

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Nicodemus Road, 770 feet E
of Berrymans Lane
4th Election District
4th Councilmanic District
(813 Nicodemus Road)

Jeffrey and Janis Silbersack
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0173-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, Jeffrey and Janis Silbersack for property located at 813 Nicodemus Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed (detached garage) accessory structure in front yard in lieu of required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a detached garage measuring 24 feet x 24 feet to accommodate the two additional drivers at the house. The property is situated 429 feet off of Nicodemus Road and accessed via a private roadway measuring 771 feet in length. The proposed garage will be located 95 feet off this roadway and there is an existing macadam driveway and 'apron' which leads to the proposed garage location. Petitioners' property contains 2.50 acres and is served by private water and sewer system.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

~~APPROVED FOR FILE~~
1-15-09
PB

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 26, 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 15th day of January, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed (detached garage) accessory structure in front yard in lieu of required rear yard is hereby GRANTED, subject to the following:

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.

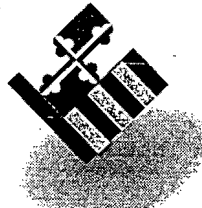
1-15-09
m

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

RECEIVED FOR FILE
1.15.09
PM



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 15, 2008

JEFFREY AND JANIS SILBERSACK
813 NICODEMUS ROAD
REISTERSTOWN MD 21136

Re: Petition for Administrative Variance
Case No. 2009-0173-A
Property: 813 Nicodemus Road

Dear Mr. and Mrs. Silbersack:

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 black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: John Thornton, Revere Construction, 2225 Ridgmont Drive, Finksburg MD 21048



TAX. ACCOUNT # 11700012114

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 813 Nicodemus Rd. Reisterstown, MD. 21136
which is presently zoned RC 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) 400.1 BCZR, TO PERMIT A PROPOSED (DETACHED GARAGE) ACCESSORY STRUCTURE IN FRONT YARD IN LIEU OF REQUIRED REAR YARD.

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):

JEFFREY M. SILBERSACK
Name - Type or Print _____
Signature [Signature] _____
JANIS A. SILBERSACK
Name - Type or Print _____
Signature [Signature] _____
813 NICODEMUS ROAD (410) 526-7977
Address _____ Telephone No. _____
REISTERSTOWN MD 21136
City _____ State _____ Zip Code _____

Representative to be Contacted:

John Thornton-Revere Const.
Name _____
2225 Ridgemont Dr. 443-744-2258
Address _____ Telephone No. _____
Finksburg MD 21048
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. 2009 0173 A

REV 10/25/01

1.15.09

Reviewed By JL Date 12-15-08

Estimated Posting Date 12-28-08

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

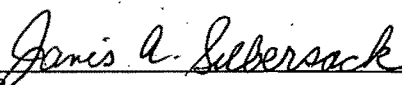
813 NICODIMUS ROAD
Address
REISTERSTOWN MD 21136
City State Zip Code

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):

SEE ATTACHED: IMPRACTICABILITY JUSTIFICATION

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
JEFFREY M. SILBERSACK
Name - Type or Print

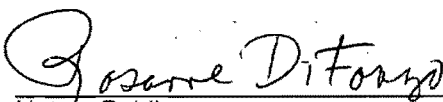

Signature
JANIS A. SILBERSACK
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of NOVEMBER, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jeffrey M. Silbersack and Janis A. Silbersack
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public
My Commission Expires 7-11-2010

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.

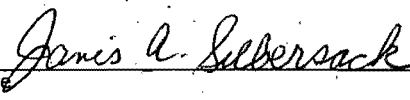
That the Affiant(s) does/do presently reside at 813 NICOMENUS ROAD
Address
REISTERSTOWN MD 21136
City State Zip Code

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):

SEE ATTACHED: IMPRACTICABILITY JUSTIFICATION

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
JEFFREY M. SILBERSACK
Name - Type or Print

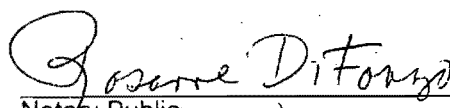

Signature
JANIS A. SILBERSACK
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of NOVEMBER, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jeffrey M. Silbersack and Janis A. Silbersack
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public
My Commission Expires 7-11-2010

Impracticability Justification

The proposed location of the detached garage is the only location practical for the aforementioned property. This structure will accommodate the 2 additional drivers at the house and it's proposed location will be accessible from the current asphalt driveway and is in close proximity to the current garage for access to the house for groceries, etc. A location behind the current front boundary of the house is not practical because of: (1) the location of the existing well on the left side of the house and (2) the location of the septic system and drainage fields on the right side of the house. Further, any location other than the one proposed would require the extension of the existing asphalt driveway either directly across the front of the house, or beyond it's current location that would result in the removal of numerous mature trees, shrubs, and other vegetation. This is not only ecologically impractical, but will also create additional impenetrable surfaces that will impair natural drainage and the run-off of rainwater and melting snow.

ZONING DESCRIPTION FOR 813 NICODEMUS RD. 21136

Beginning at a point of the SOUTH side of
Nicodemus Rd. which is 20 ft. wide at the distance
of 770 ft. EAST of the centerline of the nearest
improved intersecting street Berrymans Lane which
is 20 ft. wide. Being Lot # 15, Block — , Section
— in the subdivision of DYER Property as
recorded in Baltimore County Plat Book # 40, Folio
121, containing 2.50 acres. Also known as 813
Nicodemus Rd and located in the Fourth Election
District, Fourth Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

JL 2009-0173-A
 No. 22990
 Date: 12/15/08

PAID RECEIPT

BUSINESS ACTUAL TIME (AM)
 1/6/2009 12/16/2008 10:29:22
 REC 0005 WALKIN WOOD 040
 RECEIPT # 022990 12/16/2008
 S 520 TOWNSHIP IDENTIFICATION
 022990
 Recpt Tot \$65.00
 12/15/08 \$65.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	0016	0000		6150					65.00

Total: 65.00

Rec From:

For: *RV Salary 003 Miscellaneous Ref*

CASHIER'S
 VALIDATION

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 12/27/08

Case Number: 2009-0173-A

Petitioner / Developer: SILBERSACK~JOHN THORNTON

Date of Hearing (Closing): JANUARY 12, 2009

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:
813 NICODEMUS ROAD

The sign(s) were posted on: DECEMBER 26, 2008



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

**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: 2009 0173 A

Petitioner: Silbersack

Address or Location: 813 Nicodemus Rd.

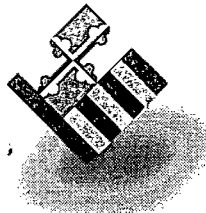
PLEASE FORWARD ADVERTISING BILL TO:

Name: Jeffrey Silbersack

Address: 813 Nicodemus Rd.

Reisterstown, MD. 21136

Telephone Number: 410-526-7977



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
January 12, 2009

Jeffrey & Jarvis Silbersack
813 Nicodemus Rd.
Reisterstown, MD 21136

Jeffrey & Jarvis Silbersack

RE: Case Number 2009-0173-A, 813 Nicodemus Rd.

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

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
John Thornton- Revere Const.; 2225 Ridgmont Dr.; Finksburg, MD 21048

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 6, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For December 29, 2008
Item Nos. 2009-0148, 0162, 0167, 0168,
0169, 0170, 0171, and 0173.

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

DAK:CEN:lrk
cc: File
ZAC-122908 -NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 30, 2008

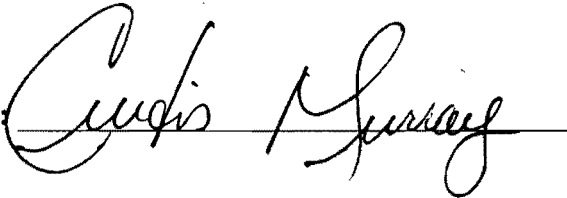
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-173- Administrative Variance**

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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL

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



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: 12/23/2008

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

RE: Baltimore County
Item No 2009-0173-A
813 NICODEMUS RD
SILBERSACK 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. 2009-0173-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.mdt.state.md.us



AV
1-12-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 30 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: January 30, 2009

SUBJECT: Zoning Item # 09-173-A
Address 813 Nicodemus Road
(Silbersack Property)

Zoning Advisory Committee Meeting of December 22, 2009

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

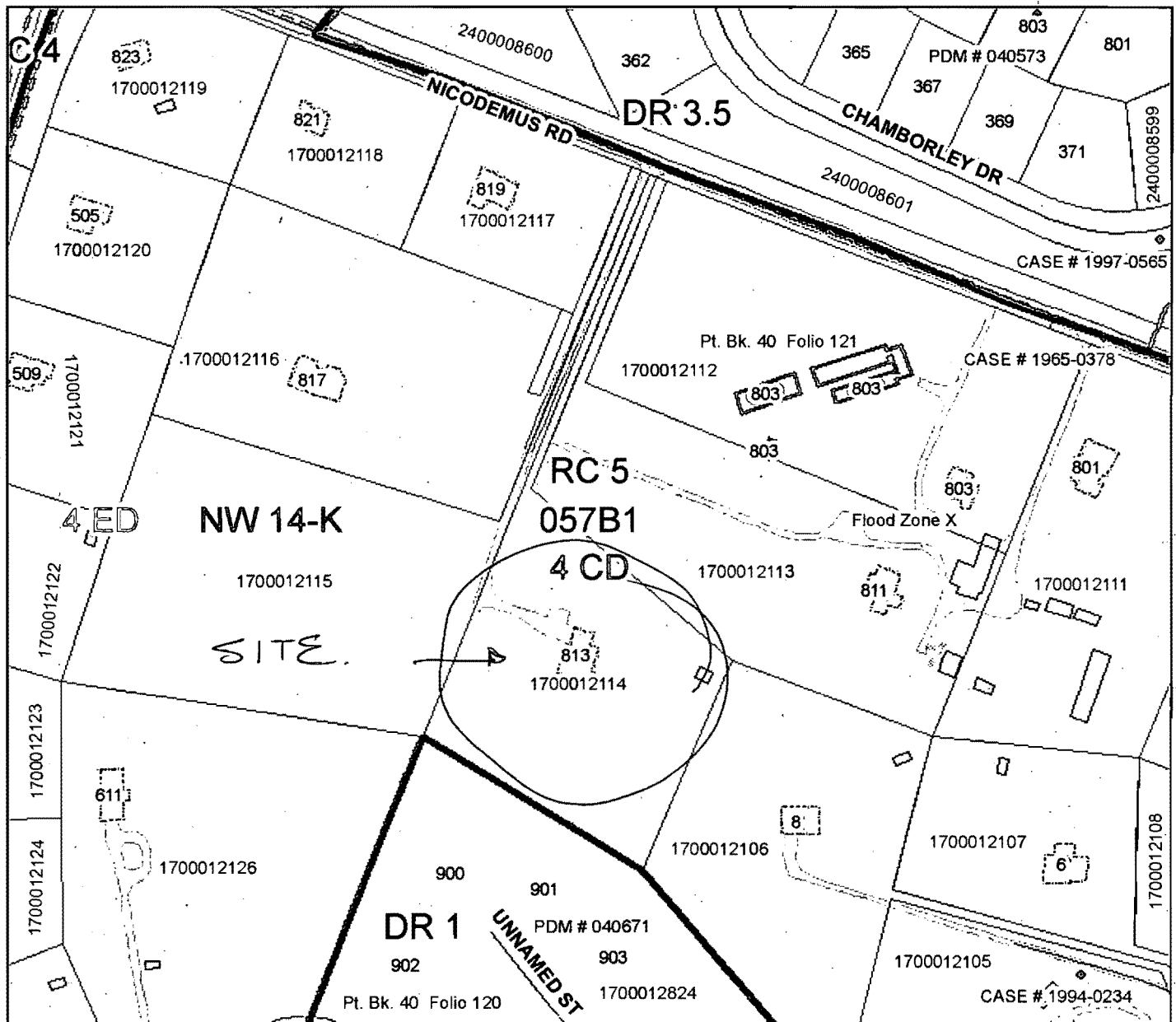
The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Additional Comments:

Reviewer: JWL

Date: 1/30/09

813 Nicodemus Road



Publication Date: November 05, 2008
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



200 0 200
Feet
1 inch equals 200 feet



2009-0173-A

Left side of yard. Front of house

PHOTO EXHIBITS
FOR INCLUSION IN
2009 0173 A
DROPPED OFF 12/29/08



2009-0173-A

Looking from proposed garage location North
towards nearest neighbor.



2009 0173 - A

Front of house.

Proposed garage where basketball goal is located. c asphalt ends.



2009 - 0173 - A

Location of Garage
- where goal is located



12.29.2008 09:15

2009-0173-A

Proposed garage to be at
left of house where basketball
goal is located & asphalt ends.



12.29.2008 09:17

2009-0173-A

Looking towards Nicodemus Rd
down driveway

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

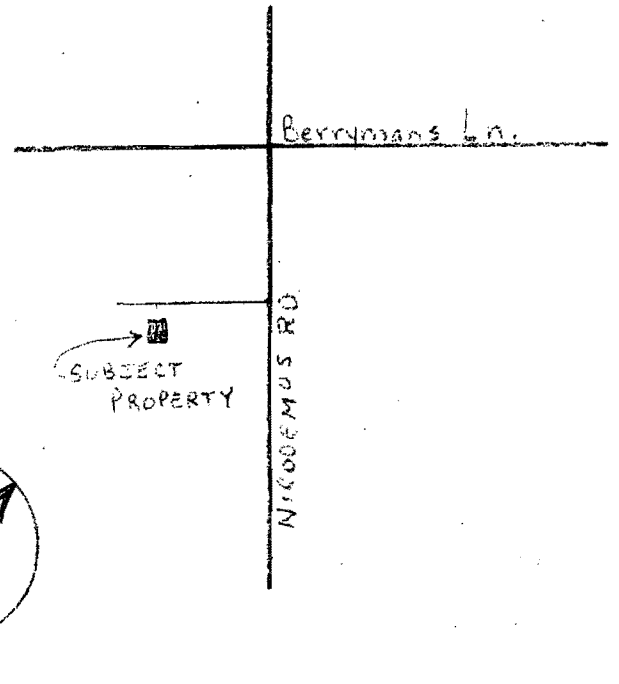
PROPERTY ADDRESS - 813 NICOLEMOS RD.

SUBDIVISION - DYER PROPERTY

PLAT BOOK # 40 FOLIO # 121 LOT # 15 SECTION #

OWNERS - JEFFREY & JANE SILBERSACK

(AN RDP Zoned Subdivision)



Vicinity Map

Scale: 1" = 1000'

LOCATION Information

ELECTION DISTRICT-4

COUNCILMANIC DISTRICT-4

1" = 200' Scale Map # 05731

ZONING RC5 (FORMERLY RDP AS RESIDENTIAL)

LOT SIZE - 2.50 ACRES

SEWER PUBLIC PRIVATE
 ☐ ☒

WATER ☐ ☒

CHESAPEAKE BAY ☐ ☒
CRITICAL AREA

100 YEAR FLOOD PLAIN ☐ ☒
HISTORICAL PROPERTY/

HISTORICAL PROPERTY? ☐ BUILDING ☒

PRIOR ZONING HEARING

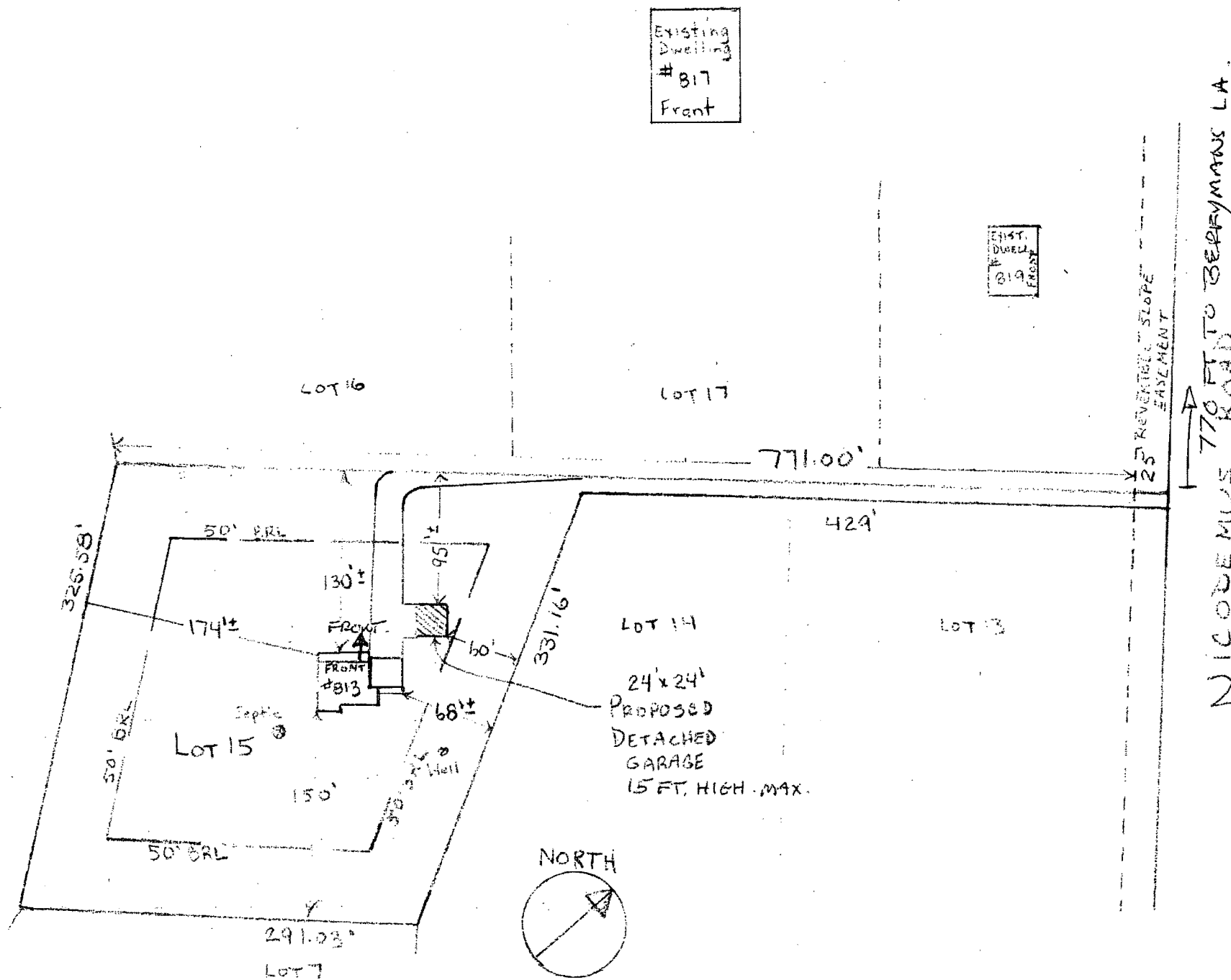
REVIEWED BY _____ ZONING OFFICE USE ONLY
ITEM# _____ ACASE# _____

REVIEWED BY

TEMP

JL

2009-0173-11



PREPARED BY: JOHN THORNTON

SCALE OF DRAWING: 1" = 100'