

IN RE: PETITION FOR VARIANCE

N/S Wine Spring Lane
2,200' E of Bellona Avenue
(1300 Wine Spring Lane)

9th Election District
2nd Council District

Josef B. Garliss
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 07-320-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Joseph B. Garliss, through his attorney, Edward C. Covahey, Esquire. By way of background, the public hearing is in response to a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (Violation No. 06-8101) relative to the size of an addition being erected on the property. In this regard, upon investigation of the complaint by a Code Inspector, it was determined that a variance was needed to correct side yard (east side) setback transgressions caused by the structure's extension into the yard. As originally filed, the Petitioner requested relief from Section(s) 104.3 and 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sum of side yard setbacks of thirty-two and one-half feet (32.5') in lieu of forty feet (40') and an extension of a previously non-conforming setback of greater than twenty-five (25%) percent. The Protestants, James R. Culp and Kristen F. Culp, his wife, who reside to the side of the new structure being constructed, retained J. Carroll Holzer, Esquire to oppose the variance request(s).

The following is a timeline of basic facts leading up to a final Agreement between the parties which permits the Zoning Commissioner to grant the requested variance subject to certain conditions and restrictions.

CASE RECORDED FOR FILING

Date 3-19-08

By [Signature]

In August 2006, the Petitioner, Josef Garliss, purchased 1300 Wine Spring Lane. The property included an existing ranch style house. The rectangular lot is roughly four hundred (400') feet deep and measures one hundred three feet (103') at its frontage on Wine Spring Lane resulting in a lot area of 41,382 square feet. D.R.2 lots are required to be at least one hundred (100') feet wide and 20,000 square feet in area. This lot meets the criteria for dimensions for a D.R.2 lot. However, the existing rancher on the lot in question was "non-conforming" when the Petitioner bought the property due to deficiencies in the rancher's side-yard setbacks. The sum of the side yard setbacks was less than forty feet (40'), and, on the east side, the twenty foot (20') long wall of the rancher was ten feet (10') from the side line instead of the minimum required fifteen (15') feet.

On October 23, 2006, the Petitioner applied for a building permit to construct a 28' x 12' x 25' one story addition (Permit No. B647288) to the front of the existing rancher. The added square footage applied for was 672 square feet resulting from the added first floor space plus full basement space below according to the permit.

In late November 2006, construction begins.

The Protestants, James R. and Kristen F. Culp, who live at 7004 Charles Ridge Road to the east of the property in question, filed a complaint with Code Enforcement on December 7, 2006. The complaint says "Work being done exceed scope of permit. Garage has been added. To (sic) close to side property line." (Code Enforcement Report, Case No. 06-8101).

On December 13, 2006, the Petitioner applied for a second permit (Permit No. B651795). This permit asked for 3,237 square feet to be added to the stated original square feet of 1,991 square feet. Despite the size of the addition, construction plans were waived. Also, despite the large size of the addition, Design Review was waived. Design Review is required in the Ruxton-Riderwood Lake Roland Area for new houses or additions to houses in excess of fifty percent (50%) of the original floor area. The Petitioner provided a notarized letter with

different square footage amounts for both the addition and the existing rancher than stated in the permit to justify having Design Review waived.

On December 15, 2006, a Stop Work Order was issued by the County for the entire property (Stop Work Notice regarding Citation/Case No. 06 8101). The Stop Work Notice states "Building Permit No. B651795 suspended due to property line setback deficiency. A zoning variance approval must be obtained or the proposed addition must be reduced to no more than twenty-five percent (25%) increase of existing house."

On December 18, 2006, the Stop Work Order is lifted at the Garliss' request with the stipulation that a meeting be set up for a variance filing. (By letter dated December 18, 2006, from Donald E. Brand to Josef B. Garliss).

On January 16, 2007, a variance is applied for while construction continues.

On January 19, 2007, a second Stop Work Order, this one only for the east side of the house is issued. (Letter dated January 19, 2007 from Donald E. Brand to Josef B. Garliss).

On March 8, 2007, a variance hearing is begun. The lawyers present their opening statements. This is followed by testimony by Mr. Charles Todd Bannister Garliss, the Petitioner's father and the builder of the addition. The hearing was continued at that point. No cross-examination of the testimony was completed nor was any further testimony for or against this case completed on this date or in subsequent meetings before this Commission.

Instead of scheduling a continuance of the hearing, the Petitioner and the Protestants agreed to try to negotiate a settlement outside the hearing process at the advice of their counsel. Two (2) meetings in front of the undersigned, on June 19, 2007, and November 9, 2007, were held to apprise the Commissioner of the status of the case. Those who signed in at the original hearing were notified of the dates. At the June 19, 2007 meeting, the undersigned, the Petitioner and the Protestants, along with their lawyers, indicated to the undersigned that they had reached a conceptual compromise. It was agreed that the Petitioner would provide an accurate site plan

COPIES RECEIVED FOR FILING
Date 3-19-08
By [Signature]

and elevations of the revised plan as a record of the compromise to which the parties verbally agreed. The Petitioner failed to provide a site plan over the summer and instead proceeded to alter the construction on the east side in the spirit of the compromise. Since no site plan was provided by the Petitioner showing the revised plan, at the meeting before the Commissioner on November 9, 2007, it was agreed that the lawyers for the parties would measure the footprint of the addition and place the measurements on the survey provided by the Protestants as a record of the approved site plan.

No construction plans for this project were on file with the building permits and no elevations were in the variance case file. Since construction was allowed to continue early on despite the need for a variance, photos of the project provide some guidance as to what had been "planned." The Petitioner did provide a site plan in his variance filing with measurements of most of the footprint of the existing rancher, but this site plan lacks measurements for the addition across the front of the building. The Petitioner's site plan provided in the variance filing shows the length of the existing wall on the east side to be twenty feet (20'). (See site plan submitted by the Petitioner in the original variance file). This part of the house was one story, as was the entire existing rancher, with a carport underneath (at the basement level) providing space for two cars. The Protestants provided a survey prepared by Site Rite Surveying, Inc. which shows the side setback of the pre-existing twenty foot (20') long wall on the east side of the rancher to be roughly ten feet (10') from the east side line. When the variance hearing started in March of 2007, the Petitioner had already begun construction of a twenty foot (20') extension in front to the carport level and first floor of the existing rancher on the east side. This extension was a full one hundred percent (100%) increase to the length of the east sidewall of the existing rancher. The agreement reached by the Petitioner and the Protestants in June was essentially that the east side would be significantly smaller than what then existed.

CASE FILED FOR FILING
Date 3-19-08
By [signature]

The November 9, 2007, meeting before the Commissioner was called to reach closure on the agreement between the parties. The Protestants agreed that the lawyers of the two parties would measure the footprint of the then existing building and this would be a substitute for the site plan the Petitioner had agreed to produce at the June 19 meeting. The site plan shows the east sidewall increasing to thirty feet (30') due to the fact that a small porch on the rear of the east side of the existing rancher was enclosed (the open porch was roughly three to four feet deep) and roughly six feet (6') was added on the front (in lieu of the original twenty feet (20') that was added). Thus, the resulting extension to the east wall of the rancher is a fifty percent (50%) increase. Let the record show that the increase to the ground floor east wall is in fact fifty percent (50%) and shall be increased no more by the Petitioner.

The variance is granted because the interested parties have reached an agreement, with the aid of their counsel, which this Zoning Commissioner can accept.

WHEREFORE, the parties are in agreement and the County's Building Engineer is also in agreement,

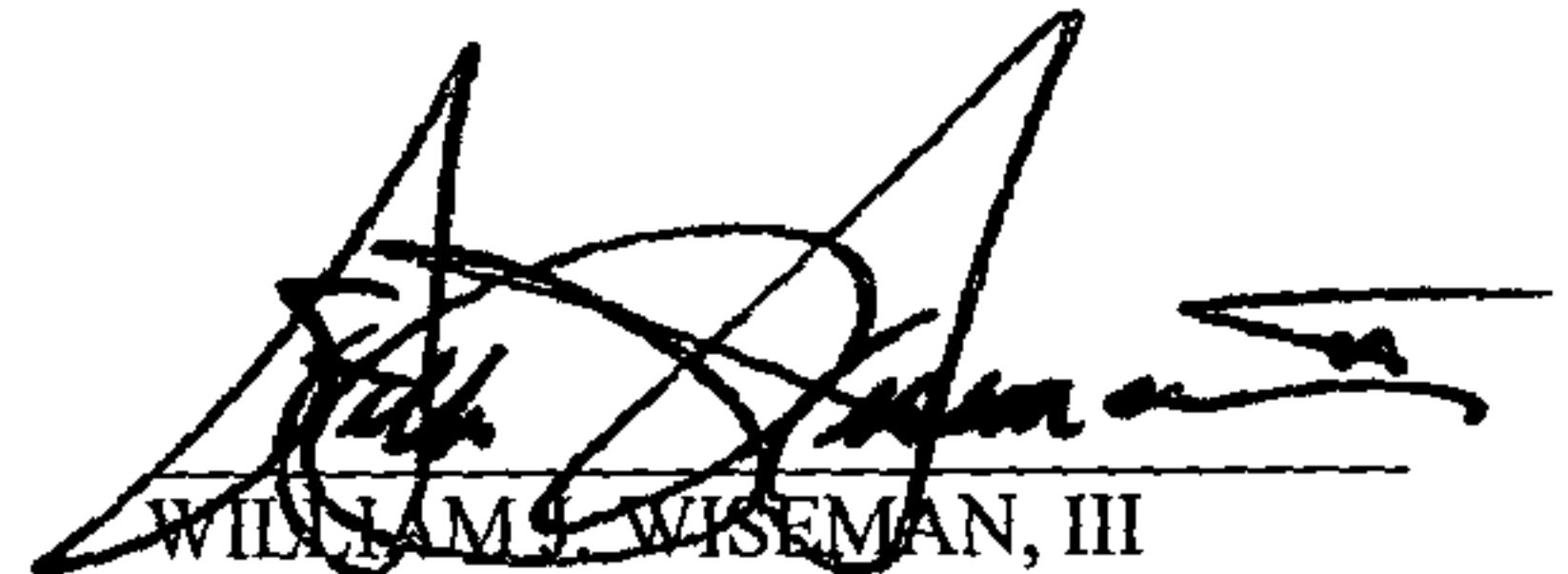
IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of March 2008, that the Petition for a Variance from Section(s) 104.3 and 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sum of side yard setbacks of thirty-two and one-half feet (32.5') in lieu of forty feet (40'), and to approve an extension of a previously non-conforming setback on the east side of the property, in accordance with the redlined Joint Exhibit No. 1A submitted by the parties, be and is hereby **GRANTED**, subject to the following restrictions:

1. The non-conforming walls have been extended to their maximum percentage permitted under the B.C.Z. R.
2. No further extensions of any sort, including, but not limited to, additions, porches, garage space, etc. are to ever be constructed in the setback area on the east side of the property, or to any portion to the south facing side of the garage.

COPIES RECEIVED FOR FILING
Date 3-19-08
By 193

3. The building that accompanies the new footprint as shown on redlined Joint Exhibit No. 1A and Joint Exhibit No. 1B (copies attached to the Original Order and shall be kept in the Zoning Commissioner's Office) and as shown in photo dated November 9th in Protestants' Exhibit 2 is all that is allowed by this Order.
4. The Petitioner shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access to the subject property to ensure compliance with the Joint Exhibit and the terms of this Order.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

CASE FILED FOR FILING

Date 3-19-08

By DJ

IN RE: PETITION FOR VARIANCE
N/S Wine Spring Lane
2,200' E of Bellona Avenue
(1300 Wine Spring Lane)

9th Election District
2nd Councilmanic District

Josef B. Garliss
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No.: 07-320-A
*

* * * * *

MEMORANDUM AND ORDER

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, *Joseph B. Garliss*, through his attorney, *Edward C. Covahey, Esquire*. By way of background, the public hearing is in response to a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (Violation No.: 06-8101) relative to the size of an addition being erected on the property. In this regard, upon investigation of the complaint by a Code Inspector, it was determined that a variance was needed to correct side yard (east side) setback transgressions caused by the structure's extension into the yard. As originally filed, the Petitioner requested relief from Section(s) 104.3 and 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sum of side yard setbacks of thirty-two and one-half feet (32.5') in lieu of forty feet (40') and an extension of a previously non-conforming setback of greater than twenty-five (25%) percent. The Protestants, James R. Culp and Kristen F. Culp, his wife, who reside to the side of the new structure being constructed, retained *J. Carroll Holzer, Esquire* to oppose the variance request(s).

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On **October 23, 2006**, the Petitioner applied for a building permit to construct a 28' x 12' x 25' one story addition (Permit No.: B647288) to the front of the existing rancher. The added square footage applied for was 672 sq. ft. resulting from the added first floor space plus full basement space below according to the permit.

In **late November, 2006**, construction begins.

The Protestants, James R. and Kristen F. Culp who live at 7004 Charles Ridge Road to the east of the property in question, filed a complaint with Code Enforcement on **December 7, 2006**. The complaint says "Work being done exceed scope of permit. Garage has been added. To (sic) close to side property line." (Code Enforcement Report, Case No.: 06-8101).

On **December 13, 2006**, the ³²³⁷Petitioner applied for a second permit (Permit No.: B651795). This permit asked for 3,978 sq. ft. to be added to the stated original sq. ft. of 1,991 sq. ft. Despite the size of the addition, construction plans were waived. Also, despite the large size of the addition, Design Review was waived. Design Review is required in the Ruxton-Riderwood Lake Roland Area for new houses or additions to houses in excess of fifty percent (50%) of the original floor area. The Petitioner provided a notarized letter with different square footage amounts for both the addition and the existing rancher than stated in the permit to justify having Design Review waived.

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Instead of scheduling a continuance of the hearing, the Petitioner and the Protestants agree^d to try to negotiate a settlement outside the hearing process at the advice of their counsel. Two (2) meetings in front of the ~~Commissioner~~ ^{undesignated}, on June 19, 2007, and November 9, 2007, were held to apprise the ~~Commissioner~~ ^{undesignated} of the status of the case. Those who signed in at the original hearing were notified of the dates. At the June 19, 2007 meeting before ~~the Commissioner~~ ^{OK}, the Petitioner and the Protestants, along with their lawyers, indicated to the ~~Commissioner~~ ^{undesignated} that they had reached a conceptual compromise. It was agreed that the Petitioner would provide an accurate Site Plan and elevations of the revised plan as a record of the compromise to which the parties verbally agreed. The Petitioner failed to provide a Site Plan over the summer and instead proceeded to alter the construction on the east side in the spirit of the compromise. Since no Site Plan was provided by the Petitioner showing the revised plan, at the meeting before the Commissioner on November 9, 2007, it was agreed that the lawyers for the parties would measure the footprint of the addition and place the measurements on the survey provided by the Protestants as a record of the approved Site Plan.

No construction plans for this project were on file with the building permits and no elevations were in the variance case file. Since construction was allowed to continue early on despite the need for a variance, photos of the project provide some guidance as to what had been "planned." The Petitioner did provide a Site Plan in his variance filing with measurements of most of the footprint of the existing rancher, but this Site Plan lacks measurements for the addition across the front of the building. The Petitioner's Site Plan provided in the variance filing shows the length of the existing wall on the east side to be twenty^{four} feet (20'). (See Site Plan submitted by the Petitioner in the original variance file. This part of the house was one story, as was the entire existing rancher, with a carport underneath (at the basement level) providing space for two cars. The Protestants provided a survey prepared by Site Rite Surveying, Inc. which shows the side setback of the pre-existing twenty^{four} foot (20') long wall on the east side of the rancher to be roughly ten feet (10') from the east side line. When the variance hearing started in March of 2007, the Petitioner had already begun construction of a twenty foot (20') extension in front to the carport level and first floor of the existing rancher on the east side. This extension was a full one hundred percent (100%) increase to the length of the east sidewall of the existing rancher. The agreement reached by the Petitioner and the Protestants in June was essentially that the east side would be significantly smaller than what then existed.

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The variance is granted because the interested parties have reached an agreement, with the aid of their counsel, which this Zoning Commissioner can accept..

WHEREFORE, the parties are in agreement and the County's Building Engineer is also in agreement,

IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of _____, 2008, that the Petition for a Variance from Section(s) 104.3 and 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sum of side yard setbacks of thirty-two and one-half feet (32.5') in lieu of forty feet (40'), and to approve an extension of a previously non-conforming setback on the east side of the property in accordance with the redlined Joint Exhibit #1A submitted by the parties, be and is hereby

GRANTED, subject to the following restrictions:

1. The non-conforming walls have been extended to their maximum percentage permitted under the B.C.Z. R.

2. No further extensions of any sort, including, but not limited to, additions, porches, garage space, etc. are to ever be constructed in the setback area on the east side of the property.

3. The building that accompanies the new footprint as shown in redlined Joint Exhibit #1 and Joint Exhibit #1A and as shown photo dated November 9th in Protestants' Exhibit 2 is all that is allowed by this Order.

4. The Petitioner shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access to the subject property to ensure compliance with the Joint Exhibit and the terms of this Order.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
~~401 Bosley Avenue~~
~~Suite 405~~
~~Towson, Maryland 21204~~
~~410-887-3868~~



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1300 WINE SPRING LANE
which is presently zoned DR-2

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) 104.3 & 1302.3C.1 (Chaet)

To permit a sum of side yard setbacks of 32.5 ft. in lieu of 40 ft. & an extension of a previously non-conforming set back of greater than 25%.

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

SEE ATTACHED

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

1300 WINE SPRING LANE

Address

Telephone No.

RUXTON, MARYLAND 21204

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

Case No. 07-320-A

ESTIMATED LENGTH OF HEARING _____

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 3-19-08

Reviewed By JA/LW

Date 1/16/07

By [Signature]

UNAVAILABLE FOR HEARING

Josef B Garliss
1300 Winespring Lane
Ruxton, Maryland 21204

January 12, 2007

Zoning Review
Departments of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

Dear Sir or Madam:

I am currently in the process of constructing an addition to my new home at 1300 Winespring lane. Unfortunately, some weeks ago, a neighbor in an adjoining development whose property line runs along the east side of my house, complained that the original 1952 structure and my addition, are in violation of the setback requirements. I explained to her that the survey I received at settlement clearly indicated that we were well within these requirements. In subsequent meetings with Baltimore County Officials, however, I have learned that the sum total of the two sides must equal forty feet in a DR-2 zone. Since we do not meet this requirement, we are therefore applying for a variance for both the old and new structures.

The addition has been brought forward of the existing structure due to the rear yard being on an uphill grade and would not have allowed any further improvement. As a result, this has changed the roof lines on the second floor in order to accommodate the extension.

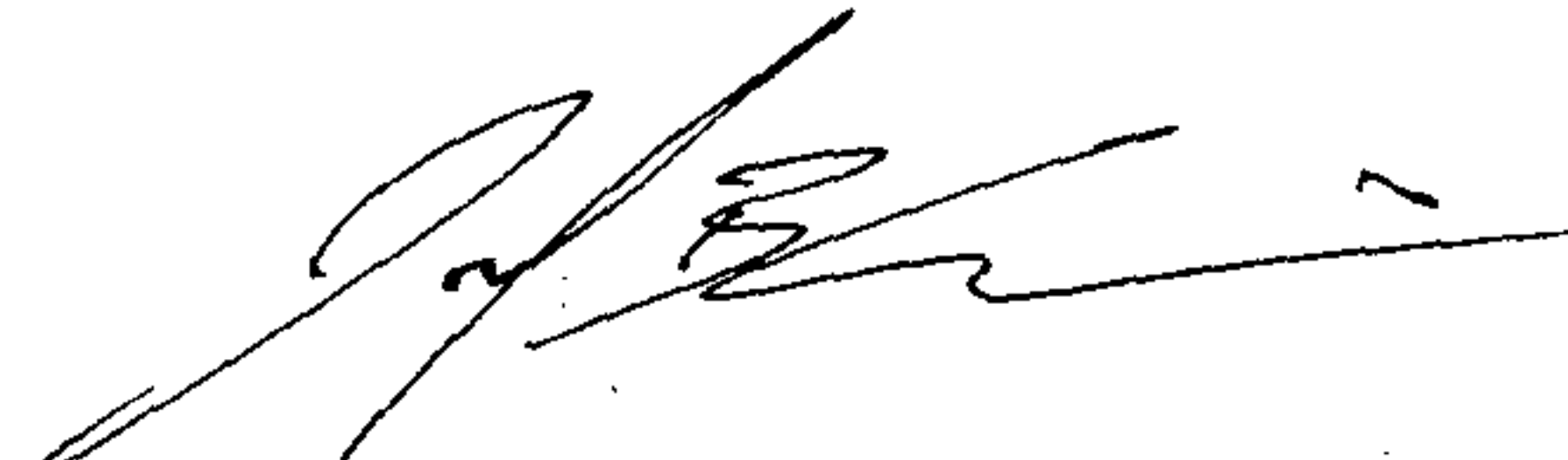
Our need to improve the front of the house was also due to fifty years of water damage and old termite infestation.

07-320-A

We are a young, growing family and are in need of this updating and additional space. Needless to say, this is quite an investment for us, and had someone made it known to us that these community requirements existed, we certainly would not have considered this house as one that filled our needs as it stood.

In closing, I would like to say that in my opinion, and the opinion of most neighbors, is that we have built a structure that is very sensitive to the surrounding neighborhood and are updating a house that sorely needs attention. Also, considering the advanced stage of construction at the time the complaint was made, I hope that you will find it fair and equitable to grant my petition.

Respectfully Submitted,



Josef B. Garliss

07-320-7

ZONING DESCRIPTION FOR 1300 WINE SPRING RD.
(address)

Beginning at a point on the NORTH side of
(north, south, east or west)

WINE SPRING RD which is 40 FT
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 2200 EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street BEACON AVE
(name of street)

which is 50 FT wide. *Being Lot # N/A
(number of feet of right-of-way width)

Block , Section # in the subdivision of N/A
(name of subdivision)

as recorded in Baltimore County Plat Book # N/A, Folio #

containing 95 AC. Also known as 1300 WINE SPRING RD
(square feet or acres) (property address)

and located in the 9 Election District, 2 Councilmanic District.

**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: #07-320-A
1300 Winespring Lane
N/side of Winespring Lane,
2200 feet east of Bellona
Avenue
9th Election District
2nd Councilmanic District
Legal Owner(s): Josef Garliss
Variance: to permit a sum
of side yard setbacks of
34.5 feet in lieu of the 40
feet and an extension of a
previously non-conforming
setback of greater than
25%.

**Hearing: Wednesday,
February 21, 2007 at 2:00
p.m. in Room 106, County
Office Building, 111 West
Chesapeake Avenue,
Towson 21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-3868.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT/2/639 Feb. 6 124147

CERTIFICATE OF PUBLICATION

2/8/, 2007

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 2/6/, 2007.

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



LEGAL ADVERTISING

NO. 3099

ACCOUNT

Revised

AMOUNT

5

RECEIVED
FROM: _____

641103
AC 507

FOR:

Res Var CD (continued)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

4

1992

[illegible]

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【44】

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14th Nov 1959

Spencer

THE NEW YORK PUBLIC LIBRARY

MILITARY AND NAVAL

06714

Department of Education

Dr. H. C. C. C.

Geoffrey

FORUM

99

Reddy's Dairy, Inc.

CASHIER'S VALIDATION



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 07-320-A
PETITIONER/DEVELOPER:
Josef Garliss
DATE OF HEARING: Feb. 21, 2007

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:
1300 Winespring Lane



SIGNATURE OF SIGN-POSTER

John J. Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: February 6, 2007

ZONING

1. NAME OF THE PROPERTY
2. ADDRESS
3. CITY
4. STATE
5. ZIP
6. OWNER
7. AGENT
8. DATE
9. SIGNATURE
10. PRINTED NAME
11. TITLE
12. FEE
13. REMARKS

02/06/2007

ZONING NOTICE

ARMY SECRETARIAT, WASHINGTON, D. C.
PERSONNEL OFFICE, ROOM 100
WASHINGTON, D. C.

TIME & DATE

Variance: To permit a sum of side yard setbacks of 34.5 feet in lieu of the 46 feet and an extension of a previously non-conforming setback of greater than 25%.

RECEIVED OCT 28 1964

ZONING NOTICE

CASE # :07-320-A

A PUBLIC HEARING WILL BE HELD
THE ZONING COMMISSIONER
IN TOWSON, MD.

Room 106 County Office Building
PLACE: 111 West Chesapeake Avenue, Towson

2:00 pm Wednesday, February 21

TIME & DATE :

Variance: To permit a sum of side
Yrd setbacks of 34.5 feet in lieu of
the 40 feet and an extension of a
previously non-conforming setback
greater than 25%.

02/06/2007

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 02/24/07

Case Number: 07-320-A

Petitioner/Developer: ED COVAHEY ESQ. JOSEF GARLISS

Date of Hearing (Closing): 03/08/07

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: 1300 WINESPRING LANE

The sign(s) were posted on: 02/21/07

ZONING NOTICE

CASE # 07-320-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 106 COUNTY OFFICE BUILDING
PLACE: 111 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: THURSDAY, MARCH 8, 2007
AT 2:00 P.M.

REQUEST: VARIANCE TO PERMIT A SUM OF
SIDE YARD SETBACKS OF 34.5 FEET
IN LIEU OF THE 40 FEET AND AN EXTENSION
OF A PREVIOUSLY NON-CONFORMING
SETBACK OF GREATER THAN 25%.
1300 WINESPRING LANE

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 20, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NEW 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: 07-320-A

1300 Winespring Lane

N/side of Winespring Lane, 2200 feet east of Bellona Avenue

9th Election District – 2nd Councilmanic District

Legal Owner: Josef Garliss

Variance to permit a sum of side yard setbacks of 34.5 feet in lieu of the 40 feet and an extension of a previously non-conforming setback of greater than 25%.

Hearing: Thursday, March 8, 2007 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

T. Kotroco

Timothy Kotroco
Director

TK:klm

C: Josef Garliss, 1300 Wine Spring Lane, Ruxton 21204
Ed CoVahey, 614 Bosley Avenue, Towson 21204
James Culp, 7004 Charles Ridge Road, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 21, 2007.**
- (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
Tuesday, February 27, 2007 Issue - Jeffersonian

Please forward billing to:
Josef Garliss
1300 Wine Spring Lane
Ruxton, MD 21204

443-204-3044

NOTICE OF ZONING HEARING

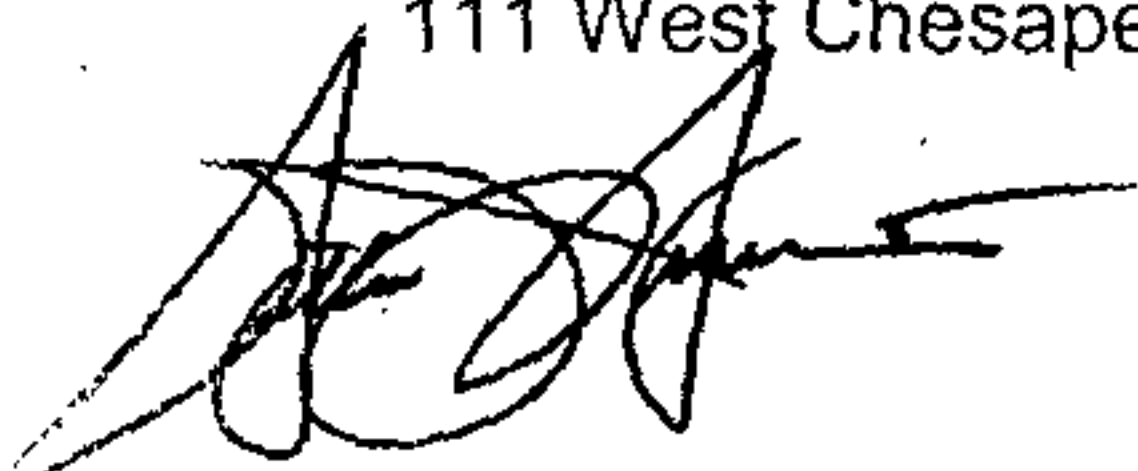
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-320-A

1300 Winespring Lane
N/side of Winespring Lane, 2200 feet east of Bellona Avenue
9th Election District – 2nd Councilmanic District
Legal Owner: Josef Garliss

Variance to permit a sum of side yard setbacks of 34.5 feet in lieu of the 40 feet and an extension of a previously non-conforming setback of greater than 25%.

Hearing: Thursday, March 8, 2007 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 26, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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: 07-320-A

1300 Winespring Lane
N/side of Winespring Lane, 2200 feet east of Bellona Avenue
9th Election District – 2nd Councilmanic District
Legal Owner: Josef Garliss

Variance to permit a sum of side yard setbacks of 34.5 feet in lieu of the 40 feet and an extension of a previously non-conforming setback of greater than 25%.

Hearing: Wednesday, February 21, 2007 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Josef Garliss, 1300 Wine Spring Lane, Ruxton 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 7, 2007.**
- (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
Tuesday, February 6, 2007 Issue - Jeffersonian

Please forward billing to:

Josef Garliss
1300 Wine Spring Lane
Ruxton, MD 21204

443-204-3044

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: 07-320-A

1300 Winespring Lane

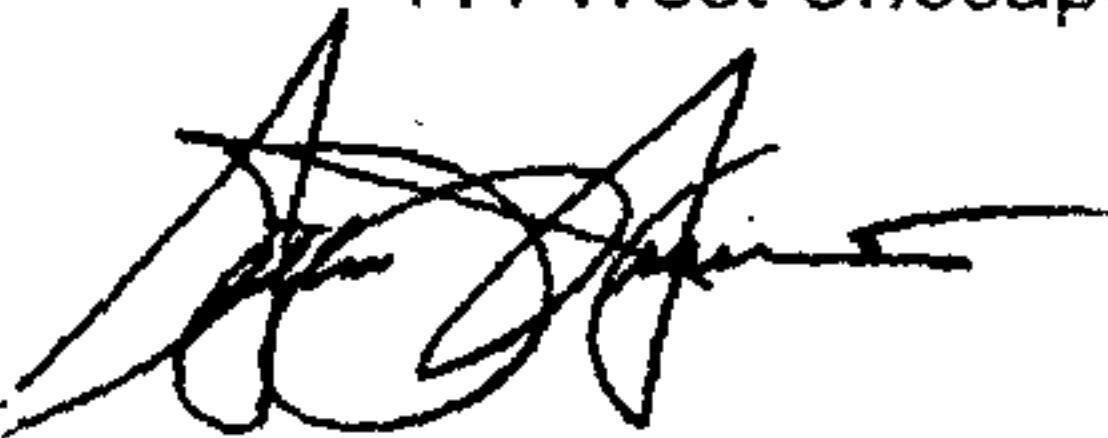
N/side of Winespring Lane, 2200 feet east of Bellona Avenue

9th Election District – 2nd Councilmanic District

Legal Owner: Josef Garliss

Variance to permit a sum of side yard setbacks of 34.5 feet in lieu of the 40 feet and an extension of a previously non-conforming setback of greater than 25%.

Hearing: Wednesday, February 21, 2007 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

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 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.

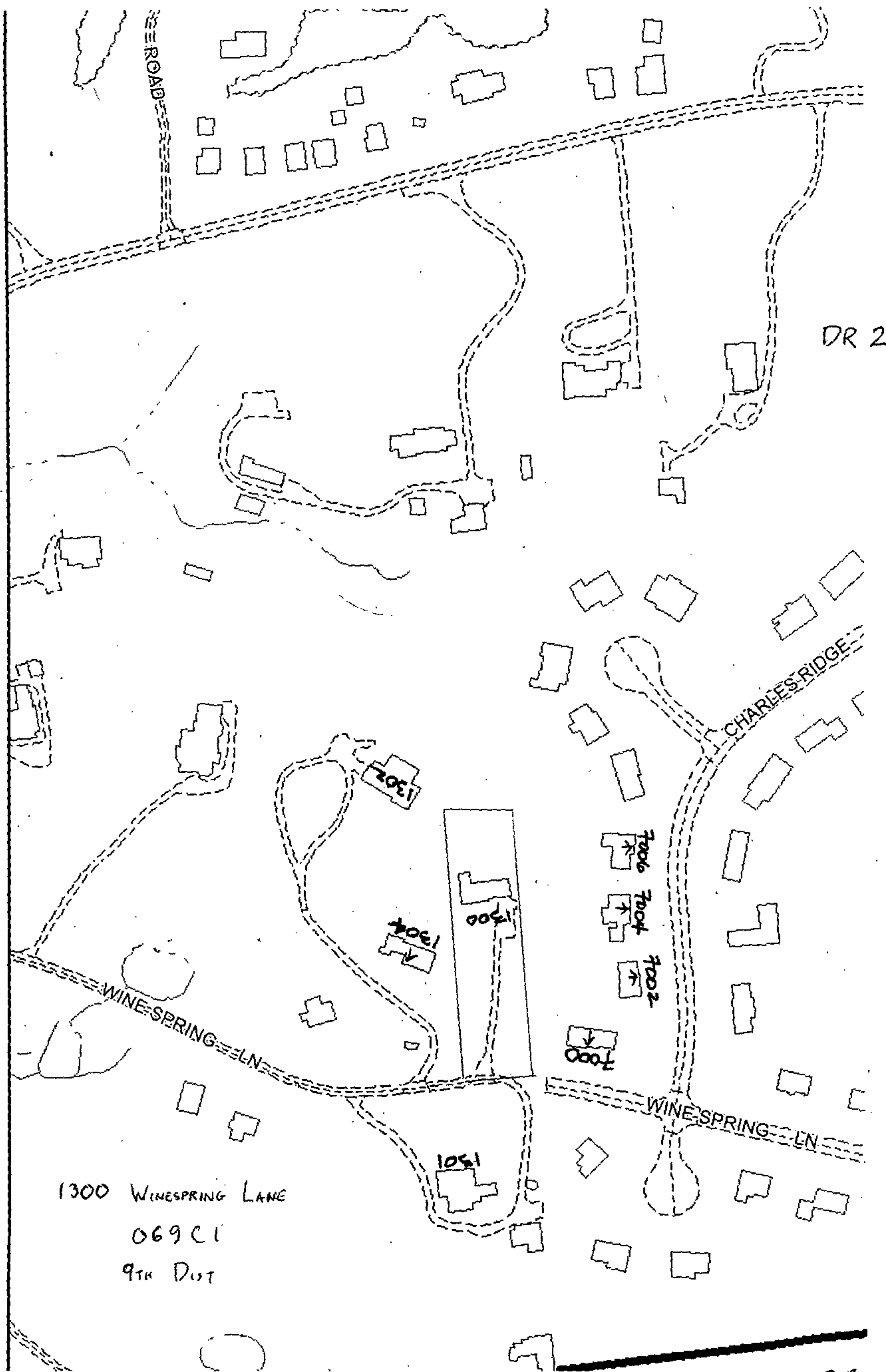
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

LEADER
BROOK →
Item Number or Case Number: 07-320-A
Petitioner: JOSEF B. GARLISS
Address or Location: 1300 WINE SPRING LANE

PLEASE FORWARD ADVERTISING BILL TO:

✓
Name: JOSEF B. GARLISS
Address: 1300 WINE SPRING LANE
RUXTON, MARYLAND 21204
Telephone Number: 443-204-3044



DR 2

CHARLES RIDGE

WINE-SPRING LN

WINE-SPRING LN

1300 WINE-SPRING LANE
069 C1
9TH DIST

07-320-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1300 WINE SPRING LANE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME SE COR JOPPA RD.

PLAT BOOK # N/A FOLIO # LOT # SECTION #

OWNER JOSEF B. GARLIS

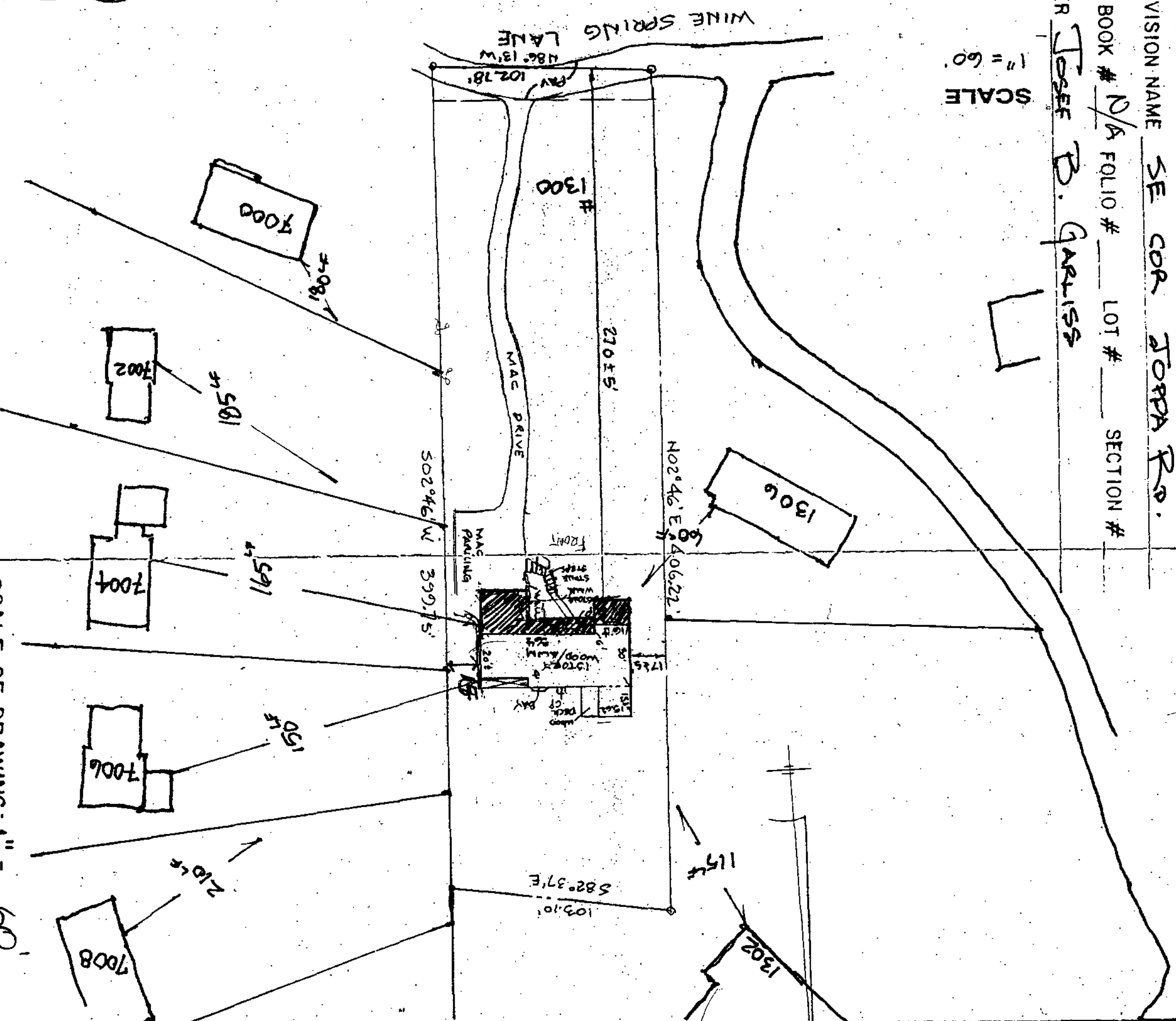
SCALE 1" = 60'

LOCATION CERTIFICATION

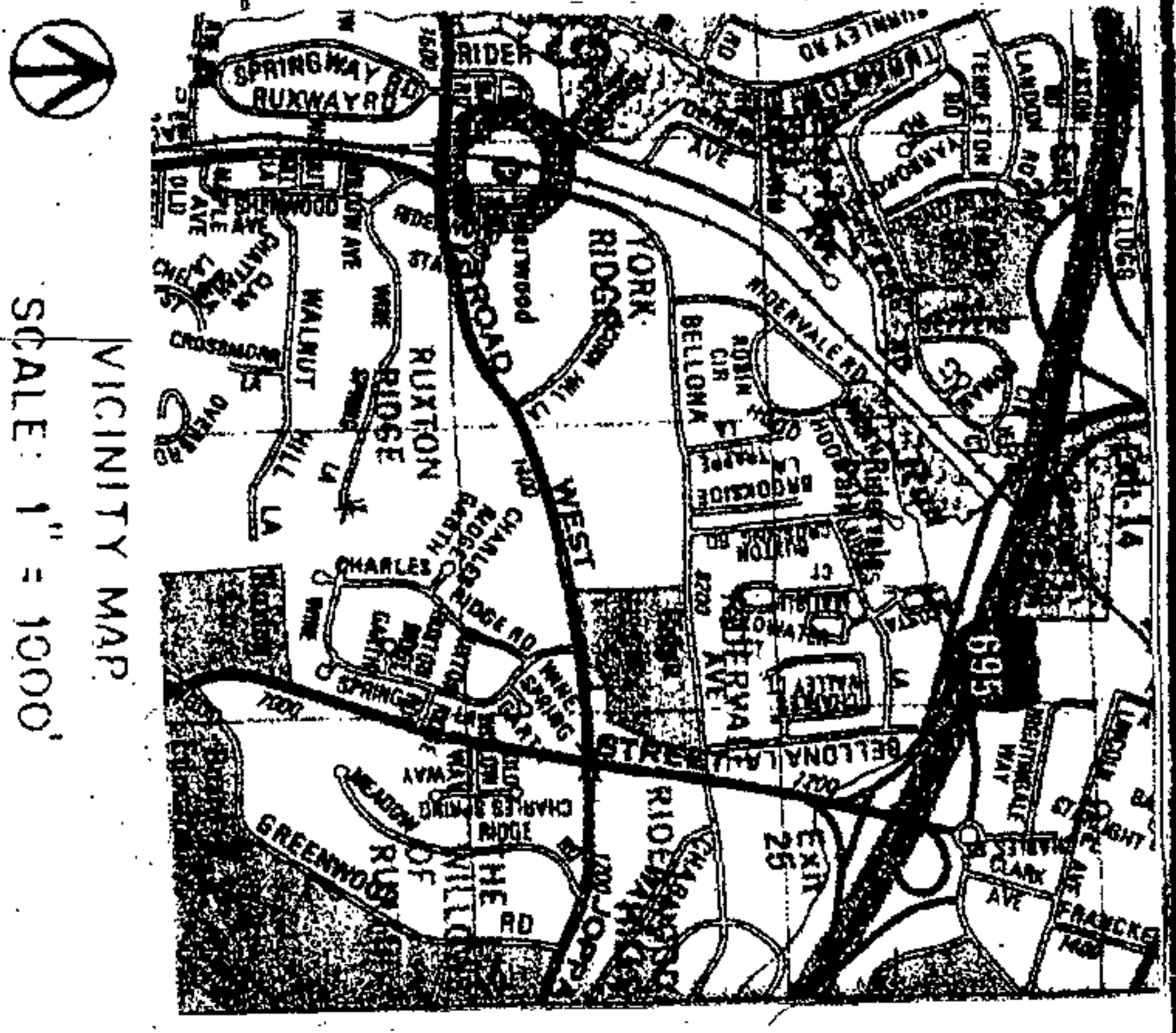
TITLE DEED: 6355-462
BALTIMORE CO., MARYLAND
#1300 WINE SPRING LANE



PREPARED BY



SCALE OF DRAWING: 1" = 60'



LOCATION INFORMATION

ELECTION DISTRICT 5th

COUNCILMANIC DISTRICT 2nd

1" = 200' SCALE MAP # 069 C-1

ZONING DR-2

LOT SIZE 95 ACRES 95 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

001 07320-1



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

February 28, 2007

Josef B. Garliss
1300 Winespring Lane
Ruxton, MD 21204

Dear Mr. Garliss:

RE: Case Number: 07-320-A, 1300 Winespring Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 16, 2007.

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:amf

Enclosures

c: People's Counsel

Fire Department

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



Baltimore County

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

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

January 26, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 22, 2007

320

Item Number: 304 and 307 through 321

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File





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

State Highway
Administration

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

Maryland Department of Transportation

Date: JANUARY 23, 2007

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

RE: Baltimore County
Item No. 7-320-A
1300 WINESPRING LANE
GARLSS PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-320A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 24, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For January 29, 2007
Item Nos. 07- 260,304, 307, 309, 310,
311, 312, 313, 314, 315, 317, 318, 319,
320 and 321

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-01222007.doc

BW 3/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 26, 2007

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

SUBJECT: 1300 Winespring Lane

INFORMATION:

Item Number: 07-320

Petitioner: Josef B. Garliss

Property Size: .95 acres

Zoning: DR2

Requested Action: Variance

Hearing Date:

The applicant requests a setback variance to permit a sum of side yards of 34.5 feet in lieu of the required 40 feet and an extension of a previously non-conforming setback of greater than 25%. The existing dwelling was built in 1952 and has a non-conforming side yard setback. The proposed addition would update it with an addition and a new roof.

If the variances are granted this will allow for approval of an addition that is proceeding under building permit # B651795. Planners have reviewed architectural plans for this proposal. Baltimore County Plans review staff waived construction drawings for this project so no architectural drawings were filed with the permit.

The property in question is within the Ruxton Riderwood Lake Roland Design Review area. The applicant has submitted a notarized letter indicating the square footage of the original living space as 3970 square feet and the added living space of 1890 square feet. Because the addition is less than 50% of the floor area of the existing dwelling, a Design Review Panel meeting is not required.

SUMMARY OF RECOMMENDATIONS:

If the applicant demonstrates hardship or practical difficulty and the variances are granted, professionally drawn architectural elevation drawings and floor plans that clearly show both existing dwelling and addition must be submitted for review and approval by planning staff.

Prepared By: ATM

Section Chief:
AFK:di

[Signature]

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco, Director **DATE:** May 10, 2007
Department of Permits & Development Management

FROM: William J. Wiseman, III *WJW*
Zoning Commissioner

SUBJECT: 07-320-A
N Side of Winespring Lane, 2200' E of Bellona Avenue
(1300 Winespring Lane)
9th Election & 2nd Council Districts
Josef B. Garliss - Petitioner

Please find attached a copy of Mr. Holzer's letter. I was of the opinion, rightfully or wrongfully, that Mr. Garliss, with file in hand, met with Carl and indicated he was withdrawing his Petition for Variance. If this is correct, would you want anything further from our Office, i.e., an Order of Dismissal or should I treat this matter as closed?

WJW:dlw
Attachment

✓ c: W. Carl Richards, Jr., Supervisor, Zoning Review Office

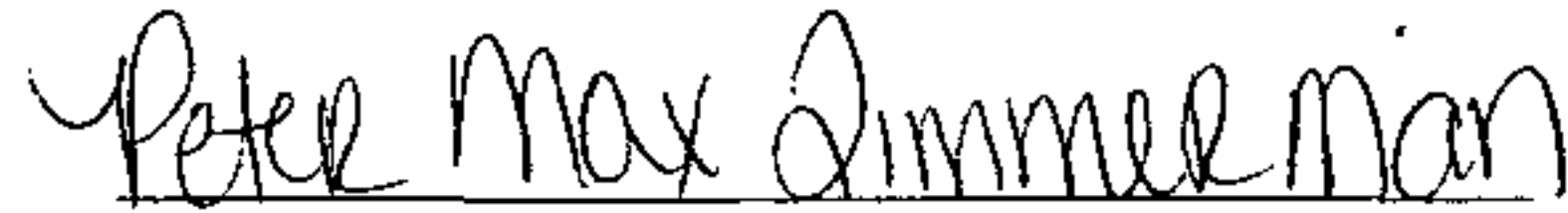
RE: PETITION FOR VARIANCE
1300 Winespring Lane; N/S Winespring
Lane, 2,200' E Bellona Avenue
9th Election & 2nd Councilmanic Districts
Legal Owner(s): Josef Garliss
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 07-320-A

* * * * *

ENTRY OF APPEARANCE

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



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of January, 2007, a copy of the foregoing Entry of Appearance was mailed to Josef Garliss, 1300 Winespring Lane, Ruxton, MD 21204, Petitioner(s).

RECEIVED

JAN 30 2007

Per.....



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MOORE & JACKSON, LLC

ATTORNEYS AT LAW

305 WASHINGTON AVENUE
SUITE 401
BALTIMORE, MARYLAND 21204

TELEPHONE 410-583-5241

FACSIMILE 410-583-7519

WWW.MOOREJACKSON.COM

Daniel J. Moore
William J. Jackson
Kevin M. Soper
Scott D. Goetsch
Joel D. Newport
Margaret Fonshell Ward

Karen Herzog Cooke
Andrew M. Belt

Thomas M. Trezise
Of Counsel

Margaret Fonshell Ward
Direct Dial: 410-583-2207 ext. 109
Email: ward@moorejackson.com

February 12, 2007

Timothy M. Kotroco
Director, Department of Permits and Development Management
111 West Chesapeake Avenue, Room 151
Towson, Maryland 21204

Re: Notice of Zoning Hearing, Case 07-320-A

Dear Mr. Kotroco:

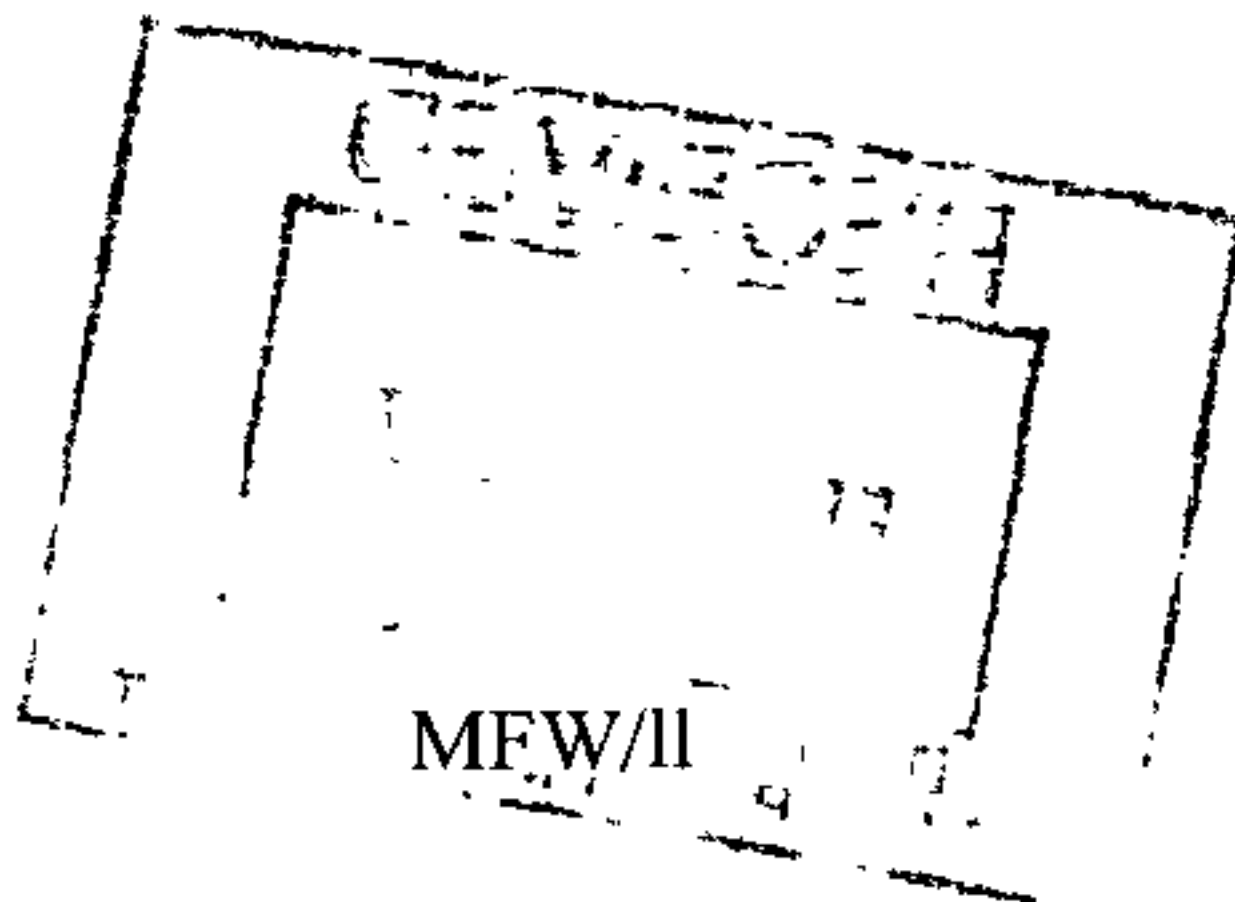
I have learned that there is to be a hearing on a request for variance concerning the property located at 1300 Wine Spring Lane, Towson, MD 21204, currently scheduled for 2:00 pm on Wednesday, February 21, 2007. I live at 7002 Charles Ridge Road, a property that is directly adjacent to the 1300 Wine Spring Lane property and I have an interest in the issues and outcome of the hearing.

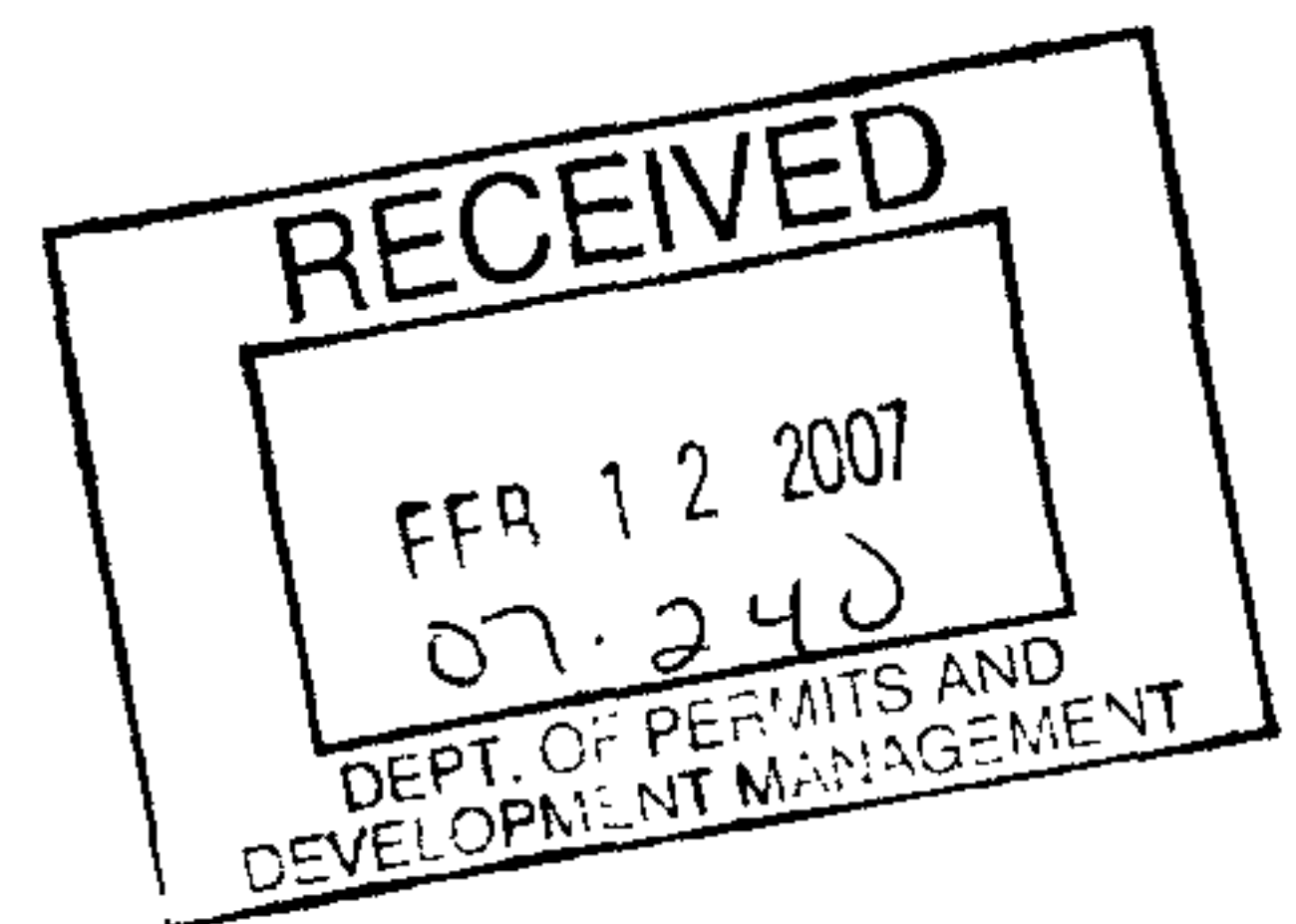
Unfortunately, I have a professional obligation already scheduled for February 21. Accordingly, I respectfully request that the hearing be postponed until the following week. Please contact me if you need further information or have any questions. Best regards.

Very truly yours,



Margaret Fonshell Ward





December 18, 2006

HAND DELIVERED TO
TODD GARLISS

Josef B. Garliss
1300 Wine Spring Lane
Baltimore, Maryland 21204-3664

Re: Stop Work Order

Dear Mr. Garliss:

A stop work order has been issued regarding the addition at the above address pending the outcome of a Petition for a zoning variance for a side yard set back. Your father this date has made an appointment with the Zoning Office in anticipation of filing the Petition.

At your request made through your father this date, I hereby suspend the stop work order upon condition that should your Petition for a variance be denied or otherwise result in the work completed to date being in violation of the Zoning Regulations of Baltimore County, that you will remove or alter the work completed to the end that there any violation be corrected and that such action on your part be done within sixty (60) days of any final decision on such matter.

Very truly yours,

Donald E. Brand, P.E.
Buildings Engineer

cc: Richard Rohlfs

January 19, 2007

HAND DELIVERED

Josef B. Garliss
1300 Wine Spring Lane
Baltimore, Maryland 21204-3664

Re: Reinstitution of Partial Stop Work Order

Dear Mr. Garliss:

On December 18, 2006, I suspended the stop work order upon condition that should your Petition for a variance be denied or otherwise result in the work completed to date being in violation of the Zoning Regulations of Baltimore County, that you will remove or alter the work completed to the end that there any violation be corrected and that such action on your part be done within sixty (60) days of any final decision on such matter.

Having been to the site and observed the extent of work completed, I realize that I should not have suspended the stop work order on December 18, 2006 for all work, and reinstate a stop work order at this time with regard to the garage extension. The issue of whether you can extend the east wall of the garage and how far will be decided by the Zoning Commissioner and in the interim the best policy is to NOW reduce any risk associated with the outcome of that hearing. You may continue to complete work on that portion originally permitted.

Very truly yours,

Donald E. Brand, P.E.
Buildings Engineer

cc: Richard Rohlfs
Lew Mayer

February 1, 2007

Mr. Timothy M. Kotroco
Director, Department of Permits and Development Management
111 West Chesapeake Avenue, Room 151
Towson, Maryland 21204

Subject: Notice of Zoning Hearing, Case 07-320-A

Dear Mr. Kotroco,

A zoning hearing for the property located at 1300 Wine Spring Lane, Ruxton 21204 is currently scheduled to be held at 2:00 pm on Wednesday, February 21, 2007.

My home is located at 7004 Charles Ridge Road, Towson 21204 and is directly adjacent to the above Wine Spring Lane property. The construction underway directly affects my home.

I presently expect to be away from Maryland on a business trip on February 21st and will be unable to attend the hearing as it is scheduled. Given I will be out of town, may I respectfully request this important meeting be rescheduled to a date the following week?

Thank you for your consideration. Please contact me with any questions.

Sincerely,


James R. Culp

7004 Charles Ridge Road
Towson, Maryland 21204

410-494-9787 (H)
410-332-2141 (W)

Portman

Krith - see new del info portman.



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

~~XXXXXXXXXXXXXXXXXXXX~~

jcholzer@cavtel.net

September 13, 2007

#7684

William Wiseman, Esquire
Zoning Commissioner
401 Bosley Avenue
Suite 405
Towson, Maryland 21204

RECEIVED
SEP 17 2007

BY:.....

RE: *Petition for Variance*
N/Side of Wine Spring Lane, 2200' East of Bellona Avenue
(1300 Wine Spring Lane)
9th Election District, 2nd Councilmanic District
Josef Garliss, Petitioner
Case No.: 07-320-A

Dear Mr. Wiseman:

Please be advised that my clients, the Culps, have not received any information from Mr. Garliss nor Mr. Covahey. Construction is continuing on the house. I have checked with Mr. Kotroco and Mr. Brand at the Department of Permits and Development Management. They have assured me that the Stop Work Order for the garage is still in place, however they have no ability to do anything further to require its removal until such time as you pass an Order denying the variance.

I have refrained from filing a Petition for Special Hearing to challenge the construction of the whole building, even though I indicated to you that I thought that was appropriate when we last convened. Since our hearing before you, I have been unable to either obtain an Agreement from Mr. Covahey and his client, Mr. Garliss, nor has the County required them to submit plans for the house which they are constructing.

William Wiseman, Esquire
September 13, 2007
Page two

In order to resolve this matter, my clients were willing to permit the house being constructed if the porch and the expansion over the porch was removed. To date, only the expansion over the porch or garage has been removed while the lower section still remains.

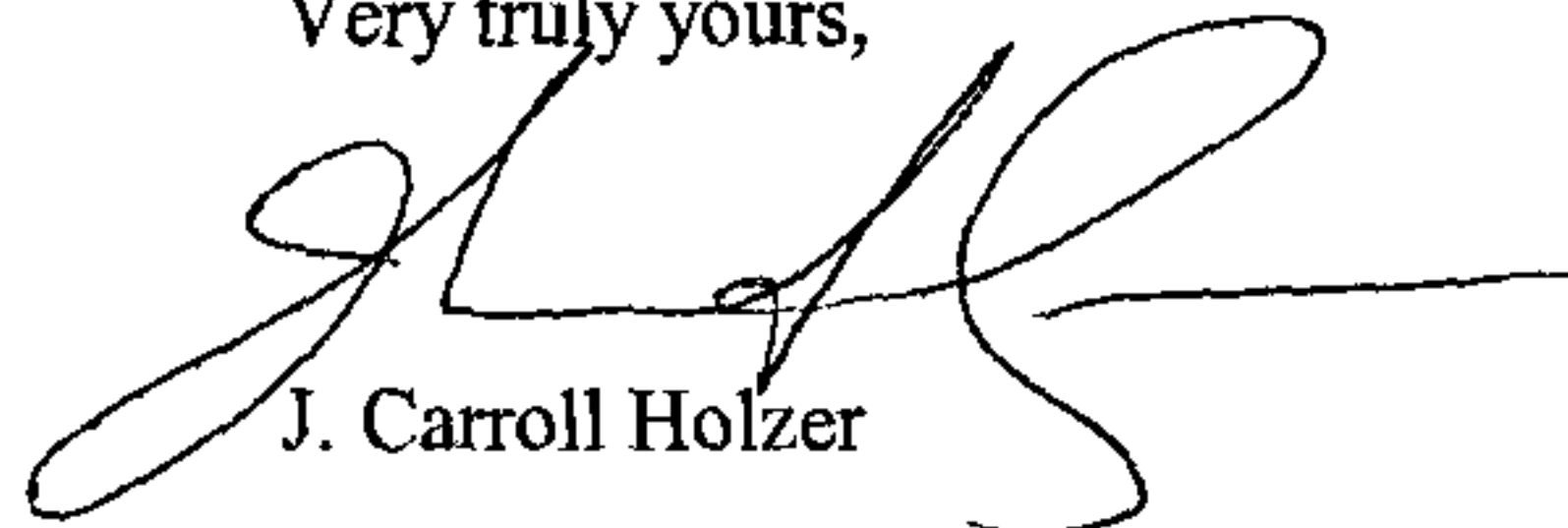
We can conclude this matter if Mr. Garliss and Mr. Covahey remove the final portion of the remaining garage/porch as required under the Stop Work Order.

My clients are frustrated at the inability to resolve this matter and have had promises but no action from Mr. Garliss. I therefore suggest that this matter be set in immediately for either conclusion of the variance request or an acknowledgement by the Garliss' that they will remove the remaining portion of the garage/porch. An Order needs to be passed before Permits and Development Management will take any further action.

By copy of this letter, I am advising Mr. Kotroco and Mr. Brand of my request.

I believe that the Department of Permits and Development Management may have also commented directly to you in regard to this matter.

Very truly yours,



J. Carroll Holzer

JCH:mlg

cc: Mr. Timothy Kotroco
Mr. Donald Rascoe
Mr. Donald Brand
Edward C. Covahey, Jr., Esquire

COVAHEY, BOOZER, DEVAN & DORE, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING
FRANK V. BOOZER, JR.

410-828-9441

FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204
410-828-5525
FAX 410-296-2131

COPY

*ALSO ADMITTED TO D.C. BAR

September 20, 2007

J. Carroll Holzer, Esq.
Holzer & Lee
508 Fairmount Ave.
Towson, Maryland 21286

Re: Josef Garliss - 1300 Winespring Lane
Case No. 07-320-A

Dear Mr. Holzer:

Thank you for your letter dated September 13, 2007, however, I note that in your letter to Commissioner Wiseman, you state you can conclude this matter if Mr. Garliss and Mr. Covahey remove the claimed offending structure. Please understand I am the lawyer and I do not have either the ability or the legal authority to remove anything.

You need to remember - we are advocates and counselors, not the parties.

Very truly yours,

19

Edward C. Covahey, Jr.

ECC, Jr./ldr
0918ld10
cc: William Wiseman, Zoning Commissioner
Todd B. Garliss
Josef B. Garliss



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 19, 2007

11/9
9AM

WILLIAM J. WISEMAN III
Zoning Commissioner

Donald Brand, Buildings Engineer
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: **PETITION FOR VARIANCE**
N/Side of Wine Spring Lane, 2200' East of Bellona Avenue
(1300 Wine Spring Lane)
9th Election District – 2nd Council District
Josef Garliss - Petitioner
Case No. 07-320-A

Dear Mr. Brand:

As the history of this case shows, the hearing was opened and continued to allow the parties more time to study the site plan in view of the issues raised. As indicated at the hearing, this is to notify all attendees that counsel have agreed that the above-captioned matter be rescheduled for continuance on Friday, November 9, 2007, at 9:00 A.M., in Room 407, 4th Floor, of the County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204.

At this time, I am not aware of new site plan revisions as promised. I leave to the discretion of those interested residents who attended on March 8, 2007, the decision as to whether or not they attend. If you have any questions, or wish to call my office several days before the November 9th date for the current status, please feel free to do so.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: People's Counsel; Timothy M. Kotroco, Director, DPDM; Case File
Division of Code Inspections and Enforcement, DPDM; Kristen Matthews, DPDM
J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, Maryland 21286
Edward C. Covahey, Jr., Esquire, Covahey, Boozer, Devan & Dore, P.A.,
614 Bosley Avenue, Towson, Maryland 21204
Josef B. Garliss, 7117 Wardman Road, Baltimore, Md. 21212
Barbara Cox, 6901 Charles Ridge Road, Towson, Md. 21204
Kris and Rob Culp, 7004 Charles Ridge Road, Towson, Md. 21204
Susan Thompson, 7006 Charles Ridge Road, Towson, Md. 21204
Charles Todd Banister and Peyton Garliss, 13910 Poplar Hill Road, Phoenix, Md. 21131
Margaret Fonshell Ward, 7002 Charles Ridge Road, Baltimore, Md. 21204
Nancy Worden Horst, Ruxton-Riderwood-Lake Roland Area Improvement
Association, Inc., P.O. Box 204, Riderwood, Md. 21139
Pegg and Lauren Melfa, 1302 Wine Spring Lane, Ruxton, Md. 21204
Jack Trapp, 1304 Wine Spring Lane, Ruxton, Md. 21204

November 29, 2007

RECEIVED
NOV 30 2007

William J. Wiseman, III
Zoning Commissioner
Baltimore County
401 Bosley Avenue, Suite 405
Towson, MD 21204

BY: _____

Re: Draft Order - 07-320-A - Josef Garliss

Dear Commissioner Wiseman,

Yesterday, we received a copy of your proposed draft of the Memorandum and Order regarding Case No. 07-320-A.

While we are pleased the case is moving forward, we would like to share comments about the draft Memorandum and Order. The draft Memorandum and Order describes the case using evidence that was not cross-examined. This makes us uncomfortable as we disagree with a significant portion of the evidence. Our goal is for the record to be accurate.

How may we offer comments for your consideration? We would be pleased to meet with you at your convenience to discuss.

Respectfully,

James R. Culp *Kristen F. Culp*

James R. and Kristen F. Culp
7004 Charles Ridge Road
Towson, MD 21204
410-494-9787

MOORE & JACKSON, LLC

ATTORNEYS AT LAW

305 WASHINGTON AVENUE
SUITE 401
TOWSON, MARYLAND 21204

TELEPHONE 410-583-5241

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Daniel J. Moore
William J. Jackson
Kevin M. Soper
Scott D. Goetsch
Joel D. Newport
Margaret Fonshell Ward

Karen Herzog Cooke
Stefan B. Ades

Thomas C. Swiss
Counsel

Margaret Fonshell Ward
Direct Dial: 410-583-2207 ext. 109
Email: ward@moorejackson.com

December 31, 2007

William W. Wiseman, III
Office of the Zoning Commissioner
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Re: Petition for Variance
1300 Wine Spring Lane
Case No. 07-320-A

RECEIVED
JAN 02 2008
BY _____

Dear Commissioner Wiseman:

As your file will reflect, I am an adjacent homeowner to the premises noted above and I attended the initial hearing of this matter. I did not testify at that hearing, nor have I ever submitted any written testimony or position statements. I was rather startled to see, then, that there are positions and statements attributed to me in a draft Memorandum and Order apparently prepared for your signature. Ms. Kristen Culp, one of the Protestants, provided a copy of the draft Memorandum to me for review, both because of my interest in the matter as an adjacent landowner, and because she believed I should be aware of the attribution being made in the proposed document.

Specifically, on page 4 of the draft Memorandum, there is the following statement: "Conversely, the Protestants and one of their nearby neighbors, Margaret Ward, believed that the Petitioner was trying to take advantage of the regulations and point out that any practical difficulty or hardship caused by the increased size of the garage structure is of a self-inflicted nature." I have never made any such statement to anyone, but, of course, what is most important is that it would be highly improper for such a statement to be attributed to me and included in the final Memorandum without such assertions being made on the record in the pending matter, either in oral or written testimony.

MOORE & JACKSON, LLC

ATTORNEYS AT LAW

December 31, 2007

Page 2

I do not know who drafted the proposed Memorandum and Order and, consequently, I have copied this letter to counsel for both the Culps and Josef B. Garliss. I specifically request that the drafter delete from the final Memorandum any attribution of statements or positions to me, since I have made none in the pending case. Please feel free to contact me if you have any questions or comments. Best regards.

Very truly yours,



Margaret Fonshell Ward

MFW/ll

cc: J. Carroll Holzer
Edward C. Covahey
James and Kristen Culp

IN RE: PETITION FOR VARLANCE

N/Side of Wine Spring Lane,
2200' East of Bellona Avenue
(1300 Wine Spring Lane)
9th Election District-2nd Council District
Josef Garliss - Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.07-320-A

* * * * *

SUBPOENA

TO: W. CARL RICHARDS, JR., CHIEF
BALTIMORE COUNTY
PERMITS & DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE., ROOM 111
TOWSON, MD 21204

You are hereby summoned and commanded to be and appear personally
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore
County in Room 407, 4th Floor of the County Courts Building, 401 Bosley Ave.,
Towson, Maryland 21204

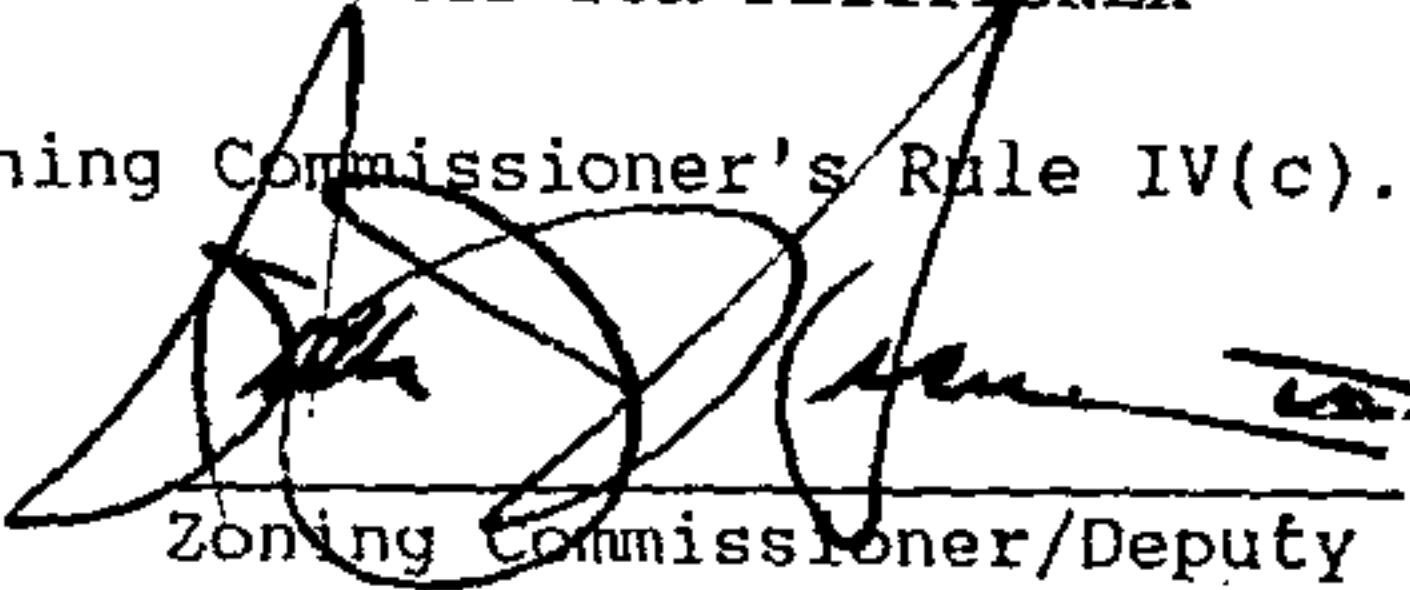
and to bring _____

on the 9th day of November, 2007 ~~XXXX~~, regarding the above captioned
case, for the purpose of testifying at the request of Josef Garliss,
Petitioner.


EDWARD C. COVAHEY, JR.
COVAHEY, BOOZER, DEVAN & DORE, P.A.
614 BOSLEY AVENUE
TOWSON, MARYALND 21204
410-828-9441
ATTORNEYS FOR PETITIONER

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).


Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: November 1, 2007

CASE NAME
CASE NUMBER
DATE

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
John Conway	614 BOSLEY AVE	Towson MD 21204	
Charles 1600 Eastern Queens	13910 Potomac Hills Rd	Frederick MD 21111	

Paul Hähne
Code Enforcement
Office
~~Room 6A~~
1009-MS

please send an
Order to him when
it is signed —

Case - 07-320-A

1300 Winesprung Lane
"Garless"

done
Jan 3/20

PLEASE PRINT CLEARLY

CASE NAME 07-320-A
CASE NUMBER GAE115
DATE 6/19/07

E-MAIL

[illegible]

PLEASE PRINT CLEARLY

ZIP

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
BARBARA COX	6901 CHARLES RIDGE RD	TOWSON, MD 21204	BARBIECOX@COMCAST.NET
Kris Culp	7004 Charles Ridge Rd.	Towson, MD 21204	KRICULP@earthlink.net
Rob Culp	7004 Charles Ridge Rd	Towson, MD 21204	ICULP@US.IBM.COM
Susan Thompson	7006 Charles Ridge Rd	Towson, MD 21204	Thompsonhouse@comcast.net
CHRISTOPHER DAVIS	13910 Poppard Hill Rd	Phoenix Md. 21131	
Josef B Carlisle	7117 Wardman Rd	Baltimore, MD 21218	
Margaret Fonshell Ward	7002 Charles Ridge Rd	Baltimore, MD 21204	ward@moorejackson.com
Nancy Worden Horst	P.O. Box 204 (RRLRAIA)	Ridgwood, MD 21139	ruxrider@bcpl.net
Peggy Melfer	1302 Wine Spring Ln	Roxton MD 21204	PeggM@aol.com
Louise Melfer	1302 Wine Spring Ln	Roxton MD 21204	LouisaA2@aol.com
Jack Trapp	1304 Wine Spring Ln	Towson MD 21204	
Rayton Garvine	13910 Poplar Hill Rd.	Phoenix, MD. 21131	
Alys - Golan			
Coverley			

ZONING COMMISSIONER'S POLICY MANUAL

SECTION
102.1

CONFORMANCE WITH B.C.Z.R.

A. Deficient Setbacks

1. RESIDENTIAL

If an addition is proposed to a residential building and any setback is deficient, this setback may be extended provided that the deficiency is not increased nor the use of the building is changed (see 102.1.B ZCPM below)

2. NONRESIDENTIAL

a. Minor additions that:

- i. meet the current requirements, or
- ii. in line with an existing deficient setback, and not creating any other deficiencies, and;
- iii. in either case, regardless of the size of the addition, the area utilized for the addition would not prevent correcting any other deficiencies that exist on the property.
- iv. if under "i" and there is no conflict with "iii" and all the current requirements are met, a variance is not required. However, if under "ii", only that particular deficiency or setback must be rectified prior to zoning approval.

b. Major or minor additions that:

- i. are in line with an existing deficient setback but also creating another deficiency, or
- ii. creating two deficiencies, or
- iii. utilizing an area that would prevent correcting any other deficiencies on the property.
- iv. then all of the deficiencies on the property must be rectified prior to zoning approval.

3. SUBDIVISIONS

When subdividing property with existing deficient setbacks, these existing setbacks will be allowed to stand, and not require a zoning variance provided:

- a. that there are no use changes in the existing building and that,
- b. the existing building meets all current required setbacks to any newly created property or lease lines, including R/W widening when widening is taken at the time of record plat or building permit.

- B. CONVERSIONS WITH DEFICIENT SETBACKS - When the use of an existing building changes and the setback requirements for the new use are greater than the existing building setback, existing setbacks shall not be considered as nonconforming and zoning compliance will be required. This may be accomplished by removing a portion of the building, purchasing additional property, or successfully petitioning for a variance based upon hardship or practical difficulty.

determined by the Department of Environmental Protection and Resource Management.

- E. Growth allocation will not be required for subdivisions of land where each resultant parcel or lot contains a dwelling which existed on December 1, 1985.
- F. Residential subdivision of land other than for single-family dwellings, as covered by Paragraphs D and E of this subsection, is permitted in accordance with an approved final development plan or record plat if the approval was granted by the county before June 1, 1984.
- G. For nonresidential developments, a lot or parcel of land may be developed with a use permitted on the property under the zoning or use regulations in effect on December 1, 1985, notwithstanding that such development may be inconsistent with the provisions of Article 33, Title 2 of the Baltimore County Code and provided that this right to develop is subject to the Zoning Regulations in effect at the time the right is to be exercised; unless the lot or parcel is within the recorded or approved plat or a plan of a land subdivision approved by the county before December 1, 1985, in which case the limitations and rights pertaining to the approved plan or plat shall govern.

Section 104
Nonconforming Uses
[BCZR 1955]

104.1 A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. [Bill Nos. 18-1976; 124-1991]

Abandonment
or discontinuance
does not apply
to a validly
utilized Special
Exception.

104.2 A structure damaged to any extent or destroyed by fire or other casualty may be restored within two years after such destruction or damage but may not be enlarged. In the case of residentially used structures which are nonconforming in density, the number of dwelling units or density units rebuilt may be equal to but may not exceed the number of units which existed before the casualty. [Bill No. 124-1991]

104.3 No nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25% of the ground floor area of the building so used. This provision does not apply to structures or uses restored pursuant to Section 104.2, except as authorized by the Zoning Commissioner pursuant to Section 307. [Bill No. 124-1991]

If nonconforming
Setback, but
use is permitted
then 25%
expansion only
applies to setback
deficiency, not
entire building

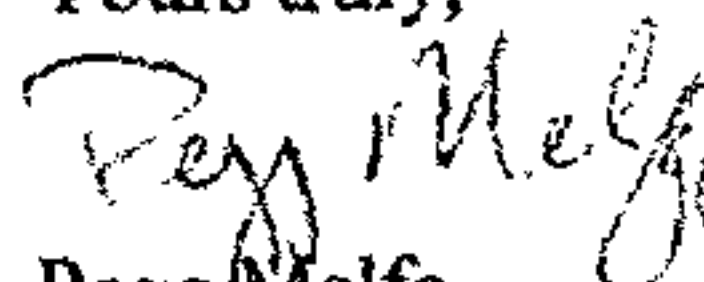
104.4 Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. [Bill Nos. 167-1980; 124-1991]

January 9, 2007

To Whom It May Concern:

At 1300 Wine Spring Lane, Jody Garliss is adding a two story addition to an original rancher. Our property adjoins his on the west and north sides which are to his side and rear. While his lot is nearly an acre, its long, narrow shape is difficult and dictates building close to the sides of his property which will significantly change the view for the closest neighbors. We understand there are some unresolved issues about property boundaries, especially on the east, and permits which need to be addressed. Aside from those matters, the building plans are for an attractive and interesting façade that suits the neighborhood. In addition, Jody seems sensitive to issues of privacy and expresses a willingness to work with neighbors to resolve any concerns. We look forward to having the Garlisses as neighbors.

Yours truly,


Pegg Melfa

1302 Wine Spring Lane

07-320-A

January 8, 2007

**Re: 1300 Winespring Lane
Baltimore, Maryland 21204**

To Whom It May Concern:

As a neighbor for over 20 years, I have known this property and its owners to some degree. I have been entertained in this house and I pass it each time I set out for a walk.

The house was a small, one-story frame dwelling with great charm but in need of considerable improvement. The present owners are converting it into a handsome two-story house with attractive proportions and appealing lines. When completed, it will add substantial value to the general area.

**Richard E. Gatchell
1411 Walnut Hill Lane
Baltimore, Maryland 21204**

07-320 -A

Josef B. Garliss
1300 Winespring lane
Ruxton, Maryland 21204

January 10, 2007

Office of Zoning

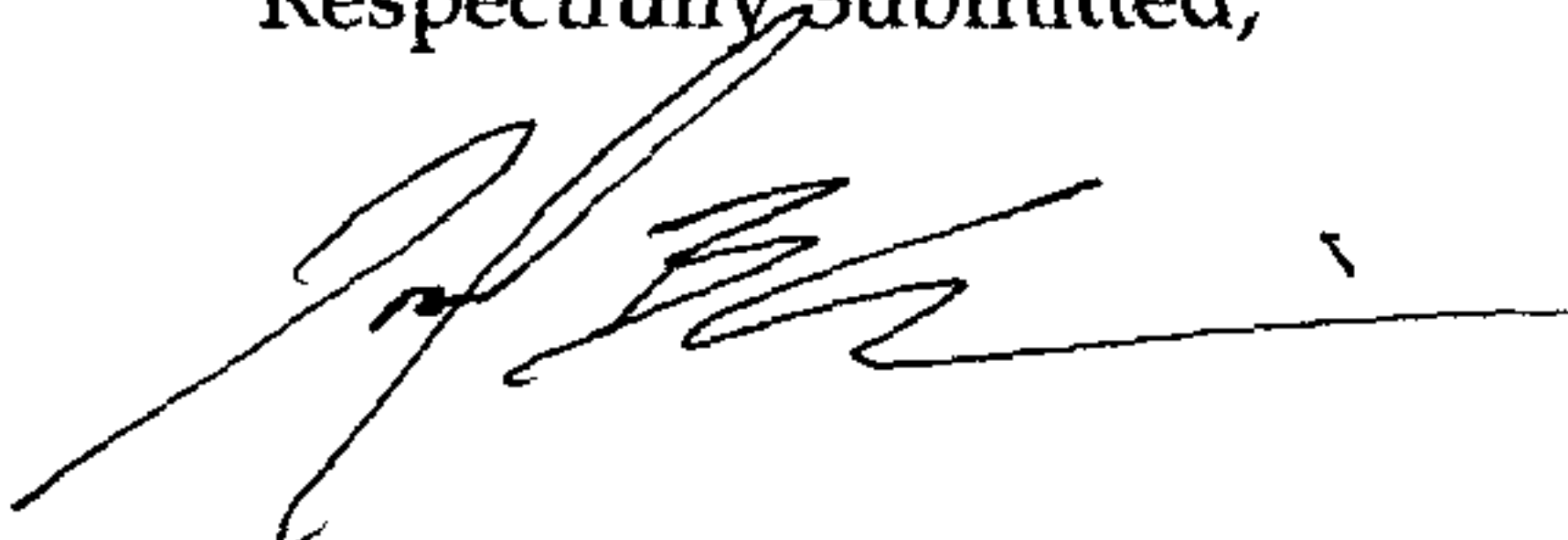
Dear Sir or Madam:

As a result of our last meeting, I am providing you with the existing square footage measurements and added footprint percentages.

They are as follows:

Original 1952 footprint.....	2376 square feet
Added living space footprint.....	912 square feet
Percentage added.....	38.3%

Respectfully Submitted,

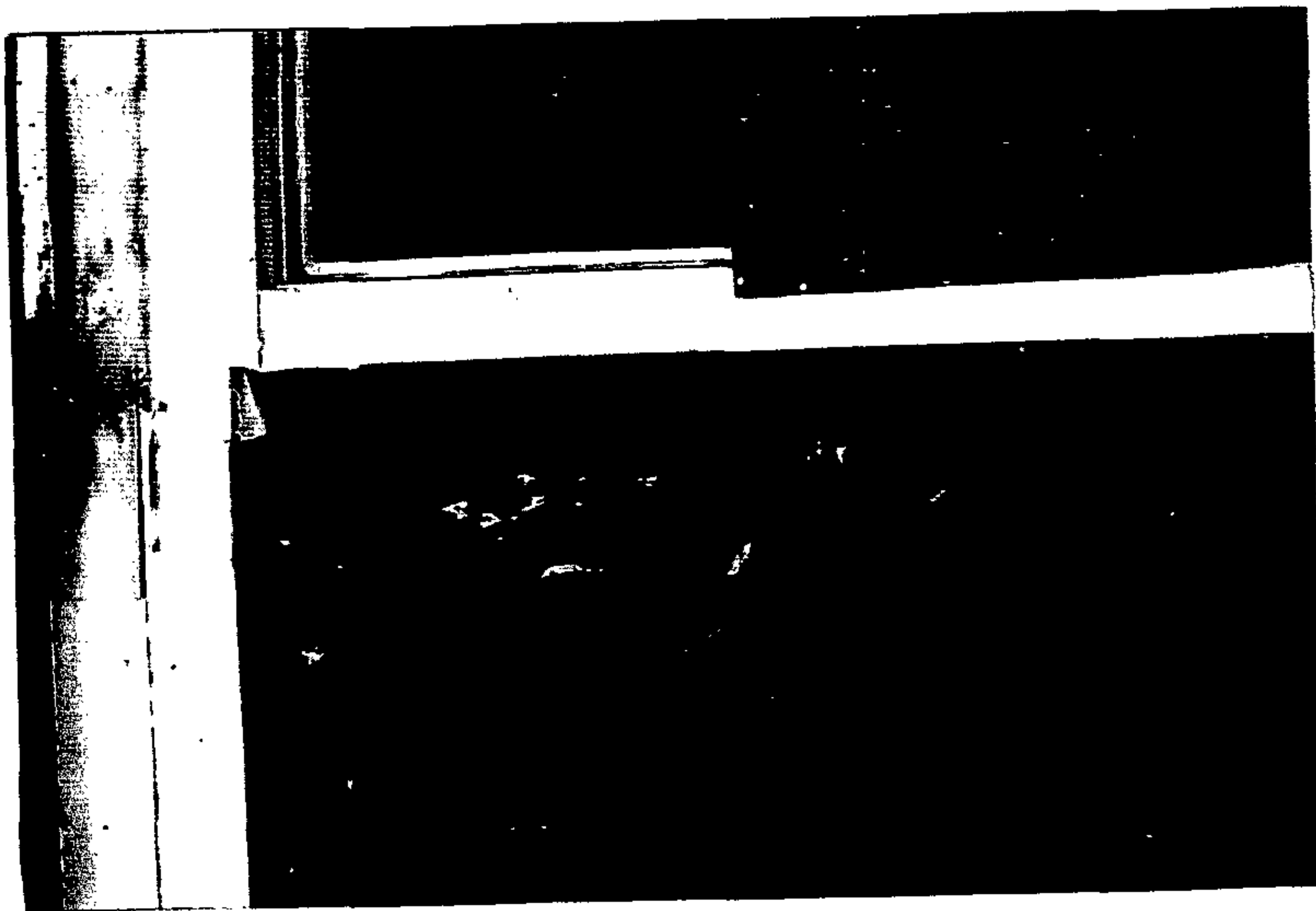


Josef B Garliss

07-320-A



07-320-F



07-320-A



07520-A



07-320-A

TO THE EAST



TO THE WEST



07-520-14