

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Babikow Road; 395 feet N of
the c/l of King Avenue
14th Election District
6th Councilmanic District
(7714 Babikow Road)

Donald G. and Mary Ann T. Regester
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0333-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Donald G. and Mary Ann T. Regester for property located at 7714 Babikow Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition on the rear of an existing dwelling with a rear setback of 19 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a one story addition measuring 16 feet x 16 feet to provide much needed living space for the family. Petitioners own contiguous property that is reserved for their children. There is a forest conservation easement of 0.385 acres to the right side of Petitioner's property. Therefore, this addition will not have an impact on any adjacent properties.

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.

ORDER RECEIVED FOR FILING

Date 6-14-11

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 22, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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 Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the 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 Administrative Law Judge for Baltimore County, this 14 day of June, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition on the rear of an existing dwelling with a rear setback of 19 feet in lieu of the required 30 feet be and is hereby GRANTED, subject to the following:

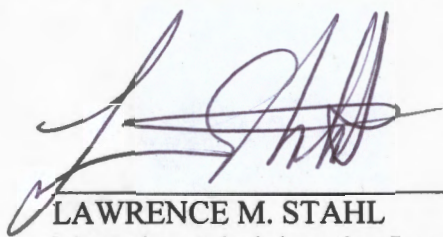
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

ORDER RECEIVED FOR FILING

Date 6-14-11

By [Signature]

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

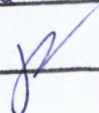


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 6-14-11 _____

By  _____



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 14, 2011

DONALD G. AND MARY ANN T. REGESTER
7714 BABIKOW ROAD
BALTIMORE MD 21237

Re: Petition for Administrative Variance
Case No. 2011-0333-A
Property: 7714 Babikow Road

Dear Mr. and Mrs. Regester:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

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

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: Bernadette Moskunus, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101,
Towson MD 21286

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 7714 Babikow Road
which is presently zoned DP 3.5

Deed Reference: 69041 49 Tax Account # 200000 2060

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 C.1 TO PERMIT

AN ADDITION ON REAR OF EXISTING DWELLING WITH A
REAR SETBACK OF 19 FEET IN LIEU OF THE REQUIRED
30 FEET.

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

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

I, or we, agree to pay expenses of above Administrative 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 Date 6-14-11

Address By [Signature] Telephone No.

City State Zip Code

Legal Owner(s):

DONALD G. REGISTER
Name - Type or Print

Signature

Maryanna T. Register
Name - Type or Print

Signature

7714 Babikow Rd 410.574.6276
Address Telephone No.

Balto. MD 21237
City State Zip Code

Representative to be Contacted:

Site Pite Surveying Inc.
Name

200 E. Joppa Road Pm101 410 828 9060
Address Telephone No.

TOWSON, MD 21286
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 6-14-11 day of June, 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. 2011-0333-A

Reviewed By A. Tsui Date 5/11/11

Estimated Posting Date 5/22/11 ~ 6/6/11

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 own and reside at 7714 Babikow Road
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed)

The proposed one story addition is to provide much needed living space, yet attempt to minimize the variance relief requested. The original dwelling was built in 1986 and the current demands have outgrown the existing space. We own contiguous property that is individually described and reserved for our children. This addition is proposed at the rear of the existing dwelling and cannot be seen from the road. We feel this request is within the spirit and intent of the BCZR, as described to us. We do not feel this will have an adverse affect on adjacent property owners or the community at large.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Donald G. Register
Signature

Donald G. REGISTER
Name- print or type

Maryanna T. Register
Signature

Maryanna T. Register
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

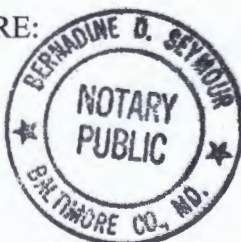
I HEREBY CERTIFY, this 8 day of April, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Donald G. + Maryanna T. Register
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Bernadine D. Seymour 10/01/2014
Name of Notary Public Commission expires

PLACE SEAL HERE:



2011-0333-A

**"REGISTER PROPERTY"
ZONING DESCRIPTION
#7714 BABIKOW ROAD**

BEGINNING at a point on the west side of Babikow Road which is 70 feet wide at the distance of 395 feet, more or less, north of the centerline of King Avenue which is 70 feet wide. Being Lot No. 1 on the Minor Subdivision of "Register Property" as approved Minor Subdivision No. 93065MP, containing 23,522 S.F. Also known as #7714 Babikow Road and located in the 14th Election District, 6th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101
Towson MD 21286
(410) 828-9060

2011-0333-A

CERTIFICATE OF POSTING

RE: Case No. 2011-0333-A

Petitioner/Developer SITE
SITE SURVEYING

Date Of Hearing/Closing: 6/6/11

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 7714 BABIKOW ROAD

This sign(s) were posted on May 22, 2011

Month, Day, Year
Sincerely,

Martin Ogle 5/22/11
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2011-0333-A

TO PERMIT AN ADDITION ON REAR OF EXISTING
DWELLING WITH A REAR SETBACK OF 19 FEET IN
LIEU OF THE REQUIRED 30 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 25-127(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, JUNE 6, 2011

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21204
TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

05/22/2011

myalungh 5/22/11

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPLICANTS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0333 -A Address 7714 BABIKOW ROAD
Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 5/11/11 Posting Date: 5/22/11 Closing Date: 6/6/11

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2011- 0333 -A Address 7714 BABIKOW ROAD
Petitioner's Name DON REGETER Telephone 410-574-6276
Posting Date: 5/22/11 Closing Date: 6/6/11
Wording for Sign: To Permit AN ADDITION ON REAR OF EXISTING DWELLING WITH A REAR SETBACK OF 19 FEET IN LIEU OF THE REQUIRED 30 FEET.



KEVIN KAMENETZ
County Executive

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

May 26, 2011

Mr. & Mrs. Regester
7714 Babikow Road
Baltimore, MD 21237

RE: Case Number 2011-0333 A, 7714 Babikow Road

Dear Mr. & Mrs. Regester,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 11, 2011. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Site Rite Surveying Inc., 200 E. Joppa Road, Rm. 101, Towson, MD 21286

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: May 26, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For June 6, 2011
Item Nos. 2011-152, 333, 334,
And 335

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-06062011 -NO COMMENTS.doc



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

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 5-24-11

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

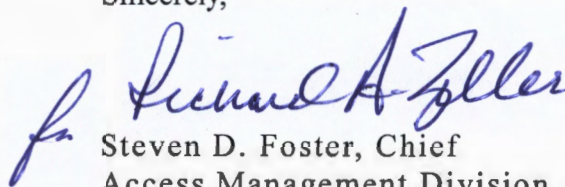
RE: Baltimore County
Item No. 2011-0333-A
Administrative Variance
Donald and Mary Ann Regester
7714 Babikow Road

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. 2011-0333-A.

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

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz





KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 19, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **May 23, 2011**

Item No.:

Administrative Variance: 2011-0333A – 0334A.

Variance: 2011- 0335-XA.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

#7714 Babikow Pond
9 Pictures
Case no. 2011-0333-A



Front of dwelling looking at
Babikow Pond

Standing in the driveway looking at the
southernmost side of dwelling



standing in the driveway/parking pad looking
toward Babikow Road.



standing in the front yard looking at the rear
of the property (northernmost side of dwelling)

Ex. dwlg.

Looking into Forest
Conservation Esmt.
(north side of dwlg.)



addition proposed (16'x16')



northern side of existing dwlg. looking into
rear yard.

standing in the
northernmost side
yard looking at
rear of dwlg. where
addition is proposed.



16' x 16'
addition
proposed
(one story)

DR 5.5

1402006280

2200025691

4922

2200025692

2200025693

Lot # 1

20090265
19980234

1414066411

NE 7-G

4917

1423055420

Pt. Bk./Folio # MP93149
Pt. E PDM # 140174

1419076240

7724

1418013320

1600003578

Lot # 2

Lot # 1

2300003952

19890049

2300011651

Lot # 1

1900006593

7717

14 ED

082A2

DR 3.5

CD

PDM # 140328
REGISTER PROPERTY (PDM File/Project # 14-328)

2300011652

Pt. Bk. 73, Folio 120

Lot # 2

2300011654

7710

Lot # 4

PDM # 140369

Pt. Bk. 70, Folio 81

20090265
19980234

Lot # 1

2300001995

Pt. Bk./Folio # 070081

NE 6-G

DR 5.5

MOHR, ELMER PROPERTY (PDM File/Project # MS 06032)

2000013879

Lot # 1 7701

Pt. Bk. 7701 Folio 47
2100003288

Pt. (PDM File/Project #)

2100003289

5007
PDM # 140247

KING AVE

KING AVE

Lot # 2

1413022275

Pt. Bk./Folio # 040082
Pt. Bk. 40 Folio 87
PDM # 140130

5006

1406045075

2011-0333-A

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 14 Account Number - 2000002060

Owner Information

Owner Name: REGESTER DONALD GLENN
REGESTER MARYANNA
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 7714 BABIKOW RD
BALTIMORE MD 21237-3304
Deed Reference: 1) /06909/ 00049
2)

Location & Structure Information

Premises Address
7714 BABIKOW RD
0-0000
Legal Description
.54 AC
WS BABIKOW RD
1000FT NE RIDGE RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0082	0013	0780		0000				3	

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1986	2,160 SF	23,522 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments	
			As Of 07/01/2010	As Of 07/01/2011
Land	98,630	98,630		
Improvements:	186,320	217,140		
Total:	284,950	315,770	305,497	315,770
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
REGESTER N DONALD	04/24/1985	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/06909/ 00049	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

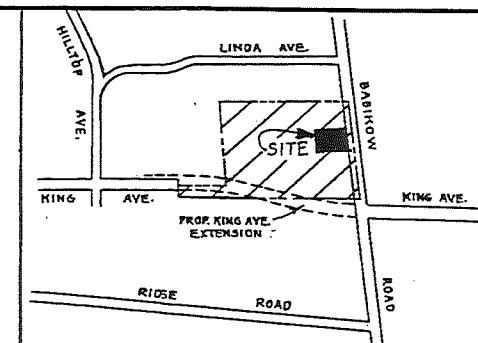
Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00
Tax Exempt:	Special Tax Recapture:		
Exempt Class:	* NONE *		

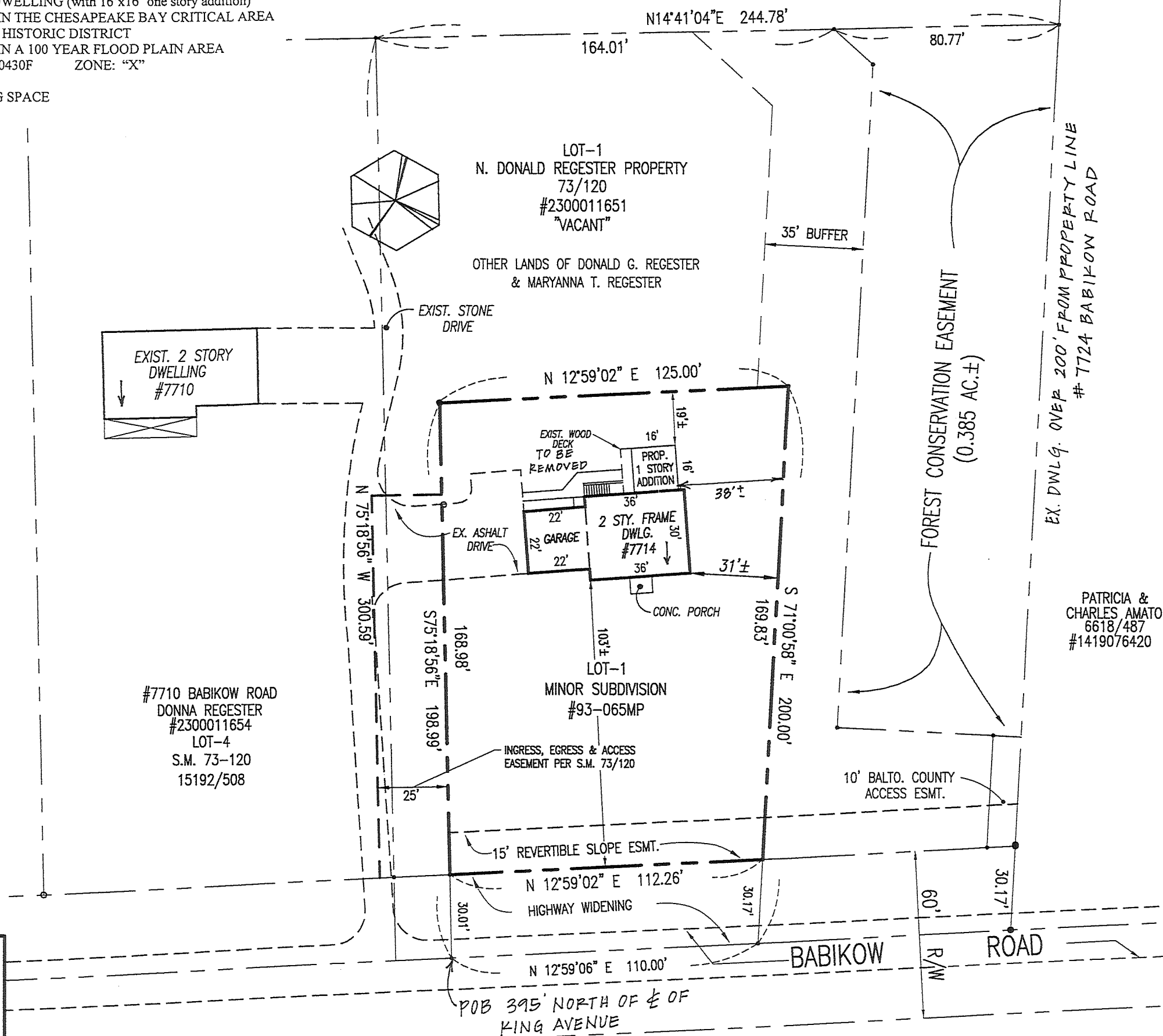
GENERAL NOTES -

1. EXISTING ZONING: D.R.3.5 (082 A2)
2. LOT AREA: 23,522 S.F. / 0.54 Ac +/-
3. PUBLIC WATER AND SEWER SERVICE THIS PROPERTY
4. EXISTING USE: SINGLE FAMILY DWELLING TO REMAIN
PROPOSED USE: SINGLE FAMILY DWELLING (with 16'x16' one story addition)
5. PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
6. PROPERTY IS NOT LOCATED IN AN HISTORIC DISTRICT
7. PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AREA
COMMUNITY PANEL NO. 2400100430F ZONE: "X"
8. NO PRIOR ZONING HEARING
9. ADDITION NEEDED TO ADD LIVING SPACE

VACANT
N. DONALD REGESTER PROPERTY
28906/448
#2300011652
LOT-2
S.M. 73-120



VICINITY MAP
SCALE: 1"=1000'



PATRICIA &
CHARLES AMATO
6618/487
#1419076420

OWNER
DONALD GLENN & MARYANNA REGESTER
#7714 BABIKOW ROAD
BALTIMORE, MARYLAND
TAX MAP:82 GRID:13 PARCEL:780
TAX ACCT.#2000002060
DEED REFERENCE:6909/49

2011-0333-A

PLAN TO ACCOMPANY ADMINISTRATIVE
VARIANCE PETITION
#7714 BABIKOW ROAD
ORIGINAL LOT-1 S.M. 73-120
"N. DONALD REGESTER PROPERTY"

MS 93 065 MP/ PDM #XIV-328/DRC #121100
DEED REFERENCE:6909/049

14th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Scale: 1"=40' Date: 05/06/2011 LT: N/A

