

IN RE: PETITION FOR VARIANCE

SE side of Mandel Court, 190' NE of
c/line of Sugarcone Road
3rd Election District
2nd Councilmanic District
(5 Mandel Way)

Ronald M. and Stephanie Attman
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2011-0373-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by Ronald M. and Stephanie Attman, legal owners of the subject property. Petitioners request Variance relief from Sections 1B02.3.B and 1B02.3.C(1) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the following:

- A minimum sum of side yard widths of 17 feet in lieu of the minimum sum of side yard widths of 40 feet; and
- A minimum width of individual side yard of 2 feet in lieu of the minimum width of individual side yard of 15 feet; and
- For such other relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Richard E. Matz, of Colbert Matz Rosenfelt, Inc., the consulting firm who prepared the site plan. Jason Vettori, Esquire of Smith, Gildea & Schmidt, LLC appeared as counsel for the Petitioners. There were no Protestants or other interested parties in attendance.

Testimony and evidence offered revealed that the property is zoned D.R.2 and is located in the Green Gate Community in Baltimore County. The property contains 0.3547 acres more or less

ORDER RECEIVED FOR FILING

ate 10-25-11

y SMA

and is improved with a single family dwelling with a street address of 5 Mandel Court. The Petitioner are proposing to construct an addition onto the west side of their dwelling, along with a garage.

Originally the owners proposed the improvements to be located on the side of their dwelling just 2 feet from their common property line shared with their neighbors to the west, the Silverman's. The neighbors met to discuss the proposal, and the Silvermans asked if they could move their proposed garage and screened porch further to the rear of their property. The Attmans agreed and the site plan submitted now shows the proposed improvements to be located further to the rear of their property and as a result, less imposing upon their neighbor's property.

Accordingly, as a result of moving the improvements, the variance request changed to allow a side yard setback of 8 feet in lieu of the required 15 feet, a sum of the side yards of 23 feet in lieu of the required 40 feet, and a rear yard setback of 9 feet in lieu of the required 40 feet.

The Petitioner submitted into evidence as Petitioners' Exhibit 2 a letter of support from their neighbors Steven and Freddie Silverman who have no objections to the new request.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning, received July 26, 2011 which recommends as follows:

"The Office of Planning recommends approval provided the following changes occur to the architectural elevation drawings and landscape plan:

1. Include window treatment and decorative hardware on the front elevation of the garage door to break up the mass of the 2-car garage.
2. Provide three trellises covered with clematis and equally spaced instead of two on the left side elevation as shown on the landscape plan."

Comments were also received from the Bureau of Development Plans Review, dated July 18, 2011, which indicate as follows:

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Date 10-25-11

By SMA

"Permanent structures are not permitted in the drainage and utility easement. Proposed structure shall be set back to be at least 6 feet away from the property line."

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Additionally, I find that strict enforcement of the B.C.Z.R. would cause the Petitioners to suffer practical difficulty and undue hardship.

I further find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety, and general welfare. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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

THEREFORE, IT IS ORDERED this 25th day of October, 2011 by this Administrative Law Judge that Petitioners' amended Variance request from Sections 1B02.3.B and 1B02.3.C(1) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the following:

- A minimum sum of side yard widths of 23 feet in lieu of the required side yard widths of 40 feet; and
- A minimum width of individual side yard of 8 feet in lieu of the minimum width of individual side yard of 15 feet; and
- A rear yard setback of 9 feet in lieu of the minimum required 40 feet,

ORDER RECEIVED FOR FILING

Date 10-25-11

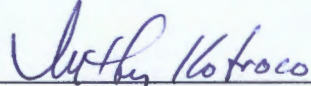
3

By SMA

be and are hereby GRANTED, subject to the following:

1. 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the ZAC comments from the Office of Planning dated July 22, 2011, as amended due to the modification of the site plan due to moving the improvements further to the rear of the property.

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

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Date 10-25-11

By SMA

TK 8/9 1:30 205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: July 22, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 5 Mandel Court

INFORMATION:

Item Number: 11-373

Petitioner: Ronald and Stephanie Attman

Zoning: DR 2

Requested Action: Variance

RECEIVED

JUL 26 2011

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval provided the following changes occur to the architectural elevation drawings and landscape plan:

1. Include window treatment and decorative hardware on the front elevation of the garage door to break up the mass of the 2-car garage.
2. Provide three trellises covered with clematis and equally spaced instead of two on the left side elevation as shown on the landscape plan.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by: _____

Division Chief: _____

JM/LL: CM

ORDER RECEIVED FOR FILING

Date 10-25-11

By SMA
W:\DEVREV\ZAC\ZACs 2011\11-373.doc



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

October 25, 2011

JASON VETTORI, ESQUIRE
SMITH, GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE
SUITE 200
TOWSON MD 21204

Re: Petition for Variance
Case No. 2011-0373-A
Property: 5 Mandel Way

Dear Mr. Vettori:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

c: Richard E. Matz, Colbert Matz Rosenfelt, Inc., 2035 Smith Avenue, Suite G, Baltimore MD 21209



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 5 Mandel Court
which is presently zoned D.R. 2

Deed Reference: 06012_00393 Tax Account # 1700013650

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 following reasons: (indicate hardship or practical difficulty.)

Reasons to be presented at the 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

D. Dusky Holman

Name - Type or Print

Signature

Smith, Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Case No.

2011-0373A

ORDER RECEIVED FOR FILING

REV 8/20/07

Date

10-25-11

By

SMA

Legal Owner(s):

Ronald M. Attman

Name - Type or Print

Signature

Stephanie Attman

Name - Type or Print

Signature

5 Mandel Court

410-486-8186

Address

Telephone No.

Baltimore,

MD

21209

City

State

Zip Code

Representative to be Contacted:

RICHARD E. MATZ

Name

2035 SMITH AVE, SUITE G 410-653-3838

Address

Telephone No.

BALTIMORE MD

21209

City

State

Zip Code

Office Use Only

Estimated Length of Hearing

Unavailable For Hearing

Reviewed by

ATSHI

Date

6/29/11

ATTACHMENT TO PETITION FOR VARIANCE

(5 Mandel Court)

Petition for Variance from Section(s):

1. 1B02.3(B) & 1B02.3(C)(1) of the BCZR to permit a minimum sum of side yard widths of ~~17~~ feet in lieu of the minimum sum of side yard widths of 40 feet; and ~~23~~ TMK
2. 1B02.3(B) & 1B02.3(C)(1) of the BCZR to permit a minimum width of individual side yard of ~~2~~ feet in lieu of the minimum width of individual side yard of 15 feet; and ~~8~~ TMK
3. For such other relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Amended 4. 1B02.3-C of the BCZR to permit a rear yard setback of 9' in lieu of the required 40'
TMK

2011-0373-A

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 5 MANDEL COURT Baltimore, MD 21209-1015

Beginning at a point on the southeasterly side of Mandel Court, which is 50 feet wide, at a distance of 190 feet (more or less) northeasterly of the centerline of Sugarcone Road, which is 60 feet wide. Being Lot # 33, Block J, Section #6 in the subdivision of "GREEN GATE" as recorded in Baltimore County Plat Book # E.H.K. Jr. 38, Folio # 129, containing 15,451 SQ.FT. (more or less).

Also known as 5 Mandel Court and located in the 3rd Election District, 2nd Councilmanic District.



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.

Licenses No. 13203, Expiration Date 11-2-2012

2011-0373-A

15

1997 Sale

CASHER'S VALIDATION

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0373-A

5 Mandel Court

S/east side of Mandel Court, 190 feet northeast of centerline of Sugarcone Road

3rd Election District - 2nd Councilmanic District

Legal Owner(s): Ronald & Stephanie Attman

Variance: to permit a minimum sum of side yard widths of 17 feet in lieu of the minimum sum of side yard widths of 40 feet; and to permit a minimum width of individual side yard of 2 feet in lieu of the minimum width of individual side yard of 15 feet and for such other relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Tuesday, August 9, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

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

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

11/7/05 July 26

282104

CERTIFICATE OF PUBLICATION

7/28/, 2011

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 7/26/, 2011.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0373-A

RE: Case No.: _____

Petitioner/Developer: _____

Ronald & Stephanie Attman

August 9, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

5 Mandel Court

July 24, 2011

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

July 25, 2011

(Signature of Sign Poster)

(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 # 2011-0373 A

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

PLACE: ROOM 205, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

DATE AND TIME TUESDAY, AUGUST 9, 2011 AT 1:30 P.M.

REQUEST: VARIANCE TO PERMIT A MINIMUM SUM OF SIDE
YARD WIDTHS OF 17 FEET IN LIEU OF THE MINIMUM SUM OF SIDE
YARD WIDTHS OF 40 FEET AND TO PERMIT A MINIMUM WIDTH
OF INDIVIDUAL SIDE YARD OF 2 FEET IN LIEU OF THE MINIM-
UM WIDTH OF INDIVIDUAL SIDE YARD OF 15 FEET AND FOR
SUCH OTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE
ADMINISTRATIVE LAW JUDGE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING. CALL 887-1391

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

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 26, 2011 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Ronald Attman
5 Mandel Court
Baltimore, MD 21209

410-486-8186

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0373-A

5 Mandel Way

S/east side of Mandel Court, 190 feet northeast of centerline of Sugarcone Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Ronald & Stephanie Attman

Variance to permit a minimum sum of side yard widths of 17 feet in lieu of the minimum sum of side yard widths of 40 feet; and to permit a minimum width of individual side yard of 2 feet in lieu of the minimum width of individual side yard of 15 feet and for such other relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Tuesday, August 9, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 18, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0373-A

5 Mandel Way

S/east side of Mandel Court, 190 feet northeast of centerline of Sugarcone Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Ronald & Stephanie Attman

Variance to permit a minimum sum of side yard widths of 17 feet in lieu of the minimum sum of side yard widths of 40 feet; and to permit a minimum width of individual side yard of 2 feet in lieu of the minimum width of individual side yard of 15 feet and for such other relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Tuesday, August 9, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Dusky Holman, 600 Washington Avenue, Ste. 200, Towson 21204
Mr. & Mrs. Attman, 5 Mandel Court, Baltimore 21209
Richard Matz, 2835 Smith Avenue, Ste. G, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 25, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) 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: ~~033~~ 2011-0373A

Petitioner: Ronald and Stephanie Attman

Address or Location: 5 Mandel Court, Baltimore, MD 21209

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ronald and Stephanie Attman

Address: ~~Room~~ 5 Mandel Court
Baltimore, MD 21209

Telephone Number: 410-486-8186



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 1, 2011

Ronald and Stephanie Attman
5 Mandel Court
Baltimore, MD 21209

RE: Case Number 2011-0373-A, 5 Mandel Court

Dear Mr. & Mrs. Attman,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 29, 2011. 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:mcn

Enclosures

c: People's Counsel
Richard E. Matz, 2035 Smith Ave., Ste. G, Baltimore, MD 21209
D. Dusky Holman, 600 Washington Ave., Ste. 200 Towson, MD 21204

AV 7/25/11

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: July 20, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-373-A
Address 5 Mandel Court
(Attman Property)

Zoning Advisory Committee Meeting of July 11, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

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JUL 20 2011

OFFICE OF ADMINISTRATIVE HEARINGS

TK 8/9 1:30 205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: July 22, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 5 Mandel Court

INFORMATION:

Item Number: 11-373

Petitioner: Ronald and Stephanie Attman

Zoning: DR 2

Requested Action: Variance

RECEIVED

JUL 26 2011

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval provided the following changes occur to the architectural elevation drawings and landscape plan:

1. Include window treatment and decorative hardware on the front elevation of the garage door to break up the mass of the 2-car garage.
2. Provide three trellises covered with clematis and equally spaced instead of two on the left side elevation as shown on the landscape plan.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by: _____

Division Chief: _____

JM/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For July 25, 2011
Item No. 2011-373

DATE: July 18, 2011

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

Permanent structures are not permitted in the drainage and utility easement. Proposed structure shall be set back to be at least 6 feet away from the property line.

DAK:CEN
cc: File
ZAC-ITEM NO 11-373-072511.doc



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 7-15-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

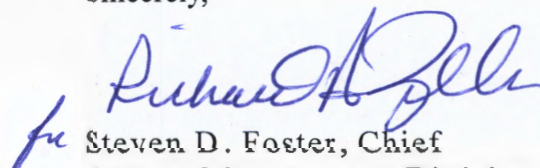
RE: Baltimore County
Item No. 2011-0373-A
Variance
Ronald M. & Stephanie Attman
5 Mandel Court

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. 2011-0373-A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 13, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **July 11, 2011**

Item No.:

Special Hearing: 2011-0370-SPHA.

Administrative Variance: 2011-0363A, 2011-371A-0372A, 2011-0374A.

Variance: 2011-0370-SPHA, 2011-0373A, 2011-0375A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

RE: PETITION FOR VARIANCE

5 Mandel Court; SE/S of Mandel Court,

190' NE of c/line Sugarcone Road

3rd Election & 2nd Councilmanic Districts

Legal Owner(s): Ronald & Stephanie Attman

Petitioner(s)

*

BEFORE THE

*

ADMINISTRATIVE LAW

*

JUDGE FOR

*

BALTIMORE COUNTY

*

2011-373-A

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ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Jefferson Building, Room 204

105 West Chesapeake Avenue

Towson, MD 21204

(410) 887-2188

RECEIVED

JUL 07 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of July, 2011, a copy of the foregoing Entry of Appearance was mailed to Richard Matz, Colbert, Matz & Rosenfelt, Inc, 2825 Smith Avenue, Suite G, Baltimore, MD 21209 and D. Dusky Holman, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

SMITH, GILDEA & SCHMIDT LLC

TIC - 10/18 @
10 AM

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

RECEIVED

SEP 23 2011

OFFICE OF ADMINISTRATIVE HEARINGS

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

September 21, 2011

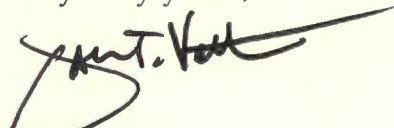
Timothy M. Kotroco, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: **Attman/5 Mandel Court**
Case No.: 2011-0373-A
Rescheduled Hearing Date: Tuesday, October 18, 2011 at 10:00 a.m.

Dear Administrative Law Judge Kotroco:

In follow up to our conversation last week, Ronald and Stephanie Attman, the Petitioners, will be out of town on the scheduled hearing date. They have authorized me to proffer their testimony at the aforementioned rescheduled hearing date. It is my understanding that you do not object to the proffer of their testimony. If your position changes at any point, please contact me at your earliest convenience.

Very truly yours,



Jason T. Vettori

JTV: jkl

CC: Lawrence Stahl, Administrative Law Judge for Baltimore County
Ronald & Stephanie Attman, 5 Mandel Court
Richard E. Matz, Colbert Matz Rosenfelt, Inc.
D. Dusky Holman, Esquire

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

September 21, 2011

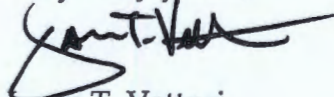
Steve Silverman, Esquire
Silverman & Thompson
201 N. Charles Street
Baltimore, MD 21201

**Re: Attman/5 Mandel Court
Case No.: 2011-0373-A
Rescheduled Hearing Date: Tuesday, October 18, 2011 at
10:00 a.m. in Room 205, Jefferson Building**

Dear Mr. Silverman:

In follow up to my letter dated August 5, 2011, please accept this notification that the originally scheduled hearing has been rescheduled for Tuesday, October 18, 2011 at 10:00 a.m. in Room 205, Jefferson Building. It is my further understanding that you have had further meetings with the Attmans in an attempt to address the concerns you originally expressed regarding the proposed addition and corresponding relief requested. Dick Matz has indicated that he will bring evidence documenting your position with respect to the proposed addition and the corresponding relief requested which will be presented at the rescheduled hearing. While you have every right to attend the rescheduled hearing, it is not required that you do so. Please do not hesitate to contact the undersigned with any comments, questions or concerns.

Very truly yours,



Jason T. Vettori

JTV: jkl

CC: Timothy M. Kotroco, Administrative Law Judge for Baltimore County
Lawrence Stahl, Administrative Law Judge for Baltimore County
Ronald & Stephanie Attman, 5 Mandel Court
Richard E. Matz, Colbert Matz Rosenfelt, Inc.
D. Dusky Holman, Esquire

TK

SMITH, GILDEA & SCHMIDT LLC

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D. DUSKY HOLMAN
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MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT
of counsel:
JAMES T. SMITH, JR.

August 5, 2011

Steve Silverman, Esquire
Silverman & Thompson
201 N. Charles Street
Baltimore, MD 21201

RECEIVED

AUG 05 2011

Re: Attman/5 Mandel Court
Case No.: 2011-0373-A
Hearing Date: August 9, 2011, 1:30 p.m.

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Mr. Silverman:

It is my understanding that you live at 6 Mandel Court. Dick Matz has advised me that you contacted your neighbors, the Attmans, about some concerns you have with the improvement they are proposing at 5 Mandel Court. He has further advised me that he has personally met with you and the Attmans in an attempt to resolve those issues. At this time, Mr. Matz has informed me that he is drafting some modifications to the proposed improvement that he hopes may be acceptable to you.

As you are aware, the hearing regarding the request for zoning relief is scheduled for Tuesday, August 9, 2011 at 1:30 p.m. I am writing to notify you that it is my intention to show up at the hearing as scheduled to notify the Administrative Law Judge that we would like the hearing to be continued until a later date so that we can attempt to address the concerns that you have brought to our attention.

Mr. Matz informed me that it was his understanding that Timothy M. Kotroco, Administrative Law Judge for Baltimore County would be presiding over the zoning hearing. However, I called the Office of Administrative Hearings' office and spoke to Mr. Kotroco, and he indicated that Lawrence Stahl would be presiding over the hearing. Nevertheless, Mr. Kotroco did not have any objection to the proposed continuation. He told me that he would let Mr. Stahl know that it was our intention to continue the scheduled hearing.

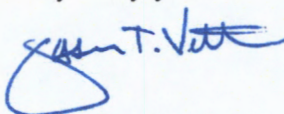
It is fairly common that hearings are continued as minor issues are settled amongst neighbors. Obviously, I will make certain that you receive notice when the matter is to be set

Steve Silverman, Esquire
August 5, 2011
Page 2

in for a new hearing date. If any other interested persons show up at the hearing, they too will be notified about a future hearing date where the substantive issues will be presented. Mr. Stahl and Mr. Kotroco will receive courtesy copies of this letter as well. As the neighbor on the side of the house where the proposed improvement is being constructed, I certainly understand your interest in the requested relief and will be certain to keep you updated regarding changes to the proposed improvement and updates regarding the request for relief before the Administrative Law Judges.

If you have any questions, comments or concerns, please feel free to contact the undersigned.

Very truly yours,



Jason T. Vettori

JTV: sf

CC: Lawrence Stahl, Administrative Law Judge for Baltimore County
Timothy M. Kotroco, Administrative Law Judge for Baltimore County
Ronald & Stephanie Attman, 5 Mandel Court
Richard E. Matz, Colbert Matz Rosenfelt, Inc.
D. Dusky Holman, Esquire

Debra Wiley - Fwd: Case No. 2011-0373-A - 5 Mandel Court

From: Debra Wiley
To: dmatz@CMREngineers.com; jvettori@gildeallc.com
Date: 9/15/2011 11:56 AM
Subject: Fwd: Case No. 2011-0373-A - 5 Mandel Court
CC: Kotroco, Timothy; Lewis, Kristen

Good Morning,

This is to advise you that the above-referenced case has been scheduled for **Tuesday, October 18, 2011 at 10:00 AM, in Room 205**. As you may recall, this case was opened and continued from August 9th in which there was no one in attendance.

As stated in your **attached correspondence to Mr. Silverman**, dated August 5, 2011, please notify him of the new hearing date.

Thanks and feel free to contact me with any concerns or questions.

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

Debra Wiley - Re: Case No. 2011-0373-A - 5 Mandel Court

From: Kristen Lewis
To: Wiley, Debra
Date: 9/15/2011 9:20 AM
Subject: Re: Case No. 2011-0373-A - 5 Mandel Court

Hi Debbie,

I have 10/12, 10/13 and 10/18 available at any time in Room 205. If any of these dates work, I can reserve it for whatever time they would like. Let me as soon as you can.

>>> Debra Wiley 9/14/2011 4:04 PM >>>
Hi Kristen,

Our office was notified by Jason Vettori and Dick Matz today that they would like to proceed with the above-referenced case. This case was opened and continued by Larry Stahl from August 9th. They have both been advised that this will be heard some time in October and between Matz, Vettori & Kotroco, the UNAVAILABLE dates are as follows:

10/3, 10/6, 10/7, 10/11 & 10/21

Can you give me any available dates/times for this to be continued. I believe the estimated length of hearing will be about an hour or two.

Thanks.

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

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 03 Account Number - 1700013650

Owner Information

Owner Name: **ATTMAN RONALD M** Use: RESIDENTIAL
ATTMAN STEPHANIE Principal Residence: YES
Mailing Address: 5 MANDEL CT Deed Reference: 1) /06012/ 00393
BALTIMORE MD 21209-1015 2)

Location & Structure Information

Premises Address Legal Description
5 MANDEL CT 190 N SUGARCONE RD
0-0000 GREEN GATE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0069	0019	1043		0000	J	6	33	2	Plat Ref: 0038/0129

Special Tax Areas Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1979	3,268 SF	16,200 SF	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT FRAME	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2010	07/01/2011
Land	145,300	145,300		
Improvements:	423,500	225,100		
Total:	568,800	370,400	568,800	370,400
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
HMH CONSTRUCTION COMPANY	04/24/1979	\$99,000
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/06012/ 00393	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

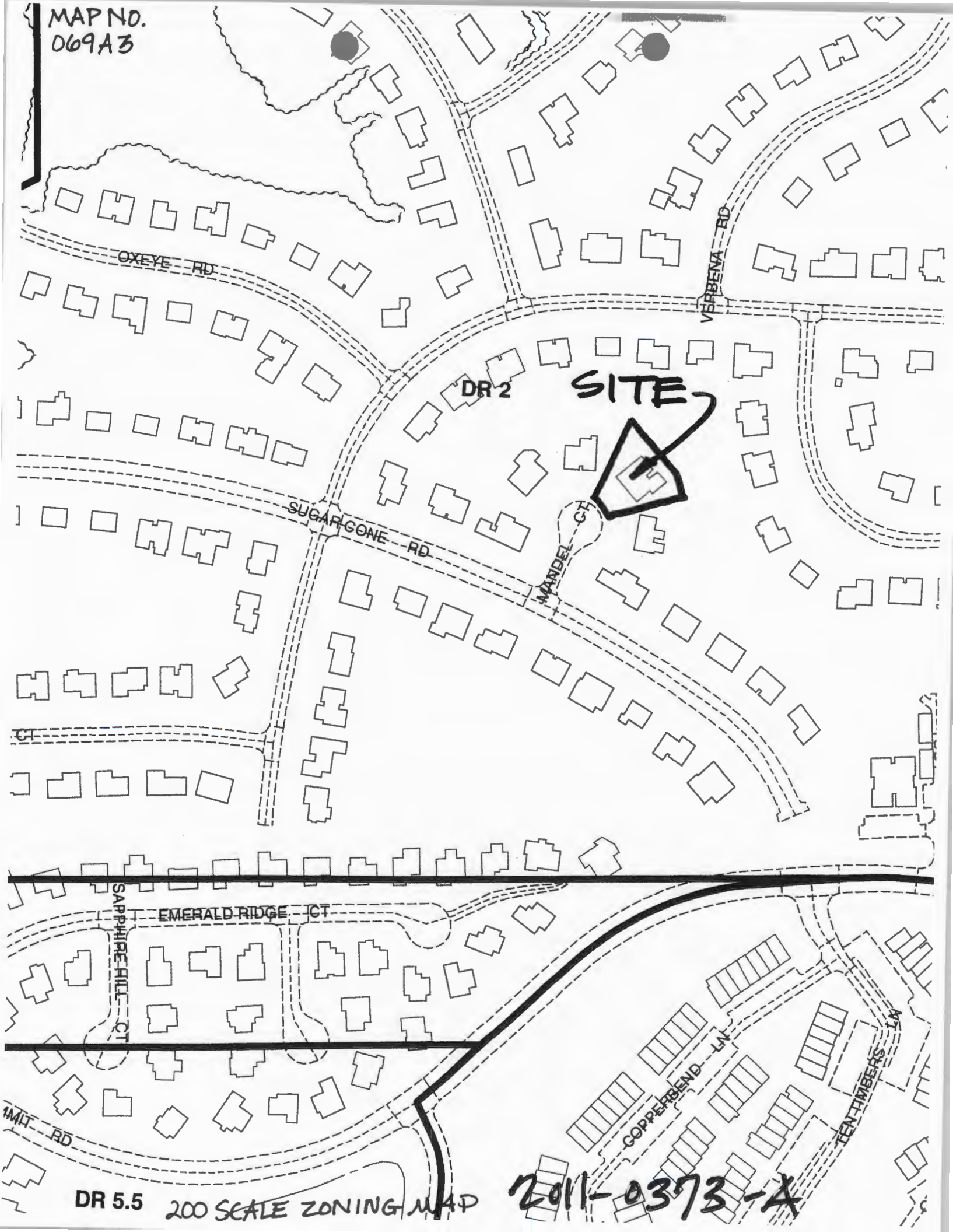
Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt: Special Tax Recapture:
Exempt Class: * NONE *

CASE NAME 2011-0373-A.
CASE NUMBER ATTMAN/5 MANDEL CT.
DATE 10/18/11

[illegible]

MAP NO.
069A3



DR 5.5 200 SCALE ZONING MAP

2011-0373-A

Case No.: 2011-0373A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan of property	
No. 2	Letter of Support from Neighbor	
No. 3	Decision from Court of Appeals	
No. 4	Record of House	
No. 5	Record Plan	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

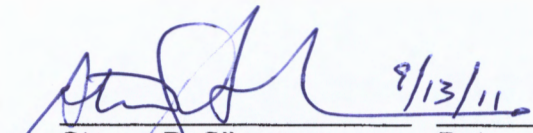
Honorable Lawrence M. Stahl
Administrative Law Judge for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

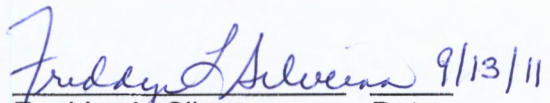
September 13, 2011

RE: Case Number 2011-0373-A
Original Hearing Date: August 9, 2011

Dear Judge Stahl:

We are the neighbors directly adjacent to the Attmans at 5 Mandel Court. We have seen the revised site plan showing the proposed garage set directly behind the existing kitchen window. We believe this is a much better proposal and have no objections, were a variance to be granted.


Steven D. Silverman 9/13/11
Date #6 Mandel Court Date


Freddye L. Silverman 9/13/11
#6 Mandel Court Date

PETITIONER'S

EXHIBIT NO. 2

Westlaw.

760 A.2d 677

361 Md. 107, 760 A.2d 677, 20 NDLR P 110
(Cite as: 361 Md. 107, 760 A.2d 677)

Page 1

► Court of Appeals of Maryland.
John P. MASTANDREA, et ux.

v.
John C. NORTH, II.

No. 119, Sept. Term, 1999.
Oct. 10, 2000.

Chesapeake Bay **critical area** commission sought review of county board of appeals' grant of **variance** from **critical area** regulations, for brick-in-sand pathway designed for wheelchair access for landowners' daughter on residential property with frontage on creek. The Circuit Court, Talbot County, William S. Horne, J., reversed. Landowners appealed. After issuance of writ of certiorari, the Court of Appeals, Harrell, J., held that: (1) pathway constituted a reasonable modification to relevant zoning ordinance requirement, and (2) evidence supported grant of **variance**.

Judgment of circuit court reversed and remanded with directions.

West Headnotes

[1] Zoning and Planning 414 ↪1581

414 Zoning and Planning

414X Judicial Review or Relief

414X(A) In General

414k1580 Decisions Reviewable

414k1581 k. In general. Most Cited Cases
(Formerly 414k570)

Question of whether Americans with Disabilities Act (ADA) or local zoning ordinance authorizing "reasonable accommodations" for benefit of **disabled** citizens in zoning matter was source of legal authority for county board of appeals' consideration of reasonable accommodations to a **disabled** person in a **variance** proceeding was not required to be resolved in case in which board gran-

ted **variance** from Chesapeake Bay **critical area** regulations, for brick-in-sand pathway designed for wheelchair access on landowners' residential property that had frontage on creek, where **critical area** commission conceded that board had the abstract legal authority to grant a **variance** as a reasonable accommodation to a **disabled** person. 42 U.S.C.A. §§ 12131-12134.

[2] Zoning and Planning 414 ↪1532

414 Zoning and Planning

414IX Variances and Exceptions

414IX(A) In General

414k1532 k. Water-related uses and regulations. Most Cited Cases
(Formerly 414k502.1)

Brick-in-sand pathway designed for wheelchair access for landowners' daughter on residential property in Chesapeake Bay **critical area** constituted a reasonable modification to relevant zoning ordinance requirement and enabled such a **disabled** person to enjoy waterfront within **critical area** buffer equally with a non-**disabled** person.

[3] Zoning and Planning 414 ↪1745

414 Zoning and Planning

414X Judicial Review or Relief

414X(E) Further Review

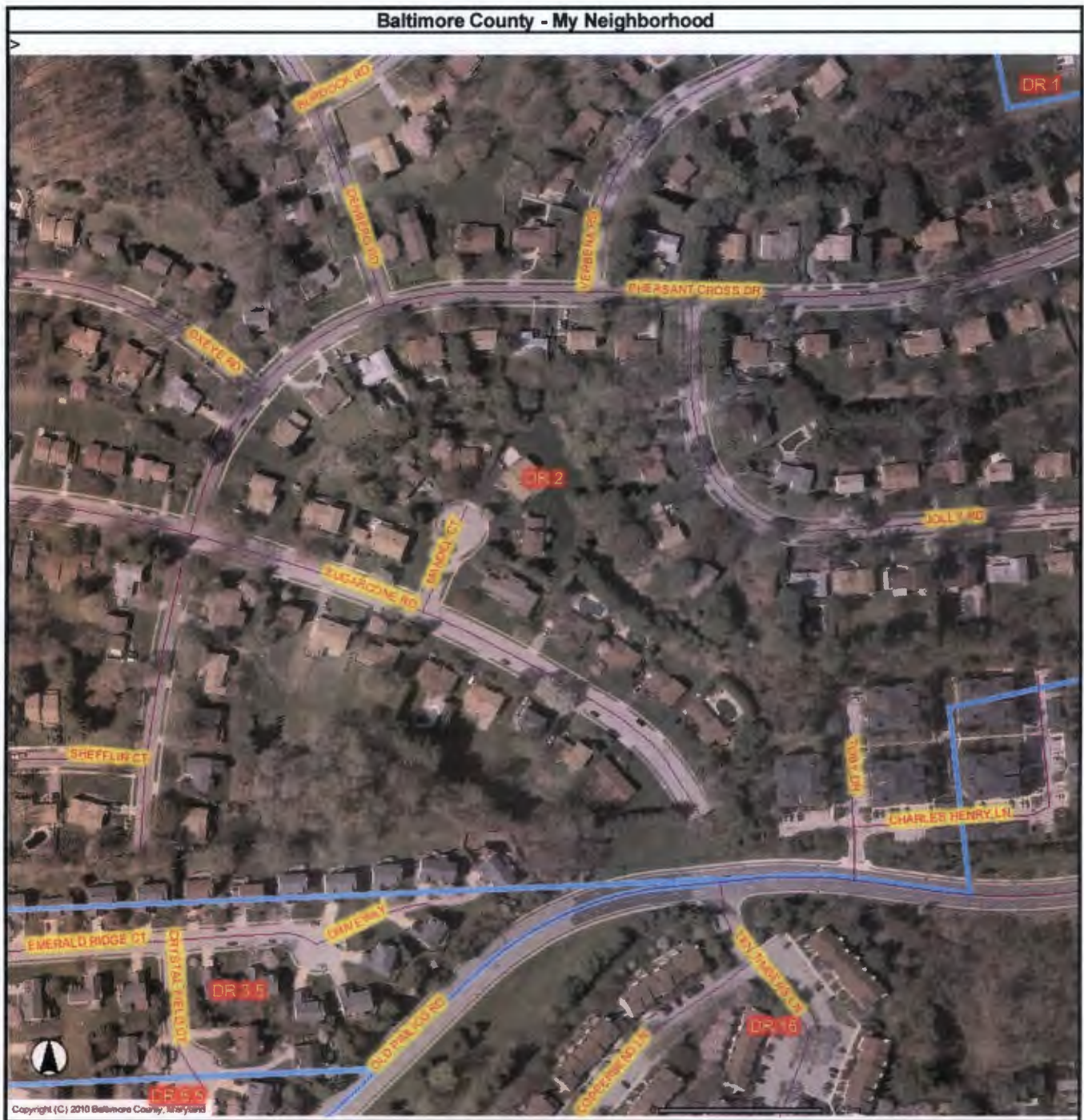
414k1744 Scope and Extent of Review

414k1745 k. In general. Most Cited Cases
(Formerly 414k745.1)

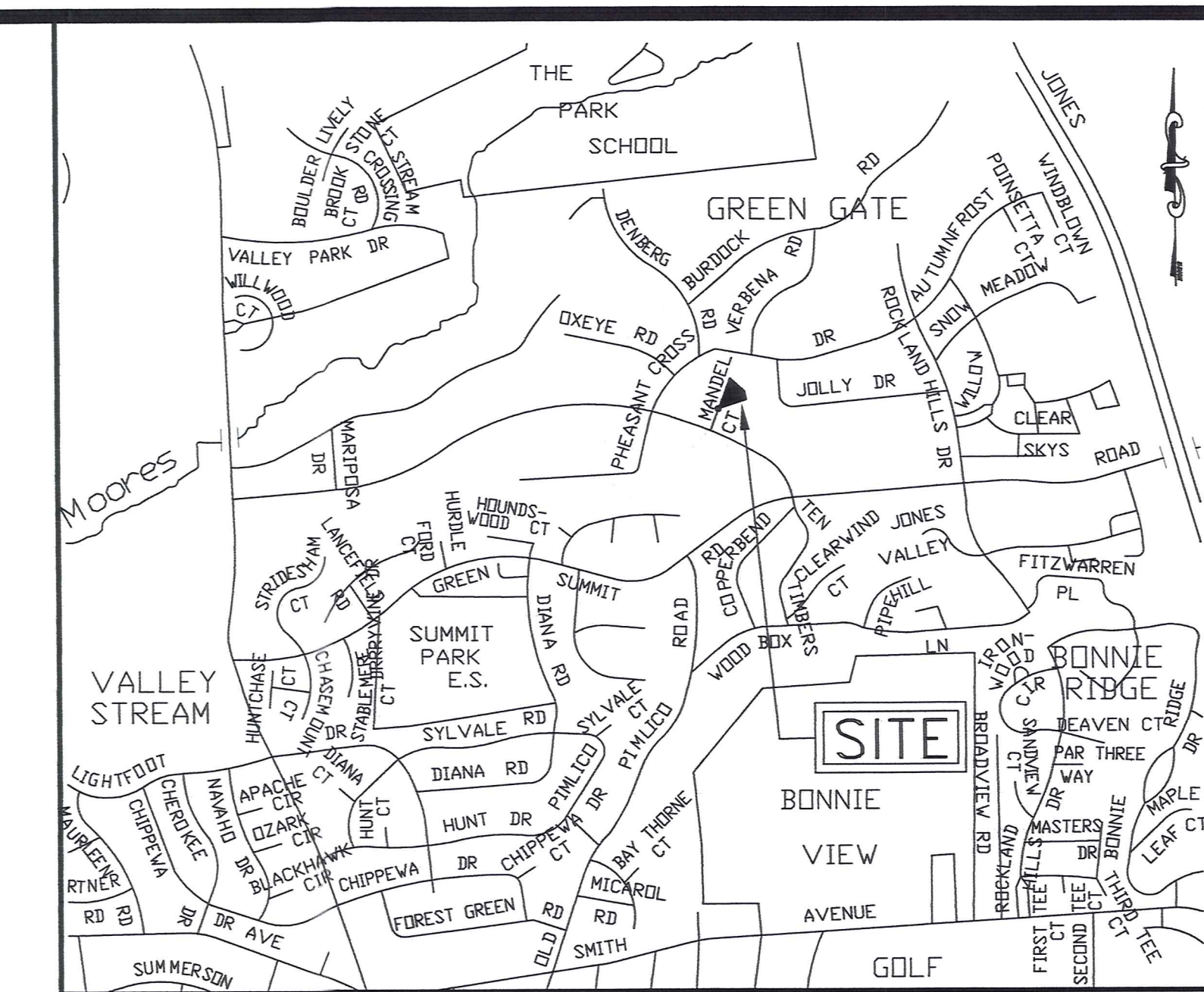
Court of Appeals' role in reviewing whether county board of appeals, as administrative agency, correctly reached conclusions required by zoning ordinance for grant of **variance** in Chesapeake Bay **critical area** buffer was precisely the same as that of circuit court; that meant that Court was required to review administrative decision itself.

[4] Zoning and Planning 414 ↪1626

414 Zoning and Planning



PETITIONER'S
EXHIBIT NO. 4



- GENERAL NOTES:**
1. OWNER / APPLICANT: RONALD M. & STEPHANIE ATTMAN
5 MANDEL COURT
BALTIMORE, MARYLAND 21209-1015
410-792-9801
 2. SITE AREA: 15,450 SQ.FT.± OR 0.3547 AC.±
 3. SITE ZONING: D.R.2 (200-SCALE GIS TILE NO.: 069 A3)
 4. ELECTION DISTRICT: 3 COUNCILMANIC DISTRICT: 2
 5. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
 6. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 7. THERE ARE NO 100-YR FLOODPLAINS, WETLANDS, HISTORIC PROPERTIES OR BUILDINGS LOCATED ON THE SUBJECT SITE.
 8. ZONING HISTORY: CASE NO.: 08-478-A
TO PERMIT A PROPOSED OPEN PROJECTION (CARPORT) TO HAVE A SIDE YARD SETBACK AS CLOSE AS 3 FEET IN LIEU OF THE MAXIMUM ALLOWED 11.25 FEET. DENIED 6/12/2008. MOTION FOR RECONSIDERATION DENIED 6/23/2008. ON 2/25/09, THE BOARD OF APPEALS ORDERED THAT THE PETITION FOR VARIANCE BE HEREBY WITHDRAWN WITHOUT PREJUDICE.
 9. BOUNDARY & TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON A FIELD RUN SURVEY PREPARED BY COLBERT MATZ ROSENFELT, INC., DATED 2/2011.

REDLINE

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE

#5 MANDEL COURT

TAX MAP: 69 GRID: 19 PARCEL: 1043
SECTION: J BLOCK: 6 LOT: 33
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE
1 inch = 20 ft.

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

COMAR 09.23.03.10 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. 13203
Expiration Date: 11-02-12

SCALE: 1"= 20'
DATE: 06/29/2011
JOB NO.: 2010-139
DESIGNED:
DRAWN: AKC/SLD
CHECKED: SLD
FILE: 2010139 PRELIM BASE.dwg
DRAWING NUMBER: **VAR-1**

NO.	DATE	REVISIONS	BY	SHEET
1	10.18.11	REDLINE ADDITION REVISION	SLD	1 OF 1



GREEN GATE
PLAT 2, SECT. 1
O.T. 633/46

GREEN GATE
PLAT 1, SECT. 2
O.T. 634/143

GREEN GATE
PLAT 1, SECT. 3
O.T. 635/116

GREEN GATE
PLAT 2, SECT. 4
E.H.K. Jr. 37/28

FUTURE
GREEN GATE
PLAT 2, SECT. 5

MANDEL
COURT

SUGAR CONE
ROAD

ROAD

BLOCK
1

OLD PIMLICO ROAD

COORDINATES					
NO.	NORTH	WEST	NO.	NORTH	WEST
246	31566.30	10655.03	348	31600.25	10001.25
246	31720.78	10638.71	1010	31500.24	10173.78
249	31827.24	10613.80	1021	31600.05	10166.31
242	31905.57	10670.38	2103	31600.42	10671.43
241	32031.58	10638.02	2104	32020.68	10631.81
255	32085.20	10608.17	636	31763.29	10600.22
256	32107.62	10573.07	623	32022.85	10609.30
1099	32229.12	10494.64	622	32080.25	10591.50
1100	32272.33	10442.45	647	32000.00	10307.17
1101	32302.36	10381.71	637	32015.20	10383.03
1102	32317.58	10315.09	638	32061.02	10383.80
1097	32318.55	10240.33	640	32080.33	10391.02
1112	32316.30	10131.19	645	32066.12	10293.27
3684	32032.09	10663.91	641	32040.88	10318.03
3703	31932.13	10516.31	642	31993.12	10338.17
3383	31880.10	10514.53	648	31981.80	10333.11
1070	31800.81	10578.67	634	31812.78	10035.31
1059	31704.43	10502.70	1087	32205.10	10143.85
3028	31547.11	10560.52	1086	32101.77	10113.53
			1076	32042.23	10123.47
3632	31541.80	10502.00	1078	31874.18	10575.34
3777	31539.04	10539.10	1018	31887.28	10301.24
3778	31536.05	10502.05	1023	31725.63	10373.12
354	31542.80	10574.80	1025	31700.40	10338.18
351	31535.40	10502.17			

CURVE DATA						
From	To	Radius	Length	Δ	Tangent	Chd Bearing Distance
G22	G47	2030.00	207.11	05°50'44"	103.64'	S70°00'30"E 207.02'
G35	G46	50.00	36.14	41°24'34"	18.20'	N03°02'43"E 35.36'
G45	G46	50.00	22.23	262°40'05"	10.00'	N66°15'00"W 75.00'
G41	G45	50.00	36.14	41°24'34"	18.20'	N44°27'17"E 35.36'
G48	G34	2030.00	342.83	00°40'34"	171.82'	S60°25'57"E 342.42'
G34	G28	420.00	32.61	44°20'37"	171.80'	N33°20'22"W 318.02'
G29	G36	1070.00	601.61	17°22'50"	303.16'	S64°20'05"E 500.27'
G36	G32	560.00	273.13	43°28'15"	143.52'	S33°51'03"E 266.63'

GENERAL NOTES

	SECT. 1	SECT. 2	SECT. 3	SECT. 4	SECT. 5	SECT. 6	MERCANTILE CLUB	FUTURE SECT.	TOTAL
1. GROSS AREA OF TRACT	45.32	10.30	23.20	26.21	25.61	10.00	10.00	6.88	130.6
2. GROSS RESIDENTIAL AREA	45.46	10.30	23.20	26.21	25.61	10.00	10.00	7.54	161.4
3. AREA IN RWS, STREETS	6.65	1.50	2.38	2.07	4.15	1.50		2.01	20.35
4. NET RESIDENTIAL AREA	38.81	8.80	20.81	24.14	21.46	9.40	10.00	5.53	141.05
5. TOTAL NO. LOTS PERMITTED AT 20,000 SQ. FT.									301
6. TOTAL OPEN SPACE SHOWN	4.00	1.24	6.03	8.31	2.01	2.41		1.84	25.03
7. TOTAL LOT AREA	34.58	7.56	15.21	17.60	19.59	6.99	10.00	3.60	113.42
8. NO. LOTS PERMITTED AT 10,000 SQ. FT. (CLUSTER SUBDIV.)									205
9. NO. OF LOTS SHOWN	20	20	31	30	53	10		9	260
10. NO. OF LOTS SHOWN LESS THAN 10,000 SQ. FT. (MIN. 13,000)									210
11. NO. OF LOTS PERMITTED LESS THAN 10,000 SQ. FT. (75%)									221
12. GROSS RESIDENTIAL DENSITY	2.16	1.94	1.33	1.36	2.07	1.73		1.10	1.67
13. NET RESIDENTIAL DENSITY	2.53	2.27	1.48	1.49	2.47	2.02		1.63	1.91

MERCANTILE CLUB
(PRIVATE COUNTY CLUB)

NOTE: Existing Zoning DR-1G & DR-2
Former Zoning R-20 S.F. (10-31-68)
APPROVED FOR: Cluster Development R-20
JONES FALLS SANITARY WATERSHED

E.H.K., JR. 38 FOLIO 129

Filed for record

Date AUG 20 1975

Test:

[Signature] Clerk

SECTION G GREEN GATE

2nd Election District Balt Co Md
Scale: 1"=50' APRIL 20, 1975

DEVELOPER
H.M.H. CONSTRUCTION COMPANY
3612 FORDS LANE
BALTIMORE, MD 21215

MCA ENGINEERING CORPORATION
1020 CROMWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204

COMPUTED: J.G.W. DRAWN: M.W.W. CHECKED: C.R.S. J.O. #632714

MCA 554 1836-5914

APPROVED:
[Signature]
DATE: 8/16/75
DEPUTY STATE & COUNTY HEALTH OFFICER

NOTE:
STREETS and/or ROADS shown hereon and mention thereof in deeds are for purposes of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

NOTE:
COORDINATES and BEARINGS shown on this plat are referred to the system of coordinates established in The Baltimore County Metropolitan District and are based on the following traverse stations:
X3024 W12403.51 N33300.15
X3025 W12335.02 N32771.00

OWNERS CERTIFICATE:
The requirements of Section 3-106, Article 21 of the Annotated Code of Maryland, as far as they relate to the preparation of this plat have been complied with.

H.M.H. CONSTRUCTION CO.
[Signature] 4/23/75
OWNER DATE

SURVEYORS CERTIFICATE:
I, Ronald D. Boyles, a Registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out, and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill #459, Chapter 1016 of the Acts of 1945 and subsequent amendatory acts.

[Signature] 4/23/75
REGISTERED LAND SURVEYOR No. 3000 DATE

APPROVED, BALTIMORE COUNTY PLANNING BOARD

8/28/75 *[Signature]*
DATE: CHAIRMAN

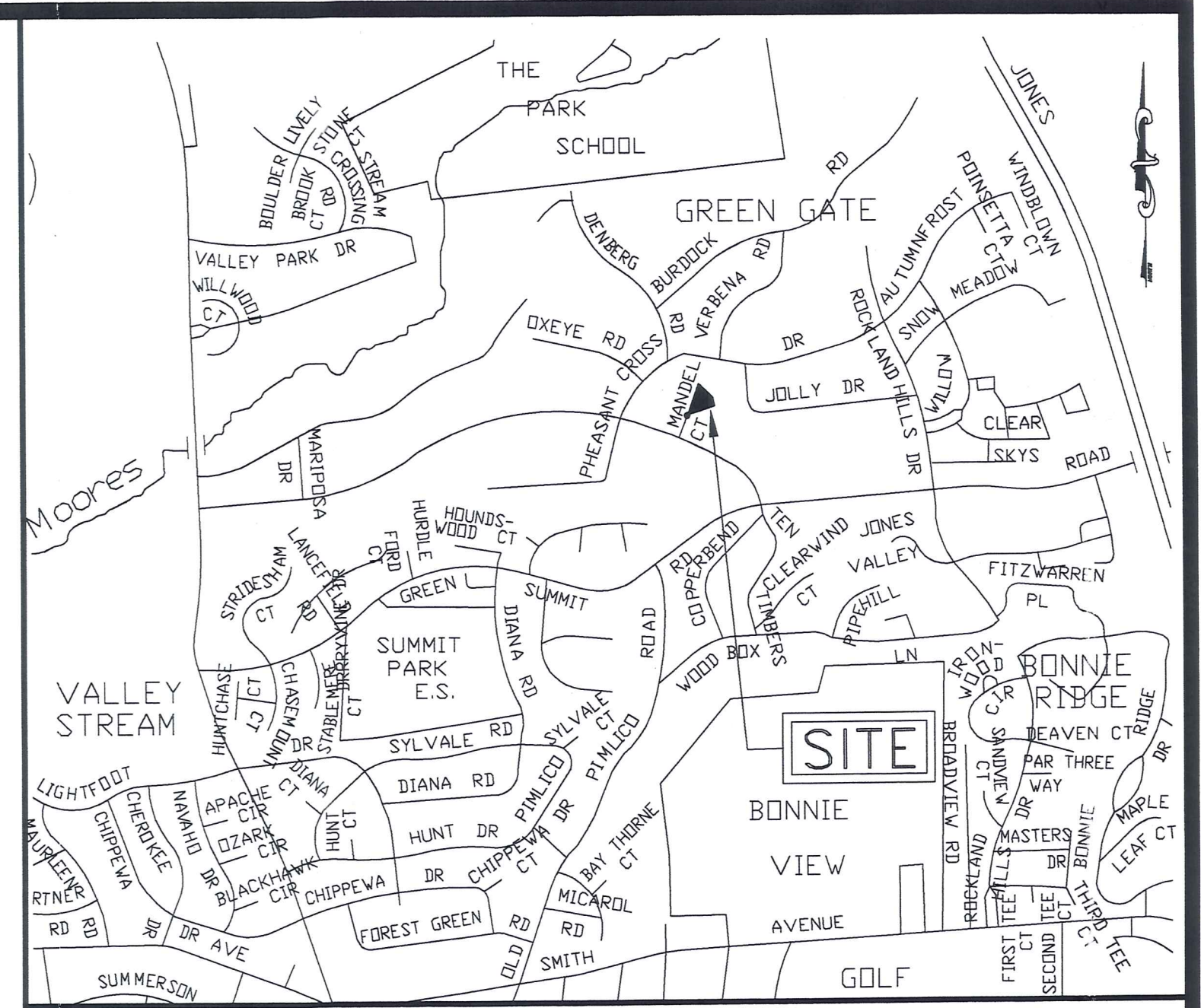
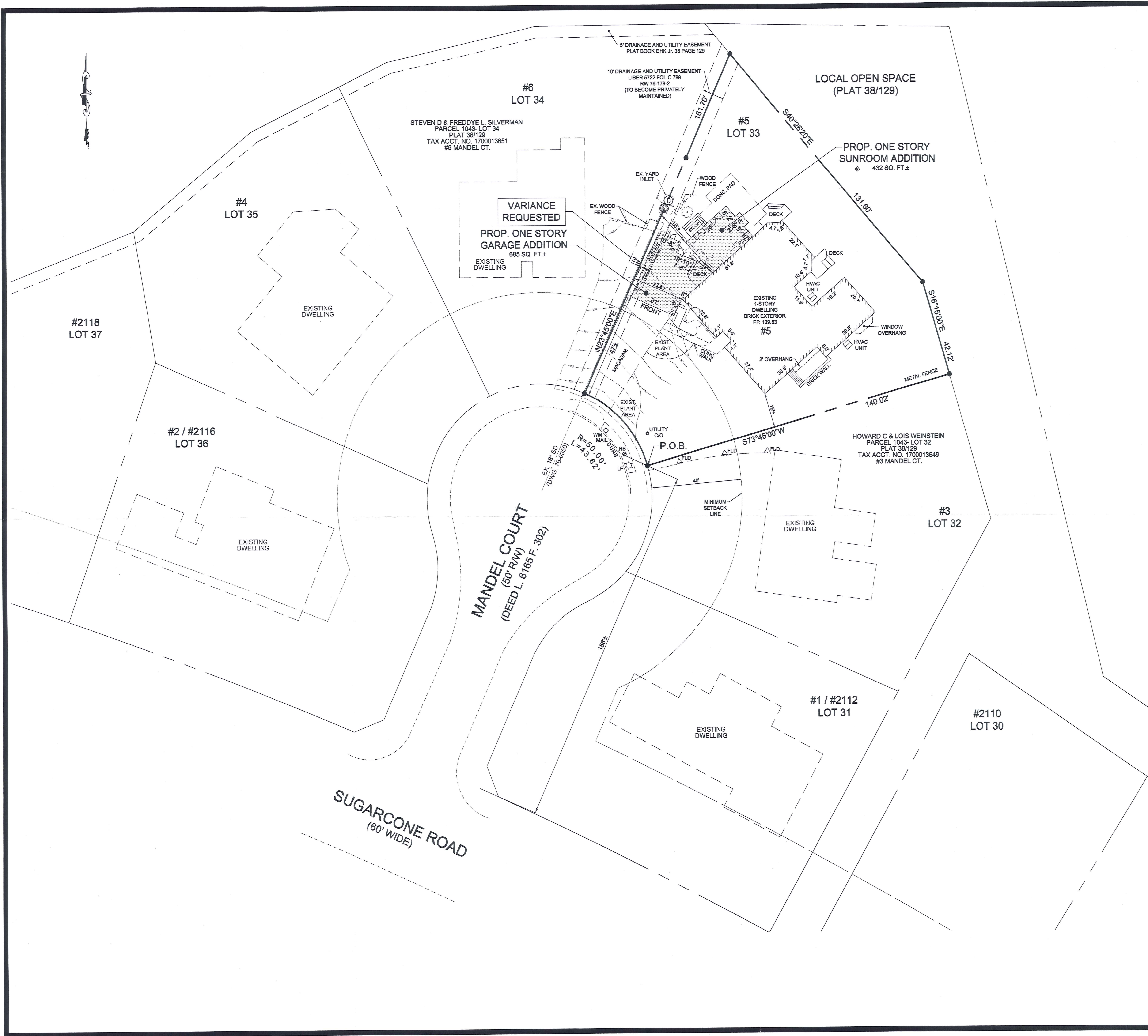
8/28/75 *[Signature]*
DATE: COUNTY ROADS ENGINEER

PETITIONER'S

EXHIBIT NO. 5

2010-139

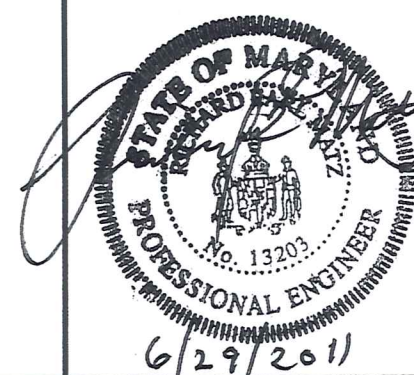
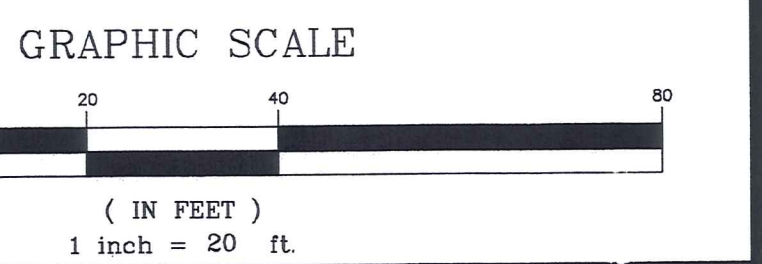
981754



- GENERAL NOTES:**
1. OWNER / APPLICANT: RONALD M. & STEPHANIE ATTMAN
5 MANDEL COURT
BALTIMORE, MARYLAND 21209-1015
410-792-9801
 2. SITE AREA: 15,450 SQ.FT.± OR 0.3547 AC.±
 3. SITE ZONING: D.R.2 (200-SCALE GIS TILE NO.: 069 A3)
 4. ELECTION DISTRICT: 3 COUNCILMANIC DISTRICT: 2
 5. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
 6. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 7. THERE ARE NO 100-YR FLOODPLAINS, WETLANDS, HISTORIC PROPERTIES OR BUILDINGS LOCATED ON THE SUBJECT SITE.
 8. ZONING HISTORY: CASE NO.: 08-478-A
TO PERMIT A PROPOSED OPEN PROJECTION (CARPORT) TO HAVE A SIDE YARD SETBACK AS CLOSE AS 3 FEET IN LIEU OF THE MAXIMUM ALLOWED 11.25 FEET. DENIED 5/12/2008. MOTION FOR RECONSIDERATION DENIED 6/23/2008. ON 2/25/09, THE BOARD OF APPEALS ORDERED THAT THE PETITION FOR VARIANCE BE HEREBY WITHDRAWN WITHOUT PREJUDICE.
 9. BOUNDARY & TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON A FIELD RUN SURVEY PREPARED BY COLBERT MATZ ROSENFELT, INC., DATED 2/2011.

**PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE
#5 MANDEL COURT**

TAX MAP: 69 GRID: 19 PARCEL: 1043
SECTION: J BLOCK: 6 LOT: 33
BALTIMORE COUNTY, MARYLAND



Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

COMAR 09.23.03.10 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. 13203 Expiration Date: 11-02-12		SCALE: 1"= 20' DATE: 06/29/2011 JOB NO.: 2010-136 DESIGNED: DRAWN: AKC/SLD CHECKED: SLD FILE: 2010139 PRELIM BASE.dwg DRAWING NUMBER: VAR-1	
NO.	DATE	REVISIONS:	BY SHEET 1 OF 1

2011-0373-A