

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(6339 Frederick Road)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
1 st Council District		
Everett G. Sillers & Gregory R. Beal	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0272-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Everett G. Sillers & Gregory R. Beal ("Petitioners"). The Petitioners are requesting variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed side yard addition with a 0 ft. side setback and to permit an existing street side setback (Cedarwood Rd. side) of 6 ft. in lieu of the required 10 ft. and 25 ft., respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Planning (DOP) dated April 14, 2017 indicating the following:

"The Department cannot recommend approval of a 0 foot setback unless the petitioners can demonstrate to the satisfaction of the Administrative Law Judge that the addition can be constructed and maintained without trespass or that an access easement is recorded. The Department has no objection to the continued non-conforming 6 foot street side setback."

In response to DOP's ZAC comment above, the undersigned received additional information from John McKay, Dream Design Build & Remodeling (via email on April 20, 2017),

ORDER RECEIVED FOR FILING

Date 5-8-17

By [Signature]

which confirms that the addition can be constructed and maintained without trespass given that the existing fence on the property line will remain and no trespassing onto neighboring yards will be necessary or possible. Mr. McKay attached a larger-scale site plan and noted that in fact the property addition would be no closer than 1 ft. 9 in. to the property line. In this scenario, I believe a minimum setback of 2 ft. must be maintained, to allow for construction and maintenance of the structure (and the existing fence) without intruding upon neighboring properties. As such, the order will grant the variance for a 2 ft. side yard in lieu of the required 10 ft.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 16, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information and photographs submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 8th day of **May, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed side yard addition with a 2 ft. side setback and to permit an existing street side setback (Cedarwood Rd. side) of 6 ft. in lieu

ORDER RECEIVED FOR FILING

Date 5-8-17

By 19W

of the required 10 ft. and 25 ft., respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 5-8-17

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

May 8, 2017

Everett G. Sillers
Gregory R. Beal
6339 Frederick Road
Baltimore, MD 21228

RE: Petition for Administrative Variance
Case No. 2017-0272-A
Property: 6339 Frederick Road

Dear Petitioners:

Enclosed please find a copy of the Order rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal stroke.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: John McKay, Dream Design Build & Remodeling, 726 S. Beechfield Ave.,
Baltimore, MD 21229



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 6339 Frederick Road, Catonsville, MD 21228 **Currently zoned** DR-5.5
Deed Reference 07013/00605 **10 Digit Tax Account #** 0107583540
Owner(s) Printed Name(s) Everett Sillers & Gregory Beal

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. **X** **ADMINISTRATIVE VARIANCE** from Section(s)

1B02.3.C.1.b. → To permit a proposed side yard addition with a 0 feet side setback and to permit an existing side setback (Cedarwood Rd. side) of 6 feet in lieu of the required 10 feet and 25 feet, respectively.

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

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Everett Sillers / Gregory Beal
 Name #1 – Type or Print / Name #2 – Type or Print

Signature #1

Signature #2

6339 Frederick Road / Catonsville / MD
 Mailing Address / City / State

21228 / 410-747-8968 / evsillers@yahoo.com
 Zip Code / Telephone # / Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address / City / State

Zip Code / Telephone # / Email Address

Representative to be contacted:

Richard King
 Name – Type or Print

Signature

726 S. Beechfield Avenue / Baltimore / MD
 Mailing Address / City / State

21229 / 410-368-3668 / dreamdesignbuild@comcast.net
 Zip Code / Telephone # / Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 15 day of April, 2017 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0878-A **Filing Date** 4/6/17 **Estimated Posting Date** 4/16/17 **Reviewer** JS

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 6339 Frederick Road Catonsville MD 21228
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

Owner/occupants have developed mobility constraints; and currently there are no bathroom facilities on the entry level. We are requesting that we be permitted to build a 5'-4" X 10'-4" Powder Room Addition. This proposed 5'-4" wide addition would be encroaching on the 10' setback at the east side of the house.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)


Signature of Owner (Affiant)

Everett Sillers
Name- Print or Type


Signature of Owner (Affiant)

Gregory Beal
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

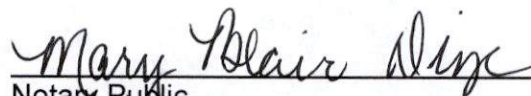
I HEREBY CERTIFY, this 4th day of APRIL, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: EVERETT SILLERS AND GREGORY BEAL

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

MARY BLAIR DIZE
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND


Notary Public
04/22/2019
My Commission Expires

My Commission Expires 04/22/2019

Zoning Petition Property Description for 6339 Frederick Road

Part A:

Zoning Property Description for 6339 Frederick Road, Catonsville, MD 21228.

Beginning at a point on the south side of Frederick Road, (which fronts the subject property) and is 66' wide (width of right-of-way); and at a distance of 20'-0" east of the centerline of the nearest improved intersecting street, Cedarwood Avenue, which is 30' wide (width of right-of-way).

Part B:

Option 1—1st Point of Call (POC) N 73° 07' E, (2nd POC) S 14° 39' E, (3rd POC) EASTERLY 35.0', (4TH POC) N 36° 29' 10" W, as recorded in Plat in Baltimore County Plat Book 9, Folio 3, containing 5,640 square feet. Located in the 1st Election District and 1st Council District.

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

NO 151419

Date: 4/6/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 75.00

Total: \$ 75.00

Rec From: SILVERSTEIN BEAL

For: 2017-0262-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 4/07/2017 4/06/2017 11:37:25 2
 REG USD2 WALKIN JEE
 >>RECEIPT # 005937 4/06/2017 CFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 151419

Recpt Tot. \$75.00
 \$75.00 CK \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 4-16-17

RE: Case Number: 2017-0272-A

Petitioner/Developer: SILLERS-BEAL

Date of Hearing/Closing: 5-1-17

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6339 Frederick Rd

The signs(s) were posted on 4-16-17

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)



ZONING NOTICE
ADMINISTRATIVE VARIANCE

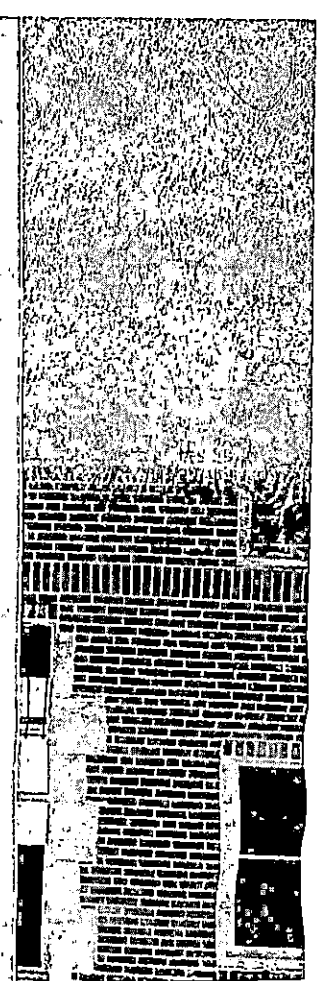
CASE # 2011-0292-A

TO PERMIT A PROPOSED SIDEYARD LOT
TO PERMIT WITH A 0 FEET SIDEYARD AND
TO PERMIT AN EXISTING SIDEYARD LOT
WOOD RD. SIDEYARD 6 FEET WIDE OF THE RE-
QUIRED 10 FEET AND 25 FEET, RESPECTIVELY.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 5/1/12.

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391.
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW.



Zoning Petition Property Description for 6339 Frederick Road

Part A:

Zoning Property Description for 6339 Frederick Road, Catonsville, MD 21228.

Beginning at a point on the south side of Frederick Road, (which fronts the subject property) and is 66' wide (width of right-of-way); and at a distance of 20'-0" east of the centerline of the nearest improved intersecting street, Cedarwood Avenue, which is 30' wide (width of right-of-way).

Part B:

Option 1—1st Point of Call (POC) N 73° 07' E, (2nd POC) S 14° 39' E, (3rd POC) EASTERLY 35.0', (4TH POC) N 36° 29' 10" W, as recorded in Plat in Baltimore County Plat Book 9, Folio 3, containing 5,640 square feet. Located in the 1st Election District and 1st Council District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0272 -A Address 6339 FREDERICK ROAD

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/6/17 Posting Date: 4/16/17 Closing Date: 5/1/17

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2017- 0272 -A Address 6339 FREDERICK ROAD

Petitioner's Name SILLERS + BEAL Telephone 410-747-8968

Posting Date: 4/16/17 Closing Date: 5/1/17

Wording for Sign: To permit a proposed side yard addition with a 0 feet side
setback and to permit an existing side setback (Cedarwood Rd. side) of 6 feet in
lieu of the required 10 feet and 25 feet, respectively.

Revised 7/6/16

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbors 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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0262-A
Property Address: 6339 Frederick Rd, Catonsville, MD 21228
Property Description: _____

Legal Owners (Petitioners): Everett Sillers & Gregory Beal
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Richard King
Company/Firm (if applicable): Dream Design Build & Remodeling
Address: 726 S. Beechfield Ave.
Baltimore, MD 21229
Telephone Number: (410) 368-3668

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

May 2, 2017

Everett Sillers
Gregory Beal
6339 Frederick Road
Catonsville MD 21228

RE: Case Number: 2017-0272 A, Address: 6339 Frederick Road

Dear Mr. Sillers:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 6, 2017. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

20BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2017
Item No. 2017-0269, 0270, 0271 and 0272

DATE: April 20, 2017

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC04172017.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 4/14/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-272

INFORMATION:

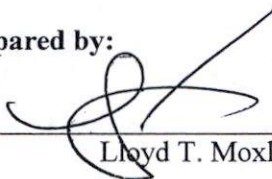
Property Address: 6339 Frederick Road
Petitioner: Everett Sillers, Gregory Beal
Zoning: DR 5.5
Requested Action: Administrative Hearing

The Department of Planning has reviewed the petition for administrative variance to permit a proposed single family dwelling with addition to have a 0 foot side yard setback and a street side setback of 6 feet in lieu of the required 10 feet and 25 feet respectively.

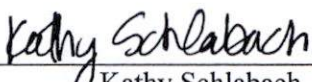
The Department cannot recommend approval of a 0 foot setback unless the petitioners can demonstrate to the satisfaction of the Administrative Law Judge that the addition can be constructed and maintained without trespass or that an access easement is recorded. The Department has no objection to the continued non-conforming 6 foot street side setback.

For further information concerning the matters stated herein, please contact Lloyd Moxley at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Lloyd T. Moxley
Richard King
Office of the Administrative Hearings
People's Counsel for Baltimore County

RECEIVED
MAY 01 2017

Date: 4/12/17

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

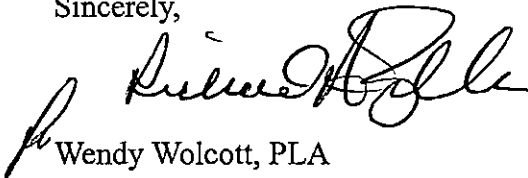
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 4/12/17. A field inspection and internal review reveals that an entrance onto MD144 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2017-0272-A.

Administrative Variance
Everett Sillers & Gregory Beal
6339 Frederick Road
MD144

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 4/14/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-272



INFORMATION:

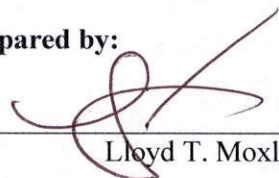
Property Address: 6339 Frederick Road
Petitioner: Everett Sillers, Gregory Beal
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Requested Action: Administrative Hearing

The Department of Planning has reviewed the petition for administrative variance to permit a proposed single family dwelling with addition to have a 0 foot side yard setback and a street side setback of 6 feet in lieu of the required 10 feet and 25 feet respectively.

The Department cannot recommend approval of a 0 foot setback unless the petitioners can demonstrate to the satisfaction of the Administrative Law Judge that the addition can be constructed and maintained without trespass or that an access easement is recorded. The Department has no objection to the continued non-conforming 6 foot street side setback.

For further information concerning the matters stated herein, please contact Lloyd Moxley at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Lloyd T. Moxley
Richard King
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 13, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0272-A
Address 6339 Frederick Road
(Sillers & Beal Property)

Zoning Advisory Committee Meeting of **April 17, 2017**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 4-13-2017

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 13, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0272-A
Address 6339 Frederick Road
(Sillers & Beal Property)

Zoning Advisory Committee Meeting of **April 17, 2017**.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 4-13-2017

M E M O R A N D U M

DATE: June 8, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0272-A- Appeal Period Expired

The appeal period for the above-referenced case expired on June 7, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

Debra Wiley

From: John McKay <john@cuttingedgedesigngroup.com>
Sent: Thursday, April 20, 2017 4:01 PM
To: Administrative Hearings
Cc: Richard King; Everett Sillers; Lloyd Moxley
Subject: Administrative Variance Case #17272--Response to 4/14/17 County comments
Attachments: Response to 4_14_17 Comments (Administrative Variance Case 17_272).pdf

To Whom It May Concern:

Please forward the attached response letter to Judge John Beverungen.

Thank you,

John McKay

Dream Design Build & Remodeling

direct: 410-740-2700

4/20/2017

TO: The Honorable John E. Beverungen Administrative Law Judge, Baltimore County
FROM: John McKay, representing property owner/petitioners
SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 17-272

INFORMATION:

Property Address: 6339 Frederick Road
Petitioner: Everett Sillers, Gregory Beal
Zoning: DR 5.5
Requested Action: Administrative Hearing



In response to Baltimore County Inter-Office Memorandum Letter, dated 4/14/2017 (copy attached below), we are providing clarification of the proposed addition:

The original Hearing Plan required 1"=20' scale minimum, and we neglected to provide a 1/4" scale drawing to show a zoom of the proposed work area (1/4" scale plan also attached below).

We are proposing to build a 5'-4" by 10'-4" Powder Room Addition, to accommodate property owner/occupants developing mobility constraints. Currently there are no bathroom facilities on the 1st floor of the existing house.

Regarding the 0 foot setback assumption in the county response letter: Technically, the proposed addition, at the 5'-4" width, encroaches on the 6 foot right-side setback; but we are not proposing to build all the way to the property line. The closest point of the addition, is the south end, where the 5'-4" width is 1'-9" from the property line. Additionally, there is an existing fence on the property line, that will remain. Therefore, no trespassing onto the neighboring yards will be necessary or possible (without of course removing the fence).

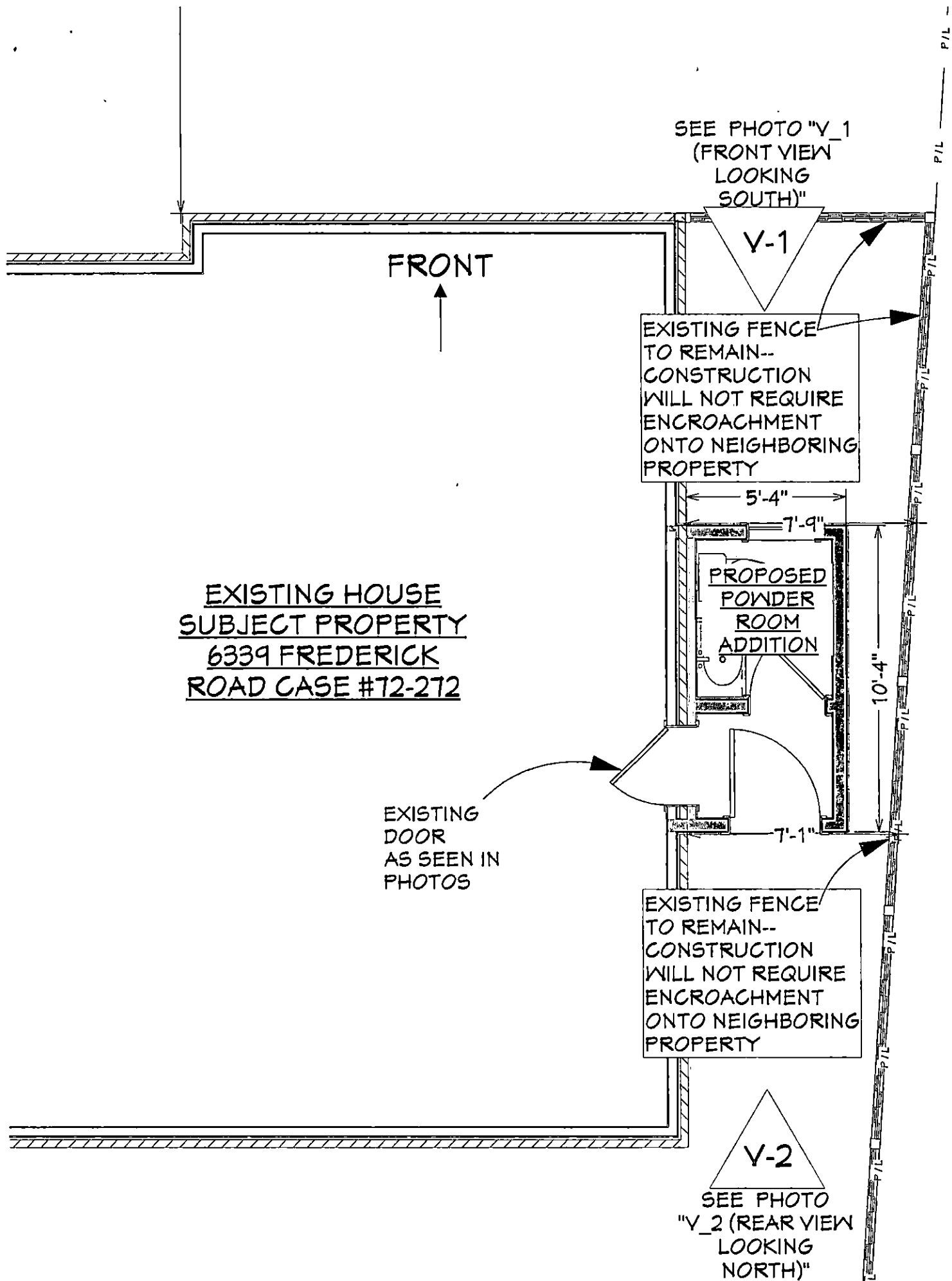
Thank you for considering this variance request,

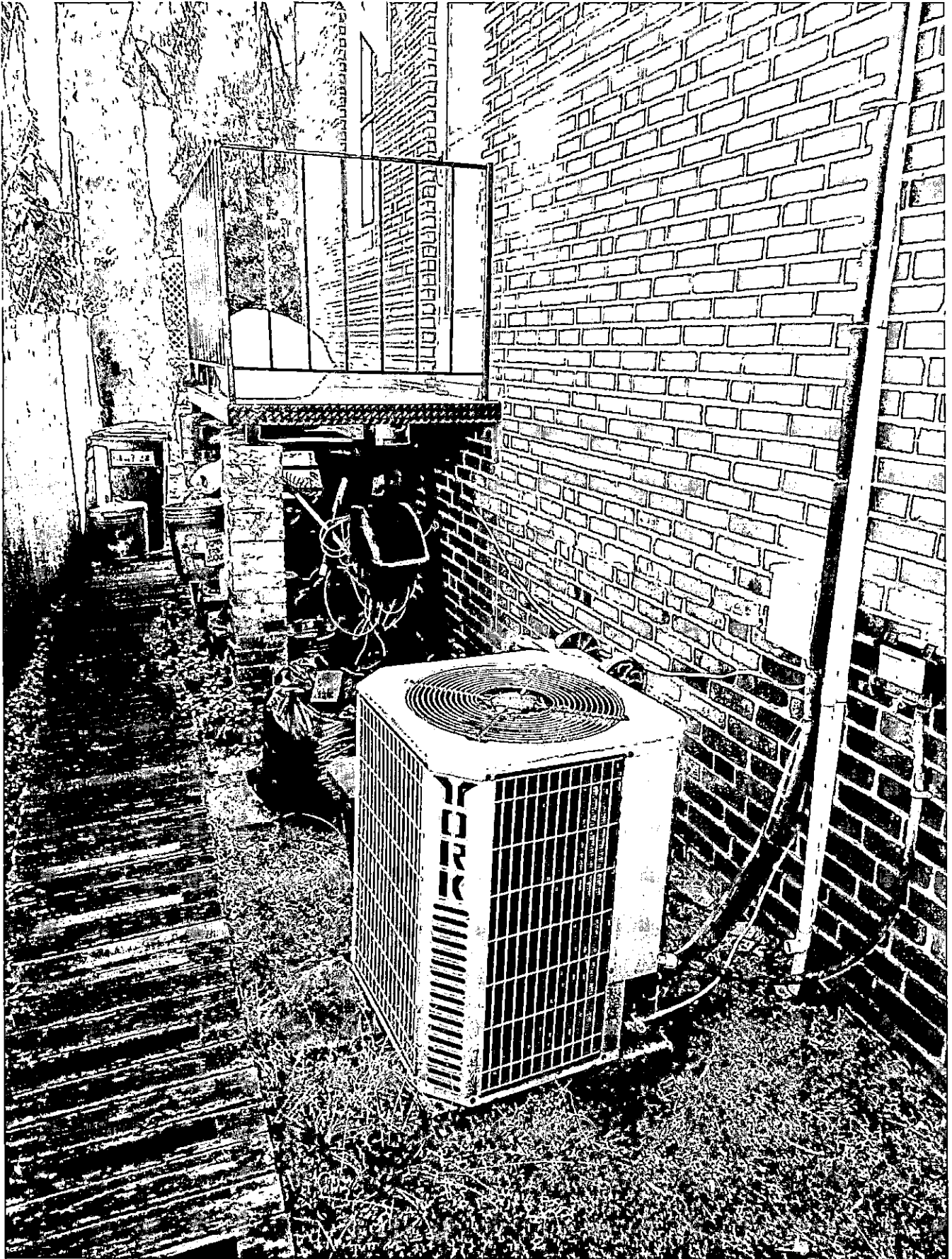
John McKay (representing property owner/occupant petitioners)

Dream Design Build & Remodeling

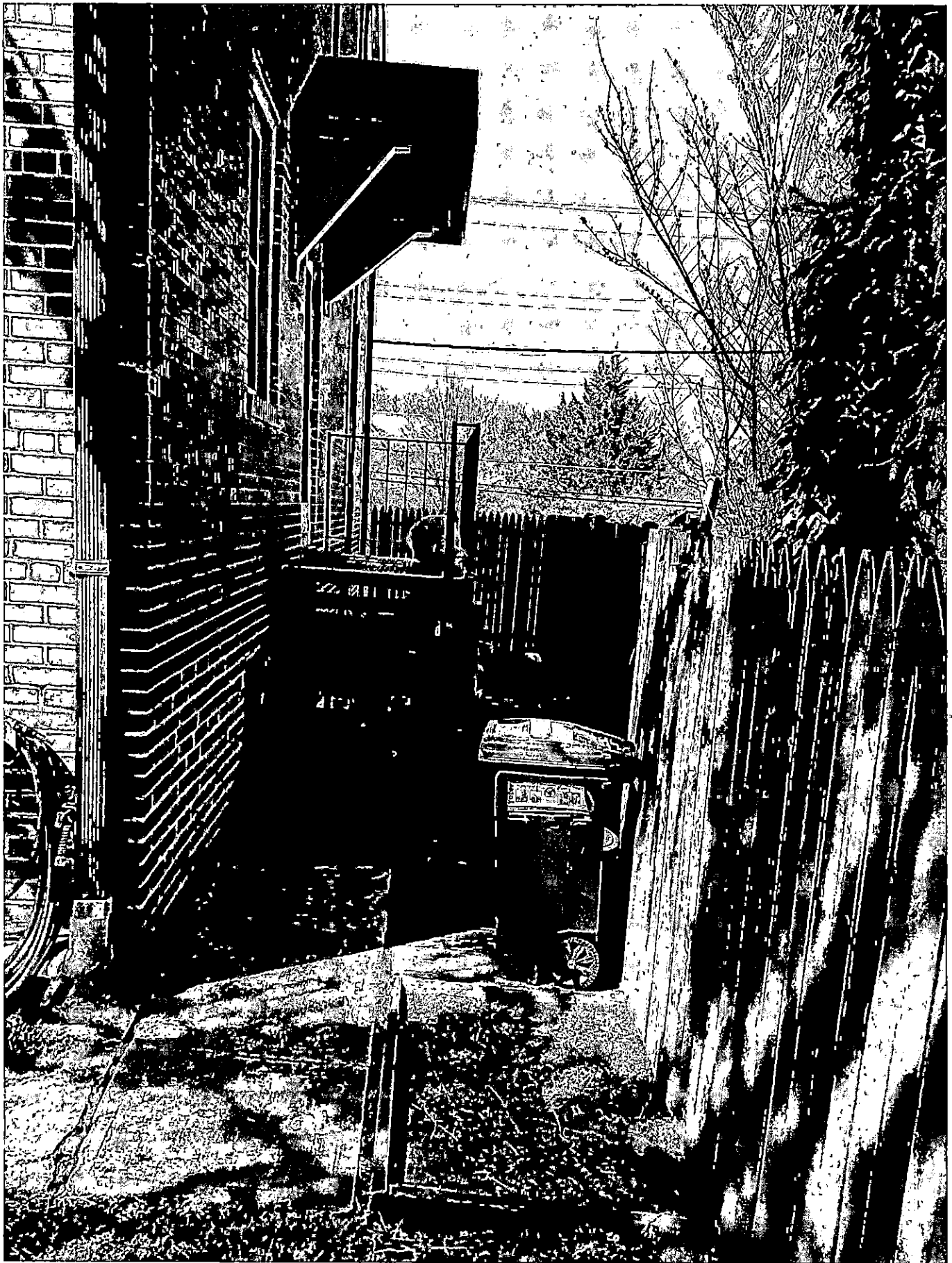
Direct: 410-740-2700

Email: john@cuttingedgesdesigngroup.com





Y_1 Photo (Front View looking South)



Y_2 Photo (Rear View looking North)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 4/14/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-272

INFORMATION:

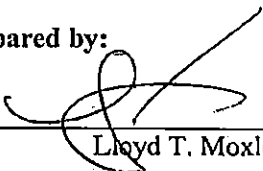
Property Address: 6339 Frederick Road
Petitioner: Everett Sillers, Gregory Beal
Zoning: DR 5.5
Requested Action: Administrative Hearing

The Department of Planning has reviewed the petition for administrative variance to permit a proposed single family dwelling with addition to have a 0 foot side yard setback and a street side setback of 6 feet in lieu of the required 10 feet and 25 feet respectively.

The Department cannot recommend approval of a 0 foot setback unless the petitioners can demonstrate to the satisfaction of the Administrative Law Judge that the addition can be constructed and maintained without trespass or that an access easement is recorded. The Department has no objection to the continued non-conforming 6 foot street side setback.

For further information concerning the matters stated herein, please contact Lloyd Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

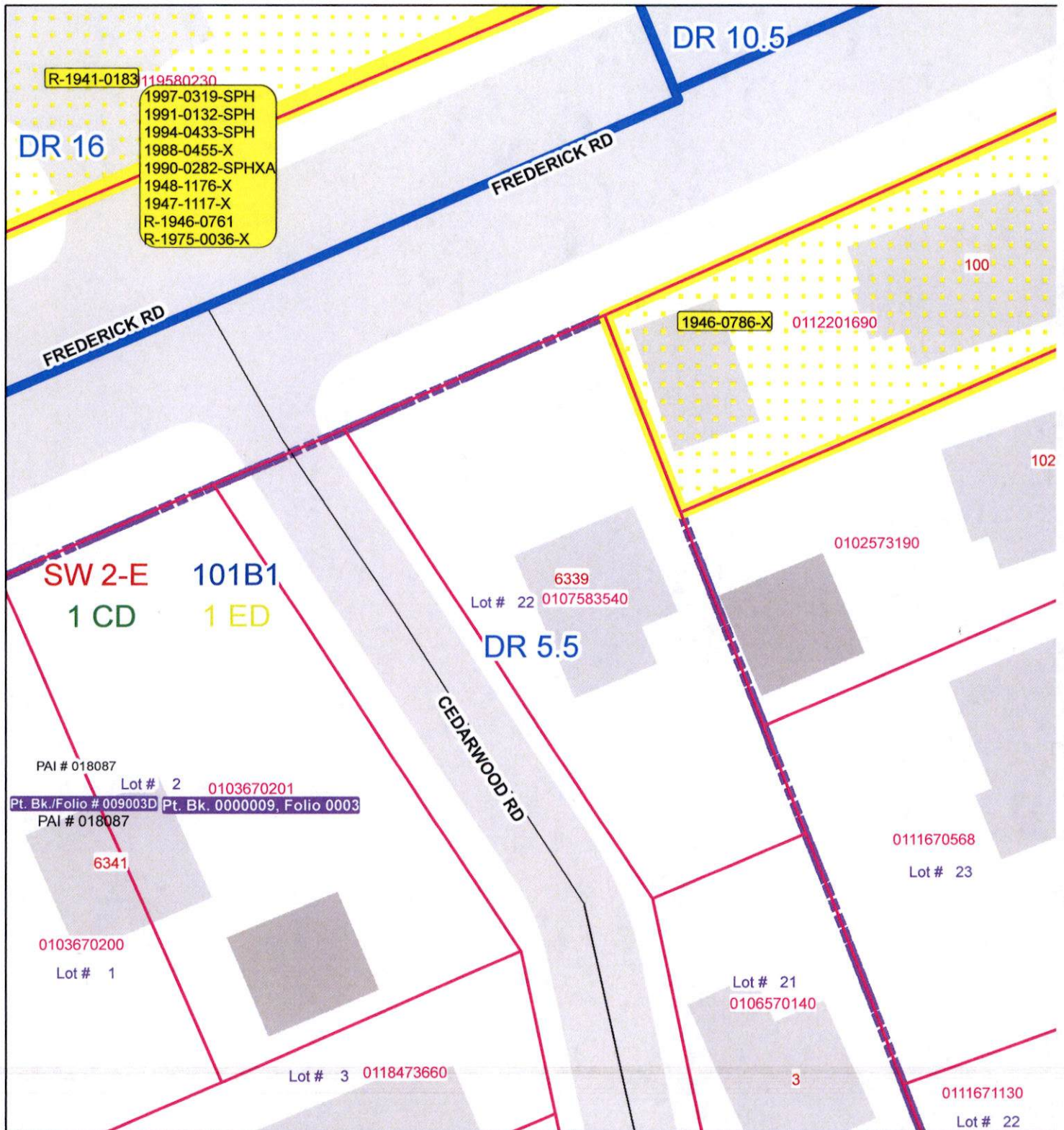
c: Lloyd T. Moxley
Richard King
Office of the Administrative Hearings
People's Counsel for Baltimore County

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 01 Account Number - 0107583540			
Owner Information					
Owner Name:	SILLERS EVERETT G BEAL GREGORY R		Use:	RESIDENTIAL	
Mailing Address:	6339 FREDERICK RD BALTIMORE MD 21228		Principal Residence:	YES	
			Deed Reference:	/07013/ 00605	
Location & Structure Information					
Premises Address:		6339 FREDERICK RD 0-0000		Legal Description: SE COR CEDARWOOD RD MOUNT RIDGE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0101	0003	0159		0000	22 2016 0009/0003
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1939	1,594 SF	260 SF	5,640 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	BRICK	1 full	
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2016	07/01/2016	07/01/2017	
Land:	82,600	82,600			
Improvements	128,100	138,300			
Total:	210,700	220,900	214,100	217,500	
Preferential Land:	0			0	
Transfer Information					
Seller: KLUTH MIRIAM D		Date: 10/01/1985		Price: \$78,500	
Type: ARMS LENGTH IMPROVED		Deed1: /07013/ 00605		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 11/07/2012					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

6339 Frederick Road



Publication Date: 3/31/2017



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

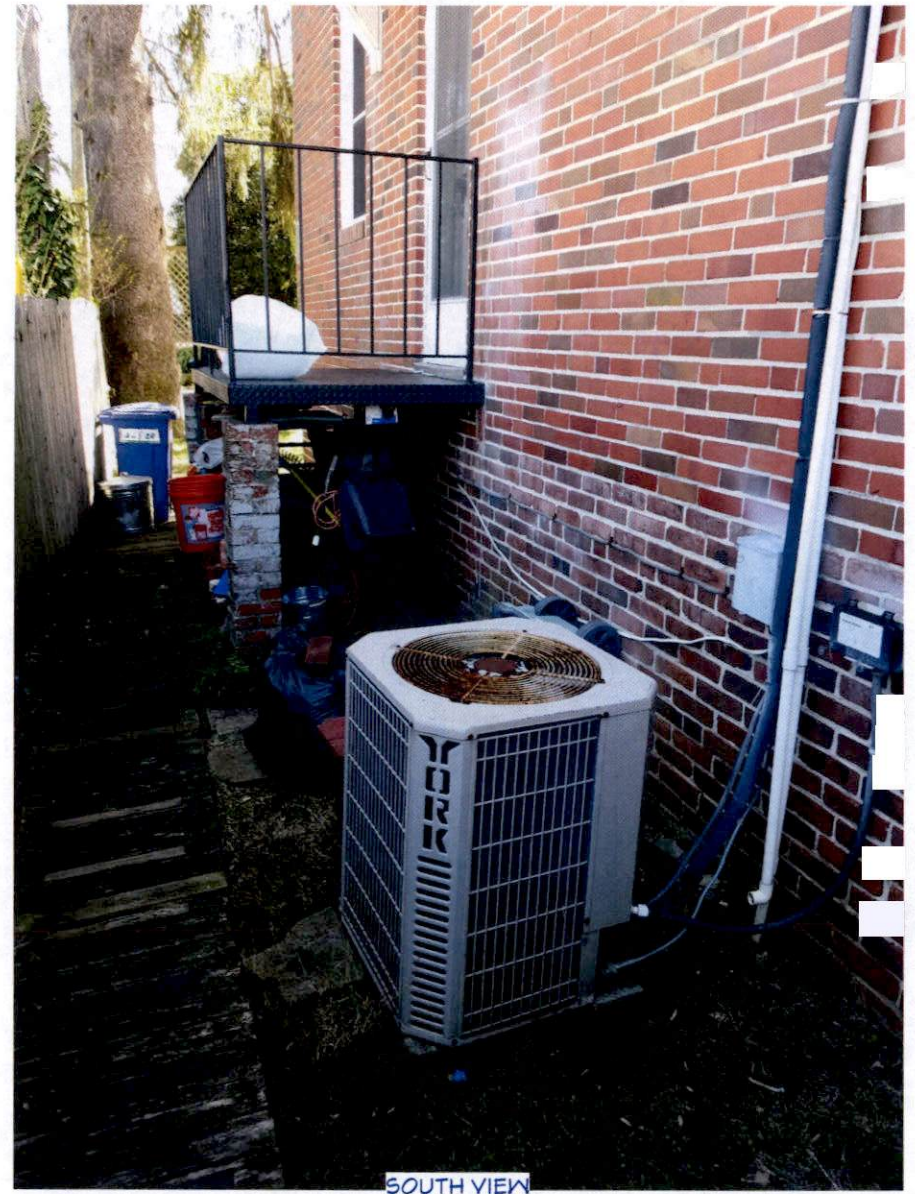
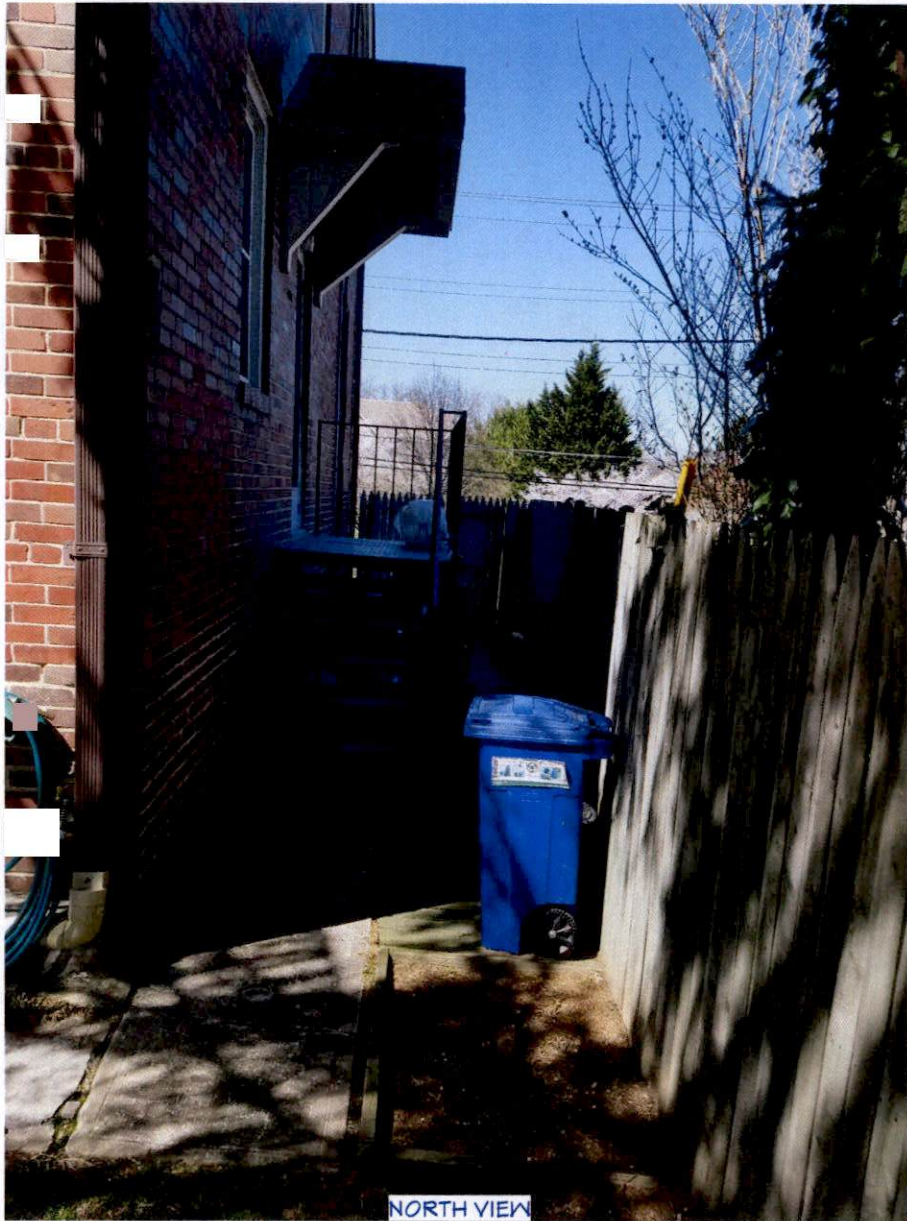


0 5 10 20 30 40
Feet

1 inch = 30 feet



SUBJECT PROPERTY 6339 FREDERICK RD (S view)



SUBJECT PROPERTY 6339 FREDERICK RD (view of PROPOSED WORK AREA)



SUBJECT PROPERTY 6339 FREDERICK RD (SW view)



SUBJECT PROPERTY 6339 FREDERICK RD (SE view)



3 CEDARWOOD ROAD



104 S SYMINGTON AVENUE



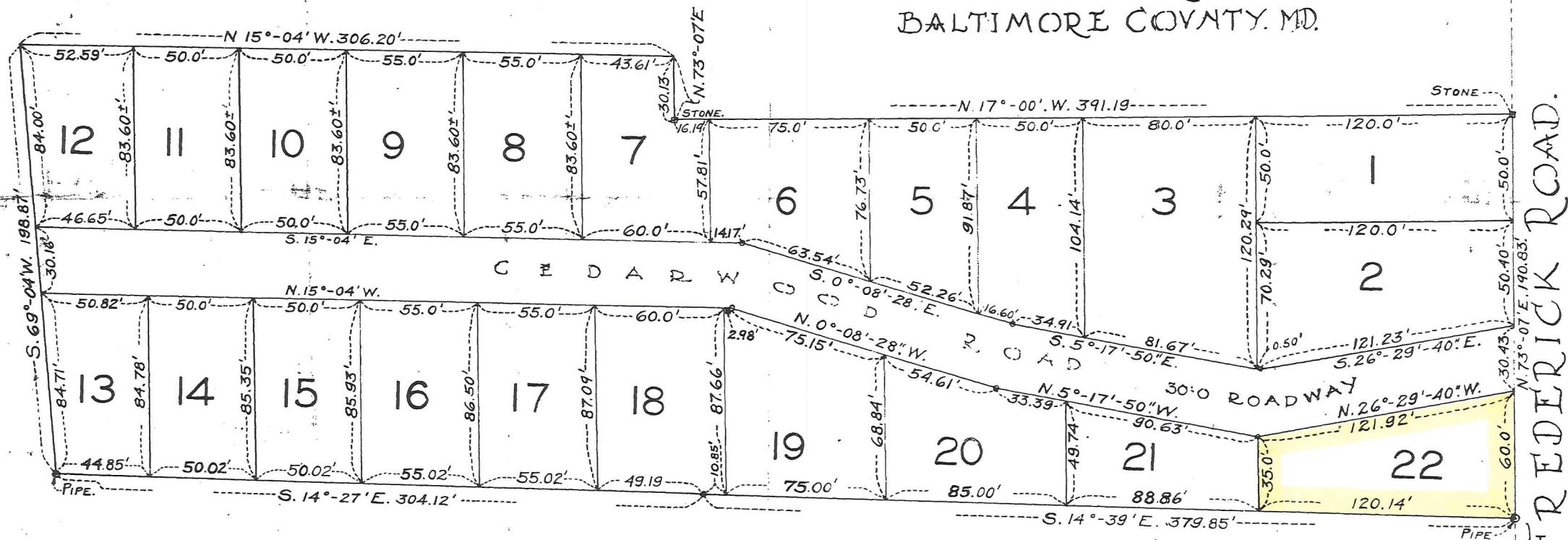
102 S SYMINGTON AVENUE

100 S SYMINGTON AVENUE

SPEED
LIMIT
25

PARADISE AVE.

REVISED PLAT OF MOUNT-RIDGE BALTIMORE COUNTY, MD.



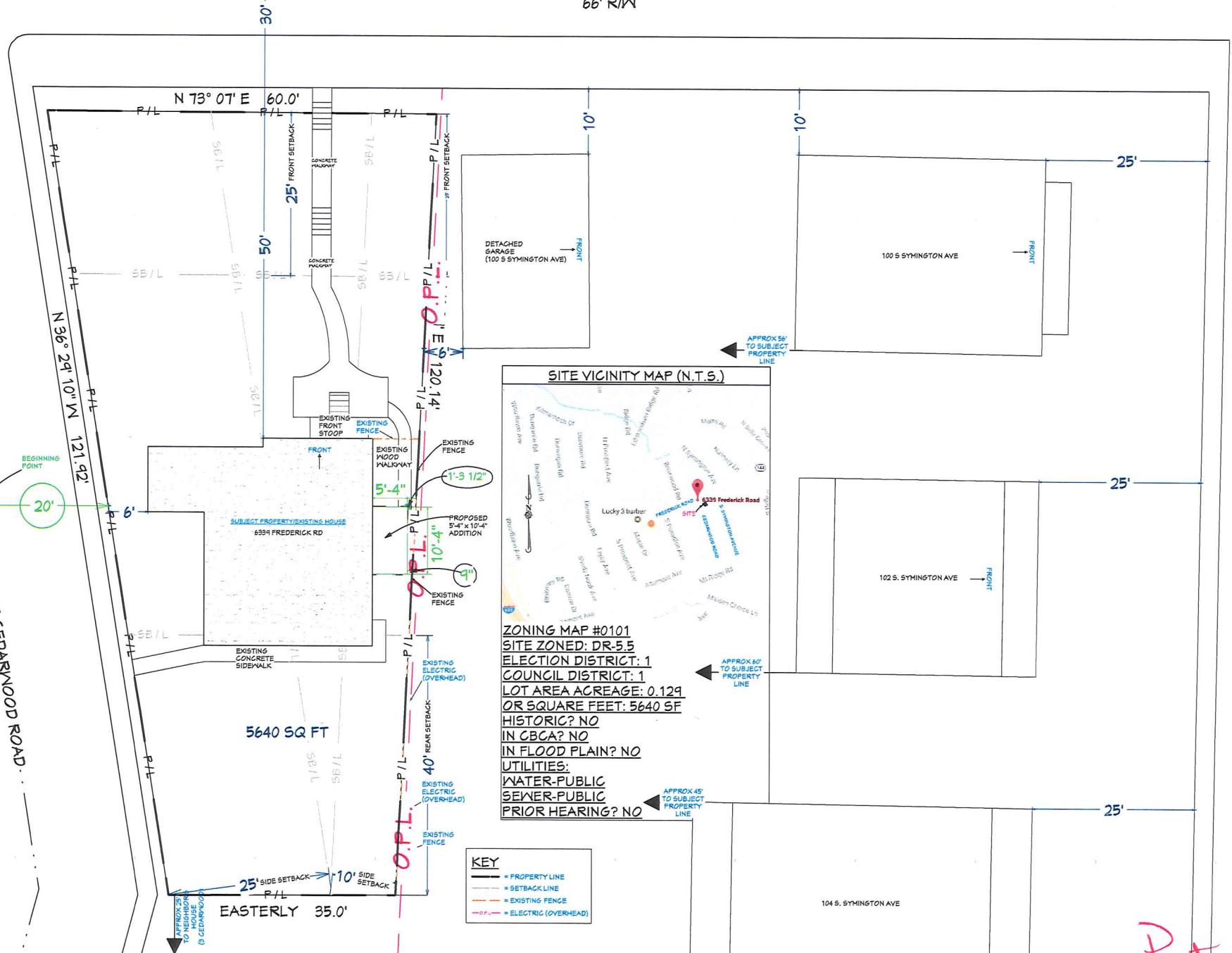
Outline traced from plat by Coonan 10.16.1925.

FEBRUARY 7, 1928
Frederick L. Coonan
SURVEYOR & CIVIL ENGINEER

5. SYMINGTON AVENUE ———— CENTERLINE 5. SYMINGTON AVENUE
30' R/W

FREDERICK ROAD

CEDARWOOD ROAD
30' R/W



Ret. Exp.