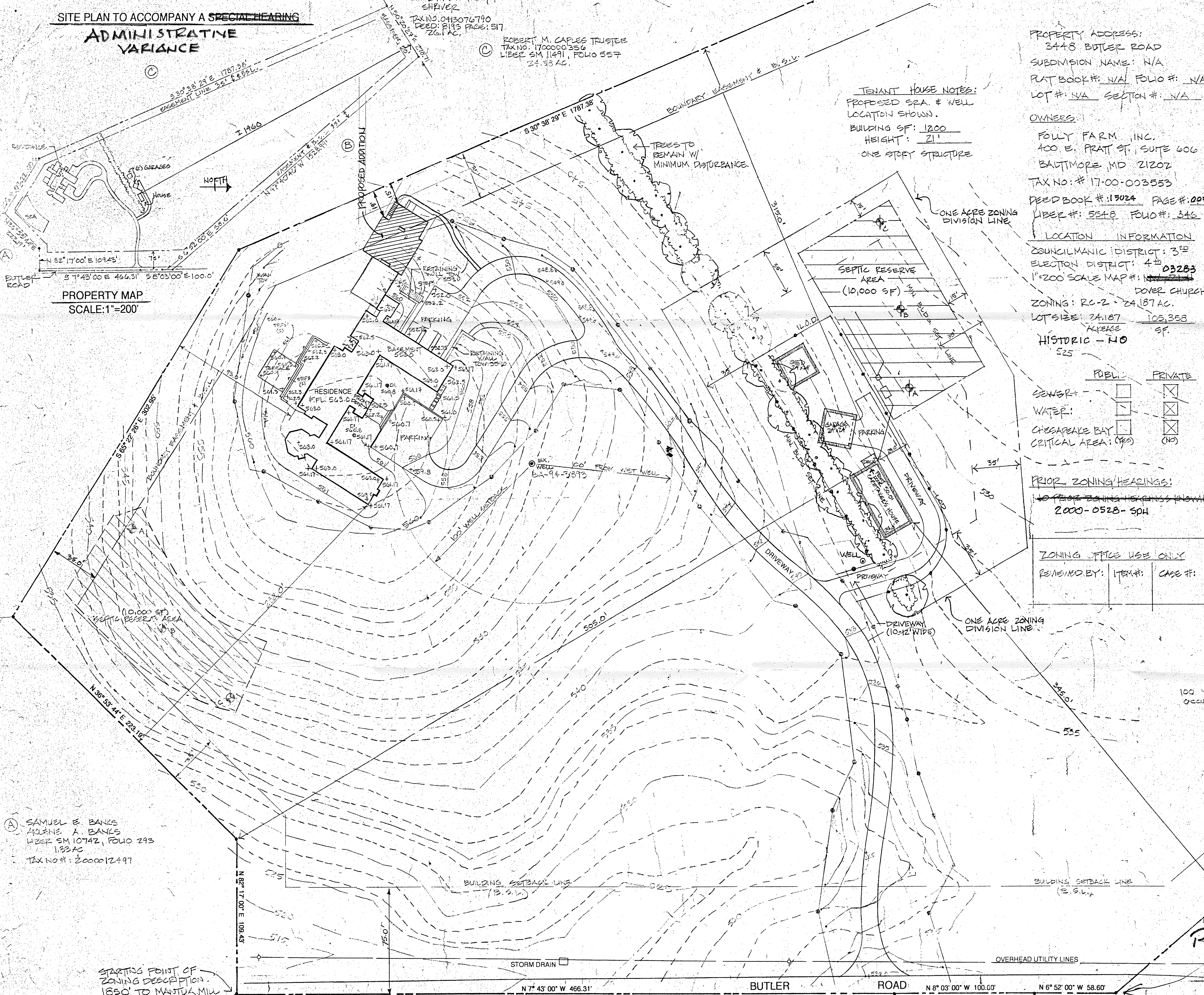
RICHARD J. CAPLES
LIBER SM. 5569 FOLIO 213
21.45 AC.
TAX NO. #: 1700003554

REVISED 12.1.14

DATE
JANUARY 5, 2000
SCALE
1"=30'-0"
SHEET NO.
OF

PROJECT NO.
99-213

Ret. 1



PROPERTY MAP
SCALE: 1"=200'

A SAMUEL E. BANKS
ARLENE A. BANKS
LIBER SM 10742, FOLIO 293
1.33 AC.
TAX NO. #: 2000012497

STARTING POINT OF
ZONING DESCRIPTION
1850' TO MANTUA MILL
ROAD

STORM DRAIN

OVERHEAD UTILITY LINES

N 7° 43' 00" W 466.31' BUTLER ROAD N 8° 03' 00" W 100.00' N 6° 52' 00" W 58.60'

ADMINISTRATIVE VARIANCE

© ROBERT M. CAPLES TRUSTEE
TAX NO. 17000000356
LIBER SM 11491, FOLIO 557
24.33 AC.

PROPERTY ADDRESS:
3448 BUTLER ROAD
SUBDIVISION NAME: N/A
PLAT BOOK #: N/A FOLIO #: N/A
LOT #: N/A SECTION #: N/A

OWNERS:
FOLLY FARM, INC.
400 E. PRATT ST., SUITE 406
BALTIMORE, MD 21202
TAX NO: # 17-00-003553
DEED BOOK #: 19024 PAGE #: 00513
LIBER #: 5548 FOLIO #: 346

LOCATION INFORMATION
 COUNCILMANIC DISTRICT: 3RD
 ELECTION DISTRICT: 4TH
 1"=200 SCALE MAP #1: ~~11W 21N~~ 032 B3
 DOWER CHURCH
 ZONING: RC-2 = 24.187 AC.
 LOT SIZE: 24.187 AC. 105,358 SF
 HISTORIC - NO
 525

GENERAL NOTES:

BASE INFORMATION HAS BEEN SHOWN
ON THIS PLAN BY GERHOLD, CROSS &
ETHEL, LTD.
BOB JACKSON LANDSCAPES, INC.
ASSUMES NO RESPONSIBILITY FOR
ITS ACCURACY OR COMPLETENESS.
ACREAGE : ± 24.187 ACRES

LEGEND

	PUBL.	PRIVATE
SEWER:	☐	☒
WATER:	☐	☒
CHESAPEAKE BAY	☐	☒
CRITICAL AREA: (YES)		(NO)

PRIOR ZONING HEARINGS:

~~10 FLOZ ZAINA + SPINSS KNOX~~
2000-0528-SPH

ZONING OFFICE USE ONLY

REVIEWED BY:	ITEM#:	CASE #:
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----- 2 FT. CONTOURS
 ----- 5 FT. CONTOURS
 ----- PROPOSED CONTOURS
 ----- PROPERTY LINE
 ----- SEPTIC RESERVE LINE
 ----- B.S.L.
 ----- BUILDING SETBACK LINE
 ----- LIMIT OF DISTURBANCE
 (Symbol: circle with crosshairs) PERC TEST (PASS)
 (Symbol: circle with dot) WET WELL
 (Symbol: wavy line) EXISTING HEDGEROW
 (Symbol: circle with dot) DRAIN INLET #2010

NORTH

100 YEAR FLOOD PLAIN DOES NOT
OCCUR ON THIS SITE.

3/3/2000 - REVISIONS FROM
J. DIERBECK NOTES.
2/8/2000 - TITLE OWNER, PROLIFICE
12/21/99 - ADD STUDIO BLDG,
DRIVE. #3RA. ZONING INFO.
1/13/2000 - ZONING REVISIONS.
2/2/2000 - ZONING REV.
SHEET TITLE
5/3/2000 - CHANGE HOUSE NAME.
SITE PLAN
3/1/2001 - RELOCATE HOUSE
& GARAGE(S) DRIVE.

D A T E
JANUARY 5, 2000

1"=30'-0"

SHEET NO.
OF

PROJECT NO.

99-213

PROPERTY MAP
SCALE: 1"=200'

SAMUEL E. BANKS
 HELENE A. BANKS
 LIBEX SM 1074Z, FOLIO 293
 133AC
 TAX NO # : 2000012497

STARTING POINT OF
ZONING DESCRIPTION:
1850' TO MANULU MILL
ROAD

STORM DRAIN

BUTLER

ROAD

N 8° 03' 00" W 100.00

N 6° 52' 00" W 58.60

RICHARD J. CAPLES
LIBER SM. 5569, FOLIO 215
21.45 AC.

TAX NO. # 1700003554

REVISED 7.1.4

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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PROJECT NO.