

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Valleywood Court; 110 feet E of
the c/l of Timonium Road
8th Election District
3rd Councilmanic District
(11 Valleywood Court)

Mona S. Gellad and Fouad E. Gellad, Trustees
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0019-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Mona S. Gellad and Fouad E. Gellad, Trustees for property located at 11 Valleywood Court. The variance request is from Sections 1B02.3.A.1 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 31 foot rear setback in lieu of the required 40 feet, and to amend the latest Final Development Plan for Valleywood, Section 7, Lot F only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. An existing deck measuring 16 feet x 22 feet is located at the rear of the home. The proposed addition will be constructed next to the existing deck and contain a new master bedroom. The new master bedroom on the first floor will permit the Petitioners to 'age in place' and continue to enjoy their home. This new addition will not project farther into the rear yard than the existing deck. Petitioners' dwelling was constructed farther back on the property than the adjacent homes.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

~~RECEIVED FOR FILING~~
8.13.09
m

The case file contains a letter written by William R. and Sylvia C. Mackey of 2110 Forest Ridge Road, expressing concern about possible runoff from the subject property. Baltimore County agencies have reviewed the proposal and none of these agencies expressed any concern over the proposed addition or the potential of runoff.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 25, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

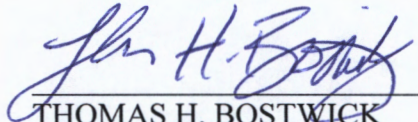
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 13th day of August, 2009 that a variance from Sections 1B02.3.A.1 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 31 foot rear setback in lieu of the required 40 feet, and to amend the latest Final Development Plan for Valleywood, Section 7, Lot F only is hereby GRANTED, subject to the following:

FILED FOR FILING
8-13-09
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1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

8-13-09
pz



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 13, 2009

MONA S. GELLAD AND FOUAD E. GELLAD, TRUSTEES
11 VALLEYWOOD COURT
TIMONIUM MD 21093

Re: Petition for Administrative Variance
Case No. 2010-0019-A
Property: 11 Valleywood Court

Dear Mr. and Mrs. Gellad:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: William R. and Sylvia C. Mackey, 2110 Forest Ridge Road, Timonium MD 21093



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11 Valleywood court Timonium
which is presently zoned D.R. 2 + D.R. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3A.1, 1802.3B. (BCZR)

TO PERMIT AN ADDITION WITH A 31-FOOT REAR SETBACK IN LIEU OF THE REQUIRED 40-FOET AND TO AMEND THE LATEST F.D.P. FOR "VALLEYWOOD," SECTION 7, LOT F.

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

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

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

I/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

11 Valleywood court 410 252 9427

Address Telephone No.

TIMONIUM MD 21093

City State Zip Code

Representative to be Contacted:

Name

Address

City

Gregory Cotes 443-286-7420

17718 Fells Rd 21155

Upper Meriden MD 21155

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 8 day of August, 2010, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2010-0019-A

Reviewed By D.T. Date 7/15/09

REV 10/25/01

Estimated Posting Date 7/26/09

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 11 Valleywood Court
Address
Timonium MD 21093
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We have built our house 28 years ago and have lived in it since then, raising a family. Our existing master bedroom is on the second floor.

As we are getting older, we need to have a bedroom on the first floor. The only available space is behind the garage.

We are requesting a variance to fit the extension within 29' setback from the property line.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

f. Gellad
Signature
MONA S GELLAD
Name - Type or Print

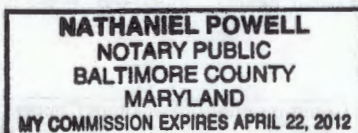
Fellad
Signature
FOUAD E GELLAD
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13 day of July, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mona Gellad Fouad Gellad
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public
My Commission Expires 04/22/2012

Zoning description for 11 Valleywood Ct.

Beginning at a point on the west side of Valleywood Court which is 50-ft wide at a distance of 110-ft east of the centerline of the nearest intersecting street Timonium Rd. which is 35-ft wide. Being Lot "F", Section 7 of the subdivision known as "Valleywood" recorded in Baltimore County Plat Book #47, Folio #125 containing 13,199 square feet. Also known as 11 Valleywood Court and located in the 8th Election District and 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 43213

Date: 7/15/09

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				115. ⁰⁰

Total: 115.⁰⁰

Rec From: GREGORY OATES

For: 2010-0019-A
11 VALLEYWOOD CT.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME W#
 7/15/2009 7/15/2009 09:32:40 2
 REC M905 WALKIN DOOL B90
 >>RECEIPT # 494331 7/15/2009 (FL)
 Recpt 5 528 ZONING VERIFICATION
 PR NO: 043213
 Recpt Tot 115.00
 115.00 CR 1.00 CR
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/26/09

Case Number: 2010-0019-A

Petitioner / Developer: SAUOD MONA J. GIELLAD~GREG OATES of
ETHAN IMPROVEMENTS

Date of Hearing (Closing): AUGUST 10, 2009

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
11 VALLEYWOOD COURT

The sign(s) were posted on: JULY 25, 2009



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

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: 2010-0019-A

Petitioner: GELLAD

Address or Location: 11 VALLEYWOOD CT.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MONA S. GELLAD

Address: 11 VALLEYWOOD CT.

LUTH-TIMONIUM, MD 21093-2951

Telephone Number: 410-252-9427

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2000-⁽²⁰¹⁰⁾ 0019 -A Address 11 VALLEYWOOD CT.
Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/15/09 Posting Date: 7/26/09 Closing Date: 8/10/09

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

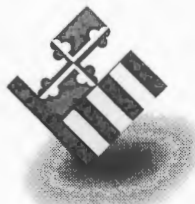
(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2000-⁽²⁰¹⁰⁾ 0019 -A Address 11 VALLEYWOOD CT.
Petitioner's Name GELLAD Telephone 410-252-9427
Posting Date: 7/26/09 Closing Date: 8/10/09
Wording for Sign: To Permit AN ADDITION WITH A 31-FOOT REAR SETBACK
IN LIEU OF THE REQUIRED 40-FEET AND TO AMEND THE LATEST
F.D.P. FOR "VALLEYWOOD", SECTION 7, LOT F.

WCR - Revised 7/7/08



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 11, 2009

Mona & Fouad Gellad
11 Valleywood Ct.
Timonium, MD 21093

Dear: Mona & Fouad Gellad

RE: Case Number 2010-0019-A, 11 Valleywood Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 15, 2009. 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, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Gregory Oetes; 17718 Falls Rd.; Uppered; MD 21155

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2009

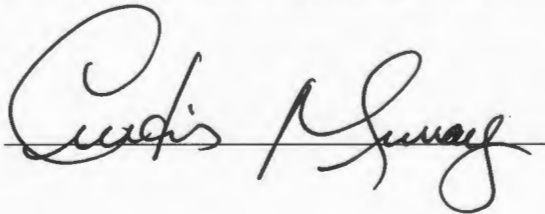
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-019- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Jessie Bialek in the Office of Planning at 410-887-3480.

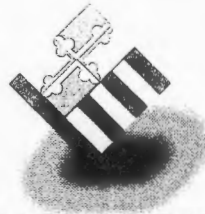
Prepared By:
CM/LL



RECEIVED

AUG 05 2009

ZONING COMMISSIONER



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

July 24, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 20.2009

ItemNumbers:0001,0002,0003,0004,0005,0007,0008,0009,0010,0013,0014,0016
,0019

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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 July 27, 2009
Item Nos. 2010-001, 003, 004, 005, 006,
007, 008, 009, 010, 011, 013, 016, 017,
018 and 019

DATE: July 27, 2009

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

DAK:CEN:hta
cc: File
ZAC-072709-NO COMMENTS



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

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

Maryland Department of Transportation

Date: JULY 23, 2009

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

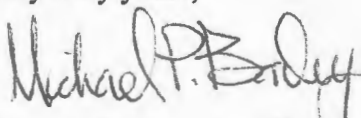
RE: Baltimore County
Item No 2010-0019-A
11 VALLEYWOOD CT
GELLAD PROPERTY
ADMIN, VARIANCE

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. 2010-0019-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,


For¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



AV
8-10-09
closing

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED****SEP 09 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 9, 2009
SUBJECT: Zoning Item # 10-019-A
Address 11 Valleywood Court
(Gellad Property)

Zoning Advisory Committee Meeting of July 20, 2009

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

Reviewer: JWL

Date: 9/9/09

9 December 2009

Environmental Protection and Resource Management

Director: Jonas A. Jacobson
Jefferson Building
105 West Chesapeake Avenue
Suite 400
Towson, MD 21204

RECEIVED

DEC 11 2009

ZONING COMMISSIONER

Sediment Control for 11 Valleywood Court, Timonium, MD 21093

Ref 1: Petition for Administrative Variance, (Case # 2010-0019-A), Decision letter dated 13 August 2009

Ref 2 : Letter to Zoning Review Office, dated 3 August 2009, (attached)

Ref 3: Telecon from myself to Building Permits office dated 13 October 2009

Dear Sirs,

I am writing in regard to my rear yard property of 2110 Forest Ridge Rd being flooded today by water borne clay and mud runoff from construction material at 11 Valleywood Court that had defective Sediment Control

This has been an ongoing concern of ours since the Zoning Variance was requested in July 2009.

We officially responded to this Administrative Variance on 3 August 2009 with our concerns about storm water runoff. (see attached Ref 2) and even requested that Building Permits office be made aware of our concerns

Thomas Bostwick, Deputy Zoning Commissioner, on 13 August 2009 approved Case # 2010-0019-A and specifically noted in paragraph 3, second sentence that; "Baltimore County agencies have reviewed this proposal and none of the agencies expressed any concern over the potential of runoff".

On 13 October I called Baltimore County Building Permits office regarding building excavation was filling the swale at the rear of our property with their removal material and that there was no Sediment control in place to control storm water runoff.

Sediment control was added at some later date prior to 4 November 2009 along the southern half of the rear of 11 Valleywood Court.

During construction of a retaining wall during December 2009 at the rear of 11 Valleywood Court half of this Sediment Control plastic was destroyed during the retaining wall construction effort.

It was the destruction of this Sediment Control and the poor slope grading that allowed storm water to flood our rear yard after the early AM rains of 9 December 2009. This afternoon our rear yard is more that 50% under a minimum of 1" of muddy water.

We have not experienced anything of this magnitude since this Valleywood Court property was developed in the late 1970's and we experienced a flooded basement with 6" of muddy water due to negligent storm water management by the developer.

We have maintained this drainage swale for over 30 years to assist controlling Sediment and Erosion Control.

Now all of our efforts have been defeated by negligent Sediment Control of the contractor after we vainly tried to make Baltimore County's responsible organizations aware of our concern. Our worst fears have come true after many tries to get someone to evaluated this precarious grading situation.

I just called your office today to try to report this situation and was told to leave a voice mail with the person responsible for District 3. I left a voice mail similar to the contents of this letter.

We would most appreciate if your office would evaluate this situation and enforce corrective actions to preserve our property value which we have diligently maintained for more that 43 years.

Thanks for your consideration in resolving this messy Sediment Control situation.

William R and Sylvia C Mackey
2110 Forest Ridge Rd
Timonium MD 21093
410-252-3464
Wmackey01@comcast.net

cc: Deputy Zoning Commissioner
Baltimore Co Building Permits Office

3 August 2009

Zoning Review Office
Baltimore County Office Building, Room 111,
111 West Chesapeake Avenue,
Towson, MD 21204

Administrative Variance 11 Valleywood Court
REFERENCE CASE #: 2010-0019-A

Dear Sirs

I am writing in regard to the above referenced requested rezoning case.

As the adjoining neighbor to the rear of this property I wish to make you aware of potential issues that may be created by the requested addition that requires this zoning change.

1. The current 40 foot setback on this property is on an extreme slope.. Any adverse effect of this slope by the zoning change and subsequent addition construction could compound an existing extreme storm water runoff onto my property.

Note: We suffered a flooded basement with 6 to 9 inches of water from this property when Strutt was starting this development.

2. Our deed lists an 18 foot right of way to be used in common with others. This right of way was used by ourselves and adjoining neighbors, for more than 16 years, to control storm water runoff from this steep slope. After Strutt used an antiquated Maryland law to acquire this common right of way we have little control of storm water runoff from this property.

We ask that you consider the above issues in making you decision.

The online listing has a major error in that this property is not 110 feet from the center line of Timonium Road but closer to 530 feet.

We also ask that a copy of this letter be attached to any building permit that may result on this property so the inspectors are aware of our issues.

Thank you for your consideration.

William R and Sylvia C Mackey
2110 Forest Ridge Rd
Timonium MD 21093
410-252-3464
Wmackey01@comcast.net



4 August 2009

Zoning Review Office
Baltimore County Office Building, Room 111,
111 West Chesapeake Avenue,
Towson, MD 21204

Administrative Variance 11 Valleywood Court
REFERENCE CASE #: 2010-0019-A

File to case

Dear Sirs

I am writing in regard to the above referenced requested rezoning case.

As the adjoining neighbor to the rear of this property I wish to make you aware of potential issues that may be created by the requested addition that requires this zoning change.

1. The current 40 foot setback on this property is on an extreme slope.. Any adverse effect of this slope by the zoning change and subsequent addition construction could compound an existing extreme storm water runoff onto my property.

Note: We suffered a flooded basement with 6 to 9 inches of water from this property when Strutt was starting this development.

2. Our deed lists an 18 foot right of way to be used in common with others. This right of way was used by ourselves and adjoining neighbors, for more than 16 years, to control storm water runoff from this steep slope. After Strutt used an antiquated Maryland law to acquire this common right of way we have little control of storm water runoff from this property.

We ask that you consider the above issues in making you decision.

The online listing has a major error in that this property is not 110 feet from the center line of Timonium Road but closer to 530 feet.

We also ask that a copy of this letter be attached to any building permit that may result on this property so the inspectors are aware of our issues.

Thank you for your consideration.

WR Mackey *Sylvia C Mackey*
William R and Sylvia C Mackey
2110 Forest Ridge Rd
Timonium MD 21093
410-252-3464
Wmackey01@comcast.net

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INSPECTION AND ENFORCEMENT
INSPECTION REQUEST

DATE RECEIVED: 12/10/9

SC # 98-073

Complainant Information

'8H-2

Name: BILL MACKIE

Address: 2110 Forest Ridge Rd

Telephone: Home: 410 252-3464 Work: ()

Site Information

13724790

Location: 11 Valleywood CD Election District: (6)

Description: Silt fence down on addition

Inspector Comments

Inspection Date: 12/10

Action Taken: Issued COT to repair existing silt fence

Completion Date: _____

Inspector: _____

BALTIMORE COUNTY MARYLAND
Department of Environmental Protection and Resource Management
Inspection and Enforcement Section

Phone: 410-887-3226

Fax: 410-887-4804

Job Location: 11 Valleywood

District: 8

Grading Permit #: _____

Building Permit #: B3724770

Date: 12/10/07

☒ Correction Notice

☐ Illegal Continuance

☐ Stop Work Order

☒ Complaint and SC # 18-073

I have, this day, inspected this site and have found the following violation(s) of the Baltimore County Code, Article 33, Title 5, Section 103.

Please site fence to contain disturbed areas
Winter until trees established

These conditions must be corrected no later than 12/14/07. Failure to comply and complete the required work you could be penalized by fine, imprisonment, or both, pursuant to Article 1, Section 217, and Article 33, Section 5 of the Baltimore County Code.

Inspector: John H. [Signature]

Received by: [Signature]

(signature)

(print)

443-286-7420

Gregory [Signature]

Site re-inspection date: 12/15

Correction(s) approved: [Signature]

, Inspector

§ 33-5-103. GENERAL REQUIREMENTS FOR GRADING, EXCAVATING AND SEDIMENT CONTROL.

(a) *Compliance with plan.* All grading and the installation of sediment control measures shall be in accordance with the approved grading and sediment control plans.

(b) *Grading permit required.*

(1) A person may not change the natural ground level of any lot or parcel in any way that results or may result in any changing of the direction, volume, distribution, or velocity of the flow of surface water on or over any adjoining private or public property without a valid grading permit.

(2) The method of disposal of ground or surface water shall be subject to approval by the Department, the Department of Public Works, or both.

(c) *Cut and fill slopes.*

(1) When grading a lot or parcel, if the new grade is lower than the surface or ground level of the adjoining property:

(i) The new grade shall meet the existing grade at the property line at a maximum angle equal to 1 foot vertical to 3 feet horizontal, unless otherwise approved by the county; or

(ii) A retaining wall shall be built entirely on the ground of the owner causing the grading.

(2) (i) When grading a lot or parcel for residential use, if the new grade is raised above the surface of the ground level of the adjoining property, the fill shall be sloped down to meet the existing grade on an angle less than the angle of repose of the material, but not steeper than 1 foot vertical to 3 feet horizontal.

(ii) If at any point the toe of the slope, plus an adequate storm drain system or swale extending to an approved termination, extends beyond the adjoining property line, a retaining wall shall be built entirely on the land of the owner causing the fill to be made.

(3) Cut and fill slopes for areas not designated for residential use may be graded to an angle equal to 1 foot vertical to 2 feet horizontal.

(d) *Organic matter in fill materials.*

(1) (i) Except as provided in paragraph (2) of this subsection, all stumps and logs shall be removed from any fill material.

(ii) Fill material may not contain rubble.

(2) Stumps may remain in place if cut off at ground level where filling exceeds 3 feet and the stumps are a minimum of 20 feet from any proposed footing.

(3) Fill material may contain a maximum of 10% organic matter except within 40 feet of footings for buildings or other structures.

(e) *Final grading.*

(1) In the final grading around any building, a positive grade is required away from the building and outfalling into an existing storm drain system, drainage swale, or other approved suitable area.

(2) All grading shall be accomplished in a manner that prevents the ponding of surface drainage in low areas or the standing of water in stabilized areas due to the installation of gradients inadequate to carry surface drainage.

(f) *Stabilization of area.* When the final grading is completed, all denuded areas shall be stabilized.

(g) *Support of banks near property line.*

(1) Wherever any excavation is made at or close to the property line of any public right-of-way or public or private property, the sides, the banks, or both the sides and banks shall be properly supported in accordance with plans, construction procedures, or plans and construction procedures approved by the county.

(2) If in the opinion of the Department or the Department of Public Works, the nature of any excavation may create a hazard to public safety or property, the permittee shall be directed to construct walls, fences, guardrails, or other structures necessary to provide adequate protection.

(h) *Obstructing county inspectors.* A person may not interfere with or obstruct the access to or from any site or premises by an authorized representative of the county engaged in inspecting any grading activity that has been issued a permit or that may require a permit under this title.

(i) *Work done in violation of grading permit requirements.* On any property where grading is being done in violation of the grading permit requirements set forth in this title, after being notified by the Department, the owner shall, cease all grading and construction activity, install any temporary sediment control measures directed by the Department, and submit the plans and security necessary to obtain the required permit.

(j) *Restoration of damaged adjacent property.* When damage occurs on property adjacent to a construction site due to any grading operation or failure of any sediment control measures, the permittee or a designated agent shall contact the owner of the damaged property and attempt to obtain permission to enter onto the property and restore the damaged area, as near as possible to its natural state.

(k) *Restoration of damage to public property, utilities and other areas.*

(1) If sediment or erosion damage occurs to any public property or utilities maintained by the county due to the failure of any sediment or erosion control measures, the permittee or a designated agent shall clean, repair, or restore the damaged areas or facilities in a manner acceptable to the Department and the Department of Public Works.

(2) If damage occurs to a watercourse, wetland, floodplain, buffer, habitat protection area, or forest buffer on or adjacent to the construction site due to any grading operation or failure of sediment control measures, the permittee shall restore the damaged area as close to its original condition as technically feasible, subject to the approval of the Department.

(l) *Responsibility for maintenance, etc., in accordance with plan.* The permittee and the owner or owners of any property that is the subject of a grading permit shall perform the maintenance, repair, or restoration necessary to ensure that all erosion and sediment control measures are maintained in accordance with the approved plans and specifications.

(m) *Copy of plan required at job site.* A copy of the approved sediment control plan, grading plan, and, if applicable, a forest protection and establishment plan or forest conservation plan, shall be maintained on the job site at all times.

(n) *Notice before beginning work.* The permittee shall notify the Sediment Control Division of the Department before beginning any grading operation.

(o) *Completion of certain work prior to issuance of use and occupancy permit; exceptions.*

(1) Except as provided in paragraph (2) of this subsection, on property improved with residential or commercial buildings, the following items shall be completed before issuance of a use and occupancy permit:

- (i) All vegetated stabilization;
- (ii) All paved areas, driveways, parking lots, and sidewalks;
- (iii) The installation of rain gutters, downspouts, and splash blocks; and
- (iv) Removal of all debris, unused building material, and stumps from the property.

(2) (i) Compliance with the requirements of paragraph (1) of this subsection may be deferred when a building is completed during the winter months and compliance cannot be accomplished due to weather conditions.

(ii) In case of deferral, compliance with the provisions of paragraph (1) of this subsection shall be accomplished as required by the Department.

(p) *Work in Chesapeake Bay Critical Area.*

(1) All construction, grading, or removal of forest or developed woodland areas within the Chesapeake Bay Critical Area shall be in accordance with Chesapeake Bay Critical Area law and regulations.

(2) Forest or developed woodlands or portions of forests or developed woodlands in the Chesapeake Bay Critical Area that have been cleared before obtaining a grading permit or that exceed the maximum area allowed in § 33-2-603(c)(3)(i) of this article shall be

replanted at three times the areal extent of the cleared forest or developed woodland.

(3) Before the issuance of a use and occupancy certificate for any construction within the Chesapeake Bay Critical Area, the Department shall conduct a field inspection to ensure compliance with the approved plans submitted in order to obtain the grading permit, as determined by the Chesapeake Bay Critical Area law and regulations.

(1988 Code, § 14-194) (Bill No. 10-96, § 3, 3-23-1996; Bill No. 94-02, § 2, 7-1-2004; Bill No. 75-03, § 45, 7-1-2004)

Certificate of Trust

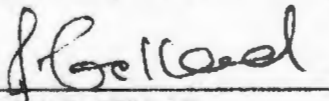
The undersigned Trustor hereby certifies the following:

1. This Certificate of Trust refers to the MONA S. GELLAD TRUST dated May 4, 1996 under a revocable trust agreement executed by MONA S. GELLAD as Trustor and initial Trustee.
2. The primary disability Trustee for MONA S. GELLAD is FOUAD E. GELLAD.
3. The successor disability Trustee(s) for MONA S. GELLAD are:

(1) ZIAD GELLAD AND WALID GELLAD
(2) NADIM K. SAADE
4. The primary death Trustee for MONA S. GELLAD is FOUAD E. GELLAD.
5. The successor death Trustee(s) for MONA S. GELLAD are:

(1) ZIAD GELLAD AND WALID GELLAD
(2) NADIM K. SAADE
6. The Trustee(s) under the trust agreement are authorized to acquire, sell, convey, encumber, lease, borrow, manage and otherwise deal with interests in real and personal property in trust name. All powers of the Trustee(s) are fully set forth in Article Fourteen of the trust agreement.
7. The trust has not been revoked and there have been no amendments limiting the powers of the Trustee(s) over trust property.
8. No person or entity paying money to or delivering property to any Trustee shall be required to see to its application. All persons relying on this document regarding the Trustees and their powers over trust property shall be held harmless for any resulting loss or liability from such reliance. A copy of this Certificate of Trust shall be just as valid as the original.

The undersigned certifies that the statements in this Certificate of Trust are true and correct and that it was executed in the County of Baltimore, Maryland on May 4, 1996.



MONA S. GELLAD

2010-0019-A



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

[Go Back](#)
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Account Identifier: District - 08 **Account Number -** 1800006551

Owner Information

Owner Name:	GELLAD MONA S,TRUSTEE GELLAD FOUAD E,TRUSTEE	Use:	RESIDENTIAL
Mailing Address:	11 VALLEYWOOD CT LUTH-TIMONIUM MD 21093-2951	Principal Residence:	YES
		Deed Reference:	1) /11618/ 745 2)

Location & Structure Information

Premises Address	Legal Description
11 VALLEYWOOD CT	0.3030 AC 11 VALLEYWOOD CT VALLEYWOOD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	2
60	10	683			7		F	2	Plat Ref:	47/ 125

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1982	2,320 SF	13,199.00 SF	04
Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2008	07/01/2009
Land	108,040	171,040		
Improvements:	290,240	308,200		
Total:	398,280	479,240	425,266	452,252
Preferential Land:	0	0	0	0

Transfer Information

Seller: GELLAD FOUAD	Date: 06/04/1996	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /11618/ 745	Deed2:
Seller: STRUTT GEORGE F	Date: 06/24/1981	Price: \$35,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6300/ 361	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

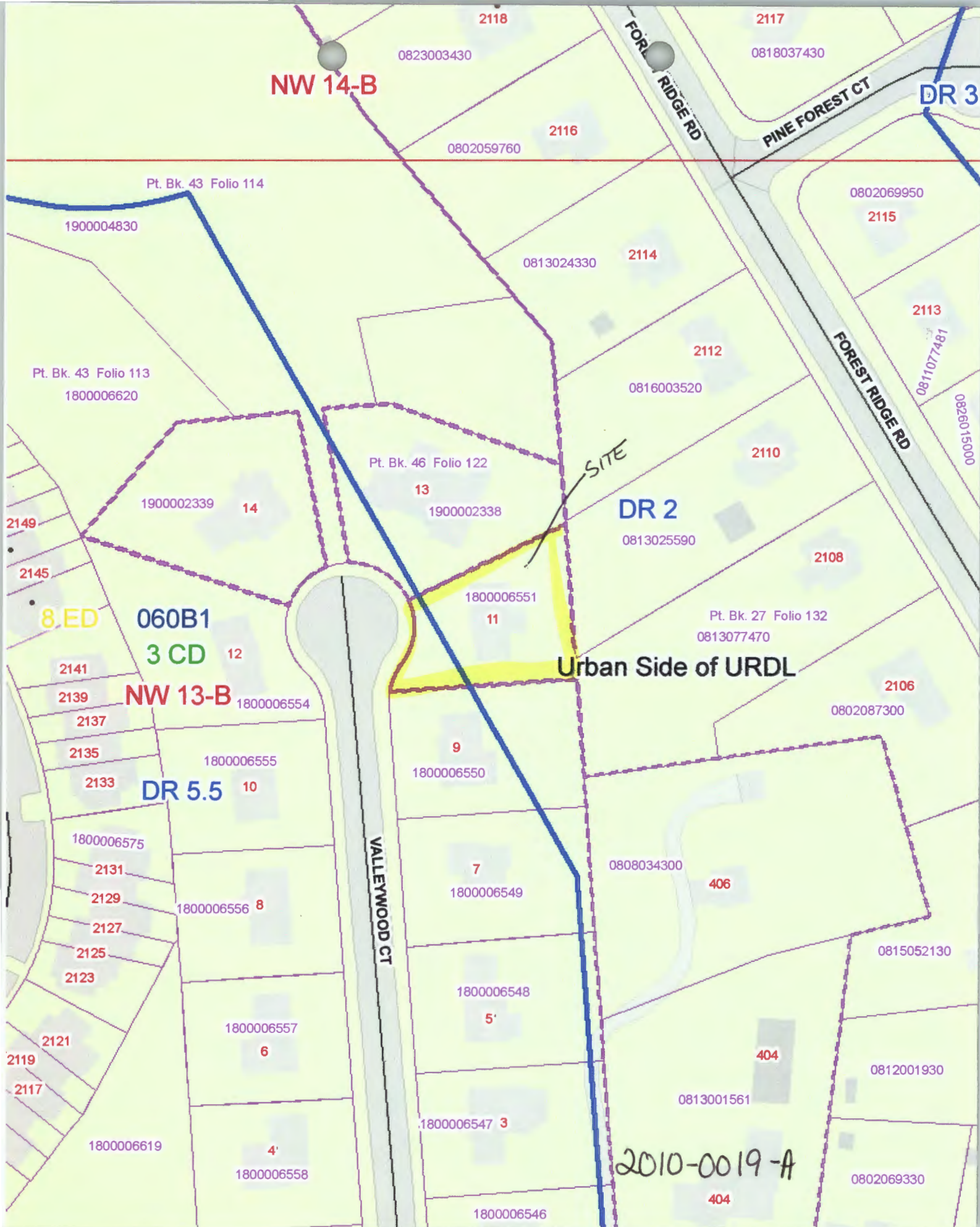
Special Tax Recapture:
 * NONE *



2010-0019-A



2010-0019-A



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

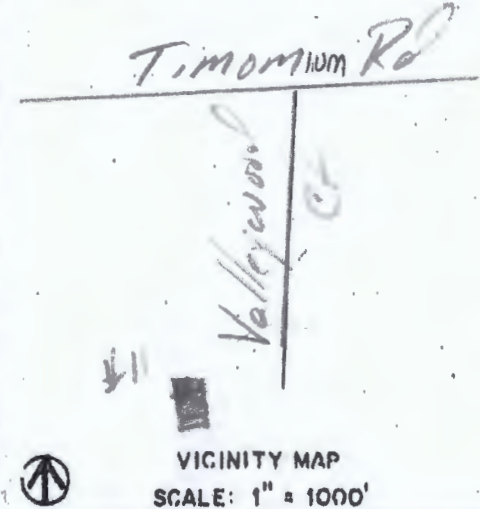
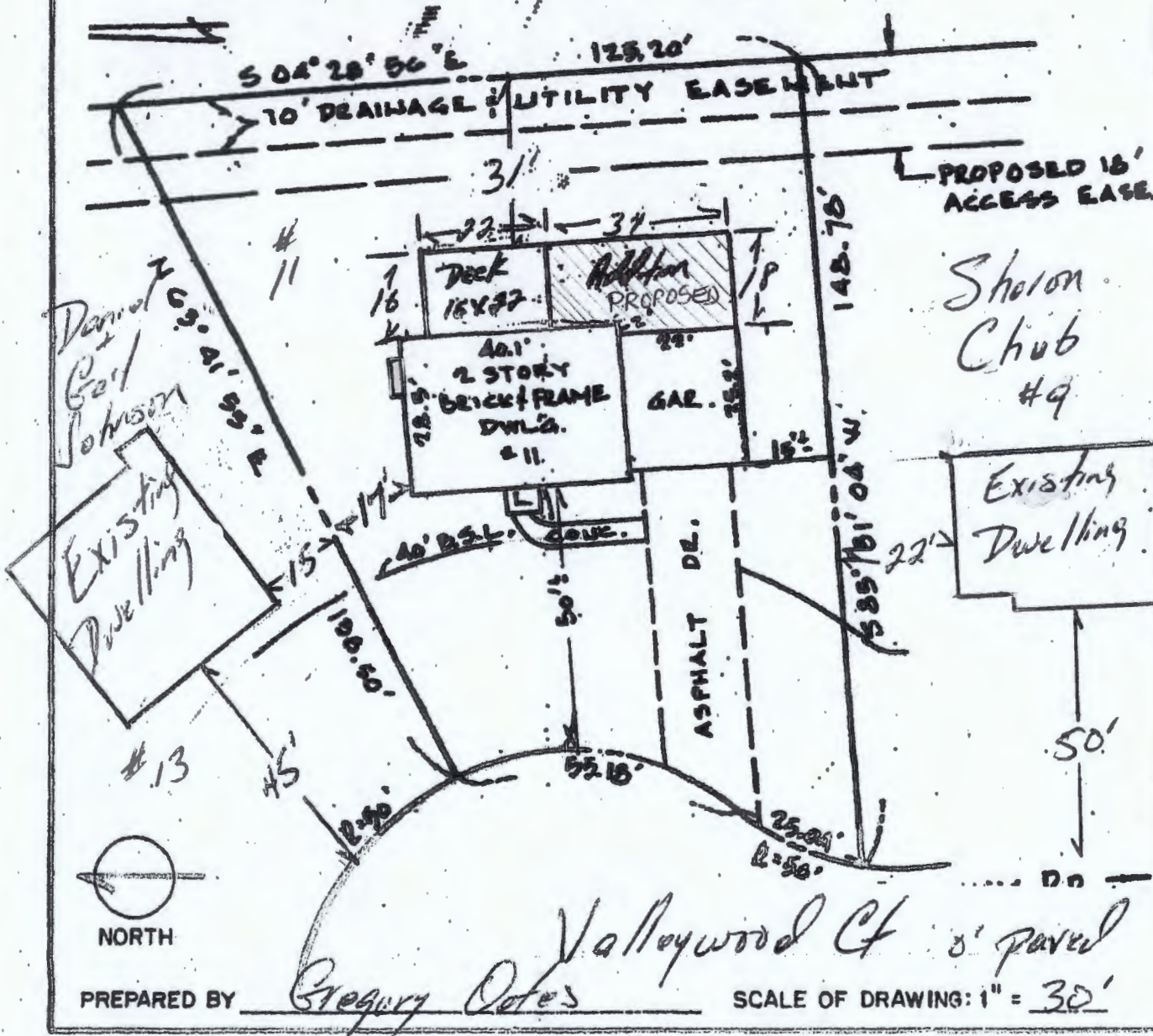
PROPERTY ADDRESS 11 Valleywood Ct.

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME VALLEYWOOD

PLAT BOOK # 47 FOLIO # 126 LOT # 12 SECTION # 7

OWNER Ford E. and Mona S. Gell



LOCATION INFORMATION

SECTION DISTRICT 8
 COUNCILMANIC DISTRICT 3
 1" = 200' SCALE MAP # 060B1
 ZONING RR2 + D.R. 5.5
 LOT SIZE 30.30 13,199-
 ACREAGE 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 D.T. ITEM # 0019 CASE # 2010-0019-A