FILING ORDER RECEIVED FOR IN RE: PETITION FOR VARIANCE

S/S New Galloway Road, 2,245.60' S of c/l

Cold Spring Road

(3648 Galloway Road)

15th Election District

5th Council District

Brent N. Schatz, Owner;

James L. Shelley, Contract Purchaser

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 03-583-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 owner of the subject property, Brent N. Schatz, and the Contract Purchaser, James L. Shelley. The Petitioners seek relief from Sections 1A04.3.B.1 and 2 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 65 feet to the street centerline in lieu of the required 75 feet; side yard setbacks of 10 feet each in lieu of the required 50 feet; and a lot area of 10,456 sq.ft. in lieu of the required 43,560 sq.ft. (1 acre), and to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., and any other variances deemed necessary by the Zoning Commissioner to permit development of the subject property with a single family 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 public hearing on behalf of the Petitioners were Henry W. Kacher and Bernie Malinowski, representatives of TWAssociates, Inc., the preparers of the plan. Appearing as interested citizens were Robert C. Hal and Douglas Zinn.

Testimony and evidence offered revealed that the subject property is a rectangular shaped waterfront parcel located with frontage on the south side of New Galloway Road and Galloway Creek in Bowleys Quarters. The property is also known as Lot 29 of Bowleys Quarters, Plat 1, which was recorded many years ago, prior to the adoption of the current zoning regulations. As such, the property is undersized and cannot meet current lot width and area requirements. The subject lot contains a gross area of 10,456 sq.ft. (.2401 acres), more or less, zoned R.C.5, and is presently unimproved, but for

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several sheds. The property has been used for many years as a weekend retreat by Mr. Schatz; however, he has contracted to sell the property to Mr. Shelley who is desirous of developing the lot with a three-story, single-family dwelling. As shown on the site plan, the proposed house will be 30' wide and 66' deep, including an attached garage. The dwelling will provide 10' side yard setbacks on each side and located 65 feet from the centerline of New Galloway Road. The property presently has public water, and public sewer is being constructed to serve the neighborhood. Thus, the new house will not be built until such time as it can be connected to public sewer.

An issue was raised relative to a proposed 10' x 4' second-floor balcony to be located on the east side of the dwelling. Testimony revealed that Mr. Shelley has a disabled son and that the balcony will be used to provide access for him to a view of the water. Section 301.2 of the B.C.Z.R. permits as of right projections such as bow/bay windows, balconies, etc., on the sides of houses and indicates that they "may extend into any required yard area by not more than 4' provided that such projections are not over 10' in length." Thus, the proposed balcony is permitted given the express language of the regulation and is not considered an infringement into the required 10-foot side yard setback. It was also indicated that there is no house on the immediately adjacent lot on the side where the balcony will be located.

Based upon the testimony and evidence offered, I am persuaded to grant the requested relief. It is clear that the proposed development will not be detrimental to the health, safety and general welfare of the surrounding locale, and meets the requirements of Section 307 of the B.C.Z.R. for relief to be granted. However, given the property's waterfront location, the proposed development must comply with Chesapeake Bay Critical Areas requirements as set forth in the Zoning Advisory Committee (ZAC) comment submitted by Keith Kelley, who reviewed the plan on behalf of the County's Department of Environmental Protection and Resource Management (DEPRM). Moreover, the proposed dwelling shall be built in accordance with the building elevation drawings reviewed and approved by the Office of Planning. Although that agency requested the removal of the balcony on the side of the dwelling, it is clear that it meets the requirements of Section 301.2 of the regulations for such projections. Thus, I will not require its removal.

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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August 2003 that the Petition for Variance seeking relief from Sections 1A04.3.B.1 & 2 and Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 65 feet to the street centerline in lieu of the required 75 feet; side yard setbacks of 10 feet each in lieu of the required 50 feet; and a lot area of 10,456 sq.ft. in lieu of the required 43,560 sq.ft. (1 acre), and to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., and any other variances deemed necessary by the Zoning Commissioner to permit development of the subject property with a single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.
- 2) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning, and shall include the 10' x 4' balcony proposed to be constructed on the second floor of the east side of the dwelling.
- 3) Development of the subject property shall be in compliance with the Chesapeake Bay Critical Areas requirements, as set forth in the ZAC comment submitted by DEPRM, dated June 18, 2003, a copy of which is attached hereto and made a part hereof.

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

set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

3

ORDER RECEIVED FOR FILING Date

By

IN RE: PETITION FOR VARIANCE

S/S New Galloway Road, 2,245.60' S of c/l

Cold Spring Road

(3648 Galloway Road)

15th Election District

5th Council District

* BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 03-583-A

Brent N. Schatz, Owner;

James L. Shelley, Contract Purchaser

* * * * * * *

AMENDED ORDER

This matter came before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Brent N. Schatz, and the Contract Purchaser, James L. Shelley. The Petitioners sought relief from Sections 1A04.3.B.1 and 2 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 65 feet to the street centerline in lieu of the required 75 feet, side yard setbacks of 10 feet each in lieu of the required 50 feet, and a lot area of 10,456 sq.ft. in lieu of the required 43,560 sq.ft. (1 acre), and to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., and any other variances deemed necessary by the Zoning Commissioner to permit development of the subject property with a single family dwelling in accordance with the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

Pursuant to the Order issued by me on August 14, 2003, all of the requested relief was granted, subject to certain terms and conditions. One of those conditions as described in Restriction 3 of the Order required compliance with Chesapeake Bay Critical Areas requirements as set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management, a copy of which was attached thereto.

It has come to our attention that the comments attached to that Order actually relate to a different; however, nearby property that was the subject of a prior zoning case. Apparently, DEPRM's comments in that matter had been misfiled in the subject case file and because the street

addresses were similar, the error was not immediately detected until now. In any event, the Order in the instant case must be amended to resolve the matter.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _______ day of September, 2003 that Restriction 3 of the Order issued August 14, 2003 be and is hereby AMENDED to remove DEPRM's comment of June 18, 2003 and incorporate DEPRM's comment of August 7, 2003, a copy of which is attached hereto and made a part hereof.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued on

August 14, 2003 shall remain in full force and effect.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc:

Mr. Brent N. Schatz, 152 West Chestnut Hill Lane, Reisterstown, Md. 21136

Mr. James L. Shelley, 528 Garvine Mill Road, Fawn Grove, Pa. 17321

Messrs. Henry W. Kacher & Bernie Malinowski

TWAssociates, Inc., 8 E. Pennsylvania Avenue, Towson, Md. 21286

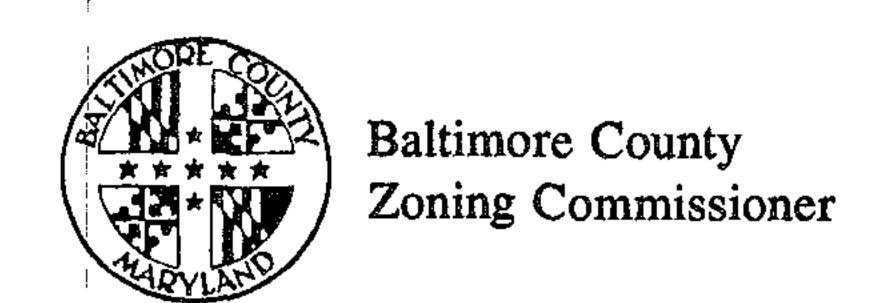
Mr. Robert C. Hal, 8628 Schroeder Avenue, Baltimore, Md. 21236

Mr. Douglas Zinn, 7 Woodsyde Place, Owings Mills, Md. 21117

Chesapeake Bay Critical Areas Commission,

1804 West Street, Suite 100, Annapolis, Md. 21401

DEPRM; People's Counsel; Case File



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

2003 Fax: 410-887-3468

August 14, 2003

Mr. Brent N. Schatz 152 West Chestnut Hill Lane Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE

S/S New Galloway Road, 2,245.60' S of the c/l Cold Spring Road

(3648 Galloway Road)

15th Election District – 5th Council District

Brent N. Schatz, Owner; James L. Shelley, Contract Purchaser - Petitioners

Case No. 03-583-A

Dear Mr. Schatz:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact 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. James L. Shelley

528 Garvine Mill Road, Fawn Grove, Pa. 17321

Messrs. Henry W. Kacher & Bernie Malinowski

TWAssociates, Inc., 8 E. Pennsylvania Avenue, Towson, Md. 21286

Mr. Robert C. Hal, 8628 Schroeder Avenue, Baltimore, Md. 21236

Mr. Douglas Zinn, 7 Woodsyde Place, Owings Mills, Md. 21117

Chesapeake Bay Critical Areas Commission,

1804 West Street, Suite 100, Annapolis, Md. 21401

DEPRM; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>Lot 29 Galloway Rd. (3648 Galloway Rd.)</u>
which is presently zoned <u>RC-5</u>

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) 1A04.3.B.1&2 and 304 of the B.C.Z.R.

To permit a front yard setback of 65 feet to the street center line, and side yard setbacks of 10 feet and a lot area of 10,456 square feet in lieu of the minimum required 75 feet, 50 feet and 43, 560 square feet (1 acre) respectively and to approve an undersized lot per Section 304 and to approve any other variances deemed necessary by the Zoning Commissioner.

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

The Contract Purchaser is desirous to construct a new single-family residential dwelling on this property. In order for the Contract Purchaser to proceed with the Building Permit process and to proceed with commitment with Baltimore County for new sewage connection to this property in accordance with the terms and conditions of the Contract of Sale this variance request is necessary.

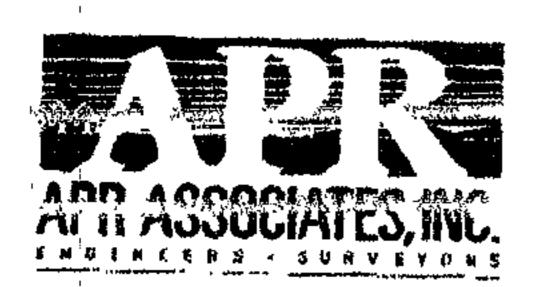
Property is to be posted and advertised as prescribed by the zoning regulations.

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.

Note: Contract Purchaser has agreed to pay all expenses regarding this process.

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

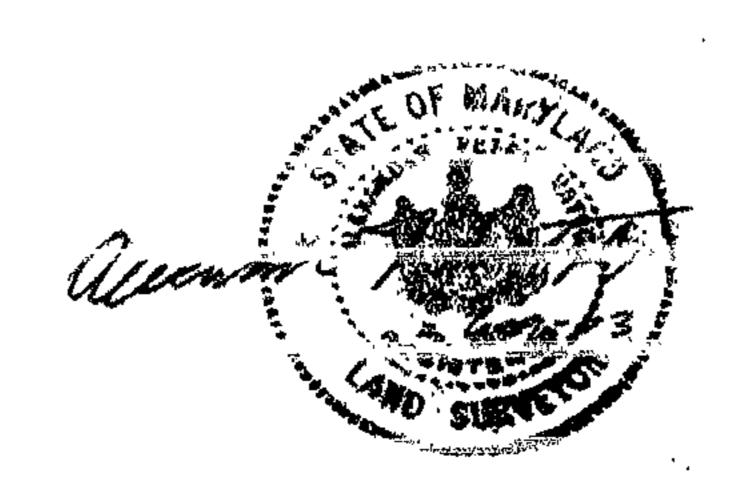
Contract Purchaser/Lessee: Legal Owner(s): James L. Shellev <u>Brent N. Schatz</u> Name / Type or Print Name - Type or Print amo Signature 528 Garvine Mill Rd. 717-382-9897 Address Telephone No. Name - Type or Print Fawn Grove, PΑ 17321 City State Zip Code Signature Attorney For Petitioner: 152 West Chestnut Hill Lane 410-833-1325 Address Telephone No. Reistertown, MD 21136 Name - Type or Print State Zip Code Representative to be Contacted: Signatore Henry W. Kacher, President TWAssociates Company Name 8 East Pennsylvania Ave. 410-916-2931 (cell) Address Telephone No. Address Telephone No. Towson, MD 21286 State Zip Code City Zip Code State **OFFICE USE ONLY** Tise No. ESTIMATED LENGTH OF HEARING 03-583-A UNAVAILABLE FOR HEARING Reviewed By DIHOMPSON Date 6/15/03



ZONING DESCRIPTION FOR 3648 NEW GALLOWAY ROAD

Beginning at a point on the South side of New Galloway Road which is 30 feet wide at the distance of 2245.60 feet South of the centerline of the nearest improved intersecting street Cold Spring Road which is 30 feet wide. Being Lot 29 in the subdivision of Bowleys Quarters Plat No. 1 as recorded in Baltimore County Plat Book # 7, Folio # 12, containing 10,456 square feet or 0.2401 acres \(\pm\$ more or less. Also known as 3648 New Galloway Road and located in the 15th Election District. 5th Councilmanic District.

06/09/03



#427 Harrord Road Baltimore, Maryland 21234-7160 (410) 444-4312 Fax: (410) 444-1647

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 2 3
DATE 61203 ACCOUNT 00	10066150
AMOUNT \$	5.00
RECEIVED HELLY J. KATEL TOTAL	1-500-55
FOR: TEN #583 05-583-H	- JOEZORE HOT
CICTX CALLOWAY RD. E	i Dan Poun
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	

CASHIER'S VALIDATION

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: #03-583-A

Lot 29 Galloway Road

S/side of New Galloway Road, 2245 feet north of centerline Cold Spring Lane 15th Election District-6th Councilmanic District

Legal Owner(s). Brent N. Schatz

Contract Purchaser: James L. Shelly

Variance: to permit a front yard setback of 65 feet to the street centerline, and side yard setbacks of 10 feet and a lot area of 10,456 square feet in lieu of the minimum required 75 feet, 50 feet and 43,560 square feet (1 acre) respectively, to approve an undersized lot and to approve any other variances deemed necessary by the Zoning

Hearing: Wednesday, July 38, 2003 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake

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. JT/7/721 July 15 C616050

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was publish in the following weekly newspaper published in Baltimore County, Md. once in each of	ed ,
☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News	

CERTIFICATE OF POSTING

·	RE: Case No.: <u>()3 183 7</u>
•	Petitioner/Developer: JAMES 4.
	SHELLY
	Date of Hearing/Closing: 7/30/03
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:	
were posted conspicuously on the property loc	
The sign(s) were posted on	7/12/03
, 1	(Month, Day, Year)
ZONING NOTICE CASE # 03:583 A	Sincerely, 7/12/03
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER	(Signature of Sign Poster and Date)
IN TOWSON, MD	SSG ROBERT BLACK
PLACE: KOLMING, COLMIN CITIE HELD. I. IN THE SPECIAL TO A COLOR OF THE SALES OF THE	(Printed Name)
REQUEST: WHILE TO FENT ARK THAT ARE THA	1508 Leslie Rd
CHANGENALY. -VO LOUNGE HAT CLUES HATHER TO DESIGN WE STELLINGTO TO MELLEND TO THE STATE OF THE	(Address)
ANNERS OF THE THE RESTRICT OF SECULAR OF SCHOOLS AND SCHOOLS PROCESSARY.	Dundalk, Maryland 21222
POSTPONÉNTATS DUE TO REATHER ON OFFIT CORRESPOND AND SQUÉTIMES ACCESSANT. TO CORRESP MEMBRE CILL 187-3511 THENORGAPPED ACCESSANTE HENORGAPPED ACCESSANTE	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)



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

June 27, 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: 03-583-A

Lot 29 Galloway Road

S/side of New Galloway Road, 2245 feet north of centerline Cold Spring Lane

15th Election District - 6th Election District

Legal Owner: Brent N. Schatz

Contract Purchaser: James L. Shelly

Variance to permit a front yard setback of 65 feet to the street centerline, and side yard setbacks of 10 feet and a lot area of 10,456 square feet in lieu of the minimum required 75 feet, 50 feet and 43,560 square feet (1 acre) respectively, to approve an undersized lot and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearings:

Wednesday, July 30, 2003 at 9:00 a.m. in Room 106, County Office Building, 111

W. Onesapeake

Timothy Kotroco Director

KT:rlh

C: Brent N. Schatz, 152 West Chestnut Hill Lane, Reisterstown 21136 James L. Shelley, 528 Garvine Mill Road, Fawn Grove, PA 17321 Henry Kacher, President, TWA Enterprises, 8 E. Pennsylvania Avenue Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 15, 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, July 15, 2003 Issue - Jeffersonian

Please forward billing to:

Henry W. Kacher, President 8 East Pennsylvania Avenue Towson, MD 21204

410-916-2931

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: 03-583-A

Lot 29 Galloway Road

S/side of New Galloway Road, 2245 feet north of centerline Cold Spring Lane

15th Election District - 6th Election District

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Hearings:

Wednesday, July 30, 2003 at 9:00 a.m. in Room 106, County Office Building, 111

W. Chesapeake

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

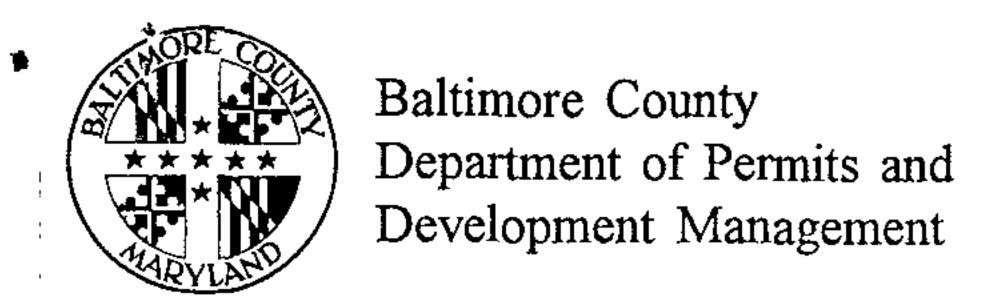
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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 Number03-583-A
Petitioner SHELLEY
Address or Location. 3648 GALLOWAY RD.
PLEASE FORWARD ADVERTISING BILL TO
Name: HENRY W. KACHER PRESIDENT
Address TWA ASSOCIATES
8 E. PENNSYLVANIA AVE
Towson, mp 21286
Telephone Number: 410-916-2931 (CELL)
410-666-7833 (FAX)



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

July 25, 2003

Brent N. Schatz 52 West Chestnut Hill Lane Reisterstown MD 21136

Dear Mr. Schatz:

RE: Case Number: 03-583-A, Lot 29 Galloway Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 12, 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

u. Callidal D

WCR:klm

Enclosures

c: People's Counsel James Shelley, 528 Garvine Mill Road, Fawn Grove, PA 17321 Henry Kacher, TWA Associates, 8 East Pennsylvania Avenue, Towson 21286



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

July 1, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: June 30, 2003

Item No.: 577-580, 683-588, 590-601

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

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.1.03

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

RE:

Baltimore County

Item No. 583

DT

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,

1

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

1. J. Hocelle

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:		Tim Kotroco	
FROM	1:	R. Bruce Seel	ey R&S/TGT
DATE	•	August 7, 200	3
SUBJI	ECT:	Zoning Item Address	583 3648 Galloway Road/(Brent Schatz Property)
	Zoning	g Advisory Con	nmittee Meeting of June 30, 2003
			nvironmental Protection and Resource Management has no ve-referenced zoning item.
	an exte	ension for the re	nvironmental Protection and Resource Management requests eview of the above-referenced zoning item to determine the onmental regulations apply to the site.
<u>X</u>	The De	epartment of En lowing comme	avironmental Protection and Resource Management offers nts on the above-referenced zoning item:
		Protection of '	of the property must comply with the Regulations for the Water Quality, Streams, Wetlands and Floodplains (Sections h 14-350 of the Baltimore County Code).
			of this property must comply with the Forest Regulations (Section 14-401 through 14-422 of the inty Code).
	<u>X</u>	Critical Area I	of this property must comply with the Chesapeake Bay Regulations (Sections 26-436 through 26-461, and other e Baltimore County Code).

ORDER RECEIVED

Reviewer:

Keith Kelley

Date: July 28, 2003

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablor	1
FROM:	R. Bruce Seel	ey PS TLT
DATE:	June 18, 2003	
SUBJECT:	Zoning Item Address	483 3520 Galloway Road (Walters Property)
Zoning	Advisory Com	nmittee Meeting of April 28, 2003
The Decomme	partment of Enerts on the above	vironmental Protection and Resource Management has no e-referenced zoning item.
	TOTOTI TOT UTO TO	vironmental Protection and Resource Management reques view of the above-referenced zoning item to determine the nmental regulations apply to the site.
X The Depth the following	partment of Envi	vironmental Protection and Resource Management offers ts on the above-referenced zoning item:
	TO CCCHOIL OF AA	f the property must comply with the Regulations for the atter Quality, Streams, Wetlands and Floodplains (Section 14-350 of the Baltimore County Code).
•	Development o Conservation Re Saltimore Coun	f this property must comply with the Forest egulations (Section 14-401 through 14-422 of the ty Code).
	Allical Alea Re	this property must comply with the Chesapeake Bay gulations (Sections 26-436 through 26-461, and other Baltimore County Code).
<u>X</u> A	dditional Comr	ments: See Attachment

Date: June 17, 2003

Reviewer:

Keith Kelley

CBCA Zoning Comments (zoning item = 483)

The property is located within the Limited Development Area (LDA). Or Resource Conservation Area (RCA), or Intensely Developed Area (Ex. 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 ois greater than macre in size

_Vian-made impervious surfaces are limited to 25% for ots less than a acre in size.

___Vitigation is required if exceeding the 25% impervious surface limit. Impervious surfaces are limited to 25%, of the for & 500 square feet or 3° 25%, of the for. Otherwise, a Critical Area

percentage may be maintained during redevelopment of the property

Y 150; forest must be established or maintained. This equates to 11 trees for a of of this size

Any tree removed in the buffer for this structure must be replaced on a 111 basis.

LALI downspouts must discharge cainwater 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 daying a fee-in-lieu is required for the diadement of the proposed simulture

if the or summproved, then the proposed diverting connor go any droser to the voter than na national amailing famhast away from the voter.

Lifthe stils improved, then the proposed aweiling can go as close to the water as the existing aweiling

___ A Critical Area Administrative illusince CAAN is required for the pracement of the proposed structure within 30° of tida. Voters tidal Metiands, Stream, or Within 25° of horse da

LA Critical Area Administrative variance (CAAV) is required since the proposed principal structure cannot honor the required 35' residential building setback or 25' commercial building Saka 4/cocazoningcomments

FILING ORDER RECEIV Date

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1/30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 17, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

JUL 2 1 2003

ZONING COMMISSIONER

SUBJECT:

3648 Golloway Road

INFORMATION:

Item Number:

03-583

Petitioner:

James L. Shelley

Zoning:

RC 2

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the balcony on the northeast side of the subject dwelling is removed to allow a true 10-foot side yard setback.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 5, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 7, 2003

Item No. 583 and 584

The Bureau of Development Plans Review received no typed information for the above-mentioned cases.

RWB:CEN:jrb

ce: File

Sent	By: 0;		0;	Jul-3-03	3 2:40PW	l; Page 1/1
 —	1			MATION FORM		Andreas Andreas Andreas
~.	Director, Office of Plann	ing & Community Conse	ervation	Permit	or Case No	O3-583-A
0:	Attention: Jeffrey Long					1 1
	County Courts Building, 401 Bosley Avenue	Room 406	*1 1		(4)	Barrens FAR Paid
	Towson, MD 21204		' ••		Residentia 	Processing Fee Paid (\$50 00)
ROM:	Arnoid Jablon, Director	N H			Accepted	by Dithoneson
	Department of Permits	& Development Manage	ment		•	61203
RE:	Undersized Lots					
ursuan na Offic	t to Section 304.2 (Baltimore e of Planning and Commun	County Zoning Regulation to the	ns) effective June s office's approve	25, 1992, this office is reque at of a dwelling permit.	ating recom	mendations and comments from
MINIM	JM APPLICANT SUPPLI					
	HEWRY W. W	MALLEZ PUMBHINAC		ENHAMMA BUE	Towsby 2128	6 410-316-6151
	Frint Name of Applicant 170	S. THINGS SERVICES	Address		. i	1 Mahthing Mannager
	Lot Address	SCHONAN ED	Electic	on District 15 Councilmanic	: District 	Square Feet 10,459
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	_		(street)		1 3	519074730
_and C	Wher. BRENT		126	Tax Account i	•	
Addres	s: 152 WEST (HESTWIT HALL	LAWE 3		umber (4	(10) 833-1325
CHECK	LIST OF MATERIALS (to	he submitted for design rev	riew by the Office	of Planning and Community	Conservatio	n)
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4 , B ա)ն	ding Elevation Drawlings					
	tographs (please label all p pining Buildings	photos clearly)				
Sum	onuqing Neighbothood ;			Post-it* Fax Note 70	Date,	
6. Եկո	ent Zoning Classification.	<u>R.C.5</u>		To Conka home	Co.	upp auton
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RECOM	MENDATIONS / COMMENTS:			730		<u> </u>
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•					-	Revised 2/25/99
				DEFICE OF PLAN	INING	
				MILLOR OF FEMALE	TITLITU	

Sent By: 0;

RE: PETITION FOR VARIANCE

3648 Galloway Road; S/side of New Galloway

Road, 2245' N c/line Cold Spring Road

15th Election & 6th Councilmanic Districts

Legal Owner(s): Brent N Schatz

Contract Purchaser(s): James L Shelley

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

03-583-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.

People's Counsel for Baltimor

People's Counsel for Baltimore County

RECEIVED

JUL 0 3 2003

Per

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 day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to, Henry W Kacher, President, TWAssociates, 8 E Pennsylvania Avenue, Towson, MD 21204, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

0013693 034

PREPARED WITHOUT THE BENEFIT OF TITLE SEARCH. NO CONSIDERATION. NO TRANSFER TAXES OR DOCUMENTARY STAMPS REQUIRED. LIFE ESTATE DEED WITH POWERS, MOTHER TO SON.

THIS DEED MADE This 2 day of 1 cm, 1999, by and between C. NORENE SCHATZ, party of the first part, Grantor, and C. NORENE SCHATZ, life tenant with powers as hereinafter set forth, party of the second part, and BRENT N. SCHATZ, remainderman, party of the third part, Grantee.

WITNESSETH, That in consideration of the sum of one dollar (\$1.00) and natural love and affection (the actual consideration paid or to be paid being \$0.00), the receipt and adequacy of which are hereby acknowledged, the said party of the first part, Grantor, does hereby grant and convey unto the said party of the second part, for and during the term of her natural life, with the power hereinafter set forth, with remainder over, if any, upon her death onto the said party of the third part, his personal representatives and assigns, in fee simple, all that lot of ground situate and lying in Baltimore county, in the State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME BEING known and designated as Lot No. 29, Plat Number One (#1) of Bowleys Quarters, which Plat is Recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, folio No. 12.

The improvements thereon being known as 3648 Galloway Road, Bowleys Quarters.

BEING the same lot of ground which by Deed dated September 5, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4815, folio No. 665 was granted and conveyed by Shell Realty Corporation, to Milton F. Schatz and C. Norene Schatz, as tenants by the entireties, in fee simple. The said Milton F. Schatz having departed this life on December 17, 1998.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described parcel of ground and premises unto the party of the second part for and during the term of her natural life, with full power in her during the term of her natural life, to sell, lease, mortgage, assign or otherwise dispose of the entire estate herein both the life estate and the estate or estate in remainder, including the power in the said party of the second part to execute any Deed, Lease, Mortgage, or other instrument necessary in connection with the transfer of the property hereinabove described or any part or parts thereof (except by Last Will and Testament), without the obligation of any purchaser, grantee, mortgagee, or leasee, to see to the application of any of the purchase money or mortgage money in connection therewith, and immediately upon the death of the said party of the second part, the remainder, if any, unto the party of the third part, his personal representatives and

To Bob Deed + Dlas

make white details

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0013693 035

assigns, in fee simple.

AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said grantor:

WITNESS:
C. NORENE SCHATZ (SEAL)
STATE OF MARYLAND, COUNTY OF 13 414 140 1- TO WIT:
I HEREBY CERTIFY, That on this \(\subseteq \) day of \(\subseteq \subseteq \), 1999, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared C. Norene Schatz, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.
IN WITNESS WHEREOF, I hereunto set my hand and official scal.
Notary Public
My Commission Expires:
This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland attorney.
Jeffrey R. Scholnick

Robert L. Ehrlich, Jr. Governor



Audrey E Scott Secretary

Michael S. Steele Lt. Governor

Florence E. Burlan
Deputy Secretary

July 1, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 07/07/03 re: case numbers 03-577-A, 03-578-A, 03-579-SPH, 03-580-SPHA, 03-583-A, 03-584-A, 03-585-SPHXA, 03-586-SPH, 03-587-A, 03-588-A, 03-589-SPH, 03-590-A, 03-591-A, 03-592-A, 03-593-A, 03-594-A, 03-595-SPH, 03-596-SPH, 03-597-A, 03-598-SPHA, 03-599-A, 03-600-HAS & 03-601-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/01/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning Planning Services

cc: Mike Nortrup

PLI	ASE PRINT CLEARLY	 	 ·
PLt	ASE PRINT CLEARLY	 	

CASE	NAME			
CASE	NUMBER			
DATE			<u> </u>	

CITIZEN'S SIGN-IN SHEET

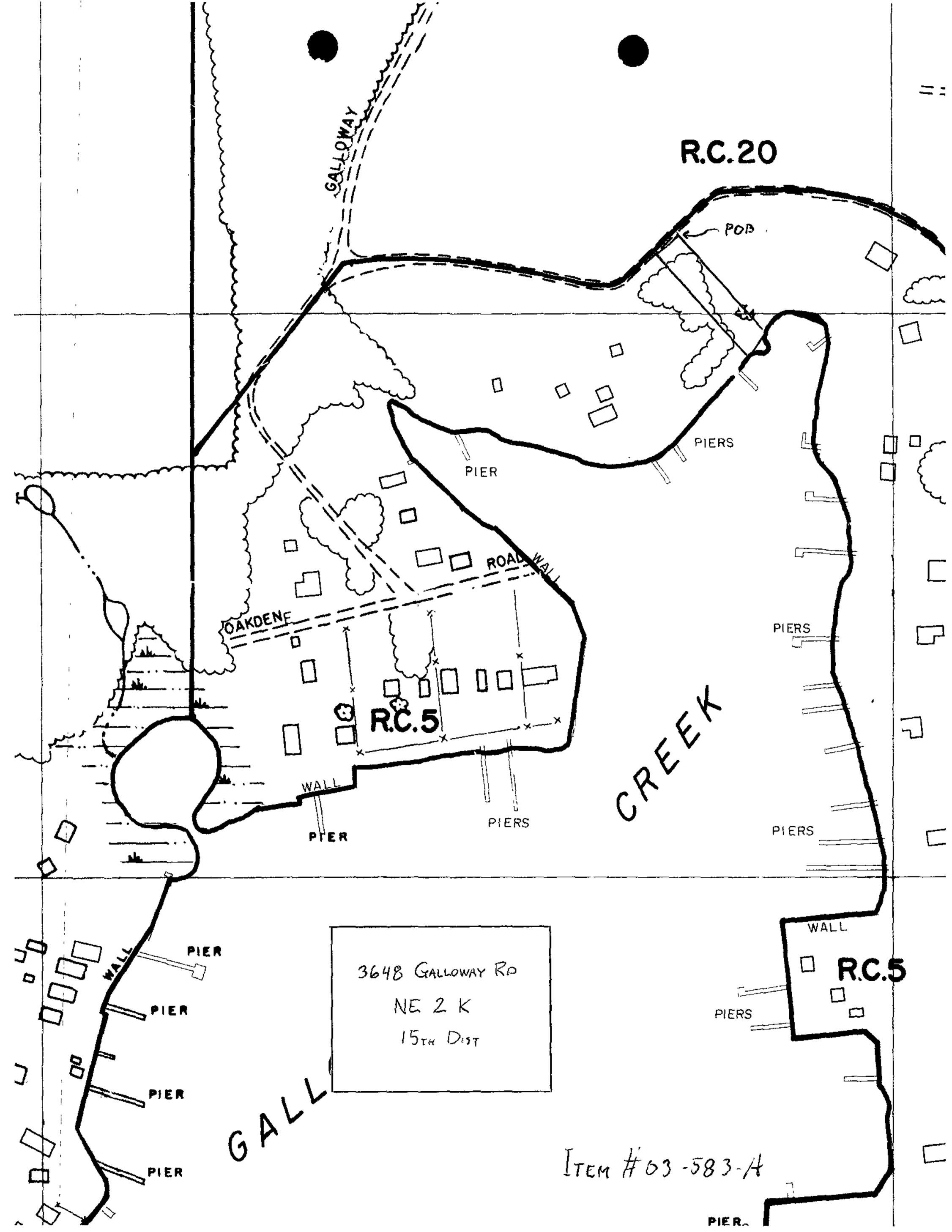
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
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DOUGLAS ZININ	7 WOODSYDE PLACE	OWINGS MILLS MD. 21	117 ZINNSQEMLS.
			
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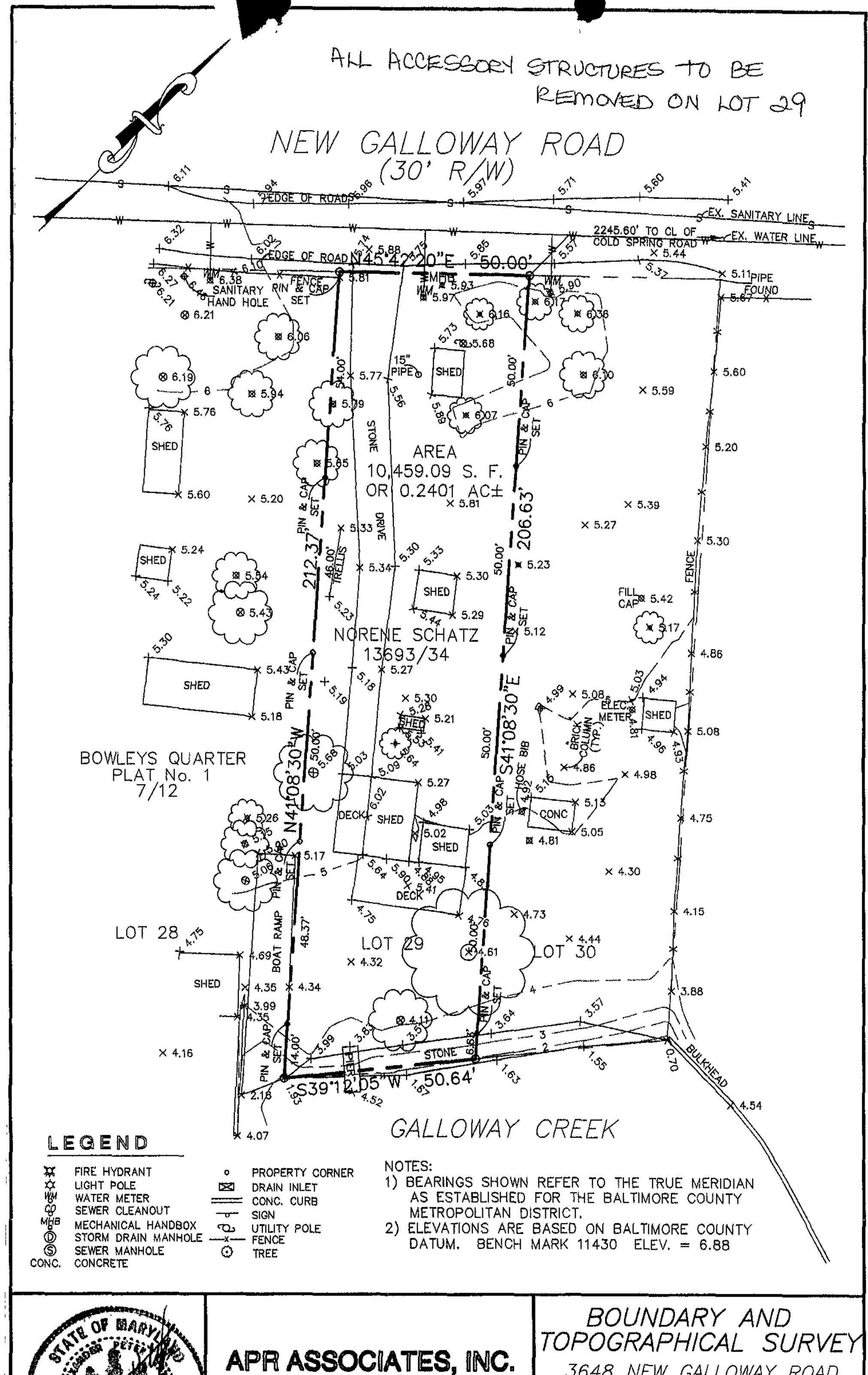
CASE NAME	
CASE NUMBER	
DATE	

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
HENRY W. WACHER BERNIE MALINOWSKI	BE. PENHSYLVANIA AVE	Towson, mo 21286	HWK7150@AOC.COM
BERNIE MALINOWSKI	BE. PENHSKIAMIA AVE	TOWSON, MD. ZIZ86	11
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PLAT TO ACCOMPANY PETITION FOR ZONING XVARIAN PROPERTY ADDRESS 200 SEE PAGES 5 & 6 OF THE CHECKLIST	CE SPECIAL HEARING FOR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME BOWLEYS QUARTERS PLAT1	
PLAT BOOK # 7 FOLIO # 12 LOT #29 SECTION # - (12/02/22/21)	
OWNER BRENT N. SCHATZ	
NEW GALLOWAY ROAD	- Thursday
N45'4D'20"E 50.00' (30' R/W)	
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Som the first	Cold Spring
SHED 3-4'x10' (40sq.ft.)	CALES VICINITY MAP
GARAGE	0 mi 0.2 0.4 0.6 0.8 1
SHED 66.00° 71	LOCATION INFORMATION ELECTION DISTRICT (5
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NEW 3 STORY SINGLE EAMILY RESIDENTIAL DWELLING	COUNCILMANIC DISTRICT
SHED SHED SHED SHED	1"=200' SCALE MAP # NE, 2-K
	ZONING RC5
	ACREAGE SQUARE FEET
AMOREW + STAIR OPEN STAIR	PUBLIC PRIVATE
	SEWER
CO3-1-1-LOT 29 1 LOT 30	WATER
98.94	CHESAPEAKE BAY
	CRITICAL AREA
SHED	HISTORIC PROPERTY/
	BUILDING
	PRIOR ZONING HEARING
NORTH S3912'05"W 50.64' GALLOWAY CREEK	ZONING OFFICE USE ONLY PEVIEWED BY ITEM # CASE #
TW ASSOCIATE SERVICES (DESIGN/BUILD)	
TWASSOCIATE SERVICES (DESIGN/BUILD) PREPARED BY APR ASSOCIATES TINC. SCALE OF DRAWING: 1" = 40"	D.THompson 583 03-583-A

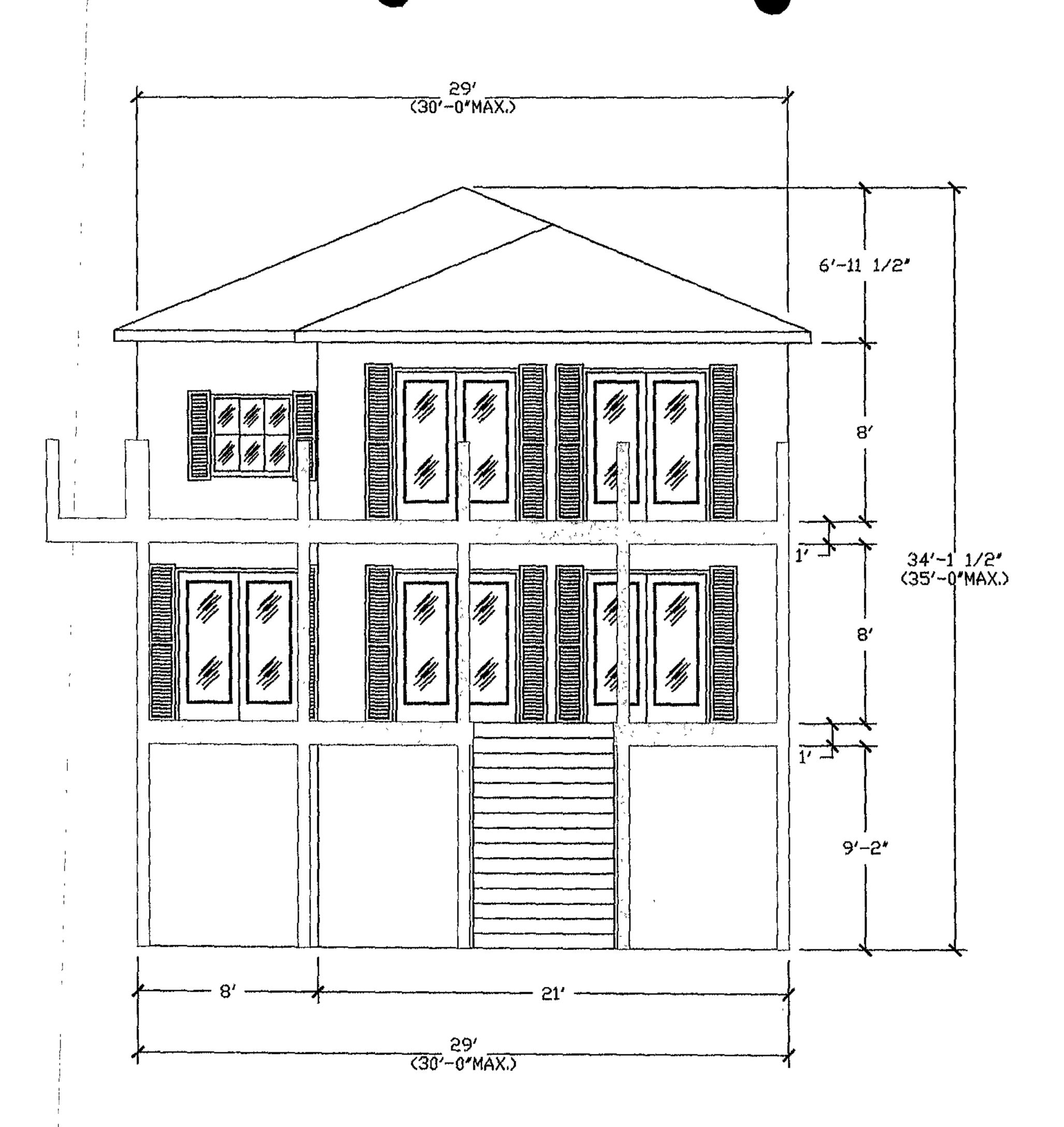




7427 Harford Road Baltimore, Maryland 21234-7160 (410) 444-4312 FAX; (410) 444-1647 E mail: apr444@erois.com

3648 NEW GALLOWAY ROAD 15th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND DATE: JUNE 10, 2003 SCALE: 1"=30"

23069

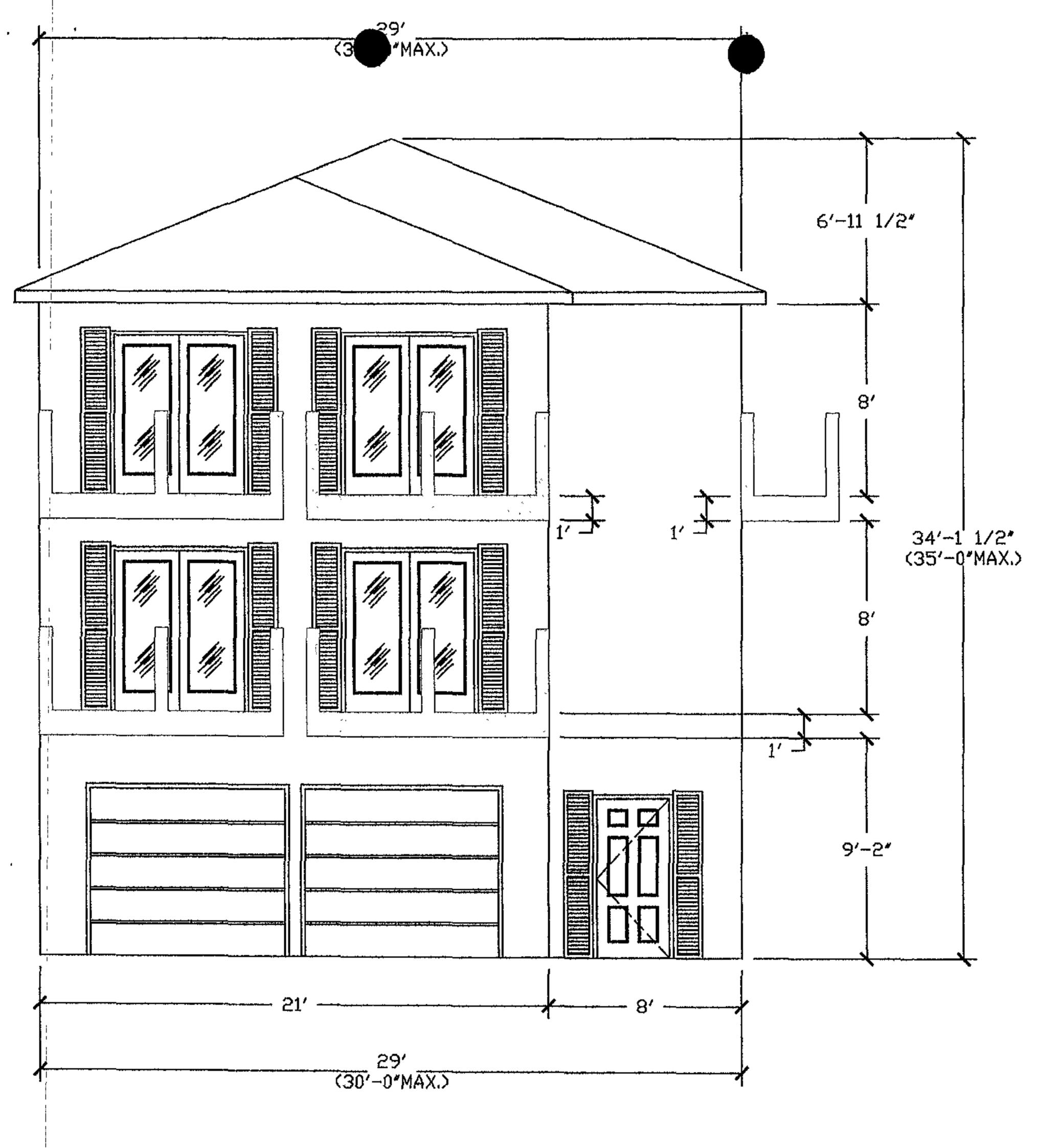


FRONT ELEVATION (WATERFRONT)

SCALE: 1/4"=1'-0"

PREPARED BY:
TW ASSOCIATE SERVICES
(DESIGN/BUILD)
8 EAST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21286

PROPOSED 3 STORY
RESIDENTIAL
DWELLING FOR LOT 29
GALLOWAY
ROAD (3648 GALLOWAY ROAD)

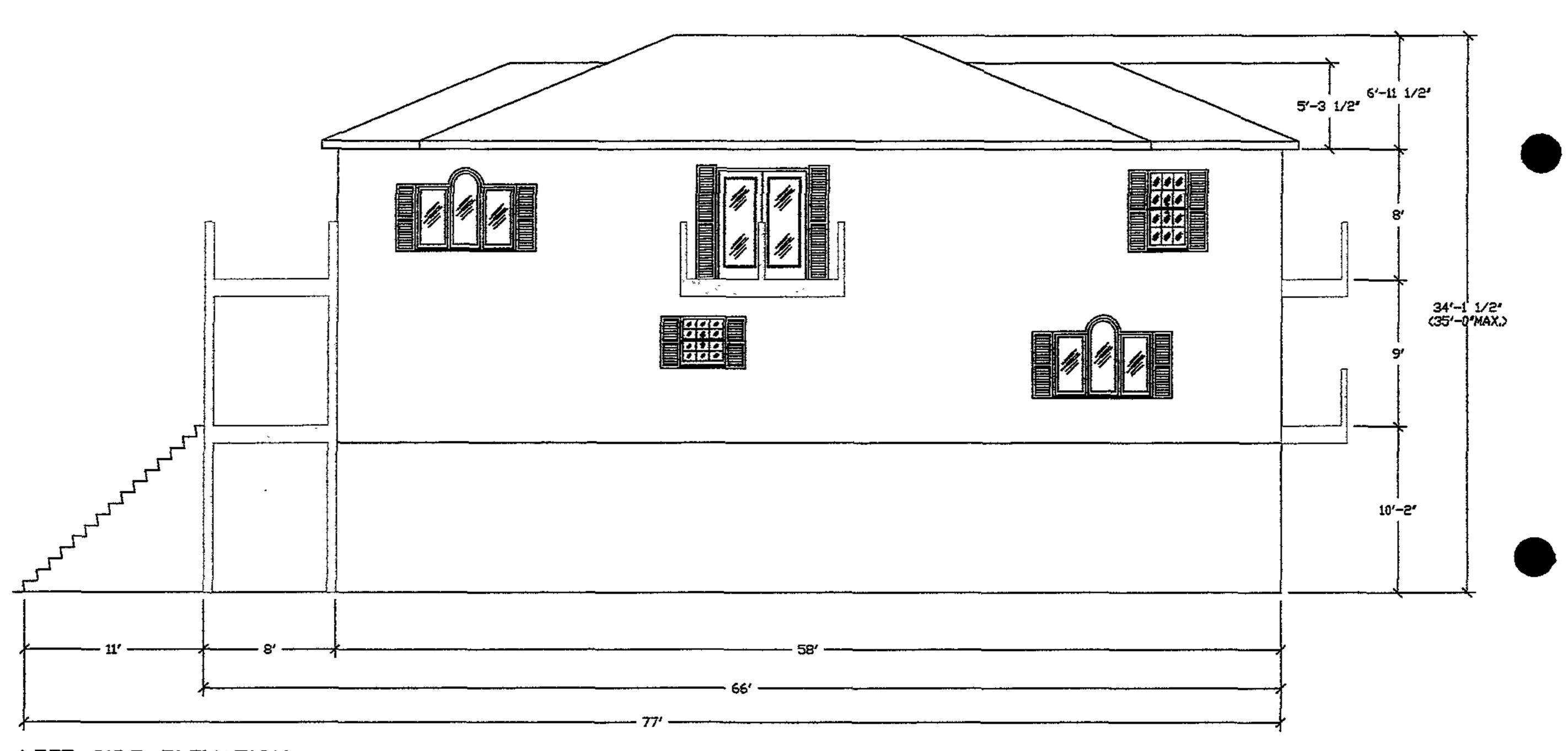


REAR ELEVATION

SCALE: 1/4"=1'-0"

PREPARED BY:
TW ASSOCIATE SERVICES
(DESIGN/BUILD)
8 EAST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21286

PROPOSED 3 STORY
RESIDENTIAL
DWELLING FOR LOT 29
GALLOWAY
ROAD (3648 GALLOWAY ROAD)

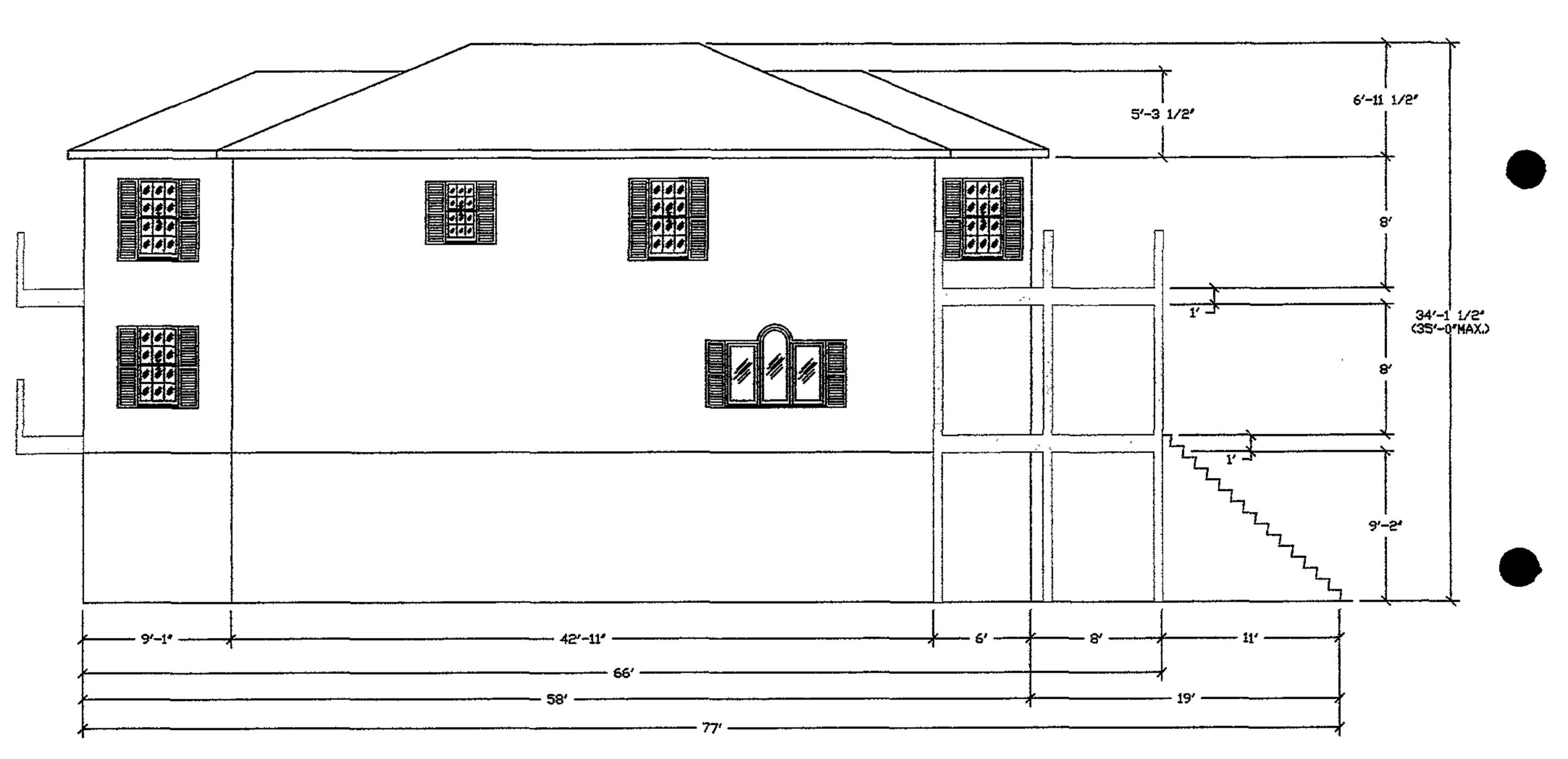


LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"

PREPARED BY:
TW ASSOCIATE SERVICES
(DESIGN/BUILD)
8 EAST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21286

PROPOSED 3 STORY
RESIDENTIAL
DWELLING FOR LOT 29
GALLOWAY
ROAD (3648 GALLOWAY ROAD)

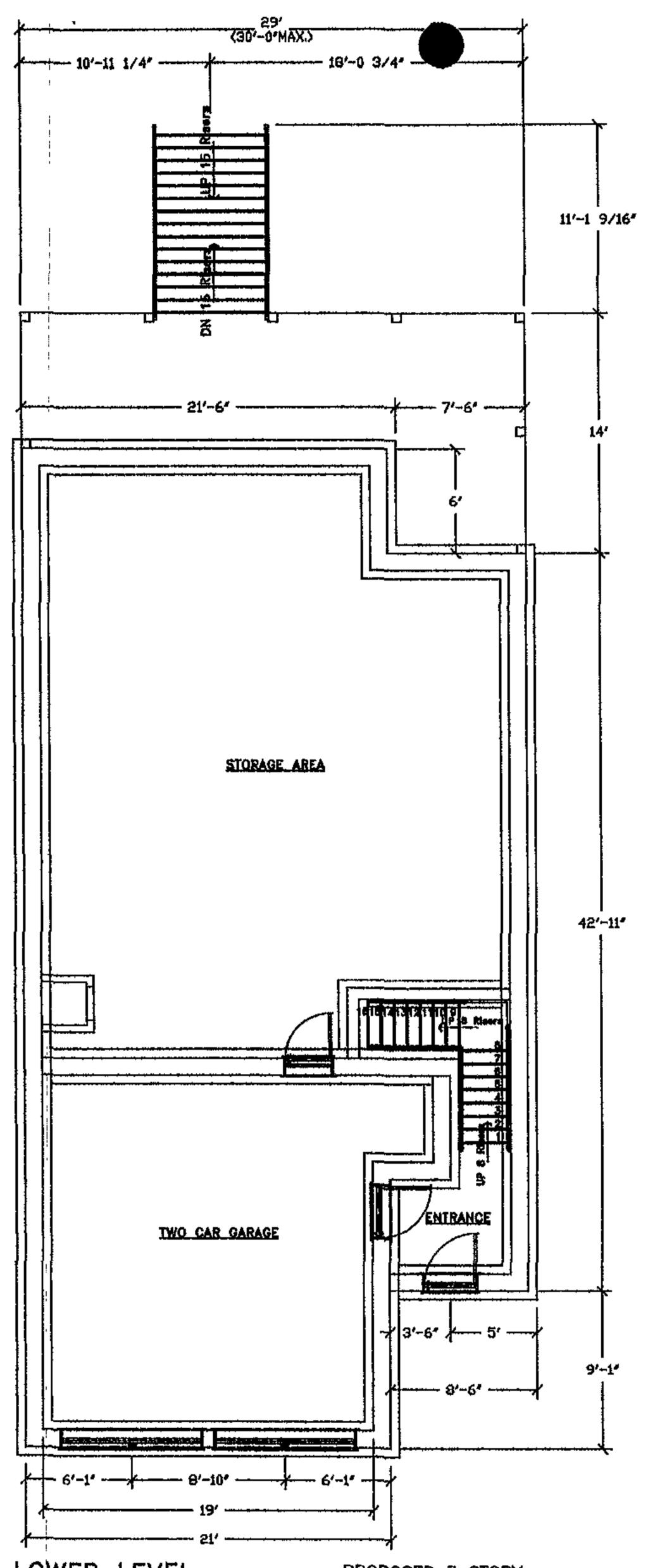


RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"

PREPARED BY:
TW ASSOCIATE SERVICES
(DESIGN/BUILD)
8 EAST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21286

PROPOSED 3 STORY
RESIDENTIAL
DWELLING FOR LOT 29
GALLOWAY
ROAD (3648 GALLOWAY ROAD)

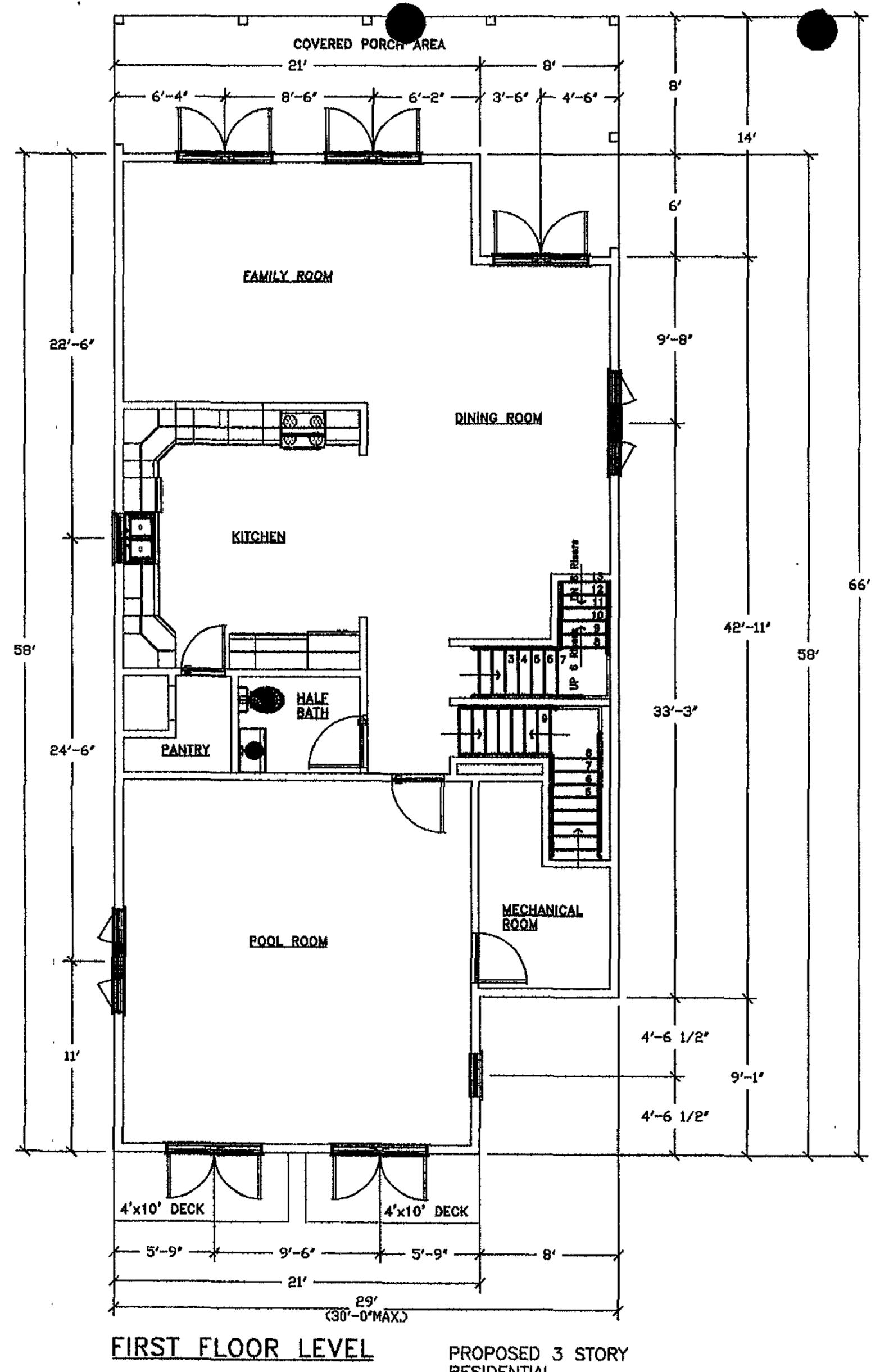


LOWER LEVEL

SCALE: 1/4"=1"-0"

PREPARED BY:
TW ASSOCIATE SERVICES
(DESIGN/BUILD)
8 EAST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21286

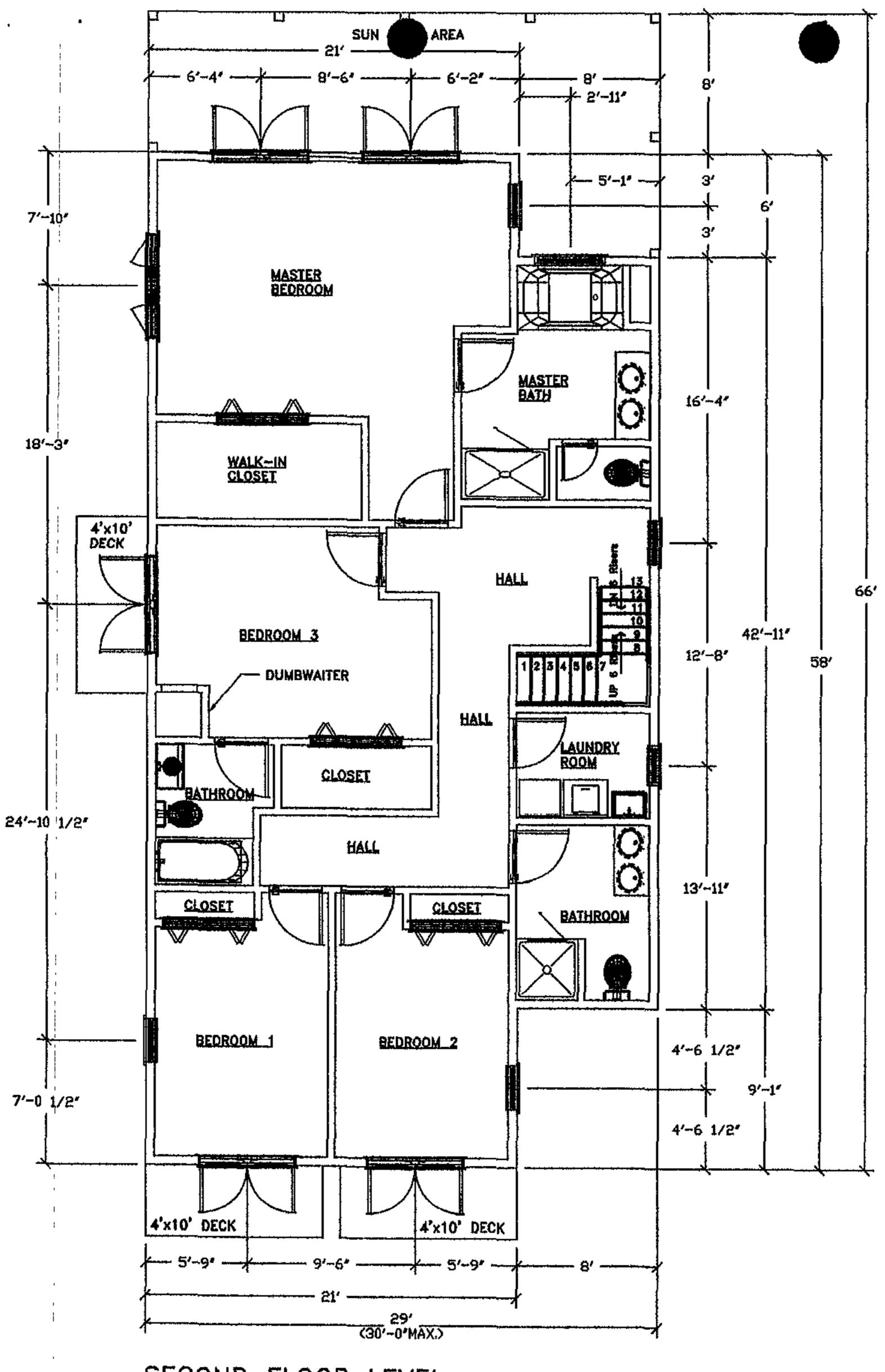
PROPOSED 3 STORY
RESIDENTIAL
DWELLING FOR LOT 29
GALLOWAY
ROAD (3648 GALLOWAY ROAD)



SCALE: 1/4"=1'-0"

PREPARED BY:
TW ASSOCIATE SERVICES
(DESIGN/BUILD)
8 EAST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21286

PROPOSED 3 STORY
RESIDENTIAL
DWELLING FOR LOT 29
GALLOWAY
ROAD (3648 GALLOWAY ROAD)

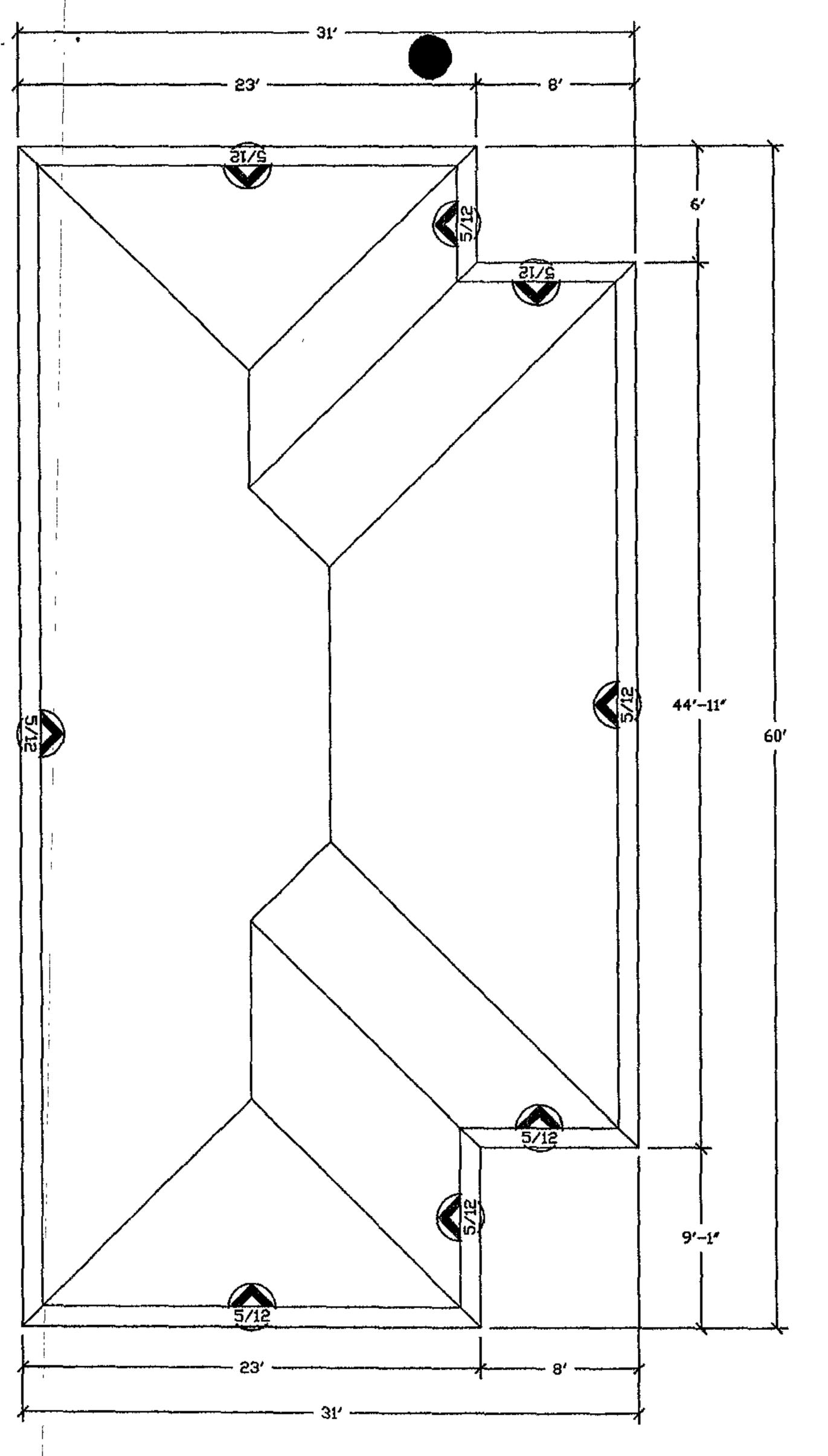


SECOND FLOOR LEVEL

SCALE: 1/4"=1'-0"

PREPARED BY:
TW ASSOCIATE SERVICES
(DESIGN/BUILD)
8 EAST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21286

PROPOSED 3 STORY
RESIDENTIAL
DWELLING FOR LOT 29
GALLOWAY
ROAD (3648 GALLOWAY ROAD)



ROOF PLAN

SCALE: 1/4"=1"-0"

PREPARED BY:
TW ASSOCIATE SERVICES
(DESIGN/BUILD)
8 EAST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21286

PROPOSED 3 STORY
RESIDENTIAL
DWELLING FOR LOT 29
GALLOWAY
ROAD (3648 GALLOWAY ROAD)