

IN RE: PETITION FOR ADMIN. VARIANCE
NW/S of Kilbride Road, 400 ft. S
centerline of Vicky Road
11th Election District
5th Councilmanic District
(9122 Kilbride Road)

Mary Ann & William Miller
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-119-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Mary Ann and William Miller. The variance request is for property located at 9122 Kilbride Road in the "Silvergate Village" subdivision of Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.)(Section 211.4, 1955 Zoning Regs.), to permit a proposed addition with a rear yard setback of 26 ft. in lieu of the minimum required 30 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 12, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the following County agency: the Office of Planning dated September 27, 2004, a copy of which is attached hereto and made a part hereof.

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 Deputy Zoning

ORDER RECEIVED FOR FILING

Date

By

10/18/04

Ray

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 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, by the Deputy Zoning Commissioner for Baltimore County, this 16 day of October, 2004, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.)(Section 211.4, 1955 Zoning Regs.), to permit a proposed addition with a rear yard setback of 26 ft. in lieu of the minimum required 30 ft., be and is 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;
2. Compliance with the ZAC comments submitted by the Office of Planning dated September 27, 2004, a copy of which is attached hereto and made a part hereof;
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.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR PLANNING

Date 10/18/04

By Ray

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

October 13, 2004

Mr. & Mrs. William Miller
9122 Kilbride Road
Baltimore, Maryland 21236

Re: Petition for Administrative Variance
Case No. 05-119-A
Property: 9122 Kilbride Road

Dear Mr. & Mrs. Miller:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Jeff Hoilman
American Design & Build
221 Gateway Drive
Bel Air, MD 21014

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 9122 Kilbride Rd.
which is presently zoned DR 5.5 (Formerly R-6)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.B, BCZR (Section 211.4, 1955 Zoning Regs.) to permit a proposed addition with a rear yard setback of 26 feet in lieu of the minimum required 30 feet.

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

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

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

Legal Owner(s):

William Miller
Name - Type or Print

William G. Miller
Signature

Mary Ann Miller
Name - Type or Print

Mary Ann Miller
Signature

9122 Kilbride Rd 410-256-7143
Address Telephone No.

Baltimore MD 21236
City State Zip Code

Representative to be Contacted:

Jeff Hailman American Design+Build
Name

221 Gateway Dr 410-557-0555
Address Telephone No.

Bel Air MD 21014
City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JNP Date 9/2/04

Estimated Posting Date 9/12/04

CASE NO. 05-19-A

SEP 25 2004

ORDER RECEIVED FOR FILING

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 9122 Kilbridge Rd
Address
Baltimore MD 21236
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):

The existing SFD was positioned 13' off the front BRL. This leaves minimum space for any enclosure or addition improvements on the rear of the home. There are many enclosures in the surrounding area similar to the one proposed. If approved the enclosure will not have any adverse impact on the neighborhood and will add to the value to the home.

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.

William G. Miller
Signature
William G. Miller
Name - Type or Print

Mary Ann Miller
Signature
MARY Ann Miller
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of August, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William G. Miller AND MARY ANN MILLER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Lucille Stalman
Notary Public Lucille Stalman
My Commission Expires May 28, 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 9122 Kilbride Rd.
Address
Baltimore MD 21236
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):

The existing SFD was positioned 13' off the front BRL. This leaves minimum space for any enclosure or addition improvements on the rear of the home. There are many enclosures in the surrounding area similar to the one proposed. If approved, the enclosure will not have any adverse impact on the neighborhood and will add to the value to the home.

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.

William G Miller
Signature
William G Miller
Name - Type or Print

Maryann Miller
Signature
MARY ANN MILLER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of August, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

WILLIAM G. MILLER AND MARY ANN MILLER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Lucille Hoilman
Notary Public LUCILLE HOILMAN
My Commission Expires May 28, 2008



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 9122 Kilbride Rd
which is presently zoned RS.5 (Formerly R-6)

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) BD2, 3.B, BC2R (Section 211.4, 1955 Zoning Regs.)
to permit a proposed addition with a rear yard setback of 26 feet in lieu of the minimum required 30 feet.

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

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

William Miller
Name - Type or Print _____
Maryann Miller
Signature _____
Maryann Miller
Name - Type or Print _____
William G Miller
Signature _____
9122 Kilbride Rd 410-256-7143
Address _____ Telephone No. _____
Baltimore MD 21236
City _____ State _____ Zip Code _____

Representative to be Contacted:

Jeff Hoilman American Design BUILD
Name _____
221 Gateway DR 410-557-0555
Address _____ Telephone No. _____
Bel Air MD 21014
City _____ State _____ Zip Code _____

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

Zoning Commissioner of Baltimore County

CASE NO. 05-119-A

Reviewed By JNP Date 9/2/04

REV 10/25/01

Estimated Posting Date 9/12/04

ZONING DESCRIPTION FOR 9122 Kilbride Road.

Beginning at the point on the North West side of Kilbride Road which is 50 feet wide at the distance of 400 feet South of the centerline of the nearest improved intersecting street Vicky Road which is 30 feet wide. Being Lot # 9, ~~Block A~~, Section ~~A-12~~ in the subdivision of Silvergate Village as recorded in the Baltimore County Plat Book # 34, Folio # 121, containing 6,500 sq. feet. Also known as 9122 Kilbride Road and located in the 11th Election District, 5th Councilmanic District.

05-119-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 40672

DATE 9/2/04 ACCOUNT R-201-006-6150

AMOUNT \$ 65.00

RECEIVED FROM American Design Build, LTD.

FOR Adm. Var - 922 Kilbridge Road
05-119-A (Miller)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

ISSUED BY 9/2/2004 TIME 10:01:21 2

ISSUED BY WELSH, ROBERT 9/2/2004 OFLN

ISSUED BY 9/2/2004 9/2/2004

ISSUED BY 5 528 ZIMMERS VERIFICATION

ISSUED BY CA NO. 040672 9/2/04

ISSUED BY 9/2/04 9/2/04

ISSUED BY 9/2/04 9/2/04

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ISSUED BY 9/2/04 9/2/04

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. **05-119-A**
Petitioner/Developer:
Miller
Closing Date: **9/27/04**

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

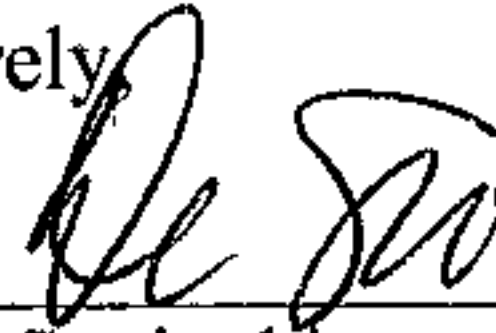
Attention: Ms. Kristen Matthews:

Ladies and Gentlemen:

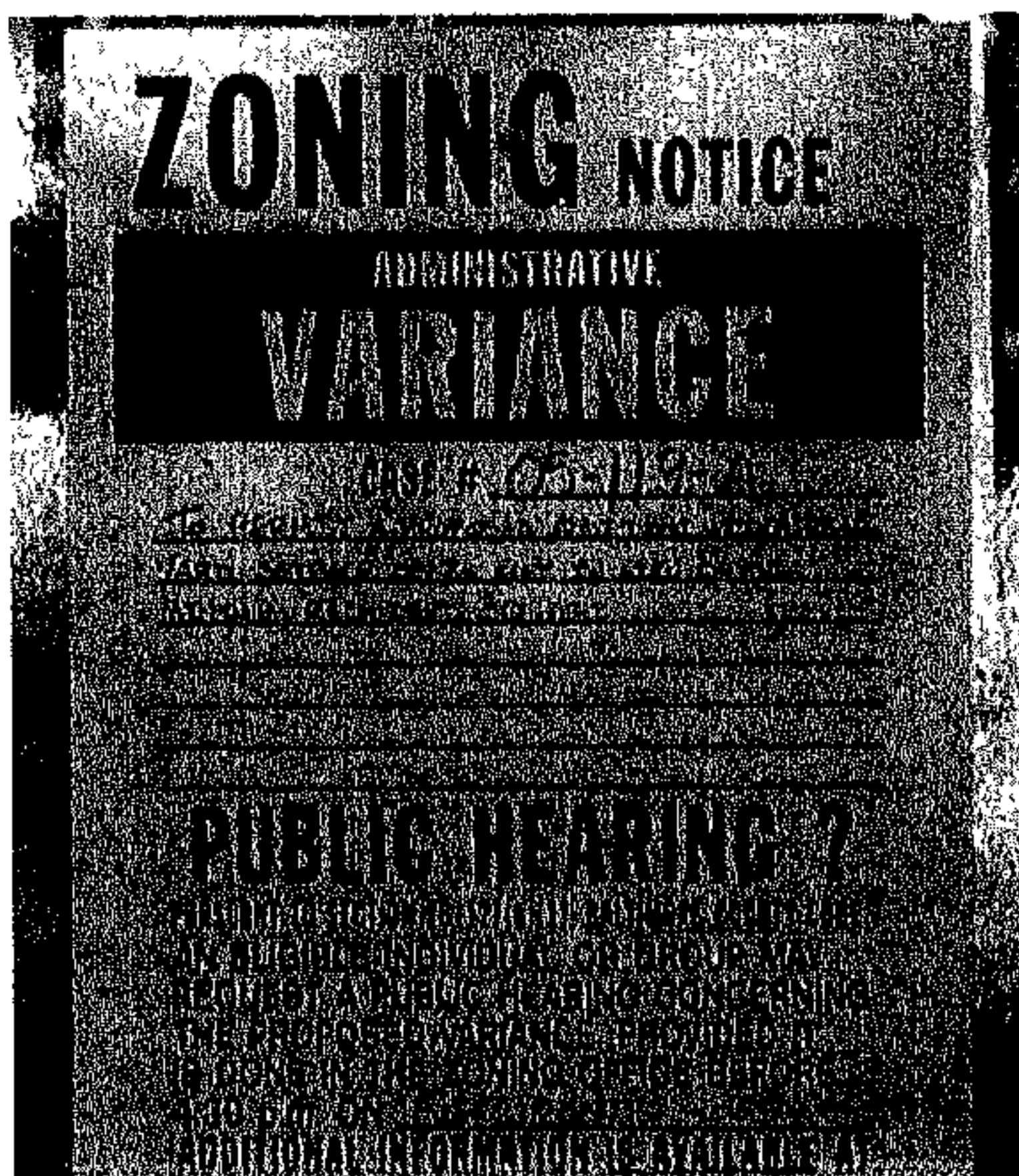
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located **9122 Kilbride Rd.**

The sign(s) were posted on **9/12/04.**

Sincerely,



Diana Sugiuchi
Thomas J. Hoff, Inc.
406 West Pennsylvania Avenue
Towson, MD. 21204
410-296-3668



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 119 -A

Address 9122 Kilbride Road

Contact Person: Jeffrey Perlow
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 9/2/04

Posting Date: 9/12/04

Closing Date: 9/27/04

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 119 -A

Address 9122 Kilbride Road

Petitioner's Name Miller

Telephone 410-256-7143

Posting Date: 9/12/04

Closing Date: 9/27/04

Wording for Sign: To Permit a proposed addition with a rear yard setback of 26 feet in lieu of the minimum required 30 feet.

WCR - Revised 6/25/04

**Department of Permits and
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*

September 27, 2004

William Miller
Mary Ann Miller
9122 Kilbride Road
Baltimore, Maryland 21236

Dear Mr. and Mrs. Miller:

RE: Case Number:05-119-A, 9122 Kilbride Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 2, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Jeff Hollman American & Building 221 Gateway Drive Bel Air 21014

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

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

September 14, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: September 13, 2004

Item No.: 108, 116-119, 122-124, 128 & 129

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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



Printed on Recycled Paper

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



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 9.13.04

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

RE: Baltimore County
Item No. 119 JHP

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,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

Robin
Full

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

TO: Tim Kotroco

FROM: John D. Oltman, Jr. *jd*

OCT - 6 2004

DATE: October 6, 2004.

ZONING COMMISSIONER

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of September 13, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-108
04-117
04-118
04-119
04-121
04-122
04-123
04-124
04-126
04-128
04-129

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 27, 2004

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

SUBJECT: 9122 Kilbride Road

INFORMATION:

Item Number: 5-119

Petitioner: William Miller

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the exterior materials and design of the proposed addition are complimentary to the existing dwelling.

Prepared by:

Mark A. Cunningham

Division Chief:

John L. Landon

AFK/LL:MAC:

RECEIVED

SEP 28 2004

ZONING COMMISSIONER

ORDER RECEIVED FOR PLANNING
10/18/04
Play

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 9122 Kilbride Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Silversgate Village Addition

PLAT BOOK # 34 FOLIO # 121 LOT # 9 SECTION # A

OWNER Mr. & Mrs. Miller

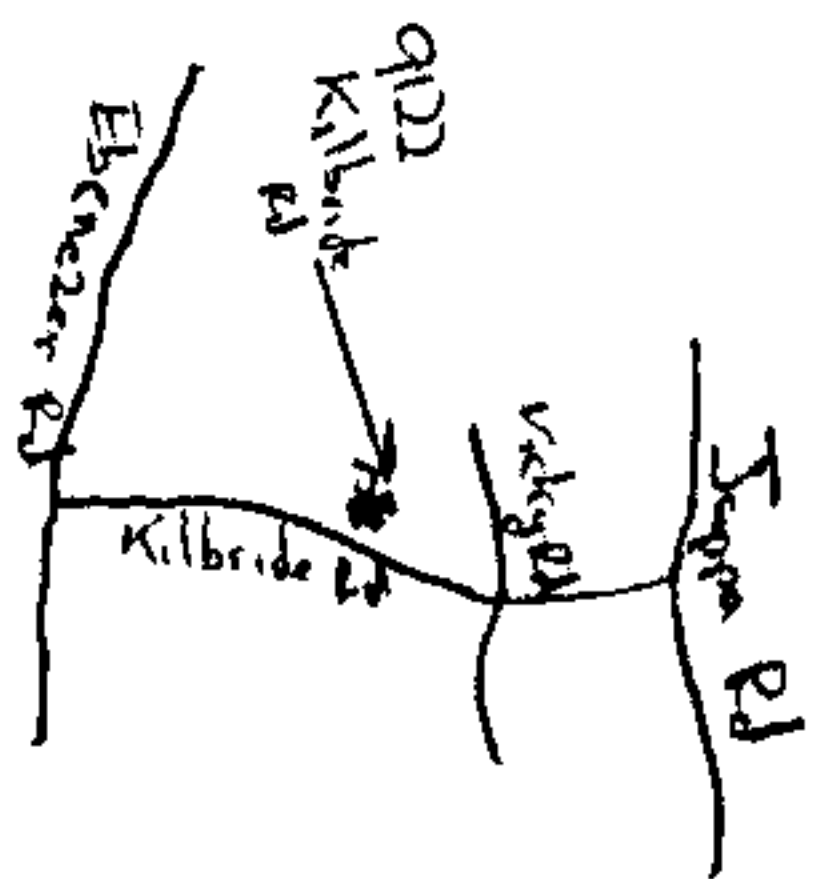
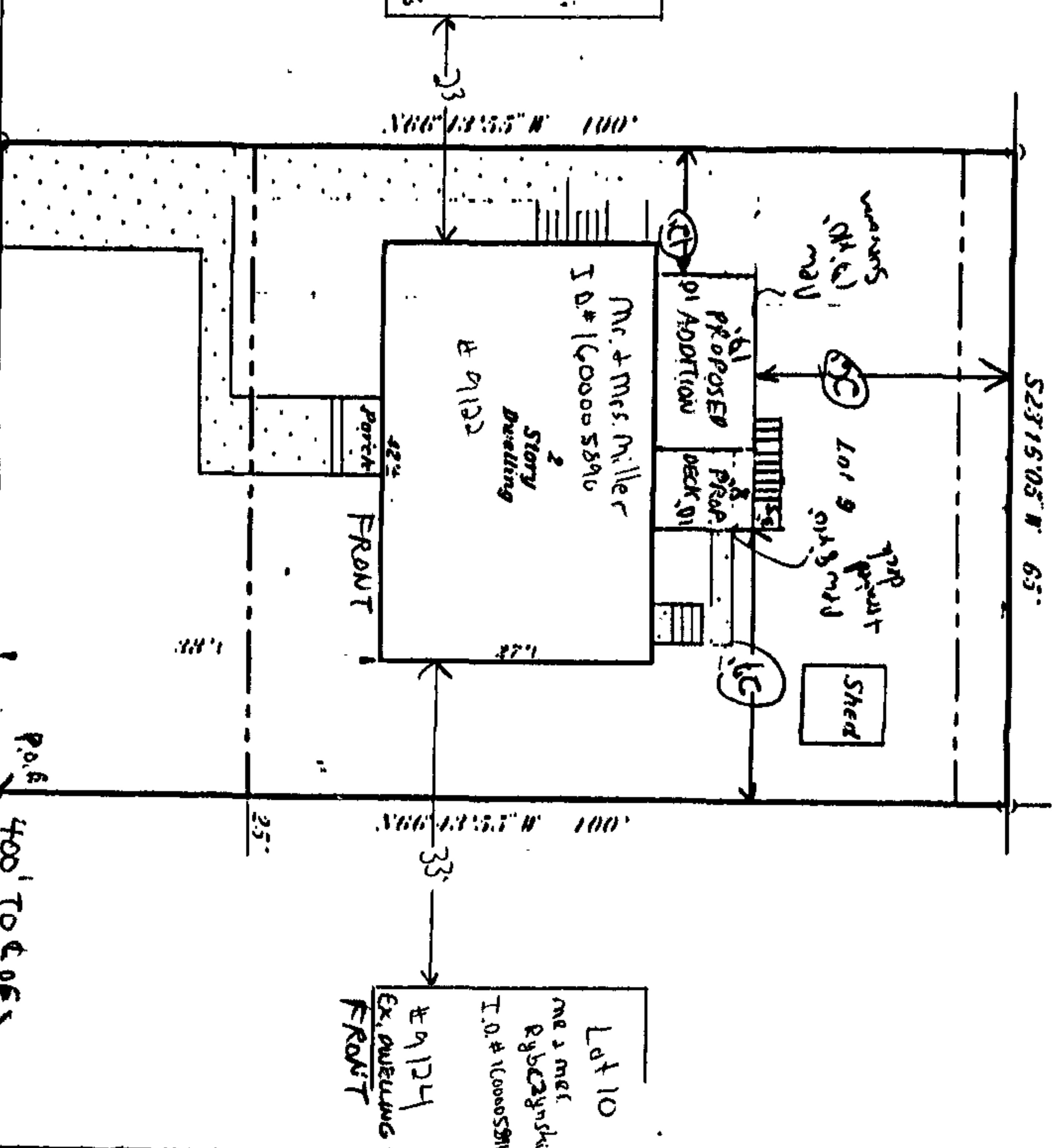
NORTH



PREPARED BY

Jeffrey Hallman

SCALE OF DRAWING: 1" = 20'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # NE 10-H

ZONING DRS.5 (Old R-6)

LOT SIZE

.15 ACREAGE

6,500 SQ. FEET

PUBLIC PRIVATE

SEWER

☒

WATER

☒

CHESAPEAKE BAY

YES

☒

CRITICAL AREA

YES

☒

100 YEAR FLOOD PLAIN

YES

☒

HISTORIC PROPERTY/

YES

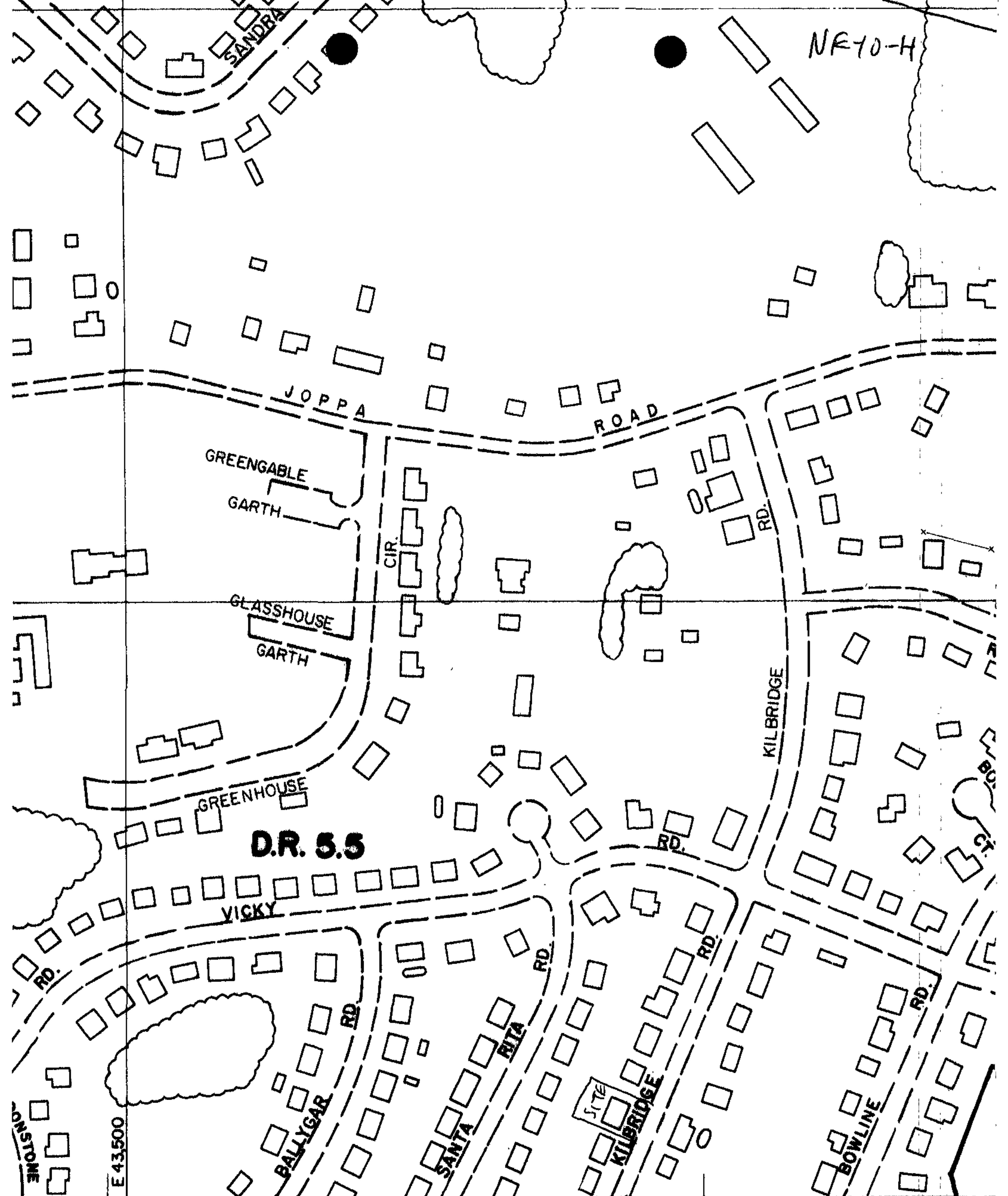
☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

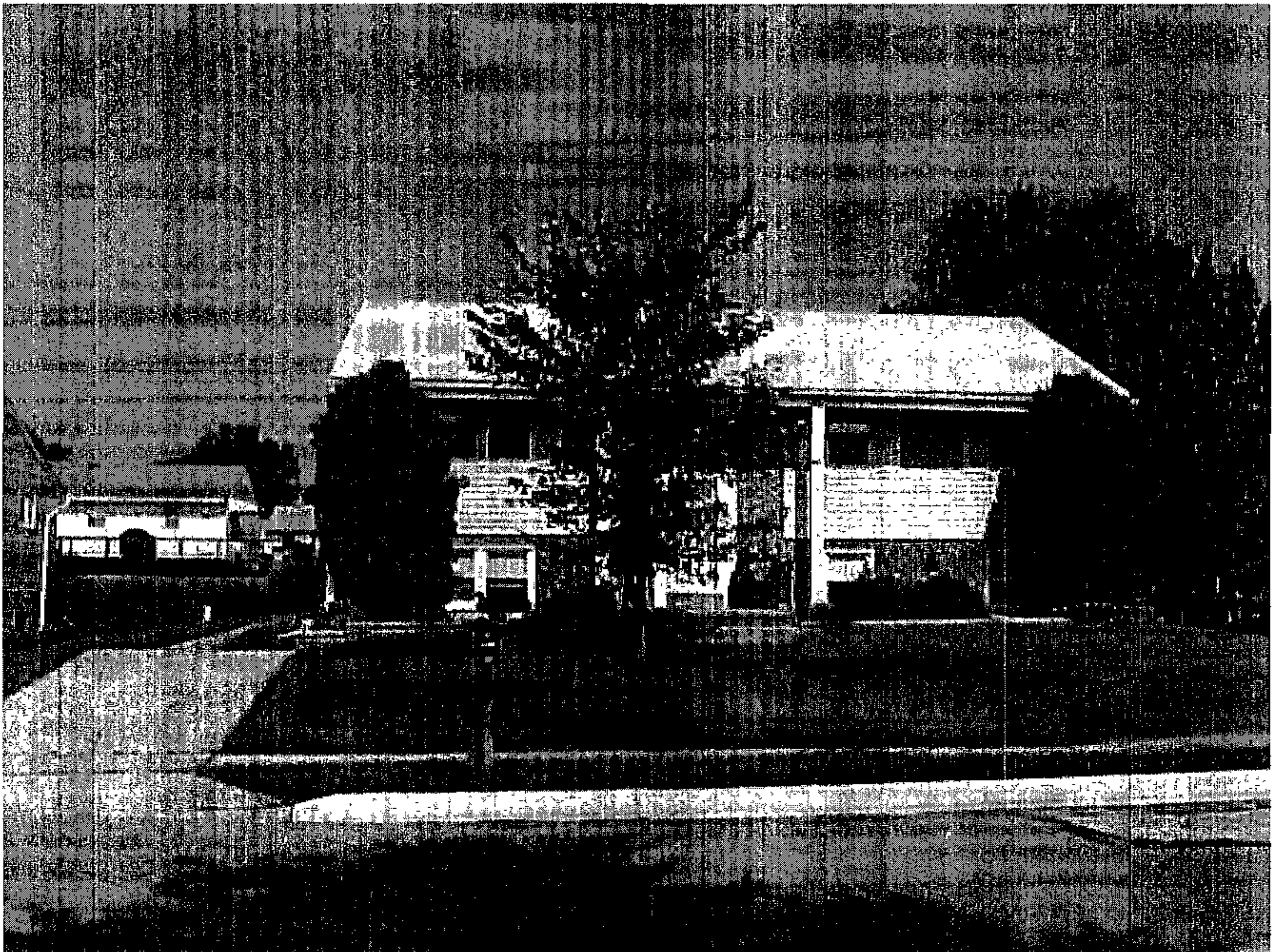
JHP 119 105-119A

Ret 24 #1



COMPREHENSIVE ZONING MAP
ADOPTED by
BALTIMORE COUNTY COUNCIL

05-119-A (SHE)
BALTIMORE



Front of Existing Home
9122 Kilbride Rd

OS-1/9-A



Left Side of Existing Home
9122 Kilbride Rd

05-119-A



Right Side of Existing Home
9122 Kilbride Rd

05-119-A



Rear of Existing Home
9122 Kilbride Rd

05-119-A