

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Galloway Road, 770 ft. N
centerline of Cold Spring Lane
15th Election District
6th Councilmanic District
(3526 Galloway Road)

William B. Clowes
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-269-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 owner of the subject property, William B. Clowes. The administrative variance is requested for property located at 3526 Galloway Road in the eastern area of Baltimore County. The administrative variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached shed) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 5, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Applicable Law

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

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the

ORDER RECEIVED FOR FILING

Date 12/28/04

By [Signature]

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."

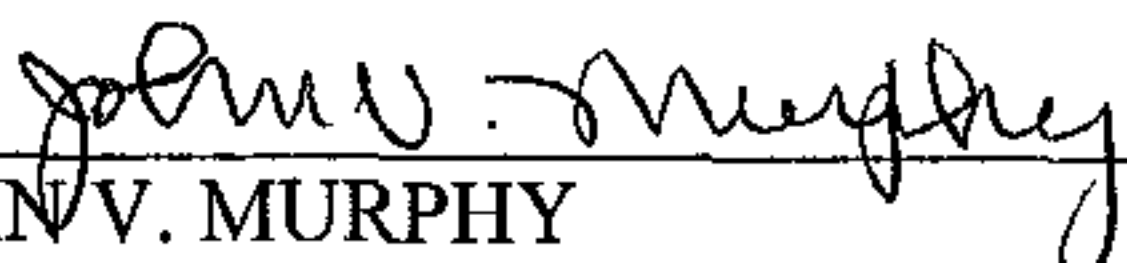
The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 Petitioner.

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, this 20 day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached shed) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition;

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR
12/20/04
By: 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
William J. Wiseman III, Zoning Commissioner

December 20, 2004

Mr. William B. Clowes
3526 Galloway Road
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 05-269-A
Property: 3526 Galloway Road

Dear Mr. Clowes:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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 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

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3526 Galloway Rd.
which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 To allow an

accessory structure (detached shed) to be located in the side yard in lieu of the required rear yard.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 12/23/04 day of December, 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.

Legal Owner(s):

William B. Clowes

Name - Type or Print

William B. Clowes

Signature

Name - Type or Print

Signature

3526 Galloway Rd

Address

410-344-1378

Telephone No.

Middle River

City

MD

State

21226

Zip Code

Representative to be Contacted:

Name

Address

Telephone No

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JJS

Date 11-23-04

Estimated Posting Date

CASE NO. 05-269-A

REV 10/25/01

ORDER RECEIVED FOR FILING

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

3526 Galloway Road
Address
Baltimore Maryland 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

I request variance to place a 4'x16' shed along the side of my home. This shed is necessary to secure outdoor tools and other seasonal outdoor equipment.

I request to place along side of my house because the lot and design of the house makes the most practical location

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

William B. Clower
Signature

Name - Type or Print

William B. Clower
Name - Type or Print
WORK 410-306-1406
Home 410-344-1378

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of October, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William B. Clower
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Deborah L. Abad
Notary Public

My Commission Expires May 16, 2006

Zoning Description

ZONING DESCRIPTION FOR 3526 Galloway Road, Baltimore, MD, 21220

Beginning at a point on the west side of Galloway Road which is 30' wide at distance of 770^{ft} of the centerline of the nearest improved intersecting street Cold Spring LN. which is 10' wide. Being Lot# 50, Block ---, Section# --- in the subdivision of Bowley's Quarters as recorded in the Baltimore County Plat Book # WPC#7, Folio #12, containing 10350 square feet. Also known as 3526 Galloway Road and located in the 15 Election District, 6 Councilmanic District.

269

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Check No. **42870**
05-267A

DATE 11-22-04 ACCOUNT R. D. 006-6150

AMOUNT \$ 65.00

RECEIVED FROM Mr. Wm. A. Clowers

FOR Residential Variance filing fee
for 3526 Galloway Rd.

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS OFFICE TIME
11/22/2004 11:22:30M 1436:11 2
PES 0204 0412M 000.000
CHECK # 291627 11/22/2004 0504
Dept S 528 JUDICIAL OFFICATION
CY 01 042371

Recpt Int 65.00
LAW CA 65.00 CA
Baltimore County, Md/Law

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-268-A

Petitioner/Developer: WILLIAM

A. CLOWES

Date of Hearing/Closing: 12/20/04

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:

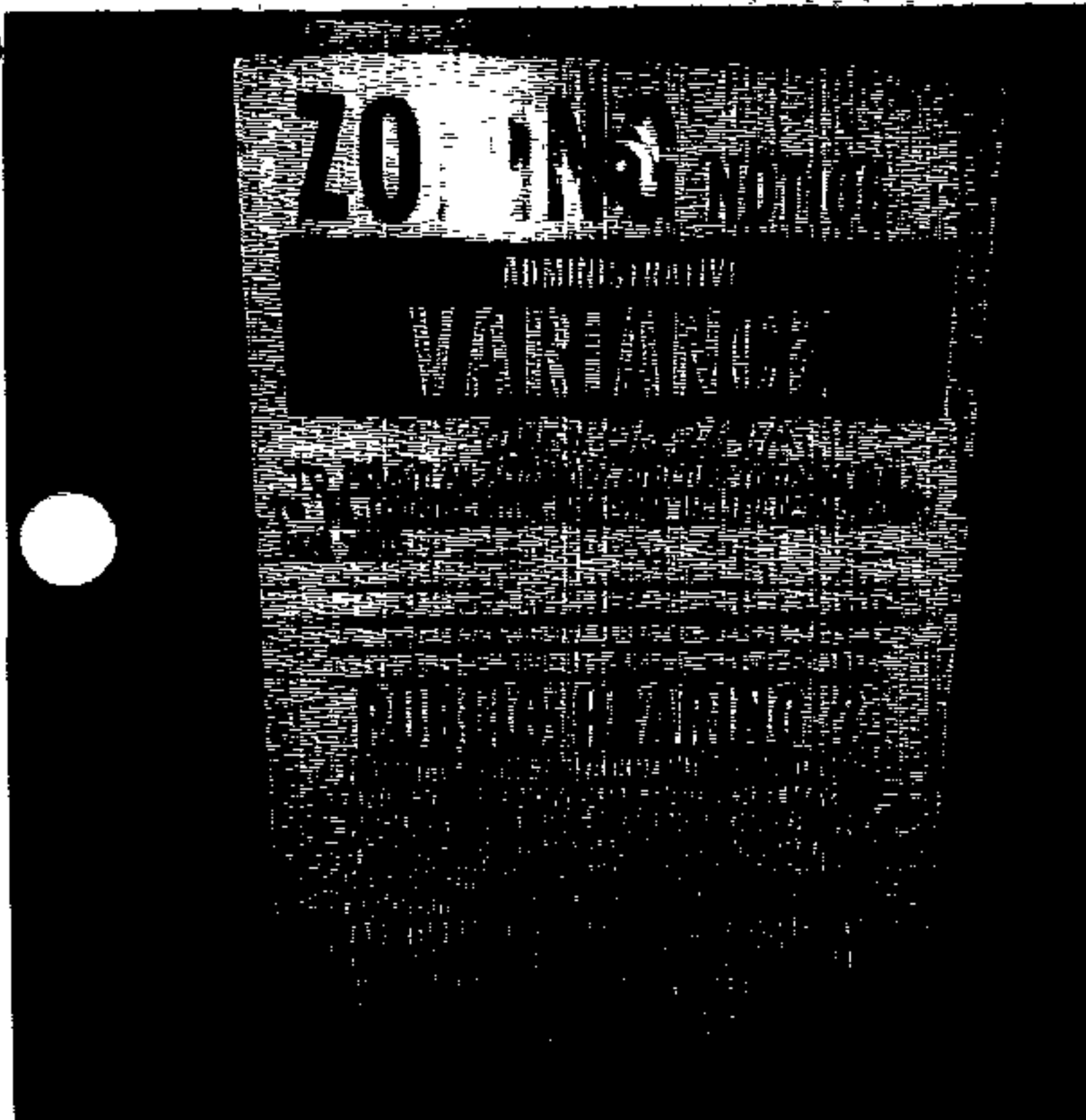
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

3526 GALLOWAY RD

The sign(s) were posted on _____

12/5/04
(Month, Day, Year)

Sincerely,



Robert Black 12/8/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

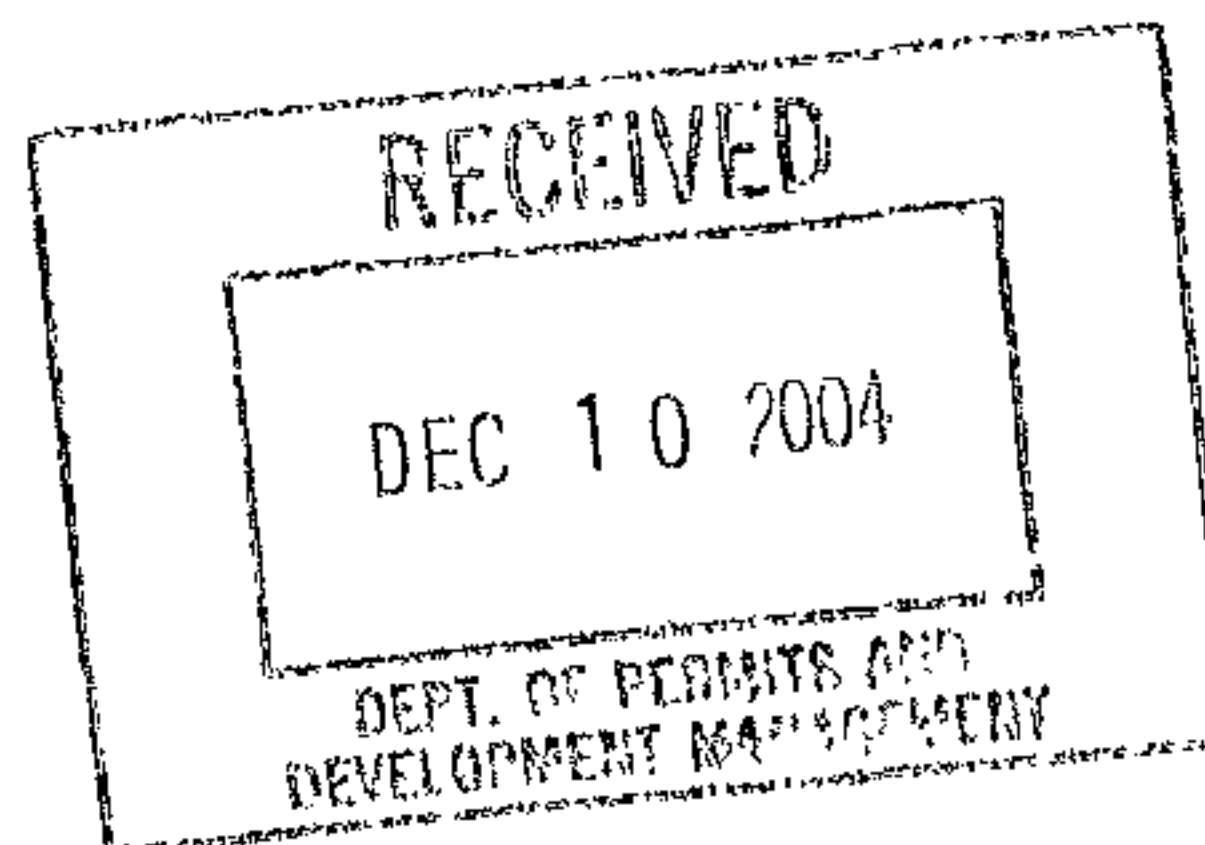
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



11-22-04

MR. Clawes,

Please
correct the wording
on the "Intro sheet"

as on enclosed

Thank you!

John Sutton

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 13, 2004

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

SUBJECT: Zoning Advisory Petition(s) Case(s) 5-269 – 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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Maria A. Cunningham

Division Chief:

Glyn Barber

MAC/LL

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 269 -A

Address 3526 Galloway Rd.

Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 11-22-04

Posting Date: 12-05-04

Closing Date: 12-20-04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 269 -A

Address 3526 Galloway Rd.

Petitioner's Name William A. Clowes

Telephone 410-344-2378

Posting Date: 12-05-04

Closing Date: 12-20-04

Wording for Sign: To Permit an accessory structure (detached shed)
to be located in the side yard in lieu of the required
rear yard.

includes cover

Post-It® Fax Note 7671		Date <i>11-22-04</i>	# of pages <i>2</i>
To <i>MR. Wm Clowes</i>	From <i>John Sullivan</i>		
Co./Dept.	Co. <i>BALTO. CO. PD, REV. ^{ZON}</i>		
Phone #	Phone # <i>410-887-3391</i>		
Fax # <i>410-344-1328</i>	Fax # <i>5708</i>		

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/neighbors/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 05-269A
Petitioner: William A Clowes
Address or Location: 3526 Galloway Rd.

PLEASE FORWARD ADVERTISING BILL TO

Name: _____
Address Same
BALTO, Md, 21220
Telephone Number: 410-344-1378

**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*

December 20, 2004

William B. Clowes
3526 Galloway Road
Middle River, Maryland 21220

Dear Mr. Clowes:

RE: Case Number:05-269-A , 3526 Galloway Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 23, 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.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



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

December 6, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 6, 2004

Item No.: 250,268-176

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.

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

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 14, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For December 13, 2004
Item Nos. 250, 254, 268, ~~269~~, 270, 271,
272, 273, 274, 275, and 276

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
PDM

FROM: John D. Oltman, Jr. ^{Jr}
DEPRM

DATE: January 10, 2005

SUBJECT: Zoning Item # 05-269
Address 3526 Galloway Road (Clowes Property)

Zoning Advisory Committee Meeting of December 6, 2004.

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

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

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

The applicant must comply with the Limited Development Area and Buffer Management Area Regulations. Specifically, the 25% Maximum Impervious Surface and 15% Minimum Tree Cover regulations will apply. The proposed improvements will result in an encroachment within the 100-foot buffer for Galloway Creek. In addition, the improvements will cause the Maximum Impervious Surface limit to be exceeded. As a result, mitigation will be required.

Reviewer: Sue Farrinetti Date: January 3, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 9, 2004

RECEIVED

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

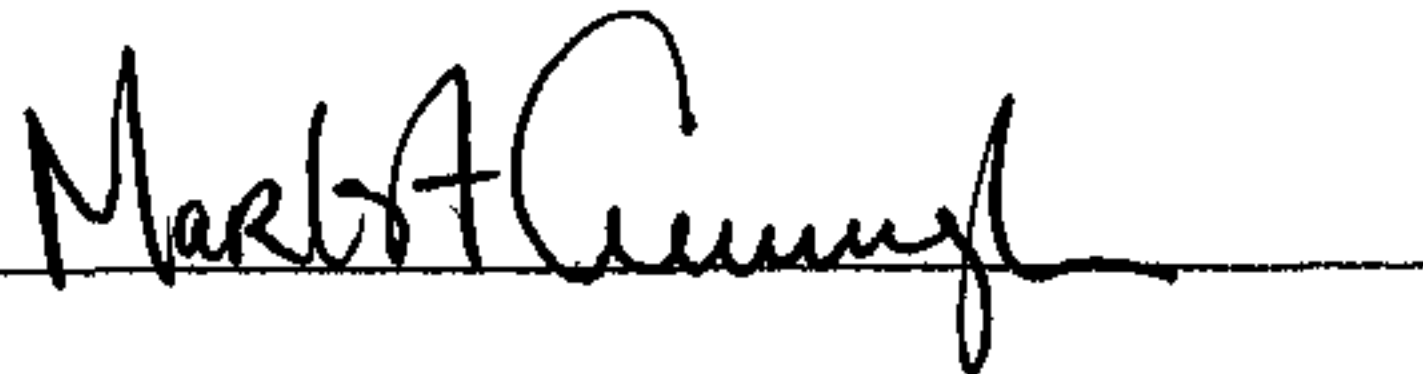
DEC 13 2004

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-269 – 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 David Pinning in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



MAC/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 13, 2004

RECEIVED

DEC 20 2004

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-269 – 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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Marla A. Cunningham

Division Chief:

John J. Larkhan

MAC/LL



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

Driven to Excel
State Highway
Administration

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 12.3.04

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

RE: Baltimore County
Item No. 269 JSS

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

Keep in Ze's Aie.

STATEMENT

To whom it may Concern,

We, Al and Dorothy Rode 3524 Galloway Road have no objections to my neighbor William Clowes 3526 Galloway Road building a shed 4 ft deep by 16 ft long alongside his home

Albert E. Rode Sr.

Al Rode
3524 Galloway Road
Middle River, MD 21220

Dorothy Rode

Dorothy Rode
3524 Galloway Road
Middle River, MD 21220

269

Keep in ze's file!

STATEMENT

To Whom it may Concern,

I, Mr. Al Cloutier of 3538 Galloway Road have no objections to my neighbor William Clowes 3526 Galloway Road building a shed of 4 ft deep by 16 feet long alongside his home.

x 
Albert Cloutier
3528 Galloway Road
Middle River, MD 21220

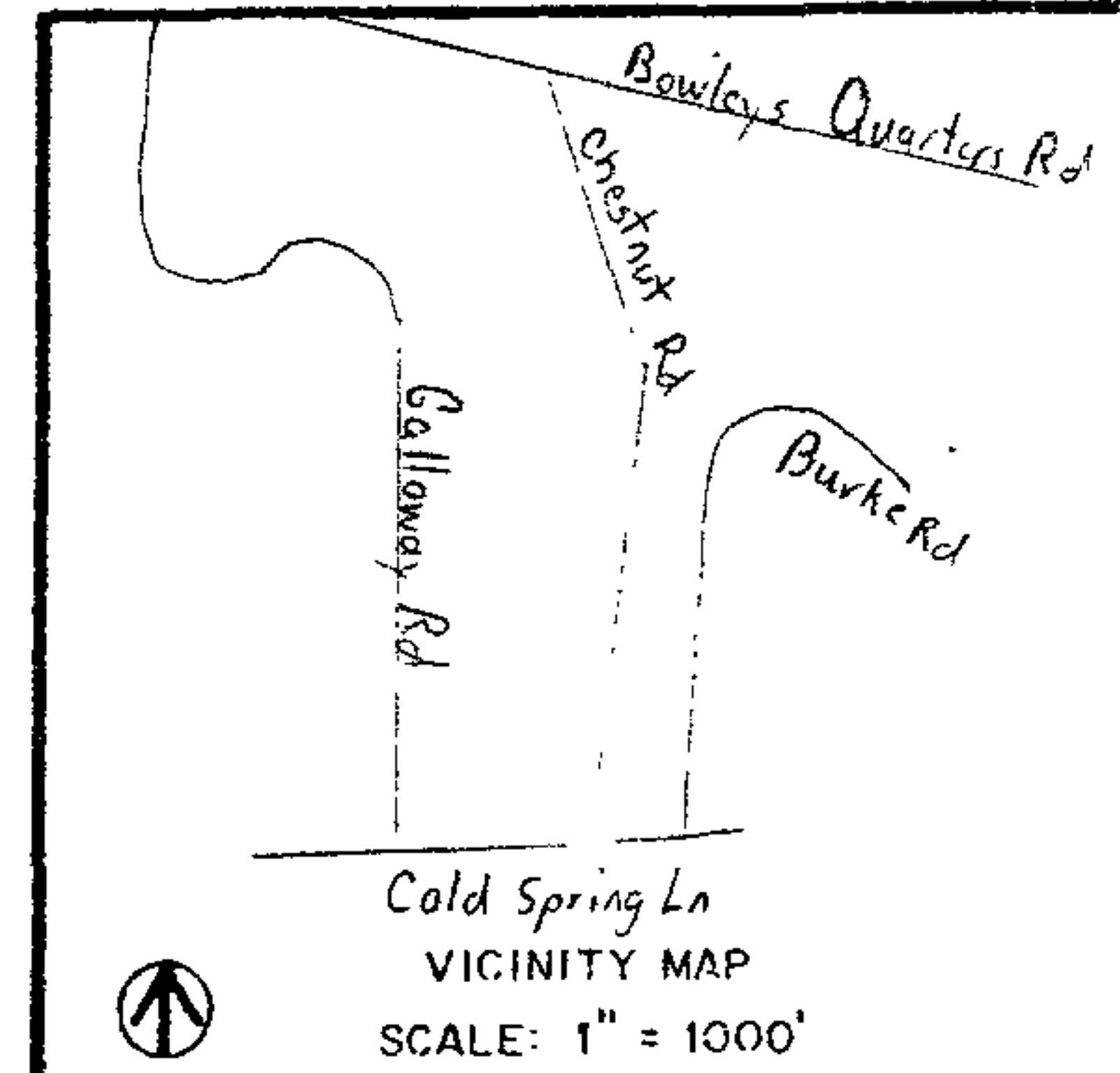
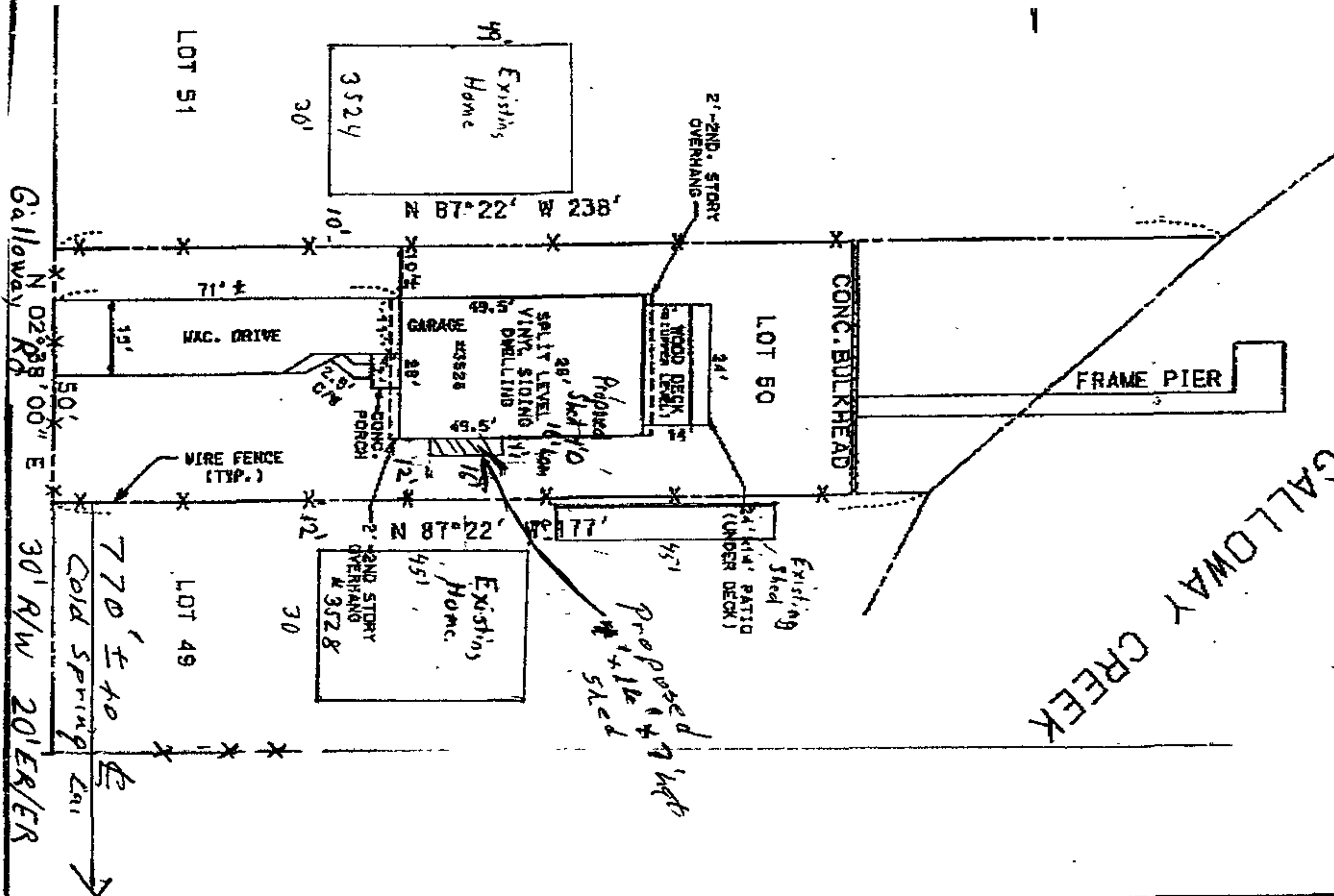
20 Nov 2004

26⁹

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3526 Galloway Rd
 SUBDIVISION NAME Bowley's Quarters
 PLAT BOOK # 1 FOLIO # 12 LOT # 50 SECTION #
 OWNER William B Clowers, Laurie A Lyte

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # NE-5-K

ZONING RC-5

LOT SIZE 0.237 10,350
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐

100 YEAR FLOOD PLAIN	☒	☐
HISTORIC PROPERTY, <u>8ft</u>	☐	☒
BUILDING		

PRIOR ZONING HEARING None

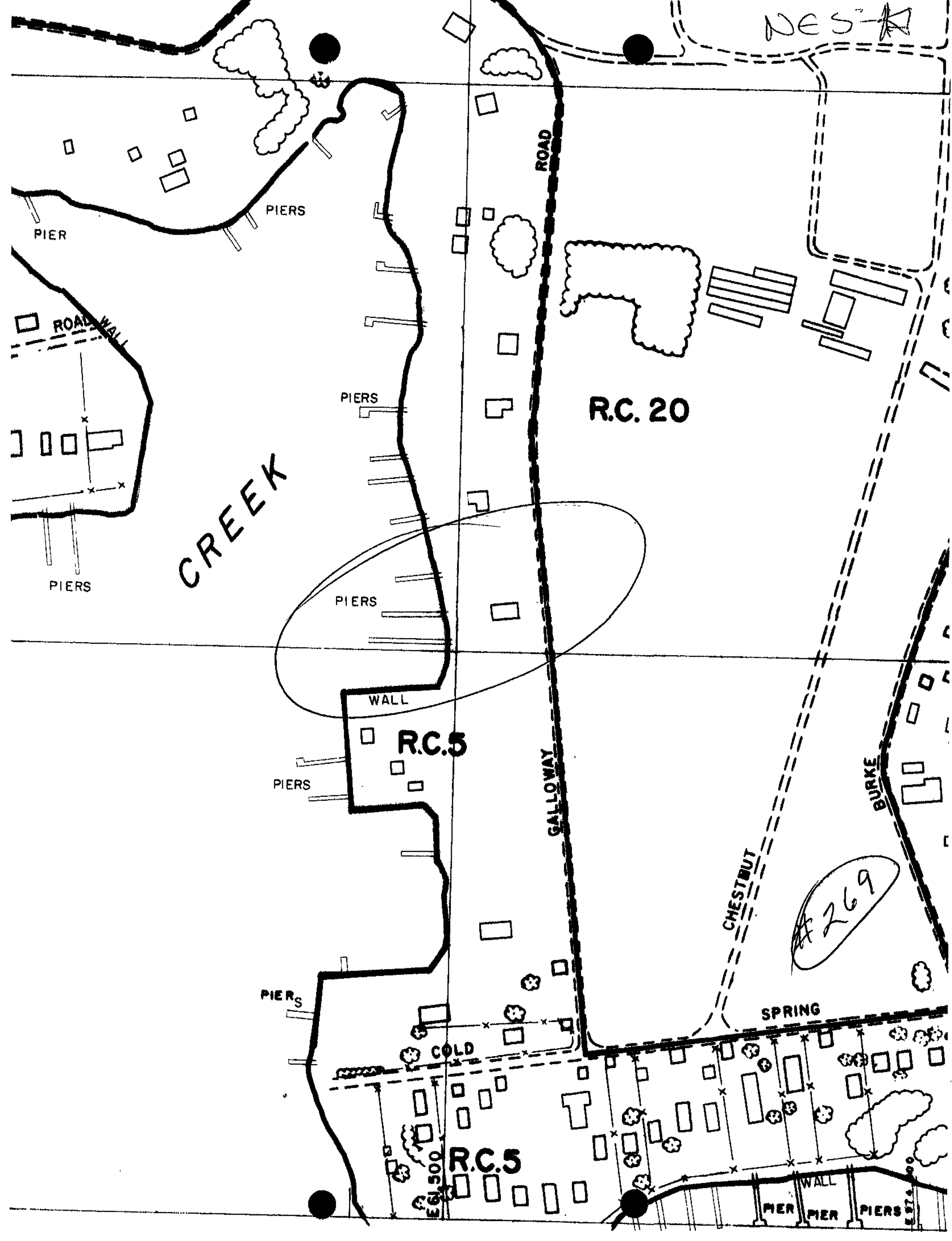
ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # 269 CASE #



NORTH

PREPARED BY WBC

SCALE OF DRAWING: 1" = 40'







Good one!
shaped

269

