IN RE: PETITION FOR VARIANCE N/S of New Galloway Road, 430' E centerline of Galloway Road 15th Election District 6th Councilmanic District **(3662 Galloway Road)** Deborah A. & Daniel P. Welsh *Petitioners*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 03-594-A

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property. The Petitioners are requesting variance relief for property they own at 3662 Galloway Road, located in the eastern area of Baltimore County. The variance request is from Sections 1A04.3.B.1 & 2 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 7.5 ft. and 7.7 ft. and a lot area of 14,051 sq. ft. in lieu of the minimum required 50 ft. and 43,560 sq. ft. (1 acre) respectively and to approve an undersized lot.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.323 acres of land, more or less, zoned R.C.5. The subject property is presently improved by a shed and screened structure (to be razed) which are used primarily on weekends by the owners. However, now the owners wish to build a home on the property and live in same as their principal residence. The lot is only 40 feet wide on New Galloway Road and roughly 60 feet wide frontage on Galloway Creek. The setback from any lot line on R.C.5 zoned land is 50 feet and therefore, the Petitioners are requesting a variance to the side yard which they feel would allow them to build a reasonable new dwelling. In addition, the location of the new home is further constrained by the 100 foot Chesapeake Critical Bay Area. Testimony indicated that Mr. and Mrs. Welsh have owned this property for the past 13 years.

Date 9/30/03
By

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances.***

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee (ZAC) Comments

The Department of Environmental Protection & Resource Management (DEPRM) ZAC comments advise that no building permit will be issued until public sewerage is available. Otherwise there were no negative ZAC comments.

Interested Persons

Appearing at the hearing on behalf of the variance request were Dan and Debbie Welsh, the Petitioners and Len Buerhaus, surveyor. Appearing in opposition to the request were a number of nearby residents, namely Michele and Mark Chojnaki, Norma Bankard, and Douglas Zinn. There were no Protestants or others in attendance.

Amended Petition

The Petitioners testified that they could not locate their home in any better location on the property as they could not move it toward the Creek for fear of violating the Chesapeake Critical Bay Area legislation or toward New Galloway Road as this was an even narrower part of the lot. After some testimony from the Petitioners regarding the project, Daniel Welsh indicated that he

9/3/03 RJ Jones

had discussed the request for variance with his neighbors and that considering their request he voluntarily amended the request to 10 feet on each side instead of the previously requested 7.5 and 7.7. This setback had apparently been adopted by the Community Association as some sort of standard to allow reasonable separation between homes and emergency vehicles to go around the home to the water should that be needed. With this amendment the neighbors withdrew their opposition. The Petitioners' surveyor entered the changes to the request for variance on Petitioners' Exhibit No. 1B, which was accepted into evidence.

The Petitioners presented the County's plan to bring public sewer to this area within the next six months. This plan also showed the many homes in the area that had been built or rebuilt within a few feet of the property lines. Photographs presented by the Petitioners showed the surrounding area was rapidly being upgraded in style and size of homes even on 50-foot wide lots.

The present zoning of R.C.5 requires lots of at least one acre with 50-foot setbacks from any lot line. This zoning was created in 1975 long after this subdivision was established and homes built. Obviously, with even a 100 foot wide double lot, the 50 foot setback requirement would prevent any building on these lots. The lot (approximately 0.3 acres) is undersize because the zoning was applied after the subdivision was created.

Findings of fact and conclusions of law

I find that special circumstances or conditions exist that are peculiar to this land or structure and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, I find that such variance can be granted in strict harmony with the spirit and intent of the regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare.

Baltimore County
Zoning Commissioner

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

Sept. 3
August ~~29~~, 2003

Mr. & Mrs. Daniel P. Welsh
1905 Rencos Way
Forest Hill, Maryland 21050

Re: Petition for Variance
Case No. 03-594-A
Property: 3662 Galloway Road

Dear Mr. & Mrs. Welsh:

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,

John Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Len Buerhaus
1220 Longford Road
Lutherville, MD 21093

Norma Bankard
3506 Galloway Road
Baltimore, MD 21220

Michele & Mark Chojnacki
1005 Dundalk Avenue
Baltimore, MD 21224

Douglas Zinn
7 Woodsyde Place
Owings Mills, MD 21117

Printed with Soybean Ink
on Recycled Paper

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Galloway Rd. (3662)

which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.1+2 AND 304 (BCZR)

To permit side yard setbacks of 7.5-feet and 7.7-feet and a lot area of 14,051 square feet in lieu of the minimum required 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)

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

DANIEL P. WELSH
Name - Type or Print

Signature

DEBORAH A. WELSH
Name - Type or Print

Signature

1905 RENCOS WAY 410 557 6414
Address Telephone No.

FOREST HILL MD 21050
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Bonnie L. Buerhaus
Name

9922 Nearbrook Lane (410) 661-0736
Address Telephone No.

Balto. Md. 21234
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By D. THOMPSON **Date** 6/18/03

ORDER RECEIVED
Date 9/3/03
By D. Jones

Case No. 03-594-A

REV. 9/15/98

Zoning Description for 3662 New Galloway Rd.

Beginning at a point on the north side of New Galloway Rd which is 30 feet wide at the distance of 430 feet east of the centerline of the nearest improved intersecting street Galloway Rd which is 30 feet wide. Being Lot #21 in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book #7, Folio #12, containing 0.323 acres of land more or less. Also known as 3662 New Galloway Rd. and located in the 15TH Election District, 6TH Councilmanic District.

03-594-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25540

DATE 6/18/03 ACCOUNT 001006150

AMOUNT $ 115.00

RECEIVED FROM: DANIEL P. WELSH

FOR: ITEM # 594 03-594-A ¾ + UNDERSIZE LOT

3662 NEW GALLOWAY RD BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

DATE RECEIPT
PAID RECEIPT
BUSINESS ACTUAL TIME DRW
6/18/2003 6/18/2003 10:38:00 5
REG WOOD WALKIN MHEL MAH
RECEIPT # 151/5 6/18/2003 UFLR
Dept 5 523 ZONING VERIFICATION
OR NO. 025540
Recpt tot $115.00
115.00 CK .00 CH
Baltimore County, Maryland

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: #03-594-A
3662 Galloway Road
N/side of New Galloway Road, 430 east of centerline Galloway Road
15th Election District – 6th Councilmanic District
Legal Owner(s). Daniel P. and Deborah A Welsh

Variance: to permit side yard setbacks of 7.5 feet and 7.7 feet and a lot area of 14,051 square feet in lieu of the minimum required 50 feet and 43,560 square feet (1 acre) respectively to approve an undersized lot and to approve any other vacancies deemed necessary by the Zoning Commissioner.

Hearing(s): Wednesday, August 27, 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.

JT 8/647 Aug 12 C620147

CERTIFICATE OF PUBLICATION

8/14/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/12/, 2003.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-594-A

Petitioner/Developer: DANIEL P AND DEBORAH A. WELSH

Date of Hearing/Closing: 8/27/03

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

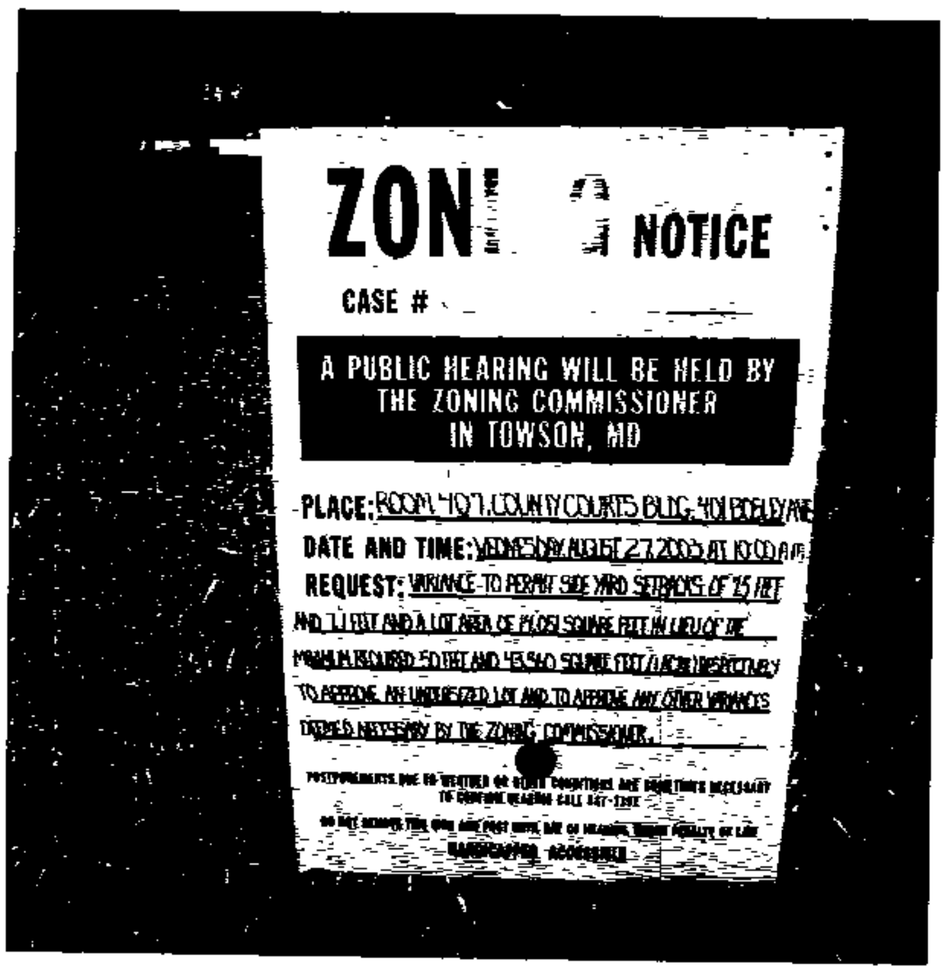
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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

3662 GALLOWAY RD

The sign(s) were posted on 8/12/03
(Month, Day, Year)



Sincerely,

8/12/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK
(Printed Name)

1508 Leslie Rd
(Address)

Dundalk, Maryland 21222
(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

July 3, 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: 03-594-A
3662 Galloway Road
N/side of New Galloway Road, 430 east of centerline Galloway Road
15th Election District – 6th Councilmanic District
Legal Owners: Daniel P. and Deborah A. Welsh

Variance to permit side yard setbacks of 7.5 feet and 7.7 feet and a lot area of 14,051 square feet in lieu of the minimum required 50 feet and 43,560 square feet (1 acre) respectively to approve an undersized lot and to approve any other vacancies deemed necessary by the Zoning Commissioner.

Hearings: Wednesday, August 27, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK:rlh

C: Daniel and Deborah A. Welsh, 1905 Rencos Way, Forest Hill 21050

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN *APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 12, 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.

Post-it® Fax Note 7671	Date 7/8/03	# of pages ▶ 1
To Bonnie	From Kristen	
Co./Dept.	Co.	
Phone # 410-661-0736	Phone #	
Fax #	Fax #	

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 12, 2003 Issue - Jeffersonian

Please forward billing to:
Mr. and Mrs. Daniel Welsh 410-382-6655
1905 Rencos Way
Forest Hill, MD 21050

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: 03-594-A
3662 Galloway Road
N/side of New Galloway Road, 430 east of centerline Galloway Road
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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 Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

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

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

For Newspaper Advertising:

Item Number or Case Number #594

Petitioner: WELSH

Address or Location: 3662 GALLOWAY RD.

PLEASE FORWARD ADVERTISING BILL TO

Name: MR + MRS. DANIEL P. WELSH

Address: 1905 RENCOS WAY
FOREST HILL, MD 21050

Telephone Number: 410-382-6655 OR 410-557-6414

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 22, 2003

Mr. Danie L P. Welsh
Mr. Deborah A. Welsh
1905 Rencos Way
Forest Hill, MD 21050

Dear Mr. Welsh:

RE: Case Number:03-594-A, 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 18, 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:rlh

Enclosures

c: People's Counsel
Bonnie L. Buerhaus, 9922 Nearbrook Lane, Baltimore, MD 21234

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on Recycled Paper

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

State Highway Administration
Driven to Excel

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. 594 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,

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

Baltimore County
Fire Department

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, 583-588, 590-601 594

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

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/TBS

DATE: August 7, 2003

SUBJECT: Zoning Item 594
Address 3662 Galloway Road

Zoning Advisory Committee Meeting of: June 30, 2003

A building peremit will not be approved until public sewer is available.

Reviewer: Sue Farinetti

Date: August 7, 2003

Jack 8/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 18, 2003

RECEIVED

JUL 21 2003

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case 03-591 and 03-594**

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.

Prepared by: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 5, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For July 7, 2003
Item Nos. 577, 578, 580, 581, 587,
589, 590, 593, 594, 595, 596, 597,
598, 599, and 600

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: Lynn Lanham
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

RECEIVED JUN 20 2003 OFFICE OF PLANNING

Permit or Case No. 03-594-A

Residential Processing Fee Paid ($50.00)
Accepted by D. Thomson
Date 6/18/03

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

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.

X **MINIMUM** APPLICANT SUPPLIED INFORMATION:

Bonnie Buerhaus 9922 Nearbrook Lane Balto. md 21234 (410) 661-0734
Print Name of Applicant Address Telephone Number

Lot Address #3662 Galloway Rd. Election District 15 Councilmanic District 6 Square Feet 14,051

Lot Location: (N) E S W/side/corner of New Galloway Rd. (street) 430 feet from N (E) S W corner of Galloway Rd. (street)

Land Owner: Daniel P & Deborah A. Welsh Tax Account Number 1518475130

Address: 1905 Rencos Way Parkville md 21150 Telephone Number (410) 382-6655

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 ONLY!

	PROVIDED? YES	NO
1. This Recommendation Form (3 copies)	✓	
2. Permit Application		✓
3. Site Plan Property (3 copies)	✓	
4. Building Elevation Drawings	✓	
5. Photographs (please label all photos clearly) Adjoining Buildings		✓
Surrounding Neighborhood		✓
6. Current Zoning Classification: R.C.5		

TO BE FILLED IN B

Post-it® Fax Note 7671	Date 7/03/03 # of pages ▶ 1
To Denise Thompson	From Lynn Lanham
Co./Dept. Zoning	Co.
Phone #	Phone # 3480
Fax # 2824	Fax #

RECOMMENDATIONS / COMMENTS:

☒ Approval ☐ Disapproval ☐ Approval conditions

Signed by: [signature]
for the Director, Office of Planning and Community Conservation

Date: 7/03/03

Revised 2/05/02

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

RE:	PETITION FOR VARIANCE 3662 Galloway Road; N/side of New Galloway Rd, 430' E c/line Galloway Road 15th Election & 6th Councilmanic Districts Legal Owner(s): Daniel & Deborah Welsh Petitioner(s)	* * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-594-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

RECEIVED
JUL 03 2003
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to, Bonnie L Buerhaus, 9922 Nearbrook Lane, Baltimore, MD 21234, Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

August 27, 2003

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Suite 405
County Courts Building
Towson, Maryland 21204

Re: Petition for Variance Case #03-594-A

Dear Mr. Schmidt:

We, the undersigned homeowners in the Bowleys Quarters community, are hereby opposed to the request for variance for the property located at 3662 Galloway Road, Baltimore, Maryland, 21220. Specially, we are opposed to the request to permit side yard setbacks of 7.5 feet in lieu of the required 50 feet setbacks. Our opposition to the smaller side yard setbacks is based on the possible detrimental impact it may have on our respective properties were future development to occur in our community. Existing properties are already limited in size and permitting smaller side yard setbacks would only contribute to the cramped appearance of properties and may at a future date result in housing that that is too dense and out of scale with the surrounding community.

We are, however, supportive of a variance granting side yard setbacks of 10 feet. We strongly recommend that the owners of the subject property consider revising their proposed site plan to accommodate side yard setbacks of 10 feet in accordance with other recently approved requests for variance in the community.

Sincerely yours,

Mr. & Mrs. Andrew S. Vogel, Jr.
3650 Galloway Road.

Joseph Zinn, Sharon Graves-Zinn
3652 Galloway Road

August 26, 2003

Re: Zoning Hearing

Case: #03-594-A

3662 Galloway Road
Baltimore, Maryland 21220
15th. Election District - 6th Councilmanic District
Owners: Daniel P. and Deborah A. Welsh

Dear Mr. Schmidt:

I am writing in regard to the above mentioned property located on Galloway Road, and my opposition to items which I am listing below:

1. Side yard setbacks of 7.5 and 7.7; I feel side yard setbacks should be as set forth by the Baltimore County code of 10 feet. It is very important to have sufficient area between homes due to the shifting of directions of winds around the water which can cause serious consequences in emergencies when homes are built to close to one another.

2. Approval of any other variances deemed necessary; this item could pose a problem if all items are not brought to the attention of the community prior to your approval. Since the residence and the Bowley's Quarters Improvement Association try to keep up on potential problems that could develop in the area, approving all variance changes without notification to the community could change the overall intent of keeping the community compatible.

I am not opposed to Mr. and Mrs. Welch in wanting to build a home on their property. A new home will only be an asset to our community. I do feel that all Baltimore County Codes should be adhered to for this variance for the benefit of the community.

Sincerely,

Martha Griggs
3500 Galloway Road
Baltimore, Maryland 21220

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 03-594-A

Date Completed/Initials	
7-1-30	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file, make appropriate copies; mail original and copies of hearing notice, place original advertising notice in Patuxent's box, file copies of both notices in hearing file, update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder, mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder, file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter, make appropriate copies, mail original and copies, send copy to zoning commissioner; file copy in hearing file, update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date, type letter confirming new date, make appropriate copies, mail original and copies, file copy in hearing file, update hearing calendar and ZAC in computer, refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample, file cards in cabinet, 8/12
dm	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file, put certificates in file) 8/8 8/12
	COMMENTS (check off agency comments received on front of hearing file, make copies, type comments letter, mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday, verify that checklist on front of hearing file has been completed, secure all papers under clips in file, send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
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

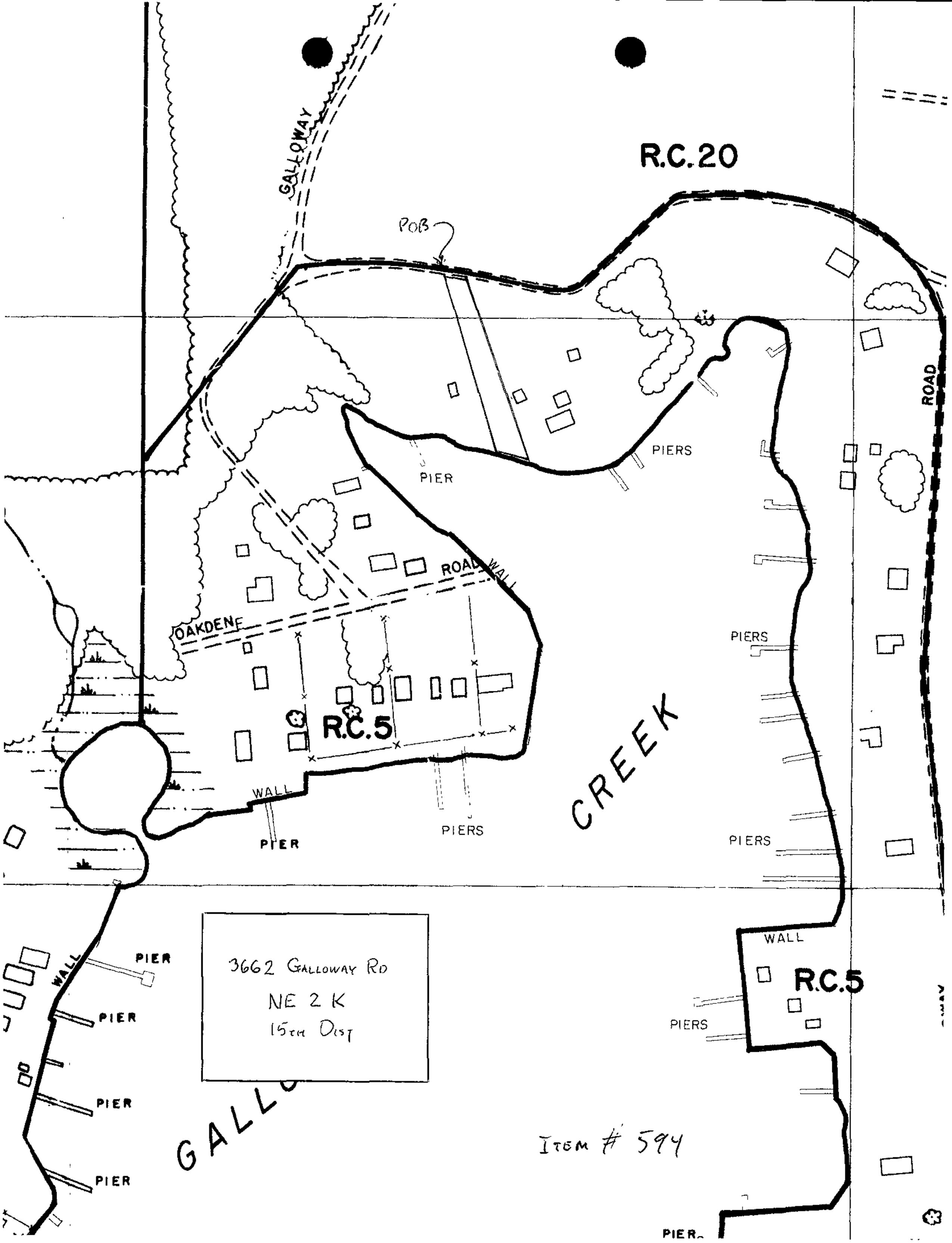
cc: Mike Nortrup

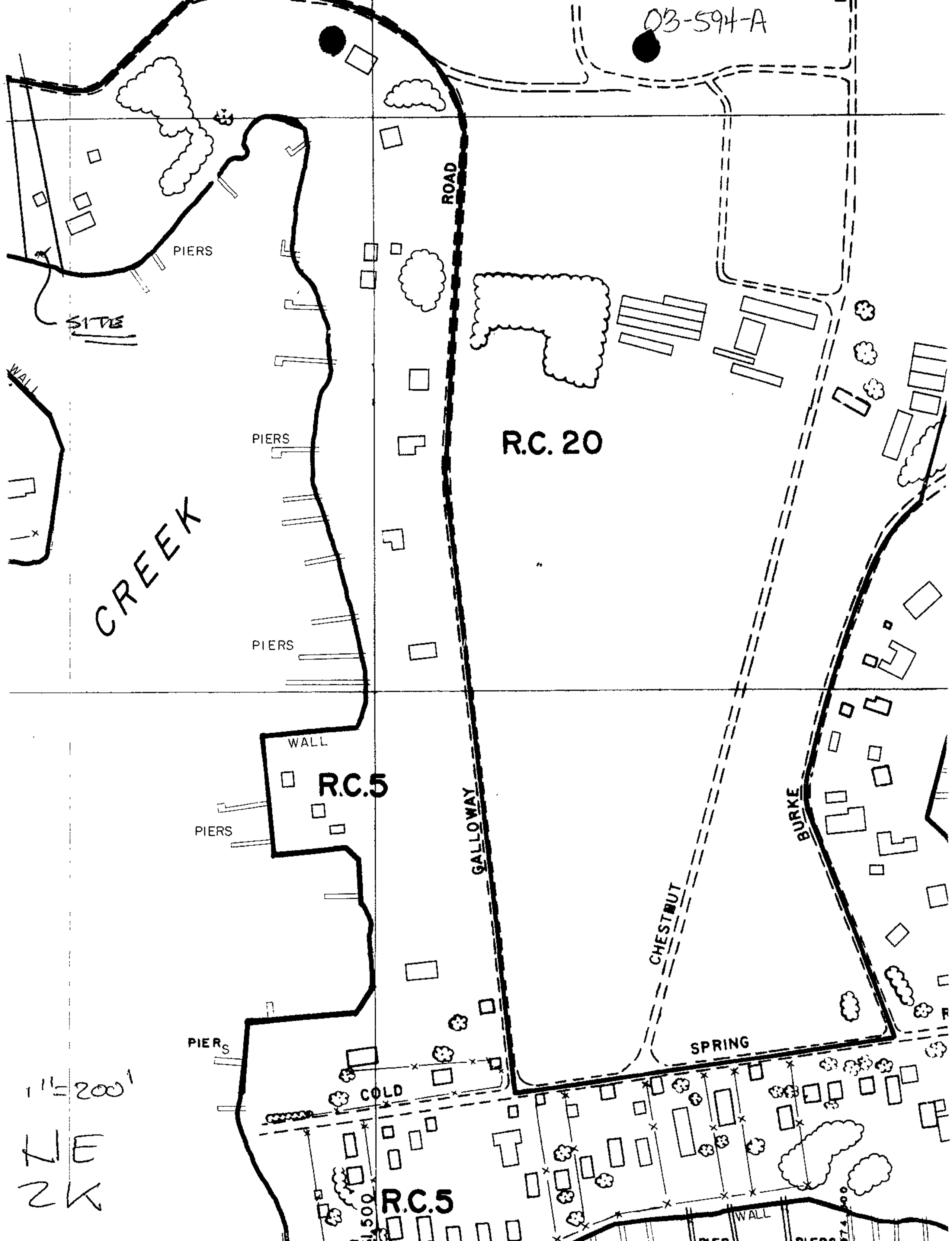
PLEASE PRINT CLEARLY

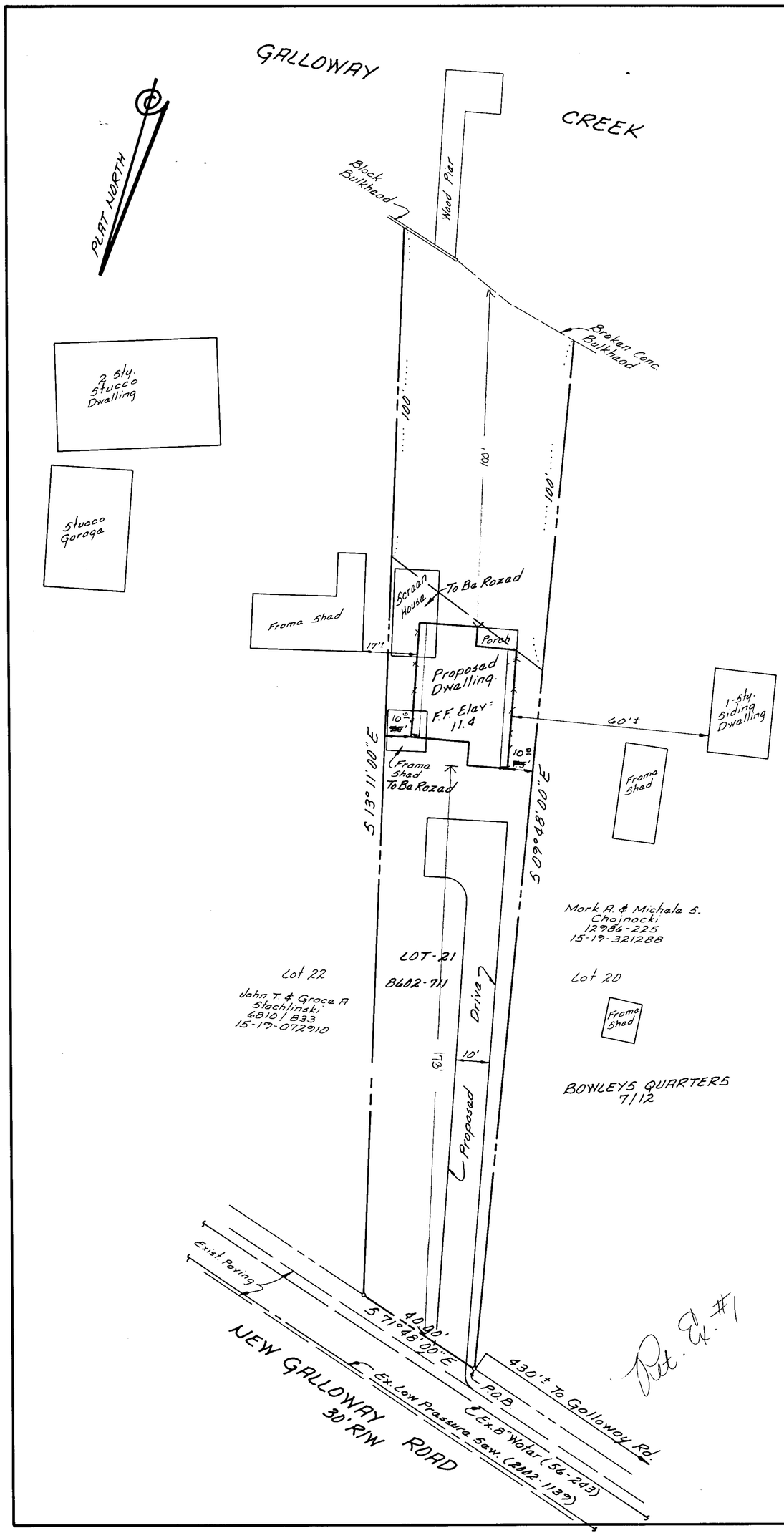
CASE NAME 3662 Galloway
CASE NUMBER 03-594
DATE 8/27/03

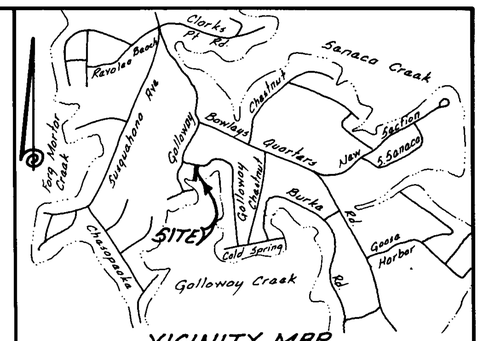
PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Len Buerhaus	1220 Longford Rd	Lutherville, Md 21093	
DAN+DEBRIE WELSH	1905 RENCOS WAY	Forest Hill MD 21050	


GALLOWAY
R.C.20
POB
PIER
PIERS
ROAD
ROAD WALL
OAKDENE
PIERS
R.C.5
CREEK
WALL
PIER
PIERS
PIERS
ROAD
WALL
PIER
PIER
PIER
PIER
3662 GALLOWAY RD
NE 2 K
15TH DIST
GALLO
WALL
R.C.5
PIERS
ITEM # 594
PIER


03-594-A
ROAD
PIERS
SITE
WALL
PIERS
R.C. 20
CREEK
PIERS
WALL
R.C.5
PIERS
GALLOWAY
BURKE
CHESTNUT
PIERS
SPRING
COLD
R.C.5
WALL
1" = 200'
NE
2K





VICINITY MAP
Scale: 1" = 2000'

LOCATION INFORMATION

Councilmanic District: 6
Election District: 15
1" = 200' Scale Map # NE 2K
Zoning: RC-5
Lot Size: 14,051 Sq. Ft.± or 0.323 Ac.±

	Public	Private
Sewer	☒	☐
Water	☒	☐

	Yes	No
Chesapeake Bay Critical Area	☒	☐

Prior Zoning Hearings:

Zoning Office Use Only

Reviewed By	Item #	Case #
D. THOMPSON	594	03-594-A

All Buildings are for Residential Use.

Variance for Undersize Lot.

Flood Zone A-10 as shown on F.I.R.M. # 240010-0435B dated 3-2-81

Existing Impervious Area = 502 Sq. Ft.±
(To Be Removed.)

Impervious Area: Allowed = 3512 Sq. Ft.±
Proposed = 2960 Sq. Ft.±

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE FOR UNDER-SIZED LOT

#3662 GALLOWAY RD.

15th Election District
6th Councilmanic District
Baltimore County Maryland
Scale: 1" = 20' - Date: 6-13-03

Owner
Daniel P. & Deborah A. Walsh
15-18-475130
8602/711
1905 Rancos Way
Forest Hill, Md. 21050

Ret. 1B amended plat

03-594-A

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 3 day of ~~August~~ September, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1A04.3.B.1 & 2 and 304 of the B.C.Z.R., to permit side yard setbacks of 10 ft. and 10 ft. and a lot area of 14,051 sq. ft. in lieu of the minimum required 50 ft. and 43,560 sq. ft. (1 acre) respectively and to approve an undersized lot, 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. That the new home be located on the property in accord with Petitioners' Exhibit No.1B;

3. That the Petitioners comply with the Chesapeake Bay Critical Area Regulations as applicable;

4. That no permit for construction of the new home be granted until and unless public sewer is in fact extended to the property and all County requirements for hookup are complied with.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 9/3/03
By R. Jameson

Case Number 03-594-A

PLEASE *PRINT* LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Michele Chojnacki	1005 Dundalk Ave	Balto. Md	21224
NORMA BANKARD	3506 GALLOWAY RD	BALTO. MD	21220
Mark A. Chojnacki	1005 Dundalk Ave	Balto. MD.	21224
DOUGLAS ZINN	7 WOODSYDE PL. OWINGS MILLS, MD.	OWINGS MILLS	21117

Revised 4/17/00