

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Parkwood Road, 320' SW
Page Drive
12th Election District
7th Councilmanic District
(206 Parkwood Avenue)

Benjamin Nicholas Ferstermann
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-150-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Benjamin Nicholas Ferstermann, the legal owner of the subject property. The variance request is for property located at 206 Parkwood Road in the eastern area of Baltimore County. The Petitioner herein seeks a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the construction of a carport (open projection) to be within 0 ft. of a side property line in lieu of the required 7.5 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

10/28/02
By J. L. G. [Signature]

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 28th day of October, 2002, that a variance from Sections 1B02.3.C.1 and 301.1 of the B.C.Z.R., to permit the construction of a carport (open projection) to be within 0 ft. of a side property line in lieu of the required 7.5 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

10/28/02
R. Johnson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

October 28, 2002

Mr. Benjamin N. Ferstermann
206 Parkwood Road
Baltimore, Maryland 21222

Re: Petition for Administrative Variance
Case No. 03-150-A
Property: 206 Parkwood Road

Dear Mr. Ferstermann:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 206 PARKWOOD RD
which is presently zoned 21222 DR5-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B02, 3. C.1 AND 301.1: BCZR
TO PERMIT THE CONSTRUCTION OF A CARPORT (OPEN PROJ.) TO BE WITHIN
ZERO FEET OF A SIDE PROPERTY LINE IN LIEU OF THE
REQUIRED 7.5 FT

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Legal Owner(s):

Name - Type or Print BENJAMIN NICHOLAS FERSTERMAN

Signature B. Fersterman

Name - Type or Print WORK PHONE - 410-276-1013

Signature

Address 206 PARKWOOD RD Telephone No. 4102828341

City BALTO State MD Zip Code 21222

Representative to be Contacted:

Name BENJAMIN NICHOLAS FERSTERMAN

Address SAME AS ABOVE Telephone No.

City SAME AS ABOVE State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Reviewed By JNP Date 9/24/02

Estimated Posting Date 10/7/02

CASE NO. 03-150-A

REV 10/25/01

ORDER RECEIVED FOR FILING

Date 10/28/02 By [Signature]

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 206 PARKWOOD RD
Address
Baltimore MD 21222
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- TO BUILD A CARPORT ONLY 5.5 FEET WIDE IS POINTLESS THAT WOULD PUT UPRIGHT SUPPORTS DOWN THE CENTER OF THE DRIVEWAY RENDERING THE DRIVEWAY USELESS FOR VEHICLE STORAGE LEAVING 7.5 FT OF UNUSABLE SPACE
- IT SEEMS TO BE A COMMON PRACTICE FOR THE ZONING COMMISSIONER TO GRANT THIS TYPE OF VARIANCE REQUEST FOR ALL THE HOMES IN OUR NEIGHBORHOOD WHICH HAVE CARPORTS ARE BUILT TO THE PROPERTY LINE

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

B. Jester
Signature

BENJAMIN NICHOLAS FERSTERMANN
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24 day of SEPTEMBER, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

BENJAMIN NICHOLAS FERSTERMANN
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public

My Commission Expires 5-5-04

3

ZONING DESCRIPTION FOR 206 PARKWOOD RD, BALTIMORE, MD 21222

BEGINNING AT A POINT ON THE SOUTH SIDE OF PARKWOOD ROAD WHICH IS 70 FEET WIDE AT THE DISTANCE OF 320 FEET SOUTHWEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, PAGE DRIVE WHICH IS 55 FEET WIDE

BEING LOT #277 BLOCK N/A SECTION N/A, IN THE SUBDIVISION OF GRAY MANOR AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #13, FOLIO #34, CONTAINING 6,000 SQUARE FEET. ALSO KNOWN AS 206 PARKWOOD RD AND LOCATED IN THE 12TH ELECTION DISTRICT, 7TH COUNCILMANIC DISTRICT.

03-150-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **10013**

DATE 9/24/02 ACCOUNT R-001-006-6150

AMOUNT \$ 50.00

RECEIVED FROM: Longoria for term

FOR: 26 Parkwood Road (A3-150-A)

License

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME

9/24/2002 9/24/2002 13:47:54

REC 4506 WALFIN MACH K&M ORANGE

RECEIPT # 104107 9/24/2002 14:11

Dept 5 529 ZONING VERIFICATION

CR NO. 016815

Recpt Tot \$50.00

50.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN.
RE Case No 03-150-A
Petitioner/Developer FERSTERMAN

Date of Hearing/Closing 10/22/02

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

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #206 PARKWOOD RD

The sign(s) were posted on 10/1/02
(Month, Day, Year)

Sincerely,
Patrick M. O'Keefe 10/10/02
(Signature of Sign Poster and Date)

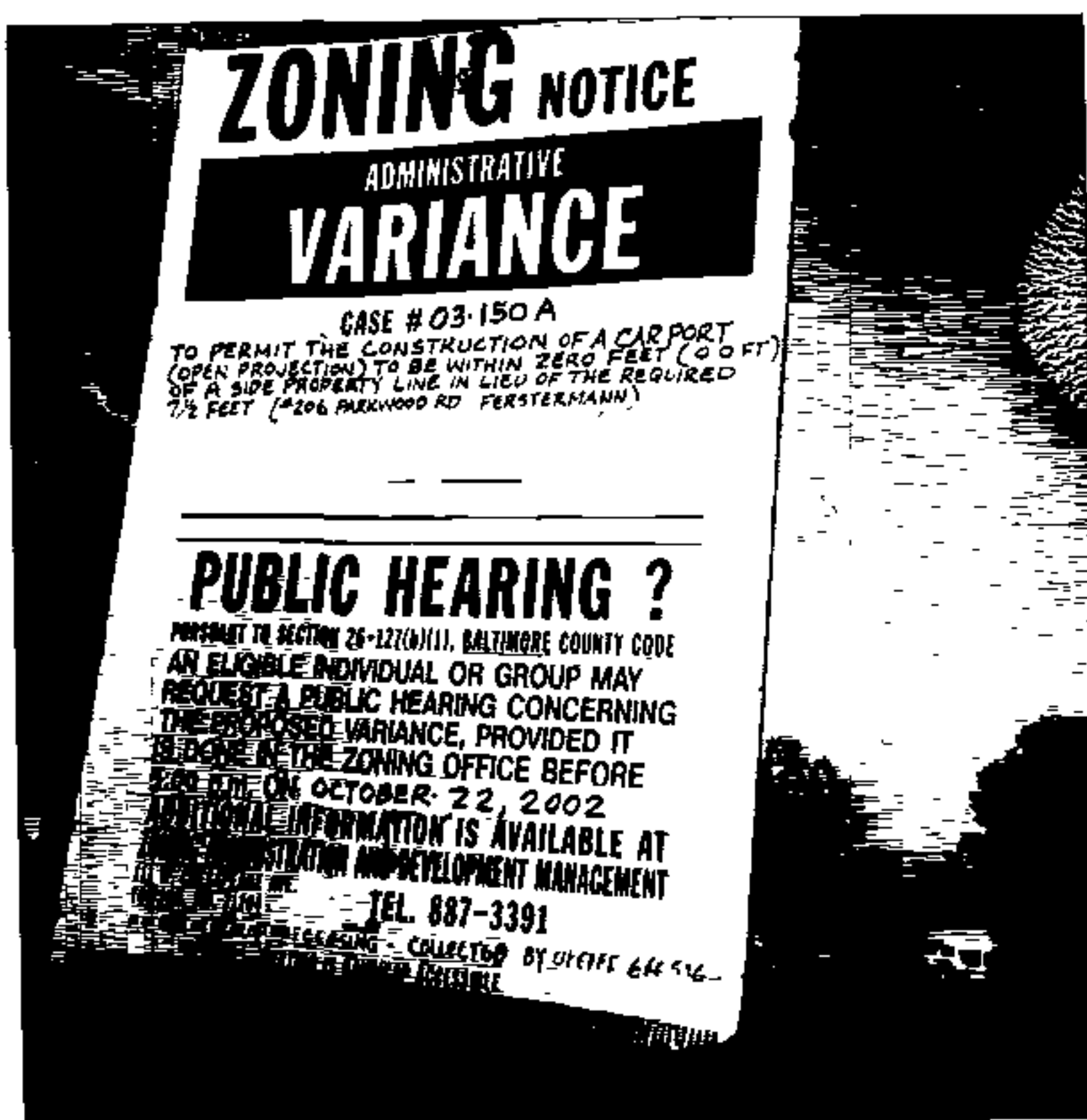
PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)

To <u>BETTY & ROBIN</u>		From <u>O'KEEFE</u>	
Co <u>ZONING COMM</u>		Co	
Dept		Phone # <u>410-887-3391</u>	
Fax # <u>410-887-3391</u>		Fax #	



03-150-A
#206 PARKWOOD RD.
FERSTERMAN

10/22/02

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 150 -A Address 206 Parkwood Road

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/24/02 Posting Date: 10/7/03 Closing Date: 10/22/02

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 150 -A Address 206 Parkwood Road

Petitioner's Name Ferstermann Telephone 410-282-8341

Posting Date: 10/7/02 Closing Date: 10/22/02

Wording for Sign: To Permit the construction of a carport (open projection) to be within 0 feet of a side property line in lieu of the required 7.5 feet.

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

206 PARK WOOD RD
Address
BARTO MD 21222
City State Zip Code

- TO BUILD A CARPORT ONLY 5.5 FEET WIDE IS POINTLESS THAT WOULD PUT UPRIGHT SUPPORTS DOWN THE CENTER OF THE DRIVEWAY RENDERING THE DRIVEWAY USELESS ^{FOR VEHICLE STORAGE} AND LEAVING 7.5 FT OF UNUSABLE SPACE
- IT SEEMS TO BE A COMMON PRACTICE FOR THE ZONING COMMISSIONER TO GRANT THIS TYPE OF VARIANCE REQUEST FOR ALL THE HOMES IN OUR NEIGHBORHOOD WHICH HAVE CARPORTS ARE BUILT TO THE PROPERTY LINE

B. J. Gust

BENJAMIN NICHOLAS FERSTERMAN

Name - Type or Print

I HEREBY CERTIFY, this 24 day of SEPTEMBER, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

BENJAMIN NICHOLAS FERSTERMAN
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

A circular notary seal for Jos A. Ventura, a Notary Public in Baltimore City, MD. The seal features the name "JOS A. VENTURINA" in the upper arc and "BALTIMORE CITY, MD" in the lower arc, with "NOTARY PUBLIC" in the center.

Notary Public Joe F. Venturi

My Commission Expires 3-5-04



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 206 PARKWOOD RD
which is presently zoned 21222 DRS-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 602.3.C.1 AND 301.1 ; BCZR

TO PERMIT THE CONSTRUCTION OF A CARPORT (OPEN PROJ.) TO BE WITHIN
ZERO FEET OF A SIDE PROPERTY LINE IN LIEU OF THE
REQUIRED 7.5 FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 03 day of 150-A that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

CASE NO. 03-150-A

Reviewed By JNP Date 9/24/02

REV 10/25/01

Estimated Posting Date 10/7/02



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 21, 2002

Mr. Benjamin Nicholas Ferstermann
206 Parkwood Road
Baltimore, MD 21222

Dear Mr. Ferstermann:

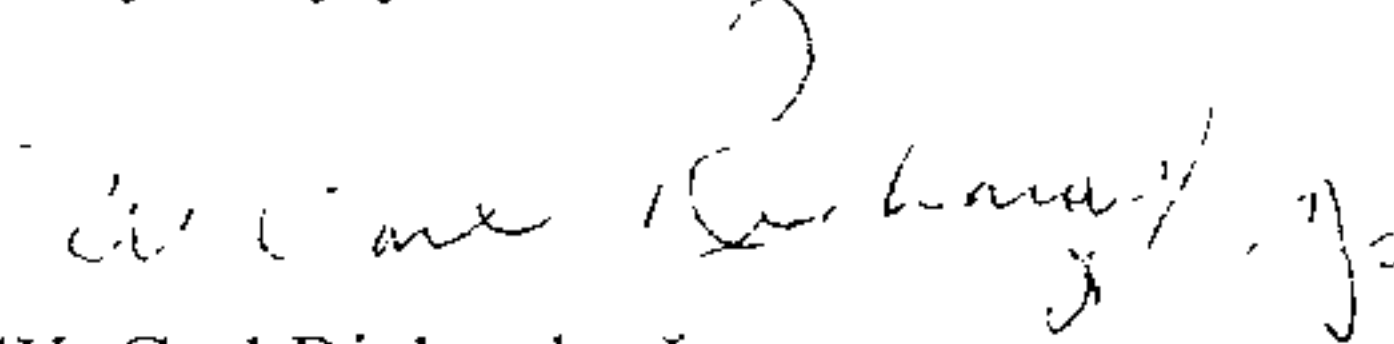
RE: Case Number: 03-150-A, 206 Parkwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 24, 2002.

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,


W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: File
People's Counsel

Come visit the County's Website at www.co.ba.md.us



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Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 10, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

(150)

148-151, 153-158

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: October 29, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For October 15, 2002
Item Nos. 147, 148, 149, 150 151,
152, 153, 154, 155, 156, 157, and 158

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS 176T

DATE: October 25, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of October 7, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

147-148, 150-154, 156-158

PN
10/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: October 16, 2002

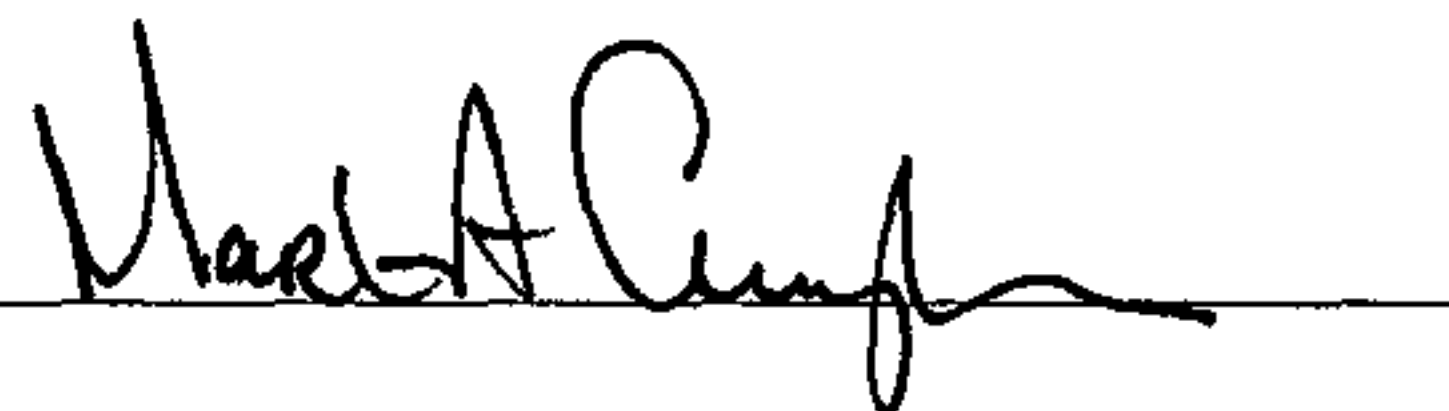
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

116

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-150

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 10.4.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 150 JHP

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/s/ Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

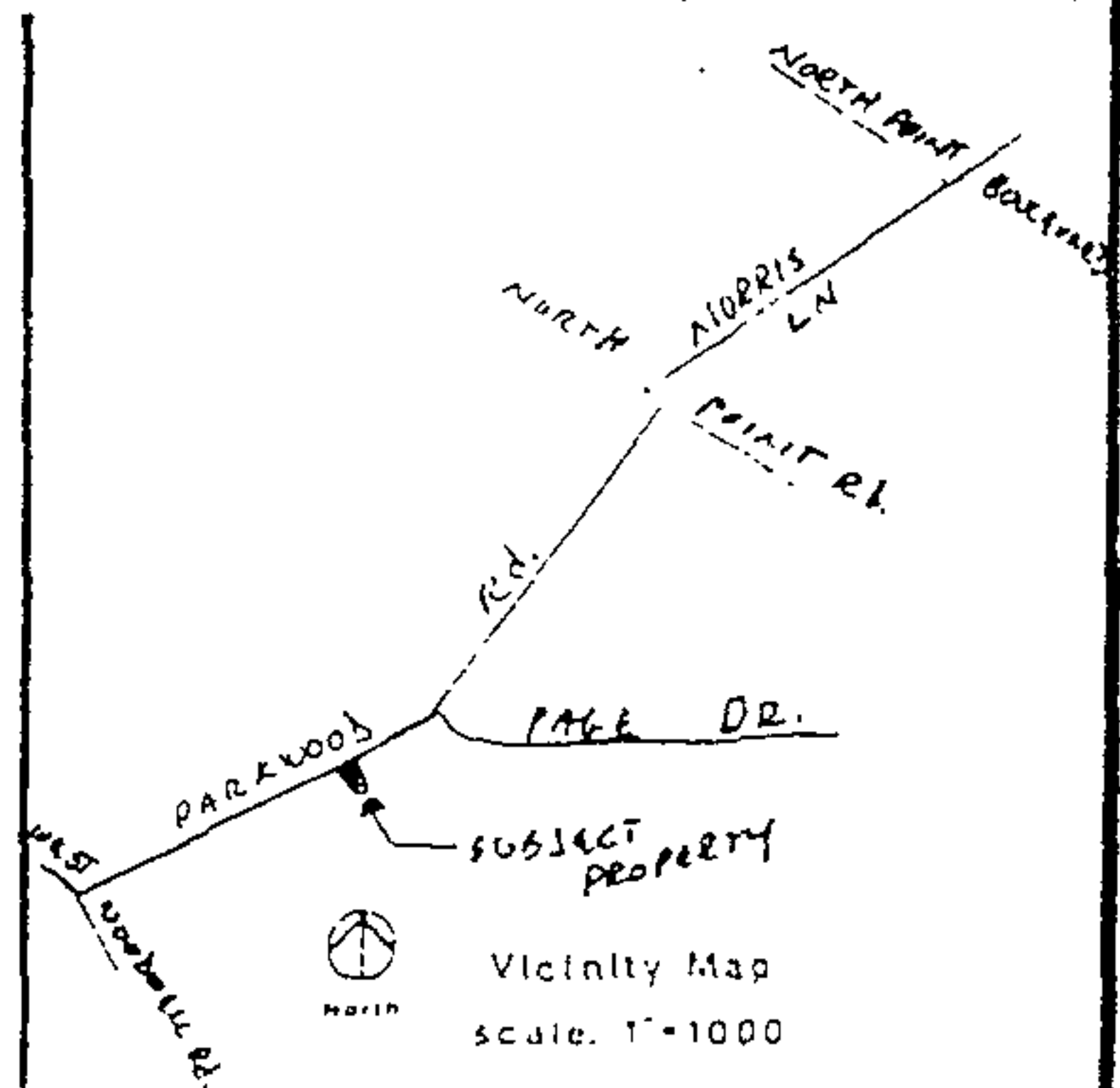
PROPERTY ADDRESS: 206 PARKWOOD RD.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: GRAY MANOR

plat book # 13, folio # 34, lot # 277, section #

OWNER: BENJAMIN NICHOLAS FERSTERMANN



LOCATION INFORMATION

Election District 7

Councilmanic District 12

1"=200 scale map SELF

Zoning DRS 5

Lot size: .14 acreage 6000.00 square feet

SEWER: ☒ PUBLIC ☐ PRIVATE

WATER: ☒ PUBLIC ☐ PRIVATE

Chesapeake Bay Critical Area: ☐ YES ☒ NO

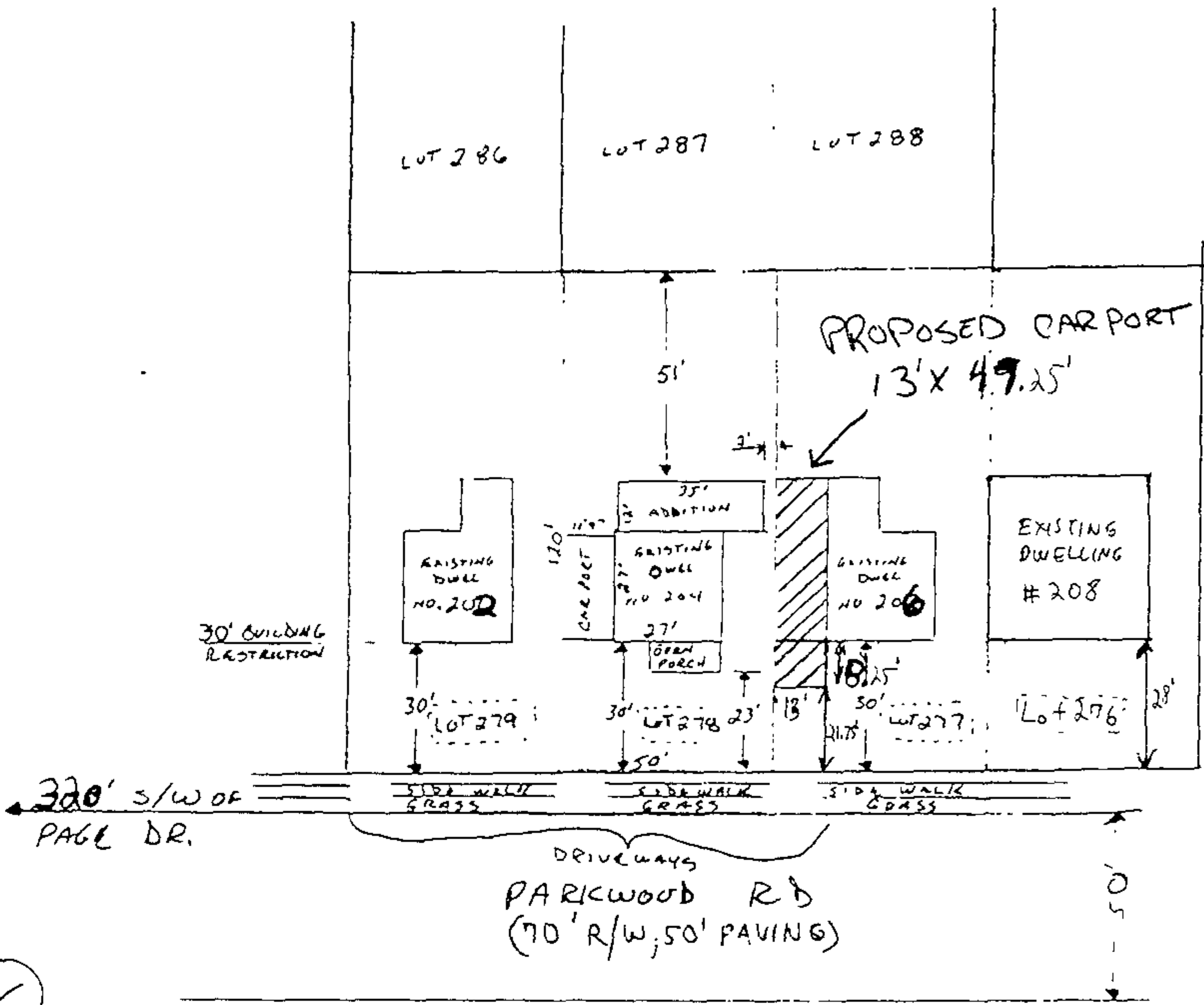
Prior Zoning Hearings: NONE

NOT 100 YR. FLOOD PLAIN

NOT HISTORIC

Zoning Office USE ONLY!

reviewed by: JNP ITEM #: 150 CASE #: 03-150-A



North

date: 5-10-00

prepared by: JJD

Scale of Drawing: 1" = 50'

Pet. No. #1



VTY

SE 2 F

03-150-A

SCALE
1" = 200'



