

IN RE: PETITION FOR ADMIN. VARIANCE

NE side Mantua Mill Rd, 1,750 feet N
of the c/l of Geist Road
8th Election District
3rd Councilmanic District
(13901 Mantua Mill Road)

Joseph and Cynthia Galli
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0199-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Joseph and Cynthia Galli for property located at 13901 Mantua Mill Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed detached accessory structure (pool) to be located on the side of the principal building in lieu of the required rear. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to install a swimming pool (measuring 18 feet x 60 feet) and a cabana. After conducting a comprehensive site analysis, the Petitioners and their architect determined that the only feasible location for the pool and cabana is in the side yard area of the lot as shown on the site plan. Photographs submitted with the Petition clearly show that there are topography constraints on the property. The property contains 25.49 acres zoned RC 2.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated January 13, 2011 which indicates that they do not oppose the request. This variances does not appear to have any negative impacts on the community as there was an existing pool located in the subject yard prior to this application for variance.

ORDER RECEIVED FOR FILING

Date 1-20-11

By PJ

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 29, 2010 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 Administrative Law Judge, 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 Administrative Law Judge for Baltimore County, this 20th day of January, 2011 that a variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed detached accessory structure (pool) to be located on the side of the principal building in lieu of the required rear is hereby GRANTED, subject to the following:

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 appeal 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.

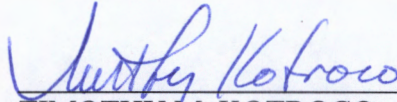
ORDER RECEIVED FOR FILING

Date 1-20-11

2

By pm

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



TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 1-20-11

By PM



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

January 20, 2011

JOSEPH AND CYNTHIA GALLI
13901 MANTUA MILL ROAD
REISTERSTOWN MD 21030

Re: Petition for Administrative Variance
Case No. 2011-0199-A
Property: 13901 Mantua Mill Road

Dear Mr. and Mrs. Galli:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over a light blue horizontal line.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Astin Childs Architecture, Chickenranch Design Studio, 16260 Falls Road, Monkton MD 21111



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13901 Mantua Mill Road
which is presently zoned RC-2

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) 400.1 to permit a proposed

detached accessory structure (pool) to be located on the side of the principal building in lieu of the required rear

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):

Joseph & Cynthia Galli

Name - Type or Print

Signature

Name - Type or Print

Signature

13901 Mantua Mill Road

Address

Telephone No.

Reisterstown, Maryland 21030

City

State

Zip Code

Representative to be Contacted:

Austin Childs

Name

16260 Falls Road

410-472-2488

Address

Monkton, Maryland 21111

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 1-20-11 day of January 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.

CASE NO. 2011-0199-A

REV 10/25/01

Zoning Commissioner of Baltimore County

Reviewed By [Signature]

Date 12/20/10

Estimated Posting Date 1/2/2011

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.

13901 Mantua Mill Road

That the Affiant(s) does/do presently reside at

Address

Reisterstown, Maryland 21030

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):

The Galli family wishes to construct a pool and cabana on their property. After conducting a comprehensive site analysis, we have determined that the only feasible location for the pool and cabana is in the side yard area of the lot, as shown on the attached site plan.

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.

Signature

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of December 2010 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph S. Cynthia Galli
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

8/28/2011

REV 10/25/01

Item #0199

**ZONING DESCRIPTION for the
GALLI PROPERTY, 13907 MANTUA MILL ROAD,
GLYNDON, MARYLAND 21136**

Beginning at a point on the East side Mantua Mill Road, which is 24 ft. wide at the distance of 1750 ft. north of the centerline of the nearest intersecting street, Geist Road, which is 24 ft. wide, thence running N 06°37'33" W 19 ft., thence S 88°57'43" E 1597.70 ft., thence S 11°13'13" E 218.79 ft., thence N 89°38'13" W 808.42 ft., thence S 76°14'27" W 1166.54 ft., thence S 16°42'13" E 300 ft., thence S 77°34'53" E 344.75 ft. to the point of beginning, containing 25.49 acres.

*8th Election District
3rd Councilmanic District*

Item #0199

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

No. **6229**

Date: **12/20/10**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 12/20/2010 12/20/2010 11:31:42 2

REC 1905 WALKIN DOUL MD
 >>RECEIPT # 558244 12/20/2010 OFLN

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$75.00

Dept 5 328 ZONING VERIFICATION
 CR NO. 062290

Recpt Tot \$75.00
 \$75.00 CR 1.00 CA
 Baltimore County, Maryland

Total: **\$75.00**

Rec
 From:

For: **Zoning hearing - case # 2011-0199-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 01/01/2011

Case Number: 2011-0199-A

Petitioner / Developer: JOSEPH & CYNTHIA GALLI~AUSTIN B. CHILDS, AIA

Date of Hearing (Closing): JANUARY 17, 2011

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:
13901 MANTUA MILL ROAD

The sign(s) were posted on: DECEMBER 29, 2010



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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0199 -A Address 13901 Mantua Mill Rd
Contact Person: David Duval Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 12/20/10 Posting Date: 1/2/11 Closing Date: 1/17/11

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 2011- 0199 -A Address 13901 Mantua Mill Rd
Petitioner's Name Joseph & Cynthia Galli Telephone _____
Posting Date: 1/2/2011 Closing Date: 1/17/2011
Wording for Sign: To Permit a proposed detached accessory structure
(pool) to be located on the side of the dwelling in lieu
of the required rear

WCR - Revised 7/7/08

1

5

**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: 2011-0199-A

Petitioner: JOSEPH & CYNTHIA GALLI

Address or Location: 13901 MANTUA MILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: AUSTIN B. CHILDS

Address: 16260 FALLS ROAD
MONKTON, MD 21111

Telephone Number: 410-472-2488



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 14, 2011

Joseph & Cynthia Galii
13901 Mantua Mill Road
Reisterstown, Maryland 21030

RE: Case # 2011-0199 13901 Mantua Mill Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 20, 2010. 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.", is written over a circular stamp that partially obscures the signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: People's Counsel
Austin Childs 16260 Falls Road Monkton MD 21111

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 17, 2011
Item Nos. 2011- 198, 199, 200 and
201

DATE: December 28, 2010

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

DAK: ~~CEN~~:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-01172011 -NO COMMENTS.doc



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

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JAN. 03, 2011

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

RE: Baltimore County
Item No. 2011-0199-A
13901 MANTUA MILL RD
GALLI 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. 2011-0199-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,


Steven D. Foster, Chief
Access Management Division

SDF/mb



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

January 3, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **January 3, 2011**

Item No.:

Variance: 2011-0197A, 2011-0200A - 0201A.

Administrative Variance: 2011-0199A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Need to provide plans for the following case number: 2011-0198A

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George Klunk, Interim Director
Department of Permits and
Development Management

DATE: January 13, 2011

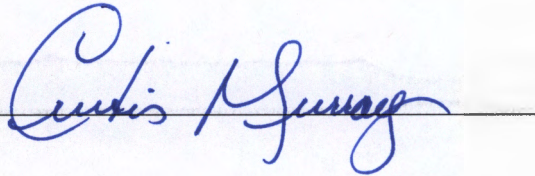
FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-199- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request to permit a detached accessory structure (pool) to be located in the side yard of the principal building in lieu of the required rear yard. This variance does not appear to have any negative impacts on the community, as there was an existing pool located in the subject yard prior to this application for variance.

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

JAN 19 2011

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 04 2011

ZONING COMMISSIONER

TO: Office of Administrative Law

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: February 2, 2011

SUBJECT: Zoning Item # 11-199-A
Address 13901 Mantua Mill Road
(Galli Property)

Zoning Advisory Committee Meeting of January 3, 2011.

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

1. Groundwater Mgmt. will review a proposed pool bldg. permit for well and septic setbacks.

Reviewer: Dan Esser; Groundwater Management

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

Account Identifier: District - 08 Account Number - 0804022750

Owner Information

Owner Name: GALLI JOSEPH
GALLI CYNTHIA J
Use: AGRICULTURAL
Principal Residence: YES
Mailing Address: 13901 MANTUA MILL RD
GLYNDON MD 21136-4834
Deed Reference: 1) /23222/ 704
2)

Location & Structure Information

Premises Address
13901 MANTUA MILL AVE
Legal Description
25.49 AC PAR EXE
13901 MANTUA MILL RD
1900 FT NW OF GEIST RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat
41	7	13						2	Plat

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County U
1957	5,589 SF	25.49 AC	05

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value As Of 01/01/2011	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	416,430	348,400			
Improvements:	800,270	574,400			
Total:	1,216,700	922,800	1,216,700	922,800	
Preferential Land:	8,430	8,400	8,430	8,400	

Transfer Information

Seller:	Date:	Price:
GALLI JOSEPH	01/12/2006	\$0
Type: NOT ARMS-LENGTH	Deed1: /23222/ 704	Deed2:
Sandler Paul Mark	06/29/1999	\$1,600
Type: IMPROVED ARMS-LENGTH	Deed1: /13868/ 251	Deed2:
Horneffer Peter J	08/02/1993	\$1,400
Type: IMPROVED ARMS-LENGTH	Deed1: / 9926/ 331	Deed2:

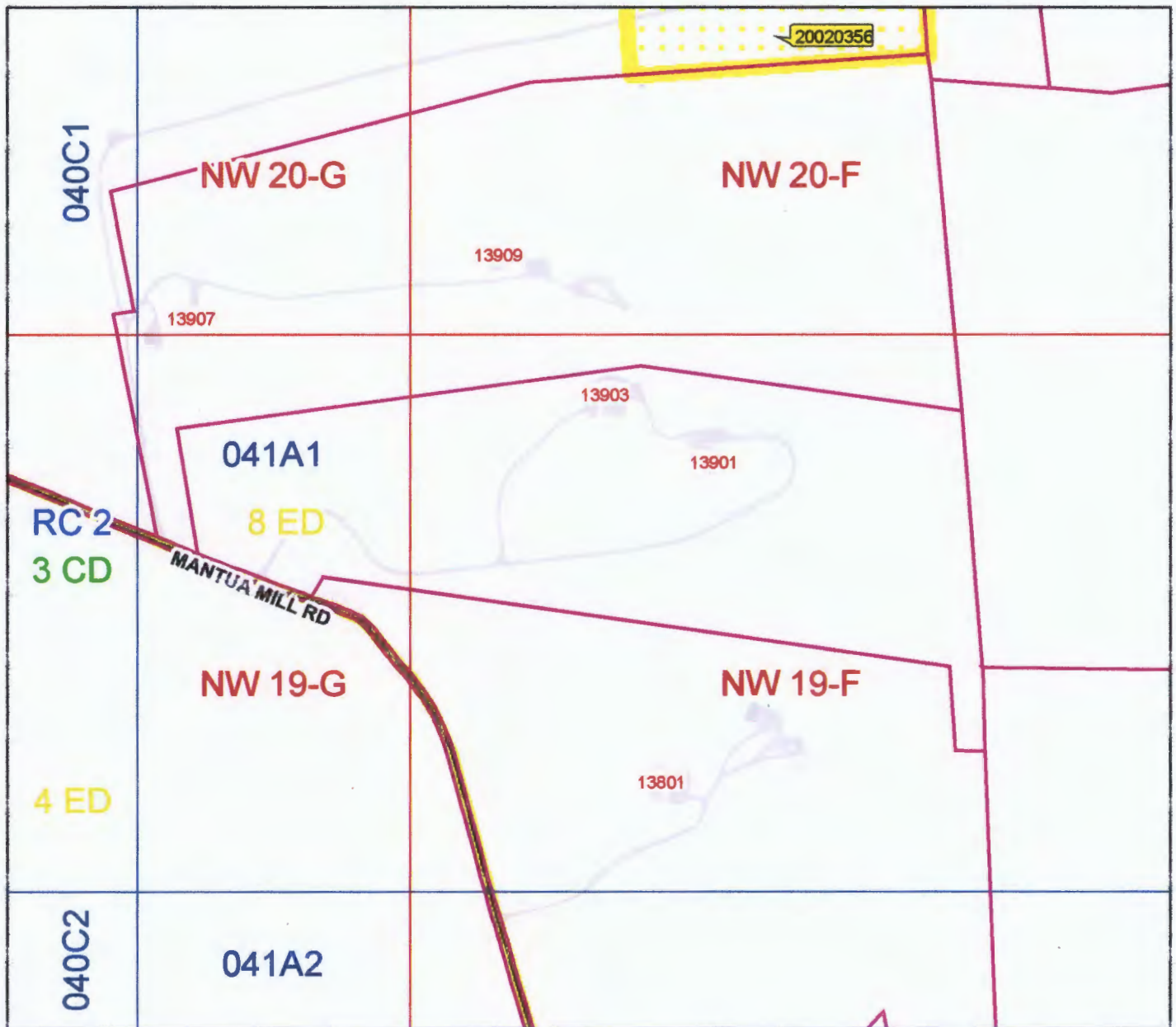
Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
AGRICULTURAL TRANSFER T.

13901 Mantua Mill Road



Publication Date: December 20, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



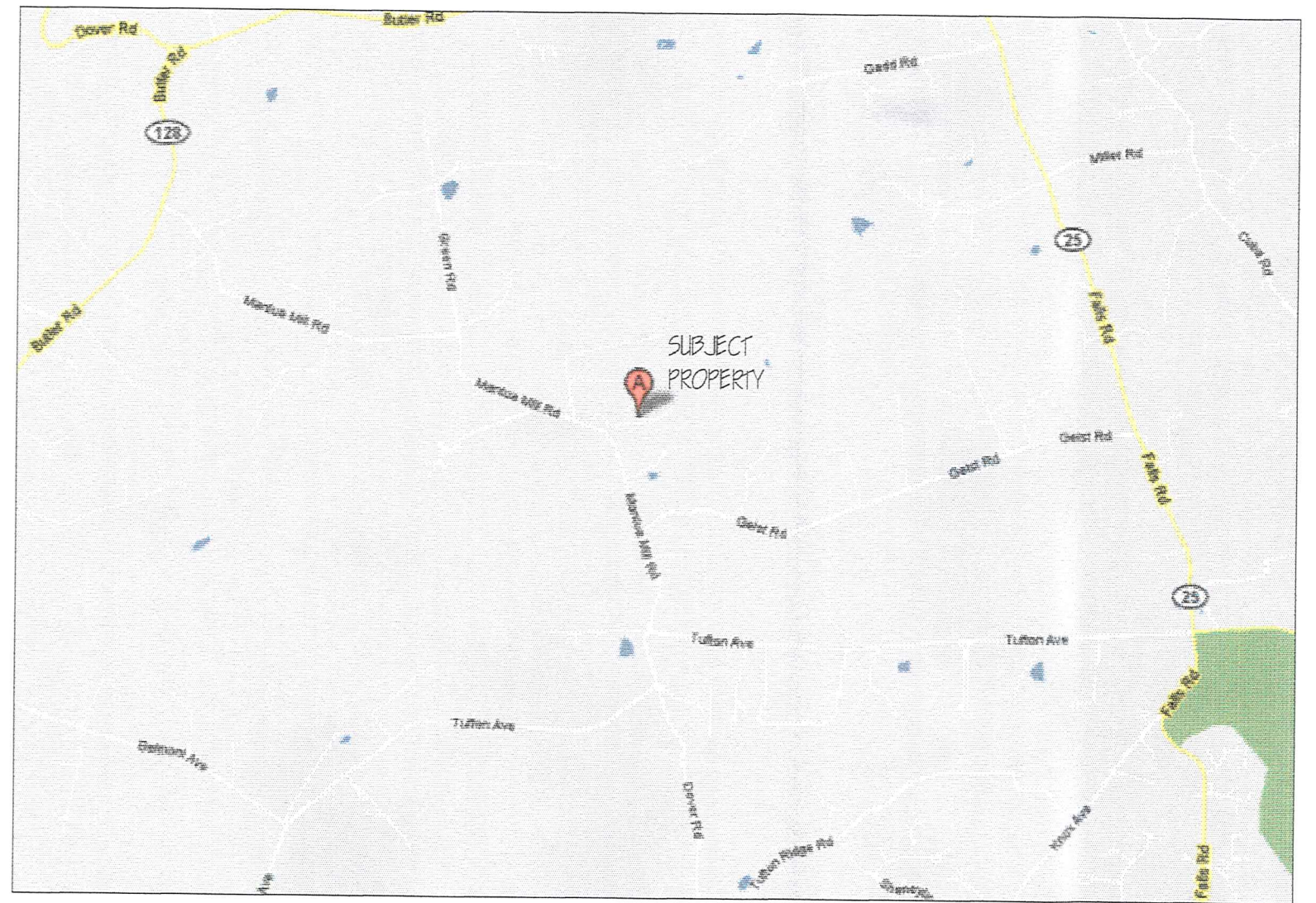
0 400 800 Feet

1 inch = 400 feet

Item #0199







THE GALLI RESIDENCE

POOL & POOL HOUSE

13901 Mantua Mill Road
Glyndon, MD 21136

PROJECT DATA:

PROPERTY ADDRESS:	13901 Mantua Mill Road
OWNER:	Joseph & Cynthia J. Galli
LOCATION INFORMATION:	
ELECTION DISTRICT:	09
COUNCILMANIC DISTRICT:	
1"-200' SCALE MAP #:	041A1
ZONING:	RC-2
LOT SIZE:	25.49 Acres
SEWER:	PRIVATE
WATER:	PRIVATE
CHES. BAY CRITICAL AREA:	NO
100 YEAR FLOOD PLAIN:	NO
HISTORIC PROPERTY:	NO
PRIOR ZONING HEARING:	NO

LOT COVERAGE:

EXISTING HOUSE	-
EXISTING SHED	-
EXISTING DRIVEWAY/WALKS	-
TOTAL	-
PROPOSED	-
TOTAL (INCL. PROPOSED)	-

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Unauthorized use, reproduction or distribution
strictly prohibited.

No.	Date	Item
REVISIONS		

Drawn _____
Checked _____
Approved _____

austin b childs
architecture

chickenranch design studio
16260 falls road
monkton, maryland 21111
410.472.2488
achildsaia@msn.com

SITE PLAN	
CONTRACT NO.	
SCALE	1" = 100'
DATE	December 13, 2010
SP.1	

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE



Item #0199