IN RE: PETITION FOR VARIANCE
W/S of Galloway Road, 318' NW
centerline of Cold Spring Road
15th Election District
6th Councilmanic District
(3510 Galloway Road)

Bonita L. & Theodore M. Fratta Petitioners * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-434-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Variance for the property located at 3510 Galloway Road in the Bowley's Quarters community in eastern Baltimore County. The petition was filed by Theodore M. Fratta and Bonita L. Fratta, his wife, property owners. Variance relief is requested from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow side yard setbacks of 7 ft. and 13 ft. in lieu of the required 50 ft. and from Section 1A04.3.B.1 of the B.C.Z.R., to allow a lot size of less than one acre in an R.C.5 zone. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the petition for variance.

Appearing at the requisite public hearing held for this case were the Petitioners, Theodore M. Fratta and Bonita L. Fratta. Also present was Clyde Hinkle, from Bafitis & Associates, the consultants who prepared the site plan. Also present in support of the request was Buck Jones, Petitioners' builder. The Petitioner was represented by J. Neil Lanzi, Esquire.

Appearing as interested persons were a number of residents from the surrounding neighborhood. They included Norma Bankard, Joe Walters, Pete Garey, Lou Gebhardt and Dan Welsh. These individuals appeared as interested citizens. There were no individuals present who voiced opposition to the proposal.

The subject property under consideration is a rectangularly shaped lot with frontage on Galloway Road in Bowley's Quarters. The property is approximately 0.323 acres in area, as

6/9/03 203 described in the deed recorded in the Land Records of Baltimore County. However, it was noted that that description includes as part of the property an area which extends into Galloway Creek. That is, this is a waterfront property and a legal description includes an area which is part of the creek. The subject property is along a narrow lot, approximately 50 ft. wide x 285 ft. in depth.

Mr. & Mrs. Fratta have owned the property since 1975. They use it as a recreational amenity on weekends. Presently, they reside in Harford County, Maryland. The property is improved with a small frame structure which is to be razed. That structure is attached to an existing wooden deck and an existing concrete patio/pad which will also be removed. Apparently, these structures are used during weekend visits. Mr. & Mrs. Fratta propose to raze those improvements and construct a two-story, single-family dwelling to be known as 3510 Galloway Road. The footprint of the building is shown on the site plan as 30 ft. x 50 ft. in dimension. Apparently, the Petitioners desire to reside on the property full time. Testimony was received from Mr. Fratta and Mr. Hinkle regarding the subject property and the existing and proposed improvements. It was indicated at the hearing that an adjacent property is being developed which is similarly sized and configured. The house being constructed on that property will be known as 3512 Galloway Road. Apparently, variance relief was granted for that lot by the undersigned Zoning Commissioner in 1999. It is to be noted that 7 ft. and 13 ft. side yard setbacks were approved for that building. Those uneven setbacks were approved because the Petitioner in that case indicated that additional space was needed along the side property line to launch a boat from the property.

Similarly, the Petitioners in the instant case have requested 13 ft. and 7 ft. side yard setbacks. However, in open hearing, Mr. Fratta indicated that he was willing to amend that request so that 10 ft. setbacks would be provided on both sides of the proposed structure. This proposal is endorsed by the neighbors on the other side, namely Lon C. Gebhardt and Dolores A. Gebhardt.

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It was also indicated at the hearing that the subject property is served by public water. Apparently, public sewer is being proposed for this neighborhood. The proposed dwelling will not be constructed until it can be connected to the sewer line which is under construction. That is, there will be no interim septic system.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioners have complied with the requirements of Section 307 of the B.C.Z.R. and the case law. However, in approving the request, I shall impose certain conditions and restrictions. First, the site plan shall be amended to provide 10 ft. setbacks on either side of the house. As noted above, Mr. & Mrs. Fratta are agreeable to this change and it is requested by the neighbor. That will allow consistent setbacks on both sides of the dwelling to the respective side property lines. Secondly, the proposed dwelling must be served by public sewer. A septic system will not be permitted. Thirdly, the subject property is obviously within the Chesapeake Bay Critical Area. Thus, compliance with all appropriate environmental standards is appropriate. Similarly, the proposed dwelling should be constructed in accordance with any applicable floodplain regulations. Finally, the Petitioners have submitted building plans to the Office of Planning. The proposed dwelling shall be constructed in a manner similar to those plans which have been reviewed by that agency.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 9th day of June, 2003, by this Zoning Commissioner, that the Petitioners' request for variances from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow side yard setbacks of 7 ft. and 13 ft. in lieu of the required 50 ft. and from Section 1A04.3.B.1 of the B.C.Z.R., to allow a lot size of

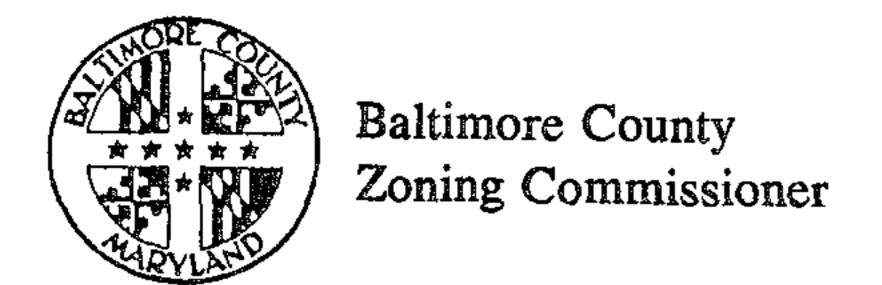
less than one acre in an R.C.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their 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 Petitioners' site plan shall be amended to provide 10 ft. setbacks on either side of the proposed house.
- 3) The Petitioners' proposed dwelling must be served by public sewer. A septic system will not be permitted.
- 4) The Petitioners' proposed dwelling shall be constructed in a manner similar to the building plans previously submitted and reviewed by the Office of Planning.
- 5) Compliance with the Zoning Advisory Committee (ZAC) comments submitted by DEPRM dated May 23, 2003 and Development Plans Review dated April 21, 2003 relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and made a part hereof.
- 6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E.SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj



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

Fax: 410-887-3468

June 9, 2003

J. Neil Lanzi, Esquire 409 Washington Avenue, Suite 617 Towson, Maryland 21204

Re: Petition for Administrative Variance

Case No. 03-434-A

Property: 3510 Galloway Road

Dear Mr. Lanzi:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:raj
Enclosure

Copies to:

Mr. & Mrs. Theodore M. Fratta 24 Old Sound Road Joppa, Maryland 21085

Buck Jones 810 Back River Neck Road Baltimore, MD 21221

Clyde Hinkle Bafitis & Associates 1299 Engleberth Road Baltimore, MD 21221

Norma Bankard 3506 Galloway Road Baltimore, MD 21220

Joe Walters 3526 Galloway Road Baltimore, MD 21220

Pete Garey Lots 47 & 48 Galloway Road Baltimore, MD 21220

Lon Gebhardt 3508 Galloway Road Baltimore, MD 21220

Dan Welsh 1905 Renlus Way Forest Hill, MD 21050



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3510 Galloway Road RC-5 which is presently zoned

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)

(i) 1A04.3B.2 to allow side yard setbacks of 7' and 13' in lieu of the required 50' and (ii) Section 1A04.3B.1 to allow a lot size of less than 1 acre in an RC 5 zone. § 304, To Apprend AN United Sizes Lot Fan Burden Pennics

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

TO BE PROVIDED AT HEARING

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 of perjury, that I/we a is the subject of the	declare and affirm, usere the legal owner(s) is Petition.	nder the pen) of the prope	alties of erty which
	Contract Purchaser/Lesse	e:		Legal Owner(s	<u>5):</u>		
	Name - Type or Print		·	Theodore M. 1 Name - Type or Print			
				Ther	down Fra	atta	
	Signature			Signature Bonita L. Fra			
	Address		elephone No.	Name - Type or Print	L. frette		
	City	State	Zip Code	Signature			
	Attorney For Petitioner:			24 Old Sound	Road	410-679	T-1
	J. Neil Lanzi			Address Joppa, MD 2	1085	1	elephone No
	Name - Type or Print	<u> </u>	···	City		ate	Zìp Code
	M. Ohan		.	<u>Representativ</u>	re to be Contact	ed:	
	Signature J. Neil Lanzi, P.A.			J. Neil Lanz	i		
	Company 409 Washington Ave Ste	617 410-2	96-0686	Name 409 Washingto	on Ave Ste 617		
	Address Wowson, MD 21204	T	elephone No.	Address Towson, MD	21204	Te	elephone No.
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Bafitis & Associates, Inc. ZONING DESCRIPTION FOR

3510 GALLOWAY ROAD BALTIMORE COUNTY, MARYLAND 21220 15TH ELECTION DISTRICT

BEGINNING for the same at a point on the West side of Galloway Road, 30 feet wide; and 318 feet more or less, Northwesterly from the intersections of centerlines of Galloway Road and Cold Spring Road, 30 feet wide:

- 1.) Thence running and binding along Galloway Road North 02°-38'-00" East, 50.00 feet to a point;
- 2.) Thence leaving said road the following three courses and distances: South 87°-22'-00" East, 278.00 feet to a point;
- 3.) Thence South 87°-05'-16" East, 50.49 feet to a point;
- 4.) Thence North 87°-22'-00" West, 285.00 feet to the place of beginning.

Containing 14, 075.00 Square Feet or 0.323 Acres more or less.

Being known as Lot 58, as shown on a plat entitled Bowleys Quarters Plat 1, recorded among the Land Records of Baltimore County, Maryland, Plat Book 7, Folio 12.

March P.E. (Seal)

William N. Bantis, P.E. Md. Reg. #11641

2/24/03 (Date)

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. #03-434-A
3510 Galloway Road
W/side of Galloway Road
15th Election District — 6th Councilmanic District Legal Owner(s): Theodore M. and Bonita L. Fratta
Variance: to allow side yard setbacks of 7 feet and 13 feet in lieu of the required 50 feet and to allow a lot size of less than 1 acre in an R.C 5.zone. To approve an undersize lot for building permits.

Hearing: Wednesday, May 28, 2003 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

Ачепце.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Confact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Confact the Zoning Review Office at (410) 887-3391.

JT 5/677 May 13

THIS IS TO CERTIEV that the Solid 1.2003

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

LEGAL ADVERTISING Mulling

NOTICE OF ZONING HEARING

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

Case #03-434-A
3510 Galloway Road
W/side of Galloway Road 318 feet northwest of centerline of Cold Spring Road
15th Election District — 6th Councilmanic District
Legal Owner(s). Theodore and Bonita Fratta
Variance: to allow side yard setbacks of 7 feet and 13 feet in lieu of the required 50 feet and to allow a lot size of less in lieu of the required 50 feet and to allow a lot size of less than 1 acre in an RC 5 zone. To approve an undersize lot for building permits.

Hearing: Wednesday, June 4, 2003 at 10:00 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.

2003 23

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

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☐ Arbutus Times

☐ Catonsville Times

Owings Mills Times □ Towson Times

NE Booster/Reporter

North County News

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LEGAL ADVERTISING

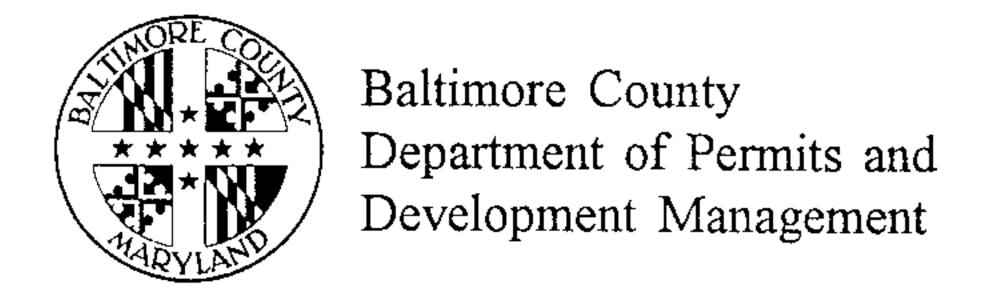
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CERTIFICATE OF POSTING

RE: Case No.: 03-434-A

	Petitioner/Developer: <u>Theodore</u>
	BONHA FRATTA
	Date of Hearing/Closing: 6/4/03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Fowson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perjury	y that the necessary sign(s) required by law were
posted conspicuously on the property located at: 35/0 GALLOW/	
SOLO GALLOWI	4y 12D
	onth, Bay, Year) cerely,
	cereiy,
	(Signature of Sign Poster) (Date)
	SSG Robert Black
사용 등 기계	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)



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

Fax: 410-887-5708

April 14, 2003

CORRECTED 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: 03-434-A

3510 Galloway Road

W/side of Galloway Road 318 feet northwest of centerline of Cold Spring Road 15th Election District – 6th Councilmanic District

Legal Owner: Theodore and Bonita Fratta

<u>Variance</u> to allow side yard setbacks of 7 feet and 13 feet in lieu of the required 50 feet and to allow a lot size of less than 1 acre in an RC 5 zone. To approve an undersize lot for building permits.

Hearings:

Wednesday, June 4, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: J. Neil Lanzi, 409 Washington Avenue, Suite 617, Towson 21204 Theodore and Bonita Fratta, 24 Old Sound Road, Joppa 21085

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 20, 2003.

(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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 20, 2003 Issue - Jeffersonian

Please forward billing to:

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

410-296-0686

CORRECTED 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: 03-434-A

3510 Galloway Road

W/side of Galloway Road 318 feet northwest of centerline of Cold Spring Road

15th Election District – 6th Councilmanic District

Legal Owner: Theodore and Bonita Fratta

<u>Variance</u> to allow side yard setbacks of 7 feet and 13 feet in lieu of the required 50 feet and to allow a lot size of less than 1 acre in an RC 5 zone. To approve an undersize lot for building permits.

Hearings:

Wednesday, June 4, 2003 at 10:00 a.m. in Room 407, County Courts

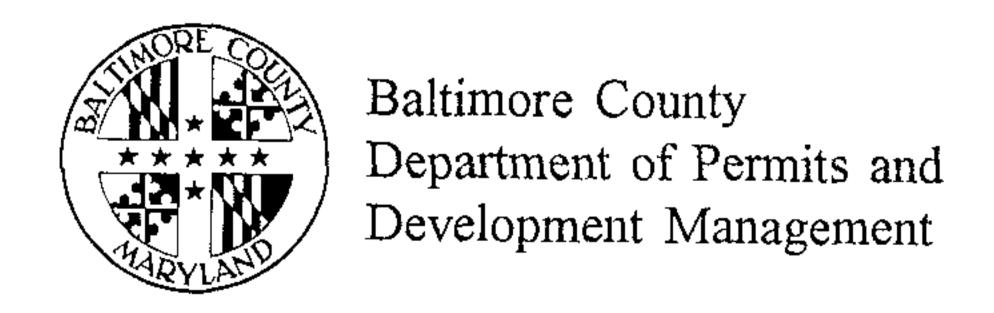
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



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

Fax: 410-887-5708

April 1, 2003

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: 03-434-A

3510 Galloway Road

W/side of Galloway Road, 318 feet northwest of centerline of Cold Spring Road 15th Election District – 6th Councilmanic District

Legal Owners: Theodore M. and Bonita L. Fratta

<u>Variance</u> to allow side yard setbacks of 7 feet and 13 feet in lieu of the required 50 feet and to allow a lot size of less than 1 acre in an R.C.5.zone. To approve an undersize lot for building permits.

Hearings:

Wednesday, May 28, 2003 at 11:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

Arnold Jablon Director

AJ:klm

C: J. Neil Lanzi, J. Neil Lanzi, P.A., 409 Washington Avenue, Suite 617, Towson 21204 Mr. and Mrs. Theodore Fratta, 24 Old Sound Road, Joppa 21085

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 13, 2003.

(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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 13, 2003 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi 409 Washington Avenue, Suite 617

410-296-0686

Towson, MD 21204

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: 03-434-A

3510 Galloway Road

W/side of Galloway Road, 318 feet northwest of centerline of Cold Spring Road

15th Election District – 6th Councilmanic District

Legal Owners: Theodore M. and Bonita L. Fratta

<u>Variance</u> to allow side yard setbacks of 7 feet and 13 feet in lieu of the required 50 feet and to allow a lot size of less than 1 acre in an R.C.5.zone. To approve an undersize lot for building permits.

Hearings:

Wednesday, May 28, 2003 at 11:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

Lawrence R. 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

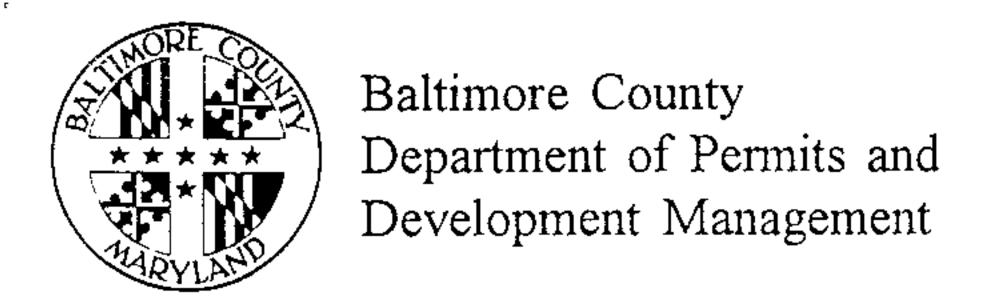
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: <u>3-434-</u>
Petitioner: MR. THEO DOTRE M. JAATTO
Address or Location: 3510 GALGWAY RD.
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address: 409 W NSULVETEN AUG.
Sure 617.
Lowson, Mo 21204.
Telephone Number: 410-296-0686



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

May 30, 2003

J. Neil Lanzi 409 Washington Avenue, Ste. 617 Towson, MD 21204

Dear Mr. Lanzi:

RE: Case Number: 03-434-A, 3510 Galloway Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 19, 2003.

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,

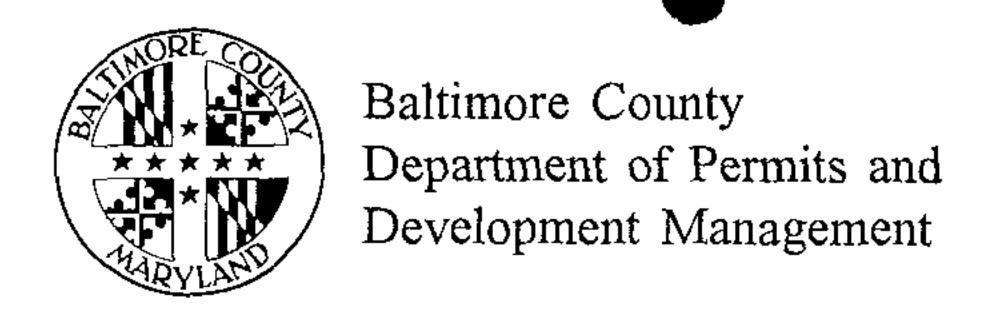
W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Theodore and Bonita Fratta, 24 Old Sound Road, Joppa 21085



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

Fax: 410-887-5708

April 8, 2003

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

Dear Mr. Lanzi:

RE: Case Number: 03-434-A

The above matter, previously scheduled for Wednesday, May 28, 2003, has been postponed at your request. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

Very truly yours,

Arnold Jablon Director

AJ:rlh

C: Theodore and Bonita Fratta, 24 Old Sound Road, Joppa 21085



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.1.03

Ms. Rebecca Hart Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County

Item No. 434 JRA

Dear. Ms. Hart:

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,

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



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

April 1, 2002

County Office Building, Room 111 Mail Stop #1105

111 West Chesapeake Avenue

Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: March 31, 2003

Item No.: 431 - 438, 441 - 444

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

DATE: May 23, 2003

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RBS / TET

DATE:

May 23, 2003

SUBJECT:

Zoning Item 434

Address 3510 Galloway Road (Fratta Property)

Zoning Advisory Committee Meeting of March 31, 2003

	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.				
	The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.				
X	_The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:				
	If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).				
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the				

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Date: 5/13/03

Additional Comments:

Baltimore County Code).

See Attached Comments.

Reviewer: Keith Kelley

The property is located within the Limited Development Area (LDA), or Resource Conservation Area (RCA): or Intensely Developed Area (IDA) of the Chesapeake Bay Critical This proposal must use best management practices, which reduce pollutant loadings by 10%. ___Man-made impervious surfaces are limited to 15% for lots greater than 1/2 acre in size Man-made impervious surfaces are limited to 25% for lots less than 4 acre in size. Mitigation is required if exceeding the 25% impervious surface limit. Impervious surfaces are limited to 35% of the lot & 500 square feet or 31 25% of the lot. Otherwise, a Critical Area Administrative Variance (C.A.A.V.) is required. Colculations are based on one above Mean If permitted development on a property surrently exceeds impervious surface limits, that percentage may be maintained during redevelopment of the property. $\frac{\chi}{\chi}$ (5%) forest must be established or maintained. This equates to $\frac{3}{\chi}$ trees for a lot of this size. Any tree removed in the buffer for this structure must be replaced on a 1:1 basis. All gownspouts must discharge rainwater runoff across a pervious surface such as a lawn. The lot is in a Buffer Management Area BMA. Mitigation (planting trees, removing mpervious area, or paying a fee-in-lieu) is required for the placement of the proposed structure within '00' of tidal, waters. 1 If the lot is unimproved, then the proposed dwelling cannot go any closer to the water than the neighboring dwelling farthest away from the water. If the lot is improved, then the proposed awelling can go as close to the water as the existing aweiling. ——A Critical Area Administrative Variance CAAV, is required for the placement of the proposed structure within 100° of tidal waters, tidal wetlands, stream, or within 25° of non-tida. ___A Critical Area Administrative Variance (CAAV) is required since the proposed principal structure cannot honor the required 35' residential building setback or 25' commercial building Kdk#1 4/cbcazoningcomments

zoning item #434

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

AUG 1 4 2003
ZONING COMMISSIONER

DATE: August 13, 2003

Zoning Advisory Petition(s): Case 04-034 and 04-056

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: April 10, 2003

RECEIVED

For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mak

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 21, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 7, 2003 Item No. 434

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

The flood protection elevation for this site is 11.2 feet.

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

In accordance with *Bill No. 18-90, Section 26-276*, filling within a floodplain 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 (*commercial*) development.

The building engineer shall require a permit for this project.

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

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

RWB:CEN:jrb

cc: File

ZAC-4-7-2003-ITEM 434-07212003

The state of the s

INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM TO: Director, Office of Planning & Community Conservation Ermit or Case No. Attention: Jeffrey Long County Courts Building, Room 406 401 Bosley Avenue Towson, MD 21204 Residential Processing Fee Paid (360,00) FROM: Arnold Jablon, Director Department of Permits & Development Management Accepted by C RE: **Undersized Lots** Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit MINIMUM APPLICANT SUPPLIED INFORMATION: BONITH L FRATTA OLD SOUND ROAD JOPPA MD 21085 6 THEODORE M FRATTA 24. Print Name of Applicant Lot Address 3510 Galloway ROAD feet from (N)E S(W) corner of COLD SPANS ROOM Galloway ROAD 318 Lot Location: N E S W/side corner of_ (street) BONITA L. FRATTA Tax Account Number 15-26 000344 Land Owner: Throdorc MD 21085 Telephone Number (410) 679-4409 ROAD Sound CHECKLIST OF MATERIALS-. (to be submitted for design review by the Office of Planning and Community Conservation) TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLYI PROVIDED? NO 1. This Recommendation Form (3 copies) Penping Upp. & U.C. Propression 2. Permit Application 3. Site Plan Property (3 copies) Topo Map (2 copies): available in Room 206, County Office Building - (please label site clearly) 4. Building Elevation Drawings 5. Photographs (please label all photos clearly) Adjoining Buildings Surrounding Neighborhood 6. Current Zoning Classification:

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

	Approval			Disapprov
--	----------	--	--	-----------

Approval conditioned on required modifications of the application to conform with the following recommendations

 Date ______

Revised 2/25/99

03-434. A

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT PPLICATION PURSUANTO SECTION 304.2

Department of Permits and Development Management (PDM)

County Office Building

111 West Chesapeake Avevnue

Towson, Maryland 21204

The application for your proposed Building Permitiling by	t application has been review on	ed and is accepted for
(name of planner)	Date	(A)
A sign indicating the proposed building must be procession can be rendered. The cost of filing is surrent fees prior to filing the application.	osted on the property for fifte \$50.00. This fee is subject to	een (15) days before a o change. Confirm all
In the absence of a request for public hearing described within approximately four weeks. However then the decision shall only be rendered after the results.	er, if a valid demand is receive	red by the closing date.
*SUGGESTED POSTING DATE	D (15 I	Days Before C)
DATE POSTED		
HEARING REQUESTED? YES NO	DATE	
CLOSING DAY (LAST DAY FOR HEARING DEMA	ND)	C (B-3 Work Days)
TENTATIVE DECISION DA	\TE	_B (A + 30 Days)
*Usually within 15 days of filing		
CERTIFICATE OF POSTING	`~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	
District:		
Location of Property:	······································	
Posted by:Signature	Date of Posting:	
Number of Signs:		

RE: PETITION FOR VARIANCE

3510 Galloway Road; W/side Galloway Road

318' NW c/line Cold Spring Lane

15th Election & 6th Councilmanic Districts

Legal Owner(s): Theodore & Bonita Fratta *

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 03-434**-**A

* * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 Z day of April, 2003, a copy of the foregoing Entry of Appearance was mailed to, J Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

APR 0 2 2003

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per. bh

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

COLUMBIA Suite 420, Parkside Bldg

10500 Little Patuxent Parkway Columbia, Maryland 21044-3563

Reply to Towson

*Also Admitted in District of Columbia

J. Neil Lanzi

OF COUNSEL

Fred L. Coover*

June 24, 2003

Lawrence E. Schmidt, Zoning Commissioner Suite 405 County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Re:

Petition for Variance

Case No. 03-434-A

Property: 3510 Galloway Road

RECEIVED

JUN 2 6 2003

ZONING COMMISSIONER

Dear Commissioner Schmidt:

In accordance with your Order dated June 9, 2003, I am enclosing an amended site plan for your file reflecting 10 foot setbacks in accordance with condition number two of your Order.

Should you require anything further, please do not hesitate to contact me.

Very truly yours,

Theodore Fratta

cc:

Bafitis & Associates

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

COLUMBIA

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

Reply to Towson

April 4, 2003

Director's Office Baltimore County Department of Permits and Development Management 111 West Chesapeake Avenue Baltimore, Maryland 21204

Attn: Becky

*Also Admitted in District of Columbia

J. Neil Lanzi

OF COUNSEL

Fred L Coover*

Re: Case No. 03-434-A

Petitioners: Theodore and Bonita Fratta Property Address: 3510 Galloway Road

Dear Becky:

This letter is to advise you that I represent the Petitioners in the above referenced case. I received the Notice of Zoning Hearing dated April 1, 2003 which currently has the hearing set for Wednesday, May 28, 2003 at 11:00 a.m. My stepdaughter is graduating from high school on May 28, 2003 and I would respectfully request this case be postponed to the earliest possible date after May 28. In the event there are any hearings which may have fallen out prior to May 28, 2003, I would request consideration for moving the hearing forward as well.

Thank you very much for your consideration.

very truly yours

J. Neil Lanzi

cc: Clyde Hinkle

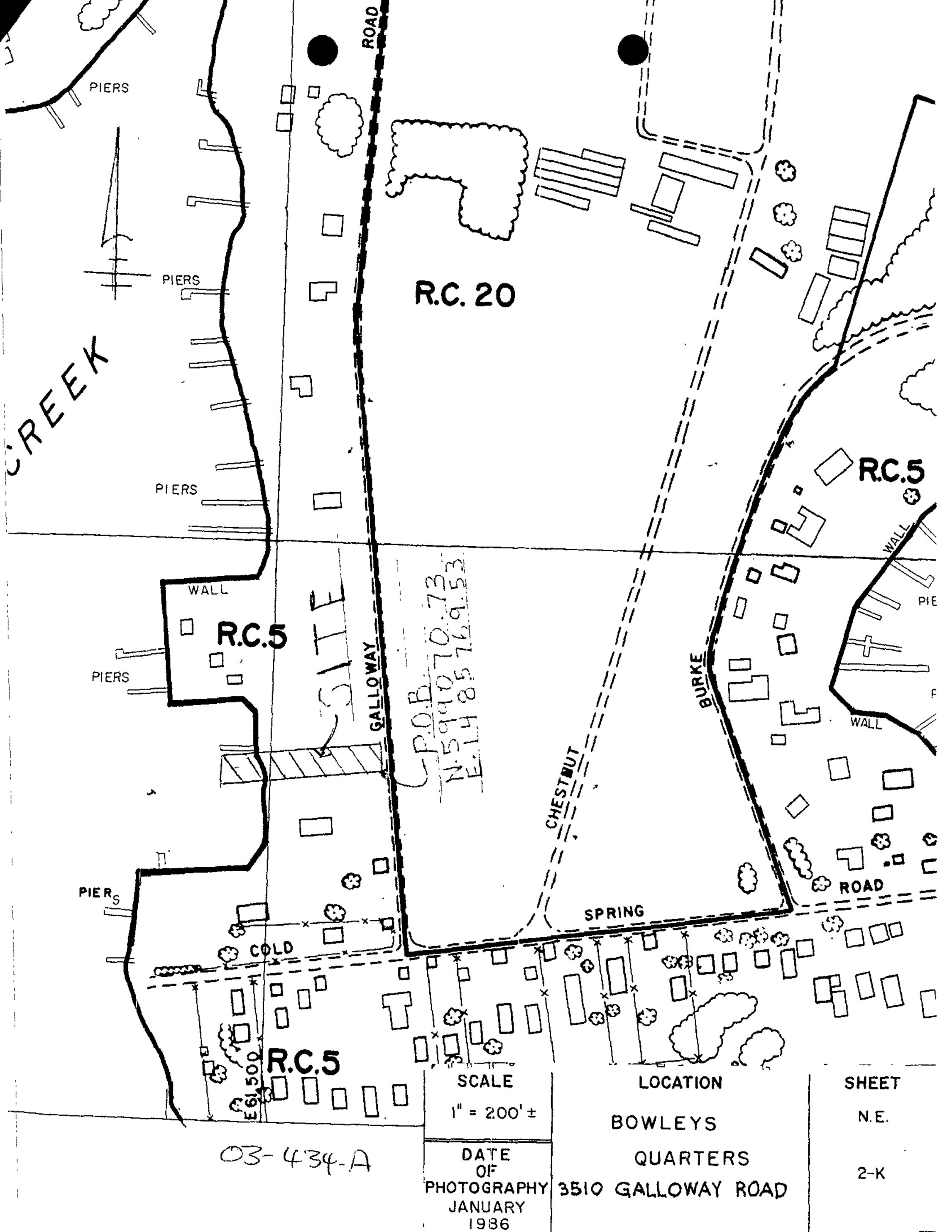
Mr. and Mrs. Theodore Fratta

PLEASE PRINT CLEARLY

CASE NAME FRAT 14 CASE NUMBER, 103-434-4 DATE 6/4/03

CITIZEN'S SIGN-IN SHEET

E- MAIL			
BAND. MD 21220 Balto, MD 21220	Farest Hulling Zies		
3506 GALLOWAY RD 3506 GALLOWAY RD LOT 417 2418 GALLOWAY RD	1905 Rencus Way		
NAME NAME NORME BRINGARD Se Walters Netz CARPY LOW GREATARD	3		



PEE SIMPLE DEED

This Deed, Made this

4th

day of December,

in the year one thousand nine hundred and seventy-five

by and between

JOHN B. DRZEWIECKI and SHIRLEY DRZEWIECKI, his wife,

A Baltimore County

in the State of Maryland, of the first part, and

THEODORE M. FRATTA and BONITA L. FRATTA, his wife, of Baltimore County, State of Maryland,

of the second part.

WITNESSETH that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said JOHN B. DRZEWIECKI and SHIRLEY DRZEWIECKI, his wife

do grant and convey unto THEODORE M. FRATTA and BONITA L. FRATTA, his wife, as tenants by the entireties, their assigns and unto the survivor of them, his or her personal representatives and assigns, in fee-simple, all that lot of ground situate, lying and being in

15th Election District, Baltimore County, Maryland, and described as follows, that is to say

BEING known as lot No. 58 Plat No. 1 of Plat of Bowleys Quarters which plat is recorded among the Land Records of BaltimoreCounty in Plat Book W.P.C. 7 folio 12.

BEING the same lot of ground which by Deed dated May 15, 1970, and recorded among the land records of Baltimore County in Liber O.T.G. 5094, folio 336, was granted and conveyed by Alma Brenner, Trustee, to John B. Drzewiecki and Shirley Drzewiecki, his wife, the within grantors.

1644444 部11EL Z ST-21 03G

3EC 15-75 2 7372DE ***56.

DEC 12-12 5 131308 ***21

3EC 12-12 5 13134 ***103:

Moz

TOGETHER, with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises; above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said THEODORE M. FRATTA and BONITA L. FRATTA, his wife, as tenants by the entireites, their assigns and unto the survivor of them, his or her personal representatives and assigns, in fee-simple.

AND the said JOHN B. DRZEWIECKI and SHIRLEY DRZEWIECKI, his wife,

> they hereby covenant that / ha ve not done

or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; will warrant specially the property hereby granted, and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seak of said grantors.

TEST: [SEAL]

BALTIMORE COUNTY, STATE OF MARYLAND,

TO WIT:

I HEREBY CERTIFY, that on this day of December 4th

seventy-five in the year one thousand nine hundred and before me, the subscriber,

a Notary Public of the State of Maryland, in and for

City of Baltimore, aforesaid, personally appeared JOHN B. DRZEWIECKI and SHIRLEY DRZEWIECKI, his wife,

acknowledged the foregoing Deed to be act. their and they

WITNESS my hand and notarial seal the day and year last above written.

担抗经 其,Kahline, Jr., Clerk

Reseint No.

My commission expires

IN RE: PETITION FOR ZONING VARIANCE

W of Galloway Rd., 365 ft.

of Coldspring Road

3512 Galloway Road

15th Election District

5th Councilmanic District

Gertrude V. Brush

Petitioner

for Variance.

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 98-379-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

*

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 3512 Galloway Road located in the Bowleys Quarters community of eastern Baltimore County. The Petition was filed by Gertrude V. Brush, property owner. Variance relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow side yard setbacks of 7 ft. and 13 ft., in lieu of the required 50 ft., respectively, and/or to obtain undersized lot approval pursuant to Section 304, and any other variances deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition

Appearing at the requisite public hearing held for this case were Gertrude V. Brush, property owner and Frank J. Brush, Jr., her son. Appearing in opposition to the Petition was Jon-Jason Fratta, on behalf of Theodore Fratta and Bonita Fratta, his parents, adjoining property owners.

Testimony and evidence presented was that the subject property is a rectangularly shaped lot located in the Bowleys Quarters subdivision of eastern Baltimore County. The property is a waterfront site adjacent to Galloway Creek. Vehicular access to the property is by way of Galloway Road. The property is narrow in width, with a dimension of approximately 50 ft. However, there is a significant depth of approximately 184 to 198 ft. The property is approximately .245 acres in area zoned R.C.5. Appar-

ently, the property has been owned by the Brush family for many years. Mrs. Brush indicated that she has owned the site for approximately 44 years. The property is presently improved with a framed story building which is located near the water. In addition to this building, there is a 10 ft. high enclosed patio, an existing concrete deck and a wooden pier which leads from the site into the water. Additionally, the northern (side) property line is improved with a driveway which leads to a boat ramp at the water.

The existing frame building is served by electricity, water and septic. The building has apparently been used as a bath house for many years. The Petitioner proposes razing the existing building and constructing a single family dwelling in lieu thereof. The dwelling will be located farther towards the road and maintain the required 100 ft. buffer to the waterfront. Side yard setbacks of 7 ft. and 13 ft. are proposed. The existing frame dwelling will be razed upon completion of the proposed dwelling.

Obviously, the lot is undersized and of insufficient width, in lieu of the requirements of R.C.5 zoned property, as contained in the BCZR. However, the lot is not being created at this time, rather, it is a parcel which has existed for many years. The proposal represents an upgrade to the property, and not development of an unimproved lot.

Obviously, in view of the width of the property, the 50 ft. required side yard setbacks cannot be met. A 13 ft. setback is shown on the north side. That side yard includes the aforementioned driveway which leads from Galloway Road to the water. A 7 ft. side yard setback will be maintained on the southside, toward the Fratta property. It is to be noted that the proposed dwelling will be actually located farther away from the building on the Fratta property and that the side yard setback for the new

building will be increased over what is existing for the bath house. Nonetheless, the Frattas request that a minimum of 10 ft. be maintained. The Petitioner indicates that maintenance of such a dimension would prohibit the construction of the new building.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. In my judgment, the proposed building will be an upgrade to the property and improvement on existing conditions. Clearly, the Petitioner cannot maintain the 50 ft. side yard setback requirements in view of the configuration and size of the property. I find that the Petitioner has satisfied the requirements of Section 307 of the BCZR as construed by the case law. Thus, the Petition for Variance shall be granted. However, in so granting, certain restrictions shall be imposed. First, the improvements must be in accordance with the site plan submitted. That is, as the site plan shows, the existing bath house and a shed will be removed. The new house must be at the location and maintain the setbacks shown on the plan. Second, the Petitioner shall comply with the requirements set out in the comment from Robert W. Bowling, of the Development Plans Review Division. His comment indicates that the property is located adjacent to tidewater and, in conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 ft. over the flood plain elevation. Also, the house shall not be constructed until a proposed pressure sewer for the area is In this regard, Mr. Bowling's comment indicates that said constructed. project is scheduled for construction in the summer of 1999 and the Petitioner indicated that she was willing to wait for that improvement before beginning construction. Last, the Petitioner shall also comply with the comments from the Department of Environmental Protection and Resource

Management (DEPRM). Specifically, development of the property shall comply with the Chesapeake Bay Critical Area regulations.

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

- 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The property shall be improved in accordance with the site plan submitted, including the removal of the existing bath house and shed. The new house shall be at the location and maintain the setbacks as shown on the plan.
- 3. The new dwelling shall not be constructed until a pressure sewer is installed in the area, and the dwelling shall meet Federal Flood Insurance requirements, all as more fully set out in the ZAC comment dated 5/6/98 from the Development Plans Review Division of the Office of Permits and Development Management.
- 4. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Department of Environmental Protection and Resource Management (DEPRM) dated May 4, 1998, are adopted in their entirety and made a part of this Order.

5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES/mmn

Due Date: May 4, 1998

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RB5/47

SUBJECT:

Zoning Item #379

Brush Property, 3512 Galloway Road

Zoning Advisory Committee Meeting of April 27, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site. The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code),
 - X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
 - X Ground Water Management: An evaluation of the septic system must be conducted prior to building permit approval, contact 410-887-2762 for more information.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: May 6, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for May 4, 1998 Item No. 379

The Development Plans Review Division has reviewed the subject zoning item. New Galloway Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

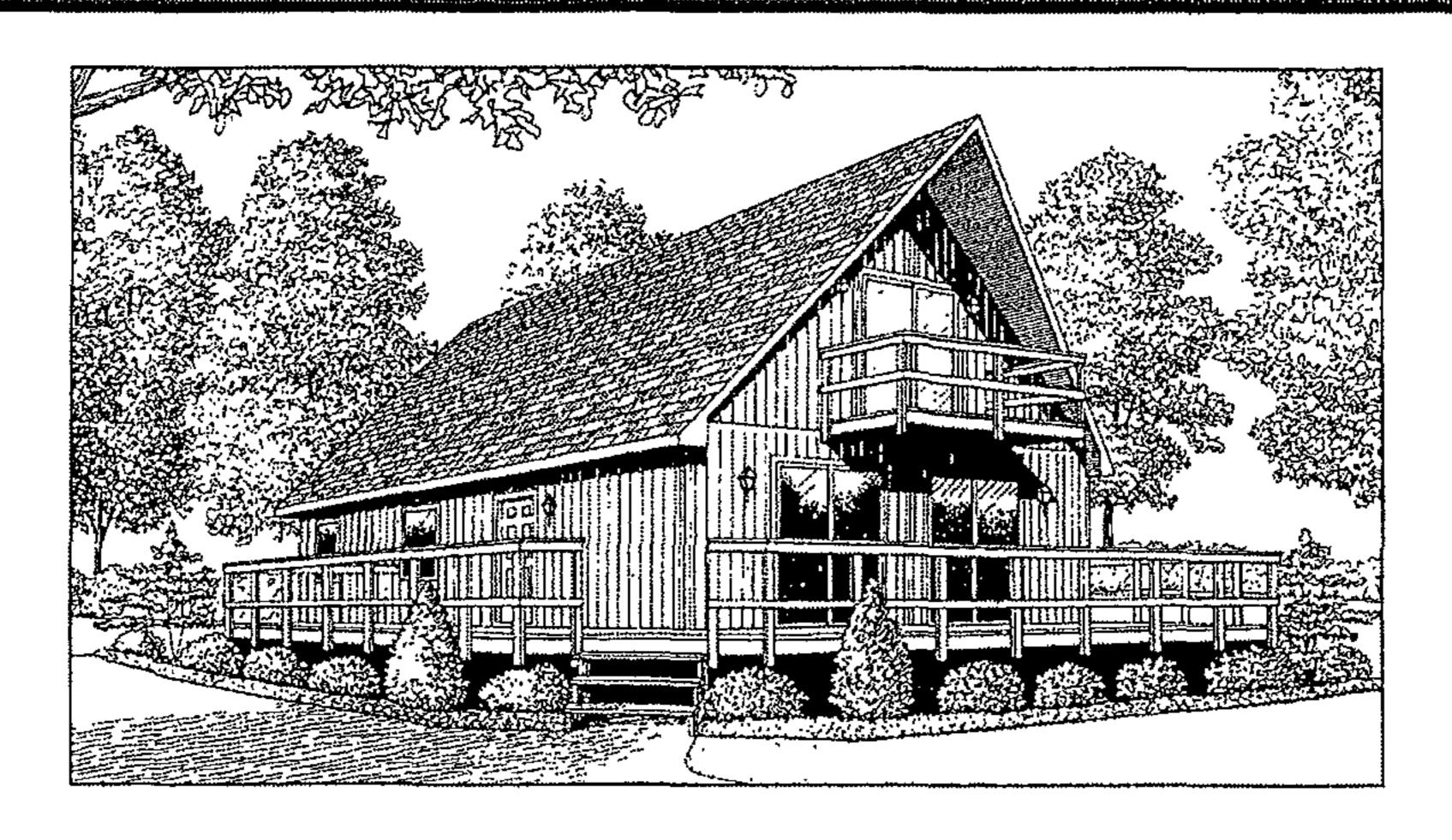
The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

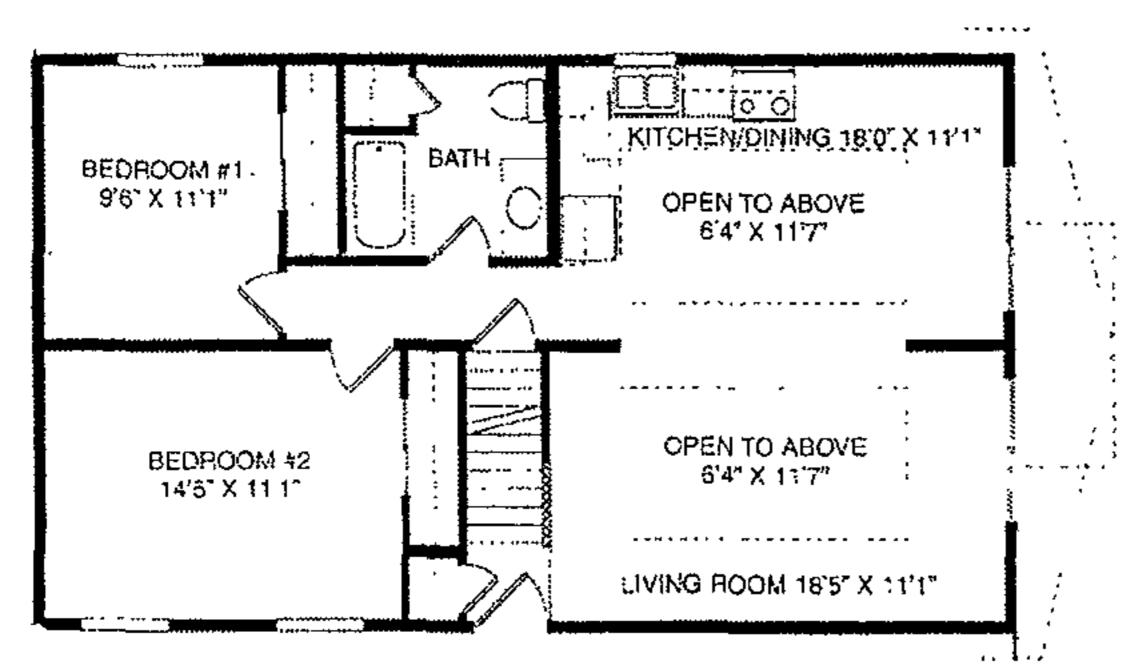
In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

Per the Department of Public Works, the proposed pressure sewer for this area is in the design stage - scheduled for construction in summer of 1999.

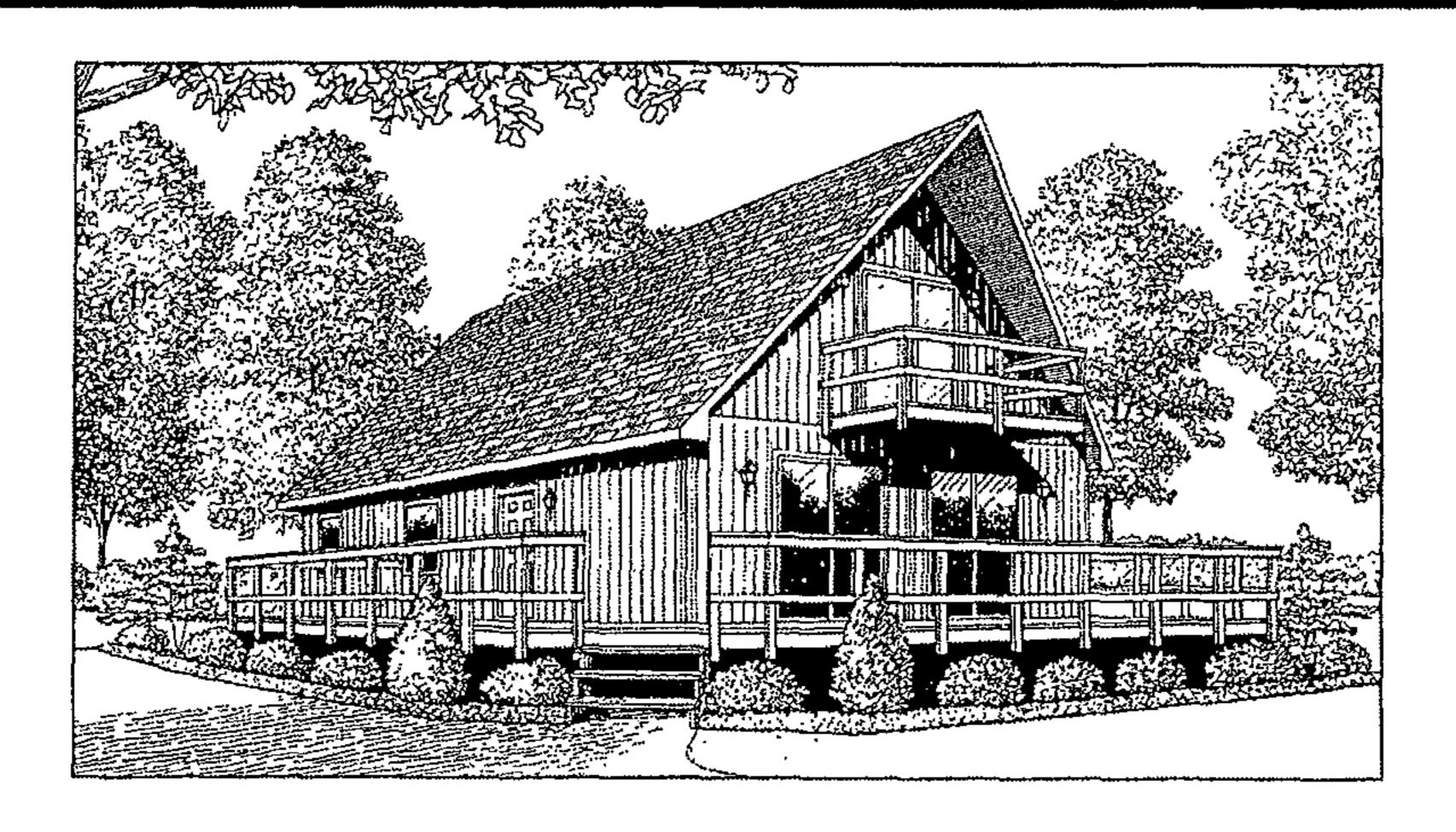
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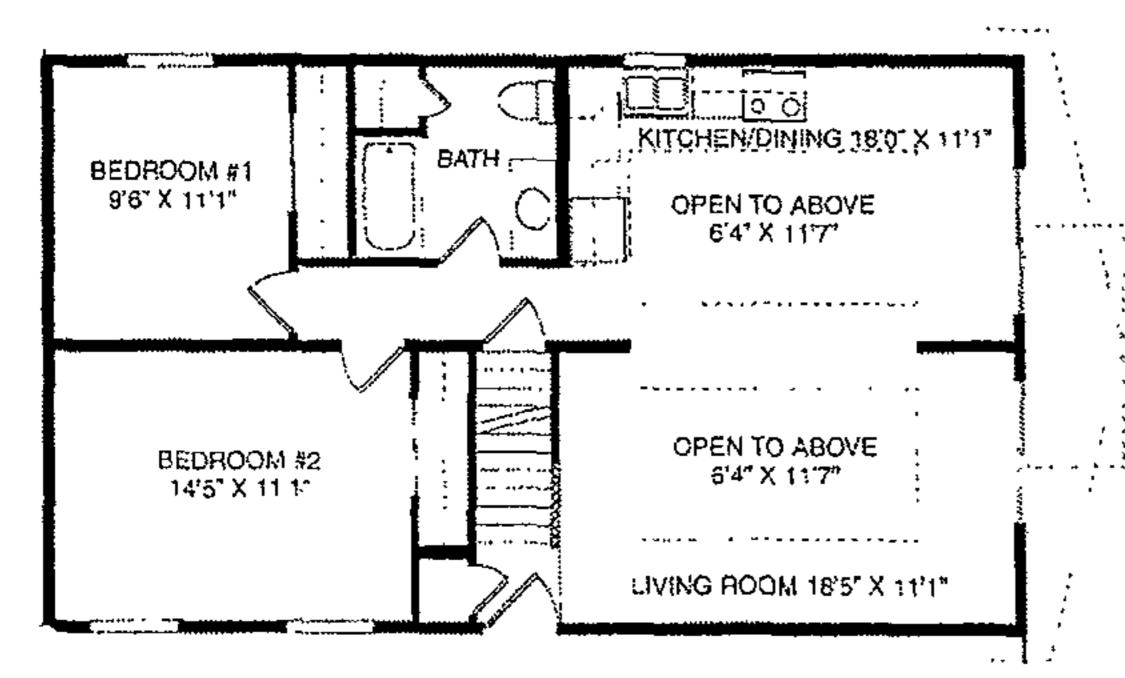
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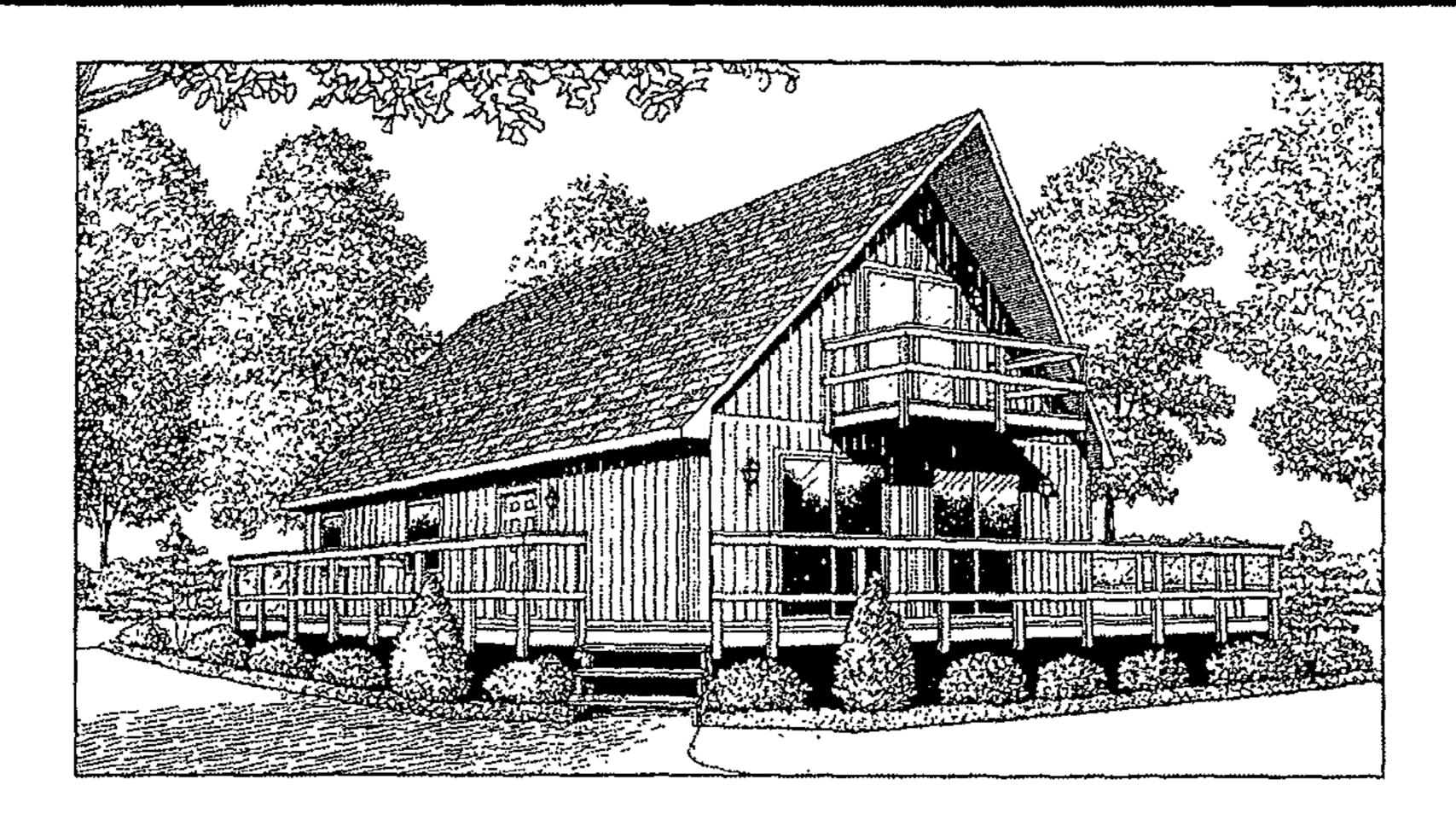


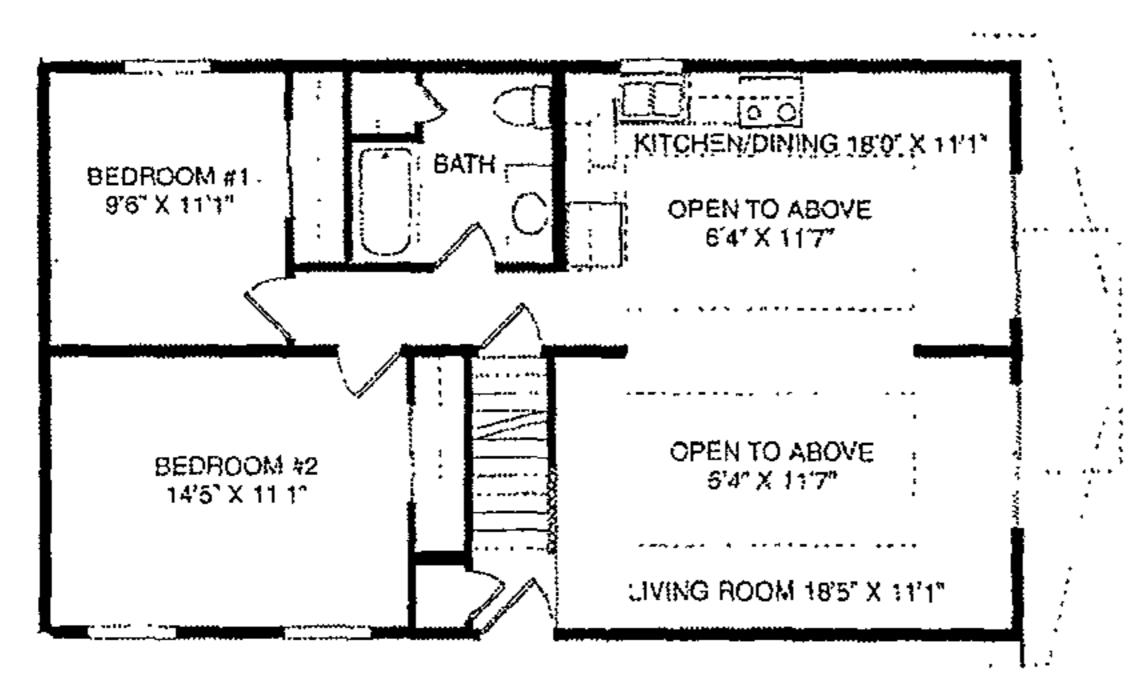
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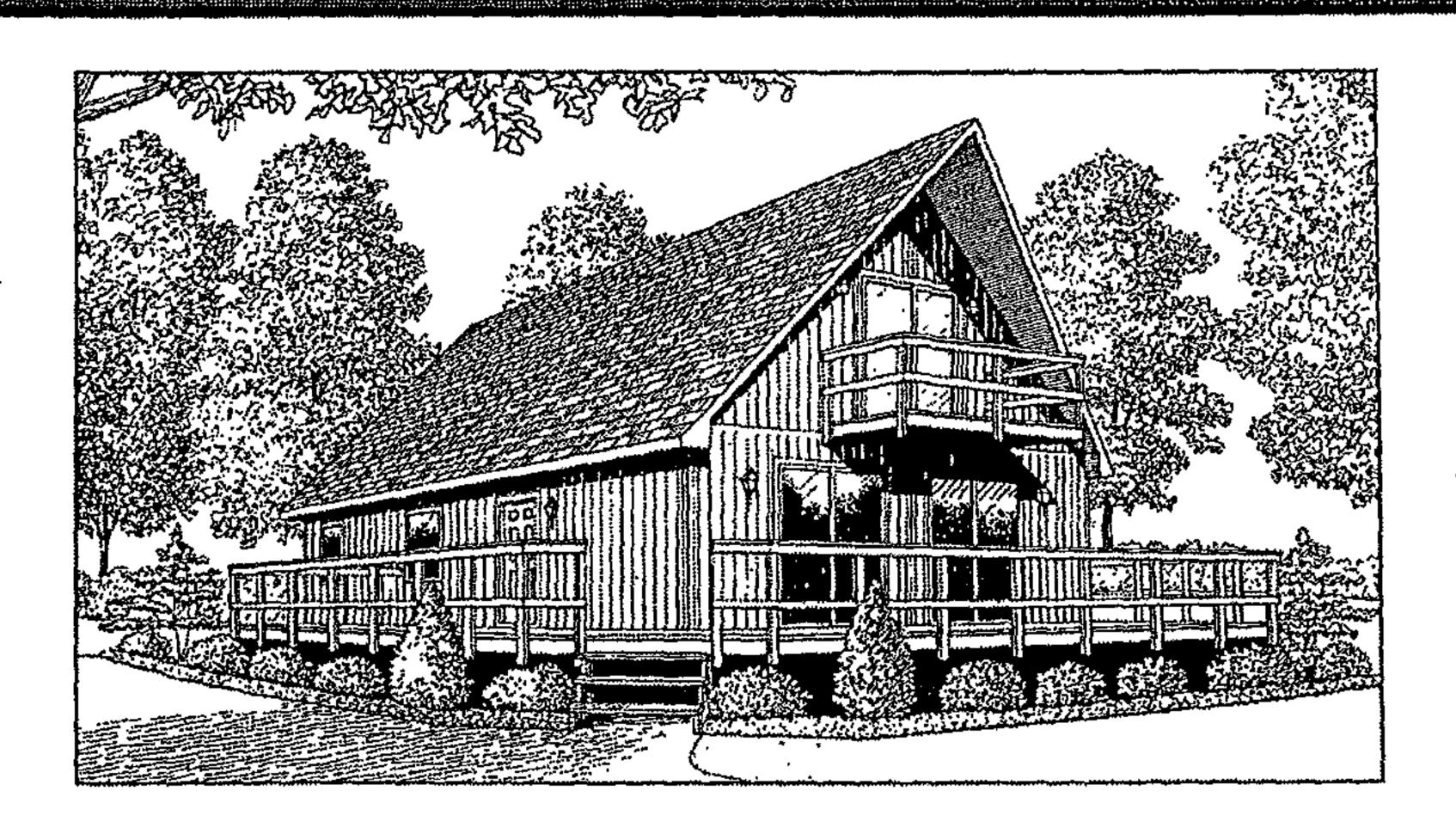


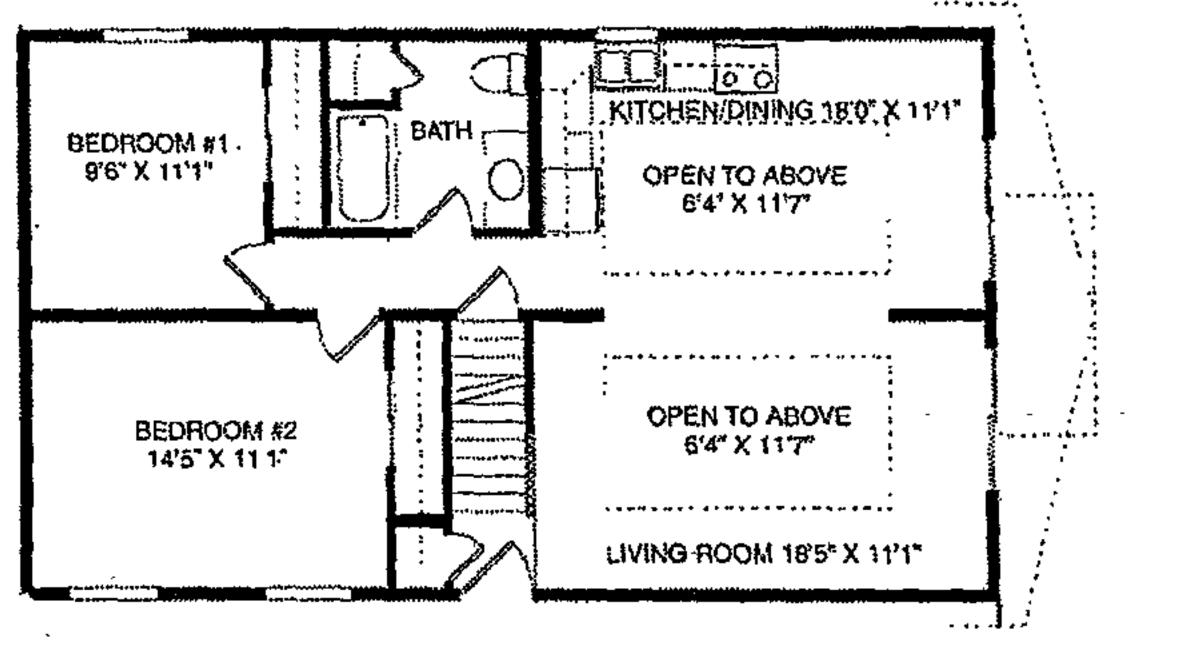
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Growing)



Baltimore County Zoning Commissioner Office of Planning Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204

Pat. 434-A Pat. 403-434-A

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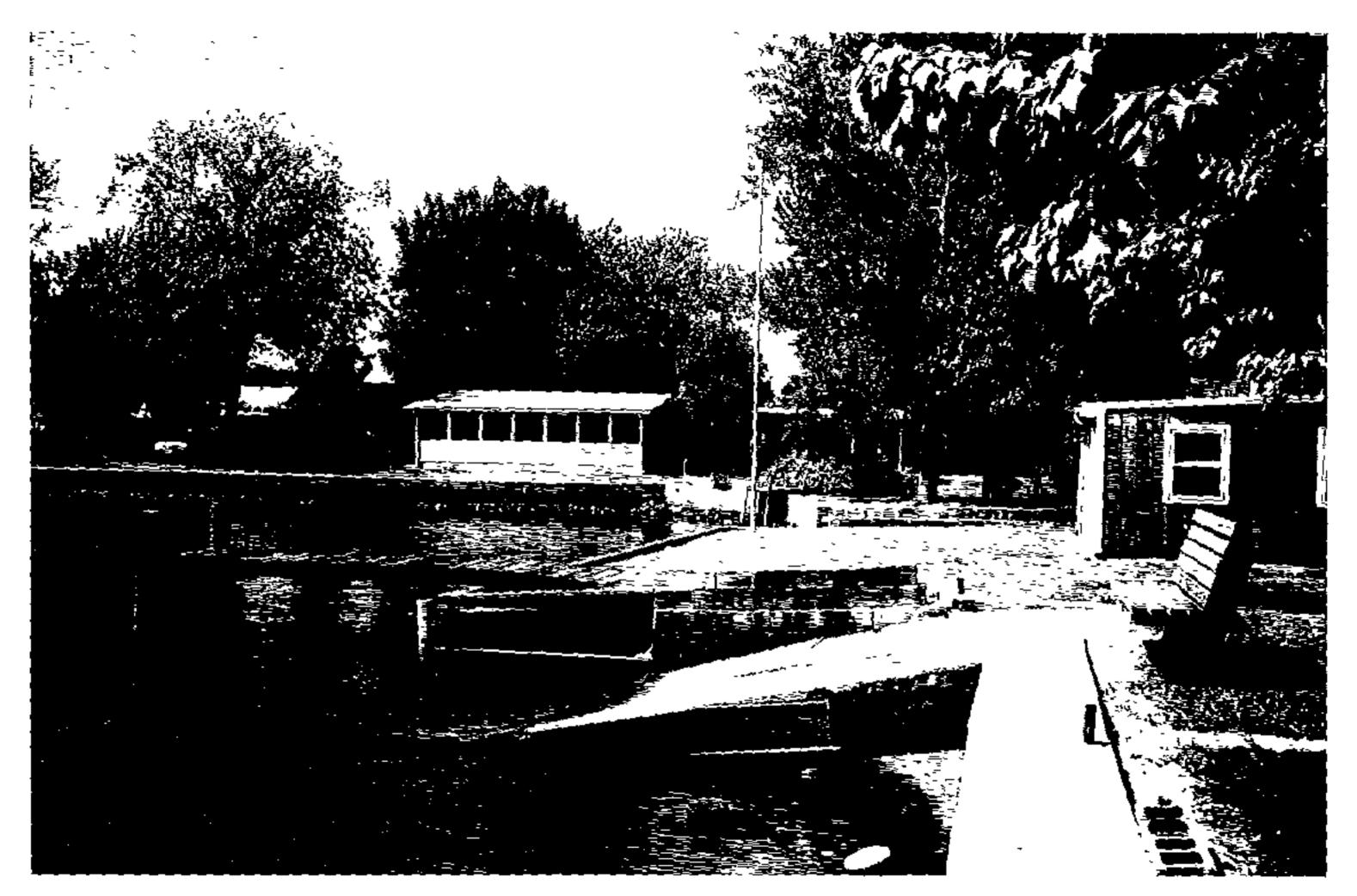














REQUIRED FORESTATION 15% X 10, 144= 1, 521. 6

1,500 S.F. OF FOREST =

2 MAYOR DECIDUOUS PLUS 2 MINOR DECIDUOUS TREES.

PROPOSED FORESTATION

7 EXISTING MAJOR DECIDUOUS TREES

TO REMAIN.

THEREFORE FORESTATION REQUIREMENT IS MET BY THE RETENTION OF SEVEN (7), ONSITE, EXISTING DECIDUOUS TREES.

PROPOSED MITIGATION

NEW IMPERVIOUS AREA PROPOSED WITHIN BUFFER MANAGEMENT AREA (BMA)

 $30 \times 25 = 750 \text{ S. F.}$ (PORTION OF DWELLING)

EX. IMPERVIOUS AREA TO BE REMOVED WITHIN

DWELLING $17' \times 13' = 221 \text{ S. f.}$ $10' \times 10' = 100 \text{ S. F.}$

PERVIOUS DECK $10' \times 9' = 90 \text{ S. F.}$

PROPOSED IMPERVIOUS AREA IN BMA DWELLING = 750 S. F.

826 S.F.

= 76 S.F. EX.WALK

MITIGATION REQUIRED

1 TREE (5-6' HIGH) PER 100 S.F. OF

PROPOSED STRUCTURE = $\frac{750}{100}$ X 1 = 7.5 TREES (SAY 8 TREES)

OPTION: FEE-IN-LIEU = \$ 1.20 X 750 = \$ 900.00

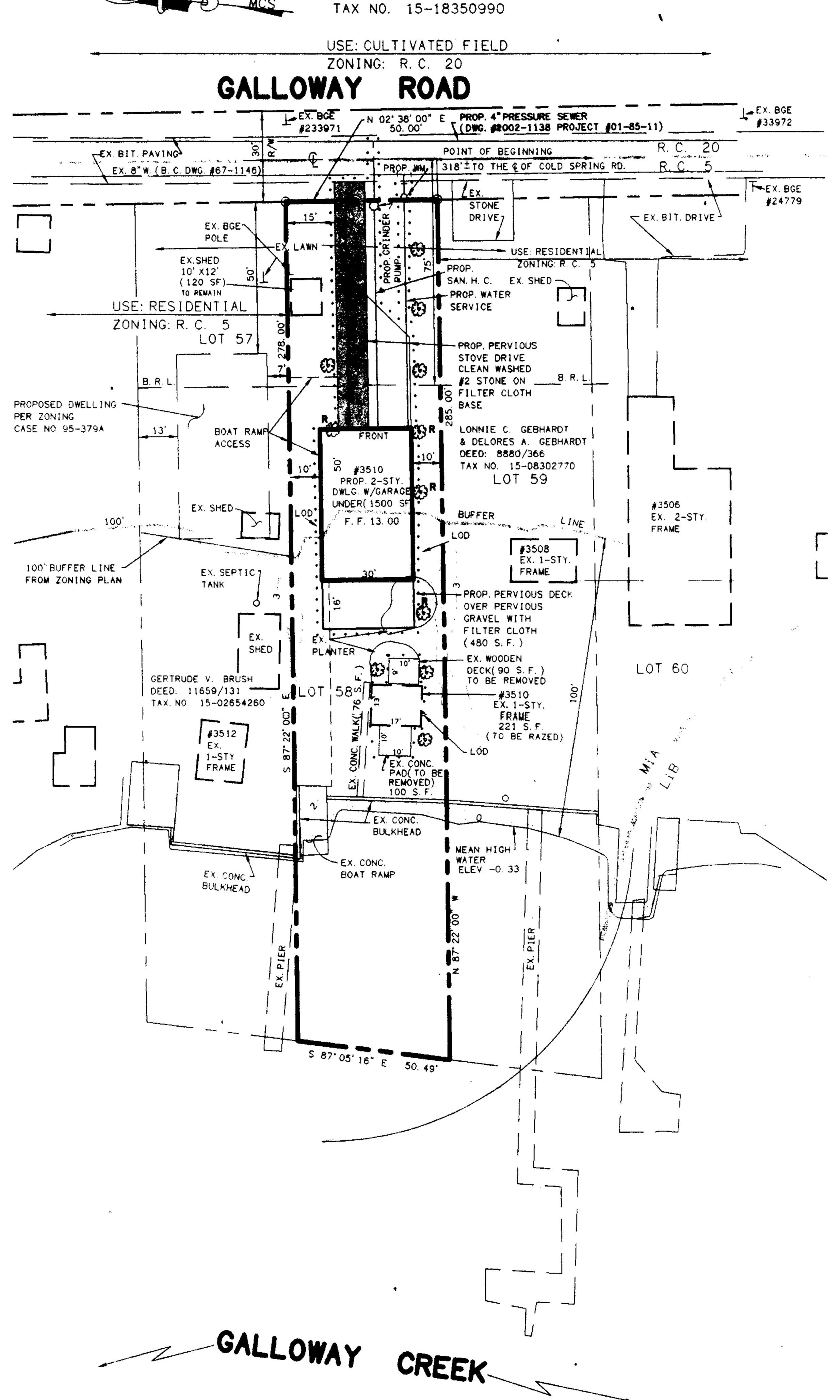
IMPERVIOUS AREAS

PROPOSED: DWELLING = 1,500 S.F.

EX. SHED = 1,620 S.F. = 15.97%

EX. CONC. 2,516 S.F. = 24.8%

ALLOWED IMPERVIOUS AREA = 25% X 10, 144, 22 = 2, 536, 06 S. F.



DEED: 15305/678

- 1) PUBLIC WATER IS EXISTING.
- 2) THIS SITE IS SITUATED WITHIN THE CHESAPEAKE BAY CRITICAL AREAS AND IS CLASSIFIED BY LAND USE AS LIMITED DEVELOPMENT AREA(LDA).
- 3) THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE TIDAL BUFFER EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT.
- 4) ROOF LEADERS ARE TO DISCHARGE ON-TO LAWN AREAS. 5) THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS OR SEPTIC
- SYSTEMS ON THIS SITE. 6) THERE IS NO SIGNIFICANT PLANT OR ANIMAL HABITAT ON
- THIS SITE. 7) THERE ARE NO KNOWN WELLS ON THIS SITE.
- 8) TOPOGRAPHY SHOWN HEREON WAS FIELD RUN(NOVEMBER 2003). THERE ARE NO TIDAL OR NON-TIDAL WETLANDS ON THIS SITE
- OR WITHIN 300'OF THIS SITE. 10) THERE ARE NO FOREST OR DEVELOPED WOODLANDS ON THIS SITE.
- 11) THIS SITE HAS 50' OF WATER FRONTAGE.
- 12) THERE ARE NO KNOWN POTENTIALLY HAZARDOUS MATERIALS ON THIS SITE AS DEFINED BY TITLE 7-HEALTH AND ENVIRONMENTAL ARTICLE, ANNOTATED CODE.
- 13) THERE NO BUILDINGS OR PROPERTY WITHIN THIS SITE THAT ARE INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY, THE BALTIMORE COUNTY LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, THE MARYLAND ARCHEOLOGICAL SURVEY OR IS A BALTIMORE COUNTY HISTORICAL DISTRICT.
- 14) THERE ARE NO SLOPES GREATER THAN 15% ON THIS SITE EXCEPT FOR THE EXISTING BOAT RAMP.
- 15) PROPOSED DWELLING HEIGHT < 35'.
- 16) PROPOSED BUILDING COVERAGE = 14.8%.
- 17) SANITARY SEWER PRESSURE SEWER IN GALLOWAY ROAD IS PROPOSED TO BE CONSTRUCTED UNDER PUBLIC CONTRACT IN 2003, PROJECT # 01-85-11.

BENCH MARK

HUB. NO. 11434

GALV. SPIKE SET IN MAC. ON WEST SIDE OF GALLOWAY ROAD 500' T NORTH OF

COLD SPRING ROAD.

BALTIMORE COUNTY DATUM (BCMD) ELEV. 4.79 MARYLAND COORDINATE SYSTEM (MCS) ELEV. 3.09

SITE DATA

- 1) OWNER: THEODORE M. FRATTA & BONITA L. FRATTA #3510 GALLOWAY ROAD
- BALTIMORE COUNTY, MARYLAND 21220
- 2) DEED REF: 5592/864 3) TAX ACC. NO.: 15-26000344
- 4) PLAT REF: BOWLEYS QUATERS PLAT 1 BOOK 7 FOLIO 12
- 5) TAX MAP: 98 PARCEL: 4 LOT: 58
- 7) CONCILMANIC DISTRICT: 6TH
- 8) REGIONAL PLANNING DISTRICT: 322B 9) CENSUS TRACT: 4518.01
- 10) ZONING: RC-5 (MAP NE-2K)
- 11) USE: EXISTING & PROPOSED: RESIDENTIAL, SINGLE FAMILY 12) SITE AREA: LAND AREA = 10, 144, 22 S. F. OR 0, 233 AC.
 - 3, 930. 78 S. F. OR 0. 090 AC. TOTAL OF LOT = 14,075.00 S.F. OR 0.323 AC.
- 13) FLOOD MAP: COMMUNITY PANEL NO. 240010-0445C ZONE A10 (GIS=8.3)FREEBOARD 9.3

RECEIVED JUN 2 6 2003

Bafitis & Associates, Inc.

William N. Bafitis, P.E. PRESIDENT

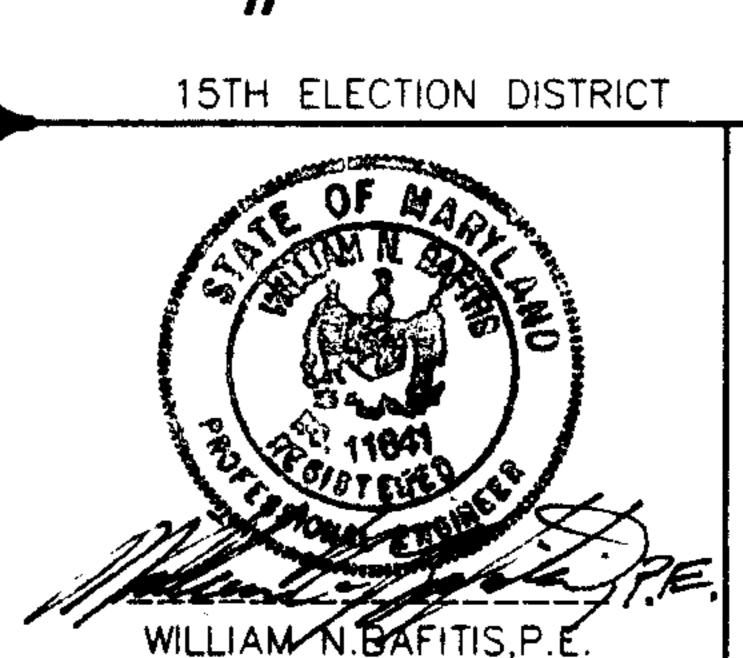
(410) 391-2336

Civil Engineers/Land Planners SURVEYORS

BALTIMORE COUNTY, MARYLAND

1249 Engleberth Rd. Baltimore, MD 21221

PLAT TO ACCOMPANY ZONING PETITION FOR VARIANCES AND SPECIAL HEARING # 3510 GALLOWAY ROAD



SCALE: JOB ORDER NO:

03/14/03

1" = 30'

NO.	REVISIONS	DATE
	REVISED PER ZONING COMMISSIONER'S ORDER	
	CASE #03-434-A DATED JUNE 9, 2003.	06/16/03
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SQILS DATA CHART MODERATE: MODERATELY HIGH WATER TABLE MATTAPEX SILT LOAM, O TO 2 PERCENT SLOPES

ZONING HISTORY

FOR THIS SITE.

THERE HAVE BEEN NO PREVIOUS ZONING CASES FOR THIS SITE.

ZONING VIOLATIONS

NO OUTSTANDING ZONING VIOLATION

NOTIFICATIONS ARE KNOWN TO EXIST

ZONING VARIANCE REQUEST . TO PERMIT SETBACKS FROM LOT LINES OF 7' AND

13' IN LIEU OF THE REQUIRED 50' PER SECTION 1A04. 3B. 2. 2. TO ALLOW A LOT SIZE OF LESS THAN 1 AC. IN A

RC-5 ZONE; PER SECTION 1A04. 3B. 1 BCZR.

ZONING SPECIAL HEARING REQUEST

. TO APPROVE AN UNDERSIZED LOT PER SECTION 304 BCZR.


DISTURBED AREA = 4,805 S.F.

LEGEND

EXISTING CONTOURS PROPERTY LINE 100' BUFFER LINE LOD LIMIT OF DISTURBANCE

EXISTING DECIDUOUS TREE (TO REMAIN)

EXISTING DECIDUOUS TREE (TO BE REMOVED)



LEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 103-434

DATE 04/03-434

THERES SICINGIES

E- MAIL	Galitie of Association			Carellan e CS. Com										
CITY, STATE, ZIP	7 2 2 1	2108		SIDAY										
	With Hall	July sold		TOWNSON ON										
ADDRESS	1249 Engleberth Rd.	3		40H Washington an SEC17	r Nect R	10010								
NAME	Clyda Hinkla	Koul That	Incordin	New 10	Buck									

MIDDLE OF PROBLETY
LOOKING FROM ROAD
TOWNED THE WATER.

3510 GALLOWAY RD.