

IN RE: PETITION FOR ADMIN. VARIANCE *
(3500 Galloway Road)
15th Election District *
6th Council District *
Patrick C. and Linda T. Kerr *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2014-0230-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Patrick C. and Linda T. Kerr. The Petitioners are requesting Variance relief pursuant to Sections 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R.), to permit a proposed open projection (pool and pool deck attached to dwelling deck and dwelling) with a side yard setback of 5 ft. in lieu of the minimum required 37.5 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) on June 11, 2014, indicating that the Petitioners were obliged to comply with certain Critical Area regulations, as set forth in B.C.Z.R. Section 500.14.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 18, 2014, 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

ORDER RECEIVED FOR FILING

Date 6-9-14

By aw

Baltimore County Code (B.C.C.). 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, this 12th day of June, 2014 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Sections 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R), to permit a proposed open projection (pool and pool deck attached to dwelling deck and dwelling) with a side yard setback of 5 ft. in lieu of the minimum required 37.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

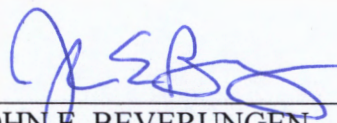
1. Petitioners may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners must comply with the ZAC comment received from the Department of Environmental Protection and Sustainability (DEPS) dated June 11, 2014; a copy of which is attached and made a part hereof.

ORDER RECEIVED FOR FILING

Date 6-9-14

By (a)

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 6-9-14

By EW

BALTIMORE COUNTY, MARYLAND

RECEIVED

JUN 11 2014

Inter-Office Correspondence

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
(DEPS) - Development Coordination

DATE: June 11, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0230-A
Address 3500 Galloway Road
(Kerr Property)

Zoning Advisory Committee Meeting of May 12, 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;

The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to permit an above ground pool and attached deck with a reduced side yard setback. Lot coverage on the entirety of this property is limited to 15% (5,737.5 square feet). Lot coverage information was not provided. 15% afforestation, or 11 trees, is required in the LDA; existing trees may be counted towards this requirement. If the applicant can meet the lot coverage requirements and the 15% afforestation requirements, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. If both lot coverage and afforestation requirements are met, that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

ORDER RECEIVED FOR FILING

Date 6-9-14

By [Signature]

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;

Afforestation and lot coverage information were not included. Provided that the applicants meet all the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: June 10, 2014

ORDER RECEIVED FOR FILING

Date 6-9-14

By [Signature]

KEVIN KAMENETZ
County Executive



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

June 9, 2014

Patrick C. Kerr
Linda T. Kerr
3500 Galloway Road
Middle River, Maryland 21220

RE: Petition for Administrative Variance
Case No. 2014-0230-A
Property: 3500 Galloway Road

Dear Mr. and Mrs. Kerr:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



CBCA

ADMINISTRATIVE ZONING PETITION

FLOOD

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

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

To the Office of Administrative Hearings for Baltimore County for the property located at

Address 3500 Galloway Road Middle River, MD 21220 Currently zoned RC-5
Deed Reference 22238/00022 10 Digit Tax Account # 2200022227
Owner(s) Printed Name(s) Patrick & Linda Kerr

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the **Affidavit** on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. **X** **ADMINISTRATIVE VARIANCE** from Section(s) 1A04.3.B.2.6 and 301.1.A, BCZR, to permit a proposed open projection (pool and pool deck attached to dwelling deck and dwelling) with a side yard setback of 5 feet in lieu of the minimum required $37\frac{1}{2}$ feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Patrick C. Kerr, Linda T. Kerr
Name #1 - Type or Print Name #2 - Type or Print
[Signature], [Signature]
Signature #1 Signature #2
3500 Galloway Rd Middle River, MD
Mailing Address City State
21220, 410-299-8656, PKERR@IRR.COM
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2014-0230-A Filing Date 5/6/2014 Estimated Posting Date 5/18/2014 Reviewer JNP

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 3500 Calloway Road Midder River MD 21220
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

We are proposing to put a 18' x 34' ABOVE GROUND POOL IN
OUR YARD. THE POOL WILL BE BETWEEN ~~5' AND 6'~~ FROM THE PROPERTY
SIDE YARD. WE ARE ALSO THE OWNER OF THE PROPERTY ADJOINING THE LOT
WHERE THE POOL WILL RESIDE.

PUTTING ON STREET SIDE WOULD NOT FIT WITH TWO EXISTING DETACHED GARAGES
NEED 5' SET BACK OTHERWISE TOO CLOSE TO WATER ON OPPOSITE SIDE YARD.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Patrick C. Kerr
Signature of Owner (Affiant)

PATRICK C. KERR
Name- Print or Type

Linda T. Kerr
Signature of Owner (Affiant)

Linda T. Kerr
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of April, 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Patrick C. Kerr and Linda T. Kerr

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

AS WITNESS my hand and Notaries Seal

JENNIFER MCCOUN
NOTARY PUBLIC
BALTIMORE COUNTY, MD

Jennifer McCoun
Notary Public
7/14/15
My Commission Expires

ZONING PROPERTY DESCRIPTION FOR 3500 Galloway Road in Middle River, Maryland 21220.

Beginning as a point on the west side of Galloway Road which is 100 feet wide at the distance of 61' +/- ^{high} of the centerline of the nearest improved intersection street which is Cold Spring Lane which is 22' +/- wide.

Being Lot # 62 & 63, Block N/A, Section # N/A in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book # 7, Folio # 12, containing 38,250 sf. Located in the 15th Election District and 6th Council District.

2014-0230-A

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

No.

109892

Date:

5/6/2014

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Dept Obj	BS Acct	Amount
001	006	0000		6150				7500

Total: **75.00**

Rec
From:

Patrick & Linda Kerr

For:

Adm. Variance - 3500 Galloway Road
2014-0230-A (KERR)

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTION TIME DAY
5/06/2014 5/06/2014 14:48:28 1
MOD WALKIN LEAS LJR
RECEIPT 0 500071 5/06/2014 OPEN

520 ZONING CERTIFICATION
NO. 107892

Recpt Tot: 475.00
475.00 OK 5.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

CASE NO: 2014-0230

PETITIONER/DEVELOPER

PATRICK KELL

DATE OF HEARING/CLOSING:

6/2/14

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

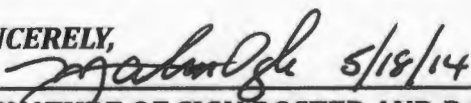
LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT _____

3500 GALLOWAY ROAD

THIS SIGN(S) WERE POSTED ON May 18, 2014
(MONTH, DAY, YEAR)

SINCERELY,

 5/18/14
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2014-0230-A
TO RESOLVE A PROPOSED OPEN PROTECTION (POOL AND POOL
DECK ATTACHED TO EXISTING DECK AND EXISTING) WITH A
SIDE YARD SETBACK OF 5 FEET IN LIEU OF THE MINIMUM
REQUIRED 37% FEET.

PUBLIC HEARING ?

PURSUANT TO SECTION 24-1271(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE. PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 P.M. ON Monday June 2, 2014
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHRISTIAN AVE.
BALTIMORE, MD 21201
P. 887-3391
FAX 887-3391
BALTIMORE IS AN OPEN CITY. ACCESSIBLE

W. J. Smith
5/18/14

M E M O R A N D U M

DATE: July 18, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0230-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 14, 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

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5-14</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>SC</u>
<u>6-11</u>	<i>CASA</i> <i>Assessing 6-5-14</i> DEPS (if not received, date e-mail sent <u>6-5</u>)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>5-12</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: _____	
SIGN POSTING	Date: <u>5-18-14</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0230 -A Address 3500 Galloway Road

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/6/2014 Posting Date: 5/18/2014 Closing Date: 6/2/2014

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 2014- 0230 -A Address 3500 Galloway Road

Petitioner's Name Patrick & Linda Kerr Telephone 410-299-8656

Posting Date: 5/18/2014 Closing Date: 6/2/2014

Wording for Sign: To Permit a proposed open projection (pool and pool deck attached to dwelling deck and dwelling) with a side yard setback of 5 feet in lieu of the minimum required 37½ feet.

Revised 7/06/11



KEVIN KAMENETZ
County Executive

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

June 3, 2014

Patrick C. & Linda T. Kerr
3500 Galloway Road
Middle River MD 21220

RE: Case Number: 2014-0230 A, Address: 3500 Galloway Rd

Dear Mr. & Ms. Kerr:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 6, 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: jaf

Enclosures

c: People's Counsel

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



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

Date: 5/12/14

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

RE: Baltimore County
Item No. 2014-0230-A.
Administrative Variance
Patrick C. & Linda T. Kerr
3500 Galloway 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. 2014-0230-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 dark ink, appearing to read "Steven D. Foster", is written over a horizontal line.

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

Debra Wiley - Re: Administrative Variances (3) - Closing Date: 6/2/14

From: Jeffrey Livingston
To: Wiley, Debra
Date: 6/11/2014 2:19 PM
Subject: Re: Administrative Variances (3) - Closing Date: 6/2/14
Attachments: ZAC 14-0230-A 3500 Galloway Road.doc; ZAC 14-0229-A 214 Antietam Road.doc; ZAC 14-0232-A 2011 Tred Avon Road.doc

Here are the comments from EPS

Jeff

>>> Debra Wiley 6/5/2014 11:55 AM >>>
Hi Jeff,

In reviewing administrative variance files, it appears that they do not contain ZAC comments (specifically **CBCA**) for the following cases:

2014-0229-A - 214 Antietam Rd., Essex, MD 21221
2014-0230-A - 3500 Galloway Rd., Middle River, MD 21220
2014-0232-A - 2011 Tred Avon Rd., Essex, MD 21221

As you know, our office cannot produce decisions without these comments from your department.

As always, thanks in advance; it is appreciated.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 14, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For May 19, 2014
Item No. 2014-0226, 0227, 0228, 0229, 0230, 0231 and 0232

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

DAK
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC05142014 -.doc

BALTIMORE COUNTY, MARYLAND

RECEIVED

JUN 11 2014

Inter-Office Correspondence

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
(DEPS) - Development Coordination

DATE: June 11, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0230-A
Address 3500 Galloway Road
(Kerr Property)

Zoning Advisory Committee Meeting of May 12, 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;

The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to permit an above ground pool and attached deck with a reduced side yard setback. Lot coverage on the entirety of this property is limited to 15% (5,737.5 square feet). Lot coverage information was not provided. 15% afforestation, or 11 trees, is required in the LDA; existing trees may be counted towards this requirement. If the applicant can meet the lot coverage requirements and the 15% afforestation requirements, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. If both lot coverage and afforestation requirements are met, that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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;

Afforestation and lot coverage information were not included. Provided that the applicants meet all the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: June 10, 2014

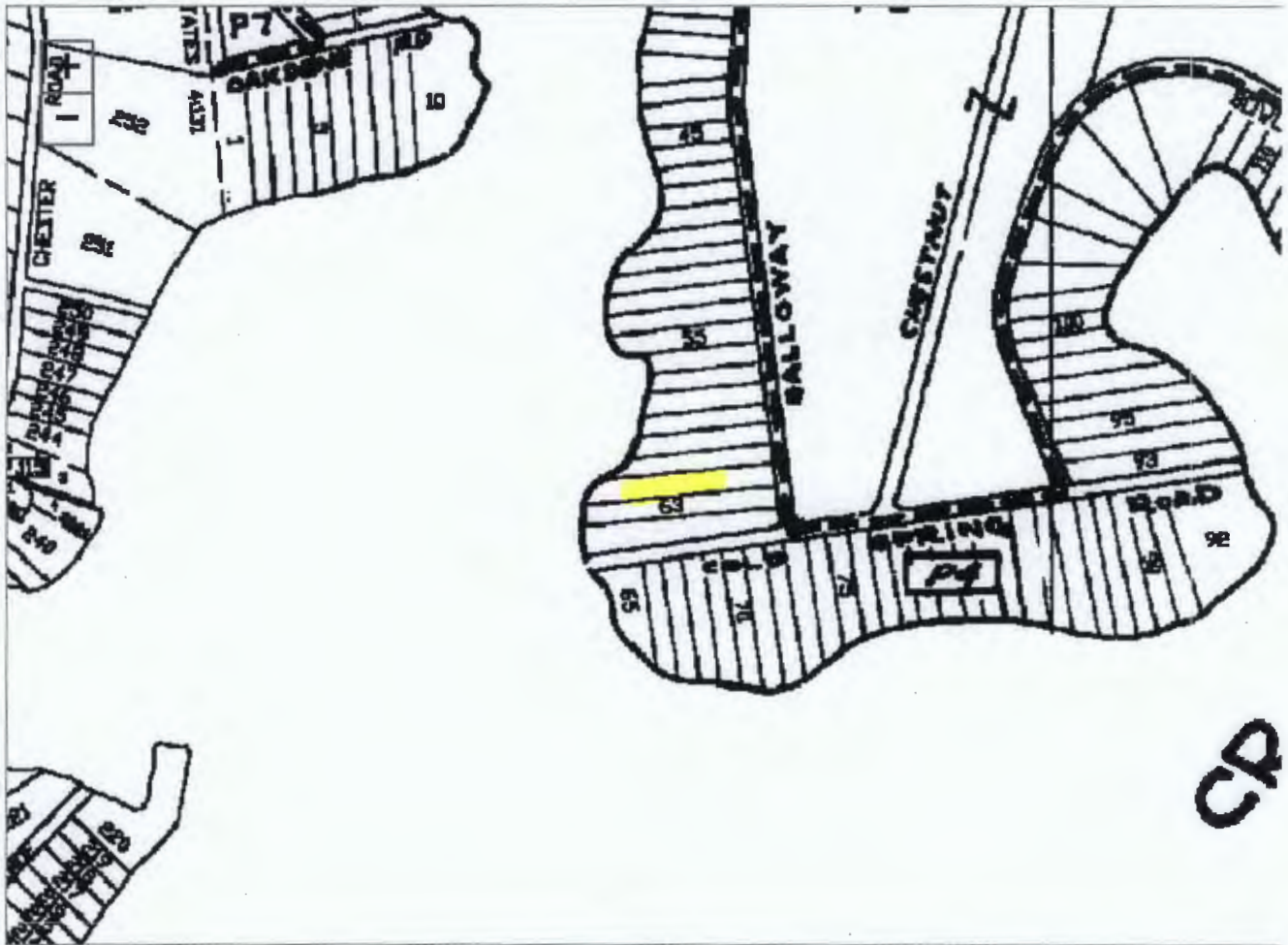
Real Property Data Search (w3)

[Search Help](#)Your feedback is important to us. [Please take our short survey.](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 2200022227		
Owner Information		
Owner Name:	KERR PATRICK C KERR LINDA T 3500 GALLOWAY RD BALTIMORE MD 21220-4429	Use: RESIDENTIAL Principal Residence: YES Deed Reference: 1) /22238/ 00622 2)
Mailing Address:		
Location & Structure Information		
Premises Address:	3500 GALLOWAY RD 0-0000 Waterfront	Legal Description: LTS 62,63 3500 GALLOWAY RD BOWLEYS QUARTER
Map: 0098	Grid: 0004	Parcel: 0004
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 62	Assessment Year: 2012
Plat No:		Plat Ref: 0007/ 0012
Town:		NONE
Special Tax Areas:		
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1949	3,169 SF	
Property Land Area	County Use	
38,250 SF	34	
Stories	Basement	Type
2.000000	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
1/2 BRICK SIDING	3 full/ 1 half	1Att/1Det
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2012	07/01/2013
		As of
		07/01/2014
Land:	486,000	
Improvements	375,900	
Total:	861,900	681,800
Preferential Land:	0	681,800
		0
Transfer Information		
Seller: GRIGGS MARTHA C	Date: 07/25/2005	Price: \$850,000
Type: ARMS LENGTH IMPROVED	Deed1: /22238/ 00622	Deed2:
Seller: GRIGGS MARTHA C	Date: 10/14/1994	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10791/ 00532	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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: Approved 03/10/2009		

Baltimore County

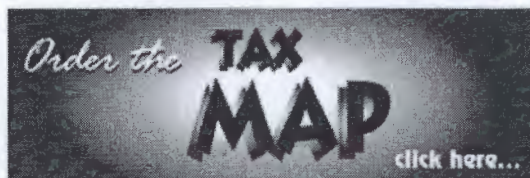
[New Search \(http://sdat.resiusa.org/RealProperty\)](http://sdat.resiusa.org/RealProperty)District: **15** Account Number: **2200022227**

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

Loading... Please Wait.

→



Looking at proposed pool location in-front of deck, from water view.

2014-0230-A



Close-up view of deck where proposed pool will be located.

2014-0230-A



From proposed pool location at Subject, looking west.

2014-0230-A

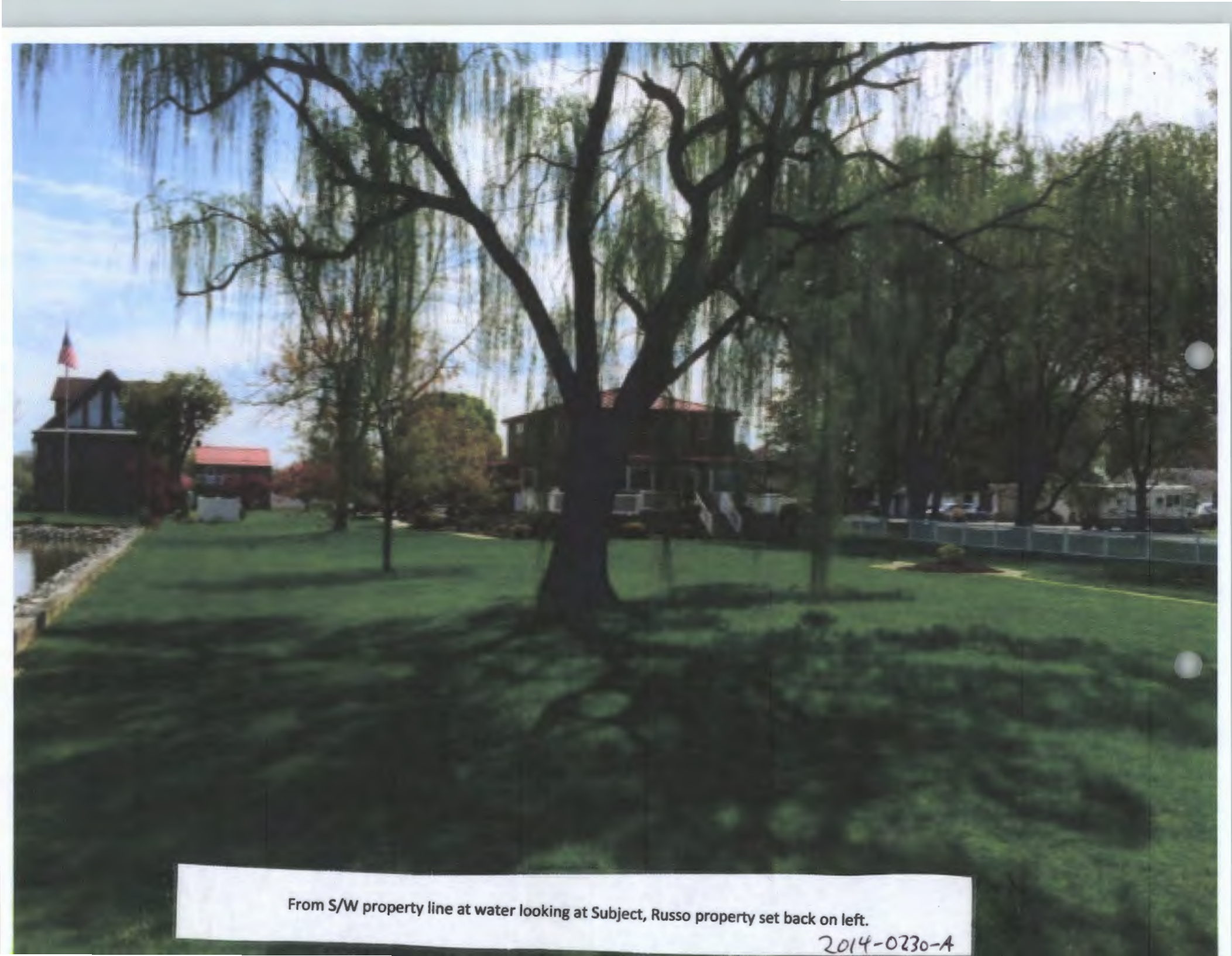


From center of property, at water, looking north at property.

2014-0230-A



From S/E property line at water, looking at Subject, and adjoining lot also owned by petitioner.
2014-0230-A



From S/W property line at water looking at Subject, Russo property set back on left.

2014-0230-A



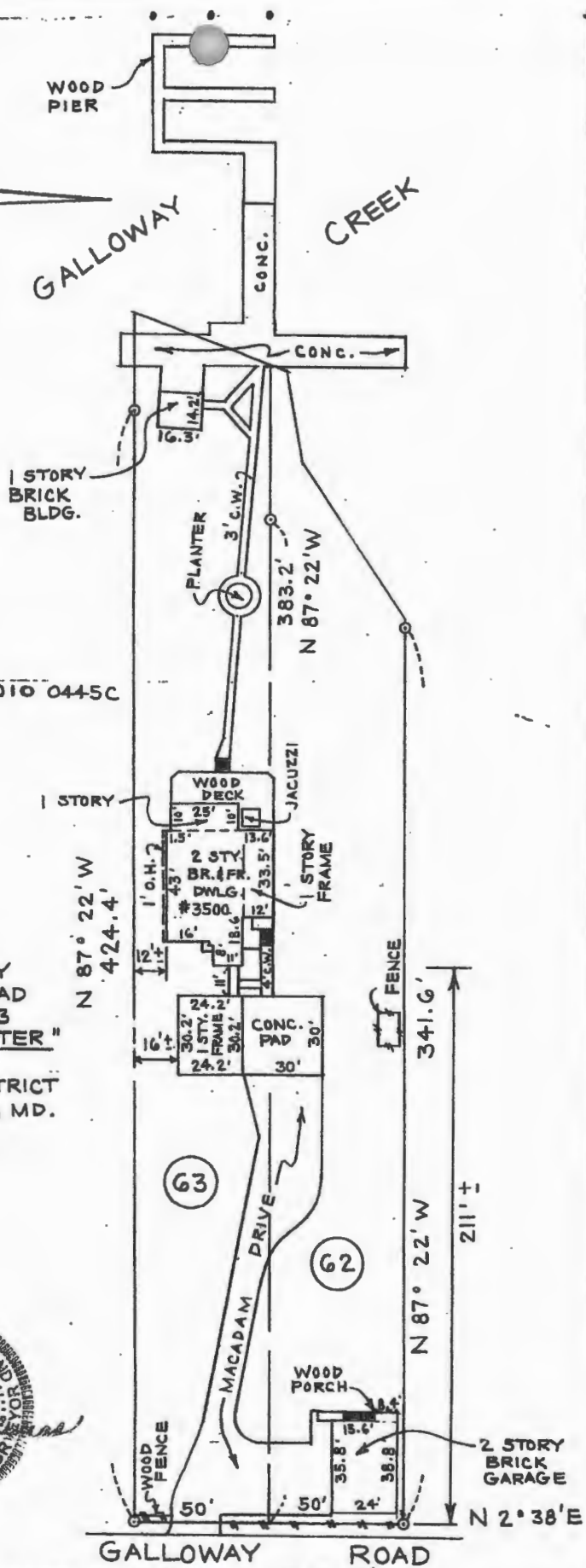
Looking from proposed pool location, in-front of home, south to Galloway Creek.

204-0230-A



Looking west from Cold Spring Road, across adjoining lot owned by petitioner, to Subject.

2014-0230-A



COMMUNITY PANEL NO: 240010 0445C
 ZONE "A10"
 THIS PROPERTY IS
 LOCATED IN A FLOOD
 HAZARD ZONE.

LOCATION SURVEY
 #3500 GALLOWAY ROAD
 LOT G2 & LOT G3
 "BOWLEYS QUARTER"
 P.B. 7, FOLIO 12
 15TH ELECTION DISTRICT
 BALTIMORE COUNTY, MD.
 DEED: 10791 - 532



I HEREBY CERTIFY THAT THE LOT SHOWN HEREON HAS BEEN SURVEYED FOR 18' PAV.
 THE PURPOSE OF LOCATING ALL IMPROVEMENTS ONLY.
 THE PLAT IS A BENEFIT TO THE CONSUMER ONLY INSOFAR AS IT IS
 REQUIRED BY A LENDER OR A TITLE COMPANY OR ITS AGENT IN
 CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.
 THE PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR
 LOCATION OF FENCES, GARAGES, BUILDINGS OR OTHER EXISTING OR
 FUTURE IMPROVEMENTS. THE PLAT DOES NOT PROVIDE FOR THE ACCURATE
 IDENTIFICATION OF PROPERTY LINES OR BOUNDARIES.

FTC12818

Site Rite Surveying, Inc.
 200 E. Joppa Road
 Shell Building, Room 101
 Towson, MD 21286
 (410)828-9060

DRAWN BY	CHECKED BY	SURVEYED BY	SCALE	DATE
1	1	1	1" = 40'	7/12/05

[illegible]

518350990

GALLOWAY RD

3512 • • • •
1502654260

1526000344
3510

1508302770

3506
1504001780

1523351370

3504

3502

3500220002227

098B1

1513752860

3500-A

NE 2-K

Pl. Bk./Folio # 007012

Martin State Airport Restriction

PDM # 150010

COLD SPRING RD

1003

1502573470

Col #

Lot # 68

Lot # 469

Lot # 70

Col # 107

Lot# 72

Lot# 73

1005

1516150420

1501280011

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1518471220

1007

1011

1013

1015

1017

NE 1-K

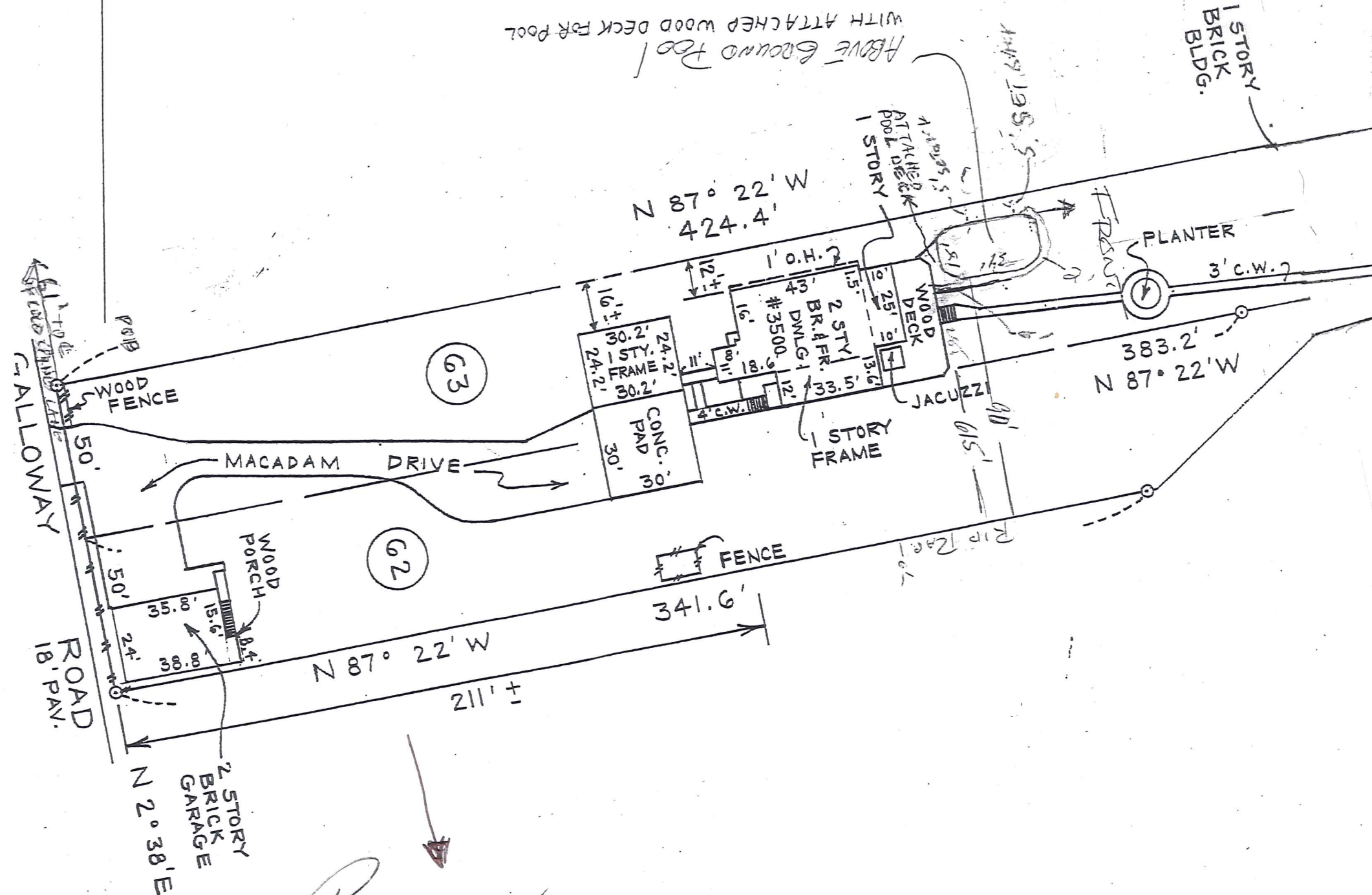
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 3500 Galloway Road OWNER(S) NAME(S) PATRICK + LINDA KERR

SUBDIVISION NAME Bowlegs Quarter LOT # 62-63 BLOCK # X SECTION # X

PLAT BOOK # 7 FOLIO # 12 10 DIGIT TAX # 22 0002 2227 DEED REF. # 22238100622

SITE VICINITY MAP



N
MAP IS NOT TO SCALE
ZONING MAP# 098 B1
SITE ZONED RCS
ELECTION DISTRICT 15
COUNCIL DISTRICT 6
LOT AREA ACREAGE _____
OR SQUARE FEET 38,250
HISTORIC? NO
IN CBCA? YES
IN FLOOD PLAIN? YES (A-10)
UTILITIES? MARK WITH X
WATER IS:
PUBLIC ☒ PRIVATE _____
SEWER IS:
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? NONE
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

PLAN DRAWN BY PATRICK C. KERR DATE 5-6-14 SCALE: 1 INCH = 40 FEET

VIOLATION CASE INFO:

2014-0230-A

