

IN RE: **PETITION FOR VARIANCE**

E/S Sherwood Road, 210' SE of c/line of
Old Washington Road
(1905 Sherwood Road)

13th Election District
1st Council District

Joan Koehlerschmidt, *Legal Owner*
Sherwood Road Properties, LLC,
Contract Purchaser
Petitioners

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2009-0077-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Variance filed by Joan Koehlerschmidt, the property owner, and F. Michael Grace, Managing Member, of Sherwood Road Properties, LLC, the Contract Purchaser. Petitioners request variance relief from Baltimore County Zoning Regulations (B.C.Z.R.) Section 102.4 to permit a lot less than 20,000 square feet with frontage on a right-of-way less than 30 feet wide. The subject property and requested relief are more particularly described on the site plan, which was submitted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Joan Koehlerschmidt; Jennifer R. Busse, Esquire, with Whiteford, Taylor & Preston, the attorney for Sherwood Road Properties, LLC; and Salvatore C. Crupi, a Professional Engineer with Matis Warfield, the consulting firm that prepared the site plan. There were no Protestants in attendance at the hearing, and there were no adverse Zoning Advisory Committee (ZAC) comments received.

The hearing proceeded informally by way of a proffer from Ms. Busse and Mr. Crupi. Testimony and evidence revealed that the Petitioners have requested a limited exemption from

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Date 12-12-08
By [Signature]

the Development Review Committee (DRC) per Baltimore County Code Section 32-4-106(a)(1)(viii) to allow a lot line adjustment between the subject property and the improved parcel adjacent and to the north so as to permit the construction of one single family home on the property (DRC No. 020507B). Before granting development approval, the Zoning Review Office requested that the instant relief be obtained. The Petitioner agreed to this request and Petitioners' Exhibit 1 reflects this situation. Should this relief be granted, and prior to obtaining any permits, Petitioners are required to return to the DRC in order to demonstrate that this zoning relief was obtained. The subject property will actually be provided with its own address at the time of permit application. Until then, it is being referred to as 1905 Sherwood Road since it is owned by Ms. Koehlerschmidt who also owns the property adjacent and to the south (1905 Sherwood Road). This subject property, however, is its own stand-alone lot of record with its own tax identification information, as noted on Petitioners' Exhibit 1.

Testimony and evidence further disclosed that the subject property is an irregular shaped parcel, zoned D.R.5.5, located in the Lansdowne area of southwestern Baltimore County and is currently vacant. As explained by Ms. Busse, the property currently contains 0.214 acres, more or less, (9,335 square feet) and will contain 0.249 of an acre (10,846 square feet) after the lot line adjustment is approved. The property is bounded by residential development to the south and west, and a cemetery to the east. To the north of the property are two parcels; one containing a single-family dwelling and the other lot is currently vacant.

Turning to the request for variance from B.C.Z.R. Section 102.4 to permit a dwelling on a lot containing less than 20,000 square feet abutting a right of way of less than 30 feet wide, I note that the property's unique characteristics drive the need for variance relief. Specifically, Sherwood Road is a public road less than 30 feet wide along its entire length and yet is already

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By [Signature]

serving five existing dwellings without complaints being raised by the County or any of the residents. The entire area is already developed with single-family homes with the exception of this parcel and one adjacent and to the north. With the exception of the dwelling to the north, there are no parcels in the immediate area that exceed 20,000 square feet and thus this proposed parcel fits nicely within the scope of those around it.

Sherwood Properties is proceeding through the development process and this zoning review proceeding to permit a dwelling on the property. The instant variance relief is not a lot size variance request. The applicable bulk regulations contained in Section 1B02.3C.1 of the B.C.Z.R. requires the lot contain 6,000 square feet and as demonstrated on Petitioners' Exhibit 1, the property will contain in excess of 6,000 square feet. Additionally, the property is large enough so that a new home can be constructed without the need for any setback variances.

Clearly, variance relief is warranted from this regulation as strict compliance would render the lot unbuildable resulting in a practical difficulty upon the Petitioners. Again, Sherwood Road is less than 30 feet wide along its entire length. Asking the Petitioners to obtain additional right-of-way in order to widen Sherwood Road (which I note has not been requested by the Department of Public Works or anyone else including any other reviewing agency) would burden the other property owners who own frontage along Sherwood Road. Furthermore, it is unnecessary to widen Sherwood Road.

Similarly, forcing the Petitioners to create a lot of greater than 20,000 square feet in order to avoid the requirement that the lot front on a right-of-way of at least 30 feet would be impractical and present a severe practical hardship as the entire property will encompass just less than 11,000 square feet but as noted will not be out of character with those around it. Finally, I

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Date 12-18-08
By [signature]

find it persuasive that none of the surrounding residents have noted any objection to the request and/or the granting of the requested variance relief.

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

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

Finally, at least two prior cases requesting relief from B.C.Z.R. Section 102.4 were filed as Petitions for Special Hearing (*See* Case Nos. 07-573-SPH and 06-327-SPH). In this particular matter, the Zoning Review Office instructed the applicants to file the relief as a Petition for Variance. Noting that the Petitioners in this matter have met the burden for variance relief, however, I see no need to modify the Petition as filed and advertised as a variance case.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 12th day of December, 2008, that the Petition for Variance seeking relief from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling lot

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Date 12-9-08
By [Signature]

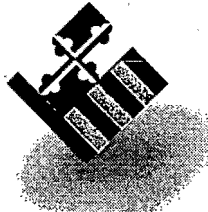
containing less than 20,000 square feet with frontage on a right-of-way of less than 30 feet wide over which the public has a right to travel, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following:

1. ADVISORY: The Petitioners shall be required to return to the Development Review Committee (DRC) to obtain approval for their limited exemption under B.C.C. Section 32-4-106(a)(1)(viii) concerning the lot line adjustment.
2. The Contract Purchaser is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 12-12-08
By 123



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 12, 2008

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston, L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204

RE: PETITION FOR VARIANCE

E/S Sherwood Road, 210' SE of c/line of Old Washington Road
(1905 Sherwood Road)
13th Election District - 1st Council District
Joan Koehlerschmidt, *Legal Owners*;
Sherwood Road Properties, LLC, *Contract Purchaser*- Petitioners
Case No. 2009-0077-A

Dear Ms. Busse:

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,

A large, stylized handwritten signature of William J. Wiseman III in black ink.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Joan Koehlerschmidt, 1905 Sherwood Road, Baltimore, MD 21227
Salvatore C. Crupi, P.E., Matis Warfield, 10540 York Road, Suite M,
Hunt Valley, MD 21030
People's Counsel; Development Review Committee, DPDM; File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1905 Sherwood Road
which is presently zoned DR 5.5

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

Please see attached

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

Reasons to be submitted at hearing

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

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

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

Contract Purchaser/Lessee:

Sherwood Road Properties, L.L.C.

Name - Type or Print

Signature F. Michael Grace
Manager Member - F. Michael Grace

1 Rolling Farm Ct.

Address

Telephone No.

Baltimore, MD 21228

City

State

Zip Code

Attorney For Petitioner:

Jennifer R. Busse, Esq.

Name - Type or Print

Signature Jennifer R. Busse

Whiteford, Taylor & Preston L.L.P.

Company

Towson Commons, Suite 300, One W. Pennsylvania Avenue 410-832-2077

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Joan Koehlerschmidt

Name - Type or Print

Signature Joan Koehlerschmidt

Name - Type or Print

Signature

1905 Sherwood Road

Address

410-832-2077

Telephone No.

Halethorpe, Maryland 21227

Address

State

Zip Code

Representative to be Contacted:

Jennifer R. Busse, Esq., Whiteford, Taylor & Preston L.L.P.

Name

Towson Commons, Suite 300, One W. Pennsylvania Avenue 410-832-2077

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

OFFICE USE ONLY

Case No. 2009-0027-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK

Date 9/12/08

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 12-12-08

By [Signature]

Attachment to Petition for Variance
1905 Sherwood Road
Zoned D.R. 5.5

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

MATISWARFIELD

Consulting Engineers

ZONING DESCRIPTION to Accompany Petition For Variance Request

Beginning at a point northeast of the centerline of Sherwood Road at a distance of 210-feet southeast of the centerline of the nearest improved intersecting street, Old Washington Road, which is 60-feet wide. Thence the following courses and distances:

N 59° 14' 14" E 153.84';
S 34° 01' 28" E 56.60';
S 57° 18' 21" W 161.45';
N 26° 30' 32" W 62.14';
To the point of beginning,

As recorded in Deed Liber 14149, Folio 706
Containing 0.214-acres±. and located in the
13th Election District, 1st Councilmanic District.

{DESCRIPTION FOR EXISTING PARCEL}

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



MATISWARFIELD

Consulting Engineers

ZONING DESCRIPTION to Accompany Petition For Variance Request

Beginning at a point along the centerline of Sherwood Road at a distance of 210-feet southeast of the centerline of the nearest improved intersecting street, Old Washington Road, which is 60-feet wide. Thence the following courses and distances:

N 59° 14' 14" E, 219.51';
S 34° 01' 28" E, 56.60';
S 57° 18' 21" W, 161.45';
N 26° 30' 32" W, 38.16';
S 61° 10' 38" W, 66.76';
N 23° 19' 30" W, 211.06';
To the point of beginning,

To be recorded by Deed in the Land Records of
Baltimore County, Maryland
Containing 0.249-acres±. and located in the
13th Election District, 1st Councilmanic District.

{DESCRIPTION FOR PROPOSED PARCEL}

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



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

No. **20593**

Date: **9/18/08**

PAID RECEIPT

BUSINESS ACTION TIME
 10/2008 9/18/2008 10:11:01
 PER 1005 10/11/08 1005 1005
 RECEIPT # 000000 9/18/2008
 5 500 000000 00000000
 026503
 Receipt Tot: 565.00
 565.00 10 1.00 00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6180				965.00

Total: **965.00**

Rec From: **Wm David Taylor & Partner**

For: **Various**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

I am # 0077

**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: #2009-0077-A
1905 Sherwood Road
E/side of Sherwood Road, 210
feet s/east of centerline of Old
Washington Road
13th Election District
1st Councilmanic District
Legal Owner(s): Joan
Koehlerschmidt

Variance: to-permit a lot of
less than 20,000 square feet
with frontage on a right-of-way
less than 30 feet wide.

**Hearing: Monday, December
1, 2008 at 9:00 a.m. in Room
104, 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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.
11/133 Nov. 13 188373

CERTIFICATE OF PUBLICATION

11/13/, 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 11/13/, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 2009-0077-A

Petitioner/Developer: _____

Joan Koehlerschmidt

Date of Hearing/Closing: Dec 1, 08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews

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: _____

1905 Sherwood Road

The sign(s) were posted on Nov 14 08
(Month, Day, Year)

Sincerely,

(Signature of Sign Poster) Nov18 08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0077-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

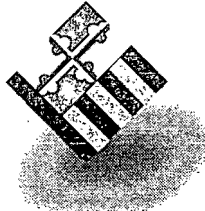
PLACE: ROOM 104, JEFFERSON BUILDING
105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: MONDAY, DECEMBER 1, 2009 AT 9:00 A.M.

REQUEST: VARIANCE TO PERMIT A LOT OF LESS THAN
20,000 SQUARE FEET WITH FRONTAGE ON A RIGHT-OF-WAY
LESS THAN 30 FEET WIDE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 882-3201

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 27, 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: 2009-0077-A

1905 Sherwood Road

E/side of Sherwood Road, 210 feet s/east of centerline of Old Washington Road

13th Election District – 1st Councilmanic District

Legal Owners: Joan Koehlerschmidt

Variance to permit a lot of less than 20,000 square feet with frontage on a right-of-way less than 30 feet wide.

Hearing: Monday, December 1, 2008 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Jennifer Busse, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Joan Koehlerschmidt, 1905 Shwerwood Road, Halethorpe 21227
Sherwood Road Properties, LLC, 1 Rolling Farm Court, Baltimore 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., NOVEMBER 14, 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, November 13, 2008 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse
Whiteford, Taylor, Preston
One West Chesapeake Avenue, Ste. 300
Towson, MD 21204

410-832-2077

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2009-0077-A

1905 Sherwood Road
E/side of Sherwood Road, 210 feet s/east of centerline of Old Washington Road
13th Election District – 1st Councilmanic District
Legal Owners: Joan Koehlerschmidt

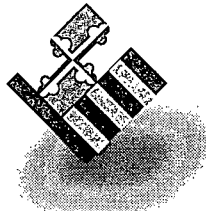
Variance to permit a lot of less than 20,000 square feet with frontage on a right-of-way less than 30 feet wide.

Hearing: Monday, December 1, 2008 at 9:00 a.m. in Room 104, 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 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 26, 2008

Jennifer Busse
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Ave. Ste. 300
Towson, MD 21204

Dear: Jennifer Busse

RE: Case Number 2009-0077-A, Sherwood Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 18, 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, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Joan Koehlerschmidt, 1905 Sherwood Rd., Halethorpe, MD 21227
Sherwood Road Properties, 1 Rolling Farm Ct., Baltimore, MD 21228

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 7, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For October 13, 2008
Item Nos. ~~09-0075~~-A, 0081, 0085-A, 0086-A,
0088-A and 0089-A

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

DAK:CEN:lrk
cc: File
ZAC-10072008 -NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 9, 2008

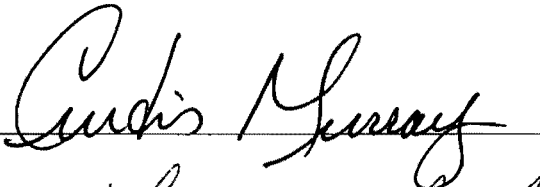
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) ~~09-077- Variance~~

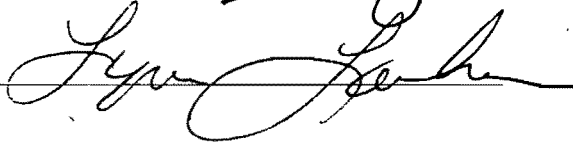
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:
CM/LL





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: 10/10/2008

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

RE: Baltimore County
Item No 2009-0077-A
1905 SARZWOOD RD
KOEHLERSCHMIDT 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. 2009-0077-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,

Steven D. Foster, Chief
For Engineering Access Permits
Division

SDF/MB



BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED**
NOV 07 2008

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 6, 2008

SUBJECT: Zoning Item # 09-077-A
Address 1905 Sherwood Road
(Koehlerschmidt Property)

Zoning Advisory Committee Meeting of October 6, 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: JWL

Date: November 6, 2008

RE: PETITION FOR VARIANCE * BEFORE THE
1905 Sherwood Road; E/S Sherwood Road, *
210' SE of c/line of Old Washington Rd * ZONING COMMISSIONER
13th Election & 1st Councilmanic Districts *
Legal Owner(s): John Koehlerschmidt * FOR
Contract Purchaser(s): Sherwood Rd Properties *
Petitioner(s) * BALTIMORE COUNTY
* 09-077-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

OCT 22 2008

SW

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 22nd day of October, 2008, a copy of the foregoing Entry of Appearance was mailed to Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, One W. Pennsylvania Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 2009-0077-A
CASE NUMBER 1905 Sherwood Rd
DATE 2/1/08

[illegible]

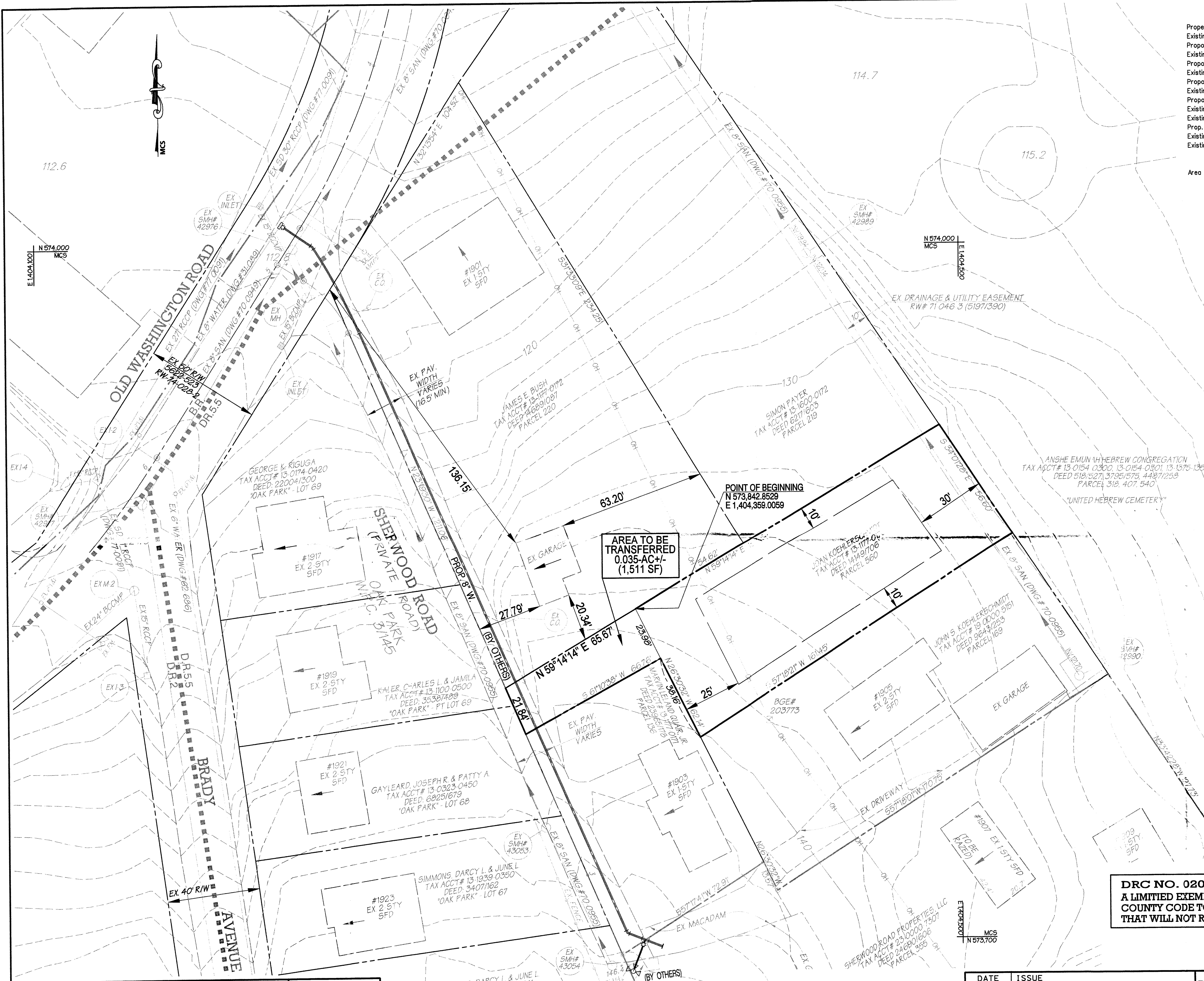
Case No.: 2009-0077-A 1905 SHERWOOD RD.

Exhibit Sheet

Petitioner/Developer

Protestant

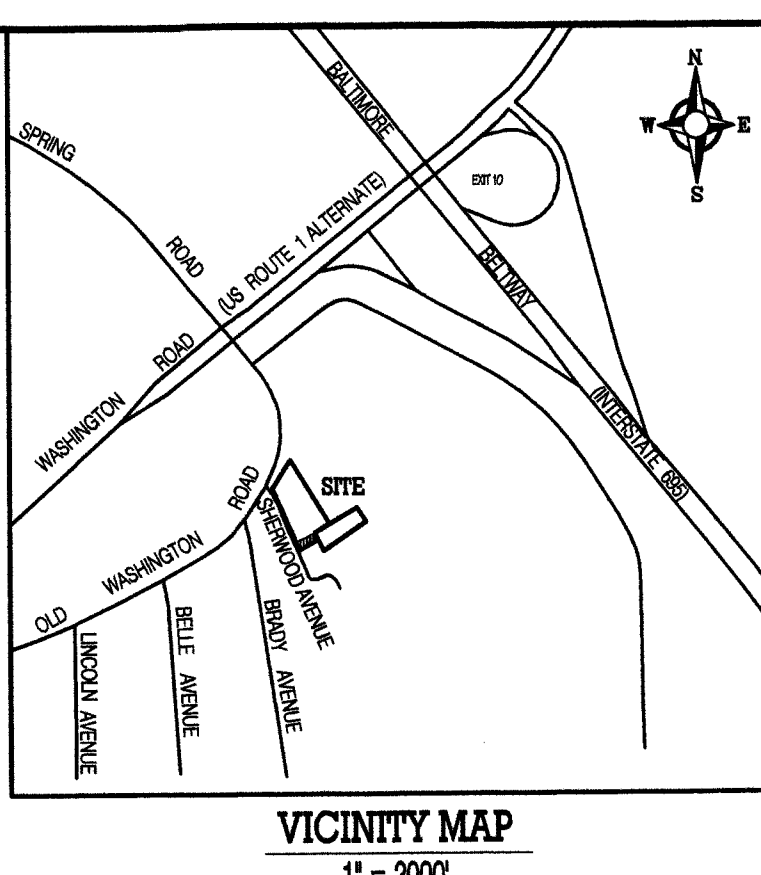
No. 1	<i>Red Line Site Plan</i>	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



LEGEND

Property Line
Existing Contours
Proposed Grades
Existing Storm Drain
Proposed Storm Drain
Existing Sanitary
Proposed Sanitary
Existing Water
Proposed Water
Existing Curb
Existing Edge of Macadam
Prop. Edge of Macadam
Existing Tree Line
Existing Dwelling Front Orientation

Area of Non-Density Transfer



SITE DATA

TAX MAP: 109 - PARCEL: 560
TAX ACCOUNT# 13-1177-0170
DEED REFERENCE: 14149/706
GROSS AREA: 0.214 ACRES (9,335 SF)
EXISTING ZONING - DR 5.5
DENSITY CALCULATIONS:
1. EXIST. LOTS ALLOWED = 0.214 AC. X 5.5 = 1.17 = 1
2. PROP. LOTS ALLOWED = 0.249 AC X 5.5 = 1.37 = 1
3. LOTS PROPOSED = 1
EXISTING USE: VACANT
PROPOSED USE: ONE SINGLE-FAMILY DWELLING
OWNER: JOAN KOEHLERSCHMIDT
1905 SHERWOOD ROAD
HALETHORPE, MD 21227
COUNCILMANIC DISTRICT 1
ELECTION DISTRICT 13

TAX MAP: 109 - PARCEL: 220
TAX ACCOUNT# 13-1177-0172
DEED: 14689/087
GROSS AREA: 0.533 ACRES (23,205 S.F.)
EXISTING ZONING - DR 5.5
DENSITY CALCULATIONS:
1. EXIST. LOTS ALLOWED = 0.533 AC. X 5.5 = 2.93 = 2
2. PROP. LOTS ALLOWED = 0.498 AC X 5.5 = 2.74 = 2
3. LOTS PROPOSED = 1
EXISTING USE: ONE SINGLE-FAMILY DWELLING
PROPOSED USE: ONE SINGLE-FAMILY DWELLING
OWNER: JAMES E. BUSH
1901 SHERWOOD ROAD
HALETHORPE, MD 21227
COUNCILMANIC DISTRICT 1
ELECTION DISTRICT 13

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 109 A1.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 47.
4. CENSUS TRACT: 430400 REGIONAL PLANNING DISTRICT: 325
WATERSHED: PATAPSCO SUBWERSHED: 73
SCHOOL DISTRICT: ELEMENTARY - HALETHORPE E.S.; MIDDLE - ARBUTHNOT M.S.; HIGH - LANSDOWNE H.S.
ADD. MAP & GRID
5. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
10. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWERAGE SYSTEMS.
11. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT PRIOR TO 1971.
THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

BALTIMORE COUNTY ZONING REGULATIONS

SECT. 1B02.3.C1 - D.R. 5.5 SMALL LOT STANDARDS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	6,000
MINIMUM LOT WIDTH (feet)	55
MINIMUM FRONT YARD DEPTH (feet)	25
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	10
MINIMUM REAR YARD DEPTH (feet)	30

SECT. 303.1
IN D.R. 5.5 ZONES THE FRONT YARD DEPTH OF ANY BUILDING HEREAFTER ERRECTED SHALL BE THE AVERAGE OF FRONT YARD DEPTHS OF THE LOTS IMMEDIATELY ADJOINING ON EACH SIDE PROVIDED SUCH ADJOINING LOTS ARE IMPROVED WITHIN 200 FEET OF THE JOINT SIDE PROPERTY LINE. PROVIDED THAT NO DWELLING SHALL BE REQUIRED TO BE SET BACK MORE THAN 40 FEET IN D.R. 5.5 ZONES...

ZONING HISTORY

THERE ARE NO PRIOR ZONING CASES FOR THIS PROPERTY.

VARIANCE REQUESTS

A VARIANCE IS REQUESTED TO ALLOW A SINGLE-FAMILY DWELLING ON A LOT CONTAINING LESS THAN 20,000 SQUARE FEET WHICH DOES NOT ABUT A PUBLIC RIGHT-OF-WAY AT LEAST 30-FEET WIDE PER BCZR SECT. 102.4

DRC NO. 020507B
A LIMITED EXEMPTION IS REQUESTED PER SECTION 32-4-106(a)(1)(viii) OF THE BALTIMORE COUNTY CODE TO ALLOW A LOT LINE ADJUSTMENT BETWEEN TWO RESIDENTIAL LOTS THAT WILL NOT RESULT IN A CHANGE IN TOTAL RESIDENTIAL DENSITY.

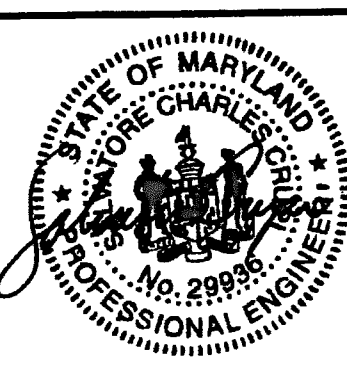
PETITIONER'S

EXHIBIT NO. 1

DESIGN AND DRAWING BASED ON THE MARYLAND COORDINATE SYSTEM (MCS)
VERTICAL NAVD 88 - HORIZONTAL NAD 83/91

MATIS WARFIELD
Consulting Engineers

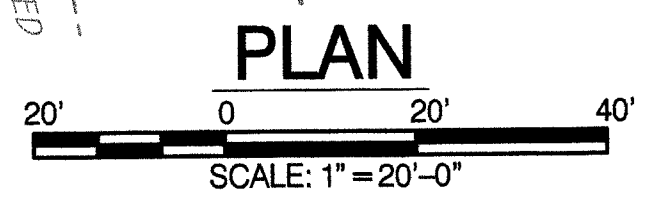
10540 York Road, Suite M
Hunt Valley, Maryland 21030
PHONE 410.683.7004 FAX 410.683.1798
www.matiswarfield.com



"PROFESSIONAL CERTIFICATION I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28936, EXPIRATION DATE: 01-12-2010."

LEGAL OWNER
JOAN KOEHLERSCHMIDT
1905 SHERWOOD ROAD
BALTIMORE, MARYLAND 21227-4130
PHONE: 410-242-4212

CONTRACT PURCHASER
SHERWOOD ROAD PROPERTIES, LLC
1 ROLLING FARM COURT
BALTIMORE, MARYLAND 21228-8398
PHONE: 410-715-7800
FAX: 410-715-7616



DATE	ISSUE
1/09/07	DRC REQUEST
8/27/08	REVISION - BOUNDARY UPDATED
9/18/08	FILING APPOINTMENT
12/1/08	REDLINED PLAN - SPECIAL HEARING NO. 2009-0077 A

PLAN TO ACCOMPANY VARIANCE REQUEST
1905 SHERWOOD ROAD
TAX MAP 109 - PARCEL 560

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

ELECTION DISTRICT NO. 13
COUNCILMANIC DISTRICT NO. 1

SHEET
VR-1
SHEET 1 OF 1



Plan Sheet: 109A1

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Zoning
- Streams
- Vegetation
- Buildings
- Roads
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

101B3	101C3	102A3	102B3	
108B1	108C1	109A1	109B1	109C1
108B2	108C2	109A2	109B2	109C2

Scale

1" = 200'

0 100 200 400
Feet

1

Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004