

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NE corner of Silver Lake Drive and		
Silver Spring Road	*	DEPUTY ZONING
11 th Election District		
5 th Councilmanic District	*	COMMISSIONER
(8601 Silver Lake Drive)		
	*	FOR BALTIMORE COUNTY
Cynthia A. Reigner		
<i>Petitioner</i>	*	Case No. 08-370-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Cynthia A. Reigner for property located at 8601 Silver Lake Drive. The variance request is from Section 1B02.3.C.1 to permit a side yard setback (street side) of 3 feet in lieu of the required 30 feet for an in-law addition with a separate kitchen. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner wishes to construct an addition measuring 16 feet x 32 feet onto the right side of her home. The in-law addition will be used by the Petitioner's disabled father.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 14, 2008 which indicates that the addition will still have an adequate setback from the public street given the large amount of space that was taken for the right-of-way for Silver Spring Road. Furthermore, the addition will only be one story and should not become a dominant feature on the public street. Therefore, the Planning Office does not oppose the Petitioner's request.

COPIES RECEIVED FOR PLANNING
 4.2.08
 PB

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 24, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 2nd day of April, 2008 that a variance from Section 1B02.3.C.1 to permit a side yard setback (street side) of 3 feet in lieu of the required 30 feet for an in-law addition with a separate kitchen is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall execute and file a Declaration of Understanding for In-Law Quarters with the Department of Permits and Development Management.

ORDER RECEIVED FOR FILING

4.2.08

B

3. The in-law quarters must be used only by family members related to the Petitioner and not for rental/income purposes.
4. The Petitioner shall record a copy of this Order in the Land Records of Baltimore County.
5. In the event that the disabled individual no longer residents at the subject dwelling, the residence shall not be converted to a 2-two family dwelling.
6. When applying for a building permit, the site plan 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.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
4.2.08
Pj



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8601 Silver Lake Drive
which is presently zoned DR 3.5

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)

1302.3, C.1 To permit a
side yard setback (streetside) of 3 ft. in lieu of the required
30 ft. for an in-law addition with a separate kitchen.

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):

X Cynthia A Reigner
Name - Type or Print

Signature

Name - Type or Print

Signature

8601 Silver Lake Drive 410-931-1414
Address Telephone No.

Perry Hall MD 21228
City State Zip Code

Representative to be Contacted:

William Zopp
Name

8019 Belair Rd 410-665-0240
Address Telephone No.

Nottingham MD 21236
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.

08-370-A

Reviewed By

Date

2/14/08

REV 10/25/01

Estimated Posting Date

2/24/08

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 8601 Silver Lake Dr
Address
Perry Hall MD 21128
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):

To construct a 16' x 32' side addition for
father who suffers from C.O.P.D.

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.

Cynthia A. Reigner
Signature

Signature

Cynthia A Reigner
Name - Type or Print

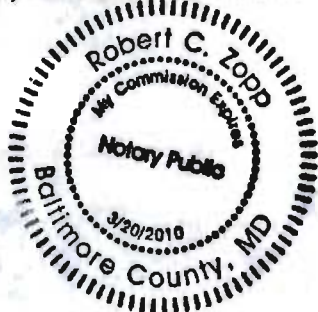
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of February, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Robert C. Zopp
Notary Public

My Commission Expires 3/02/2010

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 8601 Silver Lake Dr
Address
Perry Hall MD 21128
City State Zip Code

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Cynthia A. Reigner
Signature
Cynthia A Reigner
Name - Type or Print

Signature

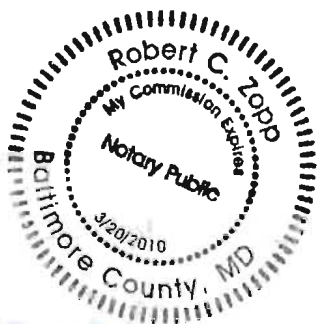
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of February, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Robert C. Zopp
Notary Public
My Commission Expires 3/20/2010

TAX. ACCOUNT # 2200024693



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8601 Silver Lake Drive
which is presently zoned DR 3.5

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)

1302.3 c.1 to permit a
side yard setback (streetside) of 3 ft. in lieu of the required
30 ft. for an in-law addition with a separate kitchen.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

8601 Silver Lake Drive 410-931-1414

Address

Telephone No.

Perry Hall MD 21128

City

State

Zip Code

Representative to be Contacted:

William Zapp

Name

8019 Belair Rd

410 665-0240

Address

Telephone No.

Nottingham MD 21236

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. 28-378-A

Reviewed By AK Date 2/14/08

Estimated Posting Date 2/24/08

ZONING DESCRIPTION

Zoning Description For 8601 Silver Lake Drive

BEGINNING for the same at an iron pin now set on the Northeasterly side of Silver Spring Road as now widened to 60.00 feet; said point of beginning being situate at the intersection of said Northeasterly side of Silver Spring road with the third or South 05 degrees 45 minutes West 333.37 foot line of land which by deed dated September 8, 1994 and recorded among the Land Records of Baltimore County in Liber 10704, folio 335 was conveyed by Willard R. De Puey and wife to George A. Klimes and wife; thence running from said point of beginning and binding along the Northeasterly side of Silver Spring Road, referring all courses to the True Meridian as established for the Baltimore County Metropolitan District and as now surveyed, North 74 degrees 02 minutes 00 seconds West 187.41 feet to a point; thence binding along the gusset line connecting said Northeasterly side of Silver Spring Road with the East side of Silver Lake North 38 degrees 05 minutes 15 seconds West 16.19 feet; thence binding along the East side of Silver Lake Drive North 02 degrees 08 minutes 30 seconds West 67.16 feet to an iron pin now set; thence leaving Silver Lake Drive and running for a new line of division through the land of Grantors, South 88 degrees 55 minutes 20 seconds East 187.38 feet to intersect the beforementioned third line in the Deed from De Puey to Klimes; thence binding thereon South 02 degrees 23 minutes 23 seconds East 128.00 feet to the point of beginning; containing 0.4399 acres more or less. Subject, however to a 10 foot Drainage and Utility Easement crossing said lot at the Southeasterly corner.

BEING also known as Lot No. 1 on the Plat designated "Minor Subdivision - Klimes Property", a copy of said plat being recorded herewith and made a part hereof. The improvements thereon to be known as 8601 Silver Lake Drive.

Item #

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # CB-370-A

TO PERMIT A SIDE YARD SETBACK
OF 3M IN LIEU OF THE REQUIRED
30M FOR AN IN-LAW ADDITION WITH
A SEPERATE KITCHEN

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 IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON Monday, MARCH 10, 2008

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

333 W. CHELSEA AVE.
TOWSON, MD 21204

TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No: 08-370-A

Petitioner/Developer: CYNTHIA REIGNER

Date Of Hearing/Closing: 3/10/08

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

Attention:

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
at 8601 SILVER LAKE DRIVE

This sign(s) were posted on February 24, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 2/24/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 370 -A Address 8601 Silver Lake Dr.

Contact Person: Bruce Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/14/08 Posting Date: 2/24/08 Closing Date: 3/10/08

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 08- 370 -A Address 8601 Silver Lake Dr.

Petitioner's Name Cynthia Reigner Telephone 410-931-1414

Posting Date: 2/24/08 Closing Date: 3/10/08

Wording for Sign: To Permit a side yard setback of 3 ft. in lieu of the required 30 ft. for an in-law addition with a separate kitchen.

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 08-370-A

Petitioner: Cynthia H. Reigner

Address or Location: 8601 Silver Lake Dr Perry Hall MD 21128

PLEASE FORWARD ADVERTISING BILL TO:

Name: Cynthia H. Reigner

Address: 8601 Silver Lake Dr Perry Hall MD 21128

Telephone Number: 410-931-1414



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

March 10, 2008

Cynthia A. Reigner
8601 Silver Lake Drive
Perry Hall, MD 21128

Dear Ms. Reigner:

RE: Case Number: 08-370-A, 8601 Silver Lake Drive

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 14, 2008. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
William Zopp 8019 Belair Road Nottingham 21236



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 3/4/2008

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

RE: Baltimore County
Item No. 8-370-A
8601 SILVER LAKE DRIVE
REIGNER PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-370-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 4, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 3, 2008
Item Nos. 08-370, 371, 372, 373, 374,
375, 376, 378, 379, 380, 381, 382, and 383

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-02292008.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 14, 2008

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

SUBJECT: 8601 Silver Lake Drive
INFORMATION:

Item Number: 08-370

Petitioner: Cynthia A. Reigner

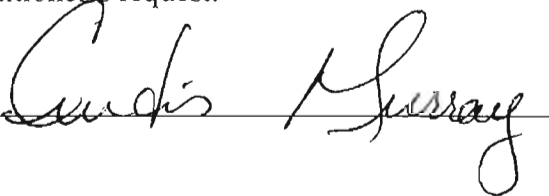
Zoning: DR 3.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

While the proposed addition will be only 3 feet from the property line, the addition will still have an adequate setback from the public street given the large amount space that was taken for the right-of-way for Silver Spring Road. Furthermore, the addition will only be one story and should not become a dominant feature on the public street. Therefore, the Office of Planning does not oppose the petitioner's request.

Prepared By:



AFK/LL: CM

RECEIVED
APR 01 2008

BY:

Patricia Zook - Comments needed for Administrative Variance cases

From: Patricia Zook
To: Murray, Curtis
Date: 3/24/2008 10:48 AM
Subject: Comments needed for Administrative Variance cases

Good morning Curtis -

We need comments from Planning for the below-listed administrative variance cases:

Case 08-370-A, located at 8601 Silver Lake Drive, closed 3-10-08

Case 08-374-A, located at 3211 Hatton Road, closed 3-10-08

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 405
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov







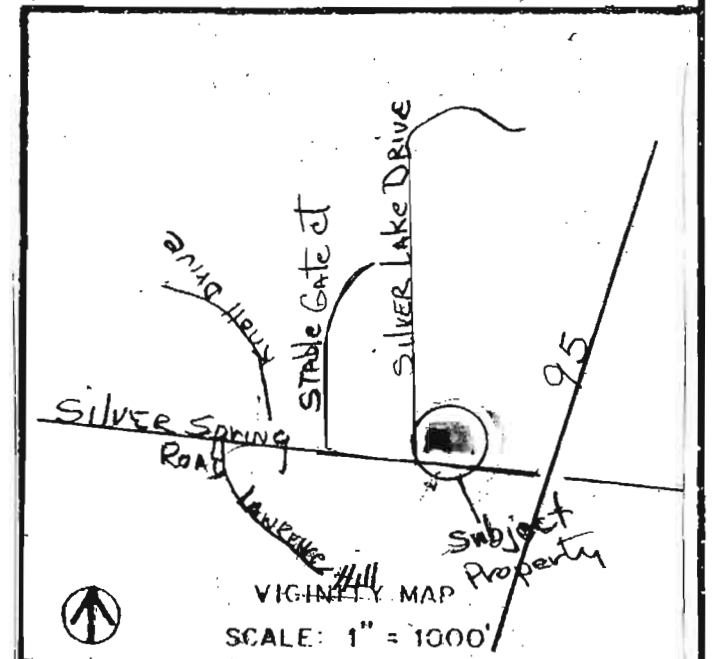
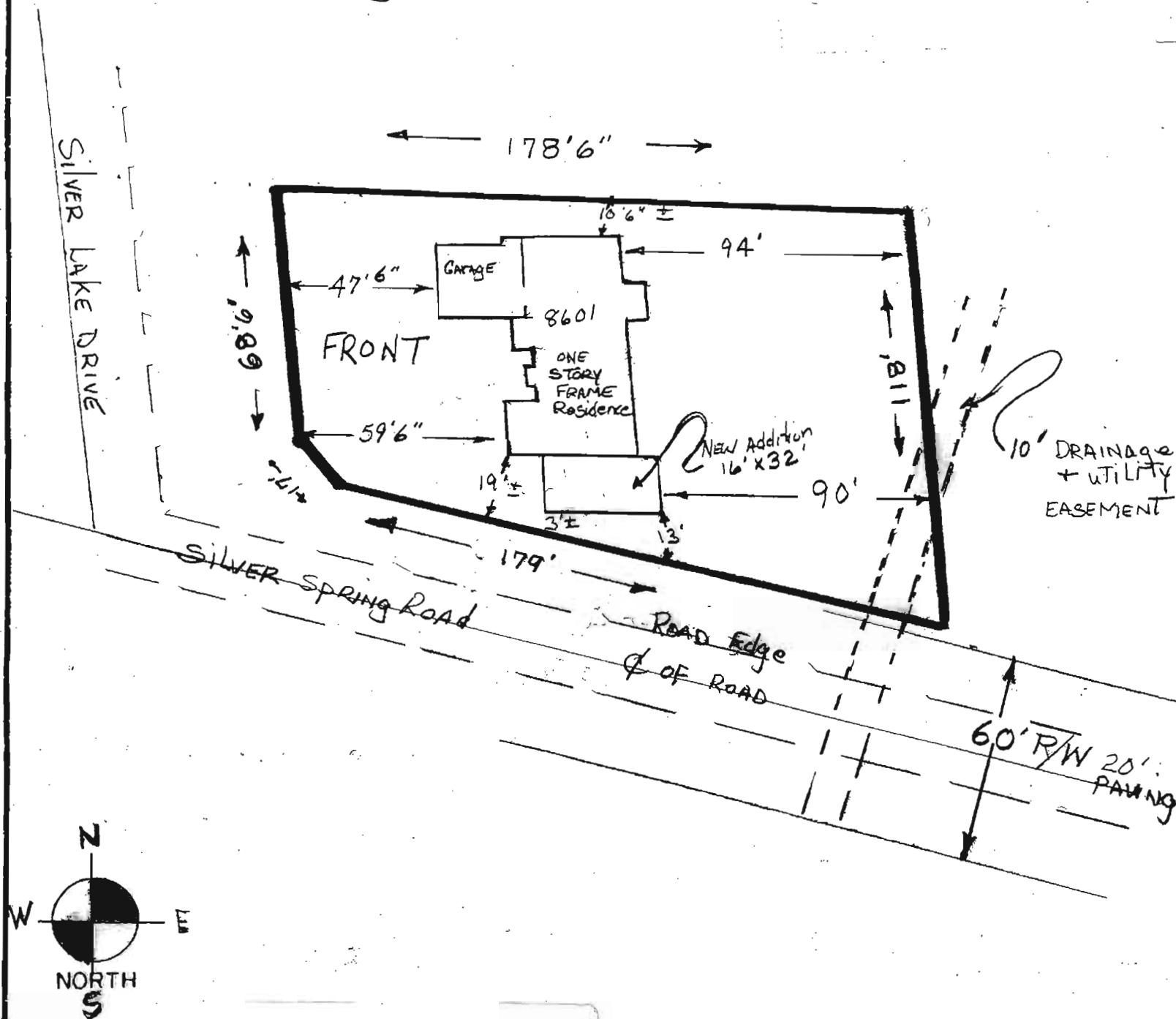
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 8601 SILVER LAKE DR. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME KLIMES, George A. Property (PDM File/Project # MS 95041)

PLAT BOOK # FOLIO # LOT # 1 SECTION #

OWNER Cynthia Reigner



LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT C-5

1"=200' SCALE MAP # 072B3+115B2

ZONING DR 3.5

LOT SIZE .4399 19,162
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100-YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/BUILDING	☐	☒
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PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY SR ITEM # 370 CASE # 08-370-A

PREPARED BY Robert W. Zopp

CONSTRUCTION SERVICES

8019 Belair Road #20
Nottingham, MD 21236

SCALE OF DRAWING: 1" = 40'