

IN RE: PETITION FOR ZONING VARIANCE
S/S Galena Road, 65' SW of
Sussex Road
(1544 Galena Road)
15th Election District
5th Councilmanic District
Walter Weatherholtz, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-326-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) height of 17 feet in lieu of the maximum permitted 15 feet and to permit a commercial vehicle with a gross vehicle weight of 80,000 lbs. in lieu of the maximum permitted 10,000 lbs. to be stored on the subject property, in accordance with Petitioner's Exhibit 1.

The original hearing held in this matter was scheduled for June 12, 1991. At the request of the Petitioners, the hearing was moved to June 6, 1991. Subsequent to the June 6th hearing, this Office was notified by the Hyde Park Improvement Association, the Protestants in this matter, that they were not advised of the rescheduled hearing date and time. This matter was then scheduled for a continued hearing on June 26, 1991 to allow the Hyde Park Improvement Association the opportunity to present testimony in support of their position.

At the hearing held on June 6, 1991, the Petitioners, Walter and Mary Weatherholtz, appeared and testified. There were no Protestants. At the continued hearing on June 26, 1991, the Petitioners appeared and testified. John L. Jenkins and Nicholas Krepper appeared and testified as Protestants on behalf of the Hyde Park Improvement Association.

Testimony indicated that the subject property, known as 1544 Galena Road, consists of 1.98 acres zoned D.R. 5.5 and is improved with a

single family dwelling, accessory 12' x 30' shed, above-ground pool with attached deck, and partially completed 30' x 28' garage as depicted on Petitioner's Exhibit 1. Said property is located within the Chesapeake Bay Critical Areas on Muddy Gut. Petitioners commenced construction of the subject garage to provide protective storage for their van and their son's tractor. Mrs. Weatherholtz testified that her son, a self-employed owner/operator truck driver, formerly stored his truck at a leased site. She testified that due to vandalism and theft, her son has been forced to keep the truck at home. Mrs. Weatherholtz testified her son does not own a trailer and would be amenable to a restriction prohibiting the storage of any such trailers on the subject property. Testimony indicated the proposed garage height is necessary to accommodate the tractor which, in accordance with zoning regulations, must be garaged when stored on residentially zoned property. Petitioners' Exhibit 3 indicated the tractor's actual weight is 14,500 lbs. Testimony indicated the requested 80,000 lb. weight represents a combined weight of the tractor and a fully-loaded trailer. Mrs. Weatherholtz testified they own the adjoining vacant lot and that no hardship or detriment to any adjoining properties will be created as a result of granting the relief requested. Petitioners testified they would suffer an undue hardship and practical difficulty should the requested relief be denied.

The Protestants are generally concerned with the tractor being stored on the property with a trailer attached. They testified that they do not want tractor-trailers in their community, that the roads are too narrow to support the weight, and that such weight will cause damage to the roadways and underground pipes. Further testimony indicated the Protestants are concerned for the safety of their children, that the relief

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requested will result in hazardous traffic conditions in their neighborhood.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested, as herein-after modified, 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. The request herein is for a tractor, only, not a tractor-trailer, and a tractor subject to a maximum 15,000 pounds, unladen gross vehicle weight. There was no definitive evidence that the subject 15,000 pound truck, without a trailer, would be any more hazardous upon the roads in this community than many of the delivery trucks that currently use the streets. The Petitioner has specifically agreed and will be prohibited from bringing the trailers to the site. There is no substantive 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

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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 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.

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 Chesapeake Bay Critical Areas requirements to:

- 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, as modified, 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. In the opinion of the Zoning Commissioner, the relief requested as to gross

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PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.3 To allow an accessory structure (garage) height of 17' in lieu of 15' and 431.B.1 to allow a commercial vehicle a gross vehicle weight of 80,000 lbs. in lieu of the maximum 10,000 lbs.

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

This garage was built to safeguard our van and our sons road tractor. Zoning regulations state a tractor on residential property must be garaged. He is self employed, owner/operator and the tractor was formally kept at a lease site. Due to the vandalism and theft rate so high he was forced to keep it at home. This hardship created the need for additional height.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound 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:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number:

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Mary or Walter Weatherholtz

1544 Galena Rd. Balto Md. 21221 687-7594

Address

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 20 day of Feb, 1991, that the subject matter of this petition be posted on the property on or before the 6 day of Mar, 1991.

J. Robert Haines
Zoning Commissioner of Baltimore County

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 1 day of April, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 12 day of Jan, 1991, at 8:30 o'clock, P.M.

ORDER RECEIVED FOR FILING

Date 1/19/91

By [Signature]

vehicle weight is excessive and unnecessary in light of the fact that Petitioners have agreed not to store any trailers, regardless of whether they are loaded or not, on the subject property. Therefore, the relief requested shall be modified as set forth 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, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of July, 1991 that the Petition for Zoning Variance to permit an accessory structure (garage) height of 17 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a commercial vehicle with a gross vehicle weight of no more than 15,000 lbs. shall be permitted to be stored on the subject property, 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) The relief granted herein as to the commercial vehicle is limited to the tractor depicted on Petitioner's Exhibit 2, or a replacement tractor of similar kind and nature. Said tractor shall have an unladen weight of no more than 15,000 lbs. No other commercial vehicles shall be permitted to be stored on the subject property.

3) Petitioners shall not allow or cause the accessory structure (garage) to be converted to a second dwelling unit and/or apartments. The garage shall contain

no living or sleeping quarters, and no kitchen or bathroom facilities.

4) The subject garage shall be used for storage purposes only. No commercial use or activities shall be permitted on the subject property.

5) No repairs shall be performed on the subject site.

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 May 22, 1991, attached hereto and made a part hereof.

JRH:bjs

J. Robert Haines
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 1/19/91

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 19, 1991

Mr. & Mrs. Walter Weatherholtz
1544 Galena Road
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
S/S Galena Road, 65' SW of Sussex Road
(1544 Galena Road)
15th Election District - 5th Councilmanic District
Walter Weatherholtz, et ux - Petitioners
Case No. 91-326-A

Dear Mr. & Mrs. Weatherholtz:

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

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

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Mr. John L. Jenkins
623 Hyde Park Road, Baltimore, Md. 21221

Mr. Nicholas J. Krepper
1428 Galena Road, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission
Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File

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AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-326-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at

1544 Galena Road, Baltimore, Md. 21221
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

This garage was built to safeguard our van and our sons road tractor. Zoning regulations state a tractor on residential property must be garaged. He is self employed, owner/operator and the tractor was formally kept at a lease site. Due to the vandalism and theft rate so high he was forced to keep it at home. This hardship created the need for additional height.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Walter Weatherholtz
AFFIANT (Handwritten Signature)
Walter Weatherholtz
AFFIANT (Printed Name)

Mary Weatherholtz
AFFIANT (Handwritten Signature)
MARY WEATHERHOLTZ
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of Feb, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Walter Weatherholtz & Mary Weatherholtz

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

2/17/91
DATE
Karen K. Simedani
NOTARY PUBLIC
My Commission Expires: 06/01/99

CRITICAL AREA

91-326-A

Beginning at a point on the south side of Galena Road which is 50' wide at the distance of 65' SW of the extension of the centerline of the nearest improved intersecting street Sussex Road which is 50' wide. Being lots 11-13 in the subdivision of Hyde Park as recorded on Baltimore County Plat Book #9, Folio #57, containing 36.146 sq. ft. 1.97764 acres in lot. Also known as 1544 Galena Rd. and located in the 15 Election District. 5th Council District.

Matic.

CRITICAL AREA

324

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-326-A

District: 15th Date of Posting: 2/24/91
Posted for: Walter Weatherholtz, et al.
Petitioner: Walter Weatherholtz, et al.
Location of property: 1544 Galena Rd.
Location of Sign: 1544 Galena Rd. across 15th from road
Remarks: on property of Baltimore
Posted by: [Signature] Date of return: 2/24/91
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-326-A

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Posted for: Walter Weatherholtz, et al.
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Location of property: 1544 Galena Rd.
Location of Sign: 1544 Galena Rd. across 15th from road
Remarks: on property of Baltimore
Posted by: [Signature] Date of return: 2/24/91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 19, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 19, 1991.

THE JEFFERSONIAN,

S. Zebe Orlov
Publisher

\$35.18

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221

May 16, 1991

THIS IS TO CERTIFY, that the annexed advertisement of

Weatherholtz in the matter of 1544 Galena Rd. P.O. # 0112021, Req # M52835, Case # 91-326-A 70 lines @.55 or \$38.50

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for 1

successive week(s) before the 10 day of May, 1991.

that is to say, the same was inserted in the issues of May 16, 1991.

The Avenue Inc.

per publisher

By [Signature]

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

PUBLISHED FOR THE ISSUES OF THE AVENUE NEWS
AND POSTING FEE FOR ADVERTISING IN THE AVENUE NEWS
LAST DATE OF PUBLICATION: MAY 16, 1991

04404#0029MCHRC \$40.00
NEXT BUSINESS DAY

Cashier Validation

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

PUBLISHED FOR THE ISSUES OF THE AVENUE NEWS
AND POSTING FEE FOR ADVERTISING IN THE AVENUE NEWS
LAST DATE OF PUBLICATION: MAY 16, 1991

04404#0053MCHRC \$90.98
NEXT BUSINESS DAY

Cashier Validation

receipt

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 5/29/91

Mr. & Mrs. Weatherholtz
1544 Galena Road
Baltimore, Maryland 21221

RE:
Case Number: 9-326-A
8/8 Galena Road, 65' SW Sussex Road
1544 Galena Road
15th Election District - 5th Councilmanic
Petitioner(s): Walter Weatherholtz, et al.
HEARING: WEDNESDAY, JUNE 12, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 90.98 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE SIGN SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 7, 1991

NOTICE OF HEARING

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 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 9-326-A
8/8 Galena Road, 65' SW Sussex Road
1544 Galena Road
15th Election District - 5th Councilmanic
Petitioner(s): Walter Weatherholtz, et al.
HEARING: WEDNESDAY, JUNE 12, 1991 at 9:30 a.m.

Variance to allow an accessory structure (garage) height of 17 ft. in lieu of 15 ft. and to allow a commercial vehicle a gross vehicle weight of 80,000 lbs. in lieu of the maximum 10,000 lbs.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Weatherholtz



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 27, 1991

Mr. & Mrs. Walter Weatherholtz
1544 Galena Road
Baltimore, MD 21221

RE: Item No. 324, Case No. 91-326-A
Petitioner: Walter Weatherholtz, et al
Petition for Residential Variance

Dear Mr. & Mrs. Weatherholtz:

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 Commissioner 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

Enclosures

MICROFILMED



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
20th day of February, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Walter Weatherholtz, et ux

Petitioner's Attorney:

DATE: March 8, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 5, 1991

This office has no comments for items number 320, 324, and 326.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

received
3/12/91

TO: J. Robert Haines
Zoning Commissioner
DATE: March 13, 1991

FROM: David C. Flowers

SUBJECT: Zoning Hearing - Item 324
Weatherholtz Property

The Chesapeake Bay Critical Area Program requests an extension for the review of the petition request for a Zoning Variance for 1544 Galena Road. The wetland delineation must be verified to complete a Critical Area Findings for this property.

For further information contact Ms. Nancy Sanford at 887-2904.

David C. Flowers
David C. Flowers, Coordinator
Chesapeake Bay Critical Area Program

DCF:ju

cc: Mrs. Janice Outen
Ms. Gwen Stephens
Mr. & Mrs. Weatherholtz
1544 Galena Road
Baltimore, Maryland 21221



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-1500

MARCH 16, 1991

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

TO: Mr. & Mrs. Walter Weatherholtz
1544 Galena Road

RE: Item 324 Zoning Agenda March 5, 1991

Dear Sirs:

In reply to your request, the referenced property has been surveyed by the Fire Department and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comment at this time.

Very truly yours,
Approved: *Robert W. Bowling*
Robert W. Bowling, P.E., Chief
Fire Prevention Bureau

03/16/91

received
3/16/91

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee, DATE: March 4, 1991
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for March 5, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 320, 324 and 326.

For Item 323, the previous County Review Group Comments are still applicable.

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

RWB:s

received
3/19/91

MICROFILMED



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 27, 1991

Walter and Mary Weatherholtz
1544 Galena Road
Baltimore, Maryland 21221

Re: CASE NUMBER: 91-326-A
LOCATION: S/S Galena Road
1544 Galena Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before March 6, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is March 21, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be void and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. S. Stephens
G. S. Stephens
(301) 887-3391

TO: J. Robert Haines
Zoning Commissioner
DATE: March 13, 1991

FROM: David C. Flowers

SUBJECT: Zoning Hearing - Item 324
Weatherholtz Property

The Chesapeake Bay Critical Area Program requests an extension for the review of the petition request for a Zoning Variance for 1544 Galena Road. The wetland delineation must be verified to complete a Critical Area Findings for this property.

For further information contact Ms. Nancy Sanford at 887-2904.

David C. Flowers
David C. Flowers, Coordinator
Chesapeake Bay Critical Area Program

DCF:ju

cc: Mrs. Janice Outen
Ms. Gwen Stephens
Mr. & Mrs. Weatherholtz
1544 Galena Road
Baltimore, Maryland 21221

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO Mr. J. Robert Haines
Zoning Commissioner
DATE: May 22, 1991

FROM Mr. J. James Dieter, Director

SUBJECT Petition for Zoning Variance - Item Case No. 91-326-A
Weatherholtz Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1544 Galena Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Walter Weatherholtz

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.3 and 431 B 1 of the Baltimore County Zoning Regulations to permit "an accessory structure (garage) height of 17 feet in lieu of 15 feet and to allow a commercial vehicle a gross vehicle weight of 80,000 lbs. in lieu of the maximum 10,000 lbs."

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.D>

Memo to Mr. J. Robert Haines
May 22, 1991
Page 2

REGULATIONS AND FINDINGS

1a. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

1b. Regulation: "The natural vegetation occurring in the buffer shall remain undisturbed. Except as provided in Section 22-214, vegetation shall be planted in the buffer where necessary to protect, stabilize, or enhance the shoreline" <Baltimore County Code, Section 22-213(d)>.

Finding: This garage is located approximately 20 feet from the edge of tidal wetlands in Muddy Gut. The garage is existing and permitted. No new disturbance of the 100 foot buffer is proposed. The property owner is encouraged to vegetate the remaining buffer with native trees and shrubs (see attached list) to enhance the shoreline.

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

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

Finding: No new impervious surfaces are proposed on this property. New impervious surfaces that are proposed shall only be permitted if they do not increase the total sum of impervious surfaces to more than 15%.

3. 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 site presently contains 15% tree cover. However, additional trees and vegetation are always beneficial to the goals of the Critical Area Program.

Memo to Mr. J. Robert Haines
May 22, 1991
Page 3

4. 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 22-217(h)>.

Finding: 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. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

J. James Dieter
J. James Dieter, Director

JJD:DCF:ju
Attachment

cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mr. Ronald B. Hickernell
Mrs. Janice B. Outen
Mr. & Mrs. Walter Weatherholtz

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 7, 1991

Mr. & Mrs. Weatherholtz
1544 Galena Road
Baltimore, Maryland 21221

Re:
CASE NUMBER: 91-326-A

Dear Petitioners:

By Order of the Zoning Commissioner's Office, dated April 1, 1991, this matter must be scheduled for a public hearing.

Formal notification of the hearing date will be forwarded to you shortly. As you recall, it will now be necessary to run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301) 887-3391

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 29, 1991

Walter and Mary Weatherholtz
1544 Galena Road
Baltimore, Maryland 21221

Re
Case Number(s): 91-326-A
Petitioner(s): Walter Weatherholtz, et ux
Location: 1544 Galena Road

Dear Mr. & Mrs. Weatherholtz:

Confirming our telephone conversation of May 28, 1991, the above captioned case has been moved; the hearing will take place on Thursday, June 6, 1991 at 9:00 a.m.

Very truly yours,

G. G. Stephens
(301)887-3391

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 1, 1993

Robert H. Levan, Esquire
Woodmere I, Suite 400
9881 Broken Land Parkway
Columbia, MD 21046-1153

RE: Preliminary Petition Review (Item #471)
Legal Owner: Towson Town Center Assoc.
Lessee: Mobil Oil Corporation
831 Dulaney Valley Road
9th Election District

Dear Mr. Levan:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. The legal description must be sealed.
2. The zoning hearing note should include a reference to case #91-324-SPHXA.

Robert H. Levan, Esquire
July 1, 1993
Page 2

3. The plan is incorrectly titled - i.e., inconsistent with the relief requested on the petition. Petitioner is not presently requesting variance or special exception relief as is reflected on the plan. This should be corrected with the appropriate amendments to the notes.
4. As noted in case #91-324-SPHXA, the "food mart" is not an "ancillary use" (as reflected on the plan), but a "use in combination" per Sections 405.C and 405.4.D. of the Baltimore County Zoning Regulations.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Joseph C. Merrey
Joseph C. Merrey
Planner I

JCM:scj

cc: Zoning Commissioner
Zoning Case #91-324-SPHXA

Enclosure: Receipt

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 14, 1991

Mr. & Mrs. Walter Weatherholtz
1544 Galena Road
Baltimore, Maryland 21221

RE: Petition for Zoning Variance
S/S Galena Road, 65' SW of Sussex Road
(1544 Galena Road)
15th Election District - 5th Councilmanic District
Walter Weatherholtz, et ux - Petitioners
Case No. 91-326-A

Dear Mr. & Mrs. Weatherholtz:

As you are aware, your hearing was originally scheduled to be heard on Wednesday, June 12, 1991 and due to a conflict, was moved up to Thursday, June 6, 1991. This office has been advised by the Hyde Park Improvement Association, Inc. that they were unaware of the schedule change moving your hearing from June 12th to June 6th and have submitted a letter of opposition to the relief you have requested dated June 12, 1991. A copy of their letter has been enclosed for your reference.

Inasmuch as the sole purpose of the public hearing process is to afford all interested parties the opportunity to voice their concerns, a continued hearing has been set for Wednesday, June 26, 1991 at 3:00 PM in Room 106 of the County Office Building so that the Hyde Park Improvement Association may present their concerns. In the event this date is inconvenient for you, please contact our Docket Clerk, Gwendolyn Stephens, at 887-3391 as soon as possible.

Thank you for your consideration in this matter.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Ms. Shirley Snyder, President
Hyde Park Improvement Association, Inc.
1407 Sussex Road, Baltimore, Md. 21221

Gwendolyn Stephens; People's Counsel; *File*



111 West Chesapeake Avenue
Towson, MD 21204

June 24, 1991

887-3353

Mr. & Mrs. Walter Weatherholtz
1544 Galena Road
Baltimore, Maryland 21221

RE: Petition for Zoning Variance
S/S Galena Road, 65' SW of Sussex Road
(1544 Galena Road)
15th Election District - 5th Councilmanic District
Walter Weatherholtz, et ux - Petitioners
Case No. 91-326-A

Dear Mr. & Mrs. Weatherholtz:

In response to your most recent letter received June 20, 1991, the following comments are offered.

As previously stated in my correspondence to you dated June 14, 1991, the sole purpose of the public hearing process is to afford all interested parties an opportunity to present testimony and/or evidence in support of or in opposition to the relief requested. My decision to reschedule your hearing for additional testimony was to allow the Hyde Park Improvement Association, Inc., appropriate due process inasmuch as they were not afforded same at the previous hearing due to lack of notice. At the continued hearing set for June 26, 1991, all parties, including yourselves, will be given the opportunity to testify. No decision will be rendered until such time as all testimony and evidence have been presented.

Thank you for your consideration in this matter.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

cc: The Hon. Congresswoman Helen D. Bentley, 200 E. Joppa Rd., Suite 400, Towson, Md. 21204
The Hon. Senator Michael J. Collins, 418 Eastern Blvd., 21221
The Hon. Delegate Michael H. Weir, 418 Eastern Blvd., 21221
The Hon. Vincent J. Gardina, 5th District Councilman
The Hon. Donald C. Mason, 7th District Councilman
Mr. J. James Dieter, Director, Department of Environmental Protection and Resource Management
Case File



111 West Chesapeake Avenue
Towson, MD 21204

June 14, 1991

887-3353

Ms. Shirley Snyder, President
Hyde Park Improvement Association, Inc.
1407 Sussex Road
Baltimore, Maryland 21221

RE: Petition for Zoning Variance
S/S Galena Road, 65' SW of Sussex Road
(1544 Galena Road)
15th Election District - 5th Councilmanic District
Walter Weatherholtz, et ux - Petitioners
Case No. 91-326-A

Dear Ms. Snyder:

This office is in receipt of your letter dated June 12, 1991 in which you indicate your Association's opposition to the relief requested in the above-referenced matter. It has also been brought to my attention that you were not notified of the change in hearing date from June 12th to June 6th, 1991.

Inasmuch as the sole purpose of the public hearing process is to afford all interested parties the opportunity to voice their concerns, a continued hearing has been set for Wednesday, June 26, 1991 at 3:00 PM in Room 106 of the County Office Building so that your Association may present its concerns. In the event this date is inconvenient for you, please contact our Docket Clerk, Gwendolyn Stephens, at 887-3391 as soon as possible.

Thank you for your consideration in this matter.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: The Honorable Vincent J. Gardina, 5th District Councilman
The Honorable Donald C. Mason, 7th District Councilman
The Honorable Senator Michael J. Collins, 418 Eastern Blvd., 21221
The Honorable Delegate Michael H. Weir, 418 Eastern Blvd., 21221
Mr. J. James Dieter, Director, Department of Environmental Protection and Resource Management
Gwendolyn Stephens; People's Counsel; Case File



SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401-1947

June 17, 1991

Mr. J. Robert Haines
Zoning Commissioner for
Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Haines:

re: Petition for Zoning Variance
1544 Galena Road
Case No. 91-326-A

I have received a letter from the Hyde Park Improvement Association expressing the misgivings of a number of residents with regard to the subject petition. I feel that their concerns are valid, and I share their view that the zoning variance would be detrimental to the community.

I appreciate the courtesy you have extended to the Association members by rescheduling the public hearing on this issue to permit their attendance, and I am asking that you give careful consideration to their views in formulating your decision.

Very truly yours,

Michael J. Collins
Michael J. Collins
Senator

MJC:kmk

cc: Ms. Shirley Snyder, President
Hyde Park Improvement Association, Inc.



Mary Weatherholtz

ion about your zoning
Hyde Park Improvement
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in your case will be
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any time I can be of

ours,

Michael J. Collins
Michael J. Collins
Senator

MJC:kmk

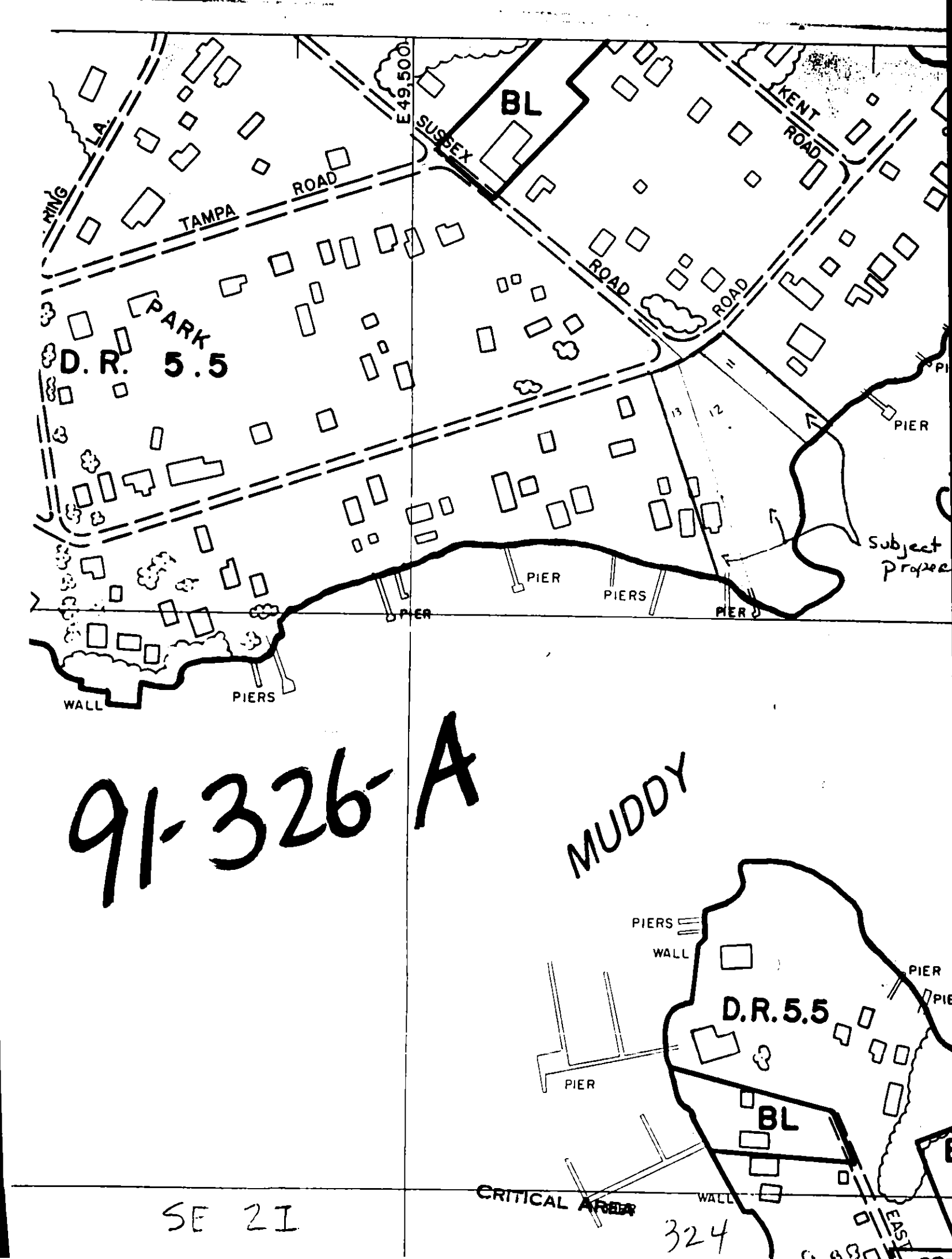
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JUL 1 1991
ZONING OFFICE

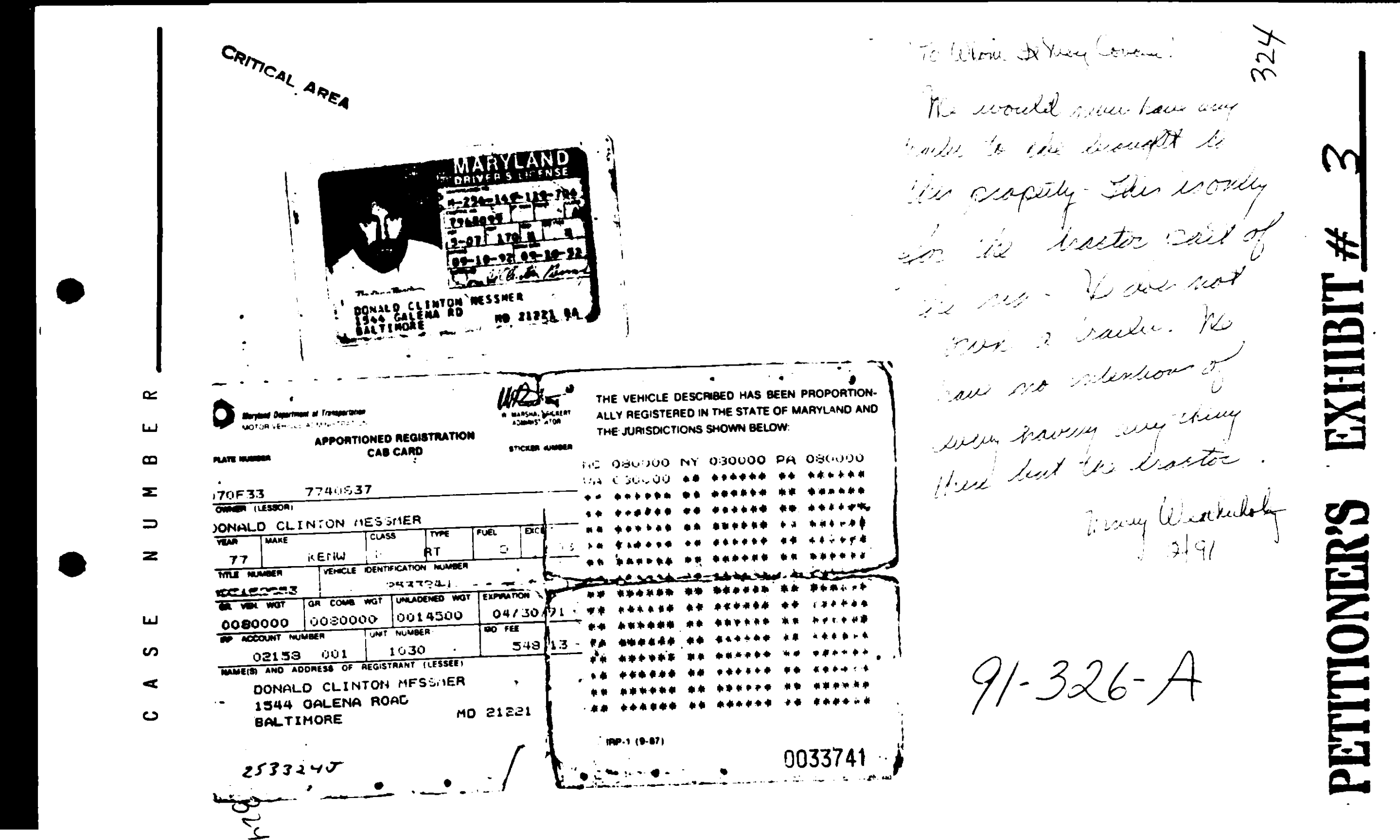
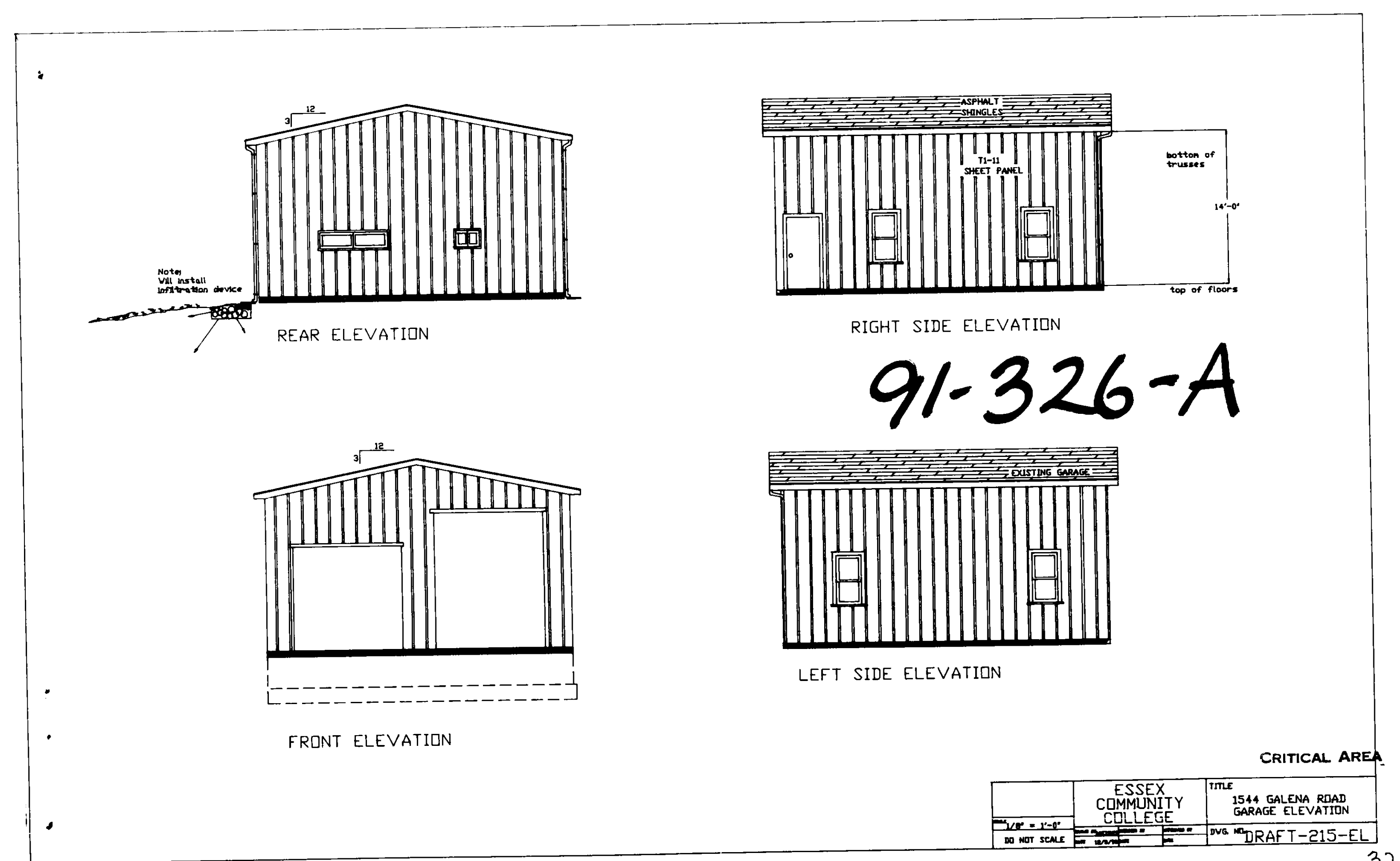
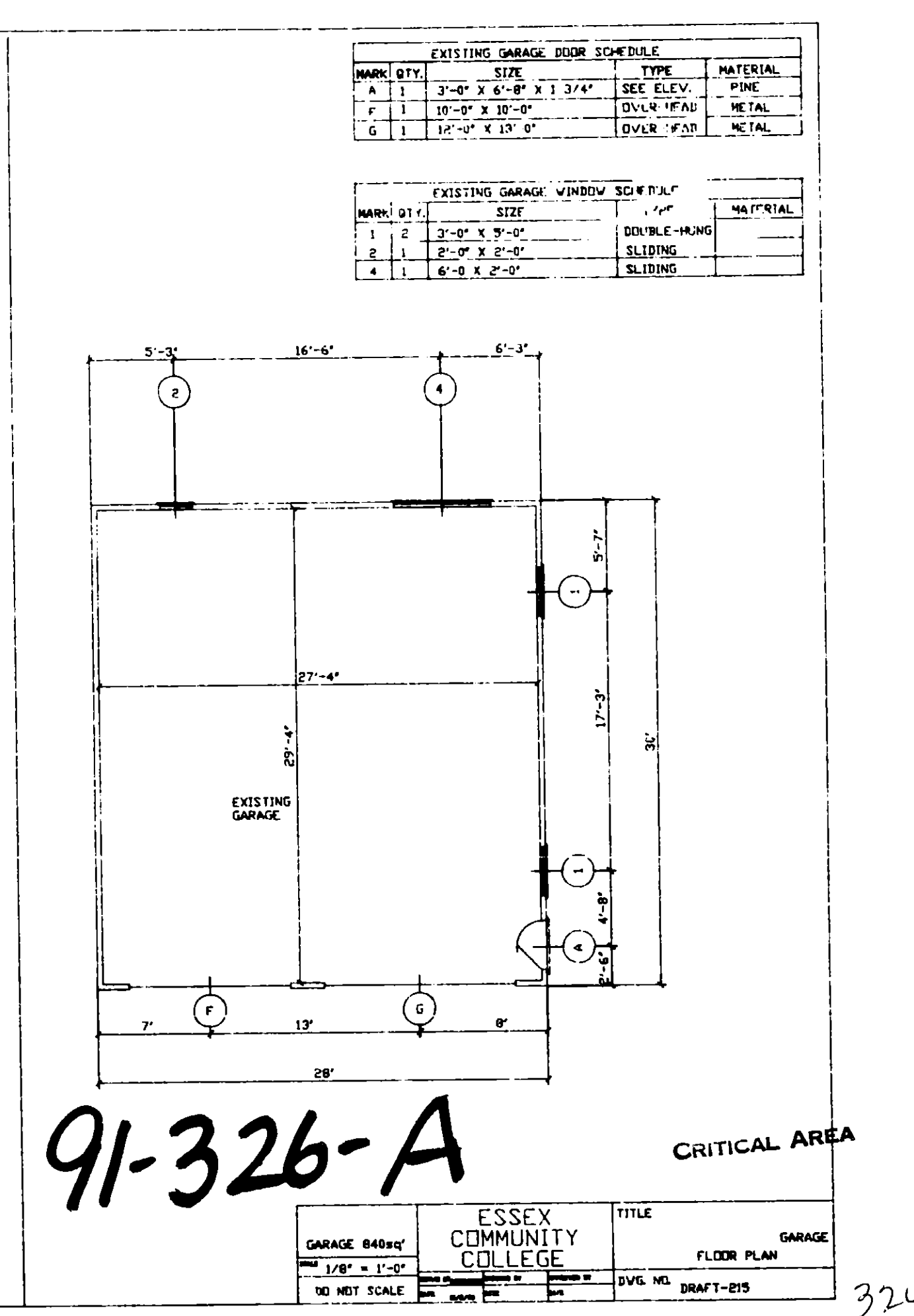
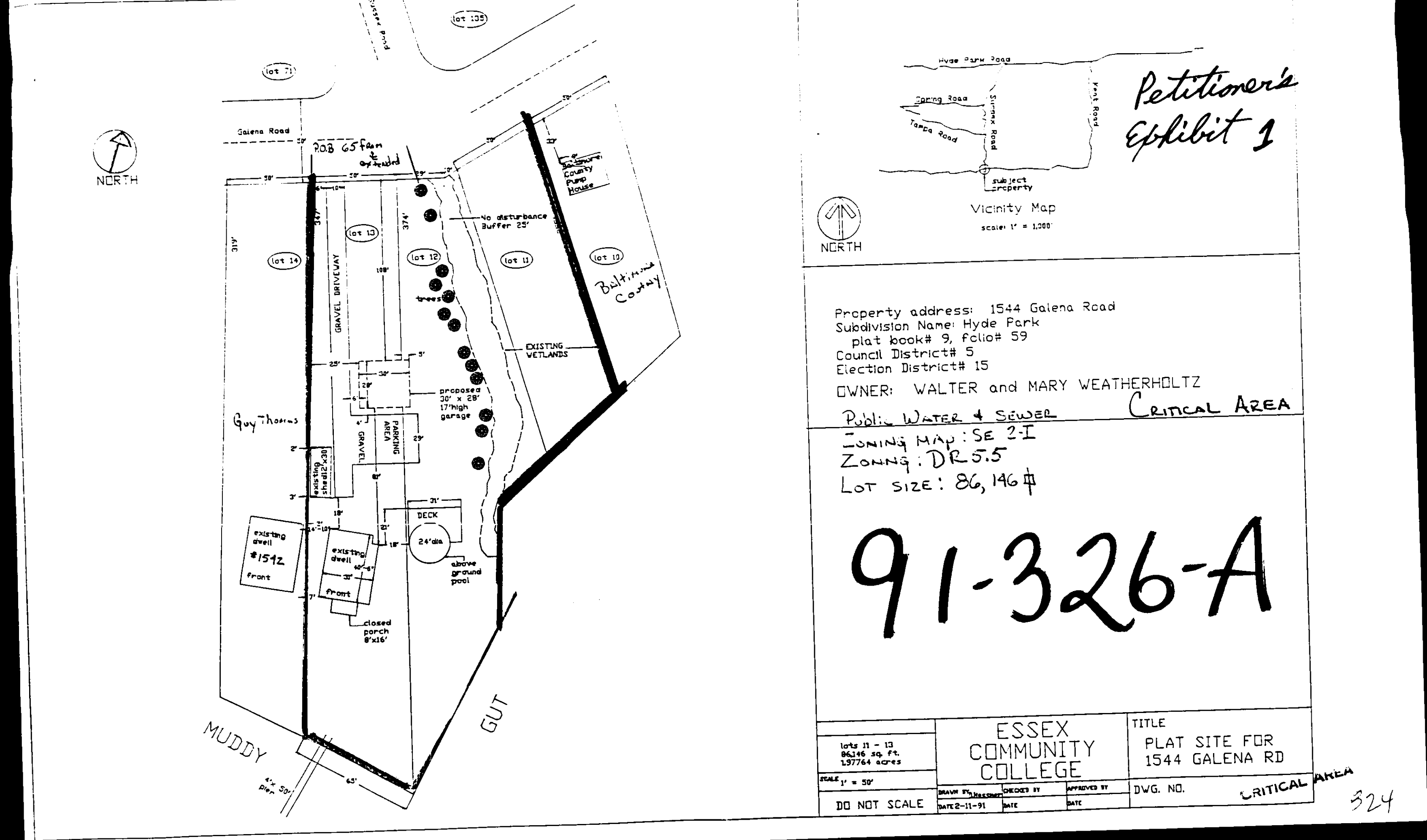
Walter & Mary Weatherholtz

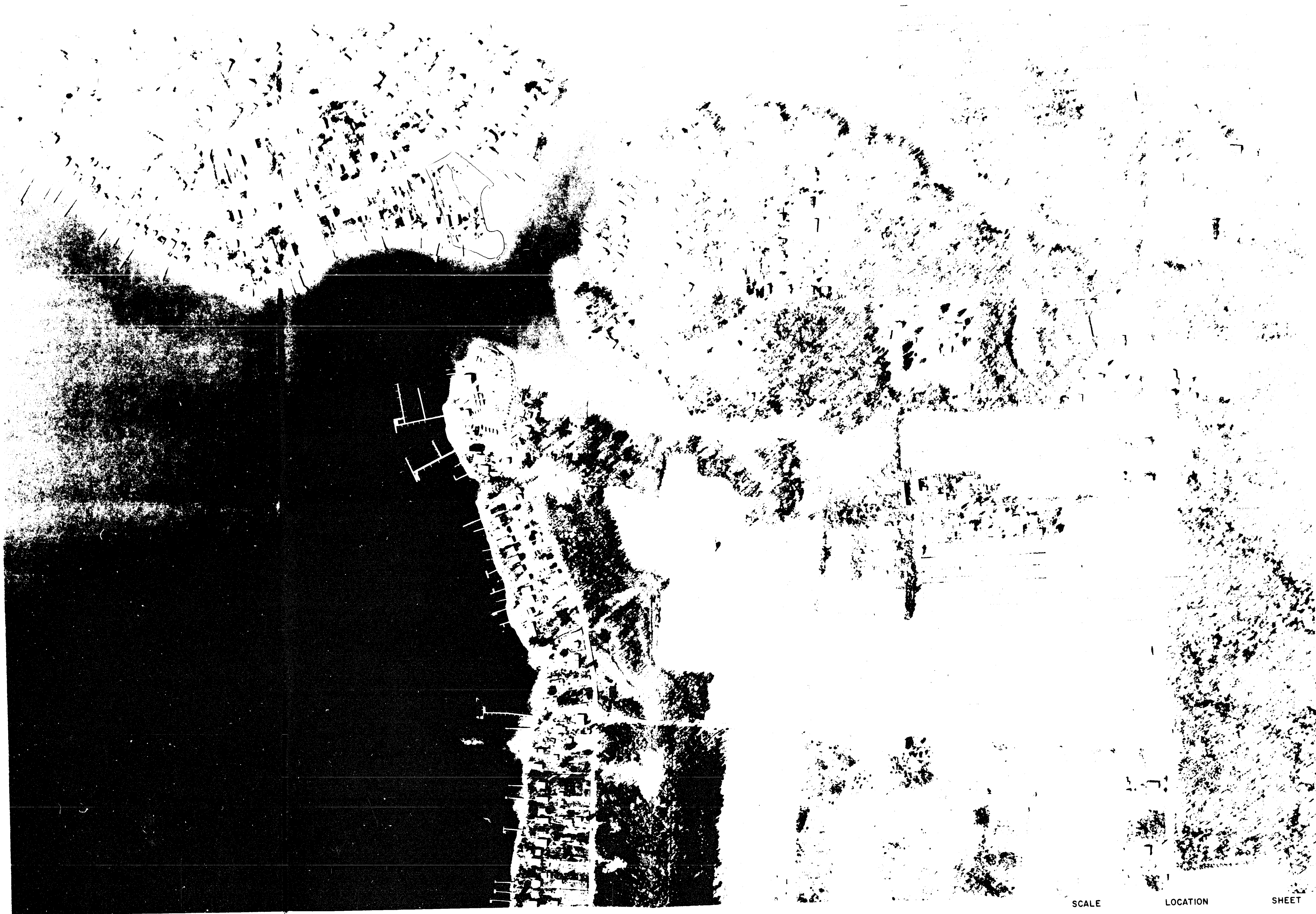
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RECEIVED
JUL 20 1991
ZONING OFFICE

Haines and Mary Weatherholtz 6/17/91







BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

BACK RIVER NECK
91-326-A

SHEET

S E
2-1

CRITICAL AREA

324