FOR FILING Date IN RE: PETITION FOR VARIANCE

S/S New Galloway Road, 525' E of the c/l

Galloway Road

(3650 New Galloway Road)

15th Election District 5th Council District

Andrew G. Vogel, et ux, Legal Owners; W. Stephen Cook, Contract Purchaser

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 05-170-A

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Andrew G. Vogel and his wife, Ruth F. Vogel, and the Contract Purchaser, W. Stephen Cook. The Petitioners request a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet and 12 feet in lieu of the required 50 feet for a proposed dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petition were Andrew and Ruth Vogel, current property owners, W. Stephen Cook, Contract Purchaser, and David Billingsley, the consultant who prepared the site plan for this property. Also appearing in support of the request were Douglas Zinn, adjacent property owner, and Hannan Zinn. James Shelley, another adjacent property owner, appeared in opposition to the request.

Testimony and evidence offered revealed that the subject property is a rectangular shaped, waterfront parcel located on the southeast side of New Galloway Road, east of Galloway Road on Galloway Creek in Bowley's Quarters. The property is also known as Lot 28 of Bowleys Quarters, Plat 1, which was recorded many years ago, prior to the adoption of the current zoning regulations. As such the property is undersized and cannot meet current lot width and area requirements. As shown on the site plan, the lot is 50 feet wide and 225 feet deep and contains a gross area of 0.255 acres (11,125 sq.ft.), more or less, zoned R.C.5. The property is presently

REC ORDER

improved with a small single-family dwelling. Apparently, the home was traditionally used as a summer home; however, due to flood damage in recent years, it is no longer habitable. Mr. & Mrs. Vogel have contracted to sell the property to Mr. Cook who proposes razing the structure and constructing a new single-family dwelling in its place. Due to the narrow width of the lot, the requested variance relief is necessary. As noted above, the property is zoned R.C.5, which requires a minimum 50-foot setback to a side property line. Thus, compliance with that regulation is not practical or possible.

As noted above, James Shelley appeared in opposition to the request. Mr. Shelley resides immediately adjacent and east of the subject property at 3648 New Galloway Road. Mr. Shelley generally objects to the proposed development. Apparently, Mr. Cook is an investment developer and Mr. Shelley considers the new home to be built a "spec" home. That is, Mr. Cook will develop the property with a new house and then resell the property. Mr. Shelley also opined that the new dwelling would impact his view. In this regard, an examination of the site plan shows that the existing house extends a few feet further toward the water than Mr. Shelley's home. Thus, when looking in a westerly direction, Mr. Shelley has a view of the existing structure; however, because the new structure will be considerably larger than that existing, Mr. Shelley believes that his view will be further impacted. In discussing these concerns at the hearing, Mr. Cook offered to move the new structure further back on the lot so as to be even with the front face of Mr. Shelley's home; however, Mr. Shelley declined the offered.

Based upon the testimony and evidence presented, I am persuaded that the Petitioner has satisfied the requirements of Section 307 for relief to be granted. The uniqueness of the property is its narrow width and the fact that same is an older lot of record. Although I am appreciative of Mr. Shelley's concerns, testimony indicated that the proposed dwelling would be similar in character to other newly constructed homes in the community. Moreover, Mr. Zinn, the neighbor on the opposite side of the subject property, testified in support of the request that the project is compatible with the neighborhood. Thus, I find that the relief requested is appropriate and that there will be no detrimental impact to adjacent properties or the health, safety and general

welfare of the locale. However, as noted above, the property is located within the Chesapeake Bay Critical Areas, and as such, is subject to compliance with those regulations, pursuant to the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM).

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of December 2004 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet and 12 feet in lieu of the required 50 feet each for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by DEPRM, dated November 16, 2004 relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. A copy of those comments has been attached hereto and is made a part hereof.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Onder

WJW:bjs

TI THE STATE OF TH

WHALIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

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 William J. Wiseman III, Zoning Commissioner

December 3, 2004

Mr. & Mrs. Andrew G. Vogel 8 Steve Way Baltimore, Maryland

RE: PETITION FOR VARIANCE

S/S New Galloway Road, 525' E of the c/l Galloway Road

(3650 New Galloway Road)

15th Election District – 5th Council District

Andrew G. Vogel, et ux - Petitioners

Case No. 05-170-A

Dear Mr. & Mrs. Vogel:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very tryly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc:

Mr. Stephen Cook, 10 Woodfield Court, Reisterstown, Md. 21136

Mr. David Billingsley, Central Drafting & Design, Inc.

601 Charwood Court, Edgewood, Md. 21040

Mr. Douglas Zinn, 3652 Galloway Road, Baltimore, Md. 21221

Mr. James Shelley, 3648 Galloway Road, Baltimore, Md. 21220

Chesapeake Bay Critical Areas Commission

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

DEPRM; Development Plans Review, DPDM; People's Counsel; Case/File



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



8

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property socated at 3650 NEW GALLOWAY ROAD
which is presently zoned R.C. 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)

1AO4.3.8.2 TO ALLOW SIDE YARDS OF 10 FEET AND 12 FEET IN LIEU OF THE REQUIRED 50 FEET

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

A DWELLING CAN NOT BE CONSTRUCTED WHILE MAINTAINING 50 FOOT SIDE YARDS.

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): W. STEPHEN COOK ANDREW G. VOGEL Name - Type or Print Name - Type or Print Signature Signature $(410)517 \cdot 2507$ WOODFIELD RUTH F. YOGEL Address Telephone No. Name - Type or Print REISTERSTOWN 21136 MQ. City State Zip Code 8 STEVE YYAY 410) 579-4719 Attorney For Petitioner: Address Telephone No. BALTIMORE 21236 MO. Name - Type or Print City Zip Code State Representative to be Contacted: Signature DAVID BILLINGSLEY Company Name CHARWOOD GT Address Telephone No. Address Telephone No. EDGEWOOD 21040 MQ. Cit State Zip Code Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING _ UNAVAILABLE FOR HEARING Reviewed By

DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE

3650 NEW GALLOWAY ROAD

Beginning for the same at a point on the south side of New Galloway Road (40 feet wide), distant 525 feet easterly from it's intersection with the center of Galloway Road (30 feet wide), thence being all of Lot 28 as shown on the plat entitled Plat 1, Bowleys Quarters recorded among the Baltimore County plat records in Plat Book 7, Folio 12. Containing 11,125 S.F. or 0.255 acre of land, more or less.

Being known as 3650 New Galloway Road. Located in the 15th Election District, 6th Councilmanic District of Baltimore County, Maryland.



OFFICE OF BUYOFF & FRANCE MISCELLANEOUS RECEIPT 7

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: #05-170-A 3650 New Galloway Road S/side of New Galloway Road, 525 feet +/- east from centerline of Galloway Road 1

15th Election District
6th Councilmanic District
Legal Owner(s): Andrew &
Ruth Vogel
Variance: to permit side
yards of 10 feet and 12 feet
in lieu of the required 50

Hearing: Friday, November 19, 2004 et 11;00 a.m. in Hoom 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WIŞEMAN Zoning Commissioner for

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.

11/009 Nov. 4 28329

CERTIFICATE OF PUBLICATION

114,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilking

LEGAL ADVERTISING

CERTIFICATE OF POSTING

•	RE: Case No.: 05-/70-H
	Petitioner/Developer: AND REW 4
	RUTH VOGEL
	Date of Hearing/Closing: 11/19/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of per posted conspicuously on the property located at:	rjury that the necessary sign(s) required by law were
3650 NEW C	SALLOWAY RD
	
The sign(s) were posted on	(Month, Day, Year)
-^	
	Sincerely,
	Robert Bluch 11/6/04
LONG NOTICE	(Signature of Sign Poster) (Date)
01 05 10 A	SSG Robert Black
第一年 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日	(Print Name)
TO THE WAY TO BE AN AUTHOR	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)
P.	

TO: PATUXENT PUBLISHING COMPANY

Thursday, November 4, 2004 Issue - Jeffersonian

Please forward billing to:

David Billingsley 601 Charwood Court Edgewood, MD 21040

410-679-8719

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: 05-170-A

3650 New Galloway Road

S/side of New Galloway Road, 525 feet +/- east from centerline of Galloway Road

15th Election District – 6th Councilmanic District

Legal Owners: Andrew & Ruth Vogel

Variance to permit an enclosed addition with a front yard setback of 0 feet and 28 feet from the centerline of the road in lieu of the required 50 feet and 75 feet respectively.

Hearing: Friday, November 19, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, November 4, 2004 Issue - Jeffersonian

Please forward billing to:

David Billingsley 601 Charwood Court Edgewood, MD 21040

410-679-8719

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: 05-170-A

3650 New Galloway Road

S/side of New Galloway Road, 525 feet +/- east from centerline of Galloway Road

15th Election District - 6th Councilmanic District

Legal Owners: Andrew & Ruth Vogel

Variance to permit side yards of 10 feet and 12 feet in lieu of the required 50 feet.

Hearing: Friday, November 19, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

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

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



Baltimore County

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

October 18, 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: 05-170-A

3650 New Galloway Road

S/side of New Galloway Road, 525 feet +/- east from centerline of Galloway Road 15th Election District – 6th Councilmanic District

Legal Owners: Andrew & Ruth Vogel

Variance to permit an enclosed addition with a front yard setback of 0 feet and 28 feet from the centerline of the road in lieu of the required 50 feet and 75 feet respectively.

Hearing: Friday, November 19, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

mothy Kotrodo Timothy Kotroco

Director

TK:klm

C: Andrew & Ruth Vogel, 8 Steve Way, Baltimore 21236 David Billingsley, 601 Charwood Court, Edgewood 21040 W. Stephen Cook, 10 Woodfield Court, Reisterstown 21136

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 4, 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.

Department of Permits and Development Management

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



Baltimore County

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

October 27, 2004

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: 05-170-A

3650 New Galloway Road

S/side of New Galloway Road, 525 feet +/- east from centerline of Galloway Road

15th Election District - 6th Councilmanic District

Legal Owners: Andrew & Ruth Vogel

Variance to permit side yards of 10 feet and 12 feet in lieu of the required 50 feet.

Hearing: Friday, November 19, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Andrew & Ruth Vogel, 8 Steve Way, Baltimore 21236
David Billingsley, 601 Charwood Court, Edgewood 21040
W. Stephen Cook, 10 Woodfield Court, Reisterstown 21136

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 4, 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.



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONĮNG 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.

ltem Number o	4	 -	170		
Petitioner:	•	w 1/06E			
Address or Loc	··· • • • • • • • • • • • • • • • • • •		Cal	Loway -	Rd.
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Name:Address	Davio	Billing	gs/en	'040	

Department of Permits and Development Management

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



Baltimore County

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

November 10, 2004

Andrew G. Vogel Ruth F. Vogel 8 Steveway Road Baltimore, Maryland 21236

Dear Mr. and Mrs. Vogel:

RE: Case Number: 05-170-A, 3650 New 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 4, 2004.

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.

Wery truly yours, Call Richall Dans

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
W. Stephen Cook 10 Woodfield Court Reisterstown 21136
David Billingsley 601 Charwood Court Edgewood 21040



Fire Department



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



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

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

October 19, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 18, 2004

Item No.:

170,) 171, 173, 175, 176, 178, 180-182

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 3, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM

Robert W. Bowling, Supervisor
Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

For October 25, 2004

Item Nos. 170, 171, 173, 175, 176, 178, 179, 180, 181, and 182

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco			KL C	EIVED
FROM:	John D. Oltm	an, Jr JD/Ms		DEC	3 2004
DATE:	November 16	ZONING COI			
SUBJECT:	Zoning Item Address	# 05-170 3650 New Ga	lloway Road (Vo		
Zonin	g Advisory Co	nmittee Meetin	g of October 18,	2004.	
	Department of Enemals of the left of the l		rotection and Rezoning item.	source Manager	nent has no
	•		rotection and Reve-referenced zon	_	nent offers
<u>X</u>	Protection of	Water Quality,	must comply wi Streams, Wetlan e Baltimore Cou	ids and Floodpla	
-, , 		Regulations (S	y must comply wection 14-401 th		the
<u>X</u>	Critical Area		y must comply we ections 26-436 thounty Code).	-	•
<u>Addit</u>	ional Comment	<u>s:</u>			
Specifically,	the applicant m	ust comply with	h the Limited De	velopment Area	regulations

Reviewer:

Martha Mickey

and Buffer Management Area Regulations.

Date: November 16, 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 15, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3650 New Galloway Road

INFORMATION:

Item Number:

5-170

Petitioner:

Andrew G. Vogel

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

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

Prepared by:

Division Chief:

AFK/LL:MAC:







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

Robert L. Flanagan, Secretary Nell J. Pedersen, Administrator

Maryland Department of Transportation

Date:

11.9.09

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

RE:

Baltimore County

Item No. 177

scm

Dear. Ms. Matthews:

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,

Steven D. Foster, Chief

Engineering Access Permits Division

PETITION FOR VARIANCE RE:

3650 New Galloway Road; S/side of New

Galloway Rd, 525' E c/line of Galloway Rd * 15th Election & 6th Councilmanic Districts

Legal Owner(s): Andrew & Ruth Vogel

Contract Purchaser(s): W. Stephen Cook

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-170-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

Reople's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204

(410) 887-2188

RECEIVED

OCT 2.2 2004

Per. CL18

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



601 CHARWOOD COURT EDGEWOOD, MARYLAND 21040 (410) 679-8719 FAX (410) 538-6160

10/21/04 BY FAX

TO: TIMOTHY KOTROCO, DIRECTOR

RE: 3650 NEW GALLOWAY ROND CASE NO. 05-170-A

77M:

THIS MOTICE OF ZONING HEARING IS NOT CORRECT. THE VARIANCE IS TO PERMIT SIDE YARDS OF 10 FEET AND 12 FEET IN LIEU OF THE REQUIRED SO FEET PER THE PETITION WHICH WAS FILED (COPY ATTACHED)

PLEASE FORWARD REVISED MOTICE TO ALL
PARTIES, I WOULD APPRECIATE THE REVISION
BEING FAXED TO ME AT (410) 679-1298 TO
INSURE I CAM POST BY 11/4/04

THAMKS,

DAVE BILLINGSLEY

IN RE: PETITION FOR VARIANCE
S/S New Galloway Road, 2,245.60' S of c/l
Cold Spring Road
(3648 Galloway Road)
15th Election District

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

5th Council District

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
 - Case No. 03-583-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

Appearing at the requisite public hearing on behalf of the Petitioners were Henry W. Kacher and Bernie Malinowski, representatives of TWAssociates, Inc., the preparers of the plan. Appearing as interested citizens were Robert C. Hal and Douglas Zinn.

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

FAX COVER SHEET

Date:	October 27, 2004
To:	David Billingsley- C.D. +D.
Fax number:	David Billingsley- C.D.+D. 410-679-1298
From:	- Kristen Matthews - Zoning
Fax number:	410-897-5708
Number of pages (including this cover sheet):	2
Message:	Correction was made to notice, they have been sent to all parties involved including the Jeffersonian. Sorry for inconvenience.
	Thanks, Anisten
fany part of this fax trans s missing or not clearly rec lease call:	mission eived
√ame:	<u>Anisten</u>
hone number:	40-827-3371



LETTER OF TRANSMITTAL,

CENTRAL DRAFTING AND DESIGN, INC.

601 CHARWOOD COURT EDGEWOOD, MARYLAND 21040 (410) 679-8719 FAX (410) 679-1298

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O: OFFICE OF THE ZONING	COMM.	DATE://	30/04
BALTO. CO. COURTS BL	<u>03</u>	SUBJECT: 36	SONEW GALLOWAY ROAD
**************************************		CA	SE NO. 05-170-A
ATTENTION: BILL WISEMA		OUR FILE:	0447
WE ARE TRANSMITTING VIA	MESSI U.S. M	ENGER IAIL	THE FOLLOWING:
<u>QUANTITY</u>	DESCRIPTION	AND/OR TITLE	
	COPY OF	SEWER P	(A N
TRANSMITTED AS INDICATED:		CON	IMENTS
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PER AGREEMENT AS REQUESTED		CON	IMENTS
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CASE NAME 3650 HEW GALLOWS CASE NUMBER 05-170-A DATE 11/19/04

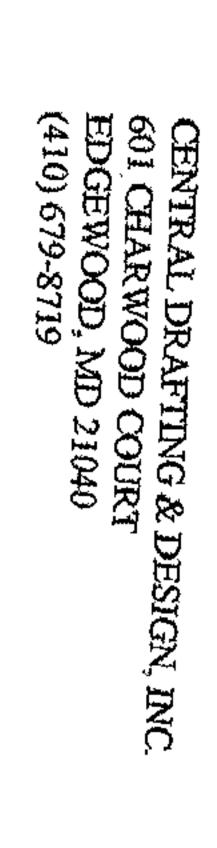
PETITIONER'S SIGN-IN SHEET

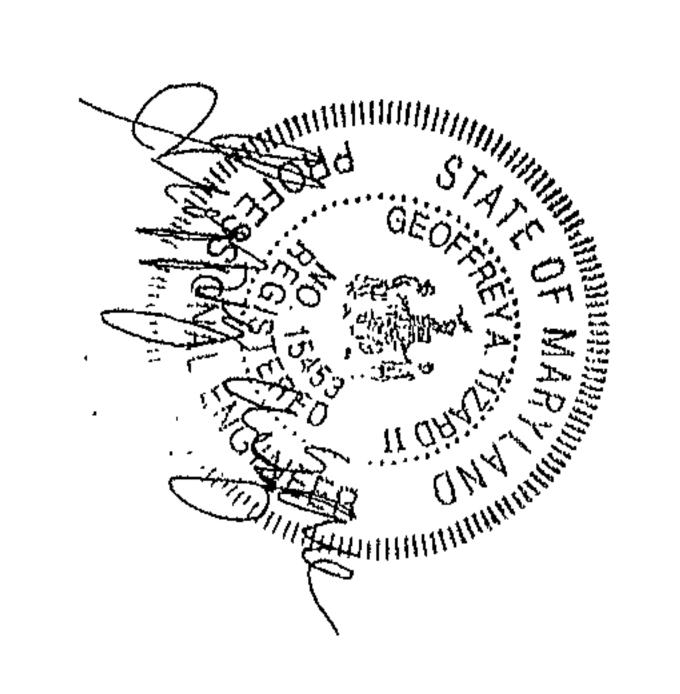
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	BALTO, MD. 21040	601 CHARYOOD ST	DAVID BILLINGSET
E- MAIL	CITY, STATE, ZIP	ADDRESS	NAME

DATE	CASE NUMBER	CASE NAME

CITIZEN'S SIGN-IN SHEET

									"Ames SHelle	NAME
									1 3698 BAlloway Ra	ADDRESS
									BACTIMORE, MM 21220	CITY, STATE, ZIP
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Galloway Creek

COLD SPRINGS RO

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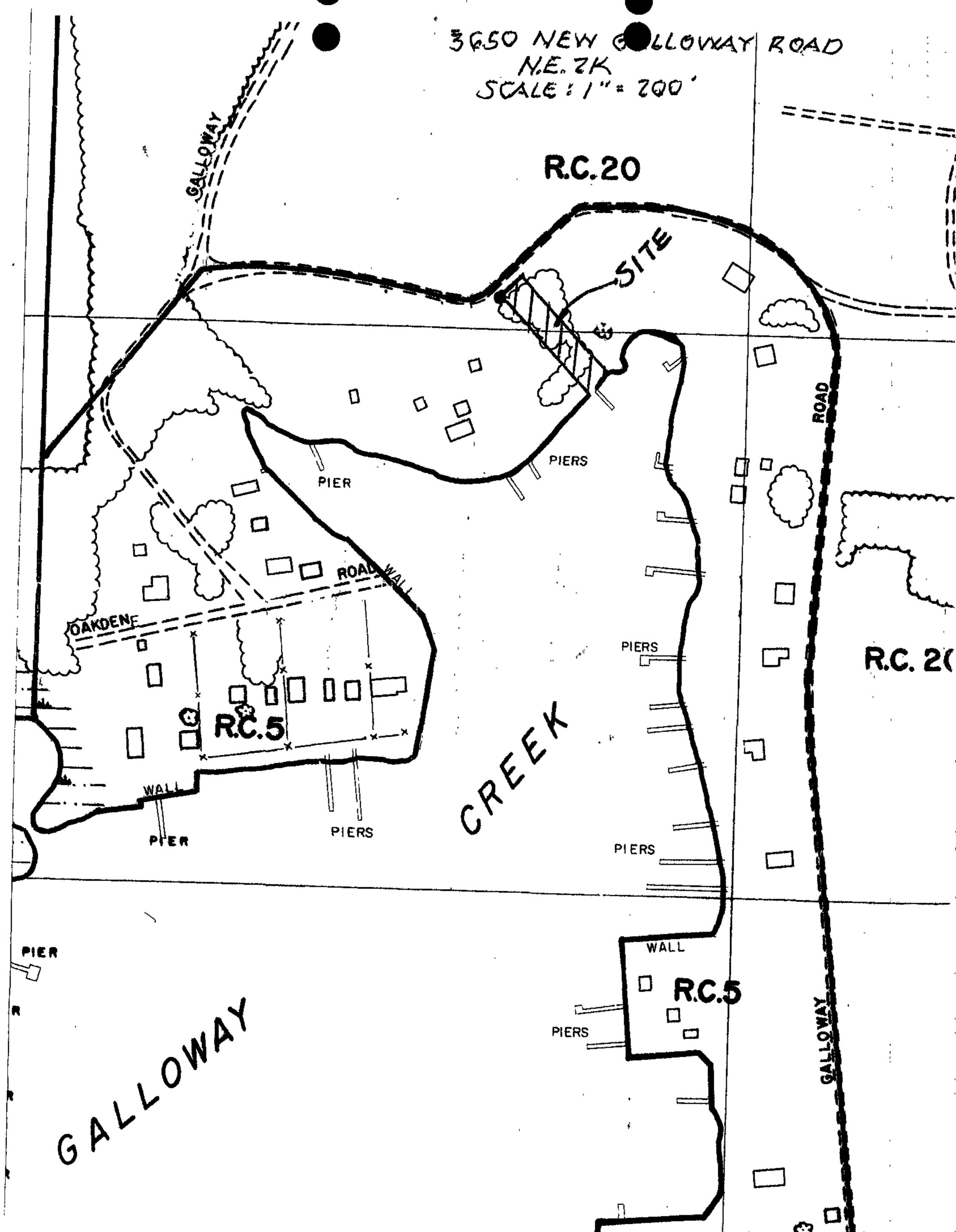
ANDREW G. **BALTIMORE, MD. 21236** 8 STEVE WAY OWNER & RUTH F. VOGEL

REISTERSTOWN, MD. 21136 CONTRACT PURCHASER 10 W. STEPHEN COOK WOODFIELD COURT

- AREA = NE 2-K) 0.255 AC.+/-
- SITE HE CBCA
- SITE IS AND SEWER EXIST. IN FLOOD ZONE A
- BUILDINGS OR PRIOR ZONING HISTORY

Market M.

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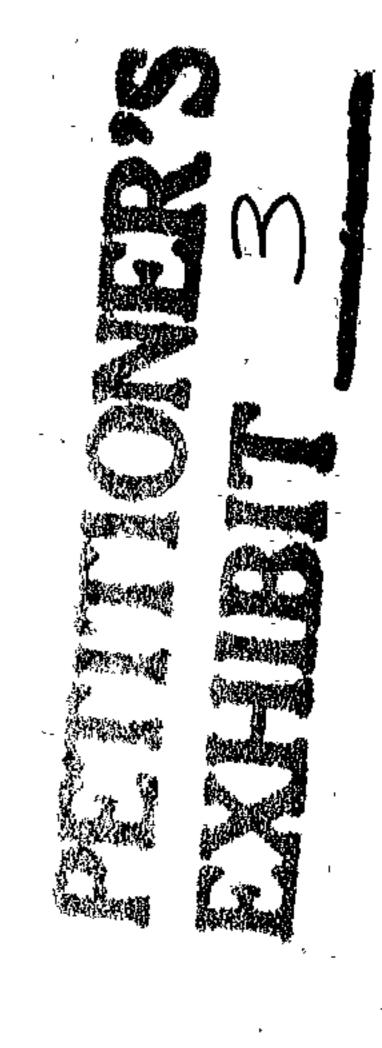




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