

IN RE: **PETITION FOR VARIANCE**

NE/Side Woodland Court, 593' NE of
Woodland Drive
(7 Woodland Court)
8th Election District
2nd Council District

Sherwin Mark
Petitioner

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2008-0497-A

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Sherwin Mark. The Petitioner requests a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) to remain in the front yard in lieu of being located in the required rear yard. The subject property and requested relief are more particularly described on the site plan, which was submitted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were Sherwin Mark, property owner, and Katherine Kendall, who also resides on the property with the Petitioner. There were no Protestants or other interested persons present. The Zoning Advisory Committee (ZAC) comments made part of the record of this case indicate no opposition, however, it is noted that an active violation case is pending with the Division of Code Inspections and Enforcement (Case No. 08-0124).

Testimony and evidence presented disclosed that the subject property is an irregular shaped parcel located at the end of Woodland Court, 593 feet north and east of Woodland Drive in Lutherville. The property contains an area of 1.83 acres, more or less, split-zoned R.C.5 and R.C.2 (formerly R-40), and improved with a two-story split-level home (no basement) with attached garage and residential office. These improvements are surrounded by dense wood. The property is also referred to as Lot 10, Section E of the 1950's residential subdivision of Greenwood. The Petitioner has owned and resided on the property since January 2005. As shown on the site plan, a

COPIES RECEIVED FOR FILING
Date 9-20-08
By [signature]

20' x 20' framed shed has been constructed on the north side of the macadam driveway where a prior smaller shed had existed for many years. In this regard, the home sits towards the middle of the lot on the south side of the driveway and garage. A Floodplain and Hydrology Survey – Petitioner's Exhibit 3 – and photographs – Petitioner's Exhibit 4 – show the rear yard is both heavily wooded and surrounded by moderate slopes and drop-off due to the declining elevation in grade leading to the Dipping Pond Run Stream at the rear of the property that is in a Flood Zone A designation as illustrated on Petitioner's Exhibit 3. The Petitioner's house, garage and subject framed shed are all well above the floodplain, which was confirmed through Charles Nwokoro in the Bureau of Development Plans Review. The topography on this site is a very real issue.

Mr. Mark testified that he desired to build a new shed to enhance the use and enjoyment of his property and to allow for the storage of garden tools, equipment and lawn furniture. The existing driveway and parking pad location was the most practical as the shed could not be located in the side or rear yards given the site constraints associated with the property. The shed structure, like the home, is also built into the surrounding woods as corroborated by the Office of Planning and Ms. Kendall. There is no electrical or other utilities serving the shed and no one can see the structure from the adjoining properties in the area.

It is the shed which is the subject of the instant request. In this regard, the petition was filed as a result of a Code Enforcement Officer advising the Petitioner that a 20' x 20' shed, whether or not mounted on foundation footers, required a building permit. Mr. Mark, having come to the United States from South Africa in 1991, stated he was unaware that the location conflicted with applicable zoning regulations. The Petitioner and Ms. Kendall believe that the accessory structure is aesthetically pleasing and in keeping with the characteristics of their home and neighborhood. The photographs presented support this testimony. Relief is requested as set forth above to allow the shed to remain in its present location. Its impact at this location is mitigated by the character of the existing home and surrounding topography as evidenced by photographs received as Petitioner's Exhibit 4.

ORDER RECEIVED FOR PLANNING
Date 6-20-08
By [Signature]

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance request. I must consider the request in accordance with the mandate of *Cromwell v. Ward*, and Section 307 of the B.C.Z.R. in determining whether I think the shed's location is appropriate. The Court interpreted the regulation to require that two tests be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. In the case, I find that the environmental constraints are so severe that the Petitioner was not able to build an accessory structure which he desired and the topography drives the need to locate the shed in the front yard. Secondly, upon this determination that the property is unique, it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and **would** be unnecessarily burdensome. It is not possible to compel the Petitioner to place the **accessory** structure further back or in a side yard, as it would be in conflict with the Federal Emergency Management Agency (FEMA) flood zone requirements. I am also appreciative of the Petitioner's concern that the removal of mature trees in this case is not warranted. The preservation of trees is an appropriate justification for zoning relief. *See McLean v. Soley*, 270 Md. 208 (1973). I find the requirements of B.C.Z.R. Section 307.1 to be satisfied. Compliance with B.C.Z.R. Section 400.1 is not possible given these facts. The current placement of the accessory structure is the most aesthetically desirable and I find the variance relief will not have adverse impacts on the surrounding community.

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

By _____ Date _____
103 6-20-08
ORDERED FOR FILING

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of June 2008 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) to be located in front of the principal dwelling in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted:

1. Petitioner is advised that he 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 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.
2. Petitioner shall not utilize the accessory structure for any commercial or business purposes. It shall be used solely for storage incidental to the residence. Moreover, the area surrounding the accessory structure shall be maintained in good condition and there shall be no storage of items immediately outside or around the accessory structure.
3. Petitioner shall abide by all Federal Emergency Management Agency (FEMA) regulations pertaining to the construction of the accessory building.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 6-26-08
By SPJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 20, 2008

Mr. Sherwin Mark
7 Woodland Court
Lutherville, Maryland 21093

RE: PETITION FOR VARIANCE

NE/Side Woodland Court, 593' NE of Woodland Drive
(7 Woodland Court)
8th Election District - 2nd Council District
Sherwin Mark – Petitioner
Case No. 2008-0497-A

Dear Mr. Mark:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with conditions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Katherine Kendall, 7 Woodland Court, Lutherville, MD 21093
People's Counsel; Division of Code Inspections and Enforcement; Office of Planning;
Bureau of Development Plans Review; DEPRM; File

Flood



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 7 Woodland Court, Lutherville MD 21093

which is presently zoned RC5 (Formerly R-40)

Deed Reference: _____ Tax Account # 08 02 069980

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

400.1, BC2R, to permit a proposed accessory building (shed) in the front yard in lieu of the required rear yard only.

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

Shed located off existing driveway.

Maintain trees and natural landscape otherwise removed to place shed in rear yard.

Additional storage required for garden tractor and other garden equipment.

Existing building already in similar location.

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.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____

Telephone No. _____

City _____

State _____

Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____

Telephone No. _____

City _____

State _____

Zip Code _____

Case No. 2008-0497-A

REV 8/2007

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

Legal Owner(s):

SHERWIN MARK

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

7 WOODLAND COURT

410-487-2128

Address _____

Telephone No. _____

LUTHERVILLE

MD

21093

City _____

State _____

Zip Code _____

Representative to be Contacted:

Name _____

Address _____

Telephone No. _____

City _____

State _____

Zip Code _____

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by JNP

Date 4/21/08

ORDER RECEIVED FOR FILING

Date 6-20-08

By [Signature]

**ZONING DESCRIPTION FOR
7 WOODLAND COURT,
LUTHERVILLE 21093**

Beginning at the point on the NORTH EAST side of WOODLAND COURT which is 50 ft wide at the distance of 593 ft NORTH EAST of the centerline of the nearest improved intersecting street Woodland Drive which is 50 ft wide.

Being Lot # 10, Section E in the subdivision of Greenwood as recorded in Baltimore County Plat Book GLB No 21, Folio 44 containing 1.83 acres. Also known as 7 Woodland Court, Lutherville and located in the 8th Election District, 2nd Councilmatic District.

2008-0497-A

**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: # 2008-0497-A
7 Woodland Court
N/east side of Woodland Court,
593 feet n/east of Woodland
Drive
8th Election District
2nd Councilmanic District
Legal Owner(s): Sherwin Mark
Variance: to permit a pro-
posed accessory building
(shed) in the front yard in lieu
of the required rear yard only.
Hearing: Tuesday, June 17,
2008 at 11:00 a.m. in Room
407, County Courts Building,
401 Bosley 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 concern-
ing the file and/or hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

JT 6/609 June 3 174907

CERTIFICATE OF PUBLICATION

6/5/, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 6/3/, 2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **4036**

Date: **4/21/08**

PAID RECEIPT

BUSINESS ACTION TIME REM
 4/22/2008 4/21/2008 14:49:53 2

REC-002 MAIL JPM JEE
 >>RECEIPT # 570242 4/21/2008 GFLH

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	036			6150				65.00

Dept: 5 528 JIMING VERIFICATION

014036

Recpt Tot 645.10

645.00 02 1.00 EA

Baltimore County, Maryland

Total: **65.00**

Rec

From: **Sherwin Mark**

For:

Varianse - 7 Woodland Court
2000-0497-A/ MARK

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 06/02/08

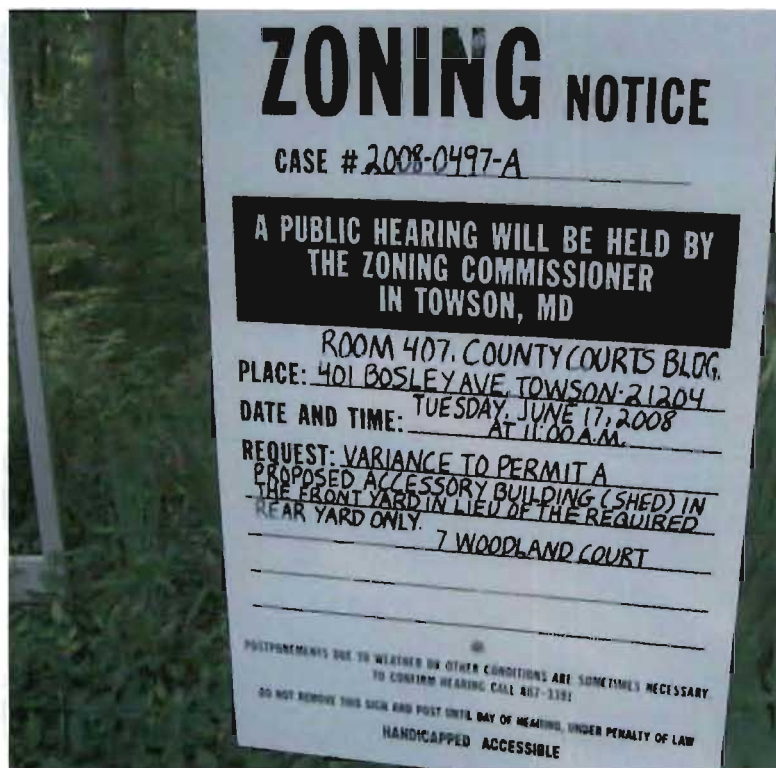
Case Number: 2008-0497-A

Petitioner / Developer: SHERWIN MARK

Date of Hearing (Closing): JUNE 17, 2008

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

The sign(s) were posted on: 05/30/08



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

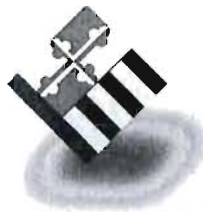
Item Number or Case Number: 2008-0497-A
Petitioner: Sherwin Mark
Address or Location: 7 Woodland Court

PLEASE FORWARD ADVERTISING BILL TO:

Name: Sherwin Mark
Address: 7 Woodland Court
Lutherville, MD 21093

Telephone Number: 410-467-2126

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 13, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

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: 2008-0497-A

7 Woodland Court

N/east side of Woodland Court, 593 feet n/east of Woodland Drive

8th Election District – 2nd Councilmanic District

Legal Owners: Sherwin Mark

Variance to permit a proposed accessory building (shed) in the front yard in lieu of the required rear yard only.

Hearing: Tuesday, June 17, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Sherwin Mark, 7 Woodland Court, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 3, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 3, 2008 Issue - Jeffersonian

Please forward billing to:
Sherwin Mark
7 Woodland Court
Lutherville, MD 21093

410-467-2126

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: 2008-0497-A

7 Woodland Court

N/east side of Woodland Court, 593 feet n/east of Woodland Drive

8th Election District – 2nd Councilmanic District

Legal Owners: Sherwin Mark

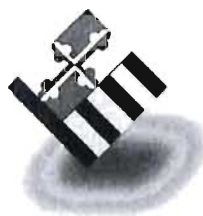
Variance to permit a proposed accessory building (shed) in the front yard in lieu of the required rear yard only.

Hearing: Tuesday, June 17, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley 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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive
Sherwin Mark
7 Woodland Ct.
Lutherville, MD 21093

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
June 11, 2008

Dear: Sherwin Mark

RE: Case Number 2008-0497-A, Address: 7 Woodland Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 21, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 8, 2008

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

RECEIVED
MAY 12 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-497- Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request as the property is densely wooded and the proposed structure should not have any negative impacts on any adjoining properties.

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

Prepared By:

Candis Murray

Division Chief:
CM/LL

Lynne Larkin

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: June 17, 2008

SUBJECT: Zoning Item # 08-497-A
Address 7 Woodland Court
(Mark Property)

Zoning Advisory Committee Meeting of April 28, 2008

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

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

X 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).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Glenn Shaffer

Date: May 5, 2008

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For May 5, 2008
Item Nos. 08-489, 490, 491, 492, 493,
494, 495, 496, 497, 498, 499, 500, 501,
502, and 503.

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

DAK:CEN:lrk

cc: File

ZAC-5012008-NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: APRIL 30, 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 8-497-A
7 WOODLAND COURT
MAKE PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-497-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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.marylandroads.com

RE: PETITION FOR VARIANCE * BEFORE THE
7 Woodland Court; NE/S Woodland Court, *
593' NE Woodland Drive * ZONING COMMISSIONER
8th Election & 2nd Councilmanic Districts *
Legal Owner(s): Sherwin Mark * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-497-A

* * * * *

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 and all documentation filed in the case.

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

RECEIVED

MAY - 6 2008

Per _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of May, 2008, a copy of the foregoing Entry of Appearance was mailed to Sherwin Mark, 7 Woodlan Court, Lutherville, Maryland 21093, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

May 5, 2008

VIA FACSIMILE & MAIL

Fax: 410-887-3048

Ms. Kristen Matthews
Baltimore County
Dept. of Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204 (Mail Stop #1105)

Re: ZAC Case Numbers: 8-496-A (Gatton), and
8-497-A (Mark)

Dear Ms. Matthews:

Thank you for the opportunity to provide comments on two variance requests for proposed development in the floodplain.

In order for a variance to be considered, the applicant must show good and sufficient cause, a determination that failure to grant a variance would result in exceptional hardship to the applicant, and that the granting of a variance will not increase flood heights or adversely affect adjacent properties.

Mr. William E. Gatton of 2 Trumps Court proposes to construct an enclosed 24' x 13' (312 ft²) screen porch addition at the rear of an existing dwelling. It has been determined that all or part of the porch would be located in a mapped Federal Emergency Management Agency (FEMA) flood zone. Since the porch is going to be enclosed, there is the potential for it to be later converted to habitable space. Therefore, this office would recommend that a Declaration of Land Restriction be recorded against the deed, and that the area beneath the porch be left open and its use limited to access, storage and parking of vehicles. If the area were ever converted to living space, it must meet all elevation requirements.

Mr. Sherwin Mark of 7 Woodland Court proposes to construct a 20' x 20' (400 ft²) shed. It has been determined that all or part of the shed would be located in a mapped Federal Emergency Management Agency (FEMA) flood zone. Since the shed is more than 300 ft², a Declaration of Land Restriction would need to be recorded against the deed. In addition, the shed shall be adequately anchored and vented with water equalizing vents that are no more than 1' above final grade.

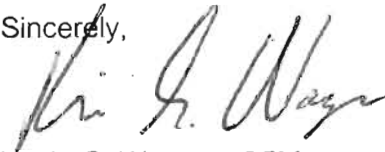
Ms. Kristen Matthews
May 5, 2008
Page 2

If the County is satisfied that flood heights will not be increased or adversely affect adjacent properties, this office would not object if the County Zoning Advisory Committee wishes to grant these variances.

Should the Zoning Advisory Committee decide to grant this requests, the applicants shall still comply with all other Federal, State and Local government requirements.

Thank you again for the opportunity to provide comments. If you have any questions, please contact me at 410-537-3914.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kevin G. Wagner". The signature is fluid and cursive, with the first name "Kevin" and last name "Wagner" clearly distinguishable.

Kevin G. Wagner, CFM
NFIP State Coordinating Office

cc: File



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

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 08 Account Number - 0802069980

Owner Information

Owner Name:	MARK SHERWIN	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7 WOODLAND CT LUTHERVILLE MD 21093-1512	Deed Reference:	1) /21323/ 1 2)

Location & Structure Information

Premises Address	Legal Description
7 WOODLAND CT	7 WOODLAND CT GREENWOOD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
59	11	307			E		10	2	Plat Ref: 21/ 44

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1957	1,640 SF	1.83 AC	04
Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	162,450	216,600		
Improvements:	120,340	159,220		
Total:	282,790	375,820	282,790	313,800
Preferential Land:	0	0	0	0

Transfer Information

Seller: BRADY NANCY	Date: 01/25/2005	Price: \$395,000
Type: IMPROVED ARMS-LENGTH	Deed1: /21323/ 1	Deed2:
Seller: BRADY HOWARD H	Date: 12/06/1976	Price: \$3,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5703/ 419	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

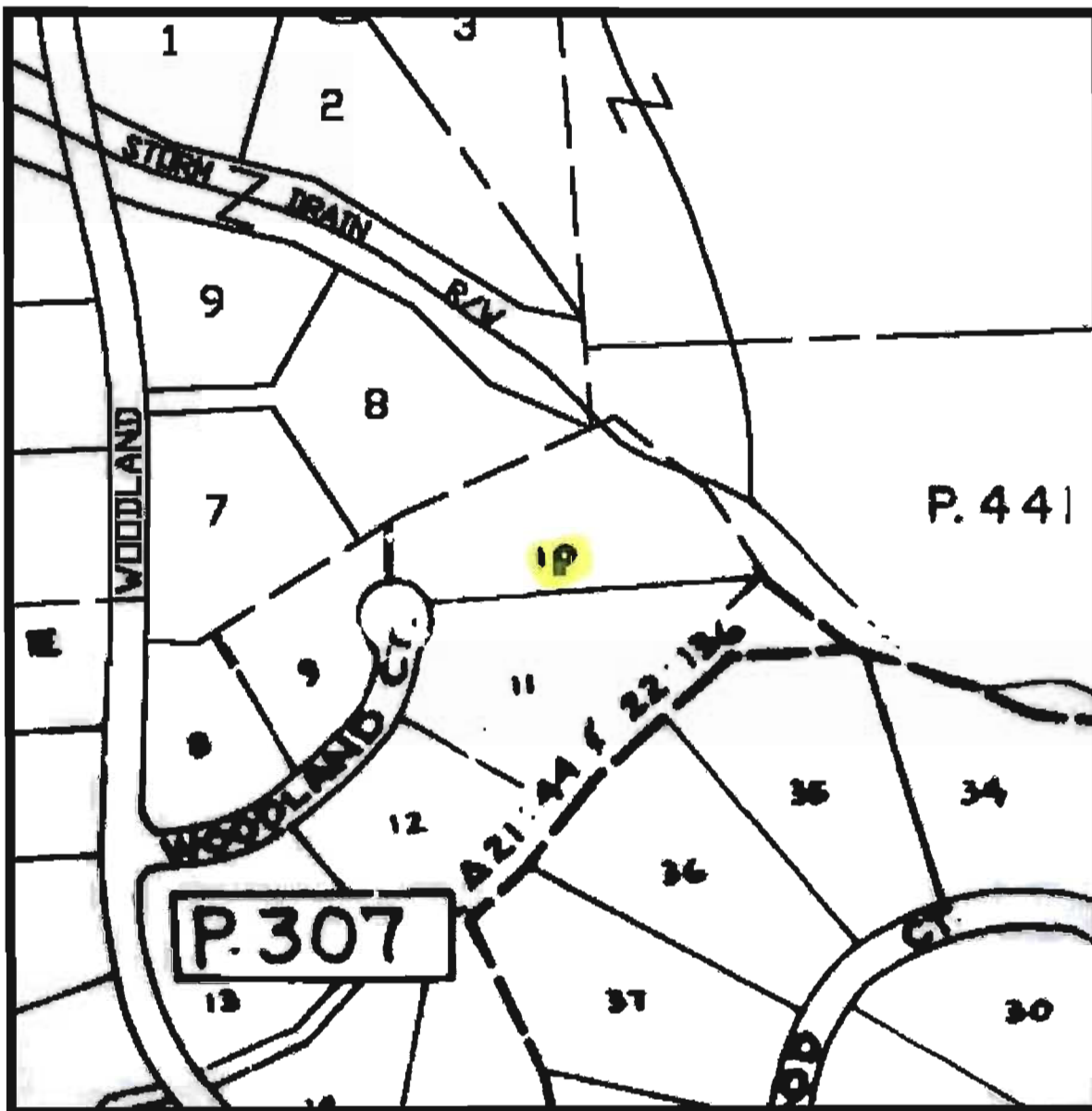
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

District - 08 Account Number - 0802069980



Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning web
site at www.mdp.state.md.us/tax_mos.htm



CASE NAME OR-748014
CASE NUMBER 2008-0497-A
DATE June 17th 2008

[illegible]

Case No.: 2008 - 0497-A 7 WOODLAND COURT

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Permit Processing Form	
No. 3	Flood Plan & Hydrology Survey	
No. 4 A B	Collectively - Photo & Existing Conditions.	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS **7 Woodland Court, Lutherville 2103**

SEE PAGES "B" & "C" OF THE CHECK, 1ST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME **Greenwood**

PLAT BOOK # **21** FOLIO # **44** LOT # **10** SECTION # **E**

OWNER **Sherwin Mark**

VACANT LOT

0819039801
Raskin

Subject Zoning
Variance Structure
20'x20' Frame Shed

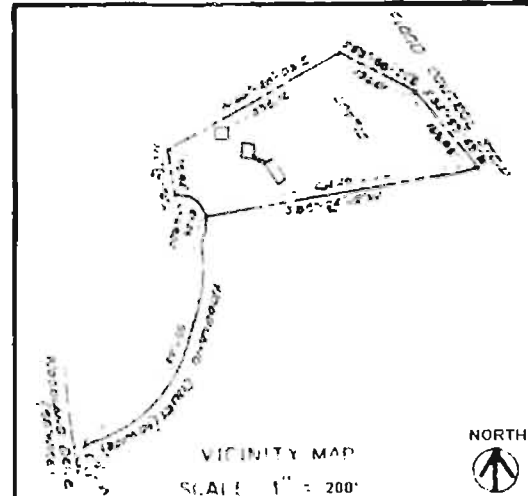
0819058540
Katz

0807048650
Goldstein



PREPARED BY **Sherwin Mark** April 15, 2008

SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT **8**

COUNCILMANIC DISTRICT **2**

1" = 200' SCALE MAP # **059C1**

ZONING **RC 5 (Formerly R-40)**

LOT SIZE **1.83** **79,715**
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☒	☐
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING VIOLATION CASE #	NO	08-0124

ZONING OFFICE USE ONLY
REVIEWED BY **JNP** ITEM # **0497** CASE # **2008-0497**



Permits & Development Management

111 W. Chesapeake Avenue
Towson, MD 21204

Report Generated On:
04/10/08

Permit Processing Residential Permit Report

Page 1 of 1

Property Information

Tax Account Number: 0802069980

Plat Ref: 021:044

Election District: 8

Owner Name(s): MARK SHERWIN

PDM # : -

Address: 7 WOODLAND CT

Zoning District(s): RC 5

LUTHERVILLE, MD 21093

RC 2

Premise Address: 7 WOODLAND CT

Elevation Range: 444ft - 492ft

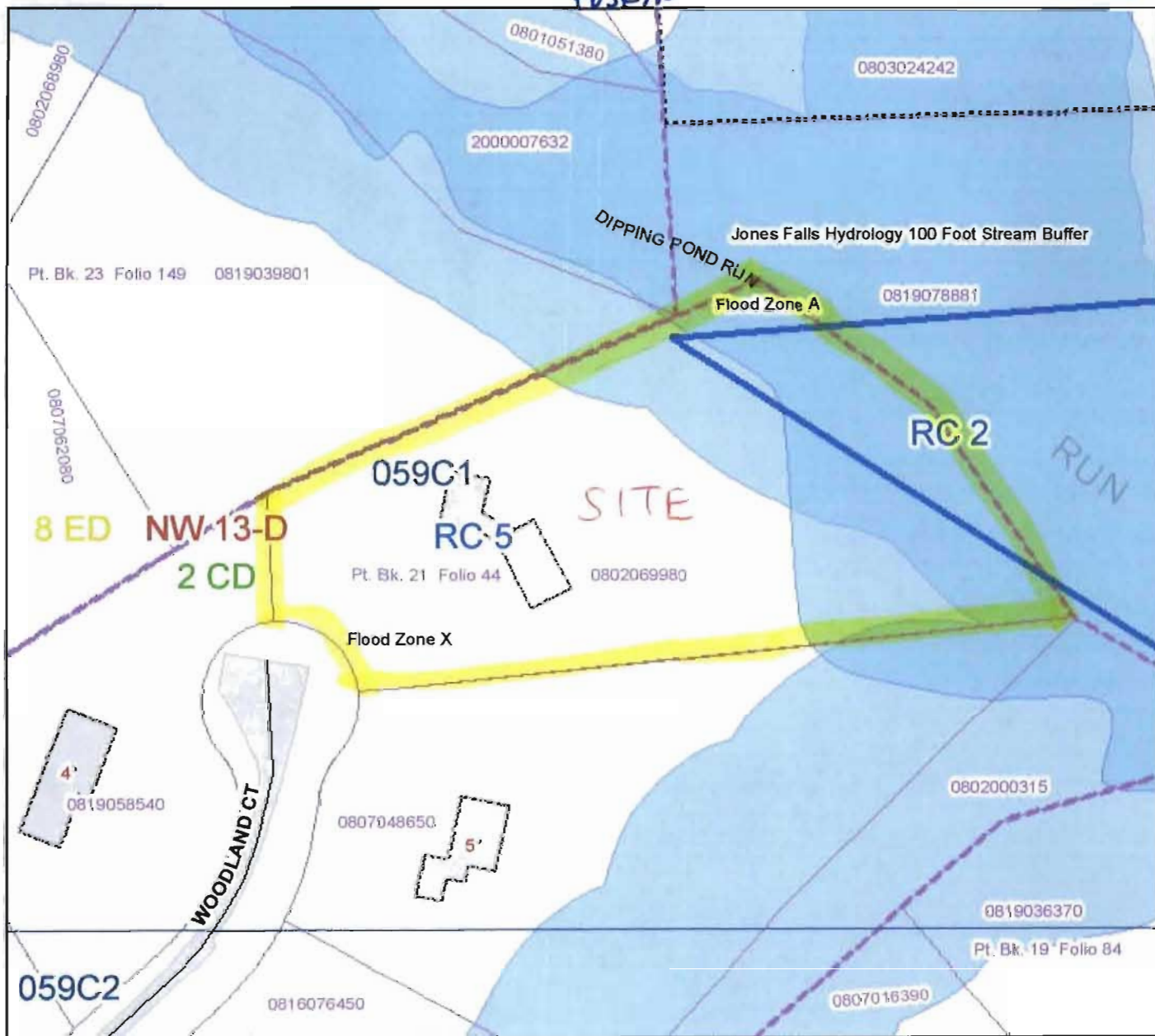
Affected Overlays	Instructions: Begin review process with Zoning Review, Room 111.	New Homes	Additions/Alter	Access. Struct.	Open Decks	Piers/Pilings	Grading/SW	Tanks	Ret. Walls/Bulk	Razing	Agency Acknowledgment
Contact Agency	Potential Overlay Issues										Initial & Date
Planning New Courts Building Room 406 Phone: 410-887-3211	Zoning Class - RC 5, RC 6, RC 7, RC 8	X	X	X	X						<i>Paul Ford</i> 4/10/08
DEPRM-Dev. Coord. New Courts Building Room 416 Phone: 410-887-3733	100 Year Flood Zone Possible Flood Hazard - 100ft Stream Buffer	X	X	X	X		X	X	X		<i>Mark</i> 4/10/08
DEPRM-Sed. Control New Courts Building Room 416 Phone: 410-887-3226	100 Year Flood Zone Possible Flood Hazard - 100ft Stream Buffer	X					X		X		<i>Mark</i> 4/10/08
Zoning-Pub. Services County Office Building Room 111 Phone: 410-887-3984	100 Year Flood Zone Possible Flood Hazard - 100ft Stream Buffer Infill Lot Review	X	X	X	X		X		X		
Building Plans Review County Office Building Room 120 Phone: 410-887-3987	100 Year Flood Zone Possible Flood Hazard - 100ft Stream Buffer	X	X	X	X			X			

PETITIONER'S

EXHIBIT NO.

2

7 Woodland Court



PETITIONER'S

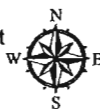
EXHIBIT NO.

3

DQ Map Notes



Publication Date: April 10, 2008
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



100 0 100
Feet
1 inch equals 100 feet

2008-0497-A



View facing east ↑

PETITIONER'S

EXHIBIT NO. HA



View facing East

PETITIONER'S

EXHIBIT NO. 413