MEMORANDUM

Ŀ

DATE:

April 14, 2020

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2020-0027-A - Appeal Period Expired

The appeal period for the above-referenced cases expired on March 30, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c:

Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE

(1307 Gateshead Road)

9th Election District 3rd Council District

Michael & Loann Dellis

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2020-0027-A

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners of the property, Michael & Loann Dellis ("Petitioners"). The Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit proposed dwelling additions with a rear yard setback of 40 ft. in lieu of the minimum required 50 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 7, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general ORDER RECEIVED FOR FILING

Date		
By	per	liste

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>28th</u> day of **February**, **2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit proposed dwelling additions with a rear yard setback of 40 ft. in lieu of the minimum required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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

LAWRENCE M. STAHL Administrative Law Judge for Baltimore County

LMS:dlw

ORDER	RECEIVED FOR FILING	
Date	2-28-2050	
By		



ADMI STRATIVE ZONING PET... ON

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

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

 Address
 1307
 GATESHEAD
 RD,
 TOWSON,
 MD
 21286
 Currently
 zoned
 DR
 1
 Deed

 Reference
 41966/00105
 10 Digit Tax Account # 0919325570
 Owner(s)

 Printed Name(s)
 DELLIS, MICHAEL & LOANN

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

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

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

1. X ADMINISTRATIVE VARIANCE from Section(s)	1BOZ.3.C.I, BCZR, to permit proposed
dwelling additions with a rear yard	setback of 40 feet in lieu of the
minimum required 50 feet.	

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

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

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

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

required by the zoning regulations of Baltimore County.

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

	Owner(s)/Petitioner(s):
rimon rim or thousand bearings, school or man	DELLIS, MICHAEL / DELLIS, LOANN Name #1 – Type or Print / Name # 2 – Type or Print
The specific of the specific o	Signature #1 Signature # 2
	1307 GATESHEAD RD. TOWSON MD Mailing Address City State
ans with the Tyles	21286 / 443-841-0695 / icvndellis@aol.com Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
WWG.	SUSAN HARRINGTON, RATCLIFFE ARCHITEOTS
Name- Type or Print	Name - Type or Print
Name- Type or Print Signature Mailing Address: City Sta	Signature 1040 STEVENSON ROAD STEVENSON MD
Mailing Address City Sta	
	21153 410-484-7010 susan@ratcliffearchitects.com
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
	found to be required, it is ordered by the Office of Administrative Hearings for Balti e subject matter of this petition be set for a public hearing, advertised, and re-posted

Filing Date

1, 2, 2020 Estimated Posting Date 2

Administrative Law Judge for Baltimore County

Rev 5/5/2016

Affidavit in Support Administrative Varianc (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

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

Address: 1307 GATESHEAD RD TOWSON MD State	21286 Zip Code
Based upon personal knowledge, the following are the facts upon which I/we base the reques Administrative Variance at the above address. (Clearly state practical difficulty or hardship	
WE WOULD LIKE TO EXPAND THE EXISTING GARAGE FROM A 2 CAR GARAGE TO GARAGE. DUE TO THE TRAPAZOIDAL SHAPE OF THE LOT AND HAVING A SMELATIVE TO THE AVERAGE 1 ACRE FOR DR-1 WE SEEK A REDUCTION IN REAR SEFOM 50' TO 40' TO ACCOMDATE THIS ADDITION WITHOUT PROJECTING EXCEPTION THE FRONT OF THE HOUSE IN AN UNSIGHTLY MANNER. THE SIZE, STATE LOCTION OF THIS NEW GARAGE ADDITION ARE WELL WITHIN THE NORM FOR NEIGHBORHOOD AND WILL HELP PRESERVE THE FORM AND CHARACTER COMMUNITY.	MALL LOT ETBACK ESSIVELY TYLE AND FOR THIS
The state of the s	an Destocation for
(If additional space for the petition request or the above statement is needed, label and attach it to the Signature of Owner (Affiant)	nis Form)
MICHAEL DELLIS WICHAEL DELLIS LOANN DELLIS Name- Print or Type LOANN DELLIS Name- Print or Type	ELLIS
The following information is to be completed by a Notary Public of the State of Maryland	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	u a gyl -grquAl
I HEREBY CERTIFY, this 21 day of Janeary, 2020, before me a Notary of Manand for the County aforesaid, personally appeared:	ryland, in
Print name(s) here: Michael + Losun Dellis	Ma any order
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notaries Seal	September of the septem
Notary Public 28 2023 My Commission Expires	

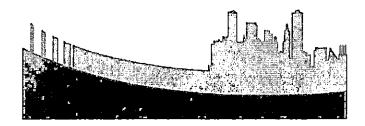
ZONING PROPERTY DESCRIPTION FOR: 1307 GATESHEAD ROAD

TOWSON, MD 21086

Beginning for the same at a point on the West side of Gateshead Road which is 50 feet wide at a distance of \pm 576 feet NW of the centerline of the nearest improved intersecting street Saint Francis Rd. which is 50 feet wide.

Being known and designated as **Lot** # 46 **B** as shown in the Revised Plat of Lots # 40 and 42, and Lots # 45-54, inclusive as shown on the Plat of Hampton, as recorded in the land records of Baltimore County in plat book **C.W.B**, **Jr.** # 12, **Folio 38**, containing 34,476 SF of lot. Located in the 9th Election District and 3rd Council District.

The above property description was taken from the Deed recorded on May 26, 2015 in Liber 36300, Folio 72.



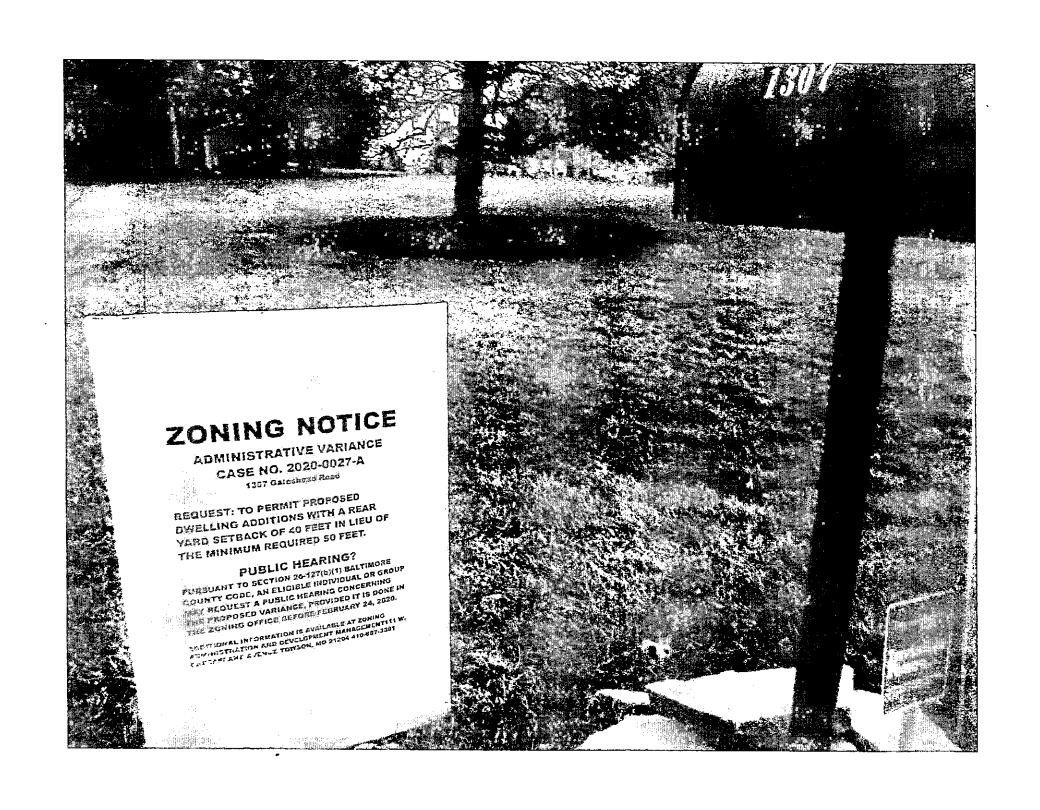
CERTIFICATE OF POSTING

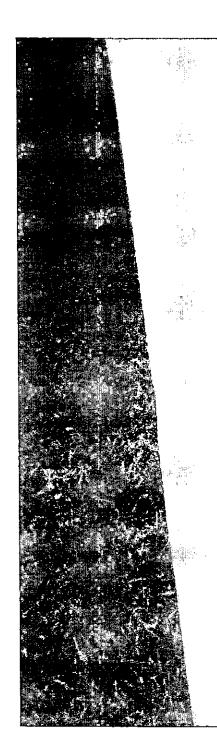
February 11, 2020 (amended)
Re: Zoning Case No. 2020-0027-A Legal Owner: Michael & Loann Dellis Closing date: February 24, 2020
Baltimore County Department of Permits, Approvals & Inspections County Office Building 111 West Chesapeake Avenue, Room 111 111 West Chesapeake Avenue Towson, MD 21204
Attention: Jenae Johnson
Ladies and Gentlemen,
This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 1307 Gateshead Road.
The signs were posted on February 7, 2020.
The signs were inspected again on
Sincerely,
But Of
Bruce E. Doak

See the attached sheet(s) for the photos of the posted sign(s)

MD Property Line Surveyor #531

Bruce E. Doak Consulting, LLC 3801 Baker Schoolhouse Road Freeland, MD 21053 410-419-4906 cell / 443-900-5535 office bdoak@bruceedoakconsulting.com





ZONING NOTICE

ADMINISTRATIVE VARIANCE CASE NO. 2020-0027-A

1307 Gateshead Road

REQUEST: TO PERMIT PROPOSED

DWELLING ADDITIONS WITH A REAR

YARD SETBACK OF 40 FEET IN LIEU OF

THE MINIMUM REQUIRED 50 FEET.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1) BALTIMORE
COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP
MAY REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN
THE ZONING OFFICE BEFORE FEBRUARY 24, 2020.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONICO ADMINISTRATION AND DEVELOPMENT MANAGERICATION OF CHESAPEAKE AVENUE TOWSON, MD 21201 LIVER AND ADDITIONAL TOWSON, MD 21201 LIVER AND ADDITI

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 6027 -A Address 1307 Gateshead Road
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Filing Date: Planter, Please Print Your Name Posting Date: 2/9/2020 Closing Date: 2/9/2020
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office. (Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2020- 0027 - A Address: 1307 Gateshead Road
Petitioner's Name: Michael & Loann Dellis Telephone: 443-841-0695
Posting Date: 2/9/2020 Closing Date: 2/24/2020
Wording for Sign:
To permit proposed dwelling additions with a rear yard setback of
40 feet in lieu of the minimum required 50 feet.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:
Case Number: 2020-0017-A
Property Address: 1307 Gateshead Road
Property Description: W/s of Gateshead Road,
576' NWof Saint Francis Road
Legal Owners (Petitioners): Michael & Loann Dellis
Contract Purchaser/Lessee: N/A
PLEASE FORWARD ADVERTISING BILL TO:
Name: Gugan Harvington
Company/Firm (if applicable): Alther Ratcliffe Avolitects
Address: 10404 Hevenson Each
Heveuson, MD 21163
Telephone Number: 410. 48 6-7010

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JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL D. MALLINOFF, Director

Department of Permits,

Approvals & Inspections

February 25, 2020

Michael & Loann Dellis 1307 Gateshead Road Towson MD 21286

RE: Case Number: 2020-0027-A, 1307 Gateshead Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 28, 2020. 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.

BU

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel Susan Harrington Ratcliffe Architects 1040 Stevenson Road Stevenson MD 21153



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Gregory Slater
Acting Secretary

Tim Smith, P.E.
Acting Administrator

Date: 2/3/20

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2020 - 2027 - A

Administrative Variance Michael & Louis Dellis 1307 Giteshead Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@mdot.maryland.gov).

Sincerely,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ



Inter-Office Correspondence





TO:

Hon. Paul M. Mayhew; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

February 12, 2020

SUBJECT:

DEPS Comment for Zoning Item

2020-0027-A

Address

1307 Gateshead Road

(Dellis Property)

Zoning Advisory Committee Meeting of February 10, 2020.

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

Reviewer:

Steve Ford

Debra Wiley

From:

Debra Wiley

Sent:

Tuesday, February 25, 2020 1:45 PM

To:

Jenae Johnson

Subject:

AV - 2/24 Closing Date

V ruid 2/25 Jenos

Hi Jenae,

In reference to the above, we're missing the following:

2020-0026-A - siteplan

2020-0027-A - photos

2020-0031-A – photos

Thanks.

Debra Wiley, Legal Administrative Secretary Baltimore County Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Maryland 21204 410-887-3868

CASE NO. 2020- 0021-AV

CHECKLIST

Comment Received	<u>Depa</u>	<u>rtment</u>			Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT (if not received, da				
2-12	DEPS (if not received, da	nte e-mail sent _			NO
	FIRE DEPARTM	ENT			
	PLANNING (if not received, da	ate e-mail sent _	, x		
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SIGN POSTING	(2 nd)	Date:			by
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Comments, if an	y: Arising prod	co 2/25/20			
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Real Property Data Search

Search Result for BALTIMORE COUNTY

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7AC AGENDA

Case Number: 2020-0027-A

Reviewer: Jeffrey Perlow Proposed Use: RESIDENTIAL

Existng Use: RESIDENTIAL Type: ADMINISTRATIVE VARIANCE

Legal Owner: Dellis, Michael & Loann

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No)Flood Plain: (No

Historic: No

Election Dist: 9 Council Dist: 3

Property Address: 1307 GATESHEAD RD

Location: West side of Gateshead Road, 576' Northwest of Saint Francis Road.

Existing Zoning: DR 1

Area: 34,476 SQ FT

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

1B023.C.1, BCZR, To permit proposed dwelling addition with a rear yard setback of 40 feet in lieu of the minimum

required 50 feet.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 02/24/2020

Miscellaneous Notes:

Case Number: 2020-0028-A

Reviewer: Jun Fernando

Existng Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Albert & Deborah Spence

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No

Election Dist: 2 Historic: No

Council Dist: 2

Property Address: 4516 OLD COURT RD

Location: Beginning point on the north side of Old Court Road which is 75 feet wide at a distance of 100 south of

the center line of the intersection street Scott Level Road, 50 which is 50 feet wide.

Existing Zoning: DR 3.5

Area: 37,679 SQ FT

Proposed Zoning:

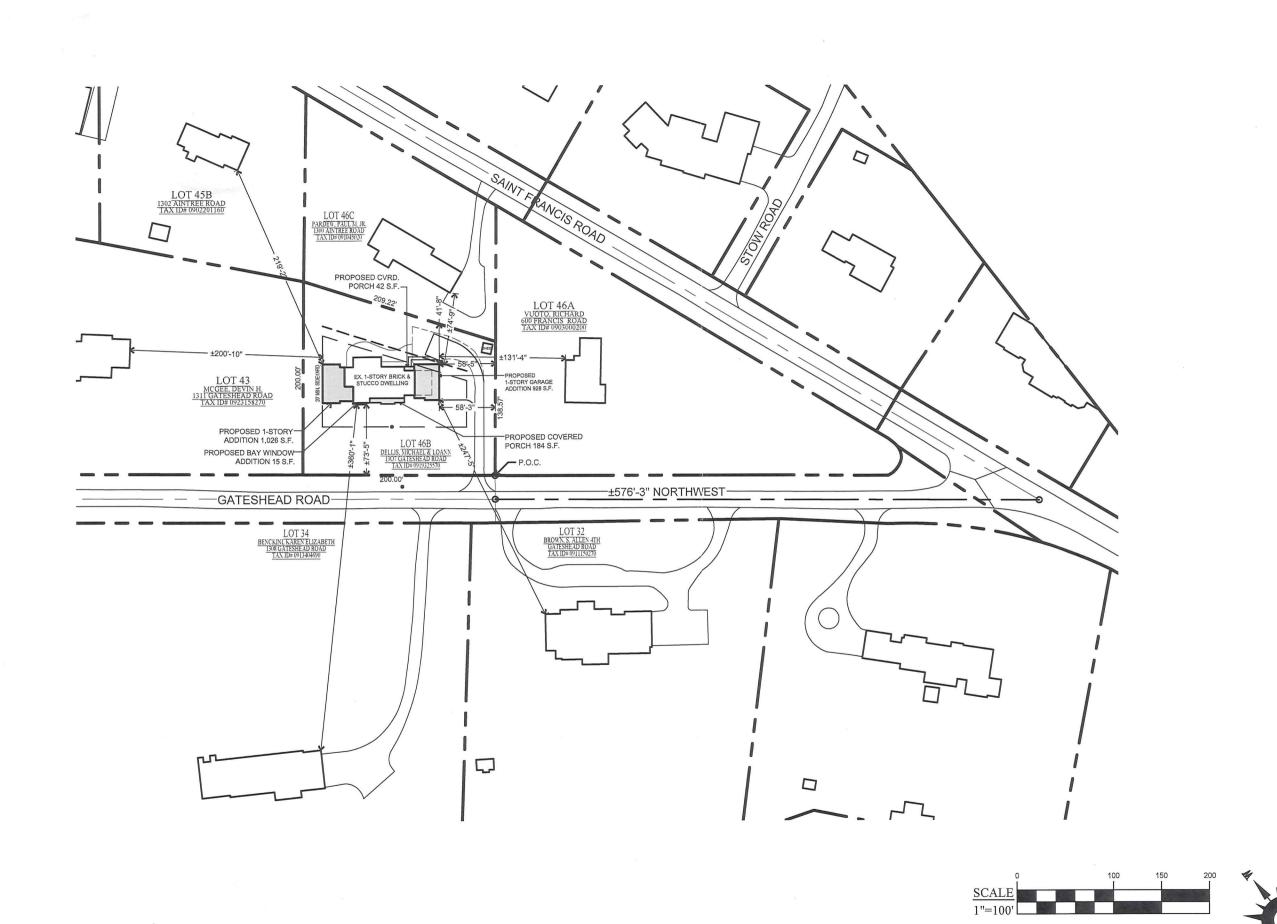
ADMINISTRATIVE VARIANCE:

400.1 BCZR To permit an existing accessory structure (garage) to be located in the front and side yard in lieu of the

required rear yard and with a setback of 0' in lieu of the required 2.5'.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 02/24/2020

Miscellaneous Notes:



RATCLIFFE
ARCHITECTS
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I CERTIFY THAT THESE DOCUMENTS WER PREPARED OR APPROVED BY ME, AND I AI A DULY LICENSED ARCHITECT UNDER TH LAWS OF THE STATE OF MARYLAND. LICENSE No. 10916, EXPIRATION DATE

> OWNERSHIP OF DOCUMENTS NOTIC

DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF RATCLIFFE EXCLUSIVE PROPERTY OF RATCLIFFE WITH A PROPERTY OF THE SERVICE OF THE SERVI

PROJECT:

NEW ADDITION & RENOVATION PLANS FOR:
THE DELLIS

RESIDENCE
1307 GATESHEAD ROAD.
LUTHERVILLE-TIMONIUM,
MD 21093
BALTIMORE COUNTY

BALTIMORE COUNTY

RELEASE SCHEDULE

DATE SUMMARY

2020.01.17 PRELIAL PRICING

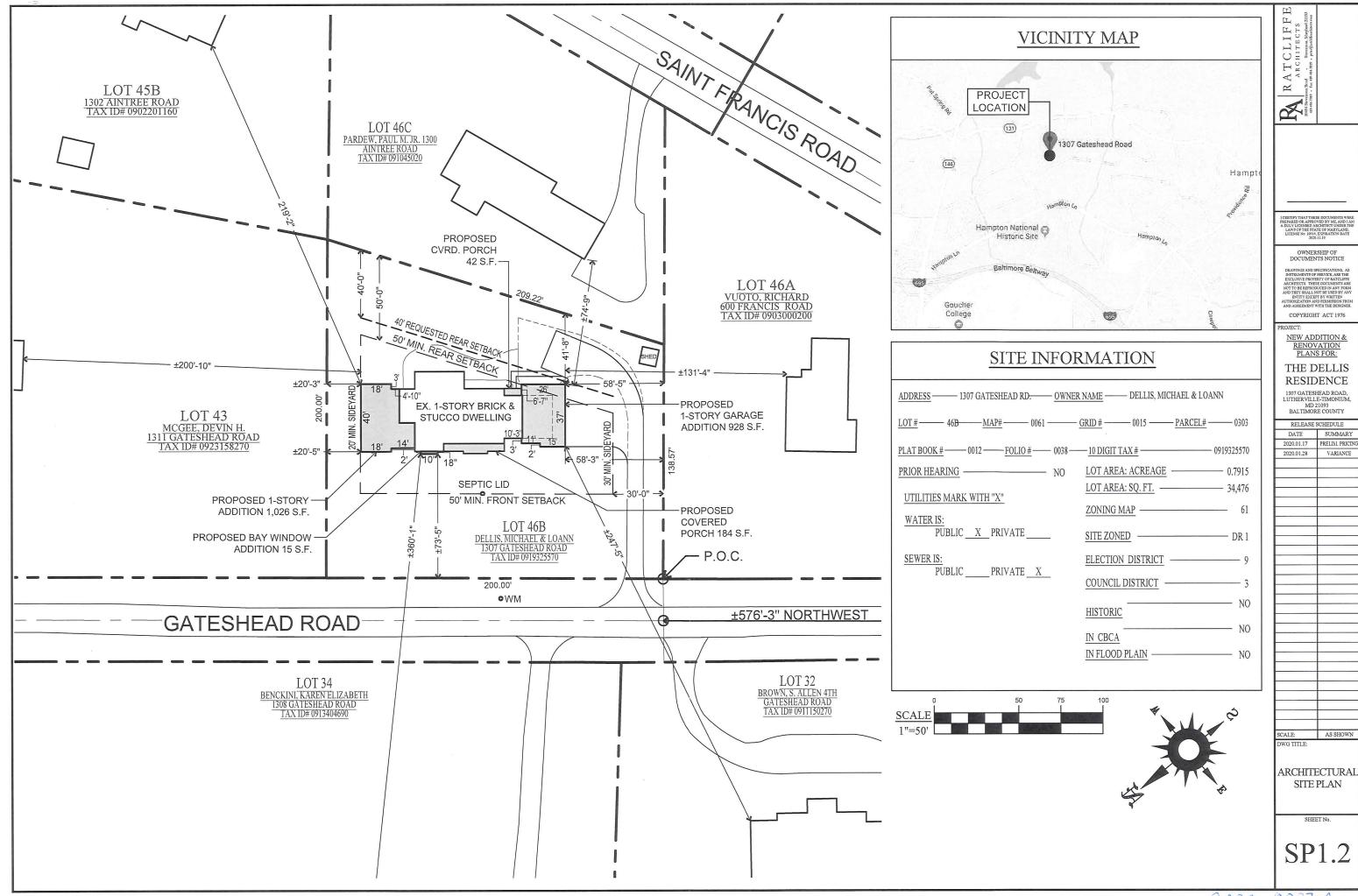
2020.01.28 VARIANCE

SCALE: AS SHOWN
DWG TITLE:

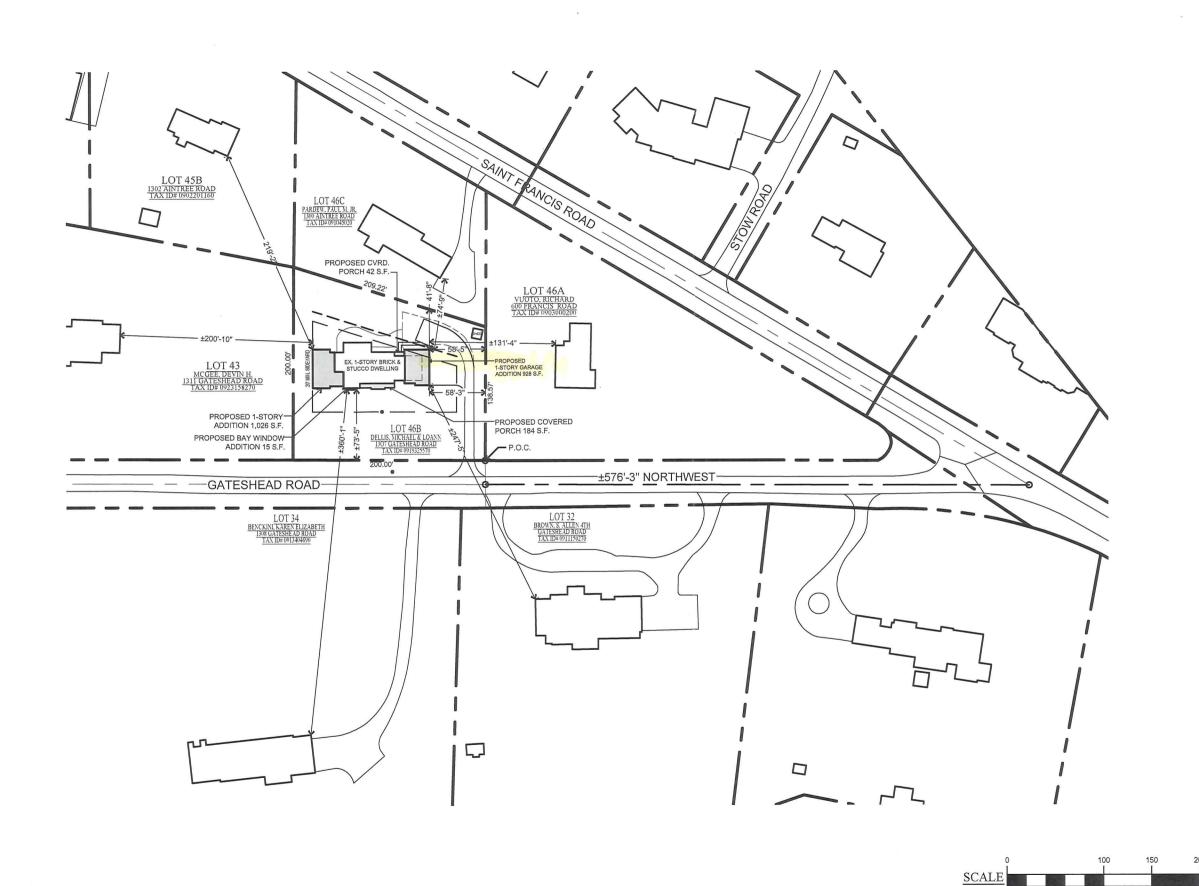
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PROJECT

NEW ADDITION &
RENOVATION
PLANS FOR:

THE DELLIS RESIDENCE

1307 GATESHEAD ROAD, LUTHER VILLE-TIMONIUM, MD 21093 BALTIMORE COUNTY

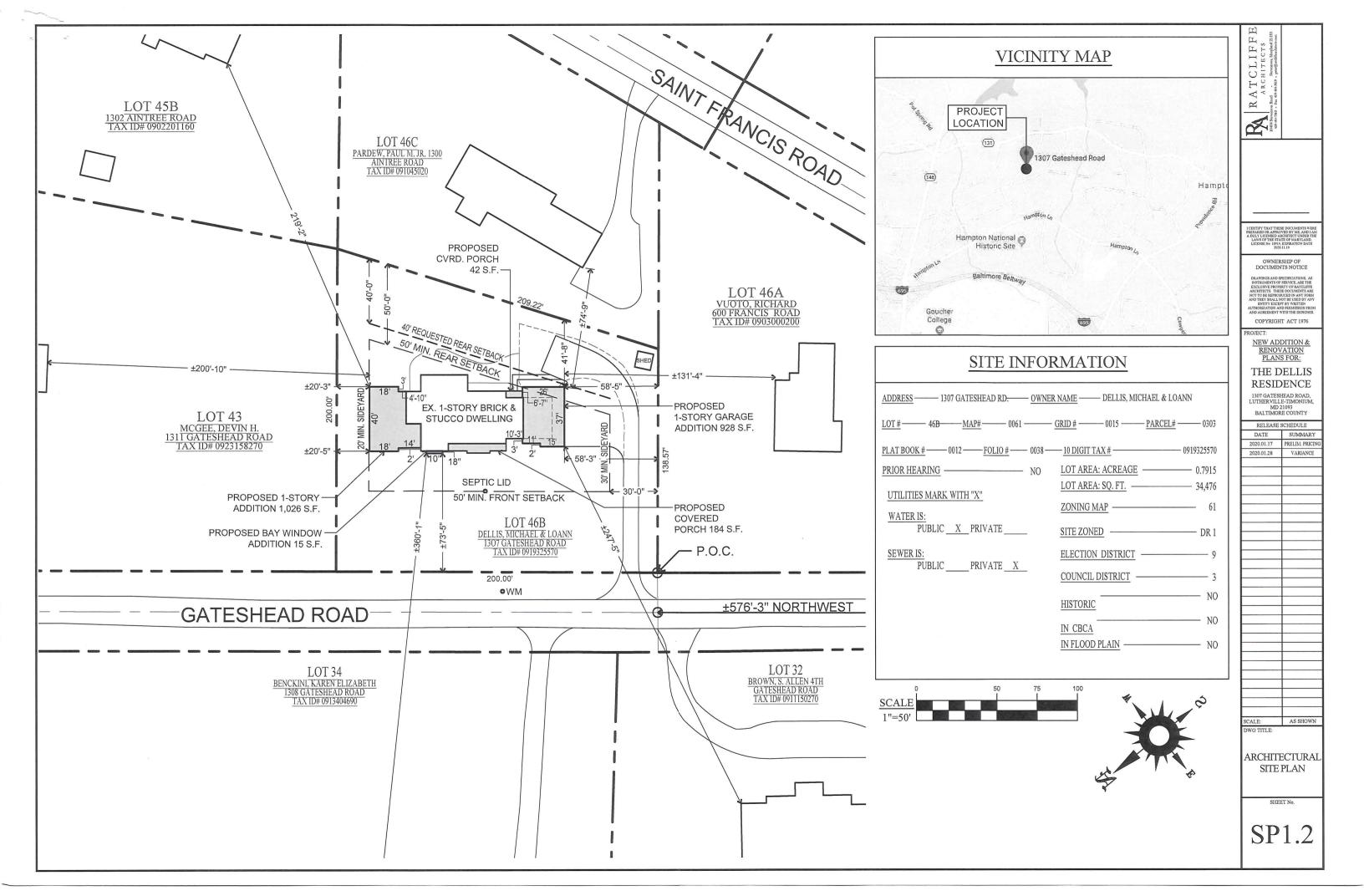
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DATE	SUMMARY						
2020.01.17	PRELIM. PRICING						
2020.01.28	VARIANCE						
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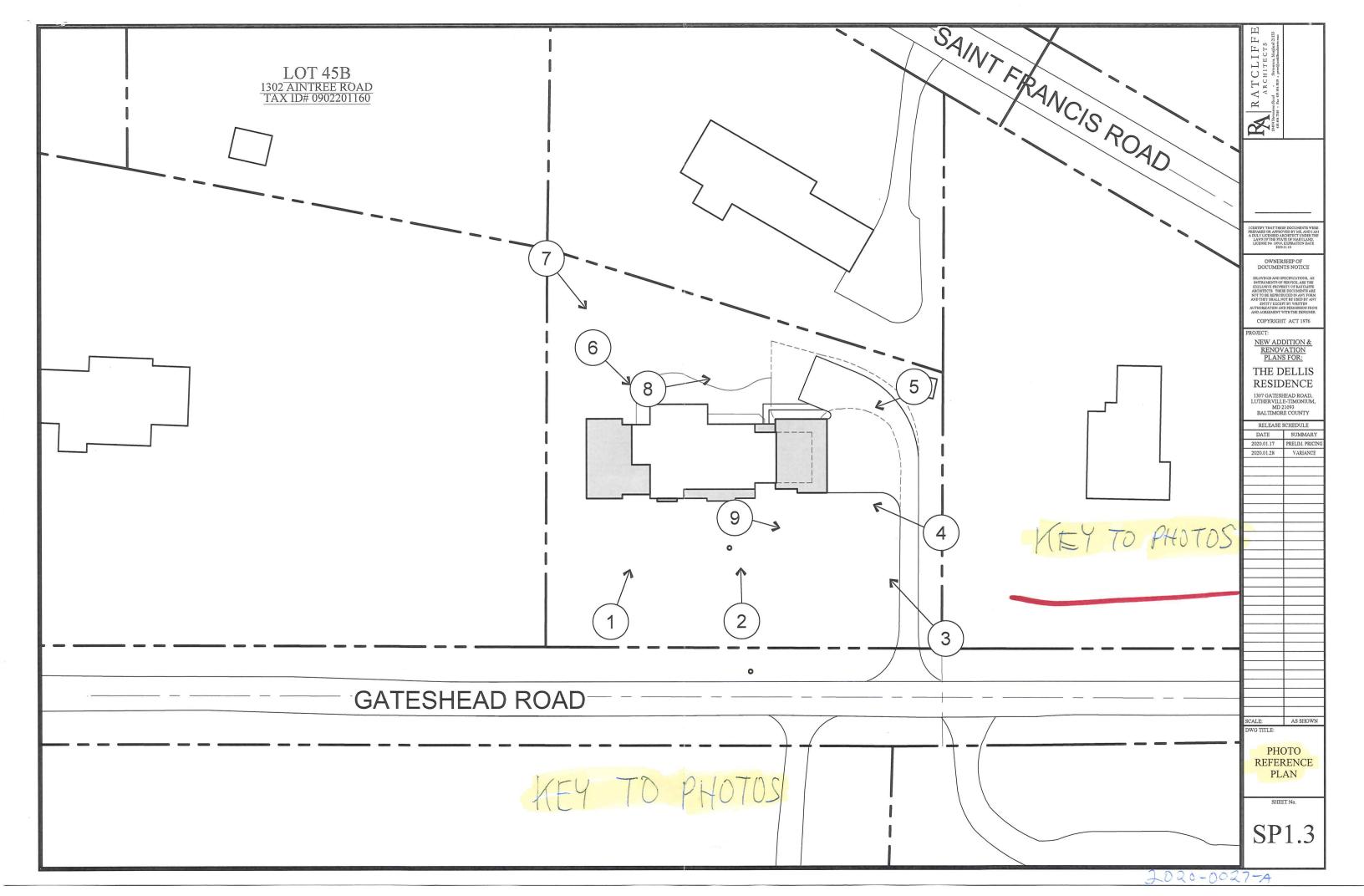
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THE DELLIS RESIDENCE

1307 GATESHEAD ROAD, LUTHERVILLE-TIMONIUM, MD 21093 BALTIMORE COUNTY

DATE	SUMMARY
2020.01.17	PRELIM. PRICING
2020.01.28	VARIANCE
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ALE:	AS SHOWN

SITE PICTURES

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