

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Lochmoor Court, 429 feet S of
c/l of Tally Road
8th Election District
2nd Councilmanic District
(12 Lochmoor Court)

Edward G. and Debra F. Sherwin
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0020-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Edward G. and Debra F. Sherwin for property located at 12 Lochmoor Court. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 16 feet and a sum of side yards of 32 feet in lieu of the required 25 feet and 40 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a one-story addition onto the rear of the home, and the location of the addition is determined by the existing wood frame deck and concrete patio. This proposed addition will extend from the rear of the garage. The side of the addition will be flush with the side of the existing garage -- it will not extend farther into the side setback than the existing garage. Petitioners' property is unique in that it backs up to the I-695 beltway.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

ORDER RECEIVED FOR FILING

8.26.08

PB

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 3, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 26th day of August, 2008 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 16 feet and a sum of side yards of 32 feet in lieu of the required 25 feet and 40 feet, respectively is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

RECEIVED FOR FILED
8.26.08
[Signature]

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

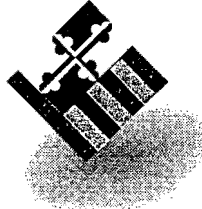

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

STATION RECEIVED FOR FILING

8.26.08





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 26, 2008

EDWARD G. AND DEBRA F. SHERWIN
12 LOCHMOOR COURT
TIMONIUM MD 21093

Re: Petition for Administrative Variance
Case No. 2009-0020-A
Property: 12 Lochmoor Court

Dear Mr. and Mrs. Sherwin:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12 Lochmoor Ct

which is presently zoned DRA

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)

see attached.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

Legal Owner(s):

Edward D. C. Sherwin

Name - Type or Print

Signature

Debra F. Sherwin

Name - Type or Print

Signature

12 Lochmoor Ct 410-321-7770

Address

Telephone No.

Timonium MD 21093

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2009-0090-A

Reviewed By Sh

Date 7/24/08

REV 10/25/01

Estimated Posting Date

8/3/08

8-26-08

pm

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

12 Lochmoor Ct

Address

Timonium

City

MD

State

21093

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We would like to put a new addition on our existing home. It would allow us the much needed space. Due to the unique location of our home next to the beltway and lot size, it would be difficult to place this addition anywhere else on our lot

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Edward G. Sherwin

Name - Type or Print

Signature

Debra F. Sherwin

Name - Type or Print

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~ ^{CARROLL}, to wit:

I HEREBY CERTIFY, this 18th day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Charles L. Dugham
Notary Public

My Commission Expires 6/1/2011

1B02.3.B to permit a side yard setback of 16 ft. and a sum of side yards of 32 ft. in lieu of the required 25 ft. and 40 ft., respectively.

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 12 Lochmoor Ct
Address
Timonium MD 21093
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We would like to put a new addition on our existing home. It would allow us the much needed space. Due to the unique location of our home next to the beltway and lot size, it would be difficult to place this addition anywhere else on our lot

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Edward G. Sherwin
Name - Type or Print

Signature

Debra F. Sherwin
Name - Type or Print

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~ ^{CARROLL}, to wit:

I HEREBY CERTIFY, this 18th day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Charles L. Dargatzis
Notary Public

My Commission Expires 6/1/2011

ZONING DESCRIPTION FOR 12 LOCHMOOR COURT

Beginning at a point on the South Side of Lochmoor court which is 50' wide at the distance of 429' South of the centerline of the nearest improved intersecting street Tally-Ho Road which is 50' wide. Being Lot# 16 Block F in the Subdivision Seminary Ridge as recorded in the Baltimore County Plat Book 37, Folio 114 containing 16,380 SF. Also known as 12 Lochmoor Court Timonium, MD 21093 and located in the 8th Election District 2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18551**

PAID RECEIPT

Date: 7/24/00

BUSINESS ACTUAL TIME
 7/24/2000 7/24/2000 09:19:13

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
	0	0000						65.

MTS DBS WALTON DEL MD

7/20/2000 7/24/2000 09:19:13

7/24/2000 7/24/2000 09:19:13

7/24/2000 7/24/2000 09:19:13

7/24/2000 7/24/2000 09:19:13

7/24/2000 7/24/2000 09:19:13

7/24/2000 7/24/2000 09:19:13

Total: 65.00

Rec
From:

For:

**CASHIER'S
 VALIDATION**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

Item # 0020 YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 2009-0020-A

Petitioner/Developer: EDWARD +

DEBRA SHERWIN

Date of Hearing/Closing: 8-18-08

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:

12 LACHMOOR CT

The sign(s) were posted on

8-3-08

(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

8-4-08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

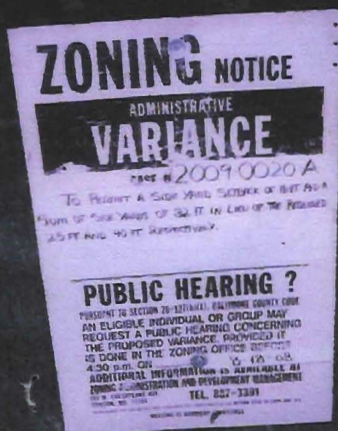
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 2009-0090-A

Petitioner: Edward G. & Debra F. Sherwin

Address or Location: 13 Lochmoor Ct. Timonium, MD 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: Edward G. Sherwin

Address: 13 Lochmoor Ct.

Timonium, MD 21093

Telephone Number: 410-321-7770.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0020 -A Address 12 Lochmoor Ct.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/24/08 Posting Date: 8/3/08 Closing Date: 8/18/08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

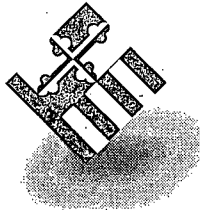
Case Number 2009- 0020 -A Address 12 Lochmoor Ct.

Petitioner's Name Edward & Debra Sherwin Telephone 410-321-7770

Posting Date: 8/3/08 Closing Date: 8/18/08

Wording for Sign: To Permit a side yard setback of 16 ft. and a sum of
side yards of 32 ft. in lieu of the required 25 ft. and 40 ft.,
respectively.

WCR - Revised 7/7/08



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 19, 2008

Edward G. & Debra F. Sherwin
12 Lochmoor Ct.
Timonium, MD 21093

Dear: Edward G. & Debra F. Sherwin

RE: Case Number 2009-0020-A, 12 Lochmoor Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 24, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 6, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For August 11, 2008
Item Nos. 2009-0019, ~~0020~~, 0021, 0022,
0023, 0024, 0025, and 0027

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

DAK:CEN:lrk

cc: File

ZAC- 08062008-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: AUGUST 4, 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 2009-0020-A
12 LOCHMOOR COURT
SHERMIN
ADMINISTRATIVE 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. 2009-0020-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



AV 8/18

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
DATE: August 19, 2008
SUBJECT: Zoning Item # 09-020-A
Address 12 Lochmoor Court
(Sherwin Property)

RECEIVED
AUG 19 2008

BY:.....

Zoning Advisory Committee Meeting of August 4, 2008

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

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

_____ 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: J. Livingston

Date: August 19, 2008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 12, 2008

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

RECEIVED
AUG 18 2008

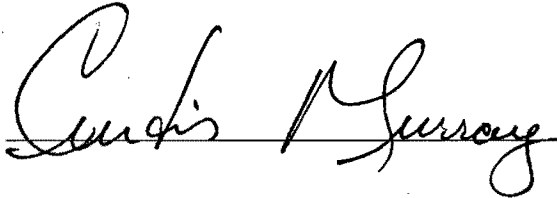
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-020- Administrative 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 Jeff Mayhew in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



site plan

scale: 1"=20'

LOCHMOOR COURT
(50 FT. WIDE)

TO TALLY-HO
ROAD

S 63° 00' 00" W

90.00

40.18

10 FT. 2ND STY.
FRAME OVERHANG

CONC.
POOR

CONCRETE
DRIVE

WID. 27.52
N 41° 16' 44"

40 FT.
SETBACK
LINE

LOT
15

12
2 STORY FRAME
+ BRICK DWG.

GARAGE

16.0 ±

16.0 ±

N 27° 00' 00" W

P 27° 00' 00" E

12.0
14.0
19.0

12.0

14.0

19.0

10 FT. 2ND STY.
FRAME OVERHANG

NEW 1STY WD
FRAME W/
BASEMENT

GATE

WOOD
FENCE

106.2 ±

13.9'

This property is not located in a H.U.D.
Identified Special Flood Hazard Area.
Flood Hazard Map Interpretation though
believed accurate is not guaranteed.

R = 7764.44

L = 90.86

BALTIMORE COUNTY BELTWAY

H0

Zon
Froi
Side
Rea

12 L
Mary
Ridg

NOTI
All in
dated
& Ku
21204

0020

1700000081

1700000080

1700000065

1700000079

1700000078

1700000066

1700000067

1700000068

1700000069

1700000070

1700000071

DR 2

2 CD

8 ED

060B3

DR 3.5

LOCHMOOR CT

NW 12-B

NW 11-B

Sewer Deficient or Special Concern Area
Falls Rd & Greenspr Failing (F) Traffic Shed

Flood Zone X

Pt. Bk. 37 Folio 114

1695

1695

0020





12 Lochmoor Court



Left side view for extending rear addition from existing garage



Right side of house-rear view



View from rear of house to area (Notice Highway retaining wall) in back yard

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

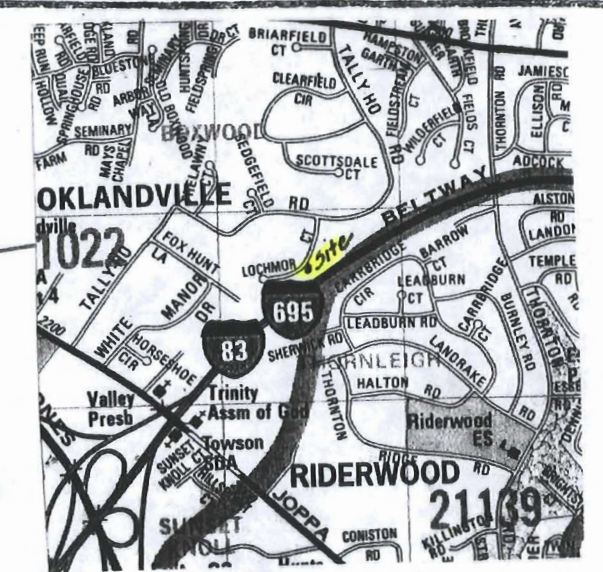
PROPERTY ADDRESS 12 Lochmoor Ct.

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

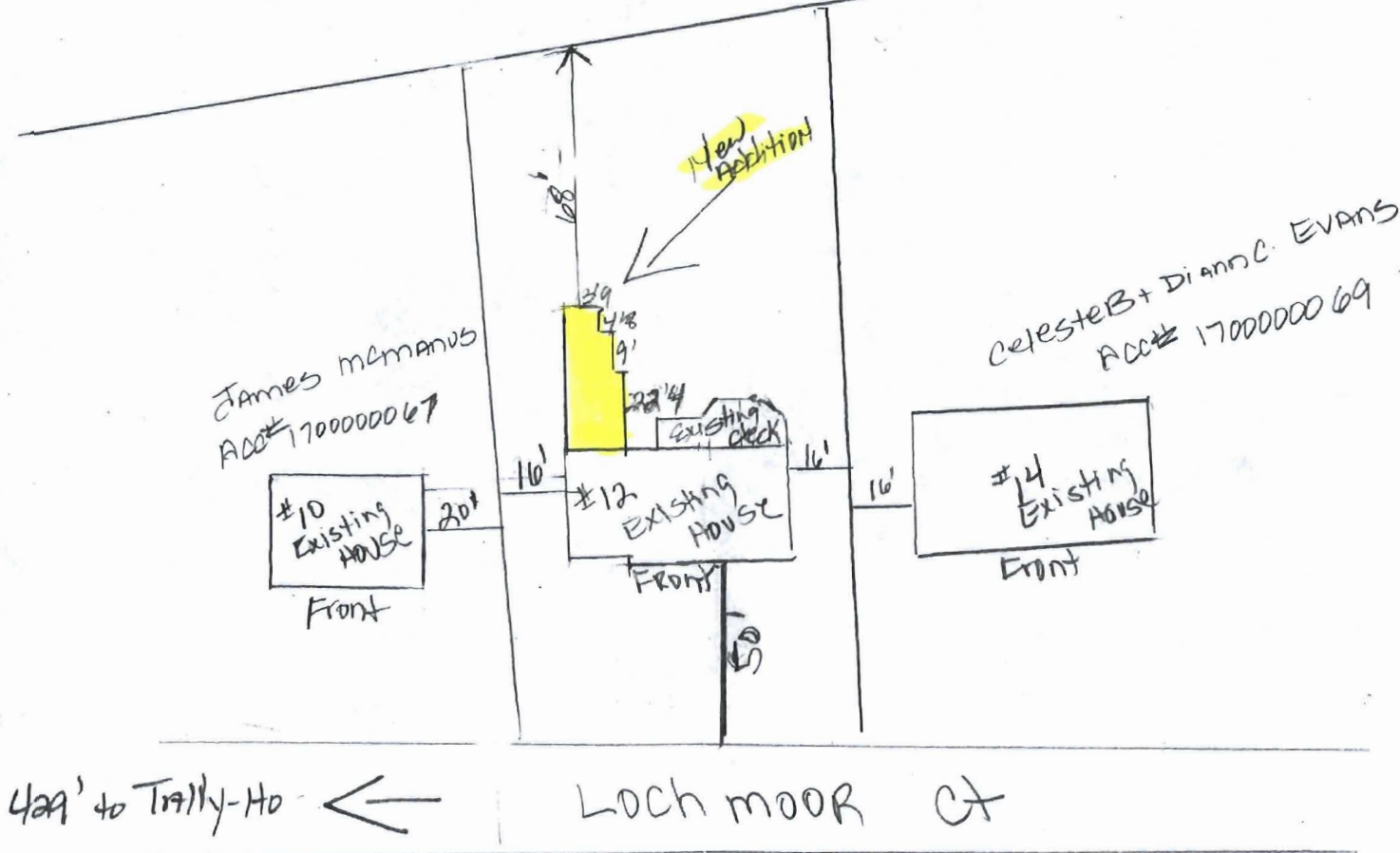
SUBDIVISION NAME Seminary Ridge

PLAT BOOK # 37 FOLIO # 114 LOT # 10 SECTION #

OWNER Edward G. & Debra F. Sherwin



VICINITY MAP
SCALE: 1" = 1000'



PREPARED BY Bev True

SCALE OF DRAWING: 1" = 50

LOCATION INFORMATION

ELECTION DISTRICT 8th
COUNCILMANIC DISTRICT 2nd
1" = 200' SCALE MAP # 060B3
ZONING DR 2
LOT SIZE 16,380 SF

	ACREAGE	SQUARE FEET
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	YES ☐	NO ☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	<u>None</u>	

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

3N | 0020 | 2009-0020-A