

IN RE: PETITION FOR ZONING VARIANCE
NW/Corner Galena & Sussex Roads
(1537 Galena Road)
15th Election District
5th Councilmanic District

Charles E. Williams, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-280-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 5 feet in lieu of the required 10 feet and a front yard setback of 30 feet in lieu of the required maximum average of 40 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1537 Galena Road, consists of .39 acres zoned D.R. 5.5 and is improved with a single family dwelling which has been Petitioners' residence for the past 35 years. Petitioners are desirous of constructing a new dwelling on the subject property as opposed to making extensive repairs to the existing dwelling. Testimony indicated that the existing dwelling will be removed within 60 days of Petitioners' receipt of their occupancy permit for the new dwelling. Petitioners testified that the requested front yard setback is necessary due to the unique characteristics of the property and the location of the existing improvements thereon. Further testimony indicated that the requested side yard setback is necessary as a portion of the property is a filled area and would not adequately support a foundation. Testimony indicated that Petitioners have spoken with their adjoining neighbors who have no objections to their plans. Further testimony indi-

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Date 1/12/90
By [Signature]

the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R. the Director in accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following requirements:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of January, 1990 that the Petition for Zoning Variance to permit a side yard setback of 5 feet in lieu of the required 10 feet and a front yard setback of 30 feet in lieu of the re-

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By [Signature]

JAN 10
ANN

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 153
Williams Property
Chesapeake Bay Critical Area Findings

DATE: January 12, 1990

RECEIVED
JAN 25 1990
ZONING OFFICE

SITE LOCATION

The subject property is located at 1537 Galena Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME: Charles and Shirley Williams

APPLICANT'S PROPOSAL

The applicant has requested a variance from section 18.02.3.C1 and 303.1, "to permit a side yard setback of 5 feet in lieu of the required 10 feet and to permit a 30 foot front setback in lieu of the required 40 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Table 1. PLANT ASSOCIATION: UPLAND DRY

NAME	RELATIVE ABUNDANCE
VEGETATIVE STRATA - SHRUBS AND SMALL TREES	
<i>Amelanchier canadensis</i>	(Canadian Serviceberry) Local
<i>Castanea pumila</i>	(Chinquapin) Local
<i>Cornus florida</i>	(Flowering Dogwood) Freq.-Abund.
<i>Gaylussacia frondosa</i>	(Huckleberry) Abundant
<i>Ilex opaca</i>	(American Holly) Freq.-Abund.
<i>Juniperus virginiana</i>	(Common Juniper) Frequent
<i>Kalmia angustifolia</i>	(Lamb-Kill) Abundant
<i>Kalmia latifolia</i>	(Mountain Laurel) Abundant
<i>Prunus serotina</i>	(Black Cherry) Abundant
<i>Quercus prinoides</i>	(Dwarf Chinquapin) Local
<i>Rhododendron nudiflorum</i>	(Pinxter Flower) Freq.-Abund.
<i>Rhus copallina</i>	(Winged Sumac) Freq.(Early Succession)
<i>Rhus glabra</i>	(Smooth Sumac) Freq.(Early Succession)
<i>Rhus typhina</i>	(Staghorn Sumac) Freq.(Early Succession)
<i>Rubus allegheniensis</i>	(Tall Blackberry) Frequent
<i>Vaccinium angustifolium</i>	(Low Sweet Blueberry) Frequent
<i>Vaccinium stamineum</i>	(Deerberry) Local
<i>Vaccinium vacillans</i>	(Low Blueberry) Abundant
<i>Viburnum acerifolium</i>	(Maple-Leaved Arrowhead) Frequent
<i>Viburnum prunifolium</i>	(Black Haw) Frequent

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cated that the relief requested will not result in any detriment to the health, safety or general welfare of the community.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of

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By [Signature]

quired maximum average of 40 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within sixty (60) days of the issuance of any occupancy permits, Petitioners shall submit a notarized affidavit evidencing proof that the existing dwelling has been removed and the foundation filled in.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 12, 1990, attached hereto and made a part hereof.

ANN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

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Date 1/12/90
By [Signature]

Memo to Mr. J. Robert Haines
January 12, 1990
Page 3

- (2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and
- (3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.
- (4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" (Baltimore County Code, Section 22-217(h)).

FINDINGS: At present, rooftop runoff does not appear to be collected in rainpools. In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch Drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Vois
Mrs. Janice B. Outen

Table 2. PLANT ASSOCIATION: UPLAND MOIST

NAME	RELATIVE ABUNDANCE
VEGETATIVE STRATA - SHRUBS AND SMALL TREES	
<i>Asimina triloba</i>	(Paw Paw) Abundant
<i>Amelanchier canadensis</i>	(Canadian Serviceberry) Abundant
<i>Amelanchier laevis</i>	(Serviceberry) Abundant
<i>Amelanchier obovatis</i>	(Obovate Serviceberry) Abundant
<i>Clethra alnifolia</i>	(Sweet Pepperbush) Abundant
<i>Cornus amomum</i>	(Silky Dogwood) Local
<i>Cornus florida</i>	(Flowering Dogwood) Freq.-Abund.
<i>Gaylussacia frondosa</i>	(Huckleberry) Abundant
<i>Ilex opaca</i>	(American Holly) Abund.-Freq.
<i>Itea virginica</i>	(Tassel-White) Infrequent
<i>Kalmia angustifolia</i>	(Lamb-Kill) Abundant
<i>Kalmia latifolia</i>	(Mountain Laurel) Abundant
<i>Leucothoe racemosa</i>	(Fetter-Bush) Abundant
<i>Lindera benzoin</i>	(Common Spicebush) Frequent
<i>Lyonia ligustrina</i>	(Male-Berry) Frequent
<i>Myrica pensylvanica</i>	(Bayberry) Frequent
<i>Prunus serotina</i>	(Black Cherry) Abundant
<i>Prunus virginiana</i>	(Choke Cherry) Local
<i>Rhododendron nudiflorum</i>	(Pinxter Flower) Infrequent

-8-

Source: Baltimore County Office of Planning and Zoning, May 1987

J. Robert Hines
Zoning Commissioner of Baltimore County

P. M. J. Robert Hailey
 Critical Review appearing to notify DEAR
 Filed 10/31/09 By JRP
 Zoning Commissioner of Baltimore County
 One Time a Day
 (over)
 - 2 H.R. Hang Time
 1

Number of Signs: 1

	Baltimore County Zoning Commissioner County Office Building 111 West Choptank, Town Towson, Maryland 21204	receipt No. 935
	Account: B-001-6150 Number	7900024E
Date: 1/10/90	90-280-A	
PUBLIC HEARING FEES	QTY	PRICE
000 - POSTING SIGNS / ADVERTISING	1	\$125.15
TOTAL		\$125.15
LAST NAME OF OWNER: WILLIAMS		

0 10000001263816 108F

Cashier Validation: Please make checks payable to Baltimore County

[illegible]

(Instruments)
Key:
⊕ Existing Trees To Remain
⊗ Existing Trees To Be Removed
Note: Existing Trees To Be Removed Will Be Replaced Within 1 Year
Note: Under Infiltration Device Will Be Installed At Down Spouts
Note: Existing House To Be Removed & Replaced With New Building. Occupancy of Proposed Dwelling
EXISTING: HOUSE #1535
PROPOSED DWELLING #1537
CONC. PAD
CONC. DRIVE
GARG.
5' MIN. BLDG. SETBACK
LOT 70
LOT 71
STONE
OWNER: Charles Shirley Williams
District: 15 Zoned - O.R. 5.5
Subdivision: Hyde Park
Lot No. 71 Out - Book No. WHM 9, Folio No. 59
Brisling Public Utilities
GALENA ROAD
this property is in CRITICAL AREA
Lot Size: 17,200 Sqft
39 ACRES
SCALE: 1" = 20'
IONER'S
BET 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 897-3353

J. Robert Haines
Zoning Commissioner

December 6, 1989

NOTICE OF HEARING

Donna F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 103 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-280-A
Map Intersection of Galena and Sussex Roads
1537 Galena Road
15th Election District - 5th Councilmanic
Petitioner(s): Charles E. Williams, et ux
HEARING: WEDNESDAY, JANUARY 10, 1990 at 2:00 p.m.

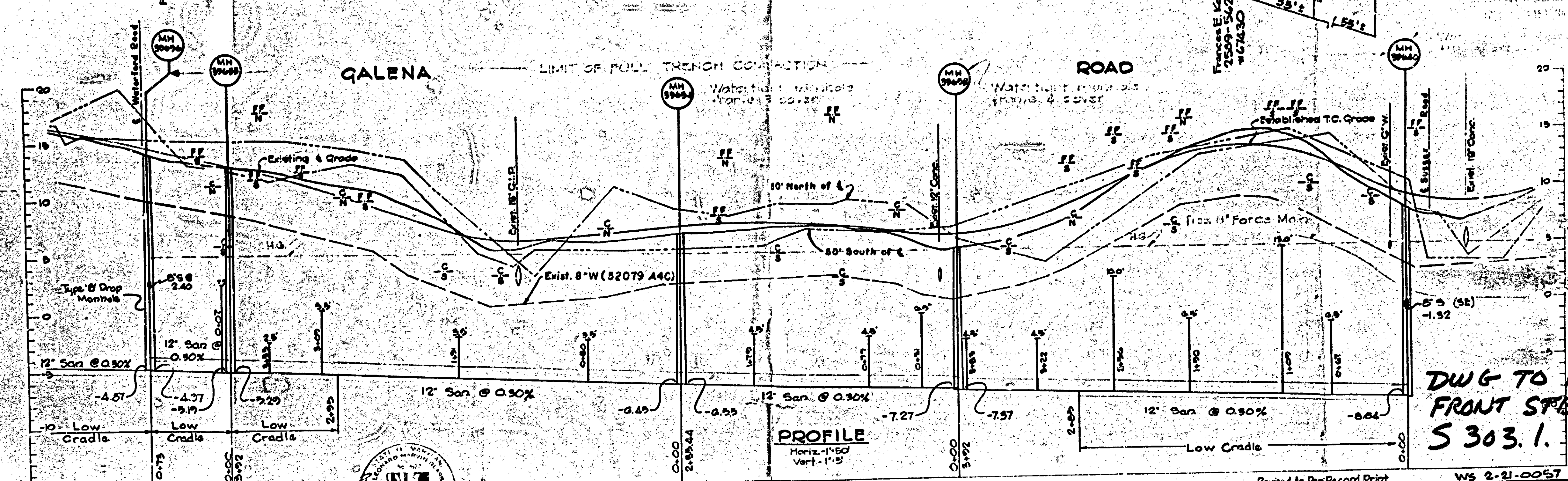
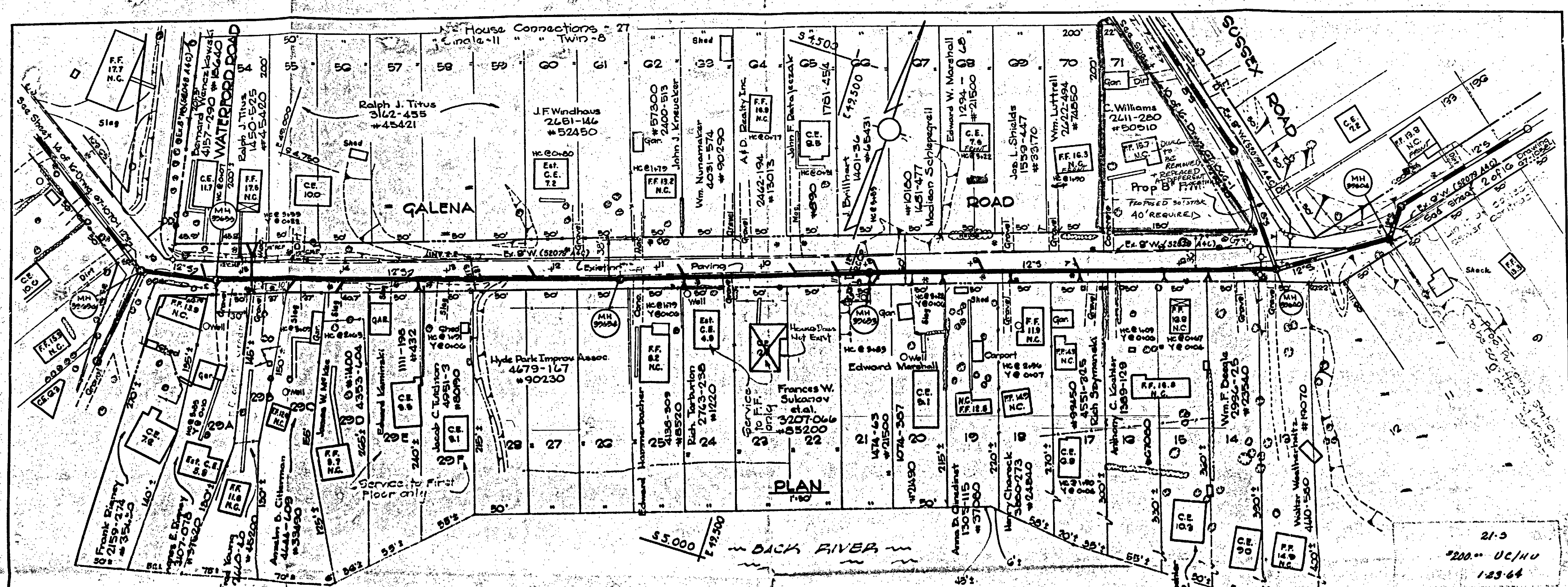
Variance to permit a side yard setback of 5 feet in lieu of the required 10 feet and a 30 foot front yard setback in lieu of the 40 foot front.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

391pgs
cc: Petitioners



DWG TO ESTABLISH
FRONT SPBK PER
S 303.1.

DPW Directive # 2683 ROAD PERMIT AND GRADES PERMIT REQUESTED: Jan 16, 1953 GRADE ESTABLISHED: 51-224-8-3 DATE: 2/27/69 RV 68-255		APPROVED FOR CITY OF BALTIMORE DATE: 2/27/69 WATER ENGINEER: LEONARD M. GLASS REG. NO. 2672 DESIGNED: AR DRAWN: RC CHECKED: LMO DATE: 2/27/69		DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING APPROVED: [Signature] DIRECTOR & CHIEF SANITARY ENGINEER DATE: 2/26/69		BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING 12" SANITARY SEWER GALENA ROAD FROM WATERFORD RD. TO SUSSEX RD. ELECTION DISTRICT NO. 13		SCALE: AS SHOWN DRAWING COMPLETED: 13 SHEET: 13 J.O. 1-2-208 67-1069 FILE: 1	
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CONT. # 69-098 5X1

99-280-A
153
CRITICAL AREA

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 4, 1990

COUNTY OFFICE BLDG.
111 N. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Charles E. Williams
1537 Galena Road
Baltimore, MD 21221

RE: Item No. 153, Case No. 90-280-A
Petitioner: Charles E. Williams, et ux
Petition for Zoning Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commission with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 15, 1989

FROM: Paul Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Charles E. Williams, et ux, Item 153
Zoning Petition No. 90-280A

The Petitioners request a variance to side yard and front yard setback requirements.

In reference to this request, staff offers the following comment:

This office has no objection to the proposed setbacks. The existing dwelling should be removed prior to final occupancy of the proposed new dwelling.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

DEC 15 1989

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

11-15-89
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #153, Zoning Advisory Committee Meeting of

Property Owner: Charles E. Williams, et ux

Location: 1537 Galena Rd. #1537 Baltimore, MD 21221

Water Supply: M&D Sewage Disposal: M&D

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type health care facilities, must be submitted to the Baltimore County Department of Health and Mental Hygiene for review and approval.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to raising of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____, conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-2980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2588
(301) 887-4500

Paul H. Reticker
Chief

DECEMBER 1, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CHARLES E. WILLIAMS

Location: #1537 GALENA ROAD

Item No.: 153 Zoning Agenda: NOVEMBER 14, 1989

Gentlemen:

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

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carolyn H. Hines* Noted and Approved
Planning Group Fire/Prevention Bureau
Special Inspection Division

JK/KEK

DEC 01 1989

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for November 14, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 144, 150, 154, 155, 156, 158 and 159.

For Item 151, the creation of this lot leaves the 4.939 acre parcel without frontage. Plat 44/09 had previously eliminated frontage of lots east of the panhandle. It appears that a subdivision plat should be prepared for any subsequent division of this tract.

For Item 152, record plat 60/95 identifies Hillside Drive as Hillstead Drive.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

DEC 22 1989

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3363

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

November 29, 1989

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 144, 150, 151, 152, 153, 154, 155, 156, 158, & 159.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/LW

Your petition has been received and accepted for filing this 31st day of October, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Charles E. Williams, et ux

Petitioner's Attorney:

RECEIVED
JAN 25 1990

ZONING OFFICE

SITE LOCATION

The subject property is located at 1537 Galena Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME: Charles and Shirley Williams

APPLICANT'S PROPOSAL

The applicant has requested a variance from section 18.02.3.C1 and 303.1, "To permit a side yard setback of 5 feet in lieu of the required 10 feet and to permit a 10 foot front setback in lieu of the required 40 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

COMAR 14.15.10.01.02

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 10' foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-213(a)).

Finding: The proposed dwelling is located further than 100 feet landward from the mean high water line.

2. Regulation: "No grading, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." (Baltimore County Code Sec. 22-98)

Finding: No wetlands are shown to be located on this site or in the vicinity of the site.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" (COMAR 14.15.02.04 C.(7)).

Finding: The sum of all man-made impervious surfaces equals 7% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15% (COMAR 14.15.02.04 C.(5))."

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 4 items - ball and burlap or 2 gallon container, size

Tree list: 2 items - minimum 4 foot size

5. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" (Baltimore County Code, Section 22-213(b)).

Finding: At present, rooftop runoff does not appear to be collected in rainpools. In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch Drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 687-2904.

Robert W. Shewley
Robert W. Shewley, Director
Department of Environmental Protection
and Resource Management

RWB:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Vois
Mrs. Janice B. Outen

Table 1.

PLANT ASSOCIATION: UPLAND DRY

NAME		RELATIVE ABUNDANCE
VEGETATIVE STRATA - SHRUBS AND SMALL TREES		
<i>Amelanchier canadensis</i>	(Canadian Serviceberry)	Local
<i>Castanea pumila</i>	(Chinquapin)	Local
<i>Cornus florida</i>	(Flowering Dogwood)	Freq.-Abund.
<i>Gaylussacia frondosa</i>	(Huckleberry)	Abundant
<i>Ilex opaca</i>	(American Holly)	Freq.-Abund.
<i>Juniperus virginiana</i>	(Common Juniper)	Frequent
<i>Kalmia angustifolia</i>	(Lamb-Kill)	Abundant
<i>Kalmia latifolia</i>	(Mountain Laurel)	Abundant
<i>Prunus serotina</i>	(Black Cherry)	Abundant
<i>Quercus prinoides</i>	(Dwarf Chinquapin)	Local
<i>Rhododendron nudiflorum</i>	(Pinxter Flower)	Freq.-Abund.
<i>Rhus copallina</i>	(Winged Sumac)	Freq.(Early Succession)
<i>Rhus glabra</i>	(Smooth Sumac)	Freq.(Early Succession)
<i>Rhus typhina</i>	(Staghorn Sumac)	Freq.(Early Succession)
<i>Rubus allegheniensis</i>	(Tall Blackberry)	Frequent
<i>Vaccinium angustifolium</i>	(Low Sweet Blueberry)	Local
<i>Vaccinium stamineum</i>	(Deerberry)	Local
<i>Vaccinium vacillans</i>	(Low Blueberry)	Abundant
<i>Viburnum acerifolium</i>	(Maple-Leaved Arrowhead)	Frequent
<i>Viburnum prunifolium</i>	(Black Haw)	Frequent

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Table 2.

PLANT ASSOCIATION: UPLAND MOIST

NAME		RELATIVE ABUNDANCE
VEGETATIVE STRATA - SHRUBS AND SMALL TREES		
<i>Asimina triloba</i>	(Paw Paw)	Abundant
<i>Amelanchier canadensis</i>	(Canadian Serviceberry)	Abundant
<i>Amelanchier laevis</i>	(Serviceberry)	Abundant
<i>Amelanchier obovatis</i>	(Obovate Serviceberry)	Abundant
<i>Clethra alnifolia</i>	(Sweet Pepperbush)	Abundant
<i>Cornus anonomum</i>	(Silky Dogwood)	Local
<i>Cornus florida</i>	(Flowering Dogwood)	Freq.Abund.
<i>Gaylussacia frondosa</i>	(Huckleberry)	Abund.-Freq.
<i>Ilex opaca</i>	(American Holly)	Abundant
<i>Itea virginica</i>	(Tassel-White)	Infrequent
<i>Kalmia angustifolia</i>	(Lamb-Kill)	Abundant
<i>Kalmia latifolia</i>	(Mountain Laurel)	Abundant
<i>Leucothoe racemosa</i>	(Fetter-Bush)	Frequent
<i>Lindera benzoin</i>	(Common Spicebush)	Frequent
<i>Lyonia ligustrina</i>	(Male-Berry)	Frequent
<i>Myrica pensylvanica</i>	(Bayberry)	Frequent
<i>Prunus serotina</i>	(Black Cherry)	Abundant
<i>Prunus virginiana</i>	(Choke Cherry)	Local
<i>Rhododendron nudiflorum</i>	(Pinxter Flower)	Infrequent

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PLANT ASSOCIATION: UPLAND MOIST (Continued)

NAME		RELATIVE ABUNDANCE
<i>Magnolia virginiana</i>	(Sweet Bay Magnolia)	Frequent
<i>Nyssa sylvatica</i>	(Black Gum)	Abundant
<i>Populus grandidentata</i>	(Swamp Poplar)	Infrequent
<i>Populus deltoides</i>	(Cottonwood)	Infrequent
<i>Quercus alba</i>	(White Oak)	Abundant
<i>Quercus phellos</i>	(Willow Oak)	Frequent
<i>Quercus prinus</i>	(Chestnut Oak)	Abundant
<i>Quercus rubra</i>	(Red Oak)	Abundant
<i>Sassafras albidum</i>	(Sassafras)	Abundant

Source: Baltimore County Office of Planning and Zoning, May 1987

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PLANT ASSOCIATION: UPLAND DRY (Continued)

NAME		RELATIVE ABUNDANCE
VEGETATIVE STRATA - TREES		
<i>Acer rubrum</i>	(Red Maple)	Abundant
<i>Carya cordiformis</i>	(Bitternut Hickory)	Abundant
<i>Celtis occidentalis</i>	(Hackberry)	Local
<i>Diospyros virginiana</i>	(Common Persimmon)	Local
<i>Juniperus virginiana</i>	(Red Cedar)	Abund.(Early Succession)
<i>Liquidambar styraciflua</i>	(Sweet Gum)	Abundant
<i>Nyssa sylvatica</i>	(Black Gum)	Local
<i>Pinus echinata</i>	(Short Leaf Pine)	Local
<i>Pinus taeda</i>	(Loblolly Pine)	Many Planted
<i>Pinus virginiana</i>	(Virginia Pine)	Abund.(Early Succession)
<i>Quercus alba</i>	(White Oak)	Abundant
<i>Quercus coccinea</i>	(Scarlet Oak)	Frequent
<i>Quercus marilandica</i>	(Black Jack Oak)	Local
<i>Quercus prinus</i>	(Chestnut Oak)	Abundant
<i>Quercus stellata</i>	(Post Oak)	Local
<i>Quercus velutina</i>	(Black Oak)	Abundant
<i>Sassafras albidum</i>	(Sassafras)	Abundant

Source: Baltimore County Office of Planning and Zoning, May 1987

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PLANT ASSOCIATION: UPLAND MOIST (Continued)

NAME		RELATIVE ABUNDANCE
VEGETATIVE STRATA - TREES		
<i>Rhus glabra</i>	(Smooth Sumac)	Freq.(Early Succession)
<i>Rubus hispida</i>	(Swamp Dewberry)	Frequent
<i>Rubus occidentalis</i>	(Wild Black Raspberry)	Frequent
<i>Sambucus canadensis</i>	(Elder)	Frequent
<i>Vaccinium angustifolium</i>	(Low Sweet Blueberry)	Frequent
<i>Vaccinium corymbosum</i>	(Highbush Blueberry)	Abundant
<i>Viburnum acerifolium</i>	(Maple-Leaved Arrowhead)	Frequent
<i>Viburnum prunifolium</i>	(Black Haw)	Frequent
VEGETATIVE STRATA - TREES		
<i>Acer rubrum</i>	(Red Maple)	Abundant
<i>Betula nigra</i>	(River Birch)	Local
<i>Carya glabra</i>	(Pignut Hickory)	Frequent
<i>Celtis occidentalis</i>	(Hackberry)	Frequent
<i>Diospyros virginiana</i>	(Common Persimmon)	Local
<i>Fagus grandifolia</i>	(American Beech)	Frequent
<i>Fraxinus americana</i>	(White Ash)	Frequent
<i>Juglans nigra</i>	(Black Walnut)	Frequent
<i>Juniperus virginiana</i>	(Red Cedar)	Abund.(Early Succession)
<i>Liquidambar styraciflua</i>	(Sweet Gum)	Abundant
<i>Liriodendron tulipifera</i>	(Yellow Poplar)	Abundant

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Chapter 4

From Rain to Runoff

Low rain water moves over and through the ground is important to those of us who have experienced flooded basements, wet yards, or broken septic systems. Solving the problems associated with surface water runoff and poorly drained soil is also important to improving the health of the Chesapeake Bay.

Rain from roofs and driveways runs off, often eroding yards and destroying plants. Much of the soil washed off vacant lots and lawns is carried into streams and eventually reaches the Bay. This sediment smothers fish and shellfish. Nutrients, such as nitrogen and phosphorus from fertilizer in runoff, can cause excessive algae growth, using up oxygen needed by the Bay's aquatic life. This runoff may also contain pesticides, oil, antifreeze, and other substances toxic to life in the Bay.

Pollution also occurs when the soil is too wet to filter sewage outflow. Effluent can percolate into the groundwater without proper filtration, or it can rise to the surface and be carried into streams and drainage ways.

Dealing with Surface Runoff

In large tracts of land, controlling surface water flow (storm water management) is the developer's responsibility. There are inexpensive ways you can control excess runoff created by patios, driveways, sidewalks, and swimming pools. Whatever the soil drainage condition in your neighborhood, you can use swales, berms, and basins to control runoff on your property, reduce its speed, and increase the time over which the runoff is released. For example, land immediately adjacent to your house needs to have a

downhill slope so that water does not seep through the foundation. Once the water has been carried ten feet from the surface so that runoff is released gradually.

Where drainage is good or where infiltration devices are in use, you can grade the land to create a basin, which holds all runoff and allows it to infiltrate the soil over a longer period of time. The effectiveness of a basin depends on the soil's ability to absorb and filter the surface water. Soils with less than two feet of depth to bedrock or one foot of depth to a seasonally high water table, or a clay hardpan beneath the surface, and low-lying soil that receives runoff from a large land area may not have sufficient infiltration capacity.

When you try to retain runoff in these situations, the soil will rapidly become saturated, and rainwater that should filter down a swale to carry the water across the yard, plants the new

through the soil will collect on the surface and either create a health, safety, and are problems or move across the surface as excess runoff.

Be on the lookout for small wet patches in your yard. These wet spots mean that the soil around your house has settled and surface water is collecting on the ground. Planting these pockets with topsoil and seeding them with grass will usually solve the problem by letting water flow on its natural path.

In some instances, you may be able to correct an existing wet soil problem by creating a system of berms and swales around your yard. When it's not feasible to avoid a wet area, you may be able to move it to a less used area of the yard (around shrubs or trees, for example) by installing a swale to carry the water across the yard. Plant the new

Remember: Runoff downhill - some filtering through the soil, some running directly into water streams. By encouraging water to move slowly across the soil as much of it starts into the ground, you will help prevent erosion problems.

