IN RE: PETITIONS FOR SPECIAL HEARING *

BEFORE THE

AND VARIANCE

S/S Galloway Road, 48' E of c/line Galloway & New Galloway Roads

(3668 Galloway Road – Lots 17 & 18) * OF

15th Election District

6th Council District * BALTIMORE COUNTY

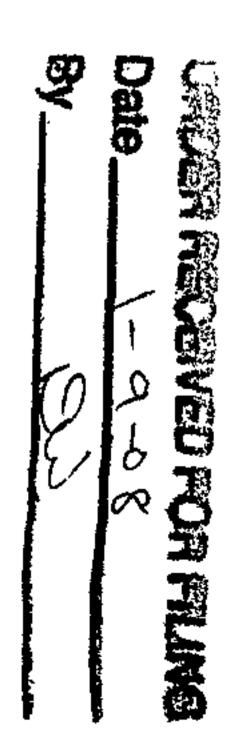
Myrna M. Guldan Petitioner Case No. 08-184-SPHA

ZONING COMMISSIONER

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the property, Myrna M. Guldan. Special hearing relief was filed requesting approval of the existing accessory structures to remain on a lot without a principle structure. The Petitioner also requests variance relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 10 foot setback from a lot line other than a street line in lieu of the required 50 feet, to allow a principle structure to be 75 feet from the centerline of a road that connects with a collector street in lieu of the required 100 feet; from B.C.Z.R. Section 1A04.3.A. to allow a building height of 40 feet in lieu of the permitted 35 feet; from B.C.Z.R. Section 1A04.3.B.1.a to allow a lot area of 1.12 acres in lieu of the required 1.50 acres (Lots 17 and 18 are to be combined into one lot); from B.C.Z.R. Section 400.1 to allow accessory structures in the front yard and finally to amend the prior approved plan in Case No. 06-221-A. The subject property and the 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 these petitions were Ms. Guldan's daughter and son-in-law, Joanna Aldave and John Aldave. Thomas J. Hoff, a registered



landscaped architect who prepared the site plan, also attended the hearing on behalf of the owner in his capacity as a land development consultant. There were no Protestants or other interested persons present.

An appreciation of the properties past history and use is relevant and is briefly outlined. The subject property consists of two (2) lots identified on Maryland Department of Assessments and Taxation Map 98 as Lots 17 and 18 of the Bowleys Quarters Subdivision, which was recorded in the Land Records of the County in 1921. Myrna Guldan and her late husband, William M. Guldan, purchased these waterfront lots in 1980 and improved Lot 18, with public water and meter, a shed, gazebo, bulkhead and pier which extends out into Galloway Creek. The family uses the property during the summer for recreational purposes. *See* photographs of existing conditions submitted as Petitioner's Exhibit 2.

The Guldan properties are located at the corner of Galloway Road and New Galloway Road in the Bowleys Quarters area of the County and fall within the Chesapeake Bay Critical Area. The land use for this area of the site is Limited Development Area (LDA), the total site area is 1.28 acres, more or less (Lot 17 – 0.73 acres and Lot 18 – 0.55 acres), zoned R.C.5. Lot 17 is a vacant site and forested on the western half while Lot 18, as noted, contains accessory improvements and is essentially covered with grass and shade trees. As illustrated on the site plan (Petitioner's Exhibit 1), the two lots are bisected by a narrow passage or path of Galloway Creek referred to as the "gut". Both Lots 17, on the western side of the tidal gut, and Lot 18, on the east side, contain non-tidal wetlands. The Petitioner previously filed a petition for variance in Case No. 06-221-A seeking similar relief to that of the instant petition to allow development on Lot 17. At that time, Daniel Welsh desired to purchase the property from Ms. Guldan provided he could build a single-family dwelling on this lot which contained 0.73 acres or

Date 1-9-08

31,141 square feet in lieu of the required 1-½ acres. By his Order, then Deputy Zoning Commissioner John V. Murphy found that the property was unique from a zoning standpoint by virtue of its odd shape, significant wetlands and its being a lot of record created in 1921 before the present R.C.5 zoning regulations were imposed by the County. He found that the owner would suffer a practical difficulty if the regulations were strictly enforced. While granting the requested variances for setbacks, he denied the variance as to the lot size finding that Lot 18 could and should be joined with Lot 17, thereby significantly reducing the area variance requested. He went on to approve the lot size variance for 1.2 acres provided that a revised site plan be submitted along with a Motion for Reconsideration. That Order was dated March 1, 2006 and resulted in the contract purchaser, Daniel Welsh, declining to purchase both lots as a condition precedent to this Commission's approval.

The Petitioner now comes with a new approach as initially suggested by Commissioner Murphy in order to accommodate the Petitioner's daughter, Joanna Aldave, who desires to combine the lots and build a single-family dwelling on what is shown as Lot 18 on the site plan in which she will reside. As shown on Exhibit 1, the Petitioner proposes a 35' wide x 40' deep dwelling with a side yard setback of 10 feet on the eastern side of the property. Neither the Office of Planning nor the adjoining neighbor's Robert and Helen Burns object to this request in view of the wetland constraints. The Department of Environmental Protection and Resource Management (DEPRM) has also approved Petitioner's Wetland Delineation Analysis and approved the proposed dwelling on Lot 18. See Human & Rohde, Inc. Analysis and DEPRM's letter from Regina Esslinger, dated June 29, 2007, received as Petitioner's Exhibit 3.

Further testimony indicated that the proposed dwelling would be compatible with other houses in the neighborhood and that many houses in the community are built on undersized lots

elevation for this site, driving the need for increased height coupled with the Petitioner's desire to have an architecturally aesthetically pleasing pitched roof. The property is located in the LDA of the Chesapeake Bay Critical Area which requires that the proposed development comply with these regulations. The attic with a steeply pitched roof will provide for needed storage space out of the floodplain. Thus, the height limitation in the regulations impact upon this property disproportionately compared to others in the R.C.5 zoning district. The Petitioner opines that the height variance would not be out of character as her home would be similar to others. After due consideration of the testimony and evidence presented, and adopting by reference the factual conclusions contained in Case No. 06-221-A, I find that special circumstances or conditions exist that are peculiar to the land or structure which is subject to the variance requests. 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 these two lots for the Petitioner to acquire and avoid the area variance request. Ms. Guldan cannot meet the regulations under any circumstances; 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. Moreover, due to the properties close proximity to the Galloway Creek with its

(most of which were reconstructed subsequent to Hurricane Isabel and Council Bill No. 55-04).

Moreover, the Petitioner will submit elevation drawings of the proposed structure to the Office

of Planning for approval and assures that the home will be consistent with the spirit and intent of

the R.C.5 zoning regulations and Performance Standards as set forth in Section 1A04.4 of the

B.C.Z.R. As to the request that a height variance be granted in view of the flood protection

accompany protruding "gut", the proposed improvements must comply with the Chesapeake Bay

Critical Area regulations as set forth in the comments submitted by DEPRM as well as the

Baltimore County Building Code, whereby elevation limitations are placed on the lowest floor of residential development as outlined in the comment received from the Bureau of Development Plans Review (DPR). No increase in residential density beyond that otherwise allowable by the zoning regulations will result by granting these variances. Finally, I find that the existing accessory structures (gazebo and shed) built by the late William Guldan can continue to remain on Lot 18 until a Use and Occupancy Permit is issued and the accessory shed, which will then be located in the front yard, is no longer needed, at which time it shall be removed. Any future accessory structures will be erected in compliance with B.C.Z.R. Section 400.1. The Petitioner is requesting approval of approximately 1.24 acres in lieu of the required 1.5 acres to develop the properties with a new single-family dwelling. As noted by general note 6 on Petitioner's Exhibit 1, Lots 17 and 18 will be merged into one lot under one ownership and Deed. In other words, if relief is granted, the Petitioner is requesting that I approve the merging of Lots 17 and 18 to be one lot. I find this to be within the spirit and intent of the R.C.5 regulations. The requested approval of the merger of the two lots, however, is not to be construed as a waiver of any of the requirements the property owner may need to satisfy as part of the Development Review process. In this regard, it is anticipated that this project will be reviewed in more detail by appropriate County agencies during that process.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this

day of January 2008, that the Petition for Special Hearing to permit the existing accessory structures to remain on a lot without a principle structure, as more particularly shown on Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 10 foot setback from a lot line other than a street line in lieu of the required 50 feet, to allow a principle structure to be 75 feet from the centerline of a road that connects with a collector street in lieu of the required 100 feet; from B.C.Z.R. Section 1A04.3.A. to allow a building height of 40 feet in lieu of the permitted 35 feet; from B.C.Z.R. Section 1A04.3.B.1.a to allow a lot area of 1.12 acres in lieu of the required 1.50 acres (Lots 17 and 18 are to be combined into one lot); from B.C.Z.R. Section 400.1 to allow accessory structures in the front yard and finally to amend the prior approved plan in Case No. 06-221-A, be and are 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 such time as the thirty (30) day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Prior to the issuance of any building permits, the Petitioner shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and to ensure compatibility in terms of size, exterior, building materials, color and architectural details with existing dwellings in the area. It is also to be noted that the front of the proposed dwellings shall be oriented to face the water, consistent with other waterfront homes in the community.
- 3. Compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Development Plans Review (DPR) of the Department of Permits and Development Management (DPDM) relative to the 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 those comments, dated December 31, 2007 and December 18, 2007 respectively, have been attached hereto and are made a part hereof.
- 4. Within one hundred and eighty (180) days of the date of this Order, the Petitioner shall record a new Deed in the Land Records of Baltimore County referencing this case which combines the two parcels as a result of this Order and their

merger. A copy of the new Deed shall be forwarded to the Department of Permits and Development Management (DPDM) for inclusion in the case file.

5. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

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

WILLIAM J. WISEMAN, III Zoning Commissioner

of Baltimore County

Date 1-9-08



JAMES T. SMITH, JR. County Executive

January 9, 2008

WILLIAM J. WISEMAN III

Zoning Commissioner

Myrna M. Guldan c/o Joanna Aldave 102 North Rolling Road Catonsville, Maryland 21228

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

S/S Galloway Road, 48' E of c/line Galloway & New Galloway Roads (3668 Galloway Road – Lots 17 & 18)

15th Election District - 6th Council District

Myrna M. Guldan - Petitioner

Case No. 08-184-SPHA

Dear Ms. Guldan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw Enclosure

c: Joanna and John Aldave, 102 North Rolling Road, Catonsville, MD 21228 Thomas J. Hoff, 406 West Pennsylvania Avenue, Towson, MD 21204 Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, Maryland 21401 People's Counsel; Office of Planning; DEPRM; Development Plans Review; File

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination JWL

DATE:

December 31, 2007

SUBJECT:

Zoning Item

08-184-SPHA

Address

3668 Galloway Road

(Guldan Property)

Zoning Advisory Committee Meeting of October 29, 2007

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

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 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).

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 site is within a Limited Development Area and must comply with all LDA requirements. A Critical Area Variance to impact the Critical Area Buffer for a singlefamily dwelling is pending. The Critical Area Buffer and associated wetlands encompass the entire property. If a Critical Area Variance is granted, the remainder of the sire must be put in a Critical Area Easement.

Reviewer:

Regina Esslinger

Date: December 27, 2007

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INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 18, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review SIGNED: [

SIGNED: Dennis A. Kennedy

SUBJECT:

Zoning Advisory Committee Meeting

For November 5, 2007

Item No. 08-184 REVISED

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 hasements) 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*.

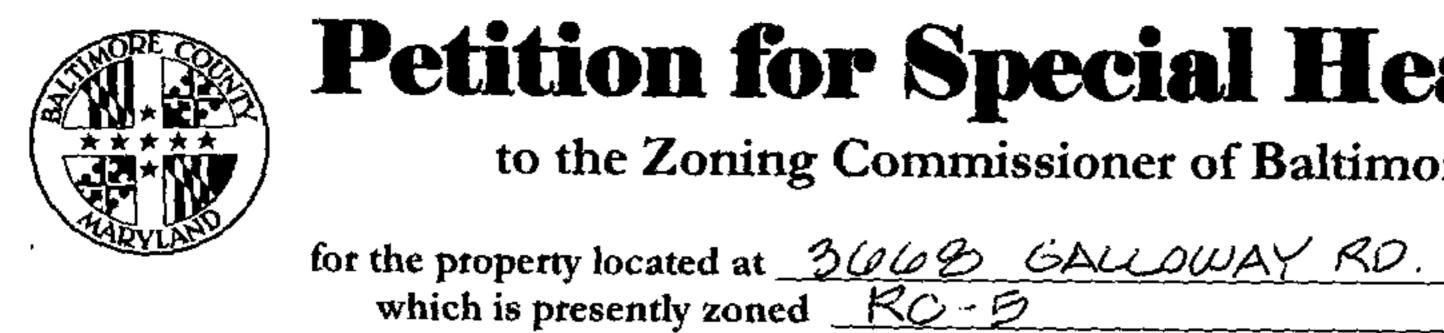
DAK:CEN:clw

ect File

ZAC-ITEM NO 08-184-12182007.doc

Date 1-9-08

• CBCA



(This box to be completed by planner)

Petition for Special Hearing

(This petition must be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

to the Zoning Commissioner of Baltimore County

STRUCTURE.	OKT SIRUUI	UKES IU KEN	AIN ON A LOT WITHOUT A PRINCIPLE
Property is to be posted a l, or we, agree to pay exbounded by the zoning recounty.	oenses of above	Special Hearing, strictions of Baltim	zoning regulations. advertising, posting, etc. and further agree to and are to be ore County adopted pursuant to the zoning law for Baltimore do solemnly declare and affirm, under the lties of perjury, that I/we are the legal
		owner	(s) of the property which is the subject of etition.
Contract Purchaser/Les	see:		Legal Owner(s):
Name - Type or Print		'	MYRNA M. GULDAN Name-Type or Print "Myrna M. Guldan
Signature			Signature
Address		Telephone No.	Name - Type or Print
Attorney For Petitioner: Name 2 Type or Print	State	Zip Code	Signature C/O JOHNNA ALDAVE 102 NORTH ROLLING RO. 410-368-3514 Address Telephone No. CATONOVILLE M.D. 21228 City State Zip Code
Signature			Representative to be Contacted:
Company			THOMAS J. HOFF Name 410-290-366
Address		Telephone No.	Address Telephone No.
City	State	Zip Code	TOW State Zip Code
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Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 3466 4 3670 GALLOWAY RD.

which is presently zoned 80.5

Deed Reference: 14-277 / 296 Tax Account # 1519321286

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)

DEE ATTACHED

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

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/L	<u>Lessee:</u>	•	Legal Owner(s):
Name - Type or Print			MYRNA M. GULDAN Name - Type or Print
,			Myrna M. Gullow
Signature		<u></u>	Signature M. Guller
Address			
Audress		Telephone No.	Name - Type or Print
City	State	Zip Code	Signature C/O JOANNA ALIDAVE
Attorney For Petition	<u>ter:</u>		102 NORTH ROLLING RD. 410-368-3514
11/4			Address Telephone No.
Name - Type or Print			CATONOVILLE, MD. 21220 City State Zip Code
			Representative to be Contacted:
Signature	· · ·	· - · - · - · - · · - · · · · · · · · ·	
			THOMAS J. HOFF
Company			Name 406 W. PENNSYLVANIA AVE Address Telephone No.
Address	<u> </u>	Telephone No.	Address Tolophone No.
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City	State	Zip Code	TOWSON MD 2/204 City State Zip Code
Case No	SPHA	<u></u>	Office Use Only
·· <u></u>		Estin	nated Length of Hearing
EV 8/20/07		FOR FILING	
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Guldan Property, Lots 17 & 18, Plat One, Bowleys Quarter, Plat 7/12 3668 & 3670 Galloway Road

October 5, 2007

ZONING RELIEF REQUESTED:

- 1) VARIANCE FROM SECTION 1A04.3.B.2.b. TO ALLOW A 10' SETBACK FROM A LOT LINE OTHER THAN A STREET LINE IN LIEU OF THE REQUIRED 50'.
- 2) VARIANCE FROM SECTION 1A04.3.B.2.b. TO ALLOW A PRINCIPLE STRUCTURE TO BE 75' FROM THE CENTERLINE OF A ROAD THAT CONNECTS WITH A COLLECTOR STREET IN LIEU OF THE REQUIRED 100'.
- 3) VARIANCE FROM SECTION 1A04.3.A. TO ALLOW A BUILDING HEIGHT OF 40' IN LIEU OF THE PERMITTED 35'.
- 4) VARIANCE FROM SECTION 1A04.3.B.1.a. TO ALLOW A LOT AREA OF 1.12 ACRES IN LIEU OF THE REQUIRED 1.50 ACRES. (LOTS 17 AND 18 ARE TO BE COMBINED INTO ONE LOT.)
- 5) VARIANCE FROM SECTION 400.1 TO ALLOW ACCESSORY STRUCTURES IN THE FRONT YARD.
- 6) TO AMEND THE PRIOR APPROVED PLAN IN CASE NO.06-221.

REASONS FOR REQUEST:

TO BE PRESENTED AT THE HEARING

THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

September 26, 2007

Description of Guldan Property, Lots 17 & 18, Plat One, Bowleys Quarter, Plat 7/12, 3668 & 3670 Galloway Road, to Accompany Petition for Variances, 15th Election District

BEGINNING FOR THE SAME at a point on the south side of Galloway Road (30' R/W), 48 feet more or less east of the intersection of the centerlines of Galloway and New Galloway Roads.

Thence binding on the south side of Galloway Road,

- 1) By a curve to the left with a radius of 272.00 feet and a length of 130.00 feet, subtended by the chord South 53 degrees 17 minutes 56 seconds West 128.77 feet, thence,
- 2) By a curve to the left with a radius of 272.00 feet and a length of 215.82 feet, subtended by the chord South 16 degrees 52 minutes 34 seconds West 210.20 feet, thence leaving the south side of Galloway Road,
- 3) North 76 degrees 11 minutes 20 seconds East 185.76 feet, thence,
- 4) North 35 degrees 35 minutes 39 seconds West 82.41 feet, thence,
- 5) North 16 degrees 15 minutes 21 seconds West 32.97 feet, thence,
- 6) North 25 degrees 19 minutes 20 seconds East 12.08 feet, thence,
- 7) South 36 degrees 15 minutes 57 seconds East 29.04 feet, thence,
- 8) South 59 degrees 56 minutes 20 seconds East 28.85 feet, thence,
- 9) South 15 degrees 07 minutes 33 seconds East 30.14 feet, thence,
- 10) South 49 degrees 54 minutes 14 seconds East 48.18 feet, thence,
- 11) South 56 degrees 48 minutes 57 seconds East 41.44 feet, thence,
- 12) South 72 degrees 50 minutes 40 seconds East 42.12 feet, thence,
- 13) South 85 degrees 05 minutes 39 seconds East 16.53 feet, thence,
- 14) North 67 degrees 52 minutes 22 seconds East 32.23 feet, thence,
- 15) North 34 degrees 56 minutes 10 seconds West 300.75 feet to the place of beginning.

Containing 1.12 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



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NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimbre 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: #08-184-SPHA
3668 Galloway Road
Side of Galloway Road, 48 feet east of centerline of Galloway and New Galloway Road
15th Election District - 6th Councilmanic District
Legal Owner(s): Myrna Guldan
Special Hearing: to approve existing accessory structures to remain on a lot without a principle structure, Variance: to allow a 10 foot setback from a lot line other than a street line in lieu of the required 50 feet and to allow a principle structure to be 75 feet from the centerline of a road that connects with a collector street in lieu of the required 100 feet and to allow a building height of 40 feet in lieu of the permitted 35 feet and to allow a lot area of 1.12 acres in lieu of the required 1.50 acres (lots 17 and 18 are to be combined into 1 lot) and to allow accessory structures in the front yard and to amend the prior approved plan in case no. 06-221-A.
Hearing: Wednesday, December 19, 2007 at 11:00 a.m. In Room 407, County Courts Building, 401 Bosiey

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.

157076

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in the following weekly newspaper published in Baltimore County, N THIS IS TO CERTIFY, that the annexed advertisement was published ___successive weeks, the first publication appearing Иd.,

LEGAL ADVERTISING Welling

	RE: Case No: 08-184 - SPHA
	Petitioner/Developer: Thomas T. Hoff
***	Date Of Hearing/Closing: 12/19/07
Baltimore County Department of Permits and Development Manag County Office Building,Room 11 111 West Chesapeake Avenue	ement
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were poste	penalties of perjury that the necessary ed conspicuously on the property
This sign(s) were posted on <u>Ja</u>	(Month, Day, Year)
	Sincerely
4	Markin Och 12/4/07
	(Signature of sign Poster and Date)
	Martin Ogle
	Sign Poster
	16 Salix Court
	Address
	Balto. Md 21220
	(443-629 3411)



RE: PETITION FOR SPECIAL HEARING AND VARIANCE

3668 Galloway Road; S/S Galloway Road, 48' E c/line Galloway & New Galloway Rds 15th Election & 6th Councilmanic Districts Legal Owner(s): Myrna Guldan

Petitioner(s)

BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 08-184-SPHA

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 31st day of October, 2007, a copy of the foregoing Entry of Appearance was mailed Thomas Hoff, 406 Pennsylvania Avenue, Towson, MD 21204, Representative for Petitioner(s).

RECEIVED

OCT 3 1 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....



JAMES T. SMITH, IR. County Executive

October 30, 2007
TIMOTHY M. KOTROCO, Director
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: 08-184-SPHA

3668 Galloway Road

S/side of Galloway Road, 48 feet east of centerline of Galloway and New Galloway Road

15th Election District – 6th Councilmanic District

Legal Owners: Myrna Guldan

Special Hearing to approve existing accessory structures to remain on a lot without a principle structure. Variance to allow a 10 foot setback from a lot line other than a street line in lieu of the required 50 feet and to allow a principle structure to be 75 feet from the centerline of a road that connects with a collector street in lieu of the required 100 feet and to allow a building height of 40 feet in lieu of the permitted 35 feet and to allow a lot area of 1.12 acres in lieu of the required 1.50 acres (lots 17 and 18 are to be combined into 1 lot) and to allow accessory structures in the front yard and to amend the prior approved plan in case no. 06-221-A.

Hearing: Wednesday, December 19, 2007 at 11:00 a.m. in Room 407, County Courts Building 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

Just Kotroco

TK:klm

C: Myrna Guldan, c/o Joanna Aldave, 102 North Rolling Road, Catonsville 21228 Thomas J. Hoff, 406 W. Pennsylvania Avenue, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 4, 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, December 4, 2007 Issue - Jeffersonian

Please forward billing to:

JoAnna Aldave

102 North Rolling Road Catonsville, MD 21228

410-368-3514

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: 08-184-SPHA

3668 Galloway Road

S/side of Galloway Road, 48 feet east of centerline of Galloway and New Galloway Road

15th Election District – 6th Councilmanic District

Legal Owners: Myrna Guldan

Special Hearing to approve existing accessory structures to remain on a lot without a principle structure. Variance to allow a 10 foot setback from a lot line other than a street line in lieu of the required 50 feet and to allow a principle structure to be 75 feet from the centerline of a road that connects with a collector street in lieu of the required 100 feet and to allow a building height of 40 feet in lieu of the permitted 35 feet and to allow a lot area of 1.12 acres in lieu of the required 1.50 acres (lots 17 and 18 are to be combined into 1 lot) and to allow accessory structures in the front yard and to amend the prior approved plan in case no. 06-221-A.

Hearing: Wednesday, December 19, 2007 at 11:00 a.m. in Room 407, County Courts Building Bostow 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 <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising: Item Number or Case Number: 08-18부-SPHA
Petitioner: MYRNA M. GULDAN
Address or Location: 3668 4 3670 GALLOWAY RO.
PLEASE FORWARD ADVERTISING BILL TO:
Name: JOANNA ALDAVE
Address: 102 NORTH ROLLING RD.
CATONSVILLE, MD. 21228
Telephone Number: 410-368-3514



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROÇO, Director

Department of Permits and

Development Management

December 12, 2007

Myrna M. Guldan % Joanna Aldave 102 North Rolling Road Catonsville, Maryland 21228

Dear Ms. Guldan:

RE: Case Number: 08-184-SPHA, 3668 Galloway Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 19, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

U. Callibal)

WCR:amf Enclosures

c: People's Counsel

Thomas J. Hoff 406 W. Pennsylvania Avenue Towson 21204

INTEROFFICE CORRESPONDENCE

DATE: October 30, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 5, 2007

Item Nos. 08-157, 184, 185, 186, 187, 188, 190, 191, 192, 193, 194, and 196

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-10302007.doc

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 18, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 5, 2007

Item No. 08-184 **REVISED**

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 08-184-12182007.doc

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 27, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3668 Galloway Road

INFORMATION:

Item Number:

8-184

Petitioner:

Myrna M. Guldan

Zoning:

RC 5

Requested Action:

Variance and Special Hearing

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, if consistent with the existing streetscape.

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:

Division Chief:

CM/LL

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: December 31, 2007

SUBJECT: Zoning Item # 08-184-SPHA

Address 3668 Galloway Road

(Guldan Property)

Zoning Advisory Committee Meeting of October 29, 2007

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

<u>X</u> 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).

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 site is within a Limited Development Area and must comply with all LDA requirements. A Critical Area Variance to impact the Critical Area Buffer for a single-family dwelling is pending. The Critical Area Buffer and associated wetlands encompass the entire property. If a Critical Area Variance is granted, the remainder of the sire must be put in a Critical Area Easement.

Reviewer: Regina Esslinger

Date: December 27, 2007

BW 12/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 27, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3668 Galloway Road

INFORMATION:

Item Number:

8-184

Petitioner:

Myrna M. Guldan

Zoning:

RC 5

Requested Action:

Variance and Special Hearing

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.
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- 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, if consistent with the existing streetscape.

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:

Division Chief:

CM/LL

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 18, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SIGNED: Dennis A. Kennedy

SUBJECT:

Zoning Advisory Committee Meeting

For November 5, 2007

Item No. 08-184 REVISED

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 floiation, 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 08-184-12182007.doc

From:

Debra Wiley

To:

Livingston, Jeffrey; Murray, Curtis

Date:

12/13/07 10:47:49 AM_

Subject:

OP & DEPRM Comment(s) Needed - 08-184-SPHA-

Good Morning Gentlemen:

Bill will be hearing the above-referenced case next Wednesday, Dec. 19th at 11 AM and needs comments from your respective agency.

I have provided the necessary information below for your reference:

CASE NUMBER: 8-184-SPHA

3668 Galloway Road

Location: S/side Galloway Road, 48 feet E of c/l Galloway and New Galloway Road

15th Election District, 6th Councilmanic District

Legal Owner: Myrna Guldan

SPECIAL HEARING To approve existing accessory structures to remain on a lot without a principle

structure.

VARIANCE To allow a 10 foot setback from a lot line other than a street line in lieu of the required 50 feet and to allow a principle structure to be 75 feet from the c/l of a road that connects with a collector street in lieu of the required 100 feet and to allow a building height of 40 feet in lieu of the permitted 35 feet and to allow a lot area of 1.12 acres in lieu of the required 1.50 acres (lots 17 and 18 are to be combined into one lot) and to allow accessory structures in the front yard and to amend the prior approved plan in Case No. 06-221-A

Hearing: Wednesday, 12/19/2007 at 11:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

Thanks and have a great day !!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Administration

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

Maryland Department of Transportation

Date: November 1, 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. 8-184-5PHA

3668 GALLOWAYROAD

John D. Porcari, Secretary

Neil J. Pedersen, Administrator

GULDAN PROPERTY

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. 8-184-5PHA.

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 Ungineering Access Permits

Division

SDF/MB

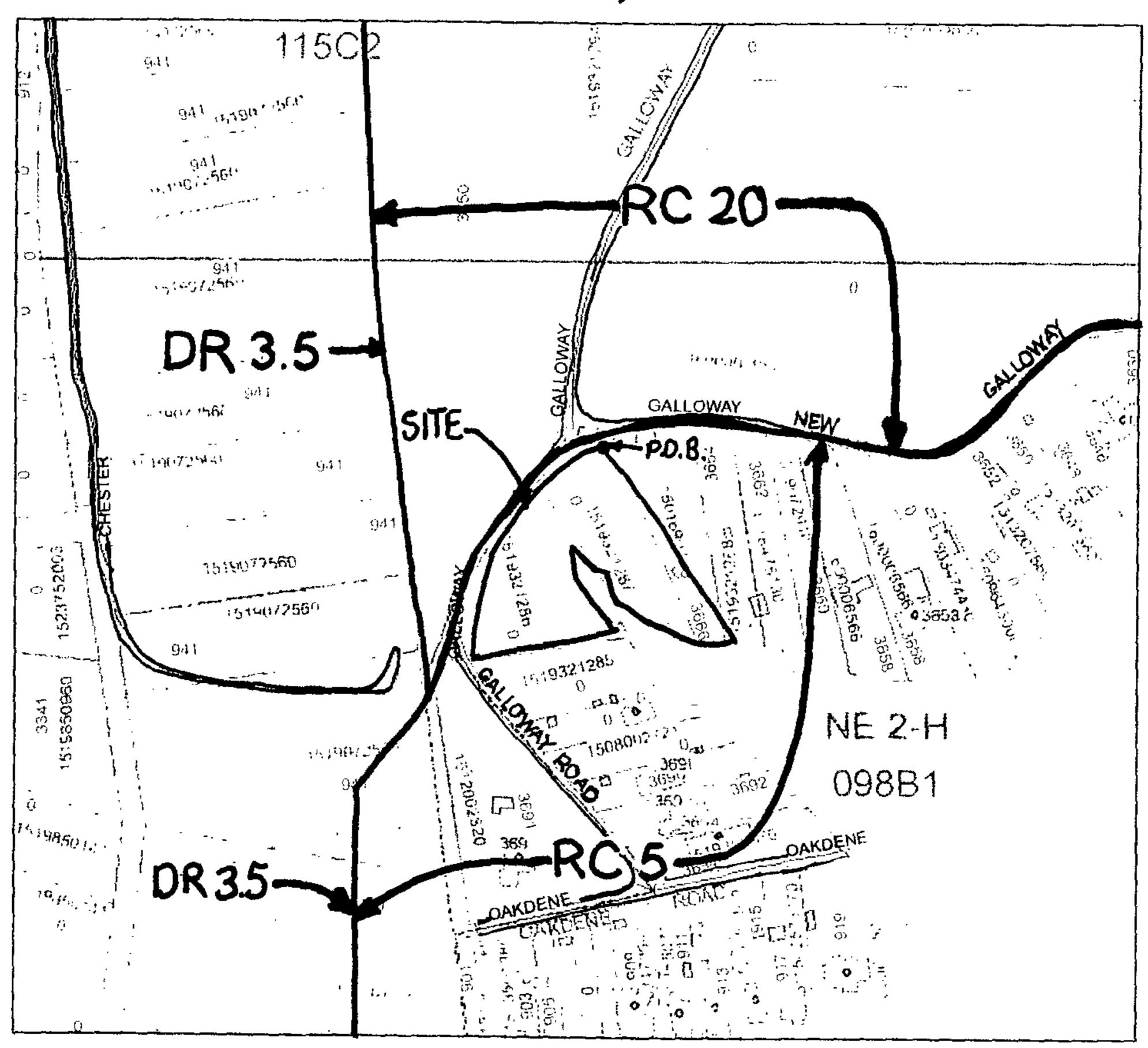
PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-184-5RV
DATE 13-19-7

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Galloway Rd

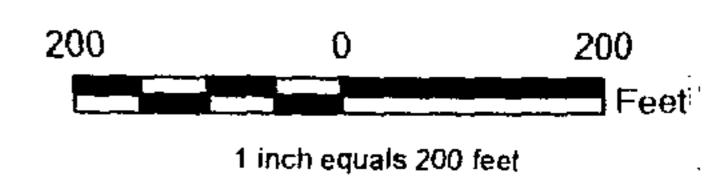




DQ Map Notes

Publication Date: September 05, 2007
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

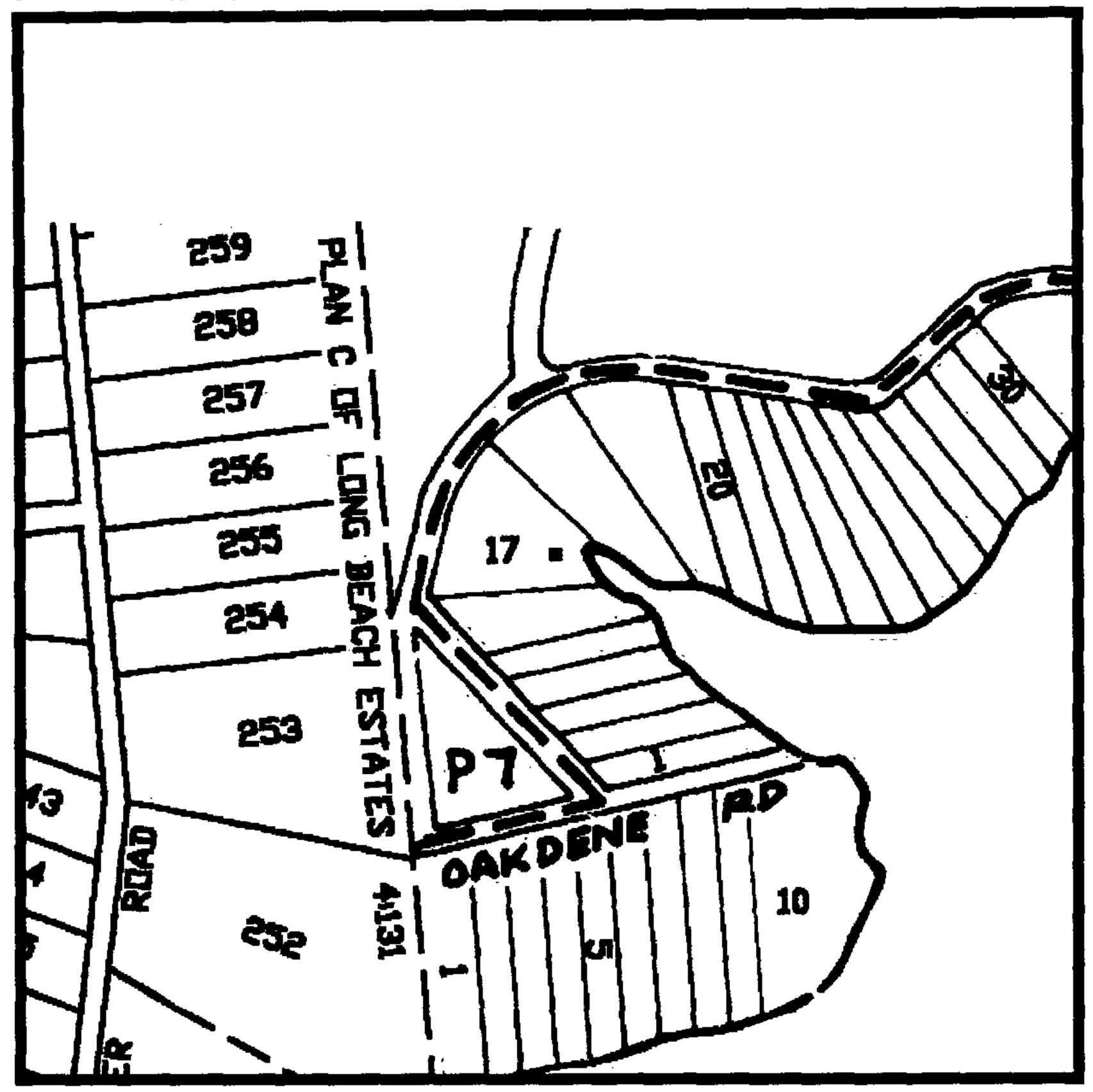






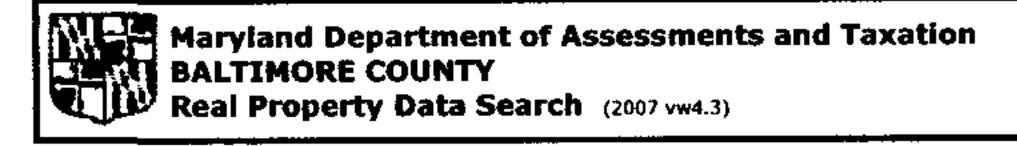
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District - 15Account Number - 1519321286



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

Exempt Class:



Go Back View Map New Search

* NONE *

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		Location 8	Structure	Infor	natio	1		
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Map Grid Parcel 98 4 4	Sub District	Subdivision	Section	Block	Lot 17	Assessn	nent Area 3	Plat No: 1 Plat Ref: 7/
Special Tax Areas	A	own d Valorem ax Class			•••			
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Stories	Basement			Ту	pe	E	Exterior	
		Va	lue Inform	ation	-		· · · · · · · · · · · · · · · · · · ·	
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Seller: GULDAN MYR	NA M			Date:	01/2	4/2000	Price:	\$0
Type: NOT ARMS-LE	NGTH			Deed	:/142	77/ 296	Deed2:	
Seller: GULDAN WILI	LIAM M			Date:	08/2	6/1996	Price:	\$0
Type: NOT ARMS-LE	NGTH			Deed1	:/117	65/ 582	Deed2:	
Seller: WINNINGHAM	1 SHERLIE A			Date:	11/1	6/1988	Price:	\$15,000
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Tax Exempt: N	O					Spec	ial Tax Reca	apture:

Case No.: 08-184-SPHA 3668 GAlloway RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2	2 A Thom 2D Protos	
No. 3	SITE CONSTRAINS.	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Human & Rohde, Inc.

landscape architects/land planners

JOHN C. ROHDE, RLA SALLY MALENA, RLA LYNETTE PINHEY, RLA

512 VIRGINIA AVENUE TOWSON, MD 21286 TEL: (410) 825-3885 FAX: (410) 825-3887

May 9, 2007

Ms. Regina Esslinger
Baltimore County Department of Environmental
Protection and Resource Management
County Courts Building
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

RE: Guldan Property – 3680 Galloway Road

Wetland Delineation and Steep Slopes & Erodible Soils Analysis

Dear Ms. Esslinger:

Enclosed please find two sets of the Wetland Delineation and Steep Slopes & Erodible Soils Analysis Plan and Report for the above referenced site.

The Guldan property is located at the corner of Galloway Road and New Galloway Road in the Bowleys Quarters area of eastern Baltimore County and falls within the Chesapeake Bay Critical Area. The land use for this area of the site is LDA (Limited Development Area), the total site area is $1.28\pm$ acres (Lot 17 0.73 and Lot 18 0.55), and is zoned RC 2. The vacant site is forested on the western half (Lot 17) and improved lawn on the eastern half (Lot 18).

We visited the site and flagged one area of non-tidal wetlands to the east side of the tidal gut. We also located, but did not flag, the non-tidal wetlands on the western half of the site. This area of wetlands was not flagged as they essentially extend to the pavement edge, on Lot 17. The non-tidal wetlands are associated with an area of tidal marsh; which has also been flagged with orange surveyor's ribbon. The areas of wetlands are associated with Galloway Creek (Use I).

Please review our submittal for approval at your earliest convenience.

Sincerely,

HUMAN & ROHDE, INC.

Eric Vangrin

Cc: Thomas J. Hoff, Inc.

PETITIONER'S

EXHIBIT NO.

3



JAMES T. SMITH, JR. County Executive

June 29, 2007

DAVID A.C. CARROLL. Director
Department of Environmental Protection
and Resource Management

Mr. Eric Vangrin Human & Rohde, Inc. 512 Virginia Avenue Towson, Maryland 21286

RE: Gulda

Guldan Property 3680 Galloway Road

Wetland Delineation Verification Steep Slopes/Erodible Soils Analysis

Dear Mr. Vangrin:

Environmental Impact Review (EIR) has received the above referenced wetland delineation and steep slopes and erodible soils analysis for review and approval. EIR has determined that the steep slopes and erodible soils analysis is accurate.

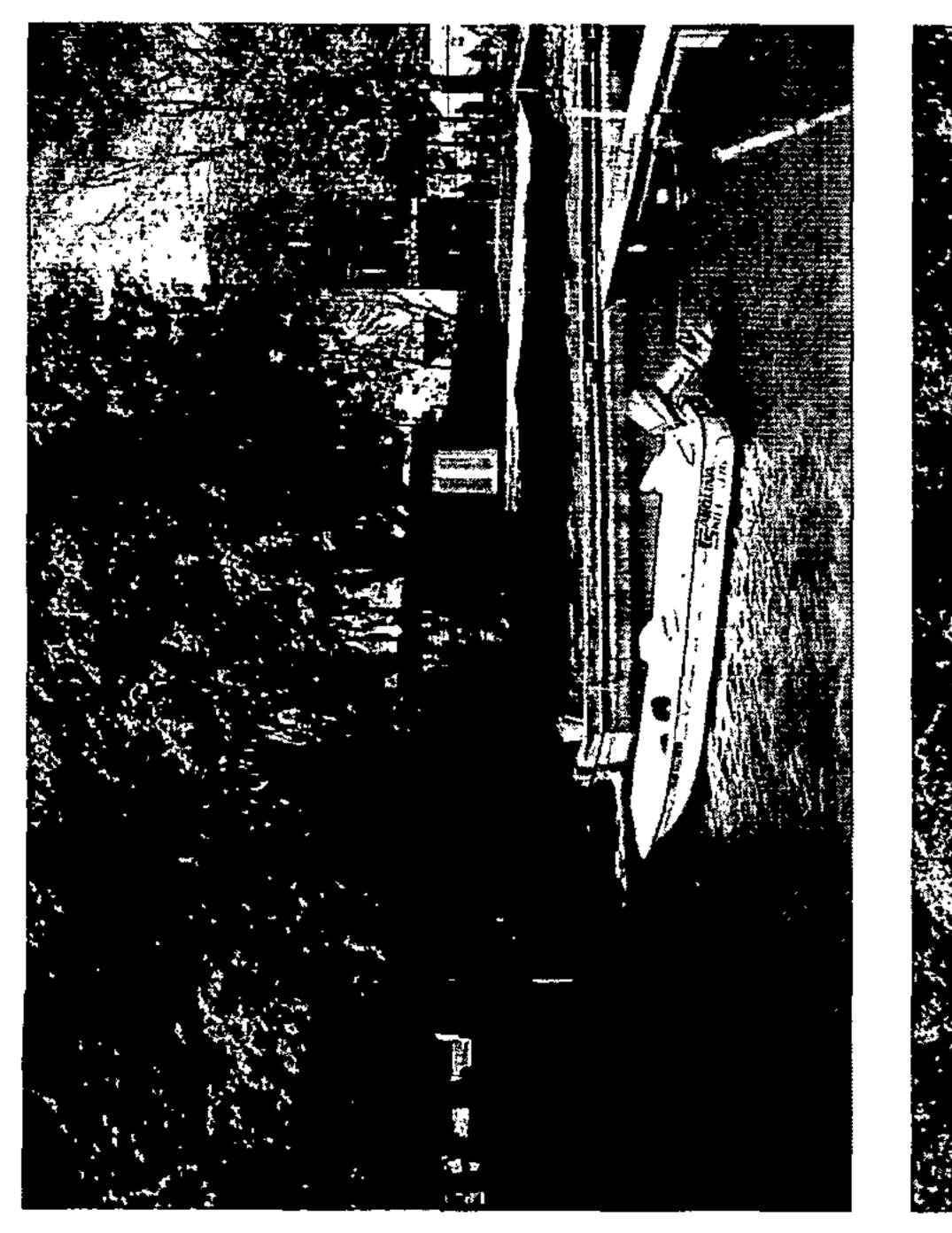
As we discussed on the telephone, we found some questionable areas on Lot 17 in the area shown as nontidal wetlands. If the applicant is proposing a dwelling on Lot 17, a more detailed wetland analysis must be done. If the applicant is proposing to put a dwelling on Lot 18 only and not disturb the wetlands on Lot 17, then EIR will accept the wetland delineation. It is my understanding from our discussion that the owner is proposing to build on Lot 18 and not on Lot 17. Therefore, we will approve this wetland delineation. A Critical Area variance will be required as Lot 18 falls entirely within the nontidal wetlands and Critical Area buffer.

If you have any questions regarding this correspondence, please contact me at 410-887-3980.

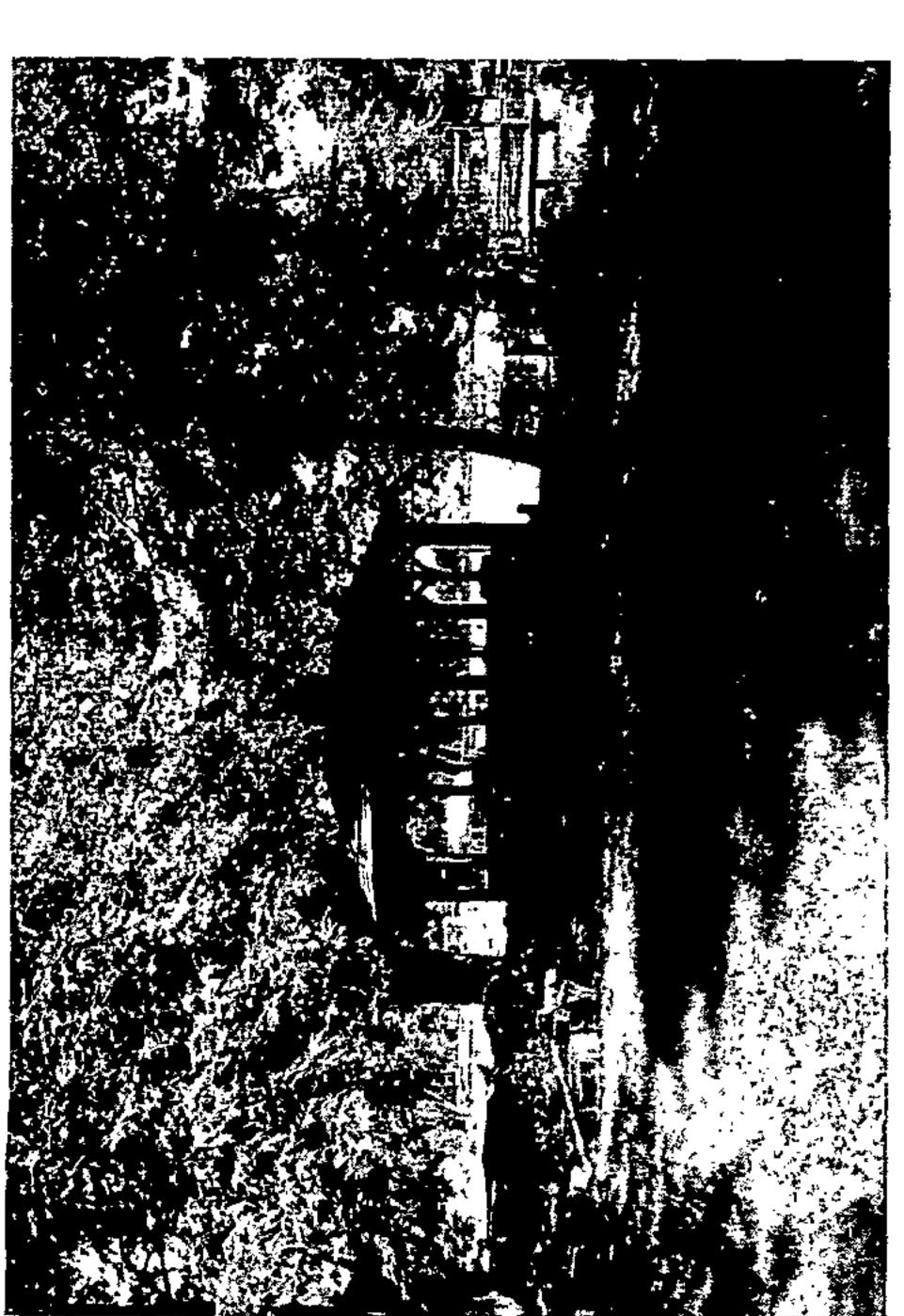
Sincerely, Legenal Coolinger

Regina Esslinger, Supervisor Environmental Impact Review

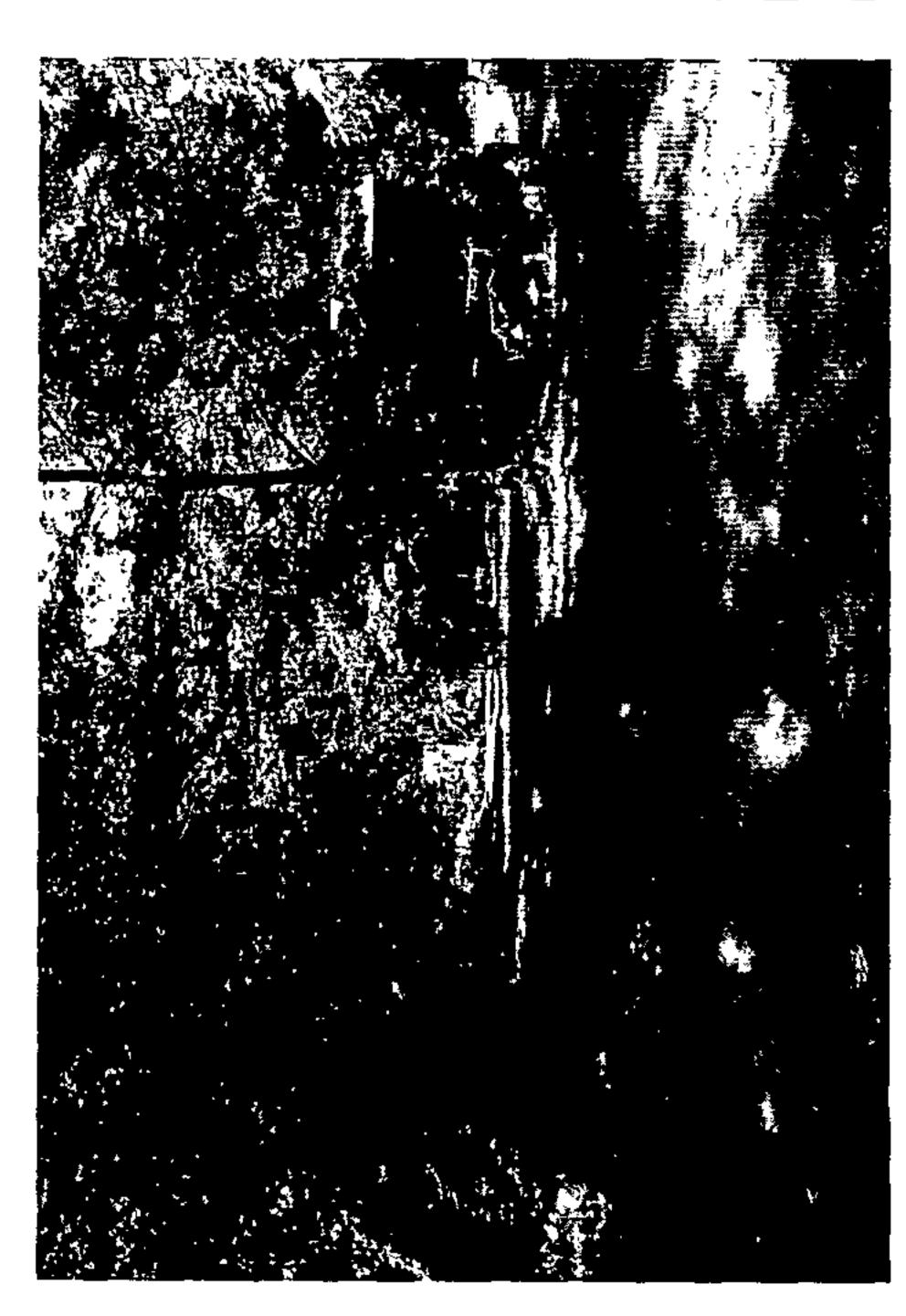
GuldanProp WDV 6.29.07.doc/WDV/shreit/regina



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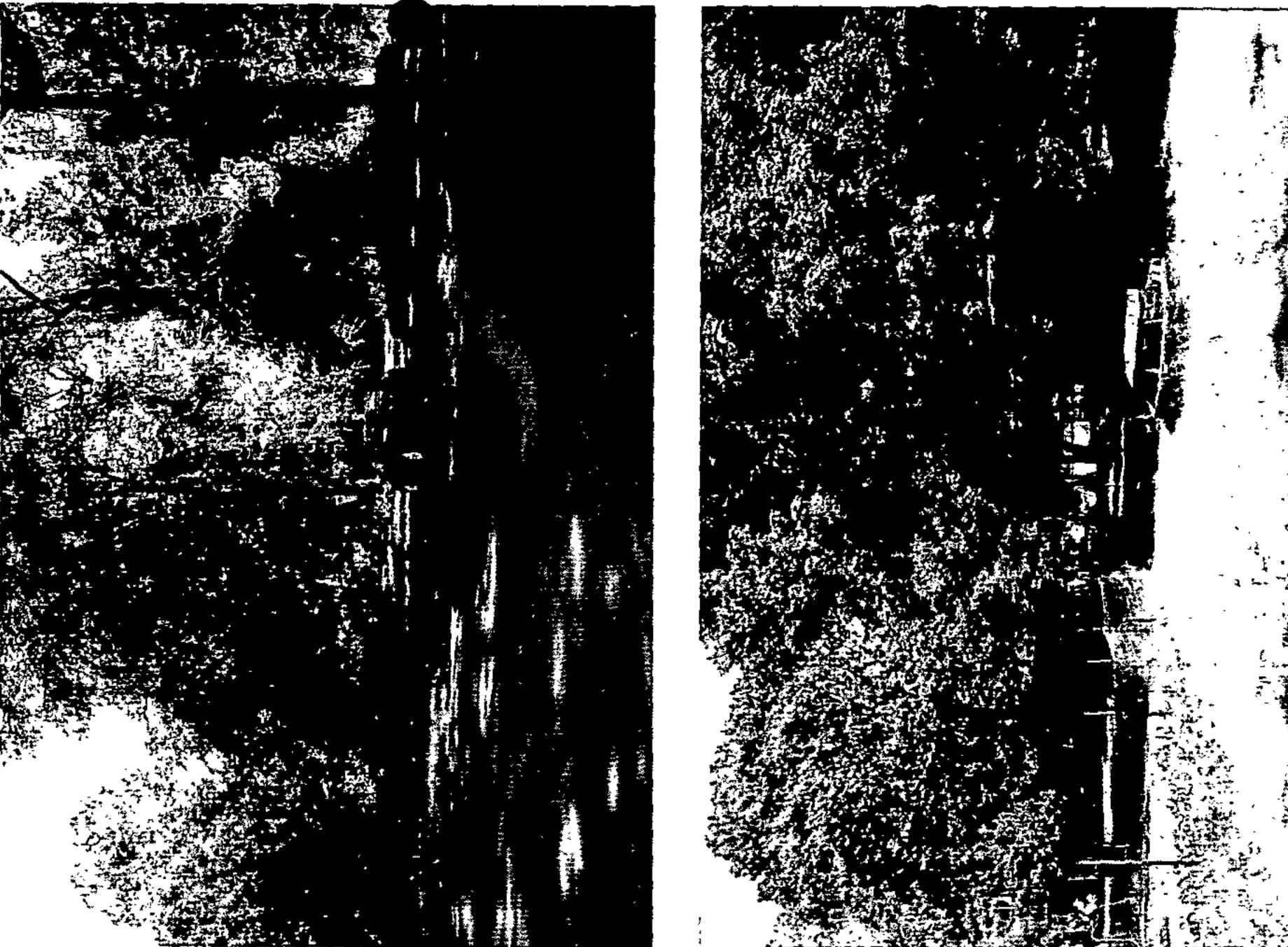












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