

IN RE: **PETITION FOR VARIANCE**

1,380' W along existing 12' right-of-way
from intersection of Simonds Drive &
Sherwood Farm Road

(9721 Sherwood Farm Road)

4th Election District

4th Council District

Jessica M. Dibb

Petitioner

*

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2008-0575-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Jessica M. Dibb. The Petitioner requests variance relief pursuant to Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section 32-4-409(e)(2) of the Baltimore County Code (B.C.C.) to permit a panhandle drive in excess of 1,000 feet to serve proposed Lots 1 and 2 in a R.C. zone. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Jessica Dibb, property owner, her son, Joshua Dibb, and J. Scott Dallas, President of J.S. Dallas, Inc., who prepared the site plan for this property. There were no Protestants or other interested persons present. It should be noted that the Office of Planning approved a "waiver" to access the proposed lots via the existing 12-foot right-of-way (Petitioner's Exhibit 2) and the Petitioner's neighbors support the 2-lot subdivision and required variance (Petitioner's Exhibits 4A and 4B).

Testimony and evidence presented indicated that the subject property, consisting of a gross area of 5.83 acres is improved with an existing single-family dwelling, zoned R.C.2 and located in Soldiers' Delight Natural Environment Area of Owings Mills. As more particularly

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Date 9-8-08
By [signature]

shown on the site plan, the property is irregularly shaped, positioned west of Dolfield Boulevard, 1,380 feet southwest of Sherwood Farm Road and is wholly within the Soldiers' Delight Environmental Area and surrounded by the Owings Mills New Town Persimmon Park neighborhood. Two lots are permitted in this zone classification and two are proposed. As noted, there is an existing home and swimming pool presently located on one lot; the Petitioner has lived in this existing home on proposed Lot 1 since 1995. The home is served via private well and septic systems and is presently accessed by an improved, private driveway located within an existing easement and will continue to use the driveway for ingress and egress. Lot 2 is being created for Joshua Dibb, the Petitioner's son, so that his home will be located on its own lot. Lot 1 will contain 1.679 acres and provides an existing 90' x 45' "T" turn-around just before it reaches proposed Lot 2 that will contain 4.148 acres. Ms. Dibb testified as to the property's overall uniqueness which is surrounded by wildlife. No one else uses the access road and she stated that the Baltimore County Fire Department came to her property in May 2005 with a fire truck and determined that the "T" turn-around area highlighted on Petitioner's Exhibit 1 was sufficient for their purposes. In addition, fuel delivery and septic tank trucks frequent the property on a regular basis and find the 12-foot existing access and turn-around area sufficient for their needs.

The proposed 16-foot wide driveway for Lots 1 and 2 runs in a northwesterly direction, a distance of 300 feet from the end of the existing right-of-way easement that connects to Sherwood Farm Road. In this regard, the State of Maryland's Park Ranger, on behalf of the Department of Forest and Parks, has reviewed the proposed subdivision and advised the undersigned that he has approved the Petitioner's right to further burden the existing right-of-way.

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Date 9-8-08
By 1903

Based upon the testimony and evidence, it is clear that there will not be any increase in residential density, beyond that otherwise allowable by the B.C.Z.R., if the requested relief is granted; two (2) lots are allowed by the R.C.2 classification and two (2) are proposed. Section 32-4-409 of the B.C.C. regulates panhandle driveways. That section requires that in any R.C. zone, a panhandle driveway may not exceed 1,000 feet in length. As indicated on the site plan, the proposed panhandle driveway (existing 12-foot right-of-way) is 1,380 feet in length. The relief requested is the minimum necessary to afford relief to the Petitioner. The standard width for panhandle drives as established by B.C.C. Section 32-4-409(b)(2) is 20 feet for a single lot, 12 feet per lot where two lots are involved. The width of the panhandle access is 12 feet and has been approved by the Office of Planning pursuant to B.C.C. Section 32-4-409(k). It is clear that the proposed subdivision will not overburden the panhandle and there will be no detrimental impacts to the health, safety or general welfare of the surrounding locale. In my judgment, the panhandle strip is the only practical and possible way to access Lot 2 without creating a non-buildable, non-density parcel and is appropriate. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and Baltimore County will review the proposed subdivision under the Minor Subdivision Process. Additionally, the property owner will have to comply with Baltimore County Forest Conservation Regulations by invoking a Declaration of Intent for Intrafamily Transfer exemption which allows forest clearing up to 40,000 square feet, and the drive is to serve the existing dwelling and proposed dwelling for the Petitioner's son.

From the testimony and evidence, it is clear that the shape, size, configuration and topography of the subject property render it unique to other properties in the area.

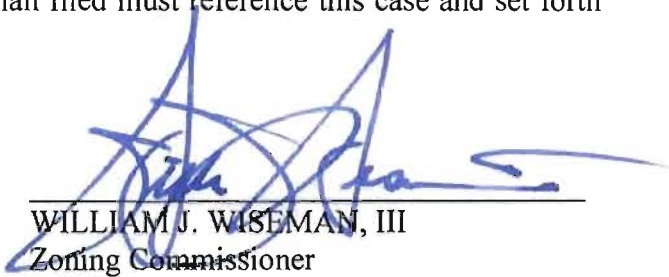
By _____
Date 9-8-08
1903
ORIGINAL FILED FOR FILING

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 8th day of September 2008 that the Petition for Variance seeking relief pursuant to Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section 32-4-409(e)(2) of the Baltimore County Code (B.C.C.) to permit a panhandle drive in excess of 1,000 feet in a R.C. zone, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject to the following restrictions:

1. ADVISORY: This Order approves the requested Variance but does not address the proposed subdivision. The Petitioner's subdivision proposal to create the proposed Lots 1 and 2 must continue its review by the Development Review committee for consideration and processing.
2. Development and use of the subject property shall comply with all environmental regulations as set forth in the ZAC comment submitted by DEPRM, dated July 2, 2008, a copy of which is attached hereto and made a part hereof.
3. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

By _____
Date 9-8-08
12:33
RECEIVED FOR FILING

BW 8/21
11 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JUL 03 2008

BY: _____

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *Jul*

DATE: July 2, 2008

SUBJECT: Zoning Item # 08-575-A
Address 9721 Sherwood Farm Road
(Dibb Property)

Zoning Advisory Committee Meeting of June 23, 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).

X 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:

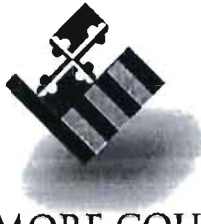
A Forest Buffer Easement and Forest Conservation Easement must be established as part of the subdivision process.

Reviewer: Glenn Shaffer

Date: June 30, 2008

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-575-A 9721 Sherwood Farm Road.doc

BY _____
Date 7-8-08
RECEIVED FOR FILING



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

September 8, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

J. Scott Dallas, President
J. Scott Dallas, Inc.
P.O. Box 26
Baldwin, Maryland 21013

RE: PETITION FOR VARIANCE

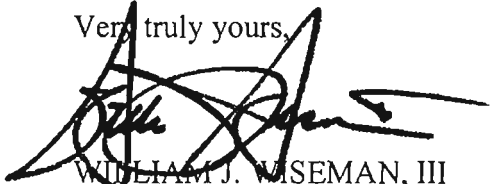
1,380' W along existing 12' right-of-way from intersection of Simonds Drive &
Sherwood Farm Road
(9721 Sherwood Farm Road)
4th Election District - 4th Council District
Jessica M. Dibb - Petitioner
Case No. 2008-0575-A

Dear Mr. Dallas:

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Jessica M. and Joshua Dibb, 9721 Sherwood Farm Road, Owings Mills, MD 21117
People's Counsel; Development Plans Review, DPDM; DEPRM; Fire Dept.;
Office of Planning; Development Review Committee, DPDM; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 9721 Sherwood Farm Road
which is presently zoned RC 2

Deed Reference: 11034 / 598 Tax Account # 0423053140

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) 32-4-409 (e)(2) of the Baltimore County Code per Section 307 of the Baltimore County Zoning Regulations to allow a panhandle driveway in excess of 1000 feet to serve proposed Lots 1 and 2 as shown on the accompanying "Site Plan to Accompany Petition for Zoning Variance."

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.) The property is a very unusual configuration, totally within the Soldiers Delight Natural Environment Area, accessed by an EXISTING 12' use-in-common right-of-way which has been recently approved for accessing proposed Lots 1 and 2 by the Deputy Director of Planning (2-5-08)

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Case No. 2008-0575-A

REV 8/20/07

Legal Owner(s):

Jessica M. Dibb
Name - Type or Print _____

Signature Jessica M. Dibb

Name - Type or Print _____

Signature _____

9721 Sherwood Farm Rd 410-998-9777

Address _____ Telephone No. _____

Owings Mills MD 21117

City _____ State _____ Zip Code _____

Representative to be Contacted:

J.S. Dallas Inc. J.Scott Dallas

Name _____

P.O. Box 26 410-817-4600

Address _____ Telephone No. _____

Baldwin MD 21013

City _____ State _____ Zip Code _____

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by [Signature] Date 6-23-08

ORDER RECEIVED FOR FILING

Date 9-8-08

By [Signature]

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

ZONING DESCRIPTION #9721 SHERWOOD FARM ROAD (PROPOSED LOTS 1 AND 2- DIBB PROPERTY)

BEGINNING for the same at a point distant 1380' +- in a generally westerly direction along the centerline of an existing 12' right-of way-from the intersection of the center of Simonds Drive ("50' R/W") and Sherwood Farm Road ("44' R/W") as shown on the Plat entitled "1st Amended Subdivision of Area 5E Owings Mills New Town" as recorded among the Land Records of Baltimore County in Plat Book 66 page 44 and North 51 degrees 06 minutes 45 seconds East 96.81 feet from the centerline of said right-of way thence **(1) South 51 degrees 06 minutes 45 seconds West 688.71 feet** thence **(2) North 31 degrees 57 minutes 28 seconds West 350.86 feet** thence **(3) North 42 degrees 09 minutes 59 seconds East 579.68 feet** thence **(4) South 54 degrees 35 minutes 48 seconds East 196.02 feet** thence **(5) South 43 degrees 38 minutes 26 seconds East 251.78** to the place of beginning.

CONTAINING 253,829 square feet or 5.83 acres of land, more or less.

COMPRISING PROPOSED LOTS 1 AND 2.

BEING that parcel which by deed dated April 7, 1995 and recorded among the Land Records of Baltimore County in Liber S.M. No. 11034 folio 598 etc. was conveyed by Clyde M. Forbes, P.R. to Jessica M. Dibb.

ALSO being known as # **9721 Sherwood Farm Road** and located in the 4th Election District 4th Councilmanic District.

Note: above description is for zoning purposes only.



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: # 2008-0575-A
9721 Sherwood Road
1380 ft. w/along existing 12 feet right-of-way from the intersection of Simonds Drive & Sherwood Farms Road
4th Election District
4th Councilmanic District
Legal Owner(s): Jessica Dibb
Variance: to allow a panhandle driveway in excess of 1000 feet to serve proposed Lot 1 and 2 shown on the accompanying "Site Plan to accompany petition for Zoning Variance."

Hearing: Thursday, August 21, 2008 at 11:00 a.m. Hearing Room 1, Jefferson Building, 105 West Chesapeake 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) 887-4386.

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

JT 8/608 Aug. 5 179921

CERTIFICATE OF PUBLICATION

8/7/2008

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 8/5/2008.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 10701

Date: 6.13.08

PAID RECEIPT

BUSINESS ACTUAL TIME DIV
 6/13/2008 6/13/2008 09:09:52 1
 REG 1001 WALKIN JRIC HR
 RECEIPT # 378180 6/13/2008 OFLN
 Dept 5 520 ZONING VERIFICATION
 GR HL 015991
 Recpt Tot 165.00
 165.00 Ch 4.00 Cr
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00

Total: 65.00

Rec

From: J. DIBBS

For:

2008-0575-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 08/01/08

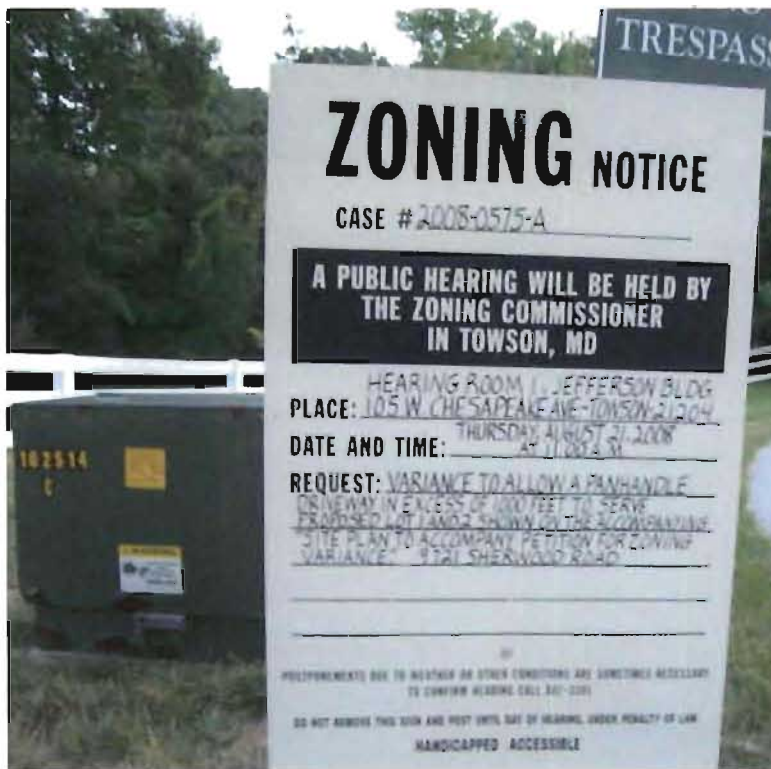
Case Number: 2008-0575-A

Petitioner / Developer: JESSICA DIBB~J.S.DALLAS,INC.

Date of Hearing (Closing): AUGUST 21, 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:
9721 SHERWOOD ROAD

The sign(s) were posted on: JULY 31, 2008



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)



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 9, 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: 2008-0575-A

9721 Sherwood Road

1380 ft. w/along existing 12 feet right-of-way from the intersection of Simonds Drive & Sherwood Farms Road

4th Election District – 4th Councilmanic District

Legal Owner: Jessica Dibb

Variance to allow a panhandle driveway in excess of 1000 feet to serve proposed Lot 1 and 2 shown on the accompanying "Site Plan to accompany petition for Zoning Variance."

Hearing: Thursday, August 21, 2008 @ 11:00 a.m. Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jessica Dibb, 9721 Sherwood Farm Road, Owings Mills 21117
J. S. Dallas, P.O. Box 26, Baldwin 21013

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 6, 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, August 5, 2008 Issue - Jeffersonian

Please forward billing to:

Jessica Dibb
9721 Sherwood Farm Road
Owings Mills, MD 21117

410-998-9777

NOTICE OF ZONING HEARING

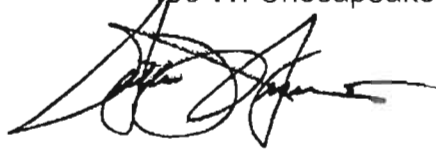
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9721 Sherwood Road
1380 ft. w/along existing 12 feet right-of-way from the intersection of Simonds Drive & Sherwood Farms Road
4th Election District – 4th Councilmanic District
Legal Owner: Jessica Dibb

Variance to allow a panhandle driveway in excess of 1000 feet to serve proposed Lot 1 and 2 shown on the accompanying "Site Plan to accompany petition for Zoning Variance."

Hearing: Thursday, August 21, 2008 @ 11:00 a.m. Hearing Room 1, Jefferson Building,
105 W. 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.

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: 0575

Petitioner: Jessica M. Dibb

Address or Location: 9721 Sherwood Farm Rd.

PLEASE FORWARD ADVERTISING BILL TO:

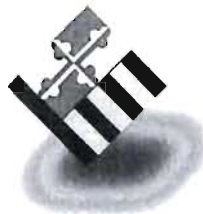
Name: Ms. Jessica M. Dibb.

Address: 9721 Sherwood Farm Rd.

Owings Mills, MD. 21117

Telephone Number: 410. 998. 9777

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 13, 2008

Jessica M. Dibb
9721 Sherwood Farm Rd.
Owings Mill, MD 21117

Dear: Jessica M. Dibb

RE: Case Number 2008-575-A, 9721 Sherwood Farm Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 13, 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
J. Scott Dallas: J.S. Dallas Inc., P.O. Box 26, Baldwin, MD 21013

BW 8/21
11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 23, 2008

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

RECEIVED
JUL 24 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-575- Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By: Curtis Murray

Division Chief: Dan Sanballe
CM/LL

BW 8/21
11 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JUL 03 2008

BY: _____

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *DL*

DATE: July 2, 2008

SUBJECT: Zoning Item # 08-575-A
Address 9721 Sherwood Farm Road
(Dibb Property)

Zoning Advisory Committee Meeting of June 23, 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).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

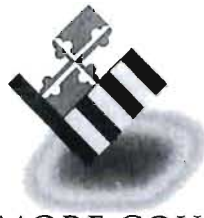
_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

A Forest Buffer Easement and Forest Conservation Easement must be established as part of the subdivision process.

Reviewer: Glenn Shaffer

Date: June 30, 2008



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

July 3, 2008, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 23, 2008

Item Number: 0575

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 26, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 30, 2008
Item No. 08-0575

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

- Show the driveway and building foot print for Lot 2.
- Provide a 30 x 70 T-Turn around at the end of the shared portion of the driveway.
- The Hearing Officer must approve access through the existing right-of-way or developer shall provide the required infee access to the proposed lot.
- Developer shall have a title attorney certify that he has the right-of-way to burden existing right-of-way.
- The proposed driveway shall be 16' paved width.
- We have no objection to granting the requested variance.

DAK:CEN:lrk

cc: File

ZAC-ITEM NO 08-0575-06262008



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: 6-23-2008

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

RE: Baltimore County
Item No 2008-0575-A
9721 SHERWOOD FARM RD
DIBB 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. 2008-0575-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,

Foster
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
9721 Sherwood Farm Road; 1380' W along *
existing 12' right-of-way Simonds Drive * ZONING COMMISSIONER
4th Election & 4th Councilmanic Districts *
Legal Owner(s): Jessica M. Dibb * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-575-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.

RECEIVED

JUL 01 2008

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to J.S. Dallas, P.O. Box 26, Baldwin, MD 21013, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Joanne and Lea Boortz
9725 Sherwood Farm Road
Owings Mills, MD 21117

August 19, 2008

Zoning Review Office
Baltimore County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

In re: Zoning Hearing—9721 Sherwood Road (aka 9721 Sherwood Farm Road). Case
No. 2008-0575-A

Dear Sir/Madam:

Our names are Joanne and Lea Boortz and we live at 9725 Sherwood Farm Road, which is the 1st house directly outside Jessica Dibb's property. We have lived here for the past seven years.

We are writing this letter to indicate that we are in favor of allowing a zoning variance for 9721 Sherwood Farm Road to allow a panhandle in excess of 1000' to serve the proposed 2 lot subdivision. We do not believe that allowing the requested zoning variance would adversely affect the health, safety or general welfare of the public.

If you have any further questions in this regards, please let me know.

Thanks,

Joanne Boortz
Lea Boortz

DAN K. MORHAIM, M.D.
11th Legislative District
Baltimore County

DEPUTY MAJORITY LEADER

Health and Government
Operations Committee

Chair
Government Operations
Subcommittee

House Chair
Joint Committee on
Health Care Delivery and Financing

Joint Committee on Administrative,
Executive, and Legislative Review



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 362
Annapolis, Maryland 21401
410-841-3054
1-800-492-7122 Ext. 3054
Fax 410-841-3385
Dan.Morhaim@house.state.md.us

District Office
8 Park Center Court #100
Owings Mills, Maryland 21117-5609
410-581-8712

August 19, 2008

Zoning Review Office Building, Room 111
111 West Chesapeake Ave.
Towson, MD 21204

Re: Zoning Hearing – 9721 Sherwood Road (aka 9721 Sherwood
Farm Road)
Case No. 2008-0575-A

Dear Sir/Madam:

I am the Delegate to the Maryland House of Delegates for District 11, and I have known Jessica Dibb and her son Josh Dibb for the past 6 years. Although I typically do not get involved in local land use issues, I wanted to let you know that I support this particular zoning variance.

Ms. Dibb is an active and respected member of her community, and she continually gives much of her time to help others. I truly know Ms. Dibb to be a responsible and considerate citizen. For these reasons, I support allowing a zoning variance for 9721 Sherwood Farm Road to allow a panhandle in excess of 1000 feet to serve the proposed 2 lot subdivision.

I do not believe that allowing the requested zoning variance would adversely affect the health, safety or general welfare of the public.

If you have any further questions in this regard, please let me know.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Dan Morhaim".
Delegate Dan Morhaim, M.D.

From: Debra Wiley
To: Jsdinc@aol.com
Date: 09/02/08 9:31:53 AM
Subject: Re: Case No. 2008-0575-A Dibb - 9721 Sherwood Farm Road

Good Morning Scott,

Bill has agreed to change the distance at the bottom of page 2 from 400 to 300 feet. However, he believes we still need a response from the park ranger, either verbally (via email) or written in order to be responsible to DPR's concern. Would you please give the park ranger Bill's email address (wwiseman@baltimorecountymd.gov) in order for them to send their response indicating that they do not oppose the continued use of the driveway.

Thanks again and have a great day !

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

>>> <Jsdinc@aol.com> 08/29/08 3:20 PM >>>
hi Debbie

Thanks for the information.

Captain Milton of the Park Service has never responded. I left her yet another message today.

The general turnaround data seems accurate and will need to be addressed in the Minor Subdivision process in detail.

I believe the distance referenced at the bottom of page 2 should be "300 feet from the end".....

In a message dated 8/29/2008 12:50:41 P.M. Eastern Daylight Time, dwiley@baltimorecountymd.gov writes:

Hi Scott,

Per Bill, please find attached the proposed Order for the above-referenced matter. He's asked if you would take a look at it to see if any changes are necessary and would like your input as to the size of the "T" turn-around. He is also inquiring as to whether you have Petitioner's Exhibit 5, St. of Md. Dept. of Forest & Parks' review & approval of proposed subdivision - Petitioner's right to further burden existing right-of-way.

Thanking you in advance for your cooperation and have a great day !

Debra Wiley - #9721 Sherwood Farm Road

2008-0575-A

Bice - F41

From: <Jsdlnc@aol.com>
To: <wwiseman@baltimorecountymd.gov>, <dwiley@baltimorecountymd.gov>
Date: 09/05/08 2:37 PM
Subject: #9721 Sherwood Farm Road 2008-0575-A
CC: <kirk@halpinlawfirm.com>

J. S. DALLAS, INC.

SURVEYING AND ENGINEERING
P.O. BOX 26 BALDWIN, MD. 21013
PH 410-817-4600
FACS 410-817-4602

September 5, 2008

Mr. William J. Wiseman III
Zoning Commissioner
wwiseman@baltimorecountymd.gov

RE: #9721 Sherwood Farm Road
2008-0575-A
(my job # 07-1185)

Dear Mr. Wiseman:

Today, Mr. Butch Norden of the DNR left me a message regarding the continued use of the existing 12' use-in-common right-of-way as access to the proposed two lot Minor Subdivision.

Mr. Norden has advised me that he has forwarded the request to two "critical reviewers" for their comments on the easement modification. He has requested for their responses ASAP and expects to hear from them by next week. Thank you for your continued patience in this matter. I will forward anything I receive directly to your office.

Sincerely,

J Scott Dallas, PLS
President
J S Dallas, Inc.

Bill Wiseman - RE: #9721 Sherwood Farm Road 2008-0575-A

From: "Norden, Butch" <BNORDEN@dnr.state.md.us>
To: <Jsding@aol.com>, <wwiseman@baltimorecountymd.gov>, <dwiley@baltimorecountymd.gov>
Date: 09/08/08 11:50 AM
Subject: RE: #9721 Sherwood Farm Road 2008-0575-A

After careful consideration of this request, I have no objection to amending the access easement for this property to allow its use for two separate residences. Since the easement area will not change, there will be no direct impact to State land, and subdivision of the lot to allow for two residences should not produce secondary impacts of any significance.

From: Jsding@aol.com [mailto:Jsding@aol.com]
Sent: Friday, September 05, 2008 2:37 PM
To: Norden, Butch
Subject: Fwd: #9721 Sherwood Farm Road 2008-0575-A

From: Jsding
To: wwiseman@baltimorecountymd.gov, dwiley@baltimorecountymd.gov
CC: kirk@halpinlawfirm.com
Sent: 9/5/2008 2:36:25 P.M. Eastern Daylight Time
Subj: #9721 Sherwood Farm Road 2008-0575-A

J. S. DALLAS, INC.
SURVEYING AND ENGINEERING
P.O. BOX 26 BALDWIN, MD. 21013
PH 410-817-4600
FACS 410-817-4602

September 5, 2008

Mr. William J. Wiseman III
Zoning Commissioner
wwiseman@baltimorecountymd.gov

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2008-0575-A
(my job # 07-1185)

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Sincerely,

J Scott Dallas, PLS
President
J S Dallas, Inc.

It's only a deal if it's where *you* want to go. Find your travel deal [here](#).

Psssst...Have you heard the news? [There's a new fashion blog, plus the latest fall trends and hair styles at StyleList.com.](#)

Psssst...Have you heard the news? [There's a new fashion blog, plus the latest fall trends and hair styles at StyleList.com.](#)



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vvw5.3)

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

Account Identifier: District - 04 **Account Number -** 0423053140

Owner Information

Owner Name: DIBB JESSICA M **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 9721 SHERWOOD FARM RD **Deed Reference:** 1) /11034/ 598
 OWINGS MILLS MD 21117 2)

Location & Structure Information

Premises Address **Legal Description**
 9721 SHERWOOD FARM RD 4.842 AC
 9721 SHERWOOD FARM RD
 2200FT NE DEER PARK RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
66	5	424						1	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	2,452 SF	4.84 AC	04

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2007	Phase-in Assessments As Of 07/01/2007	As Of 07/01/2008
Land	69,200	152,240		
Improvements:	110,010	173,420		
Total:	179,210	325,660	228,026	276,842
Preferential Land:	0	0	0	0

Transfer Information

Seller: FORBES JAMES E	Date: 05/05/1995	Price: \$305,000
Type: IMPROVED ARMS-LENGTH	Deed1: /11034/ 598	Deed2:
Seller: FORBES MARIE V	Date: 03/07/1990	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8421/ 272	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

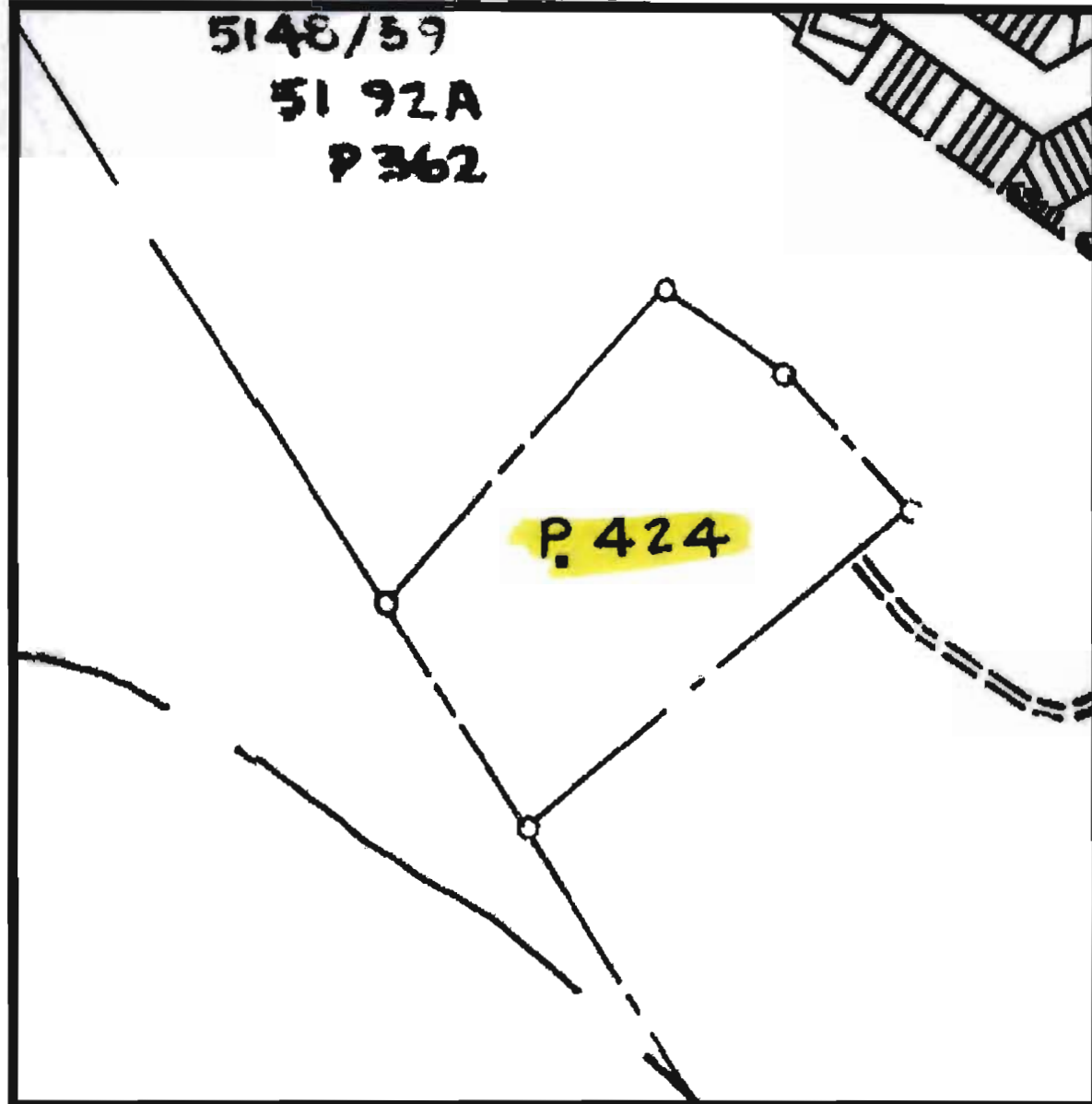
Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



District - 04 Account Number - 0423053140



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/webcom/index.html



CASE NAME Dick
CASE NUMBER 2008-0575 -A
DATE 8-21-08

[illegible]

Case No.: 2008-0575-A 9721 JETERWOOD FARM RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2	OP approval of access width	
No. 3	Dept of Permits & Dev. Mgmt	
No. 4	Letters of Support	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Office of Planning

401 Bosley Avenue, Suite 406
Towson, Maryland 21204
Tel: 410-887-3211 • Fax: 410-887-5862
E-mail: planning@co.ba.md.us



Baltimore County

James T. Smith, Jr., County Executive
Arnold F. 'Pat' Keller, III, Director

February 5, 2008

J. S. Dallas
J. S. Dallas, Inc.
P.O. Box 26
Baldwin, MD 21013

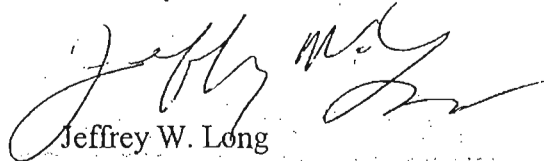
Re: 9721 Sherwood Farm Road

Dear Mr. Dallas:

Your request for a waiver from the provision of Section 32-4-409 of the Baltimore County Code has been APPROVED. As such, you are not required to provide in-fee access for the future proposed lot 2 associated with 9721 Sherwood Farm Road. Access to the proposed lots may be provided via the existing 12-foot R/W on the State Department of National Forests and Parks property provided that said agency/deparment has no opposition to the request. Said access shall be protected by a permanent use-in-common/maintenance agreement that shall run in perpetuity with the proposed lot and shall be recorded with the record plat.

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

Sincerely,


Jeffrey W. Long
Deputy Director

PETITIONER' S

AFK:LL:CJM:kma

EXHIBIT NO. 2

rec'd JSD
2/15/08

W:\DEVREV\WAIVERS\9721 Sherwood Farm Road.doc

Visit the County's Website at www.baltimorecountyonline.info





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

May 1, 2008

J. Scott Dallas, Sr., P.L.S.
J.S. Dallas, Inc.
P.O. Box 26
Baldwin, Maryland 21013

Dear Mr. Dallas:

RE: Zoning Verification, 9721 Sherwood Farms Road, DRC 041408F, 4th Election District

Your letter to Mr. Timothy Kotroco, Director, concerning zoning verification for the above referenced property has been referred to this Office for reply. Please be advised that upon discussing this matter with Mr. Carl Richards, Zoning Supervisor, it is the opinion of this Office that the maximum permitted length of an access right-of-way in the RC zones, whether in-fee or easement is 1000 feet. As per Section 34-4-409 of the Development Regulations, a variance, not a waiver, is required to receive relief from this requirement.

Sincerely,

Joseph G. Merrey
Planner II
Zoning Review
410-887-3391

PETITIONER' S

EXHIBIT NO. 3

Joanne and Lea Boortz
9725 Sherwood Farm Road
Owings Mills, MD 21117

August 19, 2008

Zoning Review Office
Baltimore County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

In re: Zoning Hearing—9721 Sherwood Road (aka 9721 Sherwood Farm Road). Case
No. 2008-0575-A

Dear Sir/Madam:

Our names are Joanne and Lea Boortz and we live at 9725 Sherwood Farm Road, which is the 1st house directly outside Jessica Dibb's property. We have lived here for the past seven years.

We are writing this letter to indicate that we are in favor of allowing a zoning variance for 9721 Sherwood Farm Road to allow a panhandle in excess of 1000' to serve the proposed 2 lot subdivision. We do not believe that allowing the requested zoning variance would adversely affect the health, safety or general welfare of the public.

If you have any further questions in this regards, please let me know.

Thanks,

Joanne Boortz
Lea Boortz

PETITIONER' S

EXHIBIT NO.

4A

Patricia A. Waddell
4728 Wainwright Circle
Owings Mills, MD 21117

August 20, 2008

Zoning Review Office
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Zoning Hearing for 9721 Sherwood Farm Road, Owings Mills, MD 21117;
Case Number 2008-0575-A

To Whom It May Concern:

I live in the Owings Mills New Town Persimmon Park neighborhood surrounding the above referenced property. I have lived there for 13 years and have enjoyed having Ms. Jessica Dibb and her son Josh as neighbors. They have been supportive to the community in several ways, none the least of which is allowing pet owners to walk their dogs on the driveway.

I support the zoning variance to allow a panhandled in excess of 1,000 feet to serve the proposed two-lot subdivision. I do not believe this variance will cause any difficulty or harm to our residential neighborhood.

Please call me if you have any questions at 410-998-9099 (home) or 410-396-6722 (work).

Sincerely,



PETITIONER' S

EXHIBIT NO. 4B

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

April 15, 2008

Patapsco Valley State Park
8020 Baltimore National Pike
Ellicott City, MD 21043
Robin Milton, Park Manager

Re: #9721 Sherwood Farm Road
**(SOLDIERS' DELIGHT NATURAL
ENVIRONMENT AREA)**
4th Election District
Baltimore County, MD

Dear Ms. Milton:

I have enclosed copy of my Baltimore County Development Review Committee Plan for the above referenced site, as well as a letter from the Baltimore County Office of Planning allowing the use of the existing 12' r/w to and from Sherwood Farm Road.

The 5.83 acre existing residential site is wholly within the Soldiers' Delight Natural Environment Area. The current resident and property owner would like to subdivide her property to create one new lot for her son, shown as Lot 2 on the enclosed Plan. She would continue to live in her house on Lot 1.

Baltimore County Development Review Committee has approved the request for a limited exemption for the proposed Minor Subdivision. Planning's approval of the use of the existing access for the existing and proposed lot was based on your having no opposition to the request. Please review the enclosed plan.

Thank you for your consideration in this matter. Please respond in writing at your earliest convenience.

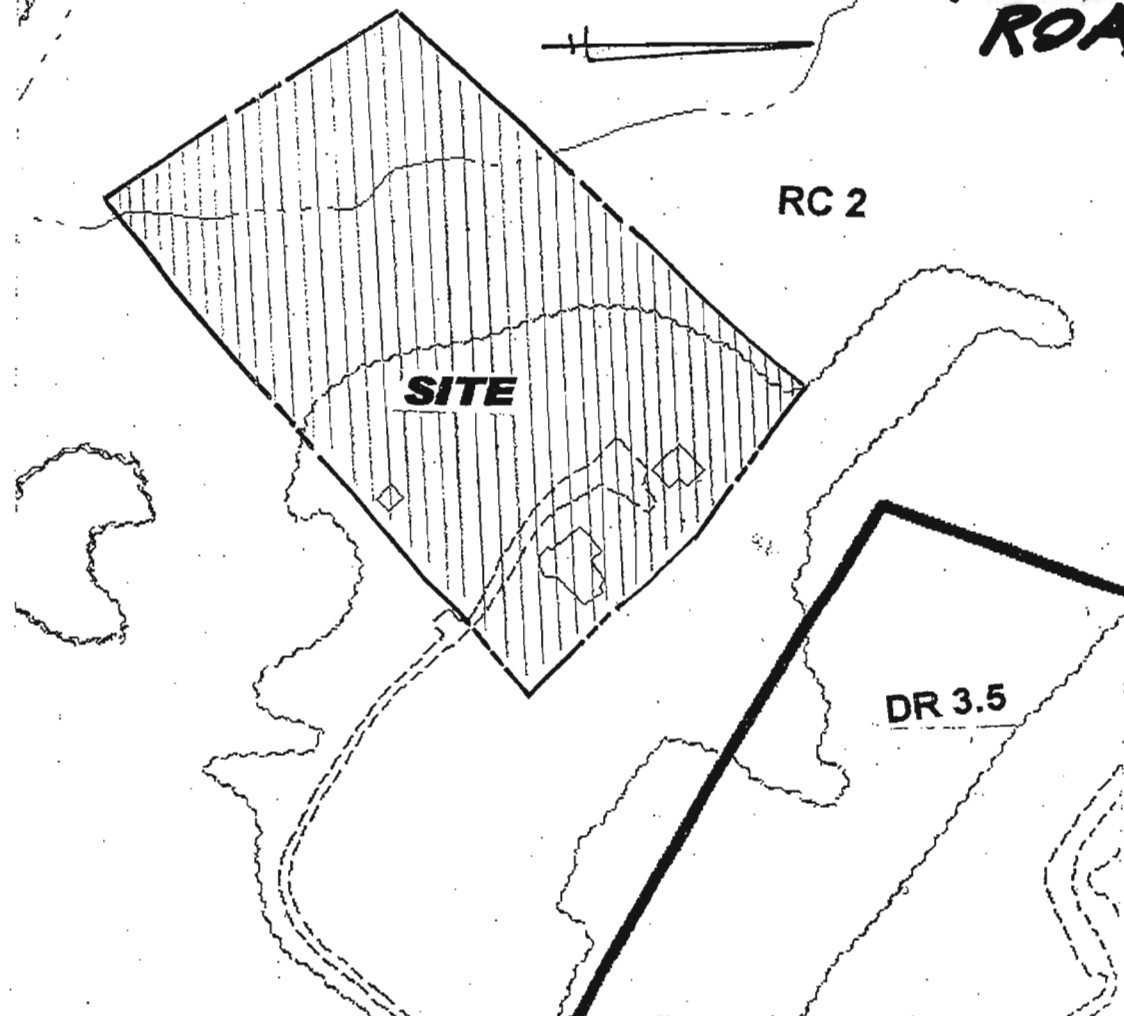
Very truly yours,



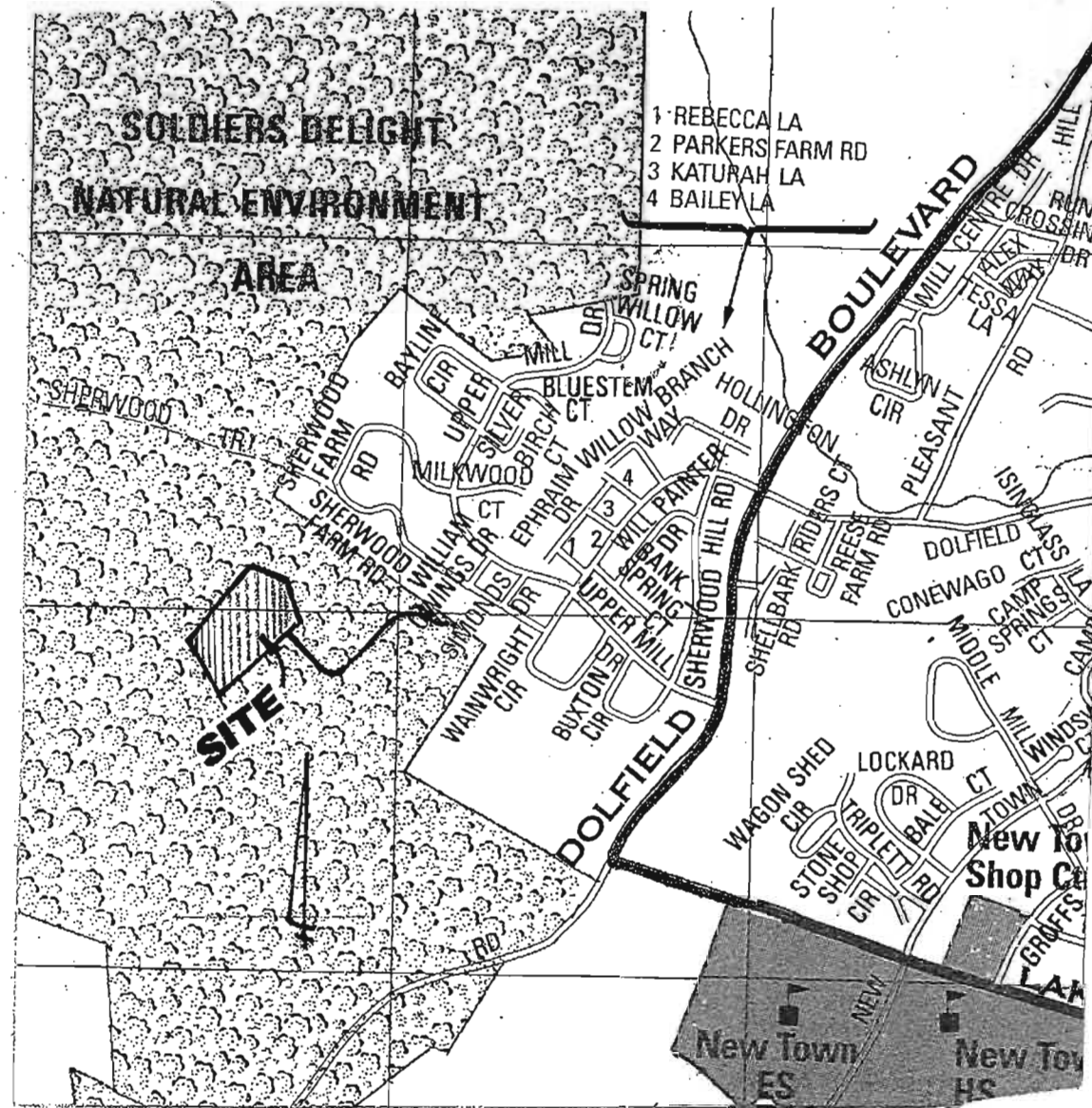
J. Scott Dallas, Sr.
President

Cc: Law Offices of Kirk Halpin and Associates

**9721 SHERWOOD
FARM
ROAD**



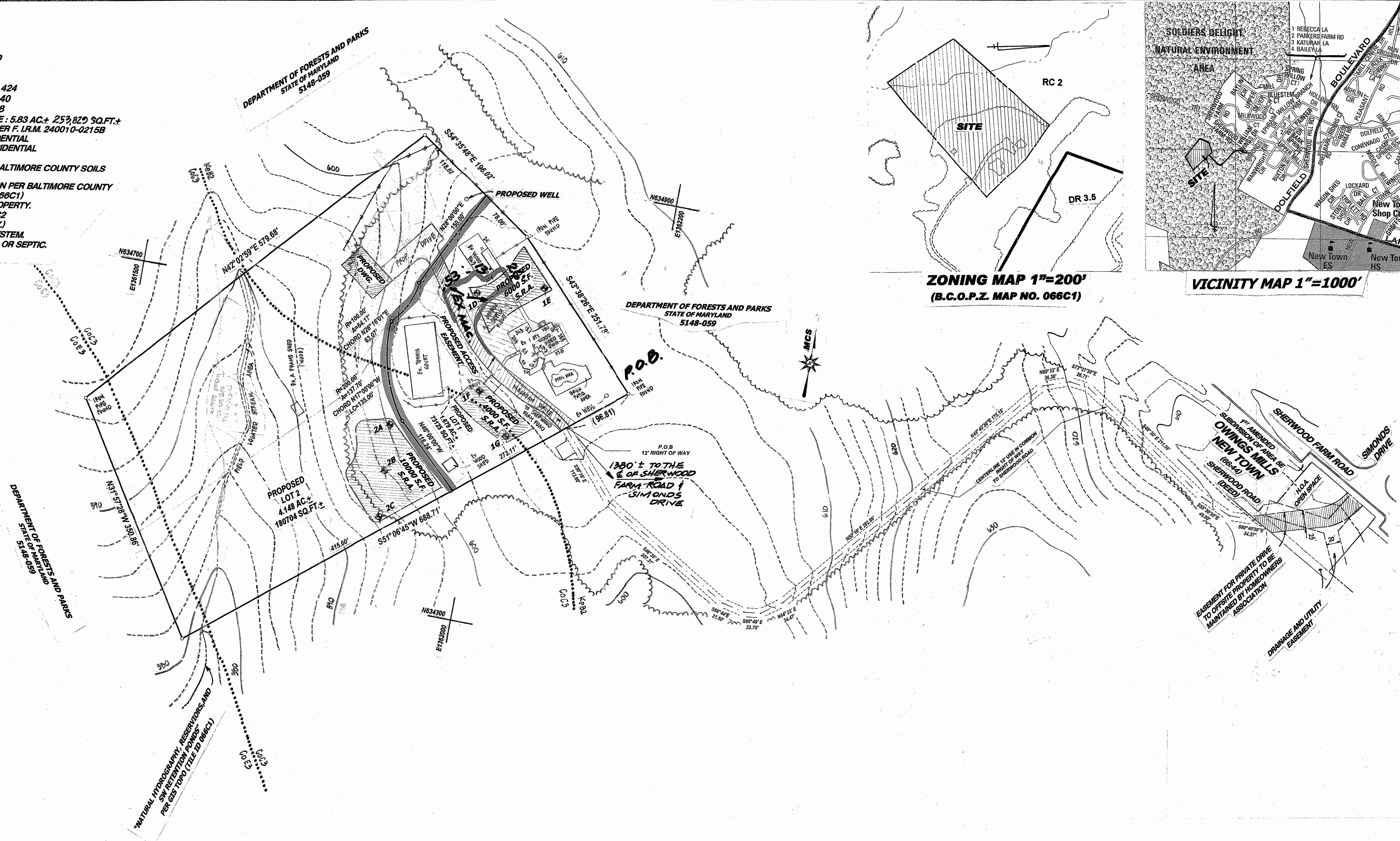
ZONING MAP 1"=200'
(B.C.O.P.Z. MAP NO. 066C1)



VICINITY MAP 1"=1000'

NOTES:

1. OWNERSHIP:
JESSICA M. DIBB
9721 SHERWOOD FARM ROAD
OWINGS MILLS, MD 21117
2. PROPERTY INFORMATION:
TAX MAP 66 GRID 5 PARCEL 424
TAX ACCOUNT NO. 0423053140
DEED REFERENCE: 11034-598
3. TOTAL AREA OF SUBJECT SITE: 5.83 AC. ± 253,820 SQ.FT. ±
4. SITE LIES IN FLOOD ZONE C PER F. I.R.M. 240010-0215B
5. EXISTING USE OF SITE: RESIDENTIAL
6. PROPOSED USE OF SITE: RESIDENTIAL
7. SITE IS NOT IN CBCA.
8. SOILS SHOWN HEREON PER BALTIMORE COUNTY SOILS MAP 26 AND 32.
9. TOPOGRAPHY SHOWN HEREON PER BALTIMORE COUNTY G.L.S. TOPOGRAPHY (TILE ID 066C1)
10. NOT A HISTORIC DWG. OR PROPERTY.
11. EXISTING ZONING OF SITE: RC2 (NO KNOWN ZONING HISTORY)
12. PRIVATE WELL AND SEPTIC SYSTEM.
13. NO VISIBLE ADJACENT WELLS OR SEPTIC.



ZONING MAP 1"=200'
(B.C.O.P.Z. MAP NO. 066C1)

VICINITY MAP 1"=1000'

**SITE PLAN TO ACCOMPANY PETITION FOR
ZONING VARIANCE
DIBB PROPERTY
#9721 SHERWOOD FARM ROAD
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MD
SCALE: 1"=60' 4TH COUNCIL. DIST.**

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
(410) 817-4600