

IN RE: PETITION FOR VARIANCE

NE side of Hillen Avenue, 90 feet S
of Fairmount Avenue
9th Election District
5th Councilmanic District
(333 Hillen Avenue)

Ryan Yaffe
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 2009-0059-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Ryan Yaffe. Petitioner is requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling with a side yard setback of five feet in lieu of the minimum required 10 feet; a rear yard setback of 19 feet in lieu of the minimum required 50 feet; and a rear yard setback of 10 feet in lieu of the minimum required 37½ feet for a proposed open projection (porch). The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Ryan Yaffe, and his father, Richard Yaffe. Stuart D. Kaplow, Esquire appeared and represented Petitioner. There were no Protestants or other interested persons in attendance at the hearing. The case was originally scheduled for October 14, 2008 at 2:00 PM. On that date, Petitioner and his attorney appeared. As a preliminary matter, the undersigned reviewed the file and determined that the property posting and publishing notice requirements had been met for the hearing, and that no Protestants or other interested persons attended the scheduled hearing. At that time, Petitioner's attorney, Mr. Kaplow, requested a postponement. Mr. Kaplow explained that Petitioner was proceeding through the Design Review Panel ("DRP") process and that the

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project was scheduled to be heard before the DRP on November 12, 2008. The purpose of the postponement request was so Petitioner could have the comments and recommendations from the DRP concerning his project prior to the ensuing hearing on the petition for zoning relief. There being no interested parties in attendance at the hearing, the undersigned granted the request.

At the subsequent hearing on December 8, 2009, the testimony and evidence offered revealed that the subject property is a square-shaped property consisting of approximately 5,170 square feet or 0.119 acre, more or less, zoned D.R.10.5. The property is located on the north side of Hillen Avenue, east of York Road in the East Towson area of Baltimore County. Specifically, the property is situated near the northeast corner of Hillen Avenue and Fairmount Avenue. Hillen Avenue is actually East Towsontown Boulevard and becomes Hillen Avenue at the intersection with Aigburth Avenue to the south and Fairmount Avenue to the north.

Mr. Kaplow proffered that the existing dwelling on the site is very old and in a state of disrepair. The structure is vacant and deteriorating and the property is overgrown. Petitioner recently purchased the subject property and desires to raze the existing structure and replace it with a two-story single-family dwelling with a full covered front porch, a side loading two car garage, and a ground level open projection porch attached to the rear of the home. Mr. Kaplow also indicated that Petitioner plans to redevelop this property for the purpose of residing in the newly constructed home. In order to follow through with the planned improvements, Petitioner is in need of variance relief from the side yard, rear yard, and open projection setback requirements contained in the B.C.Z.R.

Further evidence revealed that, following the initial postponement of the instant zoning hearing, Petitioner came before a meeting of the DRP on November 12, 2008. The DRP is chaired by Mr. William Monk. A copy of the Meeting Minutes of the DRP was marked and

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By

accepted into evidence as Petitioner's Exhibit 2. At the meeting, Petitioner presented his plan for the property and received comments from the DRP panel members and from Michael Gerding representing the nearby Towson Manor Village Community Association. Following discussion on the project, the DRP approved the project with several conditions. These conditions included revising the front porch railing height, constructing steps to grade off the rear porch if needed, adding first floor windows to the east elevation, adding windows to the west elevation that line up with the garage doors, and revising the front elevation to show grading and steps. As a result of the DRP meeting, the Chairman, Mr. Monk, revised the site drawing slightly for the proposed new house. As shown on the drawing that was marked and accepted into evidence as Petitioner's Exhibit 3, this results in the rear yard setback for the open projection to be five feet instead of the requested 10 feet. As such, Mr. Kaplow made an oral motion to amend the Petition to reflect this change in the dimensions for the open projection porch. There being no opposition to the motion and finding that the motion did not alter the nature or character of the original petition for zoning relief, the undersigned granted the motion to amend.

In support of the variance requests, Mr. Kaplow advised that the location of the property and age of the property and associated dwelling, as well as the size of the lot, are what drive the need for the variance relief. The property is located in the historic district of East Towson, and the existing dwelling -- though not historically significant -- dates back to the early 1900's.¹ In addition, the existing footprint of the dwelling is non-conforming as to the current setback requirements and predates the zoning regulations. Moreover, the lot itself is only 59.56 feet deep, hence it would be impossible to satisfy the minimum 50 foot rear setback requirement. It is also noteworthy that the East Towson area is undergoing redevelopment similar to that which

¹ The property in question is listed on the Baltimore County Inventory CI #1150 (MIHP #BA-1150). As a consequence, a demolition request preceded this zoning relief request, and was reviewed and approved by the Landmarks Preservation Commission ("LPC") on July 10, 2008.

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is proposed by Petitioner. Although some of the older homes still remain, others in the area have been razed and replaced with newer dwellings. For example, tax records indicate that the home at 337 Hillen Avenue immediately next door to the subject property was constructed in 1999, and the home at 343 Hillen Avenue was constructed in 2003.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments received from the Office of Planning dated October 1, 2008 indicated that while the size and configuration of the lot limit the design choices, the new dwelling should, to the greatest extent possible, replicate the scale of the former house and incorporate some of the community's prevalent architectural elements into the project. Additionally, the new dwelling should conform to the design guidelines set forth in the East Towson Design Standards.

Considering of all the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In particular, the property is located in the East Towson Historic District and the existing dwelling is approximately 100 years old and in a severe state of disrepair. As evidenced by the Landmarks Preservation Commission's approval of a demolition request, it is clear that the existing home is need of replacement. Petitioner has appeared before the Design Review Panel and has received their approval of the project, subject to certain conditions. In addition, the age of the existing dwelling predates the zoning regulations and is currently nonconforming. Clearly, any replacement dwelling could not meet all the setback requirements of the current zoning regulations. Hence, I find that the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

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[Signature]

Finally, based on the evidence presented by Petitioner -- particularly the elevation drawings and renderings contained in Petitioner's Exhibit 3, and based on the Meeting Minutes and approval granted by the DRP as indicated in Petitioner's Exhibit 2, I find the variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

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

THEREFORE, IT IS ORDERED this 10th day of December, 2008 by this Deputy Zoning Commissioner, that Petitioner's variance relief requests from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling with a side yard setback of five feet in lieu of the minimum required 10 feet; a rear yard setback of 19 feet in lieu of the minimum required 50 feet; and a rear yard setback of five feet in lieu of the minimum required 37½ feet for a proposed open projection (porch) be and are hereby GRANTED. The relief granted herein shall be subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Although the size and configuration of the lot limit the design choices, the new dwelling should, to the greatest extent possible, replicate the scale of the former house and incorporate some of the community's prevalent architectural elements into the project.
3. The new replacement dwelling shall be constructed in a manner that is consistent with the approval granted and conditions stated by the Design Review Panel in the Meeting Minutes accepted into evidence as Petitioner's Exhibit 2, and the site plan, elevation drawings and renderings accepted into evidence as Petitioner's Exhibit 3.

ORDER RECEIVED FOR FILED

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

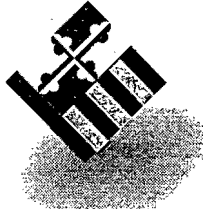

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

STAMP RESERVED FOR FILING

 12-10-08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 10, 2008

STUART D. KAPLOW, ESQUIRE
15 EAST CHESAPEAKE AVENUE
TOWSON MD 21283

Re: Petition for Variance
Case No. 2009-0059-A
Property: 333 Hillen Avenue

Dear Mr. Kaplow:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Th H Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Ryan Yaffe, 3229 Hunting Tweed Drive, Owings Mills MD 21117
Richard Yaffe, 27 Walker Avenue, Baltimore MD 21208

TAX. ACCOUNT 0913200961

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 333 HILLEN AVENUE
which is presently zoned DR 10.5

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) 1B02.3.C.1, BCZR, to permit a replacement dwelling

with a side yard setback of 5 feet in lieu of the minimum required 10 feet and a rear yard setback of 19' in lieu of the minimum required 50 feet, and to permit a proposed open projection (porch) with a rear yard setback of 10 feet in lieu of the minimum required 37 1/2 feet of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Ryan Yaffe

Name - Type or Print

Ryan Yaffe

Signature

Name - Type or Print

Signature

x 3229 Hunting Tweed Dr. x 410-363-9206

Address

Telephone No.

x Owings Mills x MD x 21117

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2009-0059-A

REV 9/15/98

Reviewed By JNP

Date 8/28/08

12-10-08

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

ZONING DESCRIPTION FOR # 333 HILLEN AVENUE

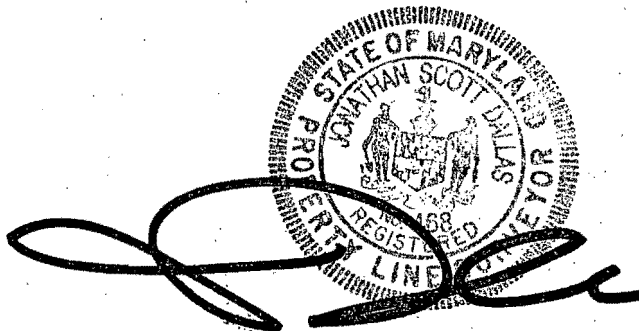
BEGINNING at a point on the northeast side of Hillen Avenue, 30 feet wide, at the distance of 90 feet, more or less southeast of the center of Fairmount Avenue 50 feet wide.

PART OF
BEING ↑ Lot No.2, "PLAT OF THE RELIEF ASSOCIATION OF BALTIMORE COUNTY, MD" as recorded in Baltimore County Plat Book No.2 Folio 42.

CONTAINING 5,170 square feet of land, more or less or 0.119 acres of land, more or less.

ALSO known as # 333 HILLEN AVENUE (OR ROAD) and located in the 9TH Election District 5TH Councilmanic District.

Note: above description is based on existing record plat and is for zoning purposes only.



2009-0059-A

No. 28507

Date:

8/28/28

SECRET

BUSINESS DAY TIME
8/29/2008 8/29/2008 14:57:18

REG 0502 MAIL JENNY PER
RECEIPT # 601565 8/28/74 JFL

SECRET

12503

Receipt Total \$164.00

168.00 Dr. 14.00 Cr.

Baltimore County, Maryland

[illegible]

Total: 65.00

Rec

From:

RYAN W YAFFE

For:

VARIANCE - 333 HILLEN AVENUE
D 009-0059-A (YAEFF)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

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: # 2009-0059-A

333 Hillen Avenue

N/east side of Hillen Avenue, 90 feet south of Fairmount Avenue

9th Election District — 5th Councilmanic District

Legal Owner(s): Ryan Yaffe

Variance: to permit a replacement dwelling with a side yard setback of 5 feet in lieu of the minimum required 10 feet and a rear yard setback of 19 feet in lieu of the minimum required 50 feet and to permit a proposed open projection (porch) with a rear yard setback of 10 feet in lieu of the minimum required 37 1/2 feet.

Hearing: Tuesday, October 14, 2008 at 2:00 p.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT 9/739 Sept. 30

184666

CERTIFICATE OF PUBLICATION

10/21, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/30, 2008.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 09/30/08

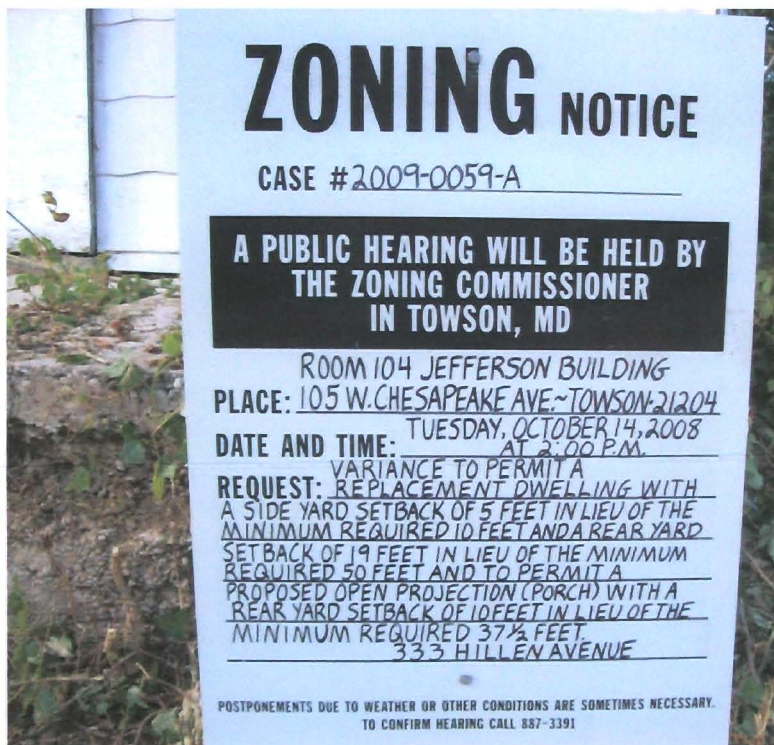
Case Number: 2009-0059-A

Petitioner / Developer: RYAN YAFFE

Date of Hearing (Closing): OCTOBER 14, 2008

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:
333 HILLEN AVENUE

The sign(s) were posted on: SEPTEMBER 27, 2008



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 of Sign Poster)

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

**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: 2009-0059-A
Petitioner: RYAN YAFFE
Address or Location: 333 MILLER AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ryan Yaffe
Address: 3229 Hunting Tweed dr.
Owings Mills, MD 21117

Telephone Number: 410-363-9206

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 30, 2008 Issue - Jeffersonian

Please forward billing to:

Ryan Yaffe
3229 Hunting Tweed Drive
Owings Mills, MD 21117

410-363-9206

NOTICE OF ZONING HEARING

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CASE NUMBER: 2009-0059-A

333 Hillen Avenue

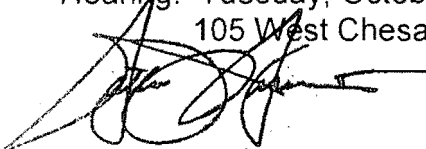
N/east side of Hillen Avenue, 90 feet south of Fairmount Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Ryan Yaffe

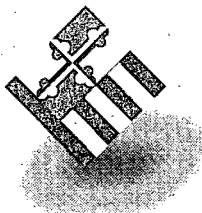
Variance to permit a replacement dwelling with a side yard setback of 5 feet in lieu of the minimum required 10 feet and a rear yard setback of 19 feet in lieu of the minimum required 50 feet and to permit a proposed open projection (porch) with a rear yard setback of 10 feet in lieu of the minimum required 37 ½ feet.

Hearing: Tuesday, October 14, 2008 at 2:00 p.m. in Room 104, Jefferson Building,
105 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

September 15, 2008
TIMOTHY 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: 2009-0059-A

333 Hillen Avenue

N/east side of Hillen Avenue, 90 feet south of Fairmount Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Ryan Yaffe

Variance to permit a replacement dwelling with a side yard setback of 5 feet in lieu of the minimum required 10 feet and a rear yard setback of 19 feet in lieu of the minimum required 50 feet and to permit a proposed open projection (porch) with a rear yard setback of 10 feet in lieu of the minimum required 37 ½ feet.

Hearing: Tuesday, October 14, 2008 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Ryan Yaffe, 3229 Hunting Tweed Drive, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 29, 2008**
- (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.

STUART D. KAPLOW, P.A.

ATTORNEYS AT LAW

15 EAST CHESAPEAKE AVENUE

TOWSON, MARYLAND 21286-5306

TELEPHONE 410-339-3910

FACSIMILE 410-339-3912

E-MAIL SKAPLOW@STUARTKAPLOW.COM

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

October 14, 2008

Ms. Kristen L. Matthews
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: **333 Hillen Avenue**
Case 2009-0059-A

Dear Ms. Matthews:

As you may be aware, at the request of the petitioner, Ryan Yaffe, the above note matter was postponed at the outset of the hearing on October 14th.

By this letter I request that the matter be rescheduled for the very first available date after November 12th (it can be set before either of the Commissioners). This should be a very quick not contested matter.

And specifically, by his order from the bench on the 14th, the new hearing date does **not** have to be reposted **nor** readvertized.

Thank you in advance for your courtesies.

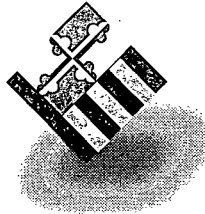
Sincerely,

Stuart Kaplow

Stuart D. Kaplow

SDK:tbm

cc: Thomas H. Bostwick, Deputy Zoning Commissioner
Mr. Ryan Yaffe



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 19, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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Legal Owners: Ryan Yaffe

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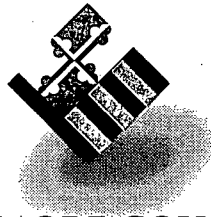
Hearing: Monday, December 8, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Ryan Yaffe, 3229 Hunting Tweed Drive, Owings Mills 21117
Stuart Kaplow, 15 East Chesapeake Avenue, Towson 21286



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

October 8, 2008

Ryan Yaffe
3229 Hunting Tweed Dr.
Owings Mills, MD 21117

Dear: Ryan Yaffe

RE: Case Number 2009-0059-A, 333 Hillen Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 28, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 9, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For September 15, 2008
Item Nos. 09-0058, 0059, 0060, 0061,
0062, 0063, and 0064

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

DAK:CEN:lrk
cc: File
ZAC-09092008-NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

September 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 8, 2008

Item Number: 0059, 0060, 0063, 0062, 0064

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 9/12/2008

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

RE: Baltimore County
Item No 2009-0059-A
RYAN YAFFE
333 HILLEN AVE.
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. 2009-0059A

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



TB 10/14
2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 1, 2008

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

SUBJECT: 333 Hillen Avenue

Item Number: 9-059

Petitioner: Ryan Yaffe

Zoning: DR 10.5

Requested Action: Variance

RECEIVED
OCT 06 2008
BY: _____

SUMMARY OF RECOMMENDATIONS:

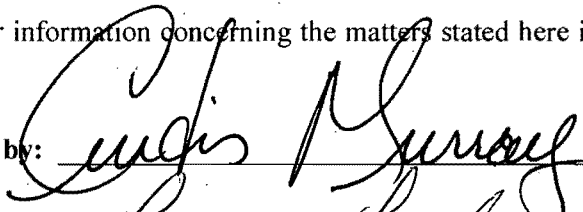
The property in question is listed on the Baltimore County Inventory CI # 1150 (MIHP # BA-1150). As a consequence, the demolition request preceding this variance request was reviewed and approved by the Landmarks Preservation Commission (LPC) on July 10, 2008.

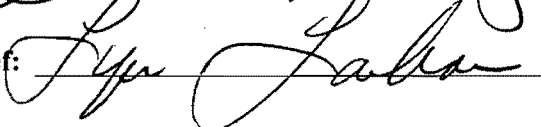
The property in question is located within the East Towson Design Review Area and is subject to review by the Design Review Panel. Contact Jenifer Nugent @ (410) 887-3480 for requirements and to schedule a review. While the size and configuration of the lot limits the design choices, the new dwelling should, to the greatest extent possible, replicate the scale of the former house and incorporate some of the community's prevalent architectural elements into the project. Additionally, the proposed structure shall conform to the design guidelines set forth in the East Towson Design Standards (a copy of such is attached).

All four elevations of the proposed dwelling should have windows. The windows should be relatively small – large picture frame or bay windows are discouraged. The front façade should include a porch. The use of Hardieplank as a siding material is preferred over that of vinyl siding. Additionally, the driveway location should be revised.

It is recommended that the decision of the Zoning Commissioner be delayed until review by the Design Review Panel has been conducted.

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

Reviewed by: 

Division Chief: 
AFK/LL: CM
Attachment

M E M O R A N D U M

DATE: October 15, 2008

TO: To The File

FROM: Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County

SUBJECT: **Case No. 2009-0059-A**
NE/S Hillen Avenue, 90' S of Fairmount Avenue
(333 Hillen Avenue)..
9th Election District – 5th Council District
Legal Owner: Ryan Yaffe

This matter came before me on Tuesday, October 14th at 2:00 PM as variance requests from side yard and rear yard setback requirements. Earlier in the morning, this Office received a phone call from attorney Stuart Kaplow indicating he was entering his appearance on behalf of Petitioner Ryan Yaffe and that he would be requesting a postponement of the hearing at 2:00 PM. He indicated the matter was currently in the Design Review Panel (DRP) process and that ultimately there might be some changes to the plan. Rather than proceeding in a piecemeal fashion, he felt it would be better to conclude the DRP review and then finish up with the zoning hearing. Mr. Kaplow followed up with a written entry of appearance and request for the postponement.

At the hearing, Mr. Kaplow reiterated his postponement request. I also noted that the posting and publishing requirements had been met, and that there were no Protestants or other interested persons in attendance at the hearing.

I did not open the hearing for evidence and granted Mr. Kaplow's postponement request. I also indicated that the property would NOT need to be reposted or republished since no one had appeared for today's hearing. This matter can be rescheduled in the normal course.

c: Kristen Matthews, Permits & Development Management

MEMORANDUM

DATE: October 15, 2008

TO: To The File

FROM: Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County

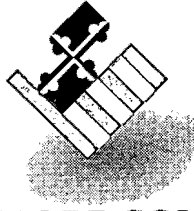
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c: Kristen Matthews, Permits & Development Management



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

ARNOLD F. 'PAT' KELLER, III
Director, Office of Planning

INTER-OFFICE CORRESPONDENCE

DESIGN REVIEW COMMENTS

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

DATE: November 13, 2008

FROM: Lynn Lanham
Design Review Panel

SUBJECT: Design Review Panel
Minutes of the November 12, 2008 Meeting

PROJECT NAME: 333 Hillen Road

PROJECT : DRP # 502

PROJECT TYPE: Residential, East Towson

DESIGN REVIEW PANEL MEMBERS IN ATTENDANCE:

William Monk, Magda Westerhout, Christopher Parts, Michael Miller (Resident Member – East Towson)

PROJECT DESCRIPTION:

Ryan Yaffe, owner and developer of the property, presented the project to the panel. The proposed project calls for demolishing the existing structure on the property and erecting a new residence. The existing structure is vacant and deteriorating and the property is overgrown. The proposed structure will be two stories with a full covered front porch. The structure will also include a 2-car side load garage. The materials and colors will be of gray vinyl siding, a maroon front door, and white trim. The roof material is proposed to be asphalt shingles. The porch will be concrete with wood columns and vinyl railings.

A community meeting was held in October and at that time input was given from the citizens. The plans were revised to add a gable to the roof as well as a full front porch.

Variances were requested for both the rear and side yard setbacks. The hearing took place and the Zoning Commissioners comments have been postponed until DRP review is complete.

Subject: Minutes (Design Review Panel Meeting)
Project Name: 333 Hillen Road

Project #: DRP 502

DISPOSITION:

A motion was made by Mr. Miller to approve the project with the following conditions:

1. Revise porch railing height
2. Construct steps to grade off of rear porch, if needed
3. Add first floor windows to the east elevation
4. Add windows to the west elevation and line up with the garage doors
5. Show grading & steps, etc. on front elevation

The motion was seconded by Mr. Parts and approved by acclamation at 6:35p.m.

All revised plans, based on the above conditions, are to be submitted to the Office of Planning for final approval.

The motion was seconded by Ms. Westerhout and approved by acclamation at 7:37 p.m.



Lynn Lanham

KP:File
CC: DRP members in attendance
Ryan Yaffe, Owner
Michael Gerding, Towson Manor Village Community Association

For complete Design Review Panel minutes visit
<http://www.baltimorecountymd.gov/Agencies/planning/DRP/meetings.html>.

RE: PETITION FOR VARIANCE * BEFORE THE
333 Hillen Avenue; NE/S Hillen Avenue, * ZONING COMMISSIONER
90' S of Fairmount Avenue *
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Ryan Yaffe * FOR
Petitionr(s) * BALTIMORE COUNTY
* 09-059-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

SEP 09 2008

.....]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of September, 2008, a copy of the foregoing Entry of Appearance was mailed to Ryan Yaffe, 3229 Hunting Tweed Drive, Owings Mills, MD 21117, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Nugent, Jenifer
Date: 10/10/08 11:33:27 AM
Subject: 2009-0059-A - Ryan Yaffe - 333 Hillen Avenue

Hi Jennifer,

Tom is scheduled to hear this case on Tuesday, October 14th @ 2:00 PM and in reviewing the Office of Planning comment (specifically paragraph 2, last sentence) it states:

"Additionally, the proposed structure shall conform to the design guidelines set forth in the East Towson Design Standards (a copy of such is attached)."

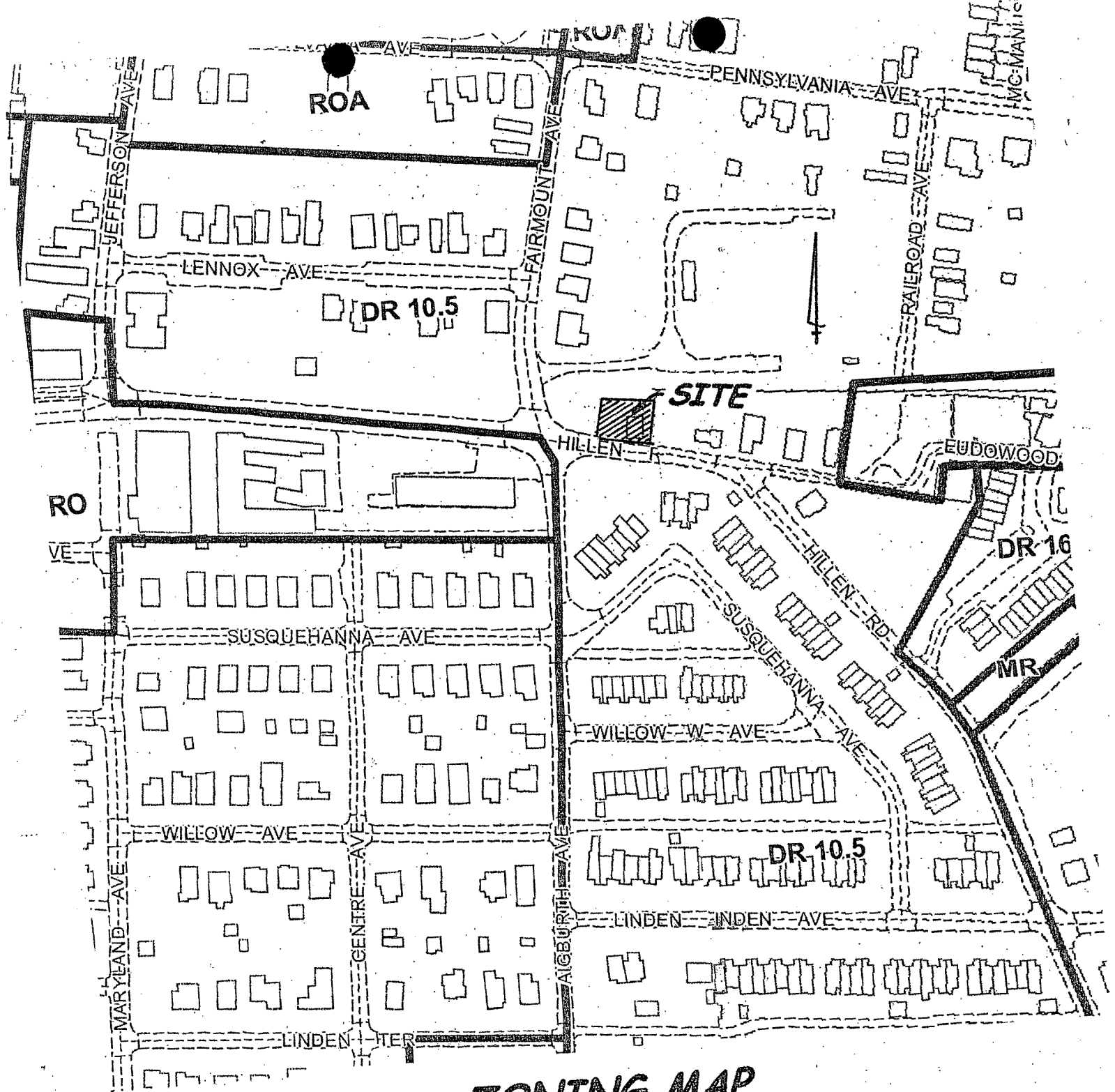
Unfortunately, there was no attachment. I'm thinking Tom would find this beneficial to him if he could review it before his hearing on Tuesday.

Please let me know your thoughts on this. Thanks and have a wonderfully, long weekend ! (You too Lynn !)

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

CC: Lanham, Lynn

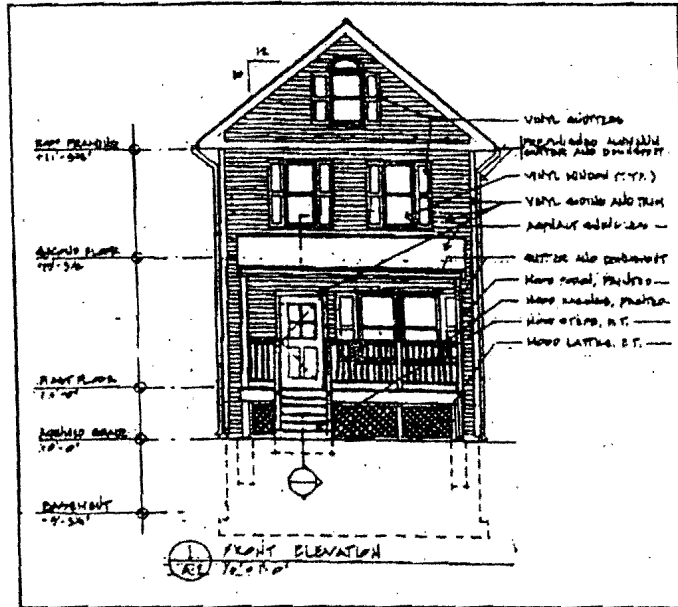
<u>2009-0059-A</u>		
OP	10-1	Comments -
DPR	9-9	Specif. Para. #4
FD	9-11	No comments
SHA	9-12	No objection
Notice	Posting	PC Appearance



ZONING MAP
(B.C.O.P.Z. MAP NO. 070A2 AND 070B2)
SCALE 1"=200'

#333 HILLEN AVE.

2009-0059-A



EAST TOWSON

DESIGN STANDARDS

Draft
October 2, 2003

EAST TOWSON

DESIGN STANDARDS

0 INTENT

The East Towson Community Conservation Area is identified in the *Towson Community Plan*, adopted by Baltimore County Council on February 3, 1992, for preservation and revitalization as a historic African American community. The plan calls for design standards to ensure that any new development is compatible with the historic, residential character of the neighborhood, including infill development on vacant lots and redevelopment or renovation of existing properties. In addition, the standards are to include buffering and streetscape treatments along the properties and lots that border East Towson to protect and enhance the community's visual quality and livability. The streetscape environment is to be pedestrian-oriented, and provide access to the Towson town center and the neighboring community of Towson Manor Village.

APPLICABILITY

The application of the following standards will vary depending on the intensity of the development project. The standards do not preclude the applicability of other development or zoning regulations or guidelines.

Partial Compliance--Only that part of the site or building which is impacted by new construction must comply to the applicable standard(s) of this section:

- (a) Construction of accessory buildings.
- (b) Additions to existing buildings (less than 500 square feet).



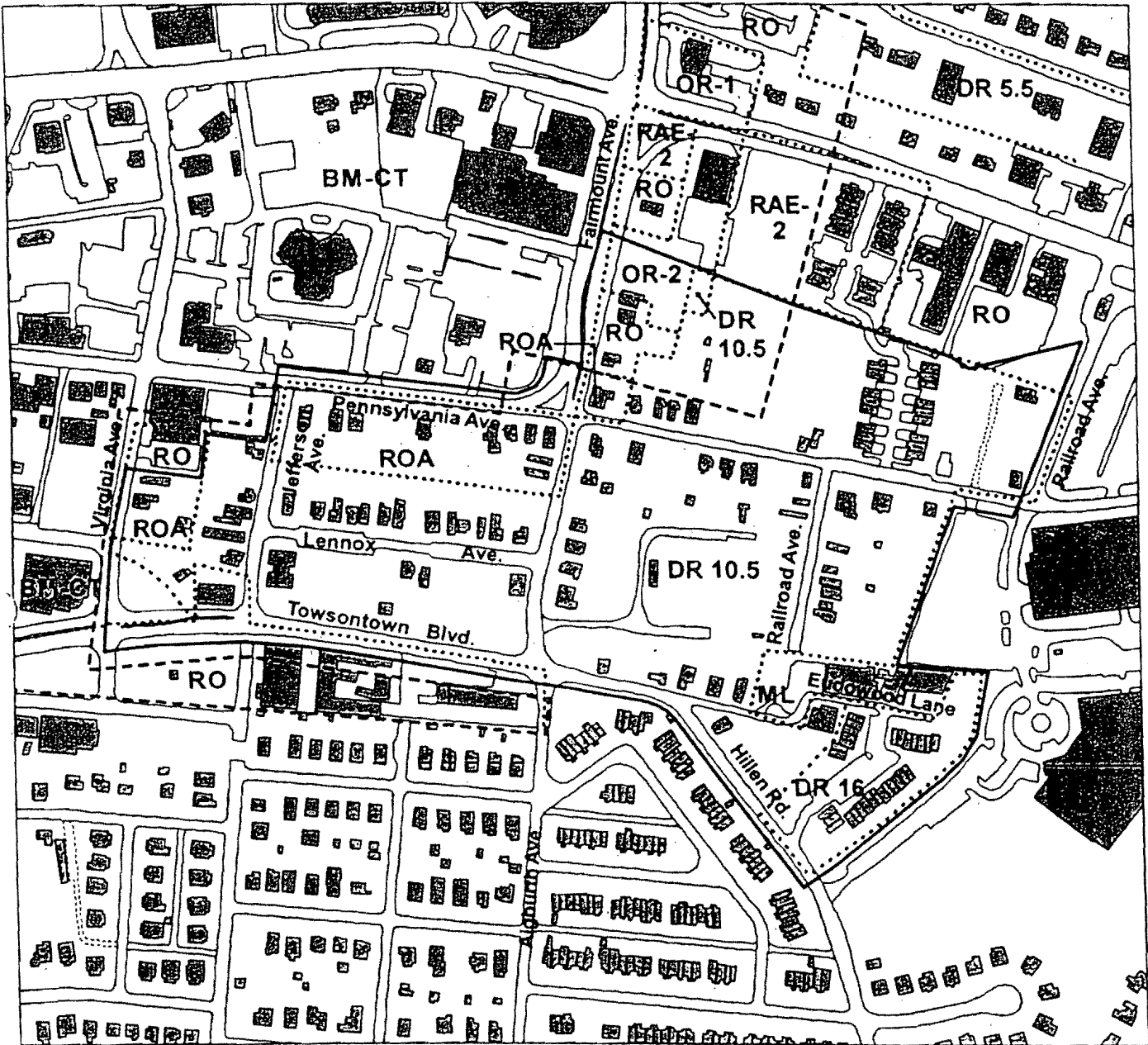
(Only the work being performed on the actual addition must comply with the standards. Any addition less than 500 square feet does not trigger compliance of any other part of the site.)

- (c) Change to exterior building facades, including material of roofing, siding, trim, windows, or porches.
- (d) New, replacement, or modification of signs, including change of message, for those properties with RO or ROA zoning classifications.
- (e) Other site elements such as lighting, fencing, landscaping, etc.

2.2 Full Compliance--Compliance to all standards of this section is required in the following circumstances:

- (a) Construction of a new principal structure.
- (b) Building renovations to an office use or affecting more than 50% of the gross floor area of the principal building. (This applies only to work that would require a building permit.)

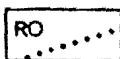
BOUNDARY MAP East Towson Area



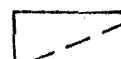
Legend



East Towson
Design Standards
Boundary



Zoning
Boundary and
Designation



Design Review
Panel Boundary

) Additions of more than 200 square feet in gross floor area. (Any addition in excess of 200 square feet triggers compliance of the entire site.)

(d) Any development requiring a variance.

A permit will not be issued for improvements in the East Towson Area unless the director of the Office of Planning finds that applicable plans and applications comply with these design standards.

For sites that have a Maryland Historical Trust inventory number, the owner/builder should follow the Secretary of the Interior's Standards for Rehabilitation, see Appendix B.

The finding of compliance or noncompliance by the director of the Office of Planning will be forwarded to the director of Permits and Development Management for issuance of approval if the application complies with all other aspects of county regulations.

SUBMITTALS

The Office of Planning will require additional submittals for developments which are required to comply with this section, including, but not limited to:

(a) Elevation drawings and specifications of architectural finish materials for all proposed buildings or additions.

(b) Landscape plans and plant material specifications for all proposed landscaping.

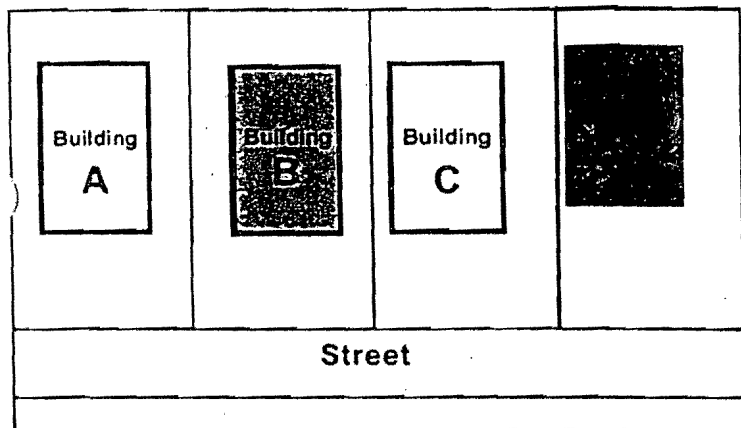
(c) Elevations and material specifications of signage for all proposed signs.

(d) Elevations and material specifications for all proposed light fixtures, fences, and site furniture.

(See Appendix C for programs available programs to assist with financial aid.)



The placement of buildings on the street creates a three dimensional pattern or rhythm.



In the example above, Building B matches the front and side setbacks of A or C. Building D does not match any of the front or side setbacks of other buildings on this street.

4.0 SITE DESIGN

4.1 Performance Standard: Locate buildings and parking on the site in a manner which maintains the scale and character of the neighborhood.

- (a) As appropriate, match, mirror, or average the front and side setbacks with the adjacent buildings on the street so that the existing building rhythm is maintained. Setback variances may be required.
- (b) Locate all accessory buildings including garages and sheds at the rear of the property.
- (c) For residential office buildings, provide off-street parking only in the rear yard, and provide shared access between adjoining parking lots when feasible.



A mix of housing shapes and side setbacks on Lennox Avenue produces a varied building rhythm.

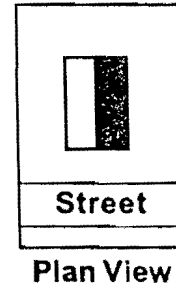
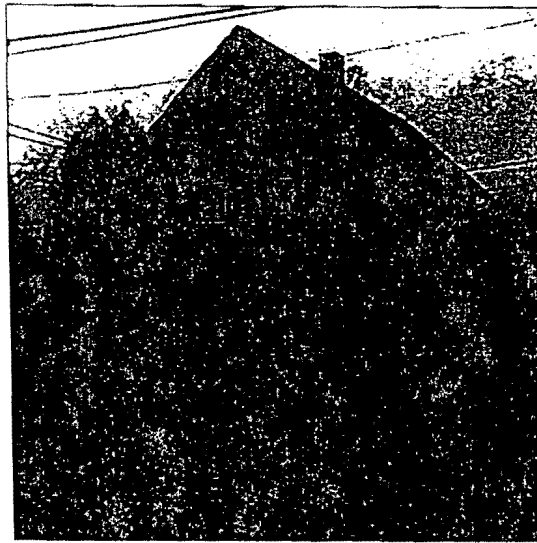
ARCHITECTURAL STANDARDS

1 Performance Standard: Design structures that are consistent with the neighborhood in height, mass, and form.

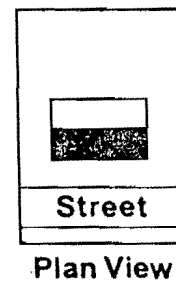
- (a) Structures shall be a maximum of 2-1/2 stories, and of a height typical to other similar structures within the neighborhood.
- (b) Facades shall have a vertical composition expressed through vertical massing oriented to the street, vertical window proportions, and/or gabled dormers.

2 Performance Standard: Incorporate Victorian vernacular design features and detailing which contribute to visual compatibility and attractiveness, and that are historically appropriate.

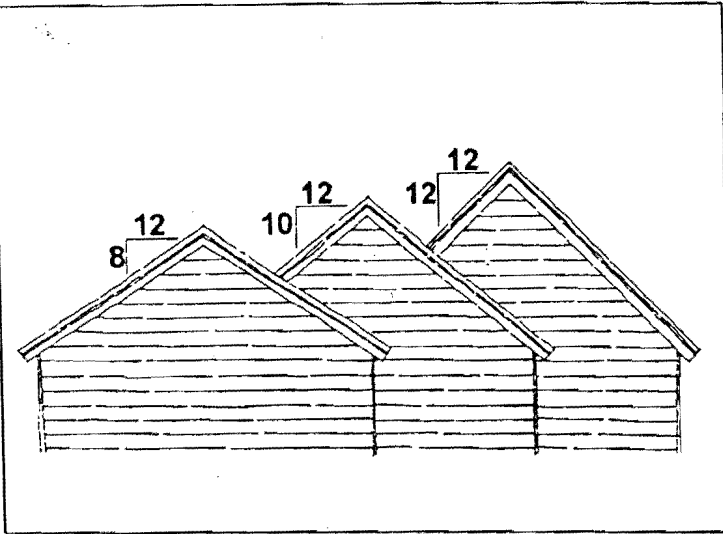
- (a) All residential and residential office structures shall have front porches with railings. All porch balusters are to be aligned vertically. Porch railings, balusters, and posts shall be painted with a trim color. Porches should be a minimum width/depth of six feet of useable space to create functionality.
- (b) Design new rear porches with historically accurate detailing similar to the front porch, rather than that of modern decks.
- (c) For structures that are included on the Maryland Historical Trust List, the owner/builder should refer to the Secretary of the Interior's Standards for Rehabilitation, see Appendix B.



The Victorian vernacular style of East Towson is typically rectangular in plan, with vertical windows. The verticality of the front facade is reinforced by orienting the building with the gable end of the roof facing the street.



Some houses have the long side of the building rectangle oriented to the street, with the gable end of the roof facing the side. In the example above, the vertical composition is expressed through the narrow windows, steep roof pitch, and gabled dormer.



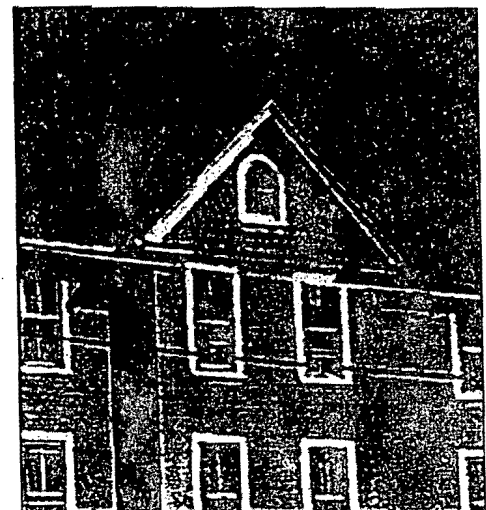
Steep roof pitches are also typical in the houses of East Towson.



Porches are common in East Towson.

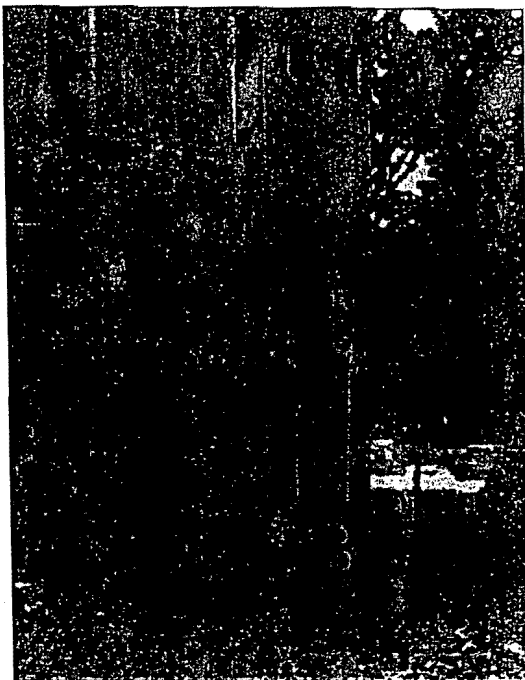
- (d) The principal roof shall be gabled with a pitch between 8/12 and 12/12. The pitches of all roof planes occurring on the same site shall be equal or complementary.
- (e) Where the fire code requires additional stairs to upper floors, they shall be enclosed and designed as part of the principal structure.
- (f) Employ at least two of the following details for all principal structures:
 - (1) Wrap-around porch or a smaller porch that extends from the front facade.
 - (2) Attic windows, and/or other small ornamental windows.
 - (3) Gabled dormers, with or without windows.
 - (4) For porches, mouldings, railings, and/or turned posts.

Attic and dormer windows are frequently rounded at the top.



Performance Standard: Finish the exteriors of buildings with materials that are consistent with the neighborhood.

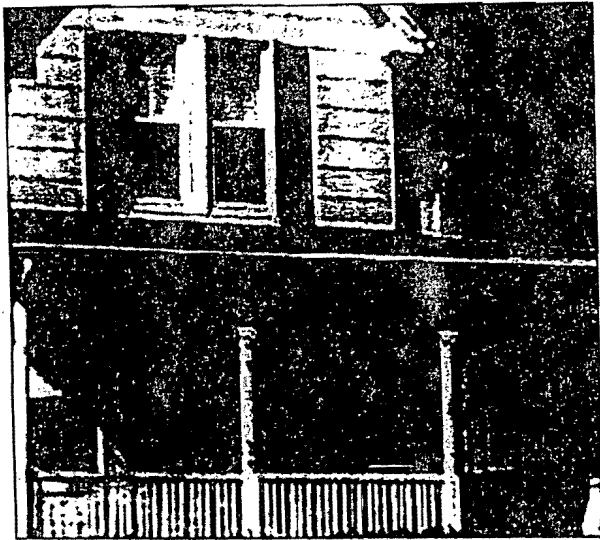
- (a) **Facade Materials:** Painted cedar siding or vinyl siding using a three-color scheme to treat the facade (including siding, trim, doors, etc.) is preferable. Stained cedar shakes are also acceptable. Use the same facade material for all sides of the building and any accessory buildings. Guidance is available at most home improvement stores.
- (b) **Roof Materials:** Stained cedar or asphalt shingles in black, gray, light brown, or light green to complement the building color. Use the same roofing material and color for the principal building and any accessory buildings.
- (c) **Accent colors for trim and other decorative elements** should be compatible with the facade and roof color. Use no more than two colors for all trim. Examples of (historic) colors that will complement each other for siding and trim can be found at a local home improvement center.



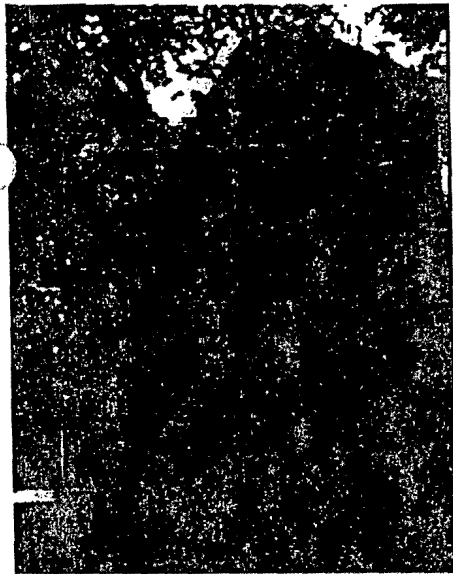
A renovated residential office reflects the character of the neighborhood.



This multifamily construction in East Towson used gables on the front facade, front porches which wrap around the building at the corners, and compatible materials and colors to blend in with the historic architecture.



Details such as mouldings add to the historic character.



Re-siding the entire house helps the facade of the rear addition blend in smoothly with the original structure.

5.4 Performance Standard: Create a unified architectural theme for all buildings and additions on the site consistent with the historic character of the neighborhood.

- (a) Treat all exterior building facades the same with respect to materials, composition, proportions, roof pitches, and detailing.
- (b) Additions and accessory structures shall be consistent with the architectural design of the principal structure. If an existing principal structure does not conform with these architectural standards, consider adding or changing elements of the detailing of both the principal structure and the proposed structure to make the entire site more consistent with the historic theme.

-)) When appropriate, use building wall offsets between the existing building and an addition to minimize the visual impact of slight variations in the color or patterning of the exterior finish material.

5 Performance Standard: Design institutional structures to be consistent with the neighborhood in scale/massing.

- (a) Employ materials, facade composition, and detailing, that are similar to those existing in the neighborhood.



Using wall and roof offsets provide an effective method of minimizing color and material differences and provide a complementing transition between the old and new.



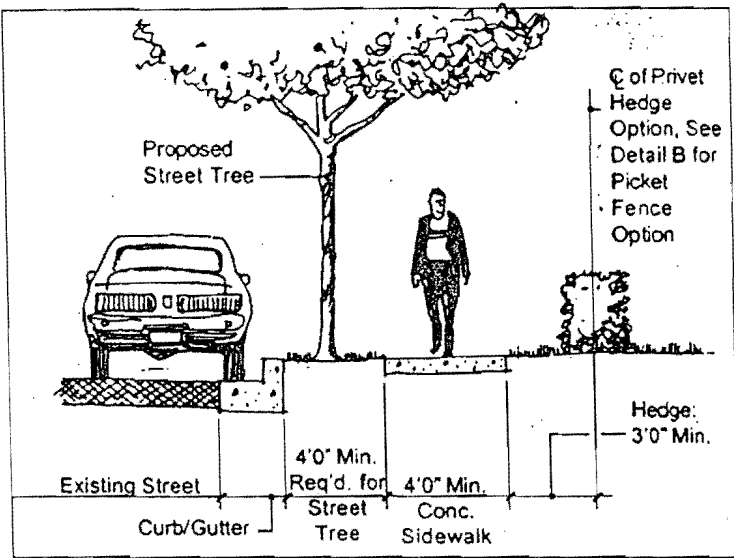
Institutional structures should also reflect the vertical proportions of Victorian architecture.

6.0 STREETSCAPE TREATMENTS

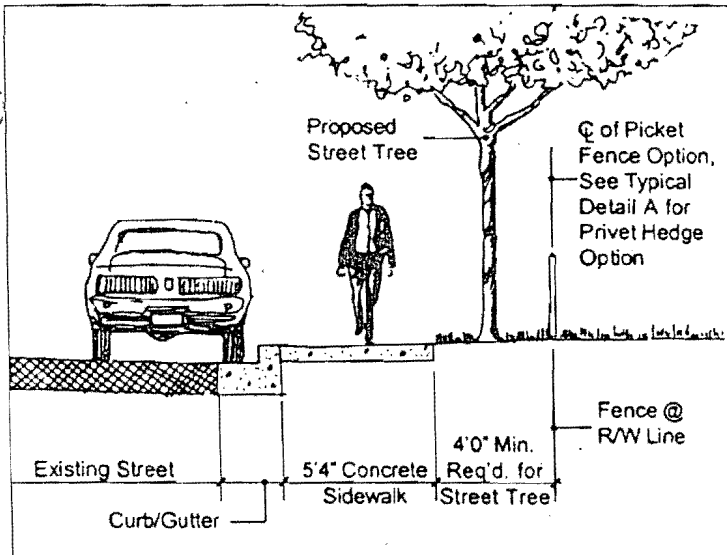
6.1 Performance Standard: Provide streetscape treatments that include sidewalks and street trees on all public roads to facilitate pedestrian circulation.

(a) Construct sidewalks and install street trees in accordance with Typical Details A and/or B depending on location (see Streetscape Table on page 12). Variations may be necessary due to individual site conditions; however, the intent is to provide a landscaped pedestrian way. The dedication of additional right-of-way or an access easement may be required to accommodate sidewalks. In general, provide continuity in streetscape design along each street; however, where transitions between properties with different sidewalk treatments are necessary, they shall be made as smoothly as possible. All sidewalks shall meet the requirements of the Americans with Disabilities Act.

(b) Provide direct pedestrian access to building entrances from the street.



TYPICAL DETAIL A --
Sidewalk with Tree Lawn Adjacent to Curb



TYPICAL DETAIL B --
Sidewalk Adjacent to Curb

STREETSCAPE DESIGN TABLE

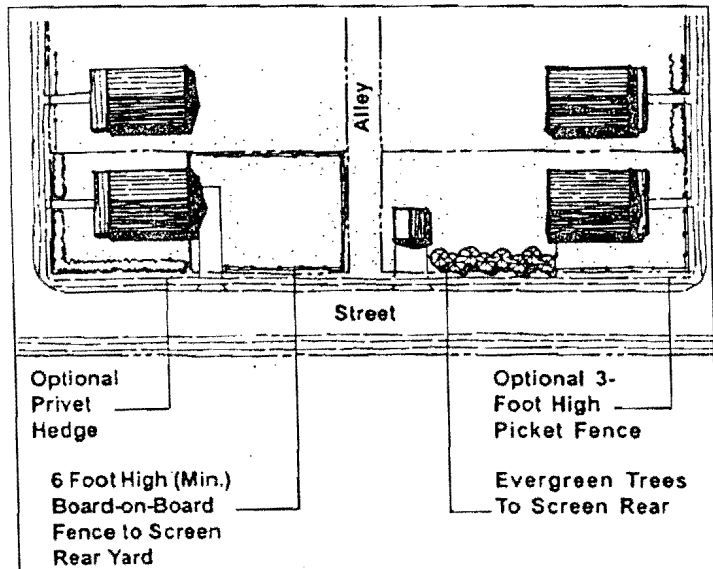
STREET	BLOCK	STREETSCAPE TYPE	STREET TREE TYPE AND SPACING
VIRGINIA AVE.	East side, within East Towson boundary	Match existing	'Green Vase' Zelkova (Zelkova serrata 'Green Vase') @ 40' apart
JEFFERSON AVE.		Type B	Red Oak (Quercus borealis) @ 40' apart
PENNSYLVANIA AVE.	Jefferson Ave. to Fairmount Ave.	Type A	N/S: Sunset Red Maple (Acer rubrum 'Red Sunset') @ 40' apart; S/S: Hedge Maple (Acer campestre)* at 30' apart
PENNSYLVANIA AVE.	Fairmount Ave. to end at Railroad Ave.	Type B	Hedge Maple (Acer campestre)* @ 30' apart
TOWSONTOWN BLVD.	Virginia Ave. to Jefferson Ave.	Match existing	'Green Vase' Zelkova (Zelkova serrata 'Green Vase') @ 40' apart
N ROAD	Fairmount Ave. to Eudowood Ave.	Type B	N/S: 'Green Vase' Zelkova (Zelkova serrata 'Green Vase') @ 40' apart S/S: Screen rear properties with Leyland Cypress (Cupressocyparis Leylandi) @ 10' apart
MILLEN ROAD	Eudowood Ave. to area boundary	East Side: Type A West Side: Type B	E/S: 'Green Vase' Zelkova (Zelkova serrata 'Green Vase') @ 40' apart. W/S: Screen rear properties with Leyland Cypress (Cupressocyparis Leylandi) @ 10' apart
LENNOX AVE.		Match existing	Washington Hawthorne (Crataegus phaenopyrum)* @ 30' apart in grassed area between curb and sidewalk
FAIRMOUNT AVE.	Pennsylvania Ave. to Towsontown Boulevard	Type B	Hedge Maple (Acer campestre)* @ 30' apart
EUDOWOOD LANE		Type B	Hedge Maple (Acer campestre)* @ 30' apart
RAILROAD AVE.		Type B	Hedge Maple (Acer campestre)* @ 30' apart

Notes:
Tree spacing may be varied to accommodate existing conditions.
(*) The Hedge Maple and Washington Hawthorne are low canopy trees. See Section 7.1(b) for additional planting requirements.

7.0 LANDSCAPING

7.1 Performance Standard: Use appropriate landscaping which contributes to the historic character of the neighborhood.

- (a) To the maximum extent possible, retain all existing trees over 8" caliper that are in good condition.
- (b) Where the presence of overhead utility lines limits the height of trees provided as part of the streetscape design, or the right-of-way width is inadequate, place high canopy trees in the front or side yard. Ornamental and evergreen trees and shrubs should also be included in the front and/or side yards for seasonal color. Suggested species and location are in the Streetscape Design Table on page 12.



Screening of the rear yards of corner lots will improve the appearance of the neighborhood.

High-Canopy Trees

(Front and Side Yard):

Littleleaf Linden (*Tilia cordata*)
Red Maple (*Acer rubrum* cultivars)
Red Oak (*Quercus borealis*)
Sugar Maple (*Acer saccharum*)

Ornamental Trees

(Front and Side Yard):

Korean Dogwood (*Cornus Kousa*)
Sargent's Cherry (*Prunus sargentii*)
Star magnolia (*Magnolia stellata*)
Washington Hawthorne (*Crataegus phaenopyrum*)

Evergreen Trees

(Screening):

American Holly (*Ilex opaca*)
Canadian Hemlock (*Tsuga canadensis*)
Norway spruce (*Picea abies*)
Serbian spruce (*Picea omorika*)

Shrubs

(Screening):

Azalea species (*Rhododendron* sp.)
Lilac varieties (*Syringa vulgaris*)
Viburnum species (*Viburnum* sp.)
Yew species (*Taxus* sp.)

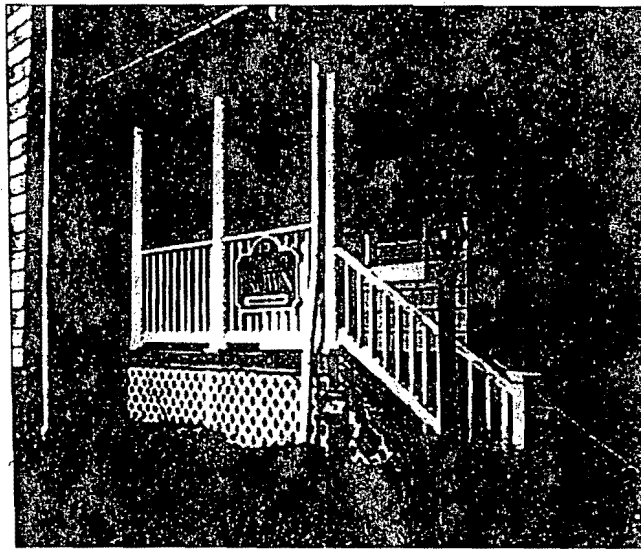
7.2 Performance Standard: Use landscape elements to screen undesirable views.

- (a) Screen all parking, pools, storage areas, etc., visible from the street using Class A or Class B screens as defined in the *Baltimore County Landscape Manual*.

NAGE

Performance Standard: Coordinate signage to contribute to the historic character of the neighborhood.

- (a) All signs shall be compatible with the colors of the building.
- (b) All signage in the RO and ROA zoning districts shall be mounted flush on the building wall, porch railing or front fence.* Freestanding signs are not permitted.
- (c) Signs for institutional uses may be freestanding but are limited in size to 15 square feet per side and 5-foot height.**
- (d) Signs shall not be internally illuminated.***

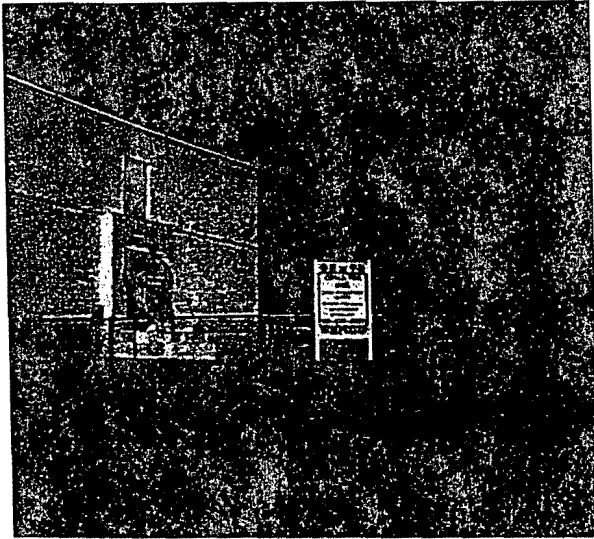


The small sign attached to the porch railing of this building is in keeping with the historic character of the building. The light fixture in the foreground also contributes to the historic ambience.

* The zoning regulations do not currently permit signs on railings or fences in RO or ROA zones.

** The zoning regulations currently permit freestanding signs up to 25 sq. ft. in area and six feet in height for institutional uses; the zoning regulations do not permit freestanding signs for industrial uses.

***The zoning regulations permit signs for institutional uses to be illuminated.



Site walls which employ local stone similar to that used at the Carver Center reinforce the historic character of East Towson.

9.0 ADDITIONAL SITE AND BUILDING ELEMENTS

9.1 Performance Guideline: Employ site furniture and other site elements to contribute to the historic character of the neighborhood.

- (a) All front and side yard fencing should be 3-foot high (max.) white tubular aluminum, painted wood, or wood wrapped with vinyl in a rail and picket design that is opaque.
- (b) All site and retaining walls shall be stone, brick, or formed concrete treated to match the wall at the Carver Community Center, as closely as possible.
- (c) Screen trash cans, dumpsters and mechanical, communications, and electrical equipment, including those mounted to the ground, wall, or roof, with landscaping or within enclosures that are an integral part of the architectural or site design, or place in the rear yard out of public view.
- (d) Provide adequate exterior lighting for security purposes, but do not produce glare on neighboring properties. Use visually unobtrusive spot light fixtures or decorative fixtures which reflect the historic character of the neighborhood.
- (e) Use only retractable canvas awnings or canopies in a compatible color, if desired.

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APPENDICES

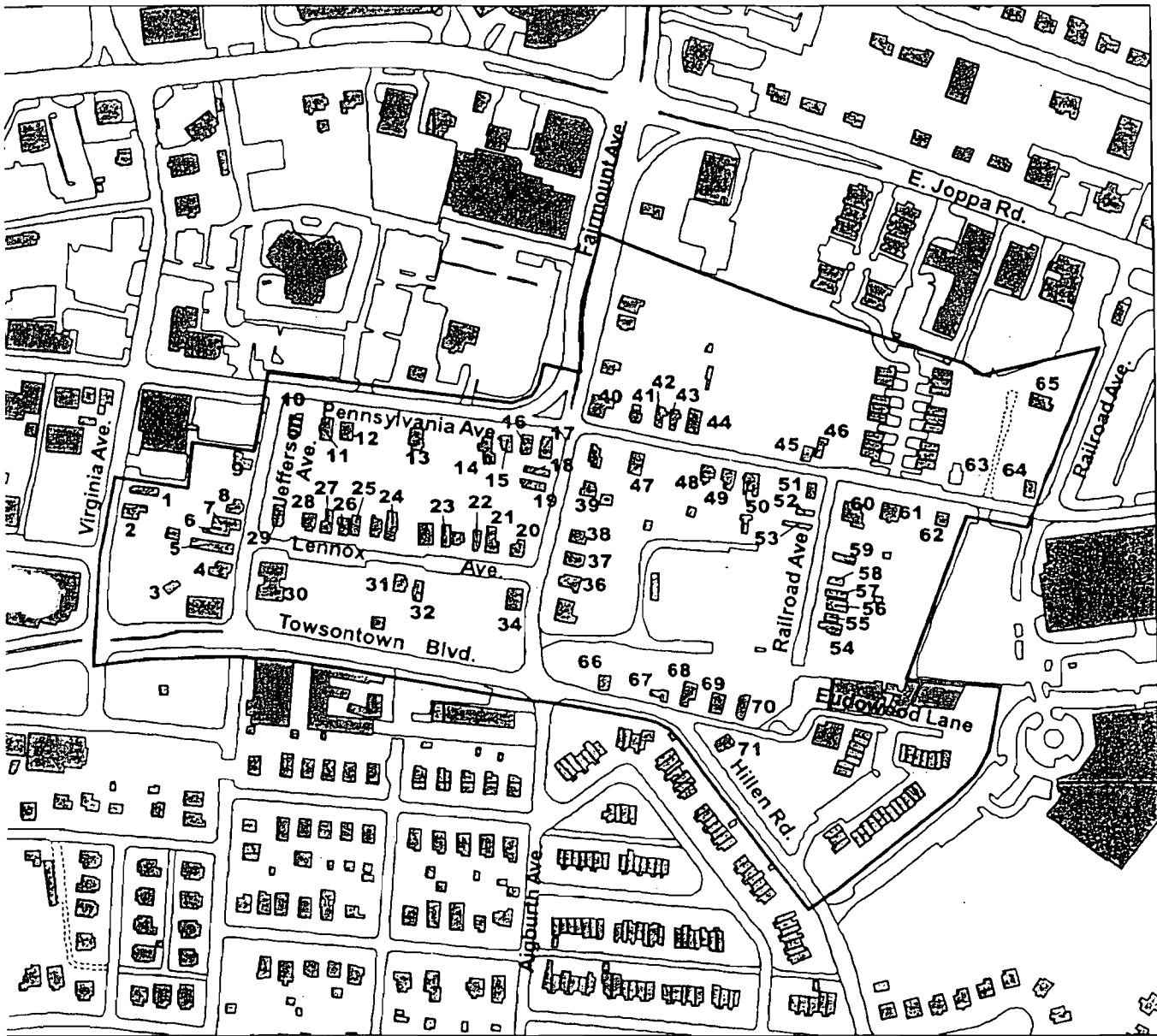
Appendix A: Maryland Historical Trust Inventory,
East Towson Area

Appendix B: Secretary of the Interior's Standards for
Rehabilitation

Appendix C: Financial Assistance

APPENDIX A

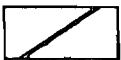
Maryland Historic Trust Inventory East Towson Area



Legend



North



East Towson
Boundary

42

Reference Number
for MHT Inventory
Number (See Key at
Right)

MHT Inventory Numbers
(See Map at Left)

1 ---- BA 1026	37 ---- BA 1017
2 ---- BA 1035	38 ---- BA 1018
3 ---- BA 1038	39 ---- BA 1036
4 ---- BA 1039	40 ---- BA 1037
5 ---- BA 1002	41 ---- BA 1021
6 ---- BA 1001	42 ---- BA 1053
7 ---- BA 1000	43 ---- BA 1054
8 ---- BA 1040	44 ---- BA 1055
9 ---- BA 1042	45 ---- BA 1057
10 ---- BA 1043	46 ---- BA 1058
11 ---- BA 1044	47 ---- BA 1049
12 ---- BA 1045	48 ---- BA 1050
13 ---- BA 1047	49 ---- BA 1057
14 ---- BA 1078	50 ---- BA 1052
15 ---- BA 1098	51 ---- BA 1059
16 ---- BA 1079	52 ---- BA 1065
17 ---- BA 1080	53 ---- BA 1066
18 ---- BA 1019	54 ---- BA 1072
19 ---- BA 1020	55 ---- BA 1071
20 ---- BA 1029	56 ---- BA 1070
21 ---- BA 1011	57 ---- BA 1069
22 ---- BA 1010	58 ---- BA 1068
23 ---- BA 1009	59 ---- BA 1067
24 ---- BA 1008	60 ---- BA 1082
25 ---- BA 1007	61 ---- BA 1081
26 ---- BA 1006	62 ---- BA 1062
27 ---- BA 1005	63 ---- Razing Permit Approved
28 ---- BA 1004	64 ---- BA 1064
29 ---- BA 1003	65 ---- BA 1063
30 ---- BA 1075	66 ---- BA 1097
31 ---- BA 1013	67 ---- BA 1074
32 ---- BA 1014	68 ---- BA 1096
33 ---- Razed	69 ---- BA 1095
34 ---- BA 1012	70 ---- BA 1094
35 ---- Razed	71 ---- BA 1087
36 ---- BA 1016	

APPENDIX B

The Secretary of the Interior's Standards for Rehabilitation

The Standards that follow were originally published in 1977 and revised in 1990 as part of Department of the Interior regulations (36 CFR Part 67, Historic Preservation Certifications). They pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings. The Standards also encompass attached landscape features and the building's site and environment as well as attached, adjacent or related new construction.

The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

APPENDIX C

Available Financing Programs Baltimore County Office of Community Conservation

Settlement Expense Loan Program (SELP) – Provides up to \$5000 in closing costs to assist first time home buyers whose income is at or below 80% of area median.

The Single Family Rehabilitation Loan Program; Emergency Repair Program; and , the Maryland Housing Rehabilitation Program – Provides loans up to \$25,000 to assist homeowners whose household income does not exceed 80% of area median.

Maryland Mortgage Program – CDA insured mortgage offering below market interest rate loans for home buyers in Baltimore County Community Conservation Areas. This program also assists disabled individuals.

Live Near Your Work Program – Provides a \$3,000 grant to employees who purchase a home near their place of employment. This money can be used for closing costs or down payment on a home within the employer's targeted neighborhood.



Baltimore County
Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

<http://www.baltimorecountyonline.info>

CASE NAME _____
CASE NUMBER 2009-0059-A
DATE 10-14-08

[illegible]

CASE NAME _____
CASE NUMBER 2009-0059-A
DATE 12-5-08

[illegible]

Case No.: 2009-0059-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Meeting Minutes from DRP dated 11-17-08	
No. 3	Revised drawing from DRP and attached elevations + renderings	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Minutes
Baltimore County Design Review Panel
November 12, 2008
DRAFT

Contents

Call to order, and announcements

Review of today's agenda

Minutes of the September 10, 2008

Items for discussion and vote by the Design Review Panel

1. 333 Hillen Road – Residential, East Towson

Adjournment of the Board Meeting

Baltimore County Design Review Panel
Appendices

Appendix A Agenda

Appendix B Minutes of the September 10, 2008 Meeting

PETITIONER'S

EXHIBIT NO. 2

Minutes
Baltimore County **Design Review Panel**
November 12, 2008
DRAFT

Call to order

Chairman, William Monk, called the regularly scheduled meeting of the Baltimore County Design Review Panel to order at 6:07 p.m. The following panel members were:

Present

Mr. William Monk
Ms. Magda Westerhout
Mr. Christopher Parts
Mr. Michael Miller – East Towson – Resident Member

Not Present

Ms. Betsy Boykin
Mr. Derrick Burnett
Mr. John Dimenna
Mr. Scott Rykiel
Mr. Donald Kann
Mr. Thomas Repsher

County staff present included:
Lynn Lanham, Jenifer Nugent, Krystle Patchak

Minutes of the September 10, 2008 meeting

Mr. Parts moved the acceptance of the draft minutes and the motion was seconded by Mr. Monk and passed by acclamation at 6:09 p.m.

The approved minutes are filed as Appendix B.

ITEM 1

PROJECT NAME: 333 Hillen Road

DRP PROJECT #: 502

PROJECT TYPE: Residential, East Towson

PROJECT DESCRIPTION:

Ryan Yaffe, owner and developer of the property, presented the project to the panel. The proposed project calls for demolishing the existing structure on the property and erecting a new residence. The existing structure is vacant and deteriorating and the property is overgrown. The proposed structure will be two stories with a full covered front porch. The structure will also include a 2-car side load garage. The materials and colors will be of gray vinyl siding, a maroon front door, and white trim. The roof material is proposed to be asphalt shingles. The porch will be concrete with wood columns and vinyl railings.

A community meeting was held in October and at that time input was given from the citizens. The plans were revised to add a gable to the roof as well as a full front porch.

Variances were requested for both the rear and side yard setbacks. The hearing took place and the Zoning Commissioners comments have been postponed until DRP review is complete.

DESIGN REVIEW PANEL COMMENTS:

Mr. Parts questioned the grade on the site plan and its effect on the elevations. He suggested revising the drawings. Mr. Parts commented on the front setbacks and footprint of the home being consistent with the surrounding homes. He suggested that the railing height be revised and also suggested removing the railing on the rear porch and putting in steps to grade. Mr. Parts also suggested adding first floor windows to the east elevation as well as the west elevation and aligning them. He also commented on the gabled roof and suggested adding vents to the east and west sides of the gables as well as changing the roof shingle color to gray instead of black.

Ms. Westerhout agreed with Mr. Parts comments and liked the idea of the garage doors not facing the street.

Mr. Miller, resident member for East Towson, questioned the use of a rear door on the home. Mr. Yaffe stated that there was one proposed it was just hard to see at the angle of the elevations. Overall Mr. Miller felt that the home blended in well with the existing neighborhood.

Mr. Monk commented on the use of foundation plantings on the site.

SPEAKERS COMMENTS:

Mr. Michael Gerding, representing the Towson Manor Village Community Association, was in support of the home and its design. He stated that the association was happy to see the property developed. His only suggestion was to possibly have the porch constructed with brick veneer instead of the proposed concrete. Mr. Parts reminded Mr. Gerding that the foundation plantings would hide the porch foundation.

DISPOSITION:

A motion was made by Mr. Miller to approve the project with the following conditions:

1. Revise porch railing height
2. Construct steps to grade off of rear porch, if needed
3. Add first floor windows to the east elevation
4. Add windows to the west elevation and line up with the garage doors
5. Show grading & steps, etc. on front elevation

The motion was seconded by Mr. Parts and approved by acclamation at 6:35p.m.

All revised plans, based on the above conditions, are to be submitted to the Office of Planning for final approval.

The meeting was adjourned at 6:37 p.m.

Code Statement: Section 32 – 4 – 203 (i) (2) of the Baltimore County Code states, *The Panel's recommendation is binding on the Hearing Officer, and on the agencies under subsection (l), (Directors of the Office of Planning, the Department of Permits and Development Management and the Department of Environmental Protection and Resource Management), unless the Hearing Officer or agencies find that the Panel's actions constitute an abuse of its discretion or are unsupported by the documentation and evidence presented.*

ORIGINAL

LOCATIONS
GRAPHY

FAIRMOUNT AVENUE
(50' WIDE)

SANITARY
MANHOLE

MACADAM DRIVE

MANHOLE

TRANSFORMER

ELECTRIC
MANHOLES

YARD
INLET

STORM DRAIN
MANHOLE

PAVING

90' +

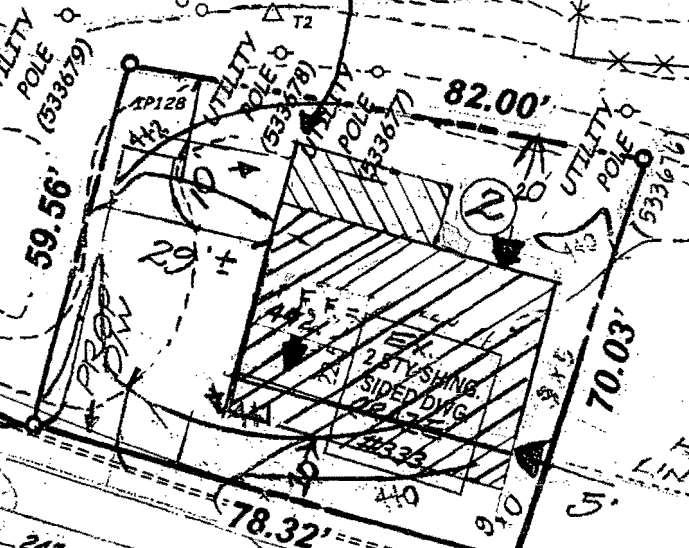
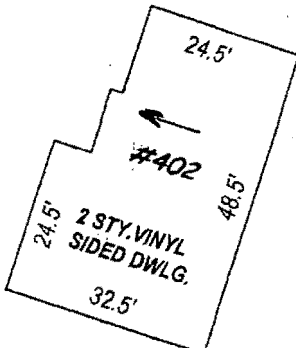
CONC. CURB

16" WATER
(31-319)

24" WATER
(54-141)

HILLEN AVENUE
(HILLEN ROAD - DE
(30'

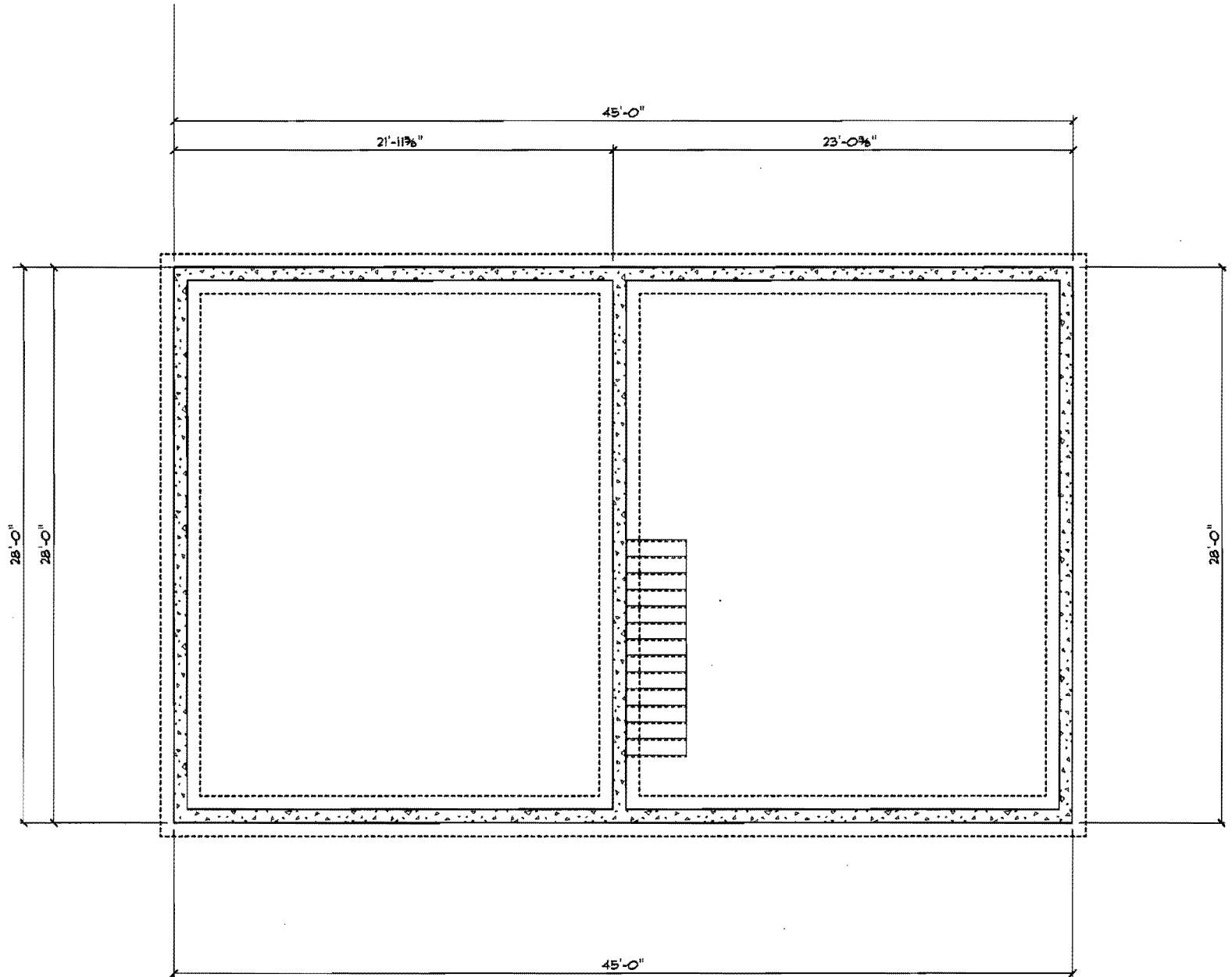
CONC. CURB

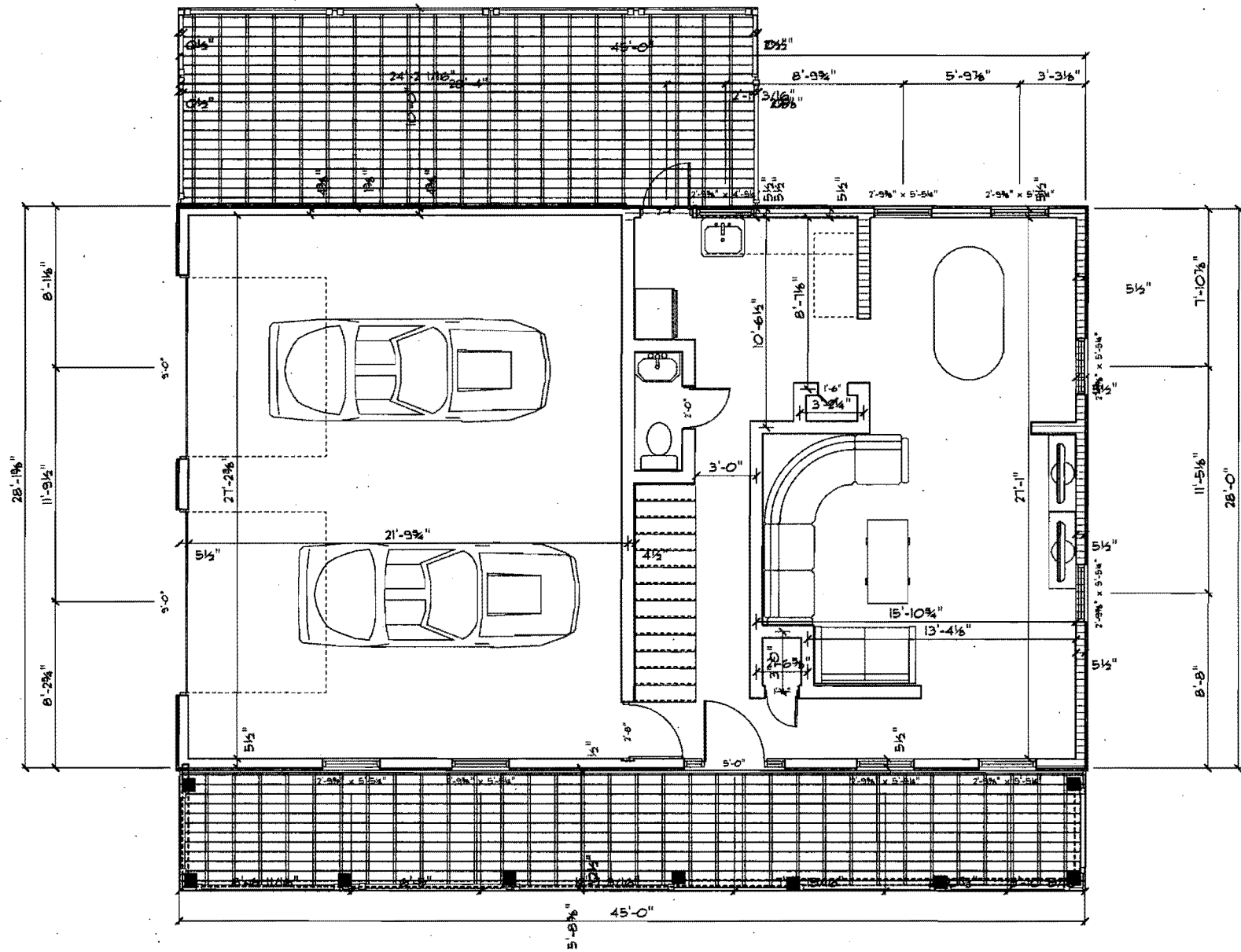


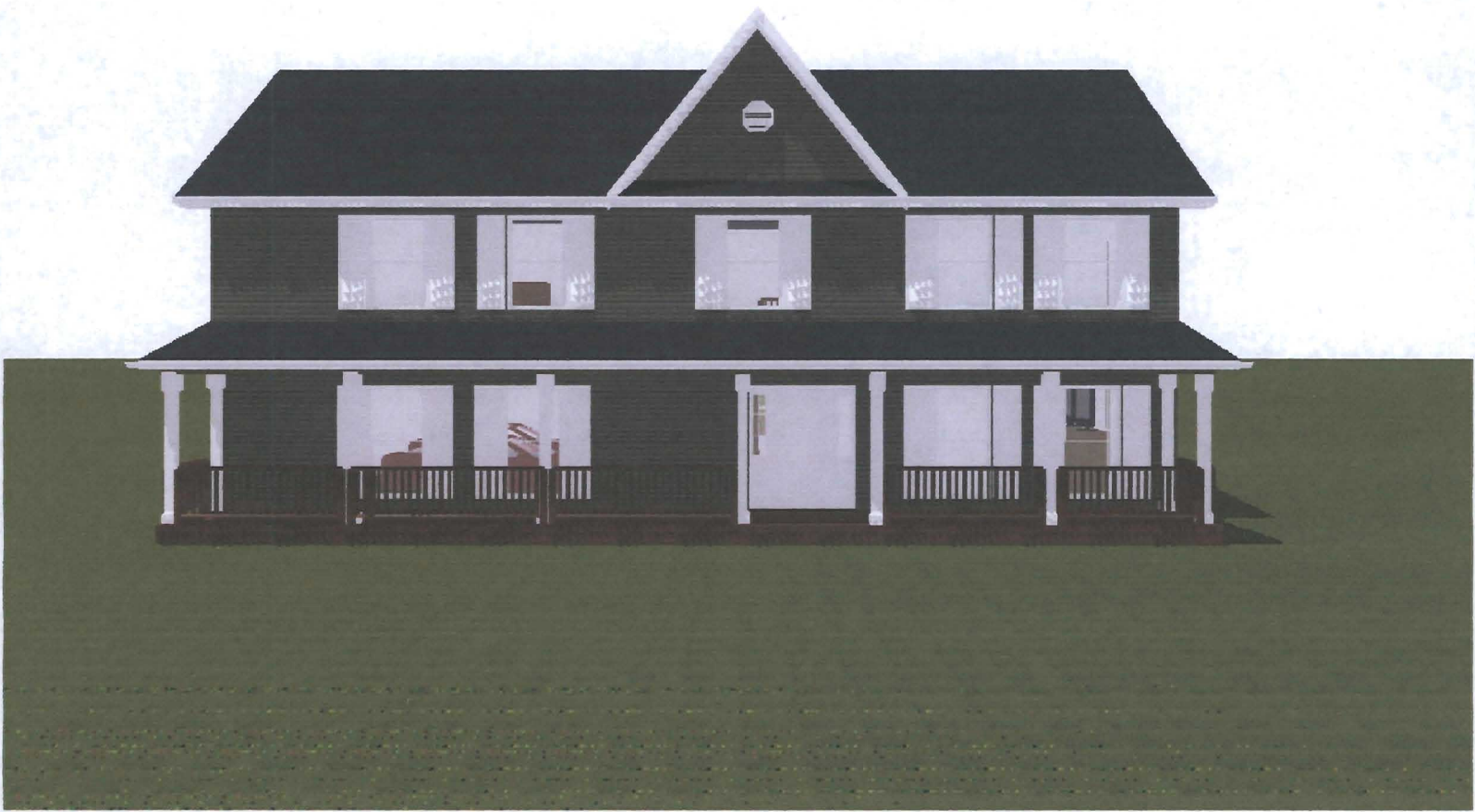
PETITIONER'S

EXHIBIT NO.

3



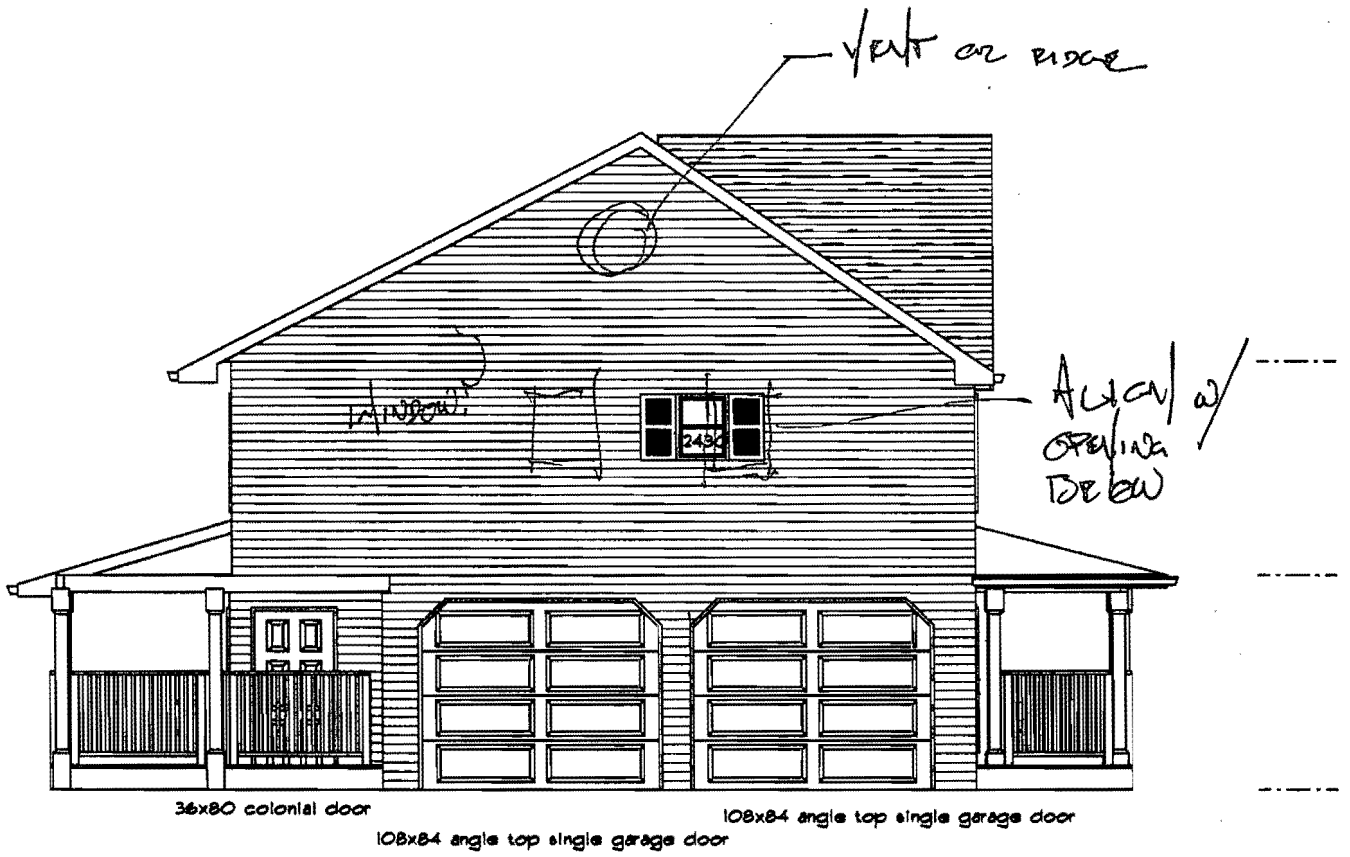


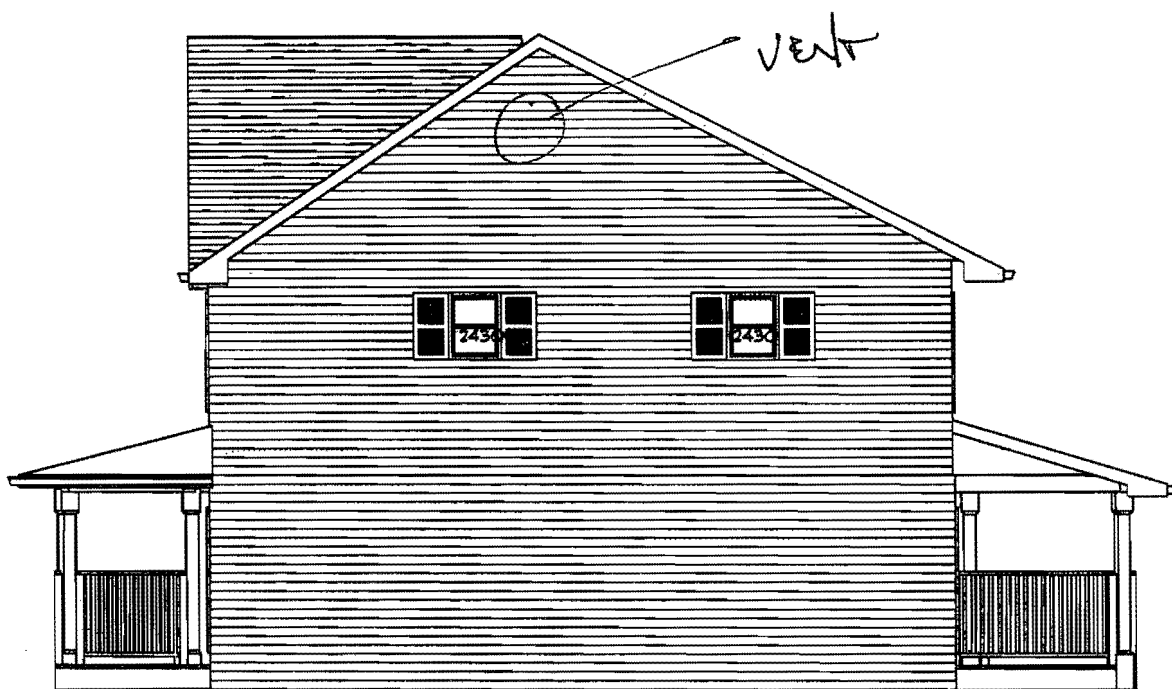








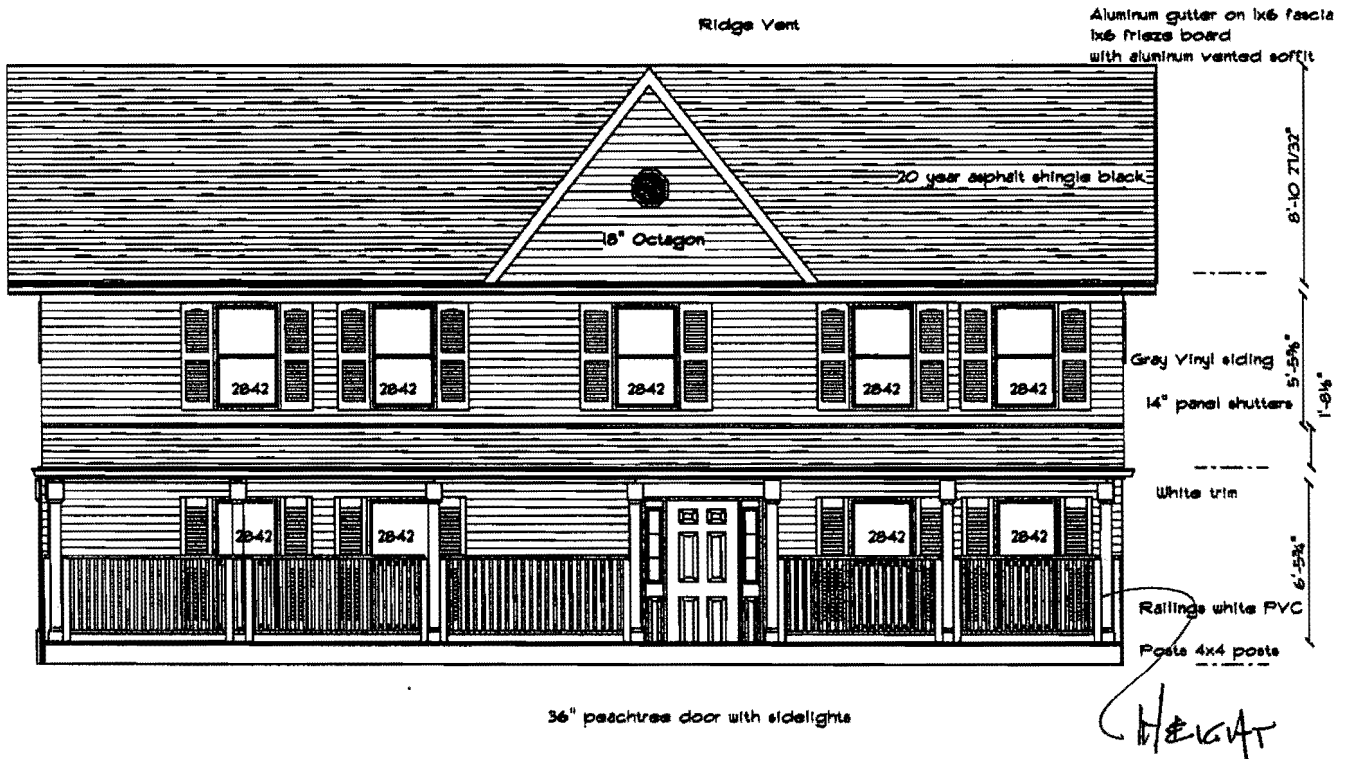




1st floor
windows

- 17 ft x 6 ft 6 in
- 16 ft x 16 ft
- Conc Porch

STOUT YARD, SIDE, BACK
DRINKS



SITE PLAN - 2 1/2' ELEVATION 442-444.5

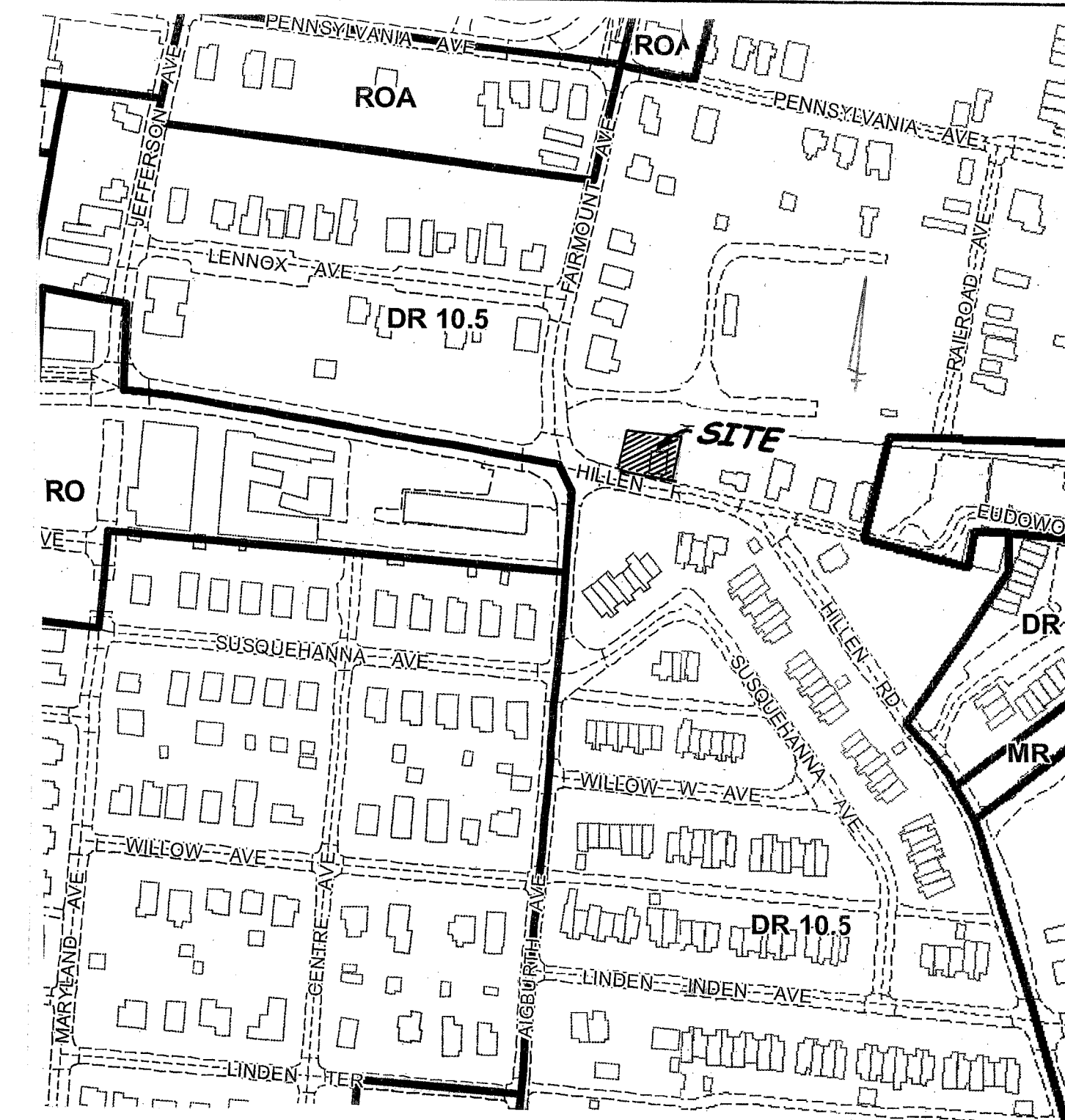


MAY WANT TO ELIM RAIL
@ PORCH POSSIBLE
-STEP DOWN TO GRADE

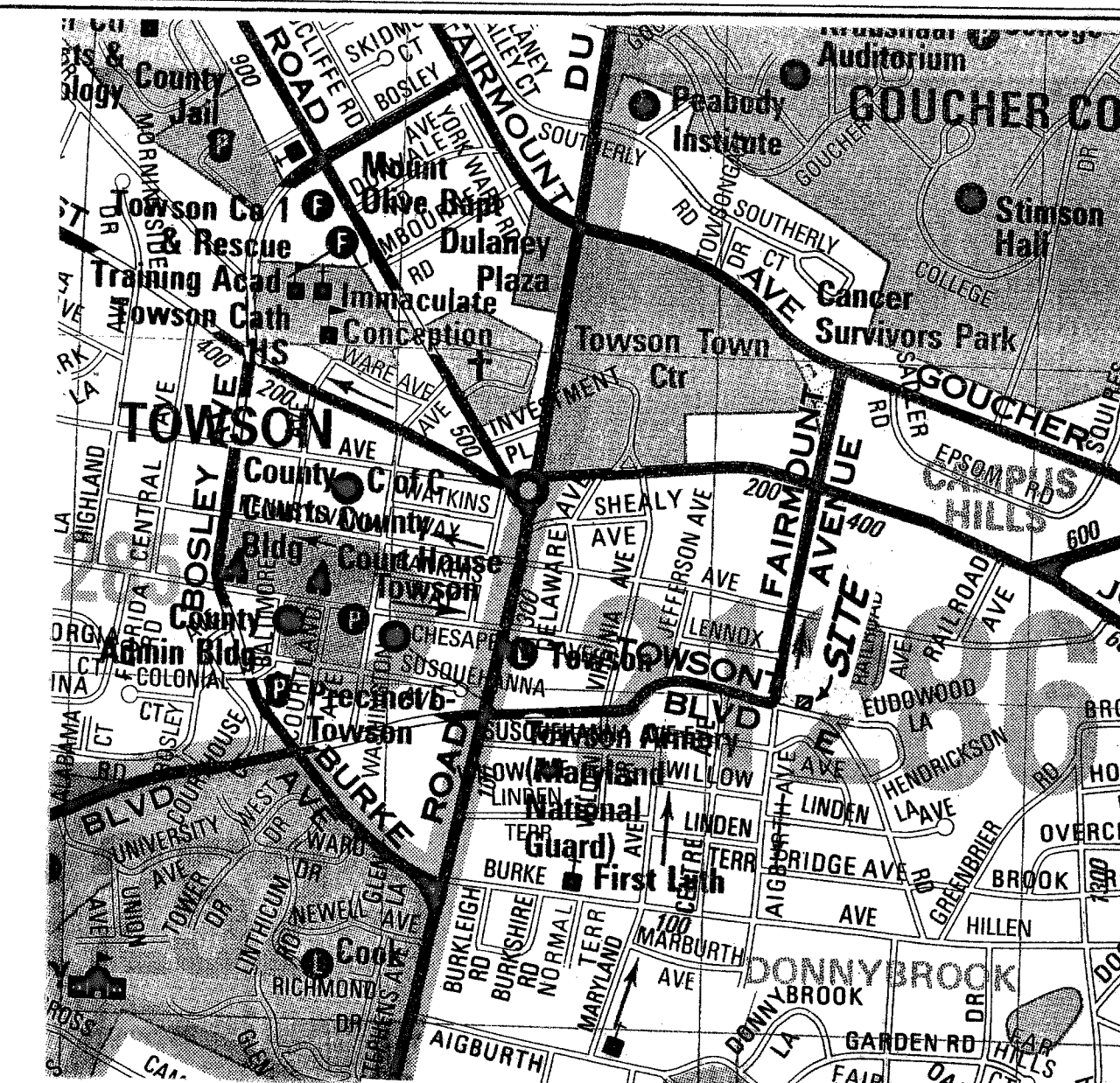
- NOTES:
- 1) PROPERTY INFORMATION: Ryan W. Yeffe, owner
TAX MAP 70 GRID 9 PARCEL 891
TAX ACCOUNT NO. 0913200961
 - 2) DEED REFERENCE: 6170-008
part of LOT NO. 2 (2.42)
PLAT OF THE LAND BELONGING
TO THE RELIEF ASSOCIATION
OF BALTIMORE COUNTY
 - 3) AREA OF SUBJECT PROPERTY: 0.119 AC. ± 5170 S.F. ±
 - 4) EXISTING BALTIMORE COUNTY SHOWN HEREON PER PLANS.
 - 5) SITE LIES IN ZONE C PER F.I.R.M. 240010-02658
 - 6) NO KNOWN ADJACENT WELLS OR SEPTIC.
 - 7) EXISTING ZONING - D.R. 10.5 (NO KNOWN ZONING HISTORY)
 - 8) SITE IS NOT IN C.B.C.A.
 - 9) TOPOGRAPHY SHOWN HEREON PER BALTIMORE COUNTY 6.I.5
WEBSITE
 - 10) NOT A HISTORIC SITE.
 - 11) Public Water and Sewer

Zoning Classification	Minimum Net Lot Area per Dwelling Unit (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	--	30
D.R.10.5	3,000	20	10	10	--	50
D.R.16	2,500	20	10	25	--	30

SETBACK INFORMATION

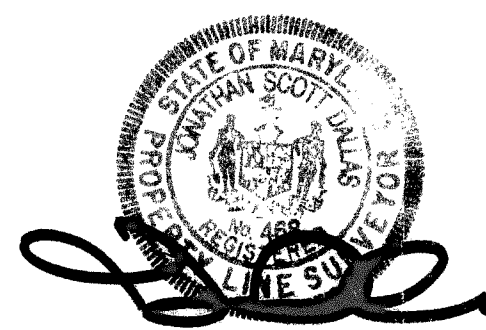


ZONING MAP
(B.C.O.P.Z. MAP NO. 070A2 AND 070B2)
SCALE 1"=200'



LOCATION MAP
SCALE 1"=1000'

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
(410) 817-4600



PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE
#333 HILLEN AVENUE
9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT
SCALE 1"=30'
8.26.08
BALTIMORE COUNTY, MD
JOB NO. HP8034

PETITIONER'S
EXHIBIT NO. 1

2009-0089-A