IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Galloway Road, 655 ft. N
centerline of Cold Spring Road
15th Election District
6th Councilmanic District
(3522 Galloway Road)

Dorothy and Albert Rode

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-180-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Dorothy and Albert Rode. The variance request is for property located at 3522 Galloway Road in the eastern area of Baltimore County. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling with side yard setbacks of 10 ft. on each side in lieu of the required 50 ft. respectively, and to permit a front yard setback of 65 ft. from the centerline of the street in lieu of the required 75 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated October 27, 2003, a copy of which is attached hereto and made a part hereof.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>5</u> day of November, 2003, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling with side yard setbacks of 10 ft. on each side in lieu of the required 50 ft. respectively, and to permit a front yard setback of 65 ft. from the centerline of the street in lieu of the required 75 ft., 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 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 Zoning Advisory Committee (ZAC) comments submitted by DEPRM dated October 27, 2003, a copy of which is attached hereto and made a part hereof.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



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

November 5, 2003

Mr. & Mrs. Albert Rode 3522 Galloway Road Baltimore, Maryland 21220

Re: Petition for Administrative Variance

Case No. 04-180-A

Property: 3522 Galloway Road

Dear Mr. & Mrs. Rode:

Enclosed please find the decision rendered in the above-captioned case. The administrative 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 & 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 V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

	for the property located at	3522 GALLO	WAY RD.	. 1.
		s presently zoned _	· · · · · · · · · · · · · · · · · · ·	
lition shall be filed with t	the Development of Development Succession	••••••••••••••••••••••••••••••••••••••		

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) / AO4.3.8.2 BCZR

To permit a new divelling with a side yard setbacks of 10' on each side in lieu of the required 50', respectively. And to parmit a front yard satback of 65' from the center line of the street in lieu of the required 75'.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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.

•	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print Signature	Name - Type or Print Albut & Rudeshi Signature
Address Telephone No.	Name - Type pr Print Roals
Attorney For Petitioner: Agent Son 9914 Maidbrook Rd. 21234 Name - Type or Print	Signature 3522 GALLOWAY RD. 410-581-0500 Address BALTIMORE MD 21220
Signature	City State Zip Code Representative to be Contacted: Name
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
regulations of Baltimore County and that the property be reposted.	e required, it is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County
	viewed By MCE/JEF Date 10-9-03
REV 10/25/01 Es	timated Posting Date /0 ~ / Ø ~ @ 3

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

BALTIMORE MD 21220	That the Affiant(s) does/do presently reside at	3522 GALLON Address	VAY RD.	<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting an advertising fee and may be required to provide additional information. ALBERT RODE Name-Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this Clark day or County aforesaid, personally appeared March Lode: 2 March Clark State Lode: State March Lode: 2 March Clark State March Lode: 3 March Clark March Lode: 3 March Clar		BALTIMORE		之(ユュウ Zip Code
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I HEREBY CERTIFY, this day of <u>Jobottal</u> , <u>3003</u> , before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared	AUBERT RODE	<i>\mathcal{k}</i>	V POTHY ROD	
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AS WITNESS my hand and Notarial Seal				
G. Page, Notary Public	G. Page, Notary Publi	lc		
Baltimore County State of Maryland My Commission Expires Jan. 1, 2004 My Commission Expires Jan. 1, 2004 My Commission Expires	State of Maryland MARYLAND MARYLAND My Commission Expires Jan.	. 1, 2004		

REV 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	3522 GALLOWAY RD. Address				
	City	MD State	2(22O Zip Code		
That based upon personal knowledge, the following at the above address (indicate hards) We would be he Our existing home	lowing are the facts upon which hip or practical difficulty): meless without he re	ich I/we base the rest	able to rebuil		
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is filed, Affia additional information.	ent(s) will be requir	red to pay a reposting and		
Signature Signature	Signature	Lowthy &	Noole		
ALBERT RODE		COTHY ROD	<u>e</u>		
Name - Type or Print	Name - Type	or Minit			
STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:				
I HEREBY CERTIFY, this Que day of of Maryland, in and for the County aforesaid, p	ersonally appeared	<u>DD</u> , before me,	a Notary Public of the State		
the Affiant(s) herein, personally known or satis	Tactorily identified to me as si	ich Affiant/s\			
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REV 10/25/01



CASE NO. 04-180-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	<u>3522</u>	GALL	OWAY	RD.
			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) / AOH. 3, B, 2 BCZR

To permit a new divelling with a side yard setbacks of 10' on each side in lieu of the required 50', respectively. And to permit a front yard setback of 45' from the center line of the street in lieu of the required 75'.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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: Legal Owner(s): ALBERT RODE Name - Type or Print Name - Type or Print Signature Signature RODE DOROTHY Address Telephone No. Name - Type or Print Attorney For Petitioner: Agent 50N City State Zip Code Signature 3522 GALLOWAY RD. 410-581-0500 Address Telephone No BALTIMORE MD 21320 Name - Type or Print State Zip Code Representative to be Contacted: Signature Company Name Address Telephone No. Address Telephone No. City State Zip Code City State Zip Code A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Reviewed By WCR/JRF Date 10-9-03

Estimated Posting Date __ /ウー/ ツー03

EXAMPLE 3 -- Zaning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 3522 GALLOWAY RD. (address)
Beginning at a point on the WEST side of (north, south, east or west)
mame of street on which property fronts) which is 30 (number of feet of right-of-way width)
wide at the distance of 655' NORTH of the (number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street <u>COLD おれいら 良り</u> (name of street)
which is
Block,Section # in the subdivision of <u></u> BOWLEYS QUARTERS (name of subdivision)
as recorded in Baltimore County Plat Book # 7 , Folio # 12 ,
containing 17.485 Ø. Also known as 3522 GALLOWAY たり. (square feet or acres) (property address)
and located in the 1574 Election District, 6 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ___, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING

		(Date:	10/15/03
RE:	Case Number <u>04-18</u> Petitioner: Date of Hearing:			
were				ecessary sign(s) required by law 22 GALLOWAY RO.
	The sign(s) were posted on	10/15/		Day, Year)
			9	(Signature of Sign Poster)
	FORGOT ATTACH PHOTOGRAPH OF		(Pi	Gary Freund rinted Name of Sign Poster)
	SIGN POSTED ON PROPERTY HERE	-		alto. Co. Code Enforcement treet Address of Sign Poster)
		<u></u>		wson, MD 21204 ity, State, Zip Code of Sign Poster)

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.

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Numbe	r -93 -	180	-A	Address	3522	GALLOWAY	RD.
Conta	act Pers	on:		プロペ Please Print Your N	Jame		Phone Numbe	er 410-887-3391
Filing	g Date:	10-	<u> </u>			10-19-	<u>03</u> Closing [Date: <u>//-3-03</u>
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2.	a ionn	al let	luest for a pr	uolic nearing.	Please	understar	ant or owner within ad that even if the the	1.000 feet to file ere is no formal
3	order ((lypical	hat the	ne matter be nin 7 to 10 da	set in for a vs of the clos	requeste public he ing date)	d relief; (bearing Yearing whe	d by the zoning of deny the request ou will receive with the petition had be first Cla	sted relief; or (c) ritten notification
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Case	Number	<i>0</i> 4	180 -A	Addres	SS 352 :	2 GALL	OWAY RD	
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the	stre	et .	in lieu of	the requ	ired 7	15!		
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Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 3, 2003

Albert Rode Dorothy Rode 3522 Galloway Road Baltimore, MD 21220

Dear Mr. and Mrs. Rode:

RE: Case Number: 04-180-A, 3522 Galloway Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 9, 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. Callibal)

WCR:klm

Enclosures

c: People's Counsel Agent Son, 9914 Maidbrook Road, Baltimore 21234



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



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 October 22, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 20, 2003

Item No.:

170-175, 177-181

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: 107.21-63

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

Item No. 180 JRF

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

DATE: October 27, 2003

TO:

Tim Kotroco

FROM:

R. Bruce Seeley 285 km

DATE:

October 27, 2003

SUBJECT:

Zoning Item 04-180

Address 3522 Galloway Road (Rode Property)

Zoning Advisory Committee Meeting of October 20, 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 request

an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

___X__The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

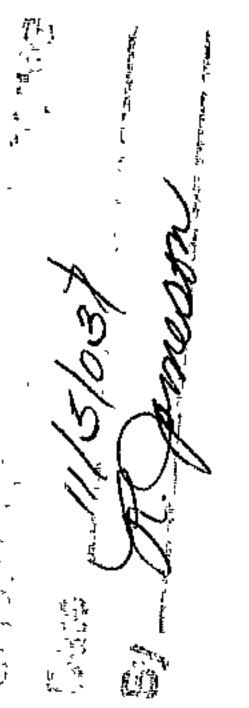
Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

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 Kelley

Date: 10/27/03



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case 04-179, 04-180, and 04-193

Administrative Variance

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.

RECEIVED

DATE: November 3, 2003

NOV - 4 2003

Section Chief:

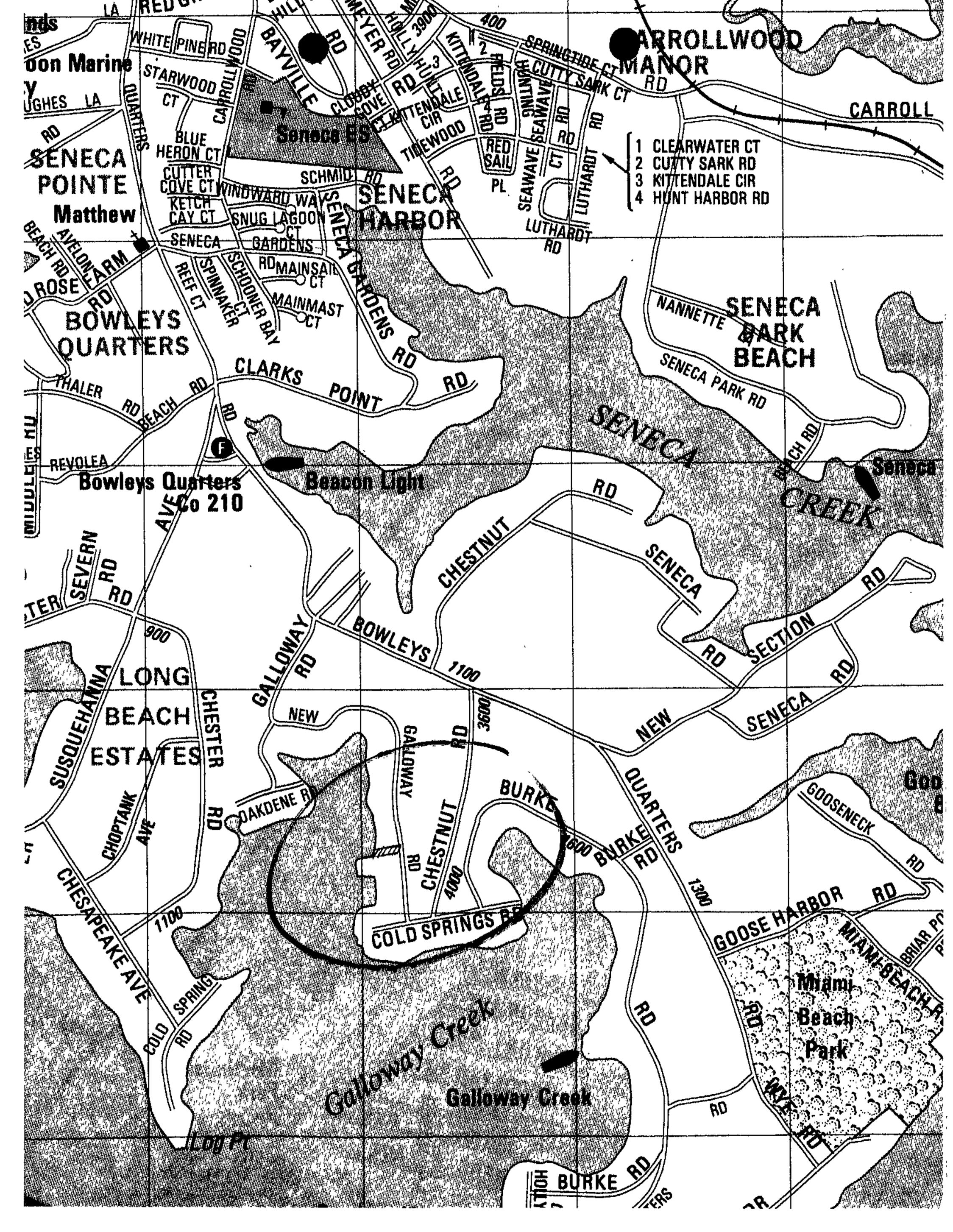
AFK/LL

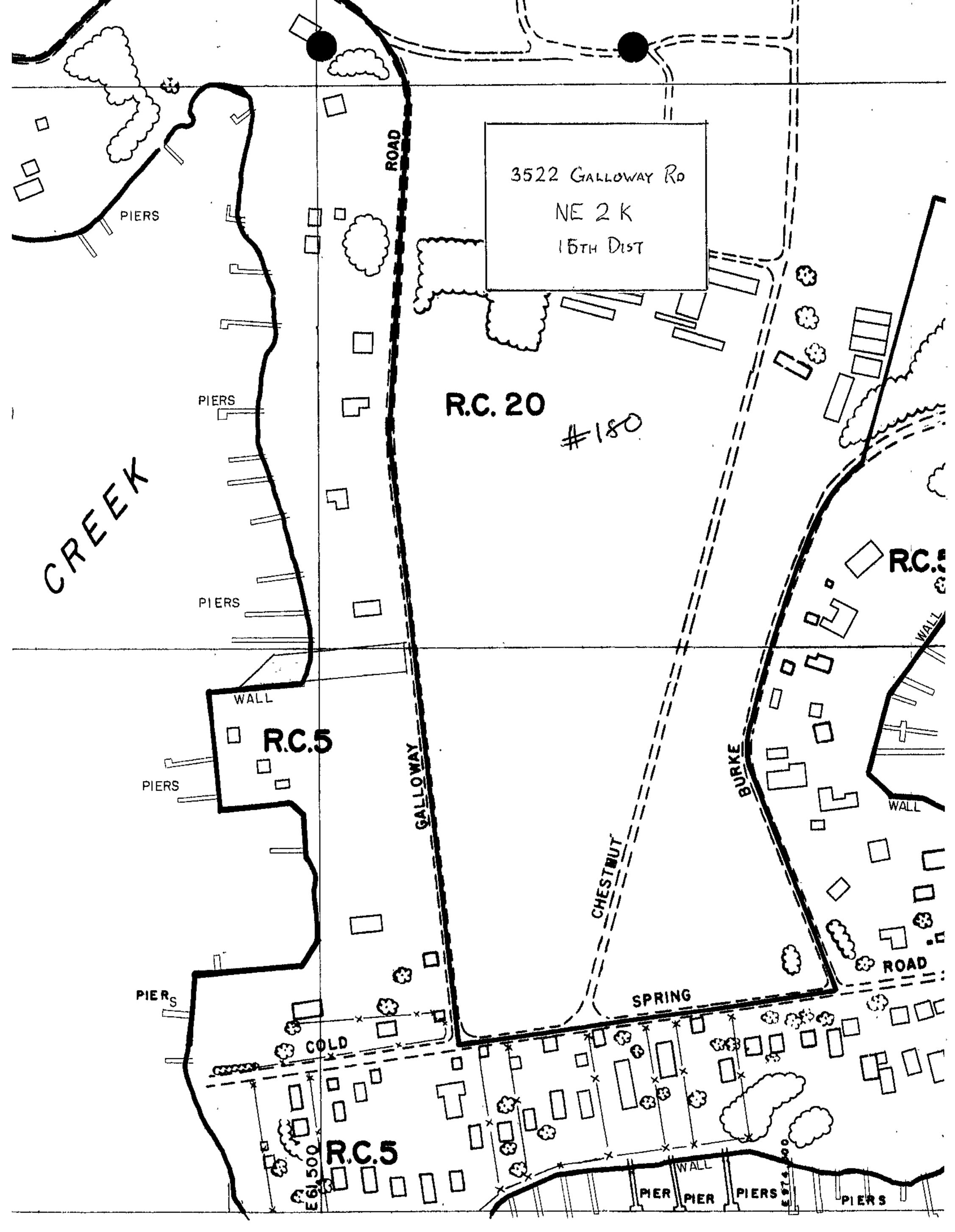
ZONING COMMISSIONER

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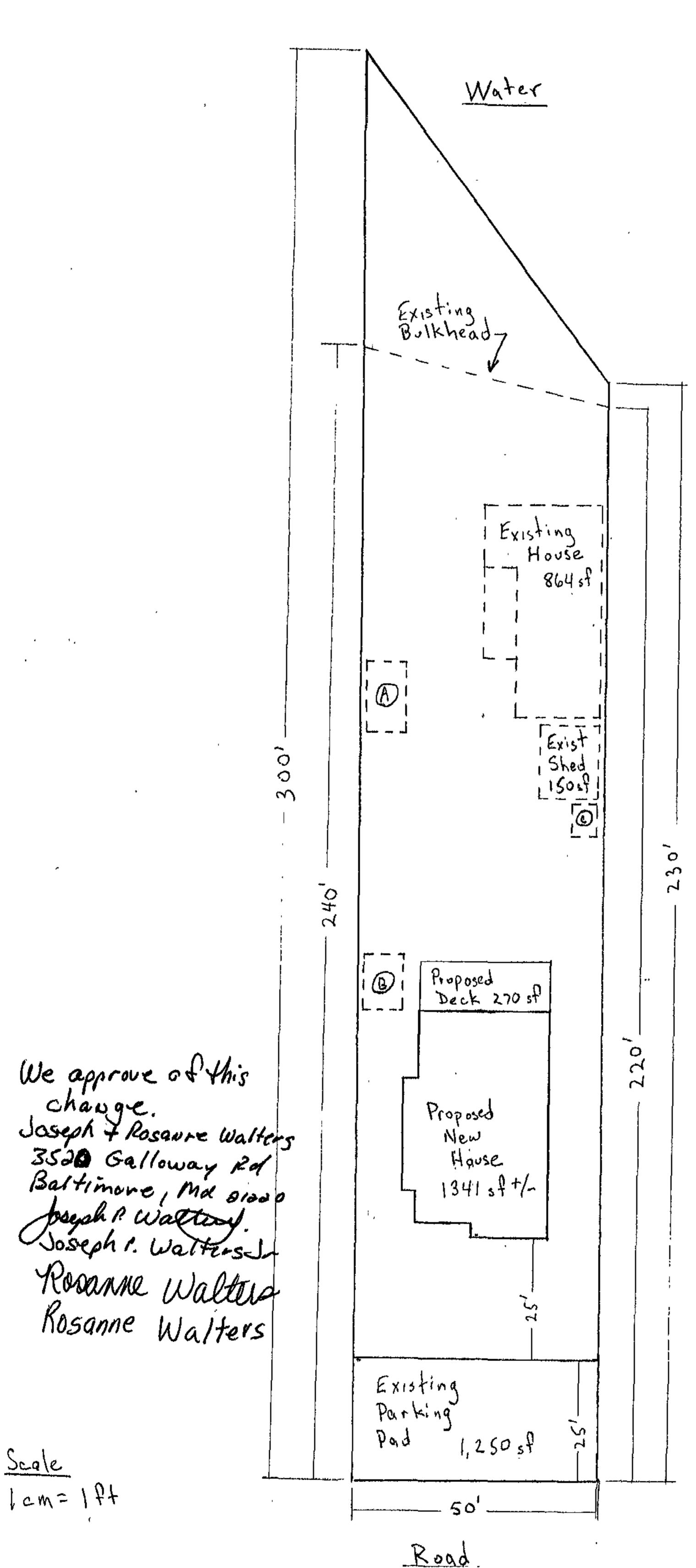
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180





-15-



All existing structures

to be removed

Thouse 864

Shed 150

Shed 112

Shed 79

Shed 24

1 Deck

Proposed New Structures
House 1.341
Deck 270
1.611

Millian B. Clans Change William B. Clangs William B. Clangs LAURIE A. FYTE 3526 Galloway R.d.

THEM # 180

Lot size = 12,000 sft/
apr. 410-581-0500

Oct 2,2003

Albert E. Rode

Dorothy L. Rode

Dorothy L. Rode.

3522 Galloway Rd

List SI Onters Plat Na 1