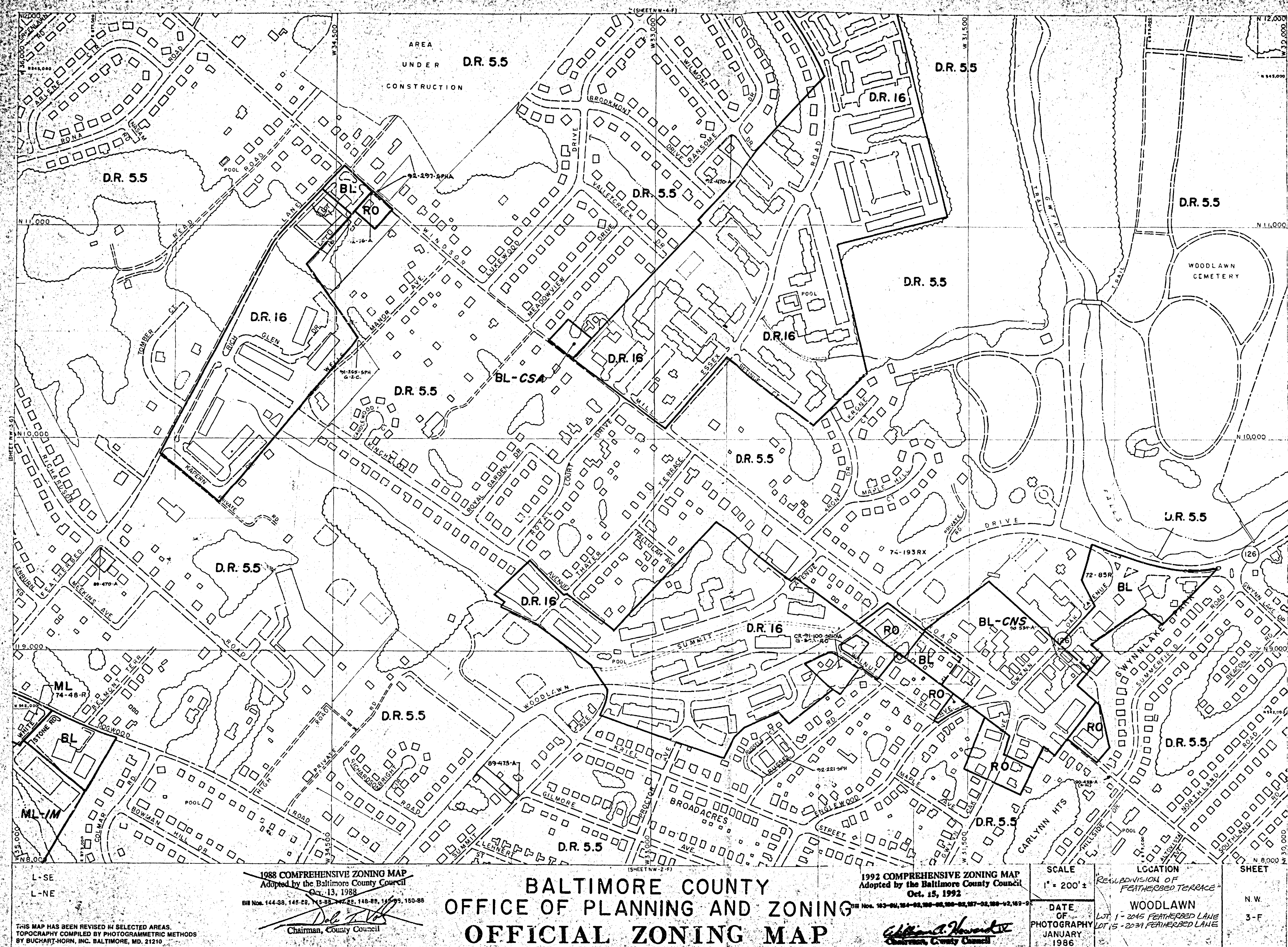




A-465-46

380

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 4/24/94
Posted for: Variances
Petitioner: Featherbed Terrace Development Corp.
Location of property: 2039-2045 Featherbed Lane, NE/3
Location of Sign: Featherbed Lane, property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 4/26/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 22, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 7, 1994.

THE JEFFERSONIAN,
LEGAL AD. - TOWSON

A. Henrichson

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue, 1st Floor, 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 94-394-A (Item 380)
2039 and 2045 Featherbed Lane
NE/3 Featherbed Lane, 260' +/- SW of c/l Windsor Mill Road
2nd Election District - 2nd Councilmanic
Petitioner(s): Featherbed Terrace Development Corporation
Hearing: TUESDAY, MAY 17, 1994 at 11:00 a.m. in Rm. 118, Old Courthouse
Variance: to permit a building to tract setback of 15 inches in lieu of the required 30 feet on lot 15 (#2039) and a building to tract setback of 20 feet in lieu of the required 30 feet on lot 1 (#2045).
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353. (2) For information concerning the file and/or hearing, please call 887-3391.
4/22/94 April 21

TO: PETITIONER PUBLISHING COMPANY
At: 11 21, 1994 Issue - Jeffersonian

Please forward billing to:
Robert Rishbaker
2033 Featherbed Lane
Baltimore, Maryland 21207
298-5520

NOTICE OF HEARING

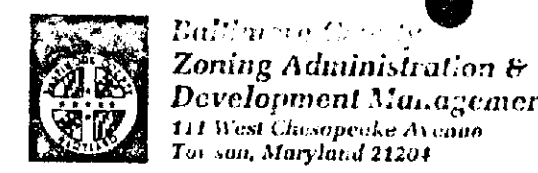
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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 4-5-94

FEATHERBED TERRACE DEVELOPMENT CORP. 2039 & 2045
FEATHERBED LN.

VAR. (010) 50 x 2 100.00
POSTING (030) 35.00
135.00

35403#000#CHRC
Please Make Checks Payable To: Baltimore County Zoning Administration
Cashier Validation
\$135.00

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl John
ARNOLD JARLON, DIRECTOR

For newspaper advertising:

Item No.: 380

Petitioner: FEATHERBED TERRACE DEVELOPMENT CORP.

Location: SE COR FEATHERBED LN. 260' +/- SW of c/l WINDSOR MILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MR. ROBERT HANNAKER

ADDRESS: 2033 FEATHERBED LANE

BALTIMORE, MD 21207

PHONE NUMBER: (410) 298-5520

*MUST BE SUPPLIED

Item Number: 380
Planner: WCR
Date Filed: 4-5-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The "lanner" that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

- Need an attorney ☒
- The following information is missing:
- ☐ Descriptions, including accurate beginning point
 - ☐ Actual address of property
 - ☐ Zoning
 - ☐ Acreage
 - ☐ Plats (need 12, only 1 submitted)
 - ☐ 200 scale zoning map with property outlined
 - ☐ Election district
 - ☐ Councilmanic district
 - ☐ RCZ section information and/or wording
 - ☐ Hardship/practical difficulty information
 - ☐ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - ☐ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
 - ☒ Signatures (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
 - ☐ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
 - ☐ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - ☐ Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TWTSPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 14, 1994

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Variance: to permit a building to tract setback of 15 inches in lieu of the required 30 feet on lot 15 (#2039) and a building to tract setback of 20 feet in lieu of the required 30 feet on lot 1 (#2045)

Carl John
Arnold Jarlon
Director

cc: Featherbed Terrace Development Corporation
Kevin Wright/Elkins Engineering Co., Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARINGS, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 6, 1994

Zahid W. Butt
Featherbed Terrace Development Corporation
8980 Purow Avenue
Ellicott City, Maryland 21043

RE: Case No. 94-394-A, Item No. 380
Petitioner: Featherbed Terrace Development Corporation
Petition for Variance

Dear Mr. Butt:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 25, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Zoning Plans Advisory Committee Comments
Mr. Zahid W. Butt
Date: May 6, 1994
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR:cmn
Enclosures

IN RE: PETITION FOR VARIANCE
NE/S Featherbed Lane, 260' SW
of the c/l of Windsor Mill Road
(2039 & 2045 Featherbed Lane)
2nd Election District
2nd Councilmanic District
Featherbed Terrace Dev. Corp.
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-394-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for the properties known as 2039 and 2045 Featherbed Lane, located in the Woodlawn area of western Baltimore County. The Petition was filed by the owner of the property, Featherbed Terrace Development Corporation, by Zahid W. Butt. The Petitioner seeks relief from Section 1801.2.C.2(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.5.b of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit building to tract boundary setbacks of 15 feet and 20 feet in lieu of the required 30 feet each for 2039 and 2045 Featherbed Lane, respectively. The subject properties and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Robert Hawbaker, Project Manager for Featherbed Terrace Development Corporation, Donald Hicks, President, and Kevin Wight with Hicks Engineering Company, and William S. Davis, Jr., Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony revealed that the subject properties are located within the Featherbed Terrace resubdivision and are presently unimproved. The property known as 2039 Featherbed Lane (also known as Lot 15) consists of 0.139 acres, more or less and is split zoned D.R. 5.5 and D.R. 16. The

property known as 2045 Featherbed Lane (also known as Lot 1) consists of 0.205 acres, zoned D.R. 16. The Petitioner is desirous of developing the two properties with a single family dwelling in accordance with Petitioner's Exhibit 1. Lot 15 is a long and narrow, irregularly shaped lot, located off of a panhandle drive, directly behind Lots 1, 2 and 3 of the subject development. At the time this development received CRG approval, the dwelling on Lot 15 was to be built facing the rear of the dwellings proposed for Lots 1, 2 and 3. The Petitioner proposes turning the proposed dwelling to face the entrance to the panhandle drive. Doing so will afford the prospective property owner the opportunity to have a larger front and rear yard, as well as offer a more aesthetically pleasing layout of the houses in this particular area of the subdivision. Further testimony revealed that the Petitioner offers two house plans for this development; a 38-foot wide split level and a 22-foot wide two-story model. The more popular of the two models offered has been the wider, split level model, which is less expensive than the two-story model. The Petitioner seeks the flexibility to offer the split level model to the prospective purchaser of either Lot 1 or Lot 15 and thus, the requested variance is necessary.

Further testimony indicated that development as proposed complies with the current C.M.D.P. regulations; however, because this development was approved under the old regulations, compliance with the regulations in effect at the time the development was approved is required. Therefore, the requested variances are necessary in order to proceed.

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

- 2 -

- 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 the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial 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 variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with 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 for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of May, 1994 that the Petition for Variance seeking relief from Section 1801.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.5.b of the Comprehensive Manual

of Development Policies (C.M.D.P.)) to permit a building to tract boundary setback of 15 feet in lieu of the required 30 feet for 2039 Featherbed Lane, and a building to tract boundary setback of 20 feet in lieu of the required 30 feet for 2045 Featherbed Lane, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 49-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/23/94
By [Signature]

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 111, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386
May 24, 1994

William S. Davis, Jr., Esquire
409 Washington Avenue, Suite 900
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NE/S Featherbed Lane, 260' SW of the c/l of Windsor Mill Road
(2039 & 2045 Featherbed Lane)
2nd Election District - 2nd Councilmanic District
Featherbed Terrace Dev. Corp. - Petitioner
Case No. 94-394-A

Dear Mr. Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Robert Hawbaker
Project Manager, Featherbed Terrace
8980 Furrow Avenue, Ellicott City, Md. 21043

Mr. Kevin Wight, Hicks Engineering Co.
200 E. Joppa Road, Suite 400, Towson, Md. 21204

People's Counsel

File

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2039 & 2045 FEATHERBED LANE
which is presently zoned D.R. 5.5/16

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.2.a.; B.C.Z.R. V.B.5.b.; C.M.D.P. TO PERMIT A BUILDING TO TRACT SETBACK OF 15' IN LIEU OF THE REQUIRED 30' ON LOT 15 (#2039) AND A BUILDING TO TRACT SETBACK OF 20' IN LIEU OF THE REQUIRED 30' ON LOT 1 (#2045) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

TO BE DISCUSSED IN DETAIL AT HEARINGS

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Petitioner/Owner

(Type of Print Name)

Signature

Address

City

State

Zip

Telephone

Signature

Address

City

State

Zip

Telephone

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

Legal Owner(s)

FEATHERBED TERRACE DEVELOPMENT CORP.

(Type of Print Name)

Signature

ZAHID W. BUTT

(Type of Print Name)

Address

City

State

Zip

Telephone

Signature

8980 FURROW AVENUE (QW) 714-0506

Address

City

State

Zip

Telephone

Signature

KEVIN WIGHT OF HICKS ENGINEERING CO., INC.

Address

City

State

Zip

Telephone

Signature

200 E. JOPPA ROAD, SUITE 400 (QW) 414-0001

Address

City

State

Zip

Telephone

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 2039 FEATHERBED LANE

Election District 2 Councilmanic District 2

Beginning at a point on the SOUTHEAST side of FEATHERBED LANE (north, south, east or west) which is VARIABLY (street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 379' ± SOUTHWEST of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street WINDSOR MILL ROAD (name of street)

which is VARIABLY wide. *Being Lot # 15 (number of feet of right-of-way width)

Block RESUBDIVISION OF FEATHERBED TERRACE in the subdivision of (name of subdivision)

Book # 4765, Folio # 380, containing (square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber 4765, Folio 380 and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 2045 FEATHERBED LANE

Election District 2 Councilmanic District 2

Beginning at a point on the SOUTHEAST side of FEATHERBED LANE (north, south, east or west) which is VARIABLY (street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 260' ± SOUTHWEST of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street WINDSOR MILL ROAD (name of street)

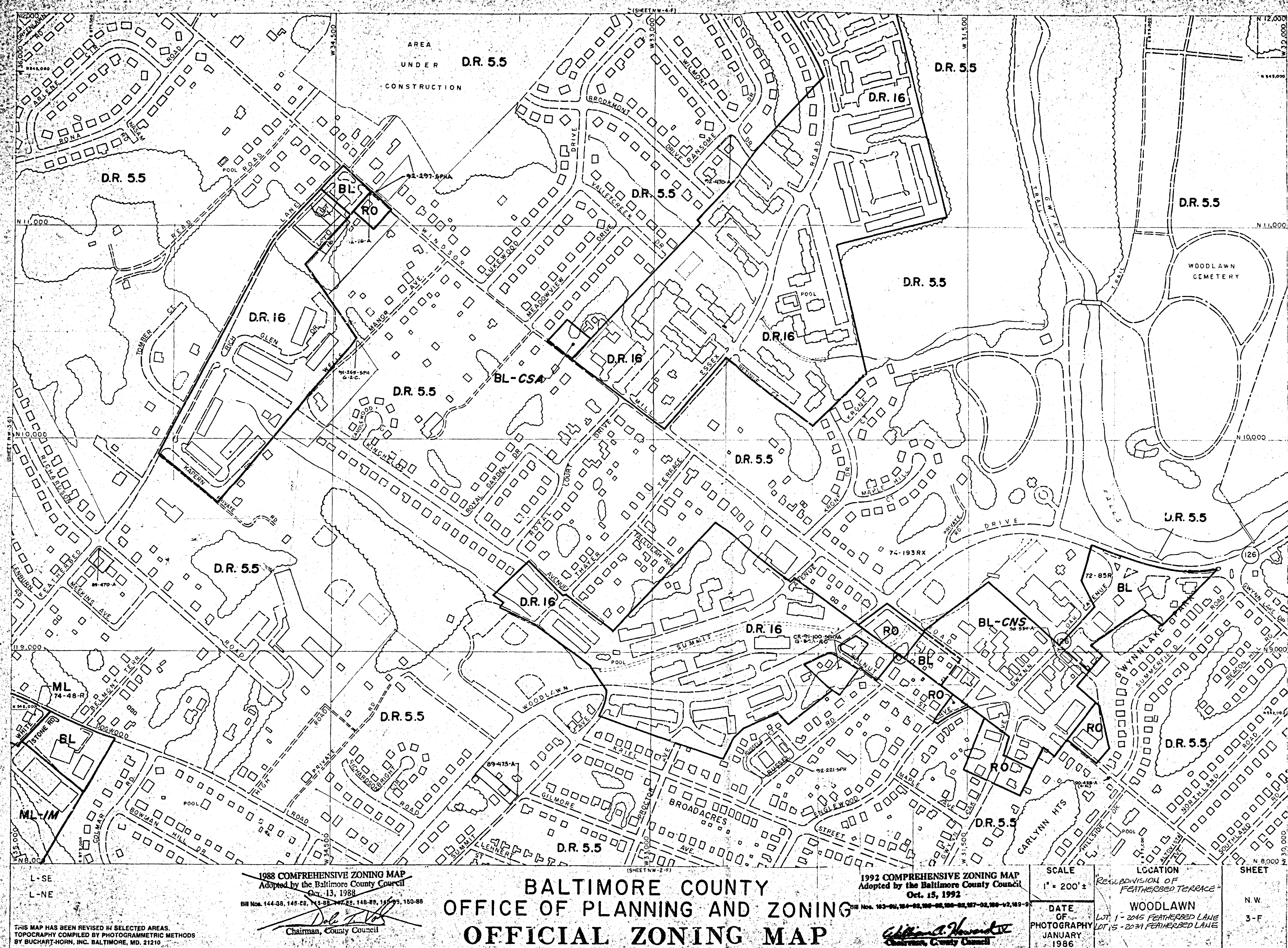
which is VARIABLY wide. *Being Lot # 1 (number of feet of right-of-way width)

Block RESUBDIVISION OF FEATHERBED TERRACE in the subdivision of (name of subdivision)

Book # 4765, Folio # 380, containing (square feet and acres)

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A-465-46

RWB: 8

BS

My telephone number is _____
 Maryland Relay Service for Impaired Hearing or Speech
 1-800-735-2256 Statewide Toll Free
 Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
 Street Address: 707 North Calvert Street • Baltimore, Maryland 21203

cc: File

 Printed with Soybean Ink on Recycled Paper

Peter Max Zimmerman
Peter Max Zimmerman

380

prepared by: HICKS ENGINEERING Scale of Drawing: 1" = 50' JCM 380

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 4/24/94
Posted for: variance
Petitioner: Featherbed Terrace Development Corp.
Location of property: 2039-2045 Featherbed Lane, NE/3
Location of Sign: Featherbed Lane, property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 4/26/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 22, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 7, 1994.

THE JEFFERSONIAN,
LEGAL AD. - TOWSON

A. Henrichson

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LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353. (2) For information concerning the file and/or hearing, please call 887-3391.
4/22/94 April 21

TO: PETITIONER PUBLISHING COMPANY
At: 11 21, 1994 Issue - Jeffersonian

Please forward billing to:
Robert Rusbaker
2033 Featherbed Lane
Baltimore, Maryland 21207
298-5520

NOTICE OF HEARING

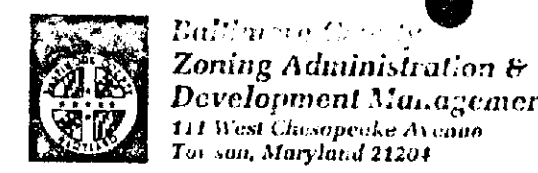
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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 4-5-94

FEATHERBED TERRACE DEVELOPMENT CORP. 2039-2045 FEATHERBED LN.

VAR. (010) 50x2 100.00
POSTING (030) 35.00
135.00

Cashier Validation
Please Make Checks Payable To: Baltimore County
03403#000#CHRC
132PMD-06-94 \$135.00

receipt
94-394-A

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl John
ARNOLD JARLON, DIRECTOR

For newspaper advertising:

Item No.: 380

Petitioner: FEATHERBED TERRACE DEVELOPMENT CORP.

Location: SE COR FEATHERBED LN. 260' +/- SW of c/l WINDSOR MILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MR. ROBERT HANNAKER

ADDRESS: 2033 FEATHERBED LANE

BALTIMORE, MD 21207

PHONE NUMBER: (410) 298-5520

*MUST BE SUPPLIED

Item Number: 380
Planner: WCR
Date Filed: 4-5-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The "lanner" that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

- Need an attorney ☒
- The following information is missing:
- ☐ Descriptions, including accurate beginning point
 - ☐ Actual address of property
 - ☐ Zoning
 - ☐ Acreage
 - ☐ Plats (need 12, only 1 submitted)
 - ☐ 200 scale zoning map with property outlined
 - ☐ Election district
 - ☐ Councilmanic district
 - ☐ RCZ section information and/or wording
 - ☐ Hardship/practical difficulty information
 - ☐ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - ☐ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
 - ☒ Signatures (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
 - ☐ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
 - ☐ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - ☐ Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TWTSPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 14, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the following:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-394-A (Item 380)
2039 and 2045 Featherbed Lane
NE/3 Featherbed Lane, 260' +/- SW of c/l Windsor Mill Road
2nd Election District - 2nd Councilmanic
Petitioner(s): Featherbed Terrace Development Corporation
Hearing: TUESDAY, MAY 17, 1994 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit a building to tract setback of 15 inches in lieu of the required 30 feet on lot 15 (#2039) and a building to tract setback of 20 feet in lieu of the required 30 feet on lot 1 (#2045).

Carl John
Arnold Jarlon
Director

cc: Featherbed Terrace Development Corporation
Kevin Wright/Elkins Engineering Co., Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARINGS, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 6, 1994

Zahid W. Butt
Featherbed Terrace Development Corporation
8980 Purow Avenue
Ellicott City, Maryland 21043

RE: Case No. 94-394-A, Item No. 380
Petitioner: Featherbed Terrace Development Corporation
Petition for Variance

Dear Mr. Butt:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 25, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

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Zoning Plans Advisory Committee Comments
Mr. Zahid W. Butt
Date: May 6, 1994
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR:cmn
Enclosures

IN RE: PETITION FOR VARIANCE
NE/S Featherbed Lane, 260' SW
of the c/l of Windsor Mill Road
(2039 & 2045 Featherbed Lane)
2nd Election District
2nd Councilmanic District
Featherbed Terrace Dev. Corp.
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-394-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for the properties known as 2039 and 2045 Featherbed Lane, located in the Woodlawn area of western Baltimore County. The Petition was filed by the owner of the property, Featherbed Terrace Development Corporation, by Zahid W. Butt. The Petitioner seeks relief from Section 1801.2.C.2(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.5.b of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit building to tract boundary setbacks of 15 feet and 20 feet in lieu of the required 30 feet each for 2039 and 2045 Featherbed Lane, respectively. The subject properties and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Robert Hawbaker, Project Manager for Featherbed Terrace Development Corporation, Donald Hicks, President, and Kevin Wight with Hicks Engineering Company, and William S. Davis, Jr., Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony revealed that the subject properties are located within the Featherbed Terrace resubdivision and are presently unimproved. The property known as 2039 Featherbed Lane (also known as Lot 15) consists of 0.139 acres, more or less and is split zoned D.R. 5.5 and D.R. 16. The

property known as 2045 Featherbed Lane (also known as Lot 1) consists of 0.205 acres, zoned D.R. 16. The Petitioner is desirous of developing the two properties with a single family dwelling in accordance with Petitioner's Exhibit 1. Lot 15 is a long and narrow, irregularly shaped lot, located off of a pinhandle drive, directly behind Lots 1, 2 and 3 of the subject development. At the time this development received CRG approval, the dwelling on Lot 15 was to be built facing the rear of the dwellings proposed for Lots 1, 2 and 3. The Petitioner proposes turning the proposed dwelling to face the entrance to the pinhandle drive. Doing so will afford the prospective property owner the opportunity to have a larger front and rear yard, as well as offer a more aesthetically pleasing layout of the houses in this particular area of the subdivision. Further testimony revealed that the Petitioner offers two house plans for this development; a 38-foot wide split level and a 22-foot wide two-story model. The more popular of the two models offered has been the wider, split level model, which is less expensive than the two-story model. The Petitioner seeks the flexibility to offer the split level model to the prospective purchaser of either Lot 1 or Lot 15 and thus, the requested variance is necessary.

Further testimony indicated that development as proposed complies with the current C.M.D.P. regulations; however, because this development was approved under the old regulations, compliance with the regulations in effect at the time the development was approved is required. Therefore, the requested variances are necessary in order to proceed.

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

- 2 -

- 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 the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial 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 variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with 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 for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of May, 1994 that the Petition for Variance seeking relief from Section 1801.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.5.b of the Comprehensive Manual

of Development Policies (C.M.D.P.)) to permit a building to tract boundary setback of 15 feet in lieu of the required 30 feet for 2039 Featherbed Lane, and a building to tract boundary setback of 20 feet in lieu of the required 30 feet for 2045 Featherbed Lane, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 49-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/23/94
By [Signature]

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 111, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386
May 24, 1994

William S. Davis, Jr., Esquire
409 Washington Avenue, Suite 900
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NE/S Featherbed Lane, 260' SW of the c/l of Windsor Mill Road
(2039 & 2045 Featherbed Lane)
2nd Election District - 2nd Councilmanic District
Featherbed Terrace Dev. Corp. - Petitioner
Case No. 94-394-A

Dear Mr. Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Robert Hawbaker
Project Manager, Featherbed Terrace
8980 Furrow Avenue, Ellicott City, Md. 21043

Mr. Kevin Wight, Hicks Engineering Co.
200 E. Joppa Road, Suite 400, Towson, Md. 21204

People's Counsel

File

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2039 & 2045 FEATHERBED LANE
which is presently zoned D.R. 5.5/DR 16

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.2.a.; B.C.Z.R. V.B.5.b.; C.M.D.P. TO PERMIT A BUILDING TO TRACT SETBACK OF 15' IN LIEU OF THE REQUIRED 30' ON LOT 15 (#2039) AND A BUILDING TO TRACT SETBACK OF 20' IN LIEU OF THE REQUIRED 30' ON LOT 1 (#2045) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

TO BE DISCUSSED IN DETAIL AT HEARINGS

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Petitioner/Owner

(Type of Print Name)

Signature

Address

City

State

Zip Code

Signature

Address

City

State

Zip Code

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

Legal Owner(s)

FEATHERBED TERRACE DEVELOPMENT CORP.

(Type of Print Name)

Signature

Address

City

State

Zip Code

Signature

Address

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