

IN RE: PETITION FOR VARIANCE
W/S Galloway Road, 265' N
centerline of Cold Spring Road
15th Election District
6th Councilmanic District
(3508 Galloway Road)

Delores A. & Lonnie C. Gebhardt
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-044-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, Delores A. and Lonnie C. Gebhardt. The Petitioners are requesting variance relief for property located at 3508 Galloway Road in the eastern area of Baltimore County. The variance request is from Sections 1A04.3.B.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), permit a front yard setback of 45 ft. to the street centerline and a lot area of 14,425 sq. ft. in lieu of the minimum required 75 ft. and 43,560 sq. ft. (one acre) respectively and to approve an undersized lot per Section 304.

The property was posted with Notice of Hearing on August 25, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 26, 2003 to notify any interested persons of the scheduled hearing date.

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,

9/16/03
R. J. [Signature]
[Signature]

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 Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: The Office of Planning supports the Petitioner's request provided they submit building elevations (all sides) to the Planning Office as set forth in their ZAC comment dated August 21, 2003, a copy of which is attached hereto and made a part hereof. In addition, the Department of Environmental Protection & Resource Management ZAC comment dated August 28, 2003 states that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of this ZAC comment is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was Lon and Delores Gebhardt, the Petitioners. Mr. Gebhardt apparently is an employee of Baltimore County and has applied to the County Council which has approved his full disclosure of same pursuant to Council Resolution 83-03. There were no Protestants in attendance. Theodore Fratta, Norma Bankard and Martha Griggs attended and testified as neighbors. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of approximately one-third acre and is zoned R.C.5. The subject property is a water front lot improved only by a shed. The Gebhardt's intend to build a home on the property

9/16/03
P. J. Janson

now that public sewer is approaching the Galloway Road area of Bowley's Quarters. The Petitioners propose to build a 58 ft. long x 30 ft. wide home and immediately attached to it a 30 ft. x 30 ft. garage.

Testimony showed this area of Bowley's Quarter's was subdivided in 1921 into 50 foot wide lots of approximately one third acre each. The R.C.5 zoning was applied in 1979 which requires one-acre minimum lot size. Thus, the rub. In addition, the Petitioners successfully requested and had approved a side yard set back variance of 10 in lieu of the required 50 feet in Case No. 91-044 A in 1991. Although the Petitioners' plan accepted as Petitioners' Exhibit No. 1 shows that the proposed home is 150 feet from the waterline as shown on their deed, the Petitioners testified that the shoreline had seriously eroded in past storms and was now only 80 feet from the proposed residence, thus limiting the possibility of moving the home toward the water and eliminating the need for a 45 foot setback from street centerline in lieu of the 75 foot setback from street centerline required by R.C.5 zoning. The Petitioner also testified that he wanted to align the front of his new home with the neighbor's front, again further restricting his options to solve the location problem without a variance. Finally he testified that he need the 30 ft. x 30 ft. garage to store his vehicles and small boat and that any smaller garage would not be practical.

He also testified that there was no land available to purchase on either side of him which again might have eliminated one or more variance requests. This was confirmed by the adjacent property owner, Mr. Fratta, who indicated that he intended to build a similar home soon on his lot and ask for essentially the same variances. Finally, the Petitioners submitted Exhibit No. 2, (not in the file) the County topographical map applicable to this section of the County, which showed multiple other garages much closer to the area roadways.

The neighbors generally supported the Petitions for variance. The only issue raised by Mr. Fratta was a drainage problem that he observed between his property and the Gebhardt property. He proposed, and the Petitioners agreed, to work toward a common drain or swale along the common boundary to serve both lots. However, this agreement is not a proper subject for a zoning variance and I will not impose such.

Findings of fact and conclusions of law

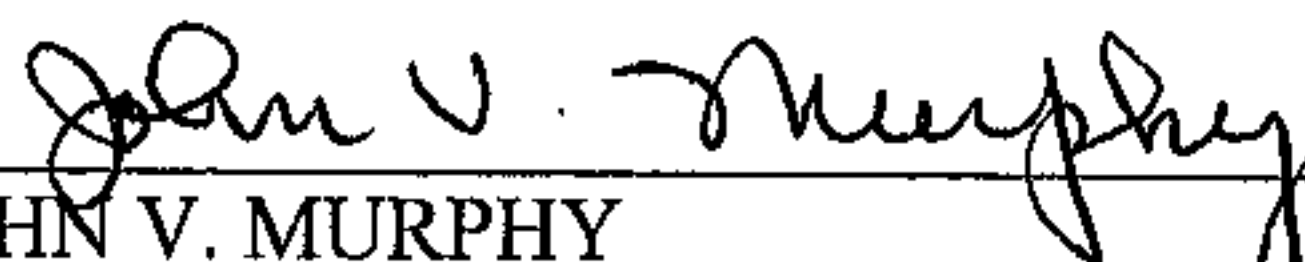
I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no increase in residential density beyond that otherwise allowable by the Zoning Regulations. Furthermore, I find that such variances can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. However, the Petitioners must fully comply with the Chesapeake Bay Critical Bay Area legislation and the Petitioners must submit building elevations to the Office of Planning for approval prior to obtaining a building permit. Finally, the Petitioners must have public water and sewerage actually available at the lot in order to apply for a building permit.

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 16 day of September, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1A04.3.B.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), permit a front yard setback of 45 ft. to the street centerline and a lot area of 14,425 sq. ft. in lieu of the minimum required 75 ft. and

43,560 sq. ft. (one acre) respectively and to approve an undersized lot per Section 304, be and they are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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 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. Compliance with the recommendations made by the Office of Planning in their ZAC comment dated August 21, 2003, a copy of which is attached hereto and made a part hereof;
3. Compliance with the recommendations made by DEPRM in their ZAC comment dated August 28, 2003, a copy of which is attached hereto and made a part hereof;
4. Public water and sewer shall actually be available to the site prior to application for building permit.
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.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

9/16/03


Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

September 16, 2003

Mr. & Mrs. Lonnie C. Gebhardt
8211 Philadelphia Road
Baltimore, Maryland 21237

Re: Petition for Variance
Case No. 04-044-A
Property: 3508 Galloway Road

Dear Mr. & Mrs. Gebhardt:

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,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Theodore Fratta
3510 Galloway Road
Baltimore, MD 21220

Norma Bankard
3506 Galloway Road
Baltimore, MD 21220

Martha Griggs
3500 Galloway Road
Baltimore, MD 21220

Visit the County's Website at www.baltimorecountyonline.info





Petition for Variance

to the **Zoning Commissioner of Baltimore County**
for the property located at 3508 GALLOMAN RD
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) 1A04.3B.1 AND 2, 304 (BCZR)

To permit a front yard setback of 45 feet to the street centerline and a lot area of 14,425 square feet in lieu of the minimum required 75 feet and 43,560 square feet (one 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

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Case No. 04-044-A

REV 9/15/98

Legal Owner(s):

LONNIE C GEBHARDT
Name - Type or Print

Lonnie C Gebhardt
Signature

DELONES A GEBHARDT
Name - Type or Print

Delones A Gebhardt
Signature

8211 PHILADELPHIA RD 410
Address Telephone No.

BALTO MD 21237
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D. THOMPSON Date 7/28/03

Zoning Description for **3508 Galloway Road**

Beginning at a point on the west side of Galloway Road, which is 30-feet wide at a distance of 265-feet north of centerline of nearest improved intersecting street, Cold Spring Road which is 30 feet wide. Being lot #59, Plat 1 in the subdivision of Bowley's Quarters, recorded in Baltimore County Plat Book 7, Folio 12, containing 14, 425 square feet or .331 acres. Also known as 3508 Galloway Road located in the 15th Election District and 6th Councilmanic District.

04-044-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 27408

DATE 7/28/03 ACCOUNT 0010066150
AMOUNT \$ 65.00

RECEIVED FROM: LONNIE GERHARDT

FOR: VARIANCE 04-044-A

3508 GALLOWAY RD. BY D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/30/2003	7/29/2003	15:29:24	5
REG 4605	WALKIN	HEL NWH	
>> RECEIPT #	317450	7/29/2003	OFLN
Dept	5	520 ZONING VERIFICATION	
CR NO.	027408		
Recpt Tot	\$65.00		
65.00	CK	.00	CA
Baltimore County, Maryland			

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: #04-044-A
3508 Galloway Road
W/side of Galloway Road, 265 feet north of centerline of Cold Spring Road
15th Election District - 6th Councilmanic District
Legal Owner(s): Lonnie and Delores Gebhart

Variance: to permit a front yard setback of 45 feet to the street centerline and a lot area of 14,425 square feet in lieu of the minimum required 75 feet and 43,560 square feet (one acre) respectively. To approve an undersized lot and any other variances deemed necessary by the zoning commissioner.

Hearing: Thursday, September 11, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/8/793 Aug. 26

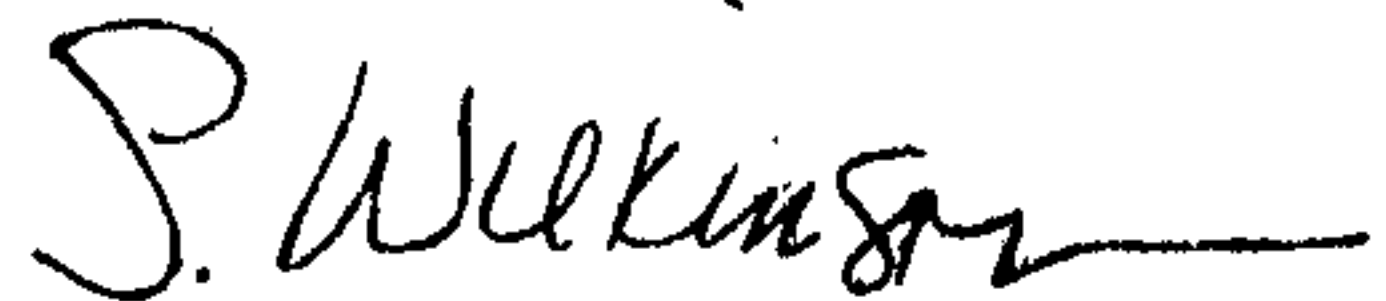
C623168

CERTIFICATE OF PUBLICATION

8/28/, 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 8/26/, 2003.

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



LEGAL ADVERTISING

Certificate Of Posting

RE: Case NO.: 04-044-A

Petitioner/Developer: LONNIE
DELORES GERHART

Date of Hearing/Closing: 9/11/03

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

Attention:

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
at 3508 GALLOWAY ROAD

This sign(s) were posted on 8/25/03
(Month, Day, Year)

Sincerely,

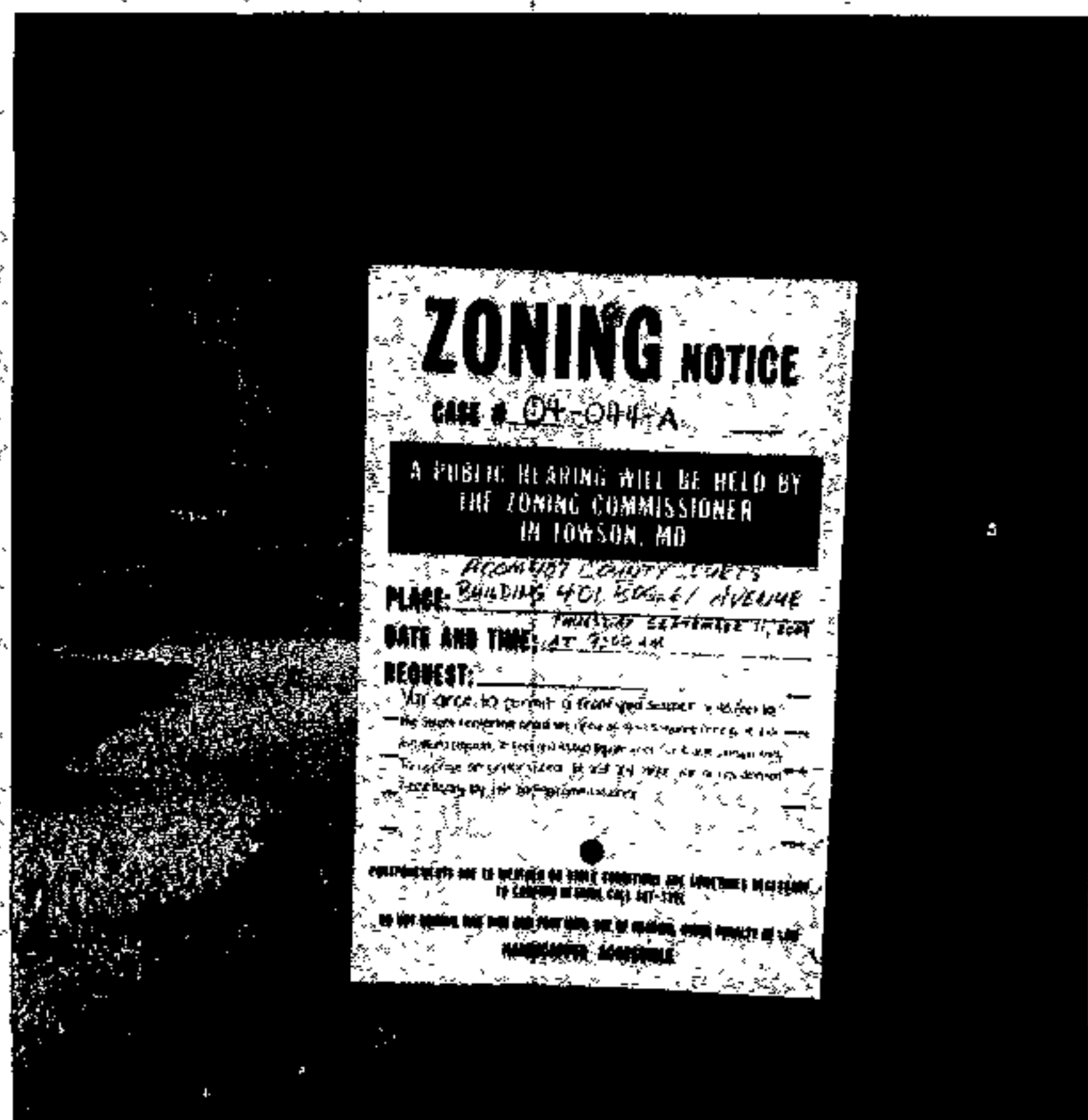
Martin Dgle 8/25/03
(Signature of Sign Poster and Date)

MARTIN DGLE
(Printed Name)

5016 CASTLESTONE DR
(Address)

BALTO. MD 21237
(City, State, Zip Code)

410-933-9470
(Telephone Number)



8/25/03
Martin Dgle



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

August 20, 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: 04-044-A

3508 Galloway Road

W/side of Galloway Road, 265 feet north of centerline of Cold Spring Road

15th Election District – 6th Councilmanic District

Legal Owner: Lonnie and Delores Gebhart

Variance to permit a front yard setback of 45 feet to the street centerline and a lot area of 14, 425 square feet in lieu of the minimum required 75 feet and 43, 560 square feet (one acre) respectively. To approve an undersized lot and any other variances deemed necessary by the zoning commissioner.

Hearings: Thursday, September 11, 2003, at 9:00 a.m., in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Lonnie and Delores Gebhart, 8211 Philadelphia Road, Baltimore 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 27, 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, August 26, 2003 Issue - Jeffersonian

Please forward billing to:

Mr. and Mrs. Lonnie Gebhart
8211 Philadelphia Road
Baltimore, MD 21237

410-866-5753

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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: 04-044-A

3508 Galloway Road

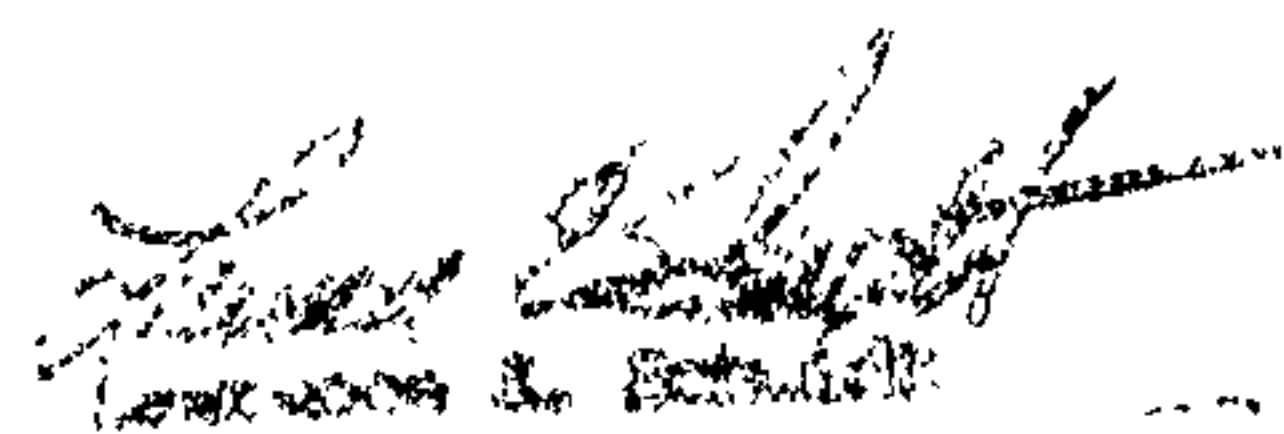
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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Baltimore County
Department of Permits and
Development Management

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

August 11, 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:

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Hearings: Friday, September 26, 2003, at 9:00 a.m., in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Lonnie and Delores Gebhart, 8211 Philadelphia Road, Baltimore 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 11, 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.

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



TO: PATUXENT PUBLISHING COMPANY
Thursday, September 11, 2003 Issue - Jeffersonian

Please forward billing to:

Mr. and Mrs. Lonnie Gebhart
8211 Philadelphia Road
Baltimore, MD 21237

410-866-5753

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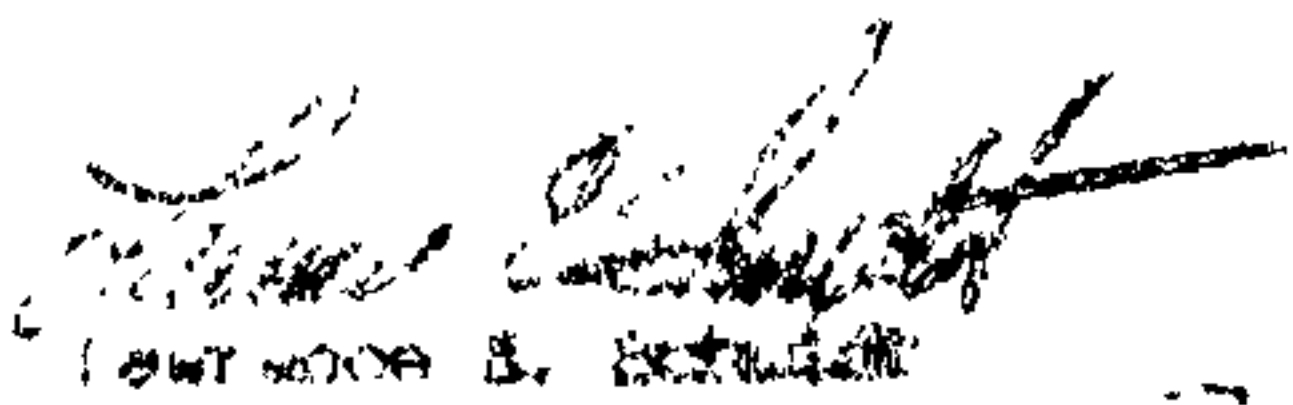
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LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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- (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: 04-044-A

Petitioner: GEBHARDT

Address or Location: 3508 GALLOWAY RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS. LONNIE C. GEBHARDT

Address: 8211 PHILADELPHIA RD.

BALTO. MD 21237

Telephone Number: 410-866-5753



Baltimore County
Department of Permits and
Development Management

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

September 5, 2003

Lonnie Gebhart
Delores Gebhart
8211 Philadelphia Road
Baltimore, MD 21237

Dear Mr. and Mrs. Gebhart:

RE: Case Number: 04-044-A, 3508 Galloway Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 28, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



Printed with Soybean Ink
on Recycled Paper



**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

August 6, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: August 4, 2003

Item No.: 034, 036-045 (044)

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, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8.5.03

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

RE: Baltimore County
Item No. 044 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,

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 Phone 410.545.0300 · www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RB Seeley*

DATE: August 28, 2003

SUBJECT: Zoning Item 44
Address 3508 Galloway Road (Gebhardt Property)

Zoning Advisory Committee Meeting of August 4, 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:
- _____ 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).

Additional Comments:

Reviewer: Keith Kelly

Date: August 28, 2003

9/16/03
R. Johnson

Jack
9/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 21, 2003

RECEIVED

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

AUG 22 2003

SUBJECT: 3508 Galloway Road

ZONING COMMISSIONER

INFORMATION:

Item Number: 04-044

Petitioner: Delores A. Gerhardt

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided building elevations (all sides) are submitted to this office for review and approval prior to the issuance of any building permits.

Prepared by: Mark A. Campbell

Section Chief: Super Lashan

AFK/LL:MAC:

9/16/03
P. Emerson

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 25, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For August 11, 2003
Item No. 044

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 flood plain elevation in all construction.

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 B.O.C.A. Inter. Building Code adopted by the county.

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE * BEFORE THE
3508 Galloway Rd; W/side Galloway Rd, *
265' N c/line of Cold Spring Rd * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Lonnie & Delores Gebhardt* FOR
Petitioner(s) * BALTIMORE COUNTY
* 04-044-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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 2003, a copy of the foregoing Entry of Appearance was mailed to, Lonnie & Delores Gebhardt, 8211 Philadelphia Road, Baltimore, MD 21237, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

AUG 08 2003

Per.....



County Council
of
Baltimore County

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

S.G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Kenneth N. Oliver
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

September 3, 2003

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

Dear Mr. Schmidt:

Attached please find a copy of Resolution 83-03 concerning the public disclosure of Lonnie C. Gebhardt, an employee of the Baltimore County Department of Public Works.

This Resolution was approved by the County Council at its September 2, 2003 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

cc: Lonnie Gebhardt

RECEIVED

SEP - 8 2003

ZONING COMMISSIONER

gm
9/11
04-6447

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2003, Legislative Day No. 16

Resolution No. 83-03

Mr. John Olszewski, Sr., Councilman

By the County Council, September 2, 2003

A RESOLUTION concerning the public disclosure of Lonnie C. Gebhardt, an employee of the Baltimore County Department of Public Works.

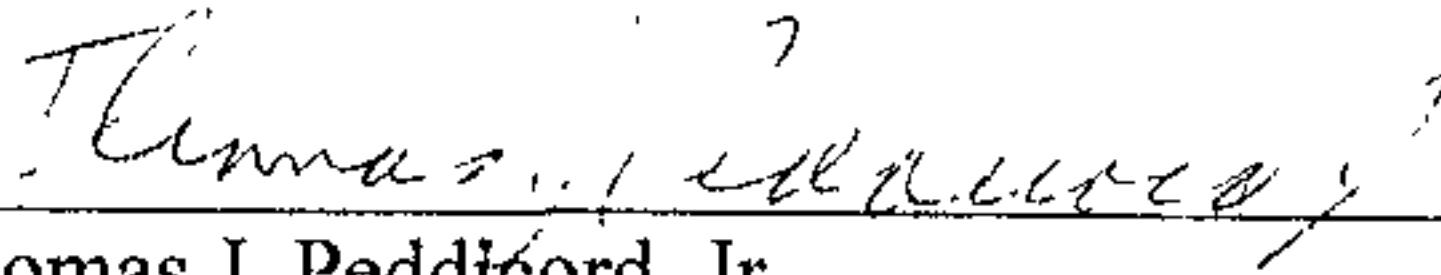
WHEREAS, Lonnie C. Gebhardt, an employee of Baltimore County, has applied for a setback variance to build a structure at 3508 Galloway Road, Baltimore, Maryland 21220; and

WHEREAS, this Resolution is intended to provide full disclosure under Section 26-3(e) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the application filed by Lonnie C. Gebhardt, does not contravene the public welfare and is hereby authorized.

READ AND PASSED this **2nd** day of **September**, 2003.

BY ORDER



Thomas J. Peddicord, Jr.
Secretary

ITEM: **RESOLUTION 83-03**

CASE NAME 3508 Galloway RD.
CASE NUMBER 04-044-A
DATE 9/11/03

[illegible]

CASE NAME 3508 Galloway Rd
CASE NUMBER 04-044-A
DATE 9/11/03

[illegible]

IN RE: PETITION FOR ZONING VARIANCE
W/S Galloway Road, 265' N of
the c/l of Cold Spring Road
(3508 Galloway Road)
15th Election District
5th Councilmanic District
Roland E. Hess
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE
* Case No. 91-406-A

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance for side yard setbacks of 10 feet each in lieu of the required 50 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner, by Lonnie C. Gebhardt, Contract Purchaser, appeared and testified. Appearing as an interested party was Theodore Fratta. There were no Protestants.

Testimony indicated that the subject property, known as 3508 Galloway Road, consists of 14,425 sq.ft. zoned R.C. 5 and is presently vacant. Said property is located within the Chesapeake Bay Critical Areas on Galloway Creek. Testimony indicated Petitioner has entered into a contract to sell the subject property to Lonnie Gebhardt who is desirous of constructing a single family dwelling thereon. Mr. Gebhardt testified the property is also known as Lot 59 of Bowleys Quarters, a subdivision developed in the early 1920's in which the majority of the lots are 50 feet wide. He testified that should the requested relief be denied, he will be unable to construct the proposed dwelling and will suffer an undue hardship and practical difficulty. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

ORDER RECEIVED FOR FILING

ate

By

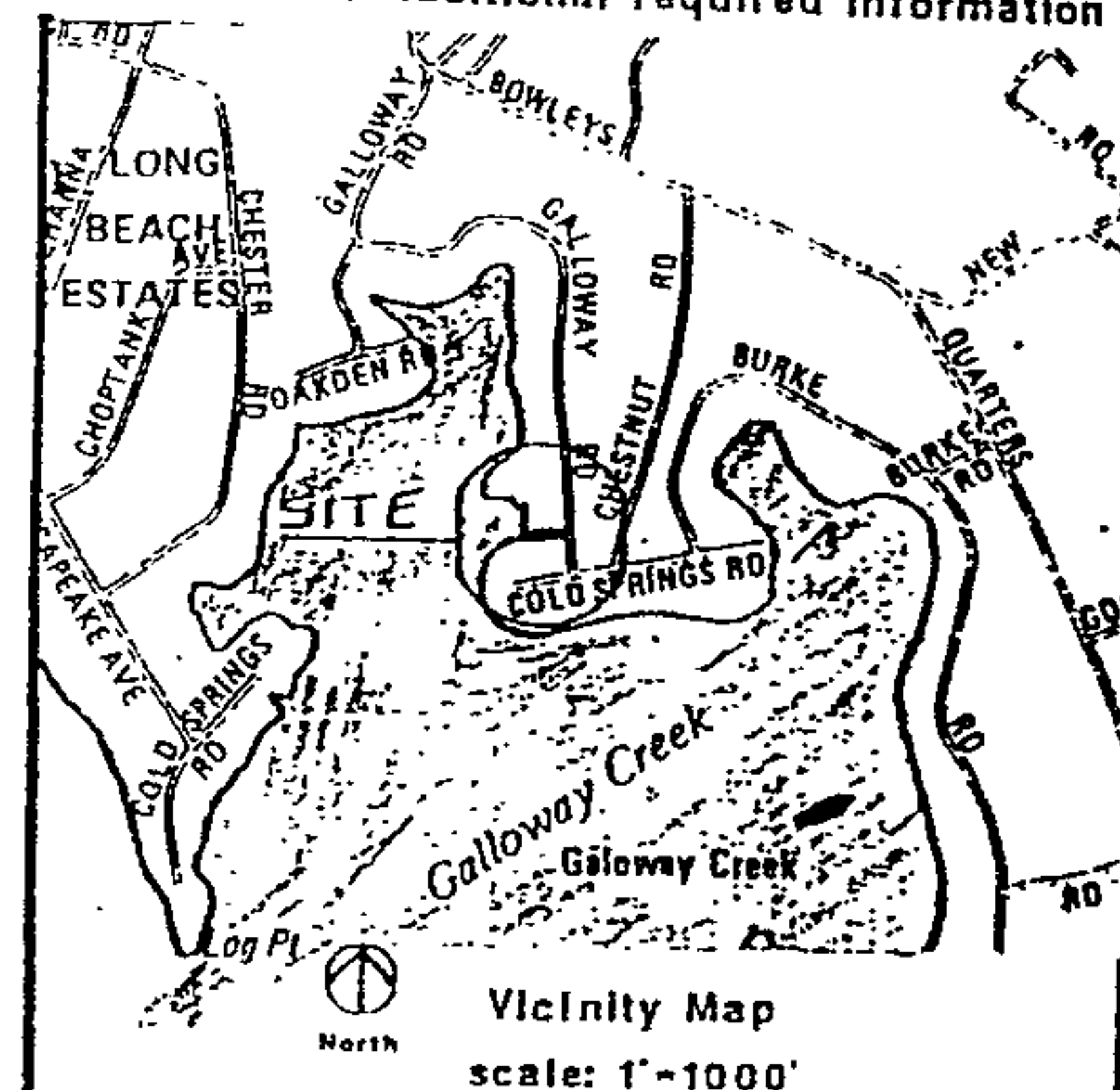
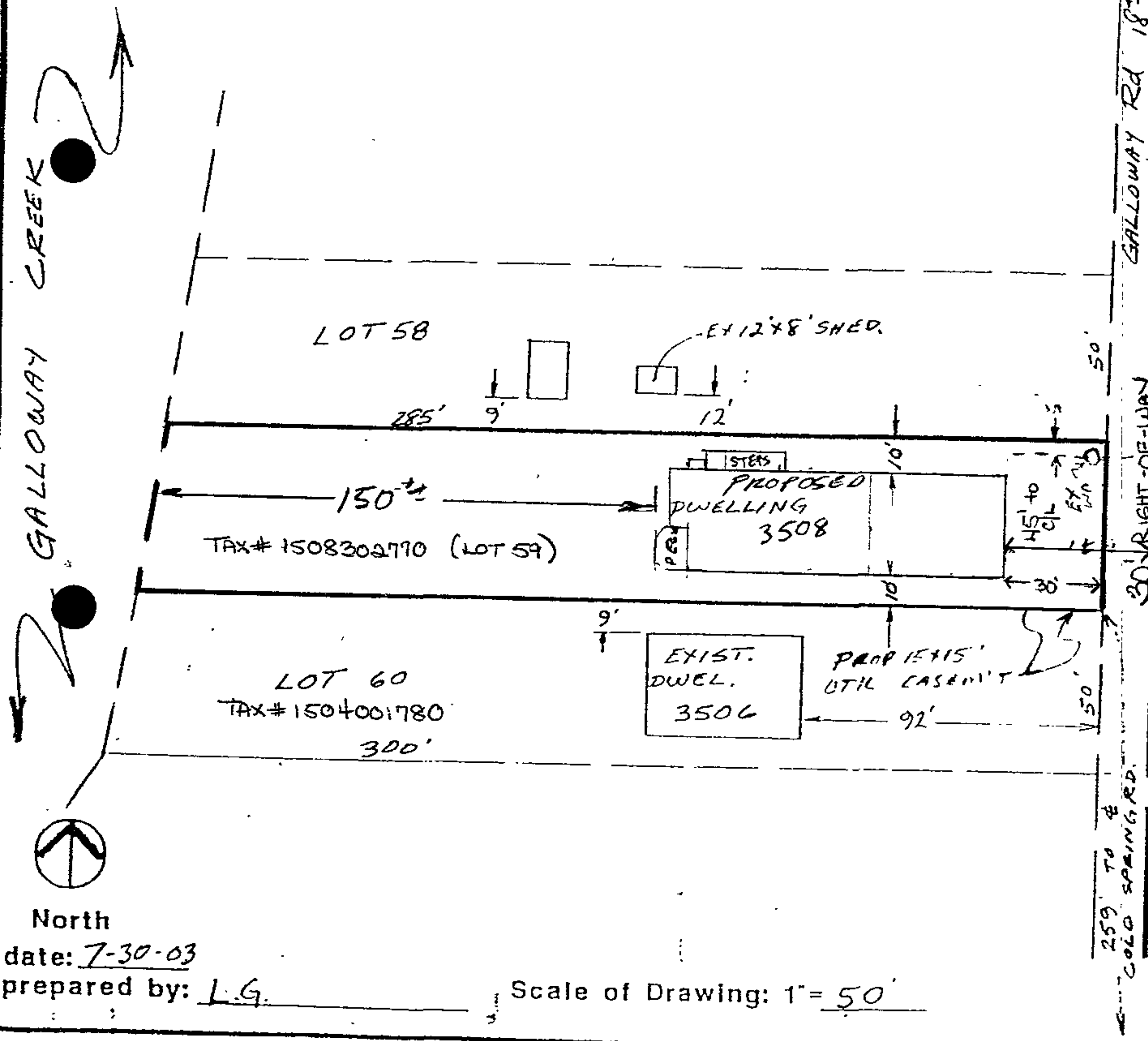
PROPERTY ADDRESS: 3508 GALLOWAY RD.

Subdivision name: BOWLEYS QTRs.

plat book# 7, folio# 12, lot# 59, section#
PLAT#1

OWNER: LONNIE C + DELORES A GEHARDT

see pages 5 & 6 of the CHECKLIST for additional required information



LOCATION INFORMATION

Councilmanic District: 6

Election District: 15

1"-200' scale map#: NE 2K

Zoning: RC.5

Lot size: .33 acreage 14425 square feet

SEWER: ☐ public ☐ private

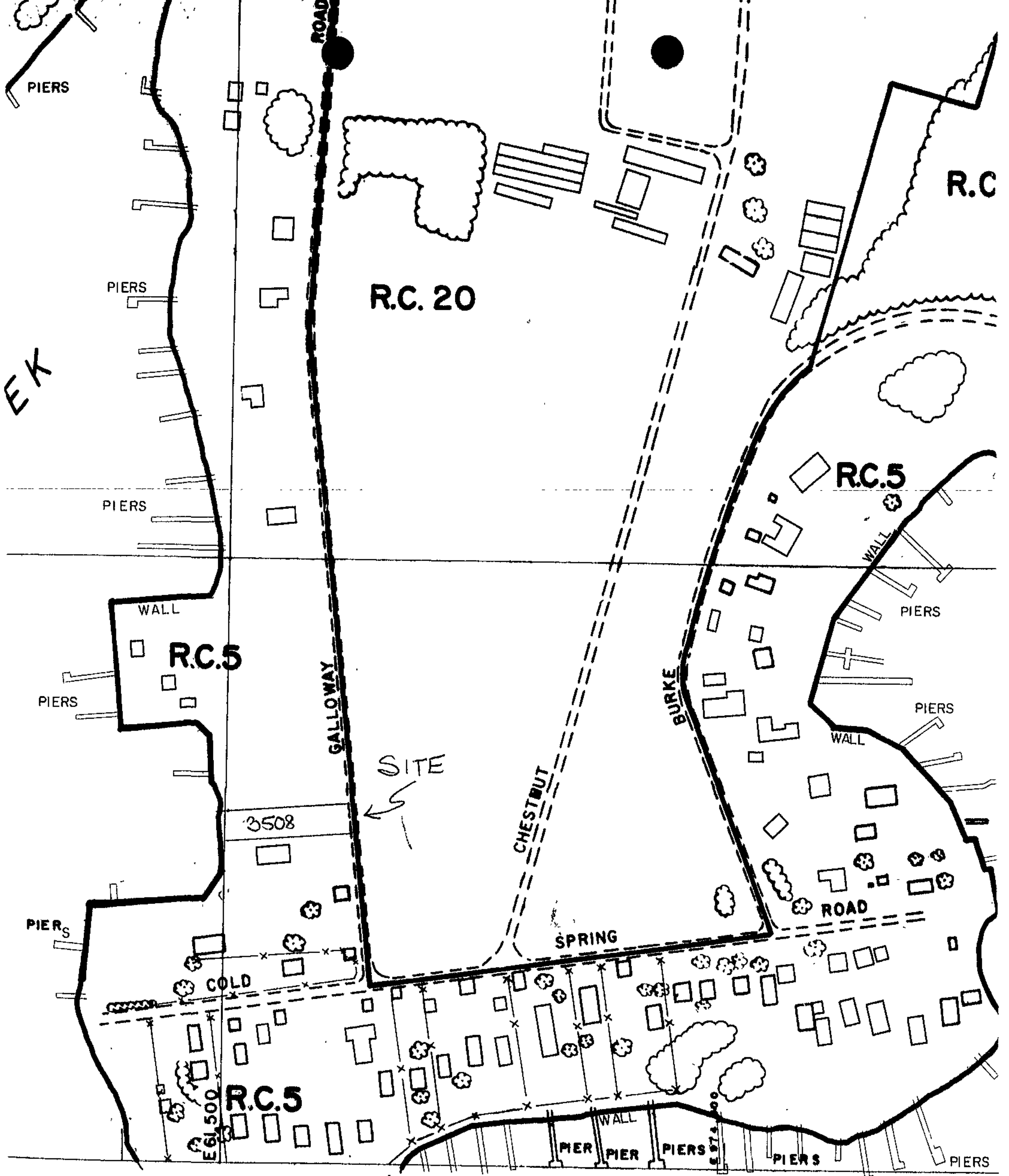
WATER: ☒ ☐

Chesapeake Bay Critical Area: ☒ ☐

Prior Zoning Hearings: NONE
SIDE LINE SETBACK
91-406A.

reviewed by: ITEM #: CASE#:

D. Thompson 044 0-044-A



NE 2 K

SCALE
1" = 200' ±

DATE

LOCATION
BOWLEYS
QUARTERS

SI