

IN RE: **PETITION FOR VARIANCE**

S/S Wildwood Beach Road, 1,300' SW
Riverview Road
(1309 Wildwood Beach Road)
15th Election District
6th Council District

Patricia A. Galaski
Petitioner

*
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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 07-498-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Patricia A. Galaski. The Petitioner requests variance relief from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed replacement dwelling with rear yard setbacks of 49 feet and side yard setbacks as close as 11 feet in lieu of the minimum required 50 feet, and a front setback of 92 feet from the centerline of a road that leads to or connects with a collector road in lieu of the minimum required 100 feet.¹ The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Patricia A. Galaski, property owner, Dennis Galaski, and Ernest Rogers, of Rogers Construction, Corporation, who is the Petitioner's builder. There were no Protestants or other interested persons present.

¹ The subject property has 36 feet of frontage on Wildwood Beach Road and 84 feet of width at the wood bulkhead on Back River. The Zoning Commissioner's Policy Manual (Z.C.P.M.) Sections 400.1A and 400.2A provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, waterfront lots refer to the front of the structure as facing the water. In this case, it is noted that the Zoning Review Office and the Petitioner have the front of the home facing Wildwood Beach Road and the rear facing Back River.

NOT RECEIVED FOR FILING
Date 7-19-07
By [Signature]

Testimony and evidence offered disclosed that the property under consideration consists of parts of two lots (Lots 7 and 8), in the subdivision of Wildwood Beach and when combined form an irregular triangular shaped waterfront parcel located on the Back River on the south side of Wildwood Beach Road in eastern Baltimore County. The property contains a gross area of 10,560 square feet, zoned R.C.5 and improved with a small 1-story dwelling featuring a deck and large shed. As is often the case with older subdivisions, Wildwood Beach was laid out many years ago, well prior to the adoption of any zoning regulations in Baltimore County. Thus, many of the lots in the neighborhood are undersized and do not meet current area and width requirements. As shown on the site plan, the subject property is 85 foot wide at the waters edge, 180 feet deep on its east side and 174 feet on the west side with 36 feet of frontage on Wildwood Beach Road. Thus, it is clearly undersized by today's standards.

Testimony indicated that the Petitioner's parents have owned the subject property since 1955 and had used it as a summer home. As shown on the site plan, Ms. Galaski is desirous of removing the existing dwelling built in 1939 and proposes to construct a 2-story dwelling purchased from North American Housing Corporation approximately 31' wide x 52' deep and in the process realigning or squaring up its orientation on the lot. See Petitioner's Exhibit 1 highlighting the location of the proposed structure. The dwelling is to be centered on the lot; however, given the shape of the property both sides and the rear of the dwelling extend into the rear and side setbacks, thereby necessitating the requested variance relief. Current regulations require a minimum lot area of 1.5 acres, and side setbacks of no less than 50 feet for R.C.5 zoned land. In support of the request, Ms. Galaski discussed her proposal with all adjacent neighbors who have no objections and support the proposal. See site plan which contains the signatures of all her neighbors who reside on Wildwood Beach Road: Mr. and Mrs. Leroy Stone

DATE RECEIVED FOR FILING
Date 7-19-07
By [signature]

(1305), Scott and Diane ODay (1307), Gregory P. Arbutus (1313), Kathleen L. England (1315), and Robert C. & Gloria J. Hunter (1311). Ms. Galaski points out that the R.C.5 zoning classification was placed on the properties when utility services were non-existent and now that they have been provided, the zoning classification should rightly be changed to D.R.5.5. Further, she indicates and presented photographs of other homes in the community that are on small lots and demonstrate the pattern of development. She has been waiting since 1998 for the new sewer line to be completed and now eleven (11) years later would like to raze the existing summer shore home and build a new permanent year-round home for her residence. In essence, the new home will be 5' wider and 6'-6" longer than the existing structure with the front porch. Thus, she submits that the relief requested is appropriate and is consistent with the neighborhood.

I find that special circumstances or conditions exist that are peculiar to the land or structure which is subject to the variance request. The site plan shows a 100' wide lot at the waters edge narrowing at the Wildwood Beach Road property line. I find that strict compliance with the zoning regulations of Baltimore County would result in practical difficulty. There is no land on either side of the lot for the Petitioner to acquire and avoid the variance request. She cannot meet the regulations under any circumstance; however, the Petitioner has satisfied the requirements of Section 307 for relief to be granted. The regulations require a 50-foot setback from either side yard lot line and a 75-foot setback (or 100-foot if it leads to or connects with a collector road) from the centerline of any street. The proposed development must comply with the Chesapeake Bay Critical Area regulations, which require that the house and improvements be set back from the waterfront as great a distance as possible, placing it further towards Wildwood Beach Road. No increase in residential density beyond otherwise allowable by the zoning

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Date 7-19-07
By 1933

regulations would result by granting these variances.² Finally, I find that these variances shall be granted in strict harmony with the spirit and intent of the said regulations, and in such a manner as to grant relief without injury to the public, health, safety or general welfare. The proposed replacement home will be compatible with the pattern of development in the neighborhood.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 19th day of July 2007 that the Petition for Variance seeking relief pursuant to Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed replacement dwelling with rear yard setbacks of 49 feet and side yard setbacks as close as 11 feet in lieu of the minimum required 50 feet, and a front setback of 92 feet from the centerline of a road that leads to or connects with a collector road in lieu of the minimum required 100 feet, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject to the following restrictions:

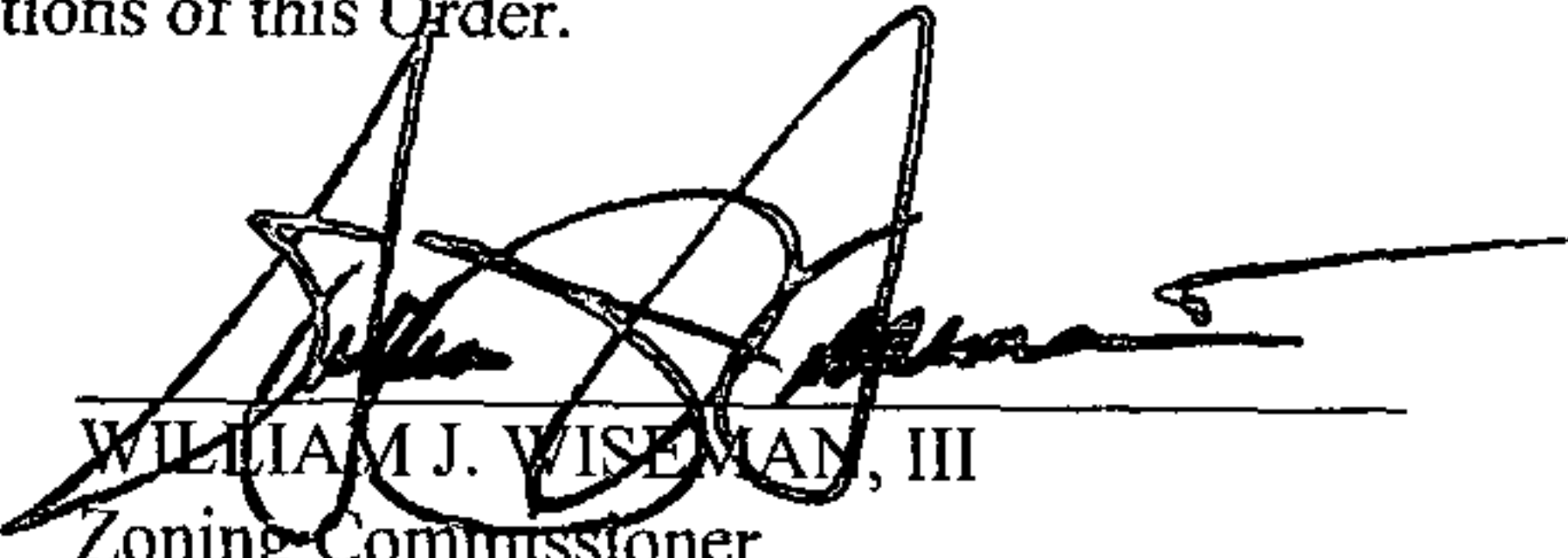
1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. Compliance with the Zoning Advisory Committee (ZAC) comments submitted by DEPRM and Development Plans Review relative to Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of these comments, dated July 9, 2007 and May 8, 2007 respectively, have been attached hereto and made a part hereof.

² While the property is technically in a "subdivision", this office has traditionally treated old Land Record subdivisions as simply "lots of record". This lot was created prior to Council Bill 55-04 which provides for an exception through a special hearing for undersized lots. See B.C.Z.R. Section 1A04.3.B.1(b)(1).

ORDER RECEIVED FOR FILING
Date 7-19-07
By [signature]

3. Prior to the issuance of any permits, the Petitioner shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to ensure that the proposed house is compatible with existing homes in the area.
4. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:dlw



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7-19-07
By 1903

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 8, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2007
Item No. 07-498

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

The base flood elevation for this site is 10.2 feet 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.

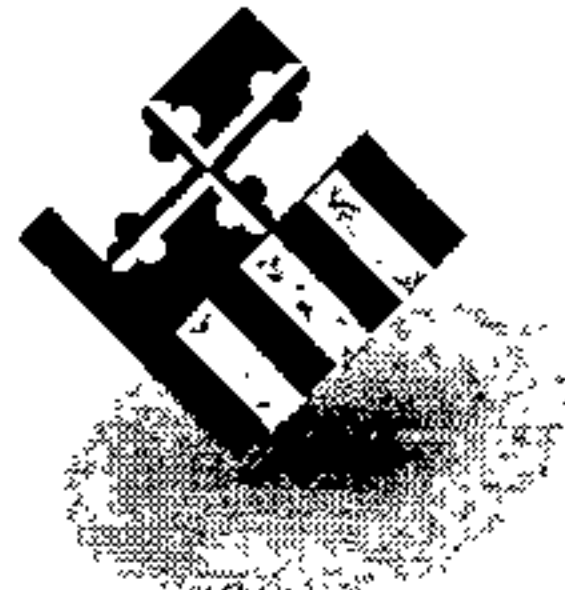
The building engineer shall require a permit for this project.

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 Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-498-05072007.doc

ORDER RECEIVED FOR FILING
Date 7-19-07
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 19, 2007

Ms. Patricia A. Galaski
1309 Wildwood Beach Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE

S/S Wildwood Beach Road, 1,300' SW Riverview Road
(1309 Wildwood Beach Road)
15th Election District - 6th Council District
Patricia A. Galaski – *Petitioner*
Case No. 07-498-A

Dear Ms. Galaski:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Wiseman III', written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Dennis Galaski, 1309 Wildwood Beach Road, Baltimore, Md. 21221
Ernest Rogers, 417 Delaware Avenue, Essex, Md. 21221
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, Md. 21401
People's Counsel; DEPRM; Development Plans Review; Office of Planning; File



CBCA Flood

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1309 Wildwood Beach Rd 21221

which is presently zoned RC5

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) 1A04.3.B.2.6, BC2R, to permit a ^{proposed} replacement

dwelling with rear yard setbacks of 49 feet and side yard setbacks as close as 11 feet in lieu of the minimum required 50 feet, and a front setback of 92 feet from ~~the~~ ^{the centerline of} a road that leads to or connects with a collector road in lieu of the minimum required 100 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 the zoning regulations.

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 07-498-A

REV 9/15/98

ORDER RECEIVED

Date

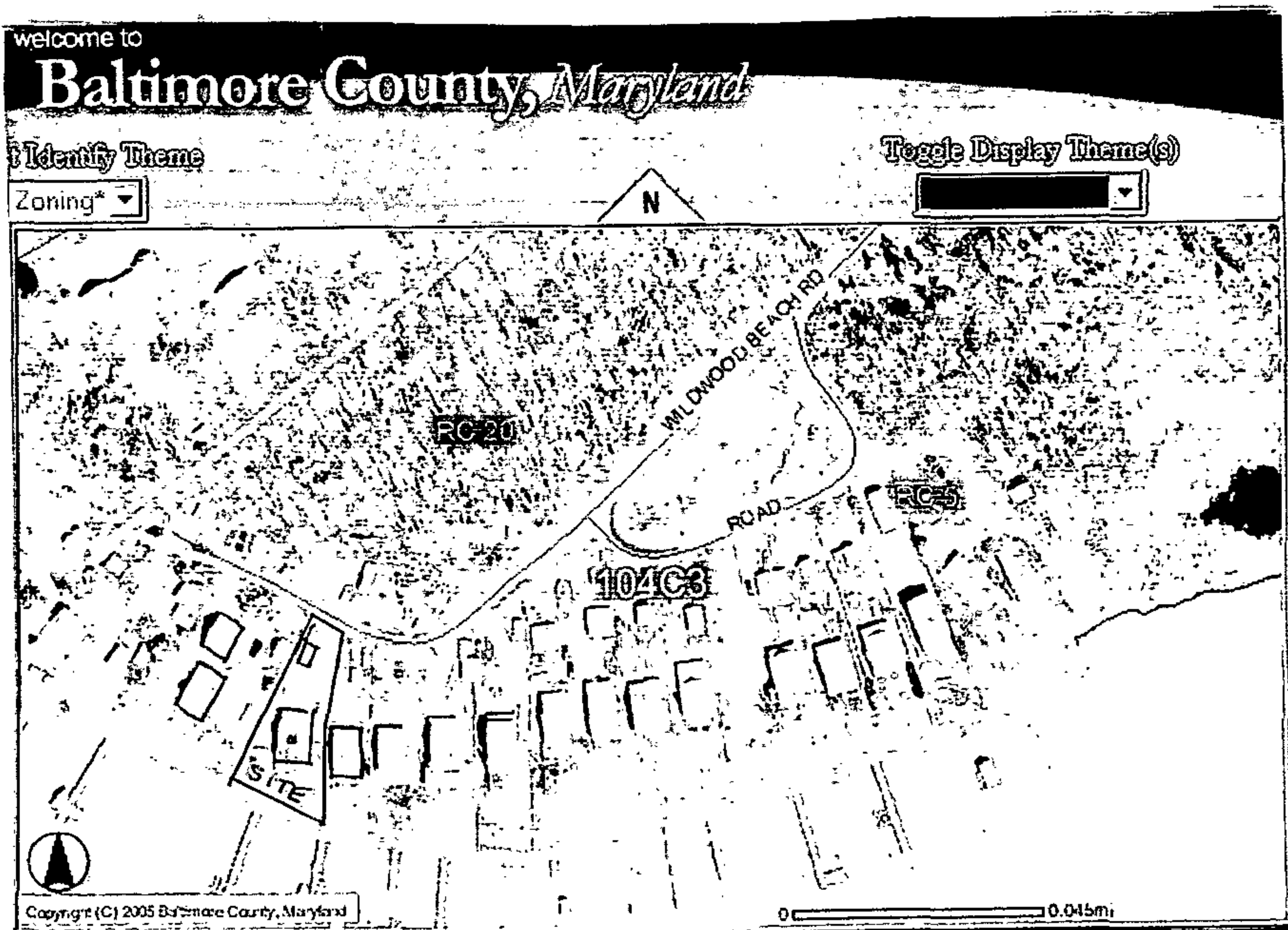
By

Date

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1309 WILDWOOD BEACH ROAD

Beginning at a point on the south side of Wildwood Beach Road which is a 20 foot right-of-way wide at the distance of ¹³⁰⁰~~1200~~ feet southwest of the centerline of the nearest improved intersecting street, Riverview Road, which is a 40 foot right of way wide. Being part of Lots 7 and 8, in the subdivision of Wildwood Beach, as recorded in Baltimore County Plat Book # 9, Folio # 30 containing 10228 square feet. Also known as 1309 Wildwood Beach Road and located in the 15th Election District, 6th Councilmanic District.



07-498-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: # 07-498-A

1309 Wildwood Beach Road

S/ide of Wildwood Beach Road; 1300 feet s/west of Riverview Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Patricia Galaski

Variance: to permit a proposed replacement dwelling with rear yard setback of 49 feet and side yard setbacks as close as 11 feet, in lieu of the minimum required 50 feet each and a front setback of 92 feet from the centerline a road that leads to or connects with a collector road in lieu of the minimum required 100 feet

Hearing: Wednesday, July 11, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley 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) 887-3868.

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

JT 6/751 June 26

139998

CERTIFICATE OF PUBLICATION

6/28/2007

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 6/26/2007.

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

P. Williams

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 26782

DATE 5/2/07 ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Galaski

FOR: Variance - 1309 Wildwood Beach Road

07-498-A (GALASKI)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE 5/02/2007 TIME 11:59:10

REG NO. 567823

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REG NO. 567823

CERTIFICATE OF POSTING

RE: Case No: 07-498-A

Petitioner/Developer: PATRICIA GALASKI

Date Of Hearing/Closing: 7/11/07

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

Attention:

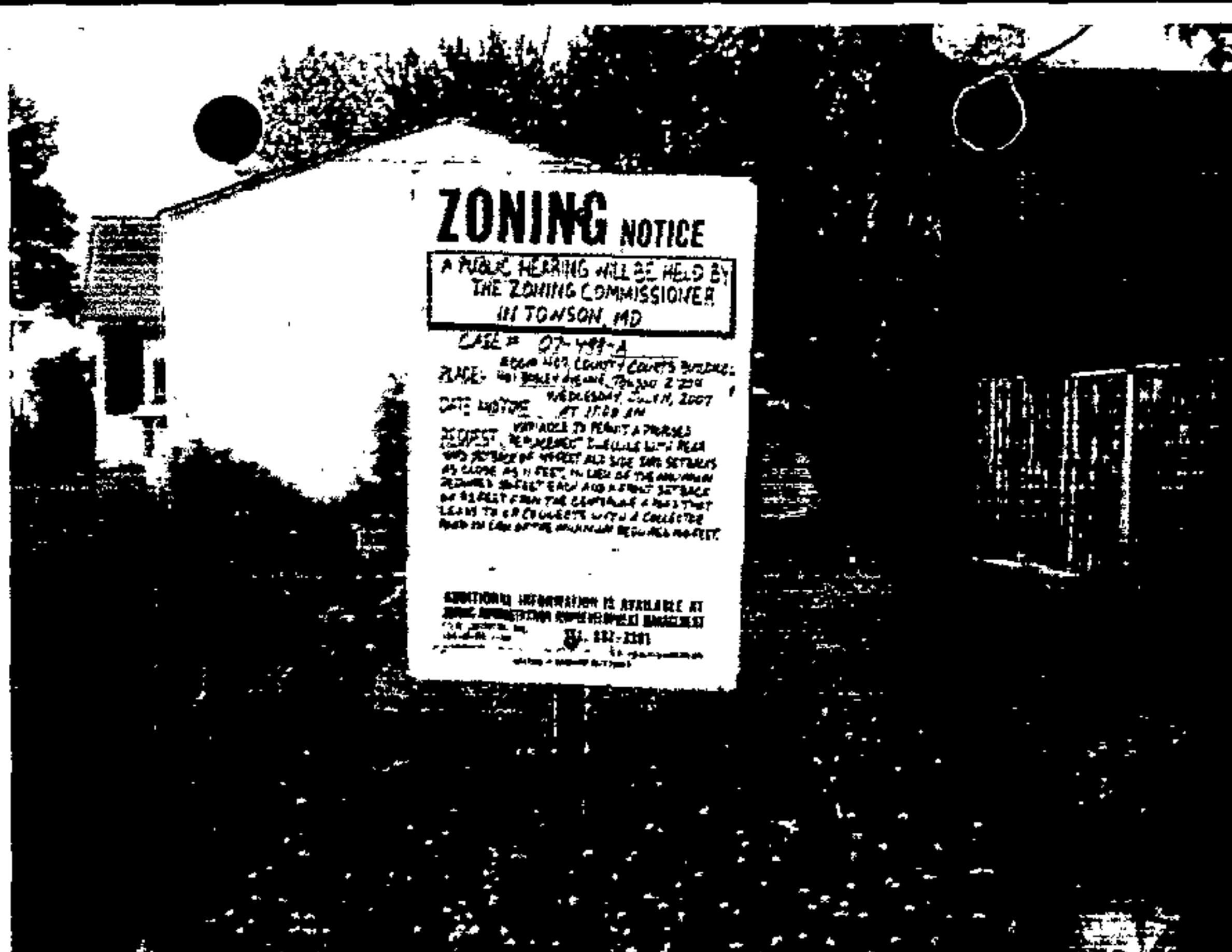
Ladies and Gentlemen:

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 1309 WILDWOOD BEACH RD

This sign(s) were posted on June 25, 2007
(Month, Day, Year)

Sincerely,
Martin Ogle 6/25/07
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)



W. J. Taylor 4/25/07



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, Director
June 5, 2007
Department of Permits and
Development Management

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: 07-498-A

1309 Wildwood Beach Road

S/side of Wildwood Beach Road, 1300 feet s/west of Riverview Road

15th Election District – 6th Councilmanic District

Legal Owner: Patricia Galaski

Variance to permit a proposed replacement dwelling with rear yard setback of 49 feet and side yard setbacks as close as 11 feet, in lieu of the minimum required 50 feet each and a front setback of 92 feet from the centerline a road that leads to or connects with a collector road in lieu of the minimum required 100 feet.

Hearing: Wednesday, July 11, 2007 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Patricia Galaski, 1309 Wildwood Beach Road, Baltimore 21221
Patricia Galaski, 6709 Duluth Avenue, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 2, 2007.**
- (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, June 26, 2007 Issue - Jeffersonian

Please forward billing to:
Patricia Galaski
6709 Duluth Avenue
Baltimore, MD 21222

410-633-7307

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: 07-498-A

1309 Wildwood Beach Road

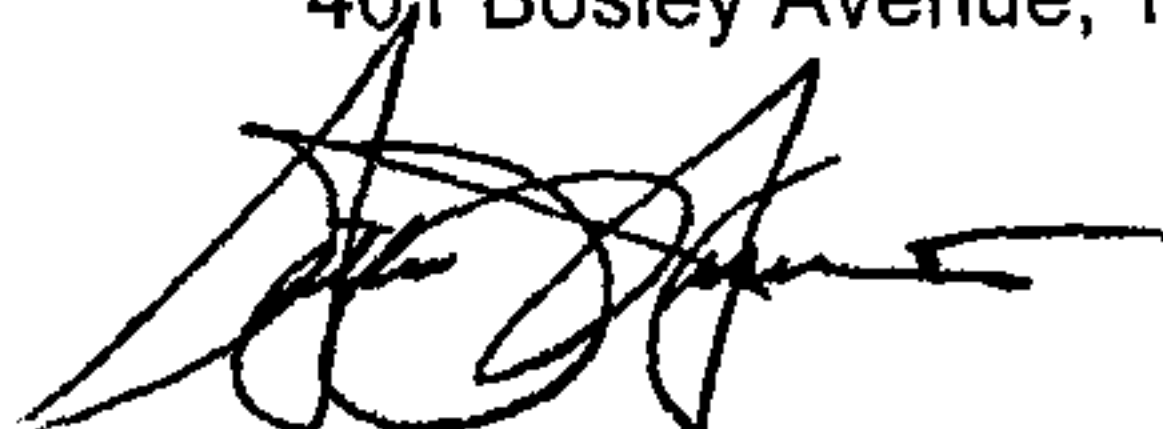
S/side of Wildwood Beach Road, 1300 feet s/west of Riverview Road

15th Election District – 6th Councilmanic District

Legal Owner: Patricia Galaski

Variance to permit a proposed replacement dwelling with rear yard setback of 49 feet and side yard setbacks as close as 11 feet, in lieu of the minimum required 50 feet each and a front setback of 92 feet from the centerline a road that leads to or connects with a collector road in lieu of the minimum required 100 feet.

Hearing: Wednesday, July 11, 2007 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
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 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 07-498-A
Petitioner Patricia A. Galaski
Address or Location 1309 Wildwood Beach Road

PLEASE FORWARD ADVERTISING BILL TO

Name Patricia A. Galaski
Address ~~6000~~ 6709 Duluth Avenue
Baltimore, MD 21222

Telephone Number 410-325-2928 (cell)
410-633-7307



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

July 3, 2007

Patricia A. Galaski
1309 Wildwood Beach Road
Baltimore, MD 21221

Dear Ms. Galaski:

RE: Case Number: 07-498-A, 1309 Wildwood Beach Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 2, 2007. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Patricia Galaski 6709 Duluth Avenue Baltimore 21222

RE: PETITION FOR VARIANCE * BEFORE THE
1309 Wildwood Beach Road; S/S Wildwood *
Beach Road, 1,300' SW Riverview Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Patricia Galaski * FOR
Petitioner(s) * BALTIMORE COUNTY
* 07-498-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 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 18th day of May, 2007, a copy of the foregoing Entry of Appearance was mailed Patricia Galaski, 6709 Duluth Avenue, Baltimore, MD 21222, Petitioner(s).

RECEIVED

MAY 18 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 8, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2007
Item No. 07-498

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

The base flood elevation for this site is 10.2 feet 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 Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-498-05072007.doc

BW 7/11 11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 23, 2007

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

RECEIVED
MAY 25 2007

SUBJECT: 1309 Wildwood Beach Road

BY:

INFORMATION:

Item Number: 7-498

Petitioner: Patricia A. Galaski

Zoning: RC 5

Requested Action: Variance

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. 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.
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.

5. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By:

Candis Murray

Division Chief:

Lynne Loeber

CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 23, 2007

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

SUBJECT: 1309 Wildwood Beach Road

INFORMATION:

Item Number: 7-498

Petitioner: Patricia A. Galaski

Zoning: RC 5

Requested Action: Variance

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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. 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.
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.
5. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By:

Candis Murray

Division Chief:

Lynn Laube

CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
DATE: July 9, 2007
SUBJECT: Zoning Item # 07-498-A
Address 1309 Wildwood Beach Road
Galaski property

RECEIVED
JUL 09 2007
BY:.....

Zoning Advisory Committee Meeting of May 7, 2007

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 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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:

This property is within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the CBCA. LDA regulations state that the lot is limited to 25% impervious surface area and that 15% tree cover be maintained. BMA regulations state that any proposed development in the 100-foot buffer to tidal waters requires mitigation approved by this Department.

Reviewer: Kevin Brittingham

Date: 5/30/07

BALTIMORE COUNTY, MARYLAND

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Reviewer: Kevin Brittingham

Date: 5/30/07

ORDER RECEIVED FOR FILING
Date 7-19-07
By [signature]



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MAY 8, 2007

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

RE: Baltimore County
Item No. 7-498-A
1809 WILDWOOD BEACH RD
GALASKI PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-498-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

May 10, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 7, 2007

499
Item Number: 476,488 through 499

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.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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

From: Debra Wiley
To: Livingston, Jeffrey
Date: 07/05/07 1:16:47 PM
Subject: DEPRM Comments Needed for Bill - Hearings on 7/11 - Case Nos. 07-469-SPHA & 07-498-A

Hi Jeff,

The above-referenced cases will be heard by Bill next Wednesday, July 11th at 10:00 & 11:00 AM and comments are needed from your office since they're both in the CBCA. Please see descriptions below:

CASE NUMBER: 7-469-SPHA

7204 Martha Avenue

Location: N side Martha Avenue, 60 feet E of c/l Sparrows Point Road.

15th Election District, 7th Councilmanic District

Legal Owner: Edris Evans, 3rd and Darlene L. Evans

SPECIAL HEARING To approve a waiver pursuant to Section 500.6 BCZR, Section 3112.0 Building Code; and Sections 32-4-107.(a)(2), 32-8-302 BCC to add an addition in a tidal floodplain.

VARIANCE To permit an addition with a 6-foot side setback in lieu of the required 10 feet.

Hearing: Wednesday, 7/11/2007 at 10:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson

CASE NUMBER: 7-498-A

1309 Wildwood Beach Road

Location: S side of Wildwood Beach Road, 1300 feet SW of Riverview Road.

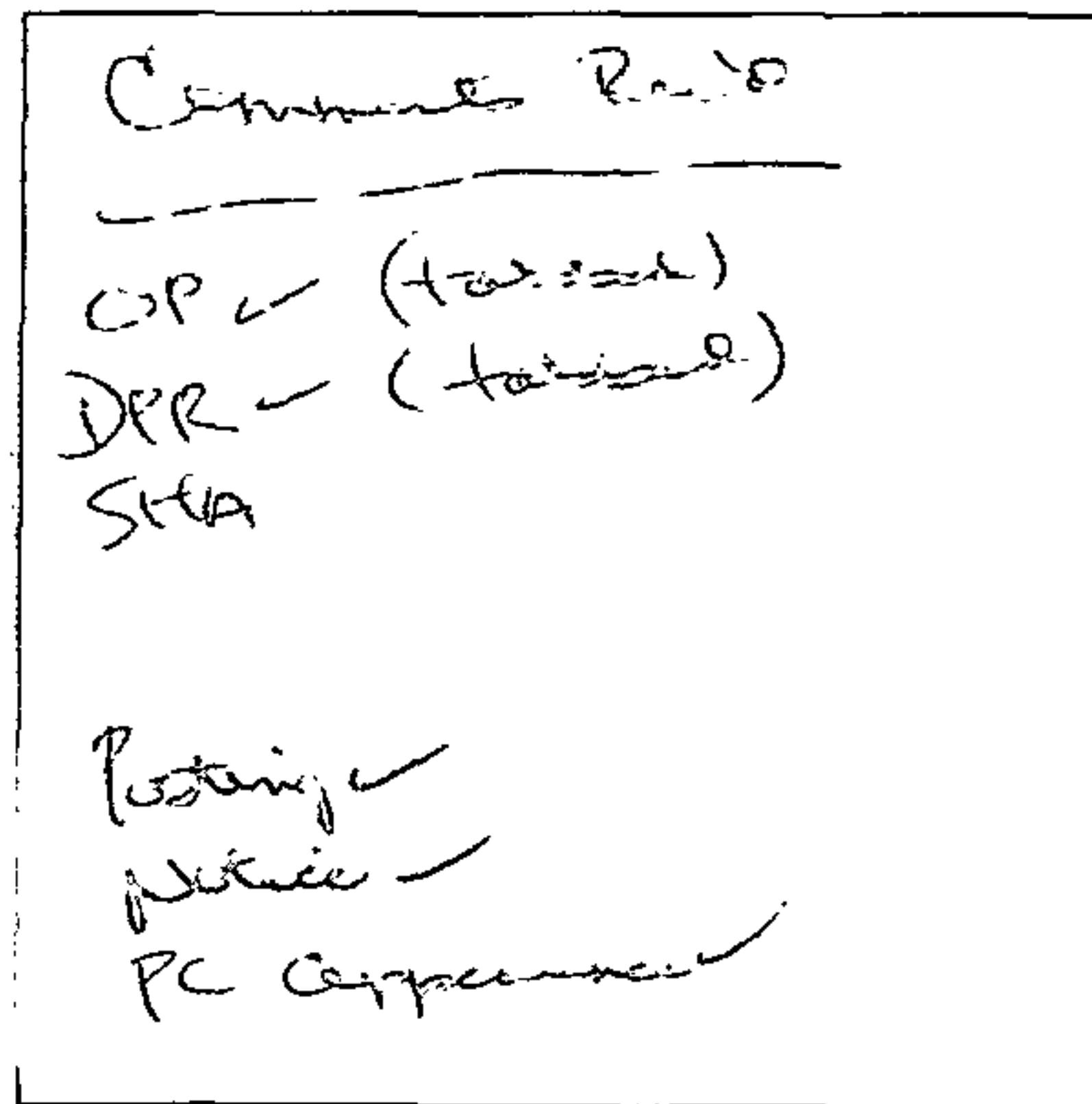
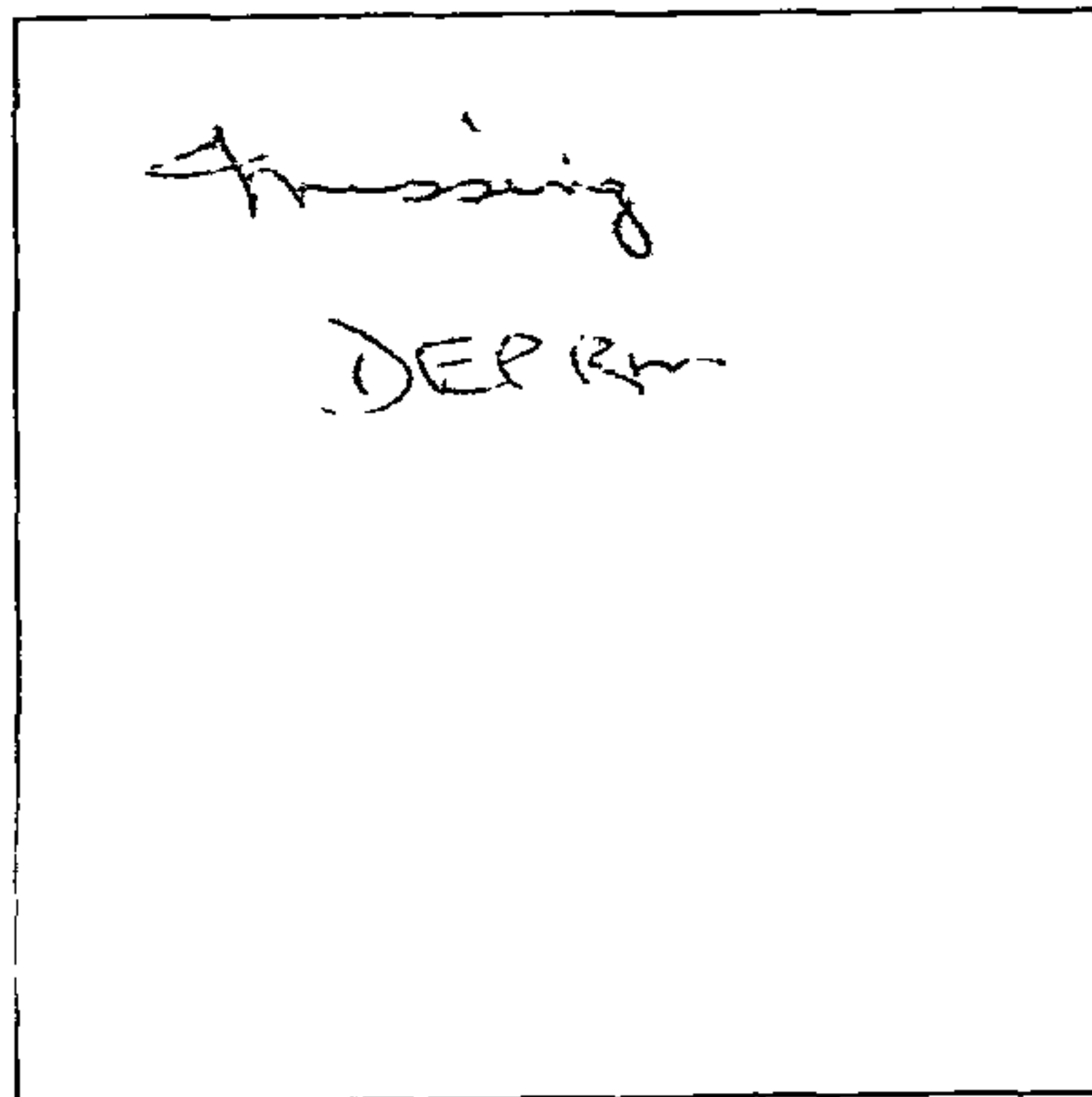
15th Election District, 6th Councilmanic District

Legal Owner: Patricia A. Galaski

VARIANCE To permit a proposed replacement dwelling with rear yard setbacks of 49 feet and side yard setbacks as close as 11 feet, in lieu of the minimum required 50 feet each and a front setback of 92 feet from the c/l a road that leads to or connects with a collector road in lieu of the minimum required 100 feet.

Hearing: Wednesday, 7/11/2007 at 11:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson

Thanks for your usual cooperation and have a great day!



May 7, 2007

ATTENTION: Carl Richards and Jeff,

I am faxing 3 pages including this one.

Per discussion with Carl on May 2, 2007, I have had my neighbors sign my proposed house drawings.

See attached drawing of my existing dwelling and planned dwelling. I am faxing the plans in two pages since your Fax machine will not handle the 11x16 paper. If you need the longer paper, I can mail it to you or bring it to your office.

I have shown this plan to my neighbors and they have signed showing that they agree with the plans and have no problems with the house that I would like to build. Please note, besides the neighbors on either side of my house, additional neighbors (see addresses) have also signed in agreement.

Also, Carl stated that after he talked to Jeff he would call and advise me if there was anything else that could be done to move these plans forward.

Please contact me and let me know if anything else can be done on my part.

Patricia Galaski
1309 Wildwood Beach Rd
Baltimore MD 21221
Cell phone 410-375-2978
Work phone 410-966-7429
Home phone 410-633-7307

07-498-A

PLAT TO ACCOMPANY FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1309 WILDWOOD BEACH ROAD

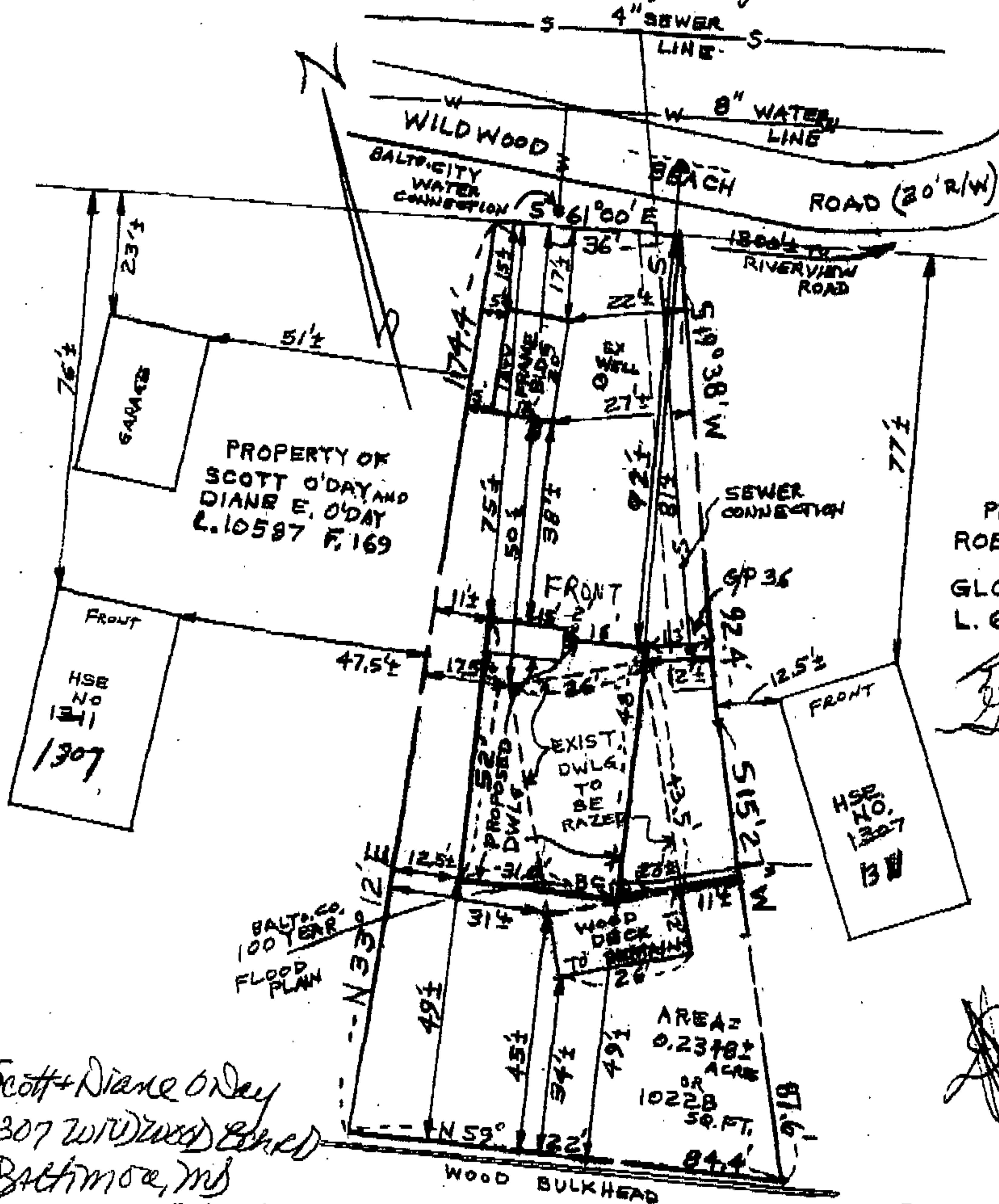
SUBDIVISION NAME WILDWOOD BEACH

PLAT BOOK # 9 FOLIO # 30 LOT # 918 OF SECTION #

OWNER PATRICIA A. GALASKI

M. & Mrs. Leray Stone
35 Wildwood Beach Rd.
21221

Neighbors have signed these plat
they agree and have no problem



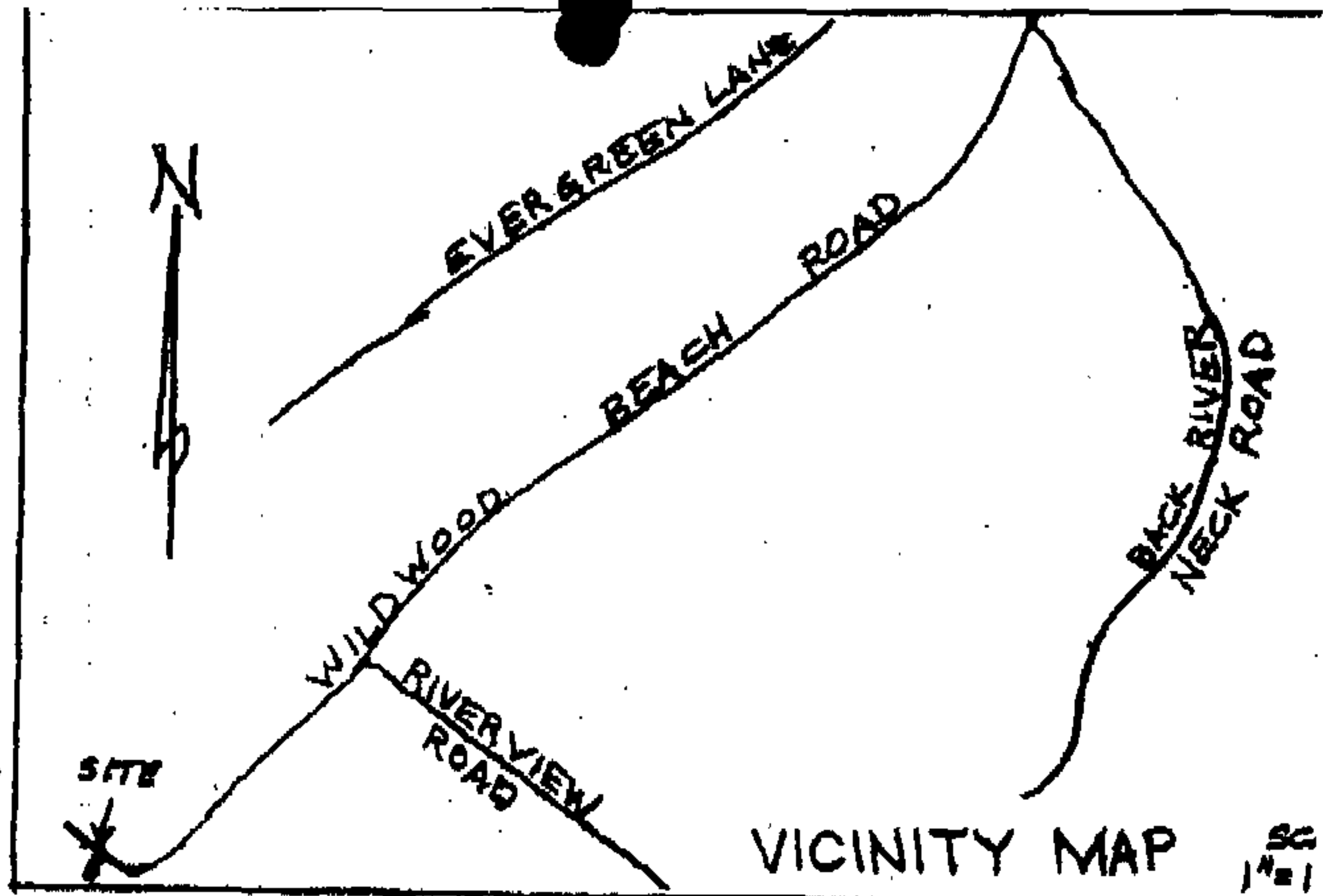
Scott & Diane O'Day
307 Wildwood Beach
Baltimore, MD
21204

BACK RIVER

RING

plans to show
them with my proposal.

Gregory P. Arbutus
1313 Wildwood Beach Rd
Gyp. Arbutus



Kathleen England
KATHLEEN ENGLAND
1315 WILLOWOOD BEACH RD.
BALTO., MD 21221

LOCATION INFORMATION

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 1
1"=200' SCALE MAP # 104
ZONING RC 5
LOT SIZE 0.2348 ACRES 10226 SQUARE

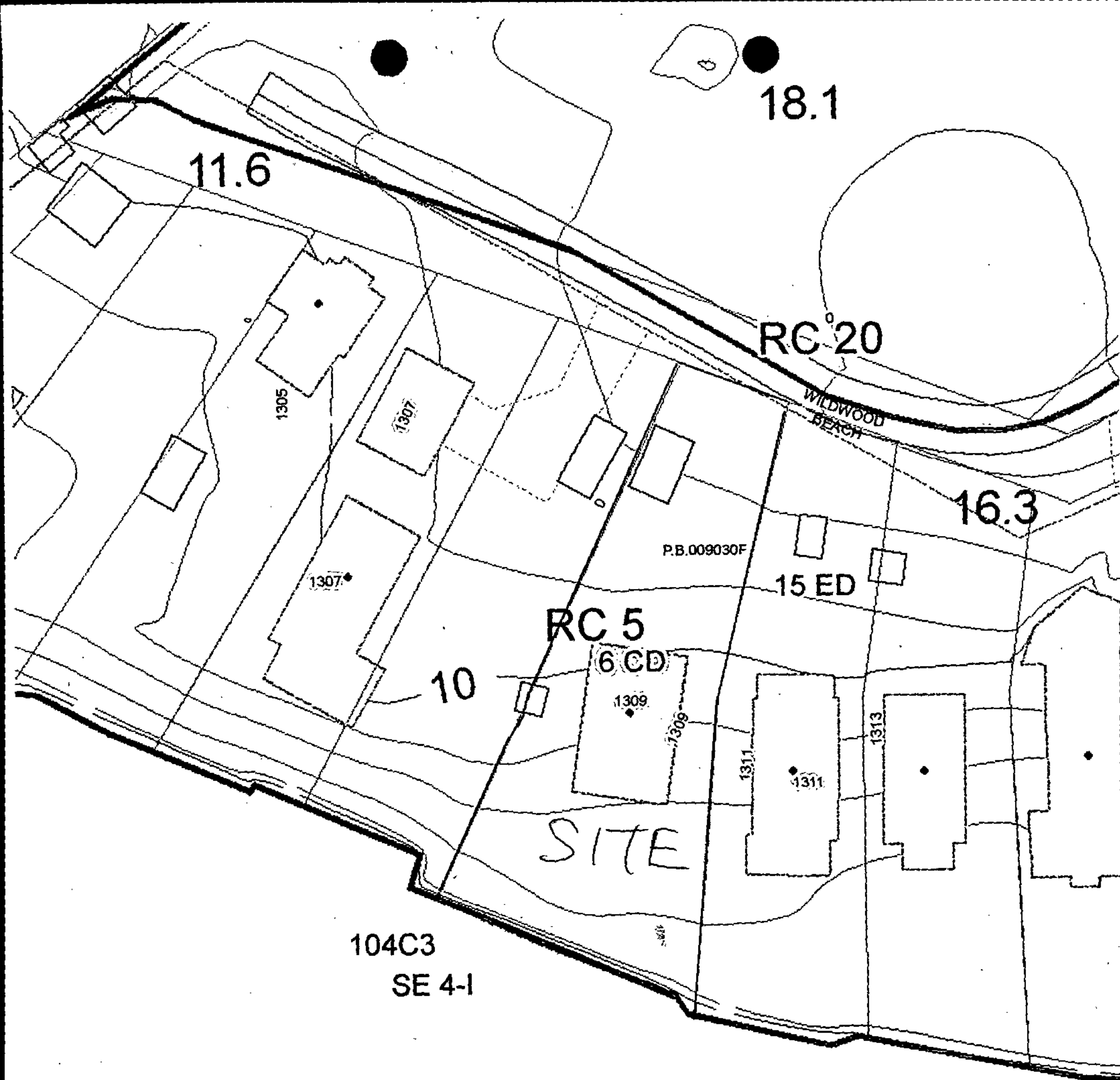
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100 YEAR FLOOD PLAIN	☒	☐
HISTORIC PROPERTY BUILDING	☐	☐
PRIOR ZONING HEARING	None	

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

TITLE REFERENCE

GRANTEE: PATRICIA A. GALASKI
GRANTOR: NORMAN V. TOLAND AND
MAUREEN B. TOLAND, HIS WIFE
DEED: LIBER: 12465 Folio 643
DEED DATED: OCTOBER 1, 1997



07-498-A

CASE NAME Gates Ki
CASE NUMBER 07-49819
DATE 7/11/02

NAME

CITY, STATE, ZIP

Patricia Galas R.

1309 Wildwood Beach Rd

STATE, MD 21221

Ernest Rogers

417 DELAWARE AVE

Excess No 21331

Dennis GATASKI

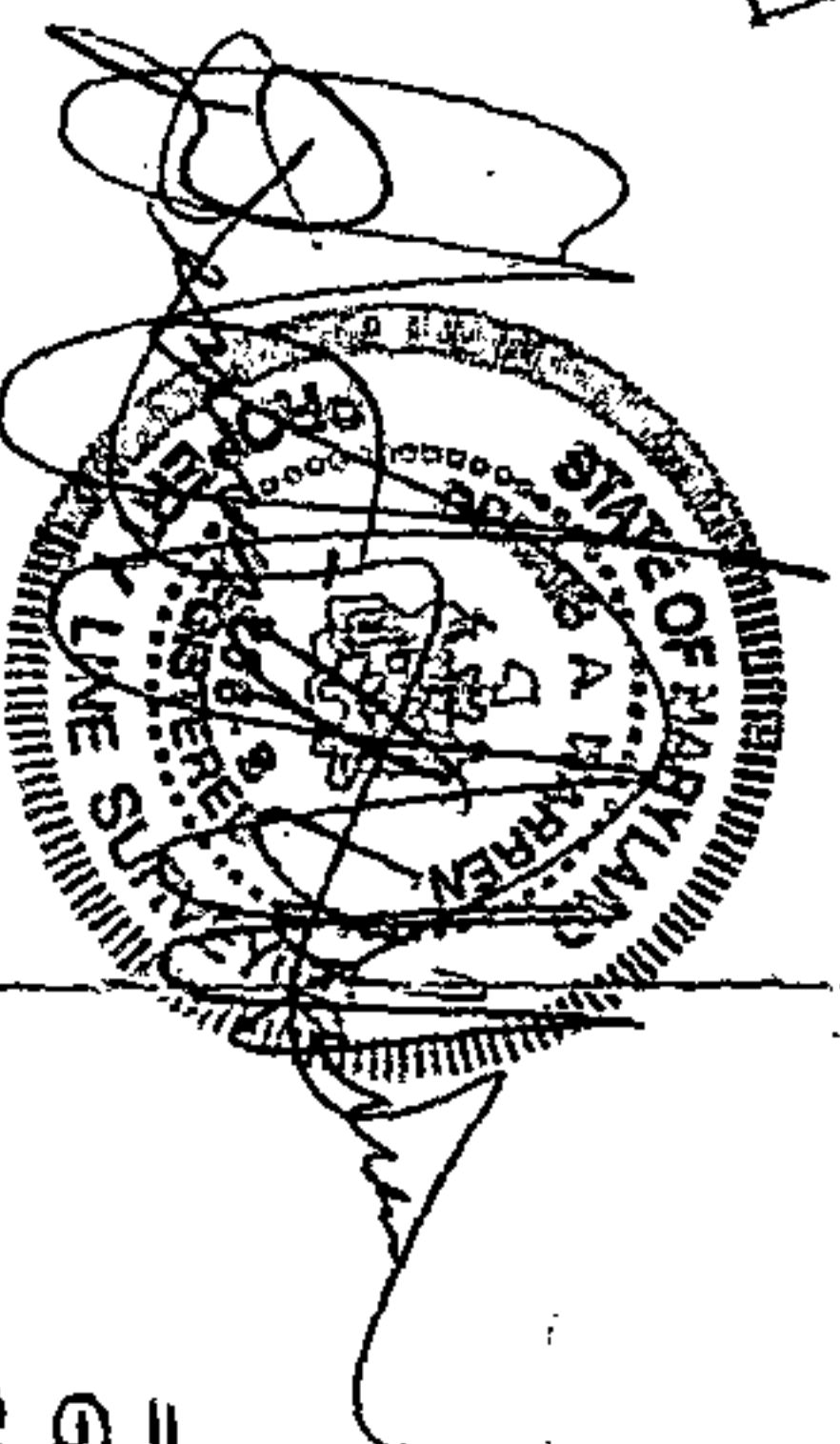
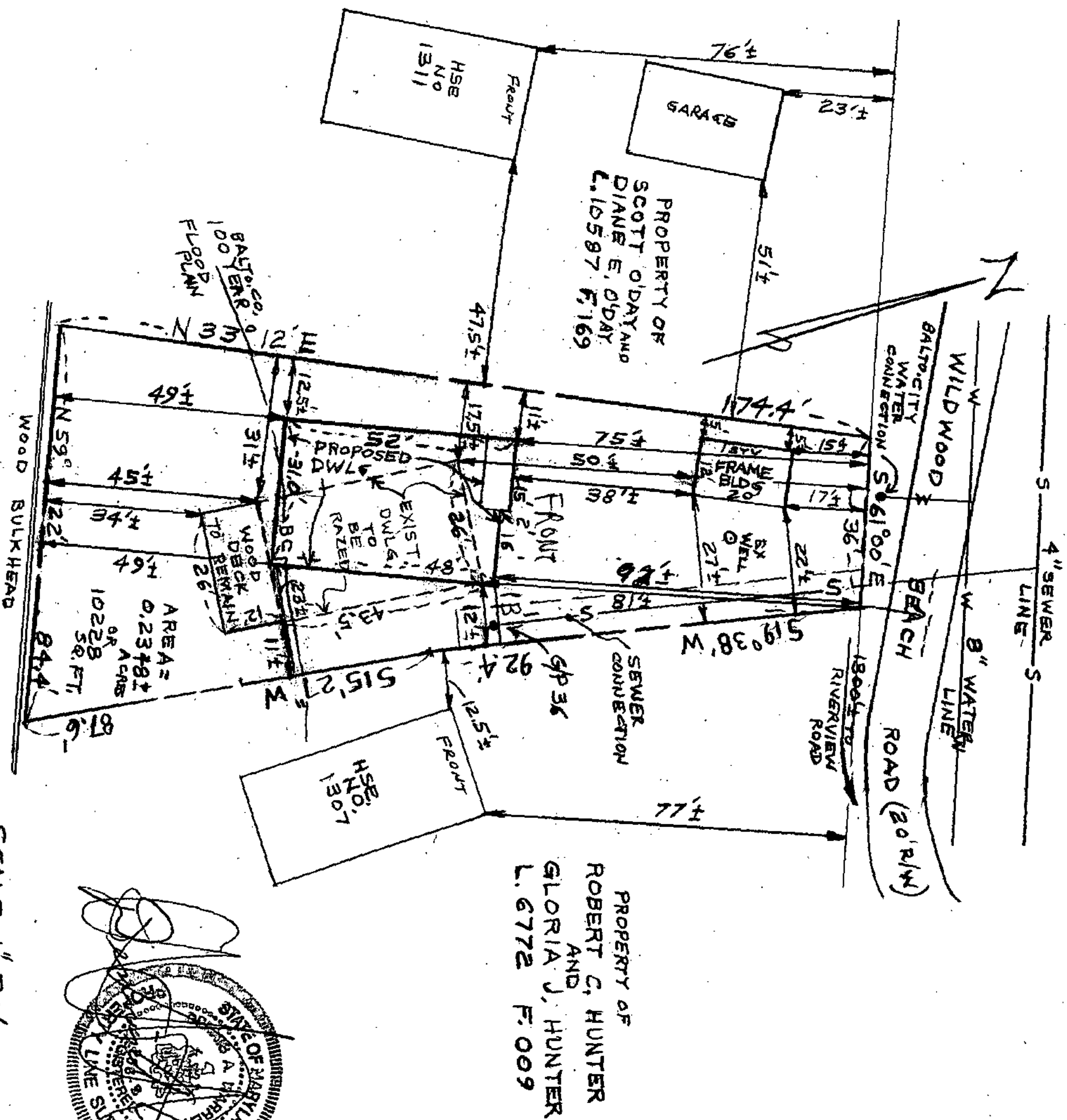
1309 D WIL (u/oo) B-Ach (f)

3A (T.M) 2/272

rosenconstruction @ comcast.net

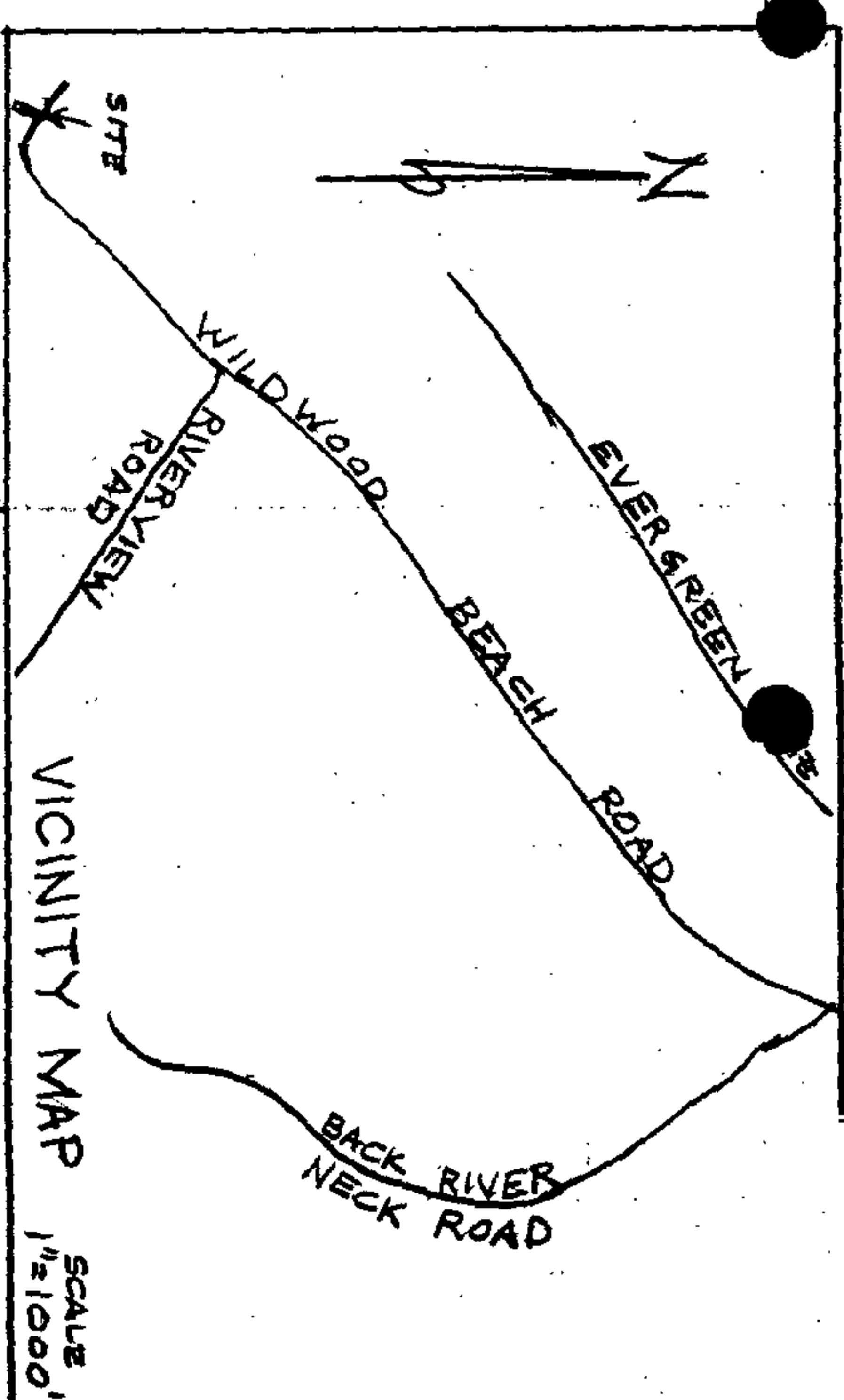
PLAT TO ACCOMPANY FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1309 WILDWOOD BEACH ROAD
 SUBDIVISION NAME WILDWOOD BEACH
 PLATBOOK # 9 FOLIO # 30 LOT # 248 SECTION # 8
 OWNER PATRICIA A. GALASKI



SCALE: 1"=30'

~~PREPARED BY~~
~~DENISE A. WATSON~~
~~PLATBOOK # 9~~



LOCATION INFORMATION	
ELECTION DISTRICT	15
COUNCILMANIC DISTRICT	6
1"=200' SCALE MAP #	104C3
ZONING	RC 5
LOT SIZE	0.2348 ACRES
	10228 SQUARE FEET
SEWER	PUBLIC ☒ PRIVATE ☐
WATER	☒ ☐
CHESAPEAKE BAY CRITICAL AREA	YES ☒ NO ☐
100 YEAR FLOOD PLAIN	☒ ☐
HISTORIC PROPERTY BUILDING	☐ ☒
PRIOR ZONING HEARING	None
ZONING OFFICE USE ONLY	
REVIEWED BY	ITEM #
DATE	CASE #
10/14/98	107-498-A

TITLE REFERENCE

GRANTEE: PATRICIA A. GALASKI
 GRANTOR: NORMAN V. TOLAND AND MAUREEN B. TOLAND, HIS WIFE
 DEED: LIBER: 12465 FOLIO: 643
 DEED DATED: OCTOBER 1, 1997

Case No.:

07-498-A 1309 WILDWOOD BEACH RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2 *	(Photo's) - what's proposed Other homes in area	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8	* Photo's Returned for Submission to Office of Planning	
No. 9		
No. 10		
No. 11		
No. 12		





April 10, 2007

To Whom It May Concern,

I was informed that I have to request a Variance for my property located on 1309 Wildwood Beach Rd, Essex, MD 21221 to tear down what is there and replace with a New Modular Home. The present house is 26 wide and 44 long. I am requesting the new house to be 31 wide and 50 long, which includes the porch.

Back in 1998 I had planned to build a Modular Home 28 wide and 60 long which was approved with the new sewer system that was suppose to be installed (see drawling with approval stamp dated in 1998 - EX1). However, Baltimore County had major delays in bringing the sewer lines to the Back River Neck Road area and I was forced to put my plans on hold and lost thousands of dollars. Little did I know that it was going to take 9 years for the sewer system to reach my community.

Currently, I have a grinder pump for sewer hook-up and city water meter on my property to be hooked up to my new house by June 2007 but no new house to hook up to because of new rules. Please help me to tear down the old summer house that had a tree fall on it, leaky roof for over 35 years, no heat; and a damaged foundation and build a new Modular Home that will be set higher than the old house and on a new structurally sound foundation.

When Isabel came, I received water in my basement that caused damage to the foundation. I did go to FEMA for help but was told that since I had a dirt basement and because the water did not come into my living quarters I would not receive any help with the damage to my property which included my pier, fence, house or removal of debris or house. FEMA told me to fill out Form 4684-Casualties and Thefts and submit with my 2003 Income Tax Return, which I did. However, I did not know how much damage was done to the foundation until I tried to have a second floor added to the existing house and was told the foundation would not hold so I went back to tearing down and putting a Modular Home up.

Yes, I am asking for a bigger foot print than the original house but it is smaller than the one approved in 1998. Also, I am not asking to go bigger than some of the homes in my neighborhood. In fact, some of the homes appear to have doubled in size. Also, my neighbor had increased his foot plan by 10 longer and 5 feet wider without permits and I am trying to be legal and I am having trouble getting approval and securing permits.

07-498-A

My contractor for the Modular Home is Ernest Rogers. He can be reached at Cell- 410-365-9565 or 410-682-6683.

Please see my original letter dated March 21, 2007 for additional information.

Please advise of the next steps that need to taken. Thank You.

Sincerely,

Patricia A. Galaski

Patricia A. Galaski
1309 Wildwood Beach Rd
Essex MD 21221
Cell Phone #410-375-2978
Cell Phone #410-916-2277
Home Phone # 410-633-7307

07-498-A

March 21, 2007

Mr. Timothy Kotroco
Director, PDM
Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 1309 Wildwood Beach Rd
Essex MD 21221

Mr. Kotroco

I am attempting to secure a permit to raze my existing summer shore home which has been in my family since 1955 and build a new permanent year round home. I attempted to do this in 1998 but Public Works prohibited us from building until the new sewer line was completed. I was told completion was to be December of that year (1998). It is now completed, eleven years later.

This house, being a summer home, does not have a furnace and is not insulated. I have been advised that due to hurricane Isabel that the foundation is structurally unsound. The dirt floor basement is about 3' below grade and Isabel flooded the area and undermined the footers and left them partially exposed as the water retreated pulling the soil with it. I decided not to file a claim after Isabel as I planned to replace the structure anyway.

This house also had a large tree fall on it damaging the roof which is currently with a temporary patch as I did not want to have it restored with the intention of razing the structure. The roof has leaked otherwise and there is much water damage.

The new home I wish to build is 5' wider and 6'6" longer, with the front porch, than the existing structure and would reduce the set back from 17'6" to 11' at the north/east corner using proposal "B" and 10'6" if I am allowed to reposition the house square to the road as shown in proposal "A". The additional length does not impact the set back to the water side of the lot as I would add the additional length to the side facing the road which has a set back of approximately 75'+.

I currently have my financing in place and my house, which is a North American Housing Corporation modular, is waiting for the okay to start building.

Please advise me of what the next step or action I need to take.

Sincerely,

Patricia A. Galaski

Patricia A. Galaski

ERNEST ROGERS
C 410 365-9565
O 410 682-6683
410-916-2277

RECEIVED
MAR 25 2007
DEPT. OF PERMITS AND
DEVELOPMENT
SIGNED

07-498-A

RECEIVED

MAR 22 2007

07-467

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

