

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

Date Due
5/18/18

TO: Director, Office of Planning
Attention: **Development Review Division**
Jefferson Building
105 West Chesapeake Avenue, Room 101
Towson, MD 21204
Mail Stop 3402

Building Permit No. B
Zoning Office Reviewer RDJ

Jefferson
Butt

Residential Processing Fee Paid (\$100.00) Accepted by <u>RDJ</u> Date <u>5/13/18</u>
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FROM: Arnold Jablon, Director
Department of Permits, Approvals and Inspections

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, the Zoning Review Office of PAI is requesting recommendations and comments from the Office of Planning prior to Zoning Review Office approval of a residential building permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

MAY 3 2018

Name of Applicant(s) NADIA ELIAS

DEPARTMENT OF PLANNING

Applicant's Mailing Address 6050 OLNEY LAYTONSVILLE ROAD, GAITHERSBURG, MD 20882

Applicant's Telephone Number (240) 595-1277 Applicant's Email Address NADIA.AELIAS@GMAIL.COM

Lot Address 6403 SHERWOOD ROAD Election District 9 Council District 5 Lot Square Feet 7,250

Lot Location: NE S W/ide of SHERWOOD ROAD 200 feet/at corner of NE S W/ide of OVERBROOK ROAD
(street name) (# of feet) (street name)

Land Owner(s): NADIA ELIAS 10 Digit Tax Account Number 0919480331

Owner's Mailing Address: 6050 OLNEY LAYTONSVILLE ROAD, GAITHERSBURG, MD 20882

Owner's Telephone Number (240) 595-1277 Owner's Email Address NADIA.AELIAS@GMAIL.COM

CHECKLIST OF MATERIALS- (to be submitted at the filing appointment for design review by the Office of Planning)

APPLICANT MUST PROVIDE 1 through 6

1. This Recommendation Form (3 copies)

Planner Acceptance Check Off	
YES	NO
<u>✓</u>	<u> </u>

2. Permit Application

<u>✓</u>	<u> </u>
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3. Site Plan
Property (3 copies)

<u>✓</u>	<u> </u>
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4. Building Elevation Drawings

<u>✓</u>	<u> </u>
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5. Photographs (please label all photos clearly)
Adjoining Buildings

<u>✓</u>	<u> </u>
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Surrounding Neighborhood

<u> </u>	<u> </u>
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6. Current Zoning Classification: DR-5.5

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY

RECOMMENDATIONS / COMMENTS:



Approval



Disapproval



Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by: [Signature]
For the Director, Office of Planning

Date: 5/18/18

CERTIFICATE OF POSTING

Date: 5-16-18

RE: Case Number: Undersize Lot Building Permit

Petitioner/Developer: Nadia Elias

Date of Hearing/Closing: June 1, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6403 Sherwood Rd

The signs(s) were posted on 5-16-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

A FILING REVIEW APPOINTMENT IS REQUIRED

Department of Permits, Approvals and Inspections (PAI)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

The review application for your proposed Building Permit has been reviewed and is accepted for filing
by David Duval on May 3 2018
(Name of planner) Date (A)

A sign indicating the proposed building/development must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$100.00. The applicant is responsible for the posting and costs. An approved sign poster must be used. The fee is subject to change. Confirm all current fees prior to filing the application.

The Planning Office decision can be expected within approximately four weeks. However, if a valid hearing demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE May 17 D (15 Days Before C)
DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) June 1 C (B-3 Work Days)

TENTATIVE DECISION DATE June 4 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: 1

ZONING NOTICE

BUILDING PERMIT APPLICATION

For An Undersized Lot

6403 SHERWOOD ROAD - SEC. 304.2 UNDERSIZED
LOT APPROVAL-TO BUILD A SINGLE FAMILY DWELLING
ON A LOT OF 7250 SQUARE FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 304.2, BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST
A PUBLIC HEARING CONCERNING THE PROPOSED
VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN
THE ZONING REVIEW BUREAU BEFORE 4:30 p.m. ON

JUNE 1, 2018

REQUEST FOR HEARING MUST REFERENCE THE ADDRESS
ON THIS SIGN. ADDITIONAL INFORMATION IS AVAILABLE
AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT
MANAGEMENT, COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

• TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. UNDER PENALTY OF LAW.
HANDICAPPED ACCESSIBLE

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

No. **168037**

Date: **5/3/18**

PAID RECEIPT

BUSINESS ACTUAL TIME TRW
 5/03/2018 5/03/2018 10:27:51 2

REC NS02 WALKIN JEE
 >>RECEIPT # 052149 5/03/2018 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	608 806	0000		6150					\$100.00

Dept 5 528 ZONING VERIFICATION
 CR NO. 168037

Recpt Tot \$100.00
 \$100.00 CK \$0.00 CA
 Baltimore County, Maryland

Total: **\$100.00**

Rec From: **Little & Ass**

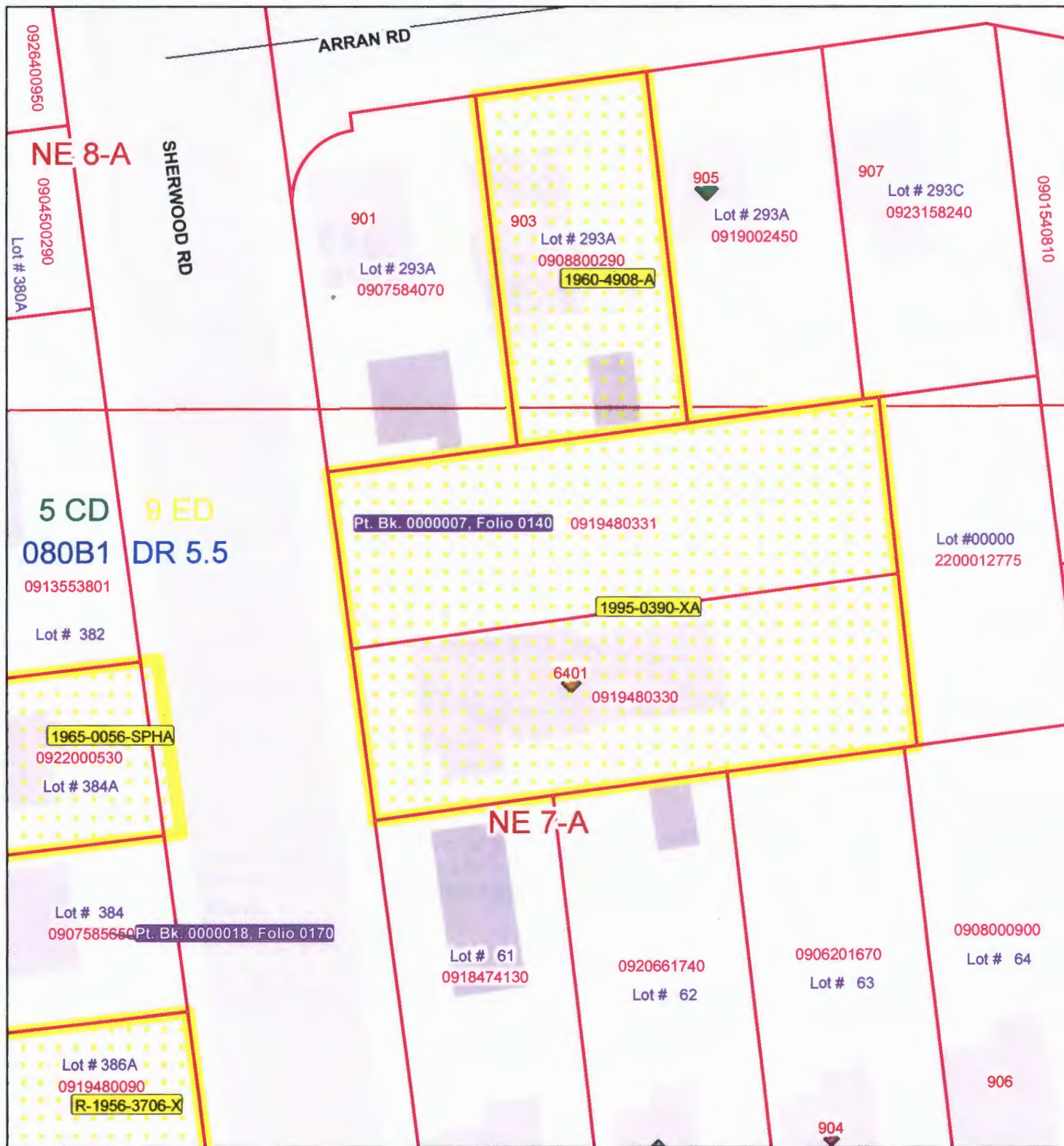
For: **undersized lot approval**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Sherwood Road, Tax #09-19-480-331



Publication Date: 5/3/2018



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

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

No. 170254

Date: 5/30/18

PAID RECEIPT

BUSINESS ACTUAL TIME DR#
 5/31/2018 5/30/2018 09:28:39 1

REC W001 WALKIN LJR
 >>RECEIPT # 787991 5/30/2018 OFLN
 Dept: 5 528 ZONING VERIFICATION
 CK NO. 170254

Recpt Tot \$60.00
 \$60.00 CK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				60.00

Total: 60.00

Rec From: Biddlewyde Comm. Association

For: Formal Demand
180403 Sherwood Rd

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS
TOWSON, MARYLAND 21204

21239

Date 5-2-18

Permit # B
Control # NR
XRef # NR

Receipt # A
Fee 205+10+50=
Total Paid
Paid By 2654
Inspector

Property Address 6403 Sherwood Rd
Suite/Space/Floor

Subdivision
Tax Account # 0919480331
Will this building have sprinklers? ☒ Yes ☐ No
Is this property located in a floodplain? ☐ Yes ☐ No

Historic District/Building
☐ Yes ☒ No
District / Precinct
09 01

OWNER'S INFORMATION

First & Last Name (Individual) Nadia Elias - 301-921-0888
Corporation Name
Address 6050 Olney Laytonville Rd
City, State, Zip Laurelburg, Md 20882
Seller

APPLICANT INFORMATION

Name Debbie King Phone Number 410-296-1630
Company (if applicable) Little + Associates, Inc
Address 1055 Taylor Ave
City, State, Zip Towson Md 21286
Applicant Signature Debbie King E-Mail
Business/Tenant Name
Contractor Mina Enterprises Inc MHIC # 77 MHBR # 71904
Engineer
PLANS: CONST 02 PLOT 7 PLAT 0 DATA 0 EL 1 PL 1 DRC #

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT, AND WILL REQUEST ALL REQUIRED INSPECTIONS.

TYPE OF IMPROVEMENT

1. ☒ New Bldg Construction
2. ☐ Addition
3. ☐ Alteration
4. ☐ Repair
5. ☐ Wrecking
6. ☐ Moving
7. ☐ Other

TYPE OF USE

RESIDENTIAL

01. ☒ One Family
02. ☐ Two Family
03. ☐ Three and Four Family
04. ☐ Five or More Family
(enter no. units) _____
05. ☐ Swimming Pool
06. ☐ Garage
07. ☐ Other

NON-RESIDENTIAL

08. ☐ Amusement, Recreation, Place of Assembly
09. ☐ Church, Other Religious Building
10. ☐ Deleted
11. ☐ Industrial, Storage Building
12. ☐ Parking Garage
13. ☐ Service Station, Repair Garage
14. ☐ Hospital, Institutional, Nursing Home
15. ☐ Office, Bank, Professional
16. ☐ Public Utility
17. ☐ School, College, Other Educational
18. ☐ Deleted
19. ☐ Store ☐ Mercantile ☐ Restaurant (specify type) _____
20. ☐ Swimming Pool (specify type) _____
21. ☐ Tank, Tower
22. ☐ Transient Hotel, Motel (no. units _____)
23. ☐ Other

Foundation Type

1. ☒ Slab
2. ☐ Block
3. ☐ Concrete

Basement

1. ☐ Full
2. ☐ Partial
3. ☒ None

Type of Construction

1. ☒ Masonry
2. ☒ Wood Frame
3. ☐ Structure Steel
4. ☐ Reinforced Concrete

Type of Heating Fuel

1. ☒ Gas
2. ☐ Oil
3. ☐ Electricity
4. ☐ Coal

Central Air: 1. ☒ 2. ☐

Type of Sewage Disposal

1. ☒ Public Sewer ☐ Exists ☒ Proposed
2. ☐ Private System ☐ Exists ☐ Proposed
Septic ☐ Exists ☐ Proposed
Privy ☐ Exists ☐ Proposed

Type of Water Supply

1. ☒ Public System ☐ Exists ☒ Proposed
2. ☐ Private System ☐ Exists ☐ Proposed

Estimated Cost of Materials and Labor \$ 215,000

Proposed Use

Existing Use

- Ownership: 1. ☒ Privately Owned 2. ☐ Publicly Owned 3. ☐ Sale 4. ☐ Rental

SFD
Vacant

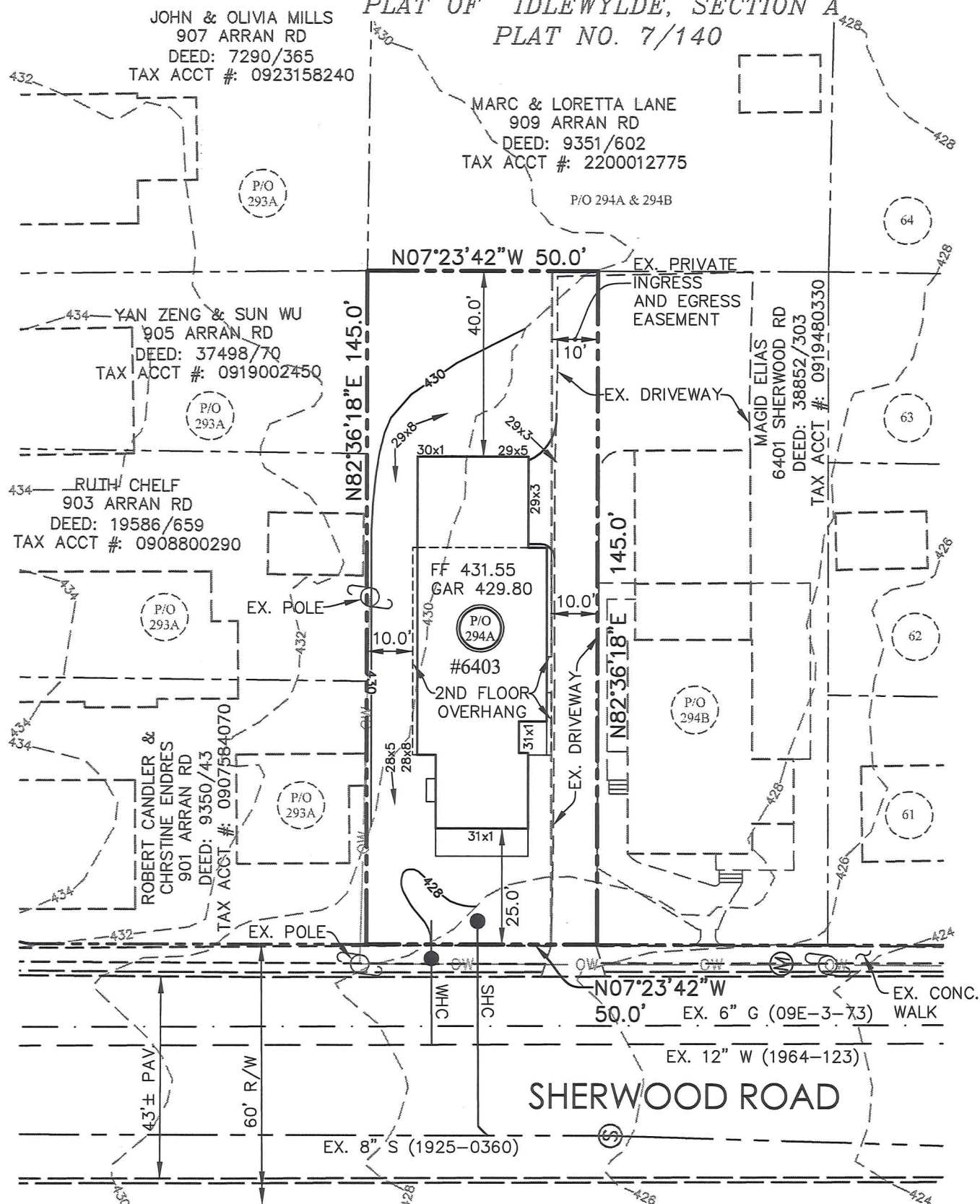
DESCRIBE PROPOSED WORK: TO BE SPRINKLERED
Const SFD 2-sty w/crawl, 1-car S/L
garage, 4 Bedrms, gas F/P (O/S proj
not to exceed 4x10) covrd front porch,
covrd side porch
IFT SIDE (LEFT+ RIGHT)
Cantilever,
86' x 30' x 32' = 3940 SF



GENERAL NOTES

1. OWNERSHIP: NADIA ELIAS
6050 OLNEY LAYTONSVILLE ROAD
GAITHERSBURG, MD 20882
2. TAX ACCOUNT #: 0919480331
3. DEED REF: 38852/307
4. SITE AREA: 0.166 AC±
5. THE ENTIRE SITE IS ZONED DR-5.5.

PLAT OF "IDLEWYLDE, SECTION A"
PLAT NO. 7/140



LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE:(410)296-1636 FAX:(410)296-1639

SITE PLAN TO ACCOMPANY
BUILDING PERMIT APPLICATION
#6403 SHERWOOD ROAD

DISTRICT 9c5
SCALE: 1"=30'

PLAT: 7/140
BALTIMORE COUNTY, MD
MAY 2, 2018

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND VARIANCE - E/S Sherwood Road, * ZONING COMMISSIONER
 150' N of Overbrook Road *
 (6401 Sherwood Road) *
 9th Election District * OF BALTIMORE COUNTY
 4th Councilmanic District *
 * Case No. 95-390-XA
 Thomas E. Sausser *
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 6401 Sherwood Road, located in the vicinity of Walker Avenue in Idlewilde. The Petitions were filed by the owner of the property, Thomas E. Sausser, through his attorney, David K. Gildea, Esquire. The Petitioner seeks a special exception to utilize the subject property as a Class B Group Day Care Center for approximately 40 children of various ages, and a finding that the subject property is exempt from the RTA requirements set forth in Section 1B01.1.B.1.g.10(a) of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special exception request, the Petitioner seeks variance relief from the B.C.Z.R. as follows: From Section 424.7.A to permit a minimum lot area of 0.34 acres in lieu of the minimum required 1.0 acre; from Section 424.7.B to permit a side yard setback of 8.5 feet and a rear yard setback of 45 feet with a vegetative buffer of 6 feet for both in lieu of the required 50-foot setback and 20-foot vegetative buffer; from Section 424.7.E to permit an impervious surface area of 40% in lieu of the maximum permitted 25%; and from Section 424.1.B to permit the required fence to be located on the property line in lieu of the required 20-foot distance. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING
 Date 11/3/95
 By [Signature]

MICROFILMED

a larger lot than what is presently shown on the site plan. Testimony revealed that after he purchased the property in 1992, Mr. Sausser conveyed a parcel of land from the rear portion of the site, 100 feet in width by 45 feet in depth, to the adjoining property owners, Mr. & Mrs. Marc D. Lane, thus reducing the size of the lot to the present 0.34 acres.

Also testifying on behalf of the Petitioner was Jeffrey B. Morgan, Registered Architect, who testified as to the proposed renovations to the interior of the dwelling to convert same for use as a child day care center. He testified that there would be no external renovations to the site, but for additional landscaping which will include a row of evergreens along the northern property line to buffer the use from adjoining residential properties, and a new paved parking area. Mr. Morgan noted that the new parking area will provide five parking spaces and one handicapped space as shown on the plan. In addition, the entrance to the dwelling will be reoriented to provide primary access through the side entrance immediately adjacent to the parking area. Mr. Morgan stated that the existing structure is large enough from a square footage standpoint to meet all State requirements relating to day care centers, and also meets the necessary plumbing and electrical codes, etc.

Testimony was next offered by Ann Horney, who will operate the proposed child care center. Ms. Horney has a B.S. degree in early childhood development and elementary education. Ms. Horney testified that the proposed center will provide day care services for up to 38 children, aged 2 to 5 years. She testified the hours of operation will be Monday through Friday, from 7:00 AM to 6:00 PM and that there will be no weekend hours. Further testimony indicated that child care classrooms will be divided into three age groups: 2 to early 3 year olds, late 3 year olds to early

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Date

By

10/3/95

JP

impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981). In the opinion of this Zoning Commissioner, the property is simply too small to accommodate the proposed use. Moreover, the location of this property and the unique character of surrounding uses are compelling factors which warrant a denial of the special exception. It is of particular note that Mr. Sausser, to a certain extent, aggravated these conditions when he sold the rear portion of his lot and made the property even smaller. The property in its present configuration simply cannot support the use proposed. Parking on the property is a particular concern. It can be envisioned that each child will be brought to the site by a parent on his or her way to work. Thus, 38 trips to the site can be anticipated during peak morning rush hours. This coupled with the narrowness of the streets in this community as well as existing traffic would overwhelm the residential character of this neighborhood. Furthermore, the traffic and parking issue when combined with the small area of this lot are compelling reasons upon which I must conclude that the requirements of Section 502.1 of the B.C.Z.R. cannot be satisfied.

Having denied the special exception request, consideration of the variance relief is moot. However, even if the special exception relief were granted, the variances would be denied. Again, the compelling factor in this respect is that the lot is only 0.34 acres in size nestled among residential properties. The inherent impacts of a day care center, e.g., noise, traffic, etc., are made worse on the surrounding properties due to the small size of this lot. The lot is simply too small to handle such an intense use, given its location in a residential community. The small setbacks proposed are simply not large enough to buffer the property due

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Date

By