IN RE: PETITION FOR VARIANCE
SS of Galloway Road, 941 ft. E
centerline of Galloway Road
15th Election District
6th Councilmanic District
(3646 Galloway Road)

Rosemary & Albert E. Rode Petitioners

- BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* CASE NO. 05-275-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, Rosemary and Albert E. Rode. The Petitioners are requesting variance relief for property located at 3646 Galloway Road in the eastern area of Baltimore County. Variance relief is requested from Sections 1A04.3.B.2.b, 1A04.3.B.3 and 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.): to permit a proposed dwelling with a front setback of 68 ft. from the centerline of the road, in lieu of the minimum required 75 ft.; side setbacks of 10 ft. each in lieu of the minimum required 50 ft. for each; building coverage of 17% in lieu of the maximum allowed 15%; and a building height of 38 ft. in lieu of the maximum allowed 35 ft.

The property was posted with Notice of Hearing on January 11, 2005, 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 January 13, 2005 to notify any interested persons of the scheduled hearing date.

### Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where



special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, 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 10, 2005 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. In addition, a ZAC comment was received from the Office of Planning dated December 20, 2005, a copy of which is attached hereto and made a part hereof.

#### Interested Persons

Appearing at the hearing on behalf of the variance request was Albert Rode, the Petitioner. There were no protestants or citizens who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### Testimony and Evidence

This property is zoned R.C. 5 and is 9,225 sq. ft. in area. This is a 50 ft. waterfront lot which is lot #30 of the "Bowleys Quarters" Subdivision that was recorded in the Land Records of Baltimore County in 1921. See Petitioner's Exhibit 2. The property is vacant except for a

small shed. The Petitioner indicated that he has owned the property for 20 years waiting for public sewer to arrive in Galloway Road so that he could build his home as his permanent residence. Apparently the sewer project is ready and consequently he would like to construct the home shown in the elevation on Petitioner's Exhibit 3. Mr. Rode indicated that his neighbor to the west is constructing the same size home on his 50 ft; lot as shown by the photographs of Exhibits 4D, E and F. Petitioner's Exhibit 1, the plat to accompany, shows that this neighbor's home is 10 ft. from the property line.

In regard to the request for variance, the Petitioner noted that the RC 5 side yard setback requirement of 50 ft. can not be met by a 50 ft. wide lot. He indicated that it would be a hardship to comply with the regulations as there was no other property on either side of his lot to purchase so as to avoid the variance. He is asking for a 10 ft. setback, which is the same as his neighbor to the west, but notes that his neighbor to the east's home is only 7 ft. from the property line.

In addition, he requests a variance for the distance of 68 ft. in lieu of the required 75 ft. for the building to center line of the road, and a variance from the requirement that no more than 15% of a lot may be covered by building. He requests 17% for the latter. Essentially, he is asking for permission to build a 48 ft. long home, which he indicated, is slightly shorter than the neighbor's home of 52 ft. in length as set forth on Exhibit 1. He was not aware whether or not the neighbor had been granted a variance for his property. He noted that his home must be set back from the water 100 ft. which dictates the front of the building. Consequently, if the home is 48 ft. long the rear face is 68 ft. from the center of the road. Finally, he said that the home needs to be four bedrooms to accommodate his family returning for visits, and that reducing the length of the home would mean he would lose a bedroom.

CHANGE THE SHEET

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He also asks for a variance to have a 38 ft. tall home in lieu of the 35 ft. allowed by the regulations. The problem is that he would like to have a slightly higher peak on his roof. See Exhibit 3. This is a matter of style and preference. He noted, however, that the first floor is lost to flood protection so that the height limitations impact him more acutely than other homes not on the waterfront. Finally, he noted that there were no homes behind him whose view of the water would be affected by his peaked roof.

#### 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. This is Lot 30 of the Bowley's Quarter's subdivision which was recorded among the Land Records of Baltimore County in 1921 many years before the RC regulations were imposed on this property. Consequently, I find that the zoning regulations impact this property in a way different from those lots not on the water and created after the RC regulations were imposed.

I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no land on either side of the lot for the Petitioners to acquire and avoid the variance requests. They can not meet 50 ft. side yard set backs with a 50 ft. wide lot. Also, he requests to be able to build a slightly smaller home than his neighbor is apparently able to build presumably with a permit. He would lose needed space for family if the regulations were strictly enforce as far as the building to center of road regulation is concerned. The lot is a waterfront lot and so he loses the first floor of the building to flood avoidance, which affects the height of the home.

Furthermore, I find that these variances 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. The proposed building will be compatible with the neighborhood and especially the pattern of development of the adjoining lots. This will not change the pattern of development. There are no homes behind this lot that would be affected by the height variance.

The only problem with this case is the request to vary the 15% building coverage requirement. Exhibit 1 indicates that the lot is 9,225 ft. in area and the home 30 ft. x 48 ft. = 1,440 sq. ft. This calculates coverage of 15.6% in my way of looking at the plan. If the Petitioner were to meet the 15% coverage requirement, I calculate the house would be 46 ft. long, which I believe to be a very minor change in design. I can not see a hardship or practical difficulty meeting this requirement.

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 requests should be granted.

THEREFORE, IT IS ORDERED, this 25 day of January, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1A04.3.B.2.b, 1A04.3.B.3 and 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.): to permit a proposed dwelling with a front setback of 68 ft. from the centerline of the road, in lieu of the minimum required 75 ft.; side setbacks of 10 ft. each in lieu of the minimum required 50 ft. for each; and a building height of 38 ft. in lieu of the maximum allowed 35 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired.

If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

- 2. Compliance with the ZAC comments made by DEPRM dated January 10, 2004, a copy of which is attached hereto and made a part hereof;
- 3. Compliance with the ZAC comments made by the Office of Planning dated December 20, 2005, a copy of which is attached hereto and made a part hereof; and
- 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.

IT IS FURTHER ORDERED that the Petitioners' request to vary the building coverage of 17% in lieu of the maximum allowed 15%; is hereby DENIED

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



## 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

January 28, 2005

Mr. & Mrs. Albert E. Rode, Jr. 9914 Maidbrook Road Baltimore, Maryland 21234

Re: Petition for Variance
Case No. 05-275-A
Property: 3646 Galloway Road

Dear Mr. & Mrs. Rode:

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,

John V. Murphy

Deputy Zoning Commissioner

John V. Murphy

JVM:raj Enclosure





PADER RECEIVED FOR FILE

# Petition for Variance

# to the Zuming Commissioner of Baltimore County

for the property located at 3646 Galloway Road

which is presently zoned

05-275-A

This Petition shall be filed with the Department of Permits & 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) IAO4.3.B.2.b., IAO4.3.B.3 and IAO4.3.A.BCZR to permit a proposed owelling with a front setback of 68 feet from the centerline of the road in lieu of the minimum required 75 feet, side setbacks of 10 feet each in lieu of the minimum required 50 feet for each, building coverage of 17% in lieu of the maximum allowed 15%, and a bioliding height of 38 feet in lieu of the maximum allowed 35 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

# TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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(6): Albert ERode Jr
(Type or Print Name)	<u></u>		(Type or Print Marke)
Signature			Rosemary Rode
Address			(Type or Print Name)
City	State	Zipcode	Signature
Attorney for Petitioner:			9914 Maidbrook Rd 410-665-132
(Type or Print Name)			Address Phone No /
			Baltimored MD 21234 State 21000de
Signature		<del></del>	City Name, Address and phone number of representative to be contacted.
Address	Phone	No.	Name
City	State	Zipcode	Address Phone No.
			OFFICE USE ONLY
)			ESTIMATED LENGTH OF HEARING Unavailable for Hearing
			the following dates 1/3/05-1/15/05 Next Two Months
Printed with Soybean Ink			ALLOTHER
of necycled Paper			1110
Revised 9/5/95			REVIEWED BY: JATE DATE 1104 7/04

## ZONING DESCRIPTION FOR 3646 (NEW) GALLOWAY ROAD

Beginning at a point on the south side of (New) Galloway Road which is thirty (30) feet wide at the distance of nine hundred forty one (941) feet east of the centerline of the nearest improved intersecting street Galloway Road which is thirty (30) feet wide. Being Lot #30 in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book #7, Folio #12 containing nine thousand two hundred twenty five (9,225) square feet. Also known as 3646 (New) Galloway Road and located in the 15<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.

		8
BALTINORE COUNTY, MARYLAND OFFICE OF BUNGEL SERMANCE. WINSCELLANEOUS RECEITT		KELOW CUSTOMER
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		WHITE: CASHIER

NOTICE OF ZONUNG HEARING

- []

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will held a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #65-275-A
3646 Galloway Road
South side of Galloway Road
South South County
Setback of 68 feet from the centerfine of the road in lieu of setbacks of 10 feet each in lieu of the minimum side setbacks of 10 feet each in lieu of the maximum allowed 15%, and a building height lieu of the maximum allowed 15%, and a building height lieu of the maximum allowed 15%, and a building height lieu of the maximum allowed 35 feet.

Haaring: Thursday, January 27, 2005 at 10:00 a.m. in Hearing: Thursday, January 27, 2005 at 10:00 a.m. in Room
Avenue, Towson 21204.

WILLIAM WISEMAN

Zoning Commissioner for Baltimore County

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Teview Office at (410) 887 4386.

(2) For Information Concerning the File and for Hearing, (2) For Information Concerning the File and for Hearing, 1/120 Jan. 13 the Zorving

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OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., once in each of

X The Jeffersonian

☐ Arbutus Times Catonsville T

imes

Towson Times

Reporter Owings Mills Times

☐ NE Booster/

☐ North County News

1 Julias

LEGAL ADVERTISING

## CERTIFICATE OF POSTING

	RE: Case No. : 05-275-4
	Petitioner/Developer: ACBERT &
	ROSEMARY ROBE
	Date of Hearing/Closing: 1/27/05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue	<b>t</b>
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the penaltic sign(s) required by law were posted cor at	nspicuously on the property
	*
This sign(s) were posted on(Mod	th, Day Year)
9	Sincerely, Marting 1/11/05
( 8	Signature of Sign Poster and Date)
	<u>Martin Ogle</u> Sign Poster
	5016 Castlestone Drive
	Address
	<u>Balto. Md 21237</u> (443-629-3411)
	**************************************

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martin Ogli 1/11/05

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





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

December 14, 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: 05-275-A

3646 Galloway Road-

South side of Galloway Road, 941 feet east of Galloway Road.

15<sup>th</sup> Election District—6<sup>th</sup> Councilmanic District

Legal Owners: Albert E. and Rosemary Rode

<u>Variance</u> to permit a proposed dwelling with a front setback of 68 feet from the centerline of the road in lieu of the minimum required 75 feet, side setbacks of 10 feet, side setbacks of 10 feet each in lieu of the minimum required 50 feet for each, building coverage of 17% in lieu of the maximum allowed 15%, and a building height of 38 feet in lieu of the maximum allowed 35 feet.

Hearing: Thursday, January 27, 2005 at 10:00 a.m., in Room 407, County Courts Building 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK: clb

C: Albert E. and Rosemary Rode 9914 Maidbrook Road Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY JANUARY 12, 2005.

- (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
Thursday January 13, 2005 Issue - Jeffersonian

Please forward billing to:

Albert and Rosemary Rode 9914 Maidbrook Road Baltimore, Maryland 21234

410-665-1321

# 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: 05-275-A

3646 Galloway Road-

South side of Galloway Road, 941 feet east of Galloway Road.

15<sup>th</sup> Election District—6<sup>th</sup> Councilmanic District Legal Owners: Albert E. and Rosemary Rode

<u>Variance</u> to permit a proposed dwelling with a front setback of 68 feet from the centerline of the road in lieu of the minimum required 75 feet, side setbacks of 10 feet, side setbacks of 10 feet each in lieu of the minimum required 50 feet for each, building coverage of 17% in lieu of the maximum allowed 15%, and a building height of 38 feet in lieu of the maximum allowed 35 feet.

Hearing: Thursday, January 27, 2005 at 10:00 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

# ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

Zoning Review will ensure that the legal requirements for advertising are satisfied However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
tem Number or Case Number	
Petitioner: ROPE	<del> </del>
Address or Location: 3646 (NEW) GALLOWAY ROAD	
PLEASE FORWARD ADVERTISING BILL TO	
Name: ALBERT & ROSEMAY RODE	
Address 9914 WAIDBROOK ROAD	
BALTIMORE, ND 21234	
	•
Telephone Number: 410 - 665-1321	

## Department of Permits an Development Management

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





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

January 18, 2005

Albert E. Rode, Jr. Rosemary Rode 9914 Maidbrook Road Baltimore, Maryland 21234

Dear Mr. and Mrs. Rode:

RE: Case Number: 05-275-A, 3646 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 24, 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,

u. Callibal D W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:



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 - 1-7-6

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





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

Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

RE:

**Baltimore County** 

Item No. 275

JMP

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

f. J. Sredh

Engineering Access Permits Division

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Job

**DEPRM** 

DATE:

January 10, 2005

SUBJECT:

Zoning Item

# 05-275

Address

3646 Galloway Road (Rode 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 regulations. Specifically, the property is not permitted to exceed the 25% Maximum Impervious Surface limit nor the 15% Minimum Tree Cover limit (equaling at least 3 trees for this --property). In addition, the applicant must comply with the Buffer Management Area Regulations by maintaining a 100-foot setback from the Mean High Tide mark.

Reviewer:

Martha Strauss

Date: January 3, 2005

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S:\Devcoord\ZAC SHELL 11-20-03.doc

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JAN 2 0 2005

ZOWIE COMMENT

9/1/2/

DATE: December 20, 2004

RECEIVED

DEC 2 7 2004

ZONING COMMISSIONER

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

3646 Galloway Road

INFORMATION:

Item Number:

5-275

Petitioner:

Albert E. Rode, Jr.

Zoning:

RC 5

Requested Action:

Variance

### SUMMARY OF RECOMMENDATIONS:

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

Prepared by:

FOR FERENCE

WANT DEPORT

Division Chief:

AFK/LL:MAC:

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: December 14, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

For December 13, 2004

Item Nos. 250, 254, 268, 269, 270, 271, 272, 723, 274, 273, and 276

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

RWB:CEN:jrb

cc: File

PETITION FOR VARIANCE RE: 3646 Galloway Road; S/side of Galloway Road, 941' E of Galloway Road 15<sup>th</sup> Election & 6<sup>th</sup> Election Districts Legal Owner(s): Albert E. Rosemary Rode

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

**BALTIMORE COUNTY** 

05-275-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

People'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

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10<sup>th</sup> day of December, 2004, a copy of the foregoing Entry of Appearance was mailed to, Albert and Rosemary Rode, 9914 Maidbrook Road, Baltimore, MD 21234, Petitioner(s).

RECEIVED

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

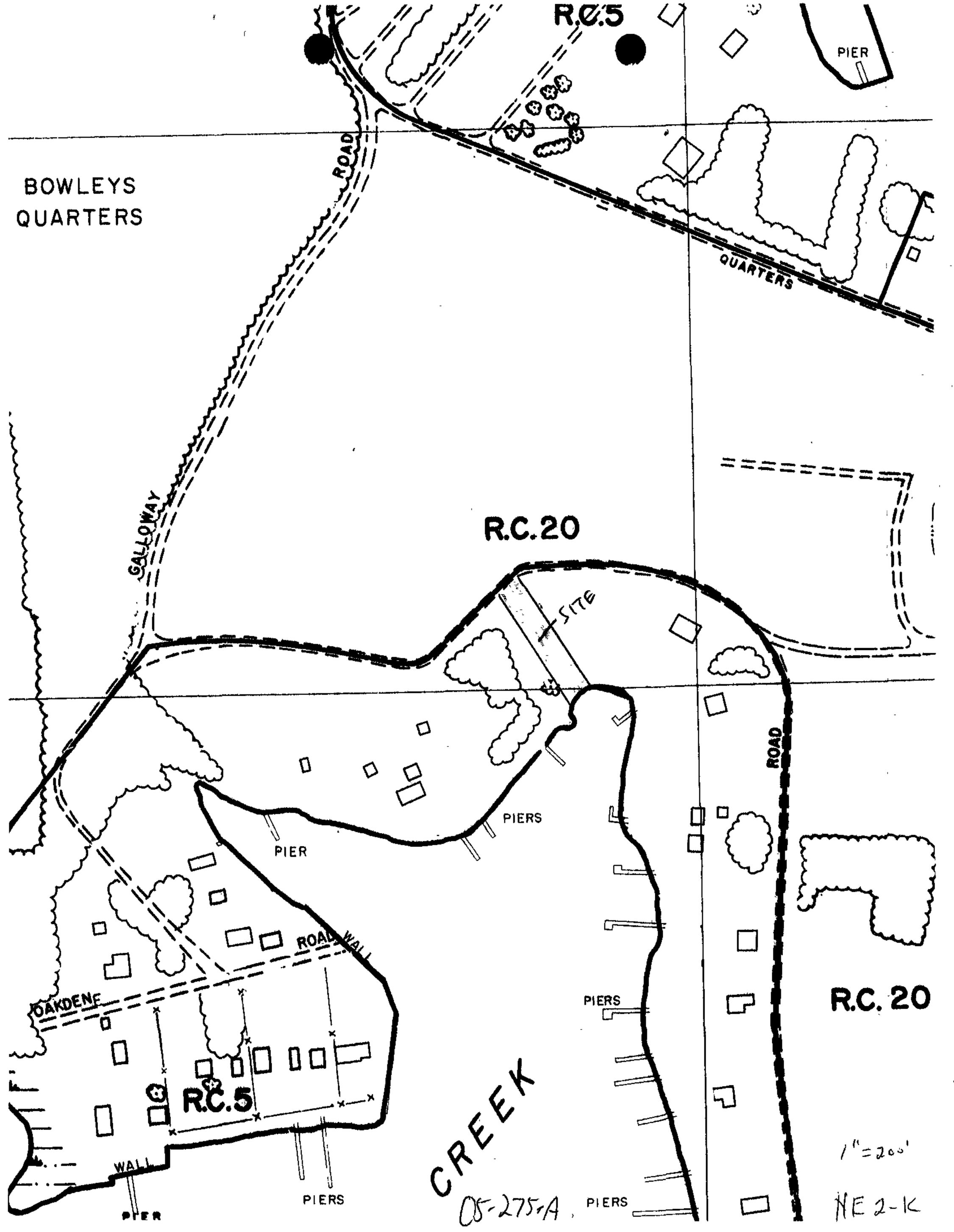
Latin Contract

PLEASE PRINT CLEARLY

CASE NAME OS-275-A K CASE NUMBER OS-275-A DATE CASE NON BER OS-275-A

PETITIONER'S SIGN-IN SHEET

E-MAIL	arabe @ robe armstrong.com									
CITY, STATE, ZIP	Baltimore, MD 21234									
ADDRESS	9914 Maidbrook Kd									
IAME	Albert E. Rode, 3r						*			









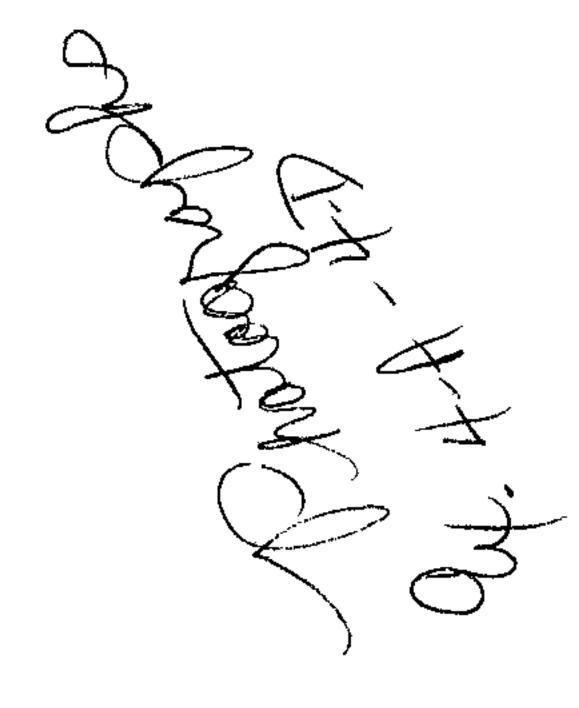








Baltimore County Zoning Commissioner Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204



COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2004, Legislative Day No. 9

Bill No. <u>55-04</u>

Mr. Kevin Kamenetz, Councilman

By the County Council, May 3, 2004

#### A BILL ENTITLED

AN ACT concerning

Zoning Regulations - R.C. 5 Zone

FOR the purpose of amending the minimum lot requirement in the R.C. 5 Zone; providing exceptions; repealing obsolete references; altering the building setback requirement of the R.C. 5 Zone; providing performance standards for residential development in the R.C. 5 Zone; providing for the application of the Act; and generally relating to residential development in R.C. 5 Zones.

BY repealing

Sections 1A04.2.A.12 and 1A04.4
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Sections 1A04.3.B.1. and 2.
Baltimore County Zoning Regulations, as amended

BY adding

Sections 1A04.4
Baltimore County Zoning Regulations, as amended

David It!

Prior Zoning Hearings: NONE	Plat to accompan	or Dalitie ( 7 ) Color Co	
See pages 5 & 6 of the CHECKUST for additional required information  WNER: Albert & Rasemary Rade  OWNER: Albert & Rasemary Rade  Tax way as pages  Tax way	PROPESTY ADDRESS (MACALLA PROPESTY ADDRESS (MACALLA	y Petition for Zoning[X] Variance[] Speci	ial Exception
OWNER: Albert & Rosemary Rode  TAX MAP 98 - PARTS    TAX MAP 98 -	Subdivision nameBasicas Quarters	see pages 5	
CALIDWAY CREEK  STOCKED IN TOOL ALL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK  STOCKED IN TOOL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK CREEK  STOCKED IN TOOL ALL SHOWN ON PART 445 OF 575 DAIED 3/7/7/88  CALIDWAY CREEK			WANTE SOURCE SOUR
LOCATION INFORMATION  Councilimanic District. 6 Election District. 15  17 = 200° accelle maps. NE 2-K  /oning: RC5  Lot size	PROPERTY IS LOCATED IN JONE ATO AS SHOWN OF THE FLOOD INSUPANCE PAIR MAD	(30)	SIT - DIE SPRING ROLD DIE SPRING ROLD - Vicinity Map
$(NEW) \cap ALL \cup MAY = R(OAL) (30'R/M 16'PAMM6)$		FACTOR AND TO SHELL IN G. STORY TO SHELL AND OF SOLUTION TO SHELL AND SHELL	LOCATION INFORMATION  Counctimanic District. 6 Election District. 15  1" = 200" scrale map# NF 2-K  /oning: RC5  Lot size
reviewed by TIEM # CASE#:	date: 11/17 <u>/</u> 04		

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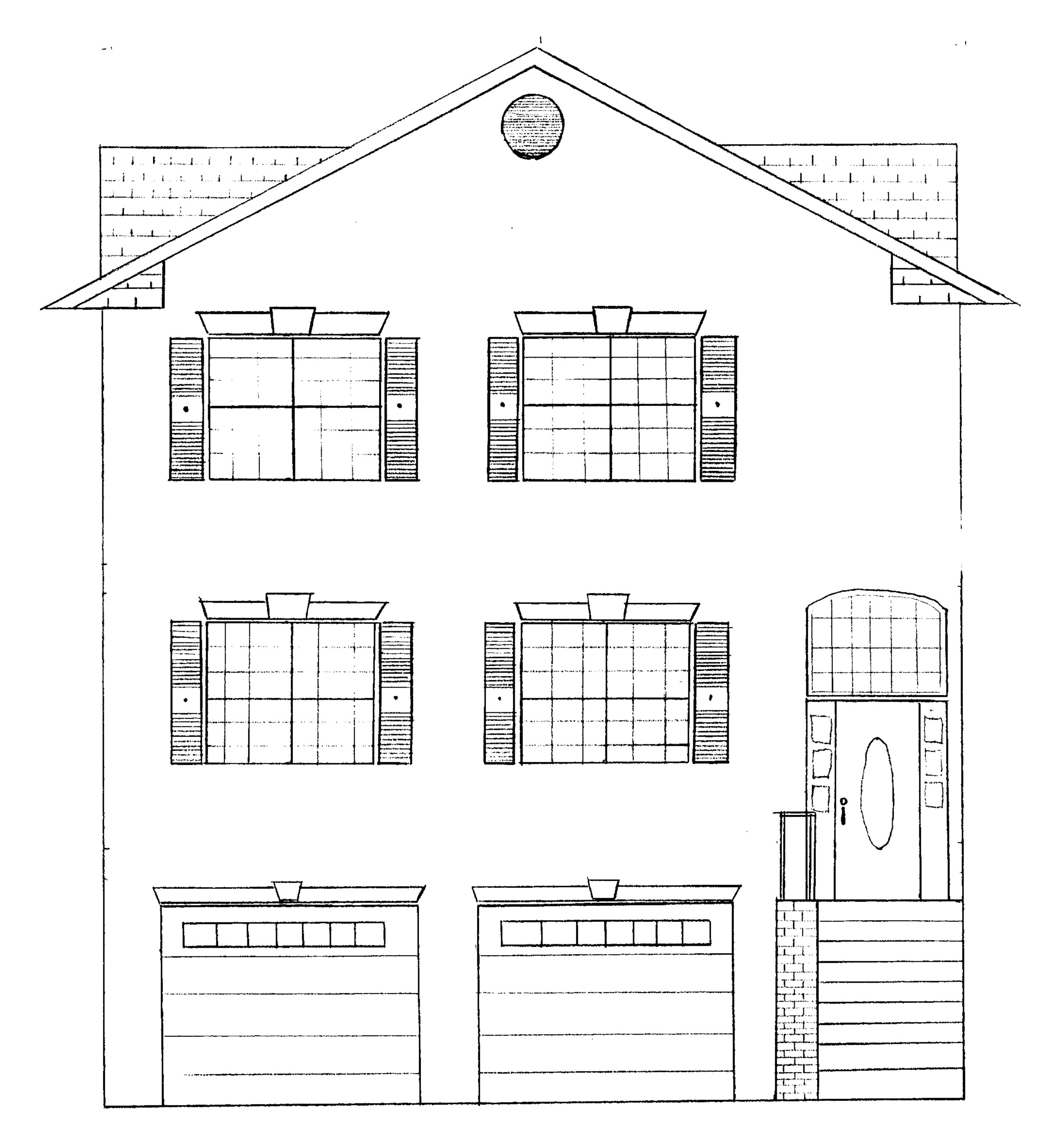
PLATINO.

Scale 1,200 pril 5,1921.

San and vices our and company
Surveyors and Divil Engineers

Baltimore, 193

.Indicates Location of Etake



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Special Exception Iriance see pages 5 & 6 of the CHECKLIST for additional required information BOME'S QUARTERS ROAD OAKDENE RO. CHESTAUT ROAD ROAD Vicinity Map scale: 1" = 1000"LOCATION INFORMATION Counclimanic District: 6 Election District: 15 = 200' scale map#: NE 2-K Zoning: RC5 Lot size: 0.21 9225

square feet acreage

Public Private Sewer Water

Cheapeake Bay Critical Area:

100 Year Floodplain (A-10)

Historic Property/ Building

Prior Zoning Hearings:

0'R/W, 16'PAVING)

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

JNP 275 05-275-4