IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Hedgepocket Way, 105 ft. W
centerline of Glydon Meadow Road
4th Election District
3rd Councilmanic District
(321 Hedgepocket Way)

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-584-A

Jan Boonshaft Silhavy & Joseph J. Silhavy Petitioners

_

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Jan Boonshaft Silhavy and Joseph J. Silhavy. The administrative variance is requested for property located at 321 Hedgepocket Way in the Reisterstown area of Baltimore County. The administrative variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 21 ft. in lieu of the required 50 ft. and to amend the Final Development Plan for "Glyndon Meadows", Lot 27. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

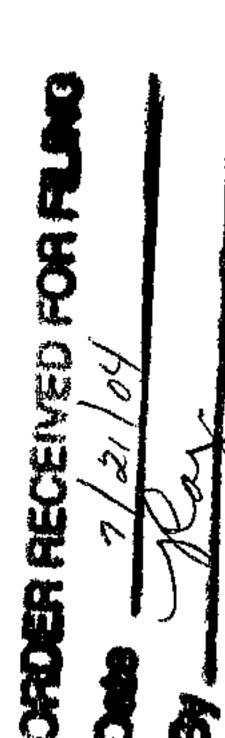
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 27, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.



"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this 25th day of July, 2004, by this Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 21 ft. in lieu of the required 50 ft. and to amend the Final Development Plan for "Glyndon Meadows", Lot 27 only, be and is

SA CHARTON TO SA

hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

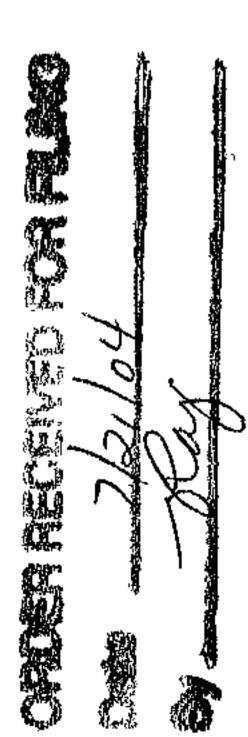
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

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

LAWRENCE E. SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

July 21, 2004

Mr. & Mrs. Joseph J. Silhavy 321 Hedgepocket Way Reisterstown, Maryland 21136

Re: Petition for Administrative Variance

Case No. 04-584-A

Property: 321 Hedgepocket Way

Dear Mr. & Mrs. Silhavy:

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,

Lawrence E. Schmidt

Zoning Commissioner

LES:raj Enclosure



Visit the County's Website at www.baltimorecountyonline.info



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	321 Hedgepocket Way	<i></i>	
	s presently zoned	RC-5	-

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

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) | POH. 3B. 5. (DCZR)

TO PERMIT A SIDE YARD SETBACK OF 21-FEET IN LIEU OF THE REQUIRED 50-FEET AND TO AMEND THE FOP FOR "GLYNDON MEADOWS", LOT 27.

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	the legal owner(s) of the p Petition.	property wnich
Contract Purchaser/Les	see:		Legal Owner(s):		
Name - Type or Print	······································		Joseph J. Silha Name - Type or Print	ivy	······································
Signature			Signature Jan Boonshaft S	Albary &	······································
Address	······································	Telephone No.	Name - The grunning	all	·
City	State	Zip Code	Signatule		
Attorney For Petitioner.	•	•	3/21 Hedgepocket	: Way / 443-386	
			Address		Telephone No.
			Reisterstown	Maryland	21136
Name - Type or Print			City	State	Zip Code
Signature			Name	o be Contacted:	
			1101110		
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Address	······································	Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been for this day of regulations of Baltimore County and CASE NO.	that the property	r be reposted.		he Zoning Commissioner of I hearing, advertised, as required issioner of Baltimore County Date 6 10 10 04	,
REV 10/25/01		Esti	mated Posting Date	6/27/04	······································

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently r	eside at	321 Hedgepoc	ket Way		· · · · · · · · · · · · · · · · · · ·
•	† !	Address Reisterstown	Maryland		21136
,		City	State	<u></u>	Zip Code
That based upon personal knowledge Variance at the above address (indica	e, the folk ite hardsh	owing are the fact tip or practical diffi	s upon which I/we bar iculty):	se the request for	an Administrative
* Garage expansion require	d to ac	commodate gro	wing family.		
* Existing home situated or	n 1.317	acres.			
* House located against ri In order to minimize impourb cut and driveway on variance from the 50 foo	act on the le	surrounding no	eighborhood, and e property, we re	avoid needing	g a new
	i				
	1				
	i				
	i				
	ı				
	i i				
That the Affiant(s) acknowledge(s) to advertising fee and may be required to	hat if a f	ormal demand is additional informa	tion. Au 200	required to pay	a reposting and
Signature	ţ		Signature	\mathcal{U}	
Joseph J. Silhavy Name - Type or Print	!	(Jan Boonshaft Si Name - Type or Print	1havy	······································
Marrie Type of Filli	1		,		
STATE OF MARYLAND, COUNTY O	i	-	*		
I HEREBY CERTIFY, this 23 day of Maryland, in and for the County afo		•.		ore me, a Notary F	of the State
Joseph Silhavy a	nd.	Jan Silh	avy		
the Affiant(s) herein, personally known	ı or sausı	actorily identifi e d t	o meras such Amant(S).	
AS WITNESS my hand and Notarial S	Seal		$\frac{1}{2}$	DA A-A-	
,	ı	Notary	Public /		

My Commission Expires

REV 10/25/01

MELISA MONTRESOR
NOTARY PUBLIC
MONTGOMERY COUNTY, MARYLAND
My Commission Expires Jan. 13, 2008

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

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

321 Hedgepocket Way

Address	<u></u>	
Reisterstown	Maryland	21136
City	State	Zip Code

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

- * Garage expansion required to accommodate growing family.
- * Existing home situated on 1.317 acres.
- * House located against right side yard setback (the same side as existing driveway). In order to minimize impact on surrounding neighborhood, and avoid needing a new curb cut and driveway on the left side of the property, we respectfully request a variance from the 50 foot sideyard setback requirement.

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

Signature

Joseph J. Stilbary

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 331 day of April (add) appeared of Maryland, in and for the County aforesald, personally appeared

Joseph Silbary and Jan Silbary

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

AS WITNESS my hand and Notarial Seal

My Commission Expires

Notary Public

NOTARY PUBLIC
MONTGOMERY COUNTY, MARYLAND
My Commission Expires Jan. 13, 2008

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	321 Hedgepocket Way
	s presently zoned RC-5

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

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) 1AO4, 3D.1. (BCIR)

TO PERMIT A SIDE YARD SETBACK OF 21-FEET IN LIEU OF THE REQUIRED 50-FEET AND TO AMEND THE FOR "GLYNDON MEADOWS", LOT 27.

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.

-	1		perjury, that I/we are is the subject of this	the legal owner(s) of t Petition.	the property which
Contract Purchaser/L	.essee:		Legal Owner(s)	<u>.</u>	
Name - Type or Print		 	Joseph J. Sill Name - Type or Print	havy	
Signature			Signature Jan Boonshaft	Sinayy D.	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Address		Telephone No	Name Vos of Bride	A V A 11 - K A	· · · · · · · · · · · · · · · · ·
City	State	Zip Code	Signature	a cery	
Attorney For Petition	er:	ı	321 Hedgepock	et Way 443	3-386-1223
	-	i i i	Address	1.e	Telephone No.
Name - Type or Print			Reisterstown City	Mary1and State	21136
Transfer of Trans		1			Zip Code
Signature	<u></u>	· · · · · · · · · · · · · · · · · · ·	Representative	to be Contacted:	
Company	· 		Name		
Address		Telephone No	Address		Telephone No
City	State	Zip Code	City	State	Zip Code
A Public Hearing having bee	n formally demand	ded and/or found to be	required, it is ordered by	the Zoning Commissione	r of Baltimore County,
this day of regulations of Baltimore County	מז	at the cubiest matter at t	his petition be set for a publi	c hearing, advertised, as	required by the zoning
		i			•
		\	Zoning Comr	nissioner of Baltimore Co	untv
CASE NO.	M-E011-D	i ! !	iewed By Dit.		Sol
		<u> </u>	rewed by	Date	UVT
REV 10/25/01		Est	imated Posting Date	6/57/04	

Zoning Description for 321 Hedgepocket Way

Beginning at a point on the south side of Hedgepocket Way which has a 40-Foot right-of-way at a distance of 105-feet west of the centerline of Glyndon Meadow Road. Being Lot #27 in the subdivision known as "Glyndon Meadows" as recorded in Baltimore County Plat Book #86, Folio #27 containing 1.317 acres. Also known as 321 Hedgepocket Way and located in the 4th Election District, 3rd Councilmanic District.

WHITE - CAS				
19	3			
4916				
YRLOW-Custower				
			1 Pro 11 Page 14 Page 13 Page	

.

CERTIFICATE OF POSTING

tlention: Kristen Matthew	Date: JUNE 30, 2004
RE: Case Number 04-584 Petitloner/Developer: JOE 511 Date of Hearing(Closing) JULY	HAVY
This is to certify under the penalties of posted conspicuously on the property loc	perjury that the necessary sign(s) required by law cated at 321 HEOGE POCKET WAY
The sign(s) were posted on	JUNE 27, 2004 (Month, Day, Year)
ZONING HOTICE VARIANCE TO FERMI A SIEV VIED SCHOKY OF ALL TO FIRM THE FIRM COVINGENT RANGE OF A SIEV VIEW SCHOOL OF THE ALL TO SAI HEDGEPEKET WAY PUBLIC HEARING ? PUBLIC HEARING IN HORIZON ALL THE HOUSE HEARING ALL THE HEARING ALL THE HOUSE HEARING ALL THE HOUSE HEARING ALL THE HEARING AL	Signature of Sign Poster) LINDA O KEFFE (Printed Name of Sign Poster) 523 PENNY LANE (Street Address of Sign Poster) HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster) 410-666-5366 (Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-

Case Number 04- 584 -A Address 321 HEDGEPOCKET WAY
Contact Person: Donna Thompson Planner, Please Print Your Name Phone Number: 410-887-339
Filing Date: 61604 Posting Date: 60704 Closing Date: 71204
Any contact made with this office regarding the status of the administrative variance should be through 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. Ar reposting must be done only by one of the sign posters on the approved list and the petitione 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 fi a formal request for a public hearing. Please understand that even if there is no form 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 (conder 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 original posted, certification of this change and a photograph of the altered sign must be forwarded 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 04- 584 -A Address 331 HEDGEPOCKET WAY
Petitioner's Name 51上HAVY Telephone 443-386-1223
Posting Date: (4) 27 04 Closing Date: 円 12-104
Vording for Sign: To Permit A SIDE YARD SETBACK OF QI-FEET IN LIEU
OF THE REQUIRED 50-FEET AND TO AMEND THE FOR "GINNDON.
MEADOWS", LOT 27.
WCR - Revised 6/28/0

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or Case Number: 04-584-A	
Petitioner: SILIHAVY	
Address or Location: 321 HEDGE POCKET WAY, 31136	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: MR. + MRS. JOSEPH J. SILHAVY	
Address: 321 HEDGEPOCKET WAY	
REISTERSTOWN MD 21136	
Telephone Number: 443-386-1523	

Department of Permits Development Management

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



Baltimore County

James T. Smith, Jr., County Executive: Timothy M. Kotroco, Director

July 12, 2004

Joseph J. Silhavy Han Boonshaft Silhavy 321 Hedgepocket Way Reisterstown, Maryland 21136

Dear Mr. and Mrs. Silhavy:

RE: Case Number:04-584-A, 321 Hedgepocket Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 16, 2004.

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,

U. Callabal.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel



Visit the County's Website at www.baltimorecountyonline.info



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

June 29, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 28, 2004

Item No.:

580-591

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Nell J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.29.09

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

RE:

Baltimore County

Item No. 584

アア

Dear. Ms.Matthews:

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

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

Very truly yours,

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

7/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 28, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 4-581 and 4-584

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

Prepared By:

Division Chief:

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: July 23, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

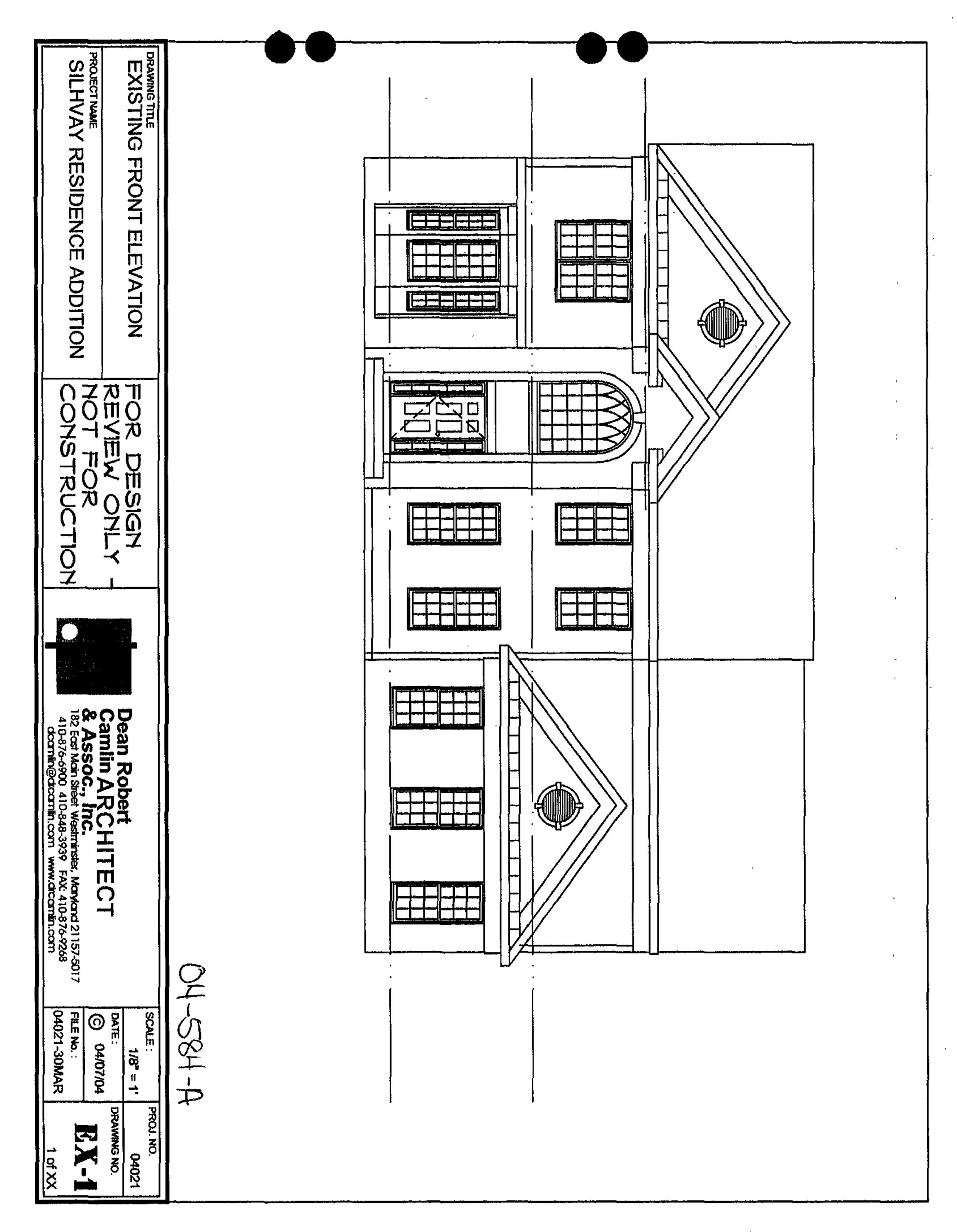
For July 6, 2004

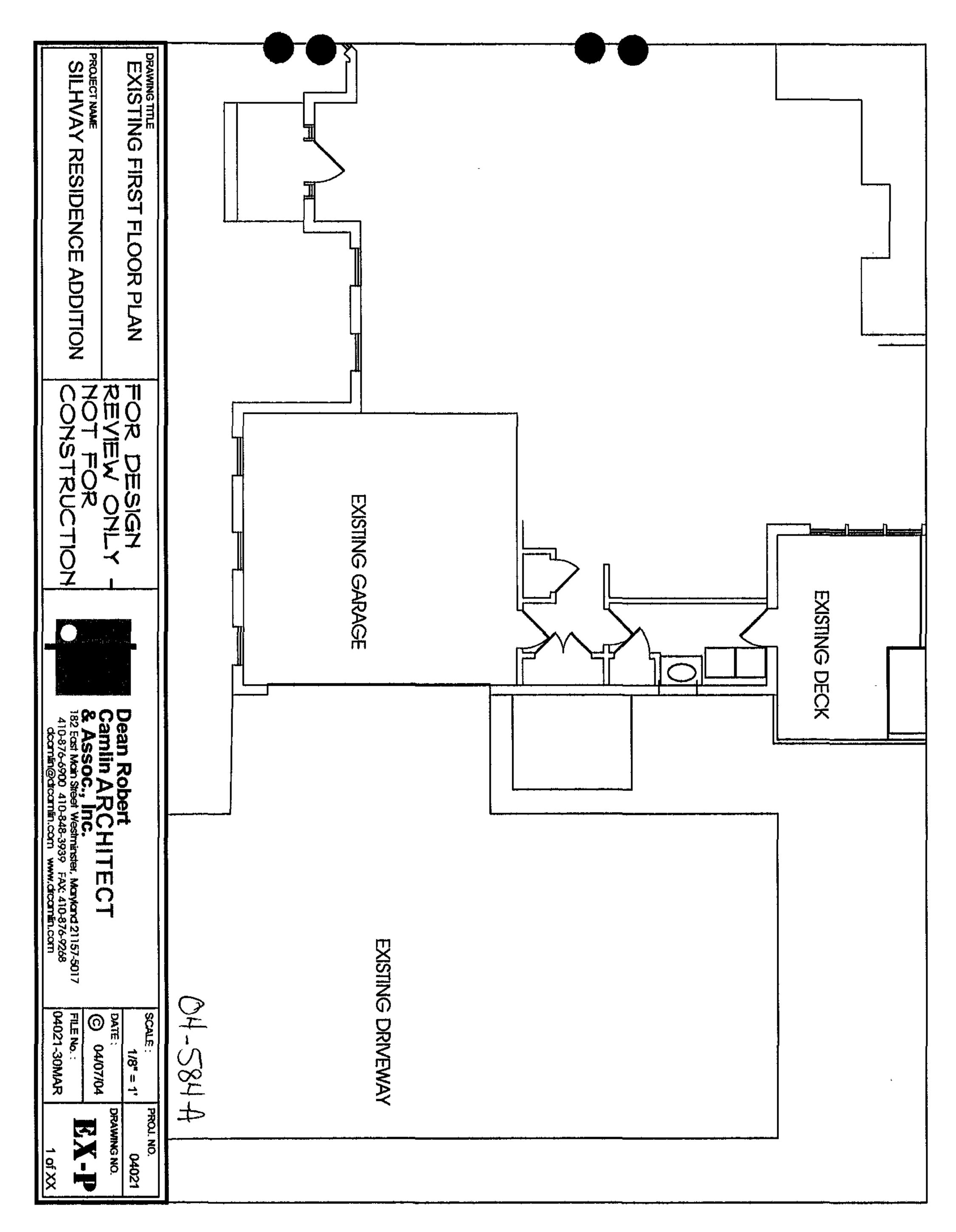
Item Nos. 580, 581, 582, 583 (584) 586, 587, 588, 589, 590, and 591

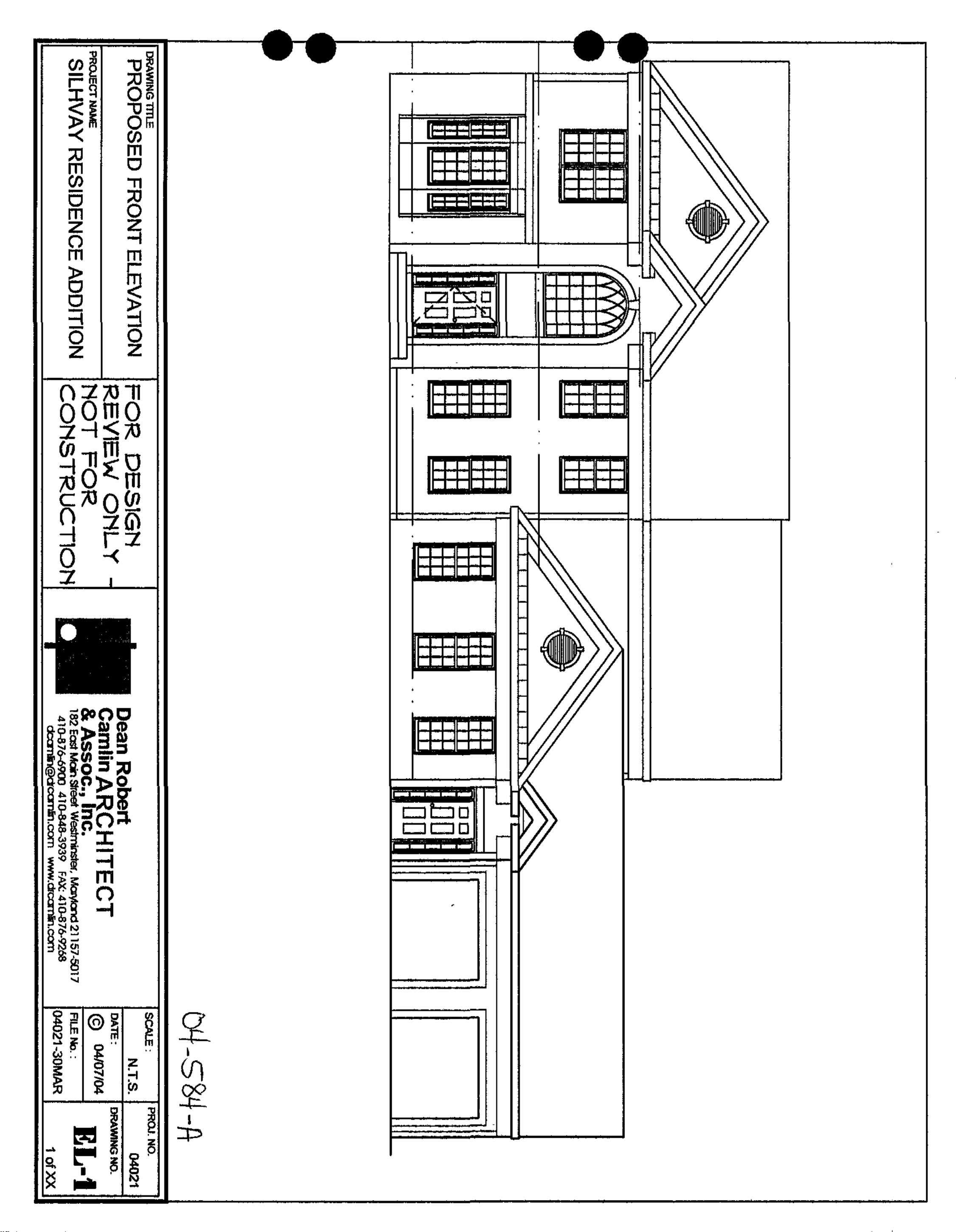
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

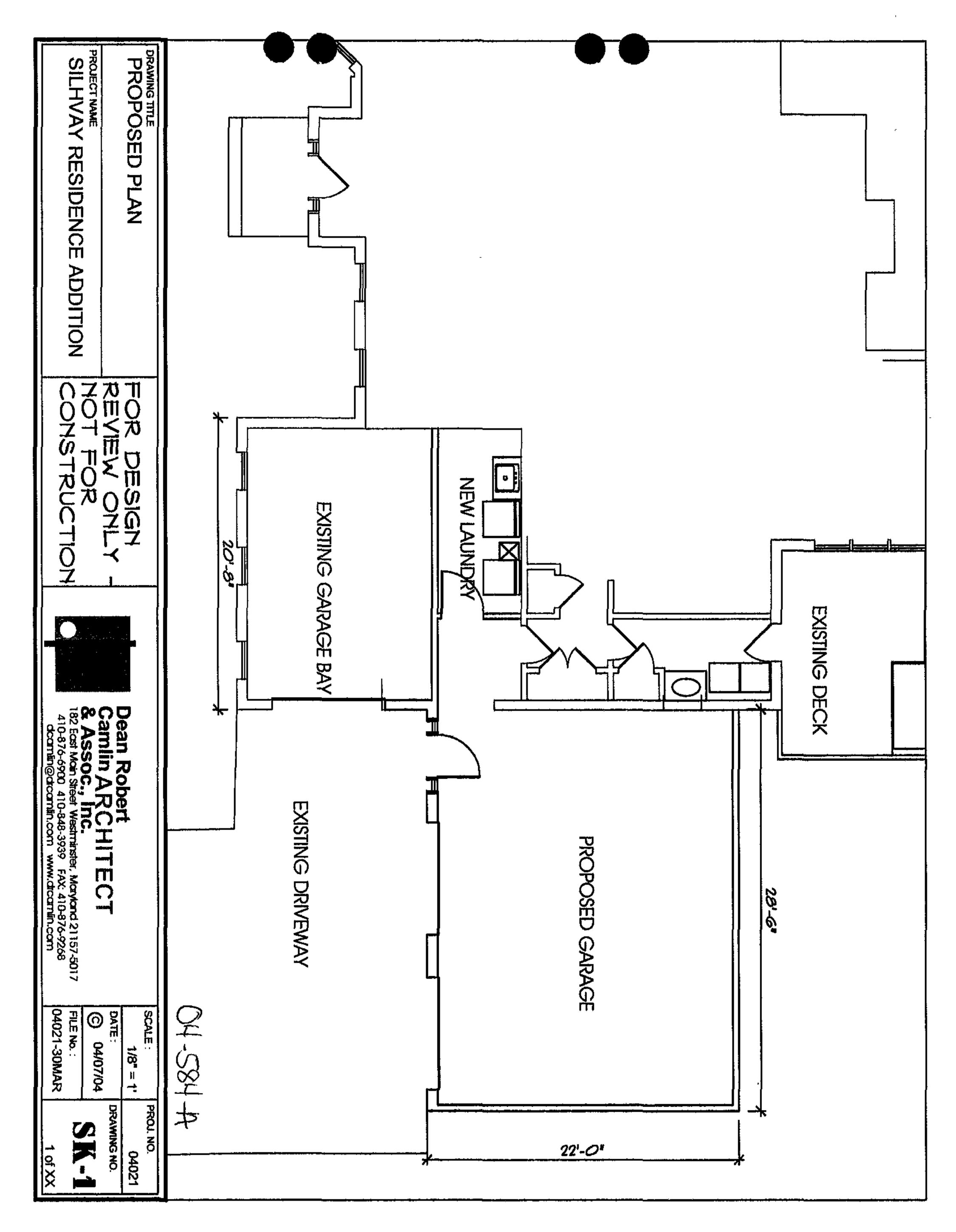
RWB:CEN:jrb

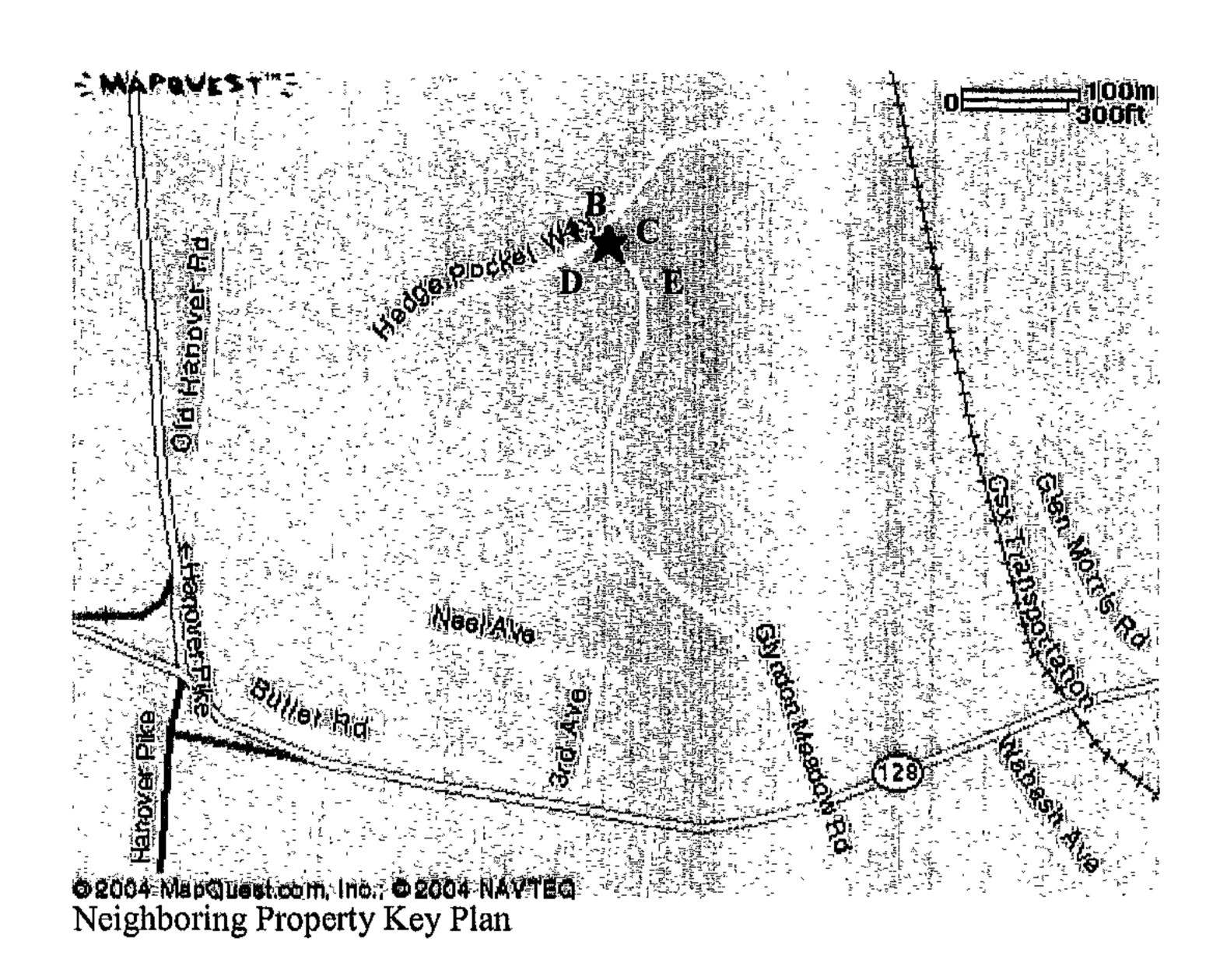
cc: File



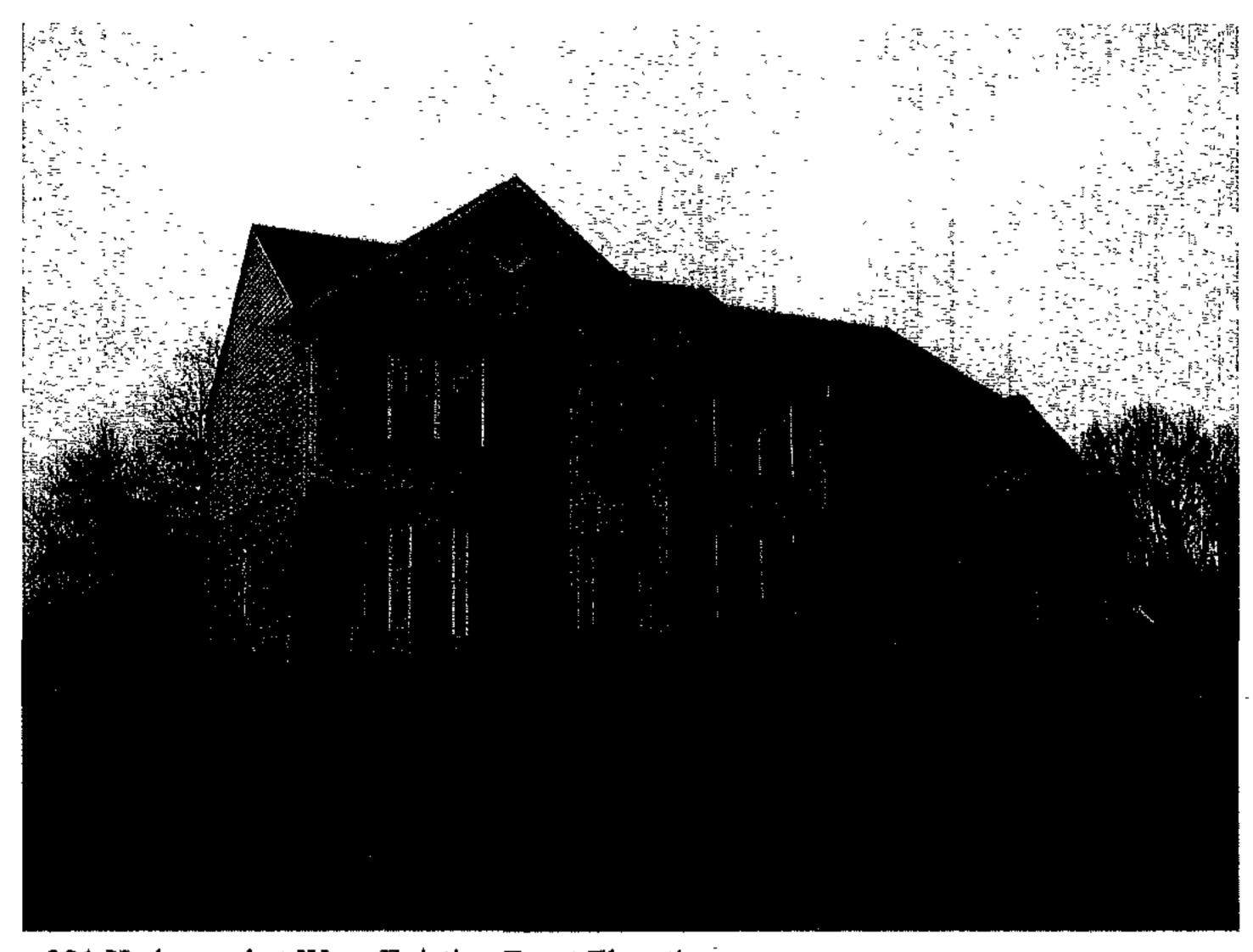








Zoning Variance Application: 321 Hedgepocket Way Reisterstown, Maryland 21136



321 Hedgepocket Way: Existing Front Elevation

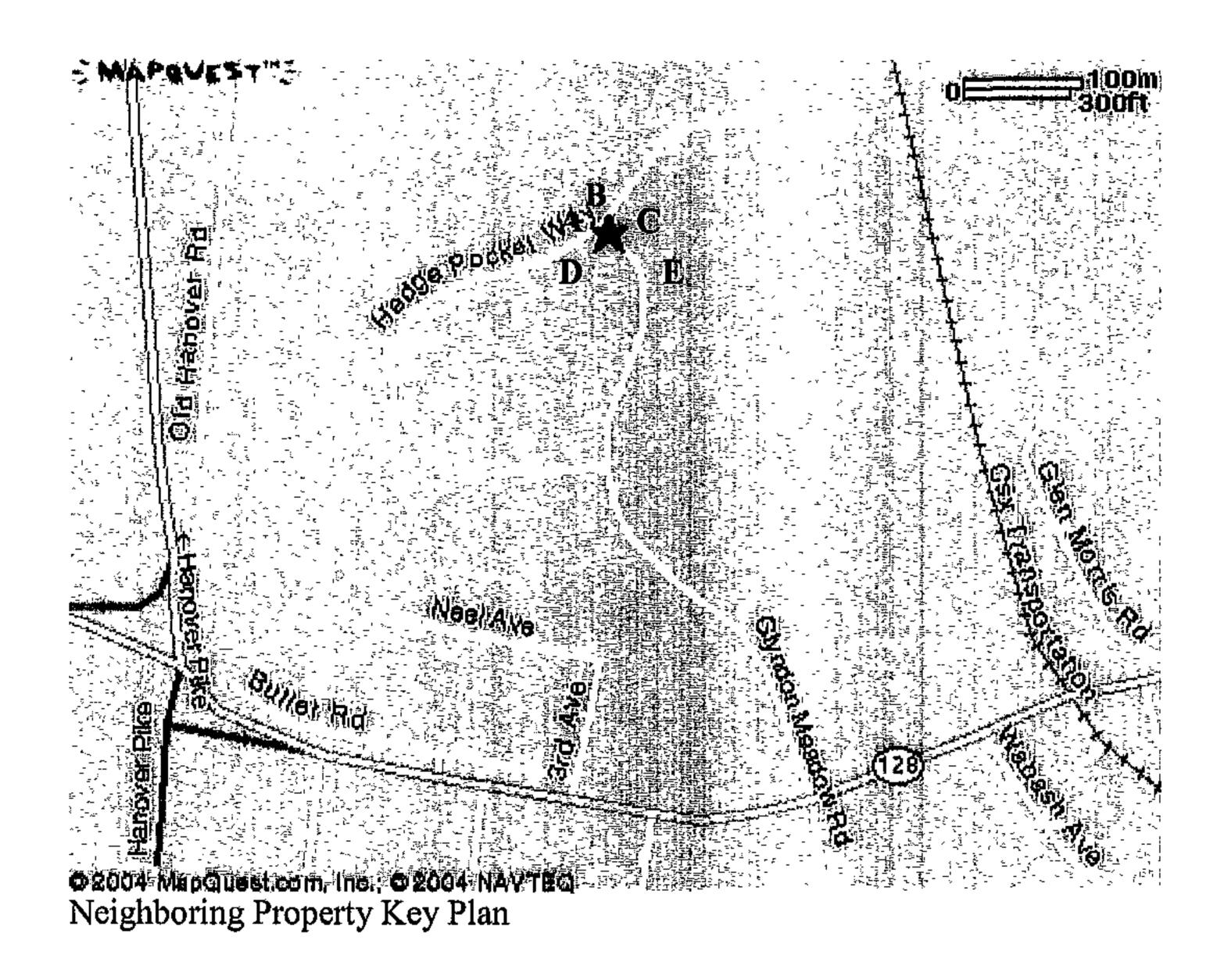




321 Hedgepocket Way: Right Elevation



321 Hedgepocket Way: Rear Elevation





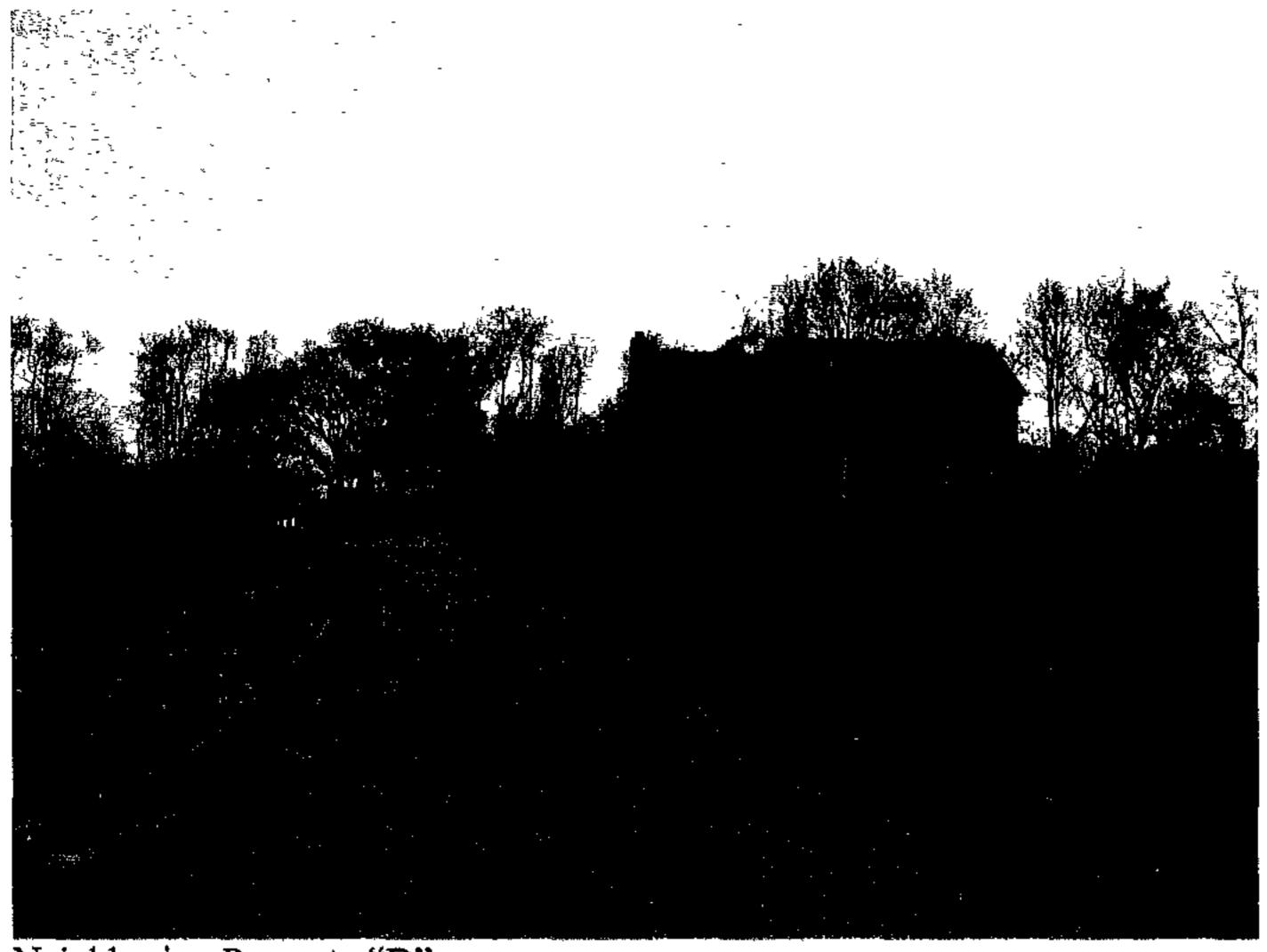
Neighboring Property "A"



Neighboring Property "B"



Neighboring Property "C"



Neighboring Property "D"



Neighboring Property "E"

