

IN RE: PETITION FOR VARIANCE
(1434 Galena Road)
15th Election District
7th Councilman District
Brian M. Shulman
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2014-0162-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Brian M. Shulman, the legal owner of the subject property. The Petitioner is requesting variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (garage) with a height of 26' in lieu of the permitted 15'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the request was Petitioner Brian M. Shulman and David Billingsley with Central Drafting & Design, the firm that prepared the site plan. The Petition was advertised and posted as required by the B.C.Z.R. There were no Protestants in attendance and the file does not contain any letters of opposition.

The Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DRP) dated February 10, 2014, indicating that the base flood elevation for the site is 9.4 feet [NAVD 88], and the flood protection elevation is 10.4 feet. In addition, a ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) dated February 18, 2014, indicating that Petitioners was obliged to comply with certain Critical Area regulations, as set forth in B.C.Z.R. Section 500.14.

ORDER RECEIVED FOR FILING

Date 3-31-14

By [Signature]

Testimony and evidence revealed that the subject property is approximately 11,300 sq. ft. and is zoned D.R. 5.5. The Petitioner purchased the property this year, and would like to have additional storage space for items that cannot be kept in the single-family dwelling on site. As such, the Petitioner proposes to add a second story to an existing garage on the property. To do so requires variance relief.

Based upon the testimony and evidence presented, I will grant the petition for variance.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. The lot is narrow (50' width) and deep (235') and was created in the 1930's before the adoption of the B.C.Z.R. Exhibit 5. Thus, it is unique.

If the B.C.Z.R. were strictly interpreted, the Petitioner would indeed suffer a practical difficulty, given he would be unable to construct the garage addition for storage of household items. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of community and/or County agency opposition. In addition, Petitioner submitted photos showing that the adjoining neighbor also has a two-story garage, and thus the proposed addition would be consistent with the appearance of the neighborhood.

The Petitioner indicated on the plan and at the hearing that he would like to include a "powder room" (not a full bathroom) with the garage addition. Exhibit 1. As I explained, the

B.C.Z.R. does not contain any prohibition upon doing so, but I believe that the Department of

ORDER RECEIVED FOR FILING

Date 3-31-14

By lev

Public Works (DPW) is the more appropriate agency to field such a request. There is nothing in the file indicating whether or not the existing water and sewer service to the property (or in the area) is deficient in any respect, and the engineers at DPW are better suited to make such a determination.

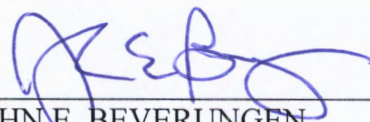
Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 31st day of March, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (garage) with a height of 26' in lieu of the permitted 15', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, or kitchen facilities.
- Petitioners must comply with ZAC comments of the DRP & DEPS, which are attached hereto and made a part hereof.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 3-31-14 3

By 

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 31, 2014

Brian Shulman
2319 Boston Street
Unit 5
Baltimore, Maryland 21224

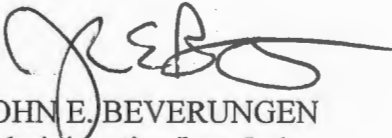
RE: Petition for Variance
Property: 1434 Galena Road
Case No.: 2014-0162-A

Dear Mr. Shulman:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: David Billingsley, Central Drafting & Design, 601 Charwood Ct.,
Edgewood, MD 21040



CBCA

Flood

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1434 GALENA ROAD which is presently zoned OR5.5
 Deed References: L.20196 F. 452 10 Digit Tax Account # 1508006700
 Property Owner(s) Printed Name(s) BRIAN SHULMAN

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s) 400.3 TO PERMIT AN ACCESSORY BUILDING (GARAGE) WITH A HEIGHT OF 26 FEET IN LIEU OF THE PERMITTED 15 FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

BRIAN SHULMAN

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2319 BOSTON ST. BALTO. MD.

Mailing Address

UNIT 5

City

State

21224, (410) 533-8902, brianscoras@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN

Name - Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD MD.

Mailing Address

City

State

21040, (410) 675-8719, dwb0209@yahoo.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0162-AFiling Date 1/28/14Do Not Schedule Dates: Reviewer G.H

ZONING DESCRIPTION

1434 GALENA ROAD

Beginning at a point on the south side of Galena Road (30 feet wide) distant 465 feet easterly from its intersection with the center of Cranford Road (30 feet wide), thence being all of Lot 41 as shown on the plat entitled Hyde Park recorded among the Baltimore County plat records in Plat Book 9 Folio 59.

Containing 11,300 square feet or 0.259 acre of land, more or less.

Being known as 1434 Galena Road located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

2014-0162-A

**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: 2014-0162-A
Petitioner: BRIAN SHULMAN
Address or Location: 1434 GALENA RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRIAN SHULMAN
Address: 2319 BOSTON STREET, UNIT 5
BALTO. MD 21224
Telephone Number: (410) 533 - 8902

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

No.

108187

Date:

1/28/14

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					75.00

Total:

75.00

Rec

From:

Central Drafting & Design

For:

2014-0162-A

Variance

1431 Galena RD

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

Bruce E. Doak Consulting, L.L.C.

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

March 11, 2014

Re:

Case Number: 2014- 0162-A

Petitioner / Developer: Brian Shulman

Date of Hearing: March 31, 2014

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **1434 Galena Road**.

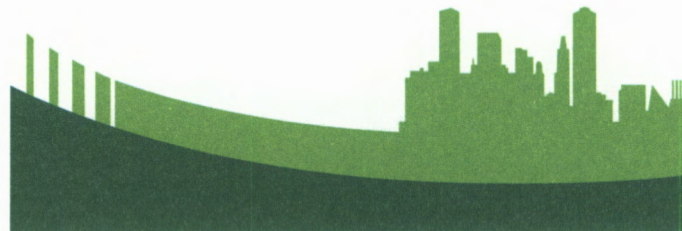
The sign(s) were posted on **March 10, 2014**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor





THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

March 13, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on March 11, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2014-0162-A

1434 Galena Road

S/s Galena Road, 465 ft. +/- east of centerline of

Cranford Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Brian Shulman

Variance: to permit an accessory building (garage) with a height of 26 ft. in lieu of the permitted 15 ft.

Hearing: Monday, March 31, 2014 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 3/674 March 11

971648



KEVIN KAMENETZ
County Executive

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

February 25, 2014

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2014-0162-A

1434 Galena Road

S/s Galena Road, 465 ft. +/- east of centerline of Cranford Road

15th Election District – 7th Councilmanic District

Legal Owners: Brian Shulman

Variance to permit an accessory building (garage) with a height of 26 ft. in lieu of the permitted 15 ft.

Hearing: Monday, March 31, 2014 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Brian Shulman, 2319 Boston Street, Unit 5, Baltimore 21224
David Billingsley, 601 Charwood Ct., Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 11, 2014.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 11, 2014 Issue - Jeffersonian

Please forward billing to:

Brian Shulman
2319 Boston Street, Unit 5
Baltimore, MD 21224

410-533-8902

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2014-0162-A

1434 Galena Road

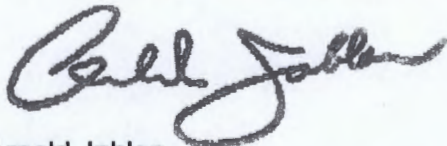
S/s Galena Road, 465 ft. +/- east of centerline of Cranford Road

15th Election District – 7th Councilmanic District

Legal Owners: Brian Shulman

Variance to permit an accessory building (garage) with a height of 26 ft. in lieu of the permitted 15 ft.

Hearing: Monday, March 31, 2014 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

M E M O R A N D U M

DATE: May 2, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0162-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 30, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE
1434 Galena Road; S/S Galena Road, 465' E
Of c/line of Cranford Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): Brian Shulman
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-162-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

04 2014

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of February, 2014, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>2-10</u> <i>flood</i>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>2-18</u> <i>CBCA</i>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>2-5</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>3-11-14</u> <u>The Sun</u>	
SIGN POSTING	Date: <u>3-10-14</u> by <u>Dook</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

March 26, 2014

Brian Schulman
2319 Boston Street
Baltimore MD 21224

RE: Case Number: 2014-0162 A, Address: 1434 Galena Road

Dear Mr. Schulman:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 28, 2014. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David Billingsley, Central Drafting & Design, 601 Charwood Court, Edgewood MD 21040

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 2-5-14

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

RE: Baltimore County
Item No. 2014-0162-A
Variance
Brian Shulman
1434 Galena Road

Dear Ms. Lewis:

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. 2014-0162-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steven D. Foster', is written over the word 'Sincerely,'.

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For February 10, 2014
Item No. 2014-0162

DATE: February 10, 2014

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comments.

The base flood elevation for this site is 9.4 feet [NAVD 88].

The flood protection elevation is 10.4 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.

Cc: file.

ZAC-ITEM NO 14-0162-02102014.doc

ORDER RECEIVED FOR FILING

Date 3-31-14

By RLJ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

FEB 20 2014



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(EPS) - Development Coordination

DATE: February 18, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0162-A
Address 1434 Galena Road
(Shulman Property)

Zoning Advisory Committee Meeting of February 3, 2014.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This waterfront property is located in a Limited Development Area (LDA) and a Buffer Management Area (BMA) within the Chesapeake Bay Critical Area (CBCA). Development of this property must comply with maximum lot coverage limits, must meet BMA requirements for any development within the 100-foot tidal buffer, and must meet a minimum 15% tree cover requirement. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed 2nd story garage addition and stairs will be minimized because the proposal involves no increase in lot coverage. However, total lot coverage on the property must also be in compliance with the lot coverage allowed by Critical Area law to meet this minimization of water quality impact requirement. Mitigation requirements may include removal of existing lot coverage, and the planting of native trees and shrubs.

2. Conserve fish, wildlife, and plant habitat;

The proposed development must comply with all LDA and BMA requirements prior to building permit approval. This includes the 15% afforestation requirement, minimization of impacts to trees, replacement of trees if any tree

ORDER RECEIVED FOR FILING

Date 3-31-14

By GCB

impacts are approved, and lot coverage requirements. Therefore, meeting all Critical Area requirements to minimize water quality impacts from the construction of the 2nd story garage addition, and the stairs can aid in the conservation of fish, wildlife, and plant habitat in the watershed.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited, and must be in compliance prior to approval of any development on-site. Compliance with Critical Area requirements, and mitigation performed on-site can allow the subject development to be consistent with established land use policy for development in the CBCA which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Paul Dennis

Date: February 10, 2014

S:\Devcoord ZAC-Zoning Petitions\ZAC 2014\ ZAC 14-0162-A 1434 Galena Road.doc

ORDER RECEIVED FOR FILING

Date 3-31-14

By LDW

3/31
11am

Real Property Data Search (w4)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 15 Account Number - 1508006700	
Owner Information		
Owner Name:	SHULMAN BRIAN M	Use: RESIDENTIAL
Mailing Address:	2319-5 BOSTON ST BALTIMORE MD 21224-	Principal Residence: NO
		Deed Reference: 1) /34627/ 00384 2)
Location & Structure Information		
Premises Address:	1434 GALENA RD 0-0000 Waterfront	Legal Description: 1434 GALENA RD HYDE PARK
Map: 0097	Grid: 0023	Parcel: 0287
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 41	Assessment Year: 2012
Plat No:	Plat Ref: 0009/ 0059	
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1934	2,333 SF	8,400 SF
Property Land Area	County Use	
8,400 SF	34	
Stories	Basement	Type
1.500000	NO	STANDARD UNIT
Exterior	Full/Half Bath	Garage
FRAME	2 full	1 Detached
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2012	07/01/2013
Land:	144,400	144,400
Improvements	323,200	239,900
Total:	467,600	384,300
Preferential Land:	0	384,300
		0
Transfer Information		
Seller: EISENBIES CHARLES R	Date: 01/22/2014	Price: \$310,000
Type:	Deed1: /34627/ 00384	Deed2:
Seller: SICILIANO GREGORY	Date: 06/08/2004	Price: \$525,000
Type: ARMS LENGTH IMPROVED	Deed1: /20196/ 00452	Deed2:
Seller: SICILIANO GREGORY	Date: 12/01/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /19229/ 00324	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00/0.00
Tax Exempt:	Special Tax Recapture:	07/01/2014
Exempt Class:	NONE	0.00/0.00
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

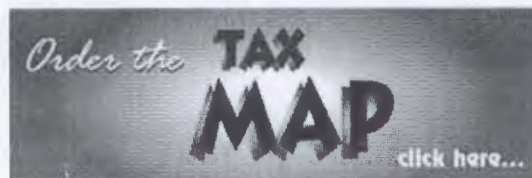
New Search (<http://sdats.resiusa.org/RealProperty/>)District: **15** Account Number: **1508006700**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

<http://imsweb05.mdp.state.md.us/website/mosp/>☐ Loading... Please

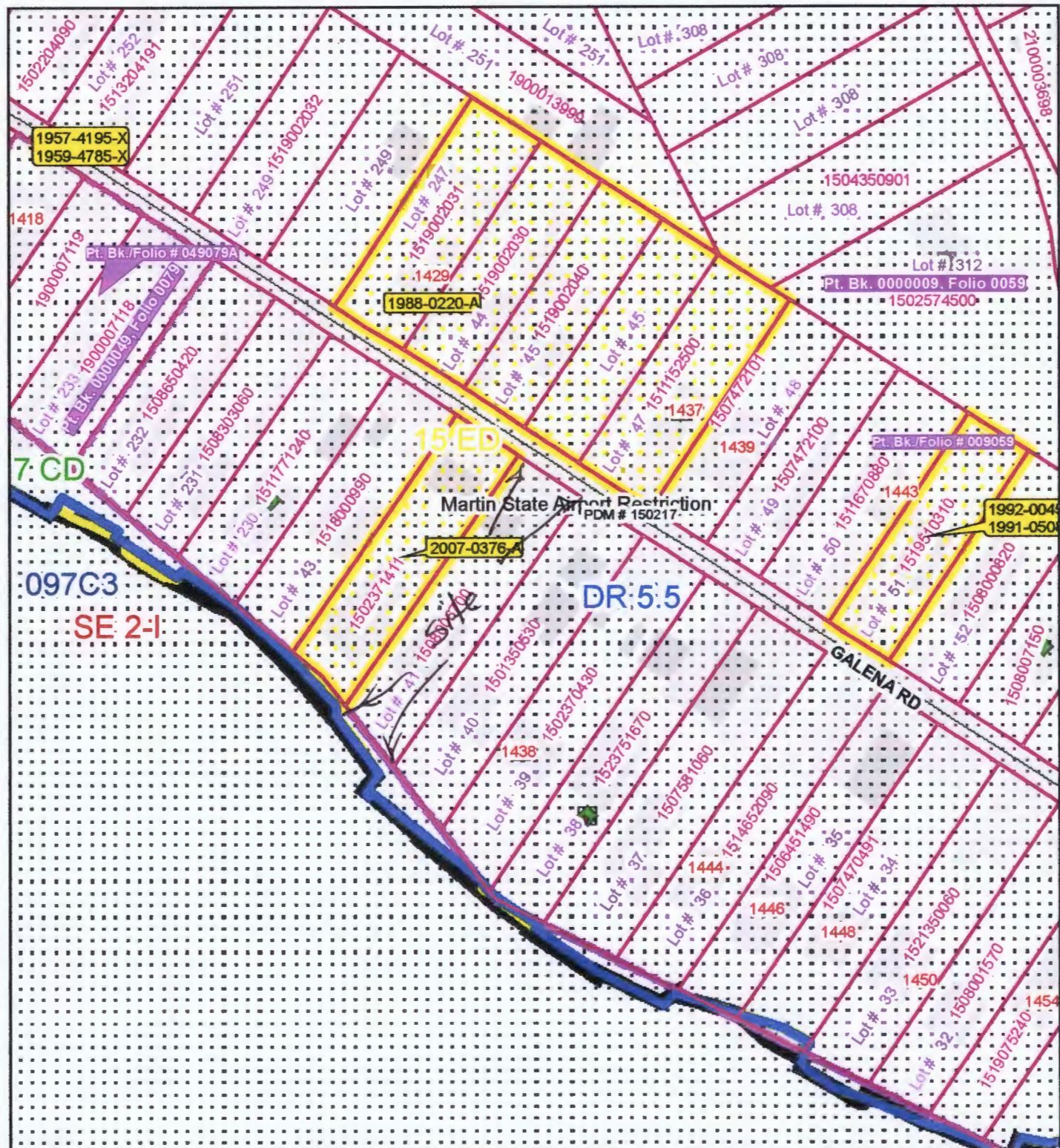
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→

CASE NAME 1434 GALENA RD
CASE NUMBER 2014-0662-A
DATE 3/31/14

[illegible]

1434 Galena Road



Publication Date: 1/28/2014



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



A scale bar with markings at 0, 25, 50, 100, 150, and 200 feet.

1 inch = 100 feet

2014-0162-A

PETITIONER'S EXHIBITS

**1434 GALENA ROAD
CASE NO. 2014-0162-A**

DW
3-31-14
DW 5-2-14

- 1. PLAT TO ACCOMPANY PETITION DATED JANUARY 22, 2014**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. TAX MAP 0097 PARCEL 287**
- 4. DEED OF RECORD L.34627 F.384**
- 5. PLAT OF HYDE PARK PB 9 F 59**
- 6. AERIAL PHOTO**
- 7a – 7f. PHOTOS**

Real Property Data Search (w3)

[Search Help](#)

Search Result for BALTIMORE COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Account Identifier:** District - 15 Account Number - 1508006700

Owner Information

Owner Name:	SHULMAN BRIAN M	Use:	RESIDENTIAL
Mailing Address:	2319-5 BOSTON ST BALTIMORE MD 21224	Principal Residence:	NO
		Deed Reference:	1) /34627/ 00384 2)

Location & Structure Information

Premises Address:	1434 GALENA RD 0-0000 Waterfront	Legal Description:	1434 GALENA RD HYDE PARK								
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	0009/ 0059
0097	0023	0287		0000			41	2012			

Special Tax Areas:

Town:

NONE

Ad Valorem:**Tax Class:**

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
1934	2,333 SF		8,400 SF	34

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1.500000	NO	STANDARD UNIT	FRAME	2 full	1 Detached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2012	07/01/2013	07/01/2014
Land:	144,400	144,400		
Improvements	323,200	239,900		
Total:	467,600	384,300	384,300	384,300
Preferential Land:	0			0

Transfer Information

Seller: EISENBIES CHARLES R	Date: 01/22/2014	Price: \$310,000
Type:	Deed1: /34627/ 00384	Deed2:
Seller: SICILIANO GREGORY	Date: 06/08/2004	Price: \$525,000
Type: ARMS LENGTH IMPROVED	Deed1: /20196/ 00452	Deed2:
Seller: SICILIANO GREGORY	Date: 12/01/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /19229/ 00324	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2013	07/01/2014
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00/0.00	0.00/0.00

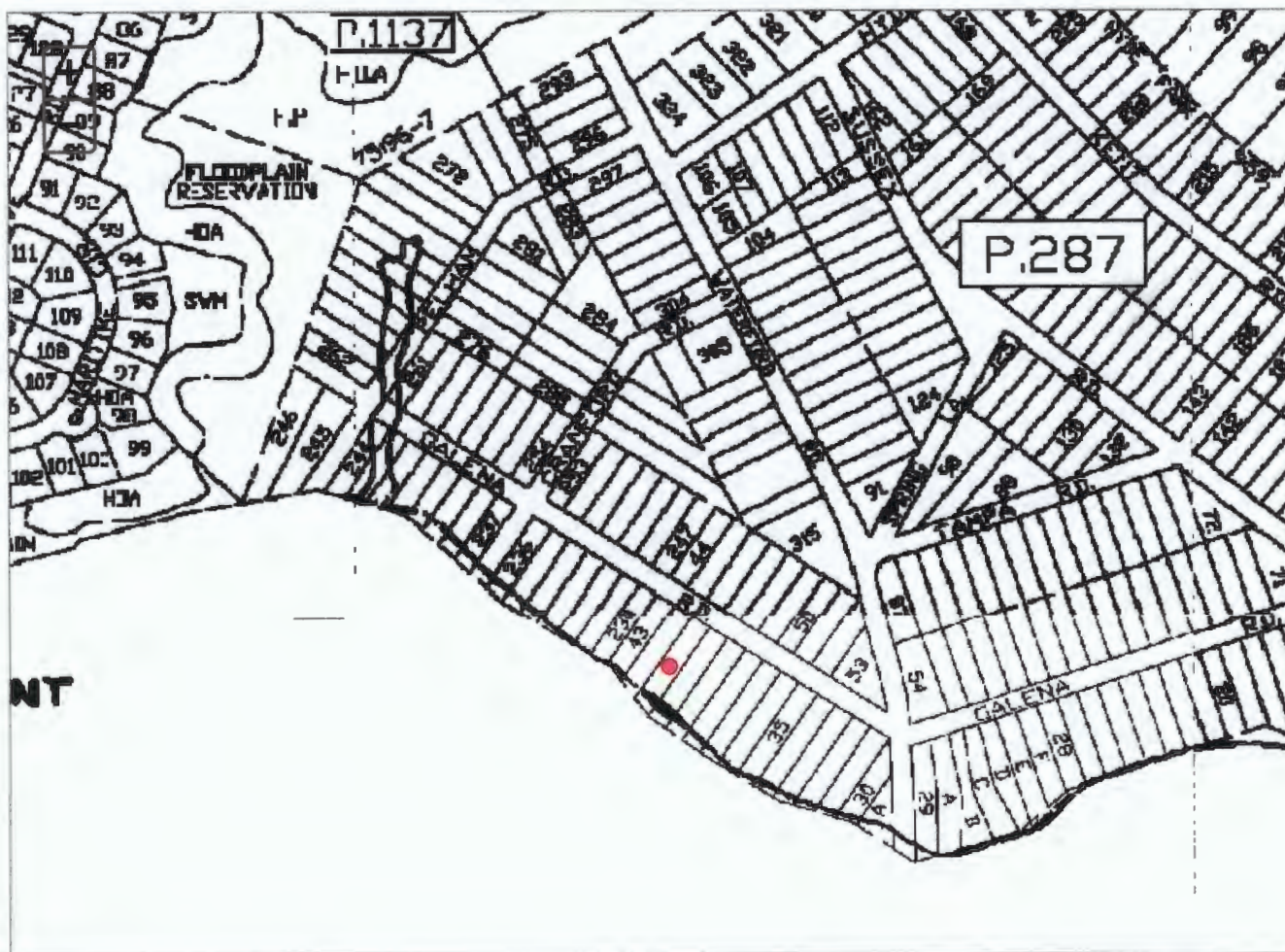
Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status: No Application

PETITIONER'S
EXHIBIT NO. 2

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **15** Account Number: **1508006700**

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<http://imsweb05.mdp.state.md.us/website/mosp/>

 Loading... Please Wait. Loading... Please Wait. -->

PETITIONER'S
EXHIBIT NO. 3

AFTER RECORDING RETURN TO:

Brian Shulman
2319-5 Boston Street
Baltimore, MD 21224

DOCUMENT PREPARED BY:

Sage Title Group, LLC
7939 Honeygo Boulevard, Suite 124
Baltimore, MD 21236
File Number: 110139WHMS

Tax ID#: 15 1508006700

This Deed, MADE THIS 13 day of January, 2014, by and between Charles R. Eisenbies and Karen E. Potter, parties of the first part, and Brian M. Shulman, party of the second part.

WITNESSETH, That in consideration of the sum of **THREE HUNDRED TEN THOUSAND AND 00/100 DOLLARS (\$310,000.00)**, the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey to the said party of the second part, in fee simple, all that parcel of ground situated in **Baltimore County, Maryland** and as described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 41 as shown on a plat entitled "Plat of Hyde Park", which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book No. 9, folio 59.

The improvements thereon being known as 1434 Galena Road, Essex, Maryland 21221.

Tax ID#: 15 1508006700

BEING the same property which by deed dated May 21, 2004 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 20196, folio 452, was granted and conveyed by Gregory Siciliano unto Charles R. Eisenbies and Karen E. Potter, as tenants by the entirety.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

SUBJECT TO all rights, easements, restrictions, covenants and reservations of record.

TO HAVE AND TO HOLD the said described lot(s) of ground and premises to the said party of the second part, as sole owner, his Personal Representatives, heirs and assigns, in fee simple.

Buyers' Initials: BMS

AND the said parties of the first part do hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

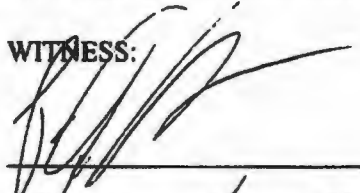
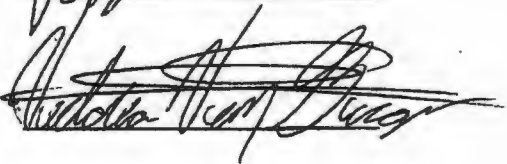
PETITIONER'S
EXHIBIT NO. 4

0034627 385

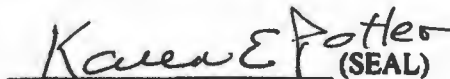
00 34627 385

WITNESS the hands and seals of the said parties of the first part:

WITNESS:

 (SEAL)
 Charles R. Eisenbies

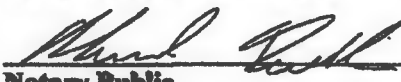
 (SEAL)
 Karen E. Potter

STATE OF MARYLAND, COUNTY OF

Hartford to wit:

I HEREBY CERTIFY, that on this 11 day of January, 2014, before me, the subscriber, a Notary Public of the State of Maryland in and for Hartford County, personally appeared Charles R. Eisenbies known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal:


 Notary Public

My Commission Expires:

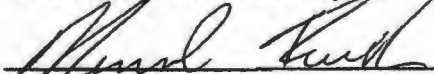
MICHAEL S. PEACOCK
 NOTARY PUBLIC STATE OF MARYLAND
 My Commission Expires November 9, 2015

STATE OF MARYLAND, COUNTY OF

Hartford to wit:

I HEREBY CERTIFY, that on this 11 day of January, 2014, before me, the subscriber, a Notary Public of the State of Maryland in and for Hartford County, personally appeared Karen E. Potter known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal:


 Notary Public

My Commission Expires:

MICHAEL S. PEACOCK
 NOTARY PUBLIC STATE OF MARYLAND
 My Commission Expires November 9, 2015

DALLAS 1:1007 JULY 17, 1926.
 EXCOCKMAN & CO,
 BURGESS & CIVIL ENGINEERS.
 231 COURTLAND ST.,
 BALTIMORE, MD.

[illegible]

PETITIONER'S
EXHIBIT NO. 5



PETITIONER'S
EXHIBIT NO. 6



1434 Galena Road

Created By
Baltimore County
My Neighborhood



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Printed 3/27/2014



7a



7b



7c



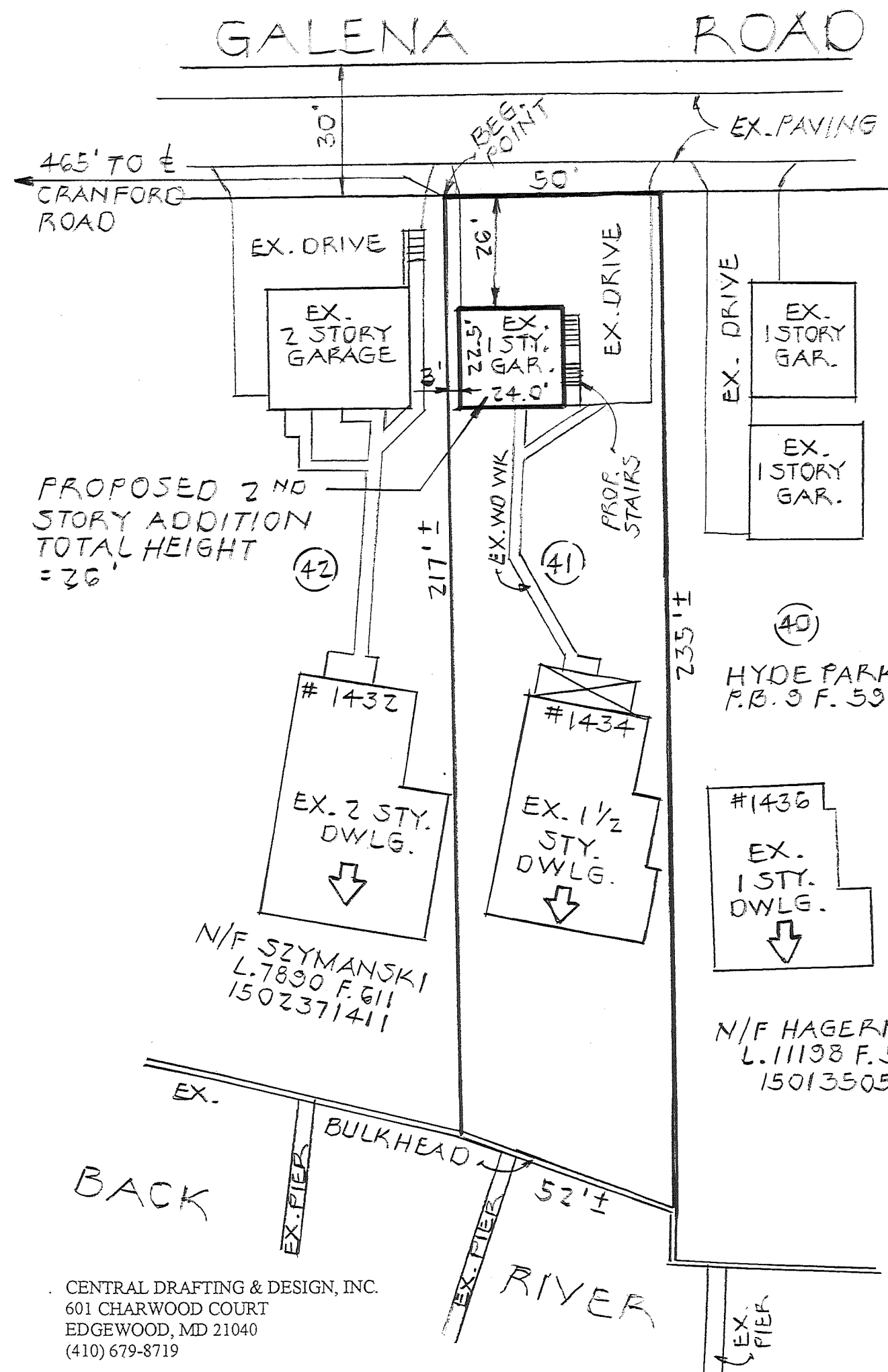
7d



78



7F



NOTES

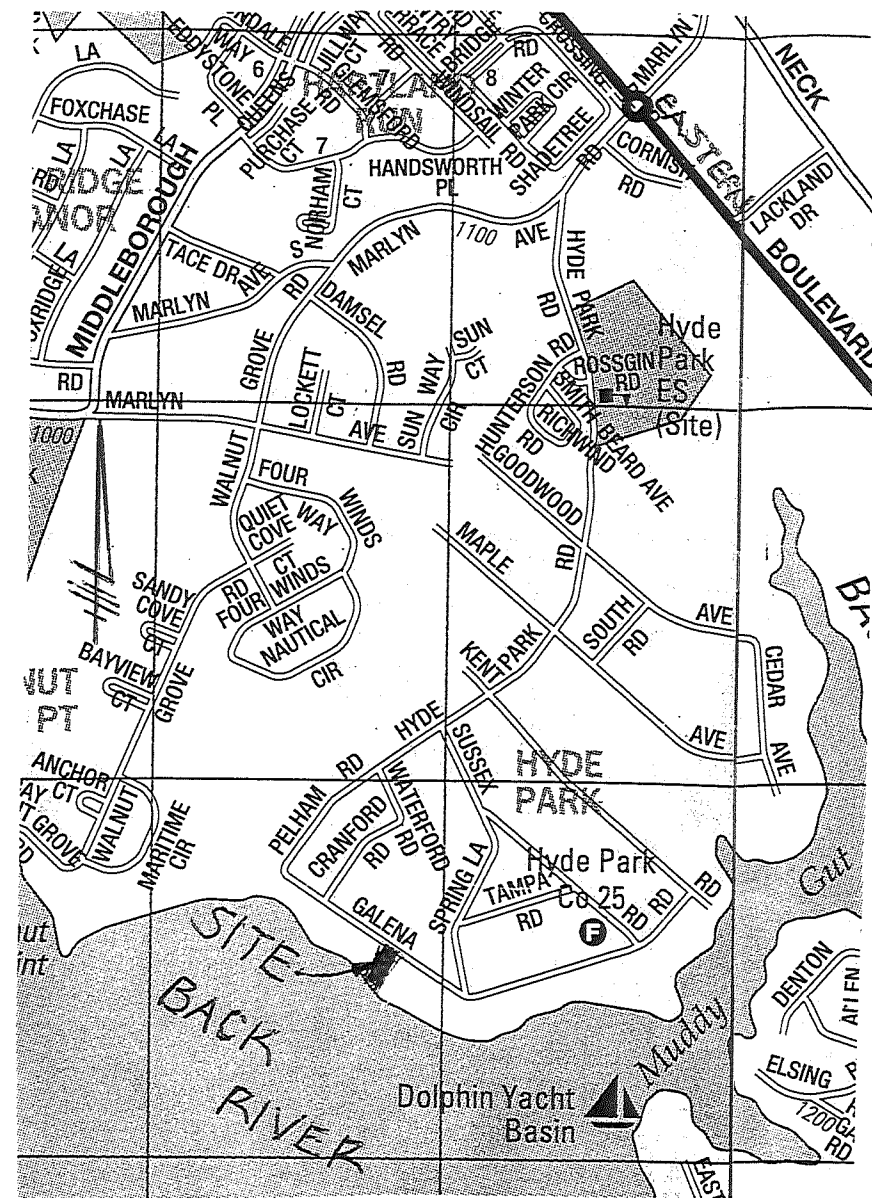
1. ZONING.....DR 5.5 (097C3)
2. LOT AREA.....11,300 S.F. = 0.259 ACRE)
3. A PORTION OF THIS SITE IS LOCATED IN A 100 YEAR FLOOD ZONE
4. NO PREVIOUS ZONING HISTORY OR VIOLATIONS KNOWN
5. SITE IS LOCATED IN A LIMITED DEVELOPMENT AREA AND BUFFER MANAGEMENT AREA OF THE CBCA
6. PUBLIC WATER AND SEWER IS EXISTING
7. TO THE PREPARER'S KNOWLEDGE, NO UNDERGROUND STORAGE TANKS OR HISTORIC STRUCTURES EXIST.

NOTE

THE PROPOSED ADDITION SHALL NOT BE USED TO CREATE ADDITIONAL RESIDENTIAL LIVING SPACE OR USED FOR COMMERCIAL PURPOSES. A POWDER ROOM IS PROPOSED FOR THE SECOND STORY ADDITION.

OWNER

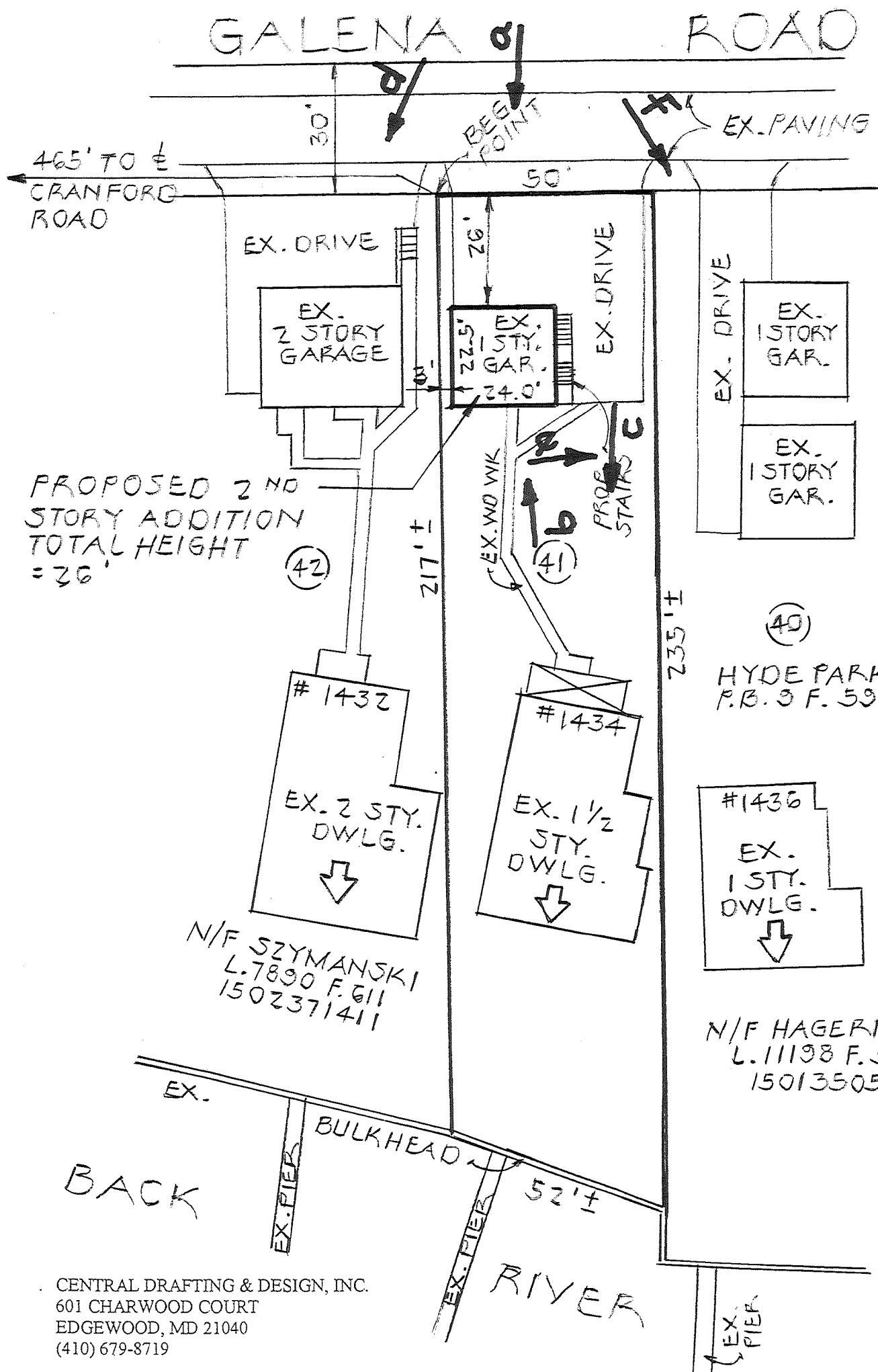
BRIAN SHULMAN
2319 BOSTON STREET, UNIT 5
BALTIMORE, MD. 21224
DEED REF: NOT YET RECORDED
ACCT NO. 1508006700



PETITIONER'S
EXHIBIT NO. 1

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

1434 GALENA ROAD
LOT 41, HYDE PARK, P.B. 9 F.59
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET JANUARY 22, 2014



NOTES

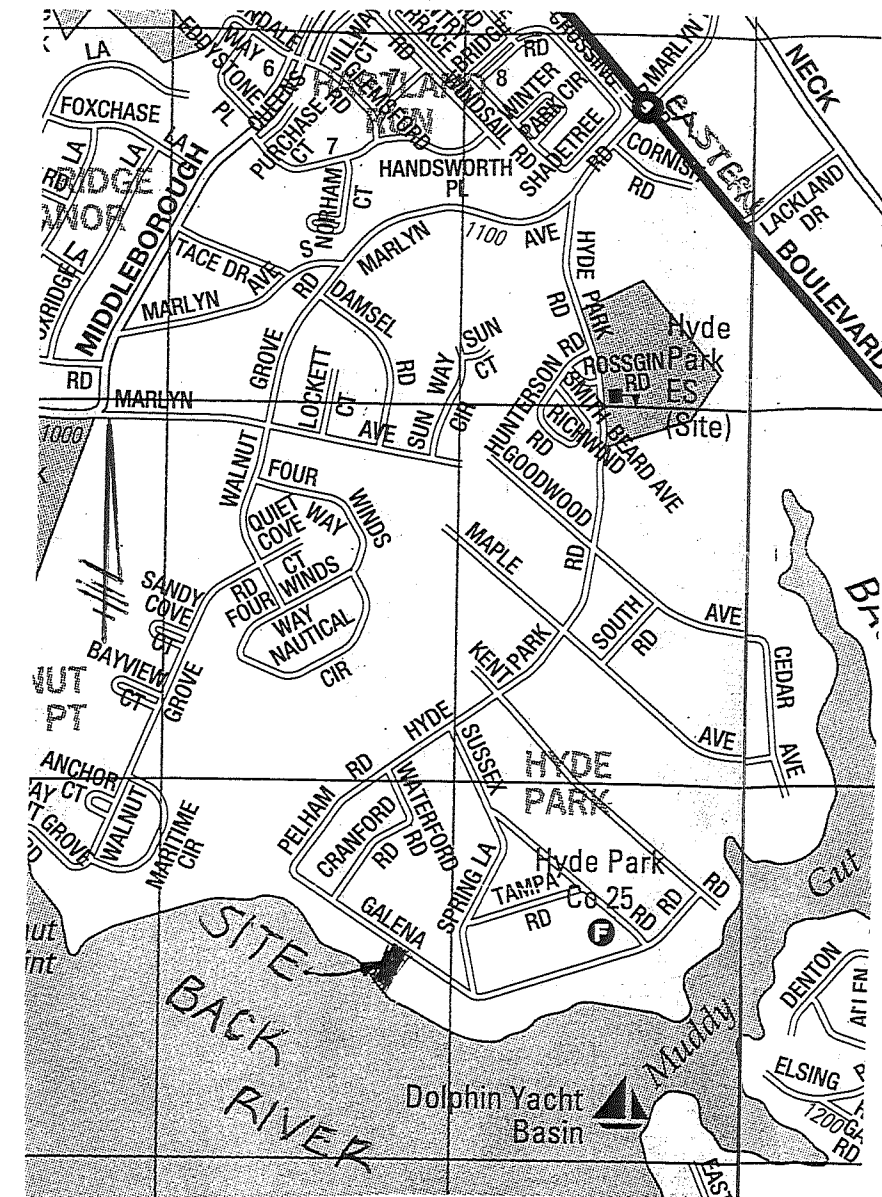
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OWNER

BRIAN SHULMAN
2319 BOSTON STREET, UNIT 5
BALTIMORE, MD. 21224
DEED REF: NOT YET RECORDED
ACCT NO. 1508006700



VICINITY MAP
SCALE: 1" = 1000'

PETITIONER'S
EXHIBIT NO. **7a-7f**

PHOTOS

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE

1434 GALENA ROAD

LOT 41, HYDE PARK, P.B. 9 F. 59

ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET JANUARY 22, 2014