IN RE: PETITION FOR VARIANCE

NE/Corner Riverside Drive and

Delaware Avenue (211 Riverside Drive) 15th Election District 7th Council District

Neil Stillerman, et ux Petitioners

- BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 01-240-A

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Neil and Jackie Stillerman. The Petitioners seek relief from Sections 1B02.3.C and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 12 feet in lieu of the minimum required front yard average of 40 feet, and a rear yard setback of 10 feet in lieu of the minimum required 30 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the Petition were Neil Stillerman, property owner, and George McClelland. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel, approximately 50 feet wide by 170 feet deep, located on the northeast corner of the intersection of Riverside Drive and Delaware Avenue in Essex. The property is known as Lot 6 of Section A, Block L of the subdivision of Essex, and consists of a gross area of 0.199 acres, more or less, zoned D.R.5.5. Although not waterfront, the property is located not far from Back River. Testimony revealed that the Petitioners have owned and resided on the adjacent lot (Lot 5) for many years. They purchased the subject property two years ago with the intention of developing same with a single family dwelling which will ultimately be offered for sale. Testimony indicated

SAPER RECEIVED FOR FILING
Sate 2 STANDING

that the Petitioners propose to subdivide his overall holdings and utilize this lot as a second building lot. As noted above, Lot 6 is approximately 50 feet wide by 170 feet deep with an area of 8,687 sq.ft., zoned D.R. 5.5. Under the zoning regulations the lot is sufficiently sized to permit development with a single family dwelling. At issue however, is the proposed orientation of the dwelling. Testimony indicated that the Petitioners propose orienting the dwelling towards Delaware Avenue. In that the lot is rectangular in shape, this orientation will result in a 10-foot rear yard setback and 12 foot front yard setback. There will be substantial side yard setbacks of 25 feet on the west side and 105 feet on the east side.

Mr. Stillerman indicated that the proposed orientation was preferable so as to provide a better interior floor plan. It was also indicated that the property on the other side of Delaware Avenue featured a house which fronted that street and that the proposed orientation would therefore be consistent.

Although there were no Protestants present, a written comment in opposition to the request was received from the Office of Planning. That comment correctly notes that a dwelling could be constructed on the subject site with the front oriented towards Riverside Drive and eliminate the need for the variance.

The grant of variance relief is regulated by Section 307 of the B.C.Z.R. That Section has been discussed by the Court of Special Appeals of Maryland in <u>Cromwell v. Ward</u>, 102 Md. App. 691 (1995). In <u>Cromwell</u>, the Court noted that variances cannot be granted for mere needs of convenience. The applicant must show that the property is unique and that there is a compelling justification for variance relief.

The requested variance in this case is surely for the convenience of the Petitioners only. If the house is oriented towards Riverside Drive, no variance is necessary. The Petitioner is not prohibited from building a dwelling on the property by the regulations. It is also to be noted that the Petitioners' existing residence at 209 Riverside Drive fronts on that road. Orienting the proposed dwelling towards Delaware Avenue would create a distance of only 20 feet from the rear

of the proposed structure to the side of the Petitioners' existing dwelling. This would effectively eliminate the possibility of constructing any improvements to the rear of the proposed dwelling.

For all of these reasons, I am not persuaded to grant variance. In my judgment, the Petitioners' reasons are not compelling and do not meet the legal standard required for variance relief to be granted. Thus, the Petition for Variance shall be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

LES:bjs

LAWRENCE E. SCHMID? Zoning Commissioner for Baltimore County



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

February 6, 2001

Mr. & Mrs. Neil Stillerman 209 Riverside Drive

Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE

NE/Corner Riverside Drive and Delaware Avenue

(211 Riverside Drive)

15th Election District - 7th Council District

Neil Stillerman, et ux - Petitioners

Case No. 01-240-A

Dear Mr. & Mrs. Stillerman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bis

Office of Planning; People's Counsel; Care File cc:



Petition for Variance

to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal

for the property located at 211 RIVERSIDE DRIVE

which is presently zoned DR 5.5

d	owner(s) of the property situate in made a part hereof, hereby petiting to a flow a for a low a	n Baltimore on for a Va ont the and makes the imore Cou	County and riance from Search	which is Section(s ナちゃ ュンハ Sete ning law	described HOLL HOLL OF Baltimo	in the descrip	for and plat att	ached hereto and oposed average themining aoft, easons: (indicate
	hardship or practical difficulty) AT EXISTING LOT	THE	FRONT	AND	REAR	SETBAC	ks cand	ot be met
	Property is to be posted and adve f, or we, agree to pay expenses of a regulations and restrictions of Baltim	oove Varian	ce, advertisino	ı, postinc	i. etc. and fu	rther agree to a	and are to be bou county.	inded by the zoning
	•	ı			perjury, that	emnly declare a t I/we are the le ct of this Petitio	and affirm, under gal owner(s) of the n.	the penalties of ne property which
	Contract Purchaser/Lessee.	:			Legal Ou	iner(s):	ر م	
	Name - Type or Print			-	Maine - Type	Print		
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	Attorney For Petitioner:	State	Zip Code		Address	1 1061106 1 1046	16	238-2305 Telephone No 21221
	Name - Type or Print Signature			-	City		State Contacted:	Zip Code
FOR FILING	Company				Name	·····-		
OR.	Addless'		Telephone No.	-	Address			Telephone No
EIVED F		State	Zip Code	-	City	OFFICE	State USE ONLY	Zip Code
	Case No. 01-240-	a			ESTIMAT	ED LENGTH	OF HEARING	1/2/w
ORDER REGI	R84 9115198				UNAVAIL Reviewed	ABLE FOR H		12-12-00

ZONING DESCRIPTION FOR 211 RIVERSIDE DRIVE BALTIMORE, MD. 21220

Beginning at a point on the EAST side of RIVERSIDE DRIVE, which is 60 feet wide at the NORTHEAST Corner of the intersection of DELAWARE AVENUE which is 40 feet wide. Being lot # 6, Block 'L', Section 'A', Group 82 in the Essex Subdivision as recorded in Baltimore County Plat Book WPC No. 3, Folio 15, containing 8,687 sq. ft. Also known as 211 Riverside Drive, and located in the 15th election district, 7th councilmanic district.

240

BALTIMORE CO OFFICE OF BUDG MISCELLANEO		No. 90		· · · - <u>1</u>
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NOTICE OF ZONING

The Zoning Commissioner of Battimore County, by authority of the Zoning Act, and Regulations of Battimore County will hold a public hearing in Towson. Maryland on the property identified herein as follows:

Case: #01-240-A
211 Riverside Drive
NEC Riverside Drive and
Delaware Avenue
15th Election District
7th Councilmanic District
Legal Owner(s): Jackie &
Neil Stillerman

Variance: to allow a front yard setback of 12-feet for a proposed dwelling in lieu of the minimum 40-foot front yard average and a rear yard setback of 10-feet in lieu of the minimum required 30-feet.

Hearing: Monday, January 29, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391

1/078 Jan. 11 C443218

CERTIFICATE OF PUBLICATION

TOWSON, MD,, 20 <u>0</u>]
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published in
Towson, Baltimore County, Md., once in each ofsuccessive
weeks, the first publication appearing on, 2001
e a
THE JEFFERSONIAN,
J. WULMY-2-
LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: <u>01-240-A</u>
	Petitioner/Developer: Jackie & Neil
	Stillerman
	Date of Hearing/Closing: 29 Jan 2001
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the propert	of perjury that the necessary sign(s) required by law y located at 211 Riverside Drive
The sign(s) were posted on	14 Jan 2001 34 5 5 3
	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
COURT ROTHER ARRESTS MADE NO TO	(Signature of Sign Poster and Date)
THE TOPMENT OF STATE	SSG Robert Black
The subsection of the subsecti	(Printed Name)
日本 大学 (1985年)	1508 Leslie Road
・ 1 かんない 重要を提供する 東京の日 - 1 の 単一連載 (第二人) 1 日本 1 日	(Address)
	Dundalk Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

RE: PETITION FOR VARIANCE
211 Riverside Drive, NEC Riverside Dr
and Delaware Ave
15th Election District, 7th Councilmanic

Legal Owner: Neil & Jackie Stillerman Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 01-240-A

* * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

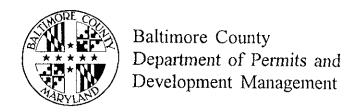
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of December, 2000 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Neil & Jackie Stillerman, 209 Riverside Drive, Baltimore, MD 21221, Petitioner.

Reter Max Zinnernen
PETER MAX ZIMMERMAN



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

December 21, 2000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-240-A 211 Riverside Drive NEC Riverside Drive and Delaware Avenue 15th Election District – 7th Councilmanic District Legal Owners: Jackie & Neil Stillerman

<u>Variance</u> to allow a front yard setback of 12-feet for a proposed dwelling in lieu of the minimum 40-foot front yard average and a rear yard setback of 10-feet in lieu of the minimum required 30-feet.

HEARING: Monday, January 29, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

602

Arnold Jablon Director

C: Jackie & Neil Stillerman, 209 Riverside Avenue, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 12, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, January 11, 2001 Issue - Jeffersonian

Please forward billing to:

Neil Stillerman 209 Riverside Drive Baltimore, MD 21221

410 238-2305

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-240-A

awrence E. Schmidt

211 Riverside Drive

NEC Riverside Drive and Delaware Avenue 15th Election District – 7th Councilmanic District

Legal Owners: Jackie & Neil Stillerman

<u>Variance</u> to allow a front yard setback of 12-feet for a proposed dwelling in lieu of the minimum 40-foot front yard average and a rear yard setback of 10-feet in lieu of the minimum required 30-feet.

HEARING: Monday, January 29, 2001 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

603

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

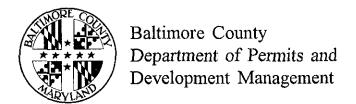
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign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

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

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

For Newspape	· Advertising:	
Item Number or	Case Number: 01-240-4	
Petitioner:	Case Number: 01-240-A Neil Stillerman ation: 21/ Riverside DR-	
Address or Loca	ition: 21/ Riverside DR-	
	,	
PLEASE FORW	ARD ADVERTISING BILL TO:	
Name:	Same	
	209 Riverside DR'	
Telephone Numi	Der: (4/0) 238-2305	

Revised 2/20/98 - SCJ



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

January 26, 2001

Jackie & Neil Stillerman 209 Riverside Avenue Baltimore MD 21221

Dear Mr. & Mrs. Stillerman:

RE: Case Number: 01-240-A, 211 Riverside Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 12, 2000.

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.

W. Carl Richards, Jr. GVZ. Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: January 18, 2001

Department of Permits & Development Mgmt.

FROM:

R bert W. Bowling, Supervisor ureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting For January 2, 2001 Item Nos 233 234 235 236 238 239

Item Nos. 233, 234, 235, 236, 238, 239, 240, 241, 244, 246, 247, 248, 249, and 250

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

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

December 27, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 26, 2000

Item No.: See Below

Dear Ms. Stephens:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

231, 233, 234, 235, 236, 237, 238, 240, 241, 243, 244, 245, 246, 247, 249, and 250

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold L. Jablon, PDM					
FROM:	Bruce Seeley, DEPRM (1)					
DATE:	December 28, 2000					
SUBJECT:	Zoning Item #240 211 Riverside Drive					
	Zoning Advisory Committee Meeting of December 26, 2000.					
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 requests an extension for the review of the above referenced zoning item to determine the extent to which environmental regulations apply to the site.						
X The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item:						
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sec 14-331 through 14-422 of the Baltimore County Code).						
	Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).					
	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).					

Reviewer: Keith Kelley Date: December 27, 2000

1/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JAN · 9

DATE: January 8, 2001

SUBJECT:

211 Riverside Drive

INFORMATION:

Item Number:

01-240

Petitioner:

Neil Stillerman

ppy W. Zing

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that a dwelling unit can be constructed on the subject lot with the front oriented towards Riverside Drive. Such an orientation would provide adequate yard area in order to meet the minimum required setbacks.

Prepared by:

Section Chief:

AFK MAC



Parris N. Glendening Governor John D. Porcari Secretary Parker F Williams Administrator

Date: 1.3.01

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

RE: Baltimore County

Item No. 140

115

Dear. Ms. Jackson:

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.tnd.us).

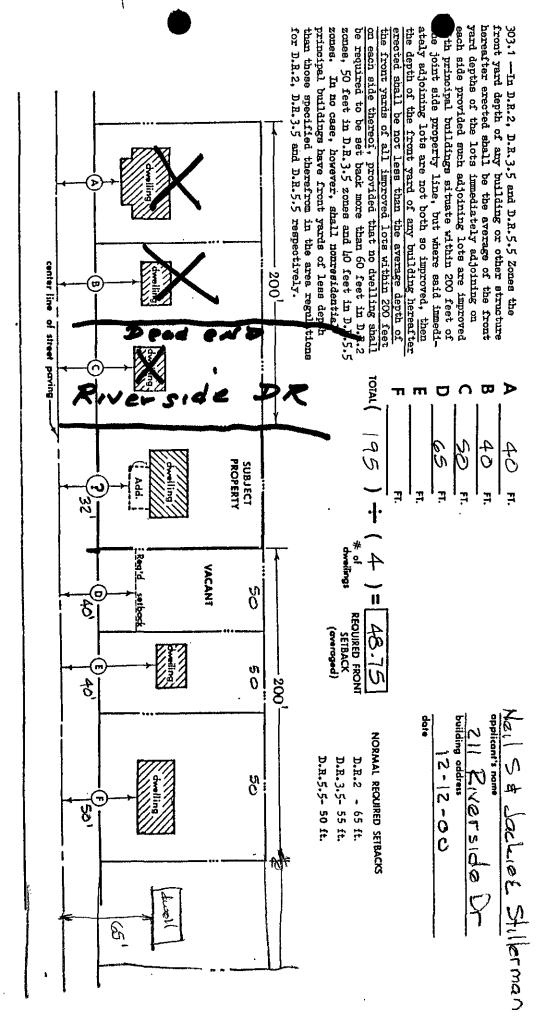
Very truly yours,

J. J. Gredle

for Konneth A. McDonald Jr., Chief Engineering Access Permits Division

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED Reference - Section 303.1 Baltimore County Zoning Regulations

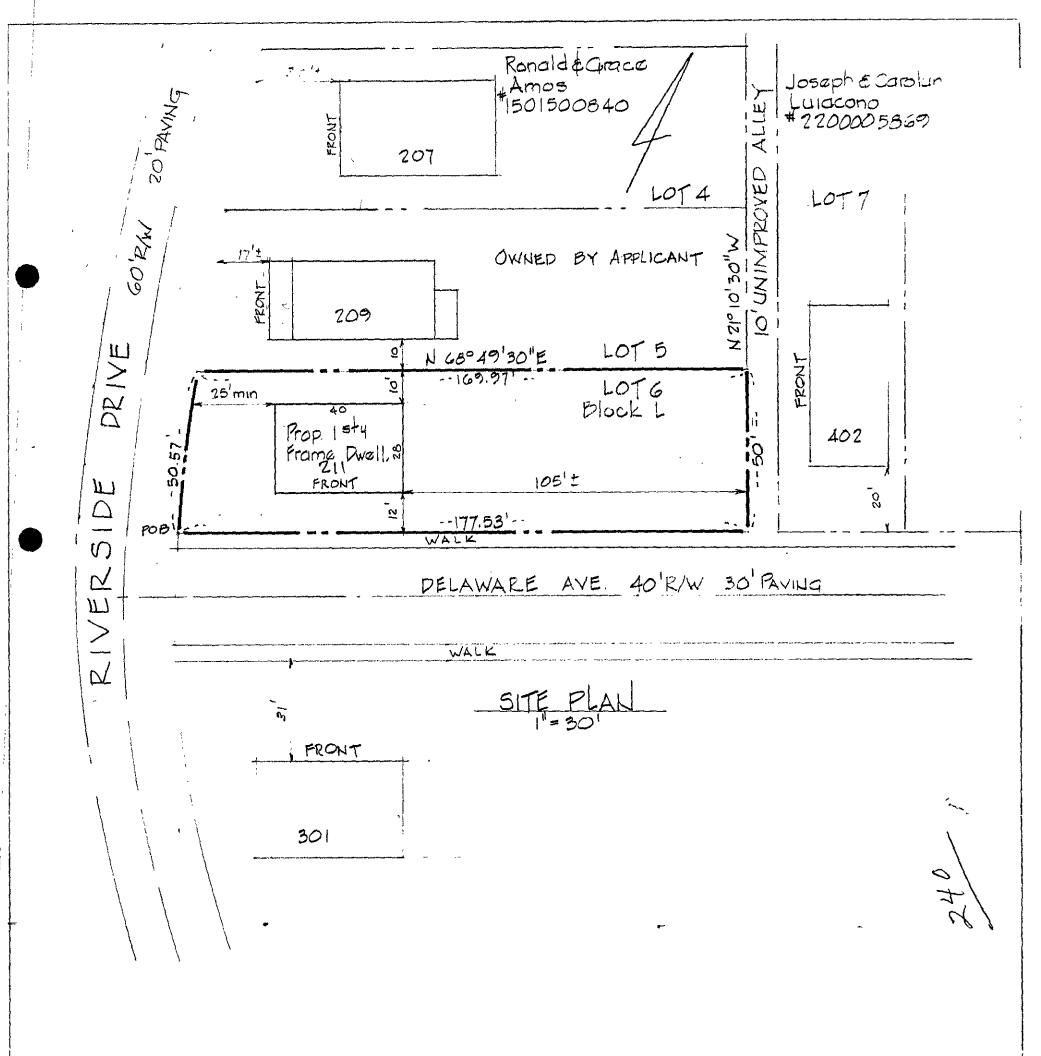


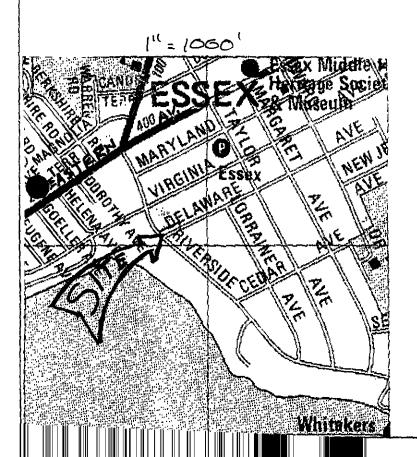
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PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
NEIL STILLEMAN	209 RIVENSIDE DRUK BAUTA
George McClalland	209 RIVENSIDE DRIVE BAUT
	Balto. 21222
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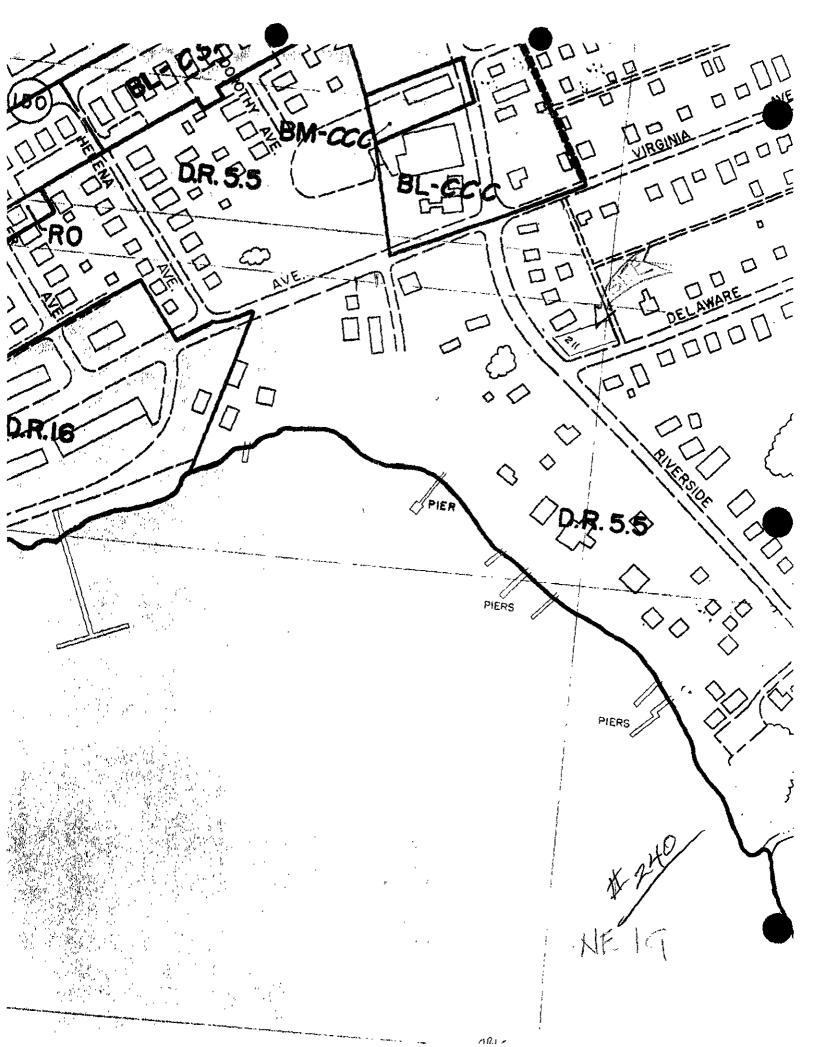
12/10/2

VARIANCE & BUILDING PERMIT to CONSTRUCT a NEW SINGLE FAMILY DWELLING 211 RIVERSIDE DR. BALTIMORE, MD 21220 DATE: October 24, 2000 OWNERS: Neil S. & Jackie E. Stillerman 209 Riverside Drive, Balto. MD, 21220 Phone: 410-238-2305 15th Election Dist., 7th Councilmanic Dist. Account #1516602100, Deed Ref. 13679/673 Essex Subdivision, Lot 6, Sect.A, Block L, Group 82 Zoning: DR-5.5, MAP # NE-1G Site is located in the Chesapeake Bay Critical Area, IDA Site has public water and sewer Shared ownership with adjacent lot AGENT: George D. McClelland 25 Waterview Rd., Baltimore, MD 21222 Telephone: 410-477-9136 WPC 3, Folio 15

PLAT TO ACCOMPANY

TABULATION

Net Area: 8687 SF, 0.199 Ac. Proposed Dwelling: 1520 SF Impervious: 17.4%

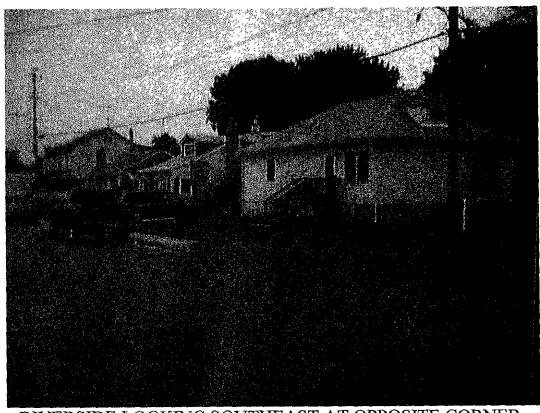


2 RIVERSIDE AVE.

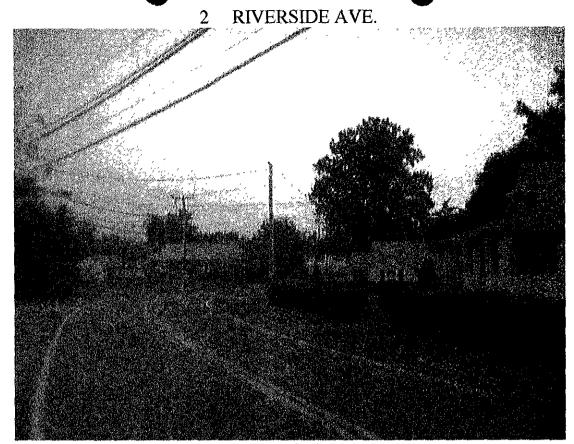


KW.

RIVERSIDE LOOKING EAST AT VACANT LOT

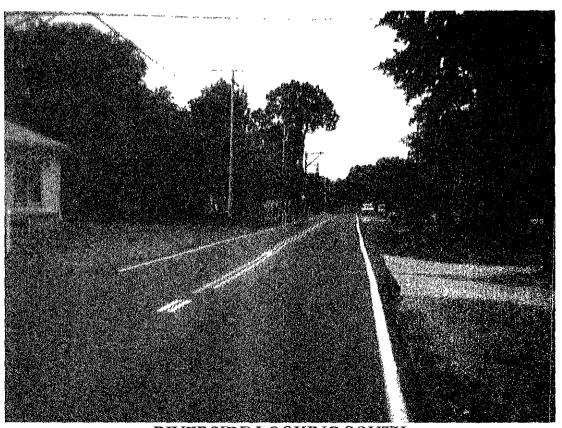


RIVERSIDE LOOKING SOUTHEAST AT OPPOSITE CORNER

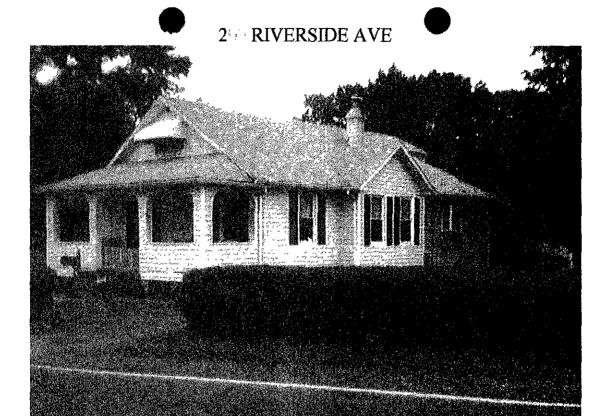


De 23

RIVERSIDE LOOKING NORTH

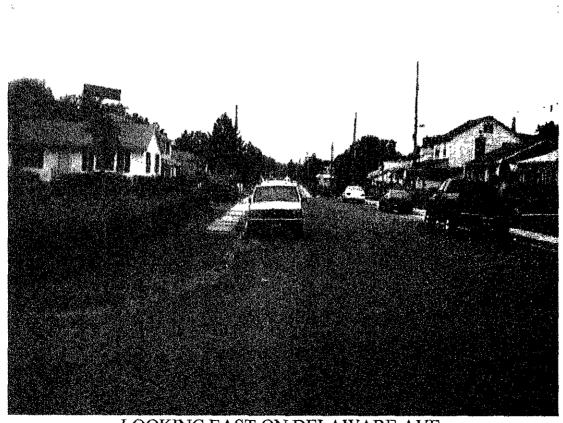


RIVERSIDE LOOKING SOUTH



RIVERSIDE AVE LOOKING AT EXIST DWELLING





LOOKING EAST ON DELAWARE AVE.