

IN RE: PETITION FOR VARIANCE
W/S of (New) Galloway Road, 815 ft. +/- NE
from centerline of Cold Spring Road
15th Election District
6th Councilmanic District
(3530 Galloway Road)

Mabel C. & Peter A. Garey
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-298-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, Mabel C. and Peter A. Garey. The Petitioners are requesting variance relief for property located at 3530 Galloway Road in the Bowleys Quarters area of Baltimore County. Variance relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

1. from Section 1A04.3B (2) to allow setbacks of 27 ft. and 36 ft. and 39 ft. in lieu of the require 50 ft.;
2. from Section 1A04.3B (2) to allow a setback from the centerline of the street of 48 ft. in lieu of the required 75 ft.;
3. from Section 1A04.3B (1) to permit an undersized lot in a RC-5 zone of less than one acre; and
4. from Section 301.1 to permit an open projection (deck) with setbacks from lot line of 25 ft. and 35 ft. in lieu of the required 37.5 ft.

The property was posted with Notice of Hearing on February 14, 2004, 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 February 17, 2004 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

ORDER RECEIVED FOR FILING

Date

3/4/04

By



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 Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated January 20, 2004 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Bureau of Development Plans Review dated February 2, 2004 setting forth several federal and county code requirements the Petitioners must comply with for this project

Interested Persons

Appearing at the hearing on behalf of the variance request was Clyde Hinkle of Bafitis & Associates and Mabel & Peter Garey, Petitioners. Neil Lanzi, Esquire represented the Petitioners. No Protestants or citizens appeared at the hearing. 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 consists of 13,425 sq. ft. and is zoned RC-5. Mr. Lanzi proffered that the subject property is composed of Lots 47 and 48 of the

ORDER RECEIVED FROM HILMA
Date 3/4/04
By M. Spitzer

Bowleys Quarters Plat No. 1 Subdivision which was recorded in the Land Records of Baltimore County in 1921. The property is improved only by a small storage shed which will be removed. Public water and sewer are available in Galloway Road. No land is available on either side of the property which could eliminate the need for these variances or to allow the lots together to meet the lots size required.

The Petitioners would like to build a new home on the property which would straddle the lot line between Lots 47 and 48. Mr. Hinkle indicated that DEPRM and Plans Review comments were satisfied with the proposed structure. This will be a one-story home on pilings to allow for flooding. Only storage and garage will be permitted on the ground floor. See Petitioners' Exhibit No. 7.

However, even with two lots together the property is only 100 feet wide. See Petitioners' Exhibit No. 1. Consequently, the Petitioner cannot possibly meet the 50 ft. setback to side lot lines. Also, as a water front location, the new home must be located away from the water to allow for the critical area buffer requirements, plus 50 ft. from the rear lot line and 75 ft. from the centerline of Galloway Road. Considering these limitations, one finds that there is no room on this lot for a home. Consequently, for a reasonable size home, the proposed home will be only 36 ft. from the rear lot (water side) and 48 ft. from the centerline of Galloway Road. Mr. Lanzi opined that the proposed 34 ft. x 54 ft. home was the minimum that would serve the family needs of the Petitioners and that granting the requested variances would not be detrimental to the neighborhood. Finally, the Petitioner indicated that he spoke to his immediate neighbors and they support his request. See Petitioners' Exhibit Nos. 6A and 6B.

ORDER RECEIVED FOR FILING
Date 3/4/04
By [Signature]

Findings of fact and conclusions of law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lots which are of record from this 1921 subdivision cannot meet the RC 5 regulations which were imposed many years later. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. One could never build a home there. No increase in residential density beyond that otherwise allowable by the Zoning was requested. Furthermore, I find that the variance requested can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

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.

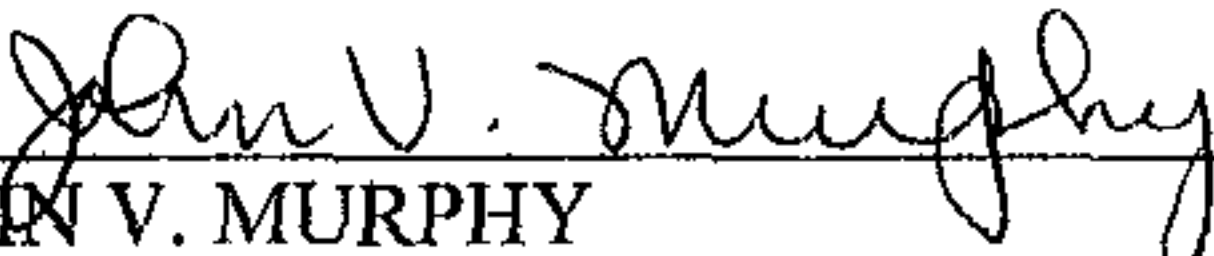
THEREFORE, IT IS ORDERED, this 4 day of March, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

1. from Section 1A04.3B (2) to allow setbacks of 27 ft. and 36 ft. and 39 ft. in lieu of the require 50 ft.;
2. from Section 1A04.3B (2) to allow a setback from the centerline of the street of 48 ft. in lieu of the required 75 ft.;
3. from Section 1A04.3B (1) to permit an undersized lot in a RC-5 zone of less than one acre; and
4. from Section 301.1 to permit an open projection (deck) with setbacks from lot line of 25 ft. and 35 ft. in lieu of the required 37.5 ft.

be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

ORDER RECEIVED FOR FILING
Date 3/14/04
By [Signature]

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 ZAC comments made by DEPRM dated January 20, 2004, a copy of which is attached hereto and made a part hereof.
3. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated February 2, 2004, a copy of which is attached hereto and made a part hereof.
4. 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

ORDER RECEIVED FOR FILING
Date 5/4/04
By M. J. Gannon

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

March 4, 2004

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

Re: Petition for Variance
Case No. 04-298-A
Property: 3530 Galloway Road

Dear Mr. & Mrs. Garey:

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 cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Mr. & Mrs. Peter A. Garey
3637 Millers Station Road
Manchester, MD 21102

Clyde Hinkle
Bafitis & Associates
1249 Engleberth Road
Baltimore, MD 21221

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3530 Galloway Road

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)

- (i) 1A04.3B(2) to allow setbacks of 27' and 36' and 39' in lieu of the required 50'; and
- (ii) 1A04.3B(2) to allow a setback from the centerline of the street of 48' in lieu of the required 75'; and
- (iii) To permit an undersize lot in a RC5 zone of less than an acre per Section 1A04.3B(1); and
- (iv) To permit an open projection (deck) with a setback from lot line of 25' in lieu of the required 37.5' per Section 301.1 BCZR.

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

- 1) Due to the site limitations, practical difficulty results under the BCZR; and
- 2) Such other reasons to be provided at the hearing.

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

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

I/We do solemnly 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:

J. Neil Lanzi

Name - Type or Print _____

Signature *J. Neil Lanzi*

J. Neil Lanzi, P.A.

Company 409 Washington Ave, Ste 617 410-296-0686

Address _____ Telephone No. _____

Towson Maryland 21204

City _____ State _____ Zip Code _____

Legal Owner(s):

Peter A. Garey

Name - Type or Print _____

Signature *Peter A. Garey*

Mabel C. Garey

Name - Type or Print _____

Signature *Mabel C. Garey*

3637 Millers Station Road 410-374-2332

Address _____ Telephone No. _____

Manchester, Maryland 21102

City _____ State _____ Zip Code _____

Representative to be Contacted:

J. Neil Lanzi

Name _____

409 Washington Ave #617 410-296-0686

Address _____ Telephone No. _____

Towson, Maryland 21204

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By 800A Date 12-19-03

ORDER RECEIVED FOR FILING
REV. 9/15/98
DATE 12/19/03
BY [Signature]



Bafitis & Associates, Inc.

**ZONING DESCRIPTION
FOR
No. 3530 (NEW) GALLOWAY ROAD
(LOTS 47 & 48) PLAT OF BOWLEYS QUARTERS
PLAT 1, BOOK 7, FOLIO 12)**

Beginning for the same on the West side of (New) Galloway Road, 30 feet wide, at a distance of 815± Northeasterly from the centerline of Cold Spring Road. Being known as Lots 47 & 48 as shown on Plat 1 of Bowleys Quarters as recorded in Baltimore County Plat Book 7, Folio 12 containing 13,425 S.F. (0.308 Acres). Also known as No. 3530 (New) Galloway Road located in the 15th Election District, 6th Councilmanic District of Baltimore County, Maryland.

From the aforementioned point of beginning, leaving said (New) Galloway Road and running the three following courses and distances:

- 1) N. 87°-22'-00" West 117.00 feet;
- 2) N. 15°-37'-46" West 105.30 feet;
- 3) S. 87°-22'-00" East, 150.00 feet to the Westside of (New) Galloway Road; thence along the Westside of said (New) Galloway Road South 02°-38'-00" West 100.00 feet to the point of beginning.



William N. Bafitis, P.E.
William N. Bafitis, P.E. Md. Reg. No. 11641

11/14/03
Date

04 298 A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25095

DATE 12-19-03 ACCOUNT R 001 006 6130

AMOUNT \$ 130.00

RECEIVED FROM: J. WELL LAZZI

FOR: RES. VAL. & INSURANCE 130.00
3530 COLLEGE RD. #130

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

SDM

PAID RECEIPT

BUSINESS ACTUAL TIME
2722003 12/19/2003 11:40:32

RECEIPT # 312650 12/19/2003

5 523 ZONING VERIFICATION

RECEIPT FOR \$130.00

\$130.00 EA
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: #4-298-A

8530 Galloway Road

W/side of (new) Galloway Road, 815 feet n/east of centerline of Cold Spring Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Peter and Mabel Garey

Variance: to allow setbacks of 27 feet and 36 feet and 39 feet in lieu of the required 50 feet and to allow a setback from the centerline of the street of 48 feet in lieu of the required 75 feet. To permit an undersized lot in a RQ-5 zone of less than an acre. To permit an open projection (deck) with setbacks from a lot line of 25 feet and 35 feet in lieu of the required 37.5 feet.

Hearing: Wednesday, March 3, 2004 at 10:00 a.m. in Room 108, County Office Building, 111 W. Chesapeake 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) 887-4385.

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

JT 2/22/04 Feb. 17

C849978

CERTIFICATE OF PUBLICATION

2/18/2004

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 2/17/2004.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-298-A

Petitioner/Developer: PETER &

MABEL GAREY

Date of Hearing/Closing: MARCH 3, 2004

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

ATTN: Kristen Matthews {(410) 887-3394}

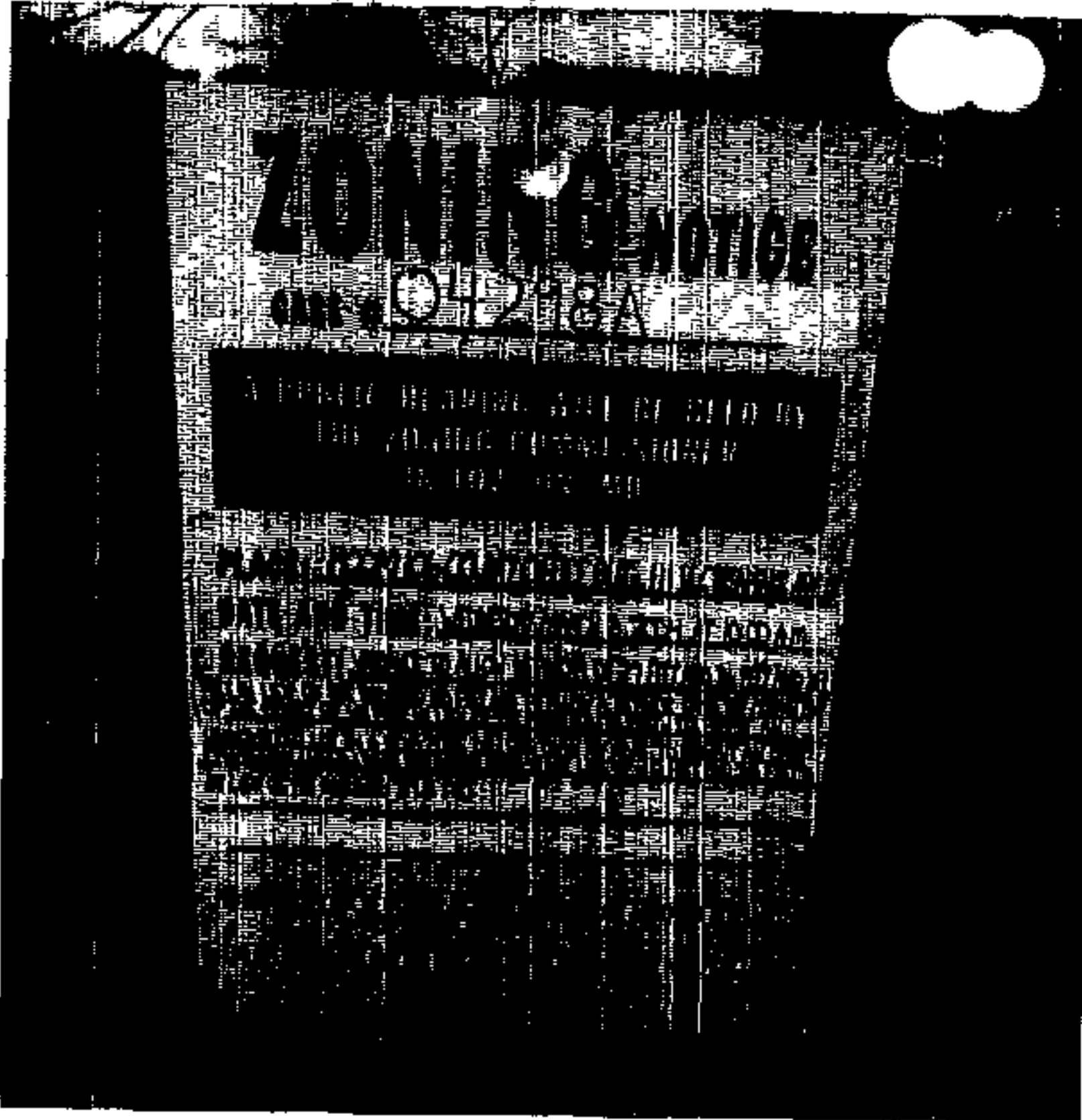
Ladies and Gentlemen:

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: _____

3530 GALLOWAY ROAD

The sign(s) were posted on 2/14/04
(Month, Day, Year)

Sincerely,



Robert Black 2/14/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

January 15, 2004

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: 04-298-A

3530 Galloway Road

W/side of (new) Galloway Road, 815 feet n/east of centerline of Cold Spring Road

15th Election District – 6th Councilmanic District

Legal Owners: Peter and Mabel Garey

Variance to allow setbacks of 27 feet and 36 feet and 39 feet in lieu of the required 50 feet and to allow a setback from the centerline of the street of 48 feet in lieu of the required 75 feet. To permit an undersized lot in a RC-5 zone of less than an acre. To permit an open projection (deck) with setbacks from a lot line of 25 feet and 35 feet in lieu of the required 37.5 feet.

Hearing: Wednesday, March 3, 2004 at 10:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204
Peter and Mabel Garey, 3637 Millers Station Road, Manchester 21102

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 17, 2004.**
- (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.

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 17, 2004 Issue - Jeffersonian

Please forward billing to:

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

410-296-0686

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: 04-298-A

3530 Galloway Road

W/side of (new) Galloway Road, 815 feet n/east of centerline of Cold Spring Road

15th Election District – 6th Councilmanic District

Legal Owners: Peter and Mabel Garey

Variance to allow setbacks of 27 feet and 36 feet and 39 feet in lieu of the required 50 feet and to allow a setback from the centerline of the street of 48 feet in lieu of the required 75 feet. To permit an undersized lot in a RC-5 zone of less than an acre. To permit an open projection (deck) with setbacks from a lot line of 25 feet and 35 feet in lieu of the required 37.5 feet.

Hearing: Wednesday, March 3, 2004 at 10:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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: 04-298-A
Petitioner: Peter A. Garey
Address or Location: 3530 Galloway Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: J Nell Lanzi
Address: 409 Washington Ave suite 617
Towson MD 21204
Telephone Number: (410) 296-0686

Revised 2/20/98 - SCJ

04-298-A



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

February 26, 2004

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

Dear Mr. Lanzi

RE: Case Number:04-298-A, 3530 Galloway Road

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

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel
Peter A. Garey 3637 Millers Station Road Manchester 21102

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: R. Bruce Seeley *RBS*
DATE: January 20, 2004
SUBJECT: Zoning Item # 04-298
Address 3530 Galloway Road
Garey Property

Zoning Advisory Committee Meeting of January 5, 2004

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 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).

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:

A variance to allow building within one hundred feet (100') of the tidal gut was approved by DEPRM on December 30, 2003.

Reviewer: Keith Kelley

Date: January 16, 2004

ORDER RECEIVED FOR FILING

Date

2/14/04

By

R. Bruce Seeley

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 2, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For January 12, 2004
Item No. 298

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

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.

RWB:jrb

cc: File

ZAC-01-12-2004-ITEM NO 298-02022004

ORDER RECEIVED FOR FILMS
Date 2/4/04
By [Signature]



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

January 7, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: January 5, 2004

Item No.: 294-²⁹⁸298

Dear Ms. Hart:

6. 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

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



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

January 5, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: December 29, 2003

Item No.: 280-285, 287-299

6. 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: 1.8.04

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


RE: Baltimore County
Item No. 298 JRA

Dear Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


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

Jan 3/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 7, 2004

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

RECEIVED

JAN 08 2004

SUBJECT: Zoning Advisory Petition(s): Case 04-298

ZONING COMMISSIONER

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: [Signature]

AFK/LL

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 408
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. 04-298-A

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

Residential Processing Fee Paid
(\$50.00)

Accepted by [Signature]
Date 12-19-03

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

J. Neil Lanzi 409 Washington Ave, Ste 617, Towson, MD 21204 410-296-0686
Print Name of Applicant Address Telephone Number

Lot Address 3530 (New) Galloway Rd Election District 15 Councilmanic District 6 Square Feet 13,425

Lot Location: N E S W side corner of (New) Galloway Rd 815 feet from NE S W corner of Cold Spring Rd
(street) (street)

Land Owner: Peter A. Garey & Mabel C. Garey Tax Account Number 15-19-321277

Address: 3637 Millers Station Road Telephone Number (410) 374-2332

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)	X	
2. Permit Application		X
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: RC5

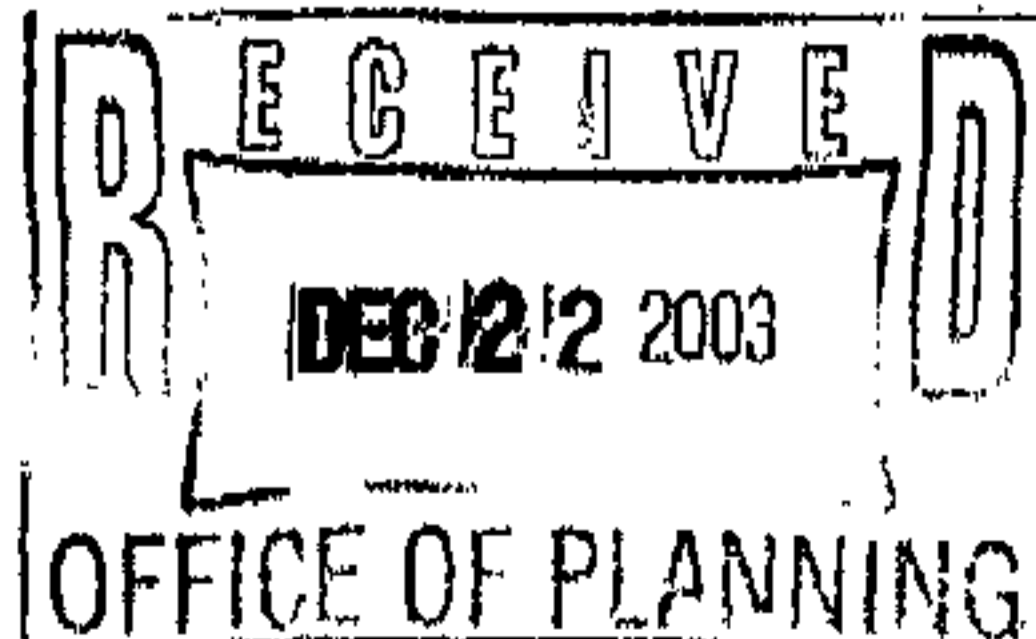
TO BE FILLED IN BY THE

Post-It® Fax Note	7671	Date	<u>12/29/03</u>	# of pages	<u>1</u>
To	<u>John Alexander</u>	From	<u>Lynn Lamban</u>		
Co./Dept.	<u>Zoning</u>	Co.			
Phone #		Phone #	<u>3980</u>		
Fax #	<u>2824</u>	Fax #			

RECOMMENDATIONS / COMMENTS:

Approval Disapproval Approval conditioned on

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

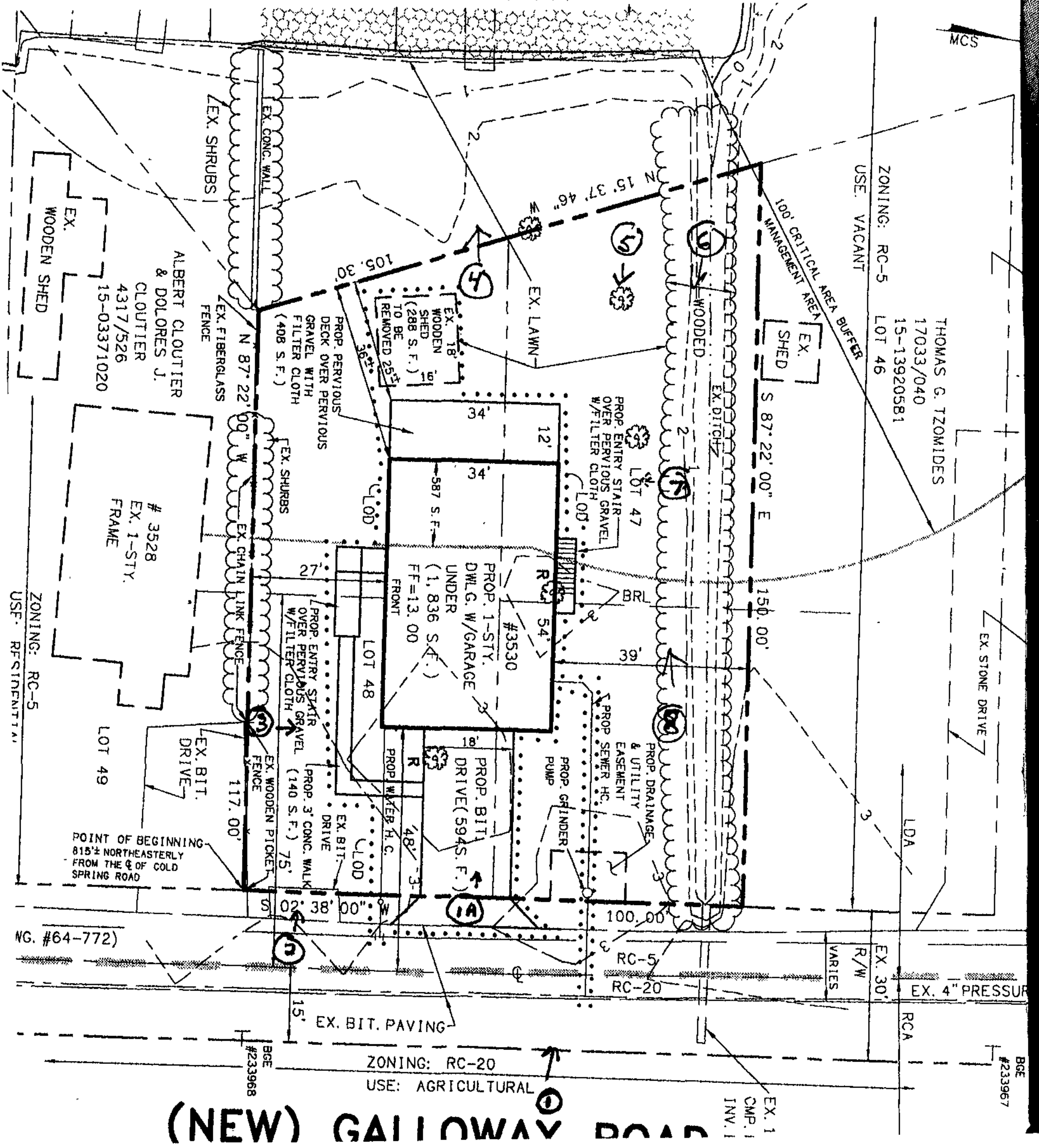


Date 12/24/03

Revised 2/05/02

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

- Key
1. View of lot from across field
 2. View of lot from Galloway
 3. View towards road, 3
 4. Edge of lot, water view
 5. From water towards Galloway side
 6. View towards road, 3
 7. View from lot side toward 3528 neighbor
 8. Property line view between lot + 3534



(NEW) GALLOWAY ROAD

ZONING: RC-20
USE: AGRICULTURAL

BGE #233968

BGE #233967

EX. 1
CMP. 1
INV. 1

NG. #64-772)

EX. 4" PRESSUR

EX. 30'
R/W
VARIES

RC-5
RC-20

RCA

EX. BIT. PAVING

ZONING: RC-5
USE: RESIDENTIAL

THOMAS G. TZOMIDES
17033/040
15-13920581
LOT 46
ZONING: RC-5
USE: VACANT

ALBERT CLOUTIER & DOLORES J. CLOUTIER
4317/526
15-03371020

3528
EX. 1-STY.
FRAME

EX. WOODEN SHED

POINT OF BEGINNING
815'± NORTHEASTERLY
FROM THE C. OF COLD
SPRING ROAD

WATER

MCS

100' CRITICAL AREA BUFFER
MANAGEMENT AREA

EX. STONE DRIVE

LDA

150.00'

S 87° 22' 00" E

EX. SHED

WOODED

EX. DITCH

PROP. ENTRY STAIR
OVER PERVIOUS GRAVEL
W/FILTER CLOTH

LOT 47

BRI

PROP. DRAINAGE
& UTILITY
EASEMENT
PROP. SEWER HC.
PROP. GRINDER
PUMP

EX. LAWN

EX. WOODEN
SHED
(288 S.F.)
TO BE
REMOVED 25'±

PROP. 1-STY.
DWLG. W/GARAGE
UNDER
(1,836 S.F.)
FF=13.00
FRONT

PROP. BIT
DRIVE (594 S.F.)

PROP. W/KEEP H.C.

EX. BIT.
DRIVE

EX. BIT.
DRIVE

EX. BIT.
DRIVE

EX. BIT.
DRIVE

EX. BIT.
DRIVE

PROP. PERVIOUS
DECK OVER PERVIOUS
GRAVEL WITH
FILTER CLOTH
(408 S.F.)

PROP. ENTRY STAIR
OVER PERVIOUS GRAVEL
W/FILTER CLOTH

PROP. 3' CONC. WALK
(140 S.F.) 75'

EX. BIT.
DRIVE

EX. BIT.
DRIVE

EX. BIT.
DRIVE

EX. SHRUBS

EX. SHRUBS

EX. SHRUBS

EX. SHRUBS

EX. SHRUBS

EX. SHRUBS

EX. SHRUBS

EX. SHRUBS

EX. CONG. WALL

EX. FIBERGLASS
FENCE

EX. SHRUBS

EX. CHAIN LINK FENCE

EX. WOODEN PICKET
FENCE

EX. BIT.
DRIVE

EX. BIT.
DRIVE

EX. BIT.
DRIVE

EX. BIT.
DRIVE

N 87° 22' 00" W

EX. SHRUBS

EX. CHAIN LINK FENCE

EX. BIT.
DRIVE

EX. BIT.
DRIVE

EX. BIT.
DRIVE

EX. BIT.
DRIVE

EX. BIT.
DRIVE

105.30'

36'

27'

117.00'

100.00'

15'

15'

15'

7. View from lot side toward 3528 neighbor

8. Property line view between lot + 3534

6. View towards road, 3

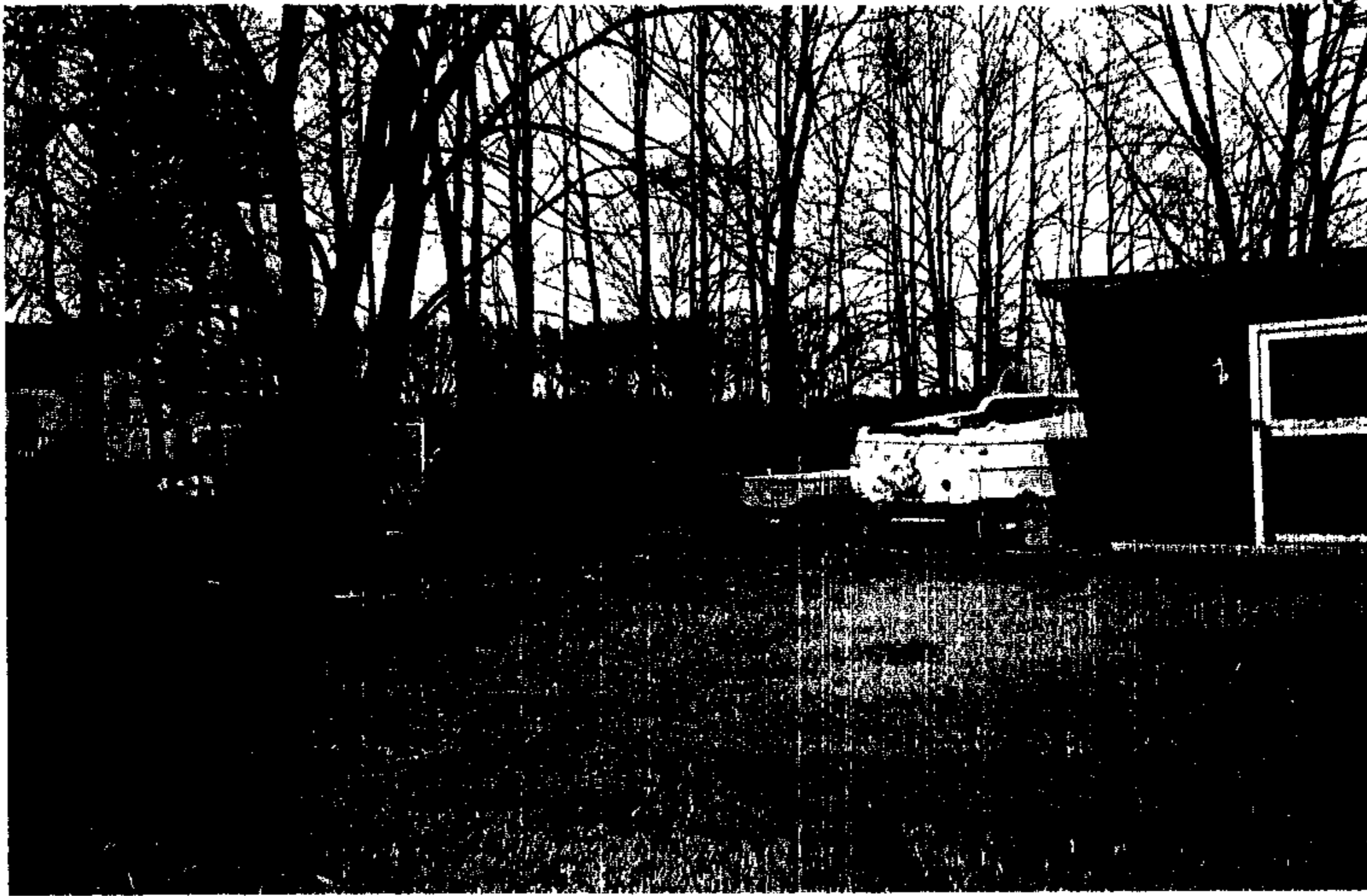
5. From water towards Galloway side

4. Edge of lot, water view

3. View towards road, 3

2. View of lot from Galloway

1. View of lot from across field



04-798

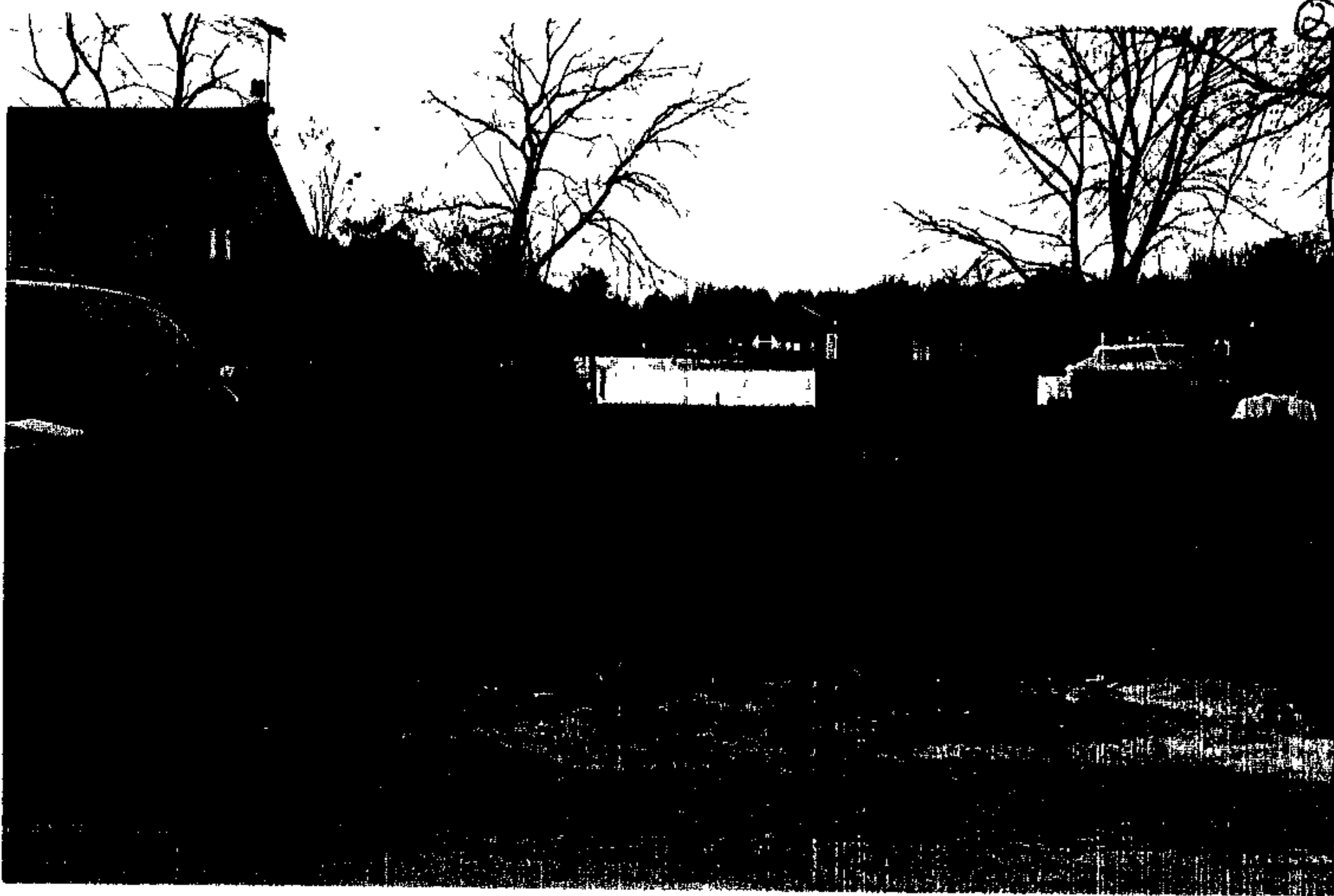
4



5



2022



04 24 11

①



04 293 .1

04-298 A

SHEET

N.E.

2-K

3530 GALLOWAY RD. PHOTOGRAPHY

JANUARY

DATE

SCALE 1" = 200'

LOCATION

BOWLEYS

QUARTERS

R.C. 5

E 61500

SPRING

ROAD

CHESTNUT

GALLOWAY

BURKE

WALL

R.C. 5

WALL

R.C. 5

E. 1485717.03

N. 599562.57

P.O. B.

SITE

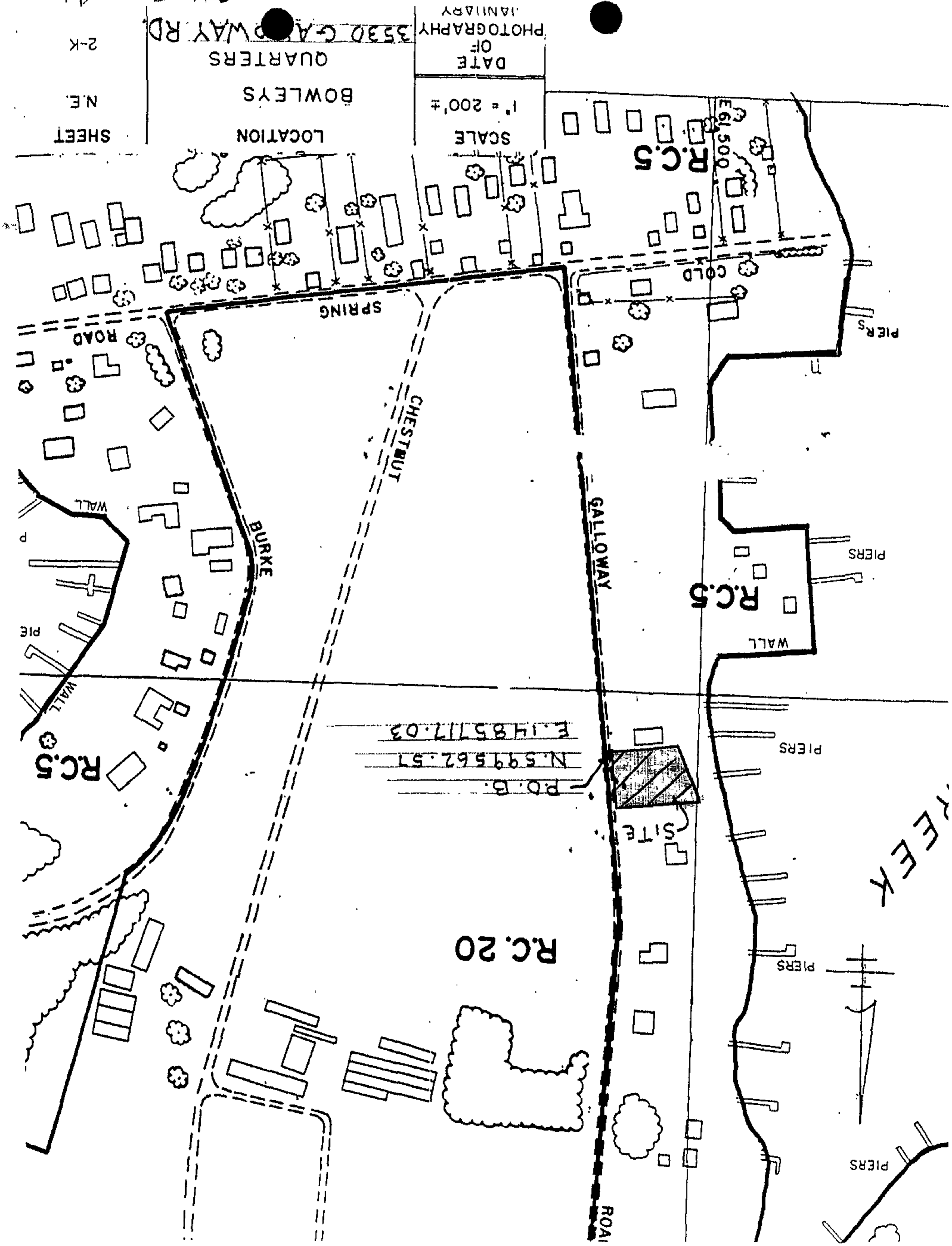
R.C. 20

YEEK

PIERS

PIERS

PIERS



3534 (Mediate Nelson)



Galloway



021 1298 11

3520



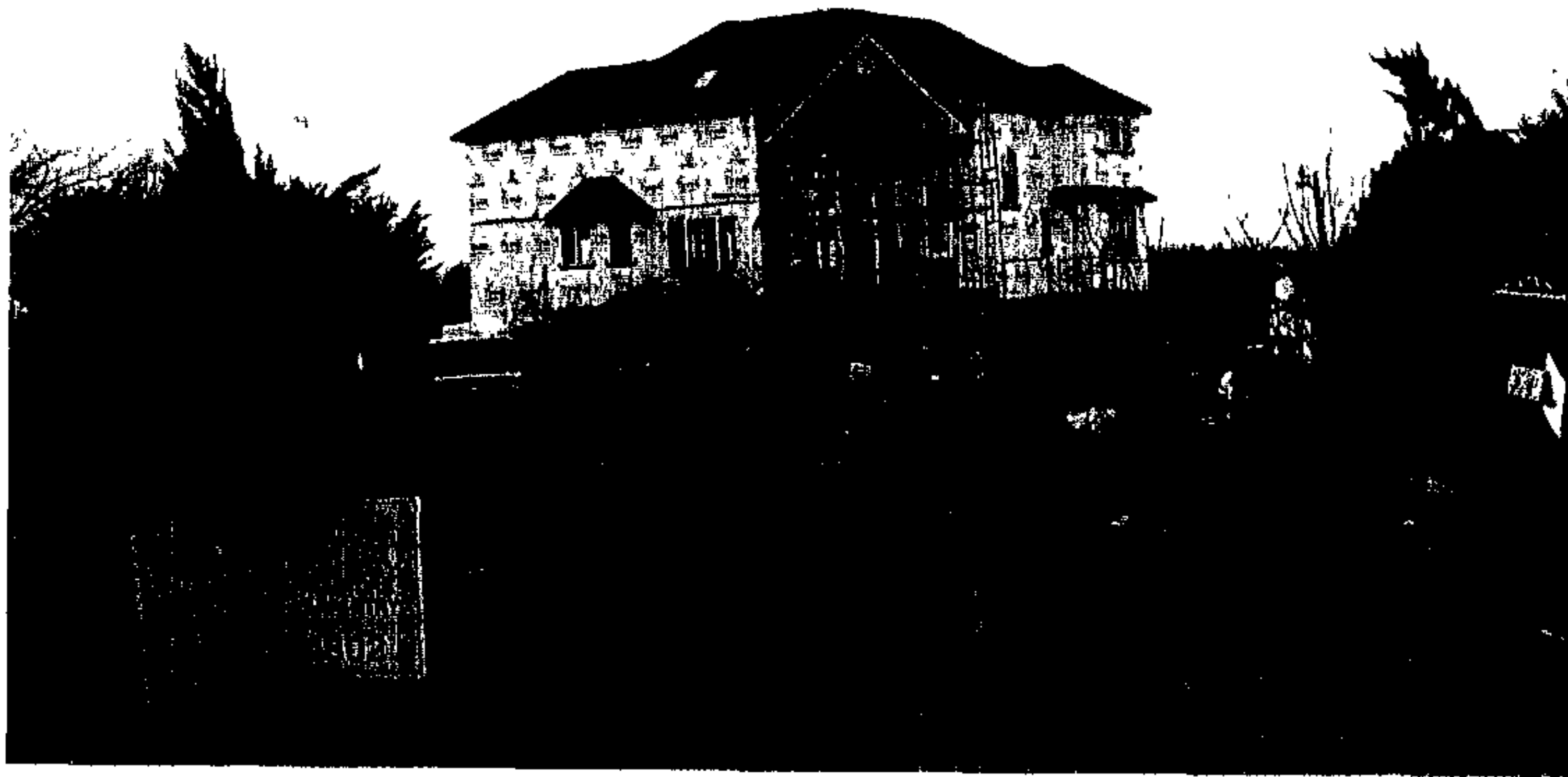
3528

Immediate Neighbor

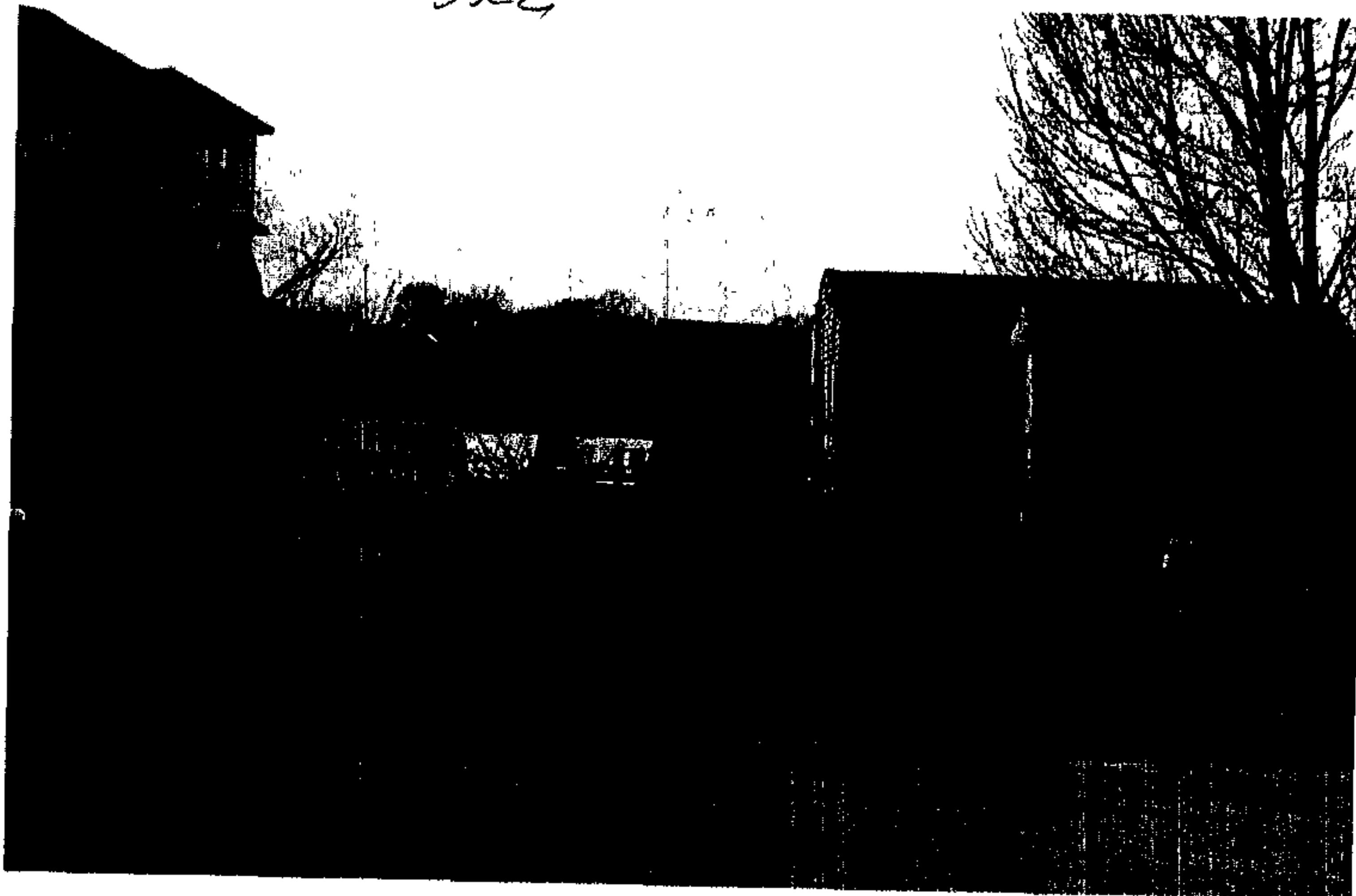


04 7 (E)

3520 Gailoway



3522



04 24 01



04 248. 4



December 30, 2003

Mr. and Mrs. Peter Garey
3637 Millers Station Road
Manchester, MD 21102-2034

Re: 3530 New Galloway Road
Critical Area Administrative Variance

Dear Mr. and Mrs. Garey:

The Department of Environmental Protection and Resource Management (DEPRM) has received your variance request to construct a dwelling in the 100-foot buffer to a tidal gut of Galloway Creek. The Director of DEPRM may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five (5) of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. The entire portion of the lot is within the 100-foot buffer. There are no other alternatives in locating the dwelling out of the 100-foot buffer. A literal enforcement of the regulations would prevent the building of the dwelling, resulting in unwarranted hardship.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. Some other properties in the Chesapeake Bay Critical Area have dwellings within the 100 buffer. A similar variance would be granted on another lot under similar circumstances.

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. Granting of this variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area.

Put #3

Local 1.1.1.
State T.T. 50.00
Stamps-Md. 33.00

8

DEED

FROM

~~RICARD PAUL HENRY and~~

~~NANCY SPURLEY HENRY, his wife~~

TO

~~PETER A. GAREY and~~

~~MARIE C. GAREY, his wife~~

Block No.

Received for record _____, 19____

at _____ o'clock _____ M. Same day recorded

in Liber _____ No. _____ Folio _____ & etc.,

one of the Land Records of Baltimore _____

_____ and examined per _____

_____ Clerk.

Cost of Record \$ 9.00

REAL ESTATE TITLE COMPANY, INCORPORATED

410 Keyser Building

Baltimore, Maryland 21202

THE DAILY RECORD CO., BALTIMORE, MD. 21202

PLEASE PLACE ON RECORDERS FILE

Prepared by _____
Approved by _____
Execution approved _____

15-19-321277

RECEIVED & RECORDED
IN _____ RECORDS
CIRCULAR FILE FOR
BALTIMORE

73 DEC 12 P. 1. 45

LIBER 5414
FOLIO 476
BLK 4

Pet 4

To Whom it may Concern,

I JOSEPH Walters am the owner of 3520 Galloway Rd
Galloway Road and I am neighbor to Peter A. Garey's property, lots 47 &
48 on Galloway road.

I understand he wishes to construct a house on his lots.

I have no objection to his building a house on his property.

Joseph P. Walters

Date: 12-28-03

Pet # 6A



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

*Photographs
04-298-A*































