

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
NE/Corner Riverside Drive and	
Delaware Avenue	* ZONING COMMISSIONER
(211 Riverside Drive)	
15 th Election District	* OF BALTIMORE COUNTY
7 th Council District	
	* Case No. 06-241-A
Lloyd W. Miller, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Lloyd W. Miller, and his wife, Susan C. Miller. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 6 feet in lieu of the required 30 feet, and a side street setback of 12 in lieu of the required 25 feet for a proposed garage addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECEIVED FOR FILING
 Date 12/21/05
 By RJ

Based upon the evidence contained therein, I am persuaded to grant the requested relief. Variance relief is necessary given the property's corner location and the location of existing improvements thereon. As shown on the site plan, the property is approximately 50 feet wide and varies in depth from 110 feet to 131 feet. The existing house is located towards the rear of the property and maintains side setbacks of 10 feet (north) and 12 feet (south). The Petitioners propose to construct a 24' x 14' garage addition to the rear of the existing dwelling with a breezeway connection to the house. Given the location of the existing house, the proposed garage will be located 6 feet from the rear property line; however, will maintain similar setbacks as the house. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, and the neighbors apparently have no objections. Thus, I am persuaded that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, given the property's close proximity to Back River, the proposed improvements must comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements as set forth in the attached ZAC comments.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of December 2005 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 6 feet in lieu of the required 30 feet, and a side street setback of 12 feet in lieu of the required 25 feet for a proposed garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments, dated December 1, 2005 and November 16, 2005, respectively, have been attached hereto and made a part hereof.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 12/21/05
By [Signature]



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 211 Riverside Dr. Essex MD. 21221
which is presently zoned residential

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)

1-302.3.C.1 (C.HART) - to
PERMIT A REAR YARD SETBACK OF 6 FT & SIDE STREET
SETBACK OF 12 FT IN LIEU OF 30 FT & 25 FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

Lloyd W. Miller
Name - Type or Print
Signature
Susan C. Miller
Name - Type or Print
Signature
211 Riverside Dr 410-391-1906
Address Telephone No.
Essex Maryland 21221
City State Zip Code

Representative to be Contacted:

Lloyd W. Miller
Name
211 Riverside Dr. 410-391-1906
Address Telephone No.
Essex Maryland 21221
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Reviewed By ETM Date 11-01-05
Estimated Posting Date 11-13-05

CASE NO. OG-241-A
REV 10/25/01

ORDER RECEIVED FOR FILING
Date 11/2/05
BY [Signature]

A 2009

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 211 Riverside Dr.
 Address
Essex Maryland 21221
 City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Existing dwelling is residence and can not be moved
 Protection and storage of personal property
 tools and lawn equipment
 Wife is police officer- increase response time in inclement weather
GARAGE WILL REPLACE SMALLER SHED.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Lloyd W. Miller
 Signature

Lloyd W. Miller
 Name - Type or Print

Susan C. Miller
 Signature

Susan C. Miller
 Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of October, 2009 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lloyd W. Miller and Susan C. Miller
 the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Rudolph Wealean
 Notary Public

My Commission Expires 4-1-2009

SCHEDULE A

Being Known and Designated as Lot No. 6, Block L, as shown on a Plat entitled "Section A, Essex Subdivision", which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 3, folio 15. The improvements thereon being known as 211 Riverside Drive.

File No. 8067

06-241-17

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1139

DATE 11/1/05 ACCOUNT 11-000000-6130

AMOUNT \$ 65.00

RECEIVED FROM: Mr. Eric L. Williams

FOR: Fortune Rec. Unit

211 Riverside Dr.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

06-241.17

PAID RECEIPT

BUSINESS ADDRESS
11/02/05 11:01/05 (5:47:21)

RECEIVED BY
RECEIPT # 26077 11/01/05

Sept 5 530 JUNIOR AERIFICATION
PR 00. 00137

Receipt for \$65.00
\$65.00
Baltimore County, Md/1344

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-241-A

Petitioner/Developer: MR & MRS

LLOYD MILLER

Date of Hearing/Closing: 11-28-05

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

211 RIVERSIDE DR

The sign(s) were posted on 11-13-05
(Month, Day, Year)

Sincerely,

Robert Black 11-15-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

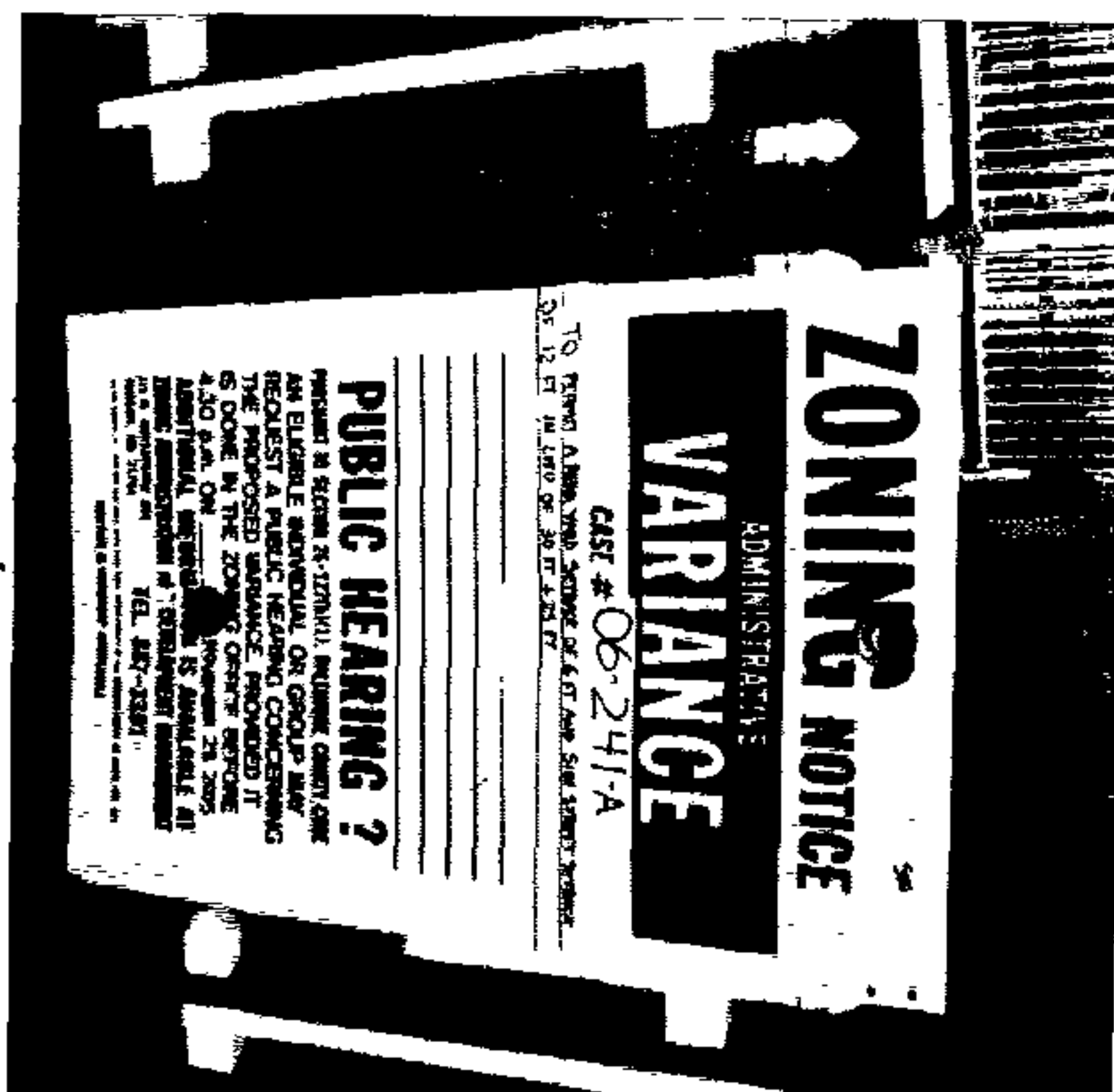
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

211 RIVERSIDE



**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: OG 241-A

Petitioner: LOYD MILLER

Address or Location: 211 RIVERSIDE DR. ESSEX MD. 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: LOYD MILLER

Address: 211 RIVERSIDE DR.
ESSEX MD. 21221

Telephone Number: 410 391 1906

Revised 7/11/05 - SCJ

OG 241-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 241 -A Address 211 R WEALSIDE DR

Contact Person: JOHN R ALEXANDER Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11-01-05 Posting Date: 11-13-05 Closing Date: 11-28-05

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 241 -A Address 211 R WEALSIDE DR

Petitioner's Name Mr. & Mrs. Lloyd Miller Telephone 410-391-1906

Posting Date: 11-13-05 Closing Date: 11-28-05

Wording for Sign: To Permit A REAR YARD SETBACK OF 6 FT. & SIDE
SETBACK SETBACK OF 12 FT. IN LIEU OF 30 FT. & 25 FT.

WCR - Revised 6/25/04



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 211 Riverside Dr.

which is presently zoned residential

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1302.301 (CHART) TO
PERMIT A REAR YARD SETBACK OF 6 FT. & SIDE STREET SET-
BACK OF 12 FT. & 30 FT. & 25 FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Lloyd W. Miller

Name - Type or Print

Signature

Susan C. Miller

Name - Type or Print

Signature

211 Riverside Dr.

410-391-1906

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Lloyd W. Miller

Name

211 Riverside Dr.

410-391-1906

Address

Telephone No.

Essex

Maryland

21221

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11 day of November, 2005 that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-241-A

Reviewed By SPD

Date 11-01-05

REV 10/25/01

Estimated Posting Date 11-13-05

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 211 Riverside Dr.
Address
Essex Maryland 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Existing dwelling is residence and can not be moved

Protection and storage of personal property

(tools and lawn equipment)

Wife is a police officer - Increase response time in inclement weather

GARAGE WILL REPLACE SMALLER SHED

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Lloyd W Miller
Signature

Lloyd W Miller
Name - Type or Print

Susan C Miller
Signature

Susan C Miller
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of October, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lloyd W. Miller and Susan C. Miller
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Richard J. Deaton
Notary Public

My Commission Expires 4-1-2009

**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*

November 28, 2005

Lloyd W. Miller
Susan G. Miller
211 Riverside Drive
Essex, Maryland 21221

Dear Mr. and Mrs. Miller:

RE: Case Number: 06-241-A, 211 Riverside Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 1, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC - 7 2005

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: R. Bruce Seeley
DATE: December 1, 2005
SUBJECT: Zoning Item # 06-241
Address 211 Riverside Drive
Miller Property

Zoning Advisory Committee Meeting of October 31, 2005

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

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property must comply with Intensely Developed Area regulations by mitigating for additional impervious surface. The mitigation for residential construction in non-buffer management areas is 1 tree or 3 shrubs per 100 square feet of additional impervious surface.

Reviewer: M. Stauss

Date: 12/1/2005

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: R. Bruce Seeley
DATE: December 1, 2005
SUBJECT: Zoning Item # 06-241
Address 211 Riverside Drive
Miller Property

Zoning Advisory Committee Meeting of October 31, 2005

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

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property must comply with Intensely Developed Area regulations by mitigating for additional impervious surface. The mitigation for residential construction in non-buffer management areas is 1 tree or 3 shrubs per 100 square feet of additional impervious surface.

Reviewer: M. Stauss

Date: 12/1/2005

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 7, 2005
Item No. 241

DATE: November 16, 2005

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 10.2 Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 241-11162005.doc

ORDER RECEIVED FOR FILING

Date 12/21/05

By [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 15, 2005
RECEIVED

NOV 16 2005

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

PLANNING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-241- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided garage access and garage doors both face the alley.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:

Curtis Mantay

Division Chief:

Lynn Jarboe

*Curtis
Mantay
revised
comment*

11/29

CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 29, 2005

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-241- Administrative Variance (*revised comment*)

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:

Curtis Murray

Division Chief:

Lynn Jenkins

CM/LL

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

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

November 9, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: October 31, 2005

Item No.: 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 233, 234,
235, 236, 237, 238, 239, 241 and 242

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

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info





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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 11.15.05

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

RE: Baltimore County
Item No. 241 JRA

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,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

4/27/01

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Zoning Permit or Case No. 01-423-A

FROM: Arnold Jablon, Director
Department of Permits & Development Management

RE: Undersized Lots

Residential Processing Fee Paid
(\$50.00)

Accepted by [Signature]
Date 4-12-01

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Nail S. Stillerman 209 Riverside Dr. 410-238-2305
Print Name of Applicant Address Telephone Number

Lot Address 211 Riverside Dr. Election District 15 Councilmanic District 7 Square Feet 8687

Lot Location: NE SW side/corner of Riverside Drive feet from NE SW corner of Delaware Ave.
(street) (street)

Land Owner: Nail S. Stillerman & Jackie E. Tax Account Number 1516602100

Address: 209 Riverside Dr. Baltimore MD 21219 Telephone Number (410) 238-2305

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan Property (3 copies)	☒	☐
Topo Map (2 copies): available in Room 208, County Office Building - (please label site clearly)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly) Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐
6. Current Zoning Classification: <u>DR 5-5</u>		

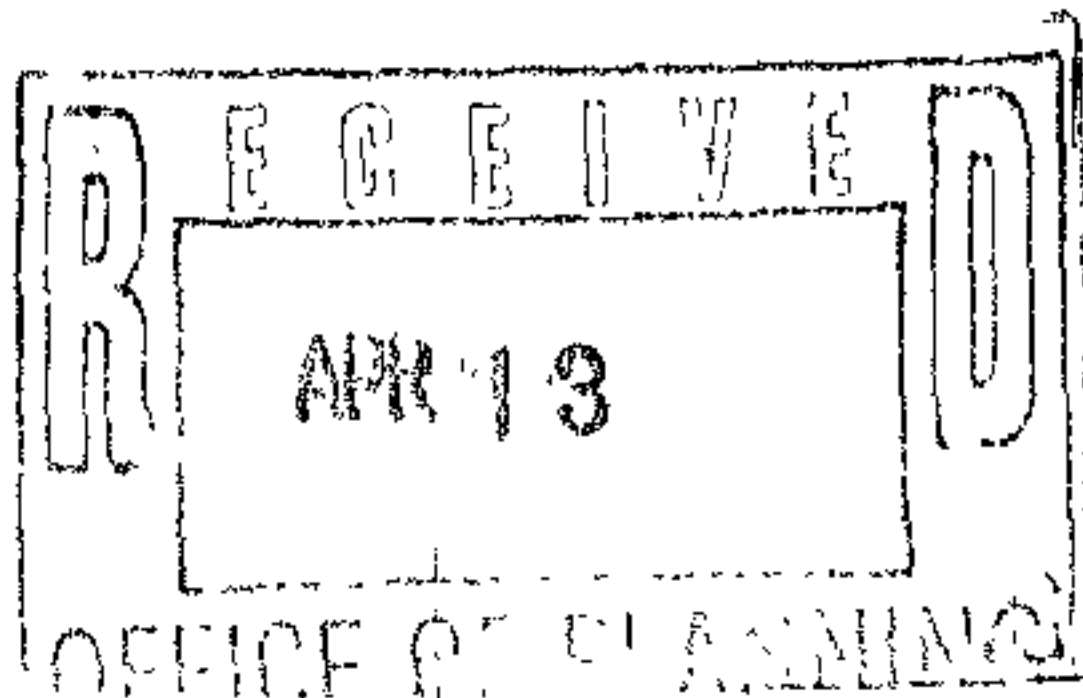
TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☒ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by Jeffrey W. Long
for the Director, Office of Planning and Community Conservation

Date: 4/26/01



Revised 2/25/99
OG 241-A

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: June 4, 2001

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 30, 2001
Item No. 423

The Bureau of Development Plans Review has reviewed the subject zoning item.

The ultimate right-of-way for Delaware Avenue per record drawing numbers 71-0626 and 71-0627 is 50 feet wide centered on the existing paving.

RWB:HJO:jrb

cc: File

IN RE: PETITIONS FOR VARIANCE
NE/Corner Riverside Drive and
Delaware Avenue
(211 Riverside Drive)
15th Election District
7th Council District

Neil S. Stillerman, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-423-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Neil S. and Jackie E. Stillerman. The Petitioners seek relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the subject property as an undersized lot, and to permit a lot width of 50 feet in lieu of the minimum required 55 feet and any other variances deemed necessary for a proposed dwelling. In companion Case No. 01-422-A, the Petitioners sought similar relief for an existing dwelling on the adjacent property, known as 209 Riverside Drive. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Neil Stillerman, property owner, and George McClelland, the Professional Engineer who prepared the site plan for these properties. There were no Protestants or other interested persons present.

As noted above, the Petitioners own two adjacent lots, known as Lots 5 and 6 of the Essex Subdivision, which was platted many years ago, prior to the enactment of the first set of zoning regulations in 1942. The subject property (Lot 6) is located on the northeast corner of Riverside Drive at its intersection with Delaware Avenue in Essex, and is presently unimproved. The Petitioners have owned both lots and resided on Lot 5 since April 1999 and are now desirous

ORDER RECEIVED FOR FILING

date

06-24-11

of developing Lot 6 with a single family dwelling. However, due to the narrow width of the property, the relief requested is necessary to permit development of Lot 6.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. It is clear from the testimony that the lots in this subdivision were created many years ago, prior to the enactment of the zoning regulations, and do not meet current requirements. Thus, a denial of the relief requested will result in a practical difficulty and unreasonable hardship for the Petitioners and limit the use of the property for a permitted purpose. There were no Protestants present, and no adverse Zoning Advisory Committee (ZAC) comments submitted by any Baltimore County reviewing agency. Moreover, the Petitioners submitted building elevation drawings of the proposed dwelling to the Office of Planning, who have reviewed and approved same as being consistent with other development in the neighborhood. Thus, it appears that relief should be granted and will not result in any detriment to the health, safety or general welfare of the surrounding locale.

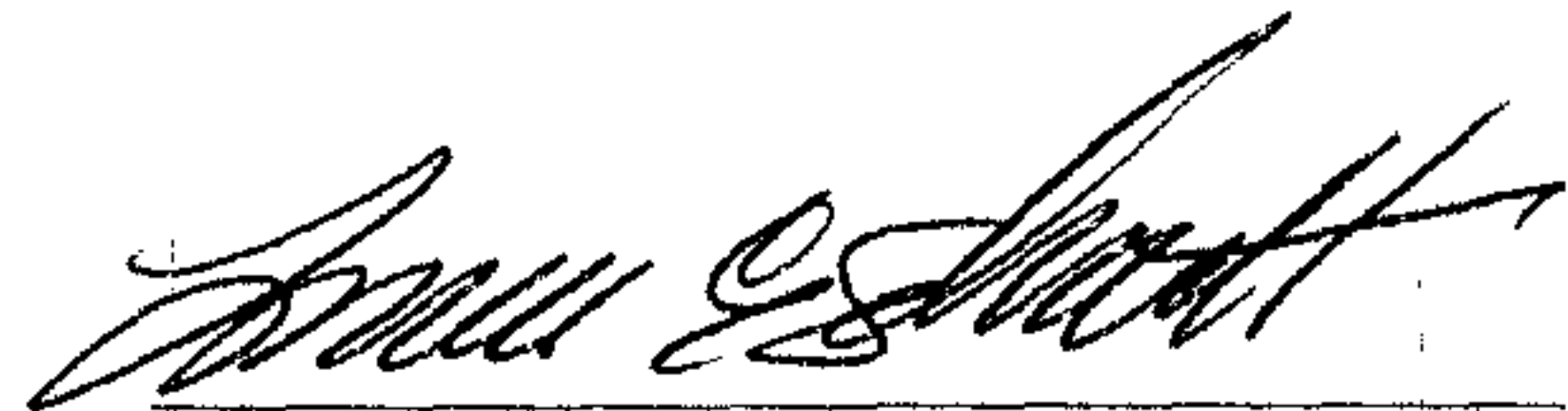
As noted above, the subject property is located within the Chesapeake Bay Critical Areas and thus, the proposed development must comply with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) in their ZAC comment dated April 30, 2001. In addition, the proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning on April 26, 2001.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of June, 2001 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the property as an undersized lot, and to permit a lot width of 50 feet in lieu of the minimum required 55 feet and any other variances deemed necessary for a proposed dwelling on the

subject property, known as 211 Riverside Drive, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated April 30, 2001, a copy of which is attached hereto and made a part hereof.
- 3) The proposed dwelling shall be constructed in accordance with the Building Elevation Drawings reviewed and approved by the Office of Planning on April 26, 2001.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Date 6/11/01
By [Signature]

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

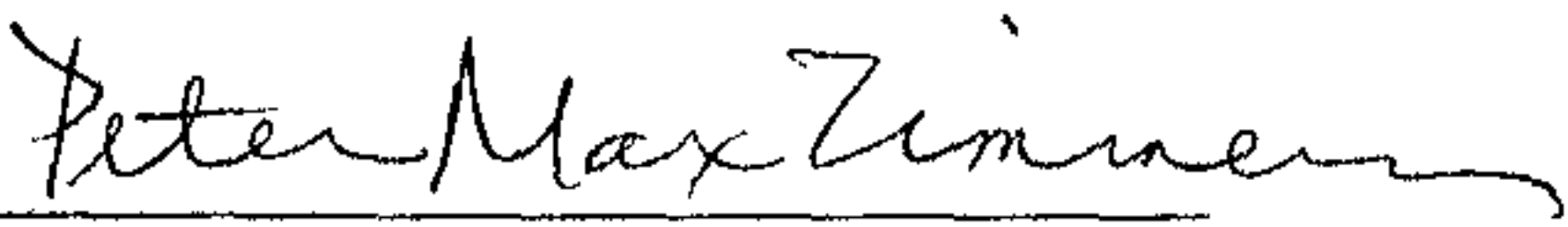
Legal Owner: Neil S. & Jackie E. Stillerman
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-423-A

* * * * *

ENTRY OF APPEARANCE

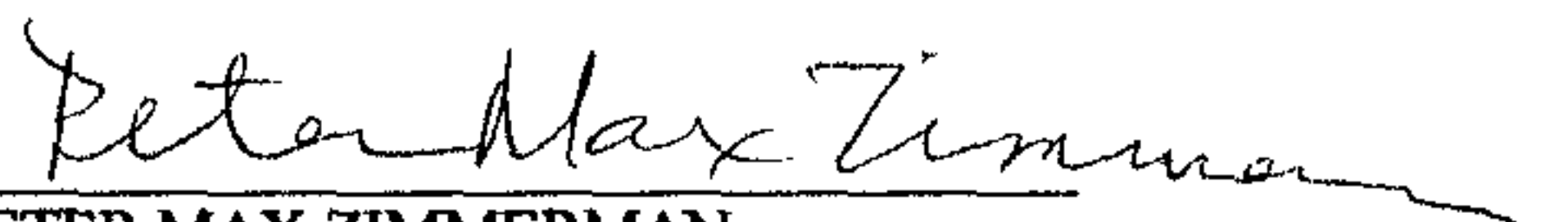
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed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

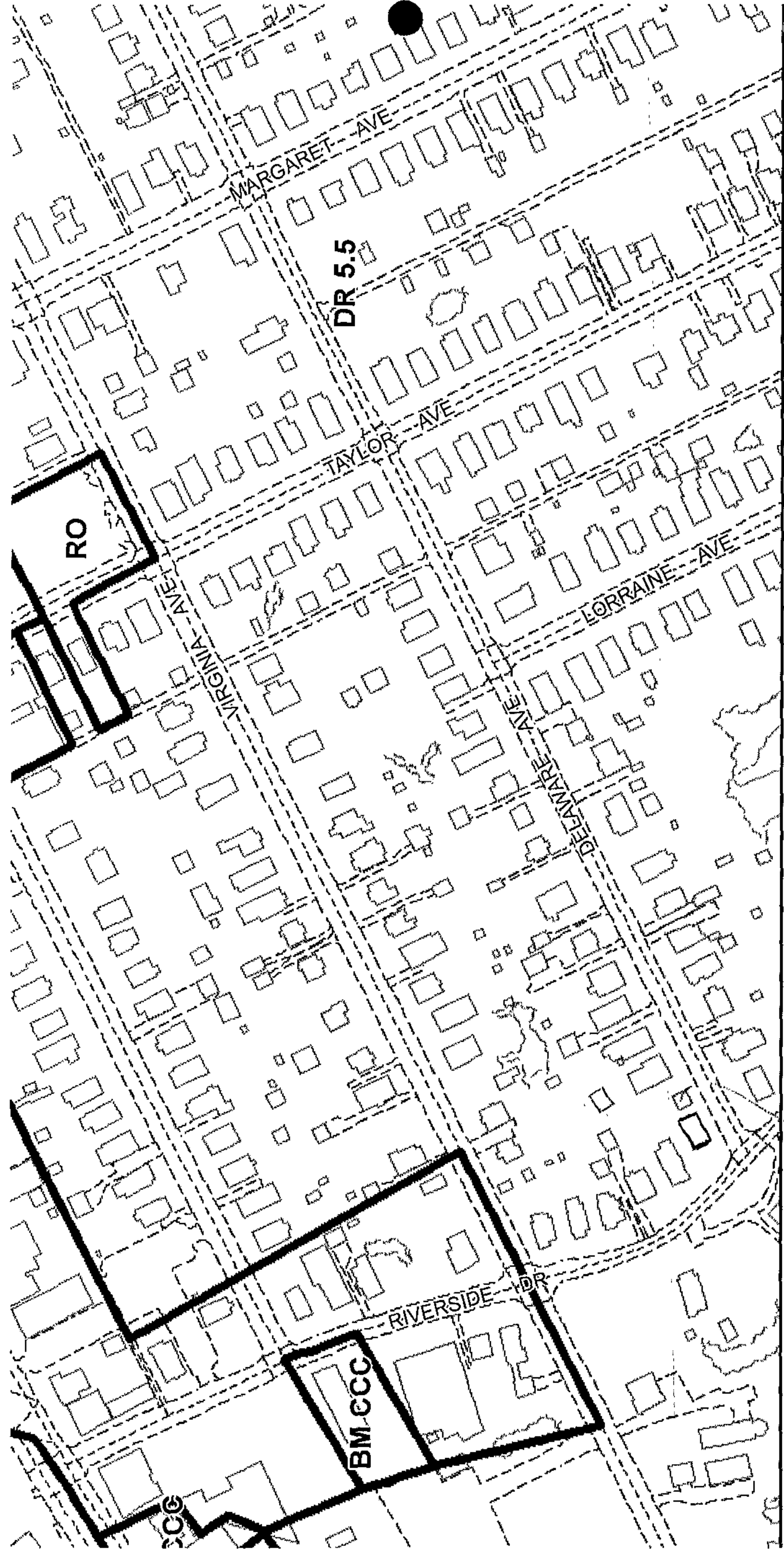

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of April, 2001 a copy of the foregoing Entry of Appearance was mailed to Neil S. & Jackie E. Stillerman, 209 Riverside Drive, Baltimore, MD 21220, Petitioners.


PETER MAX ZIMMERMAN



Garage removed to be replaced by proposed garage

County g and Zoning ing Map

089B3	089C3	090A3	090B3	090C3
096B1	096C1	097A1	097B1	097C1
096B2	096C2	097A2	097B2	097C2

Scale

1" = 200'



06.24.17

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 211 RIVERSIDE DR

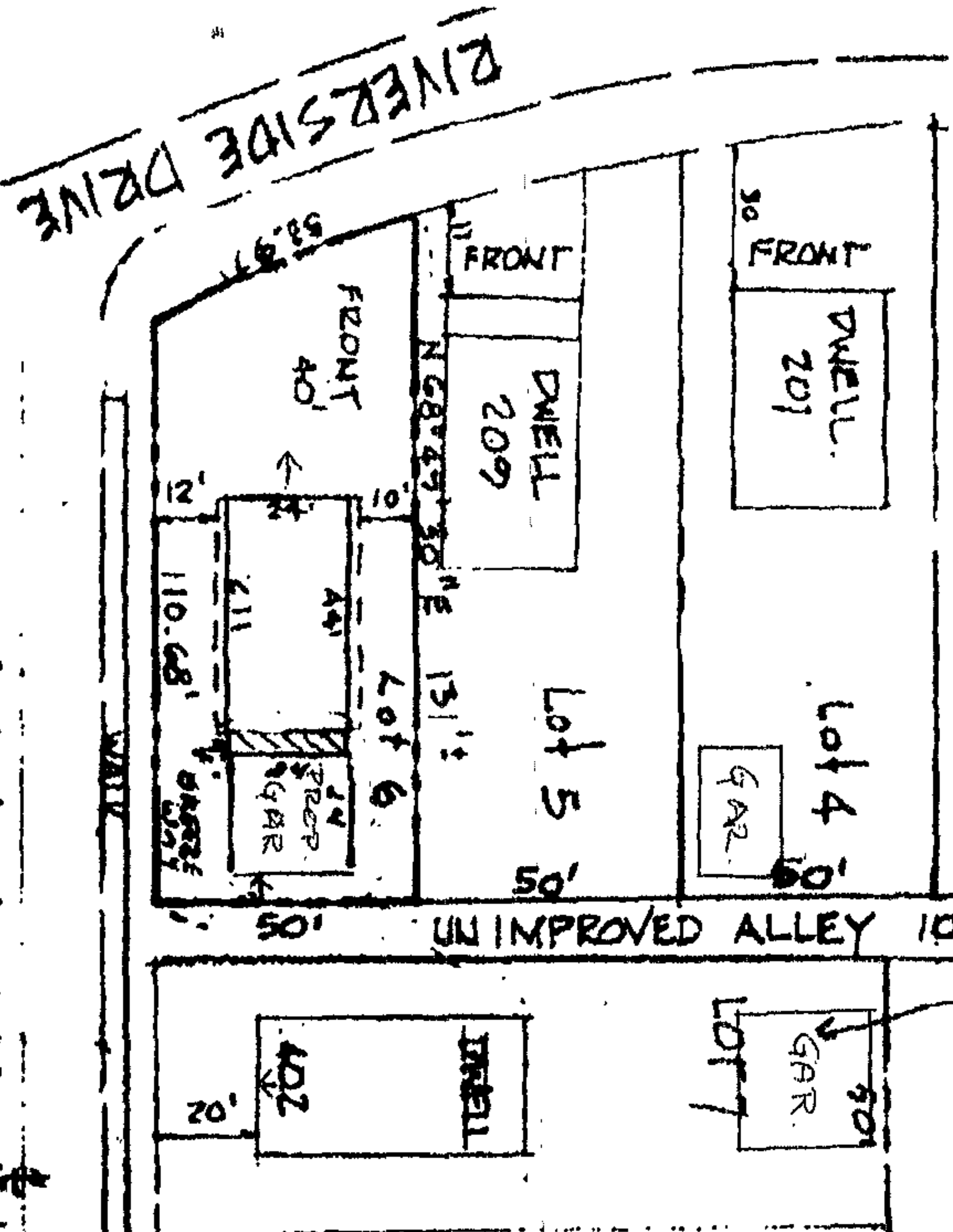
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME ESSEX

PLAT BOOK # 03 FOLIO # 15 LOT # 6 SECTION # A

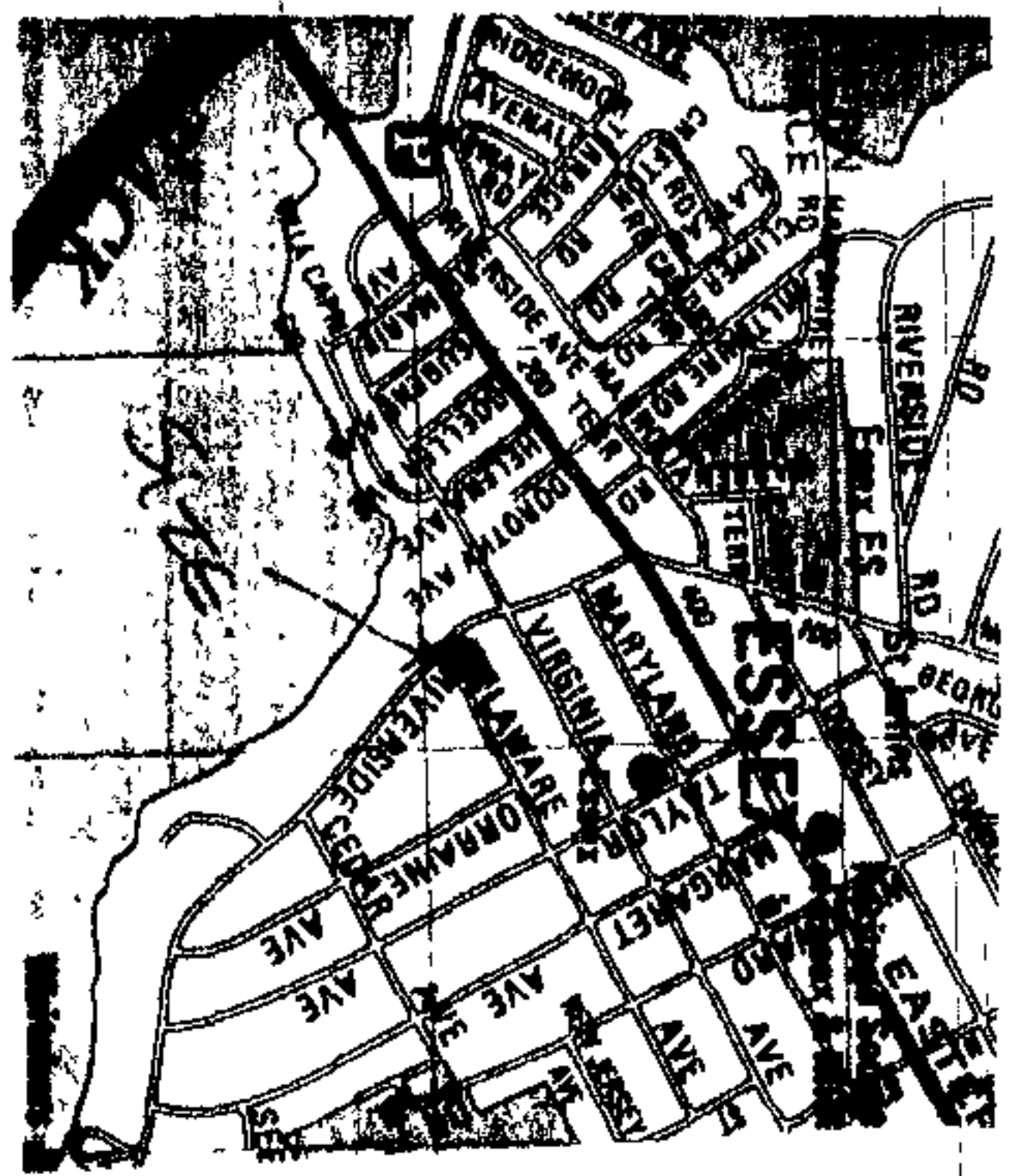
OWNER Lloyd Miller

Joseph & Carolyn
Luciano
#2200005869



PREPARED BY

SCALE OF DRAWING: 1" = 40'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1"=200' SCALE MAP # 097-A1

ZONING DR.5.5

LOT SIZE 8737 ACRES

ACREAGE 8737 SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO

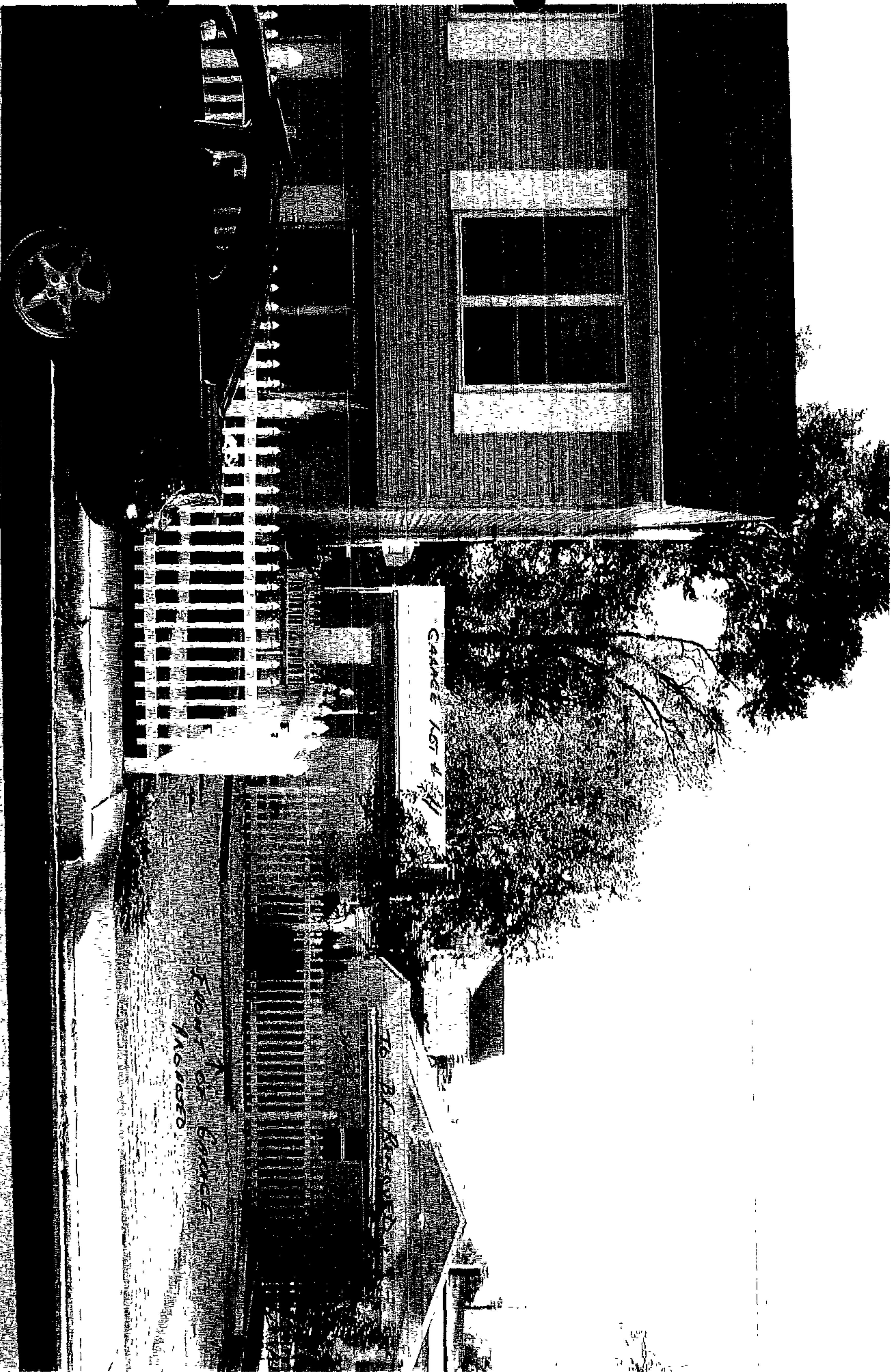
100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING 81-038-A
81-0423-A

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

2007 PC 24.17



Deaumont Ave

Front of Garage
Insured

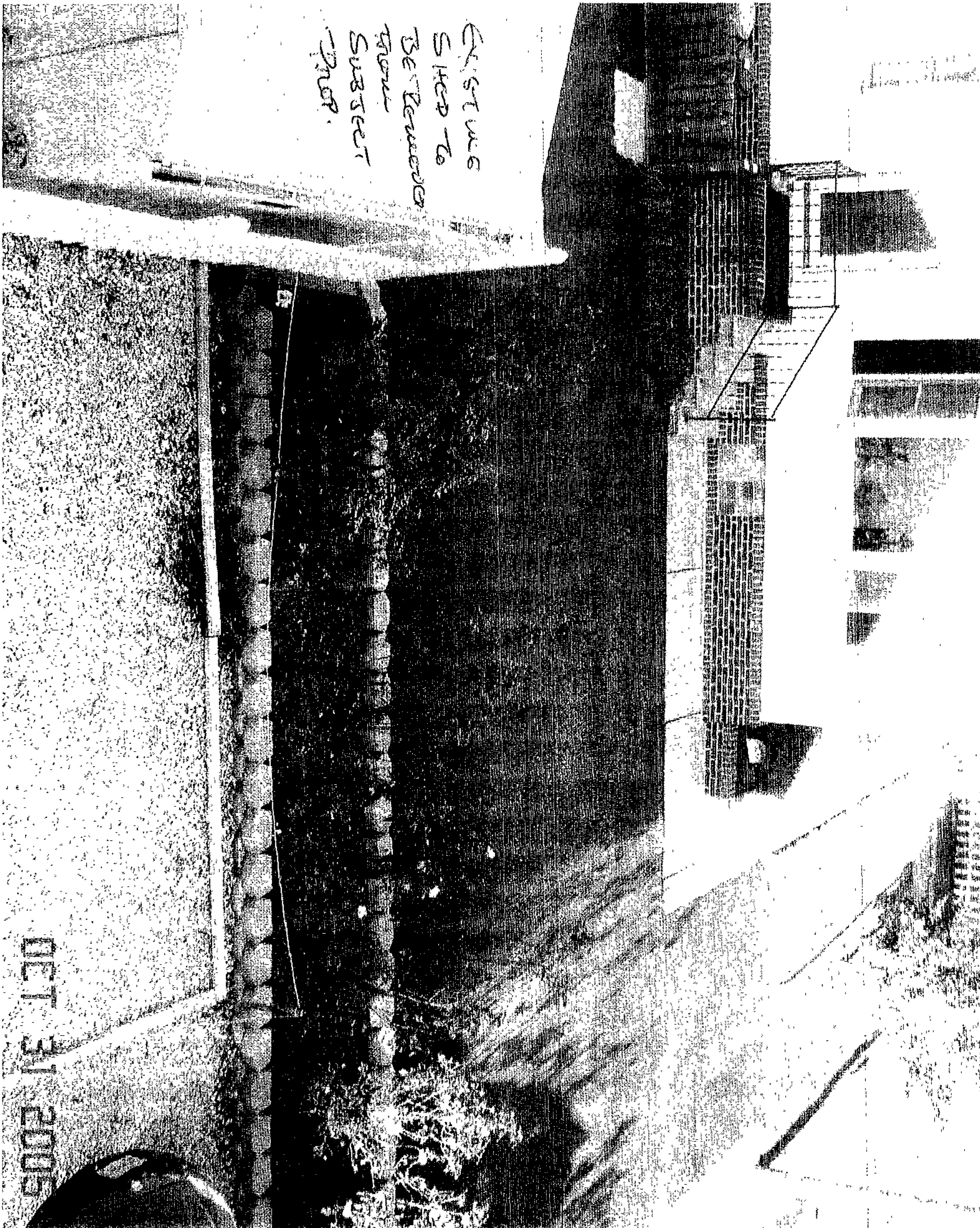
OCT 31 2005

OG-241-A



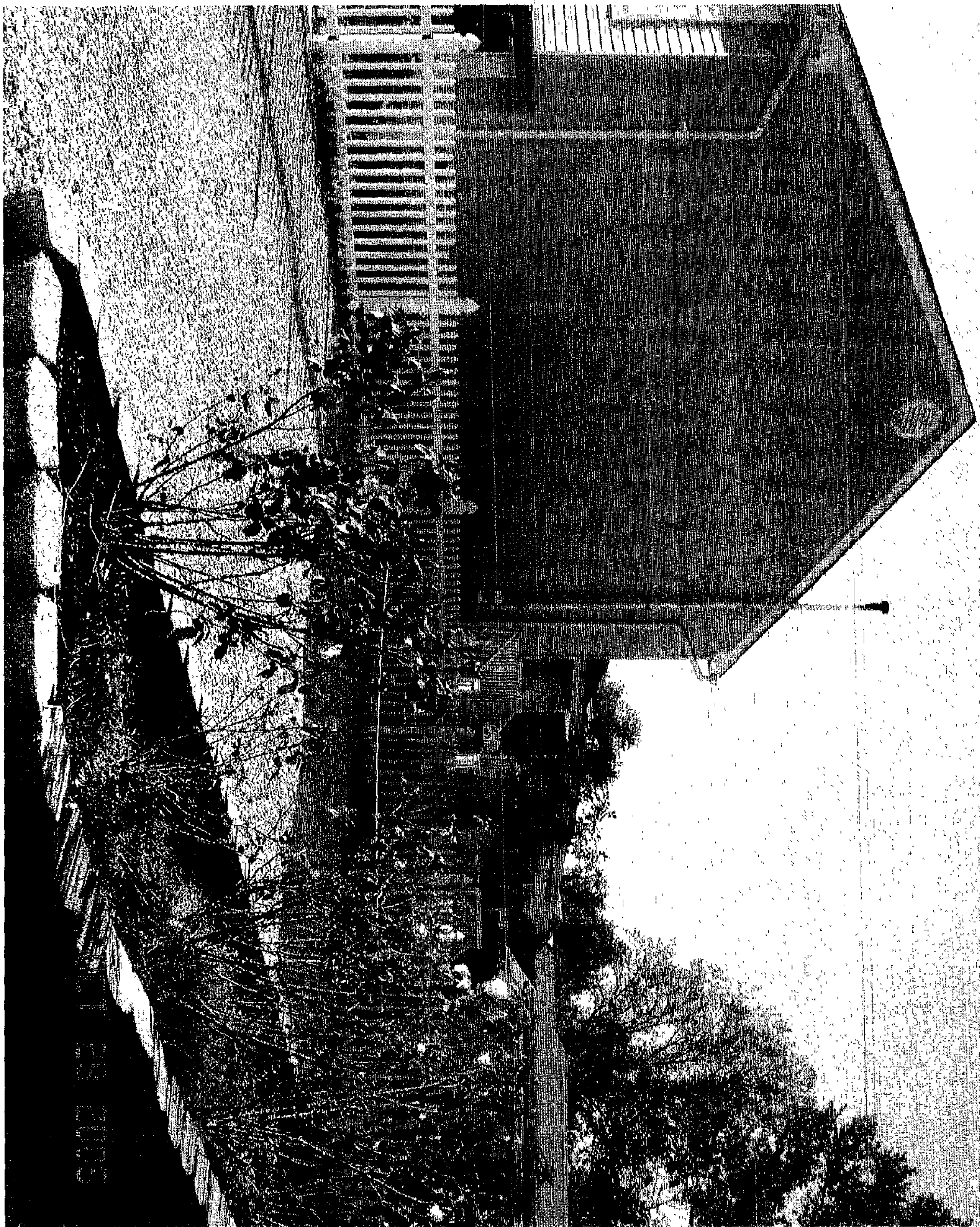
06-241-A

Christine
S HED to
Be Renowned
now
SUBJECT
THOR



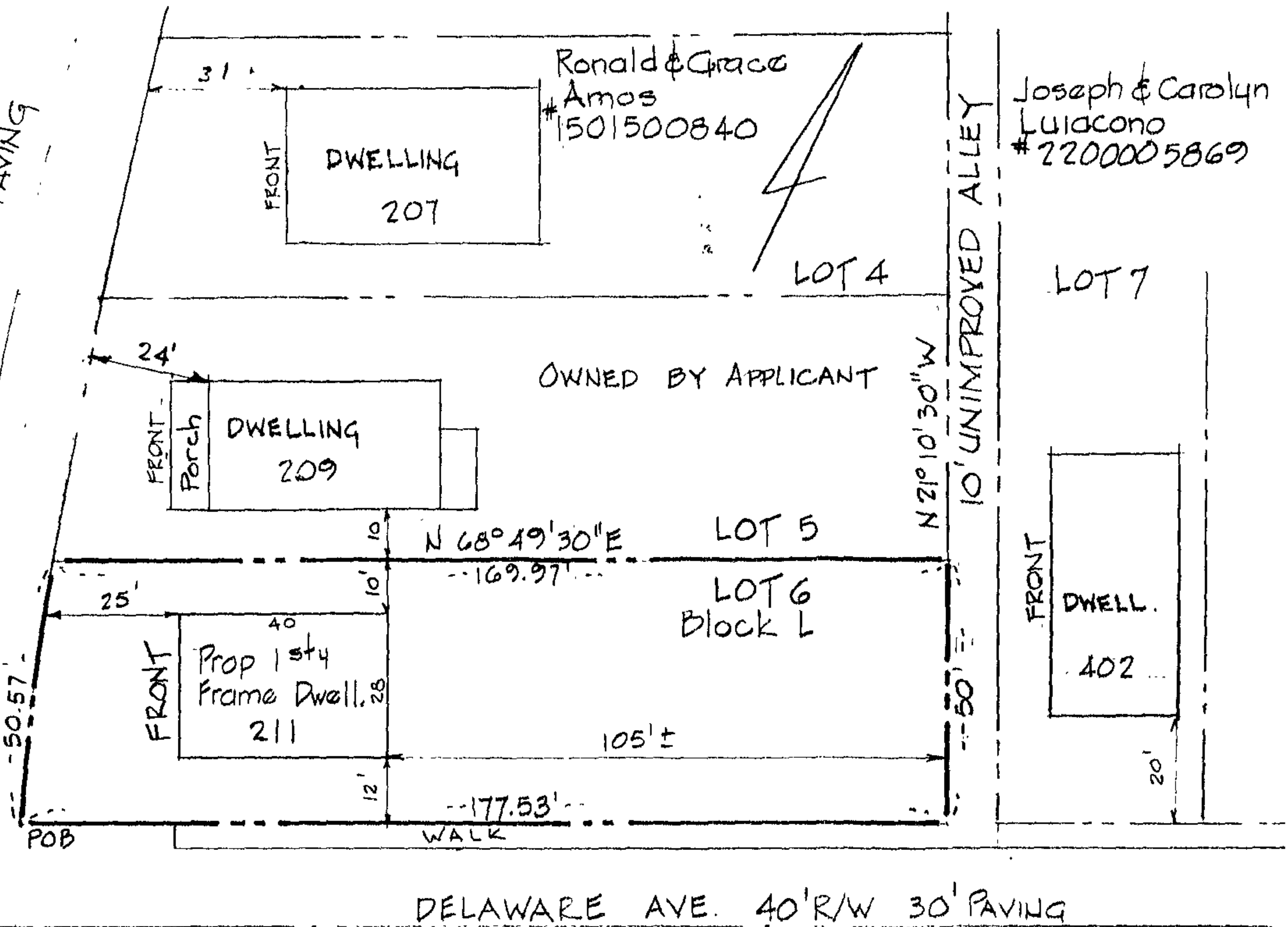
0002 14 100
001 31 2005

OG-241-A



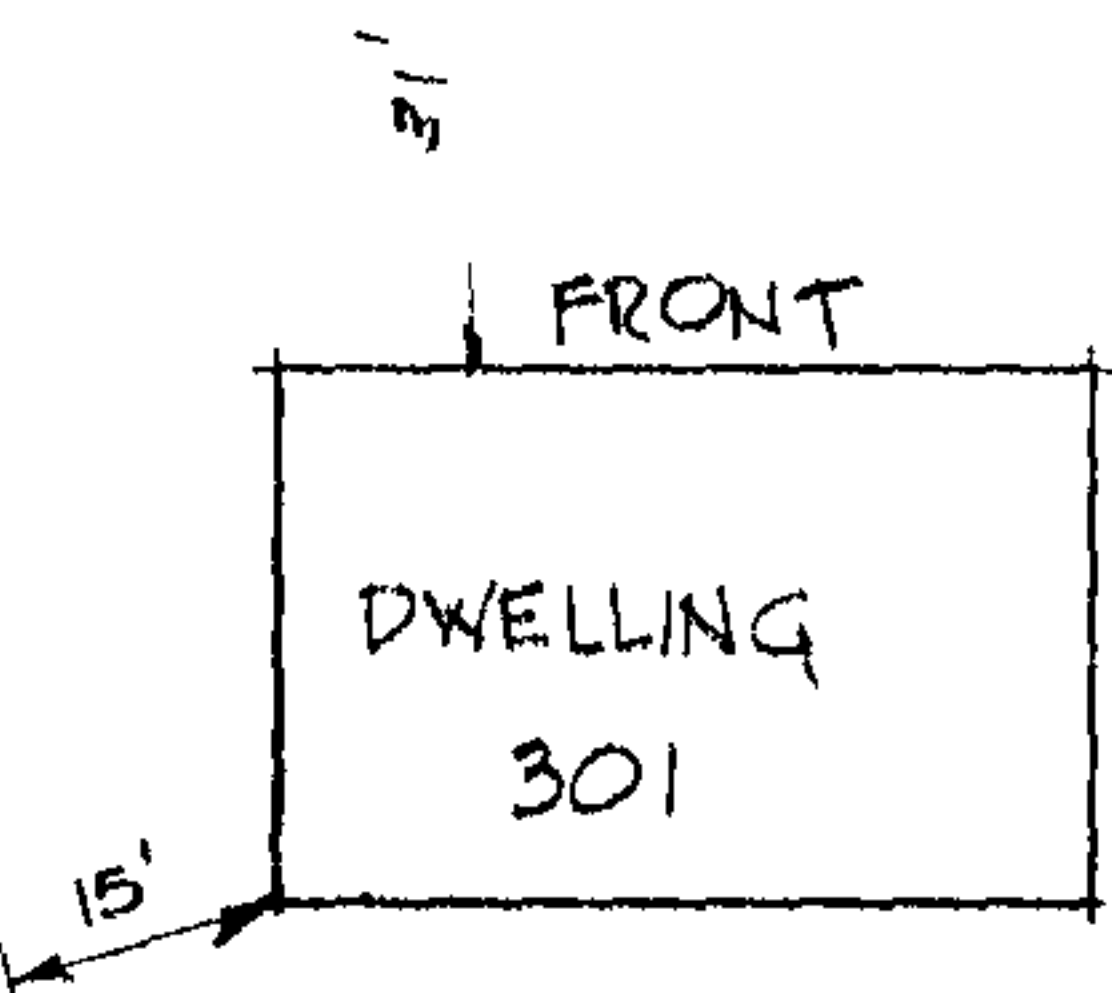
06-241-17

RIVERSIDE DRIVE 60' R/W 20' PAVING



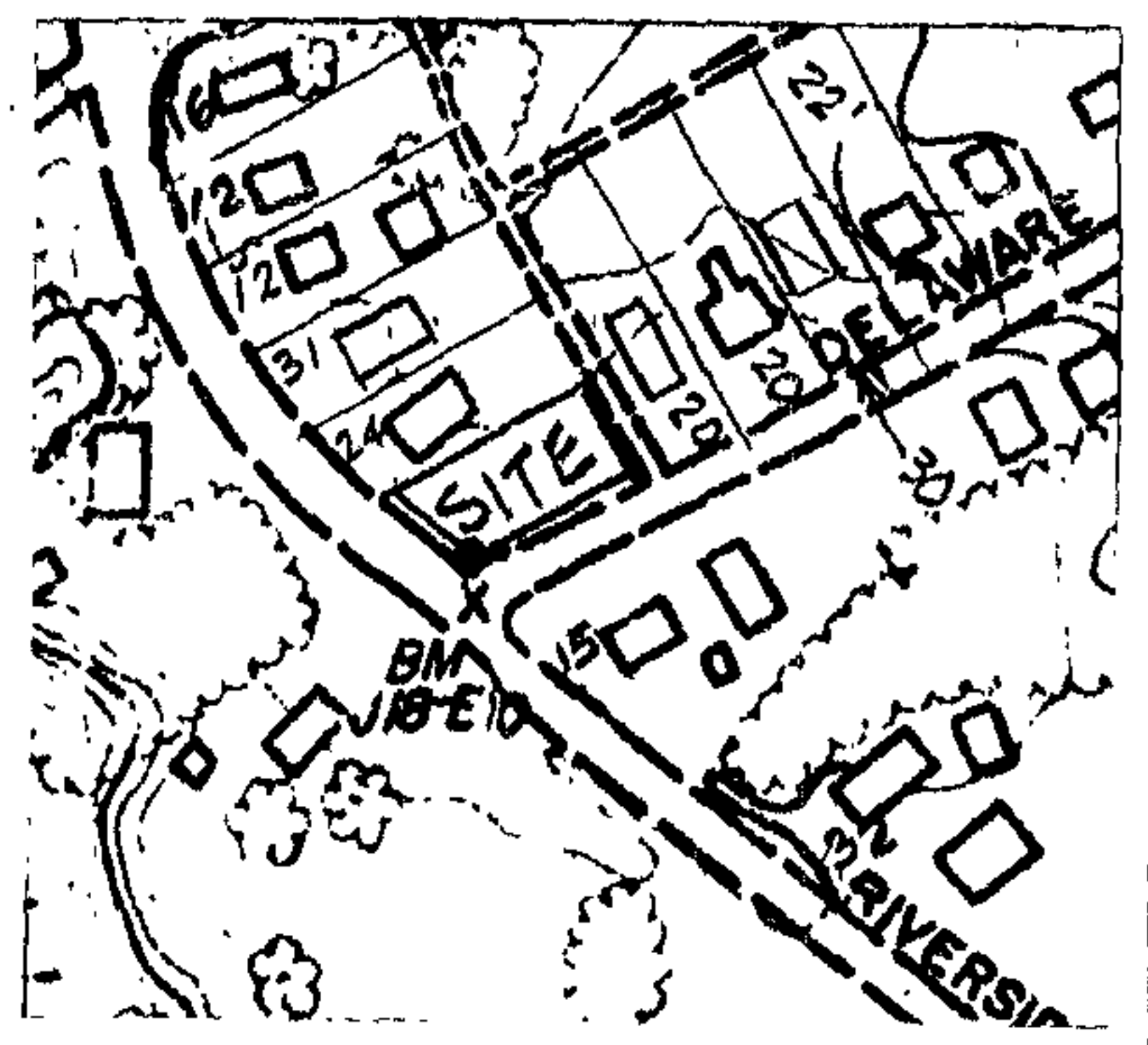
SITE PLAN

1" = 30'

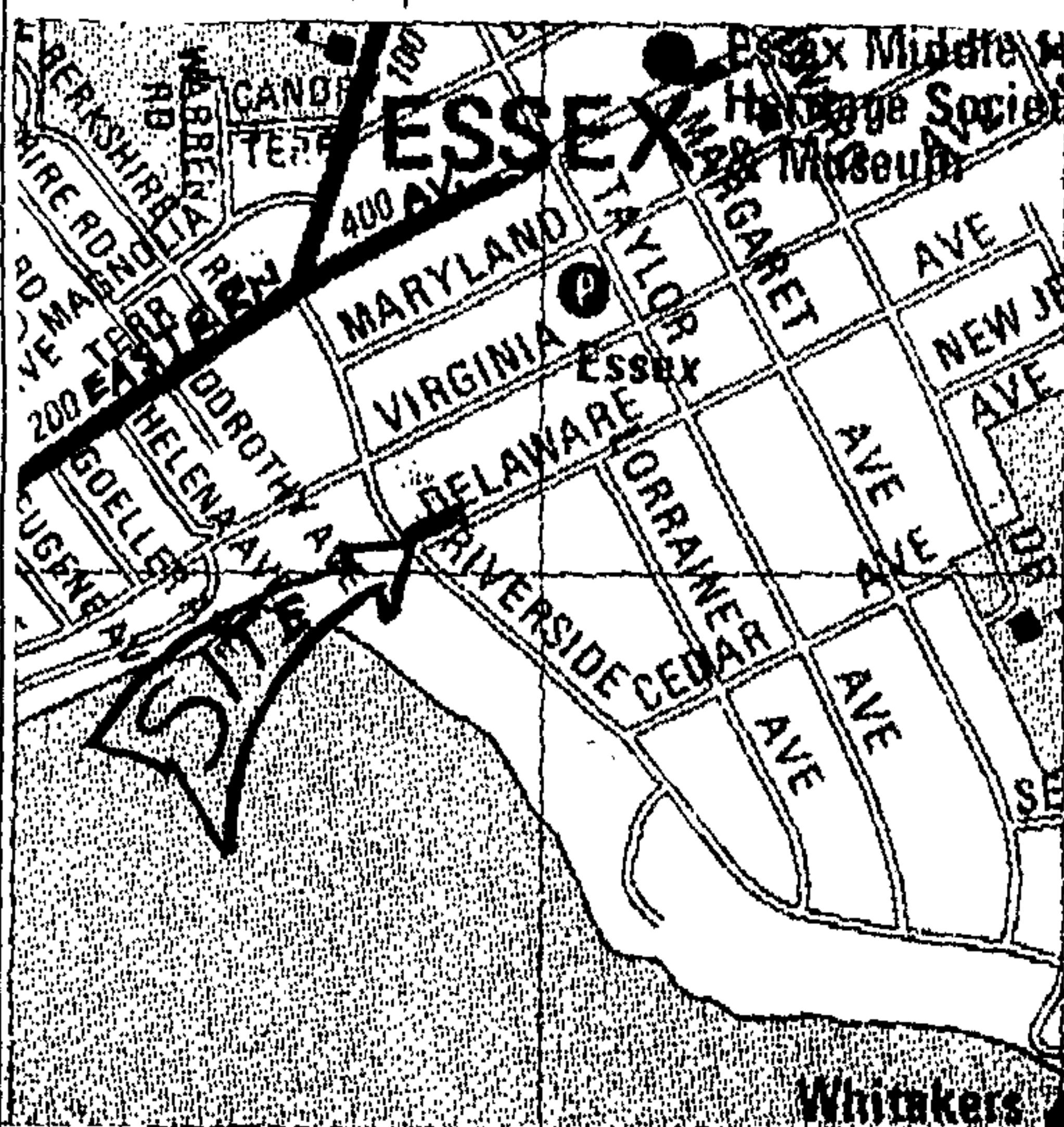


Distances shown are from front of adjacent dwellings within 200' and the R/W

The average distance is 20'



VICINITY MAP 1" = 1000'



PET. EX!

PLAT TO ACCOMPANY VARIANCE, UNDERSIZE LOT & BUILDING PERMIT

211 RIVERSIDE DR.
BALTIMORE, MD 21220

DATE: March 26, 2001

OWNERS: Neil S. & Jackie E. Stillerman
209 Riverside Drive, Balto. MD, Phone: 410-238-2305
15th Election Dist., 7th Councilmanic Dist.
Account #1516602100, Deed Ref. 13679/673
Essex Subdivision, Lot 6, Sect. A, Block L, Group 82
Zoning: DR-5.5, MAP # NE-1G

Site is located in the Chesapeake Bay Critical Area
Flood zone 'C'

Site has public water and sewer
Shared ownership with adjacent lot since 04/16/99

Previous hearing: Case No. 01-240-A
AGENT: George D. McClelland
25 Waterview Rd., Baltimore, MD 21222
Telephone: 410-477-9136

TABULATION

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