

IN RE: PETITION FOR VARIANCE
E/Side of Galloway Road, 380' n of
Oakdene Road
15th Election District
6th Councilmanic District
(3680 Galloway Road)

Myrna M. Guldan, Legal Owner and
Daniel Welsh, Contract Purchaser
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-221-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Myrna M. Guldan, Legal Owner and Daniel Welsh, Contract Purchaser of the subject property. The variance request is for property located at 3680 Galloway Road in the Bowleys Quarters area of Baltimore County. The variance request is from Sections 1A04.3.B.1.a and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a lot area of 0.715 acre, a side yard setback of 10 feet and a front yard setback of 28 feet from the center of a street or road in lieu of the required 1 ½ acres, 50 feet and 75 feet respectively.

The property was posted with a notice of the public hearing date and time on November 29, 2005 and notice given to the general public by publication in the Jeffersonian Newspaper on November 22, 2005.

Interested Persons

Appearing at the hearing on behalf of the variance request was Daniel Welsh, Contract Purchaser. David Billingsley of Central Drafting and Design, Inc., who prepared the site plan, attended the hearing. There were no protestants or interested citizens at the hearing. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

RECEIVED FOR FILING
Date 3-1-06
By [Signature]

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Office of Planning dated November 21, 2005, the Bureau of Development Plans Review dated November 16, 2005, and by the Department of Environmental Protection and Resource Management (DEPRM) dated December 1, 2005, copies of which are attached hereto and made a part hereof.

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.”

Testimony and Evidence

Mr. Billingsley indicated that the subject property contains 0.715 acre, is zoned RC 5, and is located in the Chesapeake Bay Critical Area (CBCA) and flood zone. The property is vacant waterfront property and designated Lot 17 of the Bowleys Quarters subdivision, which was recorded in the land records of the County in 1921. The owner also owns the adjacent lot (Lot 18) in that subdivision which is approximately 0.5 acre. This lot is also vacant and unbuildable

for the most part according to Mr. Billingsley. He noted that Lot 17 is oddly shaped and has severe, limited room to build a home given the tidal and non-tidal wetlands.

Both lots are within the 100-foot setback CBCA setback area. Mr. Billingsley indicated that Lot 17 contains both tidal and non-tidal wetlands, which were field located and shown on Petitioner's Exhibit 1. As such, the only portion of the property that can be developed is the area on which the proposed home is located. Even this location will require an administrative variance from DEPRM.

In regard to the size of the proposed home he indicated that the new home is comparable to others built recently on the waterfront. He noted that all family living space must be above the first floor to allow for periodic flooding. If the side yard setback of 50 feet were enforced, the house would be only 15 feet wide. Likewise, if the distance of 75 feet from the centerline of the road were enforced, no house could be erected.

In regard to the ZAC comments from the Planning Office, Mr. Billingsley indicated that he planned to present elevations to the Planning Office and expected that they could make their findings shortly thereafter. He asked the record in this case be held open to complete Planning review.

In regard to the Development Plans Review Office comments concerning the 40-foot right of way for Galloway Road, Mr. Billingsley indicated that this does not impact the petition.

On March 1, 2006 Mr. Welsh called regarding the status of the case and indicated that the Petitioner did not want to spend the money it would take to prepare the elevations and information needed by the Planning Office to make their findings before she knew if the variances would be granted. Consequently, he asked for a decision in the case which would essentially postpone the review of elevations and the like by the Planning Office until the building permit stage.

Findings of Fact and Conclusions of Law

I have no problem finding the property unique from a zoning standpoint. The property is oddly shaped and has very significant wetlands. In addition, the lot was created in 1921, much before the present RC 5 regulations were imposed by the County. As such, the lot is impacted differently than lots in the area created after the RC regulations were imposed.

I also find that the owner would suffer practical difficulty if the regulations were strictly enforced. There is no other location for the proposed home because of the wetlands. Consequently, if the regulations were strictly enforced no practical home could be built. I further find that the proposed home is in keeping with the surrounding community.

The problem in this case is the lot size. Lot 17 has 0.7 acres. Lot 18 has 0.5 acres. Petitioner Gulan owns both lots. There is no evidence the lots merged, as both are vacant. Adding the areas together, they still do not meet the 1.5 acres now required by the RC 5 regulations. However, added together they require a much smaller variance. Mr. Billingsley indicated Lot 18 was unbuildable for the most part. I am sure it is affected by much the same wetlands and environmental constraints as Lot 17.

While I will grant the requested variances for setbacks for the reasons given above, I will deny the variance for the lot size as Lot 18 can be joined to Lot 17 to require less variance than Lot 17 alone. However, if a revised site plan is submitted showing both Lots 17 and 18 as the subject property, I will approve the lot size variance for 1.2 acres via a Motion for Reconsideration. Please note however that submitting a revised site plan with both lots will be the kind of overt action in a public forum which would be strong evidence of the Petitioner's intent to merge these lots for zoning purposes under the newly recognized zoning merger doctrine. Also, I note that submitting the information requested by the Planning Office at building permit stage rather than at the zoning hearing amounts to the Petitioner waiving her

right to a public hearing on the information requested and the Planning Office finding. This means the Petitioner must satisfy the Planning Office without any recourse to an independent review by this Commission of the Planning Office findings under the RC 5 performance standards regulations. I understand however the financial burden submitting elevations and the like puts on the Petitioner but there is a negative side to doing this later in the approval process.

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 in part and denied in part.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 1 day of March, 2006, that a variance from Sections 1A04.3.B.1.a and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a side yard setback of 10 feet and a front yard setback of 28 feet from the center of a street or road in lieu of the required 50 feet and 75 feet respectively, be and are hereby GRANTED subject to the following conditions:

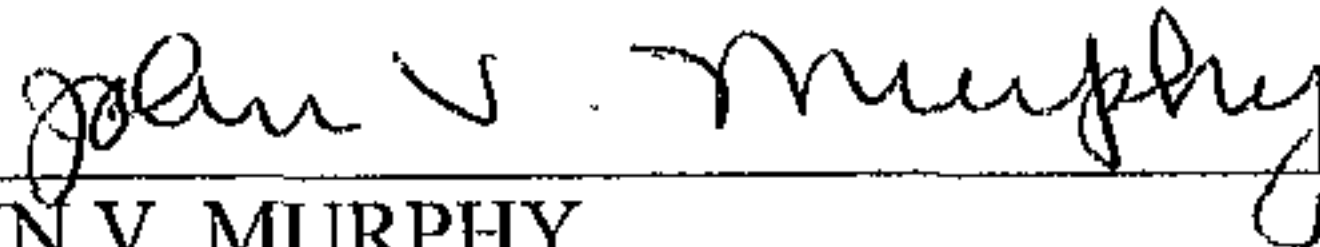
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners must comply with the ZAC comment submitted by the Office of Planning, dated November 21, 2005, a copy of which is attached and made a part hereof prior to issuing a building permit. See below.
3. The Petitioners must also comply with the ZAC comments submitted by the Development Plans Review dated November 16, 2005, and by DEPRM dated December 1, 2005, copies of which are attached hereto and made a part hereof.

IT IS FURTHER ORDERED that the Petitioner's request for a lot size variance of 0.715 acre in lieu of the required 1.5 acre is DENIED; however, I will approve a variance to allow a lot size of 1.2 acres (combining Lots 17 and 18) in lieu of 1.5 acres upon the Petitioner

Date 3-1-06
By [Signature]

submitting a Motion for Reconsideration showing lots 17 and 18 as the subject property. In addition, I will require the Petitioner to submit the elevations and other information required by the Planning Office as indicated in their November 21, 2005 ZAC comment before building permit stage.

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:dlw

3-1-06
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 1, 2006

Myrna M. Guldan
8810 Walther Boulevard, Apt. 3112
Baltimore, Maryland 21234

Re: Petition for Variance
Case No. 06-221-A
Property: 3680 Galloway Road

Dear Mr. Guldan:

Enclosed please find the decision rendered in the above-captioned case. The petition for Variance has been granted in part and denied in part 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
for Baltimore County

JVM:dlw
Enclosure

c: Daniel Welsh, 3662 Galloway Road, Baltimore, MD 21220
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Ct.,
Edgewood, MD 21040
People's Counsel; Case File
PCA Comm., 1804 W. St., Ste. 100, Annap., MD 21401



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 3680 GALLOWAY ROAD
which is presently zoned RC 5

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

SEE ATTACHED

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

SETBACKS REQUIRED FROM THE TIDAL WETLANDS MAKE IT IMPOSSIBLE TO CONSTRUCT A DWELLING ON THE LOT WITHOUT THE REQUESTED VARIANCES.

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:

DANIEL WELSH
Name - Type or Print
Daniel Welsh
Signature
3662 GALLOWAY ROAD (410)382-6655
Address Telephone No.
BALTO. MD 21220
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
City
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

MYRNA M. GULDAN
Name - Type or Print
Myrna M. Guldán
Signature
Name - Type or Print
Signature APT. 3112
8810 WALTHER BLVD.
Address Telephone No.
BALTO. MD. 21234
City State Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.
Name
601 CHARWOOD CT. (410)679-8719
Address Telephone No.
EDGEWOOD MD 21040
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR.

UNAVAILABLE FOR HEARING

Reviewed By VL Date 10/24/05

Case No. 06 221 A

REV 9/15/98

DATE

BY

UNVER RECEIVED

1A04.3.B.1.a AND 1A04.3.B.2.b TO PERMIT A LOT AREA OF 0.715 ACRE, A SIDE YARD SETBACK OF 10 FEET AND A FRONT YARD SETBACK OF 28 FEET FROM THE CENTER OF A STREET OR ROAD IN LIEU OF THE REQUIRED 1 ½ ACRES, 50 FEET AND 75 FEET RESPECTIVELY

**DESCRIPTION TO ACCOMPANY
PETITION FOR VARIANCE**

3680 GALLOWAY ROAD

Beginning for the same at a point on the east side of Galloway ^{QWB}~~Avenue~~^{ROAD} (variable width),
said point being 380 feet northerly from it's intersection with the center of Oakdene Road
(30 feet wide), thence being all of Lot 17 as shown on the plat entitled Plat 1, Bowleys
Quarters recorded among the plat records of Baltimore County in Plat Book 7 Folio 12.
Containing 31,141 square feet or 0.715 acre of land, more or less.

Being known as 3680 Galloway Road. Located in the 15th Election District, 6th
Councilmanic District

06 221 A

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: #06-221-SPH

3680 Galloway Road

East side of Galloway Road, 380 feet north of Oakdene Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Myrna M. Guldin

Variance: to permit a lot area of 0.715 acres, a side yard setback of 10 feet and a front yard setback of 28 feet from the center of a street or road in lieu of the required 1 1/2 acres, 50 feet and 75 feet respectively.

Hearing: Tuesday, December 13, 2005 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/11/707 Nov. 22

75930

CERTIFICATE OF PUBLICATION

11/23/, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/22/, 2005.

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

J. Wilkinson

ADVERTISING

BALEMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

06281-A
No. 0347

DATE

10/24/05

ACCOUNT

001 006 6150

AMOUNT \$

65.00

RECEIVED FROM

Central Printing & Design

FOR

RV 1 36000 (allowance RD)

DISTRIBUTION
WRITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY TIME

10/25/2005 10/24/2005 15:27:10

ISSUED BY: JFM/JFE

RECEIVED BY: JFM/JFE

DEPT 5 SER LEADERS VERIFICATION

SR NO. 000007

Receipt for

\$65.00

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-221-SP14

Petitioner/Developer: MYRNA
BULDEN

Date Of Hearing/Closing: 12/13/05

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

Attention:

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
at 3680 GALLOWAY ROAD

This sign(s) were posted on November 29, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 11/29/05
(Signature of sign Poster and Date)

Martin Ogle

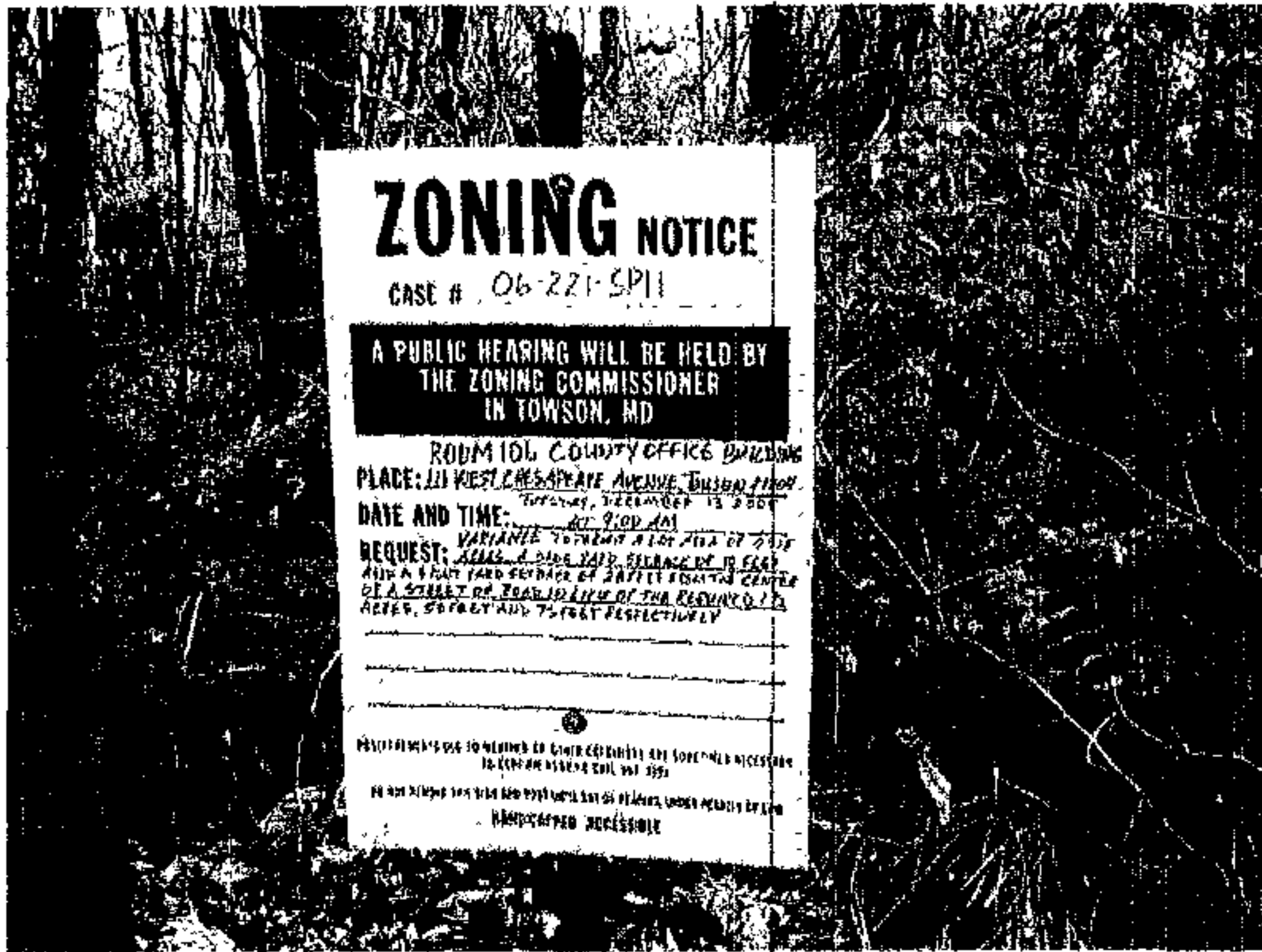
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



Wattville 11/29/05

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number

06-221-A

Petitioner.

~~DANIEL WELSH~~ MYRNA GUDAN

Address or Location:

3680 GALLOWAY ROAD

PLEASE FORWARD ADVERTISING BILL TO

Name.

DANIEL WELSH

Address

3662 GALLOWAY ROAD

BALTO, MD. 21220

Telephone Number:

(410) 382-6655



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

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

November 8, 2005

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: 06-221-SPH

3680 Galloway Road

East side of Galloway Road, 380 feet north of Oakdene Road

15th Election District, 6th Councilmanic District

Legal Owner: Myrna M. Guldán

Variance to permit a lot area of 0.715 acres, a side yard setback of 10 feet and a front yard setback of 28 feet from the center of a street or road in lieu of the required 1 1/2 acres, 50 feet and 75 feet respectively.

Hearing: Tuesday, December 13, 2005 at 9:00 a.m., in Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK: clb

C: Myrna M. Guldán 8810 Walther Blvd, Apt. 3112 Baltimore 21234
Daniel Welsh 3662 Galloway Road Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 29, 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.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 22, 2005 Issue - Jeffersonian

Please forward billing to:

Joan M. Little 410-335-4137
11234 Bird River Grove Road
White Marsh, Maryland 21162

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: 06-221-SPH

3680 Galloway Road

East side of Galloway Road, 380 feet north of Oakdene Road

15th Election District, 6th Councilmanic District

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Hearing: Tuesday, December 13, 2005 at 9:00 a.m., in Room 106, Baltimore County Office Building, 111 West Chesapeake 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**

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 12, 2005

Myrna M. Guldán
8810 Walther Blvd. Apt. 3112
Baltimore, Maryland 21234

Dear Mr. Guldán:

RE: Case Number: 06-221-A, 3680 Galloway Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 24, 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.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Daniel Welsh 3662 Galloway Road Baltimore 21220
David Billingsley Central Drafting & Design 601 Charwood Court Edgewood 21040

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



9m
12/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 21, 2005

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

RECEIVED

NOV 29 2005

SUBJECT: 3680 Galloway Road

INFORMATION:

Item Number: 6-221

Petitioner: Myrna M. Guldan

Zoning: RC 5

ZONING COMMISSIONER

Requested Action:

SUMMARY OF RECOMMENDATIONS:

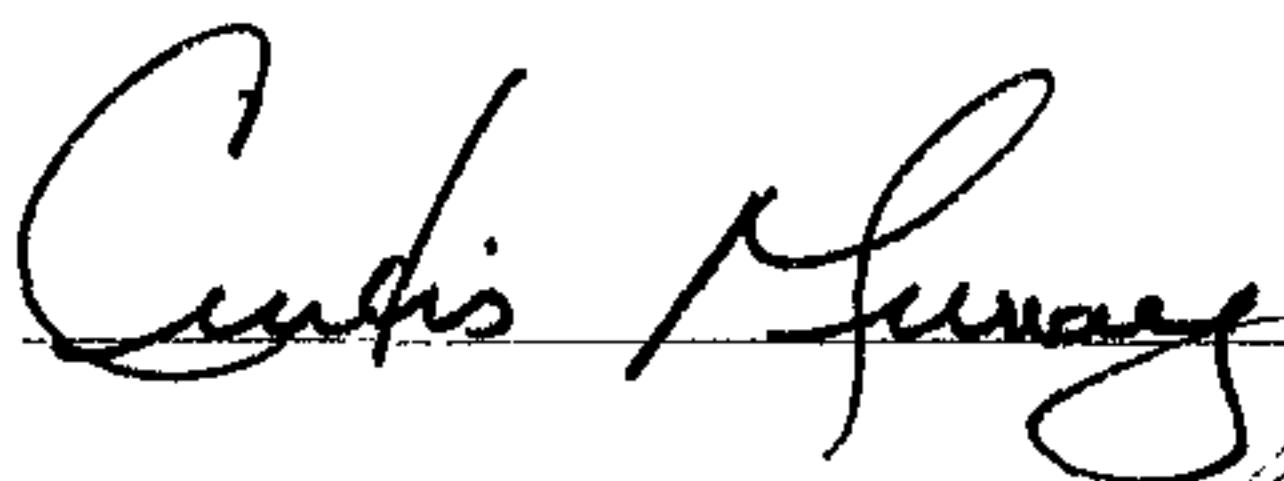
The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing of Hearing Officer's order. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged. Additionally the dwelling shall have a garage for parking, the dwelling shall not have a parking pad.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.

date 3-1-09 By [signature]

For further information concerning the matters stated here in, please contact Jeff Mayhew at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor^{DK}
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 7, 2005
Item No. 221

DATE: November 16, 2005

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

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the right-of-way for Galloway Road centered on existing 30-foot right-of-way. Setback shall be adjusted accordingly.

The base flood elevation for this site is 10.2 Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

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

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

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 the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 221-11162005.doc

NOTED RECEIVED FOR FILING

Date 3-1-06

By

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 19 2005

TO: Timothy M. Kotroco

FROM: R. Bruce Seeley

DATE: December 1, 2005

SUBJECT: Zoning Item # 06-221
Address 3680 Galloway Road
(Guldan Property)

ZONING OFFICE

Zoning Advisory Committee Meeting of October 31, 2005

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

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Mapped resources indicate that there may be non-tidal wetlands in the vicinity of the proposed dwelling. DEPRM cannot comment on this variance request until resources are accurately field identified and delineated. A preliminary assessment of this lot dated September 4, 2003 was sent to the owner, indicating the possible site constraints. A Chesapeake Bay Critical Area variance would be required to encroach into any critical area buffer or its 35-foot setback. There is no guarantee of Critical Area variance approval.

Reviewer: M. Stauss

Date: November 29, 2005



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: 11.15.05

RE: Baltimore County
Item No. 221 JLL

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

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410 545.0300 • www.marylandroads.com

Fire Department

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



Baltimore County

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

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

November 9, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: October 31, 2005

Item No.: 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 233, 234,
235, 236, 237, 238, 239, 241 and 242

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.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



RE: PETITION FOR VARIANCE
3680 Galloway Road; E/S Galloway Road,
380' N Oakdene Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Myrna M. Guldan
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 06-221-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 and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 7th day of November, 2005, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

RECEIVED

NOV 07 2005

Per *CLB*

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CENTRAL DRAFTING AND
DESIGN, INC
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
PHONE (410)679-8719 FAX (410)679-1298

FACSIMILE TRANSMITTAL SHEET

TO:

CHRIS

FROM:

David W. Billingsley

COMPANY:

ZONING REVIEW

DATE:

10/25/05

FAX NUMBER:

(410)887-5708

TOTAL NO. OF PAGES INCLUDING COVER:

2

PHONE NUMBER:

REFERENCE:

CASE NO. 06-221-A

☒ FOR YOUR INFORMATION☐ FOR YOUR USE☐ AS YOU REQUESTED

NOTES/COMMENTS:

PLEASE PLACE IN FILE

THANKS

CENTRAL DRAFTING AND DESIGN, INC.

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

OCTOBER 24, 2005

MEMO TO ZONING FILE

**RE: 3680 GALLOWAY ROAD
CASE NO. 06-221-A**

ROAD DESIGNATION:

THIS PORTION OF GALLOWAY ROAD SHOULD BE CONSIDERED A MINOR STREET. THE REMAINING PORTION OF GALLOWAY ROAD ALONG WITH NEW GALLOWAY ROAD SHOULD BE CONSIDERED THE THRU STREET OR ROAD LEADING TO A COLLECTOR ROAD.

ADJACENT OWNERSHIP

MS. GULDAN IS THE OWNER OF LOT 18 WHICH IS NORTHEASTERLY OF AND ADJACENT TO THE LOT WHICH IS THE SUBJECT OF THIS PETITION. DUE TO THE LOCATION OF THE CRITICAL AREA EASEMENT, THE INCLUSION OF LOT 18 WOULD HAVE NO BEARING ON THE SETBACKS REQUESTED

CASE NAME 3680 GALLOWAY RD.
CASE NUMBER 06-221-5014
DATE 12/13/05

PETITIONER'S SIGN-IN SHEET

[illegible]

221



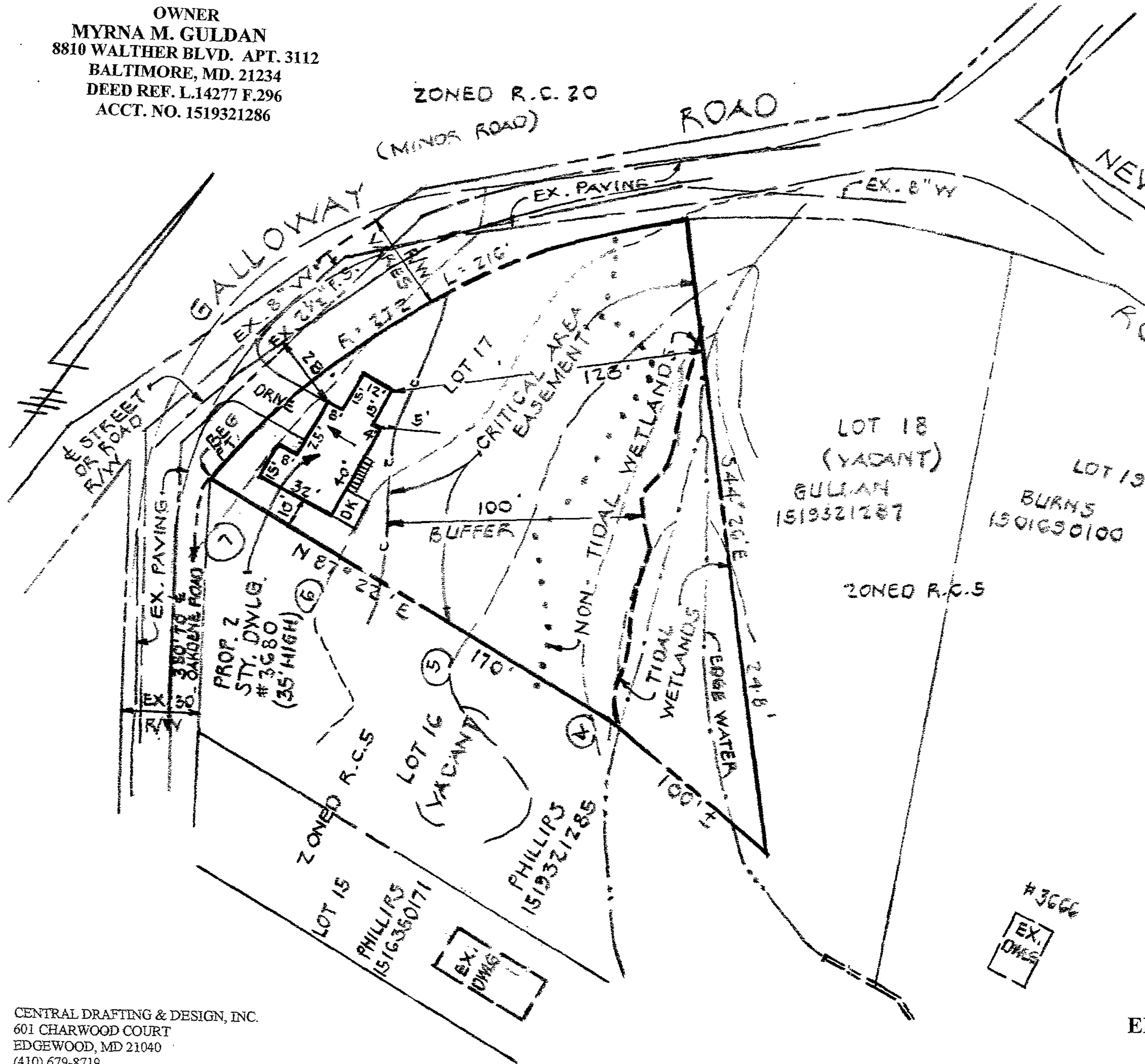
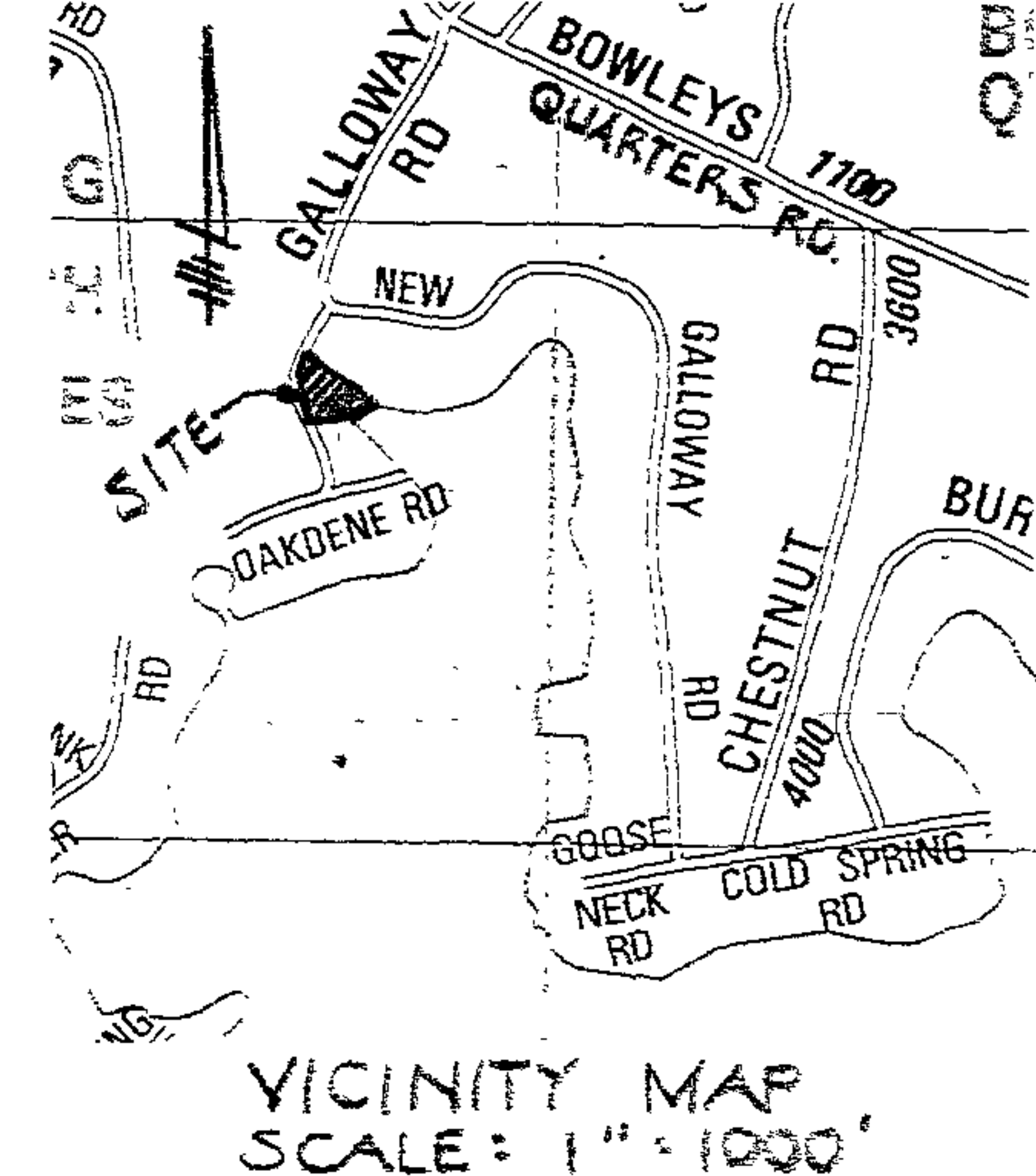
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OWNER
MYRNA M. GULDAN
8810 WALTHER BLVD. APT. 3112
BALTIMORE, MD. 21234
DEED REF. L.14277 F.296
ACCT. NO. 1519321286

ZONED R.C. 20
(MINOR ROAD)

ROAD

NEW GALLOWAY
ROAD



- NOTES:
1. ZONING.....RC5 (MAP NO. 098B1)
 2. AREA....31,141 S.F. = 0.715 ACRE +/-
 3. SITE IS LOCATED IN THE CBCA AND FLOOD ZONE A
 4. NO PREVIOUS ZONING HISTORY
 5. PUBLIC WATER AND SEWER IS EXISTING
 6. BUILDING COVERAGE.....4.2 %
 7. NO ARCHEOLOGICAL SITES OR HISTORIC STRUCTURES EXIST
 8. THE REQUIRED INFORMATION WILL BE FORWARDED TO THE OFFICE OF PLANNING FOR THE PREPARATION OF A FINDINGS.

06 221 A

PLAT TO ACCOMPANY PETITION
FOR VARIANCE

3680 GALLOWAY ROAD
LOT 17, PLAT 1, BOWLEYS QUARTERS
P.B. 7 F. 12

ELECTION DISTRICT 15C6 BALTIMORE CO., MD.
SCALE: 1 INCH = 40 FEET JULY 25, 2005