IN THE MATTER OF THE APPLICATION OF ANN C. SHEPTER –L.O,. FOR VARIANCE ON PROPERTY LOCATED ON THE E/S OF PICCADILLY RD, 265' S OF C/L OF TRAFALGAR RD (611 PICCADILLY ROAD) 9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	* BEFORE THE * COUNTY BOARD OF APPEALS * OF * BALTIMORE COUNTY * Case No. 06-070-A

* * * * * * * * *

OPINION

Background

This matter comes before the Baltimore County Board of Appeals on a timely appeal of a decision of the Deputy Zoning Commissioner (DZC) in which a petition for variance relief for the property owned by Petitioner, Ann C. Shepter, was denied. A hearing was held before the Board on December 27, 2006. Petitioner, Anne Shepter, was represented by Robert N. Winkler, Esquire. Protestants, Louise Kunkel, Nancy Horst, Norman Sotir, Mary Scott, Richard Parsons, Helen Campbell, Bob Sagnette, and Tim Goucher, appeared *pro se*. Public deliberation was held on February 27, 2007.

Background

Petitioner owns the property located at 611 Piccadilly Road in the Towson area of Baltimore County. It contains 11,055 sq. ft. and is zoned D.R. 3.5. She requests a variance from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit an existing single-family dwelling with an addition to have a side yard of 2 feet and a sum of side yards of 16 feet in lieu of required 10 feet and 25 feet respectively.

On October 25, 2005, the DZC granted the Petition for Variance subject to the following conditions:

> 1. The Petitioner shall cause an on site survey of the property line between 611 and 613 Piccadilly Road to be completed by a qualified land surveyor at

her expense within 30 days of the date of the Order: and

2. The Petitioner shall submit the survey results to the Baltimore County Landscape Architect to determine what screening is practical in the vicinity of the Petitioners hot tub enclosure in order to properly screen the enclosure from the property at 613 Piccadilly Road;

3. The petitioner shall implement the Landscape Architect's design to screen the hot tub enclosure at her expense;

4. That the time to file a Motion for Reconsideration is hereby extended to 90 days after the date of the order.

On January 23, 2006, Mrs. Kunkle filed her timely Motion for Reconsideration requesting the variance requests be denied "asserting that the County Landscape Architect determined that there was not sufficient room between the hot tub and the property line for proper screening. This was confirmed by letter from the County Landscape Architect dated January 26,2006. "

On March 16,2006, the Deputy Zoning Commissioner granted the Motion for Reconsideration, and reversed his Order of October 25, 2005, denying the requested variances.

Testimony And Evidence

Ann Shepter testified that she has lived in the area for 30 years and that she has a skin ailment that needs heat for treatment. (Ex. # 2 -letter from GBMC) The hot tub is considered a remedy for her situation, so she installed one in her rear yard. She testified that she has attempted to place the hot tub in different areas of the yard unsuccessfully due to the makeup of the ground. Rocks and boulders prohibited her from locating the hot tub anyplace but where she has placed it. The hot tub was installed and enclosed. The siding of the exterior of the enclosed hot tub was extended and joined the existing siding of the house. She testified that although the hot tub is enclosed it is a "non-functioning" room. There is no heat, electricity or running water in the enclosure. The area is cleaned with a garden hose which is connected to the house

adjacent to the hot tub enclosure. She testified that there is no direct access from the house to the hot tub. Shepter testified that she did consult with Ms. Kunkle about the hot tub but Ms. Kunkle did not know that Ms. Shepter was going to enclose the hot tub. Ms. Shepter testified that Ms. Kunkle "wanted to see thru the yard" and that she (Shepter) installed a window so that could be accomplished. Various photos were submitted as Exhibits 5 B-C, D-J showing various pictures of the windows, the back yard, the front yard and the view through the windows of the hot tub. Shepter stated that "if the roof and siding to the enclosure were removed the hot tub itself would be 1 foot lower then the fence separating the properties."

Testimony was given by Mr. Robert Sangette and Mary Scott, neighborhood residents, both testifying that they had no issue with the hot tub and that the ground is extremely rocky in the neighborhood.

Protestant Mrs. Kunkle testified that she has lived in the area for 42 years and that rocks were not a problem. She submitted photos (Prot. Exhibits 1,2,3) that showed areas of Ms. Shepter's yard that could have been used for the hot tub. She testified that the hot tub enclosure is "attached" to the house and she feels this violates the regulations of Baltimore County. Additionally she testified that the hot tub is only 27 inches from the property line, which also is a violation of Baltimore County Codes. Ms. Kunkle testified that the hot tub "had a detrimental effect to future purchasers of her house" and that the hot tub was harmful to the neighbors and their health, safety and welfare.

Mr. Bill Law testified on behalf of the Protestants, indicating that he is a neighborhood resident and that there are "55 additions in the neighborhood and none of them are on the side of the house." He testified that the hot tub was "a detraction to the neighborhood."

Ms. Nancy Horst testified on behalf of the Protestants that she has been in the area for

over 30 years and that this was a "precedent setting case that violated lot lines, and that the hot tub was incompatible with the neighborhood."

Mr. Winkler in closing stated that the hot tub enclosure is a separate structure that has no heat, no electricity, and no water and that Ms. Shepter is willing to take down the siding "if that's the issue." He also stated that if Ms. Shepter were in violation he would ask for a 27-inch variance that will accommodate the hot tub. He sited the uniqueness of the backyard (the rocky soil).

Ms. Kunkle stated in closing that the enclosure is attached to the building violating Baltimore County Codes and that Ms. Shepter's medical condition should not be considered as the hot tub could be installed elsewhere on her (Shepter's) property.

Decision

The law regarding variance requests in Baltimore County is well-settled. Section 307 of the BCZR states in pertinent part as follows:

> ...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare....

The Court of Special Appeals in *Cromwell v. Ward*, 102 Md.App. 691 (1995) gave particular guidance in this area. The Court stated:

> ...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...." Id. at

698.

The Court went on further to distinguish the finding of "uniqueness" and stated:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "*Uniqueness*" *of a property for zoning purposes* requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... Id. at 710.

Counsel for Petitioner argues that the property is unique because it is very rocky, making it difficult to dig a foundation for the hot tub any place in the yard except where it is located. Testimony of other residents in the area indicated that their properties were also very rocky. Thus, Petitioner's property is not unique when evaluated against other properties in the area and does not meet the test of *Cromwell.*

In addition, the Board felt that the extension of the siding from the house to cover the hot tub made the hot tub enclosure part of the house.

Section 400.1 of the BCZR states:

> 400.1 Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 21/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

Since the hot tub enclosure is considered part of the house, it must meet the setback requirements of § 1B02.3C.1 of the BCZR for side yard setbacks in a D. R. 3.5 zone.

After a through review of the facts, testimony, and the law in the matter, the

Board unanimously decided to deny the Petitioners request for variance.

ORDER

THEREFORE, IT IS THIS 7th day of June, 2007 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioner's request for variance to permit an existing single family dwelling with an addition to have a side yard of 2' and a sum of side yards of 16' in lieu of the required 10' and 25' be and the same is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chairman

Mike Mohler

Edward W. Crizer, Jr.

4/6/06

IN RE: PETITION FOR VARIANCE
E/S of Piccadilly Road, 265' S of
Centerline of Trafalgar Road
9th Election District
5th Councilmanic District
(611 Piccadilly Road)

Ann C. Shepter
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-070-A
*

* * * * * * * * * * * * * * * * *

AMENDED ORDER ON MOTION FOR RECONSIDERATION

This matter came before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by Louise Kunkel to the variance request granted by this Commission on October 25, 2005 in the subject case. However, this Commission's Order on Motion for Reconsideration dated March 16, 2006 states that the Motion for Reconsideration was granted, the Order of this Commission dated October 25, 2005 was "revered" and the variances requested by the Petitioner denied. The proper terminology should have been that the Order of this Commission dated October 25, 2005 was "reversed" not "revered".

THERERFORE IT IS ORDERED this 6 day of April, 2006 that the Order on Motion for Reconsideration is hereby amended to read as follows:

IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, that the Motion for Reconsideration be and is hereby GRANTED, the Order of this Commission dated October 25, 2005 is hereby reversed and the variances requested by the Petitioner are hereby DENIED.

ORDER RECEIVED FOR FILING
Date 4-6-06
By

Any appeal of this decision shall be made within thirty days of the date of this Order.

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

c: Robert N. Winkler, Esq., 606 Baltimore Avenue, #203, Towson, MD 21204
Ann C. Shepter, 611 Piccadilly Road, Towson, MD 21204
Vincent Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, #101, Towson, MD 21286
Richard Parsons, 412 Woodbine Avenue, Towson, MD 21204
Nancy Horst, P.O. Box 204, Riderwood, MD 21139
Helen Campbell, 615 Piccadilly Road, Towson, MD 21286
Norma Sotir, 800 Eton Rd., Towson, MD 21204
Louise Kunkel, 613 Piccadilly Road, Towson, MD 21204
Bob Sagnette, 609 Piccadilly Road, Towson, MD 21204
Mary Scott, 634 Piccadilly Road, Towson, MD 21204
Tim Goucher, 638 Piccadilly Road, Towson, MD 21204
People's Counsel; Code Enforcement; Avery Harden; Case File

ORDER RECEIVED FOR FILING
Date 4-4-08
By Debbie Wisemp

3/16/06 -:

IN RE: PETITION FOR VARIANCE E/S of Piccadilly Road, 265' S of Centerline of Trafalgar Road 9th Election District 5th Councilmanic District **(611 Piccadilly Road)** Ann C. Shepter *Petitioner*	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 06-070-A

* * * * * * * * * * * * * * * * *

MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by Louise Kunkel, an adjoining property owner and party to the zoning hearing. The original Petition for Variance was filed by the legal owner of the subject property, Ann C. Shepter who requested relief for property located at 611 Piccadilly Road in the Towson area of Baltimore County. The variance requested was from Section 1B01.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with an addition to have a side yard of 2 feet and a sum yards of 16 feet in lieu of the required 10 feet and 25 feet respectively.

Status of the Case

The variance request was granted subject to the following conditions on October 25, 2005:

1. The Petitioner shall cause an on site survey of the property line between 611 and 613 Piccadilly Road to be completed by a qualified land surveyor at her expense within 30 days of the date of the Order,

2. The Petitioner shall submit the survey results to the Baltimore County Landscape Architect to determine what screening is practical in the vicinity of the Petitioner's hot tub enclosure in order to properly screen the enclosure from the property at 613 Piccadilly Road,

3. The Petitioner shall implement the Landscape Architects design to screen the hot tub enclosure at her expense, and

4. That the time to file a Motion for Reconsideration is hereby extended to 90 days after the date of this Order.

ORDER RECEIVED FOR FILING
Date 3-16-06
By

The extension of the time to file Motions for Reconsideration from the ordinary 30 days to 90 days was given to allow sufficient time for the Petitioner to have the common property line surveyed, and give the Baltimore County Landscape Architect time to determine if there was enough room between the hot tub and property line to properly screen the hot tub from Ms. Kunkel's property.

Ms. Kunkel filed her timely Motion for Reconsideration on January 23, 2006 requesting the variance requests be denied asserting that the County Landscape Architect determined that there was not sufficient room between the hot tub and the property line for proper screening. This was confirmed by letter from the County Landscape Architect dated January 26, 2006. Thereafter copies of Ms. Kunkel's Motion and the Landscape Architect's letter were sent to the Petitioner on January 30, 2006 for response. There being no response from the Petitioner, I will rule on the Motion as requested.

Findings of Fact and Conclusions of Law

In my October 25, 2005 Order I discussed the possibility that there would not be sufficient room between the property line and the hot tub to properly screen the hot tub from the Kunkel property. Apparently after substantial effort this simply will not work. I have not heard any further alternative solution to this screening problem suggested by the Petitioner. I am now left with choice of simply accepting the hot tub two feet from the property line with no screening or granting Ms. Kunkel's Motion by which the variance would be denied.

After considering the Motion, and facts of the case once again, I am persuaded to grant Ms. Kunkel's Motion. Variances can be granted only in cases in which the impact of granting the variance will not adversely impact the neighborhood. It is clear to me Ms. Kunkel will be adversely impacted and I have been unable to find a way to mitigate that impact.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 16 day of March, 2006, that the Motion for Reconsideration be and is hereby GRANTED, the Order of this Commission dated October 25, 2005 is hereby revered and the variances requested by the Petitioner are hereby DENIED.

Any appeal of this decision shall be made within thirty days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

c: Robert N. Winkler, Esq., 606 Baltimore Avenue, #203, Towson, MD 21204
Ann C. Shepter, 611 Piccadilly Road, Towson, MD 21204
Vincent Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, #101, Towson, MD 21286
Richard Parsons, 412 Woodbine Avenue, Towson, MD 21204
Nancy Horst, P.O. Box 204, Riderwood, MD 21139
Helen Campbell, 615 Piccadilly Road, Towson, MD 21286
Norma Sotir, 800 Eton Rd., Towson, MD 21204
Louise Kunkel, 613 Piccadilly Road, Towson, MD 21204
Bob Sagnette, 609 Piccadilly Road, Towson, MD 21204
Mary Scott, 634 Piccadilly Road, Towson, MD 21204
Tim Goucher, 638 Piccadilly Road, Towson, MD 21204
People's Counsel; Avery Harden; Case File; Code Enforcement

ORDER RECEIVED FOR FILING
Date 3-16-06
By

10/25/05

IN RE: PETITION FOR VARIANCE
E/S of Piccadilly Road, 265 ft. S
centerline of Trafalgar Road
9th Election District
5th Councilmanic District
(611 Piccadilly Road)

Ann C. Shepter
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-070-A
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Ann C. Shepter, the legal owner of the subject property. The Petitioner is requesting variance relief for property she owns at 611 Piccadilly Road in the Towson area of Baltimore County. The variance is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with an addition to have a side yard of 2 ft. and a sum of side yards of 16 ft. in lieu of the required 10 ft. and 25 ft. respectively.

The property was posted with Notice of Hearing on September 13, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 13, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances.

ORDER RECEIVED FOR FILING
Date 10-25-05
By

Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated August 25, 2005 recommending denial of the Petitioner's request, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Vince Moskunas of Site Rite Surveying and Ann Shepter, Petitioner. Robert Winkler, Esq. represented the Petitioner. Appearing in opposition to the requests were Helen Campbell, Norma Sotir, Louise Kunkel, Bob Sagnette, Mary Scott and Tim Goucher. Richard Parsons and Nancy Horst, representing nearby community associations attended the hearing as interested persons. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 05-2915) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due to the fact that Petitioner constructed an addition without building or electrical permits.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is

ORDER RECEIVED FOR FILING
Date 10-25-05
By

that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance, contains 11,055 sq. ft. zoned DR 3.5 and is lot 44 in the Chestnut Hill subdivision which was recorded in the land records in 1949. The subject property is improved by an existing dwelling which was built in 1951. The Petitioner constructed an addition to the house in the rear of the property. Recently she also wanted to erect an enclosed hot tub and deck which is the subject of this Petition.

Mr. Moskunas indicated that the enclosed hot tub was attached to the house only at the corner by vinyl siding which encloses the Petitioner' s home and which the Petitioner added to the outside of the hot tub enclosure to make that structure architecturally appealing and compatible with the house. As such he opined that the hot tub enclosure was an accessory building not attached to the house and could be 2 ½ feet from any boundary line. See Petitioner's exhibit 1.

The Petitioner opined that the hot tub enclosure was at least 3 feet from the property line. She noted that the fence which separates her property from Ms. Kunkel who lives to the north was constructed entirely on her property. She testified that the fence was two feet inside her property and the subject enclosure was two feet from the fence. She also indicated that the structure has no water, heat, kitchen or toilet facilities, and can only be entered from outside the house. The tub is

ORDER RECEIVED FOR FILING
Date 10-25-05
By

filled with water from a garden hose which is heated by the tub. See Petitioner's exhibit 2, photographs of the house and hot tub. She admitted that the enclosure also contains a sauna, table and chairs, bar, and refrigerator.

In the alternative, if the enclosure is found to be attached to the house, the Petitioner asks for a side yard setback variance of 2 feet in lieu of the required 10 feet and sum of the side yard setback of 16 feet in lieu of the required 25 feet. The distance from the house to the south property line is 14 feet.

The Petitioner testified that she called the County Department of Permits and Development Management several times while she was erecting the hot tub enclosure and each time the County representative told her no permit was required to enclose a hot tub. She related that in trying to build the addition on the back of her home and later in trying to find a place to put the hot tub enclosure, she found that the land in this area was filled with rock. This problem is so extreme that all gardening in the area is conducted in above ground containers. She testified that her contractor for the hot tub attempted to dig several holes in the back yard, hit rock again and again. He concluded the only place to build the structure was close to the property line with Ms. Kunkel as shown in the site plan. The Petitioner was especially anxious not to have the hot tub rise above the picket fence separating her property from Ms. Kunkel. She obtained a building permit for the enclosure the day after the County issued a stop work order.

The Petitioner presented letters of support from several of her neighbors. In addition Mr. Sagnette who lives in the adjacent home to the south fully supported the Petitioner' request as did Ms. Scott who lives further down Piccadilly Road. The Petitioner indicated that many surrounding neighbors have enjoyed the hot tub as well.

Ms. Kunkel who lives adjacent to the Petitioner and is most affected by the hot tub enclosure testified against any relief, as she believed her property value would be damaged by the enclosure. She objected to the noise and proximity of the structure to her property. She presented letters in opposition to the requested relief from other neighbors. In addition several neighbors have submitted letters in opposition to the relief. Representatives of the nearby community associations took no position in regard to the relief requested.

After exploring what might be done to screen Ms. Kunkel's property from the hot tub enclosure, the Parties determined to meet and confer with the Baltimore County Landscape Architect as to his ideas to screen the enclosure. Apparently this conference was not successful as shown by correspondence received from both Mr. Winkler and Ms. Kunkel.

Findings of Fact and Conclusions of Law

Is A Variance Needed?

The Petitioner asserts that the hot tub enclosure is not attached to the house and should be treated as an accessory structure not subject to dwelling setbacks. Mr. Moskunas indicated that the connection between the house and enclosure is not structural but rather superficial siding to make the enclosure compatible with the home. While I applaud the architectural features of the enclosure, it clearly is attached to the house. This would be true if the siding was not touching at all. The deck leading from the house connects the enclosure to the house as well. There is no need for direct mechanical connection to qualify as attached. This Commission has held that a swimming pool separated by several inches from an enclosing deck attached to a dwelling was attached to the dwelling when the pool and deck clearly showed an integral design. Consequently the enclosure requires a variance.

Should A Variance Be Granted?

Ms. Kunkel opposes the request for variance. As stated above, it is not this Commission's function to penalize persons who erect structures without permits or conversely to take into account that it may be costly to remove the structure as evidence of hardship.

The first inquiry in any variance is whether or not the property is unique from a zoning standpoint. The Petitioner related that this community and her property in particular are situated on very rocky ground. She testified that her contractor searched for a suitable location for the enclosure in the back yard digging holes only to find the only location which would allow the enclosure and tub to be placed somewhat below ground level was as indicated in Petitioner's exhibit 1. Apparently this problem is so severe that plantings in the back yard have to be in raised beds. I have no reason to doubt this testimony. Ms. Kunkel who surely would know never denied this fact. Consequently I find that the Petitioner's property is unique in a zoning sense, as there is an environmental peculiarity on the property which constrains the Petitioner in a way different from other properties in the neighborhood.

In regard to hardship or practical difficulty I find that if the zoning setback regulations were strictly enforced the Petitioner would suffer practical difficulty in locating her hot tub enclosure on the property. There is no other practical place to put the enclosure.

The real issue in the case is whether or not the structure will adversely impact the community of which Ms. Kunkel is an important member. She understandably objects to the proximity of the enclosure to her property. However, the issue in zoning setback cases is setback from the property line and not the fence line which the Petitioner contends and Ms. Kunkel confirms was erected on the Petitioner's property and not on the property line. The proximity of the structure to the fence however is the visual impact of the enclosure to which Ms. Kunkel vigorously objects.

My problem is that I am not precisely sure where the property line is vis a vis the enclosure. Mr. Moskunas understandably was not sure either without a survey of the property line. My best information is that there may be three feet between the enclosure and the property line. If that were true then there may be enough room to screen the enclosure from the Kunkel property mitigating the adverse impact thereon.

I suggested that the Parties explore this possibility with the Baltimore County Landscape Architect. Apparently I was too subtle in this regard. Now having to decide the merits of the case I will grant the Petitioner's request for variance but order that the enclosure be screened from the Kunkel property by means selected by the Baltimore County Landscape Architect. This screening shall be done at the Petitioner's expense. It may involve plantings, removing or replacing fencing, or the like at the Landscape Architect's direction.

However prior to implementing this requirement, we need to establish where the property line between the Petitioner and Ms. Kunkel actually is located in the vicinity of the enclosure to assure that whatever the Landscape Architect directs be done is accomplished on the Petitioner's side of the property line. Consequently I will order that, unless the Parties can agree on the location of the property line in the vicinity of the enclosure, that an on site survey of the boundary between the Petitioner's and Kunkel properties be conducted at the Petitioner's expense. Once the survey is complete the Landscape Architect will design proper screening and the Petitioner will implement said design.

I recognize that after the survey, there is a possibility that it may be impractical to properly screen the enclosure from Ms. Kunkel's property. Perhaps there is simply not enough room between the enclosure and the property line to do accomplish any practical screening. If the Landscape Architect certifies that screening is impractical, I will treat this notice as a Motion for

Reconsideration to determine whether of not I should reverse this decision on the basis that there would be an adverse impact on the community.

This procedure means that I issue this order with conditions prior to the survey and the Landscape Architect's evaluation. I also recognize that the survey and evaluation may take longer than 30 days after this Order. Consequently I will extend the time for Parties including the County to file a Motion for Reconsideration to 90 days after the date of this Order.

I intend this to be a final order which may be appealed to the Board of Appeals.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted with conditions.

THEREFORE, IT IS ORDERED, this 25 day of October, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with an addition to have a side yard of 2 ft. and a sum of side yards of 16 ft. in lieu of the required 10 ft. and 25 ft. respectively, be and is hereby GRANTED subject to the following conditions:

1. The Petitioner shall cause an on site survey of the property line between 611 and 613 Piccadilly Road to be completed by a qualified land surveyor at her expense within 30 days of the date of this Order: and
2. The Petitioner shall submit the survey results to the Baltimore County Landscape Architect to determine what screening is practical in the vicinity of the Petitioner's hot tub enclosure in order to properly screen the enclosure from the property at 613 Piccadilly Road;
3. The Petitioner shall implement the Landscape Architects design to screen the hot tub enclosure at her expense;

ORDER RECEIVED FOR FILING
Date 10-25-05
By Deputy Zoning Commissioner

4. That the time to file a Motion for Reconsideration is hereby extended to 90 days after the date of this Order;

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 10-25-05
By Rebecca Wisner

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 611 Piccadilly Road

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) 1 B02.3.C.1 BC2R

To permit an existing single family dwelling with addition to have a sideyard of 2' and a sum of sideyards of 16' in lieu of the required 10' and 25' respectively.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be discussed at the Hearing

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:

Robert N. Winkler
Name - Type or Print

Robert N Winkler
Signature

Company

606 Baltimore Avenue #203 410/494-1820
Address Telephone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

ANN C. SHEPTER
Name - Type or Print

x Ann C Shepter
Signature

Name - Type or Print

Signature

611 Piccadilly Road 410/828-7691
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

SiteRite Surveying, Inc.
Name

200 E. Joppa Road #101 410/828-9060
Address Telephone No.

Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 06-070-A

Reviewed By _____ **Date** 8/2/05

REV 9/15/98

ZONING DESCRIPTION FOR #611 PICCADILLY ROAD

BEGINNING AT A POINT ON THE <u>EAST</u> SIDE OF <u>PICCADILLY ROAD</u> WHICH IS 50 FEET WIDE AT THE DISTANCE OF <u>265 FEET SOUTH</u> OF THE CENTERLINE OF <u>TRAFALGAR ROAD</u> WHICH IS 50 FEET WIDE. BEING LOT NO. 44 IN THE SUBDIVISION OF "CHESTNUT HILL" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. 14, FOLIO NO. 117, CONTAINING 11,055 SQUARE FEET, MORE OF LESS. ALSO KNOWN AS <u>#611 PICCADILLY ROAD</u> AND LOCATED IN THE 9TH. ELECTION DISTRICT, 6TH. COUNCILMANIC DISTRICT.

STATE OF MARYLAND
MICHAEL V. MOSKUNAS
NO. 21175
REGISTERED PROFESSIONAL LAND SURVEYOR

MICHAEL V. MOSKUNAS
REG. NO. 21175

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

070

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: 06-070-A

Petitioner: Ann Shepter

Address or Location: 611 Piccadilly Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ann Shepter

Address: 611 Piccadilly Road
Baltimore, MD 21204-3822

Telephone Number: _____

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5823

DATE 4/12/06 ACCOUNT 001-006-6150

AMOUNT $ 400.00

RECEIVED FROM: Robert Winkler

FOR: 06-070-A (Appeal)

Lot Piccadilly Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

ROBERT N. WINKLER, ATTORNEY
606 BALTIMORE AVENUE, SUITE 203
TOWSON, MD 21204
410-494-1820

12709

7-163/520

DATE 4-12-06

PAY TO THE ORDER OF Baltimore County, Maryland $ 400 00

Four Hundred 00/00 DOLLARS

BANK OF AMERICA
MARYLAND

FOR Sheplers 06-070-A

Robert N Winkler

MP

"012709" :052001633: 006068700496"

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: #06-070-A
611 Piccadilly Road
E/side of Piccadilly Road, 265 feet south of centerline of Trafalgar Road
9th Election District - 5th Councilmanic District
Legal Owner(s): Ann C. Shepter

Variance: to permit an existing single family dwelling with an addition to have a side yard of 2 feet and a sum of side yards of 16 feet in lieu of the required 10 feet and 25 feet respectively.

Hearing: Thursday, September 29, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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.
JT 9/648 September 13 66716

CERTIFICATE OF PUBLICATION

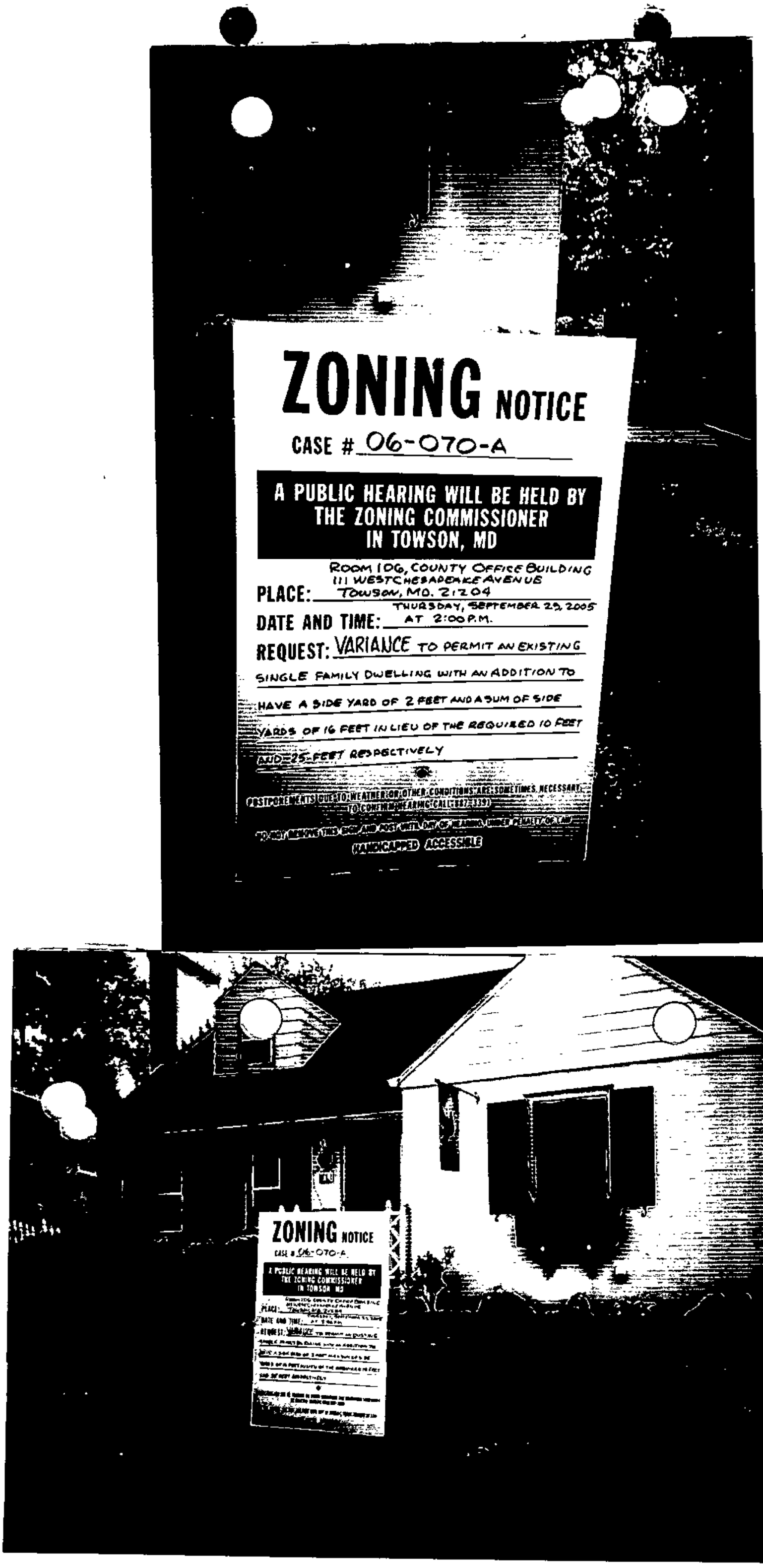
9/15, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 ~~successive~~ weeks, the first publication appearing on 9/13, 2005.

- ☑ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING


ZONING NOTICE
CASE # 06-070-A
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE: ROOM 106, COUNTY OFFICE BUILDING 111 WEST CHESAPEAKE AVENUE TOWSON, MD. 21204
DATE AND TIME: THURSDAY, SEPTEMBER 29, 2005 AT 2:00 P.M.
REQUEST: VARIANCE TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH AN ADDITION TO HAVE A SIDE YARD OF 2 FEET AND A SUM OF SIDE YARDS OF 16 FEET IN LIEU OF THE REQUIRED 10 FEET AND 25 FEET RESPECTIVELY
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391
HANDICAPPED ACCESSIBLE
ZONING NOTICE
CASE # 06-070-A
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON MD

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 448672

DATE 8/2/05 ACCOUNT R001 006 6150

AMOUNT $ 65 00

RECEIVED FROM: Robert Winkler

FOR: 06-070-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTION	TIME	DRW
8/03/2005	[illegible]	14:15:24	2

[illegible] WALKIN JEVA JEE
>RECEIPT # 417018 7/31/2005 OFLR
Dept 3 528 ZONING VERIFICATION
R NO. 448672
Recpt Tot $65.00
$65.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-070-A

Petitioner/Developer: ANN SHEPTER

Date of Hearing/Closing: SEPT. 29, 2005

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

Attention: **Christen Matthews**

Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the propery located at

611 PICCADILLY ROAD

The sign(s) were posted on SEPT. 13, 2005
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

APPEAL SIGN POSTING REQUEST

CASE NO. 06-070-A

611 PICCADILLY ROAD

9TH ELECTION DISTRICT APPEALED: 4/12/2006

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

COMPLETE AND RETURN BELOW INFORMATION*

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 06-070-A

LEGAL OWNER: ANN C. SHEPTER

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

611 PICCADILLY ROAD

The sign was posted on 6/1/06, 2006.

By: _____
(Signature of Sign Poster)

WASILEWSKI
(Print Name)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 13, 2005 Issue - Jeffersonian

Please forward billing to:
Ms. Ann Shepter 410-828-7691
611 Piccadilly Road
Towson, MD 21204

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: 06-070-A
611 Piccadilly Road
E/side of Piccadilly Road, 265 feet south of centerline of Trafalgar Road
9th Election District – 5th Councilmanic District
Legal Owner: Ann C. Shepter

Variance to permit an existing single family dwelling with an addition to have a side yard of 2 feet and a sum of side yards of 16 feet in lieu of the required 10 feet and 25 feet respectively.

Hearing: Thursday, September 29, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J WISEMAN III
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 of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

August 16, 2005

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: 06-070-A
611 Piccadilly Road
E/side of Piccadilly Road, 265 feet south of centerline of Trafalgar Road
9th Election District – 5th Councilmanic District
Legal Owner: Ann C. Shepter

Variance to permit an existing single family dwelling with an addition to have a side yard of 2 feet and a sum of side yards of 16 feet in lieu of the required 10 feet and 25 feet respectively.

Hearing: Thursday, September 29, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Robert Winkler, 606 Baltimore Avenue, Ste. 203, Towson 21204
Ann Shepter, 611 Piccadilly Rd., Towson 21204
Site Rite Surveying, Inc., 200 E. Joppa Rd., Ste. 101, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPTEMBER 14, 2005**
(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.

3-1-7
#1

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

October 2, 2006

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 06-070-A

IN THE MATTER OF: ANN C. SHEPTER –Legal Owner/
Petitioner 611 Piccadilly Road 9th E; 5th C

3/16/06 – D.Z.C.'s Order on Motion for Reconsideration reversing previous Order and denying requested variance relief. **

****NOTE:** 10/25/05 – D.Z.C.'s original Order in which requested variance relief was granted.
1/20/06 –Motion for Reconsideration filed by Louise Kunkel, Protestant.
3/16/06 – D.Z.C.'s Order on Motion /reversing previous Order and DENYING requested var relief.
4/06/06 – Amended Order correcting typographical error.

which had been assigned for hearing on 10/19/06 has been POSTPONED at the request of Counsel for Petitioner (Petitioner will be out of town during period of hearing date); and has been

REASSIGNED FOR: **WEDNESDAY, DECEMBER 27, 2006 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact *this office at least one week prior to* hearing date.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellant /Petitioner : Robert N. Winkler, Esquire
Appellant /Petitioner : Ann C. Shepter
Vincent Moskunas /Site Rite Surveying

Protestants : Louise Kunkel, Nancy Horst, Norma Sotir ✓, Mary Scott ✓, Richard Parsons ✓, Helen Campbell ✓, Bob Sagnette ✓, Tim Goucher ✓

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Paul Hohne /Code Enforcement /PDM
James H. Thompson, Supervisor, Code Enforcement **[Code Violation #05-2915]**
Timothy M. Kotroco, Director /PDM

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

September 19, 2005

Robert N. Winkler
606 Baltimore Avenue, # 203
Towson, Maryland 21204

Dear Mr. Winkler:

RE: Case Number: 06-070-A, 611 Piccadilly Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 2, 2005.

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: clb

Enclosures

c: People's Counsel
Ann C. Shepter 611 Piccadilly Road Towson 21204
Site Rite Surveying, Inc. 200 E. Joppa Road Towson 21286

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 19, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 22, 2005
Item No's. 070, 071, 072, 073, 074, 075, and 076

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-08192005.doc

Fire Department

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

Baltimore County

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

August 10, 2005

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

ATTENTION: Zoning Review planners

Distribution Meeting of: August 15, 2005

070

Item No.: 067-076

1. The fire marshal's office has no comments at this time.

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

Acting Lieutenant David Heath
Fire Marshal's Office
410-887-4881
MS-1102F

cc: File

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

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

Maryland Department of Transportation

Date: 8.9.05

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

RE: Baltimore County
Item No. 070 LTM

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

T. J. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley

DATE: September 7, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 15, 2005

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

06-068
06-070
06-071
06-074
06-075
06-076

Reviewers: Sue Farinetti, Dave Lykens

9/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 25, 2005

RECEIVED
AUG 31 2005
ZONING COMMISSIONER

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

SUBJECT: 611 Piccadilly Road

INFORMATION:

Item Number: 6-070

Petitioner: Ann Shepter

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning recommends **denial** of the subject request due to the fact that the subject property has had an addition built to the rear of the existing single-family dwelling. This addition has encroached 8 feet into the required 10-foot side yard setback line. Moreover, the addition was constructed without a permit and in the absence of any review by the appropriate county agencies.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by: Cindis Murray

Division Chief: [signature]
AFK/LL: CM

W:\DEVREV\ZAC\6-070.doc

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: September 15, 2005

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT:		
	Item No.:	070
	Legal Owner/Petitioner	Shepter, Ann
	Contract Purchaser:	N/A
	Property Address:	611 Piccadilly Rd
	Location Description:	E/S Piccadilly Rd, 265' S centerline Trafalger Rd

VIIOLATION INFORMATION:		
	Case No.	05-2915
	Defendants:	Shepter, Ann

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME ADDRESS

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

☐	1.	Complaint letter/memo/email/fax (if applicable)
X	2.	Complaint Intake Form/Code Enforcement Officer's report and notes
X	3.	State Tax Assessment printout
☐	4.	State Tax Parcel Map (if applicable)
☐	5.	MVA Registration printout (if applicable)
☐	6.	Deed (if applicable)
☐	7.	Lease-Residential or Commercial (if applicable)
☐	8.	Photographs including dates taken
X	9.	Correction Notice/Code Violation Notice
☐	10.	Citation and Proof of Service (if applicable)
☐	11.	Certified Mail Receipt (if applicable)
☐	12.	Final Order of the Code Official/Hearing Officer (if applicable)
☐	13.	Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
☐	14.	Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/ph
C: Code Enforcement Officer

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

9

Code Enforcement: 410-887-3351 **Plumbing Inspection:** 410-887-3620
Building Inspection: 410-887-3953 **Electrical Inspection:** 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.	Property No.	Zoning:
05-2915	09190078200	

Name(s): Shepter Ann Chatheine

Address: 611 Piccadilly Rd

Violation Location: Same

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IRC - Addition constructed without Building Permit or Electrical Permits
Obtain all required permits.
BCZR 26-172(a) 500.9 Variance required
Stop Work
$ 500.00 Fine

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
6/2/05	5/19/05

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Paul Hahne

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
6/2/05	5/19/05

INSPECTOR:

AGENCY

Code[redacted]orcement - Daily Workshe[redacted]

Inspector -

Area	Case #	Location		Apt	Zip	Date Rec	Reinsp Dt
017	05-2915	611	PICCADILLY RD		21204	5/17/2005	

Tax Acct #: 0919078200

Owner: SHEPTER, ANN CATHERINE

Complainant Name: (Last) ANONYMOUS (First)
Addr:
Str # Dir Street Name Type Apt

City ST Zip
Phone: (Home) (Work)

Problem: BLT. ADD. - ON PROP. LINE W/O PERMIT

5/19/5 - Found addition being built approx 6" From property line. Issued stop work and cr to obtain permits. Variance likely required.

Recheck 6/2

KH

P/U Date		Closed Date		Gary F to update	
Anonymous Complaint	Complainant Updated	Updated by voice message	Unable to update	Update not necessary	
Executive office Complaint	Yes	No	If Yes is Executive memo attached?	Yes	No

entered KH

CODE ENFORCEMENT REPORT

6-B

DATE: 5/17/05 **INTAKE BY:** Hopkins, K **CASE #:** 05-2915 **INSPEC:** _____

COMPLAINT LOCATION: 611 Piccadilly Rd

_____ **ZIP CODE:** _____ **DIST:** _____

COMPLAINANT NAME: Anonymous **PHONE #: (H)** _____ **(W)** _____

ADDRESS: _____ **ZIP CODE:** _____

PROBLEM: blt. add - on prop. line w/o permit

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ **ZONING:** _____

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

RA1001B

DATE: 05/17/2005 STANDARD ASSESSMENT INQUIRY (1)

TIME: 13:25:53

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
09 19 078200	09	2-0	04-00	H	NO		05/02/05

SHEPTER ANN CATHERINE

DESC-1.. IMPS

DESC-2.. CHESTNUT HILL

611 PICCADILLY RD

PREMISE. 00611 PICCADILLY RD

00000-0000

BALTIMORE MD 21204-3822 FORMER OWNER: SZECHENYI ANN C

FCV	PRIOR	PROPOSED		PHASED IN CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	62,760	107,760				
IMPV:	162,760	239,880	TOTAL..	266,226	266,226	225,520
TOTL:	225,520	347,640	PREF...	0	0	0
PREF:	0	0	CURT...	266,226	266,226	225,520
CURT:	225,520	347,640	EXEMPT.		0	0
DATE:	07/01	08/04				

TAXABLE BASIS		FM DATE
ASSESS:	266,226	11/11/04
ASSESS:	225,520	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

RE:	PETITION FOR VARIANCE 611 Piccadilly Road; E/side Piccadilly Road, 265' S c/line Trafalgar Road 9th Election & 5th Councilmanic Districts Legal Owner(s): Ann C. Shepter Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-070-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 11th day of Augsut, 2005, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286 and Robert Winkler, Esquire, 606 Baltimore Avenue, Suite 203, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
AUG 11 2005
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

April 18, 2006

Robert N. Winkler, Esquire
606 Baltimore Avenue, #203
Towson, MD 21204

Dear Mr. Winkler:

RE: Case: 06-070-A, 611 Piccadilly Road

Please be advised that we received your appeal of the above-referenced case on April 12, 2006. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

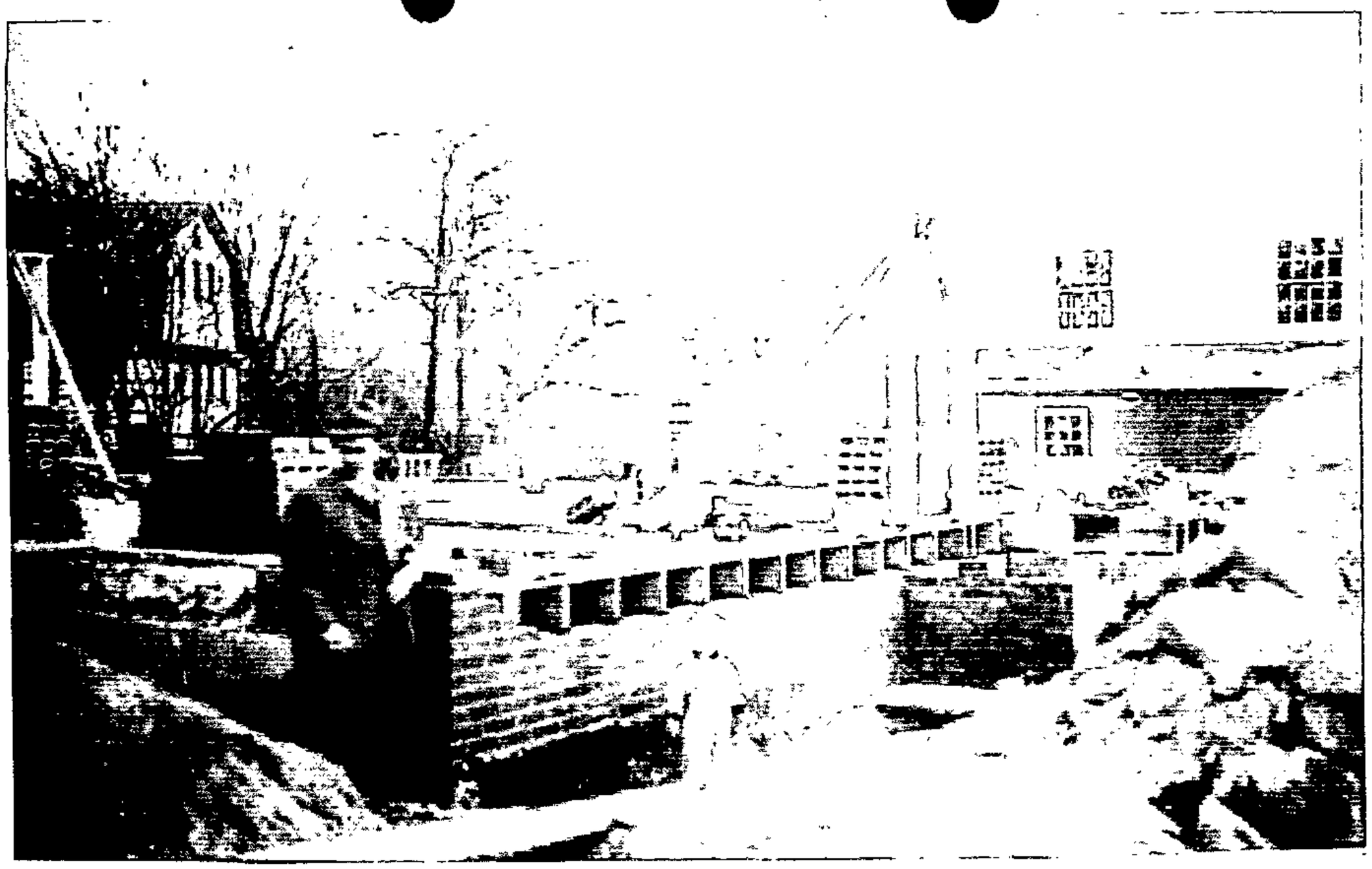
Timothy Kotroco
Director

TK:raj

c: John V. Murphy, Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Office of People's Counsel, M.S. 2010
Code Enforcement
Vincent Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson, MD 21286
Ms. Ann C. Shepter, 611 Piccadilly Road, Towson, MD 21204
Ms. Louise Kunkel, 613 Piccadilly Road, Towson, MD 21204
Mr. Richard Parsons, 412 Woodbine Avenue, Towson, MD 21204
Ms. Nancy Horst, P. O. Box 204, Riderwood, MD 21139
Ms. Helen Campbell, 615 Piccadilly Road, Towson, MD 21204
Ms. Norman Sotir, 800 Eton Road, Towson, MD 21204
Mr. Bob Sagnette, 609 Piccadilly Road, Towson, MD 21204
Ms. Mary Scott, 634 Piccadilly Road, Towson, MD 21204
Mr. Tim Goucher, 638 Piccadilly Road, Towson, MD 21204

611 Piccadilly Rd.

Pet. Ex. #3a



Pet. Ex. 3B

Petitioner's Ex #2

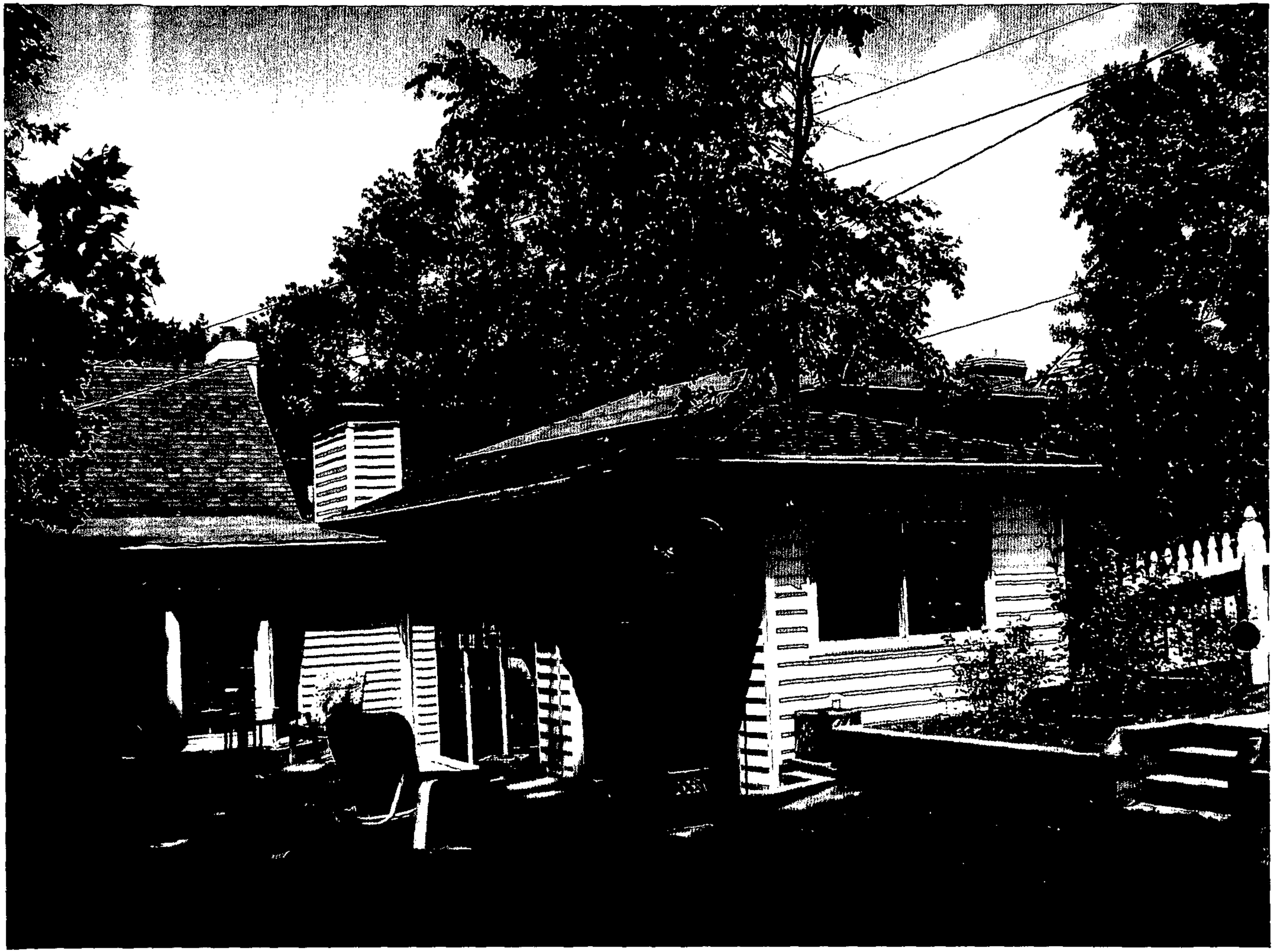
View of back of house
Hot tub on right

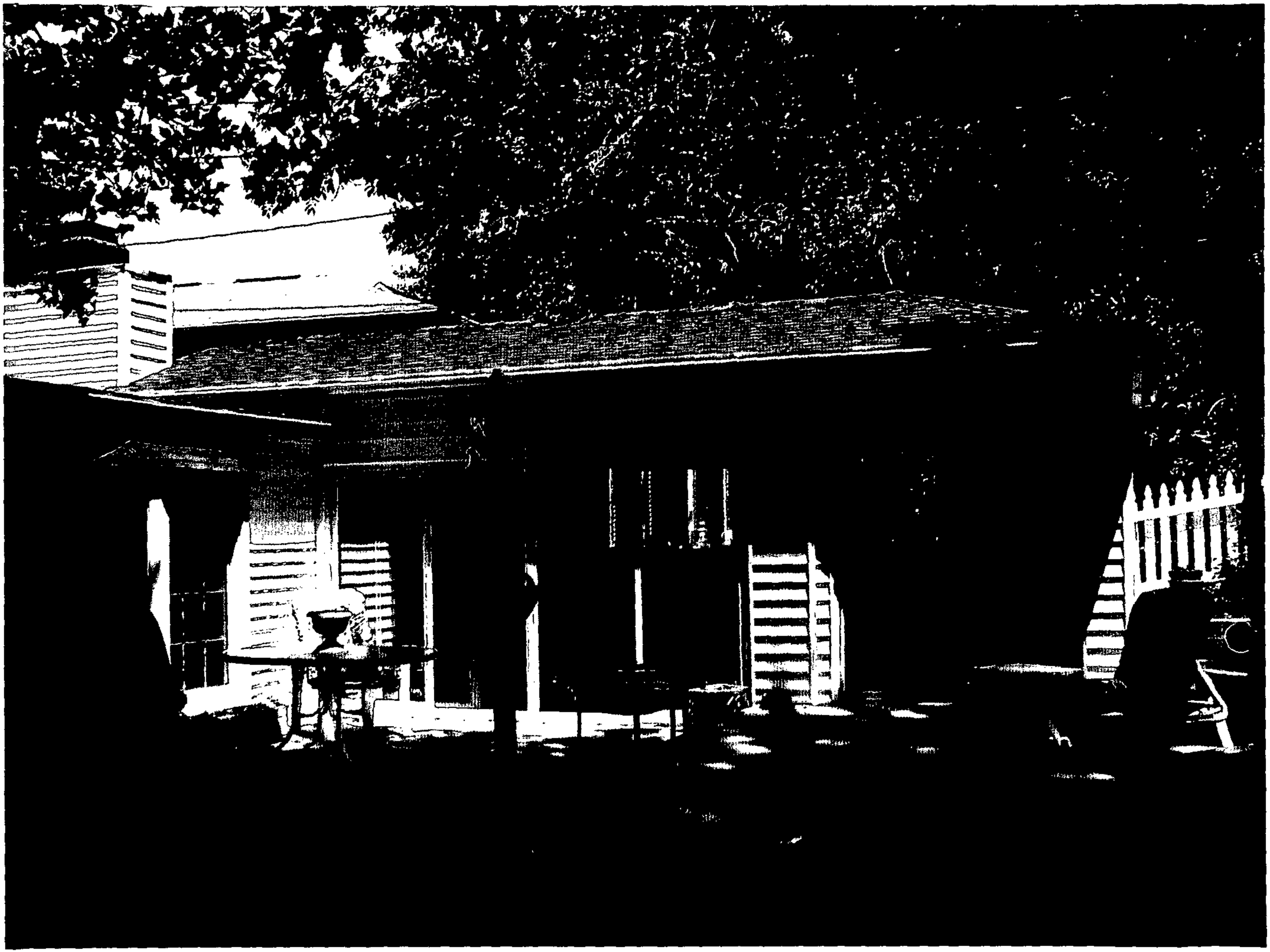
Dated 2

Pet
2 13

Pet CBA 4 B

Corner next to house

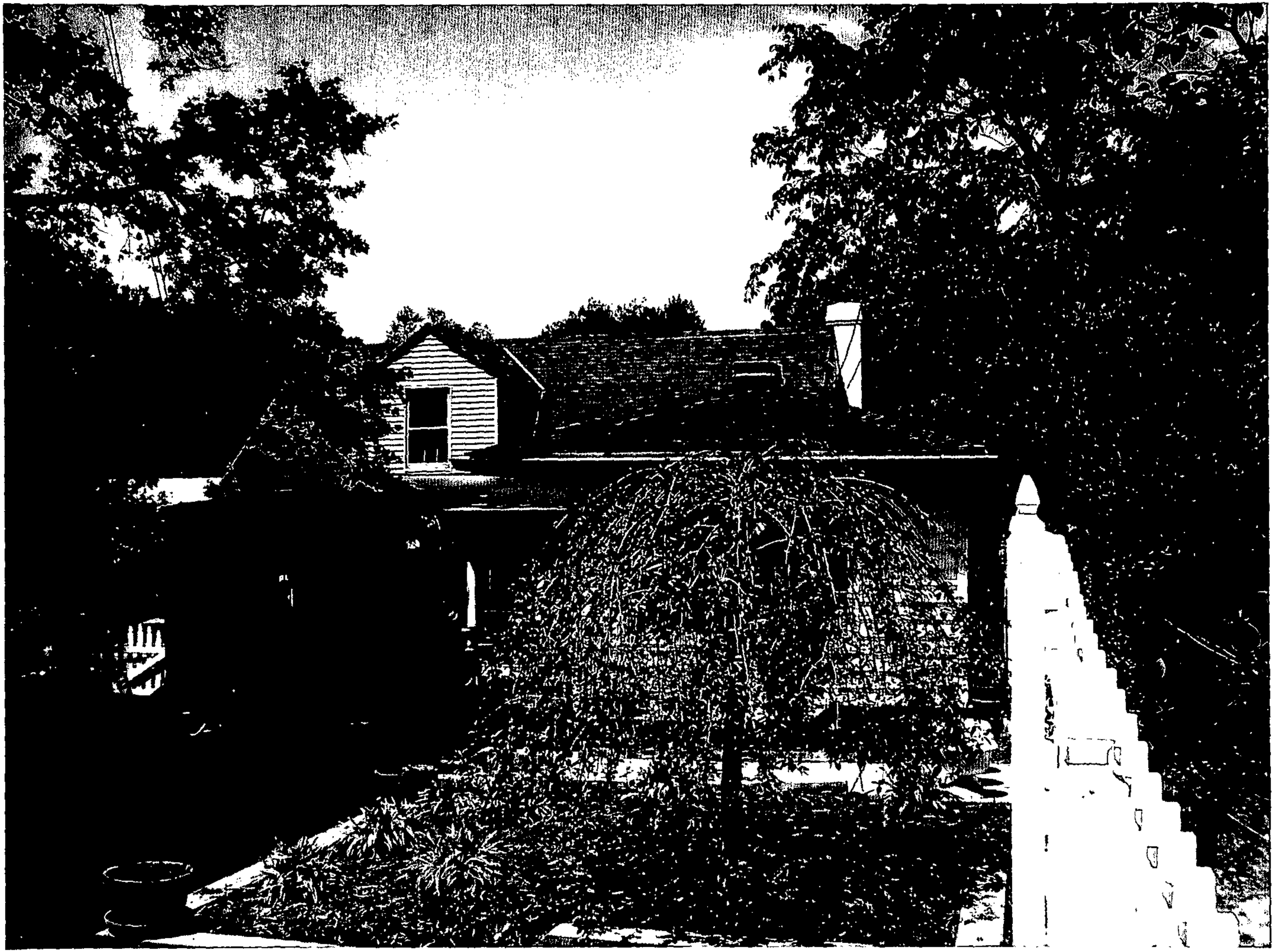




Pet
2 D

View of hot tub room from rear yard

CBA Pet. 40



Pet
2 G

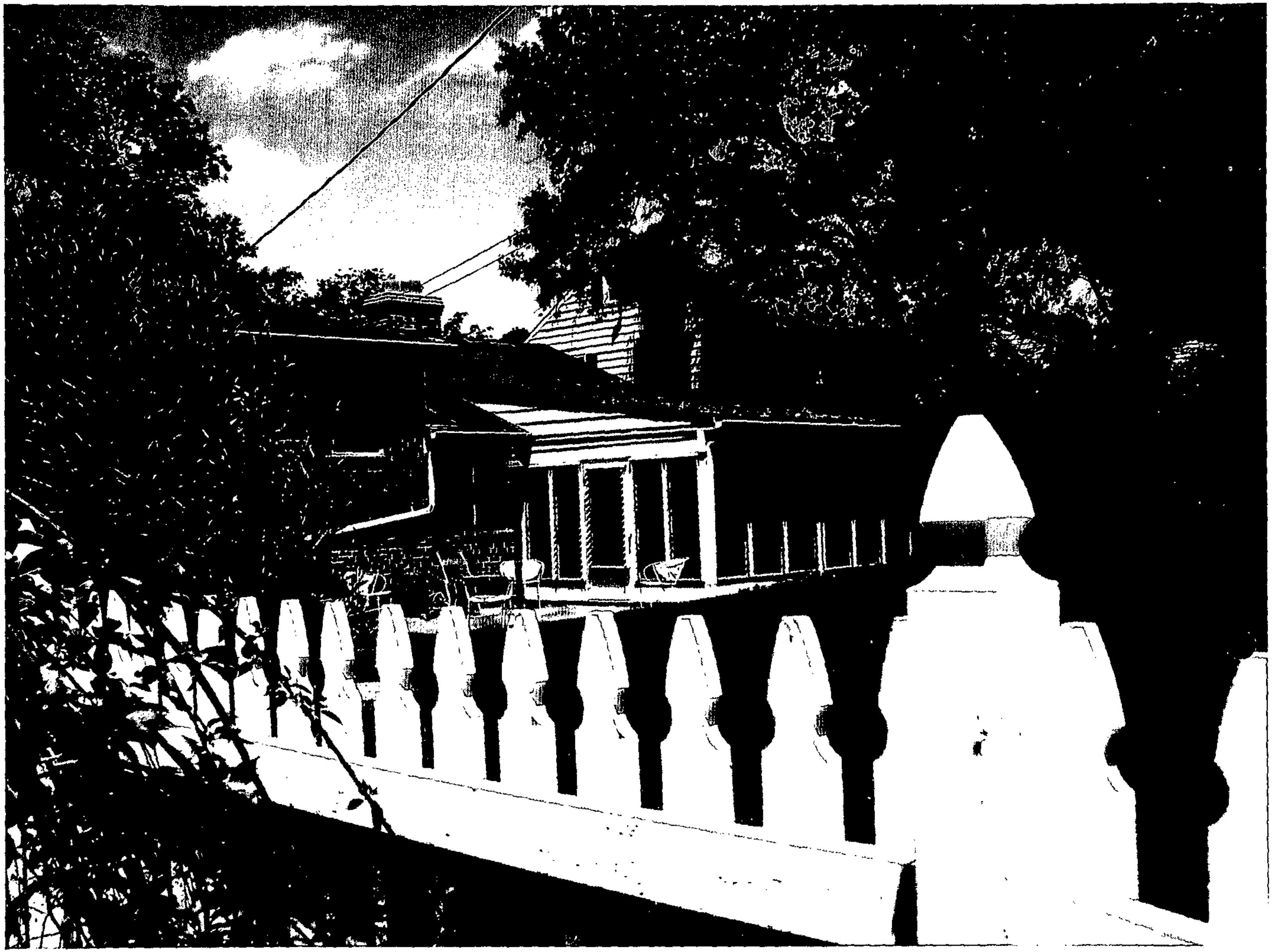
View from front sidewalk

Pet. CBA 4 G

2 J

CBARET 4J

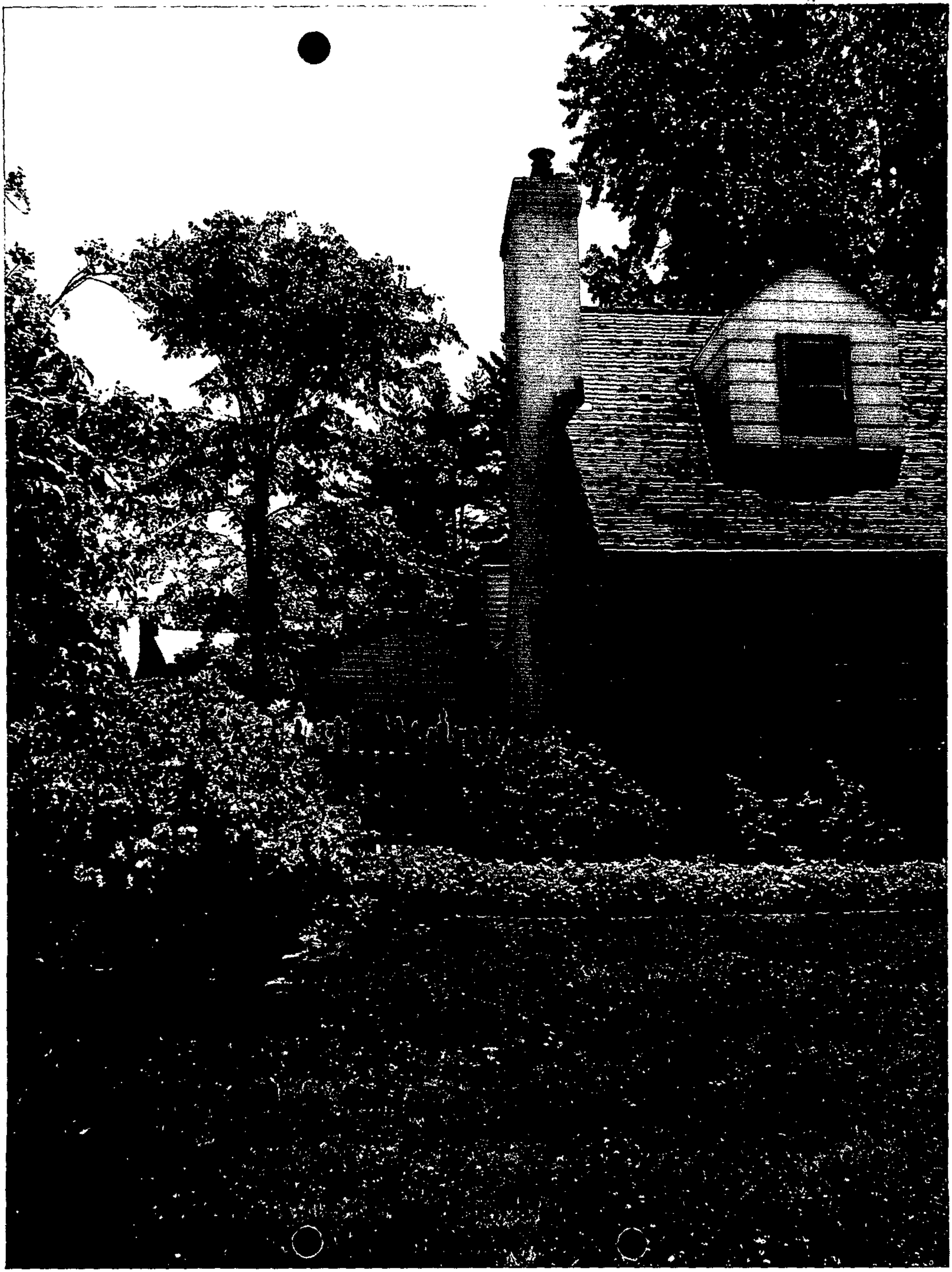
View from front yard

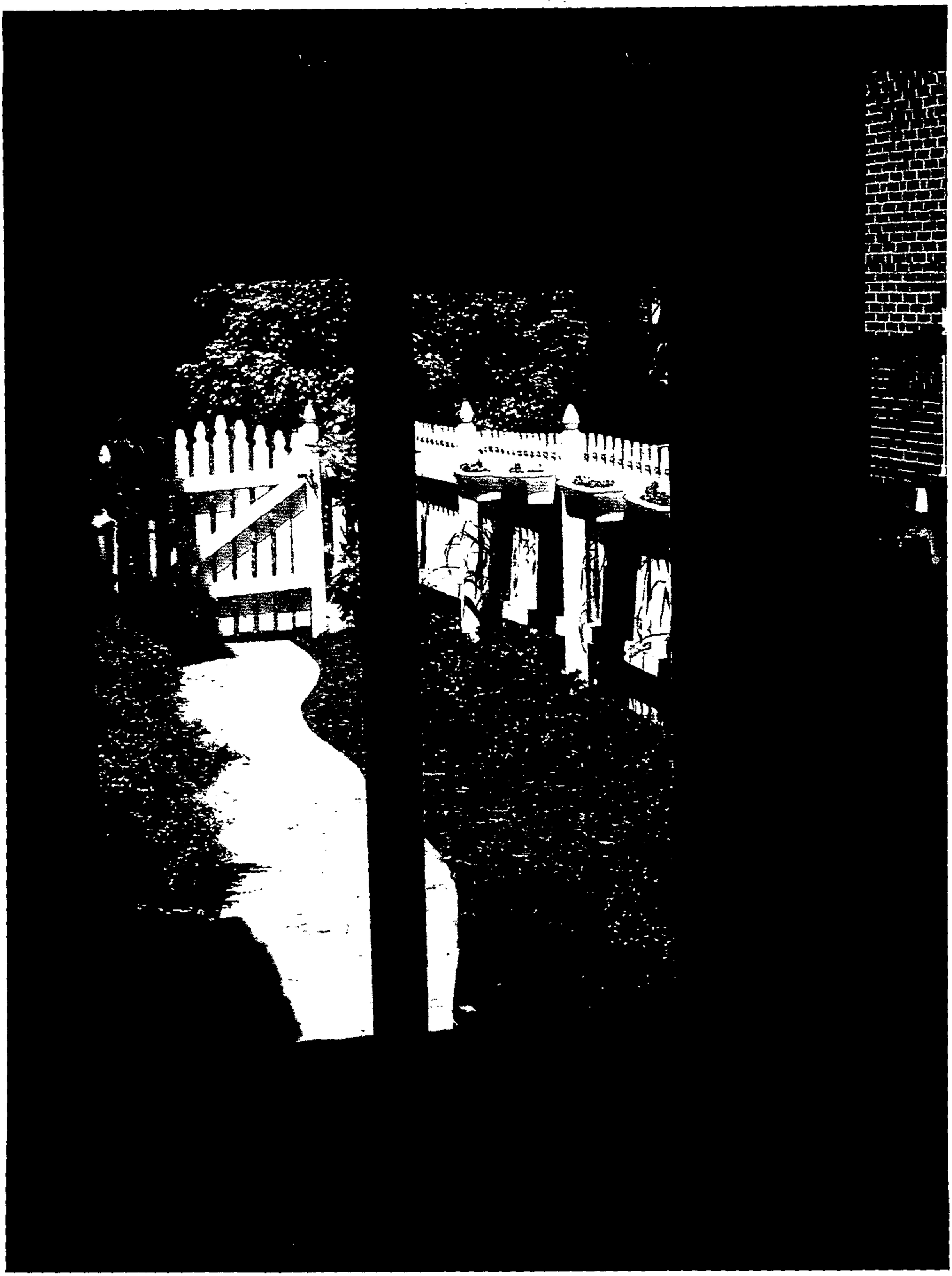


2L

View of Mrs Kunkel's house & yard from petitioner's back yard

CBA Pet. 4L





2M

Walk outside to front yard

CBA Pet. 4/4

APPEAL

Petition for Variance
611 Piccadilly Road
East side of Piccadilly Road, 265 feet south
Centerline Of Trafalgar Road
9th Election District – 5th Councilmanic District
Legal Owner: Ann C. Shepter

Case No.: 06-070-A

Petition for Variance (August 2, 2005)

Zoning Description of Property

Entry of Appearance by People's Counsel (August 11, 2005)

Notice of Zoning Hearing (August 16, 2005)

Certificate of Posting (September 13, 2005) by Garland E. Moore

Certificate of Publication (September 13, 2005– The Jeffersonian)

Zoning Advisory Committee Comments

Petitioner(s) Sign-In Sheet

Citizen(s) Sign-In Sheet

Protestants' Sign-In Sheet

Petitioners' Exhibits

1 Plat to Accompany
2 Photographs #2A-2M
3 Flier for "Chestnut Hill" Friday Neighborhood Gathering
4 Exhibits 4A-4C - Letters in Support of Petitioner
5 8/22/05 letter w/ 2-page attachment from GBMC (K. Bauer) re: Petitioner's therapy treatment
6 5/20/05 Application for Permit

Protestant's Exhibit

1 2 Letters of Opposition to Petitioners' Variance Request

Miscellaneous (Not Marked as Exhibits)

1 Aerial Zoning Map of "611 Piccadilly Road"
2 Code Enforcement – Active Violation Case Documents (6 pages)
3 Photocopy of Article 4 – Re: Sec. 400.1
4 9/30/05 letter from Louise Kunkel to John V. Murphy, Deputy Zoning Commissioner (DZC)
5 10/17/05 letter from Robert N. Winkler, Esq. to John V. Murphy, DZC
6 12/8/05 2 Letters of Transmittal from Site Rite Surveying, Inc. to DZC
7 1/26/06 letter from Avery Harden, County Landscape Architect to John V. Murphy, DZC re: landscape buffer (Note on letter: copy sent to Winkler & Protestant 1/30/06)

Deputy Zoning Commissioner's Order (Petition for Variance–GRANTED) dated October 25, 2005

Motion for Reconsideration letter from Louise Kunkel, Protestant to Jack Murphy (DZC) dated 1/20/06 - (Note on letter: copy sent to Winkler 1/30/06)

Deputy Zoning Commissioner's Order on Motion for Reconsideration dated 3/16/06 Reversing and Denying Previous Order dated 10/25/05.

Amended Order dated 4/6/06 correcting typographical error – "revered" changed to "REVERSED".

Notice of Appeal received on April 12, 2006 from Robert N. Winkler, Esquire on behalf of Ann C. Shepter, Petitioner

c: John V. Murphy, Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Office of People's Counsel, M.S. 2010
Code Enforcement
Robert N. Winkler, Esquire, 606 Baltimore Avenue, #203, Towson, MD 21204
Vincent Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson, MD 21286
Ms. Ann C. Shepter, 611 Piccadilly Road, Towson, MD 21204
Ms. Louise Kunkel, 613 Piccadilly Road, Towson, MD 21204
Mr. Richard Parsons, 412 Woodbine Avenue, Towson, MD 21204
Ms. Nancy Horst, P. O. Box 204, Riderwood, MD 21139
Ms. Helen Campbell, 615 Piccadilly Road, Towson, MD 21204
Ms. Norman Sotir, 800 Eton Road, Towson, MD 21204
Mr. Bob Sagnette, 609 Piccadilly Road, Towson, MD 21204
Ms. Mary Scott, 634 Piccadilly Road, Towson, MD 21204
Mr. Tim Goucher, 638 Piccadilly Road, Towson, MD 21204

date sent April 18, 2006, raj

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:	Ann C. Shepter 611 Piccadilly Road 9TH E; 5TH C
DATE:	February 8, 2007
BOARD/PANEL	Lawrence S. Wescott, Chairman Mike Mohler Edward W. Crizer, Jr.
RECORDED BY:	Linda B. Fliegel/Legal Secretary
PURPOSE:	To permit an existing single family dwelling with an addition to have a side yard of 2' and a sum of side yards of 16' in lieu of the required 10' and 25'.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- This matter came before the Board *de novo*.
- Hot tub is located very close to the neighbor's property, approximately 27' from the neighbor's property line.
- Hot tub is in an enclosed area that is attached to the house by a passageway.
- Under the law, this is considered to be part of the house. (See Sec. 400.1 of the BCZR)
- Because it is attached to the house it is in violation of the law.
- Mention was made that the yard was somehow unique because of the rocky conditions of the yard. The Board found that the rocky conditions were not unique because this condition was shared by other homes in the neighborhood.
- The Board reviewed the chart for Sec. 402, under property zoned D.R.3.5, of the BCZR.

DECISION BY BOARD MEMBERS: The Board concluded that the Petitioner was in violation of the regulations as set forth in the *Baltimore County Zoning Regulations* and that there was no other recourse but to deny the request for variance.

FINAL DECISION: After a thorough review of the facts, testimony, and law in the matter, the Board unanimously decided to *DENY* Petitioner's request for variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted

Linda B. Fliegel

Linda B. Fliegel
County Board of Appeals

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

January 26, 2006

John V. Murphy
Deputy Zoning Commissioner
For Baltimore County

RE: Case NO. 06-070-A,
611 Piccadilly Road
Landscape Buffer Consideration for a Hot Tub Enclosure

Dear Mr. Murphy,

As requested, I have reviewed the subject case and site regarding the consideration of screeing the subject hot tub enclosure from the adjacent resident's view.

It is my conclusion that there is not enough space between the property line and subject hot-tub enclosure to position a vegetative buffer large enough to have a noticeable impact. This issue does not have a landscape solution in my opinion.

Avery Harden
County Landscape Architect

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: January 25, 2008

TO: Timothy Kotroco, Director
Permits & Development Management

FROM: Linda B. Fliegel
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	***PDM FILE NUMBER***	**NAME**	**LOCATION**
06-063-A	***Same***	Joseph F. Baird	1009 Bowleys Quarters Road
06-070-A	***Same***	Ann C. Shepter	611 Piccadilly Road
06-320-A	***Same***	Charisopher & Sally Pfaeffle	1217 Merediths Ford Road
06-421-X	***Same***	Omnipoint Communications CAP	4000 Offutt Road
06-315-SPH	***Same***	Mark D. Loy	4714 Mt. Carmel Road
06-108-SPH	***Same***	Benjamin A. & Kayren P. Governale	39 Glenbrook Road
CBA-06-050	***DRC #100306***	Hilgartner Property a/k/a Park Heights Avenue	11964 Park Heights Avenue

ARTICLE 4

SPECIAL REGULATIONS

Section A400
Purpose
[Bill Nos. 40-1967; 18-1976]

Certain uses, whether permitted as of right or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than would be feasible in the individual use regulations for each or any of the zones or districts. This article, therefore, provides such regulations.

Section B400
Application of This Article's Provisions
[Bill No. 18-1976]

The provisions of this article apply only to principal uses except as otherwise specified (as in Item 405.4.D.7) or unless the provision implicitly relates to accessory usage (as in Section 405A).

Section 400
Accessory Buildings in Residence Zones
[BCZR 1955; Bill No. 27-1963]

400.1 Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2½ feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

400.2 Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts. **[Bill No. 2-1992]**

400.3 The height of accessory buildings, except as noted in Section 300 shall not exceed 15 feet.

Section 401
Cemeteries
[BCZR 1955]

The Zoning Commissioner or the Board of Appeals, on appeal, may require a minimum setback from any property line for any building, structure, grave or place of temporary or permanent burial, and may require such walls, fences and/or planting of shrubbery, trees or vines as may be reasonable and proper to afford adequate screening.

Section 402
Conversion of Dwellings
[BCZR 1955]

For residential use:

402.1 The converted dwelling must be located on a lot that will meet the dimensional requirements shown in the schedule which follows.

402.2 Separate cooking facilities and a separate bathroom shall be provided for each family unit.

CONVERSION OF ONE-FAMILY DWELLINGS
MINIMUM DIMENSIONS

	Width of Lot in Feet at Front Building Line			Lot Area In Square Feet		Side Yards (feet)	
Zone	Duplex[1]	Semi-Detached[1]	Each Add. Fam.	Two Families	Each Add. Family	Min. For One	Sum of Both
D.R.1	175	175	25	50,000	10,000	Int. 25 Cor. 50	Int. 60 Cor. 75
D.R.2	125	125	25	25,000	7,500	Int. 20 Cor. 35	Int. 50 Cor. 60
D.R.3.5	90	100	15	12,500	4,000	Int. 20 Cor. 30	Int. 40 Cor. 50
D.R.5.5	80	90	15	10,000	3,000	Int. 15 Cor. 25	Int. 35 Cor. 40
D.R.10.5	70	80	10	Interior 8,050 Corner 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40
D.R.16	70	80	10	Interior 8,050 Corner 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40

NOTES:

[1] The original BCZR 1955 definitions of "dwelling, duplex" and "dwelling, semi-detached" were deleted from Section 101 by Bill No. 100-1970. The entries previously read as follows:

"Dwelling, Duplex: A two-family detached building with one housekeeping unit over the other.

"Dwelling, Semi-detached: A building that has two one-family housekeeping units erected side by side on adjoining lots, separated from each other by an approved masonry party wall extending from the basement or cellar floor to the roof along the dividing lot line, and separated from any other building by space on all sides."

Robert N. Winkler
COUNSELOR AT LAW
606 BALTIMORE AVENUE
SUITE 203
TOWSON, MARYLAND 21204-4026

PHONE (410) 494-1820
FAX (410) 494-1984
E-MAIL BOB@WWWINKLER.COM
EIN 52-1109402

9/29

October 17, 2005

Mr. John Murphy
Deputy Zoning Commissioner
401 Bosley Avenue
Towson, Maryland 21204

RE: Case No.: 06-070-A - 611Piccadilly Road, Petitioner
Ann C. Shepter
My File No.: 05-178

Dear Commissioner Murphy:

A Petition for Variance, or in the alternative, determination that Variance is not needed, was heard on September 29, 2005. At that time, you withheld making a decision pending our discussions with the County Landscape Architect, Mr. Hardin, to see if the complaints of the neighbor at 613 Piccadilly Road, Mrs. Louise Kunkel, could be satisfied by landscape screening of the structure objected to by Mrs. Kunkel.

I met with Mr. Hardin and provided him the information he requested. He subsequently phoned my office and advised that when he spoke with Ms. Kunkel, she told him that she wanted the Commission to make a decision on whether the variance was needed, or whether the variance was granted or not, before she made her own decision.

I believe this puts the Petition back in a situation for you to make a decision on Ms. Shepter's request.

Very truly yours,

Robert N. Winkler

RNW:mlg

cc: Ms. Ann C. Shepter

Robert N. Winkler
COUNSELOR AT LAW
606 BALTIMORE AVENUE
SUITE 203
TOWSON, MARYLAND 21204-4026
PHONE (410) 494-1820
FAX (410) 494-1984
E-MAIL BOB@WWWINKLER.COM
EIN 52-1109402

July 5, 2006

Ms. Kathleen C. Bianco
Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE:	*In the Matter Of:*	*Ann C. Shepter, Legal Owner, Petitioner* *611 Piccadilly Road* *9th Election District* *5th Councilmanic District*
	Case No.:	*06-070-A*
	Hearing Date:	*Thursday, October 19, 2006*
	My File No.:	*05-178*

Dear Ms. Bianco:

I received notice that the appeal of the above-captioned case will be heard on October 19, 2006. My client, Ann C. Shepter, has a pre-paid, previously planned trip, out of the country, with her daughter, from October 14, 2006 to November 21, 2006. She is also scheduled to be out-of-town on December 4, 2006 to December 17, 2006.

I wonder if it is possible for us to work around these dates and reschedule this hearing?

Thank you for your anticipated courtesy and cooperation.

Very truly yours,

Robert N. Winkler

RNW:mlg

Enclosure

cc: Ms. Ann C. Shepter

WILLIAM R. LAW
635 PICCADILLY ROAD
TOWSON, MD 21204-3822

duplicate

September 26, 2005

TO: Baltimore County Maryland Zoning Commissioner
RE: Case # 06-070-A

I am writing this petition in case I am unable to attend the Hearing on Thursday, September 29, 2005. I am the owner and 35 year resident at 635 Piccadilly Road.

I strongly object to the granting of a side yard variance to permit the existing family dwelling with an addition at 611 Piccadilly Road to have a side yard of 2 feet and a sum of side yards of 16 feet in lieu of the required 10 feet and 25 feet respectively.

In this immediate neighborhood on a walk through today, I counted 117 family dwellings on Piccadilly Road, Eaton Road and Trafalgar Road with a total of 55 existing additions that I am either aware of or that are visually obvious from the front street walk that have been added to the original dwellings. NONE extend beyond the side walls of the original (1950's) structure (house or side garage). To allow this the 56th addition in the neighborhood to extend beyond the original side set backs will set a bad precedent and open the door to allow future additions that will destroy the integrity and property values of this lovely neighborhood. In addition if this variance is permitted, it will simply encourage others (owners and/or builders) to build additions without first obtaining the proper building permits.

Thank you for your attention to this matter.

William R. Law

c:\md\ndta2\zonehear.doc

WILLIAM R. LAW
635 PICCADILLY ROAD
TOWSON, MD 21204-3822

December 19, 2006

TO: Board of Appeals; Old Court House; 400 WashingtonAve.; Towson, Md
RE: Baltimore County Maryland Zoning Case # 06-070-A
Hearing 10:00 A.M.; Room #48; Wednesday, December 27, 2006

I am writing this petition in case I am unable to attend the above hearing. I am the owner and 36 year resident of my home at 635 Piccadilly Rd.

I strongly object to the granting of a side yard variance to permit the existing family dwelling with an addition at 611 Piccadilly Road to have a side yard of 2 feet and a sum of side yards of 16 feet in lieu of the required 10 feet and 25 feet respectively.

In this immediate neighborhood on a walk through, I counted 117 family dwellings on Piccadilly Road, Eaton Road and Trafalgar Road with a total of 55 existing additions that I am either aware of or that are visually obvious from the front street walk that have been added to the original dwellings. NONE extend beyond the side walls of the original (1950's) structure (house or side garage). To allow this the above addition in this neighborhood to extend beyond the original side set backs will set a bad precedent and open the door to allow future additions that will destroy the integrity and property values of this lovely neighborhood. In addition if this variance is permitted, it will simply encourage others (owners and/or builders) to build additions without first obtaining the proper building permits.

Thank you for your attention to this matter.

William R. Law

c:\md\ndta3\zonehear.doc

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Ann C Shepter	611 Piccadilly Road	Towson MD 21204	Ashepter@aol.com
Robert Winkler	606 Baltimore Ave #203	Towson 21204	Bob@wwwinkler.com
Vincent J. Moskunas			
Site Rite Surveying, Inc.	200 E. Joppa Road	Towson Md. 21286	VSM.MVM@AOL.COM

PLEASE PRINT CLEARLY

CASE NAME______________
CASE NUMBER____________
DATE__________________

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Nancy Horst	P.O. Box 204	Riderwood, MD 21139	ruxrider@bcpl.net

PLEASE PRINT CLEARLY

CASE NAME__________
CASE NUMBER__________
DATE__________

PROTESTANTS'
~~CITIZEN'S~~ SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Helen Campbell	615 Piccadilly Road	Towson, MD 21204	hbc615@comcast.net
* NORMA SOTIR	800 ETON Rd	Towson, Md 21204	
* Louise Kunkel	613 Piccadilly Rd	Towson, Md. 21204	
Richard Parsons	412 Woodbine Ave	Towson 21204	rparsons@bcpl.ne
BOB SAGNETTE	609 PICCADILLY RD	Towson 21204	
Mary Scott	634 Piccadilly Rd.	Towson 21204	mescott@comcast.net
Tim Goucher	638 Piccadilly Rd	Towson MD 21204	

Zoning map : D.R. 3.5
#611 Piccadilly Road
Variance Petition

LISTED ON FRONT OF FOLDER

Miscellaneous
(Not Marked as
Exhibits)

070

IT'S BACK: FRIDAY FUN IN CHESTNUT HILL!!

6:30 PM

MAY 20 – BRIAN & SHARON SCHEIHING
614 PICCADILLY

JUNE 3 – STACY & PETER KORZENEWSKI
616 PICCADILLY

JUNE 17 – KATHY & DANTE BALIN
516 PICCADILLY

JULY 1 – CATRINA KAMANTAUSKAS &
DARWIN HOLDER
637 PICCADILLY

JULY 15 – CONSTANCE FRENCH &
JAY MC CORMICK
546 PICCADILLY

JULY 29 – ANN & MEGAN SHEPTER
611 PICCADILLY
BRING BATHING SUITS FOR THE NEW HOT TUB!

BYOB AND A HEARTY APPETIZER TO SHARE.

OUR HOSTS WILL PROVIDE ICE, SET-UPS, AND AMBIENCE!

CHILDREN WELCOMED!

IN CASE OF INCLEMENT WEATHER, CHECK FOR THE PARTY FLAG.
IF IT'S HANGING OUTSIDE, WE'RE PARTYING!

Pet #3

634 Piccadilly Road
Towson, MD 21204
September 28, 2005

William J. Wiseman, III
Office of the Zoning Commissioner
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Wiseman,

We are writing in reference to Case # 06-070A, the property at 611 Piccadilly Road, owned by Ann Shepter. We are not in opposition to the addition which she has built. We do not feel that it negatively impacts the neighborhood.

Sincerely,

Mary E. Scott

Gary E. Heinlein
Property owners of 611 Piccadilly Road

CBA
Pet. #6B

Pet #6B

Joseph McCusker
539 Piccadilly Road
Towson, Maryland 21204
410-825-3688

09-25-05

Baltimore County Zoning Commission
Towson Maryland 21204
RE: Case no. 06-070-A... Ann C. Shepter

To Whom it may Concern:

Please be advised that I am not in opposition to the addition that Ms. Shepter built at 611 Piccadilly Road.

I was present many times during the construction and know it be of the highest quality materials available. She spent considerable time and energy being careful to see that the addition fit in with the decor of her home and the quality of the neighborhood.

I do not feel that it negatively impacts the community, but in fact enhances the property.

Sincerely,

Joseph McCusker

Joseph McCusker

CBA
Pet. # 6A

Pet #4A

GBMC®
GREATER BALTIMORE MEDICAL CENTER

Consultant Note: August 22, 2005

Re: Ann Shepter
Dob: 11/19/1943

Ms. Ann Shepter is a 61 year old white female who presents for chronic psoriasis. She was first diagnosed with psoriasis in 1999 and has seen several dermatologists for her chronic condition.

She has been treated with different medications including topical steroids and oral retinoids, but has not had the anticipated relief of symptoms.

She has used non-drug therapies including ultraviolet light therapy (sunbeds ordirect sunlight), sauna therapy and thermal baths (Jacuzzi whirlpool bath). She seems to respond to these non-drug therapies more so than the use of medication. There seem to be fewer exacerbations.

It is recommended that Ms. Shepter continue with the non-medicine therapies to keep the psoriasis in control and to alleviate any symptoms that she might have.

If you have any questions, please feel free to call me at 443-849-8062.

Katherine E. Bauer, CRNP

Katherine. E. Bauer, BSN, RNC, CRNP
Certified Registered Nurse Practitioner

Pet. Ex # 2
Pet #5

6701 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21204

▸ Donate
▸ Take action
▸ Get connected

About psoriasis

Spring/summer questions and answers

While many people with psoriasis find that their skin improves d summer, special considerations also arise in the warmer month:

Here are answers to some of the most frequently asked questio in the spring and summer.

Why does my psoriasis get better in the summer?

No one truly knows for sure. It is speculated that it is because of the greater availability of natural light (sunshine). People usually wear fewer layers of clothing and expose more areas of skin by v short sleeves, short pants, and swimming suits during the summer months.

Can sunbathing help my psoriasis?

In most cases, yes. People with psoriasis often do respond well to exposure to natural and/or arti ultraviolet light. However each person is different. If your psoriasis has responded well in the pas or phototherapy, it is likely that you will have a positive response. If you have responded negative sunbathing is most likely not for you.

Overexposure to ultraviolet light can trigger a flare-up of psoriasis symptoms. It is best to start wi exposure times and build-up over several weeks.

Should I use a sunscreen when I'm in the sun?

Yes. It is important to note that even a slight or mild sunburn can cause irritation of the skin and t additional psoriasis symptoms. Besides sun protection, sunscreens also provide moisturizers tha reduce dry skin and itching.

There is no type or brand of sunscreen that is better than another when it comes to psoriasis. Wh a sunscreen, keep in mind that suntan oils and lotions often contain perfumes, dyes and other ing that may irritate sensitive skin and/or trigger an allergic reaction. Hypoallergenic and children's su are often made without these added ingredients. Shade, clothing and sunscreen can be used to a a sun burn.

Can I go in a swimming pool or hot tub if I have psoriasis?

Yes, unless you have open sores that are infected or oozing. Many people find that pool or hot tu helps to soften and clear crusty, hard areas and flaking. Be aware of very warm water or long soa tubs as heat can increase itching and irritation.

Will chemicals in pools or hot tubs cause my psoriasis to get worse?

Not always. Water pulls moisture out of the skin. Water that has chlorine or other pool sanitizing c added to it will pull even more moisture out of the skin. When pool or hot tub water is allowed to c skin it can continue to draw moisture out of the skin and can cause additional irritation. The best

this irritation is to shower as soon as possible after pool or hot tub use. Using chlorine-removing s and/or soap can help to further reduce chemical irritation. The shower should be followed with a p application of moisturizer.

Where are the best places to travel if I am looking for my psoriasis to improve?

There is no magic location, climate or vacation spot that can clear psoriasis. Many people tell us symptoms will clear while they are on vacation. There are several possible reasons for this. In ge is much more time for relaxing and recreation. Worries and stresses are often left behind. The pe spending the days in the sun and/or the water. Other indulgences or changes such as foods, spa and an increase or decrease in physical activities can all contribute as well.

Keep in mind that a vacation is about more than the destination, it is about a change of pace: tak from every day life. It's about relaxing and having fun. If your idea of fun is several nights at a lux and the royal treatment, a weekend at a spa may be the best vacation for you. A week or two at t side or a camping trip to a mountain lake may be more your style or fit your finances. By taking a elements such as sunlight (natural or artificial), water (ocean, lake, hot tub or swimming pool) an even a family vacation to a popular tourist spot can be used to your advantage.

Posted on Nov. 18, 2004

Related links

- Frequently asked questions
- Fall/winter questions and answers

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 5/20/0
OEA: MEJ
HISTORIC DISTRICT/BLD

PERMIT #: B
RECEIPT #: A
CONTROL #: MR
XREF #:

PROPERTY ADDRESS 611 PICCADILLY ROAD [ ] YES [ ] NO
SUITE/SPACE/FLOOR
SUBDIV: Chestnut Hill [ ] DO NOT KNOW
TAX ACCOUNT #: 09-19-078200 DISTRICT/PRECINCT 9 5
OWNER'S INFORMATION (LAST,FIRST)
NAME: ANN CATHERINE SHEPTER
ADDR: 611 PICCADILLY ROAD 21204-3822

FEE: 60 45= 65.00
PAID: 65.00
PAID BY: appl
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

DOES THIS BLDG. HAVE SPRINKLERS
YES __ NO __

APPLICANT INFORMATION
NAME: ANN C SHEPTER
COMPANY:
STREET 611 PICCADILLY ROAD
CITY,ST,ZIP TOWSON 21204
PHONE #: 410 828 7691 MHIC # X MHBR # X
APPLICANT SIGNATURE: Ann C Shepter DRC#
PLANS: CONST 0 PLOT 2 PLAT 0 DATA 0 EL 1 PL 2
TENANT
CONTR: OWNER
ENGNR:
SELLR:

TYPE OF IMPROVEMENT
1. ___ NEW BLDG CONST
2. ✓ ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ___ OTHER ___

DESCRIBE PROPOSED WORK: Const. add. on side/rear of ext. SFD for hot tub
12X20X 9 = 224 SF
Imeg

TYPE OF USE

RESIDENTIAL
01. ✓ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS) ___
05. ___ SWIMMING POOL
06. ___ GARAGE
07. ___ OTHER

NON-RESIDENTIAL
Citation/Case # 05-2915
Fine Waived
J. Reisinger
08. ___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ___ CHURCH, OTHER RELIGIOUS BUILDING
10. ___ FENCE (LENGTH ___ HEIGHT ___)
11. ___ INDUSTRIAL, STORAGE BUILDING
12. ___ PARKING GARAGE
13. ___ SERVICE STATION, REPAIR GARAGE
14. ___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ___ OFFICE, BANK, PROFESSIONAL
16. ___ PUBLIC UTILITY
17. ___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ___ SIGN
19. ___ STORE ___ MERCANTILE ___ RESTAURANT
SPECIFY TYPE ___
20. ___ SWIMMING POOL ___
SPECIFY TYPE
21. ___ TANK, TOWER
22. ___ TRANSIENT HOTEL, MOTEL (NO. UNITS ___)
23. ___ OTHER ___

TYPE FOUNDATION
1. _ SLAB
2. _ BLOCK
3. ✓ CONCRETE

BASEMENT
1. _ FULL
2. _ PARTIAL
3. ✓ NONE

TYPE OF CONSTRUCTION
1. ___ MASONRY
2. ✓ WOOD FRAME
3. ___ STRUCTURE STEEL
4. ___ REINF. CONCRETE

TYPE OF HEATING FUEL
1. ___ GAS 3. ___ ELECTRICITY
2. ___ OIL 4. ___ COAL

TYPE OF SEWAGE DISPOSAL
1. ✓ PUBLIC SEWER ✓ EXISTS ___ PROPOSED
2. ___ PRIVATE SYSTEM
SEPTIC ___ EXISTS ___ PROPOSED
___ PRIVY ___ EXISTS ___ PROPOSED

TYPE OF WATER SUPPLY
1. ✓ PUBLIC SYSTEM ✓ EXISTS ___ PROPOSED
2. ___ PRIVATE SYSTEM ___ EXISTS ___ PROPOSED

CENTRAL AIR: 1. ___ 2. ___
ESTIMATED COST: ~~$5000~~ OF MATERIALS AND LABOR
PROPOSED USE: SFD + add. ~~Const. Over A Hot Tub on Deck~~
EXISTING USE: SFD

OWNERSHIP
1. ✓ PRIVATELY OWNED 2. ___ PUBLICLY OWNED 3. ___ SALE 4. ___ RENTAL

RESIDENTIAL CATEGORY: 1. ✓ DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE
#EFF: #1BED: #2BED: ___ #3BED: ___ TOT BED: ___ TOT APTS/CONDOS: ___ 6. ___ HIRISE
1 FAMILY BEDROOMS ___
GARAGE DISPOSAL 1. _ YES 2. _ NO BATHROOMS ___ CLASS 04
POWDER ROOMS ___ KITCHENS ___ LIBER 11? FOLIO 117

BUILDING SIZE SF		LOT SIZE AND SETBACKS 60X SF	
FLOOR	224	SIZE	11055
WIDTH	12	FRONT STREET	
DEPTH	20	SIDE STREET	
HEIGHT	9	FRONT SETBK	N/C
STORIES	1	SIDE SETBK	2' N/C
LOT #'S	44	SIDE STR SETBK	
CORNER LOT		REAR SETBK	40
1. __ YES 2. ✓ NO		ZONING	

APPROVAL SIGNATURES		DATE
BLD INSP	:	:
BLD PLAN	:	:
FIRE	:	:
SEDI CTL	:	:
✓ ZONING	: ✓	:
PUB SERV	:	:
ENVRMNT	:	:
	:	:
PERMITS	:	:

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

Pet #6

September 28, 2005

Director's Office
Baltimore County Zoning
111 West Chesapeake Ave.
Towson, MD 21214

CASE # 06-070-A

TO WHOM IT MAY CONCERN:

As 21 year residents of **609** Piccadilly Road, Towson, we would like to add our comments and observations regarding the recent construction on **611** Piccadilly Road, Towson, currently under review by the zoning commission board.

It is our view that the new construction possesses the following qualities:

1. The new construction is indeed appealing, attractive and looks to be an enhancement to the main house and neighborhood.
2. The landscaping implemented as part of the new construction is also appealing and attractive, and complements both construction and house.
3. We agree with another neighbor's expressed opinion: the new structure does not detract from surrounding properties or from the neighborhood. This neighbor is a long time resident of Piccadilly Road, is also a certified Realtor for Caldwell Banker, and sold several residences on Piccadilly Road over the years.
4. Having watched construction since groundbreaking , we believe the quality of the construction meets high standards - Ms. Shepter's contractor worked on our house 10 years ago when we conducted extensive renovation. We have had no problems or issues with construction or materials.
5. With regard to upkeep and maintenance, Ms Shepter has been complimented many times by others on the appearance of her yard. It is our opinion that Ms. Shepter will continue to maintain high standards of maintenance with her buildings and grounds.

In closing, we observed that Ms. Shepter not only devoted extensive time, energy and planning into this project, she also gave serious consideration and thought to potential impact in the neighborhood.

The quality & appearance of the new structure complement both house & neighborhood and, in our opinion, add value to the neighborhood as well. We therefore do not object to this structure.

Respectfully,

Bob Sagnette
Anne Sagnette

Anne Sagnette
Bob Sagnette
609 Piccadilly Road
Towson, MD 21204

Petit
4C

634 Piccadilly Road
Towson, MD 21204
September 28, 2005

William J. Wiseman, III
Office of the Zoning Commissioner
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Wiseman,

We are writing in reference to Case # 06-070A, the property at 611 Piccadilly Road, owned by Ann Shepter. We are not in opposition to the addition which she has built. We do not feel that it negatively impacts the neighborhood.

Sincerely,

Mary E. Scott

Gary E. Heinlein
Property owners of 611 Piccadilly Road

P&C 46

September 28, 2005

Director's Office
Baltimore County Zoning
111 West Chesapeake Ave.
Towson, MD 21214

CASE # 06-070-A

TO WHOM IT MAY CONCERN:

As 21 year residents of **609** Piccadilly Road, Towson, we would like to add our comments and observations regarding the recent construction on **611** Piccadilly Road, Towson, currently under review by the zoning commission board.

It is our view that the new construction possesses the following qualities:

1. The new construction is indeed appealing, attractive and looks to be an enhancement to the main house and neighborhood.
2. The landscaping implemented as part of the new construction is also appealing and attractive, and complements both construction and house.
3. We agree with another neighbor's expressed opinion: the new structure does not detract from surrounding properties or from the neighborhood. This neighbor is a long time resident of Piccadilly Road, is also a certified Realtor for Caldwell Banker, and sold several residences on Piccadilly Road over the years.
4. Having watched construction since groundbreaking , we believe the quality of the construction meets high standards – Ms. Shepter's contractor worked on our house 10 years ago when we conducted extensive renovation. We have had no problems or issues with construction or materials.
5. With regard to upkeep and maintenance, Ms Shepter has been complimented many times by others on the appearance of her yard. It is our opinion that Ms. Shepter will continue to maintain high standards of maintenance with her buildings and grounds.

In closing, we observed that Ms. Shepter not only devoted extensive time, energy and planning into this project, she also gave serious consideration and thought to potential impact in the neighborhood.

The quality & appearance of the new structure complement both house & neighborhood and, in our opinion, add value to the neighborhood as well. We therefore do not object to this structure.

Respectfully,

Bob Sagnette
Anne Sagnette

Anne Sagnette
Bob Sagnette
609 Piccadilly Road
Towson, MD 21204

CBA
Pet. # 6C

Petit.
4C

613 Piccadilly Rd.
Towson, Md. 21204
Sept. 30, 2005

Dear Judge Murphy,

Mr. Winkler, unknowingly, ~~helped~~ yesterday when he asked you about the petitions in our file and you indicated they were not there.

I assumed the originals of these two enclosed documents had been put in the file for the variance hearing on Sept. 29th for 611 Piccadilly Rd. I was told when I took them Rm. 111 that they would be put in the packet. It was upsetting to learn this had not been done and therefore could not be factored into your decision.

Most people in the neighborhood are very concerned that if approved that this could set a precedent and would open the possibility of anyone adding structures even if they do not have the required variance or permits.

Since there has already been a rather serious foul up, I would appreciate someone contacting me at 410-825-2322 to verify this communication. I would also like to verify the information that Mr. Parsons had conveyed to me that all of the people who attended the hearing would receive a written notification of your decision. Thank you.

Sincerely,
Louise Kinkel

Case # 06-070-A

We, the undersigned, although unable to attend the hearing on Sept. 29th, wish to oppose the approval of the variance at 611 Piccadilly Rd. 21204

NAME	ADDRESS
CHRIS TITTEL	623 PICCADILLY RD, TOWSON, MD 21204
Jim Gouche	636 Piccadilly Rd, Towson, Md 21204
BEA MENGEL	645 PICCADILLY Rd. 21204
Bill Peters	605 Piccadilly Road 21204
Charmaine Grym	606 Piccadilly Rd 21204
Sharon & Brian Schilling	614 Piccadilly Rd. 21204

Case 06-070-A

RECEIVED

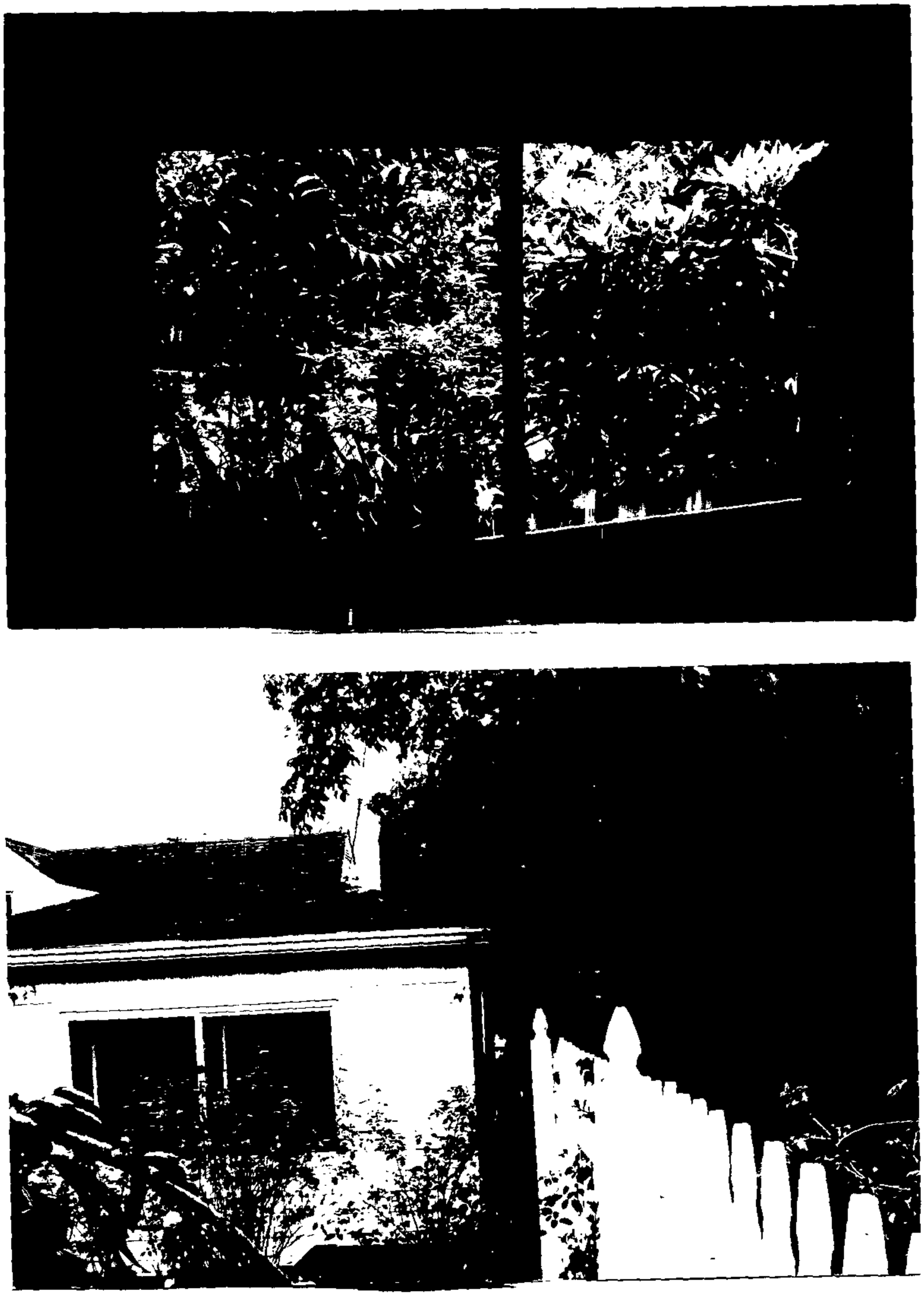
SEP 26 2005

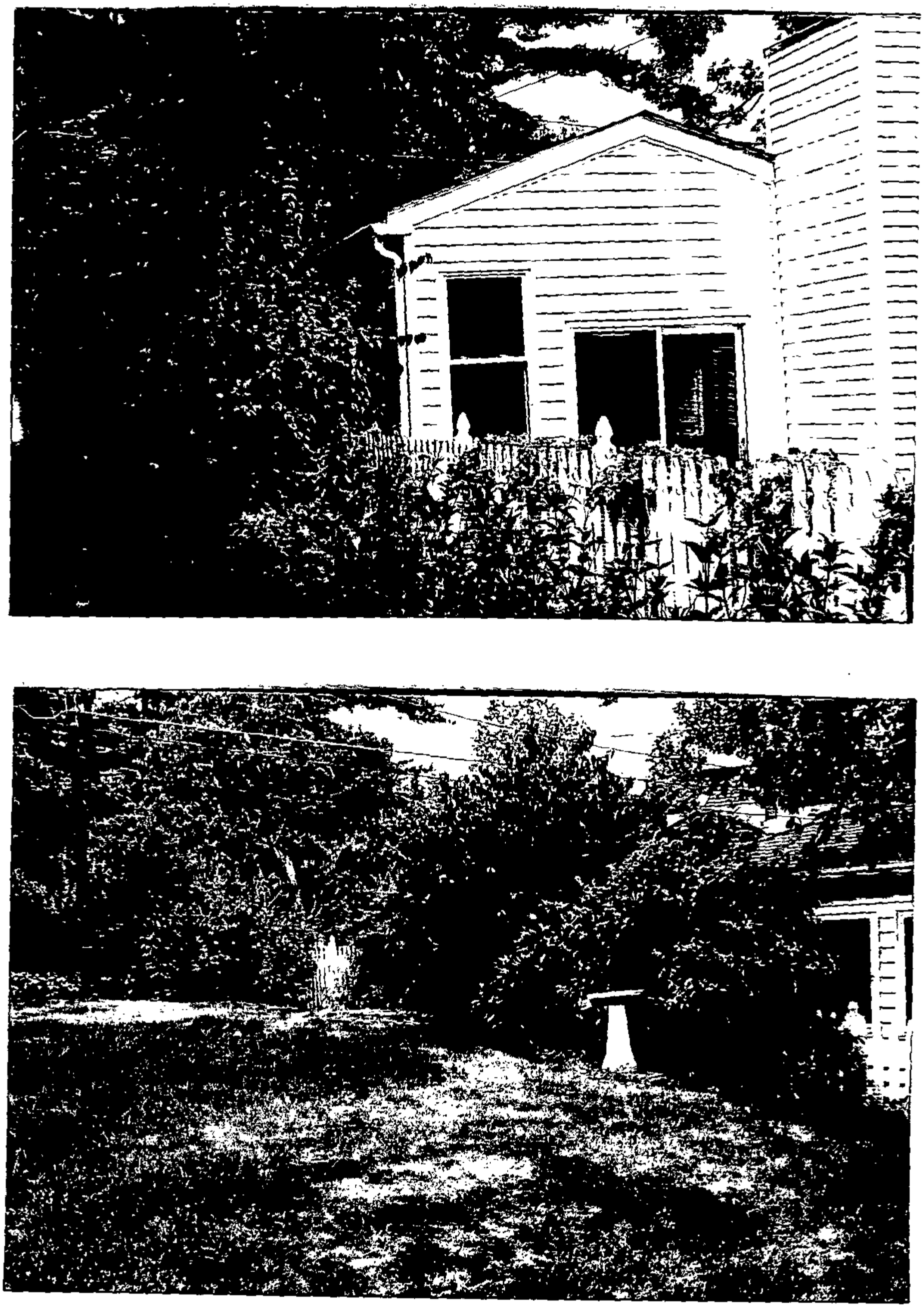
Per.....

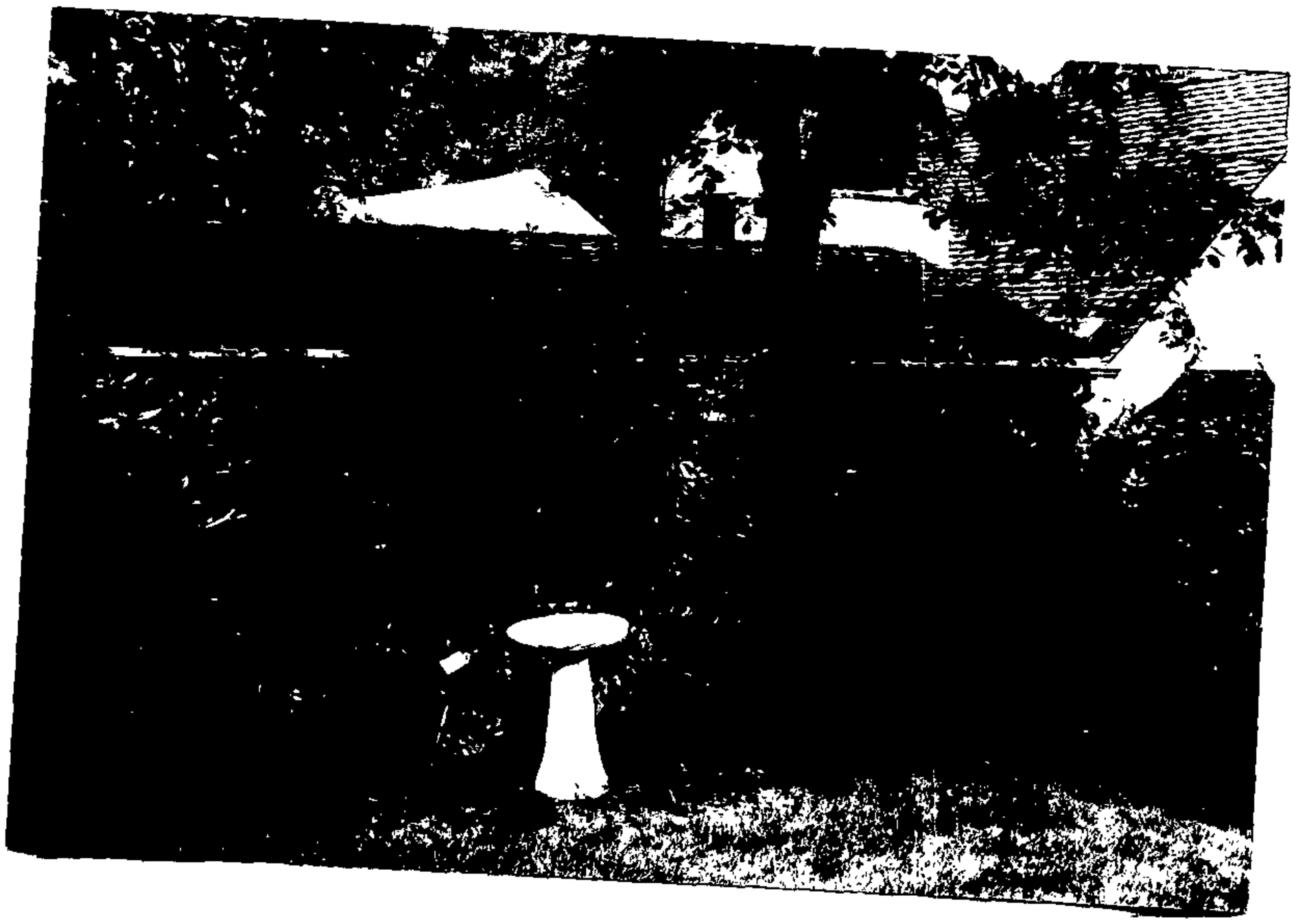
Prot Ex 5B

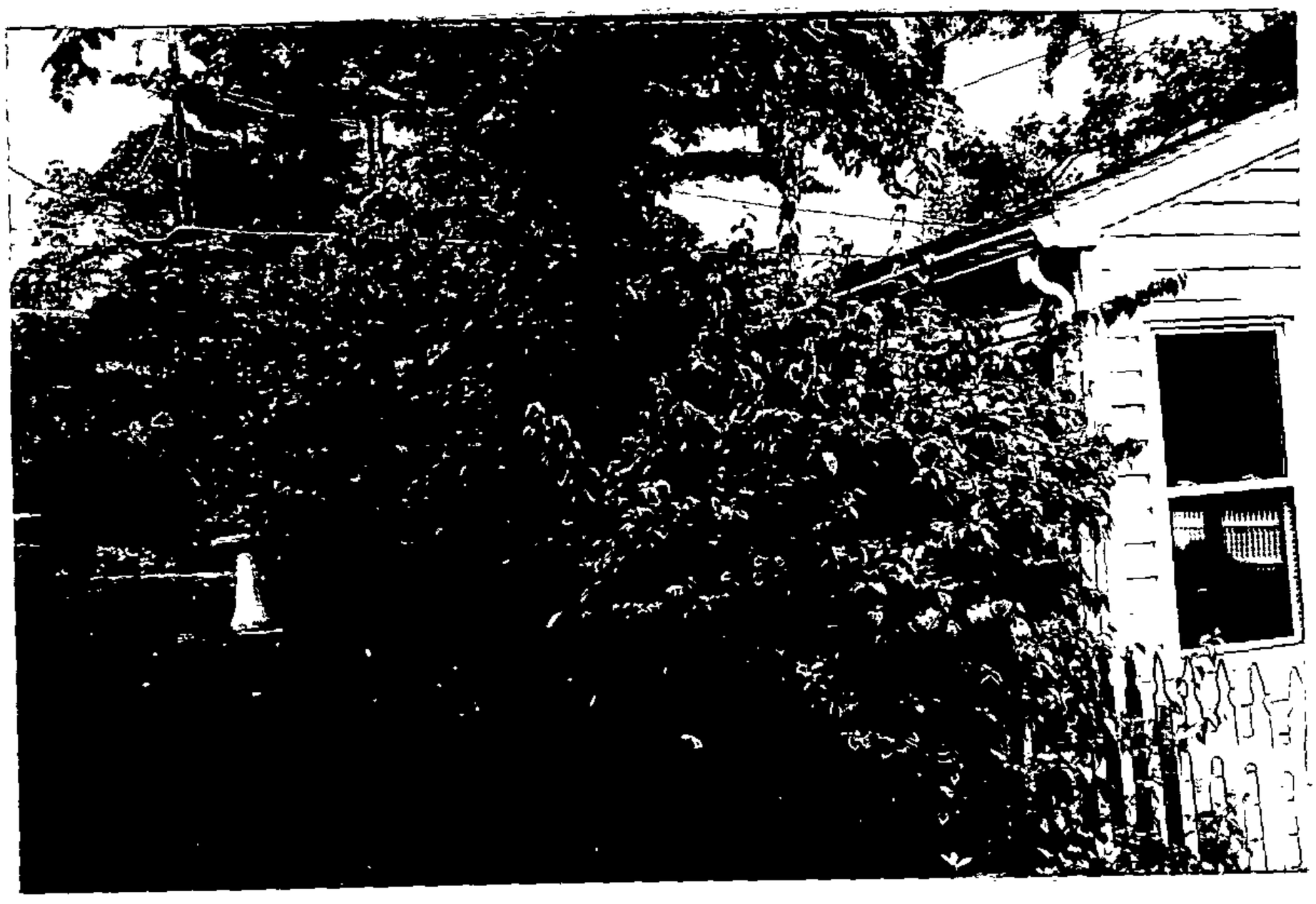
Petitions
5A-5K- 11 photos

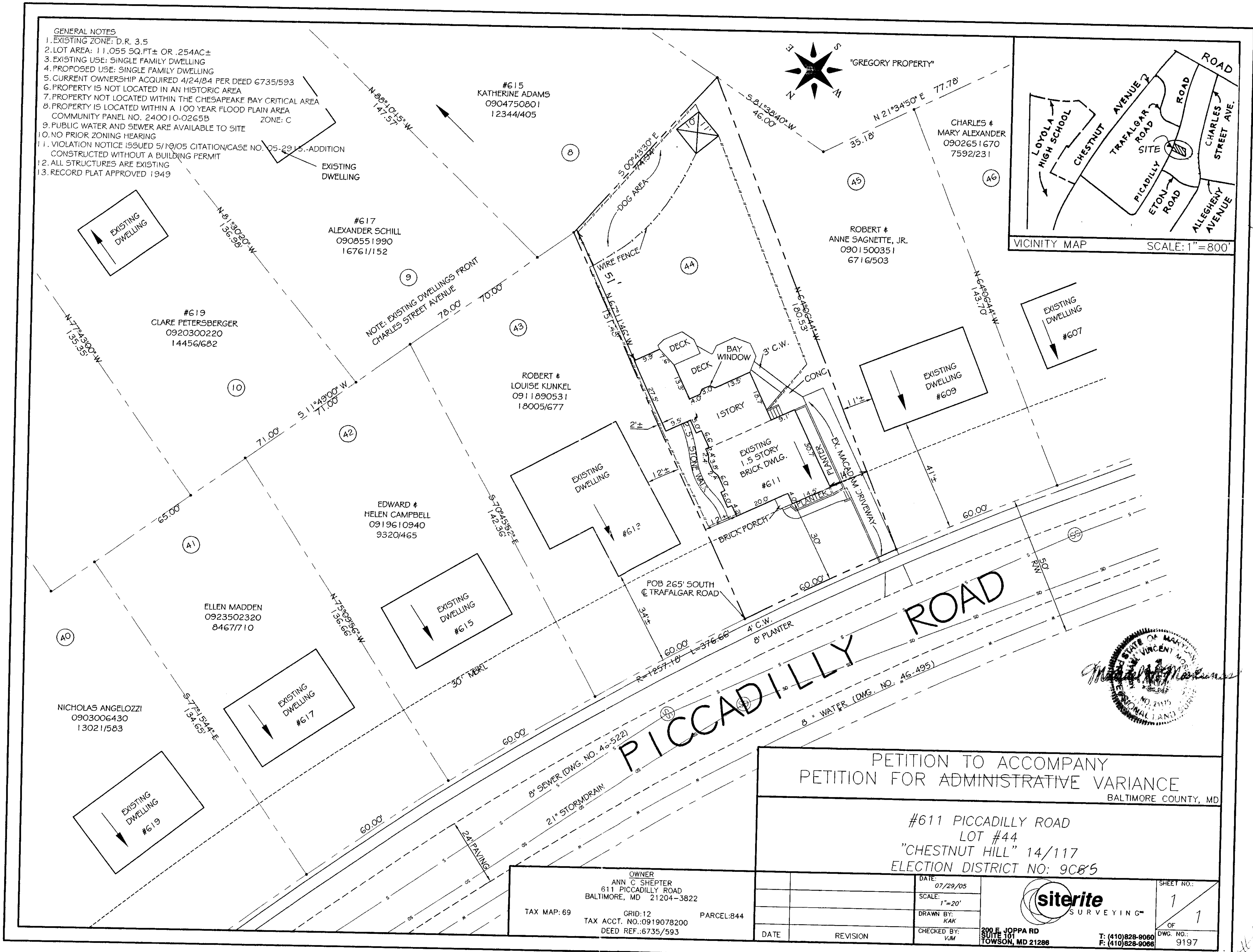
06-070-A
Shepter










GENERAL NOTES
1. EXISTING ZONE: D.R. 3.5
2. LOT AREA: 11,055 SQ.FT± OR .254AC±
3. EXISTING USE: SINGLE FAMILY DWELLING
4. PROPOSED USE: SINGLE FAMILY DWELLING
5. CURRENT OWNERSHIP ACQUIRED 4/24/84 PER DEED 6735/593
6. PROPERTY IS NOT LOCATED IN AN HISTORIC AREA
7. PROPERTY NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
8. PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD PLAIN AREA COMMUNITY PANEL NO. 240010-0265B ZONE: C
9. PUBLIC WATER AND SEWER ARE AVAILABLE TO SITE
10. NO PRIOR ZONING HEARING
11. VIOLATION NOTICE ISSUED 5/19/05 CITATION/CASE NO. 05-2915.-ADDITION CONSTRUCTED WITHOUT A BUILDING PERMIT
12. ALL STRUCTURES ARE EXISTING
13. RECORD PLAT APPROVED 1949
"GREGORY PROPERTY"
#615
KATHERINE ADAMS
0904750801
12344/405
CHARLES & MARY ALEXANDER
0902651670
7592/231
ROBERT & ANNE SAGNETTE, JR.
0901500351
6716/503
#617
ALEXANDER SCHILL
0908551990
16761/152
ROBERT & LOUISE KUNKEL
0911890531
18005/677
#619
CLARE PETERSBERGER
0920300220
14456/682
EDWARD & HELEN CAMPBELL
0919610940
9320/465
ELLEN MADDEN
0923502320
8467/710
NICHOLAS ANGELOZZI
0903006430
13021/583
NOTE: EXISTING DWELLINGS FRONT CHARLES STREET AVENUE
EXISTING DWELLING
EXISTING DWELLING #607
EXISTING DWELLING #609
EXISTING DWELLING #613
EXISTING DWELLING #615
EXISTING DWELLING #617
EXISTING DWELLING #619
EXISTING 1.5 STORY BRICK DWLG. #611
1 STORY
BAY WINDOW
DECK
DECK
3' C.W.
CONC
EX. MACADAM DRIVEWAY
PLANTER
PLANTER
BRICK PORCH
STONE WALK
WIRE FENCE
DOG AREA
POB 265' SOUTH ℄ TRAFALGAR ROAD
4' C.W.
8' PLANTER
30' MBRL
24' PAVING
50' R/W
8" SEWER (DWG. NO. 45-522)
21" STORMDRAIN
8" WATER (DWG. NO. 46-495)
PICCADILLY ROAD
S 81°38'40" W 46.00'
N 21°34'50" E 77.78'
35.18'
S 00°43'30" E 74.94'
N 64°06'44" W 180.53'
N 64°06'44" W 143.70'
N 67°11'46" W 151.48'
N 88°10'15" W 147.57'
N 81°30'20" W 136.98'
N 77°43'00" W 135.35'
S 70°45'52" E 142.36'
N 75°09'56" W 136.66'
S 77°15'44" E 134.65'
S 11°49'00" W 71.00'
71.00'
70.00'
78.00'
65.00'
60.00'
R=1257.18' L=376.66'
VICINITY MAP
SCALE: 1"=800'
LOYOLA HIGH SCHOOL
CHESTNUT AVENUE
TRAFALGAR ROAD
PICADILLY
SITE
ETON ROAD
ALLEGHENY AVENUE
CHARLES STREET AVE.
ROAD
PETITION TO ACCOMPANY
PETITION FOR ADMINISTRATIVE VARIANCE
BALTIMORE COUNTY, MD
#611 PICCADILLY ROAD
LOT #44
"CHESTNUT HILL" 14/117
ELECTION DISTRICT NO: 9C65
OWNER
ANN C SHEPTER
611 PICCADILLY ROAD
BALTIMORE, MD 21204-3822
TAX MAP: 69
GRID: 12
PARCEL: 844
TAX ACCT. NO.: 0919078200
DEED REF.: 6735/593
DATE: 07/29/05
SCALE: 1"=20'
DRAWN BY: KAK
CHECKED BY: VJM
DATE
REVISION
siterite SURVEYING
200 E. JOPPA RD
SUITE 101
TOWSON, MD 21286
T: (410)828-9060
F: (410)828-9066
SHEET NO.: 1 OF 1
DWG. NO.: 9197