# IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

SW side Sherwood Road, 330 feet SE c/l Old Washington Road 13<sup>th</sup> Election District 1<sup>st</sup> Councilmanic District (1904, 1907 and 1909 Sherwood Road)

Sherwood Road Properties LLC; Manager Member - F. Michael Grace Petitioner \* BEFORE THE

DEPUTY ZONING

\* COMMISSIONER

FOR BALTIMORE COUNTY

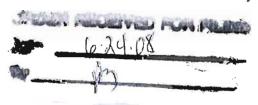
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\* Case No. 2008-0467-SPHA

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by F. Michael Grace, Managing Member, on behalf of the legal owner of the subject property, Sherwood Road Properties, LLC. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and pursuant to Sections 32-4-107(a) and 32-4-407(a) of the Baltimore County Code (B.C.C.) for 1904 Sherwood Road to permit a waiver of public works standards for a permanent tee turnaround smaller than required per Baltimore County Department of Public Works Design Plate R-N-3. Petitioner is also requesting Variance relief as follows<sup>1</sup>:

In addition, Counsel for the Petitioner requested approval to amend the requested variance relief so as to correctly identify the setback relief requested. As an example, as filed, the petition for variances mistakenly requested approval to permit a rear yard setback of 20 feet and 18 inches for 1904 Sherwood Road. As correctly noted on the site plan (Petitioner's Exhibit 1), the correct rear setback relief for Lot 1 (1904 Sherwood Road) is 20.18 feet, which for purposes of this Order I have simplified to 20.2 feet. Finding no harm arising from these requests to amend the petitions, I granted the requests at the hearing and permitted the Petitioner to proceed. All of the setback variance relief is correctly stated in this Order and noted on Petitioner's Exhibit 1.



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As a preliminary matter at the hearing, Counsel for Petitioner requested approval to amend the requested variance relief so as to correctly identify the B.C.Z.R sections from which the variances were requested. Specifically, as filed, the petition for variances relating to setbacks mistakenly referenced B.C.Z.R. Section 1B01.2.C.I.b instead of Section 1B02.3.C.1. These subject lots are subject to the bulk regulations for small lots or tracts, found at Section 1B02.3.C.I, and not the bulk regulations otherwise found at §1B01.2.C.I.b.

#### For 1904 Sherwood Road:

- From Section 1B02.3.C.1 of the B.C.Z.R. to permit a dwelling with a rear yard setback of 20.2 feet in lieu of the required 30 feet; and
- From Section 1B02.3.C.1 of the B.C.Z.R. to permit a dwelling with a side yard setback of 1.5 feet in lieu of the required 10 feet; and
- From Section 102.4 of the B.C.Z.R. to permit a dwelling of less than 20,000 square feet to remain with frontage on a right-of-way less than 30 feet wide and

#### For 1907 Sherwood Road:

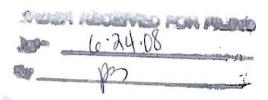
• From Section 102.4 of the B.C.Z.R. to permit a dwelling of less than 20,000 square feet to remain with frontage on a right-of-way less than 30 feet wide; and

#### For 1909 Sherwood Road:

- From Section 1B02.3.C.1 of the B.C.Z.R. to permit a rear yard setback of 19.3 feet in lieu of the required 30 feet; and
- From Section 102.4 of the B.C.Z.R. to permit a dwelling of less than 20,000 square feet to remain with frontage on a right-of-way less than 30 feet wide.

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

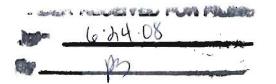
Appearing at the requisite public hearing in support of the requested relief was F. Michael Grace on behalf of Petitioner Sherwood Road Properties, LLC and Petitioner's attorney, Jennifer R. Busse, Esquire. Also appearing in support of the requested relief was Salvatore Crupi with Matis Warfield, the engineer who prepared the site plan. Appearing as interested citizens in support of the requested relief were Joan Koehlerschmidt of 1905 Sherwood Road and James Bush of 1901A Sherwood Road. There were no Protestants in attendance at the hearing, and there were no adverse Zoning Advisory Committee comments received.



The hearing proceeded by way of a modified proffer from Counsel for the Petitioner and from Mr. Crupi. Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately .6948 gross acres and .6386 net acres, zoned D.R. 5.5 (Density, Residential permitting up to 5.5 dwelling units to the acre). The property is located in the Lansdowne area of southwestern Baltimore County and is developed with three single-family dwellings. The site plan depicts the subject property and surrounding area. In addition, an aerial photograph was presented of the property, and it was marked and accepted into evidence as Petitioner's Exhibit 2. The property is surrounded by residential development on three sides, and is bounded by a cemetery to the north. Petitioner's Exhibit 2 also contains photographs of each of the existing dwellings on the property.

As stated above, and as shown on Petitioners' Exhibits 1 and 2, there are three existing dwellings on the property. Testimony revealed that the dwellings have existed on the property for over 50 years. Petitioner is currently proceeding through a minor subdivision so as to create three legal lots on the property. As part of the minor subdivision process, the Office of Planning requested that the existing dwelling at 1907 Sherwood Road be razed to permit the creation of three more evenly spaced lots. Petitioner agreed to this request and Petitioner's Exhibit 1 reflects this situation. Each dwelling already has its own address. 1904 Sherwood Road will thus be located on Lot 1, the dwelling that will replace the existing dwelling at 1907 Sherwood Road will be located on Lot 2, and 1909 Sherwood Road will be located on Lot 3. All of the requested zoning relief is necessary to bring these proposed lots and existing dwellings into conformance with the current zoning regulations.

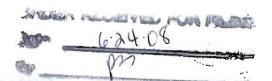
According to Dennis Kennedy of the Bureau of Development Plans Review -- as stated in his Zoning Advisory Committee comment dated April 22, 2008 -- Sherwood Road is a public



road that is maintained by Baltimore County. Testimony revealed that Baltimore County performs trash pickup and clears snow to the end of Sherwood Road, at its intersection with the property. As part of the minor subdivision process, the Department of Public Works has requested additional area be dedicated to Baltimore County for a tee turnaround area at the end of Sherwood Road, where it meets with the northwest corner of the property. This will allow greater ease of maneuverability for Baltimore County's trash and snowplow trucks and mail carriers / package delivery services.

Due to the small size of the property, Petitioner is unable to dedicate the amount of land that would be necessary to meet public works' standards as to the size of the turnaround area. Therefore, the waiver from public works standards is required to permit Petitioner to construct a permanent tee turnaround area smaller than otherwise required. Mr. Kennedy stated in his Zoning Advisory Committee comment that his department sees no need to require Petitioner to construct a full-size standard turnaround, and that the Bureau of Development Plans Review is in support of the petition for special hearing so long as the Bureau of Sanitation is comfortable that the proposed tee turnaround is sufficient for their needs. Mr. Crupi testified that he spoke to Mr. Steve Mackowski with the Bureau of Sanitation and that Mr. Mackowski is satisfied with the proposal.

The standard of review for this petition for special hearing for a waiver from Section 32-4-407(a) of the B.C.C. to permit a tee turnaround smaller than required per public works standards is found at Section 32-4-107(a) of the B.C.C. I am in agreement with the Bureau of Development Plans Review and find that the size, scope and nature of the proposed development does not justify strict compliance with the relevant standards. I further find that the proposed tee turnaround will provide a benefit to the residents of the area and that a grant of the waiver will be



within the scope, purpose and intent of the development regulations. Petitioner would be faced with an unnecessary hardship if forced to provide a standard tee turnaround. Again, both the Bureau of Development Plans Review and the Bureau of Sanitation are in support of this request. As a result, I find that Petitioner has met its burden and will grant the petition for special hearing.

Turning to the setback variance requests, testimony and evidence revealed that the existing dwellings at 1904 and 1909 Sherwood Road are each located approximately 20 feet away from what will be their respective rear property lines once the minor subdivision is approved. In addition, the dwelling at 1904 Sherwood Road is located less than two feet away from what will be its southern side property line. The applicable bulk regulations, found at Section 1B02.3C.1 of the B.C.Z.R., require a 30 foot rear yard setback and 10 foot side yard setback for each of these proposed lots.

It is important to note that these dwellings already exist on the property, and I find that this contributes to the property's uniqueness. Notably, each proposed lot will be large enough so that if a property owner desired to construct a new home on each lot, he or she could do so without the need for setback variances. Therefore, but for the fact that the dwellings already exist on the property, the variance relief would not be needed. Forcing Petitioner to now raze all three existing dwellings would impose a most onerous practical difficulty and is wasteful and unnecessary. I note that none of the surrounding residents have noted any objection to the existence of these dwellings and/or the grant of the requested variance relief.

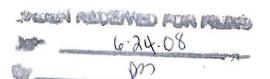
Turning last to the requests for variances from Section 102.4 of the B.C.Z.R. to permit dwellings on lots (identified as 1904, 1907 and 1909 Sherwood Road) containing less than 20,000 square feet abutting a right of way of less than 30 feet wide, I note again that the property's unique characteristics drives these requests for variance relief. Specifically, this .60



acre property is already improved with three dwellings and testimony and evidence further demonstrated that Sherwood Road is less than 30 feet wide along its entire length.

Petitioner is proceeding through the minor subdivision process and this zoning process to legitimize each dwelling on the property and create three legal conforming lots. The instant variance relief is not a lot size variance request. The applicable bulk regulations found at Section 1B02.3C.1 of the B.C.Z.R. requires each lot contain 6,000 square feet and as demonstrated on Petitioner's Exhibit 1, each lot will contain in excess of 6,000 square feet. Petitioner sought approval to validate each of the three existing dwellings -- but at the request of the Office of Planning -- has agreed to raze the existing dwelling at 1907 Sherwood Road and construct a replacement dwelling on what will be Lot 2 in order to permit more attractive lot shapes and sizes.

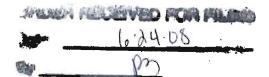
Severe practical difficulty would result from a strict enforcement of the regulations in this situation. Again, Sherwood Road is less than 30 feet wide along its entire length. Asking Petitioner to obtain additional right-of-way in order to widen Sherwood Road (which I note has not been requested by the Department of Public Works or anyone else including any other Baltimore County agency) would burden the other property owners who own frontage along Sherwood Road. Furthermore, it is simply unnecessary to widen Sherwood Road. Similarly, forcing Petitioner to provide lots of greater than 20,000 square feet in order to avoid the requirement that the lots front on a right-of-way of greater than 30 feet would impose a severe practical hardship since the entire property is only just 20,000 square feet. Again, the property is already improved with three dwellings and the existence of three dwellings on the property is not creating any detrimental impact.



Considering the uncontroverted testimony and evidence presented at the hearing, I find that the subject Property has characteristics which are unique, thereby meeting the first prong of the test set forth in *Cromwell v. Ward*, 107 Md.App. 691 (1995) and contained in Section 307.1 of the B.C.Z.R. I find, therefore, that the existing conditions, including the fact that the dwellings are existing already on the property, create a unique situation that generates a practical difficulty in meeting the bulk requirements. I further find that consistent with the test articulated in *McLean v. Soley*, 270 Md. 208 (1973), compliance with the strict letter of the restrictions would unreasonably prevent the owner from using the property for a permitted purpose, the grant of the variances will do substantial justice to the applicant as well as to others in the area, and the relief sought is within the spirit of the ordinance and will not be injurious to the public safety and welfare. *Id.* at 214-215.

Finally, the Office of Planning has requested, as documented in their Zoning Advisory Committee comment dated May 9, 2008, that in the event the setback variance requests are granted, I impose a condition that limits the property such that any future dwelling constructed on these lots not be able to enjoy the setback variance relief. Due to the fact that each proposed lot will be sufficiently sized so as to meet the appropriate and applicable setback requirements found in the small lot and tract table at Section 1B02.3C.1 of the B.C.Z.R., I will agree to the Office of Planning's request and impose such a condition.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.



accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and pursuant to Sections 32-4-107(a) and 32-4-407(a) of the Baltimore County Code (B.C.C.) for 1904 Sherwood Road to permit a waiver of public works standards for a permanent tee turnaround smaller than required per Baltimore County Department of Public Works Design Plate R-N-3 be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variances from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20.2 feet in lieu of the required 30 feet and a side yard setback of 1.5 feet in lieu of the required 10 feet for 1904 Sherwood Road; and to permit a rear yard setback of 19.3 feet in lieu of the required 30 feet for 1907 Sherwood Road be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variances from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit dwellings on lots (1904, 1907 and 1909 Sherwood Road) containing less than 20,000 square feet abutting a right of way of less than 30 feet wide be and is hereby GRANTED, subject to the following:

- 1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of 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.
- 2. For 1904 and 1907 Sherwood Road, the variances granted herein are for the existing dwelling and not for any new replacement dwelling in the event the existing dwelling is razed. Hence, the setback variance relief granted in this instance shall not apply to any future dwelling constructed on these lots. Any relief necessary for a replacement dwelling shall require its own variance relief.



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

THOMAS H. BOSTW

Deputy Zoning Commissioner

for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

June 24, 2008

JENNIFER R. BUSSE, ESQUIRE WHITEFORD, TAYLOR & PRESTON, L.L.P. TOWSON COMMONS, SUITE 300 ONE WEST PENNSYLVANIA AVENUE TOWSON, MD 21204-5025

> Re: Petition for Special Hearing and Variance Case No. 2008-0467-SPHA Property: 1904, 1907 and 1909 Sherwood Road

#### Dear Busse:

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

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

Very truly yours,

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Michael Grace, Sherwood Road Properties LLC, 1 Rolling Farm Court, Baltimore MD 21228 Salvatore Crupi, Matis Warfield, 10540 York Road, Suite M, Hunt Valley MD 21030 Joan Koehlerschmidt, 1905 Sherwood Road, Baltimore MD 21227 James Bush, 1901A Sherwood Road, Baltimore MD 21227



REV 9/15/98

# **Petition for Special Hearing**

to the Zoning Commissioner of Baltimore County

for the property located at <u>1904</u>, <del>1807 & 1899</del> Sherwood Road which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

# Please see attached

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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: Legal Owner(s): Sherwood Road Properties, L.L.C. Name - Type or Print Name - Type or Print Signature Signature Manager Member - F. Michael Grace Address Telephone No. Name - Type or Print Zip Code Signature 1 Rolling Farm Court 410-832-2077 Attorney For Petitioner: Address Telephone No. G. Scott Barhight, Esq. Baltimore, MD 21228 Name - Type or Print State Zip Code Representative to be Contacted: Signature Jennifer R. Busse, Esq., Whiteford, Taylor & Preston L.L.P. Whiteford, Taylor & Preston L.L.P. Company 210 W. Pennsylvania Avenue, Suite 400 410-832-2050 210 W. Pennsylvania Avenue, Suite 400 410-832-2077 Telephone No. Telephone No. Towson, MD 21204 Towson, Maryland 21204 City Zip Code City Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_\_ Case No. 2008-6467-59HA UNAVAILABLE FOR HEARING \_\_\_\_\_

Retter for Special Hearity to permit a waver of public works standards for a permanent tee turnaround smaller than required per Baltimore County Dept of Public Works Design Plak R-N-3.



# Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at 1904, 1907 & 1909 Sherwood Road

which is presently zoned DR 5.5

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

# Please see attached

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

# Reasons to be submitted at hearing

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: Legal Owner(s): Sherwood Road Properties, L.L.C. N/A Name - Type or Print Name - Type or Print Signature Signature Manager Member - F. Michael Grace Address Telephone No. Name - Type or Print State Zip Code Signature 1 Rolling Farm Ct. 410-832-2077 Attorney For Petitioner: Telephone No. G. Scott Barhight, Esq. Baltimore, MD 21228 Name - Type or Print State Zip Code Representative to be Contacted: Signature Jennifer R. Busse, Esq., Whiteford, Taylor & Preston L.L.P. Whiteford, Taylor & Preston L.L.P Company 210 W. Pennsylvania Ave., Suite 400 410-832-2050 210 W. Pennsylvania Ave., Suite 400 410-832-2077 Address Telephone No. Towson, Maryland 21204 Towson, Maryland 21204 State Zip Code Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_\_\_ Case No. 2002 - 0467 - SPH A UNAVAILABLE FOR HEARING Reviewed By 184 \_\_\_\_\_ Date \_\_\_<u>417/cs</u> REV 9/15/98

#### Attachment to Petitions for Variances 1904, 1907 & 1909 Sherwood Road Zoned D.R. 5.5

#### For 1904 Sherwood Road:

Petition for Variance from BCZR §1B01.2.C.1.b to permit a dwelling with a 20 feet and 18 inches rear yard setback in lieu of the required 30 feet.

Petition for Variance from BCZR §1B01.2.C.1.b to permit a dwelling with a 1 foot and 49 inches side yard setback in lieu of the required 10 feet.

Petition for Variance from BCZR §102.4 to permit a dwelling of less than 20,000 square feet to remain with frontage on a right-of-way less than 30 feet wide.

#### For 1907 Sherwood Road:

Petition for Variance from BCZR \$102.4 to permit a dwelling of less than 20,000 square feet to remain with frontage on a right-of-way less than 30 feet wide.

#### For 1909 Sherwood Road:

Petition for Variance from BCZR \$1B01.2.C.1.b to permit a 19 feet and 28 inches rear yard setback in lieu of the required 30 feet.

Petition for Variance from BCZR §102.4 to permit a dwelling of less than 20,000 square feet to remain with frontage on a right-of-way less than 30 feet wide.



### **ZONING DESCRIPTION to Accompany Petition For Special Hearing and Variance Request**

Beginning at a point southwest of the centerline of Sherwood Road which is 30-feet wide at the distance of 330-feet southeast of the centerline of the nearest improved intersecting street, Old Washington Road, which is 60-feet wide. Thence the following courses and distances:

S 23° 50′ 41″ E 58.80′; S 23° 50′ 41″ E 58.80′; N 62° 44′ 18″ E 263.74′; N 33° 42′ 28″ W 127.73′; S 57° 18′ 01″ W 170.75′; N 26° 30′ 32″ W 13.57′; S 57° 17′ 41″ W 72.91′; To the point of beginning,

As recorded in Deed Liber 24690, Folio 606 Containing 0.6948-acres±. and located in the 13th Election District, 1<sup>st</sup> Councilmanic District.

{DESCRIPTION FOR ENTIRE EXISTING PARCEL}

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS



# 467

**BALTIMORE COUNTY, MARYLAND** 2135 OFFICE OF BUDGET AND FINANCE No. MISCELLANEOUS RECEIPT THE 18M Date: 4 08/2008 \* 4/07/2008 (5:15:10 - 4 SDS MALKEN 1950H EVEN THE IPT II 6212/6 R/H7/3900 OF IP Rev Sub Sub Rept BS 5 528 TIMBE VERTERIATION Fund Agcy Orgn Orgn Source Rev Catg Acct Amount 012L35 Recot Lat \$250,00 +4 12/6,00 O 1.0 G Hall more County, naryland Total: Rec From: For: **CASHIER'S VALIDATION** DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

11 6 # 4 7

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2008-0467-SPHA

1904, 1907 & 1909 Sherwood Road

S/west side of Sherwood Road, 330 feet s/east of centerline of Old Washington Road

13th Election District - 1st Councilmanic District Legal Owner(s): Sherwood Road Properties, LLC.

F. Michael Grace, Manager Member

Special Hearing: to permit a waiver of Public Works standards for a permanent tee turnaround smaller than required per Baltimore County Dept. of Public Works Design Plate R-N-3. Variance: for 1904 Sherwood Rd. to permit a dwelling with a 20 feet and 18 inches rear yard setback in lieu of the required 30 feet and to permit a dwelling with a 1foot and 49 inches side yard setback in lieu of the required 10 feet and to permit a dwelling of less than 20,000 sq. feet to remain with frontage on a right-of-way less than 30 teet wide and for 1907 Sherwood Rd. to permit a dwelling of less than 20,000 so. It. to remain with frontage on right-of-way less than 30 feet wide and for 1909 Sherwood Rd. to permit a 19 foot and 28 inches rear yard setback in lieu of the required 30 feet and to permit a dwelling of less than 20,000 sq. it. to remain with frontage on a right-of-way less than 30 feet wide.

Hearing: Tuesday, June 10, 2008 at 11:00 a.m. In Room 106, County Office Building, 111 West Chesa-

peake Avenue, Towson 21204

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT 5/732 May 27

### CERTIFICATE OF PUBLICATION

5 29 , 2008
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 5 27 ,2008.
(7) (7) 1 (6) (1)
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

Vilkingon

## **CERTIFICATE OF POSTING**

RE: Case No.: 2008-0467-SPHA) Petitioner/Developer: SHEDINGOD Date of Hearing/Closing: JUNE 10, 2008 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} 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: Month, Day, Year) Sharian(e) were posted on Sincerely, A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD. (Signature of Sign Poster) Poom 106. COUNTY CAFICE BALCHE III WEST CHESWEAKE AVE TOWNSON 2120+ SSG Robert Black DATE AND TIME TO SON AF 11:00 6 m. (Print Name) 1508 Leslie Road (Address) CASE #2008-0467-SPHA **Dundalk, Maryland 21222** A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD (City, State, Zip Code) Boom 106, County OFFIRE BUILDING (410) 282-7940 DATE AND TIM! TURNOV. TIME ID. ZODE HT A REQUESTIC ANTHONED : RED TO PYPANT A 19 FOUT AND 28 (Telephone Number)



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:
Item Number or Case Number: 208-0467-5PHA
Petitioner: Sherwood Road Properties, LLC
Address or Location: 1904, 1907 & 1909 Sherwood Rd.
,
PLEASE FORWARD ADVERTISING BILL TO:
Name: <u>Jennile</u> (Susse, Esq.
Address: 210 W. Pennsylvania Are. St. 400
Towen MD 121204
Telephone Number: 410 \$ 832 2077

Revised 2/20/98 - SCJ



April 22, 2008

JAMES T. SMITH, JR. County Executive

#### NOTICE OF ZONING HEARING

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0467-SPHA

1904, 1907 & 1909 Sherwood Road

S/west side of Sherwood Road, 330 feet s/east of centerline of Old Washington Road

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Sherwood Road Properties, LLC, F. Michael Grace, Manager Member

Special Hearing to permit a waiver of Public Works standards for a permanent tee turnaround smaller than required per Baltimore County Dept. of Public Works Design Plate R-N-3. Variance for 1904 Sherwood Rd. to permit a dwelling with a 20 feet and 18 inches rear yard setback in lieu of the required 30 feet and to permit a dwelling with a 1 foot and 49 inches side yard setback in lieu of the required 10 feet and to permit a dwelling of less than 20,000 sq. feet to remain with frontage on a right-of-way less than 30 feet wide and for 1907 Sherwood Rd. to permit a dwelling of less than 20,000 sq. ft. to remain with frontage on right-of-way less than 30 feet wide and for 1909 Sherwood Rd. to permit a 19 foot and 28 inches rear yard setback in lieu of the required 30 feet and to permit a dwelling of less than 20,000 sq. ft. to remain with frontage on a right-of-way less than 30 feet wide.

Hearing: Tuesday, June 10, 2008 at 11:00 a.m. in Room 106, County Office Building,

111 Nest Chesapeake Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: G. Scott Barhight, 210 W. Pennsylvania Avenue, Ste. 400, Towson 21204
F. Michael Grace, Sherwood Rd. Properties, 1 Rolling Farm Court, Baltimore 21228
Jennifer Busse, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Ste. 400, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 26, 2008.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Tuesday, May 27, 2008 Issue - Jeffersonian

Please forward billing to:
Jennifer Busse
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue

Towson, MD 21204

410-832-2077

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

#### CASE NUMBER: 2008-0467-SPHA

1904, 1907 & 1909 Sherwood Road

S/west side of Sherwood Road, 330 feet s/east of centerline of Old Washington Road 13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Sherwood Road Properties, LLC, F. Michael Grace, Manager Member

<u>Special Hearing</u> to permit a waiver of Public Works standards for a permanent tee turnaround smaller than required per Baltimore County Dept. of Public Works Design Plate R-N-3. <u>Variance</u> for 1904 Sherwood Rd. to permit a dwelling with a 20 feet and 18 inches rear yard setback in lieu of the required 30 feet and to permit a dwelling with a 1 foot and 49 inches side yard setback in lieu of the required 10 feet and to permit a dwelling of less than 20,000 sq. feet to remain with frontage on a right-of-way less than 30 feet wide and for 1907 Sherwood Rd. to permit a dwelling of less than 20,000 sq. ft. to remain with frontage on right-of-way less than 30 feet wide and for 1909 Sherwood Rd. to permit a 19 foot and 28 inches rear yard setback in lieu of the required 30 feet and to permit a dwelling of less than 20,000 sq. ft. to remain with frontage on a right-of-way less than 30 feet wide.

Hearing: Tuesday, June 10, 2008 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



JAMES T. SMITH, JR.

County Executive
G Scott Barhight, Esq.
Whiteford, Taylor & Preston L.L.P.
210 W. Pennsylvania Ave. Suite 400
Towson, MD 21204

TIMOTHY M. KOTROCO, Director Departmentage: 4, n2008 Development Management

Dear: G Scott Barhight, Esq

RE: Case Number 2008-0467-SPHA, Address: 1904 Sherwood Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 7, 2008. 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,

U. Cal Ribal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:Inw

**Enclosures** 

c: People's Counsel
F. Micheal Grace, Sherwood Road Properties, 1 Rolling Farm Court, Baltimore, MD
21204
Jennifer R. Busse, Esq., Whiteford, Taylor & Preston L.L.P., 210 W. Pennsylvania Ave.,
Suite 400, Towson, MD 21204



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

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

Maryland Department of Transportation

Date: APRIL 14, 2008

Ms. Kristen Matthews Baltimore County Office Of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE: Baltimore County
Item No. &-467-5PHA

1904, 1907 \$ 1909 SHEEW OOD ROAD

STECHAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-467-5PMA.

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

Engineering Access Permits

Division

SDF/MB

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**DATE:** May 9, 2008



BK

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-467- Special Hearing and Variance

The Office of Planning has no objection to the Special Hearing request provided it meets public works full department standards.

#### 1904 Sherwood and 1909 Sherwood

The existing dwelling doesn't appear to be habitable in its present condition. Any setback variances that are granted should be for the existing dwelling and not for any new replacement dwelling in the event the existing dwelling is razed. The existing dwelling should not be permitted to remain if it is not habitable or can't be restored to a habitable condition.

The Office of Planning supports the request to allow a SFD on a lot less than 20,000 square feet which does not abut a public R/W.

#### 1907 Sherwood

The Office of Planning supports the requests for lot 2 provided the existing (1907) structure is in fact razed.

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

Prepared By

**Division Chief:** 

CM/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** April 22, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 21, 2008 Item No.: 08-467

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Sherwood Road is a public road that is maintained by Baltimore County. However, trash vehicles must back up from Old Washington Road to collect the trash from 1903, 1905, and 1907 Sherwood Road. While we see no need to build a full-size standard turnaround, it is paramount that trash trucks be able to turn around at the end of the road. We recommend granting the waiver request conditioned on the developer meeting with the Bureau of Sanitation and building whatever pavement is needed to allow trash trucks enough room to turn around. Providing an adequate turnaround may require a reconfiguration of the proposed right-of-way and therefore the lot lines, and lot areas and setbacks. We therefore recommend that no decision be made until an adequate turnaround has been shown on the plan.

DAK:CEN:lrk

Cc: File

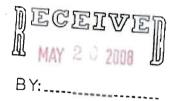
ZAC-ITEM NO 08-467-04222008.doc

TB 6-10-08

### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**





10:	I mothy M. Kotroco				
FROM:	Dave Lykens, DEPRM - Development Coordination				
DATE:	May 20, 2008				
SUBJECT:	Zoning Item Address	# 08-467-SPH 1904, 1907 & 1909 Sherwoo (Sherwood Road Properties)	d Road		
Zoning	g Advisory Con	nmittee Meeting of April 14, 2	2008		
	•	nvironmental Protection and F ve-referenced zoning item.	Resource	e Management has no	
	•	nvironmental Protection and Fints on the above-referenced zo		~	
<u>X</u>	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).				
	Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).				
	Critical Area F	of this property must comply Regulations (Sections 33-2-10 , of the Baltimore County Cod	1 throug	-	
Additi	onal Comments	<u>s:</u>			
Revies	ver I Russ	20	Date	5/2/08	

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

1904, 1907 & 1909 Sherwood Road; SW/S Sherwood Road, 330' SW Old Washington Rd

13<sup>th</sup> Election & 1<sup>st</sup> Councilmanic Districts

Legal Owner(s): Sherwood Road Properties, LLC

Petitioner(s) \*

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

08-467-SPHA

#### **ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

APR 2 4 2008

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 24<sup>th</sup> day of April, 2008, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, & Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County



JAMES T. SMITH, JR. County Executive

ARNOLD F. 'PAT' KELLER, III

Director, Office of Planning

June 5, 2008

Jen Busse Whiteford, Taylor & Preston L.L.P. 210 West Pennsylvania Avenue, Ste 400 Towson, Maryland 21204-4515

Re:

1904, 1907, 1909 Sherwood Road

08031 M, ZAC 08-467

DECEIVE 1 JUN 0 6 2008

BY:----

Dear Ms. Busse:

Your request for a waiver from the provision of Section 32-4-409(b)(2)(i) of the Baltimore County Code to permit a panhandle width of 12 feet in lieu of the required 20 feet for lot 3, 1909 Sherwood Road, has been APPROVED. As a condition of this approval you have agreed that the structure at 1907 Sherwood Road will be razed and the lot lines adjusted as shown on the Plat to Accompany Zoning Petition for Special Hearing and Variances (ZAC 08-467). In addition, any setback variances that are granted as a part of the hearing should be for the existing dwellings and not for any new replacement dwellings in the event the existing dwellings are razed.

Access to lot 3, 1909 Sherwood Road, may be provided via a private driveway and 20'wide private ingress, egress, maintenance and utility easement as shown on the plan which accompanied your waiver request dated April 1, 2008. Said access shall be protected by a permanent use-in-common/maintenance agreement that shall run in perpetuity. The permanent use-in-common/maintenance agreement and shall be recorded with the respective deeds for the named property. Screening shall be provided between the proposed driveway and 1905 Sherwood Road.

Should you have any questions concerning the matters stated herein, please call Lynn Lanham with the Office of Planning at 410-887-3480.

Sincerery

Arnold F. 'Pat' Keller, III

Director

AFK:LL

PLEASE PRINT CLEARLY

ASE NAME_S	her	wood	Rd
ASE NUMBER	1	12008-	167-SPHK
ATF (a	10	ns	

# PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	, E- MAIL
Jean Busse	One West Pennsylvania	Towson MD	jourse a wipawa
- 1 W 11 ad	Sle 300	21204	
JAMES BUSH		" Datto. md. 21227	JIM BUSH 2 @ ACLICAM
SAL CRUPI	1901A SHERWOOD RD 10540 YORKRI, STEM		
F. Michael Grace	1 Rolling Farm Court	Catonsville, MD 21030	MCRACE CROST ITLE. COM
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Case No.: 2008-0467-5PHA

### **Exhibit Sheet**

## Petitioner/Developer

## Protestant

INO. I	- 1 2	
0.0	site plan	15
No. 2	site plan aerial photo and platos of 3 hones	
	plestor of, 3 hones	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9	·	
No. 10		-
No. 11		
No. 12		

