IN RE: PETITION FOR ADMIN. VARIANCE
N/S of New Section Road, 150 ft. E
centerline of S. Seneca Road
15th Election District
6th Councilmanic District
(3904 New Section Road)

Nancy B. Ruley & Robert Galvin Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 05-535-A

-

*

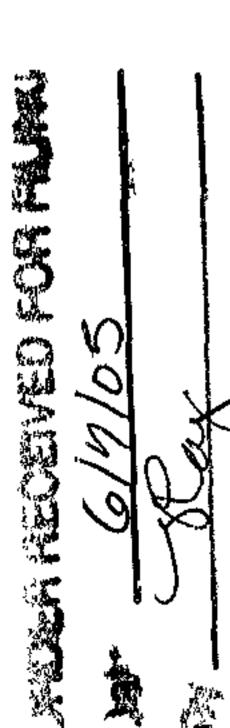
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Nancy B. Ruley and Robert Galvin. The Petitioners are requesting variance relief for property located at 3904 New Section Road in the eastern area of Baltimore County. Variance relief is requested from Sections 1A04.3B.2.b and 1A04.3B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with an 8 ft. side setback and 73 ft. setback to the centerline of the street in lieu of the required 50 ft. and 75 ft. respectively and to permit lot coverage of 29.5% in lieu of the maximum permitted 15%.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 28, 2005, 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: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated June 3, 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.



Applicable Law

THE WALL STATE OF THE STATE OF

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."

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, this _______ day of June, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1A04.3B.2.b and 1A04.3B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with

an 8 ft. side setback and 73 ft. setback to the centerline of the street in lieu of the required 50 ft. and 75 ft. respectively and to permit lot coverage of 29.5% in lieu of the maximum permitted 15%, 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 submitted by DEPRM dated June 3, 2005 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations and the additional comment at the bottom of the ZAC comments, a copy of which is attached hereto and made a part hereof;
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

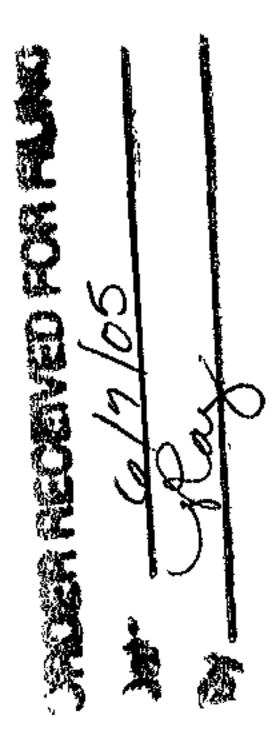
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

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

June 7, 2005

Mr. Robert Galvin Ms. Nancy B. Ruley 3904 New Section Road Baltimore, Maryland 21220

> Re: Petition for Administrative Variance Case No. 05-535-A Property: 3904 New Section Road

Dear Mr. Galvin & Ms. Ruley:

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,

John V. Murphy

Deputy Zoning Commissioner

John V. Menter

JVM:raj Enclosure

c: Raymond J. Piechocki 824 Seneca Park Road Middle River, MD 21220



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



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

| for the property located at | 3904 | NEW | 95CT104 | ROAD |
|-----------------------------|------|-----|---------|------|
| which is | | • | - | |

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) | A04, 3B, 2, b, + | A04, 3B, 3, (BCZR)

To permit an addition with an 8-foot side setback and 73-foot setback to the centerline of the street in lieu of the required 50-feet and 75-feet respectively and to permit lot coverage of 29.5% in lieu of the maximum permitted 15%.

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

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

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

| | | | perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. |
|---------------------------------------|--|--|--|
| Contract Purchase | er/Lessee: | | Legal Owner(s): |
| Name - Type or Print | <u></u> | - <u></u> | Name - Type of Print , Name - Type of Print , |
| Signature | | ······································ | Signature |
| Address | | Telephone No. | Name Type or Print |
| City | State | Zip Code | Signature (MA) / Lety |
| Attorney For Petiti | oner: | | 3904 NEW GETTION P.D 410-335-580 Address Telephone No. |
| Name - Type or Print | | | MIDDLE PIVEL, MARYLAND 1/120 City State Zip Code |
| | | | |
| Signature | | | Representative to be Contacted: |
| | · · · · · · · · · · · · · · · · · · · | | PAYMOND J. PIECHOCKI |
| Company | | | Name |
| Address | <u>, </u> | Telephone No. | BY SENECH PARK RD 445-104 Address Telephone No. |
| 1 1 | | | MIDDLE RIVER MARYLAND SISSA |
| City | State | Zip Code | MIDDLE PIVER, MARYLAND 2/220 City FAX: 410-335-1546 State Zip Code |
| A Public Hearing having this O day of | been formally demand | ded and/or found to | DB PRODUCED IT to ordered by the Tanton Camera Camera |
| regulations of Baltimore Cou | unty and that the proper | rty be reposted. | of this petition be set for a public hearing, advertised, as required by the zoning |
| | | | |
| | | | Zoning Commissioner of Baltimore County |
| CASE NOO | 5-535-A | R | Reviewed By D.T. Date 4 21 05 |
| 18. 2 8 | | | |

Estimated Posting Date 5105

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 | 3904 11 | SW SECTI | OH FOAD | · · · · · · · · · · · · · · · · · · · |
|--|--|---|---|---|
| | MIDDLE- | DIVER, | State State | 2120 |
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| NOW UN ABLE TO COPE FOR A | EGWER I | FOR HIS E | U CIVING INTHE I | THER WHO IS WEDGEN IN THE M |
| THIS IS AN OWNER OCCUPIE | D PROPER | ery | | |
| That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide at Signature Signature Name - Type or Print | mal demand is ditional inform | Signature | Me D. L. |) |
| STATE OF MARYLAND, COUNTY OF BALTIMO | _ | | | |
| of Maryland, in and for the County aforesald, personally known or satisfaction. | RULEY | | クラー, before me, a Notai | ry Public of the State |
| AS WITNESS my hand and Notarial Seal | Notary |) Mela Public | l Rurka ires 8/1/06 | |
| REV 10/25/01 | My Co | mmission Exp | ires 8/1/06 | |

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 | 3904 | NEW SECT | ION ROAD | |
|--|--------------------|--|--|--|
| • | Address City | - DIVER | State | 2/220 Zip Code |
| That based upon personal knowledge, the follow Variance at the above address (indicate hardship | wing are the | facts upon which difficulty): | th I/we base the request for the second of t | or an Administrative |
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| WHERE SHE AND HER HUSBAN | 10 NOU1 | CIVE, HER | ? HUSTSANIS WORL | es FOR THE |
| 115 DEPARTIMENT OF HOMELA | ND SEC DIME | CRITY INN | g // 15 / 120gon e- /450 /3/13/ | |
| THE AFFIRMT IS THE SOLE OFF | REGIVET GREGETE | 2 FOR HIS E | 36 SETTE OUD 1907 W CIVING INTH TO | HER WHD 15 HEM IN THE HO |
| THIS IS MY OWNER OCCUPIE | D PROP | Ex. Ty | | |
| That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide ac | aditional into | d is filed, Affiar ormation. | it(s) will be required to p | ay a reposting and |
| Signature ANVIN | | Signature / | 1 B. PULEY | - Colon of the col |
| Name - Type or Print | | Name - Type o | Print | · · · · · · · · · · · · · · · · · · · |
| STATE OF MARYLAND, COUNTY OF BALTIMO | | | | |
| I HEREBY CERTIFY, this QOCK day of APR of Maryland, in and for the County aforesaid, pers | ,, | ared RUCEY | <u>⊅</u> , before me, a Notary | Public of the State |
| the Affiant(s) herein, personally known or satisfac | | the companies of the companies of the con- | h Affiant(s). | |
| AS WITNESS my hand and Notarial Seal | <u>(</u> | Pamela | S. Rusha | |
| | Not | Commission Eve | oires 8/1/09 | · · · · · · · · · · · · · · · · · · · |
| REV 10/25/01 | iviy | OCHRINGSION EX | 711 GD | <u></u> |



CASE NO. ____05-535-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3904 NEW SECTION ROAD which is presently zoned <u>RC 5</u>

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) 1A04, 3B, 2, b. > 1A04, 3B, 3. (BCZR)

To permit an addition with an 8-foot side setback and 73-foot setback to the centerline of the street in lieu of the required 50-feet and 75-feet respectively and to permit lot coverage of 29.5% in lieu of the maximum permitted 15%.

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/vve 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/ | <u>Lessee:</u> | | <u>Legal Owner(s):</u> |
| Name - Type or Print | ······································ | | Name - Type or Print |
| Signature | | ······································ | Signature |
| Address | | Telephone No. | Name - Type or Print |
| City | State | Zip Code | Signature B. D. Lee |
| Attorney For Petition | er: | | 3904 NEW GETTION PD 410-335-586 |
| Name - Type or Print | | | MIDDLE PILEL, MARYLAND 1/110 City Telephone No. Telephone No. Zip Code |
| Signature | · | ·- : | Representative to be Contacted: |
| Company | | <u>l </u> | Name Name J. PIECHOCKI |
| Address | | Telephone No. | Address SENECA PARK RD 945-109 Telephone No. |
| City | State | Zip Code | MIDDLE LIVER MARYLAND 2/120 City State Zip Code |
| Public Hearing having bee | n formally deman | ded and/or found to be nat the subject matter of th | required, it is ordered by the Zoning Commissioner of Baltimore County, is petition be set for a public hearing, advertised, as required by the zoning |
| egulations of Baltimore County | and that the prope | ny be reposted. | , many and toquitou by the zoning |
| | | ! | Zoning Commissioner of Baltimore County |

Reviewed By D.T. Date 42105

Estimated Posting Date 5105

ZONING PESCEIPTION

ZONING DESCRIPTION FOR 3904 NEW SECTION ROAD 21220

BEGINING AT A POINT ON THE NORTH GIDE OF NEW GECTION POAD, WHICH IS A 30 FOOT WIDE PIGHT OF WAY ATA DISTANCE OF 150 FEET EAST OF THE CENTER LINE OF THE NEAPEST IMPROVED INTERSECTING STREET, S. SENECA POAD, WHICH IS 30 FEET WIDE.

BEING LOT # 303 BLOCK ___, SECTION __ IN THE SUBDIVISION OF BOWLEYS QUARTERS AS RECORDED IN BALTIMORE COUNTY PLAT 1300K # 10 FOLIO# 64 CONTAINING 10,450.00 SQUARE FEET. ALSO KNOWN AS 3904 NEW SECTION ROAD AND LOCATED IN THE 15TH ELECTION DISTRICT, 6TH COUNCIL MANIC DISTRICT

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CERTIFICATE OF POSTING

| | RE: Case No.: 05-535-4 |
|---|---|
| | Petitioner/Developer: GALVIN |
| • | Date of Hearing/Closing: 5-16-05 |
| altimore County Department of ermits and Development Management ounty Office Building, Room 111 11 West Chesapeake Avenue owson, MD 21204 | |
| ttention: Becky Hart | |
| ndies and Gentlemen: This letter is to certify uses were posted conspicuously on the property | nder the penalties of perjury that the necessary sign(s) required by located at # 3904 NEW SECTION ROSO |
| | |
| he sign(s) were posted on | 28, 2005 (Month, Day, Year) |
| · . | Sincerely, Signature of Sign Poster and Date) |
| | GARLANDE, Mooro (Printed Name) |
| | 3225 RYERSON CIRCLES (Address) |
| , | PAUTINIARE, MD. 21227 (City, State, Zip Code) |
| | (Telephone Number) |
| | /h-nona ramificil |





RE: PETITION FOR ADMINSTRATIVE

VARIANCE

3904 New Section Road; N/side New Section*

Road, 150' E c/line S. Seneca Road

15th Election & 6th Councilmanic Districts

Legal Owner(s): Robert & Nancy Galvin

Petitioner(s) *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-535-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 2nd day of May, 2005, a copy of the foregoing Entry of Appearance was mailed to, Raymond J Peichocki, 824 Seneca Park Road, Middle River, MD 21220, Representative for Petitioner(s).

RECEIVED

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per------

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 Advertis | ina: |
|------------------------|------------------------------|
| | nber: 05-535-A |
| Petitioner: GALVI | NRULEY |
| Address or Location: | 3904 NEW SECTION RD. |
| | • |
| PLEASE FORWARD ADV | /ERTISING BILL TO: |
| Name: MR.R | ROBERT GALVIN |
| Address: 3904 | NEW SECTION RD. |
| | DLE RIWER, MD 21220 |
| | |
| Telephone Number: | 410-335-5882 OR 410-335-5805 |

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case | Numbe | r 05- | 535 | -A | Address 🖄 | 904 NEU | U SECTION | RD. |
|-----------------|----------------------|------------------------------|---|--|--|--|--|---------------------------------------|
| Conta | act Perso | on: | DONNA TI | HOMPSON Please Print Your N | Vame | | Phone Number | 410-887-339 |
| Filing | Date: | 4/2 | 105 | _ Posti | ing Date: <u>5</u> | 105 | Closing Da | te: 5/16/05 |
| Any o throug | contact of the co | made ontact | with this off person (plan | ice regarding ner) using the | the status of case numbe | of the adm r. | inistrative varia | ince should be |
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| 2. | a forma | ar requ | uest for a pt | udiic nearind. | adline for an e Please und s is not comple | derstand th | r owner within 1 nat even if ther closing date. | ,000 feet to file e is no formal |
| | order the (typically | at they with | e matter be in 7 to 10 day | (a) grant the set in for a vs of the clos | requested re public hearing ing date) as t | eilet; (b) de 1g. You v 10 whether | the zoning or ny the requeste vill receive write the petition has ou by First Clas | ed relief; or (c) ten notification |
| | commis | sioner d givin certifi |), notification of the | ors formal r will be forward to hearing da | request or by varded to yo telltime and l | order of u. The s | at must go to a the zoning or ign on the prosign sign must be red sign must be | deputy zoning perty must be |
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| Petitio | ner: Th | is Pa | rt of the For | n is for the S | ign Poster C | nly | · | ; |
| | | | USE THE A | DMINISTRAT | IVE VARIAN | CE SIGN F | ORMAT | 1 |
| | Number | | 535 -A | Addres | ss 3904 N | IEW SEC | TION RD. | · · · · · · · · · · · · · · · · · · · |
| Petition | ner's Nai | me | GALVIN | · | | Tele | phone <u>410-2</u> | 35-5805 |
| ostin | g Date: | | 5105 | ·- ····· | Closin | ng Date: _ | 5/16/05 | <u> </u> |
| Vordir | g for Sig | c | enterline of t | he street in l | ieu of the req | uired 50-fe | and 73-foot set eet and 75-feet maximum peri | respectively |
| | | | - , , , , , , , , , , , , , , , , , , , | <u></u> | <u>. </u> | ···- | | |

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

May 16, 2005

Robert Galvin Nancy B. Ruley 3904 New Section Road Middle River, Maryland 21220

Dear Mr. Galvin and Ms. Ruley:

RE: Case Number: 05-535-A, 3904 New Section Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 21, 2005.

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.

W. Calling yours (2)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Raymond J. Piechocki 824 Seneca Park Road Middle River 21220



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



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 5, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 5, 2005

Item No.: 529-541

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 J.D.Mezick Fire Marshal's Office 410-887-4881 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

DATE: May 17, 2005

Department of Permits & Development

Management

FROM:

Dennis Kennedy, Acting Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 9, 2005 Item No. 535

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The flood protection elevation for this site is 11.2.

In conformance with Federal Flood insurance Requirements, the first floor or basement floor must be at least 1-foot above the flood plain elevation in all construction.

The property to be developed is located to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of structure with materials resistant to flood damage.

Flood resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

The minimum right of way for all public roads in Baltimore County is 40-foot. Setback shall be modified accordingly.

Variance shall be modified accordingly.

DAK:CEN:clw Cc: file

ZAC-ITEM NO 535-05172005.doc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

| TO: | Tim Kotroco PDM |
|----------|---|
| FROM: | John D. Oltman, Jr DEPRM |
| DATE: | June 3, 2005 |
| SUBJECT: | Zoning Item # 05-535 Address 3904 New Section Road |
| Zonin | g Advisory Committee Meeting of May 2, 2005 |
| | Department of Environmental Protection and Resource Management has no nents on the above-referenced zoning item. |
| | Department of Environmental Protection and Resource Management offers llowing 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 (Section 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 |

Additional Comments:

Development on this property must comply with the Limited Development Area Regulations including the 25% maximum impervious surface limit (or up to 31.25% with mitigation) and the 15% minimum tree cover lmit.

Sections, of the Baltimore County Code).

Critical Area Regulations (Sections 26-436 through 26-461, and other

Date: June 3, 2005

Reviewer: Martha Stauss

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** May 17, 2005

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAY 1 9 2005

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-535 – Administrative Variance(s)

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL



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

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

Maryland Department of Transportation

Date:

4.29.05

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

RE:

Baltimore County
Item No. 535

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

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

4/22/05

TO: RAY PIECHOCKI

FROM! DONNA THOMPSON ZONING REVIEW

HERE IS THE FORM NECESSARY
FOR POSTING OF SIGN. CONSENSUS
1S TO ONLY VARIANCE SIDE THAT IS
CHANGING BUT NEEDED TO VARIANCE
TO C/L OF STREET. CALL ME IF YOU
HAVE ANY QUESTIONS.

10-887-3391



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

To: Zoning Administrator Baltimore County, MD

Date: 4/21/95

Re: Variance Application – Reduction of side yard setback on the west side to

8 foot minimum

And grandfathering existing 3 foot east side yard

Subject Property:

3904 New Section Road Middle River, MD 21220 Zoning R-20

We have reviewed the plans dated January 20, 2005 for a one bedroom additional to the above referenced property. We support the request for a side yard variance.

Resident - 3902 New Section Road

Resident - 3906 New Section Road

Robert C. Galvin 3904 New Section Road Baltimore, MD 21220

April 21, 2006

Timothy Kotroco, Esquire
Director, Department of Permits and
Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

RE: Variance Application – Side Yard Setback 3904 New Section Road Middle River, MD 21220

Zoning – RC5
.Side yard setback required – 50 feet
.Existing lot size 50' x 269'

Requested Variance -

Existing east side yard 3 feet – grandfather

Proposed west – Side yard setback minimum 8 feet

existing garage 3.5 feet - grandfather

Dear Mr. Kotroco:

On Thursday, April 21, 2005, I filed a Petition for an Administrative Variance for the above captioned property, which is located in eastern Baltimore County. The subject petition is being filed so that we may construct a one story bedroom addition.

We are anxious to commence construction for the following reasons:

- 1. This is an old community of 50 foot wide lots and most of the homes have existing side yards of 0 feet to 10 feet.
- 2. A minimum west wide yard of 8 feet is requested which is greater than the majority of existing homes.
- In addition, the following hardships are involved in this request to build a one bedroom addition:
 - a. Our daughter is expecting a child in June. She lives in Istanbul where her husband works for the Department of Homeland Security. She is required to come home prior to her delivery and

we need the bedroom addition for her to stay in the United States prior to returning to Turkey in September, 2005.

- b. We are now the sole caregivers to my 86 year old mother, Helen Galvin, who lives in Ocean Pines, MD. She is becoming unable to care for herself and we have a nurse come in on a regular basis to provide needed assistance. We drive to Ocean Pines weekly to grocery shop and take her to doctors' appointments. In the not to distant future she will be unable to live alone and with this additional bedroom we would be able to care for her in our home which is our desire.
- c. The applicant suffers from advancing degenerative arthritic knees. In the future years I will not be able to climb the stairs to our only existing bedroom.

We are writing to you seeking approval to process and release building permits for these improvements pending the variance hearing and decision in this case.

If you are willing to permit construction prior to a final non-appealable decision by the Zoning Commissioner, we understand that any improvements may have to be removed and we assume the risk for any work that is commenced prior to the approval. If the decision is ultimately unfavorable, we understand that we would have to restore the property to the condition in which it existed prior to any work being commenced.

Also attached is a letter of support from our neighbors for this addition.

We would appreciate your consideration in approving and releasing these permits on the conditional basis described in this letter. We love our home and this one bedroom addition will provide for our daughter's near term needs, our mother's later needs and our future needs.

Very truly yours,

Robert C. Galvin

Nancy B. Galvin (Ruley)

Enclosure: Letter of Support

APR 26 2005 05-643 From:

Roberta Jameson

To:

Oltman, John

Subject:

05-535-A

The above-captioned case has a closing date of 5/16/05. The address is: 3904 New Section Road and the Petitioners are Robert Galvin and Nancy Ruley.

I will need comments from your office regarding this item because the home is located in the CBCA.

Thanks,

Robin

Petitioner's agent called 6/1/05 - Said DEPRM

Mand-delivered to This office. I have looked

for ZAC comments & to my knowledge they
have not been delivered or received by

this office as of this date.

Exp 6/1/05

Ho 335-1546

Riechacher

And order track sugred by Am.

824 Seneca Park Road Baltimore, Maryland 21220 Phone443-695-0122 Fax: 410-335-1546

535

PIECHOCKI CONSULTANTS

| Urgent For Review Please Cor | |
|----------------------------------|---------------------|
| Re: 3904 NEW GETTION | CC: |
| Phone: 410 - 887 - 3353 | Pages: #4 |
| Fax: 410-887-5708 | Date: 3/6/05 |
| To: THYDTHY KOTROCO | From: Ray Piechocki |

ATTACHED IS THE SITE FLAN FOR THE PROJECT WE DEWSSEY THE OTHER MY. I HAVE CLEARED ALL DEPT. EXCEPT ZONING. THE 10' SIDE YARD AG IS THE ISSUE. I HAVE SPOKEN TO JOE MARY AND KARL RICHARDS, AND THEY SAY THAT AN ADMINISTALTINE VARIANCE IS NECESSARY. WE ARE PROCESSONG WITH THE MARK WORK," BUT WOULD LIKE TO KNOW HOW WE ASNGET A PERMIT TO START FOUNDATIONS AND PROCEED AT, DEWERS RISK, WHILE PARIANCE IS BEING PROCESSED,

THIS IS A REPL HARDSHIP, AS POTLINED IN THE DUNEAS NOTE ATTACHED. CAN YOU HEED US,

Date

Variance Application - Side Yard Setback

Re:

3904 New Section Road Middle River, MD 21220

Zoning - R-20

- . Side yard setback required 50 feet
- . Existing lot size 50' x 269'

Requested Variance -

- . Existing east side yard 3 feet grandfather
- . Proposed west Side yard setback minimum 8 feet

Justification for request:

- 1. This is an old community of 50 foot wide lots and most of the homes have existing side yards of 0 feet to 10 feet
- 2. A minimum west wide yard of 8 feet is requested which is greater than the majority of existing homes
- 3. In addition, the following hardships are involved in this request.
 - a. We wish to build a one bedroom addition.
 - b. Our daughter is expecting a child in June. She lives in Istanbul where her husband works for the Department of Homeland Security. She is required to come home in May prior to her delivery and we need the bedroom addition for her to stay in the United States prior to returning to Turkey.
 - c. We are now the sole caregivers to our 86 year old mother who is now unable to care for herself
 - d. The applicant suffers from advancing degenerative arthritic knees. In the future years I will not be able to climb the stairs to our only existing bedroom.

We respectively request this variance be granted. We love our home and this one bedroom addition will provide for our daughter's near term needs, our mother's later needs and our future needs

Sincerely,

TRANSMISSION OK

TX/RX NO.

4804

CONNECTION TEL

94103351546

CONNECTION ID

START TIME

06/08 09:58

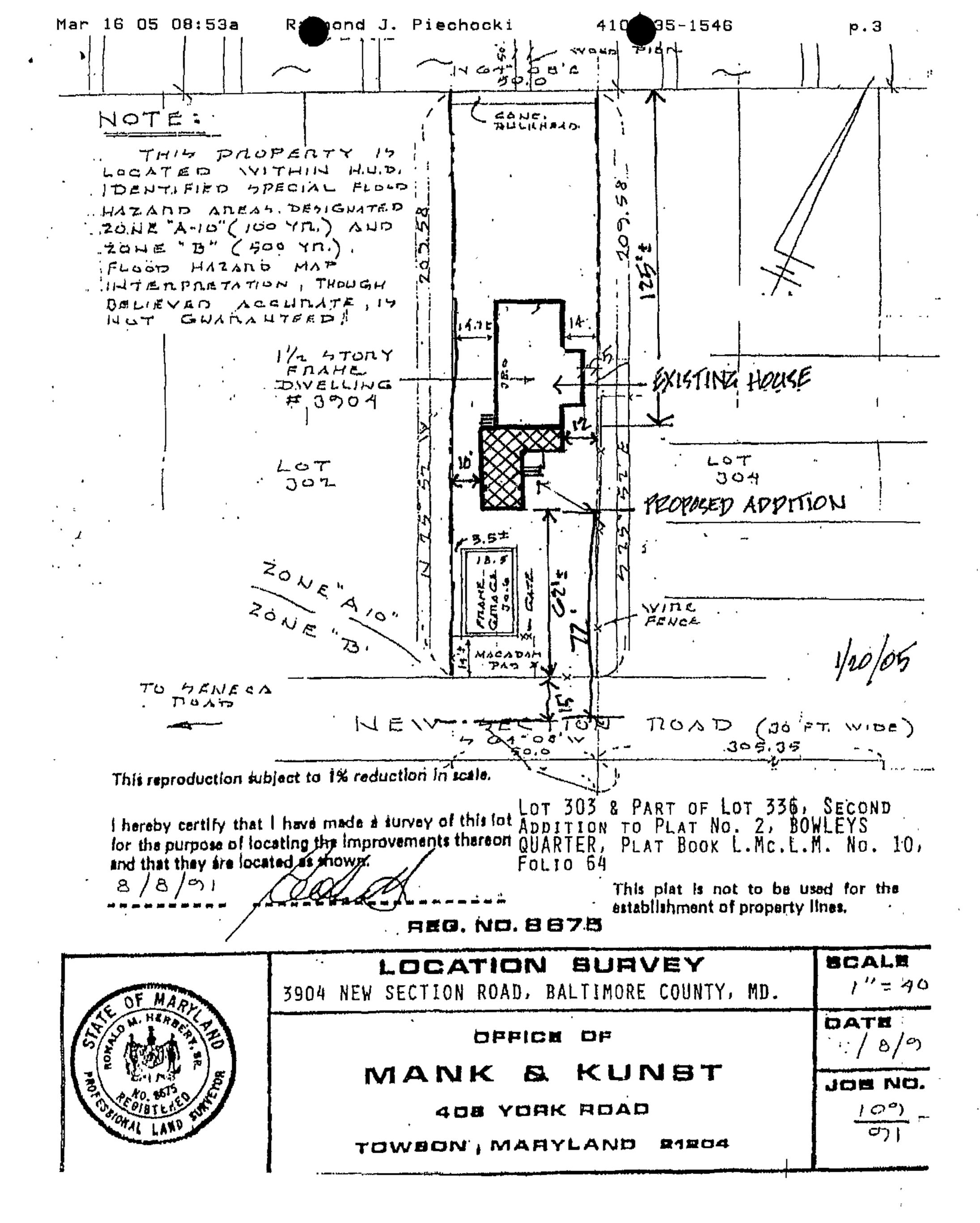
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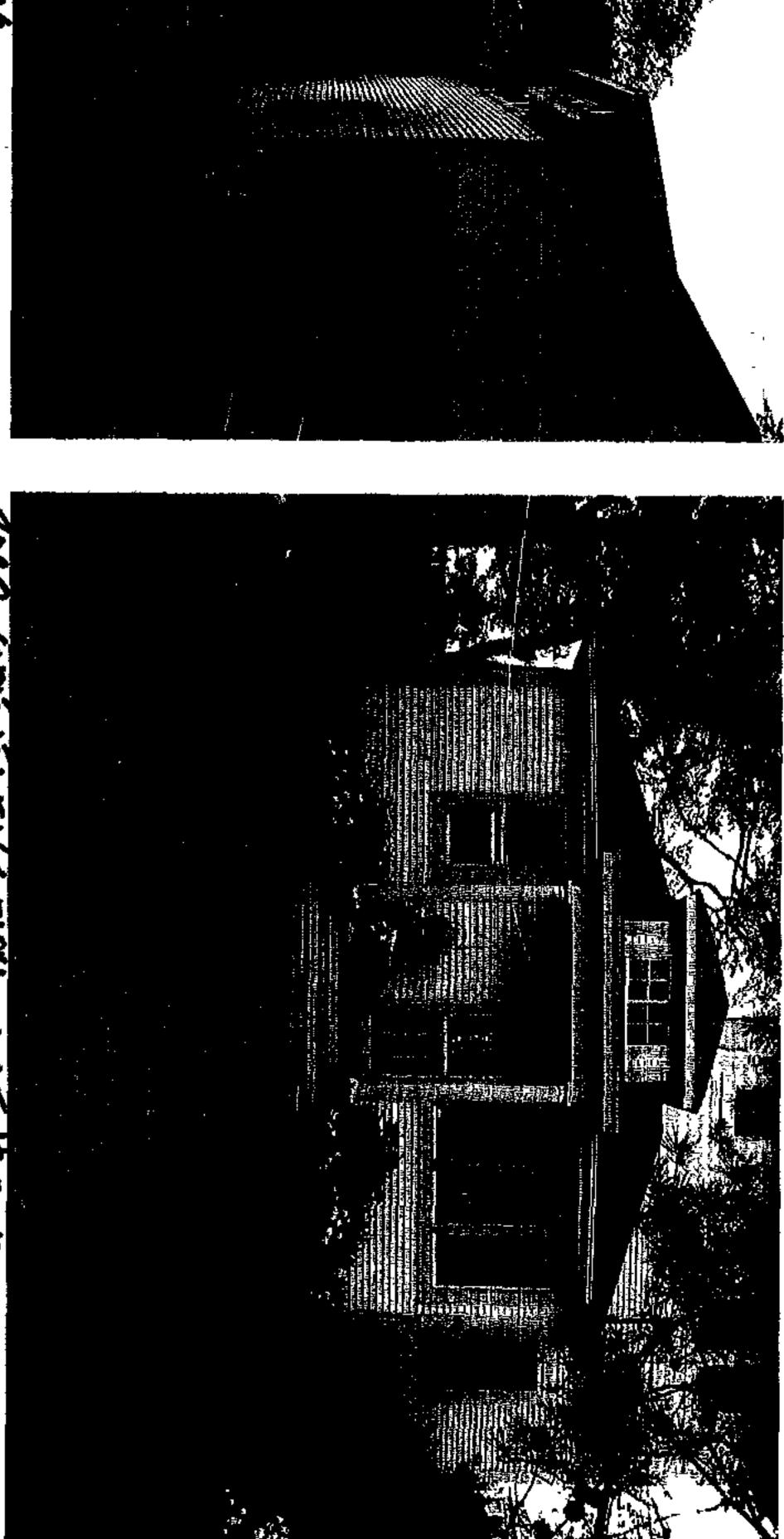
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PAGES RESULT

ok OK

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| Phone # | Phone 4 |
| Fax# 4,0-335-1546 | Fax # |
| Re | 2-05-535-A |

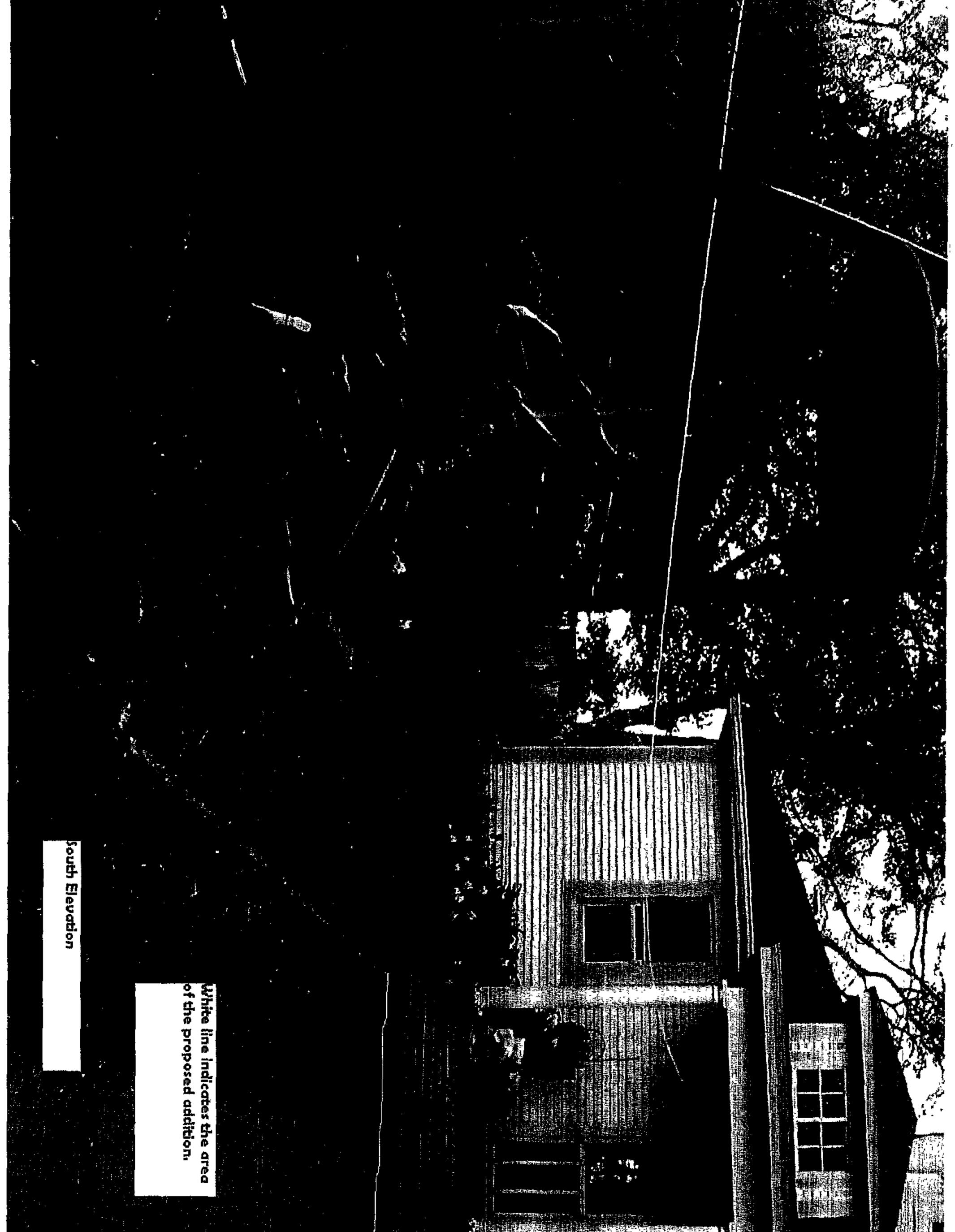






VIEW FROM BOAD LOT # 304

05-535-A

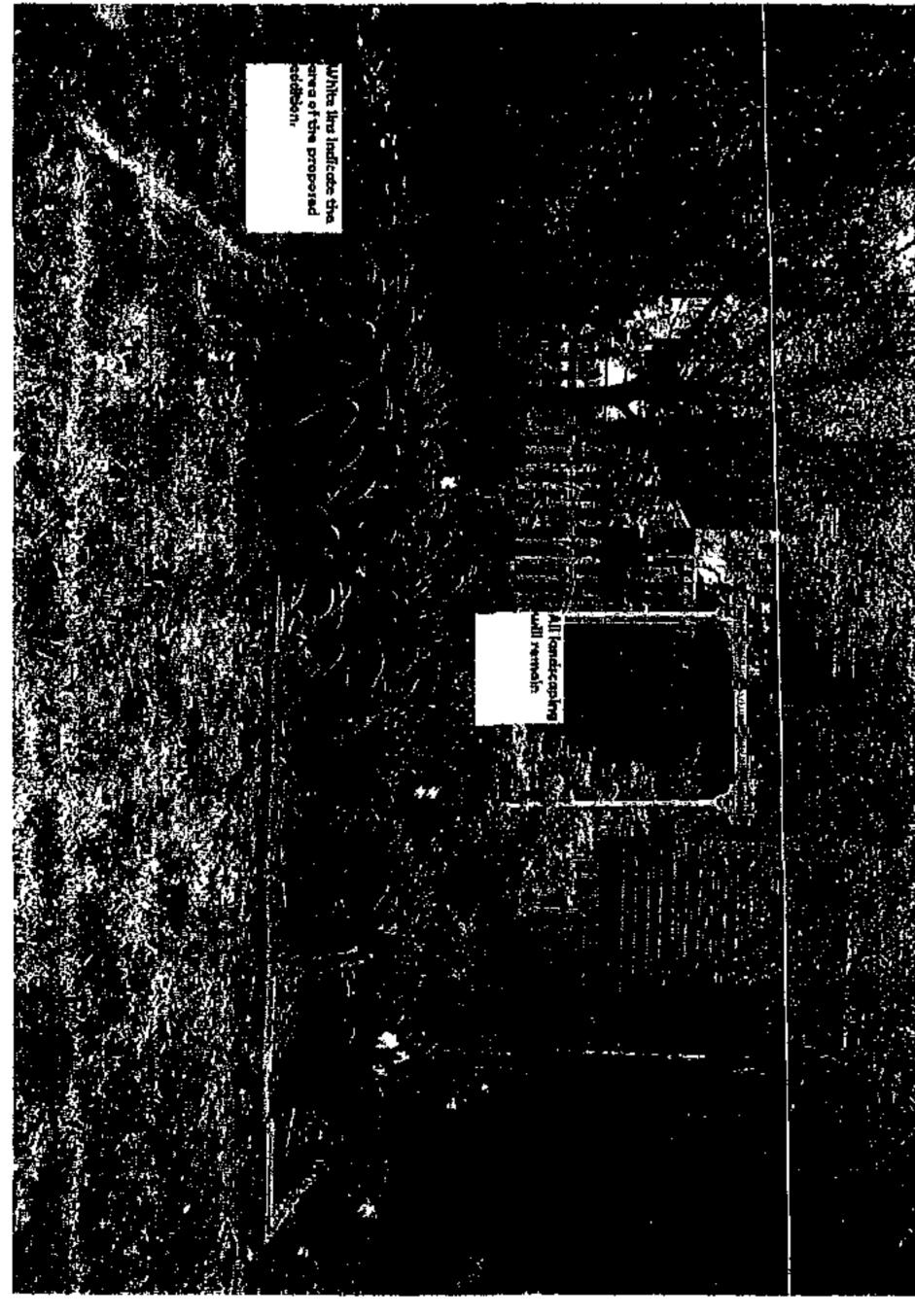


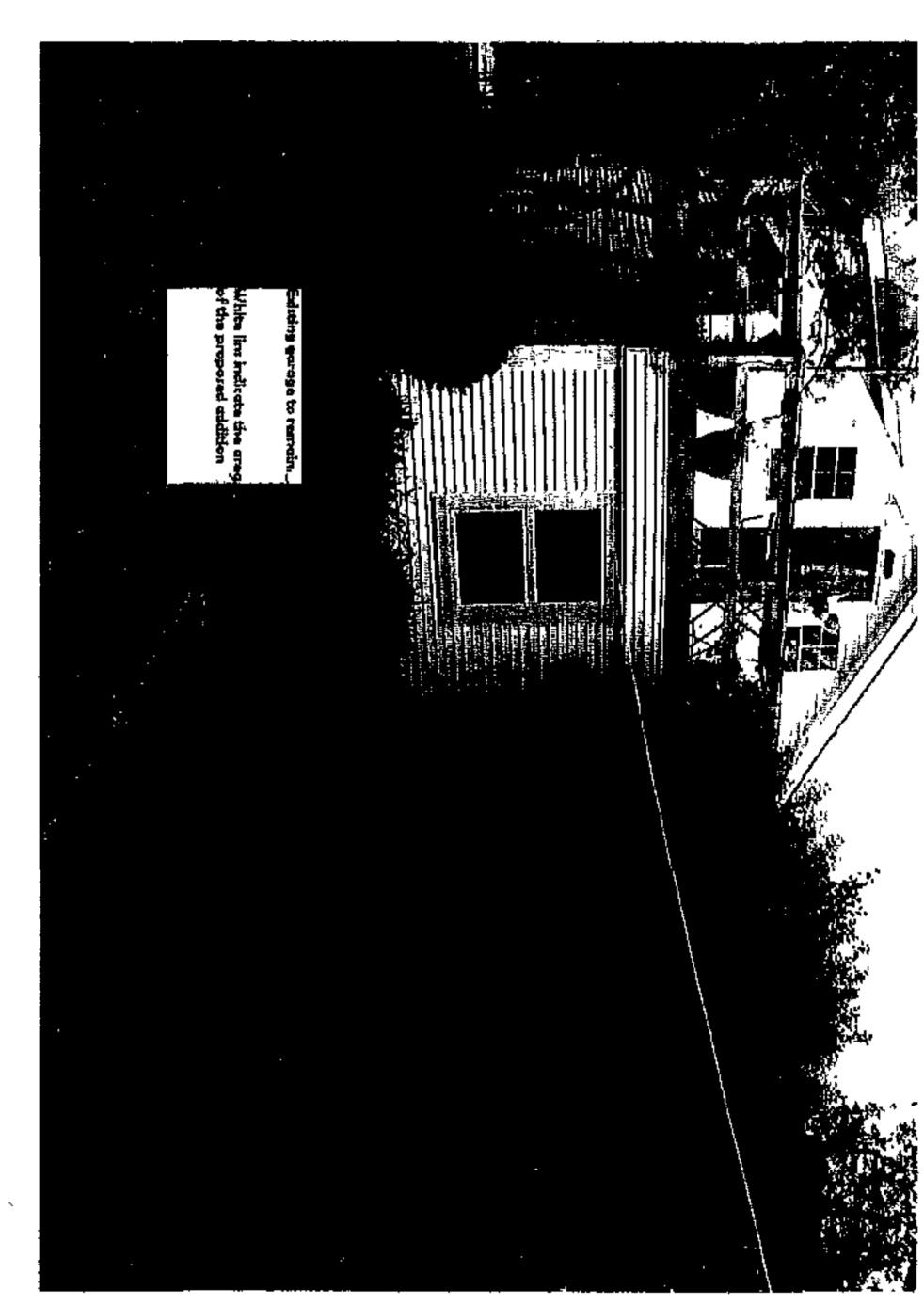
3904 NEW SECTION ROAD


3904 NEW SECTION FLATO











ACOMPANY PETITION FOR ZONING VARIANCE
3904 NEW SECTION POAD
MIDDLE PIVEE, MARYLAND 21220

CHECKED

OATE
ATIVITATION

SCALE

JOB NO.

SHEET