

MEMORANDUM

DATE: February 13, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0150-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 11, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(6401 Sherwood Road)

9th Election District

5th Council District

Magid Elias

Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0150-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Magid Elias, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from Sections 1B02.3.A.5.B and C.1 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) To permit existing improvements located on an existing lot of record platted in 1927, to have: (A) width at the building line of 50' in lieu of the 55' required, (B) a side yard width of 6.5' in lieu of 10' required; and (C) a front yard depth of 19.6' in lieu of the 25' required ; (2) A determination of no merger with adjoining property by mere adjacency; and (3) For such additional relief as the nature of this case may require for approval of the existing buildings, uses and conditions as shown on the plan which accompanied this petition. A site plan was marked as Petitioner's Exhibit 1.

Professional engineer John Motsco appeared in support of the petition. Howard L. Alderman, Esquire represented the Petitioner. Numerous members of the community opposed the requests. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). That agency opposed the request.

ORDER RECEIVED FOR FILING

Date 1-11-19

By [Signature]

The site is approximately 7,500 square feet in size and is zoned DR 5.5. The property is improved with a single family dwelling constructed in 1953. Since the improvements were constructed prior to the adoption of zoning regulations in Baltimore County, this constitutes a lawful nonconforming structure under BCZR Section 104. Petitioner seeks variance relief in this case only because she proposed to construct a single family dwelling on the adjacent vacant lot, as considered in Case No. 2019-0151-SPHA.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Based on the testimony and exhibits submitted by Petitioner, I do not believe the physical characteristics of the subject property render it "unique" as that term is used in *Cromwell*. The lot is similar in size and shape to many of the other lots in the Idlewylde community. No evidence was presented to show the property had topographical and/or environmental features not found on nearby properties. As such, I do not believe Petitioner has satisfied the stringent test for variance relief. *Cromwell*, 102 Md. App. at 699 (variance should be granted "sparingly" since it is "an authorization for that ... which is prohibited by a zoning ordinance").

THEREFORE, IT IS ORDERED, this 11th day of **January, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Sections 1B02.3.A.5.B and C.1 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) To permit existing improvements located on an existing lot of record platted in 1927, to have: (A) width at the building line of 50' in lieu of the 55' required, (B) a side yard width of 6.5' in lieu of

ORDER RECEIVED FOR FILING

Date 1-11-19

By [Signature]

10' required; and (C) a front yard depth of 19.6' in lieu of the 25' required ; (2) A determination of no merger with adjoining property by mere adjacency; and (3) For such additional relief as the nature of this case may require for approval of the existing buildings, uses and conditions as shown on the plan which accompanied this petition, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 1-11-19

By dlw



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6401 SHERWOOD ROAD

which is presently zoned DR 5.5

Deed References: 38852/0303

10 Digit Tax Account # 0 9 1 9 4 8 0 3 3 0

Property Owner(s) Printed Name(s) MAGID ELIAS

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a **Variance** from Section(s)

SEE ATTACHMENT 1

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

MAGID ELIAS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6050 OLNEY LAYTONSVILLE ROAD GAITHERSBURG MD

Mailing Address City State

20882 (240)-595-1277 MAGID.ELIAS@GMAIL.COM

Zip Code Telephone # Email Address

Representative to be contacted:

LITTLE AND ASSOCIATES, INC., JOHN MOTSCO

Name - Type or Print

Signature

1055 TAYLOR AVENUE, SUITE 307 TOWSON MD

Mailing Address City State

21286 (410)-296-1636 JOHN.M@LITTLEASSOCIATES.COM

Zip Code Telephone # Email Address

CASE NUMBER 2019-0150-A Filing Date 11/2/2018 Do Not Schedule Dates:

Reviewer JNP

5513-0120-4

7106

BY

DATE

ORDER RECEIVED FOR MTING

311-07-8000

TO BE SKETCHED BY REVENUE

SEE ATTACHMENT 1

Attachment 1

CASE NO: 2019- -A

Address: 6401 Sherwood Road

Legal Owner: Magid M. Elias

Present Zoning: DR 5.5

PETITION FOR VARIANCE

A request that the Administrative Law Judge approve a Variance from:

- i) BCZR §§ 1B02.3.A.5, B., & C.1 to permit **existing improvements located on an** existing lot of record, platted in 1927, to have:
 - A. a width at the building line of 50 feet in lieu of the 55 feet required;
 - B. a side yard width of 6.5 feet in lieu of the 10 feet required;
 - C. a front yard depth of 19.6 feet in lieu of the 25 feet required; **and**
- ii) A determination of no merger with adjoining property by mere adjacency; **and**
- iii) for such additional relief as the nature of this case may require for approval of the existing buildings, uses and conditions as shown on the plan which accompanied this Petition.

October 31, 2018

ZONING DESCRIPTION FOR
#6401 SHERWOOD ROAD

Beginning at a point on the east side of Sherwood Road, which is 60 feet wide, at the distance of 170 feet north of the centerline of Overbrook Road, which is 40 feet wide. Being part of Lot 294B in the subdivision of Idlewylde as recorded in Baltimore County Plat Book No. 7, Folio 140, containing 7,500 square feet of land, more or less. Located in the Ninth Election District and Fifth Council District.

2019-0150-A

Jan Dippel Rowley, 1101 Arran Road, Idlewylde, MD 21239
Mary P. Shortt, 6506 Beverly Road, Idlewylde, MD 21239
Chirantan & Rosemary Mukhopadhyay, 739 Regester Avenue, Baltimore, MD 21212
Dawn Jones, 619 Dunkirk Road, Baltimore, MD 21212
Jamie Kass, 741 Anneslie Road, Baltimore, MD 21212
Paul Romney, 6903 Banbury Road, Idlewylde, MD 21239
Denise Logsdon, 1123 Overbrook Road, Idlewylde, MD 21239
Donald Hart, 806 Overbrook Road, Idlewylde, MD 21239
Christina & Robert Candler, 901 Arran Road, Baltimore, MD 21239
Joseph Rowley, 1101 Arran Road, Baltimore, MD 21239
Donna Miller, 1018 Arran Road, Baltimore, MD 21239
Julie Lauver, 1116 Arran Road, Idlewylde, MD 21239
Staci Lanham, 1010 Overbrook Road, Idlewylde, MD 21239
Trista DiPaula, 1014 Regester Avenue, Baltimore, MD 21239
Nancy and Paul Lidard, 6517 Beverly Road, Idlewylde, MD 21239
Jessica Brown, 906 Overbrook Road, Idlewylde, MD 21239
Luke and Deidre Demers, 913 Overbrook Road, Idlewylde, MD 21239

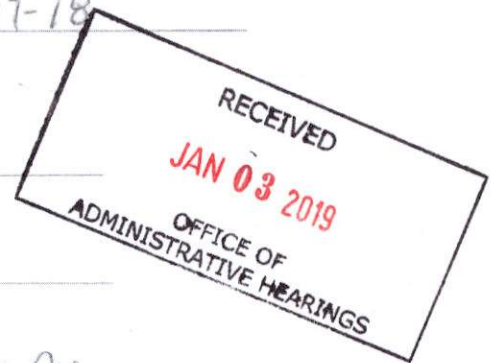
CERTIFICATE OF POSTING

Date: 12-17-18

RE: Case Number: 2019-0150-A

Petitioner/Developer: Eliar

Date of Hearing/Closing: Jan 8, 2019 2:30 PM



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 6401 Sherwood Rd

The signs(s) were posted on 12-17-18
(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)

ZONING NOTICE

CASE # 2019-0150-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205

105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: TUESDAY JAN 8, 2019 2:30 PM

REQUEST: VARIANCE TO PERMIT EXISTING IMPROVEMENTS
LOCATED ON AN EXISTING LOT OF RECORD PLATTED IN 1927 TO HAVE:
A. A WIDTH AT THE BUILDING LINE OF 50 FT. IN LIEU OF THE 55 FT. REQUIRED;
B. A SIDE YARD WIDTH OF 6.5 FT. IN LIEU OF THE 10 FT. REQUIRED; C. A
FRONT YARD DEPTH OF 19.6 FT. IN LIEU OF THE 25 FT. REQUIRED; A DETER-
MINATION OF NO MERGER WITH ADJOINING PROPERTY BY MERE ADJACENCY;
AND FOR SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE MAY RE-
QUIRE FOR APPROVAL OF THE EXISTING BUILDINGS, USES AND CONDITIONS
AS SHOWN ON THE PLAN WHICH ACCOMPANIED THE PETITION

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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

HANDICAPPED ACCESSIBLE

ZONING

#2
NOTICE

CASE # 2019-0150-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: TUESDAY JAN. 8, 2019 2:30 PM

REQUEST: VARIANCE TO PERMIT EXISTING IMPROVEMENTS

LOCATED ON AN EXISTING LOT OF RECORD PLATTED IN 1927 TO HAVE:

A. A WIDTH AT THE BUILDING LINE OF 50 FT. IN LIEU OF THE 55 FT. REQUIRED.
B. A SIDE YARD WIDTH OF 6.5 FT. IN LIEU OF THE 10 FT. REQUIRED.

C. A FRONT YARD DEPTH OF 19.6 FT. IN LIEU OF THE 25 FT. REQUIRED.

A DETERMINATION OF NO MERGER WITH ADJOINING PROPERTY BY MERE
ADJACENCY; AND FOR SUCH ADDITIONAL RELIEF AS THE NATURE OF

THIS CASE MAY REQUIRE FOR APPROVAL OF THE EXISTING BUILDINGS
USES AND CONDITIONS AS SHOWN ON THE PLAN WHICH ACCOMPANIED

THE PETITION.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING, CALL 887-3391

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

HANDICAPPED ACCESSIBLE

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

12/19/2018

Order #: 11660146
Case #: 2019-0150-A
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0150-A



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0150-A

6401 Sherwood Road

E/Sherwood Road, north of Overbrook Road

9th Election District - 5th Councilmanic District

Legal Owners: Magid Elias

Variance to permit existing improvements located on an existing lot of record platted in 1927 to have: A. A width at the building line of 50 ft. in lieu of the 55 ft. required. B. A side yard width of 6.5 ft. in lieu of the 10ft. required. C. A front yard depth of 19.6 ft. in lieu of the 25 ft. required; A determination of no merger with adjoining property by mere adjacency; and for such additional relief as the nature of this case may require for approval of the existing buildings, uses and conditions as shown on the plan which accompanied the Petition.

Hearing: Tuesday, January 8, 2019 at 2:30 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.

d19

$$S_{\text{eff}} = \int d^4x \sqrt{-g} \left[\frac{1}{2} R - \frac{1}{2} (\partial_\mu \phi)^2 - V(\phi) \right]$$

1 2

[illegible]

RE: PETITION FOR VARIANCE
6401 Sherwood Road; E/S Sherwood Road,
170' N of Overbrook
9th Election & 5th Councilmanic Districts
Legal Owner(s): Magid Elias
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-150-A

* * * * *

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.

RECEIVED

NOV 15 2018

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 15th day of November, 2018, a copy of the foregoing Entry of Appearance was mailed to Little & Associates, Inc., 1055 Taylor Avenue, Suite 307, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



DONALD I. MOHLER III
County Executive

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

November 30, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0150-A

6401 Sherwood Road
E/s Sherwood Road, north of Overbrook Road
9th Election District – 5th Councilmanic District
Legal Owners: Magid Elias

Variance to permit existing improvements located on an existing lot of record platted in 1927 to have: A. A width at the building line of 50 ft. in lieu of the 55 ft. required. B. A side yard width of 6.5 ft. in lieu of the 10 ft. required. C. A front yard depth of 19.6 ft. in lieu of the 25 ft. required; A determination of no merger with adjoining property by mere adjacency; and for such additional relief as the nature of this case may require for approval of the existing buildings, uses and conditions as shown on the plan which accompanied the Petition.

Hearing: Tuesday, January 8, 2019 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Magid Elias, 6050 Olney Laytonsville Road, Gaithersburg 20882
Little & Associates, John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 19, 2018.**
- (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.

TO: THE DAILY RECORD
Wednesday, December 19, 2018 - Issue

Please forward billing to:

Magid Elias
6050 Olney Laytonsville Road
Gaithersburg, MD 20882

240-595-1277

NOTICE OF ZONING HEARING

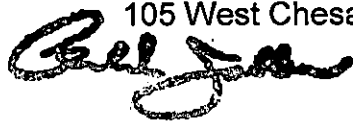
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0150-A

6401 Sherwood Road
E/s Sherwood Road, north of Overbrook Road
9th Election District – 5th Councilmanic District
Legal Owners: Magid Elias

Variance to permit existing improvements located on an existing lot of record platted in 1927 to have: A. A width at the building line of 50 ft. in lieu of the 55 ft. required. B. A side yard width of 6.5 ft. in lieu of the 10 ft. required. C. A front yard depth of 19.6 ft. in lieu of the 25 ft. required; A determination of no merger with adjoining property by mere adjacency; and for such additional relief as the nature of this case may require for approval of the existing buildings, uses and conditions as shown on the plan which accompanied the Petition.

Hearing: Tuesday, January 8, 2019 at 2:30 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.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2019-0150-A

Property Address: 6401 SHERWOOD ROAD

Property Description: PART OF LOT 294B OF THE SUBDIVISION OF IDLEWYLDE

Legal Owners (Petitioners): MAGID ELIAS

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: MAGID ELIAS

Company/Firm (if applicable): _____

Address: 6050 OLNEY LAYTONSVILLE ROAD
GAITHERSBURG, MD 20882

Telephone Number: (240)-595-1277

Revised 5/20/2014

CASE NAME 6403 / 6401 Sheppard
CASE NUMBER 2019-0151-SPHA / 219-0150-11
DATE 08 JAN 2019

150

E - MAIL

[illegible]

PLEASE PRINT CLEARLY

CASE NAME 6403/6401 Sherwood Rd.
CASE NUMBER 2019-0151 - SP14A 2A 2
DATE 1/3/19 2019-0150 - A

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Dana Reed	802 Oak Hill Court	Idlewyld, MD 21239	dana.reed802@
Peggy Soustier	1215 Overbrook Rd	Balto 21239	pashannon@verizon.net@gmail.com
Jayne Bernasconi	6408 Sherwood Rd	Balt MD 21239	jbernas@towson.edu
GREG HOBBS	16500 REVERBY ROAD	BALTIMORE, MD 21239	GREGHOBBS1@VERIZON.NET
Lynn Eskite-Tant	915 Arran Rd	Baltimore MD 21239	LESKITANT@HOTMAIL.COM
WA Kohn	6504 Beverly Rd	Balto MD 21239	ehkron@aol.com
Jane Selwach	1016 Register Ave	Idlewyld MD 21239	janem1960@gmail.com
Jan Dippel Rowley	1101 Arran Road	Idlewyld, MD 21239	Rowley3j1@gmail.com
Mary Shaft	6506 Barry Rd	Idlewyld MD 21239	mrs15@verizon.net
Rosemary Mukhopadhyay	739 Register Ave	Baltimore MD 21212	keepintch@msn.com
Dawn Jones	619 Dunbar Rd	Baltimore 21212	dawnzjones1961@aol.com
CHIRANTAN MUKHOPADHYAY	739 REGISTER AVE	BALTIMORE MD 21212	keepintch@msn.com
Jamie Kass	741 Anneslie Rd	Baltimore MD 21212	jamie.kass@cbnove.com
PAUL ROMNEY	6903 BANBURY RD	Idlewyld MD 21239	paulromney03@aol.com
Denise Lonsdon	1123 Overbrook Rd.	Idlewyld MD 21239	denise.lonsdon@hotmail.com
Donald HART	806 OVERBROOK RD.	IDLEWYLD, MD 21239	ehrisdonald5@verizon.net
Christina Candler	901 Arran Rd	Balto 21239	RCER 901@hotmail.com
ROBERT CANDLER	901 ARRAN RD	IDLEWYLD, MD 21239	ERDBOB@HOTMAIL.COM
Joseph Rowley	1101 Arran Rd	Idlewyld, MD 21239	rowleyt67@gmail.com
Donna Miller	1018 Overbrook Rd		dmfmcrnp@aol.com

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN - IN SHEET

NAME

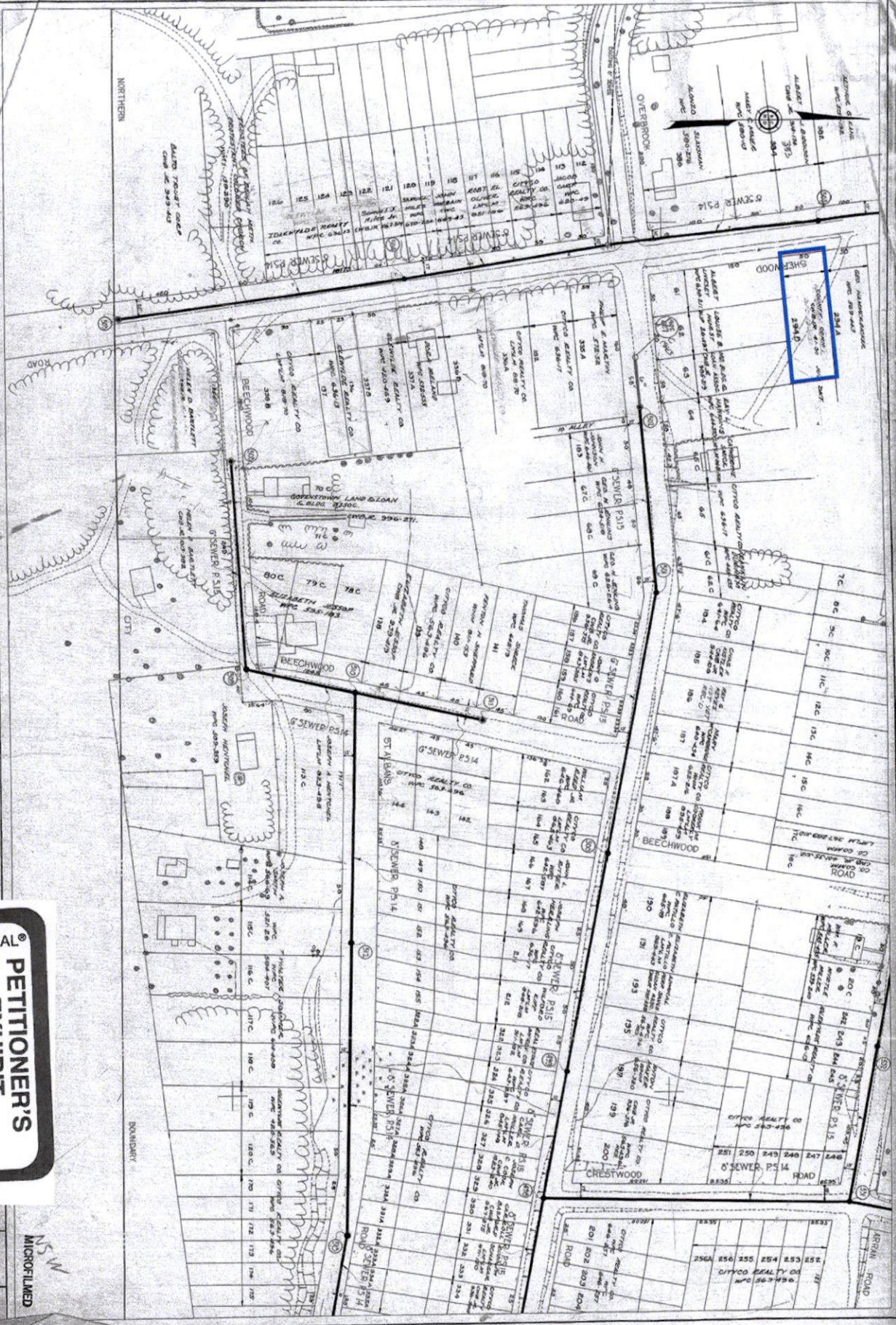
ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

BALTIMORE COUNTY
 METROPOLITAN DISTRICT
 APPROVED MAY 12, 1923
 COUNTY COMMISSIONERS OF BALTIMORE COUNTY
 APPROVED AS TO LOCATION MAY 12, 1923
 DISTRICT NO. 89
 SEWERS
 STONEHEN APPLICANT C. D.



ALL-STATE LEGAL®

PETITIONER'S
EXHIBIT

2

MICROFILMED

SCALE

1"=40'

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6401 Sherwood Road



Legend

- House Numbers
- Zoning
- Property
- County Boundary

ALL-STATE LEGAL®

PETITIONER'S EXHIBIT

3

0 1 0 Feet

127636) THIS DEED Made this 16th day of September 1946 by J Harry
 J HARRY GEIGER & WF) GEIGER AND LIZETTA BARTELL GEIGER his wife parties of the first
 DEED TO) part to JOHN WALTER EHMAN JR party of the second part of Balti-
 JOHN W EHMAN JR) more County State of Maryland
 USS 55# SS 10#) WHEREAS J Harry Geiger and Lizetta Bartell Geiger his wife
) become vested with the title in fee simple to the property
known as Lot No 294B on the Plat of Idlewyde Baltimore County Maryland and more particul-
arly described hereinafter by a deed dated January 2 1918 and recorded among the Land
Records of Baltimore County in Liber W P C No 493 folio 157 from The Idlewyde Realty
Company a body corporate and

WHEREAS the said Lot No 294B as shown on the Plat of Idlewyde was sold for taxes by the Collector of Taxes for Baltimore County to the County Commissioners of Baltimore County after having been duly advertised and the said sale ratified by the Circuit Court of the said County on or about October 17 1938 said proceedings being recorded in Equity Docket No 41 folio 30 and in Judicial Liber CWBJr No 451 folio 221 of the records of the Clerk of the Circuit Court of Baltimore County and

WHEREAS the said John Walter Ehman Jr became the owner of said property by a deed from Theodore L Cypull and Sallie B Cypull his wife dated August 24 1946 which deed is intended to be recorded among the Land Records of Baltimore County immediately prior hereto and

WHEREAS the said John Walter Ehman Jr is desirous of clearing any cloud on the title of said property these presents are executed

NOW THIS DEED WITNESSETH that for and in consideration of the premises and the sum or Five Dollars the said J Harry Geiger and Lizetta Bartell Geiger his wife do grant convey assign release and quit claim unto the said John Walter Ehman Jr his heirs and assigns in fee simple all of their right title interest and estate whatsoever both at law and in equity in and to the said Lot No 294B on the Plat of Idlewyde and more particularly described as follows

BEGINNING for the same on the East side of Sherwood Road formerly called Regester Avenue at the distance of 150 feet Northerly from the intersection formed by the East side of Sherwood Road with the North side of Wakeford Road and running thence and binding on the East side of Sherwood Road 50 feet thence Easterly parallel with Wakeford Road 200 feet thence Southerly parallel with Sherwood Road 50 feet to meet a straight line drawn Easterly from the place of beginning thence Westerly reversing said line so drawn and binding thereon 200 feet to the place of beginning

AS WITNESS the hands and seals of the Grantors

WITNESS

Doris E Pennington

J Harry Geiger

(SEAL)

Lizetta Bartell Geiger

(SEAL)

STATE OF MARYLAND BALTIMORE COUNTY TO WIT

I HEREBY CERTIFY that on this day of September 1946 before me the subscriber a Notary Public of the State of Maryland in and for the County aforesaid personally appeared J Harry Geiger and Lizetta Bartell Geiger his wife and severally acknowledged the foregoing Deed to be their act

ALL-STATE LEGAL®
 PETITIONER'S
 EXHIBIT

4

IN RE: PETITION FOR VARIANCE
S/S Dunellen Drive, 1225' NW
centerline of Providence Road
9th Election District
4th Councilmanic District
(921 Dunellen Drive)

Katherine & Frank Szymanski
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-122-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Katherine and Frank Szymanski. The Petitioners are requesting variance relief for property they own at 921 Dunellen Drive, which is located in the Towson area of Baltimore County. The variance request is to permit an existing single-family dwelling to have a side yard setback of 10 ft. in lieu of the required 15 ft.

Appearing at the hearing on behalf of the variance request were Frank and Katherine Szymanski, owners of the property, Melvin Kodenski, attorney at law, representing the property owners, and Joe Wilz. Appearing in opposition to the Petitioners request were Walter Savoye, Jr. and Anne Engle.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 24,750 sq. ft., zoned D.R.2. The property is known as Lot #90 of the subdivision known as "Glen Ellen". It is improved with a single-family residential dwelling wherein the Szymanski's have lived for the past 36 years. In addition to owning Lot #90, the Szymanski's also own Lot #89 and a 10 ft. section of Lot #88. They are interested in performing a lot line adjustment to the common boundary line between Lot #90 and Lot #89. Apparently, at the time their dwelling was constructed on their property, it was built directly upon the line of division between these two lots. In essence, the house currently has a 0 ft. setback. By virtue of the lot line adjustment, a new setback of 10 ft. will be established between the side of the



existing dwelling and the adjacent line of division between Lots #89 and #90. This will afford the Szymanski's an opportunity to sell their home and allow the new purchasers to have an area along side of the existing dwelling for purposes of maintaining the house and grounds.

Further testimony revealed that the Szymanski's are interested in selling their existing home and constructing a new single-family dwelling on Lot #89 within which they hope to live in the future. The Szymanski's are getting up in years and are interested in constructing a home that is better suited for their retirement years. Lot #89 is vacant at this time and may accommodate a new home. However, as was discussed at the hearing, it has yet to be determined whether or not a new home can be constructed on Lot #89. Apparently, there are a great number of environmental constraints that affect Lot #89, which may prevent a house from ever being constructed on that property. The purpose of the hearing before me is only to approve of this lot line adjustment and the new 10 ft. setback of their existing dwelling to this common lot line.

As stated previously, appearing in opposition to the Petitioners' request were two residents of the surrounding neighborhood, Walter Savoye, Jr. and Arne Engle. Ms. Engle and her husband were at one time the owners of all of the lots in this neighborhood. Ms. Engle has resided within the community since 1950. She has great concern regarding the intentions of the Szymanski's to construct a home on Lot #89. Ms. Engle stated that Lot #89 has never passed a percolation test and that a swale runs through the subject property. She is concerned that constructing a house on Lot #89 would have adverse environmental effects on the surrounding community. She, therefore, asks that no new home be permitted on Lot #89.

Also testifying at the hearing was Mr. Savoye. Mr. Savoye has resided in this neighborhood for the past 46 years. He too is concerned over the construction of a house on Lot #89. He indicated that the natural drainage patterns in the neighborhood cause water to sheet-

flow over Lot #89, which is then collected in a culvert and piped under Dunellen Drive. For these environmental reasons, Mr. Savoye is also against the construction of a house on Lot #89.

As I indicated at the hearing, the purpose of the hearing before me is to approve a 10 ft. setback from the existing dwelling owned by the Szymanski's to the boundary line which separates Lot #89 and #90. This is not a request to construct a home on Lot #89. That issue should be preserved for further review in the future by the Baltimore County Departments of Environmental Protection & Resource Management, Public Works, Zoning, and all other departments which review an application for a building permit. If, in fact, what Mr. Savoye and Ms. Engle have alleged at the hearing is true, that being that the property will not pass percolation tests, then there will never be a home constructed on Lot #89, assuming that public sewer is not extended to the property. Again, this shall be reviewed at the time the Szymanski's attempt to obtain a building permit for a house on that property.

As to the requested lot line adjustment and the 10 ft. setback, I believe it is appropriate to grant the variance to allow the existing dwelling to be situated 10 ft. from this property line in lieu of the required 15 ft.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Solcy, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

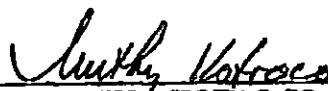
Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

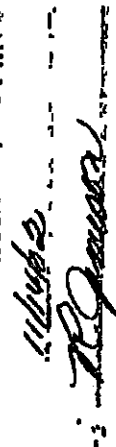
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED this 14th day of November, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations, to permit an existing single-family dwelling to have a side yard setback of 10 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY


TMK:raj

AFTER RECORDING, PLEASE RETURN TO:
 James D. O'Connor, Esquire
 O'Connor, Hammel & Butler, P.A.
 100 West Road, Suite 215
 Towson, Maryland 21204
 File No. 17-048

LR - Declaration/Covenant
 Recording Fee 20.00
 Declarant Name: ELIAS
 Ref: LR - Surcharge 40.00
 SubTotal: 60.00
 Total: 180.00
 04/17/2017 01:26
 CC03-LL
 #8184460 CC0301 -
 Baltimore
 County/CC03-01-06 -
 Register 06

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DECLARATION FOR PRIVATE INGRESS AND EGRESS EASEMENT

THIS DECLARATION FOR PRIVATE INGRESS AND EGRESS EASEMENT, is made this 30th day of March, 2017 by MAGID M. ELIAS and NADIA A. ELIAS (hereinafter referred to as the "Declarants").

All references herein are to the Land Records of Baltimore County.

A. The Declarants are the owners, in fee simple, of those two (2) contiguous parcels of property known as Tax Account No. 0919480330 and Tax Account No. 0919480331 (the "Lots"), commonly known as 6401 Sherwood Road by virtue of a Deed dated August 29, 2005 and recorded among the Land Records in Liber SM No. 22632, folio 261;

B. The Lots are shown on the "Plat of a Private Easement Across the Lands of Magid & Nadia Elias" (the "Plat") attached hereto as Exhibit A and incorporated herein by reference;

C. The Plat depicts a Private Access Easement as a 10' wide hatched area containing 0.034 acre (1500 sq. ft.), more or less (the "Easement Area");

D. Vehicular ingress, egress and regress to and from Sherwood Road and the Lots has always been by way of the existing driveway (the "Driveway") contained within the Easement Area; and

E. Declarants desire to provide for the continued use in common and maintenance of the Driveway and Easement Area for vehicular and pedestrian ingress, egress and regress to and from Sherwood Road and the Lots, subject to the terms set forth herein.

NOW, THEREFORE, the Declarants hereby declare that the Lots shall be held, sold and conveyed, subject to the following easements, restrictions, covenants and conditions which are for the purpose of protecting the value and desirability of the Lots, and for the purpose of providing rights of use of the Easement Area which shall run with and be binding upon all parties having any right, title and interest in the Lots, or any portion thereof, and shall inure to the benefit of each owner thereof.

ARTICLE I Definitions

1.1 "Owner" shall mean and refer to the record owner of a Lot, whether one or more persons or entities, of fee simple title to any property subject to the terms hereof, including



contract purchasers, but excluding those having such interest merely as security for performance of any obligation. In the event that there is a future reconfiguration of the Lots, each owner of such reconfigured Lot shall be deemed an Owner subject to the terms hereof.

1.2 "Declarants" shall mean and refer to Magid M. Elias and Nadia A. Elias.

1.3 "Lots" or "Lot" respectively shall mean, as the context may require and refer to, any one of those parcels of land designated as Tax Account No. 0919480330 and Tax Account No. 0919480331, Sherwood Road as shown on the Plat.

1.4 "Easement Area" shall mean and refer to the 10' wide hatched area shown as "Private Access Easement" as shown on the "Plat of a Private Access Easement Across the Lands of Magid & Nadia Elias" which is attached hereto as Exhibit A.

1.5 "Driveway" shall mean and refer to the gravel or hard surface area within the Easement Area to carry vehicular and pedestrian traffic to and from Sherwood Road.

ARTICLE II Easement

2.1 Declarants, intending to provide for the use in common of the Driveway and the Easement Area for ingress, egress and regress for the Lots to and from Sherwood Road, hereby reserves and creates a non-exclusive easement and right-of-way for the purposes of ingress, egress and regress, and normal driveway purposes within the Easement Area.

2.2 The easements reserved herein are for the benefit of the Owner(s) of each of the aforesaid Lots, their personal representatives, heirs, successors and assigns and shall be appurtenant to the Lots. The easements are reserved for the use in common by each of the Owners of the aforesaid Lots, members of their household, invitees, lessees, agents or contractors.

2.3 No Owner shall place anything or allow parking or the placement of anything within the Easement Area which would interfere with the use of the Driveway or Easement Area for the purposes stated in Article II, Section 2.1.

2.4 The cost of maintenance and repair of the Driveway shall be paid in accordance with the provision of Article III, Section 3.1.

2.5 The cost of paved or improved connections and/or aprons from any improvements on a Lot to the Driveway and the cost of the care, maintenance and repair of any such paved or improved connections and/or aprons shall be borne by the Owner of the Lot with respect to which the same are designed to serve for purposes of ingress and egress.

ARTICLE III Covenants for Maintenance

3.1 Owner Obligations. Any and all costs associated with maintenance, repair and plowing of the Driveway and Easement Area are to be divided and paid equally between the Owners. Such charges, together with costs and attorneys fees of not less than fifteen (15%) percent of the unpaid charges, shall be the personal obligation of the person who was the Owner, as defined in Article I, Section One, of the Lot at the time that the charge became due.

3.2 Annual Meeting. The Owners currently utilizing the Driveway or Easement Area shall meet annually on the first Saturday of July at 10:00 a.m., for the purposes of assessing the condition of the Driveway and Easement Area and determining the nature of the improvements which are required. The presence of both Owners utilizing the Driveway or Easement Area, or their authorized representatives, shall constitute a quorum for the purposes of conducting said business and a written record of the meeting, issues raised and decisions made, shall be maintained. Said record shall indicate the names of those present and voting record. Each Lot utilizing the Driveway or Easement Area shall be entitled to one (1) vote on any proposal, regardless of the number of individuals present with an ownership interest in said Lot. The meetings may be held telephonically.

3.3 Procedure for Maintenance Work. Any proposal for specific work to be performed shall require unanimous approval of the Owners responsible for maintenance of the Driveway or Easement Area in order to be enforceable. Maintenance shall include repair. Once approval has been received, the Owner making the recommendations shall obtain a written proposal from at least two (2) contractors, accompanied by the recommendations of that Owner as to which proposal is the most responsible to be accepted. Copies of said proposals and recommendations shall be sent to the other Owner subject to this Declaration. Any Owner objecting to the described improvements shall send written objections to the submitting Owner within five (5) days of submission of the proposal. In the case of the receipt of said objections, a second meeting shall be scheduled to review said objections at which time the least expensive proposal shall be accepted. If no objections are received, the submitting Owner shall contract with the Contractor for the work to be performed under the proposal.

3.4 Payment for Authorized Work. Following receipt of the bill for authorized work completed by the Contractor by the submitting Owner, that owner shall send a copy of that bill to the other Owner. Each Owner shall be responsible for its proportionate share, as the same are described in Section 3.1, herein. Payment, by each Owner, shall be made within ten (10) days of submission of said bill to the submitting Owner, who shall pay the contractor upon satisfactory completion of the work performed. If an annual assessment has been established, the Owner charged with the responsibility for maintaining that account shall make payment to the contractor from that account and shall send copies of the receipted invoice to the other Owner.

3.5 Disagreement or Non-Action. In the event that the Owners cannot agree on proposed maintenance or repair to the Driveway or Easement Area, the proposal for specific work and the written proposals to implement same shall be submitted to arbitration under the

rules of the American Arbitration Association. The arbitration shall be binding upon the Owners and judgment upon the proposal for specific work rendered by the arbitrator may be entered in any court of competent jurisdiction. The cost of the arbitration shall be shared equally by the Owners.

3.6 Effect of Nonpayment; Remedies of Other Owner. Any charges for repair or maintenance or plowing not paid within thirty (30) days after due shall bear interest from the due date at the rate of twelve (12%) percent per annum. The other Owner may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the Lot. No Owner may waive or otherwise escape liability for the charges or assessments provided for herein by nonuse of the Driveway or Easement Area or abandonment of his Lot.

3.7 Subordination of the Lien to Mortgages. The lien of any charges or assessments provided for herein shall be subordinate to the lien of any mortgage. The sale or transfer of any Lot shall not affect the charge or assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish the lien of (but not the personal obligation of any Owner for) such charges or assessments as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments or charges thereafter becoming due or from the lien thereof.

3.8 Damages. If any damage to the Driveway or Easement Area is caused by the specific act of an Owner, his invitee, lessees, agent, contractor or subcontractor, the cost of repair of said damage shall be the exclusive personal liability of that Owner. Such liability includes but is not limited to the damage to said area caused by construction equipment or trucks using the area during the construction on any Lot.

ARTICLE IV General Provisions

4.1 Enforcement. Any Owner shall have the right to enforce, by any proceeding at law or equity, all restrictions, conditions, covenants, reservation, liens and charges, now or hereinafter imposed by the provisions of this Declaration. Failure by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. In addition to all other remedies at or in equity, any party successfully enforcing its rights hereunder in a court of competent jurisdiction shall be entitled to reimbursement of reasonable attorney fees and costs.

4.2 Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any other provision of this Declaration, the balance of which shall remain in full force and effect.

4.3 Duration. The easements, covenants and restrictions of this Declaration shall run with and bind the land for a term of twenty (20) years and shall be automatically renewed for periods of twenty (20) years without the need for any action by the Owner(s). The Owners, by unanimous consent, may agree to discontinue or amend any or all of the foregoing provisions.

Any amendment or termination must be recorded among the aforesaid Land Records in order to be effective.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals on the day and year first above written.

WITNESS: [Signature]
[Signature]
[Signature] (SEAL)
MAGID M. ELIAS
[Signature] (SEAL)
NADIA A. ELIAS

STATE OF MARYLAND, COUNTY OF Montgomery to wit:

I HEREBY CERTIFY, That on this 30th day of March, 2017, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared MAGID M. ELIAS, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing to be his act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Madhura Hittler
Notary Public

My Commission Expires: 03/13/2018

STATE OF MARYLAND, COUNTY OF Montgomery to wit:

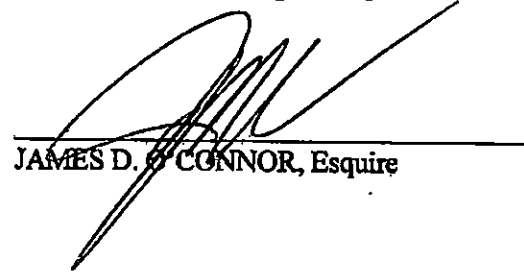
I HEREBY CERTIFY, That on this 30th day of March, 2017, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared NADIA A. ELIAS, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing to be her act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Madhura Hittler
Notary Public

My Commission Expires: 03/13/18

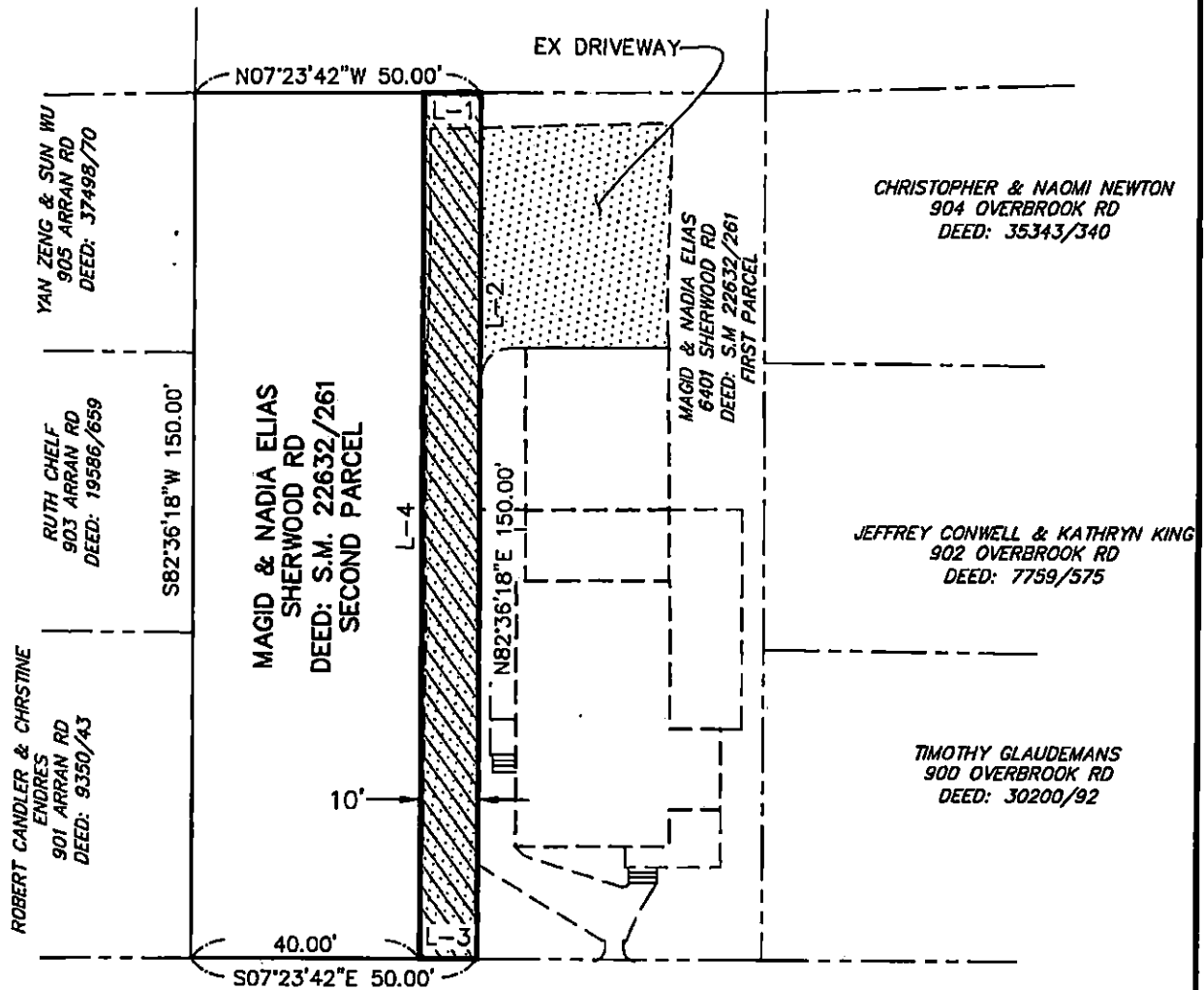
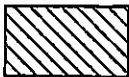
THIS IS TO CERTIFY that the within instrument has been prepared by or under the supervision of the undersigned Maryland attorney.



JAMES D. O'CONNOR, Esquire

F:\DO\Elias-Sherwood\Driveway Agmt

Exhibit A

PRIVATE ACCESS EASEMENT
COURSES SHOWN THUS

COURSE	BEARING	DISTANCE
L-1	S07°23'42"E	10.00'
L-2	S82°36'18"W	150.00'
L-3	N07°23'42"W	10.00'
L-4	N82°36'18"W	150.00'
CONTAINING 1500 SQ.FT. OR 0.034 AC.±		

SHERWOOD ROAD

(HRW 60-044-9)

DATE: 03-01-17

SCALE: 1" = 50'

DRAWN: NAD

JOB NO.: 16181

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

PLAT OF A PRIVATE ACCESS EASEMENT
ACROSS THE LANDS OF**MAGID & NADIA ELIAS**9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

State of Maryland Land Instrument Intake Sheet

[] Baltimore City [X] County: Baltimore
 Information provided is for the use of the Clerk's Office and State Department of
 Assessments and Taxation, and the County Finance Office only.
 (Type or Print in Black Ink Only All Copies Must Be Legible)

1	Type(s) of Instruments	(II Check Box if Addendum Intake Form Is Attached.)						
		Deed	Other	Other	Other			
2	Conveyance Check Box	Deed of Trust	Lease	☒ Easement				
		Improved Sale	Unimproved Sale	Multiple	Not an Arms- Length Sale [9]			
3	Tax Exemptions (if Applicable) Cite or Explain Authority	Recordation						
		State Transfer	Driveway Easement					
4	Consideration and Tax Calculations	County Transfer						
		Consideration		Amount	Finance Office Use Only			
5	Fees	Purchase Price/Consideration	\$	0.00	Transfer and Recordation Tax Consideration			
		Any New Mortgage	\$		Transfer Tax Consideration			
		Balance of Existing Mortgage	\$		x () % = \$			
		Other:	\$		Less Exemption Amount = \$			
		Other:	\$		Total Transfer Tax = \$			
		Full Cash Value	\$	0.00	Recordation Tax Consideration			
			\$		x () per \$500 = \$			
			\$		TOTAL DUE = \$			
			\$					
			\$					
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	Amount of Fees	Doc. 1	Doc. 2	Agent:			
		Recording Charge	\$	40.00	\$	Tax Bill:		
		Surcharge	\$	20.00	\$	C.B. Credit:		
		State Recordation Tax	\$		\$	Ag. Tax/Other:		
		State Transfer Tax	\$		\$			
		County Transfer Tax	\$		\$			
		Other	\$		\$			
		Other	\$		\$			
			\$		\$			
			\$		\$			
7	Transferred From	District	Property Tax ID No.(1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	
		09	0919480330 *	22632/261	080	128	1 (5)	
		Subdivision Name		Lot (3a)	Block(3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage(4)
		Location/Address of Property Being Conveyed (2)						
		6401 Sherwood Road						
		Other Property Identifiers (if applicable)				Water Meter Account No.		
		*0919480331						
		Residential [X] or Non-Residential [] Fee Simple [X] or Ground Rent []				Amount:		
		Partial Conveyance? [] Yes [] No Description/Amt. of SqFt/Acreage Transferred:						
		Driveway Easement containing 0.034 acre ±						
8	Transferred To	If Partial Conveyance, List Improvements Conveyed:						
		Doc. 1 - Grantor(s) Name(s)			Doc. 2 - Grantor(s) Name(s)			
		Magid M. Elias						
		Nadia A. Elias						
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)			Doc. 2 - Owner(s) of Record, if Different from Grantor(s)			
		Doc. 1 - Grantee(s) Name(s)			Doc. 2 - Grantee(s) Name(s)			
		Magid N. Elias						
		Nadia A. Elias						
		New Owner's (Grantee) Mailing Address						
		6050 Olney Laytonsville Rd., Gaithersburg, MD 20882						
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)			Doc. 2 - Additional Names to be Indexed (Optional)			
10	Contact/Mail Information	Instrument Submitted By or Contact Person				Return to Contact Person		
		Name: Nancy M. Smith				☐		
		Firm: O'Connor, Hammel & Butler, P.A.				☒ Hold for Pickup		
		Address: 100 West Road Suite 215 Towson, MD 21204				☐ Return Address Provided		
		Phone: Telephone: 410-321-0595 Fax: 410-321-1436						
		11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER						
		Assessment Information						
		X Yes [] No Will the property being conveyed be the grantee's principal residence?						
		[] Yes [X] No Does transfer include personal property? If yes, identify:						
		[] Yes [X] No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)						
11	Assessment Use Only - Do Not Write Below This Line	[] Terminal Verification [] Agricultural Verification [] Whole [] Part [] Tran. Process Verification						
		Transfer Number:		Date Received:		Assigned Property No.:		
		Year		Geo.		Map		
		Land		Zoning		Grid		
		Buildings		Use		Director of Budget and Finance		
		Total		Town Cd.		BALTIMORE COUNTY MARYLAND		
		REMARKS:						
		IN COUNTY TRANSFER TAX						
		Per [Signature] ART 11 TITLE 3						
		SUBTITLE 2, 11-3-202						
IN RECORDATION TAX								
Per [Signature] T.P. ART 12-108								
Date 04-17-19								

Elias/Sherwood Rd - Driveway

CASE NO. 2019-0150-A

LETTERS

OF

OPPOSITION

Debra Wiley

From: Administrative Hearings
Sent: Tuesday, January 08, 2019 11:29 AM
To: Luke Demers
Subject: RE: 2019-0151-SPHA and 2019-0150-A

This is to acknowledge receipt of your email which has been placed in the judge's case file for his review.

Thank you for contacting the Office of Administrative Hearings.

From: Luke Demers [mailto:lukedemers@gmail.com]
Sent: Tuesday, January 08, 2019 11:25 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: 2019-0151-SPHA and 2019-0150-A

To whom it may concern,

I am writing as a concerned neighbor and wish to express our opposition to the zoning variances noted in the subject line, regarding 6401 Sherwood Road, and the proposed building changes they represent.

My wife and I moved into Idlewylde in October of 2011 and have experienced issues with 6401 Sherwood Road on a few occasions, including noisy parties and an unkempt yard. We have never had the feeling that the property owner has an interest in supporting our neighborhood, and this latest attempt to benefit themselves at the expense of our livability shows further disrespect for the folks who call Idlewylde home.

Thank you for your attention to this matter.

Regards,
Luke & Deirdre Demers
913 Arran Rd, Idlewylde, MD 21239

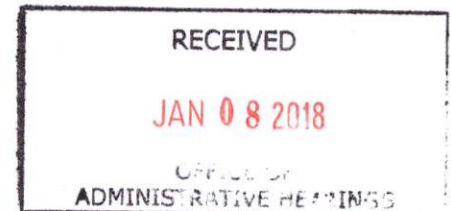
Debra Wiley

From: Administrative Hearings
Sent: Tuesday, January 08, 2019 7:19 AM
To: Jessica Hoptay Brown
Subject: RE: Case #s: 2019-0151-SPHA and 2019-0150-A (Hearings on January 8)

This is to acknowledge receipt of your email which has been placed in the judge's case file for his review.

Thank you for contacting the Office of Administrative Hearings.

From: Jessica Hoptay Brown [mailto:jessica.hoptay@gmail.com]
Sent: Monday, January 07, 2019 9:53 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case #s: 2019-0151-SPHA and 2019-0150-A (Hearings on January 8)



To the Honorable John E. Beverungen and Whom It May Concern,

I am writing to oppose the application for a zoning exception for the lots at 6401 and 6403 Sherwood Road.

I live at 906 Overbrook Rd, the east side of Sherwood Road. Our property adjoins 6401 Sherwood Road at the back side. The back right side of their property adjoins the back left side of ours. Since purchasing our home in May of 2013, the property on Sherwood Road has been ill-maintained. The grass is constantly overgrown (issues were reported to the county), the bamboo at the back property line is overgrown and unkempt and has even destroyed the fencing that connects to our neighbor's (please see attached pictures). After the wind storm in the winter of 2018, a large, downed tree remains across the front side of the property. An accidental fire that ravaged the house has taken years of work that is still not done.

As a neighbor with an adjoining property, I'm concerned that this zoning exception would allow for the building of a second house on an already under-sized lot that would continue to be rented with the same lack of oversight as has been there already. This derelict property decreases the property values of surrounding neighbors, affects the appearance of our neighborhood (this property is on a main artery, right on the edge of the business district which has already had issues with drugs and business owners behind bars), and decreases the likelihood of either house selling. If these houses do not sell, then we are facing the same type of poor property management. The owners do not care what the lot looks like and hold renters to no standards.

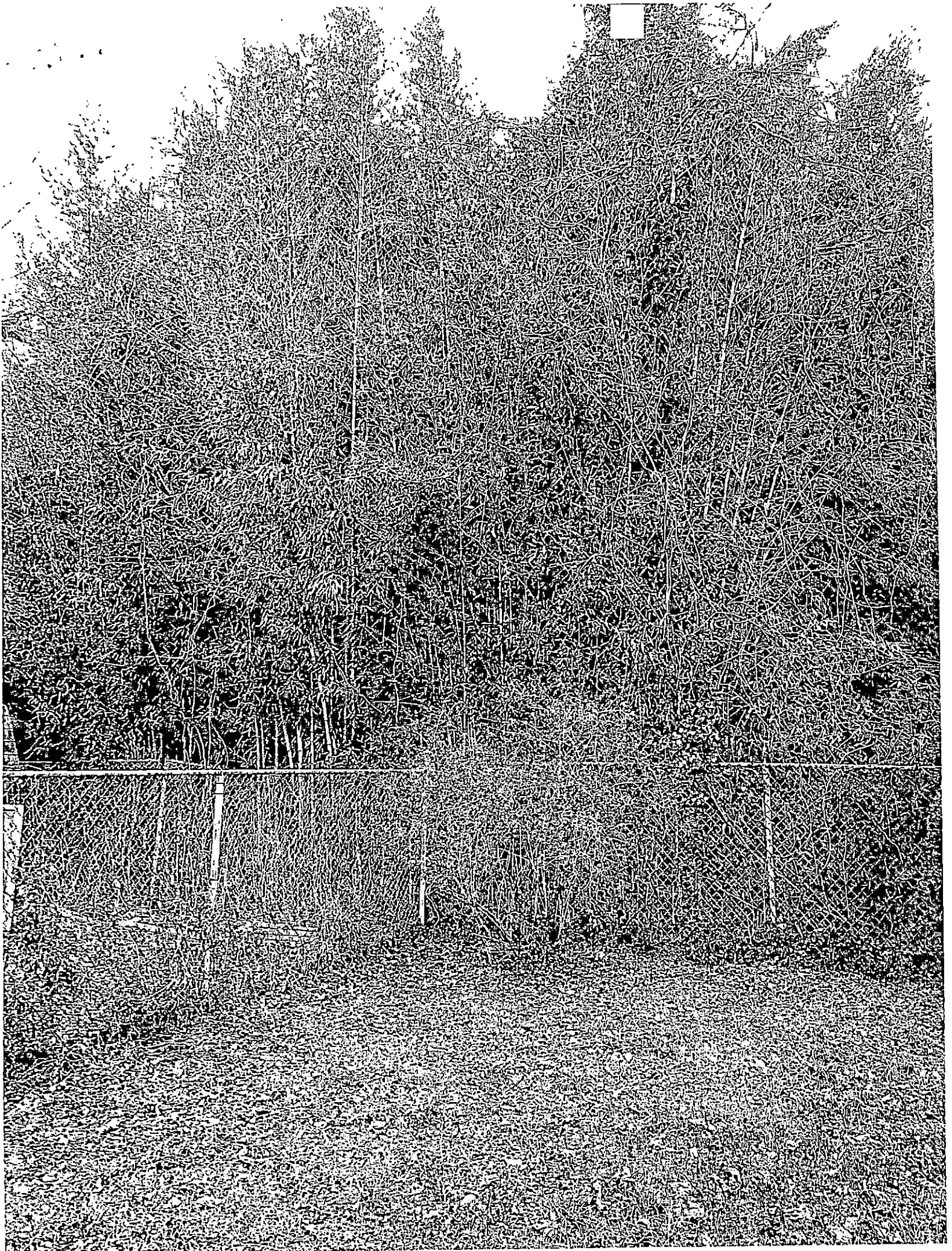
I ask that Your Honor strongly considers the state of the property prior to the fire and wind damage--these owners have done nothing to take care of the property. I am very concerned about a second house on an under-sized lot, or a change to the original house that would set a precedent for cramming even more houses in an already-crowded neighborhood.

Respectfully submitted,

Jessica Brown
Member-at-Large, Idlewylde Community Association Board

906 Overbrook Road
Idlewylde, MD 21239





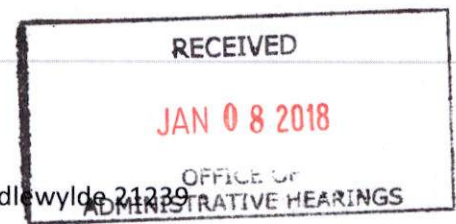
Debra Wiley

From: Administrative Hearings
Sent: Tuesday, January 08, 2019 7:19 AM
To: Nancy Lidard
Subject: RE: #2019-0151-SPHA and #2019-0150-A - 6401 and 6403 Sherwood Road, Idlewyde 21239

This is to acknowledge receipt of your email which has been placed in the judge's case file for his review.

Thank you for contacting the Office of Administrative Hearings.

From: Nancy Lidard [mailto:nlidard@comcast.net]
Sent: Monday, January 07, 2019 3:45 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: #2019-0151-SPHA and #2019-0150-A - 6401 and 6403 Sherwood Road, Idlewyde 21239



Good afternoon,

We are writing to oppose the zoning exemption requested to construct a house on the lot adjoining 6401 Sherwood Road, Idlewyde 21239. The out of town owners purchased the house at 6401 Sherwood Rd. in 2005 for \$330,000 solely for use as a rental property. They have never been part of the community or concerned enough to maintain it properly or comply with the County rental regulations. I am not sure if it was ever properly registered with the Baltimore County Rental Inspection program, but it has never been maintained and was at one time rented to unrelated college students in violation of County ordinance. The property has been an eyesore and safety hazard in the community as long as it was occupied and as long as it has been vacant following the fire a couple of years ago. That continues to this day even as their hearing approaches.

They purchased it as an investment and it was income producing for them until the fire which left it vacant for much longer than necessary. If insurance didn't cover the cost of improvements then they were underinsured which was a risk they took. Being in the construction business, they knew what it would cost to rebuild. If they suffered a loss on the property, that is no more the community's concern than if they made any other bet or investment that didn't pay off. We are not only neighbors of this property but also building contractors as well as rental property owners and managers in both Baltimore City and Baltimore County. We know exactly what is involved in renovating and maintaining rental properties and know that it can be done profitably with respect for tenants and neighbors and in compliance with all regulations. These absentee landlord/owners have chosen not to do so and now are asking for permission to waive long standing zoning rules which are in place to maintain the character and integrity of a neighborhood. Their request is purely for their own financial gain at the expense of our community.

Now that the house has been renovated, if they continue to rent lawfully they can charge more and attract tenants who are more likely to take care of it. If they sell, perhaps the neighborhood will gain new homeowners. In either case, the owners and/or occupants are responsible for maintaining the lot which includes clearing the trees, keeping the grass cut and the sidewalk clear at all times and the fence in decent shape. Anything less is a violation of County regulations.

We strongly object to the zoning exemptions requested for this property and ask the County to maintain the current zoning and force the owners to comply with all regulations as long as they own the property.

Respectfully,

Nancy and Paul Lidard
6517 Beverly Road
Idlewylde, MD 21239
nlidard@comcast.net
410-377-7700

Debra Wiley

From: Administrative Hearings
Sent: Monday, January 07, 2019 11:46 AM
To: Staci Lanham
Subject: RE: Case # 2019-0151-SPHA and 2019-0150-A

This is to acknowledge receipt of your email which has been placed in the judge's case file for his review.

Thank you for contacting the Office of Administrative Hearings.

From: Staci Lanham [mailto:stacilanham@gmail.com]
Sent: Monday, January 07, 2019 11:08 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case # 2019-0151-SPHA and 2019-0150-A

Hello,

I am ~~unable~~ to attend the hearing tomorrow, but as a member of the community would like to voice my opposition to the zoning variance requested at this location.

The current owners of the property have never resided in the neighborhood and throughout their ownership and management (or lack there of) of the property have not shown concern for the welfare of the community in the past. The last thing the neighborhood needs is another house (overcrowded schools) on a too small lot.

Thank you,
Staci Lanham
1010 Overbrook RD



Debra Wiley

From: Administrative Hearings
Sent: Monday, January 07, 2019 11:46 AM
To: Trista and Gene
Subject: RE: Case # 2019-0151-SPHA and 2019-0150-A

This is to acknowledge receipt of your email which has been placed in the judge's case file for his review.

Thank you for contacting the Office of Administrative Hearings.

From: Trista and Gene [mailto:thedipaulas@comcast.net]
Sent: Monday, January 07, 2019 11:38 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case # 2019-0151-SPHA and 2019-0150-A

Re: Case # 2019-0151-SPHA and 2019-0150-A

To Whom It May Concern:

As a resident of Idlewylde for over 13 years, I am against the requested zoning variance at 6401/6403 Sherwood Road and feel that it will impact negatively on our neighborhood. In addition, if the owner is allowed to subdivide the lot, this could set a precedent for other residents who may wish to subdivide their own lots in the future.

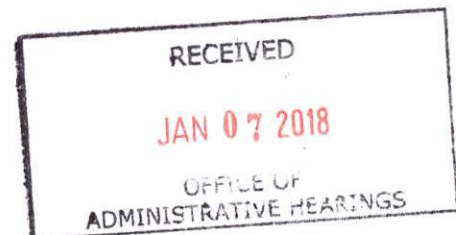
Allowing another house to be built on the property could also impact the overcrowding that is already in existence at Stoneleigh Elementary, Dumbarton Middle, and Towson High School, something that this neighborhood has been dealing with for many years. Finally, the design of a new home in our older, established neighborhood would lack the character and design of the other houses found on Sherwood Road and throughout our neighborhood.

Thank you for your consideration,

Trista DiPaula

1014 Regester Avenue

Baltimore, MD 21239



JS 1/8
2:30 PM

Debra Wiley

From: Administrative Hearings
Sent: Monday, January 07, 2019 9:32 AM
To: Julie Stovall Lauver
Subject: RE: Case # 2019-0151-SPHA and 2019-0150-A

Ms. Lauver,

We are in receipt of your email and this information will be placed in the judge's case file for his review.

Thank you for contacting the Office of Administrative Hearings.

From: Julie Stovall Lauver [mailto:stovalljulie@hotmail.com]
Sent: Monday, January 07, 2019 9:10 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case # 2019-0151-SPHA and 2019-0150-A

To Whom it May Concern-

I am not able to attend the hearing, but would like for you to count me among the numbers from the Idlewylde neighborhood who oppose the proposition of two units on the lot. Our community has discussed the pros and cons of this property many times and I oppose for all the reasons that will be brought to you in person by those who can attend.

Thank you,
Julie Lauver
1116 Arran Rd.
Idlewylde, MD 21239
443-708-5180



Debra Wiley

JB 1/8
2:30 PM

From: Administrative Hearings
Sent: Monday, January 07, 2019 7:28 AM
To: Donald Hart
Subject: RE: Sherwood Road 6401 and 6403

Mr. Hart,

Your email has been received and placed in the case file for the judge's review.

Thank you for contacting the Office of Administrative Hearings.

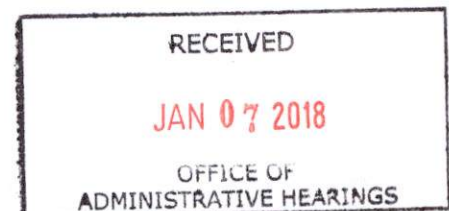
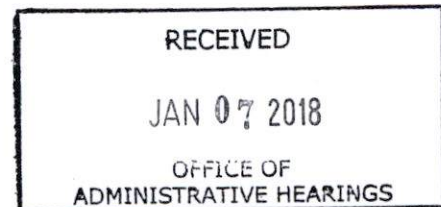
From: Donald Hart [mailto:chrisdonhar@verizon.net]
Sent: Sunday, January 06, 2019 6:02 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Sherwood Road 6401 and 6403

To the Hearing Board:

With regard to the hearings Case No: 2019-0151-SPHA and 2019-0150-A I am opposed to an additional dwelling being placed on the composite lots. The current dwelling needs to be rehabilitated and the adjoining lot needs to be landscaped. I'm given to understand that should the change in zoning occur it will be for re-sale purposes.

Yours truly,

Donald T Hart
806 Overbrook Road
Idlewylde. MD; 21239-1530



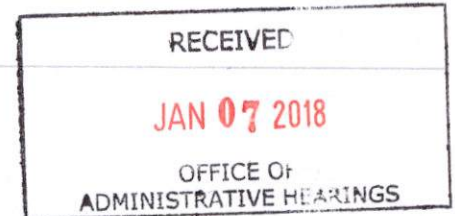
Debra Wiley

From: Administrative Hearings
Sent: Monday, January 07, 2019 1:55 PM
To: PAUL ROMNEY
Subject: RE: Cases Nos. 2019-0150-A and 2019-0151-SPHA (application for variances)

This is to acknowledge receipt of your email which has been placed in the judge's case file for his review.

Thank you for contacting the Office of Administrative Hearings.

From: PAUL ROMNEY [mailto:paulromney03@gmail.com]
Sent: Monday, January 07, 2019 1:47 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Cases Nos. 2019-0150-A and 2019-0151-SPHA (application for variances)



I wish to state my objection to the application for variances in cases nos. 2019-0150-A and 2019-0151-SPHA, which are being heard on January 8. I have lived in Idlewylde since 1995, and my home is two blocks from the site. My objections are as follows.

1. "6403 Sherwood Rd" is in fact the side-yard of the house at 6401 Sherwood Rd. It was designated as "6403" only in 2017 (by the owners, not by the County), no doubt for the purpose of this application. Until then, the entire property had existed as a single entity. This is demonstrated by the plans submitted in support of the application, which show the existing house virtually on the line between the lots, with the driveway on the "6403" side of the line. It is also suggested by the fact that a search for "6403 Sherwood" in the Real Property Database of the state Department of Assessments and Taxation yields "no records."

2. I object to an undersized plot being carved out of the existing property and built on, thereby creating TWO adjacent houses on undersized lots. This objection is especially urgent because of the nature and location of the community of Idlewylde in general and 6401 Sherwood in particular.

a. Idlewylde was originally platted in 1913 and is a district of modest single-family homes, some more than 100 years old, situated directly on the County-City line established in 1918. Its character as a community is determined by its appeal to young families on account of its excellent public schools: Stoneleigh ES, Dumbarton MS, and Towson HS. Part of its appeal is that nearly all its homes include yards that can accommodate children's play. This is true of all 13 houses on the 6400 block of Sherwood Rd, 11 of which are owner-occupied. The current application would lead to the juxtaposition of two houses, both on undersized lots, of which it would not be true.

b. This is of especial concern because the property is on a part of Sherwood Rd which is a continuation of The Alameda and was widened long ago in aid of a scheme, subsequently abandoned, to extend The Alameda to Joppa Rd. This wide street carries a lot of traffic and consequently cannot accommodate children's play, unlike almost every other street in Idlewylde.

c. For these reasons, two houses crammed into this space would not be desirable properties and might well end up as absentee-owned rather than owner-occupied properties, contrary to the character of the neighboring properties and the community as a whole.

3. If this application were granted, it would set a precedent for further applications for relief from applicable zoning standards to the detriment of the community at large.

Paul Romney

--

PAUL ROMNEY : 6903 BANBURY RD : BALTIMORE, MD 21239-1301 : 410-377-0748

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

12/19

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

11/29

DEPS
(if not received, date e-mail sent _____)

N/C

12/20

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

Comment

11/15

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

12/19/18

SIGN POSTING (1st)

Date:

12/17/18

by

Pulson

SIGN POSTING (2nd)

Date:

1-4-19

by

Pulson

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration			
Tax Exempt: Exempt Class:			Special Tax Recapture: NONE						
Account Identifier:			District - 09 Account Number - 0919480330						
Owner Name:			ELIAS MAGID M			Use: Principal Residence:		RESIDENTIAL NO	
Mailing Address:			6050 OLNEY LAYTONSVILLE RD GAITHERSBURG MD 20882-1708			Deed Reference:		/38852/ 00303	
			Location & Structure Information						
Premises Address:			6401 SHERWOOD RD BALTIMORE 21239-			Legal Description:		6401 SHERWOOD RD ES IDLEWYLDE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0080	0003	0128		0000				2017	Plat Ref: 0007/0140
Special Tax Areas:						Town: Ad Valorem: Tax Class:		NONE	
Primary Structure Built 1953		Above Grade Living Area 1,368 SF		Finished Basement Area 500 SF		Property Land Area 7,750 SF		County Use 04	
Stories 1	Basement YES	Type STANDARD UNIT	Exterior BRICK	Full/Half Bath 2 full	Garage 1 Attached	Last Major Renovation			
Value Information									
			Base Value		Value As of 01/01/2017		Phase-In Assessments As of 07/01/2018		As of 07/01/2019
Land:			85,800		85,800				
Improvements			186,400		220,700				
Total:			272,200		306,500		295,067		306,500
Preferential Land:			0						0
Transfer Information									
Seller: ELIAS MAGID M			Date: 04/17/2017				Price: \$0		
Type: NON-ARMS LENGTH OTHER			Deed1: /38852/ 00303				Deed2:		
Seller: SAUSSER THOMAS E			Date: 09/29/2005				Price: \$330,000		
Type: ARMS LENGTH MULTIPLE			Deed1: /22632/ 00261				Deed2:		
Seller: RUGOLO PIETRO			Date: 05/07/1992				Price: \$1		
Type: ARMS LENGTH IMPROVED			Deed1: /09164/ 00200				Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class				07/01/2018		07/01/2019	
County:		000				0.00			
State:		000				0.00			
Municipal:		000				0.00 0.00		0.00 0.00	
Tax Exempt:			Special Tax Recapture:						
Exempt Class:			NONE						
Homestead Application Information									
Homestead Application Status: No Application									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application									
Date:									



JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
*Department of Permits,
Approvals & Inspections*

January 3, 2019

John Motsco
Little & Associates, Inc.
1055 Taylor Avenue, Ste. 307
Towson, MD 21204

RE: Case Number: 2019-0150-A, Address: 6401 Sherwood Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 2, 2018. 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Magid Elias, 6050 Olney Laytonsville Road, Gaithersburg 20882

BALTIMORE COUNTY, MARYLAND

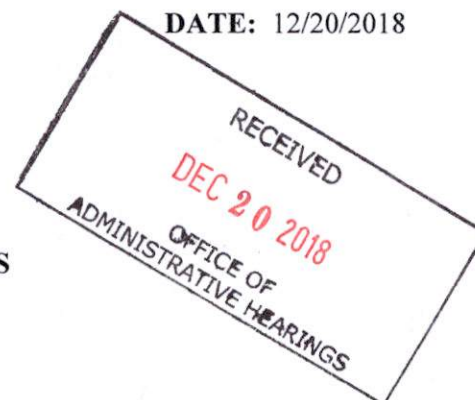
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-150

DATE: 12/20/2018



INFORMATION:

Property Address: 6401 Sherwood Road

Petitioner: Magid Elias

Zoning: DR 5.5

Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit an existing lot of record with an existing single family dwelling to have a lot width at the building line of 50', a side yard width of 6.5' and a front yard depth of 19.6' in lieu of the required 55', 10' and 25' respectively and for a determination of no merger with adjoining property by mere adjacency.

A site visit was conducted on 11/30/2018. The adjacent property at 6403 Sherwood Road is the subject of zoning case # 19-151. The site is located within the boundaries of the Idlewylde Community Plan drafted in 2006. Staff observed during the site visit that the on-site dwelling is accessed via an existing driveway located on 6403 Sherwood Road. This arrangement will remain in place as per the submitted site plan(s). The Department is not convinced the properties have not been merged through their use and will concur with the decision of the Administrative Law Judge on the matter.

The Department objects to granting the petitioned zoning relief. One stated purpose of the D.R. 5.5 zone classification is to *"provide for greater certainty about dwelling types and densities within existing communities with a goal of conserving and maintaining these areas"*. In granting the requested relief, the opportunity for the property to approach this stated purpose is lost, that being contrary to the spirit and intent of the zone through the creation an overly dense use of the property.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:

Lloyd T. Moxley

Division Chief:

Jennifer G. Nugent

AVA/JGN/LTM/

c: Laurie Hay

John Motsco, Little & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 12/20/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-150

INFORMATION:

Property Address: 6401 Sherwood Road
Petitioner: Magid Elias
Zoning: DR 5.5
Requested Action: Variance

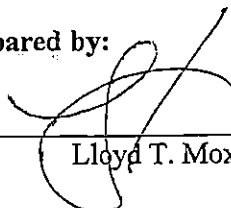
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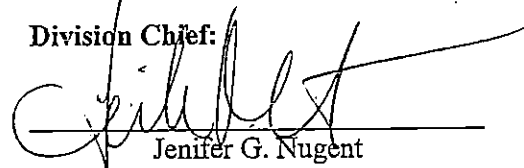
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

c: Laurie Hay
John Motsco, Little & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: December 19, 2018

FROM: *MCD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 26, 2018
Item No. 2019-0150-A, 0151-SPHA, 0158-A, 0159-SPHA, 0160-A, 0161-
SPHA and 0162-SPHA

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

* * * * *

VKD: can
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: December 5, 2018

FROM: ^{MS} Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 18, 2018
Item No. 2019-0094-SPHXA, 0130-A, 0144-SPHA, 0150-A, 0151-SPHA,
0152-A, 0154-A and 0155-A

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

* * * * *

VKD: can
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: November 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0150-A *revised*
Address 6401 Sherwood Road
(Elias Property)

Zoning Advisory Committee Meeting of **November 26, 2018.**

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

Reviewer: Steve Ford



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 11/15/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

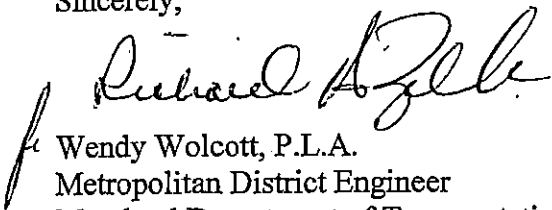
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2014-0150-A

*Variance
Magid Elias
6050 Obney Latonsville Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



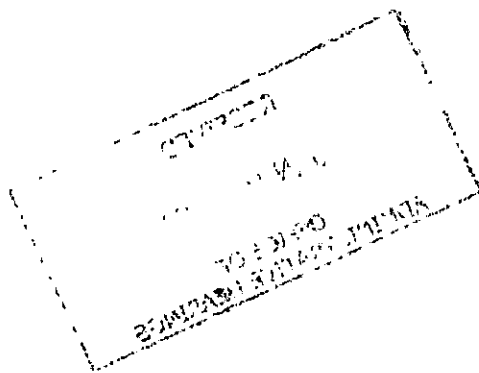
Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

Debra Wiley

From: Larry Pilson <lpilson@hotmail.com>
Sent: Friday, January 04, 2019 9:45 AM
To: Administrative Hearings; Mindy Clark; Christopher M. Prescop
Subject: 2019-0150-A Recertification (6401 Sherwood Rd.)
Attachments: 6401 Sherwood Rd. Recert.pdf; DSC_0759.JPG; DSC_0758.JPG





CERTIFICATE OF POSTING

Date: 1-4-19

RE: Case Number: 2019-0150-A RECERT

Petitioner/Developer: Eliu

Date of Hearing/Closing: 1-8-19 2:30 PM

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 6401 Sherwood Rd

The signs(s) were posted on RECERT 1-4-19
(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)

ZONING NOTICE

CASE # 2019-0150-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205

105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: TUESDAY JAN. 8, 2019 2:30 PM

REQUEST: VARIANCE TO PERMIT EXISTING IMPROVEMENTS
LOCATED ON AN EXISTING LOT OF RECORD PLATTED IN 1927 TO HAVE:

A. A WIDTH AT THE BUILDING LINE OF 50 FT. IN LIEU OF THE 55 FT. REQUIRED

B. A SIDE YARD WIDTH OF 6.5 FT. IN LIEU OF THE 10 FT. REQUIRED; C. A

FRONT YARD DEPTH OF 19.6 FT. IN LIEU OF THE 25 FT. REQUIRED; A DETER-

MINATION OF NO MERGER WITH ADJOINING PROPERTY BY MERE ADJACENCY

AND FOR SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE MAY RE-

QUIRE FOR APPROVAL OF THE EXISTING BUILDINGS, USES AND CONDITIONS

AS SHOWN ON THE PLAN WHICH ACCOMPANIED THE PETITION.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING CALL 887-3391

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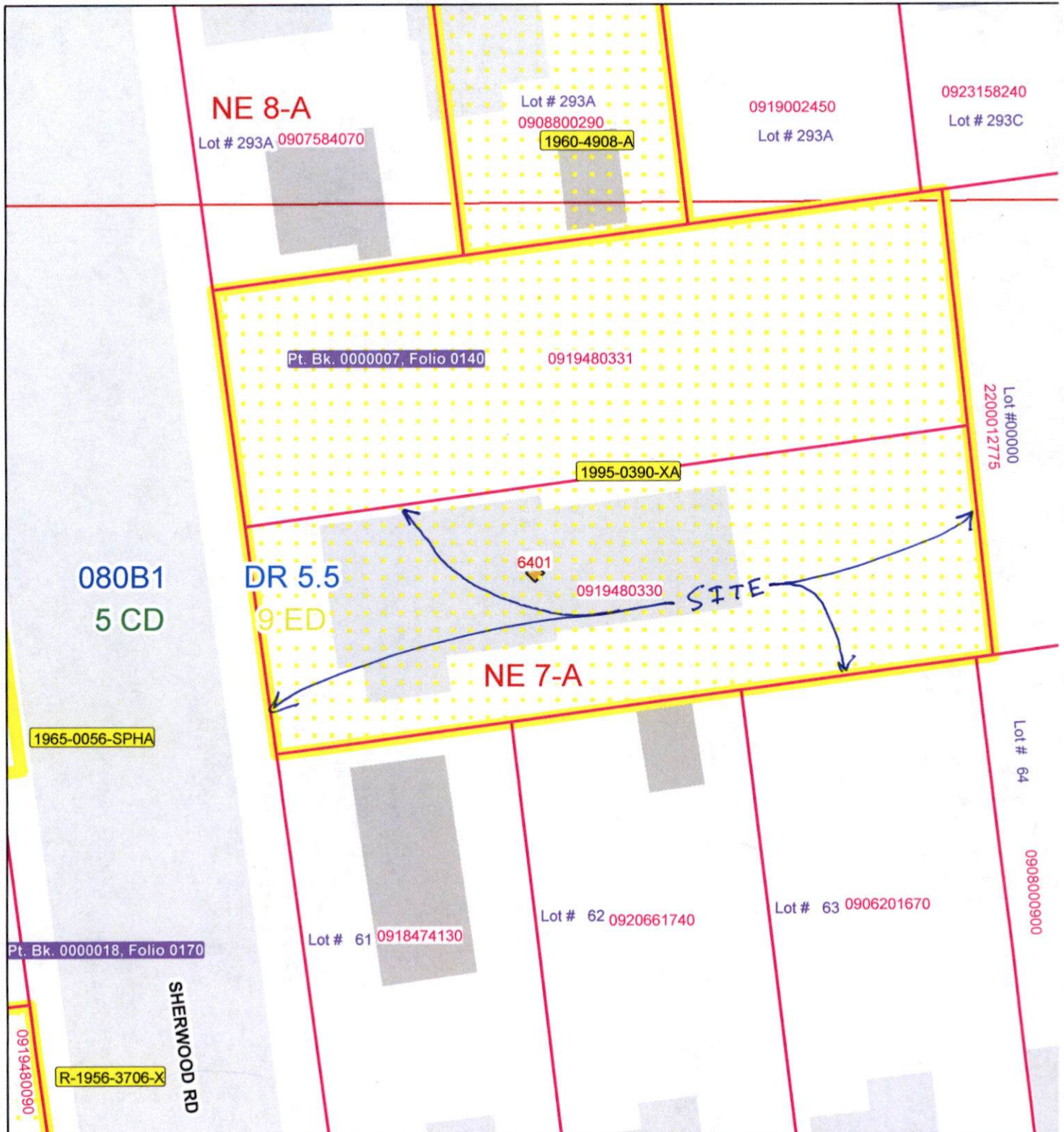
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THE PETITION.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

6401 Sherwood Road, Tax #09-19-480-330



Publication Date: 11/2/2018



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



0 5 10 20 30 40
Feet

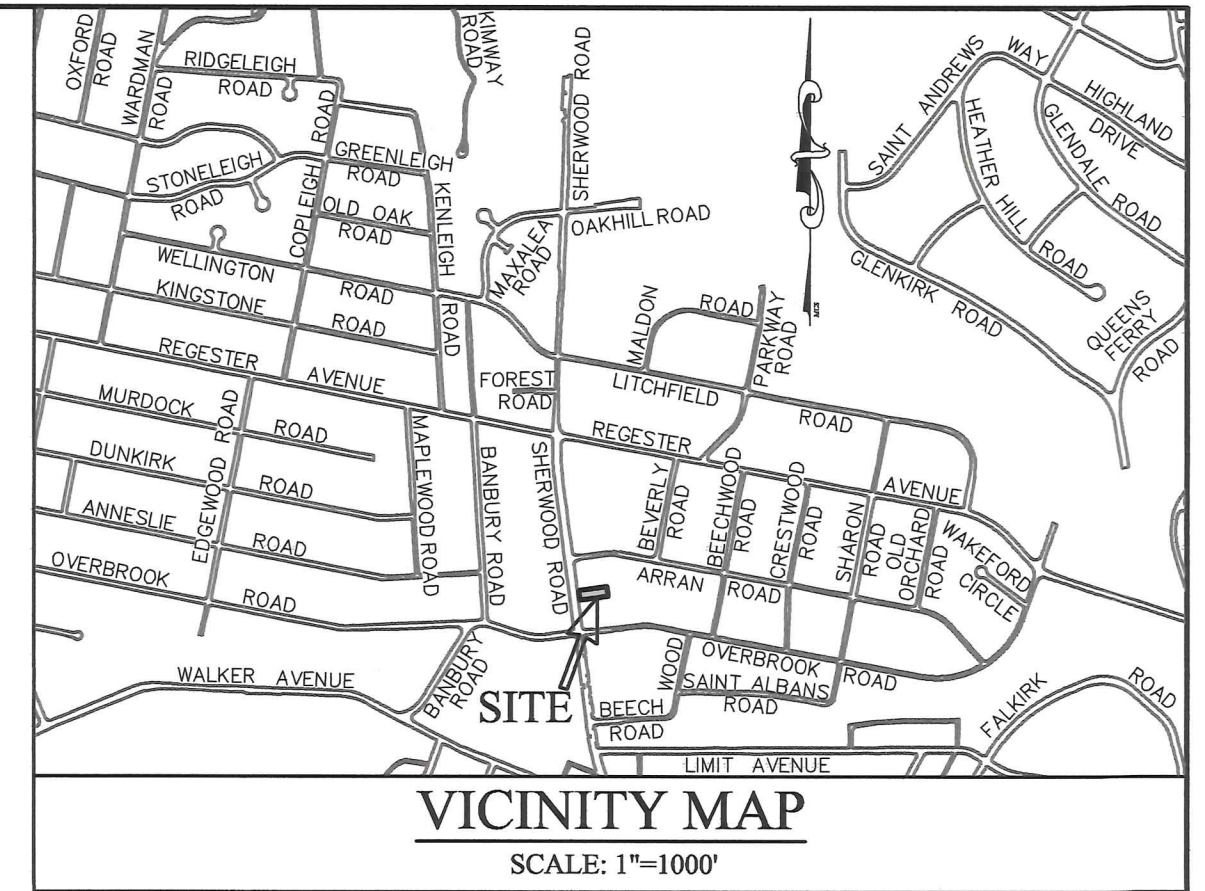
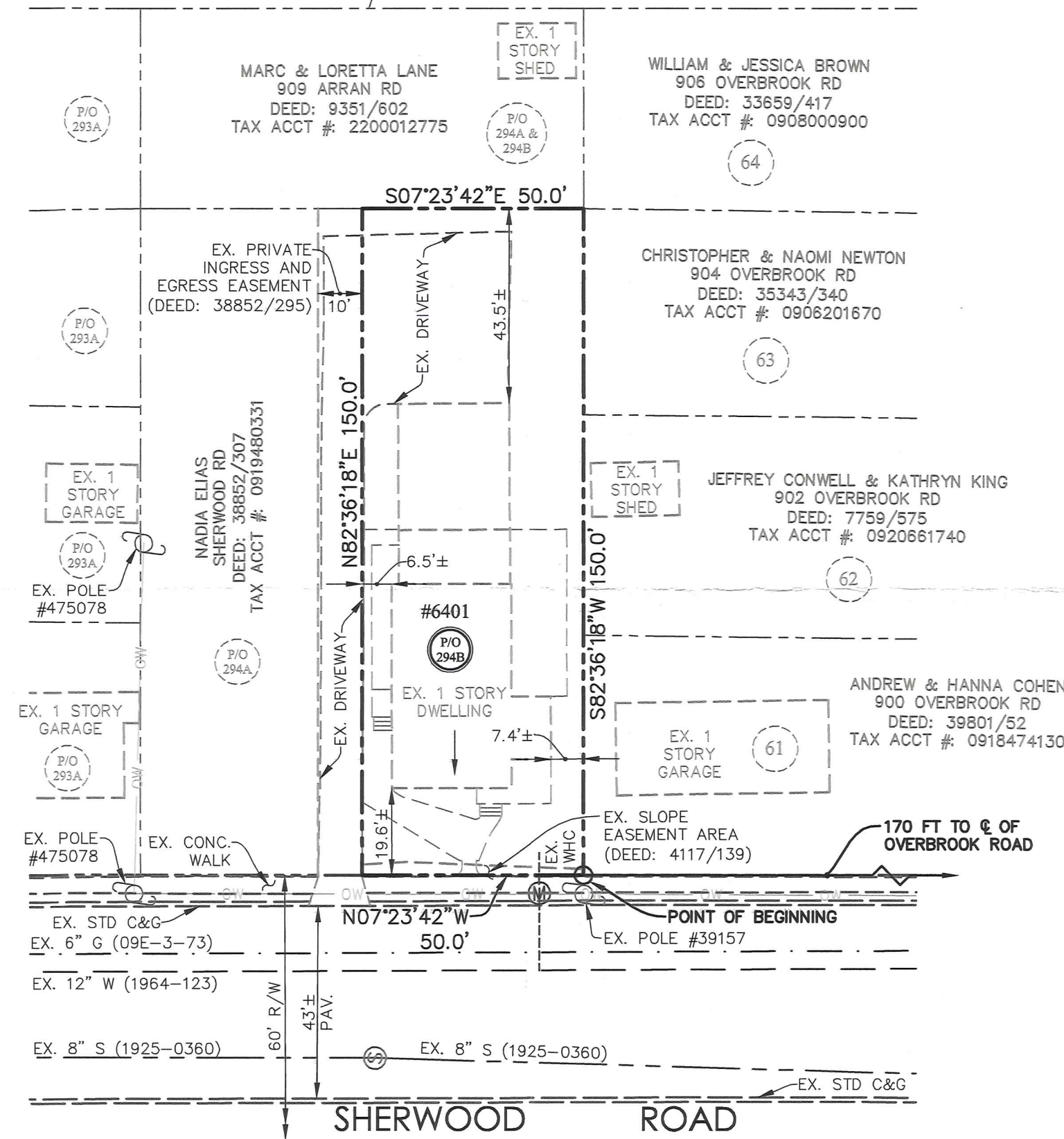
1 inch = 30 feet

REQUESTED RELIEF

- I. PETITION FOR VARIANCE
A REQUEST THAT THE ADMINISTRATIVE LAW JUDGE APPROVE A VARIANCE FROM:
 - A. BCZR SECTIONS 1B02.3.A.5., 1B02.3.B., AND 1B02.3.C.1. TO PERMIT EXISTING IMPROVEMENTS LOCATED ON AN EXISTING LOT OF RECORD, PLATTED IN 1927, TO HAVE:
 - i. A WIDTH AT THE BUILDING LINE OF 50 FEET IN LIEU OF THE 55 FEET REQUIRED;
 - ii. A SIDE YARD WIDTH OF 6.5 FEET IN LIEU OF THE 10 FEET REQUIRED;
 - iii. A FRONT YARD DEPTH OF 19.6 FEET IN LIEU OF THE 25 FEET REQUIRED; AND
 - B. A DETERMINATION OF NO MERGER WITH ADJOINING PROPERTY BY MERE ADJACENCY; AND
 - C. FOR SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE MAY REQUIRE FOR APPROVAL OF THE EXISTING BUILDINGS, USES AND CONDITIONS AS SHOWN ON THE PLAN WHICH ACCOMPANIED THIS PETITION.



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



SITE DATA

1. NET/GROSS TRACT AREA: 0.172 AC.± (7,500 SF)
2. THE SITE IS ZONED DR-5.5.
3. OWNER:
MAGID ELIAS
6050 OLNEY LAYTONSVILLE ROAD
GAITHERSBURG, MD 20882
4. TAX ACCT. #: 0919480330
5. DEED: 38852/303
6. PLAT: 7/140 LOT P/O 294B
7. MAP: 80 GRID: 3 PARCEL: 128
8. ELECTION DISTRICT: 9 COUNCILMANIC DISTRICT: 2
9. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2018 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
10. NO FLOOD PLAIN EXISTS ON THIS PROPERTY.
11. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
12. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
13. THIS SITE HAS NO ACTIVE ZONING VIOLATIONS.
14. CURRENT USE: RESIDENTIAL
15. PROPOSED USE: RESIDENTIAL

PRIOR ZONING HISTORY

CASE NO. 95-390-XA

SPECIAL EXCEPTION (DENIED) OCTOBER 3, 1995

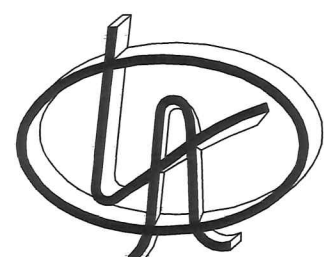
SPECIAL EXCEPTION FOR A GROUP DAY CARE CENTER (CLASS B PRINCIPAL USE) FOR APPROXIMATELY 40 CHILDREN OF VARIOUS AGE GROUPS; AND A FINDING THAT PROPERTY IS EXEMPT FROM THE RTA REQUIREMENTS.

VARIANCE (DISMISSED) OCTOBER 3, 1995

VARIANCE TO PERMIT A LOT AREA OF .34 ACRES (15,000 SQUARE FEET) IN LIEU OF THE REQUIRED 1 ACRE; TO ALLOW A 8.5 FOOT SIDE YARD SETBACK WITH 6-FOOT VEGETATIVE BUFFER (ONE SIDE ONLY); AND TO ALLOW A 45-FOOT REAR YARD SETBACK WITH 6 FOOT VEGETATIVE BUFFER; TO PERMIT AN IMPERVIOUS SURFACE AREA OF 40% IN LIEU OF THE ALLOWED 25%; AND TO PERMIT THE REQUIRED FENCE TO BE LOCATED ON THE PROPERTY LINE IN LIEU OF THE REQUIRED 20 FOOT DISTANCE.

CASE NO.: 2019-0150-A

PLAN TO ACCOMPANY
PETITION FOR ZONING HEARING
#6401 SHERWOOD ROAD
ELIAS PROPERTY



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

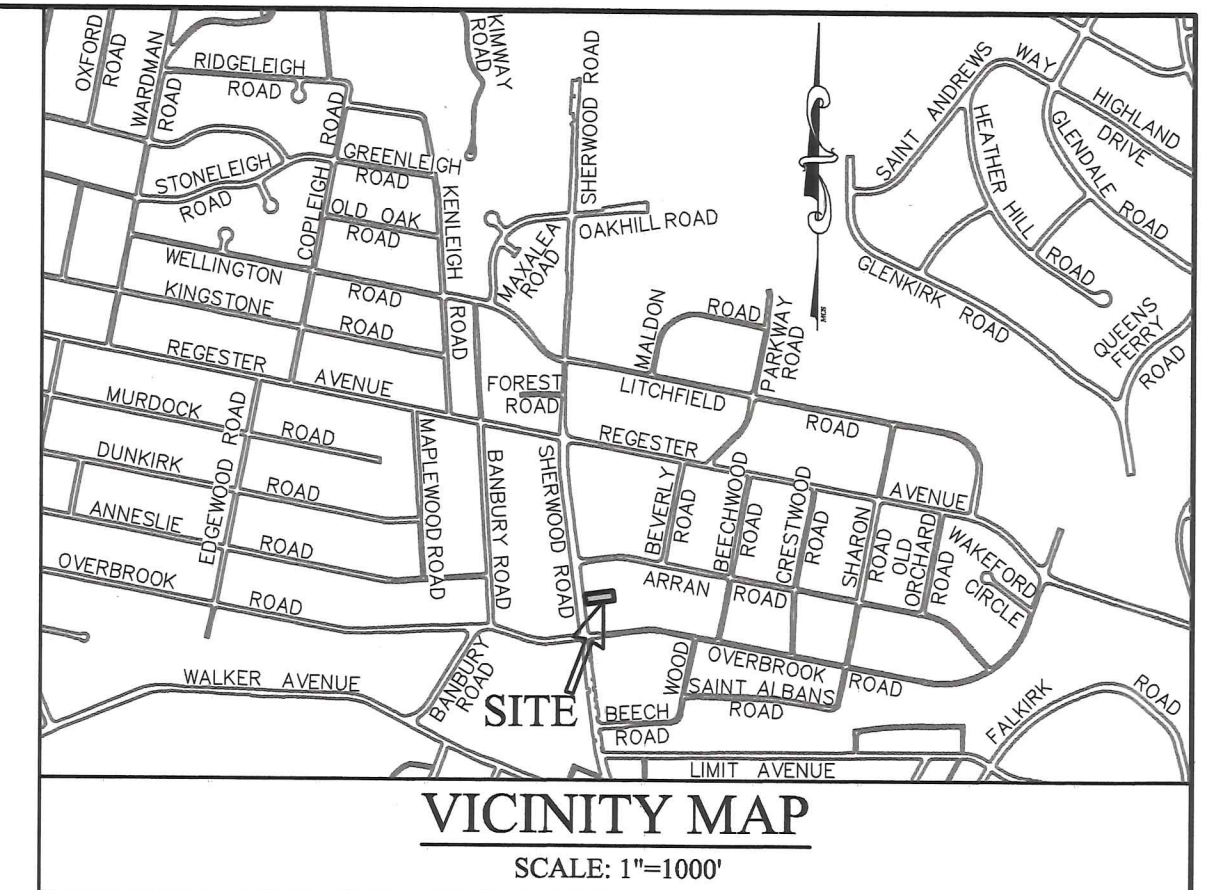
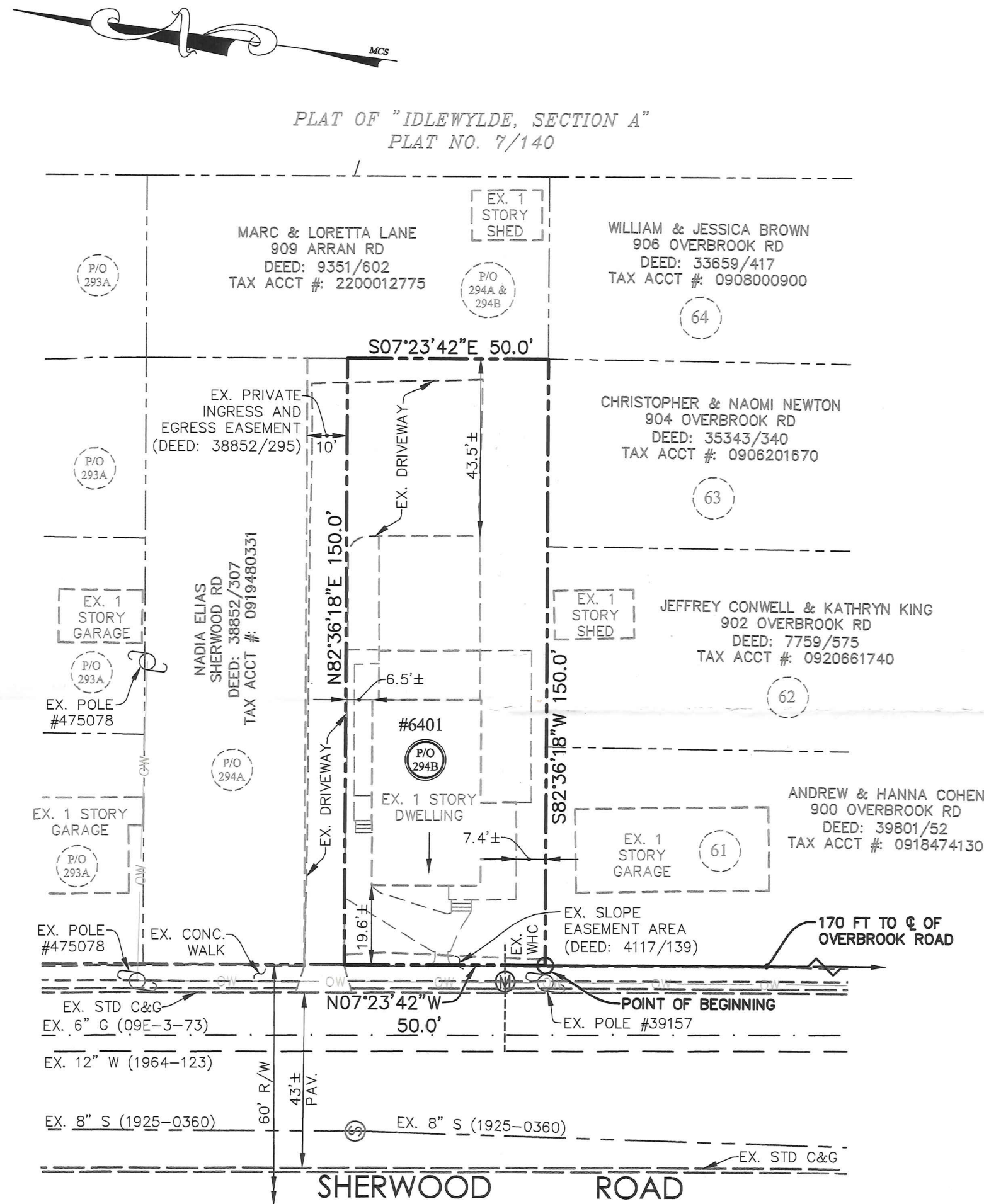
DISTRICT 9c5
SCALE: 1"=30'

PLAT 7/140
BALTIMORE COUNTY, MD
OCTOBER 31, 2018

PET. No. 1-

REQUESTED RELIEF

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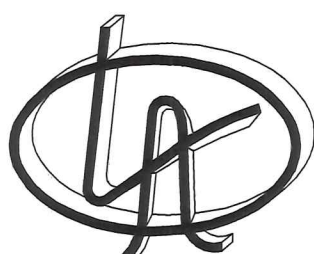
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CASE NO.: 2019-0150-A

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING #6401 SHERWOOD ROAD ELIAS PROPERTY

DISTRICT 9c5
SCALE: 1"=30'

PLAT 7/140
BALTIMORE COUNTY, MD
OCTOBER 31, 2018



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