

IN RE: PETITION FOR VARIANCE
SW/S Park Drive, 20' W of the c/l
Bauernschmidt Drive
(2200 Park Drive)
15th Election District
5th Council District

Gary Galloway, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-346-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Gary and Kathleen Galloway. The Petitioners request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 28' in lieu of the required 30 feet for an existing dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite hearing in support of the request were Gary and Kathleen Galloway, property owners, Vincent Moskunas, the consultant who prepared the site plan for this property, and Jeff Holt, Contractor. There were no Protestants or other interested persons present.

The public hearing in this case was held in conjunction with the hearing in another matter (Case No. 02-347-A) relative to an adjacent property owned by these Petitioners. Specifically, the Petitioners own three adjacent lots of record, namely Lots 112, 113 and 114, in the waterfront community known as Bauernschmidt Manor. As is the case with many of the older subdivisions in Baltimore County, Bauernschmidt Manor was platted and recorded in the Land Records of Baltimore County many years ago, prior to the adoption of the zoning regulations. Thus, many of the lots are undersized or lack sufficient width to meet current regulations. In the instant case, relief is sought for Lots 112 and 113, which contain a combined area of 16,000 sq.ft., more or less, or 0.367 acres, zoned D.R.3.5. The lots are served by public water and sewer and

ORDER RECEIVED FOR FILING
Date 4/27/02
By [Signature]

have frontage on the body of water known as Waterway Drive, which leads to Hogpen Creek. Lots 112 and 113 are collectively improved with a single family dwelling, known as 2200 Park Drive, which was built many years ago and has been the Petitioners' residence for some time. As shown on the site plan, a portion of the dwelling actually straddles the internal lot line separating Lots 112 and 113. Moreover, a portion of the front building wall is located 28 feet from the right-of-way of Park Drive. Although this distance is arguably nonconforming, variance relief is requested to legitimize this setback.

In companion Case No. 02-347-A, the Petitioners seek relief to allow the redevelopment of Lot 114 with a new single family dwelling. Testimony indicated that Mr. Galloway's father, who is elderly, will move into the existing dwelling at 2200 Park Drive and that relief is requested only to approve existing conditions.

A Zoning Advisory Committee (ZAC) comment in support of the request was received from the Office of Planning. A standard comment was also received from the Development Plans Review division of the Department of Permits and Development Management (DPDM) regarding the impact of Federal Flood Insurance requirements on this project. In this regard, Mr. Moskunas indicated that the first floor of the existing house is 16.6 feet above the floodplain elevation for this site of 10.4 feet, and apparently meets all of the requirements of the Chesapeake Bay Critical Areas legislation.

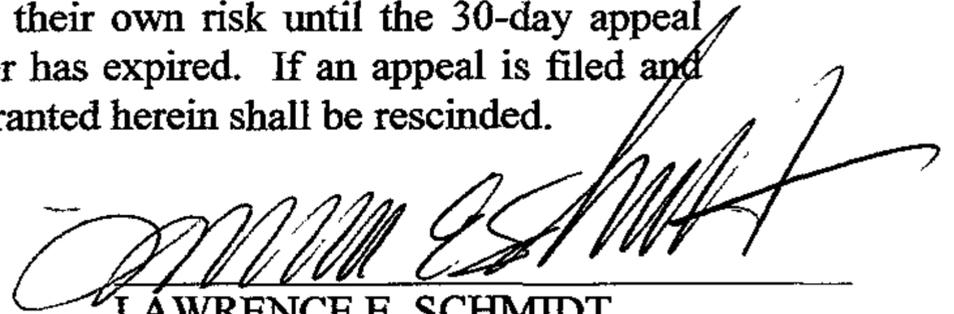
Based upon the testimony and evidence offered I am easily persuaded that the Petition for Variance should be granted. In my judgment, the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for variance relief to be granted. The fact that the dwelling has existed on the property for many years and that no improvements are proposed is also a persuasive factor. No one appeared in opposition to the request, and there were no adverse comments submitted by any Baltimore County reviewing agency. Thus, it appears that relief can be granted without detriment to the health, safety and general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

ORDER RECEIVED FOR FILING
Date 4/24/02
By [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of April, 2002 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 28' in lieu of the required 30 feet for the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 4/24/02
By [Signature]

IN THE MATTER OF
 THE APPLICATION OF
GARY D. AND KATHLEEN M. GALLOWAY -
LEGAL OWNERS FOR VARIANCE ON PROPERTY
 LOCATED ON THE SW/S PARK @ DISTANCE
 OF 104' W C/L BAUERNSCHMIDT DRIVE
 (2204 PARK DRIVE) (Case No. 02-347-A)
 AND
 FOR VARIANCE ON PROPERTY LOCATED ON
 SW/S PARK @ DISTANCE OF 20' W C/L
 BAUERNSCHMIDT DRIVE
 (2200 PARK DRIVE) (Case No. 02-346-A)
 15th Election District
 5th Councilmanic District

* BEFORE THE
 * COUNTY BOARD OF APPEALS
 * OF
 * BALTIMORE COUNTY
 * Case No. 02-347-A and
 * Case No. 02-346-A
 *
 *
 *
 *
 *
 *
 *
 *
 *
 *

ORDER OF DISMISSAL OF PETITION (02-347-A)
and DISMISSAL OF APPEAL (02-346-A)

The subject cases came to the Board on appeals filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from the decisions of the Zoning Commissioner dated April 24, 2002 in Case No. 02-347-A and Case No. 02-346-A in which the requested relief was granted with restriction.

WHEREAS, the Board is in receipt of a letter of withdrawal of Petition for Variance dated August 1, 2002, filed in Case No. 02-347-A by J. Neil Lanzi, Esquire, Counsel for Gary D. and Kathleen M. Galloway, Petitioners, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, the Board is in receipt of letter of withdrawal of appeal dated August 1, 2002, filed in Case No. 02-346-A by Carole S. Demilio, Deputy People's Counsel for Baltimore County, (a copy of which is also attached hereto and made a part hereof); and

WHEREAS, Mr. Lanzi on behalf of Petitioners requests that the Petition for Variance filed in Case No. 02-347-A for the property known as 2204 Park Drive be withdrawn as of August 1, 2002, for reasons as stated therein; and

WHEREAS, Ms. Demilio, Deputy People's Counsel, requests that, in consideration of the withdrawal of the Petition for Variance in Case No. 02-347-A, the appeal filed in Case No. 02-346-A be withdrawn as of August 1, 2002;

IT IS THEREFORE, this 8th day of August, 2002, by the County Board of Appeals of Baltimore County

ORDERED that said Petition for Variance filed in Case No. 02-347-A for the property known as 2204 Park Drive be and the same is **WITHDRAWN AND DISMISSED** pursuant to the attached letter of withdrawal, causing the appeal filed in Case No. 02-347-A to become moot; and it is further

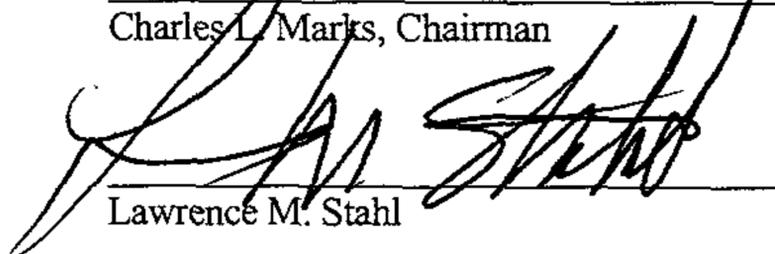
ORDERED that the decision of the Zoning Commissioner in Case No. 02-347-A (2204 Park Drive), including any and all relief granted to Petitioners therein, is rendered null and void; and it is further

ORDERED that the appeal filed in Case No. 02-346-A for the property known as 2200 Park Drive be and the same is hereby **WITHDRAWN AND DISMISSED**, allowing the ruling of the Zoning Commissioner in Case No. 02-346-A (2200 Park Drive) to stand as a final Order.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Charles L. Marks, Chairman



Lawrence M. Stahl



C. Lynn Barranger



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 23, 2002

Mr. & Mrs. Gary Galloway
2200 Park Drive
Baltimore, Maryland 21221

RE: PETITIONS FOR VARIANCE
SW/S Park Drive, 20' & 104' W of the Bauernschmidt Drive
(2200 & 2204 Park Drive)
15th Election District – 5th Council District
Gary Galloway, et ux - Petitioners
Cases Nos. 02-346-A & 02-347-A

Dear Mr. & Mrs. Galloway:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted, in accordance with the attached Orders.

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 the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Vincent Moskunas, Site Rite Surveying, Inc.
200 E. Joppa Road, Room 101, Towson, Md. 21286
Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Bureau of Development Plans Review; People's Counsel; Case File



SBCA FLOOD PLAIN Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2200 Park Drive

which is presently zoned D.P.3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 BCZR

To allow an existing house with a front yard setback of 28'± in lieu of the required 30'

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

1. Owners are looking to sell an adjacent lot; selling such lot leaves remaining property in compliance w/ BCZR.
2. Granting relief will not cause injury to the public health, safety and general welfare.
3. Relief requested is in harmony w/ the general spirit and intent of BCZR.

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

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

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

Contract Purchaser/Lessee:

GARY
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

GARY & Kathleen Galloway
Name - Type or Print

Kathleen Galloway
Signature

GARY D. GALLOWAY
Name - Type or Print

Gary D. Galloway
Signature

2200 Park Dr. 410 238 3479
Address Telephone No.

Bethesda Md. 21221
City State Zip Code

Representative to be Contacted:

Bernadette L. Moskunas
Name
Site Rate Surveying Inc

200 E. Joppa Road Room 101 410 828-9060
Address Telephone No.

Towson, MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRF Date 2/20/02

ORDER RECEIVED FOR FILING

Date 2/21/02
By [Signature]

Case No. 02-346-A

REV 9/15/98

ZONING DESCRIPTION FOR #2200 PARK DRIVE

Beginning at a point on the southwest side of Park Drive which is 20 feet wide at the distance of 20 feet west of the centerline of Bauernschmidt Drive which is 40 feet wide. Being Lot Nos. 112 and 113, Block "G" in the subdivision of "Bauernschmidt Manor" as recorded in Baltimore County Plat Book No. 12, Folio No. 81, containing 16,000 S.F. Also known as #2200 Park Drive and located in the 15th. Election District, 5th. Councilmanic District.



J. Tilghman Downey, Jr.

344

NOTICE OF ZONING HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-347-A
2204 Park Drive
SW/S Park Drive @ distance of 104' W centerline
Bauernschmidt Drive.
15th Election District - 5th Councilmanic District
Legal Owner(s): Kathleen & Gary Galloway

Variance: to allow a total sum of side yards at 20 feet in lieu of the required 25 feet; to allow a lot width of 50 feet in lieu of the required 70 feet; to allow a lot area of 8000 square feet in lieu of the required 10,000 square feet and to approve an undersized lot and to approve any other variances deemed necessary by zoning commissioner.

Hearing: Friday, April 12, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3397.
JTS/78 Mar. 26 C528269

CERTIFICATE OF PUBLICATION

3/28, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/26, 2002.

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



LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **10124**

DATE 2-20-02 ACCOUNT 001-006-0150

AMOUNT \$ 50.00

RECEIVED Holt Builders (GALLOWAY)
FROM: 2200 Park Dr. ITEM # 346
FOR: 01 VARIANCE TAKEN BY: JRF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAYD RECEIPT

PAYMENT ACTUAL TIME
02/20/2002 2:20/2002 10:54:04
REC. NO. CASHIER JEN JEE BRINER
CHECK # 10034
DEPT. 5 538 BUDGET VERIFICATION
GR. NO. 010124
Receipt Tot 50.00
100.00 DK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

COUNCIL OF ZONING
OF BALTIMORE COUNTY

The Council of Zoning of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #02-346-A
 2209 Park Drive
 3705 Park Drive @ distance
 of 20' to centerline Bayern
 Street Drive
 15th Election District
 5th Councilmanic District
 Legal Owners: Kathleen &
 Gary Galloway

Request: to allow an existing house with a front yard setback of 28 feet +/- in lieu of the required 30 feet.

Hearing: Friday, April 12, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
 Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations please contact the Zoning Commissioner's Office at (410) 887-4386.
 (2) For information concerning the file and/or hearing, contact the Zoning Review Office at (410) 887-3391.

LT/3/777 Mar. 26 C528263

CERTIFICATE OF PUBLICATION

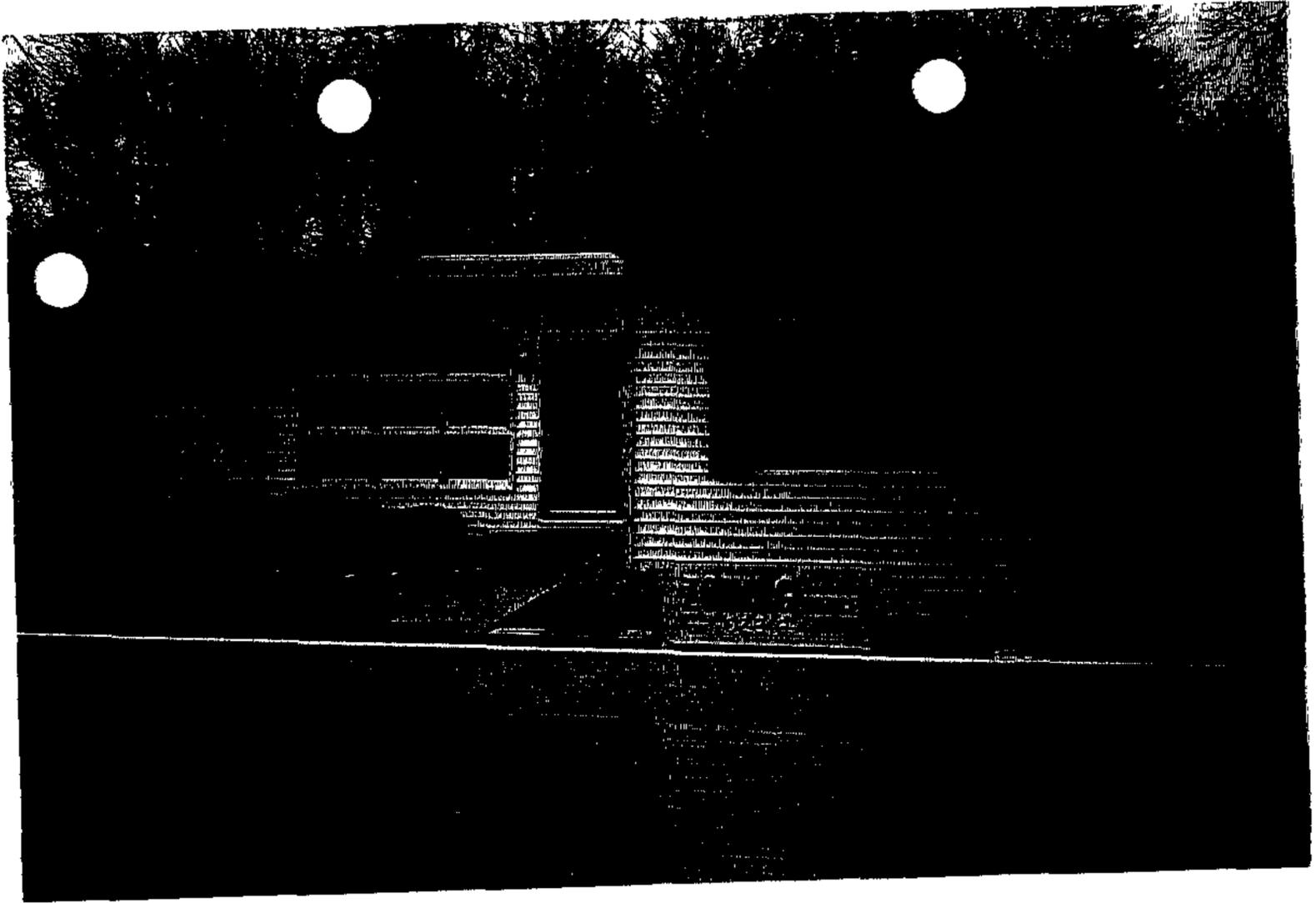
3/28/2002

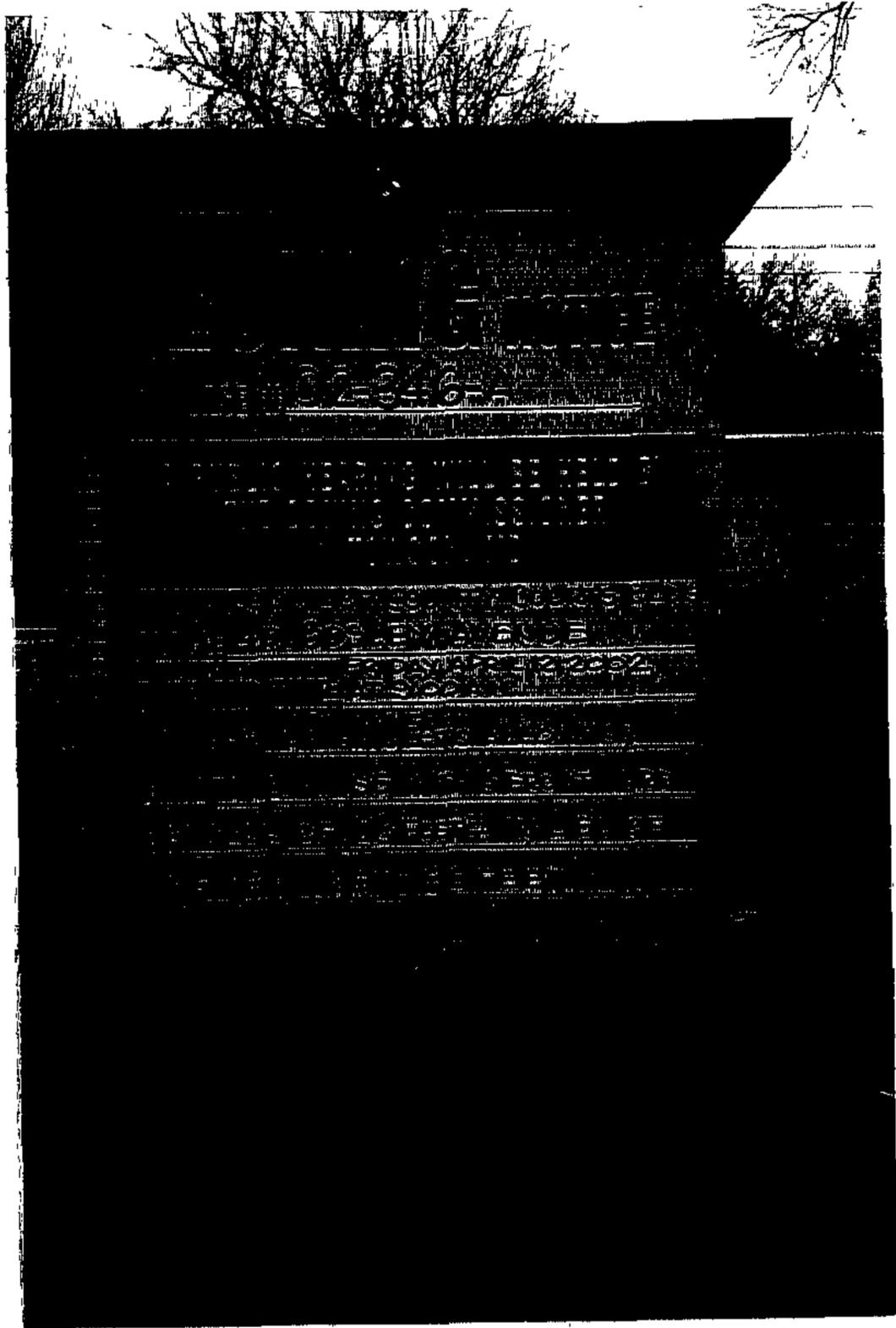
THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/26/2002.

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

J. Wilkinson

LEGAL ADVERTISING





CERTIFICATE OF POSTING

RE: Case No.: 02-346A

Petitioner/Developer: _____

KATHLEEN & GARY GALLOWAY

Date of Hearing/Closing: 4-12-02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

2200 PARK DRIVE

The sign(s) were posted on _____

MAR. 25, 2002

(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

APPEAL SIGN POSTING REQUEST

CASE NO. 02-346-A

GARY AND KATHLEEN GALLOWAY
Legal Owners

2204 Park Drive
SW/S Park @ distance of 104' W centerline Bauernschmidt Drive

15th Election District

Appealed: 05/17/02

Attachment – (Plat to accompany Petition -
Petitioner's Exhibit No.1)

APPEAL SIGN POSTING REQUEST

CASE NO. 02-346-A

GARY AND KATHLEEN GALLOWAY
Legal Owners

2204 Park Drive
SW/S Park @ distance of 104' W centerline Bauernschmidt Drive

15th Election District

Appealed: 05/17/02

Attachment – (Plat to accompany Petition -
Petitioner's Exhibit No.1)

*******COMPLETE AND RETURN BELOW INFORMATION*******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No. 02-346-A
Petitioner/Developer:
GALLOWAY

This is to certify that the necessary appeal sign(s) was posted conspicuously on

property located at 2204 PARK DR.

The sign(s) was posted on 6/21, 2002.

By Gary C. Freund
(Signature of Sign Poster)

GARY C. FREUND
(Printed Name)

**DEPARTMENT OF PERMITS AND DEVELOPMENT
MANAGEMENT**

ZONING REVIEW

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING
HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 02-346-A

Petitioner: Gary Galloway

Address or Location: 2200 Park Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gary Galloway

Address: 2200 Park Drive

Balto. MD 21221

Telephone Number: 410 238 3499

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 26, 2002 Issue – Jeffersonian

Please forward billing to:
Gary Galloway
2200 Park Drive
Baltimore MD 21221

410 283-3499

CHANGE OF NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-346-A
2200 Park Drive
SW/S Park Drive @ distance of 20' W centerline Bauernschmidt Drive
15th Election District – 5th Councilmanic District
Legal Owner: Kathleen & Gary Galloway

Variance to allow an existing house with a front yard setback of 28 feet +/- in lieu of the required 30 feet.

HEARING: Friday, April 12, 2002 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

March 6, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-346-A

2200 Park Drive

SW/S Park Drive @ distance of 20' W centerline Bauernschmidt Drive

15th Election District – 5th Councilmanic District

Legal Owner: Kathleen & Gary Galloway

Variance to allow an existing house with a front yard setback of 28 feet +/- in lieu of the required 30 feet.

HEARING: Wednesday, April 10, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon 672
Director

C: Kathleen & Gary Galloway, 2200 Park Drive, Baltimore 21221
Bernadette L Moskunas, Site Rite Surveying Inc, 200 E Joppa Road, Room 101,
Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 26, 2002.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

*PP'd June
7/02/02*

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

May 23, 2002

NOTICE OF ASSIGNMENT

CASE #: 02-347-A

**IN THE MATTER OF: GARY D. AND KATHLEEN M.
GALLOWAY – Legal Owners
2204 Park Drive
15th Election District; 5th Councilmanic District**

4/24/02 – Z.C.'s Order in which Petition for Variance was GRANTED with restrictions. (§ 304 variance /undersized lot)

and

CASE #: 02-346-A

**IN THE MATTER OF: GARY D. AND KATHLEEN M.
GALLOWAY – Legal Owners
2200 Park Drive
15th Election District; 5th Councilmanic District**

4/24/02 – Z.C. Order in which Petition for Variance was GRANTED.

ASSIGNED FOR:

**TUESDAY, JULY 2, 2002 at 1:00 p.m. / Day #1
WEDNESDAY, JULY 31, 2002 at 10:00 a.m. /Day #2 if needed**

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

**Kathleen C. Bianco
Administrator**

c: Appellant : Office of People's Counsel
Petitioners : Gary D. and Kathleen M. Galloway
Bernadette L. Moskunas /Site Rite Surveying, Inc.

Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

8/08/02 - final
Notice sent
date above
7-10-02

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 21, 2002

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 02-347-A

IN THE MATTER OF: GARY D. AND KATHLEEN M.
GALLOWAY - Legal Owners
2204 Park Drive
15th Election District; 5th Councilmanic District
4/24/02 - Z.C.'s Order in which Petition for Variance was GRANTED with
restrictions. (§ 304 variance /undersized lot)

and

CASE #: 02-346-A

IN THE MATTER OF: GARY D. AND KATHLEEN M.
GALLOWAY - Legal Owners
2200 Park Drive
15th Election District; 5th Councilmanic District
4/24/02 - Z.C. Order in which Petition for Variance was GRANTED.

which was assigned for hearing on 7/02/02 has been POSTPONED at the request of the Office of People's Counsel,
with agreement by Counsel for Petitioners; and has been

REASSIGNED FOR: WEDNESDAY, JULY 31, 2002 at 10:00 a.m. **

** OR IN ALTERNATIVE --THURSDAY, AUGUST 8, 2002 at 10:00 a.m. - final notice to be sent
within 10 days confirming 7/31/02 OR 8/08/02.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the
advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be
in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted
within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to
hearing date.

Kathleen C. Bianco
Administrator

- c: Appellant : Office of People's Counsel
Counsel for Petitioners : J. Neil Lanzi, Esquire
Petitioners : Gary D. and Kathleen M. Galloway

Bernadette L. Moskunas /Site Rite Surveying, Inc.

Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 10, 2002

FINAL NOTICE OF CONFIRMATION & ASSIGNMENT

CASE #: 02-347-A

IN THE MATTER OF: GARY D. AND KATHLEEN M. GALLOWAY - Legal Owners

2204 Park Drive

15th Election District; 5th Councilmanic District

4/24/02 - Z.C.'s Order in which Petition for Variance was GRANTED with restrictions. (§ 304 variance /undersized lot)

and

CASE #: 02-346-A

IN THE MATTER OF: GARY D. AND KATHLEEN M. GALLOWAY - Legal Owners

2200 Park Drive

15th Election District; 5th Councilmanic District

4/24/02 - Z.C. Order in which Petition for Variance was GRANTED.

As indicated in the prior Notice of Postponement, the purpose of this Final Notice is to confirm the final hearing date of the two dates (7/31/02 and 8/08/02) being held in this matter upon notice from Counsel for Petitioner as to availability; the final date has been confirmed; and the hearing has been

ASSIGNED FOR:

THURSDAY, AUGUST 8, 2002 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel
Counsel for Petitioners : J. Neil Lanzi, Esquire
Petitioners : Gary D. and Kathleen M. Galloway

Bernadette L. Moskunas /Site Rite Surveying, Inc.

Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

Handwritten notes: Received - 02-347 w/D Petition by Petitioner, 02-346 w/D appeal by P.C., Drawn by the record





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 5, 2002

Mr. & Mrs. Gary D Galloway
2200 Park Drive
Baltimore MD 21221

Dear Mr. & Mrs. Galloway:

RE: Case Number: 02-346-A, 2200 Park Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 20, 2002.

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

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

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Ms. Bernadette L Moskunas, Site Rite Surveying Inc, 200 E Joppa Road, Room 101,
Towson 21286
People's Counsel

Come visit the County's Website at www.co.ba.md.us





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3.1.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 346 JRF

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

A handwritten signature in black ink, appearing to read 'K. A. McDonald Jr.', with a checkmark to the left.

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

February 28, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF March 4, 2002

Item No.: See Below

Dear Ms. Stephens:

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.

The Fire Marshal's Office has no comments regarding the following item #'s.

331, 334, 335, 337, 339, 340, 341, 342, 343, 345,
346, 347, 348, 349,

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley
DATE: April 1, 2002

Zoning Advisory Committee Meeting of March 4, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

317, 331, 332, 336-338, 340-342, 345, (346), 348, 349

No AG Comments for 334, 335, 339.

sent
4/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: March 7, 2002

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

MAR 8

SUBJECT: 2200 Park Drive

INFORMATION:

Item Number: 02-346

Petitioner: Gary Galloway

Zoning: DR 3.5

Requested Action: Varaince

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow an existing house with a front yard setback of 28 feet in lieu of the minimum required 30 feet.

Prepared by: Maeta A. Cump

Section Chief: Gary L. Kerns

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

DATE: April 1, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for *March 4, 2002*
Item No. 346

The Bureau of Development Plans Review has reviewed the subject zoning item.

The flood protection elevation for this site is 10.4 feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

In accordance with Bill No. 18-90, Section 26-276, filling within a flood plain is prohibited.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential development.

The building engineer shall require a permit for this project.

Building shall be designed and adequately anchored to prevent floatation, collapse or lateral movement of structure with materials resistant to flood damage.

Flood resistant construction shall be in accordance with requirements of BOCA International Building Code adopted by the County.

RWB:HJO:cab

cc: File

ZAC-3-4-2002-ITEM NO 346-04012002.doc



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

May 17, 2002

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

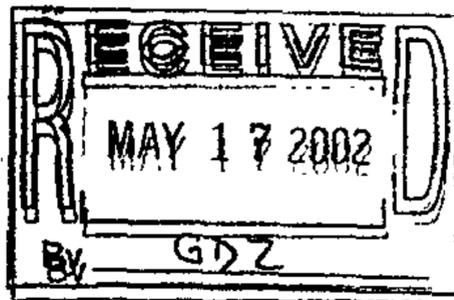
Re: PETITION FOR VARIANCE
2200 Park Drive, SW/S Park Dr
20' W of c/l Bauernschmidt Dr,
15th Election Dist., 5th Councilmanic
Gary & Kathleen Galloway, Petitioners
Case No.: 02-346-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated April 24, 2002 of the Baltimore County Deputy Zoning Commissioner in the above-entitled cases.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,



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

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Bernadette L. Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286,
Representative for Petitioners
Gary & Kathleen Galloway, 2200 Park Drive, Baltimore, MD 21221



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 20, 2002

Gary and Kathleen Galloway
2200 Park Drive
Baltimore, Maryland 21286

RE: Case No. 02-346-A, 2200 Park Drive

Please be advised that an appeal of the above-referenced case was filed in this office on 5/17/02, 2002 by Peter Max Zimmerman, People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Arnold Jablon".

Arnold Jablon
Director

AJ:rjc

C: Bernadette L. Moskunas, Site Rite Surveying Inc., 200 E. Joppa Road
Room 101 Towson, MD 21286
People's Counsel

Come visit the County's Website at www.co.ba.md.us



APPEAL

Petition for Variance
2200 Park Drive
SW/S Park @ distance of 20' W centerline Bauernschmidt Drive
15th Election District – 5th Councilmanic
Gary and Kathleen Galloway
Case No.: 02-346-A

- ✓ Petition for Variance (02/20/02)
 - ✓ Zoning Description of Property
 - ✓ Notice of Zoning Hearing (03/08/02)
 - ✓ Certification of Publication (The Jeffersonian issue 3/26/02)
 - ✓ Certificate of Posting (3/25/02 posted Garland E. Moore)
 - ✓ Entry of Appearance by People's Counsel (3/6/02)
 - ✓ Petitioner(s) Sign-In Sheet (None)
 - ✓ Protestant(s) Sign-In Sheet (None)
 - ✓ Citizen(s) Sign-In Sheet (None)
 - ✓ Zoning Advisory Committee Comments
 - ✓ Petitioners' Exhibits:
 1. (Plat to accompany Petition for Variance 12/81)
 - ✓ Protestants' Exhibits: (None)
 - ✓ Miscellaneous (Not Marked as Exhibits (None))
 - ✓ Zoning Commissioner (dated 4/24/02 –GRANTED with Restrictions)
 - ✓ Notice of Appeal received on 5/17/02 from Peter Max Zimmerman, People's Counsel for Baltimore County
- c: Bernadette L. Moskunas Site Rite Surveying Inc. 200 E. Joppa Road Room 101
Towson MD 21286.
* People's Counsel of Baltimore County, MS #2010, APPELLANT
Lawrence E. Schmidt Zoning Commissioner
Arnold Jablon, Director of PDM

date sent: 5/20/02 rjc

PETITIONERS
GARY D. GALLOWAY
KATHLEEN M. GALLOWAY
2200 PARK DRIVE
BALTIMORE MD 21286

02 MAY 22 11:23

✓E

Case No. 02-347-A

In the Matter of: Gary D. and Kathleen M. Galloway –Legal Owners
/Petitioners (2204 Park Drive)

VAR –§ 304 /undersized lot and § 1B02.3.C.1 /setbacks

4/24/02 –Z.C.’s Order in which Petition for Variance was GRANTED
with restrictions.

AND

Case No. 02-346-A

VAR (2200 Park Drive) – Front yard setbacks for existing dwelling

4/24/02 – Z.C.’s Order in which variance request was GRANTED.

5/23/02 -Notice of Assignment sent to following; assigned for hearing on Tuesday, July 2, 2002 at 1:00 p.m. /Day #1; and Wednesday, July 31, 2002 at 10:00 a.m. for Day #2, if needed:

Office of People’s Counsel
Gary D. and Kathleen M. Galloway
Bernadette L. Moskunas /Site Rite Surveying, Inc.
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

6/18/02 – Letter from C. Demilio requesting postponement of 7/02/02 hearing due to schedule conflict. T/C to Petitioners; Ms. Galloway will get back to us; considering retaining counsel for this matter. Matter scheduled for two dates – § 304 carries mandated timeframe for hearing to begin; 7/31/02, next date on Board’s schedule, fell outside of that timeframe; hence 7/02/02 was assigned for ½ day. Without objection by the parties, postponement may be granted to 7/31/02 date. Awaiting further call from Petitioner or Petitioner’s counsel.

6/19/02 – T/C w/N. Lanzi, Esquire – to enter appearance on behalf of Petitioners; does not object to postponement from 7/02/02; waives timeframe to 7/31/02 date. However, at this time, has conflict with 7/31/02 date; confirmed with Ms. Demilio and Mr. Lanzi their availability on 8/08/02; will send notice advising that 7/02/02 has been pulled; that 7/31/02 is still on, with 8/08/02 being held as possible alternative to 7/31/02. Final notice of hearing date to be sent within 10 days of postponement notice.

6/20/02 – Letter of appearance from Mr. Lanzi; confirming above conversation re 7/02/02 hearing.

6/21/02 – Notice of PP and Reassignment sent to parties, with letter to explain that 8/08/02 will be held pending final confirmation from Mr. Lanzi regarding his availability on 7/31/02. Final Notice to be sent within 10 days of today’s date.

7/05/02 – Letter from Neil Lanzi, Esquire – confirming that he will be unavailable on 7/31/02; will hear this matter on 8/08/02; Final Notice of Confirmation and Assignment sent to parties; case assigned to latter date being held per prior notice; that being Thursday, August 8, 2002 at 10:00 a.m. The date of 7/31/02 has been pulled.

7/31/02 – FAX from Neil Lanzi – per telephone conversations, his clients will withdraw their Petition in Case No. 02-347-A and C. Demilio will then withdraw the appeal of People’s Counsel in 02-346-A. Awaiting confirmation from D. Demilio; orders will then be issued.

8/01/02 – Letter from C. Demilio – with withdrawal of Petition in 02-347-A, she is withdrawing her appeal in 02-346-A. Letter to Ms. Demilio and Mr. Lanzi this date (with copy of Ms. Demilio’s letter); advising that both cases have been pulled from schedule; no one need appear on 8/08/02; orders will be issued (1) withdrawing Petition in 02-347-A and (2) withdrawing appeal in 02-346-A allowing ZC’s decision in 02-346-A granting variance for existing dwelling to stand as final order.

RE: PETITION FOR VARIANCE
2200 Park Drive, SW/S Park Dr,
20' W of c/l Bauernschmidt Dr
15th Election District, 5th Councilmanic

Legal Owner: Gary & Kathleen Galloway
Petitioner(s)

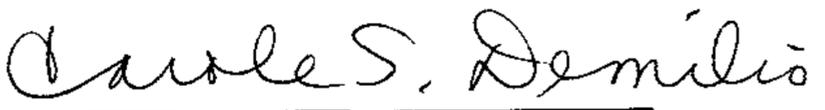
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-346-A

* * * * *

ENTRY OF APPEARANCE

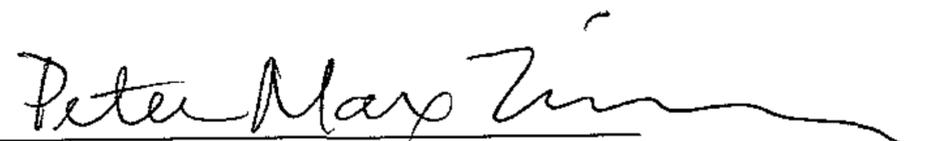
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of March, 2002 a copy of the foregoing Entry of Appearance was mailed to Bernadette L. Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioners.


PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
 Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: October 8, 2002
 TO: Arnold Jablon, Director
 Permits & Development Management
 Attn.: David Duvall

FROM: Theresa R. Shelton *trs*
 Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

<u>BOARD OF APPEALS CASE NUMBER</u>	<u>PDM FILE NUMBER</u>	<u>NAME</u>	<u>LOCATION</u>
02-346-A 02-247-A	<i>02-346-A</i> <i>02-347-A</i>	Gary and Kathleen Galloway	2204 Park Drive
02-321-SPH 02-322-A	<i>02-321-SPH</i> <i>02-322-A</i>	Robert Babcock, Bob Cat Properties, LLC	233 Cockeysville Road
02-109-SPHXA	<i>02-109-SPHXA</i>	Virginia E Smith, Trust Linda Smith Mulhern, Augustus W Smith, Owners	2444 York Road

Attachment: SUBJECT FILE(S) ATTACHED



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

August 1, 2002

CAROLE S. DEMILIO
Deputy People's Counsel

Kathleen C. Bianco, Administrator
County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

02/347-A-1-1-1:00

Re: In the Matter of Gary D. and Kathleen M. Galloway
Case No: 02-347-A (2204 Park Drive)
Case No: 02-346-A (2200 Park Drive)

Dear Ms. Bianco:

I am in receipt of Mr. Lanzi's letter to you of July 31st. He is correct in his depiction of the status of these cases.

In consideration of his withdrawing the Petition for Variance in Case No. 02-347-A, we will dismiss our appeal of the variance in Case No. 02-346-A, as we believe it will not be in the public interest to pursue it.

Very truly yours,

Carole S. DeMilio

Deputy People's Counsel for Baltimore County



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

June 21, 2002

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

Carole S. Demilio
Deputy People's Counsel
for Baltimore County
400 Washington Avenue, Rm 47
Towson, MD 21204

RE: *In the Matter of: Gary D. and Kathleen M. Galloway*
Case No. 02-347-A and Case No. 02-346-A
Postponement and Reassignment of Hearing Dates

Dear Counsel:

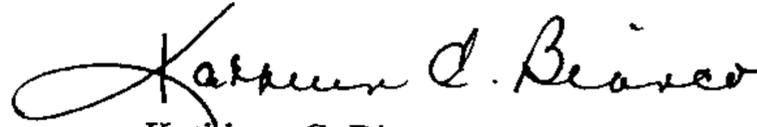
This letter will confirm that the subject matter has been postponed from the assigned hearing date of July 2, 2002, as requested by Ms. Demilio and agreed to by Mr. Lanzi.

At this time, July 31, 2002 is still being held on the Board's schedule. In addition, I am also holding the date of August 8, 2002, as agreed, pending final confirmation by Mr. Lanzi as to his availability on July 31, 2002. When final confirmation of the hearing date for this matter has been confirmed, an Amended Notice will be sent indicating the assigned hearing date of either July 31st or August 8th.

Thank you for holding both of these dates on your respective calendars pending final notice within the next 10 to 14 days.

Should you have any questions, please call me at 410-887-3180

Very truly yours,


Kathleen C. Bianco
Administrator

c: Gary D. and Kathleen M. Galloway
Bernadette L. Moskunas /Site Rite Surveying, Inc.
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

COPIES AND
MANAGEMENT



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

WCF

Aug 8 8:34

August 1, 2002

Carole S. Demilio
Deputy People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

J. Neil Lanzi, Esquire
Mercantile Building
Suite 617
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Gary D. and Kathleen M. Galloway*
Case No. 02-347-A and Case No. 02-346-A

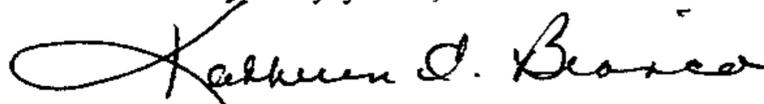
Dear Counsel:

This letter will confirm that the hearing assigned for Thursday, August 8, 2002 in the subject matter has been pulled from the Board's schedule as requested in Mr. Lanzi's letter dated July 31, 2002 and confirmed in a letter received today from Ms. Demilio. It will not be necessary for anyone to appear in this matter on August 8th as the docket has been cleared. Also, the signs posted on both properties may be removed.

The appropriate orders will be issued by the Board pursuant to agreement of counsel as indicated in their respective correspondence.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,


Kathleen C. Bianco
Administrator

Enclosure

c: Gary D. and Kathleen M. Galloway
Bernadette L. Moskunas /Site Rite Surveying, Inc.
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

RECEIVED

AUG 5 2002

02-2533

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

June 18, 2002

CAROLE S. DEMILIO
Deputy People's Counsel

Ms. Kathleen C. Bianco
Legal Administrator
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: Petition for Variance
2204 Park Drive
Case No. 02-347-A and
2200 Park Drive
Case No. 02-346-A
15th Election District, 5th Councilmanic
GARY D. AND KATHLEEN M. GALLOWAY, Petitioners
CBA Hearing Dates: 7/02/02, 1:00 p.m./Day #1 and
7/31/02, 10:00 a.m., Day #2

Dear Ms. Bianco:

Due to schedule conflicts on July 2, 2002, I find it necessary to request a postponement of the above hearing scheduled for day one on July 2nd. However, I will be available on July 31, 2002, which is assigned as the second hearing day in this matter, and anticipate that this hearing should take no more than one full day.

Thank you for your consideration.

Very truly yours,

Carole S. Demilio
Deputy People's Counsel

02 JUL 19 6:11:29

CSD/pah

cc: Gary D. and Kathleen M. Galloway, 2200 Park Drive, Baltimore, MD 21286



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

June 21, 2002

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

Carole S. Demilio
Deputy People's Counsel
for Baltimore County
400 Washington Avenue, Rm 47
Towson, MD 21204

RE: *In the Matter of: Gary D. and Kathleen M. Galloway*
Case No. 02-347-A and Case No. 02-346-A
Postponement and Reassignment of Hearing Dates

Dear Counsel:

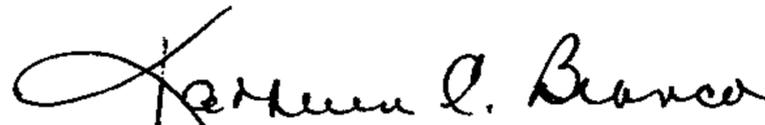
This letter will confirm that the subject matter has been postponed from the assigned hearing date of July 2, 2002, as requested by Ms. Demilio and agreed to by Mr. Lanzi.

At this time, July 31, 2002 is still being held on the Board's schedule. In addition, I am also holding the date of August 8, 2002, as agreed, pending final confirmation by Mr. Lanzi as to his availability on July 31, 2002. When final confirmation of the hearing date for this matter has been confirmed, an Amended Notice will be sent indicating the assigned hearing date of either July 31st or August 8th.

Thank you for holding both of these dates on your respective calendars pending final notice within the next 10 to 14 days.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,


Kathleen C. Bianco
Administrator

c: Gary D. and Kathleen M. Galloway
Bernadette L. Moskunas /Site Rite Surveying, Inc.
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM



J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

*Also Admitted in District of Columbia

E-mail: lanzilaw@cs.com

Reply to Towson

DATE: July 31, 2002

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: Kathleen C. Bianco, Esquire

FIRM: _____

CITY: _____

TELECOPIER NO.: AREA CODE (410) 887-3182

TELEPHONE NO.: AREA CODE ()

FROM: J. Neil Lanzi
(Attorney)

Total Number of Pages, including this page: 3

DOCUMENTS TRANSMITTED:

If you do not receive all pages, please call back as soon as possible at:
(410) 296-0686, Telecopier Number: (410) 296-0689.

ORIGINAL TO BE: MAILED FED. EX. HAND-DELIVERED RETAINED

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

August 1, 2002

Carole S. Demilio
Deputy People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

J. Neil Lanzi, Esquire
Mercantile Building
Suite 617
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Gary D. and Kathleen M. Galloway*
Case No. 02-347-A and Case No. 02-346-A

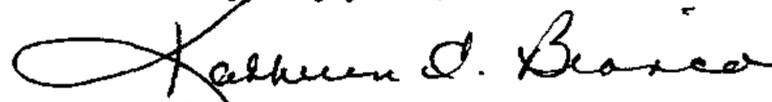
Dear Counsel:

This letter will confirm that the hearing assigned for Thursday, August 8, 2002 in the subject matter has been pulled from the Board's schedule as requested in Mr. Lanzi's letter dated July 31, 2002 and confirmed in a letter received today from Ms. Demilio. It will not be necessary for anyone to appear in this matter on August 8th as the docket has been cleared. Also, the signs posted on both properties may be removed.

The appropriate orders will be issued by the Board pursuant to agreement of counsel as indicated in their respective correspondence.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,


Kathleen C. Bianco
Administrator

Enclosure

c: Gary D. and Kathleen M. Galloway
Bernadette L. Moskunas /Site Rite Surveying, Inc.
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM



J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanziaw@cs.com

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Panuxent Parkway
Columbia, Maryland 21044-3563

*Also Admitted in District of Columbia

Reply to Towson

July 31, 2002

Sent Via Facsimile: 410-887-3182
and Regular Mail

Kathleen C. Bianco, Administrator
County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

02 JUL 31 PM 5:21

Re: In the Matter of Gary D. and Kathleen M. Galloway
Case No.: 02-347-A (2204 Park Drive)
Case No.: 02-346-A (2200 Park Drive)

Dear Ms. Bianco:

This letter is to confirm our telephone conversation today regarding the above referenced appeals presently scheduled for hearing on Thursday, August 8, 2002. You may now pull these two cases from the schedule on August 8, 2002 for the reasons which follow.

First, on behalf of Gary D. and Kathleen M. Galloway, I am hereby withdrawing without prejudice, the Petition for Variance previously filed and approved on April 24, 2002 by the Zoning Commissioner for Baltimore County in Case No. 02-347-A for the property known as 2204 Park Drive. Obviously, the appeal of that case thus becomes moot.

Second, in speaking with Carole Demilio, Esquire today, it is my understanding the Office of People's Counsel will in turn withdraw its appeal of the Petition for Variance previously filed and approved on April 24, 2002 by the Zoning Commissioner in Case No. 02-346-A for the property known as 2200 Park Drive. Thus in that case the ruling of the Zoning Commissioner dated April 24, 2002 will stand.

Kathleen C. Bianco, Administrator
July 31, 2002
Page Two

Finally, it is my understanding the appeals sign will be removed from the Galloway property upon the removal of these cases from your docket. Thank you for all of your cooperation and patience in the scheduling of these appeals. Should you require anything further please do not hesitate to contact me.

Very truly yours,



J. Neil Lanzi

JNL:mal

cc: Office of People's Counsel
Site Rite Surveying, Inc.
Kathleen and Gary Galloway

[Click here for a plain text ADA compliant screen.](#)

	Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search	Go Back View Map New Search
---	---	---

Account Identifier: District - 15 Account Number - 1522450222

Owner Information

Owner Name:	GALLOWAY GARY DUANE GALLOWAY KATHLEEN MARY	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2200 PARK DR BALTIMORE MD 21221-1728	Deed Reference:	1) /13143/ 678 2)

Location & Structure Information

Premises Address 2200 PARK DR		Zoning WATERFRONT		Legal Description BAUERNSCHMIDT MANOR				
Map 98	Grid 8	Parcel 35	Subdivision	Section G	Block	Lot 114	Group 82	Plat No: Plat Ref: 12/ 81
Special Tax Areas			Town Ad Valorem Tax Class					
Primary Structure Built 0000		Enclosed Area		Property Land Area 8,000.00 SF		County Use 34		
Stories		Basement		Type		Exterior		

Value Information

	Base Value	Value As Of	Phase-in Assessments	
		01/01/2000	07/01/2001	07/01/2002
Land:	24,750	24,750		
Improvements:	7,840	4,030		
Total:	32,590	28,780	28,780	28,780
Preferential Land:	0	0	0	0

Transfer Information

Seller: VOJIK RICHARD JOHN	Date: 09/11/1998	Price: \$179,550
Type: MULT ACCTS ARMS-LENGTH	Deed1: /11621/ 250	Deed2:
Seller: VOJIK RICHARD J	Date: 06/05/1996	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 2591/ 100	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Code	07/01/2001	07/01/2002
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

*Also Admitted in District of Columbia

Reply to Towson

June 20, 2002

Hand-Delivered

Kathleen C. Bianco, Administrator
County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of Gary D. and Kathleen M. Galloway
Case No.: 02-347-A and 02-346-A

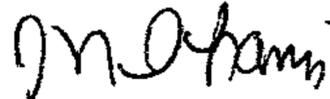
02 JUN 20 PM 2:22

Dear Ms. Bianco:

This letter is in follow up to our telephone conversation yesterday regarding the above referenced appeal. I have now been retained by Kathleen and Gary Galloway, Petitioners below in this appeal. It is my understanding this case has been scheduled for hearing on Tuesday, July 2, 2002 at 1:00 p.m., Wednesday, July 31, 2002 at 10:00 a.m. and a third date has been scheduled for Monday, August 8, 2002 at 10:00 a.m. It is my understanding that People's Counsel has a conflict with the July 2 date and my clients do not have an objection to the cancellation of the hearing set for July 2 thus leaving in the July 31 and August 8 hearing dates.

Thank you for your cooperation.

Very truly yours,



J. Neil Lanzi

JNL\mal

cc: Office of People's Counsel
Site Rite Surveying, Inc.

From: Theresa Shelton
To: Freund, Gary
Date: 8/1/02 2:09PM
Subject: Galloway / 02-346-A and 02-347-A

Gary:

This matter has been settled. Could the signs be removed? The property is located at 2200 and 2204 Park Drive, Baltimore, MD 21286; 15th Election. The signs were posted on 6/21.

Thank you for your attention to this matter.

Theresa R. Shelton
Baltimore County Board of Appeals
410-887-3180
FAX: 410-887-3182

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA

Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

July 31, 2002

Sent Via Facsimile: 410-887-3182
and Regular Mail

Kathleen C. Bianco, Administrator
County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of Gary D. and Kathleen M. Galloway
Case No.: 02-347-A (2204 Park Drive)
Case No.: 02-346-A (2200 Park Drive)

02 AUG - 1 11:11 AM '02

Dear Ms. Bianco:

This letter is to confirm our telephone conversation today regarding the above referenced appeals presently scheduled for hearing on Thursday, August 8, 2002. You may now pull these two cases from the schedule on August 8, 2002 for the reasons which follow.

First, on behalf of Gary D. and Kathleen M. Galloway, I am hereby withdrawing without prejudice, the Petition for Variance previously filed and approved on April 24, 2002 by the Zoning Commissioner for Baltimore County in Case No. 02-347-A for the property known as 2204 Park Drive. Obviously, the appeal of that case thus becomes moot.

Second, in speaking with Carole Demilio, Esquire today, it is my understanding the Office of People's Counsel will in turn withdraw its appeal of the Petition for Variance previously filed and approved on April 24, 2002 by the Zoning Commissioner in Case No. 02-346-A for the property known as 2200 Park Drive. Thus in that case the ruling of the Zoning Commissioner dated April 24, 2002 will stand.

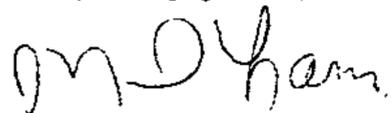
Kathleen C. Bianco, Administrator

July 31, 2002

Page Two

Finally, it is my understanding the appeals sign will be removed from the Galloway property upon the removal of these cases from your docket. Thank you for all of your cooperation and patience in the scheduling of these appeals. Should you require anything further please do not hesitate to contact me.

Very truly yours,



J. Neil Lanzi

JNL\mal

cc: Office of People's Counsel
Site Rite Surveying, Inc.
Kathleen and Gary Galloway

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

*Also Admitted in District of Columbia

Reply to Towson

July 3, 2002

Sent Via Facsimile: 410-887-3182
and Regular Mail

Kathleen C. Bianco, Administrator
County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of Gary D. and Kathleen M. Galloway
Case No.: 02-347-A and 02-346-A

Dear Ms. Bianco:

Thank you for your letter of June 21, 2002 and the Board's willingness to retain July 31, 2002 on the Board's schedule. This letter is to confirm that I will not be available on July 31, 2002 due to a previously scheduled vacation outside the State of Maryland. It is my understanding the Board will continue to hold the date of August 8, 2002 as the only hearing date for this matter.

Thank you again for your cooperation.

Very truly yours,



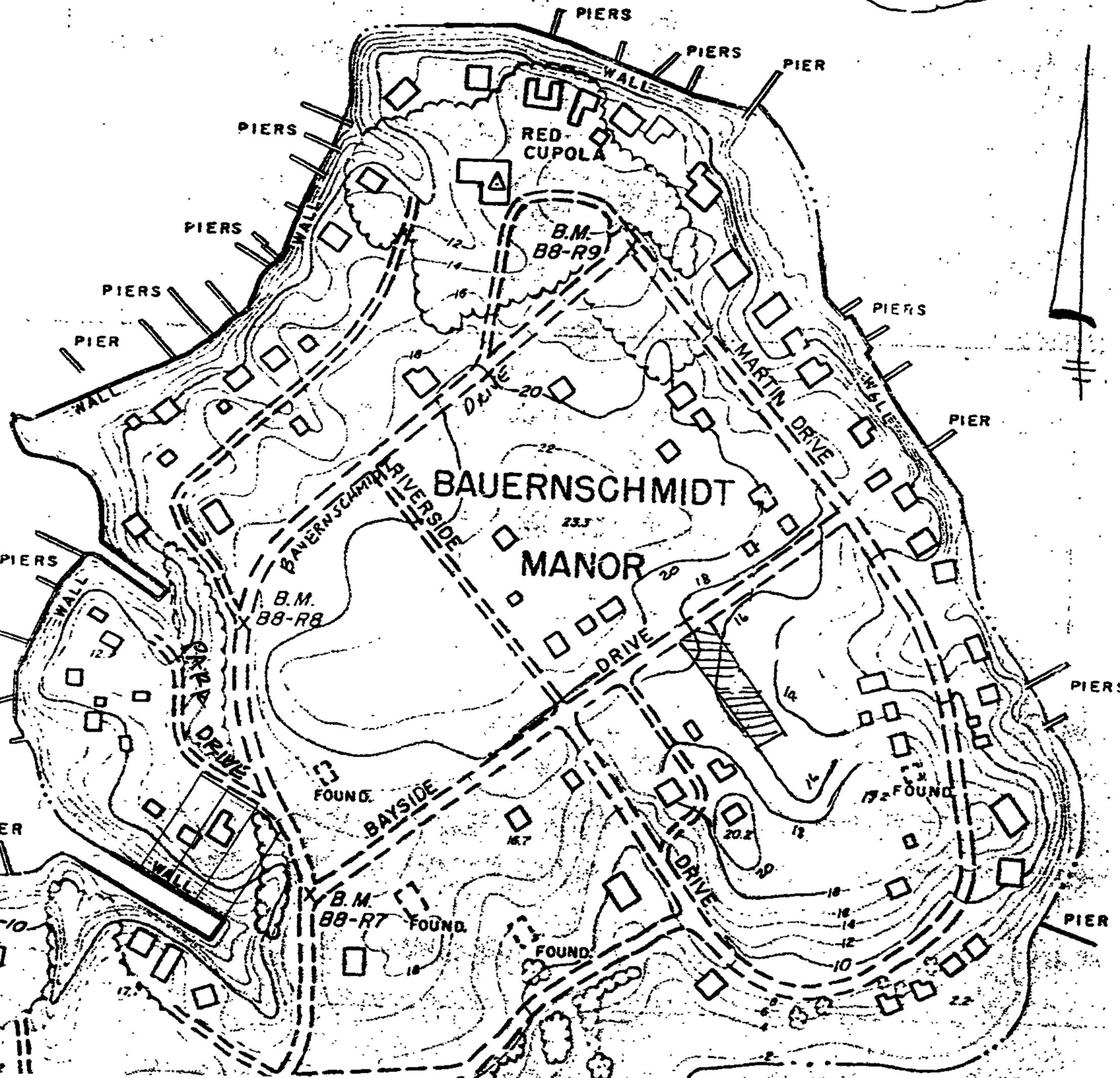
J. Neil Lanzi

JNL\mal
cc: Office of People's Counsel
Site Rite Surveying, Inc.
Kathleen and Gary Galloway

02 JUL -5 PM 1:21

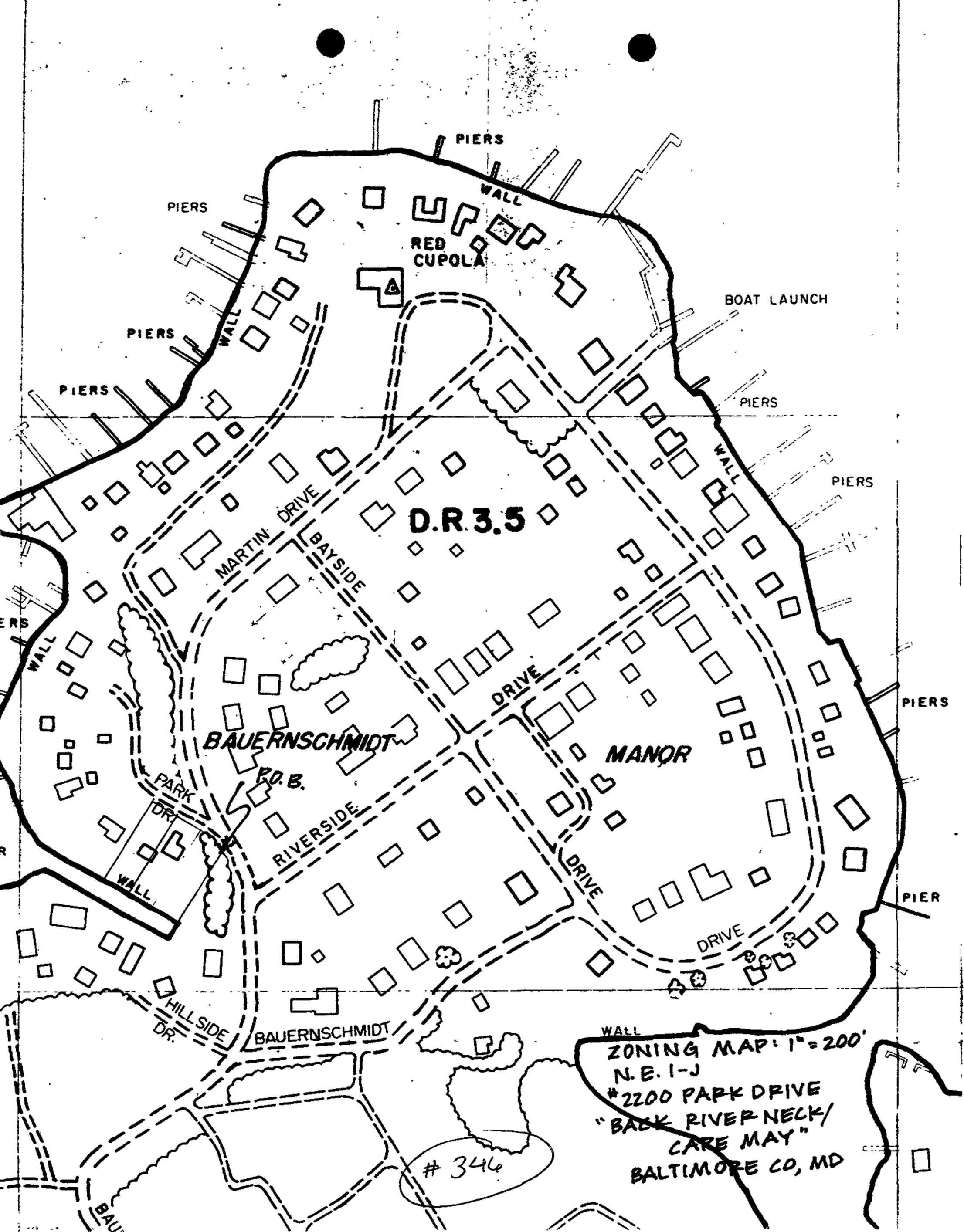
MIDDLE RIVER

2400100445B
ZONE "C"
ZONE "B"



TOPOGRAPHY MAP: 1"=200'
N.E. I-J
#2200 PARK DRIVE
"BACK RIVER NECK/
CAPE MAY"
BALTIMORE CO, MD

#344



D.R. 3.5

BAUERNSCHMIDT

MANOR

346

WALL
ZONING MAP: 1" = 200'
N.E. 1-J
#2200 PARK DRIVE
"BACK RIVER NECK/
CARE MAY"
BALTIMORE CO, MD

PIERS

PIERS

RED
CUPOLA

BOAT LAUNCH

PIERS

PIERS

PIERS

PIERS

PIERS

PIER

HILLSIDE
DR.

BAUERNSCHMIDT

PARK
DR.

P.O. B.

RIVERSIDE
DR.

DRIVE

DRIVE

DRIVE

MARTIN DRIVE

BAYSIDE

WALL

WALL

WALL

WALL

WALL

BAU

let EXH #1

OWNER LOTS 112, 113, 114
 GARY AND KATHLEEN GALLOWAY
 2200 PARK DRIVE
 BALTIMORE, MD 21221
 DEED 13143/670
 TAX MAP 90 GRID 0 PARCEL 35
 TAX ACCT NO LOT 112 1522450220
 LOT 113 1522450221
 LOT 114 1522450222

125
 #2223
 LEONARD & IRENE MAUNES
 1508004190
 5132/384

#2214
 CHARLES & JOAN
 LEISS
 1502002090
 7063/540
 EX ONE STORY DWLG

#2212
 WILLIAM JAKUM
 150402520
 150402520
 EX ONE STORY
 DWLG

A & D REALTY
 1501130000
 NO REF
 VACANT

LEONARD & IRENE MAUNES
 1513205720
 3876/105



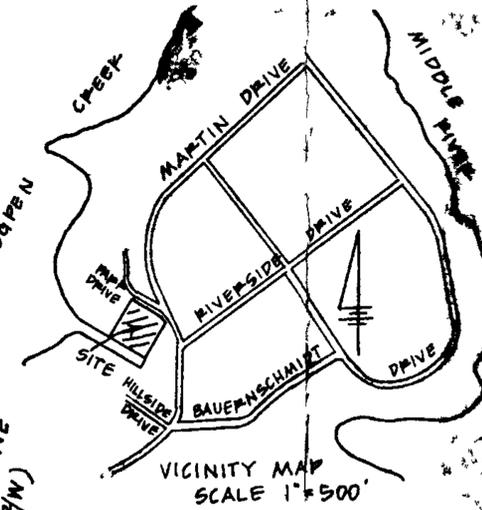
106
 JOSEPH DEADY
 1504200021
 2730/454
 VACANT

PLAT TO ACCOMPANY PETITION FOR VARIANCE
 # 2200 PARK DRIVE
 LOTS 112 & 113

PLAT TO ACCOMPANY PETITION FOR VARIANCE AND AN
 UNDERSIZED LOT APPLICATION
 # 2204 PARK DRIVE
 LOT 114

"BAUERNSCHMIDT MANOR" 12/01
 ELECTION DISTRICT NO 15
 COUNCILMANIC DISTRICT NO 5
 BALTIMORE COUNTY, MD
 SCALE 1" = 30'
 7944

#346



- GENERAL NOTES
- EXISTING ZONING DR 35
 - 200 SCALE MAP NE 1-J
 - LOT SIZE FOR 112 AND 113 16,000 SF OR 0.367 ACRES+/-
 LOT SIZE FOR 114 8,000 SF OR 0.184 ACRES+/-
 - PUBLIC WATER AND SEWER
 - NOT LOCATED IN HISTORIC AREA
 - LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
 - LOCATED IN THE 100 YEAR FLOODPLAIN AREA
 - COMMUNITY PANEL MAP 240010 0445C
 ZONE "B" "C"
 - EXISTING USE LOTS 112 AND 113 SINGLE FAMILY DWELLING TO REMAIN
 EXISTING USE LOT 114 EXISTING GARAGE AND PORTION OF GRAVEL
 DRIVEWAY TO BE REMOVED
 - PROPOSED USE LOTS 112 AND 113 SINGLE FAMILY DWELLING (EXISTING)
 PROPOSED USE LOT 114 SINGLE FAMILY DWELLING
 - ALLOWABLE IMPERVIOUS AREA FOR LOTS 112 AND 113 (25%) = 4,000 SF
 ALLOWABLE IMPERVIOUS AREA FOR LOT 114 (25%) = 2,000 SF
 - ALL DOWNSPOUTS SHALL DISCHARGE RAINWATER ACROSS THE LAWN
 (NOT TOWARDS THE RIVER)
 - MUST HAVE A MINIMUM OF 15% TREE COVERAGE
 - TREES SHALL REMAIN OR BE ESTABLISHED BY U & O
 - ANY TREE REMOVED FROM 100 FOOT BUFFER ZONE SHALL BE
 REPLACED ON A ONE TO ONE BASIS
 - EXISTING TREES SHOWN AS (T)
 - EXISTING IMPERVIOUS AREA FOR LOTS 112 AND 113 REMAINS
 UNDER THE ALLOWABLE 25%
 - PROPOSED IMPERVIOUS AREA FOR LOT 114
 PROP DWLG 1560 SF
 PROP CONC PORCH 24 SF
 EX GRAVEL DRWY 880 SF
 TOTAL 2464 SF

Red No 1

Red Rita Surveying, Inc.
 200 E. Joppa Road
 Shell Building, Room 101
 Towson, Md 21286
 (410)228-3080

BODY OF WATER KNOWN AS WATERWAY DRIVE

