

- 5 -

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in form provided whenever possible; otherwise, type or print on 8 1/2" x 11" sheet.

ZONING DESCRIPTION FOR 117 Fairfield Drive, Baltimore, MD 21228
 Election District 1 Councilmanic District 2

Beginning at a point on the East Corner side of
 (north, south, east or west) 40 feet
 Fairfield Drive which is (number of feet of right-of-way width)
 (street on which property fronts) 400' South of the
 side of a distance of (number of feet) (north, south, east or west)
 continuation of the nearest improved intersecting street (name of street)
 which is 40 feet wide; being lot # 39
 (number of feet of right-of-way width)
 Block 100, Section # F in the subdivision of
 Summit Park as recorded in Baltimore County Plat
 (name of subdivision)
 Book # 8, Folio # 75, containing
 13,875
 (square feet and acres)

"If your property is not recorded by Plat Book and Folio Number, then be sure to attach to the lot, Block and Subdivision description an deed, instead states: "As recorded in deed (book #, folio #) and include the measurements and direct line (corner and block only here and on the plat in the correct location.

Example of notes and bounds: N. 87° 12' 18" E. 331.1 Ft., S. 18° 17' 00" E. 212.1 Ft., S. 62° 14' 00" W. 118 Ft., and S. 70° 15' 28" W. 101 Ft. to the place of beginning.

312

their assign, the survivor of them and the survivor's personal representatives, successors and assigns, in the simple, all that lot and ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 39, Section F, Amended Plat of Summit Park, which Plat is recorded among the Land Records of Baltimore County in Plat Book N.P.C. No. 8, folio 75. The improvements thereon being known as No. 117 Fairfield Drive.

BEING the same property which by deed dated May 20, 1981 and recorded among the Land Records of Baltimore County in Folio No. 6293, folio 393 was granted and covered by The Estate of Anna Mary Helfrich, deceased, by John V. E. Helfrich, Jr., Personal Representative in the herein Grantors.

AGRICULTURAL TRANSFER TAX
 NOT APPLICABLE
 STATUTORY DATE 11/23/85

STATE DEPARTMENT OF
 ASSESSMENTS & TAXATION
 11/23/85
 CLERK DATE

B 9 012***176000a 138A

312

CERTIFICATE OF PUBLICATION

STATE DEPARTMENT OF BALTIMORE COUNTY 94-309-A
 Towson, Maryland

Duplicate 1/1 Date of Posting 3/25/84
 Posted for: Edward & Deborah Galloway
 Publisher: Edward & Deborah Galloway
 Location of property: 117 Fairfield Drive, Baltimore, MD
 Location of Sign: 117 Fairfield Drive, Baltimore, MD
 Remarks:
 Posted by: Edward & Deborah Galloway Date of return: 3/1/84
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 24, 1984

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 March 24, 1984.

THE JEFFERSONIAN
 A. HERRICKSON
 LEGAL AD. - TOWSON

receipt

Account: 9-01-0100
 Number: 312

Taken by: JRF

Date: 2/14/84

GALLOWAY - 117 Fairfield Dr.

OIG - Variance ... \$50.00

OBO - Sign ... \$35.00

\$85.00

624028007210007

Please Make Check Payable To Baltimore County

Collector Publications

94-309-A

COPY

Baltimore County Government
 Office of Zoning Administration
 and Development Management
 111 West Chesapeake Avenue
 Towson, MD 21204
 (410) 887-3303

DATE: CLOSING DATE OF HEARING DATE

INVOICE

Edward Galloway and Deborah Galloway
 117 Fairfield Drive
 Baltimore, Maryland 21228

CASE NUMBER/PROJECT NAME: 94-309-A

(1) Zoning Notice Sign and Post Set(s) @ \$60.00/set = \$60.00 Due*

(In lieu of payment, we ask that you make use of the following waiver)

INVOICE WAIVER

CASE NUMBER/PROJECT NAME: 94-309-A

Returned _____ Zoning Notice Sign and Post Set(s).

DATE _____ for ZAM

*Amount Due waived upon return of the COMPLETE sign and post set(s). When you return same, bring this form with you.

FOR PUBLICATION COMPANY

March 24, 1984 Issue - Advertisement

Please forward Billing to:

Edward and Deborah Galloway
 117 Fairfield Drive
 Baltimore, Maryland 21228
 700-000

NOTICE OF HEARING

The Zoning Commission 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 105 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204

Case NUMBER: 94-309-A (Item 312)
 117 Fairfield Drive
 6/8 Fairfield Drive, 400' x 6' of 1/2 Building front
 1st Election District - 2nd Commission
 Petitioner(s): Edward Galloway and Deborah Galloway
 Subject: VARIANCE, APRIL 19, 1984 at 2:00 p.m. in Room 105, Old Courthouse.

Variances to allow a side yard setback of 6 feet in lieu of the minimum required 30 feet and to allow a total side yard setback of 17 feet in lieu of the minimum required 30 feet.

LAURENCE E. SCHUBERT

SENIOR COMMISSIONER FOR BALTIMORE COUNTY

NOTE: (1) ORDER AND RETURNED TO THE OFFICE OF ZONING ADMINISTRATION PLEASE CALL 887-3303.
 (2) FOR INFORMATION CONCERNING THE FILE NAME/ NUMBER, PLEASE CALL 887-3301.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204
 (410) 887-3303

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Edward and Deborah Galloway
 Signer and Subject Name

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COPY

Baltimore County Government
 Office of Zoning Administration
 and Development Management
 111 West Chesapeake Avenue
 Towson, MD 21204
 (410) 887-3303

FEBRUARY 24, 1984

NOTICE OF CASE NUMBER

To: Edward Galloway and Deborah Galloway
 117 Fairfield Drive
 Baltimore, Maryland 21228

Re: CASE NUMBER: 94-309-A (Item 312)
 117 Fairfield Drive
 6/8 Fairfield Drive, 400' x 6' of 1/2 Building front
 1st Election District - 2nd Commission

Please be advised that your petition for Abandonment Hearing has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3303. This notice also serves as a reminder regarding the abandonment process.

(1) Your property will be posted on or before February 24, 1984. The closing date March 24, 1984 is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be returned by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the notice be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

(2) In cases regarding public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Changes related to the requesting and newspaper advertising are payable by the petitioner(s).

(3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Ashby

Manager

PETITION FOR
SPECIAL HEARING
15058 Eastview Drive
PETITIONER :
DEAN E. ABBOTT, et ux

BEFORE THE
1. ZONING COMMISSIONER
2. OF BALTIMORE COUNTY
3. CASE NO: 94-305-SH
Item 309

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Desilio
Carole S. Desilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 11 day of March, 1994, a copy of the foregoing Entry of Appearance was mailed to Dean E. Abbott, 15058 Eastview Drive, Upperco, Maryland, 21155.

Peter Max Zimmerman
Peter Max Zimmerman

3/11/94
8
March 9, 1994
2125 59
BLS

To Whom It May Concern:

We are requesting a hearing on a request for a zoning variance made by our adjoining property owners, Edward and Deborah Kellaway, 117 Fairfield Drive, Catonsville, Md. 21228, Case # 94-309A. We are Edgar and Barbara Massey, 119 Fairfield Drive, Catonsville, Md. 21228, telephone # 410-788-3310. Enclosed is a check for \$40.00.

Thank you.

Sincerely,
Edgar & Barbara
Massey

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHIRT

NAME

ADDRESS

Edward H. Kellaway
Deborah Kellaway
117 Fairfield Dr. Catonsville
21228

117 Fairfield Dr. Catonsville
117 Fairfield Dr. Catonsville
117 Fairfield Dr. Catonsville
21228

Printed with Endorsement
on Recycled Paper

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHIRT

NAME

ADDRESS

ED MASSEY
BILL BAUMAN
119 FAIRFIELD DRIVE
21228

119 FAIRFIELD DRIVE
119 FAIRFIELD DRIVE
119 FAIRFIELD DRIVE
21228

ZONING HEARING FOR CASE #94-309-A

TUESDAY, APRIL 19, 1994

Chronology of events:

- Last week in January 1994 exterior wall was constructed by the property line. Barbara Massey questioned the builder as to the proximity of the wall to the property line.
- Second week in February 1994 notice for public hearing requesting variance for construction sight was posted in the front yard of 117 Fairfield Drive. The deadline for inquiries was March 14, 1994.
- March 9, 1994-personal check for \$40 was sent by Ed Massey along with request for a hearing on the variance issue.
- March 14, 1994-deadline for all requests on variance issue.
- March 15-17, 1994-concrete was poured for the area requested in the variance.
- March 18, 1994-Ed Massey called and left a message for Mark Gwelly, a county inspector, to question whether this pouring of concrete was a violation of the zoning law.
- March 22, 1994-Mark Gwelly informed Ed Massey by phone that the pouring of the concrete was a "gamble" on the builder's part. He told Ed Massey the builder would have to remove the concrete if the variance request was denied.

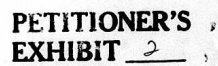
Concerns regarding variance request:

1. Impervious surface-the two areas being requested for the variance will be covered by concrete. Thus all run off will flow directly onto the adjacent properties of 115 and 119 Fairfield Drive. This will have a detrimental effect on the quality of life due to muddy and soggy ground on which the children play. Moreover construction has started the drainage on Fairfield Drive has been very poor. The surface road in front of 115, 116, 117 and 119 Fairfield has been covered with water continuously, as has the sidewalk in front of 115 Fairfield Drive.
2. Standing water-the concern of drainage mentioned in item #1 also leads to the health issue that stagnant water could cause. This is an area where children constantly play and ride bikes during the warm weather. Moreover winter, the ice build up in front of 117, 116 and 119 Fairfield was greater than any where else on the street, causing an inconvenience for other residents and any traffic through Fairfield Drive.
3. Section 307.1 of the County Zoning Regulations states that variances are permitted "where circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations of Baltimore County would result in practical difficulty or unreasonable hardship".
4. Construction continued before the hearing-the garage wall was constructed before the notice for a hearing was even posted on the property. The concrete floor was poured for the two car garage shortly after the hearing request deadline of March 14.

Notes for Zoning Hearing on 4/19

1. Zoning Regulations are in place to protect the community and surrounding property owners. What is the point of having the regulations in place if they are not enforced and/or can be easily circumvented?
2. Section 307.1 of the County Zoning Regulations states that variances are permitted "where circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations of Baltimore County would result in practical difficulty or unreasonable hardship". Neither of these requirements exist in this case, and certainly not both requirements, as required by the use of the word "and" in the regulation.
 - A. There are no special circumstances peculiar to the land. The lot is large in comparison to today's standard; relatively level (drain to neighbor); no steep slopes, streams, wetlands, hazards, rock outcroppings, rights-of-way, historic structures, environmental restrictions, protected species, or any other special concerns. The lot previously accommodated a two car garage, which was voluntarily razed for the current expansion.
 - B. Strict compliance will certainly not result in practical difficulty or unreasonable hardship. Strict compliance will limit the structure to a one car garage. There are 21 other houses on Fairfield Ave. between Rolling Road and McCorder Ave. Of these, seven have no garage, eight have a one car garage, and six have a two car garage. Therefore, limiting the construction to a one car garage will provide a condition equal to, or better than, that enjoyed by more than 70% of the other residents of the street. That certainly cannot be considered a hardship!
3. The overall improvement, including structure, driveway, garage, and patio, will greatly expand the amount of impervious surface in comparison to what was present before the construction began. (Amount of increase?) This increased impervious surface will increase the amount of runoff from storms that will flow onto the neighboring Massey property. With construction right up to the property line, there is less room for absorption on the property where the construction is being placed, increasing the flow onto the neighboring property. This will have a detrimental effect on the quality of life due to muddy and soggy ground on which the children will be playing, as well as increasing the amount of moisture (both liquid and moisture in the air) that will enter the basement of the Massey house. Such conditions will decrease the value of the property.

4. Why was the issue of the required zoning variance only brought to light after questions were asked following the initiation of construction within the required setback zone? Had it not been for inquiries by the Massey's, it is likely that the construction would have continued in obvious violation of the Zoning Regulations. Any required variances should have been obtained before construction began. After beginning work without the proper preparations being made, and confining work well caught by a concerned citizen, the builder should certainly not now be rewarded with the variance, particularly in light of the factors listed above.
5. If the hole for the construction of the house addition was incorrectly placed, as was stated by an individual in the county office of Zoning Administration and Development Management (ZADM), it is wrong to now place the burden for that error on the surrounding neighbors. The builder will soon be gone from the site and digging a hole in the wrong place somewhere else, but the neighbors around the current site will be left with the effects of his mistake. Therefore, let the builder correct his mistake, which could have been accomplished much more easily if it had been corrected when it was first noted (before the notice for the variance was first posted), instead of continuing to work, relying on the receipt of a variance to make up for his mistake. Now he can say that he is much closer along to go back. If he had fixed the mistake earlier, he could have gone back and done the job correctly instead of relying on the county to bail him out.
6. This really becomes an issue of zoning enforcement, which is a matter of great concern to many citizens of the county. Unlike the people who call to complain about junked cars, illegal signs, or property use, it is a matter of enforcing the Zoning Regulations before the fact to protect the rights and property value of the neighbors, which is the purpose of the zoning regulations. This may not be as newsworthy or spectacular as some of the problems that are brought before ZADM, but it is zoning enforcement, nonetheless, and much easier to administer and enforce than the situations that are brought to a hearing after the fact.



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37
19
108

75.0

PETITIONER'S
EXHIBIT 3

Garage
20' x 12'

House
52'0" x 30'2"

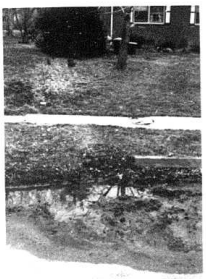
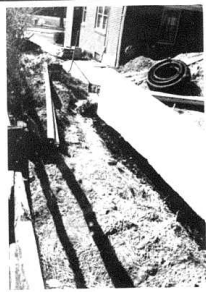
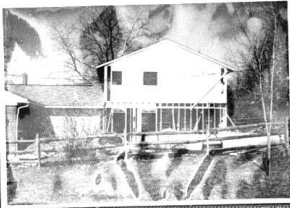
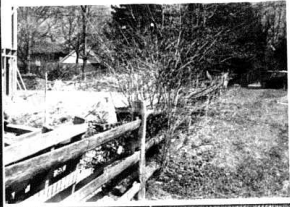
10'0"

10'0"

75.0

117 STANFORD DRIVE
FLORHAM
SPRING, N.J.

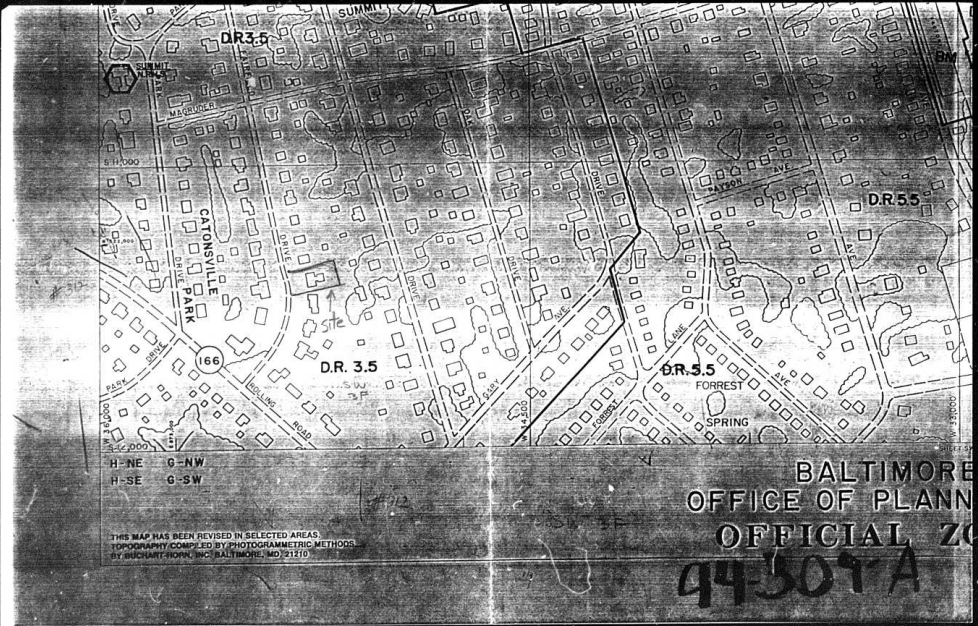
Entire Residence of
Doris Charge B. Lykes
117 Stanford Dr. Florham, N.J.



212



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94-309-A

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±	LOCATION CATONSVILLE	SHEET SW 3-F
DATE OF PHOTOGRAPHY JANUARY 1986		