

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Woodbine Avenue, 8.2' to c/l
Barranco Court
(404 Woodbine Avenue)
9th Election District
5th Council District

Thomas M. Deliso
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-430-A

*

* * * * *

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 owner of the subject property, Thomas M. Deliso. The Petitioner seeks relief from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage and its addition to be located in the side yard with a 1'10" setback in lieu of the required rear yard location and minimum 2'6" side yard setback. 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.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which 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 who resides or owns property 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, a letter was received from the adjacent property owner, Richard Parsons, in which he raised several concerns regarding the proposal and the matter was scheduled for a public hearing before the undersigned Zoning Commissioner on June 13, 2003.

ORDER RECEIVED FOR FILING

Date

By

Appearing at the requisite public hearing in support of the request were Thomas Deliso, property owner, and his attorney, Anthony J. DiPaula, Esquire. Also appearing in support of the request were Paul Bateman, adjacent property owner, Eleanor R. Schwartz, and Sherri Faaborg. Appearing as interested citizens in the matter were Richard Parsons, Donald Gerding, and Don Wright, who reside in the neighborhood.

The subject property under consideration is a rectangular shaped parcel, approximately 60' wide by 213' deep, located on the east side of Woodbine Avenue, just north of Chesapeake Avenue in west Towson. The property is also known as Lot 1 of Woodbine and contains approximately 0.27 acres, more or less, zoned D.R.3.5. Presently, the site is improved with a two-story brick dwelling and a detached brick garage, which is approximately 20'6" x 10'5" in dimension. Vehicular access is by way of a driveway that leads from Woodbine Avenue. The Petition for Variance is generated by a proposed addition to the existing garage. As shown on the site plan, Mr. Deliso proposes a 10'5" wide by 18' deep addition to the front of the garage. The width of the addition is the same as the garage; however, when completed the garage will be 10'5" wide by 38'6" deep. In addition, the Petitioner proposes the construction of a breezeway-type structure between the existing house and garage addition. That breezeway is more particularly shown in a series of building elevation/architectural drawings submitted at the hearing. The proposed breezeway would be 5' wide and 14' deep. Interestingly, the proposed breezeway will not provide an internal connection from the house to the garage; however, the area of the breezeway will provide interior space in that same would be under roof. An exterior wall connecting the side of the garage to the side of the house will be built.

Mr. Deliso indicated that the garage addition was necessary to provide more storage space. He indicated that he enjoys woodworking as a hobby and that the present garage is too small. Additionally, more space is needed for the storage of his automobile and other household items. Mr. Deliso also indicated that the garage addition was the only practical location where further improvements could be constructed. He produced at the hearing photographs of the rear of the property which show a significant grade change. That is, the property falls off in elevation

ORDER FOR VARIANCE
DATE 6/30/13
JDP

from front to rear. Additionally, there is a mature tree immediately behind the rear wall of the existing garage. Construction in that area would be difficult due to the grade change and also result in the loss of the tree. There is also a significant grade that relates to the subject property and the adjacent Parsons lot, which is at a significantly higher elevation. Due to this topography, there has been constructed a retaining wall along the common property line. Photographs of the wall were submitted at the hearing.

As noted above, Mr. Parsons resides next door and requested a public hearing be held for the variance. Mr. Wright resides across the street from the subject property and Mr. Gerding, in the area. Initially, they all expressed concern regarding the proposed construction. They also questioned whether the Petitioner had met the legal requirement for variance relief to be granted, pursuant to Section 307 of the B.C.Z.R. and as construed in the case law.

Another issue was raised in this case through the testimony of John Lewis, a representative of the Zoning Review Division of the Department of Permits and Development Management (DPDM). Mr. Lewis testified about the impact of the proposed addition on the setback requirements for this property.

It has long been held that detached structures (i.e., the garage in this instance) are considered accessory structures and not part of the principal building (i.e., the dwelling). Thus, setbacks for accessory structures are contained in Section 400 of the B.C.Z.R. That Section generally regulates the height, location, and setback requirements for accessory structures in the D.R. zones. Section 400.1 thereof requires that accessory structures be located no less than 2.5 feet from any side or rear property line. Thus, the existing garage, which is clearly accessory and not connected to the house, must be located 2'6" from the Deliso/Parsons property line. Variance relief is technically necessary to legitimize the location of the existing structure, which is but 1'10" from that property line. In the alternative, the existing garage could be brought into compliance by a finding that same is nonconforming (i.e., grandfathered) under Section 104 of the B.C.Z.R.

It has long been the position of the undersigned Zoning Commissioner as well as the Zoning Review Division of DPDM that the connection of an accessory building to a principal

ORDER RECEIVED FOR FILING

Date

By

building renders the detached structure no longer accessory, but part of the principal building. Thus, if a connection is made between the house and the garage as proposed here, the garage is no longer considered accessory and becomes part of the principal building. As such, the garage then need comply with the side yard setback regulations set forth in Section 1B01.2 of the B.C.Z.R. In this case, the D.R.3.5 regulations require a 20-foot side yard setback be maintained.

Mr. Lewis offered testimony, which quite frankly was contradictory to the long-standing interpretation of both the undersigned Zoning Commissioner and the Zoning Review Division of DPDM. Indeed, DPDM has long held the position that any connection between an existing principal structure and accessory building renders the detached structure part of the principal building. To the contrary, Mr. Lewis described a "functionality" test. That is, he opined that if the connection between the two structures had no real function, then the buildings would continue to be considered separate and distinct for the purposes of determining setback requirements. Although this appears to be a reasonable interpretation of the Code, it is clear that the proposed breezeway in this case will indeed have certain functions. Mr. Deliso indicated that materials and other household items would be stored in that area. Although the breezeway will not provide an actual, physical connection between the buildings, it will provide interior storage space, and thus, has a reasonable functionality.

In my judgment, the breezeway effectively connects the existing house and garage addition. Thus, the proposed addition and existing garage need maintain a 20-foot setback from the side property line, or variance relief need be obtained.

After both sides at the hearing had offered significant testimony and evidence, the matter was recessed for a brief period in order for the parties to discuss their differences privately. When the hearing reconvened, the parties indicated that a resolution had been reached. Specifically, the undersigned was advised that Mr. Deliso had agreed to shorten the garage addition by 3 feet, which will reduce its visibility from the public road and surrounding houses; however, the proposed breezeway connection will remain. The "new" structure will be 35'6" deep rather than 38'6", and remain as wide as the existing garage (10'5").

This appears to be a reasonable and appropriate compromise. In my judgment, the Petitioner is entitled to variance relief given the uniqueness of the property. I find that the site is unique given the mature landscaping that exists on the property, and as important, the unusual topography. Construction of an addition to the rear of the garage is simply not practical. The rationale for the necessity for the garage expansion is appropriate and reasonable. In sum, I believe that the Petitioner should be granted variance relief. However, relief shall be granted from Section 1B01.2 of the B.C.Z.R. in that the "new" structure will no longer be accessory to, but become part of the principal dwelling.

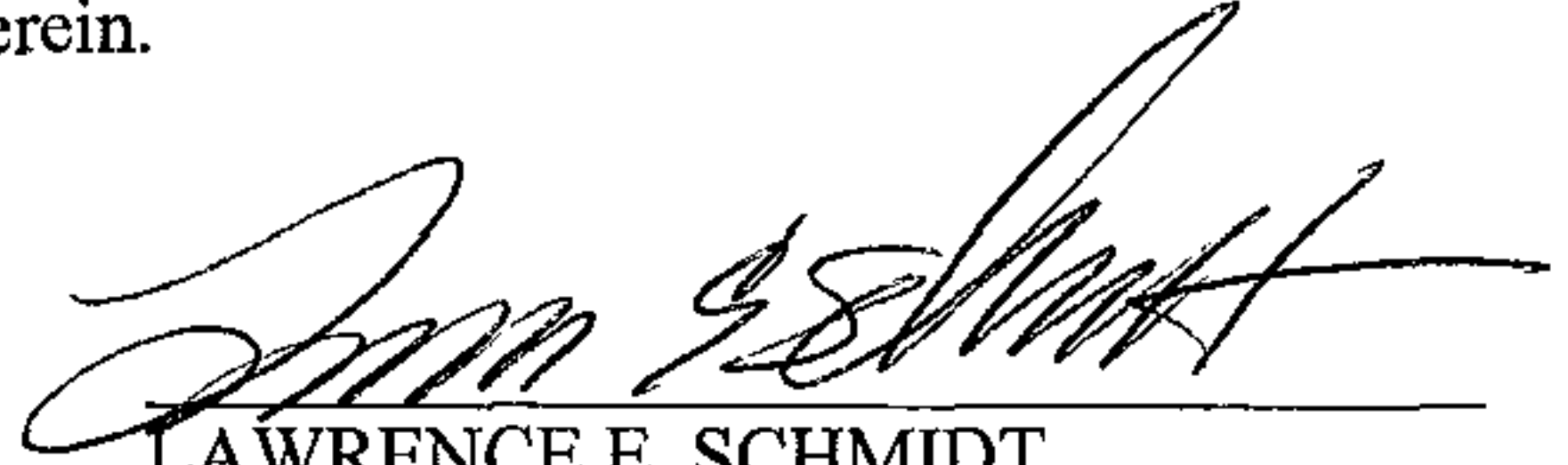
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested, as modified herein, shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of June 2003, that the Petition for Administrative Variance seeking relief, as modified herein, from Section 1B01.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached garage, and proposed addition and breezeway to be located in the side yard with a 1'10" side setback in lieu of the required 20 feet, be and is hereby GRANTED, subject to the following restrictions:

- 1) 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) By agreement of the parties hereto, the length of the proposed garage addition has been reduced by 3 feet, so that the overall dimension of the "new" structure will be 10'5" wide by 35'6" deep. Within sixty (60) days of the date of this Order, a revised site plan incorporating the relief granted herein shall be submitted to DPDM for inclusion in the case file.
- 3) The Petitioner shall install appropriate gutters and downspouts as necessary to insure that water runoff from the garage and addition is not discharged towards the adjacent Parsons property or the retaining wall located along the common property line.

- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the existing garage is no longer considered an accessory structure by virtue of the relief granted herein.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Case No. 16/21/03
Date 6/21/03
By [Signature]



Baltimore County
Zoning Commissioner

June 27, 2003

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Anthony J. DiPaula, Esquire
34 S. Main Street
Bel Air, Maryland 21014

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Woodbine Avenue, 8.2' to c/l Barranco Court
(404 Woodbine Avenue)
9th Election District -- 4th Council District
Thomas M. Deliso - Petitioner
Case No. 03-430-A

Dear Mr. DiPaula:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Thomas M. Deliso
404 Woodbine Avenue, Towson, Md. 21204
Mr. Richard Parsons, 412 Woodbine Avenue, Towson, Md. 21204
Mr. Don Wright, 403 Woodbine Avenue, Towson, Md. 21204
Mr. Donald Gerding, 335 Old Trail, Baltimore, Md. 21212
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

ORIGINAL FORM
KEEP IN ZONING FILE



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 404 WOODBINE AVE
which is presently zoned D.R. 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) 400 BCZR

TO PERMIT A DETACHED GARAGE AND ^{ITS} ADDITION TO BE LOCATED IN
SIDE YARD WITH A 1' 10" SETBACK IN LIEU OF REAR YARD
WITH A 2' 6" SETBACK.

JMD

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):

THOMAS M. DELISO

Name - Type or Print

TL M. Deliso

Signature

Name - Type or Print

Signature

404 WOODBINE AVE

410-823-4216

Address

Telephone No

TOWSON

MD

21204

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No

City

State

Zip Code

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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 JL Date 3/18/03

Estimated Posting Date 3/30/03

ORDER RECEIVED FOR FILING
Date 6/30/03
By [Signature]

CASE NO. 03 430 A

REV 10/25/01

3 Copies

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 404 WOODBINE AVE
Address
TOWSON MD 21204
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):

- CURRENT LAYOUT of GARAGE/HOUSE/DRIVEWAY LIMIT SPACE FOR GARAGE ADDITIONS
- LAYOUT of LOT is HILLY AND RESTRICTS SPACE DESIRE TO RETAIN LARGE TREE IN REAR YARD.

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.

TL M. Deliso
Signature
THOMAS M DELISO
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: Carrie Grunel
I HEREBY CERTIFY, this 11th day of March, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Thomas M. Deliso
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires October 1, 2003

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 404 WOODBINE AVE
Address
TOWSON MD 21204
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):

- CURRENT LAYOUT of GARAGE/HOUSE/DRIVEWAY LIMIT SPACE FOR GARAGE ADDITIONS
- LAYOUT of LOT is hilly AND RESTRICTS SPACE DESIRE TO RETAIN LARGE TREE IN REAR YARD.

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.

TM Deliso
Signature
THOMAS M DELISO
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: Anne Arundel

I HEREBY CERTIFY, this 11th day of March, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires October 1, 2003



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 404 WOODBINE AVE
which is presently zoned D.R. 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), 400 BCZR

TO PERMIT A DETACHED GARAGE AND ^{ITS} ADDITION TO BE LOCATED IN
SIDE YARD WITH A 1' 10" SETBACK IN LIEU OF REAR YARD
WITH A 2' 6" SETBACK.

JMD

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):

THOMAS M. DELISO
Name - Type or Print

Tm. Deliso
Signature

Name - Type or Print

Signature

404 WOODBINE AVE 410-823-4216
Address Telephone No

TOWSON MD 21204
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No

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

CASE NO. 03 430 A

Reviewed By JV Date 3/18/03

Estimated Posting Date 3/30/03

REV 10/25/01

2 Pages

ZONING DESCRIPTION FOR 404 WOODBINE AVE

BEGINNING AT A POINT ON THE EAST SIDE OF
WOODBINE AVE WHICH IS 40' ON 60' RIGHT OF WAY
WIDE AT THE DISTANCE OF 32 FEET NORTH OF THE
CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET
BARRANCO COURT WHICH IS 40 WIDE, BEING LOT # 1,
IN THE SUBDIVISION OF WOODBINE AS RECORDED IN
BALTIMORE COUNTY PLAT BOOK # 12, FOLIO # 65,
CONTAINING 11,928 SQ FT. ALSO KNOWN AS 404 WOODBINE
AVE AND LOCATED IN THE 9TH ELECTION DISTRICT,
5TH COUNCILMANIC DISTRICT.

430

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: #03-430-A

404 Woodbine Avenue

S/east side of Woodbine Avenue 82 feet northeast of Barranco Street

9th Election District-5th Councilmanic District

Legal Owner(s): Thomas Deliso

Administrative Variance: to permit a detached garage and its addition to be located in side yard with a one foot 10 inch setback in lieu of rear yard with a two foot 6 inch setback.

Hearing: Friday, June 13, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
5/422 May 29 C606404

CERTIFICATE OF PUBLICATION

5/29/, 2003

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 5/29/, 2003.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23041

DATE 4/16/03 ACCOUNT 601 006 615-0

AMOUNT \$ 50.00

RECEIVED FROM: Bank of America

FOR: Deposit for Hearing

D 3-430-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	DATE	TIME	DRW
4/16/2003	4/16/2003	09:40:39	2
PLG	US02	MAIL	JEON JEE
DE	4/16/2003	4/16/2003	DELI
DE	5	520	ZORING VERIFICATION
CR	023041		

Receipt for \$50.00
50.00 OK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21951

DATE 3/18/03 ACCOUNT 001 006 6150

AMOUNT \$ 65.00

RECEIVED FROM: DELISO

FOR: K.V. 404 WOODBINE AVE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. 03-430-A

Petitioner/Developer:

Thomas Deliso

Hearing Date: 6/13//03

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

Attention: Mr. George Zahner

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 **404 Woodbine Ave.**

The sign(s) were posted on **5/21/03.**

Sincerely,

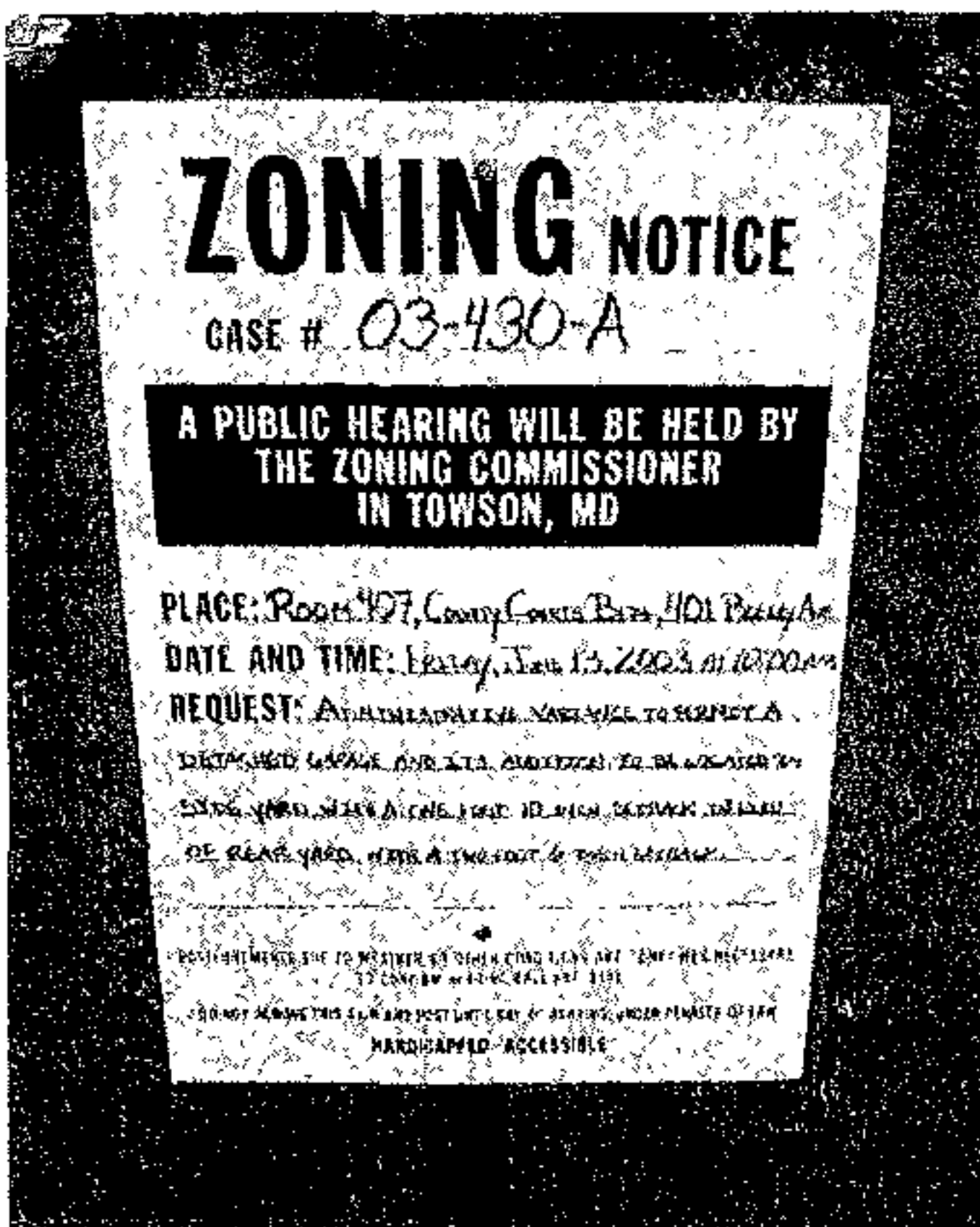
Diana Sugiuchi

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668





Baltimore County
Department of Permits and
Development Management

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

April 17, 2003

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: 03-430-A

404 Woodbine Avenue

S/east side of Woodbine Avenue 82 feet northeast of Barranco Street

9th Election District – 5th Councilmanic District

Legal Owner: Thomas Deliso

Administrative Variance to permit a detached garage and its addition to be located in side yard with a one foot 10 inch setback in lieu of rear yard with a two foot 6 inch setback.

Hearings: Friday, June 13, 2003 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rlh

C: Thomas Deliso, 404 Woodbine Avenue, Towson 21204
Richard Parsons, 412 Woodbine Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 29, 2003.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, May 29, 2003 Issue - Jeffersonian

Please forward billing to:
Thomas Deliso
404 Woodbine Avenue
Towson, MD 21204

410-823-4216

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: 03-430-A

404 Woodbine Avenue

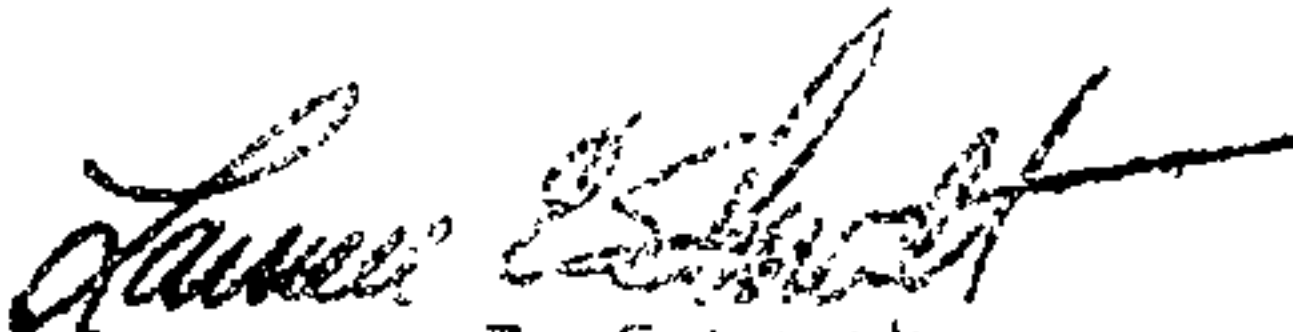
S/east side of Woodbine Avenue 82 feet northeast of Barranco Street

9th Election District – 5th Councilmanic District

Legal Owner: Thomas Deliso

Administrative Variance to permit a detached garage and its addition to be located in side yard with a one foot 10 inch setback in lieu of rear yard with a two foot 6 inch setback.

Hearings: Friday, June 13, 2003 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 430 -A Address 404 WOODBINE AVE

Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 3/18/03 Posting Date: 3/30/03 Closing Date: 4/14/03

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

Detached Along Dotted Line

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 430 -A Address 404 WOODBINE AVE

Petitioner's Name THOMAS DELISO Telephone 410 823 4216

Posting Date: 3/30/03 Closing Date: 4/14/03

wording for Sign: To Permit A DETACHED GARAGE AND ITS' ADDITION

TO BE LOCATED IN SIDE YARD WITH A 1 FT. 10 INCH SETBACK IN LIEU OF
REAR YARD WITH A 2 FT. 6" SETBACK

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:

03 - 430 - A

~~03 - 430 - A~~

Petitioner: THOMAS DELISO

Address or Location: 404 WOODBINE AVE, TOWSON, MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS DELISO

Address: 404 WOODBINE AVE

TOWSON, MD 21204

Telephone Number: 410-823-4216

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 6, 2003

Thomas M. Deliso
404 Woodbine Avenue
Towson, MD 21204

Dear Mr. Deliso:

RE: Case Number: 03-430-A, 404 Woodbine Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 30, 2003.

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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Come visit the County's Website at www.co.ba.md.us



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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3.25.03

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 430 JL

Dear Mr. Zahner:

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,

1- Kenneth A. McDonald Jr., 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



**Baltimore County
Fire Department**

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

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

March 26, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 24, 2003

Item No.: 407-418, 420-430

Dear Ms. Hart:

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

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

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File



6/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: May 7, 2003

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

RECEIVED

MAY - 8 2003

SUBJECT: 404 Woodbine Avenue – REVISED COMMENT

INFORMATION:

Item Number: 03-430

Petitioner: Thomas M. Deliso

Zoning: DR 3.5

Requested Action: Administrative Variance

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request to allow a detached garage to be located in the side yard with a 1 foot 10 inch setback in lieu of the rear yard with a 2-foot 6 inch setback. This office is concerned that the proposed addition could have a negative impact on the existing retention wall located along the eastern property line. The retention wall has collapse previously due to the steep slopes associated with the area.

In addition, the adjoining property owner to the west of the subject site is opposed to the granting of this variance.

Prepared by: Maes A Cunningham

Section Chief: Ryan Jarbman

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 3, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-430 – Administrative Variance

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 Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: [Signature]

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 15, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For March 31, 2003
Item Nos. 407, 408, 410, 411, 412,
414, 416, 417, 418, 419, 420, 421, 422,
423, 424, 425, 426, 427, 428, 429, and
430

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



03-430-A

4/17/03

WCR
didn't you
respond?

TO: Arnold Jablon
Permits and Development Management

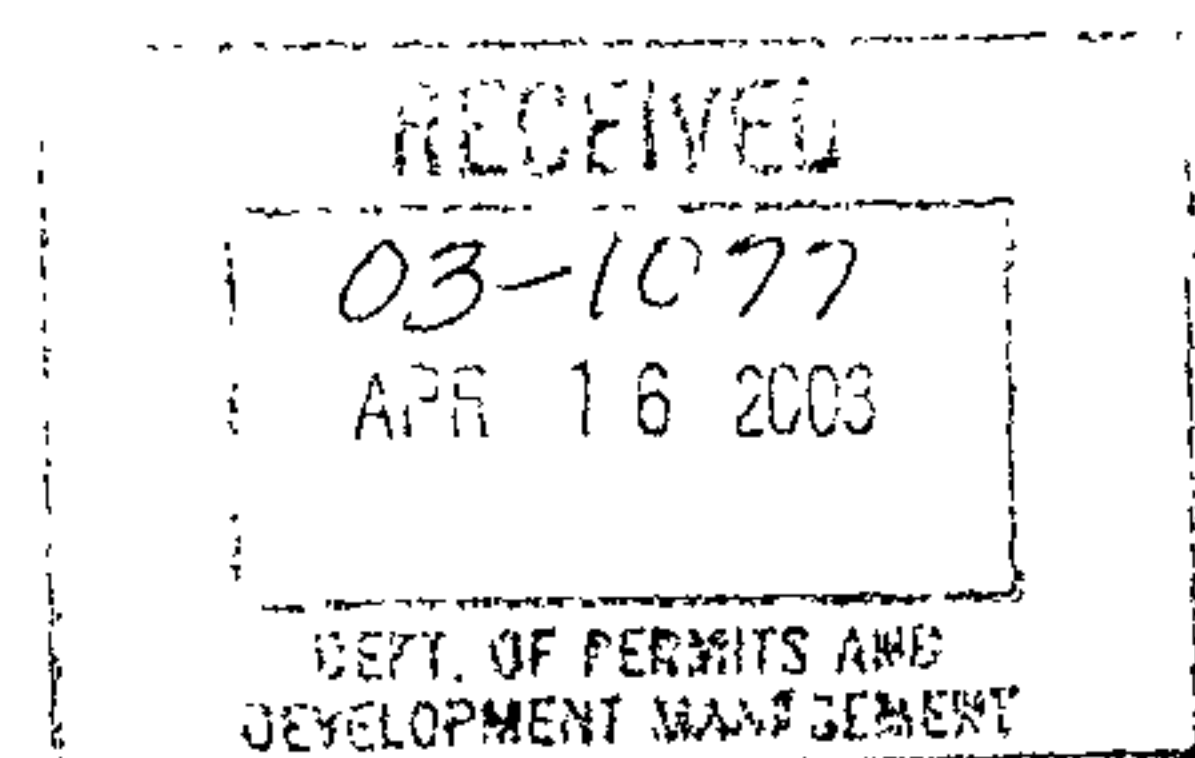
FROM: Vincent J. Gardina
Councilman, Fifth District

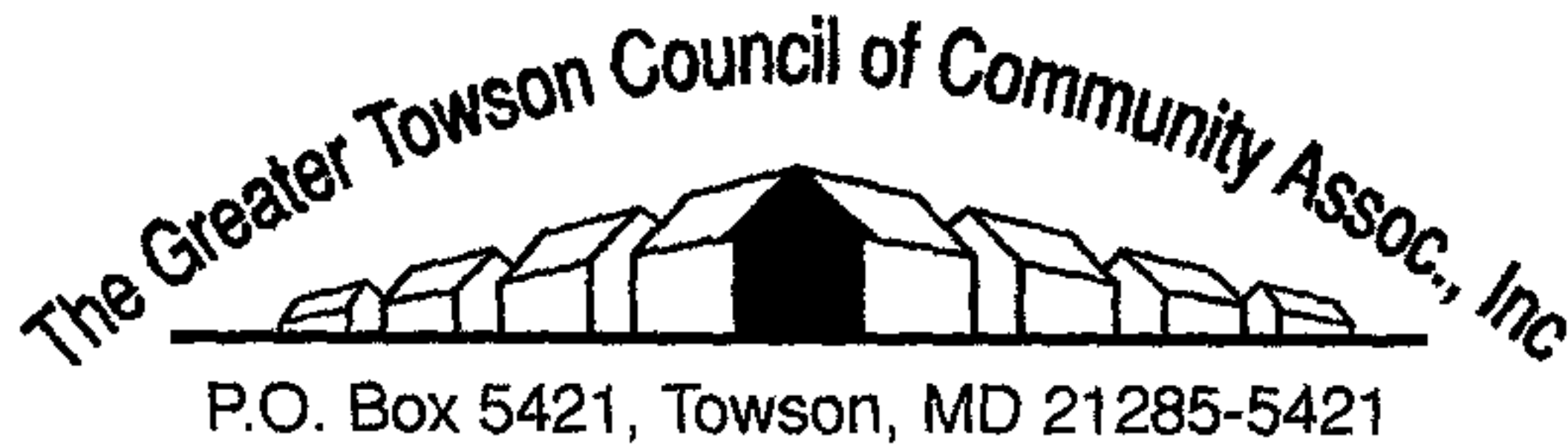
SUBJECT: Thomas Deliso

DATE: April 15, 2003

Could you please send my office a copy of your response to both Mr. Deliso and Mr. Parsons.

VG:amh





May 5, 2003

Arnold Jablon, Esq., Director
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Jablon:

At its regular monthly meeting on April 17th, 2003, the Greater Towson Council of Community Associations voted unanimously to support the West Towson Neighborhood Association in its opposition to a requested side yard administrative variance at 404 Woodbine Avenue, Towson. (Case #03-430-A)

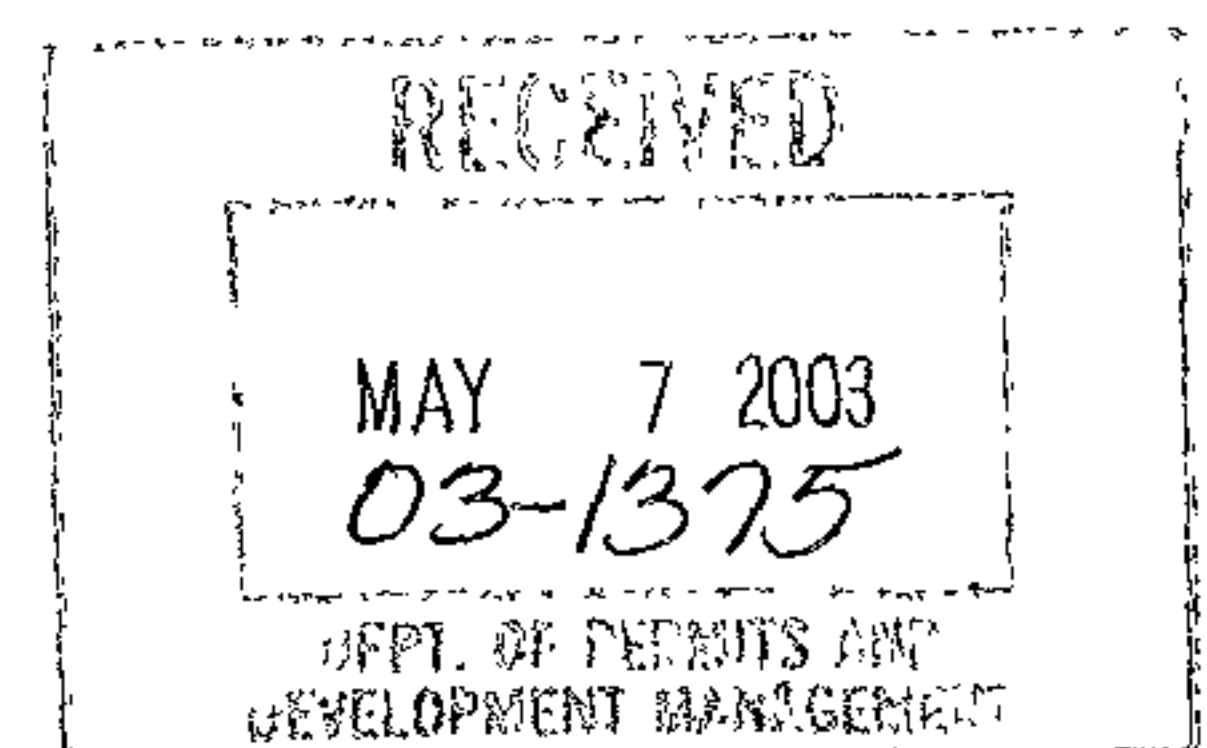
We do not feel that the subject property is unique, nor that the petitioner can prove "undue hardship". We refer specifically to section 307, *Variances*, in the *Baltimore County Zoning Regulations*. We believe strongly that changing such a property in this fashion would set a bad precedent which could affect hundreds a similarly configured properties in Baltimore County.

We urge that the administrative variance requested in 03-430-A be denied.

Respectfully,

Donald R. Wright
President

cc: Hon. Vincent J. Gardina, 5th District Councilman





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 9, 2003

Thomas Deliso
404 Woodbine Avenue
Towson, MD 21204

Dear Mr. Deliso:

Re: Richard Parson's 3/20/03 letter of concern and opposition to your garage project and Zoning Case 03-430-A, Demand for a Hearing

Reference is made to your letter of 4/1/03 addressed to Arnold Jablon, Director of Permits and Development Management, which has been referred to me for reply.

You expressed your concern about the above referenced letter dated 3/20/03 addressed to Arnold Jablon, Director of Permits and Development Management, in which Richard Parsons expressed his concern about your garage project. It seems everybody is concerned. Apparently, he has issues with your variance request and garage location near the property line and apparently you have issue with his issue or your perception that he could unduly influence the variance process. Everybody also has issues. West Towson Neighborhood Association filed a timely demand on 4/8/03 for full public hearing.

The battle lines have been drawn and the troops are massing for the struggle. All we need is a mighty zoning force to calm the playing field and call on the three zoning horseman, uniqueness, hardship and practical difficulty to impartially guide the outcome of the classic struggle. **The burden of proof is on the hoof**, and typically if you win these horsemen you win the case.

To specifically answer your question, I can assure you that a mighty, impartial zoning force is alive and well in Baltimore County. The hearing, which is conducted by an impartial hearing officer, is open to the public, at which testimony and evidence will be taken. This is a quasi-judicial process and it is important that those in opposition or in favor be in attendance to present the zoning commissioner with their views and comments. The property will be posted with the time and place of the hearing. At the conclusion of the hearing, the zoning commissioner will render an opinion. Anyone who disagrees with the decision may take an appeal to the County Board of Appeals within 30 days of his decision.

This office and department is separate and apart from the hearing officers (Zoning Commissioner and Deputy Zoning Commissioner). The mission of this office is to ensure that a proper application is made to address all zoning issues and assembling the file to present to the commissioner and scheduling the hearing. Determining the appropriateness of a variance as it relates to each departments jurisdictional requirements is accomplished through the "Reviewing Agencies" as listed on page 7 of the variance checklist. These comments are incorporated into the case file as a permanent record.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Thomas Deliso
April 9, 2003
Page Two

Another purpose of this letter as referenced above is to officially notify you that the posting of your property has resulted in a timely demand on 4/8/03 for a public hearing.

The administrative process has been superceded by this demand and as soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the, time and location of the hearing. This notice will also contain the date that the sign must be reposted with all of the hearing information. This notification will also be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

I would draw your attention to pages 2 and 3 of the zoning variance checklist that outlines the legal burden for the petitioner. We look forward to helping you with your project and hearing and just a word of advice: At the hearing I would concentrate on "undue hardship" in lieu of a perceived undue influence. If you need any additional clarification you may contact me at this office at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

Enclosure

File

WCR:klm

4/2/03
TO WOP
all mail
}

April 1, 2003

Arnold Jablon
Director of Permits and Planning - Baltimore County
Room 111
111 West Chesapeake Ave
Towson, Md. 21204

Dear Mr. Jablon

I am writing to you at this time to express my concerns about the enclosed letter written by Richard Parsons dated 03/20/03, which has come into my possession.

I am concerned by the existence of this letter. It appears to be a personal plea to circumvent the procedural process in place for Administrative variances. While all citizens should voice their opinions within the guidelines outlined for the request, this letter leads me to believe that an attempt is being made to direct and or unduly influence the entire administrative process.

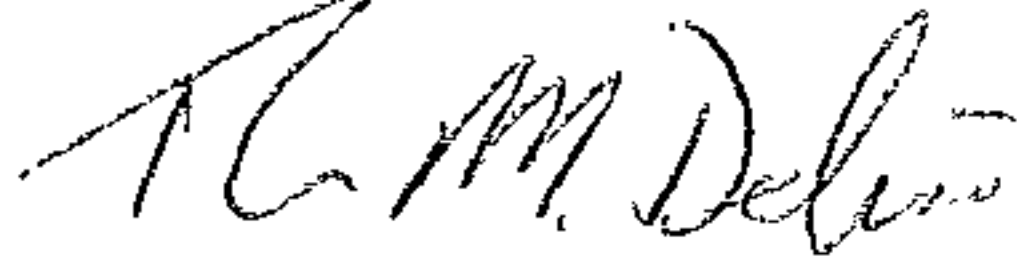
In my review of this letter with various professionals and neighbors, there is some concern with the language, concepts and purpose of this letter.

I am concerned that the president of a civic organization (West Towson Neighborhood Association) is requesting that the Director of Planning and Permits for Baltimore County deny the petition being made.

I would like assurance that my petition will be treated in an unbiased manner. I am aware that the president of the WTNA as well as various members of civic organizations, live in my neighborhood. I hope that this will not unduly influence the process.

In closing, I thank you for your time and look forward to the variance process of Baltimore county.

Sincerely



Thomas Deliso
404 Woodbine Ave
Towson, MD. 21204

Cc Vincent Gardina - Fifth district

03-0912

From: Richard Parsons [rparsons@bcpl.net]
Sent: Thursday, March 20, 2003 10:29 AM
To: Donald Wright; Arnold F. "Pat" Keller; Karin Brown
Cc: Amy Bateman; Karen Kruger; Ruth Pyle; Cathi Forbes; Scott Breza, Esq.; Donald Wright; Venetia Holland; Amy Kilian; Arthur London; Mike Ertel; Louise Teubner-Rhodes; Stephanie Keene; Richard Parsons; Debbie Shephard; John Pyle

This letter speaks for itself.

Dick Parsons 412 Woodbine Avenue
Towson, MD 21204

March 20, 2003

Arnold Jablon, Esq., Director,
Baltimore County Dept. of Permits and Development Management 111 West Chesapeake Avenue
Towson, MD 21204

Dear Arnold:

This is to alert you that my next door neighbor, Tom Deliso, at 4040 Woodbine Avenue, will be making an application for a variance to build a garage with either a one foot setback or no setback at all.

Tom showed me his plan options; one called for a two story structure with the above described setbacks in front of his existing, garage; the other called for a single story structure. His rationale is, for either scenario, that he wants to use his existing, grand fathered garage structure as a home workshop, and the requested new structure as a working garage. When it was suggested that he might use his basement as the workshop storage space he said that he was prone to allergies which were aggravated by workshop detritus in such an enclosed space as a basement.

I told him outright that a two story structure virtually on my property line was totally unacceptable. As for a one story structure with the same setback limitations, I told him that he would have to justify such a setback variance before the appropriate County authorities. I am opposed to his being granted such a variance (1) because I don't want a structure not covered by grandfathering, right on my line; and, (2) as a community leader, I would oppose such a setback variance as a very, very mischievous precedent in West Towson. Many garages attached to the older properties here are protected by grandfathering on property lines, and do not meet current setback requirements.

My house, dating from c. 1903, is the original farmhouse for a large tract of which Tom's property, dating from a 1942 subdividing, was once a part. A driveway cutting in the steep bank between my property and Tom's done in 1942, should never have been built, as the water flow pressure downhill places irresistible stresses on Tom's concrete wall dividing our properties. The wall collapsed after a heavy rain in the mid 1960's when Tom's property was owned by a Towson attorney named John Thomas Welsh. The wall which was rebuilt at that time shows signs of stress and leaning. It will probably give again at some unpredictable point in the future. It is on the property line and would be only about a foot from the new structure Tom is requesting. To ease the pressure on the wall. I took out a large black walnut tree a few years ago whose roots were thought to be exerting pressure against the wall, and whose upper branches leaning over Tom's house-at that time owned by Mrs. Jenny Williams.

This controversy aside, Tom is a decent person, a good neighbor, and a polite individual, who maintains his property well. His infrequent parties are quiet and low keyed, in keeping with the tenor of this friendly community. His setback variance should be denied, however.

5/7/03
TO JL
8
OK

From: Thomas Deliso
404 Woodbine Ave
Towson, MD 21204
Case # 03-430-A

To: Arnold Jablon
Director of Permits and Development Management
Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

RE: Requesting John Lewis to attend zoning hearing – June 13, 2003 at 10:00am

Date: May 5, 2003

Dear Mr. Jablon,

I would like to request that John Lewis, a planner in your department, attend the zoning hearing pertaining to my petition for a zoning variance. John has been involved in my case from the beginning and I feel that his attendance would be beneficial to the process.

My case number is 03-430-A. The hearing is scheduled on June 13, 2003 at 10:00am, in room 407, County Courts building.

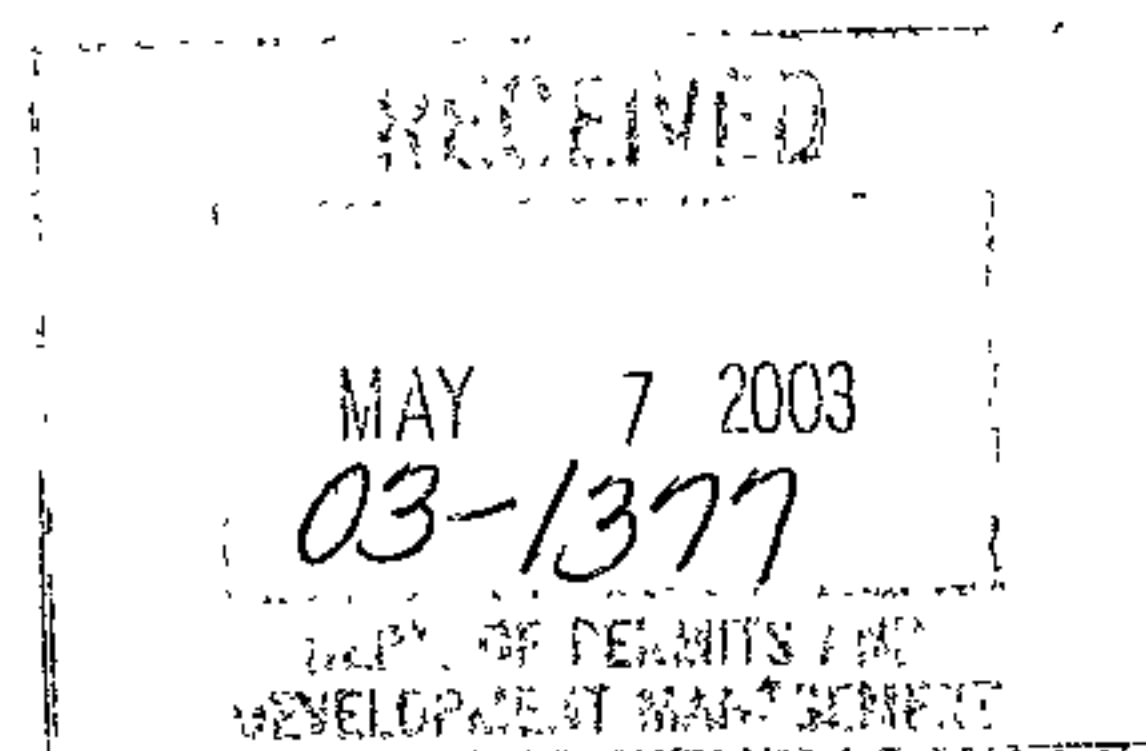
If this is not the way to request John Lewis to attend the hearing, please notify me, so that I can request his attendance.

Sincerely



Thomas Deliso
404 Woodbine Ave
Towson, MD 21204
410-823-4216

cc John Lewis
W. Carl Richards, Jr.





FORMAL DEMAND FOR HEARING

CASE NUMBER: 03-0979 430-A ¹⁷⁸

Address: 404 Woodbine Ave.

Petitioner(s): THOMAS M. DELISO

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

IN We RICHARD PARSONS Pres. of
Name - Type or Print W/Townson Assoc.

() Legal Owner OR () Resident of

412 Woodbine Ave
Address

Towson MD 21234
City State Zip Code

410 821 5473
Telephone Number

which is located approximately 10 feet feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Richard Parsons 4/16/03
Signature Date

Signature _____ Date _____
Revised 9/18/98 - wcr/scj

4/3/03
WCR
✓

WEST TOWSON NEIGHBORHOOD ASSOCIATION

P.O. Box 502
Riderwood, MD 21139-0502

April 8, 2003

Arnold Jablon, Esq., Director
Dept of Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Dear Arnold:

At its most recent monthly board meeting, Monday, April 7th, the West Towson Neighborhood Association voted to oppose the application for a side yard variance by Tom Deliso, for 404 Woodbine Avenue, Towson. This is case # 03-430-A. The WTNA requests that this matter now proceed to a scheduled hearing.

Yours sincerely

Richard Parsons

Richard Parsons, president

Cc: Hon Vincent J. Gardina, Councilman 5th
District

APR 9 2003
03-0979

Peter Max Zimmerman, Esq., Peoples
Counsel

Karin E. Brown, Section Planner, Office
of Planning

Board of the West Towson Neighborhood
Association

4/10/03
Becker
work challenge fee
paid

4/15
Left Voice Mail
UCR
8876194
DICK PARSONS.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

MDP
Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burlan
Deputy Secretary

March 25, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

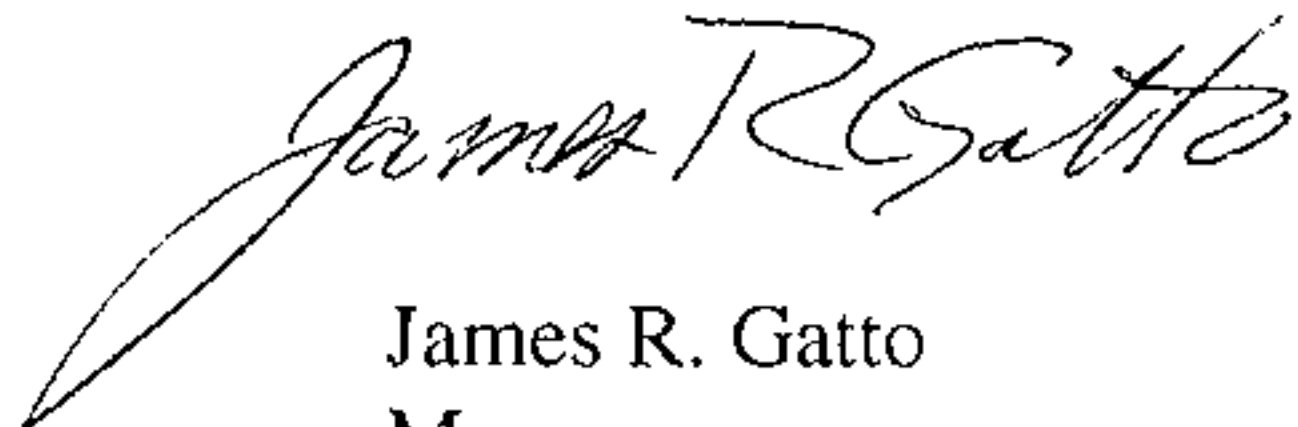
Re: Zoning Advisory Committee Agenda, 03/31/03 re: case numbers 03-407-SPH, 03-408-SPH, 03-409-A, 03-410-A, 03-411-A, 03-412-A, 03-413-A, 03-414-SPH, 03-415-A, 03-416-SPH, 03-417-SPH, 03-418-SPH, 03-419-SPHX, 03-420-A, 03-421-A, 03-422-A, 03-423-A, 03-424-SPH, 03-425-SPH, 03-426-SPH, 03-427-A, 03-428-SPHAHSA, 03-429-A, 03-430-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 03/25/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,



James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

CASE NAME _____
CASE NUMBER _____
DATE _____

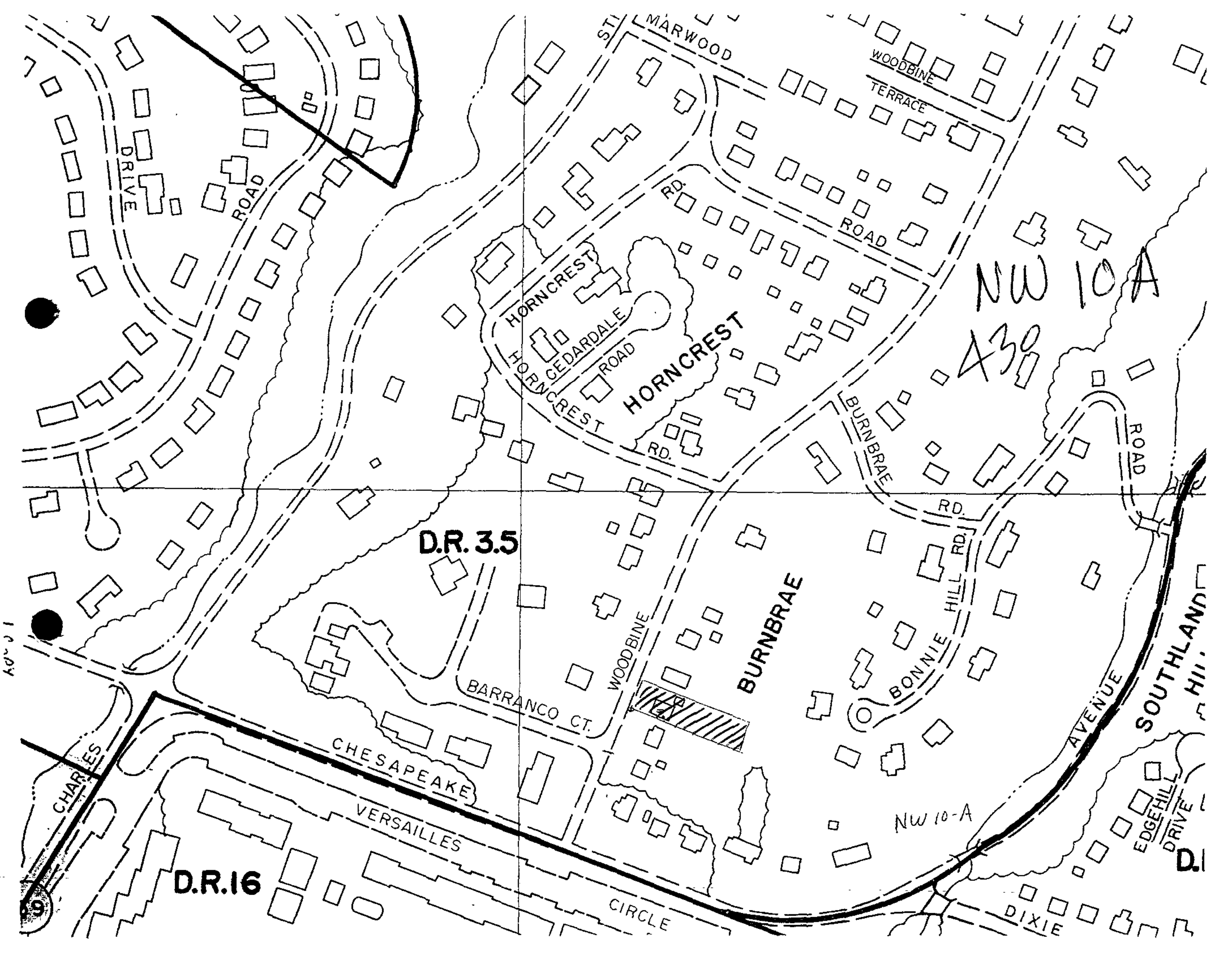
CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME ~~Basket Shop~~
CASE NUMBER _____
DATE 6-13-03

CASE NAME ~~Basket Shop~~
CASE NUMBER _____
DATE 6-13-03

[illegible]



D.R. 3.5

D.R. 16

NW 10A
430

NW 10-A

D.

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

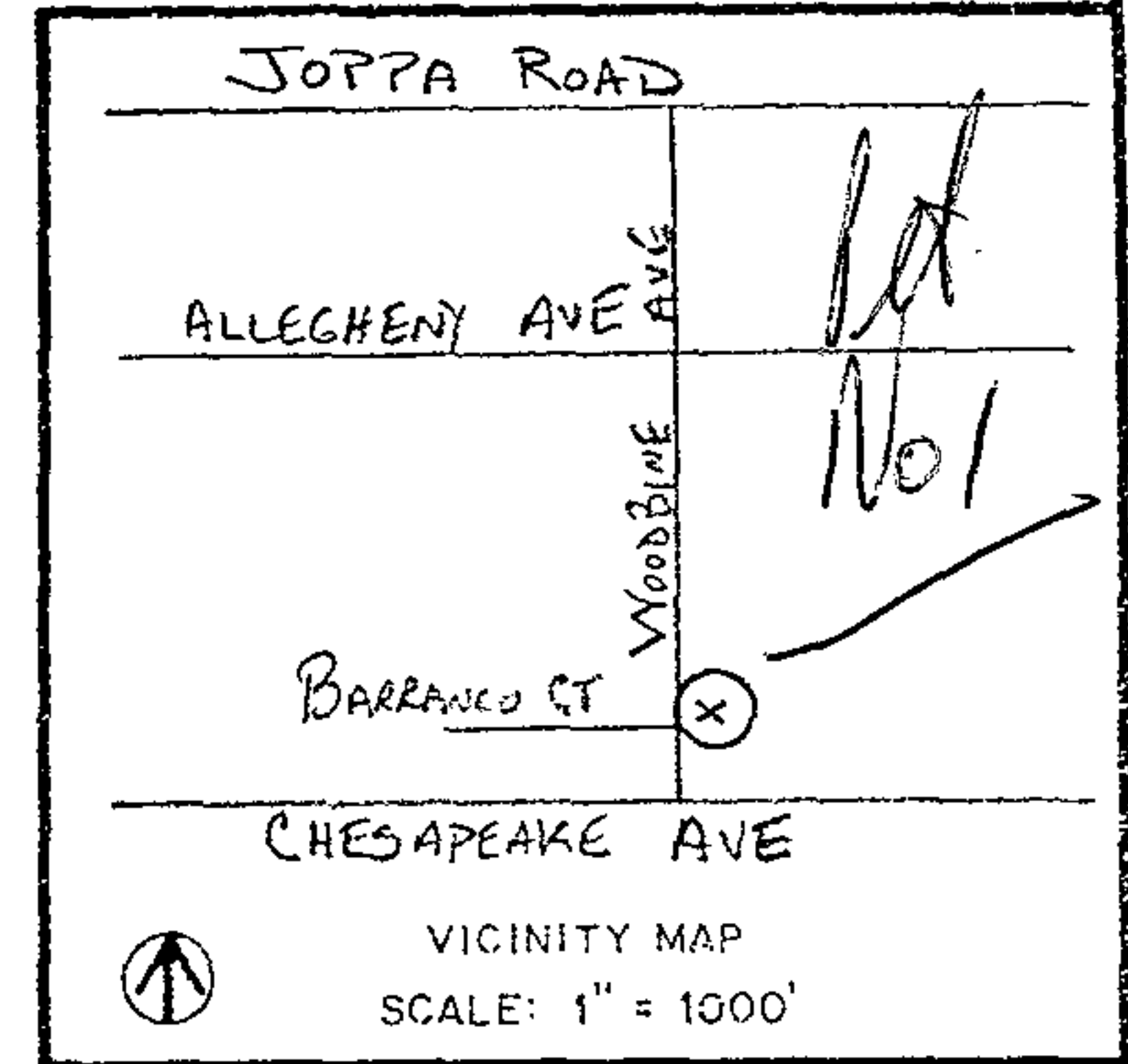
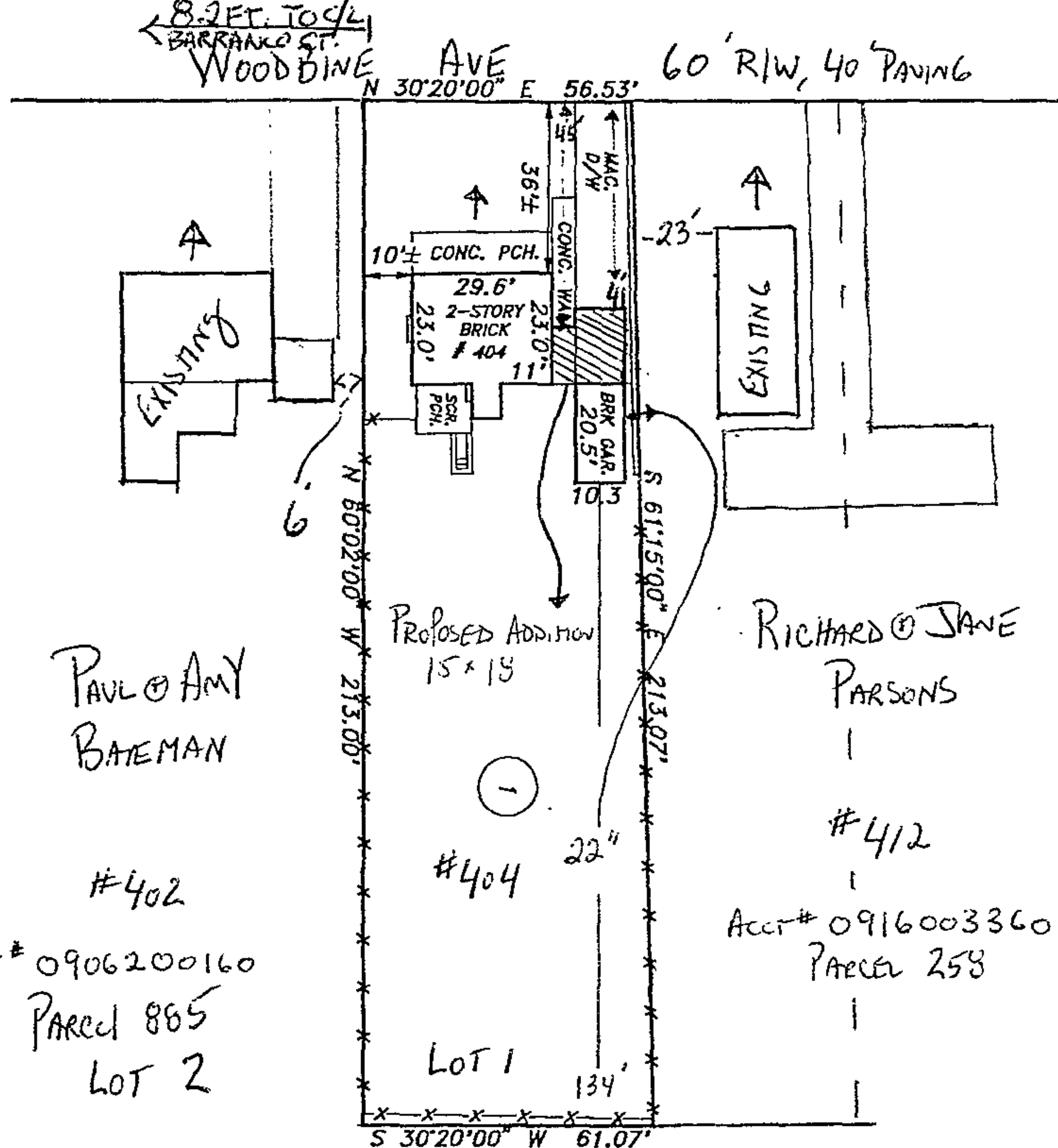
PROPERTY ADDRESS 404 WOODBINE AVE, Towson, MD

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

SUBDIVISION NAME WOODBINE

PLAT BOOK # 12 FOLIO # 65 LOT # 1 SECTION #

OWNER THOMAS M DELISO



LOCATION INFORMATION

ELECTION DISTRICT 9th

COUNCILMANIC DISTRICT 5th

1" = 200' SCALE MAP # NW 10-A

ZONING 12, R. - 3.5

LOT SIZE 0.27 11,928
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	<u>NONE</u>	

ZONING OFFICE USE ONLY

REVIEWED BY JL ITEM # 031430-A CASE #

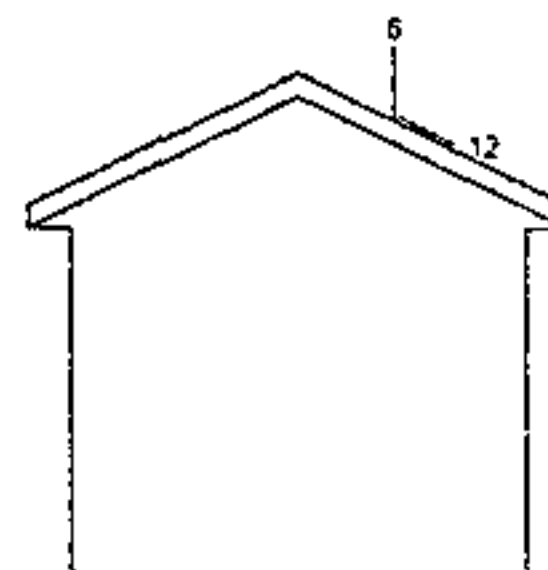
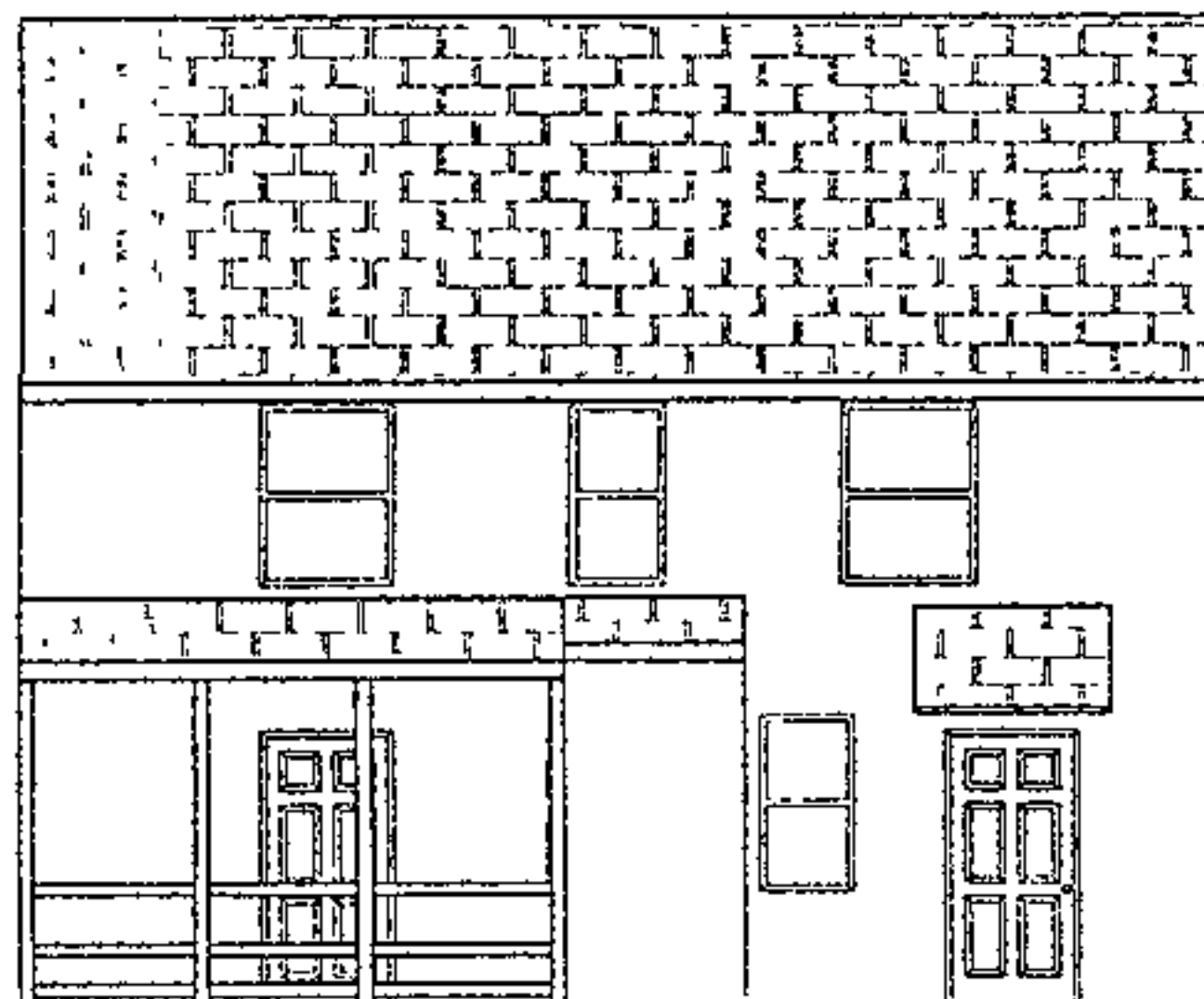
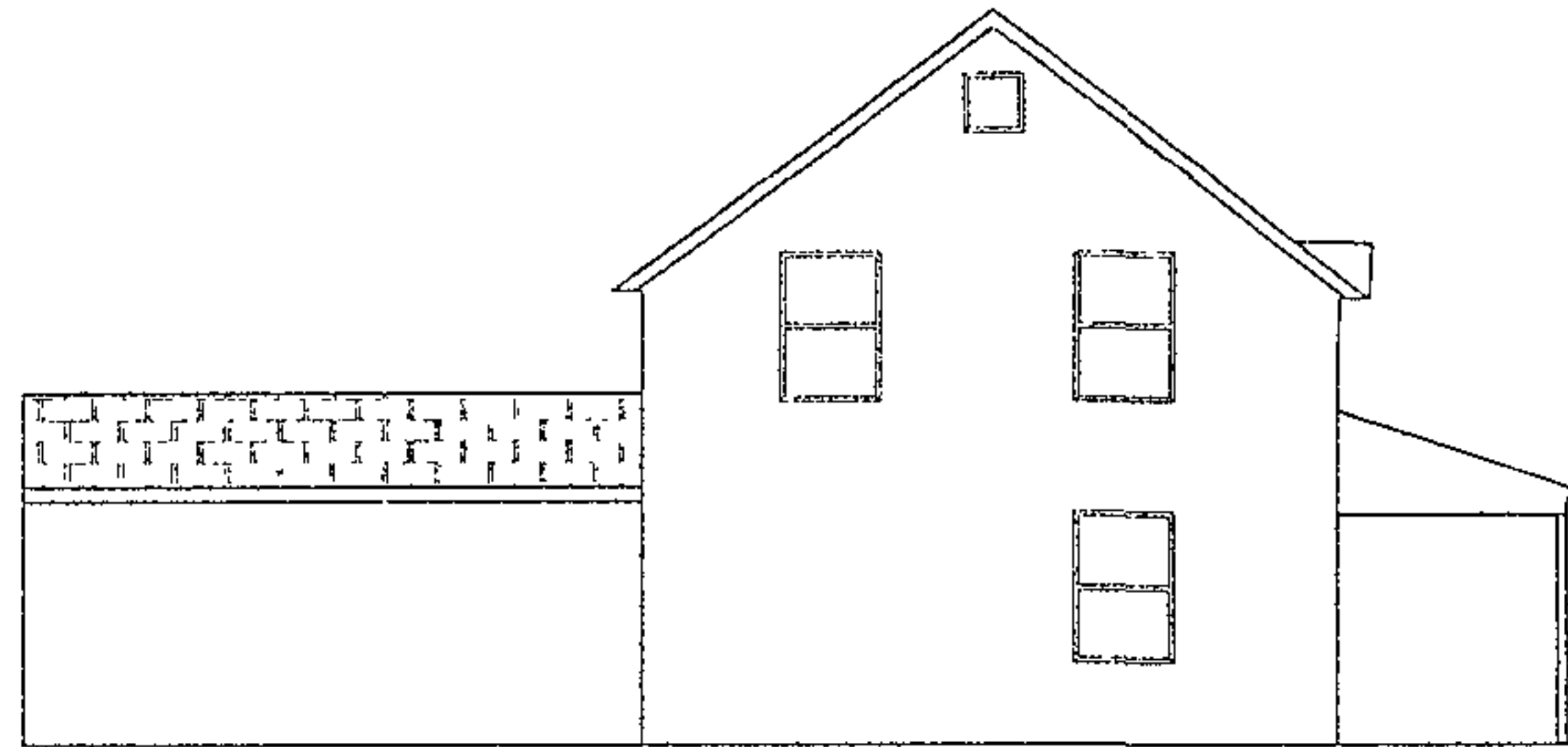
PREPARED BY T. DELISO

SCALE OF DRAWING: 1" = 40'

ADDITIONAL INFORMATION 03-430-A

Thomas Deliso

404 Woodbine Ave, Towson, MD CASE # 03-430-A



REVISIONS	
DATE	DESCRIPTION

AYLOR MADE



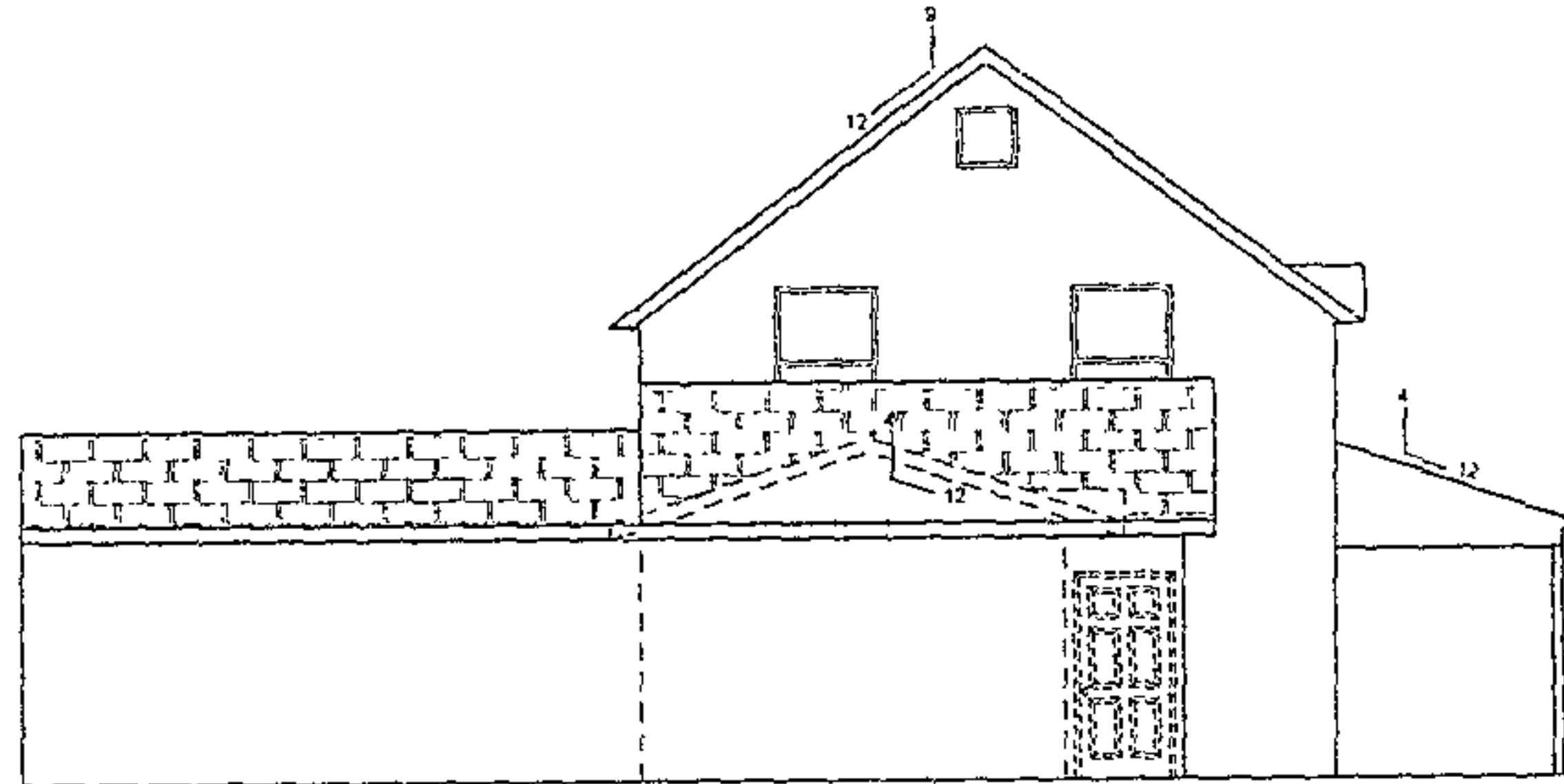
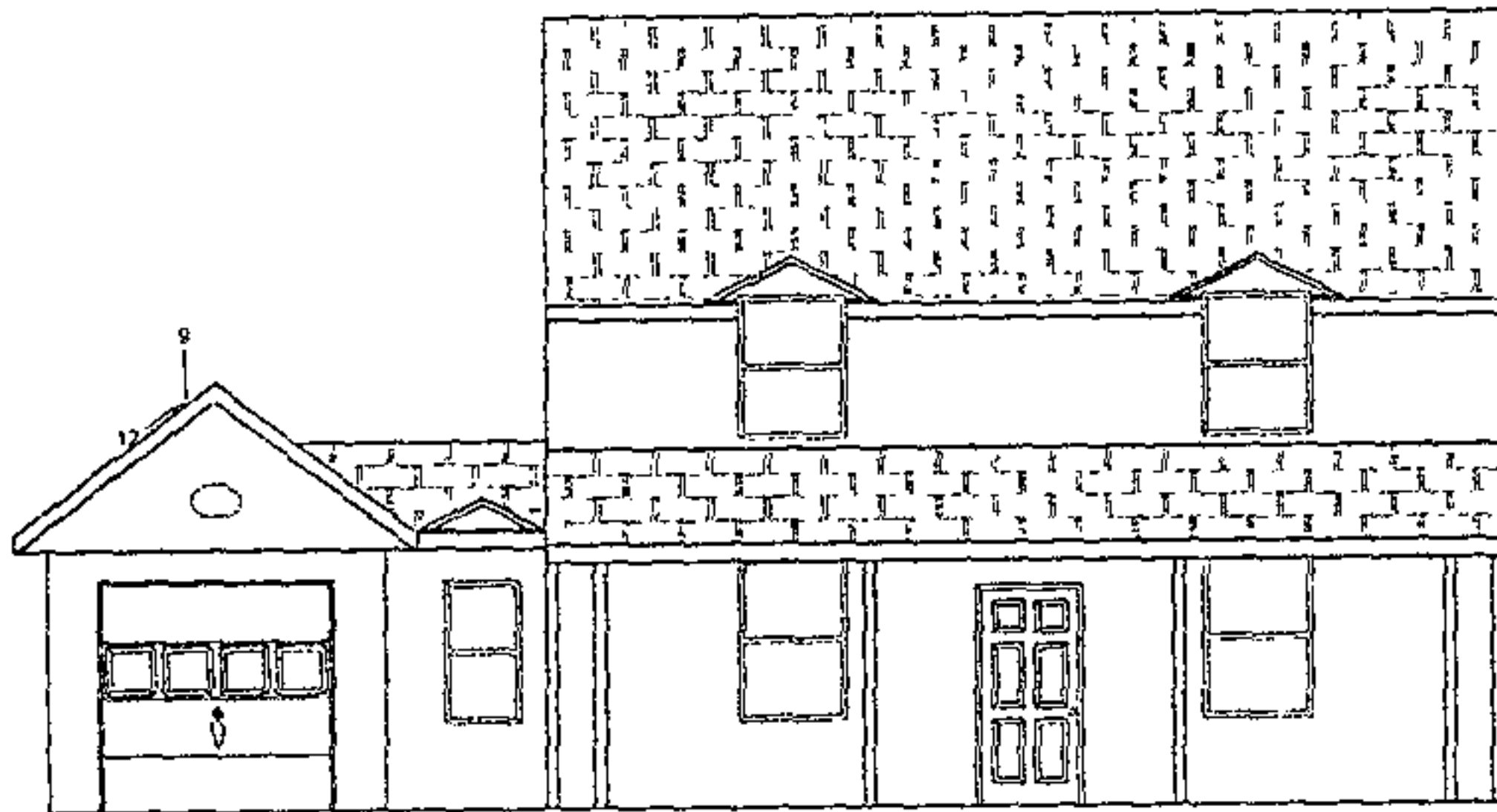
523 Hamletown Rd
Glen Rock, PA 17327

DRAWN	J. Taylor
CHECKED	
DATE	8/1/03
SCALE	None
LATEST REV	Rev 1
FILE NAME	c:\work\03-430-a.dwg
SHEET TITLE Existing Structural Elevation Plan	
SHEETING Sheet 1 of 1	

EXISTING

Thomas Deliso
404 Woodbine Ave, Towson, MD

CASE # 03-430-14



REVISIONS	
DATE	DESCRIPTION

AYLOR MADE



523 Homelown Rd.
Glen Rock, PA 17327

DRAWN	J Taylor
CHECKED	
DATE	03/12/03
SCALE	None
LATEST REV	Rev 1
FILE NAME	03-430-14.dwg

SHEET TITLE
Addition #1
Elevation Plan

SHEET NO
Sheet 1 of 1

PROPOSED

Thomas Deliso

404 Woodbine Ave, Towson, MD

CASE # 03-430-A

This is a proposal to build a detached accessory structure at 404 Woodbine Ave, Towson, MD. The structure, in side yard, with its own load bearing walls, would be an addition to the existing garage and attached to the house with flashing. There would be no internal access to the house.

The variance is being requested on the following grounds:

Practical Difficulty:

- A - Current layout of garage/house/driveway restrict space for additions
- B - Layout of lot is hilly and restricts useage
- C - Design approach is based on maintaining a mature Tulip Popular tree

Hardship

- A - Request is to create additional garage space and workspace as existing garage is a 1 car garage, with no workspace or storage space for yard tools/lawn tractors or for a second car
- B- House does not provide space for above useage

Uniqueness

- A - The location of the proposed addition is 12-15ft below grade of the neighboring house , which would reduce the visual impact on the neighboring home (Parsons)
- B - The location of the proposed addition is set far enough from the street (between 41 and 45 feet) that the visual impact from the street would be reduced
- C - An opportunity is presented to create a garage space which would have the look and feel of the neighborhood. The exterior façade of a breezeway and one car garage would maintain architectural cohesiveness, while ~~from~~ viewed from the inside, the two would be one space

Thomas Deliso

404 Woodbine Ave, Towson, MD

CASE # 03-430-A

Design Notes

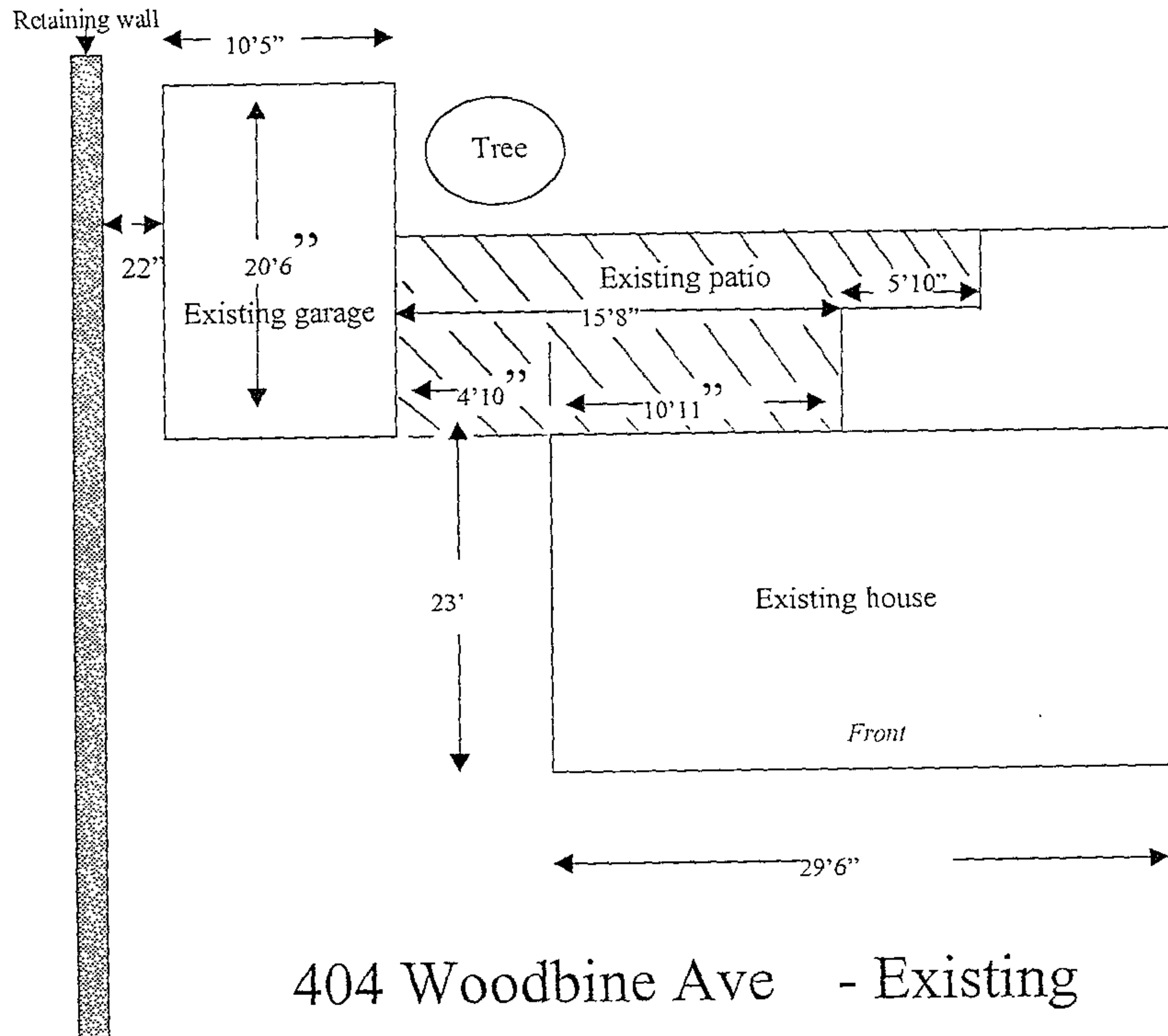
The addition is designed to be an "annex" of the house. From the proportion of the design, to the exterior materials and configuration, the addition will look like an extension of the house. Yet, there will be no access between the house and proposed space.

At this time, the proposed addition will be white, with an exterior façade which will match a previous addition to the house - wainscotted lower half and sided upper half. The proposal for the garage door is to be carriage style. The windows will be paned, similar to the house.

As this is an addition to the existing garage, this will provide the opportunity to integrate the addition to the garage and to provide access to the patio from the garage. From the detail, the location of the new doors and windows, in the addition and existing garage, have been identified.

Thomas Deliso
404 Woodbine Ave, Towson, MD
CASE # 03-430-A

P
a
r
s
o
n
s

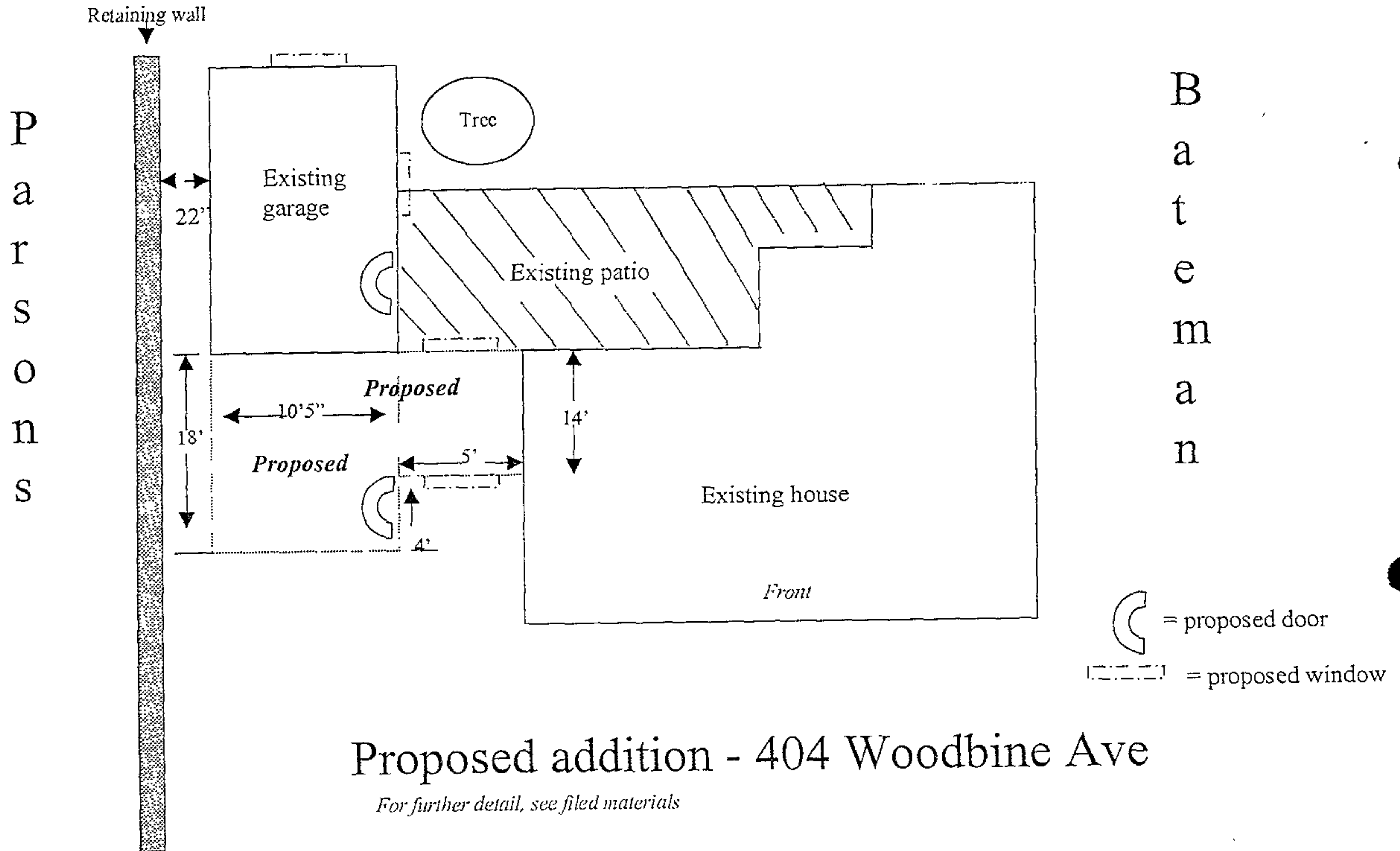


B
a
t
t
e
m
a
n

404 Woodbine Ave - Existing

Thomas Deliso
404 Woodbine Ave, Towson, MD

CASE # 03-430-A

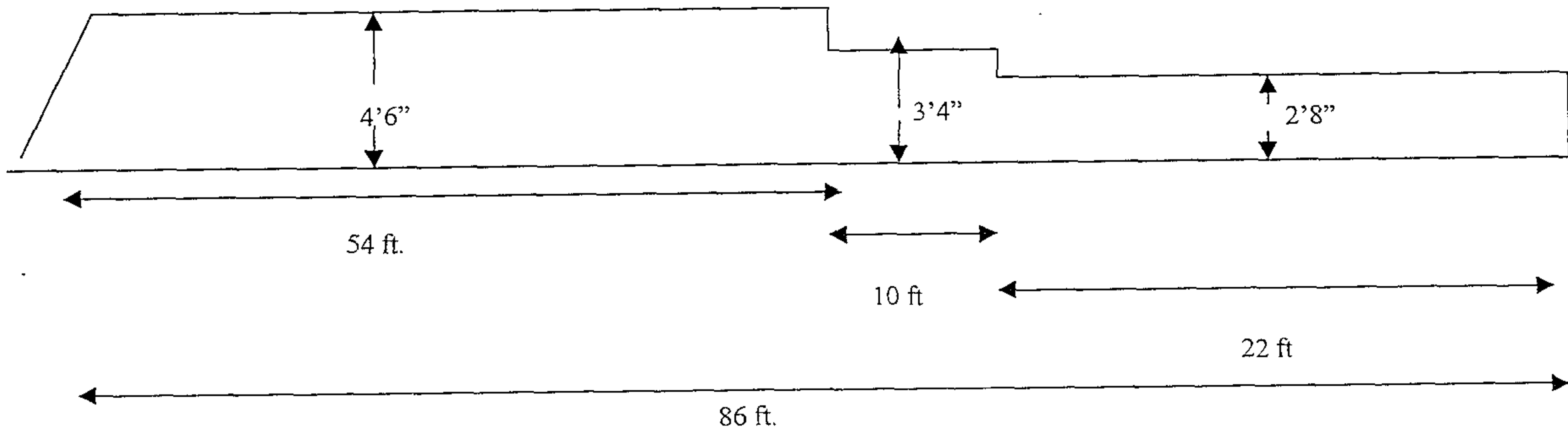


Thomas Deliso
404 Woodbine Ave, Towson, MD

CASE # 03-430-A

Existing retaining wall detail

not drawn to scale

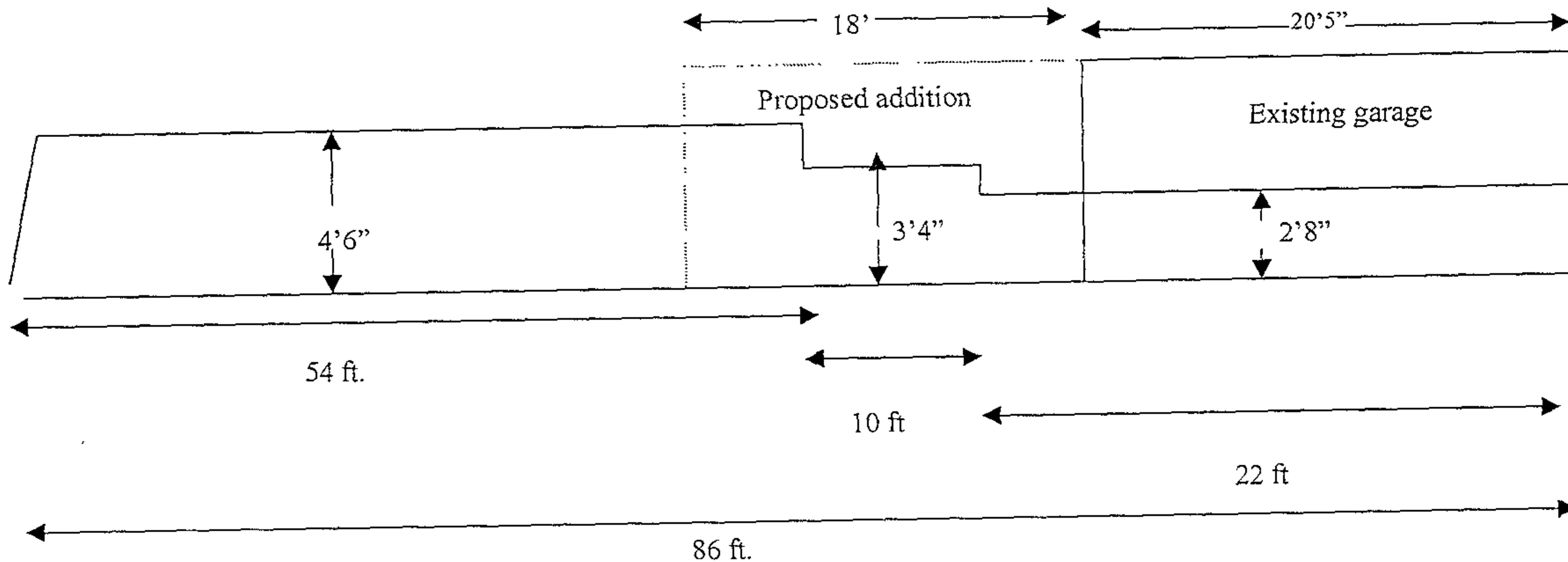


Thomas Deliso
404 Woodbine Ave, Towson, MD

CASE # 03-430-A

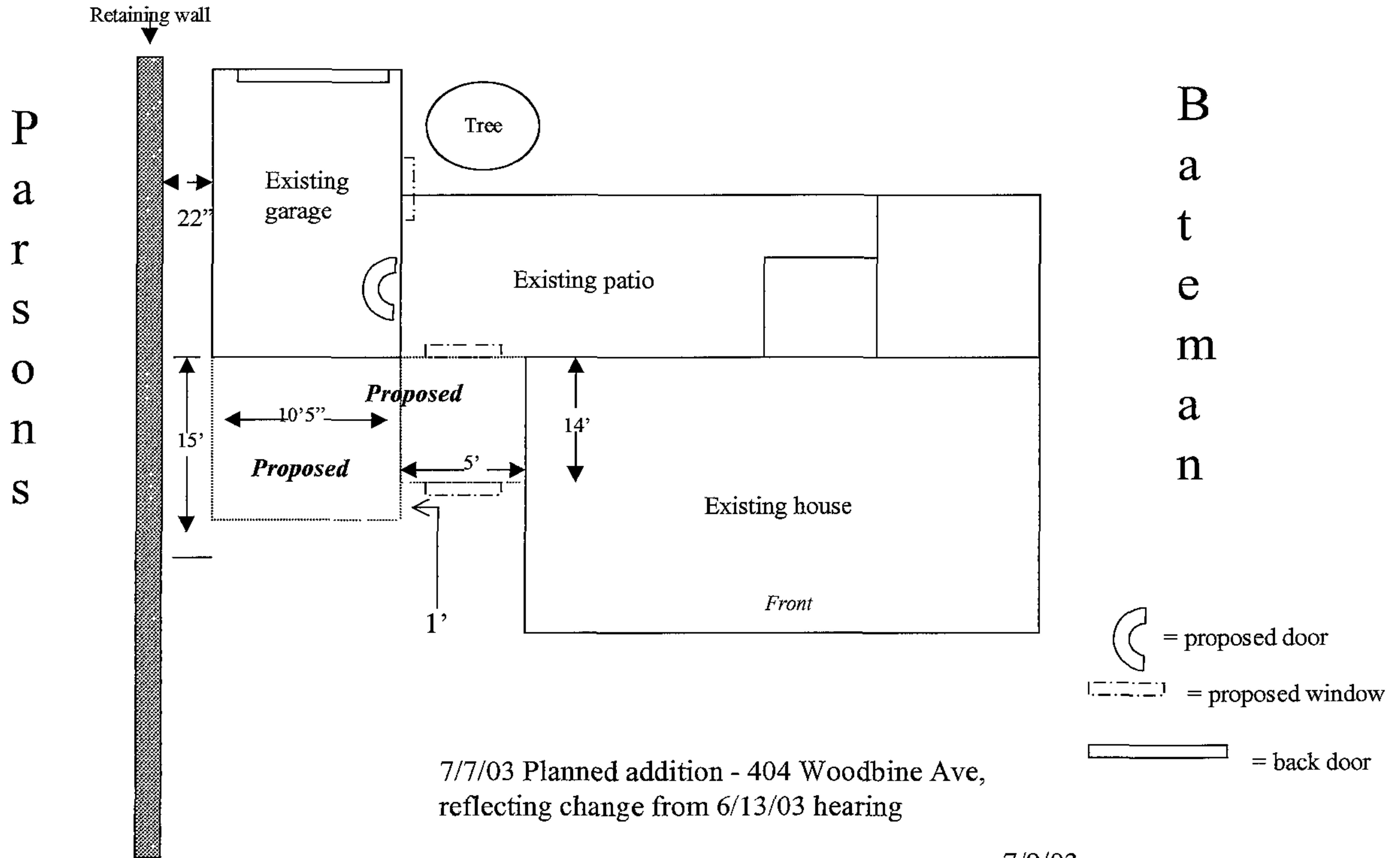
Existing retaining wall detail in relation to proposed addition

not drawn to scale



Thomas Deliso
404 Woodbine Ave, Towson, MD

03-430-A



From: Tom Deliso
404 Woodbine Ave, Towson, MD 21204

Tom Deliso

Dear Neighbor,

I am writing to let you know that I am applying for a variance to build an addition to my garage.

I have enclosed sketches of what this addition would look like along with design notes.

In general, I would like to add a 15x18 addition to my existing garage. The addition would consist of a 1 car garage and workshop. From the street, this would look like a breezeway and 1 car garage. This addition would be in front of my existing garage and attach to my house.

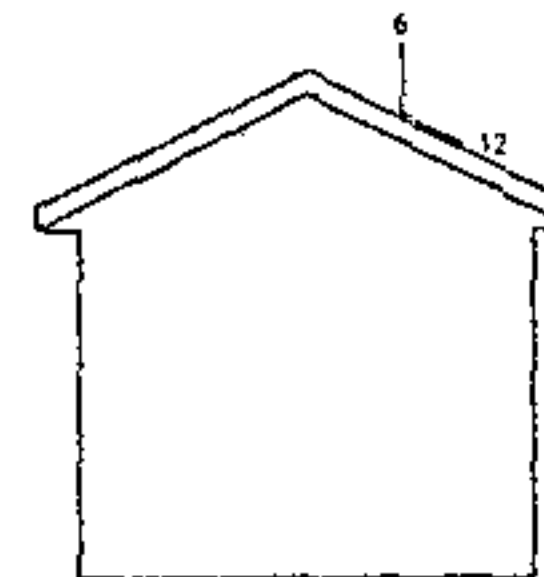
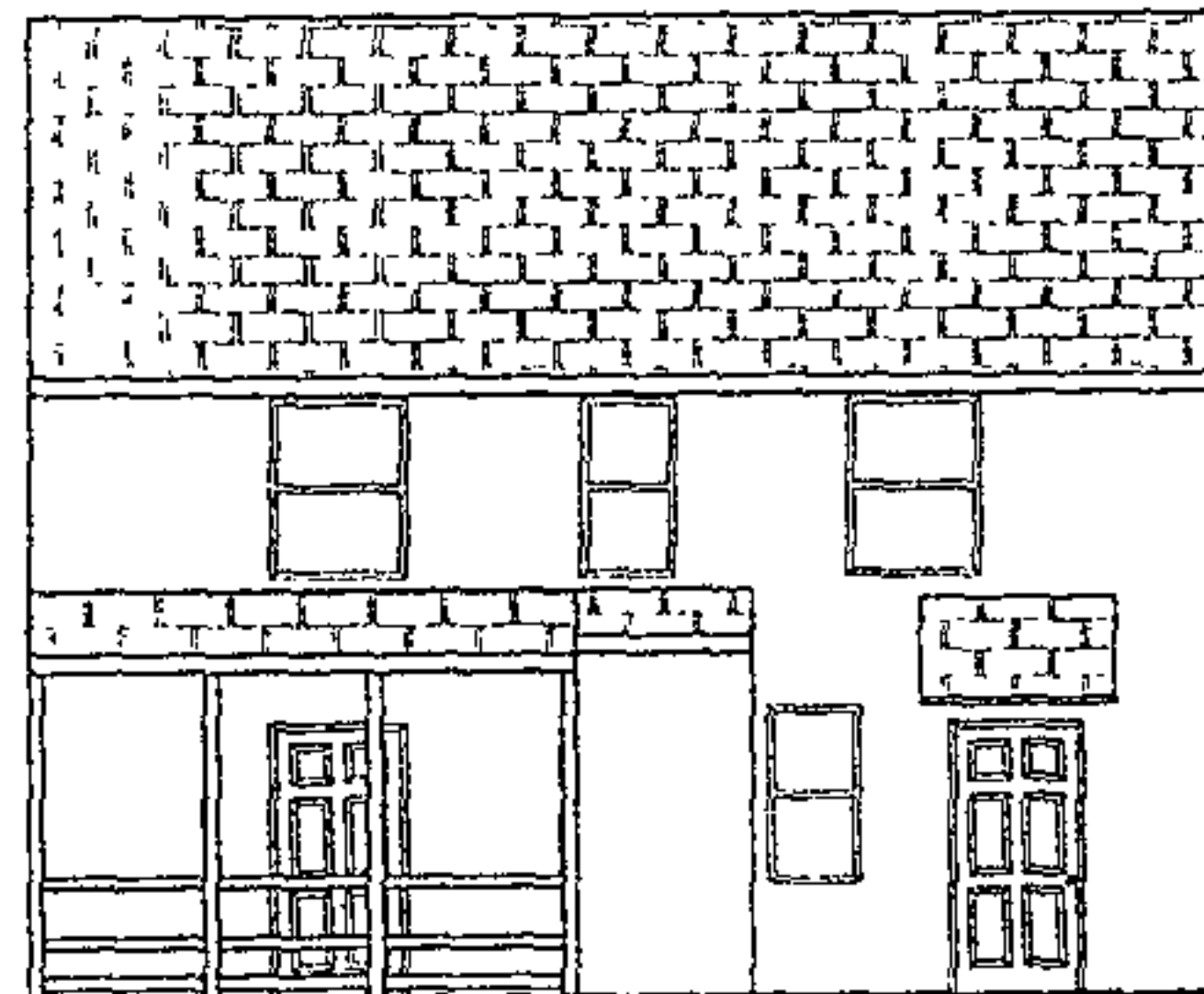
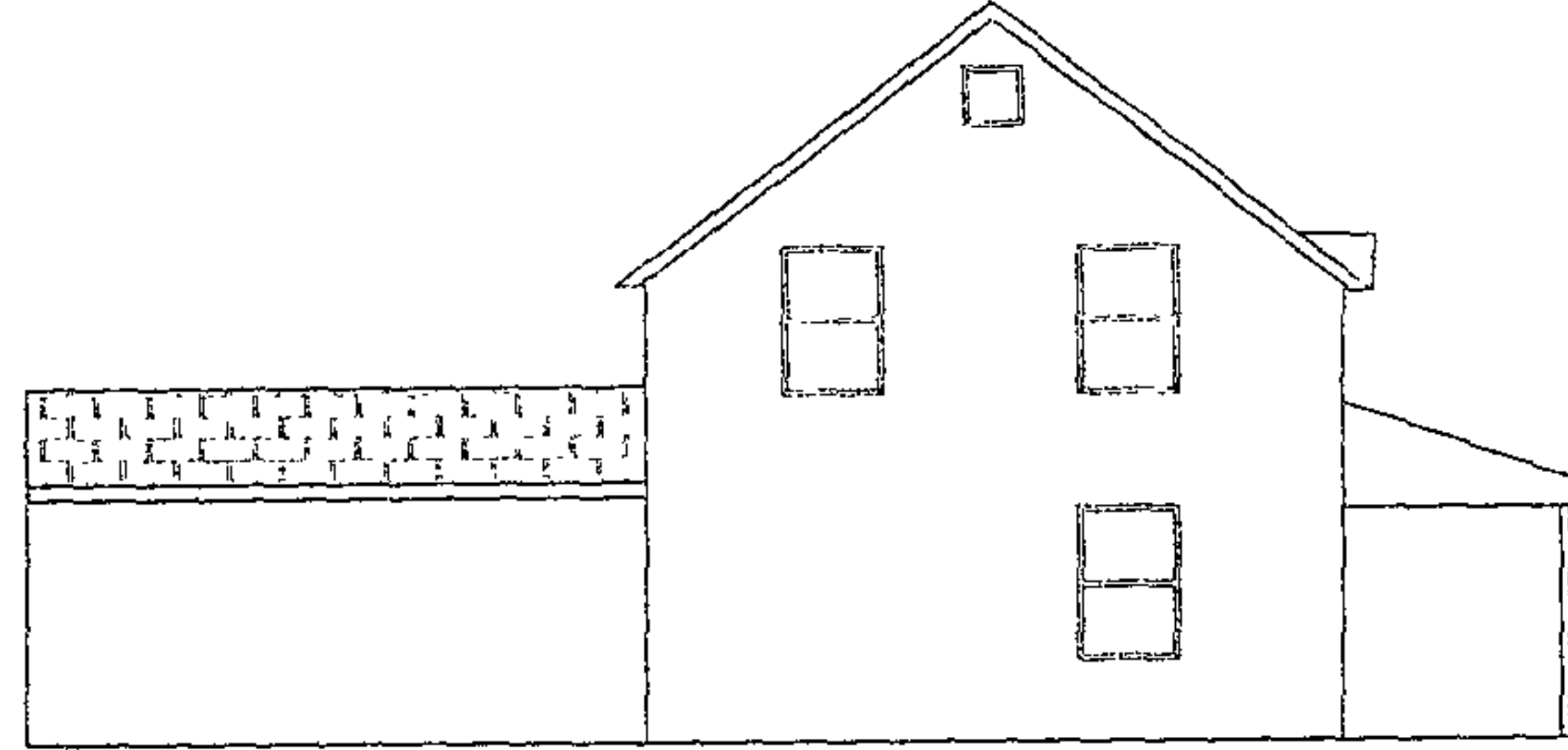
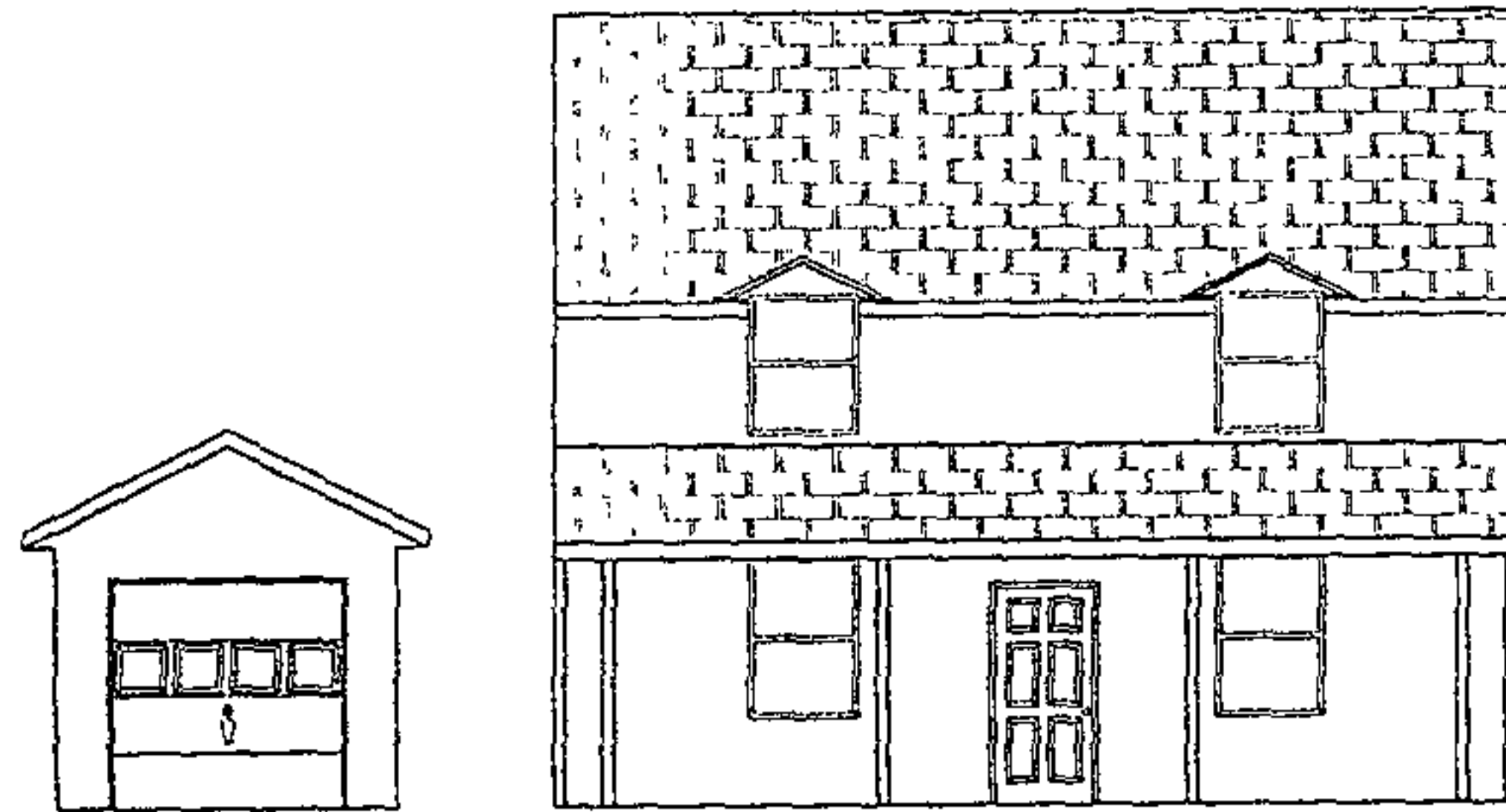
The addition would be constructed of materials which would blend in with the house and neighborhood.

If you agree with what I am proposing, I would ask for your support and ask that you complete the attached support letter and drop it in the mail, using the enclosed envelope. If you have any questions or would like me to detail the proposal, please feel free to call me at 410-823-4216.

Thanks again

Tom Deliso 410-823-4216

Thomas Deliso
404 Woodbine Ave, Towson, MD CASE # 03-430-A



REVISIONS	
DATE	DESCRIPTION



523 Homelown Rd
Glen Rock, PA 17327

DRAWN	J. Taylor
CHECKED	
DATE	03/10/03
SCALE	None
LATEST REV	R01
FILE NAME	

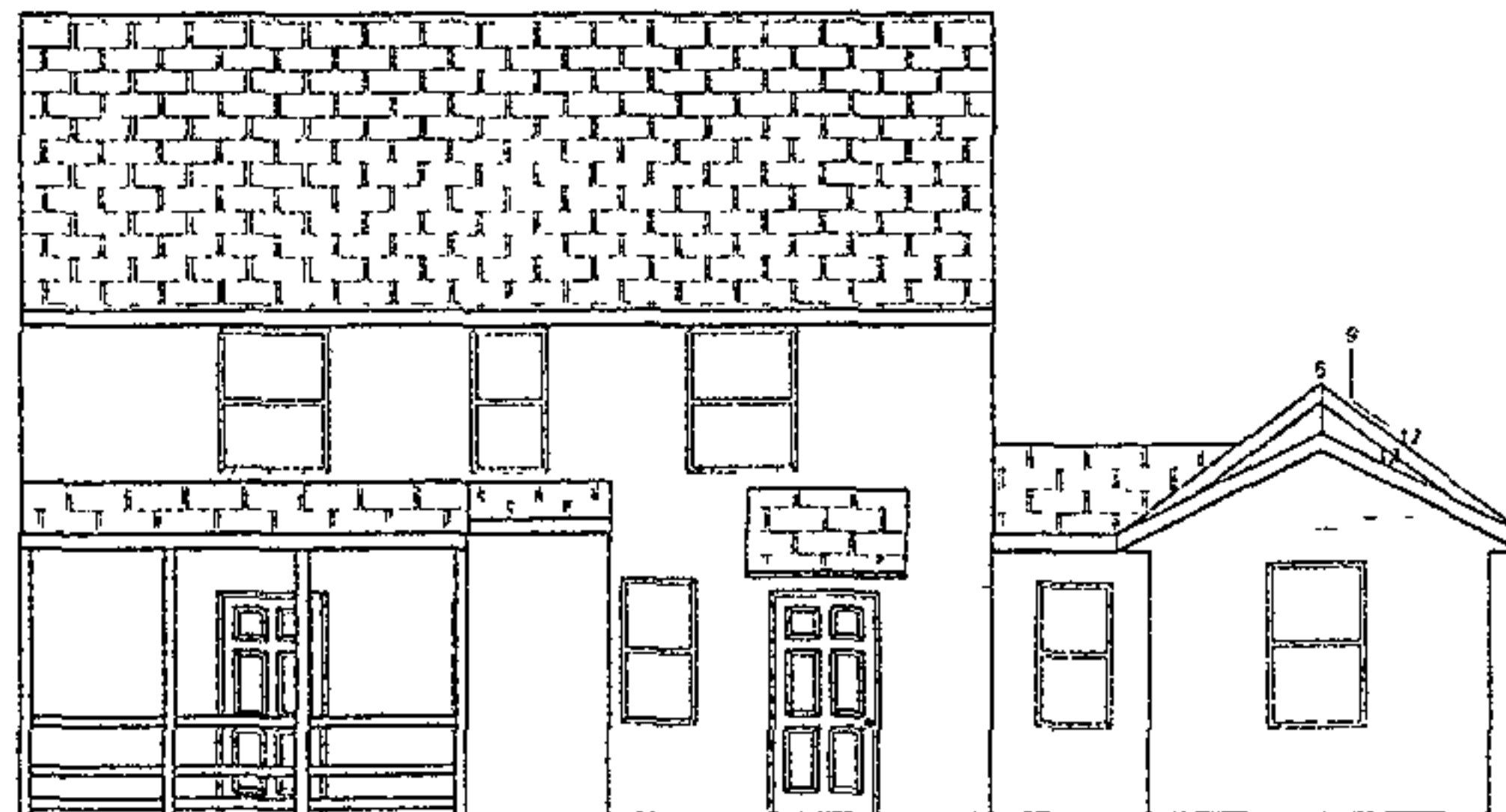
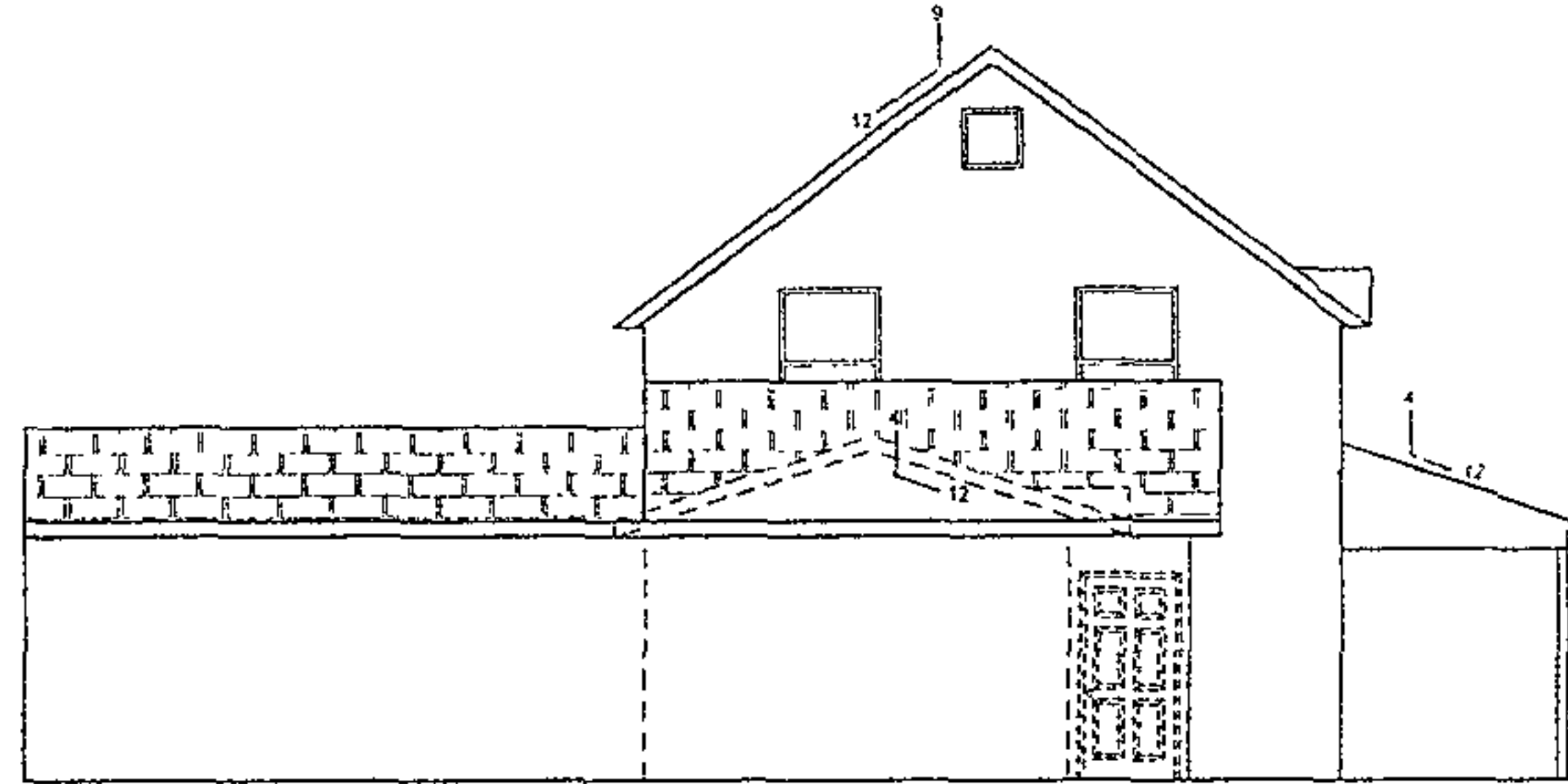
SHEET TITLE
Existing Structure
Elevation Plan

SHEET NO.
Sheet 1 of 1

EXISTING

Thomas Deliso
404 Woodbine Ave, Towson, MD

CASE # 03-430-14



REVISIONS	
DATE	DESCRIPTION

AYLOR MADE



523 Hometown Rd.
Glen Rock, PA 17327

DRAWN	J Taylor
CHECKED	
DATE	03/12/03
SCALE	None
LATEST REV	Rev 1
FILE NAME	

SHEET TITLE
Addition #1
Elevation Plan

SHEET NO.
Sheet 1 of 1

PROPOSED

To: Baltimore County Department of Permits

From:

By this letter, I acknowledge that I support the garage addition , which Tom Deliso, 404 Woodbine Ave, Towson, MD 21204, is requesting. I understand that in order for Tom to build this addition, he will need to obtain an Administrative Variance from Baltimore County.

Thomas Deliso

404 Woodbine Ave, Towson, MD

ASE # 03-430-A

This is a proposal to build a detached accessory structure at 404 Woodbine Ave, Towson, MD. The structure, in side yard, with its own load bearing walls, would be an addition to the existing garage and attached to the house with flashing. There would be no internal access to the house.

The variance is being requested on the following grounds:

Practical Difficulty:

- A - Current layout of garage/house/driveway restrict space for additions
- B - Layout of lot is hilly and restricts useage
- C - Design approach is based on maintaining a mature Tulip Popular tree

Hardship

- A - Request is to create additional garage space and workspace as existing garage is a 1 car garage, with no workspace or storage space for yard tools/lawn tractors or for a second car
- B- House does not provide space for above useage

Uniqueness

- A - The location of the proposed addition is 12-15ft below grade of the neighboring house , which would reduce the visual impact on the neighboring home (Parsons)
- B - The location of the proposed addition is set far enough from the street (between 41 and 45 feet) that the visual impact from the street would be reduced
- C - An opportunity is presented to create a garage space which would have the look and feel of the neighborhood. The exterior façade of a breezeway and one car garage would maintain architectural cohesiveness, while viewed from the inside, the two would be one space

Thomas Deliso

404 Woodbine Ave, Towson, MD

CASE # 03-430-A

Design Notes

The addition is designed to be an "annex" of the house. From the proportion of the design, to the exterior materials and configuration, the addition will look like an extension of the house. Yet, there will be no access between the house and proposed space.

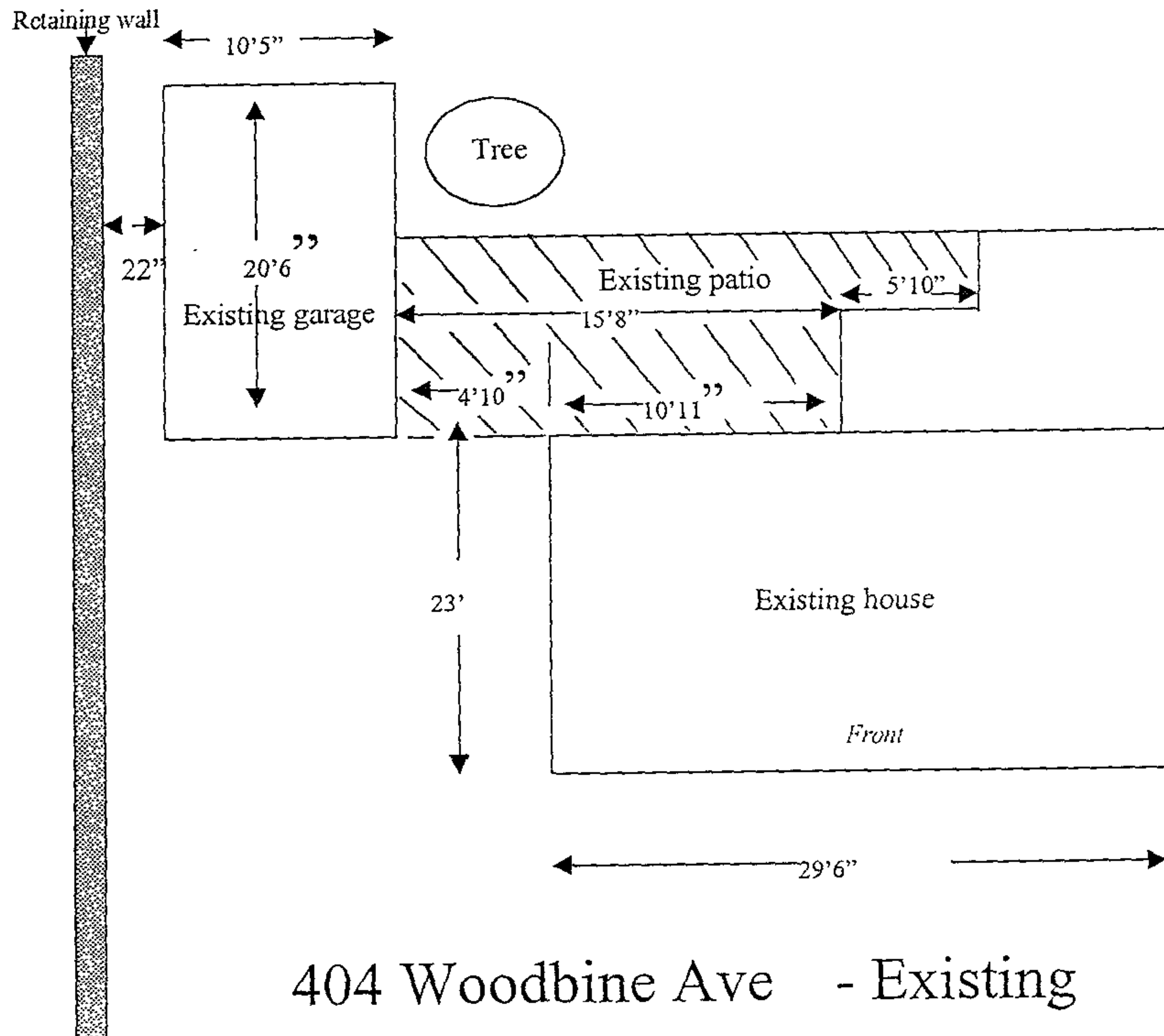
At this time, the proposed addition will be white, with an exterior façade which will match a previous addition to the house - wainscotted lower half and sided upper half. The proposal for the garage door is to be carriage style. The windows will be paned, similar to the house.

As this is an addition to the existing garage, this will provide the opportunity to integrate the addition to the garage and to provide access to the patio from the garage. From the detail, the location of the new doors and windows, in the addition and existing garage, have been identified.

Thomas Deliso
404 Woodbine Ave, Towson, MD
CASE # 03-430-A

P
a
r
s
o
n
s

B
a
t
t
e
m
a
n



404 Woodbine Ave - Existing

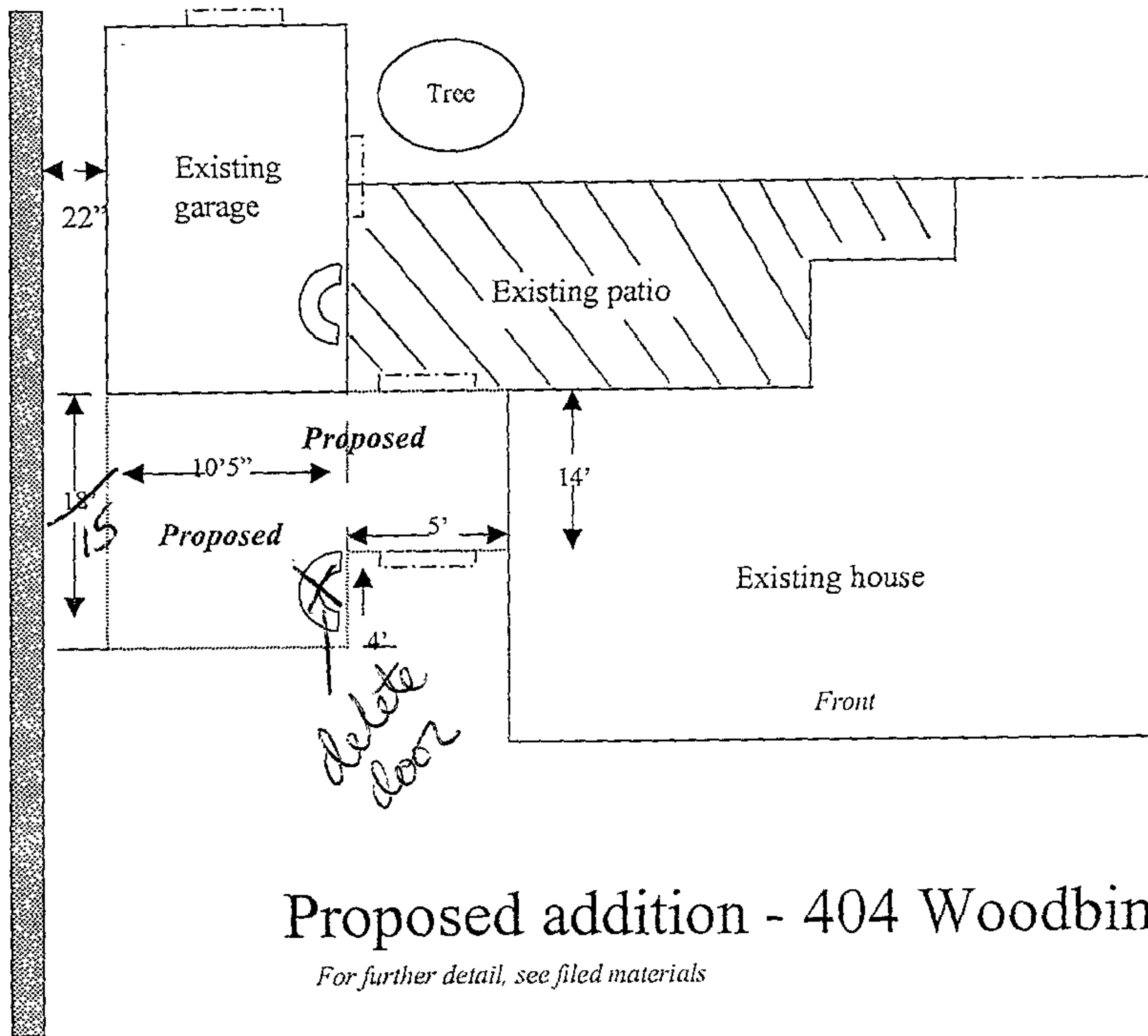
Thomas Deliso
404 Woodbine Ave, Towson, MD

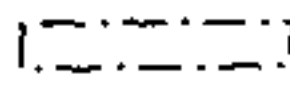
CASE # 03-430-A

P
a
r
s
o
n
s

B
a
t
e
m
a
n

Retaining wall



 = proposed door
 = proposed window

Proposed addition - 404 Woodbine Ave

For further detail, see filed materials

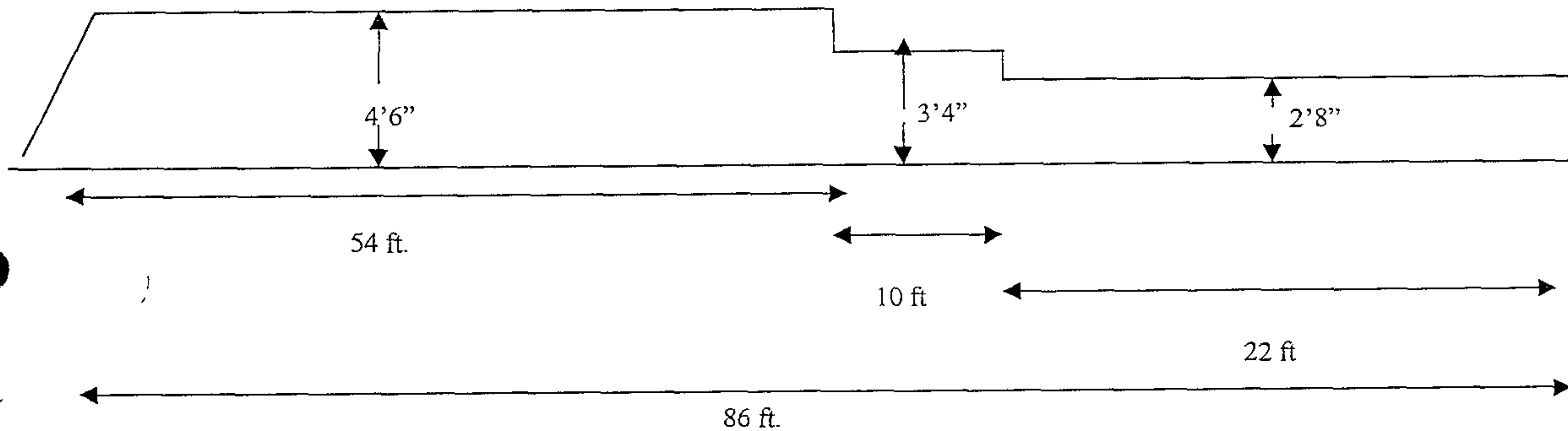
Thomas Deliso

404 Woodbine Ave, Towson, MD

CASE # 03-430-1A

Existing retaining wall detail

not drawn to scale



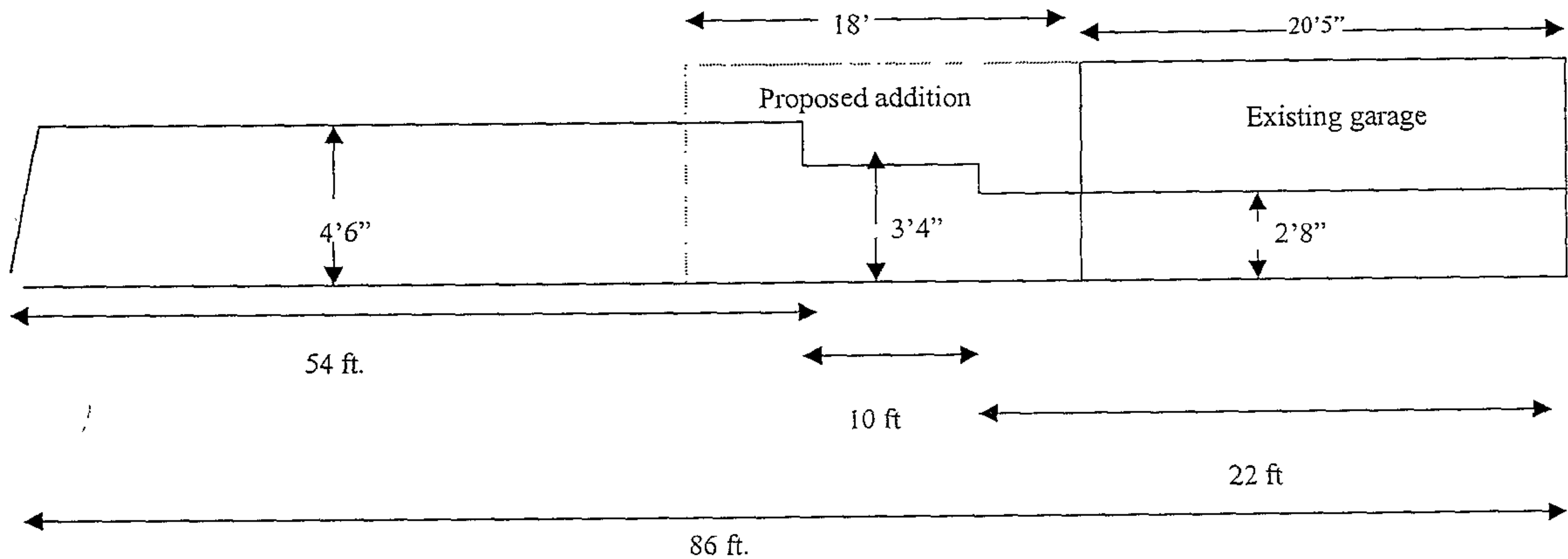
Thomas Deliso

404 Woodbine Ave, Towson, MD

CASE # 03-430-A

Existing retaining wall detail in relation to proposed addition

not drawn to scale



430



Backyard Vista
404 Woodbine Ave



House/Patio/TREE/GARAGE
404 WOODBINE AVE

#03-430-11

5E1150



REAR YARD - 404 WOODBINE AVE



REAR YARD - 404 WOODBINE AVE

#05-430-A

DELISO



Red 3B

A20

#03-430-A
DELISO



TULIP POPULAR Tree -
404 WOODBINE AVE

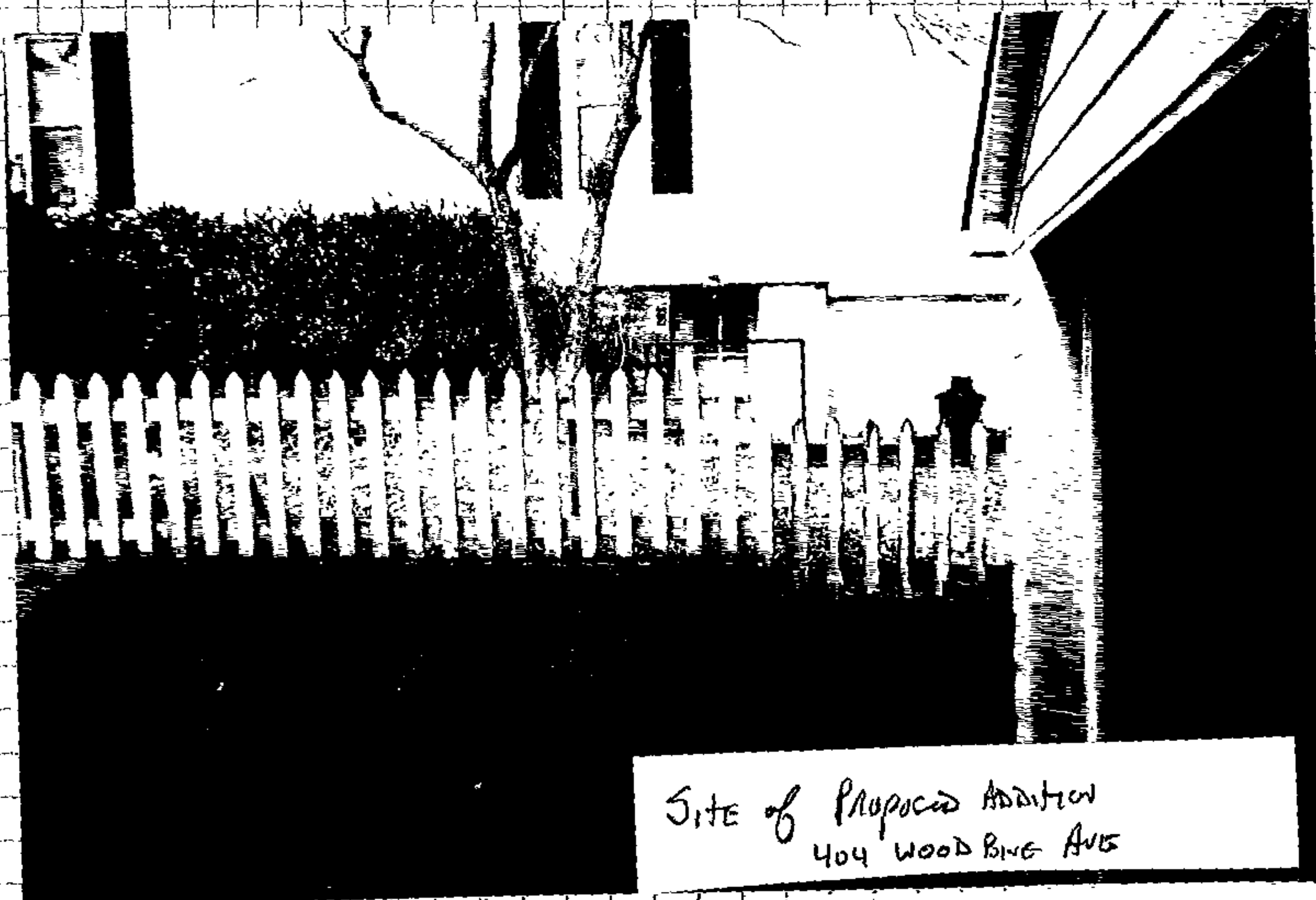
1/19/36



REAR-PATIO- 404 WOODBINE AVE

4

430



03-430-A

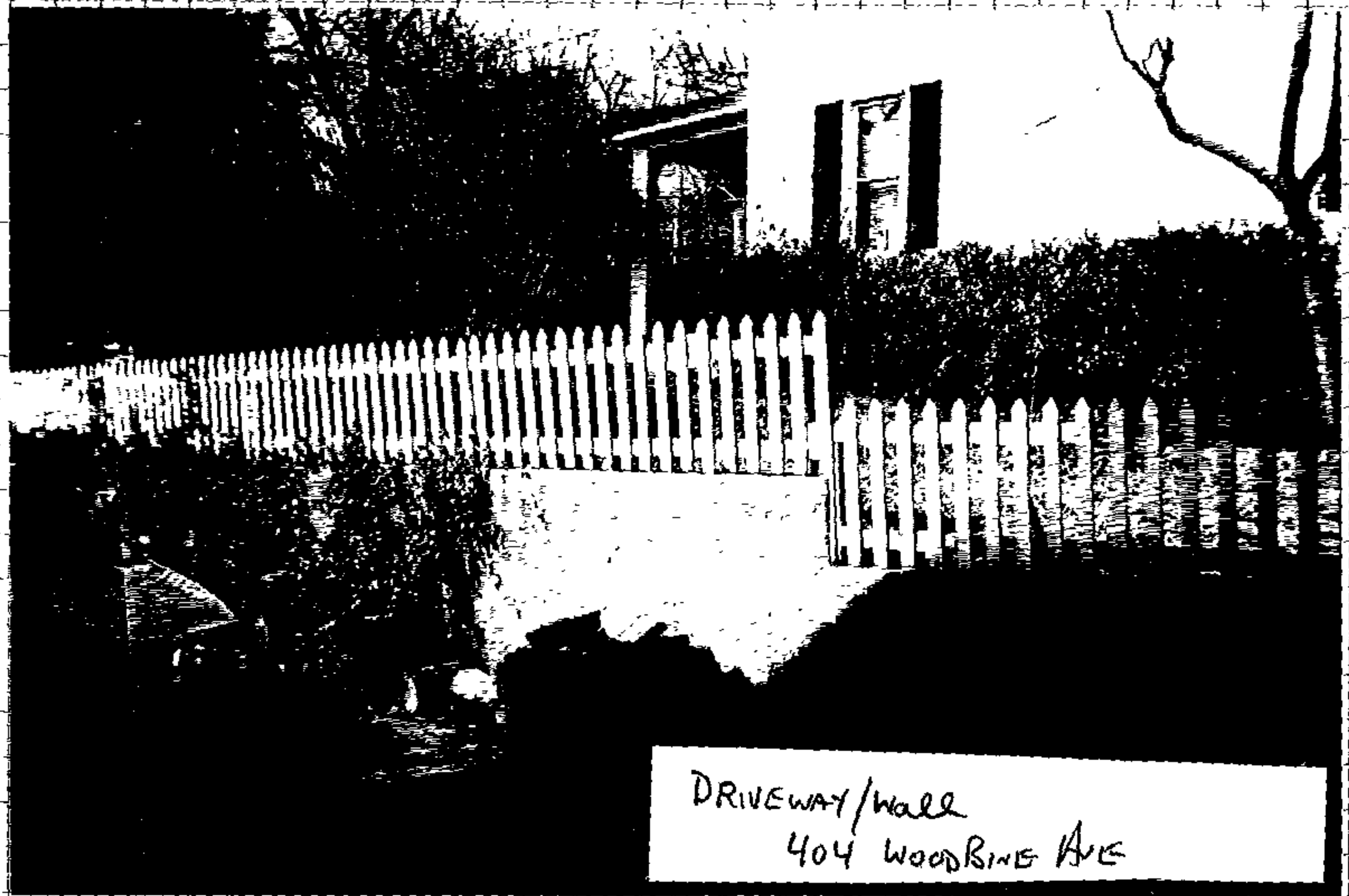
DEL/SIO

6



DRIVEWAY/WALL
404 WOODBINE AVE

Plat
38



DRIVEWAY/WALL
404 WOODBINE AVE

#C3-430-A

DELISO

8



412 WOODBINE AVE

A30

THOMAS DELISO

404 WOODBINE AVE



404 WOODBINE AVE

1st
1st
3E



404 WOODBINE AVE

A30

THOMAS DEUSO 404 WOODBINE AVE



404 & 402 WOODBINE



412 & 404 WOODBINE

THOMAS DELISO

404 WOODBINE AVE

NORTHEAST ENGINEERING, INC.

1055 Taylor Avenue, Suite 104

Baltimore, MD 21286

Tel. 410-337-7465

Fax 410-337-7466

April 3, 2003

Mr. Thomas Deliso
404 Woodbine Avenue
Towson, Maryland 21204

RE: 404 Woodbine Avenue
Towson, Maryland

*Ref
No 4*

Dear Mr. Deliso:

At your request on April 3, 2003 I visited the referenced house to examine a retaining wall for general structural integrity and to discuss your concerns regarding the wall's proximity to an adjacent existing house and to a new garage addition that you are planning to construct.

The retaining wall is approximately 88 ft. long, composed of concrete block masonry and is located adjacent to an asphalt driveway that extends from Woodbine Avenue to an existing 10' x 20' garage on your property. The wall is parallel to and situated approximately 21 ft. (minimum) from the adjacent existing house and approximately 2 ft. (minimum) from the existing garage. The wall is stepped and varies in height from 4'-5" along the driveway entrance to 2'-6" near the existing garage. There are 3" diameter drain holes spaced at approximately 8 ft. along the bottom of the wall.

The following observations are noted:

The concrete block masonry has a mortar coating therefore the condition of the block masonry and mortar joints could not be observed. The mortar coating has a few minor hairline cracks and has areas that have a hollow sounding resonance when struck with a hammer. The coating surface appears generally uniform and no obvious bulges were observed in the blockwork.

The wall is leaning outward along the entire length of the driveway. The rotation of the wall varies from 1/4" per ft. (average) along the driveway to 1" per ft. (average) along the end of the wall adjacent to the existing garage.

The drain holes along the bottom of the wall appear to be open. The drain holes were probed by hand and the backfill material behind the wall near the drains is moist.

Based on my visual observations I offer the following conclusions and recommendations:

The cause and the origin of the rotation of the existing block masonry wall are unknown. The condition is most likely caused by earth pressure behind the wall that was not accounted for in the original design of the wall. It is not possible to determine whether the rotation of the wall is an active condition during a "one time" inspection. Presently, the wall appears stable and there is no

immediate danger of collapse, however, I recommend that the rotation of the wall be measured and monitored at regular intervals for the next two years. If measurements indicate that the rotation is active, then the wall should be replaced.

The following are general comments on your concerns about the wall's proximity to the adjacent existing house and to the new garage addition that you are planning to construct:

Hypothetically, if the rotation condition of the wall is active and the wall were to collapse, the existing adjacent house is situated far enough away from the wall that sloughing of the earth behind the wall will not threaten the stability of the house. My opinion is based on a conservative assumption that the natural slope created behind the collapsed wall could be as flat as 2 horizontal to 1 vertical and would remain approximately 10 ft. from the house.

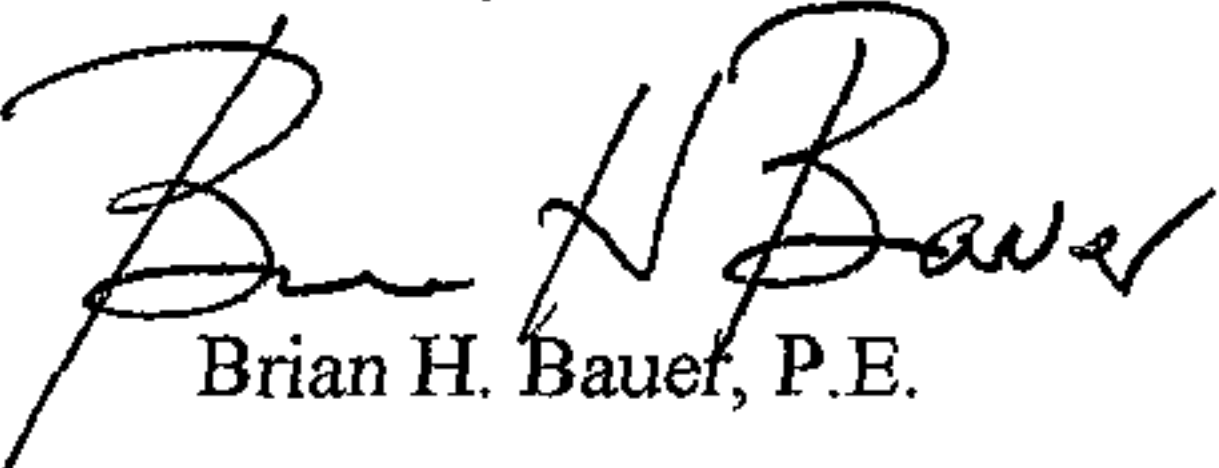
Footing excavation adjacent to the existing wall for construction of the new garage addition is considered no threat to the stability of the wall since the excavation will be temporary until the new concrete footing is placed.

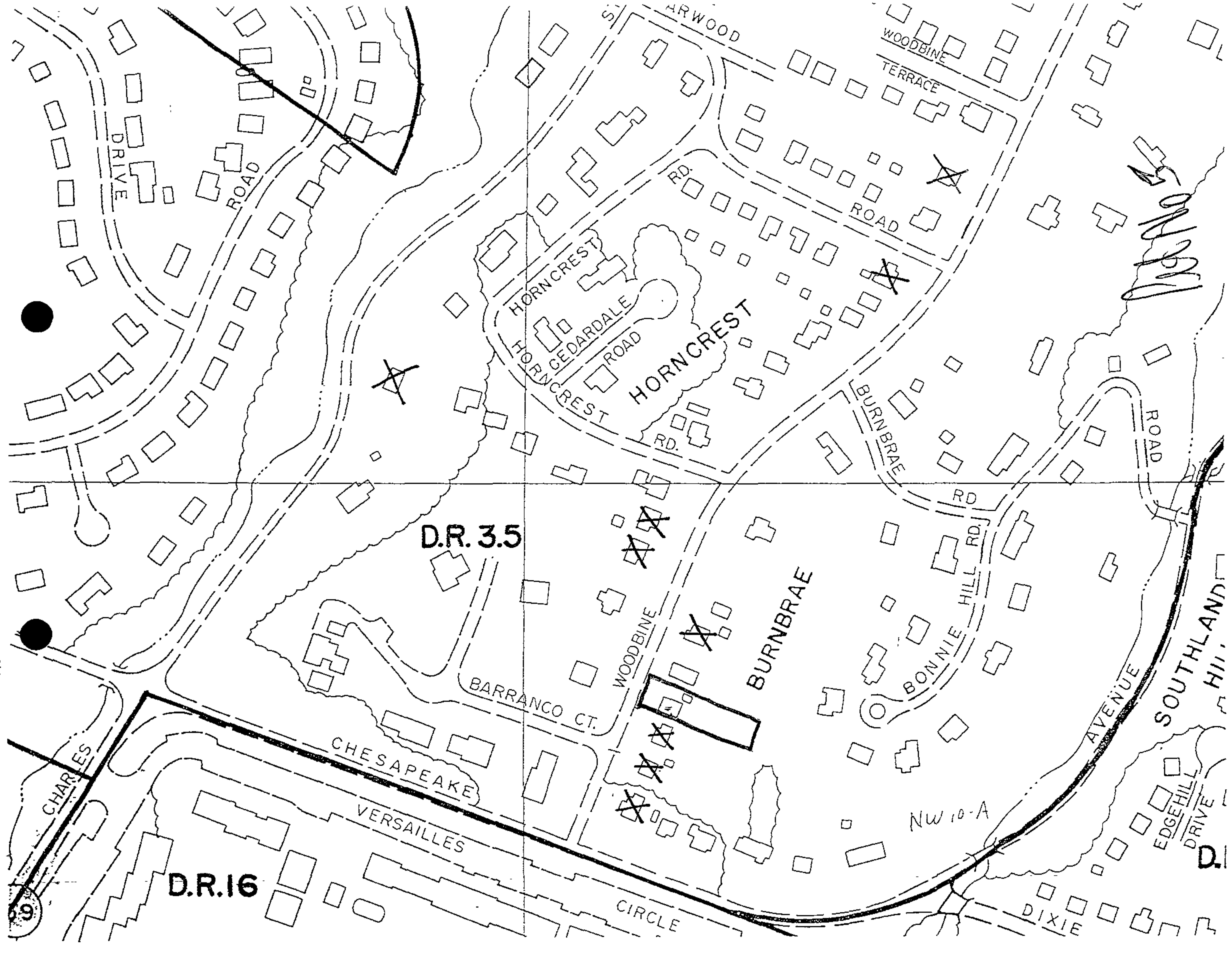
Repair or replacement of the existing retaining would be possible after the new garage addition is constructed.

If there are any questions or if I can be of further assistance, please call.



Sincerely,


Brian H. Bauer, P.E.



To: Baltimore County Department of Permits

From: Mark Knobloch
&
Denise Knobloch

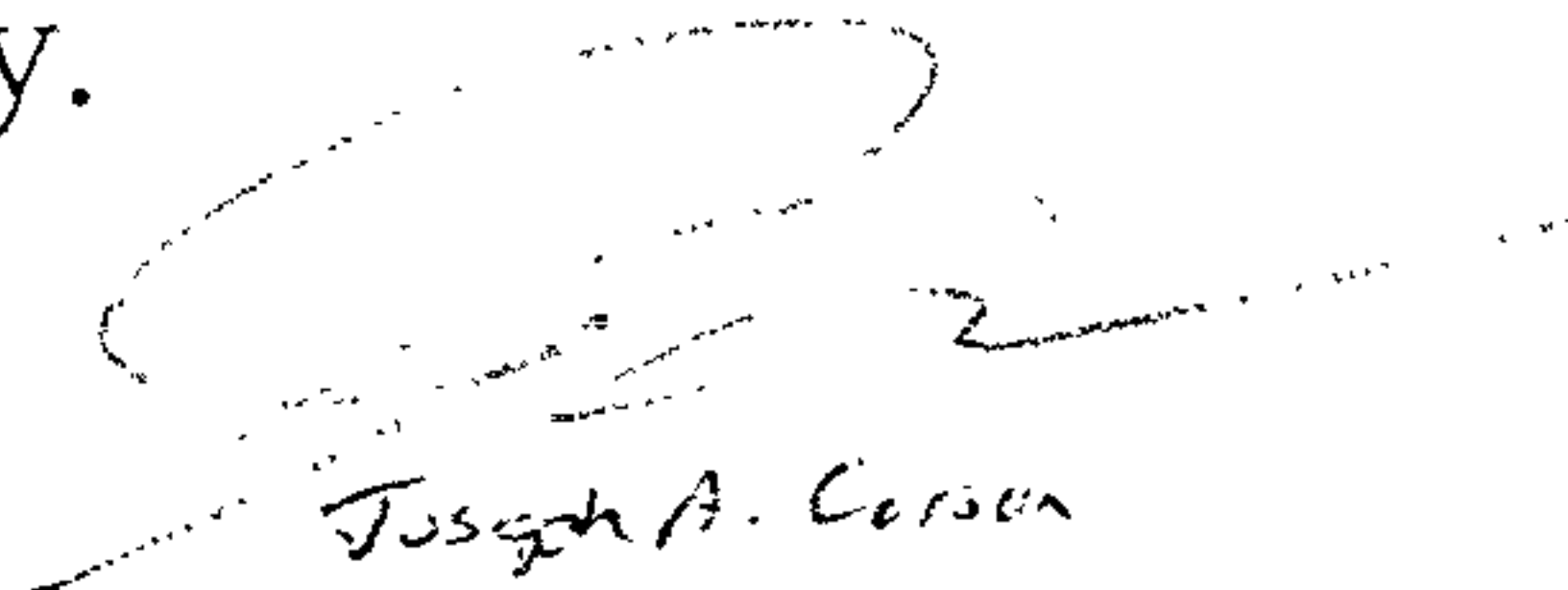
Denise & Mark Knobloch
429 Woodbine Ave.
Towson MD 21204
410.296.4464

By this letter, I acknowledge that I support the garage addition, which Tom Deliso, 404 Woodbine Ave, Towson, MD 21204, is requesting. I understand that in order for Tom to build this addition, he will need to obtain an Administrative Variance from Baltimore County.

To: Baltimore County Department of Permits

From: Joseph & Alicia Cerson

By this letter, I acknowledge that I support the garage addition, which Tom Deliso, 404 Woodbine Ave, Towson, MD 21204, is requesting. I understand that in order for Tom to build this addition, he will need to obtain an Administrative Variance from Baltimore County.



Joseph A. Cerson

To: Baltimore County Department of Permits

From: *Bill & Maggie Denison*
609 Horncrest Rd.
Towson, MD 21204

By this letter, I acknowledge that I support the garage addition , which Tom Deliso, 404 Woodbine Ave, Towson, MD 21204, is requesting. I understand that in order for Tom to build this addition, he will need to obtain an Administrative Variance from Baltimore County.

To: Baltimore County Department of Permits

From: Sheri & Kenny Kebrich (414 Woodbine - 2 houses up)
Sheri Kebrich
Kenny Kebrich

By this letter, I acknowledge that I support the garage addition, which Tom Deliso, 404 Woodbine Ave, Towson, MD 21204, is requesting. I understand that in order for Tom to build this addition, he will need to obtain an Administrative Variance from Baltimore County.

To: Baltimore County Department of Permits

From: J. Kevin Burke and Margaret L.
Burke

By this letter, I acknowledge that I support the garage addition, which Tom Deliso, 404 Woodbine Ave, Towson, MD 21204, is requesting. I understand that in order for Tom to build this addition, he will need to obtain an Administrative Variance from Baltimore County.

Margaret L. Burke
John Burke

To: Baltimore County Department of Permits

From: *Amy + Paul Bateman*

By this letter, I acknowledge that I support the garage addition, which Tom Deliso, 404 Woodbine Ave, Towson, MD 21204, is requesting. I understand that in order for Tom to build this addition, he will need to obtain an Administrative Variance from Baltimore County.

To: Baltimore County Department of Permits

From: ROBERT E. HOWARD
409 WOODBINE AVE.
TOWSON, MD. 21204

By this letter, I acknowledge that I support the garage addition, which Tom Deliso, 404 Woodbine Ave, Towson, MD 21204, is requesting. I understand that in order for Tom to build this addition, he will need to obtain an Administrative Variance from Baltimore County.

Robert E. Howard

S

To: Baltimore County Department of Permits

From:  E. C. Moore
411 Woodbine Ave.
Towson, MD 21204

By this letter, I acknowledge that I support the garage addition, which Tom Deliso, 404 Woodbine Ave, Towson, MD 21204, is requesting. I understand that in order for Tom to build this addition, he will need to obtain an Administrative Variance from Baltimore County.

*Your Plans
Look Terrific*

ECM

Edward & Lettie Moore

To: Baltimore County Department of Permits

From: Chris & Susan Peters
503 Woodbine Ave.
Towson, MD 21204

By this letter, I acknowledge that I support the garage addition, which Tom Deliso, 404 Woodbine Ave, Towson, MD 21204, is requesting. I understand that in order for Tom to build this addition, he will need to obtain an Administrative Variance from Baltimore County.

**Case # 03-430-A Thomas Deliso 404 Woodbine Ave, Towson,
MD 21204 Additional exhibits**

All examples are located in Baltimore County.

<i>Address</i>	<i>Example of</i>
300 Alabama Rd	Enclosed garage and breezeway addition - Front
300 Alabama Rd	Enclosed garage and breezeway addition - Front, closeup
624 Woodbine Ave	Enclosed garage and breezeway addition - Front
624 Woodbine Ave	Enclosed garage and breezeway addition - Front, closeup
323 Dixie Drive	Screened breezeway and garage addition - Front
401 Alabama Rd	Open breezeway and garage addition - Back
330 Dixie Dr	Open breezeway and garage addition - Back
330 Dixie Dr	Open breezeway and garage addition - Front
807 Boyce Ave	Two garage additions built in front of the existing garage
2004 Ridgecrest Ct	Double length 1 car garage

Page No 6

300 ALABAMA RD - EXAMPLE



624 WOODBINE AVE - EXAMPLE



03-430-A



300 ALABAMA RD - EXAMPLE

624 WOODBINE AVE - EXAMPLE

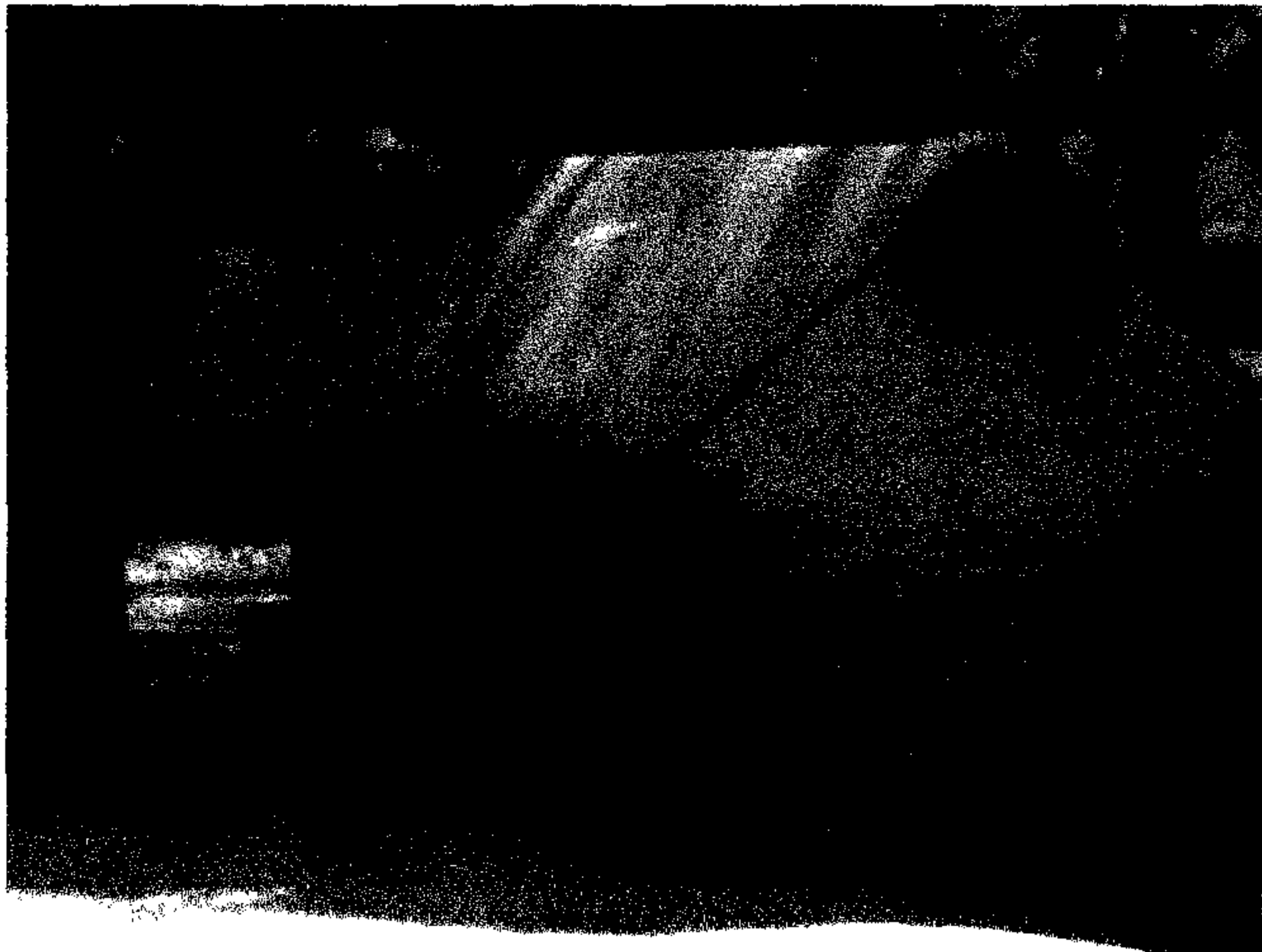
323 DIXIE DR - EXAMPLE



401 ALABAMA RD - EXAMPLE



#03-430-A



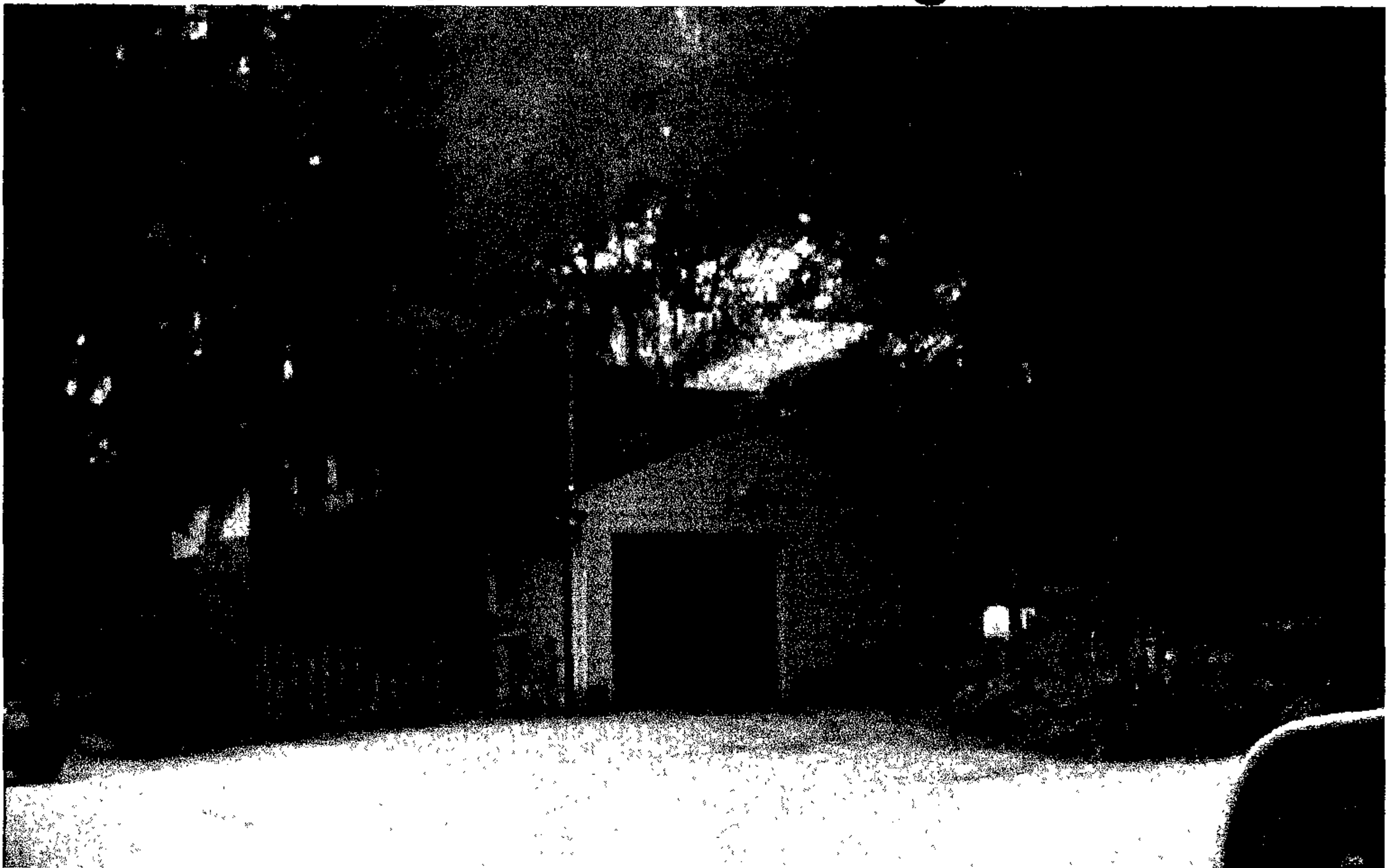
330 DIXIE DR - EXAMPLE

330 DIXIE DR - EXAMPLE

#03-430-A

807 BOYCE AVE - EXAMPLE

CASE # 03-430-A

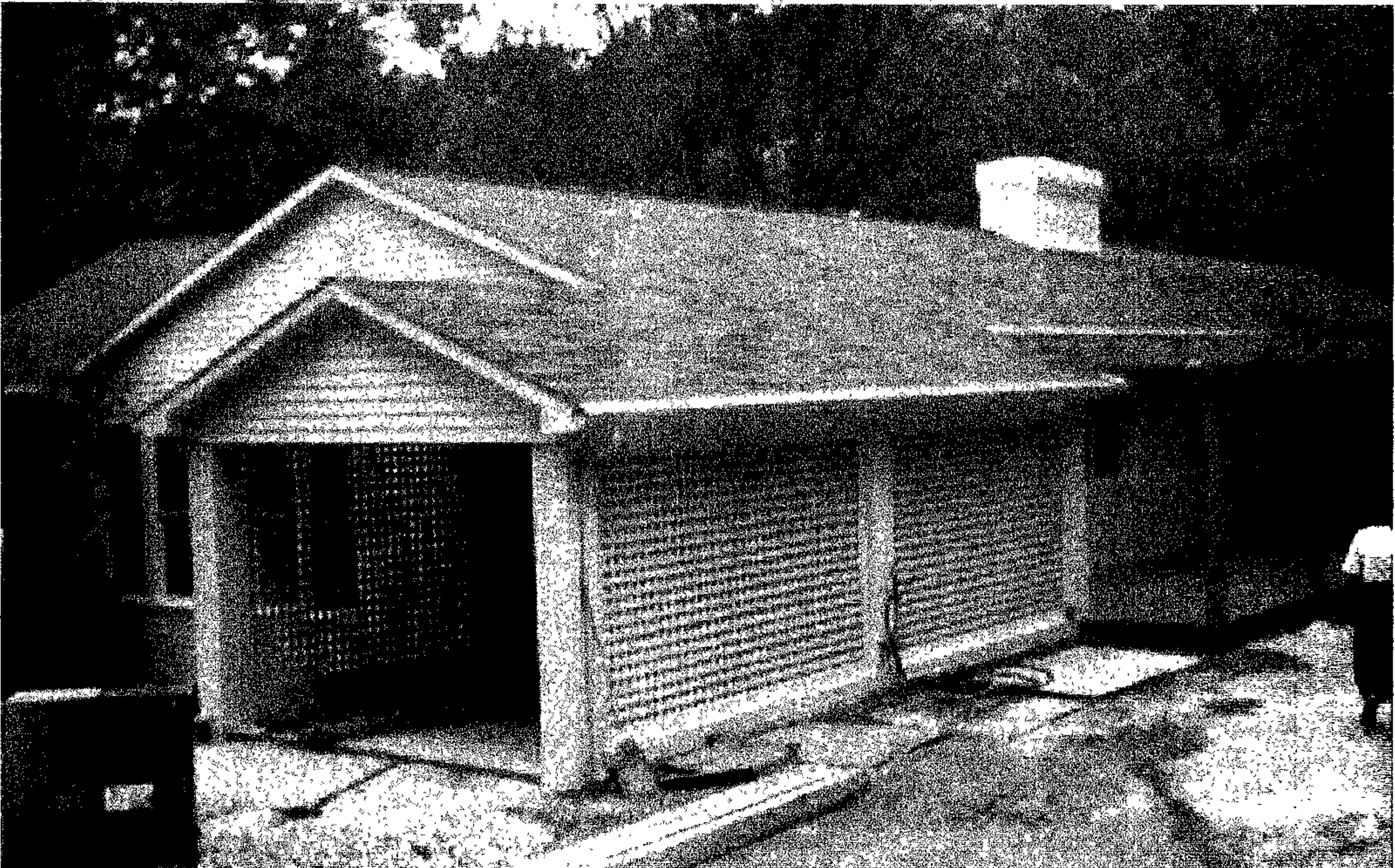
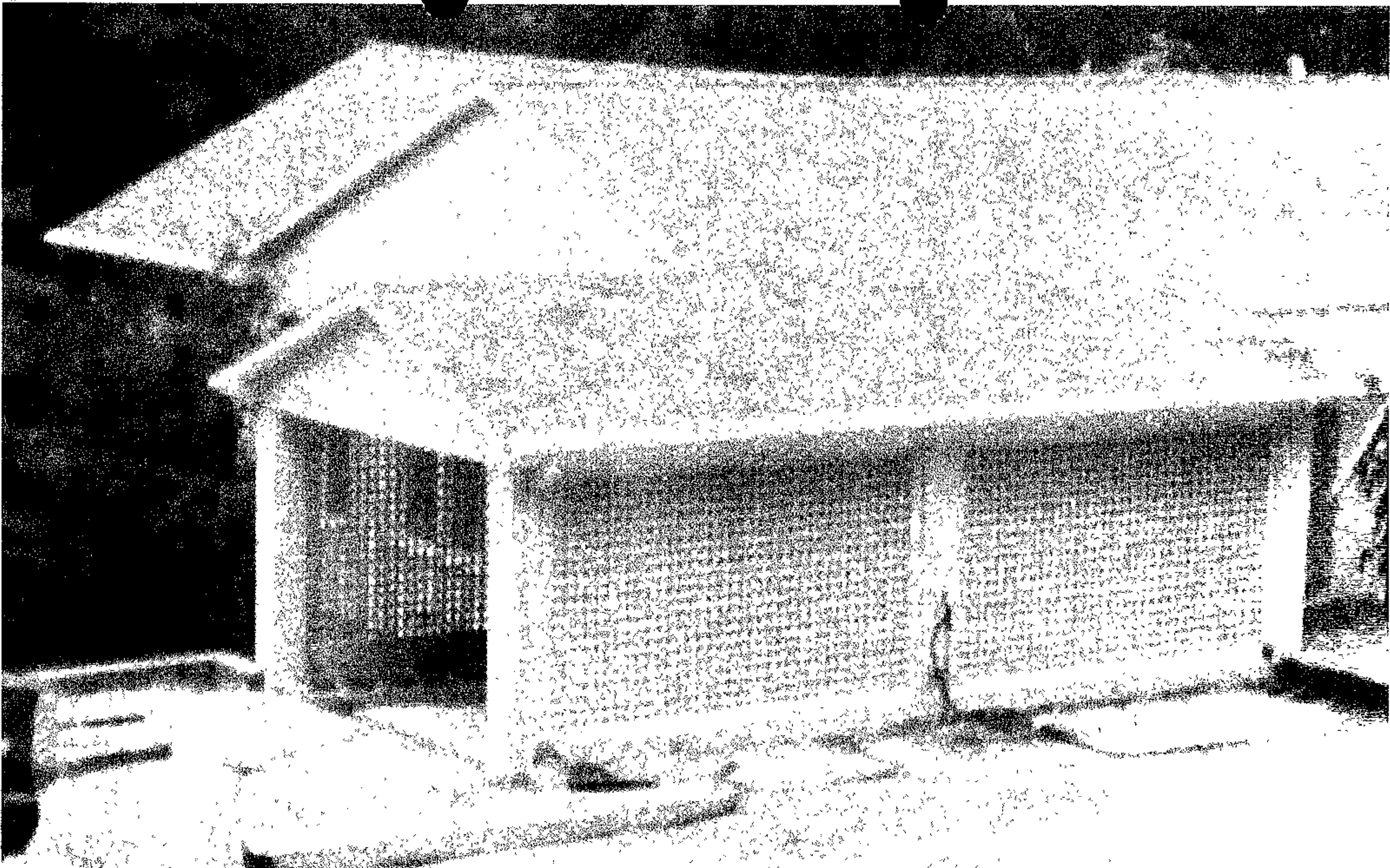


807 BOYCE AVE - EXAMPLE

CASE # 03-430-A

2004 RIDGECREST CT - EXAMPLE

CASE # 03-430-A



2004 RIDGECREST CT - EXAMPLE

CASE # 03-430-A